UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS

SECOND SESSION

VOLUME 152—PART 11

JULY 13, 2006 TO JULY 24, 2006

(PAGES 14217 TO 15598)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2006

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, July 13, 2006*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"Devote your hearts and souls to seeking the Lord your God."

To the leaders of the nations, to those who were about to help Solomon build one of the wonders of the ancient world, the great temple of Jerusalem, King David addressed these words.

To prepare themselves for the great task they were about to undertake, David exhorted: "Devote your hearts and souls to seeking the Lord, your God."

As Members of Congress, before you undertake your tasks for this Nation, before your discussions which will affect this country and have reactions around the world, before you try to help people of your district with any lasting effect, I plead with you: "Devote your hearts and your souls to seeking the Lord, your God."

Do not presume you know God or the Lord's plan or purpose for you or for this Nation. To seek the Lord is your first task, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Michigan (Ms. KILPATRICK) come forward and lead the House in the Pledge of Allegiance.

Ms. KILPATRICK of Michigan led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute requests on each side.

IMMIGRATION REFORM

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, this country has a long history of accepting immigrants from all over the world and offering them the potential to pursue a better life. America offers the rights, liberties, and dignity not seen anywhere else in the world.

Now the need for immigration reform has come to the forefront of our country and it is time to remove a carrot that dangles in front of the faces of illegal immigrants. As long as there is the promise of easy illegal employment, immigrants will continue to disregard our laws and penetrate our borders. We must enforce strict laws on employers who use illegal labor in order to discourage illegals coming to America looking for a free ride.

Mr. Speaker, we must do all that is possible to stop illegal immigration, and I remain committed to enacting measures that will effectively solve this problem.

VOTING RIGHTS REAUTHORIZATION ACT

(Mr. JEFFERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFERSON. Mr. Speaker, today this body will take up reauthorizing critical provisions of the historic Voting Rights Act for another 25 years.

Every year new cases of voter intimidation are reported to the Department of Justice, and every year changes to voting laws threaten to curtail the power of minority voters. In my home State of Louisiana, the State legislature has faced objections to proposed election law changes every year since this historic bill was signed.

Mr. Speaker, my own mother had to pass a literacy test to vote just a few years before the Voting Rights Act became law, so it has special personal meaning for me. Yet, since its passage, challenges to minority voting rights continue in my home State and across the South.

It has been 41 years since President Johnson signed the original legislation that restored faith in our democracy and gave truth to President Lincoln's demand for a government of the people. After Hurricane Katrina, minorities in Louisiana face new obstacles in exercising our right to vote. The Voting Rights Act is just as relevant today as it was in 1965.

The struggle is not over, and we must not stop now. I urge my colleagues to reauthorize the Voting Rights Act now and in the spirit in which it was intended.

DHS CUTS ANTITERRORISM FUNDS FOR NEW YORK CITY

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise once again in opposition to the recent decision by the Department of Homeland Security to cut antiterrorism funds for New York City and Washington by 40 percent, while increasing spending for many smaller cities that are far less prone to terrorist attacks.

This week's revelation by the DHS Inspector General about the serious flaws in the National Asset Database further underscores this irrational judgment by the DHS. Not only is DHS taking money away from the Nation's largest and most populated city, while another recent terror plot against New York came to light just last week, but its antiterrorism database listed the States of Indiana and Wisconsin with more potential terrorist targets than New York.

This New Yorker finds it painfully ironic that the DHS said that one of the reasons for the cut in funding is our lack of landmarks necessary to protect New York. Well, if that statement is not illogical enough, consider this. Among the items in its National Asset Database that the DHS does find

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

necessary are a petting zoo in Alabama, a popcorn factory in Indiana, and Mule Day. And here is a picture of the Mule Day Parade in Tennessee.

As a New Yorker, it is certainly fair to question the rationale for our funding reduction if these are the priorities in other States which are receiving New York's money instead.

VOTING RIGHTS ACT

(Ms. KILPATRICK of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK of Michigan. Mr. Speaker, over 51 years ago this month, President Lyndon Baines Johnson signed the Voting Rights Act. America is a better country because of the Voting Rights Act.

The right to vote is the most fundamental thing our American citizens have to participate fully in American democracy. The Voting Rights Act is our Nation's most crucial and critical civil rights victory. The law commemorates the lives of those who marched, died and participated that we all might be better Americans and live and vote in the democracy that we love.

It is important today, as we debate the Voting Rights Act, that America pay particular attention. This law was good then, this law is good now, and it is needed for our future so that Americans might rise up and live in God's best interest.

Remember, today, urge your colleagues, call your Congressperson, tell them to vote to reauthorize the Voting Rights Act for 25 more years.

COMPETITION LOWERS HEALTH CARE COSTS

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, did you know that a 25-year-old male in good health can purchase a policy for health insurance for $960 in Kentucky and the same policy costs about $5,800 in New Jersey? Did you know that a policy priced at $1,600 in Iowa is $2,600 in Washington State? And did you know that that same policy costs about $4,000 in Massachusetts?

One reason for this disparity is that families have little or no choice when it comes to selecting health care insurance. Where there is no competition, there is very little that drives cost down. Each State has its own health insurance mandates, and some of them are good, but there are about 1,800 of them all across the Nation, including provisions for acupuncturists, massage therapists, and hair replacements.

Many of these mandates may be helpful, but when you add up the cost, they can put health care out of the reach of families. Congress should establish a trial program allowing consumers and families to purchase health insurance policies from other States. Let us give families a choice instead of more costs.

I urge my colleagues to learn more about competition in health insurance by looking at my Web site at Murphy.house.gov. America needs us to go to work on this.

U.S. PEACE AND DIPLOMACY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, nearly 4 years ago, this administration came before us and promoted their idea of peace and democracy in the Middle East. Their vehicle for accomplishing this? A unilateral first strike against Iraq and the subsequent occupation.

Let us reflect on this policy this morning. In Iraq, over 2,500 American soldiers have died, tens of thousands injured, over 100,000 innocent Iraqi civilians killed, and countless injured. We are mired in a civil war there, and violence is growing every day.

In Iran, international efforts at diplomacy have been undermined by our Iraq policy. This administration seems determined to repeat the disaster of Iraq in Iran, most recently by trying to link Iran to the attacks on Israel.

As a broader regional war breaks out between Israel and Lebanon, spurred on by Hezbollah, instead of trying to find ways to end the conflict by rescuing negotiations between the Palestinians and Israel, this administration, which has an unfortunate talent for war, is making statements which will contribute to escalation.

Israel urgently needs diplomatic assistance. The only way the U.S. can reclaim its role as a mediator is to speak and act like a mediator. You can bomb the world to pieces, but you can't bomb the world to peace.

LONE STAR VOICE: MARIBETH BURGESS RAY

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, our individual heritage of the past is important, but our future as Americans is more important. Many Americans trace their past through Ellis Island. Mrs. Maribeth Burgess Ray of Baytown, Texas, recently went there, and she says:

"While at Ellis Island, I found a profound statement. An article had a picture of a mother and her two sons. The newcomers' attire was that of the country from which they had fled. The statement was, 'If the ones who flee do not change their appearance and speech, they only bring what they fled from to America, thus changing America into the country that they were fleeing from.'"

Today, we forget what America is and what it stands for. If what you are fleeing from is so bad, leave it behind and adapt to what it is you are looking for. Let us keep America America, with the beautiful quilt of immigrants that make it up, but let us not turn America into something it is not. Don't let our borders be penetrated by the baggage that some refuse to leave behind.

Mr. Speaker, people who come to America should assimilate and just become Americans.

And that's just the way it is.

☐ 1015

MULTILINGUAL BALLOTS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, when I was born, my grandparents could not express themselves in the constitutional right to vote. Today we have an opportunity to affirm the very basic values of America, and that is to reaffirm every American's right to vote without barrier or bar.

And so I rise to explain the King amendment which has given the wrong impression, and that is the amendment that would eliminate multilingual ballots for citizens. I ask my good friend what he would do for the young soldier who is an immigrant, who is a legal permanent resident and has offered his life in battle in Iraq and Afghanistan and who has managed to make legal permanent residents and then citizens of his own family who have a language barrier because of just recently coming to this country, maybe conversant enough to become citizens, but not enough to read a ballot.

This amendment is unconstitutional and un-American, and I hope that we will together, Republicans and Democrats, uphold the values of America.

SICK ATTEMPT TO RAISE CAMPAIGN CASH

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, politics unfortunately, can be a very tough business, and the low road is often taken by political adversaries in an effort to gain power.

But the video released by the Democratic Campaign Committee hit a new low. This cynical attempt to raise campaign cash actually uses photographs of those who made the ultimate sacrifice. It shows photos of coffins draped with the American flag. Those coffins, of course, are occupied by American soldiers.

Mr. Speaker, our incredibly brave men and women in uniform did not make the ultimate sacrifice so that the DCCC could raise campaign cash. They made that sacrifice in defense of freedom and liberty and democracy. The Democratic leadership should be ashamed, and every Democratic Member of this House should be ashamed and call upon their leadership to remove this video which is an affront to our fallen soldiers and to their families.

It is appalling that the Democrats have sunken to such a new low as to employ doctored photos and tasteless videos in their pursuit of power. The American people and our fallen heroes deserve more.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2872. An act to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which concurrence of the House is requested:

S. Con. Res. 96. Concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

S. Con. Res. 108. Concurrent resolution authorizing the printing of a revised edition of a pocket version of the United States Constitution, and other publications.

PROVIDING FOR CONSIDERATION OF H.R. 9, FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 910 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 910

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 9) to amend the Voting Rights Act of 1965. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes equally divided and controlled by the Majority Leader and the Minority Leader or their designees. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the rule provides 90 minutes of general debate, evenly divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and it also provides one motion to recommit with or without instructions.

Mr. Speaker, I think it is appropriate to begin by quoting the 15th amendment to the United States Constitution: "The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude."

As enshrined by the 15th amendment, there really is no more fundamental right in our democratic system than the right to vote. However, the history of the United States is marked with occasions where minorities were in multiple ways, and by multiple ways, blocked from having their voices heard at the ballot box.

One of the great advancements in our American democracy was and is the Voting Rights Act. This historic legislation was the first comprehensive Federal statute to enforce minorities' constitutional right to vote. The provisions of the 1965 Voting Rights Act provided swift relief to those citizens who were victims of discriminatory voting tactics and provided them access in a concrete and effective way to the voting booth.

Since it was enacted, the Voting Rights Act has enfranchised millions of racial, ethnic, and language minority citizens to have access to that sacred right that is voting by breaking down barriers and permitting increased minority participation in elections for candidates at all levels of government.

After 41 years of breaking down walls, walls to participation in our democratic process, the Voting Rights Act would soon expire if not reauthorized. With this in mind, the Committee on the Judiciary began hearings to determine whether the legislation is still needed. The committee held 12 hearings on the reauthorization of the Voting Rights Act, listening to testimony from State and local elected officials, scholars, lawyers, representatives from the voting and civil rights communities. The testimony and evidence presented before the committee brought to light the fact that even though we have made great strides to stop the discriminatory practices of the past, there still is ample evidence that minorities today face discriminatory practices at the ballot box.

Mr. Speaker, in my community for decades we saw the voting power of minorities diluted to the point that they were for many years unable to elect the representatives of their preference. The Voting Rights Act helped correct that wrong, helped enfranchise countless citizens into our democratic political system. The underlying legislation will reauthorize the expiring provisions of the Voting Rights Act for 25 years.

I would like to point out one provision which I think is very important, especially to my community, as well as communities throughout the country. The bill extends section 203, the existing language assistance requirements that provide that election materials be provided in select languages in covered jurisdictions. These provisions of the Voting Rights Act require that non-English voting materials be made available in jurisdictions where 5 percent of the citizen voting age population consists of a single language, limited English proficient minority and in which there is a literacy rate below the national average, or more than 10,000 citizens who meet those criteria reside. These provisions, brought out in the hearings, cover approximately 12 percent of the counties in the United States. It certainly has benefited the counties that I am honored to represent.

The bilingual language assistance provisions play a critical role in assisting both native-born and naturalized citizens to fully participate in our democratic form of government. Older residents, Mr. Speaker, who have been legal residents of the United States for many years when they apply for citizenship, they are exempt when they take their citizenship exam to become United States citizens. They are exempt under our law from the English requirements. In other words, they take those elderly legal residents of the United States who have been here for many, many years, they are allowed to take, if they so wish, the naturalization exam to become a United States citizen in the language of their origin.

In addition, many native-born citizens have limited English skills because they primarily speak other languages and they require assistance. These citizens should be given the opportunity to understand the ballot. Whether it is a simple, but critically important, choice between two or among candidates or a complicated ballot initiative, those citizens of the United States should have the opportunity to fully participate, fully understand what they are voting on and that way be active participants in our democratic system. That is what the legislation does.

Mr. Speaker, H.R. 9 was introduced by Chairman SENSENBRENNER, Speaker HASTERT, Minority Leader PELOSI, and reported out of the Committee on the Judiciary by an overwhelming vote of 33-1. It is good legislation, and I am very proud to be bringing it to the floor today.

I hope and expect that we are going to see a very significant bipartisan show of support for this legislation today. I think it is fair and appropriate to commend Chairman SENSENBRENNER for his determination and his leadership and strength of character in moving forward this legislation. And also the ranking member, Mr. CONYERS, for his hard work, diligence, and leadership as well on this legislation. I know they put long hours into this process with determination, perseverance, and extraordinary good faith.

I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 8 minutes, and I thank my friend from Florida for yielding me this time.

Mr. Speaker, before going into the substance of what we are doing today, I would like to make note that a few weeks ago in the Rules Committee when we were originally contemplating this bill, I offered an amendment to the rule that would have extended general debate to 4 hours, ensuring that all Members, Republican and Democrat, were afforded the opportunity to have their voices heard on the House's actions today. My amendment, however, was defeated along a straight party line, and I did not offer it again yesterday.

However, the majority provided 2 hours of general debate in the last rule on their other circumstances, and they also provided 2 hours of general debate on their politically driven flag-burning amendment.

□ 1030

If the flag is the symbol of democracy, then the Voting Rights Act is the very foundation on which that flag flies. It is both troubling and telling that the majority is unwilling to extend today's debate beyond 90 minutes.

Mr. Speaker, as debate on this historic bill commences, I am reminded of President Kennedy's words delivered to Congress in 1962 with the first draft of what would later become both the Civil Rights and Voting Rights Acts. President Kennedy wrote, and I quote, "In this year of the emancipation centennial, justice requires us to ensure the blessing of liberty for all Americans and their posterity, not merely for reasons of economic efficiency, world diplomacy and domestic tranquility, but above all, because it is right."

For African Americans, there exists a no more seminal piece of law, other than the Civil Rights Act, than the Voting Rights Act. Today, more than 40 years after its initial passage, Congress is again faced with an historic decision to reauthorize this mandate.

Americans have come together over the years to denounce systematic segregation and racism. Indeed, we have come a long way. But we cannot become complacent and take for granted the liberties and rights which this law provides and affords.

Today's discussion cannot only be about preserving the right to vote for those of us who already enjoy it. It has to be about ensuring that Americans from all walks of life and countries of origin are provided with these very same rights.

There are some in this body who may argue or imply that the Voting Rights Act is no longer needed. They may call for an end to the act's preclearance and bilingual ballot requirements. Others may go so far as to suggest that English proficiency be a precondition to voting.

For them, this is not a debate about fairness. It is about ideology. With all due respect, Mr. Speaker, ideology has no place in today's debate.

The Voting Rights Act was enacted to break down the walls built by Jim Crow, not build them back up. There is no difference between a poll tax, a literacy test or an English proficiency requirement as a precondition to voting. All are draconian and targeted efforts to block a specific group of people from voting and, I might add, people who are registered voters and citizens of the United States.

Each attempt by a Republican Member to precondition minimum language requirements with the right to vote, in my judgment, breathes new life into a form of Jim Crow. Each attempt by a Republican Member to dilute the influence of minority voters mocks longstanding legislative and judicial precedent and mandates. When this happens, we are reminded why this law still today is so critically needed.

We will hopefully extend the Voting Rights Act by 25 years today. We should extend it beyond 100 years because some of the problems will probably continue to exist that long.

The harsh reality remains that the suppression and disenfranchisement of minority voters is still tolerated today. We saw it in Florida in 2000. We saw it in Ohio in 2004, and we will probably see it again in 2006 in November and in 2008 in some other State where people require a victory regardless of the means to their end.

We should fear those who dismiss concerns, deny such problems exist, and claim ignorance and naivete as reasons for the years of neglect. These are the answers given by those who have sat idly by throughout history when the rights and privileges of the weak and poor have been trampled on by the powerful. These were the very answers given by those who opposed the Civil Rights and Voting Rights Acts more than 40 years ago. We will hear from their 21st century ideological soulmates later today when we debate mean-spirited and morally dubious amendments.

I stand before you as a victim of decades of injustice rooted in racial segregation. Through these eyes, I bore witness to the absolute tyranny of those who stop at nothing to stop blacks from achieving statutory equality and the right to vote. Through these eyes, I have also seen hate and racism give way to tolerance and fairness.

When history judges our actions today, it will question whether or not we met the expectations levied by those who have come before us. Did we break down barriers or did we build up walls?

Did we start a chapter in American history aimed at addressing the challenging of multiculturalism, prejudicial discrimination, and blatant xenophobia, or permit the continued manifestation of these sad realities in our country?

For years, Mr. Speaker, many of us have fought tirelessly to honor the memories of civil rights advocates who came before us. It is their shoulders on which I stand and my colleagues stand today, the shoulders of Fannie Lou Hamer and Rosa Parks and Coretta Scott King and Sojourner Truth and Frederick Douglass and Nat Turner and so many courageous others, white and black. It is their successes which we seek to emulate; their words through which we attempt to tie the past with the present and inspire for the future.

Colleagues, do not use today as an opportunity to congratulate ourselves. Today is not a day of jubilation. New faces have been added to the struggle, and that struggle continues. Any attack on their right to vote is an attack on ours.

I urge my colleagues to support the underlying legislation and reject any attempt to amend it. We should do this not for the partisan benefit, but because, as John Kennedy said, "It is right." Voting rights is right.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my colleague and good friend on the Rules Committee, Dr. GINGREY of Georgia.

Mr. GINGREY. Mr. Speaker, I thank the distinguished vice chairman of Rules for yielding.

Mr. Speaker, I rise today in support of the rule, and I would ask my colleagues to join me in supporting it.

I am pleased that our committee allowed the opportunity to consider four very important amendments that will fine tune the underlying legislation, ensuring that it is equally applied to all States and addresses the world as it is in 2006, rather than 1964.

Mr. Speaker, I would like to express my support for the amendment offered by my colleagues from Georgia, Representatives NORWOOD and WESTMORELAND. These amendments would ensure the constitutionality of the underlying bill. And I would also like to encourage everyone to support two very good amendments offered by Representative KING of Iowa and Representative GOHMERT of Texas.

The underlying bill, as drafted now, aims to address voting patterns and the world in 1964. Mr. Speaker, a lot has changed in 40-plus years. Every State has seen changes in population and voter participation, and we should have a law that fits the world of 2006.

In 1964, my home State of Georgia not only was behind other States in voter participation, but also employed discriminatory tactics to suppress minority voting rights. And therefore, Georgia was justifiably subject to Voting Rights Act, section 5. However, in 2006, the landscape of voter participation and the number of minority individuals holding elective office is dramatically different.

In 1970, Mr. Speaker, there were 30 black elected officials in Georgia. In 2000, there were 582 black elected officials. With respect to types of elective office, African Americans have held and continue to hold some of the highest leadership positions in the Georgia legislature, county governments and municipal governments.

Today, Georgia's attorney general and labor commissioner, both Statewide elected offices, are currently held by African Americans. Georgia has four African Americans in our congressional delegation, tied with California, New York and, yes, Mr. Speaker, Illinois, for the highest number. Three of seven seats on the Georgia supreme court, including the position of chief justice, are held by African Americans.

In fact, in Georgia the percentage of registered voters and voter turnout are higher, let me repeat, higher among blacks than whites. So, Mr. Speaker, I would put Georgia's record up against any, and I believe that Georgia, like every other State in this Union, must be treated equally with a Voting Rights Act that addresses the problems of 2006, not 1966. And the Voting Rights Act must apply the same standards to each and every State.

Again, Mr. Speaker, I want to encourage my colleagues to support this fair and equitable rule. I also ask my colleagues to keep an open mind as we debate four fair, commonsense amendments after today's general debate. I believe we need to support these amendments and send to the Senate a Voting Rights Act for the 21st century.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2¾ minutes to the distinguished minority whip from Maryland, my good friend, STENY HOYER.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this bill and in opposition to the four amendments which I perceive to be weakening. In particular, I want to commend Congressman WATT, Congressman SENSENBRENNER, the chairman of the committee and, of course, the ranking member, Mr. CONYERS, for the extraordinary work that they have done to come together on a bipartisan piece of legislation, reauthorizing key provisions of the Voting Rights Act.

Let me add, too, the Members of the Congressional Black Caucus and the Hispanic Caucus and the Pacific Caucus deserve our thanks for their instrumental work on this bill and on these issues.

This legislation is a recognition that our democratic system is not perfect. While our Nation has made tremendous strides in its ongoing quest to guarantee the ideals of our Constitution, the specter of discrimination still haunts us and our people.

And thus, we, the Members of this Congress, have a special responsibility today to be vigilant in perfecting and protecting the most fundamental expression of equality in any democracy, the right to vote.

We must never forget our rights, though God-given, have been hard won. Brave American citizens have been subjected to intimidation, violence and, yes, even death, to secure the rights that are theirs under the Constitution.

Our colleague, Congressman JOHN LEWIS, is a living testament to that bravery. Forty-one years ago, JOHN and his fellow marchers were brutally attacked when they simply tried to cross the Edmund Pettus Bridge in Selma, Alabama, on their way to Montgomery to register to do what every American believes is a birthright, to vote.

The Declaration of Independence says that "We hold these truths to be self-evident, that all men are created equal and endowed by their Creator with certain unalienable rights." That is what it says. This legislation is about making it so.

The people who walked across the Edmund Pettus bridge and in millions of places and had the courage to challenge rank injustice in their peaceful actions still inspire us today.

Our Nation did the right thing 41 years ago. It is important for us to do the right thing today.

I urge my colleagues, vote for the underlying bipartisan bill and against those amendments which were offered, which will weaken our commitment.

We must keep faith with the promise and requirements of our Constitution. We must reauthorize these key provisions of the Voting Rights Act.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my good friend, the distinguished gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, the Voting Rights Act of 1965 stands as one of the most important pieces of legislation ever passed by this Chamber in its distinguished history. Today, the House has a distinctive opportunity to reauthorize the expiring portions of this landmark legislation for another 25 years.

The Voting Rights Act ensures that every American, regardless of race or ethnicity, has the franchise to take part in our democracy, and it is a direct response to new allegations of discrimination in our Nation.

Over the course of this year the House Judiciary Committee conducted 12 hearings on claims of discrimination in our democratic process.

☐ 1045

The committee compiled over 8,000 pages of testimony and heard stories of disenfranchisement from across the Nation. Mr. Speaker, although our Nation continues to stand as the beacon of freedom and democracy in the world, we can never lose sight of the need to protect the rights of our citizens to take part in the democratic process that has guided our Nation throughout our history.

The provisions of H.R. 9 will reaffirm our Nation's commitment to protecting the rights of all Americans to elect their candidates of choice so that every American is equally represented under the law. This is a good bill, Mr. Speaker. It is a bipartisan bill. And I call on all my colleagues to support this rule and final passage of the legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to my colleague on the Rules Committee and my good friend from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank my friend, the gentleman from Florida, for yielding me this time.

Mr. Speaker, the Voting Rights Act is a historic piece of legislation, one that seeks to ensure that all our citizens can participate in this democracy. And I want to commend Chairman SENSENBRENNER and Ranking Member CONYERS for their work in crafting a bipartisan agreement to reauthorize this act.

As Senator KENNEDY often says, civil rights remains the unfinished business of America. Today, Mr. Speaker, should be a day for us to come together to celebrate the accomplishments of the Voting Rights Act, to affirm the fact that it works, and to remind ourselves that our work is not yet complete.

Instead, what the Republican leadership has done is to guarantee that much of this debate will be divisive and ugly. They have decided that it is more important to placate a small faction of their base than to embrace a thoughtful, bipartisan agreement. And that is shameful. This House should be doing everything possible to prevent discrimination and to promote voting equality.

At the end of the day, Mr. Speaker, I hope we will pass this bill without any of the poison pill amendments allowed by this rule. These amendments will only weaken the Voting Rights Act in spirit and in practice.

It has been just a few decades since many States and localities had discriminatory regulations on the books, things like poll taxes, literacy tests, and others. And, sadly, discrimination still exists in America. It is essential that today we not turn back the clock, that we not lose our focus, that we not declare "mission accomplished."

Mr. Speaker, it says a lot about the Republican leadership in this House and their priorities that a carefully considered, thoughtful bipartisan agreement was not good enough. It did not have to be this way, and I urge my colleagues to reject any attempt to weaken the basic civil rights of the American people.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my good friend, a champion for human rights wherever it is threatened in the world and here in the United States as well, Mr. CHABOT of Ohio.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for his kind words. I appreciate that.

Mr. Speaker, I want to take this opportunity to talk about the importance of passing this rule today to consider H.R. 9, the renewal of the Voting Rights Act.

I have the honor of serving as the chairman of the Subcommittee on the Constitution; and since October of 2005, our subcommittee has held 12 hearings, heard from 47 witnesses, and compiled over 12,000 pages on the Voting Rights Act. Obviously this is an important issue, and our committee has devoted more time to this legislation than on any other matter since I became the chairman of the Constitution Subcommittee 6 years ago.

The right to vote is one of the most fundamental and essential rights we have as citizens. And the passage and renewal of the Voting Rights Act, in my opinion, is absolutely vital.

H.R. 9 is a good bill, and I commend Chairman SENSENBRENNER and the other members of the full Judiciary Committee, and especially the members of the Subcommittee on the Constitution, for their work on the drafting of this legislation. I am also confident that the bill will withstand constitutional scrutiny. The Supreme Court always looks very closely at the record created by Congress when reviewing Voting Rights Act claims.

Because of this analysis, we took the time to carefully review and draft the bill. In addition to reviewing the temporary provisions of the Voting Rights Act for another 25 years, it will also address two detrimental Supreme Court cases that are inconsistent with the congressional intent and purpose of the Voting Rights Act: the Bossier Parish and Georgia v. Ashcroft cases. The bill will prevent discriminatory voting laws from being passed and will ensure that minority voters continue to elect the preferred candidate of their choice. The bill will extend the Federal observer program but retire the outdated Federal examiner program.

I also wanted to talk about the bipartisanship of H.R. 9. I have been a member of the Judiciary Committee for 12 years now, and I will be honest, there is not a lot that is agreed upon in that committee by Republicans and Democrats, by conservatives and liberals. That is just the nature of most of the issues we take up in that committee. But we do agree on the importance of voting rights, and because of that commitment, H.R. 9 passed the committee by a vote of 33–1. Thirty-three to one.

I look forward to hearing from my fellow supporters of this legislation and would personally like to thank Mr. NADLER for his dedication and his commitment and sitting through the extensive hearings that we had to create this particular bill. And I want to also thank Chairman SENSENBRENNER, Mr. WATT, and Mr. CONYERS and urge my colleagues to vote for passage of this rule and ultimately passage of the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my colleague on the Rules Committee, the distinguished gentlewoman from California (Ms. MATSUI), my friend.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, the idea of one person, one vote, regardless of race, background, or gender, is a fundamental principle of this Nation. The practical application, however, is another matter. American history is a testament to this fact. Despite the 15th amendment to the Constitution, our history is filled with efforts to prevent people from voting. Literacy tests, poll taxes, threats, and even violence, as my colleague and dear friend Congressman JOHN LEWIS can attest.

The hundreds of thousands of men and women of the civil rights movement also bear witness to the fact that through effort and sheer determination, we can close the gap between the principle as enshrined in the Constitution and the reality: the 1965 Voting Rights Act.

As President Johnson once said: "The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men."

Now we are here for the renewal of the Voting Rights Act. Democrats and Republicans crafted a bipartisan bill. Supporters were prepared to pass it weeks ago. But the majority leadership was thwarted by opposition within their own party. Regrettably, the Voting Rights Act, despite its storied history, apparently remains controversial among a faction of the majority party.

The members of my caucus support full consideration of issues and amendments. But it is disheartening that to permit a floor debate on the Voting Rights Act reauthorization, a number of my Republican colleagues demanded consideration of extremely inflammatory amendments, ones which would essentially eviscerate the Voting Rights Act.

Most Members of this Chamber, Democrats and Republicans alike, believe the Voting Rights Act long ago proved itself to be a force for good in this country. It is disappointing that some still need convincing.

I am particularly troubled by the amendment on the need for bilingual ballots, especially on the heels of the divisive House and Senate debates over immigration. That is why it is important to focus on one salient fact: three quarters of those who use the language assistance provision are native-born Americans and the rest are legally naturalized citizens. So this amendment aims to restrict the rights of fully law-abiding citizens of the United States.

Since being signed into law four decades ago, this landmark legislation has successfully been used to confront discrimination at the voting booth. But we still need the tools and resources of the Voting Rights Act. It bridges the gap between the principle of one man, one vote and the reality and will relegate that gap to the history books.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding.

The reauthorization of one of our country's seminal laws, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act, ensures that we continue to protect the voice of our Nation's minorities.

The unprovoked attacked on March 7, 1965, by State troopers on peaceful marchers crossing the Edmund Pettus Bridge in Selma, Alabama, en route to the State capital in Montgomery, provided a vivid demonstration of the need for Federal legislation. Despite the existence of the 15th amendment, sadly, many Southern States simply ignored the amendment by passing egregious laws such as the poll tax, literacy tests, and blatantly discriminatory redistricting.

The Voting Rights Act passed due to the leadership of President Lyndon Johnson and Republicans and Democrats in Congress who overcame these efforts to deny minorities the right to vote.

My wife and I had the distinct privilege of marching last year in the 40th anniversary march in Selma. It was an extraordinary experience for us and a reminder of how far our country has come in the last 40 years and how far we still have to go in our civil rights movement. The march even included many figures in the civil rights movement, including Congressman JOHN LEWIS of Georgia, who was beaten and almost left for dead when he attempted to cross the bridge leading the original Selma march.

Today, the party of Abraham Lincoln has a unique opportunity to contribute to the progress that has been made in advancing civil rights and narrowing the gap in minority voting rights.

Before relinquishing the floor, I want to address one controversial provision in this legislation, section 203, which provides voting assistance in other languages. While I am a strong supporter of making English our country's official language, we need to recognize that when it comes to voting, particularly for ballot initiatives, some citizens can speak English but not read it. These are American citizens who own the right to vote, but may need the assistance provided in section 203.

I applaud the leadership of Chairman SENSENBRENNER and Congressman WATT, and all the Members on both sides of the aisle who have brought this landmark bill to the floor and urge support of this rule.

We need to defeat all amendments and pass this historic legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to my good friend, the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, while young Americans die abroad in the name of democracy, some in this Congress scheme to undermine democracy at home by not renewing key provisions in the Voting Rights Act. They even seek a voter literacy test.

Blind to abuses here, one Congressman recently declared that "I don't think we have racial bias in Texas anymore." This shows not only insensitivity and indifference, it shows why we need to renew completely, without weakening amendments, the Voting Rights Act.

President Lyndon B. Johnson had the will and the courage to secure passage of this fundamental guarantee even though he understood the price that he and the Democratic Party would pay. Now it is not only the law but the Administration's will to enforce that law that is at stake. Overruling professionals at the U.S. Department of Justice, political appointees disregarded obvious Voting Rights Act violations in both the DeLay gerrymandering of Texas and the Georgia voter identification law. The professional employees were vindicated by the courts, but a third of the lawyers in the Voting Section of the Civil Rights Division have left.

Renewing democracy abroad begins with renewing democracy at home.

The Washington Post published a series of articles that document the politicization of the Civil Rights Division of the Department of Justice under the Bush Administration: November 27, 2005, December 2, 2005, December 10, 2005, and January 23, 2006.

[From the Washington Post, Dec. 2, 2005]

JUSTICE STAFF SAW TEXAS DISTRICTING AS ILLEGAL

(By Dan Eggen)

Justice Department lawyers concluded that the landmark Texas congressional redistricting plan spearheaded by Rep. Tom DeLay (R) violated the Voting Rights Act, according to a previously undisclosed memo obtained by The Washington Post. But senior officials overruled them and approved the plan.

The memo, unanimously endorsed by six lawyers and two analysts in the department's voting section, said the redistricting plan illegally diluted black and Hispanic voting power in two congressional districts. It also said the plan eliminated several other districts in which minorities had a substantial, though not necessarily decisive, influence in elections.

"The State of Texas has not met its burden in showing that the proposed congressional redistricting plan does not have a discriminatory effect," the memo concluded. The memo also found that Republican lawmakers and state officials who helped craft the proposal were aware it posed a high risk of being ruled discriminatory compared with other options.

But the Texas legislature proceeded with the new map anyway because it would maximize the number of Republican federal lawmakers in the state, the memo said. The redistricting was approved in 2003, and Texas Republicans gained five seats in the U.S. House in the 2004 elections, solidifying GOP control of Congress.

J. Gerald "Gerry" Hebert, one of the lawyers representing Texas Democrats who are challenging the redistricting in court, said of the Justice Department's action: "We always felt that the process . . . wouldn't be corrupt, but it was. . . . The staff didn't see this as a close call or a mixed bag or anything like that. This should have been a very clear-cut case."

But Justice Department spokesman Eric W. Holland said the decision to approve the Texas plan was vindicated by a three-judge panel that rejected the Democratic challenge. The case is on appeal to the U.S. Supreme Court.

"The court ruled that, in fact, the new congressional plan created a sufficient number of safe minority districts given the demographics of the state and the requirements of the law," Holland said. He added that Texas now has three African Americans serving in Congress, up from two before the redistricting.

Texas Republicans also have maintained that the plan did not dilute minority votes and that the number of congressional districts with a majority of racial minorities remained unchanged at 11. The total number of congressional districts, however, grew from 30 to 32.

The 73-page memo, dated Dec. 12, 2003, has been kept under tight wraps for two years. Lawyers who worked on the case were subjected to an unusual gag rule. The memo was provided to The Post by a person connected to the case who is critical of the adopted redistricting map. Such recommendation memos, while not binding, historically carry great weight within the Justice Department.

Under the Voting Rights Act of 1965, Texas and other states with a history of discriminatory elections are required to submit changes in their voting systems or election maps for approval by the Justice Department's Civil Rights Division.

The Texas case provides another example of conflict between political appointees and many of the division's career employees. In a separate case, The Post reported last month that a team was overruled when it recommended rejecting a controversial Georgia voter-identification program that was later struck down as unconstitutional by a court.

Mark Posner, a longtime Justice Department lawyer who now teaches law at American University, said it was "highly unusual" for political appointees to overrule a unanimous finding such as the one in the Texas case.

"In this kind of situation, where everybody agrees at least on the staff level . . . that is a very, very strong case," Posner said. "The fact that everybody agreed that there were reductions in minority voting strength, and that they were significant, raises a lot of questions as to why it was" approved, he said.

The Texas memo also provides new insight into the highly politicized environment surrounding that state's redistricting fight, which prompted Democratic state lawmakers to flee the state in hopes of derailing the plan. DeLay and his allies participated intensively as they pushed to redraw Texas's congressional boundaries and strengthen GOP control of the U.S. House.

DeLay, the former House majority leader, is fighting state felony counts of money laundering and conspiracy—crimes he is charged with committing by unlawfully injecting corporate money into state elections. His campaign efforts were made in preparation for the new congressional map that was the focus of the Justice Department memo.

One of two DeLay aides also under indictment in the case, James W. Ellis, is cited in the Justice Department memo as pushing for the plan despite the risk that it would not receive "preclearance," or approval, from the department. Ellis and other DeLay aides successfully forced the adoption of their plan over two other versions passed by Texas legislators that would not have raised as many concerns about voting rights discrimination, the memo said.

"We need our map, which has been researched and vetted for months," Ellis wrote in an October 2003 document, according to the Justice Department memo. "The preclearance and political risks are the delegation's and we are willing to assume those risks, but only with our map."

Hebert said the Justice Department's approval of the redistricting plan, signed by Sheldon T. Bradshaw, principal deputy assistant attorney general, was valuable to Texas officials when they defended it in court. He called the internal Justice Department memo, which did not come out during the court case, "yet another indictment of Tom DeLay, because this memo shows conclusively that the map he produced violated the law."

DeLay spokesman Kevin Madden called Hebert's characterization "nonsensical political babble" and echoed the Justice Department in pointing to court rulings that have found no discriminatory impact on minority voters.

"Fair and reasonable arguments can be made in favor of the map's merits that also refute any notion that the plan is unfair or doesn't meet legal standards," Madden said. "Ultimately the court will decide whether the criticisms have any weight or validity."

Testimony in the civil lawsuit demonstrated that DeLay and Ellis insisted on last-minute changes during the Texas legislature's final deliberations. Ellis said DeLay traveled to Texas to attend many of the meetings that produced the final map, and Ellis himself worked through the state's lieutenant governor and a state senator to shape the outcome.

In their analysis, the Justice Department lawyers emphasized that the last-minute changes—made in a legislative conference committee, out of public view—fundamentally altered legally acceptable redistricting proposals approved separately by the Texas House and Senate. "It was not necessary" for these plans to be altered, except to advance partisan political goals, the department lawyers concluded.

Jerry Strickland, a spokesman for Texas Attorney General Greg Abbott, said he did not have any immediate comment.

The Justice Department memo recommending rejection of the Texas plan was written by two analysts and five lawyers. In addition, the head of the voting section at the time, Joseph Rich, wrote a concurring opinion. Rich has since left the department and declined to comment on the memo yesterday.

The complexity of the arguments surrounding the Voting Rights Act is evident in the Justice Department memo, which focused particular attention on seats held in 2003 by a white Democrat, Martin Frost, and a Hispanic Republican, Henry Bonilla.

Voting data showed that Frost commanded great support from minority constituents, while Bonilla had relatively little support from Hispanics. The question to be considered by Justice Department lawyers was whether the new map was "retrogressive," because it diluted the power of minority voters to elect their candidate of choice. Under the adopted Texas plan, Frost's congressional district was dismantled, while the proportion of Hispanics in Bonilla's district dropped significantly. Those losses to black and Hispanic voters were not offset by other gains, the memo said.

"This result quite plainly indicates a reduction in minority voting strength," Rich wrote in his concurring opinion. "The state's argument that it has increased minority voting strength . . . simply does not stand up under careful analysis."

[From the Washington Post, Jan. 23, 2006]

POLITICS ALLEGED IN VOTING CASES

(By Dan Eggen)

The Justice Department's voting section, a small and usually obscure unit that enforces the Voting Rights Act and other federal election laws, has been thrust into the center of a growing debate over recent departures and controversial decisions in the Civil Rights Division as a whole.

Many current and former lawyers in the section charge that senior officials have exerted undue political influence in many of the sensitive voting-rights cases the unit handles. Most of the department's major voting-related actions over the past five years have been beneficial to the GOP, they say, including two in Georgia, one in Mississippi and a Texas redistricting plan orchestrated by Rep. Tom DeLay (R) in 2003.

The section also has lost about a third of its three dozen lawyers over the past nine months. Those who remain have been barred from offering recommendations in major voting-rights cases and have little input in the section's decisions on hiring and policy.

"If the Department of Justice and the Civil Rights Division is viewed as political, there is no doubt that credibility is lost," former voting-section chief Joe Rich said at a recent panel discussion in Washington. He added: "The voting section is always subject to political pressure and tension. But I never thought it would come to this."

Attorney General Alberto R. Gonzales and his aides dispute such criticism and defend the department's actions in voting cases. "We're not going to politicize decisions within the department," he told reporters last month after The Washington Post had disclosed staff memoranda recommending objections to a Georgia voter-identification plan and to the Texas redistricting.

The 2005 Georgia case has been particularly controversial within the section. Staff members complain that higher-ranking Justice officials ignored serious problems with data supplied by the state in approving the plan, which would have required voters to carry photo identification.

Georgia provided Justice with information on Aug. 26 suggesting that tens of thousands of voters may not have driver's licenses or other identification required to vote, according to officials and records. That added to the concerns of a team of voting-section employees who had concluded that the Georgia plan would hurt black voters.

But higher-ranking officials disagreed, and approved the plan later that day. They said that as many as 200,000 of those without ID cards were felons and illegal immigrants and that they would not be eligible to vote anyway.

One of the officials involved in the decision was Hans von Spakovsky, a former head of the Fulton County GOP in Atlanta, who had long advocated a voter-identification law for the state and oversaw many voting issues at Justice. Justice spokesman Eric W. Holland said von Spakovsky's previous activities did not require a recusal and had no impact on his actions in the Georgia case.

Holland denied a request to interview van Spakovsky, saying that department policy "does not authorize the media to conduct interviews with staff attorneys." Von Spakovsky has since been named to the Federal Election Commission in a recess appointment by President Bush.

In written answers to questions from The Post, Holland called allegations of partisanship in the voting section "categorically untrue." He said the Bush administration has approved the vast majority of the approximately 3,000 redistricting plans it has reviewed, including many drawn up by Democrats.

Holland and other Justice officials also emphasize the Bush administration's aggressive enforcement of laws requiring foreign-language ballot information in districts where minorities make up a significant portion of the population. Since 2001, the division has filed 14 lawsuits to provide comprehensive language programs for minorities, including the first aimed at Filipino and Vietnamese voters, he said.

"We have undertaken the most vigorous enforcement of the language minority provisions of the Voting Rights Act in its history," Holland said.

Some lawyers who have recently left the Civil Rights Division, such as Rich at the Lawyers' Committee for Civil Rights Under Law and William Yeomans at the American Constitution Society, have taken the unusual step of publicly criticizing the way voting matters have been handled. Other former and current employees have discussed the controversy on the condition of anonymity for fear of retribution.

These critics say that the total number of redistricting cases approved under Bush means little because the section has always cleared the vast majority of the hundreds of plans it reviews every year.

The Bush administration has also initiated relatively few cases under Section 2, the main anti-discrimination provision of the Voting Rights Act, filing seven lawsuits over the past five years—including the department's first reverse-discrimination complaint on behalf of white voters. The only case involving black voters was begun under the previous administration and formally filed by transitional leadership in early 2001.

By comparison, department records show, 14 Section 2 lawsuits were filed during the last two years of Bill Clinton's presidency alone.

Conflicts in the voting-rights arena at Justice are not new, particularly during Republican administrations, when liberal-leaning career lawyers often clash with more conservative political appointees, experts say. The conflicts have been further exacerbated by recent court rulings that have made it more difficult for Justice to challenge redistricting plans.

William Bradford Reynolds, the civil rights chief during the Reagan administration, opposed affirmative-action remedies and court-ordered busing—and regularly battled with career lawyers in the division as a result. During the administration of George H.W. Bush, the division aggressively pushed for the creation of districts that were more than 60 percent black in a strategy designed to produce more solidly white and Republican districts in the South.

These districts were widely credited with boosting the GOP in the region during the 1994 elections.

Rich, who worked in the Civil Rights Division for 37 years, said the conflicts in the current administration are more severe than in earlier years. "I was there in the Reagan years, and this is worse," he said.

But Michael A. Carvin, a civil rights deputy under Reagan, said such allegations amount to "revisionist history." He contended that the voting section has long tilted to the left politically.

Carvin and other conservatives also say the opinions of career lawyers in the section frequently have been at odds with the courts, including a special panel in Texas that rejected challenges to the Republican-sponsored redistricting plan there. The Supreme Court has since agreed to hear the case.

"The notion that they are somehow neutral or somehow ideologically impartial is simply not supported by the evidence," Carvin said. "It hasn't been the politicos that were departing from the law or normal practice, but the voting-rights section."

In Mississippi in 2002, Justice political appointees rejected a recommendation from career lawyers to approve a redistricting plan favorable to Democrats. While Justice delayed issuing a final decision, a panel of three GOP federal judges approved a plan favorable to a Republican congressman.

The division has also issued unusually detailed legal opinions favoring Republicans in at least two states, contrary to what former staff members describe as a dictum to avoid unnecessary involvement in partisan disputes. The practice ended up embarrassing the department in Arizona in 2005, when Justice officials had to rescind a letter that wrongly endorsed the legality of a GOP bill limiting provisional ballots.

In Georgia, a federal judge eventually ruled against the voter identification plan on constitutional grounds, likening it to a poll tax from the Jim Crow era. The measure would have required voters to pay $20 for a special card if they did not have photo identification; Georgia Republicans are pushing ahead this year with a bill that does not charge a fee for the card.

Holland called the data in the case "very straightforward," and said it showed statistically that 100 percent of Georgians had identification and that no racial disparities were evident.

But an Aug. 25 staff memo that recommended opposing the plan disparaged the quality of the state's information and said that only limited conclusions could be drawn from it.

"They took all that data and willfully misread it," one source familiar with the case said. "They were only looking for statistics that would back their view."

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my good friend and distinguished leader from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to express my support for reauthorizing the Voting Rights Act.

Before the passage of the Voting Rights Act of 1965, thousands of citizens were denied their constitutional right to vote on the basis of race. While the system has vastly improved, the need for the Voting Rights Act remains.

A sacred right possessed by Americans is the right to choose their government. That is why it is so important to pass the bill today, to preserve the rights for all citizens. We have a moral obligation to ensure that no citizen is ever denied their right to vote based on race, creed, or color.

I am grateful for the strong leadership of Chairman SENSENBRENNER, who has never wavered in his commitment to the Voting Rights Act over his entire career.

I thank the gentleman for yielding me this time.

□ 1100

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1¼ minutes to the gentleman from New York (Mr. OWENS), who will be leaving us, but will leave us with wonderful words, my friend.

Mr. OWENS. Mr. Speaker, the Voting Rights Act is just one great step forward toward the movement of our Nation toward a more perfect Union. This is a creation of Lyndon Johnson, a politician, a President of unparalleled practical genius, who fashioned this to bring to the table those people who had serious grievances.

We gave the world constitutional democracy. It is a great leap forward for civilization. We can continue to lead civilization by improving on this model.

Half the democracies of the world, by the way, right now, do have provisions in their constitutions for representation of minorities. We have spent $9 billion, at least $9 billion, some of you can correct me if it is more, $9 billion in Kosovo, and Kosovo is still struggling under a mandate to provide a constitution which guarantees representation to the minority Serbs. Albanians are the majority there now, and the Serbs need to be represented.

In Iran, they have a provision which allows for the representation of Armenians and Jews. In Burundi, the Tutsi minority is guaranteed 40 percent of the seats in parliament. Across the world, these provisions are made because they are practical provisions. They bring people to the table and involve them in the process.

The only way we are going to solve the problem in Iraq is to make certain we have something similar to a Voting Rights Act to guarantee representation for all the minorities in Iraq.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from south Florida (Mr. MARIO DIAZ-BALART), someone whom I love like a brother.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I am excited to be here supporting the reimplementation of the Voting Rights Act.

Let me give a little bit of recent history. You have heard a lot about past history. In the State where I am from, in Florida, redistricting was always a way that was used to discriminate against minorities and to stop minorities from the opportunity to elect candidates of their choice.

We all know that there is a substantial African American population in Florida and a substantial Hispanic American population in Florida, and yet, and I do not want to sound partisan, but the reality is that one party controlled the State legislature for 122 years. During that entire time, not once did they deem it necessary or important to create one African American congressional district, one district for African Americans so they could elect a candidate of their choice.

Finally, in redistricting before the 1992 elections, after a lot of haggling, and I was involved in that redistricting and other Members who were then in the State legislature who are now in Congress were also involved, finally the then-majority party, the Democratic Party, finally saw the wisdom to create one district where African Americans could elect a candidate of their choice for Congress and one district only where Hispanic Americans could elect a candidate of their choice.

We had to sue the State of Florida. We had to go to Federal court to get more districts where Hispanics and African Americans could elect candidates of their choice, and because of the Voting Rights Act and because some of us sued the majority party in those days, which was the Democrats, the courts agreed and created districts where three African American Members of Congress were elected, serving in this wonderful body. One of them is leading the effort on that side of the aisle for the implementation of this Voting Rights Act again, and two districts where Hispanic Americans could elect candidates of their choice.

We are not talking ancient history. We are talking the need is still there today. It is there. The need is still there today in Florida, as a matter of fact.

We saw recently a group, mostly from outside of Florida, spending millions of dollars, hundreds of thousands of dollars in Florida trying to get something on the ballot. A group that supports multimember districts for the State of Florida, which have been proven to be discriminatory. The threat is still there. The need is still there.

That is why I am so grateful to Chairman SENSENBRENNER for his leadership on this issue not only now, but also in the past. I thank Mr. SENSENBRENNER.

It is a privilege to be here. I think it is an historic day because we have the opportunity to extend this important act for many, many years. It is right for the country, not only for minorities, but for democracy and for the entire country.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased that my colleague took cognizance of the fact that Florida still needs help; and I would remind him that it is a Republican majority there now.

Mr. Speaker, how much time remains for each side?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 12¼ minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 8 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from North Carolina (Mr. BUTTERFIELD), a former voting rights attorney.

Mr. BUTTERFIELD. Mr. Speaker, let me first thank the leadership on both sides of the aisle for their bipartisan work on this great, historic legislation.

Mr. Speaker, this legislation was enacted weeks after I finished high school in eastern North Carolina. At that time, there were no black elected officials and no prospect of electing minorities to office.

There was the literacy test and at-large elections and staggered terms and numbered seats. These were all devices that were used to disenfranchise the African American community. The Voting Rights Act has made a difference.

Section 2 has enabled minority communities to require significant changes in election procedure through legal action.

Section 5 has been the safety valve that has prevented jurisdictions from changing their procedures to further dilute the minority vote.

In my congressional district, in 1965, there were no black elected officials. Today, Mr. Speaker, I count 302. It was the Voting Rights Act that made it happen.

I support the rule, Mr. Speaker, and I support the underlying legislation. I urge my colleagues to defeat the amendments and pass this legislation into law.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to my good friend from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, I certainly thank Chairman DREIER for making my amendment in order under this rule. I rise today in support of this rule, in support of the VRA, and against H.R. 9 as it presently is written.

We should all understand that in 1965, 40 years ago, when the VRA was written, part of it was intended to be permanent law and part of that bill was meant to be temporary.

The Voting Rights Act was needed in 1965, and it was a good bill. It enabled all citizens to be able to vote unencumbered. I strongly believe in that.

Now, 40 years later, we are not trying to remove the temporary part of this bill, meaning 4, 5 and on, but later this morning we are going to try to amend section 4 of the Voting Rights Act so that it may be updated, modernized and actually brought into the 21st century.

Only section 4 of the temporary part of the Voting Rights Act are we trying to amend. Section 4 of the VRA is the formula or the trigger mechanism that determines which jurisdiction, whether it be city, county or State, that has broken the rules and, therefore, is to be put in the penalty box of section 5. This is the section that puts jurisdictions under the heavy hand of the Justice Department, the preclearance section of the bill.

The trigger section occurs when less than 50 percent of citizens of voting age do not vote in Presidential elections. To determine if you will be under section 5 of the VRA, the elections used are 1964, 1968 and 1972, elections 40 years ago, presidential elections between Goldwater and Johnson. Only those who violated section 4 during those 8 years are under preclearance today. H.R. 9 wants to extend that 25 more years, using 40-year-old data, applied to the same jurisdictions, no matter how good their voting record is today.

H.R. 9, it does not seem to matter that many other jurisdictions around the country have also violated section 4 of the Voting Rights Act, even in this century. Those violations are not looked at generally by anyone.

My amendment, that we will have later today, changes that and updates section 4 to use the election years of 1996, 2000 and 2004. It will be incumbent upon the Attorney General, and he is so instructed, or she, to look at all jurisdictions in all States, and this information is to be reviewed after each Presidential election, using the latest three Presidential elections.

If you violate section 4, you are and you should go to the penalty box, which is the preclearance section. If you are in the penalty box and have not violated section 4 in the last three Presidential elections, you get to come out of the penalty box. It is that fair, it is that just, and it is just that simple.

Listen carefully now. The authors of H.R. 9 are going to give you many reasons why my lovely State of Georgia should stay in the penalty box, even though we have one of the absolute best voting records in the country of electing black Georgians and black voting and black registration, but I bet we do not hear them talk about that.

The truth is that under my amendment all Georgia jurisdictions stay under preclearance. Under my amendment all Georgia jurisdictions, meaning counties, stay under preclearance, except 10 counties out of 159, even though all of Georgia will be treated as if we are still under section 5.

They are not going to mention that 837 jurisdictions today in 16 States are under preclearance, but if my amendment were to pass, over 1,000 jurisdictions in this country will be under preclearance in at least 39 States.

I think that black Georgians who have protections under the law should give those same protections to black Tennesseeans.

Mr. Speaker, I am going to talk about this all day. I appreciate the time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentlewoman from Michigan (Ms. KILPATRICK), my good friend.

Ms. KILPATRICK of Michigan. Mr. Speaker, I want to thank Chairman SENSENBRENNER and Ranking Member CONYERS, from my great State of Michigan, for your leadership, sir, thank you very much, and to thank the Speaker and NANCY PELOSI for bringing this legislation to the floor.

The Voting Rights Act of 1965, 41 years ago, has made America a stronger nation. Today, I rise in support of the rule that brings it to the floor and allows us to have this debate.

The preclearance portion of the amendments that we will be debating today allows the courts to go into jurisdictions that have a history of discrimination of voter irregularity, of violations. We must preserve that preclearance portion of the Voting Rights Act.

It is important today, it was important 41 years ago, and it allows our voting systems and all Americans to have access to clean, fair voting procedures so that the process and America's greatness can continue.

So I rise in support of the Voting Rights Act itself. It must be renewed, the provisions that we will be talking about today; and I ask that all America call your congressman or congresswoman and tell them today to vote "yes" in reauthorizing the Voting Rights Act.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to my good friend the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, today, I rise in strong support of H.R. 9, the Voting Rights Act, as passed by the Judiciary Committee, and in strong opposition to any amendments which would attack Americans' right to vote.

The right to vote is the foundation of our democracy. The Voting Rights Act has advanced the rights of all Americans. Latinos and other minority voters have greater voice today because of the Voting Rights Act.

In 2004, a record number of 7.5 million Latinos cast a ballot for President, compared to 2 million in 1976.

We must continue protecting the rights, including section 203, which provides tax-paying U.S. citizens with limited English proficiency with needed language assistance. Section 203 ensures that all citizens have a right to cast an informed ballot and integrates non-English-proficient citizens into a system of democracy. It protects voters from discrimination and ensures a fair and equal voting process for all voters.

I urge all of my colleagues to support the reauthorization of the Voting Rights Act, as passed by the Judiciary Committee, and I oppose any amendments.

□ 1115

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would inquire as to the remaining time.

The SPEAKER pro tempore. The gentleman has 3 minutes.

Mr. HASTINGS of Florida. How much time do I have, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 9¼ minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, the passing of the 1965 Voting Rights Act is a crowning achievement of Congress and the civil rights movement. Some say that we no longer need a Voting Rights Act, that 41 years is enough.

Others want to water down key expiring provisions in order to weaken the act. Yes, we have made considerable progress in the last 41 years. However, much work needs to be done. The sad fact is that in every national election since Reconstruction, in every election since the Voting Rights Act passed in 1965, American voters have faced calculated and determined efforts by persons and groups whose goal is to deny them the most fundamental right, and that is the right to vote.

Gone are the days of poll taxes and literacy tests. Today, however, intimidation, threats, innuendo and deception are still used to discourage voter turnout. The list of strategies used to deny Americans their right to vote is long and varied. Please vote for this bill, attack and reject the amendments.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I stand in support of H.R. 9, the Voting Rights Act. August 7, 2006, will mark the 41st anniversary of the Voting Rights Act of 1965. The Voting Rights Act has been one of the most effective civil rights laws in granting access to the ballot boxes for all Americans.

Congress enacted the Voting Rights Act in response to persistent and purposeful discrimination through literacy tests, poll taxes, intimidation, threats and violence.

The Voting Rights Act has enfranchised millions of racial, ethnic, and language minority citizens by eliminating discriminatory practices and removing other barriers to their political participation.

I want to make one point. I have been to Iraq and Afghanistan on many occasions in my capacity on the intelligence committee. U.S. soldiers of all races, religions are fighting every day in harsh climates to risk their own lives to bring basic freedoms to other people, and they are being told that they are doing what is right: fighting for freedom, justice, and liberty.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to my classmate and good friend, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, we should be proud, because in this country we look back at our history so that we may move forward wisely into the future. The Voting Rights Act is proof positive that America learns from its history.

Today, more Americans from every corner of our Nation, whatever their race, creed, or color may exercise their right to vote. But, Mr. Speaker, I said more, not all, Americans can exercise that right. Just 2 weeks ago, the United States Supreme Court confirmed that fact when it rejected Texas's redistricting map because it disenfranchised thousands of Latino voters.

Mr. Speaker, we know why we have the Voting Rights Act. We know what history has taught us. We believe that we must look to the future, and we must not only reaffirm our belief in the Voting Rights Act, but reaffirm it completely and absolutely. We must reject the amendments which would undermine what has been a tremendous accomplishment in America's history of moving all people in America forward to exercise their right to vote.

Support this bill. Defeat the amendments. Let's move forward with the Voting Rights Act.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Ohio (Mrs. JONES), a former judge.

Mrs. JONES of Ohio. Mr. Speaker, the death of my oldest sister a week ago Sunday took me back to Clanton, Alabama, the roots of my family. Clanton is about 40 miles from Selma, Alabama, and it made me remember all of the things that my family had been through not having the opportunity to vote.

I stand here today saying to you that the Voting Rights Act must be reauthorized. And I will say to those of you who want to use 2000 and 2004 as cites for why we should do reclearance on voting, should not use those years, because we all know what happened in 2000 and 2004.

Mr. Speaker, I bring to the attention of my colleague from Georgia that only recently a Federal court and a State court found that the identification requirements set forth by the State of Georgia are just like having a poll tax, and that we cannot let Georgia out of preclearance.

Vote in support of the Voting Rights Act.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, it is very important that we understand, and I want to direct my remarks to the remarks of my distinguished colleague from Georgia, Congressman NORWOOD, who is a very good friend.

But, unfortunately, Congressman NORWOOD is dead wrong in his amendment and his approach. When he talks about Georgia's record, he is dead wrong with that record.

While, yes, we have made some progress in Georgia, I am a living testimony to that, the fundamental question of the Voting Rights Act is not if there has been progress made. The question is will that progress be in risk of being undone if we do not have the Voting Rights Act?

And no State gives clearer evidence that progress will be undone than my own State of Georgia. Georgia leads this Nation in the violations of the Voting Rights Act in the last 25 years. No more glaring example than what is currently now whistling through the newspapers and whistling through this Nation, and that is the voter ID bill that has been passed in Georgia. Twice it has come up and twice it has been ruled as discriminatory.

Yes, we have made progress. But my dear friend from Georgia, we have a much longer progress to go, and we desperately need to keep section 5 covered.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS) who has been a leader in this fight for a substantial number of years.

Ms. WATERS. Mr. Speaker, Members, today this country will witness a debate on the floor of Congress that will remind America of the continuing struggle of African Americans and minorities to seek justice in our country.

I have a hard time explaining to my constituents and African Americans all over this country why we must reauthorize the Voting Rights Act. They say to me, well, we thought we had done away with poll taxes; we thought we had done away with intimidation. Well, let me just say, we have all kinds of obstacles being placed in our way. It is the same game with a different name.

So we stand here today to protect the fight and the struggle of our ancestors who insisted that we take part in this democracy and we have the right to vote. And despite the new tricks and the new laws and the new procedures, we must say to those who continue to try, you must go before the Justice Department and get preclearance before you can initiate laws and practices that would place obstacles in our way.

This is a good debate for America today. I stand in the struggle to protect our right to vote.

Mr. HASTINGS of Florida. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. 3¼ minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from Florida (Ms. CORRINE BROWN), who is also my classmate and one of the three African Americans that was elected as a result of the Voting Rights Act, the first in 129 years in our State of Florida.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise in strong support of a clean voting rights bill. Let me say that those people that question whether we need a voting rights bill or not. I have to remind you of Florida 2000, where in my district 27,000 votes in my precinct were thrown out, 27,000. And you know they say the President won by 535.

But we have a long list of voting rights violations, and it goes on and on. But there is one that stands out in my mind. Florida Governor Jeb Bush spent $4 million of taxpayer money to purge a list of 40,000 suspect felons from the rolls across the State, with zero consideration of accuracy. Later we found out that these people were eligible to vote; but when they went to vote, they were turned away.

Another reason, as my colleague said, I was one of the first African Americans elected to Congress in 129 years. Let us pass the Voting Rights Act and not have another Supreme Court coup d'etat in America.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, as I said earlier today, this is not a period for jubilation. We do not have to come here and congratulate ourselves for the reason that suggests that history is our best judge.

I also said that through these eyes I have seen the tyranny of racism. And through these eyes I have seen this great Nation change and become more tolerant. But to suggest that we have arrived at a point where we no longer would need the Voting Rights Act and measures that protect minorities would be foolhardy.

The harsh reality remains that the suppression and disenfranchisement of minority voters is still tolerated. We saw it, as Ms. BROWN just said, in 2000. We saw it, as Ms. TUBBS JONES just said, in 2004 in Ohio. And the likelihood is that we will see it in 2006 and 2008 in some other State where it seems that those in the majority require a victory regardless of the means to their end.

We should fear those who dismiss concerns, deny such problems exist, and claim ignorance and naivete as to the reasons for years of neglect. These are the answers given by those who sat idly by throughout history when the rights and privileges of the weak and poor have been trampled on by the power.

When history judges our actions today, it will question whether or not we met the expectations levied by those who have come before us: Did we break down barriers or build up walls? Did we adhere to the Biblical admonition that we are our brother's keeper?

GENERAL LEAVE

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 910 and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, I am very proud to have brought forth this legislation today. It is historic legislation. The Voting Rights Act was one of the great advancements of American democracy, something that we all should, and I think we do, feel very proud about. And we are bringing it forth today, we are extending it for 25 more years, because more work needs to be done, even though there has been extraordinary progress in the last 40 years in this country.

I want to thank again Chairman SENSENBRENNER. I admire him. I think he has done an extraordinary job facing great pressures. Of course he is such a man of character, the pressure does not even get to him.

□ 1130

I admire him for that and many other qualities. Again, I thank Ranking Member CONYERS and all those who have worked hard to bring this legislation forward. I think we are all cognizant of the historic nature of what we as the House of Representatives are doing today.

And so I would urge support for this rule, which is fair. It makes in order some amendments that I oppose, but I think it is appropriate that the House be able to debate even items that many of us in the Rules Committee don't agree with. But we are going to have a fair debate today.

Mr. DREIER. Mr. Speaker, last week, we celebrated the 230th anniversary of the revolutionary declaration that gave birth to our country. All of us here, and Americans from coast to coast, fan recite the first "self-evident truth" proclaimed in that historic document. That "all men are created equal."

Mr. Speaker, given this truth, it is one of our Nation's great tragedies that a struggle for equality had to take place at all. And more tragic still that it led to so much suffering and bloodshed.

The United States fought a civil war to abolish the heinous system of slavery. The United States ratified the 15th Amendment in 1870 to prohibit denying the right to vote on the basis of race or color. Yet, inequality persisted. Jim Crow laws perpetuated the most unequal treatment of blacks, and disenfranchisement of blacks at the voting booth was commonplace. Without mercy, subjugation by race continued in many parts of the country.

Out of tremendous hardship and unjustness rose a powerful and peaceful force for civil rights in the 1960s. These American heroes included Martin Luther King Jr. and our colleague from Georgia, JOHN LEWIS. Their cause—forcing our Nation to live up to its founding ideals—moved millions and gained strength despite racism, threats and murder.

Mr. Speaker, on March 7, 1965, Mr. LEWIS led 600 people in a peaceful protest in Selma, Alabama. Their plan was to march to Montgomery. As many of us can recall with disgust and shame, they didn't make it. And in their blood and courage was borne the national call for the 1965 Voting Rights Act—to once and for all correct 95 years of failure to uphold the 15th Amendment.

Today, we will honor the civil rights movement, we will honor our God-given right to be treated equally and we will protect the most basic exercise of our democracy by extending the Voting Rights Act.

This is a bipartisan, bicameral piece of legislation that received nearly unanimous support at the Committee level. I want to thank the leadership, both Republican and Democrat, and Chairman SENSENBRENNER for their work to ring this to the floor.

While there would be every reason to hope and expect that this extension would not be required 41 years after the original, the Judiciary Committee, in their hours of hearings, found that the bill was needed—and needed to be updated.

To protect minority voters, H.R. 9 upholds and strengthens the "pre-clearance" provisions for districts to change their voting rules. And it allows jurisdictions that have demonstrated lawful and fair voting practices to become "uncovered" by the VRA.

Today we will also have the opportunity to vote on an amendment that would support our common language by printing ballots in English. This is a worthwhile debate to have. It is in no way contradictory to the intent of the bill.

Basic comprehension of English is a requirement of citizenship for immigrants and essential to reach for and achieve the American dream—whether someone was born here or not.

I am proud to represent Americans of many, many national origins in my home state of California. But we are all united by our freedoms, our government and our language. It only serves to reinforce our unity and our common bonds to have our ballots printed in our national language.

I want to make very clear that for anyone who might need help in the voting booth, it is lawful and encouraged to have someone assist you.

Mr. Speaker, I am hopeful that today's proceedings on the floor will not devolve into members casting aspersions on the motives of one party or the other.

The progress we have made on civil rights over the last four decades has been significant. If we are to confront inequalities that lie before us—and if we are to confront the inequalities that lie ahead of us—we must remain united and we must remain bipartisan.

I can assure members who might harbor any doubts, there is nothing less than a total commitment on behalf of the leadership on this side of the House to pass H.R. 9—to ensure voting rights for every single American, from Maine to California. To suggest otherwise is offensive and divisive.

While we labor to share the right of voting with millions around the globe so they can know a life of liberty and equality, it is our duty to protect the voting rights of our own citizens.

President Lyndon Johnson, in his moving and powerful address to Congress just 8-days after the brutality at Selma, said: "Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty we have to ensure that right."

Mr. Speaker, we will uphold that duty today. I urge support of the rule and the underlying legislation.

Mr. BACA. Mr. Speaker, I rise today in opposition to H. Res. 910, the rule for the Voting Rights Reauthorization.

I rise in opposition to this rule because it allows the Voting Rights Act to be weakened by amendments that would strip important provisions from the bill.

Democrats and Republicans passed a Voting Rights Act Reauthorization that strengthens and extends the Act's legacy for our future generations out of the Judiciary committee.

Democrats and Republicans recognize that this Act is relevant to the situations of millions of Americans.

In my district, the Inland Empire, a third of the residents don't speak English as their primary language.

In my personal experience, my father, who was born, raised, worked and raised a family in America, did not speak English well—yet he deserved, as all Americans do, the right to vote.

We must renew the Voting Rights Act—we must not allow these provisions to expire and thus disenfranchise hard-working Americans who want to do their civic duty.

If America is to remain the democracy that has made it strong, all voters must have the opportunity to cast a ballot they can understand.

But the King amendment allowed under this rule strikes the sections re-authorizing the Section 203 bilingual ballot requirements.

Section 203 of the Voting Rights Act has made our Nation's democratic ideals a reality by ensuring that eligible voters, regardless of language ability, may participate on a fair and equal basis in elections.

Three-quarters of those who are covered by the language assistance provision are native-born United States citizens. The rest are naturalized U.S. citizens.

It is well documented that language assistance is needed and used by voters.

For instance, the U.S. Department of Justice has reported that in one year, registration rates among Spanish- and Filipino-speaking American citizens grew by 21 percent and registration among Vietnamese-speaking American citizens increased over 37 percent after San Diego County started providing language assistance.

In Apache County, Arizona, the Department's enforcement activities have resulted in a 26-percent increase in Native American turnout in 4 years, allowing Navajo Code talkers, veterans, and the elderly to participate in elections for the first time.

This amendment would effectively disenfranchise language minority voters through the appropriation process.

Section 203 has always received bipartisan support from both Democrats and Republicans in Congress and the White House.

Section 203 of the VRA requires that U.S. minority citizens who have been subjected to a history of discrimination be provided language assistance to ensure that they can make informed choices at the polls.

It does not offer voting assistance to illegal or non-naturalized immigrants.

I urge my colleagues to oppose this rule and pass the strong and relevant Voting Rights Act that America needs.

Mr. Speaker, cognizant of the historic nature of what we are doing and strongly supportive of the legislation that we are bringing to the floor today, I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill (H.R. 9) to be considered shortly.

The SPEAKER pro tempore (Mr. Lincoln Diaz-Balart of Florida). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 910 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 9.

□ 1132

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9) to amend the Voting Rights Act of 1965, with Mr. LaHood in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from Michigan (Mr. Conyers) each will control 45 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

H.R. 9 amends and reauthorizes the Voting Rights Act for an additional 25 years, several provisions of which will expire on August 6, 2007, unless Congress acts to renew them.

I was proud to lead Republican efforts to renew expiring provisions of the Voting Rights Act in 1982, and I am pleased to have authored this important legislation to do the same thing a quarter century later.

The Voting Rights Act was enacted in 1965 to address our country's ignoble history of racial discrimination and to ensure that the rights enunciated in our Constitution become a practical reality for all.

Since its 1965 enactment, the VRA has been reauthorized in 1970, 1975, 1982, and 1992, each time with strong bipartisan support. The right to vote is fundamental in our system of government, and the importance of voting rights is reflected by the fact that they are protected by five separate amendments to the Constitution, including the 14th, 15th, 19th, 24th, and 26th amendment.

However, history reveals that certain States and localities have not always been faithful to the rights and protections guaranteed by the Constitution, and some have tried to disenfranchise African American and other minority voters through means ranging from violence and intimidation to subtle changes in voting rules. As a result, many minorities were unable to fully participate in the political process for nearly a century after the end of the Civil War.

The VRA has dramatically reduced these discriminatory practices and transformed our Nation's electoral process and makeup of our Federal, State, and local governments. Since its enactment, the VRA has been instrumental in remedying past injustices by ensuring that States and jurisdictions with a history of discrimination address and correct those abuses, and, in some instances, stopping them from happening in the first place.

Section 5 prohibits States with documented histories of racial discrimination in voting from changing election practices and processes without first submitting the changes to the Department of Justice or the District Court for the District of Columbia. Section 5 has helped ensure minority citizens in these covered jurisdictions to have an equal opportunity to participate in the political process.

As a result of section 5 and other provisions of the Voting Rights Act, minority participation and elections as well as the number of minorities serving in elected positions has increased significantly, and many of our colleagues who are here today are personal embodiments of those changes.

Last summer, I along with Judiciary Committee Ranking Member CONYERS and Congressional Black Caucus Chairman WATT pledged to have the VRA's temporary provisions reauthorized for an additional 25 years. Over the last 7 months, the Judiciary Committee on the Constitution examined the VRA in great detail, focusing on those provisions set to expire in 2007.

In addition to gathering evidence of ongoing discriminatory conduct, the subcommittee examined the impact that two Supreme Court decisions, the Bossier II and Georgia v. Ashcroft decisions, have had on section 5's ability to protect minorities from discriminatory voting changes particularly in State and congressional redistricting initiatives.

Based upon the committee's record, and let me put the books of the hearings of this committee's record on the table, it is one of the most extensive considerations of any piece of legislation that the United States Congress has dealt with in the 27½ years that I have been honored to serve as a Member of this body. All of this is a part of the record that the Committee on the Constitution headed by Mr. CHABOT of Ohio has assembled to show the need for the reauthorization of the Voting Rights Act.

H.R. 9 includes language that makes it clear that a voting change motivated by any discriminatory purpose cannot be precleared, and clarifies that the purpose of the preclearance requirements is to protect the ability of minority citizens to elect their preferred candidates of choice. These changes restore section 5 to its original purpose, enabling it to better protect minority voters.

In addition, H.R. 9 reauthorizes section 203 for an additional 25 years, ensuring that legal, taxpaying, language-impaired citizens are assisted in exercising their right to vote. And, in my opinion, this is particularly important in elections where ballot questions are submitted to the voters. The committee record that formed the basis for this legislation demonstrates that, while the VRA has been successful in protecting minority voters who are historically disenfranchised in certain parts of the country, our work is not yet complete. Racial discrimination in the electoral process continues to exist and threatens to undermine the progress that has been made over the last 40 years.

In fact, the extensive record of continued abuse compiled by the committee over the last year, which I have put on the table here today, echoes that which preceded congressional reauthorization of the VRA in 1982, and which led me to make the following observations during the committee's consideration of the VRA reauthorization legislation then:

"Testimony is quite clear that this act has been the most successful civil rights act that has ever been passed by the Congress of the United States. The overwhelming preponderance of the testimony was that the Voting Rights Act has worked. It has provided the franchise to numerous people who were denied the right to vote for one reason or another. It has provided a dramatic increase in the number of minority-elected officials in covered jurisdictions. I think that very clearly demonstrates the need for an extension. The hearings also very clearly showed that the creativity of the human mind is unlimited when it comes to proposing election law changes that are designed to prevent people from voting."

By extending the VRA for an additional 25 years, H.R. 9 ensures that the gains made by minorities are not jeopardized. Like the preceding reauthorization efforts, this bill has strong support from Republicans and Democrats alike, including that of Speaker HASTERT and Minority Leader PELOSI. H.R. 9 is also supported by many prominent religious and civil rights organizations.

Mr. Chairman, among the keepsakes of my public service that I most cherish is one of the signing pens President Ronald Reagan used when enacting the 1982 Voting Rights Amendments into law. When considering their vote on the legislation now before the House, I would urge my colleagues to reflect upon President Reagan's eloquent remarks on this occasion:

"Yes, there are differences over how to attain the equality we seek for all our people. And sometimes amidst all the overblown rhetoric, the differences seem to be bigger than they are. But actions speak louder than words. This legislation proves our unbending commitment to voting rights. It also proves that differences can be settled in a spirit of good will and good faith.

As I've said before, the right to vote is the crown jewel of American liberties, and we will not see its luster diminished. The legislation that I'm signing demonstrates America's commitment to preserving this essential right. I'm proud of the Congress for passing this legislation, and I'm proud to be able to sign it." Ronald Reagan, in August of 1982.

Mr. Chairman, I am proud to stand here with my colleagues, as I did then, to ensure that voting rights remain protected for an additional 25 years. Let Congress again make America proud by passing this historical and vital legislation without amendment.

REMARKS ON SIGNING THE VOTING RIGHTS ACT AMENDMENTS OF 1982

JUNE 29, 1982.—Well, I am pleased today to sign the legislation extending the Voting Rights Act of 1965.

Citizens must have complete confidence in the sanctity of their right to vote, and that's what this legislation is all about. It provides confidence that constitutional guarantees are being upheld and that no vote counts more than another. To so many of our people—our Americans of Mexican descent, our black Americans—this measure is as important symbolically as it is practically. It says to every individual, "Your vote is equal; your vote is meaningful; your vote is your constitutional right."

I've pledged that as long as I'm in a position to uphold the Constitution, no barrier will come between our citizens and the voting booth. And this bill is a vital part of fulfilling that pledge.

This act ensures equal access to the political process for all our citizens. It securely protects the right to vote while strengthening the safeguards against representation by forced quota. The legislation also extends those special provisions applicable to certain States and localities, while at the same time providing an opportunity for the jurisdictions to bail out from the special provisions when appropriate. In addition, the bill extends for 10 years the protections for language minorities.

President Eisenhower said, "The future of the Republic is in the hands of the American voter." Well, with this law, we make sure the vote stays in the hands of every American.

Let me say how grateful I am to these gentlemen up here, the Members of the House and Senate from both sides of the aisle, and particularly those on the Senate Judiciary Committee, for getting this bipartisan legislation to my desk.

Yes, there are differences over how to attain the equality we seek for all our people. And sometimes amidst all the overblown rhetoric, the differences tend to seem bigger than they are. But actions speak louder than words. This legislation proves our unbending commitment to voting rights. It also proves that differences can be settled in a spirit of good will and good faith.

In this connection, let me also thank all the other organizations and individuals—many who are here today—who worked for this bill. As I've said before, the right to vote is the crown jewel of American liberties, and we will not see its luster diminished.

The legislation that I'm signing is the longest extension of the act since its enactment and demonstrates America's commitment to preserving this essential right. I'm proud of the Congress for passing this legislation. I'm proud to be able to sign it.

And without saying anything further, I'm going to do that right now.

[At this point, the President signed the bill.]

It's done.

Note: The President spoke at 12:15 p.m. at the signing ceremony in the East Room at the White House.

Statement of Administration Policy, July 13, 2006

H.R. 9—FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

The Administration is strongly committed to renewing the Voting Rights Act, and therefore supports House passage of H.R. 9. The Voting Rights Act is one of the most significant pieces of civil rights legislation in the Nation's history, and the President has directed the full power and resources of the Justice Department to protect each citizen's right to vote and to preserve the integrity of the Nation's voting process. The Administration is pleased the House is taking action to renew this important legislation. The Administration supports the legislative intent of H.R. 9 to overturn the U.S. Supreme Court's 2003 decision in Georgia v. Ashcroft and its 2000 decision in Reno v. Bossier Parish School Board.

Leadership Conference on
Civil Rights,
May 3, 2006.

Hon. F. James Sensenbrenner, Jr.,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

Dear Chairman Sensenbrenner: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, we write to express our strong support for H.R. 9, The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. LCCR deeply appreciates your leadership and the leadership of Representatives John Conyers (D–MI) and Mel Watt (D–NC) in sponsoring this important legislation. H.R. 9 is critical to ensuring the continued protection of the right to vote for all Americans.

The Voting Rights Act (VRA) is considered by many to be our nation's most effective civil rights law. Congress enacted the VRA in direct response to evidence of significant and pervasive discrimination taking place across the country, including the use of literacy tests, poll taxes, intimidation, threats, and violence. By outlawing the tests and devices that prevented minorities from voting, the VRA put teeth into the 15th Amendment's guarantee that no citizen can be denied the right to vote because of the color of his or her skin. The VRA was initially passed in 1965 and has been renewed four times by bipartisan majorities in the U.S. House, and signed into law by both Republican and Democratic presidents. In the 41 years since its initial passage, the VRA has enfranchised millions of racial, ethnic, and language minority citizens by eliminating discriminatory practices and removing other barriers to their political participation. In doing so, the VRA has empowered minority voters and has helped to desegregate legislative bodies at all levels of government.

Throughout the 109th Congress, during ten oversight hearings that considered the ongoing need for the VRA, the House Judiciary Subcommittee on the Constitution found significant evidence that barriers to equal minority voter participation remain. The oversight hearings examined three of the VRA's key provisions that are set to expire in August of 2007: Section 5, which requires that certain jurisdictions with a history of discrimination in voting obtain federal approval prior to making any changes affecting voting, thus preventing the implementation of discriminatory practices; Section 203, which requires certain jurisdictions to provide language assistance to citizens who are limited-English proficient; and Sections 6 through 9, which authorize the federal government to send observers to monitor elections for compliance with the VRA.

The evidence gathered by the subcommittee revealed continuing and persistent discrimination in jurisdictions covered by Section 5 and Section 203 of the VRA. The oversight hearings found that a second generation of discrimination has emerged that serves to abridge or deny minorities their equal voting rights. Jurisdictions continue to attempt to implement discriminatory electoral procedures on matters such as methods of election, annexations, and polling place changes, as well as through redistricting conducted with the purpose or the effect of denying minorities equal access to the political process. Likewise, the oversight hearings demonstrated that citizens are often denied access to VRA-mandated language assistance and, as a result, the opportunity to cast an informed ballot.

H.R. 9 is a direct response to the evidence of discrimination that was gathered by the subcommittee. It addresses this compelling record by renewing the VRA's temporary provisions for 25 years. The bill reauthorizes and restores Section 5 to its original congressional intent, which has been undermined by the Supreme Court in Reno v. Bossier Parish II and Georgia v. Ashcroft. The Bossier fix restores the ability of the Attorney General, under Section 5 of the Act, to block implementation of voting changes motivated by a discriminatory purpose. The Georgia fix clarifies that Section 5 is intended to protect the ability of minority citizens to elect their candidates of choice. Section 203 is being renewed to continue to provide language-minority citizens with equal access to voting, using more frequently-updated coverage determinations based on the American Community Survey Census data. The bill also keeps the federal observer provisions in place, and authorizes recovery of expert witness fees in lawsuits brought to enforce the VRA.

The right to vote is the foundation of our democracy and the VRA provides the legal basis to protect this right for all Americans. We know that you are committed to timely Congressional action to renew and restore this vital law and we commend you for your leadership in introducing and sponsoring The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. If you or your staff has any further questions, please feel free to contact Nancy Zirkin, LCCR Deputy Director, or Julie Fernandes, LCCR Senior Counsel, at (202) 466–3311.

Sincerely,

Leadership Conference on Civil Rights.
9to5, National Association of Working Women.
A. Philip Randolph Institute.
AARP.
Advancement Project.
American Association of People with Disabilities.
American Association of University Women.
American Civil Liberties Union (ACLU).
American Federation of Government Employees.
American Federation of Labor and Congress of Industrial Organizations.
American Federation of State, County and Municipal Employees.
American Foundation for the Blind.
American Jewish Committee.
American-Arab Anti-Discrimination Committee.
Americans for Democratic Action.
Anti-Defamation League.
Asian American Justice Center.
Asian American Legal Defense and Education Fund.
Asian and Pacific Islander American Vote (APIA Vote).
Asian Pacific American Labor Alliance.
Asian Pacific American Legal Center.
Center for Civic Participation.
Common Cause.
Community Service Society.
Cuban American National Council (CNC).
Dēmos: A Network of Ideas and Action.
Disability Rights Education and Defense Fund.
FairVote.
Federally Employed Women.
Feminist Majority.
Friends Committee on National Legislation.
Gamaliel National Clergy Caucus.
Hadassah, the Women's Zionist Organization of America.
Hispanic Association of Colleges and Universities.
Human Rights Campaign.
International Association of Official Human Rights Agencies.
Japanese American Citizens League.
Jewish Council for Public Affairs.
Jewish Labor Committee.
Korean American Resource and Cultural Center (KRCC).
Korean Resource Center (KRC).
Lawyers' Committee for Civil Rights Under Law.
League of United Latin American Citizens.
League of Women Voters of the United States.
Legal Momentum.
Mexican American Legal Defense and Educational Fund.
NAACP Legal Defense and Educational Fund, Inc.
National Alliance of Postal and Federal Employees.
National Asian Pacific American Bar Association (NAPABA).
National Association for the Advancement of Colored People.
National Association of Human Rights Workers.
National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund.
National Association of Neighborhoods.
National Association of Social Workers.
National Community Reinvestment Coalition.
National Congress of American Indians.
National Congress of Black Women.
National Council of Churches of Christ in the USA.
National Council of Jewish Women.
National Council of La Raza.
National Council of Negro Women, Inc.
National Education Association.
National Fair Housing Alliance.
National Federation of Filipino American Associations.
National Gay and Lesbian Taskforce.
National Institute for Latino Policy.
National Korean American Service and Education Consortium (NAKASEC).
National Low Income Housing Coalition.
National Organization for Women (NOW).
National Partnership for Women & Families.

National Puerto Rican Coalition.
National Urban League.
National Voting Rights Institute.
National Women's Law Center.
Native American Rights Fund.
NETWORK: A Catholic Social Justice Lobby.
Organization of Chinese Americans.
Parents, Families and Friends of Lesbians and Gays (PFLAG) National.
People For the American Way.
Poverty & Race Research Action Council.
Presbyterian Church (USA).
Project Equality.
Protestants for the Common Good.
Puerto Rican Legal Defense and Education Fund.
RainbowPUSH.
Service Employees International Union.
Sikh American Legal Defense and Education Fund.
Southeast Asia Resource Action Center (SEARAC).
Southwest Voter Registration Education Project.
The Interfaith Alliance.
The Massachusetts Latino Political Organization.
The Workmen's Circle/Arbeter Ring.
Unitarian Universalist Association of Congregations.
United Auto Workers.
United Methodist Church, General Board of Church and Society.
United Steelworkers.
William C. Velasquez Institute.
YKASEC—Empowering the Korean American Community.
YWCA USA.

LABORERS' INTERNATIONAL UNION
OF NORTH AMERICA,
July 11, 2006.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 700,000 members of the Laborers' International Union of North America, I strongly urge you to support the reauthorization of the 1965 Voting Rights Act. Failure to pass a clean reauthorization of this key civil rights legislation will remove critical protections which protect voters from discrimination and disenfranchisement.

The House Judiciary Committee, passed the reauthorization with strong bipartisan support. By passing this clean extension of the "Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, H.R. 9" the House will be safeguarding voters' rights.

It is especially important that the House retain language which ensures that states and counties get federal approval before changing election laws and procedures, to provide language assistance to citizens, and provisions which protect the Attorney General's authority to monitor and observe elections. Renewal of these vital pieces of the Voting Rights Act is necessary to protect minority voting and to allow full participation by minorities in the voting process.

In order to protect the rights of all voters, we urge you to support a clean reauthorization of H.R. 9, and to oppose any amendments that might weaken the bill's historical protections by allowing discriminatory practices to occur or by putting up political barriers at the voting booths.

With kind regards, I am

Sincerely,

TERENCE M. O'SULLIVAN,
General President.

DEPARTMENT OF SOCIAL
DEVELOPMENT AND WORLD PEACE,
Washington, DC, June 12, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On behalf of the United States Conference of Catholic Bishops (USCCB), I write to urge prompt action on the House floor for HR 9 The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. This important legislation was reported to the House by the Judiciary Committee under the leadership of Chairman Sensenbrenner with overwhelming bipartisan support. As a co-sponsor of the bill, you know that reauthorizing the Voting Rights Act is necessary to preserve and protect the right to vote for all Americans. Under your leadership this vital legislation can be brought to a timely vote in the House of Representatives.

The Catholic bishops have a longstanding commitment to civil rights, including the right to vote. "No Catholic with a good Christian conscience can fail to recognize the rights of all citizens to vote," wrote the Administrative Board of the National Catholic Welfare Conference (predecessor of the USCCB) in 1963. Portions of the Voting Rights Act were last renewed in 1992, with the support of the USCCB. The USCCB has continually emphasized the importance of voting and the right and responsibility of each citizen to vote, and has encouraged dioceses, parishes and other Catholic institutions to participate in non-partisan voting registration efforts.

The right to vote is essential to our democracy and HR 9 protects this right. I know that you are committed to timely Congressional action to renew and restore this vital law and I commend you for your leadership in co-sponsoring The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. Please use every resource to bring the bill up for consideration in the House of Representatives as soon as possible.

Thank you for considering my request.

Sincerely,

MOST REV. NICHOLAS DIMARZIO,
Bishop of Brooklyn,
Chairman, Domestic Policy Committee.

JUNE 21, 2006.

F. JAMES SENSENBRENNER, Jr.,
Chairman, Judiciary Committee, House of Representatives, Washington, DC.

JOHN CONYERS, Jr.,
Ranking Member, Judiciary Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER AND RANKING MEMBER CONYERS: I write today to express my strong support for a clean reauthorization of the Voting Rights Act. I urge you to oppose both amendments that will be offered to the bill on the floor today. Those amendments would weaken the Voting Rights Act and take it away from its original purpose and intent.

This bill, appropriately named to honor civil rights legends Fannie Lou Hamer, Rosa Parks and Coretta Scott King, is a powerful statement of America's continuing resolve to put racial discrimination on the ash heap of history.

The Voting Rights Act is a national treasure. It is the cornerstone of civil rights legislation. This law has been, historically, the product of broad bipartisan support. You deserve to be commended for once again facilitating broad consensus through hard work, research of the facts, and a spirit of unity.

It is vital that the bipartisan consensus achieved by the Judiciary Committee be preserved as this legislation is considered in the House today. I strongly urge all Members to support the work of the Committee and this carefully crafted, bipartisan bill.

Sincerely,

J.C. WATTS, Jr.

JUNE 6, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT AND MINORITY LEADER PELOSI: On behalf of the undersigned organizations and our members nationwide, we write to urge expedited consideration of legislation to reauthorize expiring provisions of the Voting Rights Act. Section 5, Section 203 and Sections 6 through 9 of that Act help protect the right of every eligible citizen to vote without discrimination. These safeguards must not be permitted to expire and reauthorization is a key legislative priority for our organizations during the 109th Congress.

The Voting Rights Act is rightly considered one of our nation's most effective civil rights laws and has strengthened the protections of the Fifteenth Amendment of the Constitution. In the 41 years since its initial passage, the Voting Rights Act has enfranchised millions of racial, ethnic, and language minority citizens by breaking down barriers to their political participation. It has helped to build inclusive communities by ensuring that all citizens have an opportunity to participate equally in the electoral process.

Three key provisions of the Voting Rights Act are set to expire on August 6, 2007. Section 5 requires jurisdictions that previously maintained a voting test or device that coincided with low voter registration and turnout to "preclear" changes in their voting practices or procedures with the U.S. Department of Justice. Section 203 requires jurisdictions with a concentration of Native American, Alaskan Native, Asian, or Hispanic voters with limited English proficiency to provide language assistance; and Sections 6–9 authorize the U.S. Attorney General to appoint federal election observers to document and deter unlawful conduct.

These sections have had the cumulative effect of reducing and preventing racial and language discrimination against a significant number of citizens and have helped increase minority participation in elections for candidates at all levels of government. While substantial progress has been made since passage of the Voting Rights Act in 1965, it has not yet resulted in the elimination of voting discrimination. Congress must renew the enforcement provisions of the Voting Rights Act.

Enforcement alone, however, is insufficient to fully protect minority voters from discrimination and promote access to the electoral process. Achieving the purposes of the Voting Rights Act requires an ongoing partnership among all levels of government and investment of resources to fully integrate minority voters into our electoral process and break down barriers to participation. This is not an exclusive duty of state and local officials; the federal government should provide necessary funding and technical assistance to assist states, counties and cities in improving the effectiveness of outreach and assistance to minority voters and to assist in meeting the needs of all voters who require assistance to participate in our democracy.

We urge you to promptly renew the expiring provisions of the Voting Rights Act. Further, we look forward to working with you and other members of Congress as well as the Election Assistance Commission and the U.S. Department of Justice in an ongoing commitment to improving participation in our democratic process and meeting the needs of minority voters.

We thank you for your leadership on this issue.

Sincerely,

Council of State Governments, Jim Brown, 202–624–5460/jbrown@csg.org.

National Conference of State Legislatures, Susan Frederick, 202–624–3566/susan.frederick@ncsl.org.

National Association of Secretaries of State, Leslie Reynolds, 202–624–3525/reynolds@sso.org.

National Association of Counties, Alysoun McLaughlin, 202–942–4254/amclaughlin@naco.org.

National League of Cities, Jimmy Gomez, 202–626–3101/gomez@nlc.org.

U.S. Conference of Mayors, Larry Jones, 202–861–6709/ljones@usmayors.org.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Ladies and gentlemen of the House, this is a historic debate that the world is watching.

If I might just take a moment to stroll down memory lane, it was on January 7, 1965, that I was administered the oath of office to the House of Representatives. It was on February 9, 1965 that we debated the Voter Rights Act of 1965. And I pulled up some of the hearings and my modest participation in that.

Strewn throughout the CONGRESSIONAL RECORD of February 9, 1965, are the names of Lyndon Johnson, President; Speaker John McCormack of the House of Representatives; Emanuel Celler, chairman of the Judiciary Committee, and I am the only Member of the House who has the proud distinction of having been on the Committee on the Judiciary at the time we considered this very historic piece of legislation.

So I take this time to thank three people. One is the chairman of this committee, JIM SENSENBRENNER of Wisconsin, for whom I am very grateful for the cooperation that brought us together in a way we would have never come together before in the original bill and in 1970, 1975, 1982, and 1992. We worked out an agreement with the House leadership, both sides of the aisle, in a very important way.

☐ 1145

And then I want to thank the gentleman from North Carolina (Mr. WATT), who is a member of that committee, but more so as the chairman of the Congressional Black Caucus for the great job that he did. Chairman of the subcommittee CHABOT from Ohio did a wonderful job in holding 12 hearings, with 47 witnesses; and Mr. NADLER, the ranking member there; and many other Members who took time to come to the committee to participate, to listen to the hearings, and frequently participate in the interrogation of these witnesses.

In addition, the chairman of this committee and myself have gone before the Senate Judiciary Committee to bring to them the large amount of work that we have produced here. And so I come into the well with these memoirs and experiences making me feel very proud about what we are about to do today.

And though there is much to celebrate, efforts to suppress or dilute minority votes, let's face it, are still all too common. I am proud of the progress we have made, but the record shows that we haven't reached a point where the particular provisions in the act should be allowed to lapse, as some few may have you believe, and that is what we are going to be debating about today.

With respect to section 5 and the covered jurisdictions, and that trigger in section 4 that the gentleman from Georgia is adamant about expanding, we found continuing patterns of discrimination in voting as evidenced by adverse section 2 findings, section 5 objections, and withdrawals of section 5 submissions after requests for more information from the Department of Justice. And I just hope we can get the Department of Justice to more forcefully intervene into some of the cases that have been piling up.

Now, with respect to section 203, we received substantial testimony from the advocacy community and the Department of Justice, supported by the litigation record, that language minorities remain victims of discrimination in voting. That is not hard to figure out why. It is hard enough for us English speakers to figure out what is on these ballots, much less to ask people who are very new and still assimilating to the language. Sure, they speak English, but they need help. And if they do, we find it is not costly for them to get the assistance that we have provided under the law.

We found in 1982 a straight reauthorization of the act would not be sufficient to protect the rights of minority voters. Several Supreme Court cases have had the effect of clouding the scope of section 5 coverage, and so we have amended the act to restore its vitality. We correct Reno v. Bossier by once again allowing the Justice Department to block voting changes that had an unconstitutional discriminatory purpose. Thanks to the Committee on the Judiciary for having the testimony that made it clear that this had to be done.

We have clarified Georgia v. Ashcroft, making it clear that influence districts are not a substitute for the section 5 districts where the minorities have an ability to elect candidates of their choice.

These amendments are critical to the restoration of the Voting Rights Act, and so we urge your support for the bill reported by the Congress. And we want you to know that we have carefully considered in the committee the four amendments that have been added over and above the collective work and agreement of Members of both sides of the aisle. Do not accept any of these amendments.

I beg you, in the tradition and spirit of those in the Congress that have gone before us to fight for civil rights, who fought for the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the tens of thousands of people in civil rights organizations, many who have suffered, and there will never be a record in the Congress about it, but a lot of pain and suffering has been the price of us coming this far. We cannot afford to go back at this point.

So I urge my colleagues to make this a day of distinguished continuation of American history for the rights of every citizen to cast his ballot as a voter so that the Voting Rights Act remains the crown jewel of constitutional democracy of this country.

I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Committee on Government Reform and Oversight, the gentleman from Virginia (Mr. DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today in support of the Voting Rights Act authorization. I will be inserting for the RECORD a letter from the Governor of the Commonwealth of Virginia, Tim Kaine, supporting the act as written.

It is an unfortunate fact of our history that there were once entrenched practices that served to deny minorities their franchise. Such systematic discrimination cannot stand in a country founded on the promise of freedom and equal protection under the law.

Some argue that those times have passed, that there is no need to reauthorize the law. But the committee held over a dozen hearings on this and found out that there are still discriminatory practices around the country. Forty-one years ago, I thought our predecessors in the Congress put this issue to rest. They determined this legislation was the best method by which to ensure the one-man, one-vote principle would be a reality.

Much has been said about the onerous nature of certain provisions of section 5. My State, the Commonwealth of Virginia, in its entirety, is covered by section 5 in the original Voting Rights Act. But we are also the only State to have jurisdictions that have exercised their right to bail out under section 5.

In order to bail out, a jurisdiction must have been in full compliance with the preclearance requirements for 10 years. It can have no test or device to discriminate on the basis of race, color, language, or minority status, and no lawsuit against the jurisdiction alleging voter discrimination can be pending. Eleven jurisdictions, some of which are in my district, have bailed out successfully. More jurisdictions should and will follow suit. I have been assured by civil rights leaders they will support bailouts where appropriate, where jurisdictions can meet the basic requirement.

I would like to note that the justification for the continuing of this act is not based solely on old data, that, in fact, hearings have been held; and I think the record is complete showing the continued need for this.

Section 5 is important because it is still being used today to prevent changes in the law which would adversely affect minorities. In fact, section 5 has been used more since 1982 than it was used before 1982. We have come a long way in the Commonwealth of Virginia and in America generally, but that doesn't mean there still isn't more work to be done.

I congratulate the chairmen and the ranking members for working on this very bipartisan bill and urge its support.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, July 12, 2006.

Hon. TOM DAVIS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DAVIS: I am writing to express my strong support for S. 2703 and H.R. 9, the Senate and House versions of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

Unfortunately, the Voting Rights Act (VRA) is as necessary today as it was when Congress enacted it. The VRA continues today to serve to protect and guard against discriminatory practices in elections and protects the rights of minority voters. While the nation has dramatically changed over the years, instances of discrimination still exist.

Section 5 of the VRA requires jurisdictions with a history of discrimination to have their voting laws and regulations pre-approved (or "pre-cleared") by the federal government or a federal court before they may be changed. In my experience as Mayor of Richmond as in my positions with state government, I have found that the preclearance requirements are not onerous, and in fact provide a useful venue for public input into significant changes in election law.

The VRA's minority language provisions serve to remove language as a barrier to political participation, and to prevent voting discrimination against law-abiding, productive members of society. Section 203 does this by requiring certain jurisdictions provide language assistance to citizens who are not yet fully proficient in English when voting.

While no jurisdictions in Virginia yet meet the statistical thresholds set out in Section 203, by 2010 Arlington, Alexandria, or Fairfax County may meet one or more of these formulas. Arlington and Fairfax County, with their considerably significant Spanish populations, already voluntarily provide voter information in Spanish. This is especially important for individuals wishing to make informed voting decisions on bond referendums and constitutional amendments. The Virginia State Board of Elections also works with the Virginia Press Service to provide the explanations of the Constitutional Amendments to all minority newspapers in the state. The SBE also recommends that the papers publish the explanations in the language of their constituencies.

Please vote to reauthorize the VRA, including Sections 5 and 203, without amendment, when it comes to the floor. Let us work together, both federally and within the Commonwealth, to continue to protect the rights of all voters.

Sincerely,

TIMOTHY M. KAINE,
Governor.

Mr. CONYERS. Mr. Chairman, I now recognize the gentleman from North Carolina (Mr. WATT) for 7 minutes, but I must point out that not only as the chairman of the Congressional Black Caucus during the more than 1 year we have been working on the legislation, he was also an able member of the Subcommittee on the Constitution of the Judiciary Committee. And for those two reasons, we are deeply grateful to the contributions that he has made that has brought us to the floor today.

Mr. WATT. Mr. Chairman, there are a number of people who deserve special thanks and accolades today, but I want to point out three of them who are in our midst.

First, I want to commend the efforts of Representative JOHN LEWIS, now a Member of Congress, who shed his blood on Bloody Sunday so that the original 1965 Voting Rights Act would be passed.

I want to pay special recognition to my good friend and ranking member, JOHN CONYERS, who in 1965 was here, in 1970 during the first renewal, in 1975, 1982, and 1992 he was here. And we suspect 25 years from now he will be here for the next renewal of the Voting Rights Act, if in fact it is required.

I want to pay an extra special thanks to the chairman of our committee, Representative JAMES SENSENBRENNER, who I believe will go down in history as a warrior who supported, defended, extended, and made real our democracy in this country, and he deserves our supreme thanks.

I rise today in unwavering support of H.R. 9. The bill is the product of a long-term, thoughtful, and thorough bipartisan deliberation that carefully weighed the competing concerns and considerations that have engulfed debate on the Voting Rights Act since its inception. The act has been extended on four occasions, making it arguably the most carefully reviewed civil rights measure in our Nation's history.

H.R. 9 continues that practice of careful review, accompanied by extensive record evidence in support of its provisions. I am proud to have been a part of the bipartisan coalition that crafted this legislation and believe that it strengthens the very foundation of our democracy.

H.R. 9 restores the Voting Rights Act to its original intent to secure and protect the rights of minority citizens to participate equally in voting. The bill bars voting changes that have the purpose of discriminating against minority citizens, and it restores the ability of minority communities to elect candidates who share their values and represent their interests as originally intended by Congress.

Now, there are those who argue that the Voting Rights Act has outlived its usefulness, that it is outdated, and that it unfairly punishes covered jurisdictions for past sins. Yet I stand here today as living proof of both the effectiveness of and the continuing need for the Voting Rights Act.

I stand here on the shoulders, in the aftermath and in the history of George H. White, who rose on the floor of Congress in 1901, January 29, as the last African American in the Congress of the United States after Reconstruction when he said, "This, Mr. Chairman, is perhaps the Negroes' temporary farewell to American Congress; but let me say, Phoenix-like he will rise up some day and come again." And he was right. But it took a long time.

You need to understand that that was not delivered in a vacuum. Listen to what happened leading up to that election. In Halifax, the registered Republican vote was 345, and the total registered vote of the township was 539. But when the count was announced, it stood 990 Democrats to 41 Republicans. 492 more Democratic votes counted than were registered in that city.

□ 1200

There was discrimination taking place, and I am the witness to it.

The Voting Rights Act had been in effect just shy of 30 years in 1992 when I and former colleague Eva Clayton became the first African Americans elected to Congress from the State of North Carolina since George H. White delivered that speech in 1901. Put plainly, nearly three decades elapsed after the passage of the Voting Rights Act before the impact of the Voting Rights Act became real in North Carolina.

We should be clear: although the successes of the Voting Rights Act have been substantial, they have not been fast and they have not been furious. Rather, the successes have been gradual and of very recent origin.

Now is not the time to jettison the expiring provisions that have been instrumental to the success we applaud today. In a Nation such as ours, we should want and encourage more Americans to vote, not fewer.

The Voting Rights Act and the renewal and restoration contained in H.R. 9 facilitate those very goals. By breaking down entrenched barriers to voter equity, this bill invites, inspires, and protects racial and language minority citizens' full and equal participation in the governance of our Nation. We must not fear that participation; we must embrace and celebrate it instead.

Upon the introduction of the Voting Rights Act in 1965, President Lyndon Johnson noted that the Voting Rights Act is like no other piece of civil rights legislation because "every American citizen must have an equal right to vote." "About this," he said, "there can and should be no argument."

Make no mistake, voting is democracy's most fundamental right. Undermining the right to vote is a fundamental wrong, one that must be eliminated.

Mr. Chairman, a Congress with far fewer African Americans, Latinos, and Asians Americans passed the Voting Rights Act of 1965 because the right to vote had been denied for too long. Congress made a moral decision that it was the right thing to do for our democracy. It is time for us to reaffirm that decision by passing H.R. 9 without amendment today in this House. I ask my colleagues to stand up and make a moral statement that democracy lives in the United States of America.

Mr. SENSENBRENNER. Mr. Chairman, I yield 8 minutes to the chairman of the Subcommittee on the Constitution, who held all of these hearings to show why this legislation is necessary, the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I want to thank Chairman SENSENBRENNER and Ranking Member CONYERS for their leadership in getting us to where we are today.

Mr. Chairman, the right to vote is one of the most fundamental and essential rights that we have as citizens. Free, prosperous nations like ours can't exist without ensuring the right of every citizen to vote. It is the cornerstone of democracy and the centerpiece of the Constitution.

Clearly, the right to vote is important to all of us, regardless of our race, religion, or ethnicity. This is reflected in the protection afforded by the 15th amendment which states: "The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

To protect these rights, our government must ensure that elections in the country reflect the will of the people. The Voting Rights Act is an important part of that guarantee.

The Voting Rights Act is now 40 years old. It is viewed as one of the most significant pieces of legislation to address voting rights. It was enacted after the march from Selma to Montgomery, Alabama, erupted in violence, and that march is now referred to as Bloody Sunday.

President Johnson then pledged to address the issue, and 5 months later the Voting Rights Act was adopted by the Congress of the United States. In his address to Congress, President Johnson stated: "The Constitution says that no person shall be kept from voting because of his race or color. We have all sworn an oath before God to support and defend the Constitution. We must now act in obedience to that oath."

As elected officials of this body, we must now act again to continue to uphold that duty and ensure that the protections guaranteed in the Constitution are afforded to all citizens regardless of skin color.

For that reason, we have given this issue more time and more attention than any single issue since I became chairman of the Subcommittee on the Constitution of the Judiciary Committee 6 years ago.

Starting in October last year, the Subcommittee on the Constitution held 12 hearings and heard testimony from 47 witnesses to examine the reauthorization of the Voting Rights Act, and we generated more than 12,000 pages of testimony. Our goal was to be flexible, fair, inclusive, and perhaps most importantly, bipartisan, because as Mr. CONYERS eloquently stated near the end of our hearings, civil rights need not be a partisan issue.

Mr. Chairman, it is important to note that we examined in great deal each of the temporary provisions of the Voting Rights Act currently set to expire. The extensive testimony from a large number of diverse organizations demonstrated a clear need to reauthorize the Voting Rights Act.

With regard to section 5 and section 203, we held multiple hearings to ensure that all of the relevant issues were examined and that they were also addressed. This past March, we held another hearing to incorporate into the record a series of State and national reports that provided additional documentation about the continuing need for the Voting Rights Act's temporary provisions.

Today, we have before us H.R. 9, the Voting Rights Act Reauthorization and Amendments Act of 2006, the product of the Committee on the Judiciary's work over the last 8 months.

I would like to thank my colleagues and those organizations who have worked with us from the start for their dedication to get us where we are today. Without a commitment by all interested parties to openness and cooperation, we would not be in a position to reauthorize this historic legislation.

As has been stated, H.R. 9 extends the temporary provisions of the Voting Rights Act for an additional 25 years. In addition, the legislation makes changes to certain provisions, including restoring the original purpose of section 5. In reauthorizing the temporary provisions, the committee heard from several witnesses who testified about voter discrimination in covered jurisdictions.

It is also important to take a minute to touch on the constitutional questions regarding the reauthorizations of the temporary provisions. The Supreme Court in South Carolina v. Katzenbach and later in the City of Rome v. United States upheld Congress's broad authority under section 2 of the 15th amendment to use the temporary provisions to address the problem of racial discrimination in voting in certain jurisdictions. With H.R. 9, Congress is simply using its authority under section 2 to ensure that every citizen in this country has the right to vote.

In addition to reauthorizing, the committee found it necessary to make certain changes to ensure that the provisions of the Voting Rights Act remain effective. For example, testimony received by the committee indicates that Federal examiners have not been used in the last 20 years, but Federal observers continue to provide vital oversight. H.R. 9 strikes the Federal examiner provision while retaining the authority of the Attorney General to assign Federal observers to cover jurisdictions over the next 25 years.

In addition, H.R. 9 provides for the recovery of expert costs as part of the attorneys' fees. This change brings the Voting Rights Act in line with current civil rights laws, which already allow for the recovery of such costs.

H.R. 9 also seeks to restore the original purpose to section 5. Beginning in 2000, the Supreme Court in Reno v. Bossier Parish, and later in 2003, in the case of Georgia v. Ashcroft, issued decisions that significantly altered section 5. H.R. 9 clarifies Congress's original intent with regard to section 5.

Mr. Chairman, as we continue to face threats from terrorists bent on destroying democracy in the free world, every Member of Congress and every freedom-loving person in the world recognizes the power of the right to vote. Again and again, we have seen how people are forced to live in countries without democracy and without freedom. That is why our commitment to self-government, freedom, and liberty continues to set an example for the rest of the world. That is why our efforts to continue to protect every citizen's right to vote are so important, and that is why we must support the legislation which is before us today.

Mr. CONYERS. Mr. Chairman, I yield to the gentleman from Maryland (Mr. CARDIN) for a unanimous consent request.

Mr. CARDIN. Mr. Chairman, I rise in strong support of the Voting Rights Act Reauthorization for 25 years and against any of the amendments, and I urge my colleagues to support the legislation.

Mr. Chairman, I rise in strong support of this legislation which I have cosponsored.

The Voting Rights Act (VRA) of 1965 seeks to ensure that all Americans—regardless of race, ethnicity, language spoken, or disability—have the right and the opportunity to vote. The VRA seeks to implement the guarantee of the Fifteenth Amendment to the Constitution, which was adopted by Congress and the states after the Civil War during Reconstruction.

The 15th Amendment to the Constitution, ratified 136 years ago, provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." For nearly a century thereafter despite this clear language, millions of minorities were denied full participation in the electoral process through the notorious Jim Crow laws. Not until Congress enacted the Voting Rights Act of 1965 did this country begin to genuinely fulfill its commitment to this most fundamental right.

Today, over 40 years after President Lyndon Johnson gathered with prominent civil rights leaders to sign the Act into law the VRA continues to play a critical role in guaranteeing that every American may enter the polls and have their vote count.

This country has come a long way since the original enactment of the VRA. In many of the districts and states that had previously blocked African-Americans from the polls, African-Americans and whites now vote in nearly equal numbers. The great-grandchildren of slaves now hold elected offices across the country.

Our work, though, is not complete. Committee testimony on this bill reminded us that efforts to disenfranchise remain. While the most egregious impediments to full voting have been eliminated, many more subtle, yet still insidious impediments remain. The VRA ensures our vigilance towards continued efforts to disenfranchise minority voters.

In the last few elections in Maryland, for example, minority voters have continued to face intimidation and fraud, and poll workers have improperly turned away voters and refused to let them cast provisional ballots For example, in 2002 flyers were distributed in some African-American neighborhoods in Baltimore City urging people to vote on the wrong day, and warning them to pay parking tickets and overdue rent before they tried to vote.

While the VRA was born in the Civil Rights Movement of the 1960s, the Act has evolved with our society through regular amendments and renewals. In 1970, 1975, 1982, and 1992, the VRA was amended and extended. Each renewal by Congress was a confirmation of the continued need and effectiveness of the VRA's tools.

Today, this Congress again uses it power to enforce the 15th Amendment. We must renew the VRA to continue to protect the rights of minority voters.

The reauthorization of the VRA properly extends scrutiny in the form of federal examiners and observers who watch over the operations of elections around the country, while providing for the termination of examiners where appropriate. Examiners and observers have studied and monitored the mechanics of thousands of elections to ensure that legitimate votes are counted and eligible voters are not turned away.

Reauthorization facilitates continued enforcement of Section 4 "preclearance" procedures that review changes to election law to ensure that such changes do not adversely effect minorities. Preclearance creates a procedure to ensure that election law changes and redistricting do not discriminate against minority voters. Preclearance provides an added level of protection in jurisdictions where election laws had previously been abused. I am pleased that this legislation overturns two recent Supreme Court decisions that weakened the preclearance provisions of the VRA.

I will oppose any amendments calling for a new formula for Section 4 preclearance procedures. The applicability of the VRA does not need to be recalculated by the Congress. The original formula for determining which states and municipalities are covered by Section 4 has functioned well for 40 years. More importantly, the criteria for "bailing out" of Section 4 is reasoned, precise, and attainable. The law allows for states to graduate from the VRA's constraints when clear evidence is offered that the state or municipality retains no lingering obstructions to electoral participation by minority voters.

Finally, reauthorization promotes access to the polls by limited-English speakers. It is crucial that new citizens be afforded all the rights and privileges of the Constitution. Citizens with limited-English speaking abilities should not be disenfranchised.

In Maryland, for example, the bilingual provisions of the VRA are absolutely critical. In 2002, in Montgomery County, Maryland, the County Board of Elections received notice that recent demographic data regarding the growth of the Hispanic population indicated the county would need to abide by Section 203 of the VRA. The election staff complied with the VRA and converted signs, documents, and ballots to be bilingual. Many of Montgomery County's 122,000 Hispanic residents benefited from the assistance. In the future, other language minorities in Maryland (such as Asian-Americans) may need the assistance the VRA prescribes.

I will also oppose efforts to reauthorize this law for less than the full 25 years. I urge my colleagues to vote in favor of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on the Constitution, who has worked in an indefatigable manner to bring us to this point on the legislation with no amendments, and I am very proud of the service he has given the committee.

Mr. NADLER. Mr. Chairman, today we will vote on the most fundamental of American values, the right to cast a meaningful vote in a free and fair election. We have declared to the world that this is what we stand for. It is what we have insisted other nations do. We have made great progress, but that work is not finished.

It is impossible to review the record without concluding that the Voting Rights Act is responsible for much of that progress, and that it is still necessary and will be for the foreseeable future.

Section 5 is not, as some would argue, a punishment but a remedy. It protects voters from being disenfranchised. It is in place because local governments have a long history of disenfranchising Americans that continues right up to the present time, as the shameful attempts by the States of Georgia and Texas to restrict voting participation, which had to be knocked down by the Federal courts as recently as yesterday, clearly shows.

This makes particularly unfortunate attempts led by some Members from those States to restrict the reach of section 5, and I say that as a representative of New York City, which is also covered by section 5, and should be.

Some would eliminate the English language voting assistance provisions of section 203. The same arguments used to justify literacy tests in prior years are now being recycled to exclude American citizens with limited English proficiency.

I urge my colleagues not to allow a small group to drag this Nation back to the days of Jim Crow voting. If we are to be a beacon of democracy to the world, then we must stand by our own values.

I urge my colleagues to reject these divisive amendments. Do not water down the Voting Rights Act; do not turn our backs on one of the glory pages of this House. Reenact the Voting Rights Act without watering it down.

Mr. SENSENBRENNER. Mr. Chairman, I yield 6½ minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, the Voting Rights Act has a proud and important legacy in my home State of Georgia and across the United States. With minor changes that would modernize the Voting Rights Act and better reflect the reality of what is happening in the 21st century, I would be joining many of my colleagues in voting "yes" today.

But the bill we have before us is fatally flawed. This rewrite is outdated, unfair, and unconstitutional. I cannot support it in its current form.

This rewrite treats Georgia as if nothing changed in the past 41 years. In other words, this rewrite seems based on the assumption that the Voting Rights Act hasn't worked.

As a Georgian who is proud of our tremendous progress and proud of our current record of equality, I am here to report to my colleagues in the House that the Voting Rights Act has worked in my State, and now it is time to modernize the law to deal with the problems of today, not yesteryear.

Mr. Chairman, it is true when the Voting Rights Act was first passed in 1965 Georgia needed Federal intervention to correct decades of discrimination.

Now, 41 years later, Georgia's record on voter equality can stand up against any other State in the Union. Today, black Georgians are registered to vote at higher percentages than white Georgians, and black Georgians go to the polls in higher percentages than white Georgians. One-third of our state-wide elected officials are African Americans, including our attorney general and the chief justice of our Supreme Court. Plus, African American representation in the State legislature closely mirrors their representation in Georgia's population.

But don't just take my word for it on Georgia's progress. Listen to this ringing endorsement from my colleague from Georgia, Congressman JOHN LEWIS, an icon of the civil rights movement. Under oath in Federal court 5 years ago, Congressman LEWIS testified: "There has been a transformation. It's a different State, it's a different political climate, it's a different political environment. It's altogether a different world we live in. We've come a great distance. It's not just in Georgia, but in the American South, I think people are preparing to lay down the burden of race."

If he said that under oath, sworn to tell the whole truth and nothing but the truth, why is he telling the House something different today? The reason he was under oath was because he was testifying in front of the Department of Justice that it was okay for the majority-minority districts in Georgia to be diluted, in direct violation of the Voter Rights Act.

□ 1215

My other friend from Georgia, Congressman SCOTT, voted for that. Though it defies common sense, this rewrite of the Voting Rights Act gives no consideration to any changes that may have occurred since the first law was passed in 1965.

The House is voting today to keep my State in the penalty box for 25 years based on the actions of the people who are now dead. By the end of this renewal, Georgia will have been treated by Federal law as a bad actor for 66 years, Mr. Chairman. To put that in perspective, 66 years ago, FDR was in his second term, and the Japanese were more than a year away from bombing Pearl Harbor.

By passing this rewrite of the Voting Rights Act, Congress is declaring from on high that States with voting problems 40 years ago can simply never be forgiven, that Georgians must eternally wear the scarlet letter because of the actions of their grandparents and great-grandparents. We have repented, and we have reformed, and now, as Fannie Lou Hamer famously said, "I am sick and tired of being sick and tired."

Lastly, this renewal is unconstitutional. In 1966, the Supreme Court of the United States ruled that section 5 of the Voting Rights Act, the section that singles out certain States for Federal oversight, was constitutional only because it was narrowly tailored to fix a specific problem and temporary. You don't have to have a law school degree to know that this rewrite of the Voting Rights Act fails both of those tests. At 41 years, we are already way past temporary. And the application of section 5 is now arbitrary because this House cannot present evidence of extraordinary continuing State-sponsored discrimination in the covered States that is different from the rest of the Nation.

As such, section 5 has served its purpose and is no longer an appropriate remedy in light of today's new voting problems.

The Voting Rights Act represents a grand trophy of great accomplishment for Congress, but after 41 years, the trophy needs dusting. We could have given the trophy a new shine for a new century, but sadly, that didn't happen.

And still this bill states explicitly that my constituents cannot be trusted to act in good faith without Federal supervision. That assertion is as ignorant as it is insulting. I cannot and will not support a bill that is outdated, unfair and unconstitutional.

Mr. CONYERS. Mr. Chairman, I yield 15 seconds to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, let me say to my friend and to my colleague from the State of Georgia, it is true that years ago I said that we are in the process of laying down the burden of race. But it is not down yet and we are not asleep yet.

The Voting Rights Act was good and necessary in 1965 and it is still good and necessary today. So don't misquote me. Don't take my words out of context.

Mr. CONYERS. Mr. Chairman, I am pleased to yield for a unanimous consent request to the delegate from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong support of H.R. 9, to reauthorize the expiring provision of the Voting Rights Act for another 25 years and in opposition to all amendments.

The Voting Rights Act of 1965 is one of the most important pieces of legislation ever passed by this body because it seeks to fulfill the promise of our democracy—the right of every citizen to vote; a promise which sadly today remains unfulfilled. Since the Voting Rights Act was passed 41 years ago, millions of minority voters were guaranteed a chance to make their voices heard in State, Federal and local elections across the country.

Mr. Chairman, the Subcommittee on the Constitution of the Judiciary Committee held more than 10 oversight hearings and assembled over 12,000 pages of testimony, documentary evidence and appendices from over 60 groups and individuals, including several Members of Congress on the continuing need for the expiring provisions of the VRA.

The committee requested, received, and incorporated into its hearing record two comprehensive reports that have been compiled by NGOs that have expertise in voting rights litigation which extensively documented the extent to which discrimination against minorities in voting has and continues to occur.

Mr. Chairman, my constituents in the Virgin Islands hold dear their right to vote as citizens of the United States.

While we have only been able to elect our own local Governors and representative to Congress since 1970 and 1972 respectively, we have been electing members of local legislative council and later legislature for more than 100 years.

Preventing Americans from voting because of race, color, or ethnic origin is repugnant to the democratic process and should always be rejected. I am proud to be able to stand here today on the shoulders of Fannie Lou Haner, Rosa Parks, Coretta Scott King and the other leaders of the struggle to ensure that all Americans have the right, to urge all of my colleagues to support passage of H.R. 9 and to oppose all of the amendments which will weaken the bill.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), an eminent member of the Judiciary Committee, who has done great work on the Voting Rights Act.

Mr. SCOTT of Virginia. Mr. Chairman, in the 40 years since its passage, the Voting Rights Act has guaranteed millions of minority voters the right to vote. As the Supreme Court noted in 1964, "Other rights, even the most basic, are illusory if the right to vote is undermined."

Mr. Chairman, the Voting Rights Act has been effective in eliminating schemes and barriers to the ballot box. But several key provisions of the act are scheduled to expire in 2007. This bill will reauthorize those important provisions. One is section 5, preclearance. It is crucial because it prevents election changes in covered jurisdictions from going into effect before being precleared by the Justice Department as being free from discrimination.

If preclearance expires, an illegal scheme could help somebody win elections. That person would be able to serve until the victims of discrimination come up with the money to file a lawsuit. And then, when the scheme is thrown out, the perpetrator of that crime will get to run with all the advantages of incumbency when they run for reelection. Because of preclearance, illegal plans never go into effect.

All of the States are not covered by section 5, but States which are covered got covered the old-fashioned way, they earned it. They were found to have had a history of implementing barriers and schemes that were effective in denying minorities the right to vote.

Present law has a bailout provision which our hearing record demonstrates works for those who are no longer discriminating.

Another important provision to be reauthorized is section 203 regarding language. It works. When language assistance is available, more people vote. It applies only in jurisdictions when there are enough voters to actually affect an election, so it is important where it applies. The cost of implementation is negligible.

Mr. Chairman, the Voting Rights Act works to ensure the right to vote. We should pass H.R. 9 without amendment.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT), who was permitted to sit in on the proceedings in the Judiciary Committee in the House on the Voting Rights Act.

Mr. SCOTT of Georgia. Mr. Chairman, Mr. WESTMORELAND just very cleverly and deceitfully tried to intone and misuse the words and the actions of two of his colleagues from Georgia, JOHN LEWIS and myself.

It is very important to say that while Georgia has made great progress, I am living example of it, being elected from a district in Georgia that was only 37.6 percent African American. No question about it.

But when you tell the truth, Mr. WESTMORELAND, tell the truth right. Here is the truth of Georgia: Since 1982, Georgia trails only Texas and Alabama in the number of successful section 5 cases, 17, brought against Georgia for failing to submit voting changes for approval to the Department of Justice.

Since 1982, not since 1965, since 1982, Georgia has had 83 section 5 objections to discriminatory voting practices, the fourth highest total of all jurisdictions.

Since 1982, Georgia has withdrawn the submission of 38 discriminatory voting practices to the Department of Justice after it became apparent that the Department was going to object. Since 1982, the Justice Department has deployed Federal observers to 55 times in Georgia.

If there is any State that needs a continuation of the Voting Rights Act, it is Georgia.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would ask Members to abide by the time limits and heed the gavel.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS), an important member on the development of the Voting Rights Act that is before the floor.

Ms. WATERS. Mr. Chairman and Members, I rise today to stand tall for the reauthorization of the Voting Rights Act.

Mr. Chairman and Members, as an African American woman Member of Congress, I consider it my profound and welcome duty to use my voice and my vote to continue the struggle of the civil rights movement to guarantee the right to vote to African Americans and all Americans.

Mr. Chairman, I have a difficult time explaining to African Americans all over this country why the Congress of the United States has to continue to reauthorize the Voting Rights Act. The answer to that question is sad but simple and true. Discrimination.

America, we stand before you today reauthorizing the Voting Rights Act because we have to continue to have safeguards in law to prevent cities, counties, States and other jurisdictions from devising laws, practices, tricks and procedures that impede the right to vote by minorities in this country.

One may ask, what laws and tricks are you alluding to?

Mr. Chairman, in the past, the tricks were poll taxes, literacy tests and voter intimidation. Today, and throughout the years, the laws and tricks have changed but the game is the same: Deny and prevent minorities from exercising the power of selection of candidates and laws by any means necessary.

What are some of these tactics being used today in some jurisdictions in America? Oh, they are tactics like, in Georgia, create the need for an identification card that you have to pay for that is only issued by the State.

In Florida, create databases identifying people as felons, people who have never ever been arrested before, change voting rights laws so that you create at-large districts instead of districts where minorities can be elected from. Minority candidates get elected by districts, and when you create these at-large districts, you eliminate the possibility of their getting elected. Place uniformed guards at polling places to intimidate voters. The list goes on and on.

The Voting Rights Act will guarantee preclearance of these attempted discriminatory acts and, hopefully, deny these kinds of actions.

I ask my colleagues, don't disrespect the civil rights movement. Don't dishonor us. Pass this voting rights reauthorization bill and show the world that America is sincere about democracy.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I rise today to highlight how H.R. 9 could more effectively address the current landscape of voter participation in this country. And I want to point out to my colleague, Mr. SCOTT, my good friend from Georgia, that the Federal observers that he mentioned are actually removed in this bill.

So while the bill may seem sufficient to Members from States that will not be affected by this legislation, I feel compelled to highlight how the standards of this bill can be improved.

In the 1980 city of Rome, Georgia v. United States decision, the Supreme Court reviewed the equal protection objections to the Voting Rights Act as raised by the city of Rome, which is in Georgia's 11th district, my district. While the Court did recognize the inherent inequity of applying section 5 restrictions to some, but not all States, the Court cited lagging African American voter registration and participation in elective office as sufficient justification to uphold the Voting Rights Act, despite concerns of equal protection violations for the States, because at the time the Voting Rights Act was considered a temporary law.

Well, Mr. Chairman, as I mentioned earlier in this debate, Georgia has come a long way in the past 40 years. In 2000, 66.3 percent of black Georgians were registered to vote, compared to 59.3 of white Georgians; 51.6 percent of black Georgians turned out to vote in the 2000 election, compared to 48.3 percent of white Georgians.

We have gone from 30 African American elected officials in 1970 to 582 in 2000. We have four African Americans in Congress, three African American supreme court justices, including the chief justice, and two African Americans elected as statewide constitutional officers, attorney general and labor commissioner.

Since the Supreme Court's ruling in the City of Rome v. United States, Georgia has met the standards laid out by the Court, and as Mr. WESTMORELAND says, should not be penalized because of voter participation in 1961.

Mr. WATT. Mr. Chairman, I ask unanimous consent to control the time temporarily while my colleague has stepped away.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WATT. Mr. Chairman, I yield 15 seconds to the gentlewoman from California (Mrs. NAPOLITANO), the chair of the Hispanic Caucus.

Mrs. NAPOLITANO. Mr. Chairman, I rise as chair of the 21-member Congressional Hispanic Caucus, and call for the reauthorization of the Voting Rights Act.

This bill is about protecting the most basic and significant civil rights for all American citizens, the right to vote. I call on this House to pass the bill.

Mr. WATT. Mr. Chairman, I yield 1¾ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), who is a member of the Hispanic Caucus and a member of the Judiciary Committee.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I rise today to urge my colleagues to oppose all four of today's amendments and pass a clean Voting Rights Act reauthorization.

The four amendments that have been made in order are poison pills. If the two irrational section 5 amendments pass, the VRA's coverage formula would be repealed, and the Department of Justice will spend its time conducting studies in jurisdictions with no discrimination, instead of actively fighting discrimination in jurisdictions with ongoing voting rights violations.

□ 1230

If the mean-spirited section 203 amendment passes, eligible voting-age citizens will be deprived of language assistance and lose the chance to cast an informed, accurate vote for the candidate of their choice.

If the Gohmert amendment passes, jurisdictions will wait out their obligations to end discrimination under the VRA rather than comply with the VRA, which will result in the same kind of widespread noncompliance with the VRA that we sought in the late 1970s.

All of these amendments are inconsistent with the spirit and the intent of the Voting Rights Act. The Voting Rights Act protects the most fundamental right in a democracy, the right to vote; and it is our most powerful tool to help ensure that no American citizen is subject to discrimination at the polls. The Voting Rights Act plays a critical role in fulfilling the promise of American democracy. It has given voice to minority communities, and without it, many black, Hispanic, and Asian American leaders would not be holding elected office today. Passing this bill will also honor the sacrifices of the men and women who died and suffered injuries fighting for equality during the civil rights movement.

That is why reauthorization of H.R. 9 has the support of Republicans and Democrats, Senators and House Representatives, businesses, civil rights groups, editorial boards, and grassroots organizations around the country.

Let us pass H.R. 9 clean by opposing all four amendments offered today and voting "yes" on final passage.

Mr. SENSENBRENNER. Mr. Chairman, I yield 7 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I want to make it perfectly clear. I believe every citizen of this country should be able to vote unencumbered. I believe, actually, that the Voting Rights Act has been and is a good thing and it should be reauthorized. I nor anybody I know is trying to do away with section 5, though I continue to hear it over and over again.

Mr. Chairman, today we battle a phantom that has haunted this Chamber since the day, probably, it was first built. It has stalked us since before we were a Nation. It poured the curse of slavery on our infant Republic. It fed the flames of regional conflict until we suffered the most devastating war in our history. It gave birth to segregation, poll taxes, and literacy tests.

This specter embodies what is perhaps our Nation's original sin: discrimination. It has dunned us with a moral debt that maybe can never be fully paid. I pray that is not the case. But then again, maybe it is only waiting for a generation with the courage to exorcise that demon out of our hearts and out of this land.

Our forebears, in spite of their many blessings that they left us, failed this challenge. They had the chance with Dred Scott and instead decided that slaves were not human beings. They had a second chance with Jim Crow, but instead built a segregated society.

Today, we have a rare chance, and I mean rare, to revisit the fundamental issue, discrimination, that our predecessors avoided dealing with.

Discrimination is the creation of laws or systems that deny a person the same rights enjoyed by their fellow human beings, not because of what they do but because of who they are. In 1965 that meant white people in many areas of this country, and especially in my beloved South, set up legal hurdles that kept people of color from voting. Not because of what they did, but simply because of who they were.

The Voting Rights Act, passed by this House in 1965, stopped that practice. It did so by temporarily denying the voters of my State and others their constitutional right to determine election practices without Federal interference.

This harsh measure, known as section 5 oversight, was not discrimination. It was not laid on these jurisdictions because of who they were, but because of what they did. Now, this is a profound point. Forty years later there is not a single member of my State legislature who served in 1964, particularly the Democrats, under those discriminatory laws. Seventy percent of today's Georgians did not live in Georgia in 1964. They are either dead or have moved away under these discriminatory laws. They were either unborn or have since moved perhaps somewhere else.

Yet H.R. 9 would leave all these people, who have committed no wrong, with diminished election rights. Not because of what they do, but because of who they are. This is blatant discrimination based on nothing more than where we live.

All who dwell on a particular type of soil, section 5 soil, now have their constitutional rights curtailed. Is the Earth beneath our feet guilty of the crimes of man? Does it then condemn all who trod on our soil? That is the contention of H.R. 9, as it ravages the rights of the innocent, those whose only offense is in where they live.

Unlike H.R. 9, the Voting Rights Act did not condemn the righteous with the wicked. It reserved its penalties only for those jurisdictions where offenses had occurred and only until those injustices were corrected. It was not a life sentence and certainly not a sentence on those yet unborn.

Georgia now outperforms the Nation, outperforms the Nation, in every area of black voting: turnout, registration, the success rate of black candidates in our State. Yet H.R. 9 turns a blind eye to these facts and seeks to let the innocent continue their punishment for another quarter of a century.

Mr. Chairman, either we restore their voting rights to equality, or the Supreme Court will be forced to do it for us. And the Court will do so in ways far more damaging to section 5 than any reasonable amendment that I am going to bring later today that we could devise.

The days of allowing the ghost of the past to discriminate against the living are and should be coming to an end. Our choice today is whether it will end through carefully crafted amendments or will it be through the judicial act. All we are trying to do is change section 5 so that every citizen in this country, whether you are from Tennessee, whether you are from Wisconsin, have the same equal rights that minorities in Georgia have.

And when you get time, look at these maps. On the right it shows you everybody that is in white is not under section 5. If you are in a color, you are under section 5. Everybody on the map on the left covers 39 States that actually have been guilty of section 4 of the Voting Rights Act. I do not understand how you can go home and you can say you are all for equal rights, fair rights, protections for voters in Georgia, but it is not all right to have those same protections in Tennessee or in Arkansas or in Wisconsin or Ohio. What is wrong with looking at the whole Nation? Everybody is not going to go under it. Everybody is not going to break section 5 formula. But others are besides just us. And on that map Georgia stays under section 5, and I hate it. I wish we were not. Ten counties might get out, but they can only get out for 4 years. The Attorney General is going to be requested to look at it every 4 years and all across the country, including Ohio and including Florida. What is wrong with that? I fail to understand why anybody would find fault.

You say that we have had so many objections, meaning Georgia. I promise you an objection does not automatically mean discrimination. We have had five objections since 2000. One of them came from a majority black city council, and it was thrown out. That puts us in the penalty box for another 10 years.

Let me quote what my good friend JOHN LEWIS said in an affidavit:

> The State (Georgia) is not the same State it was. It's not the same State that it was in

1965 or in 1975 or even in 1980 or 1990. We have changed. We have come a great distance. I think that it's not just in Georgia but in the American South. I think people are preparing to lay down the burden of race.

Clearly JOHN is proud of Georgia's progress, as am I.

Congressman LEWIS is not alone in recognizing progress.

Here's how my State's African American Attorney General Thurbert Baker testified before a Federal three judge panel in 2001.

The State's (Georgia) racial and political experience in recent years is radically different than it was 10 or 20 years ago, and that is exemplified on every level of politics from statewide elections on down. The election history for legislative offices in the Georgia House, Senate, and the United States Congress reflect a high level of success of African American candidates.

But this is more critical. The Judiciary Committee record seems to show that the problems that do continue to exist occur across the Nation, not just the States in the covered jurisdictions.

So why isn't the Judiciary Committee going after these current potential violations instead of dwelling on those from four decades ago?

Since 1965, there have been 83 Department of Justice objections raised to voting changes in Georgia.

And here's a critical point for the record—a DOJ objection does not equal guilt.

DOJ itself withdrew 14 of those 83 objections.

When my State tried to satisfy one of those objections in drawing congressional districts, the district lines demanded by DOJ objection were then thrown out by the Supreme Court. So objection does not equal violation.

Fifty-five of the 83 objections were in the first 10 years as the act was being implemented, leaving 28 objections between 1975 and now.

Only seven objections have been stated since 2000, well within national averages. And again, an objection is not a violation.

It's now been 40 years since the Voting Rights Act took effect. Georgia has a higher percentage of black elected officials than the overwhelming majority of States not included in Section 5 Federal oversight.

Yet the Federal oversight continues.

Nationwide, there are 9,101 black elected officials. Blacks make up 11.4 percent of voters, and 1.8 percent of elected officials.

In contrast, Georgia has 611 black elected officials. Blacks make up 26.6 percent of our population, and 9.3 percent of elected officials.

That's more than double the level of black representation of the Nation as a whole.

Black elected officials make up 20 percent of our State House and Senate members, and 30 percent of our members to the U.S. House.

Georgia has a black Attorney General, elected by voters statewide. Georgia has a black Supreme Court Justice.

Georgia and the South now lead the Nation in civil rights achievements, putting to shame the record of those States who continue to point their hypocritical fingers at the grave of Bull Connor.

Yet Georgia remains on the Federal oversight list, while States with a fraction of our percentage of black elected officials per capita remain oversight free.

If Georgia remains on that list without modification, then the majority of the people of a State, who have committed no offense to minority voter rights, whose legislators have committed no offense to minority voter rights, whose State has one of the highest levels of minority elected officials in the Nation, will have their State's constitutional right to determine political boundaries and election rules usurped without justification.

That's a clear-cut violation of the U.S. Constitution. And it's voter discrimination against every Georgian.

Connecticut, Idaho, Maine, Massachusetts, and Wyoming were included in 1970, but successfully filed "bailout" lawsuits that allowed them to get off the list, because no one had a political reason to object.

To successfully file a bailout, the State must prove that during the past 10 years no scheme such as poll taxes or literacy tests have been used; all changes affecting voting have been reviewed prior to their implementation; no change has been the subject of an objection by the Attorney General or the District of Columbia district court; there have been no adverse judgments in lawsuits alleging voting discrimination; there are no pending lawsuits that allege voting discrimination; and Federal examiners have not been assigned.

As can easily be seen, a simple accusation will keep a State off the bailout list for 10 years at a time.

DOJ can file an objection, then withdraw it, and that's all that's necessary to keep Georgia under Section 5 another 10 years.

There must be a more lawful means for the citizens of Georgia to regain voting rights equality with the rest of America.

Later today I will bring an amendment to ensure that all Americans will have equal protection under the Voting Rights Act.

Under this amendment, minority voters nationwide will have access to the same Section 5 protections, if there has been a violation of their rights.

At the same time, all voters across America will be treated the same if there has been no violation in the last 12 years.

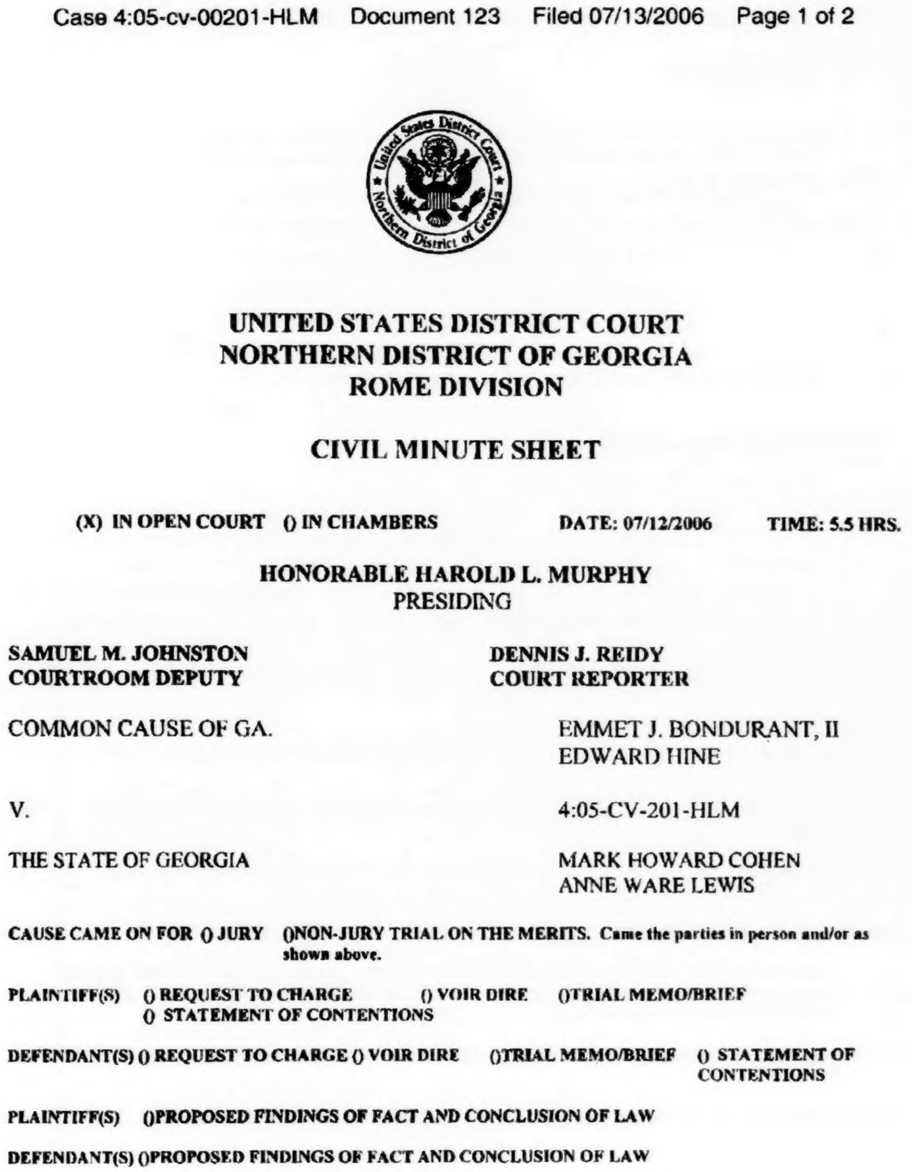
With this amendment, the Voting Rights Act will be restored to its original intent—to end unjust discrimination in Voting Rights, for all Americans.

This amendment provides lawful means to win release from Section 5, while expanding minority voting rights protections nationally.

It is the only commonsense solution to avoiding a constitutional challenge.

Mr. WATT. Mr. Chairman, I yield myself 15 seconds.

I say to the gentleman that when we rise in the House, it is my intention to introduce for the RECORD a copy of the decision that was entered yesterday in the State of Georgia that declared recent actions unconstitutional. Perhaps he will be convinced that this is not the history of the past but today.



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

CIVIL MINUTE SHEET

(X) IN OPEN COURT () IN CHAMBERS DATE: 07/12/2006 TIME: 5.5 HRS.

HONORABLE HAROLD L. MURPHY
PRESIDING

SAMUEL M. JOHNSTON
COURTROOM DEPUTY

DENNIS J. REIDY
COURT REPORTER

COMMON CAUSE OF GA.

EMMET J. BONDURANT, II
EDWARD HINE

V.

4:05-CV-201-HLM

THE STATE OF GEORGIA

MARK HOWARD COHEN
ANNE WARE LEWIS

CAUSE CAME ON FOR () JURY ()NON-JURY TRIAL ON THE MERITS. Came the parties in person and/or as shown above.

PLAINTIFF(S) () REQUEST TO CHARGE () VOIR DIRE ()TRIAL MEMO/BRIEF () STATEMENT OF CONTENTIONS

DEFENDANT(S) () REQUEST TO CHARGE () VOIR DIRE ()TRIAL MEMO/BRIEF () STATEMENT OF CONTENTIONS

PLAINTIFF(S) ()PROPOSED FINDINGS OF FACT AND CONCLUSION OF LAW

DEFENDANT(S) ()PROPOSED FINDINGS OF FACT AND CONCLUSION OF LAW

0 **Whereupon the Court ordered that a jury be impaneled to try said issues, and after the Court had qualified the jurors for cause, and after counsel had exercised all peremptory challenges, the jurors selected to try said issues and were sworn, to wit:**

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12

0 **THE RULE OF SEQUESTRATION () WAS () WAS NOT INVOKED**

HEARING/PRE-TRIAL/ EVIDENCE:

- HEARING - PER ORDER [100];
- PLAINTIFF'S EXHIBITS: 1-4, ADMITTED; CATHY COX, SWORN; DEFENDANT EXHIBITS: 1, ADMITTED; PLAINTIFF REST; DEFENDANT'S EVIDENCE: PAUL L. McIVER, SWORN; = LUNCH = EVIDENCE CONTINUED; DEFENDANT REST, PLAINTIFF EXHIBIT: 15, CLOSING ARGUMENT
- COURT ORALLY GRANTS PRELIMINARY INJUNCTION
- WRITTEN ORDER TO FOLLOW;

VERDICT:

JUDGEMENT:

COURT ADJOURNED AT: UNTIL

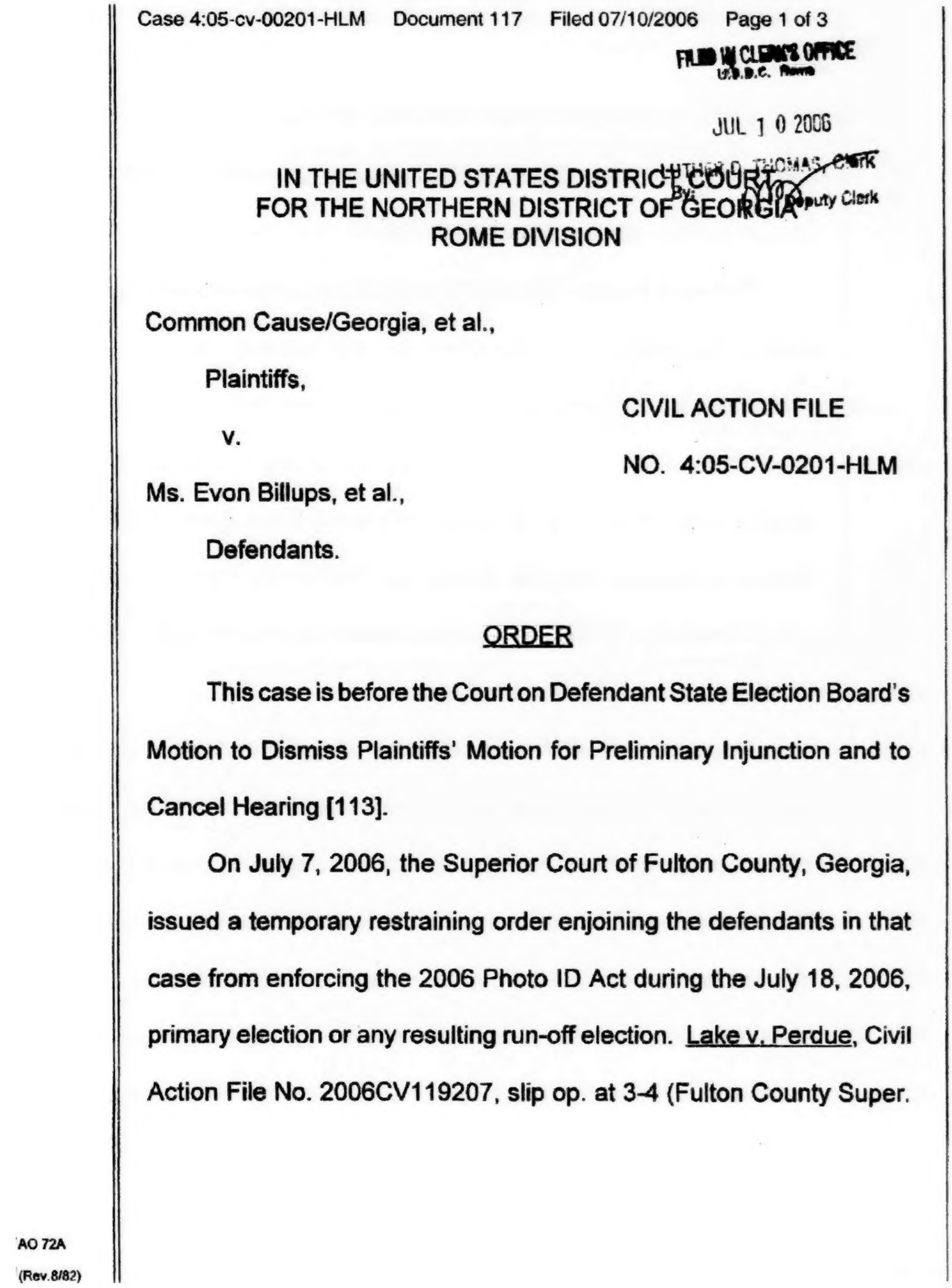
0 **UNTIL FURTHER ORDER**

() **JURORS EXCUSED UNTIL THE ABOVE TIME UNDER THE USUAL CAUTION OF THE COURT.**

() **JURORS EXCUSED FOR THE TERM.**

() **JURORS EXCUSED AND DIRECTED TO RETURN TO THE JURY ASSEMBLY ROOM**

EXHIBITS RETURNED TO COUNSEL FOR
() PLAINTIFF
() DEFENDANT
() COURT REPORTER
() RETAINED BY THE COURT



FILED IN CLERK'S OFFICE
U.S.D.C. Rome

JUL 10 2006

LUTHER D. THOMAS, Clerk
By: Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

Common Cause/Georgia, et al.,

Plaintiffs,

v.

Ms. Evon Billups, et al.,

Defendants.

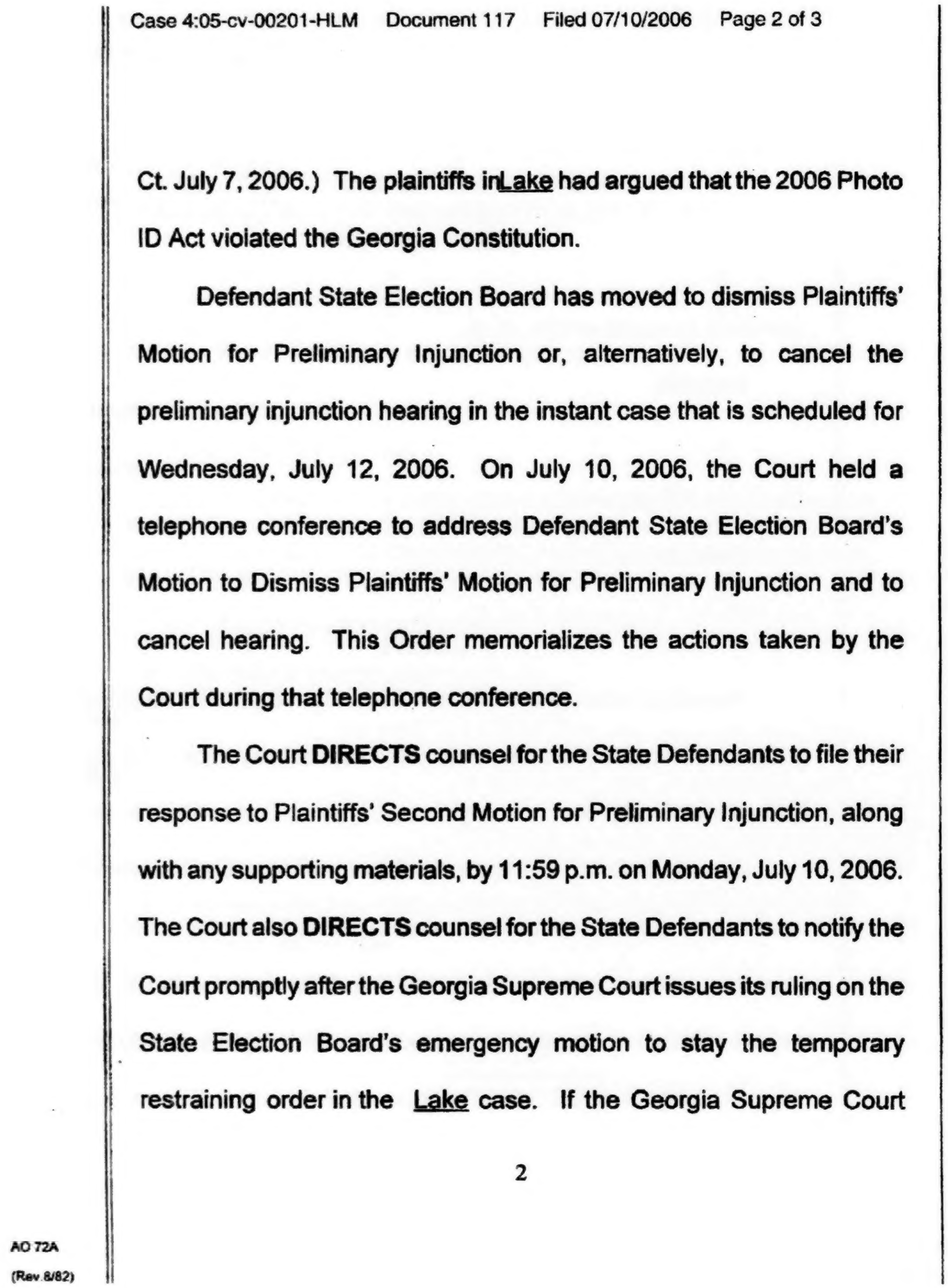
CIVIL ACTION FILE

NO. 4:05-CV-0201-HLM

ORDER

This case is before the Court on Defendant State Election Board's Motion to Dismiss Plaintiffs' Motion for Preliminary Injunction and to Cancel Hearing [113].

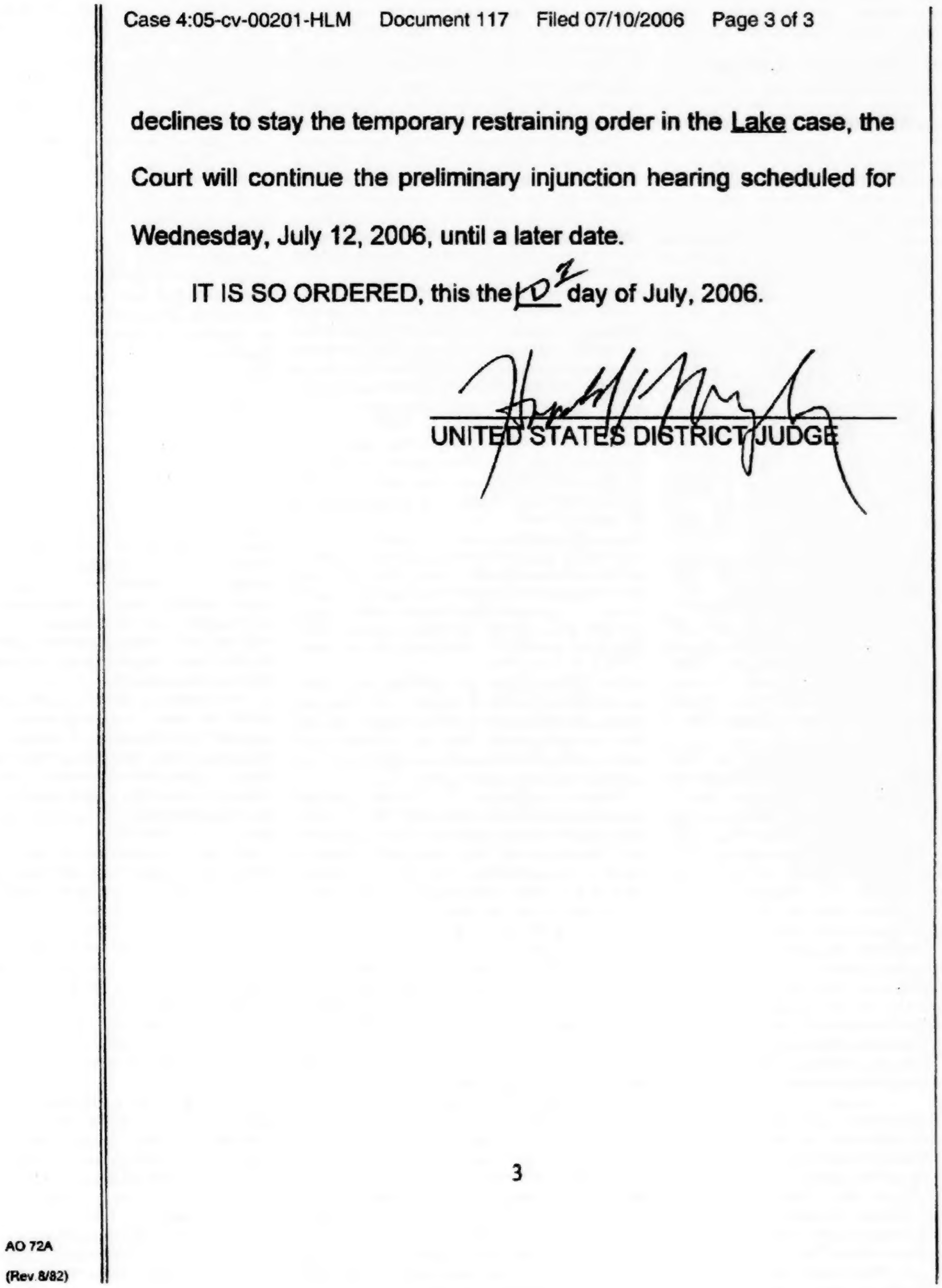
On July 7, 2006, the Superior Court of Fulton County, Georgia, issued a temporary restraining order enjoining the defendants in that case from enforcing the 2006 Photo ID Act during the July 18, 2006, primary election or any resulting run-off election. Lake v. Perdue, Civil Action File No. 2006CV119207, slip op. at 3-4 (Fulton County Super.



Ct. July 7, 2006.) The plaintiffs in Lake had argued that the 2006 Photo ID Act violated the Georgia Constitution.

Defendant State Election Board has moved to dismiss Plaintiffs' Motion for Preliminary Injunction or, alternatively, to cancel the preliminary injunction hearing in the instant case that is scheduled for Wednesday, July 12, 2006. On July 10, 2006, the Court held a telephone conference to address Defendant State Election Board's Motion to Dismiss Plaintiffs' Motion for Preliminary Injunction and to cancel hearing. This Order memorializes the actions taken by the Court during that telephone conference.

The Court **DIRECTS** counsel for the State Defendants to file their response to Plaintiffs' Second Motion for Preliminary Injunction, along with any supporting materials, by 11:59 p.m. on Monday, July 10, 2006. The Court also **DIRECTS** counsel for the State Defendants to notify the Court promptly after the Georgia Supreme Court issues its ruling on the State Election Board's emergency motion to stay the temporary restraining order in the Lake case. If the Georgia Supreme Court



declines to stay the temporary restraining order in the Lake case, the Court will continue the preliminary injunction hearing scheduled for Wednesday, July 12, 2006, until a later date.

IT IS SO ORDERED, this the 10th day of July, 2006.

UNITED STATES DISTRICT JUDGE

AO 72A
(Rev.8/82)

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Judiciary Committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, today I hope that I will have an opportunity to stand on the other side of the aisle as we debate this historic initiative of America. It is initiative of America because, as I hold the Constitution in my hand, I want my good friend from Georgia, Dr. NORWOOD, to understand that, in fact, what we are doing is creating opportunities for all Americans and by oversight we enhance his constituents and all others who have been discriminated against.

The preamble to the Constitution includes that we have organized this Nation for a more perfect Union, for the general welfare and the blessings of liberty. As my good friend from North Carolina (Mr. WATT) just said, whom I owe a great debt of gratitude, along with JOHN CONYERS, BOBBY SCOTT, Mr. SENSENBRENNER, and the whole Judiciary Committee for rendering a bipartisan initiative, in fact, today there are still violations that warrant the oversight of the Voting Rights Act.

We understand that without Mr. NORWOOD's amendment there are 36 States already covered. And why are they covered? They are not covered on our whim, on our political whim, or on whether we are Republican or Democrat. They are covered because of documentation that discrimination exists. That is what the Voting Rights Act is all about.

Mr. NORWOOD and others know these four amendments, which should be opposed and defeated, because of the thousands of pages of evidence, if we pass an amendment like Mr. NORWOOD's, Mr. WESTMORELAND's, Mr. KING's, and Mr. GOHMERT's, that under the Constitution the Supreme Court will render them unconstitutional for many reasons, because there is no evidence, no documentation shown during the thousand of pages of hearings. So it is important to maintain an unrestricted section 5, one that allows oversight of discrimination under an unfettered section 5 that allows oversight to occur if voting changes generate discrimination against anyone in the covered areas.

So I would simply ask in the name of Fannie Lou Hamer, in the names of Rosa Parks and Coretta Scott King, in the name of JOHN LEWIS, and those who lost their lives, like Viola Liuzzo, the three civil rights workers; and in the name of Jualita Jackson and Valrie Bennett, who fled Florida as young teenagers in the 1940's my aunt and mother, in their name we must pass the Voting Rights Act without amendments.

Mr. Chairman, I thank the gentlemen for yielding. I rise in proud support of H.R. 9, the "Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006." Had I and several of my colleagues not heeded the requests of the bipartisan leadership of the Committee and the House, there might be an amendment to the bill adding the name of our colleague, JOHN LEWIS of Georgia, to the pantheon of civil rights giants listed in the short title.

The Voting Rights Act of 1965 is no ordinary piece of legislation. For millions of Americans, and many of us on this Committee, the Voting Rights Act of 1965 is a sacred treasure, earned by the sweat and toil and tears and blood of ordinary Americans who showed the world it was possible to accomplish extraordinary things.

The Voting Rights Act of 1965, as amended, which we will vote to reauthorize today was enacted to remedy a history of discrimination in certain areas of the country. Presented with a record of systematic defiance by certain States and jurisdictions that could not be overcome by litigation, this Congress—led by President Lyndon Johnson, from my own home state of Texas—took the steps necessary to stop it. It is instructive to recall the words of President Johnson when he proposed the Voting Rights Act to the Congress in 1965:

> Rarely are we met with a challenge . . . to the values and the purposes and the meaning of our beloved Nation. The issue of equal rights for American Negroes is such as an issue . . . the command of the Constitution is plain. It is wrong—deadly wrong—to deny any of your fellow Americans the right to vote in this country.

The Voting Rights Act of 1965, represents our country and this Congress at its best because it matches our words to deeds, our actions to our values. And, as is usually the case, when America acts consistent with its highest values, success follows.

Without exaggeration, the Voting Rights Act has been one of the most effective civil rights laws passed by Congress. In 1964, there were only approximately 300 African-Americans in public office, including just three in Congress. Few, if any, black elected officials were elected anywhere in the South. Today there are more than 9,100 black elected officials, including 43 Members of Congress, the largest number ever. The act has opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the State or Federal level, 27 of whom serve in Congress. Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.

Mr. Chairman, I hail from the great State of Texas, the Lone Star State. A State that, sadly, had one of the most egregious records of voting discrimination against racial and language minorities. Texas is one of the Voting Rights Act's "covered jurisdictions." In all of its history, I am only one of three African-American women from Texas to serve in the Congress of the United States, and one of only two to sit on this famed committee. I hold the seat once held by the late Barbara Jordan, who won her seat thanks to the Voting Rights Act.

From her perch on this committee, Barbara Jordan once said:

> I believe hyperbole would not be fictional and would not overstate the solemness that I feel right now. My faith in the Constitution is whole, it is complete, it is total.

I sit here today an heir of the Civil Rights Movement, a beneficiary of the Voting Rights Act. My faith in the Constitution and the Voting Rights Act too is whole, it is complete, it is total. I would be breaking faith with those who risked all and gave all to secure for my generation the right to vote if I did not do all I can to strengthen the Voting Rights Act so that it will forever keep open doors that shut out so many for so long.

August 6, 2006, will mark the 41st anniversary of the Voting Rights Act, and a year from then several of act's most important elements will expire, including: Section 5 preclearance for covered jurisdictions (see tables 2 and 3); Sections 203 and 4(f)4, which require bilingual election materials assistance for limited English proficient language minorities (see table 1); and Sections 6–9; authorizing the U.S. Attorney General to appoint examiners and send federal observers to monitor elections.

Congress has extended Section 5 coverage three times: in 1970 (for 5 years), in 1975 (for 7 years) and in 1982 (for 25 years). The language minority protections of Section 203 and Section 4(f)(4) were adopted in 1975 and extended and amended in 1982 and again in 1992. Despite these past extensions, there is no guarantee that the expiring elements of the VRA will be renewed again in 2007. In fact, recent history suggests that it is likely to be a difficult legislative fight.

The problem is simple. Equal opportunity in voting still does not exist in many places. Discrimination on the basis of race and language still denies many Americans their basic democratic rights. Although such discrimination today is more subtle than it used to be, it must still be remedied to ensure the healthy functioning of our democracy.

Although the principle behind the Voting Rights Act is simple—to eliminate discrimination in voting—the mechanisms by which this goal is achieved are not. Some parts of the law are permanent, while others are set to expire. Some provisions affect every State while others are more geographically targeted. Elements of the law can apply to an entire State or only a handful of counties within a particular State. And some provisions can be enforced in court through private lawsuits while others are administered by the U.S. Department of Justice.

But the underlying purpose of the act is clear—to extend the franchise to all citizens regardless of race, color, national origin, or membership in a language minority group.

I urge my colleague to vote for the bill and reject all amendments. I yield back the balance of my time.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), a member of the Judiciary.

Mr. VAN HOLLEN. Mr. Chairman, I thank my colleague, Mr. WATT, for yielding.

I urge my colleagues to support the renewal of the historic Voting Rights Act today and vote for the bill that came out of the Judiciary Committee without amendment.

I am very proud of the work we did on that committee on a bipartisan basis and want to commend the bipartisan leadership of the full committee, the subcommittee, and Mr. WATT for his leadership.

On March 15, 1965, after years of struggle culminating in Bloody Sunday, where our colleague JOHN LEWIS so bravely marched, President Lyndon Johnson came to this very place and, from the podium behind me, called upon the Congress and the Nation and said to us all we shall overcome; we as a Nation shall overcome years of discrimination and efforts to throw obstacles in the way of African Americans and other minorities from exercising their constitutional right to vote and exercising their right to fully participate in this great democracy of ours.

We have come a long way as a Nation, but we have a long way to go to really overcome, as President Johnson called upon us to do.

The evidence before the Judiciary Committee was absolutely clear that serious problems in discrimination remain. The testimony made it clear that section 5 preclearance has been used more between 1982 and 2005 than between the years 1965 and 1982. The evidence showed that since 1982 the Department of Justice has objected to more than 700 discriminatory voting changes that have been enacted by the covered jurisdictions. The evidence showed that the covered jurisdictions withdrew an additional 200 proposed changes from section 5 review and an additional 600 voting changes were revised to ensure nondiscriminatory impact.

Anyone who says that we do not continue to need the Voting Rights Act is dead wrong.

☐ 1245

In addition, there were many other findings.

We have a long way to go, Mr. Chairman, to achieve a more perfect Union. I urge my colleagues to adopt the bill that came out of the Judiciary Committee, without amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would advise Members who are controlling time that, at some point, if Members do not abide by time, the chair may have to adjust the time charged to account for it.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN), a distinguished member of the Judiciary Committee.

Mr. MEEHAN. Mr. Chairman, I rise in strong support of the Voting Rights Act and urge my colleagues to pass it today, clean, without amendment.

Mr. Chairman, I am honored to represent one of the more diverse districts in America today. My neighbors came to Massachusetts from all of the nations of Europe, Southeast Asia, West Africa, Latin America, French Canada and the Caribbean.

In Massachusetts, the Voting Rights Act remains a necessary tool to ensure that people are able to participate in our democracy. In fact, it is because of the Voting Rights Act that many of my Asian American neighbors can challenge voting procedures and get multilingual ballots.

It is simple. The availability of multilingual ballots mean more people will vote. Cities that have added multilingual ballots have seen double-digit increases from those benefited populations. What more could one ask from a functioning democracy than a higher participation of people voting?

By reauthorizing the Voting Rights Act without amendment, America will do more than honor its legacy. We will also ensure our future, and to do anything less than a clean reauthorization insults the hard work and bloodshed that brought us to where we are today.

Today, we have an opportunity to honor great men and women who have dedicated their lives to making America great: Dr. King, Coretta Scott King, Rosa Parks and our esteemed colleague, my friend, JOHN LEWIS.

Let us reauthorize the Voting Rights Act without these terrible amendments.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New York (Mr. RANGEL) and recall that he was originally a member of the House Judiciary Committee and served with great distinction on it.

Mr. RANGEL. Mr. Chairman, I want to thank Chairman SENSENBRENNER and JOHN CONYERS for working together and making all Members of this House so proud to show what we can do when we do work in a bipartisan way.

I also want to thank Chairman WATT for the work that he has done with the Congressional Black Caucus, and beyond, to make certain that the commitments that have been made by the leadership of this House were kept.

We all know that there are parts of the history of this great Republic, slavery, the stigma of slavery, prejudice, that we all abhor; but we also know that this great body not too long ago passed a Congressional Gold Medal to the Tuskegee Airmen, men who gave up their lives and put themselves at risk in order to make certain the world was safe for democracy. At the time, many of these people could not vote and their mothers could not vote and their families could not vote.

So there comes a time where certain people have the courage to stand up for it, and JOHN LEWIS was one. I think we all should get together and say that we could not march with them, but we could reaffirm the commitment that they made.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Dr. PRICE) for purposes of a colloquy.

Mr. PRICE of Georgia. Mr. Chairman, thank you. I would like to engage in a very short colloquy with the gentleman from Wisconsin (Mr. SENSENBRENNER).

Do you agree with me that nothing in this legislation should be construed to allow the Supreme Court to say who is or who is not a minority community's candidate of choice simply because of a candidate's party affiliation?

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, yes, I agree with that.

Mr. PRICE of Georgia. I thank the chairman for his perspective and I thank him for his good work on this.

Mr. CONYERS. Mr. Chairman, I am pleased to observe that the leader of the present civil rights movement and a friend that worked in the organization of Dr. Martin Luther King is in the balcony today, the Reverend Jesse Jackson; and I am so pleased that he is watching over this activity.

Mr. Chairman, I would yield 1 minute to the gentlewoman from California (Ms. LEE) who has worked as an activist and as a legislator in California, as well as the leader of the Progressive Caucus in the House of Representatives.

Ms. LEE. Mr. Chairman, let me thank Mr. CONYERS for his leadership and for yielding and also to Chairman SENSENBRENNER and to Congressman WATT, our chair of the Black Caucus, for your leadership in ensuring that the reauthorization of the Voting Rights Act did not become a Democratic or a Republican issue but an American issue.

The right to vote is the heart and soul of our democracy, and I vividly remember the days of Jim Crow and segregation, the poll tax, the humiliation and degradation of African Americans not so long ago.

The Voting Rights Act of 1965 passed just 1 year after I graduated from high school, and while much progress has been made, voter suppression and voter intimidation continues.

There is no way I would be standing here on this floor as a Member of Congress had it not been for the bloodshed and the sacrifices and the deaths of so many, including our own great warrior, Congressman JOHN LEWIS, in fighting for the right of all Americans to vote.

So, in the spirit and memory of Fannie Lou Hamer and Rosa Parks and Coretta Scott King, let us pass this bipartisan legislation without any amendments so that America can be true to its ideal of liberty and justice for all.

Today, let us let the world know that we do practice what we preach and that we stand for democracy here at home. And I want to thank Congressmen CONYERS, WATT and SENSENBRENNER again for making this an American issue.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding. I want to clear up several misconceptions, I think, that have occurred here.

First of all is, we are concerned in my State and some of the ones who spoke about the continuation of section 5, which requires preclearance. This bill, as all bills, have certain findings of fact, and I want to address some of those findings of fact.

The first one is based on the fact that there were hundreds of objections interposed as one of the conclusions that justifies the extension. The American Enterprise Institute says that the raw numbers on objections are insufficient to measure support for reauthorization. They give the statistics, and the statistics are that from 1982 to 2005, out of the 105,000-plus objections, 0.7 percent received objections in the covered States. From 1996 to 2005, out of 54,000-plus, only 0.15 percent drew objections.

The second finding is that the number of requests for declaratory judgments justifies extension. That same study concludes that those are so small as to be insignificant.

The third finding is that of continued filing of section 2 cases originating in covered jurisdictions. The University of Michigan Law School report shows that since 1982 more lawsuits filed under section 2 ending with the determination of liability have occurred in noncovered jurisdictions than in covered ones; and the example being, in 1990 more court findings of section 2 violations occurred in New York or Pennsylvania than in South Carolina.

Mr. Chairman, I would suggest that this is something that if we are going to make findings of fact they ought to be true findings of fact, and just because the bill says they are the facts does not necessarily make them so.

We are proud in our State and we have worked across party lines and across racial lines; and the latest study that is cited in one of the reports is from the 2000 voter year in Georgia. In Georgia, 66.3 percent of eligible blacks were registered to vote. Only 59.3 percent whites were registered to vote, a 7 percent plus on those who are black. On voter turnout in Georgia in that election cycle, 51.6 percent of black voters voted; only 48.3 percent of white voters voted. So we have made substantial progress.

The right of extension of section 5 for preclearance that requires that you get Justice Department approval just to annex a piece of property into a municipality, just to move a voting precinct from one place to another place, requires preclearance. I would suggest that this is not appropriate.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the Voting Rights Act coverage formula and the provisions that it triggers have been upheld by the Supreme Court on multiple occasions and not just in 1966. The Supreme Court in 1980 in Rome v. United States, and later in 1999 in Lopez v. Monterey County, upheld the constitutionality of section 5.

In particular, in the city of Rome, the court looked at the House Judiciary Committee's finding that "the recent objections entered by the Attorney General to section 5 submissions clearly bespeak the continuing need to this particular preclearance mechanism."

Now, there have been objections that have been interposed to submissions that have been made in Georgia since 2000, and that is why we have to have the formula that is in section 5 and the preclearance provisions in section 5 which have been upheld by the Supreme Court.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, could we be advised how much time remains on each side?

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 11 minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 8 minutes remaining.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Speaker, the passage of the Voting Rights Act is informed by past history, by recent events and by current needs.

As one who grew up, watched his mother in 1963 study and struggle to try and pass the literacy test there, which she had to try and remember as best she could the Presidents in order, to recite the Preamble to the Constitution, and to compute her age to the year, the month and the day, as one who witnessed that, you know how important this act was to folks back then and how the legacy of discrimination still obtains in our present provisions today.

When you see our State legislature in Louisiana every year pass election laws that are discriminatory, that meet objections by the Justice Department, you know the need for this act continues.

As we just saw with Hurricane Katrina, so many of our people, displaced back home, who struggled to get back and to have their right to vote expressed and who met objection at almost every corner of that being done, you know the need for this act continues.

So I urge my colleagues to vote to support this act, without amendments, and get it passed now because the struggle does continue.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. DAVIS), a distinguished Member.

Mr. DAVIS of Alabama. Mr. Chairman, I wish my colleagues from Georgia understood something very fundamental about this Voting Rights Act. It is not a burden on the South. It is not some scourge or tool of oppression against the South. It has been a liberator for people, black and white; and I wish my colleagues from Georgia understood this basic truth that all the children who are here understand today.

There were Barack Obamas in the old South. There were Mel Watts in the old South. There were Bobby Scotts in the old South. There were Jesse Jacksons that lived in the South in the 1930s. But their talent was not allowed to breathe until this act was passed.

It gave all kinds of people of genius and brilliance and talent a chance to be elected to office. That is the legacy that we celebrate here today.

So I urge all of us to join Mr. SENSENBRENNER in this bipartisan statement today that the Voting Rights Act belongs to all Americans, black and white, Democratic and Republican, and everyone who believes that merit ought to determine who holds office in this country.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in strong support of H.R. 9, the reauthorization of the Voting Rights Act, without amendment.

Our values, our freedom, and our democracy are based on the idea that every eligible American citizen has the right to vote, and they also have the right to expect that their votes will be counted.

It was only 40 years ago that minorities lived under the oppression of Jim Crow, and we still do. I have spent most of my time in the last 2 weeks working on redistricting, where the Supreme Court just ruled, or a little over 2 weeks ago, that it violated the Voting Rights Act.

So, 2 weeks ago, not only the Attorney General, but the attorney general of Texas as well, had to move in for Prairie View A&M students to be able to vote, because the DA did not want them to vote for fear they would not elect the right persons.

We do still have a problem and we do need this Voting Rights Act.

It was only 40 years ago that minorities lived under the oppression of Jim Crow. As a result, millions of Americans were unable to fairly participate in our democracy.

The Voting Rights Act changed the face of this Nation.

In this battle for the most basic of rights, many heroic Americans were imprisoned, beaten, or even killed in the name of freedom and justice.

The Voting Rights Act was not and never will be about special rights—it is about equal rights.

We have made amazing progress over the past 40 years. However, progress does not mean that we stop trying.

We cannot and must not give up until every American citizen has the access and opportunity to vote—regardless of their skin color, ethnicity, or language ability.

There are still thousands of cases of voter intimidation and discrimination reported at every election.

Minorities continue to face an uphill battle of misinformation over polling locations, the purging of voter rolls, scare tactics, and inaccessible voting locations.

Prior to the 2004 elections, students at Prairie View A&M were told they could no longer register to vote in Waller County, TX.

The fear was that the 8,000 students at this historically black college may elect someone the local district attorney didn't want.

This change in voter registration was not precleared by the Department of Justice, and was ultimately overturned by the Texas attorney general and the Department of Justice.

This is just one example of why we still need the Voting Rights Act.

Now is the time to reauthorize this historic cornerstone of civil rights. It is imperative to our rights, our freedom and our democracy.

□ 1300

Mr. CONYERS. Mr. Chairman, it is now my privilege to yield 1 minute to the distinguished minority leader from California (Ms. Pelosi).

Ms. PELOSI. Mr. Chairman, my colleagues, last August I had the honor to march in Atlanta in recognition of the 40th anniversary of the Voting Rights Act, joining our colleagues Congressman Lewis, the Reverend Jesse Jackson and so many other leaders.

I took with me the commitment of more than 200 House Democrats that we would vote 100 percent to reauthorize and strengthen this landmark legislation. And we stand by that commitment today. In May, I was proud to join Speaker Hastert and the Senate leaders, Senator Frist and Senator Reid, to march down the steps of the Capitol and reaffirm our commitment to passing this legislation to strengthen and reauthorize the Voting Rights Act for another 25 years.

Today, we have the opportunity, indeed the privilege, to honor that bipartisan commitment. In that spirit, I wish to acknowledge the steadfast leadership of Chairman Sensenbrenner. Thank you, Mr. Sensenbrenner; Mr. Conyers, thank you for your leadership, the two of you for working together; and the extraordinary leadership of Congressman Mel Watt, the Chair of the Congressional Black Caucus and a member of the Judiciary Committee, who helped cobble together this compromise with his persistent, persistent leadership. Thank you, Mr. Watt.

I also salute the Chair of the Hispanic Caucus, Congresswoman Grace Napolitano, and the Chair of the Congressional Asian Pacific American Caucus, Congressman Mike Honda, for their leadership. Of course, as with so many of our colleagues, we are very privileged to acknowledge Congressman John Lewis, the conscience of the Congress. Voting rights and civil rights in America are possible because of his courage and personal sacrifice and that of so many of our brave Americans who fought for the cause of freedom and justice.

This was an epic moral struggle in our country, and it remains our moral imperative to remove obstacles to voting and to representation for all. Among the other brave Americans are three extraordinary women. It is fitting that this legislation is named for Rosa Parks, for Coretta Scott King and for Fannie Lou Hamer. These women were constant in their pursuit of voting rights.

Rosa Parks ignited the Montgomery bus boycott. Fannie Lou Hamer electrified the 1964 Democratic Convention where she said, "I am sick and tired of being sick and tired" and was successful in getting her African American delegates recognized at the delegation.

Coretta Scott King was the keeper of the flame and one of our Nation's greatest civil rights leaders in her own right.

Forty years ago, in one of our Nation's finest hours, we came together to give teeth to the 15th amendment to overcome bigotry and injustice and to secure the fundamental right to vote. With the passage of the Voting Rights Act, we said that we would no longer tolerate any of the nefarious methods such as poll tax, literacy tests, grandfather clauses, and brutal violence that had been used to deny African Americans and other minority citizens the right to vote.

Within months of the Voting Rights Act's passage, a quarter of a million new African American voters had been registered. A quarter of a million new voices that had been silenced could finally be heard. They, along with millions to follow, changed the world with a vision of justice, equality, and opportunity for all.

We see its impact in the Halls of Congress: 81 African American, Latino, Asian and Native American Members. We all know that America is at its best when our remarkable diversity is represented in our Halls of power. We also know that we still have a great distance to go in order to live up to our Nation's ideals of equality and opportunity.

That is why the Voting Rights Act is still necessary, and that is why any amendments to weaken it must be rejected. I urge our colleagues to vote "no" on changing preclearance provisions, diminishing language assistance, and shortening the authorization period.

Make no mistake, the 10-year limitation on key VRA provisions seriously undermines its effectiveness.

We are all familiar with the, "I Have a Dream" speech of Dr. Martin Luther King, the march on Washington nearly 43 years ago. One part of the speech that I love that is not as frequently quoted as the "I have a dream" part, though, is he said in that speech: "We have come to this hallowed spot to remind America of the fierce urgency of now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make justice a reality for all of God's children."

We today must reject gradualism by voting "no" on the amendment to make this reauthorization period 10 years. Any diminishment of the Voting Rights Act is a diminishment of our democracy. In America, the right to vote must never, ever be compromised. We must not rest until the expiring sections of the Voting Rights Act are strengthened and reauthorized. This is our solemn pledge and obligation.

Thank you, Mr. Chairman.

Mr. CONYERS. Mr. Chairman, could you confirm that we on this side have 7 minutes remaining.

The CHAIRMAN. The gentleman is correct.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. Fattah), who has worked with the committee in a very generous way.

Mr. FATTAH. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I also want to extend my personal thanks to the chairmen for their work to bring this bill to the floor. As one of the original cosponsors, this today is a signal across the world. I represent the city of Philadelphia where the Constitution was written. It was clear then and stated that we needed to work towards a more perfect Union.

The work that began when this bill was passed into law in 1965, and as it has been reauthorized on a number of occasions, today we again signal to the world that we continue to work towards a more perfect Union. As we promote democracy around the world, this is an opportunity for us to further secure it here at home.

I want to thank my colleagues as we dismiss these amendments and move to final passage later on today and thank the Congress because today we truly do represent the American people.

Mr. CONYERS. Mr. Chairman, I am pleased now to recognize for 1 minute my neighbor and colleague from Ohio, Marcy Kaptur.

Ms. KAPTUR. Mr. Chairman, I rise in very strong support of the renewal of the Voting Rights Act.

Unfortunately, this great American struggle is not over. We have seen voters denied their rights in recent elections as they have been incorrectly purged from lists, their absentee votes not counted, and voting machine integrity and security not assured.

Ohioans have raised countless questions about today's new electronic voting systems, their flawed security, their lack of transparency, their reliability and, yes, their very integrity. Who controls the security codes in these machines? How do we ensure that local boards of election and judges at the precinct level are empowered to properly count votes and not the voting machine companies who know more about those machines and how to program them than the people conducting the elections themselves?

Strong efforts have been made in Ohio to curb the authoritarianism of our Secretary of State, Kenneth Blackwell, as he has purged people from lists in our State in particular precincts where voters are heavily minority.

Mr. Chairman, we must pass the Voting Rights Act in its stronger form. The struggle is not over. As Reverend Joseph Lowery reminds us, keep hope alive, extend the Voting Rights Act.

I am in strong support of the passage of the Voting Rights Act to protect the ability of all citizens, particularly minorities, to vote. Unfortunately, this struggle is not over. We have seen voters denied their rights in several recent elections as voters have been incorrectly purged from lists, their absentee votes not counted, and voting machine integrity not assured.

Ohioans have raised countless questions about today's new electronic voting systems, their flawed security, their lack of transparency, their reliability, and yes, their very integrity. Who controls the security code for the machines? How do we assure that local Boards of Elections and judges at the precinct level are empowered to properly count votes and not the voting machine companies who know more about those machines and how to program them than the people conducting the elections.

Strong efforts were made by Ohio's Legislature to mandate voter verifiable paper trails on election machines, over the objections of Ohio's Secretary of State Kenneth Blackwell. Chairing the Bush campaign in Ohio, he opposed this standard. Blackwell also steered and limited the voting machine vendors from which local election authorities could choose, and imposed voter registration standards that were confusing and ridiculous. Voters of Ohio ended up challenging his capricious rulings in federal court on the day of the last Presidential election. He even tried to inject more confusion into the process by specifying the "weight of paper" used for voter registration forms when his own office was not using that kind of paper. His goal was clear: to create more confusion on election day by churning the electorate in key precincts to diminish turnout.

Congress passed the Help America Vote Act following the 2000 elections to fix these kinds of heavy-handed tactics and the mess America witnessed with the hanging chad ballots in Florida. Unfortunately, the bill did not mandate standards for the new equipment. To this day, and I believe purposefully by the Republican majority, no federal agency assures standards for voting technology on which localities can depend.

Voting rights stand at the top of our liberty pillar. We must pass this Voting Rights Act in its strongest form and restore America's trust in elections by ensuring their legitimacy and making them tamper-proof.

Mr. Chairman, before closing I would like to repeat a call that has been made by countless leaders of the civil rights movement including the Reverend Joseph Lowery, "Keep hope alive: Extend the Voting Rights Act."

[From the New York Times, July 7, 2006]

DON'T DISMANTLE THE VOTING RIGHTS ACT

(By Luci Baines Johnson and Lynda Johnson Robb)

The Voting Rights Act, signed into law on Aug. 6, 1965, by our father, President Lyndon Johnson, opened the political process to millions of Americans. The law was born amid the struggle for voting rights in Selma and Montgomery, Ala., which the Rev. Dr. Martin Luther King Jr. called "a shining moment in the conscience of man." By eliminating barriers, including poll taxes and literacy tests, that had long prevented members of minority groups from voting, the act became a keystone of civil rights in the United States.

Now, crucial provisions of this legislation are in jeopardy. Last month, Congress seemed set to renew expiring sections intended to prevent voter discrimination based on race or language proficiency. Instead, a group of House lawmakers opposed to those sections succeeded in derailing their considerations.

The Voting Rights Act prohibits discrimination in voting everywhere in the country. But it has a special provision, Section 5, intended for regions with persistent histories of discrimination. These states and localities must have their election plans approved by the Justice Department.

Since the act was last renewed, in 1982, the federal government has objected to hundreds of proposed changes in state and local voting laws on the basis of their discriminatory impact. In recent years, proposed election changes in Georgia, Texas and other states were blocked because they violated the act.

Yet states and localities are not subject to Section 5 forever. In order to gain exemption, they need only meet a set of clear standards proving that they have been in compliance with the law for 10 years and have not tried to discriminate against minority voters. In Virginia, for example, eight counties and three cities have been exempted from Section 5.

Another section of the act, Section 203, which Congress added in 1975, mandates language assistance in certain jurisdictions to promote voting by citizens with limited proficiency in English. There are now 466 such jurisdictions in 31 states.

No one disputes that our nation has come a long way since the Voting Rights Act was first signed into law. But while it would be nice to think we don't need this legislation anymore, we do. We still struggle with the legacy of institutionalized racism. If either of the act's two sections under attack is weakened or allowed to expire, the door will be opened to a new round of discriminatory practices.

The reauthorization stalled in Congress is called the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. Were he alive today, we believe President Johnson would be honored to have this bill named after such remarkable women. Its passage would be a fitting tribute to their collective efforts to expand the scope of civil rights and citizenship.

In his own era, our father faced powerful opposition to the Voting Rights Act, including from members of his own party. Nonetheless, he pushed forward with the legislation because he knew it was desperately needed. It was the right thing to do then. It still is.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 2 minutes to engage in a colloquy with the gentleman from North Carolina (Mr. WATT).

Section 5 of H.R. 9 contains a sentence that states: "The purpose of subsection B of this section is to protect the ability of such citizens to elect their preferred candidates of choice."

Is it your understanding that this language in the text of the committee report that accompanies this legislation is consistent with the understanding that the purpose of this section of H.R. 9 is to ensure that no voting procedure changes will be made that will lead to a retrogression of the position of racial or language minorities with respect to their effective exercise of the electoral franchise, and that this determination shall be made without consideration of political party control or influence in any elective body?

I yield to the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I thank the gentleman for yielding. It is certainly my understanding, as you have indicated, in 1976 in Beer v. United States, the Supreme Court held that, when a voting change is made in which a minority group's ability to elect candidates of choice to office is diminished, section 5 requires the denial of preclearance.

That was the retrogression analysis on which the court, the Department of Justice, and minority voters relied for 30 years. Is it the gentleman from Wisconsin's understanding that it is this standard that H.R. 9 seeks to restore to section 5?

Mr. SENSENBRENNER. Mr. Chairman, reclaiming my time. Yes, that is my understanding.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the ranking member of Homeland Security from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise today in support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting

Rights Act Reauthorization and Amendments Act of 2006.

Passage of the Voting Rights Act has allowed millions of minorities the constitutional right to vote in Federal elections. One of the people for whom this bill is named is Fannie Lou Hamer. Fannie Lou Hamer was born, lived, and died in the trenches of Mississippi's Second Congressional District.

Her history and involvement in voting education and voter participation include people like me, who stand before you as the highest-ranking African American elected official in the State of Mississippi, an opportunity that would not have been possible without the passage of the act.

Had this act been in place, my father, who died in 1963, would have been a registered voter. Had this act been in place, my mother, a college graduate, would not have had to take three literacy tests to become a registered voter. As influential policymakers, it is our obligation to look beyond what is good and support the reauthorization of the Voting Rights Act.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, 25 years ago I stood on this floor in support of this bill. I worked with both the chairman of the Judiciary Committee and the ranking member at that time not only on this bill, but on the Martin Luther King holiday and on the fair housing legislation. I am very proud of that activity.

I rise in support of the bill that is on the floor. But I will rise in support of several of the amendments as well. I want to make several comments on this. One is, as a Catholic, I believe in the immaculate conception, but there is only one that I am aware of and that is not this bill.

The suggestion that we cannot look at this bill and look at any carefully tailored amendments I think is an erroneous one. I had a simple amendment that I offered before the Rules Committee. I had no objection; in fact, it was considered to be the least objectionable, if objectionable at all, but I was told if we adopted my amendment it would upset a carefully crafted delicate balance.

☐ 1315

My amendment was simply to allow three counties in California and one township in New Hampshire to bail out, as we used to call the provision, because they had gotten in because of a curious historical moment. That is, in 1972, at the height of the build-up of the Vietnam war we had large numbers of people at military installations; we had three counties in California that had military installations. Those people who were there were counted for purposes of the census, many of them didn't vote there because they voted in their home states or their home districts, and those counties have been caught in this preclearance ever since. It just seems a matter of fairness to allow them out, and yet there was no opportunity to provide that.

And the reason I bring that up is this: If you look at the Supreme Court decisions, the Federal Court decisions on this, they have said this law is constitutional only so long as it is congruent, that is, related to the State-sponsored discrimination for which there is historical record. And that it is proportionate to the damage done, both of those things, and my fear is that if we don't craft legislation that recognizes that, we don't give evidence of the fact that we crafted it, the Supreme Court could say that perhaps we haven't done the job, and then this extraordinary remedy in section 5 is no longer valid.

Why is it extraordinary? Because it is an extraordinary imposition on a jurisdiction to say that they have to have any decision they make precleared by those at the Justice Department. But the Court has said, as long as you have those two things, congruency and proportionality, they will allow it. That is why I have some question about extending it for a full 25 years.

Back in 1982, I think there was ample reason for us to extend it for 25 years. You would still have a sense of a temporary nature. But to do it now, I think does call into question whether we are following what the courts have told us.

So all I would say is, I hope Members, while supporting the underlying legislation, will look at each amendment and see whether it helps undergird the constitutionality of this worthy bill that has done great things. But let's make sure we continue to carefully tailor it to the circumstances before us.

Mr. CONYERS. Mr. Chairman, I am pleased now to recognize for 1 minute the distinguished gentleman from Illinois, Mr. RAHM EMANUEL.

Mr. EMANUEL. Mr. Chairman, I strongly support the reauthorization of the Voting Rights Act. The true test of a democracy is the ability of all of its citizens to contribute to the decisions and actions of their government. When the American circle of democracy is widened, the democracy is strengthened. In addition, its moral voice at home and abroad becomes clear and unambiguous.

For nearly 200 years, this Nation failed to live up to the test, excluding voters on the basis of race, gender, and property. The 14th and 19th amendments to the Constitution removed those restrictions from the law of the land, but discrimination against African Americans persisted in many parts of the country.

In 1965, this House witnessed one of its finest moments when Members of both parties rejected party labels and acted as Americans, joining together to declare that literacy tests, grandfather clauses, and poll taxes would no longer be allowed to intimidate American citizens from exercising their right to vote.

Getting this bill passed required decades of effort by dedicated activists who risked their lives. I am proud that this bill recognizes the names of those heroes such as Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. The voting rights of all Americans are no less important today than they were in 1965. Working together, as our predecessors did, we can confront these challenges and continue to fight for liberty and justice for all.

Mr. CONYERS. Mr. Chairman, I am pleased now to invite JOHN LEWIS, the conscience of the Congress, the gentleman from Georgia, the remaining time on our side.

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman is recognized for 3 minutes.

Mr. LEWIS of Georgia. Mr. Chairman, before the Voting Rights Act was passed in 1965, all across the American South very few African Americans were registered to vote. Men and women of color stood in unmovable lines. In Lowndes County, Alabama, between Selma and Montgomery, more than 80 percent of that county was African American, but not a single African American was registered to vote.

Many people were harassed, jailed, beaten, and some were even shot and killed. I cannot forget that in 1964, three young men that I knew, James Cheney, Mickey Schwerner, and Andy Goodman, two were white, one was black, they went out to investigate the burning of a church, a church that was to be used to prepare people to pass the so-called literacy test. These three young men were arrested, jailed, they were taken from the jail by the sheriff and his deputy, beaten, shot, and killed. They were killed for trying to help people become participants in the democratic process.

During that dark period in our recent past, black men and women who were teachers in public schools, colleges and university professors were told that they could not read well enough and they failed their so-called literacy test. On one occasion a would-be voter was asked to name the number of bubbles in a bar of soap. On another occasion, a person was asked to count the number of jelly beans in a jar.

Yes, we have made some progress. We have come a distance. We are no longer met with bullwhips, fire hoses, and violence when we attempt to register and vote. But the sad fact is, the sad truth is discrimination still exists, and that is why we still need the Voting Rights Act. And we must not go back to the dark path.

We cannot separate the debate today from our history and the past we have traveled. When we marched from Selma to Montgomery in 1965, it was dangerous. It was a matter of life and death. I was beaten, I had a concussion at the bridge. I almost died. I gave blood, but some of my colleagues gave their very lives.

We must pass this act without any amendment. It is the right thing to do, not just for us, but for generations yet unborn. When historians pick up their pens and write about this period, let it be said that those of us in the Congress in 2006, we did the right thing, and our forefathers and our foremothers would be very proud of us.

Let us pass a clean bill without any amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

The Acting CHAIRMAN. The gentleman is recognized for 3 minutes.

Mr. SENSENBRENNER. Mr. Chairman, following the gentleman from Georgia (Mr. LEWIS) is always a very tough act, but I would like to reiterate what he so eloquently said. We need the Voting Rights Act, and we need the Voting Rights Act because in the last 25 years the covered jurisdictions have not come clean.

Let's look at Georgia. Since 1982, there have been 91 objections, 91 objections submitted by the Department of Justice. And since 2002, there have been seven voting rule changes that were withdrawn by the State because of DOJ objections.

Texas, 105 objections imposed by DOJ since 1982, and 14 voting rule proposals were withdrawn by the State because of voting rights concerns in the last 4 years.

Mississippi, 112 objections since 1982, and Federal observers have been sent to this State 14 times to monitor elections since 2002, most recently last year.

Louisiana, 96 objection since 1982, eight Department of Justice objections to voting rules have been lodged since 2002, most recently in 2005, and 10 voting rule proposals withdrawn by the State in the last 4 years.

South Carolina, 73 objections since 1982.

North Carolina in the covered jurisdictions, 45 objections since 1982.

And Alabama, 46 objections, and Federal observers have been assigned to the State 65 times since 2000 to monitor elections.

Arizona, 17 objections since 2002, and Federal observers have been assigned to that State 380 times since 2000 to monitor elections, including 107 since 2004.

Now, I think these figures ought to make it very clear that we need this bill, and we need this bill without any of the four amendments that are about ready to be offered.

And, finally, before we get into the debate on the amendments, I would like to offer my thanks to the staff people who have helped put together this record, Paul Taylor, the chief counsel of the Subcommittee on the Constitution; Kim Betz, the subcommittee counsel; Stephanie Moore, the Democratic counsel to the Committee on Judiciary and counsel to Mr. WATT; and, most particularly, Philip Kiko, who is chief of staff and general counsel of the committee, who is part of the institutional memory, because he helped me get the Voting Rights Act extension passed and signed in 1982.

We put in the work on this, we have done the hearings, the record is replete. We need this law extended, and we need it extended for 25 years. Vote "yes" on the bill, "no" on the amendments, and let's go down in history as the House that did the right thing.

Ms. DEGETTE. Mr. Chairman, I rise in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I am honored to have an opportunity to vote for H.R. 9, a bipartisan bill which makes important changes to the Voting Rights Act and extends otherwise expiring provisions for another 25 years.

As we reaffirm the Voting Rights Act today, it is worth remembering where we were before its historic initial passage. During the end of the 19th and the first half of the 20th centuries, State and local governments, particularly in the South, used multiple schemes to deny minorities, mainly African-Americans, the ability to register and meaningfully vote. These insidious methods included poll taxes, property requirements, literacy tests, residency requirements, the changing of election systems, and the redrawing of municipal boundaries.

The real beginning of the end of this disenfranchisement was the enactment of the initial Voting Rights Act of 1965, courageously passed by Congress and signed into law by President Lyndon Baines Johnson. As applied to certain States and jurisdictions, among other provisions, it prohibited literacy tests, authorized the sending of Federal examiners and observers to make sure people could register and vote, and required changes in election laws or systems be approved by the Federal Government to ensure minorities were protected.

Over the years the Voting Rights Act has been extended and improved numerous times. Congress expanded its protections to cover language minorities, required elections services, in certain circumstances, to be provided in a language other than English, and overruled the 1980 Supreme Court case of City of Mobile v. Bolden, allowing plaintiffs to prove violations of voting rights laws by showing a discriminatory effect as opposed to requiring a showing of discriminatory intent.

The results of the Voting Rights Act have been dramatic. The registration of African-American voters in the 11 States of the former Confederacy increased from 43.1 percent in 1964 to 62.0 percent in 1968. The gap between African-American and White registration rates shrank as well across much of the South. For example, in Mississippi this gap decreased from 63.2 percentage points in March 1965 to 6.3 percentage points in 1988.

Having a meaningful opportunity to exercise one's right to vote is no longer simply an abstract idea we talk about, but is instead a goal we strive to achieve for all. The evidence shows it is a mark we are increasingly meeting and all Americans should be proud of what we have been able to accomplish. As we celebrate our progress, however, it is important to remember that challenges remain.

Whether it is because of outdated election machinery or long lines at the polls, many people still find it difficult to vote. Too often these impediments are faced disproportionally by minorities and low-income citizens. The Federal Government must continue the role it started in earnest back in 1965, and continued through the Help America Vote Act of 2002, of working to ensure that all Americas are free to exercise their right to vote. Through its involvement and commitment of resources, I know we will succeed.

Mr. PAUL. Mr. Chairman, it is shameful that Americans were once routinely denied the ability to vote on account of their skin color. All Americans should celebrate the Voting Rights Act's role in vindicating the constitutional rights of all citizens to vote free of racial discrimination. Therefore, I was hoping I could support reauthorization of the Voting Rights Act. However, I cannot support H.R. 9 because it extends the unfunded bilingual ballots mandate.

I had joined with my colleague from Iowa, Mr. KING, in supporting an amendment to strike the bilingual ballot mandate, which was unfortunately rejected by this House. Mr. Speaker, despite the fact that a person must demonstrate a basic command of the English language before becoming a citizen, Congress is continuing to force States to provide ballots in languages other than English. If a knowledge of English is important enough to be a precondition of citizenship, then why should we force States to facilitate voting in languages other than English?

Of course, Mr. Chairman, I have no desire to deny any American citizens the ability to vote. Contrary to the claims of its opponents, Mr. KING's amendment does not deny any American the ability to vote. Under Mr. KING's amendment, Americans will still have a legal right to bring translators to the polls to assist them in voting, and States could still choose to print bilingual ballots if the King amendment passes. All the King amendment did is repeal a costly Federal mandate.

In conclusion, while I recognize the continuing need for protection of voting rights, I cannot support this bill before us since it extends the costly and divisive bilingual ballot mandate.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of H.R. 9, the Voting Rights Reauthorization Act. It was once said that "a majority has no right to vote away the rights of a minority; the political function of rights is precisely to protect minorities from oppression by majorities." The amendments offered today by the majority seek to do precisely that; oppress the voting rights of minorities all over America to fairly and freely vote in elections.

While I am pleased to see this important, critical, and bipartisan bill brought to the floor, I am disheartened to see amendments offered that would weaken the core of H.R. 9 and would take a step backward in the fight for equality.

Since the birth of our Nation, no other right has been more important than having the ability to vote. Unfortunately, as history has shown, the denial of this right to minorities is a scar on our system of democracy. The passage of the groundbreaking Voting Rights Act of 1965 broke down barriers that stood in the way of African-Americans and minorities to vote, and we must pass H.R. 9, without the gutting amendments, to ensure that these barriers of discrimination, intimidation, and inequality will never be built again. Just as the Voting Rights Act of 1965 gave voice to millions of African American and minority men and women, H.R. 9 will ensure that voice for millions more in generations to come.

H.R. 9 would renew provisions of the Voting Rights Act of 1965 that protect minority voters in States and districts that have a documented history of voter suppression. It would extend the provisions of this bill for an additional 25 years, require the U.S. Attorney General to send Federal observers to monitor elections to make sure that eligible African-American and other minority voters are permitted to vote, it would extend bilingual requirements, and it would prohibit the use of any kind of test or devices to deny an individual the right to vote.

Each and every Member of the House has the unique opportunity today to continue the work of the great civil rights leaders of the past, Martin Luther King, Jr., Coretta Scott King, Rosa Parks, Fannie Lou Hammer, and our own JOHN LEWIS, to overcome the ghosts of oppression and fight for a new day of equality and respect for every individual.

I urge my colleagues, Republican and Democrat, to vote for H.R. 9 and oppose all amendments.

Mr. STARK. Mr. Chairman, I rise in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

This historic legislation, first signed into law by President Johnson in 1965, has eliminated the most blatant forms of discrimination in voting practices and continues to send a strong message that American voters of all races have the full support and enforcement of the United States Government behind them when they exercise a basic democratic right.

Contrary to the arguments of those that believe this law is no longer necessary, the extensive hearing record that accompanies this legislation proves that the need is as great as ever. In Georgia alone, 91 objections to voting practices have been processed by the Department of Justice since 1982, including 4 objections since 2002, preventing discriminatory voting changes from being enacted.

Indeed, additional action is necessary to guarantee the right to vote. Congress has failed to address the more subtle forms of discrimination that plague our voting system and were on full display in the last two presidential elections. The right to vote doesn't mean much to an individual who has to wait in a 3-hour line to cast a ballot or who has a hostile election worker deny their right to a provisional ballot. Nor is the right to vote honored when votes mysteriously disappear and can't be accounted for in a recount because there is no paper trail.

In 14 States, felons are denied the right to vote even after they serve their sentences. I sincerely doubt the public would support a law prohibiting felons from freely practicing their religion after completing their prison terms. Yet we deny an equally fundamental right to millions of Americans who may have written a bad check or been convicted of a minor drug offense.

These issues are just as threatening to our democracy as poll taxes and voter intimidation, and so today cannot be viewed as the capstone, but rather the foundation, of our efforts to guarantee the right to vote.

Mr. SHADEGG. Mr. Chairman, I strongly support civil rights and the constitutional right of each and every individual to vote unimpeded by government or any other entity. Regrettably, however, this piece of legislation is deeply flawed and offers a disincentive for many States to continue on the path to voting equality. Let me explain why.

The 1965 Voting Rights Act helped rid the voting process of structural discrimination against minority voters—in every State and every region. Provisions such as section 2 of the act bar the dilution of minority voting rights anywhere in the United States. The VRA also includes a formula to impose increased scrutiny on election-related decisions in certain States or counties. These jurisdictions—all or part of 15 States covering most of the South and my State of Arizona—are required to "preclear" every election change with the U.S. Department of Justice, everything from decennial redistricting to simply moving a polling place. The Department of Justice is tasked with determining whether election changes would diminish minority voting rights.

Today, 41 years later, the VRA's preclearance provision still relies on the formula derived from 1964 election data. The legislation before the House today does not update the formula to include more recent electoral data, nor does it modify the formula in recognition of the accomplishments of States since that time. This portion of the VRA simply does not reflect America's changing demographics or the progress our society has made over the last 40 years. States, particularly "section 5" States, have worked tirelessly to ensure that discrimination has no place in the voting process, yet the legislation before us continues to single out these States for unique and extraordinary scrutiny and it imposes no additional scrutiny on States that have impaired minority voting rights in the past since 1964. Neither is fair.

While not perfect, I would support an extension of the existing VRA. However, the bill on the floor today includes new requirements that minority groups must have the ability to elect "preferred candidates of choice." The Department of Justice will somehow have to determine what constitutes a "preferred candidate of choice"—potentially concluding that a minority candidate must be of a particular party. Expecting the Department of Justice or courts to determine the "preferred candidate of choice" invites electoral disaster. Prominent VRA experts, including former Solicitor General of the United States Theodore Olson, have concluded that this bill may result in the Department of Justice requiring district lines be drawn to benefit a particular party, politicizing redistricting and the VRA in a particularly egregious fashion.

The original bill theoretically allows jurisdictions to bailout of section 5 coverage. However, no State has ever been able to do so. If we want to encourage States to get out from under section 5 "preclearance" we must give them incentive to do so. Under the current criteria, no State will ever be able to get off the list.

Equality in the voting process is of utmost importance to me and I believe it is vital to protect minority rights. For this reason, I voted against an amendment that would strip the bill of its multilingual ballot provisions. Whether an individual is Hispanic, Navajo, or of any other background, he or she should be able to seek help when it comes to casting their vote.

Mr. Chairman, the right to vote, unimpeded, is a constitutional right for all citizens of the United States and should be protected. However, this act does not recognize the great progress that has been achieved over the past 40 years. This is a bill trapped in time; and for that reason, I ask you to join me in voting against H.R. 9 in its current form.

Mrs. CUBIN. Mr. Chairman, the enactment of the Voting Rights Act of 1965 marked a turning point in our Nation's history. The statute has succeeded in combating the voting disenfranchisement that was an ugly stain on our Nation's democratic ideals.

While there is no doubt that the Voting Rights Act was necessary when enacted, some of the bill's provisions have turned into a costly financial burden for States affected by the law. The bilingual ballot provisions come at a tremendous social cost as well, contradicting the requirement that immigrants develop English language skills in order to become naturalized as citizens.

As our Nation is founded on the influences of a wide range of ideas and cultures, the ability to share and use these ideas is facilitated by a common language—the English language. By encouraging national unity on this front we help to avoid the deep divisions which help keep certain regions of the world in turmoil.

Concerns about the Voting Rights Act are not limited to the South, nor are they limited to the preclearance provisions or bilingual ballots. The 1982 reauthorization of the law amended the act to define discrimination in terms of results rather than in terms of intent, raising serious constitutional concerns. Because of the way some courts have interpreted the Voting Rights Act, the law meant to safeguard the democratic process has become a catalyst for costly litigation for uncertain benefit.

My views on this and other portions of the Voting Rights Act are eloquently stated in an article by Roger Clegg, "Revise Before Reauthorizing," which I hereby submit for the RECORD.

The Voting Rights Act has a long record of service to our democracy and much of it should remain in place. I am compelled to support the measure in order to combat the pockets of discrimination that remain in our Nation. I do, however, urge our House leaders to work with the Senate to rectify the law's shortcomings as it moves through the legislative process.

REVISE BEFORE REAUTHORIZING

(By Robert Clegg)

August 6 marks the 40th anniversary of the Voting Rights Act, and several provisions of the law are up for reauthorization in 2007. In a recent address to the NAACP's annual convention, House Judiciary Committee chairman James Sensenbrenner (R., Wisc.) endorsed an across-the-board reauthorization. He shouldn't have. While much of the act should stay in place, there are five major problems with it as currently written and interpreted.

First of all, it is bad to define "discrimination" in terms of results (i.e., whether racial proportionality is achieved) rather than in terms of intent (i.e., whether an action is taken because of race). The Voting Rights Act used to mean the latter, but in 1982 was amended to include the former as well.

As a result, a state that adopts a neutral rule, without discriminatory animus, and applies it evenhandedly can still be in violation of the Voting Rights Act if the Justice Department or a federal judge finds that the rule "results" in one race being better off than another and there is not a strong enough state interest in the rule.

For instance, suppose that a state decides that it wants to allow voter registration over the Internet, in addition to other ways of registering. There is nothing about race in the new procedure, no evidence that it was adopted with an eye toward helping one race more than another, and no evidence that it is being implemented in a discriminatory way. But suppose that more whites, proportionately, use the procedure than blacks. The state is therefore vulnerable to a claim that its new procedure "results" in racial discrimination in violation of the Voting Rights Act.

So, the act should be changed back to its pre-1982 language, to require a showing of actual racial discrimination—that people are being treated differently because of race.

Second, the Voting Rights Act now requires—or, more accurately, has been interpreted to require—the maintenance and even the creation of racially defined districts. This is a bad thing. One would think that our civil-rights laws would be designed to end discrimination, with the happy byproduct of facilitating integration. Instead, the Voting Rights Act encourages racial gerrymandering, which is both discriminatory and leads to segregation.

Ironically, the Supreme Court made clear in a series of decisions in the 1990s that the Constitution itself does not allow racial gerrymandering, meaning the creation of districts to serve racial constituencies. (Where race is used as a means to achieve politically gerrymandered districts, the Court has been more forgiving; in other words, it is one thing when the state figures that blacks are likely to vote Democratic and therefore zigs and zags to take this political fact of life into account—assuming that race is the best proxy for voting behavior available—but something else if the zigging and zagging is to create a black-controlled district for the very reason that the state wants a black-controlled district.) Yet much of the jurisprudence of the Voting Rights Act now requires exactly that kind of gerrymandering. Under Section 2 of the act, majority-minority districts must be drawn if the three-part test set out by the Supreme Court's 1986 decision in Thornburg v. Gingles is met, absent unusual circumstances; under Section 5, if a majority-minority district existed once, it—or some similar racial "edge"—must be preserved in perpetuity.

So, the law should be amended to make clear that there is no requirement that districts be drawn with the racial bottom line in mind—and, indeed, that such racial gerrymandering is in fact illegal.

Third, the Voting Rights Act as interpreted by the courts literally denies the equal protection of the law—that is, it provides legal guarantees to some racial groups that it denies to others. A minority group may be entitled to have a racially gerrymandered district, or be protected against racial gerrymandering that favors other groups; at the same time, other groups are not entitled to gerrymander, and indeed may lack protection against gerrymandering that hurts them. No racial group should be guaranteed safe districts or influence districts or some combination thereof unless other groups are given the same guarantee—and it is impossible to do so (and it is, in any event, a bad idea to encourage such racial obsession).

So, the act should be amended to make clear that it guarantees nothing for one racial group that it does not guarantee for all racial groups.

Fourth, in many circumstances the Voting Rights Act currently requires that ballots be made available in languages other than English—an odd provision, since the ability to speak English is generally required for naturalized citizens, and citizenship is generally required for voters. The provision does, however, remove another incentive for being fluent in English, which is the last thing the government should be doing. This provision in the act should be removed.

Finally, the whole mechanism requiring some jurisdictions to ask, "Mother, may I?" of the federal government before making any change in voting practices and procedures needs to be rethought. We should not continue to have such a "pre-clearance" mechanism at all, and in any event surely the current law—which singles out parts of the South and just a few districts elsewhere, notably in New York City and California—is out of date. This mechanism was considered "emergency" legislation when it was passed 40 years ago: Does it really make sense now to have a different law for Texas versus Arkansas, or Maryland versus Virginia, or New Mexico versus Arizona? This provision of the act needs to be removed or, at least, rewritten, so that troublesome districts are more fairly identified.

Celebrate the Voting Rights Act—but not without updating it for the 21st century.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the reauthorization of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I am proud to be a cosponsor of this important legislation, known as the VRA.

The VRA was first enacted in 1965. Since the passage of the VRA, many discriminatory practices and barriers to political participation have been eliminated, enfranchising millions of racial, ethnic, and language minority citizens.

Sadly, in spite of these advances, this landmark legislation is still needed today. The fact remains that hate groups continue to exist in this country and unscrupulous politicians, for their own political advantage, continue efforts to disenfranchise vulnerable voters.

Just last month, on June 28, the U.S. Supreme Court ruled in GI Forum v. Texas that a 2003 redistricting plan in Texas Congressional District 23 violated the voting rights of Latino voters. The Supreme Court ruling was a resounding affirmation of the need for the Voting Rights Act.

The National Commission on the Voting Rights Act recently released a report which highlighted a troubling pattern of voter discrimination against minority citizens across the nation. Without a clean reauthorization of the VRA, key provisions that protect against these abuses will expire in 2007.

One key provision that will expire is Section 203. Voting instructions and ballot information can be confusing even for the native-born, fluent in English. Section 203 ensures that taxpaying American citizens, who are not fluent English speakers, receive the language assistance they need in order to participate in the election process through well-informed choices. The ability to vote in an informed way will also encourage greater voter participation.

Another key provision set to expire in 2007 is section 5. Section 5 requires certain states, with a history of discriminatory practices, to get permission from the Justice Department prior to changing their election process. This is a necessary safeguard against the potential disenfranchisement of poor and minority voters living in these States.

Mr. Chairman, the Voting Rights Act continues to be as relevant today as it was in 1965. While the discrimination existing today may take a different form than that of 1965, the fact remains it still exists in 2006.

The Voting Rights Act is an important deterrent and protection against the disenfranchisement of thousands of American citizens.

As the model of Democracy for the world, we cannot afford to lose one of the fundamental expressions of our democracy—open, free and unencumbered elections. I urge my colleagues to support this bipartisan effort to renew the Voting Rights Act.

Mr. BLUMENAUER. Mr. Chairman, I support the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization in hopes that it will be a vehicle for true comprehensive election reform on a national level.

More than 40 years ago the Voting Rights Act was enacted as a direct response to purposeful discrimination that denied many Americans, mostly African American, equal voting rights. Currently only 16 States are covered. I am disappointed that we have not broadened our scope and our vision.

Currently Georgia is considering changes to its voter registration which will fall disproportional on its African American citizens who have long suffered discriminatory practices.

This further proves that discrimination is alive and well in today's society. We must keep the faith with the civil rights struggle. There are a number of demographics, such as low income citizens, who are still targeted by those who shamelessly continue to manipulate the system.

Reauthorizing the Voting Rights Act for another 25 years is questionable considering the changes that should be made to address the political manipulation seen in recent years in elections through redistricting and with voting machines.

For instance, in Texas a politically driven redistricting between censuses altered the political dynamic of a geographic area and its voters. any professionals in the Justice Department were convinced that the Tom DeLay driven scheme had serious problems but were overridden by the political appointees who were their bosses. In Ohio, during the last Presidential election, inner-city voters had to deal with a purposeful lack of voting machines that led to lines that were hours long. The fact that these issues are not being addressed by this legislation shows its shortcomings and the need for further reform.

We should take a principled stand to make our election process work better for the American public. We need elections that are fair, where every vote is counted, and people have equal access to the polls. Without addressing these concerns this vote is largely a symbolic effort that does little to change the overall distrust with the election process. I hope it improves during the next steps of the legislative process.

Mr. CUMMINGS. Mr. Chairman, I rise in support of H.R. 9—bipartisan legislation to reauthorize the Voting Rights Act of 1965, and in opposition to the King amendment.

Fannie Lou Hamer, Rosa Parks, and Coretta Scott King—together with thousands of other Americans—fought tirelessly to vanquish discrimination and exclusion.

I recall their sacrifice for my colleagues, along with the observation of Dr. King during his 1957 Prayer Pilgrimage to Washington:

"All types of conniving methods are still being used to prevent the Negroes from becoming registered voters," Dr. King declared. "The denial of this sacred right is a tragic betrayal of the highest mandates of our democratic tradition."

Unfortunately, our nation still needs the protections that the VRA provides—I cite the states of Georgia, Ohio, and Florida as recent examples that represent the betrayal to which Dr. King refers.

Mr. Chairman, the four amendments approved by the Rules Committee are poison pills for the VRA. All four diminish the right to vote, are constitutionally unsound and violate the intent of the act. This amendment is no exception.

I urge my colleagues to vote to reauthorize the VRA—without the poison pill amendments.

Mr. KIND. Mr. Chairman, the Voting Rights Act of 1965 upholds the promise made in 1776 that all citizens are created equal. This historic legislation reaffirms the principles of equal opportunity and treatment for which so many were willing to shed their blood or give their lives during the civil rights movement of the 1950s and 1960s.

Last year, I had the honor of joining civil rights leader Congressman JOHN LEWIS from Georgia on a congressional pilgrimage to visit the historic sites of the civil rights movement and retrace parts of the 1965 Voting Rights March in Alabama. During the trip, we commemorated the 40-year anniversary of the march at the Edmund Pettus Bridge, the site of the violent attack on voting rights demonstrators known as Bloody Sunday.

We remember the events of the civil right movement in this country, not only to honor the courage, sacrifice, and accomplishments of those like JOHN LEWIS but also to rededicate ourselves to their ongoing work: the pursuit of justice, love, tolerance, and human rights in our country and throughout the world. Their cause must be our cause today. As long as the power of America's diversity is diminished by acts of discrimination and violence because of race, sex, religion, age or sexual orientation, we must still overcome.

And deep in my heart, I do believe we shall overcome. In the words of Dr. Martin Luther King: "Human progress never rolls on the wheels of inevitability. It comes through the tireless efforts of men willing to be co-workers with God." As long as we move forward as one Nation, united in our common goals, we can cross any bridge; we can overcome any challenge.

The guarantee that all American citizens have a right to be full participants in our democracy is a fundamental American right. It is important that we live up to our nation's ideals of equality and opportunity for all and reauthorize the 1965 Voting Rights Act today. It is also my belief that we should make the act permanent, rather than reauthorizing it for short periods.

Mr. DAVIS of Florida. Mr. Chairman, I rise today in support of H.R. 9 "The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006." I am proud to support this legislation and the bipartisan efforts that have brought it to the floor today.

The renewal of these key provisions of the 1965 Voting Rights Act is a critical opportunity to provide continued oversight and reform to our election system. This legislation will ensure that minority voters who have been disenfranchised in the past will not run the risk of facing such hurdles in the future. Though the Fifteenth Amendment of our Constitution guarantees the right of all citizens to vote free of discrimination, it is important that these provisions of the Voting Rights Act are renewed so as to clarify and expand this fundamental American right.

In addition to its importance on a national stage the beneficial effects of the Voting Rights Act have been felt locally in the Tampa Bay area, which I represent. In 1992, as a result of a Section 5 objection to Florida's reapportionment plan, the state created a new majority-minority state senate district in the Hillsborough County area. This new seat was created to account for the more than 40.1 percent of African American and Hispanic members of the voting age population in the area. Prior to this change, the legislative record shows that the redistricting had been undertaken with the intention of protecting the white incumbent.

I urge my colleagues to join me in supporting H.R. 9, the Voting Rights Act Reauthorization, and ensuring that the right to vote is protected for generations to come.

Mrs. MCCARTHY. Mr. Chairman, The Voting Rights Act was established to end decades of oppressive tactics used to deny millions of African-Americans, Latinos, Asians, and Native Americans from exercising their right to vote. Forty years later, it is clear that the Voting Rights Act was one of the most necessary and effective civil rights laws ever enacted. Without it, America would be a very different place.

While great progress has been made since 1965, much work is left to be done. There are still people out there who want to suppress the vote of certain groups and this legislation will make sure no voter is disenfranchised. It will take more than 40 years of the Voting Rights Act to undo more than 100 years of Jim Crow.

Prior to the law's enactment, members of certain communities faced countless impediments to voting such as poll taxes, harassment, intimidation, and even violence when attempting to participate in elections. It is important to remember that these shameful tactics were not exclusive to the South, but common throughout the entire United States.

Thanks to the Voting Rights Act, there are more than 9,000 African American elected officials in the United States today, as opposed to only 1,479 in 1970. These numbers would have been unthinkable 40 years ago.

In order for democracy to thrive, everyone must have the right to vote, regardless of race, religion, or income. It is not only the responsibility of every American to vote, but also to ensure everyone is allowed to exercise to participate in the electoral process.

The Voting Rights Act of 1965 worked, and Congress must allow it to continue to work for future generations.

Mr. MOORE of Wisconsin. Mr. Chairman, I rise today in strong support of the "Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act."

Today we are reauthorizing critical components of the Voting Rights Act that will ensure that all citizens can carry out the fundamental right to vote and have the opportunity to elect their candidate of choice.

I know there has been push back from certain colleagues about certain provisions, such as the language assistance provision. I wanted to remind everyone that these are all U.S. citizens that are helped by this provision and a majority of the people who will benefit from these language assistance services are native born citizens.

It's not only citizens of Spanish-speaking heritage or Asian Americans, we are also talking about American Indians and Alaskan natives. These are people whose ancestors were here long before yours or mine and deserve every assistance possible when it comes to voting.

Today, as we consider the reauthorization of the Voting Rights Act, let us reflect on our ancestors and those who dedicated their lives toward civil rights causes, such as Fannie Lou Hamer, Rosa Parks, Coretta Scott King and her husband Dr. Martin Luther King.

Dr. King led the symbolic voting rights march from Selma, Alabama to the capital city of Montgomery, which motivated Lyndon Johnson to push Congress to pass the Voting Rights Act of 1965. Some of the provisions in the Voting Rights Act itself were first outlined in a March 14, 1965 article in The New York Times written by Dr. King.

In his speech after the Selma to Montgomery March, Dr. Martin Luther King said:

> Let us march on ballot boxes, march on ballot boxes until race-baiters disappear from the political arena. Let us march on ballot boxes until we send to our city councils, state legislatures, and the U.S. Congressmen (and women) who will not fear to

> do justly, love mercy and walk humbly [with thy God]. Let us march on ballot boxes until brotherhood (and sisterhood) becomes more than a meaningless word in our opening prayer.

The Voting Rights Act empowers us to confront the deceitful tactics used to undermine minority voters.

The Voting Rights Act empowers us to seek justice and support the policies in which we believe.

The Voting Rights Act empowers us to achieve the true definition of democracy, and ensure that every American has the right to vote.

In memory of the many great civil rights leaders that have passed on and in unity with many of the great ones to come, I urge my colleagues to pass the Voting Rights Act and reject any amendments that undermine this monumental bill.

Mr. LANGEVIN. Mr. Chairman, I rise in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. Throughout my career in public service, I have fought to protect Americans' most fundamental right—the right to vote. As the secretary of state of Rhode Island, I worked to ensure the accuracy of our elections and to guarantee that all eligible voters were able to cast a ballot. I have the most profound respect for the great Americans who came before us and who worked tirelessly to fight injustice in our electoral system. We honor their service and their sacrifice today by reauthorizing the Voting Rights Act, and I am proud to be a cosponsor of this important legislation.

The Voting Rights Act has proven extremely effective in expanding the freedom to vote to citizens who had previously been disenfrachised, and, as a result, minorities have been able to participate in elections at record levels. However, while we have made significant progress, recent cases of voter intimidation and discrimination demonstrate that we have more to accomplish. We need to reauthorize this landmark legislation so that we may build on past progress.

The Voting Rights Act's strength lies in its mandate that states not use tests of any kind to determine a citizen's eligibility to vote, and in its requirement that states with a history of unfair voting practices obtain federal approval before enacting any election laws that may have a discriminatory effect. I am deeply disturbed that a vocal contingent of Republicans wants to weaken this bipartisan legislation by gutting the very provisions that have made the Voting Rights Act one of the greatest legislative accomplishments in our history. I strongly urge my colleagues to oppose the amendments we will consider today and to support final passage of H.R. 9 so that we may continue to protect the most precious right of Americans—the right to vote.

Mr. THORNBERRY. Mr. Chairman, "We hold these truths to be self-evident, that all men are created equal."

"It is a sordid business, this divvying us up by race."

Mr. Chairman, those two sentences sum up my concerns with this bill. The first comes from the Declaration of Independence; the second from Chief Justice Roberts' opinion in League of United Latin American Citizens et al. v. Perry, a case about this very Act.

We should be moving closer to that American ideal of God-given equality before the law, rather than "divvying us up by race" for another 25 years, as this bill would do.

To have different levels of scrutiny apply to various states, based on judgments made 40 years ago that are no longer accurate or justified, is wrong. There is simply no reason to believe that Texas requires more Federal supervision of voting than does Ohio or Florida or any other State. The same standard should apply equally to each person across the country, regardless of where he or she lives.

I am anxious for the day when race and skin color is as irrelevant to voting as is hair color. Unfortunately, this bill pushes that day 25 years further away.

Mr. DAVIS of Illinois. Mr. Chairman, I appreciate having the opportunity to share with you my thoughts on the Extension Voting Rights Act of 1965 and the enormously positive impact it has had on our Nation. I am very gratified to know the strong support for reauthorization of the Voting Rights Act and appreciate your leadership on this important issue.

The importance and necessity of the Voting Rights Act cannot be overemphasized. We have learned through experience what a difference the vote makes to us. In 1964, the year before President Johnson signed the Act into law there were only 300 African American elected officials in the entire country. Today, there are more than 9,100 black elected officials including 43 members of Congress.

Let me be clear: expanding the opportunity to vote in America goes far beyond simply ensuring that minority voters have a voice or that African American politicians get elected. The Voting Rights Act has enhanced the lives of all Americans, not just Black Americans, not just minorities. By opening up the political process, the Voting Rights Act has made available a broader pool of political talent, greatly improving the quality of representation for all voters. Just as important, the Voting Rights Act has been instrumental in moving America closer to its true promise and, thus, has significantly benefited every single American, regardless of their race, economic status, national origin or political party.

I've heard it suggested that the Voting Rights Acts—or certain key provisions—need not be reauthorized because its very success has rendered it obsolete. This is a fallacy—and I urge you in the strongest possible terms not to fall for it. The Voting Rights Act must be reauthorized because it works!

African Americans in the South were prevented from voting by a battery of tactics—poll taxes, literacy tests that were for blacks only, and the crudest forms of intimidation. From the Southwest to some urban areas in the Northeast and Midwest, Latinos were discourage from voting by subtler but also effective techniques that exploited the vulnerabilities of low-income newcomers, for whom English was a second language. Both groups were also the targets of districting designed to dilute their ability to elect officials of their own choosing—a fundamental freedom that all too many Americans take for granted.

That is why it is so important that the Congress renew all three provisions that are set to expire: Section 5, which requires a federal approval for proposed changes in voting or election procedures in areas with a history of discrimination; Section 203, which requires some jurisdictions to provide assistance in other languages to voters who are not literate or fluent in English; and the portions of Section 6–9 of the Act which authorize the federal government to send federal election examiners and observers to certain jurisdictions covered by Section 5, where there is evidence of attempts to intimidate minority voters at the polls.

I am gratified at the degree of support—on both sides of the aisle—for the reauthorization of the Voting Rights Act. I urge you to also recognize the continued need for preclearance and other special provisions that are so necessary for the continued progress we must make as a nation.

Mr. LEVIN. Mr. Chairman, I rise in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

We stand here today with a historic opportunity to improve and renew one of the greatest advancements in the history of our American Democracy.

In 1965, in a direct response to evidence of pervasive discrimination taking place across the country, including the use of literacy tests, poll taxes, intimidation, threats and violence, Congress enacted the Voting Rights Act. Since 1965, we have come a long way towards breaking down the many entrenched barriers to minority participation, but exhaustive hearings and testimony have clearly indicated that more can and must be done.

Opponents of this legislation make the false presumption that the Voting Rights Act has accomplished its goals and is therefore no longer necessary. Yet since its last reauthorization in 1982, the Department of Justice—under the Voting Rights Act—has objected to over 1,000 proposed changes to voting laws because they would have denied equal access to the political process.

Other Members would eliminate Section 203, which provides voters with language assistance at the ballot box. The current law requiring bilingual voting assistance was enacted because Congress found evidence of blatant discrimination against non-English-speaking voters. Many American citizens are proficient in English, but may not be able to fully comprehend the complex legal wording in ballot initiatives. It is important to remember that there are American citizens who can speak English, but not read it. Bilingual assistance is necessary to ensure that these citizens are not left out of the political process.

Today four amendments have been offered which seek to severely weaken and undermine the Voting Rights Act. These amendments seek to turn back the clock on the advancements made since 1965 in the enfranchisement and participation of minority voters. Let me be clear, I oppose any attempt to water down the Voting Rights Act, and will oppose each and every one of these damaging amendments.

Back in the early 1970s, I worked together with Congressman JOHN LEWIS—who was one of thousands to risk his life to challenge the discriminatory voting practices of the time—

registering voters in Mississippi. Since then, our country has made substantial strides in expanding and ensuring the right to vote for all American citizens, yet discrimination still exists. Cases remain where absentee votes are deliberately ignored, voters continue to be unjustly purged from voter rolls, and problems with electronic voting machines persist.

Reauthorizing the Voting Rights Act is absolutely essential as we continue to work for complete equality in the voting process. I truly believe that the Voting Rights Act is the most effective civil rights law ever enacted, and I strongly support its passage without amendment.

Mr. WELLER. Mr. Chairman, I rise today in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. This legislation is an important recommitment of our dedication to the principle that all United States citizens, regardless of race, have equal opportunity to cast their vote in our democracy.

Mr. Chairman, The Voting Rights Act, and civil rights in general, have always been a part of Republican legislative history. During the 152 year history of the Republican Party, we have not wavered in our fight for the freedom of individuals. Our party played a significant role in bringing an end to slavery, worked diligently to extend the right to vote to all U.S. citizens, regardless of race, gender or creed, led the civil rights legislation of the 60's, and, today, is continuing to advance the cause of freedom around the world.

In 1866, Republicans in Congress passed the nation's first ever Civil Rights Act. Three years later, in 1869, Republicans proposed a constitutional amendment, guaranteeing minorities the right to vote. Ninety-eight percent of Republicans voted for this amendment, which led to its passage and inclusion as the 15th amendment to our Constitution.

Continuing the Republican legacy of advancing individuals civil rights, U.S. Senator Everett Dirksen, from my home state of Illinois, was responsible, more than any other individual, for the passage of the 1964 Civil Rights Act. His leadership paved the way for its passage and the enormous support from Republicans for this Act carried over into 1965, when a higher percentage of Republicans in Congress voted for the Voting Rights Act than did their Democratic colleagues.

H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, will extend and revise the Voting Rights Act of 1965 to enhance the intended purpose of protecting the constitutional right of all citizens to vote and, in effect, their right to actively participate in the governing of our county. This bill protects the ability of all citizens to elect their preferred candidate by prohibiting discriminatory voting qualifications and prerequisites. By supporting this bill, we are not only defending the rights of U.S. citizens, we are adding to our country's long history of protecting liberty and freedom.

I believe it is imperative that this legislation garner the strong support of the entire House of Representatives. The Voting Rights Act Reauthorization and Amendments Act of 2006 carries on the legacy of its 1965 predecessor and creates greater safeguards for all American voters.

I would like to thank our distinguished Speaker, the gentleman from Illinois, for his leadership on this legislation and for bringing it to a vote on the floor. I urge all my colleagues to protect our citizens, and our constitution, by voting in favor of this legislation.

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of H.R. 9. The Voting Rights Act is one of our nation's most effective and essential civil rights laws.

Since enacted in 1965, this law has been reauthorized 4 times—each time with bipartisan support. Today, I hope that we will reaffirm our bipartisan, national commitment to voting rights for all Americans.

I would like to salute the efforts of Chairman SENSENBRENNER and Ranking Member Conyers for their tireless efforts to produce a bipartisan reauthorization bill. The right to vote is for all Americans—it is not a partisan issue. I urge my colleagues to support the underlying bill and to reject any amendments that would weaken the protections afforded under the Voting Rights Act.

One amendment that would turn the clock back on voting rights is the Amendment being offered by Mr. KING of Iowa that would strike Sec. 203 of the act, which provides language assistance for voters who need it. Striking this section is a strike to the heart of the Voting Rights Act allowing for discrimination against voters based on language. It is a backdoor attempt to reestablish a literacy test for voting.

Let us, together, pledge to fight barriers to voting. Let us say never again to the days of literacy tests, poll taxes, and intimidation and threats to voters.

Let us, together, ensure that minority communities will not have their votes diluted, costing them real representation in elected positions.

The Voting Rights Act protects our democracy. Its legacy of success is indisputable. In my own state of Texas, we went from 563 elected Hispanics in 1973 to 2,137 in 2005. The number of Hispanic elected to Congress from Texas doubled between 1984 and 2005. Yet these gains could be undone without the on-going protection of the Voting Rights Act.

The Voting Rights Act is about securing and protecting our democracy. I urge all of my colleagues to support the passage of H.R. 9 as it was reported out of committee.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 9, the Voting Rights Act. All of us are grateful for those sacrifices which forced America to bring equality and justice to all and we must continue to uphold the basic principles and sentiments embodied in the Voting Rights Act.

The landmark Voting Rights Act of 1965 guaranteed that racism and its bitter legacy would never again disenfranchise any citizen by closing the polls. The failure to ensure voting rights regardless of race or national origin was a national shame, which was finally addressed and corrected in this historic bill.

Over the last 41 years, progress continues to be made in ensuring all citizens have the right to vote. However, the past two presidential election involved vote-related controversies, which led to significant numbers of voters unable to vote or unable to have their votes counted. These instances make clear the Voting Rights Act is still necessary and much needed. I am a cosponsor of H.R. 9 because we, as Americans, must preserve and defend our most basic right and liberty—the right to have our voices heard through voting.

Mr. Chairman there is no civil rights legislation more important or effective than the Voting Rights Act. We cannot and should not return to the days before 1965. We need to extend the expiring provisions of the Voting Rights Act. I support H.R. 9 and urge my colleagues to do the same.

Mr. BISHOP of Georgia. Mr. Chairman, I rise today in strong support of the Voting Rights Act and urge this House to decisively reauthorize this legislation for another 25 years. The Voting Rights Act has been reauthorized and upheld for more than four decades, and today we must act to ensure that the provisions set to expire next year remain in effect and continue to protect the sacred right to vote.

The Voting Rights Act is one of the most important civil rights initiatives ever enacted, protecting minority voters from discrimination, and ensuring for all Americans, the right to vote in a fair and equal voting process. This bill was necessary when it was passed in 1965 and it is necessary today. It continues to work effectively to combat discrimination and its reauthorization will make certain that the gains that have been achieved for minority voters are not rolled back. Clearly we have come a long way, but as recently as yesterday a U.S. District Court blocked the enforcement of a controversial voter I.D. law, which would have required the presentation of state-issued photo identification prior to casting your ballot. In the last decade Georgia and several other southern states have continued to experience problems with race-based redistricting and government reorganization. These laws may not be as egregious as the challenges of the past, but they are no less discriminatory and reinforce the need for federal monitoring to protect minority rights.

Before I was elected to Congress in 1992, my area of Georgia had only been represented by an African American once in its history; it was for less than three months in 1870 and 1871. Jefferson Long was the first black Member of Congress from Georgia and only the second nationwide. It took 121 years and the passage of the Voting Rights Act before another African American was elected. This bill is vital to ensuring that minority voices are heard in our nation's capital and at every other level of government.

Indeed only a few short years before Jefferson Long's service in Congress, Georgians elected their first African American state legislators. The election of 1868 was the first in which African Americans in Georgia could participate in the electoral process through voting or running for office. It was hotly debated in the Georgia General Assembly whether or not the Constitution guaranteed African Americans the right to run for office, or simply to vote. Despite this debate, 33 African Americans were elected to the legislature in 1868 and began their service that summer—they were outnumbered four to one in the body by their white colleagues. They endured taunting and torment in the newspapers and on the Floor of the General Assembly. The legislature voted along color lines and expelled the black members of the General Assembly—the 33 were booted from the floor.

One of them—Henry McNeal Turner—said, "You may drive us out, but you will light a torch never to be put out." Another, Tunis Campbell, journeyed from Atlanta to Washington and asked the new President, Ulysses S. Grant, to intercede. Grant and the Congress did the right thing and ordered the Georgia legislature to readmit the expelled legislators and all 33 reclaimed their seats in Atlanta. But, by the turn of the 20th century, the devices of Jim Crow—the poll tax, literacy tests, whites-only primaries, and others—had forced each and every black representative out of office. In 1976, while I was in the General Assembly myself, the black legislators caucus donated a statue to commemorate the centennial of their ordeal.

Today, in Washington, DC, we are called to remember Turner's call—we must not let the torch go out. The Voting Rights Act brings electoral law out of the dark and promises that the discrimination and intimidation that plagued voting in the past will not be tolerated in the present. The reauthorization of this bill will renew that promise to our children and our grandchildren. We should not, we must not, and we cannot allow it to be extinguished. We must extend the Voting Rights Act today—without amendment!

Mr. FILNER. Mr. Chairman, I have been active in the struggle for civil rights since my teenage years. In 1961, I joined the first Freedom Rides to desegregate transportation facilities in our Southern States—and was arrested and imprisoned for several months in Mississippi. In 1965, I joined our colleague, JOHN LEWIS, as he led the famous march from Selma to Montgomery, AL. This led directly to Congressional passage of the Voting Rights Act. Since then, I have not forgotten my long standing beliefs and have consistently fought to uphold civil and human rights for every person in the United States.

The Voting Rights Act, adopted initially in 1965 and extended in 1970, 1975, and 1982, stands as the most successful piece of civil rights legislation ever. The Act codifies and effectuates the 15th Amendment's permanent guarantee that, throughout the Nation, no person shall be denied the right to vote on account of race or color. In addition, the Act contains several special provisions that impose even more stringent requirements in certain jurisdictions throughout the country, including the requirement to provide bilingual assistance to language minority voters.

This Act marked the first successful Federal oversight of changes to election procedures in jurisdictions that had a poor record of respecting minority voting rights in the past. These "special provisions" are set to expire in 2007. Therefore, the Voting Rights Act must pass in its entirety, without amendment.

At this time, when our country has staked much of its international reputation on the ability to spread democracy and free elections to troubled regions across the globe, the importance of keeping this Act in legislation with its special provisions is very vital. I urge my colleagues to support the reauthorization of the Voting Rights Act and reject all amendments.

Mr. EVERETT. Mr. Chairman, I reluctantly rise today in opposition to H.R. 9, the reauthorization of the Voting Rights Act. The Voting Rights Act provides important guidelines to ensure the integrity of elections, yet the legislation before us chooses to reauthorize this Act with 30 year old information. I simply cannot vote to sentence Alabama to an additional 25 years under the foot of the Justice Department without just cause.

I am disappointed that the House chose not to update the 1965 Voting Rights Act when it reauthorized the measure. The whole debate was cast as either you're for the Voting Rights Act or you're not. There was no attention paid to the fact that the Act's formulas are out of date and place the Act itself at risk of constitutional challenge. As a result, states like Alabama continue to be punished for wrongs committed 40 years ago and the same criteria will remain in effect for another 25 years, through 2032.

Furthermore, I also oppose the Voting Rights Act's mandate that States provide bilingual ballots to non-English speaking voters. This provision serves only to impede the assimilation of non-English speakers into our society.

The Voting Rights Act remains locked in a time-warp reflecting the voting realities of 1964, not 2006. The very constitutionality of the Voting Rights Act may be in question. The Supreme Court found more than 30 years ago that the Act's formula, which is based on the 1964, 1968 and 1972 presidential election voting data, was constitutional because it is was temporary and narrowly tailored to address a specific problem. Thirty years have since passed calling into question the basis of this ruling.

"I supported an amendment to update the formula used to determine which jurisdictions are required to obtain Federal "pre-clearance" before changing voting procedures," said Everett. "The formula would be updated to reflect voting participation in the most recent three presidential elections as a basis for Federal pre-clearance instead of decades old data."

I also voted for an amendment to strike the provision in the Voting Rights Act requiring States to provide bilingual ballots.

It must be stated that efforts to reform the Voting Rights Act are not designed to weaken its effectiveness in protecting minority voting rights. These rights will continue to be protected. Reforming the Voting Rights Act is necessary to ensure that it reflects our current society.

Alabama has made tremendous progress in the area of voter participation due in large part to the Voting Rights Act. Out of the 50 States, it is second only to Mississippi in the total number of African Americans holding public office. As recently as 2004, African Americans and Caucasians in Alabama were registered to vote in equal numbers.

Unfortunately, the Voting Rights Act remains focused on a core group of southern States which have long complied with its Federal mandate. Modernizing the Voting Rights Act would enable Alabama and other southern states to be properly evaluated on recent voter participation data. It also would help identify recent voter registration problems in other areas of the country that are currently hidden due to the antiquated formulas of the Voting Rights Act.

The provisions of the Voting Rights Act don't actually expire until 2007. Accordingly, Congress has time to go back to the drawing board and create legislation that would actually update and strengthen the Voting Rights Act. Modernizing the Voting Rights Act both serves the public interest and protects the constitutionality of the law.

Mr. BONNER. Mr. Chairman, I came to the House floor today with every desire—every hope in my heart—to vote for extending the Voting Rights Act of 1965.

Unfortunately, later this afternoon when the vote is actually called, even after several amendments that in my view would improve it have been voted on and, in all likelihood, voted down—it will be with a heavy heart—but a clear conscious—that I must vote against the underlying bill.

Please allow me to explain.

Mr. Chairman, there are 160 members of this House who are attorneys by training. Some were judges and have ruled on the merits of the law; others were distinguished members of the bar in their hometowns and communities before they were elected to Congress.

All, I am certain, are more qualified than I am—as I am not an attorney—to look at the Voting Rights Act of 1965—and its subsequent extensions over the years—and argue with more authority and legal knowledge the pros and cons of Section 2 or Section 4 or Section 5 of the Voting Rights Act, or whether or not Ashcroft v. Georgia should or should not remain a factor as new congressional district lines are drawn in the coming decades.

Likewise, every one of us here in this body comes to Congress with some degree of political acumen and understanding.

Many of our colleagues were former legislators back home; we have former governors and secretaries of state, former political science professors who once taught the subject in the classroom, even a former wrestling coach who serves today with great distinction as our Speaker.

Every person in this room is as qualified as I am—many are probably more so to peer into the proverbial "crystal ball" we all wish we had and try to guess whether by passing this extension, we'll be making our country a "little more red" or a "little more blue."

Let's be honest, Mr. Chairman, for many in this hallowed chamber, that is what this vote today is all about.

But while I am neither an attorney who has mastered Constitutional law nor a political expert who has extraordinary vision, I believe it is safe to say that I am the only member of this body who was born in Selma, AL, arguably one of the most significant sites in our Nation's struggle to advance the civil rights of all Americans.

As a child of the South born in the late 1950s, it is fair to say that I watched the Civil Rights Movement unfold before my very eyes.

No, I would never pretend to fully understand as a boy what men like my colleague and friend, Congressman JOHN LEWIS, went through to advance the cause of racial justice.

There is not another member of this body for whom I have greater respect or hold in higher regard than JOHN LEWIS, who, himself, is an Alabama native.

While I was a child watching the Civil Rights Movement progress, he was a young man helping to make it all happen.

And seemingly without malice in his heart, he turned the other cheek time and time again, even as Bull Conner, Jim Clark and others beat him, jailed him, spit on him, cursed him and did everything in their might to break his spirit and determination.

That, Mr. Chairman, is one reason why I have such a heavy burden with this vote.

Let me be clear about one thing: although many of our forefathers did not believe so at the time, the original Civil Rights Act of 1965 was necessary medicine to remedy an age-old ill and we Republicans can be proud—extremely proud—of the lead role our party played in its passage and enactment.

In 1965, racial discrimination was real—especially at the ballot box. In my birthplace of Selma, just over 2 percent of the registered voters were listed as African-American—even though the town of 30,000 people was over 57 percent black.

I remember hearing my parents talk about the numerous injustices that were taking place all over the South . . . of having a separate section for young blacks to watch a movie in the Alco Theater in Camden where I grew up, of having "Colored" water fountains at the Wilcox County Courthouse and other symbols—some large, some small—but all of which were intended to divide our country based almost solely on the color of a person's skin.

Mr. Chairman, today we can say with certainty that the Voting Rights Act of 1965 was needed and it worked. It did what it was intended to do. And in more ways than we can innumerate, we can thank God that it has changed our country for the better.

The Alabama I grew up in—in the 1960s—is a far cry from the Alabama I am privileged to represent here in this great body today.

Isn't it fitting that the first African-American female to serve our country as secretary of state is none other than a daughter of Birmingham, a lady who, as a little girl, knew the four other children who were tragically killed when a bomb exploded on Sunday, September 15, 1963, exposing the face of evil that reared its ugly head at the 16th Street Baptist Church in Birmingham.

Not a day passes when I am not so extremely proud to know that whether on the world stage, where there is so much strife and division, or coming back to help victims of Hurricane Katrina in her home State, Dr. Condeleeza Rice is a person of the highest moral standing, of the greatest integrity and is a shining example to us all.

Mr. Chairman, 50 years after she had been arrested simply for refusing to give up her seat on a bus in Montgomery to a white man, wasn't it appropriate for our Nation's capitol—this majestic building recognized around the world as a symbol of hope and freedom—to bestow its highest honor by allowing the body of Mrs. Rosa Parks, a former seamstress who went on to become the "mother of the Civil Rights Movement," to lie in state for the Nation—and the world—to mourn her passing?

But, you see, Mr. Chairman, by extending the very provisions that were so necessary and needed in the 1960s—and by imposing for another 25 years the sanctions of Section 5 of the Voting Rights Act on a region of the country that has changed—and has changed for the better—what we are doing today is merely celebrating the success of the Selma to Montgomery march without acknowledging that the march for justice should continue.

It should continue to Palm Beach, Broward, Miami-Dade and Volusia Counties in Florida, where many of our colleagues and even more Americans believe with all their hearts that the presidential election of 2000 was stolen by the Supreme Court and a few hundred hanging chads.

If the prescription for suppressing the voting rights of African-Americans and other minorities who were disenfranchised in the South in the 1960s worked—and it did—then why are we not continuing the march for equality and justice for the citizens in Milwaukee and Chicago and Cleveland and the other great cities of our country who, in recent elections, have protested that their right to vote was compromised and their voice in this great democracy was intimidated?

The Alabama of today can boast the fact that there are more African-American elected officials in Alabama than any other state in the nation. That's quite a statement, Mr. Speaker, a statement of real progress over the past 40 years. I count many of these men and women as my close friends and partners as, together, we are working to build a better State and region for our children and grandchildren, regardless of the color of their skin.

One person, in particular, whom I count as just such a partner is my friend and colleague, Congressman ARTUR DAVIS. On several occasions, ARTUR and I have held joint town meetings in Clarke County, a county that we both represent, as well as shared the stage in other Alabama cities talking about the progress our home State has made in recent years.

Without a doubt, ARTUR represents the very best Alabama has to offer; he is not only a rising star on the Democrat side of the aisle, but he is truly a leader whose vision and voice this Nation can benefit from.

Regretfully, on this issue, ARTUR and I respectfully disagree with each other.

He believes that it would be unconstitutional to make Section 5 of the Voting Rights Act apply to the entire Nation. I, on the other hand, believe if it is unconstitutional for Section 5 of the Voting Rights Act to apply to the rest of the Nation, then it might well be unconstitutional for it to continue to apply only to those States that were placed under it more than 40 years ago.

Last year, my hometown, Mobile, added a chapter to the rich history of progress that has come our way on this long and often-painful journey in that we elected our first African-American mayor, even though the majority of our citizens and the majority of the registered voters in Mobile are Caucasian.

As Mayor Sam Jones said on election night, "we are too busy to be divided," but Mayor Jones' victory should tell us all that Dr. King's vision of an America where his "four children will one day live in a Nation where they will not be judged by the color of their skin but by the content of their character," that America is more real today, Mr. Speaker, than ever before.

Are we where we need to be?

Have we completed our journey?

Of course not.

But make no mistake, discrimination does not stop at a State line and, sadly, it knows no boundaries. And that is precisely why, Mr. Speaker, I cannot vote for this particular extension of the Voting Rights Act because, at least in my humble opinion, it continues to pretend that the only vestiges of racism and discrimination exist in the nine states and the few other selected counties throughout the country that were originally covered.

And assuming that the four amendments that have been ruled in order—those by Mr. NORWOOD of Georgia, Mr. GOHMERT of Texas, Mr. KING of Iowa and Mr. WESTMORELAND of Georgia—assuming these four amendments all fail, and they most likely will—then what we have left is nothing but a hollow gesture.

It is true that some of our colleagues will most likely march to the microphone later today to declare this as a significant victory but, in all reality, it is nothing more than a very regretful missed opportunity.

Mr. Chairman, I wish with all of my heart that we had spent as much time over the past few months working to expand to the entire Nation the precious right of freedom and the privilege of voting without fear or retribution.

I regret that we were not able to be bold enough to say to the southern States which have shown so much progress that, after 40 years of advancement, we are now ready to move forward and give those areas where the sins of our fathers are no longer committed an opportunity to come out from under the burden of crawling to the U.S. Justice Department, on bended knee, and asking for its blessing to continue on the march for equality.

I truly lament the fact that, as our great Nation is in the midst of an important national debate, one that is focused on how we secure our borders and deal with the all-important matter of having between 11 and 20 million people who are in this country illegally, I can only wish that we had been courageous enough to say, "if you want to become a citizen of this country and enjoy the many benefits that come with that citizenship, then you need to learn English—which is our national language—and you need to become a full-fledged participant in what has made—and continues to make—us different from almost every other country in the world and that is our right to participate in free elections and self-governance."

Mr. Chairman, you see for me to cast a vote for this extension is asking me to condemn my beloved Alabama to another 25 years of being punished for mistakes that are no longer being made.

I know in my heart that the drumbeat for justice must continue and the battle for equality is long from over. I know more progress can be made—and will be made—in the coming months and years.

But I also believe, with every ounce of my being, that this bill will have to pass without my support. For the real opportunity to empower people—and bring credibility to the process that we hold so dear—that opportunity is one that could have been but will not be.

Mr. LANTOS. Mr. Chairman, I rise today as a cosponsor and strong support of H.R. 9 the

Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act, and urge all of my colleagues to vote for this important legislation.

As a representative democracy the most precious right afforded to our citizens is the right to vote. Unfortunately, we are all aware that for most of America's existence this instrumental right was denied to African Americans. And while the passage of the 15th Amendment to the U.S. Constitution in 1868 ensured all American men the right to vote, true equality for all voters was not achieved for another century with the passage of the Voting Rights Act in 1965. This not only guaranteed the fundamental rights of minority voters but provided the necessary enforcement mechanisms to make sure that any American who wanted to exercise their right to vote would be able to.

Mr. Chairman, the Voting Rights Act of 1965 truly transformed our Nation and helped make the dream of freedom a reality. The Voting Rights Act has subsequently been renewed four times, in 1970, 1975, 1982 and most recently in 1992. Despite the success of the 1965 Act, obstacles still exist which prevent minority voters from exercising their full and unfettered franchise, including unauthorized redistricting and last minute changing of poll locations. Because of these and other concerns about full and fair access to the polls for minority voters in this country, the Voting Rights Act continues to need to be renewed.

The legislation before us today reauthorizes three key enforcement provisions of the Voting Rights Act which have been essential to eliminating and deterring voting discrimination and preventing the denial of access to the ballot box. While progress on these crucial areas of voting protection has been made, it is clear from the mountains of evidence that the House Judiciary Committee received during its extensive hearings on this legislation that an ongoing and persistent level of discrimination still exists in our country necessitating the renewal of the Voting Rights Act.

Mr. Chairman, in my home State of California, perhaps one of the most diverse states in the Nation, the renewal of the Voting Rights Act will continue to ensure that the citizens of California can exercise their right to cast a fully informed vote. Section 203 of the Voting Rights Act will require 28 of the State's 58 counties to provide the necessary language assistance so that over 1.5 million voters at the polls are able to comprehend the ballot before them in the booth.

My unwavering commitment to the principles of this important legislation extends to opposing the four amendments considered during the debate today which would either undermine or weaken the act. I am pleased to state that I will vote for this legislation and urge all of my colleagues to join me in continuing to protect the civil rights of all Americans.

Mr. PRICE of Georgia. Mr. Chairman, I strongly support the undisturbed right of all Americans to freely exercise their right to vote. I support the extension of the Voting Rights Act (VRA). H.R. 9 is not extension of the Voting Rights Act. This is not your parents Voting Rights Act.

The 1965 VRA was a monumental step in the right direction—correcting past sins—and it has worked extremely well.

In Georgia in 1964 there were fewer than 25 minority elected officials.

In Georgia today there are 61 minority elected officials.

In Georgia in 1964, 27.4 percent of minority citizens were registered to vote.

In Georgia today, 64.2 percent of minority citizens are registered to vote.

In Georgia in 1964 there were NO minority statewide elected officials.

In Georgia in 2004 there were 9—out of 34—minority statewide elected officials; including our State Attorney General, our State Labor Commissioner and the Chief Justice of our State Supreme Court.

Great progress has been made. The Georgia of today is not the Georgia of 1964.

In fact, minorities in Georgia are enfranchised to a greater degree than those in many States not currently covered by the VRA—and States that will never be covered by the VRA—because of H.R. 9.

Why? Because this legislation will perpetuate the myth that nothing has changed, that no advances have occurred in minority participation in the voting process. This legislation perpetuates the right that there are no new jurisdictions in our Nation that are currently challenged in providing for minority participation in the electoral process.

So how will this Nation decide whether an area needs to be included under this Bill? It will be based upon the 1964 Presidential election. That's right! An election contested over 40 years ago! This is not a Voting Rights Act—it is a Voting Discrimination Act!

Because voters in States that are promoting and accomplishing the enfranchisement of minorities are being discriminated against—and States that currently have discriminating practices will continue to do so—with no fear of being caught or covered by the same rules as those under the jurisdiction of the Voting Rights Act.

And America loses—

What we are doing today is not a renewal of the VRA. We are putting into law the undemocratic notion that minority citizens can only be appropriately represented by members of one political party. This is a notion that should be anathema to all Americans.

The original and rightful intent of the VRA was to ensure that all Americans could exercise their legal right to vote. Recent court decisions have revealed that the judicial branch believes that the VRA should not only ensure the legal right to vote, but that it must also ensure the victor in any given election as a fait accompli.

I support extension of the current VRA—for all of America.

I support the enfranchisement of every American legally able to vote.

I look forward to the day when Members of Congress may work together positively, to solve the challenges that confront us—together.

Unfortunately, that day is not today.

Mr. SERRANO. Mr. Chairman, I rise today in strong support of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

Mr. Speaker, this is an historic moment. I am honored to be on the floor of the House today as we take the next small step on the march toward equality that Rosa Parks and Dr. Martin Luther King, Jr., began just over half a century ago.

The Voting Rights Act is nothing less than the cornerstone of our commitment to government of the people, by the people, and for the people—all the people. For free peoples there is no right or duty more vital than the right to vote. By enacting the most significant civil rights statute in our Nation's history, Congress spoke loud and clear in 1965 that voting is a fundamental right of all American citizens.

The VRA made it the sacred duty of the Federal Government to enforce this right not only by protecting the individual voter, but also by evaluating the actual effects of voting law changes on minority influence. In so doing, the VRA created opportunities for members of all communities, regardless of race, color or creed, to serve their fellow citizens in government.

Today, we have the opportunity to take stock of the gains we have made and to reaffirm this country's commitment to tackling the challenges that remain ahead. When President Lyndon B. Johnson signed the VRA in 1965, he said that "to seize the meaning of this day, we must recall darker times." Unfortunately, those dark times are not completely behind us. Despite the steady progress of the last 41 years, there is very little doubt in my mind that we still very much need section 5 and section 203 of the Voting Rights Act, which would sunset if this Congress neglected to act.

For reminders that Dr. King's march from darkness is not yet finished, we need only look to recent changes to maps and voting requirements in Texas and Georgia. The Supreme Court struck down portions of the new Texas congressional map just 2 weeks ago, and a ruling on new discriminatory election practices in Georgia have seriously eroded the Justice Department's ability to enforce section 5. The bill before us today, thankfully, restores the statute to the original intent of Congress.

I should note that I represent a district covered by section 5. Although the VRA was originally built upon the blood and activism of heroes who lived in a very different time, all of my constituents in my majority minority congressional district have a greater voice in this country today because of their sacrifices. Therefore, my Latino constituents are keenly aware that section 5 is as important to their political empowerment as the section 203 requirement for certain jurisdictions to provide language assistance.

Now I am aware that there is a small minority of Members here today who will try to strike section 203 from the reauthorization bill before us today. They will argue that providing language assistance at the polls somehow discourages immigrants from learning English. To this argument, I say first that I have never met any immigrant, much less one who became a citizen, who did not want to learn English or understand that learning English is their key to the American dream. In my city of New York, there are not enough English as a second language courses to go around for all the folks who want to take them.

Second, this argument ignores the fact that the majority of voters who utilize language assistance are natural born U.S. citizens. Persistent inequalities in our education systems see to it that even those who speak, read and write English in their everyday lives are not always equipped to deal with often complex ballot instructions. Section 203 is a measured, targeted solution that speaks to a principle that all Members of this body should agree on: that all eligible citizens, regardless of their access to education, have the right to cast an informed vote.

That is why we must renew section 203, along with section 5 and the other expiring provisions, without delay.

Twenty-five years from now, we may be able to file away voter discrimination, like slavery before it, as nothing more than a painful memory in our troubled past.

Twenty-five years from now, the conditions that drove Dr. King and others to begin their march may be nothing more than faint scuff marks on the boots of those of us who continued that march.

Twenty-five years from now, we may live in a country in which no racism, no cultural intolerance and no partisan ambition will impel any American to attempt to strip any other American's right to make his or her voice heard.

Twenty-five years from now, six decades after President Johnson declared with his pen that "there is no room for injustice anywhere in the American mansion," we may finally be able to declare that we have completely banished discrimination from our democratic process.

But that day is not yet upon us, Mr. Speaker. For that reason, I applaud Chairman SENSENBRENNER and Ranking Member CONYERS for bringing this momentous renewal to the floor.

I also want to thank both of them for their receptiveness to the concerns of the Black, Hispanic and Asian Members of this body, many of whom would not be in this House if not for the Voting Rights Act.

The version of the bill reported by the Judiciary Committee is a magnificent product of bipartisanship, and I strongly urge my colleagues to support it in its entirety and reject any amendments that would weaken the commitment of this Congress to civil rights.

Mr. CUMMINGS. Mr. Chairman, I rise in support of H.R. 9—bipartisan legislation that will extend and strengthen the Voting Rights Act of 1965.

Fannie Lou Hamer, Rosa Parks, and Coretta Scott King—together with thousands of other Americans—fought tirelessly to vanquish discrimination and exclusion.

Forty years ago, millions of Americans were excluded from our democratic process.

In many States, voters were required to pass impractical literacy tests or pay hefty poll taxes.

It was to carry the American democratic journey beyond these failings that Black citizens and civil rights workers risked unemployment, violence and death.

I recall their sacrifice for this House, along with the observation of Dr. Martin Luther King, Jr. during his 1957 Prayer Pilgrimage to Washington.

"All types of conniving methods are still being used to prevent the Negroes from becoming registered voters," Dr. King declared. "The denial of this sacred right is a tragic betrayal of the highest mandates of our democratic tradition."

Eight years later, during the Selma voting rights marches, televised pictures of a vicious "Bloody Sunday" attack on unarmed Americans touched the conscience of this Nation—leading directly to enactment of the Voting Rights Act of 1965.

Mr. Chairman, this landmark legislation, often called the most important civil rights law of all, is still important in our own time.

From my own life experience, I can attest that we have come a long way toward universal justice in this country, but we are not there yet.

I note that a Federal court recently upheld a Voting Rights Act challenge to a proposed Georgia requirement that would require every voter to present a government photo ID before voting—a requirement, the court held, that would disproportionately burden minority voters.

And in the Texas redistricting cases that the Supreme Court just decided, the Court held that Texas District 23 violates the Voting Rights Act by making it more difficult for Latino-Americans to elect representatives of their own choosing.

In communities like my own throughout the country, the Voting Rights Act is the very foundation of our faith that America is moving forward toward the day when "liberty and justice for all" will truly prevail.

Americans of our own time—minority and majority Americans alike—need the continued guidance that the Voting Rights Act provides. We have come a long way, but more needs to be done.

The four amendments approved by the Rules Committee are poison pills for this bill and the sponsors know this. Any plan or scheme—by purpose or effect—that would diminish the right to vote is un-American and violative of the act.

With this renewal of the Voting Rights Act, we have the opportunity to live up to Dr. King's vision of a better, more unified country.

"Give us the ballot," Dr. King declared during that 1957 Prayer Pilgrimage to Washington, "and we will . . . fill our legislative halls with men of good will and send to the sacred halls of Congress men who will not sign a southern manifesto because of their devotion to the manifesto of justice."

Mr. Chairman, we can be those noble people whom Dr. King prophesied, the people who reaffirm and strengthen that truly American manifesto of justice that reads:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude."

These are inspiring and powerful words, Mr. Chairman.

Our duty is clear. Vote to reauthorize VRA without the gutting amendments.

Mr. ORTIZ. Mr. Chairman, I ask my colleagues to join me today in reauthorizing the single piece of legislation that has been a guardian of voting rights in our democracy since its inception. Su voto es su voz—Your vote is your voice. The people who vote make decisions in this Nation; and the more people that vote the better this democracy can be. While the government literally represents "We the People," we were actually sent here by voters, which—at best—is about half the people we represent.

It is ironic that today, the backdrop for this discussion is the Supreme Court decision on Texas redistricting recently that spoke to the unconstitutionality of how the State divided the Hispanic population in the 2003 map. While I wish we did not need the VRA and to protect minority voters, the bottom line is we still have discrimination in this country—a fact illustrated by the Supreme Court's Texas redistricting decision.

My public service began before some of you were born—not that I'm happy to admit that. My first campaign was 1964, the last election year before the Voting Rights Act of 1965 abolished literacy tests and poll taxes—both components of a time when one segment of this Nation could diminish the voting strength of other entire segments of this Nation. My mother took out a $1,000 loan—a fortune for a migrant family in 1964—to bankroll my first campaign.

The money was mostly to help offset the poll tax for Hispanic voters, whose priority was putting food on the table for their families. We have improved our democracy since then, but our civil tone in political debates has coarsened. This country, this Congress, will be better—we will reflect the population of this Nation far better—if the VRA is reauthorized.

This is a tool for our citizens to use to ensure that their voting rights—the most fundamental tool to speak in this democracy—remains protected. The Voting Rights Act protects voters from discrimination and ensures an even playing field for all voters. The Hispanic Caucus endorsed this bipartisan bill because the renewal of this basic civil rights law will ensure that all Hispanics can fully participate in the political process, protected by law from voting discrimination.

Key provisions of the VRA are set to expire in 2007 if they are not reauthorized by Congress, including those that protect voters from discriminatory practices that are used to commit fraud and intimidation. I know many of my colleagues have deep concerns about ensuring that non-native, English-speaking citizens getting language assistance in order to cast an informed ballot. Have you ever read one of those State constitutional amendments as you cast your ballot. Not being a lawyer, it's a little hard to follow.

Those receiving language assistance under this bill are taxpaying citizens, equal to all of us in this democracy—every one of them, equal to every one of us. This provision helps citizens navigate complicated rules and ballot language. This House should pass the bill, and I thank Chairman SENSENBRENNER and JOHN CONYERS for their hard work in bringing a fair and balanced bill to the floor, one which—if this Congress reauthorizes in the end, will continue protecting the voting rights of all Americans.

It's exactly the kind of bill the Congress of the United States should pass overwhelmingly and return from a rapid conference so it will continue to provide justice to communities that have long suffered from discrimination—and so it will be the law of the land.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Fanni Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization. Our democracy depends on protecting the right of every American citizen to vote, which must never be compromised.

The Voting Rights Act is the most effective civil rights law ever enacted. It was put into place in direct response to significant and pervasive discrimination taking place across the country, including the use of literacy tests, poll taxes, intimidation, threats, and violence. By outlawing the barriers that prevented minorities from voting, the VRA put teeth in the 15th amendment's guarantee that no citizen can be denied the right to vote on the basis of race.

This legislation has been renewed four times by bipartisan majorities in the House and Senate and signed into law by both Republican and Democratic Presidents. In the 41 years since its initial passage, the VRA has enfranchised millions of racial, ethnic and language minority citizens by eliminating discriminatory practices and removing other barriers to their political participation. The VRA has empowered minority voters and has helped to desegregate legislative bodies at all levels of government.

Efforts to remove many of the key provisions of the original legislation are extremely unfortunate. States with histories of discrimination should not be allowed to repeat past injustices. Amendments to weaken the act undermine the heroic efforts of countless Americans who fought for decades for the right to vote. We must stand together to defeat any measure that would weaken the provisions of the VRA.

It is imperative that we adopt the bipartisan bill without amendments that violate the spirit of the original VRA to once again ensure the right of all Americans to vote.

Mr. HOLT. Mr. Chairman, I rise today to express my support for the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, which will reauthorize expiring provisions of one of the most important and effective civil rights bills in the history of the United States. Passage of the Voting Rights Act of 1965 marked a pivotal turning point in American history, and I urge my colleagues to join me in supporting its extension for another 25 years.

As honored as I am to be a part of reauthorizing this landmark legislation, I am to the same extent disheartened that it remains necessary. Would that we could say, the 41-year anniversary of the legislation having come and gone, that 40 years had been enough to cure all of our electoral ills. But clearly it has not been enough, and it pains me deeply to have to look at my own country and acknowledge that some of its electoral abuses, although perhaps less overt, are at least as bad today as they were in 1965, if not worse.

I wish to commend the Judiciary Committee, Subcommittee on the Constitution for its exhaustive inquiry into the effectiveness of and continuing necessity for the expiring provisions of the Voting Rights Act. Through this process, which was informed by elected officials, scholars, attorneys, representatives of the civil rights and election integrity community, the Department of Justice, other governmental organizations and private citizens, we can all be assured that we extend these critical voting protection measures for unquestionably just cause.

The Judiciary Committee's report on the inquiry is compelling. Since 1982, for example, under the Voting Rights Act section 5 preclearance procedures, the Department of Justice has successfully screened out more than 700 proposed election procedure changes that were discriminatory. The rejected proposals included objectionable practices like discriminatory redistricting plans, relocating of polling places making elected positions appointed positions, and other such techniques. In fact, before the subcommittee even commenced its hearings in 2005, I co-moderated a day-long election reform forum in December 2004. Sponsored by the Leadership Conference on Civil Rights, Common Cause, and the Century Foundation, the forum documented extensive and ongoing disenfranchisement activities. It was entitled "Voting in 2004: A Report to the Nation on America's Election Process," and the reports delivered by election reform experts and civil rights groups are still available on the Common Cause website.

It is important to note, however, that the last 40 years have not been a bad-news only story. The Judiciary Committee's report documents both the continuing shortcomings of our electoral system and improvements made to it by the Voting Rights Act. It shows that the Voting Rights Act has been effective, but much work remains to be done. For example, between 1965 and 1988, the gap between registration of White voters and Black voters in Mississippi narrowed from 63.2 to 6.3 percent, and from 50 to 7.4 percen in North Carolina. Similar increases in Black registration were experienced throughout the States covered by section 5 during that period. Meanwhile, the number of African-American elected officials has increased from 1,469 in 1970, to over 9,000 in the year 2,000. Over the period from 1978 to 2004, the number of Asian-Americans elected to office has more than doubled.

The statistics also show that much work remains. The Judiciary Committee also found that in each of six southern States covered by section 5—Alabama, Georgia, Louisiana, Mississippi, South Carolina and North Carolina—African-Americans make up 35 percent of the population but hold only 20.7 percent of the State legislative seats. Latinos represent the largest minority population in the United States, at 15 million residents, but occupy only 0.9 percent of the total number of elected offices in the country.

I believe that the greatest invention of humans is our system of Constitutional democracy. It has transformed not just America, but the world, demonstrating that peaceful and productive government by the consent of the governed is possible. That consent—the very cornerstone of the system—is given by the vote. We have demonstrated that majority rule with protections of minority rights and minority influence is possible. The Supreme Court has held that the right to vote is the most fundamental right, as it is preservative of all others. The measure before us which will assure the continued life of the Voting Rights Act in the decades to come—is of monumental importance.

I am also eager to continue the fight to improve the fairness, accuracy and integrity of our electoral system as soon as this historic measure passes. I hope my colleagues will rapidly work with me towards passage of my Voter Confidence and Increased Accessibility Act, H.R. 550, to ensure that all votes are not only counted as cast, but can independently be audited so that both the losing side-actually, especially the losing side—and the winning side can accept the electoral results. The legislation would require a voter-verified paper record of every vote cast and other things to ensure the reliability, auditability, an accessibility of the voting process.

In addition, and especially because the measure before us will eliminate the further use of Federal examiners to assist in assuring the accuracy, integrity and full inclusivity of voter registration lists, I hope my colleague will support me as I work to pass my Electoral Fairness Act, H.R. 4989, which will substantially enhance the protections afforded to voters under the Help America Vote Act and the National Voter Registration Act in connection with the voter registration process. The legislation would establish fair and uniform rules governing the casting and counting of provisional ballots; ensure that adequate staffing, equipment and supplies be equally available at all polling places to minimize wait times for all voters; and protect the accuracy, integrity and inclusiveness of the voter registration rolls.

I urge my colleagues to join me today in reauthorizing the Voting Rights Act, and committing themselves to working to preserve and advance its legacy in every possible manner.

Ms. ESHOO. Mr. Chairman, I rise in strong support of H.R. 9, which reauthorizes the Voting Rights Act (VRA) for an additional 25 years.

Congress first passed the VRA in 1965 to dismantle "Jim Crow" and to respond to widespread disenfranchisement of minorities. Since then the VRA has been reauthorized numerous times and expanded to address other issues that impact voting access and fair representation, including congressional districting, language requirements and election monitoring.

In 41 years since the enactment of the original VRA, enormous gains have been made in ensuring the voting rights of minorities. However, our country still struggles to live up to the principles of equality and fair representation, and the legacy of racial bias still haunts the electoral process in some areas. Among the provisions reauthorized by H.R. 9 is Section 5 which requires jurisdictions covered under this section to have any changes to their election procedure pre-approved by the Justice Department or a U.S. District Court. This provision is vital to ensure that local jurisdictions do not employ tactics that discourage minority voting. Because of what is at stake, I believe it's vital that we reauthorize the VRA and do so by an overwhelming majority.

I strongly support the legislation before us, but I would be remiss not to take this opportunity to address the challenges we still face with respect to our elections. The 2000 and 2004 Presidential elections demonstrated the work that needs to be done to ensure that the will of the people is accurately reflected at the polls.

After the 2000 election, Congress acted in a bipartisan manner to pass the Help America Vote Act which, among other things, required the replacement of outdated punchcard and lever-machine voting systems. While many counties have upgraded to electronic voting machines, we cannot fully guarantee their accuracy until every electronic voting machine is equipped with a voter-verifiable paper ballot so that voters can verify their votes prior to casting their ballots and a recount can be ordered if necessary. Legislation to enact these steps has been introduced in the form of H.R. 550, the Voter Confidence and Increased Accessibility Act, and is supported by over 190 bipartisan cosponsors. After we vote to pass the reauthorization of VRA, we should turn our attention to passing H.R. 550 so we can provide full confidence, fairness and transparency in our election process.

Mr. Chairman, I urge my colleagues to support H.R. 9 and to do everything possible to make sure every vote is counted and that every vote counts in our electoral system.

Mr. LARSON of Connecticut. Mr. Chairman, after much delay and hankering by the Republican leadership about bringing this bill to the floor for a vote, I am proud to rise in strong support of reauthorizing the Voting Rights Act. As a cosponsor of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, I urge my colleagues to join me in rejecting any poison pill amendments meant to dismantle the broad agreement on this crucial piece of civil right's legislation.

No congressional duty is more profound than ensuring and protecting the voting rights of all Americans. As Members of this House, we cannot, we must not, be divided or indifferent in reaffirming America's promise that everyone is created equal. The vote is sacred in this country. Throughout our history, Americans have given their lives for freedom and the right to elect their leaders, from Lexington and Concord in Massachusetts, to Seneca Falls in New York, to Selma and Montgomery in Alabama, Americans demand the highest standards; the highest confidence; the highest protection in their right to participate in the democratic process.

The fact remains that not too long ago many Americans were denied the right to vote based on their sex or their skin color and in all honesty, many still battle the remnants of this discrimination today. It has been more than 40 years since President Lyndon Johnson called upon Congress to "extend the rights of citizenship to every citizen of this land" and pass the Voting Rights Act eliminating illegal barriers to the right to vote. Since that time, the face and even the language of the American voter may have changed, but our government's commitment to protect the integrity of every vote has not.

So today, I ask my Republican colleagues to put aside their partisanship and petty political gamesmanship and join me in protecting the most fundamental right of the American people, who are the rightful owners of this American government. I urge the Members of this House to reaffirm our commitment to protect democracy and support the clean final passage of H.R. 9.

Mr. STRICKLAND. Mr. Chairman, I rise today in strong support of H.R. 9, the Coretta Scott King, Fannie Lou Hamer, and Rosa Parks Voting Rights Act Reauthorization and Amendments Act of 2006. I can think of no better way to honor the legacies of Mrs. King, Mrs. Hamer, and Mrs. Parks than to pass this good, bipartisan bill.

Like most of my colleagues, I remember vividly the passage of the original Voting Rights Act of 1965. This landmark piece of legislation served as a significant milestone in the Civil Rights Movement. However, as we act to reauthorize this bill, it is all too obvious that the struggle for equal voting rights for all Americans is not over. Sadly, we know that we still need the VRA because we continue to hear reports of election-day abuses and violations.

Now is not the time to weaken or waterdown the VRA. Some of my colleagues will offer amendments under the guise of modernizing the VRA. I believe that these proposed changes to the legislation will strip out some core protections that are still necessary. I urge all of my colleagues to oppose any amendments to H.R. 9, and to overwhelmingly pass a clean Voting Rights Act Reauthorization.

Mr. CASE. Mr. Chairman, I rise today in strong support of H.R. 9, The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, which I am pleased to cosponsor, and in strong opposition to the amendment offered by Congressman CHARLIE NORWOOD.

Over the last 40 years, efforts to renew and restore the VRA have been accomplished on a bipartisan basis. It is in that spirit that we have all worked together to bring the bill before us to the floor today. I would especially like to thank Judiciary Committee Chairman JAMES SENSENBRENNER, Judiciary Committee Ranking Member JOHN CONYERS, and Congressmen MEL WATT and STEVE CHABOT for their leadership on this issue.

Voting is the most important duty and right of Americans. By enacting the VRA, we tore down barriers to equal opportunity for minorities at the ballot box, removing the essential political mechanism that maintained the legal structure of segregation. As ruled by the U.S. Supreme Court, the equal right to vote is fundamental because it is "preservative of all rights."

It is with this in mind that I express great concern with the amendment proposed by my colleague, Mr. NORWOOD, as it essentially seeks to undermine the very means by which the VRA has maintained social justice.

Currently, section 5 of the VRA applies to any state or county where a discriminatory test or device was used as of November 1, 1964, and where less than 50 percent of the voting age residents of the jurisdiction were registered to vote, or actually voted, in the presidential election of 1964, 1968, or 1972. The Norwood amendment would change the preclearance formula by using rolling voter registration data and voter turn-out data from the three most recent Presidential elections.

My colleague argues that his amendment will "modernize" section 5. I believe that what his amendment really does is change the very focus of the preclearance provision, as it aims to make low voter turnout and registration the issues and not a recorded history of voting discrimination.

In fact, if the Norwood amendment were enacted, it would make my home state of Hawaii—a state without any history whatsoever of voting discrimination—the only preclearance state in our nation. This demonstrates in spades that one cannot reduce discrimination nor the need for federal oversight to so simplistic and mechanistic formula.

Reauthorization of the VRA gives us an opportunity to not only to reflect upon the progress we have made, but to maintain those gains that we have achieved. Adoption of the Norwood amendment would be a giant leap backwards.

I urge my colleagues to oppose the Norwood amendment, and all other weakening amendments, and support final passage of H.R. 9, a true bipartisan bill.

Mahalo, and aloha.

Mr. BUTTERFIELD. Mr. Chairman, I rise to support the Fannie Lou Hammer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I want to thank the Speaker and Majority Leader for their willingness to go forward with this debate prior to our upcoming recess.

The 1965 Voting Rights Act changed America. It created the opportunity for minority citizens to fully participate in Democracy. Prior to the enactment and enforcement of the Act, black citizens in the South were disenfranchised primarily because of the Literacy Tests and because of the design of election systems that submerged concentrations of black voters into large, majority-white election districts. The result was that African-American communities could not elect candidates of their choice to office.

Why? It was because black voters did not comprise sufficient numbers within the district and white voters refused to vote for candidates who were the choice of the minority community. And so, the votes of black citizens were diluted which is a clear violation of the principal of one-person, one-vote.

The Voting Rights Act permits minority citizens to bring Federal lawsuits when they feel their vote is being diluted. Hundreds of these lawsuits have been successfully litigated in the Federal courts. In my prior life I was a Voting Rights attorney in North Carolina. As a result of court ordered remedies, local jurisdictions have been required to create election districts that do not dilute minority voting strength. The result has been absolutely incredible. When I was in law school 32 years ago, there were virtually no black elected officials in my congressional district. Today, I count 302.

The Voting Rights Act also requires some jurisdictions to obtain Department of Justice pre-clearance to any change in election procedure. This, at first blush, may appear to be unfair to those jurisdictions. But the jurisdictions that are covered have a significant history of vote dilution and this requirement of pre-clearance simply assures that the jurisdiction does not, intentionally or unintentionally, make changes in their election procedures that will discriminate. This is called section 5. Section 5 has prevented many, many election changes that would have disenfranchised minority voters. It serves a useful purpose and should be extended.

A short story. In 1953, in my hometown of Wilson, North Carolina, the African-American community worked very hard to teach the literacy test and qualify black citizens to vote. They then organized and elected an African-American to the City Council in a district with a large concentration of black voters. That was big news. When it was time for re-election in 1957, the City Council arbitrarily and without notice or debate, changed the election system from district voting to at large voting which resulted in the submerging of black voters. The change also required voters to vote for all city council seats on the ballot. If not, the ballot was considered spoiled. It was called the "vote for six rule."

Needless to say, that candidate, Dr. G.K. Butterfield, was handily defeated. If section 5 had been in place in 1957, this jurisdiction would not have been able to implement the changes and this community would have continued to have representation.

Mr. Chairman, we have made tremendous progress in this country with respect to civil rights and voting rights. We must not turn back. I urge my colleagues to vote for H.R. 9 as reported by the Committee on the Judiciary and require covered jurisdictions to get the Department of Justice to analyze voting changes to determine if they will have the effect of diluting minority voting strength.

Mr. CROWLEY. Mr. Chairman, I rise today in support of a clean version of the Voting Rights Act; a version that is free of mean spirited amendments that aim to divide this country rather then unify and protect the rights of minorities to vote.

After being delayed for close to a month, the Voting Rights Act is finally allowed the vote it deserves. However, numerous Republican members would like nothing more then to see this important legislation derailed. Hence they have offered up amendments that will taint the purity of this bill.

One such amendment would prohibit Federal funds to be used in enforcing bilingual balloting. Many of the constituents that I and other members of this Chamber represent, would like nothing more then to participate in the basic democratic right of voting. However, many of these people who are citizens still struggle while they learn the English language and assimilate.

Let me be clear, we are not talking about undocumented residents. These are citizens of the United States. Many of whom have voted you and me into the office that we hold today.

The Voting Rights Act was passed in 1965 to protect the rights of all minorities to vote in the United States. However, these amendments offered today, are political tricks that only serve to continue to disenfranchise minority voters.

From not counting votes, purging legitimate voters from voter rolls, mandating ID cards to vote, and downright voter intimidation, it is clear now more then ever that the Voting Rights Act must be reauthorized as the original drafters of the legislation intended—excluding all amendments to this legislation that are being offered today.

I urge my colleagues to vote "no" on any amendment to the Voting Rights Act and vote "yes" on a clean version of this bill.

Ms. KILPATRICK of Michigan. Mr. Chairman, the right to vote—to participate fully and fairly in the political process—is the foundation of our democracy. For years after the Civil War, many Americans were denied this fundamental right of citizenship. Horrible acts of violence and discrimination, including poll taxes, literacy tests, and grandfather clauses, were used to deny African-American citizens the right to vote, especially in the South.

During the 1960s, many brave men and women fought against bigotry and injustice to secure this most basic right for all Americans. The Voting Rights Act, VRA, the "crown jewel" of our civil rights statutes, was born out of their courage, struggle, and sacrifice.

President Lyndon Johnson signed the Voting Rights Act into law on August 6, 1965. It provided protection to minority communities, and prohibited any voting practice that would abridge the right to vote on the basis of race. Any "test or device" for registering or voting was forbidden, thereby abolishing poll taxes and literacy tests.

Although the Voting Rights Act is a permanent Federal law, it contains some temporary provisions, including the "pre-clearance" and the bilingual provisions.

The "pre-clearance" provisions were enacted as temporary legislation in 1965. Sections four and five address "pre-clearance" and are only applicable in certain parts of the country. These provisions were originally added to help bolster the constitutionality of the Voting Rights Act. The VRA required State and local political jurisdictions with a documented history of discrimination to submit any proposed changes to their voting laws to the U.S. Attorney General or to Federal judges for "pre-clearance" before the changes could take effect. This process ensured that the Federal Government had the ability to prevent discriminatory voting laws before they were implemented. For example, States must receive approval before changing the closing time of polling places. Congress renewed these provisions in 1970, 1975, and 1982. The process of "pre-clearance" provision continues to protect voters today.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise today in support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

Passage of the 1965 Voting Rights Act has allowed millions of minorities the constitutional right to vote in Federal elections. In 1964, only 300 African Americans in the United States were elected to public office, this included just three in Congress. One of the people for whom this bill is named is Fannie Lou Hamer. Fannie Lou Hamer was born, lived, and died in the trenches of Mississippi's 2nd Congressional District. Her history and involvement in voter education and voter participation include people like me who stand before you as the highest-ranking African American elected official in the State of Mississippi, an opportunity that would not have been possible without the passage of this act.

Moreover, with the expiration of major provisions, section 5, section 203 and sections 6 through 9, of the Voting Rights Act rapidly approaching, Congress must reauthorize these provisions now to protect those who may face discrimination in their efforts to exercise their right to vote.

In 2001, one of the most shameful and shocking reminders of discrimination occurred in Kilmichael, Mississippi. An all-White city council canceled city election 3 weeks before they were to be held after several African Americans appeared to be in a strong position to win seats. Section 5 of the Voting Rights Act, which requires covered jurisdictions to obtain approval, or "preclearance," from the U.S. Department of Justice or the U.S. District Court in D.C. before they can change voting practices or procedures, protected the voting rights of the people of Kilmichael. When elections were held, three African Americans were elected to the Board of Aldermen and the town elected its first African-American mayor.

As our Nation embraces the notion that the right to vote is essential in preserving the health of our democracy, section 203, which requires certain jurisdiction to provide bilingual language assistance to voters in communities where there is a high concentration of citizens who are limited English proficient and illiterate, is a critical element to the Voting Rights Act. As leaders committed to diversity, it is imperative that all minority language Americans are guaranteed the right to vote and have a voice in a political process that affects every aspect of education, healthcare, and economic development in this country.

Ongoing efforts must be made to guarantee fair access to the political process, and sections 6 through 9 authorizes the Federal Government to send Federal election examiners and observers to certain jurisdictions covered by section 5 where there is evidence of attempts to intimidate minority voters at the polls. These statutes must remain in place to prevent the discriminatory election practices that still exist today.

As influential policymakers, it is our obligation to look beyond what is good for any one of us to what is good for the whole country and its future. It is vital that we act now to renew section 5, section 203 and sections 6 through 9 of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 an additional 25 years.

Mr. DINGELL. Mr. Chairman, I rise in strong support for H.R. 9, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King Voting Rights Act Reauthorization. As a cosponsor of this important legislation, I urge my colleagues to pass this reauthorization without amendment.

The Voting Rights Act has went a long way in ensuring that the voting rights of minorities are honored, and that American citizens, whatever their ethnicity, are able to go to the polls and participate in the electoral process without threats, intimidation, or violence.

As a member of this body when the Voting Rights Act was initially considered, I know first-hand how this law has changed America for the better, ensuring that all Americans are able to exercise their constitutional right to vote.

Before the Voting Rights Act, some States had nasty little devices called poll taxes and literacy tests that just happened to keep minorities from voting, while, at the same time, failing to disqualify any White citizens from exercising the franchise. And if those devices did not work, intimidation, threats, and even violence were used to keep minorities from going to the polls.

Mr. Chairman, many of those nasty devices were wiped away when the Congress passed President Lyndon Baines Johnson signed into law the Voting Rights Act. Those that were not directly wiped away by the Voting Rights Act were defeated by cases brought before the U.S. Supreme Court by the Attorney General of the United States.

As George Santayana stated so eloquently: "Those who cannot remember the past are condemned to repeat it." It is important that the House pass this historic renewal of the VRA without amendments that would besmirch the legacy of the three women who are honored in its title. To do anything less would jeopardize many of the accomplishments that those three courageous women and thousands of others fought for: that all Americans can exercise their right to vote freely without fear.

Mr. KUCINICH. Mr. Chairman, the passage of the Voting Rights Act in 1965 was a reaction to the "exceptional conditions" of the time. Obstacles to voting, borne of racism, had become accepted practice in many States. Many of these obstacles were written directly into State constitutions. These deterrents, including literacy tests and poll taxes, were designed to exclude and restrict nonwhite voters.

As we quickly approach the expiration of provisions of the Voting Rights Act, we must stop and take a hard look at voting rights in America. Although the taxes and tests are now a memory, remnants of the prejudice and fear that conceived of them remain. In the many hearings held by the Judiciary Committee examining the expiring provisions, the committee found numerous recent incidents in which objections were raised to changes in voting law.

One of the nine States subject to the provisions of section 5, provisions that require preclearance of changes to voting law by the Department of Justice, is Georgia. Since 2002, four objections have been raised against proposed changes to laws in that State. These four objections stopped discriminatory changes in that State.

The long lines and intimidation tactics used in my home State of Ohio in 2004 are proof that this reauthorization will not, in and of itself, solve our Nation's need for voting reform. But it is a strong step in the right direction.

The Voting Rights Act is still needed in America. We have stopped many of the egregious practices that plagued our voting system in 1965, but our work is not done. I strongly support the reauthorization of the Voting Rights Act and encourage my colleagues to join me in voting for this important bill.

Mr. ENGEL. Mr. Chairman, I rise today in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act reauthorization. Since the law's inception in 1965, this landmark legislation has protected the right to vote for millions of United States citizens.

There has been great progress made since the Voting Rights Act was signed into law by President Johnson on August 6, 1965. But, so much more must be done. There are still many places in our country where Americans experience discrimination when they go to the polls. In order for the United States to truly be the greatest nation ever known, we must ensure that when citizens choose to go to the polls, they do not face obstacles created to disenfranchise them.

Our Nation's history is replete with examples of people's right to vote being impeded. Furthermore, unconscionable violence and discriminatory obstacles such as poll taxes, literacy tests and grandfather clauses were used to deny African American citizens the right to vote. The Voting Rights Act provided extensive protection to minority communities by prohibiting any voting practice that would abridge the right to vote on the basis of race. In 1975, the Voting Rights Act was expanded to protect the voting rights of other minority voters—such as Latinos, Native Americans, Asian Americans and Alaskan Natives—by requiring language assistance at the polls.

From California to Texas to my home State of New York, minority voters have a greater voice in elections due to the Voting Rights Act. In fact, my home State of New York is directly affected by two important sections of the Voting Rights Act. Voters in the majority of districts in New York State are provided with important language materials to assist them in the voting process if English is not their native language. In addition, voters are also protected by having any new State voting rules and regulations approved by the Federal Government before they can be enacted. Extending the Voting Rights Act is essential to protecting the voting rights of New Yorkers as well as voters throughout the country.

The Voting Rights Act is one of the most effective civil rights laws ever enacted. Reauthorizing the Act is vital to ensure that the progress made, is preserved.

Mr. CONAWAY. Mr. Chairman, after careful and thoughtful consideration, I could not in good conscience vote in support of H.R. 9, the reauthorization of the Voting Rights Act (VRA). The 1965 VRA successfully protected minority voters from disenfranchisement and strengthened our democracy. I support that law and realize its valuable contributions to our society.

Every citizen of this great Nation, regardless of race, should have the opportunity to cast their vote without fear of threats or discrimination. The VRA was a good idea and necessary in 1965, however, times have changed drastically since it was originally enacted more than 40 years ago.

During the debate, a good friend of mine, Rep. ROSCOE BARTLETT of Maryland, made the comment: "When you get sick, you go to the doctor and you get a prescription. Once you get well you stop taking the medicine." The provisions of the Voting Rights Act we voted on today do not recognize the accomplishments and progress made by covered States since the original VRA was enacted.

Today, the majority of electoral discrimination cases come from outside the jurisdictions that are covered under Section 5. The Voting Rights Act up for debate today should have recognized the many changes and improvements in the American South. Under the bill that passed today, Texas remains one of only eight States subject to this gross infringement on State's rights. Today, Texas is one of the most diverse States in the entire Nation with thriving minority communities throughout the state.

Not only do the reauthorized provisions in the VRA not take into account the progress that has been made, these provisions will be used as an unfunded mandate on southern States for the next 25 years. Legislation created in 1965 to fix a problem of that era, will still be in effect in 2032; far too long to pay a penalty for things that happened generations ago.

I support the valuable history and importance of the Voting Rights Act that passed in 1965, but the discriminatory problems we face today were not addressed or considered in this reauthorization. I support most of the provisions and the spirit of the VRA; however, H.R. 9 does not advance our democracy and keeps in place the taints of previous generations that are no longer deserved.

Mr. AL GREEN of Texas. Mr. Chairman, I rise in support of equality, non-discrimination, and the full participation in our society by all Americans. I rise in support of reauthorizing the Voting Rights Act of 1965.

Voting is the most important tool Americans have to influence government policies that affect every aspect of our lives. It affects: the types of schools our children attend, the quality of our health care, the decision whether to send our sons and daughters to fight and die in a foreign land.

The right to vote is the foundation of our democracy. The Voting Rights Act provides the legal basis to protect this right for all Americans.

On the eve of the 41st anniversary of the Voting Rights Act of 1965, we cannot overstate the impact that this landmark piece of legislation has had on the face of this Nation.

Before passage of the Voting Rights Act we had 300 African-American elected officials. We now have more than 9,100.

Before passage of section 203 of the Voting Rights Act, we had 1,200 Latino elected officials. We now have more than 6,000.

We now have hundreds more Asian-Americans and Native Americans serving as elected officials.

The Voting Rights Act was enacted in response to our Nation's long history of discrimination. But the critical moment leading to the VRA's passage occurred in March 1965 on a bridge outside Selma, AL.

On March 7, 1965, voting rights supporters planned a march from Selma to the State capitol in Montgomery to present then-Governor George Wallace with a list of grievances. They were stopped on the Edmund Pettus Bridge in Selma by State troopers and sheriff's deputies on horseback who, in front of television cameras, attacked the more than 500 demonstrators by firing toxic tear gas, charging the marchers, and beating people with clubs and whips.

Eight days after "Bloody Sunday," President Lyndon Johnson addressed a special joint session of Congress before a national television audience and said that:

> Experience has clearly shown that the existing process of law cannot overcome systematic and ingenious discrimination. No law that we now have on the books . . . can ensure the right to vote when local officials are determined to deny it . . . This time, on this issue, there must be no delay, no hesitation and no compromise with our purpose . . ."

By August 6, 1965, Congress had passed the Voting Rights Act by an overwhelming majority and President Johnson had signed it into law.

The VRA not only abolished literacy and other tests which had been used to deny African Americans and other minorities the right to vote, it also prohibited "covered jurisdictions" from implementing new voting practices without first pre-clearing them with Federal officials.

And when the act was expanded and strengthened in 1975 to include protections for language minorities who had suffered systematic exclusion from the political process, Latinos, Asian-Americans, Native Americans and Alaskan Natives also gained new tools to ensure fundamental fairness in the voting process.

Most of the provisions of the VRA are permanent, but some will expire next year if they are not renewed. The expiring sections include:

Section 5, which requires covered jurisdictions to obtain "preclearance" from the Justice Department or the U.S. District Court in DC before they can change voting practices or procedures.

Section 203, which requires election officials to provide written and oral assistance for certain citizens who have limited English proficiency.

Sections 6–9, which authorize the U.S. Attorney General to appoint examiners and send Federal observers to monitor elections when there is evidence to suggest voter intimidation at the polls.

While the days of discrimination in the form of literacy tests and poll taxes may be over, it is clear that voter inequities, disparities, and obstacles still remain for far too many minority voters.

In Harris County, TX, citizens of Vietnamese descent are under the protection of the VRA. Because of this, under the language assistance provisions of the VRA, Harris County is required to:

Provide election information including ballots and registration information in Vietnamese, as well as English and Spanish.

Ensure that there are adequate bilingual poll workers to meet the needs of the language minority communities.

In 2003, Harris County election officials failed to comply with this law.

Pressure from the Asian American Legal Center of Texas, the Asian American Justice Center, and the Justice Department resulted in an agreement whereby the county agreed to ensure compliance with the language provisions of the VRA in the future.

As a result of these changes, in the November 2004 election, Hubert Vo became the first Vietnamese candidate ever to win a seat on the Texas Legislature.

Mr. Chairman, everyone's right to vote is at risk when anyone's right to vote is denied. The Voting Rights Act is good for minorities and great for America.

Ms. BORDALLO. Mr. Chairman, I rise today in support of H.R. 9, the Voting Rights Act Reauthorization and Amendments Act of 2006. The right to vote is the very foundation of our democracy. Yet millions of minority voters face discrimination when exercising this crucial right. As the most effective civil rights statute ever enacted, it is our duty to support the Voting Rights Act. H.R. 9 will better safeguard the rights of minorities. Throughout our history, minority groups have struggled hard to achieve the right to vote. Key provisions of the Voting Rights Act will expire if this legislation is not passed. We need to ensure that these hard-won gains are not rolled back.

The fight against voter discrimination is far from over. H.R. 9 provides more accountability in the voting process so that the votes of American citizens who are not fluent in English will be properly counted. In addition, this will effectively combat discrimination against voting minority groups. As a representative of a territory where the native language of Chamorro is widely spoken, among other languages, I can personally attest to the importance of accommodating non-native English speakers.

H.R. 9 is a necessary reinforcement to the cornerstone of our democracy. Minorities have a much greater voice today than decades before thanks to the Voting Rights Act. I urge my colleagues to support this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in proud support of H.R. 9, the "'Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006." Had I and several of my colleagues not heeded the requests of the bipartisan leadership of the Committee and the House, there might be an amendment to the bill adding the name of our colleague, JOHN LEWIS of Georgia, to the pantheon of civil rights giants listed in the short title.

Mr. Chairman, with our vote today on H.R. 9, each of us will earn a place in history. Therefore, the question before the House is whether our vote on the Voting Rights Act will mark this moment in history as a "day of infamy," in FDR's immortal words, or will commend us to and through future generations as the great defenders of the right to vote, the most precious of rights because it is preservative of all other rights. For my part, I stand Fannie Lou Hamer and Rosa Parks and Coretta Scott King, great Americans who gave all and risked all to help America live up to the promise of its creed. I will vote to reauthorize the Voting Rights Act for the next 25 years.

I will oppose all of the poison pill amendments offered by offered by the gentlemen from Iowa, Georgia, and, sadly, my home state of Texas. Collectively, these amendments eviscerate the preclearance provisions of Section 5, end assistance to language minorities, and shorten the period of renewal by 15 years.

Mr. Chairman, the proponents of these amendments claim their amendments are intended to "save" or "preserve" or "strengthen" the Voting Rights Acts. To claim that you are strengthening the Voting Rights Act by offering amendments that weaken it is like saying you must destroy a village in order to save it. There will be time enough to discuss in detail each of the weakening amendments when they are offered later today. But at this time I think it very important to discuss the provisions of the Voting Rights Act which I believe an overwhelming majority of the members of this House will vote to adopt today. I also want to spend some time reminding my colleagues, and the American people, why this nation needed a Voting Rights Act in 1965 and still needs it today. The American people are entitled to know why the Voting Rights Act is widely regarded as the most successful civil rights legislation in history. For all the progress this nation has made in becoming a more inclusive, equitable, and pluralistic society, it is the Voting Rights Act "that has brought us thus far along the way."

I. BEFORE THE VOTING RIGHTS ACT

Mr. Chairman, today most Americans take the right to vote for granted, so much so that just over half of eligible Americans vote in a presidential election. Americans generally assume that anyone can register and vote if a person is over 18 and a citizen. Most of us learned in school that discrimination based on race, creed or national origin has been barred by the Constitution since the end of the Civil War.

Before the 1965 Voting Rights Act, however, the right to vote did not exist in practice for most black Americans. And, until 1975, most American citizens who were not proficient in English faced significant obstacles to voting, because they could not understand the ballot. Even though the Indian Citizenship Act gave Native Americans the right to vote in 1924, state law determined who could actually vote, which effectively excluded many Native Americans from political participation for decades. Asian Americans and Asian immigrants also have suffered systematic exclusion from the political process and it has taken a series of reforms, including repeal of the Chinese Exclusion Act in 1943, and passage of amendments strengthening the Voting Rights Act three decades later, to fully extend the franchise to Asian Americans. It was with this history in mind that the Voting Rights Act of 1965 was designed to make the right to vote a reality for all Americans.

Through the years leading up to the passage of the Voting Rights Act, courageous men and women braved threats, harassment, intimidation, and violence to gain the right to vote for disenfranchised Americans.

When the Civil Rights Movement came to Ruleville, Mississippi in 1962, Fannie Lou Hamer quickly became an active participant. With training and encouragement from the Student Nonviolent Coordinating Committee (SNCC), Hamer and several other local residents attempted to register to vote, but were unsuccessful because they did not pass the infamous literacy tests. In retaliation for trying to register, Hamer was fired from her job, received phone threats, and was nearly a victim of 16 gunshots fired into a friend's home. But Hamer was not intimidated: by 1963 she was a field secretary for SNCC and had successfully registered to vote. Once, when asked whether she was concerned that agitating for civil rights might stir up a backlash from white Mississippians, Fannie Lou Hamer famously said:

> I do remember, one time, a man came to me after the students began to work in Mississippi, and he said the white people were getting tired and they were getting tense and anything might happen. Well, I asked him, "how long he thinks we had been getting tired?" . . . All my life I've been sick

THE PAPER AND INK USED IN THE ORIGINAL PUBLICATION MAY AFFECT THE QUALITY OF THE MICROFORM EDITION.

> and tired. Now I'm sick and tired of being sick and tired.

Mr. Chairman, the Voting Rights Act of 1965, as amended, was enacted to remedy a long and sorry history of discrimination in certain areas of the country. Presented with a record of systematic defiance by certain States and jurisdictions that could not be overcome by litigation, this Congress—led by President Lyndon Johnson, from my own home state of Texas—took the steps necessary to stop it. It is instructive to recall the words of President Johnson when he proposed the Voting Rights Act to the Congress in 1965:

> "Rarely are we met with a challenge . . . to the values and the purposes and the meaning of our beloved Nation. The issue of equal rights for American Negroes is such as an issue . . . the command of the Constitution is plain. It is wrong—deadly wrong—to deny any of your fellow Americans the right to vote in this country."

It was wrong to deny African-Americans and other citizens their right to vote. It was wrong then and it is wrong now. Nothing has done more to right those wrongs than the Voting Rights. Without exaggeration, it has been one of the most effective civil rights laws passed by Congress.

In 1964, there were only approximately 300 African-Americans in public office, including just three in Congress. Few, if any, black elected officials were elected anywhere in the South. Today there are more than 9,100 black elected officials, including 43 members of Congress, the largest number ever. The act has opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the state or federal level, 27 of whom serve in Congress. Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.

Mr. Chairman, the Voting Rights Act of 1965 is no ordinary piece of legislation. For millions of Americans, and many of us in Congress, the Voting Rights Act of 1965 is a sacred treasure, earned by the sweat and toil and tears and blood of ordinary Americans who showed the world it was possible to accomplish extraordinary things.

Mr. Chairman, I hail from the great State of Texas, the Lone Star State. A state that, sadly, had one of the most egregious records of voting discrimination against racial and language minorities. Texas is one of the Voting Rights Act's "covered jurisdictions." In all of its history, I am only one of three African-American woman from Texas to serve in the Congress of the United States, and one of only two to sit on this famed Committee. I hold the seat once held by the late Barbara Jordan, who won her seat thanks to the Voting Rights Act. From her perch on this committee, Barbara Jordan once said:

> I believe hyperbole would not be fictional and would not overstate the solemness that I feel right now. My faith in the Constitution is whole, it is complete, it is total.

I stand today an heir of the Civil Rights Movement, a beneficiary of the Voting Rights Act. I would be breaking faith with those who risked all and gave all to secure for my generation the right to vote if I did not do all I can to strengthen the Voting Rights Act so that it will forever keep open doors that shut out so many for so long. And the first and most important thing to do today is to vote in favor of H.R. 9 and against all weakening amendments.

II. RENEWAL OF SECTION 5 AND SECTION 203

Congress needs to reauthorize Section 5 of the Voting Rights Act, which requires election law changes proposed by covered jurisdictions to be pre-cleared by the Department of Justice. The reason is simple. Equal opportunity in voting still does not exist in many places. Discrimination on the basis of race still denies many Americans their basic democratic rights. Although such discrimination today is more subtle than it used to be, it must still be remedied to ensure the healthy functioning of our democracy. It is the obligation of the federal government to see that the constitutionally protected right to vote is guaranteed. This is what the Voting Rights Act is designed to do.

Section 5: Preclearance

Section 5 applies to 16 states in whole or in part, including my home state of Texas. Under section 5, a covered jurisdiction must submit proposed changes to any voting law or procedure to the Department of Justice or the U.S. District Court in Washington, D.C. for pre-approval, hence the term preclearance. The submitting jurisdiction has the burden of proof to show that the proposed change(s) are not retrogressive, i.e. that they do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.

The formula used to designate these covered jurisdictions was first adopted in 1965 and then subsequently amended in 1970 and 1975. Section 5 applies to any state or county where a discriminatory test or device was used as of November 1, 1964, and where less than 50 percent of the voting age residents of the jurisdiction were registered to vote, or actually voted, in the presidential election of 1964, 1968, or 1972. Although the formula used by Congress focused on registration rates, Congress was principally focused on voter turnout rates. Rather, Congress understood and found that there was an exceptionally strong correlation between low registration rates in the covered jurisdiction and active, purposeful discriminatory conduct intended to keep African-Americans from voting.

Mr. Chairman, it is important to emphasize that preclearance does not punish states for the wrongdoings of the past. Nor does it stifle their ability to move forward and progress. That is because covered jurisdictions are able to remove themselves from the restrictions of preclearance through a process known as bailout which sets forth clear and demonstrable standards. Among other things, the jurisdiction must show that:

(1) It has not used a test or device with a discriminatory purpose or effect with respect to voting;

(2) No state or federal court has issued a final judgment against the state or political subdivision for voting discrimination;

(3) The jurisdiction has submitted all voting changes for preclearance in compliance with Section 5;

(4) The Attorney General has not objected to a proposed voting change, and no declaratory judgment under section 5 has been denied by the U.S. District Court for the District of Columbia and;

(5) The Justice Department has not assigned federal examiners to carry out voter registration or otherwise protect voting rights in the jurisdiction.

Currently eleven local jurisdictions in Virginia have taken advantage of the bailout provisions thus far.

Mr. Chairman, preclearance acts as an essential deterrent because it puts modest safeguards in place to prevent backsliding. As a bipartisan report by the U.S. Senate in 1982 said, without Section 5, many of the advances of the past decade could be wiped out overnight with new schemes and devices, such as the mid-decade redistricting conducted in Texas, which the U.S. Supreme Court struck down in part in LULAC v. Perry, 546 U.S.—No. 05–254 (June 28, 2006) and the Georgia voter identification scheme, which just this week was struck down for a second time.

Mr. Chairman, many scholars and voting rights experts agree that without the deterrent effect of Section 5, there will be little to prevent covered jurisdictions from imposing new barriers to minority participation.

As much as I and many other may like to see it, Section 5 should not be made permanent. Making it permanent would render it vulnerable to a constitutional challenge. Because Section 5 is race conscious, it must be able to withstand strict scrutiny by the courts. What this means, in part, is that the provision must be narrowly tailored to address the harms it is designed to cure. Many legal experts question whether the Court would find a permanent Section 5 to be narrowly tailored, such as to survive a constitutional attack.

Similarly, Section 5 should not be changed to apply nationwide. Although this might sound attractive, a nationwide Section 5 would also be vulnerable to constitutional attack as not narrowly tailored or congruent and proportional to address the harms it is designed to cure, as required by the Supreme Court's recent precedents. Section 5 is directed at jurisdictions with a history of discriminating against minority voters. In addition, nationwide application of Section 5 would be extremely difficult to administer, given the volume of voting changes that would have to be reviewed. This expansion of coverage would dilute the Department of Justice's ability to appropriately focus their work on those jurisdictions where there is a history of voting discrimination.

SECTION 203 (LANGUAGE ASSISTANCE)

Mr. Chairman, it is crucial that everyone in our democracy have the right to vote. Yet, having that right legally is meaningless if certain groups of people (such as the disabled or those with limited English proficiency) are unable to accurately cast their ballot at the polls. Voters may be well informed about the issues and candidates, but to make sure their vote is accurately cast, language assistance is necessary in certain jurisdictions with concentrated populations of limited English proficient voters.

Section 203 was added to the Voting Rights Act in 1975 and requires certain jurisdictions to make language assistance available at polling locations for citizens with limited English proficiency. These provisions apply to four language groups: Americans Indians, Asian

Americans, Alaskan Natives, and those of Spanish heritage. A community with one of these language groups will qualify for language assistance if (1) more than 50 percent of the voting-age citizens in a jurisdiction belong to a single language minority community and have limited English proficiency (LEP); OR (2) more than 10,000 voting-age citizens in a jurisdiction belong to a single language minority. community and are LEP; AND (3) the illiteracy rate of the citizens in the language minority is higher than the national illiteracy rate.

Section 203 requires that registration and voting materials for all elections must be provided in the minority language as well as in English. Oral translation during all phases of the voting process, from voter registration clerks to poll workers, also is required. Jurisdictions are permitted to target their language assistance to specific voting precincts or areas.

There are currently a total of 466 local jurisdictions across 31 states that are required to provide language assistance nationwide. Of this total: 102 must assist Native Americans or Alaskan Natives across 18 states; 17 local jurisdictions in seven states must assist Asian language speakers and; 382 local jurisdictions in 20 states must assist speakers of Spanish. The total of these figures exceeds 466 because 57 of these Section 203 jurisdictions across 13 states must offer assistance in multiple languages.

There is a great misconception that section 203 is not needed because voters must be citizens, who are required to. speak English. While this is true, such citizens still may not be sufficiently fluent to participate fully in the voting process without this much-needed assistance. In addition, there are many other citizens, the majority of whom are Latinos and Native Americans, who were barn in the United States but have had little or no education and/or are limited English proficient. The failure of certain jurisdictions to provide adequate education to non-English speaking minorities is well documented in legal decisions and in quantitative studies of educational achievement for Latinos and Native Americans. Before the language assistance provisions were added to the Voting Rights Act in 1975, many Spanish-speaking United States citizens did not register to vote because they could not read the election material and could not communicate with poll workers. Language assistance has encouraged these and other citizens of different language minority groups to register and vote and participate mare fully in the political process which is healthy far our democracy.

Mr. Chairman, it should be stressed that language assistance is not costly. According to two separate Government Accounting Office studies, as well as independent research conducted by academic scholars, when implemented properly language assistance accounts only for a small fraction of total election costs. The most recent studies show that compliance with Section 203 accounts for approximately 5 percent of total election costs.

Finally, Mr. Chairman, language assistance works. To cite one example, in 2003 in Harris County, Texas, officials did not provide language assistance for Vietnamese citizens. This prompted the Department of Justice to intervene and, as a result, voter turnout doubled and a local Vietnamese citizen was elected to a local legislative position. Another example: implementation of language assistance in New York City had enabled more than 100,000 Asian-Americans not fluent in English to vote. In 2001, John Liu was elected to the New York City Council, becoming the first Asian-American elected to a major legislative position in the city with the nation's largest Asian-American population.

CONCLUSION

The Voting Rights Act of 1965, represents our country and this Congress at its best because it matches our words to deeds, our actions to our values. And, as is usually the case, when America acts consistent with its highest values, success follows. I urge my colleague to vote for the bill and reject all amendments.

Ms. SLAUGHTER. Mr. Chairman, nearly 150 years ago, after a long and bloody civil war, our Nation recognized that minorities should have the right to participate as full citizens in our democracy. Unfortunately, granting a right in the constitution and enforcing that right throughout America are two different challenges, and 100 years later, minorities still have trouble casting a ballot in some parts of the country. In 1965, Congress passed the Voting Rights Act to put an end to the racially discriminatory voting practices plaguing the South, and other parts of the country. Now 40 years have gone by, and some of my colleagues might tell you that we don't need the Voting Rights Act anymore, that we've fixed the problems, and that every adult citizen in this country has the same opportunity to cast his or her ballot.

While I truly wish that were the case, I'm here to tell you that racially discriminatory voting practices are still alive and well in many parts of the United States. For a clear example of why the Voting Rights Act remains relevant and necessary, take a look at Robert Kennedy Jr.'s exhaustively researched article which just ran in Rolling Stone Magazine—I ask unanimous consent to insert a copy of the article into the record. In his article, Robert Kennedy, Jr. lays out a clear pattern of voting irregularities in Ohio in 2004, many of which disenfranchised African American voters in particular. Together, these irregularities may have even played a part in the outcome of the election.

Mr. Chairman, from Buffalo to Rochester, my district is home to some of the most significant moments in the history of the civil rights movement. In 1847, abolitionist Frederick Douglass began circulating the North Star in Rochester, New York. The paper won acclaim from the local printer's union, gave Mr. Douglass a platform to spread his message of civil rights, and demonstrated the successes possible for free African Americans. In July 1905, the Niagara Movement held a meeting in Buffalo during which W.E.B. DuBois authored the Declaration of Principles. This document would later become the basis of the National Association for the Advancement of Colored People, our Nation's most prominent civil rights organization.

I am proud to represent a district with such a rich history in civil rights, and am fully committee to ensuring that the protections that courageous activists from Buffalo and Rochester worked so hard to achieve are diminished.

North Star bore the motto, "Right is of no sex—Truth is of no color—God is the Father of us all, and we are all Brethren." I hope that motto will guide my colleagues as we consider legislation to reauthorize the Voting Rights Act. Our democracy relies upon the ideal that everyone has an equal voice in each election, and the Voting Rights Act has been a vital component in ensuring that this ideal is enforced. Our Nation has come a long way in protecting the voting rights of minorities, but we still have a long way to go.

To weaken the Voting Rights Act would weaken our democracy itself, and everything we stand for as Americans.

Ms. VELÁZQUEZ. Mr. Chairman, I rise today in support of the reauthorization of the provisions of this important civil rights law, the Voting Rights Act. The origins of this law are the truest reflection of our Nation's struggle and aspiration to build a better country for all of its citizens. We have made great advances. This does not mean that we have overcome. We still need to make great strides in our road toward building a more perfect union.

The Voting Rights Act was necessary in the 1960's because for over 100 years, in certain parts of our country, millions of U.S. citizens had their right to vote limited or denied just because of the color of their skin. Those were not our country's proudest years.

Is the Voting Rights Act important today? Yes. The problems in our country that led to the enactment of this law are not in the distant past. Our work is not done. Our country still struggles to find the path of equality and "The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization Act" is still needed to keep us on the right and just path in our country's historic democratic experiment.

I celebrate the great accomplishments of the Civil Rights Movement and the political leadership of the time that led to the enactment of the Civil Rights Legislation and the crowning achievement, the Voting Rights Act. The importance of this law can be seen in every election where minorities have the right to elect people that truly stand for their interests; every time someone is able to mark a ballot with instructions in a language that he or she can understand; and every time unfair elections conditions are corrected to be just and fair for all citizens. Mr. Speaker, this law is needed because there are still acts of discrimination taking place. We still need the Voting Rights Act.

Now, I know there are those who believe this is a political party issue. But this is not a Democrat or Republican partisan issue—this is an American issue and this bill has bipartisan support.

I urge you to show your support for protecting the right of all Americans to vote. Vote in favor of this historic reauthorization and vote against all the amendments presented today. The only true aim of these amendments is to weaken this bill and weaken our country's democratic values.

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise today in support of the Fannie Lou

Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act (H.R. 9). I am a proud cosponsor of this bipartisan legislation, which ensures every American citizen has the right to vote.

If the Constitution is the embodiment of America's ideal of equality, the Voting Rights Act of 1965 is a historic milestone in our pursuit of that ideal. The namesakes of this legislation are among the tens of thousands of common heroes who fought, sacrificed and even perished to abolish the institutional barriers to voting that cast a shadow on American freedom for nearly 200 years. It is the responsibility of our generation to honor their legacy of vision and commitment through our diligent stewardship of their hard-won victories. Today, as America's elected representatives, we in Congress must renew our dedication to advance the cause of freedom by reauthorizing the Voting Rights Act.

Enacted in 1965 and renewed in 1982, the Voting Rights Act (VRA) prohibits the use of any voting practice or procedure that discriminates based on race and requires certain jurisdictions to provide language assistance to minority citizens. The Act bars literacy tests, poll taxes, intimidation, threats, violence and other transparent assaults on liberty. It also protects against insidious procedural barriers such as restrictive voter registration requirements, districting plans that dilute minority voting strength, discriminatory annexations and the siting of polling places at inaccessible locations.

The Department of Justice has called the Voting Rights Act "the most successful piece of civil rights legislation ever adopted." As a result of the Act in Mississippi, African American registration went from less than 10 percent in 1964 to almost 60 percent in 1968. In Alabama, registration rose from 24 percent to 57 percent. These immediate gains in access to the polls sowed seeds of equal representation that future generations would reap.

According to the American Civil Liberties Union, there were approximately 300 African Americans serving in public office across the country in 1964, including only three in Congress. Today, more than 9,100 African Americans hold elected office at the local and state level, including 43 in Congress. The guarantees of full political participation codified in the VRA have greatly benefited all minority groups including Hispanic Americans, Asian Americans and Native Americans—the last group to win the right to vote. This impressive record of progress argues strongly for reauthorization of the Act.

While most provisions of the VRA are permanent, several key provisions of the law are set to expire in 2007. These provisions include Section 5, which requires covered jurisdictions to obtain approval or "pre-clearance" from the U.S. Department of Justice before they can change voting practices or procedures. Section 203 of the Act requires election officials to provide written and oral assistance to certain citizens with limited English proficiency. Also due for reauthorization are Sections 6–9, which empower the U.S. Attorney General to appoint examiners and send Federal observers to monitor elections when evidence exists of voter intimidation at the polls.

This bipartisan reauthorization bill restores the original intent of the VRA by making it clear that any voting rule changes motivated by intentional and purposeful discrimination cannot be "precleared" by a Federal court or the Department of Justice. And H.R. 9 modernizes the VRA by requiring the use of the most updated census data and by directing the GAO to determine ways to better administer election assistance to non-English speakers.

Despite broad bipartisan support within the Congress for reauthorization, some Members question whether the VRA's protections are still necessary in today's America. Regrettably, almost 40 years after enactment of the VRA, voting discrimination is not only a painful memory of our past but also a persistent challenge for the present and future. Since the VRA was last reauthorized in 1982, the Department of Justice and disfranchised voters have brought hundreds of intentional voter discrimination cases before the courts, many within the last 5 years.

In 2001, the mayor and all-white Board of Aldermen of Kilmichael, Mississippi canceled local elections when it appeared several African-American candidates might win seats. Elections were finally held in 2003, after the Department of Justice used the VRA to intervene. In the election that followed, the town elected three African-American board members and their first African-American mayor.

South Dakota enacted a redistricting plan in 2001 that "packed," or over-concentrated Native Americans into a district, preventing them from creating a majority voting bloc in an additional, neighboring district. Three years later, a Federal court invalidated the state's plan, finding "substantial evidence" that state officials excluded Native Americans from voting and holding office.

Local officials in Bexar County, Texas attempted to undermine Latino voting strength in a 2003 special election by neglecting to site polling places near those communities. Using the special provisions of the VRA, Latino advocates were able to prevent Latino voters from being silenced in the election by obtaining expedited assistance from the local district court.

And not all voting irregularities are local. The mere mention of "Florida" or "Ohio" evoke the voting controversies of the 2000 and 2004 Presidential elections, which called the legitimacy of the outcomes into question and shook Americans' confidence in our elections process. The effort to reestablish confidence in the elections process has produced new controversies over electronic voting machines that leave no paper record for verification and recounts.

Clearly, the voting discrimination and irregularities that inspired the Voting Rights Act persist and serve to remind us that the right to vote cannot be taken for granted, but it must be actively protected and defended. By passing H.R. 9 and reauthorizing the Voting Rights Act, Congress reinforces the foundations of American democracy and keeps faith with generations of Americans past and future. I urge my colleagues to reject all attempts to weaken the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act (H.R. 9) and to support the bipartisan compromise before us today.

Mr. HENSARLING. Mr. Chairman, on today, I reluctantly voted against H.R. 9, a bill that significantly altered the Voting Rights Act (VRA). Contrary to popular opinion, H.R. 9 did not represent a time-critical reauthorization of the Voting Rights Act. The VRA, which prohibits voter discrimination, is permanent Federal law. It never needs reauthorization. However, certain provisions of the Act (Sections 6–9 and Section 203), which were meant to be temporary and periodically reviewed by Congress, are due to expire a year from now—not today, this month or even this year.

When enacted in 1965, the Voting Rights Act played a critical role in granting equal rights to all Americans to cast their ballots. At that point in our Nation's history, some jurisdictions used extraordinary voter suppression devices like poll taxes and literacy tests that were designed to discriminate against minority voters and indeed had that effect. Congress rightly responded in kind with extraordinary remedies that were deemed emergency provisions. The emergency or temporary provisions of the VRA include Section 5, which requires certain covered jurisdictions to pre-clear any change in their election laws or procedures with the Department of Justice. This means relocating a ballot booth in one neighborhood can require Federal approval. It also includes Section 203, added in 1975, mandating that ballots in certain jurisdictions be provided in languages other than English.

Unfortunately, H.R. 9 is significantly flawed. For example, H.R. 9 does not simply re-authorize Section 5 of VRA but makes significant changes to the section. Specifically, it requires that for Section 5 pre-clearance that minorities as a group, not as individuals, be allowed to elect their preferred candidate of choice. Legal scholars disagree on the meaning of this phrase but many interpret it to mean that states will now be forced in decennial Congressional redistricting to maximize the number of districts where a certain political party wins. For example, in the recent Texas redistricting case it was found that if most members of a minority group vote Democratic, they are entitled to a district that elects a Democrat. If a minority candidate wins the district, that is not sufficient. It must be a Democrat minority candidate. That is not a voting right; it is a voting wrong. No less a legal authority than former Solicitor General Ted Olson has stated the following:

"For forty-one years, the Voting Rights Act has focused on protecting voters' rights to cast a ballot by forbidding States from adopting laws that 'abridge[] the right to vote on account of race or color.' The new version of the Voting Rights Act, however, risks shifting the Act's focus to protect politicians' interests in holding office, by entrenching preferred candidates of choice. I believe that most Americans would agree that the Voting Rights Act should be used to protect voters' access to the ballot box, not to protect incumbents' reelection chances."

Thus, Section 5 should be reauthorized as is without this new language.

Another flaw of H.R. 9 is that it preserves 40-year-old criteria (based on the 1964, '68, and '72 presidential elections) to determine which states and counties are subject to provisions of the VRA. But minority-voting patterns are now dramatically different than they were 40 years ago. For example, today in Georgia, blacks are more likely than whites to register to vote and to exercise their right to vote. The VRA should be used to protect voting rights everywhere, not just the South and a handful of other counties. Discrimination today can happen just as easily in Michigan or New Jersey as it can in Texas or Georgia. Unless this section is changed, many of our grandchildren will continue to be punished for the sins of our grandfathers. That should not happen in America.

Using election data from 1964—when 60% of Americans today were not even alive—to determine discrimination patterns today is deeply troubling and raises questions as to the fairness and constitutionality of the legislation. The criteria should be updated to the relevant last three presidential elections to assure equal protection under the law.

Finally, I continue to believe that section 203 is bad public policy. In America, English is the language of opportunity. This common language binds us together as a people and strengthens us as a Nation. We must continue to emphasize the importance of learning English to those integrating into American society and culture. This is important to them and critical to the Nation as a whole. Those entering the country illegally clearly are not allowed to vote and naturalized citizens must demonstrate English proficiency before becoming Americans. Thus, contrary to popular notions, there are relatively few Americans not sufficiently proficient with English to cast a ballot. Those that are not already have their voting rights protected by laws permitting them to bring a translator into the voting booth with them. If a city or state wishes to print multiple ballots in numerous languages the Federal Government should not prevent them from doing so. On the other hand, the federal government should not mandate that they do it either. Simply put, taxpayers should not be compelled by federal law to pay for printing ballots in languages other than English.

The amendments that I supported to shorten the bill's extension to 10 years, apply the VRA fairly and nationwide, remove jurisdictions from coverage when they have shown a consistent respect for the voting rights of minority citizens, and end a requirement forcing taxpayers to pay for ballots in languages other than English—would have greatly improved this bill. I hope that appropriate changes are made to strengthen this bill, so that I am able to vote for final passage when it comes back to the House.

There is no doubt that the debate over the Voting Rights Act is an emotional one. For many Americans it has become and icon and rightfully so. The VRA has been a critical weapon in the struggle for civil rights and equal opportunity and should remain so. But the emergency provisions were written in a different time to address a different set of challenges. There is danger in allowing symbolism to overcome reality and principle.

This is not a vote I took lightly. I know too often in America that when the accusation is racism, one may wrongly be considered guilty until proven innocent. I regret the phenomena but will not let it dictate my conscience. Everyday we should not only work to root out racial discrimination but should work to reduce race consciousness as well. As Supreme Court Chief Justice Roberts opined in the case LVLAC v. Perry: "It is a sordid business, this divvying us up by race." I agree. Instead we should all work together to achieve Martin Luther King, Jr's goal of achieving a society that judges our children "not by the color of their skin but by the content of their character."

Mr. ISRAEL. Mr. Chairman, I rise today in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments. Since its enactment in August of 1965, the Voting Rights Act (VRA) has helped bring us closer to realizing the true spirit of the 15th Amendment to the Constitution, which guarantees all American citizens the quintessential democratic right to vote. Today we'll vote to reauthorize expiring provisions of the VRA and by doing so send a signal that we will not tolerate discrimination at the polls.

Some of our colleagues will rise today to offer amendments that would weaken the VRA. I am opposed to any attempts to dilute the intent and spirit of the VRA by weakening Section 5 of the bill. Section 5 ensures that the Federal Government will take a closer look at election practices in states and localities with a history of discrimination at the polls.

Our Nation has made a great deal of progress since 1965 when the VRA was first signed into law by President Johnson. But some municipalities continue to make it difficult, intentionally or otherwise, for ethnic and racial minority voters to register and vote. The great civil rights leaders of the 1960s, including our distinguished colleague Rep. JOHN LEWIS, worked tirelessly to fight discrimination in all aspects our society. They knew then, and we know now, that the right of all Americans to vote is the cornerstone of our democracy. We must continue their great legacy and pass the bill before us today without amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows

H.R. 9

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006".

SEC. 2. CONGRESSIONAL PURPOSE AND FINDINGS.

(a) PURPOSE.—The purpose of this Act is to ensure that the right of all citizens to vote, including the right to register to vote and cast meaningful votes, is preserved and protected as guaranteed by the Constitution.

(b) FINDINGS.—The Congress finds the following:

(1) Significant progress has been made in eliminating first generation barriers experienced by minority voters, including increased numbers of registered minority voters, minority voter turnout, and minority representation in Congress, State legislatures, and local elected offices. This progress is the direct result of the Voting Rights Act of 1965.

(2) However, vestiges of discrimination in voting continue to exist as demonstrated by second generation barriers constructed to prevent minority voters from fully participating in the electoral process.

(3) The continued evidence of racially polarized voting in each of the jurisdictions covered by the expiring provisions of the Voting Rights Act of 1965 demonstrates that racial and language minorities remain politically vulnerable, warranting the continued protection of the Voting Rights Act of 1965.

(4) Evidence of continued discrimination includes—

(A) the hundreds of objections interposed, requests for more information submitted followed by voting changes withdrawn from consideration by jurisdictions covered by the Voting Rights Act of 1965, and section 5 enforcement actions undertaken by the Department of Justice in covered jurisdictions since 1982 that prevented election practices, such as annexation, at-large voting, and the use of multi-member districts, from being enacted to dilute minority voting strength;

(B) the number of requests for declaratory judgments denied by the United States District Court for the District of Columbia;

(C) the continued filing of section 2 cases that originated in covered jurisdictions; and

(D) the litigation pursued by the Department of Justice since 1982 to enforce sections 4(e), 4(f)(4), and 203 of such Act to ensure that all language minority citizens have full access to the political process.

(5) The evidence clearly shows the continued need for Federal oversight in jurisdictions covered by the Voting Rights Act of 1965 since 1982, as demonstrated in the counties certified by the Attorney General for Federal examiner and observer coverage and the tens of thousands of Federal observers that have been dispatched to observe elections in covered jurisdictions.

(6) The effectiveness of the Voting Rights Act of 1965 has been significantly weakened by the United States Supreme Court decisions in Reno v. Bossier Parish II and Georgia v. Ashcroft, which have misconstrued Congress' original intent in enacting the Voting Rights Act of 1965 and narrowed the protections afforded by section 5 of such Act.

(7) Despite the progress made by minorities under the Voting Rights Act of 1965, the evidence before Congress reveals that 40 years has not been a sufficient amount of time to eliminate the vestiges of discrimination following nearly 100 years of disregard for the dictates of the 15th amendment and to ensure that the right of all citizens to vote is protected as guaranteed by the Constitution.

(8) Present day discrimination experienced by racial and language minority voters is contained in evidence, including the objections interposed by the Department of Justice in covered jurisdictions; the section 2 litigation filed to prevent dilutive techniques from adversely affecting minority voters; the enforcement actions filed to protect language minorities; and the tens of thousands of Federal observers dispatched to monitor polls in jurisdictions covered by the Voting Rights Act of 1965.

(9) The record compiled by Congress demonstrates that, without the continuation of the Voting Rights Act of 1965 protections, racial and language minority citizens will be deprived of the opportunity to exercise their right to vote, or will have their votes diluted, undermining the significant gains made by minorities in the last 40 years.

THE PAPER AND INK USED IN THE ORIGINAL PUBLICATION MAY AFFECT THE QUALITY OF THE MICROFORM EDITION.

SEC. 3. CHANGES RELATING TO USE OF EXAMINERS AND OBSERVERS.

(a) Use of Observers.—Section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f) is amended to read as follows:

"Sec. 8. (a) Whenever—

"(1) a court has authorized the appointment of observers under section 3(a) for a political subdivision; or

"(2) the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b), unless a declaratory judgment has been rendered under section 4(a), that—

"(A) the Attorney General has received written meritorious complaints from residents, elected officials, or civic participation organizations that efforts to deny or abridge the right to vote under the color of law on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) are likely to occur; or

"(B) in the Attorney General's judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to the Attorney General to be reasonably attributable to violations of the 14th or 15th amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the 14th or 15th amendment), the assignment of observers is otherwise necessary to enforce the guarantees of the 14th or 15th amendment;

the Director of the Office of Personnel Management shall assign as many observers for such subdivision as the Director may deem appropriate.

"(b) Except as provided in subsection (c), such observers shall be assigned, compensated, and separated without regard to the provisions of any statute administered by the Director of the Office of Personnel Management, and their service under this Act shall not be considered employment for the purposes of any statute administered by the Director of the Office of Personnel Management, except the provisions of section 7324 of title 5, United States Code, prohibiting partisan political activity.

"(c) The Director of the Office of Personnel Management is authorized to, after consulting the head of the appropriate department or agency, designate suitable persons in the official service of the United States, with their consent, to serve in these positions.

"(d) Observers shall be authorized to—

"(1) enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote; and

"(2) enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated.

"(e) Observers shall investigate and report to the Attorney General, and if the appointment of observers has been authorized pursuant to section 3(a), to the court.".

(b) Modification of Section 13.—Section 13 of the Voting Rights Act of 1965 (42 U.S.C. 1973k) is amended to read as follows:

"Sec. 13. (a) The assignment of observers shall terminate in any political subdivision of any State—

"(1) with respect to observers appointed pursuant to section 8 or with respect to examiners certified under this Act before the date of the enactment of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, whenever the Attorney General notifies the Director of the Office of Personnel Management, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision described in subsection (b), that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) in such subdivision; and

"(2) with respect to observers appointed pursuant to section 3(a), upon order of the authorizing court.

"(b) A political subdivision referred to in subsection (a)(1) is one with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote.

"(c) A political subdivision may petition the Attorney General for a termination under subsection (a)(1).".

(c) Repeal of Sections Relating to Examiners.—Sections 6, 7, and 9 of the Voting Rights Act of 1965 (42 U.S.C. 1973d, 1973e and 1973g) are repealed.

(d) Substitution of References to "Observers" for References to "Examiners".—

(1) Section 3(a) of the Voting Rights Act of 1965 (42 U.S.C. 1973a(a)) is amended by striking "examiners" each place it appears and inserting "observers".

(2) Section 4(a)(1)(C) of the Voting Rights Act of 1965 (42 U.S.C. 1973b(a)(1)(C)) is amended by inserting "or observers" after "examiners".

(3) Section 12(b) of the Voting Rights Act of 1965 (42 U.S.C. 1973j(b)) is amended by striking "an examiner has been appointed" and inserting "an observer has been assigned".

(4) Section 12(e) of the Voting Rights Act of 1965 (42 U.S.C. 1973j(e)) is amended—

(A) by striking "examiners" and inserting "observers"; and

(B) by striking "examiner" each place it appears and inserting "observer".

(e) Conforming Changes Relating to Section References.—

(1) Section 4(b) of the Voting Rights Act of 1965 (42 U.S.C. 1973b(b)) is amended by striking "section 6" and inserting "section 8".

(2) Subsections (a) and (c) of section 12 of the Voting Rights Act of 1965 (42 U.S.C. 1973j(a) and 1973j(c)) are each amended by striking "7,".

(3) Section 14(b) of the Voting Rights Act of 1965 (42 U.S.C. 1973l(b)) is amended by striking "or a court of appeals in any proceeding under section 9".

SEC. 4. RECONSIDERATION OF SECTION 4 BY CONGRESS.

Paragraphs (7) and (8) of section 4(a) of the Voting Rights Act of 1965 (42 U.S.C. 1973b(a)) are each amended by striking "Voting Rights Act Amendments of 1982" and inserting "Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006".

SEC. 5. CRITERIA FOR DECLARATORY JUDGMENT.

Section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) is amended—

(1) by inserting "(a)" before "Whenever";

(2) by striking "does not have the purpose and will not have the effect" and inserting "neither has the purpose nor will have the effect"; and

(3) by adding at the end the following:

"(b) Any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting that has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), to elect their preferred candidates of choice denies or abridges the right to vote within the meaning of subsection (a) of this section.

"(c) The term 'purpose' in subsections (a) and (b) of this section shall include any discriminatory purpose.

"(d) The purpose of subsection (b) of this section is to protect the ability of such citizens to elect their preferred candidates of choice.".

SEC. 6. EXPERT FEES AND OTHER REASONABLE COSTS OF LITIGATION.

Section 14(e) of the Voting Rights Act of 1965 (42 U.S.C. 1973l(e)) is amended by inserting ", reasonable expert fees, and other reasonable litigation expenses" after "reasonable attorney's fee".

SEC. 7. EXTENSION OF BILINGUAL ELECTION REQUIREMENTS.

Section 203(b)(1) of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–1a(b)(1)) is amended by striking "2007" and inserting "2032".

SEC. 8. USE OF AMERICAN COMMUNITY SURVEY CENSUS DATA.

Section 203(b)(2)(A) of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–1a(b)(2)(A)) is amended by striking "census data" and inserting "the 2010 American Community Survey census data and subsequent American Community Survey data in 5-year increments, or comparable census data".

SEC. 9. STUDY AND REPORT.

The Comptroller General shall study the implementation, effectiveness, and efficiency of the current section 203 of the Voting Rights Act of 1965 and alternatives to the current implementation consistent with that section. The Comptroller General shall report the results of that study to Congress not later than 1 year after the date of the enactment of this Act.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–554. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. NORWOOD

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 109–554.

Mr. NORWOOD. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Norwood

Page 11, strike lines 1 through 3.

Page 11, line 4, strike "(2)" and insert "(1)".

Page 11, line 7, strike "(3)" and insert "(2)".

Add at the end the following:

SEC. 10. CRITERIA FOR INCLUSION FOR PRECLEARANCE AND OTHER PROVISIONS OF TITLE I.

The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) is amended—

(1) in the first sentence of section 4(a)(1), by striking "the first two sentences of";

(2) by striking the second sentence of section 4(a)(1);

(3) in section 4(a), by striking "or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection)" each place it appears;

(4) so that subsection (b) of section 4 reads as follows:

"(b)(1) Subsection (a) applies in any State or subdivision of a State that the Attorney

General determines maintains a test or device, or with respect to which the Director of the Census determines that less than 50 percent of the citizens of voting age residing therein were registered on November 1 of a critical year, or that less than 50 percent of those citizens voted in the presidential election of that critical year. The critical years for the purposes of this Act are the 3 years in which the last preceding presidential elections took place.

"(2) A determination under paragraph (1) is not reviewable in any court and shall take effect upon publication in the Federal Register.";

(5) in section 4(f)(4), by striking "the second sentence of section 4(a)" and inserting "subsection (a)"; and

(6) in section 5, by striking "Whenever a State or political" and all that follows through "1972" and inserting "Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based on a determination made under section 4(b) enacts or seeks to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on the day before that determination was made".

The Acting CHAIRMAN. Pursuant to House Resolution 910, the gentleman from Georgia (Mr. NORWOOD) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I ask unanimous consent that I be able to submit for the RECORD an article from Dr. Ronald Gaddie of the University of Oklahoma and an article from the American Enterprise Institute.

The Acting CHAIRMAN. The gentleman's request will be covered by general leave

MYTHS AND REALITIES OF THE NORWOOD AMENDMENT TO THE VOTING RIGHTS ACT

(By Ronald Keith Gaddie)

There is a myth abounding in the debate about the renewal of the Voting Rights Act, that the Norwood amendment guts section 5, limiting its scope only to Hawaii and largely removing Section 5 oversight in the 16 states currently covered in whole or in part. Professor Rick Hasen, with whom I largely agree, gave credence to this myth in his editorial in Roll Call. I agree with Prof. Hasen regarding the bailout amendment from Mr. Westmoreland. However, I think the Norwood Amendment deserves a more careful, data-informed treatment before it is dismissed.

This myth is simply wrong. Saying "only Hawaii" leaves the impression that the Norwood Amendment withdraws the Voting Rights Act from its original target, the South, and that it is being retired to a permanent sunshine sabbatical on Maui. The truth is far more complex, and far less threatening to the continuation of coverage by the Voting Rights Act.

In my supplemental testimony to the Senate Judiciary Committee this past June, I supported updating the coverage formula to refer to the Presidential elections of 2000 and 2004. In that testimony, I also argued that the trigger be set to the two most recent elections, so that it would have "a capacity to consider the evolution of the electorate, and that the trigger be based on the voting-eligible population—citizens. Any state or jurisdiction administering elections where participation fell below 50 percent of the citizen voting age population would be subject to preclearance." The consequence of this trigger is not dire. Instead, most of the currently covered jurisdictions continue to be covered, and other jurisdictions where we observe both racial strife and low political participation will fall under Section 5 preclearance.

An examination of data from the two most recent elections gives us a notion of how the Norwood amendment would affect coverage. Norwood's trigger, based on participation in the 1996, 2000, and 2004 presidential elections, requires Section 5 in over 1,000 counties across most of the states in the union based on participation in 2000 and 2004. Lacking data for 1996, I limit my discussion to these elections, which resembles the trigger I proposed to the Senate (Note: these data, including a map of the potentially affected jurisdictions, are available at my website, http://soonerpolitics.com).

Where are these counties? Of the 1,010 counties covered, 486 were not previously subject to Section 5. Of these, 58 are in states already covered in part by Section 5: twelve in California, eighteen in Florida, five in Michigan, sixteen in North Carolina, six in New York State. Another 121 are in Arkansas and Tennessee, states not currently covered by Section 5. Kentucky, Missouri, Oklahoma and West Virginia account for another 155 counties, including any rural Appalachian counties or, in case of Oklahoma, counties with notable Native American populations. In sum, 334 new counties come from former Confederate or Border South states or from current section 5 states.

Another twenty-one counties come from New Mexico, where a state court in 2001 and 2002 accepted the presence of racially polarized voting in the southern part of the state and in the areas populated by Navajo and Jicarilla Apache. Of the remaining 131 new, covered counties, 67 are in Indiana and Pennsylvania, where population loss since the census might explain the presence of low voting rates. This leaves 64 counties scattered over sixteen states, including a variety of very populous counties like rapidly-growing Clark County, Nevada (Las Vegas) and also sparsely populated places such as Glacier County, Montana, the home of the Blackfeet Indian Nation and about 14,000 residents. Many of the counties that are picked up in the new states with very few covered counties also host Indian reservations, including counties in Nebraska, Michigan, Idaho, Montana, North Dakota, and Oregon.

So where drops out? It appears that 340 counties in currently covered states do not get picked up, plus Alaska and ten townships of New Hampshire. Of the 340 counties that are not picked up by the trigger, 43 are in Mississippi, 31 are in Louisiana, and 58 are in Virginia, and result in a 55 percent reduction in covered counties in these three states. Of 64 Louisiana parishes, 58 would not get picked up. These four states account for over half of the currently-covered counties that would no longer be covered.

An additional 118 counties come from the 254 counties of Texas, though the only major urban county to no longer be covered is Tarrant County (Fort Worth). Dallas (Dallas), Harris (Houston), El Paso (El Paso), and Bexar (San Antonio) counties and most of the South Valley continue to be covered. Jurisdictions that are not covered tend to be in sparsely populated west Texas. Also, twenty-two of 159 Georgia counties and nine of 46 South Carolina counties are not picked up by the new trigger. Most of the Georgia dropouts are in the Atlanta urban doughnut or outside the black belt, as too are the South Carolina dropouts. Only four of 14 Alabama black belt counties stay in, due to their high voter participation, and about half of the historic rural majority-black counties of Mississippi are also not picked up.

The original trigger of the Voting Rights Act was crafted to target jurisdictions with egregious voting rights and human rights problems. The updating of the trigger in the 1960s and early 1970s picked up non-Southern jurisdictions that had participation problems and also, coincidentally or not, often had other voting rights challenges that might not have been addressed in the absence of an updated trigger. The Norwood Amendment trigger preserves coverage in most of those original and updated jurisdictions, and also expands coverage in a fashion similar to the 1968 and 1972 trigger updates. And, in doing so, it picks up jurisdictions where noted advocates such as Laughlin MacDonald have stated the need for greater oversight, such South Dakota, by identifying areas in partially-covered states and uncovered states where lower participation might indicate the need for closer scrutiny by the Department of Justice.

The politics of the Voting Rights Act renewal dictate that the Norwood Amendment will not pass in the House. But on its face the Norwood Amendment is not predatory. Rather, it acknowledges a political reality of significant gains in participation in areas long-covered by the Voting Right Act, while also continuing and extending coverage in areas where voters are not participating, and where the need for stricter scrutiny of voting and registration practices could be in order.

TABLE I.—CHANGES IN S. 5 COVERED COUNTIES, NORWOOD AMENDMENT, USING 2000 AND 2004 ELECTION PARTICIPATION

	Currently covered counties	Counties covered by Norwood amendment	Net change, currently covered counties	Net change, currently non-covered States	Total number of counties in State
Alabama	67	36	−31		67
Arkansas	0	54		54	75
Arizona	15	12	−3		15
California	4	16	12		58
Colorado	0	6		6	64
Florida	4	22	18		67
Georgia	159	137	−22		159
Hawaii	0	4		4	4
Idaho	0	3		3	44
Illinois	0	3		3	102

TABLE I.—CHANGES IN S. 5 COVERED COUNTIES, NORWOOD AMENDMENT, USING 2000 AND 2004 ELECTION PARTICIPATION

	Currently covered counties	Counties covered by Norwood amendment	Net change, currently covered counties	Net change, currently non-covered States	Total number of counties in State
Indiana	0	37		37	92
Kansas	0	8		8	105
Kentucky	0	63		63	120
Louisiana	64	6	−58		64
Massachusetts	0	1	1	14	
Maryland	0	9		9	24
Michigan	2	7	5		83
Missouri	0	15		15	115
Mississippi	82	39	−43		82
Montana	0	1	1	1	56
North Carolina	40	56	16		100
North Dakota	0	4		4	53
Nebraska	0	1		1	93
New Jersey	0	2		2	21
New Mexico	0	21		21	33
New York	3	9	6		62
Nevada	0	4		4	17
Ohio	0	6		6	88
Oklahoma	0	38		38	77
Oregon	0	2		2	36
Pennsylvania	0	30		30	67
South Carolina	46	39	−7		46
South Dakota	2	9	7		66
Tennessee	0	67		67	95
Texas	254	136	−118		254
Utah	0	2		2	29
Virginia	123	65	−58		134
Wisconsin	0	1		1	72
West Virginia	0	39		39	55

AN ASSESSMENT OF RACIALLY POLARIZED VOTING IN MILWAUKEE, WISCONSIN

PREPARED FOR THE PROJECT ON FAIR REPRESENTATION, AMERICAN ENTERPRISE INSTITUTE

(By Charles S. Bullock III and Ronald Keith Gaddie)

The scope of racially polarized voting is not confined to the Section 5 states or to the South, but indeed occurs in places such as Wisconsin. During the 2002 federal trial to establish new state Assembly boundaries for the Badger State, the well-regarded University of Wisconsin political scientist David Canon entered testimony on behalf of plaintiffs arguing for the existence of racially polarized voting and significant differences in African-American versus Anglo participation in Milwaukee. The following data and analysis are drawn from Canon's reports and affidavits.

Canon's analysis focused on sixteen biracial elections within Milwaukee County. In fourteen of these contests, white turnout exceeded black turnout, often by double the rate of voter participation.

In his analysis, Canon found nine instances of "legally significant" racially polarized voting in black-versus-white contests: the 1992 Milwaukee County Executive primary, the 1992 House district 5 primary, the 1995 at-large school bard primary, the 1996 Supreme Court primary, the 1996 Milwaukee Mayor's race (General election), the 1998 gubernatorial primary, the 1999 at-large school board election, and the 2000 Supreme Court general election. Eight of these contests were primaries or non-partisan contests, and in those eight contests, the white turnout rate was on average double that of the black turnout rate.

The average black vote for the black candidate (86.2%) in the eight polarized, primary or nonpartisan contests was comparable to the average white vote for the white candidate (85.2%). These levels of polarization are comparable to levels observed in the most polarized southern elections, and exceed the degree of polarization in recent Georgia elections. Overall, in the nine instances of legally significant polarization identified by Canon, black voters cast at least 89% of votes for the black candidate on six occasions while white voters cast at least 89% for the white candidates on three occasions.

Dr. Canon exhibits an explicit concern that Republicans in Wisconsin would use districting to locate black voters in such a fashion that a Voting Rights Act violation might occur. In his criticism of State Assembly redistricting plans advanced by the Assembly and Senate Republicans in 2002, Canon observed that: "the black majorities are too small in the Republican plans, black voters will not be able to elect their candidates of choice in as many as four of the six black-majority districts. The highly-polarized nature of voting in Milwaukee County and the relatively low turnout of African-American voters means that the combined minority voting age population should be at least 65% and the African-American voting age population should be at least 60% in order to ensure that minority voters have an opportunity to elect candidates of their choice . . . given the relative lack of responsiveness of the Republican Party to the particular needs of minority voters, see "Electing 'Candidates of Choice' and Effective Minority Representation in the 2002 Wisconsin State Legislative Districts," pp. 27-30, the link between the creation of majority black districts and this partisan goal, and the dilution of black voting power by making it more difficult to elect minority candidates of choice, I believe that the State of Wisconsin would subjected to legal liability under a "totality of circumstances" test under Section 2 of the Voting Rights Act." (page 48-49)

Taken a step further, we should note that the Federal panel hearing this case sidestepped the issue by crafting a "best principles" map base on compactness and minimum population deviation. This map continued the five existing minority districts at relatively high percentages, and rejected an argument of "packing" of districts under the Democrat's proposed maps in Milwaukee. While the argument is side stepped, and a generally Republican map resulted from the court's effort, they also implicitly accepted the logic of the Democrats by basically preserving the black districts of Milwaukee in a fashion consistent with the Democrat's expert recommendation.

Here, we see motive and opportunity, and we have expert analysis that demonstrates polarization akin to the South, and prescribing a remedy much more intensive than that used in many southern jurisdictions—Dr. Canon says that the 65% district is still necessary in Milwaukee, while the need for the district has passed in any southern jurisdictions covered by Section 5, as demonstrated by Professor Epstein.

Please also note that while Epstein's analysis was not accepted by the district court in Ashcroft, it was accepted by Justice O'Connor in her decision.

Mr. NORWOOD. Mr. Chairman, when the original Voting Rights Act passed this House, it was to correct voting discrimination evident in the 1964 Presidential election. The legal protections and enforcement scheme in the new law were all designed around that challenge.

The specific challenges of 1964 have long ago been rectified, yet the specific enforcement scheme contained in sections 4 and 5 remain based on 1964, 1968, and 1972 Presidential elections. Here are the current rules on the VRA:

To fall under section 5 Federal oversight, a voting jurisdiction has to have committed both of the following offenses:

One, they must have maintained discriminatory tests or devices to discourage voting in 1964, 1968, and 1972 Presidential elections.

Two, they had to have fallen below 50 percent voter registration or turnout in 1964, 1968, and 1972 Presidential elections.

Note that an area must have committed both offenses back then to fall under section 5.

We have a rare opportunity today to update the Voting Rights Act and bring it back into compliance with the original intent of the bill to safeguard voting rights all across the country, not just in the current 16 States.

Instead of continuing to face legal protections on 1964 conditions, this amendment will update them to modern results and toughen the standard, and, indeed, add more jurisdictions under the Voting Rights Act.

First, instead of requiring a jurisdiction to violate both of the standards to fall under section 5 oversight, a jurisdiction is placed in the penalty box for violating either one of the two triggers.

Second, the Presidential election years used to determine violations are updated to the most recent three elections, 1996, 2000, 2004. They would be automatically updated in the future to ensure that the act stays current.

Third, the penalty period for new violations is increased from the current 10-year bailout rule to 12 years, by requiring an area demonstrate three clean Presidential elections in a row in order to get out of the penalty box.

Under this amendment, the Justice Department is ordered to automatically review nationwide results and add noncomplying areas to the section 4 list or section 5 oversight after each 4-year cycle. Any jurisdiction that does not violate either trigger for three Presidential election years in a row will be automatically removed from section 5.

That is a real incentive for State and local governments to move aggressively into compliance with the Voting Rights Act. It guarantees the terms for getting off the list, without bankrupting local governments with legal bills as do the current arbitrary 10-year bailout requirements, which in many cases are impossible to meet. And it is certain that a partisan Justice Department wants to make sure you stay under there for 10 years, and with enough time we will explain how they do that.

☐ 1330

The Justice Department will therefore determine whether specific jurisdictions need to be added or deleted from Federal oversight list based on their performance in 1996, 2000, and 2004 rather than 1964, with automatic rolling updates to future election cycles.

The end result of this amendment would be expanded Federal oversight in areas with current violations, and section 5 oversight relief for areas with long-standing historic Voting Rights Act compliance.

My State of Georgia, under my amendment, will unfortunately, remain on the list since we fell below the 50 percent trigger in 1996.

There are currently 837 jurisdictions under section 5 oversight. That would be on the chart to the right. Under this amendment, there would be a minimum, with my new amendment there would be a minimum of 1,010 covered jurisdictions all across the country in 39 States. That is indicated by the chart on my left. The white areas are people not under 5; under my amendment the colored areas are people who would be under 5 because they broke the same rule under section 4 as we did in Georgia.

In fact, there would be substantially more than that. Our researchers could only find areas out of compliance in 2000 and 2004, without spending a great deal of money in 1996, but we will know 1996. So all these areas that failed to comply in 1996 would also be added to section 5 oversight as well. We just can't tell you for sure right now how many more that might be.

Mr. Chairman, this amendment will significantly improve voting rights protections by eliminating default amnesty for modern violations. It will provide understandable and clearly defined goals for areas not in compliance with either original trigger, and thereby encourage vigorous remedial action by those governments, and actually strengthening and updating the Voting Rights Act to go after current violations.

I do not understand why it is not important about violators in 2004, but we seem to not take that up in H.R. 9.

Our amendment provides long-overdue equity to the areas of our country that unjustly remain under penalty for 40-year-old violations that have long been remedied. And do not kid yourself, just because a partisan Justice Department objects to a submittal does not necessarily mean they are right. The Supreme Court has said on occasion that they are wrong. Nor does it mean that there has been any discrimination.

I urge Members to support updating the Voting Rights Act for the 21st century with this amendment

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 20 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment guts the Voting Rights Act, and let's make no bones about it. It does so by altering its coverage formula to cover only those jurisdictions in which voter registration and turnout fell below 50 percent in the 2004, 2000, and 1996 Presidential elections.

Based on the Census Bureau Current Population Survey, there is not a single State, except Hawaii, with voter registration and turnout below the 50 percent level required by this amendment. That means that only the State of Hawaii in its entirety would be covered, along with random scattershot jurisdictions across the country that do not have the century-long history of discrimination that the covered States do, and which the Supreme Court requires for the application of the preclearance and Federal observer conditions contained in the VRA.

The amendment not only guts the bill, but turns the Voting Rights Act into a farce.

To give you a sense of the absurdity of this amendment, let's take the example of Montana. In Montana, the amendment would only cover Glacier County, where there has been absolutely no evidence of voting discrimination, but where voter registration and turnout fell below the thresholds established by this amendment. That is the little blue spot on the Canadian border on Mr. NORWOOD's map.

The amendment, however, would not cover Blaine County, where just a few years ago a Federal District Court and a U.S. Court of Appeals found widespread evidence of discrimination against American Indians, who comprised one-third of all of the voters.

This amendment would also not cover Big Horn County, where a Federal court documented the virtually complete disenfranchisement of American Indian voters, nor would it apply to several other counties in Montana where voting discrimination has occurred, such as Rosebud County.

Under this amendment, similarly absurd results apply in 38 other States. So you might want to check on how this amendment affects your State before deciding whether to vote "yes" on it.

In addition, the amendment would render the temporary provisions of the Voting Rights Act unconstitutional. This amendment is designed to make all of the expiring provisions unconstitutional, and it simply guarantees that the Supreme Court of the United States will wipe this act off the books.

As recently as 1999, the Supreme Court upheld the constitutionality of the current coverage formula in the Voting Rights Act. In 1999, 7 years ago, In Lopez v. Monterey County, the Supreme Court upheld the Voting Rights Act's voting rule preclearance requirement finding that it "burdens State law only to the extent that the law affects voting in jurisdictions properly designated for coverage."

By radically altering the coverage formula of the Voting Rights Act in a way that severs its connection to jurisdictions with proven discriminatory histories, this amendment will render H.R. 9 unconstitutional and leave minority voters without the essential protections of the preclearance and the Federal observer requirements central to the VRA. The elimination of these provisions would threaten to destroy the advances of voting rights the VRA has made possible to date and must continue to protect and advance in the future.

There is broad agreement on this point. Justice Scalia, in his opinion in the recent Texas redistricting case, joined by the Chief Justice, Justice Alito and Justice Thomas, makes its clear that the Voting Rights Act with its current coverage formula will be upheld as constitutional, and that section 5 of the Voting Rights Act applies only to jurisdictions with a history of official discrimination.

The existing formula triggering coverage under the Voting Rights Act is not at all outdated in any meaningful sense of the term, and States covered are not unfairly punished under the coverage formula. Sixteen States are covered in whole or in part under the temporary provisions of the Voting Rights Act. The formula does not limit coverage to a particular region, but encompasses those States and jurisdictions where less than 50 percent of the citizens of voting age population registered or turned out to vote in 1964, 1968 or 1972.

But coverage is not, and I repeat "not" predicated on these statistics alone. States are not covered unless they applied discriminatory voting tests. And it was this aspect of the formula that brought these jurisdictions with the most serious histories of discrimination under Federal scrutiny.

The U.S. District Court for the District of Columbia has held that "Obviously, the preclearance requirements of the original act and its reauthorization had a much larger purpose than to increase voter registration." On the occasion of each reauthorization, Congress reviewed voting progress, including increases in registration and turnout, and the necessity of continuing coverage under the act.

The review was no different in 2006. The Judiciary Committee had 12 hearings, called 46 witnesses, and compiled more than 12,000 pages of evidence of continued discrimination in covered jurisdictions. In Georgia alone, 91 objections were interposed by the Justice Department since 1982, including four since 2002. In Texas, 105 objections were interposed. All of these incidents involved voting rule changes that the Department of Justice determined to be discriminatory.

Indeed, the reauthorization of this formula in H.R. 9 is based on recent and proven instances of discrimination in voting rights compiled in the Judiciary Committee's 12,000-page record. Moreover, the Voting Rights Act as it exists already includes provisions that allow for the expansion and reduction of covered jurisdictions as necessary, which ensures that the list of covered jurisdictions is appropriately revised and updated.

Insofar as voting conditions have improved over the years in the covered jurisdictions, that improvement is due precisely to the Voting Rights Act itself and the requirements preventing discriminatory voting rule changes from going into effect. This amendment would abolish exactly those provisions that are directly responsible for the enhanced voting protections that the VRA has secured for millions of Americans. As a result, the amendment undermines the VRA's goal of ensuring that progress made by minority voters continues and that America never backslides in its protection of minority voting rights.

Mr. Chairman, I reserve the balance of my time

Mr. NORWOOD. Mr. Chairman, I yield myself 1 minute. I would like to simply point out that most of what the chairman said I certainly don't agree with, and I fully expect the Supreme Court not to agree with it either.

I didn't write section 4, but I can read even though I am not a lawyer. It is very clear what the mechanism in section 4 says and means to put you under section 5, and there is no reason, I think, on earth, that every jurisdiction in this country shouldn't have to live under the same rule.

The scattered counties we are talking about over there that would go under section 5 end up being 200 or 300 more that aren't under there now. And, Mr. Chairman, if you think they have problems in Montana in discriminating, you ought to do something about it. All I can do is have them follow section 4 of the original VRA.

Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I appreciate my good friend from Georgia yielding the time to me, and I appreciate his work on behalf of the Voting Rights Act during the process of this debate.

Mr. Chairman, this bill is named after Fannie Lou Hamer, Coretta Scott King, and Rosa Parks. These brave women dedicated their lives to ensuring that everyone had access to the polls and the right to vote. It is up to us standing here today to honor their legacy by ensuring that the bill we pass to rewrite the Voting Rights Act will stand the test of time forever.

There is no question that the Voting Rights Act was needed in 1965. Georgia had a terrible record and merited the drastic remedy imposed on it by preclearance and section 5. The thrilling thing is, it worked: Georgia is not the same place it was. Today, we have more than 600 elected black officials; nine of the 34 statewide officeholders are minorities, and black voter turnout in the 2000 election exceeded white voter turnout. Georgia is a changed State, changed for the better because of the Voting Rights Act.

A cornerstone of the civil rights movement, my friend from Georgia's Fifth District, Mr. LEWIS, said, under oath during a lawsuit in 2002: "We have changed. We've come a great distance. I think it's not just in Georgia, but in the American South, I think people are preparing to lay down the burden of race. There has been a transformation. It is altogether a different world."

My concern is that failing to acknowledge the change will result in the VRA being found unconstitutional. There is no basis for continuing to single out certain States, especially when more than half of the findings of liability on section 2 claims have come from States outside the covered jurisdictions. The remedy of section 5 is no longer congruent and proportional to the discrimination that exists.

We must have a record on which to show continued drastic remedies are needed, and that record is not here from this reauthorization. The lack of evidence of State-sponsored discrimination is of major concern for the future of the VRA when viewed by a court. There is a lot of paper, but not many facts or statistics to show why Georgia is different from Tennessee or why Texas is different from Oklahoma or why racially polarized voting in Wisconsin shouldn't be addressed with a remedy such as the VRA. Updating the formula is the answer.

Mr. NORWOOD's amendment does not gut the VRA. It ensures its continuity for future generations. By rolling the formula, every jurisdiction is reviewed every 4 years. Low turnout generally means problems with voting, and this amendment uses the same formula already in law to identify these problems.

□ 1345

Any Member who votes against this amendment whose district is covered based on this amendment is being disingenuous about their views on civil rights. You argue for equal rights and the beauty of the VRA, but don't want it applied to your State or in your district.

Mr. Chairman, I urge the Members, such as Mr. CHABOT, Mr. FITZPATRICK, Mr. MCGOVERN, Mr. DIAZ-BALART, Ms. KILPATRICK, Ms. TUBBS JONES and Chairman SENSENBRENNER, who have talked about how good this bill is, to vote for this amendment. If it is good for the South, it should be good for your State and good for your district.

Mr. Chairman, I urge all Members to support the efforts made by Mr. NORWOOD.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I join Chairman SENSENBRENNER in opposition to the Norwood amendment. The amendment represents a fundamental misunderstanding of the Voting Rights Act and its structural design by arbitrarily selecting the last three election cycles as the starting point for confronting and combating voting discrimination. The amendment unhinges section 5 from its historical connections, disrupts the delicate balance embodied by the act, and makes it likely that the act would be declared unconstitutional.

The Voting Rights Act, as amended and extended on four separate occasions, struck a delicate balance that remains relevant today. The act imposes special requirements on specific jurisdictions that have a history and ongoing record of unequal policies.

The Norwood amendment misguidedly seeks to establish a remedy where one already exists. Voters may seek redress for recent voting rights infractions under existing provisions of the Voting Rights Act. And where a court finds sufficient justification based on actual evidence, it may impose the identical preclearance requirements that covered jurisdictions must satisfy currently. If the Norwood amendment only duplicated the existing protections of the Voting Rights Act, perhaps the only complaint would be that it is redundant and unnecessary.

In 1975, Senator Strom Thurmond offered a similar amendment to change the trigger to the next election, making virtually the same arguments that are being made by Mr. NORWOOD today. He stated: "One of the main problems with the Voting Rights Act is that it is, as presently constituted, an ex post facto law which punishes several Southern States for events which occurred in 1964."

In a remarkable colloquy that ensued between Senator Thurmond and Senator Jesse Helms from my home State. Senator Helms proposed yet another amendment which would have a presumption of discrimination if registration and participation of voting-age citizens exceeds 50 percent in the last election.

Like the amendment offered by Mr. NORWOOD, this amendment should be defeated as we defeated the ones by Mr. Helms and Mr. Thurmond back at that time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the subcommittee chairman, the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I rise in opposition to this amendment.

Under the gentleman's amendment, which would utilize election data from 1996 and 2000 and 2004 Presidential election data, as the chairman mentioned, the only State that would be fully covered under the preclearance and Federal observer provisions of the Voting Rights Act would be the State of Hawaii. Not only does this undermine the policy of protecting minority voters who have been historically discriminated against, the central crux behind the Voting Rights Act, but it threatens the constitutionality of the Voting Rights Act and the progress made by minority voters over the last 40 years. And that is one of the principal things that the Subcommittee on the Constitution looked at and why we took so much testimony on this issue because we want to make sure that this stands up if there is a challenge in the Supreme Court, and there probably will be.

Section 4 of the Voting Rights Act sets forth a formula under which certain jurisdictions are subjected to voting rule preclearance and Federal observer requirements. While the formula utilizes neutral registration and turnout data from the 1964, 1968 and 1972 elections, coverage is really about the documented history of discriminatory practices which is reflected in the first prong of the coverage formula that brings jurisdictions that maintain prerequisites for voting or registration under the scrutiny of the Federal Government.

Examples of such discriminatory practices include that minorities, one, demonstrate the ability to read, write, understand or interpret any matter; two, demonstrate any education achievement or knowledge of any particular subject; three, possess good moral character; or, four, prove qualifications by the voucher of registered voters of members of any other class.

I can tell you firsthand that the testimony gathered during the 12 hearings, which is reflected in more than 12,000 pages of record, demonstrates a continued need for the preclearance and Federal observer provisions.

The Norwood amendment, without any historical basis, would revise the coverage formula which has been upheld by the Supreme Court as recently as 1999 in Lopez v. Monterey County.

In one amendment, the underlying policy of the Voting Rights Act would be put at risk; and the constitutionality of the remaining provisions of the Voting Rights Act would be threatened, jeopardizing the protections for minority voters and thereby possibly jeopardizing the advances in voting rights that the Voting Rights Act has facilitated to date.

I strongly urge my colleagues to oppose this amendment

Mr. NORWOOD. Mr. Chairman, I just want to mention to my colleague that 43 of the people you had testify were 43 people who came in to justify what you had done in H.R. 9. Everybody has been here long enough to know how you set up hearings. There were three people in that whole group that disagreed.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Chairman, I thank the gentleman for yielding me this time.

I moved to Georgia in 1969 from Minnesota, and I saw the abuses the Democrat leadership, the Democrat Governors and Democrat officeholders, were putting on black voters, restricting them the vote.

When I was elected to the Georgia house with DAVID SCOTT in 1974, at one time I was one of 19 Republicans in a 180-member house.

As we started to build the Republican Party, the Democrats needed those black votes and started treating them differently; but treated them in multimember districts, and we know what that means: put a large district with four posts in it, not enough minority voters to nominate a black candidate to run, but enough to ensure that four white Democrats will win.

That finally went away under provisions of the Voting Rights Act. But in 2001 our last Democrat Governor brought them back. He gerrymandered our State so badly that he created multimember districts throughout the State with four posts in a large district, guaranteed not enough black voters to nominate a black candidate, but guaranteed enough to elect four white Democrats.

Did he get it precleared by the Department of Justice under the rules? No, he sued the Justice Department in a friendly court in Washington, D.C. and he spent $2 million of taxpayers' money on outside attorneys to get a favorable decision. And Georgia was back in multimember districts in the election of 2002. That is how keenly this act has worked in some States for clever Democrat Governors.

If you believe it must be done, and I frankly saw the success of it during my years in the legislature, if you believe it must continue to apply, why in the world don't you want it to apply to every jurisdiction? Why in the world shouldn't everybody be looked at on a regular basis?

It may not be the kind of amendment that you like, but the chairman was offered many opportunities to sit down and negotiate the language, and chose not to do that.

But if this Voting Rights Act is good for Georgia and 15 other States, it ought to be wonderful for the country, and you should support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT) with a different view on what is going on there.

Mr. SCOTT of Georgia. Mr. Chairman, I appreciate you yielding me this time.

Let me just pick up from the last point: Why shouldn't it be applied to the whole Nation? The opposition knows full well: if that were the case, it would immediately be ruled unconstitutional. In every case, the Supreme Court was very clear that whatever the remedy is, it must fix the size of the problem where there has been demonstrated discrimination. That is the whole purpose of it.

Mr. Chairman, let me quickly with my time, I want to get to this amendment because it is very important that we show why this amendment is designed to do two things: one, to make this bill unconstitutional; and, two, to kill the Voting Rights Act.

The Norwood amendment would do one important thing: it would take the list of jurisdictions currently covered under section 5 and throw it in the garbage can. It would completely disavow every known jurisdiction that is now covered under the Voting Rights Act. That alone is enough for us to have a reason to defeat this amendment.

We know that jurisdictions on the list today are still discriminating because we heard testimony. 12,000 pages of testimony. I was there in the committee each and every day. And much of that testimony, Mr. Chairman, came directly from the State of Georgia.

As I said earlier, there is no State that needs the Voting Rights Act's protection as does Georgia. When my colleagues from Georgia say they are being punished, who is being punished? I will tell you who is being punished. It is those African American citizens down there who year after year, as we have testified, have said that they are being punished and discriminated against because of the violations of the act.

As we sit here and debate this bill today, the Voter ID bill from Georgia gives ample evidence that Georgia is still discriminating. The power of the Voting Rights Act is the power of section 5, and the power of section 5 is to make sure these procedures are precleared. It is designed to prevent discrimination. We dare not take that protection off the books, and that is what the Norwood amendment will do and why we must vote it down.

Mr. NORWOOD. Mr. Chairman, of course our amendment does not do that. It simply applies to every jurisdiction in the country equally, equal protection under the law.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Chairman, today, some 41 years after the first Voting Rights Act was passed by Congress, the facts that relate to infringements on voting have substantially changed. And here we are talking in this amendment about a portion of the Voting Rights Act that was deemed to be temporary and was deemed to be remedial in nature.

The bill we are asked to pass today, however, without this amendment relies on facts that are over 40 years old, and the Norwood amendment seeks to overturn those facts and base this legislation on facts that exist today, in fact, the three most recent Presidential elections rather than the election of Lyndon Johnson.

Now, the opponents of the Norwood amendment argue that it might render the Voting Rights Act unconstitutional to do that. Doesn't that give you some pause, some concern? If you can't justify this legislation on the facts of 2006, if you can't base it on the last three Presidential elections and those facts will make your act unconstitutional, that alone ought to cause you to vote against it.

This is here because the 15th amendment has given jurisdiction to Congress to do certain things, and we act on those facts. But the facts are still the facts even though this bill may attempt to say they are something different.

Just because some of our Members prefer to linger in the sins of the past, it is our responsibility to legislate on the facts of the present, and those facts do not justify an extension of section 5

Mr. SCOTT of Georgia. If the gentleman would yield.

Mr. DEAL of Georgia. No, I don't have time to yield.

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman from Georgia (Mr. DEAL) controls the time.

□ 1400

With all due respect to my good friend, Mr. SCOTT, with whom I also served in the Georgia legislature, we are talking here about a portion of the act that was deemed to be temporary. That is why we are talking about an extension of it today, that alone, a temporary extension, something that was only 5 years in its initial duration, is now, 41 years later, being asked to make it for an additional 25 years.

I would submit that the Norwood amendment needs to pass. It is a welcome improvement to the legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Hawaii (Mr. CASE) to explain why Hawaii does not have a history of discrimination and should not be covered under the Norwood amendment.

Mr. CASE. Mr. Chairman, I rise in opposition to this amendment for the same reasons as have been articulated otherwise.

But I also rise in opposition because of this amendment's specific impact on my State of Hawaii, because under his amendment, Hawaii would be, per se, subjected to a preclearance requirement solely because of relatively low turnout in recent presidential elections.

Now, I am not proud that we have had a low turnout in recent Presidential elections; but I say to the gentleman very directly, the author of this amendment, that it is not because of any history of discrimination against our citizens with respect to voting, and we should not be subjected, by application of some mechanistic and standardized formula unrelated in any way to the facts to section 5 preclearance.

And that really demonstrates the fallacy of the amendment, the removal from relevancy of applicable conditions in any State, past, present or future in determining who is and is not subject to preclearance. It is and should be relevant, and there are available means to come out from under preclearance.

But this amendment is not that, and I urge its rejection.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, today, when walking through the Capitol, I saw President Roosevelt's words inscribed on a wall. They stopped me in my tracks. He said, "We must remember that any oppression, any injustice, any hatred is a wedge designed to attack our civilization."

These words should guide us in this debate. They were deemed so important that they are literally a part of the structure of our Nation's Capitol.

The Voting Rights Act is the most important and successful civil rights law in our Nation's history. From poll taxes to literacy tests, States historically disenfranchised voters based on their race, their gender and educational background.

While America exports democracy around the globe, we must not deny it here at home. Sadly, many Americans have lost faith in our electoral system. From the 2000 election in my home State of Florida, or Ohio in 2004, many Americans feel like some in their government don't want their vote to count. We must renew the Voting Rights Act to restore that lost faith.

Some say the preclearance provisions are no longer needed, and they are wrong. Since 1982, the Department of Justice has made more than 1,000 objections to discriminatory changes in State and local voting laws. If the gentleman from Georgia's amendment is adopted, these 1,000 objections would never be considered. This amendment deserves to be defeated. All the amendments need to be defeated, and the Voting Rights Act should be adopted in full.

Congress passed the Voting Rights Act because millions of Americans had been intentionally denied their equal right to vote.

Some of my Republican friends also want to take away language assistance at the polls, and they speak the emotional rhetoric of anti-immigrant jingoism.

But this bill isn't about illegal immigration—it is about Americans participating in their democracy.

The overwhelming majority of those who receive language assistance at the polls are native-born, tax-paying American citizens.

In 2004, there were 15 initiatives on Florida's ballot. This issue is not only about distinguishing Candidate A from Candidate B. The VRA ensures that citizens also understand these confusing ballot initiatives.

In my district voters receive assistance in Spanish, Creole, and Seminole dialects.

Instead of erecting more barriers to voting, we should identify ways to increase civic participation and make people more confident in their Government and their leaders.

I urge my colleagues to pass this bill with no amendments.

Mr. NORWOOD. Mr. Chairman, I yield 2 minutes to my friend from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Chairman, I rise today in support of the amendment of my friend and colleague from Georgia, Representative CHARLIE NORWOOD.

This amendment will correct a fundamental flaw of this bill. As currently drafted, H.R. 9 will not only apply 1964 standards to the world of 2006, but it will continue to apply it for the next 25 years.

Mr. Chairman, I know that some claim this amendment is a poison pill designed to kill the bill. But I would say that this amendment, rather, is a disinfectant that will save this bill from a constitutional challenge.

The Norwood amendment will strengthen this act by creating a rolling standard using turnout from the three most recent Presidential elections to determine a State's compliance requirements under section 5. This rolling standard will keep every State, whether south, north, east or west, on their toes with respect to the voting rights of their citizens. Just look, Mr. Chairman, at the additional jurisdictions that would be covered by the Norwood amendment.

It makes no sense to use the election of 1964 as a measure of voter participation in 2006, and the Norwood amendment fixes this flaw. It ensures the passage of a Voting Rights Act that is not only fair, but it also upholds the constitutional guarantee of equal protection under the law.

Mr. Chairman, in good conscience, how can we be justified in punishing the citizens of States covered by section 5 based upon voter participation in 1964? The Norwood amendment will correct this inequity and ensure that the underlying bill protects the voting rights of every citizen in every State by using a modern and accurate standard.

Mr. Chairman, again, I encourage all my colleagues, please adopt this amendment. Give this House an opportunity to renew a true and constitutional Voting Rights Act.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to my distinguished ranking member, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, ladies and gentlemen of the committee, I think it is very, very important that we realize that the coverage formula in this bill does not need to be changed, as is being proposed by the gentleman from Georgia, in order for it to be up to date. Jurisdictions free of discrimination for 10 years can come out from under coverage. There is a bailout provision. Let's continue to use that, because I think it is so important.

Now, during the course of all the hearings and testimony and witnesses, the gentleman from Georgia (Mr. NORWOOD) never testified before the committee.

This issue has been explored very carefully. When we crafted this bill, we wanted to make sure that it would stand the test of time, and this trigger in 4 that governs section 5 is so important.

The Supreme Court has spoken. There must be congruence and proportionality before the injury to be prevented or remedied, and the means adopted to that end.

Mr. NORWOOD. Mr. Chairman, who has the right to close?

The Acting CHAIRMAN (Mr. BISHOP of Utah). The gentleman from Wisconsin has the right to close.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT), and then I will do my close, and the chairman says he will then close.

Mr. GOHMERT. Mr. Chairman, I have an amendment that we were trying to propose some time back when this was about to first come up because I felt like, as we all know, there is racial discrimination and it still goes on. We need to fix it. And I thought my amendment should apply across the board.

But the reason I have not continued to push that, and after a number of sleepless nights of reading cases, I believe Mr. NORWOOD's language is better. It is a misnomer to say his applies across every jurisdiction. It will only apply to jurisdictions where there is racial disparity and discrimination. Why shouldn't we want to eliminate those?

The big elephant in the room that people seem to be unwilling to notice is, there is an emerging equal protection argument here that could destroy the whole Voting Rights Act, and that is, you are having States here and jurisdictions that have discrimination who are going to ram this down on areas who have improved so dramatically they are better off than some of those doing the cramming down on them. That is going to raise an equal protection issue that puts the whole act in jeopardy.

Mr. NORWOOD. Mr. Chairman, I want to say to Mr. CONYERS, I am not on the Justice Committee, the fair Justice Committee. I don't have any right to testify before the committee, nor am I asked to testify before the committee, nor would I, I doubt, be allowed to testify before the committee simply because I don't agree with H.R. 9 as it presently is written.

What we are asking here basically is that everybody be treated equal under the law. Section 4, I didn't write. Section 4 clearly says what the formula is. In fact, section 4's formula is why my State is under section 5.

Why in the world shouldn't we look at everybody in the country today, in the 21st century?

In 1964, my son was 2 years old. He was part of the 30 percent of Georgians that are still in Georgia today. I don't think he had anything to do with 1965.

I was 23 years old. I didn't have a clue what was going on in 1965. Half of the 30 percent of the people in Georgia who were in Georgia in 1965 had nothing to do with this. You are finding my grandchild guilty for something my grandchild didn't do, is not doing and doesn't want to see happen. Yet you will not take this and apply it to other States who deserve to have the same equal protections under the law that we do in Georgia.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me just set the record straight. When the gentleman from Ohio (Mr. CHABOT) conducted the hearings before the Subcommittee on the Constitution, he allowed nonmembers of the Judiciary Committee to come and participate in the hearings and to ask questions of the witnesses that came before the hearing. And I know that the gentleman from Georgia, Mr. WESTMORELAND, did participate very actively. We were very happy that he came, and appreciate the contributions that he made.

So we have not been exclusionary at all. And a lot of other committees simply do not allow nonmembers of the committee to participate. Mr. CHABOT did.

But I would like to point out that much of the impetus behind this amendment comes from Georgia. And I think the fallacy of the amendment of the gentleman from Georgia (Mr. NORWOOD) is that he wants to base coverage exclusively on voter participation and not on any other factors, and that is what the constitutional flaw is.

The reason that section 5 does have the preclearance requirement is based on a number of factors, including the past history of discrimination and discriminatory voting practices.

In Georgia there have been 91 objections since the last reauthorization by the Department of Justice, and seven of them have been objections that have resulted in withdrawal of voting changes since 2002. So the arguments that Georgia isn't doing all this bad stuff anymore are not borne out by the statistics of what has been submitted to the Justice Department and where preclearance has been rejected.

During the general debate today, I introduced two rather extensive reports into the record from outside groups that gave the history of section 5 objections and voting rights problems in the State of Georgia since the 1982 reauthorization.

Now, the amendment that Mr. NORWOOD has proposed is a Trojan horse. It is designed to make the section 5 protections unconstitutional. And I guess the argument that I am hearing, the result of which is that if you can't win here, jiggle the law so that it ends up being declared unconstitutional in court.

This has been an important part of the Voting Rights Act. We should not run the risk of changing the formula that has met the test of time with repeated constitutional challenges. That is why the Norwood amendment should be rejected.

I urge a "no" vote.

Mr. BAKER. Mr. Chairman, the road to justice is a difficult journey. It is not a mere step, but rather a lengthy endeavor. The result of the endeavor is to seek out those who have committed wrongdoing and deliver punishment in accord with the offense. All that any may hope, is that through the travail, there will be reflection on the truth. The truth is determined by careful, objective analysis of the facts, as best they can be determined. Facts are what result from examination of the evidence. When evidence show that the accused was not in the state at the time when the offense occurred, there is sufficient reason to find the accused was not a participant in the offense. It is even more explicit that the accused did not participate in the offense when the person was not yet born. Yet, that does not insulate the unfortunate from accusation. Accusation is the understandable action from those affected by wrongdoing. Someone is at fault, and failing clear evidence to establish the responsible party, accusations flow until the evidence and the facts lead all to justice. All of us should find affront in unsubstantiated accusation.

Here is where I discover reason for concern in the matter before us. The bill now pending, when enacted, will seek to serve justice. Notwithstanding the evidence, or the facts, for the next twenty five years, all those who follow in the scourged seven states will be branded with the racist label. This follows 25 years application of the previous penalty, which was assessed based on the facts and the evidence of the 1960's.

In the case now pending, the decision to condemn will be built upon the evidence now 42 years buried in history It is not evidence or facts discovered today. The actions of the grandfather will now determine the fate of the grandson.

What is it that I ask? I have always found merit in the principle that where action is justified for one, it should be justified for all. Public policy should be applicable to all within jurisdiction of the government. Do we believe that discrimination ends at a county line? Is it really your view that justice is served in 43 other states, while bigotry only survives in a constrained geographic corridor? Where is the evidence? What are your facts? Why is it this legislation will mandate supervision of seven states, and not the whole of our Nation?

Many have been incensed even by the thought of this discussion, because they mistakenly view this legislation as all that stands between them and their right to vote. The 15th Amendment to the Constitution apparently is of no consolation, although it ensures the right to vote to every American across the entire Nation. The bill now pending leaves 43 States on a different legislative landscape.

There is much in history to regret. We should not forget, or fail to learn from the troubled past. But we must also think about the present. Careful, analytical thought must precede action. Action to condemn or punish should be taken only when the evidence establishes the facts. All should be presumed innocent until proved guilty beyond a reasonable doubt. This principle establishes our freedom from the actions of an otherwise tyrannical government.

How do we come to this moment? Am I to believe that my grandchildren, not yet born, are condemned to a life of racial intolerance? How can this be? All reason is to be cast aside?

And if, my colleagues, you believe this policy to be well advised and necessary, why is it then ill advised to make it applicable to your constituents? And failing that, would you not examine the evidence, determine the facts, before condemning my constituents?

The pending amendment by the gentleman from Georgia, Mr. NORWOOD, would remedy most of my concern. Failure to adopt that amendment will leave those in Louisiana without an opportunity for fair deliberate consideration. Without the adoption of this provision, I cannot support the underlying bill.

For those who demand justice, it is now time to demand justice for all.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong opposition to the Norwood Amendment to H.R. 9, the "Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006." The Westmoreland Amendment requires the Attorney General to annually determine whether each State and political subdivision subject to the preclearance requirements of section 5 meets the requirements for bailout. The amendment further requires the Attorney General to then inform the public and each state and political subdivision that they are eligible to bail out. Last, the amendment would direct the Attorney General to consent to the bailout in federal court.

Mr. Chairman, this amendment should be soundly defeated. I agree with Mr. SENSENBRENNER that of all the weakening amendments offered, this one is the worst by far.

The Westmoreland Amendment turns Section 5 on its head because instead of enforcing the Voting Rights Act and stopping voting discrimination, the Department of Justice will be forced to spend nearly all of its time conducting investigations to determine where discrimination no longer exists. In the meantime, voting discrimination and constitutional violations will not be addressed.

Further, Mr. Chairman, this amendment would cripple the Voting Section of the Department of Justice's Civil Rights Division, making enforcement of the Act nearly impossible. There are nearly 900 jurisdictions covered nationwide by Section 5. Under the proposed amendment, determinations of whether a jurisdiction has a clean bill of health will require the Attorney General to dedicate considerable resources to making these determinations, and little else. This amendment has the effect of requiring coverage determinations be made by the Attorney General each year.

The Westmoreland Amendment removes the longstanding requirement that covered jurisdictions bear the burden of establishing that they are free from discrimination and places that burden on the Attorney General. Jurisdictions are uniquely positioned with the evidence showing whether or not voting discrimination is still present.

Finally, Mr. Chairman, the current bailout provision in Section 4(a) of the Act provides a reasonable and cost-effective opportunity for qualifying jurisdictions to bailout any time after they meet the criteria, as eleven local jurisdictions in Virginia have already done successfully. The cost for bailout actions has averaged only $5,000.

I urge my colleagues to reject the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong opposition to the Norwood Amendment to H.R. 9, the "Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006." The Norwood Amendment replaces the existing Section 5 coverage formula with one keyed to whether a jurisdiction has a test or device or voter turnout of less than 50 percent in any of the three most recent presidential elections. The proponents of the amendment claim it is needed to prevent the Supreme Court from striking down the Voting Rights Act.

Mr. Chairman, there are several compelling reasons for rejecting this amendment, which I will discuss. But let me respond, Mr. Chairman, to the claim that Georgia has suffered enough and should be let out of the "penalty box." I response is simple: the record amply demonstrates that Georgia earned its way into whatever "penalty box" it is in and it must earn its way out, as eleven local jurisdictions in Virginia already have.

REASONS FOR REJECTING THE NORWOOD AMENDMENT:

Mr. Chairman, the claim that the Voting Rights Act faces constitutional jeopardy from the Supreme Court if section 5 is not gutted is a red herring and is not to be taken seriously. First, the Supreme Court has never ruled the Voting Rights Acts or any of its provisions unconstitutional and there is no reason to suspect it will do so now. The claim that the intent of the Norwood Amendment is to save and protect the Voting Rights Act is disingenuous. It is akin to destroying the village in order to save it!

Second, the Norwood Amendment would eviscerate the effectiveness of Section 5 by extending its reach nationwide. It accomplishes this by basing the pre-clearance "trigger" on election turnout in the three most recent presidential elections. Extending the reach of Section 5 nationwide will weaken it, not strengthen it in at least three ways. A "nationwide" Section 5 would also be vulnerable to constitutional attack as not "narrowly tailored" or "congruent and proportional" to address the harms it is designed to cure, as required by the Supreme Court's recent precedents. Section 5 is directed at jurisdictions with a history of discriminating against minority voters. Nationwide application of Section 5 would be extremely difficult to administer, given the volume of voting changes that would have to be reviewed. This expansion of coverage would dilute the Department of Justice's ability to appropriately focus their work on those jurisdictions where there is a history of voting discrimination.

The lack of understanding of the true purpose and significance of the Voting Rights Act on the part of the supporters of the Norwood Amendment is most revealed by the desire to extend the reach of Section 5 nationwide. The proponents of the Norwood Amendment characterize the pre-clearance provisions of Section 5 as the "penalty box," reserved for those jurisdictions that have "broken the rules."

The right to vote is not a game; it is serious business, and for those who led the fight to secure that right for African-Americans, it was deadly serious. Section 5 is not punitive; it prohibits discriminatory changes affecting the right to vote. The Voting Rights Act has no provisions that name particular states or areas. Section 5 is aimed at a type of problem, not a state or region. It is designed to prevent backsliding by states whose discriminatory literacy tests were outlawed by the original act in 1965. Section 4 banned literacy tests in states where they were used to discriminate, but experience showed that when one method of voting discrimination was blocked—either through court action or a new law—another method would suddenly appear as a replacement. Congress therefore included the Section 5 preclearance provision to prevent the implementation of new discriminatory laws. The objections made since 1965 showed the covered jurisdictions have attempted to use gerrymandering and other forms of discrimination to abridge the right to vote. Section 5 has focused on these efforts.

Mr. Chairman, utilizing recent presidential election turnout data to determine who should be covered by Section 5 preclearance confuses the symptom with the disease. In 1965, Congress used registration and turnout data to select which states should be subject to federal pre-approval of voting changes because that was the most efficient way to identify those places with the longest and worst history of voter disfranchisement and entrenched discrimination and blatant racism by recalcitrant jurisdictions. Congress understood that while a multitude of formulas could be conjured to identify which governmental units would be subject to preclearance, there was and could be only one way for a covered jurisdiction to overcome the need to preclear its election laws, and that is by satisfying an independent federal judiciary that it had renounced its discriminatory past and could be trusted not to employ any artifice that would result in a return to those days of shame.

Mr. Chairman, the coverage formula does not need to be changed to bring it to up to date. The current formula correctly identifies jurisdictions that have the longest and worst history of voter disenfranchisement and entrenched discrimination. Jurisdictions free of discrimination for ten years can come out from under coverage. Those with continuing problems remain covered. And those where a court finds new constitutional violations can become covered. If the existing coverage formula were to be replaced with a formula that relies on 1996, 2000, and 2004 presidential election data, it would amount to a repeal of Section 5, even though we know that voting discrimination continues in the currently covered jurisdictions.

Last, the Norwood Amendment undermines the constitutionality of a renewed Section 5. The current coverage formula targets jurisdictions where Congress found a record of pervasive discrimination in voting on the basis of race. There is no evidence that the new triggers relied upon in the Norwood Amendment will target such jurisdictions, and only those jurisdictions, with a history of racial discrimination when its comes to its citizens' exercise of the franchise:

The Norwood Amendment is not likely to pass constitutional muster because it is not narrowly tailored to achieve the Congressional objective of subjecting only those jurisdictions with a history of voter discrimination and electoral racism to the pre-clearance provisions of Section 5.

CONCLUSION

The jurisdictions covered by section 5 of the Voting Rights Act earned their way in; they can earn their way out through the bailout provisions of the Act. What they have not earned is for this Congress to end preclearance requirements for where there is a continuing need for such oversight, as the Texas mid-decade redistricting case and the Georgia voter identification case make clear.

I urge my colleagues to reject the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. NORWOOD).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. NORWOOD. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 1415

AMENDMENT NO. 2 OFFERED BY MR. GOHMERT

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–554.

Mr. GOHMERT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GOHMERT: Strike section 4 and insert the following:

SEC. 4. EXTENSION OF TITLES I AND II.

Section 4(a) of the Voting Rights Act of 1965 (42 U.S.C. 1973b(a)) is amended—

(1) in paragraph (7), by striking "at the end" and all that follows through "1982" and inserting "before August 6, 2016"; and

(2) in paragraph (8), by striking "at the end" and all that follows through "1982" and inserting "on August 6, 2016".

In section 7, strike "2032" and insert "2016".

The Acting CHAIRMAN. Pursuant to House Resolution 910, the gentleman from Texas (Mr. GOHMERT) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GOHMERT. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank the leadership for making this amendment in order. It is a simple amendment. It just changes the reauthorization period so that it comes up again for review in 2016 rather than in 2032.

The Voting Rights Act was first enacted in 1965, and at that point the original framers and drafters of this important act had it authorized for 5 years. In 1970 Congress extended it for another 5 years. They realized the importance of constant review of this important act. And then they adjusted the coverage at that point since the evidence showed that there was ongoing and new discrimination. Then in 1975 Congress extended the act for 7 more years.

It appears that Congress was getting a little more lazy in their obligation to continually monitor this act. So in 1982 Congress amended the act by providing that Congress "reconsider" the administrative provisions of the act in 1997 and the provisions expire in 2007. So even as lazy as they got, they still said we had better review this, reconsider it in 15 years. So we went from 5 years to another 5 years to 7 years and then to 15 with reauthorization at 25. And now this bill proposes another 25.

My amendment would simply shorten that period to 10 years from now because I believe there is empirical evidence that shows that this act needs to be reviewed much more often. The Supreme Court has unequivocally established that they will regularly change the playing field and regularly change the rules.

Two recent independent studies have found the following to be true: that in Georgia, Mississippi, and South Carolina, States covered by section 5 of the Voting Rights Act, African Americans now are registered to vote at higher rates than Caucasians. In Texas and Arizona, States that come under the Voting Rights Act in 1975, and although there are still gaps in Caucasian and Latino voter participation, the gaps are smaller than in the noncovered States such as California and New Mexico, which have a comparable Latino population. And then, finally, in States covered by section 5, the percentage of African American elected officials is actually much higher than in nonsection 5 States even where there is a higher African American population. That shows that this does need to be relooked at.

I would actually prefer to do like the original framers proposed, and actually did, and have it reviewed in 5 years and then the next in 5 years. But I am also realistic. I realize that a 5-year would not pass and actually it does not get us past considering the next census data; so we are proposing 10 years from now.

Mr. Chairman, we need to review this act again sooner than 2032 to be sure that the Voting Rights Act of all individuals are being protected and if the formula needs to be readjusted in 2016 so that areas experiencing racial disparities in voting can fix those problems, and even then you would have a 10-year history that would satisfy all this concern I keep hearing about constitutionality of changing things.

If there are additional areas where there are increased racial disparities, they need to be addressed. Some should even be addressed now, but indications are that some jurisdictions that are in need of section 5 protection will refuse to fall under the act while cramming it down again in areas that are actually in better racial condition regarding racial disparity. This, of course, again, risks constitutional issues of equal protection, all of which point to a need for review in far less than 25 years.

I would also like to finish by saying that this is far too important a piece of civil rights legislation not to force reconsideration before 2032. The right to vote is a lynch pin of our Republican form of government. Its protections should not be rejected or neglected for 25 years. I still look forward to the day when we can actually live Dr. Martin Luther King, Jr.'s dream where individuals are actually judged by the content of their character and not by the color of their skin.

The Voting Rights Act has done a great deal of good. It has. Why would we neglect our responsibility to continue to monitor and to get it right, make it better, rather than making it punitive and neglected for too many years? I do have grave concerns.

And I understand your position is you think this is a poison pill. You think we are trying to do something that may create problems for the Voting Rights Act vote. I can assure you that is not the intent here. It has done some good. I would like to continue to see it do good. But I am telling you, you are raising issues by not addressing it more often.

So until we have the dream Martin Luther King had, then we should not neglect our obligation to monitor and reconsider what the initial drafters saw as a temporary measure for 5 years.

And I thank you for the ability to come before the floor. I appreciate the Rules Committee. I appreciate the chairman's pushing such an important piece of legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 20 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

First of all, the amendment offered by the gentleman from Texas (Mr. GOHMERT) is not really a 10-year reauthorization. It is a 9-year reauthorization since the Voting Rights Act's temporary provisions do not expire until August 6, 2007. So this really is kind of a little bit less than what has been advertised.

The last time the Voting Rights Act was reauthorized, it was reauthorized for 25 years; and there is no reason why it should not be reauthorized for another 25 years. Minority citizens register, turn out, and cast meaningful ballots as a result of the protections extended by the Voting Rights Act. And while we have made great strides in achieving Martin Luther King's goal of having people judged by the depth of their character rather than the color of their skin, without the Voting Rights Act's being there, their vote will not be treated equally with the votes of every other citizen in that jurisdiction or of the United States of America.

History has also shown that when Federal oversight is eliminated, minority voters suffer the most. And the purpose of this legislation is to protect the progress made by minority voters over the last several decades and to continue that progress for the next 25 years.

The 12 hearings conducted by the Judiciary Committee and the enormous evidentiary record shows that all Voting Rights Acts violations that have occurred in covered jurisdictions support the conclusion that renewal of the Voting Rights Act for another 25 years is warranted.

Anyone who votes for this amendment will have to tell their constituents why the following information and testimony did not justify the full 25-year renewal of the preclearance provisions of the Voting Rights Act. The committee report makes clear "more section 5 objections were lodged between 1982 and 2004 than were interposed between 1965 and 1982." So we are talking about the fact that the number of actions that have required objections in precleared States have not gone away or significantly diminished. And since 1982, the Department of Justice has objected to more than 700 voting changes that have been determined to be discriminatory. And I have talked earlier in this debate about the number of objections, both since 1982 and since 2004, that have been objected to as being discriminatory.

Let me say that with the 9 years proposed in the Gohmert amendment rather than the 25 years, when this act comes up for renewal in 2016, as the gentleman from Texas wants, there will be significantly less record because it is a significantly shorter period of time. And believe me, the people who have been opposed to the Voting Rights Act, and we have heard a lot from them today and will continue to hear a lot from them, will say, look, things are getting much better. The last time it came up they had 24 years of records and it was yea big, and now let us look at this. It has not been quite as much. And believe me, a court is going to take judicial notice of that as well.

Now, in the face of the current evidentiary record of abuse, it would be shortsighted and irresponsible not to reauthorize the VRA for at least as long as the last reauthorization President Reagan signed into law in 1982. Moreover, renewing the preclearance and Federal observer provisions of the Voting Rights Act for an additional 25 years is necessary to allow a meaningful change to be measured and to make eradication of discrimination in the voting process an achievable goal. Most activity under section 5 of the Voting Rights Act occurs during redistricting, which only happens every 10 years following each census.

If the Voting Rights Act is not renewed for an additional 25 years, it will capture only one redistricting cycle, and that will not provide enough evidence of the past use and practice to allow Congress to make the same reasoned determination regarding renewal 10 years from now that this Congress is allowed to make on the previous record of 25 years.

For this reason adopting this amendment will effectively preclude the Congress from ever reauthorizing the Voting Rights Act again because it will deny Congress the sufficiently large set of data the Supreme Court has held necessary for the Voting Rights Act to be reauthorized.

Further, this amendment, if adopted, would completely nullify the current incentive the VRA provides to encourage covered jurisdictions to maintain clean voting rights records for 10 years in order to be eligible to utilize the bailout process. This amendment sends the message to covered jurisdictions that the VRA will not apply to them in the future regardless of their conduct over the next 10 years.

In sum, to protect minority voting rights for decades to come, to prevent tying Congress' hands in 10 years by denying it the sufficient record on which to decide future renewals as required by the Supreme Court, and to prevent nullifying the current Voting Rights Act's incentive to maintain clean voting records for 10 years, this amendment should be soundly defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. GOHMERT. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the chairman of the Judiciary Committee's bringing up the period of extension that my amendment provides. It is exactly 10 years from now, 2016. That is what the amendment has said all along, 2016; and it does raise a very interesting point.

What I think most people do not realize is that the bill on the floor today does not actually reauthorize the Voting Rights Act for 25 years from now. It actually reauthorizes the bill for 26 years from now. So that should be understood by others. And I would only submit that since evidence now exists that there is even a jurisdiction in Wisconsin. California, New Mexico, a number of places that are not currently covered, you bring this back up 10 years from right now and a 10-year additional history may very well be plenty of history to assuage the concerns about historical discrimination.

If areas continue to have the discrimination that are not currently covered and it continues for 10 years, then that should be enough to effectively convince people on both sides of the aisle that the Voting Rights Act needs to be extended and it needs to be expanded so it truly is remedial and not just punitive.

□ 1430

Mr. Chairman, there are others who wish to speak, and I yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I rise once again to argue for strengthening the Voting Rights Act. When I first heard about the rewrite, I was shocked to learn that we were going to put the same States that had problems in 1964, 1968 and 1972 under coverage for an additional 25 years without solid evidence that they continue to have State-sponsored discrimination different than any other State.

Chairman SENSENBRENNER has talked about that; we do not have enough history if we just do it for 10 years.

We have had 41 years of history, and we cannot make a judgment on that, of the States that are not under section 5. We do not know how many violations they have. Some here today have cited the number of objections in Georgia. One of the recent objections in Georgia came from Dougherty County in Albany, Georgia, where a black majority city council had their objections that were sufficient for the Justice Department to rule.

Let me just read about some of the other objections in Georgia we keep hearing about. Six of these were creation of additional judicial slots in superior and State courts, objections for which the Federal courts found no merit since they approved these additional judgeships.

Another four objections went to redistricting plans. The first three forced Georgia to draw districts that courts later found to be unconstitutional under Miller v. Johnson. The fourth involved the post-Miller plans to correct for racially drawn State legislative districts.

An eleventh objection involved Monroe municipal elections that a court deemed to have already been precleared.

An October 1992 objection in Union City was withdrawn, and there is no indication that the city made any changes to secure removal of the objection. That might be a twelfth inappropriate DOJ objection.

The key number is, since 2001 there have been only five objections. This is when every jurisdiction in the State of Georgia, 159 counties, 300 cities, 180 school boards, 180 house districts, 56 senate districts, were redrawn in redistricting plans. That is hundreds and hundreds of plans that only had five problems, and only four were objections to redistricting plans, and one of those was, the objection was a plan drawn by a black majority city council in Albany, Georgia.

When we talk about these objections, let's talk about facts. Let's just don't say objections. Let's talk about that most of these objections had no facts.

We do not know how many objections will be brought up across this country because of racial discrimination, because in 2002 a lawsuit brought in Wisconsin said that there was more polarized voting at a higher percentage in Wisconsin than in the South.

Let's look at this whole country, let's look at it for 10 years, and then let's come back and see what the results are.

Mr. SENSENBRENNER. Mr. Chairman, I yield to the gentleman from Texas (Mr. GENE GREEN) for a unanimous consent request.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of the reauthorization and against all amendments

Mr. Chairman, I rise to take part in an ongoing historic dialog that unfortunately, we must continue to address in the United States Congress.

The issue before us today is whether we should reauthorize certain sections of the Voting Rights Act. I grew up in the fifties and sixties when we had segregated water fountains, schools, an restrictions on voting.

We are here to decide if we should continue mandating pre-clearance for any changes in election policy in jurisdictions that are known to have a history of disenfranchising the rights of minority voters.

My home state of Texas is included on that list.

Over the last forty years, the renewal of this Act on this Floor has embodied what we hope this country will be: a Country where regardless of race, religion, or political party, we come together to ensure that the core of our democracy continues to thrive.

The right to vote is the core of our democracy and we must protect this right for all Americans.

Recently, the Department of Justice failed to pre-clear an election plan for a bond election in the area I represent.

Polling places were few, and it was the opinion of many that putting polling places only in select areas for this election was a violation of the Voting Rights Act.

DOJ agreed and the election has been postponed until a better plan can be put in place.

This is but one recent example of how the Voting Rights Act ensures people have access to the polls so their voice can be heard.

As we support an emerging Democracy in Iraq and the success of the elections that were held there, we need to remember that this Country has also struggled to achieve Democracy and one that everyone can participate in.

Let us be an example to Iraq in the world that a true Democracy includes ALL Americans and that we are committed to preventing the discrimination that millions of Americans had to endure in the past.

I urge my colleagues to reauthorize these Sections of the Voting Rights Act and send a message that this Country is still the example of how representative government should work.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I join Chairman SENSENBRENNER in opposing the Gohmert amendment to extend the vital protections afforded by the expiring provisions of the Voting Rights Act for merely 9 years.

The gains made under the Voting Rights Act mark impressive racial progress for our Nation and should be celebrated.

But to acknowledge progress is not to disavow the continued obstacles faced by minority voters for which the Voting Rights Act provides protections. These obstacles are not easily removed. My own election to Congress close to 3 decades after the Voting Rights Act was passed illustrates that 10 years is simply not enough.

If we are serious about continuing the progress all seem to praise, we must be equally serious about keeping in place the mechanisms that made that progress possible. Just 3 years ago, ruling on the propriety of race-conscious admissions standards, Justice Sandra Day O'Connor concluded in the affirmative action case, "It has been 25 years since Justice Powell in Bakke first approved the use of race to further an interest in student body diversity in the context of public higher education."

Justice O'Connor went on to recognize that in the area of public education 25 years of protections were, sadly, not enough. Despite the measurable progress in that arena, the Court understood the need for continuing protection, but expressed hope that an additional 25 years would be enough to overcome our Nation's unfortunate history of racial hostility and division.

Voting protections are just as necessary today as educational help is in the college arena. I ask opposition to this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to this amendment.

The Voting Rights Act should be reauthorized for another 25 years and not a 10-year renewal that is recommended in this amendment. That is just too short a period of time.

The reauthorization process for the Voting Rights Act is not a quick one. In fact, for the last 9 months, the subcommittee that I have the privilege to chair, the Subcommittee on the Constitution, has spent 8 to 9 months and been really immersed in these hearings to establish a significant record so the renewal will pass constitutional muster.

As I said before, we have spent more time on this particular issue than any other issue that we have been involved in in the 6 years that I have had the privilege to chair that particular subcommittee. And I fear that a shorter reauthorization period could jeopardize the act by not allowing both Congress and the civil rights community to study the impact and need for the act.

In addition, traditionally, redistricting has occurred on the State level every 10 years, and if the Voting Rights Act is also reauthorized every 10 years, it makes this process even more burdensome and gives States less of an incentive to comply with the requirements of the Voting Rights Act.

The Subcommittee on the Constitution has established the need for renewing the Voting Rights Act for another 25 years, evidence like the more than 700 voting changes that have been determined to be discriminatory since 1982 as further proof of this need.

This amendment not only jeopardizes the carefully crafted bipartisan bill that has been offered, but could diminish its impact and, most importantly, its ability to withstand constitutional scrutiny. That is one of the chief challenges that we face, why we went into such detail, why we had so many witnesses, why we had 12,000 pages of testimony; because we know that it is likely that there will be a constitutional challenge.

So I would urge my colleagues to oppose this amendment.

Mr. GOHMERT. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman. I think what we do in the U.S. Congress is important. I think what this committee has done on this bill is important. Indeed, we hear from the committee members over and over again, we had many, many witnesses, 12,000 pages of testimony. They put some effort into it.

So why is that same committee afraid of leaving the door open for future Congresses in 10 years from taking another look? Because I can tell you this, as a member of the State legislature who served on the reapportionment committee in 1991: The Voting Rights Act is fluid. It evolves, it changes.

We have seen the Bossier Parish decision. We have seen the Ashcroft v. Georgia decision. We have seen the LULAC decision in Texas. All have profound impacts on the Voting Rights Act, and therefore, I think it is important for Congress to come back in 10 years and take a look at it.

I know the committee has been a little clever with 9 years, but you guys, we could say your reauthorization is 26 years, but the intent is 10 years. We all know that, but what Mr. GOHMERT is saying is, the Voting Rights Act changes, and anybody who has served in the legislature and anybody who has watched the Voting Rights Act knows it changes without one single vote of Congress.

This is the first time we have been voting on it in 25 years, and yet it is totally different than the interpretation of 1982, the interpretation of 1991. Reapportionment in 2001 was totally different than the 110 years before that, and I can say this, it is going to impact lots and lots of minorities.

We tend to think of this as black v. white. There is a huge growing Hispanic population that is totally almost removed from this argument today. Those are the ones 10 years from now that are going to have the most impact. So I urge my colleagues to support this amendment

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), my distinguished ranking member.

Mr. CONYERS. Mr. Chairman, we have to remember one historical fact. For 400 years, we have been dealing with the problem of discrimination and racism in America. I think it would be simplistic in this Congress that we would think, after 40 years, we do not need to worry about it that much anymore and shorten the period of time.

It is going to take a while for us to evaluate the progress that is being made, and I am proud to say progress is being made, but the bailout provision is there and it works quite well.

Now, in addition, we have to be very careful about the fact that some jurisdictions will play the wait-out game. They will wait out for the 10 years to expire, and then we will be back in a big problem again.

Keep this a 25-year measure.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to thank Chairman SENSENBRENNER, Chairman WATT and Ranking Member CONYERS for the tremendous work they have done on getting us to this point with this very important piece of legislation.

Mr. Chairman, I want to address this issue of time. Those of us who have read Martin Luther King, Jr.'s, letter from the Birmingham city jail may recall that King dealt with the question of time. In dealing with that question, he said that he had come to the conclusion that the people of ill will in our society make a much better use of time than the people of goodwill. He thought in his writings that we are going to be called to repent in this generation not just for the vitriolic words and deeds of bad people, but for the appalling silence of good people.

This Congress broke its silence on voting rights violations some 41 years ago. Although the 1964 elections triggered the Voting Rights Act, the 1965 Voting Rights Act was rooted in 10 generations of slavery, from 1619 to 1863, giving you 244 years. That is 10 generations. Then another 102 years of what we call "creative devices" that came into being in 1863 and the Voting Rights Act of 1965 got rid of.

These creative devices, when I first ran for office, I ran from Charleston County in something called "full-slate voting." It meant that there were 11 positions available and one African American running, in order for any vote for that African American to count, you had to vote against that person 10 times, because for your vote to count, you had to cast 11 votes for that position. That was the law that this act got rid of.

We also had something called "numbered posts" that set up racially polarized voting. The Voting Rights Act got rid of that.

We also had at-large voting, rather than voting from districts. The Voting Rights Act got rid of that.

Now, Mr. Chairman, I heard the gentleman earlier talked about what was going on in Georgia. For some strange reason, nobody is talking about what happened in the 41st year of this act when Georgia put in place voting cards in order to vote. You had to have a picture, government-issued identification card.

□ 1445

That is a creative device that ought to be submitted to the Justice Department. Now, it was; and the Justice Department accepted it. But the courts looked at it and said, this is unconstitutional. All of this is made possible by various sections of the Voting Rights Act. It ought to be extended for 25 years. I plead to the Members of this body to do so.

Mr. GOHMERT. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of this amendment in order to enhance and support the constitutional framework upon which this law before us is predicated. The reason I say that is that, you know, 25 years ago, as I mentioned, I was working with the distinguished ranking member of the full committee on extending this law for 25 years.

At that time, there seemed to be evidence supporting that. But I have been gone for 16 years in this House. I come back and find there are very few Members here who were here when I was here before. As a matter of fact, sometimes I talk to Members and I feel like I am sort of the museum piece being pulled out for people to observe.

The only point I make is 25 years is a long time. And if you look at the testimony before the Senate Judiciary Committee by Professor Hasen from Loyola Law School in Los Angeles, he points out that this kind of amendment may very well be the kind of amendment that saves this law under consideration by a future Supreme Court with respect to its constitutionally.

Why? Because he said, beginning in 1965, Congress imposed the strong preclearance remedy on those jurisdictions with what the Supreme Court called a pervasive, flagrant, and unremitting history of discrimination in voting on the basis of race.

In South Carolina v. Katzenbach, the court upheld section 5 of the act as a permissible exercise of congressional power. But what has changed since 1965, as Professor Hasen says, both the law and the facts. And he suggests that we may be creating an infirm law by extending it for 25 years because the Court has said you have to have a connection with the historic discrimination, and it has to be proportionate to that.

And it has to pass those two tests. And the very argument that we extend it for 25 years, I think, argues against the defense of this in court. And rather than saying that the gentleman from Texas's amendment is an amendment that weakens this law, I believe it strengthens it. I suggest again, we have three counties in California that are under preclearance coverage only because in 1972 they had military installations, and so the people there were counted in the census, even though they voted in their home States.

One of those counties has 49.6 percent participation. Those counties have not been able to get out from under it. Now we are going to say, for another 25 years, because of the presence of military in your sparsely populated counties during the height of the Vietnam War, you are not going to be able to get out.

I find that difficult to justify if you are appearing before the Supreme Court saying that we have carefully tailored this bill. So I would just ask my colleagues, look at this amendment. It is not a gutting amendment. It is an intelligent amendment that really goes to supporting the constitutional framework of this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, let me just say that one of the issues that many of my constituents call and they are very concerned about is time. They are concerned whether or not they are going to lose their right to vote. No, they are not. But I want to read a brief statement from the administration, the Bush administration:

"The administration is strongly committed to renewing the Voting Rights Act and therefore supports House bill H.R. 9. The Voting Rights Act is one of the most significant pieces of civil rights legislation in the Nation's history, and the President has directed the full power and resources of the Justice Department to protect each citizen's right to vote and to preserve the integrity of the Nation's voting process. The administration is pleased the House is taking action to renew this important legislation. The administration supports the legislative intent of H.R. 9 to overturn the U.S. Supreme Court 2003 decision in Georgia v. Ashcroft."

That says it all. Bipartisan support. Democrats, Republicans, and the administration. This is an American bill

Mr. GOHMERT. Mr. Chairman, I reserve the balance of my time

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the very distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of the Voting Rights Act Reauthorization and Amendments Act, H.R. 9, and strongly oppose the Gohmert amendment. It reduces the 25-year reauthorization period of the expiring provisions to 10 years. The provisions set to expire in 2007 include section 5, which requires jurisdictions with a history of voting discrimination to obtain Federal approval for any new voting practices or procedures implemented.

Section 203 ensures that American citizens with limited English proficiency get the help they need at the polls. Sections 6 through 9 authorize the Attorney General to appoint Federal election observers where there is evidence of attempts to intimidate minority voters at the polls.

These provisions require the creation of a credible record. Most important, each of the expiring provisions depends upon the conduct of State elections, all of which operate independently and on schedules that do not coincide. Furthermore, lawsuits that come out of these expiring provisions make the creation of a record a very difficult task.

If Congress were to reauthorization the Voting Rights Act for short periods of time, as this amendment suggests, it would create an incentive for jurisdictions to wait out their obligations rather than comply, thus contributing to the widespread noncompliance with the statute that continued into the late 1970s.

In order for Congress to let voters know whether discrimination still exists in particular jurisdictions, it must be able to review voting changes through multiple redistricting cycles. The 3 years following the decennial census represent the time of the highest volume of voting changes and the greatest opportunity for discrimination.

The 25-year reauthorization period already in H.R. 9 is the product of numerous oversight hearings as well as analysis by Representatives, scholars, and election law practitioners. The amendment by the gentleman from Texas should be defeated because it simply is not sound.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me thank the authors of the bill. I rise today in strong opposition to the Gohmert amendment. You know, what is considered to be punishment for some Texans protects the legal privilege of other Texans. Another native Texan added Latina protection.

The passage of the 1965 Voting Rights Act has changed the face of this Nation, enabling millions of Americans the opportunity to vote. When I hear about 25 years being too long, it reminds me of how many years passed before we got the privilege. I do not think 25 years is too long, because we are in the midst of looking at a violation right now in Texas in redistricting.

Mr. Chairman, I appreciate the fact that this gentleman supports the Voting Rights Act, but I do not support the 10 years; I support the 25 years.

There are many who say there is no longer a need for the Voting Rights Act. Unfortunately, this is not the case.

At every election minorities continue to face an uphill battle exercising their right to vote.

In preparing for this reauthorization, the Judiciary Committee reviewed hundreds of examples of voter intimidation and discrimination.

It is unfortunate, but this level of discrimination will not be eradicated in the next 10 years.

Additionally, 10 years is not enough time to effectively review patterns of discriminatory conduct.

This is not a punishment for Southern states. It's a pledge that Congress will work to ensure all Americans have the ability to vote and to have that vote counted.

In addition, no state is force to comply with these provisions for another 25 years. There are ways for jurisdictions to exit both Section 5 and Section 203.

The Voting Rights Act is current, necessary, and protects the rights of millions of Americans.

Now is the time to reauthorize this historic cornerstone of civil rights for another 25 years.

It is imperative to our rights, our freedom and our democracy.

Mr. GOHMERT. Mr. Chairman, as I understand, the chairman for the Judiciary Committee will be closing. Is that correct?

The Acting CHAIRMAN. He has the right to close, yes.

Mr. GOHMERT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in conclusion on this amendment, it is an amendment for 10 years from now. I did not realize originally, as did many others, that this was extending actually 20, the bill before us extending 26 years from this summer.

But let me reinforce my point earlier, and Mr. LUNGREN's point earlier about the dangers of having this go too long. This was testimony before the Senate Judiciary Committee from Professor Richard Hasen. He is with Loyola Law School. I don't know the gentleman personally. But they are in Los Angeles, California. I understand he is probably not a conservative Republican.

But his position before the Senate Judiciary Committee was: "Congress should impose a shorter term limit, perhaps 7–10 years," he said, "for extension. The bill includes a 25-year extension and the Court may believe," talking about the Supreme Court, "it is beyond congruent and proportional to require, for example, the State of South Carolina to preclear every voting change no matter how minor through 2031."

He was thinking it was 25 instead of 26. But in any event, it brings the point home, if you really want this to all survive constitutional muster, if you really want it to stay and continue to help, then why does it not make sense to continue to monitor it?

I know there are so many games that get played around this floor, but I am telling you and I am giving you my word as I stand before this body, I will work with anyone, Mr. Chairman, in this body, when there is proof of racial discrimination to help work to make this act stronger and better to stamp that out.

You run the risk of creating an unconstitutional act and undoing so much of what has already been done. We have heard the argument, gee, it takes too long to reauthorize. I applaud my friend, Mr. CHABOT, who has done such great work, heard from all of the witnesses. As he has indicated, he has taken months of testimony.

But I would humbly point out that it has actually taken a year less to get this thing to the floor to reauthorize than apparently was anticipated, because here we are a year before the bill was actually going to expire renewing it for 26 more years from now.

So I am not trying to play games. We are better continuing to monitor this. This is too important to put it off and not relook at it constantly. But folks, you know, Mr. Chairman, you know if it is not coming up for reauthorization, it is hard to get anything done to fix something that is broken.

Besides that, the Supreme Court may fix it for us as ruling it more punitive than remedial. With that I would encourage the Members of the House, through you, Mr. Chairman, to please let's vote to extend this for 10 years from now and not for 26 years from now.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, there are three reasons why this amendment should be rejected. First of all, it flies in the face of the fact that there have been more section 5 objections lodged by the Justice Department since the last reauthorization than during the first 17 years of operation of the Voting Rights Act.

Since 1982, over 700 objections have been lodged. That means we still need this law, and we need the law on the books for a long time.

Second, adopting this amendment will effectively prohibit Congress from ever reauthorizing the Voting Rights Act again, because it will deny us, the Congress of the United States, a sufficiently large set of data the Supreme Court has held necessary for the VRA to be authorized.

What the gentleman from Texas's amendment does is, it gives Congress 16 years less data in the future by shortening the reauthorization period from 25 years to 9 years.

Finally, the amendment, if adopted, would completely nullify the current incentive the Voting Rights Act provides to encourage covered jurisdictions to have clean voting records for 10 years in order to get out through the bail-out provisions. This is only a 9-year extension. The way I was taught math, 9 is less than 10.

So there is no incentive whatsoever for a covered jurisdiction to clean up its act to be able to bail out, because the act will expire before they can have the 10 years to do it. Vote against the amendment. It is a bad one

Ms. JACKSON-LEE of Texas. Mr. Chairman, speaking of the Emancipation Proclamation, Martin Luther King declared that: "This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of captivity." I say to you today that the Voting Rights Act, like the Emancipation Proclamation that preceded it a century before, was also a momentous decree which came as a great beacon light of hope to millions of Americans who for decades had been subjected to the withering injustice of racial discrimination and electoral disenfranchisement.

The Gohmert amendment seeks to diminish the light of continued hope offered by the VRA. The Voting Rights Act of 1965 is no ordinary piece of legislation. For millions of Americans and myself, the Voting Rights Act of 1965 is a sacred treasure, earned by the sweat and toil and tears and blood of ordinary yet heroic Americans who showed the world it was possible to transform their society by having the courage to defy entrenched and systematic racial discrimination and disenfranchisement.

The Voting Rights Act of 1965, as amended, which we MUST vote to reauthorize today was enacted to remedy a history of systemic and widespread discrimination in certain areas of the country. Presented with a record of systematic defiance by certain States and jurisdictions that could not be overcome by litigation, this Congress—led by President Lyndon Johnson, from my own home state of Texas—took the steps necessary to stop it. It is instructive to recall the words of President Johnson when he proposed the Voting Rights Act to the Congress in 1965:

> Rarely are we met with a challenge . . . to the values and the purposes and the meaning of our beloved Nation. The issue of equal rights for American Negroes is such as an issue . . . the command of the Constitution is plain. It is wrong—deadly wrong—to deny any of your fellow Americans the right to vote in this country.

The Voting Rights Act of 1965 represents our country and this Congress at its best because it matches our words to our deeds, our actions to our values. Martin Luther King said that, "When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. . . . It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. . . . But we refuse to believe that the bank of justice is bankrupt."

Fortunately, this country has come a long way in the past four decades since the assassination of Dr. King. However, as the massive voting irregularities that occurred in 2000 and 2004 clearly illustrate, we have not come far enough. That is why we must defeat the Gohmert Amendment which seeks to reduce the reauthorization period for the VRA from 25 years to 10 years.

The considerable evidence presented in 10 hearings in the Judiciary Committee demonstrate clearly that the level and patterns of discrimination and electoral disenfranchisement present today are extremely unlikely to be eradicated in 10 years. Moreover, if covered jurisdictions want to bail out of provisions of the VRA, they can.

In the past, when Congress reauthorized the VRA for short periods of time, it created an incentive for covered jurisdictions to wait out their obligations rather than comply, thus contributing to the widespread non-compliance with the statute that occurred throughout the 1970s. A 10 year renewal of the VRA would be inadequate. In order for Congress to assess whether a pattern of discriminatory conduct remains, it must be able to review voting changes through multiple redistricting cycles. The three years following the decennial Census are a time of the highest volume of voting changes and the greatest opportunity for discrimination. Accordingly, we must maintain the 25 year renewal period.

Furthermore, if we observe Congressional history, our own experience with the renewal of the VRA demonstrates a pattern of lengthening the period of coverage due to the level of entrenchment and intractability of voting discrimination. Given the extensive investment of Congressional resources expended by the Judiciary Committee in compiling and considering the detailed record necessary for reauthorization, reenacting the VRA for only 10 years is inefficient and unacceptable.

Without exaggeration, the Voting Rights Act has been one of the most effective civil rights laws passed by Congress. In 1964, there were only approximately 300 African-Americans in public office, including just three in Congress. Few, if any, black elected officials were elected anywhere in the South. Today there are more than 9,100 black elected officials, including 43 members of Congress, the largest number ever. The act has opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the state or federal level, 27 of whom serve in Congress. Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.

I hail from the great State of Texas, the Lone Star State. A state that, sadly, had one of the most egregious records of voting discrimination against racial and language minorities. Texas is one of the Voting Rights Act's "covered jurisdictions." In all of its history, I am only one of three African-American woman from Texas to serve in the Congress of the United States, and one of only two to sit on this famed Committee. I hold the seat once held by the late Barbara Jordan, who won her seat thanks to the Voting Rights Act. From her perch on this committee, Barbara Jordan once said:

> I believe hyperbole would not be fictional and would not overstate the solemness that I feel right now. My faith in the Constitution is whole, it is complete, it is total.

I sit here today an heir of the Civil Rights Movement, a beneficiary of the Voting Rights Act. My faith in the Constitution and the Voting Rights Act too is whole, it is complete, it is total. I would be breaking faith with those who risked all and gave all to secure for my generation the right to vote if I did not do all I can to strengthen the Voting Rights Act so that it will forever keep open doors that shut out so many for so long.

Consequently, we must honor the legacies of those who sacrificed their lives so that we may be able to exercise our constitutionally protected right to vote by renewing the Voting Rights Act for 25 more years.

Mr. Chairman, I yield back the balance of my time.

□ 1500

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GOHMERT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109-554.

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 3 offered by Mr. KING of Iowa
>
> Strike sections 7 and 8.

The Acting CHAIRMAN. Pursuant to House Resolution 910, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, especially I want to thank Chairman SENSENBRENNER for the hard work that they have done to put together the framework for the reauthorization for the Voting Rights Act. And also I want to thank the sponsors of my amendment, Mr. ISTOOK, Mrs. MILLER from Michigan, Ms. GINNY BROWN-WAITE of Florida, Mr. SPENCER BACHUS from Alabama, for joining me in this and many others who have worked hard throughout the last 4, 5, and perhaps even 6 weeks to get us to this point where we can have a debate on this amendment and end up having a vote on how to improve the Voting Rights Act.

I think it is important from a symbolic standpoint to be able to improve and vote on the Voting Rights Act. We are able to do that because also of the indulgence and the patience and the good years that come from all the leadership in this Congress, and I appreciate that a great deal.

What my amendment does is it recognizes that the Voting Rights Act was established in 1965. 1975, not as an original part of the act itself but as I would say a decade-old afterthought, came this imposition of foreign language ballots in 1975, and that came in as a temporary measure. Now, today, it is not so temporary from 1975 until 2006, but it is set up to sunset August 6, 2007.

So what my amendment does, Mr. Chairman, is it would lift the Federal mandate imposing foreign language ballots on localities by allowing the amendment to sunset, and the mandate is due to expire in 2007.

It is that simple. And the reason is this, that it is consistent with federalism. The Federal Government doesn't need to be imposing foreign language ballots on any locality anywhere in this country. They can make those decisions locally.

Anyone who is a citizen of the United States that is a naturalized citizen has had to demonstrate their proficiency in both the spoken and the written English language, so they have no claim to a foreign language ballot if they are a naturalized citizen. So, therefore, there isn't a need for foreign language ballots unless someone is here by birthright citizenship and hasn't had enough access to English to be able to understand a simple ballot. But in those circumstances we protect those people by allowing a right to assistance. They can bring an interpreter of their choice into the voting booth with them to do that interpretation.

So all my amendment does, the King-Istook-and others amendment, it lifts the mandates and allows the local electoral districts to retain their local control and their right to print in the languages they choose; and there are plenty of examples across the country that do that.

Some of the things that are objectionable about this would be, for example, the determination of how a district is imposed by the Federal Government on foreign language ballots, and one of those things is surname analysis, Mr. Chairman. So we have a computer program that sorts the last names of people. If it kicks out that a certain percentage of them have a Spanish last name or a Chinese last name, then there will be foreign language ballots that go to those districts, whether everyone there maybe came here with Cortez. That is how bad it has gotten. It has been abused.

And we protect the rights for localities. So it is a reasonable and general amendment that lifts the Federal mandate for foreign language ballots and lets local governments to do what they choose

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 20 minutes.

Mr. SENSENBRENNER. Mr. Chairman, this is a poison pill amendment. If this amendment is adopted, the supporters of this legislation will withdraw their support, and the extension to the Voting Rights Act would be defeated. So from a practical standpoint, the amendment should be opposed; but on a substantive standpoint, it should be opposed as well.

A recent survey of 1,000 registered voters was conducted on the Voting Rights Act's provision requiring bilingual ballots for taxpaying legal citizens under certain circumstances.

Let me make this clear. The amendments in the Voting Rights Act have nothing to do with illegal immigrants voting. Illegal immigrants are not eligible to vote. We are dealing with people who are United States citizens. And United States citizens ought to have their right to vote protected even if they are not proficient in English.

When those surveyed were asked specifically whether they supported or opposed the renewal of the Voting Rights Act with bilingual ballot provisions, 70 percent of the registered voters supported or strongly supported a renewal bill that contained the bilingual ballot provisions for taxpaying legal citizens. I ask the membership of the House to stand on the side of those 77 percent, an overwhelming majority.

When those polled were asked specifically what they thought of the part of the VRA that required States and counties where over 5 percent of the citizens are not fluent in English to provide assistance in their native language, 65 percent either strongly favored or favored those provisions.

Even though section 203 affects only 12 percent of the country, it was enacted for sound reasons and is still needed to remove barriers to voting by legal taxpaying citizens who do not speak English well enough to participate in the election process. According to the 2000 Census, most of the people who are potential beneficiaries of section 203 assistance are native-born legal citizens, meaning they are not immigrants who were naturalized, they are people who are citizens because they were born in the United States of America.

The Judiciary Committee's records shows that adults who want to learn English experience long wait times to enroll in English as a second language literacy centers. And, once enrolled, learning English takes adult citizens several years to even obtain a fundamental understanding of the English language. Even after completing literacy classes, it is often not enough to understand complex ballots.

I strongly support the proposition that Americans be fluent in the English language. However, effectively denying them their right to cast ballots that they cannot comprehend will not advance this goal, but will frustrate it.

Section 203 was enacted to remedy the history of educational disparities which have led to high illiteracy rates and low voter turnout. These disparities still continue to exist. As of the year 2000, three-fourths of the 3 million to 3.5 million students who are native-born citizens were considered to be English language learners, meaning the students don't speak English well enough to understand the basic English curriculum. ELL students lag significantly behind native English speakers and are twice as likely to fail graduation tests. California has over 1.5 million ELLs, Texas 570,000, Florida 25,000, and New York over 230,000.

The intricate complexity of many ballot initiatives cannot be understood by those who understand minimal English. Chris Norby, the elections supervisor for Orange County, California, testified that many ballot initiatives include triple negatives that confuse even fluent English speakers. In California, the June 6, 2006 ballot was written for those at the 12th through 14th grade comprehension and reading levels.

And let me point out that this type of assistance is most critical in those States that have lots of referendum questions on the ballot. It is pretty easy to determine a vote for which candidate one prefers by looking at the names and marking the ballot in the appropriate way; but with the initiative questions and the referendum questions on the ballot, those have been written in many cases by Philadelphia lawyers and it is real hard to understand the true meaning of the question so that one can cast the proper vote to reflect their sentiments.

The amendment will also hurt the elderly who are exempt from the naturalizations test language proficiency requirements and are not required to learn any English whatsoever before they become legal naturalized citizens.

Current law allows the jurisdiction to get out from coverage under section 203 if it shows the D.C. Federal court that the applicable language minority population's literacy rate is at the national average or above. So teach the people how to read and you are out from underneath it. If they don't know how to read English, then they should be under it. In this way, section 203 provides an incentive for jurisdictions to develop successful ways of helping non-English speakers learn English. Adopting this amendment would remove that incentive and subvert the goals it purportedly advances.

Furthermore, the assistance authorized under section 208, which is the provision that authorizes voters to be accompanied into the polling booth under the Voting Rights Act, does not provide adequate protection for many language minority voters. With the increased number of linguistically isolated households in this country, seeking assistance of a family member is not feasible. The assistance provided by section 203 is the only certain form of assistance that language minority citizens can rely on to exercise the right to vote and enjoy autonomy and independence in the voting booth.

I would like to remind members that 2 weeks ago, on June 28, the House soundly rejected on a bipartisan basis and by a vote of 167–254 an effort to defund the Department of Justice's efforts to enforce section 203 during the consideration of the Commerce Justice State appropriations bill.

I believe that one of the cornerstones of American society is the ability to speak English. English is the language of commerce in this country, and I believe every citizen should strive to become proficient in the English language. However, punishing those who don't attain this goal and taking away the incentive for local jurisdictions to develop educational programs to increase the literacy rate above the national average is not the answer. That is why this amendment should be rejected

Mr. Chairman, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I rise today in support of the amendment offered by my good friend from Iowa, Representative KING, and I would ask for its adoption.

This commonsense amendment will remove a substantial and unnecessary burden for our State and local governments by allowing the sunset of sections 7 and 8 of the bill which mandate the printing of multilingual ballots on the basis of data collected in a flawed manner by the Census Bureau.

Under current law, if the Census reports that 5 percent of the State's population speaks primarily a language other than English, even though most of them can speak English quite well, then the whole State must print ballots in that language for every precinct. Once a State or voting jurisdiction meets this 5-percent threshold, any other minority language can be added with a significantly lower threshold.

Mr. Chairman, this is insanity, and, furthermore, it is an unfunded mandate on our States. There are already existing avenues to assist individuals, as the chairman just said, who may have difficulty reading a ballot in official English, and there is no reason whatsoever to waste taxpayers' dollars on printing thousands upon thousands of ballots that will probably never be used.

This amendment will not prevent any State from printing multilingual ballots, but will only remove this burdensome Federal mandate on the States. Let's adopt this commonsense cost-saving provision and stop the insanity.

Mr. KING of Iowa. Mr. Chairman, I would inquire as to how much time I have left.

The Acting CHAIRMAN. The gentleman from Iowa has 15 minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, how much time do I have?

The Acting CHAIRMAN. The gentleman from Wisconsin has 12½ minutes remaining.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I rise to support the opposition of my chairman to this amendment.

I am really amazed sometimes how much of an effort we put forth to support democracy around the world and yet won't do the same thing right here at home.

One of the things I have on my wall at home is the first ballot after apartheid that was used in South Africa. Our government, the United States Government, encouraged the folks of South Africa to put photographs of the candidates on the ballot so that they would know who they were voting for because they couldn't read.

□ 1515

Can you imagine us doing that here in the United States, even though it would facilitate people's ability to vote? Yet here we are trying to confuse this issue with the issue of immigration, illegal immigration, when it has nothing to do with that.

The majority of voters protected by section 203 are not even immigrants. Section 203 provides language assistance to cover United States voting-age citizens who are not fluent in English. According to the 2000 census, three-quarters of all voters covered by section 203 are native-born voting-age citizens in the United States. So this notion that this is somehow a part of the anti-immigrant movement is just a fallacy.

We need to be doing whatever we can to enable our citizens to vote, and this amendment goes in the face of that. I think we should oppose it and move on with the passage of this bill.

Mr. KING of Iowa. Mr. Chairman, I yield myself 30 seconds.

I wonder if I might have been stereotyped here. I didn't hear anything about immigration on this side. I didn't hear anything come out of Mr. GINGREY about immigration. We are talking about the Voting Rights Act, and I think that is what this debate will be about on this side, the Voting Rights Act.

But I would point out that there is a reason why natural-born citizens utilize this more than anyone else, and that is because one of the criteria that is used to measure is the question on the census that says, Do you speak English: not at all, not well, well, or very well? And if you answer well, you still are put into the limited-language-proficient category.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, first of all, let me say that I wholeheartedly support the passage of the Voting Rights Act, the renewal of it. I think it is very, very important, critically important for this Congress to act on this issue today.

And let me say to my friends in the Congressional Black Caucus, obviously I have never had the African American experience, but I am sincerely moved when I hear such great civil rights leaders as John Lewis, and others who have spoken today with such passion about the injustices that happened in regards to voting.

Before I came to Congress, I served for 8 years as the Michigan secretary of state, with the principal responsibility as my State's chief election officer. So I feel I have some credibility to speak to this issue, because during those 8 years I actually had the occasion to have to actually threaten legal action against an African American clerk who I thought was disenfranchising African Americans in the city of Detroit of the right to have their votes counted.

I am also very proud of the fact that in 2001 the NAACP gave me the highest grade in the entire Nation for any secretary of state for election reform and for voter integrity programs.

I am also proud to be a member of the party of Abraham Lincoln, and while I strongly believe in clean elections, fair elections, and voting integrity, I also believe in States' rights and local control.

This amendment is all about States' rights and local control. It has nothing to do with the immigration issue. It has nothing to do with racial equality. It simply says that the Federal Government does not mandate to the States or the local units of government that they provide bilingual ballots. And if the State or local units decide they want to do so, fine, that is their option.

Mr. Chairman, consider for just a moment that in southeast Michigan alone we have the largest Arabic population in the Nation and we have the largest Macedonian population in the Nation. My home county has an Italian cultural center, a German cultural center, a Ukrainian cultural center, and a Polish cultural center, which are a reflection of the very proud ethnic heritage of the area. If the local election officials want to provide them with bilingual ballots, that should be their choice, not a Federal mandate. And the same should be so all across our great Nation.

Vote "yes" on this amendment

Mr. KING of Iowa. I thank the former secretary of state of Michigan, and I now yield 1½ minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman from Iowa, and I am going to give you three reasons why we should support this amendment.

First is that it is an expensive, unfunded mandate on local governments. The county in which I live, Orange County, California, very diverse county, in the last cycle spent $600,000 on bilingual ballots when only seven-tenths of a percent, seven-tenths of a percent of the ballots requested were multilingual or bilingual ballots.

Secondly, the current law is discriminatory. In Orange County, California, we are required under the Voting Rights Act to print ballots in five languages, but yet in the school district where my kids went to school, which is only one city out of 35 cities in Orange County, there are 83 different languages spoken at home. So what about those other 78 language speakers? Aren't we discriminating against them by not putting out ballots in their languages, too?

Now, I happen to think it would be less discriminatory if they were only in English, because then everyone would have the same opportunity to understand the ballot as everyone else. But the point of this amendment is that that is for the county to decide. Some counties may not have 83 different languages, while others do. That is for them to decide.

And, third, I think it is interesting that the chairman brought up Chris Norby, a supervisor in Orange County, as being in opposition to this amendment. Chris Norby is actually very strongly in favor of this amendment. The issue that was discussed was the complexity of ballot initiatives.

Now, ballot initiatives, and California is kind of the hotbed of those things, and I personally have been involved in drafting them, but they are complex and they are complex to translate. That is the point.

Mr. KING of Iowa. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Iowa for the time, and I would like to ask my good friend, the sponsor of this amendment, to engage in a brief colloquy.

Mr. KING of Iowa. I would be happy to engage in a colloquy with the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman and my colleagues, as a long-time advocate for the sovereign rights of Native American tribes and in recognition of the importance of preserving those languages indigenous to America, I do need to ask the gentleman from Iowa for a few points of clarification.

First and foremost, does this amendment restrict a tribe or local government's ability to print a ballot in any language it deems necessary to better serve its voting population?

Mr. KING of Iowa. No, this amendment does not impose restrictions on printing ballots in languages other than English.

Mr. HAYWORTH. Mr. Chairman, current Federal law allows a voter to receive necessary assistance from someone while in the voting booth. This statute makes it possible for a tribal elder, who may be more comfortable communicating in an indigenous tribal language, to be aided by a translator while participating in the democratic process.

Does this amendment in any way restrict any American from receiving such assistance?

Mr. KING of Iowa. The answer is "no," this amendment does not change the Federal law that allows voters to bring their own interpreter.

Mr. HAYWORTH. I thank the gentleman from Iowa for clearly stating his amendment does not infringe on tribal sovereign rights to print ballots in native languages or on the ability of a tribal member to receive translational assistance while voting.

With this assurance, I will support this fiscally responsible amendment before us, which removes a costly and unfunded Federal mandate currently being forced upon these local tribal and State governments.

Mr. KING of Iowa. I thank the gentleman from Arizona, and I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I want to thank the gentleman for yielding, and I rise in gratitude to Chairman SENSENBRENNER for his leadership on the reauthorization of the Voting Rights Act. It is historic in its scope, and I admire his thoughtfulness and the dignity with which he has gone about this process.

I also rise, although in opposition, with deep respect for the gentleman from Iowa, whom I would support for anything, including Pope. Even though, from time to time, we differ on issues, he is a man of integrity and principle.

The arguments have been made today by the chairman, and they will be by others in opposition to the King amendment, in a substantive way, that even though section 203 only affects 12 percent of the counties of this country, it was enacted for sound reasons and we still need it; that to support the King amendment could literally hurt the elderly, who in many cases were excluded from the English proficiency requirements of naturalization and, therefore, would, if this amendment passed, be denied the language assistance to participate as American citizens in the voting process.

There has also been the thoughtful discussion that we are not just talking about choosing between candidate A and B, but rather, Mr. Chairman, we are talking about ballot initiatives that can oftentimes be written in double negatives, and so language assistance is appropriate for Americans in exercising their blood-bought right to vote.

So I just simply rise today in opposition to the King amendment; to say that language requirements belong in immigration law, not in the ballot box.

I myself have authored an immigration reform proposal that would require all new guest workers within 2 years to pass a 40-hour course in English proficiency. And I believe, as many of my colleagues who support this amendment believe, that it is central to assimilation and to becoming a part of the American experience to achieve English proficiency. But I say with deep respect to my sincere colleague, Mr. KING, not here, not in the ballot box, and not for Americans.

There is a certain amount of sacred soil in America. I tend to think this floor, Mr. Chairman, is sacred soil in democracy. But I think the four corners of that curtained ballot booth are also sacred soil, and we ought to do everything that is necessary in our power to make sure that Americans can exercise their blood-bought, God-given right to vote in an informed manner.

And so I rise to oppose the King amendment and to thank again the gentleman for his sincerity.

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for the highest compliment anyone has ever received on the floor of this Congress, and express the same of my friend, Mr. PENCE.

Mr. Chairman, may I inquire of the Chair how much time I have left?

The Acting CHAIRMAN. The gentleman has 9½ minutes.

Mr. KING of Iowa. Mr. Chairman, I would be happy to yield 1½ minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), also a cosponsor of this amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the chairman very much for yielding this time. I rise today in support of this amendment, which I am cosponsoring along with my good friend and colleague Congressman KING.

Bilingual ballot requirements were not in the original Voting Rights Act. As a matter of fact, they were only added in 1975, and were always intended to be a temporary crutch, not a permanent mandate. And that mandate, by the way, is an unfunded mandate.

Now, many of us came from backgrounds in the State legislature and/or local governments, and what was the one thing we complained the most about? Unfunded Federal mandates. This, ladies and gentlemen, is an unfunded Federal mandate.

To become a citizen today you must demonstrate that you can speak English. These requirements have encouraged new immigrants to learn our language and become part of our society. We must return to this tradition to reunite our society and erase the divide between new citizens and those with two, three, and more generations in this great Nation.

Certainly, if you were a citizen living in Mexico and you wanted to participate in the latest Mexican election and English was the language that you spoke, I guarantee you that the recent Mexican elections did not have English ballots for those who only spoke English.

Mr. KING of Iowa. Mr. Chairman, I would be happy to yield 1½ minutes to the next governor of the State of Oklahoma, and a cosponsor of this amendment, Mr. ISTOOK.

☐ 1530

Mr. ISTOOK. Mr. Chairman, I support this amendment. Congress should not dictate that American ballots must be printed in multiple languages.

Over 30 States, including Oklahoma, are now required by Congress to print bilingual or multilingual ballots in at least some parts of those States. In Oklahoma, it is required in Marmon County and Texas County. I have a sample of the ballots that will be used there on July 25, and this is for State and local races, not Federal elections. The candidates for county commissioner will be surprised that they have been relabeled as candidates for "comisionario del condado."

Instead of this confusion, we need the unifying force of an official language, English, which is the language of success in America.

To become an American citizen, we require people to read, write and speak in English. That is to help them to assimilate in our melting pot, truly to become Americans. We mock that when the cherished right to vote does not involve English any more.

My father was the son of immigrants, and he grew up bilingual, but English is what my father taught me and what he spoke to me. America's strength is not our diversity; it is our ability to unite around common principles even when we come from different backgrounds.

We have too many laws that undercut our unity. Today we can fix one of those laws, and we should. Please join me in doing what the American people want and expect us to do. Support this amendment and support the unifying force of a common language, the English language.

Mr. SENSENBRENNER. Mr. Chairman, I yield for a unanimous consent request to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. I thank the gentleman for yielding

Mr. Chairman, I would like to lend my strong support to H.R. 9, The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I would also like to commend House Judiciary Committee Chairman SENSENBRENNER and Ranking Member CONYERS for their leadership in working together to craft a bill that received overwhelming bipartisan support in the committee. The committee approved H.R. 9, as amended, by a vote of 33 to 1 on May 10, 2006. I am pleased that the leadership has scheduled H.R. 9 for floor consideration today and hope that the full House will pass this vital piece of legislation, as it was reported by the Judiciary Committee.

The preservation of all of the rights guaranteed to Americans under law in great measure depends upon the security of Americans' voting rights. Ensuring an equal opportunity for all citizens to vote is a fundamental governmental duty. All Americans recognize the importance of ensuring the right to vote. That is why the 109th Congress will address few more critical pieces of legislation than H.R. 9 in 2006, a year of Federal, state, and local elections.

The Voting Rights Act of 1965 was the product of a remarkable time in America, when courageous and visionary people from different backgrounds and communities came together to move the Nation from an era when too many Americans were denied one of the most fundamental freedoms. The Nation has made great progress since that time toward the goal of full voting rights for all. Reauthorizing the Voting Rights Act will ensure that we continue to move forward with protecting, preserving, and enhancing the gains that we as a society have made.

Some of the core provisions of the Voting Rights Act are set to expire in 2007. Importantly, H.R. 9 would reauthorize these provisions for 25 years. Expiring provisions of the Voting Rights Act require covered jurisdictions to seek "preclearance," either with the U.S. Department of Justice or a specific federal court, of any proposed voting changes, such as redistricting. Two counties in South Dakota are subject to these requirements.

Section 203 of the Voting Rights Act requires that language assistance be provided to language minorities, including certain Native American communities. A number of jurisdictions in South Dakota are covered by Section 203.

Statements made by a number of the proponents of the King amendment seem to suggest that the only non-English languages come from foreign countries. But the fact is, in my home state of South Dakota and across America, many voters speak Native American languages—languages that were spoken here long before English was ever uttered in this hemisphere. Parts of Indian Country are covered by Section 203—a section with strong bipartisan support—based on a history of practices and procedures that disenfranchised certain language minorities. American Indians were here when many of our ancestors immigrated to the United States.

Just yesterday I had the opportunity to celebrate and honor the service of Native American code talkers who fought bravely during World War II. Native Languages were the basis for a military communications code that was never cracked by the Axis powers. They saved countless lives and protected the freedoms we enjoy today.

Native Languages have always had a place in America and should continue to have a place in America. They are part of our history and have played an important role in defending this country. The rights of Native Language speakers should continue to be protected at the ballot box through all of the protections afforded by Section 203. That is why I strongly urge my colleagues to reject the King amendment.

It is incredibly encouraging to see the strides American Indians in South Dakota have made in recent years, including in the political process. I believe that full political participation, and especially voting, is one of the keys to continuing these welcome developments. Voting is not only the expression of support for a particular set of ideas, but is also an expression of hope, and belief in the future.

One of the ways we can help ensure that these hopes become a reality is to reauthorize the Voting Rights Act, because the Act continues to play a critical role in ensuring the integrity of the political process. It helps assure not only that an effective legal procedure exists for correcting violations of voting rights, but that violations can and will be prevented from developing. It is also a beacon that sends the message to all American citizens that voting rights must be respected.

Thus, I thank the leadership for scheduling H.R. 9 for floor action, and I urge my colleagues to give H.R. 9 their full support.

Mr. SENSENBRENNER. Mr. Chairman, I yield for the purpose of a unanimous consent request to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise in opposition to the King amendment which would disenfranchise millions of Americans

Mr. Chairman, the purpose of the Voting Rights Act is to ensure the right to vote to every American citizen.

While I oppose all of the amendments to the bill, I rise now to specifically speak to the King amendment which would deny this fundamental right to American citizens who have not yet fully accomplished English proficiency, or who are just more comfortable with their primary language.

Not only would the King amendment discriminate against the millions of naturalized citizens whose native language is Spanish, it would also discriminate against Native indigenous Americans in Alaska and American citizens who are Puerto Rican and for whom Spanish is their primary household language.

This is a mean spirited amendment and must be voted down by every Member of this House of good will and who believes in a fair and just America.

I urge my colleagues to oppose the King amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield for a unanimous consent request to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Chairman, I rise in strong opposition to the amendment

Mr. Chairman, I rise in support of the Voting Rights Act and in strong opposition to this amendment to strike renewal of section 203, a key provision.

The Voting Rights Act is a touchstone of the American Civil Rights movement. It brought millions of Americans into the heart of American democracy. The Act demonstrated to the world, and to history, that we are capable of recognizing the mistakes of our past and acting to fix them.

This is a subject I know intimately. Many years ago, in the early 1970s, I served as Chief Counsel to the Constitutional Rights Subcommittee of the Senate Judiciary Committee. in 1975, the Subcommittee managed amendments to the Voting Rights Act, and we drafted, debated, and passed section 203 on my watch.

I knew then that section 203 was a vital protection of voting rights. It is no less important today.

By 1975, poverty, poor education, and institutionalized discrimination had combined to turn English-only ballots into a de facto literacy test. Many citizens did not register to vote because they could not read election materials or communicate with poll workers.

Section 203 helped lower these barriers by requiring that jurisdictions with a significant population of "language minorities" provide election information in more than one language. It has since been applied to 500, jurisdictions in 31 states.

The success of section 203 cannot be overstated. Study after study has demonstrated that when bilingual assistance is provided, more citizens register to vote, and more registered voters go to the polls. And since 1975, minority voter registration has continued to climb and more minorities have been elected to public office. The result is a stronger, more vibrant, and more representative democracy.

But the job is not yet done.

Today, as in 1975, millions of Americans do not speak fluent English. Some are recently naturalized citizens. Many others are native-born citizens, who may have been raised in homes where English was not their primary language. Because of poor schooling, discrimination, or other factors, these citizens still may not be proficient in English.

Section 203 gives these Americans a voice, allowing them to participate in their native languages

We must remember that the individuals protected by section 203 are citizens. They are family, friends, neighbors, and co-workers. And they are entitled to the same rights as any other citizen—including the right to cast an informed vote.

I urge my colleagues to defeat this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I thank the chairman for yielding me this time.

I would like to preface my remarks by expressing my profound admiration for the author of this amendment who I think is a great American patriot. In the Rules Committee, I supported his right to be heard on the floor today.

And I rise in opposition to the amendment. I think that we have made great progress. One of the beauties of America is we are constantly improving as a Nation. We have improved to the point that citizens, for example naturalized citizens, it is important to point out that the elderly, pursuant to our laws, when they have been residents, legal residents of the United States for many years and they seek to become an American citizen, according to our laws, they can take the exam to become an American citizen in their language of preference, their language of origin.

What we said in amendments to the Voting Rights Act, those people have a right to understand what they are voting on. Whether it is a simple choice of candidate or a complex ballot issue, elderly citizens who are naturalized have a right to understand what they are voting on.

Also, there are millions of native-born Americans whose language, primary language, is not the English language. And so we believe, just like we certainly are extremely proud of those citizens, whether they are naturalized or en route to be naturalized or native born and they defend this country, and we are certainly grateful to them and proud of them when they do so, we think they should have the right when they vote to be able to understand the ballot initiatives that they are voting on or other questions.

So I really think, Mr. Chairman, that the fairer we are as a society, the greater we are. The more fair our country is, the greater our country is. This is an example. We have opened an opportunity for full participation, for citizens whose primary language is other than English, to the ballot box. And I think we should be proud of that as a country.

So I again commend Chairman SENSENBRENNER for bringing forth this legislation and oppose the amendment before us at this time.

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS) who has worked very hard on this issue.

Mr. STEARNS. Mr. Chairman, I rise in support of this amendment. Let me ask the people, including my good friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), CANDICE MILLER was the Secretary of State of Michigan, and she told me there are 23 Arabic dialects in Wayne County, in one county, in Michigan. Now are all of you prepared to have 23 separate languages on the ballot? Is that fair?

This amendment does not infringe on anybody's ability to cast an informed vote. States can still choose to provide language assistance and individuals can still choose to bring their friends as translators into the ballot box and help them understand.

This is simply a commonsense amendment that merely removes a Federal mandate to provide translations. Are you going to ask the Federal Government to force a State to have 23 Arabic dialects in Wayne County? It is a States' rights issue.

Let's look at what Margaret Fung of the Asian American Legal Defense and Education Fund said: "I think all of the language assistance is supplemental to what, hopefully, will happen, which is that everyone will learn English."

Immigrants arriving on our shores add to the vibrant fabric of our Nation, but it is important as a melting pot that all of these immigrants learn to speak English

Mr. SENSENBRENNER. Mr. Chairman, I yield for a unanimous consent request to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, I rise in opposition to the King amendment and urge its defeat

Mr. Chairman, I want to thank Chairman SENSENBRENNER and Ranking Member JOHN CONYERS for their hard work on the Voting Rights Act and for the opportunity to speak on the importance of passing this landmark piece of legislation.

I stand in opposition to the King amendment to strike sections 7 and 8 of the bill which ensure that all American citizens, regardless of language ability, are able to vote on a fair and equal basis.

Recent discriminatory actions in the States of Georgia, Texas, the Dakotas and even in my home State of New Jersey underscore the importance of including provisions such as language assistance for potential voters and the pre-clearance of electoral changes for covered jurisdictions.

In fact, in New Jersey there are approximately 1 million Spanish-speaking voters, which quite clearly exemplifies the need to extend provisions such as section 203. In 1999, the Department of Justice's Civil Rights Division found that Passaic County, New Jersey, was discriminating against Latino voters by denying equal access to the electoral process. The Civil Rights Division entered into a consent decree with the County of Passaic, and now the elections are monitored by the Federal observers. A three-judge panel of the U.S. District Court of New Jersey appointed an independent elections monitor to ensure that the county complies with the court orders. The monitor assisted the county in its efforts to comply with the court's orders.

Today, the House of Representatives stands at a fork in the road. On one side, we can journey down the path where we ignore past and recent history that has shown discrimination and disenfranchisement still prevents U.S. citizens from exercising their inherent right to vote. I am one of the Members of this Chamber who marched for civil rights back in the 1950s and 1960s.

From my first-hand experiences, I can attest that our gains have been hard-fought and a long time coming. Fortunately, we still have the opportunity to choose the right path of action.

The reauthorization of the Voting Rights Act is a reaffirmation of the values upon which America was founded. The American principles of justice and fairness compel this Congress to pass this piece of legislation without weakening amendments. Martin Luther King Jr., whose life and death symbolized the struggle for equality and justice along with his wife Coretta Scott-King, said that, "Injustice anywhere is a threat to justice everywhere." If we pass the Voting Rights Act with these odious and retrogressive amendments, we are not only turning our back on the sacrifices of those who were harmed and killed for our right to vote but also turning our back on our diverse constituencies who have entrusted us to stand up for justice and equality for all.

I applaud the bipartisan efforts that have cleared the way for this bill to be voted on and I urge all Members of the House of Representatives to complete this journey with the swift and clean passage of this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, just very briefly, the Tri-Caucus strongly believes that the VRA continues to effectively combat discrimination and protect the gains achieved for minority voters.

It is well documented that language assistance is needed and used by voters. For instance, the U.S. DOJ has reported that in one year, registration rates among Spanish and Filipino-speaking American citizens grew by 21 percent and registration among Vietnamese-speaking American citizens increased over 37 percent after San Diego County started providing language assistance.

In Apache County, Arizona, the Navajos have increased their turnout; and the Navajo Code Talkers, who sacrificed their lives during World War II, were able to participate in this process.

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I rise today in my fullest support for the King amendment, and also his work to make sure that all political barriers to participation are removed. But we are clear that foreign language ballots do no such thing.

There are three reasons why I support the King amendment. First, section 312 of the current code says anyone coming into this country as a naturalized citizen must be able to be proficient in reading, writing and understanding the English language. So there should be no basis for requiring the ballots to be in another language.

In fact, we are ignoring the current law in providing a disincentive for new citizens to assimilate into this country without this amendment.

Secondly, as already pointed out, this is in fact yet another unfunded mandate on the States. Talk to your county commissioners and they will tell you how much this costs them. And I should also point out that this amendment does absolutely nothing, nothing to require that all ballots be in English. We simply say under this amendment that the States and localities will decide how to implement it themselves.

Third, this bill currently is an arbitrary and capricious attack against individuals by insulting the voters by simply implying that with a foreign language surname that they cannot understand the language. I support the amendment.

Mr. KING of Iowa. Mr. Chairman, I yield 1½ minutes to the cosponsor of this amendment and a member of the

Judiciary Committee, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I rise today in support of the Voting Rights Act Reauthorization as an original cosponsor. I also rise in support of this amendment.

From the 1790s to the 1970s, our forefathers came to this country, America, from across the globe. They spoke a multitude of languages. They became American citizens. They exercised their right to vote, and they did so in English.

Teddy Roosevelt was right when he said: "There can be no divided allegiance here. We have room for but one flag, the American flag. We have room for but one language here, and that is the English language."

It was good enough for our forefathers, it was good enough for our grandparents, it should be good enough for us. There is a tradition in this country. For 180 years, we voted in English. That is the true American tradition, and this amendment is true to our heritage, not what has existed unnaturally for the last 20 years.

Mr. KING of Iowa. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the King amendment. Mandating election materials and ballots be provided in languages other than English is a travesty and will lead to no good for this country and no good for the people who supposedly we are trying to help. It is a horrible, long-term attack on the unity of the United States of America.

When we come from various ethnic groups and races, what unites us, it is our language, the English language. We are hurting America by making it easier for people not to learn English. We are hurting those people by giving them an incentive not to learn English. This is multiculturalism at its worst. Bilingual ballots ought to be made history.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 15 seconds.

If that is the case, why do a million and a half people in California who are native-born citizens require these types of bilingual ballots? These are Census statistics.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to the King amendment which I refer to as "let's return to the good old days." The good old days of literacy tests, because that is what they are talking about. Make no mistake about what we are talking about here today.

In 1975, a bunch of brilliant people finally came up with an answer, and they said we have found a way to become inclusive, to increase voter participation, to make citizens more responsible, to engage them in our society and assimilate into society with a little bit of assistance at the polling place. That is what language assistance is all about. It is about inclusion, not exclusion.

Everything you have heard from the other side and the proponents of this particular amendment is about exclusion, about reducing voter participation. That is what is at stake here today.

I will ask anybody here in this body today that is considering voting for this particular amendment: Do you have campaign material in your career or on your Web site or your newsletters in another language? Let's not be hypocrites. Let's be honest and do the right thing today.

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Chairman, I rise in support of this amendment. It is interesting that individuals are required to take their U.S. citizenship test in English, not in another language, but in English.

It is also interesting that we provide an opportunity if they want to take a translator to the polls to help them, they are able to do that also.

But in my district, which is basically Orange County, individuals received a letter which is called an outreach letter offering foreign language ballots. These were sent to any individual who had a foreign-sounding name such as Martinez or Chen. The response I received was overwhelming, and it was pure anger that the assumption was made because my name happened to be Chen or Martinez that I was not a U.S. citizen capable of speaking English.

Less than seven-tenths of 1 percent of the 1.5 million people in Orange County actually requested non-English ballots, yet they only have to provide five ballots today: English, Spanish, Korean, Chinese and Vietnamese. The next Census has predicted that they will have to produce an additional five languages. This is a reasonable amendment. I ask for an "aye" vote.

Mr. SENSENBRENNER. Mr. Chairman, I yield for a unanimous consent request to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, Section 203 works: when language assistance is available, voter participation goes up. When language assistance is not available, voter participation goes down.

We are talking about citizens. In fact three-fourths of those affected by Section 203 are natural born Americans.

Section 203 only applies where there is a large number of citizens in the jurisdiction with the same language—enough voters to affect the outcome of an election—and enough for those who don't like how the affected community votes to have an incentive to try to depress the vote.

Section 203 is not a burden to communities. The evidence presented in our hearings was that the cost is negligible. For example, the bilingual poll worker will be paid the same amount as any other poll worker who would have been hired anyway.

Finally, Mr. Chairman, this amendment will not result in voters being encouraged to improve their English. Our hearing record revealed voters in affected jurisdictions waiting years to get into adult education classes. A repeal of Section 203 may make it less likely that those education programs will be properly funded in the future, and a repeal will definitely result in lower voter participation.

Mr. Chairman, we should encourage voter participation by defeating the King amendment.

□ 1545

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, the King amendment is a vote in favor of discrimination against language minorities. This point was driven home by a Federal court in Osceola County, Florida, just a few weeks ago.

Osceola County was purposefully denying voter registration and assistance opportunities to Spanish language voters, including a large Puerto Rican population. The Department of Justice sued and secured a consent decree requiring the county to comply with Federal law. In July 2002, Osceola County became covered by section 203 of the Voting Rights Act. However, the county continued to neglect its duties under Federal law. The Federal court found just 2 weeks ago that there is considerable evidence to suggest that the county's institution and maintenance of an at-large voting system was motivated by a desire to dilute the vote of an emerging Hispanic population.

Now, we are not talking about something that happened 40 years ago. This is just a few weeks ago now, in 2006.

Eliminating section 203 will encourage jurisdictions to disenfranchise emerging language minorities, which will be compounded by depriving these taxpaying U.S. citizens of the assistance they need.

Really, do you think that people who speak flawless English, who can't understand balloting initiatives that are complex, if they have a hard time, then what do you think someone who has English as a second language can do? Not very much without the assistance of section 203.

The CHAIRMAN. The gentleman from Iowa has 1½ minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I will take the opportunity to close with that minute and a half.

I would speak, first of all, to Mr. PENCE's statement that now is not the time. Now is actually the only time in a half a century where this Congress has the opportunity to have a voice on the reauthorization of this. It was reauthorized in 1982, until 2032 if the language prevails. It is in the bill. We have to do it now.

Citizens are required to demonstrate proficiency, in both spoken and written word, of the English language. They don't have a claim. Naturalized citizens do not have a claim to foreign language ballots. American-born citizens do have, and they can make that claim locally, like they do in places like Wisconsin, where the electoral board of Wisconsin just determined that they would be printing ballots in the languages both of Hmong and Spanish. So they have demonstrated how local control actually works, Mr. Chairman.

And then the waste is demonstrated in places like California where a small precinct, 650 people, 33 separate ballots for 650 people in languages English, Spanish, Chinese, at a cost of $100,000 for that county alone. Three hundred counties are covered by this. We don't need to be imposing this upon the American people.

The heavy hand of the Federal Government can be lifted off. People will still be voting in the languages of their choice because they will be controlled by the locale, consistent with the 10th amendment, States' rights, federalism, fiscal responsibility, and the philosophy of the majority of this Congress, the Republican Party and the view of the individual opportunity to vote. We will protect those rights.

But my amendment would lift the Federal mandate imposing foreign language ballots on localities by allowing the mandate to sunset. The mandate is due to sunset and expire in 2007. We let the wisdom of our forefathers take care of that.

The CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, this is a poison pill amendment. It is no secret that if this amendment is adopted, the voting rights extension will be doomed because the supporters of this bill will withdraw their support. So if you want a VRA, vote "no" on the King amendment.

I would repeat the fact that we are dealing here with United States citizens. Illegal immigrants, legal immigrants who have yet to be naturalized are not eligible to vote. Three-quarters of the people who do require language assistance for ballots are native-born Americans. They achieved their citizenship by birth in the United States of America. And should we deny them the opportunity to understand their ballots because their background or the educational system where they grew up did not make them functional in English?

I believe English should be the national language. I believe that English is the language of commerce, and one cannot achieve the American dream without being functional in English. But, at the same time, should we deny people who are citizens, most of them native born, the opportunity to understand the ballots because this part of the Voting Rights Act ends up being repealed or allowed to sunset?

I answer that question, "no." And that is particularly important in States that have a lot of ballot initiatives, some of which have got triple negatives the way they have been drafted.

The registrar of voters in Orange County, California, said that ballot questions are drafted there to reflect a 12th to 14th grade level of education. Believe me, if you are not functional in English, and it is a post-high-school grade level that the ballot questions are drafted in, certainly we ought to give these people assistance.

Reject the amendment

Mr. MEEK of Florida. Mr. Chairman, I rise in strong opposition to the amendment by Representative KING of Iowa to repeal the language in the Voting Rights Act that requires certain jurisdictions with concentrations of citizens who don't speak English very well to provide language assistance to voters who need it and the American citizens who request it.

My district is one such jurisdiction. Over 34 percent of my district is made up of foreign-born American citizens. Besides that, nearly 45,000 U.S.-born citizens in my district speak some language other than English in their homes. These are Americans. They live here, work here, raise families and pay taxes here. They vote here.

This amendment is an attack on the fundamental right to vote for millions of citizens across the country. It's crucial that everyone in our democracy has the right to vote. Yet, having that right legally is meaningless if certain groups of people are unable to accurately cast their ballot at the polls. Voters may be well informed about the issues and candidates, but to make sure their vote is accurately cast, language assistance is necessary and reasonable in jurisdictions with concentrated populations of limited English proficient voters.

Some try to tie this to immigration, but this is not about immigration. According to the most recent information from the Census, more than 70 percent of citizens who use language assistance are native born, including Native Americans, Alaska natives and Puerto Ricans. Even though most new citizens are required to speak English, they still may not be sufficiently fluent to participate fully in the voting process without this much-needed assistance. Ballots are often too complicated even for native English speakers. To deny needed assistance to American citizens goes against who we are as a democracy.

Before the language assistance provisions were added to the Voting Rights Act in 1975, many Spanish-speaking United States citizens did not register to vote because they could not read the election material and could not communicate with poll workers. Language assistance has encouraged these and other citizens of different language minority groups to register and vote and participate more fully in the political process, which is healthy for our democracy.

Some try to say that language assistance costs millions of dollars. Language assistance is not costly. According to two separate Government Accounting Office studies, as well as independent research conducted by academic scholars, when implemented properly language assistance accounts only for a small fraction of total election costs. The most recent studies show that compliance with Section 203 accounts for approximately 5% of total election costs.

Let's examine what is at stake here:

In 2003 in Harris County, Texas, officials did not provide language assistance for Vietnamese citizens. This prompted the Department of Justice to intervene and, as a result, voter turnout doubled and a local Vietnamese citizen was elected to a local legislative position.

The implementation of language assistance in New York City had enabled more than 100,000 Asian-Americans not fluent in English to vote. In 2001, John Liu was elected to the New York City Council, becoming the first Asian-American elected to a major legislative position in the city with the nation's largest Asian-American population.

In San Diego County, California, voter registration among Hispanics and Filipinos rose by over 20 percent after the Department of Justice brought suit against the county to enforce the language minority provisions of Section 203. During that same period, Vietnamese registrations increased by 40 percent.

Those who have tried to master a second language know the near-paralysis that sometimes grips you. Confusion, embarrassment and frustration are constant companions for those trying to change the way their tongues work and their minds think in the important, pressure situation of voting. Such mundane tasks as ordering at a restaurant or going to the bank become challenges—every word a potential mistake in comprehension.

The language in section 203 is not about coddling immigrants, and this amendment shouldn't be about punishing new citizens for having to learn a second language under fire. Section 203 is about making sure that a fundamental right, the right to vote, is without obstacle.

I urgently ask that my colleagues join me in defeating the King amendment and standing for the rights of all Americans to cast the vote they intended.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlemen for yielding. I rise in strong opposition to the King Amendment to H.R. 9, the "Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006." The King Amendment strikes, inter alia, section 203 of the bill. Section 203 is the part of the Voting Rights Act that provides language assistance to American citizen voters for whom English is not their first language.

Mr. Chairman, this amendment should be soundly defeated. I agree with the Mr. SENSENBRENNER that of all the weakening amendments offered, this is one of the worst and ugliest.

Mr. Chairman, one of the most important things proponents of the King Amendment fail to understand is that Section 203 removes barriers to voting faced by TAX PAYING AMERICAN CITIZENS, citizens who do not speak English well enough to participate in the election process. Tax-paying citizens should not be penalized for needing assistance to exercise their fundamental right to vote.

Language minority citizens are required to pay taxes and serve in the military without regard to their level of English proficiency. If they can shoulder those burdens of citizenship, they should be able to share in the benefits of voting with appropriate assistance to exercise the vote.

Section 203 mandates language assistance based on a trigger formula for language minorities from four language groups: Native Americans, Native Alaskans, Asian Americans, and persons of Spanish heritage. Section 203 protects citizens, not illegal immigrants. Regardless of one's position on the ongoing debate over immigration reform, the debate over immigration policy is simply irrelevant to the debate on ensuring that the fundamental right to vote is exercised equally by English and non-English proficient citizens. According to the 2000 census, more than three-quarters (77 percent) of those protected by Section 203 are native-born citizens. For example, 100 percent of Native Americans and Native Alaskans were born in the United States; 98.6 percent of Puerto Ricans protected by Section 4(e) were born in the United States; and 84.2 percent of Latinos were born in the United States.

Mr. Chairman, section 203 was enacted to remedy the history of educational disparities, which have led to high illiteracy rates and low voter turnout. These disparities continue to exist. As of 2000, three fourths of the 3 to 3.5 million students who are native-born were considered to be English Language Learners (ELLs), meaning the students don't speak English well enough to understand the basic English curriculum. ELL students lag significantly behind native-English speakers and are twice as likely to fail graduation tests. California has over 1,500,000 ELLs; Texas has 570,000 ELLs; Florida has 25,000 ELLs; and New York has over 230,000.

Since 1975, there have been more than 24 education discrimination cases filed on behalf of ELLs in 15 States. Fourteen of the States in which education discrimination lawsuits have been brought are covered by language assistance provisions. Since 1992, 10 cases have been filed. Litigation and consent decrees are currently pending in Texas, Alaska, Arizona, and Florida. Discrimination cases that have been brought address issues such as inadequate funding for ELLs, inadequate curriculum to assist ELLs become proficient in English, and lack of teachers and classrooms. These disparities increase the likelihood that ELLs will achieve lower test scores and drop out of school, ultimately, leading to lower voter registration and turnout.

Also, adults who want to learn English must endure long waiting periods to enroll in English Second Language (ESL) literacy centers. The lack of funding to expand the number of ESL centers around the country leaves minority citizens unable to enroll in classes for several years. For example, in large cities such as Boston, citizens must wait for several years to enroll. In New Mexico, citizens must wait up to a year. In the State of New York, the waiting lists were so long, the State eliminated them and instituted a lottery system. Once enrolled, learning English takes citizens several years to even obtain a fundamental understanding of the English language—not enough to understand complex ballots. Citizens should not be barred from exercising their right to vote while trying to become English proficient.

Most jurisdictions covered by Section 203 support its continued existence. According to a 2005 survey, an overwhelming majority of jurisdictions covered by Section 203 think that federal language assistance provisions should remain in effect for public elections. In fact, in a poll of registered voters, 57 percent believe it is difficult to navigate ballots and instructions and that assistance should be provided.

Mr. Chairman, it is instructive to review just a few contemporary examples which demonstrate the continuing need for the language assistance provisions of Section 203:

In 2003 in Harris County, Texas, officials did not provide language assistance for Vietnamese citizens. This prompted the Department of Justice to intervene and, as a result, voter turnout doubled and a local Vietnamese citizen was elected to a local legislative position.

The implementation of language assistance in New York City had enabled more than 100,000 Asian-Americans not fluent in English to vote. In 2001, John Liu was elected to the New York City Council, becoming the first Asian-American elected to a major legislative position in the city with the nation's largest Asian-American population.

In July 2005, the U.S. Dept. of Justice field a lawsuit against the City of Boston for violations of the federal Voting Rights Act, specifically the language assistance provisions (Section 203) for Spanish language assistance and racial discrimination (Section 2) against Asian American voters. The complaint alleges that Boston abridged the rights of language minority groups by:

Treating limited English proficient Hispanic and Asian American voters disrespectfully;

Refusing to permit limited English proficient Hispanic and Asian American voters to be assisted by an assistor of their choice;

Improperly influencing, coercing, or ignoring the ballot choices of limited English proficient Hispanic and Asian American voters;

Failing to make available bilingual personnel to provide effectively assistance and information needed by minority language voters; and

Refusing or failing to provide provisional ballots to limited English proficient Hispanic and Asian American voters.

In San Diego County, California, voter registration among Hispanics and Filipinos rose by over 20 percent after the Department of Justice brought suit against the county to enforce the language minority provisions of Section 203. During that same period, Vietnamese registrations increased by 40 percent.

The Voting Rights Act of 1965, represents our country and this Congress at its best because it matches our words to deeds, our actions to our values. And, as is usually the case, when America acts consistent with its highest values, success follows. By eliminating language assistance to American voters, the King Amendment will make it more difficult for American citizens to participate in the political process simply because English is not their primary language. The King Amendment is thus inconsistent with American values and the spirit of the Voting Rights Act. Therefore, I urge my colleagues to reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. WESTMORELAND

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–554.

Mr. WESTMORELAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. WESTMORELAND

Add at the end the following:

SEC. ___. EXPEDITED DECLARATORY JUDGMENT IN CERTAIN CASES.

Section 5 of the Voting Rights Act of 1965 is amended by adding at the end the following: "The Attorney General shall, not later than 3 years after the date of the enactment of this sentence, and annually thereafter, determine whether each State and political subdivision to which the requirements of this section apply meets the requirements for a declaratory judgment under section 4(a). The Attorney General shall inform the public and each State or political subdivision of the determination with respect to that State or subdivision. The Attorney General shall consent to the entry of judgment in favor of a State or political subdivision that seeks such a declaratory judgment if the Attorney General has determined that State or subdivision currently meets the requirements.".

The CHAIRMAN. Pursuant to House Resolution 910, the gentleman from Georgia (Mr. WESTMORELAND) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WESTMORELAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to help save the Voting Rights Act. After carefully studying the issue and collecting information about the renewal, I have serious concerns about the constitutionality of this rewrite of the VRA.

When Congress last renewed the Voting Rights Act 25 years ago, it adjusted the system for providing bailout, a way for covered jurisdiction, if its record is clean, to get out from under coverage.

Congress believed that there would be a flood of bailout petitions, as a result, from jurisdictions with clean records. Instead, only 11 counties, and I believe they are all from Virginia, out of the thousands of jurisdictions covered have bailed out.

So today, hundreds of jurisdictions that are otherwise able to bail out simply are not doing so; and the committee did not appear to explore this question in detail during its hearings. My concern is that a failure to provide a better way to get out from coverage will result in the Supreme Court looking at the preclearance portion of this act in a negative way.

We must provide a better way for jurisdictions to get out from under the coverage. Although the bailout procedures are in place, many times small jurisdictions cannot figure them out or are afraid of asking to bail out and being rejected.

In order to bail out, a county has to hire an attorney and sue the United States Department of Justice in Federal court in Washington, D.C. Let me say that again. My hometown of Grantville, Georgia, with a population of 2,270 people, that has never had an objection lodged against it, would have to sue the United States Department of Justice in Washington, D.C., in order to bail out.

My amendment seeks to address the bailout issue by requiring the Department of Justice to assemble a list, using its existing databases, of all the jurisdictions that are eligible to get out from under Federal oversight, and then consent to entry of judgment, letting those jurisdictions out from coverage. The genesis for this idea came from Professor Rick Haysen, who is one of the leading election law experts in the country and has carefully studied the constitutional issues surrounding the renewal of the Voting Rights Act. He openly supports this amendment and urges all Members to look carefully at it.

The amendment does not change the existing bailout requirements, nor does it prevent any other party from intervening in an action for bailout and objecting, requiring a full trial.

The amendment does not get the VRA; it does not make a bill change to the bill, except to ease the process for jurisdictions that do not have problems with discrimination to get out from under coverage.

Some say this is a difficult burden to place on the Department of Justice, or that it cannot obtain all the information necessary. But the DOJ is free to request information of every jurisdiction in this country whenever it so desires. And it has the evidence of lack of objections in its possession.

Mr. Chairman, I urge all Members to carefully consider this question. We all want to preserve the legacy of the Voting Rights Act, and not giving careful consideration to the constitutionality of the renewal will probably result in the Supreme Court throwing it out.

To prevent that from happening, I urge that all Members support the Westmoreland amendment to H.R. 9.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 20 minutes.

Mr. SENSENBRENNER. Mr. Chairman, the provisions of the Voting Rights Act that prevent covered jurisdictions from enacting discriminatory voting changes and allow Federal observers to monitor elections in covered jurisdictions are crucial provisions that are protected and should continue to protect minority voters.

Further, covered jurisdictions can cost effectively remove themselves from coverage under the Voting Rights Act, as 11 counties in Virginia have done, if they can show a clean record on voting rights for 10 years.

However, this amendment would turn the Voting Rights Act on its head by requiring the Voting Section of the Department of Justice to conduct an annual, once a year, review of nearly 900 jurisdictions, and thus, drain all of its resources away from preventing voting discrimination.

The amendment would require travel to nearly 900 jurisdictions every year for the review of voluminous records, the interviewing of thousands of people to determine whether all the jurisdictions' voting changes have been submitted for preclearance, as required by the Voting Rights Act, and that all other bailout criteria have been met.

This would require not just a review of all the materials that covered jurisdictions may have submitted to the Department of Justice, but also a review of all the materials a covered jurisdiction may not have submitted to the DOJ. Placing this burden on the Federal Government does nothing to make the Voting Rights Act more constitutional, but it does everything to make the Voting Rights Act hopelessly incapable of effective administration, to the detriment of minority voting rights.

J. Gerald Hebert, a former Justice Department Voting Section lawyer, and the attorney who represented all 11 counties in Virginia that successfully bailed out of the Voting Rights Act, has written the following regarding what the Justice Department would have to do at all 900 covered jurisdictions under the Westmoreland amendment. And remember, this means each and every one of those jurisdictions:

"It has been my experience that to determine eligibility for bailout takes a rather comprehensive assessment of all aspects of the voting election process in a State or political subdivision. This would include, for example, a description of the opportunities afforded minority voters to become registered voters, the extent to which minorities participate in the political process, including their success as candidates, whether they have worked in the registration office, the extent to which they have served as poll officials in the jurisdictions, et cetera.

"Moreover, to assess bailout eligibility, it is usually necessary to review voter turnout numbers to determine the extent to which the electorate is participating in national, State and local elections.

"Views of the minority community are also routinely sought in bailout cases. The Attorney General would need to contact minority leaders in every jurisdiction to obtain their views on bailout.

"In addition, in order to assess whether a jurisdiction has faithfully complied with section 5, usually a review of all the records of the jurisdiction is undertaken to study whether any voting changes have been implemented by the jurisdiction without the requisite preclearance."

Now, clearly, requiring such an assessment every year by the Justice Department would prevent it from its primary responsibility of enforcing minority voting rights. In reality, there are only a handful of attorneys in the Voting Section of the Department of Justice, and this amendment does not include one penny of additional funding to hire the additional resources that would be necessary to conduct this annual assessment.

Further, under this amendment, the Department of Justice would be given the unprecedented authority to determine on its own whether the provisions of the Voting Rights Act that protect minority voters from discriminatory voting changes will remain in effect.

□ 1600

The amendment states: "The Attorney General shall annually determine whether each State and political subdivision to which the requirements of this section apply meet the requirements" that would remove a jurisdiction from coverage under the Voting Rights Act. That is an unprecedented voting rights policy that places far too much power in a single Department of a Federal executive agency, giving it the unfettered authority to remove entire States from coverage under one of the most important civil rights protections enacted in the last century.

Giving so much power to a single executive branch agency over the vastly important decision of whether a given jurisdiction is covered or not covered by the Voting Rights Act's temporary provisions invites abuse. And the protection of voting rights should never be made subject to a regime that invites incentives other than the protection of voting rights.

In addition, this amendment invites lawsuits against the Department of Justice itself for its alleged failure to adequately conduct a review that it would be required to conduct in all 900 jurisdictions. So the gentleman's amendment says that this has got to be done every year in 900 jurisdictions. He does not give the Justice Department a penny to hire any additional people to conduct the review. And then it invites lawsuits against the Justice Department because they failed to do so because they do not have enough money to be able to do it.

In addition, the amendment compels the Department of Justice to prospectively take a litigation position, that it "shall consent to the entry of judgment" based on a previous determination even if subsequently discovered facts render the previous decision unjust. Meaning it ties the Justice Department's hand from acting based on newly discovered evidence.

The amendment denies the Justice Department the ability to assert itself in litigation as it sees fit in court, based on its assessment of tactics and legal considerations. This directive affronts established executive litigation authority and upsets the separation of powers.

In sum, this amendment, far from being a reasonable clarification of the Voting Rights Act, will invite chaos. It will cripple the enforcement resources of the Voting Division of the Department of Justice. It would redirect limited resources away from voting rights enforcement, give the executive branch unprecedented and unfettered authority to remove crucial voting rights protections over large parts of the country, and impermissibly lock an executive branch agency into a litigation position.

Of all four amendments that have come before us today, this one is the worst. Please reject it.

Mr. Chairman, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Chairman, the distinguished chairman of the Judiciary has argued that my amendment places an impossible burden on the Department of Justice. All we are asking them to do is to look at the jurisdictions that are now covered under section 5, and hopefully, I thought that the Department of Justice was looking at these jurisdictions. I thought they were keeping up if there was any violation or not any violation. The chairman of the Judiciary has just really caused me some concern to think that we are under the coverage of section 5, but nobody is looking at us. Nobody is looking to see if we are doing the right thing or not. I am confused. Maybe we need to do some more legislation to make sure the Department of Justice is doing their job.

They are the ones that know if there have been any objections. They should be the ones that have the information to know if a city or county should be able to bail out or not. Maybe this is why jurisdictions aren't bailing out.

I listened to the chairman read all the stuff. I felt like I was listening to an algebra problem. That is the reason we do not know if we can bail out or not. With all of its lawyers and all of its resources, if the Justice Department cannot figure out who can bail out, how in the world is a small city or county going to make that determination?

The chairman of the committee appears to be arguing my point. The bail-out procedures are so complicated that even the Justice Department cannot figure them out. That seems to indicate that we may need to take another look at the bail-out provisions in this law, which does not appear to have been done by those 12 hearings with all these different witnesses that never once looked at the flawed bail-out procedure.

I would also ask whether this burden is better borne by the Federal Government or by small cities, such as my hometown of Granville, and counties that are not able to come to Washington to litigate their past history

Mr. Chairman, I yield 7 minutes to my colleague from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for the time.

I find this sort of interesting, Mr. Chairman. It seems like you are concerned about the bail-out provisions and the cost to the Justice Department if they actually do their job, which they are not; but no one seems to be at all concerned about the cost of bilingual ballots or counties or States having to print 35, 37 different ballots on the box. Nobody cares about that unfunded mandate, only that the Justice Department could not possibly afford to do what it is supposed to do.

Actually, I hope that you are the one that argues the case when this goes to the Supreme Court, Mr. Chairman, and use that very same argument you just put on us about Mr. WESTMORELAND's amendment.

This amendment has the support of some of the strongest supporters of section 5 renewal, and it is there for a very practical reason. The Supreme Court would likely throw out a 25-year extension of section 5 if no attempts have been made to update the rules that determine whether counties remain under Federal oversight. The court allowed section 5 to stand for one reason. Even a nonlawyer can read it in there. It was to be a temporary remedial tool. There was not a thing in that law that says past discrimination puts you under section 5. There is nothing written in the bill that says that. You say that because of the findings, but it is not in the bill.

But the rubber-stamp renewal of section 5 for another 25 years would mean the original 837 counties would be under Federal oversight for 65 years, affecting people that had absolutely nothing to do with any of this. It does not take a legal scholar. Even I can determine 65 years is not temporary.

There must be a more realistic method for counties to win release from the penalty box than under the current law, which is almost impossible, if they have truly ended discriminatory practices or if they have followed the rules under section 4.

This amendment allows the Justice Department to help section 5 counties simply determine if they are eligible for bailout. What is the Justice Department for if not for that? It provides an expedited means for counties to regain their constitutional rights if they have met the bailout standards according to DOJ and no one else objects to their petition. This is not only fair. It gives many counties in compliance with the act a realistic chance to win release from section 5 for the first time.

It is hard work being fair, Mr. Chairman. It requires a lot of effort for everybody to be equal under the eyes of the law. And that is what basically Mr. WESTMORELAND's amendment is asking for. I actually think further amendments to the bail-out section are needed as well, though we are not doing it today. But the Westmoreland amendment will help justify allowing section 5 to withstand court challenges, while providing long-needed equity for counties that have indeed remedied past discrimination.

I am going to be honest with you. There is hardly any way to get out of the bail-out provisions. In 25 years, 11 counties have been able to do so. Don't you think more counties would have if they could possibly have done it? Those 11 counties that got out have minority populations of under 5 percent. They live right across the Potomac River. This nonsense about it costing $5,000, you cannot hire a lawyer to come uptown for $5,000. It costs big dollars for small cities and rural counties to get out from under this whether they are guilty or not, but nobody seems to care whether they are guilty or not. It does not concern anybody about fairness here.

Partisans, and there are plenty of them and you all know it, at DOJ try to make sure that there are objections to submissions. A very perfect example: all you have got to do is have one submission objected to by the Department of Justice. In the last 5, 6 years, we have had six objections in Georgia. One of them comes from a small little town in south Georgia where the city council is majority/minority. They had a change they wanted to make in their voting laws, and they submitted it to the Justice Department. The Justice Department says, oh, no, you can't do that, we object. It is not as if they are always right. It is just that they get the last word until the Supreme Court gets ahold of them.

That one objection puts my State back in the penalty box for 10 years. That is an unfair circumstance. That keeps us there for another 10 years. It does not matter what is right. It does not matter what is fair. It does not matter what is legal. It means you just cannot get out of it. It is designed to be that way. It is people in the civil rights division in the Justice Department that are very bias, very partisan; and they work darn hard at making sure we cannot get out of the penalty box.

I have heard over and over today people talk about a bill passed in Georgia. They are simply trying to make sure only American citizens vote. That is all it was all about. It is so easy to vote in Georgia. We have illegal alien citizens of other countries trying to vote all the time. A simple voter ID. it was precleared by the Justice Department that. Mr. Chairman, you think so much of. We were told it was all right. Then it goes to court. Well, you know how you do that? You venue shop. You go around and wait until you can find a judge that will say what you want to say, and that is exactly what they did in this particular case. So that is an objection; so now we get to stay in for another 10 years.

My last observation on this subject is all four of these amendments are commonsense amendments. They do not, in my opinion, have anything to do with bringing down section 5 or the Voting Rights Act, which I do not want them to do. They add some sensible changes to it. It has been 41 years since this was written.

Mr. Chairman, in 1982 you voted against section 203. Today you are promoting section 203. You are against the King amendment. What happened? Did you change your mind in 25 years? Probably so. That is legal. That is fair. That is okay if you have changed your mind concerning how you feel about that in 25 years. A lot has changed in 25 years. A lot in our State and our country has changed.

Vote for these amendments and make this thing fair, and everybody will have equal protection under the law

Mr. SENSENBRENNER. Mr. Chairman, I would like to yield 4 minutes to the very fair subcommittee Chair from Ohio, who presided over 12 hearings and 46 witnesses and 12,000 pages of testimony. It is tough being fair.

Mr. CHABOT. I thank the chairman for yielding.

I, first of all, want to indicate that I rise in opposition to this amendment.

First, what are the existing provisions of the Voting Rights Act that this particular amendment applies to? Well, the temporary provisions of the Voting Rights Act require jurisdictions with documented histories of unconstitutional practices to preclear voting changes with the Department of Justice or the U.S. District Court here in Washington, DC, District of Columbia.

These provisions also authorize the Department of Justice to assign Federal observers to monitor elections in covered jurisdictions to protect the rights of minority voters. Together, these provisions have been crucial to the success of the Voting Rights Act and the progress made by minority voters over the last 40 years.

The current provisions of the Voting Rights Act strike the right balance expanding and contracting coverage as necessary. In fact, 11 jurisdictions have successfully bailed out from coverage while other jurisdictions have been brought under the watch of the Federal courts.

Now, the amendment offered by the gentleman from Georgia would alter the balance contemplated by the Voting Rights Act and that is maintained by H.R. 9, the bill that we have before us.

□ 1615

Under the gentleman's amendment, the Department of Justice would be affirmatively required to conduct investigations into the bailout status of the approximately 900 covered jurisdictions and to announce the results of its investigation annually, thus diverting precious resources away from its administration and enforcement responsibilities under sections 5 and 203.

Not only would this amendment shift the burden of bailout from the covered jurisdiction to the Attorney General, but the amendment would render the Department of Justice ineffective in performing any of its responsibilities under the Voting Rights Act, to the detriment of minority voters in this country.

Under this amendment, minority voters would no longer be able to rely on the protections and enforcement actions undertaken by the Department to enforce voting rights laws. Rather, the Department would be visiting each and every covered jurisdiction to review voluminous records to determine which voting law changes the jurisdiction has complied with and which ones they have not, 900 jurisdictions.

In addition, this amendment has the effect of creating an unprecedented and what could be considered unconstitutional amount of authority to the Department of Justice to determine which jurisdictions should be removed from coverage. This is unprecedented voting rights policy that has the potential to undermine the most important civil rights law in our history.

H.R. 9 is bipartisan legislation, and I would urge my colleagues to maintain the bipartisanship and oppose this amendment.

Mr. WESTMORELAND. Mr. Chairman, may I inquire as to how much time remains for each side?

The CHAIRMAN. The gentleman from Georgia (Mr. WESTMORELAND) has 7 minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 10 minutes remaining.

Mr. WESTMORELAND. Mr. Chairman, I yield 3 minutes to my colleague from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I rise today in support of the amendment offered by Representative LYNN WESTMORELAND, and I would ask all my colleagues to join me in supporting it.

I was surprised a little earlier to hear the chairman say that of the four amendments this is the worst of the lot.

Mr. Chairman, I would suggest that it is one of the best of the lot, and with all due respect to Mr. SENSENBRENNER and Mr. CHABOT, I wish there was as much concern about the unfunded mandates that this bailout provision in H.R. 9 puts on local jurisdictions and the unfunded mandates that the multilingual ballot requirements put on local jurisdictions as their concern of the financial burden and time constraints that it puts on the Justice Department.

This amendment will facilitate States and jurisdictions that have fully complied with the requirements of the Voting Rights Act to be expeditiously removed from its section 5 restrictions as already provided by law.

Mr. Chairman, this amendment will simply require that the Department of Justice on an annual basis proactively notify States and jurisdictions once they are eligible for relief from section 5 preclearance requirements. Once the Department of Justice determines a State or jurisdiction is eligible, the Department of Justice must promptly notify them and then consent to a streamlined judicial process for the State or jurisdiction, which in turn will significantly reduce the legal costs borne by our taxpayers.

Simply put, since the Department of Justice has the responsibility anyway to monitor and review States covered by the Voting Rights Act, the DOJ should also have the responsibility to notify States once they have qualified to be relieved from the restrictions and allow them to do so with a minimal amount of cost.

Again, Mr. Chairman, I want to encourage my colleagues, support this amendment. This may be one of the best of the four. In fact, support all four amendments.

It makes the underlying bill better and more equitable.

Mr. SENSENBRENNER. Mr. Chairman, I yield for a unanimous consent request to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I rise in support of the bill that came out of the committee

Mr. Chairman, I rise today in support of H.R. 9, the Fannie Lou Hamer, Rosa Parks and

Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

A few years ago, my son Brian and I were fortunate to have the opportunity to travel with Congressman JOHN LEWIS to Selma, AL, to participate in a reenactment of the 1965 voting rights march over the Edmund Pettus Bridge. On the 36th anniversary of Bloody Sunday, the most famous civil rights confrontation of the 20th century, I was deeply moved to hear firsthand accounts from JOHN LEWIS and others about that fateful day. When the original marchers got across the bridge, the Alabama State troopers savagely attacked and brutally beat them simply for peacefully demanding their rights as American citizens.

The sacrifices at Bloody Sunday produced the most effective Federal election reform in our Nation's history and guaranteed the voting rights of millions of American citizens.

The Voting Rights Act of 1965 protects our citizens' right to vote primarily by forbidding covered States from using tests of any kind to determine eligibility to vote, by requiring these States to obtain Federal approval before enacting any election laws, and by assigning Federal officials to monitor the registration process in certain localities. Although the Voting Rights Act is a permanent Federal law, it contains some temporary provisions that will expire in 2007. Sections 4 and 5 pertaining to pre-clearance of congressional district maps by the U.S. Department of Justice and the bilingual provisions contained in section 203, were considered constitutionally controversial and were made temporary in order to revisit the issues.

Mr. Chairman, I support reauthorization of H.R. 9 and oppose all amendments which attempt to weaken it. With the help of the Voting Rights Act, I am proud to say that my State of North Carolina has made substantial progress in lessening voting discrimination. However, more progress can be made and because sections 4, 5 and 203 continue to be necessary in some jurisdictions, they must be reauthorized. We must continue to protect the rights of all American citizens to fully participate regardless of race, color, ethnicity or native language.

Some argue that ballots should only be printed in English; however, the fundamental right to vote must not be subject to a modern day equivalent of a literacy test. I oppose the amendment proposed by Representative KING which will effectively deny some citizens the right to vote.

I also oppose the amendments offered by Representatives WESTMORELAND and NORWOOD of Georgia. Section 5 of the Voting Rights Act is working for North Carolina and is an important protection for our citizens. My State of North Carolina has 40 counties which are subject to preclearance by the U.S. Department of Justice. In testimony before the Senate Subcommittee on the Constitution, Civil Rights, and Property Rights, Donald Wright, general counsel for the North Carolina State Board of Elections said ". . . there is a consensus that the temporary provisions have had the effect of moving the consideration of adverse effects on the voting rights of minorities to the 'front of the bus,' as opposed to the 'rear of the bus' where it was for much too long. There also continue to be instances in which section 5 prevents discriminatory voting changes from being implemented in North Carolina. To tamper with these temporary provisions may jeopardize the substantial progress minorities have made in our State."

Upon signing the Voting Rights Act, President Lyndon Johnson said, "The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men." I fully support passage of the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments of 2006 for 25 years.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Chairman, I rise in opposition to this amendment because it will actually make it harder for the Justice Department to use its authority under section 5 to prevent discrimination from taking root.

It will do this by forcing the Department to treat those jurisdictions where the disease of discrimination is in remission as though the disease was cured once and for all.

It will make it harder for the Department to do its job by forcing the Department to turn way from treating the disease where it is still rampant, and spend all of its resource reexamining and re-reexamining and re-re-reexamining those places where it is in remission.

No doctor trying to eliminate a disease would regard remission as a cure, and neither should the Voting Rights Act.

No doctor trying to eliminate a disease would ignore those who are obviously sick and spend all his time treating a patient whose disease is in remission, and neither should the Voting Rights Act.

I was raised on the Ten Commandants, as was the sponsor of this amendment, and one of those commandments is one that I know he knows. It says, "Thou shall not steal."

Well, this amendment does not come right out and violate or break that commandment, but it does make it easier for those folks to break that commandment.

I, therefore, urge my colleagues to oppose this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield for a unanimous consent request to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I rise in support of the legislation

Mr. Chairman, I came to the Congress in 1987—the 100th Congress.

We had a number of stars in our freshman class—

JIM BUNNING—A Hall of Fame baseball pitcher,

Fred Grundy—an accomplished actor,

Amo Houghton—The 1st CEO of a Fortune 500 Company elected to the Congress,

JOHN LEWIS—a hero of the Civil Rights movement who plotted and marched with Dr. Martin Luther King, Jr.

As colleagues, JOHN LEWIS and I have travelled the roads back to Birmingham, Montgomery and Selma. We stopped along the way numerous times and heard the stories relived.

We travelled the bus route of Rosa Parks and we stopped at the church which had been bombed killing those sweet little girls.

I credit those brave Members of Congress that took action in the 1960's that addressed some of the racism and bigotry that still stain and haunt our history of a just nation.

Passage of civil rights legislation which included the Voting Rights Act was the right step.

Today, it's still not hard to find racism and discrimination. Yes, folks are still trying to prevent Americans from participating in our electoral process.

About a year ago, I sat on the House floor with the Dean of the House and my respected colleague, JOHN DINGELL, from the great State of Michigan.

We looked at the CONGRESSIONAL RECORD and the names of Members of Congress that voted for and against the different civil rights bills of the 1960's.

I was surprised to see how some of our former colleagues voted.

And, my bet is, that some of those that voted no then, would have the courage to vote yes now. That they would see the positive impact that those bills have brought about.

Mr. Speaker, we are the Peoples House—but we cannot be the Peoples House if we construct barriers for the people to participate.

The Voting Rights Act provides protections and removes the barriers. It needs to be extended.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. Mr. Chairman, I thank the chairman and the ranking member and the CBC chair for their moving forward this equal protection under the law for all Americans.

I tell you, the gentleman who proposed this said that this is to help save the Voting Rights Act. In fact, it is an attempt to destroy it, because this amendment turns section 5 on its head under this amendment. Instead of enforcing the Voting Rights Act and stopping voting discrimination, the Department of Justice would be forced to spend nearly all of its time conducting investigations.

As the ranking member of the Committee on House Administration, which oversees Federal elections, voter disenfranchisement continues nationwide, and this is the wrong time to weaken this voting rights bill with all of these poison amendments.

Three Presidents cannot be wrong. The architect of this one, the late President Lyndon Johnson's daughters are asking for this to be passed without these poison pill. We had the late Ronald Reagan, who continued this piece of legislation for 25 years, and our present administration, the President who strongly wants to renew this.

We must move forward. We must let generations to come know that we were steadfast in keeping the promise of this America.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. McKINNEY. Mr. Chairman, many of my colleagues have expressed some bit of surprise at the virulence coming from the Republican Members of the Georgia delegation. Well, let me just say that I am not surprised at all, because I was born in Georgia and I live there. I served in the Georgia legislature with a few of them.

But let me also say that just this week the second attempt by the Georgia legislature to impose a voter ID bill on the people of our State was struck down by the courts in violation of the Voting Rights Act.

We also learned in 2002, in my own election, with the crossover vote, that crossover voting can be used as effectively as the all-white primary was in days past.

So we need the Voting Rights Act. We need it because we are looking at the State of Georgia. We see what you are doing. And now the Nation also sees that the State of Georgia desperately needs to be under the Voting Rights Act because some things still have not changed.

Mr. WESTMORELAND. Mr. Chairman, the district court specifically did not rule on the issues raised by the plaintiffs in the case that my colleague from Georgia is talking about, the Voting Rights Act.

Mr. Chairman, I have no other speakers at this time, and I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), my distinguished ranking member.

Mr. CONYERS. Mr. Chairman, this Westmoreland amendment has some huge problems.

I would like to remind you that a 25-year veteran of the Department of Justice Voting Section commented that the bailout amendment proposed is completely unworkable unless the staff of the Voting Section is tripled or cuts corners in making its determination. There is no way the existing staff can possibly do what this calls for and make a binding determination of eligibility for bailout. And plus, we do not include one dime in this proposal to take care of all of this.

We turn section 5 on its head, and we will not be stopping voting discrimination.

This amendment would cripple the Voting Section at the Department of Justice, making enforcement of the Act nearly impossible. There are 900 jurisdictions covered by section 5. How could we do a report on them every year?

Reject the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield for the purposes of a unanimous-consent request to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I rise in opposition to Mr. WESTMORELAND's amendment.

This amendment imposes far more federalism costs on states than does the current structure of the Voting Rights Act that its opponents criticize. In short, the amendment would permit the Department of Justice on an annual basis to snoop through every governance document maintained by a jurisdiction to determine whether it meets the eligibility requirements for bailout. This process will be far more onerous than that presently imposed on jurisdictions. Now jurisdictions are in control of what they provide to the Department, both for preclearance and bail-out purposes.

The mechanism established under this amendment also requires DOJ to expend tremendous amounts of time and resources exposing nondiscrimination while leaving discrimination unabated. This amendment turns the Voting Rights Act on its head and makes a complete farce out of our principles of democracy. It should be soundly defeated.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman.

As much as things change, they remain the same, and I oppose the Westmoreland amendment primarily because it interferes and interjects the Attorney General in a partisan decision on the enhancement of rights.

Let me document for you why the Voting Rights Act is still needed today. As Lucy Baines Johnson and Mrs. Robb have indicated, two daughters of Lyndon Baines Johnson, let me suggest to you that this map says and shows all the States that are being covered by this Voting Rights Act. If the Voting Rights Act is hindered by these four amendments, what we have is the inability of these individuals who are now suffering to have redress in the courts.

Even today, the Voting Rights Act is applicable to the State of Texas because of poorly drawn districts in 2002. It is applicable to South Dakota because of the violation of the rights of Native Americans.

So I suggest to Mr. WESTMORELAND, though he may be the loyal opposition, we, in fact, do need the Voting Rights Act without the intervention of the Westmoreland amendment which undermines and torpedoes the entire bill.

I ask my colleagues to join Senator Dole in her vote for the Voting Rights Act in 1965. Vote against these amendments and vote enthusiastically for the underlying bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield for a unanimous-consent request to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, this amendment presents a new process, which was not considered in our exhaustive hearings. In fact, testimony at our hearings showed that the present bailout process is reasonable and inexpensive—all 11 jurisdictions that tried to bailout were able to do so.

Although there is not a problem now—this amendment is a problem.

There are nearly 900 jurisdictions covered nationwide by section 5. This amendment forces the Department of Justice to conduct an investigation in each jurisdiction every year.

This amendment also reverses the long-standing requirement that jurisdictions bear the burden of establishing that they are free from discrimination, and instead places the burden on the Attorney General to determine whether each jurisdiction qualifies for bailout. Voting Section attorneys at the Department of Justice would have to spend time developing the evidence necessary to make these determinations, rather than focusing their efforts on enforcing the act. There is no funding for this additional responsibility.

There is no problem, so let's not make one. We should defeat the Westmoreland amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, Mr. NORWOOD said some things change in 25 years, and he is right about it. One thing that has not changed in 25 years is that people say one thing and have a different agenda.

We have heard all day that we are opposed to unfunded mandates, and now we want to put a new mandate on the Department of Justice with no new money.

We have heard, when Mr. WESTMORELAND writes about this topic in the pages of The Hill, that he wants to lift the South from the whims of Federal bureaucrats, and this amendment would empower the bureaucrats of the Department of Justice more than ever.

We heard his remarks, again on this amendment, by saying, I want to save the Voting Rights Act; and then he proposes to save it by making it harder to administer, more subject to judicial challenge, and far more complicated.

It has not changed. People say one thing and have another agenda.

I close by saying the agenda today appears to be to water down this act and strip it of a lot of its power, and that is wrong.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, this amendment by Congressman WESTMORELAND, my colleague from Georgia, is the most treacherous and dangerous of the amendments. There is no amendment that clearly points out what the desires have been for all four of these amendments. Their goal has been one thing and one thing only, and that is to kill the Voting Rights Act.

□ 1630

We cannot allow that to happen. We must understand what those words from Thomas Jefferson truly meant when he said that "we hold these truths to be self evident, that all men are created equal and endowed by their creator with certain inalienable rights, and among those are life, liberty and the pursuit of happiness."

And there is nothing to give us that right more succinctly and more importantly than the right to vote and to think that my colleagues from Georgia are the ones leading this dastardly fight to deny the right to vote to African Americans.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, first of all I want to thank the Chair for yielding me the time and also for his leadership. You have done a wonderful job in conjunction with Mr. CONYERS and the Chair of the Congressional Black Caucus.

I stand here, here we are at the last amendment. I come from Ohio. In 2000, 2004, we had dilemmas in our voting. Across the country there have been dilemmas with voting. And this is the first time since I objected to the Ohio vote that we have even talked about voting on the floor of the House of Representatives.

We are overdue. Every Member of Congress owes all of the voters of this Nation the vote in favor of renewing the Voting Rights Act. Your conscience should be bothering you if you are not thinking about the fact that minority voters across this country were denied the right to vote.

I have heard people talk about, well, my grandson did not do it. Your grandson did not do it, but your great grandfather probably did. And you owe and the support of all of those who deserve the right to vote the right to vote. Thank you for the time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 15 seconds to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, do we want to be responsible for stabbing the Voting Rights Act in the heart? We must defeat with all that we have, with all of our power, with all of our votes the Westmoreland amendment.

Mr. WESTMORELAND. Mr. Chairman, Professor Rick Hasen was quoted today saying if Congress goes on and passes the current version, as is, with a 25-year extension, there is significant danger that the measure is struck down.

Professor Sam Issacharoff was quoted saying: "To the extent that the coverage of jurisdiction continues to be triggered by what happened in 1964, it puts a great deal of constitutional pressure on the continued vitality of the act."

Neither of these men are conservatives. Neither of these men support me. These are liberal law professors who are very learned in the election law field that support this amendment. So if you want to talk about somebody stabbing the Voting Rights Act in the heart, or if you want to talk about somebody that is doing this because they do not have any desire to see it continue, you need to talk to these people, these liberal professors who agree with me and support what I have said.

Mr. Chairman, I think the one thing that I have learned here today is that section 5, as looked at by the Department of Justice, is not really looked at. The only thing they are is a bunch of checkers. They just check things as they come in to them, rather than looking at these 900 jurisdictions.

By the way, if Mr. NORWOOD's amendment passes, it would be a lot more than the 900 jurisdictions to be looked at, because of problems all across the Nation. But our DOJ has more attorneys on staff than the city of Granville does or the county of Coweta or the State of Georgia. If they do not know what jurisdictions should be able to bail out, God forbid that any city, county or State does.

I ask that the Members of this House please support the Westmoreland amendment to H.R. 9.

Mr. Chairman, I yield back the balance of my time

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I think those of you who have gotten to know me in the time I have been honored to serve here realize that the liberal law professors that instructed me at the University of Wisconsin law school about 40 years ago did not make very much impact then.

And maybe we should not listen to the group of liberal law professors that Mr. WESTMORELAND cites in support of his amendment today.

The fact is that this amendment turns the Voting Rights Act on its head, because in every one of the 900 jurisdictions, if the Westmoreland amendment is adopted, there is an army of Federal agents, if we fund them, that will come on down, look at everything that has gone on there relative to elections every year.

And of course this is an unfunded mandate, because the local officials that they have to talk are going to have to spend all their time talking to the army of Federal inspectors.

There are a number of other things that are wrong with this amendment as well, because it unconstitutionally requires by statute that the Department of Justice assume a litigation position. That is a violation of separation of powers.

The DOJ lawyers represent the United States of America Government and its people, and they should not have their hands tied, being told that they have to adopt a position even though the position might be contrary to the law that has been passed by the Congress and signed by the President of the United States.

This amendment expands Federal authority by people who have been complaining about Federal authority since the Voting Rights Act was passed 41 years ago. Let's not turn the VRA on its head. Let's reject this amendment. Let's reject all of the amendments

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WESTMORELAND. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. NORWOOD of Georgia.

Amendment No. 2 by Mr. GOHMERT of Texas.

Amendment No. 3 by Mr. KING of Iowa.

Amendment No. 4 by Mr. WESTMORELAND of Georgia.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. NORWOOD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 318, not voting 18, as follows

[Roll No. 370]

AYES—96

Aderholt
Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bishop (UT)
Blunt
Bonilla
Bonner
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Campbell (CA)
Cantor
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Deal (GA)
Doolittle
Duncan
Everett
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Gutknecht
Hall
Hastings (WA)
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hyde
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Kline
Kolbe
Linder
Lucas
Mack
Manzullo
Marchant
McCaul (TX)
McHenry
McKeon
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Paul
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rohrabacher
Royce
Ryun (KS)
Shadegg
Shimkus
Shuster
Smith (TX)
Stearns
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—318

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Carson
Davis, Jo Ann
Doggett
Evans
Graves
Harris
Hunter
McKinney
McMorris
McNulty
Northup
Nunes
Pence
Ryan (OH)
Sessions
Slaughter
Sullivan
Tiahrt

☐ 1659

Mr. OTTER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded

Stated against:

Ms. McKINNEY. Mr. Chairman, during rollcall No. 370, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 2 OFFERED BY MR. GOHMERT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. GOHMERT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 134, noes 288, not voting 10, as follows

[Roll No. 371]

AYES—134

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cantor
Carter
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Deal (GA)
Doolittle
Duncan
Ehlers
Everett
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Gutknecht
Hall
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Kline
Kolbe
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryun (KS)
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—288

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Buyer
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel

Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—10

Carson
Davis, Jo Ann
Evans
Graves
Hunter
McNulty
Northup
Sessions
Slaughter
Tiahrt

☐ 1706

So the amendment was rejected.

The result of the vote was announced as above recorded

AMENDMENT NO. 3 OFFERED BY MR. KING OF IOWA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 238, not voting 9, as follows

[Roll No. 372]

AYES—185

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Feeney
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—238

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bono
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—9

Carson
Davis, Jo Ann
Evans
Graves
McNulty
Northup
Sessions
Slaughter
Tiahrt

☐ 1713

So the amendment was rejected.

The result of the vote was announced as above recorded

AMENDMENT NO. 4 OFFERED BY MR. WESTMORELAND

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 118, noes 302, not voting 12, as follows

[Roll No. 373]

AYES—118

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Chocola
Coble
Cole (OK)
Conaway
Cubin
Culberson
Deal (GA)
Doolittle
Duncan
Everett
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Granger
Gutknecht
Hall
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Kline
Kolbe
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Otter
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Rehberg
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryun (KS)
Shadegg
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOES—302

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—12

Carson
Davis, Jo Ann
English (PA)
Evans
Graves
Harris
McNulty
Northup
Sessions
Slaughter
Thomas
Tiahrt

□ 1719

So the amendment was rejected.

The result of the vote was announced as above recorded

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REHBERG) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9) to amend the Voting Rights Act of 1965, pursuant to House Resolution 910, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under th[illegible]le, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 390, noes 33, not voting 9, as follows:

[Roll No. 374]

AYES—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.

Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—33

Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bonner
Burton (IN)
Campbell (CA)
Conaway
Deal (GA)
Doolittle
Duncan
Everett
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hefley
Hensarling
Herger
Johnson, Sam
King (IA)
Linder
McHenry
Miller, Gary
Norwood
Paul
Price (GA)
Rohrabacher
Royce
Shadegg
Tancredo
Thornberry
Westmoreland

NOT VOTING—9

Carson
Davis, Jo Ann
Evans
Graves
McNulty
Northup
Sessions
Slaughter
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1738

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

REREFERRAL OF H.R. 503, AMERICAN HORSE SLAUGHTER PREVENTION ACT

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that the bill, H.R. 503, be rereferred to the Committee on Energy and Commerce, and in addition, to the Committee on Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute for the purposes of inquiring of the majority leader the schedule for the week to come.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. I would be pleased to yield to my friend, Mr. BOEHNER, the majority leader.

Mr. BOEHNER. I thank my colleague for yielding.

Next week, Mr. Speaker, the House will convene on Monday at 12:30 for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices later on this afternoon.

On Tuesday, we expect to do House Joint Resolution 88, the marriage amendment.

For the balance of the week, H.R. 2389, the pledge protection bill; H.R. 5684, the United States-Oman Free Trade Agreement Implementation Act.

We do expect that if the Senate acts on the Castle stem cell legislation and several other bills that could be brought over to the House, where the House would consider the other two stem cell bills, and send all three bills to the White House. And then, depending upon what happens at the White House, whether we would vote on a veto override or not is certainly under consideration.

I do expect that we will have votes on Friday at this point. We will continue to work with Members on both sides of the aisle as the schedule develops. But the next two Fridays are scheduled. My hope is that we are able to finish our work, both next week and the following week, by Thursday night so that Members would not have to vote on Friday. But I cannot make that commitment at this point.

Mr. HOYER. Thank you, Mr. Leader, for that information.

Tuesday is the marriage amendment. Would it be fair to believe that these, they are listed relatively in chronological order, therefore, the pledge protection bill would come on Wednesday probably, and then Oman on Thursday probably?

Mr. BOEHNER. Probably.

Mr. HOYER. On the veto override, you expect H.R. 810 to pass the Senate and then be vetoed and come back to us at that point in time, which would be either Thursday or Friday, depending upon how quickly we were doing our business?

Mr. BOEHNER. Yes. It could be Wednesday if you are a real optimist.

Mr. HOYER. If it were Wednesday, are you going to try to keep the other two bills that would come over from the Senate with that bill? Are you going to try to do all three of them at the same time, or is that not necessarily the case?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

It is expected that the House would take up the other two stem cell bills, pass them, and send them with the Castle bill to the White House, and then be prepared to deal with whatever happens from there.

Mr. HOYER. So if you were trying to keep the three bills relatively together at the White House, is that what I am hearing you say?

Mr. BOEHNER. Yes.

Mr. HOYER. Then we might pass those earlier in the week?

Mr. BOEHNER. But I do not expect that they will get here until late Tuesday, and so I think the earliest we could take them up would be Wednesday morning.

Mr. HOYER. I thank the gentleman for that information. And I appreciate what you are saying about Friday. That will be dependent upon how quickly we get the work that is before us done. I understand that.

Mr. Leader, we have had some discussions, and we still have pending, as you know, one appropriation bill, the Labor-Health bill which is pending. It has, as you know, attached to it an amendment adopted in a bipartisan fashion on the minimum wage, taking the minimum wage to $7.25 in three increments.

Can you tell me the status of the Labor-Health bill? I know it is not on the calendar, but can you tell me its status?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

There is that issue and other issues on the bill that are still being discussed. There has been no resolution on those.

But I think I will anticipate the next question with regard to the minimum wage. I have had conversations with Members on both sides of the aisle about the issue. It is clearly under discussion, but there have been no decisions made as to what to do or when to do, whatever.

Mr. HOYER. I thank the gentleman for that information. He anticipated my question, but I noted in the paper that there are some 25 or 25-plus Members on your side of the aisle who have written suggesting that we bring this to the floor. I would think if that is the case that we do have a majority, I would think, who would be for bringing this to the floor and, quite probably, a majority who might vote for a minimum-wage bill, assuming it comes to the floor as a minimum-wage bill.

□ 1745

Mr. Leader, I am very hopeful that that can happen, and it would be wonderful if it could happen before we left here for the August break. But I hear you saying that is still under discussion, and, hopefully, the result will be a positive one from the perspective of having an up-or-down vote on the minimum wage. I thank the gentleman for that information.

Lastly, Mr. Leader, the pension conference, you and I are very concerned about it. Literally millions of people are very concerned about it. But it still languishes in the conference committee. Can you give us any update on where the pension conference is and what expectations there might be for the pension bill to come to the floor?

I yield to my friend.

Mr. BOEHNER. Clearly, protecting the American people's pensions and ensuring that we get better funding of private pension plans is the goal of this legislation. I can tell the gentleman that I think we are very close. There is some progress. We are close. We have discussed this for months and months here. It is a very difficult bill, as you are well aware, and trying to make sure that there is balance, that we dot the I's and cross the T's, that process is under way. But I am hopeful.

Mr. HOYER. Hope springs eternal. Let's hope the bill is not eternally, however, in the conference committee.

Mr. Leader, if I could comment as well, you and I had a discussion and I had a discussion with your predecessor on this issue as well and with Mr. BLUNT, when he was acting in the capacity you now have, with reference to the bipartisan inclusion of conferees in the decision-making process as to what the pension bill is going to be. In our experience in dealing with you when you were chairman of the committee, you did that. We appreciated that. We think it was the right thing to do. And, frankly, we think it manifested itself in some good products. But, Mr. Leader, I must tell you that the minority members and the ranking member have not been included, in the information I have, in the conferences or deliberations that have been going on with reference to the pension bill.

In light of the fact, as you point out, it is a complicated bill, a difficult bill, we think that would be useful certainly for us; but very frankly, we think it would be appropriate for the process itself.

I yield to my friend in hopes that he will, as he indicated he would, try to prevail on those powers that be to effect that happening, as he indicated he thought ought to happen.

I yield to my friend.

Mr. BOEHNER. As the gentleman is aware, this conference is being chaired by the Senate. There has been one formal conference meeting. But I can tell you there have been consultations with Members of both parties on both sides of the Capitol with regard to many of the issues that have been agreed to and issues that are yet to be resolved, and I fully expect those conversations will continue.

Mr. HOYER. Reclaiming my time, I hope that is the case. And perhaps I will privately discuss with you whom these consultations have been with because on my side of the aisle, they have not talked to me yet. But I thank the gentleman, and I will talk to him privately.

ADJOURNMENT TO MONDAY, JULY 17, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2389, PLEDGE PROTECTION ACT OF 2005

Mr. GINGREY. The Committee on Rules may meet the week of July 17 to grant a rule which could limit the amendment process for floor consideration of H.R. 2389, the Pledge Protection Act of 2005.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H-312 of the Capitol by noon on Tuesday, July 18, 2006. Members should draft their amendments to the bill as introduced on May 17, 2005.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format, and they should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

EVERY COUNTRY HAS A RIGHT TO DEFEND ITSELF

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to condemn Hezbollah and Hamas for the recent kidnappings and killings of Israeli soldiers.

These acts of aggression have forced Israel to defend itself and its citizens and will have a damaging effect on the prospect of peace in the Middle East. If someone attacked across our borders and sent rockets into the United States and had killed or captured our own soldiers, you had better believe we would want to defend ourselves. Israel has the right to respond just like we would.

Israel fully withdrew from southern Lebanon in May of 2000 and from Gaza earlier this year only to suffer hundreds of unprovoked attacks from both areas since then. This is not the first time Hezbollah has taken action against Israeli soldiers. It also kidnapped and killed three soldiers in October of 2000.

These attacks are an attempt by Hezbollah to open a second front, so to speak, after the kidnappings in Gaza and their attack on Israel's sovereignty. Hezbollah's actions require Israel to defend itself, and Israel's actions to take out terrorist camps along its borders to prevent this from happening again are warranted and justified. Israel has to defend itself from these terrorist organizations that want to go back to pre-1948 before there was Israel. They don't want Israel on the map.

These countries with influence over Hezbollah must move quickly to bring the return of these soldiers.

Mr. Speaker, I condemn the acts of Hezbollah and Hamas and ask my colleagues to do so as well.

ISRAEL HAS A RIGHT TO DEFEND ITSELF

(Mr. WELDON of Florida asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, last month Israel was provoked when Hamas terrorists kidnapped Corporal Gilad Shalit, an Israeli soldier manning a check point. This was an unprovoked act of terror, an act of war against Israel by Hamas, which also controls the Palestinian Authority government.

As long as Hamas embraces terrorism and refuses to acknowledge the right of Israel to exist, terrorists will persist in the Palestinian land.

Earlier this week, Hezbollah kidnapped two Israeli soldiers in northern Israel. Israel has responded in an effort to rescue these soldiers and diminish the possibility of Hezbollah to launch missiles into Israeli population centers.

I rise to express support for our ally Israel as it deals with yet more terrorist acts. The kidnapping of the Israeli soldiers can certainly be considered a provocation of war. Unfortunately, Israel's withdrawal from the Gaza Strip has not led to a positive transformation of Palestinian politics or more security for the Israeli people.

We need to support Israel in this difficult time.

NORTH KOREA AND THE DEMOCRATS

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Mr. Speaker, while America marked the anniversary of our independence, North Korea demonstrated the danger of oppressive regimes.

International threats are often distressing, but the silver lining in there is that there is a galvanizing effect. Threats test our mettle and express not our weaknesses but our strengths as a Nation.

And make no mistake about it, this Republican majority in the House stands strongly in defending our Nation while Democrats have waged a two-decade-long campaign to undermine our national defense capabilities.

In May, just May, 117 Democrats voted to cut more than half the funding, $4.7 billion, from our missile defense program in the national defense authorization bill. In other words, the Democrats are applying their national defense strategy in Iraq to North Korea. It is called "ostrich": you stick your head in the sand and ignore the threats.

Well, at least there is consistency in their policy, Mr. Speaker. Maybe they will propose to cut and run from Alaska and Hawaii too because they could be attacked by North Korea with their missiles.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

VIOLENCE AND CORRUPTION IN IRAQI POLICE FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, for months and months we have been hearing from the Bush administration that the training of Iraqi security forces is going as planned. America will stand down just as soon as Iraq stands up, they said. A milestone which we were assured was just around the corner.

Well, now we know the truth. Not only can they not stand up; they can barely crawl. And when they do crawl, all too often they are fighting each other or U.S. troops.

The Los Angeles Times published a shocking report over the weekend about the violence and corruption that is permeating the Iraqi police. According to the Times, we are talking about "the rape of female prisoners, the release of terrorism suspects in exchange for bribes, assassinations of police officers, and participation in insurgent bombings . . .

"Officers have beaten prisoners to death. They have been involved in kidnapping rings, sold thousands of stolen and forged Iraqi passports, and passed along vital information to insurgents . . . "

In one Baghdad neighborhood known as a militia stronghold, police tortured detainees with electricity and beatings.

I hasten to add, Mr. Speaker, that the United States and its military have no moral authority to combat such gruesome tactics. Why? Because the right to torture prisoners of war, indeed, the exhortation to torture them, was the official policy of our government for several years.

Of course, the minimum requirement of a functioning society in Iraq will be some kind of trustworthy law enforcement system. But with insurgents and militia groups having infiltrated the police, Iraqi citizens have absolutely no recourse, no legitimate authority committed to their safety and their security.

Another recent article, this one from the Washington Post, tells of a Baghdad resident who dialed the Iraqi equivalent of 911 after a Shiite militia, called the Mahdi Army, firebombed a local mosque. The call went through to the ministry of interior, which is allied with the Shiia and its militias. The dispatcher told the man that he, the caller, was a terrorist, said the Mahdi Army was just doing its job, and hung up. How is that for freedom on the march?

Mr. Speaker, rather than bringing stability and rule of law to Iraq, it has turned out that we have a chaotic killing field, a hot bed of terror over there. The only law that seems to apply is the law of the jungle. The streets are controlled by thugs and murderers. The Iraqi Government is impotent at best, complicit at worst. They are in a civil war.

The least we can do is remove our soldiers from this inferno. Bringing the troops home will not be a panacea for Iraq, but it will get Americans out of harm's way while we help facilitate the long, arduous process of Iraqi reconstruction and reconciliation.

Iraq cannot be put back together again as long as we persist with a military occupation. Every day that our soldiers are there makes it harder, not easier. Every day that the occupation continues, we move further away from, not closer to, the kind of democratic society President Bush says he wants in Iraq.

Bring the troops home. It is the right thing to do for America, and it may be Iraq's only hope for peace and stability.

□ 1800

TURN OUT THE LIGHTS: THE PARTY IS OVER

The SPEAKER pro tempore (Mr. McHENRY). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Americans are fed up. They are worn out, burned out and pocketed out of taking care of illegals who come here and expect a handout and a free ride, and now Americans, they are speaking out.

Recently, taxpayers in Houston forked out over $125 million in hospital costs in just 1 year by treating more than 53,000 illegals, taking advantage of the system in our hospitals, taking advantage of Americans, and really taking advantage of legal immigrants.

Mr. Speaker, it is morally wrong for illegals to enter this country with the expectation that they will live off of others. It is morally wrong for them to expect that Americans will pay to take care of them, take care of their health costs, their education costs and their social services costs.

But now it is becoming illegal for illegals to get these services that even many Americans do not receive. Taxpayers are finding their own answers, while some Federal lawmakers in Washington remain deaf to their desire because they are too busy dueling over illegal immigration doctrines.

State leaders are stepping in across the country. Just this week in Colorado lawmakers took a cue from their citizens by cutting through the conflict and passed 11 bipartisan bills, taking a tougher stance on illegal entry.

THE PAPER AND INK USED IN THE ORIGINAL PUBLICATION MAY AFFECT THE QUALITY OF THE MICROFORM EDITION.

Just like Houston, illegals have been drawn to Colorado like moths to a flame, and like many States, Colorado has left the porch light on for them because they have bad laws that encourage illegal entry such as laws that protect employers that hire illegals, providing illegals benefits that many Americans do not receive such as unemployment, grants and even medical care.

This may explain why half of Colorado's immigrants are illegal, but those days may be over because now State legislators are aiming to flip the switch and turn out the lights and turn off the benefits that make being illegal so lucrative.

This week, they passed 11 immigration bills, including making people prove that they are legal residents of Colorado in order to receive State and Federal benefits. That is a far-reaching requirement which will require many of those 1 million people to prove that they are in the State legally to receive benefits. Without that proof, they lose the benefits that Americans have to pay for because Americans always pay, always pay for illegal entry.

Illegals will lose unemployment checks, grants to pay energy bills and even some public medical care, and even applying for these perks means a monetary punishment to illegals.

They are also now busting business owners who, until recently, have left their own porch lights on, guiding illegals their way in the name of a bigger bottom line. Those businesses who exploit illegals make a profit off of cheap labor, but Americans pick up the tab for all social services. Now, they are going to lose a grip on that filthy lucre that they have gotten.

Businesses that exploit those already living in the shadows of our society, beyond the scope of Federal work and wage regulations, it will cost those illicit businesses money in the form of fines if they do not keep records proving that they hire only legal residents.

And while many Americans do not turn out at the polls, it seems some illegals find some way to vote in this country, and now it is going to be a felony if they do so.

And while Colorado legislators have been hard at work, they are letting the voters make the really tough decisions. They are asking them in November on the ballot if they should sue the Federal Government for not enforcing Federal immigration laws. Voters will also be asked to deny tax benefits to business owners who hire illegals.

Mr. Speaker, each day my office gets inundated with calls, e-mails and faxes of people demanding their voices be heard, demanding we secure the borders, demanding that government enforce the law, and demanding that government uphold its greatest responsibility, protecting the citizens.

Mr. Speaker, the bills are mounting up. Illegals have run up their tab. Now it's time we turn out the lights because, Mr. Speaker, the party is over.

And that's just the way it is

RECENT ACTIVITIES IN THE MIDDLE EAST

Mr. RAHALL. Mr. Speaker, I rise to claim my time.

The SPEAKER pro tempore. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. RAHALL. Mr. Speaker, I do not understand the motives behind all the actors involved in recent actions in the Middle East. I do not condone kidnappings, murders, terrorist acts whether in a military zone or across borders, whether as an act of resistance or whatever the terms are that one uses.

I do feel I understand somewhat the feelings of an oppressed, occupied people who have been treated less than human and who now, through no actions or fault of their own, are being bombed back to the Stone Age.

Not only are innocent civilians losing their lives as we speak, but also vital support systems, services and infrastructure needed for day-to-day living are being bombed hourly.

Also in severe jeopardy of losing its life is the new pro-American, pro-democracy government of the land of my grandfathers, Lebanon. Only a year and a half ago, as we all will recall, the Cedar Revolution brought such new life and new hope for this country.

The Lebanese Government has little knowledge nor collusion with, nor agreement with what the military wing of Hezbollah does. They have condemned these recent actions, as I have done. Every actor in the region knows this, yet some try to convince the world otherwise for their own selfish motives, whether it is for land, for reoccupation or to send signals to other countries.

Believe it or not, certain U.S. media outlets play right into these motives by fueling these misperceptions of which others purposely strive to further.

Example. Today, at 3 o'clock, Shepard Smith on that "fair and balanced" outlet called Fox News stated, referring to the country of Lebanon, "that country known to fund Hezbollah." and again at 3:13 p.m. today, he further stated, "Lebanon continues to fire Katyusha rockets into Israel." It is time that this unfair, unbalanced, untrue and outright garbage be called to the carpet.

It is also time for all actors in the region to be called to the carpet, to step back and realize how disastrous their current paths are to their people and to the world. Hezbollah must stop tempting fate, stop shelling across the border, must release the bodies of Israeli soldiers and/or unharm those still alive and safe, as their leader claims.

Israel must stop their unmeasured response, realize they are creating more militants than they are destroying and will never destroy every one of them, and take their grievances directly to the countries involved.

It is long past time for cooler heads to prevail if peace is to ever have a chance in the Middle East

WHY IRAQ WAS A MISTAKE

Mr. JONES of North Carolina. Mr. Speaker, I would like to claim Mr. McHENRY's time.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, today at 12 o'clock in the Liberty Caucus, which is a group of about 9 or 10 of us who meet in Mr. RON PAUL's office, we had retired Lieutenant General Greg Newbold, who spoke to us; and I have met with General Newbold in my office a couple of times. I am very impressed with this gentleman and his integrity and his honesty, and I want to read just a couple of paragraphs from a Time magazine article. It is entitled, "Why Iraq Was a Mistake. A military insider sounds off against the war and the 'zealots' who pushed it."

This article is not written by a reporter for Time magazine. This article was written by Lieutenant General Greg Newbold, Retired, and I just want to read a couple of paragraphs because I think he makes such a great point. Again, this article is April 9, 2006. I met with him in my office in May of this year.

This is paragraph one of two I want to read for the RECORD.

"From 2000 until October 2002, I was a Marine Corps lieutenant general and director of operations for the Joint Chiefs of Staff. After 9/11, I was a witness and therefore a party to the action that led us to the invasion of Iraq, an unnecessary war. Inside the military family, I made no secret of my view that the zealots' rationale for war made no sense. And I think I was outspoken enough to make those senior to me uncomfortable. But I now regret that I did not more openly challenge those who were determined to invade a country whose actions were peripheral to the real threat, al Qaeda. I retired from the military 4 months before the invasion, in part because of my opposition to those who had used 9/11's tragedy to hijack our security policy. Until now, I have resisted speaking out in public. I've been silent long enough."

Mr. Speaker, I mention that, before I read the last paragraph, I had the pleasure, as I said earlier, to meet with General Newbold in May of this year. I had the pleasure of hearing him speak today, and he is a man of great integrity, like the majority of all of those in our military. He was on the inside before we went to war in Iraq. He heard the planning, was part of the planning, and as he said to us today, he said, You know, when we first had our meeting after September 11, we were told to develop a strategy for Afghanistan; and then the next time we have our meeting, we are asked, Where is the plan for Iraq?

This is, I think, such an important part that he writes:

"Members of Congress, from both parties, defaulted in fulfilling their constitutional responsibility for oversight. Many in the media saw the warning signs and heard cautionary tales before the invasion from wise observers like former Central Command Chiefs Joe Hoar and Tony Zinni, but gave insufficient weight to their views. These are the same news organizations that now downplay both the heroic and the constructive in Iraq."

Mr. Speaker, I mention this because I think we in Congress, to meet our constitutional duties, do have a responsibility for oversight. I would think and hope that my party, as well as the other party, would want to know how did we get into Iraq, was the intelligence verified time after time, time after time before we committed our troops to Iraq. I think that we should know in fairness to democracy. A democracy will not stand without truth being told.

So I hope that my side, as well as the other side, would come together and let us hold hearings. I have actually asked the chairman of Armed Services to bring in General Newbold, General Zinni and General Baptiste and bring them in to the Armed Services Committee for hearings, even if it was a classified or a closed hearing, because we in Congress, in both parties, should be asking these questions.

I will close by saying that, again, it has been a pleasure that I would have the privilege to hear General Newbold today at lunchtime. He reiterated things he had said to me back in May to about 10 of my colleagues, and I do hope that we need not to make the same mistake in future wars.

We need to make sure that the Congress is informed and informed with credible evidence from intelligence that has been verified time after time before we are asked to give the authority to the President, whether it be a Republican or a Democrat, to commit our troops to Iraq.

So, Mr. Speaker, with that, I will close as I have many times on the floor of the House. I will ask the good Lord in heaven to please bless our men and women in uniform, to please bless the families of our men and women in uniform; and I will ask God to continue to bless America

BUSH'S PLEBISCITARY PRESIDENCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Massachusetts (Mr. FRANK) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANK of Massachusetts. Mr. Speaker, to begin, I want to express my appreciation for the remarks of the gentleman from North Carolina who just spoke with regard to his call for oversight. It has been sorely lacking, and it is relevant to the point I want to make today.

Mr. Speaker, I meet, as we all do, with people in my district and people elsewhere in the country, and I have for a couple of years now been engaged in some debate with some of my liberal friends on the nature of our disagreements with this administration. And up until a few months ago, my argument was that we should focus on those policy issues where we disagreed, and there were many: the war in Iraq; an economic policy that undercuts working people, that promotes inequality; policies that weaken the environment; policies that undercut the rights of minorities.

☐ 1815

Others have said, no, we have to go beyond that. We have to indict this administration for his whole philosophy of governing and people have questioned its commitment to democracy. I continue to disagree that we should question this administration's commitment to democracy.

Some of the words that get thrown around, authoritarianism and worse should not be used lightly. This remains today, in the sixth year of the Bush Presidency, a very free country. People are free to speak out, to dissent. People are free to be critical. So while I agree that this administration believes in democracy in the broadest sense, I am now convinced that it is a very different kind of democracy than that which has prevailed for most of our history, and which I think is the preferable form.

Yes, the President agrees that the source morally or the power of the government is an election, and he believes that the President ought to be elected. I will turn a little later to questions that have been raised about the integrity of the election process. And I think enough doubt has been raised so that we need to do more to reassure people that we are committed to protecting that integrity.

But let me take the President at his word now. After the election, he said, okay I have been elected. I agree that the President honors the concept that you gain power in a democratic society by winning the election. But here is the difference.

We have historically talked about our checks, about balances, about our three branches of government. We have contrasted that to the more unitary governments in other parts of the world, even democratic ones. We have a separate legislative and a separate independent judiciary and the executive branch.

We have talked, from the beginning of this country, in the debates over ratification of the Constitution, about the benefits of checks and balances. This is an administration which considers checks and balances to be a hindrance to effective governance. This is an administration that believes that democracy consists essentially of electing a President every 4 years and subsequently entrusting to that President almost all of the important decisions.

Now, given the role of Congress, the administration, which I believe deeply holds this view, articulated most consistently and forcefully by the Vice President, they could not have succeeded in imposing it on this country and its Constitution as much as they have without the acquiescence of this Congress.

And that is why I appreciated what the previous speaker, the gentleman from North Carolina, talked about, the need for oversight. I believe we have seen an overreaching by the President. I believe we have seen a seizing of power that should not have been seized by the executive branch. But executive overreaching could not have succeeded as much as it has without congressional dereliction of duty.

I hope that some of the signs I am now seeing of resistance finally in Congress to that will take seed. But I do not see that yet. What we have is a President who won the election in 2004, was declared the winner of the election in 2000, much more dubiously. You know, in some ways President Bush was lucky that there was this flap over the votes in Florida. Because that obscured the fact that George Bush became President of the United States, after the election of 2000, trailing his major opponent by a larger popular vote than anybody in American history.

If you assume that Florida was counted 100 percent accurately, a very hard assumption to make, George Bush still fell half a million votes behind Al Gore, the fact that he was a minority President, that is with Ralph Nader drawing off 3 million, while Pat Buchanan only drew off a half a million.

But despite that, George Bush took over because of all of the attention had been on Florida. But from then on, he took the position that as President, he was, as he later articulated it, the "decider." That is not a word that you find often in American history. Yeah, the President is a very influential and very powerful person. But he is not the single decider. He is the most important in a system of multiple sources of power.

But thanks to the acquiescence of a Republican majority in this Congress, driven in part by ideological sympathy, he has been allowed to be the decider. So we have had a very different kind of American Government. We have had an American Government in which the President gets elected and exercises an extraordinary amount of power. It is democracy, but it is closer to plebiscitary democracy than it is to the traditional democracy of America.

Plebiscitary democracy, political scientists use to describe those systems wherein a leader is elected, but once elected has almost all of the power. Indeed, I believe, it certainly would seem to me the aspirations of the Vice President, that in some ways the approach of this administration to governance interestingly has more in common with that of Hugo Chavez in Venezuela than almost anybody else.

Elect the President. Let him win and then get out of his way. Now, this has become clear to me in recent months. We had a debate here a month ago on the floor of this House on the right of the President to ignore legislation passed 30 years ago, the Foreign Intelligence Surveillance Act, by which the President and Congress together set forward a method for wiretapping and eavesdropping in cases where we thought there were foreign threats to the U.S.

This is a case where the President and Congress together, in the Carter administration, explicitly adopted a scheme to listen in on people who meant us ill. It was followed by Presidents from Jimmy Carter through Ronald Reagan and George Bush and Bill Clinton. And then this President said, no, I do not like that. That is too confining, so I will ignore it. And I will instead use my power to do what I want to do and forget the requirements of the law, that is, he was doing here exactly what the law talked about doing in terms of goal, but ignored the method that the law set forward.

What Congress had decided with Presidential approval became irrelevant. Now, we debated that on the floor. And this really began to crystallize for me. And defenders of the President, opponents of our rule that said you cannot spend money to do this wiretapping in violation of the law, for the same thing the law calls for.

You know, it is one thing if the President says, well, there is no law here. I have got to do what I need to do. That is dubious and we can get to it. But where the law has been set out in a prescribed constitutional manner as to how you do something, and the President says I am not going to do it that way. I will do it my way, then you are into plebiscitary democracy. Then you are into the democracy that says no checks and balances. No, Congress, I will do what I think necessary.

Now, I wondered about the constitutional authority. And it was cited on the floor, what is called the "vesting clause" of the Constitution. And I thought, gee, that is a pretty important clause apparently; it gives him all that power. How come I do not remember it better?

So I went and relooked it up. Here is what it says "The executive power shall be vested in a President of the United States of America." That is it. That is the vesting clause. From those words the President and his defenders draw the conclusion that the President can ignore a duly enacted law of Congress if he thinks it should be done a different way.

Well, this is of course totally circular. It is a perfect tautology. It says: "The executive power should be vested in the President of the United States." It does not say what the executive powers are. It does say, yeah, the President is the boss of the Secretary of the Treasury or the Secretary of State, but it does not define executive power.

So what they have done is take a simple sentence that says the President is the boss of the executive and use that then to justify the insertion or the assertion of executive power in areas which should have been legislative or judicial. And that has been the pattern in this administration.

In 2001, I voted for a resolution, the authorization of use of force in Afghanistan. You know, when my Republican friends, and some of the other Republicans talk about how Democrats will not stand up to terrorism, I am struck by how they forget the war in Afghanistan. I voted to go to war in Afghanistan because that was the place from which Osama bin Laden attacked us.

Almost everybody, only one dissenter out of hundreds of Democrats, voted to go to war in Afghanistan. In fact, I wish we were doing a better job in Afghanistan. I wish the misguided and mistaken war in Iraq was not driving attention, taking attention away from the war in Afghanistan.

But I voted for the war in Afghanistan. I voted for the authorization to use force. It said in there, and it was unfortunately the model here where the Republicans draft up a resolution and put it through in a way that cannot be amended and only has 20 or 30 minutes to discuss on each side, it said the President may take all necessary actions in this regard.

Well, all of us who voted for it thought we were voting to authorize a war against Afghanistan if necessary to get Osama bin Laden. The Taliban was given the option of giving him up; they would not do it. We later found the President citing that as authority to order the arrest of American citizens on American soil who would then be held indefinitely in prison with no formal charges brought against them and no opportunity to defend themselves and no way to get out of prison.

That was one of the cases in Chicago where they arrested a man in Chicago, he is an American citizen, they said he was up to no good. He may well have been up to no good, although ultimately they did not even prosecute him. But they arrested him and said they had the right to just lock him up forever, an American citizen with no recourse of any kind because the President ordered it.

Well, there is a statute that says you cannot in America lock up an American without statutory justification. And people said, where is the statutory justification? And the administration said, and was maintaining it until the Supreme Court majority in the Hamdan case finally repudiated it, well, it said right there in 2001, Congress authorized the President to do whatever he had to do to deal with the situation of the attack in America. And that outrageously, illogically was cited as support for this.

But it was in defense of this notion that the President could do whatever he wants whenever he wants to. Now some have argued, well, the President can do anything unless he is explicitly told he cannot. Not in this administration. They believe the President can do anything he wants, even if he is told he can't. That has certainly been the case in national security.

It struck me when we recently dealt with the tracking of terrorist financing that the administration had done this with virtually no congressional cooperation. Now, the statute calls for them to be briefing Members of Congress. We all have seen the record of briefing.

This program started late in 2001. They briefed two people early in 2002, when the program was just starting. They briefed one person in 2003. They briefed nobody in 2004. And they briefed two people in 2005, and nobody for the first 4 months of 2006. Then they learned that the newspapers were going to print it, so after they knew it was going to become public, then they briefed 23 other people.

I was one of those offered a briefing. I turned it down because of the circumstances. They told me that they were going to tell me something that was a secret, when they told me, but was pretty soon not going to be a secret, but if they told it to me, I had to keep it a secret even if it was no longer a secret. So I said, never mind.

But I asked the Treasury Department, why are you briefing me after the fact that it was going to become public? They said, as a courtesy. Well, that sums it up. You know, the process of briefing Members of Congress is supposed to be part of the constitutional mandate for collaboration. It does not come from Miss Manners; it comes from the Constitution. It is not a courtesy; it is a requirement of collaborative government.

It is a chance to get back and forth about things. And it struck me. Congress would have clearly ratified their right to do the terrorist financing. Congress would almost certainly have given them a lot of the power they wanted with regard to the detainees in Guantanamo, perhaps more than I wanted to.

You know, we had the PATRIOT Act situation where the Judiciary Committee on which I then sat unanimously adopted a very reasonable, balanced bill which gave law enforcement full powers, expanded powers in the nature of what you needed to fight terrorism, but had some safeguards against abuse.

And that bill, having unanimously passed the Committee on the Judiciary, was reported by the Rules Committee. And the Attorney General, acting for the President, said, no, we do not like that bill. Here is a new one. And a new bill was written overnight and debated on the floor of the House with no ability to amend it.

☐ 1830

So I didn't like that and voted against it. It showed that Congress was ready to do what the administration wanted. But even knowing that it could probably get from this rather supine Congress whatever they wanted, they haven't wanted Congress to do it.

It strikes me as to why: They don't want Congress to agree on their ability to detain people at Guantanamo or track terrorist financing or do a lot of other things, because accepting the right of Congress to agree with them implies that at some future date Congress might disagree. And the theory of plebiscitary democracy has no room for congressional disagreement once the President has made his decision. So we have a situation of unilateralism and a refusal even to take Congress in when Congress wants to be a willing partner.

Now, there are a couple of problems with that. First of all, I voted for the balanced PATRIOT Act. I believe that the law enforcement people are the good guys and women. I believe that we need to give them new powers when we are dealing with murderous fanatics who are ready to kill themselves. Our basic law enforcement theory of deterrence doesn't work against people who are ready to commit suicide, although that didn't stop us from authorizing the death penalty for suicide bombers a few years ago.

But I believe that the law enforcement people are the good guys, but I don't think they are the perfect guys. I think there were mistakes that were made by the FBI in Boston, outrageous mistakes. I think of Mayfield in Oregon, Captain Yee at Guantanamo, Wen Ho Lee under the Clinton administration, a number of cases in Guantanamo of innocent people captured on the battlefield in Afghanistan because of the fog of war.

People make mistakes. What we should be doing is giving law enforcement full power, but also having some checks so that people who are unfairly accused can defend themselves and prove their innocence. Our problem is that when the administration does these things unilaterally, we have no way to know whether or not those safeguards are there. When the administration asserts the right to arrest American citizens on American soil, which happened, this is not a hypothetical, and lock that man up forever, fortunately the Supreme Court said, "no," you can't do this, this is America. But when they assert that, the problem is not that they are being tough on terrorists, it is that they are being tough on an individual who chooses terrorism who has no conceivable way to defend themselves to say that there might have been a mistake.

Shutting out the Congress means that you think you are perfect, that you think you can do these things, that you can exercise these extraordinary powers and you don't need anybody to say, wait a minute, maybe you should do it this way or that way.

And, by the way, I do not think the argument is, well, we can't trust the Congress. I am not familiar with any pattern of Members of Congress divulging information or leaking. Frankly, the great majority of leaks I have seen in the 26 years I have been here have come from the executive branch, not from the Congress. They were leaks because of some policy dispute and somebody wants to leverage somebody else, and that includes leaks from the Bush administration when they thought it would help them make the case with Iraq, like Douglas Feith and others.

But the problem of shutting Congress out is that you don't get that input that allows you to exercise powers in a reasonable way, but helps you with safeguards.

In fact, what happens is this. You have things which are not, in themselves, controversial like tracking terrorist financing. Of course we should be doing that Or surveilling foreign terrorists or wire tapping, of course, with the right reasons, you should do that. But when the administration does them unilaterally and refuses to allow Congress in and refuses to follow some of the rules that Congress has set down, they take noncontroversial things or less controversial things and make them controversial. That is when things become politicized. The debate over the terrorist financing tracking is not over the substance of that program, but over the secretive and unilateral and arrogant way in which the administration decided to do it and shut out any chance for Congress to participate.

So that is the problem with the plebiscitary approach. Yes, you elect a President and he is supposed to take the lead, but we don't elect perfect Presidents. You elect people who are important. And then we also have a Congress and a court that are supposed to be involved as well; and this administration has time and again refused to do that.

Now, it has been especially the case in areas of national security where, with ignoring the Foreign Intelligence Surveillance Act, or not briefing anybody seriously over terrorist financing, or taking the authorization of the use of force in Afghanistan and bending it way out of shape to make it a universal mandate to do things that no one thought it was supposed to be used for. Or arresting American citizens and holding them forever, arguing that you could do that without any court ever being involved. Having no process by which people innocently caught up in the fog of war in Afghanistan could say, wait a minute, I am not a terrorist. I am just some poor guy wandering around here. But they have also done it domestically.

One of the things this administration has used more than every other administration in history is the right, when signing a bill, a right that they claim to sign a bill, the Constitution says Congress passes a bill, the President can either veto it or sign it. And they say, okay, here is the deal, we will sign it, but when we sign it, we will say that we are really signing these parts and not the other parts, because we consider some of it unconstitutional, so we will ignore it. That is a wholly unconstitutional approach.

The President has a right to say, this is unconstitutional, I don't like it. His job then is to veto the bill. But what he does is he picks and chooses; he thinks the legislation is a supermarket. He walks in, he takes some from here, some from there, he discards what he doesn't like. That is not appropriate.

That is in the domestic area. The signing statements are an assertion of the plebiscitary power in the domestic area that we have seen in the international area, the right of the President to do whatever he wants, to take laws that Congress passed and pay attention to parts of them and not other parts.

There are other examples of this. The Constitution does give the President the right to make recess appointments, but this President has abused that. They are to be used, it seems to me, in unusual circumstances. This President has regularly appointed people to office and to high court seats who couldn't have won confirmation in Senates controlled by his own party. The pattern of recess appointments is a very, very serious one.

You also see it with regard to the people he appoints, because what they have argued is not just that Congress shouldn't be that powerful, but it is the unitary theory of the President. I was frankly surprised when I first came across the unitary theory of the President. I had not been aware of the schizophrenic theory of the Presidency or the notion of the twin Presidencies. But what we have seen in this administration, frankly, is a downgrading of public officials other than the President.

You know, one of the great positions in American history has been Secretary of the Treasury. Very distinguished, important people have been Secretary of the Treasury. It has been a very important part of a system in which various segments in this society participate in discussions. James Baker and Robin Rubin recently, George Schultz, a large body of very impressive Secretaries of the Treasury. Under this Presidency, we have a new one coming in, we can't judge him, but two very distinguished men, John Snow and Paul O'Neill were appointed Secretary of the Treasury, and ignored, belittled by the President's staff.

What we have again is the assertion that a President gets elected and essentially is the decider in ways that really go contrary to the notion of participation by other segments.

Yes, it is true you win an election and you gain some power. This is a very big, very complex country. It really is not a good idea for one individual, even one who was legitimately elected in an election in which there was no contest, and we certainly didn't have that in 2000, to be the decider, to diminish input from others.

Now, again, I have to reiterate that this could not have happened without the collaboration of a supine Congress. Never in American history has Congress been so willing to give away its constitutional function. I know people have said, well, what do you expect, it is a Republican President and a Republican Congress. That is what happens. No, the history of the United States is that even when the same party controlled the Presidency and the Congress, Congress did oversight.

Harry Truman, and people said, well, it is a war, what do you expect? Harry Truman became a national figure when he chaired a Senate committee in a Senate in which the Democrats were a majority, supervising closely the conduct of World War II by the Departments of War and Navy under Franklin Roosevelt. Can you imagine what a Halliburton would have been subjected to in World War II given that Harry Truman was there?

And efforts by this Congress, by my colleague from Massachusetts, Mr. TIERNEY, to institute such a committee, the efforts of our colleague from California, Mr. WAXMAN, to do oversight, they have been rejected by this Congress. So this Congress has not done oversight.

Let's take a more recent example. When Bill Clinton was President for the first 2 years and the Democrats were in the majority, we had a very tough, emotionally searing hearing doing oversight on Waco. We had a hearing in the Banking Committee on Whitewater. Republicans thought it wasn't sufficiently condemnatory, but they got a chance to present witnesses; we had the hearing. It is only with the exception of President Bush and this Republican Congress that we have seen a collapse of the oversight function because members of the Republican Party belonging essentially to the same very conservative ideological faction that now controls the Republican Party as the President, has decided that partisan solidarity, and ideological solidarity even more, trump constitutional obligations.

So we have seen no oversight. That has played into the hands of the plebiscitary Presidency, into the hands of a President who is allowed more power than is healthy for a society.

And I reiterate, I am not charging authoritarianism. It still is a free country, and I encourage people to use that freedom and to be critical and to organize. But we are still talking about a very, very different mode of governance, the mode of governance in which, instead of the checks and balances and the collaboration and the input of a lot of people, you get one man making the decisions.

Now, I understand that democracy can be messy and it is not always neat, but we have not before this had an executive branch that considered it to be more of a nuisance than anything else. I believe that that is the attitude of the Vice President, and he has a major influence on the President, and they really regard things like checks and balances and judicial review and the role of the media as interference with their ability to govern.

Now, we do face a terrorist enemy. And if in fact these things detracted from our ability to defend ourselves, we would have a real dilemma, but they don't. The argument that democracy, that collaboration with the Congress, that judicial review, that an independent media, that these somehow detract from our ability to defend ourselves is not only morally flawed, it is factually wrong. This Congress would be very willing to participate with the President. And I think if a collaborative process in which thoughtful and well-informed Members of Congress who have gotten expertise in this and that area were able to meet in a collaborative way with members of the administration, the result would be to strengthen what we do. Instead, what we have is controversy after controversy after controversy because this administration does not learn, and they continue to follow the pattern of we will do it unilaterally, we do it without anybody else, we will do whatever we want. And it fails.

I talked before, and I just want to elaborate the constitutional point about the President ignoring the Foreign Intelligence Surveillance Act. My colleagues, when they defend the President, cite certain Supreme Court decisions. They never cite Youngstown Sheet and Tube against Sawyer, the steel case. In that case, the Court made a very important point, which is that there are sort of three situations in which you can talk about Presidential power. You can talk about cases where the President and Congress act together, and there the court said, you know what, that is when America is at its strongest.

That is the point I want to make. Constitutionally, our ability as a government to assert our power, to protect ourselves, to mobilize our resources is strongest when the President and Congress work together. It is strongest constitutionally and it is strongest politically and in every other way.

Then, the Court said there is the area where Congress hasn't said anything. Well, maybe the President can do it, maybe he can't. But the Court also said, but you know, and when Congress has said, do it this way, the President has no right to ignore it. Well, that is of course what they did in FISA.

Now, people have legitimately said to me, well, if that is the case, if they are violating some constitutional principles, why aren't they stopped? Because of the nature of our judicial system, it is very hard to bring a case before the U.S. Supreme Court. You have to have what is called standing; there has to be a specific controversy that affects you in a very particular way. This administration has exploited that. They abuse power in ways that they know cannot be brought before the courts. When they are brought before the courts from time to time, they lose, and they have lost most of the decisions before the U.S. Supreme Court about their exertion of extraordinary power. The problem is that they are able to exert that power and get away with it in some cases.

There is only one way for sure that an administration can be restrained from ignoring constitutional limitations and have that brought to court. That is if this Congress passes an appropriations amendment which says none of the money being voted here can be used for this or that or the other. That is the only way Congress can restrain a President from sending troops into battle, which was done in Nicaragua, although somewhat ignored by Reagan, but essentially it was obeyed. And, Angola and Vietnam. Only if this Congress says none of the funds appropriated herein shall be used for X will the Court enforce that. And we came close a little while ago where a majority on our side and a few on the other side said, no, let's tell them they can't ignore the FISA. But a majority of the House, overwhelmingly Republican, wouldn't go along. That is where the congressional dereliction of duty comes in.

☐ 1845

Presidents can get away with this assertion of extraconstitutional authority. Congress doesn't have to give them the authority, all it has to do is not stop them. That is what we have done. And that is a terrible mistake, whether it is domestic or international.

And I want to repeat, with regard to national security, the problem is in many cases not what the administration has done, but the way in which they have done it.

Yes, this is a Congress overwhelmingly ready to give them the power to combat terrorism. We, almost all of us, understood after September 11 of 2001 that we needed a new law enforcement mode in which we got more aggressive, that simply deterring people by the threat of punishment doesn't work in an era of suicidal fanatics. But this administration saw this as a chance to vindicate this theory, I think, of plebiscitary democracy that says that democracy means, you elect me and then you get out of my way; and checks and balances and congressional oversight and media scrutiny, these are all interferences. And, again, there is no basis for arguing that these will stop us from going forward.

One of the arguments we got was, we can't use the court system. We have bad people here, and if we go to the court system, it won't work. Well, it has worked. John Walker Lynn was convicted. Richard Reid, the shoe bomber, was convicted. Moussawi was convicted.

The courts have been unfairly maligned by this administration. We have been able to convict people. Given the record of the courts, there is no justification to asserting your right to lock up an American citizen whenever you want to on your say-so and have no judicial process available to that individual whatsoever. Again, thanks to an 8-1 Supreme Court decision, that is no longer the case, but that was part of the assertion. That is part of the power that they are asserting.

So whether it is signing statements or misuse of the authorization of use of force in Afghanistan, or refusal to talk to Members of Congress on things, or exploiting the fact that it is very hard to get judicial decisions, all of these things come together in a pattern. That is why I say, I acknowledge now that when I told friends over these past couple of years that we should just go policy issue by policy issue and not talk about the overall framework of governance, I was wrong.

It is now clear to me there is a pattern to this administration's actions, and it is one that rejects not democracy, but the democracy of checks and balances and participation and cooperation and collaboration that we have long known; and it substitutes the democracy of the plebiscite, the democracy of the strong man who gets elected and is then allowed to go forward without interference. And I think that is wrong both from a philosophical standpoint and also from a practical standpoint.

I think the insistence of this administration to doing it by themselves and by rejecting efforts to draw in other sectors of this society weakens America and doesn't strengthen it, that it makes things look more controversial than they need to be.

Now, there have recently been some stirrings here. I was very struck when we had a hearing of the Financial Services Committee, the Subcommittee on Oversight, of the strong and articulate voice of the chair of that subcommittee, the gentlewoman from New York (Mrs. KELLY), who objected to the unilateralism of it. There were some other showings in the Senate. Some Senators have said, no, you can't just ignore what the Supreme Court did and you can't just put a little lipstick on this and forget about it.

I wish the administration would understand that what we are talking about is strengthening America, not weakening it; that the democracy we have had, the checks and balances, they weren't suspended during World War II. People made mistakes during World War II, the relocation of the Japanese and others. Yes, those were terrible mistakes, but you had the Truman Committee and you had a very active Congress.

We have not in any previous emergency felt the need to go from the America of our Constitution to a model of a strong man elected and all power ceded to him. And I hope, though I doubt very much this administration plans to change its approach to this, but I hope that what we are seeing now is a willingness on the part of the Congress to assert the constitutional role of the Congress; not to be obstructionist, certainly not for partisanship because the Republicans control both Houses, but in recognition that an America which functions as it was intended to function, in a way in which the branches cooperate and correct each other and improve each other and work together, we are of a common goal, certainly in the area of national security.

We believe, many of us, that a process in which we work together will yield a better result; that a process which assumes that law enforcement is perfect and therefore can operate in secrecy, without any kind of input, that that will do more harm than good compared to what the alternative would be. Not more harm than good overall, but less good than you could otherwise do.

I believe there is a very strong majority in this Congress prepared to work with this administration in ways that preserve the need for discretion and in which the expertise collectively in this body on a number of issues can help us go forward with the measures we need to protect ourselves and, at the same time, preserve our liberties. And if this administration continues the pattern of these past years, it will damage our ability to come together and make this effort, and I think, over the long term, diminish the nature of our democracy, because the democracy of the plebiscite meets minimal democratic standards, but it does not represent the full richness of a democracy in which all can participate.

Now, my last point is this. Especially for this administration, with its focus on the election of the strong man, there needs to be better recognition of the widespread unhappiness about the electoral process. The election of 2000 clearly was a shambles.

Go back to the mob in Florida. You know, we have the man who has been declared to be ahead in Mexico, Calderon, predicting that Obrador, who is challenging the result, will muster a mob and they will march. Well, he might have been describing the Republicans in Florida in 2000, when a mob intimidated people against counting the votes.

And we had a Supreme Court opinion which did not meet the minimum standards, it seems to me, of legitimacy when they said, okay, the Republicans win this one, but please don't pay any attention to this in future races.

Given this administration's view that elections are all you need, it is all the more important for them to understand that we need to reassure the country that elections are fully, fairly conducted. I do not understand why people confident of their mandate, confident of their ability to win would object to some of the things that have been put forward to reassure people that the votes are counted as they are cast.

The worst you could say about that is that it would be a little unnecessary. An administration that spends money the way this one does can't really think that is a financial problem. And we have had examples of votes miscounted. We understand the vulnerability of machines to tinkering. There is no justification for continuing to fail to adopt safeguards for the counting of votes that will reassure people.

Mr. Speaker, the democracy we have had, the checks and balances, the back and forth, Congress being an interference from the standpoint of the executive, in some cases, strong-minded executives, clashing with the President, maybe being fired trying to get support in Congress, a very assertive media, we have had those for a long time, and we are the strongest country in the world. It is very hard to argue from history that these factors weaken us.

What we have is an administration that is radically trying to change the nature of our democracy. They want to simplify it, they want to neaten it. Democracy is not good when it is neat, certainly not in a country as vast as this one. No single individual, no matter how popular, can embody all of the wisdom and all of the values of the country.

The democracy we have evolved of full participation isn't always convenient for those of us in power, it isn't always as quick as people would like, but it has proven over time to be effective, and it could be not only effective today, but even more effective in our collective self-defense than the current model, which produces controversy where none is called for and division where we could have unity.

I am not optimistic that we will change the approach of this administration. But I do hope, Mr. Speaker, that our colleagues in this Congress will continue what I think are stirrings of change and reassert our historic role and restore the kind of messy and inconvenient and much better and more inclusive democracy that has been our country's legacy.

STEM CELL RESEARCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Florida. Mr. Speaker, I rise on the floor to address an issue that will be in the news a great deal next week. The Congress of the United States has debated on and off for quite a few years the issues surrounding new breakthroughs in cellular treatments for a variety of clinical diseases, and specifically what I am talking about here are stem cell therapies.

The debate that the Congress has been engaged in for some time now is the issue of whether adult stem cells, stem cells taken from my body, or any adult's body, or even a child's body, because they are considered adult stem cells, can more successfully be used to treat a variety of different clinical conditions; or whether cord blood, which is blood from the umbilical cord, or actually you can get stem cells from the placenta, from the cord itself; or whether this notion that has been put forward for quite some time now, that the stem cells taken from an embryo is actually the best hope for the future for treating a whole variety of different diseases, diseases that we today have no treatments for.

I have taken a keen interest in this issue for some time now for a variety of reasons, the first of which being I am a physician. I still see patients about once a month in the veterans clinic in my congressional district. I practiced medicine for 15 years, internal medicine, prior to my election in 1994. I spent many years treating diseases like Parkinson's disease and arthritis and Alzheimer's disease, diseases that we don't have cures for that people often cite as being potentially more successfully treated with embryonic stem cells.

Additionally, I have to say some of these diseases have affected my family. My own father died of complications of diabetes, and an uncle that I was very close to as a small child died of complications of Parkinson's disease. So I consider these arguments very, very personally. I consider them professionally, and I look at the science. I look very, very closely at the science.

Indeed, I think the science overwhelmingly, if you just pause for a minute and look at the data, clearly, clearly shows that adult stem cells have great promise. Cord blood stem cells have not only great promise, but they are actually being used today. We have cured people with sickle cell anemia, something I would have never thought in my lifetime I would be able to stand up and say that we are curing sickle cell anemia. Cord blood.

Embryonic stem cells, on the other hand, not only have never been successfully used to treat any human condition whatsoever, they have not really been shown to be safe and effective, even in an animal model. Therefore, I find it bizarre and unusual that Members of the Congress would say straight-faced, incredibly, that the embryonic stem cells have more promise and the adult stem cells don't. The data actually suggests the absolute opposite.

And, as I said, the embryonic stem cells actually are very problematic and they have never been proven to be safe. They tend to form tumors, and we don't even have an animal model yet.

□ 1900

Indeed, this issue has become so bizarre it has actually become a campaign issue. I thought it would be good to have a debate and not just have me get up and do a monologue and show slides, but to have some of the Democrat proponents of embryonic stem cell research come to the floor and discuss this issue with me.

One of the big advocates for it is the gentlewoman from Colorado. I asked her to debate me, and she declined. I asked the chairman of the DCCC, Mr. EMANUEL, if he would be willing to come and debate me. He told me he was too busy. I can understand why these people don't want to debate. If you actually look at the science, look at the data, their arguments just don't hold up. There is no "there" there.

I would like to just cover perhaps some of the arguments that we would be getting into if they were here. One of them obviously, and I want to do some separating myths from facts, and one of them which we saw a lot of in the past, and you don't see this argument as much but it is still out there, that is the argument that embryonic stem cell research is not allowed or that it is illegal.

In point of fact, it is allowed in the United States. It is not illegal. The argument is should it be funded by the Federal Government.

About a year ago, we took up H.R. 810, a bill that allows U.S. taxpayer dollars to be used for the destruction of human embryos in pursuing embryonic stem cell therapy. I must digress to explain how we got to where we are today. This began back I think it was 1996 when we passed an amendment in the Labor Health and Human Services Appropriations bill, and this was signed by President Clinton, stating that no U.S. taxpayer dollars would be used for any research involving the destruction of a human embryo. We never made it illegal.

The advocates for H.R. 810 in their bill basically say we will now use taxpayer dollars for research that does involve the destruction of a human embryo, essentially overriding the provision that has been in law for some 10 years. And they contend that we need to do this because of the great promise.

I just want to point out that we are already funding embryonic stem cell research, because what happened in the 1990s after President Clinton signed the bill that had the prohibition in it against destructive embryonic research, researchers began to destroy the embryos in outside labs and then send the embryonic stem cells to the NIH, and it was a violation of the spirit of the law if not the legal letter of the law.

One of the things that President Bush did immediately upon coming to office is he reviewed this policy, and he said we are not going to do this any more because clearly in the statute we are not supposed to be funding research that involves the destruction of human embryos. But they had already destroyed some 72 human embryos, and they had 72 cell lines. President Bush said we will allow funding for this research using these existing cell lines because the embryos are already destroyed, but we will not permit the destruction of any more embryos.

Well, H.R. 810, which passed the House of Representatives a year or 9 months ago, would allow Federal funds to be used for the destruction of more embryos to get more of these embryonic stem cell lines. I worked against that bill. I thought that was the wrong thing for us to do based on the simple fact that embryonic stem cells is a bad investment for the taxpayer, and I think it is morally and ethically wrong. But nonetheless on that vote in this body the "noes" did not prevail;

the "ayes" prevailed and we passed it out of the House, and it has been waiting in the Senate.

One of the big reasons I am here tonight is the Senate has finally agreed to take that piece of legislation up. But many of the Members of the Senate who feel the way that I do, that the destruction of human embryos is not something that we should be funding with taxpayer dollars, have proposed a plan to move three bills.

One of the bills is H.R. 810, the Castle-DeGette bill that allows funding for creation of more cell lines using embryonic stem cells. And then there is a second bill which is very exciting that calls for more funding for more research for methods of getting embryonic stem cells without destroying an embryo. Science is moving along so rapidly there is a way to do that.

And a third piece of legislation which is a piece of legislation barring a practice called fetal farming. I have been saying on the floor of this Chamber for years that embryonic stem cell research will not be where they will want to end. These researchers will then want to do something called fetal farming where they start doing research using human fetuses. That is the direction they will go in. They will make the same kinds of arguments that they have made with embryonic stem cell research that they are going to cure this and they are going to cure that, and that is the direction that they are going to go in.

The Senate is going to take up a bill, and I have introduced a bill in the House. They may pass all three of these bills, and we may then take up the ban on fetal farming legislation, my piece of legislation, and a piece of legislation introduced by ROSCOE BARTLETT in the House, the so-called alternatives bill, ways to get embryonic stem cells without destroying human embryos.

I want to say a little bit more about the Bush policy. There were 78 cell lines over at NIH when President Bush came into office. The advocates for H.R. 810 are saying that we need more cell lines; but point of fact, they have only had to use 22 of those.

I also want to point out that there is no bar on private funding for this embryonic stem cell research. Indeed, there are private dollars being used. But what is interesting, the State of California recently had a ballot referendum approving $3 billion worth of research over 10 years on stem cells. So their entire State annual budget will probably exceed what the NIH spends on adult stem cells and embryonic stem cells combined.

And there is research going on in New Jersey and at Harvard, so claims that this Federal ban, so-called Federal ban, and there isn't a ban, we are actually funding it using the cell lines that existed, it is just not true. There is lots of research going on. There is research in California, research in other States, research at private institutions, and there is embryonic stem cell research being funded by the NIH.

What is not being allowed is we are not continuing to use taxpayer dollars for this research because there is an ethical and moral dilemma here. You are destroying a human embryo. Indeed, the NIH last year spent an estimated $40 million on embryonic stem cell research.

Now I want to get a little more into some of the myths and the bogus statements.

One myth is that it is estimated that there are currently about 400,000 frozen IVF embryos which could be used in embryonic stem cell research. Well, it turns out that is not true. And this issue has actually been looked into. The RAND Corporation looked into it.

It turns out that of the 400,000 embryos stored in IVF clinics, and that's the source here, the Castle-DeGette bill, H.R. 810, calls for using the so-called excess embryos at the fertility clinics. When a couple goes in and they want to have a baby and they go to one of these fertility clinics to use in vitro fertilization, there are often embryos left over. But it turns out that 88.2 percent of the embryos in those clinics are actually wanted by the couples to do future pregnancies. So you don't have 400,000 embryos available.

It also turns out that when you thaw out the embryos, there is a certain mortality. They don't all survive thawing. And at best, it is estimated that 2.8 percent of these, and all of this has been published and I have the publication with me right here, this was published in the Journal of Fertility and Sterility and I can make it available to any Member of the House or Senate who believes there are 400,000 embryos available for research. It is just not true. It turns out there is only a fraction of that number, and at most you would be able to get about 280 more cell lines from using the so-called leftover embryos from the fertility clinics.

Like I said, there are still plenty more cell lines at NIH. This is an unnecessary piece of legislation, and I believe it is unethical.

Another point I want to address is that it has been claimed that the cell lines at the NIH are contaminated by mouse feeder cells. You cannot grow these embryonic stem cells on their own. You have to have a layer of mouse cells growing on a plate, and then you put the embryonic cells in there, and that there is genetic contamination.

And I have the papers with me here. It turns out you can remove all of that so-called contamination and it is really not a problem.

Another point I want to get into is a point which has been made, and maybe I can get some assistance on the next poster here. Thank you.

I have already covered this. This was mentioned by a Member of the other body, that all of these approved lines are now contaminated with mouse feeder cells. I have the publication here. It was published in Nature and Biotechnology. Most embryonic stem cell researchers around the world are using NIH-approved stem cell lines, and they are able to get the mouse feeder cells out of it.

May I have the next poster, please.

This is an important point. It is another point which has been claimed, and that is supposedly because of the so-called Bush ban, and that is the term you often hear them use, the Bush ban, and again there is no Bush ban. Under the Bush policy, there is a ban on killing more embryos, but there is not a ban on embryonic stem cell research, and that we are supposedly falling behind, the United States is no longer the world leader in embryonic stem cell research.

Here again I think the best thing to do is to look at science publications. I have done that. This is a fascinating piece of information. Actually, it really amazed me.

Mr. Speaker, 85 percent of the embryonic stem cell research being done in the world today is using the cells at the NIH, the Bush-approved cell lines, that were derived from embryos that were killed under the Clinton administration. So this claim that, oh, we must have more embryos, we must get these embryos from the fertility clinics, we must extract embryos stem cells from them because the cures are around the corner and we are falling behind, we see that claim, evidence that the United States is no longer the world leader in embryonic stem cell research is mounting. It is just not true.

According to Nature and Biotechnology, in 2006 the U.S. is the world's leader in the number of published stem cell articles generally, and human embryonic stem cell articles specifically. The United States is the world leader.

From 1998 to 2004, the U.S. alone published 46 percent of all papers worldwide on human embryonic stem cells.

□ 1915

In the period from 2002 to 2004, the U.S. increased the number of human embryonic stem cell publications by 700 percent, using the embryonic stem cell lines approved by the Bush policy. So, clearly, that statement that the U.S. is falling behind because of the Bush policy, there is no basis in science, there is no basis in fact to substantiate that.

Now, let me go to the next slide. And this is a very, very interesting point that you often hear made, that adult stem cells have been around for years, and they have an advantage in that the research has been going on for some time. And it is true that adult stem cell transplants have been done for over 20 years, I think over 25 years in humans, and the claim is made that the embryonic stem cells were just discovered in 1998 at the University of Wisconsin. Jamie Thompson discovered them, a researcher, and he didn't really discover them. Everybody knew they were there. What he was able to do was successfully extract them and grow them in a dish.

But it turns out, and here again, this was published in a scientific journal, embryonic stem cells, animal embryonic stem cells have been used for 25 years, 25 years, embryonic stem cells research in animals. And the most interesting thing about this is that they have never been shown in that 25-year period to be safe and effective in the treatment in animals. What is lacking in this whole debate is an animal model. You cannot take a diabetic rat or a diabetic mouse and do an embryonic stem cell transplant and cure that animal of its diabetes. Twenty-five years.

And the other critical thing is, embryonic stem cells form tumors. And actually it is interesting to note, that is one of the ways scientists demonstrate or validate that they actually have embryonic stem cells. They will take the embryonic stem cells, or what they think is an embryonic stem cell line that they have extracted from an embryo, an animal embryo, and they will inject it into the animal. They will inject it in the mouse, and if it forms a tumor, it is a certain kind of tumor called a teratoma, then they know it is an embryonic stem cell. And before you can ever use something like that in a human you have to turn off that ability to form a tumor to show that it is safe, and it has never been done. They have never demonstrated, in 25 years, that they can cure an animal of a disease and show that it can be done safely.

Now, might I digress for a minute, just to say that adult stem cells have been shown to be safe? Adult stem cells have been shown to treat a whole host of conditions. Indeed, I have had people come to my office who have gotten cord blood transplants, who have gotten adult stem cell transplants and have been cured of diseases. I mentioned sickle cell anemia earlier. I had a young lady who had paralysis, and with adult stem cell therapy, she can't walk, but she is able to stand up. She came in my office. I have a picture of her doing that. That kind of research has been published. And so it is just fascinating when you actually start looking at the science here.

And now, I want to get into the issue of where is the American public on this issue, and maybe we can get the next one up there. One of the things that is often claimed by the advocates for H.R. 810, the Castle-DeGette language, is the American people really want this.

Now, one of the advocates on the Republican side of the aisle that has been advocating for an overturning of the Bush policy and more funding, that involves destroying human embryos, because they know that we are already funding embryonic stem cell research.

The Winston Group did a poll, and it showed, supposedly, and this is the myth, that Republican voters support expanding embryonic stem cell research by a margin of 55–38. And that was published by the Main Street Partnership, which is a Republican group that has been advocating, they have been involved in the efforts to pass the Castle-DeGette legislation.

It turned out that in that same poll, they then asked those Republican voters, if they knew that it involved the destruction of an embryo, what would happen? And 64 percent said they were less favorable. In other words, you went from a 55–38 in favor of it, and when you revealed to them that this research involves, essentially, the killing of a human embryo, 64 percent changed their mind. They changed their position.

Another myth. Every poll shows the dominant majority of Americans support embryonic stem cell research. Facts are stubborn things. Congress is considering the question of Federal funding of experiments using stem cells from human embryos. The live embryo would be destroyed in the first week of development to obtain these cells.

Do you support or oppose using your Federal tax dollars for such experiments? That is the right question you have got to ask the American people. Well, here are the numbers. When you ask them the right question, 38.6 percent say they support that; 47.8 percent say they oppose it.

Now, granted this is not a majority. But this is certainly not a majority. It is a fallacy to say that a majority of Americans support funding research involving the destruction of human embryos. It is just not true.

One of the other myths that you often hear is that therapies are around the corner. I alluded to this earlier. Before you can say human embryonic stem cell therapy is around the corner, somebody has to develop an animal model that shows that it works and it is safe before you could try it in a human, and they have yet to do that. They have just been unable to do that.

The other thing I want to get at is another myth, stem cell research, whether it is done with embryonic stem cells or adult stem cells, needs cloning research to make it work. And that was said in a debate in previous years by a former Member of the Congress who now heads the Biotechnology Industry Organization, or BIO, as they call it.

I think Congressman GREENWOOD, at the time, was partially right. Embryonic stem cell proponents will need to clone, if they ever have a hope of using embryonic stem cells for human therapies. And the reason for that is to get over the issue of tissue rejection. You can't take an embryo from a fertility clinic and extract stem cells from it and give it to somebody else who is sick. They will reject the tissue, whereas with adult stem cells where you take it from the patient, you take nasal cells or you take bone marrow cells, you convert those in the tissue that you need and you put them back in the patient, there is no issue of tissue rejection.

And so the only way that embryonic stem cell research would ever work, and so he was partially correct in what he said, is that you would have to do cloning. And that is where these two issues come together.

A lot of people will ask me the question, what is the relationship between cloning and embryonic stem cell research? It is a very simple one. Adult stem cells work because there are no, well, they work, first of all. Embryonic stem cells have never been shown to work. But adult stem cells can work because there are no issues of tissue rejection.

But when you talk about using embryonic stem cells from a fertility clinic, it is somebody else's cells. You are going to reject those tissues. You are going to have to take immunosuppressive drugs your entire lifetim unless, of course, you made a clone of that person, and then the belief is that you would not get tissue rejection. Actually, scientific research suggests that you would still, nonetheless, get tissue rejection.

Well, here, I think, is a poster that basically says it all. Adult stem cell research, well, this is from a year ago actually on the top here. They had 58 different diseases, human diseases. These are sick people. I am not talking about treating rats or mice, monkeys. I am talking about human beings. A year ago we had 58 published in the scientific literature, different clinical conditions treated successfully.

Now, they are not all cures. There is a guy who was treated with an adult stem cell transplant for Parkinson's disease. He still has a little bit of Parkinson's disease. But he is off of most of his medicines, he is able to walk, talk, feed himself much better. He is 80 percent better.

And so I want to be honest. They are not all 100 percent cures, but 58, successful therapies; zero with embryonic stem cells. That was May of 2005. May of 2006, 72, so in 1 year's time, it is almost one, a little more than one a month I see, I look at these studies, I comb the research literature. It is a little more than one a month new clinical diseases successfully treated with adult stem cells and cord blood stem cells. And, of course, embryonic stem cells, still no therapies. Amazing.

And what is really interesting behind this figure, it is not 72 people. It is thousands of people that have been treated. There are some of these treatments that are being used constantly, and yet we don't have a single one using embryonic stem cells.

And this is the part that I don't understand about the debates here in this Congress. As I said, I am a doctor, and when I see these kinds of, you know, a lot of times we debate reality here. We debated a few weeks ago whether we should pull out of Iraq. I mean, that is a real honest debate. The soldiers are there. The war is going on. Are we going to pull out or whether we are going to stay.

But to debate that we need to fund more of this research claiming that we don't fund it, when, in reality we fund it, and to claim that it is more promising when there is absolutely no evidence of that, the opposite is the case. The adult stem cells, the cord blood stem cells; and those don't involve destroying human embryos, and Americans are just not comfortable with that.

Now, I said earlier in my introduction that there will be three bills taken up over in the Senate. One of them is this Castle-DeGette bill, which will allow the creation of more cell lines, destroying more human embryos, even though we don't need more cell lines, even though we are leading the world in research. Even though the embryonic stem cell research appears to be going nowhere, the adult and cord blood stem cell research is showing more promise, they want to kill more embryos. And that is how H.R. 810 passed this body.

It is probably going to pass the Senate. Most of the Senators, I assume, do not read the medical literature. They just accept these arguments at face value, that embryonic stem cells are more promising. So they will, the discussion is that they will approve that bill.

But they are going to take up, and I am glad the Senate is going to be doing this, two other bills. One of them is a bill, a piece of legislation involving more research on alternatives to developing embryonic stem cells. And I think this is very exciting. See, most of the people who want to do embryonic stem cell research are not clinicians like me. Not doctors. They are Ph.D researchers, bench researchers, and they want to study the science of this. They want to publish papers, that science can ultimately be used, maybe to better understand diseases.

□ 1930

I do not take that away. I think there is some validity to that argument. The reason I do not support H.R. 810, though, is because we have embryonic stem cells available through the NIH where they can fund the research. We have private entities willing to fund dollars to be used to kill, destroy more embryos so that you can get more embryonic stem cells. We just don't need to be using Federal tax dollars for this.

But what is really exciting is there is a multitude of evidence emerging that you can take adult stem cells and treat them and get them to behave like embryonic stem cells. One of the most exciting groups that has approached me about this issue is a group in California that is using testicular cells, and they appear to be able to get them to do all the things that embryonic stem cells can do. And some of this is making it to the literature, Nature Magazine, which is a scientific publication, just published last week, and the title was "A Simple Recipe Gives Adult Stem Cells Embryonic Powers. Reprogramming adult stem cells to repair damaged tissues may not be quite as tough as thought. Researchers have devised a chemical cocktail that makes adult mass cells behave like embryonic stem cells, and the recipe is surprisingly simple."

So the science is moving us in a direction where we do not need, basically, to kill human embryos to do this kind of research. We can create embryonic stem cells from testicular cells. We can create embryonic stem cells. Really using this evidence from this report in Nature, you can use adult stem cells. So very, very exciting things going on.

And I just want to point out that I am not the only person talking about this. If I can get the next slide here, this was at a hearing about 2 or 3 weeks ago in the other body. The committee chairman asked, Would you say, then, that embryonic stem cells are the best available, although all others ought to be pursued? So he was basically asking the question, we should do adult stem cell research, cord blood stem cell research, but wouldn't you say that the embryonic stem cells are the best available?

And this was a question to Dr. James Battey. He is the director of the NIH Stem Cell Task Force. So this is the man who oversees the peer review panels that look at all the applications for stem cell research, and these are the folks that approve funding, and they fund cord blood stem cell research. They fund adult stem cell research, and they are funding embryonic stem cell research and providing the cell lines, the NIH-approved cell lines, to the researchers.

And this is what he said. It is an amazing quote: "To me the very most interesting thing is this frontier area of nuclear reprogramming where you take a mature adult cell type and you effectively dedifferentiate it back to a pluripotent state."

He is saying, and this is, I think, the man who should be the most knowledgeable on this level of research throughout the world, is that you do not need embryos. You do not need to destroy embryos. You don't have to use taxpayer dollars for the destruction of human life. This is the exciting area, nuclear reprogramming, where you can take an adult stem cell and basically get it to behave like an embryonic stem cell.

Might I just say as an aside, while Dr. Battey is very excited about this and I think it is going to bear fruit and there are going to be a lot of Ph.D. theses written using these kinds of cells. I do not think they will ever be useful in any medical treatments. I may be wrong. They may prove to be very useful. And that is because the adult stem cells are proven to be very, very useful now. I mean, there are some four, five, six different clinical trials under way now, as we speak, using adult stem cells used to treat congestive heart failure, one of the most common heart conditions that we see in the United States. Thousands of people in the United States die every year from it. And I seriously question if the embryonic stem cells would ever prove to be any better than the adult stem cell therapies that are currently under way and are being used in research.

I want to talk just a little bit more before I close about this issue of fetal farming, and why did I introduce a bill to ban fetal farming; why is that going to be introduced in the Senate. And we may not actually take up my bill, though it is identical to the Senate bill. The Senate may approve the ban on fetal farming that, I think, Senator SANTORUM has introduced, the same bill.

Why do I want to go in this direction? Well, if you look at the scientific literature, it appears as though that is the direction some researchers want to go, and that is where they are not doing research involving human embryonic stem cells. They are now implanting human embryos either in an animal or in a human being and then extracting stem cells or tissue from the fetus.

And why am I concerned about this? Well, here is a study. I think this one involved cows. It was published back in 2002. They took a cow embryo. Actually, they took a cow egg and they did cloning. They created a cloned cow. They put that cow cloned into another cow, and then they extracted the cloned cow fetus from the mother cow and they got tissue out of it, and they used the tissue to do a tissue transplant.

Then there was another study, and I think this will be the last poster that I will put up, and this is another cow study where they did the same thing. They were looking to get fetal liver, and they were successful in doing that; and it was published in July of last year, where they are taking either clones or embryos that are created through sexual fertilization, and they are putting it in a cow. They are letting it develop for 6 months, and then they are taking tissue out to get stem cells.

That is the direction I feel that some researchers will want to go in, and I think that should not be allowed in humans. I think it is repugnant. It is revolting. So I have introduced legislation to ban doing that in humans. And the legislation, which is the Fetal Farming Prohibition Act of 2006, I believe, will pass the Senate. I believe it will pass the House. And, hopefully, the President will be signing it.

Hopefully, he will be signing the alternatives research bill. I think we should be putting more money into ways to develop embryonic stem cells without having to kill an embryo, and certainly that would satisfy all of these researchers who want to do this research.

The President has indicated that if the Senate passes the Castle-DeGette bill, H.R. 810, that his intention is to veto it, and I certainly support him in that. I hope he does do that because it is the wrong thing to do morally and ethically. There are millions of American taxpayers who will be seeing their tax dollars used to destroy a human embryo. I am against that. They are against that. We should let the private sector fund that. The private sector will not fund it because it is probably research that is not going to go anywhere. The President should veto it. I believe we can sustain the veto. This is the right thing to do morally. This is the right thing to do ethically. It is also the right thing to do with the taxpayer dollars.

I put the poster up earlier showing all the treatments with adult stem cells and how embryonic stem cells have never been shown to be safe and effective even in an animal model, and why should we be using taxpayer dollars to fund this research when so many people find it repugnant and, as well, it has never been demonstrated to be effective.

So this will be an issue. It will be in the news next week. The Senate will take it up first, then the House. We have already passed H.R. 810. We will pass, hopefully, the ban on fetal farming and the alternative bill, and then all three bills will go to the President. Hopefully, he will sign the alternatives research bill and the ban on fetal farming; and, hopefully, he will veto the Castle-DeGette bill. Of course, if he does that, the Senate may override his veto. I certainly hope the House sustains his veto. It is the smart thing to do and it is the right thing to do.

So with that I end my discussion on this issue, and I am looking forward to the debate next week and participating in it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. RAHALL, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, July 20.

Mr. JONES of North Carolina, for 5 minutes, July 17, 18, 19, and 20.

SENATE CONCURRENT RESOLUTIONS REFERRED

Concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 96. Concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption; to the Committee on the Judiciary.

S. Con. Res. 108. Concurrent resolution authorizing the printing of a revised edition of a pocket version of the United States Constitution, and other publications; to the Committee on House Administration.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 40. An act authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure.

ADJOURNMENT

Mr. WELDON of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, July 17, 2006, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8536. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — In the Matter of the New York Mercantile Exchange, Inc. Petition to Extend Interpretation Pursuant to Section 1a(12)(C) of the Commodity Exchange Act — received July 01, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8537. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Foreign Futures and Options Transactions — received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8538. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Commodity Pool Operator Electronic Filing of Annual Reports (RIN: 3038-AC25) received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8539. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Sweet Cherries Grown in Designated Counties in Washington; Decreased Assessment Rate [Docket No. FV06-923-2 IFR] received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8540. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Amendment to the Peanut Promotion, Research, and Information Order [Docket No. FV-05-701-FR] received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8541. A letter from the Director, Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting the Department's final rule — Standards for Approval of Warehouses for Storage of CCC Commodities (RIN: 0560-AE50) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8542. A letter from the Acting Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting the Department's final rule — Notice of Waivers for the Native American Vocational Technical Education Program (NAVTEP) and the Tribally Controlled Postsecondary Vocational and Technical Institutions Program (TCPVTIP) and Funding of Continuation Grants — received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8543. A letter from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received July 6, 2006, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Education and the Workforce.

8544. A letter from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Liability Pursuant to Section 4062(e) of ERISA (RIN: 1212-AB03) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8545. A letter from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Electronic Premium Filing (RIN: 1212-AB02) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8546. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Rate Regulation of Certain Natural Gas Storage Facilities [Docket Nos. RM05-23-000 and AD04-11-000] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8547. A letter from the Deputy Assistant Secretary for Export Administration, Departemnt of Commerce, transmitting the Department's final rule — Revised Appeal Procedure for Persons Designated as Related Persons to Denial Orders [Docket No. 060320077-6077-01] (RIN: 0694-AD60) received May 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8548. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Authorization to Appoint Any Commerce Department Employee to be Appeals Coordinator in Certain Administrative Appeals [Docket No. 060602146-6146-01] (RIN: 0694-AD78) received June 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8549. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Implementation of the Nuclear Export and Import Provisions of the Energy Policy Act of 2005 (RIN: 3150-AH88) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8550. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Training Reporting Requirements (RIN: 3206-AK46) received June 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8551. A letter from the Acting Assistant Secretary, Lands and Minerals Management, Department of the Interior, transmitting the Department's final rule — Leasing in Special Tar Sand Areas [WO-310-1310-PP-241A] (RIN: 1004-AD76) received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8552. A letter from the Acting Assistant Secretary of the Interior, Department of the Interior, transmitting the Department's final rule — Preparation for Sale [WO-270-1820-00-24 1A] (RIN: 1004-AD70) received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8553. A letter from the Director, Executive Secretariat, Department of the Interior, transmitting the Department's final rule — Making Motion Pictures, Television Productions, or Soundtracks on Certain Areas Under the Jurisdiction of the Department of the Interior (RIN: 1093-AA10) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8554. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Delisting of Agave arizonica (Arizona agave) from the Federal List of Endangered and Threatened Wildlife and Plants (RIN: 1018-AI79) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8555. A letter from the Acting Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Refuge-Specific Public Use Regulations for Kodiak National Wildlife Refuge (RIN: 1018-AU08) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8556. A letter from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting the Department's final rule — Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Speciality Occupations and as Fashion Models; Labor Attestations Regarding H-1B1 Visas (RIN: 1205-AB38) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8557. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities [Docket No. FAA-2002-11301; Amendment No. 121-324] received July 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8558. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Child Support Enforcement Program; Reasonable Quantitative Standard for Review and Adjustment of Child Support Orders (RIN: 0970-AC19) received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8559. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Bonus Depreciation Extension in Areas Affected by Hurricanes Katrina, Rita, and Wilma (Announcement 2006-29) received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8560. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2006-23) received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8561. A letter from the Regulations Officer, Social Security Administrative, transmitting the Administration's final rule — Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income; Collection of Overdue Program and Administrative Debts Using Federal Salary Offset (RIN: 0960-AE89) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. S. 1496. An act to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps (Rept. 109–556). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 854. A bill to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe; with an amendment (Rept. 109–557). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4294. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside the units of the National Park System, and for other purposes; with an amendment (Rept. 109–558). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4376. A bill to authorize the National Park Service to enter a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College, and for other purposes; with an amendment (Rept. 109–559). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5094. A bill to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina (Rept. 109–560). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5340. A bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; with an amendment (Rept. 109–561). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 260. An act to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program (Rept. 109–562). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE. Committee on International Relations. H.R. 4014. A bill to reauthorize the Millennium Challenge Act of 2003, and for other purposes; with an amendment (Rept. 109–563). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself and Mr. PETRI):

H.R. 5782. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY:

H.R. 5783. A bill to amend title 38, United States Code, to improve the security of sensitive personal data processed or maintained by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, Mr. LANTOS, Mr. RANGEL, Mr. PAYNE, Mr. MCDERMOTT, Mr. MEEKS of New York, Mr. CONYERS, Mr. TOWNS, Ms. ZOE LOFGREN of California, Mr. OWENS, Mr. MEEHAN, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. WYNN, Mr. BERMAN, Mr. ENGEL, Mr. FATTAH, Mr. DELAHUNT, Mr. WEXLER, Mr. CROWLEY, Ms. LINDA T. SÁNCHEZ of California, Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, Mr. GRIJALVA, Mrs. JONES of Ohio, Mr. VAN HOLLEN, Mr. STARK, Mr. MCGOVERN, and Mr. HOYER):

H.R. 5784. A bill to authorize assistance to the countries of the Caribbean to fund educational development and exchange programs; to the Committee on International Relations.

By Mr. SHIMKUS (for himself, Mr. WYNN, Mrs. BONO, Mr. ENGEL, Mr. RADANOVICH, Mr. MELANCON, Mr. ENGLISH of Pennsylvania, Mr. JOHNSON of Illinois, Mr. MCCOTTER, Mr. BLUMENAUER, and Mr. BRADLEY of New Hampshire):

H.R. 5785. A bill to establish a unified national hazard alert system, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CALVERT (for himself, Mr. CAMPBELL of California, and Mr. GARY G. MILLER of California):

H.R. 5786. A bill to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of, an advanced water treatment plant facility and recycled water system, and for other purposes; to the Committee on Resources.

By Mr. BOEHLERT (for himself, Mr. KUHL of New York, Mr. LEACH, Mr. SHAYS, Mr. WELLER, Mr. SIMMONS, Mr. WALSH, Mr. FOLEY, Mr. KING of New York, Mr. MCHUGH, Mr. NEY, Mrs. JOHNSON of Connecticut, Mr. SWEENEY, and Mr. LATOURETTE):

H.R. 5787. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, and for other purposes; to the Committee on Education and the Workforce.

By Mr. COOPER:

H.R. 5788. A bill to amend the Congressional Budget Act of 1974 to increase awareness of accrual and long-term budgeting, and to express the sense of Congress that the Presidents' annual budget submissions should consider accrual and long-term budgeting; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FITZPATRICK of Pennsylvania (for himself and Mr. SCOTT of Georgia):

H.R. 5789. A bill to amend title 31, United States Code, to modernize cash management by allowing the use of certain obligations instead of surety bonds; to the Committee on the Judiciary.

By Ms. GRANGER (for herself, Mr. WYNN, and Ms. PRYCE of Ohio):

H.R. 5790. A bill to amend the Public Health Service Act to provide for demonstation projects to carry out preventive health measures with respect to colorectal cancer; to the Committee on Energy and Commerce.

By Ms. GRANGER (for herself, Mr. ENGEL, Mr. KUHL of New York, and Ms. BALDWIN):

H.R. 5791. A bill to amend title XVIII of the Social Security Act to provide for the consolidated coverage of home infusion therapy under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin (for himself, Mr. PETRI, Mr. RYAN of Wisconsin, and Mr. SENSENBRENNER):

H.R. 5792. A bill to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the "Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. JINDAL:

H.R. 5793. A bill to require the Secretary of Defense, in coordination with the Secretary of Homeland Security and State governments, to develop detailed operational plans regarding Defense Support to Civil Authorities missions; to the Committee on Armed Services.

By Mr. JINDAL:

H.R. 5794. A bill to make property demolition and rebuilding activities eligible for assistance under the flood mitigation program under section 1366 of the National Flood Insurance Act of 1968; to the Committee on Financial Services.

By Mrs. LOWEY (for herself, Mr. WAXMAN, Mrs. CAPPS, Mr. RYAN of Ohio, Mr. CROWLEY, Ms. MCCOLLUM of Minnesota, Mrs. MALONEY, Mr. PAYNE, Mr. GEORGE MILLER of California, Mr. OWENS, Ms. BALDWIN, Mr. FARR, Mr. NADLER, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. LANTOS, Mr. BROWN of Ohio, Mr. ALLEN, Mr. STARK, Ms. SOLIS, and Mr. CONYERS):

H.R. 5795. A bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid Program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DANIEL E. LUNGREN of California:

H.R. 5796. A bill to direct the Secretary of the Interior to exclude and defer from the pooled reimbursable costs of the Central Valley Project the reimbursable capital costs of the unused capacity of the Folsom South Canal, Auburn-Folsom South Unit, Central Valley Project, and for other purposes; to the Committee on Resources.

By Mr. MCCOTTER (for himself, Mr. PETERSON of Minnesota, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 5797. A bill to amend the Foreign Agents Registration Act of 1938, as amended, to prohibit a person from acting as an agent of certain terrorist entities; to the Committee on the Judiciary.

By Mr. MCCRERY:

H.R. 5798. A bill to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes; to the Committee on Energy and Commerce.

By Mr. MILLER of Florida (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 5799. A bill to provide for the Secretary of Agriculture to release the reversionary interest of the United States on certain land in the State of Florida if encroachments and trespassing have occurred on that land, and for other purposes; to the Committee on Agriculture.

By Ms. NORTON:

H.R. 5800. A bill to amend the District of Columbia Home Rule Act to establish the Office of the District Attorney for the District of Columbia, headed by a locally elected and independent District Attorney, and for other purposes; to the Committee on Government Reform.

By Mr. PASCRELL (for himself, Mr. HOLT, Mr. SCHWARZ of Michigan, Mr. GUTIERREZ, Mr. ROTHMAN, Mr. GARRETT of New Jersey, and Ms. DELAURO):

H.R. 5801. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to correct and prevent variances in disability compensation payments made by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. PEARCE:

H.R. 5802. A bill to amend the National Park Service Concessions Management Improvement Act of 1998, to extend to additional small businesses the preferential right to renew a concessions contract entered into under such Act, to facilitate the renewal of a commercial use authorization granted under such Act, and for other purposes; to the Committee on Resources.

By Mr. RAMSTAD (for himself, Mr. STARK, Mr. KENNEDY of Minnesota, Mr. KENNEDY of Rhode Island, Mrs. MYRICK, Mr. CAPUANO, Mr. PICKERING, Mr. CHANDLER, Mr. WALSH, Mr. GORDON, Mrs. BONO, Mr. HINCHEY, Mr. RYUN of Kansas, Mr. LANGEVIN, Mr. GERLACH, Mr. LEVIN, Mr. SOUDER, Mr. MCDERMOTT, Mr. MEEHAN, Ms. SCHAKOWSKY, Mr. BROWN of Ohio, Mr. PRICE of North Carolina, Mr. MOORE of Kansas, Mr. EMANUEL, Mr. PETERSON of Minnesota, and Mr. SHAYS):

H.R. 5803. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Energy and Commerce.

By Mr. REHBERG:

H.R. 5804. A bill to extend the Federal relationship to the Little Shell Tribe of Chippewa Indians of Montana as a distinct federally recognized Indian tribe, and for other purposes; to the Committee on Resources.

By Mr. ROYCE (for himself, Mr. SHERMAN, Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. CARDOZA, Ms. WATSON, Mr. BURTON of Indiana, Ms. MCCOLLUM of Minnesota, Mr. ISSA, and Mr. BERMAN):

H.R. 5805. A bill to promote nuclear nonproliferation in North Korea; to the Committee on International Relations, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mrs. CAPPS, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Ms. DELAURO, Mr. WAXMAN, Mr. BROWN of Ohio, Ms. SLAUGHTER, Mrs. LOWEY, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK of Michigan, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mrs. CHRISTENSEN, Ms. LEE, Mr. DAVIS of Illinois, Mr. GRIJALVA, Ms. BORDALLO, Ms. WATSON, and Ms. SCHAKOWSKY):

H.R. 5806. A bill to make grants to carry out activities to prevent teen pregnancy in racial or ethnic minority or immigrant communities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WEINER (for himself and Mr. MEEKS of New York):

H.R. 5807. A bill to amend the Internal Revenue Code of 1986 to provide middle class tax relief, impose a surtax for families with incomes over $1,000,000, and for other purposes; to the Committee on Ways and Means.

By Mr. COOPER:

H. Con. Res. 446. Concurrent resolution requiring consideration of the most recent financial report of the United States Government in the preparation of the budget of the Government; to the Committee on the Budget.

By Mr. MCDERMOTT (for himself and Mr. LEVIN):

H. Con. Res. 447. Concurrent resolution expressing the sense of the Congress that States should have the flexibility to design welfare programs that make sense in their communities with an overall goal of helping children and reducing poverty by promoting and supporting work; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BOEHLERT, Mr. CALVERT, and Mr. ROHRABACHER):

H. Con. Res. 448. Concurrent resolution commending the National Aeronautics and Space Administration on the completion of the Space Shuttle's second Return-to-Flight mission; to the Committee on Science.

By Mr. COLE of Oklahoma:

H. Res. 914. A resolution condemning the use of photographs of military caskets and funerals for partisan political and fundraising purposes; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr FARR.

H.R. 98: Mr PETERSON of Minnesota.

H.R. 224: Mr. BAIRD.

H.R. 305: Mr. FRANK of Massachusetts.

H.R. 376: Mr. FATTAH.

H.R. 450: Mr. FILNER.

H.R. 500: Mr. BURGESS, Mr. COLE of Oklahoma, and Mr. MCCAUL of Texas.

H.R. 517: Mr. CONAWAY.

H.R. 547: Ms. SCHAKOWSKY.

H.R. 583: Mr. BERMAN.

H.R. 747: Mrs. WILSON of New Mexico.

H.R. 772: Mrs. KELLY.

H.R. 817: Mr. MURPHY, Mr. JACKSON of Illinois, Mr. BILBRAY, Mr. HEFLEY, and Mr. REICHERT.

H.R. 910: Mr. KIRK.

H.R. 916: Ms. NORTON and Ms. JACKSON-LEE of Texas.

H.R. 952: Ms. LINDA T. SÁNCHEZ of California.

H.R. 959: Mr. GERLACH.

H.R. 1000: Mrs. DAVIS of California and Mr. GONZALEZ.

H.R. 1002: Mrs. MILLER of Michigan.

H.R. 1020: Mr. DAVIS of Illinois.

H.R. 1105: Ms. SCHWARTZ of Pennsylvania.

H.R. 1106: Ms. MOORE of Wisconsin and Mr. FATTAH.

H.R. 1108: Mr. DENT.

H.R. 1168: Mr. FATTAH.

H.R. 1298: Mrs. DAVIS of California and Mr. SCOTT of Virginia.

H.R. 1310: Mrs. TAUSCHER.

H.R. 1356: Mr. DICKS.

H.R. 1384: Mr. REHBERG and Mr. CAMPBELL of California.

H.R. 1504: Mr. GONZALEZ.

H.R. 1517: Mr. ROGERS of Alabama.

H.R. 1549: Mr. SMITH of Texas, Mr. PAYNE, and Mr. OWENS.

H.R. 1558: Mr. JONES of North Carolina.

H.R. 1578: Mr. CARDOZA.

H.R. 1588: Mr. SALAZAR.

H.R. 1615: Mr. DAVIS of Illinois and Ms. ZOE LOFGREN of California.

H.R. 1632: Mr. MARKEY, Mr. BOUCHER, and Mr. JEFFERSON.

H.R. 1634: Mr. PENCE, Mr. PETERSON of Minnesota, Mr. KLINE, and Ms. BALDWIN.

H.R. 1652: Mr. WYNN.

H.R. 1663: Mr. CASE.

H.R. 1671: Mr. MORAN of Virginia and Mr. LOBIONDO.

H.R. 1792: Mrs. LOWEY.

H.R. 1898: Mr. DREIER and Mr. CRENSHAW.

H.R. 1951: Mr. SHAYS, Mr. BEAUPREZ, Mr. SCOTT of Georgia, Mr. COSTA, Mr. GINGREY, and Mr. WYNN.

H.R. 2047: Mr. NUSSLE.

H.R. 2088: Mr. WAMP, Mr. PETERSON of Minnesota, Mr. GREEN of Wisconsin, and Mr. GORDON.

H.R. 2103: Mr. SMITH of New Jersey.

H.R. 2231: Mr. CONYERS, Ms. HARRIS Ms. HOOLEY, and Mr. RENZI.

H.R. 2317: Mr. BILBRAY.

H.R. 2410: Mr. SANDERS, Mr. ALLEN, and Mrs. NAPOLITANO.

H.R. 2421: Mr. MCDERMOTT.

H.R. 2429: Mr. LEACH and Mr. MOLLOHAN.

H.R. 2567: Mr. SHADEGG and Mr. REICHERT.

H.R. 2869: Mr. FATTAH, Mr. HASTINGS of Florida, and Mr. BLUMENAUER.

H.R. 2989: Mr. MELANCON and Miss MCMORRIS.

H.R. 3005: Mr. JINDAL.

H.R. 3082: Ms. CORRINE BROWN of Florida, Mr. UDALL of New Mexico, Mr. GUTIERREZ, Mr. EVANS, Mr. STRICKLAND, Mr. REYES, Ms. BERKLEY, Mr. SALAZAR, Mr. CASE, Mr. BOSWELL, Mr. GONZALEZ, and Mr. FALEOMAVAEGA.

H.R. 3096: Mr. NEAL of Massachusetts.

H.R. 3282: Mr. COLE of Oklahoma, Mr. CHOCOLA, and Mr. BARTON of Texas.

H.R. 3380: Mr. FRANK of Massachusetts.

H.R. 3401: Mr. UPTON and Mr. MARSHALL.

H.R. 3436: Mrs. CUBIN.

H.R. 3476: Mr. SMITH of New Jersey.

H.R. 3502: Ms. MILLENDER-MCDONALD and Mr. BERMAN.

H.R. 3616: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3628: Ms. BALDWIN.

H.R. 3689: Mr. MEEHAN.

H.R. 3762: Mr. HASTINGS of Florida, Ms. WOOLSEY, and Mr. BERMAN.

H.R. 3795: Ms. SCHWARTZ of Pennsylvania, Mr. CONAWAY, Mr. SHUSTER, and Mr. DOYLE.

H.R. 3854: Ms. MATSUI.

H.R. 4006: Mr. SHAYS.

H.R. 4042: Mr. SMITH of Texas.

H.R. 4063: Mr. FERGUSON.

H.R. 4098: Mr. DEFAZIO.

H.R. 4217: Mr. PEARCE.

H.R. 4259: Mr. KUHL of New York.

H.R. 4264: Mr. ETHERIDGE.

H.R. 4298: Mr. JONES of North Carolina.

H.R. 4400: Mr. FOSSELLA.

H.R. 4540: Ms. HOOLEY.

H.R. 4562: Mr. CASTLE and Mr. POMEROY.

H.R. 4578: Mr. BAIRD.

H.R. 4597: Mr. PORTER.

H.R. 4624: Mr. STUPAK.

H.R. 4651: Mr. ENGEL and Mr. ALLEN.

H.R. 4705: Mr. FATTAH.

H.R. 4725: Mr. SIMPSON.

H.R. 4751: Mrs. CAPITO and Ms. MCCOLLUM of Minnesota.

H.R. 4773: Ms. MILLENDER-MCDONALD.

H.R. 4794: Mr. UDALL of Colorado, Mr. SCOTT of Virginia, and Mr. GUTIERREZ.

H.R. 4799: Mr. MORAN of Virginia.

H.R. 4857: Mr. FLAKE.

H.R. 4893: Mr. WICKER.

H.R. 4904: Mrs. MALONEY and Ms. MCCOLLUM of Minnesota.

H.R. 4953: Mr. CAMP of Michigan, Mr. HOEKSTRA, Mr. UPTON, Mr. EMANUEL, Ms. KILPATRICK of Michigan, and Ms. KAPTUR.

H.R. 5092: Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. SOUDER, Mr. WAMP, Mr. GREEN of Wisconsin, Mr. SHADEGG, and Mr. DENT.

H.R. 5106: Mr. ALLEN.

H.R. 5121: Mr. HIGGINS, Mr. PASCRELL, Mr. THOMPSON of Mississippi, Mr. BISHOP of Georgia, Mr. SAXTON, Mr. ENGEL, Mr. SWEENEY, and Mr. FORD.

H.R. 5134: Mr. HIGGINS.

H.R. 5177: Mr. SCOTT of Georgia.

H.R. 5200: Mr. JACKSON of Illinois, Mr. CARDIN, Mrs. CUBIN, Mr. REHBERG, and Mrs. CHRISTENSEN.

H.R. 5202: Mr. BILIRAKIS.

H.R. 5212: Mr. MCDERMOTT, Mr. STARK, and Ms. SCHAKOWSKY.

H.R. 5229: Ms. PRYCE of Ohio, Mr. FOLEY, and Ms. SCHWARTZ of Pennsylvania.

H.R. 5244: Ms. MILLENDER-MCDONALD.

H.R. 5250: Mr. HAYWORTH.

H.R. 5280: Mr. HOEKSTRA.

H.R. 5314: Mr. SCHWARZ of Michigan, Mr. TIBERI, Mr. FITZPATRICK of Pennsylvania, Mr. HAYWORTH, Mr. MURPHY, and Mr. DENT.

H.R. 5316: Ms. BALDWIN, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. KILPATRICK of Michigan, and Mr. TOWNS.

H.R. 5319: Mr. KENNEDY of Minnesota, Mr. TIBERI, and Mr. BACHUS.

H.R. 5328: Mr. HASTINGS of Florida, Mr. PASTOR, Mr. CONYERS, Mr. WAXMAN, and Mr. MCGOVERN.

H.R. 5333: Mr. SESSIONS.

H.R. 5346: Mr. TERRY.

H.R. 5351: Mr. REHBERG.

H.R. 5372: Mr. SANDERS, Mr. HOYER, and Mr. BISHOP of Georgia.

H.R. 5381: Mr. ROGERS of Kentucky.

H.R. 5382: Mr. MARIO DIAZ-BALART of Florida.

H.R. 5388: Mr. KUCINICH.

H.R. 5390: Mr. LATOURETTE and Mrs. DAVIS of California.

H.R. 5394: Mr. WALDEN of Oregon.

H.R. 5442: Ms. MCKINNEY, Ms. MILLENDER-MCDONALD, and Mr. SMITH of Texas.

H.R. 5457: Mr. DAVIS of Kentucky, Mr. BILBRAY, Mr. CALVERT, Mr. ROHRABACHER, Mr. CAMPBELL of California, Mr. DREIER, Mr. ISSA, Mr. MCKEON, and Mr. HERGER.

H.R. 5474: Ms. HART.

H.R. 5476: Mr. SOUDER.

H.R. 5482: Ms. HARMAN, Ms. MATSUI, Ms. ZOE LOFGREN of California, and Mrs. TAUSCHER.

H.R. 5501: Mr. FILNER.

H.R. 5526: Mr. PRICE of Georgia and Mr. BEAUPREZ.

H.R. 5555: Mr. BROWN of Ohio and Mr. GONZALEZ.

H.R. 5557: Mr. CLAY.

H.R. 5558: Mr. TERRY, Mrs. CAPITO, Mr. MILLER of Florida, and Mr. HENSARLING.

H.R. 5579: Mr. JACKSON of Illinois.

H.R. 5590: Mr. KING of Iowa, Mr. GOHMERT, and Mr. GOODLATTE.

H.R. 5597: Mr. JONES of North Carolina.

H.R. 5598: Mr. KUCINICH.

H.R. 5624: Mr. JEFFERSON and Mr. PETERSON of Minnesota.

H.R. 5650: Mr. LAHOOD, Mr. LATHAM, and Mr. LEWIS of Kentucky.

H.R. 5671: Mr. ACKERMAN.

H.R. 5694: Mr. LEWIS of Georgia.

H.R. 5704: Mr. DAVIS of Kentucky.

H.R. 5706: Mr. PETRI.

H.R. 5708: Mrs. LOWEY.

H.R. 5727: Ms. BORDALLO, Mr. GRIJALVA, and Mr. BROWN of Ohio.

H.R. 5729: Mr. GRIJALVA and Mr. BROWN of Ohio.

H.R. 5730: Mr. FOLEY.

H.R. 5731: Mr. WEXLER, Ms. WATERS, Ms. MOORE of Wisconsin, Ms. CARSON, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. RUSH, Mr. JEFFERSON, and Mr. CUMMINGS.

H.R. 5733: Ms. SCHWARTZ of Pennsylvania, Mr. KUHL of New York, Mrs. KELLY, Mr. FRANK of Massachusetts, and Ms. CORRINE BROWN of Florida.

H.R. 5738: Mr. OBERSTAR.

H.R. 5743: Mr. PAUL and Mr. MILLER of Florida.

H.R. 5755: Mr. REHBERG, Mr. GINGREY, Mr. MELANCON, Ms. HERSETH, Mr. BARROW, Mr. BERRY, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Alabama, Mr. REYES, Mr. ORTIZ, Mr. HALL, Mr. COLE of Oklahoma, Mr. JONES of North Carolina, Mr. HOSTETTLER, Mr. GOODE, Mr. SULLIVAN, Mr. HAYWORTH, Mr. DAVIS of Tennessee, and Mr. BOSWELL.

H.R. 5760: Mr. RADANOVICH.

H.R. 5766: Mr. MCKEON, Mr. CAMP of Michigan, Mr. BOEHNER, Mr. OTTER, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. MCCOTTER, Mr. HEFLEY, Mr. RADANOVICH, Mr. BRADY of Texas, Mr. HENSARLING, Mr. REICHERT, and Mr. CRENSHAW.

H.R. 5767: Mr. OWENS, Mr. TANCREDO, Mr. CARTER, Mr. CHANDLER, and Mr. POE.

H.R. 5771: Mr. PETERSON of Minnesota, Ms. KILPATRICK of Michigan, Mr. ISRAEL, Mr. LEACH, Mr. GUTIERREZ, Mr. UDALL of New Mexico, and Ms. MCCOLLUM of Minnesota.

H.R. 5772: Mr. DAVIS of Kentucky, Mr. PENCE, Mr. KINGSTON, Mr. CARTER, Mr. SHUSTER, Mr. GREEN of Wisconsin, Mr. WILSON of South Carolina, Mr. BAKER, and Mr. ALEXANDER.

H. Con. Res. 85: Mrs. NAPOLITANO and Mr. NUNES.

H. Con. Res. 125: Mr. ENGLISH of Pennsylvania, Mr. ENGEL, and Mr. HAYES.

H. Con. Res. 287: Mr. ALEXANDER, Mr. DEFAZIO, and Mr. UDALL of New Mexico.

H. Con. Res. 384: Mr. BOOZMAN.

H. Con. Res. 396: Mr. LEWIS of Georgia, Mr. GONZALEZ, and Mr. WICKER.

H. Con. Res. 404: Ms. SCHWARTZ of Pennsylvania, Ms. LINDA T. SÁNCHEZ of California, and Mr. WYNN.

H. Con. Res. 416: Mr. GRIJALVA and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 445: Mr. ROHRABACHER.

H. Res. 295: Mr. RUPPERSBERGER and Mr. LATOURETTE.

H. Res. 490: Mr. Markey.

H. Res. 498: Mr. CASTLE.

H. Res. 533: Ms. HARMAN, Mr. GOHMERT, Ms. FOXX, Mr. ENGLISH of Pennsylvania, Mr. PEARCE, Mr. LIPINSKI, Mr. JINDAL, Mr. POMBO, Mr. WU, Mr. BRADY of Texas, Mr. HAYES, Mr. KLINE, Mr. GINGREY, Mr. LINDER, Mr. RENZI, Mr. POE, Mr. FORD, Mrs. DAVIS of California, and Mr. BRADY of Pennsylvania.

H. Res. 605: Mr. PICKERING and Mrs. KELLY.

H. Res. 688: Mr. ISRAEL and Ms. BALDWIN.

H. Res. 745: Mr. BOEHLERT, Mr. CROWLEY, Mr. LARSEN of Washington, and Mr. BILBRAY.

H. Res. 760: Mr. FORTUÑO.

H. Res. 800: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 823: Mr. GINGREY, Mr. RAMSTAD, Ms. GINNY BROWN-WAITE of Florida, Mrs. MYRICK, Mr. BISHOP of Georgia, Mr. MCCOTTER, Mr. GONZALEZ, Mr. ENGLISH of Pennsylvania, Mr. WELDON of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. ISSA, Mr. WICKER, Mr. JONES of North Carolina, Mr. JINDAL, and Mr. JEFFERSON.

H. Res. 839: Mrs. CUBIN.

H. Res. 852: Mr. TERRY.

H. Res. 880: Ms. HARRIS, Mr. SCHWARZ of Michigan, Mr. PEARCE, Mr. PETERSON of Pennsylvania, Mr. JONES of North Carolina, Mr. DAVIS of Kentucky, Mr. HAYWORTH, Mr. KENNEDY of Minnesota, Mr. DAVIS of Tennessee, Mr. SESSIONS, Mr. CARTER, Mr. CULBERSON, Ms. GINNY BROWN-WAITE of Florida, Mrs. DRAKE, Mr. REYNOLDS, Mr. YOUNG of Florida, Mr. WOLF, Mr. ENGLISH of Pennsylvania, and Mr. MILLER of Florida.

H. Res. 888: Mr. BLUMENAUER, Ms. WOOLSEY, Mr. AL GREEN of Texas, and Mr. KUCINICH.

H. Res. 901: Mr. WEXLER, Ms. WATSON, Mr. SHERMAN, Mr. SNYDER, Ms. LORETTA SANCHEZ of California, Mr. LEVIN, Mr. BERRY, Mr. BERMAN, Mr. SCOTT of Georgia, Ms. MOORE of Wisconsin, Mr. ACKERMAN, Mr. RAHALL, Mr. FATTAH, Ms. NORTON, Ms. KILPATRICK of Michigan, Ms. LINDA T. SÁNCHEZ of California, Mr. EVANS, Mr. BISHOP of Georgia, Mr. WEINER, Mr. BACA, Mr. KANJORSKI, Mr. WATT, Mr. HIGGINS, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, and Mr. CUMMINGS.

H. Res. 904: Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. HASTINGS of Florida, and Mr. BOUCHER.

H. Res. 908: Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Ms. HART, Mr. MCCOTTER, Mrs. TAUSCHER, Mr. ENGEL, Mr. DELAHUNT, Mr. BRADY of Pennsylvania, Mr. CONAWAY, Ms. DELAURO, Ms. MCCOLLUM of Minnesota, Mr. WALSH, Mr. ISSA, and Mr. RENZI.

H. Res. 911: Mr. WEXLER, Mr. MCCOTTER, Mr. MCDERMOTT, Ms. WATSON, Mr. HIGGINS, Mr. FITZPATRICK of Pennsylvania, Mr. BLUMENAUER, Ms. BORDALLO, Mrs. NAPOLITANO, Mr. ISRAEL, Ms. LEE, Mr. FALEOMAVAEGA, Mr. HASTINGS of Florida, Mr. LEACH, Mrs. MCCARTHY, Mr. RAMSTAD, Mr. ISSA, Ms. MCCOLLUM of Minnesota, Mr. DELAHUNT, Mr. CARTER, Mr. DOOLITTLE, Mr. FOSSELLA, Mr. FOLEY, Mr. ENGEL, Mr. SHAYS, Mr. HOLT, Mr. PALLONE, Mr. CARDOZA, Mr. COSTA, Mr. MEEKS of New York, Mr. BERMAN, Mr. PASCRELL, Mr. MATHESON, Mr. ETHERIDGE, Mr. MARKEY, Mr. JEFFERSON, Mr. HENSARLING, Mr. ROGERS of Michigan, Mr. UPTON, Mr. LYNCH, Mr. SCHIFF, Mr. FLAKE, Mrs. MALONEY, Ms. BERKLEY, Mr. WEINER, Mr. ROTHMAN, Mr. TOM DAVIS of Virginia, Mrs. CHRISTENSEN, Mr. DAVIS of Florida, Mr. DAVIS of Tennessee, Mr. BOUSTANY, Mr. KIRK, Mr. DAVIS of Tennessee, Mr. DOGGETT, Mr. BOREN, Mr. CONYERS, Ms. HARRIS, Mr. BURTON of Indiana, Mr. THOMPSON of Mississippi, Mr. NADLER, Mr. MORAN of Virginia, Mr. BROWN of Ohio, Mr. TANCREDO, Mr. MEEHAN, Mr. DICKS, Mr. HONDA, Mr. SWEENEY, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. SCHWARTZ of Pennsylvania, Mr. CANNON, Mr. LEVIN, Mr. MICHAUD, Mr. LANTOS, and Mr. CALVERT.

H. Res. 912: Mr. CASE, Mr. SCOTT of Georgia, and Mr. CROWLEY.

DISCHARGE PETITIONS

ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Mr. BARROW on House Resolution 614: Christopher Shays.

SENATE—*Thursday, July 13, 2006*

The Senate met at 9 a.m. and was called to order by the Honorable RICHARD G. LUGAR, a Senator from the State of Indiana.

PRAYER

The PRESIDING OFFICER. Our guest Chaplain, Rev. Laurel Arthur Burton, Gobin Memorial United Methodist Church, Greencastle, IN, will lead the Senate in prayer.

The guest chaplain offered the following prayer:

Let us pray.

O Thou great Creator, God of all the nations:

We bow before You knowing that these gathered here today have the power to choose right over wrong, good over evil. Bless each one of them that they might choose according to Your will.

Open their ears so that they may truly listen to one another.

Open their eyes so that they may truly see the path of righteousness.

Open their mouths that they may speak truly with the deepest integrity.

And open their hearts and minds that they may discern the way that leads to the common good.

O Spirit of power, grant that the only ambition in this Chamber may be the desire to achieve peace and prosperity for all Americans. Grant that the only competition may be the struggle for justice. O Thou great Creator, God of all the nations, lead this great Nation as a pillar of cloud by day and a pillar of fire by night, until the day comes when all nations shall dwell together in peace and concord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD G. LUGAR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 13, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD G. LUGAR, a Senator from the State of Indiana, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. LUGAR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

SCHEDULE

Mr. STEVENS. Mr. President, speaking for the leader, I announce to the Senate that this morning, the first 30 minutes will be a period for the transaction of morning business, which has been divided between the two sides. After morning business, we will return to the Homeland Security appropriations bill. The two managers have a tentative lineup of amendments this morning and into the afternoon. It is the leader's understanding they are working toward a vote this morning in relation to one of those amendments, and we will alert everyone when that amendment is locked in. Senators should be on notice that a vote could occur between 10 and 10:30 this morning.

We have said we will finish this bill today, and that could translate into a late night, if needed, in order to pass this important Homeland Security appropriations bill. The leader hopes we can finish this earlier, and if Senators will communicate with managers earlier today regarding amendments, then it is his feeling we should be able to finish this bill at a reasonable time today.

In any event, it is the leader's intention to stay in today, tonight, or tomorrow—whatever it takes—to conclude this important bill this week.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from North Dakota.

ENERGY

Mr. DORGAN. Mr. President, I was in a town called Zeeland, ND, because we have a serious drought occurring in ranching country. We had ranchers and farmers—this is a town of about 120 people and 170 ranchers and farmers showed up very concerned about how they are going to feed their cattle.

We talked a lot about the drought and the devastation for ranchers and farmers when it doesn't rain and how they take care of their cattle herd and what might happen to them.

One of the issues raised in that meeting repeatedly was—in addition to the lack of rain—if you are running a farm or ranch, you are a heavy user of energy. What has happened to the price of energy, particularly the price of fuel, has been devastating to those farmers and ranchers.

Our State university pointed out that the average farm and ranch in North Dakota is confronted with about $18,000 a year in higher costs because of what has happened to the price of fuel.

This morning I woke up and listened to the news, just as I did yesterday, and found that the price of oil is over $75 a barrel and continuing to go up. If we take a look at the major integrated oil companies in this country, we will discover the substantial increase in profits—this is 2005 over 2004, last year's numbers: 43-percent increase, 37-percent increase, 31-percent increase in profits.

The Congressional Research Service just did an evaluation for one of our colleagues which says that cash reserves for the major integrated oil companies have grown from over $9 billion in 1999 to nearly $58 billion now. Let me say that again. Cash reserves of the major integrated oil companies now stand at over $58 billion.

It made me think about a story that was in BusinessWeek 2 years ago, "Why Isn't Big Oil Drilling More?"

> Rather than developing new fields, oil giants have preferred to buy rivals, "drilling for oil on Wall Street." While that makes financial sense, it is no substitute for new oil.
>
> Oil has been over $20 a barrel continuously since 1999. Far from raising money to pursue

> opportunities, oil companies are paying down debt, buying back shares and hoarding cash.

That was 2 years ago. It is worse now.

Last fall, we offered a windfall profits rebate that would have collected from those companies that were not using their revenues to expand their search for additional oil. For those that were buying back stock or drilling for oil on Wall Street, they would pay a fee, the total proceeds of which would be rebated to consumers. Those who were building additional refineries or investing back into the ground to search for oil would not pay the fee; they would be exempt.

The oil companies were very upset by that proposal, but the fact is, they would decide whether they would pay it. None of it would come to the Government; it would all be rebated to consumers. They would decide whether they pay it based on their decisions. Are they going to buy back stock with their profits? Are they going to hoard cash, drill for oil on Wall Street, or are they going to use those profits to expand the supply of energy?

I believe given what is happening, as we know, there is no free market in oil. I know there is a lot of discussion on the floor of the Senate about free market. We have oil ministers from the OPEC countries sitting around a table behind a closed door talking about how much they are going to produce and what price they aspire to have. We have big oil companies married up through blockbuster mergers, and they have two names—ExxonMobile, PhillipsConoco; they have more raw muscle in the marketplace—and, third, the futures market has become an orgy of speculation, no question about that.

With these three elements, there is no free market in oil. The price of oil is now at $75 a barrel. Almost all consumers in this country—yes, those who drive up to the gas pumps and pay $50, $60 and more to fill their tanks, and especially farmers and ranchers—are struggling to find out: How do I buy fuel for spring planting? How do I buy fuel for the harvest? How do I put up hay for the cattle? How do I do all of that? They are the ones who bear all the pain, and in the meantime the major integrated oil companies are waltzing to the bank with a treasury that is full of money coming from consumers.

This does not work. In the longer term, aside from the question of how dependent we are on offshore oil, it seems to me Congress has to decide that it is going to intervene if we are going to $58 billion in cash reserves created by the major integrated companies. Those cash reserves are not working. Those cash reserves are not expanding the supply of energy, they are not expanding the supply of oil, and therefore reducing prices. They are being used—as I said, in BusinessWeek there was one example of drilling for oil on Wall Street or buying back stock. That is not a way to bring prices down and provide some relief to consumers.

Last fall, Senator DODD and I offered a proposal that would have provided a rebate to consumers from those companies as a result of those companies not using those profits to reinvest in expanding the search for energy. We came up very short in the vote. It is our intention to offer that proposal once again. At $75 a barrel for oil, with increases particularly for farmers and ranchers in an agricultural State, it is reasonable to ask: What is Congress doing? Is it just content to observe, just watching? What is Congress doing?

So if nothing intervenes in the coming days, Senator DODD and I intend to offer, once again, that proposal. Let me underscore that the point of that proposal is this: That proposal will be the most significant incentive to expand production and expand the search for additional production that we could have. This is not punitive. It is to say: Either you are using it to expand the production of energy supplies and bring down prices or you are going to have to rebate some of it back to the consumers.

In 2004, the oil industry had its highest profits in its history. The average price for a barrel of oil was $40. Now it is $75. Those major integrated companies haven't done anything to increase expenses or any other issues; they are just collecting that additional revenue.

I want the oil industry to find additional oil and to produce in areas that are available to them. The best way, the most significant incentive I can think of is to say to them: If you are thinking about what to do with that cash reserve of $58 billion and deciding between buying back your stock or trying to do additional mergers and acquiring oil through mergers rather than drilling, then you would be a lot smarter to find a way to expand production by investment because that means you will not be impacted at all by the proposal we would offer.

This proposal is about expanding investment in exploration and thereby expanding the supply of energy and bringing down the price of energy. So that is what Senator DODD and I will, once again, attempt to do.

I hope that in the coming days we will begin to see some lessening of the burden of these energy prices on the American consumer, farmers and ranchers and others. In the meantime, I don't think we ought to take a look at a $58 billion cash reserve by the major integrated companies, most of them—three of them; nearly 90 percent of them are three companies—and say, that is OK, it doesn't matter to us, while everybody else is feeling the pain and bearing the burden of these dramatically increasing prices.

Mr. President, I yield the floor and make a point of order that a quorum is not present.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I believe we are in morning business.

The PRESIDENT pro tempore. The Senate is in morning business, with 15 minutes reserved for the majority and 15 minutes reserved for the minority. The minority still has 6½ minutes.

Mr. DORGAN. Mr. President, I believe my colleague, Senator DODD, is on his way to the Chamber, but let me ask unanimous consent that Senator BROWNBACK proceed, with the understanding that we would reclaim our time on this side when Senator DODD arrives.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Democratic time is reserved, and the Senator is recognized under the previous order.

Mr. BROWNBACK. I thank my colleague from North Dakota for that as well.

NORTH KOREA

Mr. BROWNBACK. Mr. President, I rise to talk about the situation in North Korea and about the dire situation of the people of North Korea and the human rights abuses that are taking place. I think most of my colleagues know about the missile testing that has been occurring in North Korea, about the difficulty in getting negotiations going on the six-party talks. I applaud the administration for their efforts on getting these six-party talks moving on North Korea.

I also wish to draw the attention of my colleagues to the human toll that is taking place in North Korea. Kim Jong Il, the leader of North Korea, has been a weapon of mass destruction against his own people, killing 1.5 million of his own people in prison camps—nearly 10 percent of their entire population—over the past 15 years. In particular, I draw to the attention of my colleagues an article that is in today's Asia Times Online because I think this actually summarizes the overall situation pretty well.

North Korea and South Korea have been talking quite a bit, and the South Koreans have actually sided with the Chinese and the Russians on a weaker U.N. Security Council resolution. The North Koreans just walked out of ministerial talks with the South Koreans, saying that they want to pursue a missile weapons system—the North Koreans do—for the protection of the entire

Korean peninsula, including South Korea, which is absurd. This will be used against the South Koreans. At the same time they want to pursue missiles, nuclear technology, the North Koreans are demanding from South Korea half a million tons of rice and several hundred thousand tons of fertilizer to help feed the starving North Korean people at a time when the Government is investing heavily—millions and billions of dollars, perhaps—in missiles and nuclear weapons which they can then sell to other countries, such as to the Iranians, where the missile technology in Iran is based upon the North Korean missile technology system. And then they have the gall at the same time to demand food out of South Korea to feed their starving people in North Korea and fertilizer to be able to grow their crops.

Mr. President, I ask unanimous consent to have this article printed in the RECORD at the end of my statement.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBACK. Mr. President, this is just amazing gall, that they would do something like that, and it also highlights the situation and what is taking place.

I hope North Korea knows by now that their behavior has consequences. The Security Council is considering a resolution. I hope we are able to get the tougher one that the Japanese are pursuing. The one from China and Russia clearly does not go far enough. We should work with our allies to attempt to defend against the North Korean threat.

Our missile defense programs now are more important than ever. Thankfully—thankfully—we have put a missile defense program in place that is not fully operational but should help us against these rogue regimes such as North Korea and Iran which are far less predictable—I think one could probably use that term—than what the former Soviet Union was, even though the Soviet Union had a bigger threat capacity.

What the President of Iran will do and what Kim Jong Il will do is hard to predict. These are very erratic leaders and ones who don't respond well, if at all, to a mutual destruction type of threat that we used against the Soviet Union. We need the missile defense system.

The basic problem is the North Korean regime itself. The regime has turned North Korea into a failed state. I had hoped to bring over to the Senate floor this morning a picture that is pretty well known by most people. It is a night photograph of the Korean peninsula, and it shows lights in South Korea, it shows lights in China, and it shows darkness in North Korea, which highlights the nature of the failed state. This is just so amazing, that we have the Korean peninsula divided into two countries—South Korea, the 12th largest economy in the world, democratic and free, growing, robust; and North Korea, having killed 10 percent of its people in the last 15 years through starvation and a gulag system—on the same peninsula.

North Korea is a failed state. The North Korean regime engages in illegal activities, including counterfeiting American money as well as producing missile systems and expanding its WMD programs. It has a humanitarian crisis. I noted earlier that an estimated 1.5 million prisoners have been killed in North Korea's prison camps. The gulag remains. Approximately 200,000 are currently in prison—political prisoners in North Korea.

The assistance China and South Korea provide to North Korea makes them complicit in North Korea's missile development program. The assistance keeps their economy on life support, and thanks to North Korea's lack of transparency, even humanitarian aid is often diverted from the North Korean people for military use.

North Korea's symptomatic human rights abuses are often lost amidst our discussion of its nuclear and missile programs. We should set a longer term goal to bring to light the humanitarian abuses that are taking place. We need a Helsinki-type of discussion on human rights. We should not just discuss missile technology or nuclear technology; we need to discuss the humanitarian crisis that is in North Korea.

I also believe we need to discuss the elephant that is in the room that nobody will discuss. North Korea is a failed state. Hundreds of thousands have walked out of North Korea into China. Some are now finding a way into the United States as refugees. They tell horrific stories of what is taking place.

The natural state of the Korean peninsula is one country, whole and free. That is the long-term goal for the natural state of the Korean peninsula—one country, whole and free. We should set that as a long-term objective—the spread of democracy throughout the Korean peninsula.

I urge the Bush administration to fully fund the programs authorized by the North Korean Human Rights Act of 2004, and I urge my colleagues to fund those programs as well in the appropriations process. We should be prepared to accept those North Koreans who voted with their feet and escaped the regime into this country and others as well.

We had our first group, a small group of six North Korean refugees, and four were women. The women said that the refugees that make it out of North Korea into China, 100 percent are trafficked into some form of sexual bondage or sexual slavery. They get out of North Korea into China—that is relatively simple—and then they are captured, almost hunted like animals in China. When they are captured, the people who catch them say: Look, you are going to do what I say or I am turning you in to the Chinese authorities; they will repatriate you to North Korea, and you will end up in the gulag. So they do what they say, and they are sold. They are caught like wild animals and sold to people in some form of sexual bondage and sexual slavery in that portion of China.

We should push China aggressively to stop repatriating North Korean refugees. They are going back into the gulag. They are going back into the death camps. The Chinese should be forced not to do that. It is called refoulement. It is against the U.N. agreements on human rights that they entered into. They should be forced not to do that, not to send them back. We should begin discussions with China and South Korea on what the Korean peninsula should look like in the future—one country, full and free.

The bottom line is that our problem isn't just the missile or nuclear capacity of North Korea, it is the North Korean regime itself. We must address the root problem if we are ever to find a solution.

I might remind my colleagues as well that it is not just the missile tests, it is not just the nuclear technology in North Korea, because then they look to sell it, as they have, and spread it to Iran, which multiplies our sets of problems. We must look also at what happens to the North Korean people, and much of our focus must be placed on China. China is the one that is primarily keeping North Korea on life support systems now. They are funding them. The Chinese, by not refouleing refugees, by allowing North Koreans to come out and pass freely through there to third countries, would really help a great deal in this crisis, and China bears much of the responsibility.

Mr. President, I thank my colleagues for the chance to address the body. We are looking at putting forward a resolution calling on any future dialog with North Korea to include a human rights component. Along with the discussion of missile technology and nuclear technology, it desperately needs a human rights component, as we did in negotiations with the former Soviet Union on missiles and nuclear weapons. We also included a Helsinki human rights component. This discussion needs a human rights component as well.

Mr. President, I thank my colleague from Connecticut for allowing me to step in front of him to speak, and I yield the floor.

EXHIBIT 1

[From the Asia Times, July 14, 2006]

NORTH KOREANS LET THEIR FEET DO THE TALKING

(By Donald Kirk)

SEOUL.—The ruckus over the North Korean missile shots has exploded into a war of words that's endangering South Korea's efforts to shrug off the crisis as a minor obstacle on the path to North-South reconciliation.

South Korea appears to have awakened to the depth of the difficulties with the North in the breakdown of ministerial-level talks this week in the port city of Pusan. Far from finding the basis for one of those face-saving statements that often emerge from North-South Korean talks, the two sides cut off the dialogue on Thursday a day earlier than expected after finding no ground for agreement.

The sides were absurdly far apart, according to reports from the closed-door sessions, with North Korea insisting the missiles were needed for the defense of all Korea, North and South, not just North Korea.

Finally, the North Koreans walked out on Thursday after South Korea's Unification Minister Lee Jeong-seok flatly rejected their claim that the North's Songun or military first policy covered both Koreas equally. The talks were originally to have gone on until Friday.

Lee, a one-time leftwing activist who has sought mightily to paper over North-South differences, got nowhere in efforts at persuading North Korea to return to six-party talks on its nuclear weapons.

At the same time, he rejected North Korean demands for half a million tons of rice and several hundred thousand tons of fertilizer to help feed starving North Koreans at a time when the government is investing heavily in missiles and nuclear weapons.

The failure of the talks is ominous since they were "ministerial level". The North Korean delegation was led by Kwong Ho-ung, chief cabinet councilor. The North Koreans, before boarding a direct flight from Pusan to Pyongyang on Air Koryo, the North Korean airline, said "our delegation was no longer able to stay in Pusan" as a result of the South Koreans' "reckless" insistence on raising the issue of the missile tests.

Suggesting the seriousness of the collapse, a statement distributed by the North Koreans said the North now had no dialogue partners in the South "due to the South Korean side's unreasonable" position. The statement said they had not come to Pusan to discuss military matters or six-party talks.

South Korean leaders, caught between conflicting demands from the United States, North Korea, China and Japan as well as their vituperative critics and foes on their own home front, remain determined to head off U.S. and Japanese attempts to bring about a debate in the United Nations Security Council on sanctions against North Korea.

South Korean officials firmly favor a resolution introduced by China and Russia that "strongly deplores" the missile tests and calls on all nations to "exercise vigilance in preventing supply of items, goods and technologies" for North Korean missiles. The resolution also asks them "not to procure missiles or missile-related items" from North Korea.

The fear in the South is that a debate on a much tougher Japanese resolution, banning North Korea from deploying or testing missiles, importing or exporting missiles or weapons of mass destruction, including nuclear warheads, or developing any of them, would greatly exacerbate tensions.

South Korean strategists believe such a strong resolution would arm Japan with the pretext for following through on threats to attack North Korean missile sites. In fact, South Korea has responded with far greater alarm to Japan's floating this idea than to the actual missile tests, while the rift between Japan and South Korea has turned into what appears as an unbridgeable chasm.

A spokesman for South Korea's President Roh Moo-hyun blasted Japan for what he called a "rash and thoughtless" threat. It was, he said, "a grave matter for Japanese cabinet ministers to talk about the possibility of a preemptive strike and the validity of the use of force against the peninsula".

U.S. officials, led by Christopher Hill, privately warned Japan against a preemptive strike, reminding the Japanese that open discussion of that possibility only invited an adverse response from South Korea as well as China.

Such talk, they note, also plays into North Korea's propaganda machine, which often emits noises about U.S. plans for a "preemptive strike", citing that danger as a rationale for the need for nuclear weapons.

The U.S., however, sides with Japan in the United Nations, and no U.S. official adopts a harder line than the U.S. ambassador to the U.N., John Bolton, a tough-talker from his days as under secretary of state for arms control during President George W. Bush's first term.

Bolton and Japan's U.N. Ambassador Kenzo Oshima have engaged in the diplomatic nicety of calling the Chinese and Russian draft "a step in the right direction". South Korean officials believe, however, they may hold off on supporting it, calling instead for a debate that gives both of them a forum for lambasting North Korea.

Oshima found "very serious gaps" in the Chinese and Russian draft, while Bolton seemed anxious to have the Japanese resolution submitted to a vote despite the certainty of Chinese and Russian vetoes. "We're prepared to proceed at an appropriate time with a vote," said Bolton, and "let every one draw their own conclusions."

The standoff over how to deal with North Korea comes at a critical time in relations between the U.S. and South Korea. A U.S. team has just arrived in Seoul for talks about creating an "independent wartime command" for South Korean forces rather than a unified command led by a U.S. general.

The creation of such a command marks a major—and controversial—departure from the system dating from the Korean War placing all forces under a single American general in the event of war.

The U.S. is also consolidating its bases in South Korea, moving them south of Seoul in the face of widespread opposition by activists and farmers resentful of the loss of their land while the U.S. scales down its forces, now totaling 29,500 troops, down from 37,000 three years ago.

Activists and farmers also oppose efforts by the U.S. and South Korea to come up with a free trade agreement (FTA). More than 20,000 people demonstrated in a heavy downpour in central Seoul on Wednesday, charging the agreement would deprive farmers and factory workers of their livelihoods.

While the North Koreans walked out of the talks in Pusan, U.S. negotiators boycotted a session of the FTA talks in Seoul on pharmaceuticals. The U.S. claims a plan for South Korea to reimburse patients for the purchase of drugs made in South Korea makes drug imports here virtually impossible.

It was a bad day all around for U.S. negotiators. Hill, in Beijing, said he was finally taking off for Washington after getting nowhere in efforts at persuading China to bring North Korea back to the table. He tried, however, to see the impasse from China's viewpoint.

"China has done so much for that country," he said, "and that country seems intent on taking all of China's generosity and then giving nothing back." The Chinese, he said, "are as baffled as we are."

The U.S. and China, however, seemed in complete disagreement on U.S. Treasury Department restrictions on firms doing business with North Korea. Hill had nothing to say in response to the official Chinese hope, expressed by a spokesman, that the U.S. would "make a concession regarding the sanctions issue and take steps that will help restore the six-party talks".

The U.S. denies it's imposing "sanctions" and says the restrictions are to counter North Korean counterfeiting. Hill has repeatedly dismissed the topic as a matter for the Treasury, not the State Department, while North Korea has made the issue the reason for not returning to talks on its nukes.

ENERGY PRICES

Mr. DODD. Mr. President, let me, first of all, say to my colleague from Kansas, I am always delighted to hear his comments and thoughts.

I wanted to be here earlier to discuss with our colleague and friend from North Dakota, Senator DORGAN, the growing problem we are all hearing about from our constituents all across this country, and that is the ever-rising cost of gasoline and petroleum-related products. There has been a staggering increase in the price of oil and gasoline which is having a huge impact on working families in this country. Their weekly earnings have risen less than one-half of 1 percent over the last 5 years, yet the cost of gasoline has more than doubled over that same period of time.

These charts and graphs give an indication of what has happened to the price. Beginning in 2000, it was $1.47. Just last week, in my hometown in Connecticut, the price ranged from $3.15 per gallon to $3.35 per gallon, depending upon the quality of fuel you were buying, and the national average is creeping closer to $3.00 per gallon. We have seen the price of oil soar from just over $30 per barrel in 2001 to an excessive $75 per barrel this week.

Most of us are aware, with the existing product from previously dug wells around the world, large profits can be made at $30 and $40 per barrel. So when you start talking about $75 per barrel, you get some indication of the level of profits that are being made.

I mentioned what it is like for people out there who are struggling to make ends meet and hold their families together. Weekly earnings have risen only .4 percent since 2001, adjusted for inflation, while gasoline prices have risen 130.5 percent since that same year, adjusted for inflation. When you start talking about people on fixed incomes or people earning the minimum wage, the problem becomes more pronounced. We have gone 9 years now with no increase whatsoever in the federal minimum wage. We tried here only a few weeks ago, prior to the Fourth of July recess, for a $2.10 per hour increase in the minimum wage over the next several years, from $5.15 per hour to $7.25 per hour. That is a very modest increase in that minimum wage, but it would make a huge difference for people out there who are trying to make ends meet.

Again, we have a limited time to talk about this, but Senator DORGAN and I are once again going to ask our colleagues to consider the idea of a rebate going back to people who are trying to make ends meet. We ask, when you have profits in excess of $40 per barrel, to either invest those profits back into the development of new product or new technologies or rebate part of those profits back to consumers.

I know the Presiding Officer cares deeply about this issue and has lectured us on numerous occasions about the importance of supply. I don't fault the industry for trying to make a profit. What I would like to know is, are the companies investing in production, alternative sources of energy, and new technology? I would like to know they are going to do something, in addition to making a profit, that will actually increase our domestic supply.

We wake up today to find the region of the world on which we depend tremendously for our supplies is literally aflame, a tinderbox that is exploding while we are gathered here. Yet we sit around here almost pretending that nothing is wrong as we continue to watch oil and gasoline prices skyrocket and oil companies record huge profits.

One of the major oil companies, in its 2004 annual report, told its shareholders:

> We achieved the highest net income in our history, $18.2 billion. This was 48 percent higher than in 2003, as a result of higher oil and gas prices.

So they recognize themselves that their profits are occurring because of these skyrocketing prices. Why not put some of those resources into developing alternatives, or doing a better job to see to it we become less dependent on the Venezuelas and the Middle East for our supplies? And if not, why not rebate some of the profits back to people who are struggling to make ends meet?

Senator DORGAN and I are asking the leaders to provide us a limited amount of time to debate oil and gasoline prices and other energy issues. Nothing has captivated the attention of our public as has this issue. I don't know why we can't find some time to talk about ideas to provide relief to people we represent. We spent more time in the last couple of weeks talking about gay marriage and flag burning. How about gasoline prices?

How about saying to the American public: Listen to the ideas we have to reduce the pressure you are feeling economically. That would be a welcome surprise to most Americans, to hear us talk about something they deeply care about. At the appropriate time, the Senator from North Dakota and I will be offering some language, once again asking our colleagues to join us in a bipartisan way to see if we can't encourage the industry to do something more than just brag about its profits.

I yield the floor.

The PRESIDENT pro tempore. There is 4 minutes 12 seconds on Republican side. Who yields time?

Mr. GREGG. We yield back the remainder of time in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5441, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Feinstein amendment No. 4556, to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country and to direct the United States Sentencing Commission to modify the sentencing guidelines to account for such prohibition.

Thune/Talent amendment No. 4610, to establish a program to use amounts collected from violations of the corporate average fuel economy program to expand infrastructure necessary to increase the availability of alternative fuels.

Vitter amendment No. 4615, to prohibit the confiscation of a firearm during an emergency or major disaster if the possession of such firearm is not prohibited under Federal or State law.

Menendez modified amendment No. 4634, to provide that appropriations under this Act may not be used for the purpose of providing certain grants, unless all such grants meet certain conditions for allocation.

The PRESIDING OFFICER (Ms. MURKOWSKI). Who yields time?

Mr. GREGG. Madam President, we are now back on the Homeland Security appropriations bill. My hope is, although this is not formalized as a unanimous consent agreement yet—but the understanding I have with the Senator from Washington was that the Senator from Pennsylvania would speak for about 15 minutes and then the opposition, if they wish to speak, would speak for 15 minutes. Then the Senator from Arizona, Senator KYL, would speak for about 10 minutes on his amendment. Then there will be 10 minutes in opposition. Then we will go to a vote on those two amendments. Either—if they are merged, one vote; if they are not merged, two votes. Then we will go back to the Menendez amendment, the amendment of the Senator from New Jersey.

I understand Senator COLLINS wishes to speak on that, and Senator LEAHY wishes to speak. I am not sure what the time understanding is before we can get to a vote on the amendment of the Senator from New Jersey, but my hope would be we could go to a vote fairly promptly on that amendment after completing the votes on the amendments of Senator KYL and Senator SANTORUM.

I see the Senator from Washington is here. Is that her understanding?

Mrs. MURRAY. Madam President, I would let my colleagues know we have several Members who want to come to the floor to speak. We are checking with several of the relevant committees. I am hoping over the course of the next hour or so we can figure out the timing on the votes the chairman requests.

Mr. GREGG. At this time, I think the Senator from Pennsylvania is ready to go and we will get started.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 4575

Mr. SANTORUM. Madam President, I call up amendment No. 4575 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SANTORUM) for himself and Mr. KYL, proposes an amendment numbered 4575.

Mr. SANTORUM. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the number of border patrol agents, to 2,500 agents, and offset by increasing the availability of reverse mortgages for seniors)

On page 70, line 3, strike "$5,285,874,000; of which" and insert "$5,459,135,000; of which $459,863,000 shall be for 1,500 additional Border Patrol Agents and the necessary operational and mission support positions, information technology, relocation costs, and training for those agents; of which".

On page 127, between lines 2 and 3, insert the following:

"SEC. 540 (a) Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) in subsection (g)—

(A) by striking the first sentence; and

(B) by striking 'established under section 203(b)(2)' and all that follows through 'located' and inserting 'limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'; and

(2) in subsection (i)(1)(C), by striking 'limitations' and inserting 'limitation'.

(b) The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this section. The notice shall take effect upon issuance."

Mr. SANTORUM. Madam President, let me say, on behalf of myself and Senator KYL, we are working on two amendments that deal with the issue of border security. The first I am offering is an amendment to add 500 additional border guards to the underlying bill. The President, in his budget request, suggested we increase the number of border guards to be trained this year to 2,500. One thousand of those were provided in the bill, but this would add an additional 500. The other 1,000 was provided in the emergency supplemental, which was passed earlier this year, which would bring us a total of 1,000, plus 1,000 in this bill, plus 500, to 2,500.

The reason the subcommittee and the committee did not provide the additional 500 the President requested was because the President funded those additional 500 with a fee on airline flights. That was something the committee did not include in their mark and, as a result, didn't have the resources the President's budget request had to be able to fund these additional 500 guards.

We have been working with Chairman GREGG and the ranking member to try to come up with an offset, understanding this bill is incredibly tight. There are a lot of priorities in the Department of Homeland Security. Trying to find offsets and taking money away from other vital areas of homeland security was a very difficult thing to do. As a result, I worked with the committee and came up with an offset that was used in the House of Representatives on another appropriations bill over there. It is an offset with which I am very familiar because it is a piece of legislation I actually introduced earlier this year having to do with reverse mortgages.

Reverse mortgages are a very important tool that is used by some seniors in our society who have a lot of equity in their home but do not have a lot of income. They don't have a substantial stream of income to be able to support themselves in their retirement, so they have all this equity locked up and no ability to access that equity.

The reverse mortgage program, sponsored and directed by the Department of Housing and Urban Development—overseen by them—is a way to unlock that equity to be able to get income into the hands of our senior population. It is a pilot program now and has a cap of 250,000 mortgages. What this amendment does is removes the cap, adjusts the amount of money that will be allowed—the size of these reverse mortgages—based on the geographic area of the country, to reflect the discrepancy in pricing of houses in those different geographic areas of our country.

As a result, it will, because of these transactions, result in more income to the Federal Government, more revenue to the Federal Government. It is about $190 million. This would pay for the amendment I am offering to increase the number of border guards.

In addition, there would be some additional money left over, which Senator KYL, in a subsequent amendment, will address, to deal with the detention facilities and use up the remaining part of that money and some additional money in an offset that he has.

It is a combination effort to try to help the subcommittee come up with additional resources which I am sure the chairman would love to do. The chairman has been excellent in the past several years, since the events of 9/11, in fully funding the requests from the administration—in fact, in some cases exceeding the requests from the administration in providing for border guards. I think he has said on the floor of the Senate that we have seen a 40-percent increase in border guards, in the number of border guards being trained and the number of border guards, period, in this country since the events of 9/11.

We have seen a substantial increase. I commend him for the priority he has put to that. But I understood the difficulties he had in trying to come up with the money to add the additional 500 the Department said they could train this year and that they need. This is a way to provide the additional resources, to do so without emergency designation, to do so without busting the budget, to do so with a legitimate offset that actually raises the money that could counter the expense in providing for the additional border guards.

Obviously, this is an important issue. There is no issue I heard about more, over the past several months in particular as I traveled around the Commonwealth of Pennsylvania, as the issue of defending our border. We passed an immigration bill in the Senate which was an attempt to increase the number of border guards, increase detention facilities, build new fences, improve our points of entry at our southern border. That is wonderful, if we can get a comprehensive immigration bill passed. If we get a piece of that immigration bill passed that deals with the border, I think that is a positive step in the right direction.

That doesn't mean we can't do things right now in the normal process to improve the situation at the border. We have done that in prior appropriations bills as a result of the work of the chairman and ranking member, and we should continue to do so, whether we get an immigration reform bill ultimately passed this session of Congress.

This is the opportunity for Congress to actually do something concrete and positive this year to enhance our border security—to increase the number of border guards up to the President's request and up to what the Department of Homeland Security says they can use this year and train this year.

I am hopeful we will get support for this—again, if it is fully offset. It is something we have cleared through the Ways and Means Committee because this does raise revenue. When Chairman THOMAS was on the Senate floor, I asked about the potential blue slip problem. We have gotten word we will clear that hurdle, if necessary.

I obviously checked with Chairman BOND and the housing subcommittee. They have been very helpful in that regard. We have run all the traps. There is a solid offset, and it provides for a definite need in a very critical area of our national security; that is, our border presence.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4643

Mr. KYL. Madam President, I ask unanimous consent the Santorum amendment be laid aside for the purposes of me laying down an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, my amendment is similar to that laid down by Senator SANTORUM in that the offset comes from the same housing loan program. It is an effort to reach the President's full goal rather than what the appropriations bill was able to accommodate, but in this situation to reach that goal for detention spaces rather than additional Border Patrol. If you combine the two amendments, what we will have accomplished is to achieve the funding of the full number of Border Patrol agents the President wanted to add and the full number of detention spaces the President wanted to add. That is the simple explanation. There simply was not quite sufficient money available to the Appropriations Committee to achieve 100 percent of both of those goals. Those goals were stated in the President's budget with respect to detention spaces.

I will describe the detention space problem in a moment, but the President's fiscal year 2007 budget request requested an additional 6,700 beds. The legislation before the Senate funds an additional 1,000. The supplemental appropriations bill we passed earlier funded an additional 4,000. Adding those two together, you have 5,000 new beds. Subtract that from the 6,700 the President said he needed when he submitted the budget and we have an additional 1,700 beds we need to acquire. This legislation appropriated the funds for the additional 1,700 beds and uses the offset Senator SANTORUM will trigger in his bill, as well.

Why is it important to add these detention spaces? The primary reason is to end, once and for all, this program of catch and release. When we apprehend an illegal immigrant from a country other than Mexico, you cannot return that person to Mexico. The person is not a citizen of Mexico. We have to return that person to their country of origin. This is a very difficult thing to do.

First of all, some of the countries will not take their people back. Others will only do so after a great deal of time and effort are expended in paperwork to take them back. There are something like 40,000 Chinese nationals who need to go back to China but who are not being sent back to China.

What happens to those people in the meantime? The program in the past has been, as I said, catch and then release them because there is no place to detain them pending their removal to their country of origin.

The Secretary of Homeland Security would like to have enough detention space available that the people who need to be detained can be detained. They can be put on the airplane and sent back to their country of origin. The Secretary would like to expedite this removal so that in all cases it is done within a couple of weeks, if possible. Today, the average is about 3 weeks.

The problem is, many people are apprehended and simply told to return in 3 weeks, 90 days, or whatever the period might be. Of course, most of them do not come back to be removed to their country of origin. That is the release part of it. As a result, we have a large population of illegal immigrants in this country from countries other than Mexico who have been apprehended, have been asked to come back so they can be sent back to their country of origin but who never come back to be sent back. Without the detention spaces, that is not going to stop. Once those detention spaces are available, the Secretary believes these illegal immigrants will cease coming here because the expense of their getting here is not going to be worth it since they will have the certain knowledge they will be apprehended, detained, and then sent back rather than detained and then released into our society, never to be heard from again.

The President's 2007 budget did describe this practice of catch and release and described it as an unacceptable practice that must end. If we are going to end it, we need to have sufficient detention spaces, as the President pointed out, the additional 6,700 beds to accommodate these people.

A number of Members have continually talked to the administration and the Department of Homeland Security about this problem. For one reason or another, it has always been a matter of, we need more detention spaces and we cannot accommodate this many people. It is a major breakthrough; the administration has finally calculated how many more spaces it needs and has begun the process of acquiring those spaces. We need to support the administration's full request and not simply get 60 or 70 percent of it accomplished. We are not going to solve this problem of catch and release until we have sufficient detention space.

It is also a security problem for the United States because in many cases we do not know the identities of these people. These are not simply Mexican nationals coming across. They could be people from China, Russia, Vietnam, or countries of special interest to the United States in the Middle East, for example, countries from which terrorists have come. As a result, it is important not to simply release these people into the interior of our country never to be heard from again. They carry false documents. We do not know their true identities. It is important when we apprehend them to detain them.

Let me quote from a June 22 letter from me to the Department of Homeland Security, Secretary Chertoff:

> . . . because DHS lacks the detention space to hold OTMs [other than Mexican nationals] it necessarily releases 70 percent of them into the interior of the United States with a Notice to Appear for an immigration hearing. Approximately 70 percent of those released failed to appear for their hearings; of those who do appear, 85 percent fail to comply with final orders of removal and remain illegally in the United States. In effect, therefore, our national policy amounts to "catch and release," and raises significant national security concerns. Moreover, it does nothing to deter further illegal immigration by OTM's. Indeed, it may have the opposite effect: A June 4th article in the San Diego Union Tribune indicates that Brazilians, who make up a large portion of the OTM's, actively seek out border patrol agents after illegally crossing the border, so that they may get a Notice to Appear and pass unmolested into the interior.

In other words, it is actually a benefit for these people who have a piece of paper with them that, in effect, frees them from additional apprehension during this period of time prior to their notice to appear. When the time period is up and they are supposed to actually appear, they are gone. In the meantime, they basically had a free pass to travel wherever they want in the United States, unmolested by the Border Patrol or law enforcement.

In a November 15, 2005, letter to Secretary Chertoff, I joined Senators McCAIN, HUTCHISON, and CORNYN in advising the Secretary that:

> . . . the Department should immediately resolve the "catch and release" practice, under which these non-Mexican illegal aliens are released into the interior due to lack of detention space.

The result of that was an effort by the Department of Homeland Security to identify what was necessary in order to achieve the goal. As I said, their determination was 6,700 beds, the number called for in the administration's budget.

I applaud the chairman of the appropriations subcommittee, Senator GREGG, for finding the funding to add an additional 1,000 beds to the 4,000 that were put in the supplemental appropriations bill, also due to his efforts. The Committee on Appropriations has gone a long way toward getting this funding, but we are still not quite there.

This legislation says this must be one of our priorities. As a result, having found a way to pay for it from other legislation, let's add these 1,700 so we can accommodate the full budget request of the President and say we have done everything we can to resolve this problem of catch and release.

There are some additional things we could talk about here, but it is probably relatively uncontroversial for us to complete this job. If there is no opposition to this amendment, I don't think it is necessary for me to talk about some of the additional things we could discuss to make the case; that it is very important to stop this program of catch and release. I think almost everyone agrees with that proposition. My amendment is what is necessary to complete that unfinished business.

I hope our colleagues would see the benefits of adding this to the bill and ensure we can complete the task of resolving this problem of catch and release.

If there is further debate, I am happy to respond and cite additional information that I think will help make the case we need to do this, but I don't think it is a case that needs a great deal of elaboration. I ask my colleagues when we have the opportunity to vote on this, to support this amendment, as well as Senator SANTORUM's amendment, which I also wholeheartedly join in supporting. I am an original cosponsor of it.

These are the two pieces of unfinished business we need to take care of in this legislation.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I congratulate the Senator from Arizona. I am a cosponsor of his amendment as he is a cosponsor of mine. I am very sanguine about the opportunity to get both the detention facilities, the beds added, as well as the additional border guards the President requests. I think everyone in this Chamber has been very clear about the need for additional border security on both sides of the aisle. In fact, we voted on numerous amendments in the past offered by Members on both sides of the aisle to increase border security as well as to stop the catch-and-release policy.

Here is an opportunity to have the President's budget request complied with, and to offset that is sort of a bonus. It is good public policy. We have good public policy providing streams of income for our seniors at a difficult time in their life through the process of reverse mortgages, which was a pilot program that has worked very well and has broad support on both sides of the aisle.

What we have in this amendment, as well as the amendment of the Senator from Arizona, is the opportunity to have a win-win situation. My understanding is, however, that—at least there is a rumor afoot—some on the other side of the aisle have a problem with the offset, not that they have a problem—my understanding is they do not have a problem with the offset itself but that under the rules of the Senate there is a germaneness issue with respect to this particular offset on this particular piece of legislation.

I hope we look to the merits of actually both pieces of legislation: One, the funding for detention facilities and for border guards, the need to do that, the need to do it in a fiscally responsible way, not adding to the deficit. On top of that, there is the good public policy that can be accomplished through the Reverse Mortgage Program—which, again, has broad support from both sides of the aisle and has terrific support within the senior community, the AARP, as well as so many other senior organizations, lending organizations, and the like who see the terrific advantage. This is a program overseen by the Department of Housing and Urban Development. It is a good public-private partnership that has the public component to ensure that seniors are not taken advantage of in these transactions. So it is a good win for our seniors, it is a good win for our border security, as well as getting rid of a very bad policy which is catch and release.

So again, the point of germaneness has not been made, and maybe on second thought we will see that the actual public policy benefits of getting something done here in the U.S. Senate, of increasing border security, as well as improving the living conditions of our seniors, will be a good one-two punch to accomplish here today in the U.S. Senate. I hope we can do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, when I described my amendment, I neglected to send it to the desk, so I send the amendment to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. SANTORUM, proposes an amendment numbered 4643.

Mr. KYL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows

(Purpose: To increase the number of Department of Homeland Security detention bed spaces by 6,700 total beds in FY 2007)

On page 75, line 8 strike "$3,740,357,000; of which; and insert "$3,780,357,000; of which $40 million shall be authorized for 1,700 additional detention beds spaces and the necessary operational and mission support positions, information technology, relocation costs, and training for those beds; of which".

SEC. At the appropriate place in the bill, insert:

Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended by adding at the end the following new subsection:

"(n) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE—

"(1) IN GENERAL.—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1-to-4 family dwelling in which the mortgagor will occupy or occupies one of the units.

"(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size.".

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 4615, AS MODIFIED

Mr. VITTER. Madam President, I call for the regular order with respect to amendment No. 4615 and ask that it be modified according to the modification language already at the desk.

The PRESIDING OFFICER. The Senator has the right to do both actions.

The amendment (No. 4615), as modified, is as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. PROHIBITION ON CONFISCATION OF FIREARMS.

None of the funds appropriated by this Act shall be used for the seizure of a firearm based on the existence of a declaration or state of emergency.

Mr. VITTER. Madam President, I ask unanimous consent to add as cosponsors the following Senators: CHAMBLISS, ROBERTS, BUNNING, ALLEN, BAUCUS, THOMAS, and SMITH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, this slightly modified amendment is the same amendment fundamentally that I described and talked about yesterday, only now it is fully germane—a pure limitation amendment which clearly can be and should be and will be considered and voted on in the context of this underlying bill.

It would prohibit law enforcement officers from confiscating firearms from those who are in lawful possession of them just because it is a disaster situation. It would not prevent funding for law enforcement officers who confiscate firearms because someone is in violation of Federal, State, or local law. It simply says, law enforcement cannot, under their powers because it is an emergency situation, start confiscating firearms which are completely legal, which have been obtained completely lawfully, by law-abiding citizens.

As I explained yesterday—and I want to repeat it very briefly now—we talk about second amendment rights. We talk about the right and the need in some cases to defend your life and property. That is why the second amendment offers such fundamental and important constitutional rights.

Yet at no time in our ordinary experience is that more important, more truly important, to the preservation and defense of one's life and property than in the sort of disaster situation we saw right after Hurricane Katrina.

In the aftermath of that disaster, there was no communication. The police were cut off from enforcing their duties in many neighborhoods. And there was no ability for law enforcement to come to a citizen's call in light of an emergency. So a law-abiding citizen truly did, in many instances, depend on his firearm, his lawfully obtained legal firearm, protected by the second amendment for the defense of his property and literally, in some cases, his life and his family's life.

Therefore, we should never allow the confiscation of those legal firearms in that desperate situation when they truly are essential for the preservation of life and property.

Again, my amendment is very simple and straightforward in that regard. As it has now been modified, it is fully germane within the bounds of this bill.

I look forward to my colleagues supporting it with a strong bipartisan vote because it is such a clear, commonsense, right thing to do.

With that, Madam President, I yield back my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I appreciate the amendment of the Senator from Louisiana. I certainly intend to support it—strongly support it. I think it is an excellent amendment. I believe it is going to require a vote, however.

We are now going to turn to the Senator from Connecticut who is going to offer an amendment with 30 minutes on that amendment, the Senator from Connecticut having control of 20 minutes and myself having control of 10 minutes. At the completion of the presentation of the Senator from Connecticut, I would hope we would be able to work out an agreement where we can go to a vote on the amendment by the Senator from Louisiana and a vote on the amendment of the Senator from Connecticut. That has not yet been agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 4641

Mr. DODD. Madam President, I would like to call up amendment No. 4641, if I may, and ask for its immediate consideration.

Mr. GREGG. If the Senator will yield for a second?

Mr. DODD. I am happy to yield.

Mr. GREGG. Madam President, I ask unanimous consent that the time on this amendment be 30 minutes, with 20 minutes allocated to the Senator from Connecticut and 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I call up amendment No. 4641 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 4641.

The amendment is as follows

(Purpose: To fund urgent priorities for our Nation's firefighters, law enforcement personnel, emergency medical personnel, and all Americans by reducing the tax breaks for individuals with annual incomes in excess of $1,000,000)

On page 91, line 6, strike "$2,393,500,000" and insert "$12,083,500,000".

On page 91, line 8, strike "$500,000,000" and insert "$2,896,000,000".

On page 91, line 9, strike "$350,000,000" and insert "$2,027,000,000".

On page 91, line 22, strike "$1,172,000,000" and insert "$6,789,000,000".

On page 92, line 1, strike "$745,000,000" and insert "$4,315,000,000".

On page 92, line 3, strike "$210,000,000" and insert "$1,216,000,000".

On page 92, line 9, strike "$5,000,000" and insert "$30,000,000".

On page 92, line 11, strike "$12,000,000" and insert "$69,000,000".

On page 92, line 13, strike "$150,000,000" and insert "$869,000,000".

On page 92, line 17, strike "$50,000,000" and insert "$290,000,000".

On page 94, line 17, strike "$655,000,000, of which $540,000,000" and insert "$3,794,000,000, of which $3,128,000,000".

On page 94, line 19, strike "$115,000,000" and insert "$666,000,000".

On page 95, line 5, strike "$205,000,000" and insert "$1,187,000,000".

On page 96, line 6, strike "$45,887,000" and insert "$265,800,000".

On page 96, line 12, strike "$525,056,000, of which $442,547,000" and insert "$3,041,200,000, of which $2,554,608,000".

Mr. DODD. Madam President, I ask unanimous consent that my colleague from Michigan, Senator STABENOW, be added as an original cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, if the Chair would inform me when the Senator from Connecticut has consumed 15 minutes, I would appreciate it.

The PRESIDING OFFICER. The Chair will do so.

Mr. DODD. Madam President, I rise this morning to offer this amendment that seeks to meet some of the domestic security needs of our Nation as demonstrated by a distinguished group of experts in public policy, national security, and public health. This is not an amendment that I have crafted on my own. Rather, this amendment reflects the tremendous work done by our former colleague, the Senator from New Hampshire, Warren Rudman, who authored this report under the auspices of the Council on Foreign Relations back in 2003, along with a very distinguished group of Americans who brought a wealth of talent to that report, making significant recommendations as to how we might strengthen the ability of first responders in this country to deal with the national security threats posed by terrorist organizations.

Obviously, all of us here are more than aware of these threats not only because of the events of 9/11, when we were victimized by the attacks of al-Qaida, but because we have witnessed the tragic events in Madrid and London, and most recently, the train bombings near Mumbai, India, where terrorist attacks have taken the lives of innocents. Once again, we realize that we are very, very vulnerable.

Warren Rudman has warned us of this vulnerability. A distinguished group of Americans, who I will identify in a moment, have warned us. I will be offering an amendment now for the fourth time since 2003 urging my colleagues to support an effort to put some very meaningful resources to bear when it comes to the needs of our first responders all across this country.

As I mentioned, this is the fourth year I have offered my amendment, along with my colleague from Michigan, Senator STABENOW. And I thank her immensely for her tireless efforts in this regard as well.

The purpose of this amendment is very simple. It is to fund the urgent priorities of our Nations's firefighters, law enforcement personnel, emergency medical personnel, transportation systems, and critical infrastructure, such as our ports and chemical plants around the country.

The amendment would pay for these vital priorities by lowering the tax breaks for individuals with annual incomes in excess of $1 million.

Politics is always about choices. Choices are never easy. To pay for this, I have to come up with an offset. I realize that. But it seems to me if we cannot make the simple choice of asking those who are the most affluent in our society to reduce, for a period of time—not totally—but just reduce, by a small amount, the amount of the tax break they would be getting over the next few years in order to fund the needs we have in our communities across this country—it is not a difficult choice to make.

I suspect if we surveyed the Americans who are making this kind of an income, as to whether or not they would be willing to forego the size of the tax cut they would be getting in order to properly fund these efforts, I suspect those Americans, as patriots, would be more than willing to make that kind of a sacrifice, if you wish to call it such, in order to properly fund the efforts that have been identified by Americans who know what they are talking about when it comes to our national security needs.

Four years ago, the Council on Foreign Relations—which I mentioned already—convened an independent task force to identify the challenges faced by our Nation in preventing and responding to acts of terrorism. This group was chaired, as I mentioned, by our former colleague, Senator Warren Rudman of New Hampshire.

The task force, in June of 2003, issued a very comprehensive report entitled: "Emergency Responders: Drastically Underfunded, Dangerously Unprepared." That was the report issued in 2003.

Senator Rudman was joined on this task force by a very distinguished group of Americans. Let me name some of them, not all of them: George Shultz, former Secretary of State under Ronald Reagan, Secretary of the Treasury, Secretary of Labor, and Director of the Office of Management and Budget; William Webster, former Director of the Centra Intelligence Agency; Charles Boyd, the chief executive officer and president of Business Executives for National Security; Margaret Hamburg, the vice president for biological weapons at the Nuclear Threat Initiative and former Assistant Secretary for Planning and Evaluation at the Department of Health and Human Services; Donald Marron, former chairman of UBS America; James Metzl, former staff member of the National Security Council, the Department of State, and former staff director of the Senate Foreign Relations Committee; Norman Ornstein, resident scholar at the American Enterprise Institute; Anne-Marie Slaughter, dean of the Woodrow Wilson School of Public and International Affairs at Princeton University; and Harold Varmus, president and chief executive officer of the Memorial Sloan-Kettering Cancer Center—and on and on, just to give you some idea of who the authors of this task force are.

All I have done is taken their recommendations and put them into legislative form. These are not Dodd proposals. These are proposals that our former colleague, along with the individuals I have just mentioned, have asked us to do. They told us 3 years ago the things we must do to be better prepared to deal with our threats. These are their ideas, not mine. I am just taking their ideas and putting them in legislative form, along with my colleague from Michigan, and asking our colleagues to get behind this and to pay for this by reducing, ever so marginally, the amount of the tax break that individuals making more than $1 million a year would otherwise be receiving.

I have great respect for my colleague from New Hampshire, Senator JUDD GREGG—we are good friends—and Senator BYRD. They have a very difficult task, along with the other members who serve on the Homeland Security Appropriations Subcommittee. It is not an easy job at all, and I recognize that. However, concerning the needs of our emergency responders and our critical infrastructure, I think we are faced with a problem that is far more significant than the budget cap requirements placed on these appropriations bills.

I think we will come back and revisit this if we are faced with the kind of tragedies I think all of us know are out there, when we look back and ask why we didn't do what needed to be done when Warren Rudman and others warned us about what would happen if we didn't provide the kind of support we are asking for. We would be told at some later date: Well, you see, there was a budget cap here where we mandated we could not do any better than what the budget cap required of us. I think we will come back to rue those words. I think we will regret it deeply that we did not provide the kind of support being recommended by this distinguished panel of Americans.

If the tragic events in Madrid and London, the alleged plot to destroy the Holland Tunnel, and most recently the train bombings in India say anything to us at all, it is that we must renew and redouble our efforts to prevent and respond to terrorism here at home.

The Rudman report only underscores, in my view, the sense of urgency that we ought to have about protecting our country from the risk of terrorism. However, the needs of our communities far exceed the limited resources we have been given in this bill. Again, I have respect for Senator GREGG and Senator BYRD. They have a very difficult job. I will be the first to admit that.

In fact, what I am asking for in this amendment is to spend $20 billion a year for 5 years, to hire, equip, and train first responders and to better protect our critical infrastructure from attack. This bill spends only roughly $4 billion a year, only about a fifth of what we are told by the Rudman report is urgently needed.

Again, we are faced here with a point of order that I know will be raised against this amendment because it violates the cap. And I will be asking to waive that budget point of order when either my colleague from New Hampshire raises it or someone he designates does. But I am asking my colleagues, do not let yourself cast a vote here that I think we will come to regret down the road.

How many more warnings do we need to have as a nation? We are not isolated in the world. We are not that well protected. What happened in India, what happened in Madrid, what happened in London, what happened here only 5 years ago will happen again. We need to provide the kind of protection that our constituents demand of us.

The Rudman report must not become yet another report collecting dust on a forgotten shelf—and that is my fear—until once again we are struck and wonder why we did not take these steps called for in that report.

Let me read, if I may, briefly, the conclusions of the report. Listen to their words. If my words do not move you, listen to the words authored 3 years ago by the people on this distinguished panel of Americans, authored by the Council on Foreign Relations. Listen to what they said 3 years ago. And I quote them. They, and Senator Rudman, said the following:

> The terrible events of September 11 have shown the American people how vulnerable they are because attacks on that scale had never been carried out on U.S. soil. The United States and the American people were caught under-protected and unaware of the magnitude of the threat facing them.

He goes on to say:

> In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America's continuing failure to allocate sufficient resources in preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack to drive the point home.

Madam President, I do not think any words can express the problem before us more clearly than those of Senator Rudman. It would be a terrible tragedy if it took another catastrophic attack to drive this point home.

I would also like to quote from the foreword of this report written by Les Gelb, who is the former president of the Council on Foreign Relations. Listen to what he had to say at the conclusion of that report:

> As I sit to write this foreword, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States and/or American interests abroad using chemical, biological, radiological, nuclear or catastrophic conventional means. At the same time, diplomats, legislators, military and intelligence officers, police, fire, and emergency medical personnel, and others in the United States and across the globe are working feverishly to prevent and prepare for such attacks. These two groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.

Again, I can stand here for the next hour and a half or 2 hours. I don't think any words I can utter are going to be as serious as the ones authored by Warren Rudman or Les Gelb. These groups, those that are somewhere in the world as I am standing here on the floor of the Senate, are preparing to attack us again. I know that. Every one of my colleagues knows that is going on. And simultaneously, there are people in Alaska, Connecticut, and New Hampshire that are doing everything they possibly can to protect us. Two groups, one wants to attack us; the other is trying to prepare against that attack. It is a race, and we are being asked by people who know what is going on to provide adequate funding so that the group that defends us will have the means to protect us.

I am asking for the fourth time in 3 years to break this cap and do what ought to be done to give our Nation the kind of protection it deserves.

In October 2002, several months prior to the issuance of the Rudman report, the Council on Foreign Relations convened yet another task force, the Independent Task Force on Homeland Security, which issued the report "America: Still Unprepared, Still in Danger." This task force was cochaired by Senator Rudman and another of our former colleagues, Senator Gary Hart of Colorado. They came to the general conclusion:

> America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil.

The report further warned:

> America's own ill-prepared response could hurt its people to a much greater extent than any single attack by a terrorist [and] the risk of self-inflicted harm to America's liberties and way of life is greatest during, immediately, and following a national trauma.

Here we have two seminal reports issued within 8 months of each other, essentially sounding an alarm to policymakers. We are the policymakers. We the ones who have to make the decision as to whether or not resources are going to be there. We hear the alarm further strengthened each year by our States, localities, and first responders who request more resources to adequately protect those to whom they are entrusted. Yet for all practical purposes, the vast bulk of these reports and requests continue to fall on deaf ears here in the U.S. Congress.

The funding level I am proposing in this amendment is over $16 billion. It is a huge amount of money. I recognize that. It supplements the approximately $4 billion that the underlying measure devotes to emergency responders and infrastructure security.

Together the bill and the amendment provide $20 billion in emergency responder funding over the next year. Again, this is not my recommendation. This is the recommendation of these individuals who have spent a lot of time looking at the issue and believe this is what is necessary. In fact, they might argue for more because that recommendation was made almost 4 years ago. So there is no factor built in for inflation or other costs that may have increased. I assume that number, if they were writing it today, may be larger. But I will still use the number from 4 years ago.

I understand that the need for a budget resolution to set caps on appropriations bills. Effective budget resolutions are those that achieve balance. They curb reckless spending while providing sound investment in our domestic and foreign priorities. Unfortunately, I don't find the current budget resolution and the caps it has imposed as balanced at all. And while constraining our ability to invest adequately in our emergency responders and domestic security, the resolution is projected to increase the national deficit by $296 billion in the coming year, principally because it seeks to make permanent tax cuts that are way too generous and that benefit primarily the most affluent in society.

The PRESIDING OFFICER. The Senator has used 14 minutes.

Mr. DODD. I thank the Chair. I will take another 5 minutes, if I may.

The report before us presents an uncomfortable reality that we have to face as a country. I certainly applaud the hard work that has been done, as I mentioned earlier. Yet as the tragedy in India vividly showed us on Tuesday, a nation, including ours, is invulnerable. We still possess weaknesses in our domestic security and our domestic infrastructure that must be strengthened. For over 3 years now we have possessed, in the form of the Rudman and Hart reports, a clear message from our most qualified experts that we need to do more to prepare ourselves. And while I recognize that this amendment is expensive, this cost will pale in comparison if we are hit and unprepared to respond to it. This cost will be minor.

We all agree that $16 billion is a considerable sum. In fact, it represents roughly half the cost of the underlying bill. However, our country continues to spend between $4 billion and $5 billion every month in Iraq and Afghanistan, roughly a billion dollars a week. So we are talking about 16 weeks of investment, if you want to look at it in those terms, in Iraq as to whether or not we ought to be talking about similar investments here at the local level.

This is funding that would not be wasted. The Rudman report clearly states the need for more resources. The demands we hear from our States and localities and first responders clearly state the need is there. Our ports have identified $8.4 billion to meet Federal security requirements. That is their assessment. Our transit agencies have identified $6 billion to make trains and buses and other forms of transit safer for passengers. Our firefighters and first responders demonstrate over $4 billion in needs annually so that they may perform their critical duties more safely. That is the conclusion coming from our transit agencies, port authorities, and firefighters. Those are their recommendations.

Again, I have asked my colleagues in the past to be supportive. I have not succeeded when I have offered this. But I offer it again because of what happened just a few days ago, halfway around the world in Mumbai, India. How many more times do we have to be reminded of what can and is likely to happen here again and whether or not we will be prepared to respond to it.

Warren Rudman and the people who worked with him to make these recommendations are serious individuals. These are Democrats, Republicans, people who have served as distinguished public policy setters over the last 25 years, from the Central Intelligence Agency to the Secretary of State to the national security agencies. These are not people who casually recommend the numbers they have. They studied the issue carefully. They believe it is the proper amount to request.

I am taking their suggestions, their words, their numbers, and offering to my colleagues an opportunity to take a report that is serious in its intent, serious in its proposals, and asking my colleagues to endorse it by breaking down this cap and offsetting the cost by the means I have suggested.

At the appropriate time, if a budget point of order is raised, I will move to waive that Budget Act and ask for the yeas and nays so that my colleagues can be heard on this issue once again. I hope that on a bipartisan basis we can say to our colleagues who chair the committees and the subcommittees, my good friend from Washington, my good friend from New Hampshire—they do a tremendous job in this area—but I think the clear message from the Rudman report is that we need to do a better job. The American people expect nothing less. I will ask for a vote when that occurs.

I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I believe I have 10 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Madam President, I am a great admirer of the Senator from Connecticut. He is obviously a significant force within the Senate. He has a lot of good ideas. He thinks big. This amendment is another example of that in some ways in that this amendment would cost $16.5 billion. The bill we brought forward to the floor for Homeland Security is a $32 billion bill. What he is suggesting is that we increase the authorized amount in this bill by half. It is for accounts which already have a large amount of money headed in their direction, first responder accounts.

We have spent, since we began this effort, over $14 billion on first responders. Of that $14 billion, however, that was authorized to be spent, only $6 billion has actually been spent. In other words, the States and localities, which have the right to this money, have put in place plans to spend money for first responders, but they have only been able to plan in a wa that was appropriate to the point where they have been able to use $6 billion. So we actually still have $8 billion in the pipeline before this bill is passed.

When this bill is passed, we are going to add another $2.4 billion to the pipeline. So that instead of having $8 billion available to be spent, we will be up to approximately $10.5 billion that will be available and it has not been spent.

Now the Senator from Connecticut comes along and says we need to put another $16 billion on top of that $10 billion, when we already know that the communities and States haven't been able to spend effectively the money that is available already, plus the additional money that we are going to provide through this bill.

Yes, the Rudman Commission came forward with a series of proposals. Quite honestly, I am obviously a great admirer of Warren Rudman. He was my predecessor, and he was an incredibly strong and effective Senator. He has remained a significant force for a lot of good things, including national security issues, intelligence issues. And his work maintaining the integrity of the financial community has been exceptional. But the report that they put together is a bit stale in many ways because of all the money we put in the pipeline. It is also a touch stale because if you really wanted to spend $16.5 billion on top of the money that we have in this bill. I am not absolutely sure that I would put it on top of the money that is sitting there because it wouldn't get used that quickly.

If you really want to provide these types of resources and you want to raise taxes to do so, you might want to put it on the border, into the Coast Guard, into intelligence. If you want to stop the next attack, the way you will stop it is through intelligence and through border security, especially if you are looking at weapons of mass destruction.

There are things that need to be done that maybe could use some more resources. To put $16 billion on top of $10 billion which hasn't been spent yet and say you have solved some problem, I don't think solves any problems, quite honestly. I think it is a statement, yes. But these cities and towns in the next year aren't going to draw down the $10 billion that is available to them so they are certainly not going to draw down the $16 billion.

My view on the first responder issue has been that we put so much money in the pipeline that it is sort of like putting a fire hose in the system. They haven't been able to handle the money yet. As they work through the system and can handle that money, then we will put in more money.

I am willing to raise first responder dollars, although we have done a pretty good job in this account already with $2.4 billion. But I don't want to use resources that can get me an instant bang for the dollar, such as putting a new Border Patrol agent on the border, which is what we have done, rather than put in a dollar that is going to sit in the Treasury for 2 or 3 years while communities get their act together.

I don't think from a policy standpoint this type of expenditure is necessarily the priority I would choose. From a pure budget standpoint, let's face it, this is the biggest increase I have seen proposed on this bill. There have been others. Senator BIDEN proposed to add a billion dollars of new money for rail transit, but this is $16.5 billion. That is a huge amount of money.

The title of the amendment says it is going to be paid for by tax increases. It doesn't say what tax increases. The Senator from Connecticut says we are going to be taxing the rich. The amendment doesn't say it is going to be taxing anybody. Its title says it is going to tax. There is no operative language for taxes.

So it is actually not even paid for. It is not paid for under the terms of the amendment. In my opinion, this type of tax-and-spend amendment is not justified, and it is very hard, in the context of the budget process and in what we have already done in these accounts, to justify. I oppose it.

At the proper time, I will make a point of order against the amendment as exceeding our budget cap. I don't think the policy demands it, and I certainly think the number is far out of anything that is logical in the context of what we are trying to deal with relative to setting up homeland security and making sure it is effectively pursued in this country.

At the termination of this debate, I hope we can get to a vote on Senator VITTER and Senator DODD. We are waiting to hear from the other side of the aisle whether they are going to allow us to vote on Vitter. I think in the next 5 minutes we may have a couple of votes. We are still awaiting word, for the information of our colleagues.

I reserve the remainder of my time

Mr. DODD. How much time do I have remaining?

The PRESIDING OFFICER. One minute 14 seconds.

Mr. DODD. Let me quickly attempt to rebut my friend from New Hampshire on these issues. I didn't make up these numbers. These are from our States and localities. They are telling us these are their needs; it is not just in the Rudman report. Their request of 4 years ago, based on the cost of items they thought were necessary then, has obviously gone up. Our ports identified $8.4 billion. That is not my request. These are serious people who are running our ports across the country. They need $8.4 billion to meet Federal security requirements; transit agencies, $6 billion. That is what they are telling us they need; firefighters, first responders, an additional $4 billion. Even by the chairman's estimation, we are $10 billion short of what needs to be done. I expect they are certainly making an effort, but it falls way short of what we are being told are the needs across the country.

Again, I am prohibited from getting too specific about this. My colleagues on the committee can make that decision. I think I am correct in that, but I suggest that if you were to ask patriotic Americans who have incomes of more than a million dollars a year whether they would be willing to forgo some of the tax break they are getting—not a tax increase but some of the tax break they are getting—to pay for this, they would agree.

We are spending $1 billion a week in Iraq alone. This is calling for $16 billion—16 weeks of what is spent for the effort in Iraq—to make us more secure at home. I don't hear any great complaints about the billion dollars a week we are spending in that particular effort. Yet we cannot find the resources to make us more secure at home.

I urge my colleagues to be supportive of the amendment. I ask unanimous consent to add my colleague from Connecticut, Senator LIEBERMAN, as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I believe I have about 3 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Madam President, I wish to reiterate the fact that we already have $8 billion in the pipeline. We are going to have $10.5 billion, which has not been spent after this bill is passed. This amendment is a $16 billion plus-up on a bill that cost $32 billion. It is a massive expansion. It will basically be going into an account at Homeland Security and won't be spent because they cannot spend the money they already have. It is a proposal that is simply not going to have the policy impact the Senator hopes for.

I know the Senator has alluded a couple of times to how much we are spending in Iraq, which is an immense amount of money. But we have soldiers on the ground in Iraq. We have equipment that has to be replaced there. We are fighting a war in Iraq. So I am sure the Senator isn't suggesting that we take the money from Iraq and move it over to the Homeland Security Department. I am just using that as an example. But the war in Iraq is being fought within the context of the budget. In this instance, this would be way outside of the budget.

With that, I yield back the remainder of my time and make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. DODD. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 38, nays 62, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—38

Akaka
Bayh
Biden
Boxer
Byrd
Cantwell
Clinton
Dayton
Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—62

Alexander
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The PRESIDING OFFICER (Mr. ENSIGN). On this vote, the yeas are 38, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. GREGG. Mr. President, at this time what we are going to do—and I will make a unanimous consent request to this effect—is we are going to recognize the Senator from Maryland to make two points on germaneness: one relative to Senator SANTORUM's amendment and one relative to Senator KYL's amendment. At the conclusion, we are going to recognize the Senator from Texas for up to 10 minutes. Then we are going to recognize the Senator from Maine for up to 20 minutes. I ask unanimous consent that what I have stated be the order.

At the same time, I further ask unanimous consent that while this action is pending, I not lose the right of priority relative to making a second-degree amendment on the Vitter amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. Mr. President, reserving the right to object, the Senator from New Hampshire did not provide me any opportunity to respond to the Senator from Maryland. I would like 2 minutes to respond.

Mr. GREGG. Mr. President, I would amend the request to have the Senator from Pennsylvania speak in response to the motion of the Senator from Maryland for up to 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Mr. President, I thought the request on this side was going to be——

Mr. GREGG. And the Senator from Maryland, in making his motion, will have 3 minutes to debate them, or respond.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, reserving the right to object, and I do not object to that, but I ask that following the Senator from Maine, the Senator from New Jersey, Mr. MENENDEZ, have 20 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous consent request as modified?

Without objection, it is so ordered.

Mr. SARBANES. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending amendment is the Kyl amendment.

Mr. SARBANES. I would ask the chairman of the committee, does he want to do the Kyl amendment first?

Mr. GREGG. Mr. President, I think that is probably a good idea, to do the Kyl amendment first.

AMENDMENT NO. 4643

Mr. SARBANES. Mr. President, I make a point of order that Kyl amendment No. 4643 is a rule XVI violation. It is legislation on an appropriations bill.

The PRESIDING OFFICER. The point of order is sustained.

Mr. SARBANES. And the amendment falls, I take it?

The PRESIDING OFFICER. And the amendment does fall.

Mr. SARBANES. Mr. President, what is now the pending business?

The PRESIDING OFFICER. The Santorum amendment is now pending.

AMENDMENT NO. 4575

Mr. SARBANES. Mr. President, I make a point of order that the Santorum amendment No. 4575 is a violation of rule XVI. It is legislation on an appropriations bill.

Mr. SANTORUM. Mr. President, as Senator KYL and I discussed earlier, this is an attempt to try to find an offset to basically increase the cap for this appropriations bill by finding an offset of a little over $200 million so we could fully fund the border security request from the President, from the Department of Homeland Security, for 2,500 border guards and increase the detention facilities to the amount that the President requested in his budget. This amount comes from a provision that lifts the cap on the number of reverse mortgages that will be available to our seniors to help them provide for themselves where they have a high amount of equity in their homes and not a sufficient stream of income. So what this legislation would do is provide that initial income by allowing more reverse mortgages to be authorized from the Department of Housing and Urban Development.

Unfortunately, we did understand this is subject to a point of germaneness, but this is good public policy, and it has bipartisan support. It happens to come up with basically the amount of money that we needed to provide for both fully funding border guards and fully funding detention facilities. So my hope was that—as is the case in many appropriations bills—we set aside the issue of germaneness, and we deal with the substantive issue, which is this is good public policy and it accomplishes another good public policy, which is to provide for the border guards.

I am disappointed that the point of germaneness was raised. There certainly is a point to be held here. I was hoping that it would not be raised and we could vote on the merits of the bill. I think it is an unfortunate occurrence, but the Senator has the right to make that point of order.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I have no problem with the purpose in terms of the program that the Senator from Pennsylvania wishes to implement, but I think this is a classic example of why we should not legislate on appropriations bills. This cap was increased last year from 150,000 to 250,000 reverse mortgages for senior citizens. Yet, there have been some reports of some concerns that there is a certain amount of fee gouging taking place with respect to senior citizens. This amendment would remove the cap altogether. It seems to me that there ought to be an effort to look into and address some of these concerns rather than just further increasing the program.

This is an important program for senior citizens, and we are hopeful it is working. We have been testing it out. We had an original cap of 150,000. Subsequently, this was raised to 250,000. The amendment also, of course, increases the loan limits. So there are some very substantive changes being made by this proposal with respect to this program. It seems to me it calls for the invoking of rule XVI and an opportunity to examine the substance of the program in a more careful way. That is the basis of raising the rule XVI point of order. I think this fits classically into the rationale for that ruling being part of the rules of the Senate.

Mr. SANTORUM. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 1 minute. Mr. SANTORUM.

Mr. President, again I respect the Senator's right to do this. Certainly a point of germaneness lies here. I suggest this legislation is supported by every senior group of which I am aware—AARP, mortgage bankers, a whole host of other organizations that see this as a tremendous opportunity to help low-income seniors who have equity bound up in their homes and have no way to access that in an affordable fashion.

This is a regulated area. I know we had a hearing of the committee not too long ago to look at this. HUD is concerned about fees, as the Senator from Maryland said. But they feel very comfortable that this is a program which can and should be expanded. While it doesn't look as if we are going to get this accomplished today, hopefully we can get it accomplished in the future. The House did adopt it in the TTHUD bill over in the House to help provide additional resources in the TTHUD bill in the House. Whether we get this accomplished here today or in the House bill, I am hopeful this legislation can move forward.

Mr. SARBANES. Is there time remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. SARBANES. I say briefly, I hope in any effort to expand it we can address the concern that has been expressed about fees, including by HUD itself, because, although this is a very good program and it is very important to seniors, in the course of this program being utilized we don't want to start drifting down the path of predatory lending—I guess I would call it reverse predatory lending. That is why I believe we need to include that kind of analysis in any expansion of the program.

The PRESIDING OFFICER. All time has expired. The point of order is sustained and the amendment falls.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, yesterday I offered a commonsense amendment that would help secure our broken immigration system, at least in part. This is an amendment which would have helped the Department of Homeland Security and the Border Patrol execute what is known as catch and return—or expedited return—rather than the current catch and release program that the Department has been engaged in when it comes to people who come illegally into our country from places other than Mexico.

Last year, 1.1 million people were detained coming across our southern border, and approximately 165,000 of those came from countries other than Mexico. The fact is that South America, Central America, and Mexico itself have become a land bridge for people from around the world seeking to come through our southern border into the United States.

The only way we are going to be able to begin to deal with this is to create a real deterrence that convinces people that if they attempt to immigrate illegally across our southern border, they will not only be detained but they will be returned to their country of origin without any delay.

Because of a lack of personnel and because of inadequate policies, we have had what has literally come to be known as a catch and release policy. In other words, people who come from Mexico can be returned literally the same day. But if you come from countries other than Mexico, it takes on average about 2 months to return those individuals to their country of origin because of the need to process the paperwork, get permission of that country to return the foreign national to that country, and the like.

The Secretary of the Department of Homeland Security, Michael Chertoff, has specifically said that this is a key to the success of our expedited removal program, which will finally allow us to create some deterrence when it comes to fixing our broken immigration system and border security controls.

I ask unanimous consent that Secretary Chertoff's letter of March 27, 2006, endorsing this amendment's approach be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Specifically what this amendment would do is deal with El Salvadoran immigrants who are the subject of the so-called Orantes injunction. This was issued by the Federal court in Los Angeles in 1988, and still exists today, which inhibits the Department's ability to use expedited removal when it comes to Salvadorans. It is clear when you compare the track record for the Salvadoran population as opposed to those from other countries that expedited removal works. But for this injunction, which impedes the ability of the Department to use the expedited removal, I believe we would see a tremendous level of deterrence which would help, in connection with everything else we are doing, to discourage illegal immigration into our country.

The only reason I stand here today and am talking about this amendment and I am not able to ask for an up-or-down vote on this amendment and to implement this request from the Department of Homeland Security which will help us fix our broken border security system, which will allow us to use expedited removal, is because the Democratic leader sought, by use of a procedural motion last night about 6 o'clock, to make a set of circumstances where we could not have a vote on that amendment.

I think this is another test, a test of our will, a test of our national resolve to fix our broken immigration system and to secure our borders. Unfortunately, due to the action of the Democratic leader yesterday, I believe that is a further indication that we are failing that test.

The American people want us to act decisively to fix this problem. They recognize this is a Federal issue, that only the Federal Government can deal with our international borders and provide the kind of security that will allow us to know who is coming into our country and why individuals are getting here. We know many of them want to come here to work, to seek a greater opportunity. We all understand that on a very human level. But the same porous borders that allow workers to come across allow gang members, allow common criminals, narcotraffickers, and, yes, even terrorists to enter our country without our knowing it only to do their mischief at a later time.

I believed it was incumbent upon me to come to the Chamber to explain my deep disappointment in this procedural move that was engaged in by the Democratic leader yesterday, which has denied us an opportunity to have a vote on this important amendment, one endorsed by the Secretary of the Department of Homeland Security and one which I believe is absolutely essential to our restoring credibility to our border security efforts by enabling our Border Patrol to use this well-recognized mechanism of expedited removal and deterrence.

I yield the floor.

EXHIBIT 1

U.S. DEPARTMENT OF
HOMELAND SECURITY,
Washington, DC, March 27, 2006.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: Thank you for your support of critical injunction reform legislation, which will significantly enhance our ability to end "catch and release" of non-Mexican illegal aliens apprehended on the Southwest border. We urgently need Congress to pass this legislation so that we can ensure that long-outdated court decisions do not frustrate our efforts to secure the border.

We have made great strides in increasing the number of non-Mexican illegal aliens detained for removal along the Southwest border. Indeed, most individuals from Central and South America, other than Salvadorans and family groups, are now detained for prompt removal upon apprehension at the Southwest border. But we are stymied in making further progress because of a 1988 court order that has impeded our ability to quickly remove Salvadorans caught after they illegally cross our borders.

This 1988 court decision was issued at a time when El Salvador was in the midst of a civil war and when immigration was governed by very different statutes, yet it continues to dictate our handling of Salvadorans. On November 17, 2005, we fully explained to the district court the dramatic changes in the facts and law that have occurred since the entry of its perpetual injunction in 1988. We asked the district court to lift its order in November, but we have no firm date for when this process will reach its conclusion in the district court or on appeal.

Other longstanding civil injunctions, including one that was issued 30 years ago, likewise impede our ability to effectively enforce the immigration laws. These district court decisions have created onerous operating procedures requiring the commitment of vast amounts of government resources. They detrimentally impact immigration enforcement on a daily basis and often frustrate our efforts. One such other order has resulted in the creation of extra procedures requiring substantial additional resources for routine visa processing. Another injunction has resulted in certain Freedom of Information Act requests being given priority over other pressing work. Invasive court-ordered requirements, for all practical purposes, hamstring the authority of the President and the Congress over the borders. Yet the conditions which gave rise to such requirements may have changed.

Under current law and court procedures, it can be extremely time-consuming and difficult to end these injunctions. With this legislation, Congress will be taking significant steps to ensure that we are no longer hostage to these old, out-of-date, court orders.

Because of the urgent need, I strongly encourage you to attempt to move this legislation both as free-standing legislation and as an amendment to the pending immigration bill. Without such legislation, we simply cannot end the "catch and release" policy for illegal immigration.

Thank you again for your support of our efforts to end "catch and release," so that we can take a major step toward complete control over our borders.

Sincerely,

MICHAEL CHERTOFF,
Secretary.

The PRESIDING OFFICER. Under the previous order, the Senator from Maine is recognized for 20 minutes.

AMENDMENT NO. 4634

Ms. COLLINS. Mr. President, I rise to speak in opposition to the amendment offered last evening by the Senator from New Jersey, Mr. MENENDEZ. To me, this feels like Groundhog Day. Last year on this very bill the Senate debated exactly the same issues regarding the funding for the Homeland Security Grant Programs. The proposal last year, with the exact same minimum as the Menendez amendment, was soundly defeated. Senator LIEBERMAN and I offered an alternative that was agreed to by a vote of 71 to 26.

The chart I am going to display explains it to our colleagues. The Menendez amendment would slash homeland security dollars for 36 States and the District of Columbia. It would take funding from 36 States and hand it over to 14 States—14 States that already receive more than 70 percent of the funding.

I am particularly surprised that this amendment is being offered after the widespread criticism and outrage over the funding allocation decisions by the Department of Homeland Security just a few weeks ago. I have told Secretary Chertoff that I believe he achieved what I would have thought was impossible: he made both New York and the State of Maine equally unhappy with his allocation decisions.

Many of the advocates for this amendment criticized the way in which the Department used its discretion to distribute funds. I share in their criticism. Their concerns are understandable, but their proposed solution is absolutely baffling because it would give even more discretion to the Department of Homeland Security to decide, with virtually no guidance, how to allocate these funds.

The Department has clearly demonstrated that it has a long way to go in perfecting a risk allocation methodology. Indeed, if you look at the recent inspector general's report from the Department on critical infrastructure, which was used in part to help determine these funding allocations, you will see that the Department has a very long way to go in coming up with a worthwhile risk-based system.

On that list of critical infrastructure was a petting zoo, for example, an ice cream shop, a doughnut shop. This is part of our critical infrastructure, absolutely essential assets? Yet the amendment offered by the Senator from New Jersey provides virtually no guidance on how a risk-based formula would work. By contrast, the legislation approved by the committee I chair puts forth risk factors that the Department should weigh.

The Menendez amendment simply hands the reins over to the same Department that was so widely criticized in its funding decisions. The result of the approach of Senator MENENDEZ will be that more funding will be given out under a flawed and inexact methodology. That is exactly why we still need to maintain a healthy State minimum, to assure that flawed distribution methods do not lead to gaps in our security system.

The minimum in the amendment offered by the Senator from New Jersey, .25 percent, is simply too low. It slashes by two-thirds the Homeland Security grants that every State is now guaranteed. Under his amendment, each State would be assured of only a little more than $2 million, for both the State Homeland Security Grant Program and the law enforcement program for this year. Compare that with a minimum allocation of slightly more than $7 million for fiscal year 2006 and $9 million the year before.

Again, let me emphasize this. Under the Menendez amendment, each State would be assured of only a little more than $2 million for homeland security, prevention, and response needs. That is a 72-percent cut in guaranteed funding to each State. I encourage my colleagues to talk to the emergency managers in your State, to talk to your first responders, your police officers, firefighters, emergency medical personnel, to find out what gaps in homeland security would be left unfilled if they faced such a sharp and massive reduction.

If we are going to become better prepared as a nation, each State must receive a predictable and reasonable base allocation of homeland security funding. States need a predictable base level of funding each year in order to support multiyear projects such as creating interoperable communications networks or first responder training regimes on a natural basis.

Risk-based funding, if distributed properly, certainly is important, and I support it and have proposed it. But it doesn't take away the need for this steady funding stream so that every State can bring its security up to a base level.

Let me give you perhaps the best example of the need for multiyear, steady, predictable funding, and that is the interoperability of first responder communications.

I am sure you recall, Mr. President, that the 9/11 Commission pointed to the lack of compatibility in communications equipment as contributing to the loss of life on 9/11.

The investigation that the Senate Homeland Security Committee did into the failed response to Hurricane Katrina demonstrated beyond any doubt that there is still a major problem. We saw different parishes in Louisiana using incompatible communications equipment that slowed and hampered the response to victims.

The National Governors Association reported last year that 73 percent of States have not developed Statewide communications interoperability networks. That is a complicated, expensive and multiyear process.

That is exactly the kind of goal—the interoperable communications network—that the steady, predictable funding from the Homeland Security Grant Program is designed for.

The National Governors Association during last year's debate wrote to me saying:

> To effectively protect our States from potential terrorist events, all sectors of government must be part of an integrated plan to prevent, deter, respond and recover from a terrorist act. For that plan to work, it is essential that it be funded through predictable, sustainable mechanisms, both during its development and its implementation.

It is important to know that current law requires States to develop a 3-year homeland security plan. Multiyear planning is critical to developing a successful prevention and response strategy. Yet, if we are going to ask States to plan 3 years out, we have to be prepared to guarantee them a predictable base level of funding.

When we talk about the significance of preventing the next terrorist attack, it is important to note that terrorists often stage their operations training and hideaway from their most obvious targets.

This hits home to those of us in Maine because two of the terrorists that flew the plane into the World Trade Center on 9/11 started their journey of death and destruction from Portland, ME, a city of approximately 65,000 people. That is where they started.

Just think if they could have been apprehended in Portland and maybe the number of lives that could have been saved.

As the publication of the International Association of Chiefs of Police notes, several of the terrorists involved in the attack had routine encounters with State and local law enforcement officials in the weeks and months prior to the attack.

If the State, tribal and local law enforcement officers are adequately equipped and trained, they can be invaluable assets in efforts to identify and apprehend suspected terrorists before they strike. We must provide State and local law enforcement with the tools they need to keep our country secure.

I note that it isn't only the two terrorists who started from Portland, ME that are good examples of terrorists hiding or training or transiting through rural areas. The 9/11 Commission told us that two of the terrorists, for example, were in Norman, OK, and others were in Norcross, GA.

All of these examples illustrate the vulnerability of towns and cities across America while highlighting the need for effective cooperation among all levels of government.

The Menendez amendment takes rational evaluations of need or effectiveness out of the distribution methodology. I hope my colleagues will take a close look at the exact language of the amendment offered by the Senator from New Jersey. I think they will be very concerned by that language if they do so.

This language factors out of the funding equation consideration of whether an area actually needs funding or whether it has a plan to spend the funding effectively.

That is an invitation to waste, fraud, and abuse if ever I have heard one.

The amendment would inevitably lead to more wasteful spending. It assures that we will hear about more cases of first responders' dollars being wasted.

For example, New Jersey spent a small fortune worth of dollars that were supposed to go for homeland security purposes on air-conditioned garbage trucks.

That is the kind of waste that we want to avoid. But when you take out any consideration of need, of effectiveness, of planning from the formula, that is exactly the kind of wasteful spending you are going to get.

The RAND Corporation recently cautioned us that homeland security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of smaller communities and rural areas.

The report recognized that much of the Nation's critical infrastructure—water plants, for example, or chemical plants and other potential high-value targets—is located in rural areas.

We all know of the threat of a terrorist attack on our food supply. That is another example.

There are so many rural hospitals which have shown that they are unprepared. I could give you example after example.

But, surely, it makes no sense to give the Department of Homeland Security, which has already proven that it does not have the systems in place to handle an allocation that is based on the Department's interpretation of risk—surely, it doesn't make sense to give discretion to the Department. But that is exactly what the Menendez amendment would do. It would give more discretion. It strikes any consideration of whether an area needs the funding, whether it has a good plan for the funding, and whether the funding will be used effectively.

The Menendez amendment will hurt our national efforts to protect our country from terrorist threats. It will leave most States worse off. It leaves the District of Columbia worse off than under current law.

Under his amendment, each State would be assured of only a little more than $2 million for both State Homeland Security Grant Programs and the law enforcement programs this year.

Again, I compare that to a minimum allocation of approximately $7 million last year and $9 million the year before.

Thirty-six States and the District of Columbia would be clear losers.

The Department would be given more discretion—discretion it has already shown it cannot handle. And this amendment, because it does not consider need and effectiveness and does not set out criteria for the Department to use, would result in additional wasteful spending.

I reserve the remainder of my time.

Mr. GREGG. Mr. President, I understand the Senator from Vermont wishes to speak. I presume the Senator from New Jersey has 20 minutes reserved under the previous order. I believe the debate should go forward, but I wish it would go forward with the unanimous consent that I continue to reserve the right to protect my second-degree position.

The PRESIDING OFFICER. That is part of the standing order.

Who yields time?

The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak for 2 minutes on an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I join my colleagues from Maine and Connecticut in opposing the Menendez amendment, which seeks to change the formula for the State Homeland Security Grant Program. The chairman and ranking member of the Homeland Security Committee have fought tirelessly to ensure that every State is prepared for a major disaster.

I am pleased to be an original cosponsor of their bill, S. 21, the Homeland Security Grant Enhancement Act, which strikes a fair compromise on this issue. This legislation passed the Senate by an overwhelming majority last year as an amendment to the FY 2006 Homeland Security appropriations bill. Thanks to Senator COLLINS and Senator LIEBERMAN, the Senate has taken a strong position on the need for a consistent, guaranteed line of homeland security funding for each and every state.

I strongly advocate the .75 percent minimum, which is guaranteed under current law. Hawaii and every state needs to develop a preparedness baseline, so residents are cared for in the event of a disaster. I fear that reducing the State minimum to .25 percent will severely impact the homeland security preparedness and response capabilities for much of the United States.

The sponsors of this amendment argue that the distribution of the majority of homeland security funding should be left to the discretion of the Department of Homeland Security. However, we all remember what happened in May when DHS rolled out its new risk-based funding model. New York and Washington, DC took a huge funding cut.

After enduring a 30 percent cut, my home State of Hawaii received little more than what the current state minimum guarantees. I oppose putting the people of Hawaii at risk by reducing the legally required minimum any further Hawaii is an island state, 2,500 miles from the U.S. mainland, which requires us to be self-sufficient in the event of a disaster.

As I said before, the Senate has already opposed the .25 percent minimum being debated today. I urge my colleagues to uphold that vote. I urge opposition to the Menendez amendment.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I would have hoped we could come together on this amendment. I do not consider it an effort to pit States against States.

I heard the distinguished chairwoman of the Committee on Homeland Security refer many times to the 9/11 Commission. The 9/11 Commission's unanimous bipartisan recommendation said all Homeland Security funding should be driven by risk, allocation should be driven by risk and strictly by risk.

Our amendment, however, does not take their conclusion, in recognition that States have responsibility and needs, to the ultimate conclusion of all money should be focused strictly by risk. It recognized that all States have some degree of responsibility within the context of a Federal mandate. It says, as the administration has said, that it should at least receive .25 percent of all of those funds. We are in line with what the 9/11 Commission said.

If we are going to quote the 9/11 Commission, then we should quote it in its entirety. Also, we are in line with where the administration's own recognition is.

In my mind, this is not small States versus big States, small cities versus large cities, rural versus urban. It is about risk. Very small States can have very big risk. Ultimately, they would be—if their risks are established as they believe them to be—beneficiaries at the end of the day with our amendment.

While the District of Columbia is obviously not a State, it is small in size and in population compared to many of the States of the Union, but it has great risk because it is at the seat of our Government, with national monuments and national landmarks. In fact, when it is driven based on risk, it should do much better.

To suggest I would offer an amendment that would hurt my own State, as I saw on that chart, is simply not the reality.

I understand a number of small States, for example, face great risks from nuclear plants, to ports, to dealing with security risks at their borders. Those risks, if we use risk assessment, will drive where the money should go.

Of course, risk can change in the future, depending on the nature of the threats we face.

Just as Members of this Senate are asked to support issues in the national interest, such as supporting our agriculture, protection from hurricanes, help after flooding, whether those issues impact our particular State, we and all Senators act in this respect in the national interest to support getting our Homeland Security dollars to the places at greatest risk. In fact, the Senator from Hawaii mentioned the cuts to communities such as New York City. When it is not based on risk assessment, that is the result we have.

I agree with those who have said that the Department of Homeland Security can do a far better job. We are in unanimous agreement with that. I looked at the list of national critical infrastructure. I look at some popcorn factories, some petting zoos. Those are in this infrastructure of which there is great risk. That obviously is not the case.

Ultimately, we need a process that drives our limited resources to where the greatest risks are and where the greatest threat is. Certainly, I believe that allocation as the 9/11 Commission called for in a bipartisan unanimous report, looking at all of the equation of Homeland Security and intelligence reform, is the way we should drive these moneys.

We are silent on effectiveness. We do not alter effectiveness as part of the equation. We stated so yesterday to the distinguished chairman of the Committee on Homeland Security when he asked us. As a matter of fact, our legislation says to the maximum extent practicable. It does not undermine the very essence of making sure we have effectiveness. We want effectiveness. But is there effectiveness when you are giving allocations of moneys for which there is virtually no risk in many parts of the country or a much lesser risk?

I hope those who come from small States but have big risks would actually be supportive of our amendment.

In my mind, I find it interesting there are those who continuously vote against the amendments that have been offered to try and raise the Homeland Security funding overall but suggest we should not distribute the existing funding based on risk. In my mind, our amendment is actually about creating a standard in which all—large and small, rural and urban, regardless of what part of the country—receive a baseline guarantee but also receive those moneys needed to deal with risk. Any formula is always subject to, when there is an element that is to be determined on the basis of risk, how well the executive branch operates, but that is true no matter what. We need to keep the executive branch's feet to the fire and make sure that risk is truly risk, not as we see on some of the lists given in terms of infrastructure in the country that clearly has no risk.

At the end of the day, to suggest we should have a general distribution formula of Homeland Security moneys when the September 11 Commission unanimously said that is not in the best interests of the country, that is not the best way to protect the country, and ultimately where those entities who complain they do not have the resources necessary to meet their homeland security challenge could get greater resources if their risks are, in fact, established, is to undercut the very essence of their argument.

I ask unanimous consent to have Senator CORNYN added as a cosponsor of our amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I strongly oppose the amendment offered by Senator MENENDEZ to drastically cut the base allocation of Homeland Security grants for all States.

I heard the statement of the distinguished Senator from Maine, Senator COLLINS. I associate myself with her words. She has stated it far more eloquently than I as to why this amendment should be defeated.

The Senator from New Jersey has the right concerns about the administration's underfunding of first responder assistance programs. His concerns are absolutely right. I happen to agree with him on those. But he has chosen the wrong target to try to fix that problem.

Senator MENENDEZ and his cosponsors are understandably outraged over how threat-based Homeland Security grants were recently distributed. If it were not so serious a situation, the recent explanation by Homeland Security officials and how they distributed these funds would be laughable. We are not debating the competence of Homeland Security. If we were, we would hear all the statements of Homeland Security that if there is a sudden terrorist attack, they are ready; had there been a sudden terrorist attack with no notice at all on New Orleans last year, they are ready to do everything possible to help the people. Of course, when they had a week's notice before Hurricane Katrina, they still have not responded. It is not their competence we are debating.

Yesterday, the Senate once again attempted to correct the Bush-Cheney administration's woefully inadequate request for Homeland Security. Unfortunately, the amendment of the Senator from New York, Senator CLINTON, to restore $750 million for first responders' assistance, was defeated. I had voted for that. I am sure the Senator from New Jersey did.

Now we come to this amendment that purports to correct the blunders of the Homeland Security threat assessments by slashing the base amounts to every single State in the country. Unfortunately, as the Senator from Maine has rightly pointed out, this amendment does pit State over State in how to divide inadequate overall funding for Homeland Security.

That is not the way to correct the incompetence of the Department of Homeland Security's determination of how to allocate grants based on risk. It is the right issue; it is the wrong solution.

When the Senate last year considered a similar amendment proposing this misplaced change in support for first responders, the Senate soundly rejected it with 65 of our colleagues voting against it. The terrorist attacks of September 11 added to the responsibilities and risk of first responders nationwide.

I wrote the all-State minimum formula as part of the USA PATRIOT Act of 2001 to guarantee each State receives less than 1 percent—actually 0.75 percent of the national allotment to help meet the national domestic security needs. Every State, rural or urban, small or large, has basic domestic security needs and deserves to receive Federal funds to meet these needs and the new Homeland Security responsibilities the Federal Government demands. Large urban areas and high-risk areas have even greater needs, and they should be addressed. Both should be addressed.

I don't mean to be parochial, but my little State of Vermont, the second smallest State in the Union, is a State that borders another country. We are a State with a nuclear reactor. We have been called upon by the Federal Government to help out on border security, to help out because we are in a direct line from Canada down to two very large urban areas—Boston and New York. We are constantly getting requests to help. Our little State of 660,000 people, loyal Americans all, wants to help every way we can, but we are saying if we are asked to help out a whole lot of other States, at least let us have some basic help. Whether it is going to require us to put in new radio systems, telecommunications systems, or anything else, to protect not just us but to help protect other urban areas, let us do it.

I would remind everybody, when we had the tragedy of 9/11, for weeks after that happened, the air support over New York City, the armed response, the F–16s flying over New York City were flying out of Burlington, VT. Vermont provided people from our military, from our law enforcement, from everywhere else. We did not ask to be reimbursed, even though it cost us a lot. We responded within an hour. And it was the Green Mountain Boys who flew over New York City, providing that security at a time when nobody knew if there was going to be another attack. They did it around the clock. They did it with people canceling vacations.

We had one mechanic driving down the interstate with his family on their way to their vacation. He was a mechanic for the Air National Guard. He heard on the radio about the attack, and at the first place he could do a U-turn on the interstate, he did. He headed back. He told his wife and kids: Drop me off here; they are going to need me. I will call you when I get my first break.

And 3 days later, when he had an hour's break, he called and said: Send me some clean clothes. Don't take me home. Go back to your vacation. Send me some clean clothes. He kept on working.

Now, every State would have done the same. We respond. But if you pit States against each other, that ignores the real problem. The real problem is the administration has failed to make first responders a high enough priority. Congress, instead, should be looking to increase the overall Federal commitment to the Nation's first responders. We have plenty of money to spend on Iraq's first responders. Let's spend some of that money on the first responders of the United States.

The smaller States, especially, would never be able to fulfill those essential duties on top of their daily responsibilities without Federal support. My colleagues should be warned that if the minimum drops any further—and you compound that by the substantial drops in overall first responder funding—then small- and medium-sized States will not be able to meet those Federal mandates for terrorism prevention, preparedness, and response. Again, if we can send money to Iraqi first responders, let's find the money for American first responders.

After the terrorist attacks of September 11, we worked together in the Senate—Republicans and Democrats alike, from large States and small States, and we have done it with the other body—to meet the needs of all State and local first responders from rural and urban areas. Our fire, police, and rescue teams in each State in the Nation deserve support in achieving the new homeland security responsibilities the Federal Government demands.

The taxpayers in my State never questioned the fact that we would help in the disasters of Katrina or the disasters of 9/11. All States were in this together. But representatives of urban areas have been arguing that Federal money to fight terrorism is being sent to areas that do not need it, that it is being "wasted" in small towns. They have called the formula highly politicized and insisted on the redirection of funds to urban areas that they believe face heightened threat or terrorist attacks.

What critics of the all-State minimum seem to forget, though, is that since 9/11, the American people have asked all State—all State—and local first responders to defend us as never before on the frontlines in the war against terrorism—a war that will not end in my lifetime or the lifetimes of the other Members of this body.

Vermont's emergency responders have the same responsibilities as those in any other State to provide enhanced protection, preparedness, and response against terrorists. We have to ensure that adequate support and resources are provided for our police, our fire, and our EMS services in every State, if we expect them to continue protecting us from terrorists or responding to terrorist attacks, as well as carrying out their routine responsibilities.

I understand the concerns of my friend from New Jersey. He is an extraordinarily able Senator, as he was an extraordinarily able Member of the other body. I have enjoyed our friendship, and I have enjoyed the fact that we have worked together many times. But I would say to him and others, do not foster divisions between States because that is going to ignore the real problem. The real problem is that the President has failed to make first responders a high enough priority. We should be looking to increase the funds to our Nation's first responders, not pit State against State.

We have seen cuts in State and local first responder formula grants in the Homeland Security Department by 59 percent—from $2.3 billion in 2003 to $941 million in 2006. That is $941 million for all first responders in America for the whole year. That is about what we have spent this week alone in Iraq. This week already we have spent about $941 million. That is what we are going to say we are going to spend for the whole year in the United States to protect us and to give our first responders the money they need. Now, those cuts—those huge cuts—are going to affect every State, whether it is a small State or a large State.

We are looking at another year of subpar funding for our State and local first responders. For 2007, the President proposes a 52-percent overall cut, or $1.3 billion, in funding for State and local law enforcement agencies alone. That, incidentally, is about what we spend in 1 week in Iraq.

The Senate Homeland Security spending bill we now consider cuts both the Law Enforcement Terrorism Prevention Program and the State Homeland Security Grant Program by $50 million each over the current year. Grants for high-threat, high-density urban areas—such as the ones the Senator from New Jersey is rightly concerned about; these are what the larger cities and metropolitan areas have been wrangling over in recent weeks—they face a $20 million cut over last year and a $140 million cut from 2 years ago.

These programs play a critical role for all States and communities for the purposes of training, procuring equipment, planning, and conducting exercises. Clearly, the domestic preparedness funds available are insufficient to protect our people and prepare for and respond to future domestic terrorist attacks anywhere on American soil.

I am not saying we should not help the Iraqi people. I am saying, let's give at least the same kind of priority to the American people. It would be comforting if we could at least tell Americans their Government was doing everything possible and practical to keep them safe. We cannot truthfully tell them that. There is much left undone in securing our Nation. That is why we are not abandoning the small- and medium-sized States that suffer under this amendment. This came up last year. The Senate roundly rejected it last year. I hope it will again this year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise, reluctantly, today in opposition to the amendment offered by my friend from New Jersey. I agree with my colleagues—certainly, with the Senator from Vermont and the Senator from Maine, and others who have spoken against the amendment—that it is not the right path for us to follow.

I will say this, though. I agree with my colleagues who do support this amendment when they say that places such as New York and Washington, DC, are the most vulnerable to terrorist attack. Unfortunately, that is true. These are places that were attacked 5 years ago on 9/11, and they are surely the targets foremost in the minds of those who want to do us further harm. Those places deserve more first responder aid than other communities, including communities in my own State.

What my colleagues who support this amendment ignore, however, is that communities across the Nation face some vulnerability to terrorist attacks as well. This amendment would cut first responder aid for all but the largest communities by two-thirds or more. And with all due respect, I do not believe that is responsible. I could stand here today and list all the places in my own State of Delaware that I think are especially vulnerable. I will mention a few.

Delaware is home to some of the largest chemical companies and plants in the country. Right across the river, we have three nuclear power plants. They are closer to my home than they are to any of the Senators or the Governor of New Jersey, for that matter. We have I–95 that cuts right through my State, carrying all kinds of cargo, including hazardous cargoes. The Northeast Corridor of Amtrak runs right through my State. We have two major rail lines, all of which carry hazardous and dangerous cargo from time to time. We have all kinds of shipping going up the Delaware River, which divides Delaware and New Jersey. The cargo it carries is dangerous as well. Frankly, a lot of it is an attractive target for terrorists, those who would do us harm.

And everybody else, probably, in the Chamber today, or those who will be showing up to vote in a few minutes, could say the same. They could go through a litany of similar kinds of concerns as to targets in their own States that would make them vulnerable, too. But that is not the point of this debate.

This debate is about whether we want States such as Delaware or States such as South Carolina or States such as Washington or States such as Arkansas or New Hampshire or others—that are represented on the floor at this moment—whether we want our States to have the resources we need to achieve even minimum preparedness, goals that are set by the Department of Homeland Security for our country.

We will not be able to achieve those goals in Delaware and in a number of other States with the cuts that, unfortunately, this amendment proposed by my friend from New Jersey would require.

From their inception, the State grant programs funded through this bill have directed some 60 percent or more of their resources to the largest most vulnerable areas. And we should do that. In addition, the Urban Areas Security Initiative directs even more money to the largest most densely populated cities. All of it is distributed based on vulnerability. There are not any cities in Delaware or in very many other small States that are competing for those funds.

What the amendment before us, regrettably, would do is tie the Department of Homeland Security's hands, forcing those who manage these grant programs to direct virtually every dollar we appropriate in first responder aid to a handful of States and larger cities. The Department officials would have no ability to consider whether a State or city actually needs the money they are getting or whether a grant recipient is even capable of spending those dollars effectively.

As I mentioned before. I am all for giving the most vulnerable communities more money. We should. This amendment, however, takes that worthy goal, in my view, several steps too far, taking a significant amount away from 36 States and, apparently, would even cut the allocation for Washington, DC. I do not think we want to do that either.

Every State has seen a decrease in first responder aid in recent years, as money has been diverted to other priorities. I do not necessarily agree with those decisions, but I certainly do not agree the solution to this problem that this amendment before us suggests—that is, to jeopardize the security of citizens in States such as mine and dozens of other States similar to it across the country—is the course we should follow.

I will reluctantly vote no on this amendment and encourage many of my colleagues to do the same.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, if there is no further debate on this amendment—maybe the Senator from New Jersey wishes to respond, but upon completion of his response, I would suggest that all debate on this amendment be deemed to have been completed and that at 12:45 we turn to an amendment from Senator SCHUMER and Senator CLINTON; that we have 30 minutes on that amendment, with 20 minutes for Senators SCHUMER and CLINTON and 10 minutes in opposition, controlled by myself; and that at the conclusion of that, Senator SESSIONS be recognized to offer two amendments.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Mr. President, reserving the right to object. I wish to ask a question. Does that allow the remainder of the time I had reserved to be used by myself for the purposes of responding?

Mr. GREGG. Yes. And I believe Senator COLLINS has a little bit of time.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, reserving the right to object, if I could clarify, which of the Sessions amendments will be offered at 1:15?

Mr. GREGG. I cannot represent which ones. But he has five filed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. LIEBERMAN. Mr. President, I believe my friends from New Jersey, New York, others who support this amendment, and I share the same goals: we want to ensure that those areas of our country that are predictably at higher risk of terrorism receive enough support to prevent and, if necessary, respond to attacks; we want to make our Nation as a whole a safer place. Where I must respectfully disagree, however, is in how best to accomplish those goals. This amendment would not do so.

In May, when the Department of Homeland Security announced its 2006 homeland security grant awards, for States and also for urban areas, 48 States and the District of Columbia found they had lost money from the year before. Many of these States, Connecticut and New York included, lost substantial sums. This was not primarily because of a change in the formula, however; it was because funding for these critical programs had been reduced by 29 percent. Since 2004, these programs have been cut in half, so there is increasingly less funding for all.

I was therefore disappointed yesterday to see the Senate reject Senator CLINTON's amendment—which both Senator MENENDEZ and I cosponsored that would have restored some of this funding. The fundamental problem here is the shrinking pie, not how we divide it.

When Urban Area Security Initiative, UASI, awards were announced, I, like many others, was disturbed to learn that New York City and Washington, DC—the two cities that were the targets of the terrorists on September 11th, and two that by any commonsense measure remain among those at risk by terrorists—had suffered sharp, and seemingly inexplicable, cuts in their UASI grants. But this wasn't because UASI money is awarded to cities not deemed at risk. There is not now nor has there ever been a guaranteed minimum or formula for UASI grants. Within the UASI pot, one of the reasons that New York City's share went down was because the Department didn't want its grants to be used for what New York deemed to be an essential need: paying for law enforcement personnel to staff its anti-terrorism efforts. This amendment does not solve that problem.

Finally, as we should have learned—by now—the hard way, even in the best of circumstances, risk assessment is at least as much art as science. And I think most of us can agree that DHS's shifting methodology for calculating risk does not represent the best of circumstances. Thus we have learned that DHS has had trouble counting national icons and government buildings and figuring out which infrastructure really is critical.

I have also learned, in what will surely come as a surprise to my constituents in Greenwich and Stamford, that according to DHS, southwestern Connecticut is not even considered part of the New York metropolitan area. This despite the fact that 100,000 people each day commute from Connecticut into New York, that major rail and commuter lines connect my state with New York, and that when the terror alert level is raised in New York City, additional Connecticut State Police must be activated. And, of course, that on that tragic day nearly 5 years ago, 67 Connecticut citizens perished in the World Trade Center towers. DHS's risk assessment method, however, remains unable to account for the additional risk and demands of being part of the Connecticut-New York-New Jersey tristate area. This amendment also does not solve that problem.

The fact is, the Senate has already approved legislation painstakingly negotiated within the Homeland Security and Governmental Affairs Committee that represents a better approach. In S. 21 and in a nearly identical amendment to last year's Homeland Security appropriations bill which passed the Senate by a vote of 71 to 26—Senator COLLINS and I tried to balance support for cities and States at known high risk of a terrorist attack without sacrificing the security of locations that have not suffered in the past, but very well could in the future, and which are still critical to our preparedness and response.

While we provide more funding based on assessments of risk—we need to recognize that our intelligence is not perfect, that we do not know where or when terrorists will strike next, and that we must be on notice they could strike anywhere. The fact is, terrorists alter their methods of destruction. One day they may strike fortified targets such as military facilities, and the next day they may strike soft targets, as they did when they blew up a discotheque in Indonesia and took hostage an entire school in a small town in Russia. And how dare we forget what terrorists—though of the homegrown variety—did in Oklahoma City in 1995 striking a target in the middle of our Nation's heartland.

Common sense, therefore, requires us to continue to build basic capacity to prevent and respond to attacks wherever they may occur. And to build capacity over time, State and local officials need some predictability. They need to know when and how much assistance they are likely to receive from year to year if they are to plan and execute homeland security properly.

Were we to adopt the pending amendment, it would mean that each State would only be guaranteed to receive slightly over $2 million this year a nearly trivial amount and short sighted in light of the significant national needs that we face. We know from Katrina that first responders will need to come from all over the country to respond to a catastrophic event, whether natural or manmade—and we need those responders to be properly trained and equipped. We know, too, that the next 9/11 attack on New York or Washington may be prevented by action taken in a town far away, where terrorist plotters are discovered by local law enforcement. Those local law enforcement officers also need access to intelligence, training, and resources to be most effective. In the end, we cannot simply build a wall around a few known high-risk cities—it not only leaves the rest of the country vulnerable, but it will leave the highest risk cities more vulnerable, too.

The problems with homeland security funding are urgent and real, but this amendment will not solve them. I urge my colleagues to vote "no."

Mr. ROBERTS. Mr. President, I rise today in strong opposition to the amendment proposed by Senator MENENDEZ.

While the Senator from New Jersey no doubt has the best of intentions in working to increase grant funding for high population areas, I do not believe that reducing funding for the majority of States in our great Nation is a viable way to protect against terrorism.

If we, as a country, are going to be adequately prepared for another terrorist attack, we must not forget that we are vulnerable on all fronts. The 36 States that would be negatively impacted by this proposal contain some of our Nation's most valuable assets.

In reducing funding to States such as Kansas, this amendment tosses aside the risks to agriculture that supports our Nation's food supply, the oil and petroleum facilities that provide invaluable energy in this time of need, and the many Federal buildings and places of national significance that are scattered throughout our great Nation.

We cannot let ourselves believe that if we only protect large cities and high population states, we will be safe from the devious and calculating minds of those who wish us harm. One need only to look to Oklahoma City in this regard. Rather, preparing for what we expect in densely populated areas is a surefire way to be shocked and horrified should the inexplicable and unthinkable happen again.

This legislation has been considered in this Senate before, and it was defeated soundly. To add it now as an amendment disregards the hard work many have done to negotiate a funding formula that most benefits our entire country. We cannot afford to compromise the security of an entire Nation for the benefit of a few areas.

Mr. MENENDEZ. Mr. President, I appreciate the comments made by several of my colleagues, the distinguished Senators from Vermont and Delaware. I agree with them that one of the core issues is overall homeland security funding. There is no question about that. The No. 1 responsibility, certainly, of the Federal Government and of government in general is to protect its citizens. We are woefully underfunding the ability to protect our citizens, whether that is in the cargoes of our ports or the cargoes underneath our airplanes, whether that is in the context of first responders, interoperable communications, whether that is in the context of mass transit.

Unfortunately, in the wake of London, in the wake of Madrid, and in the wake of Mumbai, the Senate voted against amendments that ultimately would have increased the funding so that those wake-up calls would never be realized in the United States. That was the will of the Senate.

Several of my colleagues have actually made the case that their States have very significant risks, whether that risk is a nuclear powerplant by a border with another country, whether that risk is chemical facilities right across the river, whatever those risks are. I find it interesting that our colleagues have come to the floor to make the case that they, too, have risks. We acknowledge that. We do not eliminate all funding for all States. On the contrary. We guarantee a baseline of funding for all States. But we say that the bulk of that funding, as it has been time and time again, even very recently, supported by Tom Kean and Lee Hamilton, the former chair and vice chair of the 9/11 Commission in a letter to House Members who offered legislation that, among other things, would make sure that all homeland security funding would be based on risk, as their unanimous bipartisan vote took place in the 9/11 Commission outside of the constraints of the politics of the situation—they made that conclusion. They still support that conclusion. That is the very essence of the Menendez-Lautenberg amendment. We understand. And we believe that those who have made the case for risk should do better because they have real risks. That is, in essence, what our amendment says. If you have the risk, you should have the resources.

I agree with all of my colleagues who said they deserve to have more funding to protect America and to protect Americans. That is certainly what I believe is the very essence of what we tried to do in the first instance by taking that money which we do have and focusing it on risk.

I ask unanimous consent that Senator OBAMA be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENTS NOS. 4633; 4639; 4648; 4640; 4617; 4594, AS MODIFIED; 4570, AS MODIFIED; AND 4556, EN BLOC

Mr. GREGG. Mr. President, I would like to clear a series of amendments. All these amendments have been on file. Some have been modified. The amendments are at the desk. They are No. 4633, Senator ALLARD; 4640, Senator MURRAY; 4648, Senator LANDRIEU; 4639, Senator MURRAY; 4617, Senator LEVIN; 4594, Senator VOINOVICH, as modified; 4570, as modified, Senator LAUTENBERG; 4556, Senator FEINSTEIN.

I ask unanimous consent that these amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection to considering and agreeing to the amendments en bloc?

Mr. LAUTENBERG. Reserving the right to object, I am not sure if I had the full context of the Senator's request regarding the time remaining here.

I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4633

(Purpose: To require the Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security to submit a report on the costs and need for establishing a sub-office in Greeley, Colorado)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than February 8, 2007, the Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security shall submit a report to Congress on the costs and need for establishing a sub-office in Greeley, Colorado.

AMENDMENT NO. 4639

(Purpose: To provide that funds appropriated for United States Coast Guard Acquisition, Construction, and Improvement may be used to acquire law enforcement patrol boats)

At the appropriate place, insert the following:

SEC. —.

Notwithstanding any other provision of this Act, funding made available under title VII, under the heading UNITED STATES COAST GUARD ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS may be used to acquire law enforcement patrol boats.

AMENDMENT NO. 4648

(Purpose: To require a report on the location of Coast Guard facilities and assets in the Federal City Project in New Orleans, Louisiana)

At the appropriate place, insert the following:

SEC.   . Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the feasability and advisability of locating existing Louisiana facilities and assets of the Coast Guard in the Federal City Project of New Orleans, Louisiana, as described in the report of the Defense Base Closure and Realignment Commission submitted to the President in 2005 during the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

AMENDMENT NO. 4640

(Purpose: To direct funds to construct radiological laboratories at the Pacific Northwest National Laboratory)

On page 104, line 9, strike "$106,414,000" and insert "$104,414,000".

On page 105, line 1, strike "$712,041,000" and insert "$714,041,000".

On page 105, line 7, strike "costs." and insert the following: "costs: *Provided further*, That $2,000,000 under this heading shall be available for the construction of radiological laboratories at Pacific Northwest National Laboratory: *Provided further*, That funding will not be available until a memorandum of understanding between the Department of Homeland Security and the Department of Energy has been entered into.".

AMENDMENT NO. 4617

(Purpose: To ensure that methodologies and technologies used by the Bureau of Customs and Border Protection to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport)

On page 127, between lines 2 and 3, insert the following:

SEC. 5___. SCREENING OF MUNICIPAL SOLID WASTE.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term " Bureau" means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term "municipal solid waste" includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

AMENDMENT NO. 4594, AS MODIFIED

(Purpose: To increase appropriations for emergency management performance grants)

On page 95, line 5, strike "$205,000,000" and insert "$220,000,000".

On page 120, increase the amount on line 9 by $15,000,000.

AMENDMENT NO. 4570, AS MODIFIED

(Purpose: To require the Secretary of Homeland Security Inspector General to investigate the conduct of insurers in settling certain claims resulting from Hurricane Katrina)

On page 99, line 4, strike "Act." and insert the following: " Act: *Provided further*, That the Department of Homeland Security Inspector General shall investigate whether, and to what extent, in adjusting and settling claims resulting from Hurricane Katrina, insurers making flood insurance coverage available under the Write-Your-Own program pursuant to section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) and subpart C of part 62 of title 44, Code of Federal Regulations, improperly attributed damages from such hurricane to flooding covered under the insurance coverage provided under the national flood insurance program rather than to windstorms covered under coverage provided by such insurers or by windstorm insurance pools in which such insurers participated: *Provided further*, That the Department of Homeland Security Inspector General may request the assistance of the Attorney General and the Department of Justice in conducting such investigation and may reimburse the costs of the Attorney General and the Department of Justice in providing such assistance from such funds: *Provided further*, That the Department of Homeland Security Inspector General shall submit a report to Congress not later than April 1, 2007, setting forth the conclusions of such investigation."

On page 120, increase the amount on line 9 by $3,000,000.

The amendment (No. 4556) is printed in the RECORD of July 11, 2006.

AMENDMENT NO. 4594

Mr. VOINOVICH. Mr. President, I rise to speak on amendment No. 4591 to the Department of Homeland Security Appropriations Act of 2007. I thank Senator GREGG and Senator BYRD for accepting this amendment by unanimous consent. Before I describe this amendment, I would like to acknowledge the hard work and leadership of Senator GREGG and Senator BYRD, and thank them for their diligence in coming to a consensus on this crucial piece of legislation. The balance between enhanced security and strong stewardship of the taxpayers' hard-earned dollar is a fine one. I applaud your attention to both, and I support this legislation.

The Emergency Management Performance Grant, EMPG, program is designed to provide State and local emergency management agencies with the necessary funds to expand the development, maintenance, and improvement of their programs. It is the only source of Federal assistance that provides vital emergency management, coordination, and planning support to State and local governments and first responders. It funds personnel, training, and exercises. The program requires that States match 50 percent of the Federal contribution. According to the Department of Homeland Security, EMPG funds are spent rapidly compared to other programs; in other words, if Congress appropriates additional EMPG funding, it will be used expeditiously, efficiently, and effectively.

Last year the EMPG program was funded at $185 million. In an effort to increase the sound management of homeland security funds, earlier this year I asked the Appropriations Subcommittee on Homeland Security to increase funding for the EMPG program. I am pleased that 41 Senators joined me on this request. The Department of Homeland Security Appropriations Act of 2007 funds the program at $205 million.

While I am heartened by and thankful for the $20 million increase in funding over last year's level, I feel strongly that the program should be further increased. Accordingly, this amendment would increase the funding of the EMPG program by an additional $15 million. I am joined on this amendment by Senators BAUCUS, BIDEN, BURNS, CANTWELL, COLLINS, FEINGOLD, HARKIN, KENNEDY, KERRY, LIEBERMAN, MURRAY, PRYOR, ROBERTS, SNOWE, STABENOW, and WARNER. I thank them all for their support. It is my strong belief that an additional $15 million for the EMPG program will enhance the effectiveness of every disaster relief fund dollar directed toward response and recovery.

Since 9/11, the responsibilities of our first responders have increased. They must now be prepared to respond to natural disasters, man-made disasters, and malicious acts of terrorism. We must support them. With the enhanced responsibilities, and the tight budget constraints currently faced by State and local governments, the flexibility provided by the EMPG program is vital.

I would like to describe some of the ways that EMPG funds help State and local governments. In Ohio and across the Nation, the emergency preparedness requirements have increased significantly since 9/11. For example, according to a 2003 study conducted by the Emergency Management Association of Ohio, approximately 10 percent of all emergency management employee time was spent on antiterrorism and homeland security activities prior to September 11, 2001. By 2003, that figure had shot up to 50 percent.

In addition, State and local emergency management agencies now are responsible for the coordination and implementation of national initiatives, such as integration of the National Response Plan into existing emergency operations plans and implementing the National Incident Management System. The EMPG funds the extra manpower and management support to help State and local governments meet these increased responsibilities.

Furthermore, in the aftermath of Hurricane Katrina, many States have identified the requirement to be to carry out mass evacuations in the event of catastrophic disasters. Increased EMPG funding will help State and local governments prepare these contingency plans.

According to the National Emergency Management Association, EMPG funds are used for a wide variety of purposes which vary State by State. In Alabama, EMPG funds play a critical role in helping the State develop its plans to respond to natural disasters, particularly hurricanes: grants are used for contingency planning, including evacuation plans, debris removal plans, and plans for postdisaster distribution of critical assistance to those affected by the storms. In Oregon, EMPG funds are used to upgrade key emergency operations centers for counties that face large hazards such as wild land fires, annual flooding, and earthquakes.

Increasing the funding for EMPG would help some States do even more. In Alaska, additional resources would be used to increase levels of emergency management personnel, which for some communities are currently only part-time positions. In New Hampshire, increased EMPG funds would be used to address the areas identified in the National Plan Review as either "insufficient" or "partially sufficient." This would include statewide evacuation planning, surge planning and capability, as well as further development of the State emergency operations plan.

In response to Hurricane Katrina, the EMPG program more than proved its worth. In a statement submitted to the Appropriations Subcommittee on Homeland Security, Bruce Baughman, the president of the National Emergency Management Agency, gave the following description of the mutual assistance provided by the Emergency Management Assistance Compact, EMAC, which is funded by the EMPG:

> EMAC enabled 48 states, the District of Columbia, the Virgin Islands, and Puerto Rico to provide assistance in the form of more than 2,100 missions of human, military and equipment assets and over 65,000 civilian and military personnel and equipment assets to support the impacted states. The nature of the nation's mutual aid system vividly shows the need for all states to have appropriate capabilities for all disasters and EMPG allows states and local governments to build this capability both for their own use and to share in through EMAC.

The Appropriations Committee conference report for 2006 concurred with this assessment, noting that "EMPGs are vital to state and local emergency management agencies."

This year, the Senate Homeland Security Appropriations Subcommittee report concluded that "EMPG is an essential source of funding for state and local emergency management," and that "state and local governments currently have productive relationships with the Federal Emergency Management Agency's regional emergency managers that are critical to maintain an all-hazards response capability," and that the committee "expects these relationships to continue." The subcommittee further noted that:

> Additional federal funding is necessary to properly support state and local responsibilities and coordinate with federal emergency management during national disasters.

In closing, Mr. President, State and local governments must be prepared. The EMPG program is a proven method of accomplishing this goal. This amendment is both fiscally responsible and strategically sound.

I thank Senator GREGG for working with me to identify an appropriate offset for this increased funding. Once again, I applaud the efforts of the Homeland Security Appropriations Subcommittee, especially in light of the tight fiscal environment.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey.

AMENDMENT NO. 4634

Mr. LAUTENBERG. Mr. President, I rise to speak on behalf of the amendment offered by my colleague from New Jersey, Senator MENENDEZ. I want to make sure there is a clear understanding about what we are discussing. It has been said before—it is worthy of repetition—that 700 of the almost 3,000 people who lost their lives on 9/11 came from the State of New Jersey. The largest remaining share came from the State of New York. The region is connected by all kinds of interests and conditions. When we look at the region and see what happened with our State and the State of New York, in terms of resources from grants by Homeland Security, it is hard to understand.

We don't have sufficient resources for homeland security. I heard my colleague say that earlier. We don't. However, whatever we do have should be targeted to those parts of the country most at risk of another terrorist attack. Here we see, once again, that our friends in the Congress, our friends in the Senate are treating homeland security as another opportunity for additional resources. We are all resource starved, every State. Why? The reasons are obvious. We are giving tax breaks to people who don't deserve and, in many cases, don't want them, billions and billions of dollars to the wealthiest among us. We have a war, about which there is considerable question, that is costing us hundreds of billions of dollars. And by the end of this year, we will probably be at the level of $500 billion, a half a trillion dollars. That funnel keeps on taking money away from what we need at home.

Yes, we have to protect ourselves against terrorism from any part of the world against American citizens. But we have a reason to believe that on these shores of ours, within the boundaries of the United States, we could lose lots more of our people and have our lives disrupted much more than they have been. It is very uncomfortable. We spend a fortune in security funding. If you go to the airports, you see it every minute. If you go into large public buildings, you see it there. Wherever you go, our lives have been inhibited in some way. Our freedoms are curtailed by the threat of terrorism.

So we hear that our enemy has their guns loaded. What would happen if we knew that there was going to be an assault coming from abroad on the New York Harbor? Would we say: Don't defend that harbor; don't defend those areas, New Jersey and New York, where they are at the highest risk of terrorism facilities in the country? No, don't defend them? Even though the armada is on its way to New York Harbor, let's make sure that we take care of Wyoming and Nebraska and other States? No slight intended; they are all great States. But let's make sure we give them money now because we are going to distribute funds for defending ourselves.

Seven hundred people from our State—neighbors, friends, even family. My oldest daughter's best friend died in the World Trade Center, leaving three children behind. Her husband searched hospitals for 2 weeks, refusing to accept the fact that she would no longer be in their lives, hoping against hope she would be discovered alive. Those stories were repeated all over the area. The FBI has declared the 2-mile stretch that goes from Newark Liberty Airport to the harbor as the most inviting place for a terrorist attack in the country. Why? It is a very densely populated area, with large chemical facilities that could endanger the lives or well-being of more than 12 million people.

To suggest that each State should be guaranteed a minimum I find hard to believe. I commend my colleague for saying: OK. Recognizing that if we want to get this passed, that we desperately need to raise the funds for those places most at risk, as mandated by the 9/11 Commission, then we have to understand reality. It is politics. Every State wants to get a little bit of the distribution. So let's reduce it from three-quarters of 1 percent to one-quarter of a percent as a minimum and allow more funds to be distributed among the States most at risk. It makes eminent sense to me.

When we look out west and we see Wyoming, beautiful State that it is, getting seven times more resources, more funding per capita than New Jersey, seven times more, if there is a risk in Wyoming, it sure can't be comprehended by seven times more distribution.

I recall, once again, for emphasis purposes, recommendation 25 of the 9/11 Commission report:

> Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. Federal homeland security assistance should not remain a program for general revenue sharing.

Listen to that. Pay attention to this report. It was skillfully done, headed by the former Governor of New Jersey, a brilliant public servant who said that this is the way the program should be divided. Let's do it that way. Let's do it. Let's put the money where the risk is. That is what this ought to be about, nothing more. We have tried to arrive at a compromise position. I hope the Senate will support that position.

I yield the floor.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4600

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 4600.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4600.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To increase appropriations for disaster relief, and for other purposes)
>
> On page 98, line 24, strike "$1,640,000,000" and insert "$1,941,390,000, of which $301,390,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234,".

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be given 20 minutes, which I will divide between myself and my colleague from New York, Senator CLINTON. I believe then the Senator from New Hampshire will have 15 minutes, and, at some point, we will vote on this legislation, probably around 2:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, today, I rise to offer this amendment to restore more than $300 million in funding to the Federal Emergency Management Agency's disaster relief account. This is the amount that the President had requested in his budget. So this is hardly an outlandish fee or a fee that came up out of our heads.

As we all know too well, our country has been visited by disaster far too many times in the last year. Hurricanes Katrina and Rita, devastating wildfires in Texas, Arizona, and California, and now the recent flooding in the Northeast, devastating New York as well as Pennsylvania, New Jersey, Vermont, Maryland, and Virginia. Some of my staff people, and I know many others, have had flooding in their homes in the Washington area because of that.

Unfortunately, FEMA has come up short every time. The Agency always seems to be on its heels when it needs to be on its toes.

With all of the trouble that FEMA has, we should not be cutting the funding that goes directly to the people who are victims of these terrible disasters.

We have seen the disaster. We have seen the terrible flooding. We know it is all too real. A week ago Friday, Senator CLINTON and I toured the affected regions in upstate New York and saw the enormity of the flood and the work it is going to take to get it clean.

I will share this with you. We met a businessperson who started out a new business and lived in the Catskill Mountains. He had been flooded twice in previous years. The disaster relief official on the ground said the first two floods were 100-year floods, meaning that level of flood only occurred once every hundred years. This was a 500-year flood. This businessperson—dedicated like all small business people, but they are sweating through all of this—was already loaned up and needed more money quickly.

We met another business leader in St. Johnsville in the Mohawk Valley in Montgomery County, who started a new business and was the hope of the county, with 100 new jobs. They had announced they were going to have another 65 new jobs, but they were flooded out.

The Beechnut plant, the largest employer, suffered huge damage, and the plant that makes baby food is not able to open. We visited the Canajoharie town hall, where all of the equipment was flooded and gone, including computers, phones, police department and fire department records—gone.

We were in Binghamton and Conklin, which was totally flooded, as was Hancock and other places. We were told in one area in the Delaware Valley that the rain cloud stayed and never moved for 16 hours at the top of the mountain and the rain kept coming down.

We met an older gentlemen whose 15-year-old daughter was in their house by the creek bank. The creek turned its course and pushed the house into the water, and she died. We saw that damage firsthand.

The damages are going to be in the hundreds of millions of dollars. Just alone, the sewage plant in Binghamton was destroyed, a brandnew $20 million plant, gone.

The physical damage to farms is enormous. As we flew over the Catskill Mountains, in the Delaware Valley and the Mohawk Valley, you could see farms flooded—the whole farm. The corn was gone. We saw dead cows, which is the life blood of these farms, including the dairy. Crop losses are estimated to be $20 million.

So the damage was enormous. The damage was everywhere. It is unlike anything we have ever seen in New York.

Our amendment is very simple. It restores more than $300 million in funding for FEMA's disaster relief account, bringing it back up to the President's request of $1.9 billion. Under this program, FEMA gives three types of assistance desperately needed: Individual assistance goes to individuals and households. This helps disaster victims find temporary housing, pay for rent, home repair, and even home replacement costs.

In these three areas, the Susquehana Valley, Delaware Valley and its tributaries, and the Mohawk Valley, there are still homes being condemned as we speak. The people who lived in those homes for decades or for generations will never be able to go back. This assistance is so important to them.

Second is public assistance, which is aid to public entities for reimbursement for emergency services and the repair or replacement of disaster-damaged public facilities such as roads, bridges, and water facilities. One town supervisor told us that their whole budget for roads—the whole yearly budget—was gone in 3 days. They don't know how they are going to repair the roads that are still broken and damaged.

It didn't just occur to smaller roads. I-88, one of the most important lanes of commerce in our State, running from Albany to Binghamton, had a huge chasm in it. That was on the front page of most newspapers. Some truck drivers died as they fell into that chasm. We need that to help our towns, villages, and counties, get back.

Third, there is hazard mitigation assistance which helps local governments protect against future disasters and reduce future losses to public and private property. In this era of changing climate, when we have had disasters afflicting us year after year, hazard mitigation assistance is very important.

In our State, as in our neighboring States, people are struggling. There is nothing like seeing that damage firsthand and looking into the eyes of people who have lost loved ones or homes or businesses. You see that the only hope they have is that the Federal Government will come forward.

We know that FEMA didn't do the job in New Orleans. We know it is going to be difficult for FEMA to get the money quickly and in large amounts to the areas in our State where they are needed. But the one thing we also know is that FEMA should not be able to say they don't have the dollars. Right now, with the cuts that are proposed in this budget, we cannot be sure of that.

So many people are struggling in New York and around the country and we should be mobilizing the full resources and wherewithal of the Federal Government, not cutting back. This is one area where there is virtually universal agreement that it is the Federal Government's responsibility—disaster relief.

Today, it is raining again in upstate New York. People are worried about the flood waters rising once again. We have to do everything in our power to help them and give them the assistance they need to rebuild stronger than ever.

Mr. President, I ask for the yeas and nays, and I yield the remaining time to my colleague from New York.

The PRESIDING OFFICER. Is there a sufficient second? There is.

The yeas and nays were ordered.

Mr. SCHUMER. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York, Mrs. CLINTON, is recognized.

Mrs. CLINTON. Mr. President, my colleague has eloquently described the damage and devastation that he and I visited together last week.

Floods are biblical. They go back as far as human history is recorded. But I never cease to be amazed at the damage they cause. There is something about a flood that is so devastating. It leaves behind places that are destroyed because of mold. It ruins businesses and homes. It leaves a residue of mud and muck and debris. It is a demoralizing, debilitating disaster.

As Senator SCHUMER and I traveled from Binghamton north, we saw firsthand people coping and trying to figure out what was next—businesses that lost everything and don't know how they will ever get back into business, homes that were washed into rivers and creeks, city halls and fire departments and police departments with records that were obliterated in an afternoon.

Now, if this were a once-in-a-hundred-years phenomenon, maybe I would not be so worried, but time and again we have heard that there have been 3 floods in this area of New York in the last 24 months, 2 of which were classified as 100-year floods, 1 of which was classified as a 300-year flood. We are beginning to see the effects that were predicted by the National Hurricane Center earlier this year. We had even seen our National Archives, which holds our most precious founding documents, like the Constitution and Bill of Rights, fighting back the floodwaters, trying to preserve America's history.

Just last night in the county I live in in New York, tornadoes were spotted. That is very unusual. I lived for a number of years in Arkansas. We saw tornadoes all the time. I have been chased by a tornado. I have seen them on the horizon. I have lived with tornado damage. I visited many devastated communities. But tornadoes were not thought to affect States like New York. New York was hurricane territory, not tornado territory. Last night, we had a tornado.

The strange weather that we are experiencing is out of the usual, and I hope that we can get the help we need and that the amendment that Senator SCHUMER and I have proposed will be passed so that we can replenish the disaster fund with the amount of money that we know will be needed to take care of the people we represent in New York.

There was similar damage in Pennsylvania and New Jersey, and apparently there is more to come. We have had predictions that the 2006 Atlantic hurricane season outlook is expected to be 80 percent above the normal in the number and intensity of hurricanes.

We all know of the damage that occurred along our Gulf coast. But there are predictions of significant storms along the Atlantic coast up to and including New York for the rest of this summer and into the fall.

We need to get ready. That is why this amendment makes such good sense. All that it asks is that we restore the money the President asked for in his budget. That money was cut. We want to add and replenish the disaster relief fund to the tune of $300 million so that there is $1.94 billion in that fund to help us meet the needs of New Yorkers and others who are being afflicted by this unusually severe weather.

Fully funding that disaster relief fund is one way to ensure that people know there is going to be help on the way. It is demoralizing enough—I saw it on the faces of people as I walked the streets of Canajoharie and saw everybody in shorts and flip-flops and T-shirts shoveling out the public library or the boys and girls club across the street or the businesses up and down Main Street or the Beechnut plant.

It is demoralizing enough to try to figure out how you are going to recover from a flood. Let's not add to that sense of despair by sending a message that the Federal Government isn't prepared to help.

We learned a lot from the disasters of our response to Katrina and Rita, and I hope we will have unanimous support to replenish the disaster relief fund.

Mr. President, I ask unanimous consent that Senator LIEBERMAN be added as a cosponsor to the Schumer-Clinton amendment.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the pending amendment be set aside for the purpose of calling up another amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. CLINTON. Mr. President, I was assured there would not be an objection. This is for the purpose of bringing up an amendment but not calling for a vote on it at this time.

Mr. GREGG. I have no objection.

AMENDMENT NO. 4582

Mrs. CLINTON. Mr. President, I call up amendment No. 4582.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 4582.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. The Assistant Secretary of Homeland Security (Transportation Security Administration) shall not modify the list of items prohibited from being carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation set forth in section 1540 of title 49, Code of Federal Regulations, so as to permit any item contained on the list as of December 1, 2005, to be carried aboard a passenger aircraft.

Mrs. CLINTON. Mr. President, this is an amendment which addresses the concerns raised by the Transportation Security Administration lifting the prohibition of passengers carrying onto our passenger aircraft sharp objects, including knives.

There is a considerable debate, led by the airline attendants and pilots, as to the wisdom of this rule being lifted. I ask the Senate to consider whether this is a good idea. We have been so successful in nearly 5 years in avoiding incidents on our airlines, in keeping our people safe on our airlines. If it ain't broke, why fix it?

This rule has worked. People are used to the rule. My goodness, we have had security people take steak knives out of people's handbags and suitcases. We have had them take out huge pen knives and switchblades. Why do we want to go back to that?

Mr. President, I ask unanimous consent that the amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I am sorry, I did not hear the request.

The PRESIDING OFFICER. The request is to set aside the amendment.

Mr. GREGG. I have no objection.

AMENDMENT NO. 4600

Mrs. CLINTON. Mr. President, I ask that we return to the pending business of the Schumer-Clinton amendment.

The PRESIDING OFFICER. The amendment is pending.

Mrs. CLINTON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, speaking to the Schumer-Clinton amendment, I wish to simply make the point that obviously all of us in the Northeast have experienced these very severe weather conditions which have led to floods. In New Hampshire, we are a little bit ahead of New York, regrettably. We had a huge storm earlier that led to major flooding throughout the State.

I have to congratulate FEMA for their response. They have been very prompt. They have been on top of it. People who have made requests for reimbursement pursuant to the disaster declarations have received those funds, and we are getting a very effective and efficient response throughout New England, which all of New England was impacted, especially Massachusetts and New Hampshire.

I know New York has gone through this experience, and, of course, the city of Washington has. I understand the Senators from New York wanting to make a point relative to the importance of having the resources to make sure when this type of disaster occurs there is money available to address the concerns of the communities that have been hit and the individuals who have been hit.

This amendment, as it is presently structured, is not going to have any impact on the New York problem that exists today. That will be addressed by money that is already in the pipeline, that is in the disaster relief fund. The disaster relief fund has a very robust amount of money in it. It has $9.3 billion in it right now. This bill addresses 2007 disaster activity. This bill has a number of $1.6 billion which will be added to whatever is left at the end of the 2006 year of the $9.3 billion as the resource available to FEMA.

So as a practical matter, the amendment which the Senators from New York have offered will have no impact on the very compelling anecdotal stories that have been put forward relative to the damage to the New York communities. Those communities and the individuals affected by this event will be looking to FEMA, which has resources which are already in the pipeline which will be available for them to assist the people who have been impacted. The money will be there. The New York citizens will get the money they need out of the $9.3 billion which is in the disaster relief fund.

What this amendment does is declare an emergency and add another $300 million to this bill, which is essentially outside of the budget. So I really don't think it is necessary at this time—in fact, I know it is not necessary at this time, and I know it is not going to impact the immediate New York situation. It just is not. It raises the bigger issue of what should be the number that we put into the disaster relief fund in one of these bills.

It almost is a Ouija board exercise on this committee to figure out what number we put into this account because some years disasters will be significant and some years they won't. The last year and a half, we have dealt with the Katrina event, which was more than significant—it was horrific last year, and that was an aberration, we all sincerely hope—certainly the Presiding Officer hopes that—but that has caused us to have to spend over $100 billion on disaster relief.

Whatever we put in this account is really just a guess, and until we see the actual events that are brought upon the Nation relative to natural disasters, how much money this account is going to need will not really be known.

What we have shown as a Congress—and I think we have shown it rather aggressively time and again—is that when a disaster does occur which does qualify for FEMA funds and the disaster relief fund needs dollars, we act in a very prompt and aggressive manner. In fact, one can argue that in the Katrina situation, we put so much money in the pipeline so fast that a lot of it was not effectively used. That has been our history. I think that is actually the way to approach it.

I have often thought about whether we should just put a lot of money in there and let it sit and wait for the disaster. We could do that, but as a practical matter, that is not a good use of taxpayers' dollars. It makes much more sense, if we have a terrible disaster, if we have floods, hurricanes, or tornadoes that create a declaration of disaster, that we make sure we have enough money in the disaster relief fund to meet the immediate needs, and if it needs more, we can come back and do it under emergency declaration.

There is no question there is enough money in the relief fund to take care of all the disasters we know about, with potentially the exception of Katrina, which is being handled outside the relief fund for the reconstruction of the gulf coast. There is no need to put any more money in this account. Certainly, if we put more money in it at this time, it will have no impact on an event that occurred a month ago or an event that occurs tomorrow or occurs up until the end of September because this money will not be available until October 1.

So this amendment is a statement, I understand that, of concern by the Senators from New York, and as representatives of the State of New York, I can understand their desire to get on record with such a statement. But at the appropriate time, I will make a point of order against it because it is an expense which we should not incur at this time for the reasons which I have outlined.

For the edification of our Members, my hope is—and I have talked with the Senator from Washington about this—my hope is that after Senator SESSIONS offers his amendments—and my understanding is that he will be here shortly to do that—we will be able to vote on four amendments. That would be an amendment by Senator MENENDEZ, an amendment by Senators Schumer and Clinton, and the two Senator SESSIONS amendments. I hope those votes will get started soon after Senator SESSIONS has completed his presentation and when anybody who wishes to respond to him has done so.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4582

Mr. LOTT. Mr. President, I ask that the pending amendment be set aside. I wish to comment briefly on amendment No. 4582, which I understand would reverse the Transportation Security Administration's decision to remove small scissors and tools from the prohibited items list.

I understand we want to take every precaution when it comes to security on our airplanes, in our ports, and on our trains, but this is a case where I think the Administrator of the TSA has been trying to do the right thing.

In my opinion, one of the problems with TSA is we have given them tons of money, we have demanded and expected all kinds of security instantly, and it has created certain problems. We should focus our money more wisely. I think the Transportation Security Administration should focus on higher priorities. They have been willing to do that.

I have talked to the Administrator, Kip Hawley, several times about what they are trying to do. This is an issue which does have jurisdiction in the Commerce, Science, and Transportation Committee on which I serve. Frankly, I commended him, privately and publicly, for being willing to take some of these things off the list. How many of you have been through these outrageous processes that you have to go through or have had to go through to get on airplanes? How many times have I been ripped off of scissors or small pocket knives that are no damage at all? I just went ahead and bought them by the dozen. I mean, this is not going to an airplane take.

So common sense is what I have asked the TSA to use: Use your head. My goodness, is this a weapon? It looks pretty dangerous. It is a ballpoint pen. So it is time we have some common sense at the Department of Homeland Security, at the Transportation Security Administration. How many times am I going to have to take off my shoes because one guy tried to light the heel of his shoe? How long is it going to take us to get technology that makes these frisking processes we go through make sense?

Look, the American people don't mind being a little inconvenienced or being delayed a little bit if it makes sense. But I am telling you, I have warned TSA: This is one of the examples where you have a problem because Senators in this instance are like everybody else: when we get on a commercial airplane, we have to endure the same inconveniences and embarrassments and ridiculousness as everybody else.

So I really do oppose this amendment. I think TSA is trying to do the right thing. I go back to what I was talking about a while ago. Senators and Congressmen, you are in a line with your constituents; what are they saying to you? They are ripping us because some of the ridiculousness they have to go through they don't really think makes an airplane or train or whatever more secure.

So I just hope we will not pass this amendment. I believe the TSA has done the right thing, and I hope they will continue to make it less inconvenient, while making it more secure. Focusing on things that really are a danger will allow them to do a better job where it matters.

I just wanted to raise this point of view with regard to the decision by TSA and to object to the amendment that is pending. I hope to focus on this issue and talk about it responsibly among ourselves and with the Transportation Security Administration—that is good, but I think it would be a mistake to reverse these items which have been taken off the list.

Mr. President, I understand there are other speakers who may be in the area, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 4657, 4573, AS MODIFIED, 4626, AS MODIFIED, 4636, AND 4653, EN BLOC

Mr. GREGG. Mr. President, I have a series of amendments that have been cleared on both sides that I will call up en bloc. I ask unanimous consent that amendment No. 4657, Senator STABENOW; amendment No. 4573, Senator OBAMA, as modified; amendment No. 4626, Senator DODD, as modified; amendment No. 4636, Senator CANTWELL; and amendment No. 4653, Senator LAUTENBERG, be called up, deemed read, and agreed to by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 4657

(Purpose: To provide collections and expenditures for the Customs User Fee Account)

On page 127, between lines 2 and 3, insert the following:

SEC. . CUSTOMS USER FEES.

Notwithstanding any other provision of law, the Secretary of Homeland Security shall provide personnel and equipment to improve national security by inspecting international shipments of municipal solid waste, and shall levy a fee limited to the approximate cost of such inspections.

AMENDMENT NO. 4573, AS MODIFIED

(Purpose: To assist individuals displaced by a major disaster in locating family members)

On page 98, line 6, before the period insert the following: "*Provided further*, That the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall conduct an assessment of the models used by the Louisiana family assistance call center and the National Center for Missing and Exploited Children in assisting individuals displaced by Hurricane Katrina of 2005 in locating members of their family to determine how these models may be modified to assist individuals displaced in a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in locating members of their family: *Provided further*, That the Secretary of Homeland Security shall submit to the chairman and ranking member of the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, and the Committee on the Judiciary of the Senate and the chairman and ranking member of the Committee on Homeland Security, the Committee on Energy and Commerce, and the Committee on the Judiciary of the House of Representatives results of the assessment conducted under the previous proviso as well as a plan to implement the findings of such assessment, to the maximum extent practicable".

AMENDMENT NO. 4626, AS MODIFIED

(Purpose: To increase appropriations for firefighter assistance grants, and for other purposes)

On page 65, line 22, strike "$90,122,000" and insert "$82,622,000".

On page 120, increase the amount on line 9 by $17,500,000.

On page 94, line 17, strike "$655,000,000" and insert "$680,000,000".

On page 94, line 17, strike "$540,000,000" and insert "$552,500,000".

On page 94, line 19, strike "$115,000,000" and insert "$127,500,000".

AMENDMENT NO. 4656

(Purpose: To provide for interoperable communications systems planning in connection with the 2010 Olympics)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REPORT ON CROSS BORDER COMMUNICATIONS CHALLENGES FOR THE 2010 OLYMPICS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of State, the Federal Communications Commission, and relevant agencies in the States of Alaska, Idaho, Montana, Oregon, and Washington, shall—

(1) evaluate the technical and operational challenges with respect to interoperable communications facing regional, local, State, and Federal authorities in preparing for the 2010 Olympics; and

(2) develop an integrated plan for addressing such technical and operational challenges.

(b) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit and present the plan developed under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

AMENDMENT NO. 4653

(Purpose: To require the Secretary of Homeland Security to submit a classified report to Congress on the security vulnerabilities of the bridges and tunnels connecting New Jersey to New York City)

On page 96, line 23, insert ": *Provided further*, That not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a classified report describing the security vulnerabilities of all rail, transit, and highway bridges and tunnels connecting Northern New Jersey and New York City to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives" before the period at the end.

AMENDMENT NO. 4657

Ms. STABENOW. Mr. President, today I offer an amendment cosponsored by Senator LEVIN and Senator BAUCUS that will require U.S. Customs and Border Patrol to charge inspection fees to Canadian shippers who export municipal solid waste into Michigan in order to pay for truck inspections. My amendment would impose approximately a $420 fee on every trash truck that crosses into Michigan.

In 2003, the city of Toronto started shipping 100 percent of its trash to Michigan. The result? Every day, 350 trucks carrying trash from Toronto enter Michigan on their way to Michigan landfills. But they don't just carry trash. In recent years we have found illegal medical waste, including radioactive materials, and illegal drugs and currency. There is no limit to what could be smuggled in these trucks.

In February, the Department of Homeland Security inspector general released a report that I requested with Senator LEVIN and Congressman DINGELL. The inspector general found that trash trucks are extremely difficult to inspect and carry dangerous waste. The report also points out that trash trucks are difficult to screen with traditional x-ray equipment and must be physically inspected to verify their contents. Finally, the report states that it is virtually impossible to find dangerous items because of limited resources for conducting time-intensive physical inspections.

The people of Michigan know exactly what kinds of dangerous materials are in these trash trucks. Over the past few years, we have seen numerous examples. Customs officials seized nearly 1 ton of illegal drugs hidden inside a Canadian trash truck that entered the U.S. from Toronto over the Blue Water Bridge. A Canadian trash truck arrived in Michigan dripping blood because it contained broken bags of untreated blood and hospital waste in direct violation of Michigan and Ontario law requiring medical waste to be placed in secure containers separate from other waste. A trash truck that was on fire attempted to cross the Blue Water Bridge, requiring 8,000 gallons of water and valuable local, State, and Federal resources before it was finally doused. Most recently, a Canadian trash truck spilled sewage sludge across a main thoroughfare of Huron Township closing the road for hours and diverting valuable local resources for the cleanup.

These outrageous incidents and the inspector general's report led me to offer an amendment to the fiscal year 2007 budget resolution that was unanimously accepted by the Senate. My amendment assumes $45 million a year in Federal funds that would be collected by charging Canadian trash shippers an inspection fee as they enter Michigan. The collected fees will pay for the increased personnel costs associated with increasing the number of physical inspections of trash trucks, ensuring that taxpayers are not on the hook to pay the costs for inspecting these dangerous trash shipments.

Based on information provided by the inspector general, we know that it will take four Customs agents about 4 hours for each trash truck inspection. Based on personnel and administrative costs, we estimate that the fee for each trash truck will be approximately $420.

The next step is to ensure that Customs can actually collect these fees. The amendment I am offering today does exactly that.

On March 30, the Committee on Homeland Security's Permanent Subcommittee on Investigations released a report called "An Assessment of U.S. Efforts to Secure the Global Supply Chain." This report includes a section on Canadian trash shipments.

The subcommittee report states that it is "inherently difficult and dangerous to physically inspect trash containers." Furthermore, the subcommittee recommends that Congress "enact into law the provisions recently adopted by the U.S. Senate to impose a fee on international shipments of trash to pay for a more rigorous inspection regime to protect U.S. citizens from the security risks currently associated with trash containers."

This is what the amendment that I am offering today does: establishes the inspection fees that the Senate already approved in the budget resolution.

We need to give Customs the resources to more effectively screen and inspect them.

Mr. President, I also wanted to make some remarks and discuss the two reports I previously mentioned in order to provide some legislative history and intent of my amendment No. 4657, that the Senate just adopted.

The Permanent Subcommittee on Investigations' March report, among other things, analyzed the unique security risks posed by the importation into the United States of cargo containers carrying trash.

The report points out that the importers of consumer products, by contrast, have more control over the specific content and the origin of the imported products, making it easier to take steps to monitor and ensure the security of the supply chain. There are few, if any, security measures in place to screen trash or ensure that trash does not conceal illegal or harmful materials, such as weapons or nuclear material.

Growing imports of trash present an increasingly serious security problem. For example, according to the Senate report, Canada shipped roughly 100,000 containers of trash across U.S. borders into Michigan in 2004 alone, an 8-percent increase over 2003. Another 10,000 containers of trash come through nine other ports of entry on both the northern and southern borders of the United States each year.

The inspector general's report found that from 2003 to 2004, tons of illegal drugs and millions of dollars in illegal currency have been transported into the United States in trash containers, among other forbidden cargo. The Senate report concluded that the Department of Homeland Security should ban imports of trash into the United States entirely until the Secretary of Homeland Security "can ensure that the supply chain of a trash importer is secure or develops protocols ensuring adequate inspections of individual trash containers."

In order to pay for more rigorous inspections to protect people in the United States from the security risks currently associated with trash containers, the Senate report recommended enacting into law a "fee on international shipments of trash."

In my amendment, the shipments that would be more rigorously inspected would be in the Customs Territory of the United States, which has the meaning given the term in the general note 2 of the Harmonized Tariff Schedule of the United States.

Also, the term "municipal solid waste" means all waste materials discarded for disposal by households, including single-family and multifamily residences, and hotels and motels; and all waste materials discarded for disposal that were generated by commercial, institutional, municipal, and industrial sources, to the extent such materials are essentially similar to what I just described and were collected and disposed of with other municipal solid waste previously described as part of or normal municipal solid waste collection services, except that this does not apply to hazardous materials other than hazardous materials that, under regulations issued under section 3001(d) of the Solid Waste Disposal Act are not subject to regulation under subtitle C of that act.

The term "municipal solid waste" includes food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, household hazardous waste, and debris resulting from construction, repair, or demolition of structures.

The term "municipal solid waste" does not include any solid waste identified or listed as a hazardous waste under section 3001 of the Solid Waste Disposal Act, except for household hazardous waste; any solid waste including contaminated soil and debris resulting from a response action taken under the section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, a response action taken under a State law with authorities comparable to the authorities of such section 104 or 106 or a corrective action taken under the Solid Waste Disposal Act.

It also does not include recycled materials that have been separated, at the source of the waste, from waste otherwise destined for disposal or that have been managed separately from waste destined for disposal; scrap rubber to be used as a fuel source; materials and products returned from a dispenser or distributor to the manufacturer for credit, evaluation, and possible reuse, any solid waste that is generated by an industrial facility and transported for the purpose of treatment, storage, or disposal to a facility or unit thereof that is owned or operated by the generator of the waste, located on property owned by the generator or a company with which the generator is affiliated or the capacity of which is contractually dedicated exclusively to a specific generator, or as long as the disposal area complies with local and State land use and zoning regulations applicable to the disposal site, any medical waste that is segregated from or not mixed with solid waste, combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing, including pollution control, operations not essentially the same as waste normally generated by households.

Mr. President, I hope this will provide the executive and judicial branches with a fuller explanation of the intent and meaning of this amendment.

AMENDMENT NO. 4626

Mr. DODD. Mr. President, I rise to speak on a bipartisan amendment which I introduced with my colleagues, Senators DEWINE and MIKULSKI, that helps our Nation's firefighters perform their critical duties more safely. This amendment was passed earlier by unnanimous consent. I would like to thank the chairman of the Homeland Security Appropriations Subcommittee, Senator GREGG, and the subcommittee's ranking member, Senator BYRD. Crafting legislation that meets the varied domestic security needs of our Nation is no easy feat and I thank Chairman GREGG, Senator BYRD, and all of my colleagues on the subcommittee for their hard work and support.

This amendment increases funding to the Assistance to Firefighters Grants, which I initially authored in 2000 with my colleagues, Senators DEWINE, LEVIN, and WARNER. During the past 5 years, this initiative, which includes the FIRE and SAFER grants, has provided almost $2.5 billion in assistance to over 29,000 fire departments in all 50 States and the District of Columbia. These resources have enabled fire departments to obtain updated firefighting equipment, hire additional firefighters, and improve firefighter training—activities that are crucial toward ensuring that firefighters can protect American citizens safely and effectively in this post-9/11 world.

Our Nation's firefighters are willing to do whatever it takes to perform their duties. We have first-rate firefighters throughout our Nation, but they continue to be under-funded, under-staffed, undertrained, and underequipped to deal with the various emergencies that may arise and have already arisen in their jurisdictions.

Very few people who are not firefighters stop and think about how much we continue to ask of our firefighters in today's world. They still perform their traditional duties of extinguishing fires, delivering emergency medical services, and ensuring that fire codes are inspected. However, refighters have also taken on homeland security responsibilities that include responding to and handling hazardous biological and radiological agents.

The fact remains that cash-strapped municipalities across our Nation simply do not have the financial resources and personnel to assist their fire departments in fully meeting these enhanced responsibilities and, consequently, safeguarding their populations. According to the most recent needs assessment study of the U.S. Fire Service published in December 2002, most fire departments lack the necessary resources and training to properly handle terrorist attacks and large-scale emergencies.

More specifically, the study found that, first, using local firefighters, only 11 percent of fire departments can handle a rescue with emergency medical services at a structural collapse of a building with 50 occupants. Second, using local firefighters, only 13 percent of fire departments can handle a hazardous material incident involving chemical and/or biological agents with 10 injuries. Third, an estimated 40 percent of fire department personnel involved in hazardous material response lack formal training in those duties. And finally, the study found that an estimated 60 to 75 percent of fire departments do not have enough fire stations to allow firefighters to respond swiftly to emergency calls.

These statistics are startling and are not improving over time. A new needs assessment that is forecasted to be released in the coming months is expected to conclude that—despite the success the firefighter grants have achieved in individual departments—fire departments across the Nation continue to struggle to carry out their critical duties.

The risks that firefighters are expected to face continue to outgrow the ability of municipalities fully to provide them with the resources they require. Therefore, it is imperative that the Senate continue supporting our firefighters and working to address their concerns.

The amendment that I have offered increases funding for firefighters by $25 million—$1.5 million for the FIRE Act grant initiative and $12.5 million for the SAFER Act grant initiative. These increases bring the total arpount of funding for the FIRE Grant to $552,500,000 and the SAFER Grant to $127,500,000. While I thank Senators GREGG, BYRD, and their colleagues on the Homeland Security Appropriations Subcommittee for finding the resources necessary to support these important grant initiatives at levels slightly above last year's funding, I believe that more resources need to be dedicated to the FIRE and SAFER grants.

The FIRE Act grant initiative has been one of the most successful homeland security grant initiatives in recent years. It is clear that the need for these competitive, merit-based grants continues to grow in all regions of our

Nation. For fiscal year 2006 alone, there were over 18,000 applications submitted, totaling over $2.3 billion in grant requests. Unfortunately, less than $545 million in Federal funding was ultimately made available.

Equally important as the FIRE Grant is the SAFER Grant—an initiative which provides critial resources for fire departments to hire and recruit personnel.

Just as the FIRE Act provides the equipment and training resources for firefighters to do their job, the SAFER Act provides the human resources necessary to get those jobs done safely and effectively. Over the past three decades, the number of firefighters as a percentage of the Nation's workforce has steadily declined. Today two-thirds of fire departments in the United States lack adequate personnel. We have fewer firefighters per capita, one firefighter for every 280 people, than nurses and police officers.

In fiscal year 2006 alone, 1,727 applications were submitted, totaling over $1.8 billion in grant requests. Unfortunately, less than $110 million in Federal funding was ultimately made available. Clearly, we must do more in order to ensure that fire departments are adequately staffed and trained to meet the needs of their communities.

The amendment that I have offered is fully offset by reducing administrative funding for the Office of the Homeland Security Secretary and Executive Management and utilizing unused funding from last year for science and technology initiatives. These offsets still allow the Office of the Secretary to meet its obligations fully in the coming year and the Department of Homeland Security to develop new technologies that keep Americans safe.

I would like to conclude by reminding my colleagues that the fiscal year 2007 authorization levels for the FIRE and SAFER Grants are $1 billion each. The appropriations in this bill for these initiatives are less than one-third the sums authorized. I am committed to working with my colleagues in the future to ensure that firefighters receive more critical resources they require.

America's firefighters are always the first ones in and the last ones out. They risk their own lives to save the lives of others. They stare danger in the face every single day because they know they have a duty to fulfill. We must rcognize their contribution to our domestic safety and see to it that they have the necessary equipment and personnel in order to perform their critical duties safely and effectively.

Ms. MIKULSKI. Mr. President, I rise today to support the Dodd-DeWine amendment increasing funding for firefighter grants. These grants are for local fire departments to ready themselves. The cost of equipment can't be covered on fish fries and bingos alone. The firefighter grant program is a wise and prudent use of Federal funds. I know these funds are used well in my home State of Maryland.

This program has no winners or losers. Everyone wins in rural and urban America. I acknowledge that these are tight times and there is a tight allocation. But we must do better for our first responders. When I was the ranking member on the Appropriations Subcommittee on Veterans Affairs and Housing and Urban Development, Senator BOND and I funded firefighter grants at $900 million. While this amendment does not get us to that funding level, it does provide an increase for the program.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4659

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, and Mr. ENSIGN, proposes an amendment numbered 4659.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 4659

(Purpose: To appropriate an additional $1,829,400,000 to construct double-layered fencing and vehicle barriers along the southwest border and to offset such increase by reducing all other discretionary amounts on a pro-rata basis)

At the appropriate place, insert the following:

SEC. ____. (a) The amount appropriated by title II under the heading "CUSTOMS AND BORDER PROTECTION" and under the subheading "CONSTRUCTION" is hereby increased by $1,829,400,000, which shall remain available until expended.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a)—

(1) not less than $1,184,000,000 shall be used for the construction of 370 miles of double-layered fencing along the international border between the United States and Mexico; and

(2) not less than $645,400,000 shall be for the construction of not less than 461 miles of vehicle barriers along the international border between the United States and Mexico.

(c) All discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced on a pro rata basis by $1,829,400,000.

AMENDMENT NO. 4660

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, and Mr. ENSIGN, proposes an amendment numbered 4660.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 4660

(Purpose: To appropriate an additional $85,670,000 to enable the Secretary of Homeland Security to hire 800 additional full time active duty investigators to investigate immigrations laws violations and to offset such increase on a pro rata basis)

At the appropriate place, insert the following:

SEC. ____. (a) The amount appropriated by title II under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT" and under the subheading "SALARIES AND EXPENSES" is hereby increased by $85,670,000.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a) not less than $104,000,000 shall be available to increase the number of full time active duty investigators employed by the Department of Homeland Security to investigate violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) by not less than 800 more than the number of such positions for which funds were made available during the fiscal year ending September 30, 2006, pursuant to section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3734).

(c) All discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced on a pro rata basis by $85,670,000.

AMENDMENT NO. 4659

Mr. SESSIONS. Mr. President, I call up amendment No. 4659.

The PRESIDING OFFICER. The amendment is pending. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, less than 2 months ago, on May 17, my colleagues, by a vote of 83 to 16, approved my amendment to the Department of Homeland Security immigration bill to construct at least 370 miles of fencing and 500 miles of vehicle barriers along the southwest border of the United States. This was based on the statement of the Secretary of Homeland Security, Secretary Chertoff, that this was what he believed was necessary to create a border enforcement system.

Of course, a fence is not a cure-all, but it is a very real and integral component of enforcement at the border. Many of the areas we have the greatest difficulty with are urban areas. You can't put a policeman at every single street corner where people can walk across. So a barrier is necessary.

We have a number of barriers in San Diego and other places, and they have worked very well. Crime on both sides of the border has decreased, property values have increased in those areas, and economic development has occurred.

So there is no doubt—and it is not something that is mysterious—that a good fencing procedure will help us in many ways. It is something we discussed and debated, and then when we voted, we voted 83 to 16 to approve it—a bipartisan vote.

But what I wish to make clear is this was simply an authorization. It represented a promise, a commitment by the Senate that we would build fencing. We would build fencing, and that, in large degree, is a part of our dialog with the American people in which we told them we are getting serious about enforcement. We are not just talking anymore. We really mean this time to get serious about enforcement, and we are going to do the things that are necessary. We are not going to build a fence along the entire border, but we need a certain amount of fencing—370 miles—and that is what would be put in, and that is what this Congress, this Senate, voted for. The House has more. I think they have 600 miles in their bill. So this was where we were.

I have made this point for some time in the debate: We do a lot of talking, we do a lot of legislating. The things we do often sound very good. The things we say often sound very good. But we don't ever quite get there. The things which will really make a difference, which can be demonstrable in improving lawfulness at the border, somehow, some way, seem not to become law.

This fencing requires a sum of money. We are going to show an increase—an increase—in spending for Medicare and Medicaid and Social Security next year or this year, this period, of over $100 billion. We are talking here about a cost of less than $2 billion, a one-time enforcement enhancement of having a barrier at the border.

The figure we have in here of $1.8 billion contemplates that it will all be done by private contractors at the higher prices for the better fence. I suspect as we move forward in conference the conferees may find that the National Guard, which were not part of the process at the beginning, were not being called out when we first voted on this amendment, could actually build this fencing for what we understand would be one-third the cost per mile. This might be a perfect thing for them to do and participate in. There may be other ways to keep this cost down.

We made a commitment as a body that we were going to take some real steps that would work to enhance enforcement at the border.

So I say to my colleagues, in many ways the vote we are about to take on funding this amendment is a test. The American people should look at us and evaluate us according to this test we are about to take. Were we serious on May 17 when we said we wanted to build this fence? It is not in this bill today. This is the legislation that is the appropriate vehicle to put in the spending for it. It is not in the President's request. It is not in the item that came out of the committee.

I know the committee had many challenges, but this matter is important. It represents a commitment we made to the American people. We need to follow through on that. If we do not, how could anyone say that the Senate has integrity in the commitment that it has made to the American people to create a lawful system of immigration in our country, to end the lawlessness at the border and create a lawful system?

That is what we need to do. We don't need to end immigration. We are going to maintain immigration. We are going to treat people fairly. We are going to allow people to come in and go from the United States. In fact, we can enhance that and make it much easier, but we need to have a lawful system. We need to end this unlawful system, and that is what I would say is so critical about this process.

The bill as presently written appropriates $288 million for necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration.

None of this $288 million is designated for any construction of new areas of border fencing on the Southwest border, as we voted to do by 83 to 13. The construction funding only includes money to continue land acquisition and construction for the San Diego fence—$30 million—which is already under construction.

As for vehicle barriers that we have been told are important, especially out in the rural areas, barriers to stop the easy crossing of vehicles, 39 miles of new permanent vehicle barrier in western Arizona only are funded. That is for 39 miles, not the 500 miles that we authorized. It continues construction of vehicle barriers in El Paso for a few miles; $200,000 for vehicle barriers in the Swanton Sector.

Those amounts are the only amounts out of the $288 million that are designated specifically for fencing and vehicle barriers. That is not enough to fund what the Senate voted to authorize, 370 miles of fencing and 500 miles of vehicle barriers.

I know there are ways to contain costs. Frankly, I think if we work at it we might be able to demonstrate this amount of fencing could be done for less than we have here. But I would say to my colleagues, the estimates we have had are these. This will meet the challenge. Unless we have clear evidence to the contrary, we need to follow through on our commitment to fund this.

This amendment appropriates the funds for the 370 miles of fencing and 461 miles of vehicle barriers at strategic locations along the Southwest border that the Senate authorized in May. Although the Department of Homeland Security supported my amendment at the time to add these miles of fencing and barriers when we voted on those issues in May, funding for these miles of fencing is not included in the bill.

The advantages of fencing are numerous. It magnifies, it multiplies the effectiveness of our Border Patrol officers as they go about their work. They have a difficult job to do. They have to maintain a border that is 1,700 miles long. They need help. There is no way we could have enough Border Patrol agents to patrol that entire border. We need to make it more difficult for those who would come in to our country illegally.

Fencing has worked in San Diego, it has worked in Arizona, and it is going to work wherever we put it, to enhance the ability of our law enforcement officers to detain and stop and interdict those who would enter the country illegally, which is what we need to do if we are going to move from this lawless system of immigration to a lawful system of immigration.

These are the kinds of things the American people have been asking for. They are asking for us to demonstrate that business as usual is no longer in effect, that talk is no longer in effect. The American people are looking at us and they are going to be looking at us carefully to see if we are actually going to follow through on what might really work to reduce illegal immigration and to create a system that is lawful and decent and fair, so people who wait in line are not chumps and those who break the law and come across the border illegally are the ones who get rewarded.

We need to stop that. That is wrong. It undermines law and sends a wrong message to those people who come into our country.

I say to my colleagues that we need to do a better job. We have a serious problem with the American people. They are suspicious of us. They are cynical about what we have done. We have been talking about a lawful system of immigration for 30 or 40 years, and we have never produced it. We passed a bill 20 years ago, in 1986, that was to be the amnesty to end all amnesties. We said we are going to do this one time and after this is done we are going to create a lawful system for immigration.

What happened? Amnesty became law just like that. The people got their amnesty. And there was a promise. As we made a promise on May 17 to build fences, they promised to do the things necessary to secure the border after 1986, and it never happened. It didn't happen in the 1970s, 1980s, 1990s, and 2000. We had a series of Presidents who did not follow through. We have had a series of Congresses that have sat over those years and they have not made this system work. Yet when we go back home to our borders we say we want no amnesty and we want a lawful system. It is time for us to make a decision.

This is a lot of money, you say. It is $2 billion. I say we spend $1.400 billion a year in this country. If you took a poll of the American people, would they say we ought to spend a couple of billion dollars to start making a real dent in the illegality at the border, that they would expect us to find the money somewhere? I think there is no other program in this country not worthy of being reduced to some degree so we could fund this.

My amendment would simply take an overall reduction in funding in this bill because that is what I am limited to, really, as an effective amendment at this point: to cut across all funding levels in the bill a sufficient sum to fund what we committed to do, which is build a fence.

I want to say to my colleagues, this matter is not going away. We are not going to be able to go back to the American people and tell them we have taken seriously their directive to us to fix this system if we don't put up the money necessary to do so.

As I have said for so many years—and recently we have talked about it a lot—you have to get to that tipping point in enforcement. You have to reach that point in which it is quite clear to those who would want to come to this country that the best way to do so is to come lawfully, to wait in line and take your turn.

I talked with President Bush about it on Air Force One. He agreed. He used the phrase "tipping point." That is exactly correct. We want to establish a tipping point: a barrier, sufficient agents, sufficient detention spaces are key to that. It is not going to break the bank.

I am optimistic about our ability to achieve this. But you simply have to close the holes. You have a bucket with three holes in it. If you close two of the holes, you are still going to have the water run out. When we do what is necessary to close the holes in our legal system we can create a system that will actually work, create a tipping point where people wait in line and come legally according to the standards this country establishes for them.

I am very concerned that by not funding what we just so recently voted for, by not funding that we will be indicating, just like in 1986, we were really serious about moving forward with an amnesty but we are not serious about creating a lawful system of immigration in this country. Wouldn't that break faith with the people who sent us here? Wouldn't that undermine their respect once again? It is already at the lowest possible ebb.

They know we have not been serious about the border. Everybody knows that. Who can deny that? It has been an issue for quite a long time. It has been discussed and discussed.

They say we can have a virtual fence. A virtual fence will help a little bit. But I am not able to cash a virtual check at the bank.

I would like to see some real fencing. So we had a discussion about that and we voted. We voted to build a fence. It was a little more than half of what the House voted in size, but it was a significant step that will, in fact, multiply the effectiveness of our Border Patrol agents who are working their hearts out for us right now, today. It will absolutely do that. It will absolutely work.

That is why some people oppose it so steadfastly. Whatever you present in the matter of immigration, in my experience, that actually tends to work, gets objected to. Somehow it becomes very difficult to pass.

There was objection to this amendment, frankly, until the very end. I think the voices of the American people were heard and all of a sudden we ended up with 83 votes. Some people thought it would be a close vote. It wasn't so close when we voted because we were listening to our constituents, which is what we are supposed to do.

There are 2,000 miles on the border. Many of those are quite remote, not appropriate to build a fence on. Some say they want to build a wall along the border. What we need is strategic fencing. We need to use high technology. We need increased agents. We need enough bed spaces when someone is apprehended so that they can be detained pending deportation, particularly if they are other than Mexicans, because the Mexicans can be taken across the border right quickly, normally. But for those who are from other areas of the world, sometimes it is very difficult to effect a deportation.

As a result, people in our law system are forced to confront a problem. They don't have the bed space for them. They don't have a plane flying back to the Philippines or Brazil or Chile or wherever the people may be from that day, so they are releasing people on bail, called catch and release. They are released and they don't show up to be deported.

Mr. President, how much time remains on this?

The PRESIDING OFFICER. There is no time limit in effect at this time.

Mr. SESSIONS. Mr. President, that is where we are. What you need to do is reduce the number of people who are coming here illegally. You need to reach a tipping point. People who are coming here illegally, other than Mexicans, have been told correctly until recent months that if they are apprehended, they are not going to be put immediately on a plane back to Brazil or the Philippines or wherever they may have come from. They are going to be released on bail. One study showed that 95 percent of the people released on bail under these circumstances don't show up to be deported. Surprise, surprise.

You need bed spaces. We have some more bed spaces in our bill. You need more agents—not a huge number of bed spaces and not huge increases in agents, but you need more agents and more bed spaces. You need to multiply the impact and effectiveness of Border Patrol agents by barriers.

How much more simple can it be than that, that we have these barriers that multiply the effectiveness of our Border Patrol people?

The strategy among those who support this bill that passed the Senate—the Kennedy-McCain bill, or whatever we want to call it, which moved through the Senate—is that it become law. The strategy is that we will sort of have a conference with the House of Representatives in secret and we will come up with some deal that gives amnesty to everybody who is here. Check the future flow of immigration in the country forever, and we will talk about how to make enforcement work.

A lot of people said: Listen, we went through that in 1986. That is what we talked about in 1986. Remember? Don't forget that. That is what they said in 1986. They said in 1986: Give us amnesty today and we will take care of the enforcement tomorrow.

Senator ISAKSON offered an amendment to deal with that very specific matter. He said: I am worried about that, too. That is what happened in 1986. That is what I am hearing from my constituents back in Georgia. We are all concerned about that. We know it is a very real problem. Why don't we say amnesty doesn't become effective, or any relief that one may choose to give to those who come here illegally, whatever relief we give them doesn't become effective until we have the border secured. He offered that as an amendment. It was one of the most intensely watched amendments in the entire process.

I have to tell you, it was very discouraging to me and very discouraging, I think, to the American people to see that amendment fail. Why? Why was that amendment important? Because they rightly conclude from that that we never had or never intended to create a good enforcement mechanism. If not, why wouldn't we pass the Isakson amendment? Why wouldn't we pass it? Why wouldn't we pass it if we intended to actually create a lawful system?

It made you think that maybe what we are hearing is rhetoric—talk and promises—but we are not going to deliver.

That is why I am saying to my colleagues that this border fence is more than just a little matter of $1 billion-plus, as much as that is. It is a matter for the American people to evaluate whether or not they consider that we are acting with integrity when it comes to creating a lawful system of immigration in America.

The Secretary of Homeland Security said it is necessary. We voted 83 to 16 to approve it. Now we have the Homeland Security bill where this project should be funded, and it is not funded.

I know we have difficult choices to make. But that is what they pay us for.

Are people not listening to their phone calls, and not reading their mail?

The Presiding Officer, the Senator from Louisiana, understands this issue. I have heard him speak articulately on it.

It is a matter of legitimate concern for the American people. The American people are not anti-immigrant. They do not want to punish immigrants. They believe in immigration. But they want a lawful system of immigration that serves the just interests of the United States of America—not a system that makes a mockery of the law. They have been asking for it to be fixed for 30 years, and no President and no Congress has responded to their cry.

I am going to tell you, they are going to be heard this November. There may be some people who will have to answer if they voted for this fence and then didn't vote to fund it.

Why not? Why shouldn't they be held to account on that?

We are facing some difficult choices. The American people are concerned about the issue. Fundamentally, the American people are correct. They have good and decent instincts.

This Nation is a nation of laws. And on immigration we can have laws that work. That is what we are looking to do.

I don't know of anyone else who wishes to speak at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I want to make a few remarks regarding the amendment that has been offered by the Senator from Alabama.

I want my colleagues to know that this amendment which the Senator from Alabama is proposing provides over $1.8 billion for the construction of a fence along the southwest border of the United States. However, my colleagues should know that he pays for this amendment by an across-the-board cut to virtually every other discretionary program that is funded within this Homeland Security bill. That amendment amounts to a 5.7 percent decrease to critical programs such as the Coast Guard operations that are absolutely essential in both homeland security and with the number of domestic issues.

His amendment would also cut FEMA and disaster relief funds at the height of the hurricane and western forest fire season, and it cuts funding from the Secret Service for the protection of the President.

This amendment also cuts a lot of our critical border security programs.

On a bipartisan basis earlier this week, the Senate increased funding for border security programs by $350 million. The bill that is before the Senate right now has $11 billion for Customs and border protection and immigration and Customs enforcement.

The irony of the Senator's amendment is that it would cut funding for the hiring of 1,000 new Border Patrol agents to pay for the fence. His amendment cuts funding for 1,000 additional detention beds to pay for this fence. And his amendment cuts funding for unmanned aerial investigation and surveillance helicopters and Border Patrol helicopters to pay for this fence.

The bill before the Senate is carefully constructed and balanced to provide funding for homeland security priorities within very limited resources.

I know the chairman and the ranking member of this committee have worked long and hard to balance a lot of requests regarding homeland security. The amendment before us would unbalance that dramatically.

I urge my colleagues to oppose this amendment.

I yield the floor.

Mr. GREGG. Mr. President, I greatly respect the Senator from Alabama and his tireless efforts in addressing the issue of illegal immigration and his amendment on building a wall in those parts of the urban areas of the border where a wall would be effective. It is an appropriate amendment, and I strongly support it. It was in the authorization. Had the administration supported our efforts relative to capital improvements in the supplemental, we might have been able to make a fairly significant commitment toward that wall. But the wall would be built over 2 years.

This amendment accelerates that construction into a 1-year time period. Within the bill, we have approximately $400 million in supplemental capital improvements that could be used for wall construction. I don't think all of it would be used. Some of it would be obviously.

We should build these walls. There is no question about it. The real issue is that the offset being used creates a Hobson's choice for almost everyone here, I suspect, because the practical effect of a 5.7 percent cut would be that we would have to reduce Border Patrol agents by about 750. We would have to reduce detention beds by about 1,100.

We have attempted very hard to increase Border Patrol agents in this bill and increase detention beds. Yet we haven't funded the wall specifically as a result of our efforts to do these increases.

The effect on the Coast Guard, the Senator from Washington alluded to, would probably be that the number of fast boats which we intended to buy would be reduced significantly, and our capacity to arm helicopters would be reduced from what we hoped to arm—60 helicopters. We have, at the most, armed probably 50, maybe 55.

There is a real implication to this amendment. It has an implication in the things we are doing relative to border security which will be impacted by it.

I am totally sympathetic to the need to make this investment in this fencing activity. And I believe within the Department's funds relative to capital improvements there is also some money which could be put there but nowhere near the dollars he believes are necessary with which the Department needs to continue construction.

We are going to have to come up with a better way to do this. We are not going to be able to do this, in my humble opinion, the way this amendment is constructed—in an across-the-board cut.

I have to oppose this amendment in its present form for that reason.

Mr. SESSIONS. Mr. President, we are going to proceed with construction over 2 years. Since we don't know what will happen next year, the Congress voted to build a fence, and we ought to fund the fence, in my opinion, when we promised to build it. But we could build it over 2 years and split the money each year, I suppose. It would ultimately slow down completion. It would probably take some time to get it constructed. I don't know whether my colleagues would agree to cut that price in half and do it over 2 years, and whether it would gain their support. If so, I would be prepared to accept that reduction in the amendment.

Let me just say that we know what happened. Senator GREGG did his very best in the supplemental. JUDD GREGG, chairman of our committee, is a fine Budget Committee chairman. He also chairs this Homeland Security Subcommittee. He was able to force into the supplemental additional money for border security which was not in the President's request. I salute him for that. But that is not getting us there. We are still talking about nickles and dimes. We are still talking about business as usual. Somehow we need to find this money. We spend over $800 billion a year in discretionary spending. We spend nearly $1.4 trillion a year in entitlement spending, entitlement increases—an increase of over $100 billion next year. So we can't find a couple of billion dollars to fulfill the commitment we made to the American people?

We know how the system works around here. There is no one way that it works. There are many ways to skin a cat, as they say.

We need a vote for this amendment. And that would send a signal to the Appropriations Committee and send a signal to the White House that this Senate is serious about fulfilling its commitments. Some way between now and then, some way they will find this money through whatever sources are appropriate to fund it. That is where we need to be. That is what we need to achieve.

If we allow it to go through without any money for this fencing, we will rightly be accused of not being serious about the commitments we have made to the American people with regard to actually enforcing the laws of immigration in America, which many Americans already believe we are not serious about. They do not respect what we have done in the past, and they should not; we have failed. It is time for Congress to try to fix it and do better. In fact, we must do better. The Secretary of Homeland Security has told us this kind of barrier fencing is necessary for his success.

Now, we build a bridge in immigration that goes about 8 feet across the 10-foot cavern, and we never quite close the loop. As a result, we never reach the tipping point where it becomes much more logical for someone who wants to come to America to come legally than illegally, so they continue to come illegally. They are rewarded for that. They get to the head of the line, and they get amnesty when they get here after a period of time. That is a bad signal. We need to stop that signal.

By building more barrier fencing, by following up on the President's commitment to call out the National Guard, those activities send a signal to the world that our border is no longer open. Isn't that the message we want to send? We do not have an open border. We have a generous immigration system, far more generous that any nation I am aware of in the world. More generous than Canada, more generous than England, more generous than Mexico. We have a generous system. Don't let anyone put us down that we are somehow an anti-immigrant Nation. Nothing could be further from the truth. We are very generous, but we do need to have a system that is lawful.

About a million people come into our country legally. About 750,000 or 800,000 come into the country illegally. Almost as many come illegally. That is not right. It cannot continue. This is not an extreme position to take.

Let's build the fences that the Secretary of Homeland Security discussed. I don't know where the Senator would get the money for it and exactly how it would be worked, but I believe if we voted a strong vote to fund this fencing, somehow, some way, the leadership of the House and the Senate would get together and figure out a way to fund it appropriately.

I yield the floor.

Mr. GREGG. Mr. President, I ask to enter into a unanimous consent agreement relative to a series of votes: At 2:30, the Senate proceed to consecutive votes in relation to the following amendments: Senator MENENDEZ, No. 4634; Senator SCHUMER, No. 4600; Senator SESSIONS, No. 4659; Senator SESSIONS No. 4660.

I further ask consent that the time until then continue under the agreement which we had earlier relative to the Sessions amendment; further, that no amendments be in order to any of the amendments prior to the vote; further that prior to the first vote, Senator LEAHY be recognized for 1 minute, Senator MENENDEZ for 1 minute, and myself for 1 minute; further that between the remaining votes there be 2 minutes equally divided in the usual form and that after the first vote, all votes be 10 minutes.

Mr. DAYTON. Reserving the right to object, I have an amendment, possibly a second amendment if the first is not agreed to, stipulating that at least 20 percent of the agents will be directed to the northern border.

Mr. GREGG. I say to the Senator, we will be happy to entertain that amendment after we have completed voting on these and put that in the queue for consideration after we complete the votes.

Mr. DAYTON. There will be an opportunity to offer and have it considered by the full Senate after this sequence?

Mr. GREGG. We will be here for a little while.

Mr. DAYTON. I have no objection.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I make one thing very clear: Fencing should not be a political gimmick. It should not be a suggestion that it would cure all of our problems, but fencing works.

Let me share some thoughts about it. It is proven with the establishment of the San Diego border fence, crime rates in San Diego have fallen off dramatically. According to the FBI crime index, crime in San Diego county dropped 56.3 percent between 1989 and 2000. Vehicle drive-throughs—these are people who bolt across the border in a vehicle—vehicle drive-throughs through the immigration prohibited areas have fallen from between six and ten per day before the construction of border infrastructure to only four drive-throughs in all of 2004. And those four only occurred where the secondary fence was incomplete.

Fencing has reduced illegal entries in San Diego. According to numbers provided by the San Diego Border Sector Patrol in February of 2004, apprehensions decreased from 531,000 in 1993 to 111,000 in 2003. Let me repeat that, talking about tipping points: They had to arrest, in 1993, along the San Diego border, 531,000 people; after the fence was up in 2003, only 111,000 were arrested, one-fifth. How many hours, how much money was saved because people did not have to be arrested and did not come illegally? How many people did not successfully enter the United States because of this fence?

Fencing has also reduced drug trafficking in San Diego. In 1993, authorities apprehended over 58,000 pounds of marijuana coming across the border, but in 2003 the fence helped stem the tide of drug smuggling and only 36,000 pounds of marijuana were apprehended. In addition, cocaine smuggling decreased from 1,200 pounds to 150 pounds, about one-tenth.

I talked to Congressman DUNCAN HUNTER, who chairs the House Committee on Armed Services. He is very familiar with the border. He explained to me it was an absolute wonder how much good that fence did. That is why the Secretary of Homeland Security, Secretary Chertoff, has spoken out and said this is what he needs: 370 miles.

I am quite aware there is a shortage of money, and we have to make choices. I repeat, in our discretionary budget, we spend about $870, maybe $900 billion in our entitlement program expenditure. It will increase 9 percent next year. It will increase by over $100 billion. We spend $1.4 trillion-plus on entitlements. That is $1.4 trillion on entitlements. We cannot find $2 billion to deal with the fencing that we voted a few weeks ago to approve? I think we can. I know it is difficult.

I know Chairman GREGG, if he had the money, as he said, would fund it. How do we break this train wreck we are heading to? How do we get off this track of not doing what we committed to do? Vote for this amendment. It will send a message to the appropriators, it will send a message to the administration, it will send a message to those who are working on our appropriations accounts that we as a Senate expect them to somehow, some way, go back and make the tough priority choices and find the money necessary to do this. Maybe we can fund it over 2 years. If so, they will work that out. This is not the final draft of the bill that will ultimately be before the Senate. They will work that out. I am willing to work with them on that.

Also, if the National Guard were to build it, we have been told they would do it for one-third of the cost that private contractors would charge. That could be a savings, and we could get this fencing done without so much money in any one budget year.

We voted to build 370 miles of fencing, 500 miles of barriers for vehicles, and I am hoping we will not disappoint the American people, once again. I am hoping somehow, some way, we will rise to the occasion and say: We made a commitment. It is the right thing to do.

The administration was never out here championing building fencing. That is never something they said would be a cure-all. Frankly, it is a bigger positive step than many people admit. They did come forward and tell us, through the Secretary of Homeland Security, that these were the figures they needed to create a lawful system at our border. We have areas in developed cities and towns where people can walk across the border without even a checkpoint. There is not even a fence there. This is what we need to do.

If we are serious about it, and I think the American people are, and I think there is a growing seriousness with the President and the Members of the Senate, let's step up and do what it takes. Don't go 8 feet across the 10-foot ravine and fall into the pit. Let's complete the task before the Senate. Somehow, some way, we can find the money in this budget. I know we will if we pass this amendment. If we do not pass this amendment, we will be sending a signal, it is business as usual, and we do not intend to honor our commitments.

That is the wrong thing to do it. It could not be more damaging to have failed to honor our commitments on any bill before the Senate than the immigration bill. This is a bill for which the people have the least confidence in us.

AMENDMENT NO. 4660

The other amendment I call up is amendment No. 4660; I ask the previous amendment be set aside, and I will make my remarks about amendment No. 4660.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, this amendment deals with sufficient funding of ICE, Immigrations and Custom Enforcement interior agents. ICE is authorized. We voted to authorize and hire 800 new investigative agents in fiscal year 2007. That begins October 1st. Beginning October 1st, we voted to authorize the hiring of 800 new agents under the Intelligence Reform and Terrorism Prevention Act of 2004.

The Department of Homeland Security asked for 206 investigative agents in 2007. Among other things, those agents are used to investigate illegal employment in the workplace, workplace enforcement. Virtually every Senator, in the context of the immigration debate, has talked about how important it is to increase worksite enforcement. We have talked about it time and time again. The way to do that is to increase the number of agents who are investigating these cases. How simple can it be?

This Senate bill appropriates $57 million, an increase of $19 million, to enhance resources devoted to worksite enforcement. According to the Department of Homeland Security, the $19 million increase would hire 141 new agents. The bill also appropriates funds to hire 27 new compliance investigators. They are similar to but not the same as an investigative agent.

The 141 new agents and the 27 compliance investigators do not meet the President's request for 206 agents. They just do not meet the President's request for 206 agents. And it does not come close to funding the 800 agents that Congress authorized ICE to hire next year.

You see, once again, this is serious business. We talk about enforcement. We say we are going to do it, but when it comes down to the lick log, we spend our money on other things.

So my amendment will ensure that the fiscal year 2007 appropriations bill for the Department of Homeland Security funds the full level that Congress authorized to hire in 2007, a total of 800 new agents. This means that we have to find the money for ICE to hire 659 more agents than the bill currently funds. That is 800, minus 141.

The Department of Homeland Security tells me that it costs as much as $130,000 to fund a fully wrapped new ICE agent for the first year, with training and equipment and all those things. Therefore, the cost for these additional 659 new agents will be $85 million. To pay for these agents, the amendment contains an across-the-board reduction.

This is about making some decisions about what we intend to do with regard to enforcement of immigration laws. It sets some priorities. So that will help us focus on what we need to do.

To me, based on my experience, having worked with Customs agents, having worked with Border Patrol agents, having worked with INS agents back when I was a Federal prosecutor, interior enforcement agents, who are responsible for enforcing immigration laws in the workplace and inside our borders, are a top priority.

Let me tell you, it is not going to be that difficult. We are not going to need tens of thousands of Federal agents to change the workplace illegality that is going on. Most businesses today want to do the right thing. We have not given a biometric card, which is not easily counterfeitable, to those people who come here legally so the businesses can make a legitimate decision about whether they are legal or not. We have created a lawless system in many different ways.

But businesses must be held accountable. We can create, under this bill, a system that gives businesses a greater ability to know what the law is and to comply with the law. Once they know we expect them to comply with the law, once we pass this immigration bill that will create better workplace rules and procedures, we can almost overnight see a dramatic reduction in the hiring of illegals at the workplace. Isn't that what we want?

Some do not want that. They would like to be able to hire as many as they want to at lower wages.

But we as a nation have to look at the national interest and set a policy about how many people should come into the country, only allow those in lawfully, and make sure they are given a good identifier so they can go to work. But we need sufficient investigators to make sure we reach the tipping point in the workplace so that employers know with certainty what the rules are and know that if they do not comply with those rules they will be held to account. Once they know that they will be held to account, we will see, in very short order, a dramatic dropoff in illegal activity. Just this increase would make a tremendous amount of progress.

Mr. President, I have a few minutes left. I would yield to the Senator from New Hampshire. He may want to make some remarks.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the votes that should have been set for 2:30 now be set to begin at 2:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I thank the chairman for yielding me time.

Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4610 WITHDRAWN

Mr. THUNE. Mr. President, I call up amendment No. 4610.

The PRESIDING OFFICER. That amendment is now pending.

Mr. THUNE. Mr. President, this particular amendment, which enjoys wide support here in the Senate, would dramatically increase the availability of alternative energy refueling systems, such as biodiesel, ethanol, and compressed natural gas, by reimbursing eligible entities up to $30,000 for the costs associated with installing these alternative gas pumps.

Like many of my colleagues in the Senate, I believe our Nation's homeland security is directly related to our Nation's energy security. The underlying goal of this amendment is to provide American consumers more opportunities to use American-made alternative fuels as we work to lessen our

Nation's dependence upon foreign sources of energy.

As I noted yesterday when I offered this amendment, I am unaware of any opposition to what this amendment attempts and seeks to do. In fact, since I offered the amendment, a number of our colleagues here in the Senate have cosponsored this particular provision.

Additionally, American automakers, such as General Motors and Ford, support this effort, as do various agricultural groups—from the Farm Bureau to the National Corn Growers Association—as well as environmental groups. The reason is very simple. It makes a lot of sense for so many reasons, not the least of which is getting us away from this overdependence of foreign sources of energy. But it is good for the environment. It is good for the American consumer. It is good for the American agricultural producer.

I certainly appreciate the bill managers' patience regarding this amendment. And while I also appreciate the fact that the Homeland Security appropriations bill probably is not the appropriate vehicle to have this amendment considered and discussed, I am greatly encouraged by many of the calls and statements of support for this initiative that I have received since offering it, as well as some new ideas I have received that I hope to explore to make this particular provision even stronger.

So I expect we will revisit this issue. I fully am hopeful we will be able to get a vote in the Senate on this provision. Again, as I said before, I think it is important for our national security because of the direct correlation to energy security. It is also important for our economy. It is important for our environment.

For all those reasons, I intend to offer this amendment at a later time to what I hope will be a debate on an energy bill later this summer. But for the time being, I will withdraw the amendment.

I look forward to working with the chairman and other of my colleagues in the future as we work to get this provision signed into law. I believe it is that important. It is important for the future. Inasmuch as I would like to see it voted on today, I realize in the interest of keeping this debate about the issue at hand and trying to keep ancillary and nongermane business away from it, I will withdraw the amendment and look forward to having it debated at a later time.

So with that, Mr. President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

Mr. THUNE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the remarks of the Senator from South Dakota. The issue he has raised here is an important one. I also appreciate the fact that it is more appropriately raised on another matter.

AMENDMENT NO. 4660

Mr. President, speaking to the second amendment that Senator SESSIONS has offered, this again is an issue of priorities. The first amendment juxtaposes the need to build a wall with the need to add border security agents and detention beds and make the Coast Guard a more robust player and more capable, and have the US-VISIT program and the immigration program work well.

It is ironic, actually, that this amendment, which increases investigators by 800, would, if the first amendment were to pass, end up reducing investigators by 300. I guess the net result would be if both amendments passed, you would end up with 500 investigators. But that shows the problem here that is being presented to the Senate by the way these amendments are structured with their across-the-board cuts. Because the across-the-board cuts impact the entire Department. This is not a Department that does a lot of things we do not need to do.

Certainly, we need our Border Patrol agents. We need our Coast Guard. We need our Secret Service. We need our detention beds to make sure we can put these people away when we have them. So when you do an across-the-board cut, you impact all these other services.

And, yes, ICE could use more investigators. That is why in this bill we added 75, so that we have 6,000 investigators in the ICE program. He would add 800 more to that. But, as I said, should his first amendment pass, he would reduce that number, logically—because there would be a 5-percent reduction—by 300. It would be almost a 6-percent reduction, actually.

So, again, I have to oppose the amendment. Although the policy may make sense, the way it is paid for does not. It would actually do significant harm to our capacity, in my opinion, to have a robust Department of Homeland Security.

So I will oppose the second amendment offered also by the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 4659

Mr. KYL. Mr. President, thank you. First of all, I appreciate the explanation of the chairman of the subcommittee and conclude, as he has, unfortunately, that, good policy notwithstanding, taking money away from other good policy decisions we have made or intend to make in support of funding for more Border Patrol agents, more detention spaces, and so on, requires that we oppose the amendment that would take money from those programs to build more fencing.

Much of this fencing is in my State of Arizona. We need that fencing. I am convinced we will be able to get the fencing done, if not by the National Guard, then by construction that will, in fact, cost money, for which there is some in the budget. There is probably more needed, and we are going to have to find a way to add that. But this, unfortunately, has been constructed as a zero-sum game with this amendment. In order to put more money on fencing, we take more money away from Border Patrol. So that is going to make it a very difficult proposition.

Mr. President, the matter I would like to ask unanimous consent to speak on, I say to the chairman, actually is a matter not related to this bill. I ask unanimous consent to speak for 90 seconds as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. KYL are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 4634

Ms. COLLINS. Mr. President, I had reserved the final 4 minutes of my time in opposition to the Menendez amendment. I am going to claim that time now.

I urge my colleagues to vote against the amendment of the Senator from New Jersey. Let me briefly summarize three issues that make the amendment so problematic.

First, it slashes the minimum allocation for homeland security grant moneys for States. It would impose a two-thirds cut in the guaranteed allocation which would undermine the efforts of States that have entered into multiyear projects such as improving the interoperability of their communications equipment which is an expensive multiyear proposition.

Second, the amendment makes absolutely no sense. If my colleagues are unhappy, as I am, with the Department of Homeland Security's allocation of funding for the Homeland Security Grant Program, why would they want to give unfettered discretion to the Department on how to allocate the funds? The amendment has absolutely no criteria included in it to define risk. By contrast, the proposal that was approved by the Homeland Security Committee sets out criteria—such as whether there had been a terrorist attack previously, the population density, whether it is a border State, whether it is on the coastline—and gives guidance to the Department since it has clearly shown that it does not have a well-developed system for allocating based on risk. We have seen the results of that.

Third, the Senator from New Jersey strikes the requirement in current law to have the Department look at the need for the funding. All of us are concerned about reports that homeland security grant money in some localities has been wasted, whether it is on leather jackets or air-conditioned garbage trucks, actual cases, one in the District and one in New Jersey, or for other questionable purposes. We need to make sure that the Department is allocating the funds not only based on risk, threat, and vulnerability but also on need and effectiveness. There are no requirements for this funding to be developed and allocated based on the need for it nor the effectiveness of the State's plan.

For those three reasons and many more, I urge my colleagues to oppose the Menendez amendment. Thirty-six States and the District of Columbia would lose funding under his proposal. The funding instead would be reallocated to 14 States which already receive more than 70 percent of all the funding for homeland security.

This is a misguided amendment. It will lead to wasteful spending. It will undermine the efforts to bring all States up to a base level of preparedness and response. I urge my colleagues to oppose it.

I see the Senator from Delaware is on the floor. He has been very active in this area. If I do have any time remaining, I would be happy to yield to my colleague, the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 23 seconds.

Mr. CARPER. Mr. President, the Senator has said it well. There is nothing much I can add. When it comes to proportioning these funds, we need to use common sense. If we do, I think we will vote no on the amendment. I thank the Senator from Maine for all the leadership she provides.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 4659 AND 4660

Mr. SESSIONS. Mr. President, I would like to conclude my remarks on the question of funding of the authorized border fencing in amendment No. 4659 and amendment No. 4660 which would authorize funding for the hiring of a number of interior enforcement agents that we authorized and voted to hire just a few weeks ago. I would like to talk about that.

I am well aware—and I know the argument that has been made by our wonderful Budget Committee Chairman JUDD GREGG, and Senator MURRAY—that there is just not enough money in this bill to pay for it. I would say to my colleagues: This is an important issue that deals with something that we made a commitment to the American people about just a few weeks ago. And now it comes time for us to fund it and we don't have the money.

We spend almost $900 billion in discretionary spending, $1.4 trillion in entitlement spending. We can find a couple of billion dollars to fund this.

How do we do it? We pass these amendments, and we will send a signal to the appropriators and to the White House that we are serious and find the money somewhere. That is what we will be saying. I know they are going to say: Don't vote for this amendment. I am for the fence. Everybody is for the fence, JEFF. We just don't have the money.

How can we say that? We just voted to build the fence. We can't say we don't have the money. That is not an acceptable answer. So pass this amendment. Yes, it is going to cause some grief. Yes, there is going to be huddling of appropriators and budgeteers and the White House. They are going to have to hammer out a way to get the money to fund this thing. But to let this slip and to be on record as a Member of the Senate who just voted to build a fence and now vote not to fund it is not a good thing to do. It is going to send a bad signal to the American people. It is going to be a bad signal. They are going to say: They have been promising to have some enforcement and the first vote that comes up, the first bill that comes down the pike, they don't put the money in to do just what they voted to do.

Remember the fence can't be built and the agents we authorized to be hired can't be hired unless we appropriate the money. Please, we have to appropriate the money. I know this budget is tight. I will just say to my colleagues, I thank Senator GREGG for his support for the fence, his work in the supplemental to get more money for enforcement. If it had not been for his leadership, we would not have as much as we have. But it is not enough.

I encourage my colleagues to vote for this amendment. It is a statement by the Senate that somehow we expect this matter to be funded. There is plenty of money in this Government, if we look for it, to fund this important matter.

I thank the Chair and yield the floor.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 4659 AND 4660, AS MODIFIED

Mr. SESSIONS. Mr. President, I have a modification at the desk for the two amendments I have proposed. I ask unanimous consent that I be allowed to modify those two amendments, as we have proposed them.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments (Nos. 4659 and 4660), as modified, are as follows:

AMENDMENT NO. 4659, AS MODIFIED

At the appropriate place, insert the following:

SEC. ____. (a) The amount appropriated by title II under the heading "CUSTOMS AND BORDER PROTECTION" and under the subheading "CONSTRUCTION" is hereby increased by $1,829,400,000.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a)—

(1) $1,184,000,000 of which shall be used for the construction of 370 miles of double-layered fencing along the international border between the United States and Mexico; and

(2) $645,400,000 of which shall be for the construction of not less than 461 miles of vehicle barriers along the international border between the United States and Mexico.

(c) Discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced by $1,829,400,000.

AMENDMENT NO. 4660, AS MODIFIED

At the appropriate place, insert the following:

SEC. . (a) The amount appropriated by title II under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT" and under the subheading "SALARIES AND EXPENSES" is hereby increased by $85,670,000.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a) $104,000,000 of which shall be available to hire an additional 800 full time active duty investigators employed by the Department of Homeland Security to investigate violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) pursuant to section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) which requires the hiring of not less than 800 more investigators than the number for which funds were made available during fiscal year ending September 30, 2006.

(c) Discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced by $85,670,000.

Mr. SESSIONS. Mr. President, I will take 30 seconds to say that this amendment would authorize the appropriating committee to pay for the fencing—give them more discretion to pay for it out of the account they deem is appropriate. It would be across the board but within their discretion, so that no one particular account must be cut or reduced by passage of this amendment. The Coast Guard and other things would not have to be reduced in order to pay for this amendment.

I yield the floor.

Mr. GREGG. Mr. President, the points I previously made relative to the impact of this amendment remain accurate. I continue my opposition to both amendments because of the across-the-board cut nature and the impact it would have on all elements of the Homeland Security Department. Even though the policy may be something we would agree with if we had the resources, we don't have the resources.

I call for the regular order.

The PRESIDING OFFICER. Under the previous order, there will be votes on four amendments: Menendez, No. 4634; Schumer, No. 4600; Sessions, No. 4659, as modified; and Sessions, No. 4660, as modified.

Prior to the first vote, Senator LEAHY is recognized for 1 minute, Senator MENENDEZ for 1 minute, Senator GREGG for 1 minute, and between the remaining votes there will be 2 minutes of debate equally divided in the usual form, and after the first vote each will be a 10-minute vote.

Senator LEAHY is recognized for 1 minute.

AMENDMENT NO. 4634

Mr. LEAHY. Mr. President, the underlying issue today on this amendment is that the administration has slashed Homeland Security funding. It has mismanaged the grants it has awarded. We would not be in the situation of pitting State against State if the President adequately funded Homeland Security. Grants are being cut from $2.3 billion in 2003 to under $1 billion this year—$1 billion for the whole year, this Homeland Security grant. We spend over a billion dollars a week in Iraq. If we can spend money for homeland security in Iraq, we ought to be able to spend a tiny fraction of that here.

I commend Senator COLLINS for her leadership on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute.

Mr. MENENDEZ. Mr. President, let me first say I totally agree with my colleague from Vermont. We are dramatically underfunded for what we need for homeland security. That truly is the core of the issue. I appreciate the spirit of the debate he has had with us on this issue and his comments. I simply believe that as we seek to fund it fully, the question becomes, What do we do now? The bipartisan, unanimous 9/11 Commission recommended that homeland security funding be based on risk. That is what this amendment does.

Many of my colleagues have actually made the case, by virtue of what they have said, that risk-based funding should be the very essence of our foundation. They made a good case for their respective States for risk-based funding when they argued that their States have high-risk targets. This amendment does nothing to eliminate the effectiveness component. It does not eliminate the minimum guarantees for States. But threat after threat has been revealed, and that makes it very clear where the greatest threats are in our country. That ultimately should be our thrust, driving our resources, those which we have, as we try to build more to where the risk is.

We are all in this together. We are called upon to vote for agriculture, hurricanes, and other things. I ask Senators to vote in favor of this amendment.

Mr. GREGG. Mr. President, I believe in a risk-based approach. I support the amendment.

I yield back my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is this a sufficient second? There is a sufficient second.

The question is on agreeing to the Menendez amendment No. 4634. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 64, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—36

Allen
Boxer
Byrd
Cantwell
Chambliss
Clinton
Coburn
Cornyn
DeWine
Durbin
Feinstein
Gregg
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Landrieu
Lautenberg
Levin
Martinez
McCain
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Santorum
Sarbanes
Schumer
Specter
Stabenow
Vitter
Voinovich
Warner

NAYS—64

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Dayton
DeMint
Dodd
Dole
Domenici
Dorgan
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Jeffords
Johnson
Kohl
Kyl
Leahy
Lieberman
Lincoln
Lott
Lugar
McConnell
Murkowski
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Thune
Wyden

The amendment (No. 4634), as modified, was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. WARNER. Mr. President, I respectfully request that on vote No. 198 my vote be recorded as yea. It will not make a difference in the final tally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

Mr. CORNYN. Mr. President, on rollcall vote 198, I voted nay. It was my intention to vote yea. I ask unanimous consent that I be permitted to change my vote since the outcome will not be affected.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 4600

The PRESIDING OFFICER. There will be 2 minutes for debate on the Schumer amendment.

Who yields time?

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, this amendment is one which I believe would be supported by George Bush because it restores the amount of funding for FEMA by $300 million. That is what the President requested.

We have had unprecedented disasters in the Northeast and in so many other places in other parts of the country as well. We have had disaster after disaster in this country. FEMA should not be underfunded. We should not have the people who have been wiped out by floods and drought and hurricanes sitting on tenterhooks in the hopes that maybe we will pass a supplemental 6 or 8 months from now.

This simply restores the President's request for FEMA. It would hardly be a profligate request. So I ask my colleagues on both sides of the aisle, particularly those from the Northeast, to support this amendment.

Mr. GREGG. Mr. President, the disaster relief fund has $9.3 billion in it. That is more than enough money to get us through the balance of this year and will give us a surplus going into next year. We have $1.6 billion in this bill to add to the $9.3 billion for next year. If a disaster occurs and it is of significant proportions, we will obviously come back and do an emergency appropriations.

No money that would occur as a result of the amendment of the Senator from New York could be used this year for any disasters that have occurred this year in the Northeast because, of course, this money won't be available until next year. There is adequate money, however, to take care of the Northeast issues. So at this time I ask Members to oppose this amendment.

Mr. President, pursuant to the deeming language in Public Law 109-234, I raise a point of order against the emergency designation of the pending amendment.

Mr. SCHUMER. Mr. President, pursuant to section 402 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006, I move to waive section 402 of that concurrent resolution for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

Mr. GREGG. And this is a 10-minute vote?

The PRESIDING OFFICER. This is a 10-minute vote.

The clerk will call the roll.

[Rollcall Vote No. 199 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Clinton
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Specter
Stabenow
Talent
Wyden

NAYS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

The Senator from New Hampshire.

Mr. GREGG. I will raise a point of order against the amendment which was ruled not an emergency. The pending amendment would cause the bill to violate section 302 of the Budget Act.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

AMENDMENT NO. 4659, AS MODIFIED

Mr. GREGG. Now I understand we are on to the first amendment of the Senator from Alabama.

The PRESIDING OFFICER. There is 2 minutes equally divided on the Sessions amendment, No. 4659, as modified. Who yields time? The Senator from Alabama.

Mr. SESSIONS. This amendment would follow through on our 83-to-16 vote on May 17 to build 370 miles of fencing at the border and 500 miles of vehicle barriers, as requested by the Secretary of Homeland Security, Mike Chertoff. Unfortunately, this bill does not fund it. Just a few weeks ago, we authorized it. Now we are not funding it. That is not acceptable and will undermine our credibility with the American people.

Please note that the amendment has been modified. The amendment has been amended, and it does not require any account to be reduced, such as the Coast Guard or others, but it does require discretionary spending in the bill to be reduced to pay for it, so it is paid for.

We need to honor our commitment and our vote of just a few weeks ago in order to maintain credibility with the American people on the question of immigration, an area in which they have great reason to distrust our actions. I urge my colleagues to vote for this amendment.

I know Senator GREGG and his team will figure out a way to fund it if we require it.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I yield 30 seconds to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as I stated earlier on the floor, all of our colleagues need to understand that we have worked very hard to put together a balanced bill under the direction of the chairman and the ranking member on this side, Senator BYRD. This amendment will essentially cut Border Patrol agents, transportation security, Coast Guard operations, Secret Service, Office of Domestic Preparedness, FEMA disaster relief, and FEMA operations.

I urge my colleagues to vote against this amendment in order to keep a balanced bill.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Although I am very sympathetic to the purpose of the policy behind this amendment, the simple fact is that this sort of across-the-board cut would wreak havoc on this department and potentially mean significant reductions in a number of critical areas. This department does not have a lot of activity that is not critical to our homeland security, and a 5.5 percent cut across the board would have a devastating impact. So I have to oppose this amendment.

Mr. BYRD. Mr. President, I must oppose the Sessions amendment because it would eliminate critical border security funds from this bill.

The subcommittee has carefully balanced the needs of our law enforcement personnel on the border, and an across-the board cut, like that proposed in the Sessions amendment, would leave our borders dangerously exposed.

I remain committed to strengthening the fencing along the border. But it is unwise to finance that fencing with cuts in our border security elsewhere.

I join the chairman in opposing this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 29, nays 71, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—29

Allen
Brownback
Bunning
Burns
Burr
Carper
Chambliss
Coburn
Craig
Crapo
DeMint
DeWine
Dole
Ensign
Enzi
Grassley
Hatch
Inhofe
Isakson
Lott
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Talent
Thomas
Thune
Vitter

NAYS—71

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Byrd
Cantwell
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Dayton
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Frist
Graham
Gregg
Hagel
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Voinovich
Warner
Wyden

The amendment (No. 4659), as modified, was rejected.

Mr. GREGG. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4660, AS MODIFIED

The PRESIDING OFFICER (Mr. CHAFEE). Two minutes are divided on the Sessions amendment numbered 4660.

Who yields time?

Mr. SESSIONS. Mr. President, this amendment will fund the investigative agents we authorized in the immigration bill that passed this Congress. It would do so by increasing the funding for $85 million and would fully fund the 800 positions we authorized. We authorized 800 positions, but, unfortunately, we have only funded 141.

Once again, it raises serious questions, as in 1986, about whether or not we are going to talk but not be willing to put up the money to fund the bill.

Also, this will be offset by reductions in any discretionary account without mandating across-the-board cuts. The amendment has been amended from that previously filed so that no specific account is required to be cut, such as the Coast Guard.

I believe we need to follow through on our commitment to the American people to increase our investigative agents. This will fund what we authorized.

Mr. GREGG. I yield 30 seconds to the Senator from Washington.

Mrs. MURRAY. As noble as it is to hire 800 full-time active duty investigators, this amendment cuts law enforcement grants, firefighter grants, emergency management grants, State Homeland Security grants, urban security initiative, FEMA, and, ironically, will cut money for the fence that is within the bill before the Senate. I urge a no vote.

Mr. GREGG. Mr. President, again, the policy is very laudable, but the problem is, the dollars are being taken out of other accounts. We are attempting to ramp up the personnel in a lot of Border Patrol activities, to ramp up the number of beds, and to ramp up our efforts in the Coast Guard.

This $85 million is not going to come out of thin air and will have to come from one of these accounts or a series of accounts.

We have a balanced bill. As much as I appreciate the Senator's proposal, this .3 of a percent across-the-board cut will have a fairly significant impact on Homeland Security.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 34, nays 66, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—34

Baucus
Bayh
Brownback
Bunning
Burns
Burr
Carper
Chambliss
Coburn
Craig
Crapo
DeMint
DeWine
Dole
Ensign
Enzi
Grassley
Hatch
Inhofe
Isakson
Johnson
Landrieu
Leahy
Lott
McConnell
Nelson (FL)
Nelson (NE)
Roberts
Sessions
Shelby
Talent
Thomas
Thune
Vitter

NAYS—66

Akaka
Alexander
Allard
Allen
Bennett
Biden
Bingaman
Bond
Boxer
Byrd
Cantwell
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Dayton
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Frist
Graham
Gregg
Hagel
Harkin
Hutchison
Inouye
Jeffords
Kennedy
Kerry
Kohl
Kyl
Lautenberg
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
Menendez
Mikulski
Murkowski
Murray
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Voinovich
Warner
Wyden

The amendment (No. 4660), as modified, was rejected

Mr. GREGG. I move to reconsider.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. I ask unanimous consent that we proceed to an amendment by Senator REED, followed by an amendment by Senator DAYTON. After those two amendments are disposed of, we will have an hour of debate relative to the Vitter amendment, with Senator DURBIN controlling 45 minutes and Senator VITTER controlling 15 minutes. And then we will proceed to a vote on the Vitter amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. GREGG. I amend my request by saying that at the end of the hour of debate on Vitter, we will go to a vote in relation to the Vitter amendment without any second degrees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

AMENDMENT NO. 4613

Mr. REED. Mr. President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 4613.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 4613.

Mr. REED. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the reduction in operations within the Civil Engineering Program of the Coast Guard)

At the appropriate place, insert the following:

SEC. ____. The Secretary of Homeland Security may not take any action to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, and design and construction centers, the Coast Guard Academy, and the Research and Development Center until the Committees on Appropriations and Commerce, Science, and Transportation of the Senate receive and approve a plan on changes to the Civil Engineering Program of the Coast Guard. The plan shall include a description of the current functions of the Civil Engineering Program and a description of any proposed modifications of such functions and of any proposed modification of personnel and offices, including the rationale for such modification, an assessment of the costs and benefits of such modification, any proposed alternatives to such modification, and the processes utilized by the Coast Guard and the Office of Management and Budget to analyze and assess such modification.

Mr. REED. Mr. President, my amendment would require the Coast Guard to report to the Committees on Appropriations and Commerce, Science, and Transportation on proposed changes to the civil engineering program before the Coast Guard takes any action to alter or reduce operations within this particular program. The mission of the civil engineering program is to provide high-quality planning and real property and facilities maintenance to support Coast Guard units across the country. In my judgment, reducing staff and reorganizing the civil engineering program is not appropriate, given the current workload and the increased number of homeland security responsibilities taken on by the Coast Guard. If significant reductions in personnel and offices take place, I have serious concern that the Coast Guard would not be able to adequately support its shore facilities in New England and across the Nation.

The work performed by employees of the Coast Guard civil engineering program is of paramount importance. It is important that Congress review any plan to reorganize or consolidate this program.

It is my understanding, hope, and expectation that the amendment will be accepted by voice vote. I thank my colleagues on the Appropriations Committee and the Commerce Committee for their kindness.

Mr. GREGG. Mr. President, I ask for a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4613.

The amendment (No. 4613) was agreed to.

Mrs. MURRAY. I move to reconsider.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

CHANGE OF VOTE

Mr. DAYTON. Mr. President, on rollcall vote No. 194, I voted "yea." It was my intention to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4663

Mr. DAYTON. Mr. President, I call up amendment No. 4663 and ask for its immediate consideration, and I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 4663.

Mr. DAYTON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount appropriated for United States Customs and Border Protection salaries and expenses by **$44,000,000** to place an additional 236 border patrol agents along the Northern Border and to fully offset that amount with corresponding reductions in the appropriations for administrative travel and printing)

On page 70, line 21, strike "**$5,285,874,000;**" and insert "**$5,329,874,000**, of which **$44,000,000** shall be used to hire an additional 236 border patrol agents.".

At the appropriate place, insert the following:

SEC. . (a) All amounts made available under this Act for travel and transportation shall be reduced by **$43,000,000**.

(b) All amounts made available under this Act for printing and reproduction shall be reduced by **$1,000,000**.

Mr. DAYTON. I thank Senator GREGG and Senator MURRAY for their gracious help in fashioning this amendment. It does not add any additional funding to this bill. It does, however, redirect $44 million from travel and transportation, printing and reproduction to hire 236 additional Border Patrol agents to protect our country's 5,525-mile northern border which covers 13 States, including my State of Minnesota. When Congress passed the 9/11 act in 2004, there were reportedly 994 Border Patrol agents working on our northern border. Since then that number has declined to 950 border guards, and only 250 of them are working at any one time.

I recognize the very serious needs on our southern border and fully support the need for additional Federal border guards there. The fact that President Bush is calling yet again upon our National Guard to reinforce those southern border patrols evidences the shortsightedness of the administration and a majority in Congress opposed to Democratic caucus efforts in the Senate 10 times during the past 4 years to increase funding for Border Patrol and other homeland security efforts. Once again, the administration says one thing but does another. Now it has evidently actually reduced the number of northern Border Patrol agents since 2004, despite the 9/11 Commission in its report noting:

> Despite examples of terrorists entering from Canada, awareness of terrorist activity in Canada and its more lenient immigration laws, and an inspector general's report recommending that the Border Patrol develop a northern border strategy, the only positive step was that the number of Border Patrol agents was not cut any further, despite the fact that the only terrorist caught entering the United States, millennium bomber Ahmed Ressam, tried to come in from Canada. We also know that criminal gangs are trafficking Asian sex workers in Canada into the United States. The result is that Minnesota's northern border counties such as Kittson and Lake of the Woods are struggling by themselves to protect their communities from drug traffickers and other illegal invaders. They say they can't rely on Federal Border Patrol agents because there aren't any there. These five or six-person local police and county sheriff operations in northern Minnesota are nearly entirely on their own.

My amendment will increase the number of northern Border Patrol agents across this country by 24 percent while taking nothing from our southern Border Patrol reinforcement.

I urge its adoption.

I yield the floor.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4663) was agreed to.

Mr. DAYTON. I thank the Chair and yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4615, AS MODIFIED

Mr. DURBIN. I was waiting in deference to the sponsor of the amendment. I think it is appropriate for him to open the debate. Now I am told that my time is running because he is not here. I have no option or alternative but to speak to the amendment.

I cannot believe this amendment is being offered to this bill. This is a bill on homeland security. This amendment relates to a declaration of a disaster, a disaster like Hurricane Katrina. Do you know what happens in times of disaster? You have probably seen it. Basic law enforcement breaks down. The police you expect to be there to manage things are overwhelmed. There are too many things going on at once. The fire department, the police department are trying to maintain order in the midst of chaos. Don't take my word for it. Remember what you saw on CNN around the clock. It was absolute chaos as people were being flooded out of their homes, desperately swimming through the water trying to reach the Superdome, trying to find a safe place.

What happened was, the police decided under those circumstances they wanted to maintain order. So the first thing they said is: This is a gun-free area. When people go into the Superdome, they don't bring guns into the Superdome because there are families there. There are mothers, fathers, and children. We are going to keep this as a gun-free area.

They obviously were sensitive to the fact that anyone can be vulnerable in a situation such as that. Imagine if your son or daughter is in a National Guard unit sent to this emergency trying to maintain order and snipers start shooting at them. It can happen. You may recall the reports of gunfire going on in New Orleans. I have no idea how valid those reports were. But it is understandable that law enforcement agencies in those situations will say: Wait a minute. We have to establish order. We have to at least have a safe zone around our National Guard troops so they don't get shot while they are down there trying to save these poor people.

Do you recall all those people who were filing across the bridge? Mothers were carrying babies. Imagine if someone was standing at the top of that bridge with a gun saying: Give me your money, as they come by. The police are trying to maintain order. In those circumstances, wouldn't you want to give the police, law enforcement agencies, the tools they need to protect rescue workers, to protect National Guard troops, to protect the mothers and fathers with their children who have been dispossessed from their homes? It is an obvious thing. It is commonsense.

Along comes the Vitter amendment. Do you know what Mr. VITTER, my colleague from Louisiana, suggests? None of the funds appropriated by this act shall be used for the seizure of a firearm based on the existence of a declaration of a state of emergency. You can't take the guns away. If they declare a disaster an emergency, you can't say to people, this is a gun-free zone and we are taking your gun away.

Is that what the second amendment is all about? Is that what the right to bear arms is all about, in a state of an emergency, in an effort to restore order in a chaotic situation, that you want to take away the power of a law enforcement agency to say: You can't bring a gun into the Superdome because there are children in there trying to sleep and mothers trying to keep them together in the midst of a disaster? Is that a violation of the second amendment to say if they are taking potshots at the National Guardsmen who are down there risking their lives for those poor people in that situation, that we are going to stop the guns from being close to where they are staying, where they are living? Is that a violation of the second amendment to say if somebody is using a gun which they might legally have but using it in an illegal fashion, you can't take the gun away?

That is what this amendment does. This is an incredible amendment. I can't believe that we would want to tie the hands of law enforcement in the midst of an emergency situation, when it is difficult to maintain law and order.

Years and years ago I went to law school in Washington. In 1968, I was sitting in my law school library, where I should have spent a lot more time. This city turned into pure chaos with the assassination of Dr. Martin Luther King, Jr. There were riots in the streets. Buildings were being burned. People were being arrested for looting and arson by the hundreds and thousands. The whole system disintegrated.

They went to the law schools and said: You are going to be lawyers today. You are going to represent people. The system was out of control. We were trying to establish order. We were trying to give to the police what they needed to get things settled down to keep people safe, to protect innocent victims.

I lived through it. I saw it. You have seen it, maybe not in your personal life, but following it on television. Yet, what we have here in the Vitter amendment is, it takes away the authority of law enforcement to take a gun from a person even if it is a threat to a helpless victim in a disaster or if it is a threat to a National Guard trooper or if it is a threat to another law enforcement agency.

Let me tell you what else. In his original version of the amendment, which he has changed, the Senator says we will make an exception—I want to make sure I get this right. If you see someone who has a gun, which could be seized under Federal or State law in a criminal investigation—think about that, this is a gun that may have been used to murder someone—you can take that gun in the midst of a disaster. They took that out. So if someone is standing there with a gun that you know was used in a criminal situation for a murder, they take away the authority of the law enforcement people to even seize that gun if someone has declared a disaster.

What are we thinking? Why would we do this to the men and women in law enforcement, to the National Guardsmen, or to innocent victims, which could be you or me or people we love, in a disaster they cannot even anticipate? Why would we do that?

I will tell you why. We are doing it for the National Rifle Association. We are doing it for the gun lobby. In their devotion to the second amendment, they have closed their eyes to the obvious. Owning guns legally and using guns legally in America is a protected right in Illinois and most States. But to take a situation that is a disaster, when the law has broken down and to say that you won't allow law enforcement to take a gun away that might be used to hurt an innocent person, that just goes too far.

I reserve the reminder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I again stand to strongly support this amendment and urge my colleagues to vote for its passage.

I have only been able to listen to some of the comments of the distinguished Senator from Illinois. I really think he has been watching a very different disaster and scenario than I experienced and lived through on the ground in Louisiana. I can tell you that the confiscations we are talking about were not from the criminals he is referring to—by the way, confiscations from criminals who are engaged in criminal activity can still occur under my amendment. The police have the power and the authority to enforce the law, which includes apprehending criminals and taking weapons away from criminals committing criminal acts.

The confiscations I have been talking about that happened in the disaster area were from law-abiding citizens. They were law-abiding citizens who didn't have a phone line to communicate with the police or anyone else. They were law-abiding citizens who were isolated in their homes, frightened, and only had their own resources and witnesses and, yes, in some cases, firearms, to protect themselves and their families and to protect their possessions. Those are the confiscations that happened. Those are the confiscations we are trying to prevent.

And, of course, this amendment would in no way prevent confiscations from criminals, those involved in criminal activity. Of course, the police have the full power and authority to enforce the law in that situation, as they do at all other times.

That is why the Fraternal Order of Police strongly supports this amendment. That is why they have written a letter expressing that strong support. I would like to read a portion of it:

> Your amendment would prohibit the use of any funds appropriated under this legislation from paying for the seizure of firearms during a major disaster or emergency, except under circumstances currently applicable under Federal and State law. As we witnessed in the communities along the Gulf Coast in the wake of Hurricane Katrina, large-scale critical incidents demand the full attention of law enforcement officers and other first responders. During this time, the preservation of life-search and rescue missions is the chief priority of every first responder. Further, breakdowns in communications systems and disaster-related transportation or other infrastructure failures will lengthen a law enforcement agency's response times, increasing the degree to which citizens may have to protect themselves against criminals. A law-abiding citizen who possesses a firearm lawfully represents no danger to law enforcement officers or any other first responder.

That is why the Fraternal Order of Police are supporting this amendment, as well as, yes, the NRA, who supports this amendment. I say that proudly. I don't say it with any fear that it brings disrespect to the cause.

With that, I yield 5 minutes of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, this is not a curious amendment. It has nothing to do with the Superdome in New Orleans at the time of Katrina, because if law enforcement people were standing at the door and they said you could not enter with a legal or illegal firearm, you could not enter. But the Senator from Illinois would like to suggest to you that this is to stop chaos within the Superdome.

That is flatly false. It is important that you understand that. That would not prohibit—if we want to fast forward, God forbid, to a national disaster in Chicago of an unprecedented kind, and for the police to say for those seeking sanctuary at the McCormack Center, you cannot bring guns in here—this amendment would not prohibit that. This amendment agrees with a Federal judge who got an injunction to stop the chief of police of New Orleans from acting illegally. That is what it did.

I am not going to judge the chief of police. He has resigned and is long gone. He left town. He was in a crisis situation. But in this instance the Senator from Illinois is right. When law enforcement breaks down in a national or local disaster, should not the private citizen who legally owns a firearm have the right to protect themselves and their property? The answer for 200 years in this Nation is absolutely yes.

I will give you a couple of situations. A little old lady is sitting on her porch in New Orleans with a shotgun across her lap. Why? Because there were marauders in her neighborhood who were stealing and robbing. She was protecting her home, property, and life. The police came and ripped the gun out of her hand and said, Get out of our way. That happened. I saw it on videotape. It happened. She had not shot anybody. She was deterring those from entering her home and stealing her life savings.

Another example: A couple is moving down one of the canals of New Orleans in their boat. They lost their home and they were in their boat, and it was post-Katrina. They were stopped by the local water patrol in the area, who said, Do you have a firearm on board, and they said, Yes, we do. Is it legal? Yes, it is; here are the papers. Give us your gun. That is what happened. That is really what happened in New Orleans. A Federal judge finally stepped in and said, Stop that, you cannot do it, and, by the way, the thousands of firearms that you have confiscated, give them back, they are private property. Guess what happened. They didn't give them back because they kept no records. They were on a massive sweep. Even some of the local police who were interviewed were embarrassed because they were taking guns away from people and they knew it was their only defense in protecting their own property.

Is the Senator from Illinois denying the basic right of property, defense.

self-defense, and family defense in a national disaster when law enforcement breaks down? You bet he is. But the Senator from Louisiana is saying quite the opposite. The Senator from Louisiana is also saying that current law, Federal law, is in no way abridged here. That is fundamentally important. Circumstances can get very, very difficult.

I would not want to prejudge the former chief of police of New Orleans in an impossible situation. When criminal elements were misusing firearms, as they always do, but where private citizens were protecting property, as they can and should have the right to do with the use of their firearms, in his broad sweep of a desire to protect, he took everything. That should not happen. When I saw it happening and when I heard about it, I said, Not in America; that is not the way this country works.

But for a moment in time, that is the way it worked in New Orleans, until a Federal judge stepped up and said, You are out of bounds and off of the law, so stop it. That is what happened.

Now, this should not have been done in the Superdome, and there were none. This amendment would not prohibit that. It would not deny current law and the right of the police to so designate. But it would prohibit the kind of order that would create the sweep of law-abiding citizens who were using a firearm for the protection of their property, their life, and their family's life.

The day we give up the right of self-protection in this country by law-abiding citizens is the day we become the victims of government. That is something that should never be allowed.

I thank the Senator from Louisiana for offering the amendment. It is appropriate, timely, and I hope our colleagues will support it.

Mr. DURBIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Louisiana has 6 minutes. The Senator from Illinois has 37 minutes.

Mr. DURBIN. Mr. President, I see the Senator from Massachusetts here. I will speak briefly.

What the Senator from Louisiana understands, and I think will concede, is that this is the third version of this amendment. It has been written and rewritten and rewritten again. What you have heard described may reflect an earlier version, but it doesn't reflect what is before us. I say to the Senator from Idaho. I respect him and I know he has a good understanding of the Constitution and the laws.

Let me read the words in the amendment before us:

> None of the funds appropriated by this act shall be used for the seizure of a firearm based on the existence of a declaration of a state of emergency.

Did you hear a reference to existing State and local law exemption, which both the Senator from Louisiana and Idaho referred to? No.

Mr. KENNEDY. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. KENNEDY. Let me ask, if we had a 9/11-type situation and you had Wal-Mart that was closed down, with broken windows, and they have a series of guns in the back, and K-Mart and pawn shops were broken down, does the purpose of this for first responders say they have to leave those guns on the shelves so that looters can arm themselves and terrorize a community? Would that be the result, in your reading of this?

Mr. DURBIN. It is so broad that that is exactly what would happen. All of the commonsense explanations you have heard notwithstanding, that is not what the amendment says.

Mr. KENNEDY. Let me ask further, did not the Senator from Idaho—I know the Senator from New Jersey and myself have indicated that if they wanted to go ahead and have some way that individuals could demonstrate they had a legitimate ownership of that gun, they would be immune from this amendment. That was rejected, as I understand it.

Mr. DURBIN. I say to the Senator that if the Senator from Idaho and the Senator from Louisiana want to put together an amendment that allows me to protect my home, as you have described, with my legally owned firearm, I have no objection to that. There are circumstances here that we could write into it, but as it is written, this prohibits the seizure of a firearm based on the existence of a declaration of a state of emergency. That covers it all. If they are firing on National Guardsmen and they say we are going to have a gun-free area around where the Guardsmen are living, you could not seize the guns. You could not take them away, according to the Vitter amendment.

Earlier versions of the amendment were much more explicit and they went through explanations, and the Senator, because he is on an appropriations bill and has procedural challenges, took out the language that clarifies what he is trying to do, and what he left behind is language that goes too far.

I yield 10 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am grateful for the leadership of the Senator from Illinois. That is why the International Brotherhood of Police and the Major Chiefs of Police for the Major Cities strongly oppose this amendment, because it interferes with a police officer's discretion to react as he or she sees fit under extreme emergency circumstances. The International Brotherhood of Police also notes that responsible gun owners who continue to act in accordance with federal, state, and local law are unlikely to have their guns confiscated unless they use or possess the guns in a manner or place that would be prohibited or threatening. That's why they aren't endorsing this amendment.

We are here today talking about the increase in availability and accessibility. Today's USA Today is talking about the extraordinary growth in crime that is taking place in communities across this country. And one of the reasons that the police chiefs give is because of the accessibility and availability of what? Guns.

So the Senator from Louisiana is saying we want to make these guns in crisis situations more accessible, more available, when you have thugs and those who go out and loot the unfortunate. What possible sense does that make? It makes sense from the NRA's point of view, but when you are trying to have a community that is subject to that kind of violence, that makes no sense whatsoever.

Mr. President, we get to the question, well, if people are law-abiding and they own those weapons, guess what? The NRA will not let you list or gather the list for legitimate law-abiding people. They don't want anybody on the list. They won't let you collect names.

As the Senator from New Jersey has pointed out, at the time of 9/11 when we had all of those terrorists here, you could find out where they spent the night, you could find out what they charged on their credit cards, you could find out what cars they rented or what hotels they stayed in, but you couldn't find out where they bought their guns. Why? Because of the NRA. They said they won't permit anyone to keep records.

This is payoff time, payback time to the National Rifle Association, and it will be payoff time if this goes through.

The next time, the Lord only knows, when we have a natural disaster or terrorist attack, when people are at a height of anxiety and places that have these weapons are deserted—not only handguns, but rifles and sometimes even machine guns—we are going to find that the school is out: First responders, leave them alone. Sure we are having strife and violence in the streets, but the Vitter amendment is going to protect the second amendment and leave that alone.

That is hogwash, Mr. President. That isn't security. This makes a sham of the Homeland Security bill—a sham of it. And that is what this amendment is.

As the Senator from Illinois has pointed out, it is very simple:

> None of the funds appropriated by this Act—

That means nothing, no first responders—

> shall be used for the seizure of a firearm based on the existence of a declaration or state of emergency.
>
> If there is any harm out there whatsoever, no first responder can see it. If a gun is lying

> out there and there is a terrorist who wants to grab it and cause mayhem, the Vitter amendment says the first responder cannot seize it. Go ahead, help yourself, help yourself; go on in that shop and take every rifle and piece of ammunition you want. Why? Because we are first responders. And then come on out and cause havoc.

That is what this says, not what some have stated it says. Read the language. The language is clear. That is what it says, and that is why this makes absolutely no sense.

We talk about trying to deal with the problems of violence in our communities. We see the proliferation of violence that is taking place, and we are going to make it easier in times of crisis to go out and get more guns when, on the front page of the newspapers, they say this is a contributor to the growth in violence that is taking place in all of our communities in this country.

If you want to be in the tank for the NRA, be our guest because that is what this is all about.

This amendment makes absolutely no sense in terms of the safety and security of our communities in times of crisis, in times of natural disasters, and in times of potential terrorists in this country. That is the time we need restraint. That is the time we need responsibility. That is the time we ought to follow the first responders who are trained for these kinds of crises, but what we know is those individuals think this amendment makes no sense whatsoever.

I reserve the remainder of my time.

Mr. DURBIN. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There is 29½ minutes remaining.

Mr. DURBIN. Mr. President, I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I appreciate the opportunity to speak on this issue because, frankly, it is so hard to comprehend that it needs clarification.

What are we talking about? We are saying if people have guns, and they are caught up in the chaos of a natural disaster, with people being chased out of their homes, people being rescued from rooftops, people begging for assistance, hanging out of windows, and so forth, if you have the wrong person who is hollering for help, and you are a first responder and you go into that house, you could get shot.

What is the sense of this? We are not saying you are being deprived of a privilege at that point. What is the privilege? To maybe kill a neighbor? Mr. President, if there are 30,000 people in a place that cannot accommodate that number, and in the middle of that confusion, in the middle of that frustration, in the middle of the anger and the rage that has to follow because you have been taken out of your home, or maybe don't know where your children are or where your spouse is, and the mental attitude that could exist in that situation, and they are making sure you have your pet pistol handy?

It is outrageous, and it should not be allowed. We have to vote against the Vitter amendment because what it attempts to do is to make sure there is protection. The protection, however, is for the NRA. National Rifle Association really means "No Records Available" and that is ridiculous that we don't want to have lethal weapons controlled in times of crisis.

I am sure the Senator from Louisiana is reacting to a situation. To put it bluntly, I think the Vitter amendment would put the lives of police officers, National Guard troops, rescuers, and victims of a disaster in far greater danger. The Vitter amendment would prevent law enforcement officials and rescuers, first responders from collecting firearms from individuals, even temporarily, during an emergency or major disaster.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. LAUTENBERG. I will be pleased to yield.

Mr. KENNEDY. If a situation arose where a home is abandoned, and there are guns—say there were two guns and ammunition available and first responders came in, the house has been abandoned and looters are out there looking around in different buildings, the way I read this amendment is if the first responders get there first and they see these two rifles or additional handguns, the first responders will be prohibited from removing those weapons, preventing them from the possibility of falling into the hands of the looters; am I correct?

Mr. LAUTENBERG. The Senator is absolutely correct. Imagine this in response to what the Senator is saying: There were felons turned loose on the streets, there were looters occupying homes or anything to get themselves out of the flood or out of the way and steal anything, and here we give them a present. Not only did they find a roof over their head, they found guns.

So someone innocently trying to be of help comes in, such as an ambulance group, a physician, a coastguardsmen—look how gallant the Coast Guard people were—and imagine they try to break their way into a window to rescue someone they know is in there, and some crazy is there with a gun. Everybody knows, despite the fact that the person coming into the house wants to be of help—visualize what is taking place in some of the major cities across our country, where fire trucks responding to a fire are shot at. Here we are going to say: Wait a second, don't take away their guns. Maybe we ought to take away the fire engine, but don't take away their guns.

It is the NRA button. It has been pushed by the organization, and they are saying: Hey, don't let them encroach on our weapon ownership, even if the crisis is one that is going to take lives, as we saw in Katrina. Imagine being in that facility, that hall with all those people who were desperate to find some way out of that mess and someone starts an argument. Pistols, guns around? Outrageous.

What it means is that our law enforcement community will not be able to, even temporarily, hold weapons to protect other victims of the community at large during this crisis. At the next evacuation center, such as the Louisiana Superdome, we should allow people to roam around that facility with guns and assault weapons? What happens if someone wants to steal something they see one of their neighbors has and an argument ensues? The lawfulness is gone. They will be totally out of control giving somebody a gun like that.

I was fortunate enough to have the opportunity to write a law that took guns away from domestic abusers of children and spouses. We had a huge fight over it and finally we got it through. It was 1998, Since then, we have had over 100,000 gun permits denied to people who get so enraged that they beat up their kids, their spouse, their wives, their husbands, and the NRA was in there fighting every inch along the way: Oh, no, don't deprive the people of their freedom to beat up their wife, beat up their kids, and maybe if they are drunk enough, they may want to take a couple of shots at members of their household. No, we stopped that.

We plead with the Senator from Louisiana: Don't force us to vote on this amendment. Don't do it. Think about the people in Louisiana and think about what it might have been like in New Orleans at that time, with water running over the rooftops in many cases. Now we are asking for the right to prohibit law enforcement from confiscating guns if they knew where they are? Perhaps one of these people who had a gun, been arrested and convicted for domestic abuse still has the gun—let them sit there with a gun and try to enter into a household that is disturbed? It is not right, not fair.

The Senate is going to tell law enforcement officials who are trying to control these facilities that they are powerless: Keep your hands off those guns, policemen, FBI agents, FEMA people; keep your hands off those guns. Our police and Federal law enforcement officers are the first line of defense in terrorist attacks and natural disasters, and they have to have some degree of discretion.

The International Brotherhood of Police Officers thinks this about the Vitter amendment:

> The IBPO stands by our brothers and sisters in law enforcement and disapproves of

> any legislation that may interfere with a police officer's discretion to react as he or she sees fit under extreme emergency circumstances.
>
> Furthermore, the IBPO believes that responsible gun owners who act in accordance with Federal, State and local law are unlikely to have their guns confiscated unless they use or possess the guns in a manner or place that would be prohibited or threatening.

They are confirming that this is a bad idea.

The Vitter amendment would make it almost impossible for officials to set up safe areas during an emergency. It would turn evacuation centers into the Wild West. Take the guns and set them up in a safe area so they are returned to the owners. However, be careful to make sure that the original owner, the person who turned the gun in, isn't really a felon on the loose. Police know that large crowds, confined quarters, and limited amounts of food and water will lead to high tempers and leave people on the edge.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent for 2 minutes more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I thank the chair.

Understandably, police don't want guns in those shelters. The police must have the right to make that shelter a gun-free area. So what do they do? They say: Hey, Joe, turn in that gun; turn it in, and as soon as you are settled, we will keep it in safekeeping for you, and we will give you back your gun. But meanwhile, don't permit that gun owner, in a moment of rage, to do damage that is irreparable.

The fact is, our law enforcement community has to have the ability to make decisions that it believes will ensure the health and safety of the community at large. There is no valid reason law enforcement agencies should be prevented from doing their job in times of emergency. Let's not make it tougher for them. What do we want to do in times of crisis such as a flood, an earthquake, a hurricane, a tornado? At times like that, do we want to make it tougher for our emergency response people to carry out the duties they volunteer for, typically, and do so efficiently, under dangerous circumstances to themselves?

Let the NRA say: Come on, come on, let's let them have their guns. What is the difference? So they may take a shot or two. That is how it sounds to me, and I hope it sounds the same way to others.

I yield the floor.

Mr. DAYTON. Mr. President, I ask unanimous consent that my request with respect to vote No. 194 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I yield 1 minute to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish the Senator from Louisiana had offered this and just said: That is the way we want it in Louisiana. That would be OK. But why he wants to do this so it will affect my State of Massachusetts or other States is something I find unacceptable.

I quote here from Superintendent Warren Riley. He was the superintendent of police in New Orleans. He said:

> Most of the weapons were not taken from the hands of gun owners. Instead, they were seized from empty homes where evacuees left them behind to prevent looters from getting their hands on them.

Well, if we accept the Vitter amendment, they won't have that opportunity to do it again. If that was the purpose, for gun owners to be able to have it, then the Vitter amendment should be redrafted. That isn't what his amendment says. Under the Vitter amendment, the police chief and the police chief in Boston or Springfield or Worcester or New Bedford or Fall River or any one of our communities would not be able to provide protection for the citizens of those communities.

Mr. DURBIN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Fifteen and a half minutes.

Mr. DURBIN. Mr. President, I understand that Senator VITTER has 6 minutes remaining; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. In the interest of bringing this debate to a close—we have had much more time than you have—I will make a few closing remarks and then give the floor to the Senator from Louisiana to close. I would ask the Senator from Louisiana if he is going to request a rollcall vote on this amendment?

Mr. VITTER. I am.

Mr. DURBIN. I thank the Senator for responding, and I will be as brief as I can. I thank my colleagues from Massachusetts and New Jersey.

Understand the situation we are talking about. This is not ordinary life in America. It is a time of a national emergency. It is a time of disaster. God forbid something like 9/11 should occur again; or Hurricane Katrina. It is an extraordinary circumstance where ordinary life is challenged, and we are just this close to seeing our society disintegrate, and the law enforcement officials are trying to keep things together. People are injured. People are pushed out of their homes. Fires are taking place. Chaos is reigning, and they are trying to keep the society together. So they make it clear that in some places, you can't use guns. Where you might have been able to use them under ordinary circumstances, because of a disaster, you cannot use them.

The example I use is you send the National Guardsmen in, they are sent in by the hundreds and thousands to maintain order, and then snipers start shooting at them. The police make it known that this will be a gun-free zone. We are going to confiscate every gun. We don't want any National Guardsmen killed because of this emergency, this disaster. Is that unreasonable? Not if it is your son or daughter who is a member of the National Guard.

But according to the Vitter amendment, the Vitter amendment would prohibit the seizure of a firearm based on the existence or a declaration of an emergency. You couldn't seize the firearm to protect the National Guardsmen or those, as the Senator from New Jersey said, driving down the street trying to put out the fire. People are shooting at them and they say: That is it, we are clearing the guns away from these major highways. We don't want people to be shooting at policemen and firemen and rescue workers. We don't want snipers killing people who are piling sandbags to save levees. Is any of that unreasonable? It sounds like exactly what we want our law enforcement agencies to do. But the Vitter amendment will tie their hands. The Vitter amendment will stop them.

One Senator came up to me on the floor and said: This doesn't sound like the Vitter amendment that was described to me earlier. It is not. This is the second rewrite of the original amendment. Each time Senator VITTER has rewritten it, in fairness to him, he has had to comply with Senate rules and he has had to change the wording, and now the wording is terrible. It no longer allows for existing State and Federal and local law enforcement, it no longer allows for the confiscation of guns that you know were used in the commission of a crime. These were in an earlier version of the amendment, but they are no longer there. It just says you can't use any of the funds in this act to seize a firearm based on the existence or the declaration of a state of emergency. It is the wrong way to go.

I suggest to the Senator from Louisiana that I hope he will withdraw this amendment. If he wants to do what the Senator from Idaho suggests, which is to put in an amendment to allow people to protect their own homes with their own legally owned firearms, I am not going to object to that. I don't think we should. But in this situation, in a disaster or an emergency, to say that law enforcement cannot control the flow of firearms—God forbid we face terrorism again in America and those people are armed and the law enforcement agencies don't have the power to take the guns away from them in a state of emergency. What are we thinking?

I hope the Senator from Louisiana will reconsider his position. I will yield the floor at this point and allow him to close, and then we can move to a rollcall if he requests one.

Mr. VITTER. Mr. President, in closing and in support of my amendment, I wish to make four brief points.

First of all, I reiterate the widespread support for this amendment from many quarters, including the Fraternal Order of Police, a leading organization of law enforcement personnel. I ask unanimous consent that this strong letter of support be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRATERNAL ORDER OF POLICE,
Washington, DC, July 13, 2006.

Hon. DAVID VITTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR VITTER: I am writing to you on behalf of the members of the Fraternal Order of Police to advise you of our support for an amendment you intend to offer to H.R. 5441, the FY2007 appropriations bill for the U.S. Department of Homeland Security.

Your amendment would prohibit the use of any funds appropriated under this legislation from paying for the seizure of firearms during a major disaster or emergency, except under circumstances currently applicable under Federal or State law. As we witnessed in the communities along the Gulf Coast in the wake of Hurricane Katrina, large scale critical incidents demand the full attention of law enforcement officers and other first responders. During this time, the preservation of life-search and rescue missions—is the chief priority of every first responder. Further, breakdowns in communications systems and disaster-related transportation or other infrastructure failures will lengthen a law enforcement agency's response times, increasing the degree to which citizens may have to protect themselves against criminals. A law-abiding citizen who possess a firearm lawfully represents no danger to law enforcement officers or any other first responder.

On behalf of the more than 324,000 members of the Fraternal Order of Police, I am pleased to offer our support for this amendment and look forward to working with you to getting it passed. If I can be of any further assistance on this issue, lease do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

Mr. VITTER. Secondly, Mr. President, I will also request that the following list be printed in the RECORD. It is a list of 10 States that have already passed State law doing exactly what we are going to do here on the floor of the Senate today, and that is simply say that a declaration or a state of emergency in and of itself does not give law enforcement the right to confiscate firearms held in legal possession. Ten States have already done that. One additional State, the State of Ohio, has pending legislation.

I ask unanimous consent that this list be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMERGENCY POWERS 2006

Alaska—HB 400, sponsored by Representative John Coghill (R–11) passed out of the Senate 19–1 (4/27); House concurred on Senate amendments 30–4 on (4/28); signed by Governor Frank Murkowski (R) on May 18.

Idaho—SB 1401; passed Senate unanimously 34–0 and passed House 59–6; signed by Governor Dirk Kempthorne (R) on March 30.

Florida—HB 285, sponsored by Representative Mitch Needelman (R–31) unanimously passed the House 116–0 and passed the Senate 40–0; signed by Governor Jeb Bush (R) on June 7.

Kentucky—HB 290, the "Gun Owner Protection Act" sponsored by Representative Robert Damron (D–39), includes: prohibits government officials from restricting the rights of law-abiding gun owners during declared states of emergency. HB 290 passed the House with a vote of 89–7 on February 15 and passed the Senate with a vote of 35–2 on March 24. The House concurred 90–4 that same day; signed by Governor Ernie Fletcher (R) on April 22.

Louisiana—HB 760 by Representative Steve Scalise (R–82)—an NRA-backed bill amending the state's emergency powers laws to prevent New Orleans-style gun confiscations in the event of another natural disaster in Louisiana: House unanimously approved (102–0), Senate approved 36–0; House concurred 98–0; signed by Governor Kathleen Blanco (D) on June 8.

Mississippi—HB 1141, enables hunters to continue hunting on certain-sized land tracts annexed by a city or county, even if that locality bans the discharge of firearms within its limits; prohibits the seizure and confiscation of firearms by local officials in the unfortunate event of a future natural disaster in Mississippi; and permits employees to transport and store firearms in their locked, private vehicles while parked on their employer's property if the employer doe not provide secure parking separate from the public; signed by Governor Haley Barbour (R) on March 23.

New Hampshire—SB 348, sponsored by Senator Peter Bragdon (R–11); signed by Governor John Lynch (D) on May 15.

Oklahoma—HB 2696, sponsored by Representative Trebor Worthen (R–87), passed the House overwhelmingly with a vote of 94–1, and unanimously in the Senate with a vote of 46–0; signed by Governor Brad Henry (D) on April 20.

South Carolina—S 1261, sponsored by Senator Danny Verdin (R–9), prohibits the Governor, or any government agency, from suspending the Right to Keep and Bear Arms during a state of emergency and prohibits South Carolina Law Enforcement Division (SLED) from releasing the personal information of Right-to-Carry (RTC) permit holders unless the request for the information is part of an investigation by law enforcement. Signed by Governor Mark Sanford (R) on June 9.

Virginia—HB 1265, sponsored by Delegate William R. Janis (R–56), unanimously passed House 97–0 (2/08) and Senate 40–0 (3/7); signed by Governor Tim Kaine (D) on April 4.

Mr. VITTER. Mr. President, I wish to make a third point, which is that, quite frankly, I find it somewhat ironic that the Senator from Illinois would welcome more detailed language, as I did have in the earlier draft, because the reason we don't have slightly more detailed language on the floor is because of a rule XVI objection by the leadership, the Democratic leadership, those working against the amendment in conjunction with the Senator from Illinois. So they objected to more detailed language in one breath, and then after we redrafted the amendment to comply with Senate rules regarding germaneness, they object to less detailed language in the next. You can't have it both ways.

The fourth and final point is that the language we do have on the Senate floor goes to the heart of the issue and protects fundamental second amendment rights.

There is one point I strongly agree with the Senator from Illinois about, and that is that we are not talking about ordinary life in America, an ordinary day; we are talking about a time of emergency where everything is different, where the world is turned upside down.

It is exactly that very reason that this second amendment right to bear arms and use legally possessed firearms in defense of yourself, your life, and your property is so crucial, because you know what, your phone line in this very unique situation doesn't work, your cell phone and Blackberry don't work, there is no communication, and you can't reach out to the law enforcement authorities and have them there in a reasonable amount of time when your home is being broken into. All of that is gone. All of that is gone. The only thing that remains, in many instances, is your legally possessed firearm. That is the only thing for the defense of yourself, your life, your family's life and health, and your possessions. That is exactly why protecting this fundamental constitutional right is so very important, precisely for this sort of time of emergency.

The distinguished Senator from New Jersey made some remarks and read a letter talking about leaving it up to the judgment and discretion of law enforcement personnel. Well, I have great respect in general for law enforcement personnel, but I don't think their judgment or their discretion trumps the Constitution, and that is what happened and that is the attitude many of them took, unfortunately, after Hurricane Katrina in Louisiana. They thought their judgment and their discretion trumped the Constitution. They confiscated legally held firearms from law-abiding citizens, in some cases literally older, defenseless women, older citizens trapped in their homes with a legally possessed firearm as their only means of defense. That should never happen again. The Constitution, the second amendment, should never be abused again, particularly in such a state of emergency.

Mr. President, in closing, I urge all of my colleagues to support this commonsense, straightforward amendment. It is supported by the Fraternal Order of Police, it is supported by the National Rifle Association, which intends to grade this vote, and I urge all Members to offer their support for this straightforward, commonsense amendment.

With that, I yield back my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENTS NOS. 4618, 4616, 4578, 4592, 4638, AS MODIFIED, 4642, AS MODIFIED, 4619, AS MODIFIED, 4635, AS MODIFIED, 4550, AS MODIFIED, 4624, AS MODIFIED, AND 4661, AS MODIFIED, EN BLOC

Mr. GREGG. Mr. President, I ask that prior to this vote, we do a little housekeeping. The following amendments have been cleared. I ask unanimous consent that they be deemed to be called up and read and approved en bloc after I have read them out. The first one would be No. 4618, Senator DAYTON; No. 4616, Senator DURBIN; No. 4578, Senator WARNER; No. 4592, Senator FEINGOLD; No. 4638, Senator BOXER, as modified; No. 4642, Senator PRYOR, as modified; No. 4619, Senator DURBIN, as modified; No. 4635, Senator CARPER, as modified; No. 4550, Senator SPECTER, as modified; No. 4624, Senator OBAMA, as modified; and No. 4661, Senator LAUTENBERG, as modified.

I ask unanimous consent that those amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 4618

(Purpose: To prohibit the use of appropriated funds to take an action that would violate Executive Order 13149 (relating to greening the government through Federal fleet and transportation efficiency))

On page 127, between lines 2 and 3, insert the following:

SEC. . None of the funds made available by this Act may be used to take an action that would violate Executive Order 13149 (65 Fed. Reg. 24607; relating to greening the government through Federal fleet and transportation efficiency).

AMENDMENT NO. 4616

(Purpose: To provide funding for mass evacuation exercises)

On page 93, strike lines 7 and 8 and insert the following:

(4) $331,500,000 for training, exercises, technical assistance, and other programs (including mass evacuation preparation and exercises);

AMENDMENT NO. 4578

(Purpose: To increase funding for the Office of National Capital Region Coordination, and for other purposes)

On page 90, line 15, strike "of which $8,000,000" and insert "of which no less than $2,741,000 may be used for the Office of National Capital Region Coordination, and of which $8,000,000".

AMENDMENT NO. 4592

(Purpose: To require the Under Secretary of Transportation for Transportation Security to assist in the coordination of the voluntary provision of emergency services during commercial flights)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The Transportation Security Administration shall require each air carrier and foreign air carrier that provides air transportation or intrastate air transportation to submit plans to the Transportation Security Administration on how such air carrier will participate in the voluntary provision of emergency services program established by section 44944(a) of title 49, United States Code.

(b)(1) Not more than 90 days after the date of the enactment of this Act, the Transportation Security Administration shall prepare a report that contains the following:

(A) Procedures that qualified individuals need to follow in order to participate in the program described in subsection (a).

(B) Relevant contacts for individuals interested in participating in the program described in subsection (a).

(2) The Transportation Security Administration shall make the report required by paragraph (1) available, by Internet web site or other appropriate method, to the following:

(A) The Congress.

(B) The emergency response agency of each State.

(C) The relevant organizations representing individuals to participate in the program.

AMENDMENT NO. 4638, AS MODIFIED

(Purpose: To direct the Director of the Federal Emergency Management Agency in conjunction with the Director of the National Institutes of Standards and Technology to submit a report outlining Federal earthquake response plans for high risk earthquake regions in the United States)

At the appropriate place, insert the following:

SEC. ___. FEDERAL EARTHQUAKE RESPONSE PLANS.

Not later than 90 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency in conjunction with the Director of the National Institutes of Standards and Technology shall submit a report to the Senate Committee on Appropriations outlining Federal earthquake response plans for high risk earthquake regions in the United States as determined by the United States Geological Survey.

AMENDMENT NO. 4642, AS MODIFIED

On page 66, line 5, strike "$166,456,000" and insert "$163,456,000".

On page 91, line 6, strike "$2,393,500,000" and insert "$2,400,000,000".

On page 93, strike lines 7 and 8 and insert the following:

(4) $338,000,000 for training, exercises, technical assistance, and other programs: *Provided*, That not less than $18,000,000 is for technical assistance:

On page 120, increase the amount on line 9 by $3,500,000.

AMENDMENT NO. 4619, AS MODIFIED

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall establish revised procedures for expeditiously clearing individuals whose names have been mistakenly placed on a terrorist database list or who have names identical or similar to individuals on a terrorist database list. The Secretary shall advise Congress of the procedures established.

AMENDMENT NO. 4635, AS MODIFIED

On page 114, line 8, insert the following: "Until the Secure Flight program or a follow on or successor passenger screening program has been deployed or implemented, the Transportation Security Administration shall provide airlines with technical or other assistance to better align their reservation and ticketing systems with terrorist databases to assist in alleviating travel delays and other problems associated with mistaken identification.".

AMENDMENT NO. 4550, AS MODIFIED

On page 92, line 2, strike the semicolon and insert the following: ": *Provided*, That not later than September 30, 2007, the Secretary shall distribute any unallocated funds provided for in title III of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90; 119 Stat. 2075) under the heading "STATE AND LOCAL PROGRAMS" under the heading "OFFICE FOR DOMESTIC PREPAREDNESS" to assist organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code) determined by the Secretary to be at high-risk or potential high-risk of a terrorist attack: *Provided further*, That applicants shall provide for the Secretary's consideration prior threats or attacks (within or outside the U.S.) by a terrorist organization, network, or cell against an organization described in the previous proviso and the Secretary shall consider prior threats or attacks (within or outside the U.S.) against such organizations when determining risk: *Provided further*, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives the risk to each designated tax exempt grantee at least 3 full business days in advance of the announcement of any grant award;

AMENDMENT NO. 4624, AS MODIFIED

On page 99, line 4, insert after "Act" the following: ": *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used to enter into contracts using procedures based upon the unusual and compelling urgency exception to competitive procedures requirements under section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code, unless the contract is for the procurement of only such property and services as are necessary to address the immediate emergency and is only for so long as is necessary to put competitive procedures in place in connection with such procurement and the Secretary of Homeland Security notifies the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate and Appropriations and Homeland Security of the House of Representatives of such contract not later than 7 days after the contract is entered into".

AMENDMENT NO. 4661, AS MODIFIED

At the appropriate place, insert the following:

SEC. ____. (a) NATIONAL CAPITAL REGION AIR DEFENSE MISSION OF THE COAST GUARD.—

Of the amount appropriated or otherwise made available by title II of this Act under the heading "UNITED STATES COAST GUARD", "OPERATING EXPENSES", $13,934,000 may be available for the purpose of the National Capital Region Air Defense mission of the Coast Guard.

AMENDMENT NO. 4550

Ms. MIKULSKI. Mr. President, today I rise to support and cosponsor Senator SPECTER's amendment to make sure funding to nonprofit institutions that are at high risk of terrorist attack receive the funds we have given to them. I have worked with my colleague from Pennsylvania on legislation to help nonprofits that serve communities throughout the Nation but that are threatened daily by the risk of terrorist attack. We have also worked together to provide these vulnerable communities with needed funding for the past 2 years. Yet despite our efforts to protect these "soft targets" of terrorism, the Department of Homeland Security has refused to release any of last year's money to these nonprofits. This is unacceptable. Today, we are making it clear that the $25 million provided for nonprofits must be spent to protect these institutions.

We are all aware of recent terrorist attacks in the United States, Spain, Germany, Iraq, Tunisia, Kenya, Morocco, and Turkey. These attacks by al-Qaida on an international Red Cross building, synagogues, train stations, hotels, airports, restaurants, night clubs, and cultural centers, show its willingness to attack "soft targets" of all types in order to conduct its campaign of terror.

I want to make sure that our communities are safe and the buildings where citizens live, learn and work are strong and secure to safeguard American lives in the event of a terrorist attack. Local communities are on the front lines in our war against terrorism. This Congress must do its share to make sure that they do not have to bear the full cost of this war. We have done this by providing funds for security enhancements in buildings that Americans visit everyday. Yet DHS has failed to give local communities the funds they need. DHS has not released any of the funds despite instruction from Congress to do so.

This amendment is very simple—it requires the Office for State and Local Government Coordination and Preparedness to release the $25 million Congress provided to enhance the security and safety to these nonprofits. This funding will help nonprofits make the needed security improvements to protect these "soft targets" of terrorism. These nonprofits are worried now, they are under threat now, and they need our help now. This Congress has acted and now DHS must act now to make these nonprofits and the communities that they serve safer and stronger.

As a nation our priority in fighting the war on terror is to be safer, stronger, and smarter so that we are able to better detect, prevent and respond to acts of terrorism. This amendment gets us one step closer to meeting those goals by making vulnerable targets smarter in detecting and preventing terrorist attacks and by making sure that if terror strikes one of these facilities, security and safety measures are in place to protect the lives of those inside and around these buildings.

Nothing the Senate does is more important than providing America security and Americans safety. I am pleased that this amendment has been accepted because it does exactly that. In the battle to protect our nation from terrorist attacks, we must be sure to provide assistance to these high-risk nonprofit organizations that provide vital health, social, cultural, and educational services to the American people.

AMENDMENT NO. 4616

Mr. DURBIN. Mr. President, I offer an amendment to improve the Nation's preparedness and response to natural disasters and terrorist attacks.

This amendment is based on legislation that I introduced last year, the Mass Evacuation Exercise Assistance Act of 2005, S. 2043, which would implement a recommendation in the Senate Homeland Security and Governmental Affairs Committee's report "Hurricane Katrina: A Nation Still Unprepared" that Federal agencies work with State and local officials to develop evacuation plans.

That bill would address a gaping hole in our Nation's disaster preparedness by providing grants for evacuation exercises and the implementation of emergency response plans. It would establish a grant program to ensure that cities across America have the resources they need to develop comprehensive evacuation plans; stage drills and exercises to practice and perfect evacuation procedures; and stockpile the materials needed to supply evacuation areas. In addition, the legislation would help cities prepare for future emergencies and evacuations to ensure that their citizens will be evacuated quickly and safely should a natural disaster or terrorist attack occur. Otherwise, like the victims of Hurricane Katrina, citizens can easily become trapped without food or water in a devastated area or along an escape route.

Based on that bill, S. 2043, my amendment today specifically includes evacuation exercises among the list of activities funded by homeland security grants. Evacuation planning and exercises are already permitted, but adding the words "evacuation preparation and exercises" to the bill would encourage state and local governments to request homeland security funds for that particular purpose. States and localities need to practice their evacuation plans in order to test and improve their systems before they must be executed in real emergencies.

The Department of Homeland Security recently reported to Congress that many states, territories, and urban areas lack confidence in the adequacy and feasibility of their plans to deal with catastrophic events. The Department's report also highlighted the importance of exercises in preparing first responders for disasters and revealing shortcomings in disaster plans. The Washington Post recently called for increased attention to evacuation exercises and disaster preparation in preventing a reoccurrence of the disaster that followed Hurricane Katrina. According to the Post, the insufficient Federal and local response to Hurricane Katrina was "a failure of execution, not prediction."

Therefore, I encourage my colleagues to support this important amendment to strengthen our Nation's emergency and disaster preparedness and response.

AMENDMENT NO. 4619

Mr. DURBIN. Mr. President, I rise to offer an amendment to the fiscal year 2007 Homeland Security appropriations bill. This measure would direct the Secretary of Homeland Security to revise existing procedures and establish new methods for expeditiously clearing the names of individuals who have been mistakenly placed on a terrorist database list, including the Transportation Security Administration's, TSA, No-Fly and Selectee watch list, or who have names identical to or substantially similar to names on these database lists. The Secretary of Homeland Security would report the revised procedures to Congress no later than 6 months after enactment of this bill.

Since the terrorist attacks of September 11, 2001, the TSA and other Government agencies have maintained terrorist database lists containing the names of individuals suspected of posing a risk of terrorism or other threat to airline or passenger safety. The TSA watch list contains the names of individuals who have been placed into two categories. One is the group of individuals in the "No Fly" category. Any individual whose name appears in this category will not be permitted to board a commercial flight, as the Department of Homeland Security and other Federal agencies have deemed that person is a known terrorist or someone who has solid ties to terrorist activity. The second category is known as "Selectees," and they may be on this list for a variety of reasons, such as attempting to pass a weapon through a security checkpoint or otherwise exhibiting behavior that presents suspicion that the person may engage in future terrorist acts, even though information about the individual is not sufficient to place them in the "No Fly" category.

Unfortunately, thousands of innocent passengers have been placed on the

TSA watch list mistakenly or, as is often the case, because they have the same name as others on the list. This prevents those passengers from using the internet or electronic kiosks located at the airport to check in when they fly. This causes these passengers to wait in long lines to be cleared by airline personnel at the check-in counter, sometimes even resulting in missed flights.

The TSA procedure for differentiating the innocent travelers from those who pose a threat is long and still results in the cleared passengers having to check in at the counter and present a clearance letter from the TSA. In other words, after going through the clearance and verification process, innocent passengers still cannot use the internet and kiosks that airlines rely on for passengers to obtain their boarding passes.

I truly hope that as a result of this amendment, the TSA will establish a better system to not only clear innocent passengers from any terrorist database lists, but also to work with the airlines to devise a safe and secure check-in procedure that differentiates between the criminals and the innocent.

I thank Senator CARPER for joining as an original cosponsor of my amendment, and I urge all of my colleagues to support it.

AMENDMENTS NOS. 4669, 4670, 4671, 4672, AND 4673

Mr. GREGG. Mr. President, I send five amendments to the desk, one on behalf of Senator BAUCUS, one on behalf of Senator KYL, one on behalf of Senator SCHUMER, one on behalf of Senator GRASSLEY, and one on behalf of Senator LEVIN, and I ask unanimous consent that those amendments be considered read and approved en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 4669

(Purpose: To express the sense of the Senate that Customs and Border Protection should continue to focus on reporting and analysis of trade flows to prevent the spread of methamphetamine)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 540. (a) The Congress makes the following findings:

(1) Domestic methamphetamine production in both small-and large-scale laboratories is decreasing as a result of law enforcement pressure and public awareness campaigns.

(2) It is now estimated that 80 percent of methamphetamine consumed in the United States originates in Mexico and is smuggled into the United States.

(3) The movement of methamphetamine into the United States poses new law enforcement challenges at the border, in the financial system, and in communities affected by methamphetamine.

(4) Customs and Border Protection is working to stop the spread of methamphetamine by examining the movement of the drug and its precursors at the borders and points of entry.

(5) Customs and Border Protection is a vital source of information for the Drug Enforcement Administration and other law enforcement agencies.

(b) It is the sense of the Senate that Customs and Border Protection should continue to focus on methamphetamine in its reporting and analysis of trade flows to prevent the spread of methamphetamine throughout the United States.

AMENDMENT NO. 4670

(Purpose: To increase the total number of Department of Homeland Security additional detention bed spaces by 1,700 beds in fiscal year 2007)

On page 76, line 15, before the period insert ": *Provided further*, That an additional $58,000,000 shall be available under this heading and authorized for 1,700 additional detention beds spaces and the necessary operational and mission support positions, information technology, relocation costs, and training for those beds and the amount made available under the heading '**DISASTER RELIEF**' in this Act is reduced by $58,000,000".

AMENDMENT NO. 4671

(Purpose: To require the Secretary to submit a report to Congress addressing its compliance with the recommendations from the July 6, 2006 Inspector General Report "Progress in Developing the National Asset Database")

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REPORT ON COMPLIANCE WITH INSPECTOR GENERAL RECOMMENDATIONS.

Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations a report addressing the compliance by the Department of Homeland Security with the recommendations set forth in the July 6, 2006, Inspector General of Homeland Security report entitled "Progress in Developing the National Asset Database". The report shall include the status of the prioritization of assets by the Department of Homeland Security into high-value, medium-value, and low-value asset tiers, and how such tiers will be used by the Secretary of Homeland Security in the issuance of grant funds.

AMENDMENT NO. 4672

(Purpose: To require the Inspector General of the Department of Homeland Security to review each Secure Border Initiative contract valued at more than $20,000,000 and to report the findings of such reviews to the Secretary of Homeland Security and to Congress)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 60 days after the initiation of any contract relating to the Secure Border Initiative that is valued at more than $20,000,000, and upon the conclusion of the performance of such contract, the Inspector General of the Department of Homeland Security shall review each action relating to such contract to determine whether such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority-owned, and women-owned businesses, and time lines.

(b) If a contract review under subsection (a) uncovers information regarding improper conduct or wrongdoing, the Inspector General shall, as expeditiously as practicable, submit such information to the Secretary of Homeland Security, or to another appropriate official of the Department of Homeland Security, who shall determine if the contractor should be suspended from further participation in the Secure Border Initiative.

(c) Upon the completion of each review under subsection (a), the Inspector General shall submit a report to the Secretary that contains the findings of the review, including findings regarding—

(1) cost overruns;

(2) significant delays in contract execution;

(3) lack of rigorous departmental contract management;

(4) insufficient departmental financial oversight;

(5) contract bundling that limits the ability of small businesses to compete; or

(6) other high risk business practices.

(d)(1) Not later than 30 days after the receipt of each report submitted under subsection (c), the Secretary shall submit a report to the congressional committees listed in paragraph (3) that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in the report.

(2) Not later than 60 days after the initiation of each contract action with a company whose headquarters is outside of the United States, the Secretary shall submit a report regarding the Secure Border Initiative to the congressional committees listed in paragraph (3).

(3) The congressional committees listed in this paragraph are—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Appropriations of the House of Representatives;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(F) the Committee on Homeland Security of the House of Representatives.

AMENDMENT NO. 4673

(Purpose: To provide that, of the amount appropriated by title VI for Customs and Border Protection for air and marine interdiction, operations, maintenance, and procurement, such funds as are necessary may be available for the final Northern border air wing site in Michigan)

At the appropriate place, insert the following:

SEC.   . Of the amount appropriated by title VI for Customs and Border Protection for Air and Marine Interdiction, Operations, Maintenance, and Procurement, such funds as are necessary may be available for the establishment of the final Northern border air wing site in Michigan.

AMENDMENT NO. 4615

Mr. GREGG. I believe we are now ready to go to a vote on the amendment of Senator VITTER.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 84, nays 16, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—84

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Leahy
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reid
Roberts
Rockefeller
Salazar
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—16

Akaka
Boxer
Clinton
Dodd
Durbin
Feinstein
Harkin
Inouye
Kennedy
Lautenberg
Levin
Menendez
Mikulski
Reed
Sarbanes
Schumer

The amendment (No. 4615), as modified, was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4608 AND 4574

Mr. GREGG. I send to the desk two amendments that have been agreed to that may have already been filed: Biden No. 4608 and Senator COLEMAN No. 4574. I ask unanimous consent they be considered as reported and read and they be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4608 and 4574) were agreed to, as follows

(Purpose: To require passenger and baggage screeners at New Castle Airport in Wilmington, Delaware as long as commercial air service is provided at that airport)

On page 78, line 20, strike the colon and insert the following: ": *Provided further*, *That* the Transportation Security Administration shall provide passenger and baggage screeners and related resources at the New Castle Airport in Wilmington, Delaware as long as commercial air service is provided at that airport:".

AMENDMENT NO. 4574, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. PILOT INTEGRATED SCANNING SYSTEM.

(a) DESIGNATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security (referred to in this section as the "Secretary") shall designate 3 foreign seaports through which containers pass or are transshipped to the United States to pilot an integrated scanning system that couples nonintrusive imaging equipment and radiation detection equipment, which may be provided by the Megaports Initiative of the Department of Energy. In making designations under this subsection, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(2) COLLABORATION AND COOPERATION.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and host foreign government to implement the pilot program under this subsection.

(b) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the terminal;

(2) electronically transmit the images and information to the container security initiative personnel in the host country and/or Customs and Border Protection personnel in the United States for evaluation and analysis;

(3) resolve every radiation alarm according to established Department procedures;

(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and

(5) store the information for later retrieval and analysis.

(c) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (b), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report, to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot program implemented under this section;

(2) an analysis of the efficacy of the Automated Targeting System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an evaluation of software that is capable of automatically identifying potential anomalies in scanned containers; and

(4) a plan and schedule to expand the integrated scanning system developed under this section to other container security initiative ports.

(c) IMPLEMENTATION.—As soon as practicable and possible after the date of enactment of this Act, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

Mr. GREGG. Mr. President, I turn to the Senator from California who has an amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 4674

Mrs. BOXER. Mr. President, I will take less than a minute to thank both sides.

Can the Senator help me? This is my able assistant.

Mr. LEAHY. If the Senator will yield, I must say what a thrill it is to work on the staff of Senator BOXER and to be able to help her.

I wonder, Senator, if it is OK to go to work for Senator JEFFORDS?

Mrs. BOXER. I have never had such a fantastic, underpaid, assistant in my life.

I will take a minute to explain why I am very delighted that Senators GREGG and MURRAY have signed off on this amendment we are about to adopt.

Senator SCHUMER has worked very hard on this issue. Here is what we say. We say the inspector general did an investigation and found out that on the out-of-place assets list—these are assets that the Department of Homeland Security will protect—were places such as the Nestle Purina Pet Food plant, the Sweetwater Flea Market, petting zoo, the beach at the end of a street, the Pepper and Herb Company, Auto Shop, groundhog zoo, high stakes bingo, mule day parade.

We wish we could protect every activity in America, but I think when you are looking at a budget that is limited, we should go after the targets that al-Qaida has told us—the bridges, the highways, the infrastructure, the chemical plants, the nuclear plants. We do not have to spend taxpayer money protecting the bourbon festival, as an example.

The point is, we are going to ask the Department to either accept the recommendations of the inspector general or tell us why not. That is the essence of the amendment.

I thank my colleagues. I don't know if I need to ask for the yeas and nays.

Mr. GREGG. I hope the Senator wouldn't.

I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4674.

Mrs. BOXER. I ask unanimous consent the reading of the amendment be dispensed with.

The amendment is as follows

(Purpose: To prohibit the use of certain funds for travel by officers or employees of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled "Progress in Developing the National Asset Database", dated June 2006)

On page 90, line 24, before the period, insert the following: ": *Provided further*, That none of the funds made available in this title under the heading "Management and Administration" may be used for travel by an officer or employee of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled 'Progress in Developing the National Asset Database', dated June 2006; or until the Under Secretary for Preparedness submits a report to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives explaining why such recommendations have not been fully implemented.

Mr. GREGG. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4674) was agreed to.

AMENDMENT NO. 4574, AS MODIFIED

Mr. GREGG. I further ask unanimous consent the amendment numbered 4574 by Senator COLEMAN should have been modified. Therefore, I ask unanimous consent it be deemed modified as sent to the desk and that it be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I now ask unanimous consent the only remaining amendments to be considered prior to final passage will be the amendments of Senator CLINTON, Senator CHAMBLISS, and Senator DOMENICI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4598, AS MODIFIED

Mr. GREGG. Mr. President, I ask that Senator DOMENICI's amendment numbered 4598, as modified, be considered pending and it be agreed to by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4598), as modified, was agreed to, as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. . EXPANSION OF THE NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.

(a) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE.—The term "critical infrastructure" has the meaning given the term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)).

(2) EMERGENCY AND MAJOR DISASTER.—The terms "emergency" and "major disaster" have the meanings given the terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.—The term "National Infrastructure Simulation and Analysis Center" means the National Infrastructure Simulation and Analysis Center established under section 1016(d) of the USA PATRIOT Act (42 U.S.C. 5195c(d)).

(4) PROTECT.—The term "protect" means to reduce the vulnerability of critical infrastructure in order to deter, mitigate, or neutralize an emergency, natural disaster, terrorist attack, or other catastrophic event.

(b) AUTHORITY.—

(1) IN GENERAL.—The National Infrastructure Simulation and Analysis Center shall serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to—

(A) counterterrorism, threat assessment, and risk mitigation; and

(B) an emergency, natural disaster, terrorist attack, or other catastrophic event.

(2) INFRASTRUCTURE MODELING.—

(A) PARTICULAR SUPPORT.—The support provided under paragraph (1) shall include modeling, simulation, and analysis of the systems comprising critical infrastructure, in order to enhance critical infrastructure preparedness, protection, response, and recovery activities.

(B) RELATIONSHIP WITH OTHER AGENCIES.—Each Federal agency and department with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive, shall establish a formal relationship, including an agreement regarding information sharing, between the elements of such agency or department and the National Infrastructure Simulation and Analysis Center.

(C) PURPOSE.—

(i) IN GENERAL.—The purpose of the relationship under subparagraph (B) shall be to permit each Federal agency and department described in subparagraph (B) to take full advantage of the capabilities of the National Infrastructure Simulation and Analysis Center consistent with its workload capacity and priorities (particularly vulnerability and consequence analysis) for real-time response to reported and projected emergencies, natural disasters, terrorist attacks, or other catastrophic events.

(ii) RECIPIENT OF CERTAIN SUPPORT.—Modeling, simulation, and analysis provided under this subsection shall be provided to relevant Federal agencies and departments, including Federal agencies and departments with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4649, AS MODIFIED

Mr. GREGG. Mr. President, I address the Chambliss amendment numbered 4649 and I ask unanimous consent it be called up, considered read, and passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4649), as modified, was agreed to, as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Notwithstanding any other provisions of law, the Secretary of Homeland Security shall consult with National Council on Radiation Protection and Measurements (in this section referred to as the "NCRP") and other qualified organization and government organizations in preparing guidance and recommendations for emergency responders, to assist recovery operations, and to protect the general public with respect to radiological terrorism, threats, and events.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, a lot of work has been accomplished in the last 3 days. I particularly thank Senator GREGG, chairman of the committee, who has done a good job of balancing a very difficult budget in a very difficult year but has been great to work with. The numerous amendments came from both sides of the aisle, and I thank all of his staff for their work.

I thank the ranking member on our committee, Senator BYRD, for his work on this committee and all of the effort he has put into making sure we have a balanced bill that has come before the Senate to appropriate funds for Homeland Security.

I especially thank the staff that has been out here on our side working for the last numerous days, night and day, to get us to the point where we will shortly vote on this bill: Chuck Kieffer, Chip Walgren, Scott Nance, Drenan Dudley, Adam Morrison, and all of our staff who have been out here.

I end by thanking Senator GREGG for his tremendous work on this bill in a very difficult year.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I join the Senator from Washington.

I especially thank the Senator from Washington who has been drawn in here to help out. She has done a fabulous job. We would not have gotten to this point as promptly as we have without her assistance and leadership. It has been a joy to work with her. Her professionalism is extraordinary.

I also, of course, thank Senator BYRD, the ranking member. He is a tremendous force. He has been for decades. His influence on this bill is very significant. He has been a very constructive individual to work with as my ranking member, although he is well my senior in both experience, knowledge, and ability.

I especially thank my staff: Rebecca Davies, Carol Cribbs, Shannon O'Keefe, Mark VandeWater, Nancy Perkins, and Christa Crawford. They have done a great job. They have been working long hours, as have other members of our staff, including interns who have been brought in and Budget staff who have been thrown in the breach. But the Appropriations staff is a small, rather effective cadre, and we admire what they do.

On the minority side Chuck Kieffer and his team do a superb job, and we greatly admire their efforts. And, of course, we very much appreciate the assistance of the staff of the full committee, and especially the assistance of Senator COCHRAN and Keith Kennedy, Bob Putnam, Jack Conway, and Richard Larson. These are folks who come in and help us out a great deal. So we thank them immensely. We could not have gotten to this point without them.

They work immense hours. We can never really adequately express our appreciation to them, but we do greatly appreciate all they have done.

AMENDMENT NO. 4582, AS MODIFIED

Mr. President, at this time I ask unanimous consent that we call up and proceed to the consideration of amendment No. 4582 on behalf of Senator CLINTON, that it be modified with the modification I send to the desk, and that it be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4582), as modified, was agreed to, as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. The Comptroller General shall provide a report to the Senate and House Committees on Appropriations no later than thirty days after enactment describing the impact on public safety and the effectiveness of screening operations resulting from the modification of the list of items prohibited from being carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation set forth in section 1540 of title 49, Code of Federal Regulations, as of December 1, 2005, to be carried aboard a passenger aircraft.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, Senator BYRD, the ranking member on our side, does have further remarks. I thank him and all of his staff

Mr. BYRD. Mr. President, I rise today in support of the fiscal year 2007 Homeland Security Appropriations Bill. I commend Chairman GREGG for his leadership on this important legislation. I thank Senator MURRAY for her contributions to the bill this week. I also thank Chairman GREGG's staff and my staff for their excellent work on this legislation.

The bill that is before the Senate contains numerous improvements to the President's request, both in terms of funding and in giving clear direction to the Department on how to improve its operations. Regrettably the President sent a budget to the Congress for Homeland Security programs that is hollow.

This bill provides critical improvements to that request and does so in a fiscally responsible manner. Additional funding is provided for border security, port security, grants to equip, train, and hire firefighters, for the Coast Guard Deepwater program to replace its aging fleet of ships, planes and helicopters, as well as additional funding for emergency managers. In addition, we provide clear direction to the Secretary for securing our Nation's chemical facilities.

While many of the Department's legacy agencies, such as the Coast Guard, Customs and Border Protection, and the Secret Service, continue to operate effectively, the Department itself has become an ineffective, behemoth. Rather than make America safer, the Department has become a cumbersome agency, burdened by malaise.

FEMA, the Federal Emergency Management Agency, has been broken into ineffective pieces, separating the responsibilities for preparedness and response. We all learned after Hurricane Katrina that FEMA is no longer up to the task of responding to a catastrophic disaster, whether the disaster is a terrorist attack or a natural disaster.

The Department has become a haven for contractors. DHS spends millions of dollars on contractors who produce lots of paper and data dumps, that sit in file cabinets and computer files. But the Department fails to use that information to make careful choices about how to secure the Nation.

In addition to failing to address known vulnerabilities, the Department of Homeland Security is turning into a case study for failed management. The GAO and the DHS Inspector General have documented numerous financial management and procurement failures at the Department. DHS information systems are not secure. GAO alone has completed 494 evaluations of DHS programs. The DHS Office of the Inspector General is spread so thin that it was unable to follow through on 616 different allegations of wrongdoing last year.

The Department continues to allow valuable homeland security dollars to gather dust in the Treasury. Last week was the 1-year anniversary of the London train bombing; yet, under the Department's plan, rail and transit security funding that was appropriated by Congress last October will not be awarded until this September. And the same malaise applies to grants to secure our ports, our buses, for securing buffer zones around nuclear and electrical plants, and grants to hire more firefighters.

The Department, working with its contractors, put together a list of 77,000 critical infrastructure sites around the country. It is an undifferentiated list including nuclear power plants and electrical grids, an Old McDonald's Petting Zoo, a fleamarket, and an ice cream parlor. How ridiculous. Without careful choices, how does that investment make us safer?

The Congress gave the Department authority to allocate first responder funds based on risk, and what did they do? They cut grants to New York by 37 percent and the Washington, DC, area by 43 percent.

Nearly 5 years after 9/11, key issues, such as fixing FEMA, establishing chemical security standards, inspecting cargo on commercial aircraft, inspecting air passengers for explosives, securing our ports, and making sure that State and local governments have effective mass evacuation plans, are all languishing at the Department. The list of issues that are festering at the Department goes on and on.

To the Department of Homeland Security I have two words: Wake up.

To the administration, I simply say, if you are not going to lead on making our homeland safer, than follow the lead of Chairman GREGG and the United States Senate.

Chairman GREGG has done a masterful job on this bill.

I urge adoption of the bill.

Mr. JEFFORDS. Mr. President, yesterday, the Senate passed Senator BYRD's amendment, which would require the Secretary of Homeland Security to set interim security regulations that establish homeland security requirements for chemical facilities. Today, I rise to support this amendment in conference.

This amendment takes a necessary first step in ensuring that all chemical facilities presenting the greatest security risk are secure against potential threats. This first step will require these facilities to submit facility security plans to the Department of Homeland Security.

In the U.S., 14,000 chemical plants, manufacturers and water utilities and other facilities store and use extremely hazardous substances that if suddenly released can injure or kill employees or residents in nearby communities. Of these facilities, nearly 450 individually pose a risk of harm to more than 100,000 people.

When I chaired the Senate Environment and Public Works Committee during the 107th Congress, the committee unanimously passed chemical security legislation that was offered by Senator Corzine. Industry concerns have stalled efforts to adopt strong bipartisan legislation ever since. In the 108th Congress, this committee passed weaker chemical security legislation that lacked adequate accountability to ensure compliance with essential protective requirements. We filed minority views articulating our concerns.

In 2003 and in 2005, I introduced legislation to improve the security and safety of our Nation's wastewater treatment works. Again, this legislation takes into account our growing awareness of security needs that has developed in the nearly 5 years that have passed since the terrorist attacks of September 11, 2001. My wastewater security legislation requires all wastewater facilities to complete vulnerability assessments, emergency response plans, and site security plans and to submit them to the EPA.

Senator BYRD's amendment is consistent with my legislation, in that wastewaster facilities would not be exempt from completing security plans and submitting them to the Federal Government.

On May 23, 2006, the Senate Environment and Public Works Committee considered wastewater security legislation. I offered an amendment at that markup which would require wastewater facilities to complete and submit to the EPA the full range of security plans that I believe are essential to the protection of wastewater facilities. The amendment would also require facilities to switch to safer treatment chemicals and technologies if grant funding is available. My amendment was not successful and the bill reported out of committee did not require wastewater facilities to complete vulnerability assessments and submit them to the EPA.

Senator Byrd's amendment takes the first step in hardening our Nation's entire chemical infrastructure against security threats.

I urge my colleagues to support this amendment in conference.

Ms. MIKULSKI. Mr. President, I rise today to address yet another problem with the Department of Homeland Security. It has been 3 years since its creation, and the Department continues to have difficulties integrating a financial management system. The Department began with 18 different financial systems. The Department's most recent effort to create a new, consolidated financial management system, known as Emerge2, has been canceled after the Department spent $23 million without making progress.

History has shown that integrating Federal computer systems and migrating data can be a complicated and costly undertaking. As the Department of Homeland Security moves forward in its efforts on financial management integration, it should do so carefully and deliberately. It is my hope that the Department considers a range of possible solutions. This includes soliciting ideas from commercial providers with prior Department of Homeland Security experience and contemplating a pilot program with one of these providers to work through the complicated technical and operational problems.

Mr. President, I also wish to address one of the most important issues the Congress faces today—protecting our homeland from terrorist threats. One threat we have only just begun to address is a possible attack on our food production, supply and distribution systems. Bioweapons could threaten both our crops and livestock, which would have profound impacts on the health of our society and our ability to export such products.

The Senate must support funding for biodefense research, to prevent and prepare for such an attack. I am proud that the fiscal year 2007 Homeland Security appropriations bill provides additional funding to complete planning and design of the National Bio and Agro-Defense Facility, an initiative to replace outdated labs transferred to the Department of Homeland Security from the Department of Agriculture when DHS was created in 2002.

Earlier this year, the Department of Homeland Security solicited expressions of interests from around the country from consortiums qualified to operate this facility. DHS received twenty-nine proposals and will choose a set of finalists later this year. The chosen teams and sites will go through a competitive process and National Environmental Policy Act review to identify a final team and site. NBAF will be on the front-line of research and development of new ways to protect our nation's food supply, so the final choice of a team to operate NBAF must be made on the basis of scientific and technical merit.

The Mid-Atlantic Bio-Ag Defense Consortium is among the 29 applicants to run NBAF. It consists of a group of researchers from leading universities and selected federal and state agencies in Maryland, Virginia, Pennsylvania, West Virginia and Delaware. I believe that this five-state consortium, led by the University of Maryland's School of Medicine, offers unparalleled scientific expertise and critical understanding in large institutional management, and will present a strong proposal for the Department's consideration.

The combined expertise of the Mid-Atlantic Consortium has a proven track record in research and development of countermeasures to many agents and toxins designated as threats by the Centers for Disease Control and Prevention, the U.S. Department of Health and Human Services, and the U.S. Department of Agriculture. This team has considerable "hands on" experience in handling the most sensitive kinds of material while adhering to the protocols essential for high quality and safely-managed scientific research. I believe this team is uniquely qualified define problems so as to develop, test and implement solutions to ensure that we can protect our crops and livestock from biological threats.

To augment its exclusive research capability, the consortium has identified the Beltsville Agricultural Research Center, BARC, to serve as the NBAF site. BARC offers the Department an integrated, secure and results-oriented approach to tackling plant and animal diseases of high consequence that could enter the U.S. through ordinary commerce or an act of terrorism. Its existing infrastructure and location would contribute to successfully protecting a highly sensitive facility like NBAF.

I believe that the Mid-Atlantic Bio-Ag Defense Consortium offers a superior group of scientific talent, with world class leadership expert in running large, complex organizations. It also offers a solutions-based approach to tackle the scientific and public health challenges to be undertaken at the NBAF. For these reasons, it is my hope that the Department will give strong consideration to this Consortium for the NBAF in the coming months.

In the end, the Department's selection of a team and a site must be based upon carefully reviewed and documented merit-based analysis, with the support of the community in which it will be located. As we move forward on this initiative, it is my hope that Secretary Chertoff will base the selection on merit, to ensure the integrity of NBAF and the important work that will be conducted there in the years ahead.

Mr. SALAZAR. Mr. President, when I was elected to the Senate, I promised the people of Colorado that protecting the homeland and supporting law enforcement would be among my highest priorities. In the year and a half since taking the oath of office, I have worked hard to fulfill that pledge by working with my colleagues to help pass the Combat Meth Act, working to find bipartisan compromise on the PATRIOT Act, working to pass a comprehensive immigration reform bill that increases border security, and most important, paying close attention to the concerns of Colorado's law enforcement and homeland security communities.

But great challenges remain, challenges that should not be deferred for the next Congress to deal with, challenges that should not be turned into partisan weapons, challenges that will require reaching across the aisle to solve.

I would like to take a few moments to discuss just a few of these challenges. First, however, I want to briefly discuss the Department of Homeland Security appropriations bill, which we passed today.

Thank Senators GREGG and BYRD, who did an excellent job shepherding this bill through the committee process and on the floor. While there are some provisions in the bill with which I disagree—for example, I would like to see more funding for first responders, port, and rail security—the bill is a product of serious and careful deliberation.

I would also like to draw attention to an issue of great importance: the training of our law enforcement and homeland security officials. I was pleased to see the DHS appropriations bill increase funding for the Federal Law Enforcement Training Center. I am also pleased that the bill classifies Federal Law Enforcement Training Center staff as serving an "inherently governmental" function, which guarantees that law enforcement training cannot be outsourced. Law enforcement training has been an issue of concern to me dating back to my time as attorney general, when we guaranteed an adequate stream of funding for the training of law enforcement officers through the Colorado Peace Officer Standards and Training Board. I look forward to working doing more work on this issue in the future.

I also thank my colleagues for agreeing to the two amendments I offered to the appropriations bill.

The first requires DHS to provide a detailed report on how it will improve the inspection of incoming agricultural products in order to protect U.S. agriculture from foreign pests and disease.

Agriculture is the largest industry and employer in the United States, generating more than $1 trillion in economic activity each year. However, the agricultural sector is both a great strength and a potential vulnerability: the entry of foreign pests and disease could wreak havoc on the economy, the environment, and public health. In order to safeguard American agriculture, we need—first and foremost—effective inspection at our points of entry. There have been some serious questions about the effectiveness of the inspection program at DHS, and my amendment will make sure that DHS has a sensible strategy in place to improve that program.

My second amendment requires DHS to produce a detailed blueprint regarding how it will help Federal, State, and local officials achieve communications interoperability.

More than 5 years after September 11, first responders are still struggling to achieve communications interoperability. Fixing this problem will require money, leadership, and sound planning by Federal, State, and local officials.

In my own State of Colorado, first responders and emergency managers are working hard to solve this problem—and they are making progress. But they deserve to know exactly what DHS plans to do, in the short, intermediate, and long terms to help them get to where they need to be.

So I thank my colleagues for agreeing to my amendments, for increasing funding for training, and for putting together a thoughtful—if imperfect—appropriations bill.

I would like to spend just a few minutes discussing some important homeland security and law enforcement priorities which I hope the Senate will take up as soon as possible.

Each of these issues share two important characteristics: they are vital to the security of our Nation, and they have broad bipartisan support.

First and foremost is providing adequate funding for law enforcement.

When I talk to law enforcement officials in Colorado, no issue comes up more often and I can understand why. When I was attorney general, I saw firsthand the importance of Federal assistance for law enforcement: Federal funds allow law enforcement agencies to hire more police officers and firefighters, to purchase equipment, to conduct training exercises, and to fight the meth epidemic. This is not a partisan or ideological issue: it is about protecting our communities and the first responders who serve them.

To be honest, I have long been confused by this White House's annual effort to cut these vital programs. Of all the line items in the budget, of all the places to cut unnecessary Federal spending, the President keeps trying to cut key programs for first responders. For example, this year, the President's budget request proposed deep cuts to the COPS Program, which helps State and local law enforcement agencies hire police officers; the Edward Byrne Justice Assistance Grant Program, which makes grants to help States improve their criminal justice systems; firefighter assistance grants, which provide direct assistance to local fire departments; and the Office of Violence Against Women.

These proposed cuts are particularly appalling at a time when the crime rate seems to be rising. Indeed, preliminary figures indicate that the national violent crime rate rose 2.5 percent in 2005 as compared to 2004.

Fortunately, there is bipartisan support to restore many of these cuts. Indeed, this week the Commerce, Justice, Science Appropriations Subcommittee restored funding for many of the programs that the President proposed to cut or eliminate, including COPS and the Byrne JAG Program. For that, I applaud the subcommittee—and I hope the full Senate follows suit. The heroes who keep us safe every day deserve the best equipment, the best training, and the best support available—and they deserve Senators who will fight for them.

Next, I want to discuss the need to pass a comprehensive immigration reform package that includes strong border security measures.

We are now embroiled in a historic debate about immigration and border security. The reality is that our borders are broken and lawless—and that millions have crossed the border without the Government knowing who they are or why they are here. Indeed, the GAO released a report in March that detailed how two Federal investigators were able to smuggle enough nuclear material to make two dirty bombs across our northern and southern borders. The report stated that GAO investigators "transported radioactive sources across both borders . . . with ease."

This is why the comprehensive immigration reform backed by a bipartisan majority of Senators includes thousands of new positions aimed at fixing the border. For example, the bill would add 12,000 new Border Patrol agents, 10,000 new ICE worksite inspectors, 2,500 new port-of-entry inspectors, 1,000 new document fraud inspectors, and hundreds of other related positions.

I am hopeful that we can address this issue in the context of a comprehensive reform of our immigration laws—and that we can bring law and order to our porous borders.

Next, I wish to address identity theft—another issue that calls for a bipartisan approach.

Each year, roughly 5 percent of the population is victimized by identity theft. That means that in 10 years, roughly half of the population will have been affected. But not only does identity theft affect the victims—many of whom see their credit ratings ruined and their financial situations turned upside down—it is also fueling and financing a good part of the meth epidemic that is ravaging so many communities. Indeed, meth addicts have become the driving force behind identity theft in Colorado—as they seek new ways to fund the production and consumption of the drug. So tackling identity theft is also a way of tackling the meth epidemic.

I believe that a comprehensive approach to attacking identity theft will require working with the financial industry, law enforcement, retailers, and consumer groups. I applaud the Judiciary and Commerce Committees, both of which have bipartisan bills addressing this issue. There are elements of both bills that would go a good ways toward addressing identity theft, and I hope that the Senate takes action on this issue soon.

I also wish to briefly discuss prisoner reentry—another vital law enforcement issue that cries out for a bipartisan solution.

Approximately 650,000 State and Federal prisoners reenter society each year, and a staggering two-thirds of them are returned to prison for a new crime or parole violation within 3 years of release. Prisoners returning to society face difficulties with housing, employment, mental health, and substance abuse—all of which impose a great toll on families, communities, State and local governments, and overcrowded prison systems. The problem is truly multidimensional and calls out for a bipartisan approach.

For that reason, I am happy to cosponsor the Second Chance Act, a bipartisan bill which provides badly needed resources for prisoner reentry programs. I hope the Senate takes action on this bill soon.

Finally, I would like to briefly discuss port and chemical security.

I am proud to be a cosponsor of the bipartisan GreenLane Maritime Cargo Act and the Chemical Facility Anti-Terrorism Act. I cannot stress how important these bipartisan pieces of legislation are to protecting our homeland security.

Indeed, each year roughly 9 million shipping containers enter the United States via our seaports. Those containers carry approximately 2.4 billion tons of goods worth more than $1 trillion—and those numbers are expected to double in the next 20 years. Furthermore, the average container originating overseas will pass through over a dozen intermediate points before arriving in the United States—providing multiple points of vulnerability for both our security and our economy. The GreenLane Maritime Cargo Act would take some important steps to secure our ports—including requiring 100 percent screening of incoming containers within a year—and is a fine example of bipartisan problem-solving.

Regarding chemical security, we face a situation today where there are no Federal laws establishing minimum security standards at chemical facilities—this despite the fact that the roughly 15,000 chemical plants and refineries in this country pose a great vulnerability and despite the fact that dangerous chemicals routinely travel along our highways, inland waterways, and on railcars that pass through the heart of major cities. The cost of an attack would be staggering in terms of both loss of life and economic impact. Even DHS agrees that chemical security legislation is necessary. So I am very pleased to be a cosponsor of the bipartisan Chemical Facility Anti-Terrorism Act.

Neither port security nor chemical security is a partisan issue. Just look at these two bills: they both have strong bipartisan support. So I say to the Senate: let us take up these important bills soon.

Mr. President, each of the issues I have discussed this morning has bipartisan support. Each is important to the security and safety of the American people.

Our most important obligation as Senators is to protect the security and safety of our constituents—and each of the issues I have discussed this morning would take an important step in that direction. I hope the Senate can debate and act on these issues soon.

Mr. KERRY. Mr. President, I support the fiscal year 2007 Department of Homeland Security Appropriations bill before us today. Our Nation faces a serious terrorist threat and we need to adequately fund our security agencies. I am concerned, however, that the bill falls short in some areas of what is needed to effectively protect the homeland.

For instance, the bill makes significant cuts to State grant programs from FY 2006 levels and does not ensure that funds are distributed using risk as the guiding principle. Although DHS Secretary Chertoff has assured us that the Department would follow the recommendation of the 9/11 Commission and distribute funds based purely on risk, when funding for the Urban Area Security Initiative was released in May the cities most at risk—New York, Washington, and Boston among them—received the deepest cuts. I supported amendments during consideration of this bill that sought to rectify this problem and I hope that the bill can be improved in conference to ensure that funding is distributed where it is needed.

I am also concerned that the bill calls for shutting down a large portion of the LORAN navigation system infrastructure, limiting it to Alaska and the northwest and northeast coasts. Although I realize that this is the result of a compromise, I strongly support maintaining the LORAN system nationwide and intend to work with Senator STEVENS, Senator MURRAY and others in conference to prevent the premature shutdown of this important asset.

Mr. President, we must take steps to secure the border, though I opposed Senator SESSIONS' amendment to appropriate additional funds to construct fencing along the southwest border because it would have raided discretionary funds used to hire more border patrol agents, buy more detention beds, train first responders, and fund other pressing needs. Although I support some limited fence construction, I do not believe we should be undermining critical homeland security programs to finance them. I remain committed to passing balanced immigration legislation that protects the border and allows immigrants to earn citizenship, and I hope that the Congress can reach an agreement to accomplish that in the upcoming weeks.

Finally, I am pleased my amendment to repeal the Transportation Security Administration's exemption from Federal contracting laws was accepted. TSA has a record of mismanaging contracts and wasting billions in taxpayer dollars and it should not continue to be exempt from the same level of accountability that we require of every other Federal agency. I thank the managers for working with me to pass this amendment, and I hope that it is included in the final conference report.

I hope that some of these important issues can be worked out in conference and that we can send the best bill possible to the President.

Mr. OBAMA. Mr. President, I want to thank the managers of the fiscal year 2007 Homeland Security appropriations bill, the distinguished Senator from New Hampshire, Mr. GREGG, and my friend from West Virginia, Senator BYRD, for accepting two amendments that will help remedy some of the Government's failures in disaster response.

The first amendment, cosponsored by my colleague from Connecticut, Senator LIEBERMAN, will require the Department of Homeland Security, DHS, to develop a robust system to help people locate family members after a disaster. Immediately after Hurricane Katrina, people searched the Astrodome and combed the Internet, hoping to locate their loved ones. Unfortunately, many of these people continue their search today.

My amendment requires DHS, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, to review the methods used by the Louisiana Family Assistance Call Center and the National Center for Missing and Exploited Children to assist in the location of friends and family displaced by Hurricane Katrina. DHS must then report on these models and provide Congress with a detailed plan for the swift implementation of a family locator program for future disasters that reflects the lessons learned from these two models. The Department's plan should lead to the creation of an efficient means of helping those displaced by future disasters locate their friends and family.

My second amendment is a commonsense attempt to stop the abuse of no-bid contracting in the aftermath of a disaster. After Hurricane Katrina, the Federal Emergency Management Agency relied upon the "unusual and compelling urgency" exception to allow no-bid contracts for everything from collecting debris to hauling and installing housing trailers. Unfortunately, some of these no-bid contracts were not merely emergency stop-gap measures—they were open-ended agreements and resulted in significant waste and abuse.

My amendment, cosponsored by my colleague from Oklahoma, Senator COBURN, prohibits the use of no-bid contracts under the "compelling urgency" exception, unless these contracts are limited in time, scope and value, and notification is provided to the congressional oversight committees. This amendment will end the abuse of noncompetitive contracts by setting real and reasonable limits to the emergency exception. This amendment does nothing to inhibit a rapid response to emergencies; rather it closes a loophole that threatens the integrity of our Federal response, and it will save taxpayer money. I thank the Senators for accepting this amendment into the bill.

I am pleased that these amendments have been accepted into the bill, and I look forward to working with my colleagues to ensure that the failures of the Government's response to Hurricane Katrina are not repeated.

Mr. LEVIN. Mr. President, I will support final passage of the Homeland Security Appropriations bill today because its funding is vital to our first responders and all of those responsible for protecting us. Further, it includes important provisions that I worked to have included.

I am very pleased that the Senate passed both my amendment and Senator STABENOW's amendment on Canadian trash imports. My amendment would require the Secretary of Homeland Security to deny entry to the United States of any commercial trash truck until the Secretary certifies that the methodologies and technologies used to screen the trash for the presence of chemical, nuclear, biological and radiological weapons are as effective as those used to screen for such materials in other items of commerce entering the U.S. The Department would first be given 90 days to assess the situation, and then another 180 days to implement changes to address the security concerns. If however, such changes are not identified, which I expect will be the case, municipal solid waste will not be allowed to come into the State of Michigan or elsewhere in our country.

With thousands of trash trucks coming into Michigan from Canada each week, this provision is critical for addressing the risks this garbage poses to our country's security, public health, and the environment. Senator STABENOW's trash amendment also addresses the security risks from trash by requiring the Secretary of Homeland Security to levy a fee on the trash shipments, in an amount that would cover the cost of such insepctions. It would therefore make it more expensive for Ontario to send their trash to Michigan, protecting U.S. landfills from being filled with Canadian trash.

With the help of my friends from West Virginia and New Hampshire, Senators BYRD and GREGG, the Senate accepted my amendment related to the establishment of the fifth and final Northern Border Air Wing in Detroit, MI. The Northern Border Air Wing, NBAW, initiative was launched by the Department of Homeland Security in 2004 to provide air and marine interdiction and enforcement capabilities along the Northern Border. Original plans called for DHS to open five NBAW sites in New York, Washington, North Dakota, Montana, and Michigan.

The New York and Washington NBAW sites have been operational since 2004. Unfortunately, not all of the sites have yet been established, leaving large portions of our northern border unpatrolled from the air and, in the case of my home State, the water. In the conference report accompanying the fiscal year 2006 DHS Appropriations bill, the conferees noted that these remaining gaps in our air patrol coverage of the northern border should be closed as quickly as possible.

Given that the threat from terrorists, drug traffickers, and others who seek to enter our country illegally has not diminished, I believe approximately $12 million of the funds included in Senator BYRD's amendment for Air and Marine Interdiction, Operations, Maintenance, and Procurement which was adopted should be used by Customs and border protection to complete the remaining activities necessary to prepare, equip, and establish the Michigan NBAW site as Secretary Chertoff previously indicated he intends to do during fiscal year 2007.

In an April 11, 2006 letter to me, Secretary Chertoff indicated that it was his department's plan to open the Michigan site during the 2007 fiscal year and the Byrd amendment will enable the department to stick to its schedule. Mr. President Secretary Chertoff's letter and enclosures, my letter to the Secretary, and a colloquy are printed in the RECORD at page S7405.

Senator BAUCUS was also successful in his mission to press forward efforts to ensure that the northern Border is provided with proportionate resources as the southern border. His unmanned aerial vehicle pilot project will enabled the Customs and Border Patrol to perform a pilot project on the northern border between Canada and the United States. As the Senate knows, the northern border is nearly four times the length of the Southern border and it deserves an appropriate attention from the Department of Homeland Security.

I am also pleased that this bill includes a provision offered by Senator BYRD that would give the Department of Homeland Security the authority to issue interim regulations for chemical facilities that pose the greatest security risk. There are over 15,000 chemical facilities in this country, and there still are no Federal laws that explicitly address the threat of terrorism activities at chemical plants. The Chemical Facility Anti-Terrorism bill, S. 2145, which I cosponsored, and which was reported by the Homeland Security and Governmental Affairs Committee in June 2006, takes a much more comprehensive approach to this issue. However, because the Senate's Republican leadership is not allowing S. 2145 to come to the floor, I am pleased that Senator BYRD offered his amendment, which I supported, to address the very real risks posed by chemical facilities.

While I am pleased that funding was increased for port security and border protection, I am disappointed that the Senate rejected amendments to provide additional funding for first responders. We cannot expect our first responders to be well-trained, properly equipped and fully staffed to protect us, if we cut their funding sources. I am hopeful that funding levels will be restored in conference.

I am also disappointed that the Senate failed to move away from the current small State funding formula that is used to allocate funding for our first responder grant programs. I supported an amendment that would have allocated funding for the largest first responder funding programs based on an assessment of threat, vulnerability and consequences, and no State would have received less than .25 percent. This approach would have reduced the amount of funds allocated to States regardless of need and increased the funds available to be directed to states facing the greatest terrorist threats and greatest need. All Americans suffer when a major city is hurt by a terrorist attack; it is critical that Congress direct more funds to areas facing the most significant threats. I will continue to work with my colleagues to make the allocation of these scarce resources more equitable.

Mr. GREGG. Mr. President, at this time we can go to third reading.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. GREGG. Mr. President, I ask for final passage and ask for the yeas and yeas.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—100

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

The bill (H.R. 5441), as amended, was passed.

(The bill will be printed in a future edition of the RECORD)

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CORNYN). The majority leader is recognized.

Mr. FRIST. Mr. President, for the next few minutes, we will be getting unanimous consents on two issues that will outline what we will be doing during the early to mid part of next week.

Before doing that, I move that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The motion was agreed to, and the Presiding Officer appointed Mr. GREGG, Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. SHELBY, Mr. CRAIG, Mr. BENNETT, Mr. ALLARD, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. REID of Nevada, and Mrs. FEINSTEIN conferees on the part of the Senate.

UNANIMOUS CONSENT REQUEST—S. 728

Mr. FRIST. Mr. President, in a few moments, we will be doing a unanimous consent request on water resources development as well as stem cells. Before doing that, I turn to my colleague, the Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me tell you something about what is about to happen if the unanimous consent request goes through. It is a significant bill. We have been working on it now during the last three authorizations, since the year 2000. Now, for 3 years, we have been working on this bill. We have had incredible cooperation, as everybody in the Chamber knows. It is always difficult to get something like this through, but it is necessary to keep this country moving.

I will single out the members of the committee. I chair the Environment and Public Works Committee: Senators THUNE, DEMINT, VITTER, WARNER, ISAKSON, CHAFEE, MURKOWSKI. And Senator VOINOVICH of Ohio has been particularly helpful on this. He has a lot of interest in this bill. Of course, more than anybody else on the Republican side, Senator BOND, who is chairman of the subcommittee, has been very helpful.

The big four in this case, of course, would be Senators BOND, BAUCUS, JEFFORDS, and myself. We have worked closely together to overcome some of the obstacles. Early on, there were several holds on this bill because it is complicated. It is one that almost is of the magnitude of the Transportation reauthorization bill. But we had several people who had concerns and we worked with them, including Senator SNOWE, who was nice enough to help us with some of the facets she had objections to; Senator SESSIONS; Senator MCCAIN; and, of course, the Democratic members of the committee who worked so well, including Senator CARPER and Senator LIEBERMAN, and Senators CLINTON, LAUTENBERG, and OBAMA. Everybody was there working together. It was quite an undertaking to get us to the point where we are today.

I will single out several others. Senator GREGG had some concerns also. Probably one of the persons I was really gratified to work with is Senator FEINGOLD, the Senator from Wisconsin. I thank him for his cooperation. He had a number of amendments that I thought would be more than we could really handle. We had to get the number down to a certain number that is workable so we could have a time agreement to get this bill passed. I thank Senator FEINGOLD for his cooperation and for agreeing to offer limited amendments under short time agreements. If he wanted to be hard to get along with, he could have had long agreements and this would have gone into many nights. He didn't do that. He agreed to short time agreements, which will make this possible to pass. His willingness to work with us is very much appreciated by me.

Over the past few months, he consistently has been helpful and responsive in working on the WRDA bill. I thank the Senator from Wisconsin for his cooperation.

This is going to be the first time that we have a lot that we need to authorize the Corps of Engineers to do in navigation flight control and environmental restoration. This bill will allow us to do that. I thank everybody for his or her cooperation. Let's go forward.

Mr. FRIST. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader in consultation with the Democratic leader, on Tuesday, July 18, the Senate proceed to the immediate consideration of Calendar No. 93, S. 728.

I further ask that the committee-reported amendments be withdrawn and the managers' substitute amendment at the desk be agreed to as original text for the purposes of further amendment and that the only other amendments in order be the following, the text of which are at the desk, with specified time agreements equally divided in the usual form:

BOXER, Folsom Dam, 1 hour; FEINGOLD-MCCAIN, mitigation standards, 1 hour; FEINGOLD-MCCAIN, peer review, 4 hours; INHOFE-BOND, independent reviews, 1 hour; INHOFE, fiscal transparency, 1 hour; MCCAIN-FEINGOLD, prioritization report, 2 hours; MCCAIN-FEINGOLD, chief of engineers, 1 hour; NELSON of Florida, water projects, 1 hour; SPECTER, Federal hopper dredges, 1 hour.

I ask unanimous consent that there be 2 hours of general debate on the bill, and that following the disposition of amendments and the use or yielding back of time, the bill, as amended, be read the third time, and the Senate proceed to the consideration of Calendar No. 166, H.R. 2864, the House companion, and that all after the enacting clause be stricken and the text of S. 728, as amended, be inserted thereof; that the bill, as amended, be read the third time and the Senate proceed to a vote on passage, and S. 728 be returned to the Senate calendar.

I further ask that no points of order be waived by virtue of this agreement.

Mr. REID. Reserving the right to object, first, I want the RECORD spread with the fact that the Senate can work together. This is an example of that. Senator BOXER and Senator INHOFE are polar opposites politically. I don't know if we could find two stranger people to work together on a bill than the two of these Senators. But this is a bill that takes cooperation and building consensus. That is what they have done.

This is not a Republican bill, it is not a Democratic bill, it is a bill for the Senate. I also want the RECORD to reflect that Senator FEINGOLD, who has three amendments on here, is a person who is dedicated to looking at the substance of legislation. I express publicly my appreciation for his cooperation and for allowing us to get to this point. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. FRIST. Mr. President, we are currently talking to some other Senators about the water resources bill, so I will have more to say about that later. In the meantime, I will go on to other business.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. FRIST. Mr. President, today marks a significant milestone for Iraq—and for coalition forces. According to Ambassador Khalilzad, Muthanna will become the first province in which civilian Iraqis take charge of Iraqi security forces in that province. For the first time, the day-to-day security of the Iraqi people living in Muthanna will be in the hands of a civilian Iraqi.

For the half million people living in Muthanna, this means a tangible change in the security and governance of the province. Since 2003, American and coalition forces—the Australians, the British, and the Japanese—have worked together to ensure the security of Muthanna. But beginning today, the Governor of Muthanna will assume supervision of all provincial police. National police and Iraqi army troops within the province will remain under the national control of Prime Minister Jawad al-Maliki.

The provincial Iraqi police service will assume the lead for domestic security in Muthanna. Multinational forces will move out of all urban areas in Muthanna and assume a supporting role. They will provide transition assistance teams and remain postured to assist but only at the approval of Prime Minister al-Maliki.

But more importantly, the handover of Muthanna is a critical step in the chain of events leading to Iraq standing entirely on its own. It marks a new phase in the history of Iraq. It means the increasingly capable Iraqi security forces and Government are ready to operate independently—and to replace coalition forces. And it means the President's strategy for Iraq is working.

Before March 2003, Iraq was a sworn enemy of the United States. The people of Iraq suffered under the oppression of a tyrant. Today, that tyrant is behind bars, and the world is safer and more secure for it.

Iraq's Government has transitioned from a brutal dictatorship to a democracy in which all Iraqis have a voice. Last year, millions of Iraqis defied the threats of the terrorist Abu Musab al-Zarqawi, streaming to the poll in three national elections. Iraq's Sunni population participated in greater numbers each time. And just over a month ago, we eliminated the shadow cast by al-Zarqawi.

The Iraqi security forces are growing, as are their capabilities and responsibilities. In July of 2004, there were no operational Iraqi Army division or brigade headquarters. In just 2 years, 2 divisions, 14 brigades, and 57 battalions control their own area of responsibility; 28 authorized national police units are in the fight with 10 battalions in the lead. Over 264,000 trained and equipped Iraqi security forces are taking the battle to the enemy.

Iraq now has a free and independent media. Thousands of reconstruction projects are in the works, slowly but surely strengthening Iraq's infrastructure and economy. And a fully constitutional national Unity government representing all Iraqi people is finally in place.

Many challenges remain ahead. But today is an important step toward a free, democratic, and prosperous Iraq governed by the rule of law. We—the United States and our coalition allies—must continue to train and equip Iraqi security and police forces to ensure Iraq's 17 other provinces are fully prepared to follow in Muthanna's footsteps. As Iraqi forces stand in, coalition forces will step aside, and we will be one step closer to bringing our troops home.

In a region plagued by radicalism and instability, today's transfer is a critical milestone. It means we are one step closer to peace and stability, and it means Iraq is one step closer to assuming its rightful place in the global community of democratic nations.

CONDEMNING THE ACTS OF WAR PERPETRATED AGAINST ISRAEL BY HEZBOLLAH FORCES

Mr. KYL. Mr. President, I rise because of the recent attacks on Israel. The most recently breaking news: rocket attacks on the city of Haifa in Israel, which clearly represents an escalation of the attack from Lebanon. Therefore, I do rise to condemn the acts of war perpetrated against the nation of Israel by Hezbollah forces operating in southern Lebanon.

Dozens of Katyusha rockets were fired at northern Israel on Wednesday and Thursday, and additional salvos have continued to rain down. Israeli soldiers were attacked as they attempted to respond to this unprovoked assault across an internationally recognized border. As a result of this aggression, eight Israeli soldiers are dead, two more are prisoners of Hezbollah, and the citizens of northern Israel are living in fear.

I call on the international community to support Israel in its attempts to end terrorist operations in southern Lebanon, free the captive soldiers, and restore its territorial security.

In the name of peace, Israeli forces withdrew from all Lebanese territory in the year 2000. The United Nations recognized this withdrawal as fully compliant with all relative Security Council resolutions. Unfortunately, the government in Beirut has not done its part to ensure that this disengagement enhanced the security of both nations.

It is not surprising since 14 members of Lebanon's parliament and two cabinet ministers are members of Hezbollah. The Lebanese Government, which refuses to crack down on these terrorists, must be held accountable. In addition, Syria and Iran, whose governments sponsor Hezbollah's activities, must be condemned and, if they do not cease this support, sanctioned harshly.

I regret to say we will probably witness more violence in the days and weeks ahead. Many innocent people on both sides of the border will likely suffer. It is incumbent on the United States and the international community to stand by Israel as she fights foreign-sponsored aggression on her borders, aggression that no sovereign nation could possibly be expected to tolerate

Mr. CRAPO. Mr. President, I was dismayed to hear of the recent reprehensible actions taken by the terrorist group Hezbollah, in kidnapping two Israeli soldiers. This is an act of cowardice and also grimly unsurprising. Supported by both Syria and Iran, Hezbollah has, for almost a quarter of a century, targeted freedom; whether that be U.S. marines in 1983 in Beirut, U.S. airmen in the Khobar Towers tragedy, or repeated deadly attacks against innocent Israelis and ongoing weapons' stockpiling. Besides regularly supplying weapons to Hezbollah, Iran and Syria are also responsible for donating an estimated $100 million per year to Hezbollah. The Lebanese government, of which Hezbollah is an active part, bears a full measure of responsibility for this act of war against Israel, and Israel has a right, under international law, to take actions necessary to rescue her sons. Israel fully withdrew from southern Lebanon in May 2000. This move by Israel was certified by the U.N. Security Council as having met the requirements of U.N. Security Council Resolution 425, which called for an Israeli withdrawal and for Lebanon to assert control over the area vacated by Israel.

The appropriate, reasonable and legal response to the brutality and dishonor of terrorism is proactive self-defense. We would do no different were these young men our own. Israel continues to be a force for freedom and democracy and as a friend and ally to the United States, deserves our full backing during this difficult time. Furthermore, as this body has reaffirmed time and again, we fully reject and denounce the terrorist activities fomented by both Iran and Syria. It is my fervent hope that those who dictate the activities of Hezbollah, both inside Lebanon and outside its borders, will quickly see the futility of this course of action, and make a move for peace and stability rather than chaos and war

Ms. CANTWELL. Mr. President, I rise today to talk briefly about the current events in Israel and the Middle East.

I strongly condemn the ongoing murderous attacks by Hezbollah on Israel and its soldiers. Several days ago, eight Israeli soldiers were killed and two were kidnapped following an unprovoked attack on northern Israel. Hezbollah must immediately and unconditionally release all Israeli soldiers. Hezbollah has refused United Nations demands to disarm and has been responsible for terrible acts of violence for many years. No country should provide support for Hezbollah, which is a U.S.-designated terrorist group. Hezbollah's actions are contrary to the interests of the Lebanese people and hurt the region.

The Hezbollah attack follows a June 25 attack by Hamas on a southern Israeli military post that resulted in the kidnapping of an Israeli solider and the killing of several others. Hamas must also immediately and unconditionally release the soldier it is holding and end attacks on Israel.

The United States will stand by our longtime ally and friend. The Israeli people have the right to live in peace and security. Israel has the right to protect its citizens. I strongly condemn the ongoing murderous attacks by Hezbollah and Hamas on Israel and its soldiers and believe that restraint is needed in the region to stop the escalation of violence and protect innocent lives.

I yield the floor

Mr. NELSON of Florida. Mr. President, today I condemn Hamas's and Hezbollah's unprovoked acts of war against Israel and to express strong support for Israel's right to defend itself.

On July 12, Hezbollah attacked an Israeli military unit patrolling the Israeli border south of Lebanon, and two Israeli soldiers were taken hostage. Hezbollah's leader, Sheikh Hassan Nasrallah, has admitted that this was a calculated act, which Hezbollah had planned for 5 months. Analysts agree that this act is a sign of support for the Hamas kidnapping of another Israeli soldier on June 25. It is also a sign that two of the regions most recalcitrant terrorist organizations have no interest in the peace and security of the people they supposedly now represent in elected governments in Lebanon and the Palestinian Territories.

Both of these attacks were clear acts of war—attacks on Israeli soldiers guarding undisputed Israeli territory. The Hezbollah attack was also a blatant breach of Security Council resolutions 1559, 1655, and 1680, which certified Israel's full withdrawal from Lebanese territory, called for the disarmament of all militias in Lebanon, and called for an end to attacks across the Israel-Lebanon border.

Despite these resolutions, Hezbollah remains an armed militia group with unrestrained activity in Lebanon and has not been pressured by the Lebanese Government to disarm. In fact, Hezbollah is a part of the Lebanese Government now with 23 seats in the Lebanese parliament and two ministers in the Government. According to the Department of State, Hezbollah receives $30–40 million a month in cash, aid, and arms support from Iran. Additionally, Syria is still a strong partner with Iran in supporting, sheltering, and funding Hezbollah to the detriment of the people of Lebanon

Mr. President, I believe it is critical that the Senate recognize Israel's right to defend itself, and call on the Government of Lebanon to immediately and unconditionally release the abducted Israeli soldiers. The same holds true for the soldier held by Hamas in Gaza. At the same time, we must insist that Iran and Syria immediately cease interfering in the internal affairs of Lebanon and the Palestinian Territories by ending all support for Hezbollah and Hamas.

I will shortly be introducing legislation to increase pressure on the Government of Lebanon to do the right thing and disarm Hezbollah. The Lebanese people surely deserve better than to have their fate determined by this terrorist organization. But for now, Israel deserves our unwavering support as it aims to protect its people from these unprovoked attacks.

HAPPY BIRTHDAY, PIEDMONT, WEST VIRGINIA

Mr. BYRD. Mr. President, this year marks the 150th birthday of the town of Piedmont, WV. This little town, charted in 1856, is located on the North Branch of the Potomac River in the northeastern corner of West Virginia.

In the late 19th Century, the town of Piedmont bustled with economic activity. A period of prosperous growth began when the Baltimore Ohio Railroad established a locomotive shop complex and switching yard in the area, and the town became an important freight-generating point on the B&O line.

When local entrepreneurs persuaded surrounding railroads to turn from wood to coal for firing their locomotives, the coal industry in the region boomed.

In the 1880s, William Luke established the West Virginia Paper Company's paper mill—Westvaco—in Piedmont, which became a major source of jobs for Piedmont residents. This included native Appalachians, migrant African Americans, and European immigrants, especially Italians and Irish. Therefore, soon after the opening of the paper mill, Piedmont became a town saturated with ethnic neighborhoods. A resident of Piedmont has written that, "Piedmont's character has always been completely bound up with the Westvaco paper mill."

This Town of Piedmont features some unique characteristics. For example, "Ripley's Believe It or Not" once pointed out that Kenney House Hill in Piedmont is the only street in the world from which a person can enter all three stories of the same building!

Piedmont is also known for a number of famous residents it has produced. This includes Don Redman, a famous jazz musician and composer, who wrote a number of hit arrangements for American music greats like Jimmy Dorsey, Harry James, and Count Basie.

Henry Gassaway Davis was a giant in the coal mining and banking industries in the late 19th Century, and a two-term U.S. Senator from West Virginia. In 1904, Davis was the Democratic nominee for Vice President—he was 80 years of age at the time, making him the oldest person ever nominated for President or Vice President on a major party ticket.

Thousands of people throughout the United States know of the town of Piedmont becauce of the writings of another of the town's famous residents, the nationally renowned writer and eminent scholar, Henry Louis Gates. Dr. Gates is the W.E.B. DuBois Professor of Humanities at Harvard University and Chairman of Harvard's Department of African and African American Studies Program.

In his memoir, Colored People, Dr. Gates discusses life in Piedmont during the 1950s. The book, which reflects on his childhood in this small rural community, before and during the civil rights movement, is a vivid portrayal of the people of Piedmont, whom he describes as "virulent nationalists—Piedmont nationalists." "[N]estled against a wall of mountains, smack-dab on the banks of the mighty Potomac," writes Dr. Gates, "we knew God gave America no more beautiful location. " According to Gates, the town's credo is: "all New York's got that Piedmont's got is more of what we got. Same but bigger." "Otherwise," he writes, "the advantage was all to Piedmont."

Mr. President, I congratulate the town of Piedmont, the little town "on the side of a hill in the Allegheny mountains," as Dr. Gates calls it, on its 150th birthday which the town will celebrate with its "Homefest." I wish the town the best of success on this milestone event.

HONORING OUR ARMED FORCES

U.S. ARMY LIEUTENANT SHAW VAUGHAN

Mr. SALAZAR. Mr. President, I wish to take a moment of the Senate's time to remember a Coloradan who was lost to us last month in defense of this Nation.

Shaw Vaughan was a loving and supportive son and older brother, an avid hunter and fly fisherman. One of his most prized possessions was his 1969 Jeepster Commando, an off-roading vehicle he had personally rebuilt, affectionately named Hercules. Hercules sits quiet today, its red finish gleaming undimmed in the mountain sun.

U.S. Army LT John Shaw Vaughan, of Edwards, in Eagle County in my State of Colorado, was killed on June 7 in Mosul, Iraq. Lieutenant Vaughan was a young man with his entire life before him: He was a mere 23 years old, and had been in Iraq only a month.

As a middle school student, Shaw Vaughan caught the eye of our military leaders for his regional science fair project: comparing the accuracy of store-bought ammunition with ammunition he had assembled. He graduated Battle Mountain High School in 2001 and attended Embry-Riddle Aeronautical University in Daytona Beach, FL. Upon graduation, Lieutenant Vaughan was one of only 70 cadets, out of 5,000, to receive a much-sought-after assignment in military intelligence in the infantry. It was a high honor, reflecting his intellect, work ethic, and commitment to our Nation.

Lieutenant Vaughan was stationed in Alaska, a part of our country he had visited with his family years earlier. I guess you could say that Alaska had "hooked" the fisherman in Lieutenant Vaughan, and he was looking forward to his service there after he completed his time in Iraq.

Lieutenant Vaughan was eager to get to Iraq, to serve with his unit. In his e-mails and phone calls back home, Lieutenant Vaughan spoke of how strongly he felt about America's mission in Iraq. He told stories of Iraqi families leading him into their homes, telling him horror stories of their families' sufferings under the brutal regime of Saddam Hussein.

As one newspaper in my home State observed, it seems that every story about Shaw Vaughan was different and yet the same: "one of a great guy and a courageous man lost too soon."

In Act III of William Shakespeare's classic "Henry V," King Henry says with pride, "As I am a soldier, A name that in my thoughts becomes me best . . ."

I will think of this today as I bow my head in prayer for the loss of Lieutenant Vaughan, a life of such great promise that was snuffed out too soon. He was living his life to its fullest, on the great adventure before him. But we can rest assured that Lieutenant Vaughan had the convictions of his beliefs, and that he fulfilled his beliefs to the end.

Lieutenant Shaw Vaughan took pride in his life as a soldier, and it is truly a name that, in all of our thoughts, becomes him best.

TWO YOUNG MEN OF HONOR

Mr. CRAIG. Mr. President, today I rise to remember the 3-year anniversary of the death of two, brave fallen firefighters.

July 22, 2003, will be a day that is always remembered in the hearts of the family and friends of Jeff Allen of Salmon, ID, and Shane Heath of Melba, ID. These brave men lost their lives while trying to save our public lands from a catastrophic wildfire in the Salmon-Challis National Forest. Both men were experienced firefighters of the Indianola Helitack Crew.

This weekend a memorial will be dedicated to Jeff and Shane. Family and friends will gather to remember their strong spirits and the sacrifice they made. This memorial symbolizes the courage of Jeff and Shane, the healing of the community, and helps us all to remember that wildfire spares no one.

Jeff Allen was 23 years old and had been a firefighter since 1999. He started working on the Salmon-Challis National Forest on a thinning crew on the Salmon-Cobalt District in 1998. He served successfully in fighting devastating fires on the Salmon-Challis National Forest during the 2000 fire season. Jeff was a marketing major at Boise State University.

Shane Heath was 22 years old and was in his fourth season with the Forest Service. He served on the Helitack crew as a certified sawyer and was also a student at Boise State University.

The tragic loss of these two men continues to be felt throughout their communities and their selfless acts of true bravery will not be forgotten. I commend the men and women who risk their lives every day by undertaking this terribly dangerous job with courage and professionalism.

Thousands of young men and women are on the fire fronts of the wildfires that are now sweeping across the West. As we enter the middle of fire season, with the devastating heat that we are having in the Great Basin, and the West, I hope that we do not lose another firefighter to wildfire.

GREAT LAKES FISH AND WILDLIFE RESTORATION ACT

Mr. DEWINE. Mr. President, I am very pleased that the Senate has passed the Great Lakes Fish and Wildlife Restoration Act, S. 2430. My colleague from Michigan, Senator LEVIN, and I believe that this legislation will provide the resources and authority for the U.S. Fish and Wildlife Service, the States, and the tribes to restore fish and wildlife in the Great Lakes.

The program has support from the States, tribes, and nongovernmental groups because it is a good management tool. Over 140 fish species and over 500 species of migratory birds can be found in the basin. The Great Lakes population has been growing, and like many coastal areas, there is a large concentration of people and industry on the coasts. Further, the Great Lakes are threatened by the continuing introduction of invasive species which impact the native food chain and habitat.

The fish and wildlife in the Great Lakes are under pressure, and the Great Lakes Fish & Wildlife Restoration Act of 2006 provides needed resources and authority. For instance, the bill would reauthorize the grant program, increasing the amount available for grants to $12 million and add wildlife projects to the types of projects that may receive grants. The U.S. Fish & Wildlife Service would award grants based on the recommendations from the existing grant proposal review committee, though wildlife experts would be added to this committee.

The bill also authorizes up to $6 million each year for the U.S. Fish & Wildlife Service to undertake projects that have a regional benefit to fish and wildlife. Under this new authority, the Service would undertake projects based on the recommendations of States and tribes.

This bill reflects the collaboration of nongovernmental groups, as well as tribal, State, and Federal agencies with jurisdiction over the management of fish and wildlife resources of the Great Lakes. All of those groups have the goal of protecting and restoring the Great Lakes fish and wildlife, and this bill will continue in the right direction. I thank all of these groups for their work in shaping this bill.

I also thank the staff at the Environment and Public Works Committee, particularly Nathan Richmond and Jo-Ellen Darcy. I understand that Nathan's work in preparing this bill for markup was interrupted by the early arrival of his first child, so I appreciate the staff work involved in moving this bill

ADDITIONAL STATEMENTS

WATER TREATMENT PLANT OPENING

• Mr. ALLEN. Mr. President, today I honor and congratulate Fairfax Water, which serves nearly 1.5 million customers in the Commonwealth of Virginia on the opening of the Frederick P. Griffith, Jr. water treatment plant in Lorton, VA. They are dedicating the plant this Saturday, and while I am not able to attend the ceremony and festivities, I want to congratulate the leadership of Fairfax Water particularly Board Chairman Harry F. Day, and the other Fairfax Water board members Constance M. Houston, Philip W. Allin, Richard G. Terwilliger, Bill G. Evans, Burton J. Rubin, Paul J. Andino, Linda A. Singer, A. Dewey Bond, and Frank R. Begovich as well as Charles M. Murray, the general manager, for their efforts in undertaking this endeavor.

The Griffith plant is a state-of-the-art facility which combines sensitivity to the environment, technologically savvy security measures, and an appreciation for the history of its surrounding area. The plant sits on the site of a prison most famous for holding a group of suffragettes in 1917 who were arrested for demonstrating in front of the White House to secure their right to vote. The facility pays tribute to these brave ladies by incorporating design elements of the workhouse in the plant's architectural design. The opening of the facility shows the dedication Fairfax Water has for its customer's health and safety. Fairfax Water will continue to be a vital and necessary partner in its community, and a leader in the Commonwealth and the country. Mr. President, I know my colleagues will join me in sending best wishes to the board members and employees at Fairfax Water.•

100TH ANNIVERSARY OF BOWBELLS, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 28–30, the residents of Bowbells will gather to celebrate their community's history and founding.

Bowbells is a vibrant community in northwestern North Dakota, just a short drive from the Canadian border. The town was founded in 1896 with the help of the Soo Line Railroad that passed through the town. The name "Bowbells" came from the bells at the Church of St. Mary-le-Bow located in London, England, that were in the shape of bows. By 1913, the town was served by two different railroad lines. Today, it is the county seat of Burke County, ND.

Many citizens of Bowbells support their families through agriculture, producing a wide array of products, including canola, flax, barley, sunflowers, hard red spring wheat, and durum. Located near Bowbells is the Des Lacs National Wildlife Refuge, which supports a large waterfowl population. Outdoor enthusiasts can also enjoy both fishing and hunting opportunities in and around Bowbells.

Citizens of Bowbells have organized numerous activities to celebrate their centennial. Some of these activities include a golf tournament, class reunions, street dances, a 5K/10K walk/run, a parade, softball and baseball games, and all-faith services.

Mr. President, I ask the Senate to join me in congratulating Bowbells, ND, and its residents on the first 100 years and in wishing them well through the next century. By honoring Bowbells and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Bowbells that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Bowbells has a proud past and a bright future.•

IN HONOR OF ISRAEL HOROVITZ

• Mr. KERRY. Mr. President, I would like to take a moment to celebrate the life and work of a special individual. At the end of this year, Mr. Israel Horovitz will retire as artistic director of the Gloucester Stage Company, and as he prepares to do so I am proud to join with his colleagues, family, and fans in celebrating more than 25 years of sustained artistic contributions to Massachusetts and the country.

Modern American theater has much to celebrate as a result of Israel's leadership at Gloucester Stage. Born in Wakefield, MA, he returned to his home State to found the Gloucester Stage Company after holding such prestigious posts as the Royal Shakespeare Company's Playwright-in-Residence. Since the inception of Gloucester Stage in 1979, the theatre has premiered the works of esteemed playwrights such as Terrence McNally, Wendy Wasserstein, and in the years since has brought real meaning to Horovitz's vision of a theatre that serves as a "safe harbor for new writing." In the course of bringing the works of new, undiscovered playwrights to life, Gloucester Stage has hosted over 35 world premieres of plays, many of which went on to successful runs on Broadway and beyond.

In addition to celebrating Israel as the artistic director, we must also celebrate his writings. Horovitz is the author of more than 50 plays and he stands as one of the most internationally acclaimed American playwrights of our time. He was presented with the prestigious Elliot Norton Prize celebrating his work with the theatre. And his plays and screenplays have earned him many of the industry's most prestigious awards, such as the OBIE, which he earned twice, the Prix du Jury of the Cannes Film Festival, the Prix du Plaisir du Theatre, an Award in Literature of the American Academy of Arts and Letters, and the Lifetime Achievement Award from B'Nai Brith, among many others. On March 29, the Commonwealth of Massachusetts honored Horovitz with a Governor's Leadership Award and under his leadership Gloucester Stage has received numerous Best of Boston awards as well as the New England Theatre Conference Award.

I am proud to represent a State where Israel's artistry has blossomed, inspired young and old minds alike, entertained generations, and lifted lives. He is one of our true cultural treasures, and he has honored the best traditions of the theater by asking difficult questions and using them to illuminate and celebrate the human condition. I wish Israel and Gillian the very best as they look back on so many achievements and contributions to modern American culture, and I wish them the very best as they begin this new chapter in life.•

TRIBUTE TO MORGAN HARRIS

• Mr. SESSIONS. Mr. President, I often rise to speak about the issues being debated on the floor of the Senate, whether it be to share my thoughts on immigration, the war in Iraq, or the marriage amendment—as was the case this past week. I am honored to speak for the people of Alabama and to share their concerns with my colleagues in the Senate. Today I wish, not to debate, but for a moment reflect on the rich history of our Nation.

I have heard it stated, on more than one occasion, that the length of a person's stay in Washington should be measured by the feeling they get standing on Constitution Avenue at dusk. As a public servant, I find it impossible to look at the Capitol, illuminated against the night sky, without reflecting on the history and sacrifice of our forefathers.

I was reminded of this while reading a speech written by Morgan Harris, a sixth grader at Hampton Cove Middle School in Huntsville, AL. Morgan, tasked by his English and Social Studies teachers to write a speech about the flag, took the creative approach of writing from the flag's perspective. While there have been poems written from similar points of view, I found Morgan's speech to be a refreshing reminder of the history and importance of Old Glory. I share it with you today:

FLAG SPEECH

(By Morgan Harris)

> I am the flag. I was originated on June 14, 1777. I was given 13 stripes alternating red and white with 13 white stars in a field of blue. I am the flag. My content was dictated, but my arrangement was not. Many made me appear in different ways. My stripes usually stayed the same, but my stars were often rearranged. For many years history has taught that Betsy Ross was my original maker. Though she made many flags, there is no proof that she made me first. In 1818 my design was set. The only change was to add a star for each new State. I was carried by soldiers into battle. I flew from the masts of great ships. For 47 years I had 48 stars. In 1959 and 1960 I was given two stars for the new States of Alaska and Hawaii. Today, I still have those same 50 stars and 13 stripes. I am the flag.
>
> To show respect and dignity for what I represent, rules have been written for my use and care. When I am displayed during the playing of the national anthem, men and women in uniform stand at attention and salute me. All others stand at attention with their right hand over their heart and men remove their hats. During the Pledge of Allegiance, everyone is to stand at attention with their right hand over their heart. I am usually flown in the outdoors from sunrise to sunset. However, I may be flown for 24 hours a day if lighted during darkness. I should not be left out in the rain or bad weather. I am flown at half-staff upon the death of great people to show respect to their memory. I am draped over the caskets of those who serve our country. No other flag is to fly about me. I am the American flag.
>
> I should never be allowed to touch the ground and should be stored and protected. I should never be displayed upside down, except as a sign of distress. I should always be carried aloft and free. I represent a living country and I am considered a living thing. Therefore, when I am worn as a pin I should be worn on the left near the heart. When I am no longer fitting for display, I am to be destroyed in a dignified manner, preferably by burning.
>
> The writer Henry Ward Beecher once said, "The American flag has been a symbol of Liberty and men rejoiced in it." Mr. Beecher was stating how the flag represents our freedom in America and this is what I love most about the flag.
>
> When I see the flag flying high on a flag pole and hear "The Star-Spangled Banner" played, I think of the freedom we have as Americans. I think of the men and women who have died so that we may have this freedom. It makes me proud to be an American. The flag is our symbol of freedom."

Mr. President, I am sure it will come as no surprise to you that Morgan's speech won first place out of 148 entries at his school. He has much to be proud of.●

IN HONOR OF DR. ROBERTO LANGER

● Mr. KERRY. Mr. President, today I wish to recognize and celebrate the work of a great man whose work has an impact on lives throughout this country and all over the globe. This month hundreds of scientists will gather at the Massachusetts Institute of Technology to celebrate one of their own, Doctor Robert Langer, and I am proud to join them in doing so.

Most Americans will never meet Dr. Langer, but chances are his research has already affected their life. One of America's most brilliant scientists, Dr. Langer has been on the front lines of the fight to cure cancer and continues to push the envelope of biomedical engineering. Dr. Langer studied chemical engineering in college after being inspired by the gift of a chemistry set as a child. He went on to receive his doctorate from MIT in 1974. Doctor Langer accepted a postdoctorate fellowship at Children's Hospital in Boston with Judah Folkman, a leading cancer researcher.

Dr. Langer's return to MIT as a professor of chemical engineering resulted in the creation of the Langer Lab, one of the most cutting-edge biotechnology laboratories in the world. Researchers at the Langer Lab study ways to utilize polymers to deliver life-saving drugs to patients with diseases such as diabetes and cancer, and the success of Doctor Langer's work earned him a place as one of CNN's "100 Most Important People in America." In 2004, Parade magazine selected him as one of six "Heroes whose research may save your life."

Dr. Langer's genius has been recognized repeatedly by his scientific peers as well. He is the recipient of over 140 major awards, including in 2002 the premier award in science, the Charles Stark Draper prize. In 1998, he was awarded the Lemelson-MIT prize for invention, and in 2006 he was inducted into the Inventor's Hall of Fame. He holds nearly 550 patents, 180 of which are licensed to medical, chemical, or pharmaceutical companies. Dr. Langer is one of a select few elected to all three of America's National Academies—the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine at the National Academy of Sciences—and at age of 43, was the youngest man to be so honored.

Massachusetts has a long and rich history of technological innovation, global leadership in health care, and advancing insight into the human condition. Dr. Langer's genius and creativity have kept the faith with that history through 30 years of providing cutting-edge solutions to the medical problems of today and tomorrow. Along with his colleagues, family, and friends, I thank him for his contributions and look forward to many more years of his work on behalf of people all over the globe.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:13 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 250) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: Mr. McKEON, Mr. CASTLE, Mr. SOUDER, Mr. OSBORNE, Mrs. MUSGRAVE, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mr. KIND.

The message also announced that the House passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2990. An act to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry.

H.R. 5646. An act to study and promote the use of energy efficient computer servers in the United States.

ENROLLED JOINT RESOLUTION SIGNED

At 11:58 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 40. Joint resolution authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2990. An act to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4411. An act to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7493. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Report to Congress on the Feasibility of Federal Drug Courts"; to the Committee on the Judiciary.

EC–7494. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Realignment of the Santa Lucia Highlands and Arroyo Seco Viticultural Areas" ((RIN1513–AA72)(T.D. TTB–49)) received on June 28, 2006; to the Committee on the Judiciary.

EC–7495. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Expansion of the San Francisco Bay and Central Coast Viticultural Areas" ((RIN1513–AA55)(T.D. TTB–48)) received on June 28, 2006; to the Committee on the Judiciary.

EC–7496. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Expansion of the Livermore Valley Viticultural Area" ((RIN1513–AA54)(T.D. TTB–47)) received on June 28, 2006; to the Committee on the Judiciary.

EC–7497. A communication from the Acting General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Administrator, Office of Information and Regulatory Affairs, received on June 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7498. A communication from the Acting General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Agency, received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7499. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–392, "Commission on Poverty Establishment Act of 2006" received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7500. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-393, "Office of Police Complaints Amendment Act of 2006" received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-7501. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-394, "Triangle Community Garden Equitable Real Property Tax Exemption and Relief Act of 2006" received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-7502. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-395, "AccessRx Act Clarification Temporary Amendment Act of 2006" received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-7503. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-396, "Health Care Privatization Benefit and Reimbursement Exemption Temporary Act of 2006" received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-7504. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-397, "Day Care Grant-Making and Rulemaking Temporary Amendment Act of 2006" received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-7505. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-398, "Far Southeast Community Organization Tax Exemption and Forgiveness for Accrued Taxes Temporary Act of 2006" received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-7506. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-399, "Washington Nationals on T.V. Temporary Act of 2006" received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-7507. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-400, "Board of Real Property Assessments and Appeals Reform Act of 2006" received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-7508. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-401, "Right of Tenants to Organize Amendment Act of 2006" received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-7509. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-402, "Natural Gas and Home Heating Oil Taxation Relief and Ratepayer Clarification Act of 2006" received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-7510. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-403, "NCRC and AWC Debt Acquisition Delegation Authority Amendment Act of 2006" received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-7511. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-409, "New Convention Center Hotel Omnibus Financing and Development Act of 2006" received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-7512. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Veterans' Preference" (RIN3206-AL00) received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-7513. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri" (FRL No. 8192-4) received on July 6, 2006; to the Committee on Environment and Public Works.

EC-7514. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Nebraska" (FRL No. 8192-5) received on July 6, 2006; to the Committee on Environment and Public Works.

EC-7515. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Carbon Monoxide Maintenance Plan, Conformity Budgets, Emissions Inventories; State of New Jersey" (FRL No. 8191-2) received on July 6, 2006; to the Committee on Environment and Public Works.

EC-7516. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky Prevention of Significant Deterioration and Nonattainment New Source Review" (FRL No. 8191-5) received on July 6, 2006; to the Committee on Environment and Public Works.

EC-7517. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Mississippi Prevention of Significant Deterioration and New Source Review" (FRL No. 8191-4) received on July 6, 2006; to the Committee on Environment and Public Works.

EC-7518. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Charleston Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan" (FRL No. 8191-9) received on July 6, 2006; to the Committee on Environment and Public Works.

EC-7519. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Colorado: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 8193-2) received on July 6, 2006; to the Committee on Environment and Public Works.

EC-7520. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Maricopa County Air Quality Department; State of California; San Joaquin Valley Unified Air Pollution Control District; State of Nevada; Nevada Division of Environmental Protection" (FRL No. 8190-1) received on July 6, 2006; to the Committee on Environment and Public Works.

EC-7521. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing" (FRL No. 8190-5) received on July 6, 2006; to the Committee on Environment and Public Works.

EC-7522. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Stationary Compression Ignition Internal Combustion Engines" (FRL No. 8190-7) received on July 6, 2006; to the Committee on Environment and Public Works.

EC-7523. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Stationary Combustion Turbines" (FRL No. 8033-4) received on July 6, 2006; to the Committee on Environment and Public Works.

EC-7524. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Utah: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 8193-5) received on July 6, 2006; to the Committee on Environment and Public Works.

EC-7525. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report that the Administration is soon to provide Congress with the six month Preliminary Technical Report on Louisiana Coastal Protection and Restoration (LACPR); to the Committee on Environment and Public Works.

EC-7526. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to recommending modification to the authorization of the East Baton Rouge Parish, Louisiana, flood damage reduction project; to the Committee on Environment and Public Works.

EC-7527. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Exchange or Sale of Government-Owned Information Technology" (DFARS Case 2003-D094) received on July 6, 2006; to the Committee on Armed Services.

EC-7528. A communication from the Director, Defense Procurement and Acquisition

Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Required Sources of Supply" (DFARS Case 2003-D072) received on July 6, 2006; to the Committee on Armed Services.

EC-7529. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Relocation of Subpart 225.6 to 225.76" (DFARS Case 2006-D003) received on July 6, 2006; to the Committee on Armed Services.

EC-7530. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Extension of Contract Goal for Small Disadvantaged Businesses and Certain Institutions of Higher Learning" (DFARS Case 2006-D010) received on July 6, 2006; to the Committee on Armed Services.

EC-7531. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Acquisition of Information Technology" (DFARS Case 2003-D068) received on July 6, 2006; to the Committee on Armed Services.

EC-7532. A communication from the Publications Control Officer, Department of the Army, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Law Enforcement Reporting" (RIN0702-AA52-U) received on July 7, 2006; to the Committee on Armed Services.

EC-7533. A communication from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting, pursuant to law, the annual report for the Pentagon Renovation and Construction Program Office; to the Committee on Armed Services.

EC-7534. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (2) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-7535. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Department of Defense Chemical and Biological Defense Program (CBDP) Annual Report to Congress; to the Committee on Armed Services.

EC-7536. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Appendix A to 31 CFR Chapter V" received on July 12, 2006; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 5672. A bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109-280).

By Mr. BROWNBACK, from the Committee on Appropriations, without amendment:

S. 3660. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109-281).

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 418. A bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products (Rept. No. 109-282).

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment:

H.R. 1036. To amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. GREGG for the Committee on the Budget.

Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget.

By Mr. SPECTER for the Committee on the Judiciary.

Neil M. Gorsuch, of Colorado, to be United States Circuit Judge for the Tenth Circuit.

Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit.

Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

Daniel Porter Jordan III, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Gustavo Antonio Gelpi, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Martin J. Jackley, of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.

Brett L. Tolman, of Utah, to be United States Attorney for the District of Utah for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Mr. HAGEL, and Mrs. CLINTON):

S. 3651. A bill to reduce child marriage, and for other purposes; to the Committee on Foreign Relations.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 3652. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Homeland Security and Governmental Affairs.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. WARNER, and Mr. ALLEN):

S. 3653. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JEFFORDS (for himself and Mr. CARPER):

S. 3654. A bill to amend the Internal Revenue Code to allow a credit against income tax, or, in the alternative, a special depreciation allowance, for reuse and recycling property, to provide for tax-exempt financing of recycling equipment, and for other purposes; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. COBURN):

S. 3655. A bill to amend the Internal Revenue Code of 1986 to allow individuals eligible for veterans health benefits to contribute to health savings accounts; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 3656. A bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes; to the Committee on Foreign Relations.

By Mr. SANTORUM:

S. 3657. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3658. A bill to reauthorize customs and trade functions and programs in order to facilitate legitimate international trade with the United States, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 3659. A bill to reauthorize and improve the women's small business ownership programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BROWNBACK:

S. 3660. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2007, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. INHOFE, and Mr. HARKIN):

S. 3661. A bill to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself, Mr. BROWNBACK, Mr. KERRY, Ms. MIKULSKI, Mr. DEWINE, Mr. DEMINT, Mr. TALENT, Mr. ISAKSON, Mr. OBAMA, Mr.

VOINOVICH, Ms. LANDRIEU, Mr. SANTORUM, Mr. DODD, Mr. LOTT, Mr. DURBIN, Mr. CHAMBLISS, Mr. BAYH, Mr. SPECTER, Mr. ALLEN, Mr. BURR, Mr. MCCAIN, Mr. COCHRAN, Mr. BIDEN, Mrs. HUTCHISON, Mrs. DOLE, Mr. FRIST, Mr. WARNER, Mr. ALEXANDER, Mr. VITTER, Mrs. BOXER, Mr. SARBANES, Mr. SALAZAR, and Mr. SCHUMER):

S. Res. 528. A resolution designating the week beginning on September 10, 2006, as "National Historically Black College and Universities Week"; considered and agreed to.

By Mr. OBAMA (for himself, Mr. DEMINT, Ms. MIKULSKI, Mr. ISAKSON, and Mr. KENNEDY):

S. Res. 529. A resolution designating July 13, 2006, as "National Summer Learning Day"; considered and agreed to.

By Mr. COLEMAN (for himself and Mr. LUGAR):

S. Con. Res. 109. A concurrent resolution commending the Government of Canada for its renewed commitment to Afghanistan; considered and agreed to.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 121

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 121, a bill to amend titles 10 and 38, United States Code, to improve the benefits provided for survivors of deceased members of the Armed Forces, and for other purposes.

S. 283

At the request of Mrs. DOLE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 283, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the transportation of food for charitable purposes.

S. 403

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 760

At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 1353

At the request of Mr. REID, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1376

At the request of Mr. COCHRAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1376, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 1522

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1522, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 2065

At the request of Mr. ENZI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2065, a bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes.

S. 2066

At the request of Mr. ENZI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2066, a bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes.

S. 2067

At the request of Mr. ENZI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2067, a bill to assist chemical manufacturers and importers in preparing material safety data sheets pursuant to the requirements of the Hazard Communication standard and to establish a Commission to study and make recommendations regarding the implementation of the Globally Harmonized System of Classification and Labeling of Chemicals.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2590

At the request of Mr. COBURN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2599

At the request of Mr. VITTER, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2666

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2666, a bill to temporarily suspend the revised tax treatment of kerosene for use in aviation under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

S. 2703

At the request of Mr. LEAHY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2703, a bill to amend the Voting Rights Act of 1965.

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2703, supra.

S. 2754

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2754, a bill to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

S. 2917

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2917, a bill to amend the Communications Act of 1934 to ensure net neutrality.

S. 2990

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2990, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 3128

At the request of Mr. BURR, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3128, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 3275

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 3275, a bill to amend title 18, United States code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 3503

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3503, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. 3504

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3504, a bill to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

S. 3521

At the request of Mr. GREGG, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 3521, a bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process.

S. 3582

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3582, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 3609

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3609, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. RES. 407

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 407, a resolution recognizing the African American Spiritual as a national treasure.

S. RES. 499

At the request of Ms. MURKOWSKI, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Res. 499, a resolution designating September 9, 2006, as "National Fetal Alcohol Spectrum Disorders Awareness Day".

S. RES. 500

At the request of Mr. BROWNBACK, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from North Carolina (Mrs. DOLE), the Senator from Florida (Mr. MARTINEZ) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 500, a resolution expressing the sense of Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered or unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 527

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. Res. 527, a resolution condemning in the strongest terms the July 11, 2006, terrorist attacks in India and expressing sympathy and support for the families of the deceased victims and wounded as well as steadfast support to the Government of India as it seeks to reassure and protect the people of India and to bring the perpetrators of this despicable act of terrorism to justice.

AMENDMENT NO. 4515

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 4515 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4573

At the request of Mr. OBAMA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4573 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4597

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 4597 intended to be proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4600

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4600 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4610

At the request of Mr. THUNE, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 4610 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4615

At the request of Mr. VITTER, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kansas (Mr. ROBERTS), the Senator from Kentucky (Mr. BUNNING), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BAUCUS), the Senator from Wyoming (Mr. THOMAS), the Senator from Oregon (Mr. SMITH), the Senator from North Carolina (Mrs. DOLE), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of amendment No. 4615 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4618

At the request of Mr. DAYTON, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 4618 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4620

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 4620 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4626

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4626 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 4626 proposed to H.R. 5441, supra.

AMENDMENT NO. 4634

At the request of Mr. MENENDEZ, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 4634 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4641

At the request of Mr. DODD, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 4641 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 3652. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Homeland Security and Governmental Affairs.

Ms. MIKULSKI. Mr. President, today I am reintroducing the Law Enforcement Officers Retirement Equity Act. I am proud to be joined on this bill by my colleague and friend, Senator SARBANES. This legislation will ensure that all Federal law enforcement officers have the same retirement options and that their pay and benefits conform to the federal law enforcement retirement system.

Under current law, most Federal law enforcement officers and firefighters are eligible to retire at age 50 with 20 years of Federal service. But some Federal law enforcement personnel, such as customs and immigration inspectors at the Department of Homeland Security or police officers at Veterans Affairs, are not eligible for these same benefits. This legislation will amend current law and grant the same pay and 20-year retirement to all law enforcement officers.

We must honor our Federal law enforcement personnel. The names of Federal law enforcement officials who have died in the line of duty are engraved on the Law Enforcement Memorial. We include the names of the officers from Homeland Security and Veterans Affairs. We honor them when they die, but we don't recognize them when they are living.

We need to make sure that all Federal law enforcement officers earn the pay and benefits that they deserve. These brave men and women are the country's first line of defense against terrorism and the smuggling of illegal drugs at our borders. They have the same law enforcement training as all other law enforcement personnel, and face the same risks and challenges.

For example, U.S. Customs inspectors are responsible for the most arrests performed by Customs Service employees. Yet they do not qualify for law enforcement officer status. Along with U.S. Customs agents, uniformed U.S. Customs inspectors are helping to provide additional security at the nation's airports and help enforce U.S. Customs laws. They were among the first to respond to the tragedy at the World Trade Center. After September 11, Customs inspectors are playing a critical role in ensuring that terrorists don't get their hands on weapons of mass destruction and smuggle them into the country.

Like customs inspectors, immigration inspectors at the Department of Homeland Security are also on the front lines of defense against terrorism. Immigration inspectors enforce the Nation's immigration laws at more than 300 ports of entry. In the normal course of their duties, they enforce criminal law, make arrests, interrogate applicants for entry, search persons and effects, and seize evidence. Inspectors' responsibilities have become increasing complex as political, economic and social unrest has increased globally. The threat of terrorism only increases these responsibilities.

This legislation is cost effective. Any cost that is created by this act is more than offset by savings in training costs and increased revenue collection. A 20-year retirement bill for these critical employees will reduce turnover, increase productivity, decrease employee recruitment and development costs, and enhance the retention of a well-trained and experienced work force. These vital Federal employees bear the same risks and work under similar conditions to other law enforcement officials and deserve to receive the same level of benefits.

This bill will improve the effectiveness of our Federal workforce to ensure the integrity of our borders and proper collection of the taxes and duties owed to the Federal Government. This bill is strongly supported by the National Treasury Employees Union. I urge my colleagues to join me again in this Congress in expressing support for this bill and finally getting it enacted.

By Mr. JEFFORDS (for himself and Mr. CARPER):

S. 3654. A bill to amend the Internal Revenue Code to allow a credit against income tax, or, in the alternative, a special depreciation allowance, for reuse and recycling property, to provide for tax-exempt financing of recycling equipment, and for other purposes; to the Committee on Finance.

Mr. JEFFORDS. Mr. President, today I am introducing the Recycling Investment Saves Energy—RISE—Act of 2006 with my colleague Senator CARPER. The RISE tax incentives will create jobs, increase productivity, conserve energy and expand America's recycling infrastructure.

I offer this bill to capture the significant energy savings available through greater recycling. For example, recycling aluminum cans saves 95 percent of the energy required to make the same amount of aluminum from its virgin source. The amount of lost energy from throwing away aluminum and steel cans, plastic PET and glass containers, newsprint and corrugated packaging was equivalent to the annual output of 15 medium sized coal powerplants. Increasing the recycling rate of these commodities by 10 percent would save enough energy annually to heat 74,350 million American homes, provide the required electricity for 2.5 million Americans, and save about $771 million in avoid costs for barrels of crude oil. As a result, recycling should be an integral component of our nation's energy efficiency strategy.

The RISE Act would also help create quality jobs. Due to the diminishing quantity and quality of available recyclable materials, many companies currently are not able to obtain the volume of quality recycled feedstock needed to meet demand. This new economic challenge makes it even harder for recycled products to compete in the marketplace. In some cases, recyclers have been forced to shut down their operations in the United States and relocate to other countries due in part to insufficient or poor quality recycled feedstocks. This is particularly unfortunate as, on a per-ton basis, sorting and processing recyclables are estimated to sustain 10 times more jobs than landfilling or incineration.

A national investment in our recycling infrastructure is necessary to reverse the stagnant or declining recycling rate of many consumer commodities, including aluminum, glass and plastic. For example, 55 billion aluminum cans were wasted by not being recycled in 2004, which represents approximately $1 billion of aluminum lost to industry. The recycling rate of paper is estimated to be roughly 51 percent, glass containers 35 percent, and PET plastic bottles less than 20 percent.

The RISE Act will save energy and improve the quantity and quality of recycled materials by allowing companies to claim either a 15-percent tax credit or a 50 percent accelerated depreciation deduction for the purchase of machinery and other equipment used exclusively to collect, distribute or recyclable material. Recyclable material is defined broadly to capture a wide variety of commodities, including plastic, scrap textiles, scrap rubber, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic waste generated by an individual or business. It does not include buildings, real estate or rolling stock used to transport reuse and recyclable materials.

The RISE Act aims to reverse the trend in recycling rates and resulting energy loss by incentivizing greater collection, distribution and recycling of quality recyclable materials. The bill will address quality concerns by reducing the barriers hindering investment in optical sorting and other state-of-the-art equipment needed at material recovery and manufacturing facilities. It will make innovative technology more affordable, such as reversible vending machines that collect and process empty containers. An earlier version of RISE was incorporated as section 1545 of the Senate Energy Policy Act of 2005, but did not survive the conference committee.

The Rise Act will amend section 142 of the Internal Revenue Code of 1986 by redefining "solid waste facilities" to ensure that recycling facilities are eligible for tax-exempt bond financing under this section. This latter provision was created to resolve an ongoing glitch in the law that prevents these facilities from being eligible for tax-exempt financing.

The following organizations support the RISE Act: American Beverage Association, American Forest & Paper Association, Association of Postconsumer Plastic Recyclers, Ball Corporation, Carolina Recycling Association, Glass Packaging Institute, Institute of Scrap Recycling Industries, Inc., ISRI, National Association for PET Container Resources, NAPCOR, National Recycling Coalition, National Solid Wastes Management Association, Solid Waste Association of North America, Steel Recycling Institute, US Conference of Mayors/Municipal Waste Management Association, Waste Technology Equipment Association, WASTEC, Envision Plastics, EvCo Research, LLC, Florikan ESA Corporation, L B. Schmidt and Associates, Mid America Recycling Companies, MSS. Inc., Novelis, Inc., formerly Alcan, NRT, Inc., O-I, formerly Owens-Illinois, Orwak Group, Reynolds Recycling, Saint-Gobain Containers, Inc., Strategic Materials, Inc., The Coca Cola Company, TiTech Visionsort, Tomra, UltrePET, United Resource Recovery Corporation, Van Dyke Bailer Corp/Lubo USA, wTe Corporation, Paper Recycling Coalition, and Yemm and Hart, Ltd. Mr. President, most of these organizations have submitted a joint letter in support of the RISE Act, and I will ask to have the letter printed in the RECORD following the statement.

Reducing the barriers to recycling also serves a number of environmental goals, including lessening the need for new landfills, preventing emissions of many air and water pollutants, reducing greenhouse gas emissions, and stimulating the development of green technology. But most importantly, recycling helps preserve resources of our children's future.

For these reasons, I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent to have the letter I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Recycling Investment Saves Energy" or the "RISE Act".

SEC. 2. FINDINGS.

The Senate finds the following:

(1) Recycling means business in the United States, with more than 56,000 reuse and recycling establishments that employ over 1.1 million people, generating an annual payroll of nearly $37 billion, and grossing over $236 billion in annual revenues. On a per-ton basis, sorting and processing recyclables alone sustain 10 times more jobs than landfilling or incineration.

(2) By reducing the need to extract and process virgin raw materials into manufacturing feedstock, reuse and recycling helps achieve significant energy savings. For example:

(A) Taken together, the amount of energy wasted from not recycling aluminum and steel cans, paper, printed materials, glass, and plastic equals the annual output of 15 medium sized power plants.

(B) The reuse of 500 steel drums per week yields 6 trillion Btu's per year, which is enough energy savings to power a city the size of Colorado Springs, Colorado, for 1 year.

(3) Unfortunately, the United States recycling rate of many consumer commodities, including aluminum, glass, and plastic, are stagnant or declining, and businesses that rely on recycled feedstock are finding it difficult to obtain the quantity and quality of recycled materials needed. Increasingly, United States manufacturing facilities that rely on recycled feedstock are closing or forced to re-tool to use virgin materials.

(4) The environmental impacts from reuse and recycling are significant. Increased reuse and recycling would produce significant environmental benefits, such as cleaner air, safer water, and reduced production costs. For example:

(A) Between 2 and 5 percent of the waste stream is reusable. Reuse prevents waste creation and adverse impacts from disposal.

(B) On a per-ton basis, recycling of: office paper prevents 60 pounds of air pollutants from being released, saves 7,000 gallons of water, and 3.3 cubic yards of landfill space; aluminum saves 10 cubic yards of landfill space; plastic saves 30 cubic yards of landfill space; glass prevents 7.5 pounds of air pollutants from being released and saves 2 cubic yards of landfill space; and steel saves 4 cubic yards of landfill space.

(5) A national investment in the reuse and recycling industries is needed to preserve and expand America's reuse and recycling infrastructure.

SEC. 3. CREDIT FOR REUSE AND RECYCLING PROPERTY.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45N. CREDIT FOR QUALIFIED REUSE AND RECYCLING PROPERTY.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the qualified reuse and recycling property credit determined under this section for the taxable year is an amount equal to 15 percent of the amount paid or incurred during the taxable year for the cost of qualified reuse and recycling property placed in service or leased by the taxpayer.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED REUSE AND RECYCLING PROPERTY.—

"(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any machinery and equipment (not including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to collect, distribute, or recycle qualified reuse and recyclable materials.

"(B) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport reuse and recyclable materials.

"(2) QUALIFIED REUSE AND RECYCLABLE MATERIALS.—

"(A) IN GENERAL.—The term 'qualified reuse and recyclable materials' means scrap plastic, scrap textiles, scrap rubber, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic waste generated by an individual or business.

"(B) ELECTRONIC WASTE.—For purposes of subparagraph (A), the term 'electronic waste' means—

"(i) any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

"(ii) any central processing unit.

"(3) RECYCLING OR RECYCLE.—The term 'recycling' or 'recycle' means that process (including sorting) by which worn or superfluous materials are manufactured or processed into specification grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including packaging.

"(c) AMOUNT PAID OR INCURRED.—For purposes of this section—

"(1) IN GENERAL.—The term 'amount paid or incurred' includes installation costs.

"(2) LEASE PAYMENTS.—In the case of the leasing of qualified reuse and recycling property by the taxpayer, the term 'amount paid or incurred' means the amount of the lease payments due to be paid during the term of the lease occurring during the taxable year other than such portion of such lease payments attributable to interest, insurance, and taxes.

"(3) GRANTS, ETC. EXCLUDED.—The term 'amount paid or incurred' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

"(d) ELECTION TO HAVE SECTION NOT APPLY.—A taxpayer may elect for any taxable year to have this section not apply with respect to any qualified recycling property specified by the taxpayer.

"(e) OTHER TAX DEDUCTIONS AND CREDITS AVAILABLE FOR PORTION OF COST NOT TAKEN INTO ACCOUNT FOR CREDIT UNDER THIS SECTION.—No deduction or other credit under this chapter shall be allowed with respect to the amount of the credit determined under this section.

"(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any amount paid or incurred with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.".

(b) CONFORMING AMENDMENTS.—

(1) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting ", plus", and by adding at the end the following new paragraph:

"(31) the qualified reuse and recycling property credit determined under section 45N(a).".

(2) Subsection (a) of section 1016 of such Code is amended by striking "and" at the

end of paragraph (36), by striking the period at the end of paragraph (37) and inserting "; and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 45N(f), in the case of amounts with respect to which a credit has been allowed under section 45N.".

(3) Section 6501(m) of such Code is amended by inserting "45N(d)," after "45C(d)(4),".

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45M the following new item:

"Sec. 45N. Credit for qualified reuse and recycling property.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 4. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

"(l) SPECIAL ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.—

"(1) IN GENERAL.—In the case of any qualified reuse and recycling property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified reuse and recycling property, and

"(B) the adjusted basis of the qualified reuse and recycling property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) QUALIFIED REUSE AND RECYCLING PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any qualified reuse and recycling property (as defined in section 45N(b)(1))—

"(i) to which this section applies,

"(ii) which has a useful life of at least 5 years,

"(iii) the original use of which commences with the taxpayer after December 31, 2005,

"(iv) which is—

"(I) acquired by purchase (as defined in section 179(d)(2)) by an eligible taxpayer after December 31, 2005, but only if no written binding contract for the acquisition was in effect before December 31, 2005, or

"(II) acquired by the eligible taxpayer pursuant to a written binding contract which was entered into after December 31, 2005.

"(B) EXCEPTIONS.—

"(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

"(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(C) SPECIAL RULES.—

"(i) SELF-CONSTRUCTED PROPERTY.—In the case of an eligible taxpayer manufacturing, constructing, or producing property for the eligible taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the eligible taxpayer begins manufacturing, constructing, or producing the property after December 31, 2005.

"(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(iii), if property—

"(I) is originally placed in service after December 31, 2005, by a person, and

"(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

"(D) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.

"(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term 'eligible taxpayer' means, with respect to any qualified reuse and recycling property, any taxpayer which elects not to have section 45N apply with respect to such property.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2005.

SEC. 5. TAX-EXEMPT BOND FINANCING OF RECYCLING FACILITIES.

(a) IN GENERAL.—Section 142 of the Internal Revenue Code of 1986 (defining exempt facility bond) is amended by adding at the end the following new subsection:

"(n) SOLID WASTE DISPOSAL FACILITIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(6) only, the term 'solid waste disposal facilities' means any facility used to perform a solid waste disposal function.

"(2) SOLID WASTE DISPOSAL FUNCTION.—

"(A) IN GENERAL.—For purposes of this subsection only, the term 'solid waste disposal function' means the collection, separation, sorting, storage, treatment, disassembly, handling, or processing of solid waste in any manner designed to dispose of the solid waste, including processing the solid waste into a useful energy source or product.

"(B) EXTENT OF FUNCTION.—For purposes of this subsection only, the solid waste disposal function ends at the later of—

"(i) the point of final disposal of the solid waste,

"(ii) immediately after the solid waste is incinerated to produce energy, or

"(iii) the point at which the solid waste has been converted into a material or product that can be sold in the same manner as comparable material or product produced from virgin material.

"(C) FUNCTIONALLY RELATED AND SUBORDINATE FACILITIES.—For purposes of this subsection only, in the case of a facility used to perform both a solid waste disposal function and another function—

"(i) the costs of the facility allocable to the solid waste disposal function are determined using any reasonable method based upon facts and circumstances, and

"(ii) if during the period that bonds issued as part of an issue described in subsection (a)(6) are outstanding with respect to any facility at least 65 percent of the materials processed in such facility are solid waste materials as measured by weight or volume, then all of the costs of the property used to perform such process are allocable to a solid waste disposal function.

"(3) SOLID WASTE.—For purposes of this subsection only—

"(A) IN GENERAL.—The term 'solid waste' means garbage, refuse, or discarded solid materials, including waste materials resulting from industrial, commercial, agricultural, or community activities.

"(B) GARBAGE, REFUSE OR DISCARDED SOLID MATERIALS.—For purposes of subparagraph (A), the term 'garbage, refuse, or discarded solid materials' means materials that are useless, unused, unwanted, or discarded.

"(C) EXCLUSION.—The term 'solid waste' does not include materials in domestic sewage, pollutants in industrial or other water resources, or other liquid or gaseous waste materials.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued before, on, or after the date of the enactment of this Act.

Hon. JIM JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR JEFFORDS: On behalf of the undersigned recycling industry organizations, companies and other groups that support recycling efforts, we write to support the "Recycling Investment Saves Energy" (RISE) bill. An earlier version of RISE was incorporated as Section 1545 of the Senate Energy Bill last year, but did not survive conference committee. RISE would save energy and improve the quantity and quality of recycled materials by allowing companies to claim either a tax credit or accelerated depreciation for the purchase of equipment used to collect, distribute or recycle a variety of commodities.

Your support will be greatly appreciated by businesses that are facing serious problems trying to secure a steady stream of quality recycled materials including glass, paper, plastic, steel and aluminum. This provision will create jobs, increase productivity and conserve energy by encouraging companies to invest in state-of-the-art recycling infrastructure. With recycling levels for individual materials either stalled or declining, we need to act now to improve usable recovered material and to enhance the quality of materials that are collected through curbside and other recycling programs.

Every industry that uses recycled materials as a feedstock realizes significant energy savings compared to production using virgin materials. By providing tax incentives to increase the quality and quantity of usable recycled materials available, the RISE provision will enable these industry segments to significantly reduce energy consumption.

Recycling associations and industries support this bill.

Sincerely,

American Beverage Association; American Forest & Paper Association; Association of Postconsumer Plastic Recyclers; Carolina Recycling Association; Glass Packaging Institute; National Association for PET Container Resources (NAPCOR); National Recycling Coalition; National Solid Wastes Management Association; Paper Recycling Coalition; Solid Waste Association of North America; Steel Recycling Institute; U.S. Conference of Mayors/Municipal Waste Management Association; Waste Technology Equipment Association (WASTEC); Ball Corporation; Envision Plastics; EvCo Research, LLC; Florikan ESA Corporation; L B. Schmidt and Associates; Mid America Recycling Companies; MSS, Inc; Novelis, Inc (formerly Alcan); NRT, Inc.; O-I (formerly Owens-Illinois); Orwak Group; Reynolds Recycling; Saint-Gobain Containers, Inc; Strategic Materials, Inc; The Coca Cola Company; TiTech Visionsort; Tomra; UltrePET; United Resource Recovery Corporation; Van Dyke Bailer Corp/Lubo USA; wTe Corporation; Yemm and Hart, Ltd.

By Mr. CRAIG (for himself and Mr. COBURN):

S. 3655. A bill to amend the Internal Revenue Code of 1986 to allow individuals eligible for veterans health benefits to contribute to health savings accounts; to the Committee on Finance.

Mr. CRAIG. Mr. President, I seek recognition today to introduce legislation to allow veterans who use the VA health care system to establish health savings accounts, HSAs. This legislation will increase health insurance options for veterans and their families, provide future options in the choice of health care providers for veterans, and could ultimately allow veterans who are forced to rely on the VA health care system today to choose to receive care from the private health care system in the future.

As my colleagues are aware, current law allows individuals who purchase a high deductible health insurance plan to contribute funds, on behalf of themselves and their family, to a health savings account. Funds are contributed to the HSA on a pretax basis and then can be withdrawn for qualified health care expenses without any tax consequence.

In order for a person's HSA to be in "good standing" with the IRS, the individual cannot carry health insurance that provides coverage for any health services prior to reaching the deductible amount of the high deductible plan. Of course, like many government programs, there are exceptions to the rules for certain circumstance. Most notably, a person does not jeopardize an HSA by purchasing long-term care or accident insurance nor is the receipt of workman's compensation coverage disqualified from contributing to an account. Yet the IRS has advised the health insurance industry that VA health care would count as a health insurance plan that provides coverage for health care services prior to reaching the high deductible limit. Therefore, veterans who use VA are not eligible to establish health savings accounts.

At the time this issue was brought to my attention, the argument was limited to the narrow issue of service-connected veterans being denied an opportunity to avail themselves of the tax advantages of an HSA simply because they suffered an injury related to their service in the military and the government was providing care for that injury. Of course, that seemed outrageous to me. Like any employer, the Government has an obligation to provide treatment for injuries sustained while military personal are serving our country. And if workman's comp is a current exemption, why not VA care?

So, I set out to draft a bill to allow service-connected veterans who use VA for service-connected treatment to establish HSAs. But, the more I considered the arguments for allowing those who use VA for service-connected conditions to have HSAs, the more I realized that the arguments applied just as strongly to all VA patients. I would like to take a moment to explain my arguments.

First, the current law unfairly affects families of veterans when the veteran is the sole provider of income for the family. As everyone knows, VA is not a family health care provider except in the extreme case of a permanently disabled service-connected veteran. Therefore if a veteran—even a service-connected veteran—uses the VA health care system, current law does not even allow that veteran to contribute money on behalf of his family to an HSA. What good does that do? Why would we prohibit a veteran from providing health coverage to his or her family? In my opinion, that does neither the veteran nor his or her family any good. It is simply a well-intention policy when applied to HSAs, with a harmful, unintended consequence as applied to veterans.

Second, under current law VA is permitted to bill insurance carriers for the treatment of nonservice connected conditions. Further, many veterans are required to pay copayments to VA in order to receive that same care. So, veterans have out-of-pocket medical expenses and VA can bill their insurance provider. Yet we have a policy that disallows the establishment of a tax free account to pay for those medical expenses and—even worse—provides a disincentive for the veterans to buy an insurance policy that VA could one day bill. Again, I understand the genesis of the policy. However, it is having unintended consequences when applied to our veterans.

Finally, while it is true that more and more veterans are choosing to use VA as their provider of choice as a result of the excellent care provided by the system, there are still hundreds of thousands of veterans who use VA because they are financially unable to afford the private health system. I am proud that this Nation stands by those veterans who cannot provide for their own care in the private system. However, I do not think we should statutorily preclude them from even trying to take control of their own health care finances.

What harm would come if a veteran, who uses VA today because he or she has no other option, was suddenly allowed to purchase a low premium, high deductible plan and then begin to contribute to a savings account that he or she would now own. I say no harm at all. The only thing that could come of this is that the veteran may one day say to his government: I was there for you when you needed me. You were there for me when I needed you. Now, I no longer need you.

Again, I am not saying that veterans should feel as though I am trying to get them to leave the VA system. I am not. But, I certainly do not want to stop a veteran from choosing to buy insurance, start saving in an HSA, and one day leaving the system. I think one of the things government can do for its citizens is provide the tools and assistance that will allow Americans to provide for themselves. That is what this legislation is about.

I am confident that many of you will agree with the premise that it is a basic issue of fairness to support allowing service-connected veterans to establish HSAs. But, I also hope that I have demonstrated here today that it is sound public policy to extend the HSA option to all veterans who use VA's health care system.

I urge my colleagues to be cosponsors of this legislation and I urge passage of the bill as soon as possible.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE:)

S. 3656. A bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator SNOWE to introduce legislation to strengthen our international HIV prevention efforts for youth and empower the people on the ground who are fighting this disease to design the most effective and appropriate HIV prevention program.

Our legislation does three things. First, it expresses the sense of the Senate that sexually active youth who live in a country where HIV infection is spreading through the general population should be considered at high risk of contracting HIV and provided with information on the complete range of tools to prevent the spread of HIV.

To date, the Office of the Global AIDS Coordinator has focused prevention programs for youth on abstinence only and ignored other prevention techniques such as the use of condoms.

Second, it defines "abstinence-until-marriage" programs as those programs that place the highest, rather than exclusive, priority on encouraging individuals who have not yet married to abstain from sexual activity.

And finally, it reserves at least one-third of funds for prevention of the sexual transmission of HIV—rather than one-third of all prevention programs—for abstinence-until marriage programs. This recognizes that HIV prevention includes many types of activities and those that target the sexual transmission of HIV/AIDS, such as abstinence-until-marriage programs, are only a subset.

In 2003, I was proud to join my colleagues in passing the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, a historic piece of legislation that expressed our resolve to see the United States take a leadership role in the fight against the global HIV/AIDS pandemic.

The bill recognized that prevention—along with care and treatment—is an essential component of that fight and demands a multipronged approach. It endorsed the "ABC" model for prevention of the sexual transmission of HIV: Abstain, Be Faithful, use Condoms.

That bill also contained a provision that mandated that at least one-third of global HIV/AIDS prevention funds be set aside for "abstinence-until-marriage programs."

Three years later, we still face an uphill battle against the HIV/AIDS pandemic. Worldwide, 40 million people are infected with HIV. Each day, approximately 13,400 people are newly infected with HIV. In 2005, there were 5 million new HIV infections around the world, 3.2 million in Sub-Saharan Africa alone. Sub-Saharan Africa is home to almost two-thirds of the estimated 40 million people currently living with HIV.

Across sub-Saharan Africa, the prevalence rate for the general population is 8 percent; 2.4 million adults and children died of AIDS in 2005.

Despite these devastating numbers, according to UNAIDS, less than one in five people at risk for infection of HIV have access to basic prevention services. Studies have shown that two-thirds of new HIV infections could be averted with effective prevention programs.

Clearly, we still have a long ways to go to rein in this disease.

During the debate on the global HIV/AIDS bill, I expressed concern that we were placing politics over science by requiring that at least one-third of prevention funds go to "abstinence only" programs.

I argued that such an artificial earmark—which, by the way, was not based on any scientific study or conclusive evidence—would tie the hands of HIV/AIDS workers and doctors on the ground and severely inhibit the ability of the administration to fund the most effective HIV prevention programs.

It would mean less money for funds to prevent mother-to-child transmission; less money to promote a comprehensive prevention message to high risk groups such as sexually active youth; and fewer funds to protect the blood supply.

Unfortunately, the evidence clearly shows that the one-third earmark has had a negative impact on our prevention efforts and inhibited the ability of local communities to design a multipronged HIV prevention program that works best for them.

Last month, the Government Accountability Office, GAO, issued a report that found "significant challenges" associated with meeting the abstinence-until-marriage programs. The report concluded that:

The 33 percent abstinence spending requirement is squeezing out available funding for other key HIV prevention programs such as mother-to-child transmission and maintaining a healthy blood supply. Country teams that are not exempted from the one-third earmark have to spend more than 33 percent of prevention funds on abstinence-until-marriage activities, sometimes at the expense of other programs. The spending requirement limited or reduced funding for programs directed to high-risk groups, such as sexually active youth and; the majority of country teams on the ground reported that meeting the spending requirement "challenges their ability to develop interventions that are responsive to local epidemiology and social norms."

Clearly, we are placing constraints on our ability to protect high-risk populations around the world from HIV transmission and fund the wide range of prevention programs, such as mother-to-child transmission.

Our bill seeks to address the problems highlighted in the GAO report and provide local communities the necessary flexibility to achieve the goal we all share: stopping the spread of HIV, especially among young people.

Let me be clear: our bill does not strike the 33 percent earmark for "abstinence-until-marriage" programs.

In fact, our legislation is pro-abstinence. It maintains abstinence as a critical part our prevention efforts and places no limits on programs that lead to this result. It even allows the administration to spend more than one third of funds for the prevention of HIV on "abstinence-until-marriage" programs if the administration decides that is the best use of those funds.

Simply put, our bill balances congressional priorities with public health needs. Under our legislation, country teams can take into account country needs including cultural differences, epidemiology, population age groups and the stage of the epidemic in designing the most effective prevention program.

One size does not fit all. A prevention program in one country may look a lot different than a prevention program in another country.

A May 2003 report from the Bill and Melinda Gates Foundation and Henry J. Kaiser Foundation highlights that proven prevention programs include: behavior change programs, including delay in the initiation of sexual activity, faithfulness and correct and consistent condom use; testing and treatment for sexually transmitted diseases; promoting voluntary counseling and testing; harm reduction programs for IV drug users; preventing the transmission of HIV from mother to child; increasing blood safety; empowering women and girls; controlling infection in health care settings, and; devising programs geared towards people living with HIV.

For example, studies have shown that combining drugs with counseling and instruction on use of such drugs reduces mother-to-child transmission by 50 percent.

Such cost effective programs are not related to abstinence and should not be constrained by the 33 percent earmark on funds for prevention.

I understand the importance of teaching abstinence. It is and will remain a key part of our strategy in preventing the spread of HIV.

But let us listen to the words of someone with first hand experience about the challenges sub-Saharan African countries face in combating HIV/AIDS and the constraints the "abstinence-until-marriage" earmark places on those efforts.

In an August 19, 2005 op-ed in the New York Times, Babatunde Osotimehin, chairman of the National Action Committee on AIDS in Nigeria, wrote:

> Abstinence is one critical prevention strategy, but it cannot be the only one. Focusing on abstinence assumes young people can choose whether to have sex. For adolescent girls in Nigeria and in many other countries, this is an inaccurate assumption. Many girls fall prey to sexual violence and coercion ..When dealing with AIDS, we must address the realities and use a multipronged approach to improving education and health systems, one that can reach all of our people.

He concludes:

> National governments must have the freedom to employ the very best strategies at our disposal to help our people.

I could not agree more.

If we want to help the girls of Nigeria and the youth of sub-Saharan Africa, we cannot limit the information they receive about keeping them safe from acquiring HIV.

Mr. President, I have been heartened to witness Republicans and Democrats coming together to support a robust U.S. assistance package to fight the HIV/AIDS pandemic. We all share the same goal of the President's Emergency Plan for AIDS Relief to prevent 7 million new HIV infections by 2010.

This bill is about helping us achieve that goal. When we put our faith in the people on the front lines of this fight and allow them to use all the tools and strategies at their disposal, we are one step closer to making that goal a reality.

We do not have time to lose. I urge my colleagues to support our legislation and support a pro-abstinence, multi-pronged approach to preventing the spread of HIV.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "HIV Prevention for Youth Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The President's Emergency Plan for AIDS Relief (in this Act referred to as "PEPFAR") is an unprecedented effort to combat the global AIDS epidemic, with $9,000,000,000 targeted for initiatives in 15 focus countries.

(2) The PEPFAR prevention goal is to avert 7,000,000 HIV infections in the 15 focus countries—most in sub-Saharan Africa where heterosexual intercourse is by far the predominant mode of HIV transmission.

(3) The PEPFAR strategy for prevention of sexual transmission of HIV is shaped by 3 elements: the ABC model, defined as "Abstain, Be faithful, use Condoms", the promotion of "abstinence-until-marriage", and deference to local prevention needs.

(4) The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 requires that at least one-third of all prevention funds be reserved for abstinence-until-marriage programs. In implementing this requirement, the U.S. Global AIDS Coordinator has required that 50 percent of prevention funding be dedicated to sexual transmission prevention activities. This requirement severely limits countries from employing strategies for the prevention of sexual transmission other than abstinence, because the other sexual transmission prevention programs under PEPFAR (such as the purchase of condoms and management of sexually transmitted infections) cannot exceed one-sixth of the total prevention funds.

(5) The Government Accountability Office (GAO) issued a report in April, 2006, "Spending Requirement Presents Challenges For Allocating Funding under the President's Emergency Plan for AIDS Relief", that found "significant challenges" associated with meeting the earmark for abstinence-until-marriage programs.

(6) GAO found that a majority of country teams report that fulfilling the requirement presents challenges to their ability to respond to local epidemiology and cultural and social norms.

(7) GAO found that, although some country teams may be exempted from the abstinence-until-marriage spending requirement, country teams that are not exempted have to spend more than the 33 percent of prevention funds on abstinence-until-marriage activities—sometimes at the expense of other programs.

(8) Indeed, according to GAO, the proportion of HIV prevention funds dedicated to "other prevention" activities (i.e. the purchase and promotion of condoms, management of sexually transmitted infections other than HIV, and messages or programs to reduce injection drug use) declined from 23 percent in fiscal year 2005 to 18 percent in fiscal year 2006 for country teams that did not receive exemptions.

(9) GAO found that, as a result of the abstinence-until-marriage spending requirement, some countries have had to reduce planned funding for Prevention of Mother-to-Child Transmission programs, thereby limiting services for pregnant women and their children.

(10) GAO found that the abstinence-until-marriage spending requirement limited or reduced funding for programs directed to high-risk groups, such as services for married discordant couples, sexually active youth, and commercial sex workers.

(11) GAO found that the abstinence-until-marriage spending requirement made it difficult for countries to fund medical and blood safety activities.

(12) GAO found that, because of the abstinence-until-marriage spending requirement, some countries would likely have to reduce funding for condom procurement and condom social marketing.

(13) In addition, GAO found that two-thirds of focus country teams reported that the policy for implementing the ABC model is unclear and open to varying interpretations, causing confusion about which groups may be targeted and whether youth may receive the ABC message.

(14) GAO found that the ABC guidance does not clearly delineate permissible C activities under the ABC model. Program staff reported that they feel "constrained" by restrictions on promoting or marketing condoms to youth. Other country teams reported confusion about whether PEPFAR funds may be used for broad condom social marketing, even to adults in a generalized epidemic.

(15) Each day, an estimated 13,400 people worldwide are newly infected with HIV.

(16) Sub-Saharan Africa is home to almost two-thirds of the estimated 40,000,000 people currently living with HIV.

(17) In many African countries, the epidemic has spread among the general population. The HIV prevalence rate for the general population is 8 percent across sub-Saharan Africa. Among the United States focus countries in sub-Saharan Africa, the HIV prevalence rate ranges from 4 percent in Uganda to 37 percent in Botswana.

(18) According to the Joint United Nations Programme on HIV/AIDS, young people between the ages of 15 and 24 are "the most threatened by AIDS" and "are at the centre of HIV vulnerability". Globally, this age group accounts for half of all new HIV cases each year. More than 7,000 young people contract the virus every day.

(19) Most young people in sub-Saharan Africa have sex before marriage during their adolescent years. In many countries, at least half of all women have sex before age 20 and before marriage. Among young men, more than 70 percent have premarital sex before age 20.

(20) Many adolescents, who are sexually active and not yet married, have inadequate information on how to protect themselves against HIV. Fewer than half of young people in sub-Saharan Africa mention abstinence, monogamy, or condom use as a way of avoiding HIV.

(21) Young people who have sex are at greater risk of acquiring HIV than adults, partly because of their lack of knowledge. They are apt to change partners frequently, have more than 1 partner in the same time period, or engage in unprotected sex.

(22) Coercion and sexual violence undercut the ability of young people—women in particular—to prevent HIV and contribute to the vulnerability to infection. In addition, gender inequality makes it much more difficult for young women to negotiate abstinence from sex or to insist that their partners remain faithful or use condoms.

(23) Marriage does not protect young women from HIV, even when they are faithful to their husbands. In some settings, it appears marriage actually increases a woman's HIV risk. In some African countries, married women aged 15–19 have higher HIV infection levels than nonmarried sexually active women of the same age.

(24) A recent USAID-funded review found that sex and HIV education programs that encourage abstinence but also discuss the use of condoms do not increase sexual activity as critics of sex education have long alleged. Sex education can help delay the initiation of intercourse, reduce the frequency of sex and the number of sexual partners, and also increase condom use.

(25) Young people are our greatest hope for changing the course of the AIDS epidemic. According to the World Health Organization, "Focusing on young people is likely to be the most effective approach to confronting the epidemic, particularly in high prevalence countries.".

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that sexually active young people, both unmarried and married, who live in a country where HIV infection is spreading through the general population, rather than being confined to specific populations, such as sex workers and their clients, injecting drug users, and men who have sex with men, and the rate of HIV infection among people between the ages of 15 and 49 exceeds 1 percent should be—

(1) considered at high risk of contracting HIV infection; and

(2) provided with the knowledge, skill-building programs, and tools to protect themselves from HIV infection, including—

(A) medically accurate information on public health benefits and failure rates of multiple strategies for eliminating or reducing the risks of contracting HIV and other sexually transmitted infections; and

(B) information about correct and consistent use of condoms as well as abstinence and the importance of reducing casual sexual partnering.

SEC. 4. ALLOCATION OF FUNDS.

Section 403 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673) is amended—

(1) in subsection (a), in the second sentence, by striking "HIV/AIDS prevention" and inserting "prevention of the sexual transmission of HIV"; and

(2) by adding at the end the following new subsection:

"(c) ABSTINENCE-UNTIL-MARRIAGE PROGRAMS.—The term 'abstinence-until-marriage programs' means programs that place the highest priority on encouraging individuals who have not yet married to abstain from sexual activity, which if practiced 100 percent correctly and consistently is the only certain way to protect against exposure to HIV and other sexually transmitted infections. The programs include information on the health benefits of delayed sexual debut in reducing the transmission of HIV and may be used to support the wide range of approaches that promote skill-building strategies for practicing abstinence.".

SEC. 5. ASSISTANCE TO YOUNG PEOPLE.

Section 104A(d)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(d)(3)) is amended—

(1) in subparagraph (A), by inserting "sexually active young people, both unmarried and married, who live in a country experiencing a generalized HIV epidemic," after "infected with HIV/AIDS,"; and

(2) by adding at the end the following new subparagraph:

"(C) In subparagraph (A), the term 'generalized epidemic' means, with respect to a country, that—

"(i) HIV infection is spreading through the general population of such country, rather than being confined to specific populations, such as sex workers and their clients, injecting drug users, and men who have sex with men; and

"(ii) the rate of HIV infection among people between the ages of 15 and 49 exceeds 1 percent.".

Ms. SNOWE. Mr. President, today I join with my dear colleague, Senator FEINSTEIN, to address a critical problem—the prevention of HIV infection. HIV/AIDS affects people of all walks of life and all corners of the globe. Today over 40 million are infected with HIV. In the United States today, we have seen HIV infection become a much more manageable disease as modern medications have enabled so many to lead productive lives. That was certainly not so ten years ago.

Today the President's Emergency Plan for AIDS Relief, PEPFAR, is intended to extend the progress we have made to countries where resources are so limited that HIV infection has inevitably led to AIDS and death. PEPFAR is intended to prevent 7 million new infections, to bring 2 million into treatment, and to provide care for approximately 10 million with HIV/AIDS.

Prevention is clearly key to stopping this global epidemic. In Uganda we have seen remarkable progress made in preventing infection when a combined strategy was employed which promoted abstinence, faithfulness in marriage, and condom use—the "ABC" approach.

The Congress saw this strategy could be effective, and many sought to ensure that abstinence would be supported in PEPFAR. In fact, a statutory requirement mandates that one-third of all PEPFAR prevention monies are dedicated to the exclusive use of abstinence and faithfulness in marriage to prevent HIV infection.

It is critical to recognize that abstinence, and even marital faithfulness, is not enough to stem the tide of this epidemic. Abstinence is not a relevant means of protection if you are, for example, a married woman who has an HIV-positive husband. That woman needs protection, whether that be a condom, a microbicide, or other means to protect herself.

We also recognize that sexual transmission is certainly not the only means of transmitting HIV. We have seen newborns and infants infected during delivery and nursing. We have seen failures of hygiene in hospital settings cause HIV/AIDS. We have seen HIV spread by drug abuse. Each of these must be addressed to reduce the spread the HIV virus.

So we can see that while devoting funds for abstinence programs to prevent sexual transmission of HIV may be justified, one certainly could harm other efforts with a mandate that one-third of all funds be so dedicated.

That is indeed what has transpired. In April the GAO reported that countries are encountering difficulty in meeting their prevention needs because they must spend one-third of all their prevention funds on abstinence and faithfulness programs. They know they should not ignore other prevention strategies. Sometimes they end up spending more than needed on prevention as a result, while in other cases essential prevention programs are sacrificed.

Consider the actual impact of such a rigid funding requirement today. The Elizabeth Glaser Pediatric AIDS Foundation has reported that in Swaziland, nearly half of the women visiting their health clinics are HIV-infected. Abstinence education is not germane to these women—nor is faithfulness. They wish to avoid infecting their children. So the needs of a given country, and even of a local community, must take precedence. A one-size-fits-all approach certainly does not work.

That is why I have joined Senator FEINSTEIN today in introducing legislation to address the problems which the GAO described. It does this quite simply. First, it acknowledges that abstinence can play a role in preventing HIV infection. As such, the bill maintains a requirement for abstinence—so that at least one-third of funds used for preventing sexual transmission will be dedicated to such programs. Yet with two-thirds available for other means, we know countries can respond with all appropriate prevention strategies.

By setting the abstinence funding requirement so it applies only to sexual transmission, we will avoid impacting those programs which prevent nonsexual transmission of HIV. We cannot forget that these other strategies—such as reducing mother-to-child transmission—are major needs in some localities.

Our legislation does a second critical thing. The current statute requires exclusivity in funded abstinence programs. If, for example, your program desired to dispense condoms, you could not do so, even if this was a very minor part of your program's prevention efforts. Now consider again the "discordant" couple—where only one spouse is infected. Would anyone propose that in that marriage, one should not help the uninfected partner remain so? Our legislation provides a bit of flexibility and allows funded abstinence programs to utilize other strategies such as condoms as a minor part of their prevention program. That is simply commonsense. It follows what we have seen to work—the "ABC" approach.

Finally, this legislation does a third thing, and that is to simply recognize that sexually active youth who live in a country where HIV infection is spreading through the general population should be considered at high risk of contracting HIV and provided with information on the complete range of tools to prevent the spread of HIV. We simply must not lose a generation to AIDS prevention can be so effective.

I thank the President for his leadership in bringing the PEPFAR effort forward to help millions realize the promise of a future in which HIV will no longer threaten their future. Today, I ask my colleagues to join with Senator FEINSTEIN and me in seeing this legislation is enacted to ensure that we address the funding problems identified by the GAO and effectively employ HIV/AIDS prevention to stem this global epidemic.

By Mr. SANTORUM:

S. 3657. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal Home Loan Banks to be treated as tax-exempt bonds; to the Committee on Finance.

Mr. SANTORUM. Mr. President, as a member of the Senate, I have devoted much of my time at looking for innovative ways to develop local communities in which our families can prosper. It is in that spirit that I am introducing legislation today that will help local governments across the country meet economic development needs in a manner that partners with the private sector and saves local taxpayers money. Specifically, I rise today to introduce legislation that would allow community bank members of Federal Home Loan Banks to provide credit support to tax-exempt municipal development bonds, including letters of credit, LOCs.

Under current law, State and local governments are able to issue tax-exempt bonds to help fund community and economic projects. To ensure that bond investors will be paid in full, Federal Home Loan Banks provide a LOC. Unfortunately, the Internal Revenue Service, IRS, has classified Federal Home Loan Bank LOCs as a Federal guarantee, a decision that triggers the loss of a bond's tax-exempt status. By allowing community banks to partner with the Federal Home Loan Banks to offer credit support on municipal tax-exempt bonds, local communities will be able to reduce the cost to local taxpayers for bonds issued for such projects as wastewater treatment facilities, fire stations, medical clinics, school buses, long-term care facilities, and infrastructure improvements.

Through their community bank owners, Federal Home Loan Banks have offered letters of credit for over 10 years. They can provide letters of credit for taxable municipal bonds and tax-exempt housing bonds; however, due to a quirk in the law, they cannot do so for tax-exempt economic development bonds. My legislation would fix this inconsistency in the Tax Code.

Congress has already determined that credit support issued by other government-sponsored enterprises, GSEs, can support nonhousing municipal bond issues without losing tax-exempt treatment. The other GSEs mentioned in the code—Fannie Mae, Freddie Mac, Ginnie Mae, the Farm Credit System, and the Tennessee Valley Administration—are privately owned corporations—Federal Home Loan Banks—whose obligations are also not guaranteed by the U.S. Government. Therefore, granting the Federal Home Loan Bank letters of credit the same recognition is simply an equitable proposition.

This legislation will have a positive economic impact for local communities. Allowing Federal Home Loan Banks to provide credit support for tax-exempt municipal bonds will increase access to capital for municipalities which will spur economic growth and stimulate job creation. Municipal bonds raise money for public purposes to build and strengthen their communities. This is why groups like the Pennsylvania School Board Association supports this provision. They agree that this bill can "potentially help school districts lower the costs for expensive school projects, such as bus purchasing and building construction." Hospitals can gain the resources necessary to utilize the most up-to-date technology to provide our children with the best health care possible. Municipal bonds help local officials finance renovations of sewer systems, roads and highways to improve the quality of life for families.

This legislation is important because it gives local officials an additional option as they strive to do more for their communities with tighter budget constraints. This bill is supported by the National League of Cities, the U.S. Conference of Mayors, the Independent Community Bankers of America, the Council of Federal Home Loan Banks, the National Association of Homebuilders, and the American Bankers Association, the National Association of Higher Educational Facilities Authorities, and the National Council of Health Facilities Finance Authorities. In my state of Pennsylvania, this effort is supported by the Pennsylvania Housing Finance Agency, the Pennsylvania Association of Community Bankers, the Pennsylvania Bankers Association, the Pennsylvania School Boards Association, and the Pennsylvania League of Municipalities. These groups have a strong reputation of supporting economic development on the state and local level.

This bill will simply provide consistency in the Tax Code, but more importantly, the benefits to our families and communities will be substantial.

Congress must continue to look for ways to spur economic development for America's communities. This bill will help do just that, and I urge my colleagues to support this legislation.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 3659. A bill to reauthorize and improve the women's small business ownership programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, as the ranking member on the Committee on Small Business and Entrepreneurship, I rise today to join my colleague and chair, Senator SNOWE, in introducing the Women's Small Business Ownership Programs Act of 2006. This legislation reauthorizes and strengthens vital small business programs for women entrepreneurs nationwide.

Small businesses are the driving force behind innovation and national economic prosperity in the United States. Employing over 19 million workers, while pumping some $2 trillion into the economy, America's 10.6 million women-owned businesses play an integral role in this endeavor. However, despite their critical contributions to our Nation, women entrepreneurs still face many obstacles in the business world. Without the support and guidance of Women's Business Centers and other women small business ownership programs, which provide necessary tools to ensure the long term success of women-owned firms, many female entrepreneurs would not be able to open their doors and stay in business. Given women-owned businesses' contributions to our society, it is imperative that we continue to advocate on their behalf, and this legislation does just that.

In recent years, the Small Business Administration, SBA, has seen its annual budget repeatedly slashed by the Bush administration—the most out of any other Federal agency. The fiscal year 2007 proposal was no different. Among the various programmatic cuts within the President's fiscal year 2007 budget, technical assistance funding was set at just $104 million—down from his proposals of $108 million in fiscal year 2006 and $111 million in fiscal year 2005. This funding plays a crucial role in the development and sustainability of Women's Business Centers in states across the country. The SBA provides grants from technical assistance funding to help support over 80 Women's Business Centers Nationwide. One such example is the Center for Women and Enterprise, which has served the greater Boston, Worcester, and Providence areas since 1995. In that time, the center has certified over 150 women-owned businesses and served as a catalyst in helping entrepreneurs create over 15,000 new jobs.

More centers such as this ought to be in place in areas spanning the Nation. That is why I made it a priority to author and pass the Women's Business Center Sustainability Act of 1999, to help successful centers remain open and viable in the areas they serve. This bill was signed into law as a means of safeguarding successful centers with proven results by authorizing continued funding for a set time period under sustainability grants. The theory behind this bipartisan legislation was to continue to allow for new centers, but to also ensure that those with a proven track record would continue to be helped. And yet, since its enactment, Senator SNOWE and I have had to fight each year to ensure that there is sustainability funding through the passage of numerous temporary extensions and a series of exchanges with the SBA. These centers are vital in equipping women entrepreneurs with the tools they need to succeed in business, and it is unfortunate that this administration has attempted to eliminate sustainability funding since President Bush took office. It is high time that all centers demonstrating proven results year in and year out receive this sustainability funding.

The legislation I am introducing today, guarantees the future of the Women's Business Center Program and bridges it with other SBA-related women's initiatives to ensure there exists a unified and cohesive mission driving the programs forward for women entrepreneurs across the country. In this, the bill not only makes permanent the Women's Business Center Sustainability Pilot Program—through the creation of 3-year "renewal" grants for centers with sustainability grants, and 4-year "initial" grants for new centers across the country—but it also increases the program's authorization levels. Furthermore, our legislation calls for the Office of Women's Business Ownership to make all Women's Business Center grants at $150,000 and to work in consultation with Women's Business Centers whenever making improvements to the program.

Additionally, this legislation calls for a more streamlined approach for the Women's Business Center Program's data collection, grant application, and selection criteria, in an effort to ensure a smooth transition from sustainability to the newly established program. The Women's Small Business Ownership Programs Act of 2006 also contains privacy protections for the Women's Business Council, Women's Business Centers, and their small business clients.

The bill's provisions make several minor, yet significant, changes to both the Interagency Committee on Women's Business Enterprise, as well as the National Women's Business Council—enabling both entities to serve as a better resource for not only the administration and Congress, but the larger small business community as well. In order to increase and strengthen women business owners' representation in the Federal Government, the bill reestablishes the Interagency Committee on Women's Business Enterprise, and creates a Policy Advisory Group to aide the committee's chairperson in the development of policies and programs under this act. It also creates three subcommittees similar to those created under the National Women's Business Council. Additionally, in order to afford the National Women's Business Council more flexibility in its use of funds, the bill gives it cosponsorship authority, and directs it to act as a clearinghouse for historical data.

I would like to remind my colleagues that similar legislation drew wide bipartisan support in the 108th Congress. Despite arriving at a bipartisan Women's Business Center compromise on the Senate Small Business and Entrepreneurship Committee, the Republican majority failed to include this compromise in the last SBA reauthorization package. I would like to thank Chair SNOWE for her work in addressing the needs of America's female entrepreneurs, and for her steadfast support for this legislation. She is a true advocate for women-owned small businesses.

Mr. President, I urge my colleagues on both sides of the aisle to support the Women's Small Business Ownership Programs Act of 2006.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Women's Small Business Ownership Programs Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Office of Women's Business Ownership.
Sec. 3. Women's Business Center Program.
Sec. 4. National Women's Business Council.
Sec. 5. Interagency Committee on Women's Business Enterprise.
Sec. 6. Preserving the independence of the National Women's Business Council.

SEC. 2. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)(i), by striking "in the areas" and all that follows through the end of subclause (I), and inserting the following: "to address issues concerning management, operations, manufacturing, technology, finance, retail and product sales, international trade, and other disciplines required for—

"(I) starting, operating, and growing a small business concern;"; and

(B) in subparagraph (C), by inserting before the period at the end the following: ", the National Women's Business Council, and any association of women's business centers"; and

(2) by adding at the end the following:

"(3) PROGRAMS AND SERVICES FOR WOMEN-OWNED SMALL BUSINESSES.—The Assistant Administrator, in consultation with the National Women's Business Council, the Interagency Committee on Women's Business Enterprise, and 1 or more associations of women's business centers, shall develop programs and services for women-owned businesses (as defined in section 408 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note)) in business areas, which may include—

"(A) manufacturing;

"(B) technology;

"(C) professional services;

"(D) retail and product sales;

"(E) travel and tourism;

"(F) international trade; and

"(G) Federal Government contract business development.

"(4) TRAINING.—The Administrator shall provide annual programmatic and financial oversight training for women's business ownership representatives and district office technical representatives of the Administration to enable representatives to carry out their responsibilities under this section.

"(5) GRANT PROGRAM IMPROVEMENT.—The Administrator shall improve the women's business center grant proposal process and the programmatic and financial oversight process by—

"(A) providing notice to the public of each women's business center grant announcement for an initial and renewal grant, not later than 6 months before awarding such grant;

"(B) providing notice to grant applicants and recipients of program evaluation criteria, not later than 12 months before any such evaluation;

"(C) reducing paperwork and reporting requirements for grant applicants and recipients;

"(D) standardizing the oversight and review process of the Administration; and

"(E) providing to each women's business center, not later than 30 days after the completion of a site visit at that center, a copy of site visit reports and evaluation reports prepared by district office technical representatives or Administration officials.".

SEC. 3. WOMEN'S BUSINESS CENTER PROGRAM.

(a) WOMEN'S BUSINESS CENTER GRANTS PROGRAM.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) the term 'association of women's business centers' means an organization that represents not fewer than 30 percent of the women's business centers that are participating in a program under this section, and whose primary purpose is to represent women's business centers;"; and

(2) by striking subsections (b) through (f) and inserting the following:

"(b) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—

"(A) ISSUANCE.—The Administrator may award initial and renewal grants of not more than $150,000 per year, which shall be known as 'women's business center grants', to private nonprofit organizations to conduct projects for the benefit of small business concerns owned and controlled by women.

"(B) RENEWALS.—At the end of the initial 4-year grant period, and every 3 years thereafter, the grant recipient may apply to renew the grant in accordance with this subsection and subsection (e)(2).

"(C) EQUAL ALLOCATIONS.—In the event that the Administration has insufficient funds to provide grants of $150,000 for each eligible women's business center, available funds shall be allocated equally to eligible centers, unless any center requests a lower amount than the allocable amount.

"(2) COOPERATIVE AGREEMENT AUTHORITY.—

"(A) IN GENERAL.—The Administrator may enter into Federal cooperative agreements with grant recipients under this subsection to perform the services described under paragraph (3), only to the extent and in the amount provided by appropriated funds.

"(B) TERMINATION.—

"(i) IN GENERAL.—If any grant recipient under this subsection does not fulfill its grant obligations, after advanced notification, during the period of the grant, the Administrator may terminate the grant.

"(ii) EXCEPTION.—Notwithstanding a violation by a grant recipient of a grant obligation under this subsection, the Administrator may continue to fund the grant, if the grant recipient is making a good faith effort to comply with such obligation.

"(3) USE OF FUNDS.—Grants awarded under this subsection may be used to provide training and counseling in the areas of—

"(A) pre-business, business startup, and business operations;

"(B) financial planning assistance;

"(C) procurement assistance;

"(D) management assistance;

"(E) marketing assistance; and

"(F) international trade.

"(4) MATCHING REQUIREMENT.—

"(A) WOMEN'S BUSINESS CENTER GRANTS.—As a condition of receiving financial assistance under this subsection, the grant recipient shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

"(i) In the first and second years, 1 non-Federal dollar for each 2 Federal dollars provided under the 4-year grant.

"(ii) In the third and fourth years, 1 non-Federal dollar for each Federal dollar provided under the 4-year grant.

"(iii) In each renewal period, 1 non-Federal dollar for each Federal dollar provided under the 3-year grant.

"(B) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than ½ of the non-Federal sector matching assistance may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

"(C) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—

"(i) ADVANCE DISBURSEMENTS.—If any grant recipient fails to obtain the required non-Federal contribution during any project year, it shall not be eligible for advance disbursements under subparagraph (D) during the remainder of that project year.

"(ii) ABILITY TO OBTAIN NON-FEDERAL FUNDING.—Before approving assistance to a grant recipient that has failed to obtain the required non-Federal contribution for any other projects under this Act, the Administrator shall require the grant recipient to certify that it will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

"(D) FORM OF FEDERAL CONTRIBUTIONS.—The financial assistance authorized under this subsection may be made by grant or cooperative agreement and may contain such provisions, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administrator may disburse not more than 25 percent of the Federal share awarded to a grant recipient for each year after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

"(5) APPLICATION FOR AN INITIAL GRANT.—Each organization desiring an initial grant under this subsection, shall submit to the Administrator an application that contains—

"(A) a certification that the applicant—

"(i) is a private nonprofit organization;

"(ii) has designated an executive director or program manager, who may be compensated from grant funds or other sources, to manage the center; and

"(iii) as a condition of receiving a grant under this subsection, agrees—

"(I) to receive a site visit as part of the final selection process;

"(II) to undergo an annual programmatic and financial examination; and

"(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or examination under subclauses (I) and (II);

"(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center site for which an initial grant is sought, including the ability to comply with the matching requirement under paragraph (4);

"(C) information relating to assistance to be provided by the women's business center site for which an initial grant is sought in the area in which the site is located;

"(D) information demonstrating the effective experience of the applicant in—

"(i) conducting financial, management, and marketing assistance programs, as described under paragraph (3), which are designed to teach or upgrade the business skills of women who are business owners or potential business owners;

"(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged; and

"(iii) using resource partners of the Administration and other entities, such as universities;

"(E) a 4-year plan that projects the ability of the women's business center site for which an initial grant is sought—

"(i) to serve women who are business owners or potential owners in the future by improving training and counseling activities; and

"(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

"(F) any additional information that the Administrator may reasonably require.

"(6) REVIEW AND APPROVAL OF APPLICATIONS FOR AN INITIAL GRANT.—

"(A) IN GENERAL.—The Administrator shall—

"(i) review each application submitted under paragraph (5), based on the information described in such paragraph and the criteria set forth under subparagraph (B) of this paragraph; and

"(ii) as part of the final selection process, conduct a site visit at each women's business center for which an initial grant is sought.

"(B) SELECTION CRITERIA.—

"(i) IN GENERAL.—The Administrator shall evaluate applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administrator.

"(ii) REQUIRED CRITERIA.—The selection criteria for an initial grant under clause (i) shall include—

"(I) the experience of the applicant in conducting programs or ongoing efforts designed to teach or upgrade the business skills of women who are business owners or potential owners;

"(II) the ability of the applicant to commence a project within a minimum amount of time;

"(III) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

"(IV) the location for the women's business center site proposed by the applicant.

"(C) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 7 years.

"(7) APPLICATION FOR A RENEWAL GRANT.—Each organization desiring a renewal grant under this subsection, shall submit to the Administrator, not later than 3 months before the expiration of an existing grant under this subsection, an application that contains—

"(A) a certification that the applicant—

"(i) is a private nonprofit organization;

"(ii) has designated an executive director or program manager to manage the center; and

"(iii) as a condition of receiving a grant under this subsection, agrees—

"(I) to receive a site visit as part of the final selection process;

"(II) to submit, for the preceding 2 years, annual programmatic and financial examination reports or certified copies of the applicant's compliance supplemental audits under OMB Circular A–133; and

"(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or examination under subclauses (I) and (II);

"(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center site for which a renewal grant is sought, including the ability to comply with the matching requirement under paragraph (4);

"(C) information relating to assistance to be provided by the women's business center site for which a renewal grant is sought in the area in which the site is located;

"(D) information demonstrating the utilization of resource partners of the Administration and other entities;

"(E) a 3-year plan that projects the ability of the women's business center site for which a renewal grant is sought—

"(i) to serve women who are business owners or potential owners in the future by improving training and counseling activities; and

"(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

"(F) any additional information that the Administrator may reasonably require.

"(8) REVIEW AND APPROVAL OF APPLICATIONS FOR A RENEWAL GRANT.—

"(A) IN GENERAL.—The Administrator shall—

"(i) review each application submitted under paragraph (7), based on the information described in such paragraph and the criteria set forth under subparagraph (B) of this paragraph; and

"(ii) as part of the final selection process, conduct a site visit at each women's business center for which a renewal grant is sought.

"(B) SELECTION CRITERIA.—The Administrator shall evaluate applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administrator.

"(C) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant or cooperative agreement with a women's business center, the Administrator—

"(i) shall consider the results of the most recent evaluation of the center, and, to a lesser extent, previous evaluations; and

"(ii) may withhold such renewal, if the Administrator determines that the center has failed to provide the information required to be provided under this subsection, or the information provided by the center is inadequate.

"(D) CONTINUING GRANT AND COOPERATIVE AGREEMENT AUTHORITY.—

"(i) IN GENERAL.—The authority of the Administrator to enter into grants or cooperative agreements under this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

"(ii) RENEWAL.—After the Administrator has entered into a grant or cooperative agreement with any women's business center under this subsection, the Administrator shall not suspend, terminate, or fail to renew or extend any such grant or cooperative agreement, unless the Administrator provides the center with written notification setting forth the reasons therefore and affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

"(E) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 7 years.

"(9) DATA COLLECTION.—Consistent with the annual report to Congress under subsection (g), each women's business center site that is awarded an initial or renewal grant under this subsection shall collect information relating to—

"(A) the number of individuals counseled or trained;

"(B) the number of hours of counseling provided;

"(C) the number of workshops conducted;

"(D) the number of startup small business concerns formed; and

"(E) the number of jobs created or maintained at assisted small business concerns.

"(10) PRIVACY REQUIREMENTS.—

"(A) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this subsection without the consent of such individual or small business concern, unless—

"(i) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(ii) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this clause shall be limited to the information necessary for such audit.

"(B) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

"(i) restrict Administration access to program activity data; or

"(ii) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

"(C) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under subparagraph (A)(ii).

"(11) TRANSITION RULES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded as an eligible sustainability grant, from amounts appropriated for fiscal year 2006, to operate a women's business center, shall remain in full force and effect under the terms, and for the duration, of such agreement, subject to the grant limitation in paragraph (1).

"(B) EXTENSION.—If the sustainability grant under subparagraph (A) is scheduled to expire not later than June 30, 2007, a 1-year extension shall be granted without any interruption of funding, subject to the grant limitation in paragraph (1).

"(C) EFFECT ON CERTAIN EXISTING PROJECTS AND RENEWAL AUTHORITY.—A project being conducted by a women's business center under this subsection on the day before the date of enactment of the Women's Small Business Ownership Programs Act of 2006—

"(i) as a 5-year project, shall remain in full force and effect under the terms and for the duration of that agreement; and

"(ii) shall be eligible to apply for a 3-year renewal grant funded at a level equal to not more than $150,000 per year.

"(12) COORDINATION OF SERVICES.—Small business development centers and women's business centers shall, to the extent possible, coordinate services to avoid duplication of programmatic efforts.

"(c) ASSOCIATIONS OF WOMEN'S BUSINESS CENTERS.—

"(1) RECOGNITION.—The Administrator shall recognize the existence and activities of any association of women's business centers established to address matters of common concern.

"(2) CONSULTATION.—The Administrator shall consult with each association of women's business centers to develop—

"(A) a training program for the staff of the women's business centers and the Administration; and

"(B) recommendations to improve the policies and procedures for governing the general operations and administration of the Women's Business Center Program, including grant program improvements under subsection (e)(5).".

(b) CONFORMING AMENDMENTS.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) by redesignating subsections (g), (h), (i), (j), and (k) as subsections (d), (e), (f), (g), and (h), respectively;

(2) in subsection (e)(2), as redesignated by paragraph (1) of this subsection, by striking "to award a contract (as a sustainability grant) under subsection (l) or";

(3) in subsection (g)(1), as redesignated by paragraph (1) of this subsection, by striking "The Administration" and inserting "Not later than November 1st of each year, the Administrator";

(4) in subsection (h), as redesignated by paragraph (1) of this subsection—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended—

"(A) $16,500,000 for fiscal year 2007, of which $500,000 may be used to provide supplemental sustainability grants to women's business centers, except that no such center may receive more than a total of $125,000 in grant funding for the grant period beginning on July 1, 2006 and ending on June 30, 2007;

"(B) $17,000,000 for fiscal year 2008; and

"(C) $17,500,000 for fiscal year 2009.

"(2) USE OF AMOUNTS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section."; and

(B) by striking paragraph (4); and

(5) by striking subsection (l).

SEC. 4. NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) COSPONSORSHIP AUTHORITY.—Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7106) is amended by adding at the end the following:

"(f) COSPONSORSHIP AUTHORITY.—The Council is authorized to enter into agreements as a cosponsor with public and private entities, in the same manner as is provided in section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)), to carry out its duties under this section.".

(b) MEMBERSHIP.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is amended by adding at the end the following:

"(3) REPRESENTATION OF MEMBER ORGANIZATIONS.—Notwithstanding subsection (b), a national women's business organization or small business concern that is represented on the Council may, in consultation with the chairperson of the Council, replace its representative member on the Council at any time during the service term to which that member was appointed.".

(c) ESTABLISHMENT OF COMMITTEES.—Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended by inserting after section 410, the following new section:

"SEC. 411. COMMITTEES.

"(a) ESTABLISHMENT.—There are established within the Council—

"(1) the Committee on Manufacturing, Technology, and Training and Professional Services;

"(2) the Committee on Travel, Tourism, Product and Retail Sales, and International Trade; and

"(3) the Committee on Federal Procurement and Contracting.

"(b) DUTIES.—The Committees established under subsection (a) shall perform such duties as the chairperson shall direct.".

(d) CLEARINGHOUSE FOR HISTORICAL DOCUMENTS.—Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7109) is amended by adding at the end the following:

"(c) CLEARINGHOUSE FOR HISTORICAL DOCUMENTS.—The Council shall serve as a clearinghouse for information on small businesses owned and controlled by women, including research conducted by other organizations and individuals relating to ownership by women of small business concerns in the United States.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 410(a) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7110(a)) is amended by striking "2001 through 2003, of which $550,000" and inserting "2007 through 2009, of which not less than 30 percent".

SEC. 5. INTERAGENCY COMMITTEE ON WOMEN'S BUSINESS ENTERPRISE.

(a) CHAIRPERSON.—Section 403(b) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7103(b)) is amended—

(1) by striking "Not later" and inserting the following:

"(1) IN GENERAL.—Not later"; and

(2) by adding at the end the following:

"(2) VACANCY.—In the event that a chairperson is not appointed under paragraph (1), the Deputy Administrator of the Small Business Administration shall serve as acting chairperson of the Interagency Committee until a chairperson is appointed under paragraph (1).".

(b) POLICY ADVISORY GROUP.—Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101) is amended—

(1) by striking "There" and inserting the following:

"(a) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(b) POLICY ADVISORY GROUP.—

"(1) ESTABLISHMENT.—There is established a Policy Advisory Group to assist the chairperson in developing policies and programs under this Act.

"(2) MEMBERSHIP.—The Policy Advisory Group shall be composed of 7 policy making officials, of whom—

"(A) 1 shall be a representative of the Small Business Administration;

"(B) 1 shall be a representative of the Department of Commerce;

"(C) 1 shall be a representative of the Department of Labor;

"(D) 1 shall be a representative of the Department of Defense;

"(E) 1 shall be a representative of the Department of the Treasury; and

"(F) 2 shall be representatives of the Council.".

(c) ESTABLISHMENT OF SUBCOMMITTEES.—Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101), as amended by subsection (b), is amended by adding at the end the following:

"(c) SUBCOMMITTEES.—

"(1) ESTABLISHMENT.—There are established—

"(A) the Subcommittee on Manufacturing, Technology, and Training and Professional Services;

"(B) the Subcommittee on Travel, Tourism, Product and Retail Sales, and International Trade; and

"(C) the Subcommittee on Federal Procurement and Contracting.

"(2) DUTIES.—The Subcommittees established under paragraph (1) shall perform such duties as the chairperson shall direct.

"(3) MEETINGS.—The Subcommittees established under paragraph (1) shall meet not less frequently than 3 times each year to—

"(A) plan activities for the new fiscal year;

"(B) track year-to-date agency contracting goals; and

"(C) evaluate the progress during the fiscal year and prepare an annual report.".

SEC. 6. PRESERVING THE INDEPENDENCE OF THE NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) FINDINGS.—Congress finds the following:

(1) The National Women's Business Council provides an independent source of advice and policy recommendations regarding women's business development and the needs of women entrepreneurs in the United States to—

(A) the President;

(B) Congress;

(C) the Interagency Committee on Women's Business Enterprise; and

(D) the Administrator.

(2) The members of the National Women's Business Council are small business owners, representatives of business organizations, and representatives of women's business centers.

(3) The chair and ranking member of the Committee on Small Business and Entrepreneurship of the Senate and the Committee

on Small Business of the House of Representatives make recommendations to the Administrator to fill 8 of the positions on the National Women's Business Council. Four of the positions are reserved for small business owners who are affiliated with the political party of the President and 4 of the positions are reserved for small business owners who are not affiliated with the political party of the President. This method of appointment ensures that the National Women's Business Council will provide Congress with nonpartisan, balanced, and independent advice.

(4) In order to maintain the independence of the National Women's Business Council and to ensure that the Council continues to provide Congress with advice on a nonpartisan basis, it is essential that the Council maintain the bipartisan balance established under section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107).

(b) Maintenance of Partisan Balance.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)), as amended by this Act, is amended by adding at the end the following:

"(4) Partisan balance.—When filling vacancies under paragraph (1), the Administrator shall, to the extent practicable, ensure that there are an equal number of members on the Council from each of the 2 major political parties.

"(5) Accountability.—If a vacancy is not filled within the 30-day period required under paragraph (1), or if there exists an imbalance of party-affiliated members on the Council for a period exceeding 30 days, the Administrator shall submit a report, not later than 10 days after the expiration of either such 30-day deadline, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, that explains why the respective deadline was not met and provides an estimated date on which any vacancies will be filled, as applicable.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 528—DESIGNATING THE WEEK BEGINNING ON SEPTEMBER 10, 2006, AS "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK"

Mr. GRAHAM (for himself, Mr. Brownback, Mr. Kerry, Ms. Mikulski, Mr. DeWine, Mr. DeMint, Mr. Talent, Mr. Isakson, Mr. Obama, Mr. Voinovich, Ms. Landrieu, Mr. Santorum, Mr. Dodd, Mr. Lott, Mr. Durbin, Mr. Chambliss, Mr. Bayh, Mr. Specter, Mr. Allen, Mr. Burr, Mr. McCain, Mr. Cochran, Mr. Biden, Mrs. Hutchison, Mrs. Dole, Mr. Frist, Mr. Warner, Mr. Alexander, Mr. Vitter, Mrs. Boxer, Mr. Sarbanes, Mr. Salazar, and Mr. Schumer) submitted the following resolution; which was considered and agreed to:

S. Res. 528

Whereas there are 103 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate,

(1) Designates the week beginning September 10, 2006, as 'National Historically Black Colleges and Universities Week'; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

SENATE RESOLUTION 529—DESIGNATING JULY 13, 2006, AS "NATIONAL SUMMER LEARNING DAY"

Mr. OBAMA (for himself, Mr. DeMint, Ms. Mikulski, Mr. Isakson, and Mr. Kennedy) submitted the following resolution; which was considered and agreed to:

S. Res. 529

Whereas all students experience measurable loss of mathematics and reading skills when they do not engage in educational activities during the summer months;

Whereas summer learning loss is greatest for low-income children, who often lack the academic enrichment opportunities available to their more affluent peers;

Whereas summer learning loss contributes significantly to the gaps in achievement between low-income children, including minority children and children with limited English proficiency, and their more affluent peers;

Whereas structured enrichment and education programs are proven to accelerate learning for students who participate in such programs for several weeks during the summer;

Whereas in the BELL summer programs, students gain several months worth of reading and mathematics skills through summer enrichment, and in the Teach Baltimore Summer Academy, students enrolled for 2 summers gain 70 to 80 percent of a full grade level in reading, and thousands of students in similar programs experience measurable gains in academic achievement;

Whereas Summer Learning Day is designed to highlight the need for more young people to be engaged in summer learning activities and to support local summer programs that benefit children, families, and communities; and

Whereas a wide array of schools, public agencies, non-profit organizations, institutions of higher education, museums, libraries, and summer camps in many States across the United States will celebrate the annual Summer Learning Day on July 13, 2006: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 13, 2006, as "National Summer Learning Day" to raise public awareness about the positive impact of summer learning opportunities on the development and educational success of our Nation's children;

(2) urges the people of the United States—

(A) to promote summer learning activities to send young people back to school ready to learn;

(B) to support working parents and their children; and

(C) to keep our Nation's children safe and healthy during the summer months; and

(3) urges communities to celebrate, with appropriate ceremonies and activities, the importance of high-quality summer learning opportunities in the lives of young students and their families.

SENATE CONCURRENT RESOLUTION 109—COMMENDING THE GOVERNMENT OF CANADA FOR ITS RENEWED COMMITMENT TO AFGHANISTAN

Mr. COLEMAN (for himself and Mr. Lugar) submitted the following concurrent resolution; which was considered and agreed to:

S. Con. Res. 109

Whereas twenty-four Canadian citizens were killed as a result of the September 11, 2001, terrorist attacks on the United States;

Whereas the people of Gander, Newfoundland, provided food, clothing, and shelter to thousands of stranded passengers and temporary aircraft parking to thirty-nine planes diverted from United States airspace as a result of the September 11, 2001, terrorist attacks on the United States;

Whereas the Government of Canada, as led by former Prime Ministers Jean Jacques Chretien and Paul Martin and continued by Prime Minister Stephen Harper, has provided humanitarian, diplomatic, and security personnel on the invitation of the Government of Afghanistan since 2001;

Whereas Canada has pledged $650,000,000 in development aid to Afghanistan;

Whereas Afghanistan is Canada's largest recipient of bilateral development aid;

Whereas Canada has stationed approximately 2,300 defense personnel who comprise Task Force Afghanistan, in order to improve security in southern Afghanistan, particularly in the province of Kandahar;

Whereas Canada has over 70 diplomatic officers worldwide who are dedicated to growing democracy and equality in Afghanistan;

Whereas at least seventeen Canadians have made the ultimate sacrifice in operations in Afghanistan since September 11, 2001;

Whereas Canada's commitment to the Government of Afghanistan, under the leadership of Prime Minister Hamid Karzai, was due to expire in February 2007;

Whereas on May 17, 2006, the Government of Canada led by Prime Minister Stephen Harper requested that the Canadian House of Commons extend Canada's commitment to peace and security operations in Afghanistan;

Whereas on May 17, 2006, the Canadian Parliament voted to extend peace and security operations in Afghanistan until 2009, to increase its development assistance by $310 million, and to build a permanent and secure embassy in Afghanistan to replace its current facility; and

Whereas this was an important sign of the renewed commitment of numerous United States allies to Afghanistan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the Government of Canada for its renewed and long-term commitment to Afghanistan;

(2) commends the leadership of former Canadian Prime Ministers Jean Jacques Chretien and Paul Martin and current Prime

Minister Stephen Harper for their steadfast commitment to democracy, human rights, and freedom throughout the world;

(3) commends the Government of Canada for working to secure a democratic Afghanistan;

(4) commends the Government of Canada's commitment to reducing poverty, aiding the counternarcotics efforts through counterterrorism and counterinsurgency campaigns, and ensuring a peaceful and terror-free Afghanistan;

(5) commends the Government of Canada for its three-pronged commitment to Afghanistan: diplomacy, development, and defense; and

(6) expresses the gratitude and appreciation of the United States for Canada's enduring friendship and leadership in Afghanistan.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4643. Mr. KYL (for himself and Mr. SANTORUM) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

SA 4644. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4645. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4646. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4647. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4648. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra.

SA 4649. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4650. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4651. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4652. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4653. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. SCHUMER, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4654. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. DEWINE, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4655. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4656. Mr. DAYTON (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4657. Ms. STABENOW (for herself, Mr. LEVIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra.

SA 4658. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4659. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4660. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4661. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4662. Mr. LAUTENBERG (for himself, Mr. OBAMA, Mr. MENENDEZ, Mrs. BOXER, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4663. Mr. DAYTON (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 5441, supra.

SA 4664. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4665. Mr. GRASSLEY (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4666. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4667. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4668. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4669. Mr. GREGG (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5441, supra.

SA 4670. Mr. GREGG (for Mr. KYL) proposed an amendment to the bill H.R. 5441, supra.

SA 4671. Mr. GREGG (for Mr. SCHUMER) proposed an amendment to the bill H.R. 5441, supra.

SA 4672. Mr. GREGG (for Mr. GRASSLEY (for himself and Mr. NELSON, of Florida)) proposed an amendment to the bill H.R. 5441, supra.

SA 4673. Mr. GREGG (for Mr. LEVIN (for himself and Ms. STABENOW)) proposed an amendment to the bill H.R. 5441, supra.

SA 4674. Mrs. BOXER proposed an amendment to the bill H.R. 5441, supra.

SA 4675. Mr. FRIST (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill S. 3525, to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes.

TEXT OF AMENDMENTS

SA 4643. Mr. KYL (for himself and Mr. SANTORUM) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 75, line 8 strike "$3,740,357,000; of which" and insert "$3,780,357,000; of which $40 million shall be authorized for 1,700 additional detention beds spaces and the necessary operational and mission support positions, information technology, relocation costs, and training for those beds; of which".

SEC. . At the appropriate place in the bill, insert:

Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended by adding at the end the following new subsection:

"(n) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

"(1) IN GENERAL—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1 to 4 family dwelling in which the mortgagor will occupy or occupies one of the units.

"(2) LIMITATION ON PRINCIPAL OBLIGATION—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size.

SA 4644. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall report to Congress—

(1) on whether local governments and first responders within 50 miles of a nuclear power plant have adequate resources to meet the emergency response requirements imposed on them by the Department of Homeland Security; and

(2) if such additional resources are needed, the amount of funding required to supply those resources.

SA 4645. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, line 2, insert ": *Provided*, That Sacramento, California and San Diego, California shall be eligible for grants under this subparagraph" before the semicolon.

SA 4646. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, line 2, before the semicolon insert the following: ": *Provided*, That the Secretary of Homeland Security shall designate any high-density urban area that, on the date on which an application for a grant under this subparagraph is submitted, includes a military installation at which more than 20,000 military and civilian personnel are located as a high-threat, high-density urban area for purposes of grants under this subparagraph".

SA 4647. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, line 17, insert ", in order to protect against wasteful spending, the Secretary of Homeland Security shall require that such technology systems be operationally tested in representative sectors along the international borders of the United States, including in remote areas located between ports of entry that are operated 24 hours a day and patrolled by relatively few border patrol agents, to ensure that such systems work effectively before such systems are fully deployed along the international borders of the United States: *Provided further*, That" after "That".

SA 4648. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland SEcurity for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the feasability and advisability of locating existing Louisiana facilities and assets of the Coast Guard in the Federal City Project of New Orleans, Louisiana, as described in the report of the Defense Base Closure and Realignment Commission submitted to the President in 2005 during the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

SA 4649. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Notwithstanding any other provisions of law, the Secretary of Homeland Security shall consult with National Council on Radiation Protection and Measurements (in this section referred to as the "NCRP") in preparing guidance and recommendations for emergency responders, to assist recovery operations, and to protect the general public with respect to radiological terrorism, threats, and events. In addition, the Secretary of Homeland Security shall partner with NCRP to develop and publish information needed by Federal, State, and local authorities to ensure comprehensive command and control in the aftermath of a nuclear or radiological terrorism event.

SA 4650. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

THREAT ASSESSMENT SCREENING OF PORT TRUCK DRIVERS

Notwithstanding any other provision of this Act, $10,000,000 of the amounts otherwise appropriated to or for the use of the Secretary of Homeland Security by this Act may not be obligated or expended until the Secretary of Homeland Security certifies that a threat assessment screening, including name-based checks against terrorist watch lists and immigration status check, has been implemented for all port truck drivers that is the same as the threat assessment screening required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (Federal Register, Vol. 71, No. 82, Friday, April 28, 2006).

SA 4651. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) IMPLEMENTATION OF SECTION 607 OF COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006.—

(1) ADDITIONAL AMOUNT FOR OPERATING EXPENSES FOR THE COAST GUARD.—The amount appropriated or otherwise made available by title II of this Act under the heading "UNITED STATES COAST GUARD" under the heading "OPERATING EXPENSES" is hereby increased by $1,000,000.

(2) AVAILABILITY.—Of the amount appropriated or otherwise made available by title II of this Act under the heading "UNITED STATES COAST GUARD" under the heading "OPERATING EXPENSES", as increased by paragraph (1), $1,000,000 may be available for the purpose of implementing section 607 of the Coast Guard and Maritime Transportation Act of 2006.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose set forth in that paragraph is in addition to any other amounts appropriated or otherwise made available by this Act for that purpose.

(b) OFFSET.—The amount appropriated by title I of this Act under the heading "OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT" is hereby reduced by $1,000,000.

SA 4652. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) NATIONAL CAPITAL REGION AIR DEFENSE MISSION OF THE COAST GUARD.—

(1) ADDITIONAL AMOUNT FOR ACQUISITION CONSTRUCTION, AND IMPROVEMENTS FOR THE COAST GUARD.—The amount appropriated or otherwise made available by title II of this Act under the heading "UNITED STATES COAST GUARD" under the heading "ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS" is hereby increased by $5,000,000.

(2) AVAILABILITY.—Of the amount appropriated or otherwise made available by title II of this Act under the heading "UNITED STATES COAST GUARD" under the heading "ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS", as increased by paragraph (1), $5,000,000 may be available for the purpose of the National Capital Region Air Defense mission of the Coast Guard.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose set forth in that paragraph is in addition to any other amounts appropriated or otherwise made available by this Act for that purpose.

(b) OFFSET.—The amount appropriated by title I of this Act under the heading "OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT" is hereby reduced by $5,000,000.

SA 4653. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. SCHUMER, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 96, line 23, insert ": *Provided further*, That not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a classified report describing the security vulnerabilities of all rail, transit, and highway bridges and tunnels connecting Northern New Jersey and New York City to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives" before the period at the end.

SA 4654. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. DEWINE, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike "$2,393,500,000," and insert the following: "$2,606,500,000, of which $213,000,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234, and".

On page 91, line 8, strike "$500,000,000" and insert "$633,000,000".

On page 91, line 9, strike "$350,000,000" and insert "$400,000,000".

On page 91, line 11, after "(42 U.S.C. 3714)" insert the following: ", of which $25,000,000 shall be used to increase funding for National Priority Programs to establish model terrorism prevention programs to assist State and local law enforcement agencies".

On page 91, line 22, strike "$1,172,000,000" and insert "$1,192,000,000".

On page 92, line 1, strike "$745,000,000" and insert "$765,000,000".

On page 93, line 5, strike "$40,000,000" and insert "$50,000,000".

On page 96, line 6, strike "$45,887,000" and insert the following: "$46,849,000, of which $962,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234".

SA 4655. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 21, strike "$5,285,874,000:" and insert "$5,329,874,000, of which $44,000,000 shall be used to hire an additional 236 border patrol agents.

At the appropriate place, insert the following:

SEC. ____. (a) All amounts made available under this Act for travel and transportation shall be reduced on a pro rata basis by $43,000,000.

(b) All amounts made available under this Act for printing and reproduction shall be reduced on a pro rata basis by $1,000,000.

SA 4656. Mr. DAYTON (for himiself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amounts appropriated in this Act for border security between ports of entry, including appropriations for an additional 1,000 additional border patrol agents, in addition to the border patrol agents assigned along international border between Canada and the United States during fiscal year 2006, sufficient amounts shall used by the Secretary of Homeland Security to assign to such border not less than 20 percent of the net increase in border patrol agents during fiscal year 2007, as authorized by Public Law 108–13.

SA 4657. Ms. STABENOW (for herself, Mr. LEVIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. . CUSTOMS USER FEES.

Notwithstanding any other provision of law, the Secretary of Homeland Security shall provide personnel and equipment to improve national security by inspecting international shipments of municipal solid waste, and shall levy a fee limited to the approximate cost of such inspections.

SA 4658. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, line 24, before the period, insert the following: ": *Provided further*, That none of the funds made available in this title may be used for travel by an officer or employee of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled 'Progress in Developing the National Asset Database', dated June 2006".

SA 4659. Mr. SESSIONS (for himself, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . (a) The amount appropriated by title II under the heading "CUSTOMS AND BORDER PROTECTION" and under the subheading "CONSTRUCTION" is hereby increased by $1,829,400,000, which shall remain available until expended.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a)—

(1) not less than $1,184,000,000 shall be used for the construction of 370 miles of double-layered fencing along the international border between the United States and Mexico; and

(2) not less than $645,400,000 shall be for the construction of not less than 461 miles of vehicle barriers along the international border between the United States and Mexico.

(c) All discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced on a pro rata basis by $1,829,400,000.

SA 4660. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . (a) The amount appropriated by title II under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT" and under the subheading "SALARIES AND EXPENSES" is hereby increased by $85,670,000.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a) not less than $104,000,000 shall be available to increase the number of full time active duty investigators employed by the Department of Homeland Security to investigate violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) by not less than 800 more than the number of such positions for which funds were made available during the fiscal year ending September 30, 2006, pursuant to section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734).

(c) All discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced on a pro rata basis by $85,670,000.

SA 4661. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . (a) NATIONAL CAPITAL REGION AIR DEFENSE MISSION OF THE COAST GUARD.—

(1) ADDITIONAL AMOUNT FOR OPERATING EXPENSES FOR THE COAST GUARD.—The amount appropriated or otherwise made available by title II of this Act under the heading "UNITED STATES COAST GUARD" under the heading "OPERATING EXPENSES" is hereby increased by $5,000,000.

(2) AVAILABILITY.—Of the amount appropriated or otherwise made available by title II of this Act under the heading "UNITED STATES COAST GUARD" under the heading "OPERATING EXPENSES", as increased by paragraph (1), $5,000,000 may be available for the purpose of the National Capital Region Air Defense mission of the Coast Guard.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose set forth in that paragraph is in addition to any other amounts appropriated or otherwise made available by this Act for that purpose.

(b) OFFSET.—The amount appropriated by title I of this Act under the heading "OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT" is hereby reduced by $5,000,000.

SA 4662. Mr. LAUTENBERG (for himself and Mr. OBAMA, Mr. MENENDEZ, Mrs. BOXER, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. RESEARCH AND DEVELOPMENT ON CHEMICAL SECURITY AND INHERENTLY SAFER TECHNOLOGIES.

In addition to any other amounts appropriated for Science and Technology Research, Development, Acquisition, and Operations in this Act, there are appropriated $10,000,000 to support research and development to foster cost-effective, inherently safer chemistries and chemical processes, as recommended in the National Research Council's May 2006 report: "Terrorism and the Chemical Infrastructure: Protecting People and Reducing Vulnerabilities": *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of

S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

SA 4663. Mr. DAYTON proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 70, line 3, strike "$5,285,874,000;" and insert "$5,329,874,000, of which $44,000,000 shall be used to hire an additional 236 border patrol agents.

At the appropriate place, insert the following:

SEC. ____. (a) All amounts made available under this Act for travel and transportation shall be reduced by $43,000,000.

(b) All amounts made available under this Act for printing and reproduction shall be reduced by $1,000,000.

SA 4664. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, line 12, insert "and each Member of Congress from the State or district, as the case may be, which is affected by such allocation, grant award, contract award, or letter of intent," after "Representatives".

SA 4665. Mr. GRASSLEY (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 60 days after the initiation of any contract relating to the Secure Border Initiative that is valued at more than $20,000,000, and upon the conclusion of the performance of such contract, the Inspector General of the Department of Homeland Security shall review each action relating to such contract to determine whether such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority-owned, and women-owned businesses, and time lines.

(b) If a contract review under subsection (a) uncovers information regarding improper conduct or wrongdoing, the Inspector General shall, as expeditiously as practicable, submit such information to the Secretary of Homeland Security, or to another appropriate official of the Department of Homeland Security, who shall determine if the contractor should be suspended from further participation in the Secure Border Initiative.

(c) Upon the completion of each review under subsection (a), the Inspector General shall submit a report to the Secretary that contains the findings of the review, including findings regarding—

(1) cost overruns;

(2) significant delays in contract execution;

(3) lack of rigorous departmental contract management;

(4) insufficient departmental financial oversight;

(5) contract bundling that limits the ability of small businesses to compete; or

(6) other high risk business practices.

(d)(1) Not later than 30 days after the receipt of each report submitted under subsection (c), the Secretary shall submit a report to the congressional committees listed in paragraph (3) that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in the report.

(2) Not later than 60 days after the initiation of each contract action with a company whose headquarters is outside of the United States, the Secretary shall submit a report regarding the Secure Border Initiative to the congressional committees listed in paragraph (3).

(3) The congressional committees listed in this paragraph are—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Appropriations of the House of Representatives;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(F) the Committee on Homeland Security of the House of Representatives.

SA 4666. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title VI for Customs and Border Protection for Air and Marine Interdiction, Operations, Maintenance, and Procurement, such funds as are necessary may be available for the establishment of the final Northern border air wing site in Michigan.

SA 4667. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, line 24, before the period, insert the following: ": *Provided further*, That none of the funds made available in this title under the heading "Management and Administration" may be used for travel by an officer or employee of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled 'Progress in Developing the National Asset Database', dated June 2006; or until the Under Secretary for Preparedness submits a report to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives explaining why such recommendations have not been fully implemented.

SA 4668. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REPORT ON COMPLIANCE WITH INSPECTOR GENERAL RECOMMENDATIONS.

Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Committees on Appropriations a report addressing the compliance by the Department of Homeland Security with the recommendations set forth in the July 6, 2006, Inspector General of Homeland Security report entitled "Progress in Developing the National Asset Database". The report shall include the status of the prioritization of assets by the Department of Homeland Security into high-value, medium-value, and low-value asset tiers, and how such tiers will be used by the Secretary of Homeland Security in the issuance of grant funds.

SA 4669. Mr. GREGG (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 540. (a) The Congress makes the following findings:

(1) Domestic methamphetamine production in both small-and large-scale laboratories is decreasing as a result of law enforcement pressure and public awareness campaigns.

(2) It is now estimated that 80 percent of methamphetamine consumed in the United States originates in Mexico and is smuggled into the United States.

(3) The movement of methamphetamine into the United States poses new law enforcement challenges at the border, in the financial system, and in communities affected by methamphetamine.

(4) Customs and Border Protection is working to stop the spread of methamphetamine by examining the movement of the drug and its precursors at the borders and points of entry.

(5) Customs and Border Protection is a vital source of information for the Drug Enforcement Administration and other law enforcement agencies.

(b) It is the sense of the Senate that Customs and Border Protection should continue to focus on methamphetamine in its reporting and analysis of trade flows to prevent the spread of methamphetamine throughout the United States.

SA 4670. Mr. GREGG (for Mr. KYL) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 76, line 15, before the period insert ": *Provided further*, That an additional $58,000,000 shall be available under this heading and authorized for 1,700 additional detention beds spaces and the necessary operational and mission support positions, information technology, relocation costs, and training for those beds and the amount made available under the heading '**DISASTER RELIEF**' in this Act is reduced by $58,000,000".

SA 4671. Mr. GREGG (for Mr. SCHUMER) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REPORT ON COMPLIANCE WITH INSPECTOR GENERAL RECOMMENDATIONS.

Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations a report addressing the compliance by the Department of Homeland Security with the recommendations set forth in the July 6, 2006, Inspector General of Homeland Security report entitled "Progress in Developing the National Asset Database". The report shall include the status of the prioritization of assets by the Department of Homeland Security into high-value, medium-value, and low-value asset tiers, and how such tiers will be used by the Secretary of Homeland Security in the issuance of grant funds.

SA 4672. Mr. GREGG (for Mr. GRASSLEY (for himself and Mr. NELSON of Florida)) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 60 days after the initiation of any contract relating to the Secure Border Initiative that is valued at more than $20,000,000, and upon the conclusion of the performance of such contract, the Inspector General of the Department of Homeland Security shall review each action relating to such contract to determine whether such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority-owned, and women-owned businesses, and time lines.

(b) If a contract review under subsection (a) uncovers information regarding improper conduct or wrongdoing, the Inspector General shall, as expeditiously as practicable, submit such information to the Secretary of Homeland Security, or to another appropriate official of the Department of Homeland Security, who shall determine if the contractor should be suspended from further participation in the Secure Border Initiative.

(c) Upon the completion of each review under subsection (a), the Inspector General shall submit a report to the Secretary that contains the findings of the review, including findings regarding—

(1) cost overruns;

(2) significant delays in contract execution;

(3) lack of rigorous departmental contract management;

(4) insufficient departmental financial oversight;

(5) contract bundling that limits the ability of small businesses to compete; or

(6) other high risk business practices.

(d)(1) Not later than 30 days after the receipt of each report submitted under subsection (c), the Secretary shall submit a report to the congressional committees listed in paragraph (3) that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in the report.

(2) Not later than 60 days after the initiation of each contract action with a company whose headquarters is outside of the United States, the Secretary shall submit a report regarding the Secure Border Initiative to the congressional committees listed in paragraph (3).

(3) The congressional committees listed in this paragraph are—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Appropriations of the House of Representatives;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(F) the Committee on Homeland Security of the House of Representatives.

SA 4673. Mr. GREGG (for Mr. LEVIN (for himself and Ms. STABENOW)) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title VI for Customs and Border Protection for Air and Marine Interdiction, Operations, Maintenance, and Procurement, such funds as are necessary may be available for the establishment of the final Northern border air wing site in Michigan.

SA 4674. Mrs. BOXER proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 90, line 24, before the period, insert the following: ": *Provided further*, That none of the funds made available in this title under the heading "Management and Administration" may be used for travel by an officer or employee of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled 'Progress in Developing the National Asset Database', dated June 2006; or until the Under Secretary for Preparedness submits a report to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives explaining why such recommendations have not been fully implemented.

SA 4675. Mr. FRIST (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill S. 3525, to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes; as follows:

On page 3, line 13, strike "and improve permanency outcomes for" and insert "improve permanency outcomes for, and enhance the safety of".

On page 3, line 20, strike "one" and insert "2".

On page 8, line 21, strike "access to" and insert ", or access to,".

On page 24, line 8, insert "the first place it appears" before the semicolon.

On page 24, line 9, strike the beginning parenthetical.

On page 24, line 11, insert ", or entity established by," after "of".

On page 24, line 13, strike the closing parenthetical.

On page 25, line 6, insert ", and identification of additional supports and services needed by," after "evaluation of".

On page 25, line 14, insert "and support" after "monitoring".

On page 25, line 19, insert ", and identification of additional supports and services needed by," after "evaluation of".

On page 26, line 2, insert ", and to identify any pre-adoption supports and services needed by" after "of".

On page 28, after line 25, add the following:

SEC. 7. REQUIREMENT FOR FOSTER CARE PROCEEDING TO INCLUDE, IN AN AGE-APPROPRIATE MANNER, CONSULTATION WITH THE CHILD THAT IS THE SUBJECT OF THE PROCEEDING.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting "(i)" after "with respect to each such child,";

(2) by striking "and procedural safeguards shall also" and inserting "(ii) procedural safeguards shall"; and

(3) by inserting "and (iii) procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child and, in the case of a child who has attained age 16, any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child;" after "parents;".

On page 29, line 1, strike "7" and insert "8".

On page 29, line 5, insert "and part E" after "part B".

On page 29, line 13, insert "or part E" after "part B".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, July 20, 2006, 10 a.m. in room SD-

366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of:

John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, vice Jeffrey D. Jarrett.

Mark Myers, of Alaska, to be Director of the United States Geological Survey, Department of the Interior, vice Charles G. Groat, resigned.

Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects for the term prescribed by law. (New Position)

For further information, please contact Judy Pensabene of the Committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 13, 2006, at 10 a.m. in open session to receive testimony on military commissions in light of the Supreme Court decision in Hamdan v. Rumsfeld.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to hold a Full Committee Hearing on Unmanned Aircraft Systems in Alaska and the Pacific Region: A Framework for the Nation, on Thursday, July 13, 2006, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 13, 2006, at 10 a.m. the purpose of this hearing is to receive testimony on H.R. 5254, the Refinery Permit Process Schedule Act.

ThE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, July 13, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of Mr. Eric Solomon, to be Assistant Secretary of the Treasury for Tax Policy, U.S. Department of the Treasury, vice Pamela Olson, resigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 13, 2006, at 9:30 a.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, July 13, 2006, at 2:30 p.m. to consider the nomination of Stephen S. McMillin to be Deputy Director, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 13, 2006, at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

I. Nominations

Neil M. Gorsuch, to be U.S. Circuit Judge for the Tenth Circuit; Jerome A. Holmes, to be U.S. Circuit Judge for the Tenth Circuit; Kimberly Ann Moore, to be U.S. Circuit Judge for the Federal Circuit; Bobby E. Shepherd, to be U.S. Circuit Judge for the Eighth Circuit; Gustavo Antonio Gelpi, to be U.S. District Judge for the District of Puerto Rico; Daniel Porter Jordan, III, to be U.S. District Judge for the Southern District of Mississippi; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; R. Alexander Acosta, to be U.S. Attorney for the Southern District of Florida; Martin J. Jackley, to be U.S. Attorney for the District of South Dakota; Brett L. Tolman, to be U.S. Attorney for the District of Utah.

II. Bills

S. 2453, National Security Surveillance Act of 2006, Specter;

S. 2455, Terrorist Surveillance Act of 2006, DeWine, Graham;

S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer;

S. 3001, Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006, Specter, Feinstein;

S. 2831, Free Flow of Information Act of 2006, Lugar, Specter, Graham, Schumer, Biden, Grassley;

H.R. 1036, Copyright Royalty Judges Program Technical Corrections Act, Smith—TX;

S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter;

S. 2703, Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, Specter, Leahy, Grassley, Kennedy, DeWine, Feinstein, Brownback, Durbin, Schumer, Kohl, Biden, Feingold;

S. 1845, Circuit Court of Appeals Restructuring and Modernization Act of 2005, Ensign, Kyl;

S. 2679, Unsolved Civil Rights Crime Act, Talent, De Wine, Cornyn.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, July 13, 2006, to hold a hearing titled "Battling the Backlog Part II: Challenges Facing the U.S. Court of Appeals for Veterans' Claims". The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 13, 2006, at 2:30 p.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. GREGG. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, July 13, 2006, from 10 a.m. to noon in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. GREGG. Mr. President: I would like to ask unanimous consent that on Thursday, July 13, 2006, at 9:30 a.m. the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to hold a hearing on the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet on Thursday, July 13, 2006, at 2:30 p.m. to conduct a hearing on "Renewing the Temporary Provisions of the Voting Rights Act: Legislative Options after LULAC v. Perry" in Room 226 of the Dirksen Senate Office Building.

Panel I: Michael Carfin, Partner, Jones Day, Washington, DC;

Abigail Thernstrom, Vice Chairman, U.S. Commission on Civil Rights, Lexington, MA;

Roger Clegg, President and General Counsel, Center for Equal Opportunity, Sterling, VA;

Joaquin G. Avila, Assistant Professor of Law, Seattle University School of Law, Seattle, WA;

Nina Perales, Regional Counsel, MALDEF, San Antonio, TX;

Sherrilyn Ifill, Associate Professor of Law, University of Maryland Law School, Baltimore, MD.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Beth Kolbe, an intern in Senator KERRY's office, be granted the privileges of the floor during consideration of the stem cell legislation and any votes that may occur in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 3504, S. 2754, AND H.R. 810

Mr. FRIST. Mr. President, this is one of the two issues that I mentioned a little bit ago on stem cells. I ask unanimous consent that at 12:30 p.m. on Monday, July 17, the Senate proceed to the consideration of S. 3504, S. 2754, and H.R. 810, as under the previous order. I further ask that the time be divided as follows:

Monday: 12:30 to 1:00, majority; 1:00 to 1:30, minority; 1:30 to 2:00, majority; and 2:00 to 2:30, minority, continuing to rotate every half-hour until 8:30.

Tuesday: 10:00 to 10:30, majority; 10:30 to 11:00, minority; 11:00 to 11:30, majority; 11:30 to 12:00, minority; 12:00 to 12:15, majority; 12:15 to 12:30, minority; 2:15 to 2:45, majority; 2:45 to 3:15 minority; 3:15 to 3:30, minority leader; and 3:30 to 3:45, majority leader.

Further, I ask that at 3:45 the Senate proceed to three consecutive votes as the order provides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, all that to say that we will be on stem cells on Monday and Tuesday with the 3:45 time period beginning three consecutive votes. The times that we just locked in are to have some order to the debate back and forth so people will know approximately when their debate time is.

MEASURE PLACED ON THE CALENDAR—H.R. 4411

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 4411) to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. Without objection, the bill will be placed on the calendar.

TO AMEND THE PUBLIC HEALTH SERVICE ACT WITH RESPECT TO THE NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION

Mr. FRIST. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 655) to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 655

Resolved, That the bill from the Senate (S. 655) entitled "An Act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention", do pass with the following amendment:

On page 2, line 19, after "period" insert: at the end of the second sentence

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

Mr. FRIST. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 250) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 250

Resolved, That the bill from the Senate (S. 250) entitled "An Act to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act", do pass with the following Amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vocational and Technical Education for the Future Act".

SEC. 2. REFERENCES.

Wherever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.).

SEC. 3. PURPOSES AND DEFINITIONS.

(a) PURPOSES.—Section 2(2) (20 U.S.C. 2301(2)) is amended by inserting "rigorous and challenging" after "integrate".

(b) DEFINITIONS.—Section 3 (20 U.S.C. 2302) is amended—

(1) by striking paragraph (26) and redesignating paragraphs (21) through (25) as paragraphs (23) through (27), and paragraphs (27) through (30) as paragraphs (29) through (32), respectively;

(2) by redesignating paragraphs (4) through (20) as paragraphs (5) through (21), respectively, and inserting after paragraph (3) the following:

"(4) ARTICULATION AGREEMENT.—The term 'articulation agreement' means a written commitment, agreed upon at the State level or approved annually and facilitated by the lead administrators of the secondary and postsecondary consortia members as described in section 135(b)(3)(A), to provide a program designed to provide students with a nonduplicative sequence of progressive achievements leading to degrees, certificates, or credentials in a tech-prep education program linked through credit transfer agreements.";

(3) in paragraph (5) (as so redesignated), by inserting "to students (and parents, as appropriate)" after "providing access";

(4) in paragraph (6) (as so redesignated), by striking "section 5206" and inserting "section 5210";

(5) in paragraph (7) (as so redesignated)—

(A) by striking "method of instruction" and inserting "method"; and

(B) by inserting "rigorous and challenging" after "required";

(6) in paragraph (11)(A) (as so redesignated), by striking "an" and inserting "a public or nonprofit private";

(7) in paragraph (18) (as so redesignated)—

(A) in the paragraph heading, by striking "TRAINING AND EMPLOYMENT" and inserting "FIELDS";

(B) by striking "training and employment" and inserting "fields"; and

(C) by inserting "current and" after "technology, and other";

(8) in paragraph (19) (as so redesignated), by striking "the Republic of the Marshall Islands, the Federated States of Micronesia,";

(9) by inserting after paragraph (21) (as so redesignated) the following:

"(22) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given that term in section 9101(37) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(37)).";

(10) in paragraph (25) (as so redesignated)—

(A) in subparagraph (C), by striking "training and employment" and inserting "fields";

(B) in subparagraph (E), by striking "and";

(C) in subparagraph (F)—

(i) by striking "individuals with other barriers to educational achievement, including"; and

(ii) by striking the period and inserting "; and"; and

(D) by inserting after subparagraph (F) the following:

"(G) individuals with other barriers to educational achievement, as determined by the State.";

(11) by inserting after paragraph (27) (as so redesignated) the following:

"(28) SUPPORTIVE SERVICES.—The term 'supportive services' means services such as transportation, child care, dependent care, and needs-based payments, that are necessary to enable an individual to participate in activities authorized under this Act.";

(12) in paragraph (29) (as so redesignated), by striking "section 2" and inserting "section 2(a)(4)";

(13) in paragraph (30) (as so redesignated)—

(A) by inserting "of subsection (a)" after "paragraph (2)"; and

(B) by striking "paragraph (5)(A) of such section" and inserting "paragraph (5)(A) of such subsection"; and

(14) by amending paragraph (31)(A) (as so redesignated) to read as follows:

"(A) offer a sequence of courses that—

"(i) provides individuals with the rigorous and challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a master's or doctoral degree) in current or emerging employment sectors;

"(ii) may include the provision of skills or courses necessary to enroll in a sequence of courses that meet the requirements of this subparagraph; and

"(iii) provides, at the postsecondary level, for a 1-year certificate, an associate degree, or industry-recognized credential; and".

SEC. 4. TRANSITION PROVISIONS.

Section 4 (20 U.S.C. 2303) is amended—

(1) by striking "the Carl D. Perkins Vocational and Applied Technology Education Act" and inserting "the 'Carl D. Perkins Vocational and Technical Education Act of 1998' "; and

(2) by striking "the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998" and inserting "the Vocational and Technical Education for the Future Act. Each eligible agency shall be assured 1 full fiscal year for transition, to plan for and implement the requirements of this Act".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 8 (20 U.S.C. 2307) is amended to read as follows:

"SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this Act (other than subsection (a), (b), and (c) of section 114, and sections 117 and 118) $1,307,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2011.".

SEC. 6. PROHIBITIONS.

(a) IN GENERAL.—The Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.) is amended by adding after section 8 the following new section:

"SEC. 9. PROHIBITIONS.

"(a) LOCAL CONTROL.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

"(b) NO PRECLUSION OF OTHER ASSISTANCE.—Any State that declines to submit an application to the Secretary for assistance under this Act shall not be precluded from applying for assistance under any other program administered by the Secretary.

"(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—Notwithstanding any other provision of Federal law, no State shall be required to have academic and vocational and technical content or student academic and vocational and technical achievement standards approved or certified by the Federal government, in order to receive assistance under this Act.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the requirements under section 113.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) is amended by inserting after the item relating to section 8 the following:

"Sec. 9. Prohibitions.".

SEC. 7. ALLOTMENT AND ALLOCATION TO STATES.

(a) ALLOTMENT FOR NATIONAL ACTIVITIES FOR 2006.—Section 111(a)(1) (20 U.S.C. 2321(a)(1)) is amended to read as follows:

"(1) RESERVATIONS.—From the sum appropriated under section 8 for each fiscal year, the Secretary shall reserve—

"(A) 0.12 percent to carry out section 115;

"(B) 1.50 percent to carry out section 116, of which—

"(i) 1.25 percent of the sum shall be available to carry out section 116(b); and

"(ii) 0.25 percent of the sum shall be available to carry out section 116(h); and

"(C) 0.54 percent to carry out section 114(d).".

(b) MINIMUM ALLOTMENTS.—Section 111(a) (20 U.S.C. 2321(a)) is further amended—

(1) in paragraph (3), by striking "(or in the case of fiscal year 1999" and all that follows through "Amendments of 1998)" each place it appears and inserting "(or in the case of fiscal year 2006 only, under this section and under title II of this Act, as such section and title were in effect on the day before the date of enactment of the Vocational and Technical Education for the Future Act)"; and

(2) by amending paragraph (4)(A) to read as follows:

"(A) IN GENERAL.—No State shall receive an allotment under this section for a fiscal year that is less than the allotment the State received for fiscal year 2005 under this section and under title II of this Act (as such section and title were in effect on the day before the date of enactment of the Vocational and Technical Education for the Future Act).".

(c) WITHIN STATE ALLOCATION.—Section 112 (20 U.S.C. 2322) is amended—

(1) by amending subsection (a) to read as follows:

"(a) ALLOCATION FORMULA.—From the amount allotted to each State under section 111 for a fiscal year, the State board (hereinafter referred to as the 'eligible agency') shall allocate such amount as follows:

"(1) Subject to paragraph (4), not less than 88 percent shall be made available for distribution under section 131 or 132, of which the eligible agency shall first make available for the activities described in section 135(b)(3) an amount equal to the amount allotted in fiscal year 2005 to such eligible agency under title II of this Act (as such title was in effect on the day before the date of enactment of the Vocational and Technical Education for the Future Act), reduced by the percentage by which the amount allotted to the State under section 111 for the fiscal year is less than the amount allotted under such section to such State for fiscal year 2005. Of the remainder of the 88 percent, not more than 10 percent may be used in accordance with subsection (c).

"(2) Subject to paragraph (4), not more than 10 percent shall be made available to carry out State leadership activities described in section 124, of which—

"(A) an amount equal to not more than 1 percent of the amount allotted to the State under section 111 for the fiscal year shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

"(B) not less than $60,000 and not more than $150,000 shall be available for services that prepare individuals for nontraditional fields.

"(3) An amount equal to not more than 2 percent, or $250,000, whichever is greater, shall be made available for administration of the State plan, which may be used for the costs of—

"(A) developing the State plan;

"(B) reviewing the local plan;

"(C) monitoring and evaluating program effectiveness;

"(D) assuring compliance with all applicable Federal laws; and

"(E) providing technical assistance.

"(4) If the amount allocated for any fiscal year under paragraph (2) shall be less than the amount allocated under such paragraph for fiscal year 2005, additional amounts may be made available from the amount allocated under paragraph (1) for the purposes described in paragraph (2). If such additional amounts are made available under this paragraph, the percentage of the total amount allotted under section 111 that is allocated for the purposes described in paragraph (2) shall not exceed the percentage of the total amount allotted under section 111 for fiscal year 2005 that was allocated under paragraph (2) for fiscal year 2005."; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking the semicolon and inserting "; and";

(ii) in subparagraph (C), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (D); and

(B) in paragraph (2), by striking "through (D)" and inserting "through (C)".

SEC. 8. ACCOUNTABILITY.

(a) PURPOSE.—Section 113(a) (20 U.S.C. 2323(a)) is amended—

(1) by striking "establish a State" and inserting "support a State and local"; and

(2) by inserting "and its eligible recipients" after "effectiveness of the State".

(b) STATE PERFORMANCE MEASURES.—Section 113(b) (20 U.S.C. 2323(b)) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) in subparagraph (A)—

(i) in the subparagraph heading, by inserting "FOR SECONDARY STUDENTS" after "PERFORMANCE";

(ii) by inserting "of secondary students that are, to the extent practicable, valid and reliable and" after "indicators of performance";

(iii) in clause (i), by striking "State established academic," and inserting "academic content and achievement standards, as established by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)),";

(iv) in clause (ii)—

(I) by striking "or its recognized equivalent," and inserting ", General Education Development credential (GED), or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities), or"; and

(II) by striking ", or a postsecondary degree or credential";

(v) by amending clause (iii) to read as follows:

"(iii) Student graduation rates (as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi))).";

(vi) by redesignating clause (iv) as clause (v) and inserting after clause (iii) the following:

"(iv) Placement in postsecondary education or advanced training, placement in military service, or placement in employment."; and

(vii) in clause (v) (as so redesignated), by striking "training and employment" and inserting "fields";

(C) by inserting after subparagraph (A) the following:

"(B) CORE INDICATORS OF PERFORMANCE FOR POSTSECONDARY STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance of postsecondary students that are, to the extent practicable, valid and reliable, and that include, at a minimum, measures of each of the following:

"(i) Student attainment of challenging academic and vocational and technical skill proficiencies.

"(ii) Student retention in postsecondary education, attainment of an associate degree or postsecondary credential, or transfer to a baccalaureate degree program.

"(iii) Placement in military service or placement or retention in employment.

"(iv) Student participation in and completion of vocational and technical education programs in nontraditional fields.";

(D) in subparagraph (C) (as so redesignated), by striking "under the title" and inserting "under this title"; and

(E) in subparagraph (D) (as so redesignated), by inserting "vocational and technical education" after "has developed State"; and

(2) in paragraph (3)—

(A) by amending the paragraph heading to read as follows:

"(3) STATE LEVELS OF PERFORMANCE.—"; and

(B) in subparagraph (A)—

(i) in clause (i)—

(I) by striking "paragraph (2)(A)" and inserting "subparagraphs (A) and (B) of paragraph (2)"; and

(II) in subclause (II), by striking "to continually" and all that follows through "performance", and inserting "to make continuous and substantial improvement in the academic and vocational and technical achievement";

(ii) by amending clause (v) to read as follows:

"(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—

"(I) 3RD AND 4TH PROGRAM YEARS.—Prior to the third program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the third and fourth programs years covered by the State plan, taking into account the factors described in clause (vi).

"(II) 5TH AND 6TH PROGRAM YEARS.—Prior to the fifth program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the fifth and sixth programs years covered by the State plan, taking into account the factors described in clause (vi).

"(III) AGREEMENTS INCORPORATED INTO STATE PLAN.—The State adjusted levels of performance agreed to under this clause shall be considered the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.";

(iii) in clause (vi)(II), by inserting "and substantial" after "continuous"; and

(iv) in clause (vii)—

(I) by striking "clause (vi)(II)" and inserting "clause (vi)"; and

(II) by striking "under clause (iii) or (vi)" and inserting "under clause (iii) or (v)".

(c) LOCAL LEVELS OF PERFORMANCE.—Section 113(b) is further amended by adding at the end the following:

"(4) LOCAL LEVELS OF PERFORMANCE.—

"(A) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

"(i) IN GENERAL.—Each eligible recipient shall establish in the local plan submitted under section 134, levels of performance for each of the core indicators of performance described in paragraph (2)(A) and (B), as appropriate for the eligible recipient, for vocational and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

"(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

"(II) require the eligible recipient to make continuous and substantial improvement in the academic and vocational and technical achievement of vocational and technical education students.

"(ii) IDENTIFICATION IN THE LOCAL PLAN.—Each eligible recipient shall identify, in the local plan submitted under section 134, levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan.

"(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The eligible agency and each eligible recipient shall reach agreement on the levels of performance for each of the core indicators of performance, for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted level of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.

"(iv) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—

"(I) 3RD AND 4TH PROGRAM YEARS.—Prior to the third program year covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the third and fourth program years covered by the local plan, taking into account the factors described in clause (v).

"(II) 5TH AND 6TH PROGRAM YEARS.—Prior to the fifth program year covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the fifth and sixth program years covered by the local plan, taking into account the factors described in clause (v).

"(III) AGREEMENTS INCORPORATED INTO LOCAL PLAN.—The local adjusted levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.

"(v) FACTORS.—The agreement described in clause (iii) or (iv) shall take into account—

"(I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

"(II) the extent to which such levels of performance promote continuous and substantial improvement on the indicators of performance by such eligible recipient.

"(vi) REVISIONS.—If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factors described in clause (v), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.

"(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible recipient may identify in the local plan, local levels of performance for any additional indicators of performance. Such levels shall be considered to be the local levels of performance for purposes of this title.

"(C) LOCAL REPORT.—

"(i) CONTENT OF REPORT.—Each eligible recipient that receives an allotment under section 111 shall annually prepare and submit to the eligible agency a report regarding—

"(I) the progress of such recipient in achieving the local adjusted levels of performance on the core indicators of performance; and

"(II) in the case of an eligible recipient that receives funds described in section 112(a) for activities described in section 135(b)(3), the progress in achieving the local adjusted levels of performance on the core indicators of performance with respect to tech-prep program participants.

"(ii) DATA.—Each eligible recipient shall—

"(I) disaggregate data for each of the indicators of performance under section 113(b)(2) for the categories of students enumerated under section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 that are served under this Act; and

"(II) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible recipient under the Act.

"(iii) RULES FOR REPORTING OF DATA.—The disaggregation of data under clause (ii) shall be required except in a case in which the number of students in a category is insufficient to yield statistically reliable information or in which the results would reveal personally identifiable information about an individual student.

"(iv) AVAILABILITY.—The report described in clause (i) shall be made available to the public through a variety of formats, including electronically through the Internet.".

(d) STATE REPORT.—Section 113(c) (20 U.S.C. 2323(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively, and inserting after paragraph (1) the following:

"(2) DATA.—Each eligible agency under this subsection shall—

"(A) disaggregate data for each of the indicators of performance under section 113(b)(2) for the categories of students enumerated under section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 that are served under this Act; and

"(B) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible agency under the Act.

"(3) RULES FOR REPORTING OF DATA.—The disaggregation of data under paragraph (2) shall be required except in a case in which the number of students in a category is insufficient to yield statistically reliable information or in which the results would reveal personally identifiable information about an individual student."; and

(2) in paragraph (4) (as so redesignated)—

(A) by striking "special populations" and inserting "each of the populations described in section 3(25) and the populations described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i))"; and

(B) by striking "have made" and inserting "has made".

SEC. 9. NATIONAL ACTIVITIES.

(a) PROGRAM PERFORMANCE INFORMATION.—Section 114(a)(3) (20 U.S.C. 2324(a)(3)) is amended by inserting "in the aggregate" after "international comparisons".

(b) EVALUATION AND ASSESSMENT.—Section 114(c) (20 U.S.C. 2324(c)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) INDEPENDENT ADVISORY PANEL.—The Secretary shall appoint an independent advisory panel, consisting of academic and vocational and technical education educators, administrators, experts in evaluation, research, and assessment, representatives of labor organizations, businesses, parents, guidance and counseling professionals, and other individuals with relevant expertise, to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed and the methodology of the studies involved to ensure the assessment adheres to the

highest standards of quality. The advisory panel shall transmit to the Secretary and to Congress an independent analysis of the findings and recommendations resulting from such assessment. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this subsection.";

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting "the implementation of the" after "and assessment of";

(B) in subparagraph (B)—

(i) by inserting "but shall not be limited to" after "paragraph (1) shall include";

(ii) by striking clauses (i), (ii), (iv), and (vii) and redesignating clauses (iii), (v), (vi), and (viii) as clauses (i) through (iv), respectively;

(iii) in clause (i) (as so redesignated), by striking ", and academic, curricula in vocational and technical education programs," and inserting "education (such as meeting State established teacher certification or licensing requirements)"; and

(iv) in clause (ii) (as so redesignated)—

(I) by striking "and employment outcomes" and all that follows through "including analyses of" and inserting "and vocational and technical education achievement and employment outcomes of vocational and technical education students, including analyses of";

(II) in subclause (I), by striking "and tech-prep students" and inserting "and students participating in the activities described in section 135(b)(3)";

(III) in subclause (II), by striking "academic, and vocational and technical, education" and inserting "rigorous and challenging academic and vocational and technical education, including a review of the effect of integrated rigorous and challenging academic and vocational and technical education on the achievement of students"; and

(IV) in subclause (III), by inserting ", particularly those in which math and science skills are critical," after "high-skill careers"; and

(C) in subparagraph (C)—

(i) in clause (i)—

(I) by striking "the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "Congress"; and

(II) by striking "2002" and inserting "2009" both places it appears; and

(ii) in clause (ii), by striking "the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate," and inserting "Congress";

(3) in paragraph (5)(A)—

(A) by striking "to carry out research" each place it appears, and inserting "to carry out scientifically based research";

(B) in clause (i), by inserting "scientifically based" after "programs, including";

(C) in clause (ii), by inserting "that are integrated with rigorous and challenging academic education" after "implementation of vocational and technical education programs"; and

(D) in clause (iii)(I), by inserting "and the integration of those systems with the academic education system" after "technical education systems";

(4) in paragraph (6)—

(A) by striking:

"(6) DEMONSTRATIONS AND DISSEMINATION.—

"(A) DEMONSTRATION PROGRAM.—The", and inserting:

"(6) DEMONSTRATIONS AND DISSEMINATION.—The"; and

(B) by striking subparagraph (B); and

(5) in paragraph (8), by striking "this section" and all that follows and inserting "subsections (a), (b), and (c) of this section, such sums as may be necessary for each of fiscal years 2006 through 2011.".

(c) INCENTIVE GRANTS FOR ELIGIBLE AGENCIES.—Section 114 is further amended by adding at the end the following new subsection:

"(d) INCENTIVE GRANTS FOR ELIGIBLE AGENCIES.—

"(1) IN GENERAL.—From funds reserved under section 111(a)(1)(C), the Secretary may award grants to eligible agencies for exemplary performance in carrying out programs under this Act. Such awards shall be based on an eligible agency exceeding State adjusted levels of performance established under section 113(b) and showing sustained or significant improvement.

"(2) SPECIAL CONSIDERATION.—In awarding these grants, the Secretary may consider—

"(A) an eligible agency's success in effectively developing connections between secondary education and postsecondary education and training;

"(B) an eligible agency's integration of rigorous and challenging academic and technical coursework; and

"(C) an eligible agency's progress in having special populations participating in vocational and technical education meet State adjusted levels of performance.

"(3) USE OF FUNDS.—The funds awarded to an eligible agency under this subsection may be used to carry out any activities authorized under section 124, including demonstrations of innovative programs.".

SEC. 10. OUTLYING AREAS, NATIVE AMERICAN PROGRAMS, AND TRIBALLY CONTROLLED INSTITUTIONS.

(a) ASSISTANCE FOR THE OUTLYING AREAS.—Section 115 (20 U.S.C. 2325) is amended to read as follows:

"SEC. 115. ASSISTANCE FOR THE OUTLYING AREAS.

"(a) OUTLYING AREAS.—From funds reserved pursuant to section 111(a)(1)(A), the Secretary shall—

"(1) make a grant in the amount of $660,000 to Guam;

"(2) make a grant in the amount of $350,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands; and

"(3) make a grant in the amount of $160,000 to the Republic of Palau.

"(b) REMAINDER.—Subject to the provisions of subsection (a), the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A), in equal proportion, to each of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of providing direct vocational and technical educational services, including—

"(1) teacher and counselor training and retraining;

"(2) curriculum development; and

"(3) the improvement of vocational and technical education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving both secondary schools and institutions of higher education.

"(c) RESTRICTION.—The Republic of Palau shall cease to be eligible to receive funding under this section upon entering into an agreement for extension of United States educational assistance under the Compact of Free Association after the date of enactment of the Vocational and Technical Education for the Future Act.".

(b) NATIVE AMERICAN PROGRAM.—Section 116 (20 U.S.C. 2326) is amended—

(1) in subsection (a), by inserting a period at the end of paragraph (5); and

(2) in subsection (b)—

(A) in paragraph (1), by striking "subsection (d)" and inserting "subsection (c)"; and

(B) in paragraph (2), by striking "(other than in subsection (i))".

(c) TRIBALLY CONTROLLED INSTITUTIONS.—Section 117 (20 U.S.C. 2327) is amended—

(1) by amending subsection (b) to read as follows:

"(b) USES OF GRANTS.—Amounts made available under this section shall be used for vocational and technical education programs for Indian students and for institutional support costs of the grant, including the expenses described in subsection (e).";

(2) in subsection (c), by inserting after paragraph (2) the following:

"(3) INDIRECT COSTS.—Notwithstanding any other provision of law or regulation, the Secretary shall not require the use of a restricted indirect cost rate for grants issued under this section.";

(3) by striking subsection (g) and redesignating subsections (h) and (i) as subsections (g) and (h), respectively; and

(4) in subsection (h) (as so redesignated)—

(A) by striking "$4,000,000 for fiscal year 1999 and"; and

(B) by striking "the 4 succeeding fiscal years" and inserting "fiscal years 2006 through 2011".

(d) OCCUPATIONAL AND EMPLOYMENT INFORMATION.—Section 118 (20 U.S.C. 2328) is amended—

(1) by amending subsection (b) to read as follows:

"(b) STATE LEVEL ACTIVITIES.—

"(1) DESIGNATED ENTITY.—In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State responsible for conducting the activities in this subsection.

"(2) APPLICATION.—The jointly designated agency shall submit an application to the Secretary at the same time the State submits its state plan under section 122. The application shall be in such a manner and be accompanied by such information as the Secretary may reasonably require. At a minimum, the application shall describe how the jointly designated agency will assist the eligible agency in meeting its adjusted levels of performance under section 113(b).

"(3) ACTIVITIES.—The jointly designated agency shall conduct activities—

"(A) to provide support for career guidance and academic counseling programs designed to promote improved career and education decision making by students (and parents, as appropriate) regarding education and training options and preparations for high skill, high wage occupations;

"(B) to make available to students, parents, teachers, administrators, and counselors, and improve accessibility to, information and planning resources that relate academic and vocational and technical educational preparation to career goals and expectations;

"(C) to equip teachers, administrators, and counselors with the knowledge, skills, and occupational information needed to assist students and parents with educational and other postsecondary opportunities and education financing;

"(D) to assist appropriate State entities in tailoring resources and training for use by such entities;

"(E) to improve coordination and communication among administrators and planners of programs authorized by this Act and by section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2) at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data; and

"(F) to provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements.";

(2) in subsection (e)(1), by striking "an identification" and inserting "a description"; and

(3) in subsection (f), by striking "1999 through 2003" and inserting "2006 through 2011".

SEC. 11. STATE ADMINISTRATION.

Section 121 (20 U.S.C. 2341) is amended to read as follows:

"SEC. 121. STATE ADMINISTRATION.

"(a) Eligible Agency Responsibilities.—The responsibilities of an eligible agency under this title shall include—

"(1) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this title, including preparation for nontraditional fields;

"(2) consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, representatives of businesses, labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this title;

"(3) convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency's responsibilities under this title, but not less than four times annually; and

"(4) the adoption of such procedures as the eligible agency considers necessary to—

"(A) implement State level coordination with the activities undertaken by the State boards under section 111 of Public Law 105–220; and

"(B) make available to the service delivery system under section 121 of Public Law 105–220 within the State a listing of all school dropout, postsecondary, and adult programs assisted under this title.

"(b) Exception.—Except with respect to the responsibilities set forth in subsection (a), the eligible agency may delegate any of the other responsibilities of the eligible agency that involve the administration, operation, supervision of activities assisted under this title, in whole or in part, to one or more appropriate State agencies.".

SEC. 12. STATE PLAN.

Section 122 (20 U.S.C. 2342) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "5-year period" and inserting "6-year period";

(B) in paragraph (2)(B), by striking "5 year State plan" and inserting "6-year period"; and

(C) in paragraph (3), by striking "(including employers, labor organizations, and parents)" and inserting "(including charter school authorizers and organizers, employers, labor organizations, parents, students, and community organizations)";

(2) in subsection (b)(1), by striking "teachers, eligible recipients, parents, students, interested community members" and inserting "academic and vocational and technical education teachers, eligible recipients, charter school authorizers and organizers, parents, students, interested community members (including parent and community organizations), institutions of higher education";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively, and inserting before such subparagraphs (as so redesignated) the following:

"(A) the development of model sequences of courses for vocational and technical content areas that—

"(i) incorporate both secondary and postsecondary education elements;

"(ii) include rigorous and challenging academic content and vocational and technical content in a coordinated, nonduplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education;

"(iii) lead to a postsecondary 1-year certificate, associate or baccalaureate degree, or a proficiency credential in conjunction with a secondary school diploma; and

"(iv) may be adopted by local educational agencies and postsecondary institutions to be offered as an option to students (and their parents as appropriate), when choosing future coursework;";

(ii) in subparagraph (B) (as so redesignated), by inserting "and how the eligible agency will distribute information identifying eligible recipients that offer elements of the model sequences of courses" before the semicolon;

(iii) by amending subparagraph (C) (as so redesignated) to read as follows:

"(C) the criteria that will be used by the eligible agency to evaluate and approve eligible recipients for funds under this title, including criteria to assess the extent to which the local plan will promote continuous and substantial improvement in academic achievement and technical skill attainment;";

(iv) in subparagraph (D) (as so redesignated)—

(I) by inserting ", both academically and technically," after "students"; and

(II) by striking "; and" and inserting ", and how participating students will be made aware of such opportunities;";

(v) in subparagraph (E) (as so redesignated), by inserting "aligned with rigorous and challenging academic content" before the semicolon; and

(vi) by inserting after subparagraph (E) (as so redesignated) the following:

"(F) the process through which the eligible agency will develop the secondary or postsecondary elements of the model sequences of courses described in subparagraph (A);

"(G) the role that any eligible recipients successfully implementing the activities described in section 135(b)(3) will play in assisting other eligible recipients in establishing agreements and plans for coordinating the offering of model sequences of courses to students at both the secondary and postsecondary levels;

"(H) how funds will be used effectively to link secondary and postsecondary academic and vocational and technical education in a manner that increases student academic and vocational and technical achievement; and

"(I) how the eligible agency will report the integration of rigorous and challenging academics in vocational and technical education programs in order to adequately evaluate the quality of such integration;";

(B) by amending paragraph (2) to read as follows:

"(2) describes how comprehensive professional development (including initial teacher preparation and activities that support recruitment) for vocational and technical, academic, guidance, and administrative personnel will be provided, especially professional development that—

"(A) promotes the integration of rigorous and challenging academic and vocational and technical education curriculum development;

"(B) increases the percentage of teachers that meet teacher certification or licensing requirements;

"(C) increases the academic and industry knowledge of vocational and technical education teachers; and

"(D) encourages applied learning that contributes to the academic and vocational and technical knowledge of the student;";

(C) in paragraph (3), by inserting "academic and vocational and technical" after "parents,";

(D) in paragraph (5)(A)—

(i) by inserting "(especially as pertaining to math, science, and technology)" after "academic and technical skills"; and

(ii) by striking "core academic, and vocational and technical, subjects" and inserting "core academic subjects (as defined in section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11))), and vocational and technical subjects";

(E) in paragraph (11), by inserting "and technology" after "equipment";

(F) by striking paragraph (19) and redesignating paragraphs (12) through (18) as paragraphs (13) through (19), respectively;

(G) by inserting after paragraph (11) the following:

"(12) describes how the eligible agency will ensure that any entity in the State that purchases equipment with funds under this Act will dispose of that equipment in such a manner as to ensure that any personally identifiable information contained in that equipment will be totally destroyed prior to, or as part of, the disposition;";

(H) in paragraph (18) (as so redesignated), by striking "training and employment" and inserting "fields"; and

(I) by redesignating paragraphs (20) and (21) as paragraphs (22) and (23), respectively, and inserting after paragraph (19) (as so redesignated) the following:

"(20) describes how the eligible agency will award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, using funds described in section 112 (a)(1) for activities described in section 135(b)(3);

"(21) describes how the eligible agency will carry out measurable, sustainable, and coordinated tech-prep activities in the State (as described in section 135(b)(3)), with funds allocated under section 112(a), that are developed in consultation with the entities described in subsection (b)(1) and that effectively prepare students for post-secondary education or employment in high-demand occupations through a seamless program of study consisting of appropriate advanced academic and technical courses that include a minimum of 2 years of secondary school preceding graduation and a minimum of 2 years of higher education or an apprenticeship program of at least 2 years following secondary instruction;"; and

(4) by striking subsections (d) and (f) and redesignating subsection (e) as subsection (d).

SEC. 13. IMPROVEMENT PLANS.

Section 123 (20 U.S.C. 2343) is amended to read as follows:

"SEC. 123. IMPROVEMENT PLANS.

"(a) State Program Improvement.—

"(1) Plan.—If a State fails to meet the agreed upon State adjusted levels of performance required under section 113(b)(3), the eligible agency shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 113(c)(2)) in consultation with the appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under paragraph (3).

"(2) Technical assistance.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purposes of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this Act.

"(3) Subsequent action.—

"(A) In general.—If an eligible agency fails to meet the State adjusted levels of performance and the purposes of this Act, has not implemented an improvement plan as described in paragraph (1), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (1), or has failed to meet the State adjusted levels of performance and the purposes of this Act for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, withhold from the eligible agency all, or a portion of, the eligible agency's allotment under this title.

"(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(4) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—

"(A) IN GENERAL.—The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency, to provide (through alternative arrangements) services and activities within the State to meet the purposes of this Act.

"(B) REDISTRIBUTION.—If the Secretary cannot satisfactorily use funds withheld under paragraph (3), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (3) shall be redistributed to other eligible agencies in accordance with section 111.

"(b) LOCAL PROGRAM IMPROVEMENT.—

"(1) LOCAL EVALUATION.—Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 113(b)(4), the vocational and technical education activities of each eligible recipient receiving funds under this title.

"(2) PLAN.—

"(A) IN GENERAL.—If, after reviewing the evaluation, the eligible agency determines that an eligible recipient is not making substantial progress in achieving the local adjusted levels of performance, or that an eligible recipient demonstrates under section 113(b)(4)(C) persistent or a widening of performance gaps between multiple categories of students served by the eligible recipient in comparison to all students in the State served under the Act, the eligible agency shall—

"(i) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies;

"(ii) enter into an improvement plan agreement with an eligible recipient based on the results of the assessment, for the first program year succeeding the program year in which the eligible recipient failed to meet the local adjusted levels of performance, which plan shall demonstrate how the local performance deficiencies will be corrected and include strategies for professional development and instructional and other programmatic innovations of demonstrated effectiveness, giving special consideration to performance gaps identified under section 113(b)(4)(C); and

"(iii) conduct regular evaluations of the progress being made toward reaching the local adjusted levels of performance as described in section 113(b)(4) and progress on implementing the improvement plan.

"(B) CONSULTATION.—The eligible agency shall conduct the activities described in paragraph (2) in consultation with teachers, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

"(3) TECHNICAL ASSISTANCE.—If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purpose of this Act, based on the local adjusted levels of performance, the eligible agency shall provide technical assistance to the eligible recipient to assist such recipient in carrying out the improvement activities consistent with the requirements of this Act.

"(4) SUBSEQUENT ACTION.—

"(A) IN GENERAL.—If an eligible recipient fails to meet the local adjusted levels of performance as described in section 113(b)(4) and the purposes of this Act, has not implemented an improvement plan as described in paragraph (2), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (2), or has failed to meet the local adjusted levels of performance and the purposes of this Act for 2 or more consecutive years, the eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion of, the eligible recipient's allotment under this title.

"(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The eligible agency may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The eligible agency shall use funds withheld under paragraph (4) to continue to provide (through alternative arrangements) services and activities in the area served by such recipient to meet the purpose of this Act.".

SEC. 14. STATE LEADERSHIP ACTIVITIES.

Section 124 (20 U.S.C. 2344) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "learning" and inserting "education";

(B) in paragraph (2)—

(i) by inserting ", and the required math and science education," after "use of technology in vocational and technical education"; and

(ii) in subparagraph (B)—

(I) by inserting "(including the math and science knowledge that provides a strong basis for such skills)" after "technical skills"; and

(II) by striking "and telecommunications field" and inserting "fields, including nontraditional fields";

(C) in paragraph (3)—

(i) by inserting "at the secondary and postsecondary levels" after "academic, guidance, and administrative personnel";

(ii) by redesignating subparagraphs (A) through (D) as subparagraphs (C) through (F), respectively, and inserting before such subparagraphs (as so redesignated) the following:

"(A) will provide inservice and preservice training for vocational and technical education teachers in the integration and use of rigorous and challenging academics with vocational and technical subjects;

"(B) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not 1-day or short-term workshops or conferences;";

(iii) in subparagraph (C) (as so redesignated)—

(I) by inserting "scientifically based" after "based on"; and

(II) by striking "; and" and inserting a semicolon;

(iv) in subparagraph (D) (as so redesignated), by striking "assist students in meeting" and inserting "improve student achievement in order to meet"; and

(v) by amending subparagraph (E) (as so redesignated) to read as follows:

"(E) will support education programs for teachers of vocational and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational and technical education students to ensure that teachers and personnel—

"(i) stay current with the needs, expectations, and methods of industry;

"(ii) meet teacher certification or licensing requirements, especially in core academic subjects as defined in section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11));

"(iii) effectively develop integrated rigorous and challenging academic and vocational and technical education curriculum;

"(iv) develop a high level of academic and industry knowledge and skills necessary to provide effective instruction in vocational and technical education; and

"(v) effectively use applied learning that contributes to the academic and vocational and technical knowledge of the student; and";

(D) in paragraph (4), by striking "integration of academics" and all that follows through "core academic," and inserting "provision of rigorous and challenging academics that are integrated with vocational and technical education to ensure achievement in the core academic subjects (as defined in section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11))),";

(E) in paragraph (5), by striking "training and employment" and inserting "fields";

(F) in paragraph (6), by inserting "and complete a model sequence of courses, as described in section 122(c)(1)(A)" after "technical skills";

(G) in paragraph (7), by striking "; and" and inserting a semicolon;

(H) in paragraph (8), by striking the period and inserting "; and"; and

(I) by inserting after paragraph (8) the following:

"(9) technical assistance for eligible recipients."; and

(2) in subsection (c)—

(A) by striking paragraph (1), and redesignating paragraphs (2) through (10) as paragraphs (1) through (9), respectively, and paragraphs (11) and paragraphs (13) and (14), respectively;

(B) in paragraph (9) (as so redesignated), by inserting "that prepare individuals academically and technically for current and emerging occupations in demand" after "education courses"; and

(C) by inserting after paragraph (9) (as so redesignated) the following:

"(10) awarding incentive grants to eligible recipients for exemplary performance in carrying out programs under this Act, which awards shall be based on—

"(A) eligible recipients exceeding challenging performance measures established under section 113(b) in a manner that reflects sustained or significant improvement;

"(B) eligible recipients effectively developing connections between secondary education and postsecondary education and training;

"(C) the adoption and integration of rigorous and challenging academic and technical coursework;

"(D) an eligible recipient's progress in having special populations participating in vocational and technical education programs meet local adjusted levels of performance; or

"(E) other factors relating to the performance of the eligible recipient under this Act as the eligible agency determines are appropriate;

"(11) providing for activities to support entrepreneurship education and training;

"(12) support for initiatives to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

"(A) statewide articulation agreements between sub-baccalaureate degree granting career and technical postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

"(B) postsecondary dual and concurrent enrollment program;

"(C) academic and financial aid counseling; and

"(D) other initiatives to—

"(i) encourage the pursuit of a baccalaureate degree; and

"(ii) overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;".

SEC. 15. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

Section 131 (20 U.S.C. 2351) is amended—

(1) by striking subsection (a) and redesignating subsections (b) through (i) as subsections (a) through (h), respectively;

(2) in subsection (a) (as so redesignated)—

(A) in the subsection heading, by striking "Special" and "for Succeeding Fiscal Years"; and

(B) by striking "for fiscal year 2000 and succeeding fiscal years"; and

(3) in subsection (b) (as so redesignated)—

(A) by striking "subsection (b)" and inserting "subsection (a)"; and

(B) by striking "(42 U.S.C. 9902(2))" and inserting "(42 U.S.C. 9902(2)))".

SEC. 16. ELIMINATION OF REDISTRIBUTION RULE.

Section 133 (20 U.S.C. 2353) is amended by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 17. LOCAL PLAN FOR VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS.

Section 134(b) (20 U.S.C. 2354(b)) is amended—

(1) in paragraph (2), by inserting "and local" after "State";

(2) in paragraph (3)—

(A) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively, and inserting before such subparagraphs the following:

"(A) offer the appropriate courses of at least one of the model sequences of courses described in section 124(c)(1), as appropriate to the eligible recipient responsible for that element of the sequence;";

(B) in subparagraph (B) (as so redesignated)—

(i) by inserting "rigorous and challenging" after "integration of"; and

(ii) by inserting "subjects (as defined by section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11)))" after "core academic"; and

(C) in subparagraph (D) (as so redesignated), by inserting "rigorous and" after "taught to the same";

(3) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively, and inserting after paragraph (3) the following:

"(4) describe how comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel will be provided that promotes the integration of rigorous and challenging academic and technical education (including curriculum development);";

(4) in paragraph (5) (as so redesignated)—

(A) by inserting "academic and vocational and technical" after "students,"; and

(B) by inserting "(including the eligible recipients that offer elements of the model sequence of courses)" after "such individuals and entities"; and

(5) in paragraph (8) (as so redesignated)—

(A) in subparagraph (A), by striking "; and" and inserting a semicolon;

(B) in subparagraph (B), by inserting "and" after the semicolon; and

(C) by inserting after subparagraph (B) the following:

"(C) will provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage occupations that will lead to self-sufficiency;".

SEC. 18. LOCAL USE OF FUNDS.

Section 135 (20 U.S.C. 2355) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "to ensure learning in the core academic" and inserting "as established in the State-developed model sequences of courses described in section 122(c)(1)(A) to ensure learning in the core academic subjects (as defined by section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11)))";

(B) by striking paragraph (8);

(C) by redesignating paragraphs (2) through (7) as paragraphs (4) through (9), respectively, and inserting after paragraph (1) the following:

"(2) link secondary vocational and technical education and postsecondary vocational and technical education, including offering model sequences of courses and implementing tech-prep programs consistent with the activities described in paragraph (3);

"(3) support tech-prep programs (if the eligible recipient receives the funds from the eligible agency under section 112(a)(1)) that—

"(A) are carried out under an articulation agreement between the participants in a consortium, which shall include—

"(i) a local educational agency, an intermediate educational agency or area vocational and technical education school serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

"(ii)(I) a nonprofit institution of higher education that offers—

"(aa) a 2- or 4-year degree program, or a 2-year certificate program, and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) (except those institutions described in section 102(a)(1)(C) of such Act), including an institution receiving assistance under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) and a tribally controlled postsecondary vocational and technical institution; or

"(bb) a 2-year apprenticeship program that follows secondary instruction, if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) pursuant to the provisions of section 435(a)(3) of such Act (20 U.S.C. 1083(a)); or

"(II) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), if such proprietary institution of higher education is not subject to a default management plan required by the Secretary,

and may include nonprofit organizations that provide eligible recipients with technology and programs to enhance math and science skills, employers, and labor organizations;

"(B) consist of a minimum of 2 years of secondary school preceding graduation and a minimum of 2 years of higher education, or an apprenticeship program of at least 2 years, following secondary instruction;

"(C) meet academic standards developed by the State, including standards developed under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) for secondary students, and support proficiency in mathematics, science, reading, writing, communications, and technologies;

"(D) are comprised of model sequences of courses that integrate rigorous and challenging academics and vocational and technical education;

"(E) provide technical preparation in a career field such as engineering technology; applied science; a mechanical, industrial, or practical art or trade; agriculture; health occupations; business; applied economics; advanced manufacturing; or other high-skill, high-wage, high-demand occupations as determined by the State;

"(F) use, if appropriate and available, work-based or worksite learning in conjunction with academic and vocational and technical education;

"(G) use educational technology and distance learning, as appropriate, to involve all the consortium partners more fully in the development and operation of programs;

"(H) facilitate and promote close working relationships among eligible recipients to ensure that programs within a geographic area are closely integrated with tech-prep program activities;

"(I) are sustainable and use performance indicator data, described in section 113, to inform program quality;

"(J) include academic and career counseling for participants that provides information to students (and parents, as appropriate) regarding tech-prep programs and supports student progress in completing tech-prep programs;

"(K) include in-service training for teachers that—

"(i) provides for joint training for teachers in tech-prep programs; and

"(ii) is designed to ensure that teachers and administrators stay current with the needs, expectations, and methods of business and all aspects of an industry; and

"(L) provide students with transferable credit between the consortium members, as described in subparagraph (A), and may include programs that allow secondary programs to be co-located on postsecondary campuses;";

(D) in paragraph (5) (as so redesignated)—

(i) by inserting ", and the related math and science education" after "use of technology in vocational and technical education";

(ii) in subparagraph (B)—

(I) by inserting "(including the math and science knowledge that provides a strong basis for such skills)" after "technical skills"; and

(II) by striking "and telecommunications field" and inserting "fields"; and

(iii) in subparagraph (C)—

(I) by striking "work" and inserting "collaborate"; and

(II) by inserting "that improve the math and science knowledge of students" after "mentoring programs";

(E) in paragraph (6) (as so redesignated)—

(i) by striking "teachers," and inserting "secondary and postsecondary teachers, instructors,"; and

(ii) in subparagraph (A), by striking "in effective teaching skills based on research" and inserting "in effective integration of rigorous and challenging academic and vocational and technical education, in effective teaching skills based on scientifically based research"; and

(F) by inserting after paragraph (9) (as so redesignated) the following:

"(10) provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage occupations that will lead to self sufficiency."; and

(2) in subsection (c)—

(A) in paragraph (2), by inserting ", regarding the range of postsecondary options available, including for adult students who are changing careers or updating skills" before the semicolon;

(B) in paragraph (5), by inserting ", including the establishment and operation of special arrangements with industry partners that allow qualified industry professionals to serve as faculty in postsecondary programs" before the semicolon;

(C) in paragraph (8), by striking "aides" and inserting "aids and publications";

(D) in paragraph (9), by inserting "that address the integration of academic and vocational

and technical education and'' after ''teacher preparation programs'';

(E) by redesignating paragraphs (10) through (14) as paragraphs (12) through (16), and paragraph (15) as paragraph (20), respectively, and inserting after paragraph (9) the following:

''(10) to develop and expand postsecondary program offerings that are accessible by students, including the use of distance education;

''(11) to provide activities to support entrepreneurship education and training;'';

(F) in paragraph (12) (as so redesignated), by inserting '', including development of new proposed model sequences of courses for consideration by the eligible agency and courses that prepare individuals academically and technically for current and emerging occupations that are in demand, and dual enrollment opportunities by which secondary vocational and technical education students could obtain postsecondary credit to count towards an associate or baccalaureate degree'' before the semicolon;

(G) by amending paragraph (16) (as so redesignated) to read as follows:

''(16) to support training in nontraditional fields;''; and

(H) by inserting after paragraph (16) (as so redesignated) the following:

''(17) to provide accurate information relating to the availability of supportive services available in an area served by the eligible recipient, and referral to such services, as appropriate;

''(18) to support the activities described in subsection (b)(3);

''(19) for programs that assist in the training of automotive technicians in diesel retrofitting, hybrid, hydrogen, and alternative fuel automotive technologies; and''.

SEC. 19. REPEAL OF TECH-PREP EDUCATION ACT.

Title II (20 U.S.C. 2071 et seq.) is repealed.

SEC. 20. GENERAL PROVISIONS.

(a) REDESIGNATION OF TITLE III.—

(1) REDESIGNATION.—Title III (20 U.S.C. 2391 et seq.) is amended—

(A) by striking section 318;

(B) by redesignating such title as title II of such Act; and

(C) by redesignating sections 311 through 317 as section 211 through 217 and sections 321 through 325 as sections 221 through 225, respectively.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) is amended—

(A) by striking the items relating to title III; and

(B) by amending the items relating to title II to read as follows:

''TITLE II—GENERAL PROVISIONS

''PART A—FEDERAL ADMINISTRATIVE PROVISIONS

''Sec. 211. Fiscal requirements.
''Sec. 212. Authority to make payments.
''Sec. 213. Construction.
''Sec. 214. Voluntary selection and participation.
''Sec. 215. Limitation for certain students.
''Sec. 216. Federal laws guaranteeing civil rights.
''Sec. 217. Participation of private school children and personnel.

''PART B—STATE ADMINISTRATIVE PROVISIONS

''Sec. 221. Joint funding.
''Sec. 222. Prohibition on use of funds to induce out-of-State relocation of businesses.
''Sec. 223. State administrative costs.
''Sec. 224. Limitation on Federal regulations.
''Sec. 225. Student assistance and other Federal programs.''.

(b) FISCAL REQUIREMENTS.—Section 211(b) (20 U.S.C. 2391(b)) (as so redesignated) is amended by inserting after paragraph (2) the following:

''(3) DEFINITION.—For purposes of this subsection, the term 'preceding fiscal year' means the Federal fiscal year or the 12-month fiscal period used by a State for official reporting purposes, prior to the beginning of the Federal fiscal year in which funds are available for obligation by the Secretary.''.

(c) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND PERSONNEL.—Section 217 (as so redesignated) is amended to read as follows:

''SEC. 217. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND PERSONNEL.

''(a) PARTICIPATION ON EQUITABLE BASIS.—

''(1) IN GENERAL.—To the extent consistent with the number of children in the school district of a local educational agency that is eligible to receive funds under this Act, or that serves the area in which a program assisted under this Act is located, who are enrolled in private nonprofit elementary schools and secondary schools, or, with respect to instructional or personnel training programs funded by an eligible agency, the local educational agency, after consultation with appropriate private school officials—

''(A) shall provide, on an equitable basis and as may be necessary, for the benefit of such children in such schools, secular, neutral, and nonideological services (or other benefits), materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs; or

''(B) if such services, materials, and equipment are not feasible or necessary in one or more such private schools (as determined by the local educational agency after consultation with the appropriate private school officials), shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this Act.

''(2) APPLICATION OF REQUIREMENTS.—The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs carried out under this Act by an eligible agency or local educational agency, whether directly or through grants to, or contracts with, other public or private agencies, institutions, or organizations.

''(b) EQUAL EXPENDITURES.—

''(1) IN GENERAL.—Expenditures for programs under subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this Act for children enrolled in the public schools of the local educational agency.

''(2) CONCENTRATED PROGRAMS.—When funds available to a local educational agency under this Act are used to concentrate programs on a particular group, attendance area, or grade or age level, the local educational agency shall, after consultation with the appropriate private school officials, assure the equitable participation in both the purposes and benefits of such programs for children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration, taking into account the needs of the individual children and other factors that relate to the expenditures referred to in paragraph (1).

''(c) ADMINISTRATIVE REQUIREMENTS.—

''(1) FUNDS, MATERIALS AND EQUIPMENT.—

''(A) FUNDS.—The control of funds expended under this section shall be administered by a public agency.

''(B) MATERIALS AND EQUIPMENT.—The title to materials and equipment provided under this section, shall remain with a public agency for the uses and purposes provided in this Act.

''(2) PROVISION OF SERVICES.—Services provided under this Act shall be provided by employees of a public agency or through contract by such a public agency with a person, association, agency, organization, institution or corporation that, in the provision of such services, is independent of the private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such a public agency. The funds utilized under this section shall not be commingled with State or local funds.

''(3) TIMING AND CONTENT OF CONSULTATION.—The consultation required under this section shall include meetings of agency and private school officials and shall occur before the eligible agency and local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this Act. Such meetings shall include a discussion of service delivery mechanisms (including third party contractors) and shall continue throughout implementation and assessment of services under this Act.

''(d) WAIVER AND BYPASS PROCEDURES.—

''(1) STATE PROHIBITION.—If an eligible agency or local educational agency is prohibited, by reason of any provision of law, from providing for the participation in programs of children enrolled in private elementary schools and secondary schools as required by subsections (a) through (c), the Secretary shall waive such requirements for the agency involved and shall arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section.

''(2) FAILURE TO COMPLY.—If the Secretary determines that an eligible agency or a local educational agency has substantially failed, or is unwilling, to provide for the participation on an equitable basis of children enrolled in private elementary schools and secondary schools as required by subsections (a) through (c), the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section.

''(3) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services under this subsection, the Secretary shall, after consultation with the appropriate public school and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the eligible agency under this Act.

''(4) DURATION OF DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the Act of the eligible agency or local educational agency to meet the requirements of subsections (a) through (c).

''(5) REVIEW OF DETERMINATION.—The Secretary shall not take any final action under this section until the eligible agency and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

''(e) WITHHOLDING OF ALLOTMENT OR ALLOCATION.—Pending final resolution of any investigation or complaint that could result in a waiver under subsection (d)(1) or (d)(2), the Secretary may withhold from the allotment or allocation of the affected eligible agency or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of services to be provided by the Secretary under such subsection.

''(f) PRIOR DETERMINATION.—Any bypass determination by the Secretary under Title I or Title IX of the Elementary and Secondary Education Act of 1965 shall, to the extent consistent with the purposes of this Act, apply to programs under this Act until such determinations terminate or expire.''.

Amend the title so as to read "An Act to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act.".

Mr. FRIST. I ask unanimous consent that the Senate disagree with the House amendments and agree with the request for a conference.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I further ask that the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 11 to 9, the full membership of the HELP Committee.

There being no objection, the Chair appointed Mr. ENZI, Mr. GREGG, Mr. FRIST, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Mr. DEWINE, Mr. ENSIGN, Mr. HATCH, Mr. SESSIONS, Mr. ROBERTS, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. JEFFORDS, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mrs. CLINTON conferees on the part of the Senate.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 528, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 528) designating the week beginning on September 10, 2006, as "National Historically Black Colleges and Universities Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 528) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 528

Whereas there are 103 historically black colleges and universities in the United States;

Wheres historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) Designates the week beginning September 10, 2006, as 'National Historically Black Colleges and Universities Week'; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

NATIONAL SUMMER LEARNING DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 529, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 529) designating July 13, 2006, as "National Summer Learning Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 529) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows

S. RES. 529

Whereas all students experience measurable loss of mathematics and reading skills when they do not engage in educational activities during the summer months;

Whereas summer learning loss is greatest for low-income children, who often lack the academic enrichment opportunities available to their more affluent peers;

Whereas summer learning loss contributes significantly to the gaps in achievement between low-income children, including minority children and children with limited English proficiency, and their more affluent peers;

Whereas structured enrichment and education programs are proven to accelerate learning for students who participate in such programs for several weeks during the summer;

Whereas in the BELL summer programs, students gain several months worth of reading and mathematics skills through summer enrichment, and in the Teach Baltimore Summer Academy, students enrolled for 2 summers gain 70 to 80 percent of a full grade level in reading, and thousands of students in similar programs experience measurable gains in academic achievement;

Whereas Summer Learning Day is designed to highlight the need for more young people to be engaged in summer learning activities and to support local summer programs that benefit children, families, and communities; and

Whereas a wide array of schools, public agencies, non-profit organizations, institutions of higher education, museums, libraries, and summer camps in many States across the United States will celebrate the annual Summer Learning Day on July 13, 2006: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 13, 2006, as "National Summer Learning Day" to raise public awareness about the positive impact of summer learning opportunities on the development and educational success of our Nation's children;

(2) urges the people of the United States—

(A) to promote summer learning activities to send young people back to school ready to learn;

(B) to support working parents and their children; and

(C) to keep our Nation's children safe and healthy during the summer months; and

(3) urges communities to celebrate, with appropriate ceremonies and activities, the importance of high-quality summer learning opportunities in the lives of young students and their families.

COMMENDING THE GOVERNMENT OF CANADA FOR ITS RENEWED COMMITMENT TO AFGHANISTAN

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to the consideration S. Con. Res. 109 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 109) commending the government of Canada for its renewed commitment to Afghanistan.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 109) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows

S. CON. RES. 109

Whereas twenty-four Canadian citizens were killed as a result of the September 11, 2001, terrorist attacks on the United States;

Whereas the people of Gander, Newfoundland, provided food, clothing, and shelter to thousands of stranded passengers and temporary aircraft parking to thirty-nine planes diverted from United States airspace as a result of the September 11, 2001, terrorist attacks on the United States;

Whereas the Government of Canada, as led by former Prime Ministers Jean Jacques Chretien and Paul Martin and continued by Prime Minister Stephen Harper, has provided humanitarian, diplomatic, and security personnel on the invitation of the Government of Afghanistan since 2001;

Whereas Canada has pledged $650,000,000 in development aid to Afghanistan;

Whereas Afghanistan is Canada's largest recipient of bilateral development aid;

Whereas Canada has stationed approximately 2,300 defense personnel who comprise Task Force Afghanistan, in order to improve security in southern Afghanistan, particularly in the province of Kandahar;

Whereas Canada has over 70 diplomatic officers worldwide who are dedicated to growing democracy and equality in Afghanistan;

Whereas at least seventeen Canadians have made the ultimate sacrifice in operations in Afghanistan since September 11, 2001;

Whereas Canada's commitment to the Government of Afghanistan, under the leadership of Prime Minister Hamid Karzai, was due to expire in February 2007;

Whereas on May 17, 2006, the Government of Canada led by Prime Minister Stephen Harper requested that the Canadian House of Commons extend Canada's commitment to peace and security operations in Afghanistan;

Whereas on May 17, 2006, the Canadian Parliament voted to extend peace and security operations in Afghanistan until 2009, to increase its development assistance by $310 million, and to build a permanent and secure embassy in Afghanistan to replace its current facility; and

Whereas this was an important sign of the renewed commitment of numerous United States allies to Afghanistan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the Government of Canada for its renewed and long-term commitment to Afghanistan;

(2) commends the leadership of former Canadian Prime Ministers Jean Jacques Chretien and Paul Martin and current Prime Minister Stephen Harper for their steadfast commitment to democracy, human rights, and freedom throughout the world;

(3) commends the Government of Canada for working to secure a democratic Afghanistan;

(4) commends the Government of Canada's commitment to reducing poverty, aiding the counternarcotics efforts through counterterrorism and counterinsurgency campaigns, and ensuring a peaceful and terror-free Afghanistan;

(5) commends the Government of Canada for its three-pronged commitment to Afghanistan: diplomacy, development, and defense; and

(6) expresses the gratitude and appreciation of the United States for Canada's enduring friendship and leadership in Afghanistan.

IMPROVING OUTCOMES FOR CHILDREN AFFECTED BY METH ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 470, S. 3525.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3525) to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. Mr. President, the Senate has passed an important bill, Chairman GRASSLEY's Improving Outcomes for Children Affected by "Meth" Act of 2006. This legislation will reauthorize the Safe and Stable Families Program and target $40 million in new funding to programs to help children affected by methamphetamine abuse and addiction.

West Virginia, like all too many States, is facing severe problems with a methamphetamine epidemic. There is by all reports a rapid spread and growth of this pernicious addiction. SAMSHA reports that methamphetamine abuse has increased more than 420 percent for persons 12 years and older during the past decade. And according to a well-cited National Association of Counties survey, the epidemic is no longer targeting rural States like my own. Much to my dismay we are finding addicts in suburban high schools as well as urban areas. Addicts are white and blue collar workers and the unemployed who are in their twenties or thirties. Use is equally divided among males and females.

The legislation offered today is part of the reauthorization for the Promoting Safe and Stable Families Program. Our child welfare system relies on the principles and services mandated by Safe and Stable Families Programs. I have wholeheartedly worked on this program since its inception in 1993. I have continued over the years to support modifications that fit the changing needs of the children.

It is essential that our most vulnerable children remain safe and that they find emergency placements and permanent homes. Programs such as Foster Care remain a foundational safeguard for children. Children find refuge in foster homes when they are placed in harm's way due to neglect or abuse. Permanence of placement represents an enduring goal of Safe and Stable. This objective provides a child the hope of living conditions that support physical and psychological health. The Safe and Stable Programs ultimately assist with decisions about family reunification and adoption.

Of course, there remains a lot more work to be done. Our foster care system is overburdened. There is all too often a lack of coordination among agencies and services that serve children and their families. And currently many programs are especially stressed by the expanding and invasive problems brought on by the next generation of illicit drugs. Right now our children need more help.

The goals of Improving Outcomes for Children Affected by "Meth" Act are consistent with the spirit and design of the Promoting Safe and Stable Families Programs. This act targets the growing problems caused by a cheaply made, easily available, lethal drug.

The facts are, to say the least, extremely disturbing. The National Association of Counties survey points to the rise of out-of-home placements due to methamphetamine addiction by as much as 71 percent in California counties and 70 percent in responding Colorado counties. This year in Montana, State officials reported at least 50 percent of child abuse and neglect cases involved methamphetamine abuse. I know that in southern West Virginia alone there have been over 100 laboratory busts since October, 2005. And according to a survey by the Rebecca Project, over 10,000 children in the U.S. were either present at a lab seizure or lived where the lab was seized between 2000 and 2003. These labs produce 5 pounds of toxic waste as a result of producing 1 pound of methamphetamine. There are too many children in harm's way.

This bill creates new competitive grants to support regional partnerships that provide services to children who are affected by their caretakers' methamphetamine abuses. The bill reserves $40 million to fund these grants.

I know that these grants are not a cure-all, but this legislation is a firm step in the right direction in several ways. First, regional demonstration projects can further identify intervention models that are showing some good results. We also are on the mark when we encourage community health care providers, law enforcement agencies, judges, and statewide child welfare agencies to form more coherent and efficient partnerships. These grants can target innovative prevention programs that reach at-risk children before out-of-home placements are necessary. Finally the grants are available for innovative family-based programs, comprehensive long-term treatment services, and counseling for the children. It is good that the Senate has passed this legislation, and we need to work with the House to secure passage of a final bill that can be signed into law by the President this year.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4675) was agreed to, as follows:

(Purpose: To provide for a managers' amendment)

On page 3, line 13, strike "and improve permanency outcomes for" and insert "improve permanency outcomes for, and enhance the safety of".

On page 3, line 20, strike "one" and insert "2".

On page 8, line 21, strike "access to" and insert ", or access to,".

On page 24, line 8, insert "the first place it appears" before the semicolon.

On page 24, line 9, strike the beginning parenthetical.

On page 24, line 11, insert ", or entity established by," after "of".

On page 24, line 13, strike the closing parenthetical.

On page 25, line 6, insert ", and identification of additional supports and services needed by," after "evaluation of".

On page 25, line 14, insert "and support" after "monitoring".

On page 25, line 19, insert ", and identification of additional supports and services needed by," after "evaluation of".

On page 26, line 2, insert ", and to identify any pre-adoption supports and services needed by" after "of".

On page 28, after line 25, add the following:

SEC. 7. REQUIREMENT FOR FOSTER CARE PROCEEDING TO INCLUDE, IN AN AGE-APPROPRIATE MANNER, CONSULTATION WITH THE CHILD THAT IS THE SUBJECT OF THE PROCEEDING.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting "(i)" after "with respect to each such child,";

(2) by striking "and procedural safeguards shall also" and inserting "(ii) procedural safeguards shall"; and

(3) by inserting "and (iii) procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child and, in the case of a child who has attained age 16, any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child;" after "parents;".

On page 29, line 1, strike "**7**" and insert "**8**".

On page 29, line 5, insert "and part E" after "part B".

On page 29, line 13, insert "or part E" after "part B".

The bill (S. 3525), as amended, was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 3525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Improving Outcomes for Children Affected by Meth Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Grants for regional partnerships to increase the well-being of, and improve the permanency outcomes for, children affected by methamphetamine abuse and addiction.
Sec. 3. Reauthorization of the promoting safe and stable families program.
Sec. 4. Reauthorization and expansion of mentoring children of prisoners program.
Sec. 5. Allotments and grants to Indian tribes.
Sec. 6. Additional State plan amendments.
Sec. 7. Requirement for foster care proceeding to include, in an age-appropriate manner, consultation with the child that is the subject of the proceeding.
Sec. 8. Effective date.

SEC. 2. GRANTS FOR REGIONAL PARTNERSHIPS TO INCREASE THE WELL-BEING OF, AND IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY METHAMPHETAMINE ABUSE AND ADDICTION.

(a) RESERVATION OF FUNDS.—Section 436(b) of the Social Security Act (42 U.S.C. 629f(b)) is amended by adding at the end the following new paragraph:

"(4) IMPROVED OUTCOMES FOR CHILDREN AFFECTED BY METHAMPHETAMINE ABUSE AND ADDICTION.—With respect to each of fiscal years 2007 through 2011, if the amount appropriated to carry out this subpart for any such fiscal year is at least $345,000,000, the Secretary shall reserve $40,000,000 of the amount appropriated for that fiscal year for grants under section 440.".

(b) REGIONAL PARTNERSHIP GRANTS.—Subpart 2 of part B of title IV of the Social Security Act (42 U.S.C. 629 et seq.) is amended by adding at the end the following new section:

"SEC. 440. GRANTS FOR REGIONAL PARTNERSHIPS TO INCREASE THE WELL-BEING OF, AND IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY METHAMPHETAMINE ABUSE AND ADDICTION.

"(a) PURPOSE.—The purpose of this section is to authorize the Secretary to make competitive grants to eligible applicants to provide, through interagency collaboration and integration of programs and services, services and activities that are designed to increase the well-being of, improve permanency outcomes for, and enhance the safety of children who are in an out-of-home placement or are at risk of being placed in an out-of-home placement as a result of a parent's or caretaker's abuse of methamphetamines.

"(b) ELIGIBLE APPLICANTS DEFINED.—In this section, the term 'eligible applicant' means a regional partnership (which may be established on an interstate or intrastate basis) and that shall include any 2 or more of the following:

"(1) Nonprofit child welfare service providers.

"(2) For-profit child welfare service providers.

"(3) Community health service providers.

"(4) Community mental health providers.

"(5) Local law enforcement agencies.

"(6) Judges and court personnel.

"(7) Juvenile justice officials.

"(8) School personnel.

"(9) The State child welfare agency that is responsible for the administration of the State plan under this part and part E.

"(10) The State agency responsible for administering the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act.

"(11) Tribal child welfare agencies (or a consortium of such agencies).

"(12) Any other providers, agencies, personnel, officials, or entities that are related to the provision of child and family services under this subpart.

"(c) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—From the amounts (if any) reserved for each of fiscal years 2007 through 2011 under section 436(b)(4), the Secretary shall award grants under this section for each such fiscal year to eligible applicants that satisfy the requirements of this section, in amounts that are not less than $500,000 and not more than $1,000,000 per grant per fiscal year.

"(2) REQUIRED MINIMUM PERIOD OF APPROVAL.—An eligible applicant shall be approved to receive a grant under this section for a period of not less than 2, and not more than 5, fiscal years.

"(d) APPLICATION REQUIREMENTS.—To be eligible for a grant under this section, an eligible applicant shall submit to the Secretary a written application containing the following:

"(1) Recent evidence that methamphetamine abuse has increased the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region.

"(2) A description of the goals and outcomes to be achieved during the funding period for the grant that will enhance the well-being of children receiving services or taking part in activities conducted with funds provided under the grant and lead to safety and permanence for such children.

"(3) A description of the joint activities to be funded in whole or in part with the funds provided under the grant, including the sequencing of the activities proposed to be conducted under the funding period for the grant.

"(4) A description of the strategies for integrating programs and services determined to be appropriate for the child and where appropriate, the child's family.

"(5) A description of the strategies for—

"(A) collaborating with the State agency responsible for the administration of this part and part E (unless the lead agency for the regional partnership of the eligible applicant is such agency); and

"(B) consulting, as appropriate, with the State agency responsible for administering substance abuse treatment and prevention services, and the State law enforcement and judicial agencies.

To the extent the Secretary determines that a requirement of this paragraph would be inappropriate to apply to an eligible applicant that includes a tribal child welfare agency or a consortium of such agencies, the Secretary may exempt the eligible applicant from satisfying such requirement.

"(6) Such other information as the Secretary may require.

"(e) USE OF FUNDS.—Funds made available under a grant made under this section shall only be used for services or activities that are consistent with the purpose of this section and may include the following:

"(1) Family-based comprehensive long-term drug treatment services.

"(2) Early intervention and preventative services.

"(3) Children and family counseling.

"(4) Mental health services.

"(5) Parenting skills training.

"(f) MATCHING REQUIREMENT.—

"(1) FEDERAL SHARE.—A grant awarded under this section shall be available to pay a percentage share of the costs of services provided or activities conducted under such grant, not to exceed—

"(A) 85 percent for the first and second fiscal years for which the grant is awarded to an eligible applicant;

"(B) 80 percent for the third and fourth such fiscal years; and

"(C) 75 percent for the fifth such fiscal year.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of services provided or activities conducted under a grant awarded under this section may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

"(g) CONSIDERATIONS IN AWARDING AND AMOUNT OF GRANTS.—In awarding grants under this section and determining the amount of such grants, the Secretary shall—

"(1) consider the demonstrated need of an eligible applicant for assistance;

"(2) ensure that grants are awarded to a diverse number of the eligible applicants described in subsection (b); and

"(3) give priority to awarding grants to eligible applicants located in rural areas that—

"(A) have been significantly affected by methamphetamine abuse and addiction by parents or caretakers;

"(B) have limited resources for addressing the needs of children affected by such abuse and addiction; and

“(C) have a lack of capacity for, or access to, comprehensive family treatment services.

“(h) Performance Indicators.—Not later than 18 months after the date of enactment of this section, the Secretary shall establish indicators that will be used to assess periodically the performance of the eligible applicants awarded grants under this section in using funds made available under such grants to achieve the purpose of this section. In establishing such indicators, the Secretary shall consult with the Assistant Secretary for the Administration for Children and Families, the Administrator of the Substance Abuse and Mental Health Services Administration, the chief executive officers of the States or territories in which eligible applicants awarded a grant under this section are located, legislators of such States and territories, State and local public officials responsible for administering child welfare and alcohol and drug abuse prevention and treatment programs in such States and territories, court staff in such States and territories, consumers of the services or activities in such States and territories, advocates for children, parents, and caretakers who come to the attention of the child welfare system, and tribal officials of tribal child welfare agencies (or a consortium of such agencies) awarded a grant under this section.

“(i) Reports.—

“(1) Grantee reports.—

“(A) Annual report.—Not later than September 30 of the first fiscal year in which an eligible applicant receives funds under a grant awarded under this section, and annually thereafter until September 30 of the last fiscal year in which an eligible applicant receives funds under a grant awarded under this section, the eligible applicant shall submit to the Secretary a report on the activities carried out during that fiscal year with such funds. The report shall contain such information as the Secretary determines is necessary to provide an accurate description of the activities conducted with such funds and of any changes in the use of such funds that are planned for the succeeding fiscal year.

“(B) Incorporation of information related to performance indicators.—Not later than 12 months after the establishment of performance indicators under subsection (h), each eligible applicant awarded a grant under this section shall incorporate into the annual report required under subparagraph (A) information required in relation to such indicators.

“(2) Reports to congress.—On the basis of the reports submitted under paragraph (1), the Secretary annually shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on—

“(A) the services provided and activities conducted with funds provided under grants awarded under this section;

“(B) the performance indicators established under subsection (h); and

“(C) the progress that has been made in addressing the needs of families with methamphetamine abuse problems who come to the attention of the child welfare system and in achieving the goals of child safety, permanence, and family stability.”.

SEC. 3. REAUTHORIZATION OF THE PROMOTING SAFE AND STABLE FAMILIES PROGRAM.

(a) In General.—Section 436(a) of the Social Security Act (42 U.S.C. 629f(a)) is amended by striking “for fiscal year 2006.” and all that follows through the end of the second sentence and inserting “for each of fiscal years 2007 through 2011.”.

(b) Discretionary Grants.—Section 437(a) of the Social Security Act (42 U.S.C. 629g(a)) is amended by striking “2002 through 2006” and inserting “2007 through 2011”.

(c) State Courts Assessment and Improvement Grants.—Subsections (c)(1)(A) and (d) of section 438 of the Social Security Act (42 U.S.C. 629h) are each amended by striking “2002 through 2006” and inserting “2007 through 2011”.

(d) Technical Correction of Funding for Fiscal Year 2006.—Effective February 8, 2006, title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109–149, 119 Stat. 2833) is amended under the heading relating to “PROMOTING SAFE AND STABLE FAMILIES” under the heading “ADMINISTRATION FOR CHILDREN AND FAMILIES”, by striking “**$305,000,000**” and inserting “**$345,000,000**”.

SEC. 4. REAUTHORIZATION AND EXPANSION OF MENTORING CHILDREN OF PRISONERS PROGRAM.

(a) In General.—Section 439 of the Social Security Act (42 U.S.C. 629i) is amended—

(1) in the section heading, by striking “**GRANTS**” and inserting “**FUNDING**”;

(2) in subsection (a)—

(A) in the subsection heading, by striking “Purpose” and inserting “Purposes”; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “Purpose” and inserting “Purposes”;

(ii) by striking “The purpose of this section is to authorize the Secretary to make competitive” and inserting “The purposes of this section are to authorize the Secretary—

“(A) to make competitive”;

(iii) by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following new subparagraph:

“(B) to enter into a cooperative agreement with a national mentoring support organization to provide greater flexibility nationwide to increase the number of children of prisoners receiving mentoring services.”;

(3) in subsection (c)—

(A) by striking “2002 through 2006” and inserting “2007 through 2011”;

(B) by striking “(h)” and inserting “(i)”; and

(C) by striking “(h)(2)” and inserting “(i)(2)”;

(4) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(5) by inserting after subsection (f), the following new subsection:

“(g) Increased Access to Mentoring Services.—

“(1) In general.—The Secretary shall award, on a competitive basis, a cooperative agreement with an eligible entity (as specified in paragraph (2)) for the purposes of—

“(A) identifying and approving mentoring programs in all 50 States and the District of Columbia that meet certain quality program standards;

“(B) organizing outreach activities, including making publicly available a list of such approved programs, to appropriate public and private entities described in subsection (d)(2) to increase awareness of the availability of vouchers for mentoring services among families of children of prisoners; and

“(C) distributing vouchers directly to such approved programs that have been selected by families of children of prisoners to provide mentoring services for their children.

“(2) Eligible entity.—For purposes of paragraph (1), an entity eligible for a cooperative agreement under this subsection shall be a national mentoring support organization that has substantial experience—

“(A) in mentoring and mentoring services for children; and

“(B) in developing quality program standards for the planning and assessment of mentoring programs for children.

“(3) Application requirements.—To be eligible for a cooperative agreement under this subsection, an entity shall submit to the Secretary an application that includes the following:

“(A) Qualifications.—A demonstration that the entity meets the experience requirements of paragraph (2).

“(B) Plan description.—A detailed description of the proposed voucher distribution program, which shall—

“(i) include the quality program standards for mentoring developed by the entity;

“(ii) describe how the entity will organize and implement such quality program standards and distribution program, including how the entity plans to ensure that—

“(I) children in urban and rural communities and children with other geographic, linguistic, or cultural barriers to receipt of mentoring services will have access to such services; and

“(II) if the entity usually provides gender-specific programs or services, both girls and boys will be appropriately served by the program;

“(iii) identify those organizations known by the entity to comply with such quality program standards;

“(iv) describe the strategic plan of the entity to work with families of prisoners to develop the list of mentoring programs that accept vouchers distributed under the program for mentoring services; and

“(v) describe the methods to be used by the entity to evaluate the program and the extent to which the program is achieving the purposes described in paragraph (1) and subsection (a)(2)(A).

“(C) Criminal background checks.—An agreement to include in any quality program standards for approved mentoring programs the requirement for criminal background checks for mentors.

“(D) Records, reports, and audits.—An agreement to maintain such records, make such reports, and cooperate with such reviews and audits as the Secretary may find necessary for purposes of oversight of the cooperative agreement and expenditures.

“(E) Evaluation.—A commitment to cooperate fully with the Secretary's ongoing and final evaluation of the voucher distribution program, including providing the Secretary with access to the program and program-related records and documents, staff, and the mentoring programs to which vouchers were distributed.

“(F) Other.—Such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the cooperative agreement under this subsection.

“(4) Federal assistance eligibility.—The amount of a voucher under this subsection may be disregarded for purposes of determining the eligibility for, or the amount of, any other Federal or Federally supported assistance for the recipient family.”;

(6) by amending subsection (h) (as redesignated by paragraph (4)) to read as follows:

“(h) Evaluation; Reports.—

“(1) Evaluation.—The Secretary shall conduct an evaluation of the programs authorized under this section, including the program for increasing access to mentoring services authorized under subsection (g).

"(2) Reports.—Not later than 12 months after the date of enactment of the Improving Outcomes for Children Affected by Meth Act of 2006, the Secretary shall submit a report to Congress that includes the following:

"(A) The characteristics of the mentoring programs funded under this section.

"(B) The plans for implementation of the cooperative agreement for the program authorized under subsection (g).

"(C) A description of the outcome-based evaluation of the programs authorized under this section that the Secretary is conducting as of such date of enactment and how such evaluation has been expanded to include an evaluation of the program authorized under subsection (g).

"(D) The date on which the Secretary shall submit a final report on such evaluation to Congress."; and

(7) in subsection (i) (as so redesignated)—

(A) by striking "2002 and 2003," and all that follows through the period and inserting "2007 through 2011."; and

(B) in paragraph (2)—

(i) by amending the paragraph heading to read as follows: "Reservations";

(ii) by striking "The" and inserting the following:

"(A) Research, technical assistance, and evaluation.—The"; and

(iii) by adding at the end the following new subparagraph:

"(B) Increased access to mentoring services.—

"(i) In general.—Subject to clauses (ii) and (iii), the Secretary shall reserve not more than 50 percent of the amount appropriated for each fiscal year under paragraph (1) for purposes of carrying out the program for increasing access to mentoring services authorized under subsection (g).

"(ii) Assurance of funding for general program grants.—With respect to each fiscal year for which amounts are appropriated to carry out this section, not less than $25,000,000 of such amounts (or, if the amount appropriated for a fiscal year is less than that amount, the amount appropriated for that fiscal year that remains after applying subparagraph (A)) shall be used by the Secretary for purposes of making grants under subsection (c).

"(iii) Contingent percentage reduction.—If the amount appropriated for a fiscal year is not sufficient for the Secretary to satisfy the requirements of clauses (i) and (ii), the Secretary shall reduce the percentage described in clause (i) by such number of percentage points as is necessary for the Secretary to satisfy the requirement of clause (ii).".

(b) GAO Evaluation and Report.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report evaluating the implementation and effectiveness of the program for increasing access to mentoring services authorized under subsection (g) of section 439 of the Social Security Act (42 U.S.C. 629i) (as added by the amendments made by subsection (a)).

SEC. 5. ALLOTMENTS AND GRANTS TO INDIAN TRIBES.

(a) Increased Reserved Funding.—

(1) In general.—Section 436(b)(3) of the Social Security Act (42 U.S.C. 629f(b)(3)) is amended by striking "1" and inserting "3".

(2) Discretionary grants.—Section 437(b)(3) of the Social Security Act (42 U.S.C. 629g(b)(3)) is amended by striking "2" and inserting "3".

(b) Authority for Tribal Consortia To Receive Allotments.—

(1) Allotment of mandatory funds.—

(A) In general.—Section 433(a) of the Social Security Act (42 U.S.C. 629c(a)) is amended—

(i) in the subsection heading, by inserting "OR TRIBAL CONSORTIA" after "TRIBES"; and

(ii) by adding at the end the following new sentence: "If a consortium of Indian tribes submits a plan approved under this subpart, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.".

(B) Conforming amendment.—Section 436(b)(3) of such Act (42 U.S.C. 629f(b)(3)), as amended by subsection (a)(1), is amended—

(i) in the paragraph heading, by inserting "OR TRIBAL CONSORTIA" after "TRIBES"; and

(ii) by inserting "or tribal consortia" after "Indian tribes".

(2) Allotment of any discretionary funds.—Section 437 of the Social Security Act (42 U.S.C. 629g) is amended—

(A) in subsection (b)(3)—

(i) in the paragraph heading, by inserting "OR TRIBAL CONSORTIA" after "TRIBES"; and

(ii) by inserting "or tribal consortia" after "Indian tribes"; and

(B) in subsection (c)(1)—

(i) in the paragraph heading, by inserting "OR TRIBAL CONSORTIA" after "TRIBES"; and

(ii) by adding at the end the following new sentence: "If a consortium of Indian tribes applies and is approved for a grant under this section, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.".

(3) Additional conforming amendments.—

(A) Plans of indian tribes.—Section 432(b)(2) of the Social Security Act (42 U.S.C. 629b(b)(2)) is amended—

(i) in the paragraph heading, by inserting "OR TRIBAL CONSORTIA" after "TRIBES"; and

(ii) in subparagraphs (A) and (B), by inserting "or tribal consortium" after "Indian tribe" each place it appears.

(B) Direct payments to tribal organizations.—Section 434(c) of such Act (42 U.S.C. 629d(c)) is amended—

(i) in the subsection heading, by inserting "Or Tribal Consortia" after "Tribes"; and

(ii) by inserting "or tribal consortium" after "Indian tribe" the first place it appears; and

(iii) by inserting "or in the case of a payment to a tribal consortium, such tribal organizations of, or entity established by, the Indian tribes that are part of the consortium as the consortium shall designate" before the period.

(C) Evaluations; research; technical assistance.—Section 435(d) of such Act (42 U.S.C. 629e(d)) is amended in the matter preceding paragraph (1), by inserting "or tribal consortia" after "Indian tribes".

SEC. 6. ADDITIONAL STATE PLAN AMENDMENTS.

(a) Additional Monitoring and Evaluation of Families Adopting or Fostering Significant Numbers of Children.—

(1) In general.—Section 432(a)(5) of the Social Security Act (42 U.S.C. 629b(a)(5)) is amended—

(A) in subparagraph (A)(iii), by striking "and" after the semicolon; and

(B) by adding at the end the following new subparagraphs:

"(C) establish procedures to provide for the additional evaluation of, and identification of additional supports and services needed by, any family that proposes to provide foster care for more than 4 children or more than 1 group of siblings (or more than such number of children and groups of siblings as the State, upon demonstration of good cause and approval by the Secretary, may establish), prior to permitting the family to provide foster care to such children or siblings, and to provide for ongoing monitoring and support of the family (prior to and during the provision of such foster care), to fully assess whether the family has the ability to care for such children or siblings; and

"(D) establish procedures to provide for the additional evaluation of, and identification of additional supports and services needed by, any family that proposes to adopt more than 4 children or more than 1 group of siblings (or more than such number of children and groups of siblings as the State, upon demonstration of good cause and approval by the Secretary, may establish), prior to permitting the family to adopt such children or siblings, and to provide pre-adoption monitoring of, and to identify any pre-adoption supports and services needed by the family, to fully assess whether the family has the ability to care for such children or siblings before permitting such adoption;".

(2) Deadline for submission and approval or modification of implementation plan.—

(A) State submissions.—Not later than 18 months after the date of enactment of this Act, each State with a plan approved under subpart 2 of part B of title IV of the Social Security Act, as a condition of continued approval of such plan, shall submit to the Secretary of Health and Human Services a plan for the implementation of the procedures required under subparagraphs (C) and (D) of section 432(a)(5) of the Social Security Act, as added by paragraph (1).

(B) Approval or modification.—Not later than 60 days after the date on which a State submits the implementation plan required under subparagraph (A) to the Secretary of Health and Human Services, the Secretary shall approve such plan or notify the State of additions or modifications to such plan that are required before it can be approved.

(b) Annual Budget Requests, Summaries, and Expenditure Reports.—

(1) In general.—Section 432(a)(8) of the Social Security Act (42 U.S.C. 629b(a)(8)) is amended—

(A) by inserting "(A)" after "(8)";

(B) by striking "and" after the semicolon; and

(C) by adding at the end the following new subparagraph:

"(B) provides that, not later than June 30 of each year, the State agency will submit to the Secretary—

"(i) copies of forms CFS 101–Part I and CFS 101–Part II (or any successor forms) that report on planned child and family services expenditures by the agency for the immediately succeeding fiscal year; and

"(ii) copies of forms CFS 101–Part I and CFS 101–Part II (or any successor forms) that provide, only with respect to the programs authorized under this subpart and subpart 1, actual expenditures by the State agency for the immediately preceding fiscal year; and".

(2) Annual submission of state reports to congress.—Section 432 of the Social Security Act (42 U.S.C. 629b) is amended by adding at the end the following new subsection:

"(c) Annual Submission of State Reports to Congress.—The Secretary shall compile the reports required under subsection (a)(8)(B) and, not later than September 30 of each year, submit such compilation to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.".

(3) Effective date; initial deadlines for submissions.—The amendments made by this

subsection take effect on the date of enactment of this Act. Each State with an approved plan under subpart 1 or 2 of part B of title IV of the Social Security Act shall make its initial submission of the forms required under section 432(a)(8)(B) of the Social Security Act to the Secretary of Health and Human Services by June 30, 2007, and the Secretary of Health and Human Services shall submit the first compilation required under section 432(c) of such Act by September 30, 2007.

SEC. 7. REQUIREMENT FOR FOSTER CARE PROCEEDING TO INCLUDE, IN AN AGE-APPROPRIATE MANNER, CONSULTATION WITH THE CHILD THAT IS THE SUBJECT OF THE PROCEEDING.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting "(i)" after "with respect to each such child,";

(2) by striking "and procedural safeguards shall also" and inserting "(ii) procedural safeguards shall"; and

(3) by inserting "and (iii) procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child and, in the case of a child who has attained age 16, any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child;" after "parents;".

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on October 1, 2006, and shall apply to payments under subpart 2 of part B and part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under subpart 2 of part B or part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by a provision of this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

Mr. FRIST. Mr. President, we have one matter of business that we are working on now. That is Water Resources Development. There has been objection to the unanimous consent that I propounded earlier by the Democratic leader. We are working very hard to work out that objection. With that, I will take a few more minutes, and hopefully we will be able to address this issue. I will go back to work and do just that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER RESOURCES DEVELOPMENT ACT AND NOMINATIONS

Mr. REID. Mr. President, the Republican leader came to my office a few minutes ago and indicated he had some family situation that he needed to attend to. It was no emergency or anything, but it is late. It is a quarter to 8.

On WRDA, we have cleared that on our side. And we have some nominations we have also cleared on our side. I am confident that WRDA—which we were planning to go to that Tuesday night after we finished the stem cell legislation—I am very confident we can work that out.

As I indicated, we are set mechanically to go forward on WRDA. It has been cleared on both sides, even the time on the amendments. We thought we had the nominations worked out dealing with a very important agency of our Government.

I am confident, I repeat, that we will be able to do that as soon as people are back in their offices.

So I do not in any way retract my statements about how it is possible to work on things together around here. This was shown with the difficult time that Senators had working on the request that was brought before the Senate just a half hour ago or so.

It is a very important bill. I have been chairman of the Environment and Public Works Committee on two separate occasions. It is very difficult to get things out of that committee because of different feelings people have on issues. But Senator INHOFE and Senator BOXER worked very well and got it to the floor.

So I am hopeful that even maybe tomorrow we can do the unanimous consent request that has been laid before the Senate and have that approved. If not, we will do it Monday. I am hopeful and confident we can do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, JULY 14, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow, Friday, July 14. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business, with Senators being permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, this evening we completed the Homeland Security appropriations bill. I congratulate Senator GREGG and Senator BYRD for their diligence in working through this important funding bill. Early next week we will consider the stem cell research bills. There are actually three of them. We will be debating all day and into the evening on Monday, with the closing remarks and votes on Tuesday.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order.

There being no objection, the Senate, at 7:51 p.m., adjourned until Friday, July 14, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate July 13, 2006:

DEPARTMENT OF COMMERCE

CHRISTOPHER A. PADILLA, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE PETER LICHTENBAUM.

DEPARTMENT OF TRANSPORTATION

CALVIN L. SCOVEL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF TRANSPORTATION, VICE KENNETH M. MEAD, RESIGNED.

DEPARTMENT OF STATE

RICHARD W. GRABER, OF WISCONSIN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC.

CINDY LOU COURVILLE, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE AFRICAN UNION, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

THE JUDICIARY

SARA ELIZABETH LIOI, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE LESLEY BROOKS WELLS, RETIRED.

NORA BARRY FISCHER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE ROBERT J. CINDRICH, RESIGNED.

EXTENSIONS OF REMARKS

CONGRATULATING THE MENTAL HEALTH CENTER OF CHAMPAIGN COUNTY ON ITS 50TH ANNIVERSARY

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in honor of the Mental Health Center of Champaign County on the celebration of its 50th anniversary.

The Champaign County Mental Health Clinic opened its doors 50 years ago as a program of the Champaign County Mental Health Society. On July 22, 1968, the Mental Health Center became incorporated and changed its name to the Mental Health Center of Champaign County. Throughout its years of service to the community, the Mental Health Center has continually expanded mental health services to meet the needs of the public.

The Mental Health Center of Champaign County is committed to providing critical mental health services to the community. Since its inception, the Mental Health Center has provided residential, outpatient, school-based, and 24-hour crisis services to promote the recovery, awareness, and the understanding of mental health and related illnesses.

The citizens of the 15th district and I are very proud of the Mental Health Center of Champaign County for their continued efforts to provide quality services to those in need of them. We look forward to a prosperous future in which the Mental Health Center will continue its dedication to mental health services.

Mr. Speaker, I ask my colleagues to join me today in recognizing the Mental Health Center of Champaign County on its 50th anniversary of service to our community.

TRIBUTE TO AMERICAN LEGION POST NO. 91, NO. 137 AND AUXILIARY UNIT NO. 91

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mrs. CAPITO. Mr. Speaker, today we recognize the American Legion Post No. 91 and Auxiliary Unit No. 91 in Romney, WV, and Post No. 137 in Capon Bridge, WV. Both are located in my district, Hampshire County.

Post No. 91 has a long tradition of monthly meetings since 1920, sponsoring strong child and youth programs, and flying flags on holidays such as Memorial Day, Flag Day, the Fourth of July, and Hampshire Heritage days. Post Commander Madelaine Shallcross has boosted membership to 450 members.

Auxiliary Unit No. 91 is led by 7-year President Diana Haines. Founded in 1926 with only 22 members, it has now grown to be part of the third largest unit in the State. The 435 members volunteer and maintain the expense of the Hampshire County Library. In 1926, the auxiliary assisted the Legion in designing an honor roll plaque for the World War I servicemen of Hampshire County.

Post No. 137 has an active membership of 400 in Capon Bridge, WV. Post Commander Bob Brasher is assisted by President Sally Reid and Larry LaFollette, head of the Sons of the Legion group.

Each of these organizations provides a venue for fellowship, volunteerism, and patriotism. The service each member has given to their Nation and community shall be forever cherished and represented.

PENCE CALLS ON CONGRESS TO STAND FOR THE SANCTITY OF LIFE

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. PENCE. Mr. Speaker, in the coming days, Congress will consider legislation to make taxpayer dollars available for what is known as embryonic stem cell research.

Stating the case for an imminent presidential veto, in 2001 President Bush made the moral dimensions of scientific testing on human embryos clear.

These are the principles: It is morally wrong to create human life to destroy it for research. Also, it is morally wrong to take the tax dollars of millions of pro-life Americans and use them to finance research that they find morally objectionable. The choice of our time was described millennia ago: "See, I set before you blessings and curses, life and death. Now choose life that you and your children may live." I urge my colleagues to stand for the sanctity of life at every level. Stand with President George W. Bush. Reject taxpayer funding of human embryo research.

ANNIVERSARY OF ADVANCEMENT VIA INDIVIDUAL DETERMINATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to rise in celebration of the trailblazing work done by Advancement Via Individual Determination. Twenty-five years ago, Mary Catherine Swanson founded an organization rooted in the belief that, if the desire to go to college is met with a willingness to work hard, then those students who are capable of completing a rigorous curriculum but are falling short of their potential can realize their desire if schools provide them with the necessary tools.

AVID expands opportunities to those students who have traditionally been neglected by the system. AVID is changing the belief system of entire communities by showing that low-income and minority students can achieve at the highest levels and succeed in college. In 2004–2005, 49.4 percent of AVID students were Hispanic and 17 percent were black. The success of these students is critical to closing the achievement gap.

In Chicago is a legendary educator named Marva Collins. She argues, "When we cease destroying [students'] self-esteem by making them doubt their abilities and leading them to believe that their worth is unimportant and valueless, we shall see the poor student become a good student, and the good student become a superior student. Creating doubt in the mind erases self-esteem and self-value."

We have put hurdle after hurdle in front of our students, but we have forgotten to teach them how to jump. We expect them to demonstrate what they have learned in school, but we have not taught them to read. We expect them to go to college and get a job, but we have not given them the learning skills they need to graduate from high school, much less college. In the absence of a college-going tradition in their families and communities, how can we be surprised that students are not meeting our unrealistic expectations? Teaching organizational and study skills, working on critical thinking, providing tutors, and creating enrichment and motivational activities, AVID has challenged all of us to examine the lessons we are teaching our children.

AVID has reminded all of us to stop blaming the victims of an education system in crisis, and it has realized tremendous success rates. In 2004–2005, 75.1 percent of AVID graduates were accepted to 4-year colleges. 99.1 percent of AVID students graduated from high school, compared to 70 percent nationally. While 36 percent of students completed the 4-year college entrance requirement nationally, a staggering 86.7 percent of AVID students did so.

Ms. Collins reminds us: "Our children and parents surrender themselves to those who are identified as protectors, but who actually destroy them. Children come to school to get what they lack, and they are told, instead, all the things they cannot do. We, the educators, [—and indeed I believe the politicians—] should be the hope of our children. We should be their insurance against the dark side of failure and mediocrity, and, far too many times, we cancel that insurance by labeling them 'At Risk students.' They come to be complete and far too many schools split them in halves."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I commend and thank all of the men and women that have contributed to AVID's success over the past 25 years—empowering students to make responsible decisions and contribute positively to society.

CELEBRATING THE CAREER OF ROBERT LUTHER

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor and celebrate the career of retiring Lake Land College President Robert K. Luther. Dr. Luther concluded his exceptionally accomplished 18-year tenure on June 30, 2006.

Before coming to Lake Land, Dr. Luther served on Governor Jim Edgar's Integration of Workforce Education task force and Governor George Ryan's Illinois Workforce Investment Board. Upon arriving at the college, Dr. Luther faced many challenges in reforming and improving the college's educational system and atmosphere, including reversing a substantial budget deficit and shrinking student enrollment, as well as beautifying a deteriorating campus.

Today, the college operates on a stable budget and is considered one of the most beautiful places in central Illinois, but Dr. Luther considers his greatest accomplishment to be increasing the college's headcount enrollment by 113 percent since his arrival.

Dr. Luther has helped to create many of Lake Land College's successful off-campus programs. Lake Land is the largest provider of postsecondary education to correctional centers in the State of Illinois, and the college now offers over 160 online courses. In addition, Dr. Luther has been an exceptional fundraiser, increasing Lake Land's annual scholarship fund six fold, from $50,000 to $300,000.

Citizens of the 15th District of Illinois honor Dr. Luther for his innovation and leadership at Lake Land College. He has done a great service to our community and greater central Illinois.

Mr. Speaker, I ask my colleagues to join me today in celebrating the career of Lake Land College President Robert K. Luther.

TRIBUTE TO 100TH ANNIVERSARY OF THE LONDON POST OFFICE OF LONDON, WV

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mrs. CAPITO. Mr. Speaker, I rise today to celebrate the 100th anniversary of the London Post Office in London, WV. Despite 15 postmasters and three different buildings it remains a center of activity for the community.

The first location for the post office was in a building near the railroad tracks, and it was later housed in a general store that burned down in 1989. The current post office now sits on the same piece of land as the two previous ones. This landmark has become an anchor of the community for social gatherings and town news.

Chip Frame is the current postmaster and has worked there for 9 years. Even with an hour commute, the family atmosphere and friendly community make it worth the drive for him.

ISRAEL

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. WELDON of Florida. Mr. Speaker, last month Israel was provoked when Hamas terrorists kidnapped CPL. Gilad Shalit, an Israeli soldier, manning and checkpoint. This was an unprovoked act of terror—act of war—against Israel by Hamas—which also controls the Palestinian Authority government.

As long as Hamas embraces terrorism and refuses to acknowledge the right of Israel to exist, terrorists will persist in the Palestinian lands.

Earlier this week, Hizballah kidnapped two Israeli soldiers in Northern Israel. Israel has responded in an effort to rescue these soldiers and diminish the ability to Hizballah to launch missiles into Israeli population centers.

I rise to express support for our ally, Israel, as it deals with yet more terrorist acts . . . the kidnapping of its soldiers during late June and the continuing barrage of rockets launched at Israeli citizens from Gaza and Lebanon.

The kidnapping of the Israeli soldiers can certainly be considered a provocation of war.

Unfortunately, Israel's withdrawal from the Gaza strip has not led to a positive transformation of Palestinian politics or more security for the Israeli people.

Likewise, Israel's withdrawal from southern Lebanon in 2000—which was certified by the United Nations—has failed to provide peace for Israelis living in northern Israel. Since Israel's 2000 withdrawal, Hizballah has fired hundreds of rockets targeting Israeli civilians. Over the past year, Hizballah has carried out four major attacks into Israel in an effort to harm Israeli citizens.

Israel exhausted all non-military means to get its soldier released by Hamas before it called for these military actions.

The Hamas-led Palestinian Authority is failing the Palestinian people by giving comfort to terrorists.

It is imperative that we provide Israel with continued and broad-based support since an even greater destabilizing force is developing in the region—a nuclear-armed Iran with terrorist allies in Hizballah and Hamas.

IN RECOGNITION OF EMILY LAWRIMORE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. WILSON of South Carolina. Mr. Speaker, with the continuity of a Congressional session, there is a normal shuffling of staff positions. Today, it is with mixed emotions that I announce the departure of Emily Lawrimore.

For the past year and a half, Emily has held one of the most difficult jobs on Capitol Hill—serving as the Communications Director for the Second Congressional District. Emily has handled her position with professionalism, grace, and integrity. Her dedication and work ethic will be difficult to replace.

Emily began her career in Washington as a member of Congressman CHARLIE NORWOOD's staff. She leaves the halls of Congress tomorrow to become Assistant Press Secretary for President George W. Bush. I am confident that Emily will be a welcome addition to the President's press office.

A graduate of Clemson University, Emily Lawrimore is one of two children of Marshall and Cindy Lawrimore of Columbus, Georgia. She is a credit to the people of South Carolina and Georgia, and I wish her Godspeed.

In conclusion, God bless our troops and we will never forget September 11.

A BALANCED RESOLUTION ON IRAQ

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, as someone who voted against the original legislation authorizing the U.S. military action in Iraq, I remain convinced that our military involvement there is a mistake, regardless of which of the Administration's evolving rationales for sending U.S. troops there is put forward.

I was therefore pleased to receive the resolution on Iraq that was approved recently by the New England Annual Conference of the United Methodist Church. This statement, which calls for an orderly withdrawal of our troops from Iraq, points out the deficiencies in our Iraq policy, while maintaining toward our military and civilian personnel serving there an appropriately supportive position. I ask that a copy of the resolution adopted by the New England Annual Conference be printed here.

RS—209 REGARDING AMERICAN PARTICIPATION IN THE WAR IN IRAQ

(Submitted by Proposed by Betty and Dan Allen, Mark Goad, Gary Richards, Don Rudalevige, Phil Susag)

(Adopted Friday Evening, June 10, 2006)

Scripture and the call of Justice demand of Christians a bias towards peace and reconciliation. Our calling as United Methodist Christians demands that we not remain silent regarding the on-going war in Iraq. We proclaim a God who cares for all people. Clear evidence of absolute need is required before engaging in armed conflict. Such evidence does not exist to support American occupation of Iraq. The conflict has created and spread terrorism, not lessened it. It has compromised our own attitude as to the value of human life.

Therefore, The New England Conference of the United Methodist Church calls on all churches to actively participate in peacemaking through preaching, prayer, study and participation in local forums and peace actions.

Further, we call on our church members to be in regular contact with their U.S. Representatives and Senators, calling for the orderly withdrawal of troops and personnel from Iraq. We recommend that such contacts begin during the week of June 19 and continue on a monthly basis until such time as withdrawal is achieved.

Further, the Annual Conference directs the Secretary to send this resolution to the U.S. Representatives and Senators from the New England region, President Bush, Secretaries Rumsfeld and Rice.

Further, the New England Conference is called upon to support those troops returning from Iraq with our prayers, love and gratitude for their service to our country.

IN HONOR OF STELLAR MAMOTTO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. KUCINICH. Mr. Speaker, I rise to pay special tribute to a woman of extraordinary achievement, her life an inspiring lesson of the power of great determination. Stellar Mamotto was born to humble beginnings in the Dodoma region of Tanzania, East Africa, one of four children. She strived for her educational development, not only for her own personal growth, but to be of service to her community. In 1995, Ms. Mamotto won a scholarship to study for a Certificate in Rural Development Planning and achieved the highest grade. She trained to become a teacher from 1996 to 1998. Just two years after qualifying, she was made Deputy Head Mistress of the Chilonwa Secondary School, a rural school in Tanzania's poorest region. Her involvement extended far beyond her educational responsibilities. She became dedicated to the long-term economic progress of the Tanzanian people through her work in community development and environmental sustainability in Chilonwa.

Mr. Speaker, Ms. Mamotto knew that her own aspirations and the aspirations of the people she served in the rural areas of Tanzania depended upon her pursuing higher educational opportunities. So in September of 2003, as a result of her untiring efforts, her scholarship and her personal charisma, the resources to study abroad suddenly materialized and she found herself traveling to Canterbury, England where she enrolled in the University of Kent to study Environmental Social Science. Her remarkable journey took her from the bush to university classroom. Finally, through great perseverance and sacrifice, she completed her studies and today, July 13, 2006, will receive her BA from the University of Kent at ceremonies in Canterbury Cathedral.

Mr. Speaker, each graduate's story is important. Some graduates, however, embody the hopes and dreams of millions of fellow countrymen and women. Stellar Mamotto's graduation represents not just the triumph of a single individual, but the triumph of the human spirit over all obstacles. And it represents a new beginning for Ms. Mamotto as she endeavors to take yet another step to even greater academic achievement.

Mr. Speaker, Members of the United States House of Representatives, please join me in honoring Ms. Stellar Mamotto for her achievement and as she continues to strive to be of service to the people of Tanzania.

PERSONAL EXPLANATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. SAM JOHNSON of Texas. Mr. Speaker, due to illness in June. As a result, I missed votes on H. Res. 323, H.R. 4890, H.R. 5638, H.R. 4973, H.R. 4893, H.R. 889, H. Res. 890, H. Res. 895, H.R. 4761, H.R. 5672.

Had I been present, I would have voted "aye" on each of these measures.

RECOGNIZING PASTOR EMERY KING ON THE OCCASION OF HIS 28TH ANNIVERSARY AS PASTOR OF THE FAITH BAPTIST CHURCH IN WEBSTER, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to commemorate Pastor Emery King's 28th anniversary serving at the Faith Baptist Church in Webster, Florida. I would like to extend my warmest congratulations to him for a job well done.

When Pastor King first came to the church, his commitment to God and to his parishioners shone through immediately. It was clear even from the first months of his tenure that he had a unique commitment to the faith and to the men and women with whom he worshipped. Over the years Pastor King has been blessed to have a church that has grown and prospered under his leadership and service.

Having spoken to many of the men and women that he has counseled and worshiped with over the past 28 years, I know that Pastor King's dedication to the Lord and to the scripture has served as an inspiration to thousands throughout the Sumter County community. His ministry has touched the hearts of many, and the Faith Baptist Church is a stronger institution because of his leadership.

Mr. Speaker, Pastor Emery King's length of service to the Faith Baptist Church of Webster is only matched by his commitment to the Lord and to the men and women who rely on his counsel and wisdom. Pastor King is a shining example of the good that serving Jesus Christ can bring to our friends and families.

I wish Pastor King the best of luck and joy as he embarks on what will hopefully be the next 28 years of service to God and to his church.

TIME FOR A SECULAR DEMOCRACY IN IRAN

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. CLAY. Mr. Speaker, on July 1, 2006, thousands of Iranians from around the world, including the members of the Iranian American Cultural Association of Missouri, gathered in Paris to express their interest in a free Iran and their support for the National Council of Resistance of Iran.

At this gathering, Mrs. Maryam Rajavi gave a speech about the need to bring freedom and democracy to the people of Iran. I would like to take this opportunity to share with my colleagues an excerpt from her inspiring address.

In the name of God, in the name of Iran, in the name of freedom, fellow Iranians, dear friends: With warmest greetings to all of you who represent the freedom, dignity and the resistance of our homeland, Iran. The sound of shackles of the religious dictatorship breaking apart and the song of victory can be heard in your resolve and faith, in the uprisings of our Azeri compatriots, and in the victory of those who persevered after the events of June 17, 2003. I also send my greetings to the distinguished personalities from France and other countries that have honored us by their presence. I thank Madam Edith Cresson, the former Prime Minister of France and the honorable mayors in different cities in the province of Val d'Osie as well as the dignified deputies of various parliaments from around the world.

Dear Friends: We are standing at a very extraordinary juncture of Iran's history: The turning point for a major birth and a magnificent destiny toward which we are being steered. Today, all the paths to ensure the survival of the velayat-e faqih regime have reached a dead end. Neither the deceitful spin game of reform nor the policy of appeasement bore any fruit. Propelling Ahmadinejad to power submerged the regime in its entirety in a mortal crisis. Today, the sun for the future of our nation is on the horizon. The terrorist label (against the People's Mojahedin Organization of Iran) has become a source of shame for the appeasers and the June 17 dossier has discredited them further. The waves of victory and freedom rush ahead in the declaration of 5.2 million Iraqis, in the ruling by the Paris Court of Appeals and in the spate of uprisings in Iranian cities. So, with a voice louder than ever, we again say, the only option, the only correct path and the only correct answer to the Iranian problem is the establishment of democracy. We say no to war, no to appeasement, yes to the third option: which is democratic change by the Iranian people and their Resistance. We say that the great nation of Iran itself has the capability and the capacity to change its own destiny to achieve democracy. And it undoubtedly will. Accordingly, I will present the outlines of the Resistance's program for the Iran of tomorrow. This program reflects the Iranian people's historic aspirations.

1. In the future Iran the natural and inalienable human rights of every Iranian must be respected. The rights to life, freedom, and security of every citizen of the Iranian nation will be considered equal under the law regardless of their gender, race, religion, ethnic makeup, and dialect. We are committed to the "Universal Declaration of Human Rights".

2. In the future Iran all individual freedoms will be recognized. These include freedom of speech, clothing, marriage and divorce, employment, travel, choosing one's residency and citizenship.

3. The litmus test of the legitimacy of the country's political and legal makeup is the universal suffrage. In the future Iran the right to make key political decisions in society and the people's right to change the government will be respected and various councils will be set up in all spheres of society in order to uphold and guarantee democracy.

4. We seek a pluralistic republic, in which complete freedom of parties, associations and unions are guaranteed.

5. In the free Iran of tomorrow we will defend the abolition of the death penalty. This is our response to the ruthless killings and brutality with which the mullahs have ruled clutched on to their reign. Torture will be banned under any circumstances. There will be no room for cruel and degrading punishments under whatever pretext, including under the cloak of religion.

6. The Iranian Resistance is committed to the separation of church and state. In the Iran of tomorrow the principle of freedom of religion will be respected. The country's laws will not ban any religion. No religion will enjoy privilege over another and no citizen will be subjected to any personal or social privilege or privation in their individual or social rights because of their belief or nonbelief in any religion.

7. We are committed to the Convention on the Elimination of All Forms of Discrimination Against Women. In the Iran of tommorow, men and women will enjoy equal rights in all political, social and economic sectors. Women will have equal participation in the political leadership of the country.

8. In the Iran of tomorrow all forms of sexual exploitation of women will be prevented. Polygamy will be banned. Physical, sexual and psychological violence against women will be considered a crime.

9. In the Iran of tomorrow oppression, discrimination and lawlessness concerning children and child labor will be banned.

10. The judiciary of the future Iran will be founded upon a uniform system of justice. It will be a two-tiered system based on the presumption of innocence, the right to defense, the right to seek justice, the right to be tried in open courts with the presence of the jury. In this system, their will be no discrimination on issuing judgment. The complete independence of the judges and the Bar Association will be guaranteed.

11. In the Iran of tomorrow the free market will be respected. Economic opportunity will be provided to the people equitably and all restrictions on self employment will be lifted.

12. We are determined to ensure that in the Iran of tomorrow every member of society will enjoy access to social services, including education, hygiene and athletic opportunities. Universities will be governed by independent councils elected by the faculty and students.

13. In the Iran of tomorrow the just right to autonomy of the people of Kurdistan will be recognized. We seek the eradication of dual discrimination against all ethnic minorities in Iran in the framework of the country's indivisible territorial integrity.

14. In the Iran of tomorrow, interference in the internal affairs of other countries will be banned and others will be banned from interfering in our internal affairs. We demand peace, mutual respect in international relations, good neighborliness and the establishment of diplomatic relations with all countries of the world. The Iran of tomorrow will be a non-nuclear country and devoid of weapons of mass destruction.

Dear compatriots, honorable friends, What I enumerated was the synopsis of the Iranian Resistance's views and program for our nation once it is liberated from the oppression of the mullahs. To realize this program, free elections will be held for a national constituent assembly within six months of the toppling of the ruling religious dictatorship. At the end of the six-month period, the provisional government will step down and the people's elected constituent assembly will begin work to appoint the new government and draft the new constitution. Three years ago, when the French police launched an unprecedented raid against the office of the National Council of Resistance of Iran, freedom was again at stake. From the onset, it was obvious that the raid was the outcome of a deal with the theocracy ruling Iran. In truth, the Resistance of a victimized nation was being suppressed. Fortunately, in the past three years, this Resistance's perseverance overcame the June 17 conspiracy. Two weeks ago, on the anniversary of the June 17, 2003 raid, the Paris Court of Appeals revoked the oppressive and unwarranted restrictions against members and officials of the resistance. This ruling clearly testifies to the innocence of this resistance and the hollow nature of the June 17 dossier and the accusations of cult and terrorism that go with it.

Dear Friends, Today, there is only one way to thwart this threat. The West must reverse course and respect the will of the Iranian people to establish democracy. Any step in other directions, any delay in this respect will benefit the regime. The Resistance is the solution not only for establishing democracy in Iran but also for peace and security in the entire world. The solution to the nuclear crisis and to thwart the danger of a war is democratic change in Iran. Indeed, by relying on its beloved nation, this Resistance holds the key to the Iranian equation. The mullahs are trying to give the impression that opposition to war means supporting their regime. Thus, any opposition to war is only justified when accompanied by opposition to religious fascism. Opposition to war is effective only when it is accompanied by supporting the Iranian people's Resistance for freedom. On behalf of the Iranian people's Resistance, I want to remind the Western countries to learn of the catastrophic experience of giving concessions to the religious One day, the late Dr. Mossadeq in his trip to the United States told President Harry Truman, I have not come to ask for anything. I have come to ask you to remain neutral in the dispute over oil. Today, we are not asking you for anything, neither money, nor weapons. But we demand that you remain neutral in the struggle the Iranian nation is waging to attain freedom and democracy. We are demanding that you remove the MEK from the terrorist list and recognize the right of the Iranian people to resist dictatorship. The declaration by 5.2 million Iraqis who demanded the eviction of the clerical regime from Iraq and the recognition of the status of the People's Mojahedin Organization of Iran is a brilliant achievement by this front. This declaration is a great victory and breakthrough which presents Iraq and the rest of the world with the correct path to democracy, security and independence of Iraq, by rejecting the Iranian regime's meddling which has targeted Iraq's survival and democracy. The fact that some 5.2 million Iraqis above the age of 18 declared that "the terrorist allegation against the People's Mojahedin Organization of Iran has no legitimacy or credibility and must not be taken as a criterion for dealing with the MEK," demonstrates first and foremost that the near unanimous majority of Iranians have rejected this label. Fortunately, Iraqis invited the United Nations, international organizations and the International Committee of Lawyers to study and examine the signed documents of their historic declaration. We urged those organizations and especially the United Nations Security Council to accept the invitation. For this reason, we have said time and again that we will accept free elections under the auspices of the United Nations and based on popular sovereignty and not the velayat-e faqih and will accept a referendum. At the same time, however, we said that a viper would never give birth to a dove. One should not expect anything other than killings and repression from the ruling theocracy. Twenty-seven years of crime and suppression are enough. It is now time for freedom and the people's sovereignty. Our salutes to Ashraf and its great commander Mojgan Parsai, and to MEK's Secretary General and her proud colleagues, my beloved brothers and sisters in Ashraf City, who in the past three years on stepped up their steadfastness as they confronted an assortment of difficulties, bombings, the denial of their water, electricity, medicine and supplies, the massacre of Iraqi workers of Ashraf City and intelligence, terrorist conspiracies and kidnappings. The Iranian people and Iran's brave women and men who are resolved in the struggle for freedom hold the key to our nation's freedom. It is the Iranian people and Resistance who endeavor for change, bring about change and build the future. It is the Iranian people and their Resistance who will overthrow the evil of fundamentalism. Iran will become the land of democracy and human rights. The Iranian nation will triumph and will be free.

May God bless you all.

THE INTRODUCTION OF THE DISTRICT OF COLUMBIA DISTRICT ATTORNEY ESTABLISHMENT ACT OF 2006

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Ms. NORTON. Mr. Speaker, today I introduce the District of Columbia District Attorney Establishment Act of 2006, continuing a series of bills that I will introduce this session to ensure a continuation of the process of transition to full democracy and self-government for the residents of the District of Columbia. This bill is the ninth in our "Free and Equal DC" series of bills to eliminate anti-Home Rule legislation and to remedy obsolete or inappropriate congressional intervention into the local affairs of the District of Columbia or denials of federal benefits or recognition routinely granted to other jurisdictions.

This bill will establish an Office of District Attorney for the District of Columbia, to be headed by a District Attorney elected by DC residents. Accordingly, this bill would move the city a quantum leap toward full home rule for the District of Columbia and equality with other Americans. This bill effectuates a November

2002 referendum where DC voters overwhelmingly (82 percent) approved a locally elected D.A.

This important legislation is designed to put the District of Columbia on par with every other local jurisdiction in the country by allowing DC residents to elect an independent District Attorney to prosecute local criminal and civil matters now handled by the U.S. Attorney, a federal official. Instead the new District Attorney would become the city's chief legal officer. As presently constituted, the U.S. Attorney's office in the District is the largest in the country only because it serves mainly as the local city prosecutor. That office needs to be freed up to do security and other federal work particularly in the post 9–11 nation's capital.

There is no issue of greater importance to our citizens and no issue on which residents have less say here than the prosecution of local crimes. A U.S. Attorney has no business in the local criminal affairs of local jurisdictions. No other citizens in the United States are treated so unfairly on an issue of such major importance. This bill would simply make the D.A. accountable to the people who elect him or her as elsewhere in the country.

In addition to issues of democracy and self government, such as congressional voting rights and legislative and budget autonomy that District residents are entitled to as American citizens, residents are determined to achieve each and every other element of home rule. Amending the Home Rule Act with a local D.A. provision would be an important development toward our goal of achieving true self-government. I urge my colleagues to support this important measure.

TRIBUTE TO GRANDPARENTS AND OTHER RELATIVE-HEADED HOUSEHOLDS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Ms. DELAURO. Mr. Speaker, I rise today to pay tribute to the two and a half million grandparents acting as primary caregivers to their grandchildren. In fact, across the country there are more than 6 million children living with a grandparent, or others living in relative-headed households. I commend those who courageously step forward on a daily basis to care for these children, keeping them out of foster care while providing safe, stable homes.

Subsidized guardianship programs allow children to leave foster care for the permanent care of nurturing relatives. Through subsidized guardianship we are able to place a child with a grandparent or other relative who becomes the legal guardian, while at the same time, providing the guardian the financial resources to provide for the child's basic needs.

In its report, "Fostering the Future," the national, nonpartisan Pew Commission on Children in Foster Care recommended that Federal guardianship assistance be provided "to all children who leave foster care to live with a permanent legal guardian." That is why I am proud to be a cosponsor of H.R. 3380, the Guardianship Assistance Promotion and Kinship Support Act, which would allow the use of Federal funding to support subsidized guardianship programs.

In my own State of Connecticut, 6 percent of the children live with non-parent relatives. Although, grandparents and other relative caregivers often represent the best opportunity for providing a loving and stable childhood for the children in their care, their hard work and dedication too often go unnoticed.

Today I offer my deepest appreciation for the dedicated service of these caregivers to our country and our Nation's most valuable asset, our children. And I commend Generations United for all their outstanding work in helping improve the lives of and create opportunity for our children.

RECOGNIZING MR. GARY WILLIAMS, THE UNIVERSITY OF MARYLAND'S MOST WINNINGEST COACH

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. RUPPERSBERGER. Mr. Speaker, it isn't often a gifted and talented athlete has an opportunity to exercise his skills as a coach. It is even less common for that athlete to coach at his alma mater. It is rarer still for that athlete to be recognized as one of the best coaches on the collegiate level. For this reason, it gives me great pleasure to rise before you today to celebrate the career of a good friend, a strong athlete, and an exceptional basketball coach, Mr. Gary Williams of the University of Maryland's Terrapins.

I have had the privilege of knowing Gary for a number of years. We were undergraduates at the University of Maryland at the same time. While I devoted my time to the university's lacrosse team, Gary could be found tearing up the university's basketball court.

Throughout his career, I have watched Gary excel as a leader in collegiate athletics. The university's basketball team won only nine games the year before Gary took over as head coach. Under his leadership, they turned around their losing streak by winning 19 games in his first season. After his 17th season as the Terrapins's coach, Gary Williams surpassed legendary Charles "Lefty" Driesell as the University of Maryland's "winningest coach"—reaching 353 career victories.

Gary led his team from a troubled period to national distinction. Under his direction, the Terrapins have made it to the Sweet Sixteen seven times, had two consecutive Final Four appearances, and relished a national championship in 2002. His is a story of pure determination, impeccable drive, and unprecedented excellence.

The former point guard for the Terps received the highest honor as an alumnus by being inducted into the university's Alumni Hall of Fame. He was ranked ninth among active NCAA Division I coaches. He was named the Washingtonian Magazine's "Washingtonian of the Year" and he was inducted into the Greater Washington Sports Hall of Champions, as well as the Washington, DC Metropolitan Basketball Hall of Fame.

Gary Williams has cemented his legacy by not only devoting his time and energy to the Terrapins, but by giving back to the community at large. Throughout the year, Gary remains active in charity work, fundraising, and public speaking engagements. He is involved with Coaches vs. Cancer, the Cystic Fibrosis Foundation, National Autism Research, the National Physical Education Council, the Salvation Army, and the Babe Ruth Museum.

Mr. Speaker, I ask that you please join with me today in recognition of the achievements of an outstanding athlete and coach. Mr. Gary Williams has made significant strides in collegiate athletics. His leadership has allowed his team to dominate basketball courts for 17 seasons. His legacy will be remembered for years to come.

FORMATION OF THE RURAL PLANNING ORGANIZATIONS OF AMERICA

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. OBERSTAR. Mr. Speaker, I rise today to recognize the formation of Rural Planning Organizations of America, RPO America, a new national organization dedicated to improving the planning and development of America's rural transportation network. Under the sponsorship of the National Association of Development Organizations, NADO, RPO America is serving as the first and only national forum and professional peer network for the emerging field of rural transportation planning.

This new group is important not only for the coordination, management and planning of our Nation's rural transportation infrastructure and systems, but also for linking our rural communities' economic development initiatives with State and local transportation programs. As I have stated for the record countless times, the development and maintenance of our Nation's public transportation infrastructure—including highways and bridges, transit services, ports, airports and intermodal facilities—is fundamental and at the core of our Nation's long-term economic competitiveness strategy.

Since the passage of the 1998 Transportation Equity Act for the 21st Century, TEA–21, nearly 30 States now voluntarily support, fund and partner with a growing network of multicounty rural planning organizations. These locally governed regional transportation planning agencies are working to enhance State and local coordination, project prioritization, roadway safety and comprehensive transportation planning in our Nation's non-metropolitan regions.

While our Nation's metropolitan areas have enjoyed special Federal status and funding for transportation planning during the past half century, our rural regions are just getting started. Through training, research, peer information exchanges and other professional development services, the members of RPO America are striving to enhance the safety, mobility and economic competitiveness of small town and rural America. I commend NADO for providing the leadership and vision in forming RPO America.

SUCCESSFUL 27TH U.S. SENIOR OPEN HOSTED IN HUTCHINSON, KS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise today to express my gratitude for an incredibly well hosted event in my district this past week. Through a collaboration of more than 2,500 volunteers, the renowned Prairie Dunes Country Club and the United States Golf Association, the 2006 U.S. Senior Open was contested in Hutchinson, KS.

I was proud to be in the crowd of this well attended tournament. The state of Kansas and this community did a wonderful job of showcasing our welcoming spirit and beautiful landscape.

The names of Watson, Player, Irwin, Crenshaw and Kite are easily recognizable to golf enthusiasts. After his repeat victory, Allen Doyle should also now join this list of distinguished champions as a household name.

But there were more than just famous golfers who made this a successful event. I'm certain that Kansans will join with me in specifically thanking Mr. Allen Fee, Tournament General Chairman, and Mr. Greg Conrad, Championship Director, for their collective contributions in making this an outstanding week of golf. I also want to thank the legion of volunteers who gave of their time and talents. As testament to the event's success, volunteers from 27 states joined nearly 115,000 spectators in establishing the mark for the largest sporting event in Kansas history.

The real star of this championship, however, was the golf course itself. Many golfers and spectators commented that Prairie Dunes was stunning, from tee to green, from fairway to "gunsch", and provided the level of difficulty required in a tournament of this high caliber. To the unfamiliar, what players and spectators alike found was a course ranked by many in the top 15 in the United States, and the top 25 in the world. From its origins dating back to 1937, Prairie Dunes continues to emphasize native prairie grasses and its famous "Maxwell Rolls" greens to provide a stern test for the discriminating player.

Mr. Speaker, I proudly ask you to join me in recognizing the Hutchinson community for hosting the 27th U.S. Senior Open, and for their many contributions to the State of Kansas and game of golf.

IN RECOGNITION OF 36 YEARS OF SERVICE BY PASTOR GLYN LOWERY TO THE PACE ASSEMBLY OF GOD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to extend my congratulations to Pastor Glyn Lowery, Jr. for serving as the pastor to Pace Assembly of God in my district for 36 years.

At the young age of 20, Glyn Lowery became the pastor at Pace Assembly of God. Pastor Lowery, better known as Brother Glyn, greatly contributed to the growth of Pace Assembly of God by overseeing the construction of a 1000-seat sanctuary just two years after taking over the congregation. Under Brother Glyn's guidance, Pace Assembly of God has expanded their outreach programs to over 250 ministries. With his leadership, they have built churches throughout Europe, Russia, the Philippines, and South America. Their goal is to establish missionary projects in every country.

In Pace, the church has undergone great expansion. What was once a block building has become a flourishing community with a Family Life Center that houses a basketball court, gymnasium, 25 classrooms, a fellowship hall, kitchen, and resource room. Brother Glyn has also taken on leadership roles in the church community at large, serving as the Assistant Superintendent of the West Florida District of the Assemblies of God and briefly taking over as the District Superintendent after the unexpected death of his predecessor.

Through his journey, Brother Glyn has been supported and aided by Jan Lowery, his wife of 35 years. Together they have worked diligently to create outreach programs to help families live more Godly lives. When they saw that children in the Pace community needed rides to Sunday school, they took the initiative to drive them to church. Together they envisioned bringing children and adults to church in busloads and through their Bus Ministry, this vision has become a reality.

Mr. Speaker, on behalf of the United States Congress, I would like to offer my sincere congratulations to a man who could serve as a role model to us all. A deep sense of personal devotion to a congregation for 36 years is something to truly be admired, and I am thankful for his dedication to the Pace of Assembly of God.

HONORING A VETERAN AND PATRIOTIC AMERICAN—JOHN SEYMOUR STARR

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. COBLE. Mr. Speaker, a patriotic veteran and role-model citizen recently passed away in Greensboro, North Carolina. On behalf of the citizens of the Sixth District of North Carolina, I rise to honor John Seymour Starr, a World War II veteran, who dutifully fought for his country from an early age. Only nine days after his 18th birthday, Starr enlisted in the army and joined General George Patton's 3rd Army as a machine gunner on the back of a jeep in the 2nd Cavalry, 42nd Recon. As one of Patton's "Ghosts," Corporal Starr put his life on the line day after day scouting ahead of the division to locate and engage the enemy in order to determine their strength and position for an armored assault.

Just months after entering the fight, on August 8, 1943, Corporal Starr's jeep drove over a land mine on France's Breast peninsula killing the driver and passenger. Starr was put in the hospital with shrapnel embedded in his back that he would carry for the rest of his life. Undeterred by his injuries, Starr ignored his reassignment to a non-combat unit and left the hospital. He hitched rides through France until he was reunited with the 2nd Cavalry. During the rest of his service, he helped General Patton's 3rd Army take control of the French campaign, and he fought in the Battle of the Bulge in December of 1944.

The courage and dedication Starr displayed, earned him several medals, including the Purple Heart and five Bronze Stars. Starr's patriotism was reflected in his life's philosophy: it is easier to fight for one's country, even in the face of death, than it is to give up the freedoms we enjoy in America.

He is survived by his wife, Jean Starr, 1 sister, 5 children, 5 grandchildren, 3 great-grandchildren, and 1 great-great granddaughter. Again, on behalf of the citizens of the Sixth District, we join with his family and our community to state that we will miss Corporal John Seymour Starr, an admirable citizen and veteran.

IN HONOR OF REVEREND O.W. MACK OF HEARNE, TEXAS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. EDWARDS. Mr. Speaker, on Sunday, July 16th, the congregation and community of Hearne in Robertson County, Texas will honor Reverend O.W. Mack for over 45 years of dedicated service as Pastor of the New Elam Missionary Baptist Church of Hearne.

Reverend Mack attended Blackshear School in Hearne and proudly served this great nation as a member of the United States Armed Forces. He returned to Texas to attend Prairie View A&M University where he became an educator. Later he came back to teach in the Hearne Independent School District and married Vina E. Blocker, also an educator. He later went to theological seminary to become a spiritual leader.

Reverend Mack was an educator for over 33 years, an Assistant Principal for 8 years, and he served on the Hearne Independent School District Board of Trustees for over 20 years. He has worked tirelessly over the years to improve the quality of education for children in Robertson County. His years of service in the field of education are an inspiring tribute to our community's values, and his vision for children in our community will offer hope for generations to come.

Under Reverend Mack's leadership as Pastor of the New Elam Baptist Church, many programs have been greatly expanded and ministries within the church have been enriched. Reverend Mack has led his church in mission efforts both locally and statewide. He serves as the President of the Congress of Christian Workers of the Lincoln District Association under the leadership of Moderator, Dr. W.W. Jackson.

Reverend Mack has a history of unselfish devotion to public service, a legacy of personal achievement, as well as dedicated commitment to his faith and family. I ask all of my colleagues to join me in honoring and celebrating the leadership and commitment of Reverend O.W. Mack and his wife, Vina for over 45 years of dedication to the spiritual life and health of the community of Hearne and Central Texas.

Thank you Reverend Mack and May God bless you.

TRIBUTE TO JIM MORRIS, EXECUTIVE DIRECTOR, UNITED NATIONS WORLD FOOD PROGRAMME

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. PENCE. Mr. Speaker, I rise today to pay tribute to Jim Morris, who over the last five years has guided the U.N. World Food Programme through five years of vital, life-saving support to millions of victims of war and natural disaster across the globe.

A former Indianapolis business executive, president of the Indiana University Board of Trustees and head of the Lilly Endowment, Jim Morris could have retired to private life. Instead, Jim accepted the call and rose to the challenge to manage the world's largest food aid organization. Since 2002, Jim has been an eloquent spokesman and tireless administrator for relief programs stretching from Sudan to Iraq, Africa to Asia.

Under Jim's stewardship, the World Food Programme (WFP) provided food aid to over 4 million Ethiopian drought victims in 2003. That year, he also successfully guided WFP in carrying out the largest humanitarian operation in history, feeding 26 million Iraqis.

When tropical storm Jeanne struck Haiti in 2004, WFP showed up big for the 160,000 flood victims. In Darfur, Sudan, WFP battles insecurity and bad roads to get food aid to the 2 million refugees who have fled their homes in response to the conflict.

Reacting to the 2005 tsunami that killed hundreds of thousands of people from Indonesia to Somalia and left hundreds of thousands more without their homes or livelihoods, WFP mounted one of its most complex emergency operations ever. Using helicopters, aircraft, cargo ships, landing craft and traditional trucks, WFP provided essential food aid to 1.75 million tsunami survivors, averting starvation and widespread malnutrition in the wake of the disaster.

Under Jim's leadership, the WFP has made a difference, time and again by quickly getting food to millions of hungry and hurting people who desperately need it. Jim Morris is to be commended for his tireless advocacy for the world's poorest children, which has raised awareness and support for hunger programs, including in this body.

To this heroic Hoosier, who for five years has led the global effort to combat the daily hunger faced by more than 800 million people worldwide, I say, "Well done, good and faithful servant."

AN OPEN LETTER TO THE G7 LEADERS ON THE EVE OF RUSSIA'S G8 SUMMIT

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. WICKER. Mr. Speaker, U.S. Secretary of State Condoleezza Rice has described the G8 as "a group of democracies . . . fully committed to free market principles, free trade, rule of law."

On July 15, the Russian Federation will chair the Group of Eight, G8, for the first time since its full integration in 2002 by hosting the annual G8 Summit in the city of St. Petersburg. While Russia's presidency of the G8 was originally intended to showcase its economic and social progress and demonstrate its further integration with the global community, a growing number of observers strongly feel that Russia is not meeting the democratic and free market principles that are the basis of the G8.

I share with my colleagues a recent letter that was circulated prior to the G8 Summit, from nearly 100 diplomats, politicians, academicians and civil society leaders from Russia, Europe and the United States. The letter, which includes notable figures from each of the G7 nations and Russia, was designed to bring attention to Russia's faltering democracy and human rights record. It was released at "The Other Russia" summit, organized by Garry Kasparov, former world chess champion and Russian political activist, to examine these problems and to highlight what they will mean for the future of Russia.

Mr. Speaker, Russia is an important ally to the United States in many ways although we face a number of disagreements with them on pressing global issues. What should not be at issue is the need for an open society in Russia that advances democracy, human rights and free enterprise. This goal is critical for the development of U.S.-Russia relations and the future of Russia itself.

AN OPEN LETTER TO THE G7 LEADERS—"THE OTHER RUSSIA"

We wish to express our gratitude to the courageous men and women attending "The Other Russia" Summit today and tomorrow in Moscow. This alternative to the G8 summit has been organized by Garry Kasparov, Lyudmila Alekseyeva and other Russian human rights and political leaders. The laudable purpose of the "Other Russia" Summit is to focus the world's attention on the increasingly autocratic and repressive policies of the Russian Government.

"The Other Russia" will bring together distinguished diplomats and politicians, academicians and civil society leaders from Russia, Europe and the United States to examine the deplorable state of human rights and the rule of law in Russia. Experts will document Russia's alarming number of political prisoners, the Kremlin's control over the media, the dangerous increase in government corruption, the continued violence in Chechnya and the return of a one-party state.

"The Other Russia" Summit will examine these economic and political trends, hoping to provide the Russian people with a clearer picture of what the further loss of human and political rights will mean to them. The gathering is also meant to impress upon the G7 leaders, who will be meeting with Russian President Vladimir Putin this coming weekend in St. Petersburg, that there is another Russia—a Russia at odds with the corrupt, authoritarian regime which President Putin and those around him appear resolved to impose.

We urge our leaders—Prime Minister Tony Blair, President George W. Bush, President Jacques Chirac, Prime Minister Stephen Harper, Prime Minister Junichiro Koizumi, Chancellor Angela Merkel and Prime Minister Romano Prodi—not to equivocate when they meet the Russian President this weekend. He must be put on notice that Russia's current domestic and foreign policies are unacceptable to its neighbors, to the international community and to many of its own citizens.

President Putin must be made to understand that fairness towards his political opponents and critics, the release of political prisoners and Russia's constructive engagement with its neighbors in Asia, the Middle East and Europe, are the standards by which his Government will be judged. Russia must meet these standards of justice, freedom and of internationally acceptable diplomacy if it wishes to remain a member of the G8 and of the community of democratic nations.

Today, Russia is moving in the wrong direction.

With the re-imposition of state control of the media, the nationalization of the YUKOS Oil Company, the abolition of elected governors, overt and covert meddling in the affairs of Ukraine, Georgia, Moldova, Lithuania and outright support for the dictatorship in Belarus, the new NGO law restricting the work of human rights groups and other non-government organizations in Russia, and the imprisonment of political opponents like Mikhail Khodorkovsky and Mikhail Trepashkin, the Government of Russia is deliberately turning back the clock.

We appeal to the G7 leaders to raise these issues directly with President Putin this weekend in St. Petersburg. And we salute those who are in Moscow today, meeting in a hostile and dangerous environment to prove that a democratic Russia, "The Other Russia," does indeed exist.

Signatories: (Institutions are listed for purposes of identification only.)

Dimitar Abadjiev—European Parliament Observer, Bulgaria;

Dr. Patrick Aeberhard—President, Medecins du Monde;

Vo Van Ai—President, Forum Asia Democracy;

Doron Arazi—Historian;

Timothy Garton Ash—Oxford University, UK;

Brian Atwood—Humphrey Institute of Public Affairs, University of Minnesota, US; Former US Agency for International Development (USAID) administrator;

Paul Berman—Writer, US;

Carl Bildt—Former Prime Minister of Sweden;

Roberta Bonazzi—Director, European Foundation for Democracy;

Elena Bonner—Honorary Chair, The Andrei;

Sakharov Foundation;

Michael Bourdeaux—Founder/President, Keston Institute, Oxford University, UK;

Pascal Bruckner—Philosopher, France;

Ian J. Brzezinski—Former Deputy Assistant Secretary of Defense for European and NATO Policy;

Hans Christoph Buch—Writer, Germany;

Vladimir Bukovsky—Cambridge University, UK;

Leos Carax—Film director, France;

Patrice Chéreau—Film and theater director, France;

Daniel Cohn-Bendit—Member, European; Parliament, Germany;

Pierre Daix—Writer, France;

Prof. Nicholas Daniloff—Northeastern University, US;

Ruth Daniloff—Writer, US;

Fertilio Dario—Comitatus libertates;

Franco Debennedetti—Senator, Italy;

Martin Dewhirst—University of Glasgow, Scotland;

Freimut Duve—Former member of the German Bundestag; Organisation for Security and Cooperation in Europe (OSCE) Representative;

Dr. Marek Edelman—Former dissident, Leader of the Warsaw ghetto uprising;

Humphry Crum Ewing—Chairman, The Standish Group;

Edourad Fillias—President, Alternative Liberale, France;

Paolo Florés de Arcaïs—Director, Micromega, France;

Carl Gershman—President, National Endowment for Democracy;

André Glucksmann—Philosopher, France;

Alex Goldfarb—Foundation for Civil Liberties, US;

Adam Gopnik—Writer, US;

Veronique Nahoum Grappe—Anthropologist, France;

Andrew P. Grigorenko—President, General Petro Grigorenko Foundation, Inc;

Robert Halfon—Political Director, Conservative Friends of Israel;

Daniel Hamilton—Johns Hopkins University, US;

Arthur Hartman—Former US Ambassador to the Soviet Union and France;

Satu Hassi—Member, European Parliament, Finland;

Roger Helmer—Member, European Parliament, UK;

Mary Holland—New York University, US;

Marie Holzmann—President, Droits de l'homme in China, France;

Robert Hunter—Former US ambassador to NATO;

Toomas Hendrik Ilves—Member, European Parliament, Estonia;

Bruce P. Jackson—President, Project on Transitional Democracies;

Kjell Olaf Jense—President, Pen Club, Norway;

Alan Johnson—Director, Democratya, UK;

Tunne Kelam—Member, European Parliament, Estonia;

Bogdan Klich—Member, European Parliament, Poland;

Bernard Kouchner—Former UN ambassador to Kosovo; Founder, Medecins sans Frontières, Medecins du Monde, France;

Irina Krasovskaya—President, We Remember Foundation, Belarus;

Guntars Krasts—Member, European Parliament; Former Prime Minister of Latvia.

William Kristol—The Weekly Standard, US;

Girts Valdis Kristovskis—Member, European Parliament, Former President of the Lithuanian Parliament;

Vytautas Landsbergis—Member, European; Parliament, Former President of the Lithuanian Parliament;

Bernard Henri Levy—Philosopher, France;

Ekkehard Maass—German-Caucasian society, Germany;

Giwi Margwelschwili—Schriftsteller, Germany;

Cliff May—President, Foundation for the Defense of Democracies;

Michael McFaul—Stanford University, US;

Alan Mendoza—Executive Director, Henry Jackson; Society, UK;

Marianne Mikko—Member, European Parliament, Estonia;

Tim Montgomerie—Editor, ConservativeHome.com;

Martin Palouš—Permanent Czech Republic; Representative to the United Nations; former Czech Ambassador to the US;

Carlo di Pamparato—Children of Chechnya Action; Relief Mission (CCHARM), UK;

Richard Pipes—Harvard University, US;

Daniel Pipes—Writer, US;

Daniel Pletka—American Enterprise Institute (AEI), US;

Oksana Ragazzi—UK;

Josep Ramoneda—Philosopher, Center of Contemporain Culture, Spain;

Vanessa Redgrave—Actress;

James Rogers—Executive Secretary, Henry Jackson Society, UK;

Jacques Rupnik—Professor of political sciences, CERI, France;

Prof. Aloyzas Sakalas—Member, European Parliament, Lithuania;

Randy Scheunemann—President, Committee for the Liberation of Iraq;

Gary Schmitt—American Enterprise Institute (AEI), US;

Jorge Semprún—Former Minister of Culture of Spain;

André Senik—Philosopher, France

Andrew M. Sessler—Emeritus Director of the Lawrence Berkeley National Laboratory;

Andrzei Seweryn—Theater director, Comédie; Française, France;

Dr. Brendan Simms—Co-President, Henry Jackson; Society, UK;

Robert Singh—Birkbeck College, University of London, UK;

Aleksander Smolar—Historian, France/Poland;

Bart Staes—Member, European Parliament, Belgium;

Konrad Szymanski—Member, European; Parliament, Poland;

Andres Tarand—Member, European Parliament, former Prime Minister of Estonia;

David Trimble—1998 Nobel Peace Laureate;

Prof. Inese Vaidere—Member, European Parliament, Latvia;

Ari Vatanen—Member, European Parliament, France;

Mark von Hagen—Columbia University, US;

Stuart Wheeler—UK;

Richard Wilson—Harvard University, US;

Henryk Wozniakowski—Director, ZNAK, Poland;

Tatiana Yankelevich—Director, Sakharov Program on Human Rights, Harvard University, US;

Ilyos Yannakakis—Professor, France.

CONGRATULATING AUGUST PIAZZA AS HE RETIRES FROM THE WYOMING VALLEY WEST SCHOOL DISTRICT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my good friend Mr. August Piazza, of Jenkins Township, Luzerne County, Pennsylvania, upon the occasion of his retirement as superintendent of the Wyoming Valley West School District.

Mr. Piazza received his Bachelor of Science degree from Mansfield University and his Master of Science degree from Wilkes University. His post-graduate work includes principal certification and a superintendent's letter of eligibility from Temple University.

Mr. Piazza began his career with Wyoming Valley West School District in 1971. Over the past 35 years, Mr. Piazza has taught elementary grades ranging from kindergarten through sixth grade in subject areas including mathematics, social studies and reading.

He was an instructional support specialist, head teacher and department chairperson. He served as assistant principal and principal of the Wyoming Valley West Middle School.

Mr. Piazza was appointed as superintendent of schools in the Wyoming Valley West School District. He also holds the position of adjunct professor at Wilkes University Graduate School.

Mr. Piazza currently serves on the Luzerne County Community College Foundation Board of Directors and the Luzerne County Convention Center and Arena Board of Directors.

His service organization affiliations include the Knights of Columbus where he is a Third Degree Knight, and the Wilkes-Barre Chapter of UNICO, an organization where he once served as president. He is also a charter member of the Kingston Kiwanis Club.

Augie and his wife, Corine, have two children, Jeffrey and Maria.

Mr. Speaker, please join me in congratulating Mr. Piazza on a distinguished career in the field of education. His exceptional record of service and dedication to duty is an inspiration to both his peers and to the students for whom he worked tirelessly to prepare for adult life. Mr. Piazza's contribution to the greater Wyoming Valley community has left a lasting mark and has had a positive effect on improving the quality of life.

TRIBUTE TO RICHARD S. ELSTER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. SKELTON. Mr. Speaker, it has come to my attention that a distinguished career at the Naval Postgraduate School will soon come to an end. Mr. Richard Elster has announced his official retirement after 37 years of service.

After receiving his bachelor's degree from the University of Minnesota in 1962, Richard pursued his M.S. in Industrial Relations, and his PhD in Industrial Psychology. By 1967, Richard had finished with school and become a project scientist at Litton Industries.

Dr. Elster became associated with the Naval Postgraduate School in 1969 when he joined the faculty as an assistant professor. During his tenure, he served as an associate professor, professor, Chairman of the Department of Administrative Sciences, Dean of Instruction, and the Provost and Academic Dean.

Throughout his career at Naval Postgraduate School, Dr. Elster served in several high ranking Pentagon positions. Starting in

1975, he served as special advisor to the Secretary of Defense for manpower and reserve affairs. Dr. Elster also held positions as the Deputy Assistant Secretary of the Navy for Manpower, Acting Assistant Secretary of the Navy for Manpower and Reserve Affairs, and Deputy Assistant Secretary of Defense for Resource Management and Support.

Dr. Elster was recognized for meritorious civilian service as Provost and Academic Dean at the Naval Postgraduate School, from July 1995 to December 2005. Because of his leadership, the Naval Postgraduate School attained unprecedented stature in the defense establishment and the academic community. It was recognized in 2005 with the highest score for military value of all Department of Defense education commands by the Education and Training Joint Cross Service Group.

The Naval Postgraduate School is respected as a world class research university due in part to Dr. Elster's leadership, strategic vision, and devotion to public service. Much of the academic work of the school's students and faculty responds directly to real world defense mission needs.

As Dr. Richard S. Elster prepares for retirement, I know the Members of the House will join me in expressing appreciation for his dedication to the Naval Postgraduate School and will wish him well in all the days ahead.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. TIAHRT. Mr. Speaker, on July 12, I was unavoidably detained and missed rollcall vote Nos. 364, 365, 366, 367, 368, and 369.

Rollcall vote No. 364 was on ordering the previous question. Had I been present, I would have voted "yea."

Rollcall vote No. 365 was on agreeing to the resolution. Had I been present, I would have voted "yea."

Rollcall vote No. 366 was on a motion to instruct conferees. Had I been present, I would have voted "nay."

Rollcall vote No. 367 was on the Kanjorski of Pennsylvania substitute amendment. Had I been present, I would have voted "nay."

Rollcall vote No. 368 was on final passage of H.R. 2990, the Credit Rating Agency Duopoly Relief Act. Had I been present, I would have voted, "yea."

Rollcall vote No. 369, was on the motion to suspend the rules and pass, as amended. Had I been present, I would have voted "yea."

CITY OF HICKORY CREEK RANKED IN TOP TEN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize a community within my district for being acknowledged as one of the "Top Ten Best Places to Live in the Dallas-Fort Worth Metroplex" by D Magazine, a regional monthly publication. This top honor went to the town of Hickory Creek for its excellent schools, affordable housing, low crime rates, and its small town ambience.

Every 2 years, the magazine ranks some fifty plus suburbs of the Dallas-Fort Worth region, the State of Texas' largest metropolitan area. The town of Hickory Creek received the number nine spot on the list and is also recognized as a place for "quiet, hassle-free, safe living." Also worth mentioning, the town of Hickory Creek was acknowledged as having the "best value for quality of life." For this, it received the honor of the first spot on list of "Best Deals" in the Dallas-Fort Worth Metroplex as rated by D Magazine.

With a population of 2,400 and an annual growth rate of 1.5 percent, the town of Hickory Creek is the smallest suburb to make the Top Ten. In 1996, the town's annual sales tax revenue was $30,000. Today, that number is closer to $1 million.

Mr. Speaker, I applaud Mayor John Smith and the City Council of Hickory Creek for building the town of Hickory Creek into a distinguished community. I am proud to represent such a vibrant place to live.

LIEUTENANT GENERAL MICHAEL M. DUNN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. SKELTON. Mr. Speaker, it has come to my attention that a distinguished career has come to an end. LTG Michael M. Dunn is retiring from the U.S. Air Force.

Lieutenant General Dunn received his Bachelor of Science degree in astrodynamics from the U.S. Air Force Academy in Colorado Springs, CO, in 1972. After graduating fourth in his class in June 1972, General Dunn flew the F–106 at Castle Air Force Base, CA. Following various duties in Washington, DC, Florida, and Alabama, he transitioned to the F–15, which he flew in the Far East. He is a command pilot with more than 2,500 flying hours.

In 1976, he went to the Squadron Officer School and later received his Master of Science degree in systems management at the University of Southern California in 1981. In 1983, he attended the Air Command and Staff College in Maxwell AFB, AL, and three years later attended the Air War College. In 1989, Lieutenant General Dunn attended the Industrial College of the Armed Forces in Fort Lesley J. McNair, Washington, DC.

Lieutenant General Dunn commanded the 1st Operations Group at Langley Air Force Base, VA. He was the Senior Military Fellow and is currently a member of the Council on Foreign Relations. He has served in four joint tours, including the Headquarters U.S. European Command, the Office of the Deputy Secretary of Defense, the Headquarters United Nations Command and U.S. Forces Korea, and the Joint Staff. In Korea, he was the lead negotiator with the North Korean Army at P'anmunjom.

Most recently, Lieutenant General Dunn served as president of National Defense University. He has provided strong leadership, coordinating the several schools with the National Defense University. During his tenure, the professional military education of our military made great strides forward.

Lieutenant General Dunn's awards and decorations include the Defense Distinguished Service Medal, with oak leaf cluster, Defense Superior Service Medal, Legion of Merit, Meritorious Service Medal, with three oak leaf clusters, and Air Force Commendation Medal, with two oak leaf clusters.

Throughout his career, LTG Michael M. Dunn has served the Nation well. I am certain that my colleagues will join me in wishing Lieutenant General Dunn all the best in all the days ahead.

TRIBUTE TO NOAH'S ARK ANIMAL WELFARE ASSOCIATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Noah's Ark Animal Welfare Association. This summer, Noah's Ark Animal Welfare Association celebrates its 40th Anniversary of caring for animals in a sheltered environment.

Eight very kind-hearted women from Morris County started Noah's Ark in 1966 with hopes of curtailing the pet overpopulation problem and promoting animal welfare. Noah's Ark provides homeless animals with a clean and comfortable living environment, food, veterinary care, and lots of warm attention. Under no circumstances are any of the animals taken to Noah's Ark subject to euthanization.

Since 1966, life expectancy for animals has increased significantly thanks to more specialized food and improved health care. Comprehensive spay and neuter operations have expanded dramatically. With these improvements in the quality of life for animals comes an increase in cost of caring for a pet! Noah's Ark continues to be an instrumental resource for those families that can no longer afford to keep their pets.

Thanks to the hospitable residents of Northern Jersey, thousands of animals have been saved in the past 40 years. By selflessly opening their homes to wonderful cats and dogs and generously offering monetary donations, a very supportive network of donors and volunteers have helped Noah's Ark to grow.

Mr. Speaker, I urge you and my colleagues to join me in applauding the impressive efforts of the Noah's Ark Animal Welfare Association over the past 40 years and for their fine example of service to our community.

RECOGNIZING THE HEROIC FEATS OF SPECIALIST TOM HOY, OREGON ARMY NATIONAL GUARD

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. WALDEN of Oregon. Mr. Speaker, the late Arthur Ashe once said, "True heroism is remarkably sober, very undramatic. It is not the urge to surpass all others at any cost, but the urge to serve others at whatever cost."

With that in mind, I rise today to recognize a heroic event that took place in the heart of Oregon's 2nd Congressional District on Sunday, July 10, 2006. On that day, a member of our Nation's military gave selfless service to three children in danger—and in the process saved a life.

Specialist Tom Hoy is a member of the Oregon Army National Guard, 1st Squadron, 82nd Cavalry, 41st Infantry Brigade Combat Team. On July 10th, 2006, he was with three fellow soldiers participating in recruiting activities near the Deschutes River in Bend, Oregon.

While near the river, Specialist Hoy observed three children on inner-tubes, with no life jackets, who were floating downstream, dangerously near a spillway.

A spillway creates a perilous setting. A woman was reported as having drowned near this spillway the day before, and another woman had to be pulled from it unconscious several days before that.

What Specialist Hoy saw was at least one of the children appearing to be in distress. The soldiers directed the three children to come to shore, and the two older boys were able to. But the third child, a young girl no older than six or seven years old, was too far out and appeared to be crying and frightened. Specialist Hoy told the girl to grab onto some weeds that were growing out of the water and instructed another soldier to stay on the near side of the river in case she let go and made it near that side. Hoy then ran upstream, crossed a bridge, and ran back down the opposite bank, jumping several fences, until he reached the girl's location. Without any concern for his personal safety, Specialist Hoy entered the waist deep, swift-moving water and was able to have the girl climb onto his back where he carried her to safety. Hoy, the other soldiers, and one civilian then returned the girl to her overjoyed parents.

Specialist Hoy is a resident of Prineville, Oregon, where he resides with his wife, Jennifer, and their children. He remains a dedicated public servant. In addition to his continued role protecting our Nation, he is a reserve police officer with the Prineville Police Department.

I myself am proud to represent Specialist Hoy in the House of Representatives. I urge my colleagues to applaud his selfless act of service as a way of urging others to follow the example set by this real life hero.

RECOGNIZING CAPTAIN VICTOR J. VAN HEEST FOR 27 YEARS OF SERVICE IN THE U.S. NAVY

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. EHLERS. Mr. Speaker, I rise today to recognize and honor Captain Victor J. Van Heest for his service as a member of the United States Navy on the occasion of his retirement after 27 years of military service.

Captain Van Heest is a native of my hometown of Grand Rapids, Michigan, and currently serves as Senior Military Assistant to the Assistant Secretary of Defense for Reserve Affairs. After attending Michigan State University, where he graduated in 1979 with a degree in mechanical engineering, Captain Van Heest was commissioned in the U.S. Navy in August 1979. He was designated a Naval Aviator in 1980 after completing flight school.

He has served in many different posts around the country and world and has been deployed to the Mediterranean Sea and the Persian Gulf during his career. Furthermore, he continued his education, earning a Master of Science in Administration degree from Central Michigan University in 1999, and graduating from the Air War College in 1996. His personal awards include the Legion of Merit, the Meritorious Service Medal (three awards), the Navy Commendation Medal, and the Navy Achievement Medal (three awards).

Upon graduation from the Air War College, he transferred to VR–48, NAF Washington, DC, as the Executive Officer and in April 1997 assumed command of the squadron. During this time, the "Capital Skyliners," who fly the C–20G aircraft, won the Battle 'E' for C–9 and C–20 squadrons.

Following his command tour, he reported to the Director of Air Warfare staff at the Pentagon as the Transport Aircraft Coordinator. One year later, he transferred to the Director of Naval Reserve staff as the Head, Reserve Air Logistics Programs and then fleeted up to Director, Air Programs Management Division.

Assuming command of Fleet Logistics Support Wing in July 2001, he led the Airwing during Operations Noble Eagle, Enduring Freedom and Iraqi Freedom. He relinquished command in July 2003 having accumulated more than 5,700 flight hours in Navy aircraft.

Captain Van Heest and his wife, Anne, reside with their sons, Peter and Andrew, in Annapolis, Maryland. Their oldest son, Kyle, is a Midshipman at the U.S. Naval Academy in Annapolis. Upon his retirement, the Van Heests plan to move to Holland, Michigan, where, I am told, he will work for Haworth Inc.

I ask my colleagues to join me in offering Captain Victor J. Van Heest our deepest gratitude for his 27 years of service to our Nation and congratulations on his retirement.

HONORING MRS. ALICE FISKE

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. BISHOP of New York. Mr. Speaker, today I rise on behalf of New York's first congressional district to mourn and honor a beloved constituent and treasure of the Long Island community, Mrs. Alice Hench Fiske, who recently passed away at the age of 88.

Born in Youngstown, Ohio, Alice grew up an energetic and ambitious child. She graduated from Mount Holyoke College in 1939, at a time when very few women went to college. Alice was an exemplary student, blessed with intelligence and intellectual curiosity. In 1952, Alice married Mr. Andrew Fiske, the 13th-generation descendant of Nathaniel Sylvester, who had settled Shelter Island 3 centuries earlier.

Together, the 13th Lord of Sylvester and the Lady of the Manor, as Alice came to be known, raised two daughters. As an avid gardener and founder of the Andrew Fiske Memorial Center for Archeological Research at the University of Massachusetts, Alice quite literally dug deep into her role by restoring Sylvester Manor's vast and beautiful gardens to their former glory and by making one of the most significant archeological discoveries in the eastern United States—half a million artifacts dating back to the eighteenth century.

Alice was universally beloved on Shelter Island, and indeed all across Long Island. Her kindness and generosity were infectious, and she could make one smile even on the worst day. According to her lifelong friend and historian, Mac Griswold, "She'd take your hands in hers and then we'd raise them above our heads and take three deep breaths together . . . If she saw you were upset, she'd say, 'Is it time for three deep breaths?' "

Alice's tremendous goodwill and devotion to Shelter Island is why she is mourned now and her memory fondly cherished. She was always willing to lend a hand or contribute to a wide range of educational and environmental charities, such as Shelter Island's library, historical society, and of course, its garden club.

On behalf of a grateful community, Mr. Speaker, I thank Alice Fiske for her many enduring contributions to Long Island's East End, where she will always be celebrated and affectionately remembered as the Lady of the Manor.

RUSSIA AND THE G–8

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. ISSA. Mr. Speaker, as the G–8 meets in St. Petersburg this weekend to discuss important international issues, we should be mindful that the host nation Russia hardly deserves to be included in this accomplished group. The seven other participating countries are mature democracies with proven market economies that use the rule of law as the basis for civil society and display mutual respect across borders.

Unfortunately, Russia has yet to subscribe to these same principles. Russian President Vladimir Putin has placed energy security at the top of the G–8 agenda. However, with Russia being the dominant supplier of gas to Europe, leaders throughout that continent feel anything but secure. And for good reason. Just this week, Rosneft, the Russian oil company, is seeking validation through a public offering to raise $11 billion from mostly Western investors.

What makes this offering controversial is how Rosneft acquired its assets and that it is a state-owned entity. Rosneft's asset once belonged to the YUKOS Oil Company, a private company that prospered until the Kremlin directed attacks against its chairman, Mikhail Khodorkovsky. Using the pretext of past tax claims the Russian government put Mr. Khodorkovsky and other company of officers in prison and then arranged for the state takeover of the company. The case and subsequent actions were highly controversial and widely reported in the Western media at the time.

My Energy and Resources Subcommittee under the House Committee on Government Reform, recently conducted hearings on energy security and received credible testimony about the extra-legal, if not outright illegality, of the Russian government's actions regarding the YUKOS Company. We should remain concerned about how the Kremlin, which clearly controls almost all oil and gas exports to European and CIS countries, might use energy for political and foreign policy purposes.

My colleague, Mr. Lantos, shares my concerns and this week sent a letter to several U.S. financial institutions that may be contemplating participation in the Rosneft IPO, questioning whether investing in a state entity which has acquired its main assets under other than legitimate circumstances may be in violation of U.S. laws and the Sarbanes-Oxley Act.

For the benefit of my colleagues, I would like to ask that Mr. Lantos' letter be placed in the RECORD at this time.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES
Washington, DC, July 10, 2006.

Mr. JAMES DIMON,
Chairman and CEO, J.P. Morgan Chase,
New York, NY.

DEAR MR. DIMON: I write regarding recent news accounts that J.P. Morgan Chase may serve as an investment advisor or otherwise participate in the initial public offering of Russia's state-owned oil company, OAO Rosneft Oil Company ("Rosneft"). I understand from these news reports that the offering, currently estimated to be $8 billion to $13 billion, is to take place in mid-July 2006.

I am concerned that such transactions may violate federal anti-money laundering laws and the Sarbanes-Oxley Act. According to published reports, the largest portion of Rosneft's assets was acquired in a transaction of questionable legality I question whether financial institutions that have access to the U.S. payments systems should be engaged in transactions involving assets acquired by a state entity under circumstances that are contrary to or in violation of U.S. laws and acceptable market practices.

Given the source of Rosneft's assets, there are questions about whether the proposed IPO would involve prohibited proceeds as specified under 18 U.S.C. 1956 ("laundering of monetary instruments"). Specifically, any financial institution involved in the IPO could be at potential risk of violating federal anti-money laundering laws aimed at preventing the proceeds of theft, corruption or other forms of unlawful activity from entering the payments system.

Rosneft's acquisition of assets from a publicly traded company, OAO NK Yukos Oil Company ("Yukos"), in which Americans had invested through American Depository Receipts traded on the New York Stock Exchange, violated basic principles and norms of free markets. Public accounts of the transaction strongly suggest that Rosneft's senior officers and directors, some of whom are senior officials of the Russian government, personally profited from the theft of these assets through their involvement in a sham transaction. In that transaction, a front-company of unknown ownership acquired the assets at billions of dollars below their market value in a forced auction arranged by these very officials, who in turn secured the prompt transfer of these assets from the front-company to Rosneft—a sequence of events that have raised serious questions of corruption.

Significant financial institutions and analysts have raised ethical and legal concerns about the planned IPO due to the history of the Rosneft assets. As you may know, F&C Asset Management ("F&C"), based in London, on April 27, 2006 publicly announced that the Rosneft IPO raised serious questions of governance and legal risk, which made it impossible for F&C to be a participating investor. According to F&C, the Rosneft IPO is burdened by its lack of transparency and no "credible assurances that it has identified, and made adequate provisions for any liabilities stemming from the acquisition of its Yuganskneftegaz asset [the assets taken from Yukos]."

Independently, George Soros, an experienced investor in Russia, has also found serious ethical issues pertaining to the Rosneft IPO. As Soros wrote in The Financial Times on April 26, 2006, Rosneft acquired its Yukos assets through non-transparent sale by a front-company that "won" a rigged auction of Yukos assets engineered by Russian authorities under circumstances that made it impossible to determine who profited 0 the transaction. As Soros wrote, the assets were "not acquired directly. The auction was won by unknown Russian company that sold itself within days to Rosneft." According to Mr. Soros, "[t]he unknown owners made an unknown amount of money on the transaction. The question is: 'Should an IPO be allowed to go forward without disclosing the pertinent information?'."

In amending the Bank Secrecy Act in 20 1 with the USA-PATRIOT Act, the Congress emphasized the policy of ensuring that every financial institution determine the beneficial ownership of the assets involved in a transaction in order to ensure that they are not illicit proceeds. We established a risk-based system for due diligence in which we asked federal regulators to ensure that financial institutions exercise greater due diligence in high risk cases, such as when assets are controlled by political figures, or those close to them, sometimes known as "politically exposed persons," in order to guard against the risk that the financial institution could be used to handle the proceeds of corruption.

I recognize that Bank Secrecy Act and Sarbanes-Oxley compliance has become a continuing focus of all publicly traded U.S. financial institutions and that your institution has policies and procedures in place designed to protect the institution from the risk of handling illicit funds. In recent years, however, federal regulators have repeatedly found cases in which major U.S.-regulated financial institutions failed to undertake risk-based assessments across every area of their business, with the result that some significant risks had not been recognized in a timely fashion.

There is no information publicly available to enable Congress to assess the kind of due diligence that participating U.S. financial institutions have done regarding the underlying assets involved in the Rosneft IPO. We cannot assess ow such institutions have determined that neither corruption nor theft have been involved in Rosneft's acquisition of this property. I recognize the Rosneft IPO is only weeks away, but I urge you to take into account the concerns outlined above, particularly as they relate to the Bank Secrecy Act and Sarbanes-Oxley concerning any transactions you contemplate in this regard.

Sincerely,

TOM LANTOS,
Member of Congress.

TRIBUTE TO GERALD C. BRAUN, ED.D.

HON. JOHN BOOZMAN

OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 13, 2006

Mr. BOOZMAN. Mr. Speaker, I rise to pay tribute to the late Gerald "Jerry" Braun who passed away on July 7, 2006, at his home in Maryland.

Over the last 3 years Dr. Braun has served with distinction as the Deputy Director for Vocational Rehabilitation and Employment at the U.S. Department of Veterans Affairs. He was a consummate professional with unquestioned integrity, who consistently met or exceeded the goals of the vocational rehabilitation and employment program.

I first had the privilege of meeting Dr. Braun when he testified before the Subcommittee on Economic Opportunity at the Committee on Veterans' Affairs, which I Chair. I always found him to be an honest, sincere witness who possessed a great knowledge of veterans programs and always exhibited the utmost concern for the veterans enrolled in vocational rehabilitation and employment. He was the VA's institutional memory on the Vocational Rehabilitation Program and his contributions will truly be missed.

Dr. Braun began serving our Nation's veterans in 1972 as a vocational rehabilitation specialist for the blind and visually impaired in St. Paul, MN. He later worked for VA facilities in Chicago and Reno as a counseling psychologist and in Indianapolis as the vocational rehabilitation and employment officer, before finally coming to Washington to serve in the Department's Central Office In addition to his service as a VA counselor, Dr. Braun was a member of the American Legion and the National Rehabilitation Association. He earned Certificates of Appreciation from Vice President Gore, from the Greater Sierra Chapter of the National Multiple Sclerosis Society for Lifetime Contribution, and from the State of Nevada Governor for his contributions to the

Governor's Committee of Employment of People with Disabilities.

Dr. Braun was born in Red Wing, MN and graduated from St. Cloud Minnesota State University in 1968 with a degree in Sociology. Upon graduation, he joined the Army and served his country from October 1968 to May 1970. His service included a thirteen month tour of duty in Vietnam. Upon returning, Dr. Braun earned both a master's degree in rehabilitation counseling and a doctorate of education in counseling and guidance.

Dr. Braun is survived by his wife, Debora and his four children, Eric, Kirsten, Rebecca, and Joanna. His family and friends will remember him for his intelligence, wisdom, sense of humor, and generous heart. To his wife and children, we are thankful for his 35 years of service to the Nation, especially to its veterans and to each of them for the support they gave him during what was a rewarding life

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Ms. CARSON. Mr. Speaker, I was unable to record my rollcall votes 370–374.

Had I been present I would have voted "no" on votes: roll No. 370, roll No. 371, roll No. 372, roll No. 373.

Had I been present I would have voted "yes" on roll No. 374.

TRIBUTE TO MR. DICK CHAMPION OF INDEPENDENCE, MO, PRESIDENT OF THE NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. CLEAVER. Mr. Speaker, I rise today to congratulate and pay tribute to Mr. Dick Champion, director of the Independence, MO, Water Pollution Control Department.

True to his name, Mr. Champion is exactly that—a "champion" for clean water. He is an exceptional leader and public steward dedicated to the improvement of Missouri's and the Nation's environment and public health. It is my pleasure to congratulate Mr. Champion on becoming the new president of the National Association of Clean Water Agencies, NACWA, formerly the Association of Metropolitan Sewerage Agencies, AMSA. Mr. Champion is ideally suited for this national leadership position.

Mr. Champion began his career in water pollution control in 1969. He has been with the city of Independence, MO, Water Pollution Control Department for the past 27 years and has been director of the department since 1983. The Department is responsible for the Sanitary Sewer Utility, the Storm Water Management Program, the Household Hazardous Waste Management Program, and related environmental compliance.

In 2001, he was appointed by the Jackson County executive and legislature to the newly created Jackson County Stormwater Commission, to coordinate regional stormwater policy and planning. Mr. Champion has been serving as vice-chair of the commission throughout his tenure.

Dick has been an active member of NACWA since 1992, was elected to the Board of Directors in 1999, and now serves as NACWA's vice president and chair of the Strategic Planning Committee. Mr. Champion will become NACWA's president later this month—an impressive accomplishment and one that will no doubt help further NACWA's role as the leading advocate for sound water quality policies.

Mr. Champion earned a bachelor of science degree in political science with an emphasis in local government and public administration from Central Missouri State University in 1973. As a student and throughout his career Mr. Champion has demonstrated an unwavering commitment to public service and the improvement of water quality in Missouri. The fish and fishermen of Missouri owe a great deal to his tireless work to guarantee clean water.

With Mr. Champion as President, NACWA will no doubt build on its reputation as the leading advocate for responsible national policies that advance clean water and a healthy environment. Simply stated, when I hear the term "environmentalist", I think of public servants like Dick Champion.

Mr. Speaker, I urge my colleagues of the 109th Congress to please join me today in congratulating Mr. Dick Champion on becoming president of NACWA and for his tireless commitment to Independence, the Fifth District, and our country. I am certain the association will continue to flourish under his able leadership.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mrs. JONES of Ohio. Mr. Speaker, on Monday, July 10, 2006, was away from the House on business representing the constituents of the 11th Congressional District. During my absence, the House called rollcall votes Nos. 358, 359 and 360. Had I been present for the roll call votes, I would have voted: "nay" on rollcall vote No. 360; "yes" on rollcall vote No. 359; "yes" on rollcall vote No. 358.

HONORING THE AMERICAN RED CROSS OF GREATER CHICAGO'S "READY WHEN THE TIME COMES" PROGRAM

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in honor and recognition of the American Red Cross of Greater Chicago's "Ready When the Time Comes" program. This program partners the Red Cross with corporate and community organizations to respond to disasters such as fires, storms, floods, and tornadoes. I would like to acknowledge Grainger, an Illinois-based company which has been the lead corporate sponsor of the Ready When the Time Comes program.

The Ready When the Time Comes program allows Chicago area organizations and businesses to help their community before, during and after a disaster by supplying the Red Cross with volunteers. At the time of a disaster, the Red Cross will notify the company or organization and inform them of the role volunteers will have in the relief effort.

Through Ready When the Time Comes, corporations allow their employees to receive free Red Cross training in disaster relief functions. In return, corporate partners commit to making their trained employees available for disaster service at least one day each year. During a large scale disaster, with a single phone call the Red Cross can deploy as many volunteers as needed. Throughout Chicago, Ready When the Time Comes volunteers have put their training to work responding to flooding, massive fires, heat emergencies, and even the terrorist attacks of September 11.

Since February 2001, Grainger has provided the Chicago Red Cross with almost 200 volunteers for the Ready When the Time Comes program. Following Hurricane Katrina, corporate employees were called upon to staff phone centers in Chicago to answer questions from those seeking support and information. These volunteers also participated in the Chicago Office of Emergency Management and Communications disaster preparedness drill in August 2005.

Mr. Speaker and Colleagues, please join me to honor and recognize the American Red Cross of Greater Chicago's "Ready When the Time Comes" program. This program is a model on how easily partnerships can be developed to help safeguard our communities. I support the Red Cross's efforts to afford other organizations the opportunity to partner with them to actively contribute to recovery efforts.

TRIBUTE TO THE BRONX DOMINICAN PARADE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. SERRANO. Mr. Speaker, it gives me great pleasure to rise and pay tribute to the seventeenth annual Bronx Dominican Parade and Festival which will take place Sunday, July 16, 2006. This famed event is eagerly anticipated by both Dominicans and the greater Bronx community every year. It is a wonderful celebration of the spirit and richness of Dominican culture.

Under the leadership of Felipe Febles and Rosa Ayala, the Bronx Dominican Parade, Inc., (La Gran Parada Dominicana de El Bronx) has grown into an important institution that increases the self awareness and pride of the Dominican people in order to promote economic development, education and cultural recognition.

As the second largest Latino community in New York City, Dominicans have made valuable contributions to the city, as well as to the entire nation. Although the highest concentration of Dominican people live in Washington Heights, a significant number have enriched the Bronx with their unique culture and spirit. Dominican culture is characterized by, among other things, diverse multi-culturalism, strong family values, distinctive art, rhythmic and soulful music and unique cuisine. I am grateful that so many Dominicans have made the Bronx their home.

Mr. Speaker, the roots of Dominican New Yorkers lie in a country with a rich history and arresting landscapes bound by water. The Dominican Republic is home to a number of people from various heritages. As a result, the culture is charged with strong African, Taino and European influences. One visit to the Dominican Republic will put to rest any questions one might have as to why Dominicans in America retain such a strong sense of pride in their homeland and never stop missing it.

The achievements and contributions made by the Dominican community has spanned the realms of politics, science, the Armed Forces, literature, public service, and the arts, undoubtedly making them an integral part of American society. The Bronx Dominican Parade and Festival is a great opportunity to celebrate the culture, history, and bright future of the Dominican people.

Mr. Speaker, I ask my colleagues to please join me in honoring the 2006 Bronx Dominican Parade and Festival.

WOMEN LEADERS FOR PEACE: CODEPINK "TROOPS HOME FAST"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. RANGEL. Mr. Speaker, I rise to enter into the RECORD a press release and letter to Members of Congress from Troops Home Fast, a new initiative of the peace organization CODEPINK whose members are holding a hunger strike to highlight their call to bring U.S. troops home from Iraq. I pay tribute to the members of CODEPINK who are participating in the Troops Home Fast and praise their creative efforts to assist our troops in Iraq and those wounded at Walter Reed Hospital by many campaigns protesting the continuing occupation of Iraq. One of their peace actions is a Friday night vigil at Walter Reed Hospital to protest the war and thus prevent further casualties. Today I especially want to bring attention to their latest campaign taking place here in the District of Columbia, around the country and around the world—the Troops Home Fast.

While many Americans were celebrating Independence Day with barbeques and fireworks, CODEPINK was launching this new campaign—a fast—calling for independence from war. Among the Washington Fasters are Cindy Sheehan, legendary comedian/civil rights activists Dick Gregory, activist/environmentalist Diane Wilson, former Army colonel Ann Wright, Iraq war veterans, Vietnam veterans, and whistleblower Daniel Ellsberg. They are joined by almost 3,500 others from other countries. Celebrities and other well-known public figures have committed to join including actors Susan Sarandon, Sean Penn and Danny Glover, musicians Graham Nash and Willie Nelson, and more. The group is supported by Gold Star Families for Peace and endorsed by other organizations.

The Fast ceremony began at Gandhi's Statue at Massachusetts Avenue and Q St., NW in Washington DC with a brief Rally and a March to Lafayette Park in front of the White House. The fasters in DC which included cofounders of CODEPINK Medea Benjamin, Jodie Evans, Gael Murphy and Cindy Sheehan were present as were other fasters including comedian and social activist Dick Gregory who has fasted for many causes.

On July 10, 2006, I received a letter sent tall members of Congress from Troops Home Fast calling themselves a "group of concerned citizens who are conducting an open-ended fast in front of the White House calling for our troops to come home from Iraq. . ." and asking for each member's help in this cause.

Troops Home Fast asks for the following: Legislation to set a time line for the withdrawal of U.S. military forces from Iraq and bring he troops home. In the opinion of the Troops Home Fast Congress is moving "far too slowly."

Troops Home Fast believes as I do and as Congressman MURTHA has repeatedly stated that the American people are way ahead of Congress. The polls show that a solid majority of the American people now want a time table and a quick end to our involvement in Iraq. They want American troops home.

According to a recent poll, 87 percent of Iraqis want their government to set a timetable for U.S. withdrawal from Iraq. Iraq's president, vice resident and national security advisor have all called for such a timeline. General Casey, the commander of American troops in Iraq has established a time table. It is only the President and his supporters in Congress who will not follow the will of the American people ho elected them, or the will of the Iraqi people who have spoken and whose democratic government has spoken for them who continue to refuse to hear anything but their own slog: "Stay the Course" or "We will never give up until we have achieved victory" or the least excusable "we will stay and achieve victory so that our men and women who have died in Iraq will not have died in vain."

I honor those who are fasting as Gandhi did to bring about the change they believe is essential to preserve the character of this nation and to save the lives of Americans and Iraqis. I wish them great strength and pray with them for peace in Iraq.

JULY 11, 2006.

DEAR REPRESENTATIVE, We are a group of concerned citizens who are conducting an open-ended fast in front of the White House calling for our troops to come home from Iraq, and we are asking for your support via the attached form.

The fast, called Troops Home Fast, was initiated by CODEPINK and Gold Star Families for Peace, and endorsed by dozens of organizations. It began on July 4, 2006, and more than 3,500 people in the U.S. and around the world are participating, with hundreds more joining every day. (Additional information about the fast is available at the website www.troopshomefast.org.)

You have the power to enact legislation to achieve the goal of this fast: set a timeline for the withdrawal of U.S. military forces from Iraq and bring the troops home. We deeply appreciate the efforts of members of the House and the Senate who have already been working to end this war.

But Congress is moving far too slowly. Every day, more American soldiers die, more Iraqis die, and more federal funds are squandered which could be used to alleviate a whole host of problems here in the United States.

We all know that a solid majority of the American people now want to bring our military involvement in Iraq to a quick conclusion and bring our troops home. Iraqis are even more adamant about ending the war quickly. A remarkable 87 percent of Iraqis want their government to set a timetable for U.S. withdrawal. Iraq's president, vice president and national security advisor have all called for such a timeline.

Americans who want to end this war have gone through all the traditional methods of petitioning the President and you, our members of Congress, to urge you to act. We have marched, done vigils, written letters, lobbied our representatives, and formed broad-based coalitions in an effort to bring this war to end. Yet the war goes on without end.

That's why we're here now in front of the White House, fasting. Fasting is a time-honored way to move people to action, from Gandhi's nonviolent liberation of India to Mitch Snyder's fasts for the homeless right here in Washington D.C.

We hope you will support our efforts and work with us to bring our troops home—FAST. Attached is a form to record your support. We thank you in advance.

Sincerely,
MEDEA BENJAMIN, JODIE EVAN
AND GAEL MURPHY,
On behalf of Troops Home Fast.

PRESS RELEASE
July 4, 2006.

Cindy Sheehan, Diane Wilson, Dick Gregory, Iraq veterans and Iraqi citizens gather in front of the White House on July 4th, their first day without food.

After eating their final meal in front of the White House yesterday, participants in the "Troops Home Fast"—a historic hunger fast organized by CODEPINK: Women for Peace and Gold Star Families for Peace—will spend their first day without food on the Fourth of July. They will gather at the White House at 10 a.m. and plan to hold a spiritual ceremony, send a message of peace to the Independence Day parade, and remain outside the White House with their message to bring the troops home from Iraq now.

Among the Washington fasters are Cindy Sheehan, legendary comedian/civil rights activist Dick Gregory, environmentalist Diane Wilson, former army colonel Ann Wright, Iraq war veterans, Iraqis and Pentagon whistleblower Daniel Ellsberg. They are joined by almost 3,000 others from around the United States and 18 other countries. Celebrities and other well-known public figures have committed to join the fast, including Susan Sarandon, Sean Penn and Danny Glover, musicians Graham Nash and Willie Nelson, writer Alice Walker, and more.

"While others are enjoying their barbecues and fireworks today, we will be going hungry for the most noble cause of all: peace," said Gold Star mother Cindy Sheehan, who began an open-ended fast today. "We are the true American patriots today. Our founding fathers cautioned future generations against engaging in wars of aggression for empire and economic gain, lest we lose our national soul. And the war in Iraq is exactly the kind of war our Nation's leaders once cautioned against."

The hunger strike will continue throughout the summer. "This fast has obviously touched a chord with the public," said CODEPINK cofounder Medea Benjamin. "We thought there might be 3 or 4 of us fasting, and it is more like 3,000. Every day hundreds of new people are signing up for the fast. Some communities are doing rolling fasts, each person taking a day. This is sparking a new level of commitment to get out of Iraq."

For more information, please see www.troopshomefast.org or meet the fasters in front of the White House at 10–11 a.m. or 5–7 p.m.

Support War Resisters! For the first time in the Iraq war, an officer in the U.S. Military, Lt. Ehren Watada, has publicly refused orders and will be brought to court-martial this summer. Click here for ways to show your solidarity and here to read a letter from Carolyn, Ehren's mom, and find out more about his case. You can also support Army Specialist Suzanne Swift, who suffered sexual harassment at the hands of her commanding officers and refused to return to Iraq. Click here for more info.

Declaration of Peace! We urge you to sign The Declaration of Peace, a pledge to take action against the war during September 21–28 if a peace plan is not established by that time. Declaration signers will take part in nonviolent action, marches, rallies, demonstrations, interfaith services, candlelight vigils and other creative ways to declare peace at the US Capitol and in cities across the US. Click here to sign the Declaration and learn more.

Mothers Declare Peace on Mother's Day! CODEPINK's 24-hour Mother's Day peace vigil was an amazing soulful, painful and joyful gathering. Cindy Sheehan, Susan Sarandon, Patch Adams, Dick Gregory, and Iraqi and Iranian mothers joined with mothers and others from all over the country to create a magical pink presence at the White House. Click here to see the media coverage & video, read our blogs and see the most beautiful photos imaginable! And click here to see reports from solidarity events that happened around the country.

CODEPINK Takes Out Ads in Iraqi papers! On Monday, May 15, CODEPINK placed ads in 8 Iraqi newspapers calling for Americans and Iraqis to work together, in a non-violent fashion, to end the occupation and bloodshed in Iraq. People in 99 cities generously funded this ad campaign. The Iraqi response has been tremendous, with hundreds of Iraqis calling the newspapers saying how excited they are to see this ad and how it gives them great hope. Click here to see the ad. Click here to see the Arabic website Esteklal (which means independence). To see the press release about this ad, click here.

Stop Nuclear War With Iran! We weren't able to stop the last war, but we must stop the next one . . . NOW! The United Nations, which is mandated to uphold international law, must speak out against the Bush Administration's plans. Let's send a collective letter to Secretary General Kofi Annan imploring him to denounce this threat and call for a diplomatic solution. Click here to sign on and/or send your own, and pass it to friends and family around the world. Let's let the Bush administration and Kofi Annan know that the world is demanding an end to this madness!

Support Iraqi Women: The US invasion of Iraq has moved Iraq from a secular to a more religious—and violent—society where women's rights are being curtailed. Read our report Iraqi Women Under Siege and recent articles about women in Iraq. Click here to see the blogs, photos and media articles of the Iraqi Women's Tour to the US. Donate to our efforts to support Iraqi women.

Women—& Male Allies—Say NO To War! Sign here to join women and men from around the world who are coming together to SAY NO TO WAR. We are creating a massive movement crossing generations, races, ethnicities, religions, and borders to pressure our governments, the United Nations, the Arab League, and other international leaders to negotiate a political settlement to the war in Iraq.

Bring Our Guard Home Now! With over 70 000 National Guard troops deployed to Iraq, our homefront has been left vulnerable in the face of natural disasters like Hurricane Katrina. In response, CODEPINK is working with a coalition of peace groups to seek the immediate withdrawal of all National Guard troops from Iraq. At least twelve states are petitioning their governors to bring home our Guard! Click here to find out how you can join this effort and start a working group in your state!

Hurricane Katrina CODEPINK is now in New Orleans, working with the Common Ground Collective, the People's Institute for Survival & Beyond, various grassroots organizations and local neighborhood groups. We are part of an active movement to rebuild and revision the city, standing in solidarity with residents to strengthen their communities and take their cities back! We invite you to come down to participate in this massive and historic effort to rebuild this beautiful city from the bottom up and the inside out. Click here for more info, join our upcoming work brigade this summer and read Dana Balicki's blogs from New Orleans!

THE NEED FOR AN INCREASED NATIONAL FOCUS ON RAIL AND TRANSIT SECURITY

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. CUMMINGS. Mr. Speaker, the terrible events of 9/11 brought intense scrutiny to security on our nation's aviation system and led Congress to enact significant measures to strengthen security both on airplanes and throughout airports. However, this same level of scrutiny has simply not been extended to the other transportation modes in our nation, particularly railroads and public transit systems.

Even though transit and rail systems throughout the world have been the targets of deadly terror attacks, including the London subway system a year ago this month and the rail system in Bombay, India, just yesterday, the Bush Administration seems guilty of the same lack of anticipatory thinking that plagued our approach to aviation security prior to 9/11.

In fact, as has happened so often in our nation's history, public voices calling attention to the inadequate security provided for railroads and public transit appear to be warning of a problem in plain sight that is essentially being ignored by officials whose basic plan is apparently to hope that nothing happens.

In July of last year, the Secretary of the Department of Homeland Security articulated the Bush Administration's general indifference to security on transit systems when he announced that our nation's public transit systems should expect to bear most of the costs of funding security improvements themselves. At that time, the Secretary dismissed the idea that a terror strike on a transit system could produce "catastrophic consequences" by saying "a bomb in a subway car may kill 30 people."

Under pressure, Secretary Chertoff backed away from his statement. However, the Bush Administration appears to have continued its policy of essentially leaving to public transit systems and to railroads much of the financial burden associated with providing any security enhancements on these systems.

Thus, in fiscal year 2006, the federal government appropriated just $150 million in security grants to be divided among transit intercity passenger rail, and freight rail systems. This is the same amount provided in fiscal year 2005.

In fact, federal grants for transit and railroad security since 9/11 have totaled just over $550 million. By comparison, the Congressional Research Service reports that the federal government has spent nearly $20 billion on aviation security since September 11, 2001. As evidenced by this funding disparity, national focus has been almost exclusively on aviation security despite the fact that almost 7 times more people use public transportation on a daily basis than fly on airplanes.

Perhaps not surprisingly given the lack of focus, the inadequacy of federal funding has been accompanied by repeated failures on the part of the Department of Homeland Security to develop comprehensive risk assessments and mode-specific security plans as documented by several GAO studies and now by a study written by the Democratic Members of the Committee on Homeland Security.

I strongly support the Rail and Public Transportation Security Act of 2006, H.R. 5714, as well as other measures that would strength rail and transit security in our Nation. It is simply incomprehensible to me that Congress has not yet considered and passed these measures that would close gaping holes in our transit security system and significantly increase funding for security grant programs.

Mr. Speaker, while it will not be possible to protect our transit and rail systems from every possible terror threat, we are not yet doing all that we can to make these systems as safe as possible. Our failure to anticipate the unthinkable before 9/11 led to the tragic death of 3,000 innocent Americans. It is past time that we act to secure our public transit and rail systems before another unthinkable act leads to the deaths of more innocent Americans.

GLOBAL WARMING: PARTICULARLY HARMFUL TO PEOPLE OF COLOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. RANGEL. Mr. Speaker, I rise today to introduce into the CONGRESSIONAL RECORD a letter that I received from the United Church of Christ which I believe is worth our contemplation because of its sincere efforts to generate greater awareness and understanding in the international and domestic communities disproportionately affected by current environmental problems.

The earth's climate has changed over the last century. This change has had deleterious effects on the world community, but more so on poor communities who have high concentrations of people of color. Communities of color are burdened with poor air quality and are twice as likely to be uninsured than whites. Yet these communities will become even more vulnerable to climate-change related respiratory ailments, heat-related illness and death, and illness from insect-carried diseases. A study conducted by the Congressional Black Caucus substantiated his claim by pointing out that in every single one of the 44 major metropolitan areas in the U.S., Blacks are more likely than Whites to be exposed to higher air toxic concentrations.

Although people of color are less responsible for climate change, ironically they will be made to suffer the most from it. We should not avoid the issue of race, class and gender when it comes to serious discussions about the environment. The inclusion of race, class and gender doesn't take us away from the issue, but helps make the issue more comprehensive and complete.

The impact of climate change has not been addressed or assessed specifically for people of color. As we continue to seek solutions to this ever growing and changing problem, we must seek to ensure that the rights of all peoples are met regardless of race, class or gender. I enter into the RECORD this letter written by the United Church of Christ on this important issue. As we continue to strive or a cleaner world and environment, we must also strive to protect those most vulnerable to hurt.

[From Witness for Justice #274, June 26, 2006]

GLOBAL WARMING: HARMFUL TO ALL, BUT SOME MORE THAN OTHERS

(By C.J. Correa Bernier)

The international dimensions of environmental problems are becoming the center of attention as they gain center-stage in debates concerning the future of our planet. The range of issues being discussed is extensive, but global warming seems to be a common subject in most conversations. The coexistence of environmentalism and economic development and the need for cooperation, fairness and equity among countries seems to be one of the major questions.

In the midst of our global environmental conversations we must keep in mind that the activities of human society, on a broad scale, are harmful to all, but to some more than others. In the case of global warming, we suffer along with the planet but for island nations that will disappear, or for indigenous communities, it is not an "environmental problem," it is the literal destruction of their environment, history, legacy and lives.

In the United States, communities of color are also drastically affected. A recent report notes the disproportionate corelation between African Americans in the U.S. and climate change. The report argues that African Americans are less responsible for climate change, but suffer more from the health impacts.

In 1987 the existence of a nationwide pattern of disproportionate environmental risk based on race was demonstrated for the U.S. This evidence challenged the U.S. environmental movement to recognize its tendency to ignore issues of race, class and gender when setting agendas for social action. Today the mainstream environmental community is involved in serious discussions about how to frame the eco-justice issues along with those dealing with environment justice or environmental racism, but, to look at the issue of global warming as one that is in opposition to those confronted by the environmental justice movement will be a mistake.

The global environmental justice movement compels us to rethink our understanding of global environmental problems and existing proposals to solve them. Justice is an essential demand, in the aftermath of historic, systematic discrimination and disproportionate environmental degradation of those on the margins.

If we look at global warming as an issue of human rights and environmental justice we will be able to see the connection between the local and the global. Rising temperatures are already affecting the lives of millions of humans, particularly in people of color, low-income, and indigenous communities. The health of many has been already compromised, their financial reality has become a burden, and their social and cultural lives have been disrupted. As we dialogue, research and seek solutions to our climate and energy problems we must seek to ensure the right of all people to live, work, play, and pray in safe, healthy, and clean environments. We must envision a transition to a future that protects the most vulnerable from the impacts of climate.

CONDEMNING THE ATTACKS ON ISRAEL BY HEZBOLLAH AND HAMAS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise today to condemn the terrorist groups Hezbollah and Hamas and their continuing brutal attacks against the people of Israel.

Hezbollah took the lives of eight Israeli Defense Forces soldiers and captured two others on the Israel-Lebanon border earlier this week. This is the same terrorist group which took the lives of 257 Americans in the bombing of the U.S. Embassy and Marine barracks in Beirut 26 years ago.

The contrast between Lebanon and Israel is stark. Lebanon not only tolerates terrorists, it harbors and supports them. Lebanon has blatantly and purposefully disregarded U.N. Resolutions and diplomatic requests to disarm Hezbollah and to bring to justice the terrorist leaders. On the other hand, Israel has complied with the U.N. charter, and has had its forces withdrawn from Lebanon since May 2000. This latest attack was completely unprovoked; in fact, Hezbollah leaders claimed that it had been planned for months. Clearly, the purpose of this latest attack is to perpetuate the violence in the region.

An estimated 100 million dollars per year in weaponry and other support is sent from Tehran through Damascus to supply Hezbollah. The government of Lebanon takes a hands-off approach towards this continued violence. The Syrian and Iranian governments should be condemned for their support of the Hezbollah and Hamas terrorist organizations.

It is time for the world community to take action against Hezbollah and the nations that support it. The United States must also not allow the Iranian government to use this latest bloodshed as a diverting tactic against U.S. attention from their unrestricted nuclear program.

With the killing of Israeli soldiers and the kidnapping of Cpl. Gilad Shalit by Hamas, the timing of Hezbollah's incursion and kidnapping raises grave suspicions and increases the existing tension in the region.

Israel is in a difficult position, for it must deal with state-sponsored terrorism involving the Palestinian, Lebanese, Iranian and Syrian governments. In response to these brutal attacks, Israel clearly has the right to defend herself. Like every sovereign nation, Israel is clearly justified in taking the actions necessary to safeguard its territory and its people.

My thoughts are prayers are with the families/and loved ones of the kidnapped Israeli soldiers at this difficult time.

CELEBRATING A LONG AND WONDERFUL LIFE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to offer my sincerest regards to Ms. Ruth Johns McCluskey in Knoxville, Tennessee. Ms. McCluskey will be celebrating her 100th birthday on July 28, 2006.

Ms. McCluskey, born in Smyrna, Tennessee, attended grade school at the Greenwood School in Old Jefferson Community. After graduating from Smyrna High School she attended Tennessee Normal School for Women—now Middle Tennessee State University. After receiving her degree she embarked upon the field of education and taught grades 1–8 in Crossville, Tennessee. It was during this time that she met her future husband, Rev. Joe McCluskey, a fellow teacher. During their marriage they had two children: Ruth and Joe.

Today, Ms. McCluskey stays active and engaged by reading the daily paper, magazines, and as many books as she can get her hands on. Ever the extrovert she enjoys playing bridge and cards with her friends and family.

I wish Ms. McCluskey the best, and may God continue to bless her.

ABA LAW STUDENT TAX CHALLENGE—NORTHERN ILLINOIS UNIVERSITY COLLEGE OF LAW STUDENTS PLACE SECOND

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. MANZULLO. Mr. Speaker, I rise today to recognize two Northern Illinois University, NIU, law students, Mary Riley and Cathryn Streeter, who placed second in the Nation at the 2005 Law Student Tax Challenge. This event was sponsored by the Young Lawyers Forum of the American Bar Association's Section of Taxation. Coached by Northern Illinois Law Professor Dan Schneider, the third-year law students researched a real-life, tax-planning problem and submitted their analysis and solution for judging. After being selected as semi-finalists from a pool of 36 entries, Ms. Riley and Ms. Streeter traveled to San Diego to present both oral and written arguments in front of a panel of distinguished tax lawyers, which included the Chief Counsel of the Internal Revenue Service.

Established in 1895 by an act of the Illinois General Assembly, Northern Illinois State Normal School opened its doors to students in September 1899. In July 1957, after 58 years of physical growth and expansion in academic programs, Northern Illinois State College became Northern Illinois University by action of the 70th General Assembly. In August of 1979 the university was authorized to acquire the College of Law, which had originally been founded in 1975 by Lewis University.

Today Northern Illinois University offers programs to more than 23,000 students in the basic disciplines, the arts, and the professions through courses conducted on the main campus in DeKalb and at regional sites throughout Northern Illinois. The university's academic work is organized under the College of Business, Education, Engineering and Engineering Technology, Health and Human Sciences, Law, Liberal Arts and Sciences, and Visual and Performing Arts, in addition to the Graduate School.

As the only public law school in the greater Chicago area, NIU Law has previously ranked first in the Nation for government placement, according to U.S. News and World Report. Nearly one-third of its graduates choose a career in public interest, including more than 50 alumni in the judiciary—a truly remarkable accomplishment for a law school with less than 3,000 graduates. In honor of its commitment to public service, NIU law received the 2001 Excellence in Pro Bono and Public Interest Service Award.

Mr. Speaker, I wish to congratulate NIU for its outstanding performance at the Law Student Tax Challenge. NIU should be extremely proud of this tremendous accomplishment, and I am honored to recognize its students and faculty here today.

INTRODUCTION OF THE FOLSOM SOUTH CANAL COST DEFERRAL BILL

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today I am introducing the Folsom South Canal Cost Deferral bill, to prevent California water customers from having to shoulder the costs of unused capacity in the Folsom South Canal, a Bureau of Reclamation, Bureau, water conveyance.

The Folsom South Canal was authorized by Congress in 1965 to include five water conveyance segments or "reaches." The canal was intended to deliver water from the Auburn Dam and related facilities to municipal and industrial water and irrigation users in the Sacramento area and on south to irrigated agriculture in the planned East Side Division.

The first two reaches—a total of 26 miles of the canal were built to the Sacramento-San Joaquin County line. They were designed and constructed to accommodate enough water to meet anticipated demand in Sacramento and in the East Side Division. However, the East Side Division was never authorized and, thus, has not been developed. As a result, the remaining three reaches have been reclassified by the Bureau as "Construction in Abeyance."

Because the canal project, as originally designed, was not fully developed, Central Valley Project, CVP, water customers that today take delivery of water from the completed reaches are now shouldering the entire capital cost of the canal, plus interest. This does not seem fair, since they had no control over the design or construction of the project and bear no responsibility for the fact that the East Side Division did not materialize.

My bill authorizes the Secretary of the Interior to defer that portion of the capital costs and interest that corresponds to the unused capacity of the canal. This will prevent current municipal and industrial and irrigation water customers from having to pay costs associated with an oversized canal. In the next few years, the question of the Auburn Dam may be revisited and other water users may seek allocations of CVP water. My bill does not permanently settle the issue of the excess capital costs—it merely defers those costs until other decisions about the future of the CVP are made. The bill also authorizes the Secretary, during the deferral period, to periodically review and adjust, as appropriate, the amount of the unused capacity of the canal and the amount of reimbursable capital and interest of the canal.

TRIBUTE TO DR. WALTER MEYERHOF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. LANTOS. Mr. Speaker, I rise today to celebrate the life of Dr. Walter Meyerhof, an extraordinary physicist who fled the horrors of Nazi occupied Europe and made his mark in the world as an American citizen. Dr. Meyerhof died in Los Altos, California on Saturday, May 27, 2006 at the age of 84.

Walter Meyerhof was born on April 22, 1922, in Kiel, Germany, into a family of German-Jewish intellectuals. Walter's father Otto received a Nobel Prize in Medicine in 1922. The elder Meyerhof sought to protect his family from rising anti-Semitism in Germany which accompanied the growing political power of the Nazi party. In 1936, the family fled Germany and went to England for three years, and then in 1939 they moved to France, which was attacked by Nazi German military forces not long after their arrival.

In 1941 when France was under Nazi occupation, the Meyerhof family came into contact with Varian Fry, a United States consular official in France during this turbulent period who played a critical role in saving Jewish intellectuals, scholars, and others from Nazi death camps. Fry was a Harvard-educated academic who was not Jewish, but who recognized his obligation to save Jews who were under the threat of death by viciously anti-Semitic Nazi thugs. Fry successfully helped save the lives of more then 2000 Jews, including some of the 20th Centuries leading intellectuals and artists. Fry saved the lives of artists Marc Chagall and Max Ernst, writer Hannah Arendt, sculptor Jacques Lipchitz, the Otto Meyerhof family, and many others.

Mr. Speaker, Walter Meyerhof never forgot the efforts of his rescuer and dedicated himself to honor Varian fry by establishing and directing a foundation in memory of this man who saved his life. Through the efforts of Meyerhof and the foundation he created, Varian Fry was given the Croix du Chevalier of the French Legion of Honor as well as the United States Holocaust Memorial Museum Eisenhower Liberation Medal. Also, thanks in part to Meyerhof's efforts, Fry became the first American to be honored as one of the "Righteous among the Nations" by the state of Israel at the Yad Vashem Holocaust memorial. Perhaps the Varian Fry foundation's greatest achievement was the production of the film about Fry entitled Assignment: Rescue. The film, which has been distributed to over 35,000 schools, is educating hundreds of thousands of students about the horror of the Holocaust and the extraordinary courage exhibited by Varian Fry and others who fought the Nazis.

After arriving in the United States, Walter Meyerhof became a leading professor and educator. After receiving his doctorate from the University of Pennsylvania, he taught briefly at the University of Illinois and then accepted an appointment at Stanford University. He had a distinguished career at Stanford, served as head of Stanford's physics department, and wrote two textbooks which are still in use today. In 1977, Walter Meyerhof was given the Dinkelspiel Award, an honor given each year to the top Stanford professor in the teaching of undergraduate students.

Mr. Speaker, I invite my colleagues to join me in paying tribute to the remarkable legacy of Walter Meyerhof, whose scholarship made an important contribution to contemporary physics, whose excellence in teaching helped mold the minds of some of our Nation's brightest students, and whose unswerving commitment to Varian Fry, the man who saved his life during the Holocaust, established a legacy of remembrance that is a beacon to all of us who respect human dignity and human rights. We join Miriam, his wife of 59 years, his two sons, Michael and David, and his grandson, Matthew in mourning the passing of Walter Meyerhof.

SENATE—*Friday, July 14, 2006*

The Senate met at 9:45 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the fountain of joy, we thank You for our legislative leaders. We are grateful for their dedication to freedom's cause, for their desire to do Your will, and for their faith in Your sovereign leading.

Bless and keep them in their varied endeavors. Give them patience to achieve, humility to listen, wisdom to decide, diligence to lead, and love to act with compassion. Keep them alert to the needs of our times.

And, Lord, bring peace to our world. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 14, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we will have a period for the transaction of morning business this morning. Senators are reminded that we will begin the stem cell debate on Monday. Last night, we reached an agreement to allocate debate time in blocks, alternating back and forth between the majority and minority sides of the aisle. We will begin that debate on Monday at 12:30 p.m. and continue through Tuesday afternoon. Then we will proceed to votes on those bills—as a reminder, we have three bills and each of those three bills will have a 60-vote threshold—beginning at 3:45 p.m. on Tuesday. Those will be the first votes of the week.

The issue of stem cell research is one this body has debated in the past, but what I hope we have been able to structure, in consultation with the Democratic side of the aisle, is a way to have a very good debate on what is a very complicated issue, both from a science standpoint and from an ethical and moral standpoint. It really does cause and force, in some ways, each of us as 100 Members of this body—but equally the American people—to go back and address an issue which is the first major moral, ethical, and scientific dilemma, challenge before us in the 21st century. And it is a tough issue. It is something, as a physician, as a scientist, I have spent a lot of time with, as a transplant surgeon when we are moving tissues around all the time—a heart, a lung, which I routinely transplanted before coming here.

It is a tough issue. It involves issues of life and death and promises of new cures for diabetes, Alzheimer's, Parkinson's. We have been prone, in this body and every legislative body, to overstatement, overpromising. I am very hopeful that the debate, the way we have it structured and giving people time to prepare for it, will help educate this body, help educate the American people on an issue that is not going to go away—not just stem cells but as we look at the various challenges that are opened by the Human Genome Project, a very successful project 15 years ago, finished about 5 years ago on this floor—and opens up all concerns of ethical debates.

No matter whether people like it, no matter how hard it is, it is very important that this body become very comfortable in dealing with issues of advancing science and the great progress, the new opportunities we can make, whether it is addressing our 60 percent dependence on foreign sources of oil or looking at the great advances in health care and capturing the hopes and promise of new therapies. Whether it is genetic, biological stem cells, or the like means, we are going to have to do a good job in educating ourselves, developing that understanding, being comfortable talking about advances in science.

Science used to advance like this, then this, and in the 21st century, science is advancing like this. We, representing the American people, have that responsibility to define that advancing science and where it crosses with ethics and morality.

It is going to be a challenging debate, a good debate. I think the American people will pay attention, and I know our colleagues are working very hard on that particular issue.

Last night in closing, I proposed a unanimous consent agreement on the Water Resources Development Act, the so-called WRDA Act, a bill I feel very strongly we do need to bring to the floor. Chairman INHOFE has done a tremendous job in packaging the bill so that we can address the various issues with, I believe, nine amendments in the unanimous consent request. The Democratic leader has objected to that request, but I am very hopeful we will be able to address that agreement later today.

MEDICAL BREAKTHROUGH

Mr. FRIST. Mr. President, let me comment on one other issue before yielding the floor. It has to do with medicine again. It has to do with an issue which is very close to my heart, which I first saw in 1981 before I ever thought about getting into politics or public policy or running for the Senate. I first saw this particular issue in the early 1980s. Nobody had seen it in this country until 1981. Nobody had seen it before 1981, which is not that long ago, 25 years ago, but since that time, it killed 1 person, 3 people, 10 people, 1,000 people, 1 million people, 5 million people, 10 million people, 20 million people—25 million people have died since I first saw it; that is, HIV/AIDS, a tiny virus. You can't see it, touch it, taste it. We didn't have it in America. We

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

didn't know what it was, and then it hit. Now 25 years later, 25 million people around the globe have died from that little, tiny virus. We don't have a cure for it yet. We don't have a vaccine for it yet, but we have made huge medical progress over the last 10 years.

Two days ago, the FDA announced that they had approved the world's first single-pill, once-a-day HIV/AIDS treatment. The bill combines three FDA-approved drugs into a single dose. The impact on HIV/AIDS patients will be profound.

It wasn't that long ago that patients had to take 20 pills a day and then 10 pills a day to control the virus, this little tiny virus, not to get rid of it totally but to keep it down so it doesn't have its ravaging impact on the human body. Some pills you have to take with food, some at 8 o'clock, some at 2 o'clock, some at 6 o'clock, some at 10 o'clock. Some people say it is not that big a deal; it is lifesaving. It is a big deal. If you are a patient having to do it or a physician taking care of a patient, it is impossible to comply with that regimen long term. It is inconvenient, it disrupts life, and now it is combined into one pill.

By the end of next week, people will be able to control the virus with one pill. Not everybody is going to switch to it, but it opens up huge opportunities.

It is good news not just in that it simplifies the prescription regimen of HIV/AIDS patients, but to quote a fellow doctor who is the current Acting Commissioner of the FDA, Andrew von Eschenbach:

> Compliance with therapy is as important as the therapy itself for a successful outcome.

To have a successful outcome, HIV/AIDS patients have to take at least 95 percent of their pills or the treatment doesn't take. It isn't as if you can take 2 or 3 of the 15 pills and it will work. You have to really take just about all the pills. Only one pill a day increases the likelihood of a patient meeting that threshold. That one pill will do the trick. Not only does improved compliance keep HIV/AIDS patients healthy, but it helps slow down that emergence and transmission of strains of virus that have become drug-resistant. The drugs you take over a period of time—the virus is smart, it is cagey, it moves around, and it will develop resistance to those drugs as it comes in. As it gets accustomed to the drugs, the virus will change.

Scientists hail this as a medical breakthrough for good reason. Wednesday's announcement approving the new pill was timely. Yesterday, the CSIS Task Force on HIV/AIDS hosted a conference to examine the sustainability of United States-led efforts in combating the virus. I have cochaired the CSIS task force along with my colleague, Senator RUSS FEINGOLD. I had the opportunity, as did Senator FEINGOLD, to deliver opening remarks to that conference.

Looking back over the 25 years, as we did yesterday, I recalled the same story I just told: 25 million people have died on our watch, over my lifetime as a physician. As recently as 5 years ago, less than $1 billion was spent by the world. If we put together all the world's resources, today it is more than eight times that—eight times that—in just 5 years.

Today about 40 million people worldwide, including a million people in this country—a million Americans—are HIV positive. That means they have the virus in them, and it can be detected. Over half of all people living with HIV/AIDS or HIV in the world live in a continent I go to every year, and that is the continent of Africa.

Ten years ago, in 1996, I went to Sub-Saharan Africa to Tanzania, to Kenya, in that whole central eastern region of Africa where I do medical mission work. That became an annual trip after 1996. Nothing quite prepares you for walking through a village in an AIDS-afflicted part of Africa. You see older people, and then you see very young people, but you don't see—there is like a big doughnut hole there—you don't see middle-aged people walking around. Why? Because that virus has ravaged traditionally the most productive part of society. They include teachers, police, law enforcement, wage earners, the people who are out moving, herding the animals, the people who are out growing the crops, the people who make up the strongest and most productive fabric of society.

The deadly disease has left countless children as orphans. It has disrupted the social framework of many communities. It has challenged the infrastructure and stability of many nations in ways that are totally unprecedented and we just haven't seen in history.

I outlined my vision at the conference yesterday for sustaining momentum and winning this war on HIV/AIDS, and already, with the successful development and approval of this single-pill therapy, we have seen how one piece of the vision that I put out yesterday—unity—is reaching across differences and we can reshape our approach to HIV/AIDS.

The breakthrough this week was made possible because of collaboration, partnership, a very unusual partnership, a collaborative venture by two drug companies that normally are competing. So that is a breakthrough that may not be readily apparent, but those of us who follow health, the pharmaceutical industry, and public health, this is a huge breakthrough.

Two drug companies set aside their competition, they set aside their concerns about the bottom line to work together and do what we need to do throughout health care, which we don't do today. As we look to health care 20 years from now, we have to do it, and that is put the patient at the center, put the patient first. That is what these two drug companies did yesterday.

I commend the makers of this single-pill therapy. I hope this does start a new trend. I think the computer industry learned this collaborative effort a long time ago, and I am pleased that the pharmaceutical industry is catching on to it, as demonstrated today.

I will close with that final thought because it does remind me how important it is to put the patient first. They did this yesterday by developing this pill, having the FDA to approve this particular pill. We need to do that throughout our health care system. We do have a health care system that is chaotic, in terms of its organization. It is not really even a system; it is more of a sector.

If we can go back to that principle of putting the patient first, putting the patient in the center, we can weed out the waste and weed out the inefficiency and lower the cost and make a very optimistic future for our health care system.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: No. 735, No. 736, and No. 761.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. I further ask unanimous consent the nominations be confirmed en bloc, a motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL ENERGY REGULATORY COMMISSION

Philip D. Moeller, of Washington, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2010.

Jon Wellinghoff, of Nevada, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2008.

Marc Spitzer, of Arizona, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2011.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

Mr. FRIST. Mr. President, I see none of my colleagues on the floor at this juncture who want to speak, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NET NEUTRALITY

Mr. WYDEN. Mr. President, 2 weeks ago I came to the floor of the Senate and announced I will do everything in my power to block consideration of the major communications overhaul legislation until it includes language that specifically ensures what is called Net neutrality.

Now, since this is a new concept, and certainly much of the country probably has not heard these words before and Senators have been asking questions about it, I am going to begin this morning, and intend on other instances to continue the discussion, to start talking about why Net neutrality is so important and why I will do everything in my power to block legislation, major communications legislation, unless it ensures that Net neutrality is preserved.

The bottom line about this concept is pretty simple. It means there will not be discrimination on the Internet. Today, after you pay your access charge, your Internet access fee, you get to take your browser and you get to go where you want, when you want, and everybody is treated the same: the mightiest person in the land, the most affluent, and somebody, say, in rural Georgia or rural Oregon who does not have a lot of power and does not have a lot of wealth.

The Internet has been a huge step forward, in my view, for democracy, for the proposition our country is based on which is to give everybody a fair shake, where everybody is treated equally. It has meant a real bonanza for our citizens in areas such as education, health, business—a whole host of fields. There needs to be a clear policy preserving the neutrality of the Internet. And without tough sanctions against those who would discriminate online, in my view, the Internet would be changed forever, for the worse. I intend to do everything in my power to keep that from happening.

Since I came to the floor to announce that I will do everything I can to block this legislation in its current form, the phone companies and the major communications lobbies in this country have launched an all-out advertising blitz. They are now spending millions of dollars trying to win passage of this legislation that does not include protection for Net neutrality. They are spending millions of dollars so they can make billions of dollars when they implement a two-tiered system online.

They have been telling Wall Street about their plans for some time. The Wall Street Journal, for example, outlined a pay-to-play plan that the phone companies and the cable companies have been talking about in a fairly open kind of fashion.

All this discussion suggests there is something of a looming shortage of bandwidth. Of course, bandwidth is the speed at which all the information on the Web travels to the user. But what has not been given enough attention thus far, and what I will talk about this morning and in the days ahead, is that the real Net neutrality fight is not primarily over bandwidth but who is going to call the shots in this country about content on the Web. Content is all the information that is out there on the Web. It includes music, movies, e-mails, newspaper articles and Web sites.

Bandwidth speeds are getting faster and faster, allowing all this content to reach the users faster. But bandwidth without content is akin to a swimming pool without water. It is there, but you cannot do anything with it. So the real Net neutrality fight is going to be about content.

Now, those who control the pipes—the way you get to the Internet—also want to control the content. The reason for that is because content is king. What good is one gigabyte Internet connection if you cannot get to the Web sites you want to visit? Legislation that does not have strong Net neutrality protections will mean the American people will face discrimination in content.

The Internet has thrived precisely because it is free of discrimination. It has thrived because consumers, and not some huge cable or phone company, get to choose what they want to see and how quickly they get to see it. I do not think there is anything odd about fighting against a bill that will take control of the Internet away from the American people.

What the cable and phone executives propose is that instead of providing equal access for everyone to the same content, at the same price, they are going to be in a position to cut sweetheart deals, to give somebody they favor a better break than somebody whom they do not look upon in the same way. Those who own the pipes do not want to be told they cannot discriminate. They do not want to be told by the Congress, or anybody else, sweetheart deals are off limits.

What I have done is tried to look at the Senate Commerce Committee legislation and compare it to the kinds of concerns I think the American people are going to have with the legislation in its current form. So what I would like to do now is outline three examples of what could happen in our country if communications legislation that allows discrimination on the Internet was allowed to go forward.

The first example involves what I am calling the Barns family. The Barns family owns a struggling electronics store. Sales have been hammered lately because a new "big box" electronics store opened up down the road. George Barns' son Mike came up with an idea to save the store. He said: We can reach new customers. We will start a Web site to sell our products on the Net. In a world with Net neutrality, the Barns family would pay to access the Internet, create a Web page, and they would be off to the races with their business and looking for opportunities.

Under the Commerce Committee bill, in order for the Barns family to launch their Web page in the fast lane so they could get priority access to customers, they could have to pay an additional fee to hundreds, if not thousands, of Internet access providers across the land. Priority access fees are a drop in the bucket for that "big box" store that is already hurting the sales of that small business run by the Barns family. If the Barns family can't pay the extra fees, they lose their business to the "big box" store, both offline and online. You see how small businesses and people who are trying to make a contribution to the economy compete in the free markets; you are going to see how they are going to have difficulty under this legislation.

The second example involves somebody whom I am calling Joe Green. Joe wants to get Internet broadband in his new apartment. Local cable is the only choice for Internet access, and it charges $32.99 for a 1.5-megabyte-per-second connection. In a world with Net neutrality, when Joe buys his connection from local cable, he gets to visit any Web site he wants, when he wants, how he wants. If he wants to download a song, say, from iTunes for a buck, he can do that. If he wants to search the Web using Google or buy a DVD player online, Joe can do that, too. But under the legislation that came from the Commerce Committee, Joe may not be able to do any of those things unless he pays a new priority access charge on top of the $32.99 Internet access charge he is paying already. Unless he pays the additional priority fee, a Web search at Google could take 5 minutes to load because Google is not paying the extra fee to local cable for priority access. Downloading a song—say the download Joe wants to make at iTunes—could cost him more than the buck he is paying because iTunes is passing on the cost of paying local cable the priority access fee that you could charge if the Commerce Committee bill goes forward as written. Joe wants to switch to another broadband provider but guess what. In a lot of communities, there is no choice. Joe is stuck. This is example No. 2 of how the American people are going to get hammered if discrimination is allowed online under this legislation.

Let me offer a third example I have developed as I looked at the Commerce Committee bill on overhauling our communications law. The third example involves somebody I have been calling Sally Smith. She is a young computer programmer. She has a great new algorithm for a Web browser that is going to help people access information on the Net faster and in a more user-friendly way. In a world with Net neutrality, Sally can get her idea all over the tech Web sites that exist across the country, and people are going to be able to test it out. If all the people out there in the tech world like Sally's idea, word of her innovation would spread over the Web, across the land, and across the world. Millions of people would be able to download her new Web browser. But under the legislation coming from the Commerce Committee, Sally Smith could be stymied.

In addition to what she is already paying for Internet access, Sally is going to have to come up with yet more money to pay for priority access to the Internet fast lane that she so desperately will want in order to test her idea. If she wants her browser to succeed, she is going to be forced to fork over new priority access fees because she knows no one is going to go looking in the slow lane for a good new Web browser.

I came to the floor—I have already announced my hold on this legislation, and I will do everything to block this bill until it ensures that the Net in the future will be free of discrimination—because I wanted to go beyond my original statement to talk about how, under this bill, those who own the pipes to the Net, the phone and the cable people, could extend their reach under this legislation to put a stranglehold on Internet content. According to the business plans, plans that have been published in the Wall Street Journal, that is the direction in which we are headed.

Without Net neutrality, the people in these examples I have highlighted—a struggling entrepreneur, somebody getting started in their new home or apartment, a young computer programmer—are going to have real problems getting access to the Web and being able to afford the services that are now within their reach.

The big cable and phone lobbies want the public to think Net neutrality is what they call a lose-lose proposition. My view is, no Net neutrality will be the real loss for consumers. It will mean double-barrel discrimination, discrimination in Internet content, and higher prices for the consumers. That is why scores of groups all across the country, all across the political spectrum—groups and people who, I dare say, disagree almost always—are united behind the proposition that the Internet should be free of discrimination.

We are going to hear a lot about this issue in the days ahead. We are going to be told constantly that the phone and cable people will not build out the network unless they can sock the consumer and the small businesses with higher access charges. The way the system works today, where there is a true free marketplace, where the mightiest is treated online in the same way someone is treated who doesn't have a lot of money, doesn't have clout, that is the best way to grow the network, to expand communications opportunities, preserve the free marketplace so that people, after they pay that Internet access charge, can go where they want, when they want.

Certainly a lot of our competitors around the world, people with whom we will be competing in the marketplace, treat everybody the same online. I can't figure out how we can expect to be competitive in the global marketplace if we start singling out, as I have described in the examples, the small businesses and entrepreneurs for what amounts to two-tiered communications services. They are not going to be able to compete. I want to make sure that somebody who is in a garage, say, in Texas, Oregon, or some other part of the country has the same opportunity to compete against people who are dreaming big in countries around the world.

As we discuss this communications issue, there will be a lot of talk about how this is a battle between big communications lobbies—say, the Verizon company and Google. It is sometimes portrayed as a fight between these overdogs, people who have a lot of clout and want to divide up the pie and get more for themselves. Verizon and Google can take care of themselves. They have deep pockets. They have lots of clout. But what I am concerned about are the future Googles, the people who are dreaming, the people with the startups, the people with innovative, cutting-edge ideas who have been able to go online and, as a result, have been successful. That is what the American dream is all about. That is what has made the Internet so exciting. It has created opportunities for those people who are a long way from major financial markets and who don't have deep pockets.

I do not want to see the American people face double-barrel discrimination and higher prices on the Net. I don't want to see them not have what they have today, which is a fair shake for all. Equal content gets equal treatment. I am going to stay at it with respect to this legislation as one Senator until we get true Net neutrality principles in the communications bill, until we ensure that the Net is free of discrimination.

The reason Net neutrality has become such a lightning rod in the debate about communications is that the Internet is the ball game. The 1996 telecommunications bill barely touched on the Net. In 2006, the Net neutrality debate on the Internet is the ball game because the Internet is how we are going to get all our communications in the future. It means we are going to look first to the Internet, and because it is so central to the future of communications, the Senate ought to insist that the Net be kept free of discrimination. We have done that in the area of taxation. I and other colleagues have said we are not going to allow multiple and discriminatory taxes on the Internet. We ought to make darn sure that it is done in this area as well so that consumers don't get walloped with unnecessarily high prices and deteriorating service.

I will continue the fight to hold up this legislation until, for all time, the Net is free of discrimination.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Georgia.

IMMIGRATION

Mr. ISAKSON. Mr. President, for a moment I wanted to address the subject of immigration before we leave for the weekend.

About 2 months ago, I offered an amendment to the Senate immigration bill which at the time was referred to as a deal-breaker. I want to suggest that it is now being referred to as a deal-maker. I wish to offer some suggestions constructively for the Senate to consider and others who are involved in this debate.

I want to repeat, for the benefit of everyone, what the amendment I offered and the distinguished Presiding Officer supported, as well as many other Members of the Senate—not enough but almost enough—simply said: That no program contained in the act that granted legal status to someone who was in America illegally could take effect until the Secretary of Homeland Security certified that all of the border security measures proposed in the act in title I and section 233 of title II were in force, funded, and operational.

It has become known as a trigger because it said that any guest worker program or any other reform that took place could only take place after we had done the job the American people suggested we should do.

A lot of people said: We can't secure our border. If we can transplant hearts and fly to the Moon, we can secure our border. What we have needed is resolve. I have been pleased to see just this week countless articles in countless newspapers where all of the players in the debate, from the White House to the Senate, the House of Representatives, have now opened themselves to discuss a trigger in the immigration reform bill to ensure that when we have immigration reform, it is truly comprehensive because I would suggest to them that in the absence of border security, there can be no comprehensive reform.

Only when people know that the door is closed will they cooperate with not only the spirit but the letter of the law and the reforms that we make.

Just to remind us in the Senate, we were very specific in title I. The specifics of title I said we will train the 6,000 Border Patrol agents and put them online. That takes 2 years to do. It said we will build the barriers where necessary geographically and the roads where essential. That is doable in 2 years. We will deploy the 27 UAVs, the eyes in the sky, to surveil the entire 2,000-mile southwestern border. That is doable, and it is doable within a year. We will build the detention facilities to end the catch-and-release practice and to begin to have true enforcement on the border. And we will have a verification program for guest workers and immigrants that is verifiable and not forgeable. That takes 2 years. So as a practical matter, as people have backed up from the original debate, they have looked forward. They now are seeing through the forest to look at the trees, and they say, yes, if we secure the border, it will take 2 years, but it is going to take 2 years to implement whatever else we would do on worker reform as well.

So folks are coming together. People are beginning to talk, and I am pleased with that—pleased with that because I am the grandson of an immigrant who came to this country, became a naturalized citizen, and I honor our immigration process. I am glad to see that because we depend on a workforce that is vibrant and dependable. And I am pleased to hear that because I believe the American people consider our border an emergency. And now that all the players are beginning to talk, hopefully we can close the deal.

Mr. President, yesterday the distinguished Senator from Alabama, Mr. SESSIONS, offered two amendments to the Homeland Security bill. Although they failed, they laid the groundwork for what I think is an important step for us to take and that is to go ahead and move forward with what all of us agree are the necessary steps for border security. That is the foundation upon which we can reach the final agreements on guest worker, on green cards, on quotas, and on citizenship, but only after the American people are convinced we have made the commitment to secure our border will the American people want us to make any deal on reform of immigration.

We pass emergency supplementals for various things in this body. We have done it in response to Katrina; we have done it in response to Iraq. I submit the American people would tell you there is no greater emergency than securing our border. If the White House sent an emergency supplemental to this Senate for the money to fund the UAVs, the 6,000 Border Patrol agents, and the rest of title I. I doubt we would see maybe one or two dissenters because everybody knows it is an emergency, they know it needs to be done. And if it is, in fact, correct, that border security first is the trigger for comprehensive reform which is necessary, then let's declare it an emergency. Let's have the proposal come to the floor, let's debate it, and let's fund it, so as the year progresses, as the hearings are done, as we come back in session in September, we in this Congress can deal with comprehensive reform built on the foundation of comprehensive border security first.

Mr. President, I appreciate your cooperation and that of all the colleagues in this body as we work dealing with a very difficult and complicated but a very doable reform of our immigration laws. I appreciate the commitment of those so far in border security first, and I think in the end all of us together—the executive and legislative branches—can come together on comprehensive reform that is built on securing our border to ensure the reforms we make are lasting and agreed to.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 728

Mr. FRIST. Mr. President, I will soon ask for several unanimous consent requests and then probably go back into a quorum call for little bit, and I will have a final statement on stem cells that will be very brief.

Mr. President, as I mentioned this morning, there has been an objection to proceeding on the unanimous consent request of last night, or late yesterday afternoon, on the Water Resources Development Act. At this point, I want to turn my attention to that.

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, on Tuesday July 18, the Senate proceed to the immediate consideration of Calendar No. 93, S. 728.

I further ask that the committee-reported amendments be withdrawn and the managers' substitute amendment at the desk be agreed to as original text for the purposes of further amendment and that the only other amendments in order be the following, the text of which is at the desk, with the specified time agreements equally divided in the usual form:

Boxer, Folsom Dam, 1 hour; Feingold-McCain, mitigation standards, 1 hour; Feingold-McCain, peer review, 4 hours; Inhofe-Bond, independent reviews, 1 hour; Inhofe, fiscal transparency, 1 hour; McCain-Feingold, prioritization report, 2 hours; McCain-Feingold, chief of engineers, 1 hour; Nelson of Florida, water projects, 1 hour; Specter, Federal hopper dredges, 1 hour.

I ask unanimous consent that there be 2 hours of general debate on the bill, and that following the disposition of amendments and the use or yielding back of time, the bill, as amended, be read the third time and the Senate proceed to the consideration of Calendar No. 166, H.R. 2864, the House companion, and that all after the enacting clause be stricken, and the text of S. 728, as amended, be inserted in lieu thereof; that the bill be read the third time and the Senate proceed to a vote on passage, and S. 728 be returned to the Senate calendar. I further ask that no points of order be waived by virtue of this agreement.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

CORRECTION IN THE CONGRESSIONAL RECORD

Mr. FRIST. Mr. President, I understand there was an inadvertent clerical error in Chairman INHOFE's statement in the CONGRESSIONAL RECORD last night. I ask unanimous consent that the correct statement be printed in the CONGRESSIONAL RECORD at this point and that the permanent RECORD reflect this correction.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. INHOFE. Mr. President, if the unanimous consent request goes through, we will be able to move to the Water Resources Development Act of 2006, WRDA. We have not done a WRDA since the year 2000. As chairman of the Environment and Public Works Committee, I have been working on this for 3 years. We have had incredible cooperation, as everybody in the Chamber knows. It is always difficult to get something like this through, but it is necessary to keep this country moving.

All members of the Environment and Public Works Committee: Senators Thune, DeMint, Vitter, Warner, Isakson, Chafee, Murkowski, Senator Voinovich, Jeffords, Baucus, Lieberman, Boxer, Carper, Clinton, Lautenberg, and Obama have been particularly helpful. Senator Bond, who is chairman of the subcommittee, has been very helpful, along with Senator Voinovich who has a concern for maintaining our Nation's infrastructure.

The big four in this case, of course, would be Senators Bond, Baucus, Jeffords, and myself. We have worked closely together to overcome some of the obstacles. Early on, there were several holds on this bill because it is complicated. It is one that almost is of the magnitude of the Transportation reauthorization bill. But we had several people who had concerns and we worked with them, including Senator Snowe, who was nice enough to help us with some of the facets she had objections to; Senator Sessions; Senator McCain. Everybody was there working together. It was quite an undertaking to get us to the point where we are today.

I will single out several others. Senator Gregg had some concerns also. Probably one of the persons I was really gratified to work with is Senator Feingold, the Senator from Wisconsin. I thank him for his cooperation. He had a number of amendments that I thought would be more than we could really handle. We had to get the number down to a certain number that is workable so we could have a time agreement to get this bill passed. I thank Senator Feingold for his cooperation and for agreeing to offer limited amendments under short time agreements. If he wanted to be hard to get along with, he could have had long agreements and this would have gone into many nights. He didn't do that. He agreed to short time agreements, which will make this possible to pass. His willingness to work with us is very much appreciated by me.

Over the past few months, he consistently has been helpful and responsive in working on the WRDA bill. For anyone to suggest that Senator Feingold has not been helpful in keeping this process moving would be wrong. He has been a great partner with me in moving things forward and I thank the Senator from Wisconsin for his cooperation.

We have a lot that we need to authorize the Corps of Engineers to do in navigation, flood control and environmental restoration. This bill will allow us to do that. I thank everybody for his or her cooperation. Let's go forward.

Mr. FRIST. Mr. President, I thank my colleagues, especially Chairman INHOFE, for, as I mentioned this morning, doing an outstanding job in putting together a package, a mechanism by which we can develop this important water resources development bill. It is a very important bill which affects the United States, our economy, our infrastructure, in a very dramatic way.

WATER RESOURCES DEVELOPMENT ACT

Mr. FEINGOLD. Because all amendments that can be considered to S. 728, the Water Resources Development Act of 2006, had to be filed prior to the bill coming to the floor, I would like to inquire of the bill managers whether or not they would agree with me that reasonable modifications by the authors to their amendments would be acceptable as is the normal Senate practice.

Mr. INHOFE. The Senator is correct. We asked Senators to agree to a procedure that limits amendments and have requested that they file them in advance. Because these amendments have been filed prior to floor consideration, I would agree that it may be necessary to modify them once we are given floor time.

Mr. JEFFORDS. Mr. Chairman, I see that as a possibility and would, with the concurrence of the four bill managers, support reasonable modifications to be allowable.

Mr. BOND. As the subcommittee chairman and cosponsor of two amendments to be considered, I foresee that possibility and would not object to reasonable modifications to the filed amendments.

Mr. BAUCUS. I agree with my fellow bill managers.

Mr. FEINGOLD. I thank the managers and agree with them.

HOMELAND SECURITY APPROPRIATIONS BILL

Mr. DODD. Mr. President, I rise to discuss the fiscal year 2007 Homeland Security appropriations bill. The Senate passed this measure yesterday unanimously and I voted in support of it.

I would like to begin by thanking the principal authors and managers of this legislation: Senator GREGG and Senator BYRD. It is no easy task to write a bill that provides for our domestic security needs. I commend both of our colleagues and their staffs for the hard work they put into crafting this legislation.

The bill that passed the Senate funds our country's homeland security activities at $32.8 billion for the upcoming fiscal year. These activities include port security, rail security, truck security, aviation security, emergency first responders, customs and border patrol, immigration, the Coast Guard, and counterterrorism research. Taken together, these initiatives form the foundation upon which our country depends for its internal security.

In an age when terrorism continues to be a growing threat to our Nation, one would think that the Congress of the United States would be doing everything it could to shore up that foundation—to make it as impregnable as possible against those who wish us harm. Yet when we look at the legislation passed by the Senate, I do not believe it does enough to protect our people from terrorism. We are simply not investing the resources that are required to make this Nation as safe as possible. Instead of filling in the gaps that continue to exist within our homeland security foundation, we are letting those gaps and cracks grow in several critical respects.

One does not have to look further than protecting our critical infrastructure and funding our emergency first responders. These two areas arguably form the backbone of our efforts to prevent and effectively respond to terrorist attacks at home. They encompass protecting our ports, our railroads, our transit systems and our commercial vehicles. They encompass quickly and effectively responding to real or perceived threats in all parts of our country.

The bill that passed the Senate spends roughly $4 billion to protect our critical infrastructure, equip our first responders, an assist local governments in planning and coordinating their homeland security activities. While this may seem like a large number to many Americans, it has been cited by numerous national security and public health experts, along with first responders themselves, as being wholly inadequate to meet the homeland security demands of the 21st century. Furthermore, the number is actually less than what has been provided in the past. While on par with what was provided last year, it is approximately $500 million less than what was provided 2 years ago and approximately $700 million less than 3 years ago. Clearly, we are heading in the wrong direction—doing less to protect our country adequately when we ought to be doing more.

As we have seen in Madrid 2 years ago, in London last year, in India earlier this week, and in Iraq almost every week, terrorists have become adept at exploiting weak points in critical infrastructure, particularly transportation systems. I question what it will take for us to realize that we need to be investing more in our domestic critical infrastructure and in our first responders.

Although we have taken steps to boost our homeland security since the attacks on September 11, our critical infrastructure remains largely exposed and our emergency first responders are spread too thin. Our port authorities have identified $8.4 billion for meeting Federal security requirements; transit agencies have identified $6 billion for making trains and buses safer for passengers; and firefighters have identified over $4 billion for performing their critical duties safely and efficiently.

As the Senate considered this legislation, I was offered an amendment that increased resources to our Nation's firefighters by $25 million above the bill's allocation of $655 million. This amendment was cosponsored by colleagues, Senators DEWINE, MIKULSKI, and SNOWE, and was agreed to by unanimous consent.

I also offered an amendment that would have increased critical infrastructure security and first responder funding by $16 billion to a total of $20 billion. My amendment would have codified a recommendation made 3 years ago by a task force chaired by our former colleague, Warren Rudman, along with a distinguished panel of national security, intelligence, military and public health officials.

Regrettably, this measure—along with other measures I supported seeking to raise resources for critical infrastructure protection and first responders—were not adopted. Members who spoke in opposition to these amendments argued that we could not afford the extra cost. Ironically, many of the Members who opposed these amendments have supported permanent tax cuts for the most affluent of Americans—tax cuts that have been projected to cost $1 trillion over the next 15 years. If we can afford to give such a generous tax break to the few thousand wealthiest Americans, then why can we not afford adequately to safeguard 281 million Americans from terrorist attacks at a mere fraction of that cost?

We are living in extraordinary times. Never before in our history has there been a prolonged period of time when the threat of harm to Americans on their own soil has been so high. While it has been almost 5 years since terrorists attacked the World Trade Center, the more recent attacks in Madrid, London, and Mumbai tell us that we must remain vigilant about our domestic security. They tell us that we must renew and redouble our efforts to prevent and respond to terrorism here at home.

On balance, I voted for this legislation because the funding it appropriates does take important steps towards meeting our domestic security needs. However, I look forward to working with my colleagues in the coming years to find and provide the necessary resources that can make our Nation as safe and strong as it can possibly be.

FEMA

Mr. BIDEN. Mr. President, earlier this week, I voted with a bipartisan majority of Senators to strengthen FEMA while leaving it in the Department of Homeland Security. In the aftermath of Hurricane Katrina and the woeful response of the Federal Emergency Management Administration, I was prepared to remove FEMA from the Department of Homeland Security. At the time, it was clear that FEMA had been stripped of necessary resources and leadership, and that, as a result of these choices, it had failed the citizens of the gulf coast.

I changed my mind and voted to strengthen FEMA for three important reasons. First, the Homeland Security and Governmental Affairs Committee conducted extensive hearings and oversight into the problems that led to the catastrophe of Katrina and how to fix this systemic failure. They conducted a 7-month investigation, including 23 hearings, heard testimony from 85 witnesses, interviewed 325 individuals, and reviewed 838,000 documents. They obviously did their homework.

Second, as a result of this exhaustive research, they made substantive proposals to strengthen the role of FEMA within the Department of Homeland Security. These changes will provide new statutory protections to ensure that the Administrator had direct access to the President, that it restores authorities to work directly with State and local agencies, and that it strengthens regional authorities by creating teams to foster cooperation and joint training for local emergency managers and first responders.

The final, and most important, reason that I decided to vote to strengthen FEMA as a component of the Department of Homeland Security is because of the position of local law enforcement and first responders. The bottom line is that I have spent my career working with the Fraternal Order of Police, the National Sheriffs Association, the National Association of Police Organizations, the National Troopers Coalition, the International Association of Fire Chiefs, the International Association of Fire Fighters, the Major Cities Chief, and local first responders. I strongly value the opinions of these individuals, and if they believe that this is the right approach to help them in their efforts to save lives, I am willing to give it a shot.

I hope that the changes voted for by the vast majority of Senators earlier this week will return FEMA to its vaunted status of the 1990s. The American people deserve no less.

RECENT ATTACKS ON ISRAEL

Mr. VITTER. Mr. President, I come to the floor today to offer my full support of Israel's decision to defend itself. I also commend U.N. Ambassador John Bolton for vetoing the U.N. Security Council resolution addressing the situation in the Middle East, because of its unbalanced approach to the situation.

Unfortunately, due to the kidnapping of Israeli soldiers by Hamas and the continued rocket attacks by Hamas and Hezbollah against Israeli towns and villages, the Israeli Government was forced to defend itself.

There is no doubt that the Governments of Syria, Lebanon, and Iran are responsible for these attacks. These Governments provide the military equipment, training, and financing for Hamas and Hezbollah to conduct their terror campaigns. Their continued support for these terrorist organizations has left the Israeli Government with no other option than to defend itself by pursuing terrorist safe havens in Gaza and southern Lebanon.

Israel continues to be one of America's closest allies, and in this period of terror against the Israeli people it is essential that we support Israel's decision to defend itself against these terrorist attacks. I ask that the world community join in solidarity with Israel as it takes necessary steps to provide security to its people and dismantle the terrorist infrastructure in the Palestinian areas and in southern Lebanon.

Israel was attacked for one reason—these terror organizations and some governments in the region believe Israel does not have a right to exist as a country, much less live peacefully as a country. The unprovoked missile launches against Israel civilians, suicide bombings of women and children, and the kidnapping and torture of Israeli soldiers is the result of Iran, Syria, and certain factions of the Lebanese Government's inaction towards these terrorist organizations in their country.

The cycle of violence can only end if these countries dismantle these terrorist groups by cutting off funding and prohibiting terrorist organizations from participating in their governments. Otherwise, Israel will be required to continue defending itself against terrorist strongholds, and innocent civilians will suffer greatly—all of this because certain extreme elements remain bent on destruction rather than reconciliation.

Israel is a sovereign country that deserves to live in peace. Israel deserves to live in peace, free from the attacks of those who prey upon its open and democratic society. Unfortunately, innocent civilians are ones who pay the price on both sides of the conflict. Yet, until Israel is able to live free of missile attacks, kidnappings, and suicide bombers the unfortunate reality is that suffering will continue.

Mr. President, I believe that the United States should and must support Israel's right to defend itself. I hope that my colleagues will join me in expressing their support for one of our closest allies.

Mr. CORNYN. Mr. President, I wish to express my outrage at the terrorist actions of Hezbollah that we have seen in recent days.

As my colleagues are aware, this terrorist group conducted raids across Israel's border, kidnapping two Israeli soldiers, and also killed eight other Israeli soldiers. The stability in the region has been significantly compromised because of these terrorist actions.

These attacks on the sovereign nation of Israel are reprehensible, they are unacceptable, and they are not going unanswered. Israel has said it will not negotiate with terror organizations, and has demanded the release of its soldiers.

The United States must stand by Israel as it defends itself against such cowardly attacks. Israel has not only the right, but the responsibility to defend its citizens.

And there is certainly no doubt that Syria and Iran support the terrorist actions of Hezbollah. In fact, the latest

State Department report on terrorism identifies Iran and Syria as state sponsors of terrorism. We will continue to wage the global war on terror, to do our best to rid the world of terrorists and those who support them.

But when acts of terrorism are perpetrated against sovereign nations, the international community must recognize that such nations will protect themselves and their citizens, as it is their right to do.

I extend my sympathy to the families of the Israeli soldiers who have been killed in these attacks and pray for the safe return of those captured.

TRIGGER LOCKS

Mr. LEVIN. Mr. President, safe storage and child access prevention laws are crucial steps in the effort to reduce the occurrence of accidental shootings and suicides involving guns. Such tragedies have claimed the lives of thousands of young people and destroyed thousands of families, even though many of these occurrences could have been prevented by commonsense legislation.

A study published in the Journal of the American Medical Association found that the application of responsible gun storage measures can significantly reduce the risk of unintentional shooting or suicide by minors using a gun. According to the study, when ammunition in the home is locked up, the risk of such injuries is reduced by 61 percent. Simply storing ammunition separately from the gun reduces such occurrences by more than 50 percent.

According to the Brady Campaign to Prevent Gun Violence, teenagers and children are involved in more than 10,000 accidental shootings in which nearly 800 people die each year. Reducing the number of accidental shootings involving children and teenagers requires that commonsense gun storage measures be adopted.

In 2005, Congress passed a law, which the President signed, requiring that all handguns sold by a dealer come with a child-safety lock. It was a clear bipartisan effort to protect the youth of this country from gun violence. Unfortunately, last month the House of Representatives adopted legislation to repeal effective enforcement of this requirement as part of its Science, State, Justice, Commerce, and Related Agencies Appropriations Act. The Senate has not yet considered its version of the appropriations bill.

Sarah Brady, wife of Jim Brady, who was shot in the attempted assassination of President Reagan, responded to last month's vote by saying:

> In a nation where gun violence takes such an enormous toll, this vote is disturbingly backwards. Every year more than 30,000 Americans are killed by guns, including more than 2,800 young people. Every day, we lose a classroom of children to gun violence. So many health advocates, law enforcement officials, and others have urged Americans to more safely secure and store guns. But in the millions of American homes where children and firearms are present, 40 percent had at least one unlocked firearm.

While the problems of youth suicide and accidental shooting clearly cannot be completely legislated away, trigger locks and other sensible gun safety measures can help limit access to firearms by children, and there can be no doubt that reducing access by our kids to firearms can save many lives.

REGULATING PAYROLL TAX DEPOSIT AGENTS

Ms. SNOWE. Mr. President, I have previously introduced a bill to regulate payroll tax deposit agents. This bill will help to protect small businesses from payroll tax fraud and provide them with greater confidence when working with payroll service providers that are registered with the Internal Revenue Service and bonded or audited.

In the fall of 2003, small businessman Roger Cyr, the owner of the Lily Moon Cafe in Saco, ME, learned that he was the victim of payroll tax fraud and owed $52,000 in back taxes. He was one of a number of small business owners in Maine who were forced to pay their payroll taxes twice after an unscrupulous payroll provider ran off with their tax deposits instead of making the required payments to the IRS.

Unfortunately, I know that this type of payroll fraud is not unique to Maine and has also occurred in Utah, Iowa, as well as elsewhere. When payroll tax fraud occurs, many small owners, mom-and-pop companies, and other businesses are forced to pay their payroll taxes twice. This additional and unexpected expense can drive many of these companies out of business.

These payroll fraud cases obscure the fact that most small businesses use payroll providers that are honest, meticulous, and trustworthy. The majority of payroll tax agents pay their clients' taxes accurately and on time, provide outstanding service, and help their clients with a range of complicated tax and accounting issues. In order to protect small business owners from the few dishonest payroll providers, and to protect the honest small payroll providers from the bad actors in their industry, I have introduced the payroll tax deposit agent's bill.

My bill contains a number of provisions designed to guard small business owners against fraud by increasing the IRS' oversight of the payroll service providers. The bill creates a separate section of the Internal Revenue Code that will govern the payroll industry, it defines the responsibilities of payroll tax deposit agents, and requires all agents to register with the IRS or be penalized. The bill requires payroll agents to inform their clients of the clients' continued liability for all payroll taxes and the clients' need to periodically verify that their taxes are paid in full. The bill penalizes payroll providers that collect but fail to make required payments by extending section 6672 penalties to all payroll tax agents.

These provisions also provide some reasonable flexibility to small payroll service providers. It gives payroll providers a choice between obtaining a surety bond or submitting to a third party audit that verifies if a payroll company's books are solid and well managed.

Many small payroll service providers prefer audit option, which confirms that the payroll agent is making their client's tax deposit completely and on time, over bonding—as surety bonds can be very difficult for many small businesses to obtain. Additionally, small payroll agents argue that a third party audit actually provides their clients more protection against fraud than bonding because the audit verifies the payroll agent's sound financial practices while a surety bond only provides a limited reimbursement in cases of wrongdoing.

Many of these payroll tax agent provisions were already approved by the Senate Finance Committee as part of the Good Government Act. The Good Government Act was approved by the Senate Finance Committee and passed the Senate by unanimous consent agreement in May of 2004. Unfortunately, the Good Governance Act never made it out of conference. Now, as I introduce this bill, I am hoping that we can help protect our small businesses by seeing that these necessary payroll protections become law.

I would like to encourage my colleagues to help protect our small businesses from devious payroll tax agents by increasing IRS oversight and protections as contained in this bill.

PEER TO PEER: TEEN DATING VIOLENCE PREVENTION

Mr. CRAPO. Mr. President, a serious and, at times, deadly form of physical and emotional interpersonal violence is alarmingly pervasive in our Nation today. It transcends race, socio-economic condition, and community size. It is dating violence and it happens every day in teen dating relationships. Like domestic violence to which it is a precursor, teen dating violence is something our society is finally talking about openly. A major driver of this public conversation is visual media, specifically, television.

I am proud to say that a high school in Eagle, ID on the leading edge of this awareness effort. Organizers of a teen dating violence awareness and prevention summit in Boise reached out to the Eagle High School media department asking for its participation in the summit. Taking up the challenge, media instructor Jim Seaney and his students produced a series of public service announcements, PSA, dealing with the crime of teen dating violence from the perspective of teens.

I featured one of the five segments on my monthly live townhall meeting, Capitol Watch, and at a national press conference in February kicking off National Teen Dating Violence Awareness and Prevention Week. Well-scripted, professionally produced, and riveting in their directness and simplicity, each PSA confronts the viewer with the tragedy of teen dating violence. The message is clear: teen dating violence exists—and in relationships and places you would never suspect.

Without any further acclaim, these productions stand as a tremendous accomplishment. But, I am pleased to say that they were recently selected as the winning entry to the 2005-2006 National Student Television Award for Excellence, Hubbard Family Public Affairs/Community Service/Public Service Category. I offer my heartfelt congratulations to Jim Seaney and his students, Bethany Ross, Cody Bolken, Robert O'Neal, Tommy Sauriol, Sabra Wiitanen, John Adkins, Natalie Volarich, Chase Gronowski, Vianey Conchas, Abby Sauriol, Jeremiah Mitchell, and Jim's daughter Aubree who also acts in one of the segments. I thank them for the time and effort they took to make the crime of teen dating violence something that families, schools, communities and a nation, talk about. These conversations open the door to truth and healing now and healthy, respectful relationships for life.

ADDITIONAL STATEMENTS

THE LIFE OF FRANK ZEIDLER

• Mr. FEINGOLD. Mr. President, I join the city of Milwaukee and the entire State of Wisconsin in mourning the loss of Mayor Frank Zeidler. When he passed away on July 7, Wisconsin lost one of its most principled and progressive leaders.

Mayor Zeidler was born in 1912 in Milwaukee, WI, and lived there throughout his life. He grew up in the Merrill Park neighborhood on the city's west side and attended Marquette University and the University of Chicago. In addition to his long career in public service to the city of Milwaukee, Zeidler read relentlessly, loved statistics, collected fossils, and rewrote Shakespeare.

Mayor Zeidler served in public office for more than 20 years and is widely known as Milwaukee's last socialist mayor. His career in public service began in 1938 when he was first elected to public office as county surveyor, and he then went on to serve for 7 years on the Milwaukee School Board.

Then, in 1948, he was elected to serve as mayor of the city of Milwaukee, a position he would hold for over a decade. When he took office, his goal was to act in "the public welfare" and he did so by presiding over Milwaukee during a period of growth and prosperity.

Under Mayor Zeidler's leadership, Milwaukee reached new heights, as he improved city services and led Milwaukee in a time of strong economic growth. During his 12 years in office, Mayor Zeidler presided over a period of great development and prosperity: Milwaukee factories were booming, poverty and crime remained low, and the city's population peaked at over 740,000. He also revamped and expanded a wide array of city services.

It has been said that Mayor Zeidler was the "opposite of a politician in it for the money." In 1953, when he earned $16,500 as the mayor of Milwaukee, he gave $2,400 of it back to the city. By 1983, when he was 70 years old, it was reported that he received Social Security but did not take a pension. He also took the bus for most of his life.

Zeidler was an expert on the history of Milwaukee and a man of unquestioned personal integrity. This is what made him one of Milwaukee's most respected political figures and local institutions. In 1985, the Greater Milwaukee Conference on Religion and Urban Affairs began awarding a Frank Zeidler Award for contributions to social concerns in the religious community. Then, in 1995, the Milwaukee government office building immediately east of City Hall was named the Frank Zeidler Municipal Building.

Throughout his life, Mayor Zeidler remained an active and respected member of the Milwaukee community. Wisconsin will always be grateful for what he achieved, and for who he was—a man dedicated to principle, progressive ideas, and public service.•

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 9. An act to amend the Voting Rights Act of 1965.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 9. An act to amend the Voting Rights Act of 1965.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 14, 2006, she had presented to the President of the United States the following enrolled bill:

S.J. Res. 40. An act authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREGG, from the Committee on the Budget, with an amendment in the nature of a substitute:

S. 3521. A bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process (Rept. No. 109-283).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNETT (for himself and Mr. JOHNSON):

S. 3662. A bill to amend the Credit Repair Organizations Act to establish a new disclosure statement, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself, Mr. KERRY, Mr. BAYH, and Mr. PRYOR):

S. 3663. A bill to amend the Small Business Act to increase the maximum amount for international trade loans, to direct the Administrator of the Small Business Administration to assign an international finance specialist, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. LANDRIEU (for herself, Mr. KERRY, Mr. BAYH, and Mr. PRYOR):

S. 3664. A bill to amend the Small Business Act to improve assistance after a major disaster, to authorize emergency bridge loans, bridge loan guarantees, and recovery grants, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mrs. FEINSTEIN:

S. 3665. A bill to extend temporarily the suspension of duty on certain ceramic knives; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 3666. A bill to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRIST (for himself, Mr. LUGAR, Mr. INOUYE, and Mr. BROWNBACK):

S. 3667. A bill to promote nuclear nonproliferation in North Korea; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. ALLEN, Mr. SARBANES, Mr. DODD, Mr. KERRY, and Mr. FRIST):

S. Res. 530. A resolution calling on President George W. Bush and other leaders attending the 2006 Group of Eight (G–8) Summit in St. Petersburg, Russia, to engage in a frank dialogue with the President of Russia concerning actions of the Government of the Russian Federation that appear inconsistent with the Group's objectives of protecting global security, economic stability, and democracy, and for other purposes; considered and agreed to.

By Mr. LIEBERMAN (for himself, Mr. BURNS, Mr. REID, Mr. BOND, Mrs. MURRAY, Mr. LAUTENBERG, Mr. PRYOR, Mr. TALENT, Ms. MIKULSKI, Ms. SNOWE, and Ms. CANTWELL):

S. Res. 531. A resolution to urge the President to appoint a Presidential Special Envoy for Sudan; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself and Mr. ISAKSON):

S. Res. 532. A resolution encouraging the adults of the United States to support, listen to, and encourage children so that they may reach their potential; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 484

At the request of Mr. WARNER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 2354

At the request of Mr. NELSON of Florida, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2354, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2392

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2392, a bill to promote the empowerment of women in Afghanistan.

S. 2465

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2465, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2592

At the request of Mr. HARKIN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2592, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 3568

At the request of Mr. BENNETT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3568, a bill to protect information relating to consumers, to require notice of security breaches, and for other purposes.

S. 3656

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3656, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. RES. 494

At the request of Mr. SANTORUM, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 494, a resolution expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

S. RES. 500

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. Res. 500, a resolution expressing the sense of Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered or unregistered, as stipulated by the Russian Constitution and international standards.

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 500, supra.

S. RES. 529

At the request of Mr. OBAMA, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Res. 529, a resolution designating July 13, 2006, as "National Summer Learning Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself, Mr. KERRY, Mr. BAYH, and Mr. PRYOR):

S. 3663. A bill to amend the Small Business Act to increase the maximum amount for international trade loans, to direct the Administrator of the Small Business Administration to assign an international finance specialist, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, the gulf coast has made good progress in rebuilding after last year's hurricanes. Our small businesses and entrepreneurs have led the way in this recovery. As all of my colleagues know small businesses are the engines of our economy driving innovation and growth.

Following Katrina and Rita, one problem for our business owners in the gulf was that their customer bases were dispersed around the country by the storms and were slow to return. Without this revenue from their customers, many businesses struggled to make ends meet and relied upon U.S. Small Business Administration, SBA, disaster loans, insurance payouts, and in some cases, State-administered bridge loan funding to keep going.

We also have businesses that export goods and services to foreign countries. The 2,000 exporters in Louisiana, in addition to the other help available, were also able to rely on their international partners to stay in business. Their international customers showed great faith and commitment to our exporters by placing new orders after the storms.

I am introducing the Small Business International Trade Enhancements Act of 2006 to give all small businesses the opportunity to expand their operations into international markets. I am pleased to have Senator KERRY, the ranking member of the Senate Small Business Committee, as well as Senators PRYOR and BAYH, as cosponsors.

As I mentioned we have 2,000 exporters in Louisiana. However, there are many other businesses who are exporters, but they do not even realize it. They may have overseas Internet sales, or they focus operations on domestic sales, but have some international buyers as well. In fact, the Small Business Administration has stated that over 96 percent of all exporters of goods and services are small businesses.

Given the importance of these exporters to my State and to the rest of the gulf coast, I would like to improve their competitive edge in the international market and give them every resource they need to succeed. As they continue to recover, one of the main issues being faced by our small business is accessing capital. Our exporters are no different. They need help accessing export financing to cover export-related costs such as purchasing equipment, purchasing inventory, or financing production costs.

To help our small businesses access export financing, my legislation will create a gulf coast international finance specialist within SBA located in New Orleans to focus on the needs of businesses affected by Katrina and Rita. New Orleans had a finance specialist from 1998 until mid-2003, when that individual retired from the agency. SBA left the post vacant due to lack of funding. I believe it is important to locate this finance specialist in New Orleans because that is where the majority of Louisiana's exporters and export financing institutions are located. In New Orleans, this finance specialist also is in a prime location, within easy travel distance to the gulf coast sections of Mississippi and Alabama—where a majority of the exporters and export financing institutions in these States are located as well.

Fifteen SBA finance specialists operate out of 100 U.S. export assistance centers administered by the Department of Commerce around the country. That is a record staffing low for this program, down from a peak of 22 finance specialists in 2000. To ensure that all smaller exporters nationwide will continue to have access to export financing, this bill establishes a floor of 16 international finance specialists. I believe this will send a signal to our exporters that, despite current budget deficits, we are committed to our exporters and want to provide them with the necessary resources to compete internationally.

Mr. President, I realize that the need for export financing is not just limited to the gulf coast. There are small businesses nationwide that are looking to find markets overseas. One tool that they can use is the SBA's international trade loan, ITL, program. International trade loans can help exporters develop and expand overseas markets; upgrade equipment or facilities; and assist exporters that are being hurt by import competition. Exporters can borrow up to $2 million, with $1.750,000 guaranteed by SBA.

However, as currently structured these loans are not user-friendly to lenders or borrowers and, as a result, are underutilized. Let me explain what I mean. First, the $250,000 difference between the loan cap and the guarantee requires borrowers to take out a second SBA loan to take full advantage of the $2 million guarantee. ITLs can only be used to acquire fixed assets and not working capital, a common need for exporters. Furthermore, ITLs do not have the same collateral or refinancing requirements as SBA 7(a) loans. Because of these issues, lenders do not use these loans.

My legislation will reduce the paperwork by increasing the maximum loan guarantee to $2,750.000 and the loan cap to $3,670,000 to bring it more in line with the 7(a) program. This bill also creates a more flexible ITL by setting out that working capital is an eligible use for loan proceeds, in addition to making the ITL consistent with regular 7(a) loans by allowing the same collateral and refinancing terms as with 7(a).

The SBA international trade and export loans are valuable tools for exporters but they are useless if there is no one to assist borrowers with identifying which loans are right for them. Local lending institutions that specialize in export financing can help but at a cost over less than $2 million per year. the current group of finance specialists has obtained bank financing for more than $10 billion in U.S. exports since 1999. The $10 billion in export sales financed by these specialists helped to create over 140,000 new, high-paying U.S. jobs.

The Small Business International Trade Enhancements Act of 2006 is an important first step, not just for exporters in the gulf coast, but also for small businesses nationwide who are looking to open markets overseas. I urge my colleagues to support this legislation since it will help our exporters in the gulf coast recover and also give small businesses nationwide more options when they are seeking export financing.

I thank the Chair and ask unanimous consent that a copy of the bill be printed in the RECORD, along with the accompanying material.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business International Trade Enhancements Act of 2006".

SEC. 2. DEFINITIONS.

In this Act, the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively.

SEC. 3. INTERNATIONAL TRADE LOANS.

(a) IN GENERAL.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking "$1,750,000, of which not more than $1,250,000" and inserting "$2,750,000 (or if the gross loan amount would exceed $3,670,000), of which not more than $2,000,000".

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking "in—" and inserting "—";

(2) in clause (i)—

(A) by inserting "in" after "(i)"; and

(B) by striking "or" at the end;

(3) in clause (ii)—

(A) by inserting "in" after "(ii)"; and

(B) by striking the period and inserting "; or"; and

(4) by adding at the end the following:

"(iii) by providing working capital.".

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking "Each loan" and inserting the following:

"(i) IN GENERAL.—Except as provided in clause (ii), each loan"; and

(2) by adding at the end the following:

"(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines such lien provides adequate assurance of the payment of such loan.".

(d) REFINANCING.—Section 7(a)(16)(A)(ii) of the Small Business Act (15 U.S.C. 636(a)(16)(A)(ii)) is amended by inserting ", including any debt that qualifies for refinancing under any other provision of this subsection" before the period.

SEC. 4. GULF COAST EXPORT ASSISTANCE.

(a) INCREASE IN SMALL BUSINESS INTERNATIONAL TRADE STAFF.—The Administrator shall assign 1 additional full-time international finance specialist to the Office of International Trade of the Administration.

(b) LOCATION AND SERVICE AREA.—The international finance specialist assigned under subsection (a) shall—

(1) be located in the New Orleans, Louisiana United States Export Assistance Center;

(2) help to carry out the export promotion efforts described in section 22 of the Small Business Act (15 U.S.C. 649); and

(3) provide such services in the States of Louisiana, Mississippi, and Alabama.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Administration such sums as are necessary to carry out this section.

(2) AVAILABILITY OF FUNDS.—Amounts made available under this subsection shall remain available until expended.

SEC. 5. ASSIGNMENT OF EMPLOYEES OF THE OFFICE OF INTERNATIONAL TRADE.

Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

"(h) In carrying out this section, the Administrator shall ensure that the number of full-time equivalent employees of the Office assigned to the one-stop shops referred to in section 2301(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)) is not less than the number of such employees so assigned on January 1, 2006.".

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS INTERNATIONAL TRADE ENHANCEMENTS ACT OF 2006

Exports and international trade are important to the U.S. economy and will be key to the long-term recovery of the Gulf Coast. To take advantage of increased demand for products from the Gulf Coast, particularly Louisiana and Mississippi, small businesses in the Gulf require access to export financing through the Export-Import Bank, the U.S. Small Business Administration (SBA), and in some cases, the U.S. Department of Agriculture.

The SBA employs International Finance Specialists which work with borrowers and lenders to navigate the various Federal government export financing programs.

Problem #1: Gulf Coast Export Financing Needs. Despite the increased need for export financing in the Gulf Coast, there is currently no International Finance Specialist located in any of the hardest hit states of Mississippi, Alabama and Louisiana. Instead there is one specialist in Texas with responsibility for Texas, Oklahoma, Arkansas and Louisiana and one specialist in Georgia responsible for Georgia, Alabama, Kentucky, Tennessee, and Mississippi. Due to the extensive territories they cover and limited travel budgets of the staff, these specialists must divide their time and cannot focus on the needs of Gulf Coast small businesses.

It is essential to have a Finance Specialist located on the Gulf Coast with a responsibility for the Gulf Coast.

Problem #2: Staff Reductions for SBA International Finance Specialists. At a cost of less than $2 million per year, the current group of Finance Specialists has obtained bank financing for more than $10 billion in U.S. exports since 1999. The $10 billion in export sales financed by these specialists helped to create over 140,000 new, high-paying U.S. jobs. Despite these figures, this program is experiencing record staffing lows.

In particular, there are over 100 U.S. Export Assistance Centers nationwide, however as of July 10, 2006 there were only 15 Finance Specialists nationwide. This figure is the lowest staff levels ever for the program and is down from a peak of 22 Finance Specialists in January 2000.

Problem #3: International Trade Loan Program. The SBA's International Trade Loan (ITL) program is used by exporters to expand or develop markets, upgrade equipment or facilities to improve competitive position, or to assist exporters currently hurt by import competition. As currently structured, however, ITLs are not user friendly or relevant. This is because, with a maximum guarantee amount of $1.75 million and loan cap of $2 million, ITLs require the SBA to make a second loan to the borrower to make use of the maximum guarantee. These loans are also restricted for use for only fixed assets and not working capital, which is a common need for exporters.

The Landrieu Small Business International Trade Enhancements Act of 2006 addresses these problems:

Gulf Coast International Finance Specialist: To help our small businesses access export financing, this bill provides for an International Finance Specialist in the New Orleans who would be responsible for Louisiana, Mississippi, and Alabama.

International Trade Loans: To make this loan program more responsive, this bill increases the maximum loan guarantee amount to $2.75 million and specifies that the loan cap for ITLs is $3.67 million, as well as sets out that working capital is an eligible use for loan proceeds.The bill also makes ITLs consistent with regular SBA 7(a) loans in terms of allowing the same collateral and refinancing terms as with regular 7(a) loans.

Stop International Finance Specialist Downsizing: To ensure that all smaller exporters nationwide will continue to have access to export financing, this bill establishes a floor of 16 International Finance Specialists.

By Ms. LANDRIEU (for herself, Mr. KERRY, Mr. BAYH, and Mr. PRYOR):

S. 3664. A bill to amend the Small Business Act to improve assistance after a major disaster, to authorize emergency bridge loans, bridge loan guarantees, and recovery grants, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as we all know, there was a tremendous amount of criticism of the Federal Government's response to Hurricanes Katrina and Rita last year. Things are better now and the region is slowly recovering. But we are in the second month of another hurricane season and we must be sure that if we have another disaster, the Federal Government's response will be better this time around. Disaster response agencies have to be better organized, more efficient, and more responsive in order to avoid the problems, the delays, mismanagement, and the seeming incompetence that occurred last year.

Today, I am introducing legislation to improve the disaster response of one agency that had a great deal of problems last year, the Small Business Administration, SBA. While it did improve during the course of the months after the storm, it became clear to me that SBA needs additional tools for future disasters. SBA approached Katrina and the massive floods after the storm, using the same tools that it uses for much smaller, much less damaging disasters. I do not blame all of the people who work at this agency for the problems we saw in the gulf. They found themselves in a system that was insufficient to address this disaster.

My legislation, the Small Business Disaster Recovery Assistance Improvements Act of 2006, offers new tools to enhance SBA's disaster assistance programs. In every disaster, the SBA Disaster Loan program is a lifeline for businesses and homeowners who want to rebuild their lives after a catastrophe. When Katrina hit, our businesses and homeowners had to wait months for loan approvals. I do not know how many businesses we lost because help did not come in time. Because of the scale of this disaster, what these businesses needed was immediate, short-term bridge loans to hold them over until SBA was ready to process the tens of thousands of loan applications it received.

That is why this legislation provides the SBA Administrator with the ability to make emergency bridge loans of up to $150,000 to affected small businesses in a declared disaster area. These bridge loans will allow businesses to make payroll, begin making repairs, and address other immediate needs while they are awaiting insurance payouts or regular SBA disaster loans. However, I realize that every disaster is different and could range from a disaster on the scale of Hurricane Katrina or 9/11, to an ice storm or drought. My legislation gives the SBA additional options and flexibility in the kinds of relief they can offer a community. When a tornado destroys 20 businesses in a small town in the Midwest, SBA can get the regular disaster program up and running fairly quickly. You may not need bridge loans in this instance. But if you know that SBA's resources would be overwhelmed by a storm—just as they were initially with Katrina—bridge loans would be very helpful.

My legislation also would expedite disaster loans for those businesses in a disaster area that have a good, solid track record with the SBA or can provide vital recovery efforts. We had many businesses in the gulf coast that had paid off previous SBA loans, were major sources of employment in their communities, but had to wait months for decisions on their disaster loan applications. I do not want to get rid of the SBA's current practice of reviewing applications on a first-come-first-served basis, but there should be some mechanism in place for major disasters to get expedited loans out the door to specific businesses that has a positive record with SBA or those that could serve a vital role in the recovery efforts. Expedited loans would jump-start impacted economies, get vital capital out to businesses, and retain essential jobs following future disasters.

We had a lot of small business owners in the gulf coast who did not qualify for SBA disaster loans, or may not have had enough insurance to cover their losses. These people usually have to expend their personal finances or seek out small grants from non-profits to keep going. My legislation authorizes a small business disaster grant program to provide small grants of up to $25,000 to businesses that are not able to get access to get other assistance. These grants will only go to business owners that certify their intent to reopen in the disaster area and pursue technical assistance to continue their operations.

Following Katrina, it is clear that disaster loan amounts need to be updated to reflect current business needs and the average cost of housing today. The bill raises the cap on SBA disaster loans for businesses from $1.5 million to $2.25 million; the cap on SBA personal property loans from $40,000 to $50,000; and the cap on real property homeowner loans from $200,000 to $250,000.

This bill also makes an important modification to the collateral requirements for disaster loans. The SBA cannot disburse more than $10,000 for an approved loan without showing collateral. This is to limit the loss to the SBA in the event that a loan defaults. However, this disbursement amount has not been increased since 1998 and these days, $10,000 is not enough to get a business up and running.

I was surprised to learn that the SBA did not have a full-time disaster planner on board before Katrina, nor did it have a comprehensive disaster response plan in place. While SBA is not a first-responder disaster agency like FEMA, they do hit the ground within days of a disaster strike. As the only Federal nonagricultural disaster lender, SBA should have an analytical, proactive plan in place to respond to disasters.

I pushed to get language in the recent hurricane supplemental appropriations bill to require SBA to develop a disaster plan and report to Congress on its contents by July 15, 2006. I look forward to this report. But writing a plan and making it work are two different things. SBA needs a full-time staff in place to ensure that this plan is implemented properly. My legislation directs the SBA to hire a full-time disaster planner to maintain this disaster response plan and to assist the SBA with its overall disaster preparedness, including coordination with other disaster response agencies like FEMA.

As we reflect next month on the 1-year anniversary of the worst natural disaster to hit our nation, now is the time for action—not words or empty promises. I want to be able to go back to my constituents and reassure them that if, God forbid, another natural disaster should hit my state or another part of the country, that the Small Business Administration is better prepared and more responsive to the needs of those impacted.

The Small Business Disaster Recovery Assistance Improvements Act will provide essential tools to make the SBA more proactive, flexible, and most important, more efficient during future disasters. In the coming weeks, I look forward to working with both Chairwoman SNOWE and Ranking Member KERRY on the Senate Small Business Committee to ensure that the SBA has everything it needs to meet these goals.

Mr. President, I am pleased to be joined on this legislation by the ranking member of the Small Business Committee, Senator KERRY, as well as my colleagues from the Small Business Committee, Senators PRYOR and BAYH. We urge our other colleagues to support this important legislation.

I thank the Chair and ask unanimous consent that a copy of the bill be printed in the RECORD, along with the accompanying materials.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Disaster Recovery Assistance Improvements Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) 43 percent of businesses that close following a natural disaster never reopen;

(2) an additional 29 percent of businesses close down permanently within 2 years of a natural disaster;

(3) businesses affected by a natural disaster require, within the first 60 days following the disaster, immediate access to capital and technical assistance to fully recover and prosper;

(4) in the aftermath of Hurricanes Katrina and Rita of 2005, due to initial Administration response issues, as well as extensive destruction in the region and wide distribution of affected business owners around the country—

(A) Administration loan approvals took longer than 3 months, on average, for homeowner disaster loans, and longer than 2 months, on average, for business disaster loans; and

(B) closings on disaster loans added an additional month to the process;

(5) the Administration requires new tools and authority to be more effective in responding to major disasters and to be responsive to the needs of affected small business concerns and homeowners;

(6) for major disasters, State-administered bridge loan programs can serve as an effective means of providing immediate capital, to allow businesses to make repairs, make payroll, and continue operations, as demonstrated by the fact that—

(A) following the 2004 hurricanes in Florida, the Florida State Bridge Loan Program was a successful program in providing immediate capital to struggling businesses, providing 1,679 small business concerns with $35,400,000 in bridge loans;

(B) following the 2005 impacts of Hurricanes Katrina and Rita on the Louisiana Gulf Coast, the Louisiana Bridge Loan Program was a successful program in providing immediate capital to struggling businesses, providing 407 small business concerns with $9,750,000 in bridge loans;

(C) following the 2005 impact of Hurricane Katrina on the Mississippi Gulf Coast, the Mississippi Bridge Loan Program was a successful program in providing immediate capital to struggling businesses, providing 464 small business concerns with $11,233,850 in bridge loans; and

(D) following the 2005 impact of Hurricane Wilma on the Florida Gulf Coast, the Florida State Bridge Loan Program was a successful program in providing immediate capital to struggling businesses, providing 593 small business concerns with $12,900,000 in bridge loans;

(7) in the aftermath of Hurricane Katrina of 2005 and Hurricane Rita of 2005, small business development centers had difficulties entering and utilizing disaster recovery centers of the Administration, resulting in delays of technical assistance service to affected businesses; and

(8) there is a need for greater cooperation between the Federal Government and State governments on bridge loans programs to respond to major disasters.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "approved State Bridge Loan Program" means a State Bridge Loan Program approved under section 5(b);

(3) the term "major disaster" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(4) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act; and

(5) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

SEC. 4. EMERGENCY BRIDGE LOANS AND GRANTS AFTER MAJOR DISASTERS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) EMERGENCY BRIDGE LOANS AND BUSINESS RECOVERY GRANTS AFTER MAJOR DISASTERS.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'disaster area' means an area for which a major disaster was declared, during the period of such declaration; and

"(ii) the term 'major disaster' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

"(B) BRIDGE LOANS.—

"(i) DEFINITION.—In this subparagraph, the term 'qualified small business concern' means a small business concern—

"(I) located in a disaster area; and

"(II) that is directly adversely affected by the major disaster for which such disaster area was declared.

"(ii) LOAN AUTHORITY.—The Administrator shall make such loans under this subparagraph (either directly (including through a district office of the Administration located in a disaster area) or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a qualified small business concern, to provide assistance until such small business concern is able to obtain funding through insurance claims, other Federal assistance programs, or other sources, based on such criteria as the Administrator may set by rule, regulation, or order.

"(iii) LOAN TERMS.—

"(I) PREPAYMENT.—A loan under this subparagraph may have no prepayment penalty.

"(II) INTEREST.—For not more than 6 months after the date on which a loan is made under this subparagraph, the interest rate on such a loan may be the same as for a loan under paragraph (2).

"(III) TRANSFER.—A loan under this subparagraph may include as a term that such loan may be transferred to a local bank or other financial institution in a disaster area.

"(IV) TECHNICAL ASSISTANCE.—The borrower for a loan under this subparagraph shall certify the intent of such borrower to participate in technical assistance consultation (either with a local small business development center or other technical assistance group approved by the Administrator) before the borrower may utilize funds received under the loan.

"(iv) USE OF FUNDS.—A loan under this subparagraph may be used for—

"(I) paying salaries, bills, and other existing financial obligations;

"(II) making minor repairs;

"(III) purchasing inventory; or

"(IV) paying other costs.

"(v) MAXIMUM AMOUNT.—Notwithstanding any other provision of law, the Administrator may make a loan under this subparagraph of not more than $150,000 to a qualified small business concern.

"(vi) DEFERRED PAYMENT.—

"(I) IN GENERAL.—The Administrator, or a bank or other lending institution, may defer payments of principal and interest on a loan under this subparagraph for not more than 180 days after the date on which the loan is made.

"(II) CAPITALIZATION OF INTEREST.—If payments are deferred under subclause (I), any interest accrued during the period for which such payments are deferred shall be capitalized.

"(vii) NOTICE TO BORROWERS.—In making any loan under this subparagraph—

"(I) the borrower shall be made aware that such loans are for those directly adversely affected by the major disaster; and

"(II) if such loans are made in cooperation with a bank or other lending institution, the lender shall document for the Administrator how the borrower was directly adversely affected by the major disaster.

"(viii) REPORTS.—

"(I) INSPECTOR GENERAL.—For any major disaster, not later than 6 months after the date on which such disaster is declared, and every 6 months thereafter until the date that is 18 months after the date on which such disaster is declared, the Inspector General of the Administration shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding loans described in clause (vii)(II), including verification that the program is being administered appropriately and that such loans are being used for purposes authorized by this subparagraph.

"(II) GAO.—Not later than 12 months after the date on which a final report for a major disaster is submitted by the Inspector General under subclause (I), the Comptroller General of the United States shall conduct a review of the loan program authorized under this subparagraph and submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives containing the findings of the review and any recommendations.

"(C) BUSINESS RECOVERY GRANTS.—

"(i) DEFINITION.—In this subparagraph, the term 'eligible small business concern' means a small business concern—

"(I) directly adversely affected by a major disaster;

"(II) that has been declined for other assistance under this subsection and from private lending institutions and State-provided bridge loans;

"(III) that certifies that it intends—

"(aa) to reopen in the disaster area for which the major disaster described in subclause (I) was declared; and

"(bb) to participate in technical assistance consultation (either with a local small business development center or other technical assistance group approved by the Administrator).

"(ii) AUTHORIZATION.—The Administrator shall make such grants under this subparagraph as the Administrator determines appropriate to an eligible small business concern, to assist such small business concern in recovery from a major disaster.

"(iii) MAXIMUM AMOUNT.—The Administrator may make a grant in an amount not more than $25,000 under this subparagraph.

"(iv) DOCUMENTATION OF TECHNICAL ASSISTANCE.—An eligible small business concern receiving a grant under this subparagraph shall submit to the Administrator documentation indicating that such small business concern received technical assistance support through a small business development center or other technical assistance provider determined appropriate by the Administrator.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administration such sums as are necessary to carry out this paragraph.".

SEC. 5. STATE BRIDGE LOAN GUARANTEE.

(a) AUTHORIZATION.—After issuing guidelines under subsection (c), the Administrator may guarantee loans made under an approved State Bridge Loan Program.

(b) APPROVAL.—

(1) APPLICATION.—A State desiring approval of a State Bridge Loan Program shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may require.

(2) CRITERIA.—The Administrator may approve an application submitted under paragraph (1) based on such criteria as the Administrator may establish under this section.

(c) GUIDELINES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue to the appropriate economic development officials in each State, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, guidelines regarding approved State Bridge Loan Programs.

(2) CONTENTS.—The guidelines issued under paragraph (1) shall—

(A) identify appropriate uses of funds under an approved State Bridge loan Program;

(B) set terms and conditions for loans under an approved State Bridge loan Program;

(C) address whether—

(i) an approved State Bridge Loan Program may charge administrative fees; and

(ii) loans under an approved State Bridge Loan Program shall be disbursed through local banks and other financial institutions; and

(D) establish the percentage of a loan the Administrator will guarantee under an approved State Bridge Loan Program.

SEC. 6. AUTHORITY TO MAKE EXPEDITED 7(A) DISASTER LOANS TO SMALL BUSINESS CONCERNS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(32) EXPEDITED LOANS.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'disaster area' means an area for which a major disaster was declared, during the period of such declaration;

"(ii) the term 'major disaster' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

"(iii) the term 'essential small business concern in good standing' means a small business concern that the Administrator, in consultation with appropriate officials in district offices of the Administration determines has the ability to repay the subject loan, and—

"(I) is in good standing and has a history of compliance with the terms of a program of the Administration (including having repaid, or being in the process of repaying, a loan under a program of the Administration, as required under the terms of such loan); or

"(II) has a bona fide reason for receiving an expedited loan under this paragraph (including being a major source of employment in a disaster area or essential to economic recovery of the area, such as by supplying building materials, housing, or debris removal services).

"(B) LOAN AUTHORIZATION.—Notwithstanding any other provision of law, the Administrator may make a loan under this subsection to an essential small business concern in good standing under expedited procedures, including expedited loss verification, loan processing, and approval.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator, such sums as are necessary to carry out this paragraph.".

SEC. 7. MAXIMUM LOAN AMOUNTS.

(a) IN GENERAL.—Section 7(a)(3)(A) of the Small Business Act is amended by striking "$1,500,000 (or if the gross loan amount would exceed $2,000,000" and inserting "$2,250,000 (or if the gross loan amount would exceed $3,000,000".

(b) DISASTER LOANS.—Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended—

(1) by striking "$500,000" each place such term appears and inserting "$2,250,000";

(2) by striking "$100,000" and inserting "$250,000"; and

(3) by striking "$20,000" and inserting "$50,000".

(c) CONFORMING AMENDMENT.—Chapter I of the Emergency Supplemental Appropriations for Relief From the Major, Widespread Flooding in the Midwest Act of 1993 (Public Law 103-75; 107 Stat. 740) is amended by striking ": *Provided further*, That notwithstanding any other provision of law, the $500,000 limitation on the amounts outstanding and committed to a borrower provided in paragraph 7(c)(6) of the Small Business Act shall be increased to $1,500,000 for disasters commencing on or after April 1, 1993".

SEC. 8. INCREASING COLLATERAL REQUIREMENTS.

Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended by striking "$10,000" and inserting "$20,000".

SEC. 9. CATASTROPHIC REGIONAL OR NATIONAL DISASTERS.

Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(1) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (v), respectively;

(2) by striking "(2) to make such loans" and inserting "(2)(A) to make such loans";

(3) in subparagraph (A), as so designated by this section—

(A) by striking "or" at the end of each of clauses (i), (ii), and (iii), as so redesignated by paragraph (1) of this section;

(B) by inserting after clause (iii), as so redesignated by paragraph (1) of this section, the following:

"(iv) a catastrophic regional or national disaster, as declared by the Secretary of Homeland Security, that is an actual or potential high-impact event that requires a coordinated and effective response by an appropriate combination of Federal, State, local, tribal, nongovernmental, or private-sector entities in order to save lives and minimize damage and provide the basis for long-term community recovery and mitigation activities; or"; and

(C) in clause (v), as so redesignated by paragraph (1) of this section, by striking "subparagraph (A), (B), or (C)" and inserting "clause (i), (ii), (iii), or (iv)"; and

(4) by adding at the end the following:

"(B) Notwithstanding subsection (c)(6), in the case of a catastrophic regional or national disaster declared under subparagraph (A)(iv) of this paragraph, the Administrator may increase the maximum amount that may be outstanding and committed to borrower under this paragraph to $10,000,000.".

SEC. 10. FULL-TIME DISASTER PLANNING STAFF.

(a) INCREASE IN SMALL BUSINESS ADMINISTRATION FULL-TIME DISASTER PLANNING STAFF.—The Administrator shall hire a full-time disaster planning specialist in the Office of Disaster Assistance of the Administration.

(b) RESPONSIBILITIES.—The disaster planning specialist hired under subsection (a) shall be responsible for—

(1) creating and maintaining the comprehensive disaster response plan of the Administration;

(2) ensuring in-service and pre-service training procedures for the disaster response staff of the Administration;

(3) coordinating Administration training exercises, including mock disaster responses, with other Federal agencies; and

(4) other responsibilities, as determined by the Administrator.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Administration such sums as are necessary to carry out this section.

(2) AVAILABILITY OF FUNDS.—Amounts made available under this section shall remain available until expended.

SEC. 11. ADDITIONAL AUTHORITY FOR DISTRICT OFFICES OF THE ADMINISTRATION.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (4), as added by this Act, the following:

"(5) USE OF DISTRICT OFFICES.—In the event of a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Administrator may authorize a district office of the Administration to process loans under paragraph (1) or (2).".

SEC. 12. ECONOMIC INJURY DISASTER LOANS TO NONPROFITS.

(a) IN GENERAL.—Section 7(b)(2)(A) of the Small Business Act, as redesignated by this Act, is amended—

(1) in the matter preceding clause (i)—

(A) by inserting after "small business concern" the following: ", private nonprofit organization,"; and

(B) by inserting after "the concern" the following: ", organization,"; and

(2) in clause (v), by inserting after "small business concerns" the following: ", private nonprofit organizations,".

(b) CONFORMING AMENDMENT.—Section 7(c) of the Small Business Act (15 U.S.C. 636(c)) is amended in paragraph (5)(C), by inserting ", organization," after "business".

SEC. 13. SMALL BUSINESS DEVELOPMENT CENTER PORTABILITY GRANTS.

Section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4), as amended by this Act, is amended by adding at the end the following:

"(E) WAIVER OF MAXIMUM AMOUNT.—In the event of a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Administrator may waive the maximum amount of $100,000 for grants under subparagraph (C)(viii), and such grants shall be made available for small business development centers assisting small business concerns adversely affected by such major disaster.".

SEC. 14. DISASTER LOAN PROGRAM MONTHLY ACCOUNTING REPORT.

(a) DEFINITION.—In this section, the term "applicable period" means the period beginning on the date on which the President declares a major disaster and ending on the date that is 30 days after the later of the closing date for applications for physical disaster loans for such disaster and the closing date for applications for economic injury disaster loans for such disaster.

(b) REPORT TO CONGRESS.—Not later than the 5th business day of each month during the applicable period for a major disaster, the Administrator shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for such disaster during the preceding month.

(c) CONTENT OF REPORTS.—Each report under subsection (b) shall include—

(1) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(2) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(3) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(4) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased, noting the source of any additional funding;

(5) an estimate of how long the available funding for such loans will last, based on the spending rate;

(6) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(7) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under subsection (b);

(8) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased, noting the source of any additional funding; and

(9) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

SEC. 15. DISASTER LOANS AFTER MAJOR DISASTERS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

"(6) AUTHORITY FOR LENDERS TO PROCESS DISASTER LOANS.—The Administrator may enter into an agreement with a qualified lender, as determined by the Administrator, to process loans under this section, under which the Administrator shall pay the lender a fee for each loan processed.

"(7) AUTHORITY FOR THE ADMINISTRATOR TO CONTRACT WITH LENDERS FOR LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this section, under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.".

SEC. 16. WAIVER OF GEOGRAPHIC RESTRICTIONS ON SBDC COUNSELORS.

Section 21(b) of the Small Business Act (15 U.S.C. 648(b)) is amended by adding at the end the following:

"(4) WAIVER OF GEOGRAPHIC RESTRICTIONS ON SBDC COUNSELORS.—

"(A) IN GENERAL.—The Administrator shall authorize any small business development center, regardless of location, to provide advice, information, and assistance, as described in subsection (c), to a small business concern located in an area in which the President declared a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), during the period of such declaration.

"(B) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in subparagraph (A) shall, to the maximum extent practicable, ensure continuity of services in the State it currently serves.

"(C) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of providing recovery assistance under this paragraph, the Administrator shall permit small business development center personnel to use any site or facility designated by the Administration for use for such purpose.".

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS DISASTER RECOVERY
ASSISTANCE IMPROVEMENTS ACT OF 2006

Bridge Loans and Grants: For future major disasters, the bill provides the SBA Administrator the authority to make up to $150,000 in emergency bridge loans or $25,000 in emergency grants to affected small businesses in a declared disaster area. The bridge loans and grants would allow businesses to make payroll, begin making repairs, and address other immediate needs while they are awaiting insurance payouts or SBA disaster loans. As part of receiving these bridge loans or grants, affected businesses would be required to seek technical assistance.

State Bridge Loan Guarantee: This bill requires that the SBA Administrator issue guidelines on an SBA-approved State bridge loan program for future disasters. Once the guidelines are issued, states may then submit their bridge loan programs for approval to receive SBA guarantee assistance on bridge loans in the event of a disaster. The program rewards states that are prepared well-before future disasters strike and could be in place before the end of the current Hurricane season.

Expedited 7(a) Disaster Loans: Many affected businesses in the Gulf Coast had repaid previous SBA loans yet despite being in good standing with the SBA, were required to wait months for disaster loan decisions. Other affected businesses were major sources of employment in their areas or could provide substantive assistance to recovery efforts but were also made to wait months for SBA loans. This bill provides expedited SBA disaster loans to businesses that are in good standing with the SBA or those who can provide unique assistance to recovery efforts. These expedited loans would jump-start impacted economies, get vital capital to businesses, and retain essential jobs following future disasters.

Increased Caps on Disaster Loans: The bill would raise the cap on business Disaster Loans from $1.5 million to $2.25 million. It would also raise the cap on Personal Property homeowner disaster loans from $40,000 to $50,000 and the cap on Real Property homeowner disaster loans from $200,000 to $250,000.

Lender Assistance for Loss Verification/Loan Processing: The bill gives the Administrator permanent authority to enter into agreements with local banks and other lenders to help address the SBA loss verification and loan processing backlog for future disasters.

Increased Collateral Requirements: Currently, the SBA cannot disburse more than $10,000 on an approved loan before requiring additional collateral. This is to limit the loss to the SBA in the event that a loan defaults, but is an added protection for the SBA because before loans are approved; the SBA reviews the borrower's ability to repay the loan in question. To help loan disbursement for future disasters, the bill would increase this collateral requirement to $20,000 to borrowers who have been approved for SBA disaster loans.

Increased Disaster Loan Caps for Catastrophic Regional or National Disaster: The bill provides that, for a disaster designated by the Secretary of Homeland Security as a catastrophic regional or national disaster, that SBA Administrator may increase the maximum Disaster Loan amount to $10 million.

Additional Authority for SBA District Offices: Following Hurricanes Katrina and Rita, the SBA struggled to handle increased loan volume created by the disasters. Months after Katrina first hit, the SBA authorized District Offices to process disaster loans, which greatly reduced the existing loan backlog in the span of a month. For major future disasters, the bill authorizes the Administrator to allow District Offices to process all business disaster loans.

Small Business Development Center Assistance: The bill addresses many problems experienced by Gulf Coast Small Business Development Centers (SBDCs) following Hurricanes Katrina and Rita. First, these SBDCs had to apply for multiple portability grants and then had to wait months for this funding. This bill allows the Administrator to waive the $100,000 cap on SBDC portability grants following a disaster which would allow SBA to quickly provide more funds to SBDCs, rather than requiring them to apply for multiple portability grants. The bill also allows other SBDCs to provide assistance in declared disaster areas by allowing them to travel beyond their traditional geographic boundaries. Lastly, since many Gulf Coast SBDCs had trouble accessing Federal Disaster Recovery Centers to provide business counseling, which caused extended delays in business counseling services, the bill directs the SBA Administrator to permit SBDC staff into these recovery centers for future disasters.

Improved SBA Accountability: The bill directs the SBA, for future major disasters, to provide a monthly report to Congress on the disaster loan program (loan volume, loan averages, funding available, etc.) to prevent the SBA Disaster Loan program from running out of money.

Loans to Non-Profits: Allows SBA to make loans to non-profits that are located or operating in a disaster area.

Full-Time Disaster Planning Staff: The SBA had neither a comprehensive disaster response plan nor full-time planning staff in place for Hurricane Katrina. As a result, the SBA's disaster response was plagued by mismanagement, delays, and a lack of flexibility which left borrowers waiting between two to four months for initial loss inspections and four to eight months for decisions on their loan applications. As part of the recent Hurricane Supplemental Appropriations bill, SBA was tasked with drafting up a comprehensive disaster response plan but they still do not have a full-time planner on board to ensure that this plan is implemented or that it is updated following future disasters. This bill directs the SBA to hire a full-time disaster planner to maintain this disaster response plan and to assist with SBA disaster preparedness for future disasters.

By Mr. NELSON of Florida:

S. 3666. A bill to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation that helps the U.S. Forest Service protect sensitive and precious forest by selling developed land in Leon County, FL, in order to purchase at-risk land in the heart of our national forests.

Specifically, this bill allows for the sale of tract W-1979, which is 114 acres in Tallahassee, the proceeds of which are specifically designated to purchase private inholdings in the Apalachicola National Forest. The Forest Service believes that W-1979 has lost its national forest character and is unmanageable. The land will be sold to Leon County, where it will help the continued advancement of Blueprint 2000, a series of community initiatives to improve Tallahassee and Leon County. By selling this land on the outskirts of the Apalachicola National Forest, the U.S. Forest Service can acquire precious land deep in the forest that could be lost to development.

This legislation also gives the U.S. Forest Service in Florida the same flexibility to manage lands and capital that it has in many other states. Previously, whenever National Forest land was sold, the funds could only be used to purchase more land, while many important infrastructure projects went undone. With passage of this bill, proceeds only from the sale of "non-green" lands can go towards capital improvements, such as administrative facilities that help the Forest Service manage the Ocala, Apalachicola and Osceola National Forests. These non-green lands have already been developed with urban improvements, and no longer align with the goals of the U.S. Forest Service.

Congressmen CRENSHAW and BOYD have introduced similar legislation in the House of Representatives. I hope that we can quickly pass these bills and help Leon County and the Forest Service.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCES UNDER FLORIDA NATIONAL FOREST LAND MANAGEMENT ACT OF 2003.

(a) ADDITIONAL CONVEYANCE AUTHORIZED.—Subsection (b) of section 3 of the Florida National Forest Land Management Act of 2003 (Public Law 108-152; 117 Stat. 1919) is amended—

(1) by striking "and" at the end of paragraph (17);

(2) by redesignating paragraph (18) as paragraph (19);

(3) by inserting after paragraph (17) the following new paragraph:

"(18) tract W-1979, located in Leon County consisting of approximately 114 acres, within T. 1 S., R. 1 W., sec.25; and"; and

(4) in paragraph (19), as so redesignated, by striking "(17)" and inserting "(18)".

(b) ADDITIONAL USE OF PROCEEDS.—Paragraph (2) of subsection (i) of such section (117 Stat. 1921) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) acquisition, construction, or maintenance of administrative improvements for units of the National Forest System in the State.".

(c) LIMITATIONS ON USE OF PROCEEDS.—Subsection (i) of such section is further amended by adding at the end the following new paragraphs:

"(3) GEOGRAPHICAL AND USE RESTRICTION FOR CERTAIN CONVEYANCE.—Notwithstanding paragraph (2), proceeds from the sale or exchange of the tract described in subsection (b)(18) shall be used exclusively for the purchase of inholdings in the Apalachicola National Forest.

"(4) RESTRICTION ON USE OF PROCEEDS FOR ADMINISTRATIVE IMPROVEMENTS.—Proceeds from any sale or exchange of land under this Act may be used for administrative improvements, as authorized by paragraph (2)(C), only if the land generating the proceeds was improved with infrastructure.".

By Mr. FRIST (for himself, Mr. LUGAR, Mr. INOUYE, and Mr. BROWNBACK):

S. 3667. A bill to promote nuclear nonproliferation in North Korea; to the Committee on Foreign Relations.

Mr. FRIST. Mr. President, last week, on the fourth of July, a day when Americans across the Nation were outside barbecuing, watching fireworks, and celebrating the 230th anniversary of our independence, North Korea launched seven long- and medium-range missiles into the Sea of Japan.

One of the missiles, the Taepodong-2, has a potential range of approximately 9,000 miles—placing the United States well within reach of attack by North Korea.

Kim Jong Il's regime took this dangerous and provocative action despite repeated warnings not to do so from the United States, its close neighbors and participants in the six-party talks, and many others in the international community.

Last week's missile launches reminded us yet again of the threat posed by Kim Jong Il's regime.

North Korea's pursuit of nuclear weapons and its possession of long-range missiles that could potentially strike our Nation is a grave threat to the security of the American people—and to peace and stability in East Asia.

Since November 2005, North Korea has boycotted the six-party talks aimed at ending the regime's illicit nuclear weapons program. The combination of nuclear weapons and long-range missiles capable of threatening the American people is a threat that the United States should not tolerate.

For these reasons, I rise this morning to introduce the North Korea Nonproliferation Act of 2006. This legislation will add North Korea to the list of countries currently covered by the Iran and Syria Nonproliferation Act.

Under this bill, the President would be required to submit a report to Congress every 6 months listing all foreign persons believed to have transferred to or acquired from North Korea materials that could contribute to the production of missiles, nuclear weapons, and other weapons of mass destruction.

This legislation also authorizes the President to impose sanctions on all foreign persons identified on this list.

These sanctions include prohibitions on U.S. Government procurement from such persons and on the issuance of U.S. Government export licenses for exports to such persons.

Ultimately, the bill will lead to U.S. sanctions on foreign persons and foreign companies that transfer missile- and WMD-related items to North Korea, or that buy such items from North Korea.

The U.S. is already doing this with respect to transfers of these items to and from Iran and Syria under the Iran and Syria Nonproliferation Act. The time has come for us to treat transfers of these items to North Korea no less seriously than we already treat transfers of these same items to Iran and Syria.

We currently are working with our allies and partners at the U.N. Security Council to send a strong and unified message to the North Koreans that their latest provocations are unacceptable.

Japan has introduced a resolution that would prohibit the very same transfers to North Korea that this bill would sanction.

However, some at the UN, particularly China, are opposing the Japanese resolution. In fact, China and Russia have introduced a competing resolution that does not prohibit the transfer to North Korea of sensitive items that could contribute to that country's weapons programs—which is the critical element of the resolution that has been offered by Japan and supported by the U.S., the U.K., France, and others.

This bill will reinforce the crucial elements of Japan's Security Council resolution if that resolution is adopted. It will also serve as an alternative to that resolution in the event that China vetoes or otherwise sidetracks it.

The United States cannot allow Kim Jong Il and the North Korean regime to obtain additional materials for its WMD and missile programs.

If the U.N. Security Council fails to act, the United States must fulfill its responsibility to protect the American homeland from the North Korean threat.

These items in the hands of Kim Jong Il pose a direct threat to the American people, the people of the region, and peace and security in East Asia.

If we are in earnest about protecting the American homeland, then it is imperative that we prevent the North Korean regime from acquiring these dangerous materials. I thank Chairman LUGAR, as well as Senators INOUYE and BROWNBACK, for cosponsoring this bill, and I urge the rest of my Senate colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North Korea Nonproliferation Act of 2006".

SEC. 2. STATEMENT OF POLICY.

In view of North Korea's manifest determination to proliferate missiles, nuclear weapons, and other weapons of mass destruction in violation of international norms and expectations, it should be the policy of the United States to impose sanctions on persons who transfer such weapons, and goods and technology related to such weapons, to and from North Korea in the same manner as persons who transfer such items to and from Iran and Syria currently are sanctioned under United States law.

SEC. 3. AMENDMENTS TO IRAN AND SYRIA NONPROLIFERATION ACT.

(a) REPORTING REQUIREMENTS.—Section 2 of the Iran and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in the heading, by inserting ", **NORTH KOREA,**" after "**IRAN**"; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Iran, or" and inserting "Iran,"; and

(ii) by inserting after "Syria" the following: ", or on or after January 1, 2006, transferred to or acquired from North Korea" after "Iran"; and

(B) in paragraph (2), by inserting ", North Korea," after "Iran".

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 1, by inserting ", **NORTH KOREA,**" after "**IRAN**";

(2) in section 5(a), by inserting ", North Korea," after "Iran" both places it appears; and

(3) in section 6(b)—

(A) in the heading, by inserting ", NORTH KOREA," after "IRAN"; and

(B) by inserting ", North Korea," after "Iran" each place it appears.

SEC. 4. SENSE OF CONGRESS ON INTERNATIONAL COOPERATION.

Congress urges all governments concerned about the threat of proliferation involving North Korea to impose measures on persons involved in such proliferation that are similar to those imposed by the United States Government pursuant to the Iran, North Korea, and Syria Nonproliferation Act, as amended by this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 530—CALLING ON PRESIDENT GEORGE W. BUSH AND OTHER LEADERS ATTENDING THE 2006 GROUP OF EIGHT (G-8) SUMMIT IN ST. PETERSBURG, RUSSIA, TO ENGAGE IN A FRANK DIALOGUE WITH THE PRESIDENT OF RUSSIA CONCERNING ACTIONS OF THE GOVERNMENT OF THE RUSSIAN FEDERATION THAT APPEAR INCONSISTENT WITH THE GROUP'S OBJECTIVES OF PROTECTING GLOBAL SECURITY, ECONOMIC STABILITY, AND DEMOCRACY, AND FOR OTHER PURPOSES

Mr. BIDEN (for himself, Mr. ALLEN, Mr. SARBANES, Mr. DODD, Mr. KERRY, and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 530

Whereas the leaders of 6 major industrialized democracies including France, West Germany, Italy, Japan, the United Kingdom, and the United States, gathered in 1975 for a summit meeting in Rambouillet, France and for annual meetings thereafter under a rotating presidency known as the Group of Six (G-6);

Whereas the G-6 was established based on the mutual interest of its members in promoting economic stability, global security, and democracy;

Whereas, in 1976, membership of the G-6 was expanded to include Canada;

Whereas the members of the G-7 share a commitment to promote security, economic stability, and democracy in their respective nations and around the world;

Whereas Russia was integrated into the Group in 1998 at the behest of President William Jefferson Clinton as a gesture of appreciation to then-President of Russia Boris Yeltsin for pursuing reforms and assuming a neutral position with respect to the eastward expansion of North Atlantic Treaty Organization (NATO);

Whereas, in 2002, Russia was selected to hold the rotating presidency of the G-8 and to host the Summit of the G-8 in 2006;

Whereas the official G-8 statement issued on June 26, 2002, in Kananaskis, Canada regarding the selection of Russia as host of the 2006 Summit stated that the decision reflected "the remarkable economic and democratic transformation that has occurred in Russia in recent years and in particular under the leadership of President Putin";

Whereas in the intervening 4 years since Russia was selected to host the 2006 G-8 Summit, the Government of the Russian Federation has pursued policies that raise serious concerns about the commitment of the Government of the Russian Federation to upholding democratic values both at home and abroad;

Whereas the United States Department of State 2005 Country Report on Human Rights Practices noted that trends in Russia, including the "centralization of power in the executive branch . . . continuing corruption and selectivity in enforcement of the law, political pressure on the judiciary, and harassment of some non-governmental organizations (NGOs) [have] resulted in an erosion of the accountability of government leaders to the people" in Russia;

Whereas, in 2005, the independent non-governmental organization Freedom House reclassified Russia from "partly free" to "not free" in its global survey of political rights and civil liberties;

Whereas the Government of the Russian Federation has placed onerous restrictions and monitoring requirements on non-profit organizations operating in Russia that limit the ability of both Russians and non-Russians to create a vibrant civil society in the country;

Whereas the freedom of the media in Russia has been seriously compromised due to the Government of the Russian Federation's continuing control and censorship of major mass media outlets and efforts to obstruct the reporting of independent journalists;

Whereas regulators from the Ministry of Culture of the Government of the Russian Federation have reportedly threatened radio stations with revocation of their broadcast licenses if they continue airing material from the Voice of America (VOA) and Radio Free Europe/Radio Liberty (RFE/RL), thereby precipitating the largest decrease in the number of outlets for VOA and RFE/RL reporting since the end of the Cold War;

Whereas the Government of the Russian Federation has sought to interfere in the electoral processes and democratic governance of neighboring countries including Georgia and Ukraine;

Whereas Russia was the only member of the G-8 to applaud the outcome of fraudulent presidential elections in Belarus that were characterized by the Organization for Security and Cooperation in Europe as evidencing "a disregard for the basic rights of freedom of assembly, association, and expression";

Whereas the United States Commission on International Religious Freedom and other monitoring organizations have reported increased evidence of racism, anti-Semitism, nationalism, and xenophobia among segments of Russian society;

Whereas, in late 2005, Gazprom, a company majority owned and operated by the Government of the Russian Federation, insisted on a more than four-fold increase in the price charged for natural gas sold to Ukraine and subsequently shut off gas supplies to Ukraine, causing cascading energy shortages in many countries throughout Europe;

Whereas there have been interruptions in the supply by Russia of energy to Georgia and Moldova;

Whereas the March 2006 report of the Independent Task Force on Russia of the Council on Foreign Relations stated that "to protect the credibility of the G-8 at a time when many are questioning Russia's chairmanship, the United States should make clear that this role does not exempt Russian policies and actions from critical scrutiny";

Whereas the United States recognizes and applauds the proud history of achievement, creativity, and sacrifice of the people of Russia;

Whereas the United States seeks the development of Russia as a strong, responsible, democratic partner in promoting global peace and security; and

Whereas the United States believes that both the people of Russia and the Government of the Russian Federation will be shackled in their efforts to build a strong society domestically and contribute to the work of the international community so long as the Government of the Russian Federation fails to fully embrace the values of democracy: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) in order to preserve the integrity of the G-8 as a forum of the leading industrialized democracies of the world, President George W. Bush and other heads of state attending the G-8 Summit should explicitly, frankly, and honestly engage Russian Federation President Vladimir Putin in a dialogue about the anti-democratic behavior of the Government of the Russian Federation;

(2) the United States and other democratic countries should reaffirm their support for civic and non-governmental organizations working to promote democracy and the rule of law in Russia;

(3) the Government of the Russian Federation should take action to ensure that it guarantees the full range of civil and political rights to its citizens, as it is obligated to do under the International Covenant on Civil and Political Rights;

(4) consistent with its obligations under the International Covenant, the Government of the Russian Federation should take steps to cease its interference with foreign news organizations, including the Voice of America and Radio Free Europe/Radio Liberty;

(5) the Government of the Russian Federation should take action to combat rising racism, anti-Semitism, and xenophobia in Russian society; and

(6) the United States and countries of the G-8 should reaffirm their support for new democracies on the borders of Russia and, where applicable, expedite their integration into Euro-Atlantic institutions to provide a bulwark for democracy in eastern Europe and the Caucuses.

SENATE RESOLUTION 531—TO URGE THE PRESIDENT TO APPOINT A PRESIDENTIAL SPECIAL ENVOY FOR SUDAN

Mr. LIEBERMAN (for himself, Mr. BURNS, Mr. REID, Mr. BOND, Mrs. MURRAY, Mr. LAUTENBERG, Mr. PRYOR, Mr. TALENT, Ms. MIKULSKI, Ms. SNOWE, and Ms. CANTWELL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 531

Whereas, on July 22, 2004, the Senate and House of Representatives declared that the atrocities occurring in the Darfur region of Sudan are genocide;

Whereas, on September 9, 2004, Secretary of State Colin L. Powell stated before the Committee on Foreign Relations of the Senate, "When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring.";

Whereas, on September 21, 2004, in an address before the United Nations General Assembly, President George W. Bush affirmed the finding of Secretary of State Powell and stated, "At this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide.";

Whereas various nongovernmental organizations have estimated that up to 400,000 people have died in Darfur from combat, hunger, and disease since February 2003;

Whereas prominent human rights groups, think tanks, and members of Congress have called for the appointment of a Presidential Special Envoy for Sudan;

Whereas Deputy Secretary of State Robert Zoellick, who had acted as the lead negotiator and coordinator for the United States Government toward Darfur, resigned from that position on June 19, 2006;

Whereas Ambassador Zoellick was instrumental in securing the peace agreement among the Government of Sudan and rebel factions on May 5, 2006, and was described by Secretary of State Condoleezza Rice as "indispensable in our efforts to bring peace to Sudan and to end the violence in Darfur";

Whereas other United States Government officials deeply involved in Darfur are departing public service or moving to new positions, including White House Policy Advisor Michael Gerson, National Security Council Senior Director for African Affairs Cindy Courville, and the State Department Special Representative to Sudan Michael Ranneberger; and

Whereas the crisis in Darfur, and generally Sudan, continues to command urgent attention due to the ongoing displacement of roughly 2,500,000 people, the continuing instability in the region, the fragility of the May 5, 2006, peace accord, the spread of the conflict to neighboring Chad, the lack of security that prevents multilateral organizations and nongovernmental organizations from providing assistance to the most vulnerable displaced persons of Darfur, the reluctance by the Government of Sudan to allow a robust United Nations presence in that country, and the difficulties involved in assisting the African Union Mission in Sudan and transitioning that body into a United Nations force: Now, therefore, be it

Resolved, That—

(1) the Senate commends the efforts of former Deputy Secretary of State Robert Zoellick in Darfur and the contributions of White House Policy Advisor Michael Gerson, Ambassador Cindy Courville, and Ambassador Michael Ranneberger; and

(2) it is the sense of the Senate that—

(A) the United States urgently needs an individual of Ambassadorial rank and high stature to devote exclusive attention to Darfur and related issues concerning peace and stability in Sudan;

(B) such individual should formulate and coordinate policy, lead negotiations, engage with parties to the conflict to monitor their compliance with the terms and deadlines of the May 5, 2006, Darfur Peace Agreement, gather resources from donors, and ensure that this crisis retains high visibility and remains a top priority for the United States Government until it is substantially resolved; and

(C) the President should, at the earliest date possible, appoint a Presidential Special Envoy for Sudan with the rank of Ambassador and should provide not less than $250,000, to support the Presidential Special Envoy, in accordance with Senate Amendment 3719 to H.R. 4939 of the 109th Congress, as agreed to in the Senate on May 3, 2006.

SENATE RESOLUTION 532—ENCOURAGING THE ADULTS OF THE UNITED STATES TO SUPPORT, LISTEN TO, AND ENCOURAGE CHILDREN SO THAT THEY MAY REACH THEIR POTENTIAL

Ms. COLLINS (for herself and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES 532

Whereas research shows that spending time together as a family is critical to raising strong and resilient children;

Whereas strong, healthy families improve the quality of life and the development of children;

Whereas it is essential to celebrate and reflect upon the important role that all families play in the lives of children and their positive effect for the future of the United States; and

Whereas the greatest natural resource of the United States is its children: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Children and Families Day—

(1) to encourage adults to support, listen to, and encourage children throughout the United States;

(2) to reflect upon the important role that all families play in the lives of children; and

(3) to recognize that strong, healthy families improve the quality of life and the development of children.

CALLING ON THE PRESIDENT AND OTHER LEADERS TO ENGAGE IN FRANK DIALOGUE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 530, introduced earlier today by Senator BIDEN.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 530) calling on President George W. Bush and other leaders attending the 2006 Group of Eight (G-8) Summit in St. Petersburg, Russia to engage in a frank dialogue with the President of Russia concerning actions of the Government of the Russian Federation that appear inconsistent with the Group's objectives of protecting global security, economic stability, and democracy, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 530) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 530

Whereas the leaders of 6 major industrialized democracies including France, West Germany, Italy, Japan, the United Kingdom, and the United States, gathered in 1975 for a summit meeting in Rambouillet, France and for annual meetings thereafter under a rotating presidency known as the Group of Six (G-6);

Whereas the G-6 was established based on the mutual interest of its members in promoting economic stability, global security, and democracy;

Whereas, in 1976, membership of the G-6 was expanded to include Canada;

Whereas the members of the G-7 share a commitment to promote security, economic stability, and democracy in their respective nations and around the world;

Whereas Russia was integrated into the Group in 1998 at the behest of President William Jefferson Clinton as a gesture of appreciation to then-President of Russia Boris Yeltsin for pursuing reforms and assuming a neutral position with respect to the eastward expansion of North Atlantic Treaty Organization (NATO);

Whereas, in 2002, Russia was selected to hold the rotating presidency of the G–8 and to host the Summit of the G–8 in 2006;

Whereas the official G–8 statement issued on June 26, 2002, in Kananaskis, Canada regarding the selection of Russia as host of the 2006 Summit stated that the decision reflected "the remarkable economic and democratic transformation that has occurred in Russia in recent years and in particular under the leadership of President Putin";

Whereas in the intervening 4 years since Russia was selected to host the 2006 G–8 Summit, the Government of the Russian Federation has pursued policies that raise serious concerns about the commitment of the Government of the Russian Federation to upholding democratic values both at home and abroad;

Whereas the United States Department of State 2005 Country Report on Human Rights Practices noted that trends in Russia, including the "centralization of power in the executive branch . . . continuing corruption and selectivity in enforcement of the law, political pressure on the judiciary, and harassment of some non-governmental organizations (NGOs) [have] resulted in an erosion of the accountability of government leaders to the people" in Russia;

Whereas, in 2005, the independent non-governmental organization Freedom House reclassified Russia from "partly free" to "not free" in its global survey of political rights and civil liberties;

Whereas the Government of the Russian Federation has placed onerous restrictions and monitoring requirements on non-profit organizations operating in Russia that limit the ability of both Russians and non-Russians to create a vibrant civil society in the country;

Whereas the freedom of the media in Russia has been seriously compromised due to the Government of the Russian Federation's continuing control and censorship of major mass media outlets and efforts to obstruct the reporting of independent journalists;

Whereas regulators from the Ministry of Culture of the Government of the Russian Federation have reportedly threatened radio stations with revocation of their broadcast licenses if they continue airing material from the Voice of America (VOA) and Radio Free Europe/Radio Liberty (RFE/RL), thereby precipitating the largest decrease in the number of outlets for VOA and RFE/RL reporting since the end of the Cold War;

Whereas the Government of the Russian Federation has sought to interfere in the electoral processes and democratic governance of neighboring countries including Georgia and Ukraine;

Whereas Russia was the only member of the G–8 to applaud the outcome of fraudulent presidential elections in Belarus that were characterized by the Organization for Security and Cooperation in Europe as evidencing "a disregard for the basic rights of freedom of assembly, association, and expression";

Whereas the United States Commission on International Religious Freedom and other monitoring organizations have reported increased evidence of racism, anti-Semitism, nationalism, and xenophobia among segments of Russian society;

Whereas, in late 2005, Gazprom, a company majority owned and operated by the Government of the Russian Federation, insisted on a more than four-fold increase in the price charged for natural gas sold to Ukraine and subsequently shut off gas supplies to Ukraine, causing cascading energy shortages in many countries throughout Europe;

Whereas there have been interruptions in the supply by Russia of energy to Georgia and Moldova;

Whereas the March 2006 report from of the Independent Task Force on Russia of the Council on Foreign Relations stated that "to protect the credibility of the G–8 at a time when many are questioning Russia's chairmanship, the United States should make clear that this role does not exempt Russian policies and actions from critical scrutiny";

Whereas the United States recognizes and applauds the proud history of achievement, creativity, and sacrifice of the people of Russia;

Whereas the United States seeks the development of Russia as a strong, responsible, democratic partner in promoting global peace and security; and

Whereas the United States believes that both the people of Russia and the Government of the Russian Federation will be shackled in their efforts to build a strong society domestically and contribute to the work of the international community so long as the Government of the Russian Federation fails to fully embrace the values of democracy: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) in order to preserve the integrity of the G–8 as a forum of the leading industrialized democracies of the world, President George W. Bush and other heads of state attending the G–8 Summit should explicitly, frankly, and honestly engage Russian Federation President Vladimir Putin in a dialogue about the anti-democratic behavior of the Government of the Russian Federation;

(2) the United States and other democratic countries should reaffirm their support for civic and non-governmental organizations working to promote democracy and the rule of law in Russia;

(3) the Government of the Russian Federation should take action to ensure that it guarantees the full range of civil and political rights to its citizens, as it is obligated to do under the International Covenant on Civil and Political Rights;

(4) consistent with its obligations under the International Covenant, the Government of the Russian Federation should take steps to cease its interference with foreign news organizations, including the Voice of America and Radio Free Europe/Radio Liberty;

(5) the Government of the Russian Federation should take action to combat rising racism, anti-Semitism, and xenophobia in Russian society; and

(6) the United States and countries of the G–8 should reaffirm their support for new democracies on the borders of Russia and, where applicable, expedite their integration into Euro-Atlantic institutions to provide a bulwark for democracy in eastern Europe and the Caucuses.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE RUSSIAN FEDERATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to S. Res. 500.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 500) expressing the sense of Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered or unregistered, as stipulated by the Russian Constitution and international standards.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 500) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 500

Whereas the Russian Federation is a participating State of the Organization for Security and Cooperation in Europe (OSCE) and has freely committed to fully respect the rights of individuals, whether alone or in community with others, to profess and practice religion or belief;

Whereas the 1989 Vienna Concluding Document calls on OSCE participating States to "take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief" and to "grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of their States, recognition of the status provided for them in the respective countries";

Whereas Article 28 of the Constitution of the Russian Federation declares that "everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion" and Article 8 of the 1997 Law on Freedom of Conscience and Religious Associations provides for registration for religious communities as "religious organizations," if they have at least 10 members and have operated within the Russian Federation with legal status for at least 15 years;

Whereas religious freedom has advanced significantly for the vast majority of people in Russia since the collapse of the Soviet Union;

Whereas many rights and privileges afforded to religious communities in the Russian Federation remain contingent on the ability of the communities to obtain government registration;

Whereas some religious groups have not attempted to register with government authorities due to theological considerations, and other communities have been unjustly denied registration or had their registration improperly terminated by local authorities;

Whereas many of the unregistered communities in the Russian Federation today were never registered under the Soviet system because they refused to collaborate with that government's anti-religious policies and they are now experiencing renewed discrimination and repression by authorities of the Russian Federation;

Whereas over the past 2 years there have been an estimated 10 arson attacks on unregistered Protestant churches, with little or no effective response by law enforcement officials to bring the perpetrators to justice;

Whereas the Government of the Russian Federation reacted swiftly in response to the January 2006 attack on a Moscow synagogue, but there have been numerous other anti-Semitic attacks against Jews and Jewish institutions in the Russian Federation, and there is increasing tolerance of anti-Semitism in certain segments of society in that country;

Whereas there has been evidence of an increase in the frequency and severity of oppressive actions by security forces and federal and local officials against some Muslim communities and their members;

Whereas there are many cases involving restitution for religious property seized by the Soviet regime that remain unresolved;

Whereas in some areas of the Russian Federation law enforcement personnel have carried out acts of harassment and oppression against members of religious communities peacefully practicing their faith and local officials have put overly burdensome restrictions on the ability of some religious communities to engage in religious activity; and

Whereas the United States has sought to protect the fundamental and inalienable right of individuals to profess and practice their faith, alone or in community with others, according to the dictates of their conscience, and in accordance with international agreements committing nations to respect individual freedom of thought, conscience, and belief: Now, therefore, be it

Resolved, That it is the sense of Congress that the United States Government should—

(1) urge the Government of the Russian Federation to ensure full protection of freedoms for all religious communities without distinction, whether registered or unregistered, and end the harassment of unregistered religious groups by the security apparatus and other government agencies, thereby building upon the progress made over the past 15 years in promoting religious freedom in the Russian Federation;

(2) urge the Government of the Russian Federation to ensure that law enforcement officials vigorously investigate and prosecute acts of violence, arson, and desecration perpetrated against registered and unregistered religious communities, as well as make certain that government authorities are not complicit in such incidents;

(3) continue to raise concerns with the Government of the Russian Federation over violations of religious freedom, including those against unregistered religious communities, especially indigenous denominations not well known in the United States;

(4) ensure that United States Embassy officials engage local officials throughout the Russian Federation, especially when violations of freedom of religion occur, and undertake outreach activities to educate local officials about the rights of unregistered religious communities;

(5) urge the Government of the Russian Federation to invite the three Personal Representatives of the OSCE Chair-in-Office and the United Nations Special Rapporteur on Freedom of Religion or Belief to visit the Russian Federation and discuss with federal and local officials concerns about the religious freedom of both registered and unregistered religious communities; and

(6) urge the Council of Europe, its member countries, and the other members of the G-8 to raise issues relating to religious freedom with Russian officials in the context of the Russian Federation's responsibilities both as President of the Council in 2006 and as a member of the G–8.

MEASURE READ THE FIRST TIME—H.R. 9

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 9) to amend the Voting Rights Act of 1965.

Mr. FRIST. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The ACTING PRESIDENT pro tempore. Objection is heard.

ORDERS FOR MONDAY, JULY 17, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, July 17. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business, with the time equally divided until 12:30. Further, I ask that at 12:30 the Senate proceed to the stem cell bills as under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THIS WEEK IN THE SENATE

Mr. FRIST. Mr. President, we made real progress this week in passing a very important bill, the Homeland Security appropriations bill, under the leadership of Chairman JUDD GREGG, who did a superb job on a very important bill which adds billions of dollars to issues we spend a lot of time talking about and debating but that puts real money, real resources where they are needed: over $14 billion for issues surrounding tightening our borders, increasing the number of border security agents by 1,000, increasing the number of detention beds by over 1,000, and well over $14 billion for border security and immigration issues. It is a very important bill.

Over the course of this month I also intend to address other issues surrounding securing our homeland, issues such as the Department of Defense authorization and our military construction bills, all of which focus on getting money down to where it is needed, protecting our homeland, supporting our troops here and overseas.

Also, it was an interesting week in that we had very positive economic developments announced with not just the 5.4 million jobs that have been created over the last 30 months or so, not just the low unemployment—4.6 percent, which is lower than the average of the 1960s, 1970s, 1980s, or 1990s, but the fact that the deficit is coming down much faster than anyone had anticipated. That is in large part—in most part—because of the progrowth President-Bush-led policies of less taxation which promotes that strong economic growth. Revenues are coming into the Federal Government with lower tax rates, and the revenues are coming in much faster than anticipated because of those policies. And those increased revenues coming in, by definition, lower that deficit. The deficit is projected this year to be 30 percent lower than what we thought it was going to be just in February, earlier this year.

The important thing to recognize, as we have this great, what we call "macro" or large global prosperity, in the sense of our global or American economy here, with 5.6 percent growth in GDP last quarter, the fastest it has been in years and years—at the same time we have the squeeze that is on our average person, average taxpayer out there today. That is due in part to the high gasoline prices that we are going to see go up again—in part because of the international turmoil in the Middle East, the fact we are 60 percent dependent on the Middle East. Our response on this floor should be and will be to address issues surrounding lowering that dependence on foreign sources of oil. I hope we can do that in the next several weeks.

We had a very positive bipartisan announcement about opening exploration in the Gulf of Mexico. It is bipartisan, so I am very hopeful about that.

Health care is another one of those issues that squeezes people so much because health care prices continue to go up two to three times faster than wages. When that is the case, you get squeezed as an individual. So in spite of the great macro numbers around the United States of America, the individual feels squeezed with gasoline prices and health care. So small business health plans are something we should come back to, something we need to come back to and address. Most people today work for what we call small businesses. These small business health reform plans allow small businesses and the individuals to have lower health care costs. They slow that growth of health care costs over time and hit at one of the major reasons they feel the pinch.

I mentioned energy. A lot of that focuses on the area called 181, in the Gulf of Mexico. And I mentioned health care costs with the focus on the small business health plans. We have the support of 56 Senators on the floor, and I need 60 Senators to actually pass that bill. So I hope a few more of our Senators will recognize, from a small business perspective, from the perspective of the individual employee, how important it is to allow small businesses to group together, to have the purchasing power to get those lower costs, to get those lower charges just like the big companies can get—the clout, the muscle you can get by grouping small business together.

It is common sense. The American people scratch their heads and say: Why can't you pass it? We have majority support.

We don't have 60 people yet supporting it. We need to work on that, and I think we have to do it sometime this year.

Let me just comment and then I am going to take a short break and I will come back to the floor to make a final comment on stem cells. On Monday we will begin the debate on the three bills—one, a fetal farming bill, a second bill that looks at alternative ways of developing pluripotent cells or embryo-like cells—very exciting research—and a third, the House bill which increases Federal support for embryonic stem cells that are derived from embryos that are otherwise going to be discarded. Those are the exact words in that bill.

We will have very good debate. It will be on Monday and Tuesday of next week. We will have those votes starting at 3:45 on Tuesday. Each of those votes will have 60 votes for passage. People ask why. We all agree to that because we can spend weeks and weeks on the floor of the Senate and with all the filibuster and cloture and the like, that is what you end up with, is you have to have a 60-vote threshold. That is why we have agreed with that.

Mr. President, I will close and will come back and within 10 minutes or so speak on stem cells for about 4 or 5 minutes, and at that time we will formally close.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STEM CELL RESEARCH

Mr. FRIST. Mr. President, on Monday, the Senate will begin debate on three important pieces of legislation under an agreement that was reached between both sides of the aisle several days ago. Those three bills are as follows:

The Alterative Pluripotent Stem Cell Therapies Enhancement Act, a bill sponsored by Senator SANTORUM and Senator SPECTER; second, the Stem Cell Research Enhancement Act, which is the bill from the House, H.R. 810—the House—Castle and DeGette, Senate—Specter and Hatch bill; and, third, the Fetus Farming Prohibition Act of 2006—the Santorum and Brownback bill.

It was 5 years ago almost exactly—on July 18, 2001, before the administration laid out its policy—that I laid out a comprehensive proposal to promote stem cell research within a strong ethical and moral framework. I proposed at that time on the floor 10 specific interdependent principles. I also laid out a proposal and told policymakers and my colleagues I felt it was our responsibility to assess and to reassess, on a periodic basis, whatever we or the administration does because of the rapidly advancing science that so characterizes this decade or the 21st century.

As this century progresses and as science advances—and it is skyrocketing in terms of the advances that are being made—we are going to continually have to face our responsibility to face the moral and ethical challenges and limits. It is our responsibility, as individuals, as part of this body politic, to reassess whatever constructs we come up with that frame and that govern biomedical research.

It is uncomfortable, it is challenging, and it causes each of us to go back and study the science which can be confusing for everyone, including scientists as well as nonscientists, and to look at the framework—both moral and ethical framework that individuals have and that we have—in representing the people of our States, our constituents.

I said 5 years ago, on July 18, 2001, and I believe now that we must also do all we can to pursue promising alternative strategies that hold the magnificent potential for developing these powerful pluripotent cell lines without damaging or destroying nascent human life.

That is why, in the package we will be looking at Monday, I have asked the

Senate to consider legislation to enhance support for alternatives to embryonic stem cell research.

I have worked very closely with my distinguished colleague from Georgia, who is occupying the chair, on this very issue. I have asked Senators SANTORUM and SPECTER to work together, and they have done a tremendous job in crafting the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754, in this regard. Their bill is very similar to the legislation that Senator ISAKSON and I and a number of other colleagues introduced last year. And I encourage every Senator to look very carefully at it because I believe every Senator should be able to support that bill.

There is no reason why that piece of legislation should not unite this body and be something that everybody can support.

Third is the Fetus Farming Prohibition Act of 2006. People ask the question—and I have been asked over the course of today and the reason I wanted to come back to the floor and close and begin to frame the debate—what is fetus farming? It is the implantation, growth or gestation of an embryo in a human or in an animal for the purpose of aborting that growing fetus for research. Fetus farming is not currently employed. But it is forward thinking because it is a trend that we could inadvertently move to in trying to advance science, and that line should not be crossed. Therefore, Senators BROWNBACK and SANTORUM have proposed legislation that would draw a clear line that should not be crossed—a clear line that is not there today.

Again, 5 years ago on July 18, when I outlined the proposal on the floor, it was covered in an article in the Wall Street Journal on that same day. I outlined my principles. Shortly after—1 month later—the President laid out the administration's policy on embryonic stem cell research.

A lot of people do not pay attention to it today.

The President's legislation was the first Federal legislation to fund embryonic stem cell research. It did so within an ethical framework, a moral and ethical framework. It showed respect for basic human life.

President Bush and I do not differ about the need for strong guidelines supporting embryonic stem cell research. His policy was generally consistent with the principles I set forth a month before his announcement in 2001. However, what has now sort of changed, since that point in time, is science has progressed over the last 5 years, and I feel that the limit on cell lines available for federally funded research, those original limits—given what has happened in science today and what we have learned—are too restrictive.

Because people's views shift, let me refer back to the principle I presented 5 years ago. The fifth principle which I presented on the floor 5 years ago, No. 5, and I quote:

> Provide funding for embryonic stem cell research only from blastocysts that would otherwise be discarded. We need to allow Federal funding for research using only those embryonic stem cells derived from blastocysts that are left over after in vitro fertilization and would otherwise be discarded.

I quote that to point out that that was my stance 5 years ago, and indeed when people ask: Why, Senator FRIST, or Dr. FRIST, are you supporting the House bill, you can see the consistency there.

This is very important. H.R. 810, despite its many shortcomings which I mentioned last week, is clearly consistent with that principle. And the bill applies this restriction almost verbatim. The very words "would otherwise be discarded" were from my remarks 5 years ago and is also in the House bill.

All three of the bills the Senate will address raise profound ethical questions. They will require a lot of thought, a lot of study over the course of the next several days. They are challenging to us as a body and challenging to us as individuals. They merit serious debate. That is why I am pleased, on an issue of this magnitude, that Senators will have an opportunity to have their ideas considered in an orderly, respectful and dignified way and voted on separately and clearly.

ADJOURNMENT UNTIL MONDAY, JULY 17, 2006

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:27 p.m., adjourned until Monday, July 17, 2006, at 12 noon.

NOMINATIONS

Executive nomination received by the Senate July 14, 2006:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. BANTZ J. CRADDOCK, 7782

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, July 14, 2006:

FEDERAL ENERGY REGULATORY COMMISSION

PHILIP D. MOELLER, OF WASHINGTON, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2010.

JON WELLINGHOFF, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2008.

MARC SPITZER, OF ARIZONA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2011.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

SENATE—*Monday, July 17, 2006*

The Senate met at 12 noon and was called to order by the Honorable ROBERT F. BENNETT, a Senator from the State of Utah.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Eternal Lord God, our hope for years to come, make us today a channel through which Your love and grace may flow. Empower us to live exemplary lives that will compel others to glorify You. When we confront adversaries, give us love and forbearance. Strengthen us to go beyond the minimum in service to others.

Inspire our Senators with Your presence. Teach them to press their weaknesses close to Your strength, that they may find light in darkness, courage for life's battles, and endurance for life's pains.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT F. BENNETT led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 17, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT F. BENNETT, a Senator from the State of Utah, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BENNETT thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 12:30 p.m., with the time equally divided.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will conduct a period of morning business with the time equally divided until 12:30. At 12:30, we will begin the debate on the three bills related to stem cell research, and we will have debate throughout the day and tomorrow, with the time alternating between the majority and minority in 30-minute increments, and then proceed to stacked votes tomorrow afternoon at 3:45. Each of these votes will require 60 votes for passage. The votes on Tuesday will be the first votes of the week.

On Friday, we were able to reach an agreement on the Water Resources Development Act, and Chairman INHOFE will be managing the floor consideration of that bill on Tuesday and Wednesday.

STEM CELL RESEARCH

Mr. FRIST. Mr. President, over the next 2 days we will be discussing the issues surrounding stem cell research and discussing a total of three bills over the course of 48 hours. Our discussion over the next 2 days will focus on science and on ethics and how science and ethics interplay.

Science: We are in a remarkable era of exciting and rapidly accelerating advances in developmental biology. New doors of exploration have been thrown wide open by the Human Genome Project and by our new knowledge and our new understanding of molecular and cellular mechanisms. Some have called this 21st century the century of cells—a century that will explode with regenerative medicine so that heart surgeon BILL FRIST will no longer have to cut out a diseased heart and replace that diseased heart with a healthy heart but would rather treat a patient with cells requiring no surgery.

We are going to be discussing ethics. Although not easy, we do have to confront head-on the difficult issues around life's beginnings, all of which have large scientific, moral, and religious implications. The rapidly advancing science has taken us to today's debate.

As we will see in our discussions on the floor of the Senate, it is safe to say that no scientific issue is more divisive today than this discussion surrounding stem cells. As others have said, you can't do an end run around all of these ethical challenges. They are before us, and they are going to come with increasing frequency with advancing science. Our responsibility as policymakers is, through deliberation and through dialog and through debate, to frame those moral principles which protect and defend human dignity and promote scientific advances and medical applications that will lead to healing.

In the last century, we faced ethical controversies over organ transplantation, my field: Who would receive a scarce organ? What are the criteria to determine brain death? We had ethical discussions and ethical controversies over blood transfusions: Who receives blood transfusions? What are the indications? We also faced ethical dilemmas over genetic therapy.

Well, the 21st century, the current century, brings even more profound ethical questions, and they are going to come with increasing frequency. How we and humanity handle our gathering control over these mysteries of cell development and embryo development will reflect who we are as a people and where we are going.

Today, the Senate will begin debate on these three important pieces of legislation: the Alternative Pluripotent Stem Cell Therapies Enhancement Act, from Senators SANTORUM and SPECTER; the Fetus Farming Prohibition Act of 2006, Senators SANTORUM and BROWNBACK; and the Stem Cell Research Enhancement Act, the so-called—in the House—Castle-DeGette bill, and in the Senate, the Specter-Hatch bill.

Many of my colleagues have, like me, spent hours grappling with these issues: the future of stem cell research, how we balance pro-life positions with the potential for new life and health offered by stem cell research. There is, perhaps, an inclination to avoid such difficult issues, to ignore them and to let others debate, but I have come to realize we must participate in defining research surrounding the culture of life. If not, it will define us.

Five years ago, on July 18, 2001, I came to the Chamber and laid out a comprehensive proposal to promote stem cell research within an ethical framework. I proposed 10 specific interdependent principles. I also said that policymakers and the public must reassess on an ongoing basis the research and the circumstances under which it

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

is conducted because science will continue to advance. As the 21st century progresses and as science—developmental biology—advances, we will continually face moral and ethical challenges. It is our responsibility, as individuals and as a body politic, to reassess the constructs governing biomedical research. It will define us. That is why I brought cord legislation to the floor earlier in the year, and it was passed.

As I said then and as I believe now, we must also do all we can to pursue other alternative strategies that will hold potential for developing pluripotent stem cell lines without damaging or destroying nascent human life. That is why, in the package before us today, I have asked the Senate to consider legislation to enhance support for alternatives to embryonic stem cell research. I am extremely pleased that Senator SANTORUM and Senator SPECTER worked together to craft the Alternative Pluripotent Stem Cell Therapies Enhancement Act. Their bill is similar to legislation I worked on with Senator ISAKSON and others of our colleagues last year, and I encourage every Senator to support it.

This bill would fund alternative methods of potentially deriving pluripotent stem cells, including extracting from embryos that are no longer living, nonlethal and nonharmful extraction from embryos; extraction from artificially created organisms that are not embryos but are embryo-like; and reprogramming adult cells to a pluripotent state through fusion with embryonic cell lines. There is no reason this legislation shouldn't gather the support of every Member of this body. It should unify us.

The second bill we will consider is the Fetus Farming Prohibition Act of 2006. Specifically, the bill prohibits the implantation and gestation of an embryo in a human or animal for the purpose of aborting for research—the manufacture of human life for experimental purposes. Senators BROWNBACK and SANTORUM have proposed legislation that would draw a clear line which should not be crossed. This is a forward-leaning pro-life bill, a moral guardrail in place before any inducement exists to promote it.

Shortly after I originally outlined my principles 5 years ago, President Bush announced his policy on embryonic stem cell research. It federally funded embryonic stem cell research for the first time. It did so within an ethical framework, and it showed respect for human life.

President Bush and I do not differ about the need for strong guidelines governing stem cell research. His policy was generally consistent with the principles I set forth a month before his announcement back in 2001. However, as science has progressed over the last 5 years, we have learned that fewer than the anticipated number of cell lines have proved suitable for research, and I think the limit on cell lines available for federally funded research is too restrictive.

H.R. 810, the Stem Cell Research Enhancement Act, addresses this restriction in our current policy. It has many shortcomings, but it is clearly consistent with my fifth principle on stem cell research: "Provide funding for embryonic stem cell research only from blastocysts that would otherwise be discarded." In fact, the bill applies what I proposed in 2001 verbatim. It allows Federal funding for research using only those embryonic stem cells derived from blastocysts that are left over after in vitro fertilization and would otherwise be discarded.

Mr. President, in closing, all three of the bills the Senate will address beginning at 12:30 today will raise profound ethical questions that are challenging. They merit serious dialogue, and they merit serious debate. That is why I am pleased that on an issue of this magnitude, Senators will have the opportunity over the next 2 days to have their ideas considered and voted on separately and cleanly.

Mr. President, I yield the floor.

Mr. KYL. Mr. President, am I correct that we are now in a period of morning business?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KYL. Mr. President, I ask unanimous consent to speak for 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ISRAEL

Mr. KYL. Mr. President, I rise again today to discuss the situation in the Middle East where our Israeli allies are fighting unprovoked aggression by a terrorist army on their border. To date, over 1,000 rockets and missiles have been fired into Israel, killing more than a dozen civilians. It was especially disturbing to hear that the missile which collapsed a three-story building in Haifa earlier today was a Syrian model, loaded with ball bearings to cause maximum civilian casualties.

At a time when one of our closest allies is threatened by indiscriminate attacks on its population centers and our President and Secretary of State are overseas, it is incumbent on this body to remain united in standing behind Israel. I am pleased that the leadership is drafting a resolution expressing bipartisan condemnation of Hezbollah's attacks and in support of Israel's right to respond in the name of self-defense.

I am pleased that our allies, too, understand the grave nature of this crisis and its origins. The joint statement released over the weekend by the G8 states unequivocally that this violence:

> Results from efforts by extremist forces to destabilize the region and to frustrate the aspirations of the Palestinian, Israeli, and Lebanese people for democracy and peace. These extremist elements and those that support them cannot be allowed to plunge the Middle East into chaos, and a wider conflict.

Even some Arab governments, including Saudi Arabia, Egypt, and Jordan, took the commendable step of chastising Hezbollah for its "unexpected, inappropriate, and irresponsible acts."

In light of the chaos being precipitated by Hezbollah's rocket and missile capability—a capability being provided directly to Hezbollah by the governments of Syria and Iran—I thought it would be appropriate to take a moment today to talk about how that threat can be addressed. The estimated 13,000 missiles currently in Hezbollah's arsenal are hidden throughout Southern Lebanon, in private homes, caves, and factories. At present, the only way to destroy these systems is to search them out on foot—a risky and potentially provocative solution. Alternatively, Israeli forces can strike at missile launchers after they have fired, meaning that at least one salvo will already be en route. It would be a vast improvement if Israel had the option of neutralizing the Hezbollah threat through defensive, rather than offensive means.

Israel currently has access to Patriot and Arrow missile defense technologies, great systems which are critical for defending against longer-range missiles, but poorly suited to defend Israeli territory from the types of rockets and missiles currently being fired by Hezbollah.

It is for this reason that I support the U.S. Missile Defense Agency efforts—in cooperation with the Israeli Missile Defense Organization—to develop a system for short-range missile defense. Aimed at projectiles with a range of less than 200 kilometers, this system would provide Israel with another way to defend itself, rather than having to rely exclusively on offensive action. It is propitious that the Defense Appropriations Committee is marking up its bill this week. For more than a year, I have worked with Senators STEVENS and INOUYE to support the short-range missile defense program. Under their leadership, I believe that the committee will provide the investment necessary to accelerate fielding of the system. Unfortunately, the need for a redoubled effort is now clearer than ever.

We still do not know how the current crisis is going to end. What we can and should say, however, is that Israel has the full support of this body in its ongoing efforts to fight terrorists, protect its citizens, and create the circumstances for peaceful coexistence with Lebanon, and all of its neighbors.

ORDER FOR STAR PRINT—H.R. 5672

Mr. KYL. Mr. President, I ask unanimous consent that H.R. 5672 be star printed.

The ACTING PRESIDING pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDING pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FETUS FARMING PROHIBITION ACT OF 2006

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 12:30 having arrived, the Senate will proceed to the consideration of S. 3504, S. 2754, and H.R. 810, en bloc, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 810) to amend the Public Health Service Act to provide for human embryonic stem cell research.
>
> A bill (S. 3504) to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.
>
> A bill (S. 2754) to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may use this hourglass during the course of the debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, it is difficult to characterize the importance of the debate which the Senate is now beginning because the most fundamental aspect of human life is our health. Without our health, there is nothing we can do. Medical research has performed wonders, and stem cells, which came upon the scene in November of 1998, have the most remarkable potential of any scientific discovery ever made with respect to human health. These stem cells have the capacity to regenerate disease cells in the human body and have the capacity to cure maladies of all sorts, including cancer, heart disease, Parkinson's, Alzheimer's, spinal cord—the long litany of maladies which confront mankind.

The stem cell debate began with the hearings conducted by the Appropriations Subcommittee on Labor, Health and Human Services, which I chair and on which Senator TOM HARKIN is ranking member. We began those hearings within days of the November 1998 announcement and have had some 18 hearings on stem cells to explore all ramifications of the potential of stem cells.

There is now an avalanche of evidence that the use of stem cells in scientific research has boundless potential. The state of the law is that federal funding may only be used for a limited number of obsolete stem cell lines.

The bill which is the fundamental issue before the Senate today is H.R. 810, which Senator HARKIN and I introduced as a Senate bill with some 42 cosponsors, which would allow research on embryonic stem cells.

There are two other bills at issue. One is S. 2754 which Senator SANTORUM and I have introduced which relates to long-range research not involving the embryos, but it is totally separate and distinct from H.R. 810 in that it does not have the potential that the embryonic stem cells have and it is long range.

The third bill is S. 3504 which relates to fetus farming prohibition, and I believe there will be little controversy about this bill. The bill would deal with two unethical activities—the solicitation or acceptance of human fetal tissue knowing that a pregnancy was deliberately initiated to provide such tissue and the solicitation or acceptance of tissues or cells from a human embryo or fetus that was gestated in the uterus of a nonhuman animal. I believe there will be no contest about that.

I expect relatively little contest about S. 2754, which does not in any way relate to the importance of research on embryonic stem cells.

The embryonic stem cells are used from many embryos which have been created for in vitro fertilization. Customarily, a dozen or so are created, maybe three or four are used, and the others are then frozen and ultimately will be discarded. There are some 400,000 of those embryos which are frozen today, and the likelihood of their being used is nil.

Senator HARKIN and I introduced legislation to provide for Federal funding to encourage adoption of these embryos. If they could be used to create human life, I would not in the remotest way contend that they ought to be used for scientific research. But the fact is that they will either be used for scientific research or thrown away.

When the issue of adoption was raised, as I say, we took the lead in the Labor, Health and Human Services, and Education Subcommittee in the year 2002 and appropriated $1 million and since then have appropriated more in succeeding years.

As of May 31, 2006, the Snow Flake Organization, one of the Department of Health and Human Services' embryonic adoption grantees, had a news conference announcing that there had been 100 births since 1997. As of May 31, 2006, the National Embryo Donation Center had a total of 28 deliveries or ongoing pregnancies. Out of the 400,000, even with Federal funding available to encourage adoption, the number is 128, which makes it conclusive that these 400,000 embryos will either be used for scientific research or thrown away.

The bill which Senator HARKIN and I have introduced is very carefully structured to be sure that it satisfies the strictest ethical scrutiny.

This is the essence of the bill: first, that the stem cells were originally created for fertility treatment purposes; second, are in excess of the clinical need; third, the individual seeking fertility treatments for whom the embryos were created has determined that the embryos will not be implanted in a woman; fourth, they will be otherwise discarded; and fifth, the individual for whom embryos were created has provided written consent for embryo adoption.

This bill does not allow Federal funds to be used for the derogation of stem cell lines, a step in the process where the embryo is destroyed—the lines are created and the embryos are destroyed before they are subjected to research which is funded by the Federal Government under the bill which Senator HARKIN and I are promoting.

The evidence of the utility of these embryonic stem cells is unquestioned, and the need for more stem cell lines similarly is unquestioned.

On August 9, 2001, President Bush made an Executive determination to allow Federal research on some 60 existing stem cell lines. It was later determined that there might be as many as 70 lines. It has since been determined that there are no more than 20 lines, and perhaps even fewer. These existing lines are tainted with mouse feeder cells, which is a technical consideration that they can't be used.

The experts in the field: Dr. Nabel, Director of the National Institutes of Health (NIH) Heart, Lung, and Blood Institute, focused on the unavailability of stem cells for research, noting that only four stem cell lines are currently in common use.

The enormous advantages of stem cells were outlined in some detail by the various Directors of the NIH.

Dr. Zerhouni, Director, NIH, said:

> Embryonic stem cell research holds great promise for treating, curing, and improving

our understanding of disease, as well as revealing important basic mechanisms involved in cell differentiation and development.

Dr. Fauci, Director of the National Institute of Allergy and Infectious Diseases, said:

> NIAID believes that embryonic stem cell research could be advanced by the availability of additional cell lines. Individual stem cell lines have unique properties. Thus, we may be limiting our ability to achieve the full range of potential therapeutic applications of embryonic stem cells by restricting research to the relatively small number of lines currently available.

Dr. Battey, Director of the Deafness Institute, said:

> The more stem cell lines available for study the more likely a cell line will be maximally useful for a given research, and potentially clinical, application . . . the scientific community would be best served by having a greater number of human embryonic stem cell lines available for study.

Dr. Nabel, the director of the Heart, Lung, and Blood Institute, said:

> . . . we recognize that the limitations of existing cell lines are hindering scientific progress among a community that is very eager to move forward in this promising area. We support the creation of dissemination of newer stem cell lines in the expectation that it will advance this field and hasten progress in basic and clinical research.

Similar opinions were articulated by Dr. Tabak, director of the Dental Institute; by Dr. Volkow, director of the National Institute of Drug Abuse; by Dr. Collins of the Human Genome Institute; by Dr. Neiderhuber, director of the Cancer Institute; by Dr. Rodgers, acting director of the Diabetes and Digestive Disease Institute; by Dr. Landis, director of the Neurology Institute; by Dr. Berg, director of the General Medical Sciences Institute; by Dr. Alexander, director of the Child Health Institute; by Dr. Sieving, director of the Eye Institute; by Dr. Schwartz, director of the Environmental Health Institute; by Dr. Hodes, director of the Aging Institute; by Dr. Li, director of the Alcohol Abuse Institute; by Dr. Alving, acting director of the Center for Research Resources. All concur with the need for additional stem cell lines for research in dealing with the maladies in their own particular area.

By way of a strictly personal note, I had a little root canal work done this morning. The dentist asked me what was going on in the Senate today. I told him about stem cell research. He said: I hope you win your case because it will help us on root canal work. The embryonic stem cells can be injected into the canal with the diseased tissue, and you can have a third set of teeth.

Wherever I turn, people in the medical research field—and I regret I have had a lot contacts—extol the enormous virtues of stem cells—that they have the capacity to replace diseased cells. If you deal with a heart problem and you have a diseased area, the stem cells can be injected. These embryonic stem cells have remarkable flexibility and capacity to provide a healthy cell to replace the diseased cell.

We have had remarkable articulation of support from Members of the Senate, as well as Members of the U.S. House of Representatives. The House bill was passed with a comfortable margin, with some 50 Republicans crossing party lines. In the Senate, we have many Senators who are most actively known in the pro-life community, and while they would not make a woman's right to choose available, they do actively support stem cell research. It is important to focus on the difference that being against a woman's right to choose has nothing to do with the issue of stem cell research. They are entirely separate.

Authors of the June 4, 2004, letter to the President on stem cell research include some of the strongest pro-life Senators in our body, including Senator ORRIN HATCH, Senator GORDON SMITH, Senator LAMAR ALEXANDER, Senator THAD COCHRAN, Senator KAY BAILEY HUTCHISON, Senator TRENT LOTT, Senator JOHN MCCAIN, and Senator JOHN WARNER. There is every expectation there will be more Senators from the strong pro-life community who will be supporting embryonic stem cell research.

We have support from two of our colleagues who were very active on the pro-life side, former Senator John Danforth and former Senator Ben Nighthorse Campbell.

On the strictly personal level, I have noted the declaration by President Nixon in 1970 when he declared war on cancer. Had that war been pursued with the same diligence we pursue other wars, I believe cancer would long ago have been cured. Without unduly dwelling on my own situation with Hodgkin's, a year of chemotherapy, I think had the research been fulfilled, I would have been spared that malady.

The maladies such as heart disease, cancer, Parkinson's, and Alzheimer's disease strike approximately 110 million Americans a year. We all know people close to us who have been stricken with cancer or heart failure. My own chief of staff, Carey Lackman, a beautiful young woman of 48, was stricken with breast cancer and died 2 years ago. My son's law partner, Paula Klein, a beautiful woman with two young children, age 55, died of breast cancer. A Federal judge, Edward R. Becker, well known to the Senate for his active work for more than 2 years on asbestos legislation, died in May 2006 from prostate cancer which had metastasized. Those are anecdotal, typical of tens of thousands, hundreds of thousands of people who have died or are incapacitated from diseases which could be cured with stem cell research. It is not only the individuals who contract the maladies, it is their families. It is their loved ones.

President Reagan's wife, Mrs. Nancy Reagan, who is a very nonpublic retiring person, has taken a public stand in support of embryonic stem cell research because of the understanding and impact on her life when President Reagan had Alzheimer's and she had to care for and watch her husband suffer from that malady. We have had very extensive indicators, evidence, that stem cell research could delay the onset of Alzheimer's and, perhaps, cure it entirely.

The conflict which we have on this issue between ideology and science is one which mankind has faced repeatedly in the course of our historical experience. A century from now, people will look back at this debate on stem cell research and wonder how we cannot possibly utilize all of the benefits of science to stop people from dying, to stop people from suffering, when we have these embryos which are either going to be thrown away or used. They are not going to create living people. If they were, no one would be suggesting they be used for scientific research.

There are a number of striking examples of rejection of scientific knowledge at various stages in our human history which, in retrospect, are absurd. For example, in 1486, a committee of the Spanish Government concluded that the voyage proposed by Christopher Columbus should not be funded because "the Western Ocean is infinite and perhaps unnavigable . . . [and] . . . so many centuries after the Creation, it was unlikely anyone could find hitherto unknown lands of any value."

Fortunately, Queen Isabella, disagreed.

Galileo was imprisoned for his support of Copernicus' theory that the planets revolved around the Sun. This allowed the acceptance of a theory upon which all of modern astronomy and space travel are based and what we know from our own experience in the solar system.

Michael Servetus has research on human anatomy. Pope Boniface VII banned the practice of cadaver dissection in the 1200s. This stopped the practice for over 300 years and greatly slowed the accumulation of education regarding human anatomy. Finally, in the 1500s, Michael Servetus used cadaver dissection to study blood circulation. He was tried and imprisoned by the Catholic Church.

Anesthesia for women in labor was founded by James Simpson in 1848. Reporting his discovery that anesthesia could be used to lessen pain during child birth, the Scottish Calvinist Church objected to the use of anesthesia during labor because "pain of child birth was God's will." The Scottish Calvinist Church stifled anesthesia use by refusing to baptize any children who were born while a person was anesthetized.

Thomas Edison, who brought electricity to us, had a similar experience.

The Committee on Lighting by Electricity in the British House of Commons did not believe that electricity was practical, saying:

> There is not the slightest chance of [electricity] competing, in any general way, with gas. There are defects about the electric light which, unless essential changes take place, must entirely prevent its application to ordinary lighting purposes.

Fortunately, that view did not prevail. Fortunately, since it is 102 degrees today and we have an air-conditioned Senate Chamber.

Vaccines, in 1772, in response to the new science of vaccination, Rev. Edward Massey declared:

> Diseases are sent by Providence for the punishment of sin, and the proposed attempt to prevent them is a diabolical operation.

Had vaccines been outlawed, millions of lives would have been lost.

In the 1820s, Dr. Dionysus Lardner, Professor of Natural Philosophy and Astronomy at University College, London, stated, referring to rail travel:

> Rail travel at high speed is not possible because passengers, unable to breathe, would die of asphyxia.

If it were true, I would not be here today. I would have had to find another way than rail travel to come from Philadelphia to arrive in time for this debate.

I go through this list, and it is only an abbreviation of a much longer list to show how attitudes at different times in retrospect look foolish, look absolutely ridiculous.

When we see in our everyday existence the enormous suffering from so many maladies, there is just no sensible, logical reason why we should not make use of stem cell research.

When I joined the Subcommittee on Health and Human Services in 1981, the budget for the National Institutes of Health (NIH) was a little over $3 billion. With the leadership of that subcommittee, those funds have now been increased to almost $29 billion annually. We are being outstripped by other countries which are undertaking embryonic stem cell research. They are taking our scientists. We have the capacity with the NIH and the Federal funding to make enormous additional progress on medical research to save lives, to save pain and suffering. We ought to do so. We ought to pass the Specter-Harkin bill—the Senate's version of the House-passed bill—and seek to persuade the President of the United States that this is a bill which ought to be signed into law.

I know my 30 minutes is up, so I yield to my distinguished colleague from Iowa, Senator TOM HARKIN.

The PRESIDING OFFICER (Mr. BURR). The Senator from Iowa.

Mr. HARKIN. Mr. President, first, I congratulate Senator SPECTER on an exemplary opening statement on this 2-day debate we will be engaged in and also thank him, as I will in my formal statement, for his leadership over the past several years on so many issues of health care, and this one in particular. I am proud to join him in this effort, as I have for the last year, to try to get H.R. 810 to come up.

Mr. President, we have waited a long time for this day to come, I think too long. We could have and should have voted on H.R. 810 more than a year ago after it passed in the House with a strong bipartisan majority. So we have lost some valuable time. But more to the point, America's best medical researchers have lost valuable time. But be that as it may, H.R. 810 has finally come to the Senate floor, and we will vote on it tomorrow afternoon.

I thank majority leader BILL FRIST for brokering the agreement to make this vote possible. It took courage for him to announce last summer that he supports the bill. And it took courage for him to schedule this vote. I have already commended him privately, and I commend him publicly as well.

Again, I thank Senator SPECTER for leading the effort to promote stem cell research for so many years. He chaired the very first hearing in Congress on embryonic stem cells, as he said in his remarks, in December of 1998. And, again, just repeating what Senator SPECTER had said—but for the sake of emphasis—our Labor, Health, and Human Services Appropriations Subcommittee has held 18 hearings on this research since then.

Senator SPECTER and I also introduced the very first bill in Congress on stem cell research in January of 2000. So Senator SPECTER and I have traveled a long road together, and I thank him for being such an extraordinary leader and partner in this effort.

I also thank the other Senate leaders on stem cell research: Senator HATCH, Senator FEINSTEIN, Senator SMITH, and Senator KENNEDY. Counting Senator SPECTER and myself, there are three Republicans and three Democrats on the list who have led the effort to bring up H.R. 810 and pass it, and it has been a truly bipartisan effort all the way.

Most of all, I thank the hundreds of thousands of families and patients who never gave up, who kept up the pressure to bring this bill to the floor, and who are so eager to see H.R. 810 sent to the President's desk for his signature. They have kept the faith. Now it is our job to see they are not disappointed.

Under the UC agreement, we will debate and vote on three bills. But make no mistake, the only one that really matters is H.R. 810, the Stem Cell Research Enhancement Act. This is the one bill that, at long last, will unleash some of the most exciting and promising research of modern times.

So, as we begin this debate, it is a good time to step back and ask: Why is there so much support for H.R. 810? Hundreds of patient advocacy groups have endorsed the bill; so have dozens of Nobel Prize winning scientists, dozens of research universities, and, I might add, so has the American public. Polls now show that 72 percent of Americans support embryonic stem cell research—72 percent—compared with 24 percent who oppose it. That is a 3-to-1 margin. So the American people—three out of four—are in favor of embryonic stem cell research.

Why? Well, the answer is very simple. Embryonic stem cell research offers real hope—real hope—for people with Lou Gehrig's disease, real hope for people with Parkinson's, real hope for people with spinal cord injuries, real hope for people with heart disease, real hope for people with diabetes, real hope for people with cancer, real hope for people who suffer from autoimmune diseases such as lupus. All told, more than 100 million Americans have diseases that one day could be treated or cured with embryonic stem cell research. Here is just a brief list of them: cardiovascular disease, autoimmune disease, Alzheimer's, Parkinson's, spinal cord injuries, birth defects, severe burns—millions of Americans who could be cured or helped with stem cell research.

But it is not just Members of Congress who are saying it; we have asked top scientists. Senator SPECTER and I sent letters to the National Institutes of Health last week. Senator SPECTER referred to that in his remarks. We asked their top scientists for their thoughts on stem cell research. Every single one of them said embryonic stem cell research offers enormous potential. We asked 19 NIH scientists—heads of the different individual institutes—and all 19 agreed.

Here is what Dr. Zerhouni, the NIH director, wrote to us:

> Embryonic stem cell research holds great promise for treating, curing, and improving our understanding of disease.

This is from Dr. Elizabeth Nabel, the director of the Heart, Lung, and Blood Institute. She wrote:

> Embryonic stem cell research has vast potential for addressing critical health [care] needs.

And it is not just NIH scientists who believe this way. In a letter from Dr. J. Michael Bishop, who won the Nobel Prize in medicine in 1989, he writes:

> The vast majority of the biomedical research community believes that human embryonic stem cells are likely to be the source of key discoveries related to many debilitating diseases.

I could go on and on, but I think you get the picture. Scientists agree: embryonic stem cell research offers enormous hope—real hope—for easing human suffering.

Now, some may ask: I thought the Federal Government already supports embryonic stem cell research. What about the speech the President gave 5 years ago?

Well, let me try to explain the President's policy as was enunciated 5 years ago. He gave the speech on August 9. 2001. I remember it well. I was listening to it. I was on the road. I was listening to it on the radio.

The President, at that time, said that federally funded scientists could conduct research on embryonic stem cells only if the stem cells had been derived prior to 9 p.m., August 9, 2001. Well, I thought to myself at the time—and I have thought since—that is rather odd. It is morally OK to do research on stem cells derived before 9 p.m., but it is not morally acceptable to do research on stem cells derived after 9 p.m.? Well, I thought to myself, why not 9:05? What about 9:15 p.m. or 9:30 or midnight? Why was 9 p.m. the magic cutoff hour on August 9, 2001?

Well, clearly it was totally arbitrary. That just happened to be when the President gave his speech. But for whatever reason, the President said only those lines derived by 9 p.m. August 9, 2001, were eligible for federally funded research.

At the time, after I checked into it, some of us were hopeful that the policy would work. But it has not, and here is why. When President Bush announced his policy, he said 78 stem cell lines were available. Many people thought 78 stem cell lines might be enough, might have enough genetic diversity to actually do the kind of research we needed. But as the years progressed, we found that only 21—only 21—of the approved lines are actually available for study: not 78, only 21.

We found out something else I did not know at the time. All 21 of these lines are contaminated by mouse cells. In other words, the embryonic stem cells were grown on mouse cells, so they are contaminated, making it highly unlikely ever to be used for any kind of human therapy. I ask: Would any of you want to have stem cells used for your illness if they were contaminated with mouse cells? I do not think so, and neither do the scientists. And the other thing we found out is that now many of the 21 lines are too unhealthy to use. They have actually become sick.

Dr. Nabel of the NIH Heart, Lung, and Blood Institute wrote to me that only four of these lines are in common use—four. Dr. Jeremy Berg, another NIH director, director of the general medical sciences, said there are about six lines in common use.

So what is happening now is that these policy restrictions are making our scientists work with one arm tied behind their back. It is having a chilling impact on scientists thinking about entering the field.

Dr. Nora Volkow, director of the NIH Drug Abuse Institute, said it is stifling interest in research. She said:

> Despite general interest and enthusiasm in the scientific community for embryonic stem cell research, the limited number of available lines has translated into a general lack of research proposals.

Well, if you are a research scientist at one of our hundreds of universities around the country, and you are eligible for NIH funding, would you want to do research on only four lines that may not lead to anything? Would you put in a proposal to do that? You could be one of our budding genius researchers. You might want to put your efforts and endeavors into something else rather than a dead-end policy.

So I submit that the President's policy is not a way forward, it is a dead-end street. It offers only false hope—false hope; not real hope, false hope—to the millions of people across America and the world who are suffering from diseases that could be cured or treated through embryonic stem cell research.

Meanwhile, hundreds of new stem cell lines have been derived since the President's arbitrary deadline of August 9, 2001. These lines are uncontaminated. They are healthy. But they are totally off limits to federally funded scientists. I do not mean just scientists who work at NIH; I am talking about all the scientists who work in all of our universities and research institutions across America. They are off limits—off limits. They cannot use it. It is really a shame.

I was listening to Senator SPECTER earlier talk about some of the earlier pronouncements, some by the Catholic Church, back in the Middle Ages, some by—he mentioned another Calvinist Church—I don't know who all he mentioned—but the views at that time and how we look back and say: How could they have been so blind to prohibit certain activities, such as using cadavers for scientific experimentation to learn how the body works so we could perhaps cure illnesses and diseases?

I was listening to that, and I thought: We have new stem cell lines, uncontaminated with mouse feeder cells, healthy, ready to go. Scientists cannot use them. And I thought: We do not require astronomers today to explore the skies with 19th century telescopes. We do not tell our geologists to study the Earth with a tape measure. If we are serious about realizing the promise of stem cell research, our scientists need access to the best stem cell lines available.

And, again, I would not want anyone to take just my word for it. I think Dr. James Battey knows more about stem cell research than anyone at the National Institutes of Health. He runs the stem cell task force there, and this is what he wrote when I asked him whether it would help our scientists to have access to more stem cell lines. Here is his direct quote:

> The more cell lines available for study, the more likely a cell line will be maximally useful for a given research, and potentially clinical, application. For this reason, the scientific community would be best served by having a greater number of human embryonic stem cell lines available for study.

That is from a letter to me from Dr. James Battey, chair of the NIH Stem Cell Task Force, dated July 13, 2006.

Dr. Volkow of the Drug Abuse Institute was even more blunt. She wrote:

> Access to a wider array of embryonic stem cell lines would definitely increase scientific opportunity and the chances of breakthrough discoveries.

I should note that scientists in many other countries around the world do not face these kinds of arbitrary restrictions. When you talk to researchers in England, for example, our policy makes no sense to them. They cannot understand why stem cell lines derived on one date are fine to use, but if they are derived on another date they are off limits. They do not have arbitrary barriers like that in England, and that is a big reason so many of the major advances in stem cell research are happening there rather than in the United States.

So we need a stem cell policy in this country that offers real, meaningful hope to patients and their loved ones. That is what H.R. 810 would provide.

Under this bill, federally funded researchers could study any stem cell line regardless of the date it was derived as long as strict ethical guidelines are met. I think it is important to run through some of those ethical guidelines.

First, the only way a stem cell line could be eligible for federally funded research is if it were derived from an embryo that was otherwise going to be discarded. As Senator SPECTER pointed out, there are more than 400,000 embryos in the United States left over from fertility treatments that are currently sitting frozen in storage. The moms and dads have had all the children they want; they no longer need any more of these embryos, and most of them will be discarded. It happens every single day at fertility clinics around the country. People have used in vitro fertilization, had their children, and they don't want any more. Rather than continue to pay the facility to store them and freeze them, they call up and say we don't want them anymore. The facility discards them. It happens every day.

All we are saying is, instead of discarding them as leftover embryos, let's allow couples, if they wish, to donate them to create stem cell lines that can cure diseases and save lives. The choice is this: Throw them away or use them to ease suffering and, hopefully, cure diseases.

It is the second choice that I believe is truly moral and truly respectful of human life. Again, I have to emphasize, as I will today and tomorrow time and time again, H.R. 810 does not create any new embryos. Not one new embryo will be created under H.R. 810—only those left over in in vitro fertilization clinics, and only if the moms and dads give their written consent.

As I said, the second ethical requirement requires them to provide informed written consent. Again, a lot of people don't realize this, but the President's policy is a little fuzzy on the matter of informed and written consent. Some of the 21 federally approved lines—especially those coming from other countries—don't meet that requirement. So we need to pass H.R. 810 to tighten the ethical guidelines on stem cell research, so there is no question that the embryos were donated voluntarily.

Finally, H.R. 810 prohibits anyone from being paid to donate embryos. There is no chance under this bill that women could be exploited to go through the donation process against their will. So no money can change hands. The three ethical guidelines, to repeat, are: One, we can only use excess embryos in in vitro fertilization clinics; second, there must be informed written consent for the donation of those embryos; and third, no money can exchange hands to pay for any of these.

Let me address one more issue, and that is the matter of the so-called alternative ways of deriving stem cells. Some opponents of this will speak today and tomorrow and argue that we don't need to pass H.R. 810. Instead, they say, we should put our current stem cell research on hold in hopes that some new way of deriving stem cells will pan out some time, hopefully, in the future.

That would be a tragic mistake. I support any ethical means to improve the lives of human beings who are suffering. In fact, Senator SPECTER and I included language in our appropriations bill last year urging NIH to support research on alternative ways of deriving stem cells. But not one of these so-called alternative methods has ever succeeded in producing a stem cell line. Right now, they are just theories. Maybe one day, 5 years or 7 years or 10 years or 15 years from now, one of these methods will pan out. But maybe not.

I think this chart tells the story. The NIH estimates that there are about 400 stem cell lines worldwide, almost all of which were derived after the President's arbitrary cutoff date of August 9, 2001. Every one of these lines was derived the same way, using embryos that were left over from infertility treatments that would otherwise have been discarded. So you see on the chart "stem cell lines derived using current method," and we have about 400 stem cell lines worldwide. Now, how many lines were derived using unproven alternative methods? Zero. It is 400 to zero.

Yet we will hear today and, I think, tomorrow from some who say we should pass other bills. We should not use the proven method we have, but we should go to alternative methodologies. We know right now that zero stem cell lines have been derived from using those alternative methodologies.

Again, should we pursue these alternative methods? Of course. This is no prohibition against that. We should open every door we can in the ethical pursuit to cures. But meanwhile, people we love are dying from Parkinson's and ALS, and children are suffering from juvenile diabetes. Should we say wait another 5, 7, or 10 years and see if we can derive stem cells from these alternative methods? Maybe we can, maybe we cannot. If we cannot, what do we do then? Say the doors are all closed? Meanwhile, we have many stem cell lines derived from leftover embryos in in vitro fertilization clinics.

Another point about the alternatives bill. Even if Congress were to pass it and the President signs it, it has absolutely no impact on the progress of stem cell research. That is because the other bills we are voting on here don't authorize anything NIH cannot do already. We had a hearing. Senator SANTORUM, the author of that bill, was at the hearing. We had people from NIH. Senator DURBIN was there and he asked the question:

> Can you tell me whether S. 2754—

which is another one of the companion bills we will be voting on tomorrow—

> authorizes research on stem cells at the NIH that currently is not permissible or legal?

Dr. James F. Battey at NIH said:

> No, it does not.

That was on June 27 of this year. So the alternatives bill, S. 2754, might not do any harm, but it doesn't do any good either. It just says, NIH, you can do what you can already do. Well, that is fine with me; I have no problem with that. But don't be fooled into thinking that S. 2754 somehow takes the place of H.R. 810. It doesn't.

That is one more reason we need to focus on H.R. 810.

In closing, my nephew Kelly is one of the millions of Americans whose hopes depend on stem cell research. He has been a quadriplegic for about 27 years since suffering a spinal cord injury in a terrible accident while he was in the U.S. Navy and serving on an aircraft carrier. Kelly's hope has been that sometime scientists will finally find a way to mend his spinal cord so he can walk again. He has been following very closely the whole issue of embryonic stem cell research. His hope, like the hope of Christopher Reeve's, was—we all remember him, our first "Superman"; he fought so hard for embryonic stem cell research before he passed away. They both hoped embryonic stem cell research would lead to a breakthrough that would allow them to walk again. Kelly asks all the time: When is the Senate going to vote on H.R. 810?

You know, we have seen the videos of mice whose spinal cords have been damaged so they could not walk and were treated with stem cells from other mice and they are now walking again. As Christopher Reeve once said after reviewing the video of one of these white rats that could not walk but was given stem cells and now was walking, "Oh, to be a rat."

Well, after more than a year of prayers and pressure, my nephew Kelly and millions of other Americans suffering from disease and paralysis will get their wish. I am optimistic that we have the 60 votes necessary to pass H.R. 810 tomorrow and send it immediately to the President's desk. There are a lot of stories. I am sure we all have family stories such as my nephew's.

Here is a letter from the ALS Association—the Amyotrophic Lateral Sclerosis Association, also called Lou Gehrig's Disease. It says, in part:

> The advancement of stem cell research is vital for people such as Roger Gould from Ames, IA. ALS has steadily eroded Roger's ability to control muscle movement, limiting his ability to speak, walk, move his arms, and lead the type of life most all of us take for granted. Ultimately, the disease will take his life. Stem cell research provides promise to people such as Roger and his wife Cindy that one day an effective treatment for ALS will be found. It also gives hope to thousands of others that ALS no longer will mean death in an average of 2 to 5 years after diagnosis; that one day we may be able to prevent ALS from taking the lives of people such as Rob Borsellino, a nationally recognized columnist from Des Moines, IA, who lost his battle against ALS last month, a year after his diagnosis.

I ask unanimous consent that this letter be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. Mr. President, my time is up. Again, this is going to be a good debate, a good airing of the issues. Tomorrow we will vote on this bill and send it to the President. I am hopeful that the President, after reviewing it and looking at what happened in the past—the new things that have come to light because of the mouse feeder cells and the contamination of those lines—will sign the bill and give real hope to millions of Americans.

I yield the floor.

EXHIBIT 1

THE AMYOTROPHIC LATERAL
SCLEROSIS ASSOCIATION,
Washington, DC, July 12, 2006.

U.S. Senate,
Washington, DC.

DEAR SENATORS: The ALS Association (ALSA) strongly supports the Senate's consideration of legislation to advance stem cell research. We are grateful for the bipartisan efforts of Senators to bring this important issue up for a vote before the August Congressional recess and are particularly appreciative of the leadership on this issue demonstrated by Majority Leader Bill Frist (R–TN) and Senator Tom Harkin (D–IA).

We understand that the Senate will consider three different stem cell initiatives during the week of July 17. We strongly urge the Senate to pass all three proposals, including H.R. 810, the Stem Cell Research Enhancement Act. These initiatives, and H.R. 810 in particular, provide our nation with the best opportunity to fully explore the promise of stem cell research and the hope that it may lead to a treatment and cure for ALS.

The ALS Association is the only national voluntary health association dedicated solely to the fight against Amyotrophic Lateral Sclerosis (ALS), more commonly known as Lou Gehrig's disease. Our mission is to improve the quality of life for those living with ALS and to discover a treatment and cure for this deadly disease.

ALSA supports the ethical expansion of the Administration's stem cell policy as provided for in H.R. 810, permitting the use of embryos originally created for fertility treatment upon the consent of those individuals for whom the embryos were created. Importantly, the bill would arm researchers and scientists with the tools and resources they need to determine the potential embryonic stem cell research has to prevent, treat and cure countless diseases. This is especially important for people with ALS, for there is no cure for the disease and although there is one drug available to treat ALS, it only prolongs life by a few months.

The advancement of stem cell research is vital for people like Roger Gould from Ames Iowa. ALS has steadily eroded Roger's ability to control muscle movement, limiting his ability to speak, walk, move his arms and lead the type of life most all of us take for granted. Ultimately, the disease will take his life. Stem cell research provides promise to people like Roger and his wife Cindy that one day an effective treatment for ALS will be found. It also gives hope to thousands of others that ALS no longer will mean death in an average of two to five years after diagnosis; that one day we may be able to prevent ALS from taking the lives of people like Rob Borsellino, a nationally recognized columnist from Des Moines, IA who lost his battle against ALS last month, just a year after his diagnosis.

Through our innovative TREAT ALS program, The ALS Association is pursuing an aggressive strategy to advance the development of new treatments for ALS, bringing innovations from the lab to the bedside faster than ever before. Exploring the potential of stem cells is an important component of this effort. In fact, recent research funded by ALSA and published in the Annals of Neurology just this month, shows that stem cell therapy can partially restore motor function—function which ALS destroys. Other research in stem cells also show promise for ALS. While translating the promise of stem cell research into treatments and a cure for the disease continues to be a hope for the future, it is important that we explore all potential avenues for treating this horrific disease. An expansion of the current federal policy on stem cell research can only benefit the search for a treatment and cure for ALS.

Therefore, we urge the Senate to pass H.R. 810 and help ensure that people with ALS can benefit as quickly as possible from the very best that science and technology has to offer, including the potential innovations that can result from embryonic stem cell research.

Sincerely,

STEVE GIBSON,
Vice President, Government Relations and Public Affairs.

The PRESIDING OFFICER. Under the previous order, the majority controls the next 30 minutes.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wish to take 5 minutes of my allotted 15 minutes to answer some of the questions raised by Senator HARKIN and Senator SPECTER.

I think it is very important that the American public understands what this debate is. We have heard a lot of statements this morning that there are no cures other than fetal stem cell research, and that could not be further from the truth. I am a practicing physician. I deliver babies. I have read almost every article published in the last 12 months on stem cells, both embryonic and nonembryonic adult. The fact is there is not one cure in this country today from embryonic stem cells.

We talked about 21 lines, but what they don't say is there is no limitation in this country at all on private research from any of the 400 lines Senator HARKIN mentioned. There also is a statement by the caretaker and many scientists that the lines are not contaminated. As a matter of fact, they are not contaminated. The question is, do we want to do what is best to get us further down the road to treat people? I am a two-time cancer survivor; I had cancer of the colon and melanoma. With the treatments that are available—I desire the treatments that can come out of stem cell research, there is no question. But every disease Senator HARKIN listed—every disease save ALS—has an adult stem cell or cord blood stem cell cure that has already been proven in humans, without using embryonic stem cells. What is the science behind it? What is the science that tells us we are going to have trouble with embryonic but not with the other? It is called the mitochondria. If you study physiology at all, what you know is every cytoplasm of every cell has mitochondria in it.

The only way to use an embryonic stem cell line and to use it effectively without falling into the trap of contamination or cross-immunization—in other words, allergy to the treatment—is to somehow quiet mitochondria. They are the energy source for cells. They have DNA. So none of the problems that are seen with your own adult stem cells or cord blood from your own child will be existing in a treatment from your own stem cells.

The reason we should spend more money on our own stem cell lines today is because there will not be complications from them as is noted in every study that has thus far been done on embryonic stem cells.

The Senator mentioned the rats. The only study that shows neurologic improvement is when the rats were sacrificed at 8 weeks. Every other study, when they let the rats live to 12 weeks, show teratoma or tumor formation, which is the problem with embryonic stem cells.

I hope the American people will listen. It is not about not getting where we want to go, but there is false hope, tremendous false hope in what we are about to do when, in fact, if we would redouble our efforts on the other areas of stem cells.

One final point and then I will yield. There is a germ cell line, stem cell line, which goes against everything Senator HARKIN says. It has been proven in this country; it has been proven in Germany. It comes from ovarian tissue and testicular tissue. It is, without a doubt, the greatest thing on the horizon for us because it has none of the problems associated—I am not talking the ethical problems, I am talking the scientific problems associated with embryonic stem cells. There are none of the problems with it.

I have seen beating heart tissue from germ cell lines. It can create every area. There are three tissues, endoderm, ectoderm and mesoderm. That is the important reason why embryonic is thought to be so important.

One final point on dedifferentiation, the ability to take a cell that is in your body today and make it go backward. That has been accomplished. We now see multiple lines of pluripotent cells from our own bodies.

The choice is not destroy embryos, and if we don't, we will not get good research; the choice is go where the money is leading us, and the money is leading us into adult stem cells, germ cell lines, and other lines that have none of the problems of embryonic stem cells.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Oklahoma for his short, clear statement. I have some charts that will back him up.

I am delighted we are having this debate. It is time. We last debated this issue on the Senate floor in 1998. A lot has developed since then. As my colleague from Oklahoma pointed out, much of the science has passed by the embryonic stem cell and the need for embryonic stem cells, as the science has gone to adult stem cells and cord blood, and that is where the treatments are. I will show pictures of patients in that area and what is taking place.

I am delighted to be debating my colleagues. We have been debating this issue for some time. I think it is time we have a vote and look at this issue.

When I was a young Congressman first running for Congress in Chanute, KS, a young man approached me. He knew me and knew I was running for office. He said: Can you answer one question for me?

I said: I will try. I was anxious to be of help. I was anxious to prove I knew policy issues, I knew right from wrong, and I would be a good Congressman for him.

He asked me: Why is it we will fine somebody up to half a million dollars for destroying a bald eagle's egg, and yet we will fund the destruction of young humans? Why is it Federal law, both cases at that point in time, as far as the funding of abortion—I don't remember when that was changed, although now we are talking about the destruction of young human life again.

He said: Why is that?

I thought for a while. I thought: That is a good question. I don't know why that is.

I have a picture which may seem an odd place to start this debate, but it will tie in, and I will show how. I have a picture of a bald eagle's egg and a bald eagle. If I asked my 8-year-old children what happens if I destroy this egg, will I get this eagle? they will say: No, you don't get the eagle if you destroy the egg.

Why not? That egg is not an eagle.

I know, but the egg is the eagle because the eagle comes out of the egg.

Well, he doesn't look like him.

I know it is an eagle in the egg, and if you destroy the egg, you don't get the eagle. That is why we say in the Endangered Species Act, if you destroy this bald eagle's egg, you can have a maximum fine of up to half a million dollars.

I want to show some other eggs, if I can. These are human embryos, fertilized eggs. They are fertilized eggs such as this bald eagle's egg is. This one, Mother Teresa once was a human embryo. JFK was once a human embryo. Martin Luther King was once a human embryo. Ronald Reagan was once a human embryo.

Again, I think if we ask ourselves a simple question: If I destroy this, do I destroy this in the same way? Does it happen? If I destroy this human embryo—everybody on the Earth was a human embryo at some time—if I destroy that human embryo, do I somehow go ahead and get to be here anyway?

The answer, of course, again, if you ask my 8-year-old children, is: No, you don't get to be here because you destroyed the very start of your life, you destroyed the beginning of it, you destroyed that biological entity you were because the same genetic material that was there was in Ronald Reagan, and it was a unique set of genetic material, unique to him. The same for Martin Luther King, JFK, or Mother Teresa, and the billions of people around the world. We all started as a human embryo, and if you destroy the embryo, you destroy the person.

It is a unique set of genetic material right after the fertilization takes place. It doesn't matter where the fertilization takes place. It can take place in an IVF clinic or the old-fashioned way or it can take place by cloning. You still have this. You can have this, or you can destroy this and never get that. That is pretty direct, straightforward, nobody argues it. And we are not talking theology, as people try to drag this into the debate. We are talking basic biology. This is basic biology 101. If you destroy the embryo, you don't get the full-scale person. This is a genetic person, entity, special, unique, sacred, and so is this person.

My point one of this is, if we use taxpayers' dollars to fund the expansion of embryonic stem cell research, you have to inherently destroy young humans to do this, and do we want to do that? What was previously said in Dickey-Wicker was: No, we will not use taxpayers' dollars to destroy young human life. Here we would change that and say: Yes, we do; it is for a special purpose, a special reason; these are unique; these are something we are really going to get cures for. And that is my second point, cures.

The other side has talked about cures for a long period of time, and I want cures, and we are getting cures to take place. If we had taken the half a billion dollars, $500 million that we have invested in embryonic stem cell research in animals and humans and invested that instead in adult stem cell research and cord blood research, we would probably have a lot more people in clinical trials today. We would have a lot more people, I believe, being treated and alive today if we had taken the half a billion dollars that we put, in the last 5 years, into these areas of embryonic stem cell research and put them in adult stem cells and cord blood, we would have more people alive today, walking around, experiencing treatments and I believe cures. Let me show some faces of these people.

This is a beautiful lady, Jacki Rabon. She was involved in a traffic accident. She is a paraplegic. She had to go to Portugal to get a treatment with her own adult stem cells. They are olfactory stem cells from the base of the nose. They take them out, grow them, and put them back in the spinal cord injury area. She had no feeling, no mobility, nothing below the waist. She is now getting feeling in her hips through this treatment, adult stem cells, her own stem cells. She is getting feeling in the hips and walking with the use of braces, but she had to go to Portugal to do this. Why isn't this being done in America? Why aren't we having people treated here? We are not adequately funding this area. She wants to walk and I want her to walk and she could, but we are taking money and putting them into these speculative areas when we have cures that are working. We have to go to Portugal to get them.

Let's look at this next picture. This is an amazing story. This young man is named Ryan Schneider. I hosted him at a press conference 2 hours ago. He is 3 years old, a young man with cerebral palsy. His mother saved his cord blood.

At 2 years of age, she started noticing that he was not growing and that his arms were retracting. She took him to the doctors and they said: Yes, CP; he has CP. The mother was devastated, but she would not give up.

The morning after the diagnosis, she was lying in bed and she had this a-ha moment. She said: I saved his cord blood and let's use the cord blood and treat him with the cord blood because I think that can work and get him moving again.

She called all around the country and couldn't find anybody willing to do this procedure. She was pleading with these doctors: It is simply his own cord blood, taking his own cord blood and putting it back in; this isn't going to hurt him.

They said: We can't do it, not sure, we don't have FDA protocol.

Finally, she finds a researcher at Duke University, whom we had in to testify, who said: Yes, we will do it, and the worst thing that can happen is nothing because nothing will happen, it is his own cord blood; it is not going to hurt him.

She goes down to Duke University, takes his own cord blood, and they inject it in him. This is when he was 2. He was at a press conference today. There is no retraction taking place in the arms. He has full mobility. The thing he likes to do the most is bug his 8-year-old sister, which is what his mother said today: We like that, too, that he wants to do that. He has a word vocabulary that is normal for the age range. She said: Why isn't this an FDA-approved situation? Why are we not doing more research? Why aren't more people storing and saving cord blood so when this happens people can get cures?

Well, we haven't put enough funding into it. If we had put the half a billion more dollars into this area instead of embryonic, we might have a bunch of kids treated for CP who are not getting treated and be like Ryan running around and bugging his sister instead of having CP.

Here is a real interesting story, too, Keone Penn. We had him in to testify. He has sickle-cell anemia. He was dying. It is a real difficulty. Sickle cell is a very difficult problem to face, very painful problem for a child to face. He went through the New York Cord Blood Center, got treatment there, got a match. They had enough of a genetic match that it works for him. There are no indicators of sickle-cell anemia today. None. He isn't in Washington today, but we have had him in to testify.

We need a lot more cord blood stored. We need a lot more diversity of cord blood stored. We could use that half a billion dollars to store more cord blood and have more ethnic diversity so more people can get treated, so more people such as him will live, not die; so more people will not have to suffer what he went through. There could be real treatments with these dollars to help them.

No. 1, why are we destroying young human life? We fine people for destroying life in other forms that we want to preserve, such as the bald eagle. No. 2, why would we take this money away from current areas where we can really treat people and especially in the areas where we are not getting any treatments, we are having all the problems with tumor formation, as Dr. COBURN noted. Why are we doing that? So that fewer people are getting treatments and people are having to go overseas to get these treatments? Why? And why would we ask to do more of it now? That is what this bill is basically asking to do: That we would change Federal law so you could destroy human life with Federal taxpayer dollars. No. 2, that we would use this money, and more of it, to fund speculative areas that even their set of scientists are saying are a minimum of a decade or two away from treatments which we are not getting, and we have taken away from Keone Penn, and treatments that he could get. Why? What sense does that make?

In 1943, C.S. Lewis delivered a series of lectures—this is the gentleman who did the Narnia series that has been made into a movie that a lot of young people have seen and read the Narnia series books, along with a lot of other pieces—a brilliant writer and a brave man. He did a lecture series called "The Abolition Of Man" in 1943, a very forward-looking series, and he noted at one point: "If man chooses to treat himself as raw material, raw material he will be." It echoes themes of what we are hearing today. I don't give anybody over to a bad heart. I think everybody wants cures. I want cures. I see a way we can get treatments and hopefully cures. I want things done ethically. I don't give anybody over to a bad heart. But what we are doing is treating man as raw material—raw material to feed into a system that we hope will produce some results.

Unfortunately, it is not the first time we have in human history that we have treated people as raw material. We have frequently, in the past, subjected the weaker to the will of the stronger, and we have always regretted it afterwards. We shouldn't do that today. It shouldn't have happened then, and we don't need to do it now. We are talking about the embryo, the young human life.

I want to go through a couple of these points about what it is we are talking about. President Clinton's bioethics board defined young human life—and I want to give their definition for it. The National Bioethics Advisory Commission says that an embryo is: "The developing organism from the time of fertilization"—the time of fertilization—"until significant differentiation has occurred, when the organism then becomes known as a fetus." So it is an embryo by that Presidential advisory bioethics analysis.

And here is a definition taken from a textbook, the Human Embryology textbook states:

> Although life is a continuous process, fertilization is a critical landmark because, under ordinary circumstances, a new, genetically distinct human organism is thereby formed. The combination of 23 chromosomes present in each pronucleus results in 46 chromosomes in the zygote.
>
> Thus the diploid number is restored and the embryonic genome is formed. The embryo now exists as a genetic unity.

That isn't SAM BROWNBACK saying this, this is Human Embryology, Third Edition, saying that.

We have a distinct genetic entity once it is formed. It doesn't matter the location. It can be the old-fashioned way, as I noted at the outset, via the human body; in vitro fertilization; it can be what some refer to as somatic cell nuclear transfer, SCNT, or what most refer to as human cloning. It is a separate entity.

Pioneer stem cell researcher Jamie Thompson goes further. He says of human cloning: "By any reasonable definition, you're creating an embryo. If you try to define it away, you're being disingenuous." Jamie Thompson. So we are talking about a human embryo.

Now, some would say it is not big enough to be human life. Here I want to make a point, on this chart, if I could. My colleagues made the point that the human embryo is about this big; very small at its beginning of life. Therefore, because it is small and is fragile and it can't do anything on its own, you know, it is really not human life. And we should be able to destroy it, for a good purpose. We are doing this for a good purpose. This isn't us being malicious; we are doing this for a good purpose. Well, the interesting thing about that, as I said at the outset—of course, when you destroy this, you never get the full human at any point in time. This is a separate genetic entity, even at this point in time. Also, the point was made to me one time that if the Big Bang theory is correct, then at one point in time, this is the size of the universe. Then it is all condensed down, this much matter is condensed down to that infinitesimal, small size before it blows. So I guess if you destroy it then, it doesn't become the universe, but that doesn't matter. It is too small to be seen as significant, and it can't do anything on its own. It sits in a frozen state, and because it can't take care of itself, because it can't grow, because it can't breathe in this situation, then it is not human—because it can't care for itself, because it is too fragile. It doesn't breathe. It doesn't do some of the things that we give over to the presence of life.

I want to give some examples, real quick, of young people—let's use this one. This is Isaiah Sullivan Royal, born to Hannah and Jed Royal. Hannah works in my office. Isaiah was born significantly premature. As you can see, he is a fighter. He is a tough little guy. He has been through a lot—more medical treatments than most people would have gone through in their lifetime already. Without human intervention, without help, he doesn't survive and make it. Yet he is a young human, and he is beautiful. Talk to his parents about him. So the idea that just because of smallness, you can't take care of yourself doesn't make you human, is completely false. Do we want to say that because you are young and small and weak, you are worthless or helpless or you are not human, which would be even worse? That just doesn't stand. That doesn't stand to reason. Yes, human life is fragile, but it is of infinite worth and it is of infinite value.

I want to now look at the overall issue of where we are with adult stem cell work. Dr. COBURN hit on this area, and I want to put some more points to it. We have, by peer review articles, 72 different areas, different human maladies being treated with adult stem cells or with cord blood—72. There was recently an article in one of the magazines saying: Well, we don't think the number is actually 72, it may be 68, it may be this or that.

We can wait a day or two and it will be up to 72 because there are more coming out in all of the areas. Some people are quibbling and saying: Well, these are not in FDA treatment trials. That is true, a number of them are not because we don't have sufficient funding. A half a billion dollars would really help us to move that along to get these in FDA treatment trials. These are in human clinical applications, where there are human beings treated for 72 different maladies by adult stem cells or cord blood—72, and for embryonic, we have zero.

We have known about embryonic stem cells in mice for 25 years. We have not been able to get them to work in this situation. They form tumors and they are rapid growing. With adult stem cells we know what they are about, we know what they are doing, and they are working, and people are being treated: 72 adult stem cell treatments to zero embryonic treatments. Again, you can quibble that they are not in FDA trials, not available to everybody. That is true. A lot of people are having to go overseas for treatments in some cases, and in some cases they are actually treatments that were developed in the United States, but because of FDA approval processes being long, they are having to get treatment overseas, even though the process was developed here.

I want to show you the specific areas, and this is—I am breaking the rules on charts because this one has—this one is too busy, but it is the only way I can get it all on one chart: 72 current human clinical applications using adult stem cells.

As I said, we could wait a week or 2 weeks, it will be more. Here are some of the amazing ones: Bladder diseases, they are developing, actually growing bladders with your own stem cells for people who have had bladder cancer or something of that nature, they are able to actually form a shell structure and the cells grow around it. The ones I like the best are in the heart areas, the cardiovascular. I had David Foege speaking at a press conference we had, he could hardly walk, advanced stroke, because of his heart problem, no infracturing rate. The physicians—I am sure I am butchering the words—I am a lawyer. I apologize for that. But he got this treatment, and he went first to a place in the United States, and they said: Look, you are just too advanced in your problematic stage. We are not going to treat you here because we want to treat early on and we only have so much money and we could use more, but we only have so much.

So the guy goes to Thailand for the treatment—it may have been developed in the United States. I am not certain that it was developed in the United States, but it is used here but only on people with great opportunity to make it through. He goes to Thailand, gets this treatment. His indicators of what happened to him in the stroke are diminishing. He is out walking. He spoke at the press conference that we had, and this man has got life again. Otherwise, he would, in all probability, be dead today. And how many people are like him, that because we have slowed the development of the adult field down by putting so many of our resources in the nonproductive embryonic area, and we are getting interesting science, but with adult we are talking about real people now. We are talking about real lives of individuals. How many more of them can get treated, and how many people can afford to fly to Bangkok to get this treatment? How many are able to do that? Yet they could go somewhere in the United States. I mean, my goodness I hope we start thinking about the people involved in this and seeing the success in so many various and different fields. I think it is important we would do that.

Mr. President, I want to point out we will have, as my colleagues know, three votes that will be taking place. I do hope people will support the fetal farming ban. We shouldn't be growing young fetuses and using them for research, period. Some people are wanting to grow them further, cells differentiate and use it then. What we are talking about is an actual ban on that. I am hoping my colleagues will support that because we should not be doing that. I hope everybody would see that there is a huge moral dilemma with doing that. It is a bill that will be put forward. There is an alternative bill coming up with these pluripotent cells that I am hoping my colleagues can support.

The focal point is this, do we use taxpayer dollars, Federal taxpayer dollars, to destroy young human life for research purposes? I would hope it is seen that we could develop and put forward a very clear argument and rationale as to why you shouldn't do that. It is illegal. The Dickey-Wicker appropriations language, to start off with, that is the law we previously passed. It is immoral. We shouldn't use a weaker person for the benefit of a stronger person. And it is unnecessary. That is actually the beauty of it. We are presenting false choices to people. The choice that works has no ethical problem, and we can get broad-based support for it. Then, we can have more Jacki Rabons, Ryan Schneiders, and Keone Penns who are getting treatments now, and their lives are being saved, people staying in the United States for treatment rather than going overseas for the treatment, and we have got a lot of people being successfully treated and hopefully cured.

I may use that term "cured" too loosely because these are at the early stages. These are treatments that are showing enormous promise, but we can't—they are not, many of them are not in any sort of FDA-approved trial, so we can't use that term "cure." But we have a lot of successes.

The other road that is being talked about is the use of human life as raw material, and if we do that, raw material we will be. We will cheapen life. And we cheapen life any time we use it for anything other than the sacredness that life is. I hope, at the end of the day, that would be the thing we grab onto. Clearly, embryonic stem cell research is unnecessary. We don't want to cheapen human life.

Mr. COBURN. Mr. President, would the Senator yield for a question?

Mr. BROWNBACK. I am happy to yield.

Mr. COBURN. Is there any prohibition in the United States today for private money to fund any type of fetal research, embryonic stem cell research?

Mr. BROWNBACK. Reclaiming my time, no, there is not. There is no limitation today on State dollars, private dollars, foreign dollars, whatever you want to call it.

Mr. COBURN. As a matter of fact, California passed, I think, Proposition 71: $500 million over the next 10 years in fetal stem cell research?

Mr. BROWNBACK. I think actually the number is $3 billion.

Mr. COBURN. Three billion dollars. So there is no limitation at the present time.

Mr. BROWNBACK. None whatsoever.

Mr. COBURN. Is the Senator aware of the private investment dollars that are presently—the private investment dollars—not Government dollars, not State dollars—that are now going into embryonic stem cell research versus adult stem cell and germ line stem cell and cord blood, the ratio is about 100 to 1?

Mr. BROWNBACK. Mr. President, reclaiming my time, it is, and it is a very interesting feature that where the private money is going, where people have to show production coming out of it, it is all going into the adult cord blood because people know the science. And that is why I want to conclude with what I started with.

In many respects, the science has passed this debate by. The science is saying: Do the adult, do the cord blood. The embryonic is not working, and you have enormous ethical problems with doing that, and we don't need to go that way. That is where the private dollars then are going, which I would hope my colleagues would look at as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the minority controls debate for the next 30 minutes.

Mr. LEVIN. Mr. President, I don't know if there is a fixed order for the minority. If not, I will yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. We stand at the threshold of a new era of medical discovery. We can already glimpse the dramatic lifegiving advances in regenerative medicine that lie ahead, but we remain mired down at this point with breakthroughs on the horizon but not within reach unless we change the President's policy on stem cell research.

Embryonic stem cell research could hold the key to curing diseases that no other research can cure. As best we know now, an embryonic stem cell is unique in nature. It and it alone can develop into any other type of cell in the body. An embryonic stem cell and an embryonic stem cell alone can become a nerve cell, a muscle cell, or any of the more than 200 types of cells in the body. The research into directing the creation and use of these cells may be extraordinarily difficult, but it is easy to understand how creating healthy cells could replace diseased cells and could save an untold number of lives.

One example of the possibilities of stem cell research is the hope that it offers for those suffering from Parkinson's disease. Parkinson's disease is a motor system disorder that results from a loss of brain cells that produce dopamine. Individuals with Parkinson's disease often experience a trembling in the hands or arms or face and impaired balance and coordination. As the disease develops, it can become difficult to walk, talk, and complete other basic tasks. With research, scientists may be able to coax embryonic stem cells into becoming healthy neurons that produce the desperately needed dopamine. And if those neurons can be successfully transplanted into a patient with Parkinson's disease, that person could be cured.

The list of other diseases ripe for stem cell research is long. Lou Gehrig's diseased is a progressive neuromuscular disease characterized by a degeneration of the nerve cells of the brain and spinal cord. Juvenile diabetes is an autoimmune disease in which the immune system attacks the pancreas, destroying insulin-producing cells.

Alzheimer's disease is a form of dementia that afflicts the part of the brain that controls memory, language, and thought. Spinal cord injuries interrupt the sensory pathway between the brain and the rest of the body.

Now, imagine if embryonic stem cell research could produce replacements for the nerve cells ravaged by Lou Gehrig's disease, for the insulin-producing cells destroyed by diabetes, for the brain cells washed away by Alzheimer's, for the neural pathways severed by spinal cord injuries. Stem cell research could offer the millions of Americans suffering from these and other diseases not just hopes but cures. It could give them and their families—who are often physically, financially, and emotionally exhausted—their lives back.

Many technical hurdles stand in the way of that day. These discoveries will not be easy. But it is wrong to throw additional and unnecessary obstacles in front of our doctors, researchers, and scientists. That is precisely, however, what the President's policy has done.

On August 21, 2001, President Bush issued an Executive order that the Federal Government would only fund embryonic stem cell research on stem cell lines created before that date. "Stem cell line" is the name given to constantly dividing cells that continue to be derived from a single embryo. Most independent experts estimated at the time of the President's Executive order that only 80 stem cell lines, a totally inadequate amount, would be available for Federal research. Even worse, most of those 80 lines were determined to be polluted and unusable, leaving only about 20 stem cell lines actually available to scientists. That number is far too small to tap the vast potential of this research.

The President did not question the legitimacy of the science being used in stem cell research but the ethics of using embryos, scientifically known as blastocysts, until implanted through in vitro fertilization. A blastocyst consists of around 150 cells, which is smaller than the point of a pin. While the blastocyst is destroyed during the process of extracting embryonic stem cells, the key fact is that any that are used for stem cell research would have been discarded and destroyed anyway. That is a fact that opponents refuse to deal with.

These blastocysts are created by in vitro fertilization clinics and, for a variety of reasons, will not be used for implantation and will, therefore, eventually be discarded.

Last month, the Detroit News editorialized against a Michigan law restricting embryonic stem cell research and used words that equally apply to the President's policy. The News wrote:

> The justification for this law is to protect human embryos, but the fact that fertility clinics can simply discard them means that the research ban is pointless.

The logic of some embryonic stem cell research opponents is totally befuddling. They are apparently willing to ignore the discarding of the embryos by fertility clinics, but they label as morally objectionable the lifegiving use of embryos which would otherwise be discarded. I believe that embryonic stem cell research is truly a lifegiving, not a life-destroying, process because of the extraordinary potential for healing living, breathing human beings who have names and faces and loved ones.

While the President is fighting against research in America, other countries are pressing ahead. America has always been at the forefront of scientific innovation, and we could do this research faster, more efficiently, and more ethically than most other countries. We also have an obligation to speed its potential benefits to the American people and to people around the world.

The President's policy, however, has stifled private-public partnerships and has hindered our potential impact in this area. Today, other countries are poised to reap the lifegiving rewards of stem cell research while we fall further behind.

Over a year ago, the House took a significant step toward overcoming Presidential opposition by passing the Stem Cell Research and Enhancement Act, H.R. 810, which would remove the President's arbitrary prohibition against using stem cells created after August 21, 2001. That is another fact that opponents refuse to deal with. The President's date of August 21, 2001, is breathtakingly illogical. How can the President argue that it is OK to use embryos created before that date for research, even though in his view it was the taking of a life but that after that date it is unethical to do so?

H.R. 810 would pave the way for hundreds or thousands of additional stem lines to be made available. It is bipartisan legislation, and it passed overwhelmingly in the House.

Shortly after the House made its strong statement in favor of exploring the medical potential of embryonic stem cell research, the Senate majority leader committed to bringing that bill up for floor consideration. Senator FRIST understands how great the life-enhancing possibilities are, and he has chosen to side with his fellow physicians and with the future in supporting this research.

This bill has the strong support of the American Medical Association, the Coalition for the Advancement of Medical Research, the Association of American Universities, the Christopher Reeve Foundation, the Juvenile Diabetes Research Foundation, the Leukemia and Lymphoma Society, the Parkinson's Action Network, and more than 200 additional organizations. More important, it has the overwhelming support of the American people. If the President vetoes this bill, I hope we will resoundingly override his veto.

As part of the unanimous consent agreement to consider this legislation, we are considering two additional bills as well. The bill put forward by Senators SANTORUM and SPECTER would emphasize the use of adult stem cells instead of embryonic stem cells. Adult stem cells may have some potential, but they do not have the critically essential ability of the embryonic stem cell to become any other type of cell.

Dr. Sean Morrison, the director of the University of Michigan's Center for Stem Cell Biology, and one of the top stem cell researchers in the country, wrote recently in the Detroit Free Press about another alternative to embryonic stem cells being touted, adult stem cells from umbilical cords. Dr. Morrison wrote:

> Umbilical cord cells are used clinically only to replace blood-forming cells. There is no compelling evidence that these cells could ever be used to replace cells in other tissues. These cells are not an alternative to embryonic stem cells, which can replace any cell type in the body. . . .That is why there is near universal agreement among respected scientists and patient advocacy groups that current restrictions [against embryonic stem cell research] should be relaxed.

We may be on the cusp of one of the greatest miracles in the history of medicine. The door of possibility is ajar, inviting us to enter. But we cannot make these great strides if our researchers continue to be hampered by President Bush's overly restrictive policy. We owe it to everybody suffering from—or who may in the future be afflicted by—these dread diseases to move boldly toward a brighter future.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, today I speak in support of legislation this Chamber has been waiting to consider for more than a year. I am pleased that wait is finally over. I encourage my colleagues to join me in voting to give hope to millions of Americans living with diseases for which embryonic stem cell research offers their only real hope of a cure. These patients are often desperate and have been waiting for their Congress to take action for nearly 5 years, since August 9, 2001, when the President defied common sense and stifled the promise and the hope offered by stem cell research.

This essential legislation has already passed the House of Representatives by an overwhelmingly large bipartisan majority. Today, I want to briefly share my thoughts on why the current policy on stem cell research is unsustainable and woefully inadequate, clarify some misconceptions about the Stem Cell Research Enhancement Act, and share the stories of some South Dakotans who will enormously benefit from the passage of this bill.

Current law allows federally funded research on only those stem cells derived as of August 9, 2001. At the time, there were more than 65 stem cell lines available worldwide. While this number represented marvelous progress from the first derivation of an embryonic stem cell in 1998, we know now that it was just the tip of the iceberg of possibility.

Today we know only 22 of those first 65 lines are viable for research, and virtually none will produce medical therapies permitted for use in humans. This is because at the time the only way to maintain stem cell lines was to use mouse cells to help them grow. Since then, scientists working with private funds—and no thanks to the Federal Government—have developed stronger and more robust stem cell lines that are not dependent on mouse cells and could lead to therapies for actual use in humans.

We must open these new lines to research supported by Federal funding. The United States is home to the world's largest and most distinguished organizations dedicated to maintaining and improving health through medical science. The National Institutes of Health and the Centers for Disease Control and Prevention conduct research that is critical to understanding human disease and its treatment. These centers rely on Government funding to continue their work, and if we do not fund their research on embryonic stem cell lines, the United States will fall behind the rest of the world in scientific and medical advancement. If the Stem Cell Research Enhancement Act does not become law, we not only risk the futures of Americans living with currently incurable diseases, we also risk our national reputation as the home of the world's most innovative and distinguished scientists working to improve the health.

This is not just a matter of international medical research prestige; it directly goes to the millions of families around the world who will at last have hope that we can conquer the planet's most awful diseases and injuries.

The Stem Cell Research Enhancement Act creates a closely monitored and controlled stem cell research effort. The bill will allow vital, life-giving research to progress using frozen fertilized embryos that would otherwise be incinerated as medical waste. The choice is simple: life-giving research or incineration of excess cells.

Stem cell research is conducted with egg cells fertilized in a laboratory for the sole purpose of assisting childless couples who wish to have a baby. After choosing embryos for implantation in the mother, the remainder are routinely destroyed as medical waste. I believe these cells, of which hundreds of thousands are now stored at fertility clinics, would be better used to advance medical research that holds great promise for curing or preventing some of the world's worst diseases, as well as for repairing spinal cord and other injuries. I believe choosing research over incineration is a moral choice.

My South Dakota values, my religious faith, and my commitment to South Dakota families tell me we must choose life-giving research over incineration of these cells.

The Stem Cell Research Enhancement Act imposes tighter ethical rules than exist under current law. Any donated embryos must be created solely for fertility treatment and must be in excess of the clinical need of those seeking fertility treatment. Furthermore, the bill requires written consent from those who wish to donate the embryonic cells and prohibits financial incentives for donation.

Stem cells in umbilical cord blood have provided effective therapies for diseases such as leukemia and sickle cell anemia. However, there are many other diseases, including type 1 diabetes, Alzheimer's, and Parkinson's, which doctors cannot treat or cure with cord blood stem cells. Because of this fact, we must advance research in other areas, including embryonic stem cell research, to access all available options for curing the debilitating diseases plaguing so many of our fellow Americans.

Earlier, I mentioned that this bill gives hope to millions of Americans living with diseases for which embryonic stem cell research offers the only hope for a cure. I have been honored to meet many of these individuals in my home State of South Dakota.

This bill gives hope to 3-year-old Alexander Sohl from Brandon, SD. His parents, Terry and Laurie, told me little Alexander's very first words were not "mommy" or "daddy" but "no shot"—his insulin treatments began when he was just a baby. And it is stem cell research that gives his family hope that the daily inflicted pain and the threat to the very life of this small child can at last end.

This bill gives hope to Bonnie Younkin. Bonnie lives in Huron, SD, and was diagnosed with Parkinson's disease in 2002 when she was in her early 50s. Though living with her disease is a daily battle, Bonnie also serves as an advocate for awareness of the disease and increased funding for Parkinson's research as the State's action coordinator. It can run in families; Bonnie is the fourth female in her family diagnosed with Parkinson's, and she lives in fear that her three daughters and one granddaughter may have a similar diagnosis in their future. Bonnie called my office last week, to touch base in advance of this debate. Upon hearing that I remained committed to supporting this bill, she had just two words, "Bless you."

South Dakota families are desperate for this research to commence—and to proceed.

Choosing research over incineration is a moral choice. I have prayed about this issue, and my deeply held religious faith tells me that respect for human life, respect for God's children, requires this life-saving research to proceed rather than the continued incineration of frozen excess embryo cells that are sitting in fertility clinics classified as medical waste.

Let there be no mistake: There are three bills being considered by the Senate this week. But unless a Senator votes for H.R. 810, the Stem Cell Research Enhancement Act, he or she will not have voted for this meaningful life-giving research.

I urge my colleagues to join me in affirming that respect—that respect for life—by voting for the Stem Cell Research Enhancement Act. Choose research and life over incineration.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the minority is recognized.

Mr. HARKIN. Mr. President, I have a letter from a number of different groups endorsing H.R. 810. It is patient advocacy groups, health organizations, research universities, scientific institutes, religious groups, and others. There are 205 groups listed here. I will not go through all of them, obviously, but I think it is important that all of these groups be laid upon the RECORD. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 14, 2006.

U.S. Senate,
Washington, DC.

DEAR SENATOR: We, the undersigned patient advocacy groups, health organizations, research universities, scientific societies, religious groups and other interested institutions and associations, representing millions of patients, scientists, health care providers and advocates, write you with our strong and unified support for H.R. 810, the Stem Cell Research Enhancement Act. We urge your vote in favor of H.R. 810 when the Senate considers the measure next week.

Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country. This is the bill which holds promise for expanding medical breakthroughs. The other two bills—the Alternative Pluripotent Stem Cell Therapies Enhancement Act (S. 2754) and the Fetus Farming Prohibition Act (S. 3504)—are NOT substitutes for a YES vote on H.R. 810.

H.R. 810 is the pro-patient and pro-research bill. A vote in support of H.R. 810 will be considered a vote in support of more than 100 million patients in the U.S. and substantial progress for research. Please work to pass H.R. 810 immediately.

Sincerely,

Accelerated Cure Project for Multiple Sclerosis; Affymetrix, Inc.; Alliance for Aging Research; Alliance for Stem Cell Research; Alpha-1 Foundation; ALS Association; Ambulatory Pediatric Association; American Academy of Neurology; American Academy of Pediatrics; American Association for Cancer Research; American Association for Dental Research; American Association for the Advancement of Science; American Association of Neurological Surgeons/Congress of Neurological Surgeons; American Autoimmune Related Disease Association; American Brain Coalition; American College of Neuropsychopharmacology; American College of Obstetricians and Gynecologists; American Council on Education; American Council on Science and Health; American Dental Education Association.

American Diabetes Association; American Gastroenterological Association; American Medical Association; American Medical Women's Association; American Pain Foundation; American Parkinson's Disease Association (Arizona Chapter); American Parkinson's Disease Association; American Pediatric Society; American Physiological Society; American Society of Clinical Oncology; American Society for Biochemistry and Molecular Biology; American Society for Cell Biology; American Society for Clinical Pharmacology and Therapeutics; American Society for Microbiology; American Society for Neural Transplantation and Repair; American Society for Reproductive Medicine; American Society of Critical Care Anesthesiologists; American Society of Hematology; American Surgical Association; American Surgical Association Foundation.

American Thyroid Association; A O North America; Association for Prevention Teaching and Research; Association of Academic Chairs of Emergency Medicine; Association of Academic Departments of Otolaryngology; Association of Academic Physiatrists; Association of American Medical Colleges; Association of American Universities; Association of Anatomy, Cell Biology and Neurobiology Chairs; Association of Independent Research Institutes; Association of Medical School Microbiology and Immunology Chairs; Association of Medical School Pediatric Department Chairs; Association of Medical School Pharmacology Chairs; Association of Professors of Medicine; Association of Reproductive Health Professionals; Association of Specialty Professors; Association of University Anesthesiologists; Axion Research Foundation; Biotechnology Industry Organization; B'nai B'rith International.

Broadened Horizons, LLC; The Burnham Institute; California Institute of Technology; California Institute for Regenerative Medicine; Californians for Cures; Campaign for Medical Research; Cancer Research and Prevention Foundation; C3: Colorectal Cancer Coalition; Cedars-Sinai Health System; Central Conference of American Rabbis; Childrens Hospital Boston; Children's Tumor Foundation; Children's Neurobiological Solutions Foundation; Christopher Reeve Foundation; The CJD Foundation; Columbia University Medical Center; Cornell University; CuresNow; Cure Paralysis Now; David Geffen School of Medicine at UCLA.

Duke University Medical Center; Elizabeth Glaser Pediatric AIDS Foundation; Emory University; The Endocrine Society; The FAIR Foundation; FasterCures; FD Hope Foundation; Federation of American Societies for Experimental Biology (FASEB); Fertile Hope; Fox Chase Cancer Center; Friends of Cancer Research; Genetics Policy Institute; The Gerontological Society of America; Hadassah; Harvard University; Hereditary Disease Foundation; Huntington's Disease Society of America; Institute for African American Health, Inc.; International Foundation for Anticancer Drug Discovery (IFADD); International Longevity Center—USA.

International Society for Stem Cell Research; Iraq Veterans for Cures; Jeffrey Modell Foundation; Johns Hopkins; Joint Steering Committee for Public Policy; Juvenile Diabetes Research Foundation; Lance Armstrong Foundation; Leukemia and Lymphoma Society; Lung Cancer Alliance; Lupus Research Institute; Malecare Prostate Cancer Support; Marshalltown [IA] Cancer Resource Center; Massachusetts Biotechnology Council; Memorial Sloan-Kettering Cancer Center; The Michael J. Fox Foundation for Parkinson's Research; Mount Sinai School of Medicine; National Alliance for Eye and Vision Research; National Alliance on Mental Illness; National Association for Biomedical Research; National Caucus of Basic Biomedical Science Chairs.

National Coalition for Cancer Research; National Coalition for Cancer Survivorship; National Coalition for Women with Heart Disease; National Council of Jewish Women; National Council on Spinal Cord Injury; National Health Council; National Hemophilia Foundation; National Medical Association; National Partnership for Women and Families; National Prostate Cancer Coalition; National Spinal Cord Injury Association; National Venture Capital Association; New Jersey Association for Biomedical Research; New York Stem Cell Foundation; New York University School of Medicine; North American Brain Tumor Coalition; Northwest Association for Biomedical Research; Northwestern University; Paralyzed Veterans of America; Parkinson's Action Network.

The Parkinson Alliance and Unity Walk; Parkinson's Disease Foundation; Pittsburgh Development Center; Project A.L.S.; Pseudoxanthoma Elasticum International Quest for the Cure; Research!America; Resolve: The National Infertility Association; RetireSafe; Rett Syndrome Research Foundation; Rice University Robert Packard Center for ALS Research at Johns Hopkins Rutgers University; Secular Coalition for America; Society of General Internal Medicine; Society of Gynecologic Oncologists; Society of Reproductive Surgeons; Society of University Otolaryngologists; Society for Assisted Reproductive Technology; Society for Education in Anesthesia.

Society for Male Reproduction and Urology; Society for Neuroscience; Society for Pediatric Research; Society for Reproductive Endocrinology and Infertility; Society for Women's Health Research; Stanford University; Stem Cell Action Network; Stem Cell Research Foundation; Steven and Michele Kirsch Foundation; Stony Brook University, State University of New York; Student Society for Stem Cell Research; Take Charge! Cure Parkinson's, Inc.; Texans for Advancement of Medical Research; Texas Medical Center; The Forsyth Institute; Tourette Syndrome Association; Travis Roy Foundation; Tulane University; Union for Reformed Judaism; Unitarian Universalist Association of Congregations.

University of California, Berkeley; University of California, Davis; University of California, Irvine; University of California, Los Angeles; University of California, San Diego; University of California, San Francisco; University of California, Santa Cruz; University of California System; University of Chicago; University of Illinois; University of Iowa; University of Michigan; University of Minnesota; University of North Carolina at Chapel Hill; University of North Dakota; University of Oregon; University of Pennsylvania School of Medicine; University of Rochester Medical Center; University of Southern California; University of Washington.

University of Wisconsin-Madison; Vanderbilt University and Medical Center; Washington University in St. Louis, WE MOVE, WiCell Research Institution, Wisconsin Alumni Research Foundation; Wisconsin Association for Biomedical Research and Education; Woodruff Health Sciences Center at Emory University; Yale University.

Mr. HARKIN. Mr. President, I have a letter from the American Society for Cell Biology. The letter was sent to Senator HATCH, dated July 17. It says:

The Senate will shortly be considering legislation to permit the National Institutes of Health (NIH) to fund research with additional and new and existing human embryonic stem cell (hESC) lines. As staunch supporters of biomedical research and particularly research with hESCs, we trust that you will exert your influence to ensure passage of H.R. 810. Scientists engaged in ESC research are counting on you and like-minded Senate colleagues to assure its passage.

The President must also be persuaded not veto this legislation for if we continue on the path he set five years ago, United States investigators will be out of the running in coverting embryonic stem cells into important new therapies. It is especially frustrating and demeaning that American scientists are prohibited from using their NIH grant funds for research with the hundreds of hESC lines generated outside the United States or generated in this country with private funding.

I note there are 27 leading scientists on this letter, 17 of them having received the Nobel Prize for medicine in one form or another.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN SOCIETY FOR
CELL BIOLOGY,
Bethesda, MD, July 17, 2006.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: The Senate will shortly be considering legislation to permit the National Institutes of Health (NIH) to fund research with additional and new and existing human embryonic stem cell (hESC) lines. As staunch supporters of biomedical research and particularly research with hESCs, we trust that you will exert your influence to ensure passage of H.R. 810. Scientists engaged in ESC research are counting on you and like-minded Senate colleagues to assure its passage.

The President must also be persuaded not to veto this legislation for if we continue on the path he set 5 years ago, United States investigators will be out of the running in converting embryonic stem cells into important new therapies. It is especially frustrating and demeaning that American scientists are prohibited from using their NIH grant funds for research with the hundreds of hESC lines generated outside the United States or generated in this country with private funding.

Also, S. 2754, the "Alternative Pluripotent Stem Cell Therapies Enhancement Act," sponsored by Senators SPECTER and SANTORUM, seems to us, superfluous. Ostensibly, it is intended to authorize research "to derive human pluripotent stem cell lines using techniques that do not harm embryos." However, at present, such research is currently permissible and, therefore, does not require congressional legislation; indeed, the National Institutes of Health may currently be funding such efforts.

Moreover, all the alternative procedures advanced in the report by the President's Council on Bioethics and other alternative methods that have been suggested encounter equally vexing ethical concerns. Hence, S. 2754 is unneeded and if passed would deflect from the current urgent need for generating new stem cell lines from excess IVF-derived blastocysts.

Sincerely,

Peter Agre, M.D., Vice Chancellor for Science and Technology, James B. Duke Professor of Cell Biology, Duke University School of Medicine, Nobel Prize in Chemistry, 2003.

Bruce Alberts, Professor of Biochemistry and Biophysics, University of California, San Francisco, President Emeritus, National Academy of Sciences.

Mary C. Beckerle, Ph.D., Ralph E. and Willia T. Main Presidential Professor, University of Utah, President, American Society for Cell Biology.

David Baltimore, President, California Institute of Technology, Nobel Prize in Physiology or Medicine, 1975.

Paul Berg, Cahill Professor of Biochemistry, Emeritus, Stanford University, Nobel Prize in Chemistry, 1980.

J. Michael Bishop, Nobel Prize in Physiology or Medicine, 1989.

Helen M. Blau, Ph.D., Donald E. and Delia B. Baxter Professor, Director, Baxter Laboratory in Genetic Pharmacology, Stanford University School of Medicine.

Michael S. Brown, M.D., Nobel Prize in Physiology or Medicine, 1985.

Linda Buck, Ph.D., Howard Hughes Medical Institute, Division of Basic Sciences, Fred Hutchinson Cancer Research Center, Nobel Prize in Physiology or Medicine, 2004.

Johann Deisenhofer, Regental Professor, Investigator, Howard Hughes Medical Institute, The University of Texas Southwestern Medical Center, Nobel Prize in Chemistry, 1988.

Joseph L. Goldstein, M.D., Regental Professor of Molecular Genetics and Internal Medicine, University of Texas Southwestern Medical Center at Dallas, Nobel Prize in Physiology or Medicine, 1985.

Larry Goldstein, Investigator, Howard Hughes Medical Institute, Department of Cellular and Molecular Medicine, University of California, San Diego School of Medicine.

Alfred G. Gilman, M.D., Ph.D., Dallas, Texas, Nobel Prize in Physiology or Medicine, 1994.

Paul Greengard, Professor, The Rockefeller University, Nobel Prize in Physiology or Medicine, 2000.

Lee Hartwell, Ph.D., President and Director, Fred Hutchinson Cancer Research Center, Nobel Prize in Physiology or Medicine, 2001.

Dudley Herschbach, Baird Research Professor of Science, Harvard University, Nobel Prize in Chemistry, 1986.

H. Robert Horvitz, Professor of Biology, Massachusetts Institute of Technology, Nobel Prize in Physiology or Medicine, 2002.

Douglas Koshland, Carnegie Institution, Investigator, Howard Hughes Medical Institute.

Paul C. Lauterbur, Center for Advanced Study Professor of Chemistry and Distinguished Professor of Medical Information Sciences, University of Illinois, Nobel Prize for Physiology or Medicine, 2003.

Sean J. Morrison, Investigator, Howard Hughes Medical Institute, Director, Center for Stem Cell Biology, University of Michigan.

Eric N. Olson, Department of Molecular Biology, University of Texas, Southwestern Medical Center at Dallas.

Thomas D. Pollard, M.D., Sterling Professor and Chair, Molecular Cellular and Developmental Biology, Yale University.

Randy Schekman, HHMI Investigator, Dept. of Molecular and Cell Biology, University of California, Berkeley.

Phillip A. Sharp, Institute Professor and Center for Cancer Research, Massachusetts Institute of Technology, Nobel Prize in Physiology or Medicine, 1993.

Maxine F. Singer, A.B., Ph.D., D.Sc., President Emerita, Carnegie Institution of Washington.

Harold Varmus, M.D., President, Memorial Sloan-Kettering Cancer Center, Chair, Joint Steering Committee for Public Policy, Former Director, National Institutes of Health, Nobel Laureate in Medicine or Physiology, 1989.

Eric Wieschaus, Department of Molecular Biology, Princeton University, Nobel Prize in Physiology or Medicine, 1995.

Mr. COBURN. Mr. President, will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. COBURN. Is the Senator aware of the research that has been done on juvenile diabetes thus far in terms of embryonic stem cell research and adult stem cell research?

Mr. HARKIN. I am not intimately knowledgeable of all of the nuances in research that is being done. We had hearings, and we have the information in our hearing record on a lot of that. Standing here now, I don't know all of that.

Mr. COBURN. Is the Senator aware that the only successful treatments for juvenile diabetes to come from stem cells have come from adult stem cells, and in fact that the embryonic stem cells have one-fiftieth the amount of insulin, were not effective, and ended after about 80 days after transplantation? Is the Senator aware of that?

Mr. HARKIN. Will the Senator repeat that? I was reading something.

Mr. COBURN. Is the Senator aware that of the human studies which have thus far been done on juvenile diabetes in fact the successful one was adult stem cells and the unsuccessful one was embryonic stem cell? Is the Senator aware of that fact?

Mr. HARKIN. Let me respond this way: First, I note that the Juvenile Diabetes Research Foundation, which represents families all over America who are affected with juvenile diabetes, is in support of H.R. 810. I want that on the record. In fact, they have been one of the strongest supporters.

Second, the transplantation of insulin-producing pancreatic cells is already known to reverse the most damaging symptoms of type 1 diabetes. The problem with that is the limited number of organ donors out there who donate pancreases. That seems to be the problem.

Could I ask the Senator, are there enough pancreas donors out there to take care of everyone with juvenile diabetes?

Mr. COBURN. It is not required. Actually, today the science shows that ductal cells from the patient's own pancreas can be induced to become stem cells that then produce insulin-producing cells. There is no transplantation needed. In fact, these ductal cells have been proven and demonstrated to produce the same eyelet cells that the patient did initially when they were grown as an embryo.

Mr. HARKIN. I have heard this argument before. I am not a scientist. I don't know all of the nuances, I would be the first to admit. I do know, however, that every time that has come up, the Juvenile Diabetes Research Association disagrees that this is a viable pathway toward curing all of those with juvenile diabetes.

Mr. COBURN. They cannot disagree. It has only been done for 3 months, and it is successful. There have been no successful embryonic cells taken from the duct of the pancreas of children with diabetes, converted into cells, and have in fact cured their diabetes.

Mr. HARKIN. How many people have been cured of juvenile diabetes with this?

Mr. COBURN. For 3 months is all we know. I don't know the numbers. I think it is eight or nine. This protocol is being done in Europe at the present time.

Mr. HARKIN. Is it not being done in the United States?

Mr. COBURN. No, it is not being done in the United States.

Mr. HARKIN. Have any of these findings been published?

Mr. COBURN. They have been published in peer-reviewed articles. I would be happy to submit them for the RECORD.

Mr. HARKIN. I would appreciate that.

Mr. COBURN. I thank the Senator for allowing me to ask those questions.

Mr. HARKIN. I thank the Senator. There is a good colloquy.

I would further ask the Senator from Oklahoma—this has been done for 3 months—do we have any data to show that this does cure juvenile diabetes? Does it abate it somewhat? I don't know what the outcomes have been for these eight or nine people.

Mr. COBURN. Here is the key point that needs to be made in this debate: If you use your own cells, you will not have tumors, you will not have teratomas, and you will not have rejection. If you use embryonic stem cells, you will have tumors, you will have teratomas, and you will have rejection.

That is what we know. That is why I, as a scientist, have not raised the life issue here once, but I am adamantly pro-life. I believe the science is so far ahead of this debate. When everyone knows what is really going on in terms of research, they are going to want the dollars put into the stem cells, both in terms of dedifferentiation—we know we can differentiate cells backward to make them pluripotent—and also to isolate cells from our own human body to use back on us. That is an important part of the debate.

Mr. HARKIN. I thank the Senator.

I again say that all the Nobel scientists, all of the leading scientists in America simply do not agree with the Senator from Oklahoma. These are the people involved in cell biology and that kind of research.

The Senator says embryonic stem cells will produce tumors. We do not know that is true. We do not have any real long-term data to know anything about how embryonic stem cells will work later on.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the majority is recognized for the next 30 minutes.

Mr. COBURN. I inquire of the Chair, under the previous order, if the majority is not here, who assumes control of the time?

The PRESIDING OFFICER. The time is reserved for the majority to be recognized.

Mr. COBURN. Mr. President, it is my understanding that Senator FRIST has this time. He has advised me I can use the time until he arrives.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I will spend a few minutes. This is a very emotional debate for every family in this country. Every family in this country has someone who, in fact, has a disease that will be impacted in the future by research that is ongoing in terms of stem cell research.

I make a couple of points. We have heard today a couple of very strong statements that are highly inaccurate.

One is that the only way you will cure this is with embryonic stem cells. No one knows that. As a matter of fact, most of the cures in science have come not by what we thought was going to happen but by what happened that surprised us. That is not true.

No. 2, there is no ban at the present time on research in this country on embryonic stem cells. What there is a ban on is using additional Federal funds to create additional stem cells, but additional stem cells can be created outside of the Government.

The Senator from South Dakota created a false choice. The false choice is not incineration. There are 400,000 embryos that are frozen in this country today; 93 percent of those the parents want to save for themselves. So that leaves us a smaller portion. If you look at the numbers, when you thaw embryos, you have a 50-percent wastage, you lose 50 percent of them. The false choice Senator JOHNSON put forward was this: they either get burned up or they get used for embryonic stem cell research. This last week, the 108th baby was born through this Operation Snowflake—which is adopted embryos—so that is not the only choice.

The other thing is, if everyone will recognize, in the fertility community in this country, that in Europe, they do not have a problem with excess embryos. We overdo it in this country in terms of creating embryos for fertility clinics. We create about four times as many obstetrician and fertility specialists as the rest of the world. The choice is not incinerate or use for embryonic stem cell research.

The majority leader has arrived. I yield my time.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I thank both of my colleagues for the superb comments thus far over the last 30 minutes but, indeed, since we started at 12:30 today.

As I opened this morning, I made it clear that this debate would be the first of the 21st-century dilemmas that involve ethical considerations and considerations around science, probably the first of many. I say the first; obviously, we have dealt with some other ethical issues in medicine over the last 5 years, but much of the discussion will focus around science and ethics and that nexus, that crossing of those two, and the interplay.

It is important that we debate this and that all concerns are put on the table, ultimately. These three bills give that opportunity.

Let me add that this probably will be the first of many debates like this in the Senate. I know there are a lot of my colleagues who asked: Why are we bringing this up now? Why are we talking about these tough issues which do force us to address issues about the distinctions of life, the early days of life and also the hope and the promise of science as it goes forward and that interplay? This Senate will have to get used to it.

This Senate will have to focus on those issues as we move forward because science, where it used to be growing at a small clip, is now growing at leaps and bounds, not exponentially but close to exponentially, and will continue to do so.

Less than a century ago, we did not have antibiotics, we did not have vaccines. We had measles, mumps, smallpox, polio—all diseases that ravaged our populations, in this country and around the world. Because of science, because of public health initiatives, they have essentially been eradicated. We will see forward momentum. That momentum will be accelerated in biomedical research.

I mentioned earlier today in opening the debate that when people look back at the 21st century, I would say maybe the next decade is the decade of the cells. Much of our discussion is about developmental biology. That has built upon the foundation of the shoulders of new knowledge regarding molecular and cellular development, coupled with the new understanding that is a product of a sequencing of the human genome from a decade of the last century.

What is important is that the rules, regulations, guidelines, and the framework must be defined and in large part must be defined by this Senate. That is our responsibility as Senators, as representatives of the American people, their attitude, their thought, their philosophies. They are our constituents.

A second point I made when I first started talking about stem cell research 5 years ago is we will have to continually assess and then reassess in light of advancing science certain rules, guidelines, and regulations we put in place. In part, that is why we are here today.

We have three bills before the Senate. My colleagues have talked about those three bills: the Fetus Farming Prohibition Act, the Alternative Pluripotent Stem Cell Therapies Enhancement Act, and the Stem Cell Research Enhancement Act. Each addresses a different facet of the issues raised by advancing research, advancing developmental biology, advancing stem cell research. Each one of them demands thoughtful consideration and deliberation which will play out over the course of today and tomorrow.

I spent my entire professional career as a transplant surgeon, a professional who specializes in moving living tissue from one person to another person—say an organ or a heart. Take out a heart, put in a heart. Take out a lung, put in a lung. Thus, my interest before coming to this Senate focused on many of the same issues that come before the Senate today: advancing science, how do we define "brain death," something we did in the 1960s, to make transplantation of the human heart possible.

Thus, it was a little over 5 years ago—on July 18, 2001—that I laid out a comprehensive proposal, a framework at that time, which I believed would both promote stem cell research but also provide an ethical framework through which such research could be conducted. That was 2001, about 2½ years after embryonic stem cells had just been discovered by James Thomson at the University of Wisconsin, or the human embryonic stem cells.

At that time, 5 years ago, I laid out 10 specific interdependent principles. The principles dealt with all types of stem cell research—the adult stem cells, the germ stem cells, embryonic stem cells. They have helped to guide my assessment of stem cell research over the last 5 years, and they have provided a framework I have used and consistently gone back and adopted as I looked at various pieces of legislation on stem cells before this Senate. I will read those 10 principles because of their inclusiveness and their interdependence:

No. 1, ban embryo creation for research.

No. 2, continue funding the ban on the derivation.

No. 3, ban human cloning.

No. 4, increase adult stem cell research.

No. 5, provide funding for embryonic stem cell research only from blastocysts that would otherwise be discarded.

No. 6, require a rigorous informed-consent process.

No. 7, limit the number of stem cell lines.

No. 8, establish a strong public research oversight system.

No. 9, require ongoing independent scientific and ethical review.

No. 10, strengthen and harmonize fetal tissue research restrictions.

The principles are meant to stand the test of time even when applied to a field as rapidly changing as stem cell research.

Yes, I do believe both embryonic and adult stem cell research should be Federally funded but should only be done so within a carefully regulated, fully transparent, fully accountable framework, ensuring the highest level of respect for that moral significance of the human embryo. But we should fund research when it comes to embryonic stem cell research only if those embryos, only if those stem cell lines were derived from blastocysts that, with 100 percent certainty, are not going to be frozen forever, are not going to be adopted but with 100 percent certainty and with appropriate consent would be discarded, would be thrown away.

Today, we do debate science, developmental biology, and we debate ethics. We are called upon to confront the distinctions around life's early goings when we do so. As my colleagues know, I am pro-life. I do believe human life begins at conception. It is at this moment, at conception, that the organism is complete—immature, yes, but complete. It is genetically distinct, it is biologically human, living. Development is a gradual process, it is a continual process. All of us in this Senate were at one time an embryo. It represents human life at its earliest stage of development. It is a continuum, coming all the way through. That is the science. That is not religion. That is not faith. That is the science. Thus, I believe strongly that an embryo does have moral significance. It needs to be treated with the utmost dignity and respect.

We have three bills before the Senate. The Fetus Farming Prohibition Act of 2006, the implantation and gestation of the human embryo into either a human or an animal for the purpose of aborting for research—that prohibition is what the discussion is about. Clearly, that would fall far short of "utmost dignity and respect."

The bill before the Senate ensures this practice is never employed in human research in the United States. That purposeful development of a human embryo, the manufacturing of human life for experimentation and its ultimate destruction is morally reprehensible. It offends the conscience, degrades the value of human life, and, of course, is not medically necessary. Yet it is a practice that some in the field of developmental biology just might be inclined to pursue if those guidelines, if those regulations, are not out there. Why? To look at the later stages beyond the embryo in terms of development and how cells function, or it might be, as we have heard argued before, that the cells have a different nature after the embryo stage but before delivery of the fetus itself and have more stability or more differentiation. This particular legislation preempts, it stops that possibility.

Not only would this be a flagrant lack of respect for nascent human life, but it would also create powerful incentives for women to undergo an intense regimen of superovulation drugs and surgery with potentially devastating side effects. It could exploit women, the most likely targets of egg harvesting or fetal farming. Under no circumstances could human fetus farming be labeled "medical advancement." It is the exact opposite, an unconscionable regression of the mores that define our culture, a culture that upholds respect for life and health.

As a transplant surgeon, I have had that opportunity to see firsthand how new medical discoveries and technologies can save lives and make life more fulfilling for others. In fact, my entire professional career was spent on these newer therapies, these newer technologies, in order to give others a better life. But at the same time, whether it is in the laboratory, where I spent a lot of time, or at the bedside, I have been able to also witness how fear can also delay scientific advances that are out there before us.

So before us today is that challenge to bridge this divide. And we should reject an outright fear of all technological advance. We have to work together to allow science to advance and to promote those medical advances, whether it is in developmental biology or the human genome project, in order to give a healthier life or more life to others. But we have to do so. That is why we bring these bills to the floor, within an ethical and moral framework, in this pursuit.

Even while we reject a fear of scientific and technological advancement, we still have to—we must; it is our responsibility—live within limits. Limits do not hamper human advances but, rather, allow us to preserve them and to promote them. That is why we can reject this practice of fetus farming while still embracing the hope that is offered by stem cell research. Senators BROWNBACK and SANTORUM worked hard to bring this important legislation to the floor, and I hope my colleagues will join me in supporting it.

The second bill, the Alternative Pluripotent Stem Cell Therapies Enhancement Act, put forth by Senators SANTORUM and SPECTER, is a very important bill, the purpose of which is to step back from and to remove the ethical considerations that surround the unique potential that these pluripotent stem cells have.

Five years ago, when I came to the floor in 2001, I said the following:

> We should not let the potential of this research drive the moral considerations themselves. . . . We do not know what the next great discovery is going to be 6 months from now. . . . So the oversight process has to be responsive, has to be ongoing. It has to recognize that science moves very quickly.

That is why we are here. We recognize that science cannot be practiced in a vacuum. We need to promote and accelerate these medical advances. But we also need to ensure that research practices are channeled along lines that respect human life and dignity.

What seemed impossible even 5 years ago now seems possible. Exciting techniques are beginning to emerge that just may make it unnecessary to have to destroy that embryo, to disaggregate or dismember that embryo, in order to obtain cells that have the pluripotent properties that are either exactly like or very similar to the embryonic stem cells. And we have talked about it a little bit earlier today, and in the past, as to the unique property these embryonic stem cells have, which is this pluripotentiality, which has two concepts to it: No. 1 is that they can become any tissue—theoretically, they can become any tissue—and that is in the differentiation; and, secondly, this overall process of self-renewal, that they can renew and replicate themselves again and again and again.

An adult stem cell might be reprogrammable. You might be able to directly reprogram that cell to an earlier stage to make it more pliable, to take it back to an earlier or closer to an embryonic phase. Adult stem cells can be what we call multipotential, and that means they can differentiate, and you can back them down to differentiate into certain tissues. The embryonic stem cell is pluripotential, and the range of tissues it can differentiate to are much greater.

But this reprogramming, coming back earlier to the adult stem cell, earlier and earlier along its chronological development, gives the opportunity to send that adult stem cell into various regions; thus, this direct reprogramming concept opens up great potential. To me, and I would hope to every Member of this body, this type of research—research that stops short of having to destroy an embryo—to obtain pluripotent cells through alternative ways should be supported, and I hope can be supported, by everybody in this body.

In May of last year, 2005, the President's Council on Bioethics issued a report bringing these alternative sources attention. At that time, I asked and worked with several of my colleagues to put together a piece of legislation for which we could say Federal funding will go in that direction to derive these alternative means of developing these pluripotential cells. With more Federal support, and with more emphasis, these newer methods may pay off hugely in terms of scientific advantage and clinical advantage.

They may be the way to bridge these moral and ethical differences among people who hold wildly different and broadly different views, which we will actually hear on the floor over the course of today and tomorrow on stem cell research. Why? Because they avoid any destruction of the human embryo. The alternative methods of potentially deriving pluripotent cells, that were spelled out in the Council on Bioethics report of May of last year, include: extraction from embryos that are no longer living; a second proposal was blastomere extraction, which involves a nonlethal and nonharmful extraction of the blastomeres from embryos—and, indeed, several researchers over the course of the last year, since that proposal was initially made, have reported success in that regard—thirdly, extraction from artificially created organisms that are not embryos, but embryolike—this was initially proposed by Bill Hurlbut at Stanford and subsequently demonstrated by Dr. Rudolf Jaenisch and others at MIT—fourthly, the direct reprogramming of adult or somatic cells to a pluripotent state through fusion with embryonic cell lines.

We are already driving and promoting ethical alternatives such as adult stem cell research and therapies and cord cell research, both of which have been important to date in the treatment, as well as other types of therapy.

Today, adult stem cell research is the only type of stem cell research that has resulted in proven treatments for human patients. At the Multiorgan Transplant Center that I established and directed at Vanderbilt, we did bone marrow transplants, which are commonly done for treatment of many types of cancers now; at that point, for many types of blood disease. We have had bone marrow transplants done in this country for, oh, about 40 years. The first bone marrow transplant was done in 1968.

Stem cells taken from cord blood have shown great promise in treating the myeloproliferative disorders, the leukemias, congenital immune system disorders.

Recently, cord blood cells have shown some ability to become natural cells, which could lead to treatments for more heart disease and Parkinson's disease. The first cord blood transplant was done about 20 years ago in 1988.

So every day we unlock more of the mysteries of human life, more ways to promote and enhance our health. This compels the profound questions we address, moral questions with which we understandably struggle. Transplantation itself posed a question similar to those we face with stem cell research, a little bit different in that organs were transplanted principally, when I got started, at the end stage of life. People without a heart would be dying 4 to 6 months later. We had to define, as I mentioned earlier, what is brain death. We had ethical considerations about how to allocate a very few number of organs to the many people who waited, which literally meant some people would die waiting for that scarce organ—all ethical considerations.

If we can devise a moral and ethical framework, then it is my belief we will have the chance to save many lives and make many countless other lives more fulfilling. That is why it is imperative we get our stem cell policy right scientifically, morally, and ethically.

A lot of diseases have been mentioned on the floor, and I guess over the next 2 days I will have the opportunity to come back and talk about some of those particular diseases. Adult stem cells, we know, are so powerful. They have effectively treated so many diseases today. I mentioned bone marrow transplantation. But the list will be coming to the floor, and they have come to the floor, about the number of therapies with bone marrow transplantation and other adult stem cells. Embryonic stem cells, however, do have this unique capacity of self-replication, self-renewal over time, and greater potential to differentiate into other types of tissues. Unlike other stem cells, these embryonic stem cells are pluripotent, where adult stem cells tend to be multipotent. That means the embryonic stem cells have the capacity to become a greater range of types of tissues. They are capable of renewing themselves and replicating themselves over and over again indefinitely.

A number of people have brought up what the current administration policy is. As we all know, on August 9, 2001, President Bush laid out his principles and put in place a policy, which I supported, that for the first time allowed Federal funding for embryonic stem cell research. The President's policy was consistent with my initial principles—my seventh principle: to limit the number of stem cell lines. In order to accomplish that limiting the number of lines, the President used a date: August 9, 2001.

The President's policy also says: Let's support stem cell lines that have been derived from blastocysts that were going to be thrown away or discarded. His policy is the same in that regard. The cell lines we federally support today all came from blastocysts that were left over by in vitro fertilization that were going to be discarded. The President basically said it was OK to do that before August 9, but after August 9 that will not be allowed anymore, and we will only fund those cell lines.

I thought it was very important that Congress continue oversight. Remember, 5 years ago or 6 years ago, I said we are going to be coming back to this again and again and again. I think that oversight absolutely is critical.

This third bill, the Stem Cell Research Enhancement Act, which is the House-passed bill, the Specter-Hatch, the Castle-DeGette bill, is the bill most people will be spending most of their time on over the next day and a half.

Over the last 5 years—while it was widely believed when the President put forth his policy that there would be 78 embryonic stem cell lines available for Federal funding—we have learned.

through science, that has not been the case. In fact, of the initial anticipated 78 lines, there are, right now, about 22 lines that are eligible. There is some concern that these lines are becoming less and less stable and less replicative than initially thought.

While we know that this embryonic stem cell research is at a very early stage—remember, these embryonic stem cells were discovered, first, just in 1998; unlike adult stem cells, where we have 40 years of research history—we do know that the embryonic stem cell research is moving fast and moving quickly.

The question is: Are there a sufficient number of cell lines to keep that research going? I believe right now that the current policy unduly restricts the number of cell lines. As I have said, I am going to be supporting and voting for H.R. 810, the Stem Cell Research Enhancement Act. I do not think it is an ideal piece of legislation. It has a few essential shortcomings as written. It restricts funding to blastocysts left over after IVF that would otherwise be discarded. And that is consistent with my fifth principle. But the shortcomings do have to be addressed somewhere.

First, it lacks a strong ethical and scientific oversight mechanism. Second, the bill does not prohibit financial or other incentives between scientists and fertility clinics. Third, the bill does not specify whether the patients or clinic staff or anyone else has the final say about whether an embryo will be implanted or will be discarded.

And were circumstances different and had the House not acted so quickly and sent the bill over—I think we should have had the opportunity to have a thorough examination and rewrite of that bill. However, even with those reservations, I do support the Stem Cell Research Enhancement Act. As I said, it is completely consistent with my principles from 5 years ago.

Many of my colleagues, such as I, have spent countless hours grappling with this issue—the future of stem cell research. How do we balance pro-life positions with the potential for new life and health offered by stem cell research? There is, perhaps, an inclination to avoid such difficult issues, to ignore them and let others debate. But I believe and feel strongly that we must participate in defining research surrounding the culture of life.

If we don't do that, it will define us. Finally, I thank all of my colleagues. I know we will have a good debate over the next day. We will have those votes at 2:45 tomorrow. I hope those votes will show there are areas of consensus among us and that where differences exist we can respectfully articulate and vote our conscience.

The PRESIDING OFFICER. Under the previous order, the minority is in control of time for the next 30 minutes. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I know that one of the cosponsors of the bill, one of the great leaders in the Senate on stem cell research, has arrived on the floor to speak. I know the Chair will be recognizing her shortly.

I wanted, again, to just take a moment to sort of repeat for emphasis sake what has been said before. I think the distinguished majority leader referred to that also. It is just that here we have an instance where so many leading scientists around, U.S. Nobel Prize winners, and all the disease groups—I submitted a compendium of about 205, and I think that may soar to 500 or 600 by the end of the day—are supporting H.R. 810.

Lest one thinks that, A, either they have all been hoodwinked into thinking this bill is something it is not or, B, that these are malevolent people who want to just destroy embryos without any thought about the morality or the ethics of it, they are simply mistaken. First of all, none of these people have been hoodwinked, and most of these scientists are as ethical and moral a people as you could find anywhere. They are saying let's use these blastocysts, embryos, or however you want to define them to enhance life, cure disease and illness, rather than having them be discarded, and to do it in a very ethical manner. That is what this bill provides.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to support the Stem Cell Research Enhancement Act. Passage of this legislation will finally allow scientists to fully pursue the promise of stem cell research. It will offer hope to millions of our people. Mr. President, we have waited a long time for this day. Earlier, Senator HARKIN spoke to the fact that it was in 1998 when he and Senator SPECTER introduced the first bill dealing with stem cell research. I recall that year I introduced one of the first bills dealing with ethical standards surrounding stem cell research. So it has been 8 years.

Now, finally, the House of Representatives overwhelmingly approved bipartisan legislation. In the intervening time, we have all heard from patients, survivors, and scientists who are desperate to pursue this research that one day could lead to treatments and cures for diabetes, cancer and, yes, even spinal cord injury. Forty Nobel laureates have weighed in with their support, as did former First Lady Nancy Reagan.

While we were waiting, we lost Christopher and Dana Reeve, tireless advocates of stem cell research, and an inspiration for all of us. Millions more American families experienced firsthand the devastation wrought by catastrophic illnesses.

My colleagues and I, Senators SPECTER, HARKIN, KENNEDY, HATCH, and SMITH, worked tirelessly to bring this to a vote. We pushed privately, we wrote letters, we gave speeches, and we held press conferences to highlight the plight of patients who are living with illnesses day in and day out.

Finally, after all of this pleading and delay, the Senate is acting.

I thank my colleagues for their longstanding leadership on this issue, and I am also very grateful to the majority leader, Senator FRIST, for his support for stem cell research and his work with his caucus to reach this agreement that has made this debate possible.

For all of the controversy that it is generating, the Castle-DeGette Stem Cell Research Enhancement Act is remarkably simple. It reverses the failed policy announced by President Bush in 2001 when he restricted Federal funding to stem cell lines already in existence.

At the time, the President himself recognized the great promise of stem cell research. He sought to find middle ground, announcing a policy that provided Federal funding for more than 60 preexisting genetically diverse stem cell lines. This was morally acceptable, he said, because the life-or-death decision for these stem cell lines had already been made.

Unfortunately, the policy did not work out as promised. These available lines are all contaminated with mouse feeder cells and, therefore, are useless for human research purposes. They don't have the diverse genetic makeup that may be necessary to find cures to benefit all Americans. Researchers cannot use them to examine rare and deadly genetic diseases.

Castle-DeGette states that embryos to be discarded from in vitro fertilization clinics may be used in federally funded stem cell research no matter when they were created.

While opponents have suggested that this bill will lead us down a slippery slope, the parameters created by the bill are actually numerous and they are very strict:

The embryos must be left over following fertility treatment.

It must be clear that the embryos will be discarded.

The people donating the embryos must provide written consent.

These donors may not be compensated for their donation.

These restrictions mean that over 400,000 embryos could become available, all while ensuring that researchers meet the highest of ethical standards.

Let us be clear. We are talking about embryos that will be destroyed whether or not this bill becomes law. It is an indisputable fact that these embryos have no future.

We should not confuse the research permitted under this bill with the activities described under the two other bills currently before us. I am going to support these bills. Yet it is important to realize that their passage will do nothing to change the status quo.

The Fetus Farming Prohibition Act bans activities that occur in horror movies, not in our research labs. We should not allow these farfetched and frightening techniques, which no respected scientist anywhere endorses, to distract from the plight of millions of Americans seeking cures from devastating diseases.

This debate is also not about the myriad research approaches envisioned in the Alternative Pluripotent Stem Cell Therapies Enhancement Act, as introduced by my colleagues, Senators SPECTER and SANTORUM. This research can already be funded with Federal dollars. Respected scientists are examining a variety of ways to create these multipurpose cells and, of course, this work should continue.

We simply don't know which research approaches will prove fruitful and which will fail. Alternative techniques may lead eventually to cures for serious afflictions, or they may not. Scientists, not Senators, should determine what research to pursue.

Supporting only the Specter-Santorum alternative is not an endorsement of stem cell research. It is an affirmation of a policy that is leaving American researchers far behind in one of the most important fields of scientific discovery, and I want to spend a moment on that.

Because of President Bush's restrictions, some of our best and brightest scientists are leaving the United States to work overseas in countries that have embraced the promise of comprehensive stem cell research. This brain drain has hit my State particularly hard. Let me give you a few examples.

Roger Peterson, a renowned scientist, left the University of California Medical Center in San Francisco in 2001, citing the unfriendly research climate in the United States. He is now conducting human stem cell research at Cambridge University in the United Kingdom. He and his UK team are exploring the biology behind pluripotent, or multipurpose stem cells, and are looking for ways to use them for treatment. He would not have had Federal funding to do this work in the United States, so he left.

Dr. Judith Swain, from the University of California San Diego, will leave for Singapore in September, where she will work at Singapore's state-funded research institute called Biopolis. Her husband, Dr. Edward Holmes, also of the University of California at San Diego, is a ranking official in California's stem cell agency. He is also leaving for Singapore.

NIH researchers, Neal Copeland and Nancy Jenkins, turned down offers to join Stanford University's stem cell department. They, too, are moving to Singapore. Copeland has said that he selected Singapore because of its "unfettered support of human embryonic stem cell research."

These are but a few examples of the costs of this President's policy.

Researchers are attracted by the federal funding provided in at least 10 other nations—Germany, Finland, France, Sweden, United Kingdom, South Korea, Singapore, Israel, China, and Australia. These investments total hundreds of millions of dollars that are already producing tangible progress.

Sweden funds, with federal funds, 400 researchers today. South Korea and China are each funding an additional 300. Australia has pledged $90 million through 2011. This investment has already paid off, as Australian researchers have discovered a way to manipulate stem cells into lung cells. This technology could one day be used to treat cystic fibrosis.

Scientists from around the world have come to Singapore's Institute of Bioengineering and Nanotechnology. There, they are using stem cells to produce artificial kidneys. This could one day free people from the burden of kidney dialysis.

Researchers in other countries now author an increasing proportion of stem cell papers than those in the United States.

Foreign researchers have derived almost three-quarters of the world's new stem cell lines, moving quickly ahead of our country, the United States.

Other nations have the money, the researchers, the facilities, and the new stem cell lines they need to move forward. They are learning more about stem cells every day and laying the foundation for groundbreaking cures.

American scientists, on the other hand, cannot obtain Federal funding to do this work. These Federal funding restrictions have a real world impact on ongoing research.

American scientists are making great strides with work on mouse stem cells. They are showing what could be possible if there is Federal funding to extend this work into humans.

Researchers at Stanford University have recently turned cells derived from mouse embryos into one of the building blocks of blood vessels. This advance means they may eventually be able to grow entirely new blood vessels, offering great promise to patients suffering from heart disease. But without Federal funds, it is unlikely they can get the stem cell lines to be able to do the human research.

A research team at Johns Hopkins used cells from mouse embryos to regenerate nerves in paralyzed rats. After treatment, many of the rats regained enough strength to walk and bear weight on their previously paralyzed hind legs.

Mr. President, do you know what this means? This means it might—just might—be possible to do something science said could never be done, and that is to regenerate a severed spinal column, to regenerate the nerves which scientists always thought never again could be regenerated.

We would never have thought discoveries such as this were possible even a few years ago. So think of what it means for every paraplegic or quadriplegic to know that there is hope out there, that the first rat tests have shown it works?

The next step is the human stem cell lines, to be able to carry out that research on humans, and that is exactly what we are talking about today.

Scientists now must work to translate these promising advances into cures for humans. Such a feat will almost certainly require access to viable lines of human stem cells, and unless we pass Castle-DeGette and unless the President signs Castle-DeGette, these lines will not be available in the United States to regenerate a severed spinal column, to regenerate blood vessels, or to do anything else.

Mike Armstrong, an old friend and chairman of the Johns Hopkins board of trustees, made this very point in a letter he wrote stating news of this advance. Here is what he said:

> Treatments not only for paralysis, but for ALS, for multiple sclerosis, and similar diseases of the brain now seem possible. The exact timeframe is impossible to predict, but it will almost certainly depend on the availability of Federal funding.

It will depend on the availability of Federal funding, and that is what is at stake in this debate. He goes on to say:

> The level of funding that will ultimately be required to advance this field of science to human trials, however, suggests that Federal funding will be necessary. Yet, under current Federal policy, the only stem cell lines eligible for Federal funding were created using mouse feeder cells and could never be used in clinical trials with humans.

Could never be used in clinical trials for humans.

I am particularly proud of the commitment demonstrated by California scientists and activists in the face of these restrictions. In 2004, California voters approved a proposition, proposition 71. That proposition created and funded the California Institute of Regenerative Medicine. It funded it with $3 billion of taxpayers' dollars over 10 years, and it supported promising research conducted in my State. This work will be done with careful ethical oversight. It also bans human reproductive cloning, something we all agree is immoral and unethical.

This investment, hopefully, once it gets past the court tests, will make California a leader in this industry and in finding cures that will change the lives of suffering patients.

Other States are making similar investments. Connecticut, Illinois, New Jersey, Maryland, and others are considering after 5 years of delay because of the restriction on Federal funding—they are taking steps to move this important work forward on a State basis. But—and here is the but—a patchwork, State-by-State approach is no way to run science policy. States have many other responsibilities, such as funding education, building infrastructure, and so on, and we shouldn't expect them to solely carry the burden of funding one of the most promising fields of science.

There is a reason we invest so much in the National Institutes of Health and the biomedical research they conduct. The NIH can then set national standards and ensure that research is not being duplicated and to see that it is carried out under ethical standards. This is something everyone should want. You should want that Federal oversight of NIH over all research funding that is funded with Federal dollars.

It is also important to remember that this debate is about real people whose lives are impacted by illness every single day, day in, day out. I have heard from so many Californians who have been personally impacted by diseases that could one day be cured with stem cell research. I want to tell a few of those stories.

Leslie Bishop Franco from Oakland, CA, wrote to me to say she supports stem cell research because her mother was diagnosed with Alzheimer's at the age of 57. Her mother quickly became unable to work and then unable to care for herself. Leslie and her sisters and brothers cared not only for their own young children but also for their mother. This is something many families know all too well.

Leslie writes that even if stem cell research does not "lead to a cure for Alzheimer's as it has the potential in other diseases like Parkinson's and diabetes, it will provide crucial insights into the disease and the usefulness of new drugs."

Mark Siegel from Los Angeles has suffered from Parkinson's for 8 years. For over half the time he has been ill, the President's policies have slowed stem cell research. Mark was diagnosed when he was 36 years old. One of my sons-in-law was just diagnosed, and he is 44 years old.

What happens is Parkinson's slowly erodes one's motor control. Mark Siegel's condition had forced him to change jobs, and he is afraid we are losing the race against time to find a cure and save his life.

Jennifer Heumann from Huntington Beach, CA, has been living with juvenile diabetes since she was 2 years old, and she is now 16. She says diabetes hasn't stopped her from playing varsity tennis or going to high school dances, but she knows her disease can cause serious complications. Without a cure, she has a 65-percent chance of dying from heart disease or stroke and a 60-percent chance of developing nervous system damage.

Jennifer writes:

> These are the cold, hard facts, but I am not content to admit they are my destiny. I believe that a cure is in sight, and that embryonic stem cell research may be the key to finding this cure. If this is the case, how can we justify passing up this opportunity?

We all should ask that question. This impressive young woman is hard to argue with. She makes a very eloquent point, and until we know what kinds of research could lead to cures for these catastrophic diseases, we should support scientists and we should push ahead every possible lead.

These patients and family members represent only a few of the tens of thousands of Californians I have heard from who support stem cell research. As a matter of fact, by the latest poll, 72 percent of Americans support stem cell research.

We don't want to spread false hope. There is still much we don't understand about stem cells. Some of the cures may never come to fruition, but unless we allow our scientists to continue their work, we will never, ever know. How can any of us tell a patient suffering from juvenile diabetes, a cancer victim, or a young man with heart disease, that the Senate decided not to allow researchers to pursue all the scientific leads that may one day offer them a cure? How can we say that? How can we say we know better? How can we say because of a small proportion of people's beliefs we are going to stop all Federal research in the United States of America?

Last week, Karl Rove declared that the President is emphatic about vetoing this legislation. I hope not. The President himself acknowledged the great promise of stem cells back in 2001, and with the health of millions of Americans at stake, it is my hope that if and when this bill tomorrow afternoon passes the Senate and if and when it goes to the President of the United States, he will reconsider his veto threat. Too many lives depend upon the advances which may well be possible.

Either you are for stem cell research or you are not. It is that simple. True support for stem cells means lifting the restrictions from hampering some of the most promising research, and only Castle-DeGette, only H.R. 810 will do that. No matter what the President decides on other legislation we are considering today, rejecting H.R. 810 is a rejection of science. It is a rejection of the hopes of millions of patients. This vote and the President's reaction to it should not be about assuaging a small but vocal minority with views far from the mainstream of 72 percent of the American people. Patients and their families deserve more than the President's first veto. How would you like it if you were President of the United States and the first veto of your political career were a veto of the one thing that offers hope for millions of Americans suffering from catastrophic disease? The one thing out there.

I want to assure these patients that my colleagues and I will not stop fighting for this. We will continue to push in every way possible. Patients suffering from these catastrophic illnesses have already waited too long. American scientists have already fallen behind their international counterparts, and the time has come to finally pass Castle-DeGette on a sweeping bipartisan basis, just as the House of Representatives did 13 months ago.

Thank you very much. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the next 30 minutes will be controlled by the majority.

Mr. COBURN. Mr. President, Senator BROWNBACK has graciously allowed me to take 10 minutes of his time. I would like to do that at this time.

First of all, I would like to set the record straight: the United States remains the world's leader of published stem cell articles and human embryonic stem cell articles. Specifically, it was April 6 of this year when that statement was made. From 1998 through the end of 2005, the United States published 46 percent of all papers published worldwide—by far the single largest proportion. The remaining 54 percent was divided among 17 other countries.

Mr. President, I ask unanimous consent to have printed in the RECORD the latest peer review articles that have been brought up to date for this year. This is about 15 pages long, and it has multiple entries. For every disease that has been mentioned on the Senate floor by those supporting the embryonic stem cell research, there are treatments ongoing today using adult stem cells.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COBURN. Mr. President, the other thing I think we ought to make sure of—and I just want to go back. The Senator from California claims 72 percent of Americans favor stem cell research. That is true. That is true, if you ask it that way. But if you ask it: Should your tax dollars be used to destroy embryos to then create a research mechanism, it falls to 38 percent. So there is a difference between the ethical dilemma. I understand people can honorably disagree on the ethical dilemma, but we ought to be truthful about what the polling actually says. If you specifically say what we are doing, you get a much different answer.

I want to talk for a minute about something the majority leader discussed. He is a transplant surgeon. There are two problems transplant surgeons face. One is enough organs, which is a difficult problem in our country today. but the second problem is rejection. Nobody is talking about the long-term consequences of where we go.

Let's assume everything that everyone says about embryonic stem cell research is right. I am highly skeptical of that. but let's assume that it is. You still have this little problem called histocompatibility; in other words, rejection. Whatever you do with it, you are going to have a problem with rejection. And the thing that is so exciting about germ cell—and I want to explain that for a minute. Germ cells—pluripotent stem cells—just as powerful as embryonic. they can do everything that embryonic can. They don't have that problem. No. 1. they are pluripotent; No. 2, they continue to reproduce pluripotent cells just like embryonic. That is new research. That is 6 months old. It was discovered here first. It was duplicated in Germany last month. So that is a brand new study.

The point is, you don't have rejection because you are taking your own cells to create a pluripotent cell, and that is the wonderful thing about adult stem cells, about cord blood stem cells. about germ cells, is that they create a pluripotent cell. There is no rejection. So when you hear all the talk about embryonic stem cell research. the thing to remember is when you get the treatment, you are going to have the side effects like everybody else who has the transplant—if it works—and that is immune-suppressive drugs. You are going to have to have them. The only way not to have that is to do fetal farming or human cloning, where you clone yourself and then take part of what you have cloned back, which we already know is illegal and is banned. So it is important for the debate to focus on that.

Everybody in this country wants cures. Everybody wants to do the thing that will get us there the fastest with the least complications, and we want to invest our dollars in what will be most successful.

One of the things my dad taught me is to look around the world. and if you want to see what is happening, follow the money. If you look around the world today. the world as a whole, and you look at where the money is being spent, it is not being spent on embryonic stem cells. It is being spent on stem cells from us, just like we had the debate a moment ago. We now know ductal cells from somebody's pancreas can create new insulin-producing cells. We know now the mucosa. the lining of your mouth, can create cells to make you a new cornea. You don't have to have a cornea transplant in the future because your own cells are going to be able to create a new cornea. We also know that we have stem cells in our body that can take away cystoid macular edema. this aging process where we as seniors start to lose our vision—the cloudiness—the macular area of the retina starts to fall away. All of these wonderful things that we are doing versus nothing that has been accomplished.

I also would refer to the reference of the Senator from California to the renal success. It wasn't done with an embryonic stem cell. it was done with an adult stem cell. That research was all adult stem cells. So we end up tending to confuse what has really happened.

The fact is, all the success in treatment, all the success in terms of who is willing to invest private capital, where they are putting it. they are not putting it in embryonic. There is a reason for it. It is because in the long term it won't be the best treatment. It is fun science. As a doctor, I will tell you there could be no more fun or rewarding or interesting science than embryonic stem cell because you can turn things on and turn things off. There is no question about it. But what we are finding out is you can actually do that with our own cells, our own stem cells.

This idea of de-differentiation—and I want to explain that for a minute because we are going to hear a lot about it in the next 10 years—we take one of your stem cells, one of your multipotent—not totipotent, not pluri potent. but multi—and reverse its mechanism where we make it pluripotent. We are doing that in several stem cells now with an enzyme called reversa, where they are reversing the cell structure and making it revert back to what it was; in other words, grow in reverse to become pluripotent.

So I hope everybody will remember, this isn't a choice about cures or no cures. We are getting cures like crazy right now with adult stem cells and cord blood. We are going to be doing tons more when this germ cell comes forward. There is no question the scientific community is extremely excited about germ cell pluripotent stem cells because it has all the potential that an embryonic stem cell has and none of the problems.

With that, I yield back my remaining time. and I thank the Senator from Kansas.

EXHIBIT 1

PEER-REVIEWED REFERENCES SHOWING APPLICATIONS OF ADULT STEM CELLS THAT PRODUCE THERAPEUTIC BENEFIT OR HUMAN PATIENTS (NOT A COMPLETE LISTING. SAMPLE REFERENCES)

ADULT STEM CELLS—HEMATOPOIETIC REPLACEMENT

CANCERS

Brain tumors—medulloblastoma and glioma

Dunkel. IJ; "High-dose chemotherapy with autologous stem cell rescue for malignant brain tumors"; Cancer Invest. 18, 492–493; 2000

Abrey, LE et al.; "High dose chemotherapy with autologous stem cell rescue in adults with malignant primary brain tumors"; J. Neurooncol. 44, 147–153; Sept. 1999

Finlay, JL; "The role of high-dose chemotherapy and stem cell rescue in the treatment of malignant brain tumors: a reappraisal"; Pediatr. Transplant 3 Suppl. 1. 87–95; 1999

Retinoblastoma

Hertzberg H et al.; "Recurrent disseminated retinoblastoma in a 7-year-old girl treated successfully by high-dose chemotherapy and CD34-selected autologous peripheral blood stem cell transplantation"; Bone Marrow Transplant 27(6). 653–655; March 2001

Dunkel IJ et al.; "Successful treatment of metastatic retinoblastoma"; Cancer 89. 2117–2121; Nov. 15, 2000

Ovarian cancer

Stiff PJ et al.; "High-dose chemotherapy and autologous stem-cell transplantation for ovarian cancer: An autologous blood and marrow transplant registry report"; Ann. Intern. Med. 133, 504–515; Oct. 3, 2000

Schilder. RJ and Shea, TC; "Multiple cycles of high-dose chemotherapy for ovarian cancer"; Semin. Oncol. 25, 349–355; June 1998

Merkel cell carcinoma

Waldmann V et al.; "Transient complete remission of metastasized merkel cell carcinoma by high-dose polychemotherapy and autologous peripheral blood stem cell transplantation"; Br. J. Dermatol. 143, 837–839; Oct. 2000

Testicular cancer

Bhatia S et al.; "High-dose chemotherapy as initial salvage chemotherapy in patients with relapsed testicular cancer"; J. Clin. Oncol. 18, 3346–3351; Oct. 19, 2000

Lymphoma

Tabata M et al.; "Peripheral blood stem cell transplantation in patients over 65 years old with malignant lymphoma—possibility of early completion of chemotherapy and improvement of performance status"; Intern Med 40, 471–474; June 2001

Josting, A; "Treatment of Primary Progressive Hodgkin's and Aggressive Non-Hodgkin's Lymphoma: Is There a Chance for Cure?"; J Clin Oncol 18, 332–339; 2000

Koizumi M et al.; "Successful treatment of intravascular malignant lymphomatosis with high-dose chemotherapy and autologous peripheral blood stem cell transplantation"; Bone Marrow Transplant 27, 1101–1103; May 2001

Non-hodgkin's lymphoma

Buadi FK et al., Autologous hematopoietic stem cell transplantation for older patients with relapsed non-Hodgkin's lymphoma. Bone Marrow Transplant 37, 1017–1022, June 2006

Tabata M et al.; "Peripheral blood stem cell transplantation in patients over 65 years old with malignant lymphoma—possibility of early completion of chemotherapy and improvement of performance status"; Intern Med 40, 471–474; June 2001

Josting, A; "Treatment of Primary Progressive Hodgkin's and Aggressive Non-Hodgkin's Lymphoma: Is There a Chance for Cure?"; J Clin Oncol 18, 332–339; 2000

Kirita T et al.; "Primary non-Hodgkin's lymphoma of the mandible treated with radiotherapy, chemotherapy, and autologous peripheral blood stem cell transplantation"; Oral Surg Oral Med Oral Pathol Oral Radiol Endod. 90, 450–455; Oct. 2000

Hodgkin's lymphoma

Peggs KS et al., "Clinical evidence of a graft-versus-Hodgkin's-lymphoma effect after reduced-intensity allogeneic transplantion", Lancet 365, 193–1941 ,4 June 2005

Josting, A; "Treatment of Primary Progressive Hodgkin's and Aggressive Non-

Hodgkin's Lymphoma: Is There a Chance for Cure?"; J Clin Oncol 18, 332–339; 2000

Acute lymphoblastic leukemia

Laughlin MJ et al.; "Hematopoietic engraftment and survival in adult recipients of umbilical-cord blood from unrelated donors", New England Journal of Medicine 344, 1815–1822; June 14, 2001

Ohnuma K et al.; "Cord blood transplantation from HLA-mismatched unrelated donors as a treatment for children with haematological malignancies"; Br J Haematol 112(4), 981–987; March 2001

Marco F et al.; "High Survival Rate in Infant Acute Leukemia Treated With Early High-Dose Chemotherapy and Stem-Cell Support"; J Clin Oncol 18, 3256–3261; Sept. 15 2000

Acute myelogenous leukemia

Laughlin MJ et al.; "Hematopoietic engraftment and survival in adult recipients of umbilical-cord blood from unrelated donors", New England Journal of Medicine 344, 1815–1822; June 14, 2001

Ohnuma K et al.; "Cord blood transplantation from HLA-mismatched unrelated donors as a treatment for children with haematological malignancies"; Br J Haematol 112(4), 981–987; March 2001

Gorin NC et al.; "Feasibility and recent improvement of autologous stem cell transplantation for acute myelocytic leukaemia in patients over 60 years of age: importance of the source of stem cells"; Br. J. Haematol. 110, 887–893; Sept 2000

Bruserud O et al.; "New strategies in the treatment of acute myelogenous leukemia: mobilization and transplantation of autologous peripheral blood stem cells in adult patients"; Stem Cells 18, 343–351; 2000

Chronic myelogenous leukemia

Laughlin MJ et al.; "Hematopoietic engraftment survival in adult recipients of umbilical-cord blood from unrelated donors", New England Journal of Medicine 344, 1815–1822; June 14, 2001

Ohnuma K et al.; "Cord blood transplantation from HLA-mismatched unrelated donors as a treatment for children with haematological malignancies"; Br J Haematol 112(4), 981–987; March 2001

Juvenile myelomonocytic leukemia

Ohnuma K et al.; "Cord blood transplantation from HLA-mismatched unrelated donors as a treatment for children with haematological malignancies"; Br J Haematol 112(4), 981–987; March 2001

Chronic myelomonocytic leukemia

Elliott MA et al., Allogeneic stem cell transplantation and donor lymphocyte infusions for chronic myelomonocytic leukemia, Bone Marrow Transplantation 37, 1003–1008, 2006

Angioimmunoblastic lymphadenopaihy with dysproteinemia

Lindahl J et al.; "High-dose chemotherapy and APSCT as a potential cure for relapsing hemolysing AILD"; Leuk Res 25(3), 267–270; March 2001

Multiple myeloma

Aviles A et at., Biological modifiers as cytoreductive therapy before stem cell transplant in previously untreated patients with multiple myeloma, Annals of Oncology 16, 219–221, 2005

Vesole, DH et al.; "High-Dose Melphalan With Autotransplantation for Refractory Multiple Myeloma: Results of a Southwest Oncology Group Phase II Trial"; J Clin Oncol 17, 2173–2179; July 1999.

Myelodysplasia

Ohnuma K et al.; "Cord blood transplantation from HLA-mismatched unrelated donors as a treatment for children with haematological malignancies"; Br J Haematol 112(4), 981–987; March 2001

Bensinger WI et at.; "Transplantation of bone marrow as compared with peripheral-blood cells from HLA-identical relatives in patients with hematologic cancers"; New England Journal of Medicine 344, 175–181; Jan 18 2001

Breast cancer

Damon LE et al.; "High-dose chemotherapy and hematopoietic stem cell rescue for breast cancer: experience in California"; Biol. Blood Marrow Transplant 6, 496–505; 2000

Paquette, RL et al., "Ex vivo expanded unselected peripheral blood: progenitor cells reduce post-transplantation neutropenia, thrombocytopenia, and anemia in patients with breast cancer", Blood 96, 2385–2390; October, 2000.

Stiff P et al.; "Autologous transplantation of ex vivo expanded bone marrow cells grown from small aliquots after high-dose chemotherapy for breast cancer"; Blood 95, 2169–2174; March 15, 2000

Koc, ON et al.; "Rapid Hematopoietic Recovery After Coinfusion of Autologous-Blood Stem Cells and Culture-Expanded Marrow Mesenchymal Stem Cells in Advanced Breast Cancer Patients Receiving High-Dose Chemotherapy"; J Clin Oncol 18, 307–316; January 2000

Neuroblastoma

Kawa, K et al.; "Long-Term Survivors of Advance Neuroblastoma With MYCN Amplification: A Report of 19 Patients Surviving Disease-Free for More Than 66 Months"; J Clin Oncol 17:3216–3220; October 1999

Renal cell carcinoma

Barkholt L et at., Allogeneic haematopoietic stem cell transplantation for metastatic renal carcinoma in Europe, Annals of Oncology published online 28 April 2006

Arya M et al., Allogeneic hematopoietic stem-cell transplantation: the next generation of therapy for metastatic renal cell cancer, Nat Clin Pract Oncol. 1, 32–38, Nov 2004

Childs R et al., "Regression of Metastatic Renal-Cell Carcinoma after Nonmyeloablative Allogeneic Peripheral-Blood Stem-Cell Transplantation", New England Journal of Medicine 343, 750–758; Sept. 14, 2000

Childs, RW; "Successful Treatment of Metastatic Renal Cell Carcinoma With a Nonmyeloablative Allogeneic Peripheral-Blood Progenitor-Cell Transplant: Evidence for a Graft-Versus-Tumor Effect:; J Clin Oncol 17, 2044–2049; July 1999

Soft tissue sarcoma

Blay JY et al.; "High-dose chemotherapy with autoogous hematopoietic stem-cell transplantation for advanced soft tissue sarcoma in adults"; J. Chin. Oncol. 18, 3643–3650; Nov 1 2000

Ewing's sarcoma

Drabko K et al., Megachemotherapy followed by autologous stem cell transplantation in children with Ewing's sarcoma, Pediatric Transplantation 9, 618–621, 2005

Various solid tumors

Pedrazolli P et al., High dose chemotherapy with autologous hematopoietic stem cell support for solid tumors other than breast cancer in adults, Annals of Oncology published online 17 March 2006

Nieboer P et al.; "Long-term haematological recovery following high-dose chemotherapy with autologous bone marrow transplantation or peripheral stem cell transplantation in patients with solid tumours"; Bone Marrow Transplant 27, 959–966; May 2001

Lafay-Cousin L et al.; "High-dose thiotepa and hematopoietic stem cell transplantation in pediatric malignant mesenchymal tumors: a phase II study"; Bone Marrow Transplant 26, 627–632; Sept. 2000

Michon, J and Schleiermacher, G. "Autologous haematopoietic stem cell transplantation for paediatric solid tumors", Baillieres Best Practice Research in Clinical Haematology 12, 247–259, March-June, 1999.

Schilder, RJ et al.; "Phase I trial of multiple cycles of high-dose chemotherapy supported by autologous peripheral-blood stem cells"; J. Clin. Oncol 17, 2198–2207; July 1999

Waldenstrom's macroglobulinemia

Anagnostopoulos A et al.; "High-dose chemotherapy followed by stem cell transplantation in patients with resistant Waldenstrom's macroglobulinemi"; Bone Marrow Transplant 27, 1027–1029; May 2001

Hemophagocytic lymphohistiocytosis

Matthes-Martin S et al.; "Successful stem cell transplantation following orthotopic liver transplantation from the same haploidentical family donor a girl with hemophagocytic lymphohistiocytosis"; Blood 96, 3997–3999; Dec 1, 2000

Poems syndrome (osteosclerotic myeloma)

Dispenzieri A et al., Peripheral blood stem cell transplantation in 16 patients with POEMS syndrome, and a review of the literature, Blood 104, 3400–3407, 15 November 2004

Myelofibrosis

Cometta K et al., Umbilical cord blood transplantation in adults: results of the prospective Cord Blood Transplantation (COBLT), Biol Blood Marrow Transplant 11, 149–160, February 2005

Cervantes F, Modem management of myelofibrosis, Br J Haematol 128, 583–592, March 2005

Kroger N et al., Pilot study of reduced-intensity conditioning followed by allogeneic stem cell transplantation from related and unrelated donors in patients with myelofibrosis, Br J Haematol 128, 690–697, March 2005

Thiele J et al., Dynamics of bone marrow changes in patients with chronic idiopathic myelofibrosis following allogeneic stem cell transplantation, Histol Histopathol 20, 87–89, July 2005

Rondelli D et al., Allogeneic hematopoietic stem-cell transplantation with reduced-intensity conditioning in intermediate- or high-risk patients with myelofibrosis with myeloid metaplasia, Blood 105, 4115–4119, 15 May 2005

Benesova P et al., [Complete regression of bone marrow fibrosis following allogeneic peripheral blood stem cell transplantation in a patient with idopathic myelofibrosis] [Article in Czech], Cesk Patol 40, 167–171, October 2004

ADULT STEM CELLS—IMMUNE SYSTEM REPLACEMENT

AUTOIMMUNE DISEASES

Systemic lupus

Burt, RK et al., Nonmyeloablative hematopoietic stem cell transplantation for systemic lupus erythematosus, Journal of the American Medical Association 295, 527–535, February 1, 2006

Burt, RK et al., "Induction of tolerance in autoimmune diseases by hematopoietic stem cell transplantation: getting closer to a cure?", Blood 99, 768–784, 1 February 2002

Wulffraat, NM et al.; "Prolonged remission without treatment after autologous stem cell transplantation for refractory childhood systemic lupus erythematosus"; Arthritis Rheum 44(3), 728–731; March 2001

Rosen, O et al.; "Autologous stem-cell transplantation in refractory autoimmune diseases after in vivo immunoablation and ex vivo depletion of mononuclear cells"; Arthritis res. 2, 327–336; 2000

Traynor, AE et al.; "Treatment of severe systemic lupus erythematosus with high-dose chemotherapy and haemopoietic stem-cell transplantation: a phase I study"; Lancet 356, 701–707; August 26, 2000

Burt, RK and Traynor, AE; "Hematopoietic Stem Cell Transplantation: A New Therapy for Autoimmune Disease"; Stem Cells 17, 366–372; 1999

Burt, RK et al.; "Hematopoietic stem cell transplantation of multiple sclerosis, rheumatoid arthritis, and systemic lupus erythematosus"; Cancer Treat. Res. 101, 157–184; 1999

Traynor, A and Burt, RK; "Haematopoietic stem cell transplantation for active systemic lupus erythematosus"; Rheumatology 38, 767–772 ; August 1999

Martini, A et al.; "Marked and sustained improvement 2 years after autologous stem cell transplant in a girl with system sclerosis"; Rheumatology 38, 773; August 1999

Sjogren's syndrome

Rabusin, M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85(11 Suppl), 81–85; Nov. 2000

Myasthenia

Rabusin, M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85(11 Suppl), 81–85; Nov. 2000

Autoimmune cytopenia

Passweg, JR et al., Haematopoietic stem cell transplantation for refractory autoimmune cytopenia, British Journal of Haematology 125, 749–755, June 2004

Rabusin M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85(11 Suppl), 81–85; Nov. 2000

Scleromyxedema

A.M. Feasel et al., "Complete remission of scleromyxedema following autologous stem cell transplantation," Archives of Dermatology 137, 1071–1072; Aug. 2001

Scleroderma

Burt, RK et al., "Induction of tolerance in autoimmune diseases by hematopoietic stem cell transplantation: getting closer to a cure?", Blood 99, 768–784, 1 February 2002

Burt, RK and Traynor, AE; "Hematopoietic Stem Cell Transplantation: A New Therapy for Autoimmune Disease"; Stem Cells 17, 366–372; 1999

Crohn's disease

Kreisel, W et al., Complete remission of Crohn's disease after high-dose cyclophosphamide and autologous stem cell transplantation, Bone Marrow Transplantation 32, 337–340, 2003

Burt, RK et al., "High-dose immune suppression and autologous hematopoietic stem cell transplantation in refractory Crohn disease", Blood 101, 2064–2066, March 2003

Rabusin, M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85(11 Suppl), 81–85; Nov. 2000

Hawkey, CJ et al.; "Stem cell transplantation for inflammatory bowel disease: practical and ethical issues"; Gut 46, 869–872; June 2000

Behcet's disease

Rabusin, M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85(11 Suppl), 81–85; Nov. 2000

Rheumatoid arthritis

Burt, RK et al., "Induction of tolerance in autoimmune diseases by hematopoietic stem cell transplantation: getting closer to a cure?", Blood 99, 768–784, 1 February 2002

Burt, RK et al., "Induction of remission of severe and refractory rheumatoid arthritis by allogeneic mixed chimerism", Arthritis & Rheumatism 50, 2466–2470, August 2004

Verburg, RJ et al.; "High-dose chemotherapy and autologous hematopoietic stem cell transplantation in patients with rheumatoid arthritis: results of an open study to assess feasibility, safety, and efficacy"; Arthritis Rheum 44(4), 754–760; April 2001

Rabusin, M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85(11 Suppl), 81–85; Nov. 2000

Burt, RK and Traynor, AE; "Hematopoietic Stem Cell Transplantation: A New Therapy for Autoimmune Disease"; Stem Cells 17, 366–372; 1999

Burt, RK et al.; "Hematopoietic stem cell transplantation of multiple sclerosis, rheumatoid arthritis, and systemic lupus erythematosus"; Cancer Treat. Res. 101, 157–184; 1999

Burt, RK et al., "Autologous hematopoietic stem cell transplantation in refractory rheumatoid arthritis: sustained response in two of four patients", Arthritis & Rheumatology 42, 2281–2285, November 1999

Juvenile arthritis

I M de Kleer et al., Autologous stem cell transplantation for refractory juvenile idiopathic arthritis: analysis of clinical effects, mortality, and transplant related morbidity, Ann Rheum Dis 63, 1318–1326, 2004

Rabusin, M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85(11 Suppl), 81–85; Nov. 2000

Burt, RK and Traynor, AE; "Hematopoietic Stem Cell Transplantation: A New Therapy for Autoimmune Disease"; Stem Cells 17, 366–372; 1999

Multiple sclerosis

Saccardi, R et al., Autologous HSCT for severe progressive multiple sclerosis in a multicenter trial: impact on disease activity and quality of life, Blood 105, 2601–2607, 15 March 2005

Burt, RK et al., "Induction of tolerance in autoimmune diseases by hematopoietic stem cell transplantation: getting closer to a cure?", Blood 99, 768–784, 1 February 2002

Mancardi, GL et al.; "Autologous hematopoietic stem cell transplantation suppresses Gd-enhanced MRI activity in MS"; Neurology 57, 62–68; July 10, 2001

Rabusin, M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85(11 Suppl), 81–85; Nov. 2000

Burt, RK and Traynor, AE; "Hematopoietic Stem Cell Transplantation: A New Therapy for Autoimmune Disease"; Stem Cells 17, 366–372; 1999

Burt RK et al.; "Hematopoietic stem cell transplantation of multiple sclerosis, rheumatoid arthritis, and systemic lupus erythematosus"; Cancer Trat. Res. 101, 157–184; 1999

Polychondritis

Rosen O et al.; "Autologous stem-cell transplantation in refractory autoimmune diseases after in vivo immunoablation and ex vivo depletion of mononuclear cells"; Arthritis res. 2, 327–336; 2000

Systemic vasculitis

Rabusin M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85 (11 Suppl), 81–85; Nov. 2000

Alopecia universal

Seifert B et al., Complete rfemission of alopecia universalis after allogeneic hematopoietic stem cell transplantion, Blood 105, 426–427, 1 January 2005

Buerger's disease

Kim D–I et al., Angiogenesis facilitated by autologbus whole bone marrow stem cell transplantation for Buerger's disease, Stem Cells 24, 1194–1200, 2006

IMMUNODEFICIENCIES

Severe combined immunodeficiency syndrome

Grunebaum E et al., Bone marrow transplantation or severe combined immune deficiency, Journal of the American Medical Association 295, 508–518, 1 February 2006

Cavazzana-Calvo M et al.; "Gene therapy of human severe combined immunodeficiency (SCID)-XI disease"; Science 288, 669–672; April 28, 2000 (NOTE: gene therapy using bone marrow adult stem cells as gene vehicle)

X-linked lymphoproliferative syndrome and X-linked hyperimmunoglobulin M syndrome

Banked unrelated umbilical cord blood was used to reconstitute the immune system in 2 brothers with X-linked lymphoproliferative syndrome and 1 boy with X-linked hyperimmunoglobulin-M syndrome. Two years after transplantation, all 3 patients have normal immune systems. These reports support the wider use of banked partially matched cord blood for transplantation in primary immunodeficiencies.

Reference: Ziegner UH et al.: "Unrelated umbilical cord stem cell transplantation for X-linked immunodeficiencies": J Pediatr 138(4), 570–573; April 2001

Eight children with severe immunodeficiencies treated by adult bone marrow stem cell transplants. Six of 8 showed relatively normal immune system after 1 year.

Reference: Amrolia, P. et al., "Nonmyeloablative stem cell transplantation for congenital immunodeficiencies", Blood 96, 1239–1246, Aug. 15, 2000.

ANEMIAS AND OTHER BLOOD CONDITIONS

Sickle cell anemia

Klein A et al., Hematopoietic stem cell transplantation for severe sickle cell disease, Rev Med Brux. 2005:26 Spec no:Sp23 5

Adamkiewicz TV et al., Transplantation of unrelated placental blood cells in children with high-risk sickle cell disease, Bone Marrow Transplant. 34, 405–411, Sept 2004

Wu CJ et al., Molecular assessment of erythroid lineage chimerism following nonmyeloablative allogeneic stem cell transplantation, Exp Hematol. 31, 924–933, Oct 2003

Gore L. et al.; "Successful cord blood transplantation for sickle cell anemia from a sibling who is human leukocyte antigen-identical: implications for comprehensive care", J Pediatr Hematol Oncol 22(5):437–440; Sep-Oct 2000

Steen RG et al.; "Improved cerebrovascular patency following therapy in patients with sickle cell disease: initial results in 4 patients who received HLA-identical hematopoietic stem cell allografts"; Ann Neurol 49(2), 222–229; Feb. 2001

Wethers DL; "Sickle cell disease in childhood: Part II. Diagnosis and treatment of major complications and recent advances in treatment"; Am. Fam. Pysician 62, 1309–1314; Sept. 15, 2000

Sideroblastic anemia

Ayas M et al.; "Congenital sideroblastic anaemia successfully treated using allogeneic stem cell transplantation"; Br J Haematol 113, 938–939; June 2001

Gonzalez MI et al.; "Allogeneic peripheral stem cell transplantation in a case of hereditary sideroblastic anaemia"; British Journal of Haematology 109, 658–660; 2000

Aplastic anemia

Gurman G et al.; "Allogeneic peripheral blood stem cell transplantation for severe aplastic anemia"; Ther Apher 5(1), 54–57; Feb. 2001

Kook H et al.; "Rubella-associated aplastic anemia treated by syngeneic stem cell transplantations"; Am. J. Hematol. 64, 303–305; August 2000

Red cell aplasia

Rabusin M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85(11 Suppl), 81–85; Nov. 2000

Amegakaryocytic thrombocytopenia

Yesilipek et al.; "Peripheral stem cell transplantation in a child with amegakaryocytic thrombocytopenia"; Bone Marrow Transplant 26, 571–572; Sept. 2000

Thalassemia

Tan PH et al., "Unrelated peripheral blood and cord blood hematopoietic stem cell transplants for thalassemia major", Am J Hematol 75, 209–12, April 2004

Primary amyloidosis

Sezer O et al.; "Novel approaches to the treatment of primary amyloidosis"; Exper Opin. Investig. Drugs 9, 2343–2350; Oct 2000

Diamond Blackfan anemia

Ostronoff M et al., "Successful non-myeloablative bone marrow transplantation in a corticosteroid-resistant infant with Diamond-Blackfan anemia", Bone Marrow Transplant. 34, 371–372, August 2004

Fanconi's anemia

Bitan M et al., Fludarabine-based reduced intensity conditioning for stem cell transplantation of fanconi anemia patients from fully matched related and unrelated donors, Biol Blood Marrow Transplant. 12, 712–718, July 2006

Tan PL et al., Successful engraftment without radiation after fludarabine-based regimen in Fanconi anemia patients undergoing genotypically identical donor hematopoietic cell transplantation, Pediatr Blood Cancer, 46, 630–636, May 1,2006

Kohli-Kumar Met al., "Haemopoietic stem/progenitor cell transplant in Fanconi anaemia using HLA-matched sibling umbilical cord blood cells", British Journal of Haematology 85, 419–422, October 1993

Chronic Epstein-Barr infection

Fujii N et al.; "Allogeneic peripheral blood stem cell transplantation for the treatment of chronic active Epstein-Barr virus infection"; Bone Marrow Transplant 26, 805–808; Oct. 2000

Okamura T et al.; "Blood stem-cell transplantation for chronic active Epstein-Barr virus with lymphoproliferation"; Lancet 356, 223–224; July 2000

ADULT STEM CELLS—REPAIR/REPLACMENT OF SOLID TISSUES

METABOLIC DISORDERS

Hurler's syndrome

Cox-Brinkman J et al., "Haematopoietic cell transplantation (HCT) in combination with enzyme replacement therapy (ERT) in patients with Hurler syndrome", Bone Marrow Transplantation 38, 17–21, 2006

Staba SL et al., "Cord-blood transplants from unrelated donors in patients with Hurler's syndrome", New England Journal of Medicine 350, 1960–1969, 6 May 2004

Koc ON et al., "Allogeneic mesenchymal stem cell infusion for treatment of metachromatic leukodystrophy (MLD) and Hurler syndrome (MPS–IH)," Bone Marrow Transplant 215–222; Aug 2002

Osteogenesis imperfecta

Horwitz EM et al., "Isolated allogeneic bone marrow-derived mesenchymal cells engraft and stimulate growth in children with osteogenesis imperfecta: Implications for cell therapy of bone", Proceedings of the National Academy of Sciences USA 99, 8932–8937; 25 June 2002

Horwitz EM et al., "Clinical responses to bone marrow transplantation in children with severe osteogenesis imperfecta", Blood 97, 1227–1231; 1 March 2001

Horwitz, EM et al.; "Transplantability and therapeutic effects of bone marrow-derived mesenchymal cells in children with osteogenesis imperfecta"; Nat. Med. 5, 309–313; March 1999

Krabbe leukodystrophy

Escolar ML et al., "Transplantation of umbilical cord-blood in babies with infantile Krabbe's disease", New England Journal of Medicine 352, 2069–2081, 19 May 2005

Krivit W et al., "Hematopoietic Stem-Cell Transplantation in Globoid-Cell Leukodystrophy", New England Journal of Medicine 338, 1119–1127, Apr 16, 1998

Osteopetrosis

Tsuji Y et al., "Successful non-myeloablative cord blood transplantation for an infant with malignant infantile osteopetrosis", J Pediatr Hematol Oncol. 27, 495–498, Sept 2005

Driessen GJ et al., "Long-term outcome of haematopoietic stem cell transplantation in autosomal recessive osteopetrosis: an EBMT report", Bone Marrow Transplantation 32, 657–663, October 2003

Schulz et al., "HLA-haploidentical blood progenitor cell transplantation in osteopetrosis", Blood 99, 3458–3460, 1 May 2002

Cerebral X-linked adrenoleukodystrophy

Peters C et al., "Cerebral X-linked adrenoleukodystrophy: The international hematopoietic cell transplantation experience from 1982 to 1999, Blood 104, 881–888, 1 Aug 2004

OCULAR

Corneal regeneration

Inatomi T et al., "Midterm results on ocular suface reconnstruction using cultivated autologous oral mucosal epithelial transplantation", American Journal of Ophthalmology 141, 267–275, February 2006

Nishida K et al., "Corneal reconstruction with tissue-engineered cell sheets composed of autologous oral mucosal epithelium", New England Journal of Medicine 351, 1187–1196, 16 Sept 2004

Anderson DF et al.; "Amniotic Membrane Transplantation After the Primary Suigical Management of Band Keratopathy"; Cornea 20(4), 354–361; May 2001

Anderson DF et al.; "Amniotic membrane transplantation for partiallimbal stem cell deficiency"; Br J Ophthalmol 85(5), 567–575; May 2001

Henderson TR et al.; "The long term outcome of limbal allografts: the search for surviving cells"; Br J Ophthalmol 85(5), 604–609; May 2001

Daya SM, Ilari FA; "Living related conjuctival limbal allograft for the treatment of stem cell deficiency"; Opthalmology 180, 126–133; January 2001

Schwab IR et al.; "Successful transplantation of bioengineered tissue replacements in patients with ocular surface disease"; Cornea 19, 421–426; July 2000.

Tsai et al.; "Reconstruction of damaged corneas by transplantation of autologous limbal epithelial cells"; New England Journal of Medicine 343, 86–93, 2000

Tsubota K et al.; "Treatment of severe ocular-surface disorders with corneal epithelial stem-cell transplantation"; New England Journal of Medicine 340, 1697–1703; June 3, 1999

WOUNDS & INJURIES

Limb gangrene

Tateishi-Yuyama E et al.; "Therapeutic angiogeneis for patients with limb ischaemia by autologous transplantation of bone-marrow cells: a pilt study and a randomised controlled trial"; Lancet 360, 427–435; 10 August 2002

Surface wound healing

Badiavas EV and Falanga V. "Treatment of chronic wounds with bone marrow-derived cells", Archives of Dermatology 139, 510–516, 2003

Jawbone replacement

Warnke PH et al., "Growth and transplantation of a custom vascularised bone graft in a man", Lancet 364, 766–770, 28 August 2004

Skull bone repair

Lendeckel S et al., Autologous stem cells (adipose) and fibrin glue used to treat widespread traumatic calvarial defects: case report, Journal of Cranio-Maxillofacial Surgery 32, 370–373, 2004

HEART DAMAGE

Acute heart damage

Joseph J et al., Safety and effectiveness of granulocyte-colony stimulating factor in mobilizing stem cells and improving cytokine profile in advanced chronic heart failure, American Journal of Cardiology 97, 681–684, 1 March 2006

Blocklet D et al., Myocardial homing of nonmobilized peripheral-blood CD34+ cells after intracoronary injection, Stem Cells 24, 333–336, February 2006

Janssens S et al., Autologous bone marrow-derived stem-cell transfer in patients with ST-segment elevation myocardial infarction: double-blind, randomised controlled trial, Lancet 367, 113–121, 14 January 2006

Patel AN et al., Surgical treatment for congestive heart failure with autologous adult stem cell transplantation: A prospective randomized study, Journal of Thoracic Cardiovascular Surgery 130, 1631–1638, December 2005

Ince H et al., Preservation from left ventricular remodeling by front-integrated revascularization and stem cell liberation in evolving acute myocardial infarction by use of granulocyte-colony-stimulating factor (FIRSTLINE-AMI), Circulation 112, 097–3106, 15 November 2005

Ince H et al., Prevention of left ventricular remodeling with granulocyte colony-stimulating after acute myocardial infarction, Circulation 112, I–73–I–80, 30 August 2005

Bartunek J et al., Intracoronary injection of CD133-positive enriched bone marrow progenitor cells promotes cardiac recovery after recent myocardial infarction. Circulation 112, I–178–I–183, 30 August 2005

Dohmann HFR et al., Transendocardial autologous bone marrow mononuclear cell injection in ischemic heart failure, Circulation 112, 121–126, 26 July 2005

Wollert KC et al., "Intracoronary autologous bone-marrow cell transfer after myocardial infarction: the BOOST randomised controlled clinical trial", Lancet 364, 141–148, 10 July 2004

Britten MB et al., "Infarct remodeling after intracoronary progenitor cell treatment in patients with acute myocardial infarction"; Circulation 108, 2212–2218; Nov 2003

Perin EC et al.; "Transendocardial, autologous bone marrow cell transplantation for severe, chronic ischemic heart failure"; Circulation 107, r75–r83; published online May 2003

Stamm C et al.; "Autologous bone-marrow stem-cell transplantation for myocardial regeneration"; The Lancet 361, 45–46; 4 January 2003

Tse H–F et al.; "Angiogenesis in ischaemic myocardium by intramyocardial autologous bone marrow mononuclear cell implantation"; The Lance 361, 47–49; 4 January 2003

Strauer BE et al.; "Repair of infarcted myocardium by autologous intracoronary mononuclear bone marrow cell transplantation in humans"; Circulation 106, 1913–1918; 8 October 2002

Strauer BE et al.; "Myocardial regeneration after intracoronary transplantation of human autologous stem cells following acute myocardial infarction"; Dtsch Med Wochenschr 126, 932–938; Aug 24, 2001

Menasché P et al. "Myoblast transplantation for heart failure." Lancet 357, 279–280; Jan 27, 2001

Menasché P et al. ["Autologous skeletal myoblast transplantation for cardiac insufficiency. First clinical case."] [article in French] Arch Mal Coeur Vaiss 94(3), 180–182; March 2001

Chronic coronary artery disease

Strauer BE et al., Regeneration of human infarcted heart muscle by intracoronary autologous bone marrow cell transplantation in chronic coronary artery disease, Journal of the American College of Cardiology 46, 1651–1658, 1 November 2005

NEURAL DEGENERATIVE DISEASES & INJURIES

Stroke

Shyu W–C et al., Granulocyte colony-stimulating factor for acute ischemic stroke: a randomized controlled trial, Canadian Medical Association Journal 174, 927–933, 28 March 2006

Stilley CS et al., Changes in cognitive function after neuronal cell transplantation for basal ganglia stroke, Neurology 63, 1320–1322, October 2004

Meltzer CC et al.: "Serial [18F]Fluorodeoxyglucos Positron Emission Tomography after Human Neuronal Implantation for Stroke"; Neurosurgery 49, 586–592; 2001.

Kondziolka D et al.; "Transplantation of cultured human neuronal cells for patients with stroke"; Neurology 55, 565–569; August 2000

Parkinson's disease—using direct stimulation of patients' endogenous adult neural stem cells:

Love S et al., Glial cell line-derived neurotrophic factor induces neuronal sprouting in human brain, Nature Medicine 11, 703–704, July 2005

Slevin JT et al., Improvement of bilateral motor functions in patients with Parkinson disease through the unilateral intraputaminal infusion of glial cell line-derived neurotrophic factor, Journal of Neurosurgery 102, 216–222, February 2005

Gill SS et al.; "Direct brain infusion of glial cell line-derived neurotrophic factor in Parkinson disease"; Nature Medicine 9, 589–595; May 2003 (pubished online 31 March 2003)

Spinal cord injury

Lima C et al., Olfactory mucosa autografts in human spinal cord injury: A pilot clinical study, Journal of Spinal Cord Medicine 29, 191–203, July 2006

LIVER DISEASE

Chronic liver disease

Gordon MY et al., Characterisation and clinical application of human CD34+stem/progenitor cell populations mobilised into the blood by G–CSF, Stem Cells 24, 1822–1830, July 2006; published online March 30, 2006

Liver cirrhosis

Terai S et al., Improved liver function in liver cirrhosis patients after autologous bone marrow cell fusion therapy, Stem Cells published online 15 June 2006; DOI: 10.1634/stemcells.2005–0542

BLADDER DISEASE

End-stage bladder disease

Atala A et al., Tissue-engineered autologous bladders for patients needing cytoplasty, The Lancet 367, 1241–1246, 15 April 2006

Mr. BROWNBACK. Mr. President, I want to thank my colleague from Oklahoma. He is learned. He has spent the time to study these issues as a doctor. He has worked on these issues and he cares a great deal about them, and I appreciate his time and his focus on this issue.

I want to discuss a few additional things in response to the comments that have been made thus far. I want to get back to what we are talking about. We are talking about destroying young human life for research purposes. I will show a picture of that so people will get the idea—and I know people do—but it is important to remember we all started out looking like this. Even the Presiding Officer, as handsome as he is, looked like this at one point in time. Just a clump of cells—that was him.

This is a particular young person by the name of Hannah with whom I just met a few hours ago. This is when she was adopted as a frozen embryo, and this shows her development taking place. If you destroy her here, we don't get her here. That is the key. She was called a snowflake: an adopted frozen embryo.

I hope some people who are maybe watching or hear about this, if they have frozen human embryos, they consider putting them up for adoption because a number of people want to adopt them.

A couple of people adopted Hannah. They had fertility problems themselves, could not conceive. They used IVF, and so adopted her as a snowflake, as a frozen embryo. She was implanted, and now we have Hannah. Hannah is quite—I guess you would say out of the mouths of babes, children, comes great wisdom.

This is a chart she did last year when she was in Washington. When the House was considering legislation—this same legislation—she did this chart, this letter that kids write, my kids write—I love them. She said—this is Hannah—snowflake: We're kids, I love you. Then she draws three pictures here below. This is her smiling because she got adopted, and she is here. Here is another frozen embryo—these are embryos—that is sad because he is still sitting in a frozen state, and then here is one that, as she explains, is saying: What, are you going to kill me? This was her explanation to her mother who just gave this chart to me.

I hope people really would think about that. This is not just a clump of tissue. This is not just a group of a few cells. This is not a hair follicle. This is not a fingernail. This is Hannah. And, if nurtured, she grows to be just this beautiful child. We have a lot of them, frozen embryos, and I hope people will consider putting them up for adoption because there are a lot of people who want to adopt them.

My colleagues talked about cures. I want cures. I have talked a lot about cures here on the floor. I have talked about it for a lot of years. There are 72 clinical human trials using adult cord research. If we want the people Senator FEINSTEIN and others talked about to get cures now, the certain way to do this is to not fund embryonic stem cell research. The people she is talking about are not going to be cured any time soon.

I want to read some quotes from scientists talking about cures from embryonic stem cell research. I want to lay my hands on this real quick so that people can hear what the scientists are saying about this particular area. Let me get to that in a second, as soon as we can pull that out from the notebook.

I want to hit a second point on this and then print this for the RECORD. Mr. President, I will ask unanimous consent that this be printed in the RECORD at the end of my statement.

Mr. President, this is a series of one-page—a cover article on stem cells, embryonic stem cells forming tumors. We have talked about this being a problem. This has been a problem on fetal tissue research, about 15 years ago. This stack is of the front pages of peer-reviewed articles citing embryonic stem cells creating tumors when implanted in other animals. Let me just read a few of these summations. This is just the front cover, and people can look up the whole article if they want.

More than 70 percent of the mice that received embryonic stem cells derived neuro processors—or precursor cells developed teratomas, 70 percent teratomas, tumors. That was a 2006 article.

Rats grafted with embryonic stem cells de-differentiated in vitro for 16 days developed severe teratomas—tumors. This is an article for publication, March of 2006. I am just reading the front page of these.

Here is another article, a 2005 article. We conclude that pluripotent cell types used in this study are unsuitable for achieving safe engraftment in a Guinea pig brain. Why? Creation of teratomas—tumors.

Unlimited self-renewal and high differentiated potential poses the risk of tumor induction after engraftment. This is just the front page of another article, December of 2004.

Here is another article. Conclusions: the cells will, however, form a tumor if they leak into an improper space such as the thoracic cavity. This is an article from 2003.

Then I have three more articles. These are just summations of peer-reviewed articles. They form tumors. That is the problem with embryonic stem cells.

So the Senators from California, Michigan, Iowa, and Pennsylvania and other places saying we want cures—I want cures. The research is saying embryonic stem cells form tumors. You put them into individuals, they form tumors. And while we hope at some point in time something positive happens, the problem is, they form tumors. This isn't working. So if we want treatments and cures, the answer isn't embryonic stem cells, it is adult stem cells, cord blood, where we don't have a tumor formation problem and where we are getting all of these initial successes that are taking place

We are also going to consider legislation—and I will come back to another point here—we are going to consider legislation on fetus farming. There are three bills that are up and one of the bills is to ban fetal farming—fetus farming. I want to speak on that bill. I am a cosponsor of the bill. It would prohibit a gruesome procedure known as fetus farming. I am hopeful this passes with broad bipartisan support.

What this prevents is growing young humans to a certain stage, then harvesting their parts like an organ donor—parts. You grow a cloned human to a certain stage, let the cells differentiate and then harvest the parts. The Fetus Farming Prohibition Act is intended to prevent the exploitation of women for the purpose of harvesting spare organs, bodies parts, and tissue. In an ideal world we wouldn't need this type of legislation, yet we have already seen four scientific papers published on proof of concept of where they clone an animal to harvest the tissue to put into another animal to see if there was a rejection issue. Such proof of concept or proof of principle is simply the first case you take before actually moving to doing it in humans. That is why we seek to ban this particular procedure.

Some of my colleagues are saying of course nobody would think about doing this. I remember at the outset of this debate 8 years ago, everybody said of course we are not going to clone human beings. That is not necessary; that is abhorrent, and we wouldn't do that. The same people who were saying that are now saying it is essential we clone human beings, so the distance from "of course we would never" to "of course we must" seems to only take a matter of years and that is why we are seeking to ban this particular area of using human beings. Human beings, as I said at the outset, are ends in themselves. They should not be used for somebody else's purposes. It is beneath human dignity to turn humans into commodities—that is organ factories—and that would be the case with fetus farming. That is what this act does; it prohibits it. I am hopeful my colleagues can strongly support this ban on fetal farming that is going to come before this body and I hope will pass the House and be sent to the President for signature.

I want to talk about an area that perhaps we all pretty easily fall into. That is, we get contacted by individuals who have a particular malady or disease or genetic problem and we tell them we want to give them a cure.

We do want to give them a cure. Everyone in this body wants to give them a cure. But then false hope can be held out or people can start down a road that doesn't produce. That is where we have been going. That is where we are going with the embryonic stem cells. This is a route into which we put half a billion Federal taxpayer dollars and it hasn't produced. It is time to move somewhere else. We have tried this route before.

I want to quote one of my colleagues on fetal tissue research. Some of my colleagues remember 10 or 15 years ago we were debating fetal tissue research. The promises sound strangely familiar, what people said.

> There is substantial evidence that fetal tissue research will offer a new hope of prolonged life, greater quality of life, and perhaps one day even a cure for many of these diseases at a tremendous economic and social cost-saving to the country.

Then people frequently would list different areas that would be covered, such as Alzheimer's and Parkinson's disease and the like.

We funded fetal tissue research. The reason I mentioned this is it is quite a bit like fetal farming. In fetal tissue research the fetus is aborted and then body parts harvested for use in somebody else, and that was going to cure everybody. We were going to get rid of Alzheimer's and Parkinson's and Lou Gehrig's and cancer and all these areas with great promise. Yet we saw what happened on the fetal tissue research.

> Parkinson's research is set back by failure of fetal cell grants—disastrous side effect—absolutely devastating—it was tragic, catastrophic, it's a real nightmare. And we can't selectively turn it off.

That was what the researchers said when they took fetal tissue and put it in somebody to deal with Parkinson's disease. What we are trying to prohibit with the Fetal Farming Act is this from backing up even further, or doing it in a clone state, and inserting cancerous tumors into individuals. You can't selectively turn it off. That is why we want to ban this. That is why it is the wrong thing to do. It was the wrong thing to do then, using fetal tissue in that particular case.

It is also the wrong thing to promise people these cures when we look at the science of this and you know pretty likely this is not going to work—from all the scientific evidence. Let me read from some of the eminent scientists. By the way, the material I had printed for the RECORD on tumor formation, I believe every one of these scientists, at least most of the scientists published in these articles, are pro embryonic stem cell research. They support embryonic stem cell research. They want it to work. The problem is, tumor formation, just as we saw with fetal tissue research. The cell grows fast, undifferentiated, but it can get in the brain and in some cases formed fingernails or hair follicles instead of brain tissue.

What are some of the scientists who are strong embryonic stem cell supporters saying about the likelihood of human treatments using embryonic stem cells? Here I am quoting from people who support this research. Lord Winston, a British stem cell expert, has warned his colleagues over the political hype in support of human embryonic stem cells:

> One of the problems is that in order to persuade the public that we must do this work, we often go rather too far in promising what we might achieve. This is a real issue for the scientists. am not entirely convinced that embryonic stem cells will, in my lifetime, and possibly anybody's lifetime for that matter, be holding quite the promise that we desperately hope they will.

This was in a lecture he gave in 2005. If we want to cure people, as different colleagues are talking about and giving different human examples, people examples—this is a clear route here, adult and cord blood. Put the money there if we want to cure people. If we want to do the scientific research, that is another thing, but if we want to cure people, we have an answer and it has no ethical problem to it. But we should not overhype the embryonic stem cells when the lead scientist say he thinks it is unlikely any time soon, if ever, to work, as I just quoted to you there.

Let me give another quote from the journal "Science." It carried a piece last summer in which supporters of embryonic—destructive human embryonic stem cell research admitted:

> It is necessary that prospective donors of human eggs recognize the large gap between

> research and therapy. This is particularly important in frontier areas of research where therapeutic impact in humans is unproven.
>
> Also, it is nearly certain that the clinical benefits of the research are years or maybe decades away. This is a message that desperate families and patients will not want to hear.

If we are talking cures, we have an answer here. But it is not embryonic stem cell research. Otherwise we should not be talking about cures. We should be talking maybe about research on embryos, research on embryonic stem cells. We are interested in how they work, but we should not be talking cures because the cures are coming in the adult and cord blood route.

I will have the "Science" article printed. I ask unanimous consent all these be printed in the RECORD at the end of my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBACK. This is an op-ed piece in the Washington Post. David Shaywitz put it in, in 2005.

> While stem cell advocates have helped voters connect stem cell research with compelling images of patients who might one day benefit from treatments, such therapies are unlikely to emerge soon enough to benefit most current proponents. . . .
>
> . . . scientists must do a better job of articulating the limitations of our existing knowledge, taking care to emphasize not only the ultimate therapeutic potential of these cells, but also how far we are from achieving such therapies.

That is from scientists who support embryonic stem cell research. Let's be clear what we are talking about in this particular field.

Now I want to talk about the pluripotent nature of adult stem cells. Here, Dr. COBURN, Dr. FRIST, and others would be better qualified, obviously, than I could ever dream of being about this topic, but this has been raised for some period of time. The theory has gone, embryonic stem cells are pluripotent, they can form any type of cells. Adult stem cells cannot. Their plasticity is insufficient for them to be able to form other types of cells.

I simply point to this chart, listing 16 peer-reviewed studies showing alternative sources of pluripotent stem cells other than embryonic stem cells, and almost all of these are out of adult stem cells—pluripotency.

I urge my colleagues, the science has moved quite rapidly on this. I hope we can get up to speed with where the science is on this. There is pluripotency in other stem cells. There is pluripotency in cells other than the embryonic stem cells. We have the alternative bill, the Santorum-Specter bill, looking at other alternative sources of embryonic-type like stem cells that you do not have to destroy an embryo to get to. Look at those fields and those areas, these adult stem cells and this research, rather than saying the only source is embryonic, because it is not. That is not the only source because the science continues to move on through this and find other areas of pluripotency in adult stem cells as they are created.

Because I have a little bit of time—I ask the Chair, how much time is remaining?

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mr. BROWNBACK. Fantastic. I have a picture I want to show, then, because this is a real hope. It is also a bit of a tragedy. Here is a gentleman I hosted at a hearing about Parkinson's disease. He suffers from Parkinson's disease. He had an adult stem cell treatment. We got him in to testify. It is adult stem cells put back in his own part of the brain, it is his own cells, so there is not a rejection problem. He was Parkinson's free for 5 years. We had trouble getting him in to testify. He was out doing African safaris and things. We couldn't get him to come in.

I say that because that is the beauty of it. The tragedy of it is some of the Parkinson's traits are coming back. He would love to have another treatment for Parkinson's with his own adult stem cells. Yet we have so few clinical trials going on, we are so short in the funding of this, that he is not able to get additional treatments or other Parkinson's patients aren't able to get this.

I ask my colleagues, if we want to treat, let's take the half a billion dollars and let's put it into research for a guy such as this, where we have a real promising start. He was Parkinson's free of things here for 5 years, and then it started coming back.

My final comment I have in the time I have left is: What a beautiful time. What an opportunity we have for people to live longer and better lives. This is a glorious time for us to make a step forward.

Senator FEINSTEIN from California and I cochair the cancer caucus. We are setting an objective of ending deaths by cancer in 10 years. It is going to have to be aggressive to be able to do this. We are going to have to do some work on these adult and cord blood stem cell areas. What a beautiful time. Let's invest wisely. Let's not check our morals at the door—our values. Let's treat every single human as a sacred, beautiful child of the living God and we are going to be here 10 years from now with amazing stories of things that have happened, and a happy heart, and a clear conscience at the same time—that we did it, we did it the right way, that more people are alive today, not dead, we didn't sacrifice other human beings in the process, and people are cured. People with spinal cord injuries are walking. People with Parkinson's no longer have it.

We have people in whom this is taking place today. We didn't give them cancer in the process of trying to cure them—where we are having the troubles with the embryonic stem cells.

This can happen if we will go the right way, ban the fetal farming, not expand and use taxpayer dollars to fund destructive human embryonic research where you destroy a human, and look at these alternatives. It can and it will happen. And that—that is going to be a beautiful day.

I believe my time has expired and I yield the floor

EXHIBIT 1

STEM-CELL REALITY: "ESC TREATMENTS DECADES AWAY"

"Similarly, it is important not to use the term 'therapy' when what is meant is 'research' and not to refer to human embryonic stem cell research as 'therapeutic cloning.' There is currently no such thing as 'therapeutic cloning' and this is not 'therapeutic cloning research,' nor can we say with any certainty that "cell therapy" is in the near future."

(Source: Magnus & Cho, "Issues in Oocyte Donation for Stem Cell Research," Science Vol. 308, 1747–1748, June 17, 2005.)

Last summer, the prestigious journal Science carried a piece, in which supporters of destructive human embryonic stem cell research admit:

"It is necessary that prospective donors [of human eggs] recognize the large gap between research and therapy. This is particularly important in frontier areas of research where therapeutic impact in humans is unproven.

"Also, it is nearly certain that the clinical benefits of the research are years or maybe decades away. This is a message that desperate families and patients will not want to hear.

STEM-CELL REALITY: OVER-HYPED ESC'S

British Stem Cell Expert Lord Winston

Lord Winston, a British stem cell expert, has warned his colleague over the political hype in support of human embryonic stem cells:

"One of the problems is that in order to persuade the public that we must do this work, we often go rather too far in promising what we might achieve.

This is a real issue for the scientists. I am not entirely convinced that embryonic stem cells will, in my lifetime, and possibly anybody's lifetime for that matter, be holding quite the promise that we desperately hope they will."

(Source: "Should We Trust the Scientists?" Gresham College Lecture, June 20, 2005)

STEM-CELL REALITY: "ESC THERAPIES UNLIKELY SOON"

Harvard stem cell researcher—and proponent of destructive human embryonic stem cell research—David Shaywitz writes in an op-ed carried by the Washington Post:

"While stem cell advocates have helped voters connect embryonic stem cell research with compelling images of patients who might one day benefit from treatment, such therapies are unlikely to emerge soon enough to benefit most current proponents . . .

". . . scientists must do a better job of articulating the limitations of our existing knowledge, taking care to emphasize not only the ultimate therapeutic potential of these cells, but also how far we are from achieving such therapies."

(Source: David Shaywitz, "Stem Cell Reality," The Washington Post, April 29, 2005.)

[From the New York Times, Mar. 8, 2001]

PARKINSON'S RESEARCH IS SET BACK BY FAILURE OF FETAL CELL IMPLANTS

(By Gina Kolata)

A carefully controlled study that tried to treat Parkinson's disease by implanting cells from aborted fetuses into patients' brains not only failed to show an overall benefit but also revealed a disastrous side effect, scientists report.

In about 15 percent of patients, the cells apparently grew too well, churning out so much of a chemical that controls movement that the patients writhed and jerked uncontrollably.

The researchers say that while some patients have similar effects from taking too high a dose of their Parkinson's drug, in this case the drugs did not cause the symptoms and there is no way to remove or deactivate the transplanted cells.

On the researchers' advice, six patients who enrolled in the study but who had not yet had the implantation operation have decided to forgo it.

The results, reported today in The New England Journal of Medicine, are a severe blow to what has been considered a highly promising avenue of research for treating Parkinson's disease, Alzheimer's disease and other neurological ailments. The study indicates that the simple solution of injecting fetal cells into a patient's brain may not be enough to treat complex diseases involving nerve cells and connections that are poorly understood. Some say it is time to go back to the laboratory and to animals before doing any more operations on humans.

The findings may also fuel the debate over whether it is appropriate to use tissue from aborted fetuses to treat diseases. Despite their disappointment, some researchers said they hoped that the results would not bring fetal cell research to an abrupt halt. The research has been controversial because the fetal cells were obtained from abortion clinics.

"This is still our one great hope for a cure," said Dr. J. William Langston, who is scientific director and chief executive officer at The Parkinson's Institute in Sunnyvale, Calif.

Parkinson's disease occurs when cells of the substantia nigra region in the base of the brain die, for unknown reasons. The hope was that fetal substantia nigra cells might take over for them. But, the study showed, in older patients the operation had no benefit and in some younger patients, the transplants brought on nightmarish side effects.

Although the paper depicts the patients with the side effects in impassive clinical terms, doctors who have seen them paint a very different picture.

Dr. Paul E. Greene, a neurologist at the Columbia University College of Physicians and Surgeons and a researcher in the study, said the uncontrollable movements some patients suffered were "absolutely devastating."

"They chew constantly, their fingers go up and down, their wrists flex and distend," Dr. Greene said. And the patients writhe and twist, jerk their heads, fling their arms about.

"It was tragic, catastrophic," he said. "It's a real nightmare. And we can't selectively turn it off."

One man was so badly affected that he could no longer eat and had to use a feeding tube, Dr. Greene said. In another, the condition came and went unpredictably throughout the day, and when it occurred, the man's speech was unintelligible.

For now, Dr. Greene said, his position is clear: "No more fetal transplants. We are absolutely and adamantly convinced that this should be considered for research only. And whether it should be research in people is an open question."

Dr. Gerald D. Fischbach, who was director of the National Institute of Neurological Disorders and Stroke, which sponsored the study, said that while the operation had been promoted by some neurosurgeons as miraculous, this was the first time it was rigorously evaluated. It used sham surgery as a comparison, a controversial and rarely used strategy but one that researchers felt was necessary to understand the true effects of the operation.

Dr. Fischbach, who is now dean of the faculty of medicine at the Columbia University College of Physicians and Surgeons, was the director of the institute only at the end of the study.

"Ad hoc reports of spectacular results can always occur," Dr. Fischbach said. "But if you do these studies systematically, this is the result you get."

The surgery, he added, "is not the final solution that people would have hoped going into it."

In the study, researchers, led by Dr. Curt R. Reed of the University of Colorado Health Sciences Center in Denver and Dr. Stanley Fahn of the Columbia University College of Physicians and Surgeons, recruited 40 patients, ages 34 to 75, who had had Parkinson's disease for an average of 14 years. The patients were randomly assigned to have substantia nigra cells from four fetuses implanted in their brains or to have sham surgery, for comparison.

The surgery took place in Colorado and the patients were evaluated in New York. The fetal cell surgery involved drilling four small holes in the patient's forehead and then inserting long needles through the holes into the brain and injecting fetal cells. The sham surgery involved drilling the holes but not injecting needles into the brain. After a year, the patients were told whether they had the fetal cell surgery and, if not, they were offered it if they wanted it.

The study's primary measure of success was whether the patients themselves noticed that they were better, as determined by a survey that they mailed in a year later but before they knew whether they had had fetal cell implants or a sham operation. The study found no difference between the two groups—neither those who had had the fetal cell operation nor those who had had the sham surgery notice an improvement in their symptoms.

Other tests, like neurologists' assessments of the patients while they were taking their medication and the patients' assessments of their condition in diaries they kept also showed no effect of the surgery. And there was no difference between the two groups in the doses of drugs needed to control the disease.

The one glimmer of hope came from assessments by neurologists before the patients had had their first dose of medication in the morning. By that measure, the 10 patients under age 60 who had had the fetal cell implants seemed better than those who had had sham surgery, with less rigidity, although their tremor was just as bad.

Dr. Freed hailed that result, saying, "It was clear-cut improvement."

And, he added, the fetal cells survived in most patients' brains.

"I would be disappointed if people used a strict clinical trial approach," Dr. Freed said. "This study is about multiple phenomena."

Others were less enthusiastic, pointing out that finding subgroups after the fact who may have benefited suggests a hypothesis for future studies, not evidence of an effect.

"We try to teach everybody that you have to identify beforehand what's the primary outcome," said Dr. William Weiner, the director of the Maryland Parkinson's Disease and Movement Disorder Center and a professor of neurology at the University of Maryland School of Medicine in Baltimore, referring to the measure of success determined before the study began. "In this case, they picked a subjective assessment by the patients themselves, which I think is a very good one."

And so, Dr. Weiner said, when the patients noticed no improvement, "the study was negative."

In addition, Dr. Langston said, even if a Subsequent study confirmed that the surgery had an effect on the condition in younger patients before they took their medicine in the morning, and even if there was a way of preventing the terrible side effect, the operation would still hardly be a breakthrough. Parkinson's disease is almost always a disease of the elderly, he noted, adding that well under 10 percent of patients who would be candidates for the surgery are younger than 60.

The wiggling and writhing movements first emerged a year after the operation, showing up in five of the younger patients who had at first appeared to benefit from fetal cell surgery—three who had the operation in the initial phase of the study and two who had it a year later, when they learned that they had originally had a sham surgery. While doctors sometimes see such effects in Parkinson's patients, it is caused by giving too much of drugs that act like dopamine in the brain. And it can be controlled by reducing the drugs.

In this case, however, drugs were not the culprit. Even when doctors took away the drugs, the symptoms persisted.

The fetal implant study had been controversial from the start, both because it included sham surgery and because it used fetal tissue from abortions. But many Parkinson's disease experts said it had to be done because doctors were already offering the surgery to patients, and charging them for it, at costs of $40,000 or more, with no evidence that they were helping them. Yet patients, facing a disease in which brain cells slowly and inexorably die and in which even the drugs that once controlled their symptoms of tremor and rigidity would inevitably fail, took their chances with the operation, thinking they had little to lose.

Dr. Freed said he was the first in the United States to offer the treatment, starting in 1988 with a 52-year-old man, who is still alive although, of course, he also still has Parkinson's disease.

Dr. Freed continued to offer it to paying patients while he was treating those who were part of the federal study and whose procedures were paid for by the study. He said he considered these other operations research because he experimented with different amounts and placements of fetal cells. He has given fetal cell implants to 27 patients, he said, with the most recent operation last October.

Dr. Freed said his group was now implanting less fetal tissue and putting the tissue in a different area of the brain, hoping to avoid the devastating side effects. But, he said it would be a mistake to stop doing the surgery altogether.

"To say that you can't do or shouldn't do human research because the research has uncertain outcome, I think would be a bad decision," Dr. Freed said.

Meanwhile, a second federally financed study of the operation is winding to a close, and some researchers say it is time to go back to animal studies and learn more about the complex roles of the brain cells involved in Parkinson's disease.

Dr. Weiner said that if a patient came to him today seeking advice, he would say: "The bottom line for patients is that human fetal cell transplants are not currently the best way to go. If you are willing to pay for them, you can still have them done. But my advice is you ought not to do this."

[From Stem Cells Express, Feb. 2, 2006]

Embryonic Stem Cell-Derived Neuronally Committed Precursor Cells with Reduced Teratoma Formation After Transplantation into the Lesioned Adult Mouse Brain

(By Marcel Dihné)

ABSTRACT

The therapeutic potential of embryonic stem (ES) cells in neurodegenerative disorders has been widely recognized, and methods are being developed to optimize culture conditions for enriching the cells of interest and to improve graft stability and safety after transplantation. Whereas teratoma formation rarely occurs in xenogeneic transplantation paradigms of ES cell-derived neural progeny, more than 70% of mice that received murine ES cell-derived neural precursor cells develop teratomas, thus posing a major safety problem for allogeneic and syngeneic transplantation paradigms. Here we introduce a new differentiation protocol based on the generation of substrate-adherent ES cell-derived neural aggregates (SENAs) that consist predominantly of neuronally committed precursor cells. Purified SENAs that were differentiated into immature but postmitotic neurons did not form tumors up to four months after syngeneic transplantation into the acutely degenerated striatum and showed robust survival.

[From Stem Cells Express, Mar. 23, 2006]

Transplantation of Human Embryonic Stem Cell-Derived Cells to a Rat Model of Parkinson's Disease: Effect of In Vitro Differentiation on Graft Survival and Teratoma Formation

(By Anke Brederlau)

ABSTRACT

Human embryonic stem cells (hESCs) have been proposed as a source of dopamine (DA) neurons for transplantation in Parkinson's disease (PD). We have investigated the effect of in vitro predifferentiation on in vivo survival and differentiation of hESCs implanted into the 6-OHDA (6-hydroxydopamine)-lesion rat model of PD. The hESCs were cocultured with PA6 cells for 16, 20, or 23 days, leading to the in vitro differentiation into DA neurons. Grafted hESC-derived cells survived well and expressed neuronal markers. However, very few exhibited a DA neuron phenotype. Reversal of lesion-induced motor deficits was not observed. Rats grafted with hESCs preadifferentiated in vitro for 16 days developed severe teratomas, whereas most rats grafted with hESCs predifferentiated for 20 and 23 days remained healthy until the end of the experiment. This indicates that prolonged in vitro differentiation of hESCDs is essential for preventing formation of teratomas.

[From Neuroscience Research, 2005]

Survival and engraftment of Mouse Embryonic Stem Cell-Derived Implants in the Guinea Pig Brain

(By A.J. Robinson)

ABSTRACT

α-Mannosidosis is a lysosomal storage disease resulting from a deficiency of the enzyme α-D-mannosidase. A major feature of α-mannosidosis is progressive neurological decline, for which there is no safe and effective treatment available. We have a guinea pig model of α-mannosidosis that models the human condition. This study investigates the feasibility of implanting differentiated mouse embryonic stem cells in the neonatal guinea pig brain in order to provide a source of α-mannosidase to the affected central nervous system.

Cells implanted at a low dose (1.5 10^3 cells per hemisphere) at 1 week of age were found to survive in very low numbers in some immunosuppressed animals out to 8 weeks. Four weeks post-implantation, cells implanted in high numbers (10^5 cells per hemisphere) formed teratomas in the majority of the animals implanted. Although implanted cells were found to migrate extensively within the brain and differentiate into mature cells of neural (and other) lineages, the safety issue related to uncontrolled cell proliferation precluded the use of this cell type for longer-term implantation studies. We conclude that the pluripotent cell type used in this study is unsuitable for achieving safe engraftment in the guinea pig brain.

[From Investigative Ophthalmology & Visual Science, Dec. 2004]

Neurally Selected Embryonic Stem Cells Induce Tumor Formation After Long-Term Survival Following Engraftment Into the Subretinal Space

(By Stefan Arnbold, Helmut Klein, Irina Semkova, Klaus Addicks, and Ulrich Schraermeyer)

Purpose. To determine whether transplantation of embryonic stem (ES) cells into the subretinal space of rhodopsin-knockout mice has a tumorigenic effect.

Methods. Mouse ES-cell-derived neural precursor cells carrying the sequence for the green fluorescent protein (GFP) gene were grafted subretinally into the eyes of rhodopsin$^{-/-}$ mice, whereas control animals underwent sham surgery. Eyes were retrieved after 2, 4, and 8 weeks after cell injection or sham surgery for histologic analysis.

Results. Gross morphologic, histologic, and immunohistochemical analysis of eyes at 2 and 4 weeks after engraftment exhibited no morphologic alterations, whereas neoplasia formation was detected in 50% of the eyes evaluated at 8 weeks after engraftment. Because the neoplasias expressed differentiation characteristics of the different germ layers, they were considered to be teratomas. The resultant tumor formation affected almost all layers of the eye, including the retina, the vitreous, and the choroid.

Conclusions. Although ES cells may provide treatment for degenerative disease in the future, their unlimited self-renewal and high differentiation potential poses the risk of tumor induction after engraftment. Thus, more care must be taken before using ES cell transportation as a therapeutic option for patients with degenerative disease.

[From Transplantations, Oct. 15, 2003]

Engraftment and Tumor Formation After Allogeneic In Utero Transplantation of Primate Embryonic Stem Cells

(By Takayuki Asano)

Background. To achieve human embryonic stem (ES) cell-based transplantation therapies, allogeneic transplantation models of nonhuman primates would be useful. We have prepared cynomolgus ES cells genetically marked with the green fluorescent protein (GFP). The cells were transplanted into the allogeneic fetus, taking advantage of the fact that the fetus is so immunologically immature as not to induce immune responses to transplanted cells and that fetal tissue compartments are rapidly expanding and thus providing space for the engraftment.

Methods. Cynomolgus ES cells were genetically modified to express the GFP gene using a simian immunodeficiency viral vector or electroporation. These cells were transplanted in utero with ultrasound guidance into the cynomolgus fetus in the abdominal cavity (n=2) or liver (n=2) at the end of the first trimester. Three fetuses were delivered 1 month after transplantation, and the other, 3 months after transplantation. Fetal tissues were examined for transplanted cell progeny by quantitative polymerase chain reaction and in situ polymerase chain reaction of the GFP sequence.

Results. A fluorescent tumor, obviously derived from transplanted ES cells, was found in the thoracic cavity at 3 months after transplantation in one fetus. However, transplanted cell progeny were also detected (~1%) without teratomas in multiple fetal tissues. The cells were solitary and indistinguishable from surrounding host cells

Conclusions. Transplanted cynomolgus ES cells can be engrafted in allogeneic fetuses. The cells will, however, form a tumor if they "leak" into an improper space such as the thoracic cavity.

[From the American Journal of Pathology, June 2005]

Stem Cells, Tissue Engineering and Hematopoietic Elements: Teratoma Formation Leads to Failure of Treatment for Type I Diabetes Using Embryonic Stem Cell-Derived Insulin-Producing Cells

(By Takahisa Fujikawa)

Embryonic stem (ES) cells have been proposed to be a powerful tool in the study of pancreatic disease, as well as a potential source for cell replacement therapy in the treatment of diabetes. However, data dem onstrating the feasibility of using pancreatic islet-like cells differentiated from ES cells remain controversial. In this study we characterized ES cell-derived insulin-expressing cells and assessed their suitability for the treatment of type I diabetes. ES cell-derived insulin-stained cell clusters expressed insulin mRNA and transcription factors associated with pancreatic development. The majority of insulin-positive cells the clusters also showed immunoreactivity for C-peptide. Insulin was stored in the cytoplasm and released into the culture medium in a glucose-dependent manner. When the cultured cells were transplanted into diabetic mice, they reversed the hyperglycemic state for ~3 weeks, but the rescue failed due to immature teratoma formation. Our studies demonstrate that reversal of hyperglycemia by transplantation of ES cell-derived insulin-producing cells is possible. However, the risk of teratoma formation would need to be eliminated before ES cell-based therapies for the treatment of Diabetes are considered.

[From Somatosensory and Motor Research, Mar./June 2005]

Transportation of Apoptosis-Resistant Embryonic Stem Cells Into the Injured Rat Spinal Cord

(By Michael J. Howard)

ABSTRACT

Murine embryonic stem cells were induced to differentiate into neural lineage cells by exposure to retinoic acid. Approximately one million cells were transplanted into the lesion site in the spinal cords of adult rats which had received moderate contusion injuries 9 days previously. One group received transplants of cells genetically modified to over-express bcl-2, which codes for an anti-apoptotic protein. A second group received transplants of the wild-type ES cells from which the bcl-2 line was developed. In the untransplanted control group, only medium was injected. Locomotor abilities were assessed using the Basso, Beattie and Bresnahan (BBB) rating scale for 6 weeks. There was no incremental locomotor improvement in either transplant group when compared to control over the survival period. Morbidity and mortality were significantly more prevalent in the transplant groups than in controls. At the conclusion of the 6-week survival period, the spinal cords were examined. Two of six cords from the bc-2 group and one of 12 cords from the wild-type group showed gross evidence of abnormal growths at the site of transplantation. No similar growth was seen in the control. Pathological examination of the abnormal cords showed very large numbers of undifferentiated cells proliferating the injection site and extending up to 1.5 cm rostrally and caudally. These results suggest that transplanting KD3 ES cells, or apoptosisresistant cells derived from KD3 line, into the injured spinal cord does not improve locomotor recovery and can lead to tumor-like growth of cells, accompanied by increased debilitation, morbidity and morality.

[From Diabetologia, Feb. 14, 2004]

Insulin Expressing Cells From Differentiated Embryonic Stem Cells Are Not Beta Cells

(By S. Sipione)

ABSTRACT

Aim/hypothesis. Embryonic stem (ES) cells have beer proposed as a potential source of tissue for transplantation for the treatment of Type 1 diabetes. However studies showing differentiation of beta cells from ES cells are controversial. The aim of this study was to characterise the insulin-expressing cells differentiated in vitro from ES cells and to assess their suitability for the treatment of diabetes.

Methods. ES cell-derived insulin-expressing cells were characterised by means of immunocytochemistry, RT-PCR and functional analyses. Activation of the Insulin I promoter during ES-cell differentiation was assessed in ES cell lines transfected with a reporter gene. ES cell-derived cultures were transplanted into STZ-treated SCID-beige mice and blood glucos concentrations of diabetic mice were monitored for 3 weeks.

Results. Insulin-stained cells differentiated from E cells were devoid of typical beta-cell granules, rarely showed immunoreactivity for C-peptide and were mostly apoptotic. The main producers of proinsulin/insulin in these cultures were neurons and neuronal precursors and a reporter gene under the control of the insulin I promoter was activated in cells with a neuronal phenotype. Insulin was released into the incubation medium but the secretion was not glucose-dependent. When the cultures were transplanted in diabetic mice they formed teratomas and did not reverse the hyperglyceamic state.

Conclusions/Interpretation. Our studies show that insulin-positive cells in vitro-differentiated from ES cells are not beta cells and suggest that alternative protocols, based on enrichment of ES cell-derived cultures with cells of the endodermal lineage, should be developed to generate true beta cells for the treatment of diabetes.

The PRESIDING OFFICER. Under the previous order, the minority is in control of the next 30 minutes.

Mr. HARKIN. Mr. President, I was going to ask the Senator from Kansas—I will even do it on my time. I guess our next speaker is not here right now. If the Senator from Kansas would perhaps engage me in a colloquy, I would ask about the gentleman whose picture he has up there. How is he doing now? I understand that, frankly, while his Parkinson's was relieved for a while, it has reverted and he is back in his previous state. Does the Senator know about that?

Mr. BROWNBACK. Yes. If you caught my comments on the floor, I stated that is part of the tragedy here. He had 5 years Parkinson's free, wants an additional treatment using the same adult stem cell procedure he had before that worked, and can't get it. We don't have sufficient funding to move that on forward.

Mr. HARKIN. I say to my friend, I don't understand that. I have a chart here that shows stem cell funding, embryonic stem cell funding, is $38.3 million last year and adult stem cell funding is $200 million. You are telling me out of $200 million they can't help one individual?

Plus, I ask my friend from Kansas, if this is so promising, why is the entire Parkinson's network that represents all the people with Parkinson's disease 100 percent behind H.R. 810? Why are they so supportive of H.R. 810 and not this approach?

Mr. BROWNBACK. If I could answer on both of those, I would have printed in the RECORD the funding over the past 4 years for both embryonic and adult and cord blood stem cells. We put about half a billion in embryonic, both animal and human, over the past 5 years. I ask unanimous consent to have this printed in the RECORD, to point to the level of funding we have put in both of those

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. FEDERAL TAXPAYER FUNDING, TOTAL NIH STEM CELL RESEARCH, FY 2002–2006

[Dollars in millions][1]

	FY 2002 actual			FY 2003 actual			FY 2004 actual			FY 2005 actual			Combined total		
	Non-embryonic	Embryonic	Total	Non-embryonic	Embryonic	Total	Non-embryonic	Embryonic	Total	Non-embryonic	Embryonic	Total	Non-embryonic	Embryonic	Total
Human, Subtotal	170.9	10.1	181.0	190.7	20.3	211.0	203.2	24.3	227.5	199.4	39.6	239.0	764.2	94.3	858.5
Nonhuman Subtotal	134.1	71.5	205.5	192.1	[2] 113.5	305.6	235.7	[2] 89.3	325.0	273.2	97.0	370.2	835.1	371.3	1206.3
NIH, Total	305.0	81.6	386.6	382.9	[2] 133.8	516.6	439.0	[2] 113.6	552.5	472.5	136.7	609.2	1599.4	465.7	2064.9

[1] Numbers may not add due to rounding.

[2] Decrease from FY03 to FY04 is the result of a change in methodology used to collect nonhuman embryonic funding figures. This methodology change also contributed to an increase in nonhuman non-embryonic.

Mr. BROWNBACK. Second, I would point out on Parkinson's, I don't know why the Parkinson's advocacy community would support that. I find it hard to believe they would oppose us doing more work in this field. I would simply ask you, or others, if we have a place that is working and we have another place that is producing tumors, why wouldn't you put more in a place that is working?

Mr. HARKIN. I say to my friend from Kansas—and I see Senator NELSON is here to speak. He had previously been scheduled to do so—first, I didn't see all the figures the Senator sent to the desk. I would like to see those. I heard him talk about a half billion dollars. Frankly, what the Senator from Kansas is talking about is animal embryonic. We are talking about human—human experiments here, not animal.

Mr. BROWNBACK. If I could respond?

Mr. HARKIN. I am more interested in the human than I am about human and animal.

Second, on cancer and tumors, it is my understanding—I am not a scientist, but in talking with the scientists—the fact that an undifferentiated stem cell causes cancer is exactly what they are looking for. It is the gold standard. I thought it was the gold standard for determining whether you have an embryonic stem cell.

Let me see if I can repeat it as told to me. If you derive a stem cell line from an embryo, you don't really know if you have stem cells. So the scientists take the undifferentiated cells and put them in a mouse to see if it causes cancer. That is the gold standard—to see whether there is a stem cell line.

No one is talking about putting undifferentiated cells into your body or mine or anyone else's. We are talking about undifferentiated cells and then finding how they make nerve cells, how they make heart cells, how they make tissue cells, how they make brain cells. Only after they are differentiated would they then be put into a person, not undifferentiated.

I hear all about the terms. I heard that earlier this morning. I thought I would check up on it. That is what I found out.

I would be glad to engage in a colloquy.

Mr. COBURN. Mr. President, let me clarify for the record. I think it is very important. There is a difference between cancer and teratoma. They use the formation of teratomas to make a differentiation of whether this is a part of the cell. That is not a cancer. Teratomas are not necessarily cancer. They are tumors but not necessarily cancer.

Mr. HARKIN. They are tumors. That is what I heard the Senator say.

Mr. COBURN. If you do not have a tumor, I would just as soon have a teratoma as cancer.

Mr. HARKIN. I don't know. I am a little confused. Is the Senator saying, if a stem cell has been introduced and is undifferentiated, it causes cancer or teratoma?

Mr. COBURN. No. The Senator alluded to the fact that there is a gold standard of whether an embryonic stem cell is pluripotent or whether it produces a teratoma. That means it has components of the three layers of an embryo—exoderm, endoderm, and mesoderm—which create all the other tissues.

Mr. HARKIN. But the fact is the inference from some of the statements, I think, is that thus far stem cells, when introduced, cause cancer. That is not so. That has not been proven. That has not been proven at all.

Mr. COBURN. It has. Most of the time teratoma.

Mr. BROWNBACK. Mr. President, I submitted for the RECORD seven peer-reviewed articles on the creation of tumors.

Mr. HARKIN. Tumors but not cancer.

Mr. BROWNBACK. We have been down this road before. We tried this on the fetal tissue research. Remember that debate of 10 to 15 years ago. They had fast-growing cells, Parkinson's, and heart disease. When we inserted them into actual human patients, here is what it did. It created disastrous results because they formed all sorts of tissues along with cancer. We have been here before, as the Senator knows, on trying to get these sort of different cells from other bodies into one.

Mr. HARKIN. We have gone down a lot of blind alleys in medical research in the past. I have often said that one of the reasons for basic research is that you have 11 doors that are closed. The answer to the problem and the answer to your endeavor may be behind one of those doors. When you have enough funding to open one door, you know what the odds are against you finding it. Or if you have funding for half, then you know what the odds are against you opening the right door. A lot of doors don't lead to anything. A lot of basic research goes down the path, and they find out that is not the answer. So they have to shift to something else. That happens all the time. That is what basic research is all about.

I do not know the specific thing. I am not surprised that many things in the past that scientists have gone down the road on have not led to something curative or therapeutic or something like that which helps us.

That doesn't mean that we have tried something before with devastating effects which doesn't say that we can't then do embryonic stem cell research.

I get back to the point that when you have almost every disease group in this country supporting the bill that is before us, H.R. 810, you have Nobel laureates, scientists, doctors, and you have 19 Directors of NIH saying that thi has great potential, then I say, again, to my friends that you have to make either one of two assumptions. Either all of these people have been hoodwinked and they do not know what they are talking about or they have no care or concern about ethics or morals or anything else. I think both assumptions are wrong. I think these people know. They are informed. They may not know every little thing medical doctors might know, but they know the potential.

Second, I think they are vastly ethical and moral people.

I hope we will have some further colloquies on this later.

Mr. BROWNBACK. I would love to respond with a quick response. I think a third option is people are kind of interested in what these cells will do. I quoted from Lord Winston, a British stem cell researcher, saying it is an interesting area, but it is not going to produce any likely cures in my lifetime. But they are curious. They are looking at it and saying it is an interesting area of research. If we are going to cure people, let us cure people and let us talk about that kind of research.

The Senator has been very kind to let me speak.

Mr. HARKIN. The Senator has been very kind. I think we can engage at some other point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, we just heard a great deal of discussion and disagreement. My bottom line on this whole issue of stem cell research is that a vast majority of the medical and scientific community feels that this is a process which would lead to medical breakthroughs in the fight against disease. To this Senator, that is worth exploring.

There is hardly a Senator here whose life has not been touched by disease, in one way or another, through their family. In this particular Senator's life, my family has been touched by disease, and we don't know the cause of it. Amyotrophic lateral sclerosis, or ALS, otherwise known as Lou Gehrig's disease. It took down the great baseball player, Lou Gehrig. For years, the researchers have looked and looked and researched and researched and have not found a cure. The ALS community, along with many other communities, is concerned about the treatment and cure of diseases on which stem cell research might offer a clue.

Researchers believe that stem cells may have the potential to treat over 100 million Americans who suffer from a variety of conditions, many of which you heard already discussed on the floor of the Senate today.

There is a T-shirt that I jogged in this morning. It was given to me by the Miami Project. One of the most graphic symbols on this T-shirt is the international symbol of a wheelchair-bound person, and that international symbol suddenly starts to become upright and walks. The Miami Project was put together after the tragedy of a spinal cord injury to the son of Nick Buoniconti, the all-pro linebacker of the great Miami Dolphins team, the undefeated team of 1972. When his son was at a Citadel football game, he suffered that injury. Now the son and the father are both behind Miami Project, trying to find a cure for spinal cord injuries. And all the medical researchers feel that stem cell research is very promising for Alzheimer's, Parkinson's, cardiovascular disease, cancer, and I already mentioned ALS and diabetes.

If that occurred, think what that would mean as we grapple with the Federal budget that is going out of control because of the accelerating cost of Medicare. If we were able to treat and cure some of these diseases, think about how much cost savings that would create. And clearly, in this Senator's mind, a secondary consideration is the fact of eliminating, almost miraculously, the plague of these diseases by the stem cells that have the ability to reproduce themselves and potentially develop into different kinds of cells in the human body.

Of course, you have already heard in the debate today about the extensive research and being able to treat certain diseases. When confronted with this a few weeks before September 11, 2001, the President announced that the administration would only allow Federal funding for this research to be used on existing colonies of embryonic stem cells. Of course, you have heard the chorus in the scientific community, since then, expressing concern about the quality, the longevity, and the availability of these lines—and they believe that the research advancement requires new embryonic stem cell lines. The key is to increase the availability of the quality embryonic stem cell lines.

The current rules have limited the supply and have resulted in fewer investigators focusing their efforts on stem cell research. Therefore, progress has been limited because of Federal funding in this research being limited. We have the ability to fix that. We can do that in this bill before the Senate.

This Senator intends to support this bill. This bill lifts the President's current restriction that allows researchers to receive the Federal funding for the study of embryonic stem cells. These stem cells can only be derived from embryos originally created for fertility treatments and that are willingly donated by patients and, I might say, that are slated to be discarded.

We will get a substantial majority of votes in the Senate. Although we hear the threats of a veto, it would be my hope the President will reexamine this issue. We are only talking about one kind of stem cell research. This is the stem cells that come through a rather complicated progress, from a fertilized egg that was going to be discarded.

There is another promising way of doing this called somatic cell nuclear transfer where it is not even a fertilized egg. You take an egg, scoop out the nucleus, take a stem cell from the donor—it can be from a skin cell—put that nucleus in, and activate the process of growing cells. That process of stem cell research has enormous promise.

This Senator has heard from thousands of Floridians who suffer on a daily basis from some of these terrible diseases. The Senate has the ability to bring hope to these people. It is time to act. The Senate should pass this bill and pass it with a fairly sizable majority, giving scientists the tools they need to search for cures.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois

Mr. OBAMA. Mr. President, a few weeks ago I was visited by two of my constituents—Mary Schneider and her son Ryan.

When Ryan was just 2 years old, his parents and doctors noted severe delays in his motor and speech development, and he was diagnosed with cerebral palsy. His parents were devastated, as the prognosis for any children with cerebral palsy is quite grim, and given the severity of Ryan's condition, his doctors didn't have much hope for his improvement.

Yet, his parents had hope. Because when Ryan was born, his parents had saved his cord blood, a viable but limited source of stem cells. They found a doctor at Duke University who was willing to perform an experimental infusion with these cells to see if they might improve his condition.

They did. In fact, they seem to have cured him.

Within months of the infusion, Ryan was able to speak, use his arms, and eat normally, just like any other child—a miracle his family had once only dreamed of.

Ryan's story exemplifies the power and the promise of stem cells to treat and cure the millions of Americans who are suffering from catastrophic, debilitating and life-threatening diseases and health conditions.

Each year, 100,000 Americans will develop Alzheimer's disease. Over 1 million adults will be diagnosed with diabetes this year, which can lead to complications such as blindness, damaged nerves and loss of kidney function. And there are far too many individuals with spinal cord injuries who are struggling to maintain mobility and independence.

For most of our history, medicine has offered little hope of recovery to individuals affected by these and other devastating illnesses and injuries. Until now.

Recent developments in stem cell research may hold the key to improved treatments, if not cures, for those affected by Alzheimer's disease, diabetes, spinal cord injury and countless other conditions.

Many men, women and children who are cancer survivors are already familiar with the life-saving applications of adult stem cell research. Patients with leukemia or lymphoma often undergo bone marrow transplants.

One of my old law partners back in Chicago underwent a bone marrow transplant at the age of 30. It is a type of stem cell transplant which can significantly prolong life or permanently get rid of cancer. This is what happened, fortunately, to my partner. He is now cancer free. This therapy has been used successfully for decades and is saving lives every day.

Now, here is the problem. This particular breakthrough of adult stem cells has its limitations. Adult stem cells, as has already been mentioned by the distinguished Senator from Iowa, such as those which are used in bone marrow transplants can only be collected in small quantities. They may not be a match for the patient. They have limited ability to transform into specialized cells.

Cord blood, like the kind Ryan used, has limitations as well. If, for example, Ryan's condition should deteriorate or he should have another illness, there is simply not enough cord blood cells left for a second use. His mother has told us that the few remaining cells would have to be cloned to get enough cells for future use or they would have to obtain stem cells from another source.

These and other difficulties are the reason scientists have started to explore other types and other sources of stem cells, including embryonic stem cell research. Embryonic stem cells can be obtained from a number of sources, including in vitro fertilization. At this very moment, there are over 400,000 embryos being stored in over 400 facilities throughout the United States. The majority of these are reserved for infertile couples. However, many of these embryos will go unused, destined for permanent storage in a freezer or disposal. It makes sense for us to expand and accelerate research using these embryos, just as we should continue to explore the viability of adult stem cell use and cord blood use.

All over the country, exciting progress is being made in the area of embryonic stem cell research. At the University of Illinois, they are discovering that stem cells have the potential to treat blood disorders, lung diseases, and heart damage. At Johns Hopkins, researchers use mouse embryonic stem cells to restore damaged nerves and restore mobility in paralyzed rats. One cannot help but think it is a matter of when, not if, the research will be able to help those who have lost the ability to walk.

For these reasons, I am proud to be a longtime supporter of greater stem cell research. While I was a member of the Illinois Senate, I was the chief cosponsor of the Ronald Reagan Biomedical Research Act, which would specifically permit embryonic stem cell research in Illinois and establish a review of this research by the Illinois Department of Public Health.

I am proud to be a cosponsor of the stem cell bill before the Senate today. This bill embodies the innovative thinking we as a society demand and medical achievement requires. By expanding scientific access to embryonic stem cells which would be otherwise discarded, this bill will help our Nation's scientists and researchers develop treatments and cures to help people who suffer from illnesses and injuries for which there currently are none.

The bill is not without limits. It requires that scientific research also be subject to rigorous oversight. I recognize there are serious moral and ethical issues surrounding this debate. I am respectful of those on the other side. I also realize that we are not talking about harvesting cells that would have been used to create life. We are not talking about cloning humans. We are talking about using stem cells that would otherwise have been discarded and lost forever. We are talking about using those stem cells to possibly save the lives of millions of Americans.

Democrats want this bill passed. Conservative pro-life Republicans want this bill passed. By large margins, the American people want this bill passed. It is only the White House right now that is standing in the way of progress, standing in the way of so many potential cures.

I ask, after this bill passes—because I am confident it will pass in the Senate—that the President think about this before he picks up his pen to deliver his first veto in 6 years. I ask that he think about Ryan Schneider and his parents and all the other families sitting and waiting and praying for a cure, hoping that somewhere a researcher or scientist will find an answer.

There was a time in the middle of the last century when America watched helplessly as a mysterious disease left thousands, especially children, disabled for life. The medical community worked tirelessly to fight to try to find a cure, but they needed help. They needed funding to make their research possible.

With a world war raging and the country still emerging from the Depression, the Federal Government could hav ignored their plight or told them to find their own cure, let it be funded privately, but that is not what happened. Instead, FDR helped to galvanize a community of compassion and organized the March of Dimes to find the cure for polio. While Roosevelt knew that his own polio would never be cured by the discovery of a vaccine, he also knew that at its best, the Government can be used as a force to accomplish together what we cannot achieve on our own. So the people began to care. The dimes piled up, and the funding started to flow. And 50 years ago, Jonas Salk discovered the polio vaccine.

Americans are looking for that kind of leadership today. All over the country, patients and families are waiting today for Congress and the President to open the door to the cures of tomorrow. At the dawn of this new century, we should approach this research with the same passion, the same commitment that has led to so many cures and saved so many lives throughout our history. I urge my colleagues to support this bill.

I yield back the remainder of my time.

Mr. HARKIN. How much time remains on our side?

The PRESIDING OFFICER. The minority has 3 minutes.

Mr. HARKIN. Mr. President, I yield that time to the Senator from Kentucky. We had a colloquy earlier that maybe we can find some time before 5 for Senator DORGAN to speak. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the majority is in control of the next 30 minutes.

The Senator from Kentucky.

Mr. BUNNING. Mr. President, I come to the Senate today to speak on the three bills related to stem cell research. One of these bills is wrong, but I believe that the other two are worthy pieces of legislation.

Stem cell research is a controversial issue in the medical, scientific, and religious communities, as well as in Congress. I am not opposed to stem cell research; however, I am 100 percent opposed to embryonic stem cell research. This is why I oppose H.R. 810, the Stem Cell Research Enhancement Act of 2005. This bill would remove all current protections against the destructive use of embryos for harvesting stem cells. I firmly believe it is wrong to take these sources of life and destroy them, even if it is for a benign purpose such as medical research.

Current Federal policy on stem cell research developed out of a compromise between proponents of research and those who endeavor to protect life at its earliest stages, brokered by President Bush. This is the first administration to allow Federal funding of embryonic stem cell research. Today's policy allows Federal funds to be used for embryonic stem cell lines that were in existence prior to August 9, 2001.

As an opponent of the destruction of human embryos, I believed the Bush administration's decision to allow the embryonic stem cell research was misguided. H.R. 810 goes even further than the current policy. It cancels the protections of the 2001 cutoff for research by allowing research of all embryonic stem cells created from in vitro fertilization treatments. This legislation would move us in the wrong direction on this issue.

Some have said that these excess embryos which would be used for research would be destroyed anyway. However, I do not think this makes ethical sense. Just because these budding lives will not survive does not mean that we should ghoulishly conduct experiments on them.

I believe there is a disconnect between what many Americans believe about this issue and what the facts are. For one, we are debating the use of Federal funds for embryonic stem cell research. We are not debating the legality of embryonic stem cell research. Any company or organization that wants to conduct or fund embryonic stem cell research may do so. I just do not think taxpayers should be forced to pay for it.

Also, there are different kinds of stem cells. Adult stem cells, such as those derived from cord blood tissue, do not require the destruction of a human embryo. Why walk down such a dangerous ethical path when there is no need to do so? These adult stem cells have proven very effective in combating several serious conditions, such as diabetes and spinal cord injuries, among others.

This leads me to another point. We have seen the benefits that come from adult stem cell research. However, we have yet to see any tangible benefits from any embryonic stem cell research. Many scientists agree that these kinds of stem cells might—I say "might"—be able to help fight disease someday, but it has not happened yet. We are talking about ending human life when no lives have been saved yet. Who knows how many human embryos we will have to destroy before any tangible progress is made.

That being said, I am pleased to see that the Senate is considering S. 2754, the Alternative Pluripotent Stem Cell Therapies Enhancement Act. This bill could very well remove the most contentious issues of this debate. Embryonic stem cells are pluripotent, meaning that they could potentially have a wide variety of uses. It is this quality that drives the supporters of embryonic stem cell research to their position. However, great strides have been made in deriving pluripotent stem cells from sources that do not destroy embryos.

S. 2754 would authorize Federal funding to conduct research on the creation of nonembryonic pluripotent stem cells. If successful, we would be able to end this debate by funding a morally acceptable replacement for research involving human embryo destruction. I urge the Senate to adopt this measure.

The final bill the Senate is debating on the subject is S. 3504, the Fetus Farming Prohibition Act. I fully support passage of this legislation. This bill would ban research from fetal farms where human embryos are implanted in nonhuman uteruses. It would also ban embryos from human pregnancies created specifically for research.

Most people would find these requirements to be self-evident. However, some groups have said this is unnecessary because research already follows ethical guidelines that forbid this. That may be the case, but I believe we should take these ethical guidelines and give them the force of law to prevent the possibility of such gruesome methods ever being used by researchers. I urge my colleagues to pass this bill.

I do not like to see people with medical conditions suffer. However, I believe many advocates of embryonic stem cell research are playing on the hopes and griefs of many people whose lives are touched by illness. We are at an ethical crossroads with this issue. We must stay true to our values of respecting life. It seems foolish to stubbornly barrel ahead with Federal funding for embryonic stem cell research when, with a small bit of patience, we can put aside the moral and ethical concerns and proceed down a path we can all agree upon.

In closing, I firmly believe we cannot create life and then destroy it in order to save another life. I urge my colleagues to vote against the Stem Cell Research Enhancement Act and to support S. 2754 and S. 3504.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to spend a few minutes to kind of outline some of the statements that have been made. To just show how off base from reality some of them are, we heard there was a ban on embryonic stem cell research. There is no ban on embryonic stem cell research. As a matter of fact, the American people paid $40 million this last year on embryonic stem cell research—human. $40 million. So there is no ban. And considering that, there is a significant industry in the private sector that is researching it.

We heard there are only 21 cell lines around, available. There are 400 cell lines available to scientists. There are 21 that Federal dollars can be spent on. So let's be real clear about what the real facts are.

We also heard from the Senator from Florida that all medical researchers believe that embryonic stem cell research is the best hope. That could not be further from the truth. All of them do not. As a matter of fact, there is a large number who do not believe that way at all, based on not ethical concerns, on scientific concerns. They think it is not an acceptable way.

We heard the Senator from Illinois saying that adult stem cells can only be collected in small quantities. That is not true at all. Many adult stem cell lines are reproductive of themselves. They are progenitor cells. They reproduce themselves. They come from amnionic membrane. They come from bone marrow. They come from endometrial lining. They come from placental tissue. They come from cord blood. They come from the spleen and the liver. They come from all sorts of areas in our body.

We heard the Senator from California say we should let the scientists decide, not the Senators. Let's talk about Tuskegee. We let the scientists decide that one. I can think of two or three more instances in the 20th century when we let the scientists decide, and we went down a path that all of us were grieved over.

When Senator SPECTER opened the debate today, there was, again, the assumption, in his first statement, that there is no embryonic fetal stem cell research. Not true. He also said none of the others have the potential of embryonic stem cell research. Well, I think there is a large body of science and a larger body of scientists who would disagree with that, especially as they study the new breakthroughs on germ cell pluripotent stem cells.

I am going to ask to have printed in the RECORD a Rand study on the available numbers of human embryos, where in fact there are 400,000. But they outline, in great detail, that the fact is, a very small percentage of those are available for fetal research. They also outline in great detail so the American public can know that for every two embryos you are going to thaw, one of those two will die during the thawing process.

So for this limited number, the most number of new cell lines, if you took all that are available today, would be less than what is available in the world today. It is 273 cell lines. So we have this great big demand, that we are going to get all this, but what we are going to get is less than what is out in the world today.

Mr. President, I ask unanimous consent that the Rand study I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rand Law & Health Research Brief]

HOW MANY FROZEN HUMAN EMBRYOS ARE AVAILABLE FOR RESEARCH?

Frozen human embryos have recently become the focus of considerable media attention. Frozen embryos are a potential source of embryonic stem cells, which can replicate themselves and develop into specialized cells (e.g., blood cells or nerve cells). Researchers believe that such cells might be capable of growing replacement tissues that could be used to treat people suffering from a number of diseases, including cancer, Alzheimer's disease, and diabetes. Among the most contentious issues in the stem cell debate are whether frozen embryos should be used to produce stem cells for research purposes and whether it is appropriate to use federal funds for research involving human embryos.

Many of the proposed resolutions to the embryonic stem cell debate are based on assumptions about the total number of frozen human embryos in the United States and the percentage of that total that is available for research. Accurate data on these issues, however, have not been available. Guesses on the total number of embryos have ranged wildly from tens of thousands to several hundred thousand.

RAND researchers Gail L. Zellman and C. Christine Fair, together with the Society of Assisted Reproductive Technology (SART) Working Group led by David Hoffman, MD, have completed a project designed to inform the policy debate by providing accurate data on the number of frozen embryos in the United States and how many of those embryos are available for research purposes. Their findings include the following:

Nearly 400,000 embryos (fertilized eggs that have developed for six or fewer days) have been frozen and stored since the late 1970s.

Patients have designated only 2.8 percent (about 11,000 embryos) for research. The vast majority of frozen embryos are designated for future attempts at pregnancy.

From those embryos designated for research, perhaps as many as 275 stem cell lines (cell cultures suitable for further development) could be created. The actual number is likely to be much lower.

VAST MAJORITY OF FROZEN EMBRYOS ARE HELD FOR FAMILY BUILDING

The practice of freezing embryos dates back to the first infertility treatments in the mid-1980s. The process of in vitro fertilization often produces more embryos than can be used at one time. In the United States, the decision about what to do with the extra embryos rests with the patients who produced them.

The RAND–SART team designed and implemented a survey to determine the number and current disposition of embryos frozen and stored since the mid-1980s at fertility clinics in the United States and the number of those embryos designated for research. The survey was sent to all 430 assisted reproductive technology facilities in the United States, 340 of which responded. Estimates for nonresponding clinics were developed using a statistical formula based on a clinic's size and other characteristics. The results show that as of April 11, 2002, a total of 396,526 embryos have been placed in storage in the United States. This number is higher than expected; previous estimates have ranged from 30,000 to 200,000.

Although the total number of frozen embryos is large, the RAND-SART survey found that only a small percentage of these embryos have been designated for research use. As the figure illustrates, the vast majority of stored embryos (88.2 percent) are being held for family building, with just 2.8 percent of the total (11,000) designated for research. Of the remaining embryos, 2.3 percent are awaiting donation to another patient, 2.2 percent are designated to be discarded, and 4.5 percent are held in storage for other reasons, including lost contact with a patient, patient death, abandonment, and divorce.

EMBRYOS AVAILABLE FOR RESEARCH DO NOT HAVE HIGH DEVELOPMENT POTENTIAL

Although the 11,000 embryos designated for research might seem like a large number, the actual number of embryos that might be converted into stem cell lines is likely to be substantially lower. Because assisted reproductive technology clinics generally transfer the best-quality embryos to the patient during treatment cycles, the remaining embryos available to be frozen are not always of the highest quality. (High-quality embryos are those that grow at normal rates.) In addition, some of the frozen embryos have been in storage for many years, and at the time that some of those embryos were created, laboratory cultures were not as conducive to preserving embryos as they are today. Some embryos would also be lost in the freeze-and-thaw process itself.

To illustrate how such laboratory conditions might limit the number of embryos available for research, the RAND-SART team performed a series of calculations. Drawing upon the few published studies in this area, they estimated that only about 65 percent of the approximately 11,000 embryos would survive the freeze-and-thaw process, resulting in 7,334 embryos. Of those, about 25 percent (1,834 embryos) would likely be able to survive the initial stages of development to the blastocyst stage (a blastocyst is an embryo that has developed for at least five days). Even fewer could be successfully converted into embryonic stem cell lines. For example, researchers at the University of Wisconsin needed 18 blastocysts to create five embryonic stem cell lines, while researchers at The Jones Institute used 40 blastocysts to create three lines.

> Using a conservative estimate between the two conversion rates from blastocyst to stem cells noted above (27 percent and 7.5 percent), the research team calculated that about 275 embryonic stem cell lines could be created from the total number of embryos available for research. Even this number is probably an overestimate because it assumes that all the embryos designated for research in the United States would be used to create stem cell lines, which is highly unlikely.
>
> The RAND-SART survey found that almost twice as many frozen embryos exist in the United States as the highest previous estimate. Only a small percentage of these embryos are available for research because the vast majority are reserved for family building. Among those that are in principle available for research, some have been in storage for more than a decade and were frozen using techniques that are less effective than those that are currently available.

Mr. COBURN. Now, why do we want multiple cell lines? It goes back to the issue I have been talking about all day. It is called tissue rejection. That is the wonder of adult stem cells and germ cell pluripotent stem cells versus embryonic. With embryonic, there is rejection because there is an allergy to the foreign tissue. It is called the HLA histocompatibility complex. The only way around that, with fetal embryonic stem cells, is to clone yourself—the only way you will get around it. And it will only work well in women. Only if you clone yourself with your own egg do you avoid all the allergy implications of foreign tissue.

So I think it is very important that we—it is OK to have this debate, but some of the claims we hear—we actually heard, and I know he did not mean this, Senator SPECTER talking about embryos injected into the pulp of the tooth to create a new set of teeth. He did not mean embryos. He meant pluripotent stem cells. But you do not want pluripotent. What you want is the epidermal stem cells that produce teeth in the first place. That is what is great about adult stem cells. We are going to be able to do that with adult stem cells.

He also stated that embryonic stem cell research is outstripping all of the research. That is not true. It is not true at all. The vast majority of success in stem cells today lies not with embryonic stem cells, it lies with everything but embryonic stem cells.

Now, I do not deny as a scientist that would be a wonderful area in which to work. There is lots unknown, and if you are a scientist today, and they say you can go to this area where there are all these areas where you can work and go and move and everything, it is a fun area of research. But it is loaded with hazards, just like the Senator from Kansas talked about, in terms of fetal tissue. The fact is, as we may someday learn how to turn on and turn off some of these cell lines, we do not know that yet. It is fine to perfect that in animals. It is not fine to perfect that in human clinical trials until we have that absolutely controlled. I do not have any trouble with what we are doing now, doing that in the private sector.

But the question is, do we ask American taxpayers to use their money to destroy embryos—embryos for which there are 2 million people in the country who would love to adopt—do we ask them to destroy that with their tax money so we can do that research, even though it is occurring in the private sector at a far greater rate than it is in the public finance sector?

So I think this really boils down to two questions: false choices and false promises. Let me outline them. The false promise is that only embryonic stem cells are going to solve the problem. It is not true.

The second promise is we are going to get treatments, but we are not going to have to clone. You are going to have to clone if you are going to get treatments from embryonic stem cells.

No. 3 is that adult stem cells and the pluripotent lines, as well as germ cell lines, will not be able to do what embryonic stem cells do. That is not proven anywhere in the scientific literature. That is a false promise.

And No. 4 is the false promise issue that you cannot take adult stem cells and dedifferentiate, move backwards, to make them pluripotent, which we are seeing great science with an enzyme today called reversa. So those are the false promises that are out there.

Now, there are four false choices, I believe. One is that there is no cure without embryonic stem cells. That, for sure, the evidence does not show. Another is that there will not be any research unless the Government pays for it. That is not true at all. The research is ongoing across the world in lots of areas without government research, and much more so in our country outside of government research.

The third choice is that there is no life in an embryo. The fact is there is. Now, we had one Senator talk about the fact that they are going to be incinerated. If you talk about the 108 snowflake babies, the other 2 or 3 organizations that are adopting those, those children belie that fact that there is wonderful potential with the amount of demand.

I am not saying that people who disagree with me on the ethical issues are bad or immoral people. I am saying I am not fighting this on ethical issues. I am fighting this on common sense, to see what things are happening and where we are seeing success and keeping up with the science. This debate in the Senate today is almost all about a year and a half old, as far as the science is concerned. I am talking about the new science. That is why I worked so hard to stay up on it.

Finally, the promise is what every scientist knows, what every embryologist knows and every cell biologist knows, which is the mighty mitochondria. You cannot clone without having potential rejections unless you clone yourself with your own egg. There is different DNA in the mitochondria and the cell cytoplasm. I appreciate the spirit of the debate, and I hope the American people understand that it is not a false choice of no research versus some. The question is, Do we destroy unborn children? Two, do we give Federal dollars to do that? Thank you.

The PRESIDING OFFICER. The Senator from West Virginia is recognized. The Senator is to be aware that the majority controls the time until 5 p.m.

Mr. BYRD. Mr. President, I am aware of that. I ask unanimous consent that, notwithstanding and without any prejudice to any Senator, to speak for 5 minutes on another matter.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Not showing an interruption at this point.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, my understanding was that I would be recognized for 10 minutes following the presentation by Senator COBURN. I don't object to anything someone else wishes to do, provided that following that presentation, I am recognized for 10 minutes. Would that be part of the unanimous consent request?

Mr. BYRD. I make that part of my request.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. If I might, as a manager, we are on strict time limits. At 5 o'clock, Senator KENNEDY gets 25 minutes and then 5 minutes goes to Senator REED. At 5:30, it goes back to the other side. If we take time here and there, it spills over, and someone is going to lose time.

Mr. KENNEDY. I will be glad to yield 5 minutes of my time to the Senator from West Virginia.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from West Virginia is recognized.

(The remarks of Mr. BYRD are printed in today's RECORD under "Morning Business".)

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 10 minutes.

Mr. DORGAN. Mr. President, all of us have great pride in being able to serve in this great body and the purpose of it is, of course, to be engaged in public policy debate, how to advance this country's interests. We come to this debate today on something that is very important, very controversial. This country's search in many areas—social justice, science, and so many areas of our lives—is a search that never ends. We have split the atom. We have spliced genes. We did the human genome project, developed the owner's manual for the human body. We invented plastics and radar and silicon chips, cured polio, cured smallpox, built airplanes and learned to fly them, and built rockets and walked on the moon; we invented the telephone, the computer, and the television.

It is pretty unbelievable, but this country is hardly out of breath. We continue to inquire, continue to search, and continue to ask questions. Those questions, especially in science, are, in some cases, difficult questions. We will have three pieces of legislation we will vote on tomorrow dealing with stem cell research. One piece of legislation prevents something that is not being done. I will not have any problem supporting that; preventing something that is not being done is not posing any difficulty for me. The second piece of legislation authorizes that which is already authorized. I have no difficulty with that vote either. I will be happy to support that.

The third piece of legislation is called embryonic stem cell research. That is the basis of the controversy being discussed today. Those in this Chamber and those throughout this country who have lost loved ones to dreaded diseases understand the urgency to unlock the mysteries of these diseases. I lost a beautiful young daughter some years ago to heart disease. I wondered then, and I wonder now, and I will wonder for some long while, if there is anything that we could do to unlock the mystery of that devastating killer. But it is not just heart disease. It is diabetes, Alzheimer's, Parkinson's, cancer—the list goes on and on.

Every day, people die. Every day, there are scientists who inquire: What can be done? What can we do to unlock the mysteries to find cures for these terrible diseases?

Stem cell research. Mr. President, there are 1 million people walking on this Earth who were conceived outside of the womb in a test tube. There are 1 million living people who were conceived through in vitro fertilization. We had somebody testify before the Senate Commerce Committee a few years ago, and he said none of those people should have been born, it was wrong and in vitro fertilization should not exist. It is wrong, he said. I disagree with him. It is the blessing to provide the opportunity to have a family to so many couples who were childless through in vitro fertilization, using the egg and sperm and uniting them outside of the womb, implanting them, and providing a child for those families.

At in vitro fertilization clinics, many more eggs are fertilized than are used. Some are stored and frozen. Those frozen embryos at in vitro fertilization clinics, when they are not going to be used in the future, are discarded, simply thrown into a wastebasket. They become waste and they are discarded. Some of my colleagues would say each and every one of those represents murder. I don't believe that, but some of my colleagues would insist on that position. That is murdering an embryo. We have 400,000 of those embryos stored, cryogenically frozen, at in vitro fertilization clinics. Around 8,000 to 11,000 of them a year will be simply discarded.

The question is: Should we relax the ban on Federal funding of stem cell research and allow the use of frozen embryos that otherwise are going into a wastebasket, that otherwise are going to be discarded? Should we allow the use of them with ethical boundaries and be concerned about the ethics of its use for scientific research, to try to find the cures to these terrible diseases? Should we allow that? The answer clearly is yes.

Are we comparing someone who is suffering from Parkinson's, someone who has Alzheimer's, someone with heart disease or cancer or diabetes to an embryo that is going to be discarded into a wastebasket—8,000 to 11,000 of them a year? Do we find an equivalency there

Do you believe that all of those unused fertilized eggs that are frozen at an IV clinic, an in vitro fertilization clinic, that are discarded, that each and every one represents a murder? Some believe that. I don't.

What is pro-life, I believe, what is life-giving is to be able to continue in this area of science with ethical guidelines but continue this search to unlock the mysteries of these diseases.

My colleague a moment ago said quite correctly that we don't prevent stem cell research. He is quite right about that. This issue is the restriction of Federal funding, and, of course, a substantial amount of the funding for scientific research, research in health care in this country, comes from the Federal Government.

If we take a look at what has happened with respect to the United States and the rest of the world, we will see, because President Bush has imposed restrictions on stem cell research, we have lost a substantial amount of ground to the rest of the world. We are falling far behind.

This is not about Republicans or Democrats. It is not about conservatives or liberals. Let me quote Nancy Reagan: Science has presented us with a hope called stem cell research, which may provide our scientists with answers that have so long been beyond our grasp. I just don't see how we can turn our backs on this—there are just so many diseases that can be cured, or at least helped. We have lost so much time already, and I just really can't bear to lose any more.

Nancy Reagan watched the ravages of Alzheimer's disease destroy her husband, our former President, the late Ronald Reagan. I believe she understands the urgency with which we pursue this purpose. I can read the pain in this message, and that pain exists—my guess—with so many in this Chamber and across the country who have watched loved ones die because of dread diseases that have wasted away their lives. The question is: Are we willing to do something about that? Can we do something about that? Will we retard or will we advance science? Will we hold back or will we encourage the scientists to search for these cures?

I hope the Senate will do just as the House has done and indicate that we believe that with proper ethical guidelines, stem cell research should continue with Federal funding. I believe, as I said, this is about saving lives, this is not about taking lives.

I understand that this is a sensitive subject. In fact, in my last campaign for office 2 years ago, my opponent ran television commercials saying that my position was to be supportive of planting embryos into mommies' wombs and growing them for a while and then harvesting them for body parts. That is the Byzantine nonsense which, unfortunately, attends part of this debate. No one here—certainly not me—would ever countenance anything resembling that, and yet much of the political discussion about this issue becomes so bizarre and so Byzantine that it is detached from reality.

The bill that is before the Senate that I just described—I am not talking about the first two bills, the one that prevents something that is not being done. I don't have a problem with that. Or the one that authorizes something that is already authorized, and I have no problem with that.

I am talking about the legislation dealing with stem cell research. The bipartisan coalition that brought it to the Senate includes Republicans, Democrats, conservatives, and liberals. My hope is the Senate will act on this legislation with a veto-proof majority and decide whatever the President does that we have made this decision and the decision should stick.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator's time has expired. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I believe I am to be recognized for 20 minutes. I would like the Chair to let me know when I have 3½ minutes remaining.

The PRESIDING OFFICER. The Chair will do that.

Mr. KENNEDY. Mr. President, I join my friend and colleague from North Dakota in giving special recognition to Mrs. Reagan on this issue. As someone who has been interested in this issue for some time, as many of my colleagues have. I think all of us pay tribute to her, to a very gracious, lovely, wonderful, warm First Lady and someone I admire so much because after she has been to the top of the mountain, so to speak, and entitled to a very secure and well-deserved retirement, she is still restless about this issue and tireless about talking with people and speaking about this issue with great knowledge, great awareness, great understanding, and great compassion. I mention that at this time. I think we all know this debate has moved farther down the road toward a hopeful conclusion because of her work.

Today, the Senate begins the debate on legislation unlike any other we have considered this year. Today's debate is not about economic gain or loss or helping one State or one region of the country. Today's debate is about something far more basic, something that touches the spirit of every American. Today's debate is about hope.

Hope is one of those qualities of spirit that makes us human. Hope allows us to dream of a better life for our children, our community, our world, and especially for loved ones now suffering or in pain. Hope is what stem cell research holds for the parents of children with diabetes who dream of a day when their constant fears for their children's well-being are things of the past. Hope is what stem cell research brings to those with Parkinson's disease who long for a time when the tremors of that disease are banished forever. Hope is what stem cell research brings to millions of Americans who seek better treatments and better drugs for cancer or diabetes, spinal injury, and many other serious conditions. And hope cannot be extinguished or destroyed, but it can be delayed.

In the Bible, the Book of Proverbs tells us:

> Hope deferred makes the heart sick.

And today hearts are sick almost to the breaking point because, for the last 5 years, the Bush administration has shut down the stem cell research program begun at the National Institutes of Health and imposed the arbitrary restrictions on this lifesaving research.

Hope soared anew a year ago when the House of Representatives set aside partisan differences and courageously approved legislation to end those restrictions and to give our scientists the tools they need to make the progress in the fight against disease. The vote in the House affirmed that embryonic stem cells can promote a true culture of life by enabling fuller, longer lives for millions of our citizens. The House voted for hope, for progress, and for life.

The supporters of this legislation in the Senate come from backgrounds as diverse as its proponents in the House. All of the supporters of H.R. 810, with our different backgrounds and different faiths, representing different parts of this country, have concluded that support of this legislation is the moral choice to make.

The legislation before us takes only two actions, but they hold the key to medical progress.

First, our legislation overturns the restrictions on the embryonic stem cell research imposed by Presidential order 5 years ago. That unilateral action by the administration bypassed Congress and froze progress in its tracks by barring the NIH from funding research on stem cells derived after 9 p.m. eastern daylight time, August 9, 2001—an arbitrary date and time chosen solely to coincide with a Presidential speech.

At the time the President's order was issued, it was claimed that over 60 independent stem cell colonies, or lines, would be available to NIH researchers. Initially, the NIH listed 78 such lines in its registry, but time and the unalterable facts of science have shown that two-thirds of these lines are useless or that claims about them proved to be an illusion.

Today, only 21 stem cell lines are available to NIH researchers, and all of these were obtained using out-of-date methods and outmoded techniques. Each of these 21 lines is contaminated with animal tissue because each was cultured on a so-called feeder layer of mouse cells. Techniques developed since 2001 have allowed scientists to grow stem cells without mouse cells, but these are all off limits to NIH-funded scientists because of the administration's restrictive policy.

Even if the 21 lines were not contaminated with mouse cells, they would still be unusable for treatments. The reason is that the use of every one of these cells is constrained by a legal contract called a material transfer agreement, and each of these documents contains a clause forbidding the use of the cells in patients.

Let me be clear. If the cells in the NIH registry weren't already useless for treatment because they are contaminated, they would be useless because the contract under which they are provided forbids their use in patients.

Five years ago, we warned that imposing an arbitrary date restriction on new stem cell lines would freeze progress by denying NIH researchers access to new lines that might hold the key to medical breakthroughs, and these fears have proven well-founded.

Since the restrictions were imposed, scientists working overseas or with limited private funds have developed new lines with exceptional promise for research. For example, Dr. Douglas Melton at Harvard has derived 17 new stem cell lines with improved techniques. Scientists at the University of California have shown that stem cells can be derived without contamination from animal cells. And doctors in Israel have developed stem cell lines that have genetic traits with the potential of treating hereditary diseases, such as muscular dystrophy. These astonishing breakthroughs could lead to new cures and new understanding of these disorders, but the administration's restrictions bar NIH from supporting research to explore their promise. To unlock the healing power of stem cell research, the first action our legislation takes is to end the ban that keeps NIH from supporting research on new stem cell lines.

But science without ethics is like a ship without a compass. Strong ethical guidelines are needed to ensure that scientific progress follows the moral course that we as a society set. For this reason, the second major action our legislation takes is to establish ethical safeguards for stem cell research. And once again allowing NIH to lead stem cell research, we bring more research under the strong ethical standards that are part of every NIH grant for any kind of medical research. The bedrock principles of these standards are informed consent of the patient and approval of an ethics committee.

In addition, when it comes to stem cell research, our legislation requires NIH to go beyond these general requirements and requires NIH to issue specific standards for stem cell research. Before the NIH stem cell research program was terminated in the early days of the Bush administration, it had developed an extensive and robust ethical framework for the research. These requirements include an extra level of review to assure that all research was conducted according to special protections applicable to stem cell research. They limit research only to cells derived from embryos from fertility clinics that were never to be used to initiate a pregnancy and were likely to be discarded. They prohibit payment for donation of cells. They forbid improper inducements to donate embryos to further ensure that all cells used for research must come from embryos that would not be used to initiate a pregnancy.

I want to take a moment to discuss this last point in detail. Even with the intense debate on stem cells over the last 5 years, there remains some confusion about the source of stem cells. The cells are not derived from fetuses, they are not from embryos that might otherwise have been used to start a pregnancy.

Our legislation explicitly requires the stem cells to be derived:

> From human embryos that have been donated from in vitro fertilization clinics, were created for the purpose of fertility treatment, and were in excess of the clinical need of the individuals seeking such treatment.

Those are the words, Mr. President.

In fertility clinics around the country, there are thousands of embryos that are simply thrown away. Hundreds of thousands more are frozen and never used. They are not the result of a pregnancy; they are not the product of an abortion or a miscarriage. The only way they can produce life is to be implanted in a woman, and these embryos we propose to save for research have not been and will not be. We believe it is better to save embryos that would otherwise be destroyed so they can give the gift of life to patients who are suffering. Life is too precious to allow an opportunity to cure illness to be simply thrown away.

Some say this debate is only about science, and that it is not a moral choice. I disagree. A vote on this bill involves a deeply moral choice. It is a choice between making progress toward better treatment for patients or spurning a chance for new cures. There are deeply moral people on both sides of this debate, but I am convinced that medical progress is the right one.

We have faced similar choices many times in the past. In the 1970s, Congress was considering whether to ban research on recombinant DNA—the very foundation of biotechnology. Then, as now, some raised ethical concerns or dismissed the promise of this research as a pipedream, and urged Congress to forbid it. In the 1980s, Congress made the right choice by rejecting attempts to outlaw IVF, a technique that has fulfilled the hopes and dreams of thousands of parents who never would have been able to have a child otherwise.

Other forms of medical progress brought similar controversy: transplantation, blood transfusion, even vaccines. All of these breakthroughs were once new and controversial, with strong voices raised against them. All were discussed and debated and eventually adopted in ways that are consistent with American values. Each time we looked to the future and saw the potential of controversial research, we chose progress, and the benefits have been immense.

We should make the same choice on stem cell research. We should not allow the misplaced fears of today to deny patients the cures of tomorrow.

Some argue that we should support research on adult stem cells, or stem cells from umbilical cords, or stem cells derived from using new genetic techniques. I agree. We should leave no stone unturned in the search for new cures. Perhaps some cures will come from one technique and other breakthroughs from another. Let's encourage our scientists to explore every avenue that is ethical and could lead to progress. But there is no sense in closing the door on one of the most promising areas of medical research discovered in decades, while we wait for other, less hopeful methods to show success or failure. That is not my assessment; it is the judgment of every major scientific leader in America.

According to a letter by 80 Nobel laureates:

> For disorders that prove not to be treatable with adult stem cells, impeding human pluripotent stem cell research risks unnecessary delay for millions of patients who may die or endure needless suffering while the effectiveness of adult stem cells is evaluated.

The Institute of Medicine was just as clear on the need for embryonic stem cell research:

> Embryonic stem cells studied in animals clearly are capable of developing into multiple tissues and capable of long-term self-renewal in culture, features that have not yet been demonstrated with many adult stem cells.

In a letter to the Senate Appropriations Committee, Dr. Elias Zerhouni, the Director of the NIH, said:

> It is clear that more cell lines would be helpful in ensuring expeditious progress in this important field of science.

His conclusions were echoed by other NIH Institute Directors such as Dr. Elizabeth Nabel, head of the NIH Institute on Heart, Lung and Blood Disorders, who said:

> The limitations of existing cell lines are hindering scientific progress among a community that is very eager to move forward in this promising area.

The judgment of the Nation's scientific leaders could not be clearer or more emphatic: Yes, we should study adult stem cells, but we should let science decide which approach works best for patients.

But in the end, this debate is not about abstract principles or complex terms of science. It is about people who look with hope to stem cell research to help them with the challenges they face.

Two years ago, I held a forum in Boston on the promise of stem cell research. One of the participants was Moira McCarthy Stanford from Plymouth, MA, whose 14-year-old daughter Lauren has juvenile diabetes. I wish to end my remarks today with a letter that Lauren wrote to me. It explains far more eloquently than any Senator could the urgent need to pass this legislation. These are Lauren's words:

> For as long as I can remember, I have had to take a lot of leaps of faith. I have had to believe my parents when they told me taking four or five shots a day and pricking my finger eight or more times a day was just a new kind of normal. I had to—

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. KENNEDY. I thank the Presiding Officer.

> I had to just smile and say I'm fine when a high blood sugar or a low blood sugar forced me to the sidelines in a big soccer game, or into the base lodge on a perfect ski day, or out at the pool during a swim meet.
>
> But when I watched, with my parents, President Bush's decision on stem cell research in the summer of 2001, I just could not accept it. You see, the one thing that has helped me accept all I have had to accept these years is the presence of hope. Hope keeps me going.
>
> That night, President Bush talked about protecting the innocent. I wondered then: What about me? I am truly innocent in this situation. I did nothing to bring my diabetes on. There is nothing I can do to make it any better. All I can do is hope for a research breakthrough and keep living the difficult, demanding life of a child with diabetes until the breakthrough comes. How, I ask my parents, is it more important to throw discarded embryos into the trash than it is to let them be used to hopefully save my life.
>
> I am so happy to hear that the Senate is thinking of passing H.R. 810. I can dream again—dream of that great day when I write a thank you letter to the Senate, to the House, and everyone who helped me become just another girl; a girl who dreamed and hoped and one day, got just what she wanted: her health and her future. That's all I'm really asking for.

Those are Lauren's words, and they command us to act. Tomorrow, we must cast a vote of conscience and of courage. We must reaffirm that our common value of bringing hope to those who need it outweighs any single ideology. We must approve the Stem Cell Research Enhancement Act, and we must call upon the President of the United States not to veto hope.

I thank the Chair.

Mr. REED. Mr. President, I believe I have 5 minutes under the order.

The PRESIDING OFFICER. The minority controls the time until 5:30.

Mr. REED. Mr. President, I yield myself 5 minutes.

I wish to take a few moments talking about H.R. 810, the Stem Cell Research Enhancement Act. Last year, the House overwhelmingly passed this bill, and I am pleased that the Senate will now finally consider this legislation. My colleague in the other body, Congressman JIM LANGEVIN, has been a staunch advocate for stem cell research and has played a central role in advancing this legislation through the House of Representatives, and I commend him for that.

I hope to be able to stand on the Senate floor a few years from now to highlight the advancements that have been made in the treatment of spinal cord victims, children with diabetes, and Parkinson's treatment because of embryonic stem cell research. However, I fear that even if the Senate approves legislation, patients will only see further delays in promising stem cell research.

The President endorsed the use of Federal funds research on existing cell lines in his August 2001 Executive Order. At the time of the announcement, he said:

> Scientists believe further research using stem cells offers great promise that could help improve the lives of those who suffer from many terrible diseases—from juvenile diabetes to Alzheimer's, from Parkinson's to spinal cord injuries. And while scientists admit they are not yet certain, they believe stem cells derived from embryos have unique potential.

This is from the President's Executive Order.

We know now that the stem cell lines identified in the Executive Order were not the panacea for breakthrough medical research. There are only 22 stem cell lines available for federally funded research, and since they were derived in the absence of scientific and ethical guidelines, they have proven unsuitable for most research. At the same time, there are approximately 400,000 frozen embryos in IVF clinics that will likely be destroyed. While I recognize the many benefits of using embryonic stem cells in biomedical research, I also realize that many serious ethical and moral issues have to be considered. I believe Federal guidelines designed to create and uphold strict oversight of these practices can achieve the appropriate balance needed in order to ensure that this research is being carried out in an acceptable manner.

H.R. 810 sets forth responsible rules and limitations for obtaining excess embryos as well as adequate standards for conducting research involving embryonic stem cells. It would establish the necessary framework for oversight so that principled research can finally be allowed to proceed.

Some of my colleagues believe embryonic stem cell research is not necessary, given some of the tremendous advances adult stem cells have yielded. Indeed, I wholeheartedly support continued progress in the area of adult stem cell research and was proud to be one of the lead sponsors of the Stem Cell Therapeutic and Research Act, which Congress enacted late last year. This bill was essential in maintaining patient access to lifesaving treatments through the National Marrow Donor program and also opening the door to the developments of a companion registry system for cord blood.

We know the use of umbilical cord blood in treating diseases such as leukemia, sickle cell anemia, and rare but deadly genetic disorders such as Krabbe disease is showing tremendous promise. The Stem Cell Therapeutic and Research Act solidified the Nation's commitment to increasing the number of cord blood transplants by providing additional Federal funds to help public cord blood banks increase their inventory, as well as support outreach, patient advocacy, and coordinating information and education activities.

The President also recognized the importance of this avenue of research. During the 2001 Executive Order, he said:

> You should also know that stem cells can be derived from sources other than embryos. And many scientists feel research on these types of stem cells are also promising. Many patients suffering from a range of diseases are already being helped with treatment developed from adult stem cells.

He went on to add:

> However, most scientists, at least today, believe that research on embryonic stem cells offer the most promise because these cells have the potential to develop from all of the tissues of the body.

Those are the President's words. I urge all of us to heed those words today.

I urge the Senate to support H.R. 810 and also the President to sign it into law. I also intend to support S. 3504 and S. 2754, but neither of these measures is a substitute for H.R. 810.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I rise to take advantage of the time assigned or allotted for all of us to discuss what is obviously a passionate, controversial, and important issue. But I rise to talk about it from, probably, a different perspective than some of the other speeches—at least those I have heard. I want to talk prospectively, about what happens after this debate is over.

If all the predictions come true, at the end of the day we will not debate stem cells for the rest of this year because the agreement to bring it to the floor was that we come to the floor, we debate these three bills, and the debate would be over for the year.

The debate will not be over. In fact, if anything, this is probably the beginning of a long debate as we deal with the ethics and the morality and the hope and the promise of science as it relates to stem cells—in particular, embryonic stem cells.

When the President issued his order in August of 2001, I supported it because it invested in embryonic stem cell research and it clearly drew the line in terms of how far we would go. I have been supportive of the President's policies on embryonic stem cell research since.

When H.R. 810 passed, I began to do what I think all of us should do. I began to get educated as best I could on this controversial and important issue. Dr. Michael Johns at Emory University helped me. Dr. Steven Stice, at the University of Georgia, helped me. I sat through more than a few demonstrations—not sales presentations but demonstrations of programs and efforts in embryonic stem cell research underway, under NIH guidelines, and were moving forward.

I learned a lot. I learned this promise of embryonic stem cells was uncovered or identified in 1998. Research has been done for 8 years. They hold great promise. Adult stem cells have been around longer and have demonstrated promise beyond what embryonic has today, but that is because of the time and the amount of money that has been invested.

But I learned one thing. I am not smart enough to know what the end result of all this research will be, but I am smart enough to know that our country must continue to be a player in the research. Everywhere NIH is involved, you have standards, you have ethics, you have procedures, and you have protocols. It is very important that all those exist in such a delicate and important type of research. We must be respectful of human life.

The proposal in H.R. 810 that is of concern is that it involves the destruction of an embryo that, if implanted, could become a human being. That is a legitimate concern for us as a country to have.

When Senator **Frist** began fielding inquiries with regard to this issue, months ago, after H.R. 810 passed the House, I engaged myself as I was in this learning process in hopes of finding a prospect where we could match the standards of ethics we all want and also invest in the hope for the future. I believed that there was a way—in fact, there is a way—that we could invest in embryonic stem cell research without involving the destruction of an embryo that could be transferable to the womb and become a fetus.

For a second, I wish to discuss that on the floor simply, if nothing else, to point out that there are many opportunities of hope out there that meet both the ethical and the moral as well as the scientific desire that I think a consensus of this body has.

Dr. Steven Stice is a noted researcher at the University of Georgia. I had the privilege of meeting him last year. I have three times been to his clinic at the university. Dr. Steven Stice is a man who understands the concern over the ethics of the destruction of a viable embryo. So in the development of embryonic lines BG01, 2, and 3, which were developed prior to August of 2001 and are in operation at the University of Georgia today, those stem cell lines were derived from the byproducts of in vitro fertilization that could not be implanted and could not be frozen.

My point to you, the Presiding Officer, and the ladies and gentlemen of the Senate, is this: There are three lines that exist today that were derived from the byproducts of in vitro fertilization that could not be implanted in the womb and become a fetus or be frozen for subsequent implantation. Under the Guarder et al. principles in the grading of material in in vitro fertilization, there is a clear line of that which is viable, that which can be frozen, and that which cannot. It doesn't involve the discarding of anything that can be viable, but it does lend hope that from sources other than the viable embryos, stem cells can be derived.

I respect human life and I want us, as a nation, to always be respectful and never disrespectful of it and its potential. I also respect the wonder of science in innovation and the great discoveries that it has brought. I stand here today believing that you can do both and that as we move forward, beyond this debate, beyond a veto if it takes place—whatever the fire and substance is—we should start tomorrow looking at these other alternatives. Just in the 18 months since this issue began to bubble up in the Senate, there have been breakthroughs, such as single cell extraction from embryos without the destruction of the embryo—something that holds great promise for those cells to actually replicate themselves into stem cells.

We can do it. It is important that we stay on course to do it. But it is important that we not break the ethical principles to which we are committed and always be respectful of life.

In the course of the negotiations with the leader—and I want to inject something here with regard to Majority Leader FRIST. I don't know anybody who has ever been dealt a tougher hand in terms of coming to a resolution of these issues. I thank him for the amount of input he let me have. Unfortunately, I was unsuccessful in being a part of the final debate, in terms of what I just described, in terms of the stem cell lines they are operating on at the University of Georgia, but I think under the circumstances he did the best he could.

Sincerely I stand here as a Member of the Senate with 4 years remaining in my term, knowing that we will revisit this issue time and again. As science changes and moves forward, there will be ways we can embrace, ethically and rightfully, research that holds hope and promise for those who suffer and those who are afflicted.

My last comment is this. I was a real estate broker in my private life, before I came to Congress. I am not a doctor and I am not a scientist. I have heard some declaratory statements on the floor about what research will and will not prove in the future. I didn't just fall off a turnip truck. You do research to determine what you are going to find out, not just to predict what it will or will not do.

As we go through this difficult, tenuous debate over a subject of immense importance to the American people, let's look for ways that we can be respectful of human life and open the doors for the furtherance of development in science in embryonic stem cells. I submit there are ways to do both, and I will be here to work with the leader, with my colleagues, and with our President to unlock those doors so that promise and hope exists and we never breach the ethical divide that caused the debate today.

I yield the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I see the next speaker is here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I rise today to speak to an issue of tremendous significance to countless Americans and to generations to come—the matter of stem cell research. I thank the majority leader for his tireless efforts to ensure consideration of stem cell legislation. The bottom line is, there is research we could be conducting today that could help us treat—and in some cases cure—some of our most serious diseases. That is why two-thirds of Americans favor embryonic stem cell research and why I have cosponsored H.R. 810, the Stem Cell Research Enhancement Act.

The promise of stem cell legislation lies in the simple fact that embryonic stem cells have the unique potential to develop into any of the cells which could be needed to treat the multitude of diseases from which Americans suffer. The vast potential of stem cell therapy is key to many future therapy because in so many diseases, cells are lost and their function is often irreplaceable. Stem cells offer an opportunity to actually replace cells which are lost.

Consider today that 20 million Americans live with diabetes. Despite treatment with drugs and insulin, many experience vision loss, injury to extremities, heart disease and other complications. For years, scientists have sought to find a cure. And today stem cells offer that potential to end dependence on insulin, freeing millions from diabetes.

In many diseases, there simply is not even a therapy to replace the function of lost cells. Brain disorders such as Parkinson's disease, ALS or "Lou Gehrig's disease," and Alzheimer's disease have only limited treatment options available. We simply cannot replace the function which is lost. But with new therapies derived from stem cells, we could see major breakthroughs in avoiding the terrible toll that millions now experience.

Today the Senate is considering three bills. The first of these, the Fetus Farming Prohibition Act, certainly addresses an issue about which I expect there is no disagreement in the Senate. No embryo should ever be conceived for the purpose of producing stem cells. That is not at issue. Nor does any reputable scientist desire to work with human tissue produced in an animal. These prohibitions are not controversial and I believe my colleagues will join me in supporting them.

In fact, 1 year ago this week, I joined with Senators FEINSTEIN, SPECTER, HATCH, and others to introduce the Human Cloning Ban Act to make indisputably clear another prohibition—that no human would be cloned. Nor is stem cell research about conducting research on embryos.

I do share with the majority leader the concern that we address the highest levels of ethical standards, and I have great confidence that with the Federal Government playing a role in this research, we can bring such standards to bear.

This is essential—that the Federal Government be constructively engaged.

The second piece of legislation concerns stem cell research already supported by the Federal Government. My colleague, Senator SANTORUM, has introduced legislation—the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754—to promote the use of "alternative stem cells." These are typically "adult stem cells." These cells are already partly specialized, and have the potential to develop into several kinds of cells. Yet they are not the same as embryonic stem cells, which can develop into potentially any kind of tissue. So their use is limited. Cord blood stem cells are an example of this type of cell, and they have certainly proven useful in treating some diseases.

I must note that no obstacles currently exist to the kind of research the Santorum bill addresses. Clearly, adult stem cells have potential, and certainly research on them should continue to be pursued. Yet by passing this bill we do not open any new avenues to our scientists. In fact, we can make them take a detour. This is why.

We know that in order to use embryonic stem cells to make cells which can be used to treat a disease—like diabetes—scientists must learn how to make the cell become the right type.

But an adult stem cell is actually already somewhat specialized, so one could not use them to produce many of the types of cells we need to produce new therapies. Essentially, one would have to take such a stem cell and reverse its development back to an embryonic stage and then begin the task to develop it into the specialized cell required. It is as if you were driving down an interstate on a trip, took an exit, made a few turns, and then decided to back up in reverse all the way to the interstate in an attempt to try another destination. This is not the way to get where you are going.

So while adult stem cells have promise—they certainly are not comparable to an embryonic cell—with its potential to become any type of cell in the body. And even if you could turn an adult stem cell into an embryonic stem cell—you have simply doubled the obstacles and work required to reach your destination—which is a cure. That means millions of lives lost as you pursue a convoluted course. . . .when embryonic stem cells provide a far more direct path to creating cures.

That is why I am a sponsor of the Stem Cell Research Enhancement Act—H.R. 810—the third bill on which we will vote. Remember that we shared hope for progress back in August of 2001 when the President declared research could utilize the stem cell lines then in existence. Yet scientists have found that many of the cells were contaminated or otherwise unusable. In part we know that even when a stem cell line is created, it cannot reproduce indefinitely. So we must address how we may obtain additional cell lines for medical research.

I thank Senators SPECTER and HARKIN, and Representatives CASTLE and DEGETTE for joining together to work to address the fundamental question of federal participation in embryonic stem cell research. The legislation which they produced sets a very constrained set of circumstances under which embryonic stems cells may be obtained in order to assure we can move this vital research forward within an ethical framework. Never will an embryo be created for research purposes, nor does this legislation facilitate such studies. The act assures that an embryo may be used only when it would not ever be used for infertility treatment. Donation must be voluntary, under full informed consent and no financial or other inducement may be given.

The fact is that fertility treatment has allowed many to have families whom otherwise could not. A consequence of this remarkable therapy is that some embryos are created which will not be used. I must note that under the Stem Cell Research Enhancement Act, it will be the couple who will—under no bias—decide whether they will be used. This legislation facilitates that donation.

Today Americans who have faced fertility problems are facing the question of what to do with unused embryos. Indefinite storage is not truly an option—we know that we cannot maintain the viability of these embryos indefinitely. So given the choices available, some couples see the potential to help those suffering from serious disease. It assures that this gift can be given and used to help medical progress.

I believe many Americans who have undergone fertility treatment and realized a gift of life in their families will opt to save lives through a donation which promises to save many lives. But it must always be individual conscience that is the determinative factor—and I respect the views and conscience of each and every individual on this matter.

There can be no doubt that stem cell research will move forward. The real question is whether our Nation will be engaged . . . whether our scientists will realize the breakthroughs . . . whether we will produce the treatments. Or whether those developments will draw our best minds and new medical investment abroad, where American vision and oversight will not influence the future of medicine.

I believe in stem cell research. More than 70 percent of the American people believe in stem cell research. I believe in it because I cannot look at a person suffering from a debilitating, and even fatal disease and support prohibitions which impede ethical research aimed at alleviating of that suffering. That is why I joined with my colleagues in the Senate in urging President Bush to ease the current restrictions on the use of stem cells so that research can move forward and lives could be saved. That is why I am a sponsor of the Senate version of this legislation introduced by Senators SPECTER and HARKIN. It is why I urge my colleagues to give that bill their support. This is the bill which will make a difference. I urge the President to reconsider this issue, and urge his support. Hopefully he will not veto this legislation because ultimately the alternative is to accept the status quo. The status quo is not right for those suffering from these diseases and for future generations who will.

I think back to President Reagan's passing 2 years ago, and remember the outpouring of concern we all had for our former President, and the First Lady and their entire family. We spoke much of the tragedy of Alzheimer's Disease and how we must do more to alleviate the suffering. Nancy Reagan inspired us all with her courage—and inspires us no less in her call for research which could alleviate the suffering from so many diseases. Her recent words call out to us, "A lot of time is being wasted . . . A lot of people who could be helped are not being helped."

I cannot think of a more significant living memorial to our former President than to allow more research to be done in order to find new cures for diseases affecting millions of people.

Today I ask my colleagues to consider allowing individuals—who have through modern medical science, enjoyed a gift of life, to contribute to saving other lives. That is exactly what H.R. 810 does, and that is why we must send this bill to the President and he must sign it.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 8 minutes 30 seconds.

Mr. BROWNBACK. Thank you very much.

I want to point out in a little different format to my colleagues that when we talk about direct areas of being able to get treatments—we covered this some today—this is a little bit of a different presentation and a little more directly related to where we are getting treatments in this field, which is in the adult stem cell field. Here are some of the various areas where we get direct treatments.

The area of embryonic research, while interesting and intriguing, is not producing any results. It is not producing any cures. We are getting direct results from the adult, and we are not getting the formation of tumors in the adults. This area is working.

I also point out this is at no cost. People say these are embryos and we are throwing them away. You look at that. And I had this morning in my office and at a press conference three snowflake babies. These are all babies who were in in vitro fertilization clinics, were not going to be implanted by the natural parents, were given up for adoption. They are here now, and they are beautiful and they are wonderful. They are absolutely precious.

This isn't some sort of throwaway commodity. I point out to people that if you are one of those individuals who have frozen embryos—the number I hear is that 1 in 10 people in the United States suffer from infertility problems. There are a lot of people who would want to and do want to implant these frozen embryos and give them the nurturing they need to become humans we would all recognize. I hope people will look at that.

My other point is on President Reagan, who certainly was an inspiration for me to get into public office, and had a beautiful winsomeness about his presentation of truth. He was a fabulous individual. President Reagan was pro life. President Reagan did not and would not agree with the destruction of young human life. In fact, he said at one point in time, if there is a doubt about whether it is a life, if somebody was dying and there was a doubt about whether they are dead, you wouldn't put them in a casket and bury them. You would give them the benefit of the doubt. You would say, Well, let us work to bring them back.

The same on the young end—if there is a question, you err on the side of life. You treat this as life. There is a kind of common sense about it.

President Reagan was pro life. He fought for pro-life issues. He would not want to see us destroy one human life for the benefit of another.

A final point in this area: President Reagan suffered Alzheimer's disease. Alzheimer's is, as I understand it being explained to me, a plaque disease on the brain material. It is highly unlikely it is going to be treated with stem cells. Parkinson's is an area where we have adult stem cell treatment—a different type of disease. But the disease President Reagan fell to was Alzheimer's. It is highly unlikely that any stem cell, even adult or cord blood, and even more unlikely embryonic or cloning, would deal with the area of Alzheimer's.

The only reason I mention that is I think we need to try to be very accurate in our debate in saying what is a good possibility and hope and what is not. That one would be unlikely. Parkinson's we have a good shot at in the adult stem cell, and we have some early treatments already showing some promise in that particular field. But I don't think it is wise that we bring that up in that particular instance in the case of Alzheimer's. I think it is important that we be very clear about what this is and what will work and what will not.

The other thing I want to make mention of when we are talking about cures for things in this field is let us talk about areas where we have real scientific prospects of getting this done in the adult field. In the embryonic, as we have said for some period of time, it is unlikely to produce any sort of direct benefit to patients any time in the near future. That is according to scientists who are pro embryonic stem cell research. We can do more research in this field. There is some understanding from the presentation of the Senator from Georgia talking about other areas to derive embryonic type of stem cells. That is something we can do. The scientific community is producing more and more results in that particular area which I think are quite helpful and quite promising for us. It removes the ethical dilemma on this. It would be deriving embryonic type stem cells but without destroying embryos.

We are coming up with this along with the stem cell line. People are coming up with this in other fields. There is no reason to go into the ethical area—the question of destroying human life with taxpayer dollars to be able to get that done. I think it is important that we point out those particular areas in this bioethical debate.

One of the bills we will be voting on is an alternative bill. I talked about the fetal farming bill. I hope that passes 100 to zero so we can ban fetal farming. A lot has been talked about on H.R. 810, which is expansion of the stem cell lines using embryos and Federal taxpayer dollars to do that.

What has been talked about less is this area of the Santorum-Specter bill which would create embryonic type stem cells without destroying embryos. Here is a way for people, if they are troubled about the ethics of destroying a young human—I really do not want to do that, but you think there is a promising area of inquiry on these embryonic type stem cells and you are looking at this saying. Yes, it is not producing cures or results right now, but it might in a decade or two, so I would like to see this pursued—here is an ethical alternative for you to pursue. You don't have to say, Let's destroy this young human life. You can say, Let us go with the alternative here where we are finding scientifically that we can derive these types of stem cells without the destruction of human life. embryos. If you like this field of inquiry, I raise a question about embryonic stem cells because we have invested $.5 billion in animal and human. We don't have any applications for it today. but if you are still saying we still ought to invest in this field because it might produce something, it might produce something big, you have an alternative which you can vote for in this Santorum-Specter alternative bill, and say, We want to pursue the science in this particular field. That is an area and a possibility that could work and we can and should, I think, pursue. I think it would be a good alternative for somebody who is in that type of quandary about which way to pursue this.

I will have further comments later on this evening. I don't want to take up the other side's time. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, we are awaiting the arrival of a Senator on our side to speak on the stem cell issues. Until that happens, I will take a couple of minutes to talk about something my friend from Kansas brought up earlier today about adult stem cell treatments.

I am reading a letter from Scienceexpress, a publication of Science magazine. It is entitled. "Adult Stem Cell Treatments for Diseases?"

> Opponents of research with embryonic stem (ES) cells often claim that adult stem cells provide treatments for 65 human illnesses. The apparent origin of those claims is a list created by David A. prentice, an employee of the Family Research Council who advises U.S. Senator Sam Brownback (R-KS) and other opponents of ES cell research.
>
> Prentice has said, "Adult stem cells have now helped patients with at least 65 different human diseases. It's real help for real patients". On 4 May, Senator Brownback stated, "I ask unanimous consent to have printed in the Record the listing of 69 different human illnesses being treated by adult and cord blood stem cells".
>
> In fact, adult stem cell treatments fully tested in all required phases of clinical trials and approved by the U.S. Food and Drug Administration are available to treat only nine of the conditions on the Prentice list, not 65.

Again, it exposed most of these as kind of being bogus. One of those listed was testicular cancer. Testicular cancer is not being treated with adult stem cells, at least not successfully. In fact, according to the Sciencexpress article, the study that is supposed to be the basis for that claim is actually a study on how to isolate adult stem cells.

The Senator from Kansas also has a list that included several leukemias and lymphomas. Let's hear what George Dahlman of the Leukemia and Lymphoma Society has to say about that.

> On behalf of the Leukemia & Lymphoma Society, I am writing in response to assertions that adult stem cells have treated or cured several blood cancers, including several leukemias, lymphomas and multiple myeloma.
>
> As a representative of more than 700,000 patients and their caregivers in this country that battle blood cancers on a daily basis, our organization would like to emphasize as the Senate debates H.R. 810, the Stem Cell Research and Enhancement Act, that we exist today because we have not found cures for these devastating diseases. Furthermore, the claim that treatment of blood cancers with cord blood, blood or marrow stem cells—known as hematopoietic stem cells—demonstrates the potential of 'adult stem cell' research or is a substitute for embryonic stem cell research is misleading and disingenuous.

Mr. Dahlman concludes:

> The Leukemia & Lymphoma Society asks that you and your colleagues pass H.R. 810, and not accept any substitutes.

All in all, according to the science journal, only nine diseases of the 65 examined have proved to even respond to treatment with adult stem cells.

The authors of the analysis conclude that claims about stem cells being in general use for 65 diseases are false. Such claims "mislead lay people and cruelly deceive patients."

Again, we are going to hear a lot of talk about all we can do other than embryonic stem cell research. This should not be a debate about whether we do adult stem cells, cord blood, or all these other things. They are all worthy of research.

Those that are for adult stem cell research, cord blood, bone marrow research, that type of thing, all say they want to do that to the exclusion of embryonic stem cells. Those who are in support of H.R. 810 say let's do them all and do them all in an ethically acceptable manner.

Again, we have strong ethical guidelines. One, we do not create any embryos with this bill. You can only use the embryos that are already existing in IVF clinics that are left over that will be discarded. Second, we must have written informed consent of the donors. Third, no one can get paid; no money can change hands. You cannot entice someone to donate these embryos with money. We have strong ethical guidelines.

Lastly, I have heard comments today time and time again about how this bill, H.R. 810, involves the destruction of embryos. I challenge anyone to show me where in H.R. 810 it provides for the destruction of any embryos. Under the Dickey-Wicker amendment that is now existing, no Federal funds can be used to destroy embryos. All H.R. 810 says is that once stem cells are derived through private means or whatever, then Federal funds can be used to go to universities or to other researchers to study these embryonic stem cells.

There is nothing in this bill, and I challenge anyone to show me in H.R. 810 where it provides for the destruction of any embryos; it does not. To say otherwise is being disingenuous. The Dickey-Wicker amendment still applies. No Federal money can be used for the destruction of embryos, plain and simple.

I see my colleague from Illinois is here. I yield the floor.

Mr. DURBIN. I thank the Senator from Iowa not only for yielding but also for being the leader on our side of the aisle on this issue, with Senator SPECTER on the Republican side. I am glad this day has finally come. This matter has been on the calendar for over a year.

For over a year, millions of Americans have been wondering when the Senate will take this up. Finally, it has been scheduled. A lot of people outside this Chamber had a lot to do with it being scheduled. First Lady Nancy Reagan stood up and spoke up when she saw the late President suffering from Alzheimer's. Her voice has made a difference. I salute her for that. Christopher and Dana Reeve, both gone now, in their lifetime, the dedication and energy they put on this issue made all the difference in the world.

There are three votes tomorrow. There is only one that gets to the heart of the issue. There are some that are going to address a lot of different issues from different perspectives, but there is only one that counts when it comes to stem cell research. The Stem Cell Research Enhancement Act is the only bill that expands Federal funding for embryonic stem cell research, the type that holds out so much promise.

The other two bills are well intentioned. I am not going to say anything negative about them. I will vote for them because, frankly, they make little or no difference. One of them bans practices that presently are not being used. I guess that is a good thing to do. I will vote for that bill.

The other one, by Senator SANTORUM of Pennsylvania, won't accomplish much. This was the question I asked of Dr. James Battey of the National Institutes of Health about the Santorum bill: Can you tell me whether S. 2754 authorizes research on stem cells at the NIH that currently is not permissible or legal?

He answered: No, it does not.

So it does not give new authority to NIH, and it does not expand research. It has some motive other than medical for being offered.

William Neaves, a leading stem cell researcher, has it right:

> This is not a contest between adult stem cells and embryonic stem cells. Instead, it is a contest between society and disease.

I have listened to some of the arguments in the Senate. Some of the arguments are that adult stem cell research has great potential. I believe that is true. I believe we should pursue it aggressively. However, the argument seems to be that if that is the case, then we do not have to concern ourselves with embryonic stem cell research.

I am a liberal arts lawyer and do not profess to know about medical research, but why foreclose a whole area of research with embryonic stem cells that the greatest minds in America tell us is so promising? Why wouldn't we do both, both adult stem cell research, as well as embryonic stem cell research? From that point of view, I cannot follow the logic in opposing this bill.

Former Senator John Danforth is another person who has thought about this issue. I respect him a lot. He is an ordained Episcopal minister and a longtime opponent of abortion. Like tens of millions of Americans, he comes from a family that knows the pain of disease. He lost one of his brothers to Lou Gehrig's disease. He wrote this in the St. Louis-Post Dispatch:

> A choice between two understandings of human life. On one hand, we have millions of people who suffer from ALS, Alzheimer's, juvenile diabetes, Parkinson's, spinal cord injuries and cancer—and the loved ones who care for them and suffer by their sides. On the other hand, we have tiny bundles of unfertilized cells existing in petri dishes.

He went on to write, the people who oppose stem cell research:

> should explain to the afflicted and their loved ones why they care more about those cell bundles than they do about the people.

This Stem Cell Research Enhancement Act has been supported by so many groups. I ask unanimous consent, Mr. President, to have the names of some of those groups printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHO SUPPORTS H.R. 810

The Stem Cell Research Enhancement Act is supported by more than 200 patient groups, scientists and medical research groups. They include: American Medical Association, American Association for Cancer, American Diabetes Association, Juvenile Diabetes Foundation, American Pediatric Society, March of Dimes, the ALS Association, Parkinsons Action Network, Alzheimer's Association, Parent Project Muscular Dystrophy, Kidney Cancer Association, Coalition for Pulmonary Fibrosis, and the Society for Neuroscience Research.

Mr. DURBIN. I would say that all of the big names in medical research in America support this bill. They understand this is the real deal. This is the bill that will make a difference. The other two may not.

Among the other groups supporting the Stem Cell Research Enhancement Act are the Republican Main Street Partnership, the B'nai B'rith International, and a long list of people representing religious organizations from almost every denomination in America.

Why do we need this? We need it because President Bush decided in 2001 to take a position on medical research. I do not think there is a precedent in American history for what he did. He basically said we were going to cut off Federal funding for those who were involved in embryonic stem cell research, except for a limited number of lines. He identified 78 stem cell lines on the day of his speech and said that scientists who received any Federal funding at all could work only on those stem cell lines.

As Senator HARKIN has pointed out over and over, not only were the 78 lines reduced to 22, they are all contaminated. They cannot be used for this research anymore. So President Bush is not offering any hope when it comes to this area of research. I do not want to get into the moral argument here because it is almost religious. It is moral and theological here. But if the President could rationalize 78 stem cell lines as being appropriate and all right for research, then he has fundamentally decided the research is permissible, I suppose. I do not follow his logic. And I do not follow the logic of some who oppose it who say that because this is a product of in vitro fertilization and has the potential for life that we should not do research. We know that in that process, some of these fertilized eggs will end up being implanted in the womb of an expectant mother in the hope she becomes pregnant, and others will not be used. It is the nature of the process. They make more of these fertilized eggs than they will need in the hopes that one will work.

Then what happens to the rest? Well, they are going to be discarded. They are not used to find cures for diseases. But for those who find it immoral to use the product of that process for medical research, I still am troubled by the notion that they have not come to the floor asking that we ban in vitro fertilization, because we know that is a natural consequence of this process. And if it is permissible and moral and legal to have a process which results in these extra cells, I do not understand the moral question about using these fertilized cells to give people a chance to live and to live their lives better. I just do not understand that.

To measure the impact of President Bush's policy, Stanford University looked at peer-reviewed research published in scientific journals. They found that embryonic stem cell research in the United States made up one-third of the papers published in 2002 but only a fourth of those published in 2004. Research is slowing down. President Bush's decision is reducing the number of opportunities for embryonic stem cell research.

The world's best and most respected scientists—our own NIH leadership—tell us that this area of scientific research could lead to treatments and cures. Dr. James Battey chairs the NIH working group on stem cells. This is what he said before the Senate Labor, HHS Subcommittee:

> There's no scientist that I know who would argue that more stem cell lines wouldn't accelerate the pace of scientific research. . . . Cell lines offer scientific opportunities that are right now beyond the reach of federal funds.

Other things have changed since President Bush's decision in 2001 as well. We have learned more about the potential of stem cell research. Dr. John Kessler is the chair of the neurology department at Northwestern University Medical School in Chicago, which I am honored to represent. He is also the father of a 20-year-old daughter who is paralyzed as a result of a spinal cord injury. He told me personally that he finds the current administration policy "unconscionable" in light of everything we have learned since 2001.

H.R. 810—the real bill, the one that is important, and the one that will make the difference—would loosen the handcuffs on America's scientists. It would allow scientists to receive Federal funding to use embryonic stem cell lines in their research if—and only if—two very specific conditions are met. First, the stem cell lines must be derived from eggs that were produced for in vitro fertilization but are going to be discarded. The choice is research or destruction of these potential means of creating medical opportunities. Second, both adults to whom the eggs belong must provide written consent that the eggs be donated to science.

It is estimated 400,000 excess eggs are being stored now in clinics around the country, stored in petri dishes at 300 degrees below zero. Opponents of this research say it is unethical to use them for research. But if they are not used, they will be destroyed. How in the world can that be the right ethical, moral choice to destroy the opportunity for research to cure disease?

I see my colleague from Washington is here, and I know she wants to speak. I will close by saying this: I have met some of the children who are victims of juvenile diabetes. I guess it comes home personally when you sit down with these kids and their mothers, and the mothers say: I wake my daughter up twice in the midst of the night to take a blood test to see how she is doing. Think about that for that poor little girl being awakened twice each night. And think about the mother and her worries that that little girl, who she loves so much, may go blind or lose a limb or die. And think about the hope they have in their hearts that this research will go forward.

I have met the victims of ALS and diabetes and Parkinson's and Alzheimer's. I know they are praying we do the right thing tomorrow. I hope we pass this bill. I am not certain it will pass, but I am hopeful it will. It will have strong support on this side of the aisle, and I hope there will be enough votes on both sides of the aisle to enact it. Then the bill will go to President Bush, and he will have a moment in the history of this country to make a momentous decision. If he decides to go forward and veto the stem cell research bill, it will be the first veto of the Bush Presidency.

President Bush described himself politically when he ran for office as a compassionate conservative. His decision on the future of this bill will be the test of his compassion. If he has compassion for those who are suffering across America, who are praying for the hope this research can bring, I hope he will pray over his decision long and hard. And if we pass this bill, I hope he will sign it and give these Americans a chance for a better tomorrow.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I join my colleagues on the floor to speak about H.R. 810. I applaud the Senator from Illinois for his comments because I know he has many fine research institutions in his State and has met with many people who suffer from a variety of diseases who could be helped if H.R. 810 is passed and signed by the President. So I commend him for his remarks.

I certainly thank the Senator from Iowa for being out here all afternoon talking about the importance of this legislation and trying to communicate how important it is that H.R. 810, the legislation that focuses on embryonic stem cell research, be passed and signed by the President.

I also want to say I know the Senator from Kansas has been out here, and I have enjoyed working with him on a variety of pieces of legislation, particularly legislation that dealt with international marriage brokers, trying to protect women who come to America, making sure they got full information about people who were helping them apply for visas before they come to the country. So I certainly have enjoyed working with the Senator from Kansas on other legislation.

But I wish to say I think it is important we focus our debate on H.R. 810—an important bill on embryonic stem cell research—in the context of science, because I believe Congress must not stand in the way of science. I think tomorrow's vote is exactly what that is about. So I want to be clear that I support that legislation and will work to overturn any attempts to veto this legislation.

Like my colleagues, I have met these Americans who for too long have wanted to have hope. They have waited to have real hope that there would be a lifesaving stem cell research program. Many Americans believe we can do better. We know there are 3 million Americans who need help, and we understand that by investing today we can save lives tomorrow. We understand, for Americans who suffer from Alzheimer's or ALS or Parkinson's disease, it really does mean hope and a new way of looking at opportunity for them.

We will have a debate about this continuing today and tomorrow. But we need to keep in mind it is good science that is at question. For us in Washington State, with 35,000 Washingtonians living with Parkinson's disease today, understanding what embryonic stem cell research can do for them is of utmost importance.

We also have 300,000 Washingtonians who have been diagnosed with diabetes who, obviously, are very interested in this legislation. We have 160,000 Washington State residents who struggle with heart failure and understand there is so much that could be done in this particular area of research. We have 5,000 Washingtonians who suffer from spinal cord injuries. So there are people all over our State with various medical challenges who are looking to us to make the right decision and to allow critical research to give them promise for opportunity in the future.

At the Fred Hutchinson Cancer Research Center—I know my colleague from Iowa has visited the Fred Hutchinson Research Center—they are applying groundbreaking science and using adult stem cells to treat blood cancers such as leukemia, lymphoma, and various other diseases. They are also looking to do the same for kidney cancers.

The Benaroya Research Institute at Virginia Mason in Seattle is working with stem cells on a collaborative 5-year project to grow a living heart. The effort could lead to tissue-engineered replacement hearts, and it means that could help us with various challenges in that particular area of health care.

The University of Washington, which is in Seattle, boasts 70 scientists involved in aspects of stem cell biology addressing everything from liver disease to coronary heart disease. Three years ago, the NIH named the University of Washington one of the three exemplary centers for human embryonic stem cell research. But in the last 5 years, since President Bush banned the funding for embryonic stem cell research, it is as though our Nation has turned its back on that science and that work that could be done, and I am sure not just in Washington State. But that is a representative example of what could be done if we moved forward.

It is important we continue to move forward by passing H.R. 810. The truth is that right now adult stem cells do not have anywhere near the scientific potential as embryonic stem cells. Their application is limited. Their reach is finite. And we do have a better option. Allowing federally funded research on embryos that would otherwise be destroyed would provide a much-needed expansion. Everything from eradicating, in our past, polio to mapping the human genome, our Nation has been a leader and an innovator in science and medicine. So let's not fall behind now. Just as we are challenged with so many of these diseases, we need to do more.

Of the original 78 stem cell lines the administration permitted scientists to work on, only 21 are available today. Lab scientists must turn to private investors and already struggling State governments to carry on this critical research. So researchers in my State, in the State of Washington, say that Federal funding would increase research opportunities and allow scientists to use that money much more effectively.

In March of 2006, the University of Washington announced that because of Federal funding restrictions, it would seek to establish a stem cell institute with private money and, instead, looks to raise $100 million in private funds to help it move forward. The University of Washington plans to reflect the intense competition it faces from other universities around the country that are boosting their research into stem cells which have permitted them to treat a variety of diseases. So the competition will continue. But we could be working together in a much more collaborative fashion, in a way that would help us extend the scope of that research.

It is very important because so many of those involved in this particular area believe passionately we need this new area of expansion. One of those individuals, Dr. Storb of the Fred Hutchinson Cancer Research Center in Seattle, recently said this:

> We have exhausted research on adult stem cells. They do not do the trick. We have worked with them for 30 years now and know that they do not make all of the tissues in the body.

He further went on to say:

> If the public wants cell-based therapies, then we must conduct that kind of stem cell research. We may learn more from embryonic cells how to program adult cells, but we have to work with embryonic cells to do just that.

So this Congress, I believe, must not stand in the way of science. We have three bills we will vote on tomorrow, but only H.R. 810 actually clears the way for critical research that could lead to cures for so many debilitating diseases.

There is no viable alternative to improving the research and serious investments that I believe H.R. 810 will provide. When we are talking to Americans who suffer from diseases such as Alzheimer's, Parkinson's, and others, I think it is important, as my colleague from Illinois stated, that we must keep in mind the stories of individuals.

Mr. President, one such individual is a 4-year-old who died of brain cancer. Her mother wrote to us saying how important this bill was in holding opportunities for other people in other families who suffer from brain cancer. To me, it is so important that we pass this legislation and help those individuals and families who are suffering by giving them hope for promising research that we know science can provide.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, today, as everybody is doing, I want to discuss the three stem-cell-research-related bills before the Senate. I have been in the Senate for 26 years now. Every day, we make decisions that impact Americans. It becomes difficult, however, when we debate bills that involve the lives of women and families, especially those who are sick and dying. We must be cognizant of their plights, but we cannot forget about those who don't have a voice.

Tomorrow, I will vote in favor of those who are not yet brought into this world. I will vote for those who don't have a chance to speak against legislation that doesn't give them a chance at life.

First, I intend to support S. 3504, the ban on fetus farming. This bill states that a person cannot solicit or knowingly acquire, receive, or accept a donation of fetal tissue or an embryo if the pregnancy was initiated to provide such material. This bill will reduce the likelihood that women will be used solely for their production of embryos. We have to draw the line, and we have to prevent the corruption that could occur.

Second, I intend to support a bill numbered S. 2754, which directs the National Institutes of Health to fund alternative techniques for stem cell research. It will allow researchers to use different techniques to derive pluripotent stem cells without destroying human life. This research could be done under current law, but a vote in support of this bill will send a signal to the NIH that we want to see even more of this research.

Finally, I will oppose H.R. 810 because it would expand Federal funding for embryonic stem cell research.

Some of my colleagues will characterize the bill, H.R. 810, as a lifesaving opportunity for many people with diseases. The focus will be on promises, hopes, and dreams. This focus disregards that this bill will allow researchers to use and abuse embryos. And there are enormous moral and ethical consequences associated with that research.

You cannot mess with the facts. An embryo is life. No Senator can disagree with that assertion. Once you realize that fact—that an embryo is life—you have to realize that this bill takes life and plays with it.

In addition, this bill doesn't prohibit cloning. In fact, it will make cloning even more attractive. Why would we want to go down this road of unethical research when we have a method that already works?

We all know that adult stem cell research has proven effective. We are investing the taxpayers' money in research that benefits the American people. We in Congress have to realize that there is a difference between hope and hype. I, for one, will not be misled.

Adult stem cells have already proven effective for over 72 treatments. I will not list them all, but some of them relate to adult stem cells being used to treat brain tumors, multiple sclerosis, arthritis, and Parkinson's disease. Peripheral blood stem cells have treated testicular cancer, lymphoma, and breast cancer. Cord blood stem cells have treated leukemia. Olfactory stem cells from the nose can develop into heart cells, liver cells, kidney cells, muscle cells, brain cells, and nerve cells. Bone marrow stem cells and stem cells from fat have the ability to differentiate and form other body tissues.

I wish I could list the advances with embryonic stem cell research, but I cannot: there are none. There are no treatments for human patients. So there is no evidence on which to argue that this research should be expanded with public resources.

I have a story about a person that I have known for 44 years, David Foege. I have known him since he was a page at the Iowa State Legislature back in 1962. He is originally from Waverly, IA, so even though he lives in Florida, I still consider him a constituent. There is evidence, then, through Dave Foege that we should continue supporting adult stem cell research.

Just 2 weeks ago, I had an opportunity to meet with David, who is now 61 years old and living in Florida. This is the story he told to me. David was given a life sentence because of heart failure. Three years ago, David was told that he had little chance of surviving. His heart was losing all function and there was little that doctors could do. David then turned to stem cell therapy. He found doctors in Bangkok that would harvest his own stem cells and then inject them back into his own heart. His own stem cells—his adult stem cells, not embryonic stem cells—cured him. His heart function has improved by 70 percent. David is alive and well, playing golf, and currently taking a cruise in Belize. Without adult stem cell therapy, David would not be here.

Embryonic stem cell research, on the contrary, has not yielded this kind of success that we have from adult stem cells. It makes sense to direct public resources to what works. Prioritizing resources: It makes sense for public resources to help those with heart disease, the No. 1 killer in the United States. It makes sense to encourage research that will work for those with Parkinson's, diabetes, cancer, and autoimmune diseases. Why would we want to desert patients in the United States by spending dollars on research that has not been proven?

I will oppose H.R. 810 not only because of the ethical consequences but because it doesn't prioritize our use of fiscal resources.

Let's be clear. There is no current policy in place that bans embryonic stem cell research. Everybody knows that we are doing some through the Federal Government because, being perfectly legal in the United States, President Bush, in 2001, allowed taxpayer dollars to be used for that research. This debate in the Senate today and tomorrow is not whether we want to ban or allow research, it is whether we want to spend our dollars on embryo creation and destruction.

Today, the Congress appropriates nearly $30 billion for medical research through the National Institutes of Health. Every year, hundreds of advocates come to my office to say that $30 billion is not enough. They say these funds are important to continue research and trials that are already started. So what would happen to those arguments if there was a higher priority placed through passage of H.R. 810? Will we have to double the budget again for NIH like we did between 1998 and 2003? I don't think that is possible given that was already done starting in the year 1998. So it makes me wonder whether we are prioritizing the use of Federal research dollars through the National Institutes of Health the way we should.

We don't have an infinite amount of Federal funding. We cannot pretend there is enough money to go around. We do have to prioritize. So I urge my colleagues to realize that Congress can only disburse so many funds. We can only fix so many problems. Therefore, we need to think rationally. We need to make tough choices. One of those tough choices might be to pursue what is proven to work, which is greater use of adult stem cells. The right choice, then, is to invest in what works. Let's keep the ball rolling with research that has been proven.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to have 5 minutes to talk as in morning business regarding the resolution that will be on the Senate floor later tonight or tomorrow regarding condemning Hezbollah.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Texas is recognized for 5 minutes.

(The remarks of Mrs. HUTCHISON are printed in today's RECORD under "Morning Business.")

Mrs. HUTCHISON. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today in support of legislation to expand the Federal investment in adult and umbilical cord blood stem cell research, as well as scientific ways to create embryonic stem cell lines without destroying human embryos.

It is important to point out that there are two very important categories of stem cells. I know that my colleagues are going to have a little difficulty with this because I have had difficulty with this. This is medical terminology.

The first, embryonic stem cells, as their name suggests, are derived from human embryos developed from eggs that have been fertilized in an in vitro fertilization clinic. Removing stem cells from these embryos destroys their potential life, making their use very controversial and something I cannot morally support.

On the other hand, adult stem cells are undifferentiated cells found among differentiated cells in tissues or organs. Adult stem cells can renew themselves and will eventually differentiate into a special cell. However, before this occurs, the undifferentiated stem cells can be gathered by scientists without any harm to the individual.

Also included in this ethical category of stem cells are those from umbilical cord blood derived from the placenta of a newborn baby. With the birth of my seventh grandchild last summer, I learned a great deal about the benefits of preserving cord blood stem cells. Once considered medical waste and discarded after birth, science has determined that cord blood has the potential to save thousands of lives.

And that is exactly why I came to the floor today, to explain these differences and to highlight the unmatched value of adult and cord blood stem cells.

By the way, when I found out about the umbilical cord blood coming from the placenta, we are now freezing that umbilical cord, and each year we will pay some money to maintain it. But that umbilical cord can be used to help my seventh grandchild or, for that matter, the whole family. It is something more people should find out about.

I am concerned that the vast majority of Americans are unaware that some of the most promising advances in medical research and treatment today are not attributed to embryonic stem cells; rather, they are the result of noncontroversial, nonlife-ending use of adult and umbilical blood cord cells.

Unfortunately, many of the individuals who support embryonic stem cell research have been kept in the dark about the advances of umbilical and adult stem cell treatments and have been oversold on embryonic stem cell research, which is still in its infancy.

While embryonic cells have never been successfully used to treat even one disease—not used to treat one disease to date—adult stem cells have been used to treat 72 diseases, such as breast cancer, multiple sclerosis, rheumatoid arthritis, sickle cell anemia, spinal cord injuries, and many others. I have read reports that adult stem cells from a young girl's own fat cells were used to repair or regenerate a 19-square-inch section of her skull. I have also learned of a Parkinson's patient who has been without the vast majority of the disease's symptoms for 6 years after being treated with his own adult stem cells.

Even more encouraging, the potential use of adult and umbilical cord therapies continues to expand. In fact, there is a real possibility that these types of stem cells will be able to yield the same results as embryonic, or what they call pluripotent stem cells, without the need to destroy human life.

The American Journal of Pathology recently reported that a group of scientists have isolated a novel population of multipotent adult stem cells from human hair follicles—think of that, human hair follicles—which, like embryonic stem cells, express neural crest and neuron stem cell markers, as well as the embryonic stem cell transcription factors.

In other words, what we are saying is that they produce the same thing we would get if we were using the embryos that so many are anxious to use.

I was introduced to the promise of adult and umbilical stem cell research by experts at the National Center of Regenerative Medicine in my hometown of Cleveland, OH. The individual institutions involved in this partnership—Case Western Reserve University, University Hospital, and the Cleveland Clinic—each bring an expertise to the center that is leading the Nation in the use of nonembryonic stem cells to regenerate new tissue and diseased organs rather than using drugs or devices to improve the function of the organ.

The National Center for Regenerative Medicine team has told me that they are interested in the rapid translation of adult and umbilical cord stem cell technology into patients that is not possible today with embryonic stem cells.

Since 1976, investigators at the center have studied nonembryonic stem cells and performed their first stem cell transplant as early as 1980. That is back in 1980. Investigators at the center are now able to cure leukemias and lymphomas with nonembryonic stem cell transplantation, as well as to fix unstable bone fractures and treat genetic disorders.

In the next several years, investigators at the center believe they will be able to address cancer, bone, heart, and neurological disorders with nonembryonic stem cell treatments. They are hopeful that the new advances will lead to treatment of degenerative arthritis, will decrease the severity of graft versus host disease after stem cell transplantation, and allow physicians to use a patient's own stem cells to repair heart damage following congestive heart failure, as well as use their own neural stem cells to improve function after spinal cord damage. All of the things that folks are talking about because we have to have these embryonic stem cells because this is what we have to do—we are already on our way. We are making progress with adult and with umbilical cord stem cells.

The center has 10 ongoing or planned clinical trials to further explore the use of stem cell therapies to reduce the risks of chemotherapy, treat certain heart conditions, and improve umbilical stem cell treatment for leukemia. I recently had the privilege to personally hear two young Ohioans discuss the successful adult stem cell treatment received at the center for an aggressive form of leukemia and a severely broken bone that would not heal with traditional treatment.

I will never forget this young woman who was there. It was a meeting at the regenerative center. She talked about the fact that she was in this terrible motorcycle accident. She was a mountain climber, she was a skier, she was a runner. She was told by all of her doctors that she wouldn't be able to run again, that she would have to hobble around. She went to the Cleveland Clinic, to the regenerative center, and as a result of using her stem cells, they were able to repair the problem that she had in her leg.

Today she is running. I am getting goosebumps right now. I will never forget it. She started to cry. She hugged her doctor. We all started to cry. It was a miraculous thing using adult stem cells.

As a result, I support the legislation introduced by my colleagues from Pennsylvania, the Alternative Pluripotent Stem Cell Therapies Enhancement Act. The bill would require the Secretary of Health and Human Services to develop techniques for the isolation, derivation, protection or testing of stem cells not derived from a human embryo.

The bill would also require the Secretary to prioritize stem cell research that will reap near-term clinical benefits. It is my hope that this type of progress will help eliminate the controversy surrounding embryonic stem cell research without any compromise of scientific advancement.

I have the greatest sympathy for patients and their families who continue to struggle with a wide range of painful, life-ending diseases. Further, I understand what it is like to watch a loved one suffer and the tragedy of losing a member of your family, even a young child, to a life-ending disease. I personally lost my father to diabetes and my nephew C.T. to bone cancer. I have been a witness to the devastating effects of Alzheimer's, arthritis, and many other diseases.

One can hardly take issue with these individual efforts to seek out a potential cure, but too often, I fear, proponents of embryonic stem cell research provide patients with false promises from unproven, unexplored embryonic stem cells, while ignoring the real substantial progress that has been made with adult and blood cord treatments.

I am gravely concerned about the possible implication of spending taxpayers' dollars on an issue such as embryonic stem cell research that divides Americans on moral and ethical grounds, and I believe it is my moral responsibility to direct the Federal Government's dollars toward the areas of research that have the greatest near-term potential to help the largest number of Americans.

Since I have been a Member of the Senate, we have doubled the funding for the National Institutes of Health, NIH, and greatly increased the amount of medical research the Federal Government is able to fund, including increasing the amount of money available for research on all stem cells from $226 million in 1999 to $568 million this year.

However, as you know, Mr. President, in recent years with the cost of the war, the need to protect our homeland, and natural disasters such as Katrina, the amount the Federal budget has available for these priorities is getting smaller and smaller. We are seeing that now with the appropriations bills in the Senate.

I meet with groups all the time, and they ask me for increases in funding for research for diseases that personally impact on their families. I am sure they visit your office, Mr. President, every couple of weeks: We want more money for NIH to take care of this, to take care of that. Just within my own family, I met recently with my former brother-in-law in support of childhood cancer, and through my son I have heard a very emotional presentation by a group of my constituents on behalf of juvenile diabetes research. Again, if everyone in the Senate had been at that meeting, I think they would have said: Look, we have to do more, spend more money on juvenile diabetes.

There is a tremendous need to pursue treatments for these and many other diseases, but we face a reality of limited funding. That is the real world.

We have to be smart about spending our money, and in the current budget environment, I have concerns that increasing funding for research on embryonic stem cell will take away opportunities for research in areas such as adult and umbilical cord blood research, or even research for treatment of specific diseases such as cancer, juvenile diabetes, and others that have proven their usefulness.

Consequently, and in light of all the advances and results science has provided with adult and umbilical blood cord stem cells, I urge my colleagues to continue to direct Federal funding toward the noncontroversial areas of adult and umbilical cord blood stem cell research. I urge my colleagues to do that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, as we are waiting for my colleagues to come to the floor, I want to address some issues that have been brought forward and talked about previously.

Mr. President, I see my colleague from Iowa, and I am prepared to answer—he had raised a question about whether we had 72 different areas of treatment for adult stem cells, and so I wanted to respond.

The PRESIDING OFFICER. Unfortunately, the majority's time has expired.

Mr. BROWNBACK. Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I see the distinguished Senator from Washington is here to make her statement on this bill, and I would yield the floor to Senator MURRAY for her comments.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank my colleague for yielding me time tonight on this important legislation. I rise tonight to express my support for expanding stem cell research. This innovative research offers us a chance to save lives.

Families across this country are holding out hope that we will finally allow science to move forward and deliver on the promise of stem cell research. That is exactly what we should be doing. But, unfortunately, today the hands of American scientists are tied by political restrictions. I believe we can expand stem cell research while still maintaining strict ethical safeguards. That is why I will be supporting H.R. 810.

Back in 2001, President Bush imposed restrictions on promising stem cell research. Since that time, we have learned that there aren't as many useful stem cell lines as the President suggested. The Bush administration promised us that 60 lines would be available for research. To date, only 15 are available, and it appears that all of those lines have contamination problems. The President's restrictions have held back American science and stalled promising research. It is time to correct that mistake and allow our country to make progress.

Stem cell research is about improving medicine, and it is about saving lives. For patients with Parkinson's or Alzheimer's, diabetes or multiple sclerosis, stem cell research holds promising potential to provide the tools to understand, treat, and someday cure these devastating diseases.

I understand the challenges and frustrations these diseases cause. When I was just 15 years old, my dad was diagnosed with multiple sclerosis. In a few short years, his illness became very bad, so bad that he couldn't work anymore, and for most of my life my dad was in a wheelchair. His illness had a profound impact on my entire family. My mom, who stayed home to raise seven kids, had to work to care for him and had to get a job so she could support our family. She got that job, but it was never enough to support seven kids and a husband who was in a wheelchair and with growing medical bills.

I can only imagine how different our lives would have been had there been a cure for M.S. Back then, we didn't have the tools to find a cure, but today we do, and these tools unfortunately are being blocked by an ideological policy that puts politics over science. I think we can do better than that.

My dad's challenges are similar to the struggles millions of Americans and their families face every day. They deserve a chance, and they deserve hope. That is why we can't let the current restrictions stand.

A short time ago, I received a letter from a constituent of mine who lives in Mercer Island, and he wrote:

> My 17-year-old son was recently involved in an automobile accident and is now paralyzed from the upper chest down. Stem cell research looks to be our brightest hope by far. Please help give him the chance to ride a bike, go for a hike, and run with his friends again. Please, support stem cell research.

As that father points out, this is about people. It is about keeping our country on the cutting edge of science and research, and I am proud to represent a State that has a strong reputation for scientific research. But for our country to remain a leader in this promising field, our scientists and our researchers need the support of our Government. America should never take a back seat to other countries in the search for promising new cures.

Unfortunately, the President's current stem cell research policy is tying the hands of our scientists by limiting the number of lines eligible for Federal funding. We can do better than that.

In fact, the majority of this Congress has been trying to correct the President's mistake for over a year now. H.R. 810 passed the House of Representatives 13 months ago. Since that date, my colleagues and I have been fighting to bring this issue of stem cell research to the Senate floor. We wrote letters, we pleaded on the floor, and we asked Republican leaders numerous times for even a few hours to debate and pass this bipartisan bill. Our efforts to promote research and offer hope had been denied at every turn. But now, finally, our day has come, and after more than a year of obstruction, we finally have a chance to offer hope to millions of patients and their families. On a bipartisan basis, I believe this bill will pass.

But, of course, we know that is not the whole story. Shortly after we got word that this bill would finally come to the floor, I was dismayed to see headlines announcing that Karl Rove, President Bush's chief political officer and adviser, guaranteed a veto of this important bill. In nearly 6 years in office, President Bush has never once vetoed a bill. It is pretty amazing to me that he would choose this bill—this bill which offers basic hope and opportunity to so many Americans—for his first veto. I believe the President is wrong on this issue, and I think threatening a veto is wrong.

I am here this evening to pledge my support for this bill and to call on my colleagues to support it. But next, I call on them to ask the President in no uncertain terms to stand with us in support of open opportunity, stand with us in support of medical research, stand with us and, more importantly, with millions of Americans who are waiting on a cure, in support of stem cell research.

For far too long, this administration's ideology has trumped research. Politics has been more important than science. With this bill, President Bush has a chance to change course and put people ahead of personal political ideology. I urge him to do the right thing.

For our patients, for their families, and for the future of our Nation's research leadership, it is time for the Senate to pass H.R. 810, and it is time for the President to sign it. Let's take the handcuffs off of our scientists and let them find the cures that will save lives.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I thank the Senator from Washington for her very eloquent statement, and I thank all of the Senators who have come over here today to speak on this important issue.

We have about 20 minutes left in this half hour. I don't have any other Senators right now, but if there are other Senators on our side who wish to take a few minutes to speak on this bill, I would be glad to yield to them.

However, I would like to take this time to sum up, if I can, what we have heard today. We have come to the end of our first day of debate on stem cell research, and I think it has been a very enlightening debate and a very good exposition of the different sides of this issue. I hope the American people who have tuned in to watch this have learned a great deal about why we need to pass H.R. 810, the Stem Cell Research Enhancement Act. As we know, that bill passed the House by a bipartisan majority over a year ago, and I think it has a strong bipartisan majority here in the Senate. Certainly the bill itself is sponsored bipartisanly. If we can pass it tomorrow—and I am confident we can and we will—H.R. 810 can go straight to the President's desk.

I would like to reiterate a few things we have heard today.

First, H.R. 810 has enormous popular support. I have here a letter that was just transmitted to me, and it is a list of different advocacy groups, health organizations, research universities, scientific societies, religious groups, and other interested institutions and associations representing millions of patients, scientists, health care providers, and advocates, writing in strong support for H.R. 810. They point out in this letter that this is the bill which holds promise for expanding medical breakthroughs. The other two bills, the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754, and the Fetus Farming Prohibition Act, S. 3504, are not substitutes for a "yes" vote on H.R. 810.

This letter is signed by 590 advocacy groups. I have been on this Senate floor now 21 years. We all get letters and things that come in expressing support, but I daresay I have never seen anything as overwhelming as this: 590 different groups. Earlier this year, I submitted a list of 205 different groups.

Mr. President, I ask unanimous consent that at the conclusion of my comments on this portion, this list of 590 groups be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. I thank the Presiding Officer.

Again, those are advocacy groups and scientific associations—590.

How about the American people? Three out of four Americans agree: support stem cell research. The question asked in a national poll: Do you support embryonic stem cell research? Seventy-two percent of Americans said yes. Seventy-two percent. That is pretty overwhelming.

I heard the distinguished Senator from Ohio here just a few moments ago say that one of the reasons he was opposed to the bill was because we wanted to do things that would not divide Americans. He thought this would divide Americans. Divide Americans?

Seventy-two percent are in favor of it. Over 590 different advocacy groups expressing support, and 205 other disease-related groups all in support. This doesn't divide America at all. Of course, there is always going to be somebody opposed to something around here. But I haven't seen anything that received this much overwhelming support in a long time. As a matter of fact, passing embryonic stem cell research, H.R. 810, will pull Americans together in the fight against disease. And it is bipartisan. As I said, the bill passed the House bipartisanly. The sponsors of the bill itself were three Republicans and three Democrats.

It was stated earlier today a couple of times about a letter that former First Lady Nancy Reagan had written. I thought I would have it blown up and put on a chart for people around the country to take a look at, just to show you how this has nothing to do with partisanship. It shows it is from the office of Nancy Reagan dated May 1, 2006, a letter to ORRIN HATCH, Senator ORRIN HATCH of Utah, who was one of the cosponsors of this bill. It says:

> Dear Orrin:
>
> Thank you for your continued commitment to helping the millions of Americans who suffer from devastating and disabling diseases. Your support has given so much hope to so many.
>
> It has been nearly a year since the United States House of Representatives first approved the stem cell legislation that would open the research so we could fully unleash its promise. For those who are waiting every day for scientific progress to help their loved ones, the wait for U.S. Senate action has been very difficult and hard to comprehend.
>
> I understand that the U.S. Senate is now considering voting on H.R. 810, the Stem Cell Research Enhancement Act, sometime this month. Orrin, I know I can count on friends like you to help make sure this happens. There is just no more time to wait.
>
> Sincerely, Nancy.

When you have seen a loved one suffer from Alzheimer's—I am sure as Mrs. Reagan watched the former President suffer from Alzheimer's—it motivates you to say: Whatever we can do to advance the research, to hopefully get a cure someday, that is what we should do.

For those of us who have friends who have Parkinson's disease, those of us who have seen friends and loved ones die of Lou Gehrig's disease, for those of us who have members of our family or close friends who have had spinal cord injuries, this motivates us to do everything humanly possible to expand this field of research.

My friend Christopher Reeve said, one time when we had watched a film of a rat, a white mouse or white rat, that had its spinal cord damaged so it couldn't walk and then it received embryonic stem cells and then it walked again, Christopher Reeve, former Superman said, "Oh, to be a rat."

It holds so much promise, embryonic stem cell research, to ease the suffering and the pain of so many people. I hear today talk about we have to do adult stem cells; maybe there is not enough money.

Again, I refer to my friend from Ohio, who was here earlier who said funding for medical research is probably going down because of the war and because of Katrina and because of homeland security.

I said: Wait a minute, earlier this year this Senate voted 73 to 27, to put $7 billion back in the budget so we wouldn't cut medical research—73 votes in the Senate. I don't know, 73 votes is pretty overwhelming. It was $7 billion we were supposed to put back in to help medical research. I don't know to what the Senator was referring.

I have heard talk today about adult stem cells and all these other things and how we had adult stem cells do this and adult stem cells do that. Why haven't embryonic stem cells led to treatment as much as adult stem cells have? Scientists have been doing research on adult stem cells for over 30 years, and we still, after 30 years, have not extracted one stem cell line from adult cells—not one.

Now embryonic stem cells were only derived in 1998, 8 years ago, and they have only been getting Federal funding in a limited manner since 2002, under the guidelines the President set down in 2001, which limited the number of stem cell lines to then 78, which we found out later was only 21 stem cell lines.

Again, there are no arbitrary restrictions on research on adult stem cells. Scientists and private companies don't have to be skittish about doing the research. They don't have to worry that all of a sudden the Federal Government is going to ban it or limit it, so they can plan ahead and do long-term research.

Let's compare that situation with human embryonic stem cells. As I said, we didn't derive them until 1998 and the first Federal grant wasn't awarded until 2002. Even now, only a tiny fraction of the total Federal budget for human stem cell research is used for human embryonic stem cells. The vast majority still goes for adult stem cells.

Here it is. I pointed this out earlier today. Human embryonic stem cells in fiscal 2006 from NIH, $38.3 million. Adult stem cells, $200 million. Again, only a tiny fraction going for human embryonic stem cells. Five times as much is going for adult stem cell research. So it is no wonder, after 30 years and all this research and all this money, that more diseases are being treated today with adult stem cells.

Scientists have only been studying embryonic stem cells for 5 years, with one arm tied behind their back. That one arm being tied their back by the President's proclamation of August 9, 2001, that only stem cell lines derived before 9 p.m. that evening could receive Federal funding. Anything derived after 9 p.m. could not receive Federal funding.

I have wondered ever since, why was it morally acceptable to use stem cell lines derived prior to 9 p.m. on August 9 of 2001 but morally unacceptable for funding of stem cell lines derived after 9 p.m. Can someone please tell me the ethics of that. Can someone please tell me why 9 p.m. on August 9 of 2001 is some kind of a moral dividing line? It is totally arbitrary. The President could have said stem cell lines derived at 10 p.m. or he could have said stem cell lines derived before Christmas of this year. It is the same thing. No one has taken this floor to define why August 9, at 9 p.m. is some kind of a moral dividing line.

The fact is, it doesn't really matter what I think about the potential of embryonic stem cell research. It doesn't matter a heck of a lot what other Senators may think about the potential of embryonic stem cell research. What matters is what does the great body of scientists think about the potential.

The overwhelming majority of reputable biomedical scientists also believes we should pursue embryonic stem cell research; not to the exclusion of others but that we should pursue it.

I have a letter from Dr. J. Michael Bishop who won the Nobel Prize in medicine in 1989. Here is what he says:

> The vast majority of the biomedical community believes that human embryonic stem cells are likely to be the source of key discoveries relating to many debilitating diseases. In fact, some of the strongest advocates for human embryonic stem cell research are those scientists that have devoted their careers to the study of adult stem cells.

I have a letter from Dr. Alfred G. Gilman, who won the Nobel Prize in medicine in 1994.

> It has become obvious, however, that the number of stem cell lines actually available under current policy is too small and is controlled by a limited monopoly, which has made it significantly more difficult and expensive for research to be conducted. These limits have hindered the important search for new understanding and treatment of devastating diseases.

I have a letter from the Director of the NIH, Dr. Elias Zerhouni.

> Embryonic stem cell research holds great promise for treating, curing, and improving our understanding of disease.

The breakthroughs are coming. But they take time. They take a lot of scientists researching. This is not something you can put two people on. They need a lot of different lines. Embryonic stem cell research should be ongoing at universities all across America, at our great research institutions, and it ought to be done under the guidance and direction and ethical guidelines of NIH and the ethical guidelines that we have in this bill.

The clampdown on embryonic stem cell research before it even has a chance to start shows a total lack of understanding about how science works. how research works. I have often said that basic research is similar to having 10 doors and they are closed. There is a high probability that behind one of the doors is the answer to your question. If you open one door, you know what the odds are of finding the right answer. If you open two doors, the odds are a little bit better. If you open five doors, the odds are 50-50.

That is what basic research is about. It has been said here a lot of the earlier research on fetal tissue came to nothing. A lot of basic research comes to nothing—in terms of an actual application. But almost all basic research adds to our body of knowledge. Maybe, from one of those basic research grants that was put on the shelf, some other scientist coming along later on might pick something from that, put two or three together and find something.

I am reminded of John Embers, a scientist—I believe he was at Harvard. I will check my facts on that, but I believe he was a doctor at Harvard many years ago. I am talking about a long time ago. I am talking about in the 1940s. He had done some interesting research, basic research on kidney cells of monkeys because they had unique properties. It was a funny research. It was on certain Rhesus monkeys and the oddity of certain kidney cells.

Dr. John Enders didn't get anything for it. He did the research, put it on the shelf, and nothing ever came of it, until a few years later another scientist, examining in another area, remembered Dr. Enders' work, went back and got it, coupled it with his, and came up with something called the Salk polio vaccine. It wasn't until over 25 years later that Dr. John Enders finally received the Nobel Prize for his research.

But I suppose someone 5 years after Dr. Enders had done his research would have said: Why did we spend money on that foolish kind of research? It didn't lead to anything. It kept some scientists employed, but it didn't lead to anything. But Dr. Salk came along, coupled that research with what he was doing and came up with the Salk polio vaccine.

That is a true story.

Again, we have to understand a lot of this is basic research. A lot of it will lead to nothing. But as more and more scientists get involved in examining embryonic stem cells and how they grow, how they multiply, how they differentiate, how they become nerve tissue, how they become brain tissue, how they become skin tissue, how they become blood tissues—as they begin to investigate that, I am sure there will be a lot of blind alleys. But I submit that everything that is done builds the body of scientific evidence that we need, the science that will eventually lead to a cure of a disease. That is the promise of embryonic stem cell research. To stop it now or to limit it doesn't make sense.

People talk about the ethics and morality. I have heard talk about we have to protect innocent life. This is an embryo; an embryo with 100 cells, 200 cells. You can take whatever view you want of that embryo. The point is that the bill we are talking about does not destroy one embryo. It only says that we can get funding for the research on those. These are embryos that are going to be discarded anyway, in in vitro fertilization clinics. They are being discarded every day.

Why don't people come out and say: Stop in vitro fertilization. Make it a crime. You don't hear anybody saying that because 50,000 babies were born last year to people who wanted to have a baby and couldn't have one and used in vitro fertilization. Once they have their children, they call up the in vitro clinic and say: I don't want the remaining embryos, just discard them. I ask you, what is the moral thing to do, just discard them or, with the written consent of the donors, use those embryonic stem cells to save lives and ease suffering and cure disease? That, to me, is the moral and the ethical choice.

I see my time is up and I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, July 14, 2006.

DEAR SENATOR: We, the undersigned patient advocacy groups, health organizations, research universities, scientific societies, religious groups and other interested institutions and associations, representing millions of patients, scientists, health care providers and advocates, write you with our strong and unified support for H.R. 810, the Stem Cell Research Enhancement Act. We urge your vote in favor of H.R. 810 when the Senate considers the measure next week.

Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country. This is the bill which holds promise for expanding medical breakthroughs. The other two bills—the Alternative Pluripotent Stem Cell Therapies Enhancement Act (S. 2754) and the Fetus Farming Prohibition Act (S. 3504)—are NOT substitutes for a YES vote on H.R. 810.

H.R. 810 is the pro-patient and pro-research bill. A vote in support of H.R. 810 will be considered a vote in support of more than 100 million patients in the U.S. and substantial progress for research. Please work to pass H.R. 810 immediately.

Sincerely,

A O North America; AAALAC International; AARP; Abbott Laboratories; Acadia Pharmaceuticals; Accelerated Cure Project for Multiple Sclerosis; Adams County Economic Development, Inc.; AdvaMed (Advanced Medical Technology Association); Affymetrix, Inc.; Albert Einstein College of Medicine of Yeshiva University; Alliance for Aging Research; Alliance for Lupus Research; Alliance for Stem Cell Research; Alnylam US, Inc.; Alpha-1 Foundation; ALS Association; Ambulatory Pediatric Association; AMDeC-Academic Medicine Development Co.; America on the Move Foundation; American Academy of Neurology.

American Academy of Nursing; American Academy of Pediatric Dentistry; American Academy of Pediatrics; American Association for Cancer Research; American Association for Dental Research; American Association for Geriatric Psychiatry; American Association for the Advancement of Science; American Association of Anatomists; American Association of Colleges of Nursing; American Association of Colleges of Osteopathic Medicine; American Association of Colleges of Pharmacy; American Association of Neurological Surgeons/Congress of Neurological Surgeons; American Association of Public Health Dentistry; American Autoimmune Related Diseases Association; American Brain Coalition; American Chronic Pain Association; American College of Cardiology; American College of Medical Genetics; American College of Neuropsychopharmacology; American College of Obstetricians and Gynecologists.

American College of Surgeons; American Council on Education; American Council on Science and Health; American Dental Association; American Dental Education Association; American Diabetes Association; American Federation for Aging Research; American Gastroenterological Association; American Geriatrics Society; American Institute for Medical and Biological Engineering; American Lung Association; American Medical Association; American Medical Informatics Association; American Medical Women's Association; American Pain Foundation; American Parkinson's Disease Association; American Parkinson's Disease Association (Arizona Chapter); American Pediatric Society; American Physiological Society; American Psychiatric Association.

American Psychological Association; American Public Health Association; American Society for Biochemistry and Molecular Biology; American Society for Bone and Mineral Research; American Society for Cell Biology; American Society for Clinical Pharmacology and Therapeutics; American Society for Microbiology; American Society for Neural Transplantation and Repair; American Society for Nutrition; American Society for Pharmacology and Experimental Therapeutics; American Society for Reproductive Medicine; American Society for Virology; American Society of Clinical Oncology; American Society of Critical Care Anesthesiologists; American Society of Hematology; American Society of Human Genetics; American Society of Nephrology; American Society of Tropical Medicine and Hygiene; American Surgical Association; American Surgical Association Foundation.

American Thoracic Society; American Thyroid Association; American Transplant Foundation; Americans for Medical Progress; amFAR, The Foundation for AIDS Research; Arizona State University College of Nursing; Arthritis Foundation; Arthritis Foundation, Rocky Mountain Chapter; Association for Clinical Research Training; Association for Medical School Pharmacology Chairs; Association for Prevention Teaching and Research; Association for the Accreditation of Human Research Protection Programs, Inc.; Association of Academic Chairs of Emergency Medicine; Association of

Academic Departments of Otolaryngology; Association of Academic Health Centers; Association of Academic Physiatrists; Association of American Medical Colleges; Association of American Physicians; Association of American Universities; Association of American Veterinary Medical Colleges.

Association of Anatomy, Cell Biology and Neurobiology Chairs; Association of Anesthesiology Program Directors; Association of Black Cardiologists; Association of Chairs of Departments of Physiology; Association of Independent Research Institutes; Association of Medical School Microbiology and Immunology Chairs; Association of Medical School Pediatric Department Chairs; Association of Medical School Pharmacology Chairs; Association of Professors of Dermatology; Association of Professors of Human and Medical Genetics; Association of Professors of Medicine; Association of Public Health Laboratories; Association of Reproductive Health Professionals; Association of Schools and Colleges of Optometry; Association of Specialty Professors; Association of University Anesthesiologists; Assurant Health; Asthma and Allergy Foundation of America; Athena Diagnostics; Aurora Economic Development Council.

Axion Research Foundation; B'nai B'rith International; Baylor College of Medicine; Baylor College of Medicine Graduate School of Biomedical Sciences; Biotechnology Industry Organization; BloodCenter of Wisconsin, Inc.; Blue Cross and Blue Shield Foundation on Health Care; Boston Biomedical Research Institute; Boston University School of Dental Medicine; Boston University School of Public Health; Brigham and Women's Hospital; Bristol-Myers Squibb Company; Broadened Horizons, LLC; Brown Medical School; Buck Institute for Age Research; Bums & Allen Research Institute; Burrill & Company; Burroughs Wellcome Fund; C3: Colorectal Cancer Coalition; California Biomedical Research Association.

California Institute of Technology; California Institute for Regenerative Medicine; California Wellness Foundation; Californians for Cures; Campaign for Medical Research; Cancer Research and Prevention Foundation; Canon U.S. Life Sciences, Inc.; Case Western Reserve University School of Dentistry; Case Western Reserve University School of Medicine; Cedars-Sinai Health System; Center for the Advancement of Health; Central Conference of American Rabbis; CFIDS Association of America; Charles R. Drew University of Medicine and Science; Charles River Laboratories; Child & Adolescent Bipolar Foundation; Children's Memorial Research Center; Children's Neurobiological Solutions Foundation; Children's Research Institute (Columbus); Children's Research Institute (Washington).

Children's Tumor Foundation; Childrens Hospital Boston; Christopher Reeve Foundation; City and County of Denver; City of Hope National Medical Center; Cold Spring Harbor Laboratory; Coleman Institute for Cognitive Disabilities, University of Colorado System; Colfax Marathon Partnership, Inc.; Colorado Bioscience Association; Colorado Office of Economic Development and International Trade; Colorado State University; Columbia University; Columbia University College of Dental Medicine; Columbia University Medical Center; Community Health Partnership; Conference of Boston Teaching Hospitals; Connecticut United for Research Excellence, Inc.; Conquer Fragile X Foundation; Cornell University; Council for the Advancement of Nursing Science (CANS).

Creighton University School of Medicine; CURE (Citizens United for Research in Epilepsy); Cure Alzheimer's Fund; Cure Paralysis Now; CuresNow; Damon Runyon Cancer Research Foundation; Dana-Farber Cancer Institute; Dartmouth Medical School; David Geffen School of Medicine at UCLA; DENTSPLY International; Digene Corporation; Discovery Partners International; Doheny Eye Institute; Drexel University College of Medicine; Drexel University School of Public Health; Duke University Medical Center; Dystonia Medical Research Foundation; East Tennessee State University James H. Quillen College of Medicine; Eli Lilly and Company; Elizabeth Glaser Pediatric AIDS Foundation.

Emory University; Emory University Nell Hodgson Woodruff School of Nursing; Emory University Rollins School of Public Health; Emory University School of Medicine; FasterCures; FD Hope Foundation; Federation of American Scientists; Federation of American Societies for Experimental Biology (FASEB); Federation of State Medical Boards of the United States, Inc.; Fertile Hope; Fitzsimons Redevelopment Authority; Florida Atlantic University Division of Research; Ford Finance, Inc.; Fox Chase Cancer Center; Fred Hutchinson Cancer Research Center; Friends of Cancer Research, Friends of the National Institute for Dental and Craniofacial Research, Friends of the National Institute of Nursing Research; Friends of the National Library of Medicine; Genetic Alliance.

Genetics Policy Institute; George Mason University; Georgetown University Medical Center; Guillain Barre Syndrome Foundation International; Gynecologic Cancer Foundation; Hadassah; Harvard University; Harvard University School of Dental Medicine; Harvard University School of Public Health; Hauptman-Woodward Medical Research Institute, Inc.; Hereditary Disease Foundation, HHT Foundation International, Inc.; Home Safety Council; Howard University College of Dentistry; Howard University College of Medicine; Huntington's Disease Society of America; IBM Life Sciences Division; Illinois State University Mennonite College of Nursing; ImmunoGen, Inc.; Indiana University School of Dentistry.

Indiana University School of Medicine; Indiana University School of Nursing; Infectious Diseases Society of America; Institute for African American Health, Inc.; Intercultural Cancer Council Caucus; International Foundation for Anticancer Drug Discovery (IFADD); International Longevity Center—USA; International Society for Stem Cell Research; Invitrogen Corporation; Iraq Veterans for Cures; Iris Alliance Fund; Iron Disorders Institute; Jacobs Institute of Women's Health; Jeffrey Modell Foundation; Johns Hopkins; Johnson & Johnson; Joint Commission on Accreditation of Healthcare Organizations (JCAHO); Joint Steering Committee for Public Policy; Juvenile Diabetes Research Foundation; Keck School of Medicine of the University of Southern California.

Kennedy Krieger Institute; Keystone Symposia on Molecular and Cellular Biology; KID Foundation; Kidney Cancer Association; La Jolla Institute for Allergy and Immunology; Lance Armstrong Foundation; Lawson Wilkins Pediatric Endocrine Society; Leukemia and Lymphoma Society; Lombardi Comprehensive Cancer Center, Georgetown University; Los Angeles Biomedical Research Institute at Harbor-UCLA Medical Center; Louisiana State University Health Sciences Center; Louisiana State University Health Sciences Center School of Dentistry; Lovelace Respiratory Research Institute; Loyola University of Chicago Stritch School of Medicine; Lung Cancer Alliance; Lupus Foundation of America, Inc.; Lupus Foundation of Colorado, Inc.; Lupus Research Institute; Lymphatic Research Foundation; Mailman School of Public Health of Columbia University.

Malecare Prostate Cancer Support; March of Dimes Birth Defects Foundation; Marine Biological Laboratory; Marshalltown [IA] Cancer Resource Center; Masonic Medical Research Laboratory; Massachusetts Biotechnology Council; Massachusetts General Hospital; Massachusetts Institute of Technology; MaxCyte, Inc.; McLaughlin Research Institute; Medical College of Georgia; Medical University of South Carolina; Medical University of South Carolina College of Nursing; MedStar Research Institute (MRI); Meharry Medical College School of Dentistry; Memorial Sloan-Kettering Cancer Center; Memory Pharmaceuticals; Mercer University; Metro Denver Economic Development Corporation; Miami Children's Hospital.

Midwest Nursing Research Society; Morehouse School of Medicine; Mount Sinai Medical Center; Mount Sinai School of Medicine; National Alliance for Eye and Vision Research; National Alliance for Hispanic Health; National Alliance for Research on Schizophrenia and Depression; National Alliance on Mental Illness; National Alopecia Areata Foundation; National Asian Women's Health Organization; National Association for Biomedical Research; National Association of Hepatitis Task Forces; National Caucus of Basic Biomedical Science Chairs; National Coalition for Cancer Research; National Coalition for Cancer Survivorship; National Coalition for Women with Heart Disease; National Committee for Quality Health Care; National Council of Jewish Women; National Council on Spinal Cord Injury; National Down Syndrome Society.

National Electrical Manufacturers Association; National Foundation for Ectodermal Dysplasias; National Health

Council; National Hemophilia Foundation; National Hispanic Health Foundation; National Jewish Medical and Research Center; National Marfan Foundation; National Medical Association; National Multiple Sclerosis Society; National Osteoporosis Foundation; National Partnership for Women and Families; National Pharmaceutical Council; National Prostate Cancer Coalition; National Quality Forum; National Spinal Cord Injury Association; National Venture Capital Association; Nebraskans for Research; Nemours; New Jersey Association for Biomedical Research; New Jersey Dental School.

New York Blood Center; New York College of Osteopathic Medicine; New York State Association of County Health Officials; New York Stem Cell Foundation; New York University College of Dentistry; New York University School of Medicine; New York-Presbyterian Hospital; North American Brain Tumor Coalition; North Carolina Association for Biomedical Research; Northwest Association for Biomedical Research; Northwestern University; Northwestern University, The Feinberg School of Medicine; Nova Southeastern University College of Dental Medicine; Novartis Pharmaceuticals; Oklahoma Medical Research Foundation; Oral Health America; Oregon Health & Science University; Oregon Health & Science University School of Nursing; Oregon Research Institute; Oxford Bioscience Partners.

Pacific Health Research Institute; Paralyzed Veterans of America; Parent Project Muscular Dystrophy; Parkinson's Action Network; Parkinson's Disease Foundation; Partnership for Prevention; Pennsylvania Society for Biomedical Research; Pharmaceutical Research and Manufacturers of America; Pittsburgh Development Center; Princeton University; Project A.L.S.; Prostate Cancer Foundation; Pseudoxanthoma Elasticum International; Quest for the Cure; RAND Health; Research! America; Resolve: The National Infertility Association; RetireSafe; Rett Syndrome Research Foundation; Rice University.

Robert Packard Center for ALS Research at Johns Hopkins; Rosalind Franklin University of Medicine and Science; Rush University Medical Center; Rutgers University; Salk Institute for Biological Studies; sanofi-aventis; Scleroderma Research Foundation; Secular Coalition for America; Sjogren's Syndrome Foundation, Inc.; Society for Advancement of Violence and Injury Research (SAVIR); Society for Assisted Reproductive Technology; Society for Education in Anesthesia; Society for Male Reproduction and Urology; Society for Neuroscience; Society for Pediatric Research; Society for Reproductive Endocrinology and Infertility; Society for Women's Health Research; Society of Academic Anesthesiology Chairs; Society of General Internal Medicine; Society of Gynecologic Oncologists.

Society of Reproductive Surgeons; Society of University Otolaryngologists; South Alabama Medical Science Foundation; South Dakota State University; Southern Illinois University School of Medicine; Spina Bifida Association of America; Stanford University; State University of New York at Buffalo School of Dental Medicine; State University of New York Downstate Medical Center College of Medicine at Brooklyn; State University of New York Upstate Medical University; Stem Cell Action Network; Stem Cell Research Foundation; Steven and Michele Kirsch Foundation; Stony Brook University, State University of New York; Strategic Health Policy International, Inc.; Student Society for Stem Cell Research; Suicide Prevention Action Network-USA (SPAN); Take Charge! Cure Parkinson's, Inc.; Targacept, Inc.;

Temple University School of Dentistry; Texans for Advancement of Medical Research; Texas A&M University Health Science Center; Texas Medical Center; Texas Tech University Health Sciences Center; The Arc of the United States; The Association for Research in Vision and Ophthalmology; The Biophysical Society; The Brody School of Medicine at East Carolina University; The Burnham Institute; The CJD Foundation; The Critical Path Institute (C-Path); The Endocrine Society; The FAIR Foundation; The Food Allergy and Anaphylaxis Network; The Food Allergy Project, Inc.; The Forsyth Institute; The Foundation Fighting Blindness; The George Washington University Medical Center. The Georgetown University Center for the Study of Sex Difference in Health, Aging and Disease.

The Gerontological Society of America; The J. David Gladstone Institutes; The Jackson Laboratory; The Johns Hopkins University Bloomberg School of Public Health; The Johns Hopkins University School of Nursing; The Medical College of Wisconsin; The Medical Foundation, Inc., The Michael J. Fox Foundation for Parkinson's Research; The Ohio State University College of Dentistry; The Ohio State University College of Medicine and Public Health; The Ohio State University School of Public Health; The Parkinson Alliance and Unity Walk; The Research Foundation for Mental Hygiene, Inc.; The Rockefeller University; The Schepens Eye Research Institute; The Scientist; The Scripps Research Institute; The Smith-Kettlewell Eye Research Institute; The Society for Investigative Dermatology; The Spiral Foundation.

The University of Chicago Pritzker School of Medicine; The University of Iowa Carver College of Medicine; The University of Iowa College of Dentistry; The University of Iowa College of Public Health; The University of Mississippi Medical Center; The University of Mississippi Medical Center School of Dentistry; The University of Oklahoma College of Dentistry; The University of Oklahoma Health Sciences Center; The University of Tennessee Health Science Center; The University of Tennessee HSC College of Nursing; The University of Texas Health Science Center at Houston; The University of Texas Health Science Center at San Antonio; The University of Texas M.D. Anderson Cancer Center; The University of Texas Medical Branch at Galveston School of Medicine; The University of Texas Southwestern Medical Center; The University of Toledo Academic Health Science Center; Tourette Syndrome Association; Travis Roy Foundation; Tufts University School of Dental Medicine; Tulane University.

Tulane University Health Sciences Center; Union for Reformed Judaism; Union of Concerned Scientists; Unitarian Universalist Association of Congregations; United Spinal Association; University of Alabama at Birmingham School of Medicine; University of Alabama at Birmingham School of Nursing; University of Alabama at Birmingham School of Public Health; University of Arizona College of Medicine; University of Arkansas for Medical Sciences; University of Buffalo; University of California System; University of California, Berkeley; University of California, Berkeley School of Public Health; University of California, Davis; University of California, Irvine; University of California, Los Angeles; University of California, Los Angeles School of Dentistry; University of California, Los Angeles School of Medicine; University of California, San Diego.

University of California, San Francisco; University of California, San Francisco School of Dentistry; University of California, San Francisco School of Nursing; University of California, Santa Cruz; University of Chicago; University of Cincinnati Medical Center; University of Colorado at Denver and Health Sciences Center; University of Colorado at Denver and HSC School of Dentistry; University of Colorado at Denver and HSC School of Nursing; University of Connecticut School of Medicine; University of Florida; University of Florida College of Dentistry; University of Georgia; University of Illinois; University of Illinois at Chicago; University of Illinois at Chicago College of Dentistry; University of Illinois at Chicago College of Nursing; University of Iowa; University of Kansas; University of Kansas Medical Center.

University of Kansas Medical Center School of Nursing; University of Kentucky; University of Kentucky College of Dentistry; University of Louisville; University of Louisville School of Dentistry; University of Maryland at Baltimore; University of Maryland at Baltimore College of Dental Surgery; University of Maryland at Baltimore School of Nursing; University of Miami; University of Michigan; University of Michigan College of Pharmacy; University of Michigan Medical School; University of Michigan School of Dentistry; University of Michigan School of Nursing; University of Michigan School of Public Health; University of Minnesota; University of Minnesota School of Public Health; University of Missouri at Kansas City School of Dentistry; University of Montana School of Pharmacy and Allied Health Sciences; University of Nebraska Medical Center.

University of Nebraska Medical Center College of Dentistry; University of Nevada, Las Vegas School of Dental Medicine; University of Nevada, Reno School of Medicine; University of North Carolina at Chapel Hill; University of North Carolina at Chapel Hill School of Dentistry; University of North Carolina at Chapel Hill School of Public Health; University of North Dakota; University of North Texas Health Science Center; University of Oregon;

University of Pennsylvania School of Dental Medicine; University of Pennsylvania School of Medicine; University of Pennsylvania School of Nursing; University of Pittsburgh Graduate School of Public Health; University of Pittsburgh School of Dental Medicine; University of Pittsburgh School of Medicine; University of Rochester Medical Center; University of Rochester School of Medicine and Dentistry; University of Rochester School of Nursing; University of South Carolina Office of Research and Health Sciences; University of South Dakota School of Medicine and Health Sciences.

University of South Florida; University of South Florida College of Nursing; University of Southern California; University of Southern California School of Dentistry; University of Utah HSC School of Medicine; University of Vermont College of Medicine; University of Washington; University of Washington School of Dentistry; University of Washington School of Nursing; University of Washington School of Public Health and Community Medicine; University of Wisconsin-Madison; Van Andel Research Institute; Vanderbilt University and Medical Center; Vanderbilt University School of Nursing; Virginia Commonwealth University School of Dentistry; Virginia Commonwealth University School of Medicine; Wake Forest University School of Medicine; Washington University in St. Louis; Washington University in St. Louis Center for Health Policy; Washington University in St. Louis School of Medicine.

WE MOVE; Weill Medical College of Cornell University; Whitehead Institute for Biomedical Research; WiCell Research Institution; Wisconsin Alumni Research Foundation; Wisconsin Association for Biomedical Research and Education; Woodruff Health Sciences Center at Emory University; Wright State University; School of Medicine; Yale University; Yale University School of Medicine; Yale University School of Nursing.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today to speak about stem cell research. This is a very delicate and very tough issue and these are difficult decisions that we will all have to make this week.

Some scientists believe that advancement in research requires the creation and development of new embryonic stem cell lines. The truth of the matter is that there are very promising alternatives to embryonic stem cell research, such as stem cells from adult tissue like bone marrow and umbilical cord blood. These cells have repeatedly demonstrated the capability of turning into most tissue types providing the basis for advanced research to find cures for many diseases, including leukemia, Parkinson's disease, juvenile diabetes, sickle cell anemia, heart disease and spinal cord injuries. To date, we have seen promising results coming from the research that has been conducted on these types of cells. Doctors have successfully treated 69 diseases and injuries using adult stem cells such as Lupus, arthritis, liver damage, brain tumors and various forms of cancer. It is vital that we continue to conduct important medical research and continue producing these types of results providing hope for patients and their families.

I am very thankful for the accomplishments that have been made in modern medicine, those of which many of us have already enjoyed or perhaps will in the future.

However, I see the life changing results that have come from adult stem cell research, and can't help but compare these to the lack of results we have seen from embryonic stem cell research which has not provided the concrete benefits to patients that we have seen otherwise. We should not discount the possibilities surrounding the discoveries that lie ahead within medical research, but, since we have seen results from alternative types of stem cell research, not involving embryonic stem cells, should we spend federal money on researching something that has yielded few positive results?

I have seen positive results from the research we have done in the area of adult stem cell research. In fact, an overwhelming proportion of privately funded research is going towards adult stem cell research.

This is a strong indication of what researchers think regarding the direction of future stem cell research. Adult stem cells and other similar alternatives have helped thousands of patients throughout the world, while the results of embryonic stem cell research have not helped any one patient yet.

I have seen the proven results and lives that have benefited from the research done on adult stem cells. It has been proven that the results of this research have created procedures that have assisted in saving lives, and curing illnesses. Advancements are constantly being made in science, medical research, and technology and so this issue is constantly changing. Just look at how far we have come in the last year on this issue. This debate is not going to be over after this vote, tomorrow but rather the debate is just beginning. However, at this time, I feel that the taxpayer's money should be spent in places where we yield the best results for patients, and currently this is in the area of adult stem cell research.

It is my hope, Mr. President, that we continue to see monumental steps made in medical research, stem cell and otherwise, and that we find cures to diseases such as juvenile diabetes, cancer, sickle cell anemia, and Alzheimer's disease.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank my colleague from Georgia for his comments. We are about to wrap up the first full day of debate. We will vote tomorrow on a package of three votes. This is an important debate. This is one area that we have needed to debate for some period of time. We haven't had a real debate on a pending bioethics bill since 1998. The science has changed dramatically since 1998 and the debate at that point in time. We should benefit from this debate and from the science. All of us are interested in people such as Jacki Rabon. I have shown her picture before, but I want to make the point again because several of my colleagues have talked about people with spinal cord injuries. They talk about people with Parkinson's disease and what they wanted to do was cure that—to get something that would work for them. That is what was motivating them. I just want to help this person.

Here is a real live person: traffic accident; paraplegic from the waist down; an active athlete; excited about her future—and that all changed in a few seconds.

We all know this story too well because we have heard it and seen it in our own communities. I simply ask my colleagues: What is the most likely treatment route for her? Is it adult and cord blood stem cells or is it embryonic stem cells? We have to make choices on dollars and where you invest funds. If we take the $.5 billion that we have invested in the embryonic stem cells in human and animals over the last 5 years and say we are going to get people such as Jacki walking again, what are we going to invest that money in? Is it going to be on embryonic or adult? She is already showing some improvement and feeling in her hip area. She is able to walk now with braces—through use of adult stem cell therapy which, unfortunately, she has had to go to Portugal to get. Researchers are here, but they cannot get into the FDA trials.

Clearly, the answer, if we want her to walk again during her lifetime, is to work and to fund adult and cord blood stem cells. That is where we are going to get the treatments. That is where it is working.

The other areas may provide some interesting science. But if we are interested in helping people such as Jacki, we have one area that works, and we have another area into which we have put $.5 billion and it hasn't worked—and we know that.

I want to show you a picture of Dennis Turner. He has been brought up in this debate. I have had him in to testify. He is a Parkinson's patient. We want to cure Parkinson's disease. He was Parkinson's-free for 5 years because of adult stem cell therapy. It started to come back after that period of time, but he got 5 years of his life back.

If our objective is to have a treatment or cure for people such as Dennis

Turner, where are we going to put the money? Are we going to put it in embryonic stem cells, where the scientists supporting it say this will take decades to find any sort of treatment, if they ever find a treatment, or put it into the adult stem cell area where they are already showing some results?

I know if I have limited resources, I would want to put my money where it is most likely to yield. It clearly is in the adult and cord blood stem cell area.

A lot of allegations and questions have been made regarding adult stem cells and cord blood and whether they are actually showing the types of results that I have been suggesting.

I ask unanimous consent to have printed in the RECORD at the end of my statement the current list—it gets updated often—of 72 current human clinical applications using adult stem cells.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBACK. Mr. President, next week it will may be 75, but for this week it is 72.

My point in saying highlighting this is that some have said they really question whether we are getting that many treatments. There have only been nine FDA-approved full clinical trials, full treatment areas using adult stem cells. Okay. I will take that. I do not know if that is an accurate number. But remember that FDA is the standard where you have to go through clinical trials 1 and 2 to get the application and get it tested before it is fully used.

I note that people are challenging how many areas of adult stem cell are being treated. I welcome this debate. I think we should be looking at the science and where it is going. They were saying we really question whether this many areas of adult stem cell treatments are actually happening. They produced an addendum to their challenge on it. They went through all of the 65 areas at that time. It is now 72. But when they did the review, it was 65. The Senator from Iowa was particularly challenging whether we have this many treatment areas. He pulled out one on testicular cancer and said: I don't think they are really getting it there. But this addendum is the people challenging the number of adult stem cell areas that have treatment. On testicular cancer, the researcher described a clinical evaluation showing improved long-term survival of a relapsed testicular cancer patient following the radical therapy that included a transplant of adult stem cells from bone marrow or blood. The research is actually showing that it was an improvement.

I am not saying that these are all FDA-approved areas. This is an area of research. But you actually have a researcher saying it showed improvement. This isn't the group who is challenging whether we are getting these treatments at all. They are not cures today. This is research. But the research shows a promise even in the area that they challenge.

Leukemia—this is from the same addendum. Two clinical studies, each incorporating multiple leukemia types, indicate that adult stem cell transplants from bone marrow or umbilical cord blood improved the survival of children with leukemia.

That is not FDA approved. But it is working. This, after only a short period of time that we have been working with all these different types of adult stem cells. We have known about them in bone marrow for some period of time.

Some patients with Hodgkin's lymphoma show an overall improved survival rate when transplanted with adult stem cells from blood.

The list goes on and on.

I welcome a debate about whether we are getting treatment for areas where people are showing improvement taking place with adult and cord blood because the truth of matter is we are. These are not all FDA approved. We never said that they were. The problem is we need more money to be able to get more of these FDA trials so that we can get more people treated. If we do that, there is a very promising area that is already showing results. Why not put your money there?

Let me give my colleagues a visual of this, if anybody is interested. There is a notebook of showing the accumulation of recent advances in adult stem cell research and other alternatives to cloning and embryonic stem cell research. This is a one-page summary of each of these areas where we are getting treatment. Note that I am not saying cures. I want to be very careful with my words. The treatments are promising in adult and cord blood.

Look how thick this book is. This is just one-page summaries of each of these various areas—cord blood, cartilage, brain damage, cancers. It has been very impressive.

If you do not like this example or if you are still questioning whether we are showing this much progress in adult stem cell, I invite people to go on the Internet and look at a site called ClinicalTrials.gov. This is an area where clinical trials are listed on the Internet. I didn't know about it until today. It sounded very interesting to me. It shows, as of now—I guess these numbers are actually growing with 565 such clinical trials currently active or recruiting patients using adult or cord blood stem cells to treat people.

If we want to cure people, if we want to find real treatments, if we want to see cures for people with spinal cord injuries, Parkinson's, diabetes, cancer or heart disease, the clear area to invest in is adult and cord blood. That is the clear area to go into.

Let us look on the other side of the aisle on this the embryonic stem cell work which is being pushed here today.

By the way, my colleagues have known about this for a very long time. We have known about embryonic stem cells for 25 years. We have worked and looked at these things for a long period of time.

They say this is arbitrary and it is not going to support killing embryos. What is being talked about is using taxpayer money to expand the lines of embryonic stem cell research. To get embryonic stem cells, you have to destroy an embryo.

The President set a date, August 9 at 9 p.m. when he was delivering a speech to the Nation saying, after this point in time, we are not going to fund it any further because we do not want to fund the additional destruction of human life. We will work on it on a prior date. That is why that date was picked.

Here is a clear demarcation. We will fund it prior; we have to the tune of half a billion on human and animal. It is both. After that, we will not fund it on humans because the life-and-death decision has already been made on these designs prior to August 9 but not on future ones.

Now, if we say we are going to use taxpayer money to fund any human embryonic stem cell research, people could go out today after we fund this, destroy human embryos, develop the lines, and have Federal taxpayer dollars. I again point out to my colleagues, there are no prohibitions in the United States today against any embryonic stem cell research. You can do it anywhere you want. We do have a limitation on the Federal taxpayer dollars, on where they can go in the future destruction of human life.

Now, with this half a billion that we have invested over the last 5 years, how many human treatments do we have from embryonic stem cells? I have a notebook that shows the number of human treatments. I will show this notebook again. This is adult and cord blood. Here are human treatments on embryonic stem cell research. We do not have the research. It is not there. They do not exist.

It is interesting research. It has proven very problematic to get to people.

A number of my colleagues have been pushing this bill for some period of time, and I do not question or challenge what they were doing. I think they want to find cures. But the problem is we have not found treatments in the embryonic field.

They were saying in the year 1999 one of my colleague's medical experts testified that it may well be within 5 years of a cure for Parkinson's disease, Alzheimer's, and a long list of other human ailments. Stem cell research has enormous potential.

That is true. But it is adult cord blood stem cell research that is working. It is not embryonic. The embryonic has not produced the treatments.

That was 1999. We are 7 years later, and it has not produced a peer-reviewed treatment.

We have scientists who testified at a hearing in 1998. Mr. President, I refer my colleagues to www.access.gpo.gov/congress/senate for that testimony.

Mr. President, when Dr. Gearhart was asked how long will it be before we get these cures to Parkinson's, Alzheimer's, or cancer, he responded:

> I actually think within several years, to be honest with you . . .

That was 1998. Eight years later, here we are. Dr. Gearhart—one of the leading researchers in this field.

Then Dr. Thompson, one of the leading researchers on Parkinson's:

> I am going to say 5 to 10 years more.
>
> It will be one of the first ones.

We do have a treatment being developed. And it is adult stem cells for Parkinson's. We do not need to make this life-and-death decision and expand taxpayer funding for the embryonic lines.

My point is, in 1998 the leading researchers were saying we will have these cures in a few years, 5 to 10 years, and now researchers are saying it is decades, if even in their lifetime, that it will happen.

I conclude with this point. If this were all in the abstract and we were saying that we will spend another half a billion in this area, go ahead and do that, you could say: Well, all right, we spend a lot of money around here, we will do that. The problem with it is: how many millions of dollars will be spent on research, which is based on destroying human embryos that become human people? This is the beginnings of human life. That is the real ethical rub on top of the financial rub of whether this is the right place to invest.

I have cited the snowflake child, Hannah previously. Was she just a clump of stem cells? Early life can be very fragile.

This is Isaiah Royal, born to one of my staff members. Isaiah Royal was born at 24 weeks of age, very early. He is a fighter. But I don't think you can possibly say he is not human life. He is just 23 weeks after the embryonic stage that we are talking about. 23 weeks and a couple of days after that. Would you deny that he is human life? You would say no, of course not. Isaiah is struggling. He weighed 1 pound 14 ounces at birth. He is a good, tough, fighter. But we are talking about fragile human life, and it should be treated as sacred. We should not do research on it. Human life is important.

This is an important question. I urge my colleagues to vote against H.R. 810.

EXHIBIT I

72 CURRENT HUMAN CLINICAL APPLICATIONS USING ADULT STEM CELLS

ANEMIAS & OTHER BLOOD CONDITIONS

Sickle cell anemia.

Sideroblastic anemia.

Aplastic anemia.

Red cell aplasia (failure of red blood cell development).

Amegakaryocytic thrombocytopenia.

Thalassemia (genetic [inherited] disorders all of which involve underproduction of hemoglobin).

Primary amyloidosis (A disorder of plasma cells).

Diamond blackfan anemia.

Fanconi's anemia.

Chronic Epstein-Barr infection (similar to Mono).

AUTO-IMMUNE DISEASES

Systemic lupus (auto-immune condition that can affect skin, heart, lungs, kidneys, joints, and nervous system).

Sjogren's syndrome (autoimmune disease w/symptoms similar to arthritis).

Myasthenia (An autoimmune neuromuscular disorder).

Autoimmune cytopenia.

Scleromyxedema (skin condition).

Scleroderma (skin disorder).

Crohn's disease (chronic inflammatory disease of the intestines).

Behcet's disease.

Rheumatoid arthritis.

Juvenile arthritis.

Multiple sclerosis.

Polychondritis (chronic disorder of the cartilage).

Systemic vasculitis (inflammation of the blood vessels).

Alopecia universalis.

Buerger's disease (limb vessel constriction, inflammation).

BLADDER DISEASE

End-stage bladder disease.

CANCERS

Brain tumors—medulloblastoma and glioma.

Retinoblastoma (cancer).

Ovarian cancer.

Skin cancer: Merkel cell carcinoma.

Testicular cancer.

Lymphoma.

Non-Hodgkin's lymphoma.

Hodgkin's lymphoma.

Acute lymphoblastic leukemia.

Acute myelogenous leukemia.

Chronic myelogenous leukemia.

Chronic myelomonocytic leukemia.

Juvenile myelomonocytic leukemia.

Cancer of the lymph nodes: Angioimmunoblastic lymphadenopathy.

Multiple myeloma (cancer affecting white blood cells of the immune system).

Myelodysplasia (bone marrow disorder).

Breast cancer.

Neuroblastoma (childhood cancer of the nervous system).

Renal cell carcinoma (cancer of the kidney).

Soft tissue sarcoma (malignant tumor that begins in the muscle, fat, fibrous tissue, blood vessels).

Ewing's sarcoma.

Various solid tumors.

Waldenstrom's macroglobulinemia (type of lymphoma).

Hemophagocytic lymphohistiocytosis.

POEMS syndrome (osteosclerotic myeloma).

Myelofibrosis.

CARDIOVASCULAR

Acute Heart damage.

Chronic coronary artery disease.

IMMUNODEFICIENCIES

Severe combined immunodeficiency syndrome.

X-linked lymphoproliferative syndrome.

X-linked hyper immunoglobulin M syndrome.

LIVER DISEASE

Chronic liver failure.

Liver cirrhosis.

NEURAL DEGENERATIVE DISEASES & INJURIES

Parkinson's disease.

Spinal cord injury.

Stroke damage.

OCULAR

Corneal regeneration.

WOUNDS & INJURIES

Limb gangrene.

Surface wound healing.

Jawbone replacement.

Skull bone repair.

OTHER METABOLIC DISORDERS

Hurler's syndrome (hereditary genetic disorder).

Osteogenesis imperfecta (bone/cartilage disorder).

Krabbe Leukodystrophy (hereditary genetic disorder).

Osteopetrosis (genetic bone disorder).

Cerebral X-linked adrenoleukodystrophy.

Mr. BROWNBACK. I yield to my colleague from Virginia who is here to speak on some important topics.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague. We have another distinguished colleague here. It is my understanding that at 8 o'clock, the time of the distinguished Senator from Kansas now shifts to the other side of the aisle, but my colleague said he only wants 3 or 4 minutes.

Mr. BROWNBACK. I have other things I can cover. I understand the distinguished Senator from Virginia wanted to come over and speak on a very pressing matter of foreign policy. That is why I yielded the time to my colleague.

Mr. WARNER. I will try to compress my time in 10 minutes.

Mr. BROWNBACK. Good.

If I could, what does the Senator from Iowa desire?

Mr. HARKIN. If the Senator would yield, I understand the Senator from Virginia wanted 10 minutes. I said I didn't intend to speak for half an hour. I just wanted to speak for about 5 minutes at 8 o'clock and yield back the remainder of my time and he could speak as long as he wanted to at that time. It is only 15 minutes from now. I thought the Senator from Kansas was probably going to use up most of the time.

Mr. BROWNBACK. I was. But I understood that my colleague wanted to speak on this particular issue. If the Senator wants to summarize and my colleague from Virginia wants to wait, I was offering him that courtesy because he had discussed coming over here early to do that.

Mr. WARNER. I am here to accommodate all.

Would the Senator like to finish his remarks?

Mr. HARKIN. I say to the Senator from Virginia, go ahead and take your time. I will speak later. That is fine.

(The remarks of Mr. WARNER are printed in today's RECORD under "Morning Business.")

Ms. COLLINS. Mr. President, as a long-time supporter of stem cell research, I want to commend the majority leader for working out an agreement that will give the Senate the opportunity to act on this critically important issue.

I am particularly pleased that the Senate will finally have the opportunity to vote on the Stem Cell Research Enhancement Act. I am proud to be a cosponsor of this bipartisan bill which will expand the number of stem cell lines that are eligible for federally funded research, enabling scientists to take full advantage of the scientific and medical opportunities provided by stem cells. At the same time, it establishes standards and creates a framework to ensure that this research is conducted ethically.

The promise of embryonic Stem cell lines lies with their potential to develop into virtually any cell, tissue, or organ in the body. As a consequence, this research holds considerable potential to treat and even cure a vast array of diseases and conditions. Researchers could, for example, potentially generate insulin-producing islet cells for patients with juvenile diabetes; neurons to treat Parkinson's disease, ALS, and Alzheimer's disease; as well as bone marrow cells to treat cancer. It is estimated that more than 100 million Americans are currently afflicted by diseases or disabilities that have the potential to be treated through this research.

On August 9, 2001, President Bush announced that Federal funds could, for the first time, be used to support research on embryonic stem cells. This research, however, was limited to existing embryonic stem cell lines created prior to 9 p.m. on that day.

In the 4 years since the President made that announcement, this stem cell policy has fallen far short of its original goals. While the Human Embryonic Stem Cell Registry at the NIH lists 78 stem cell lines, at best, no more than 212 lines will ever be available for research under the current policy.

Moreover, as Dr. John Gearhart of Johns Hopkins University told the Special Committee on Aging last year, existing lines are "contaminated with animal cells, lack genetic diversity, are not disease-specific and are not adequate for researchers to apply to a wide variety of diseases." Limiting researchers to these lines therefore places huge and unnecessary roadblocks in the way of possible treatments and cures for devastating diseases like Alzheimer's disease, ALS, cancer and diabetes.

We have learned a lot about stem cells since 2001. For example, scientists have now crated methods for growing stem cell lines that are free of animal cells, greatly improving their potential for treating and curing disease. They have also created "disease specific" stem cell lines. Under the current policy, however, these "new and improved" stem cell lines are not available to federally funded researchers in the United States.

It is therefore time for us to update our stem cell policy to reflect what we have learned so that we can accelerate this important research, which hold such promise for millions of Americans and their families.

The Stem Cell Research Enhancement Act lifts the current restriction so that stem cell lines are eligible for federally funded research regardless of the date on which they were created. Federal funding, however, would continue to be restricted to stem cells derived from embryos originally created for fertility treatments that are in excess of the clinical need and that otherwise would be discarded.

The legislation also requires the informed consent of the donors and prohibits any financial inducement to donate. Finally, the bill calls on the National Institutes of Health to develop strict guidelines to ensure that researchers adhere to clear ethical and moral standards.

As the founder and co-chair of the Senate Diabetes Caucus, I am particularly excited about the promise that stem cell research holds for a cure for diabetes. Early research has shown that stem cells have the potential to develop into insulin-producing cells to replace those that have been destroyed in people with type I diabetes.

Last year, I chaired a hearing in conjunction with the Juvenile Diabetes Research Foundation's Children's Congress to examine the devastating impact that juvenile diabetes has had on American children and their families. We heard heartbreaking testimony from children who had traveled to Washington to tell Congress what it is like to have diabetes, just how serious it is, and how important it is that we fund the research necessary to find a cure.

Steffi Rothweiler from Falmouth, ME, told the committee that she actually couldn't remember having a normal life without nights and weekends, and every hour of every day to take care of diabetes. She told us about her parents, who have given up their nights and weekends, and every hour of every day to take care of her and make sure that she stays in tight control of her blood sugar levels so that she can stay as healthy as possible. Steffi asked that we do all that we can to find a cure for diabetes as quickly as possible. We simply cannot ignore the potential that embryonic stem cell research holds for wonderful young people like Steffi.

I am sensitive to the ethical concerns raised by opponents of this research. That is why I have cosponsored the legislation introduced by Senators SANTORUM and SPECTER to encourage the development of alternative methods for deriving stem cells without using embryos.

The fact is, however, that the embryos that will be used for this research would otherwise be discarded. In my view, the ethical choice is to use them for research that may benefit millions of Americans rather than discard them as medical waste.

Moreover, what is often ignored in this debate is that embryonic stem cell research is occurring in the private sector, where it is outside the purview of the NIH. It therefore lacks the scientific and ethical oversight that routinely occurs with federally funded research. Dr. Allen Spiegel, who was then the Director of the National Institute of Diabetes anti Digestive and Kidney Diseases, testified at our Children's Congress hearing last year. He told the committee that, while NIH routinely works very closely with the private sector, in the area of stem cell research, "there is a wall." By expanding our current stem cell policy, we are tearing down that wall, allowing more research but with clear ethical standards.

Opponents of embryonic stem cell research contend that adult stem cells derived from tissue, such as bone marrow, are a sufficient replacement for embryonic stem cells in forwarding this important research. I believe that we need both. But, as Dr. Speigel told our committee, with regard to diabetes research:

> We need to do embryonic stem cell first because it can give us a better understanding of what causes Type I diabetes . . . because it will actually inform our ability to work with adult stem cells . . . and finally, because, and one cannot guarantee or promise this, the embryonic stem cells themselves, if successfully turned into insulin-secreting beta cells, could be the source of cell therapy.

Mr. President, I believe that it would be tragic not to take advantage of this opportunity to accelerate research that can potentially help millions of people. I therefore urge my colleagues to join me in voting for the Stem Cell Research Enhancement Act.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I will not take the entire 25 minutes that are left, but I did want to close out a little bit today before we proceed into tomorrow by just responding to a few of the things that were said today to try to clear up a couple of issues.

The Senator from Kansas, my good friend, was going on and on about stem cells, as he has most of the day, and about how all these treatments and everything are out there. I could respond to every one of them, but I think what we have to keep in mind is that if all of these diseases that the Senator from

Kansas talked about have been treated with adult stem cells, how come all of the patient advocacy groups for these diseases support H.R. 810?

One has to wonder, when you listen to the Senator from Kansas outline all these diseases that are being helped by adult stem cells. He brings up the picture of the guy who had Parkinson's. He was helped with adult stem cells. But, again, he has now gone back and he is where he was before.

Well, if adult stem cells are doing so much, why is the Parkinson's group, the Parkinson's Action Network, supporting H.R. 810? Why are all these advocacy groups supporting H.R. 810 if adult stem cells are so great? Are they just a bunch of stupid people out there? Have they been hoodwinked and misguided?

These advocacy groups know. They know what is going on. And they know that S. 2754 is no substitute for H.R. 810. While adult stem cells are fine, as I pointed out earlier, they have been investigating and doing science on adult stem cells for over 30 years.

Now, just another little thing that happened: The Senator from Kansas, I heard him say: Well, they have been investigating animal stem cells for 20 years.

That might lead you to think: Well, we have been looking at stem cells for 20 years. Not so. We never derived human embryonic stem cells until 1998—8 years ago. So I wanted to make the record clear on that.

Now, the Senator also mentioned something about testicular cancer. He made all kinds of claims about adult stem cells helping testicular cancer. Let me read from a letter written by Craig Nichols, MD, a member of the board of the Lance Armstrong Foundation. We all know the Lance Armstrong Foundation is basically focused on testicular cancer because that is what Lance Armstrong had. And he licked it. But let me quote from the letter written on July 14:

> Dear Senator FRIST:
>
> As a member of the Lance Armstrong Foundation's Board of Directors, I am writing in response to assertions that adult stem cells have treated or cured the disease of testicular cancer. . . . I feel that it is important to set the record straight on this issue.
>
> Testicular cancer is the most common cancer among men ages 15–35 and approximately 8,000 men will be diagnosed with testicular cancer in the United States this year. While testicular cancer is one of the most curable forms of cancer, our organization would like to emphasize as the Senate debates H.R. 810 . . . that we have NOT completely eradicated the disease.
>
> There is not an FDA-approved adult stem cell treatment generally available to treat testicular cancer.

The Senator from Kansas kind of, in his comments, led us to think that there might be. Here is what Dr. Nichols said:

> Rather, adult stem cells enable testicular cancer patients to withstand a higher dose of chemotherapy during treatment for the disease.

The adult stem cells enable patients to withstand a higher dose of chemotherapy. Dr. Nichols says:

> We support exploring every avenue of research, including embryonic stem cell research within specified ethical limits, until a cure is found. . . .
>
> The Lance Armstrong Foundation asks that you and your colleagues pass H.R. 810, and not accept any substitutes.

I ask unanimous consent that this letter from the Lance Armstrong Foundation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> LANCE ARMSTRONG FOUNDATION,
> *Austin, TX, July 14, 2006.*
>
> Hon. WILLIAM FRIST,
> *Majority Leader, U.S. Senate,*
> *Washington, DC.*
>
> DEAR SENATOR FRIST: As a member of the Lance Armstrong Foundation's (LAF) Board of Directors, I am writing in response to assertions that adult stem cells have treated or cured the disease of testicular cancer. While the mission of the LAF is to inspire and empower people affected by ALL types of cancer, I feel that it is important to set the record straight on this issue.
>
> Testicular cancer is the most common cancer among men ages 15–35 and approximately 8,000 men will be diagnosed with testicular cancer in the United States this year. While testicular cancer is one of the most curable forms of cancer, our organization would like to emphasize as the Senate debates H.R. 810, the Stem Cell Research and Enhancement Act, that we have NOT completely eradicated the disease.
>
> There is not an FDA-approved adult stem cell treatment generally available to treat testicular cancer. Rather, adult stem cells enable testicular cancer patients to withstand a higher dose of chemotherapy during treatment for the disease.
>
> We support exploring every avenue of research, including embryonic stem cell research within specified ethical limits, until a cure is found. The most respected scientists in our field view embryonic stem cells as an area of research that must be explored, and one that our government must make a commitment to support. The Lance Armstrong Foundation asks that you and your colleagues pass H.R. 810, and not accept any substitutes.
>
> Sincerely,
>
> CRAIG NICHOLS, M.D.,
> *Member of the Board,*
> *Lance Armstrong Foundation.*

Mr. HARKIN. Now, we hear claims that leukemia and lymphomas have been cured or treated by adult stem cells. Here is what George Dahlman of the Leukemia and Lymphoma Society has to say about that:

> On behalf of the Leukemia and Lymphoma Society, I am writing in response to assertions that adult stem cells have treated or cured several blood cancers, including several leukemias, lymphomas and multiple myeloma.
>
> As a representative of more than 700,000 patients and their caregivers in this country that battle blood cancers on a daily basis, our organization would like to emphasize, as the Senate debates H.R. 810 . . . that we exist today because we have not found cures for these devastating diseases. . . . the claim that treatment of blood cancers with cord blood, blood or marrow stem cells—known as hematopoietic stem cells—demonstrates a potential of "adult stem cell" research or is a substitute of embryonic stem cell research is misleading and disingenuous.

Again, this says that the claim that treatment of blood cancer with marrow stem cells demonstrates that adult stem cells is a substitute is misleading and disingenuous.

Mr. Dahlman concludes:

> The Leukemia and Lymphoma Society asks that you and your colleagues pass H.R. 810, and not accept any substitutes.

Mr. President, we have heard a lot of talk about these embryos and that we all started as a dot. I have often used this example. I have said: What is an embryo? I have often put a dot on a piece of paper and held it up for audiences to see and said that is what we are talking about. It is that big, the size of a period at the end of a sentence. That is not to diminish the importance of an embryo. But I use it in comparison. An embryo at the blastocyst stage has between 100 and 200 cells. That embryo we are talking about that is in an in vitro fertilization clinic and frozen in liquid nitrogen will never become a human being unless and until it is implanted into a uterus and it takes hold and develops. Sometimes they are implanted and they don't take hold and they are discharged. So an embryo is potential life—potential in that if it is implanted and takes hold, it could become a human being. It is potential life.

Look at this photo of Lauren Stanford. She says:

> I am so happy to hear that the Senate is thinking of passing H.R. 810. I can dream again—dream of that great day when I write a thank you letter to the Senate, the House, and everyone who helped me become just another girl; a girl who dreamed and hoped and one day got just what she wanted; her health and future.

Lauren Stanford has diabetes. She knows what will happen if she is not cured. At some point in her life, she will probably become blind. At some point in her life, she will probably lose a foot, a leg, one or more of her limbs. At some point in her life, diabetes will take her. Lauren Stanford. I don't know her. I don't know that I ever met Lauren Stanford. This is not potential life; this is real life. This is a human being who is living right now.

That dot on the paper is an embryo. Is it alive? Of course it is alive. Is it a human being? No. It is potential life. Lauren Stanford is real life.

Read the bill. Read H.R. 810. Ethical guidelines. We can only use those embryos that are left over from in vitro fertilization that are going to be discarded. Read the bill:

> Prior to the consideration of embryo donation and through consultation with the individuals seeking fertility treatment, it was determined that the embryos would never be

implanted in a woman and would otherwise be discarded.

Written consent.

The individuals seeking fertility treatment donated the embryos with written informed consent and without receiving any financial or other inducements to make the donation.

It has to be determined, before any embryo could ever be used for stem cell derivation, that the embryos would never be implanted in a woman and would otherwise be discarded. Every day, fertility clinics discard unwanted embryos. People have IVF—50,000 babies were born last year to couples who wanted to have a baby and could not and needed IVF. But some embryos were left over. Well, couples who have had their children then call up the clinic or the clinic calls them and the clinic says: Do you want to continue to pay for us to keep these embryos frozen?

If you have had your children and you don't want to expand your family, you say: No, I don't want to pay for that anymore. Guess what. The IVF clinic discards it. I have heard they basically throw them in the sink and wash them down the sink. They are only as big as a period at the end of a sentence.

So the real question for us really comes down to that, unless we want to outlaw in vitro fertilization and make it a crime, which I don't hear anybody here wanting to do. As long as we have in vitro fertilization and have leftover embryos, the real question for us is this: If the donors of those embryos, through written informed consent, determine it will never be implanted in a woman and will be discarded, is it better to have them discarded and flushed down the drain or used for the kind of scientific research that will cure Lauren Stanford of her diabetes? Potential life versus real life. Potential life that will be discarded versus real life. Potential life that will be flushed down the drain versus Lauren Stanford, real life. That is the question for us.

We hear all of these arguments around here about we were all an embryo at one time. Of course we were. The question is, What happens to all those embryos? Right now, they are being discarded, and it is perfectly legal to do so. I don't see anyone here with legislation saying it is going to be a crime for them to be discarded, a crime to have in vitro fertilization. Really, that is the choice. Do we discard potential life or do we use it to save real life? This is not potential life, this is real.

My nephew Kelly, who suffered a tragic accident on an aircraft carrier 27 years ago, hasn't walked since. He keeps hope alive that one day he will walk again. He knows about the research that has been done on rats and mice where spinal cords have been reconnected using embryonic stem cells. He knows that. I have never heard him say it, but I suppose he would probably echo what Christopher Reeve once said: Oh, to be a rat.

He knows that. That is real life. Kelly is a real person. He is alive. He is not potential life. That is our decision when we face the vote tomorrow on H.R. 810.

So all these other arguments about adult stem cells and this kind of stuff, fine, I have nothing against adult stem cell research. I am in favor of it. We ought to keep it going. But to choke off—not what I say but what the leading scientists say, the leading Nobel Prize winners say, what all of these disease groups who have medical people sitting on their boards, what they all say is the most promising avenue of research for curing Alzheimer's, juvenile diabetes, spinal cord injuries, Parkinson's, and ALS, the most promising is not adult stem cells. It is embryonic stem cells. That is what they say, not me.

To cut that off and to say, no, we won't do it is telling Lauren Stanford that potential life, that an embryo the size of a pencil dot, yes, is life; it is human potential that is as important as she is; that they have equal weight on the scales. I am sorry, Mr. President, I don't think so, not when it is going to be discarded, legally thrown down the drain. And as long as we have strict ethical guidelines in the bill—strict ethical guidelines, more than exists right now, stronger ethical guidelines than are in the law right now.

To me, there is really only one answer. We should be in favor of this real life of curing diseases, seeking treatments and cures in an ethical manner, which is what this bill does. So I hope that tomorrow we have an overwhelming vote in favor of H.R. 810.

I understand today the administration came out with a Statement of Administration Policy, or SAP as it is called around here, saying the President would veto it. I hope the President rethinks this. He is overseas anyway. Let's face it, we are all kind of captives of our staff around here. Staff tells us this and that. OMB says this, OMB says that. I am hopeful this is the work of some staff, that the President hasn't thought about it. He has been overseas focused on the G8; now, I am sure, focused on the Middle East.

I hope when President Bush thinks about it that he remembers Lauren Stanford, that he will remember the letter from Nancy Reagan and he will come down on the side of real life, and he will come down on the side of an ethical approach to embryonic stem cell research.

I still believe in miracles, and I hope a miracle will occur and the President of the United States finds it in his heart to say that what he did on August 9, 2001, was done with a lack of adequate knowledge. He can say: Look, we thought there were 78 lines, and there were not; there were only 21 lines. We didn't know they were all contaminated with mouse feeder cells. They can't be used for human therapies. That he will say in light of all that we know now, and with the strict ethical guidelines we have in this bill, I see fit to sign into law H.R. 810.

That is my hope. That is the hope of Lauren Stanford. That is the hope of the millions of Americans out there who suffer from Alzheimer's, the millions who suffer from spinal cord injuries and their families and caregivers and Parkinson's and ALS, and so many more.

Tonight they are praying—they are praying—that a miracle occurs and that the President will change his mind and sign this bill. And until the very moment that he vetoes it, I will remain hopeful that miracle will occur.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GREAT COMPROMISE; AN AMERICAN MOMENT

Mr. BYRD. Mr. President, yesterday, July 16, was the anniversary of one of the greatest events in American history. It was 219 years ago that our Founding Fathers were meeting at the Constitutional Convention in Philadelphia, attempting to formulate a workable plan of Government. At the time, the young American Government was operating under the Articles of Confederation, which every day was proving to be unworkable.

For 7 weeks, the Constitutional Convention had been working to devise a better form of Government, a "more perfect union." It would be a Government with three branches: an executive branch, a legislative branch, and a judicial branch. The branches of the Government would have separated powers and the ability to check and balance one another.

The Convention delegates had already made a number of important decisions about the structure of the Congress. The Convention had set the minimum age for Members of the Senate at 30 and a term length at 6 years, as opposed to 25 years of age for Members of the House of Representatives, who would have 2-year terms.

But then came the stumbling block, how the States would be represented in Congress. Delegates from the large States believed that because their States contributed more to the Nation's financial and defensive resources, they should have greater representation in the legislative bodies. Small State delegates demanded that all States be equally represented in both Houses.

Hours, even days, of heated, contentious debate followed. A number of proposals, including one by Benjamin Franklin, were considered and rejected. Stalemate was in the air. Failure threatened the Convention and the youthful Republic was stymied, stopped in its tracks. If the Constitutional Convention collapsed, it meant that the American Government would have to continue operating under the flawed and failing Articles of Confederation.

So maybe it was a miracle in Philadelphia. It may have been divine intervention. Who knows. Perhaps it was because there were great political leaders and they acted as mature political statesmen. Politics, it is said, is the art of compromise. And this is exactly what our Founding Fathers did: they compromised. They worked out a compromise, the Great Compromise, also known as the Connecticut Compromise because it was designed by the Connecticut delegates Roger Sherman and Oliver Ellsworth. It provided a dual system of congressional representation. In the House of Representatives, every State would be assigned a number of seats in proportion to its population. In the Senate, all States would have the same number of seats.

Just 8 days after the Great Compromise was adopted, the Convention was able to elect a committee to draft a detailed Constitution embodying the fundamental principles of the proceedings.

Today, representation of the two Houses of Congress seems so logical and so accepted that we take it for granted. Perhaps it is for that reason that we pass this anniversary with very little notice, too little notice—that is a shame—and no fanfare. It was a crucial moment in history. An American moment. It should be recognized and honored and remembered.

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What Workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
Fear not each sudden and sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee—are all with thee!

Mr. DORGAN. Mr. President, let me thank the Senator from West Virginia for reminding us, once again, of an important part of this country's great history. He educates all of us on the floor of the Senate, and I appreciate his comments.

Mr. BYRD. Mr. President, I thank the distinguished Senator. Were it not for that compromise, we would not be here today. There would be no Senate. There would be no Republic as we know it.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia.

THE MIDDLE EAST

Mr. WARNER. Mr. President, I thank the distinguished Presiding Officer.

During the course of the day, there was brought to the attention of the Members of the Senate a resolution regarding the situation in the Middle East. It was my understanding this resolution would be brought to the Senate tonight and that presumably it would be agreed to by the Senate.

My concern is that there are certain additional matters which should be included. If the Senate is going to exercise the important act of bringing this up, seeking unanimous consent, and the message goes out all over the world that the Senate has spoken, I would support what is in this resolution. I believe now that is not going to take place tonight for various reasons.

It is imperative that I address what was to have taken place, what I was told was to have taken place, assuming the unanimous consent could be achieved on both sides.

No. 1, this matter is so important, it deserves an opportunity for a number of Senators to speak on a resolution of this import. I am now advised by our cloakroom that it will not be taken up tonight, but I will take this opportunity to address parts of it or at least one part that I think should bear further careful drafting and possibly be changed. Otherwise, it is only one section, on page 3, item 3, which says:

> (3) urges the President to continue fully supporting Israel as Israel exercises its right of self-defense in Lebanon and Gaza;

There is no question about their right of self-defense against Hezbollah and Hamas, but I wondered whether we should draft it in this way.

I urge those, since we are not going to take it up tonight, to make sure there is not an ambiguity there because the people of Lebanon are suffering enormously at this time, as are the people in Gaza. Many of those people are not aligned with either Hezbollah or Hamas.

I am also concerned about the Government in Lebanon and the actions which are taking place now, what do we do if that Government were to fall.

I would vote for this resolution if it were brought up tonight. I would have addressed the Senate and brought up other matters which I will now discuss.

I turn now again to the fact that this is so important, it deserves the consideration of every Senator and a debate of some length. I don't know about the schedule of the Senate, but if we are going to go forward and send a message to the world about our position in the Senate with respect to the conflicts in Palestine, Lebanon, and Israel, and the suffering that is taking place on all borders, each side of the various borders, then it deserves very careful consideration.

The purpose of me taking the floor is to point out some areas which deserve full consideration in that debate which are not included. I don't criticize the drafter of this resolution, but it requires the consideration of the whole Senate rather than a unanimous consent with a number of Senators who may not be here tonight.

In the course of that debate, I urge a larger focus. For example, there is no mention in the resolution of some perhaps 25,000 Americans who are trapped or engulfed in one way in this conflict. How best do we address this conflict to help protect those 25,000 persons? That is an essential part of this debate.

Second, I said the following on Friday night in response to a press inquiry when I first learned of this conflict:

> While I fully recognize that Israel was a victim of provocative attacks on her people and sovereignty, I urge the Administration to think through very carefully how Israel's extraordinary reaction could affect our operations in Iraq and our joint diplomatic efforts to resolve the Iranian nuclear issue.
>
> This is a very critical time for the United States in the Middle East, and the Israeli actions will certainly have an impact beyond just Lebanon and Gaza.

I stand by that statement. That is why I urge, and I am pleased to say this resolution, at such time as it would be brought up, will be broadened to cover the other points.

First, are the 25,000 Americans trapped? Second, this Nation has made a very great sacrifice to achieve goals established by our President and a coalition of forces associated with our country in both Iraq and Afghanistan. Over 2,500 have lost their lives in Iraq; over 300 have lost their lives in Afghanistan. That is U.S. forces. Our coalition partners have lost. We have 20,000-plus wounded, many severely wounded in Iraq and Afghanistan. And $436 billion is a rough calculation of just a part, not all, but a significant part of the investment of our country in achieving our goals in those nations, of stabilizing their governments now with free elections in both countries and hopefully enabling those governments to gain the strength to provide for the peoples of Iraq and Afghanistan, a measure of liberty and freedom and possibly democracy which we enjoy here and in other nations.

What is the effect of any statement made by the Senate? What is the effect on that very fragile situation in both countries? There is a resurgence in Afghanistan. I was just there a short time ago—and each of us have followed the news to date—a resurgence in the fighting. NATO has come in.

We cannot just address one portion of the Middle East conflict without seeing how the manner in which we address that could affect the other areas, notably Afghanistan and Iraq.

So I say to my colleagues, as I said Friday night, we urge our President, our administration, as they take such, hopefully, bold and firm and convincing initiatives in regard to the conflicts in Israel and Gaza and Lebanon, to be mindful of how it could impact on our conflicts in Afghanistan and Iraq and our negotiations thus far with Iran in participating with other nations—not unilaterally—to try to bring about some resolution of what many of us considered up until this conflict—and I am not sure how we are going to eventually characterize the magnitude and the future potential spreading of this conflict—but certainly up until this conflict, in my judgment, the potential of Iran gaining nuclear weapons was absolutely—there was nothing more serious, in my judgment, than to try to resolve that.

There is no reference in here to the other Arab nations. It is quite interesting; some of those nations have come forward in strong condemnation, joined our country, joined other nations, in condemning Hamas and Hezbollah. That is of importance.

Now we see today that so many nations say the United States must take a stronger role in trying to work our way through this conflict, yes, supporting Israel but at the same time trying to bring about some resolution to spare the life and limb and suffering in Palestine, Lebanon, and Israel, to see that it not spread to other areas.

Now, our President has indicated that the Secretary of State will soon embark on a mission. What we say in the Senate must be carefully drafted so it does not remove the flexibility that our Secretary of State—a very able person—will need in helping to resolve this problem.

So I say that historically this Nation has stood steadfast, and I am proud that I have been among those in this Chamber in my 28 years here, to strongly support Israel. Our Nation is viewed upon as an honest broker—recognizing our support of Israel but as an honest broker. If the world is going to look to us as to how we can provide that leadership, I do not want any loss of flexibility on the part of the President and the Secretary of State and such others who may be tasked to try to work out this situation.

Yes, I conclude our support for Israel is very strong, Mr. President, but it cannot be unconditional.

I yield the floor.

CONDEMNING HEZBOLLAH

Mrs. HUTCHISON. Mr. President, I rise to speak in support of a resolution the Senate is expected to soon consider, and which I have cosponsored, along with Senator FRIST, who is the lead sponsor, and Senators REID, BIDEN, SANTORUM, NELSON of Florida, KYL, BOND, and LEVIN. It is a resolution that condemns Hezbollah and expresses support for Israel's right to self defense.

All of us are watching in horror what is happening there, and I think it is important that the United States Senate speak forcefully in support of our President. The G-8 leaders have spoken this week to condemn Hezbollah and terrorist activities and to ask the Government of Lebanon to help find the Israeli soldiers who are being held hostage and free them and to disarm Hezbollah.

Mr. President, there should be no misunderstanding. Israel has fully complied with the United Nations mandate. They have no forces in Lebanon and yet they have continued to withstand attack after attack from Hezbollah.

We watched with sadness last year when Lebanon's former Prime Minister was assassinated by terrorists.

I think we have to put the blame where we believe it lies. We know Iran and Syria are infiltrating Lebanon with support for Hezbollah and Hamas.

We know Hezbollah and Hamas are committed to the destruction of Israel. Since 1948 it has been forced to continually fight for its very existence, and yet in the middle of this it has stood as a democratic form of government, with a free economy. Israel has never backed away from its fundamental commitment to freedom and human liberty.

So, Mr. President, I think this is something the United States Senate should stand firm with this bipartisan resolution that says we do support our President and the G-8 leaders and condemn Hezbollah. We encourage the Government of Lebanon, to stop these attacks on Israel, and locate and return the soldiers who have been taken hostage. Let's add our voice to that of the unified leaders of the world who are saying this should not be allowed to happen.

We must speak together, we must stay together, we must support Israel's right to self-defense and understand that they should have the support of a unified world community, saying to the terrorists and the governments that are supporting the terrorists—Hamas, Hezbollah, Iran, Syria supporting them—that the world is not going to sit by and let people be terrorized. This is a global war on terror, and we must speak.

I thank the distinguished Senator from Kansas for allowing me to speak. I know I am speaking during the stem cell debate. The resolution will be considered soon, and I wanted to speak on the floor because I think it is so important what is happening in the world today, and we must speak as a unified voice in the Senate.

VISIT TO NEW ORLEANS

Mr. FEINGOLD. Mr. President, I recently made a brief visit to New Orleans to see for myself where things stand now, not quite 11 months after Hurricane Katrina hit the gulf coast. Katrina, of course, was the first of two major hurricanes to ravage that area last year. I only had the chance to see a small part of the area hit by that first storm, but what I did see was striking.

The news reports cannot fully convey the devastation or the enormity of the problems the region faces in trying to put things back in working order. One problem feeds into another. Businesses can't get back up and running without employees. Workers don't want to return without a safe place to live, without a school for their children, and without health care and other essential services upon which we all rely. Hospitals and other health providers face the same staffing shortages that businesses face. The neighborhood schools face challenges both in the physical infrastructure—providing a safe place in which kids can learn—and staffing shortages. All of these issues must be addressed.

Housing is an overarching challenge. I saw neighborhood after neighborhood still empty and unlivable. The outside shell of some homes was still standing, but the inside was uninhabitable because of the flood of toxic liquid filth that soaked into those houses.

I also saw lots where homes had stood but where now there was nothing but a slab of concrete. While many are living in the notorious FEMA trailers, many others, I understand, are having a hard time getting approval for a trailer. I was pleased to learn a little bit more about the so-called Katrina cottages that might be an alternative to the trailers, and I look forward to learning still more about them.

So much still needs to be done that one can be overwhelmed by the size of the task that remains. I have a great deal of respect for those who have made the commitment to remain in or move back to the city, for those who are working to make the neighborhoods habitable again, for the State and local law enforcement, the National Guard, and all the other dedicated individuals who are working so hard to bring the region back.

I still have a lot to learn about the particulars of what is needed in New Orleans and the other areas ravaged by Hurricanes Katrina and Rita—what is working, what has not worked, what Congress can still do to help. My central message today is that people from other parts of the country should not think that the gulf coast has recovered from those two hurricanes. That simply isn't the case. People are making progress, but there is still a very long way to go.

To put it in perspective, I will compare it to another place I visited earlier this year: Banda Aceh, Indonesia. I was there in February, a little more than a year after it was devastated by the tsunami in late 2004. Having been to both places, I was struck by what the people in Banda Aceh and New Orleans had in common, both because of what they went through and because of the incredible resilience they have shown in the wake of those tragedies. But I was just as struck by how those places differed—especially how, in many ways, New Orleans seemed worse off than Banda Aceh did a year after the disaster.

When I visited Banda Aceh in February 2006—a little over a year after the original tsunami hit—though many of the reconstruction programs had yet to be completed, there was visible progress being made, thanks in large part to the generosity of the American taxpayer. I saw homes, roads, buildings, and bridges being built with funds that the American Government generously gave to the victims of the tsunami.

I strongly support the aid we have given to those in Banda Aceh and others who were the victims of the tsunami in 2004, and no one disputes that we have responsibility to help them rebuild. But we cannot let the disasters of Hurricanes Katrina and Rita be forgotten. We have a special duty to the people of the Gulf Coast who still need us. Almost a year later, after more than 1,500 people were killed and countless lives were disrupted, our fellow Americans do still need us. We still need to stand by them as they rebuild their lives, and I know the people of Wisconsin stand ready to help.

ADDITIONAL STATEMENTS

HONORING THE LIFE OF A GREAT COLORADAN

• Mr. SALAZAR. Mr. President, I would like to recognize the life of Edward G. Eid, the head of the Colorado State Soccer Association, CSSA, who died recently while attending the World Cup soccer tournament in Munich, Germany.

Ed Eid passionately believed in the power of soccer to bring people together. He knew that the beautiful game, as we saw in this year's World Cup, can bridge national, linguistic, racial, economic, and cultural gaps.

Ed Eid used soccer to strengthen and bind communities in our State and across the globe. As a coach, he took a team to compete behind the Iron Curtain, recognizing that shared passions for sport could warm a relationship between superpowers. At CSSA he reached out to teams from immigrant communities, helping kids from all walks of life learn the game and participate in leagues.

When Ed Eid immigrated to the U.S. in 1958, soccer had not yet entered the American mainstream. The sport thrived in immigrant communities, but the U.S. had neither a professional league nor its own soccer icons. After fighting through adversity and discrimination to become a successful entrepreneur, Eid dedicated more and more time to helping the game he loved gain ground. Thanks to his efforts, and the efforts of other visionaries like him, soccer is the most widely played game in America.

Mr. Eid is survived by a wonderful family. He was especially proud of his two grandchildren, Alex and Emily Eid. Earlier this year he saw his daughter-in-law, Allison, appointed by Governor Bill Owens to the Colorado Supreme Court. And he saw his son, Troy, nominated by President Bush to be Colorado's next U.S. Attorney.

The legacy of Ed Eid's life is clear. In the soccer leagues of Colorado, in all the communities he has touched, and in a sport whose popularity is growing by leaps and bounds, he will be sorely missed.•

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 7:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 655. An act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention.

H.R. 2872. An act to require the Secretary the Treasury to mint coins in commemoration of Louis Braille.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Environment and Public Works by unanimous consent, and referred as indicated:

H.R. 125. An act to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 9. An act to amend the Voting Rights Act of 1965.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7537. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the military operations of the Armed Forces and the reconstruction activities of the Department of Defense in Iraq and Afghanistan for the period ending April 30, 2006; to the Committee on Armed Services.

EC–7538. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Citizenship Documentation Requirements" (RIN0938–AO51) received on July 11, 2006; to the Committee on Finance.

EC–7539. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Germany; to the Committee on Foreign Relations.

EC–7540. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Establishment of Regulations for the Academic Competitiveness Grant and National Science and Mathematics Access to Retain Talent Grant Programs, and Grant and Loan Program Amendments; Interim Rule" received on July 11, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7541. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; Idaho" (FRL No. 8191–6) received on July 11, 2006; to the Committee on Environment and Public Works.

EC–7542. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Rhode Island Update to Materials Incorporated by Reference" (FRL No. 8185–1) received on July 11, 2006; to the Committee on Environment and Public Works.

EC–7543. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; NSR in the Ozone Transport Region" (FRL No. 8196-8) received on July 11, 2006; to the Committee on Environment and Public Works.

EC-7544. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the City of Weirton PM-10 Nonattainment Area to Attainment and Approval of the Maintenance Plan" (FRL No. 8197-1) received on July 11, 2006; to the Committee on Environment and Public Works.

EC-7545. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indiana; Final Approval of State Underground Storage Tank Program" (FRL No. 8195-8) received on July 11, 2006; to the Committee on Environment and Public Works.

EC-7546. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities" (FRL No. 8196-6) received on July 11, 2006; to the Committee on Environment and Public Works.

EC-7547. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Scott City, KS" ((RIN2120-AA66)(Docket No. 06-ACE-2)) received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7548. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (60); Amdt. No. 3170" ((RIN2120-AA65)(Docket No. 30498)) received on June 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7549. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (38); Amdt. No. 3171" ((RIN2120-AA65)(Docket No. 30499)) received on June 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7550. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation; Protection Against Shifting and Falling Cargo" (RIN2126-AA88) received on July 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-7551. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170-100 LR, -100 STD, -100 SE, and -100 SU Airplanes; and Empresa Brasileira de Aeronautica S.A. Model ERJ 190-100 LR, -100 STD, and -100 IGW Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-111)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7552. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-101)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7553. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hamilton Sundstrand Model 14RF-9 Propellers" ((RIN2120-AA64)(Docket No. 2006-NE-18)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7554. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-016)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7555. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited Model DHC-7 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-049)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7556. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A321-100 Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-084)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7557. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-233)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7558. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757 Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-192)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7559. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19" ((RIN2120-AA64)(Docket No. 2006-NM-214)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7560. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-228)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7561. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-278)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7562. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-123)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7563. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Model GV and GV-SP Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-182)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7564. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-178)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7565. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model Hawker 800XP Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-017)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7566. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. 2003-NE-12)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7567. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited Model DHC-7 Airplanes" ((RIN2120-AA64)(Docket No. 2002-NM-184)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7568. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4-600R and A300 F4-600R Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-211)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7569. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes" ((RIN2120-AA64)(Docket No. 2004-

NM-238)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7570. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Engine Components Incorporated Reciprocating Engine Connecting Rods" ((RIN2120-AA64)(Docket No. 2005-NE-07)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7571. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100B, 747-200B, 747-200F, 747-300, 747-400, 747-400F, and 747SP Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-036)), received on July 11, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7572. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on July 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7573. A communication from the Deputy Assistant Secretary of the Interior, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Grazing Administration—Exclusive of Alaska" (RIN1004-AD42) received on July 12, 2006; to the Committee on Energy and Natural Resources.

EC–7574. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report describing the progress made in licensing and constructing the Alaska natural gas pipeline and describing any issue impeding that progress; to the Committee on Energy and Natural Resources.

EC–7575. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Senior Executive Service Pay" (RIN3206-AL01) received on July 11, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7576. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-11" (FAC 2005-11) received on July 12, 2006; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 3668. A bill to amend the Public Health Service Act to provide for the expansion and improvement of traumatic brain injury programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself and Mr. GREGG):

S. 3669. A bill to suspend temporarily the duty on certain footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. GREGG):

S. 3670. A bill to suspend temporarily the duty on certain men's footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. GREGG):

S. 3671. A bill to suspend temporarily the duty on certain other footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. GREGG):

S. 3672. A bill to suspend temporarily the duty on certain footwear not covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. GREGG):

S. 3673. A bill to suspend temporarily the duty on certain women's footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. GREGG):

S. 3674. A bill to suspend temporarily the duty on certain women's footwear not covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3675. A bill to extend the suspension of duty on Methyl 2-[[[[[4-(dimethylamino)-6-(2,2,2-trifluorethoxy)-1,3,5-tri zin-2-yl]amino]carbonyl]amino]sulfonyl]-3-methylbenzoate and application adjuvants; to the Committee on Finance.

By Mr. GRASSLEY:

S. 3676. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself, Mr. SANTORUM, Mrs. MURRAY, Mr. AKAKA, Mr. JEFFORDS, Mr. KERRY, Mr. HARKIN, and Mr. LIEBERMAN):

S. 3677. A bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH (for himself, Mr. DEWINE, and Mr. ALLEN):

S. Res. 533. A resolution commemorating the 60th anniversary of the permanent integration of professional football by 4 pioneering players; considered and agreed to.

ADDITIONAL COSPONSORS

S. 195

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 195, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1597

At the request of Mr. ENZI, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1597, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 1864

At the request of Mr. TALENT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1864, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1907

At the request of Mr. JOHNSON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1907, a bill to promote the development of Native American small business concerns, and for other purposes.

S. 2014

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2014, a bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans.

S. 2123

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2123, a bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Oregon (Mr.

SMITH) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2590

At the request of Mr. COBURN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2677

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2677, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 2762

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2762, a bill to amend title 38, United States Code, to ensure appropriate payment for the cost of long-term care provided to veterans in State homes, and for other purposes.

S. 3238

At the request of Mr. CORNYN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3609

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3609, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 3659

At the request of Ms. SNOWE, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Indiana (Mr. BAYH) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3659, a bill to reauthorize and improve the women's small business ownership programs of the Small Business Administration, and for other purposes.

S. 3667

At the request of Mr. FRIST, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 3667, a bill to promote nuclear nonproliferation in North Korea.

S. RES. 407

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 407, a resolution recognizing the African American Spiritual as a national treasure.

S. RES. 420

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 420, a resolution expressing the sense of the Senate that effective treatment and access to care for individuals with psoriasis and psoriatic arthritis should be improved.

S. RES. 507

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 510

At the request of Mr. MARTINEZ, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 510, a resolution designating the period beginning on June 28, 2006, and ending on July 5, 2006, as "National Clean Beaches Week", supporting the goals and ideals of that week, and recognizing the considerable value and role of beaches in the culture of the United States.

S. RES. 531

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 531, a resolution to urge the President to appoint a Presidential Special Envoy for Sudan.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 3668. A bill to amend the Public Health Service Act to provide for the expansion and improvement of traumatic brain injury programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, as we face the close of the 109th Congress in the coming months, I feel it is important that we reauthorize the Traumatic Brain Injury Act. It is my pleasure to introduce this reauthorization bill along with the ranking minority member of the Senate Health, Education, Labor, and Pension Committee, Senator TED KENNEDY, with whom I worked on the original legislation over 10 years ago. Our colleagues on the House side, Representatives BILL PASCRELL, JR., and TODD RUSSELL PLATTS, have just recently introduced a companion bill with the same goal of reauthorizing the TBI Act this year.

Sustaining a traumatic brain injury—or TBI—can be both catastrophic and devastating. The financial and emotional costs to the individual, family, and community are enormous. Traumatic brain injuries contribute to a substantial number of deaths and cases of permanent disability annually.

Of the 1.4 million who sustain a TBI each year in the United States: 50,000 die; 235,000 are hospitalized; and 1.1 million are treated and released from an emergency department. Brain injuries are the most frequent reasons for visits to physicians and emergency rooms.

These statistics are more revealing when one considers that every 16 seconds someone in the U.S. sustains a head injury; every 12 minutes, one of these people will die and another will become permanently disabled. Of those who survive, each year, an estimated 80,000 to 90,000 people experience the onset of long-term disability associated with a TBI. An additional 2,000 will exist in a persistent vegetative state.

Even more startling is the fact that brain injury kills more Americans under the age of 34 than all other causes combined and has claimed more lives since the Turn of the Century than all United States wars combined. Sixty-eight percent of war veterans are returning home with sustained brain injuries.

The distress of TBI is not limited to diagnosis. A survivor of a severe brain injury typically faces 5 to 10 years of intensive services and estimated lifetime costs can exceed $4 million. Direct medical costs and indirect costs such as lost productivity of TBI totaled an estimated $60 billion in the United States in 2000.

The Traumatic Brain Injury Act is the only Federal legislation specifically addressing issues faced by 5.3 million American children and adults who live with a long-term disability as a result of traumatic brain injury. Reauthorization of the Traumatic Brain Injury Act will provide for the continuation of research, not only for the treatment of TBI but also for prevention and awareness programs which will help decrease the occurrence of traumatic brain injury and improve the long-term outcome.

In 2006, Congress has an opportunity to strengthen the TBI Act by authorizing the Centers for Disease Control and Prevention, CDC, to determine the incidence and prevalence of traumatic brain injury in the general population of the United States, including all age groups and persons in institutional settings such as nursing homes, correctional facilities, psychiatric hospitals, child care facilities, and residential institutes for people with developmental disabilities.

This legislation authorizes the Health Resources and Services Administration, HRSA, to make grants for projects of national significance that improve individual and family access to service systems; assist states in developing service capacity; improve monitoring and evaluation of rehabilitation services and supports; and address emerging needs of servicemen and women, veterans, and individuals and families who have experienced brain injury through service delivery demonstration projects.

This bill also authorizes HRSA to include the American Indian Consortium as an eligible recipient of competitive grants awarded to States, Territories, and the District of Columbia to develop comprehensive system of services and supports nationwide.

Furthermore, this bill instructs HRSA and the Administration on Developmental Disabilities to coordinate data collection regarding protection and advocacy services.

The TBI Act offers balanced and coordinated public policy in brain injury prevention, research, education, and community-based services and supports for individuals living with traumatic brain injury and their families.

Mr. President, reauthorization of the Traumatic Brain Injury Act will further provide mechanisms for the prevention, treatment and the improvement of the quality of life for those Americans and their families who may sustain such a devastating disability. I ask my colleagues' support in promptly reauthorizing the Traumatic Brain Injury Act.

Mr. KENNEDY. Mr. President, today I am proud to join with Senator HATCH in sponsoring the reauthorization of the Traumatic Brain Injury Act. This bill will provide valuable assistance to the millions of children and adults in our nation who are facing an array of problems because of their injuries.

First, it is critical for us to acknowledge the important role which the programs authorized under this bill can play for the large number of soldiers wounded in the war. As of June 2006—almost 19,000 service members have been wounded in Iraq and data continue to demonstrate that brain injuries are approximately two-thirds of the injuries suffered in the war.

On top of that, there is an extremely high incidence of traumatic brain injuries among children between birth and age 14—approximately 475,000 a year—and some of the highest numbers of injuries are among children under the age of five.

Soldiers and children—I cannot think of groups more deserving of our attention.

Reauthorization of the TBI Act is crucial to continued federal funding for a range of traumatic brain injury programs. The bill will reauthorize grants that have provided vital assistance to States, Territories, the District of Columbia, and American Indian Consortia in building or enhancing coordinated systems of community-based services and supports for children and adults with traumatic brain injuries.

In addition, when Congress first authorized the Traumatic Brain Injury Act as part of the Children's Health Act of 2000, it had the foresight to include funding for the Protection and Advocacy for Individuals with Traumatic Brain Injury Program. This program has played a crucial role because individuals with traumatic brain injury have help in returning to work, finding a place to live, accessing needed supports and services such as attendant care and assistive technology, and obtaining appropriate mental health, substance abuse, and rehabilitation services. Often those with brain injuries—including our returning veterans—are forced to remain in extremely expensive institutional settings far longer than necessary because the community-based supports and services they need are not available. Effective protection and advocacy services for people with traumatic brain injury can lead both to reduced Government expenditures and increased productivity, independence and community integration for patients. However, those who advocate for the injured must possess specialized skills and the work is often time-intensive.

This legislation also provides funding for critical CDC programs that provide extremely important surveillance and injury prevention information.

In a time when both the administration and Congress are searching for programs that provide the right kind of "bang for the Federal buck," the recent findings in an Institute of Medicine March 2006 report show that the TBI programs work. Last year the various programs in the TBI bill were funded for a total of only $12 million—yet look at the good they do. Not only should these programs be reauthorized, the funding also should be increased.

The IOM calls the TBI programs an "overall success," stating that "there is considerable value in providing funding," and "it is worrisome that the modestly budgeted HRSA TBI Program continues to be vulnerable to budget cuts." As the IOM study suggests, this program must be continued and allowed to grow in order to ensure that each state has the resources necessary to maintain critical services and advocacy for the estimated 5.3 million people currently living with disabilities resulting from brain injury.

Again, soldiers and children, I cannot think of two more deserving groups of people in our Nation. We owe them the services and advocacy that these critical programs offer. And I urge our colleagues to support the passage of this important piece of bipartisan disability legislation this year.

By Mr. GRASSLEY:

S. 3676. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, I rise today to announce that I am introducing a bill that will extend whistleblower protections currently available to certain executive branch employees to legislative branch employees.

This bill is long overdue. The Office of Compliance has called for these changes on numerous occasions in recent years, and they are very supportive of this bill.

I have fought for whistleblowers for many years. Whistleblowers are the key to exposing a dysfunctional bureaucracy. Government agencies too often want to cover up their mistakes. Without insiders being brave enough to uncover these violations or waste, the American taxpayer would continue to pay for them. These people should not be punished for bringing the misdeeds to light.

Whistleblowers in the executive branch have helped me do my job of oversight. We have done a good job to make sure that whistleblowers in the executive branch are protected. It is simply not fair, nor is it good governance for Congress to enact whistleblower protections on the other branches of Government without giving its own employees the same consideration. This bill merely extends those same protections that other Government employees enjoy to Congress's own employees.

I fully back hard-working Government employees who serve to protect our country, and I hope my colleagues will join me. Congress needs to make sure that its own employees can speak up without retaliation when they blow the whistle on fraud, waste, or abuse.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICATION OF WHISTLEBLOWER PROTECTION RULES TO LEGISLATIVE BRANCH EMPLOYEES.

(a) IN GENERAL.—Part A of title II of the Congressional Accountability Act of 1995 (2 U.S.C. 1311 et seq.) is amended—

(1) in the heading, by striking "**FAIR LABOR STANDARDS,**" and all that follows and inserting "**AND OTHER PROTECTIONS AND BENEFITS**";

(2) by redesignating section 207 as section 208; and

(3) by inserting after section 206 the following:

"SEC. 207. RIGHTS AND PROTECTIONS UNDER WHISTLEBLOWER PROTECTION RULES.

"(a) RIGHTS AND PROTECTIONS DESCRIBED.—

"(1) IN GENERAL.—No employing office may take or fail to take, or threaten to take or fail to take, a personnel action (within the meaning of chapter 23 of title 5, United States Code) with respect to any covered employee or applicant for employment because of—

"(A) any disclosure of information by a covered employee or applicant which the employee or applicant reasonably believes evidences—

"(i) a violation of any law, rule, or regulation; or

"(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order or the rules of the Senate or the House of Representatives to be kept secret in the interest of national defense or the conduct of foreign affairs; or

"(B) any disclosure to the General Counsel, or to the Inspector General of a legislative or executive agency or another employee designated by the head of the legislative or executive agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences—

"(i) a violation of any law, rule, or regulation; or

"(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

"(2) DEFINITIONS.—For purposes of this section and for purposes of applying the procedures established under title IV for the consideration of alleged violations of this section—

"(A) the term 'covered employee' includes an employee of the Government Accountability Office or Library of Congress; and

"(B) the term 'employing office' includes the Government Accountability Office and the Library of Congress.

"(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under chapter 12 of title 5, United States Code, with respect to a prohibited personnel practice described in section 2302(b)(8) of such title.

"(c) REGULATIONS TO IMPLEMENT SECTION.—

"(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

"(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as the substantive regulations promulgated by the Merit Systems Protection Board to implement chapters 12 and 23 of title 5, United States Code, except to the extent that the Board of Directors of the Office of Compliance may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for part A of title II of the Congressional Accountability Act of 1995 is amended—

(A) in the item relating to part A, by striking "**FAIR LABOR STANDARDS,**" and all that follows and inserting "**AND OTHER PROTECTIONS AND BENEFITS**";

(B) by redesignating the item relating to section 207 as relating to section 208; and

(C) by inserting after the item relating to section 206 the following:

"Sec. 207. Rights and protections under whistleblower protection rules.".

(2) APPLICATION OF LAWS.—Section 102(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1302(a)) is amended by adding at the end the following:

"(12) Section 2302(b)(8) of title 5, United States Code.".

By Mr. BINGAMAN (for himself, Mr. SANTORUM, Mrs. MURRAY, Mr. AKAKA, Mr. JEFFORDS, Mr. KERRY, Mr. HARKIN, and Mr. LIEBERMAN):

S. 3677. A bill to amend title XVIII on the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Medicare Independent Living Act of 2006 with Senators SANTORUM, MURRAY, COLLINS, AKAKA, JEFFORDS, KERRY, HARKIN, KENNEDY, and LIEBERMAN. This legislation would eliminate Medicare's "in the home" restriction for the coverage of mobility devices, including wheelchairs and scooters, for those with disabilities and expected long-term needs. This includes people with multiple sclerosis, paraglegia, osteoarthritis, and cerebrovascular disease that includes acute stroke and conditions like aneurysms.

As currently interpreted by the Centers for Medicare and Medicaid Services, CMS, the "in the home" restriction prevents beneficiaries from obtaining wheelchairs that are necessary for use outside the home. This precludes beneficiaries who need a wheelchair to access work, the community at-large, his or her place of worship, school, physician's offices, or pharmacies.

On July 13, 2005, 34 senators wrote Secretary Leavitt asking the Department of Health and Human Services, or HHS, to modify the "in the home" requirement so as to "improve community access for Medicare beneficiaries with mobility impairments."

Unfortunately, CMS continues to impose the "in the home" restriction on Medicare beneficiaries in need of mobility devices. The result is that people who may not need a wheelchair to get around their house but do need one to get around their communities, such as to a job, church, or the grocery store, can't get Medicare to pay for one. As the Medicare Rights Center in a report entitled "Forced Isolation: Medicare's 'In The home' Coverage Standards for Wheelchairs" in March 2004 notes, "This effectively disqualifies you from leaving your home without the assistance of others."

Furthermore, in a Kansas City Star article dated July 3, 2005, Mike Oxford with the National Council on Independent Living noted, "You look at mobility assistance as a way to liberate yourself." He added that the restriction "is just backward."

In fact, policies such as these are not only backward but directly contradict numerous initiatives aimed at increasing community integration of people with disabilities, including the Americans with Disabilities Act, the Ticket-to-Work Program, the New Freedom Initiative, and the Olmstead Supreme Court decision.

According to the Medicare Rights Center update dated March 23, 2006, "This results in arbitrary denials. People with apartments too small for a power wheelchair are denied a device that could also get them down the street. Those in more spacious quarters get coverage, allowing them to scoot from room to room and to the grocery store. People who summon all their willpower and strength to hobble around a small apartment get no help for talks that are beyond them and their front door."

In New Mexico, I have heard this complaint about the law repeatedly from our State's most vulnerable disabled and senior citizens. People argue the provision is being misinterpreted by the administration and results in Medicare beneficiaries being trapped in their home.

The ITEM Coalition adds in a letter to CMS on this issue in November 25, 2005, "There continues to be no clinical basis for the 'in the home' restriction and by asking treating practioners to document medical need only within the home setting, CMS is severely restricting patients from receiving the most appropriate devices to meet their mobility needs."

Therefore, our bipartisan legislation would clarify that this restriction does not apply to mobility devices, including wheelchairs, for people with disabilities in the Medicare Program. The language change is fairly simple and simply clarifies that the "in the home" restriction for durable medical equipment does not apply in the case of mobility devices needed by Medicare beneficiaries with expected long-term needs for use "in customary settings such as normal domestic, vocational, and community activities."

This legislation is certainly not intended to discourage CMS from dedicating its resources to reducing waste, fraud, and abuse in the Medicare system, as those efforts are critical to ensuring that Medicare remains financially viable and strong in the future. However, it should be noted that neither Medicaid nor the Department of

Veterans Affairs impose such "in the home" restrictions on mobility devices. As Senator BROWNBACK said to the Kansas City Star, it is important to lift the restriction "to reflect our goal of ensuring that Americans with disabilities are able to live independent, healthy, and productive lives."

I thank Senators SANTORUM, MURRAY, COLLINS, AKAKA, JEFFORDS, KERRY, HARKIN, KENNEDY, and LIEBERMAN for cosponsoring this important legislation, and attached is a fact sheet that I request to be printed in the RECORD. I would also ask unanimous consent to have printed in the RECORD copies of the letter to the administration and the response that was received by Capitol Hill.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 13, 2005.

Re reconsideration of the Medicare "In the Home" requirement on wheelchair coverage.

Hon. MICHAEL O. LEAVITT,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR SECRETARY LEAVITT: The undersigned members write to request that you modify the "in the home" requirement in Medicare's wheeled mobility benefit to improve community access for Medicare beneficiaries with mobility impairments.

We commend CMS for its dedication to reducing waste, fraud and abuse in the Medicare system, particularly under the mobility device benefit, and fully support your intention to protect precious Medicare funds and resources. Additionally, we commend the agency for recently taking on the task of creating a new and, hopefully, more appropriate Medicare coverage criteria for mobility devices. However, we are concerned that CMS' current interpretation of the "in the home" requirement may continue to act as an inappropriate restriction in meeting the real-life mobility needs of Medicare beneficiaries with physical disabilities and mobility impairments.

Recently CMS announced a final National Coverage Determination (NCD) for mobility assistance equipment (MAE) that fails to adequately address the concerns of beneficiaries and other parties with the "in the home" restriction.

In order to ensure that the "in the home" requirement does not act as a barrier to community participation for Medicare beneficiaries with disabilities and mobility impairments; we ask that you modify this requirement through the regulatory process. Additionally, if your agency concludes that the "in the home" requirement cannot be addressed through the regulatory process, we request that you respond with such information as quickly as possible, so that Congress may begin examining legislative alternatives.

We thank you for your consideration of this matter.

Sincerely,

Jeff Bingaman, Rick Santorum, John Kerry, Joseph I. Lieberman, Barbara Mikulski, Maria Cantwell, Edward M. Kennedy, Patty Murray, Evan Bayh, Mark Dayton, Jack Reed, Johnny Isakson, Sam Brownback, Jon S. Corzine, James M. Talent, Pat Roberts, Frank Lautenberg.

James M. Jeffords, Christopher S. Bond, Mike DeWine, Daniel K. Akaka, Mary L. Landrieu, Debbie Stabenow, Charles E. Schumer, Ron Wyden, Herb Kohl, Patrick J. Leahy, Arlen Specter, Hillary Rodham Clinton, Christopher J. Dodd, John McCain, Carl Levin, Tom Harkin, Olympia J. Snowe.

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, DC, October 25, 2005.

Hon. CHARLES F. BASS,
House of Representatives,
Washington, DC.

DEAR MR. BASS: Thank you for your letter regarding the "in the home" requirement for Mobility Assistive Equipment (MAE).

The Centers for Medicare & Medicaid Services (CMS) is required to follow section 1861(n) of the Social Security Act (the Act) which states "the term 'durable medical equipment' includes iron lungs, oxygen tents, hospital beds, and wheelchairs (which may include a power-operated vehicle that may be appropriately used as a wheelchair, but only where the use of such a vehicle is determined to be necessary on the basis of the individual's medical and physical condition and the vehicle meets such safety requirements as the Secretary may prescribe) used in the patient's home (including an institution used as his home other than an institution that meets the requirements of subsection (e)(1) of this section or section 1819(a)(1)), whether furnished on a rental basis or purchased. . . ." CMS further defined the durable medical equipment (DME) benefit category at 42 CFR section 414.202 to include equipment that can (a) withstand repeated use, (b) is primarily and customarily used to serve a medical purpose, (c) is not generally useful in the absence of illness or injury, and (d) is appropriate for use in the home.

There are two practical requirements that must be satisfied for coverage of DME which are a logical result of the definition of DME:

(1) The equipment must be appropriate for use in the home. This requirement excludes a gasoline-powered vehicle, for example.

(2) The patient must have a need to use the equipment in the home. This requirement excludes equipment that is only necessary for use outside the patient's home.

Therefore, we do not cover equipment if it is exclusively needed outside of the home. However, if DME is needed in the home and the beneficiary also uses it outside the home, the equipment would still be covered. For example, a high strength wheelchair may be covered when appropriate for home use even though it may also be useful outside the home. We do not have any restrictions on the use of the equipment outside of the home as long as there is also a need to use it in the home.

I hope this information has been helpful. Please call me if you have any further thoughts or questions. I will also provide this response to the cosigners of your letter.

Sincerely,

MICHAEL O. LEAVITT.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 533—COMMEMORATING THE 60TH ANNIVERSARY OF THE PERMANENT INTEGRATION OF PROFESSIONAL FOOTBALL BY 4 PIONEERING PLAYERS

Mr. VOINOVICH (for himself, Mr. DEWINE, and Mr. ALLEN) submitted the following resolution, which was considered and agreed to:

S. RES. 533

Whereas the integration of sports supported other ongoing efforts to permanently end racial segregation as an accepted practice in the United States;

Whereas, in 1946, 4 African-American football players, William "Bill" K. Willis and Marion Motley, who played for the Cleveland Browns, and Kenny Washington and Woody Strode, who played for the Los Angeles Rams, all signed contracts to play professional football;

Whereas, on August 7, 1946, Bill Willis was the first of this pioneering foursome to sign a contract to play professional football for the Cleveland Browns forever ending the race barrier in professional football, 1 full year before Jackie Robinson broke the race barrier in professional baseball;

Whereas, thanks to the significant contributions of Bill Willis and Marion Motley, the Cleveland Browns won the National Football League (NFL) Championship in 1950 which was the first year the Cleveland Browns played in the NFL;

Whereas, in addition to permanently ending the race barrier in professional football, Bill Willis and Marion Motley were recognized for their outstanding professional football careers by their election to the Pro Football Hall of Fame; and

Whereas 2006 marks the 60th anniversary of the permanent integration of professional football, and the NFL will commemorate this milestone during the 2006 Pro Football Hall of Fame Game: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 60th anniversary of the permanent integration of professional football; and

(2) respectfully requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) the Pro Football Hall of Fame in Canton, Ohio; and

(B) William K. Willis, the only surviving member of the pioneering foursome who permanently ended the race barrier in professional football.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COBURN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, July 17, 2006, at 2:30 p.m. The purpose of this hearing is to receive testimony relating to the implementation of the Energy Policy Act of 2005 Provisions on Hydrogen and Fuel Cell Research and Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COBURN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, July 17, 2006, at 3 p.m. to hold nominations hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that floor privileges be granted for the duration of the stem cell debate to the following: Dr. Roger Johns of Senator HATCH's office: Laura Holland, Jeff McCaffrey, Jon Koegler, Martina Bebin, and Dave Schmickel of Senator ENZI's office; and Nicole Weitz of Senator FRIST's office.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Nathan Porteshawver and Tracie Bryant of my staff be granted floor privileges for the duration of today's session.

On behalf of Senator KENNEDY, I ask unanimous consent that Ahmed Salem, an intern on his HELP Committee staff, be accorded floor privileges during the consideration of the three bills addressing the stem cell issue and all rollcall votes thereon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, on behalf of Senator ROCKEFELLER, I ask unanimous consent that the following legislative fellows in his office be accorded floor privileges for the duration of Senate consideration of stem cell bills, and on all votes thereon: Dr. Al Pheley, a Robert Wood Johnson fellow; and Bruce Gilberg, an American Association for the Advancement of Sciences fellow.

Mr. COBURN. Mr. President, I ask unanimous consent that floor privileges be granted to Lesley Stewart of Senator ENZI's staff, and also Matt Blackburn of my staff for the duration of the stem cell debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Nicholas Greenway and Eugene Lipkin, interns here on Capitol Hill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

On Thursday, July 13, 2006 the Senate passed H.R. 5441, as follows:

H.R. 5441

Resolved, That the bill from the House of Representatives (H.R. 5441) entitled "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $82,622,000: Provided, That not to exceed $40,000 shall be for official reception and representation expenses.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $163,456,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That of the total amount provided, $8,206,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $26,018,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $306,765,000; of which $79,521,000 shall be available for salaries and expenses; and of which $227,244,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, to remain available until expended: Provided, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided further, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $298,663,000, to remain available until September 30, 2008, of which not to exceed $5,000 shall be for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $90,185,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General: Provided further, That the Department of Homeland Security Inspector General shall investigate whether, and to what extent, in adjusting and settling claims resulting from Hurricane Katrina, insurers making flood insurance coverage available under the Write-Your-Own program pursuant to section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) and subpart C of part 62 of title 44, Code of Federal Regulations, improperly attributed damages from such hurricane to flooding covered under the insurance coverage provided under the national flood insurance program rather than to windstorms covered under coverage provided by such insurers or by windstorm insurance pools in which such insurers participated: Provided further, That the Department of Homeland Security Inspector General may request the assistance of the Attorney General and the Department of Justice in conducting such investigation and may reimburse the costs of the Attorney General and the Department of Justice in providing such assistance from such funds: Provided further, That the Department of Homeland Security Inspector General shall submit a report to Congress not later than April 1, 2007, setting forth the conclusions of such investigation.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), $399,494,000, to remain available until expended: Provided, That of the total amount made available under this heading, $200,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; purchase and lease of up to 4,500 (3,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $5,329,874,000, of which $44,000,000 shall be used to hire an additional 236 border patrol agents; of which $3,026,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee under section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $172,676,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2007, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $461,207,000, to remain available until expended, of which not less than $318,490,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds made available under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

TECHNOLOGY MODERNIZATION

For expenses for customs and border protection technology systems, $131,559,000, to remain available until expended: Provided, That of the funds made available under this heading, $100,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aerial vehicles, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $472,499,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2007 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

In addition, of the funds appropriated under this heading in title II of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2068) for a covert manned surveillance aircraft, $14,000,000 are rescinded.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $288,084,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,740 (2,000 for replacement only) police-type vehicles; $3,740,357,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $203,000 shall be for Project Alert; of which not less than $5,400,000 may be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That none of the funds in this Act or any other appropriations Act may be used to fund any activity other than those activities funded in fiscal year 2005 to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)): Provided further, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2007, of which not to exceed $6,000,000 shall remain available until expended: Provided further, That an additional $58,000,000 shall be available under this heading and authorized for 1,700 additional detention beds spaces and the necessary operational and mission support positions, information technology, relocation costs, and training for those beds and the amount made available under the heading "DISASTER RELIEF" in this Act is reduced by $58,000,000.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account, not to exceed $516,011,000, shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $20,000,000, to remain available until expended: Provided, That of the funds made available under this heading, $16,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review

Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $101,281,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services under the Aviation and Transportation Security Act (49 U.S.C. 40101 note; Public Law 107–71; 115 Stat. 597), $4,751,580,000, to remain available until September 30, 2008, of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $3,790,132,000 shall be for screening operations, of which $141,400,000 shall be available only for procurement of checked baggage explosive detection systems and $171,500,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $961,448,000 shall be for aviation security direction and enforcement presence: Provided further, That the Transportation Security Administration shall provide passenger and baggage screeners and related resources at the New Castle Airport in Wilmington, Delaware, as long as commercial air service is provided at that airport: Provided further, That of the funds appropriated under this heading, $25,000,000 shall not be obligated until after the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a detailed report in response to findings in the Department of Homeland Security Office of Inspector General report (OIG–04–44) concerning contractor fees: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,331,580,000 Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2008: Provided further, That notwithstanding section 44923 of title 49, United States Code, the share of the cost of the Federal Government for a project under any letter of intent shall be 75 percent for any medium or large hub airport and not more than 90 percent for any other airport, and all funding provided by section 44923(h) of title 49 United States Code, or from appropriations authorized under section 44923(i)(1) of title 49, United States Code, may be distributed in any manner determined necessary to ensure aviation security and to fulfill the Government's planned cost share under existing letters of intent: Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; and the heads of Federal agencies and commissions, including the Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening: Provided further, That beginning in fiscal year 2007 and thereafter, reimbursement for security services and related equipment and supplies provided in support of general aviation access to the Ronald Reagan Washington National Airport shall be credited to this appropriation and shall be available until expended solely for these purposes.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $37,200,000, to remain available until September 30, 2008.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $29,700,000, to remain available until September 30, 2008.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence under the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $618,865,000, to remain available until September 30, 2008.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $699,294,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the United States Coast Guard not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; payments under section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $5,534,349,000, of which $340,000,000 shall be for defense-related activities; of which $24,255,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the United States Coast Guard under chapter 19 of title 14, United States Code, $10,880,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $123,948,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSIONS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,145,329,000, of which $19,800,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $24,750,000 shall be available until September 30, 2011, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $14,000,000 shall be available until September 30, 2011, to increase aviation capability; of which $92,268,000 shall be available until September 30, 2009, for other equipment; of which $20,680,000 shall be available until September 30, 2009, for shore facilities and aids to navigation facilities; and of which $993,631,000 shall be available until September 30, 2011, for the Integrated Deepwater Systems program: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2009: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2008 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Deepwater program; an explanation of why many assets that are elements of the Integrated Deepwater System are not accounted for within the Deepwater appropriation under this heading; a description of the competitive process conducted in all contracts and subcontracts exceeding $5,000,000 within the Deepwater program; a description of how the Coast Guard is planning for the human resource needs of Deepwater assets; and the earned value management system gold card data for each Deepwater asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every 5 years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified.

In addition, of the funds appropriated under this heading in title II of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2087), $79,200,000 are rescinded from the unexpended balances specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying that Act for the Fast Response Cutter, the service life extension program of the current 110-foot Island Class patrol boat fleet, and accelerated design and production of the Fast Response Cutter.

In addition, of the funds appropriated under this heading in title II of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2087), $1,933,000 are rescinded from the unexpended balances specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying that Act for the covert surveillance aircraft.

In addition, of the funds appropriated under this heading in title II of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2087), $1,835,000 are rescinded from the unexpended balances specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying that Act for the automatic identification system.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $15,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $17,573,000, to remain available until expended, of which $495,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,063,323,000.

UNITED STATES SECRET SERVICE

PROTECTION, ADMINISTRATION, AND TRAINING

For necessary expenses of the United States Secret Service, including purchase of not to exceed 755 vehicles for police-type use, of which 624 shall be for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $918,028,000, of which not to exceed $25,000 shall be for official reception and representation expenses: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2008: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

INVESTIGATIONS AND FIELD OPERATIONS

For necessary expenses for investigations and field operations of the United States Secret Service, not otherwise provided for, including costs related to office space and services of expert witnesses at such rate as may be determined by the Director of the Secret Service, $304,205,000; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be a grant for activities related to the investigations of missing and exploited children and shall remain available until expended.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,725,000, to remain available until expended.

TITLE III

PREPAREDNESS AND RECOVERY

PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Preparedness, the Office of the Chief Medical Officer, and the Office of National Capital Region Coordination, $30,572,000, of which no less than $2,741,000 may be used for the Office of National Capital Region Coordination, and of which $6,459,000 shall be for the National Preparedness Integration Program: Provided, That none of the funds made available under this heading may be obligated for the National Preparedness Integration Program until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: Provided further, That not to exceed $7,000 shall be for official reception and representation expenses: Provided further, That none of the funds made available in this title under the heading "Management and Administration" may be used for travel by an officer or employee of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled "Progress in Developing the National Asset Database", dated June 2006; or until the Under Secretary for Preparedness submits a report to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives explaining why such recommendations have not been fully implemented.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,400,000,000, which shall be allocated as follows:

(1) $500,000,000 for formula-based grants and $350,000,000 for law enforcement terrorism prevention grants under section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): Provided, That the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office for Domestic Preparedness shall act within 90 days after the grant announcement: Provided further, That not less than 80 percent of any grant under this paragraph to a State (other than Puerto Rico) shall be made available by the State to local governments within 60 days after the receipt of the funds.

(2) $1,172,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) $745,000,000 shall be for use in high-threat, high-density urban areas: Provided, That not later than September 30, 2007, the Secretary shall distribute any unallocated funds provided for in title III of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2075) under the heading "STATE AND LOCAL PROGRAMS" under the heading "OFFICE FOR DOMESTIC PREPAREDNESS" to assist organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code) determined by the Secretary to be at high-risk or potential high-risk of a terrorist attack: Provided further, That applicants shall provide for the Secretary's consideration prior threats or attacks (within or outside the United States) by a terrorist organization, network, or cell against an organization described in the previous proviso, and the Secretary shall consider prior threats or attacks (within or outside the United States) against such organizations when determining risk: Provided further, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives the risk to each designated tax exempt grantee at least 3 full business days in advance of the announcement of any grant award;

(B) $210,000,000 shall be for port security grants for the purposes of section 70107(a) through (h) of title 46, United States Code, which shall be awarded based on risk notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2), (3), and (4);

(C) $5,000,000 shall be for trucking industry security grants;

(D) $12,000,000 shall be for intercity bus security grants;

(E) $150,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

(F) $50,000,000 shall be for buffer zone protection grants:

Provided, That for grants under subparagraph (A), the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office for Domestic Preparedness shall act within 90 days after receipt of an application: Provided further, That not less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds: Provided further, That for grants under subparagraphs (B) through (F), the applications for such grants shall be made available to eligible applicants not later than 75 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 45 days after the date of the grant announcement, and the Office for Domestic Preparedness shall act on such applications not later than 45 days after the date on which such an application is received.

(3) $40,000,000 shall be available for the Commercial Equipment Direct Assistance Program.

(4) $338,000,000 for training, exercises, technical assistance, and other programs (including mass evacuation preparation and exercises): Provided, That not less than $18,000,000 is for technical assistance:

Provided, That none of the grants provided under this heading shall be used for the construction or renovation of facilities, except for a minor perimeter security project, not to exceed $1,000,000, as determined necessary by the Secretary of Homeland Security: Provided further, That the proceeding proviso shall not apply to grants under subparagraphs (B), (E), and (F) of paragraph (2) of this heading: Provided further, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training, as needed: Provided further, That the Government Accountability Office shall report on the validity, relevance, reliability, timeliness, and availability of the risk factors (including threat, vulnerability, and consequence) used by the Secretary for the purpose of allocating discretionary grants funded under this heading, and the application of those factors in the allocation of funds to the Committees on Appropriations of the Senate and the House of Representatives on its findings not later than 45 days after the date of enactment of this Act: Provided further, That within 7 days after the date of enactment of this Act, the Secretary shall provide the Government Accountability Office with the threat and risk methodology and factors that will be used to allocate discretionary grants funded under this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $680,000,000, of which $552,500,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $127,500,000 shall be available to carry out section 34 (15 U.S.C. 2229a) of that Act, to remain available until September 30, 2008: Provided, That not to exceed 5 percent of this amount shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $220,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2007, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2007, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION AND TRAINING

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $45,887,000.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $525,056,000, of which $442,547,000 shall remain available until September 30, 2008: Provided, That of the amount made available under this heading, $20,000,000 may not be obligated until the Secretary submits to the Committees on Appropriations of the Senate and House of Representatives the report required in House Report 109–241 accompanying the Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90) on resources necessary to implement mandatory security requirements for the Nation's chemical sector and to create a system for auditing and ensuring compliance with the security standards: Provided further, That not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a classified report describing the security vulnerabilities of all rail, transit, and highway bridges and tunnels connecting Northern New Jersey and New York City to the Committee on Appropriations of the Senate; the Committee on Appropriations of the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations, $249,499,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

READINESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for readiness, mitigation, response, and recovery activities, $240,000,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the total amount made available under this heading, $30,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed $1,600,000 may be made available for administrative costs: Provided further, That the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall conduct an assessment of the models used by the Louisiana family assistance call center and the National Center for Missing and Exploited Children in assisting individuals displaced by Hurricane Katrina of 2005 in locating members of their family to determine how these models may be modified to assist individuals displaced in a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in locating members of their family: Provided further, That the Secretary of Homeland Security shall submit to the chairman and ranking member of the Committee on Homeland Security and Governmental Affairs; the Committee on Health, Education, Labor, and Pensions; and the Committee on the Judiciary of the Senate; and the chairman and ranking member of the Committee on Homeland Security, the Committee on Energy and Commerce, and the Committee on the Judiciary of the House of Representatives results of the assessment conducted under the previous proviso; as well as a plan to implement the findings of such assessment, to the maximum extent practicable.

PUBLIC HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $33,885,000: Provided, That the total amount appropriated and, notwithstanding any other provision of law, the functions, personnel, assets, and liabilities of the National Disaster Medical System established under section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)), including any functions of the Secretary of Homeland Security relating to such System, shall be permanently transferred to the Secretary of the Department of Health and Human Services effective January 1, 2007.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,640,000,000, to remain available until expended: Provided, That of the total amount provided, not to exceed $15,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to natural disasters subject to section 503 of this Act: Provided further, That none of the funds appropriated or otherwise made available under this heading may be used to enter into contracts using procedures based upon the unusual and compelling urgency exception to competitive procedures requirements under section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code, unless the contract is for the procurement of only such property and services as are necessary to address the immediate *emergency and is only for so long as is necessary to put competitive procedures in place in connection with such procurement and the Secretary of Homeland Security notifies the Committees on Appropriations and Homeland Security and Government Affairs of the Senate and Appropriations and Homeland Security of the House of Representatives of such contract not later than 7 days after the contract is entered into.*

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $569,000: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $198,980,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $128,588,000, which is available as follows: (1) not to exceed $38,230,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) not to exceed $90,358,000 for flood hazard mitigation which shall be derived from offsetting collections assessed and collected under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), to remain available until September 30, 2008, including up to $31,000,000 for flood mitigation expenses under section 1366 of that Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2008: Provided, That in fiscal year 2007, no funds in excess of: (1) $70,000,000 for operating expenses; (2) $692,999,000 for commissions and taxes of agents; (3) such sums as necessary for interest on Treasury borrowings shall be available from the National Flood Insurance Fund; and (4) not to exceed $50,000,000 for flood mitigation actions with respect to severe repetitive loss properties under section 1361A of that Act and repetitive insurance claims properties under section 1323 of that Act, which shall remain available until expended: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $31,000,000, to remain available until September 30, 2008, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $31,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $149,978,000, to remain available until expended: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program under title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.), $151,470,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $134,990,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $207,634,000, of which up to $43,910,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2008; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $63,246,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $104,414,000: Provided, That of the amount provided under this heading, $60,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan by program, project, and activity; with a detailed breakdown and justification of the management and administrative costs for each; prepared by the Secretary of Homeland Security that has been reviewed by the Government Accountability Office: Provided further, That the expenditure plan shall include the method utilized to derive administration costs in fiscal year 2006 and fiscal year 2007: Provided further, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $714,041,000, to remain available until expended: Provided, That no university participating in the University-based Centers of Excellence Program shall receive a grant for a period in excess of 3 years: Provided further, That none of the funds provided under this heading shall be made available for management and administrative costs: Provided further, That $2,000,000 under this heading shall be available for the construction of radiological laboratories at Pacific Northwest National Laboratory: Provided further, That funding will not be available until a Memorandum of Understanding between the Department of Homeland Security and the Department of Energy has been entered into.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office and for management and administration of programs and activities, $30,468,000: Provided, That no funds will be made available for the reimbursement of individuals from other Federal agencies or organizations in fiscal year 2008: Provided further, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation and operations, $234,024,000, to remain available until expended; and of which not to exceed $65,000,000 shall be made available for transformation research and development; and of which no less than $40,000,000 shall be made available for radiation portal monitor research and development: Provided, That of the amount provided, $80,000,000 shall not be obligated until the Secretary of Homeland Security provides notification to the Committees on Appropriations of the Senate and the House of Representatives that the Domestic Nuclear Detection Office has entered into a Memorandum of Understanding with each Federal entity and organization: Provided further, That each Memorandum of Understanding shall include a description of the role, responsibilities, and resource commitment of each Federal entity or organization for the domestic nuclear global architecture.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $178,000,000, to remain available until September 30, 2009; and of which no less than $143,000,000 shall be for radiation portal monitors; and of which not to exceed $5,000,000 shall be for the Surge program: Provided, That none of the funds provided for the Sodium Iodine Manufacturing program shall be made available until a cost-benefit analysis on the Advance Spectroscopic Portal monitors is submitted to the

Committees on Appropriations of the Senate and the House of Representatives by the Secretary of Homeland Security and reviewed by the Government Accountability Office.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established under this Act: Provided, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or House of Representatives for a different purpose; or (5) contracts out any function or activity for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

SEC. 504. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the "Department of Homeland Security Working Capital Fund", except for the activities and amounts allowed in the President's fiscal year 2007 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing: Provided, That any additional activities and amounts shall be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2007 from appropriations for salaries and expenses for fiscal year 2007 in this Act shall remain available through September 30, 2008, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of an Act authorizing intelligence activities for fiscal year 2007.

SEC. 507. The Federal Law Enforcement Training Center shall lead the Federal law enforcement training accreditation process, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 508. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 509. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training (including both types of training) at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 511. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959 (40 U.S.C. 3301), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 512. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 513. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, Analysis and Operations, Immigration and Customs Enforcement, Directorate for Preparedness, and the Directorate of Science and Technology of the Department of Homeland Security is transferred to the Department of Homeland Security: Provided, That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section: Provided further, That this section shall cease to be effective at such time as the President has selected a single agency to conduct security clearance investigations under section 3001(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 435b) and the entity selected under section 3001(b) of such Act has reported to Congress that the agency selected under such section 3001(c) is capable of conducting all necessary investigations in a timely manner or has authorized the entities within the Department of Homeland Security covered by this section to conduct their own investigations under section 3001 of such Act.

SEC. 514. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening programs, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all 10 of the conditions contained in paragraphs (1) through (10) of section 522(a) of the Department of Homeland Security Appropriations Act, 2005 (Public Law 108–334; 118 Stat. 1319) have been successfully met. Until the Secure Flight program or a follow on or successor passenger screening program has been deployed or implemented, the Transportation Security Administration shall provide airlines with technical or other assistance to better align their reservation and ticketing systems with terrorist databases to assist in alleviating travel delays and other problems associated with mistaken identification.

(b) The report required by subsection (a) shall be submitted within 90 days after the certification required by such subsection is provided, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all 10 conditions have been successfully met.

(c) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(d) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(e) None of the funds provided in this or previous appropriations Acts may be utilized for data or a database that is obtained from or remains under the control of a non-Federal entity: Provided, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 516. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 517. (a) None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of a person, other than persons granted protection under 3056(a) of title 18, United States Code, and the Secretary of the Department of Homeland Security.

(b) Notwithstanding (a) of this section, the Director of the United States Secret Service may enter into a fully reimbursable agreement to perform such service for protectees not designated under 3056(a) of title 18, United States Code.

SEC. 518. The Secretary of Homeland Security, in consultation with industry stakeholders, shall develop standards and protocols for increasing the use of explosive detection equipment to screen air cargo when appropriate.

SEC. 519. (a) The Secretary of Homeland Security is directed to research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft at the earliest date possible.

(b) Existing checked baggage explosive detection equipment and screeners shall be utilized to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available.

(c) The Transportation Security Administration shall report air cargo inspection statistics within 15 days of the close of each quarter of the fiscal year to the Committees on Appropriations of the Senate and the House of Representatives, by airport and air carrier, including any reasons for non-compliance with the second proviso of section 513 of the Department of Homeland Security Appropriations Act, 2005 (Public Law 108–334; 118 Stat. 1317), within 45 days after the end of the quarter.

SEC. 520. (a) None of the funds available for obligation for the transportation worker identification credential program shall be used to develop a personalization system that is executed without fair and open competition for both the implementation and production of the program and identification cards.

(b) The Transportation Security Administration shall certify to the Committees on Appropriations of the Senate and the House of Representatives not later than December 1, 2006, that the competition required under subsection (a) has been achieved.

SEC. 521. None of the funds made available in this Act may be used by any person other than the privacy officer appointed under section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (5) of such section.

SEC. 522. No funding provided by this or previous appropriation Acts shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR) or anyone acting in a similar or like capacity who has not received COTR training.

SEC. 523. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security", "Administration" and "Transportation Security Support" in fiscal years 2004, 2005, and 2006 that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for air cargo, baggage, and checkpoint screening systems, subject to section 503 of this Act.

SEC. 524. (a) Within 60 days of enactment of this Act, the Secretary of the Department of Homeland Security shall revise DHS MD (Management Directive) 11056 to provide for the following:

(1) That when a lawful request is made to publicly release a document containing information designated as sensitive security information (SSI), the document shall be reviewed in a timely manner to determine whether any information contained in the document meets the criteria for continued SSI protection under applicable law and regulation and shall further provide that all portions that no longer require SSI designation be released, subject to applicable law, including sections 552 and 552a of title 5, United States Code.

(2) That sensitive security information that is four years old shall be subject to release upon request unless—

(A) the Secretary or his designee makes a written determination that identifies a rational basis why the information must remain SSI;

(B) the information is covered by a current sensitive security information application guide approved by the Secretary or his designee in writing; or

(C) such information is otherwise exempt from disclosure under applicable law:

Provided, That any determination made by the Secretary under clause (a)(2)(A) shall be provided to the party making a request to release such information and to the Committees on Appropriations of the Senate and House of Representatives as part of the annual reporting requirement pursuant to section 537 of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2088).

(3) Common and extensive examples of the individual categories of SSI information cited under 49 CFR 1520(b)(1) through (16) in order to minimize and standardize judgment by covered persons in the application of SSI marking.

(b) Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress that the Department has made in implementing the remaining requirements of section 537 of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2088), including information on the current procedures regarding access to SSI by civil litigants and the security risks and benefits of any proposed changes to these procedures.

SEC. 525. RESCISSION. From the unobligated balances from prior year appropriations made available for Transportation Security Administration "Aviation Security" and "Headquarters Administration", $4,776,000 are rescinded.

SEC. 526. The Department of Homeland Security Working Capital Fund, established under section 403 of the Government Management Reform Act of 1994 (31 U.S.C. 501 note; Public Law 103–356), shall continue operations during fiscal year 2007.

SEC. 527. RESCISSION. Of the unobligated balances from prior year appropriations made available for the "Counterterrorism Fund", $16,000,000 are rescinded.

SEC. 528. RESCISSION. From the unobligated balances from prior year appropriations made available for Transportation Security Administration "Aviation Security", $61,936,000 are rescinded.

SEC. 529. None of the funds made available in this Act may be used to enforce section 4025(1) of Public Law 108–458 if the Assistant Secretary (Transportation Security Administration) determines that butane lighters are not a significant threat to civil aviation security: Provided, That the Assistant Secretary (Transportation Security Administration) shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days in advance of such determination including a report on whether the effectiveness of screening operations is enhanced by suspending enforcement of the prohibition.

SEC. 530. RESCISSIONS. Of the unobligated balances from prior year appropriations made available for Science and Technology, $55,000,000 for "Management and Administration" and $184,000,000 from "Research, Development, Acquisition, and Operations" are rescinded: Provided, That of the total amount rescinded from "Management and Administration", $30,000,000 shall be from the contingency fund and $25,000,000 shall be from the Homeland Security Institute.

SEC. 531. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider the Hancock County Port and Harbor Commission in Mississippi eligible under the Federal Emergency Management Agency Public Assistance Program for all costs incurred for dredging from navigation channel in Little Lake, Louisiana, sediment deposited as a result of Hurricane George in 1998: Provided, That the appropriate Federal share shall apply to approval of this project.

SEC. 532. The Department of Homeland Security shall, in approving standards for State and local emergency preparedness operational plans under section 613(b)(3) of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5196b(b)(3)), account for the needs of individuals with household pets and service animals before, during, and following a major disaster or emergency: Provided, That Federal agencies may provide assistance as described in section 403(a) of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5170b(a)) to carry out the plans described in the previous proviso.

SEC. 533. RESCISSION. From the unexpended balances of the United States Coast Guard "Acquisition, Construction, and Improvements" account specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying the Department of Homeland Security Act, 2006 (Public Law 109–90) for the development of the Offshore Patrol Cutter, $20,000,000 are rescinded.

SEC. 534. TRANSFER. All obligated and unobligated balances of funds, totaling not less than $98,552,000, for the Transportation Security Laboratory shall be transferred from the Science and Technology "Research, Development, Acquisition, and Operations" account to the Transportation Security Administration "Transportation Security Support" account effective October 1, 2006.

SEC. 535. (a)(1) Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the

Senate and the House of Representatives a monthly budget execution report that sets forth the total obligational authority appropriated (new budget authority plus unobligated carryover), undistributed obligational authority, amount allotted, current year obligations, unobligated authority (the difference between total obligational authority and current year obligations), beginning unexpended obligations, year-to-date costs, and year-end unexpended obligations, of the Department of Homeland Security.

(2) The information required under paragraph (1) shall be provided for each Departmental component and the Working Capital Fund at the level of detail shown in the table of detailed funding recommendations displayed at the end of the Statement of Managers accompanying the conference report on this Act.

(3) Each report submitted under paragraph (1) shall include for each Department of Homeland Security component the total full-time equivalent for the prior fiscal year, the on-board total full-time equivalent on September 30 of the prior fiscal year, the estimated total full-time equivalent for the current fiscal year, and the on-board total full-time equivalent on the last day of the month for the applicable report.

(b) Obligation authority and transfer authority provided under section 503 and 504 of this Act shall not be available unless on the date of a notification under section 503 and 504, the Committees on Appropriations of the Senate and House of Representatives have received the most recent report required by subsection (a) of this section.

SEC. 536. None of the funds provided by this or previous appropriations Acts or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for the Office of the Federal Coordinator for Gulf Coast Rebuilding effective October 1, 2006, unless the Committees on Appropriations of the Senate and the House of Representatives receive a reprogramming notification for fiscal year 2006 pursuant to section 503 of Public Law 109–90 and a budget request and expenditure plan for fiscal year 2007 for this office.

SEC. 537. The Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 538. Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by striking from "(1) DEVELOPMENT OF PLAN.—The Secretary" through "7208(k))." and inserting the following:

"(1) DEVELOPMENT OF PLAN AND IMPLEMENTATION.—

"(A) The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a plan as expeditiously as possible to require a passport or other document, or combination of documents, deemed by the Secretary of Homeland Security to be sufficient to denote identity and citizenship, for all travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)). This plan shall be implemented not later than 3 months after the Secretary of State and the Secretary of Homeland Security make the certifications required in subsection (B), or June 1, 2009, whichever is earlier. The plan shall seek to expedite the travel of frequent travelers, including those who reside in border communities, and in doing so, shall make readily available a registered traveler program (as described in section 7208(k)).

"(B) The Secretary of Homeland Security and the Secretary of State shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the following criteria have been met prior to implementation of Section 7209(b)(1)(A)—

"(i) the National Institutes of Standards and Technology has certified that the card architecture meets the International Organization for Standardization ISO 14443 security standards, or justifies a deviation from such standard:

"(ii) the technology to be used by the United States for the passport card, and any subsequent change to that technology, has been shared with the governments of Canada and Mexico;

"(iii) an agreement has been reached with the United States Postal Service on the fee to be charged individuals for the passport card, and a detailed justification has been submitted to the Committees on Appropriations of the Senate and the House of Representatives;

"(iv) an alternative procedure has been developed for groups of children traveling across an international border under adult supervision with parental consent;

"(v) the necessary technological infrastructure to process the passport cards has been installed, and all employees at ports of entry have been properly trained in the use of the new technology;

"(vi) the passport card has been made available for the purpose of international travel by United States citizens through land and sea ports of entry between the United States and Canada, Mexico, the Caribbean and Bermuda; and

"(vii) a single implementation date for sea and land borders has been established.".

SEC. 539. Notwithstanding any time limitation established for a grant awarded under title I, chapter 6, Public Law 106–31, in the item relating to Federal Emergency Management Agency—Disaster Assistance for Unmet Needs, the City of Cuero, Texas, may use funds received under such grant program until September 30, 2007.

SEC. 540. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Food, Drug, and Cosmetic Act.

SEC. 541. The Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives, not later than February 8, 2007, that—

(1) identifies activities being carried out by the Department of Homeland Security to improve—

(A) the targeting of agricultural inspections;

(B) the ability of United States Customs and Border Protection to adjust to new agricultural threats; and

(C) the in-service training for interception of prohibited plant and animal products and agricultural pests under the agriculture quarantine inspection monitoring program of the Animal and Plant Health Inspection Service; and

(2) describes the manner in which the Secretary of Homeland Security will coordinate with the Secretary of Agriculture and State and local governments in carrying out the activities described in paragraph (1).

SEC. 542. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 5441 shall also be included in the conference report or joint statement accompanying H.R. 5441 in order to be considered as having been approved by both Houses of Congress.

SEC. 543. Any reports required in this Act and accompanying reports to be submitted to the Committees on Appropriations and the Department of Homeland Security's annual justifications of the President's budget request shall be posted on the Department of Homeland Security's public website not later than 48 hours after such submission unless information in the report compromises national security.

SEC. 544. Notwithstanding any other provision of this Act, $1,000,000 shall be made available from appropriations for training, exercises, technical assistance, and other programs under paragraph (4) under the subheading "STATE AND LOCAL PROGRAMS" under the heading "OFFICE FOR DOMESTIC PREPAREDNESS" under title III, for the Chief Financial Officer of the Department of Homeland Security to ensure compliance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

SEC. 545. None of the amounts available or otherwise available to the Coast Guard under title II of this Act under the heading "UNITED STATES COAST GUARD" under the heading "OPERATING EXPENSES" may be obligated or expended for the continuation of operations at Long Range Aids to Navigation (LORAN) stations nationwide, except in Alaska, the far northwest, and the far northeast continental United States of America.

SEC. 546. No amount appropriated by this or any other Act may be used to enforce or comply with any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, and no amount appropriated by this or any other Act may be used to enforce or comply with any administrative rule or regulation imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, except to the extent that enforcement or compliance with that limitation does not prevent the Secretary of Homeland Security from recruiting and hiring such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of 10 minutes.

SEC. 547. Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives with an assessment of short-term (defined as within 2 years after the date of enactment of this Act), intermediate-term (defined as between 2 years and 4 years after such date of enactment), and long-term (defined as more than 4 years after such date of enactment) actions necessary for the Department of Homeland Security to take in order to assist Federal, State, and local governments achieve communications interoperability, including equipment acquisition, changes in governance structure, and training.

SEC. 548. (a) Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 549. DATA-MINING. (a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term "data-mining" means a query or search or other analysis of 1 or more electronic databases, whereas—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a predictive pattern indicating terrorist or criminal activity; and

(C) the search does not use a specific individual's personal identifiers to acquire information concerning that individual.

(2) DATABASE.—The term "database" does not include telephone directories, news reporting, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency in the Department of Homeland Security that is engaged in any activity to use or develop data-mining technology shall each submit a report to Congress on all such activities of the agency under the jurisdiction of that official. The report shall be made available to the public.

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that is being or will be used.

(B) A thorough description of the goals and plans for the use or development of such technology and, where appropriate, the target dates for the deployment of the data-mining technology.

(C) An assessment of the efficacy or likely efficacy of the data-mining technology in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the technology.

(D) An assessment of the impact or likely impact of the implementation of the data-mining technology on the privacy and civil liberties of individuals.

(E) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data-mining technology.

(F) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(G) Any necessary classified information in an annex that shall be available to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be submitted not later than 90 days after the end of fiscal year 2007.

SEC. 550. (a) Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall hereafter issue interim final regulations that establish homeland security requirements, including minimum standards and required submission of facility security plans to the Secretary, for chemical facilities that the Secretary determines present the greatest security risk and that are not currently regulated under Federal law for homeland security purposes.

(b) Interim regulations under this section shall apply to a chemical facility until the effective date of final regulations issued under other laws by the Secretary, that establish requirements and standards referred to in subsection (a) that apply with respect to that facility.

(c) Any person that violates an interim regulation issued under this section shall be liable for a civil penalty under section 70117 of title 46, United States Code.

SEC. 551. Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall establish and conduct a pilot program at the Northern Border Air Wing bases of the Office of CBP Air and Marine, United States Customs and Border Protection, working expeditiously with the Administrator of the Federal Aviation Administration to test unmanned aerial vehicles for border surveillance along the international marine and land border between Canada and the United States.

SEC. 552. Not later than February 8, 2007, the Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security shall submit a report to Congress on the costs and need for establishing a sub-office in Greeley, Colorado.

SEC. 553. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the feasibility and advisability of locating existing Louisiana facilities and assets of the Coast Guard in the Federal City Project of New Orleans, Louisiana, as described in the report of the Defense Base Closure and Realignment Commission submitted to the President in 2005 during the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

SEC. 554. Notwithstanding any other provision of this Act, funding made available under title VII, under the heading UNITED STATES COAST GUARD ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS may be used to acquire law enforcement patrol boats.

SEC. 555. SCREENING OF MUNICIPAL SOLID WASTE. (a) DEFINITIONS.—In this section:

(1) BUREAU.—The term " Bureau" means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term "municipal solid waste" includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

SEC. 556. (a) CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§554. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

"(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 2339B(g)(6)) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 554. Border tunnels and passages.".

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "554," before "1425,".

(d) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by subsection (a).

(2) REQUIREMENTS.—In carrying out this subsection, the United States Sentencing Commission shall—

(A) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(B) provide adequate base offense levels for offenses under such section;

(C) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(i) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(ii) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(D) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(E) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(F) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 557. Notwithstanding any other provision of law, the Secretary of Homeland Security shall provide personnel and equipment to improve national security by inspecting international shipments of municipal solid waste, and shall levy a fee limited to the approximate cost of such inspections.

SEC. 558. (a) Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of State, the Federal Communications Commission, and relevant agencies in the States of Alaska, Idaho, Montana, Oregon, and Washington, shall—

(1) evaluate the technical and operational challenges with respect to interoperable communications facing regional, local, State, and Federal authorities in preparing for the 2010 Olympics; and

(2) develop an integrated plan for addressing such technical and operational challenges.

(b) The Secretary of Homeland Security shall submit and present the plan developed under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SEC. 559. The Secretary of Homeland Security may not take any action to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, and design and construction centers, the Coast Guard Academy, and the Research and Development Center until the Committees on Appropriations and Commerce, Science, and Transportation of the Senate receive and approve a plan on changes to the Civil Engineering Program of the Coast Guard. The plan shall include a description of the current functions of the Civil Engineering Program and a description of any proposed modifications of such functions and of any proposed modification of personnel and offices, including the rationale for such modification, an assessment of the costs and benefits of such modification, any proposed alternatives to such modification, and the processes utilized by the Coast Guard and the Office of Management and Budget to analyze and assess such modification.

SEC. 560. (a) All amounts made available under this Act for travel and transportation shall be reduced by $43,000,000.

(b) All amounts made available under this Act for printing and reproduction shall be reduced by $1,000,000.

SEC. 561. None of the funds made available by this Act may be used to take an action that would violate Executive Order 13149 (65 Fed. Reg. 24607; relating to greening the government through Federal fleet and transportation efficiency).

SEC. 562. (a) The Transportation Security Administration shall require each air carrier and foreign air carrier that provides air transportation or intrastate air transportation to submit plans to the Transportation Security Administration on how such air carrier will participate in the voluntary provision of emergency services program established by section 44944(a) of title 49, United States Code.

(b)(1) Not more than 90 days after the date of the enactment of this Act, the Transportation Security Administration shall prepare a report that contains the following:

(A) Procedures that qualified individuals need to follow in order to participate in the program described in subsection (a).

(B) Relevant contacts for individuals interested in participating in the program described in subsection (a).

(2) The Transportation Security Administration shall make the report required by paragraph (1) available, by Internet web site or other appropriate method, to the following:

(A) The Congress.

(B) The emergency response agency of each State.

(C) The relevant organizations representing individuals to participate in the program.

SEC. 563. Not later than 90 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency in conjunction with the Director of the National Institutes of Standards and Technology shall submit a report to the Senate Committee on Appropriations outlining Federal earthquake response plans for high-risk earthquake regions in the United States as determined by the United States Geological Survey.

SEC. 564. Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall establish revised procedures for expeditiously clearing individuals whose names have been mistakenly placed on a terrorist database list or who have names identical or similar to individuals on a terrorist database list. The Secretary shall advise Congress of the procedures established.

SEC. 565. Of the amount appropriated or otherwise made available by title II of this Act under the heading "UNITED STATES COAST GUARD", "OPERATING EXPENSES", $13,934,000 may be available for the purpose of the National Capital Region Air Defense mission of the Coast Guard.

SEC. 566. (a) The Congress makes the following findings:

(1) Domestic methamphetamine production in both small-and large-scale laboratories is decreasing as a result of law enforcement pressure and public awareness campaigns.

(2) It is now estimated that 80 percent of methamphetamine consumed in the United States originates in Mexico and is smuggled into the United States.

(3) The movement of methamphetamine into the United States poses new law enforcement challenges at the border, in the financial system, and in communities affected by methamphetamine.

(4) Customs and Border Protection is working to stop the spread of methamphetamine by examining the movement of the drug and its precursors at the borders and points of entry.

(5) Customs and Border Protection is a vital source of information for the Drug Enforcement Administration and other law enforcement agencies.

(b) It is the sense of the Senate that Customs and Border Protection should continue to focus on methamphetamine in its reporting and analysis of trade flows to prevent the spread of methamphetamine throughout the United States.

SEC. 567. Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations a report addressing the compliance by the Department of Homeland Security with the recommendations set forth in the July 6, 2006, Inspector General of Homeland Security report entitled "Progress in Developing the National Asset Database". The report shall include the status of the prioritization of assets by the Department of Homeland Security into high-value, medium-value, and low-value asset tiers, and how such tiers will be used by the Secretary of Homeland Security in the issuance of grant funds.

SEC. 568. (a) Not later than 60 days after the initiation of any contract relating to the Secure Border Initiative that is valued at more than $20,000,000, and upon the conclusion of the performance of such contract, the Inspector General of the Department of Homeland Security shall review each action relating to such contract to determine whether such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority-owned, and women-owned businesses, and time lines.

(b) If a contract review under subsection (a) uncovers information regarding improper conduct or wrongdoing, the Inspector General shall, as expeditiously as practicable, submit such information to the Secretary of Homeland Security, or to another appropriate official of the Department of Homeland Security, who shall determine if the contractor should be suspended from further participation in the Secure Border Initiative.

(c) Upon the completion of each review under subsection (a), the Inspector General shall submit a report to the Secretary that contains the findings of the review, including findings regarding—

(1) cost overruns;

(2) significant delays in contract execution;

(3) lack of rigorous departmental contract management;

(4) insufficient departmental financial oversight;

(5) contract bundling that limits the ability of small businesses to compete; or

(6) other high risk business practices.

(d)(1) Not later than 30 days after the receipt of each report submitted under subsection (c), the Secretary shall submit a report to the congressional committees listed in paragraph (3) that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in the report.

(2) Not later than 60 days after the initiation of each contract action with a company whose headquarters is outside of the United States, the Secretary shall submit a report regarding the Secure Border Initiative to the congressional committees listed in paragraph (3).

(3) The congressional committees listed in this paragraph are—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Appropriations of the House of Representatives;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(F) the Committee on Homeland Security of the House of Representatives.

SEC. 569. Of the amount appropriated by title VI for Customs and Border Protection for Air and Marine Interdiction, Operations, Maintenance, and Procurement, such funds as are necessary may be available for the establishment of the final Northern border air wing site in Michigan.

SEC. 570. None of the funds appropriated by this Act shall be used for the seizure of a firearm based on the existence of a declaration or state of emergency.

SEC. 571. PILOT INTEGRATED SCANNING SYSTEM. (a) DESIGNATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security (referred to in this section as the "Secretary") shall designate 3 foreign seaports through which containers pass or are transshipped to the United States to pilot an integrated scanning system that couples nonintrusive imaging equipment and radiation detection equipment, which may be provided by the Megaports Initiative of the Department of Energy. In making designations under this subsection, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(2) COLLABORATION AND COOPERATION.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and host foreign government to implement the pilot program under this subsection.

(b) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the terminal;

(2) electronically transmit the images and information to the container security initiative personnel in the host country and/or Customs and Border Protection personnel in the United States for evaluation and analysis;

(3) resolve every radiation alarm according to established Department procedures;

(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and

(5) store the information for later retrieval and analysis.

(c) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (b), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report, to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot program implemented under this section;

(2) an analysis of the efficacy of the Automated Targeted System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an evaluation of software that is capable of automatically identifying potential anomalies in scanned containers; and

(4) a plan and schedule to expand the integrated scanning system developed under this section to other container security initiative ports.

(d) IMPLEMENTATION.—As soon as practicable and possible after the date of enactment of this Act, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

SEC. 572. EXPANSION OF THE NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.

(a) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE.—The term "critical infrastructure" has the meaning given the term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)).

(2) EMERGENCY AND MAJOR DISASTER.—The terms "emergency" and "major disaster" have the meanings given the terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.—The term "National Infrastructure Simulation and Analysis Center" means the National Infrastructure Simulation and Analysis Center established under section 1016(d) of the USA PATRIOT Act (42 U.S.C. 5195c(d)).

(4) PROTECT.—The term "protect" means to reduce the vulnerability of critical infrastructure in order to deter, mitigate, or neutralize an emergency, natural disaster, terrorist attack, or other catastrophic event.

(b) AUTHORITY.—

(1) IN GENERAL.—The National Infrastructure Simulation and Analysis Center shall serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to—

(A) counterterrorism, threat assessment, and risk mitigation; and

(B) an emergency, natural disaster, terrorist attack, or other catastrophic event.

(2) INFRASTRUCTURE MODELING.—

(A) PARTICULAR SUPPORT.—The support provided under paragraph (1) shall include modeling, simulation, and analysis of the systems comprising critical infrastructure, in order to enhance critical infrastructure preparedness, protection, response, and recovery activities.

(B) RELATIONSHIP WITH OTHER AGENCIES.—Each Federal agency and department with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive, shall establish a formal relationship, including an agreement regarding information sharing, between the elements of such agency or department and the National Infrastructure Simulation and Analysis Center.

(C) PURPOSE.—

(i) IN GENERAL.—The purpose of the relationship under subparagraph (B) shall be to permit each Federal agency and department described in subparagraph (B) to take full advantage of the capabilities of the National Infrastructure Simulation and Analysis Center consistent with its workload capacity and priorities (particularly vulnerability and consequence analysis) for real-time response to reported and projected emergencies, natural disasters, terrorist attacks, or other catastrophic events.

(ii) RECIPIENT OF CERTAIN SUPPORT.—Modeling, simulation, and analysis provided under this subsection shall be provided to relevant Federal agencies and departments, including Federal agencies and departments with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive.

SEC. 573. Notwithstanding any other provisions of law, the Secretary of Homeland Security shall consult with National Council on Radiation Protection and Measurements (in this section referred to as the "NCRP") and other qualified organizations and government organizations in preparing guidance and recommendations for emergency responders, to assist recovery operations, and to protect the general public with respect to radiological terrorism, threats, and events.

SEC. 574. The Comptroller General shall provide a report to the Senate and House Committees on Appropriations no later than thirty days after enactment describing the impact on public safety and on the effectiveness of screening operations resulting from the modification of the list of items prohibited from being carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation set forth in section 1540 of title 49, Code of Federal Regulations, as of December 1, 2005, to be carried aboard a passenger aircraft.

TITLE VI

BORDER SECURITY INFRASTRUCTURE ENHANCEMENTS

SEC. 601. (a) Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust fees charged by the Department against any non-United States citizen by notice in the Federal Register no later than January 1, 2007, to achieve not less than $350,000,000 in additional receipts by September 30, 2007: Provided, That the Secretary may adjust only those fees authorized under the Immigration and Nationality Act and the Illegal Immigration Reform and Immigrant Responsibility Act: Provided further, That this adjustment shall be in addition to fees authorized under 8 United States Code 1356.

(b) Amounts collected under subsection (a) shall be deposited in the accounts as provided by 8 United States Code 1356: Provided, That of the total amount collected pursuant to subsection (a) the Secretary shall transfer the following amounts:

(1) $25,000,000 to Customs and Border Protection "Salaries and Expenses" for vehicle replacement;

(2) $105,000,000 to Customs and Border Protection "Air and Marine Interdiction, Operations, Maintenance, and Procurement" for air asset replacement and air operations facilities upgrades;

(3) $90,000,000 to Customs and Border Protection "Construction";

(4) $30,000,000 to Immigration and Customs Enforcement "Salaries and Expenses" for vehicle replacement; and.

(5) $15,000,000 to Immigration and Customs Enforcement "Automation Modernization".

(c) Of the total amount collected pursuant to subsection (a) $85,000,000 shall be made available to United States Citizenship and Immigration Services: Provided, That of the additional amount available, $47,000,000 shall be for Business Transformation and $38,000,000 shall be for Fraud Detection and National Security initiatives.

(d) Amounts deposited under paragraph (b) shall remain available until expended for the activities and services described in paragraphs (b) and (c).

TITLE VII

SUPPLEMENTAL APPROPRIATIONS FOR PORT SECURITY ENHANCEMENTS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to enhance port security for the fiscal year ending September 30, 2006, and for other purposes, namely:

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $251,000,000, to remain available until expended.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $23,000,000, to remain available until expended: Provided, That funding is available to accelerate foreign port security assessments, conduct domestic port vulnerability assessments, and perform unscheduled security audits of facilities regulated by chapter 701 of title 46, United States Code, commonly known as the Maritime Transportation Security Act of 2002.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, $184,000,000 for the Integrated Deepwater Systems program.

to remain available until expended: Provided, That funding is available to acquire maritime patrol aircraft and parent craft patrol boats, to provide armed helicopter capability, and to sustain the medium endurance cutter fleet.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $190,000,000 to remain available until September 30, 2007: Provided, That the entire amount shall be for port security grants pursuant to the purposes of subsection (a) through (h) of section 70107 of title 46, United States Code, which shall be awarded based on risk notwithstanding subsection (a), for eligible costs as defined in paragraphs (2), (3), and (4) of subsection (b).

TITLE VIII

UNITED STATES EMERGENCY MANAGEMENT AUTHORITY

SEC. 801. SHORT TITLE.

This title may be cited as the "United States Emergency Management Authority Act of 2006".

SEC. 802. UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.

Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

(1) by striking the title heading and inserting the following:

"TITLE V—NATIONAL PREPAREDNESS AND RESPONSE";

(2) by striking sections 501 through 503;

(3) by striking sections 506 and 507;

(4) by redesignating sections 504, 505, 508, and 509 as sections 521, 522, 523, and 524, respectively;

(5) by redesignating section 510 (relating to procurement of security countermeasures for the strategic national stockpile) as section 525;

(6) by redesignating section 510 (relating to urban and other high risk area communications capabilities) as section 526; and

(7) by inserting before section 521, as so redesignated by this section, the following:

"SEC. 501. DEFINITIONS.

"In this title—

"(1) the term 'all-hazards-plus' means an approach to preparedness, response, recovery, and mitigation that emphasizes the development of capabilities that are common to natural and man-made disasters, while also including the development of capabilities that are uniquely relevant to specific types of disasters;

"(2) the term 'Authority' means the United States Emergency Management Authority established under section 502;

"(3) the term 'Administrator' means the Administrator of the Authority;

"(4) the term 'Federal coordinating officer' means a Federal coordinating officer as described in section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);

"(5) the term 'National Advisory Council' means the National Advisory Council on Emergency Preparedness and Response established under section 508;

"(6) the term 'National Incident Management System' means the National Incident Management System as described in the National Response Plan;

"(7) the term 'National Response Plan' means the National Response Plan prepared under Homeland Security Presidential Directive 5 or any presidential directive meant to replace or augment that directive;

"(8) the term 'Nuclear Incident Response Team' means a resource that includes—

"(A) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

"(B) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions;

"(9) the term 'Regional Advisory Council' means a Regional Advisory Council on Preparedness and Response established under section 503;

"(10) the term 'Regional Administrator' means a Regional Administrator for Preparedness and Response appointed under section 507;

"(11) the term 'Regional Office' means a Regional Office established under section 507; and

"(12) the term 'surge capacity' means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing, including disaster assistance employees, and other resources necessary to save lives and protect property during a catastrophic incident, or other natural or man-made disaster.

"SEC. 502. UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.

"(a) IN GENERAL.—There is established in the Department the United States Emergency Management Authority, headed by an Administrator.

"(b) MISSION.—The mission of the Authority is to—

"(1) lead the Nation's efforts to prepare for, respond to, recover from, and mitigate the risks of natural and man-made disasters, including catastrophic incidents;

"(2) partner with State and local governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to a catastrophic incident or other natural or man-made disaster;

"(3) develop a Federal response capability that, when necessary and appropriate, can act effectively, rapidly, and proactively to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural or man-made disaster;

"(4) fuse the Department's emergency response, preparedness, recovery, mitigation, and critical infrastructure assets into a new, integrated organization that can effectively confront the challenges of a natural or man-made disaster;

"(5) develop and maintain robust Regional Offices that will work with State and local governments and emergency response providers to identify and address regional priorities;

"(6) under the leadership of the Secretary, coordinate with the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, the National Operations Center, and other agencies and offices in the Department to take full advantage of the substantial range of resources in the Department that can be brought to bear in preparing for and responding to a natural or man-made disaster;

"(7) carry out the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

"(8) provide funding, training, exercises, technical assistance, planning, and other assistance, to build local, State, regional, and national capabilities, including communications capabilities, necessary to respond to a potential natural or man-made disaster;

"(9) implement an all-hazards-plus strategy for preparedness that places priority on building those common capabilities necessary to respond to both terrorist attacks and natural disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation; and

"(10) promote, plan for, and facilitate the security and resiliency of critical infrastructure and key resources, including cyber infrastructure, against a natural or man-made disaster, and the post-disaster restoration of such critical infrastructure and key resources.

"(c) ADMINISTRATOR.—

"(1) IN GENERAL.—The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The Administrator shall have not less than 5 years of executive leadership and management experience in the public or private sector, significant experience in crisis management or another relevant field, and a demonstrated ability to manage a substantial staff and budget.

"(3) REPORTING.—The Administrator shall report to the Secretary, without being required to report through any other official of the Department.

"(4) PRINCIPAL ADVISOR ON EMERGENCY PREPAREDNESS AND RESPONSE.—

"(A) IN GENERAL.—The Administrator is the principal emergency preparedness and response advisor to the President, the Homeland Security Council, and the Secretary.

"(B) ADVICE AND RECOMMENDATIONS.—

"(i) IN GENERAL.—In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary, the Administrator shall, as the Administrator considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency mitigation, preparedness, response, and recovery options with respect to that matter.

"(ii) ADVICE ON REQUEST.—The Administrator, as an emergency preparedness and response advisor, shall provide advice to the President, the Homeland Security Council, or the Secretary on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.

"(iii) RECOMMENDATIONS TO CONGRESS.—After informing the Secretary, the Administrator may make such recommendations to Congress relating to emergency preparedness and response as the Administrator considers appropriate.

"(C) RETENTION OF AUTHORITY.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary under this Act.

"SEC. 503. AUTHORITIES AND RESPONSIBILITIES.

"(a) IN GENERAL.—The Administrator shall provide Federal leadership necessary to prepare for and respond to a natural or man-made disaster, including—

"(1) carrying out the mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency preparedness and response program of—

"(A) mitigation, by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects;

"(B) preparedness, by planning, training, and building the emergency preparedness and response workforce to prepare effectively for, mitigate against, respond to, and recover from any hazard;

"(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment, personnel, and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services;

"(D) recovery, by rebuilding communities so individuals, businesses, and governments can *function on their own, return to normal life, and protect against future hazards; and*

“(E) critical infrastructure protection, by establishing an inventory of, and protections for, public and private sector critical infrastructure, including cyber and communications assets;

“(2) increasing efficiencies, by coordinating efforts relating to mitigation, preparedness, response, recovery, and infrastructure protection;

“(3) helping to ensure the effectiveness of emergency response providers in responding to a natural or man-made disaster;

“(4) providing the Federal Government's response to a natural or man-made disaster, including—

“(A) managing such response;

“(B) directing the Domestic Emergency Support Team, the National Disaster Medical System, and (when operating as an organizational unit of the Department under this title) the Nuclear Incident Response Team;

“(C) overseeing the Metropolitan Medical Response System; and

“(D) coordinating other Federal response resources, including requiring deployment of the Strategic National Stockpile, in the event of a natural or man-made disaster;

“(5) working with Federal, State, and local government personnel, agencies, and authorities to build a comprehensive national incident management system to respond to a natural or man-made disaster;

“(6) with respect to the Nuclear Incident Response Team (regardless of whether it is operating as an organizational unit of the Department under this title)—

“(A) establishing standards and certifying when those standards have been met;

“(B) conducting joint and other exercises and training and evaluating performance; and

“(C) providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment;

“(7) helping to ensure that emergency response providers acquire interoperable and sustainable technology;

“(8) assisting the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

“(9) administering homeland security emergency management, first responder, and other preparedness grants;

“(10) administering and implementing the National Response Plan, including monitoring, evaluating, and ensuring the readiness of each emergency support function under the National Response Plan;

“(11) coordinating with the National Advisory Council;

“(12) ensuring the protection of critical infrastructure by—

“(A) carrying out the responsibilities under paragraphs (2) through (6) of section 201(d);

“(B) helping ensure the protection and resiliency of key resources and critical infrastructure, including cyber infrastructure, against a natural or man-made disaster; and

“(C) planning for, assisting with, and facilitating, the restoration of key resources and critical infrastructure, including cyber infrastructure, in the event of a natural or man-made disaster;

“(13) establishing in each Regional Office a Regional Advisory Council on Preparedness and Response, to advise the Regional Administrator of that Regional Office on emergency preparedness and response issues specific to the region; and

“(14) otherwise carrying out the mission of the Authority as described in section 502(b).

“(b) ADDITIONAL RESPONSIBILITIES RELATED TO CATASTROPHIC INCIDENTS.—

“(1) IN GENERAL.—The Administrator, in consultation with the Secretary and other senior Department officials, shall develop a national emergency management system that is capable of responding to catastrophic incidents.

“(2) IDENTIFICATION OF RESOURCES.—

“(A) IN GENERAL.—The Administrator shall develop and submit to Congress annually an estimate of the resources of the Authority and other Federal agencies needed for and devoted specifically to developing local, State, and national capabilities necessary to respond to a catastrophic incident.

“(B) CONTENTS.—Each estimate under subparagraph (A) shall include the resources both necessary for and devoted to—

“(i) planning;

“(ii) training and exercises;

“(iii) Regional Office enhancements;

“(iv) staffing, including for surge capacity during a catastrophic event;

“(v) additional logistics capabilities;

“(vi) other responsibilities under the Catastrophic Incident Annex of the Catastrophic Incident Supplement of the National Response Plan; and

“(vii) State and local catastrophic preparedness.

“(c) ALL-HAZARDS-PLUS APPROACH.—In carrying out this section, the Administrator shall implement an all-hazards-plus strategy that places priority on building those common capabilities necessary to prepare for, respond to, recover from, and mitigate the risks of terrorist attacks and natural disasters, while also building the unique capabilities necessary to prepare for, respond to, recover from, and mitigate the risks of specific types of incidents that pose the greatest risk to the Nation.

“SEC. 504. AUTHORITY COMPONENTS.

“There are transferred to the Authority the following:

“(1) Except as provided in title III of the Department of Homeland Security Appropriations Act, 2007, regarding the transfer of the National Disaster Medical System, the Federal Emergency Management Agency, as constituted on June 1, 2006, including all of its functions, personnel, assets, components, and liabilities, and including the functions of the Under Secretary for Federal Emergency Management relating thereto.

“(2) The Directorate of Preparedness, as constituted on June 1, 2006, including all of its functions, personnel assets, components, and liabilities, and including the functions of the Under Secretary for Preparedness relating to the Directorate, as constituted on that date.

“SEC. 505. PRESERVING THE UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.

“(a) DISTINCT ENTITY.—The Authority shall be maintained as a distinct entity within the Department.

“(b) REORGANIZATION.—Section 872 shall not apply to the Authority, including any function or organizational unit of the Authority.

“(c) PROHIBITION ON CHANGES TO MISSIONS.—

“(1) IN GENERAL.—The Secretary may not substantially or significantly reduce the authorities, responsibilities, or functions of the Authority or the capability of the Authority to perform those responsibilities, except as otherwise specifically provided in an Act enacted after the date of enactment of the United States Emergency Management Authority Act of 2006.

“(2) CERTAIN TRANSFERS PROHIBITED.—No asset, function or mission of the Authority may be diverted to the principal and continuing use of any other organization, unit, or entity of the Department, except for details or assignments that do not reduce the capability of the Authority to perform its missions.

“SEC. 506. DIRECTORS.

“(a) IN GENERAL.—There shall be in the Authority a Director for Preparedness and a Director for Response and Recovery, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall report to the Administrator.

“(b) QUALIFICATIONS.—

“(1) IN GENERAL.—A Director shall have—

“(A) not less than 5 years of—

“(i) executive leadership and management experience in the public or private sector; and

“(ii) significant experience in crisis management or another relevant field; and

“(B) a demonstrated ability to manage a substantial staff and budget.

“(2) CONCURRENT EXPERIENCE.—Service during any period of time may be used in meeting the requirements under both clause (i) and (ii) of paragraph (1)(A).

“(c) INITIAL DIRECTORS.—The individual serving as the Under Secretary for Preparedness and the individual serving as the Under Secretary for the Federal Emergency Management Agency on the effective date of the United States Emergency Management Authority Act of 2006, may serve as the Director for Preparedness and the Director of Response and Recovery, respectively, until a Director for Preparedness or a Director of Response and Recovery, as the case may be, is appointed under subsection (a).

“SEC. 507. REGIONAL OFFICES.

“(a) IN GENERAL.—

“(1) REGIONAL OFFICES.—The Administrator shall establish 10 Regional Offices of the Authority.

“(2) ADDITIONAL OFFICE.—In addition to the Regional Offices established under paragraph (1), the Administrator may designate the Office for National Capital Region Coordination under section 882 as a Regional Office.

“(b) MANAGEMENT OF REGIONAL OFFICES.—

“(1) REGIONAL ADMINISTRATOR.—Each Regional Office shall be headed by a Regional Administrator for Preparedness and Response, who shall be appointed by the Administrator. Each Regional Administrator for Emergency Preparedness and Response shall report directly to the Administrator.

“(2) QUALIFICATIONS.—Each Regional Office shall be headed by an individual in the Senior Executive Service qualified to act as a senior Federal coordinating officer to provide strategic oversight of incident management when needed.

“(c) RESPONSIBILITIES.—

“(1) IN GENERAL.—The Regional Administrator shall work in partnership with State and local governments, emergency managers, emergency response providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities of a Regional Administrator under this section.

“(2) RESPONSIBILITIES.—The responsibilities of a Regional Administrator include—

“(A) ensuring effective, coordinated, and integrated regional preparedness, mitigation, response, and recovery activities and programs for natural and man-made disasters (including planning, training, exercises, and professional development);

“(B) coordinating and integrating regional preparedness, mitigation, response, and recovery activities and programs for natural and man-made disasters (including planning, training, exercises, and professional development), which shall include—

“(i) providing regional and interstate planning assistance;

“(ii) organizing, in consultation with the Administrator, regional training and exercise programs;

“(iii) providing support and coordination officers for State and local government training and exercises;

“(iv) participating in emergency preparedness and planning activities by State, regional, and local governments;

“(v) assisting in the development of regional capabilities needed for a national catastrophic response system; and

“(vi) helping to coordinate and develop interstate agreements;

“(C) establishing and overseeing 1 or more strike teams within the region under subsection (e), which shall serve as the focal point of the Federal Government’s initial response efforts for a natural or man-made disaster within that region, and otherwise building Federal response capabilities to respond to a natural or man-made disaster within that region;

“(D) working with the private sector to assess weaknesses in critical infrastructure protection in the region and to design and implement programs to address those weaknesses;

“(E) coordinating all activities conducted under this section with other Federal departments and agencies; and

“(F) performing such other duties relating to such responsibilities as the Administrator may require.

“(d) AREA OFFICES.—The Administrator shall establish an Area Office for the Pacific and an Area Office for the Caribbean, as components in the appropriate Regional Offices.

“(e) REGIONAL OFFICE STRIKE TEAMS.—

“(1) ESTABLISHMENT.—In coordination with other relevant Federal agencies, each Regional Administrator shall establish multi-agency strike teams that shall consist of—

“(A) a designated Federal coordinating officer;

“(B) personnel trained in incident management;

“(C) public affairs, response and recovery, and communications support personnel;

“(D) a defense coordinating officer;

“(E) liaisons to other Federal agencies;

“(F) such other personnel as the Administrator or Regional Administrator determines appropriate; and

“(G) individuals from the agencies with primary responsibility for each of the emergency support functions in the National Response Plan, including the following:

“(i) Transportation.

“(ii) Communications.

“(iii) Public works and engineering.

“(iv) Emergency management.

“(v) Mass care.

“(vi) Housing and human services.

“(vii) Public health and medical services.

“(viii) Urban search and rescue.

“(ix) Public safety and security.

“(x) External affairs.

“(2) LOCATION OF MEMBERS.—The members of each Regional Office strike team, including representatives from agencies other than the Department, shall be based primarily at the Regional Office that corresponds to that strike team.

“(3) COORDINATION.—Each Regional Office strike team shall coordinate the training and exercises of that strike team with the State and local governments and private sector and nongovernmental entities which the strike team shall support when a natural or man-made disaster occurs.

“(4) PREPAREDNESS.—Each Regional Office strike team shall be trained, equipped, and staffed to be well prepared to respond to natural and man-made disasters, including catastrophic incidents.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this subsection.

“SEC. 508. *NATIONAL ADVISORY COUNCIL ON EMERGENCY PREPAREDNESS AND RESPONSE.*

“(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the United States Emergency Management Authority Act of 2006, the Secretary shall establish an advisory body under section 871(a), to be known as the National Advisory Council on Emergency Preparedness and Response.

“(b) RESPONSIBILITIES.—The National Advisory Council shall advise the Administrator on all aspects of emergency preparedness and response.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The members of the National Advisory Council shall be appointed by the Administrator, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of State and local government officials and emergency managers, and emergency response providers, from State and local governments, the private sector, and nongovernmental organizations, including as appropriate—

“(A) members selected from the emergency preparedness and response fields, including fire service, law enforcement, hazardous materials response, emergency medical services, and emergency preparedness and response personnel;

“(B) health scientists, emergency and inpatient medical providers, and public health professionals;

“(C) experts representing standards setting organizations;

“(D) State and local government officials with expertise in terrorism preparedness and emergency preparedness and response;

“(E) elected State and local government executives;

“(F) experts in public and private sector infrastructure protection, cybersecurity, and communications;

“(G) representatives of the disabled and other special needs populations; and

“(H) such other individuals as the Administrator determines to be appropriate.

“(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

“(1) IN GENERAL.—Notwithstanding section 871(a) and subject to paragraph (2), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Advisory Council.

“(2) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

“SEC. 509. *NATIONAL INCIDENT MANAGEMENT SYSTEM INTEGRATION CENTER.*

“(a) IN GENERAL.—There is in the Authority a National Incident Management System Integration Center.

“(b) RESPONSIBILITIES.—

“(1) IN GENERAL.—The Administrator, through the National Incident Management System Integration Center, and in consultation with other Federal departments and agencies and the National Advisory Council, shall ensure ongoing management and maintenance of the National Incident Management System, the National Response Plan, any other document or tool in support of Homeland Security Presidential Directive 5, or any other Homeland Security Presidential Directive relating to incident management and response.

“(2) SPECIFIC RESPONSIBILITIES.—The National Incident Management System Integration Center shall—

“(A) periodically review, and revise, as appropriate, the National Incident Management System and the National Response Plan;

“(B) review other matters relating to the National Incident Management System and the National Response Plan, as the Administrator may require;

“(C) develop and implement a national program for National Incident Management System and National Response Plan education and awareness;

“(D) oversee all aspects of the National Incident Management System, including the development of compliance criteria and implementation activities at Federal, State, and local government levels;

“(E) provide guidance and assistance to States and local governments and emergency response providers, in adopting the National Incident Management System; and

“(F) perform such other duties relating to such responsibilities as the Administrator may require.

“SEC. 510. *NATIONAL OPERATIONS CENTER.*

“(a) DEFINITION.—In this section, the term ‘situational awareness’ means information gathered from a variety of sources that, when communicated to emergency preparedness and response managers and decision makers, can form the basis for incident management decisionmaking.

“(b) ESTABLISHMENT.—There is established in the Department a National Operations Center.

“(c) PURPOSE.—The purposes of the National Operations Center are to—

“(1) coordinate the national response to any natural or man-made disaster, as determined by the Secretary;

“(2) provide situational awareness and a common operating picture for the entire Federal Government, and for State and local governments as appropriate, for an event described in paragraph (1);

“(3) collect and analyze information to help deter, detect, and prevent terrorist acts;

“(4) disseminate terrorism and disaster-related information to Federal, State, and local governments;

“(5) ensure that critical terrorism and disaster-related information reaches government decision-makers; and

“(6) perform such other duties as the Secretary may require.

“(d) RESPONSIBILITIES.—The National Operations Center shall carry out the responsibilities of the Homeland Security Operations Center, the National Response Coordination Center, and the Interagency Incident Management Group, as constituted on September 1, 2005.

“SEC. 511. *CHIEF MEDICAL OFFICER.*

“(a) IN GENERAL.—There is in the Authority a Chief Medical Officer, who shall be appointed by the President, by and with the advice and consent of the Senate. The Chief Medical Officer shall report directly to the Administrator.

“(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

“(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to natural and man-made disasters, including—

“(1) serving as the principal advisor to the Secretary and the Administrator on medical and public health issues;

“(2) coordinating the biosurveillance and detection activities of the Department;

“(3) ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support;

“(4) serving as the Department’s primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the Department of Veterans Affairs, and other Federal departments or agencies, on medical and public health issues;

“(5) serving as the Department’s primary point of contact for State and local government, the medical community, and others within and outside the Department, with respect to medical and public health matters;

“(6) discharging, in coordination with the Under Secretary for Science and Technology, the responsibilities of the Department related to Project Bioshield;

“(7) establishing doctrine and priorities for the National Disaster Medical System, consistent with the National Response Plan and the National Incident Management System, supervising its medical components, and exercising predeployment operational control, including—

“(A) determining composition of the teams;

“(B) overseeing credentialing of the teams; and

“(C) training personnel of the teams;

“(8) establishing doctrine and priorities for the Metropolitan Medical Response System, consistent with the National Response Plan and the National Incident Management System;

“(9) managing the Metropolitan Medical Response System, including developing and overseeing standards, plans, training, and exercises and coordinating with the Office of Grants and Training on the use and distribution of Metropolitan Medical Response grants;

“(10) assessing and monitoring long-term health issues of emergency managers and emergency response providers;

“(11) developing and updating, in consultation with the Secretary of Health and Human Services, guidelines for State and local governments for medical response plans for chemical, biological, radiological, nuclear, or explosive weapon attacks;

“(12) developing, in consultation with the Secretary of Health and Human Services, appropriate patient tracking capabilities to execute domestic patient movement and evacuations, including a system that has the capacity of electronically maintaining and transmitting the health information of hospital patients;

“(13) establishing and providing oversight for the Department's occupational health and safety program, including workforce health; and

“(14) performing such other duties relating to such responsibilities as the Secretary or the Administrator may require.

“(d) LONG-TERM HEALTH ASSESSMENT PROGRAM.—The Chief Medical Officer, in consultation with the Director of the National Institute for Occupational Safety and Health, shall establish a program to assess, monitor, and study the health and safety of emergency managers and emergency response providers, following Incidents of National Significance declared by the Secretary under the National Response Plan.

“SEC. 512. PUBLIC AND COMMUNITY PREPAREDNESS.

“The Administrator shall promote public and community preparedness.

“SEC. 513. SAVER PROGRAM.

“(a) IN GENERAL.—In the Department there is a System Assessment and Validation for Emergency Responders Program to provide impartial evaluations of emergency response equipment and systems.

“(b) REQUIREMENTS.—The program established under subsection (a) shall—

“(1) provide impartial, practitioner relevant, and operationally oriented assessments and validations of emergency response provider equipment and systems that have not already been third-party certified to a standard adopted by the Department, including—

“(A) commercial, off-the-shelf emergency response provider equipment and systems in all equipment list categories of the Standardized Equipment List published by the Interagency Board for Equipment Standardization and Interoperability; and

“(B) such other equipment or systems as the Secretary determines are appropriate;

“(2) provide information that enables decision-makers and emergency response providers to better select, procure, use, and maintain emergency response provider equipment or systems;

“(3) assess and validate the performance of products within a system and subsystems; and

“(4) provide information and feedback to emergency response providers through the Responder Knowledge Base of the National Memorial Institute for the Prevention of Terrorism, or other appropriate forum.

“(c) ASSESSMENT AND VALIDATION PROCESS.—The assessment and validation of emergency response provider equipment and systems shall use multiple evaluation techniques, including—

“(1) operational assessments of equipment performance on vehicle platforms;

“(2) technical assessments on a comparative basis of system component performance across makes and models under controlled conditions; and

“(3) integrative assessments on an individual basis of system component interoperability and compatibility with other system components.

“(d) PERSONAL PROTECTIVE EQUIPMENT.—To the extent practical, the assessment and validation of personal protective equipment under this section shall be conducted by the National Personal Protective Technology Laboratory of the National Institute for Occupational Safety and Health.

“SEC. 514. NATIONAL SEARCH AND RESCUE RESPONSE SYSTEM.

“(a) NATIONAL SEARCH AND RESCUE RESPONSE SYSTEM.—There is established in the Authority an emergency response system known as the National Search and Rescue Response System that provides a national network of standardized search and rescue resources to assist State and local governments in responding to any natural or man-made disaster.

“(b) ADMINISTRATION OF THE SYSTEM.—

“(1) TASK FORCE PARTICIPATION.—The Administrator shall select eligible search and rescue teams that are sponsored by State and local government entities to participate as task forces in the National Search and Rescue Response System. The Administrator shall determine the criteria for such participation.

“(2) AGREEMENTS WITH SPONSORING AGENCIES.—The Administrator shall enter into an agreement with the State or local government entity that sponsors each search and rescue team selected under paragraph (1) with respect the team's participation as a task force in the National Search and Rescue Response System.

“(3) MANAGEMENT AND TECHNICAL TEAMS.—The Administrator shall maintain such management and other technical teams as are necessary to administer the National Search and Rescue Response System.

“SEC. 515. METROPOLITAN MEDICAL RESPONSE SYSTEM.

“(a) IN GENERAL.—There is in the Authority a Metropolitan Medical Response System. Under the Metropolitan Medical Response System, the Assistant Secretary for Grants and Planning, in coordination with the Chief Medical Officer, shall administer grants to develop, maintain, and enhance medical preparedness systems that are capable of responding effectively to a public health crisis or mass-casualty event caused by a natural or man-made disaster.

“(b) USE OF FUNDS.—The Metropolitan Medical Response System shall make grants to local governments to enhance any of the following activities:

“(1) Medical surge capacity.

“(2) Mass prophylaxis.

“(3) Chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities.

“(4) Emergency communications capabilities.

“(5) Information sharing and collaboration capabilities.

“(6) Regional collaboration.

“(7) Triage and pre-hospital treatment.

“(8) Medical supply management and distribution.

“(9) Fatality management.

“(10) Such other activities as the Secretary may provide.

“SEC. 516. EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

“(a) IN GENERAL.—The Secretary, acting through the Administrator, may make grants for the purposes of administering and improving the Emergency Management Assistance Compact consented to by the Joint Resolution entitled ‘Joint Resolution granting the consent of Congress to the Emergency Management Assistance Compact’ (Public Law 104–321; 110 Stat. 3877).

“(b) USES.—A grant under this section shall be used to—

“(1) carry out recommendations identified in after-action reports for the 2004 and 2005 hurricane season issued under the Emergency Management Assistance Compact;

“(2) coordinate with the Department and other Federal Government agencies;

“(3) coordinate with State and local government entities and their respective national associations;

“(4) assist State and local governments with credentialing emergency response providers and the typing of emergency response resources; or

“(5) administer the operations of the Emergency Management Assistance Compact.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $4,000,000 for each of fiscal years 2007 through 2010. Amounts appropriated under this section shall remain available for 3 fiscal years after the date on which such funds are appropriated.

“SEC. 517. OFFICE FOR THE PREVENTION OF TERRORISM.

“(a) ESTABLISHMENT.—There is established in the Department an Office for the Prevention of Terrorism, which shall be headed by a Director.

“(b) DIRECTOR.—

“(1) REPORTING.—The Director of the Office for the Prevention of Terrorism shall report directly to the Secretary.

“(2) QUALIFICATIONS.—The Director of the Office for the Prevention of Terrorism shall have an appropriate background with experience in law enforcement, intelligence, or other anti-terrorist functions.

“(c) ASSIGNMENT OF PERSONNEL.—

“(1) IN GENERAL.—The Secretary shall assign to the Office for the Prevention of Terrorism permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this section.

“(2) LIAISONS.—The Secretary shall designate senior employees from each component of the Department that has significant antiterrorism responsibilities to act a liaison between that component and the Office for the Prevention of Terrorism.

“(d) RESPONSIBILITIES.—The Director of the Office for the Prevention of Terrorism shall—

“(1) coordinate policy and operations between the Department and State and local government agencies relating to preventing acts of terrorism within the United States;

“(2) serve as a liaison between State and local law enforcement agencies and the Department;

“(3) in coordination with the Office of Intelligence, develop better methods for the sharing of intelligence with State and local law enforcement agencies;

“(4) work with the Assistant Secretary of the Office of Grants and Training to ensure that homeland security grants to State and local agencies, including the Law Enforcement Terrorism Prevention Program, Commercial Equipment Direct Assistance Program, grants for fusion centers, and other law enforcement programs are adequately focused on terrorism prevention activities; and

"(5) coordinate with the Authority, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to develop national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers.

"(e) Pilot Project.—

"(1) In general.—The Director of the Office for the Prevention of Terrorism, in coordination with the Director for Response, shall establish a pilot project to determine the efficacy and feasibility of establishing law enforcement deployment teams.

"(2) Function.—The law enforcement deployment teams participating in the pilot program under this subsection shall form the basis of a national network of standardized law enforcement resources to assist State and local governments in responding to a natural or man-made disaster.

"(f) Construction.—Nothing in this section may be construed to affect the roles or responsibilities of the Department of Justice.

"SEC. 518. DEPARTMENT OFFICIALS.

"(a) Cybersecurity and Telecommunications.—There is in the Department an Assistant Secretary for Cybersecurity and Telecommunications.

"(b) United States Fire Administration.—The Administrator of the United States Fire Administration shall have a rank equivalent to an assistant secretary of the Department.

"SEC. 519. CREDENTIALING.

"(a) Definitions.—In this section—

"(1) the term 'credential' means to provide documentation that can authenticate and verify the qualifications and identity of managers of incidents, emergency response providers, and other appropriate personnel including by ensuring that such personnel possess a minimum common level of training, experience, physical and medical fitness, and capability appropriate for their position;

"(2) the term 'credentialing' means evaluating an individual's qualifications for a specific position under guidelines created in this section and assigning such individual a qualification under the standards developed in this section; and

"(3) the term 'credentialed' means an individual has been evaluated for a specific position under the guidelines created under this section.

"(b) Requirements.—

"(1) In general.—The Administrator shall enter into a memorandum of understanding to collaborate with the Emergency Management Assistance Compact and other organizations to establish, in consultation with the Authority, nationwide standards for credentialing all personnel who are likely to respond to an emergency or major disaster.

"(2) Contents.—The standards developed under paragraph (1) shall—

"(A) include the minimum professional qualifications, certifications, training, and education requirements for specific emergency response functional positions that are applicable to Federal, State and local government;

"(B) be compatible with the National Incident Management System; and

"(C) be consistent with standards for advance registration for health professions volunteers under section 3191 of the Public Health Services Act (42 U.S.C. 247d-7b).

"(3) Timeframe.—The standards developed under paragraph (1) shall be completed not later than 6 months after the date of enactment of the United States Emergency Management Authority Act of 2006.

"(c) Credentialing of Department Personnel.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Administrator shall ensure that all personnel of the Department (including temporary personnel) who are likely to respond to an emergency or major disaster are credentialed.

"(d) Integration With National Response Plan.—

"(1) Distribution of standards.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Authority shall provide the standards developed under subsection (b) to all Federal agencies that have responsibilities under the National Response Plan.

"(2) Credentialing of agencies.—Not later than 180 days after the date on which the standards are provided under paragraph (1), each agency described in paragraph (1) shall—

"(A) ensure that all employees or volunteers of that agency who are likely to respond to an emergency or major disaster are credentialed; and

"(B) submit to the Secretary the name of each credentialed employee or volunteer of such agency.

"(3) Leadership.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in paragraph (1) to facilitate the credentialing process of that agency.

"(e) Documentation and Database System.—

"(1) In general.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Authority shall establish and maintain a documentation and database system of Federal emergency response providers and all other Federal personnel credentialed to respond to an emergency or major disaster.

"(2) Accessibility.—The documentation and database system established under paragraph (1) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to an emergency or major disaster.

"(3) Considerations.—The Administrator shall consider whether the credentialing system can be used to regulate access to areas affected by a major disaster.

"(f) Guidance to State and Local Governments.—Not later than 6 months after the date of enactment of this Act, the Administrator shall—

"(1) in collaboration with the Emergency Management Assistance Compact provide detailed written guidance, assistance, and expertise to State and local governments to facilitate the credentialing of State and local emergency response providers and typing of assets commonly or likely to be used in responding to an emergency or major disaster; and

"(2) in coordination with the Emergency Management Assistance Compact and appropriate national professional organizations, assist State and local governments with credentialing the personnel and typing the resources of the State or local government under the guidance provided under paragraph (1).

"(g) Report.—Not later than 6 months after the date of enactment of this Act and annually thereafter, the Director of the Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this section, including the number and level of qualification of Federal personnel trained and ready to respond to an emergency or major disaster.

"(h) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"SEC. 520. TYPING OF RESOURCES AND ASSETS.

"(a) Definitions.—In this section—

"(1) the term 'typed' means an asset or resource has been evaluated for a specific function under the guidelines created under this section; and

"(2) the term 'typing' means to define in detail the minimum capabilities of an asset or resource.

"(b) Requirements.—

"(1) In general.—The Administrator shall enter into a memorandum of understanding to collaborate with the Emergency Management Assistance Compact and other organizations to establish, in consultation with the Authority, nationwide standards for typing of resources and assets commonly or likely to be used in responding to an emergency or major disaster.

"(2) Contents.—The standards developed under paragraph (1) shall—

"(A) be applicable to Federal, State and local government; and

"(B) be compatible with the National Incident Management System.

"(c) Typing of Department Resources.—Not later than 1 year after the date of enactment of this Act, the Secretary shall ensure that all resources and assets of the Department that are likely to be used to respond to an emergency or major disaster are typed.

"(d) Integration With National Response Plan.—

"(1) Distribution of standards.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Authority shall provide the standards developed under subsection (b) to all Federal agencies that have responsibilities under the National Response Plan.

"(2) Typing of agencies, assets, and resources.—Not later than 180 days after the date on which the standards are provided under paragraph (1), each agency described in paragraph (1) shall—

"(A) ensure that all resources and assets (including teams, equipment, and other assets) of that agency that are likely to be used to respond to an emergency or major disaster are typed; and

"(B) submit to the Secretary a list of all typed resources and assets

"(3) Leadership.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in paragraph (1) to facilitate the typing process of that agency.

"(e) Documentation and Database System.—

"(1) In general.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish and maintain a documentation and database system of Federal resources and assets likely to be used to respond to an emergency or major disaster.

"(2) Accessibility.—The documentation and database system established under paragraph (1) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to an emergency or major disaster.

"(f) Guidance to State and Local Governments.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Authority, in collaboration with the Emergency Management Assistance Compact, shall—

"(1) provide detailed written guidance, assistance, and expertise to State and local governments to facilitate the typing of the resources and assets of State and local governments likely to be used in responding to an emergency or major disaster; and

"(2) assist State and local governments with typing the resources and assets of the State or local governments under the guidance provided under paragraph (1).

"(g) Grants.—The Secretary may make grants to the party states of the Emergency Management Assistance Compact to develop and maintain a database of typed resources and assets of State and local governments.

"(h) REPORT.—Not later than 6 months after the date of enactment of this Act and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this section, including the number and type of Federal resources and assets ready to respond to an emergency or major disaster.".

SEC. 803. CONFORMING AMENDMENTS. (a) EXECUTIVE SCHEDULE.—

(1) ADMINISTRATOR.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Administrator of the United States Emergency Management Authority.".

(2) DIRECTORS.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Directors, United States Emergency Management Authority.".

(3) FEMA OFFICERS.—

(A) FEDERAL INSURANCE ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by striking "Federal Insurance Administrator, Federal Emergency Management Agency." and inserting "Federal Insurance Administrator, United States Emergency Management Agency.".

(B) INSPECTOR GENERAL.—Section 5315 of title 5, United States Code, is amended by striking "Inspector General, Federal Emergency Management Agency." and inserting "Inspector General, United States Emergency Management Agency.".

(C) CHIEF INFORMATION OFFICER.—Section 5315 of title 5, United States Code, is amended by striking "Chief Information Officer, Federal Emergency Management Agency." and inserting "Chief Information Officer, United States Emergency Management Agency.".

(b) OFFICERS OF THE DEPARTMENT.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) by striking paragraph (5) and inserting the following:

"(5) An Administrator of the United States Emergency Management Authority.";

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) through (10) (as amended by this subsection) as paragraphs (2) through (9), respectively.

(c) REFERENCES.—Any reference to the Federal Emergency Management Agency, or the Director thereof, in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the effective date of this title shall be considered to refer and apply to the United States Emergency Management Authority and the Administrator thereof, respectively.

(d) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the items relating to title V and sections 501 through 509 and inserting the following:

"TITLE V—NATIONAL PREPAREDNESS AND RESPONSE

"Sec. 501. Definitions.
"Sec. 502. United States Emergency Management Authority.
"Sec. 503. Authorities and responsibilities.
"Sec. 504. Authority components.
"Sec. 505. Preserving the United States Emergency Management Authority.
"Sec. 506. Directors.
"Sec. 507. Regional Offices.
"Sec. 508. National Advisory Council on Emergency Preparedness and Response.
"Sec. 509. National Incident Management System Integration Center.
"Sec. 510. National Operations Center.
"Sec. 511. Chief Medical Officer.
"Sec. 512. Public and community preparedness.
"Sec. 513. SAVER Program.
"Sec. 514. National Search and Rescue Response System.
"Sec. 515. Metropolitan Medical Response System.
"Sec. 516. Emergency Management Assistance Compact.
"Sec. 517. Office for the Prevention of Terrorism.
"Sec. 518. Department officials.
"Sec. 519. Credentialing.
"Sec. 520. Typing of resources and assets.
"Sec. 521. Nuclear incident response.
"Sec. 522. Conduct of certain public health-related activities.
"Sec. 523. Use of national private sector networks in emergency response.
"Sec. 524. Use of commercially available technology, goods, and services.
"Sec. 525. Procurement of security countermeasures for strategic national stockpile.
"Sec. 526. Urban and other high risk area communications capabilities.".

SEC. 804. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title and the amendments made by this title.

SEC. 805. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on January 1, 2007.

TITLE IX

BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 901. SHORT TITLE.

This title may be cited as the "Border Law Enforcement Relief Act of 2006".

SEC. 902. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region.

SEC. 903. BORDER RELIEF GRANT PROGRAM. (a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county *has been certified by the Secretary as a High Impact Area.*

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 904. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2007".

MEASURE PLACED ON THE CALENDAR—H.R. 9

Mr. FRIST. I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 9) to amend the Voting Rights Act of 1965.

Mr. FRIST. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection being heard, the bill will be placed on the calendar.

ORDER FOR STAR PRINT—H.R. 5672

Mr. FRIST. I ask unanimous consent that the report to accompany H.R. 5672 be star printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—H.R. 125

Mr. FRIST. I ask unanimous consent the Committee on Environment and Public Works be discharged from further consideration of H.R. 125 and the bill be referred to the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 60TH ANNIVERSARY OF THE PERMANENT INTEGRATION OF PROFESSIONAL FOOTBALL

Mr. FRIST. I ask unanimous consent the Senate now proceed to consideration of S. Res. 533, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 533) commemorating the 60th anniversary of the permanent integration of professional football by 4 pioneering players.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 533) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 533

Whereas the integration of sports supported other ongoing efforts to permanently end racial segregation as an accepted practice in the United States;

Whereas, in 1946, 4 African-American football players, William "Bill" K. Willis and Marion Motley, who played for the Cleveland Browns, and Kenny Washington and Woody Strode, who played for the Los Angeles Rams, all signed contracts to play professional football;

Whereas, on August 7, 1946, Bill Willis was the first of this pioneering foursome to sign a contract to play professional football for the Cleveland Browns forever ending the race barrier in professional football, 1 full year before Jackie Robinson broke the race barrier in professional baseball;

Whereas, thanks to the significant contributions of Bill Willis and Marion Motley, the Cleveland Browns won the National Football League (NFL) Championship in 1950 which was the first year the Cleveland Browns played in the NFL;

Whereas, in addition to permanently ending the race barrier in professional football, Bill Willis and Marion Motley were recognized for their outstanding professional football careers by their election to the Pro Football Hall of Fame; and

Whereas 2006 marks the 60th anniversary of the permanent integration of professional football, and the NFL will commemorate this milestone during the 2006 Pro Football Hall of Fame Game: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 60th anniversary of the permanent integration of professional football; and

(2) respectfully requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) the Pro Football Hall of Fame in Canton, Ohio; and

(B) William K. Willis, the only surviving member of the pioneering foursome who permanently ended the race barrier in professional football.

FREEDOM TO DISPLAY THE AMERICAN FLAG ACT OF 2005

Mr. FRIST. I ask unanimous consent the committee on Banking, Housing and Urban Affairs be discharged from further consideration of H.R. 42, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 42) to ensure that the right of an individual to display the flag of the United States on residential property not be abridged.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 42) was ordered to a third reading, was read the third time, and passed.

UNANIMOUS CONSENT AGREEMENT—H.R. 5441

Mr. FRIST. I ask unanimous consent that notwithstanding passage of H.R. 5441, amendments Nos. 4642, 4570, and 4578 be further modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as modified, are as follows:

AMENDMENT NO. 4642, AS MODIFIED

On page 66, line 5, strike "$166,456,000" and insert "$163,456,000".

On page 91, line 6, strike "$2,393,500,000" and insert "$2,400,000,000".

On page 93, strike lines 7 and 8, and insert the following:

"(4) $338,000,000 for training, exercises, technical assistance, and other programs (including mass evacuation preparation and exercises): *Provided*, That not less than $18,000,000 is for technical assistance:".

On page 120, increase that amount on line 9 by $3,500,000.

AMENDMENT NO. 4570, AS FURTHER MODIFIED

On page 68, line 9, strike "General." and insert the following: "General: *Provided further*, That the Department of Homeland Security Inspector General shall investigate whether, and to what extent, in adjusting and settling claims resulting from Hurricane Katrina, insurers making flood insurance coverage available under the Write-Your-Own program pursuant to section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) and subpart C of part 62 of title 44, Code of Federal Regulations, improperly attributed damages from such hurricane to flooding covered under the insurance coverage provided under the national flood insurance program rather than to windstorms covered under coverage provided by such insurers or by windstorm insurance pools in which such insurers participated: *Provided further*, That the Department of Homeland Security Inspector General may request the assistance of the Attorney General and the Department of Justice in conducting such investigation and may reimburse the costs of the Attorney General and the Department of Justice in providing such assistance from such funds: *Provided further*, That the Department of Homeland Security Inspector General shall submit a report to Congress not later than April 1, 2007, setting forth the conclusions of such investigation."

On page 120, increase the amount on line 9 by $3,000,000.

On page 68, increase the amount on line 6 by $3,000,000.

AMENDMENT NO. 4578, AS MODIFIED

On page 90, line 15, strike "of which $8,000,000" and insert "of which no less than $2,741,000 may be used for the Office of National Capital Region Coordination, and of which $6,459,000".

ORDERS FOR TUESDAY, JULY 18, 2006

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, July 18. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business with the time equally divided until 10 a.m.; further, I ask unanimous consent that at 10 a.m. the Senate proceed to the stem cell bills under the previous order. I further ask unanimous consent that the Senate stand in recess from 12:30 to 2:15 to accommodate the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today we have been debating the stem cell research bills. That debate will continue at 10 o'clock tomorrow morning, again the time alternating between the two sides. Senators are reminded that we will have votes on these bills tomorrow afternoon starting at 3:45. Each bill does require 60 votes for passage. These votes tomorrow afternoon will be the first votes of the week. Following that stem cell debate, we will be considering the Water Resources Development Act. We hope to complete consideration of that bill on Wednesday afternoon.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:43 p.m., adjourned until Tuesday, July 18, 2006, at 9:45 a.m.

HOUSE OF REPRESENTATIVES—*Monday, July 17, 2006*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BOUSTANY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 17, 2006.

I hereby appoint the Honorable CHARLES W. BOUSTANY, Jr. to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOHMERT) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O to be chosen.

What a joy, O Lord, to be selected by others. But to what depths are we awakened once we know You have called us to be Your very own.

There is a surprising freedom found in being God's children. You watch over and protect us as we obey Your commands. Our destiny is in Your hands as we try to follow Your holy inspiration.

You open our hearts and our hands to care for the poor. You comfort the alien in our welcome. You bind us together as each goes about the daily task that we may give You glory and honor every day of our lives, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arizona (Mr. RENZI) come forward and lead the House in the Pledge of Allegiance.

Mr. RENZI led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 14, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 14, 2006, at 11:08 am:

That the Senate concurs in the House amendment S. 655.

That the Senate disagrees to the House amendments and agrees to Conference; appoints conferees S. 250.

That the Senate agreed to S. Con. Res. 109.

That the Senate passed S. 3525.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

IMMIGRATION REFORM

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to support Republican efforts aimed at curbing our Nation's immigration problem.

House Republicans are determined to send a bill to the President that will secure our borders, punish employers who knowingly use illegal labor, make English our official language, and remove incentives for immigrants to enter our country illegally.

However, some Democrats seem determined to undermine our Nation's immigration laws. They support the Reid-Kennedy bill, which will allow 60 million new immigrants to enter our country over the next 20 years and will guarantee Social Security benefits to immigrants for the time they were in America illegally.

Mr. Speaker, rewarding those who break our laws is not the way to deal with America's immigration problem. This is an issue we cannot afford to compromise on, and I encourage my colleagues to support strict immigration reform in the interest of national security.

SECURE THE BORDERS FIRST

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, we are seeing it everywhere we go and we are hearing it from all of our constituents every time we go home, every time we hold a town hall meeting, and every time we show up in a local community: illegal entry into this country and the presence of those who have made a decision to break the law to come here.

Illegal immigration is an issue to be addressed, and here it is on the front page of The Washington Post. Twelve hundred miles from the border, U.S. border town, yes, indeed, by those individuals who would choose to enter the country illegally. Every town has become a border town and every State has become a border State.

I encourage our colleagues to hang tough in this debate and stay with the House bill where we secure the border first.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the

---

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

MARINE MAMMAL PROTECTION ACT AMENDMENTS OF 2006

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4075) to amend the Marine Mammal Protection Act of 1972 to provide for better understanding and protection of marine mammals, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Marine Mammal Protection Act Amendments of 2006”.

SEC. 2. AMENDMENT REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to such section or other provision of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

SEC. 3. TECHNICAL CORRECTIONS.

(a) COMMITTEE REFERENCES.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by striking “Committee on Merchant Marine and Fisheries” each place it appears and inserting “Committee on Resources”.

(b) OBSOLETE REFERENCE TO SECTION.—Section 118(c)(3)(A)(i) (16 U.S.C. 1387(c)(3)(A)(i)) is amended by striking “, except that” and all that follows through “is valid”.

SEC. 4. LIMITED AUTHORITY TO EXPORT MARINE MAMMAL PRODUCTS.

(a) IN GENERAL.—Section 101(a)(6) (16 U.S.C. 1371(a)(6)) is amended by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following:

“(B) A marine mammal product may be exported from the United States if the product—

“(i) is legally possessed, and exported by, a citizen of the United States for noncommercial purposes in conjunction with travel outside the United States and the product is imported into the United States by the same person upon the termination of travel;

“(ii) is legally possessed, and exported by, a person that is not a citizen of the United States for noncommercial purposes;

“(iii) is legally possessed and exported as part of a cultural exchange, by an Indian, Aleut, or Eskimo residing in Alaska; or

“(iv) is owned by a Native inhabitant of Russia, Canada, or Greenland and is exported for noncommercial purposes—

“(I) in conjunction with, and upon the completion of, travel within the United States; or

“(II) as part of a cultural exchange with an Indian, Aleut, or Eskimo residing in Alaska.”.

(b) CONFORMING AMENDMENT.—Section 101(a)(6)(A)(i) (16 U.S.C. 1371(a)(6)(A)(i)) is amended by inserting “for noncommercial purposes” after “United States” the first place it appears.

SEC. 5. CAPTIVE RELEASE PROHIBITION.

Section 102(a) (16 U.S.C. 1372(a)) is amended—

(1) in paragraph (4) by striking “subsection 104(c); and” and inserting “section 104(c);”;

(2) in paragraph (5) by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(6) for any person that is subject to the jurisdiction of the United States to release any captive marine mammal unless specifically authorized to do so under section 104(c)(3)(A), 104(c)(4)(A), or 109(h), except that this paragraph shall not apply to the temporary release of any marine mammal that is maintained in captivity under section 7524 of title 10, United States Code (including any progeny of a marine mammal maintained under that section).”.

SEC. 6. ANNUAL REPORT REQUIREMENT.

Section 103(f) (16 U.S.C. 1373(f)) is amended in the first sentence, by inserting “and notwithstanding Public Law 104–66” after “thereafter”.

SEC. 7. PERMIT CLARIFICATIONS.

(a) CLARIFICATIONS.—Section 104 (16 U.S.C. 1374) is amended as follows:

(1) Subsection (c)(7) is amended by inserting “notwithstanding any other provision of law” after “requesting the permit”.

(2) Subsection (c)(9) is amended to read as follows:

“(9)(A) No marine mammal may be exported—

“(i) for the purpose of public display, unless the Secretary of Agriculture evaluates and verifies, and thereafter notifies the Secretary, that the receiving facility meets standards that are comparable to the requirements that a person must meet to receive a permit under this subsection for that purpose; or

“(ii) for the purpose of scientific research or enhancing the survival or recovery of a species or stock, unless the receiving facility meets standards that are comparable to the requirements that a person must meet to receive a permit under this subsection for that purpose.

“(B) The Secretary may not require or request, through comity or any other means, that any marine mammal or its progeny remain subject to the jurisdiction of the United States when located in waters or on lands that are subject to the jurisdiction of another country.”.

(3) Subsection (c)(10) is amended—

(A) in the first sentence by inserting “held within the lands and waters of the United States” after “marine mammals” each place it appears;

(B) by inserting after the first sentence the following: “The Secretary shall update the inventory on an annual basis.”; and

(C) in subparagraph (D) by inserting “ownership, or other” after “date of”.

(b) REVIEW AND REPORT REGARDING INVENTORY.—

(1) REVIEW.—The Secretaries of Commerce and the Interior shall, by not later than 12 months after date of the enactment of this Act, jointly conduct a review of the inventory maintained under section 104(c)(10) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(10)), the use of the information in the inventory, and the costs, benefits, and issues associated with the development of an online inventory.

(2) CONSULTATION.—In conducting the review, the Secretary shall consult and solicit input from persons who are required to provide information for the inventory.

(3) REPORT.—The Secretary shall submit a report to Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings of the review under this subsection. The report shall include the following:

(A) Recommendations on whether the inventory should be maintained by the Secretary or by another person under contract.

(B) How the Secretary would oversee maintenance of the inventory carried out under contract.

(C) How public access and access by Federal agencies to the inventory can be maintained if the inventory is maintained under contract.

(D) How the Secretary can minimize duplication on the information the Secretary receives from public display facilities and reduce the paper work burden on those facilities.

(E) An estimate of the cost of maintaining the inventory.

(F) A description of how the Secretary will ensure the secure maintenance of the data in the inventory.

(G) An analysis of the potential that online availability of the information in the inventory could adversely affect the safety of the animals.

(c) LIMITATION ON NOTIFICATION REQUIREMENTS.—Section 104(c) (16 U.S.C. 1374(c)) is amended in paragraph (2)(E) in the first sentence, and in paragraph (8)(B)(i)(II), by inserting before the period at the end the following: “, except that if the transport is for purposes of public display and the transfer is between facilities where the ownership and care of the marine mammal will be under the same license or registration issued under the Animal Welfare Act (7 U.S.C. 2131 et seq.) then only a notice of transport is required”.

SEC. 8. FINES AND PENALTIES.

(a) FINES AND PENALTIES, GENERALLY.—Section 105 (16 U.S.C. 1375) is amended—

(1) in subsection (a)(1) by striking “$10,000” and inserting “$20,000”; and

(2) in subsection (b) by striking “$20,000” and inserting “$30,000”.

(b) VESSEL PENALTY.—Section 106(b) (16 U.S.C. 1376(b)) is amended by striking “$25,000” and inserting “$35,000”.

SEC. 9. MARINE MAMMAL GRANTS.

Section 110(a) (16 U.S.C. 1380(a)) is amended to read as follows:

“(a) AUTHORIZATION OF ASSISTANCE; ANNUAL REPORT.—

“(1) AUTHORIZATION OF ASSISTANCE.—The Secretary may make grants, or provide financial assistance in such other form as the Secretary considers appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects that are relevant to the protection and conservation of marine mammals.

“(2) REPORTS.—

“(A) REPORTS BY SECRETARY.—The Secretary shall include a description of the results of research carried out with assistance under this section in the annual report required under section 103(f).

“(B) REPORTS BY FEDERAL AGENCIES.—The head of each Federal agency that conducts and provides funds for research on marine mammals shall report annually to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on funding provided and research conducted regarding marine mammals during the preceding year.

“(3) CONTRIBUTIONS.—For purposes of carrying out this section, the Secretary may accept, solicit, receive, hold, administer, and use gifts, devises, and bequests.”.

SEC. 10. FISHERIES GEAR DEVELOPMENT.

Section 111 (16 U.S.C. 1381) is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a) FISHING GEAR DEVELOPMENT PROGRAM.—

“(1) IN GENERAL.—The Secretary of Commerce (in this section referred to as the ‘Secretary’) shall—

“(A) carry out a program for the purpose of devising improved fishing gear and methods so as to reduce to the maximum extent practicable the incidental taking of marine mammals in connection with fishing operations; and

“(B) make every practicable effort to develop, evaluate, and make available to owners and operators of fishing vessels such gear and fishing method improvements as quickly as possible.

“(2) COORDINATION WITH OTHER COUNTRIES.—The Secretary may coordinate with other countries to foster gear technology transfer initiatives to reduce to the maximum extent practicable the incidental mortality and serious injury of marine mammals throughout the full extent of their range.”.

(2) By adding at the end the following:

“(e) GEAR IMPROVEMENT MINI-GRANT PROGRAM.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary may establish a grant program to provide financial assistance for developing, manufacturing, testing, or designing new types of fishing gear designed to reduce to the maximum extent practicable the incidental taking (including incidental mortality and serious injury) of marine mammals.

“(2) GRANT AMOUNT AND PURPOSES.—The amount of a grant under this subsection may not exceed $20,000.

“(3) GRANT APPLICATIONS.—To receive a grant under this section, an applicant must submit an application in such form and manner as the Secretary may prescribe.

“(4) CONSULTATION REGARDING CRITERIA.—The Secretary shall consult with the Secretary of the Interior and the Marine Mammal Commission regarding the development of criteria for the awarding of grants under this subsection.

“(5) ADMINISTRATIVE COSTS.—Of amounts available each fiscal year to carry out this subsection, the Secretary may expend not more than $40,000 to pay the administrative expenses necessary to carry out this subsection.

“(6) CONTRIBUTIONS.—For purposes of carrying out this section, the Secretary may accept, solicit, receive, hold, administer, and use gifts, devises, and bequests.”.

SEC. 11. CONFORMING AMENDMENT.

Subsection (c) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385) is amended in paragraph (2) by striking “160 degrees west longitude” and inserting “150 degrees west longitude”.

SEC. 12. TAKE REDUCTION PLANS.

(a) IN GENERAL.—Section 118 (16 U.S.C. 1387) is amended as follows:

(1) In subsection (a) by striking “commercial” each place it appears in paragraphs (1) and (5).

(2) In subsection (c)(1) by striking so much as precedes subparagraph (B) and inserting the following:

“(c) REGISTRATION AND AUTHORIZATION.—(1) The Secretary shall, within 90 days after the date of enactment of the Marine Mammal Protection Act Amendments of 2006—

“(A) publish in the Federal Register for public comment, for a period of not less than 90 days, any necessary changes to the Secretary’s list of fisheries published under section 114(b)(1) in the Federal Register on August 24, 1994 (along with an explanation of such changes and a statement describing the marine mammal stocks interacting with, and the approximate number of vessels or persons actively involved in, each such fishery), with respect to—

“(i) commercial and recreational fisheries that have frequent incidental mortality and serious injury of marine mammals;

“(ii) commercial and recreational fisheries that have occasional incidental mortality and serious injury of marine mammals; or

“(iii) commercial fisheries that have a remote likelihood of or no known incidental mortality or serious injury of marine mammals;”.

(3) In subsection (c)(1) in subparagraphs (B) and (C) by striking “commercial”.

(4) In subsection (c)(2)(A) by striking “commercial”.

(5) In subsection (c)(3)(A) in the matter preceding clause (i) by striking “a commercial fishery” and inserting “that fishery”.

(6) In subsection (c)(3)(E) by inserting “commercial” after “any”.

(7) In subsection (c)(5)(B) by striking “commercial”.

(8) In subsection (d)(1) in the matter preceding subparagraph (A) by striking “commercial fishing operations” and inserting “fishing operations in a fishery listed under subsection (c)(1)(A)(i) or (ii)”.

(9) In subsection (d)(3) in the matter preceding subparagraph (A) by striking “commercial fisheries” and inserting “fisheries listed under subsection (c)(1)(A)(i) or (ii)”.

(10) In subsection (d)(4) as follows:

(A) In the matter preceding subparagraph (A) by striking “commercial fisheries” and inserting “fisheries listed under subsection (c)(1)(A)(i) or (ii)”.

(B) In subparagraph (A) by striking “commercial fisheries” and inserting “fisheries listed under subsection (c)(1)(A)(i) or (ii)”.

(C) In subparagraph (B) by striking “commercial fisheries” and inserting “fisheries listed under subsection (c)(1)(A)(i) or (ii)”.

(D) In subparagraph (C) by striking “commercial fisheries” and inserting “fisheries listed under subsection (c)(1)(A)(i) or (ii)”.

(11) In subsection (d)(5) by striking “commercial fishing operations” and inserting “fishing operations in fisheries listed under subsection (c)(1)(A)(i) or (ii)”.

(12) In subsection (e) in the matter preceding paragraph (1)—

(A) by striking “commercial” each place it appears; and

(B) by striking “this Act” and inserting “this section”.

(13) In subsection (f) by striking so much as precedes paragraph (2) and inserting the following:

“(f) TAKE REDUCTION PLANS.—(1) The Secretary shall develop and implement a take reduction plan designed to assist in the recovery or prevent the depletion of each strategic stock which interacts with a fishery listed under subsection (c)(1)(A)(i) or (ii), unless the Secretary determines, after notice and opportunity for public comment, that the level of fishery related mortality and serious injury is having a negligible impact on that stock. The Secretary may develop and implement a take reduction plan for any other marine mammal stocks which interact with a fishery listed under subsection (c)(1)(A)(i) which the Secretary determines, after notice and opportunity for public comment, has a high level of mortality and serious injury across a number of such marine mammal stocks.”.

(14) In subsection (f)(2)—

(A) by striking “6 months” and inserting “9 months”; and

(B) by striking “commercial fishing operations” each place it appears and inserting “fishing operations in fisheries listed under subsection (c)(1)(A)(i) or (ii)”.

(15) In subsection (f)(3) by striking “commercial”.

(16) In subsection (f)(4)(B) by striking “commercial fishing operations” and inserting “fishing operations in fisheries listed under subsection (c)(1)(A)(i) or (ii)”.

(17) In subsection (f)(5)—

(A) in subparagraph (A) by striking “6 months” and inserting “9 months”; and

(B) in subparagraphs (A) and (B) by striking “commercial” each place it appears.

(18) In subsection (f)(6)(A)—

(A) by striking “(not later than 30 days)”; and

(B) in clause (ii) by striking “commercial fisheries” and inserting “fisheries listed under subsection (c)(1)(A)(i) or (ii)”.

(19) In subsection (f)(6)(C) in the second sentence, by inserting before “, and others” the following: “, where appropriate a representative of the office of General Counsel of the National Oceanic and Atmospheric Administration, a representative of the National Marine Fisheries Service having responsibilities related to fisheries science, a representative of the National Marine Fisheries Service having responsibilities related to law enforcement, and a representative of the appropriate National Marine Fisheries Service Regional Administrator”.

(20) In subsection (f)(7)—

(A) in subparagraph (A)(i) by striking “6 months” and inserting “9 months”;

(B) in subparagraph (B)(i)—

(i) by striking “not later than 60 days” and inserting “not later than 120 days”; and

(ii) by adding at the end the following: “Before publishing any plan that is different than the draft plan proposed by a take reduction team, the Secretary shall reconvene the team and explain to the team the differences between the published plan and the draft plan proposed by the team.”; and

(C) in subparagraph (B)(ii)—

(i) by striking “6 months” and inserting “9 months”; and

(ii) by striking “not later than 8 months” and inserting “not later than 11 months”.

(21) In subsection (f)(7)(C) by striking “Not later than 60 days” and inserting “Not later than 90 days”.

(22) In subsection (f)(7)(D) by striking “commercial”.

(23) In subsection (f)(8)—

(A) in subparagraph (C) by striking “Not later than 60 days” and inserting “Not later than 180 days”; and

(B) by striking “commercial” each place it appears.

(24) In subsection (f)(9) as follows:

(A) In subparagraph (A) by striking “commercial fisheries or restrict commercial fisheries” and inserting “fisheries listed under subsection (c)(1)(A)(i) or (ii) or restrict such fisheries”.

(B) In subparagraphs (B) and (C) by striking “commercial” each place it appears.

(C) In subparagraph (D) by striking “commercial fishing operations” and inserting “participation in a fishery listed under subsection (c)(1)(A)(i) or (ii)”.

(25) In subsection (g)(1) by striking “commercial fisheries” and inserting “fisheries listed under subsection (c)(1)(A)(i) or (ii)”.

(26) In subsection (g)(3)(B) by striking “commercial”.

(27) In subsection (g)(4) by striking “commercial fishery” and inserting “fishery listed under subsection (c)(1)(A)(i) or (ii)”.

(28) In subsection (j) by inserting “including observer, research, and education and outreach programs,” after “For purposes of carrying out this section,”.

(29) By amending subsection (d)(1)(C) to read as follows:

“(C) identify current fishery regulations and changes in fishing methods or technology that may increase or decrease incidental mortality and serious injury.”.

(30) In subsection (f)(2) in the last sentence by inserting “conservation benefits of” before “State or regional fishery management plans.”.

(31) By amending subsection (f)(4)(A) to read as follows:

“(A) a review of the information in the final stock assessment published under section 117(b), any substantial new information, a review of the conservation benefits from current State and regional fishery management regulations;”.

(b) Stock Assessments.—Section 117(a)(4) is amended—

(1) by striking “and” at the end of subparagraph (C);

(2) by inserting “and” at the end of subparagraph (D); and

(3) by adding at the end the following:

“(E) potential conservation benefits provided by State and regional fishery management regulations;”.

(c) Conforming Amendment.—Section 101(a)(5)(E) (16 U.S.C. 1371(a)(5)(E)) is amended by inserting “or recreational” after “commercial” each place it appears.

SEC. 13. PINNIPED CONTROL PROGRAM.

Section 120 (16 U.S.C. 1389) is amended by adding at the end the following:

“(k) Nonlethal Removal and Control.—(1) The Secretary shall conduct a program on the nonlethal removal and control of nuisance pinnipeds. The program shall include a review of measures that have been taken to effect such removal and control, the effectiveness of these measures, and the development of new technologies to deter nuisance pinnipeds.

“(2) The Secretary shall include, among the individuals that develop the program under this subsection, representatives of the commercial and recreational fishing industries and, as appropriate, individuals with scientific proficiency, technical credentials, and expertise.

“(3) The Secretary is encouraged, where appropriate, to use independent marine mammal research institutions in developing and in conducting the program.

“(4) The Secretary shall, by December 31 of each year, submit an annual report on the results of research under this subsection to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(l) Qualified Nonlethal Control Projects.—

“(1) In general.—The Secretary may, to the extent amounts are available to carry out this subsection, provide a grant to any eligible applicant to carry out a qualified nonlethal control project in accordance with this subsection.

“(2) Applications.—The Secretary shall—

“(A) publish guidelines for and solicit applications for grants under this subsection not later than 6 months after the date of enactment of this subsection; and

“(B) receive, review, evaluate, and approve applications for grants under this subsection.

“(3) Eligible applicant.—To be an eligible applicant for purposes of paragraph (1), an applicant must—

“(A) be a State, local government, or interstate or regional agency; and

“(B) have adequate personnel, funding, and authority to carry out and monitor or maintain a nonlethal control of nuisance pinnipeds project.

“(4) Qualified control project.—To be a qualified control project under this subsection, a project must—

“(A) by humane and nonlethal means, remove, deter, and control nuisance pinnipeds in areas where they are a recurrent and persistent threat to public health and safety; and

“(B) encourage public notice, education, and outreach on project activities in the affected community.

“(5) Grant duration.—Each grant under this subsection shall be to provide funding for the Federal share of the cost of a project carried out with the grant for up to 2 fiscal years.

“(6) Reporting by grantee.—

“(A) In general.—A grantee carrying out a control project with a grant under this subsection shall report to the Secretary at the expiration of the grant.

“(B) Report contents.—Each report under this subsection shall include specific information on the methods and techniques used to control nuisance pinniped species in the project area, and on the ensuing results.

“(7) Cost sharing.—

“(A) Federal share.—Except as provided in paragraphs (2) and (3), the Federal share of the cost of a project carried out with a grant under this subsection shall not exceed 75 percent of such cost.

“(B) Application of in-kind contributions.—The Secretary may apply to the non-Federal share of costs of a control project carried out with a grant under this subsection the fair market value of services or any other form of in-kind contribution to the project made by non-Federal interests that the Secretary determines to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

“(C) Derivation of non-federal share.—The non-Federal share of the cost of a control project carried out with a grant under this subsection may not be derived from a Federal grant program or other Federal funds.

“(8) Clarification.—Nothing in this subsection shall be interpreted as suspending or waiving any requirement under any other provision of this Act.”.

SEC. 14. MARINE MAMMAL COMMISSION.

(a) Number of Employees.—Section 206(5) (16 U.S.C. 1406(5)) is amended by striking “; except that no fewer than 11 employees must be employed under paragraph (1) at any time”.

(b) Administration.—Section 206 (16 U.S.C. 1406) is amended—

(1) in paragraph (4) by striking “(but at rates for individuals not to exceed $100 per diem)”; and

(2) in paragraph (5) by striking “Financial” and all that follows through the end of that sentence.

SEC. 15. STRANDING AND ENTANGLEMENT RESPONSE.

(a) Collection and Updating of Information.—Section 402(b)(1)(A) (16 U.S.C. 1421a(b)(1)(A)) is amended by inserting “or entangled” after “stranded”.

(b) Entanglement Response Agreements.—

(1) In general.—Section 403 (16 U.S.C. 1421b) is amended—

(A) by amending the section heading to read as follows:

“SEC. 403. STRANDING OR ENTANGLEMENT RESPONSE AGREEMENTS.”; and

(B) in subsection (a) by inserting “or entanglement” before the period.

(2) Clerical amendment.—The table of contents at the end of the first section is amended by striking the item relating to section 403 and inserting the following:

“Sec. 403. Stranding or entanglement response agreements”.

(c) Liability.—Section 406(a) (16 U.S.C. 1421e(a)) is amended by inserting “or entanglement” after “stranding”.

(d) Entanglement Defined.—

(1) In general.—Section 410 (16 U.S.C. 1421h) is amended—

(A) by redesignating paragraphs (1) through (6) in order as paragraphs (2) through (7); and

(B) by inserting before paragraph (2) (as so redesignated) the following:

“(1) The term ‘entanglement’ means an event in the wild in which a living or dead marine mammal has gear, rope, line, net, or other material wrapped around or attached to it and is—

“(A) on a beach or shore of the United States; or

“(B) in waters under the jurisdiction of the United States.”.

(2) Conforming amendment.—Section 408(a)(2)(B)(i) (16 U.S.C. 1421f–1(a)(2)(B)(i)) is amended by striking “section 410(6)” and inserting “section 410(7)”.

(e) John H. Prescott Marine Mammal Rescue Assistance Grant Program.—

(1) Authorization of appropriations for grant program.—Section 408(h) (16 U.S.C. 1421f–1(h)) is amended by striking “$5,000,000 for each of fiscal years 2001 through 2003” and inserting “$5,000,000 for each of fiscal years 2007 through 2010”.

(2) Administrative costs and expenses.—Section 408 (16 U.S.C. 1421f–1) is amended—

(A) by adding at the end of subsection (a)(1) the following: “All funds available to implement this section shall be distributed to eligible stranding network participants for the purposes set forth in this paragraph and paragraph (2), except as provided in subsection (f).”; and

(B) by amending subsection (f) to read as follows:

“(f) Administrative Costs and Expenses.—Of the amounts available each fiscal year to carry out this section, the Secretary may expend not more than 5 percent or $80,000, whichever is greater, to pay the administrative costs and administrative expenses to implement the grant program under subsection (a). Any such funds retained by the Secretary for a fiscal year for such costs and expenses that are not used for such costs and expenses before the end of the fiscal year shall be provided as grants under subsection (a).”.

(3) Emergency assistance.—Section 408 (16 U.S.C. 1421f–1) is amended—

(A) in subsection (a) by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

“(2) Subject to the availability of appropriations, the Secretary may also enter into cooperative agreements, contracts, or such other agreements or arrangements as the Secretary considers appropriate to address stranding events requiring emergency assistance.”;

(B) in subsection (d) by inserting “(1)” before the text, and by adding at the end the following:

"(2) Funding for emergency stranding projects shall not be subject to the funding limit established in paragraph (1).";

(C) in subsection (e)—

(i) in paragraph (1) by striking "The non-Federal" and inserting "Except as provided in paragraph (2), the non-Federal";

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following:

"(2) Emergency assistance.—No non-Federal contribution shall be required for funding for a response to an emergency stranding event."; and

(D) in subsection (g) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following:

"(2) Emergency assistance.—The term 'emergency assistance' means assistance provided for a stranding event that—

"(A) is not an unusual mortality event as defined in section 409(6);

"(B) leads to an immediate increase in required costs for stranding response, recovery, or rehabilitation in excess of regularly scheduled costs;

"(C) may be cyclical or endemic; and

"(D) may involve out-of-habitat animals.".

(4) Contributions.—Section 408 (16 U.S.C. 1421f-1) is amended by adding at the end the following:

"(i) Contributions.—For purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests.".

(f) Authorization of Appropriations for Marine Mammal Unusual Mortality Event Fund.—Section 409(3) (16 U.S.C. 1421g(3)) is amended by striking "$500,000 for fiscal year 1993" and inserting "$125,000 for each of fiscal years 2007 through 2010".

SEC. 16. SCRIMSHAW EXEMPTION.

Any valid certificate of exemption referred to in section 18 of Public Law 103–238 (16 U.S.C. 1539 note) that was valid under that section on April 29, 1999, shall be valid during the 11-year period beginning October 31, 1999.

SEC. 17. POLAR BEARS.

(a) In General.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end thereof the following:

"TITLE V—POLAR BEARS

"SEC. 501. DEFINITIONS.

"In this title:

"(1) Agreement.—The term 'Agreement' means the Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population, signed at Washington, D.C., on October 16, 2000.

"(2) Alaska Nanuuq commission.—The term 'Alaska Nanuuq Commission' means the Alaska Native entity, in existence on the date of enactment of this title, that represents all villages in the State of Alaska that engage in the annual subsistence taking of polar bears from the Alaska-Chukotka population and any successor entity.

"(3) Import.—The term 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, without regard to whether the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

"(4) Polar bear part or product.—The term 'part or product of a polar bear' means any polar bear part or product, including the gall bile and gall bladder.

"(5) Secretary.—The term 'Secretary' means the Secretary of the Interior.

"(6) Taking.—The term 'taking' has the meaning given the term in the Agreement.

"(7) Commission.—The term 'Commission' means the commission established under article 8 of the Agreement.

"SEC. 502. PROHIBITIONS.

"(a) In General.—It is unlawful for any person who is subject to the jurisdiction of the United States—

"(1) to take any polar bear in violation of the Agreement;

"(2) to take any polar bear in violation of the Agreement or any annual taking limit or other restriction on the taking of polar bears that is adopted by the Commission pursuant to the Agreement;

"(3) to import, export, possess, transport, sell, receive, acquire, or purchase, exchange, barter, or offer to sell, purchase, exchange, or barter any polar bear, or any part or product of a polar bear, that is taken in violation of paragraph (2);

"(4) to import, export, sell, purchase, exchange, barter, or offer to sell, purchase, exchange, or barter, any polar bear gall bile or polar bear gall bladder;

"(5) to commit, solicit another person to commit, or cause to be committed, any offense under this subsection; or

"(6) to violate any regulation promulgated by the Secretary to implement any of the prohibitions established in this subsection.

"(b) Exceptions.—For the purpose of forensic testing or any other law enforcement purpose, the Secretary, and Federal law enforcement officials, and any State or local law enforcement official authorized by the Secretary, may import a polar bear or any part or product of a polar bear.

"SEC. 503. ADMINISTRATION.

"(a) In General.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall do all things necessary and appropriate, including the promulgation of regulations, to implement, enforce, and administer the provisions of the Agreement on behalf of the United States. The Secretary shall consult with the Secretary of State and the Alaska Nanuuq Commission on matters involving the implementation of the Agreement.

"(b) Utilization of Other Government Resources and Authorities.—

"(1) Other government resources.—The Secretary may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency, any State agency, or the Alaska Nanuuq Commission for purposes of carrying out this title or the Agreement.

"(2) Other powers and authorities.—Any person authorized by the Secretary under this subsection to enforce this title or the Agreement shall have the authorities that are enumerated in section 6(b) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(b)).

"(c) Ensuring Compliance.—

"(1) Title I authorities.—The Secretary may use authorities granted under title I to enforce this title.

"(2) Additional authorities.—Any gun, trap, net, or other equipment used, to aid in the violation or attempted violation of this title shall be subject to seizure and forfeiture under section 106.

"(d) Regulations.—

"(1) In general.—The Secretary shall promulgate such regulations as are necessary to carry out this title and the Agreement.

"(2) Ordinances and regulations.—If necessary to carry out this title and the Agreement, and to improve compliance with any annual taking limit or other restriction on taking adopted by the Commission and implemented by the Secretary in accordance with this title, the Secretary may promulgate regulations that adopt any ordinance or regulation that restricts the taking of polar bears for subsistence purposes if the ordinance or regulation has been promulgated by the Alaska Nanuuq Commission.

"SEC. 504. COOPERATIVE MANAGEMENT AGREEMENT; AUTHORITY TO DELEGATE ENFORCEMENT AUTHORITY.

"(a) In General.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, may share authority under this title for the management of the taking of polar bears for subsistence purposes with the Alaska Nanuuq Commission if such commission is eligible under subsection (b).

"(b) Delegation.—To be eligible for the management authority described in subsection (a), the Alaska Nanuuq Commission shall—

"(1) enter into a cooperative agreement with the Secretary under section 119 for the conservation of polar bears;

"(2) meaningfully monitor compliance with this title and the Agreement by Alaska Natives; and

"(3) administer its co-management program for polar bears in accordance with—

"(A) this title; and

"(B) the Agreement.

"SEC. 505. COMMISSION APPOINTMENTS; COMPENSATION, TRAVEL EXPENSES, AND CLAIMS.

"(a) Appointment of U.S. Commissioners.—

"(1) Appointment.—The United States commissioners on the Commission shall be appointed by the President, in accordance with paragraph 2 of article 8 of the Agreement, after taking into consideration the recommendations of—

"(A) the Secretary;

"(B) the Secretary of State; and

"(C) the Alaska Nanuuq Commission.

"(2) Qualifications.—Both of the United States commissioners shall have knowledge or expertise in polar bears.

"(3) Service and term.—Each United States commissioner shall serve—

"(A) at the pleasure of the President; and

"(B) for an initial 4-year term and such additional terms as the President shall determine.

"(4) Vacancies.—

"(A) In general.—Any individual appointed to fill a vacancy occurring before the expiration of any term of office of a United States commissioner shall be appointed for the remainder of that term.

"(B) Manner.—Any vacancy on the Commission shall be filled in the same manner as the original appointment.

"(b) Alternate Commissioners.—

"(1) In general.—The Secretary, in consultation with the Secretary of State and the Alaska Nanuuq Commission, shall designate an alternate commissioner for each member of the United States section.

"(2) Duties.—In the absence of a United States commissioner, an alternate commissioner may exercise all functions of the United States commissioner at any meetings of the Commission or of the United States section.

"(3) Reappointment.—An alternate commissioner—

"(A) shall be eligible for reappointment by the President; and

"(B) may attend all meetings of the United States section.

"(c) DUTIES.—The members of the United States section may carry out the functions and responsibilities described in article 8 of the Agreement in accordance with this title and the Agreement.

"(d) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—A member of the United States section shall serve without compensation.

"(2) TRAVEL EXPENSES.—A member of the United States section shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the United States-Russia Polar Bear Commission.

"(e) AGENCY DESIGNATION.—The United States section shall, for the purpose of title 28, United States Code, relating to claims against the United States and tort claims procedure, be considered to be a Federal agency.

"SEC. 506. VOTES TAKEN BY THE UNITED STATES SECTION ON MATTERS BEFORE THE COMMISSION.

"In accordance with paragraph 3 of article 8 of the Agreement, the United States section , made up of commissioners appointed by the President, shall vote on any issue before the United States-Russia Polar Bear Commission only if there is no disagreement between the United States commissioners regarding the vote.

"SEC. 507. IMPLEMENTATION OF ACTIONS TAKEN BY THE COMMISSION.

"(a) IN GENERAL.—The Secretary shall take all necessary actions to implement the decisions and determinations of the Commission under paragraph 7 of article 8 of the Agreement.

"(b) TAKING LIMITATION.—Not later than 60 days after the date on which the Secretary receives notice of the determination of the Commission of an annual taking limit, or of the adoption by the Commission of other restriction on the taking of polar bears for subsistence purposes, the Secretary shall publish a notice in the Federal Register announcing the determination or restriction.

"SEC. 508. APPLICATION WITH OTHER TITLES OF ACT.

"The authority of the Secretary under this title is in addition to, and shall not affect the authority of the Secretary under, the other titles of this Act or the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) or the exemption for Alaskan natives under section 101(b) of this Act.

"SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to the Secretary to carry out this title and the Agreement $2,000,000 for each of fiscal years 2007 through 2010.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end the following:

"TITLE V—POLAR BEARS

"Sec. 501. Definitions.
"Sec. 502. Prohibitions.
"Sec. 503. Administration.
"Sec. 504. Cooperative management agreement; authority to delegate enforcement authority.
"Sec. 505. Commission appointments; compensation, travel expenses, and claims.
"Sec. 506. Votes taken by the United States Section on matters before the Commission.
"Sec. 507. Implementation of actions taken by the Commission.
"Sec. 508. Application with other titles of Act.
"Sec. 509. Authorization of appropriations.".

(c) TREATMENT OF CONTAINERS.—Section 107(d)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1377(d)(2)) is amended—

(1) by striking "or other conveyance" and inserting ", other conveyance, or container"; and

(2) by striking "or conveyance" and inserting "conveyance, or container".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support this legislation, which reauthorizes portions of the Marine Mammal Protection Act, authored by Resources Chairman RICHARD POMBO.

The Marine Mammal Protection Act was enacted in 1972 with the purpose of protecting and restoring marine mammal populations. The act has been very successful over its 30-year history in recovering marine mammal populations, and this legislation builds on those accomplishments.

Recently, there have been many news reports on the status of polar bears and other arctic marine mammal species. H.R. 4075 includes language which will allow for increased international cooperation to help protect the shared U.S.-Russia polar bear population. In fact, without these provisions, the future of polar bear populations in Russia is very much in jeopardy. It also authorizes much needed research which will afford us the opportunity to better understand the needs of marine mammals and give us the means to better conserve these species for future generations.

H.R. 4075 also authorizes the Prescott Marine Mammal Stranding program. The Prescott program has been very successful in recovering and rehabbing thousands of stranded marine mammals. The Prescott program supports a network of facilities around the Nation that have dedicated themselves to the recovery of stranded marine mammals.

H.R. 4075 includes additional provisions which will support the development of cleaner fishing gear to reduce interactions with marine mammals. It also authorizes research to develop nonlethal measures to control nuisance pinniped populations. Finally, H.R. 4075 clarifies the permit requirements for marine mammals on public display.

While it is not a major reauthorization of the Marine Mammal Protection Act, these amendments have been carefully crafted and are specifically designed to enhance the fundamental conservation goals of this important law. This is a good conservation bill. It is good for marine mammals, and it should be overwhelmingly adopted.

Finally, I wish to thank Chairman HENRY HYDE of the International Relations Committee and Chairman BILL THOMAS of the Ways and Means Committee and their staffs for their cooperation in moving this legislation. At this time I will include in the RECORD an exchange of letters between our committees on this bill.

I urge an "aye" vote on H.R. 4075.

COMMITTEE ON RESOURCES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 13, 2006.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR MR. CHAIRMAN: I ask your cooperation to help schedule consideration by the House of Representatives of H.R. 4075, the Marine Mammal Protection Act Amendments of 2006, during the week of July 17 21, 2006. I have proposed an amendment to this bill which includes text from S. 2013, the United States-Russia Polar Bear Conservation and Management Act of 2005. The Committee on Ways and Means has a jurisdictional interest in this Senate bill because of its inclusion of trade measures.

My staff has worked with yours to develop a mutually-agreed on text for this amendment, and I have enclosed this amendment for your review. I ask that you not seek a referral of H.R. 4075 based on the inclusion of this language to expedite Floor scheduling. Of course, this action would not be considered as waiving or affecting your jurisdiction over the subject matter of the amendment, nor as precedent for any future referrals of similar measures. Moreover, if the bill is conference with the Senate, I would support naming Ways and Means Committee members to the conference committee for the trade provisions. I would also be pleased to include this letter and your response in the Congressional Record during consideration of the bill on the Floor.

Mr. Chairman, I have been very pleased with the tremendous degree of cooperation between our two Committees. Your staff, especially Angela Ellard and Steven Schrage, has been responsive and thoughtful, and my staff very much appreciates their support and teamwork. I hope that you will give my request serious consideration and I look forward to your response.

Sincerely,

RICHARD POMBO,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 13, 2006.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources,
Washington, DC.

DEAR CHAIRMAN POMBO: Thank you for your letter regarding H.R. 4075, the "Marine Mammal Protection Act Amendments of 2006," which is scheduled for floor consideration during the week of July 17th.

As you noted, the Committee on Ways and Means maintains jurisdiction over trade measures. H.R. 4075, as amended, includes text which falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I appreciate your cooperation in this matter and agree to your offer to include this exchange of letters in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

COMMITTEE ON RESOURCES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 2006.

Hon. HENRY J. HYDE,
Chairman Committee on International Relations, Washington, DC.

DEAR MR. CHAIRMAN: I ask your cooperation to help schedule, consideration by the House of Representatives of H.R. 4075, the Marine Mammal Protection Act Amendments of 2006, during the week of July 17-21, 2006. I have proposed an amendment to this bill which includes text from S. 2013, the United States-Russia Polar Bear Conservation and Management Act of 2005. Obviously, the Committee on International Relations has a jurisdictional interest in this Senate bill.

My staff has worked with yours to develop a mutually-agreed on text for this amendment, and I have enclosed this amendment for your review. I ask that you not seek a referral of H.R. 4075 based on the inclusion of this language to expedite Floor scheduling. Of course, this action would not be considered as waiving or affecting your jurisdiction over the subject matter of the amendment, nor as precedent for any future referrals of similar measures. Moreover, if the bill is conferenced with the Senate, I would support naming International Relations Committee members to the conference committee for the polar bear provisions. I would also be pleased to include this letter and your response in the Congressional Record during consideration of the bill on the Floor.

Mr. Chairman, I have been very pleased with the tremendous degree of cooperation between our two Committees. Your staff has been responsive and thoughtful, and my staff very much appreciates their support and teamwork. I hope that you will give my request serious consideration, and I look forward to your response.

Sincerely,

RICHARD POMBO,
Chairman.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 4075, the "Marine Mammal Protection Act Amendments of 2006." I understand that the text of your proposed amendment contains text from S. 2013, the "United States-Russia Polar Bear Conservation and Management Act of 2005."

The language in question does impact the Rule X jurisdiction of the Committee on International Relations. However, since our committees have developed a mutually agreed-upon text for this amendment, I will agree not to seek a referral of H.R. 4075 in order to expedite your Committee's ability to schedule this for House consideration.

I appreciate your willingness to support the appointment of conferees from this Committee on this matter, should it go to conference. Please place our exchange of letters into the Record during the debate on this matter.

With best wishes,

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1972 Congress enacted the Marine Mammal Protection Act to protect marine mammals from harmful human activities. It is a landmark statute in our pantheon of national environmental laws, providing for the conservation and management of whales, dolphins, porpoises, seals, sea lions, and other marine mammals.

In the past, consideration of amendments to MMPA was done on a bipartisan basis, such as significant changes made by Congress in 1994. However, during this Congress, I have stood opposed to further consideration of MMPA legislation the Resources Committee approved almost 1 year to this day, until today. Let me emphasize that my opposition was until today.

This was because the bill would have eliminated a fundamental mandate of MMPA known as the "deadline for the zero rate mortality goal." In other words, we, as a Nation, are to strive to put into place management regimes which will reduce, and ideally eliminate, marine mammal fatalities at the hands of human beings.

The troublesome provision which would have eliminated the deadline has been dropped from the legislation we are now considering. In this regard I would like to express my appreciation to Chairman POMBO for agreeing to this, and I am pleased to say that I support the bill as amended today and urge its approval by this body.

Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 4075, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SPRINGFIELD ARMORY NATIONAL HISTORIC SITE, MASSACHUSETTS ACT OF 2006

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4376) to authorize the National Park Service to enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Springfield Armory National Historic Site, Massachusetts Act of 2006".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) The Site commemorates the role of the Springfield Armory in the Nation's military history, a role that the Armory served for almost 200 years.

(2) The role of the Springfield Armory began in 1777, when the site was selected as the location for a magazine and laboratory for the development, production and storage of guns and powder during the American Revolution.

(3) Following the American Revolutionary War, in 1794 Congress officially established the Springfield Armory and for much of the 19th century the Springfield Armory developed and supplied most of the military small arms manufactured by the United States for the United States Armed Services.

(4) In addition to its historical role in the development and manufacturing of small arms, the Springfield Armory was also the site of Shay's Rebellion.

(5) In 1968 the Armory was deactivated as a military installation and in 1974 Congress established the Springfield Armory National Historic Site. A portion of the Site is administered by the National Park Service. The remainder of the Springfield Armory National Historic Site, known as the "Preservation Control Area", is owned and administered by the Commonwealth of Massachusetts on behalf of Springfield Technical Community College.

(6) The Preservation Control Area contains several historic buildings that are in a state of disrepair. The deteriorating condition of these historic buildings threatens to undermine the character and integrity of the Springfield Armory National Historic Site and their repair, renovation, maintenance and rehabilitation is essential to the continued preservation of the Site and its museum and collections.

SEC. 3. PRESERVATION CONTROL AREA DEFINED.

For purposes of this Act, the term "Preservation Control Area" means that portion of the Site that is owned by the Commonwealth, as defined in the Memorandum of Understanding Between the United States and the Commonwealth of Massachusetts dated August 21, 1999.

SEC. 4. COOPERATIVE AGREEMENT WITH RESPECT TO THE PRESERVATION CONTROL AREA.

(a) IN GENERAL.—The Secretary of the Interior, acting through the National Park Service, may enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College to provide financial assistance to that college for the purpose of maintaining, preserving, renovating, and rehabilitating any historic structures within the Springfield Armory National Historic Site, including historic structures located within the Preservation Control Area.

(b) FIFTY PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this Act shall not exceed 50 percent.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4376, introduced by Congressman RICHARD NEAL of Massachusetts and amended by the House Resources Committee, would authorize the National Park Service to enter into a cooperative agreement with the State of Massachusetts on behalf of Springfield Technical Community College to maintain and preserve lands the college owns and administers within the Springfield Armory National Historic Site.

This is a noncontroversial bill, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has already explained the purpose of H.R. 4376, which was introduced by our colleague from Massachusetts, Representative RICHARD NEAL.

For nearly 200 years, the Springfield Armory was important to the manufacture of U.S. military small arms.

□ 1415

The national historic site, which was established in 1974, includes historic resources administered by the National Park Service as well as historic resources owned by the Commonwealth of Massachusetts on behalf of the Springfield Community College.

The gentleman from Massachusetts, Representative NEAL, is to be commended for his efforts to preserve this historic site. He has worked diligently to maintain and enhance the relationship between Federal, State and local interests involved in the preservation and interpretation of the historic resources located at the Springfield Armory site.

Mr. Speaker, we support H.R. 4376 and urge adoption of the legislation by the House today.

Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to add a personal note, if I could.

In 1960, my father, Major General Gene Renzi, went to Springfield Armory and bought two 30.06 sniper rifles that were used in the Korean War. We bought them for $1 each. We restored them, and those are the same deer hunting rifles that I used and I now pass on to my son. The guys coming back from the Korean War and World War II would actually dispense these rifles through the Springfield Armory.

So for a guy who is a deer hunter, who is not that good of a shot, but for a guy who is a deer hunter, my first 30.06 we ever got came out of the Springfield Armory Works.

So I am thankful today to be able to work with the ranking member and see this legislation pushed through.

Mr. Speaker, I yield back the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise in support of H.R. 4376, the "Springfield Armory National Historic Site, Massachusetts Act of 2005." This legislation authorizes the National Park Service to enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College.

Over 30 years ago, in 1974, my predecessor, Congressman Edward Boland, and Senator KENNEDY were successful in creating the Springfield Armory National Historic Site. This Boland-Kennedy legislation set in motion three decades of cooperation between the National Park Service, which manages the armory museum, and Springfield Technical Community College.

The National Park Service and Springfield Technical Community College are neighbors that together occupy the National Historic Site.

The Springfield Armory was the first national armory in the United States. In fact, the armory was founded in 1777, when the site was selected as the location for a magazine and laboratory for the development, production, and storage of guns and powder during the American Revolution.

Following the American Revolutionary War, in 1794 Congress officially established the Springfield Armory. George Washington visited the site, which also happened to be the site of Shay's Rebellion. For much of the 19th century, the Springfield Armory developed, manufactured and supplied most of the small arms used by the United States armed services. The Springfield Armory National Historic Site has a rich heritage that is an integral part of our Nation's history.

In 1968 the armory was deactivated as a military installation and in 1974 Congress established the National Historic Site. The National Park Service has operated the armory museum on these grounds, and it houses the most outstanding and historically significant arms collection in the country.

The future and fate of both the armory museum and Springfield Technical Community College are inextricably linked. Many of the historic buildings on the site are actually located on the college's property, not National Park Service land, although a visitor to the campus would not be able to tell where NPS property ends and college property begins.

The land outside the portion of the site administered by NPS is known as the "Preservation Control Area." These college-owned buildings are subject to strict architectural and preservation rules. Many of these historic buildings owned by the college must be preserved and maintained pursuant to standards defined by the Secretary of the Interior. But these historic buildings are in a state of great disrepair and the college cannot easily move to maintain and preserve them absent the full participation of the Park Service. Not only does this deterioration of the facilities hurt the college, but also undermines the attractiveness of the National Park Service area, including the armory museum.

My legislation seeks to recognize and update the partnership that has existed over these many years between the Park Service and the college by authorizing the Park Service to enter into a cooperative agreement with the Commonwealth for NPS to provide financial assistance to the college for the purpose of maintaining, preserving, renovating, and rehabilitating the many historic structures within the Springfield Armory National Historic Site.

The Park Service frequently enters into such cooperative agreements where the object of the agreement is of direct benefit to the Park Service and its mission or for other public purposes. If these great historic buildings on the site can be renovated with the assistance of the Park Service, it will bring forward a more vibrant and attractive historic site and museum. The Park Service and the college will be able to partner on many joint educational ventures that utilize these revitalized historic facilities.

The Springfield Armory National Historic Site is a treasure to the city of Springfield, the Commonwealth of Massachusetts and to the Nation. The site is in desperate need of renovation. Enactment of this legislation is the first step toward ensuring the preservation of a site, which has played so vital a role in our Nation's history.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 4376, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TRAIL OF TEARS STUDY ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3085) to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes, as amended.

The Clerk read as follows

H.R. 3085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISION OF FEASIBILITY AND SUITABILITY STUDY OF TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended—

(1) in subparagraph (B), by striking "subsections" and inserting "sections"; and

(2) by adding at the end the following new subparagraph:

"(C) Not later than 6 months after the date of the enactment of this Act, the Secretary of the Interior shall complete the remaining criteria and submit to Congress a study regarding the feasibility and suitability of designating, as additional components of the Trail of Tears National Historic Trail, the following routes and land components by which the Cherokee Nation was removed to Oklahoma:

"(i) The Benge and Bell routes.

"(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

"(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

"(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3085, introduced by Congressman ZACK WAMP of Tennessee and amended by the House Resources Committee, would amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears in 1987 to provide for the inclusion of new trail segments, land components, and campgrounds associated with the trail, particularly the Bell and Benge segments.

As my colleagues are aware, the Trail of Tears National Historic Trail encompasses the primary water route and northern land route used during the forced removal of the Cherokee Nation from its homelands in the Southeast United States to Indian Territory, which is present-day Oklahoma.

I urge adoption of this bill

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has already explained the purpose of H.R. 3085 which was introduced by our colleague from Tennessee, Mr. ZACK WAMP.

There is wide support for a trail study and designation by members of the Cherokee Nation and others interested in the history of the forced removal of Native Americans from portions of the Eastern U.S. It is our hope that the study of these additional trail segments will help to develop the most appropriate means to preserve and interpret this important aspect of our American History.

Mr. Speaker, we support H.R. 3085 and I have no objection to adoption of the legislation by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. RENZI. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee, Mr. ZACK WAMP, the author of the bill.

Mr. WAMP. Mr. Speaker, I want to thank both gentlemen, the gentleman from Arizona and the gentleman from West Virginia, certainly the chairman of the full committee, Mr. POMBO, the subcommittee chairman, the ranking member of the subcommittee as well, and everyone who has worked on this bill. I am very proud to be the lead sponsor of H.R. 3085. I think it is a very important issue for the Congress to take up, and I urge all of my colleagues to vote for it.

H.R. 3085, the Trail of Tears Study Act, is cosponsored by 20 of my colleagues, all from districts and States in which the additional components are located. I would also like to add that S. 1970, the Senate companion bill, is sponsored by Senator TOM COBURN and cosponsored by the majority leader, BILL FRIST, and Senator LAMAR ALEXANDER.

As a consequence of the Indian Removal Act of 1830, a detachment led by John Benge traveled 734 miles starting at Fort Payne, Alabama, and continuing through Tennessee, Kentucky, Missouri, Arkansas and Oklahoma.

The treaty party group, led by John A. Bell, traveled 765 miles, starting at Charleston, Tennessee, traveling through 10 counties in Tennessee, passing through Arkansas, and on to Oklahoma. Also included are 29 forts and immigration depots located near Fort Payne, Alabama; Ross's Landing, present-day Chattanooga; and Fort Cass, present-day Charleston, Tennessee, where the Cherokee initially were taken after being rounded up from their homes.

Consequently, the intent of H.R. 3085 is to study an expansion of the current Trail of Tears National Historic Trail, which Congress designated in 1987, to include these additional documented components into the National Trails System Act.

The proposed additions have been documented by the National Park Service historians, military journals and newspaper accounts. The bill directs the Secretary of the Interior to complete within 6 months the remaining criteria necessary to determine the designation of additional routes to the Trail of Tears National Historic Trail.

Even today, many interpretation activities along the Trail of Tears seek to remember the historic routes taken by the Benge detachment and the Bell Treaty party as we are considering inclusion in the National Trails System.

I want to be very clear that it is my intent that this legislation respect private property rights absolutely. I believe the National Park Service has demonstrated strong partnerships geared toward respecting the private property of citizens and administration of the current Trail of Tears National Historic Trail and will continue to do so upon the addition of these routes.

The designation and interpretation of the sites and trails associated with the Cherokee removal will enhance public understanding of American history. Our greatness as a Nation is our ability to look at our own history objectively and in proper perspective, being mindful of the errors of the past in order not to repeat them.

Through this legislation, we will honor the historic footsteps taken by the Cherokee, document their courage, and highlight their character as a great tribe of strong people.

Finally, because of historical significance, H.R. 3085 enjoys broad support not only within Congress, but also with the Cherokee Nation, the Eastern Band of Cherokee and associated trail organizations such as the Trail of Tears Association. This legislation is a wonderful example of how Congress can better understand a national event through commemoration of the Cherokee story.

I believe the Secretary of Interior will find that the additional routes meet the historical significance, suitability, and feasibility required by the National Park Service for designation as part of the Trail of Tears National Historic Trail.

On June 29 of last year, I introduced H.R. 3085 at a press conference with Principal Chief of the Cherokee Nation Chadwick Smith, the Vice Chief of the Eastern Band of Cherokee Nation Larry Blythe, the Trail of Tears Association, and many of the original cosponsors like Congressmen CHARLES TAYLOR, JIMMY DUNCAN, TOM COLE, MARION BERRY and LINCOLN DAVIS.

I would like to thank Rob Howarth and the entire National Park Service staff, the staff of the House Resources Committee and the subcommittee, and my legislative director, Melissa Chapman, for a job very well done.

I would also like to say anecdotally, in east Tennessee we are claiming the Trail of Tears as part of our heritage, as part of our strength. On the Tennessee River, we have the Moccasin Bend National Archeological District now being implemented by the National Park Service. We have the passage at Ross's Landing, which is an extraordinary waterfall leading down to the Tennessee River, which in Cherokee art tells the story of the Trail of

Tears. Up river at Blythe Ferry we have the Cherokee Memorial Park under construction, where 8,000 Cherokee all crossed the Tennessee River at the same time, and now the Trail of Tears Documentation Act. So we are very grateful for the cooperation and participation we have had.

Mr. Speaker, I urge passage

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. BERRY. Mr. Speaker, I am so pleased that the U.S. House of Representatives is considering H.R. 3085, the Trail of Tears Documentation Act, which I introduced last year with my friend, Representative ZACH WAMP. This important legislation has 20 cosponsors from 8 different states and works to preserve an important chapter of our history so others can learn from our past.

The lessons that lie along the Trail of Tears are more than a chapter in a history book. They are the lessons that teach future generations to celebrate diversity rather than to push it into the farthest corners of our country. Only by experiencing this tragedy can we begin to understand why so many Native Americans died along this trail.

The Trail of Tears Documentation Act would encourage the Secretary of the Interior to complete the National Historic Trail of Tears from North Carolina to Oklahoma. The proposed routes include two trails in Arkansas where close to 2,000 Cherokee traveled after the U.S. government forced them to find new land in Indian Territory. The Bell route heads up the Arkansas River from Tennessee through Little Rock and Fort Smith, and the Benge route extends west from Randolph County to Washington County.

Our legislation asks the Secretary of the Interior to conduct a feasibility study of the additional trail segments, emigration depot, and land components currently missing along the historic trail. Once complete, individuals will be able to travel the entire length of the trail and experience interpretations of that period in American history.

It is unacceptable that such a critical part of our history remains a patchwork of missing pieces. As Americans, we need to capture this part of history so we never forget the stories of families torn apart at the hands of our country. By preserving this trail, we will give our children and grandchildren the opportunity to experience this tragedy firsthand and develop a better understanding of what happened to Native Americans in this country.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 3085, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. RENZI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3496) to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes, as amended.

The Clerk read as follows

H.R. 3496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "National Capital Transportation Amendments Act of 2006".

(b) FINDINGS.—Congress finds as follows:

(1) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(2) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(3) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

SEC. 2. FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.

The National Capital Transportation Act of 1969 (sec. 9-1111.01 et seq., D.C. Official Code) is amended by adding at the end the following new section:

"AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

"SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

"(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

"(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

"(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

"(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

"(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

"(1) An amendment requiring all payments made by the local signatory governments for the Transit Authority and for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources. For purposes of this paragraph, a 'dedicated funding source' is any source of funding which is earmarked and required under State or local law to be used for payments to the Transit Authority.

"(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2006.

"(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

"(e) AMOUNT.—There are authorized to be appropriated for grants under this section such sums as are made available to the Secretary of Treasury to make payments to the Transit Authority pursuant to section 9(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

"(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

"(1) shall remain available until expended; and

"(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.".

SEC. 3. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.

(a) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—The Washington Metropolitan Area Transit Authority (hereafter referred to as the "Transit Authority") shall establish in the Transit Authority the Office of the Inspector General (hereafter in this section referred to as the "Office"), headed by the Inspector General of the Transit Authority (hereafter in this section referred to as the "Inspector General").

(2) DEFINITION.—In paragraph (1), the "Washington Metropolitan Area Transit Authority" means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89-774).

(b) INSPECTOR GENERAL.—

(1) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(2) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(c) DUTIES.—

(1) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(3) REPORTS.—

(A) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(B) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(4) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(A) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(B) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(C) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(5) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) POWERS.—

(1) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(2) STAFF.—

(A) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(i) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(ii) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(iii) such other personnel as the Inspector General considers appropriate.

(B) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(C) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (B).

(3) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

SEC. 4. RESTRICTIONS ON DISPOSITION OF CERTAIN PROPERTIES.

(a) PROHIBITION ON DISPOSITION OF CERTAIN PROPERTY.—

(1) IN GENERAL.—The Washington Metropolitan Area Transit Authority (hereafter in this section referred to as the "Transit Authority") may not sell, lease, or otherwise convey or dispose of the property described in paragraph (2) unless the Transit Authority meets each of the following conditions:

(A) The Transit Authority has held a separate, additional public hearing after October 20, 2005, regarding the disposition of the property at which members of the general public had the opportunity to comment.

(B) The Transit Authority has submitted a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the costs and benefits associated with the disposition of the property, the impact of the disposition on parking facilities available at the Vienna Metrorail station, and the effect of the disposition on the capacity of the Vienna Metrorail station and the entire Metrorail system.

(2) PROPERTY DESCRIBED.—The property described in this subsection consists of approximately 3.75 acres located in Fairfax County, Virginia, and is contained in all or part of the following parcels on the Fairfax County tax map:

(A) Parcel 48—1((1)), 90 Portion.

(B) Parcel 48—1((1)), 91B Portion.

(C) Parcel 48—1((6)), 7A.

(D) Parcel 48—1((6)), 8B.

(E) Parcel 48—1((24)), 38A.

(b) CONDITIONS FOR DISPOSITION OF CERTAIN PROPERTY.—

(1) IN GENERAL.—The Transit Authority may not sell, lease, or otherwise convey or dispose of the property described in paragraph (2) unless the Transit Authority meets each of the following conditions:

(A) The Transit Authority has met with the Mayor and members of the Council of the City of Takoma Park, Maryland, and community representatives to discuss each of the following issues related to the disposition of such property:

(i) The movement of buses and other vehicles, pedestrians, and bicycles to and from the Takoma Park Metrorail station.

(ii) The provision of bus bays, based on recommendations of the Transit Authority and the Maryland Transit Administration's Ride-On program.

(iii) The enhancement of public green space on the property, based on the Central District Plan for Takoma DC.

(B) The Transit Authority will work with residents and elected officials of Takoma Park, Maryland, and the Takoma area of the District of Columbia throughout the planning phase of the development of such property.

(C) The Transit Authority has submitted a statement to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate certifying that the Transit Authority has met the conditions described in subparagraphs (A) and (B).

(2) PROPERTY DESCRIBED.—The property described in this paragraph consists of Lots 820, 821, 822, 823, 829, 831, 832, 833, 839, 840, 841, 845, 846, 847, 848, 849, 850, and 851 in Square 3352 and Lots 811, 812, and 813 in Square 3353 of the District of Columbia Real Property Assessment Database.

(c) RESTRICTIONS ON DEVELOPMENT OF CERTAIN PROPERTIES.—

(1) RESTRICTION.—The Transit Authority may not sell, lease, or otherwise convey any of the real property described in paragraph (2) other than in accordance with a development plan for the property which meets the following requirements:

(A) The plan shall require that any portion of the property used for residential purposes shall be used only for owner-occupied, multifamily dwellings.

(B) The plan must provide for the use of a portion of the property for commercial purposes.

(C) The plan shall be developed in consultation with appropriate representatives of the local governments and communities for the area in which the property is located.

(2) PROPERTY DESCRIBED.—The property described in this paragraph is any real property of the Transit Authority which is located within one mile of the Largo Town Center Metro Rail Station.

(d) NO EFFECT ON OTHER AUTHORITIES.—Except as specifically provided, nothing in this section may be construed to affect any law, rule, or regulation governing the development or disposition of real property of the Transit Authority.

SEC. 5. STUDY AND REPORT BY COMPTROLLER GENERAL.

(a) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this Act).

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

Mr. HENSARLING. Mr. Speaker, is the gentlewoman opposed to the motion? If not, I request the time in opposition.

The SPEAKER pro tempore. Is the gentlewoman from the District of Columbia opposed to the motion?

Ms. NORTON. Mr. Speaker, I am not opposed to the legislation, nor should anybody else in this Chamber be.

The SPEAKER pro tempore. Is the gentleman from Texas opposed to the motion?

Mr. HENSARLING. I am, Mr. Speaker.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XV, the gentleman from Texas (Mr. HENSARLING) will be recognized for 20 minutes along with the gentleman from Virginia (Mr. TOM DAVIS).

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3496, as amended, the National Capital Transportation Amendments Act of 2006. This important legislation would establish critical new oversight and accountability mechanisms for the Washington Metropolitan Area Transit Authority, including an inspector general and an increased Federal presence on the Authority's board of directors. These steps are being taken to ensure that the funding provided to the Authority by Virginia, Maryland, the District of Columbia and the Federal Government are being spent as effectively and efficiently as possible. I urge my colleagues to support this important legislation.

In 1960, President Eisenhower signed the National Capital Transportation Act to provide for the development of a regional rail system for the Nation's Capital. He did so in recognition of the need to provide reliable access to government facilities for Federal workers, contractors, and citizens. Over the years, other Presidents have also recognized this need: Kennedy, Johnson, Nixon, Carter, and most recently, President George H.W. Bush.

Past Congresses have done so as well. In 1969, the National Capital Transportation Act was signed into law. Subsequently, Congress passed amendments to this act in 1979 and 1990. The sentiment expressed by Congress in supporting Metro in 1979 remains the same today: "Congress finds that an improved transportation system for the National Capital region is essential for the continued and effective performance of the functions of the Government of the United States, for the welfare of the District of Columbia, for the orderly growth and development of the National Capital region, and for the preservation of the beauty and dignity of the Nation's Capital."

The sole purpose of the previous authorizations was to provide the easy and reliable access to government for Federal employees and citizens that President Eisenhower envisioned. Today, the Metro system remains an indispensable resource for the Federal Government. At peak times, over half of Metro riders are Federal employees and contractors. Metro's record riderships have occurred during historic events, where people from all over the country flocked to the Nation's Capital for the national gathering: President Reagan's funeral, the Fourth of July celebrations, Presidential inaugurations.

□ 1430

In times of national crisis, the Metro system has also proved indispensable to the Federal Government, such as during the September 11 terrorist attacks in which Metro served as the primary means out of a city under lockdown.

In many ways, the Metro system is the lifeblood of the Federal Government. More than 15 Federal agencies in the National Capital region are located adjacent to Metro stations. This is not a coincidence. Federal agencies rely on the Metro system to get their employees to and from the workplace year round in all types of weather. Unfortunately, as was recently evident when Metro suffered delays due to torrential rains that hit the region, when Metro shuts down, the Federal Government shuts down.

In 1965, 1969, 1979 and 1990, Congress recognized the unique relationship between the Federal Government and Metro, acknowledging the shared responsibility in maintaining the Metro system to make sure it keeps pace with the growing service demands.

Without a similar commitment today, Metro will no longer remain a viable transportation option to the Federal Government or the region. Last month, as part of the Deep Ocean Energy Resources Act, the House voted to devote funds from future OCS receipts for Metro revitalization.

The bill today sets out other measures necessary to ensure that these dollars are well spent. Before I detail what this bill does, let me detail what it does not do. It does not authorize any additional appropriations for the Metro system This bill is about good government, something I am sure we can all agree on.

Specifically, this bill requires the three jurisdictions comprising WMATA, Maryland, Virginia Virginia and the District, to come up with a dedicated revenue source to cover capital and operational expenses.

As GAO recently reported, Metro is unique among major transit systems in that it only derives a tiny amount of its budget from dedicated sources. This legislation would require the local jurisdictions to come together and rectify a long-standing discrepancy.

The bill also creates an Inspector General for the Washington Metropolitan Area Transit Authority. Most major transit systems have an IG in place already. There is no question Metro is a complex organization with many moving parts. Thus, it is especially important that appropriate controls are in place to identify and address managerial, financial, and operational discrepancies and problems.

Without the legislation we are considering today, the Federal funding for Metro that was authorized as part of the Deep Ocean Energy Resources Act last month would have no strings attached to it. The purpose of H.R. 3496 is to establish an Inspector General to monitor the operations and to ensure that the Federal funding generated by the OCS receipts would not be allocated unless the local jurisdictions have committed to equally share the financial responsibilities with the Federal Government.

Finally, the bill adds four Federal members to the WMATA Board of Directors, including for the first time a Federal presence on the WMATA board. Since Metro is such an integral part of the Federal Government's day-to-day operations, it stands to reason there should be a direct Federal representation in Metro's affairs.

Mr. Speaker, this bill is not about funding; it is about the good use of funding. Congress has long recognized the national significance of the Metro system. The provisions of this bill will ensure our Nation's subway is a model of efficiency and good performance.

Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time

Mr. HENSARLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition of H.R. 3496 for several reasons. Number one, Mr. Speaker, I don't quite understand why this is on the suspension calendar today.

Second of all, Mr. Speaker, the Federal taxpayer is paying a lot of money already to help subsidize this particular transit system. I am not sure if more payments are really worthwhile at this time.

Next, Mr. Speaker, we have over 10,000 Federal programs today. At what point do we say enough is enough? And, Mr. Speaker, I am very concerned that when the dots are connected, the dust settles, whatever metaphor you want to use, that unfortunately the taxpayers will be on the hook for an additional $1.5 billion that they had not counted on. And that money ultimately, Mr. Speaker, has to come from somewhere.

First, Mr. Speaker, let me address the concern I have of why we have this on the calendar in the first place. Certainly under our House Republican Conference rules, legislation creating new Federal programs, I thought, was not supposed to be put on the suspension calendar.

As we all know, typically our suspension calendar is used frequently to honor somebody with the naming of a post office, to congratulate a sports team, to declare breast cancer awareness week. I don't think it is to put taxpayers on the hook for $1.5 billion, which ultimately, if this bill passes, I believe could be the result.

Now, I have no doubt that since it is on the suspension calendar that it will receive a very, very healthy vote as Members just start to arrive and, frankly, do not pay as close attention to the suspension calendar as opposed to bills coming up in regular order.

But I fear at the end of the day, again, this does authorize a new program. If it did not authorize a new program, why are we here today? Why did we not simply have a Member propose an amendment to perhaps the transportation bill or the homeland security bill? So in that respect, Mr. Speaker, I am concerned that this is being handled on this particular calendar.

Next, Mr. Speaker, how much is enough? I admit the Federal Government has had a lengthy partnership with the Washington Metropolitan Transit Authority. $6.2 billion or 60 percent of the construction costs, I believe, were picked up by the Federal taxpayer; 40 percent of the capital costs over the last decade. But the WAMTA is already receiving formula grants under titles 5307 and 5309. So they are already receiving Federal funds, if you will, a dedicated revenue source from the Federal Government already. I believe in inflation-adjusted terms that is about $1.5 billion over the last 10 years.

And I think if you look back, these annual grants are now more or less three times what they were 10 years ago. Again, Mr. Speaker, I ask the question, how much is enough? You add it all up, Mr. Speaker, that is a lot of money.

Now, I certainly applaud the gentleman from Virginia for wanting to put in greater oversight and greater accountability into the system. I know that his committee provided a number of articles from a Washington Post expose, I think, dating back 9, 10, 11 months ago, that indicated that trains broke down 64 percent more often now than several years ago, that the Washington Metro Transit Authority had spent $383 million on 192 rail cars, and those cars break down almost as often as the old cars.

Several hundred million, according to The Washington Post, was spent to refurbish old cars from the 1980s and those refurbished break down even more often. $9 million was spent to renovate 178 escalators, and a third break down more often than before renovation.

So I would say if there was a system that perhaps was in need of a little greater oversight and a little greater accountability, this is it. Otherwise, Mr. Speaker, I fear that what we would be doing is punishing success and rewarding failure. I certainly hope that the gentleman from Virginia indeed did take these steps in his bill. And for that aspect of the bill, I certainly congratulate that portion of it.

But, Mr. Speaker, the thing that concerns me the most is at a time that our Nation is facing unparalleled national debt, when we are a Nation at war, at what point do you say "no" to a new program? Again, according to the Heritage Foundation, we have over 10,000 Federal programs spread across 600 different agencies. How much is enough?

I believe in our last budget we have $75 billion, more or less, in transportation funding. Now that is up 83.5 percent in just 10 years. In other words, Mr. Speaker, we have almost doubled the Federal contribution to transportation, almost doubled in just a decade.

Again, how much is enough? I believe we have over 28 Federal programs dedicated to mass transit. And I believe in the most recent SAFETEA–LU bill, that translates to $45.3 billion.

Are the number of government programs only limited by our imagination, the imagination of Members to come to the floor and propose it? No matter how worthy they are, again, how many are enough? Maybe, Mr. Speaker, we should start limiting government programs by the ability of taxpayers in future generations to pay for them.

Now, I certainly want to applaud the gentleman from Virginia from attempting to offer an offset to the spending. I think I may agree to disagree with the gentleman, but my fear is again when the dots are connected and the dust settles, I am not sure it is a real offset. My fear is that it will prove to be a mirage.

What happens here, Mr. Speaker, is that the gentleman is claiming offsetting receipts from H.R. 4761. Now, when that bill was originally written, it was coming to the floor violating our Budget Act, violating our budget resolution. I am happy to say that that was corrected by a manager's amendment.

But it appears that receipts from the Outer Continental Shelf drilling are spoken for, between State revenue sharing and several new entitlement programs that were included in H.R. 4761. I know that this is an authorization bill; but had it been a mandatory bill, if it had ultimately resulted in real spending, CBO would have scored this money in such a way that it would have busted the budget.

And, Mr. Speaker, if the funding does materialize, again in the years that it is spent, it will end up contravening our budget. And I don't see that the revenue-sharing agreement is going away with the States. I don't see these other mandatory programs going away. So maybe the gentleman did indeed secure an offset. Maybe his program is fully offset. But, Mr. Speaker, if his program is fully offset, somebody else's program is not.

At the end of the day, it is a little bit like musical chairs; and I fear when the music stops, the taxpayer is the only one who is left standing.

Next, Mr. Speaker, I am a little concerned about what is happening in our Congress with respect to earmarks. According to the Heritage Foundation, this particular bill, weighing in at $1.5 billion, may constitute the largest earmark ever. I thought this was the House that wanted to start reforming earmarks, which among other things I would hope would lead to fewer of them, and perhaps less costly earmarks.

I mean, recently we have had the bridge to nowhere, weighing in at about $250 million; the railroad to nowhere, weighing in at about $750 million; and now we have everything, the bike improvements, the curb extensions, the bus bays, the new rail cars of the WMATA weighing in at about $1.5 billion.

Again, Mr. Speaker, that is a lot of money. And ultimately, Mr. Speaker, the bottom line is, someone is going to have to pay for all of this; and part of our job in Congress is to decide upon priorities and make some very, very tough decisions. But, again, if this all comes to fruition, ultimately there is $1.5 billion more that is going to be spent over 10 years than was expected.

There are only three places that money ultimately comes from: either we place more debt on our children, we raise taxes, or we end up spending less somewhere else. Now, right now we are awash in tax revenues. We have the highest number of tax revenues we have had in the history of America. Corporate tax revenues are up roughly 40 percent last year. Individual tax revenues are up roughly 15 percent. We do not seem to have a taxing problem in the Nation's Capital.

I do think, though, Mr. Speaker, maybe we have a spending problem. We are spending over $23,000 per American household for only the fourth time in our Nation's history. Since I was born, the Federal budget has grown seven times faster than the family budget.

In the last 10 years alone, Federal funding for international affairs is up 89 percent; agriculture, 118 percent; education, 113 percent; and as I mentioned earlier, the transportation function, 83 percent.

Meanwhile, inflation over the same period grew 25 percent; median family income, 33 percent. We are more than spending over inflation, and the Federal budget is growing beyond the family budget. When do you say enough is enough? Let's look at the national debt. Although we have had great news recently in reducing the Federal deficit, the debt continues to increase.

We have gone from roughly $5.5 trillion to $8 trillion in just 5 years. Unless we balance the budget tomorrow, every new program's cost is going to get added to the national debt, and ultimately that burden is borne by our children and our grandchildren.

We know that our entitlement spending, Social Security, Medicare and Medicaid, is growing way beyond our ability to pay for it. And we know that we are facing a rather nasty fork in the road. If you look at CBO, OMB, GAO and anybody who has looked at Federal budgetary trends, they will tell you.

☐ 1445

Within one generation, either we are going to have no Federal Government, except Medicare, Medicaid and Social Security. There will be nothing else left to give the Washington Metropolitan Transit Authority, much less the border security or FAA or anybody else. Or the other fork in the road is we will have to double taxes on our children and grandchildren just to balance the budget.

Again, Mr. Speaker, we have to make tough decisions, and I have no doubt that the gentleman is sincere in that this money would go for a very, very good purpose. But there are lots of good purposes out there, Mr. Speaker, including the purpose of ensuring that our children and grandchildren do not inherit an America with greater debt and less freedom and less opportunity.

If we say "yes" to every Member's program today, no matter how worthy it may be, we are going to end up saying "no" to our children's future tomorrow. Because of that, Mr. Speaker, I urge my colleagues to say "no" to H.R. 3496.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Could I ask how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Virginia (Mr. TOM DAVIS) has 14½ minutes remaining and the gentleman from Texas (Mr. HENSARLING) has 8 minutes remaining.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF), who has been a champion of transportation in the Washington area during his tenure in Congress.

Mr. WOLF. Mr. Speaker, I rise in support of the bill. The bill brings accountability. I have a note here and I quote, "CBO expects that the proposed amendment would not authorize any additional appropriations."

I would read that one more time: "CBO expects that the proposed amendment would not authorize any additional appropriations."

I rise in support of the bill, H.R. 3496, the National Capital Transportation Amendments Act. The legislation would ensure, and what Mr. DAVIS is trying to do, accountability for the Federal funding that is provided to the Washington Metropolitan Area Transit Authority, or, as they call it, Metro. The bill would require an IG office to be established and to provide oversight of the system.

You would have thought that the system would have had an IG, but it requires Virginia, Maryland, and the District of Columbia to identify dedicated funding sources to the Metro system.

The bill also adds Federal members to the Metro board of directors, and I think these are good ideas. The Metro system in Washington, as Mr. DAVIS has said, is known as the Nation's subway system.

Visitors from all over the country and the world use the system daily when visiting our Nation's Capital, and Metro's highest ridership, as Mr. DAVIS said, occurs when national events are taking place, such as Presidential inaugurations when people come from all over the country.

The Metro system also supports the Federal workforce. Federal employees rely on the system. Many people up here on Capitol Hill and other agencies, FBI, CIA, DIA, DEA, all the other ones, commute back and forth to work every day. During peak times, over half of Metro's riders are Federal employees.

Finally, this system is vital to the emergency needs of the region. During the terrorist attack of 9/11, Metro was a reliable way to ensure that thousands of people were able to safely and quickly evacuate the city. In order to help hold Metro accountable, which Mr. DAVIS's bill has done, is accountability for Metro for the use of its Federal funds.

I urge adoption of this measure.

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. I recognize the gentlewoman from the District of Columbia for 5 minutes.

Ms. NORTON. Mr. Speaker, when I was asked did I want to accept time in opposition, when I said nor should any Member of this body, I was not being rhetorical. This bill is indispensable to the Federal Government, and it is indispensable to the 20 million visitors who come every year.

I don't want anyone to think that the chairman and the Members who have come forward would have the chutzpah to come forward and say support a local transportation system.

This system was created by the National Transportation Act. It was not created by Maryland, Virginia, or the District of Columbia but by the Federal Government. It was created by the Federal Government, because by 1969, the Federal presence had spread to Maryland and Virginia, and it was very clear that the Federal Government itself could not operate without a modern transportation system allowing what amounts to 200,000 workers today to get from one place to the other.

Meanwhile, the gentleman from Texas has cited the many programs and the transportation funds that the local jurisdictions get, and that, of course, is what has supported this system ever since. What this funding is necessary for is capital funding in order to keep the system up and operating because of pressure put on the system by the Federal Government and nobody but the Federal Government. Almost half of those who ride every day are Federal employees.

Without dedicated funding, and here is where the chairman and the Members of the region deserve real credit because there is no dedicated funding for the system, so it has to be funded on an annual basis. The chairman's bill, supported by all of us, essentially says no funding is available unless there is a dedicated funding source.

So it performs the task that is responsible to the Federal Government by saying, here is your share that you must give, and it says to the local jurisdictions, you do not get the Federal share unless you come forward not just with funding, but with dedicated funding. The purpose of this bill is to deal with the initial investment that the Federal Government made, which is now going down the drain because the local jurisdictions cannot in fact, by themselves, deal with the maintenance and capital costs that Federal pressure has put on it.

Let me tell you what I mean by Federal pressure. We are so dependent on this system, that we subsidize Federal workers to, in fact, take Metro. As it is, you cannot, in fact, get on the roads here, even with Metro. Imagine what would happen if Metro were not available; but it is becoming unavailable because its cars are so crowded that there are many Federal workers who believe that they should just as well take a car, something that the roads coming to and from the District cannot stand.

I am a member of the Homeland Security Committee. I do not believe there is a single Member who would not not understand what in the post-9/11 world this transportation system means to the safety and security of this region. But I can tell you from my work, and the chairman is also on the committee, that it adds to the necessity that President Eisenhower saw in 1969, and an additional one that we cannot turn our heads from.

Ask your own constituents how they get around Washington when they come. There are 20 million of them. They are not my constituents, and they are not Chairman Davis's constituents, they are yours. And they would be lost without the Metro system.

The beauty of the bill is that it is going to get the local jurisdictions to do what all of our hectoring has not made them do until now, and that is to get the dedicated funding so that the cars, which are now overloaded with Federal workers every morning, you cannot get on these cars, will indeed have additions to them; so the facilities, indeed, can be maintained. The gentleman complained about that. He was perfectly right. There are not the funds to maintain it and keep it operating if you depend only on the three local jurisdictions.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. Van Hollen), a strong transportation advocate.

Mr. VAN HOLLEN. Mr. Speaker, I want to thank my colleague, Mr. Davis, the chairman of the Government Reform Committee, for his leadership on this very important national issue.

As my colleague Ms. Norton pointed out, the Federal Government was there at the creation of the Washington Metro system, and has a huge investment already in the Washington Metro system. This legislation is designed to help protect the Federal investment, the investment taxpayers have already made in that national system. I don't know why anybody would not want to provide the accountability measures to ensure that this investment is protected going forward.

We have, as we know, a system that the Federal Government relies upon to bring thousands of employees to work every day: workers who work in our national security agencies, workers who work at the Department of Health and Human Services, and all the other Federal agencies that help provide services to the American people every day.

This system is also a critical link in any evacuation plan of the Nation's Capital. Imagine everyone trying to get out of this city without using the Metro system to take thousands of people out. You would have gridlock. You wouldn't be able to do it.

Now, Mr. Davis has already pointed out this House is already on record just a few weeks ago in providing the Federal investment. We have done that. The only question now is whether we are going to provide the accountability piece, whether we are going to say to the Washington Metro system, you are going to be held accountable for that Federal investment in order to protect the Federal taxpayers. That is what it is all about.

I think it is worth underscoring the four major accountability provisions. Number one, we are asking the local jurisdictions that contribute to the system to make sure that they do it.

Why would we, the Federal Government, want to be at the whim, on a year-to-year basis, of whether local jurisdictions are going to be able to provide their part of this Federal-local partnership? That doesn't make any sense from the point of view of the Federal Government.

Second, it requires the establishment of the inspector general. Don't we want somebody there to make sure we protect that investment, an independent auditor who can look after that Federal taxpayer investment?

Third, we add four new members to WMATA's board. Right now, none of the board members are accountable to the Federal Government. Don't we want board members who are accountable to the Federal taxpayer, as well as board members who are accountable to the other contributing jurisdictions?

Fourth, it requires that Metro take on some other issues that have festered over a period of time and which make it more difficult to fulfill its Federal mandate and its responsibilities to the Federal Government.

Now, I want to commend the Metro system for doing what they have done with the budget they have got. But there is no doubt in order to keep the system viable going forward, the Federal Government needs to maintain its historic contribution and the local partners need to continue to make theirs.

The only question with this bill is whether we are going to be asking WMATA to make sure it has accountability provisions in place to protect that very important Federal investment. I would say, why wouldn't we want to protect the taxpayers who have made an investment in this very important national transportation infrastructure right from the beginning?

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would recognize my distinguished colleague from northern Virginia, a neighbor, and also a strong transportation advocate, Mr. Moran, for 3 minutes

Mr. MORAN of Virginia. Mr. Speaker, I thank the chairman of the Government Reform Committee and applaud him for his leadership, as well as Mr. Wolf's, particularly when Mr. Wolf was chairman of the Appropriations Subcommittee for Transportation, Ms. Norton representing the District of Columbia, and Mr. Van Hollen representing the Maryland suburbs.

We are a team. We are a team, but we are representing the interests of the entire Congress. The principal reason why we need the Metro system is to transport our employees, the Federal workforce. If we did not have this Metro system, our Federal Government could not function. We don't have the road capacity to get them to and from work.

Even with Metro, we have the second-worst congestion in the country, and it is the most expensive. We need a better Metro system, and the only way that we can meet today's demands is by having a dedicated source of revenue. That is what this bill does.

But the funding has already been taken care of. It passed the House. The House voted for it. This is not about finding the money for Metro. This is about insuring that it gets used properly.

☐ 1500

This is about putting limitations on Metro, providing more Federal oversight for the Metro system, ensuring that local governments in the Washington area contribute their fair share, as should the State governments. The local and the State governments are willing to do that, as long as the Federal Government does; and the Federal Government should, because the principal people it serves are the Federal workforce.

President Eisenhower condemned the land that established the transit system. President Nixon and President Carter both signed legislation to get Metro on track.

Imagine if we did not have a Metro system when we have the Presidential inauguration, when we have these major national events in our Nation's Capital. We could not function. We are primarily dependent upon this transportation system so that this government, the government of the Nation's Capital, the principal government of the entire free world can function.

Everything does not happen here on Capitol Hill. Everyone can't live here. People have to travel to get here. They have to get back home. You have to have a regional economy and a regional population; and in a dense metropolitan area you have got to have a Metro system, so that they can function. And it ought to be a first-class Metro system. This does not even ensure it is going to be first class, but at least it ensures it is going to be able to be adequate to meet the needs of the local, the State and the national governments, and it ensures that there is going to be Federal oversight and that it will serve the needs of our Federal workforce.

Again, I applaud the chairman for bringing it to the floor today and securing its financing last week.

Mr. HENSARLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have listened very carefully to this debate, and I am unconvinced at the end of the day that the combination of these two bills is not spending additional taxpayer money. In fact, I have in my hand the committee report, before the two bills were separated, dated April 26 that on page 11 it clearly says for those grants, the bill would authorize the appropriation of $1.5 billion to the Secretary. I admit that is a report before the two bills were separated.

But a combination of the two, again, is going to put the taxpayer on the hook for an additional $1.5 billion, and I think, Mr. Speaker, what we have to do is peel away the layers of the onion here and see what we have.

Again, we already have Federal programs in place to help fund WMATA. We already have moneys flowing. So either we are looking at new funding today, or we are looking at a new program, or we are looking at both.

Regardless, a combination of the two, I believe, will spend more money, and Mr. Speaker, even if it was budget neutral, even if it was budget neutral, when we are looking at a Federal debt that has gone from roughly $5.5 trillion to $8.5 trillion in just about 5 years, I am not sure I want any new Federal programs until we do a better job in preventing this debt from being imposed upon our children, at a time when we have the highest level of tax revenues we have ever had in the Nation's history.

Again, Mr. Speaker, we don't have a taxing problem. We have a spending problem, and I am not here to say that there are not many worthy provisions of this bill, and I am glad to hear about all the accountability features of the bill. I don't quite know why that has to be combined with a billion and a half new spending since, again, the Federal taxpayer is already contributing to this mass transit system at a very healthy clip.

But one of the reasons I would be leery of authorizing new funds, as President Reagan, one of my favorite Presidents, once said that the closest thing to eternal life on Earth is a Federal program. So what happens in the outyears as this program continues on and on and on? I am not sure anybody here on this floor today knows for certain.

I can tell you this: I got into the fatherhood business 4 years ago. I now have a 4-year-old daughter and 2½-year-old son; and I can tell you once I helped bring them into the world, they have been very hungry, very expensive, and very needful people. Now, I love them very much, but again, using this analogy, they can get very expensive in the outyears.

So, Mr. Speaker, another point I would like to address as many speakers came here today to make a very compelling argument that this was a vital transportation program, that it was a very vital program related to our homeland security, God forbid should another 9/11 occur. But if this is true, Mr. Speaker, I ask the question, why was this program not originally funded in the homeland security appropriations bill? Why was this project not originally funded in the transportation appropriations bill? Many competing interests come together in those bills, hopefully within a budget constraint, and decisions are made about Federal priorities. So, again, if this is such a priority, I am wondering why it was not included there.

But again, Mr. Speaker, at the end of the day, my concern here is that somehow, some way a combination of these two bills is going to mean at a time when tax revenues are at their highest, at a time when the national debt is at its highest, at a time where we already have 10,000 Federal programs and they grow each day, that we are going to have a new Federal program, and again, no matter how worthy it may be, without taking away some other lower-priority Federal program, and I just do not believe that the OCS dedicated revenue stream that was already spoken for, that even if the gentleman from Virginia has been successful, and maybe he has been, in dedicating that funding to his bill, then some other program has gone unfunded: and therefore, again the Federal taxpayer today in the future will be on the hook.

For those reasons, Mr. Speaker, I would urge defeat of the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Before I begin, I would ask unanimous consent to put the memorandum from Greg Waring of the Congressional Budget Office into the RECORD noting that CBO has reviewed the proposed amendment and it does not authorize any additional appropriations, score of zero.

The SPEAKER pro tempore (Mr. ADERHOLT). Is there objection to the request of the gentleman from Virginia?

There was no objection.

NATURAL & PHYSICAL RESOURCES COST ESTIMATES UNIT CONGRESSIONAL BUDGET OFFICE,

From: Greg Waring
Sent: Tuesday, July 11, 2006 5:42 PM
To: Puccerella, Ed
Cc: Robert Murphy; Mark Hadley
Subject: HR 3496 budgetary impact

ED: CBO has reviewed the proposed amendment to H.R. 3496. The language would link funding for the capital and preventive maintenance projects to the authorization of appropriation provided in Section 30 of H.R. 4761, as passed the House of Representatives on June 29, 2006. CBO expects that the proposed amendment would not authorize any additional appropriations.

Please let me know if you have any additional questions.

GREGORY WARING,
Analyst.

From: Puccerella, Ed
Sent: 7/11/2006 4:52 PM.

GREG: Per our conversation with Budget Committee and you all at CBO here is the revised appropriation language that the Chairman would like to add to H.R. 3496 when it goes to the floor. Can you please confirm that this language would not authorize any additional appropriations that are not otherwise authorized under H.R. 4761 as passed by the House? We would like this language to be effectively budget neutral.

Thanks, Ed

(e) Amount.—There are authorized to be appropriated such sums as are made available to the Secretary of Treasury to make payments to the Washington Metropolitan Area Transit Authority pursuant to section 9(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(f) Availability.—Amounts appropriated pursuant to the authorization under this section

(1) shall remain available until expended; and

(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

EDWARD J. PUCCERELLA,
COMMITTEE ON GOVERNMENT REFORM,
TOM DAVIS,
CHAIRMAN.

Mr. TOM DAVIS of Virginia. Mr. Speaker, this is not a new program. This program was authorized in 1960 and signed by President Eisenhower. It has been reauthorized four times; and I hope it has a long life, a long productive life, taking commuters off clogged roads and using mass transit so we can reduce our energy dependency on foreign oil.

Mr. Speaker, this is not an authorization of funds. It is about making sure, as my colleagues have said, that this money is spent well. If this goes down, the money still goes through without any checks and balances and Inspector Generals or any of these being set up. If you vote against this bill, you are not saying we should not spend any extra dollars on the Metro system. You are not saying that. You are saying they can spend the extra dollars without the congressional oversight.

Statistics show that Metro is, in fact, one of the best run systems, but I am not willing to say they are so good that no improvements are required and additional oversight is not required.

The provisions in this came from a GAO report. It is our responsibility in Congress to ensure Federal dollars are well spent. There should be nothing contentious about requiring an Inspector General, adding Federal members to the board, or requiring the jurisdictions to truly provide stable funding to the system.

So I urge my colleagues to offer this bill their full support.

I appreciate the comments of my colleague. He has long been a supporter of no further Federal spending, but we are out the barn door on this. That happened under the previous legislation, under the Deep Ocean Energy Resources Act. This refines it and controls it and makes sure the money is well spent.

I hope my colleagues will join us in legislation that scores zero with the Congressional Budget Office and reauthorizes this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 3496, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HENSARLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FEDERAL JUDICIARY EMERGENCY TOLLING ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3729) to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, as amended.

The Clerk read as follows

H.R. 3729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Judiciary Emergency Tolling Act of 2006".

SEC. 2. EMERGENCY AUTHORITY TO DELAY OR TOLL JUDICIAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

"§ 1660. Emergency authority to delay or toll judicial deadlines

"(a) TOLLING IN DISTRICT COURTS.—

"(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of courts or rendering it impracticable for the United States Government or a class of litigants to comply with deadlines imposed by any Federal or State law or rule that applies in the courts of the United States, the chief judge of a district court that has been affected may exercise emergency authority in accordance with this section.

"(2) SCOPE OF AUTHORITY.—(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the district court or bankruptcy court of the district.

"(B) Except as provided in subparagraph (C), the authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, prearrest, post-arrest, pretrial, trial, and post-trial procedures), civil actions, bankruptcy proceedings, and the time for filing and perfecting an appeal.

"(C) The authority conferred by this section does not include the authority to extend—

"(i) any statute of limitation for a criminal action; or

"(ii) any statute of limitation for a civil action, if—

"(I) the claim arises under the laws of a State; and

"(II) extending the limitations period would be inconsistent with the governing State law.

"(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the district is unavailable, the authority conferred by this section may be exercised by the district judge in regular active service who is senior in commission or, if no such judge is available, by the chief judge of the circuit that includes the district.

"(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

"(b) CRIMINAL CASES.—In exercising the authority under subsection (a) for criminal cases, the court shall consider the ability of the United States Government to investigate, litigate, and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

"(c) TOLLING IN COURTS OF APPEALS.—

"(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of courts or rendering it impracticable for the United States Government or a class of litigants to comply with deadlines imposed by any federal or States law or rule that applies in the courts of the United States, the chief judge of a court of appeals that has been affected or that includes a district court so affected may exercise emergency authority in accordance with this section.

"(2) SCOPE OF AUTHORITY.—The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending in the court of appeals.

"(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the circuit is unavailable, the authority conferred by this section may be exercised by the circuit judge in regular active service who is senior in commission.

"(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

"(d) ISSUANCE OF ORDERS.—The Attorney General or the Attorney General's designee may request issuance of an order under this section, or the chief judge of a district or of a circuit may act on his or her own motion.

"(e) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that, if the chief judge (whether of a district or of a circuit) determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the judicial council of the circuit, enter additional orders under this section in order to further toll or extend such time deadline.

"(f) NOTICE.—A court issuing an order under this section—

"(1) shall make all reasonable efforts to publicize the order, including announcing the order on the web sites of all affected courts and the web site of the Federal judiciary; and

"(2) shall, through the Director of the Administrative Office of the United States Courts, send notice of the order, including the reasons for the issuance of the order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

"(g) REQUIRED REPORTS.—A court issuing one or more orders under this section relating to an emergency situation shall, not later than 180 days after the date on which the last extension or tolling of a time period made by the order or orders ends, submit a brief report to the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the Judicial Conference of the United States describing the orders, including—

"(1) the reasons for issuing the orders;

"(2) the duration of the orders;

"(3) the effects of the orders on litigants; and

"(4) the costs to the judiciary resulting from the orders.

"(h) EXCEPTIONS.—The notice under subsection (f)(2) and the report under subsection

(g) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 111 of title 28, United States Code, is amended by adding at the end the following new item:

''1660. Emergency authority to delay or toll judicial deadlines.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3729 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3729. This legislation would grant the chief judge of any district or appeals court the authority to enter an order to delay or toll any deadlines on pending cases whenever an affected court has closed due to a natural disaster or other emergency situation.

While the court can generally be expected to give consideration to the difficulties faced by litigants in such cases, this legislation is designed to ensure that the court also gives appropriate consideration to the unique burdens that may be imposed on the Federal Government in responding to an emergency.

When a disaster occurs, the field offices of Federal law enforcement agencies may lose access to case files, evidence and other materials critical to the timely prosecution and adjudication of pending cases. Additionally, the government may be forced to reallocate personnel and other resources to address critical, often life-threatening, situations that arise as a consequence of such disasters. Last year's devastating hurricanes that struck New Orleans and much of the gulf region provide a recent example of circumstances where this bill would help ensure that justice can continue to be administered.

The version of H.R. 3729 we consider today reflects bipartisan, clarifying changes adopted in committee based on discussions with the Administrative Office of the U.S. Courts and the Department of Justice. This legislation preserves the primacy of State law by expressly providing that the bill's authority does not extend to any statute of limitation for a criminal or civil action if the claim arises under State law and extending that limitation would be inconsistent with the governing State law.

Additionally, the bill expressly provides that the bill not be construed to authorize suspension of habeas corpus, and places a limitation of 14 days on the amount of time a deadline may be extended or tolled while preserving the ability of a judge to seek additional time extensions.

Finally, this legislation requires that a court issuing an order to toll or delay deadlines make all reasonable efforts to publicize the order on the Web sites of the Federal judiciary and all affected courts and notify the House and Senate Judiciary Committees when such action is taken.

Mr. Speaker, this bill helps ensure that the fair and timely administration of justice, which is central to our form of government, is not imperiled by natural disasters or other emergency circumstances.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 3729.

The bill, as has been indicated, makes several key changes to current law which will help guarantee our Federal court system will be able to adequately function in the wake of a natural disaster or other emergency.

First, it provides the chief judge of a Federal judicial district with the appropriate level of discretion to toll or delay deadlines for any class of cases pending before the court at the time of a natural disaster or emergency.

It also, in a newly proposed section 2 of the bill, includes important language which makes clear that this bill is not to be construed to authorize the suspension of the writ of habeas corpus, as has been noted as a very important consideration.

Third, the legislation limits the amount of time that a chief judge may extend or toll a deadline to no more than 14 days, except where the judge determines that an emergency situation requires additional extensions.

And finally, for any court that decides to toll or delay a deadline, the legislation creates a notice requirement. Among other things, this notice requirement would direct courts to make all reasonable efforts to publicize the order, including announcing the order on Web sites of all affected courts and the Web site of the Federal judiciary and require the director of the Administrative Office of the Courts to send copies of each notice, including the reasons for their issuance, to the House and the Senate Judiciary Committees.

☐ 1515

It is worth noting that this latter provision will go a long way toward helping our committee conduct adequate oversight and assist in our efforts to detect any possible abuses.

In closing, I thank the chairman of the Committee on the Judiciary, Mr. SENSENBRENNER, for his willingness to work with Members on this side of the aisle to address many of our concerns regarding the legislation. This is truly bipartisan. I urge my colleagues to support this worthwhile measure

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3729, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

VOLUNTEER PILOT ORGANIZATION PROTECTION ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1871) to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations, as amended.

The Clerk read as follows:

H.R. 1871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Volunteer Pilot Organization Protection Act of 2006''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Scores of public benefit nonprofit volunteer pilot organizations provide valuable services to communities and individuals.

(2) In calendar year 2001, nonprofit volunteer pilot organizations provided long-distance, no-cost transportation for over 30,000 people in times of special need.

(3) Such organizations are no longer able to reasonably purchase non-owned aircraft liability insurance to provide liability protection, and thus face a highly detrimental liability risk.

(4) Such organizations have supported the interests of homeland security by providing volunteer pilot services at times of national emergency.

(b) PURPOSE.—The purpose of this Act is to promote the activities of nonprofit volunteer pilot organizations flying for public benefit and to sustain the availability of the services that such organizations provide, including transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis, as well as other flights of compassion and flights for humanitarian and charitable purposes.

SEC. 3. LIABILITY PROTECTION FOR NONPROFIT VOLUNTEER PILOT ORGANIZATIONS FLYING FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH ORGANIZATIONS.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting "(A)" after "(4)";

(C) by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(B) the harm was caused by a volunteer of a nonprofit volunteer pilot organization that flies for public benefit, while the volunteer was flying in furtherance of the purpose of the organization and was operating an aircraft for which the volunteer was properly licensed and insured, unless the conduct constitutes a Federal crime of terrorism (as such term is defined in section 2332b(g)(5) of title 18, United States Code) or an act of domestic terrorism (as such term is defined in section 2331 of such title), or unless the entity has been convicted of an offense under section 2339A of such title.";

(2) in subsection (b)—

(A) by amending the heading to read as follows: "CONCERNING RESPONSIBILITY OF VOLUNTEERS";

(B) by inserting "(1)" before "Nothing"; and

(C) by adding at the end the following new paragraph:

"(2) Nothing in this section shall be construed to affect the liability for negligence of a volunteer of a nonprofit volunteer pilot organization that flies for public benefit with respect to amounts within the limits of liability insurance coverage that such volunteer is required to obtain pursuant to subsection (a)(4)(B) for liability protection under this section."; and

(3) in subsection (c)—

(A) by inserting "(1)" before "Nothing"; and

(B) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), a nonprofit volunteer pilot organization that flies for public benefit, and the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such organization or a referring agency of such organization, shall not be liable with respect to harm caused to any person by a volunteer of such organization, while the volunteer is flying in furtherance of the purpose of the organization and is operating an aircraft for which the volunteer is properly licensed and has certified to such organization that such volunteer has in force insurance for operating such aircraft. Such referring agency shall include, among others, any nonprofit organization that provides disaster relief services that place staff, volunteers, evacuees, goods, supplies, or cargo on aircraft flights being coordinated by volunteer pilot organizations in circumstances of disaster response and relief.".

SEC. 4. REPORT BY ATTORNEY GENERAL.

(a) STUDY REQUIRED.—The Attorney General shall carry out a study on the availability of insurance to nonprofit volunteer pilot organizations that fly for public benefit. In carrying out the study, the Attorney General shall make findings with respect to—

(1) whether nonprofit volunteer pilot organizations are able to obtain insurance;

(2) if no, then why;

(3) if yes, then on what terms such insurance is offered; and

(4) if the inability of nonprofit volunteer pilot organizations to obtain insurance has any impact on the associations' ability to operate.

(b) REPORT.—After completing the study, the Attorney General shall submit to Congress a report on the results of the study. The report shall include the findings of the study and any conclusions and recommendations that the Attorney General considers appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1871 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1871, the Volunteer Pilot Organization Protection Act. This bill is narrowly tailored to correct specific liability exposure for volunteer and nonprofit activities.

In 1997, Congress passed the Volunteer Protection Act to shield volunteers from liability from some forms of negligence in response to concerns that America's lawsuit culture was inhibiting this country's rich tradition of volunteerism. However, that act does not protect volunteers who operate an automobile, vessel or aircraft, nor does it protect the organizations that coordinate the volunteers.

There are approximately 30 separate volunteer pilot organizations flying for the public benefit, the largest of which function together as Angel Flight America. These organizations coordinate almost 8,000 volunteer pilots, who fly anywhere from one to 50 volunteer missions a year, all at their own personal expense. These pilots conduct public benefit aviation, which includes activities ranging from environmental observation, wilderness rescue, delivery of medical supplies and organs, and transport of medical patients. In the area of medical patient transport alone, volunteer pilot organizations provided free, long-distance transportation to over 40,000 patients and their escorts in 2003.

As beneficial as these groups are in the normal course, they are crucial in times of crisis. For example, in the wake of Hurricane Katrina, Angel Flight America, through its role with the Homeland Security Emergency Air Transportation System, flew over 500 missions in the first week after the storm, bringing in emergency workers, agency staff, volunteers, and supplies.

These volunteer pilots also flew high-risk individuals to safer locations, and once there assisted groups such as the National Center for Missing and Exploited Children in reuniting parents and children separated in the evacuation of New Orleans. Overall, Angel Flight America coordinated over 2,200 flights in the areas affected by Hurricane Katrina, second only to the United States military.

Despite the invaluable services they provide, these groups are not protected from liability by the Volunteer Protection Act and face difficulty in obtaining the necessary insurance because of liability exposure fears. In many cases, the volunteer pilot organizations cannot obtain, at any cost, the type of liability insurance that they need. In addition, hospitals and other medical establishments are sometimes reluctant to refer patients to volunteer pilot medical transport services because of their own fear of liability exposure based upon the simple act of recommending needy patients to nonprofit volunteer pilots.

This legislation limits the liability exposure for volunteer pilots and organizations by bringing them within the scope of coverage of the Volunteer Protection Act. The legislation will not confer blanket immunity. Liability will attach for gross negligence or reckless, willful, or criminal misconduct. The bill would also have an added benefit of allowing hospitals, clinics and other organizations, including those organizations active in rescue operations like the American Red Cross, to refer needy patients for no-cost medical transport with less fear of their own liability exposure.

Further, the bill requires that the pilots purchase insurance in order to be covered by the liability protections.

I would also note that this bill contains two amendments that address specific concerns that were raised about earlier versions of this bill. The first amendment, which was adopted during the committee markup, ensures that the liability protections do not extend to anyone who engages in terrorist activities.

The second amendment, which was negotiated after the markup with Representative SCOTT of Virginia and Representative DRAKE, provides that volunteer pilots, who are required to carry insurance under the bill, can be liable up to the limits of that insurance. The pilots would not, however, be personally liable for any amounts above their insurance for simple negligence.

Mr. Speaker, H.R. 1871 will end the cycle of litigation and the threat of such litigation that has stifled the efforts of public-minded volunteer pilots who risk their lives to assist others. The bill is supported by a wide array of charitable organizations, including the American Red Cross, the National Organization For Rare Disorders, Angel Flight America, and the National Air Transportation Association.

In 2004, the House overwhelmingly passed similar legislation with the support of 385 Members. I would urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as much as I appreciate volunteer pilot organizations and the pilots, this bill creates a number of problems for me that I would like to bring to the attention of our membership, and it makes it difficult for me to support H.R. 1871.

If you didn't know that there was a Volunteer Protection Act already on the books, this would sound like something that is very important and very necessary. But there is, and H.R. 1871 undoes the balance achieved in the Volunteer Protection Act by exempting pilots and aircraft carriers from liability, and it applies not only to pilots but it applies to staff of an organization, mission coordinators, officers and directors of the volunteer pilot organizations, referring agencies, whether they are for profit or not for profit. And it would leave innocent victims without recourse in some situations by reducing the standard of care applicable to pilots.

It does nothing to tackle the real problem which is underlying in this bill. What is it? Well, it is that the insurance industry has failed to offer insurance to the volunteer pilot organizations and they can't get it. They can't get insurance. And so this measure flies in the face of already enacted law named the Volunteer Protection Act, which was passed 8 years ago and extending over five Congresses.

The Volunteer Protection Act, as opposed to this measure, was carefully deliberated and negotiated. But this measure before us wipes the slate clean by giving volunteer pilots protection from liability, despite the fact that the Volunteer Protection Act specifically excluded that category of volunteers from protection.

Under the Volunteer Protection Act, pilots and those operating aircraft were specifically left out of the liability exemption because of the highly dangerous nature of the activity and the fact that States already require these pilots to have insurance. The measure undoes that and exempts pilots from liability.

Moreover, it goes further than the Volunteer Protection Act by giving this exemption to not only the pilots but also to the staff, the mission coordinators and directors of the organizations and referring agencies. In the Volunteer Protection Act, Congress made sure it was only the volunteers being protected. We don't do that here.

Finally, as I have said, the real problem is with the insurance industry. Why won't they offer insurance to volunteer pilot organizations? Well, during the hearing of this legislation in the 108th Congress, it was suggested that these nonprofit volunteer pilot organizations need liability protection because they can't get insurance. If this is the case, why not have a bill that requires insurance agencies to offer insurance to these organizations? Why not that instead of in the reverse, exempting everyone almost under the sun from liability.

So what we are establishing here is a national policy specifically allowing certain pilots to operate their aircraft negligently and still escape liability. Thank goodness we haven't had any cases like this, but by immunizing both the negligent pilot and the organization that arranges and provides the transportation, this bill could leave victims of an air tragedy and their surviving families with no means of seeking compensation for their loss.

I hope that the House of Representatives will not turn its back on the victims of air tragedies, and I hope that none of them will occur. But for those reasons, I cannot support the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the author of the bill, the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, allow me to begin by thanking key individuals whose efforts brought this legislation to the floor today. First, let me thank Chairman SENSENBRENNER for his diligence in moving this bill through the Committee on the Judiciary.

I would also like to thank Ed Boyer of Angel Flight America located in Virginia Beach for raising this important issue and whose vision will help hundreds of private citizens respond in time of crisis.

I would also like to thank my friend and colleague, Mr. BOBBY SCOTT, for working with me to bring the best possible bill to the floor today.

Finally, allow me to thank Sarah Hamlett, who put in countless hours to make this bill a reality.

Today, we have an opportunity to take important action that will encourage the natural altruism and patriotism that Americans have repeatedly demonstrated in times of crisis.

In the past 5 years, our Nation has seen two great disasters, one at the hands of terrorists and one at the hands of Mother Nature. In both cases, Americans responded with a tremendous outpouring of compassion, lending their time, skills and dollars to a range of charitable organizations.

☐ 1530

In response to both 9/11 and Hurricane Katrina, the thousands of civil aviators who make up Angel Flight America, stood ready to serve and, indeed, played a major role in the disaster response.

Flying over 150 missions following 9/11 and more than 2,200 missions in response to Katrina, these pilots led an aviation disaster response second only to that of the U.S. military.

But providing a coordinated aviation response during national emergencies is only a part of the underlying mission for most nonprofit volunteer organizations. Their most common mission is to provide emergency medical transportation services for needy families.

Each year, volunteer pilots transport hundreds of people with life-threatening illnesses thousands of miles in order to receive specialized medical attention, as well as transporting patients in remote locations who would otherwise be unable to receive care. Yet, despite the importance of their mission, these organizations have been left out of the Volunteer Protection Act in its current form.

This legislation addresses this mission by amending the Volunteer Protection Act to include organizations such as Angel Flight so they may continue to fulfill their mission and provide a critical service for needy families, seeking specialized medical attention.

It is important to note that I have worked closely with Congressman SCOTT to ensure that this legislation does not shield pilots from liability in instances of criminal misconduct or gross negligence.

Instead, this legislation provides nonprofit volunteer pilot organizations the security they need to grow and expand their mission to more parts of our country and provide a well-coordinated response in times of national emergencies.

I encourage all of my colleagues to support this important bipartisan legislation.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1871, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CLARIFYING TREATMENT OF SELF-EMPLOYMENT FOR PURPOSES OF LIMITATION ON STATE TAXATION OF RETIREMENT INCOME

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4019) to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income, as amended.

The Clerk read as follows

H.R. 4019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF TREATMENT OF SELF-EMPLOYMENT FOR PURPOSES OF THE LIMITATION ON STATE TAXATION OF RETIREMENT INCOME.

(a) IN GENERAL.—Section 114(b)(1)(I) of title 4, United States Code, is amended—

(1) by inserting "(or any plan, program, or arrangement that is in writing, that provides for retirement payments in recognition of prior service to be made to a retired partner, and that is in effect immediately before retirement begins)" after "section 3121(v)(2)(C) of such Code",

(2) by inserting "which may include income described in subparagraphs (A) through (H)" after "(not less frequently than annually",

(3) by adding at the end the following:

"The fact that payments may be adjusted from time to time pursuant to such plan, program, or arrangement to limit total disbursements under a predetermined formula, or to provide cost of living or similar adjustments, will not cause the periodic payments provided under such plan, program, or arrangement to fail the 'substantially equal periodic payments' test.", and

(4) by adding at the end the following:

"(4) For purposes of this section, the term 'retired partner' is an individual who is described as a partner in section 7701(a)(2) of the Internal Revenue Code of 1986 and who is retired under such individual's partnership agreement.".

(b) APPLICATION.—The amendments made by this section apply to amounts received after December 31, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4019 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4019, a bill to amend title 4 of the United States Code to clarify the treatment of self-employment for the purposes of the limitation on State taxation of retirement income.

This bill makes technical and clarifying amendments to the legislation enacted in 1996 to restrict the ability of States to tax certain pension income received by their former residents and nonresidents who earned income in that State.

Virtually every State correctly interpreted the law to encompass all retired individuals as Congress intended, and adjusted their tax systems accordingly. However, after 10 years, at least one State has sought to promote an interpretation of the law at odds with congressional intent by taxing the retirement income of partners who no longer live in the State or who may never even have ever lived there.

H.R. 4019 clarifies and reiterates the policy Congress wrote into Public Law 104-95, that States are prohibited from taxing the retirement income of all nonresident retirees, whether the individual is a retired employee, partner or principal.

Mr. Speaker, this bill, which enjoys bipartisan support, merely restores fairness and the original intent of Congress by reaffirming that States should treat all retirees equally.

I urge my colleagues to join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 4019, and I support the measure which is intended to clarify current law that prohibits States from taxing the retirement income of any nonresident, whether the individual is a retired employee, partner or a principal, and says that the benefits reduction calculations under the bill include components from both qualified and nonqualified plans.

Now, since 1996, States have adjusted their tax system to reflect the policy and to allow several different interpretations. The policy would upset expectations and reliance upon the law. And what we are doing is eliminating that possibility. This would also, without this change, further confuse the tax system and certainly lead to unnecessary litigation.

It should be noted that the States affected by Public Law 104-95 have adjusted their tax schemes to comply with the law as they understood it. However, there is one State presently that construes the statute in contravention of the original intent, and if this State, New York, is permitted to implement its interpretation of the bill, other States may follow. This, in turn, would most definitely spur an unlimited amount of needless litigation. So it is essential that for consistency and uniformity that this legislation before us be enacted.

We should note that neither the Federation of Tax Administrators nor the National Governors Association are opposing this clarification.

This clarification is needed to protect the current State taxation policies, and I am proud to support it and urge my colleagues to do as well

Mr. CANNON. Mr. Speaker, I would like to thank Chairman SENSENBRENNER, Ranking Member CONYERS and Representatives WATT for their work and leadership on this legislation.

H.R. 4019 is a technical amendment to Public Law 104–95. This legislation clarifies that all retirees should be treated the same with regard to how States may tax retirement payments.

In 1996, Congress passed Public Law 104–95 to prohibit States from taxing the retirement income of nonresident retirees. Essentially, if retirees, most of whom are on fixed incomes, are not living in the State, then no State except the State where the individual resides should tax the retirees' incomes.

After passage of the 1996 law, most States interpreted the law, as it was intended, to apply to all retirees, including employees and partners. One State, however, has recently taken the position that it can treat retired employes of a company and retired partners from partnership differently. This State's interpretation is contrary to the original intent of the law and would allow for a State to tax the retirement payments of a person who retires from a partnership, no matter where that retiree is living. This was not the intent of Congress when the bill was passed, as was emphasized at our hearing by our former colleague Mr. Gekas, who was chair of the subcommittee when Public Law 104–95 was enacted. Congress intended for all retirees to be treated the same under the law, and H.R. 4019 simply clarifies that intent. States must treat all retirees similarly.

I have worked with the State tax administrators and crafted a manager's amendment that passed the full committee by voice vote in order to alleviate their initial concerns, an appreciate their efforts in coming to the table to reach agreement.

I urge all of my colleagues to support H.R. 4019.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4019, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 38 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 6 o'clock and 30 minutes p.m.

COMMUNICATION FROM THE HON. CHARLIE NORWOOD, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable Charlie Norwood, Member of Congress:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 17, 2006.

Hon. J. Dennis Hastert,
Speaker, House of Representtives, Washington DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a civil deposition subpoena, issued by the Superior Court of Fulton County, GA, for documents and testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

CHARLIE NORWOOD,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3085, by the yeas and nays;

H.R. 3496, by the yeas and nays;

H.R. 3729, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

TRAIL OF TEARS STUDY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3085, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 3085, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 356, nays 5, not voting 71, as follows

[Roll No. 375]

YEAS—356

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Foley
Forbes
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Pallone
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—5

Coble
Flake
Foxx
Jones (NC)
Paul

NOT VOTING—71

Abercrombie
Andrews
Beauprez
Bilirakis
Blumenauer
Bonilla
Boozman
Brown (OH)
Brown, Corrine
Burgess
Calvert
Cannon
Case
Costello
Cramer
Davis (FL)
Davis (IL)
Deal (GA)
Dingell
Doolittle
Evans
Fattah
Fitzpatrick (PA)
Ford
Frelinghuysen
Gallegly
Garrett (NJ)
Green (WI)
Gutierrez
Harris
Hayes
Hulshof
Inglis (SC)
Istook
Jindal
Johnson, Sam
Kind
Kingston
LaHood
Lantos
Lee
Lipinski
Matheson
McKinney
Miller, George
Nadler
Northup
Nussle
Owens
Oxley
Pascrell
Pence
Peterson (PA)
Price (GA)
Price (NC)
Pryce (OH)
Rothman
Schwartz (PA)
Schwarz (MI)
Sessions
Shuster
Strickland
Sweeney
Terry
Towns
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Young (FL)

☐ 1855

Mr. COBLE changed his vote from "yea" to "nay."

Messrs. BAKER, JOHNSON of Illinois, GOODE, and RUSH changed their vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3496, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 3496, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 242, nays 120, not voting 70, as follows

[Roll No. 376]

YEAS—242

Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bass
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blunt
Boehlert
Boehner
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Costa
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Foley
Fortenberry
Fossella
Frank (MA)
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall
Harman
Hastings (FL)
Hastings (WA)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kirk
Kolbe
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Napolitano
Neal (MA)
Nunes
Oberstar
Olver
Ortiz
Osborne
Pallone
Pastor
Payne
Pelosi
Pickering
Platts
Pombo
Pomeroy
Porter
Rahall
Rangel
Regula
Renzi
Reyes
Reynolds
Rogers (AL)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stupak
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—120

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bishop (UT)
Blackburn
Bonner
Bono
Bradley (NH)
Brown (SC)
Camp (MI)
Campbell (CA)
Cantor
Capuano
Carter
Chabot
Chocola
Coble
Conaway
Cooper
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Drake
Duncan
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Granger
Gutknecht
Hart
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hyde
Jenkins
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kline
Knollenberg
Lewis (KY)
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey
McCaul (TX)
McHenry
McKeon
McMorris
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Obey
Otter
Paul
Pearce
Peterson (MN)
Petri
Pitts
Poe
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Shadegg
Shaw
Sodrel
Stark
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Tierney
Upton
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—70

Abercrombie
Andrews
Beauprez
Bilirakis
Blumenauer
Bonilla
Boozman
Brown (OH)
Brown, Corrine
Burgess
Calvert
Cannon
Case
Costello
Cramer
Davis (FL)
Davis (IL)
Deal (GA)
Dingell
Doolittle
Evans
Fattah
Fitzpatrick (PA)
Ford
Gallegly
Garrett (NJ)
Green (WI)
Gutierrez
Harris
Hayes
Hulshof
Inglis (SC)
Istook
Jindal
Johnson, Sam
Kind
Kingston
LaHood
Lantos
Lee
Lipinski
Matheson
McKinney
Meeks (NY)
Miller, George
Nadler
Northup
Nussle
Owens
Oxley
Pascrell
Pence
Peterson (PA)
Price (GA)
Price (NC)
Pryce (OH)
Rothman
Schwartz (PA)
Schwarz (MI)
Sessions
Shuster
Strickland
Sweeney
Terry
Towns
Waxman
Weiner
Weller
Wexler
Young (FL)

□ 1906

Mr. McGOVERN changed his vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

FEDERAL JUDICIARY EMERGENCY TOLLING ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3729, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3729, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 363, nays 0, not voting 69, as follows:

[Roll No. 377]

YEAS—363

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary

Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Pallone
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—69

Abercrombie
Andrews
Beauprez
Bilirakis
Blumenauer
Bonilla
Boozman
Brown (OH)
Brown, Corrine
Calvert
Cannon
Case
Costello
Cramer
Davis (FL)
Davis (IL)
Deal (GA)
Dingell
Doolittle
Evans
Fattah
Fitzpatrick (PA)
Ford
Gallegly
Garrett (NJ)
Gordon
Green (WI)
Gutierrez
Harris
Hayes
Hulshof
Inglis (SC)
Istook
Jindal
Johnson, Sam
Kind
Kingston
LaHood
Lantos
Lee
Lipinski
Matheson
McKinney
Miller, George
Nadler
Northup
Nussle
Owens
Oxley
Pascrell
Pence
Peterson (PA)
Price (GA)
Price (NC)
Pryce (OH)
Rothman
Schwartz (PA)
Schwarz (MI)
Sessions
Shuster
Strickland
Sweeney
Terry
Towns
Waxman
Weiner
Weller
Wexler
Young (FL)

☐ 1922

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BOOZMAN. Mr. Speaker, I was absent from votes today, July 17, 2006, due to a delay in my flight back to Washington, DC. Had I been present, I would have voted in the following manner: H.R. 3085—"yea"; H.R. 3496—"nay"; H.R. 3729—"yea".

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Mr. Speaker, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below:

Rollcall No. 375, H.R. 3085—To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trial segments, land components, and campgrounds associated with that trail, and for other purposes, I would have voted "yea".

Rollcall No. 376, H.R. 3496—National Capital Transportation amendments Act of 2005, I would have voted "yea"

Rollcall No. 377, H.R. 3729—Federal Judiciary Emergency Tolling Act of 2005, I would have voted "yea".

PERSONAL EXPLANATION

Mr. BILIRAKIS. Mr. Speaker, I was unable to cast recorded votes on rollcall Nos. 375 and 377. Had I been present, I would have voted "yea" on both votes.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Monday, July 17, 2006. As a result, I was not recorded for rollcall votes Nos. 375, 376 and 377. Had I been present, I would have voted "yea" on rollcall Nos. 375 and 377. I would have voted "nay" on rollcall No. 376.

SNAKES IN THE GRASS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, in west Texas, rattlesnakes are king. They are deadly. They are poisonous. In the vastness of the heat, these snakes roam every town, every ranch. No place is safe, especially in the summer.

When their well-known rattle whistles through the air, it is a warning for all to beware. And if they bite you, you die. They still lock down their poisonous jaws on prey, ranging from people to cattle, inhabiting the snake-infested land. These snakes live among us and they kill us.

Mr. Speaker, Hezbollah is a snake in the grass, a terror ring funded by Iran, living beside the Israelis, slithering in the cloak of night, knowing no borders. Taking lives, claiming victims.

We have heard Hezbollah's rattle. Why are we surprised? A rattlesnake does not change. You cannot negotiate with one. The snakes of Hezbollah are terrorists, and Israel has every right to turn and fight now that they have heard the rattle and seen this sneak snake attack.

And that's just the way it is.

THE CRISIS IN THE MIDDLE EAST

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the question is, Does silence mean agreement?

The United States is the only superpower in the world; yet the President has been on the sidelines since the start of the Middle East crisis.

There are 25,000 Americans in harm's way in Lebanon, but the President has yet to reassure them, or us, that the United States is doing everything possible to protect our citizens and get them out of harm's way. A U.S. warship was ordered to sail out of the Port of Haifa. Why weren't U.S. helicopters flown in to evacuate Americans visiting Israel? And why are we only now flying helicopters into Lebanon to begin evacuating Americans?

The President had days to speak, but waited, and then let the G–8 nations issue a joint communique.

Why didn't this President dispatch the Secretary of State to the region immediately?

The United States must lead if there is any hope of restoring stability to the region. The President's silence is unacceptable. In the midst of this crisis, his silence is intolerable. He is AWOL.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 88, MARRIAGE PROTECTION AMENDMENT

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–573) on the resolution (H. Res. 918) providing for consideration of the joint resolution (H.J. Res. 88) proposing an amendment to the Constitution of the United States relating to marriage, which was referred to the House Calendar and ordered to be printed.

PROTECTING FLORIDA'S MANATEE POPULATION

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise in support of the bill H.R. 4075, the Marine Mammals Protection Act, legislation that protects a true wonder of nature, the Florida manatee.

Living in Florida's streams, swamps, and rivers, manatees are beloved throughout my district and especially in Citrus County.

The Marine Mammals Protection Act provides new and increased protections for the manatees from fishermen and from wildlife loss.

Chairman RICHARD POMBO deserves credit for bringing this bill up for a vote and helping to protect one of Florida's most precious natural resources.

Mr. Speaker, this legislation will provide grants and protections to help ensure that Florida's sea cows will be around for my grandchildren, my great grandchildren, and everyone to enjoy years into the future.

There actually is a preserve in my area where the manatees, once they are injured, can go for treatment, and it is a wonderful, wonderful resource. Thankfully, the manatee has come back from being endangered.

THE U.S. RESPONSE TO THE CRISIS IN THE MIDDLE EAST

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, when you are home in your district, there are those who are looking at the crisis in the Middle East and asking what is the response of the United States. And, yes, of course Israel has the right to defend. But the President of the United States, the Executive, has the right as well to stand and call boldly for a cease fire.

We are the superpower of the world. We do have Americans in harm's way. I myself have students in the Mickey Leland internship program who are making their way back home from Israel.

What I would say is that this is a time for engagement. This is a time for drawing parties from the Arab states as well as Israel and others who would go into the Mideast, sit down in Jordan or other states that are surrounding the area, and actually have a confrontation, a meeting, an understanding, if you will, to bring some solution.

It is important for us to be in the way of saving lives. It is important for us to acknowledge the necessity of finding balance so that we can save lives.

Soldiers should be returned, but we should not ignore the opportunity for engagement. We must be in the Mideast. We must draw the parties together. We must find a solution. We must save lives.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOUSTANY). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BLAZING GUNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, news from the second front: The border war continues. It sounds like a scene from Lonesome Dove or some other western movie. Hundreds of shots were ringing out over the Rio Grande River, piercing the night for a period of minutes. But movie villains, this was not. These are real outlaws that are shrouded in darkness and shooting at Americans, just like in the old days.

The gunfire belongs to the border, the U.S.-Mexican border. Just last week, in the moonlight, was a scene of machine gun madness. It could have been a fatal barrage of bullets.

Last Wednesday night, Border Patrol and Hidalgo County, Texas, sheriff's deputies patrolling the Rio Grande River, the international border between Mexico and the United States, stumbled upon two boys from Mexico that were running from outlaws on the Mexican side. They had just raided their ranch and kidnapped their father and killed a ranch hand, so they were fleeing these criminals.

They were swimming to the safety of the United States. They were hiding in the cornfields of Mexico for several hours while machine gun carrying killers were looking for them.

But violence did not end on the Mexican side of the river where it started. The victims swam across the river to their escape into the hands of U.S. law enforcement officers. Seconds after stumbling on the boys, law enforcement officers on the border and sheriff's deputies were engulfed in a barrage of bullets.

The bad guys on the Mexican side of the border, these thugs who were lying in wait, would wait no more, and they decided to fire on American peace officers from their side of the river. As many as 10 men with machine guns turned their guns to fire 200 to 300 rounds of ammunition at law enforcement officers on the American side of the river.

Luckily, the Americans had built a levee on the American side, just like a fortress, and they were protected from these kidnappers who would shoot their automatic weapons as if they were on the Israeli-Lebanon border. Their bullets ricocheted off this dirt wall. The deputies dove behind it, but they never returned fire to the Mexican side.

This gang-style rural warfare you hear about on battlefields is in our own American backyard. In just the last year and a half, this is the fifth time Border Patrol has been shot at.

Former Texas Ranger Doyle Holdrige put it best. He said, "After dark on the Texas-Mexican border, it gets western."

You won't even normally find Hidalgo County deputies in that area of the border. Their sheriff doesn't allow them to go there. He said it is too dangerous to patrol that portion of the river. Instead, the sheriff only reacts to calls for help, spending the rest of the time trying to make their presence known in neighborhoods that are in fear living on the border.

Sheriff Lupe Trevino says the Federal Government has left the gate wide open, allowing thugs, plain criminals, to do damage on the American side of the border. He says drastic cuts have washed away homeland security funding and drained funds from community policing from this border area in South Texas.

Sheriff Trevino says a lack of enforcement, lack of funding and lack of Federal support has left local authorities to stand by, while guerillas fire machine guns at them, invaders take over their neighborhoods and leave local law enforcement in harm's way while on border patrol.

Mr. Speaker, this shootout of 200 to 300 rounds barely made the news last week. We hear all about the border shootings on the Israeli-Lebanon border, but, Mr. Speaker, our government should be as concerned about the gunfire on our border as we are about blazing guns in the Middle East.

And that's just the way it is

IN SUPPORT OF ISRAEL'S RIGHT TO SELF-DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise to express my support, my strong support, for the Nation of Israel as it exercises its right to self-defense in the face of terrorist attacks.

I am sure my colleagues are aware that back on June 25th, members of the Hamas terrorist organization attacked an Israeli military post outside the Gaza Strip. Two Israeli soldiers were killed and another was captured. Israel responded to this clear act of war with appropriate force, seeking the return of its soldier and an end to rocket attacks coming from the Gaza Strip. The violence continued, though, with Gaza-based terrorists firing a rocket into a high school in the city of Ashkelon.

Many of Hamas' top leaders have advocated the kidnapping of Israeli soldiers, including the Palestinian Foreign Minister, who said in March that Hamas should kidnap Israeli soldiers and exchange them for jailed Palestinian terrorists.

Of course, attacks on Israel from the Gaza Strip were just the beginning. Last week, Hezbollah terrorists attacked Israeli soldiers in northern Israel, killing eight and kidnapping two. They also began firing rockets on northern Israeli towns, including Haifa, the third-largest city in the country.

Israel again responded to this act of war by seeking to defend themselves. They entered Lebanon in an attempt both to rescue the kidnapped soldiers and prevent Hezbollah terrorists from committing further acts against Israel. They also blockaded the country to prevent Iran and Syria from sending further supplies, arms, and terrorists into Lebanon to support Hezbollah's actions.

This weekend, however, with increasing attacks from Hezbollah, Israel officials are now warning civilians as far south as Tel Aviv to be on alert for rocket attacks. There is also word that Iranian Revolutionary Guard soldiers are in southern Lebanon, helping to train Hezbollah and equip them with new, longer-range missiles and rockets, so they can threaten more Israeli citizens.

Unfortunately, Mr. Speaker, world leaders have not solidly backed Israel's right to self-defense. While the Bush administration expressed support for Israel's actions, support for our ally in the Middle East has not come from all corners. In fact, last week the European Union criticized Israel's response as "disproportionate." I would like to know what the EU would think if one of their member nations were attacked by terrorists and the U.S. referred to their response as "disproportionate."

The EU has also condemned Israel for its air and sea blockade of Lebanon. That blockade is necessary, however, because we know that otherwise Iran and Syria would continue to funnel more and more weapons and personnel into southern Lebanon.

Mr. Speaker, on Friday I wrote to the current EU president to express my strong disapproval of the European Union's comments. I will include for the RECORD that letter.

The fact is, Mr. Speaker, that Israel has complied with international agreements, such as U.N. Security Council Resolution 425, by withdrawing from Lebanon. Unfortunately, the Lebanese Government has not held up its end of the bargain, failing to control southern Lebanon, rein in Hezbollah and support peace and security on their southern border, as required by Security Council Resolution 1559 from September 2004.

Hamas, meanwhile, called Hezbollah's actions "a heroic operation." Despite what many international observers thought might happen, Hamas is not acting like a responsible government. Instead, they are sticking to their roots as a terrorist organization, encouraging the sort of attacks that flared up in the recent violence.

Mr. Speaker, the international community needs to stand behind the State of Israel and support it as they defend themselves against terrorist attacks. I understand that tomorrow we are going to consider a resolution on the House floor that would express support for Israel and condemn the attacks by Hamas and Hezbollah, and I urge my colleagues in the strongest possible terms to vote for this resolution.

For the sake of the Israeli people and all residents of the region, I hope the current violence ends soon. But we must recognize Israel's right to defend itself and do what it must to end terrorist attacks against their soldiers and their people.

Mr. Speaker, I include for the RECORD the letter referred to earlier.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 14, 2006.

Prime Minister MATTI VANHANEN,
President in Office, Council of the European Union, 1000 Brussels, Belgium.

DEAR PRIME MINISTER VANHANEN: I am writing to express my strong disapproval of comments made by the European Union (EU) and individual member nations in reaction to Israel's response to terrorist attacks against them.

As you know, on June 25 members of the Hamas terrorist group attacked an Israeli military post in southern Israel, killing two Israeli soldiers and kidnapping another, Cpl. Galid Shalit. In response, Israel took actions to try to rescue Shalit, end attacks against its citizens, and hold the Palestinian Authority responsible. It is well-known that top Hamas leaders, including Ahmed Jaabari and Jamal Abu Samhadna, helped plan the attack on the Israeli post.

Later, on July 12, members of the Lebanese-based Hezbollah terrorist group attacked northern Israel, killing eight soldiers and kidnapping two others. These actions came despite the fact that UN Security Council Resolution 425 requires Lebanon to reestablish its authority in the southern portion of the country and to work towards international peace and security along its border with Israel. In response, Israel has imposed an air and sea blockade on Lebanon and sought to reduce Hezbollah's ability to attack Haifa and other Israeli population centers.

Despite the fact that Israel has exercised past restraint and is now acting in clear self-defense to protect its people, the EU issued a statement criticizing Israel for a "disproportionate use of force"—comments echoed by French President Jacques Chirac and Spanish Prime Minister Jose Luis Rodriguez Zapatero. The EU also said that "the imposition of an air and sea blockade on Lebanon cannot be justified."

I find those comments to be misguided and unfair to Israel. In order to defend itself and its citizens from attacks on two sides, Israel has responded with the intent of ending the terrorist organizations' capacity to carry out further violence. The blockade is necessary to prevent further arms, military supplies, and terrorists from entering Lebanon and being used against Israel. It is widely known that Hezbollah has long been funded and aided by both Syria and Iran, and that assistance would continue during the violence if Israel were not to impose the blockade.

The United States has stood behind Israel and supported them as a democratic ally in a troubled region. It is disappointing to see that the EU does not seem to understand the need for Israel to defend itself against terrorist attacks.

I strongly urge you to reconsider your comments and instead issue a statement in support of Israel's right to defend itself.

Sincerely,

FRANK PALLONE, Jr.
Member of Congress.

RAISING AWARENESS OF AND FUNDING FOR RADIO AL MAHABA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, tomorrow the House will take up H. Res. 784, a resolution I introduced that honors Radio Al Mahaba, an Iraqi radio station that offers the Middle East's only programming for women. The station began broadcasting on April 1, 2005, as an educational tool for the women of Iraq.

Historically, Iraqi women were extremely well educated, but the educational oppression brought on by Saddam Hussein led to the illiteracy rate for women rising to 75 percent. Saddam's regime drove women back to confinement and the extremists restricted them with harsh rules and practices, mostly imported from Iran and Saudi Arabia.

After Saddam was ousted, the women of Iraq needed some way to reach out to all women nationwide, to talk to them directly and provide help.

Bushra Jamil, an Iraqi who was living in Canada, saw this as an opportunity to empower the women of Iraq as it transitioned to a democracy. Bushra returned home and created Radio Al Mahaba.

Once the station began broadcasting, the response from Iraqi women was astonishing. Radio Al Mahaba programs included news, call-in talk shows, covering various legal, health and educational topics, as well as music programs. The station became so popular that they were broadcasting 16 hours a day in three languages: Arabic, Kurdish and English.

While we take radio shows that cater to women for granted, this was a revolutionary concept in the Middle East. Women who had been oppressed for years were finally able to hear their side of the story. And Radio Al Mahaba provided a forum for women to make sure that their voices were heard.

The station received 100 calls a day from women asking questions, giving advice and voicing their opinions of how to rebuild their country. The radio station had found an audience, and they were financially in good shape as well from new sponsorships.

But last October, Radio Al Mahaba fell silent. The terrorist attack on the Palestinian Hotel in Baghdad destroyed their transmitter. And while the radio station was not the target of this attack, many leaders in Iraq were not all that upset that these women's voices were silenced once again.

But the women of Radio Al Mahaba were resilient. They found another transmitter, but it wasn't as powerful as the one they lost during the terrorist attack. The new transmitter could only reach about one-third of their listening audience. And less listeners meant less sponsorship revenue for the station.

Unfortunately, the rented transmitter died about a month ago, and they are in desperate need of funds to get back on the air. Once they receive this funding, they plan to expand listening audiences to include all of Iraq and its neighbors. They also plan on broadcasting in Persian to reach the women of Iran, who have been oppressed for nearly 30 years.

If democracy in Iraq is going to succeed, women will have to play a role, a vital role, in making sure that it goes forward. The radio station can be the place for women in Iraq and throughout the Middle East to learn about the issues that will affect their lives. It allows them place to be heard without often violent consequences for the first time in their lives.

The right to educate yourself and to be heard are cornerstones of our democracy, and these characteristics should be carried over to the new Iraq.

At this point in Iraq's history, the station is in the midst of a battle. But not just a military battle, but also in the battle for Iraqi women's rights against fundamentalists.

The station's 28 full-time and part-time staff risk their lives every day to make sure that the voices are heard. Despite this terrible risk, they are all very dedicated because, in one of the staffer's words, "they want to reach out and touch people's lives. They want to give hope and knowledge, empowerment support and the passage of freedom to Iraqi women."

Mr. Speaker, I recently had a chance to talk to President Bush about this station and he was very enthusiastic about the role it will play in democracy in Iraq. It is my hope that the passage of tomorrow's resolution honoring the radio station will raise awareness and find funding for the station so they can continue their message of hope to the women of the Middle East.

A PARODY OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, something odd has happened. There are a lot of odd things that happen around here, but the Republican Web site, the one that they use for scheduling the weekly activities of Congress, has been hacked by writers for the John Stewart Show, and they don't seem to mind. So we are going to be a parody of Congress this week instead of a real Congress this week, despite the fact that we are borrowing $1.4 billion a day to run the government, we are running a $2 billion a day trade deficit, average families haven't seen their wages go up in 5 years, and we are raining tax cuts on the wealthy.

There are a few real things that we could deal with that the American people are concerned about. Maybe high gas prices. No, those things are not on the agenda. We have the faux agenda for Congress, which is designed purely for either entertainment purposes or for political purposes.

Well, what are we doing? We are taking up an amendment to ban the threat of gay marriage. Now, let's see. The Senate didn't pass it.

□ 1945

That means it is not going forward. But, nonetheless, the House is going to use valuable time to vote on banning the threat of gay marriage even though we know that the constitutional amendment cannot move forward because the Senate has already disapproved this venture.

But it is good for the ratings, entertainment value. The John Stewart writers thought it would be fun to bring that up in the House. So we are going to bring it up. Then we are going to do another thing here called "court stripping." We are going to say there are only two and a half branches of Congress, or maybe one and a half, the President and half a Congress, and the judiciary only if they are pets of the President and the Congress.

That is, no judge will be allowed to hear a case challenging the Pledge of Allegiance. Now, no judge has found the Pledge of Allegiance unconstitutional. Quite the opposite, they have found that the use of the words "under God" is de minimis in the Pledge and have upheld its use.

But the Republicans, they do not even want judges to hear those cases any more and reject those claims any more, because they think that this might provide entertainment value or excite some strange people in the Republican base. So we will spend a day on court stripping instead of dealing with high-energy prices.

Then we are going to take up two phony bills on a serious issue, stem cell research, could have tremendous benefits for the American people. The President is opposed to stem cells, the Republicans are opposed to stem cell research. The United States is falling behind the whole rest of the world.

Americans will have to go overseas to get procedures that have been developed by stem cell research that could cure Parkinson's or other debilitating diseases, because the Republican right wing does not want research on using stem cells, but the American public does want that research.

So we are going to take up two fake bills, two pretend bills. We are going to ban a practice that is not happening called fetal farming, and everybody will probably vote for that, and then we are going to authorize them to do what they can already on the President's lame program that is not working and is having America fall behind on stem cell research. So you see, we are really for stem cell research.

Well, not really, because the lines they are using are all corrupted and it is not going anywhere. And then the real bill, the real compromise bill that passed the House, it passed the United States House of Representatives, is going to probably pass the Senate this week. It will go to the President and he will veto it.

So in order to give them political cover or to provide entertainment value, they will vote on two fake stem cell bills, and then vote to support the President in vetoing the real stem cell bill that could provide tremendous advances in research for the American people.

So this is a sort of play Congress week. Maybe it was not the Stewart writers, maybe it was Colbert who was going through interviewing Members of Congress, and he might have gotten some of the data there.

But in any case, instead of dealing with very real problems that are confronting Americans, instead of dealing with world crises, instead of dealing with high energy prices, growing debt, stagnant wages, you know, access to better education for our kids, health care, high-cost pharmaceuticals, adequately funding veterans benefits, no, none of that is on the schedule this week.

This week we do not have time for those things because we are playing Congress taking up bills that are not going anywhere, or that are pretend bills that will go somewhere to cover up the fact that they are killing the real bill that would do something useful and also that, you know, we are taking up constitutional amendments that are not going to pass. Hooray for the Republican majority.

IS THE UNITED STATES BANKRUPT?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, there are plenty of signs that the United States economy is not working well. One of the signs is our national debt. The latest figures show we are somewhere ever $8 trillion in the hole, and every day the hole gets deeper. You would think someone here in Washington would pay attention.

Back in the year of 2000, as a result of major decisions made during the 1990s by the Congress, by then President Clinton, we were able to balance the annual budget and were actually paying down this enormous debt, the accumulated debt of the country.

So things do not look too good there, and the United States has to cover those borrowings by borrowing from foreign interests. We know nearly half of U.S. debt securities are now purchased by foreign interests, and the United States is in hock, having to pay every year hundreds of billions of dollars in interest, interest to those foreign holders of our debt, interest we could be spending here at home; dollars we could be spending here inside the borders of the United States, rather than to those who are loaning us the money.

Another sign of our predicament is this, that is, the monthly and annual trade deficits of our country, where more imports are coming into our Nation, more and more and more every month, every day, every year, than we export out.

It is not that we are not exporting things. We are. But we are importing vastly more than we are exporting. In fact, the latest figures, compiled by the U.S. Census Bureau, indicate that in the month of May, the last month for which we have final figures, our goods and services deficit went up another $63.8 billion in 1 month. In 1 month.

That means, if you look at these monthly figures of our trade deficit, more imports coming in here than exports going out, in January of this year, they surpassed the debt, the trade debt from last year, in February, in March, in April, and then in May. May was worse than April. Without question, this year will go down as one in which the United States will have amassed the largest trade deficit in history.

We are literally in uncharted waters, because when these goods are purchased in our country, those dollars that are then forked over for those goods go somewhere else. Go somewhere else. And then those countries, take China, for example, or Korea, any of the nations with whom, or Japan with whom we have huge trade deficits, have those dollars to spend. We do not have them to spend. They do.

So they are literally taking our earned assets, and they are trading them internationally. In fact, the State of Indiana just did something incredible. They made a decision to lease out the Indiana Turnpike to foreign interests. This is unbelievable.

This is unbelievable. So the poor State of Indiana, the taxpayers of that State that had paid off the bonds on the turnpike over 30 years ago are now in hock to Spanish and Australian investors for the next 99 years. Unbelievable.

It is like a fire sale. Chicago Skyway did the same thing. Leasing out a public asset to foreign interests. And then we not only owe them the annual interest payments; but our children and our grandchildren, you can just see the pieces of America being taken away because we are not paying our own way.

There was an article in a London paper, the Telegraph, the headline of which is, "U.S. could be going bankrupt." And it is really talking about at what point do you officially declare bankruptcy. And it says, the United States is heading for bankruptcy, and research by Professor Laurence Kotlikoff for the Federal Reserve Bank of St. Louis said the United States is indeed bankrupt insofar as it will be unable to pay its creditors, who in this context are current and future generations to whom it has explicitly or implicitly promised future net payments of various kinds.

Certainly pension benefits, certainly health care benefits, all of those endangered because the Nation is in hock. We owe others. What is interesting about that Indiana turnpike deal is that the tolls have been doubled now. So the foreign interests to which the Indiana turnpike was leased out have now doubled the costs on the U.S. consumer. We do not have control of our own future until we get the trade accounts and our budget accounts in order.

Certainly the President ought to submit a balanced budget. Certainly this Congress ought to pass one. That has not happened during the Bush administration.

[From the Telegraph (UK), July 14, 2006]

US 'COULD BE GOING BANKRUPT'

(By Edmund Conway, Economics Editor)

The United States is heading for bankruptcy, according to an extraordinary paper published by one of the key members of the country's central bank.

A ballooning budget deficit and a pensions and welfare timebomb could send the economic superpower into insolvency, according to research by Professor Laurence Kotlikoff for the Federal Reserve Bank of St. Louis, a leading constituent of the U.S. Federal Reserve.

Prof. Kotlikoff said that, by some measures, the U.S. is already bankrupt. "To paraphrase the Oxford English Dictionary, is the United States at the end of its resources, exhausted, stripped bare, destitute, bereft, wanting in property, or wrecked in consequence of failure to pay its creditors," he asked.

According to his central analysis, "the U.S. government is, indeed, bankrupt, insofar as it will be unable to pay its creditors, who, in this context, are current and future generations to whom it has explicitly or implicitly promised future net payments of various kinds".

The budget deficit in the U.S. is not massive. The Bush administration this week cut its forecasts for the fiscal shortfall this year by almost a third, saying it will come in at 2.3pc of gross domestic product. This is smaller than most European countries—including the UK—which have deficits north of 3pc of GDP.

Prof. Kotlikoff, who teaches at Boston University, says: "The proper way to consider a country's solvency is to examine the lifetime fiscal burdens facing current and future generations. If these burdens exceed the resources of those generations, get close to doing so, or simply get so high as to preclude their full collection, the country's policy will be unsustainable and can constitute or lead to national bankruptcy.

"Does the United States fit this bill? No one knows for sure, but there are strong reasons to believe the United States may be going broke."

Experts have calculated that the country's long-term "fiscal gap" between all future government spending and all future receipts will widen immensely as the Baby Boomer generation retires, and as the amount the state will have to spend on healthcare and pensions soars. The total fiscal gap could be an almost incomprehensible $65.9 trillion, according to a study by Professors Gokhale and Smetters.

The figure is massive because President George W. Bush has made major tax cuts in recent years, and because the bill for Medicare, which provides health insurance for the elderly, and Medicaid, which does likewise for the poor, will increase greatly due to demographics.

Prof. Kotlikoff said: "This figure is more than five times U.S. GDP and almost twice the size of national wealth. One way to wrap one's head around $65.9 trillion is to ask what fiscal adjustments are needed to eliminate this red hole. The answers are terrifying. One solution is an immediate and permanent doubling of personal and corporate income taxes. Another is an immediate and permanent two-thirds cut in Social Security and Medicare benefits. A third alternative, were it feasible, would be to immediately and permanently cut all federal discretionary spending by 143pc."

The scenario has serious implications for the dollar. If investors lose confidence in the U.S.'s future, and suspect the country may at some point allow inflation to erode away its debts, they may reduce their holdings of U.S. Treasury bonds.

Prof. Kotlikoff said: "The United States has experienced high rates of inflation in the past and appears to be running the same type of fiscal policies that engendered hyperinflations in 20 countries over the past century."

Paul Ashworth, of Capital Economics, was more sanguine about the coming retirement of the Baby Boomer generation. "For a start, the expected deterioration in the Federal budget owes more to rising per capita spending on health care than to changing demographics," he said.

"This can be contained if the political will is there. Similarly, the expected increase in social security spending can be controlled by reducing the growth rate of benefits. Expecting a fix now is probably asking too much of short-sighted politicians who have no incentives to do so. But a fix, or at least a succession of patches, will come when the problem becomes more pressing."

DROUGHT ISSUES IN SOUTH DAKOTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH) is recognized for 5 minutes.

Ms. HERSETH. Mr. Speaker, I rise today to call to my colleagues' attention a dire and worsening situation developing in South Dakota and in several other States across the Great Plains. South Dakota is currently experiencing a severe, if not historic, drought; and it is getting worse.

Almost every week we are breaking records for lack of rainfall and high temperatures in communities across the State. Keep in mind that South Dakota was one of the hardest-hit regions of the country during the Dust Bowl of the 1930s. We have seen droughts before, and this one may ultimately rank among the worst.

I have beside me the most recent Drought Monitor map released last Thursday. As you can see, a significant portion of central South Dakota indicated here on the map is considered in an exceptional drought, the most severe category the Monitor recognizes.

A considerably larger portion of the State is experiencing extreme drought, and 80 percent of the State is currently experiencing some drought today. Let me share some statistics with you. The ranching communities of Kadoka and Newell both experienced their second driest June on record. For the months of April and June combined, the communities of Timber Lake, Kennebec, and Faulkton experienced the driest conditions ever for those communities. And we have records going back more than 100 years.

The first 6 months of this year were the driest ever for Timber Lake. That community received 3.61 inches of precipitation for the entire 6-month period, a mere 35 percent of average. It also set an all time record temperature on Saturday of 112 degrees.

Also last Saturday, it was 116 degrees in Mobridge, South Dakota, a regional trade center, larger than the other towns I have mentioned. Mobridge, located near the North Dakota border along the Missouri River, it is a regional trade center, larger than the other towns that I mentioned. It had the driest 6 months ever recorded in that community, only 2.23 inches of precipitation over an entire half year.

This is less than 25 percent of their average rainfall. This is farm and ranch country and the effects have been devastating. Agricultural conditions are very dire and deteriorating. I have heard reports of ranchers completely liquidating their cattle herds as feed and water disappear. There is insufficient grass to get the entire herd through the summer; there is no hay to get these animals through the fall and winter. Wheat fields have burned up and hopes for a decent corn and soybean harvest are fading fast.

The record high temperatures of last week have come at the time that the corn is tasseling, a critical time for the crop. A farmer can lose up to 8 percent of yield a day under conditions of such severe stress. Conditions on the afternoon of July 15 on the family farm of one of the leaders of the South Dakota Corn Growers Association was 112 degrees in the shade, only 20 percent humidity, accompanied by 42 mile-an-hour winds. This in the center part of the State as well, but a bit more south and east.

Despite burn bans in many counties in the State, wild fires are becoming an increasing problem as well. As just one example, on July 5, a prairie fire began near Wakpala, South Dakota, and it burned across 600 acres of grassland in 25 minutes.

The water level in Lake Oahe, the largest of South Dakota's four Missouri River reservoirs, continues to drop and is now only about 4 feet above the record low set 2 years ago. Unfortunately, the precipitation outlook is not good. According to Weather Service computer models and projections, there is no relief in sight. Any new rainfall is expected to be light and isolated, and temperatures are expected to be much warmer than average in the coming weeks.

The temperature in our State capital of Pierre on Saturday was 117 degrees, an all-time record temperature. The Climate Prediction Center's most recent drought outlook predicts that the current drought will not only continue; it will worsen in the Dakotas and may expand across eastern Montana, Minnesota, and parts of Iowa.

Unfortunately, compared to other natural disasters, drought suffers from some real public relations disadvantages. First, they do not get memorable names to personify them like hurricanes. They creep in slowly and quietly, and they don't destroy buildings or sweep away trees; they do not inundate cities.

In other words, they simply do not make for good video on the evening news. But the damage they wreak is just as real as any other natural disaster. Droughts devastate family farms and ranches, small businesses and local economies. Families and communities suffer the same kind of economic and emotional toll from droughts that are caused by other natural disasters.

The stress for families worsens as the cattle herd is sold and nonfarm or ranch employment is sought if any can be found in smaller rural communities.

☐ 2000

Sometimes, such severe droughts even weaken the intrinsic optimism of the people who live and work and raise families in rural America. That is what is beginning to happen in central South Dakota today. Conditions there are truly devastating, and it is becoming increasingly clear that Congress must do something to address this situation.

Many other areas of the country are similarly affected and they deserve our attention and our assistance, just as much as do victims of hurricanes or floods or earthquakes or any other natural event that devastates economies and lives.

Mr. Speaker, I appreciate this opportunity to bring this situation to my colleagues' attention, and I look forward to working together to address this important matter.

10TH ANNIVERSARY OF THE CRASH OF TWA FLIGHT 800

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Speaker, today is the 10th anniversary of the tragic crash of TWA Flight 800, which took the lives of 230 men and women off the coast of Long Island, near my congressional district. It is important that we keep alive the memory of those who perished over the Atlantic just moments after departing for home or on a school trip or to visit loved ones, and we must do all that we can to safeguard the flying public against future disasters.

Just as importantly, the brave families of those who lost their loved ones during the Flight 800 disaster deserve our recognition, as do the emergency personnel, volunteers and neighbors who selflessly worked for days on end in the recovery efforts.

Like other challenging times our Nation has faced, the reaction to the Flight 800 catastrophe brought out the best not only in my constituents, but in so many others in the surrounding towns, States and across the Nation who joined in mourning the loss of so many lives and helped a community recover from its most horrific tragedy.

Throughout and despite their grief, the families of the victims worked tirelessly to build a permanent memorial with the help of Navy Seabees and thousands of dedicated local and building trade union members. Today this solemn monument serves as a constant reminder of our tremendous loss one decade ago.

The memory of the passengers of Flight 800 lives on because of the continued work of people who will always remember what happened. I have visited the site of the Flight 800 Memorial many times. The recent completion of the monument offers some measure of closure to everyone who was affected by this terrible tragedy.

In the 10 years since Flight 800, hundreds of thousands have visited the park in an acknowledgment of a shared sorrow for those who died. The monument ensures that future generations can do the same.

As we recognize the 10th anniversary of the Flight 800 disaster, it is important that we take stock of our progress in preventing air disasters over the last decade.

We have made some great strides in aviation safety, particularly, for example, with design upgrades for planes and an ongoing effort to mitigate fuel tank flammability, the cause of the Flight 800 crash.

But what haven't we done? Regrettably, we have not addressed the underlying cause of the Flight 800 explosion. The FAA has delayed taking on this challenge for years, and we still do not have a final FAA directive that will protect every air traveler.

The cause of the Flight 800 catastrophe was determined years ago, and we know how to prevent similar disasters. We have the technology to protect against another tragedy like the one witnessed 10 years ago, but to date we still don't have the mandate for change.

Last year, I introduced H.R. 4174, the Transport Aircraft Fuel Tank Safety Act, which requires the FAA to retrofit all planes with new technology and to increase safety. In addition, I have recently petitioned the Transportation and Infrastructure Committee to hold hearings on the safety of fuel tanks on airplanes and get to the bottom of why we don't upgrade all planes with the necessary technology.

I am hopeful that my colleagues here in the Congress will work with me to bring an end to this delay. With the completion of the Flight 800 monument, we have taken significant steps towards maintaining the memory of Flight 800, but we should also ensure that we don't have another Flight 800.

I would like to offer my deepest condolences to the surviving families and friends of the victims of Flight 800, and to commend them on the grace and dignity with which they handled unspeakable pain.

TAKE IMMEDIATE ACTION TO WITHDRAW OUR TROOPS FROM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLAY) is recognized for 5 minutes.

Mr. CLAY. Mr. Speaker, I rise to address the House for 5 minutes.

Mr. Speaker, as a member of the Out of Iraq Caucus, I urge this administration to take immediate action on a plan to withdraw our troops from Iraq. The American people were misled into this war, and they want the leaders of this Nation to take responsibility and end this war now.

I was among those who opposed the tragic decision to launch this war. I warned that the invasion and occupation of Iraq would plunge us into a bloody quagmire of violence that would only intensify the instability in the Middle East and leave our own Nation less secure and less able to protect our national interest.

The sad truth is that all the grimmest predictions have now come true. Today, the Taliban are mounting a major comeback in Afghanistan. Iran is on the verge of producing a nuclear weapon. Somalia is dominated by an al Qaeda-inspired militia, and the Hezbollah has attacked Israel. In return, Israel has attacked Lebanon. Here at home, our Nation is at risk.

As fundamental recommendations of the 9/11 Commission remain unfulfilled, those who still support the Iraq war often claim it has made this Nation a safer place, that it has kept away the terrorists and stopped another 9/11 tragedy.

Unfortunately, such wishful thinking is only an effort to justify the horrendous human suffering that we have caused by this misguided mission, an effort to justify a war that was never properly planned and executed, a war that has wounded thousands and cost the lives of 2,547 American soldiers.

The human toll of this war is still climbing, and throughout the world terrorism is on the rise. This administration talks a lot about national security, but without doing anything about it.

Those in Congress know the war in Iraq has made America a more vulnerable Nation. Congress is appropriating millions and millions of dollars on homeland security projects. The U.S. Capitol complex is saturated with security, and certainly no one in this body behaves as if the war in Iraq has made our Nation safe from terrorism.

In fact, the Iraq war has only inspired terrorism. Democracy is not flourishing in the Middle East, and the costs of the Iraq war and our global antiterrorist operations will top $500 billion next year.

It is time to bring our troops home and to devote our resources to protecting the American people.

SUPPORT ISRAEL IN THE WAR ON TERRORISM

The SPEAKER pro tempore (Mr. REICHERT). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, today I was proud to be one of the speakers outside the United Nations in New York at a huge rally in support of Israel. It was attended by tens of thousands of people and showed strong support for the people of Israel as they struggle against terrorism. I would hope that later on this week there will be a resolution on the House floor to once again show Congress' bipartisan support for Israel.

Mr. Speaker, Israel's fight against terrorism is our fight. The war on terrorism is our war. It is everybody's war. We need to support Israel in this time of struggle. It makes no difference whether terrorists drop bombs on Haifa or send planes into the World Trade Center or blow up innocent commuters on their way to work in India or London or Madrid, or blow up people in hotels in Bali and other places.

Terrorism is terrorism, and those of us who think that terrorism is only over there are certainly kidding themselves. Terrorism is everywhere, and the only way to stomp out terrorism is to show a resolve and to get the job done by defeating terrorists. That is precisely what Israel is trying to do.

Let us remember who started this war. Israel pulled out of Lebanon 6 years ago, so there is no pretext of any occupation. There is no pretext of anything other than the fact that terrorists would like to destroy democratic societies such as Israel, and Israel remains the only democracy in the Middle East.

These terrorists want to destroy the democratic way of life, not only in Israel, but in America and all other democracies of the world. That is why Israel's fight is the fight of all decent nations, including the United States of America.

These terrorists want to destroy life. Israel is standing up to them and saying enough is enough. We should let Israel finish the job.

Israel wants to knock out the terrorist group Hezbollah for good, so they can never return to south Lebanon and threaten Israel's communities from the south of Lebanon on the northern border with Israel. We should let them do that because the status quo is not acceptable. We have already heard words from the naysayers telling Israel to use restraint.

Mr. Speaker, I don't believe that we can use restraint, or that Israel can use restraint, or that any country can use restraint towards terrorists that are out to kill them and us. We should let Israel finish the job.

Let us remember how this started. The terrorists came down from Lebanon, raided Israel, went on Israeli territory, killed Israeli soldiers, captured a couple of them, took them across the border. That is how it started.

Imagine if this had happened to us, if someone came from the Mexican border or the Canadian border, attacked U.S. soldiers on U.S. soil, killed some of them and then took them back over the border.

Mr. Speaker, we would be just as outraged, and we would have every right to go after those terrorists. That is what Israel is going to do.

Hezbollah is a terrorist organization. It is fighting a proxy war for Iran and Syria. Iran and Syria lurk behind this. Iran and Syria are the biggest supporters of terrorism.

A couple of years ago, this Congress passed and the President signed the Syria Accountability and Lebanese Sovereignty Restoration Act. I wrote that act. I was the lead sponsor of that act, along with my good friend, Congresswoman ILEANA ROS-LEHTINEN. That act slapped sanctions on Syria for the first time in history.

President Bush has only implemented some of the sanctions in that act, and I call on the President to now implement all of the sanctions on the act. Now is the time. Now we have to show Syria and other countries that support terrorists that we are resolved to defeat terrorism.

I was very happy when the United States vetoed the one-sided resolution at the United Nations, once again condemning Israel, once again discrediting the United Nations. The United States needs to be steadfast in support, and this Congress needs to do so as well.

So in conclusion, let me say I look forward to a resolution later on in this week. The United States needs to stand by its friend, Israel, and Israel needs to stand by its friend, the United States, and all peace-loving and democratic nations in the world ought to stand shoulder to shoulder firmly against terrorism. Because if terrorism is not contained in one area of the world, it surely will come to every other area of the world.

THE U.S.-OMAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 60 minutes as the designee of the majority leader.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, tonight we rise at a time when people all over the world are watching the Middle East, are watching the bombs that have lit up both Israel and Lebanon, are watching the troop movements and are hoping earnestly for peace.

□ 2015

Certainly the support of Israel is going to be loudly and consistently articulated in this Chamber this week, but we also have an opportunity to do something substantive, to improve our engagement with the Middle East in the coming week.

This week, we have an opportunity to vote on a substantive agreement which will bring one of the nations of the Middle East closer to the United States, promote economic opportunity and integration in the region, and lay the groundwork, in my view, for closer ties between the United States and some of our key partners in the Middle East and one in particular.

With that in mind, Mr. Speaker, I rise tonight as cochairman of the Middle East Economic Partnership Caucus, and I expect to be joined by a couple of my other cochairmen, to talk tonight about the benefits of the U.S.-Oman Free Trade Agreement, which we expect to be voted on in the House this week.

At a time when there is great instability in the Middle East, at a time when we are concerned on how the Middle East affects our homeland security, at a time when we want to do something positive to create economic opportunities in a region where the lack of them has spawned terrorism, this is a small, but important, opportunity.

The Middle East, we believe, is increasingly becoming economically integrated with the West, and if we want to fight the root causes of terrorism, we should be encouraging that. It is critical that now, more than ever, we encourage this integration to promote closer ties, democracy and social liberalization through a process of economic interaction and close cooperation.

In recent years, America's dialogue in the Middle East has been deepened by the addition of bilateral and, ultimately, strongly bipartisan free trade agreements, first with Israel, then with Jordan, then with Morocco and, most recently, with Bahrain.

The U.S.-Oman FTA, slated for a vote in the House Chamber this Thursday, largely builds off of the successful model that was set by the U.S.-Bahrain FTA, further supporting openness and stronger ties between the U.S. and the Middle East and the Maghreb regions.

Over the past year, Oman has clearly demonstrated a powerful commitment to this agreement and closer relations with the West, both in terms of its political will and institutional resources, making significant strides in improving its labor practices and opening its markets and being accountable for intellectual property issues and cracking down on intellectual property violations.

In numerous communications with our U.S. trade Representative, Omani leaders have promised to take a number of concrete steps by October 31, 2006, to build on the strong labor reforms already implemented, and in my view, as a member of the Trade Subcommittee who has closely followed this process, Oman has come further than virtually any other country we have ever engaged in this manner in dealing with core labor issues. Their commitment shows Oman's determination to address all concerns, while respecting the rule of law and its legislative processes.

In addition, all of these commitments are fully verifiable because Oman has agreed to have all of them reviewed under the FTA's labor consultation mechanism. The U.S.-Oman Free Trade Agreement provides one of the highest degrees of market access of any U.S. free trade agreement to date and accounts for a substantial market access across Oman's entire services regime.

This agreement will make 100 percent of U.S. imports and exports and consumer and industrial goods duty free on the day the agreement enters into force. It also provides duty free treatment to 87 percent of our agricultural exports from day one. In terms of being accountable for intellectual property rights violations, Oman has agreed to criminal standards for copyright infringement and stronger remedies and penalties. It will increase criminal and civil protection against unlawful encoding of satellite TV signals and criminalize end-use piracy, providing strong deterrence against piracy and counterfeiting.

This is just a small sample of some of the benefits of the U.S.-Oman FTA, and this agreement is far more important than the small market that Oman would suggest.

We recognize that Oman is a small place. It is probably the equivalent, in terms of purchasing power comparability, of entering into a free trade agreement with our own North Dakota, but it is extremely significant because it is a part of a much larger Middle East puzzle. It is part of a region that we expect, in coming years, to build much closer ties with, and the Oman agreement, as it has been laid out and as their government has agreed to embrace, is a very strong model for going forward with future agreements in this region.

The U.S.-Oman FTA is, after all, a comprehensive and high-standard agreement. High standards are provided for including comprehensive protection for intellectual property rights, government procurement transparency, and trade facilitation. Developing a high-quality FTA with Oman will establish a high standard for all of the other Gulf Cooperation Council Members and set a very high standard for them to meet.

Consequentially, the FTA represents a significant benefit to U.S. trade that extends well beyond those benefits that currently exist in Oman. The FTA establishes a secure, predictable, legal framework for U.S. investors in Oman and includes high-standard legal protection for their model on U.S. legal principles, such as substantive due process and the ability to comment on proposed laws and regulations.

Mr. Speaker, the FTA also creates and expands opportunities for U.S. goods and services. This FTA will broaden and strengthen the bilateral, commercial relationship between the United States and Oman beyond the approximately $748 million generated in two-way trade during 2004. One hundred percent of this bilateral trade in consumer and industrial products will become duty free under this agreement.

The U.S.-Oman FTA will build upon the trade and investment framework agreement signed between our two countries on July 7, 2004, and will spur continued growth of U.S. direct investment which in 2003 was $358 million, a substantial increase over the previous year. In addition, the FTA will increase the competitiveness of U.S. exporters and service providers in the Omani market, providing for an increased market share for U.S. manufacturers and service providers. In 2004, U.S. goods exports were $330 million, up 2.3 percent from 2003.

Oman, in my view, is a likely market for U.S. oil and gas equipment and services, transportation equipment, water and environmental technology, medical equipment, electrical and mechanical equipment, power generation and transmission equipment and services, telecommunications equipment and services, franchising, and U.S. poultry and beef. In each of these areas, we potentially will get a leg up on our foreign competition.

At the same time, Mr. Speaker, the FTA will encourage greater political and economic reforms. It is worth remembering that in 1997 Omani laws were enacted guaranteeing Omani women equal rights in both education and employment. Women have the right to vote and run for office in consultation council elections, which are held every 4 years.

In 1992, in an attempt to balance growth on its non-oil sector with concern for its natural resources, Oman developed a national conservation strategy, which was subsequently approved by the Council of Ministers and spells out the need and procedures for incorporating environmental considerations in the development plans.

In 1994, Oman became a member of the International Labor Organization, the ILO, and has satisfied various labor-related accession requirements for membership to the WTO.

In 2003, it is worth noting the government adopted its first comprehensive labor law that allows workers the right of association and to pursue labor disputes in court. That law abolished the 1973 prohibition on the right to strike. This is a radical move in a part of the Arab world where labor rights is increasingly an important movement.

The U.S.-Oman FTA advances modernization programs, implemented by Sultan Qaboos. In accordance with its accession to the WTO in 2000, Oman announced its intention to eliminate mandatory shelf life standards for shelf stable foods and to adopt internationally recognized CODEC standards for the labeling of prepackaged foods.

Additionally, as part of its WTO accession, Oman has adopted derogations to the Gulf Cooperation Council patent law to comply with its obligations under the TRIPS agreement, and has committed itself to begin negotiations to join the WTO agreement on government procurement.

In 2004, Oman removed its temporary ban on imports of U.S. poultry and poultry products, moving ahead of some of our other trading partners.

We need to recognize, Mr. Speaker, this agreement also provides support for an important strategic ally in the war on terrorism. This, I think, is as strong a reason to support this agreement as any.

The United States has maintained relations with the sultanate since the early years of American independence, and that friendship has grown over time. Oman supported the 1979 Camp David Accords and was one of three Arab League states that did not break relations with Egypt after signing the Egyptian-Israeli Peace Treaty in 1979.

In April of 1994, Oman hosted the plenary meeting of the Water Working Group of the peace process, the first gulf state to do so.

Oman occupies a strategic position on the Strait of Hormuz at the entrance to the Persian Gulf. Following the Iranian revolution and the Soviet invasion of Afghanistan, Oman was the very first of the gulf states to formalize defense ties with the U.S. Oman has been a party with the U.S. to a military cooperation agreement since 1980, which was recently renewed in 2000. May I say, Mr. Speaker, when I joined a delegation that went to Oman just a year ago, I was very impressed by the commitment of Sultan Qaboos, as he articulated it to us, to continue and to strengthen this relationship.

It is worth noting that the Oman-U.S. Facilities Access Agreement has provided crucial support to the protection of Kuwaiti tankers in 1987. In 1988, during the Persian Gulf crisis, Oman assisted the U.N. coalition effort. Military bases in Oman were used in 2001 by U.S. coalition forces involved in ground raids against both the Taliban and Afghanistan and against Osama bin Laden.

The U.S.-Oman FTA, in other words, in my view at least, is a key building block toward building a broader set of economic relationships in the Middle East that can encourage economic growth. It is consistent with the 9/11 Commission's observation and recommendation, and here I quote: "that the U.S. Government has announced the goal of working toward a Middle East trade area. A comprehensive U.S. strategy to counterterrorism should include economic policies that encourage development, more open societies and opportunities for people to improve the lives of their families and to enhance prospects for their children's future."

This important statement by the 9/11 Commission I think is consistent with moving forward this week to approve this Oman FTA.

□ 2030

Mr. Speaker, in assessing the impact of the Oman FTA, I have done a lot of research and I have tried to, I think, come up with an honest assessment of how this free trade agreement will affect our balance of trade.

As the Speaker well knows, I have spoken here many times about my concern about our large trade imbalance, about the fact that we are running a record trade deficit, and I am happy to say that my research suggests that the U.S.-Oman FTA will be a move in the right direction, if adopted. This FTA builds upon a well-established and receptive market for U.S. goods and services.

In 2005, U.S. exports were $593,000,000, up significantly from 2004. And again, I would note that 100 percent of bilateral trade in consumer and industrial products will become duty-free effective immediately on passage of this agreement, creating a substantial market in that part of the Middle East for our exports beyond what we have already.

Additionally, this FTA benefits key U.S. export and service sectors such as the banking, securities, audio visual, express delivery, telecommunications, computer and related services, distribution, health care, insurance, construction, architecture and engineering sectors.

This agreement, as I have noted before, also contains tough intellectual property rights provisions to enforce strict antipiracy and counterfeiting laws. While we continue to call for an ambitious outcome of the negotiations of the WTO-Doha Development Round, we also recognize that it is important that we go forward with bilateral agreements such as the Oman agreement.

The passage of this FTA would send a strong signal to the world that the U.S. is going to continue to be a leader on trade policy, and that we were committed to opening a very important additional beachhead in the Middle East.

I think that when I talk to people in northwestern Pennsylvania, an area where we export a lot of manufactured goods, people want to know if this or any other new FTA has the potential to create future trade imbalances. I think it is particularly instructive that the U.S. International Trade Commission has done a study of the Oman FTA, and I would like to read from a part of the executive summary.

The finding of the ITC was as follows: The U.S.-Oman FTA will likely have a small but positive impact on the U.S. economy. The benefits will likely be moderated by the relatively small size of Oman's economy and Oman's share of U.S. trade. Oman accounted for less than .5 percent of total U.S. goods trade in 2004. The trade and welfare effects of tariff elimination on trade and goods will likely be negligible, reflecting not only the small volume of trade between the United States and Oman, but also the low tariffs on current bilateral trade. Tariff liberalization under the FTA will likely have little effect on the U.S. economy, industry and consumers because U.S. imports of most goods from Oman already enter duty-free or at low duty rates. Tariff liberalization will likely have a greater effect on U.S. imports of apparel from Oman, albeit from a small and diminished 2005 base. As such, the expected increase in U.S. apparel imports from Oman will be small in absolute value and quantity terms. In addition, the resulting increased annual levels of U.S.

apparel imports from Oman will likely remain below the 2004 level of U.S. apparel imports from Oman. Most of the expected growth in U.S. apparel imports from Oman will likely displace U.S. apparel imports from other countries rather than domestic production.

Continuing, the FTA will likely increase export opportunities for U.S. firms when Oman immediately removes its uniform tariff of 5 percent ad valorem on U.S. goods and as it phases out its other tariffs on U.S. goods. The 5 percent tariff applied to 91 percent of U.S. exports to Oman in 2004. These exports consist mostly of machinery, transportation equipment, and measuring instruments. The FTA will also likely increase opportunities for U.S. providers of services through improved market access and greater regulatory transparency. For example, the FTA will liberalize provisions affecting trade in insurance services as well as banking and securities services such as asset management services.

So I think the point here, Mr. Speaker, is that this is a great opportunity for us, not a great threat, but is also an opportunity, I think, for closer economic engagements in the Middle East.

With that, I would like to yield to the gentleman from Wisconsin, Mr. RYAN, who is cochairman of our caucus, for such time as he may consume.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding. I just want to congratulate the gentleman for all his leadership on this issue. And I too want to come to the floor of the House of Representatives to talk about how important this Oman trade agreement really is and how it fits in the whole scheme of things with respect to our strategy for the Middle East.

Now, a lot of people are paying attention to the Middle East. We watched over the weekend all of the awful things that are happening in Israel and southern Lebanon, and we realize that if we are to win the war on terror, we have to look at a short-term strategy and a long-term strategy. And when I think about the things we want to accomplish with the Middle East and with moderate Arab countries, democracy. Democracy and freedom and individual rights are the ultimate, the ultimate weapon against terrorism. When a young person grows up into a closed society with no opportunity to reach his or her destiny or his aspirations or dreams, they are going to be more susceptible to the likes of al Qaeda. They are going to be more susceptible to joining into some kind of a perverted ideology that can convince a young man or a young woman to strap on a suicide belt and go into a pizza parlor and blow themselves up. But people growing up in free societies, in democracies, are people who have a chance to reach their aspirations, to channel their energies to better themselves and their families. By growing up in a free society, that is how we can ultimately make sure that our children aren't fighting the war on terror that we are fighting, aren't confronting the kind of awful terrorism we are confronting.

Why does anything that I just said have anything to do with the Oman trade agreement? Well, here, Mr. Speaker, is what it has to do with the Oman trade agreement. With these trade agreements, we don't get just lower tariffs for corn and soybeans and cars and plastics; with these trade agreements, we get good government. With these trade agreements, we get these countries who voluntarily change their rules and their laws to be more free and open to their own people. By engaging in a trade agreement with the United States of America, a country in the Middle East such as Oman, embraces the rule of law, embraces enforceable contracts, individual rights.

Let me just go through a few of the things that Oman has agreed to as a consequence and as a part of this free trade agreement.

Political reforms. Oman has enacted reforms to increase public participation in government, extending voting rights for its consultive council to all citizens over the age of 21, and appointing women to key positions in its government, including the first female Ambassador from an Arab country appointed to serve in the United States. Oman is a leader in women's rights. Oman is a leader in suffrage so that women are treated more equally in the Arab gulf.

Economic reforms. Oman has enacted broad economic reforms to open itself to trade and investment and provide opportunities to its citizens. In fact, the economic freedom of the world 2005 ranks Oman 17 of 127 countries analyzed in terms of economic freedom. They are the second highest ranking among all countries in the proposed Middle East free trade area.

Labor reforms. This is where a lot of progress has been made. Oman has unilaterally, across all labor laws, through decrees and commitments, upgraded their labor standards for their workers, for their employees, for their citizens to at least the ILO core standards. This is the strongest labor agreement, trade agreement, we have ever had with the free trade agreements with the United States.

Mr. ENGLISH of Pennsylvania. Will the gentleman yield for a moment on that point?

Mr. RYAN of Wisconsin. I would be happy to yield.

Mr. ENGLISH of Pennsylvania. Because the gentleman really was, on the floor, our leading not only advocate for but expert on the Bahrain FTA, comparing this free trade agreement and the commitment the government has made on top of it at a time certain, to the agreement made by Bahrain, how does this compare in strength?

Mr. RYAN of Wisconsin. This exceeds the Bahrain agreement because, like Bahrain, Oman agreed not only to the core ILO, International Labor Organization standards and worker rights, but with the Bahrain agreement, Bahrain simply agreed to introduce legislation to their Parliament and then try to pass the legislation, upgrading their labor standards.

Oman went beyond that. Oman agreed to decree, to put these into law. So not only, with Bahrain we got the promise to propose legislation; in Oman we got the law. We got the changes. Changes are taking place right now as we speak. Some changes took place last week. All of the labor standard increases will take place by October 30 of this year. So the fact is with Oman, because of the negotiations of the free trade agreement, we are rising the tide of worker rights. We are rising the quality and openness of this society. We are looking at an ally who has been a tremendous ally in the war on terror. They have ended their Israeli boycotts. They have opened up and are opening up trade with Israel. They are giving women unprecedented rights relative to other Arab countries. And all of this is being done because of trade agreements.

We didn't send a division of soldiers to Oman. We didn't parachute the 82nd Airborne into Oman. We didn't fire a bullet. We didn't put a boot on the ground. We engaged in trade negotiations and trade agreements, and this democratization, this openness, this free economic model, is being embraced by the Omanis because of these trade agreements.

So what we are accomplishing here is the single most important aspect of our war on terror, the single most important aspect of making sure that our children are safe from a world of terror when they reach our age group, when they come of age; and that is, making the Middle East more free, more democratic, more open, so that young people growing up in these countries will have opportunities to pursue their dreams, to pursue their aspirations, to determine the direction of their own lives.

That, in a nutshell is why these agreements are so important in the Middle East. That is why this particular agreement with Oman is so important to pass because of all of the wonderful things they are doing to help their own countrymen, to open up their society, to liberalize their economy, to give people individual rights in their economy so they can reach those dreams, all with an agreement that is in our best interest economically.

It is good for our jobs. We will sell more of American-made equipment. We will sell more American-made agricultural products. We will get more jobs out of the deal, and they will get closer to a much more open society. That, Mr.

Speaker, is what I call a win-win situation. That is why I think it is so important that we take all of these wonderful reforms that they have enacted and pass the rest of these into law by implementing this Oman Free Trade Agreement, because it is good for Omanis, it is good for Americans, and it is, most importantly, good for keeping democracy alive in the Middle East, keeping freedom alive, and keeping terrorism at bay.

Mr. ENGLISH of Pennsylvania. Will the gentleman yield again?

Mr. RYAN of Wisconsin. I would be happy to.

Mr. ENGLISH of Pennsylvania. On that point, I think it is important that the listeners and our colleagues understand some of the labor standards that are being implemented here. We are talking about a commitment by Oman to strengthen collective bargaining laws, to protect the right to strike, to ensure the reinstatement of wrongly dismissed workers, to allow multiple union federations, to ensure adequate penalties for antiunion discrimination, to end the government involvement in union activity and to do things like strengthen efforts against child labor that have been such a blight in that region.

Oman, at a stroke, is taking a real leadership role in moving forward in this area that is going to set this up as a modernizing government and as a modernizing society that really is going to be a good example in the region. And I wonder if the gentleman agrees with me that this breakthrough by Oman is something not only important for us to sustain in terms of our economic opportunities, but also, I think, fulfills part of our role as a liberalizing force in the world and setting the right sort of example in the Middle East.

□ 2045

Mr. RYAN of Wisconsin. I will. And if the gentleman will yield, I just want to read a quote from the 9/11 Commission report which talked about these FTAs, and the 9/11 Commission which revealed what should America do to win the war on terrorism to make Americans safer again. They said a "comprehensive U.S. strategy should include economic policies that encourage development, more open societies and opportunities for people to improve the lives of their families and enhance the prospects of their children." That is why we should engage in these FTAs, these free trade agreements in the Middle East.

This new breakthrough from Oman on all these higher labor standards that they are raising is precedent setting. It does encourage its neighbors just like Bahrain is now engaging in. It encourages their neighbors to increase not only their standards of labor for their citizens but to increase their citizens' access to prosperity, access to opportunity, access to bettering their lives for themselves. That is what is accomplished by seeing this dialogue take place. That is what is accomplished when we as Americans engage in mutual economic agreements like this.

The thing that also impresses me with the Oman Free Trade Agreement, just like we had with Bahrain and Morocco and others, is our governments are getting to know each other much better. Because we are involved in a global war on terrorism, it inevitably involves a strong level of dialogue between the United States Government and the United States Congress and the governments and the leaders of those countries. But what we are lacking is human-to-human interaction, people-to-people interaction, understanding of the American people, of the citizens of Oman, the citizens of Bahrain, the citizens of Middle Eastern countries.

That is what trade accomplishes. Trade brings people together. Trade brings people into engaging in mutually beneficial endeavors, the people of America, farmers, manufacturers. We make tractors, Case Construction Equipment in Racine, Wisconsin. We sell cheese. We grow corn and soybeans, General Motors cars. We want our people to go to these countries and understand them, know them, sell them their products and have people-to-people interaction. And if we have people-to-people interaction through trade, through business agreements, through business arrangements, then we have better understanding of one another. And better understanding of one another, better friendships will bridge the gaps between cultures. That will help us fundamentally understand what is going on in the Middle East, and it will help them understand us.

My biggest fear is that people in the Arab world, they call it the infamous "Arab Street," that they will look at al Jazeera or VH1 or some distorted lens of what Americans stand for, of who Americans are, of what American culture is, and that is how they will frame their opinions. That is not what I want them to think America is all about. What I hope people in the Arab world think America is all about is by meeting an American, is by meeting somebody from America who can engage in an agreement of mutual economic behavior, who can engage in trade, who can sell corn and soybeans and things like that.

That is how we help bridge this gap, bring understanding of each other, and work together to fighting the war on terror. By bringing moderate Muslim countries in allegiance with us and growing our alliances and growing our strategic allies, we will help defeat the terrorists. The minority of Islamic fundamentalists in this part of the world that seek to do them and us harm, we can work together and defeat that. And what the best consequence of it at the end of the day is people become more prosperous. There are more jobs created at both sides of the ocean, both sides of the equation.

That is why I think this is such an important trade agreement, and that is why this is an important part of our continuing efforts to increase ties and economic engagement with countries in the Middle East. And this is, of all things, one of the most successful foreign-policy tools we have at our disposal, and it is a sign of respect. It shows these countries, Oman in particular, that we respect them. We respect their people. We respect their leaders. We respect the reforms that they are implementing to give their people more freedom. That is a sign of respect, and I think with respect you get better understanding, better allies, and better strategic alliances, and that is all to the good.

I just want to thank the gentleman from Pennsylvania for having this hour to discuss this. We will be voting on this in a couple of days, and this is yet again a very, very important piece of our foreign policy and our economic policy to create more jobs here and to make us more safe. And I just want to thank the gentleman for having this discussion tonight.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I want to thank the gentleman for coming forward and so vividly presenting on the floor a positive vision of how we can engage the Middle East, how we can help them create opportunities, and how we can offer a positive agenda for fighting Islamofascism by getting at its root causes, by creating economic opportunities for young Arab men, by creating economic opportunities for these communities at a time when, in lieu of those opportunities, increasingly they turn to a dark vision of the world.

I think tonight, as the skies are lit up in Lebanon and over Israel, it is important for us to be able to offer a different approach for engaging those countries and for ultimately bringing them into the economic mainstream. I thank the gentleman for his extraordinary remarks.

Mr. RYAN of Wisconsin. If the gentleman will yield further.

Mr. ENGLISH of Pennsylvania. I will yield, and I believe we have another speaker as well.

Mr. RYAN of Wisconsin. I think it is important to note the bipartisan nature of these agreements in the past. We had the best vote count of this session of Congress on a trade agreement in the last Bahraini Free Trade Agreement. We passed with large bipartisan votes the Moroccan Free Trade Agreement. We passed with great bipartisan votes the Jordanian Free Trade Agreement. The Oman Free Trade Agreement already passed with a very large bipartisan vote in the other body, the Senate.

We, hopefully, will continue to pass these things with good bipartisan agreements because in this sense it is very important that as we go overseas on an issue that is so important that we speak with one voice, as Democrats and as Republicans, that we make these bipartisan. And I am very pleased with the fact that Congress has for large measure treated these important Middle East free trade agreements on a bipartisan basis. Our caucus includes three Republican cochairmen and three Democrat cochairmen. So I do believe that we will see support from the other side of the aisle. I do not know how big it will be, but it is very important that we speak with one voice, saying it is not just the Republicans who want to do this, it is not just the Democrats. It is that the Americans want to engage in trade with the Middle East countries we are talking about. We want to support their efforts to modernize, their efforts to open, to liberalize their economies. And that to me is a very important signal.

I see that we have been joined by the gentlewoman from Connecticut.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I am most grateful and delighted that a strong advocate of trade and fair trade has joined us tonight to speak out on the Oman Free Trade Agreement.

I yield to the gentlewoman from Connecticut (Mrs. JOHNSON) on this point.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

And I am delighted to be here on the floor with two of my colleagues who have been tremendous advocates of this free trade agreement and of the concept of free trade, the principle of free trade internationally and in our country.

I want to make two general points. I am sorry that I wasn't able to be here earlier, and I do not want to repeat what my colleagues have said. But there are two important overall points that I want to make that, even if you have made them, are worth thinking again about.

First is why free trade is important. Retirees simply do not, by definition, buy enough consumer goods to drive an economy our size. We are accustomed to a standard of living that is, frankly, the highest in the world. Our children expect to grow up and participate as adults in an economy that is thriving, in well-paying jobs that can provide them with a standard of living that my generation has enjoyed. Yet as the number of retirees explodes and the number of young people in the workforce contracts, our own Nation cannot provide the demand for goods that can produce the overall gross national product that will assure the standard of living we are accustomed to. So future generations are going to be more dependent on trade than we have been, and we must open markets for their goods.

The American population will not be able to buy the amount of stuff that would drive an economy that can produce the standard of living that we have enjoyed. So if we do not have consumers around the world, and, remember, the great majority of consumers are outside the United States, if we do not cultivate them, if they do not open their markets to our products, then we cannot sustain the level of economic well-being, the standard of living to which we have been accustomed, and we thereby disadvantage our children.

This small agreement with one small country will allow consumer and industrial goods to enter that country 100 percent duty free. One hundred percent duty free. And agricultural products will enter 87 percent duty free and over 10 years reach 100 percent duty free. This is a small market, but we are making these agreements with country after country after country. And most startling, our exports are growing most rapidly and the majority of our growth in export goods is with those countries that we have negotiated trade agreements with. Now, that stands to reason because if you sell your goods into a country where there is no duty, they are going to do better than if you sell them into a country where there is a 20 percent, 30 percent, 40 percent, 50 percent duty that pushes that price right up.

So in the big picture, our children, our grandchildren cannot do well unless we lay the foundation by opening markets for American products all across the world. So our economic well-being depends on free trade agreements. Those free trade agreements, and the gentlemen here on the floor with me tonight have been strong advocates of fair trade agreements, these free trade agreements address labor standards, environmental standards. We are the only Nation in the whole world that pushes those issues in the negotiation of trade agreements with other countries, and we are reaching new standards as we move forward and gain more experience.

Now we do not just require labor standards. We help nations build institutions to enforce those standards. So we look at do you have a department of labor. We look at does the department of labor have sufficient staff to enforce the law. We look at do the regulations take seriously the responsibility of enforcement. And we literally help nations not only understand how labor standards help them deliver the benefits of world trading to all in their society, but we help them understand that just having the standards to support all their people is not enough.

You do have to be able to enforce those standards. You do have to be able to take action against the exploitive employer. So these trade agreements are good for our kids. They are good for peoples of the world.

And that brings me to my second major point. Our security depends on agreements like that we have negotiated with Oman. The 9/11 Commission report cited our Middle Eastern free trade agreements and call for action on "a comprehensive U.S. strategy that should include economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and enhance the prospects of their children's future." In other words, the 9/11 report was saying if you do not address the causes that are creating terrorism and the willingness to be terrorists in other societies, you cannot solve the problem.

And I want to just conclude by saying how very impressed I was when Ways and Means Committee members a little less than 2 years ago made a trip to the Middle Eastern nations that were interested in trade agreements and whose other trading agreements were about to expire.

☐ 2100

We knew that they would need to think about this in advance carefully.

We know that participating in trade agreements means other countries have to modernize their law to meet high international standards. We knew it would take time, and we wanted to be sure to alert these other countries to the challenges that lay ahead for them in negotiating these free trade agreements and to the enormous benefits that would accrue to their people in not only the present but future generations.

I must say, I was extremely impressed with the Sultan of Oman. He understood exactly what this was going to mean to his people. He is one of the Middle East leaders who understands that oil is a limited resource and he must prepare a broader base for economic success for his people in his own country, and he is doing some of the work in the more advanced areas of desalinization, thinking about the importance of water to his people and the demand in the world economy, particularly in the Middle East, for potable water.

He is a very forward-looking man. He is very committed to participation in the political process by women as well as men. He has appointed successful women to his top council. They do things slightly differently because they are coming from a different path, but he was very proud to have started worker committees. That was his initiative, because he knows workers have to have a better voice. They have to be free to talk about the problems, to work with management, to work with owners for everyone's success.

In this agreement, he has moved light years ahead, looking at the labor laws of other countries, understanding what it is going to take to provide the kind of support and protection that working people need in order for the benefits of trade to affect the lives, the quality of lives, the hopes and dreams, the opportunities of all the people in each society.

So when you look at not only the way this agreement opens markets and what that means for our people, when you look at what this means for our security as this great friend of ours, for over 170 years, and a leader in the region in economic and governance reforms, what they accomplish by moving forward into new thinking and new institutions to modernize their economy, all embodied in this trade agreement, you know it means not only greater prosperity for his country and for our country, it means greater peace for the world.

Free trade is about peace and prosperity. It must be fair trade. It must help all take part in the benefits of the trade agreement.

This is a remarkable agreement, and I very much appreciate the two gentlemen on the floor here, Mr. RYAN of Wisconsin and Mr. ENGLISH of Pennsylvania, for their diligent participation in all the consultative processes, because Congress is a part of developing these free trade agreements, that make these agreements possible. Your knowledge and expertise is truly a great service that you have given this country and that you have given our friend, Oman.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I would simply like to thank the gentlelady for her extraordinary and insightful comments in capsulizing the very powerful argument for passing this free trade agreement and ultimately recognizing the key role of Oman in that region.

I would be happy to yield to the gentleman from Wisconsin if he would like to make concluding remarks, and then I would like to make a further contribution, with the inspiration of the gentlelady from Connecticut.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding. I want to draw off the inspiration I just received from the gentlelady from Connecticut's comments.

As I listened to her give this excellent overview of not only the benefits of these trade agreements, but of this one in particular, of all the work that the Omanis have gone through to bring this up into shape, to increase their worker rights, to increase their transparency, to increase their participation in women's rights, I just couldn't help but thinking, What if we don't pass this? What if we say no? What if we here in the House of Representatives this week say, that is not good enough, sorry, no, to the Omanis?

The Omanis are taking a risk in their neighborhood. They are choosing whether or not to go down the path of the Iranians and the Syrians and others like that, or to go down the path of openness, of freedom, to be an ally with the U.S. in fighting the war on terror and giving people freedom.

What if we say no to that? I just cannot imagine the consequences of us working with this ally of ours, getting them to agree to all of these enormous amounts of reforms and concessions to make this trade agreement work, and then only to say no. That, in my opinion, Madam Speaker, would be a tragedy.

It would be a tragic mistake to say to this country, this ally, these people whom we have the utmost amount of respect for, to say, sorry, partisan politics. It is an election year. Didn't mean to have you as collateral damage, but no. That to me would be an outright tragedy if that happened.

So I want to conclude on a high note, and that high note is just as we helped lift the tide of freedom and economic engagement and economic freedom in Morocco, in Israel, in Jordan, in Bahrain, so too do I think we will do this in Oman this week. And all of that is going to increase U.S. jobs. Yes, it is going to help us sell more products to the region. But, most importantly, it is going to help the people in these countries have a better life. It is going to help them be more free. And that is going to help make sure that my children, my kids, who are 4, 3, and 1 year old, make sure that they live in a peaceful America, that they don't have to fight the fight against terror that we are right now engaged in. That is what this means to me when I put my card in the voting machine and vote on this agreement in a couple of days.

That is why this is so dearly important. That is why this is not just your rank-and-file trade agreement for widgets and corn and dairy or whatever. That is why this is an important trade agreement.

I really encourage all of my colleagues, put the partisan blinders aside for that day and vote with America, vote for your kids, vote for good economics and vote for freedom in the Middle East.

Madam Speaker, with that, I would be happy to conclude and say thank you to the gentleman from Pennsylvania, Mr. ENGLISH, for all your leadership on this issue. Thank you for hosting this discussion tonight. I think it has been very helpful. I just look forward to making sure this actually occurs, I think on Thursday when we do this.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I thank the gentleman.

With that, I want to thank the gentleman again for his leadership on this issue, his vision and his commitment to building closer ties between the United States and the Middle East region.

The gentleman raised the very important question of not only the substance of the Oman agreement, but also its symbolism, because I think there will clearly be consequences to not passing the Oman FTA, if that were to happen in the House.

Oman, as the gentlelady noted, has been a steadfast ally of the United States for over 170 years. Oman has been a hugely valuable partner on the war on terror and has hosted U.S. soldiers and permitted the U.S. to use Oman as a critical launch site for ongoing operations in Afghanistan. Oman has embarked on what is clearly a large-scale, if not unprecedented, reform effort.

In terms of labor rights, worker safety, women's rights, Oman has shown tremendous commitment to improving these standards for both Omani workers, as well as the large number of expat workers currently working in Oman. They have a large number of guest workers, and this is part of their initiative.

Reforms in the area of labor have been commendable, even exceeding the level of commitment made by Bahrain as they entered into FTA with us. Were the Oman FTA not to receive the support of a wide majority of Congress, it would send tonight absolutely the wrong signal, not only to Oman, but to the entire Middle East region at a very sensitive moment. Passage of the FTA is not only in the commercial and political interests of the United States, it is also necessary to support the reforms in Oman and to deliver an important shot in the arm to stability in the Middle East region.

It is clear that despite turmoil within the Middle East, Oman has risen to become a regional leader, improving its labor standards, opening its markets and being accountable for intellectual property rights violations, among others.

Furthermore, our pact with Oman solidifies the strong U.S.-Oman alliance in the global war on terror. We listened tonight to the recommendation of the 9/11 Commission, and also we have the March 2006 National Security Strategy specifically citing the need to advance trade and economic liberalization in the Persian Gulf region as a key part of a comprehensive U.S. strategy to bolster security, to fight terrorism and to oppose Islama-fascism. However, America's influence in the region has to be measured by more than projected military might. If we are going to help anchor the Middle East in the modern world, we clearly must reduce conflict in the region by promoting growth and opportunity.

As the gentleman from Wisconsin said tonight, the U.S.-Oman FTA is a win-win policy that only builds upon our country's goal of strengthening economic relations and increasing trade, fair trade, with our partners in the Middle East. By strengthening our ties with the key strategic ally committed to trade liberalization and economic reform, the U.S.-Oman FTA will demonstrate to other countries in the region the benefits of free and open rules-based trade and engagement with the United States.

I hope that come Thursday, my colleagues on a bipartisan basis, as the gentleman put it, will put aside their partisan blinders and consider supporting this trade pact when it reaches the floor. A "yes" vote means yet another step on the long road to expanding new economic opportunity for both of our regions.

IRAQ WATCH

The SPEAKER pro tempore (Mrs. SCHMIDT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Connecticut (Mr. LARSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. LARSON of Connecticut. Madam Speaker, once again we come to the floor this evening as part of Iraq Watch. We do so this evening with both heavy and somber hearts for everything that is going on as we currently speak in the Middle East. Our hearts especially go out to our great ally Israel, as it wards off vicious attacks by Hezbollah. Once again, it only underscores the need for us in this body to do the kind of oversight and review and have the kind of dialogue and discussion that has been absent on the floor of this House and in our respective committees.

Madam Speaker, as we have on so many of these occasions, we begin this evening by once again honoring as well those brave men and women who wear the uniform of our country. They serve this Nation so valiantly.

Let me also acknowledge so many veterans and individuals who have played such a key role, especially those from the Vietnam era, in understanding and helping us recognize that it is so important to differentiate between the warriors and the war. So we salute those brave men and women who are in harm's way, who are dealing with untenable situations they are confronted with in Iraq.

I especially want to draw attention again to a bill that we have before this body that we are still seeking more signatures to, and requesting and asking the Speaker and the majority leader to bring it to the floor by unanimous consent.

☐ 2115

I do not believe that there is anyone in this body that does not understand the need for making sure that the Iraqi government does not grant amnesty to those who kidnap, kill, torture and maim American citizens and American troops.

And so I think it is so vitally important that this message be sent, especially as the insurgency only intensifies in the region. Brookings Institute and others who have polled find that 47 percent of the people in Iraq believe that it is okay to kill Americans. It is time that we send a clear message. That is why we come to the floor on successive evenings to send a clear message to the American public about what is transpiring before our eyes.

We pause, as I said earlier, both in somber and peaceful resolution that this conflict can be resolved speedily and we especially pray for those Americans who need to be evacuated from harm's way.

Madam Speaker, I am joined this evening by several of my colleagues who have come to this floor on repeated occasions to talk about a new direction that is needed in the Middle East, a new direction that needs to be taken by this Congress, a new direction that needs to be taken by this President, so we provide an opportunity for this great country of ours to once again move us forward out of harm's way and into a peaceful resolution to what has become consistently a quagmire known as Iraq.

With that, I recognize the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Madam Speaker, I thank my friend and colleague from Connecticut. It is good to be joined by my other colleague from New York (Mr. BISHOP) and Chris Van Hollen from Maryland.

Madam Speaker, I would like to speak for just a moment regarding what is happening in terms of the war on terror. We should all be alarmed. We see the events of recent days unfolding in Lebanon, Israel, in Gaza. And it is clear that terrorism is spreading. It is not declining.

I would submit that those events were inevitable, the law of unintended consequences, if you will, that many of us predicted when the resolution that authorized the invasion of Iraq came to the floor. I dare say that in the Mideast today there is an awareness on the part of world opinion that the war in Iraq has increased the likelihood of terrorist attacks around the world.

A recent poll that was commissioned by the BBC, and again, this was a poll that was taken in some 35 countries, found that 60 percent of the world believes that the threat of terrorism has increased some 60 percent, while only 12 percent believed that it has declined.

And the nexus was the war in Iraq, and the conduct of the war in Iraq. They saw the war in Iraq as an impediment to the defeat of terrorism. And the experts agree. There was a survey done of more than 100 individuals with extensive foreign policy experience and national security backgrounds.

And what was particularly disturbing is that among the experts, 84 percent said that the United States was not winning the war on terrorism, and some 86 percent said that the world was becoming more, not less, dangerous in terms of terrorism because of our involvement in Iraq.

This is extremely frightening. And let me put forth a premise to you, to my colleagues. I would suggest that it is not unrelated that we see Hamas and Hezbollah asserting themselves today, in the past several weeks, because there is a growing awareness that the United States is bogged down in Iraq, and that world opinion in terms of the role of the United States in Iraq is highly negative.

And what do we see in terms of the new Iraqi government and its relationship with Iran, a sponsor of Hezbollah and a sponsor of Hamas? We see exchange of diplomats. We see a billion dollar line of credit coming from Iran to Iraq. We see a military corporation agreement between Iran and Iraq. Iran, the sponsor of Hezbollah and Hamas. That is what we see. That is what we are seeing.

And we are listening to the foreign minister, the foreign minister of Iraq when asked about the United States pressuring Iran to disclose where they are in the development of nuclear technology, to disclose whether any of those efforts could be utilized to develop a nuclear bomb, a nuclear weapon.

And the Iraqi foreign minister is saying, do not pressure the Iranians; accept their word. I mean, what is happening? Are the American people aware of these particular events? And then of course at the same time, the forgotten war, if you will, the country that harbored al Qaeda, that was ruled by a radical Islamists sect called the Taliban is on the verge of unraveling.

The Afghan defense minister recently made this statement: we need five times the number of security forces to address the issue of a resurgent Taliban. Without them we are in real danger of collapse. So everywhere we look in terms of the Middle East, we see danger and we see danger to Israel, we see danger in the entire region. And we hear, "Stay the course."

Mr. LARSON of Connecticut. Madam Speaker, the gentleman makes a great premise that he asks us to respond to. But what I would like to do, if I could, is respond by quoting from a column in the New York Times yesterday by Frank Rich, who said: "The Bush doctrine was a doctrine in name only, a sales strategy contrived to dress up the single mission of regime change in Iraq with the philosophical grandiosity worthy of FDR. There was never any serious intention of militarily preempting either Iran or North Korea whose nuclear ambitions were as naked then as they are now, or striking the countries that unlike Iraq were major enablers of Islamic terrorism. 'Axis of evil' was merely a classier brand name from the same sloganeering folks who gave us compassionate conservatism, and 'a uniter not a divider.'"

Madam Speaker, with that I would like to yield to my distinguished colleague from New York (Mr. BISHOP).

Mr. BISHOP of New York. Madam Speaker, I thank the gentleman from Connecticut for yielding, and I thank him also for his leadership in organizing these very important discussions on the administration's failed policy with respect to Iraq, and for that matter the administration's failed policy with respect to the conduct of our foreign affairs in general.

It is a subject that we discuss all too infrequently in this Chamber. Let me just pick up on the point that Mr. LARSON just made. It was 4½ years ago that the President came into this Chamber to deliver his State of the Union Address for 2002.

It was in that address that he first characterized North Korea and Iran and Iraq as the Axis of Evil. And I think it is without argument, without debate today, that all three of those states present this country, our country, with greater threats to our safety and security than they did when they were first characterized as the axis of evil, and that is because we have embarked on a failed strategy in Iraq that has bogged us down, that is apparently without end, without success, and yet prevents us, because of our preoccupation with Iraq and because of the troop strength that has been needed in Iraq and prevents us from dealing with the threat that is now posed and was posed at the time by North Korea and the threat that was posed and is now posed by Iran.

Let me also comment on something that Mr. DELAHUNT from Massachusetts said repeatedly, the war in Iraq has been characterized as the centerpiece of the war on terror. It is frankly not at all the centerpiece on the war on terror. It is a diversion from the war on terror. It is a diversion that does not serve either the country well or serve our allies well.

We have a foreign policy, it seems to me, that is rooted in ideology as opposed to pragmatism, and we are learning the limits of applying that ideology as we deal unsuccessfully with the situation in North Korea and the situation in Iran.

We see the Middle East in flames as we speak, and we recognize that we have a long history that nothing good happens in the conflict between Israel and the Palestinian territories unless the United States is intimately involved in being an honest broker to bring about resolution of vexing and difficult issues.

Let me share just a couple of statistics that I think speak to just how far off track we are in Iraq. The number of insurgents in 2003 was 5,000. Today that number stands at 20,000. I am sure we all remember when the insurgency was described as a few dead-enders.

I am sure we all remember when the Secretary of Defense rather dismissively described what was happening in Iraq by saying that "freedom is messy."

□ 2130

We now have a situation where those dead-enders, so to speak, have metastasized into 20,000 insurgents. The average number of daily attacks has risen in just 1 year from 53 to 75. This does not sound like an insurgency that is in its final throes, and yet that is what we were told.

The number of civilian casualties resulting from sectarian violence has increased by 600 per month, now to a total of nearly 1,600 lost innocent lives per month. That is the equivalent of a 9/11 every 2 months in Iraq. Would any one of us stand for that if that were happening in this country? We certainly would not. Yet the carnage continues, and sectarian violence has increased dramatically over this period of time.

Financially, the burn rate has doubled from nearly $4 billion per month to $8 billion per month over the past 2 years, and I am sure we all remember how dismissively the administration handled the early estimates of the war. When Mr. Lindsey first said it would be $100- to $200 billion that was dismissed out of hand, and we were told that it would be no more than $50- or $60 billion for the war. We are now $300 billion and counting, as I say, with no end in sight.

We all wish that we could believe the administration's happy talk with respect to stability taking hold, with respect to progress being made. But we are now 3½ years into this tragic conflict, and we are no closer to the goal of an Iraqi state that does not pose threats to the safety and security of this Nation.

Mr. LARSON of Connecticut. I want to thank the gentleman from New York for his insightful comments, many of which were echoed by Paul Krugman in a New York Times article today called March of Folly.

With that I would like to yield to the gentleman from Maryland, Mr. VAN HOLLEN.

Mr. VAN HOLLEN. I thank my colleague from Connecticut, and thank him for his leadership on this very important issue of national security, and thank my colleagues Mr. DELAHUNT and Mr. BISHOP of New York for all of their leadership.

I would just like to pick up where Mr. DELAHUNT and others left off with respect to the forgotten war in Afghanistan. I do think it is important, when we look at the situation in the world today, and we look at the violence erupting in the Middle East, we do remember what happened here in the United States back on September 11, 2001, and the origins of that attack.

As he reminds us, the attack on the United States, September 11, 2001, came from al Qaeda, al Qaeda that was sheltered by the Taliban government in Afghanistan; and that the world was with us when we responded, fully and forcefully, to those attacks of September, 2001.

In fact, the United Nations unanimously passed a resolution supporting us, our NATO allies universally supported us. In fact, they enacted a charter, part of a NATO charter saying an attack on one was an attack on all.

Yet today we are seeing in Afghanistan there has been a resurgence of Taliban activity, and at a very time when we are facing that resurgence, the United States is not providing a commitment that we need to make sure that we succeed against those who began and perpetrated the attacks of September 11, 2001.

Back then, instead of focusing on that battle against those who attacked us, we did divert our resources and our energy in Iraq.

The President gave a number of reasons back then for the action we were taking. We remember well the twin pillars of the argument. He said, well, they have got weapons of mass destruction. Many of us said, let's let the U.N. inspectors have a little more time to see whether that is true or not true.

The President said, no more time, we are going in. He also said there was collaboration between al Qaeda and the regime of Saddam Hussein in Iraq. The 9/11 Commission and many others have proven that that is not true either.

But it is important to remember that the President also advanced some other reasons for going to war in Iraq. One of the arguments he made was by the United States going to Iraq. By invading Iraq, we would help build stability in the Middle East, that we would promote democracy in the Middle East, that we would reduce the influence of the hardliners in the area and increase the influence of the moderates.

In fact, just a few weeks before the invasion of Iraq, in a speech before the American Enterprise Institute, here is what the President had to say. I think it is important to reflect on his words then as we look now at the terrible violence erupting in the Middle East.

He said then, and this was one of the rationales he gave us for going to war in Iraq, success in Iraq could also begin a new stage for Middle Eastern peace and set in motion progress for a truly democratic Palestinian state. The passing of Saddam Hussein's regime will deprive terrorist networks of a wealthy patron that pays for terrorist training and offers rewards to families of suicide bombers, and other regimes will be given a clear warning that support for terror will not be tolerated. That was a word of his to Iran and others.

Without this outside support for terrorism, Palestinians who are working for reform and long for democracy will be in a better position to choose new leaders.

Well, in fact, what has happened in the Middle East, since the invasion of Iraq is the opposite of what the President has said.

We know now that when we invaded Iraq, we took the lid off Pandora's box, that we set in motion longstanding grievances within different groups within Iraq, the Sunnis, and Shiias and the Kurds, and that outsiders exploited the mess that was created in Iraq, and al Qaeda, that had never operated out of Iraq, did become active in Iraq.

In fact, what happened was our invasion of Iraq strengthened the hands of extremist groups throughout the region. It made it more difficult for the more moderate Arab governments to support the United States, because people in their countries saw that the United States had invaded Iraq, and they said there was no reason for this war of choice against Iraq.

The big winner, the big winner, of course, as Mr. DELAHUNT pointed out, has been Iran. Iran has very successfully exploited the chaos and the vacuum that has been created in Iraq as a result of the mess there. They have gone into Iraq. They have many agents there, and they, as we know, are also exploiting the feelings of others throughout the region, especially Hezbollah. They have provided missiles to Hezbollah, missiles that are now being used to rain down on northern Israel.

Iran, Iran, as a result, has become much more of a power in the region. Iran, one of the other countries the President named as the axis of evil, has, in fact, been strengthened by the President's decision to go to war in Iraq.

You just need to read the comments of other Arab leaders in the region, from some of the more moderate Arab countries who say today, they ask, this is quoted in The New York Times, Who is benefiting, asked a senior official of one of the Arab countries, critical of Hezbollah. Definitely not the Arabs or the peace process, but definitely the Iranians are benefiting

Arab leaders have long been concerned about Iran, and the great irony of our invasion of Iraq is it has greatly strengthened the hand of Iran and greatly strengthened the hands of the extremists in the region who have been fueled by the antagonism that is unleashed toward the United States and the West by our actions there.

Mr. LARSON of Connecticut. The gentleman makes an excellent point. Every time I travel back to my district, the question that more often than not is raised at every forum, every community gathering, every town hall meeting is, How is it that the United States could go from a position in the aftermath, the immediate aftermath of September 11th, with having the entire world on our side, to the point where we are today where so many are opposed to our policies?

What is it that took us down that perilous course? How could it be that the former President, Bush the first, if you will, and his advisers, were the most outspoken critics about going into Iraq, warning this current administration of its folly, of its danger?

I can remember very distinctly being in Saudi Arabia with JACK MURTHA and talking to our Ambassador there, and saying to him that, oh, it seems as though you have a gathering storm here in Saudi Arabia, in August of 2002.

He said, gathering storm? He said, Congressman, you are from New England, aren't you? I assume you either read the book or saw the movie. He says, we have over 35 percent unemployment. We have a median income that has dropped from 28,000 to under 7,000 per household. What we have here is not a gathering storm, what we have here is a perfect storm.

If we preemptively strike this toothless tiger in Iraq, we will unwittingly accomplish what Osama bin Laden failed to do. We will create a united Islamic jihad across the Middle East and drive it into chaos. The voices of reason, the voices screaming out at the time were Snowcroft, Eagleburger, Baker, Kissinger, all warning against this folly.

Yet as you point out, we persisted.

Mr. VAN HOLLEN. Well, I think that is absolutely right. You see this whole shift, overnight, in world opinion, again from the world being on our side and willing to fight alongside us in the war on terror that had been precipitated by the attacks of Osama bin Laden and al Qaeda. That was one day.

After the invasion of Iraq that turned out to be based on totally false premises, you saw the world turn against us. Some people here ask, Why does it matter whether people around the world like us or support our policies? Why does it matter if people in the Middle East have a positive view of the United States? Why does it matter if the Islamic world has a positive view of the United States?

Well, here is the problem. If you don't have the support of those countries, it is very difficult to get their cooperation in the war on terror. It is very difficult for them to say we are going to help you in the United States in this battle on terror. That is one problem.

The other problem is, it is a total contradiction between our efforts to promote democracy in the region, on the one hand, and to say we don't care what the people in those countries think, on the other hand. Because if we want to promote democracy, which means that we want leaders in the region to be elected by the people, then we better make sure that the people who are electing them support our goals and support our objectives.

Because if the people who are electing the leaders in Middle East countries hate the United States and want to bring harm to the United States, it is very difficult for someone running for office there to say they support our efforts and support our policy.

You saw the election in the Palestinian areas of Hamas and the extremists as opposed to the Palestinian Authority. The Palestinian Authority had said, we want to work with the United States, and we want to work with Israel toward a peace process. But the people, when they had a choice, for all sorts of reasons chose the more extremist Hamas.

So the perceptions of the United States and our policies overseas have a direct bearing on our own security here at home. You cannot say you want to promote democracy in the Middle East, on the one hand, and say you don't care if they hate America, on the other hand.

□ 2145

If they hate America, they are going to elect leaders who reflect the will of the people, and that is bad for the United States, and yet our actions have fueled that kind of antagonism and hatred and actually made us less, not more, secure.

Mr. LARSON of Connecticut. Madam Speaker, we have been joined by the gentlewoman from California (Ms. WATERS) who certainly has embodied from the outset in opposition to this war the voice of reason as it relates to getting us out of Iraq.

Ms. WATERS. I thank very much Representative LARSON. I would like to thank you for the leadership that you are providing in putting together these opportunities night after night on the floor to illuminate what is going on in Iraq. You are absolutely right.

I am the Chair of the Out of Iraq Caucus, and we have our 1-year anniversary as of this week. We organized because we understood very well that something was very wrong with this war. It was not a popular thing to do, but increasingly, Members began to join. We do have 72 Members. We have other Members who are recognizing, as they work in their districts across this country, that the people of America are sick and tired of this war. They believe that the President of the United States has mismanaged this war, and they want to bring our troops home.

The violence that we are witnessing on a daily basis in Iraq is absolutely unconscionable. The violence is such that not only are the Sunnis being attacked by the Shiias, but innocent people are being killed. Civilians are being killed day in and day out, and to tell you the truth, Mr. LARSON, and other Members here and Mr. DELAHUNT who has worked on this issue so long and so hard, I think it is easy for us to conclude at this point, no matter how difficult it is, that we have destabilized Iraq with our occupation.

When we went into Iraq supposedly because they had weapons of mass destruction and discovered that there were none; when we decided to change our tune, that is, the President of the United States and talk about wanting to instill a democratic government, the American people said, okay, the President of the United States must know what he is talking about.

So they have a new government. Saddam Hussein is behind bars. There are no weapons of mass destruction, and you know what is going on? The civil war that this President and this administration is in denial about, but if you read the papers today, you even have Sunnis that are saying, well, we do not like the Americans, we do not like this occupation, but you know, we need them now to help us be protected against these attacks that are coming at us on a daily basis.

So we recognize that the President of the United States started this discussion about the training of the Iraqi soldiers and how we were doing such a good job, there was a turning point, and they were going to be able to take over and to provide security for that country.

Well, in the first place, we did not go there. The President of the United States did not tell the American people we were going there, to be in the middle of a civil war, to protect one group from the other. Never said that. And now that is the only reason we are there, because we have got to protect the Sunnis from the Shiias? I mean, that is what our American soldiers are supposed to be doing. Our American soldiers who come from these towns and these hamlets do not know a Shiia from a Sunni, and then they get in situations where they are shooting to kill, and people would criticize them when they do not know what it is they are confronted with. We are there because we have to negotiate this civil war by way of warfare.

I think it is unconscionable what is happening there, and I think it is time for this administration to admit that not only have they made a mistake, but they have not trained enough Iraqi soldiers to take over the security of this country, and there is no number of Iraqi soldiers being trained in sight that will take over the security of this country. These groups who have been at each other's throats for centuries and maybe were contained by a strong man, right or wrong, are in the throes of a full civil war.

Mr. DELAHUNT. Madam Speaker, I think the gentlewoman asks a very legitimate question, but I do not think you were present in the Chamber when I referred to a statement dated July 13 coming from the Afghan defense minister, a gentleman by the name of Abdul Rahim Wardak, who said that the Afghan Army cannot secure the country without at least 150,000 more troops, five times what it has today, and that in his opinion, and he clearly represents the sentiment of the government, it is an opportunity for the United States to double the assistance given to Afghanistan. In other words, we left Afghanistan before we finished the job.

What I find particularly interesting is that we do not hear that from this administration, but the new head of NATO, the NATO force in Afghanistan, a British general, David Richards, made this observation: Afghanistan's Taliban rebels have taken advantage of a power vacuum and grown stronger because the world's attention has been distracted by Iraq.

How true. I agree with him. I agree with him. And if one looks around the landscape again, I am sure it has not been on the front page, but we all here present in this Chamber today know what is happening in Somalia. Radical Islamist warlords have taken over Somalia. Winning the war on terror, you know, the rest of the world believes that we are losing the war on terror.

Many of the gentlemen that were referred to, Eagleburger, Lawrence Cobb, and others that have served in Republican administrations, agree that because of Iraq we are losing the war on terror today and eroding our own national security.

Mr. BISHOP of New York. Madam Speaker, if the gentleman would yield, I would just like to expand on a point that the gentlewoman from California made. She talked about the report in today's New York Times that Sunni leadership is now asking American troops to stay to deal with the sectarian violence, and it points out the folly, if you will, of what purports to be our exit strategy.

I mean, the President has said repeatedly that as the Iraqi Army stands up, then we will stand down. We have now stood up a significant number of Iraqi soldiers and law enforcement officers, and yet here we have the Sunni leadership, which has been adamantly opposed to our presence in the country, adamantly opposed to our occupation of the country, now asking us to stay.

And so what does that suggest? It suggests that we do not have an exit strategy at all, or the one that has been put out there by the President is one that has absolutely no chance of yielding any kind of beneficial result in Iraq.

Mr. LARSON of Connecticut. That is what the General Accountability Office says as well. The GAO report calls for a new direction in Iraq. The GAO report of July 11 says that the administration's national strategy for victory in Iraq is questionable and victory cannot be achieved without significant change in the President's current stay-the-course strategy. It is unclear, it goes on to say, how the United States will achieve its desired end-state in Iraq, given the significant changes in assumptions underlying U.S. strategy.

Ms. WATERS. Madam Speaker, if the gentleman will yield, it was alluded to earlier that not only were we distracted from doing the job in Afghanistan and we have ended up in this morass in Iraq, it was reported, and I do not have the documentation for it, that Mr. Wolfowitz, Mr. CHENEY and some of the other war hawks had said, once we are in Iraq, we tie down; then on to Iran and on to Syria. Now, I do not know if that is true, if Iraq was to be used as a staging ground to then move on to the attack in Iran and in Syria, but I think that the Iranians believe it, and I think the Syrians believe it.

I watch what we are learning every day about the fact that many of those missiles that are being launched from Beirut are missiles that have been manufactured in Syria, and we also know that the Iranians have their hand in support of Hezbollah and what is going on.

Now, this says an awful lot, and you guys alluded to it a bit earlier. Here we are, here we are tied down in the middle of a civil war in Iraq and having threatened with no more than talking about the axis of evil but even beyond that, going into these neighboring countries, and now I think they are about to put us on the run, trying to distract us and have us react in different parts of the Middle East. And of course, we cannot do that with Kim Jong Il looking over our back in North Korea, launching missiles over into the Japan Sea. And we have got Tehran who has told us that they would certainly continue with their development of nuclear capability.

So here we are. Afghanistan, we are spending much of our soldiers' time trying to protect Karzai who is sitting in Kabul and not doing anything, and as you said, the Taliban and the warlords are really running it.

We are getting overwhelmed. We are getting outmaneuvered. We are placing the American people at great risk, and it is about time we just go ahead and tell it like it is. We have created more risk than not, when in fact this war on terrorism was supposed to be about making the American people safer.

Mr. DELAHUNT. Madam Speaker, if my friend would just yield for a moment just to confirm points that were made by everybody, but specifically by CHRIS VAN HOLLEN, there is a GAO report that was issued in April of 2005 that speaks to the issue of deepening and broadening anti-American sentiment all over the world. We have all seen the polling data. It is frightening. Talk about a world opinion that threatens our national security.

And the GAO specifically alluded to the fact that it has the potential to dramatically hurt our commercial interests. One only has to check the price of oil. One only has to look at today's stock market report. Everywhere we turn the implications and consequences of this failed policy is hurting the American people, our national security, our commercial interests and everything that is attendant thereto.

Then, when we start to examine the relationship between the new government in Iraq and Iran, why have we spilled the blood of more than 2,500 Americans and already have appropriated taxpayer dollars on the way to $500 billion?

☐ 2200

And by the way, I am sure if you haven't, that you will find in your mail tomorrow a letter, a Dear Colleague letter from our friend and colleague from Illinois, Jan Schakowsky. And she makes the point that on July 7, the Iraqi, not Iranian Parliament Speaker, Mahmoud al-Mashhadani had this to say. He accused Jews of financing acts of violence in Iraq in order to discredit Islamists who control the Parliament and government so they can install their agents in power.

Some people say we saw you beheading, kidnapping and killing. In the end, we even started kidnapping women who are our honor. These acts are not the work of Iraqis. I am sure that he who does this is a Jew and the son of a Jew. I can tell you about these Jewish Israelis and Zionists who are using Iraqi money and oil to frustrate the Islamic movement in Iraq and come with their agents.

Is this what we have wrought?

These words should be condemned by the President. I am sure we all would join in a resolution condemning the words of this head of the Iraqi Parliament, this Iraqi Government that has executed a bilateral military agreement with Iran.

Where are we heading, my friends?

Mr. VAN HOLLEN. Would the gentleman yield?

The sad part about so much of this is that so much of it was foreseeable, if only the President and the White House had listened to people who knew what they were talking about in this very important foreign policy area.

I quoted earlier this evening the words of the President in a speech that he gave at the American Enterprise Institute on the eve of going to war in Iraq, when he talked about the fact that our invasion of Iraq would create a new era of stability in the region. It would help create a domino effect of creating new democratic movements in the region. It was sort of the big bang of creation of democratic governments in the region. That was what the President said.

But the fact of the matter is at the same time the President gave that speech, the experts were telling him the opposite, and yet they were ignored because their advice did not fit the decision that President and some of his advisers had made.

Just a month ago, Paul Pillar, who was the head of the Bureau of Near East and South Asia at the Central Intelligence Agency at the time of the invasion, testified; and here is what he told the Congress just recently. He told the Congress that what is happening was, in fact, predicted in the national intelligence estimate of that time. Here is what he said. And on the situation, this is his testimony about a month ago. And on the situation that would be faced in post-Saddam Iraq, the Intelligence Community produced, on its own initiative, its assessment of the likely challenges there. It presented a picture of a political culture that would not provide fertile ground for democracy, and foretold a long, difficult, and turbulent transition. It forecasted in a deeply divided Iraqi society there was a significant chance that sectarian and ethnic groups would engage in violent conflict unless an occupying power prevented it. It also assessed that the war and occupation would boost political Islam, increase sympathy for terrorist objectives and make Iraq a magnet for extremists from elsewhere in the Middle East.

This is the assessment of the Central Intelligence Agency before we went to war in Iraq. The people who knew the region, the people who understood the consequences of an invasion were ignored by this White House.

So we have to ask ourselves, where is the accountability in this system?

From day one in this administration, the people who got it wrong have been rewarded, and the people who got it right have been ignored. And yet what this administration says to us is "Trust us." Just stay the course. More of the same.

Well, we have had years of failed policy. No one has been held accountable. What do we expect in the years ahead and the days ahead and the months ahead from an administration that refuses to hold those who get it wrong accountable and ignores all those who get it right?

Mr. DELAHUNT. That is an excellent point, my friend, if you would yield for just one minute.

Mr. VAN HOLLEN. I would be happy to yield.

Mr. DELAHUNT. But what is most disturbing is that this House, run by the Republican Party, has failed to ask those questions of this administration, and thereby abrogated its responsibility to the American people to ask the questions that would have made a difference.

Did Mr. Pillar come before this Congress?

I can enumerate name after name of voices that, well, I could put up a long list of generals, General Batiste, General Eaton, General Zinni, who spoke truth to power, who said, This is the wrong course.

And listen, we never had a hearing until just recently in the committee of jurisdiction, the House International Relations Committee. Shame on us. Shame on this institution, Mr. Speaker.

Mr. LARSON of Connecticut. Will the gentleman yield?

The gentlemen, I think, words of both my distinguished colleagues from Massachusetts and Maryland are summed up very well in Frank Rich's article yesterday when he said, This Presidency never had a vision for the world. It, instead, had an idea fixed on one country, Iraq, and in pursuit of that obsession, recklessly harnessed American power to a gut-driven improvisation and PR strategies, not doctrine, that has not changed, even now.

And with that, let me at this point recognize our colleague, the distinguished lady from Texas, who has also come to the floor this evening.

Ms. JACKSON-LEE of Texas. I thank the distinguished vice chairman for his leadership, his consistent leadership, along with my colleagues. And I particularly thank Congresswoman WATERS for the vision of the Out of Iraq Caucus.

As I listened to many of you isolate or emphasize intelligence failures, leadership failures, generals who had the expertise of war, I wanted to bring as we talk this evening, to the forefront the whole concern, the human toll.

As I know that we are speaking tonight, there are thousands of military families who are about the American fabric across the land. We already know that some of them are barely making ends meet. Some of them are on food stamps.

But just this past weekend we sent 140 more of those from my congressional district out of Ellington Field. Some have been redeployed before. Some are on their first, second, third redeployment.

If you speak to our Armed Services Committee, they will tell you that we have depleted most of the back-up of our military prowess. The battalions that were in Kuwait are not one, two, three and four. They are down to maybe one battalion, if you will, that is in reserve. And so we have a crisis not only that is impacting the direction of the Iraq war, but the overextending of our military.

The 20,000, 15- to 20,000 injured, who are physically maimed and mentally maimed; resources in the Department of Defense appropriations, not enough to cover the mental health needs of these individuals, and as well, the silence of their injury, not being seen by the American people, and the cost that will be put upon society without, I believe, any direction in any harvesting of dollars that will help these military personnel.

The very crux of where we are today in Iraq has a lot to do with some of the misdirection, the political misdirection of our soldiers. They won the war, but yet they were expected to be policemen. They are expected to be political officers, if you will; they are expected to build infrastructure with no guidance. And so out of that frustration comes Haditha. Out of that frustration comes the brutal murder of a young woman and her family, because you are talking about redeploying soldiers once, but then two, three, four, times.

I met a soldier in the airport, and they said, four times I have been redeployed.

□ 2210

So as I look at the crisis in Israel and Lebanon and now to the other side of us, North Korea, frankly, any talk about attacking Iran begs the question of whether or not we have the kind of military resources to even engage in that kind of conversation.

I think we failed in Iraq because we did not engage. We did not first develop a political and foreign policy that could engage the region. Not Saddam Hussein. We know he was a despot. But the region, to ask for our allies' support, to ensure that the inspections had gone forward.

And now with Israel our hands are tied. We know that we want to ensure that soldiers are sent back to their sovereign country. Israel has a right to defend herself. But we also realize that the United States has to show a balanced perspective, calling for a ceasefire, sending an envoy team of high-level reporting directly to the President, and engaging in foreign policy that says we realize that the region is important. A secure and safe Israel, a two-state response to the Palestinian issue, but the region is important.

And when we went into Iraq, we said to the region you are not important. We can be an aggressor. We can go in and attack. We thought we could go in without any fallback, with impunity. And now we see that our generals are now disagreeing with us, that our allies in the Arab states are now falling away from us, that the crisis is at such a level that our credibility is so shattered that when the region needs us most, which is now, there is a question of whether or not we have the kind of leadership and credibility going in. This is what Iraq has brought to us and the American people.

I commend my colleagues for organizing this special order to discuss the conduct and costs of the war in Iraq. I look forward to engaging in dialogue with my colleagues about the most important issue facing the country today and the most fateful and ill-considered decision of this Administration.

I. THE BUSH IRAQ POLICY HAS HARMED THE U.S. MILITARY

A few weeks ago we learned the sad news that the 2,500th soldier has been killed in Iraq. More than 19,000 others have been wounded. The Bush administration's open-ended commitment of U.S. troops to Iraq has weakened the U.S. Army, the National Guard, and the Army Reserves. The extended deployments in Iraq have eroded U.S. ground forces and overall military strength. A Pentagon-commissioned study concluded that the Army cannot maintain its current pace of operations in Iraq without doing permanent damage to the quality of the force. So more than three years of a continuous deployment of U.S. troops to Iraq has:

Contributed to serious problems with recruitment, with the U.S. Army missing its recruitment targets last year;

Forced the Army to lower its standards for military recruits; and

Led to military equipment shortages that hamper the ability of U.S. ground forces to do their job in Iraq and around the world.

II. THE IRAQ WAR HAS BEEN MISMANAGED AND THE RESULTS HAVE BEEN DISASTROUS

Quotes from the retired generals calling for the ouster of Defense Secretary Donald H. Rumsfeld:

> We went to war with a flawed plan that didn't account for the hard work to build the peace after we took down the regime. We also served under a secretary of defense who didn't understand leadership, who was abusive, who was arrogant, who didn't build a strong team.—Retired Army Maj. Gen. John Batiste.
>
> My sincere view is that the commitment of our forces to this fight was done with a casualness and swagger that are the special province of those who have never had to execute these missions—or bury the results.—Retired Marine Lt. Gen. Gregory Newbold.
>
> They only need the military advice when it satisfies their agenda. I think that's a mistake, and that's why I think he should resign.—Retired Army Maj. Gen. John Riggs.
>
> We grow up in a culture where accountability, learning to accept responsibility, admitting mistakes and learning from them was critical to us. When we don't see that happening it worries us. Poor military judgment has been used throughout this mission.—Retired Marine Gen. Anthony Zinni, former chief of U.S. Central Command.
>
> I really believe that we need a new secretary of defense because Secretary Rumsfeld carries way too much baggage with him. . . . I think we need senior military leaders who understand the principles of war and apply them ruthlessly, and when the time comes, they need to call it like it is.—Retired Army Maj. Gen. Charles Swannack.
>
> He has shown himself incompetent strategically, operationally and tactically, and is far more than anyone responsible for what has happened to our important mission in Iraq. . . . Mr. Rumsfeld must step down.—Retired Army Maj. Gen. Paul Eaton.

III. WAR IN IRAQ HAS DIVERTED RESOURCES AND ATTENTION FROM OTHER FRONTS IN THE FIGHT AGAINST GLOBAL TERRORIST NETWORKS

The killing of Abu Musab Al-Zarqawi was a major success for U.S. troops, but it is not likely to diminish Iraq's insurgency. Iraqis make up 90 percent of Iraq's insurgency, unlike foreign fighters like Zarqawi, and a primary motivation for Iraq's insurgency is the U.S. troop presence. Even after the Samarra shrine attack in February threatened to push Iraq into all-out sectarian civil war, the vast majority of attacks still target U.S. forces.

Outside of Iraq, the Bush administration has failed to present a realistic strategy for countering the threat posed by the global terror networks. In a recent survey of more than 100 of America's leading foreign policy experts conducted by Foreign Policy magazine and the Center for American Progress, eight in 10 (84 percent) do not think that the United States is winning the war on terror. The War in Iraq has not helped America win the broader fight against global terrorists. Instead:

By invading Iraq without a realistic plan to stabilize the country, the Bush administration created a new terrorist haven where none had previously existed.

By maintaining an open-ended military presence in Iraq, the Bush administration is presenting U.S. terrorist enemies with a recruitment tool and rallying cry for organizing attacks against the U.S. and its allies.

According to the National Counter-Terrorism Center, the number of large-scale terrorist attacks in Iraq increased by over 100 between 2004 and 2005, with a total 8,299 civilians killed in 2005.

Osama bin Laden remains at large and Al Qaeda offshoots proliferate.

By diverting resources and attention from Afghanistan to an unnecessary war of choice in Iraq in 2003, the Bush administration has left Afghanistan exposed to a resurgence of the Taliban and Al Qaeda. The United States needs to complete the mission in Afghanistan and cannot do it with so many troops bogged down in Iraq.

By focusing so many U.S. resources on Iraq, the Bush administration has taken its eye off the ball in places like Somalia, which was overrun by Islamist militias tied to Al Qaeda last week.

IV. THE WAR IN IRAQ HAS INCREASED THE BURDEN ON U.S. TAXPAYERS WITHOUT STABILIZING IRAQ OR MAKING AMERICANS SAFER

Over the last three years, the United States has spent more than $300 billion in Iraq, yet the investment has failed to stabilize Iraq or improve the overall quality of life for most Iraqis. According to the Congressional Research Service, total assistance to Iraq thus far is roughly equivalent to total assistance, adjusted for inflation, provided to Germany—and almost double that provided to Japan from 1946 to 1952. Yet on key metrics like oil production, Iraq has failed to advance beyond pre-war levels, and quality of life indicators remain dismal:

Oil production is below pre-war levels (2.6 million barrels per day in 2003 vs. 2.1 million barrels per day in May 2006);

The majority of water sector projects and health care clinics planned in 2003 remain not completed, despite spending hundreds of millions of dollars;

One in three Iraqi children is malnourished and underweight, according to the United Nations Children's Fund.

Rather than a record of progress and achievement, the Bush administration's record is one of corruption and waste:

Remaining unaccounted for is $8.8 billion given to Iraqi ministries by the Coalition Provisional Authority (CPA), according to the Congressional Research Service;

Iraqi Defense Ministry officials spent $1 billion on questionable arms purchases;

The Interior Ministry has at least 1,100 ghost employees, costing $1.3 million a month.

In short, we have no strategy, no support from allies or friends in the region, a nascent civil war in the country we are supposed to be helping, an overstretched military, a misdirected counterterrorism effort, and a massive diversion of funds in support of a failed effort.

V. MULTIPLE DEPLOYMENTS HURT MORALE AND FAMILIES—MULTIPLE DEPLOYMENTS TAKING TOLL ON MILITARY FAMILIES, ANSWERS QUESTIONS OF HOW TO HELP FAMILIES OF DEPLOYED SERVICE MEMBERS

Military families need greater psychological, emotional, and organizational assistance according to the results of a new survey released March 28 of this year by the National Military Family Association (NMFA).

The study, "Cycles of Deployment Report," which focused on the needs of military families, shows service members and military families are experiencing increased levels of anxiety, fatigue, and stress. In response, NMFA outlined recommendations for meeting these challenges amid multiple and extended deployments, increased rates at which service members are called upon for service, and the heavy reliance on National Guard and Reserve forces.

This report clearly shows the range of support programs for families has expanded since the start of the War on Terror. However, multiple deployments and a high operations tempo mean different types of support are needed for families' continued success before, during, and after deployment. The survey results provide the Department of Defense a detailed roadmap for making sure families are taken care of during this important time.

Key findings from this study about the impact of deployment includes:

Almost half of respondents reported they have used or would use counseling services such as anger management classes and family counseling. Three quarters of those who stated they were better able to deal with subsequent deployments found counseling services to be helpful.

Two-thirds of military families surveyed did not have contact with their unit or unit network volunteer during the critical pre-deployment stage.

Less than one-half reported a consistent level of family support through the pre-deployment, deployment, and post-deployment phases. Seventeen percent reported no support was available.

Many respondents are concerned that volunteers who help families adjust to life during deployment and what to expect after the reunion are becoming fatigued and subject to "burn-out." They stated that the leaders of unit family groups should be paid or have paid professional support personnel assigned.

Military family members with civilian jobs face pressure to avoid taking time off before, during, or after deployment. Sixty percent of military spouses are employed outside the home and many have either quit their jobs or are considering it.

Military families are worried about how the reunion will go with their deployed family member even as they are worrying about their servicemember's safety in the field. Unfortunately, many families are not taking advantage of specific return and reunion briefings and activities.

Many respondents expressed that when entering a second or third deployment, they carry unresolved anxieties and expectations from the last deployment(s). While they may have gained knowledge of resources available to them, respondents whose servicemember deployed multiple times reported being more fatigued and increasingly concerned about their family relationships.

Although challenged by the demands of deployment, families noted they are proud of their servicemember and their service to our country. They understand that family support is primarily their personal responsibility, but they expect "The Military" to provide support as well.

VI. RECOMMENDATIONS TO DEAL WITH STRESS OF MULTIPLE DEPLOYMENTS

The National Military Families Association has developed a series of recommendations for how the Department of Defense (DoD) can better train and support military staff and civilian volunteers to assist military families, including:

Expand program and information outreach. Create formats for families to access support services and maintain touch with their commands and unit family group that live too far from either the unit or from other military families.

Assist families in developing in realistic expectations and then meet them. Educate military families about what to expect before, during, and after deployments.

Direct more resources to support family volunteers. Increase the level of resources and paid professionals both counselors and administrative, to support the logistics of family support and conducting family readiness activities.

Address return and reunion challenges throughout the deployment cycle. Help with the reintegration of a sevicemember with the family after deployment.

Recognize that family time is important. Encourage service leaders to give family time a higher priority when planning operational activities, especially for servicemembers who have only been back from deployment for a few months.

Continue deployment briefings throughout the year. Never assume families have all the information they need. Ongoing deployment briefings can especially help new spouses or the parents of new recruits. Experienced family members also may find new challenges during a subsequent deployment or find the accumulated stress from multiple deployments creates the need for re-engagement with the family readiness/support group or for accessing different support personnel.

VII. IMPACT OF DEPLOYMENT OF NATIONAL GUARD

In addition, Madam Speaker, the large and extended deployment of National Guard units overseas has undermined the ability of the United States to deal with terrorist attacks or natural disasters. For example, State officials in Louisiana and Mississippi struggle to overcome the absence of National Guard members from their States in the wake of Hurricane Katrina. In Louisiana, about 100 of the National Guard's high-water vehicles remain abroad—even as the State continues to rebuild from Hurricane Katrina. Coastal North Carolina is missing nearly half its Humvee fleet, and Guard officials there say shortages have forced the State to pool equipment from different units into one pot of hurricane supplies.

In addition, the equipment the Guard needs to help in the aftermath of natural disasters like Hurricane Katrina is in shorter supply because the gear is in use in combat zones, is battle-damaged, or has been loaned to cover gaps in other units.

CONCLUSION

Madam Speaker, our troops in Iraq have never faltered and they have never failed. They were never defeated in battle. They won the war they were sent to fight. They completed their mission. They performed magnificently.

They have earned the right to return home and be reunited with their families and loved ones. Now is not the time for us in Congress to falter or fail. Now is the time to embrace a plan for our troops in Iraq that offers a chance of success. We need a plan that will work. There is only one such plan. It is the Murtha Plan I support.

Mr. LARSON of Connecticut. Madam Speaker, I thank the gentlewoman for joining us again and again pointing out that she, like so many of us, has said good-bye to troops, mainly to Reservists and members of the National Guard who have been deployed and redeployed, and our hearts go out to their families and, as we have at the outset at the end of every one of these Iraq Watches, spoke about the difference between the warriors and the war, and we continue to salute them. And I thank the gentlewoman from Texas.

We only have a few more minutes, and I want the gentleman from Massachusetts and the gentlewoman from California to have the opportunity to close. But I do want to thank the Members for coming down here from New York and Maryland, Texas, California, and Massachusetts and say to the American people that we come here out of love of country. It is because of love of country and because we are more often than not denied a voice on this floor, not only denied a voice on this floor but in the committees, where oversight and review is so important.

Why is that so, you might ask? It is so, unfortunately, because this is a one-party town where our erstwhile colleagues on the other side are in control of the House of Representatives, the Senate, and the executive branch of government. And they are able to shut off debate and stifle this side of the aisle even from coming forward with alternative resolutions on matters so important.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 42. An act to ensure that the right of an individual to display the flag of the United States on residential property not be abridged.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5441. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5441) "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GREGG, Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. SHELBY, Mr. CRAIG, Mr. BENNETT, Mr. ALLARD, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. REID, and Mrs. FEINSTEIN, to be the conferees on the part of the Senate.

SPREADING FREEDOM AND DEMOCRACY THROUGHOUT THE WORLD

The SPEAKER pro tempore (Mrs. SCHMIDT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for half the remaining time until midnight.

Mr. KING of Iowa. Madam Speaker, I appreciate the privilege of being recognized here in the United States House of Representatives. And I came to the floor to talk about a number of things that I am convinced are of importance to Americans.

And as I sat through this discussion over the last 45 minutes or so that I have tuned an ear to this, I cannot help but move into some of my disagreements with the remarks that were made by some of my esteemed colleagues on the other side of the aisle.

And I want to state first that I appreciate the tone of their remarks tonight. Sometimes they are not so tolerant, they are not so patient, and the tone gets a little more intense than it was. It does not change my disagreement. I just appreciate the approach that they bring in our disagreement. And that is what we are supposed to do here. We are supposed to air our differences, Madam Speaker, and lay those things out, and the American people tune in on what we do, and they weigh in with each of us, and we draw our conclusions based upon our convictions plus the input that comes from all over this country.

So I would first say that the statement was made consistently that we invaded Iraq totally on false premises. And, first, I would remind the body of resolution 1441, the last United Nations resolution that finally was the last straw. There were a number of other resolutions that Saddam Hussein violated. And we know that it was not our responsibility to prove that he did not have weapons of mass destruction. It was his responsibility to comply with the United Nations, to comply with the weapons inspectors. He did not do that.

The war that took place in 1991, Desert Storm, that war was never over because it was not completed because Saddam did not comply with the conditions of the cease-fire.

So the resolutions came before the United Nations. Resolution 1441 was the last-straw resolution, and that was supported by, of course, all members of the Security Council, and it passed the United Nations. Someone needed to enforce the resolution if the United Nations was to have any teeth in anything that they did. If there was to be peace in the Middle East, someone had to enforce that resolution. And if we were going to keep Saddam Hussein out of his neighbors' territory, like Kuwait that he went into that began this in the first place, someone had to enforce the resolution.

So the second generation of Bushes stepped forward and built a magnificent coalition, a coalition of more than 30 countries, a coalition of the willing that went in and liberated Iraq beginning in March of 2003 and crossed that country with armored columns into Baghdad, the largest city ever in the history of the world to be liberated and occupied by a foreign power. That happened in a matter of weeks, Madam Speaker. It was a magnificent military accomplishment. And it was done with fewer troops than the first time, I agree.

But as I listened too, I will not call it the dissent on this side because certainly we have not read the majority opinion. I hear from this general, he disagreed with the number of troops, and this general thought that we could not probably keep the Iraqis on our side, and this one thought there was going to be a civil war, and some of the people in the CIA disagreed, and a GAO analysis tells us that we really should not be there.

Who are these people, Madam Speaker? Who are they to be directing our foreign policy? Are these elected individuals that are the voices of the people? Are they the Commander in Chief? Do they speak for the Commander in Chief, Madam Speaker? What business do they have weighing in? Is their voice in the wilderness of any more volume or any more credibility than the next person on the street, the next person that might be your neighbor? Do they have any more credibility than the elected Members of the United States House of Representatives or the United States Senate?

My answer to that is no. Some of them were involved in foreign policy. Some of them were involved in military policy. I will grant that. I heard three generals that were named. I think I could probably come up with six to nine generals that disagree with the President's policy. But if it is nine generals, I will see your nine generals and I will raise you 9,000 generals who do not disagree with the President's policy and have not disagreed with the President's policy.

And I would like to lay this out for the mission that it is. There is a Bush doctrine, and this Bush doctrine was finally recognized by the national news media when on the west portico of this Capitol building, President Bush gave his second inaugural address, and in that second inaugural address, he laid out his vision.

Now, it was laid out prior to that. It was laid out at least in his State of the Union address January 28, 2003. It was laid out in his defense strategy for the United States of America, which came out in the previous September, 2002. And he made it clear that his vision was to promote freedom, to promote liberty, especially in these countries that fostered and bred terrorists. It was a clear policy established. "The Nationality Security Strategy of the United States" was the name of the document published in September of 2002. Very consistent with the President's speeches. Freedom beats in the heart of every person. All people yearn to breathe free. Free people do not go to war against other free people.

And I have often, on the floor of the House of Representatives, Madam Speaker, talked about the similarities and the corollaries between the end of the Cold War and how we can get to the end of this global war on terror. And I point out that November 9, 1989, the Berlin Wall came down. It came down from the force of a people that wanted to be free. They yearned to get out of that trap that they were in.

□ 2220

They yearned to reach across to their fellow man, their neighbors, their family members that were divided by that wall down through the middle of Berlin. But it was the yearning for freedom that made the difference.

When they climbed up on top of that wall, they took hammers and chisels and chipped the stone out and the concrete out, and when they broke bottles of champagne on there and climbed up on top and danced and sang and celebrated, it was a glorious day.

Much of the world missed the point. Much of the world, and I remember watching the network news media at the time, much of the world was talking about how families were being reunited, how important it was that we saw this joy of the reunification of families that had divided since after World War II.

As I sat and watched that, it occurred to me that when the Berlin Wall came down, the Iron Curtain came crashing down with it. The Cold War, the beginning of the end of the Cold War was over. In fact, it was over on that day. It took a little while to clean up the mess, but what happened when that wall was breached by people that yearned for freedom was the echo of freedom. Once they got past that wall, once they got through the Brandenburg Gate, it echoed across Eastern Europe. It echoed across Eastern Europe with a crescendo. And it was almost a blood-free revolution. For practical purposes, it was virtually blood-free.

As country after country yearned for freedom, Romania and Poland and Czechoslovakia, country after country, the Soviet Union collapsed, Madam Speaker and they had a measure of freedom far greater than they had ever seen before, and they still have a measure of freedom greater than they had seen prior to the end of the Cold War.

Hundreds of millions of people breathe free today because the Berlin Wall came down, because Ronald Reagan's vision, "Mr. Gorbachev, tear down this wall." When that happened, when that vision was realized and freedom echoed across Eastern Europe and hundreds of millions of people became free, they stood in the square in Prague and rattled their keys together by the tens of thousands and came to power and later had their velvet revolution and separated those two countries without blood, and they live compatibly today as two separate countries, the Czech Republic and Slovakia.

Those things happened in the blink of a historical eye, and it was a historical miracle. But that miracle that we look back on now from a period of 15 years or so, 17 years, that miracle that took place was the kind of miracle that can be emulated again.

The second George Bush, Bush 43, came to power, and this Nation was attacked. And when this Nation was attacked, it was clear that we had an enemy that was determined to annihilate us. They attack our value system, they attack our culture, they attack Western Civilization itself. And they believe that their path to salvation is in killing people who are not like them. In fact, they kill more Muslims than they do Christians or Jews, it is just that Jews are their preferred targets, Christians are their second preferred targets, but they will kill whatever target is in front of them if they think they can sow some kind of discontent that might breakdown social order, and if the social order gets broke down, then they think they can somehow emerge into power.

So this is how this thing unfolded from 1989 quickly until today. The Bush doctrine is the vision of freedom echoing across the Arab world the way it echoed across Eastern Europe after the Berlin Wall came down in 1989.

Now, I direct the attention of the Speaker and the public to the vision of what the world looks like today What has changed in the world since September 11, 2001? How much different is the map of the world today?

If we would paint that map with freedom, you can go to Afghanistan. When we made a decision to go into Afghanistan, people on that side of the aisle said it will be another Vietnam, it will be another quagmire. No nation has ever been able to go into Afghanistan and invade, occupy, liberate, be able to operate in that foreign country in an effective fashion. Everybody has been defeated, everybody has been run out. The British have lost, the Russians have lost. You can go back through history and no one has succeeded in Afghanistan.

Yet a month, actually less than a month after September 11, we had operations beginning in Afghanistan. And just a few months later, the Northern Alliance, coupled with coalition forces, routed the Taliban, surrounded and destroyed many al Qaeda and liberated Afghanistan.

There is a proud National Guard unit from my district that was on the ground in Afghanistan that protected the voting locations, the voting booths and the routes to them, and some of the areas other troops from our coalition forces protected in the rest of the areas, and on that date and that location, the people in Afghanistan went to the polls for the first time in all of history and cast their ballots for a free government and they ratified a Constitution that now directs a free people, and Afghanistan is an up-and-running free country.

This up-and-running free country has its problems, yes. And now that there has been an acceleration in the violence that has taken place in Afghanistan, the people who were afraid to criticize over these last 3 to 4 years or more are now starting to criticize again.

The level of their criticism goes up in direct proportion to the number of casualties that go up in Afghanistan. And it is the same in Iraq. You could index it. If you could listen to the decibels from the other side of the aisle, the decibels of criticism of our Commander-in-Chief, undermining our efforts to free the rest of the world and free this burden of terror off the American people, if you could measure the decibels of objection from your side, you could index that directly to the number of casualties of American and coalition troops, because it is political opportunism that raises the objections.

When the casualties go down, the objections go down, because the credibility diminishes. The casualties go up, the critics get up here, come to the floor and unload more and more. And when they do that, they are undermining our military who are on the line.

But some of these other points that were made. Interesting things. Why does it matter if people like us in the first place? I would ask that question. There is much concern about the rest of the world doesn't like us. We need to do something so people can like us again.

I recall going to the Greenbriar on a weekend that would have been the latter part of February in 2003. We had a bipartisan retreat where we got to know each other. We had breakout sessions and we brought in experts, especially from around the Middle East.

There was an entire handful of experts that had lived in the Middle East and knew the culture and history and had a sense of how they could explain to us what was going on. We hadn't studied the Middle Eastern culture very much as a nation. We know a lot more about it today.

But as these experts sat around and they started up the discussions and we had these sessions, and I didn't know the other colleagues very well. I had only sworn into this job a month earlier. So I spent a lot of time listening. It was important for me to learn what my colleagues didn't know and also to find out what they knew that they could impart to me. But I wanted to make sure that when I shared my viewpoint, that it was going into a place where there was a knowledge void so we could help fill that up. I hope they are doing the same thing with me. That is one of the ways things work.

The author and journalist Tom Friedman gave an address to start that weekend out, and that set the tone for the whole weekend. The question was, well, they don't like us very well, and they are not going to like us any better when we get done with them. If we go into Iraq, and hadn't gone in at that point, if we go in, they are going to start to hate us even more.

So we sat around and spent the weekend agonizing about how to make people like us. Well, how in the world can you decide to go make people like you when they just got finished bombing us, flying four airplanes into America, killing 3,000 Americans and believing that the 19 hijackers that were on those planes are now off in the next life with their 72 virgins each.

That is their belief system. And we are worried about people like that liking us? I will submit that you can't worry about that. You can't negotiate with people like that. The only thing you can do is stall them off with fear or take them out with force. Those are our alternatives.

A statement was made over here tonight, Madam Speaker, that we are in the middle of a civil war and we are being asked to protect the Sunnis from the Shiites. The middle of a civil war. There was a revolution that was introduced here that declared we are in a civil war. The junior Senator from Iowa introduced a resolution in the Senate that declared we are in the middle of a civil war in Iraq. The middle of a civil war.

They have declared that now, oh, since, 3, 4, 5 months ago. I haven't noticed that there has been an acceleration in the Iraqi-on-Iraqi violence in the 3 to 4 to 5 months since they began to talk us about being in a civil war.

Wishing it were so does not make it true. I can define "civil war" so the American public can identify this easily. We go back and look at our own Civil War. That was when brother was fighting against brother. Yes, it was North against South, but sometimes they lined up on opposite sides of the line and they shot at each other, and sometimes brother shot at brother, and I imagine that occasionally brothers actually killed brothers.

☐ 2230

Friends that went to the military academy met on the line. I am thinking about General Armistead, and I believe it was General Reynolds on the line at the corner and the angle, at the battle of Gettysburg, facing each other, unit to unit. That was the Civil War. Half of the people in the military, or a number approaching that, took off their blue coats and put on grey coats, and they went to war against each other. They chose up sides and went to war against each other, Madam Speaker

If there is going to be a civil war in Iraq, it will be when the Iraqis who are in uniform today, 257,000 strong, trained, in action, defending the security of that nation, all wearing the same uniform, some Kurds, some Shiias, some Sunnis all mixed up in their different units.

Unlike the local police that more reflect the ethnicity and the religion of their locality, the military is mixed up with about an even mix and unit by unit of Kurds, Shiias and Sunnis. I ask them, when I go over there, what is most important, the fact that you are a Shiia, the fact that you are a Sunni, the fact that you are a Kurd, or the fact that you are an Iraqi?

And they have always answered, Madam Speaker, it is the fact that I am an Iraqi. And these Iraqis, 257,000 strong, defending Iraqis from terrorists who are within their midst, in ever-reducing numbers and ever-reducing resources are standing together shoulder to shoulder, fighting together.

They are not fighting each other. They are fighting together against the terrorists in their midst. This is not a civil war. A civil war would be when the Iraqis that are in uniform defending Iraqis, 257,000 strong, choose up sides and start to shoot at each other. That is not happening. It has not happened. And if it begins to happen, that does not mean that they are certainly in a civil war, but that would be an indicator to start watching pretty close, Madam Speaker.

So also the argument from the gentleman from Massachusetts, we cannot secure Afghanistan with less than 150,000 more troops than we have, quoting some expert, well, I think the experts that the President has employed in both Afghanistan and Iraq have done pretty well.

In fact, it was essentially the same people that planned Afghanistan, that planned Iraq. They had the right number of troops in Afghanistan. They said it could not be done, but it was done. And it is a magnificent success. The troops that they sent into Iraq were absolutely adequate for the job of liberating Iraq.

Now, the circumstances that follow afterwards apparently are not bad enough for the people on the other side to say, well, I thought you should have had 500,000 troops there, but now I think you ought to have no troops there. And how can you say that we should have more but yet we should not have any? There is not a consensus on the other side of the aisle. I believe we need to follow our Commander in Chief.

The other statement, we do not have an exit strategy in Iraq.

Mr. DELAHUNT. Madam Speaker, will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Madam Speaker, I was sitting in the Cloakroom, and I heard my good friend and colleague from Iowa refer to the gentleman from Massachusetts. And I just wanted to clarify for him it was not I that said to stabilize Afghanistan what is needed is 150,000 more troops; that was the defense minister of Afghanistan.

Mr. KING of Iowa. Reclaiming my time. Madam Speaker, I did refer to him as some expert, because I did not pick out how you defined that. But I did attribute it to an expert.

Mr. DELAHUNT. If you continue to yield for just a moment, I do not want to interfere with the gentleman's hour.

But I would suggest to my dear friend that the defense minister of the country in question, Afghanistan, should be considered the ultimate expert. And, again, my good friend earlier indicated that there were Members on this side of the aisle that were reluctant, or were critical before we went into Afghanistan.

Again, with all due respect, I would suggest that the vote in this institution was something along the lines of 430–1. So that that particular authorization received unanimous support. And I dare say it was a good decision and a right decision.

The problems that I and I know some of my colleagues on this side, as well as some of your colleagues on the other side, have is that we left there too early and that is why the expert in this case, who is the defense minister of Afghanistan, said that for the country to be stabilized so that democracy, which we both, I think we all want to see for the Afghanistan people can really take hold, five times the security forces that exist today are necessary.

Mr. KING of Iowa. Reclaiming my time. I pose the question to the gentleman from Massachusetts, and that is, Are you advocating that we send 150,000 troops to Afghanistan? I yield.

Mr. DELAHUNT. No. What I am suggesting is that we should participate in training Afghans to meet those particular numbers, because we had set a benchmark of some 70,000. And that benchmark has been revised downward, downward from 70,000 to under 50,000.

And the defense minister in Afghanistan says we need more resources. In fact, I am sure the gentleman is aware of this, but President Bush just recently said that he would take under consideration, Madam Speaker, doubling the $2 billion that were appropriated so that more training could be provided. My problem is we should have done it 4 or 5 years ago.

Mr. KING of Iowa. Reclaiming my time. I do appreciate the gentleman's sentiment on this. I know that you are right on the vote. I am confident that I can go back through the CONGRESSIONAL RECORD and pick out the rhetoric that supports my remarks.

But I guess it is a balance that there was one vote against the resolution. I do recognize the gentleman's point. I look forward to bringing all of the resources necessary to protect America in the future anywhere we have to in the world.

I thank the gentleman from Massachusetts. Picking up on my next point, it is that the statement made here on the floor that we are not winning the war on terror, "the rest of the world believes we are losing the war on terror."

I do not believe that is true at all. In fact, who would want to trade places with the other side? How would you like to try to conduct or construct an optimistic scenario if you were, say, Zarqawi before he was sent to the next life by the United States Air Force?

How would you put together a scenario by which you could possibly win? I would point out that listening to one of our experts, one who is actually under the command of our Commander in Chief, General Casey, who said the last time I was over there, he said the enemy cannot win if the politicians stay in the fight. That is what I am about, Madam Speaker, is seeing to it that the politicians stay in the fight.

Our solders and marines deserve it. They deserve everything we have to support them. When they approach me in Iraq and say to me, I am proud to put my life on the line and commit a year out of my life to defend freedom and give the Iraqi people a chance at freedom, but why do I have to fight the United States news media too, why do I have to fight the anti-war detractors, my answer to them has been, you should not have to do that. That is my job. And it is a job of all of us, to stand up together.

But also the criticism that we do not have an exit strategy in Iraq. That is not a criticism that sets on very solid ground from my perspective. I support the President in that. You cannot give people a date that you are going to pull out. And so I would submit to the other side of the aisle that has found some experts to support the position that they are advocating, they should listen to an expert that I would think that they should support, and that would be the expert called former President Bill Clinton, who said, and agreed with President Bush, that we cannot give the enemy an exit date or they will just simply go underground.

He said, you cannot give them a date. Bill Clinton, 2 days ago supporting President Bush and his position not to telegraph when we might be ready to deploy out of Iraq. And so the selective process is going on, pick the people that support your position and then declare them to be experts. And I generally stand with my position. But, let's see. The people who got it right were ignored; the people who got it wrong were rewarded.

□ 2240

I think it is a bit early to declare such a thing. I think historians will make that decision. I think the advisers that got us into Afghanistan successfully and successfully have managed the liberation of Afghanistan got it right.

I think the same advisers were there to put together the strategy for Iraq, and given the military operations that are there, the liberation of Iraq, they got it right. To maintain the safety and security in that country has been difficult, but the strategy, there is not a consistent viewpoint here, to get Americans out is what we hear from people like Mr. MURTHA, because they are targets of the enemy.

If we pull out to the horizon, which we found out, I thought the horizon might be over there where the sun sets or where the sunrise is or up on the hill, the other side of the hill, just some place out of sight would be the horizon. We found out a month ago their horizon is really Okinawa. He said let us redeploy our troops to Okinawa, then if things get bad, we can go back in there.

So the Out of Iraq Caucus, I wonder how large a caucus that is, but their position doesn't have a futuristic view. What takes place in the Middle East?

I would say this: We need to be looking at the Bush doctrine, we need to be looking at when the Berlin Wall went down, and that echo of freedom that I talked about earlier, we need to be looking at the way a map of the world looks today, and a free Afghanistan, 20, 25 million people and a free Iraq; 25 million people, an Iraq that is far safer than the news media would have us believe, that cameras are trained on the IEDs before they go off, but they are not trained on the happy Iraqi playing children.

We have a new conflagration in the Middle East. We have the circumstances with Israel, an Israel that has been trading land for peace. When there is no rational reason to trade land for peace, there is no historical model of somebody trading off land and getting peace.

We could go back to the prior, to World War II, you would think the focus on that, if that history would be pretty acute, the trade-off for the Sudetenland, to Hitler, to get peace, and finally, the carving up of Poland between the Germans and the Russians, and ultimately war.

It always happens, you can never trade land for peace, and yet the Israelis pulled out of Lebanon, and I understand why. It was costly to be there, but the agreement was that Hezbollah would not be operating in southern Lebanon or in Lebanon at all.

Finally, most of the Syrian troops got out of there, not the Syrian intelligence people, but the Syrian troops. Hezbollah accelerated and built up their forces there, and they smuggled in missiles from Syria, probably from Iran to Syria and into Lebanon. Israel sits there today in a two-front war, being shot at from Gaza and being shot at from Lebanon, missiles raining down from the north, raining up from the south.

I would submit that if they had succeeded in moving the Israeli people, the Jewish people out of the West Bank, moved them up against the fence, or inside the fence, if they had succeeded in allowing an autonomous West Bank, they will be firing missiles from the West Bank as well, and the only area Israel would not be shot at from right now would be from the sea.

The sea, of course, is the place where the neighbors of Israel would like to drive all Israelis, and they don't have very long. They cannot make very many mistakes. I am glad that they have stepped up to defend themselves, and I am glad that they began operations north and in the south.

It is the right thing to do, and talk of negotiating for peace without the eradication of Hezbollah in Lebanon would be a mistake. They must go in, and they must take out Hezbollah, take them out, take out their entire ability to conduct military operations there, pacify southern Lebanon, before they can come back out of there again. It has got to happen. If it doesn't happen, there will not be peace. The missiles will continue to rain in.

The Syrians, complicit in this, sitting up there, providing military weapons; and Iranians, we believe, were down in Lebanon helping advise and helping to fire off some of the rockets that were fired, especially the one that went to the Israeli ship.

We have acts of war being conducted by Iran against Israel, and I believe acts of war being conducted against Israel by Syrians. The Israelis have to be looking to the south to Gaza, to the north to Lebanon, and over to Syria and on over to Iran.

They have got to look at their sites at four different locations. We must stand with them every step of the way. We have got to do so with a vision, with a vision of how this end game might work. We need to be thinking that the nuclear capability, the growing nuclear capability of Iran in the very belligerent hands of Ahmadinejad is far too dangerous.

We have to believe that if he had the capability to drop a nuclear warhead into Tel Aviv, this would be about the time. We have to understand that Hezbollah is conducting operations and firing missiles into Israel at the direction of Iran.

Iran has been and is providing the supplies. Iran has recruited, founded, recruited and trained Hezbollah. Hezbollah is an arm of Iran. They cannot shake the responsibility that when Hezbollah acts in an act of war against Israel, it is really an act by a surrogate of Iran.

I came to the conclusion in September of 2004 that there was a 95 percent probability that we would have to go in and take out the nuclear capability of Iran. We cannot sit and let a rogue nation have that capability, a nation that deals with, trades with, and probably is able to swap nuclear secrets with North Korea.

These two axes of evil are still out there, and they are still dangerous, and they are getting ever more bold. When we have people here in this Congress, that say we are losing this war on terror, that Iran is a winner, that Hamas is a winner, that Hezbollah is a winner, I don't know how they can be winners when they are being taken out 24 hours a day by the IDF.

But that scenario gives them hope. Members of Congress think they are winning. Then their optimism will be stronger, or they will probably lack the defeatism that we think they are getting.

So we must look at Israel, we must look at this end game with the idea that if we have to take action, then we may have to do it in a more urgent fashion than we might otherwise, because of the war that is breaking out in the Middle East, the war that is breaking out with Israel.

On that subject matter, I trust our Commander in Chief to be putting an end game in mind. I stand with him in his vision on this safety and this security and on a strategy to get to the end of this global war on terror. I would ask the American people to envision this, envision how freedom echoed across Eastern Europe in 1989.

Country after country after country became free, and today they go to the polls, and they choose their leaders. They direct their national destiny, and they join the European Union, and they join NATO, and they are good allies, and they join the coalition and our operations in Afghanistan and the coalition of our operations in Iraq.

The people who are the newest to freedom are the first to fight for the freedom of others. I stood in a military base in Basra some time back, where a British general was commanding the region down in the southern part of Iraq. In that group, that group of soldiers, if you look at the flags on their shoulders, there were British soldiers, Australians, Romanians, Polish, Danish, Netherlands, I am forgetting one or two, but that was all, just happened to be those in a group. I lined them up and took a picture. That is the true coalition forces. They are there.

Shortly after I came back from Iraq, the Australians doubled their troop involvement in Iraq. They doubled it, just simply doubled their troops. Do you think it made the news in the United States of America? Only one or two news outlets when we did a LexusNexus search, but, you know, al Jazeera picked it up. You know, al Jazeera scooped the major news media in the United States, because they were paying attention.

☐ 2250

So, Madam Speaker, we will stand with the Commander in Chief with the vision for freedom, and we will look forward to the day that the Arab world breathes free, and when that day comes, country by country, piece by piece, the people that get up in the mornings there then can turn their outlook from teaching hatred, from making bombs and trying to kill others to try to drag the rest of the world down, they can turn that focus to building their homes, building their families and their communities and their mosques or their churches, building their country into a model of prosperity instead of a model of destruction.

I think in the amount of time that I have, I am going to shift subjects, and we will talk about the security on the other side of the United States. I would point out that we have also a security concern on our southern border; and down there, that 2,000-mile long border that runs from San Diego to Brownsville, Texas, that border has, according to the Border Patrol testimony at the Immigration Subcommittee hearing, as many as 4 million people pouring across that southern border annually. That is about 11,000 people a day, 4 million people annually.

In the past year, in 2005, they stopped and turned back 1,188,000 people, most of them run through, identified, put on a bus, taken to the border and sent back through the turnstile into Mexico. The year before, there was 1,159,000. The number has been growing. It has crept up from 900,000 on up to now nearly 1.2 million. 1.2 million people caught when we are catching a fourth to a third, by most of the testimony that comes here.

But when I go down on the border and I meet with the Border Patrol officers down there, Madam Speaker, I ask them and I propose that number, are you stopping 25 percent. I found no one down there on a regular basis that told me that they stopped 25 percent of the illegal border crossings. Most of them, they gave me the number of 10 percent, and one, when I submitted the 25 percent number, actually went into hysterics and said, oh, it is not more than 3, perhaps 5, percent; 3 percent of illegal crossers and 5 percent of the illegal drugs that are coming across the border.

Now, when we talk about numbers of those size, it is hard to put it into perspective. So I would put it this way: every time an illegal comes into the United States across the Mexican border, that is an average of one every 8 seconds. In the United States, every 8 seconds, there is a baby born in America, and it might be an anchor baby and a baby born to an illegal mother. That baby will have citizenship here in the United States. I am opposed to that policy, but every time a baby is born, an illegal walks across the border into the United States. As our population grows, half of it is an illegal population.

A bull ride is 8 seconds long. For the length of a bull ride, a baby is born, and an illegal crosses a border. A cowboy rides a bull another 8 seconds, only they are not riding 24 hours a day, we are having babies and having illegals come across every day, 24 hours a day.

How many people are 11,000 daily? To measure 11,000, I would put it this way. Santa Ana's army that entered into Texas that began the great war that ended up in a free Texas and ultimately Texas, a great State in this Union, Santa Ana's army was about 6,000 strong. When they stormed the Alamo, they were 2,500 to 3,000. He had split his forces; 2,500 to 3,000 storming the Alamo, and we think that was a massive armed force, and it was. But Santa Ana gathered all his army up together and he came across the border one time and wreaked havoc across Texas; twice that number marches across that border every single day. And what does America have to say about that? Ho-hum.

Well, we can find a way. They have absorbed themselves into our society. Somebody needs somebody to do some cheap work, and so we really should not concern ourselves with this. I disagree with that, Madam Speaker. I think that a country that does not control its borders cannot very much longer declare itself to have borders, and a country without borders is not a country, a simply amorphous mass of a North American continent.

We have to have borders and we defend them, and we have to defend those borders for all the reasons that we know, but there are other reasons that most of America does not know, and that is, as we hear the President say, we cannot stop people from coming across the border that just want to come here for a better life. Well, we cannot? Of course, I think we can.

And yet, if he will concede that point, that point that we cannot stop them unless we legalize them so that they can come back and forth in some legal fashion, if that cannot be done, how in the world then does the President or anyone else propose that we can stop the force of $65 billion worth of illegal drugs coming into America? Ninety percent of the illegal drugs in America cross our southern border and that is according to the DEA. That is $65 billion worth. That is marijuana, methamphetamine, and heroin that comes in from China and gets funneled up this way. It is cocaine that comes from Colombia.

Colombians used to have a pretty lucrative trade on cocaine until the Mexican methamphetamine brought their market down; and on top of that, when September 11 came, we tightened up the security of our airports, and it is a lot harder for them to smuggle cocaine into the United States. So now they have a transportation route that comes up around the inside of the gulf, along the rail line in Mexico, a lot of it controlled by MS–13, the most brutal gang this continent has ever seen.

But you have Colombian cocaine, you have Mexican methamphetamine, you have Chinese heroin and Mexican marijuana coming into this country, totaled up value, $65 billion. Now, the force of a $7- or $8-an-hour job for someone that wants to come and pick lettuce, tomatoes or apples or whatever it might be, that is one thing. Somebody wanting to walk across the desert to pick apples, it is hard to fathom somebody that wants a better life that much, although we have to sympathize with that and solution-wise in fixing Mexico, not in draining off all of the discontent, and the poor people that are in Mexico and in the United States. But the problem is we can deal with that.

What we have not done is taken steps against the $65 billion worth of illegal drugs; and as I go down there, Madam Speaker, and I sit along that border at night and listen to the infiltration of the illegals sneaking through the brush, being unloaded out of the vehicles, picking up their packs and marching off through the brush, when it gets light and I go and look at the tracks and see where they are marching off through the desert and they are carrying a 50-pound pack of marijuana, pack trains of people, 10 or a dozen or 50 or even as high as 100 people, each with 50 pounds of marijuana on their back, marching across the desert because they cannot drive a vehicle across there in some of those locations now because we put in vehicle barriers, well, the vehicle barriers are environmentally friendly. They have let the desert antelope crawl through. And a man with 50 pounds of marijuana can throw his pack through there, crawl through, put on his pack and walk across the desert. That is what is going on.

So we need to force all traffic through the ports of entry. That is my mission. That is why I believe we need to build physical barriers to do that, Madam Speaker.

So I have designed one. I have spent my life in the construction business. We build things, design things, pour structural concrete, make it out of steel. You name it, we have done it. Mostly it is earthwork of all kinds. So I submit that on this desert floor, when I go down there, it lays pretty good for this job.

I would, Madam Speaker, dig a trench like this in the desert floor, dig a trench down through that desert floor, and I will demonstrate another thing. As that trench is dug, we pull a slip form trencher right along behind it. It will be pouring concrete right in the trench. As you move the trench, the concrete would move along like that. You come along in a couple of days when this cures, leave a slot in the middle, and start setting precast panels right up in this slot that I have. These would be already made, already cured. They would be about 10 feet wide or 13½ feet long, and they are designed to be a 12-foot high constructed height.

And we just pick them up with a crane, set them in like that. You can see how easy this is, Madam Speaker. Once you get the trench and the footing poured, it is a simple task to set the precast concrete panels right into the footing and into the slot.

Now, that builds us a 12-foot high concrete wall. I do not submit that this wall be built right on the border because I think it is important for us to be able to do surveillance on both sides of this wall.

□ 2300

I would submit that right on the border, we put up a 10-foot-high chain link fence, a chain link fence with about four barbs tipped out to the south. I would hang a sign about every quarter of a mile, in Spanish, that tells people go to this Web site or go to the U.S. consulate and here is where you apply to come into the United States legally. That would be my approach.

And then, when they cut through the fence, when they dug under the fence, when they went around it, over it, or through it, whatever they did, that would tell us that is a location where we need to beef it up.

And I would pull back 60 feet, I would put this footing in, and I would drop this concrete fence, and they will have demonstrated that we need it because they have violated the one that was the lighter fence that they didn't respect.

And so, we have this concrete wall. It is about 6 inches thick. It ends up 12 feet high, 10-foot-wide panels, one after another. And our little construction company could toss together about a mile a day of this once we got going. Now, we won't be bidding any project like this, but we have the capability of doing it is my point.

And certainly there would be a little bit of engineering design that would be touched up on it. But this is basically the design that I believe we would be ending up with. It costs about $1.3 million a mile.

Now we are spending $8 billion on our southern border, $8 billion. That is $4 million a mile every year, and we are paying Border Patrol people to drive back and forth on HUMVEES, to park and look at it and be a deterrent just for being there, and we are paying all the administration that it takes to support the people and, of course, their weapons and all the technology.

And I am for supporting this wall with additional technology. And it is okay with me if they want to fly drones around and let us know when people are approaching the wall. But I will tell you, they will find that this wall doesn't let them cross it.

And people will say, well, if you build a 12-foot wall, I will show you a 12-foot ladder. And that might happen, Madam Speaker. So I have a little bit of a solution for that. And that solution consists of, this is actually a little piece of solder, but just a little nice little concertina wire to put on top of this wall as a deterrent. Easily installed. And you can see that it can provide that deterrent effect.

Now, I also submit that we run a little current through this wire, and that provides also as a deterrent. Now it is up there where you would have to have a ladder to get your hands on it. But that will keep people from putting a ladder up against it. And then we will have our borders respected and protected.

And if we fail to do this, Madam Speaker, we are going to continue to see 11,000 people a day, one every 8 seconds, $65 billion worth of illegal drugs pouring across this border.

Whenever we built the fence in San Diego they went around the fence. And each time that you do that they will go around it because the money is too great, $65 billion. We have got to shut it off. And we will build this thing where they don't respect a more modest barrier, and continue to build until such time as all traffic goes through the ports of entry. And that means legal and illegal, through the ports of entry. And then we will beef up our people there. We beef up our technology there.

And if we do that we can then finally say we have control of this border. And if we enforce there, if we end birthright citizenship, and if we enforce employer sanctions, those three things will solve this issue.

And I would ask the President commit to enforcing our immigration laws, commit to controlling the border, spend the next years of your administration establishing that. And when that is done, while the next President is campaigning for the 2008 election to be sworn into office here in 2009, that campaign can be about whether or not we need guest workers in this country and how many we might need and of what skills they might come from.

But we cannot build a guest worker plan on a false foundation, a foundation of the promise of enforcement. And the only way we can ever know that we have enforcement is to actually enforce, prove it can be done. If we prove it can be done, then we will have something solid to build this guest worker plan on. But without that, we are building a guest worker plan on hypotheticals. The hypothetical will be that we will enforce the law. That has not happened. It has diminished over the last 20 years. An employer under Bill Clinton was 19 times more likely to be sanctioned for hiring illegals than under our current President. And so I am asking, let's enforce the law. Let's demonstrate that we can do it. Let's put fixtures on the border, because this $1.3 million per mile is a one-time investment that will free up other people.

As I asked in the testimony down in Laredo of the sector chief for the Border Patrol there, I said, if you have a wall like this, does it take more or less border patrol officers to protect that border? And his answer, even though it isn't the administration's position to support this, was it takes less border patrol officers to enforce this wall.

So, Madam Speaker, that is my encouragement for the President. That is my encouragement for our Commander in Chief. That is my encouragement for the American people. Stand up and support our military in the Middle East and defend this country, and we will continue to be a great Nation.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mrs. SCHMIDT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for the remaining time until midnight.

Mr. MEEK of Florida. Madam Speaker, it is an honor to address the House. And we would like to also thank the Democratic leadership for allowing us to have the time.

As you know, the 30-something Working Group, we come to the floor daily to share not only with the Members of the House, but also the American people, about plans we have that is in holding or in waiting, not because of the fact that we are not willing to move forth on behalf of the American people, it is because the Republican majority has decided not to govern on the side of the American people.

Mr. Speaker, I feel that this is very, very hard core for everyday Americans, because they are in waiting, not only in the area of minimum wage, but also affordable fuel prices and real solutions as relates to protecting our country and also making sure that our veterans who have allowed us to serve, who have allowed us to salute one flag, will be honored in the area of health care and other areas that we have promised them.

Mr. Speaker, I am going to start off my comments, and I am glad Mr. DELAHUNT is here, and I know others are on their way to the floor, to at least talk about this minimum wage conversation that we are having here on the floor of the House of Representatives. I feel that we should take action. We want to take action on this side of the aisle, Democrats united in making sure that some 6 million-plus Americans are able to get a pay increase, something that Members of Congress have enjoyed over a number of years, but everyday working Americans are not able to receive more minimum wage than what they are receiving right now. They are, right now, making $5 and some change. And I mean, it is unconscionable, Mr. Speaker, for Members of the House to be able to walk away with an increase, cost-of-living increase; meanwhile, those individuals that are punching in and punching out every day, are still making the same rate that they were making in 1997. It would be an uproar here in this House if Members of Congress had not received a pay raise since 1997.

One thing that I can say here on this side of the aisle, the Democratic leadership and the Democratic Caucus has said we will not stand for an increase for Members of Congress to make more money if we are not going to raise the level of minimum wage for everyday Americans.

And so, again, Mr. Speaker, we come with third-party validators. We come with the facts to share with the American people, and we come to let the American people know, and Members on the majority side, that we have the will and the desire to lead, and we will if we have the opportunity after November.

I just wanted to share a few things because there are a lot of folks that are out there saying that they are fighting on behalf of the everyday American. So I thought I would just bring a couple of visual aids, and also some information. This is the source of the College Board 2005 as it relates to the census and what Americans are dealing with.

I want to start with this next chart here. I want to start with this chart. Minimum wage. And this is real economic change under Bush. Here you have the minimum wage, Mr. Speaker, that is at zero starting in 1997 to now. Since 1997 to now, whole milk has gone up 24 percent. Bread has gone up 25 percent. A 4-year public college education has gone up 77 percent. Health care insurance has gone up 97 percent. Meanwhile, Americans are still making $5 and change. Regular gas has gone up 136 percent, Mr. Speaker. Still no message from the Republican majority for everyday working Americans that punch in and punch out every day.

☐ 2310

Here are some other statistics: still from 1997, no increase in the minimum wage for everyday working Americans. College tuition has gone up in private institutions 40 percent. Gas prices, again, as it relates to the middle class, has gone up 47 percent and 55 percent for prescription drugs. I think it is important that we look at those.

To go further, Mr. Speaker, I think it is important that we share this. The facts are hard, but they are true. In 1998 a Member of Congress received a raise of $3,100. That was in 1998. In 1998 the minimum wage was zero. Again, in 2000 Members of Congress received a $4,600 raise. That is more money. Everyday working Americans in 2000, minimum wage, zero, thanks to the Republican majority.

I just said in 2000, Mr. DELAHUNT, Members received a pretty substantial raise. In 2001 Members of Congress received a $3,800 raise. Of course, we are not minimum-wage workers. The American people in 2001, zero. Nothing. The Republican majority said they are not going to have it. In 2002, again a $4,900, that is a lot of money, increase for Members of Congress. The American people in 2002, zero.

It pays to have a voting card in Congress. You can give yourself a raise, but the folks that elect you just have to suck it up.

Now, this is like on a roll here in Congress. In 2003, a $4,700 increase in Members of Congress' pay. The American people, guess what, zero. Nothing at all, thanks to the Republican majority. In 2004, a $3,400 raise for Members of Congress. Guess what, Members. American people, minimum wage raises, zero.

These are the facts. I challenge any Member on the Republican side, the majority, to come down and challenge me on these facts.

In 2005 it continues, a $4,000 raise. Once again, you are a Member of Congress that comes up here, who say they are representing you, it is a wonderful thing. Get a raise in 2005, $4,000. The American people, zero, Mr. Speaker.

In 2006 Members of Congress' proposed raise, $3,100, Mr. DELAHUNT. My 9-year-old son and my 11-year-old daughter can guess, the American people to this date, Mr. Speaker, zero.

Now, I want to go back to this chart because I think it is very revealing and very accurate: "I have been in this business for 25 years, and I never voted for an increase in the minimum wage and I am opposed to it, and I think that a vast majority of our conference is opposed to it." That is the leader of the Republican Congress. That is the majority leader.

Now, Mr. DELAHUNT, there are Members that come to this floor and say the Democrats are just demagoguing. There are people who come to this floor and say we are for you; they are not for leading.

I think it is important, Mr. DELAHUNT, that we come to the floor and share with the American people and the Members of Congress that we will not rest even though we are in the minority, that we are still willing to fight for them.

Now, the difference between the Republican majority and the Democratic minority, Mr. Speaker, is the fact that the majority has the power to be able to make things happen here in this House on behalf of the American people as it relates to the minimum wage, and it is fair play. I went through this list. Pay increases year after year. $4,000 here, $4,700 there, $3,100 here, and zero since 1997 on behalf of the American people who punch in and punch out every day.

Meanwhile, health care cost is up. Meanwhile, the cost of bread and milk is up. Meanwhile, gas prices are up by 136 percent. But back at the ranch and here in this House, the Members of Congress are being taken care of. The special interests are being taken care of. But guess what, the individuals who woke up early on a Tuesday morning for representation are being left behind since 1997, and there are Members on the majority side saying over their dead bodies, literally, will they receive an increase because they are so indebted, Mr. DELAHUNT, to their special interests.

So all we can fight with, Mr. Speaker, here is the fact, not fiction but fact, that we have a Republican majority that is willing to govern for the few, for those individuals who have the opportunity to come to Washington and to be able to gain access through the K Street Project and other programs that allow them to give politically and have gangs here in the House.

A former Member of this House used to boast about the fact that if they were not on the list of contributors, they couldn't come in and see them. That is a former Member of the House, and if anybody wants to challenge me on it from the majority side, I will be happy to reveal that former Member's name. I think we all know, and it was an active program in the House, and I believe there are still some elements of that program now. The fact that special interests do not want an individual making $5 and some change to receive a couple dollars' increase is very unfortunate. And, Mr. DELAHUNT, I am very concerned about that.

Let me just take 3 more minutes, Mr. DELAHUNT, and then I am going to yield to you because you have some very interesting charts over there.

Let us talk about who is getting what. In the past you have heard me read this, and I want to read it again because, when it comes down to when their constituents want to know whose side they are on, I want the Members to be armed with the facts.

I am proud that I am trying to do everything I can do on behalf of my constituents back in the 17th Congressional District in Dade and Broward County. But by their sending me to Congress and Mr. DELAHUNT to Congress, they federalized us to represent the people of the United States of America, and I think it is our obligation, Mr. Speaker, to share the facts.

Members can follow me. They can go on Washingtonpost.com. This was an article November 16, 2005, on the front page: "A White House document shows that executives from big oil companies met with Vice President DICK CHENEY's energy task force in 2001, something long suspected by environmentalists but denied as recently as" a week ago "by industry officials testifying before Congress. The document, obtained this week by The Washington Post, shows that officials from the ExxonMobil Corporation, Phillips, Shell Oil Company, and BP America Inc. met in the White House complex with the Cheney aids who were developing national energy policy, parts of which became law and parts of which are still being debated" here in the House.

This is an article. It is not from the Democratic Caucus. It is not from my office or Mr. DELAHUNT's office.

Let us see what happened. That meeting, Mr. DELAHUNT and Members, was in 2001. Here are the profit margins of big oil companies since that meeting: in 2002 I think that was a pretty good meeting to go to, $34 billion in profits, thanks to the Republican majority's passing policy that would allow oil companies to spend the taxpayers' dollars and to be able to have subsidies and make these profits. In 2003 $59 billion in profits. I think that meeting was worth going to and whoever recommended and got them into the White House complex to meet with the Cheney aides, I think they got a promotion and possibly a bonus.

□ 2320

In 2004, $84 billion oil profits up. Guess who is paying for it? The American people. In 2005, $113 billion in profits. And the numbers are not even in from 2006.

Mr. Speaker, I know that these facts have to have some Members who may be in their offices right now or sitting up in their beds feel uncomfortable. But, unfortunately, that is not happening, because it continues.

Why is this man smiling here? It is nothing against him. I don't have anything personally against oil companies. They are getting what the majority Republican Conference here in this House has allowed them to have. It is one thing for someone to say "I will support you and your political endeavors." It is another thing for you to say "I am with you all the way, even if it costs my constituents more at the pump."

Here is a man that a lot of workers wish they had such a deal. A $398 million retirement package and a $2 million tax break ala the Republican majority. An Exxon former executive.

It is almost, Mr. Speaker, unfair. Someone may say that. If I didn't have the third-party validators, the CONGRESSIONAL RECORD and votes by the majority to back up what I am saying, some folks would say that is unfair. I wouldn't even be able to walk the halls of Congress or talk to my colleagues on the Republican side if I wasn't telling the truth.

I think it is important that everyone understands, if you are a Republican, you have to have a problem with what I just presented. You have to. If you are a Democrat, you have to have a problem, the information I am sharing with you that the Republican majority is allowing to happen.

We on this side have called for an increase in the minimum wage. We on this side have called for tough legislation on price gouging. We on this side have talked about making ourselves energy independent; not investing in the Middle East, but investing in the Midwest as it relates to E-85.

So I think it is important that everyone understands when we are in the majority, if the American people see fit, we will put forth policy that will benefit all Americans. I think it is important.

If you are an independent, you have to have a problem with the fact that Members of Congress have received thousands upon thousands of dollars of raises since 1997, and still no response from the Republican majority as it relates to the minimum wage.

Mr. DELAHUNT, those are the facts for now. This book is full of facts. These books are full of action: balancing the budget, real homeland security, where local communities don't have to tax themselves because we have done away with the COPS Program. We made it difficult for local communities to be able to apply for homeland security, home front security, because, guess what, when something goes down in a city, be it small or big, it won't be the Department of Homeland Security showing up, it will be a local police department.

This is my last one here, and it is a real plan, ready to go, Mr. Speaker, on energy. Anyone can go on House Democrats.gov and get all of these plans. They just didn't come up tonight. We have been coming to this floor, and now the American people are going to have an opportunity to be not Democrats, not Republicans, not independents, but voting on behalf of this country, and to make sure that we have representation here in this House.

Mr. DELAHUNT?

Mr. DELAHUNT. Mr. MEEK, I want to commend you on that eloquent exposition of the issues that I know resonate with the American people. Could you do me a favor? Could you hold up that last book once more?

Mr. MEEK of Florida. Which one?

Mr. DELAHUNT. The last one. Hold it up, will you.

Mr. MEEK of Florida. The energy plan. Yes, sir.

Mr. DELAHUNT. Just show it. I hope that those that are watching can see the cover. Except I would expand on the title, "Energy Plan." I would add a dash, and I would add the words "A Blueprint to Win the War Against Terrorism," because therein, in that plan, lies the secret, and it shouldn't be a secret, because I think it is obvious to many of us, that if we can adopt an energy plan, no longer will we find ourselves hostage to governments and societies that disagree with our values. And that is the case now.

Six years into this administration, and gas has gone from $1.40 a gallon at the pump to now it is over $3. The Middle East is destabilizing.

But the reality is, and we spoke about this, myself and some other colleagues earlier, today we are losing the war on terror. At least that is the opinion of people, including the American people, in 34 countries out of 35 where a poll commissioned by the BBC was taken. Just recently, a bipartisan group of experts in foreign policy and national security concluded that we are losing the war on terror.

Now, in the previous hour my good friend from Iowa made the observation, why should we care whether people like us or not? Why should we care? Because, again, if you take a look other polls, and not just, by the way, in the Middle East, but on every continent, the image of the United States is poor. We are reviled. As the GAO said, anti-American sentiment is broadening and deepening. Yet my friend from Iowa says, why should we care?

I think what he meant is why should we care about those who are sympathetic to or are active participants in acts of terror against the United States, and that makes sense.

But we should care, Mr. Speaker. We should care about the rest of the world, because if we are going to have success in the war on terror, we need other people to help us. We cannot do it alone.

If I can just cite one example, Mr. MEEK, in a story just last week in the Washington Times, Secretary Rumsfeld was in Tajikistan, a Central Asian country, and while he was there he expressed concern about what is transpiring in Afghanistan. This is what he had to say, if I can just ask for your indulgence for a minute. I have to put my glasses on, Mr. MEEK. You know I have a birthday coming up.

Mr. MEEK of Florida. It is tomorrow, Mr. DELAHUNT.

Mr. DELAHUNT. I didn't want the world to know that, but you let that secret out.

The story reads, "U.S. forces invaded Afghanistan in October 2001 to oust the radical Taliban regime. Although the country now has a democratically-elected government, the Taliban has been making a comeback."

Now to quote the Secretary. This is Mr. Rumsfeld. "Western Europe ought to have an enormous interest in the success of Afghanistan, and it is going to take a lot more effort on their part for the Karzai government to be successful." He was alluding to the President of Afghanistan, Mr. Karzai.

□ 2330

But what he is saying is Western Europe has got to help us more. So what we are looking for is help from Western Europe to contribute troops, to contribute resources so that that fragile democracy in Afghanistan can survive.

So I would suggest, Mr. Speaker, that it is important what the British people think of the United States. Now, again, if you would bear with me, let me go to an article, Mr. Speaker, that appears in the New York Times dated July 3. Now, let's be really clear. This is not Pakistan, this is not Tajikistan, this is not Mexico, this is not Venezuela, this is not President Putin's Russia, this is the United Kingdom, with whom it is written we have a special relationship, Mr. Speaker.

Where we have had a relationship between our peoples that is extraordinary for decades. Now, according to this poll, it was asked whether the United States is doing a bad job in Iraq, is indifferent to what the rest of the world thinks of it, and whether it is obsessed with money.

Now, according to the pollster, in an analysis by him, this was one of the prominent British papers that commissioned the poll, it indicated that there has never been a time when America was held in such low esteem on this side of the Atlantic.

The special relationship that British leaders have long believed exists between their country and the United States may still live in Downing Street and at Camp David, but it has atrophied among the British public.

Among the responders in the new poll, Mr. MEEK, 77 percent did not see America as a beacon of hope for the world. Asked to rate President Bush as a leader, more than three-quarters described him as either pretty poor or terrible. Seventy-two percent said his foreign policy, instead of being driven by a desire to build democracy, was merely a cover for American interests.

About two-thirds of responders said that they believed that American troops were doing a bad job in trying to win the hearts and minds in Iraq. Eighty-three percent of responders said the United States does not care what the rest of the world thinks.

We should care. To answer the question that was put forth by my friend and our colleague from Iowa, the reason that we have to care is because we live in a world. If we are going to achieve our goals, we have to do them in a multi-lateral way. We need the British people to support us. We need the Irish people, we need people all over this world. We want to reach out and be that beacon of hope.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, you know it would be nice if the American people supported this administration. It would be nice if the administration had a policy that the American people could support, or that in spite of the incredible lack of support for the American people, it would be nice if the administration actually showed that that mattered to them, instead of continuing down the path of "staying the course" and doing exactly as they think is right and to heck with what anyone else in America thinks.

I mean, of course we care about our place in the world, and about the vision that we are viewed through, the lens we are viewed through. But I do not understand why the administration and why this President and this Republican leadership, our colleagues, do not seem to care or understand how the American people are viewing them.

I mean, there are a number of issues I know you have gone over tonight, the minimum wage is one of them. I have been witnessing the hearings that have been taking place around the country on border security and the argument over whether border security or an earned path to citizenship is more important.

And what I think has been extremely humorous is that the Republicans on the other side, the Members on the other side of the aisle, in the other body, adhering to the rules, Mr. Speaker, have taken to calling the McCain-Hagel. I think there is another Republican that is part of that legislation. It is two or three Republicans that are heading it up. And MARTINEZ, our own Senator from Florida.

But MCCAIN, and HAGEL and MARTINEZ are heading up that legislation. Yet now they seem to be calling it, or attempting to call it the Reid-Kennedy bill or the Reid-Kennedy bill, neither of whom are sponsors of that legislation.

So what they are trying to do is lead the American people, and if they say it enough times so that they believe it, that it is the Democrats that are taking the initiative on this immigration policy when it is clearly Republicans.

Mr. DELAHUNT. Are you aware, and again I know we are changing subjects here, but I do not know if you are aware that there has been a decline in the number of enforcement actions against employers for hiring undocumented workers.

Ms. WASSERMAN SCHULTZ. Not only am I aware of that, Mr. DELAHUNT, thank you for leading me right into that lovely chart that we have here, that graphically depicts the differences between border security and immigration under a Democratic administration versus border security under this Republican Bush administration.

Let us peruse the numbers. The Republicans have been talking a good game about how important border security truly is to them, especially our colleagues here in the House. They have been beating that drum over and over again.

Mr. DELAHUNT. If I can interrupt just once more. Of course you are aware that the Republicans have been in the majority in this chamber for 12 years.

Ms. WASSERMAN SCHULTZ. Well, I am quite aware of that, they have been well within control of this institution for 12 years.

Mr. DELAHUNT. They have controlled the White House.

Ms. WASSERMAN SCHULTZ. For 6 years.

Mr. DELAHUNT. They have controlled the United States Senate I think for 10 out of 12 years

Ms. WASSERMAN SCHULTZ. So this was entirely theirs.

Mr. DELAHUNT. I think it is important that people understand that and understand who is Washington, D.C.

Ms. WASSERMAN SCHULTZ. Entirely within their control to crack down on border security, to hire more Border Patrol agents, enforcement actions against employers who hire illegal immigrants illegally.

So let's take a look at the numbers. We use third party validators. By the way, it is a pleasure to join you here once again, my 30 Something colleagues. I apologize for not doing that initially when I began, just jumping in.

But let us look at the average number of new border patrol agents added per year under the Clinton administration from 1993 to 2000, versus the Bush administration between 2001 and 2005. Under President Clinton, 642 per year border patrol agents were added per year. And under President Bush they have added an average of 411.

Now there is some real commitment to border security. How about we look at the INS, which is now CIS. But the INS fines for immigration enforcement, that is fines against employers who hired illegal immigrants illegally and have gotten caught.

Okay. Under the Democratic administration in 1999, President Clinton was in office, there were 417 cases where INS fined employers for hiring, for getting caught hiring illegal immigrants. Guess how many there were in 2004, a year in which President Bush was in office?

□ 2340

Mr. DELAHUNT. That was the year that some started to express concern about border enforcement.

Ms. WASSERMAN SCHULTZ. Yes. That is when you started to hear the drum beginning to beat, and beat very loudly.

Mr. DELAHUNT. Can you tell us what that number is, as compared to the 417 under President Clinton?

Ms. WASSERMAN SCHULTZ. I would be glad to. We went from 417 immigration enforcement actions against employers under President Clinton to 3. Three under President Bush in 2004.

Mr. DELAHUNT. Three, one, two, three.

Ms. WASSERMAN SCHULTZ. If I tried to count to 417, the hour would end, and we wouldn't be able to say anything else. So I will move on to the next one.

How about when we are talking about immigration fraud cases? If the Republicans are so committed to border security and making sure that we crack down on illegal immigrants and prevent the people who don't belong here and who are coming here the wrong way, then you would think that there would be many, many more cases under the Republicans than the Democrats. But in 1995, a year in which we had a Democratic President, there were 6,455 cases pursued against immigration fraud.

Then you fast-forward to 2003 under the Bush administration, the Republican administration, a year in which supposedly you had an entirely Republican-controlled government, and the ability for them to actually pursue more than 6,455 cases. They pursued 1,389, a 78 percent drop.

Mr. DELAHUNT. Could I just submit a hypothesis for a minute?

You know, one of the leaders in the neoconservative movement, a Mr. Grover Norquist, coined an interesting term called shrinking government, until it practically disappears. This neoconservative ideology, I suggest, is responsible for those statistics. Because what we have done in the past 6, 8 years, is reduced government to the point when no longer are we adequately enforcing our laws as well as our border.

So what we see is a real problem that was created by this Republican majority working with a Republican President.

Did you have a chance, by any stretch, to reading the lament of the former Speaker of this House, Mr. Gingrich?

Ms. WASSERMAN SCHULTZ. I did, actually. I think we also have a graphic depiction of that. But really what this comes down to, Mr. DELAHUNT, is a clear indication of who is for immigration enforcement and border security, and who is just kidding; who is in favor of putting action behind the words, and who just speaks the words.

There is one more statistic that was more difficult to graphically depict, so I will go through this last one, which is also important, because the Bush administration has touted that in its first 5 years, it caught and returned 6 million undocumented individuals. That is actually a drop in any 5-year period under the Clinton administration.

So, you know, this is all just a lot of puffery, a whole lot of chest-pounding, which they seem to be really, really good at. But when you scratch below the surface, just a little bit, there is no depth, there is nothing there.

And, clearly, the former House Speaker, Mr. Gingrich, the warrior, arguably the architect of the so-called Republican revolution, he has had a few things to say, as we talked about our 30-something hours on this. As recently as July 14th, which was 4 days ago, this was him commenting on the broken system in Washington.

He said, Congress really has to think about how fundamentally wrong the current system is.

When facing crises at home and abroad, he said, it is important to have an informed, independent legislative branch coming to grips with this reality and not sitting around and waiting for Presidential leadership.

Clearly when it comes to border security and immigration, there hasn't been a whole lot of Presidential leadership, not when it comes to action. He has been real good at talking.

Mr. DELAHUNT. Can you tell me what his solution to the crisis that this country is now facing in terms of its democratic institutions and its relationship between a White House that has acquired incredible power and a Congress that continues to see power to the point where it has become a rubber stamp for a President that has no restraints whatsoever? What does Newt Gingrich say is that solution?

Ms. WASSERMAN SCHULTZ. That is what has been truly unbelievable. This leadership, our Republican colleagues, have just been totally willing to cede power, just give up the legislative authority that we have, and say, Mr. President, you take it, we are out.

So Mr. Gingrich had something else to say just the other day. He said the correct answer is for the American people to just start firing people.

I don't think he was talking about anything other than this fall during the elections, because they are not, they are clearly, they clearly do not have their priorities straight. They clearly only speak words and don't back them up with action. They clearly only bob their heads up and down like the bobble-head Republicans that they have been and rubber-stamp everything that the President asks them to do.

There it is right there. There is the big old Republican rubber stamp which each of them has essentially wrapped their arms around and agreed to adhere to.

Mr. DELAHUNT. Well, I would suggest that that is a remarkable statement by an individual who led the Republican Party to a majority in this House.

When he says it is time for the American people to start firing everyone, that is to me a demonstration that he recognizes that the government is not functioning as it ought to function. We are allowing this institution, this House, to wither.

Government isn't withering; it is not government, it is Congress that is allowing democracy to wither. That is dangerous.

Unless you have a Congress that stands up and says no, and serves as a true check and balance, then you have a democracy that is at risk.

Mr. MEEK of Florida. Mr. DELAHUNT, I can't help but grab this rubber stamp and help the Members realize that they are making history in all the wrong ways. This rubber-stamp Republican majority has allowed this President to have free rein, not only on everyday American workers, retirees, veterans and the American taxpayer dollars, this President rubber stamped, okayed by this Republican majority, has borrowed $1.05 trillion from foreign nations. At no other time in the history of this Republic, in 4 years or in 224 years, has that amount of money been borrowed.

The Republican rubber-stamp Congress has allowed that to happen.

Now we have OPEC countries, Japan, China, Korea, Caribbean, Germany, you name it. They are borrowing. Canada, they are buying our debt. We are borrowing from them. The Republican majority allowed the Bush White House to get what they want as it relates to a rubber stamp.

Like I said, it is not even fair. I mean, Time magazine, freshly minted, the 17th edition, folks can either get it in the mail or buy it. I don't have any stock in Time Warner or anything.

□ 2350

This is where we are because this time right now, when the President and the 109th Congress is history making, not history making being the Congress that did so much for the American people but the Congress that allows the President of the United States to get this country in a position that it is in because the checks and balances that are in the Constitution and how we are supposed to govern and carry out oversight was not adhered to.

Here it is, Time magazine, The End of Cowboy Democracy, what Korea, Iraq and Iran teaches us about the limits of going it alone. And then you go on to page 20, and it talks about how the White House has just now realized that they have a problem.

Now, it would be okay if it was just the White House, and this is not about the President. The President is the President of the United States. He is not running again for reelection, but Members of the House have to run every 2 years, every 6 years in the Senate.

It goes on and it outlines quotes from people that were formerly in the administration, folks that are in the administration now, and they are saying now they realize that they have a problem. Well, it is not them. It is the United States of America. You heard Mr. DELAHUNT talking about the people in the U.K. Guess what, the people in the U.K. have bought $223.2 billion of our debt. This is what they think about us. Leave alone that. Ms. WASSERMAN SCHULTZ talked about what the American people think about us.

So the alternative, in my opinion, is that we have plans on this side that is being not only demagogued by the Republican majority but not even allowed to come to the floor. HouseDemocrats.gov, okay, energizing America, farmers fueling our energy independence. Here is a little short piece on it, bigger plan.

Real Security, on the Web site once again, ready to go, will not be heard here on the House. Republican majority does not want to hear it because they feel they have the master plan and that everything is in line. You heard Ms. WASSERMAN SCHULTZ talk about enforcement of illegal workers under the Bush administration, the funding of border agents. The facts are the facts.

The Innovation Agenda, CEOs of American companies are saying we are ready to have math and science teachers; we are ready to work on real innovation in turning out the next workforce that we need. Republican majority talks about it but has not acted on it.

So I think it is important that we continue to share this with the American people. It may be repetitive. We may have to use Mr. Gingrich quotes. We may have to use Time magazine and other national publications and periodicals to drive the point home. It does not matter what your party affiliation is. It should not matter who you voted for in the last election.

What should matter is that you are a citizen of the United States of America and you care about this country. So when your children and grandchildren ask the question, Mama, Granddaddy, Aunt, Uncle, what were you doing when all this was going on; were you just saying I am a Republican and I am voting Republican because I am a Republican? Were you saying I am a Democrat, I was voting for the person that ran the most commercials and sent me stuff through the mail and saying that I am the best? Oh, or I am an Independent, and you know, I just thought it was probably politically correct and cool for me to vote for the people that were in the majority so I can hopefully be on the prevailing side?

One thing I can say is now the American people are saying they would much rather have a Democratic Congress, probably not because that they feel now I am so-called a Democrat. No, they see what is going on. They see the minimum wage not going up. They see the prices going up at the pump. They see what other countries are saying about us, and they see the lack of oversight and enforcement by this Congress.

This Congress, the Republican majority would much rather get an invitation to the White House and have dinner and tea and cookies to be at a party of 200 people than to provide representation on behalf of the American people.

Mr. DELAHUNT. You know what, it is time for Congress to stand up and insist on answers to hard questions.

Let me go back to Iraq for one moment. I heard a rumor that the Iraqi prime minister intends to come to Washington soon. I think we all deserve an answer to a question that was raised by one of our leaders in the Democratic Party, JAN SCHAKOWSKY, who circulated a Dear Colleague today.

Maybe you have not heard this yet, but the Iraqi prime minister, where we have spent close to half a trillion dollars and 2,600 Americans have died, the head of their parliament, Mahmoud al-Mashhadani said these offensive words. He "accused 'Jews' of financing acts of violence in Iraq in order to discredit Islamists who control the parliament and government so they can install their 'agents' in power."

These are his words: "Some people say 'we saw you beheading, kidnappings and killing. In the end we even started kidnapping women who are our honor.' These acts are not the work of Iraqis. I am sure that he who does this is a Jew and the son of a Jew. I can tell you about these Jewish, Israelis and Zionists who are using Iraqi money and oil to frustrate the Islamic movement in Iraq and come with the agent and cheap project."

This is what my friend from Iowa was earlier talking about democracy? What kind of democracy would tolerate and countenance that kind of virulent, anti-Semitic remark from the Speaker of the parliament? The same Iraqi government that has a bilateral military agreement with Iran. Does this say something about the policy of this administration that has enhanced the power and influence of Iran in the region, Iran by the way, who is the sponsor of Hamas and Hezbollah and we know and the whole world knows what is happening today in Lebanon and the Gaza strip?

Ms. WASSERMAN SCHULTZ. So, instead of changing course and moving us in a new direction, the Republicans want to continue to go in the direction that we are continuing, that Americans are so frustrated with.

This very week they are going to focus on the politics of distraction because, as we shine a light on what is really going on, then the American people would become even more frustrated than they already are.

Mr. Speaker, all of our charts in the 30 Something Working Group and the things we discussed tonight will be up on our Web site. People can log on to www.HouseDemocrats.gov/30Something. We encourage the Members to take a look at all the things we have got up there, and I yield back to Mr. MEEK to close us out.

Mr. MEEK of Florida. Thank you so very much. I would like to thank Mr. DELAHUNT also and all the Members of the 30 Something Working Group for coming together with an outstanding presentation tonight for the Members of the House.

Mr. DELAHUNT. Where was Mr. RYAN this evening?

Mr. MEEK of Florida. I do not know. We need to see what happened to Mr. RYAN tonight, but I am pretty sure there is a good excuse for him not being here.

Ms. WASSERMAN SCHULTZ talked about a new direction for America. We want to make sure that health care is more affordable for all Americans, and we also want to make sure that we have lower gas prices, helping our working families, also cutting college costs and ensuring dignity in retirement and also requiring fiscal responsibility, pay-as-we-go.

With that, Mr. Speaker, we would like to thank the Democratic leadership for allowing us to have the time, and it was an honor to address the House tonight

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today on account of official business.

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today.

Mr. KIND (at the request of Ms. PELOSI) for today on account of illness.

Ms. MCKINNEY (at the request of Ms. PELOSI) for today.

Mrs. NORTHUP (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

Mr. BISHOP of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. CLAY, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. MCHENRY, for 5 minutes, today and July 18, 19, 20, and 21.

Mr. BURTON of Indiana, for 5 minutes, today and July 18, 19, 20, and 21.

Mr. BURGESS, for 5 minutes, July 19.

Mr. SOUDER, for 5 minutes, today and July 18 and 20.

Mr. WELDON of Florida, for 5 minutes, today and July 18.

Mr. OSBORNE, for 5 minutes, today and July 18 and 19.

Mr. GILCHREST, for 5 minutes, today and July 19.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3525. An act to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes to the Committee on Ways and Means.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2872. An act to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 655. An act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), under its previous order, the House adjourned until today, Tuesday, July 18, 2006, at 9 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8562. A letter from the Secretary of the Navy, Department of Defense, transmitting notification that the Nunn-McCurdy Unit Cost has breached the "Original" Acquisition Program Baseline (APB) for the enclosed programs, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

8563. A letter from the Under Secretary for Acquisitions, Technology and Logisitics, Department of Defense, transmitting a report on the budgeting of the Department of Defense for the sustainment of key military equipment, pursuant to Public Law 109-163, section 361; to the Committee on Armed Services.

8564. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the sixteenth annual report on the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637 note. Public Law 100-583, section 8 (102 Stat. 2969); to the Committee on Financial Services.

8565. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Ninety-Second Annual Report of the Board of Governors of the Federal Reserve System covering operations during calendar year 2005; to the Committee on Financial Services.

8566. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's status of the quardrennial report mandated by Section 721 of the Defense Producation Act of 1950, pursuant to 50 U.S.C. 2170(k); to the Committee on Financial Services.

8567. A letter from the Acting Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Angola pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8568. A letter from the Acting Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Turkey pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8569. A letter from the Acting Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Chile pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8570. A letter from the Director, Office of Management and Budget, transmitting a supplemental update of the Budget for Fiscal Year 2007, pursuant to 31 U.S.C. 1106; (H. Doc. No. 109-122); to the Committee on the Budget and ordered to be printed.

8571. A letter from the Acting Administrator, National Highway Traffic Safety Administration, Department of Commerce, transmitting the Department's report on the activites to improve coordination and communication with respect to the implementation of E-911 services, pursuant to 47 U.S.C. 942 Public Law 108-494, section 104; to the Committee on Energy and Commerce.

8572. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report, pursuant to section 101 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; to the Committee on Energy and Commerce.

8573. A letter from the Secretary, Department of Education, transmitting the fifty-second Semiannual Report to Congress on management decisions and final actions taken on audit recommendations, covering the period October 1, 2005 through March 31, 2006 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8574. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2006 through June 30, 2006 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 109-121); to the Committee on House Administration and ordered to be printed.

8575. A letter from the Secretary, Department of the Interior, transmitting notification of payments to eligible governments in the State of Illinois for Fiscal Year 2006 under the Payments in Lieu of Taxes (PILT) program; to the Committee on Resources.

8576. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Seasonal Closure of Chiniak Gully in the Gulf of Alaska to Trawl Fishing [Docket No. 060307059-6135-02; I.D. 030106B] (RIN: 0648-AU15) received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8577. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean; Gulf of Mexico, and South Atlantic; Gulf of Mexico Recreational Grouper Fishery Management Measures [Docket No. 060322083-6147-02; I.D. 032006C] (RIN: 0648-AU04) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8578. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the

Exclusive Economic Zone Off Alaska; Allocating Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources [Docket No. 060227052-6139-02; I.D. 021606B] (RIN: 0648-AU06) received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8579. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework 18 [Docket No. 060314069-6138-002; I.D. 030306B] (RIN: 0648-AT25) received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8580. A letter from the Acting Deputy Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — NOAA Information Collection Requirements Under the Paperwork Reduction Act; OMB Control Numbers; Fisheries Off West Coast States; Fisheries in the Western Pacific; Correction [Docket No. 060327086-6130-02; I.D. 032306A] (RIN: 0648-AU21) received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8581. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Limited Access Program for Gulf Charter Vessels and Headboats [Docket No. 060216043-6123-02; I.D. 021306C] (RIN: 0648-AS70) received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8582. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Bottlenose Dolphin Take Reduction Plan Regulations; Sea Turtle Conservation; Restrictions to Fishing Activities [Docket No. 040903253-5337-02; I.D. 081104H] (RIN: 0648-AR39) received June 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8583. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Monkfish Fishery [Docket No. 060315071-6101-02; I.D. 030906C] (RIN: 0648-AT22) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8584. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Emergency Rule [Docket No. 060608158-6158-01; I.D. 051806E] (RIN: 0648-AU47) received June 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8585. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's 2005 report to Congress on the “The Status of U.S. Fisheries”; to the Committee on Resources.

8586. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 041906C] received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8587. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackeral, Squid, and Butterfish Fisheries; Closure of the Quarter II Fishery for Loligo Squid [Docket No. 051209329-5329-01; I.D. 051806A] received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8588. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft. (18.3m) LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 052206A] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8589. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Suspension of the Primary Pacific Whiting Season for the Shore-based Sector South of 42 degrees North Latitude [Docket No. 060424110-6110-01; I.D. 052406B] received June 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8590. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Part-time Category [Docket No. 010319075-1217-02; I.D. 032206A] received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8591. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 061506A] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8592. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No. 051104293-5344-02; I.D. 061206B] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8593. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2006 Deep-Water Grouper Commercial Fishery [I.D. 060806E] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8594. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Gear Retsrictions for the U.S./Canada Management Area [Docket No. 040112010-4114-02; I.D. 061306A] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8595. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management [Docket No. 060216045-6045-01; I.D. 060706B] received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8596. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfish Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management [Docket No. 060216045-6045-01; I.D. 060706C] received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8597. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 060806A] received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8598. A letter from the Executive Director and Chief Executive Officer, American Chemical Society, transmitting the Society's Annual Report and the Audited Finanical Statements for the calendar year 2005, pursuant to 36 U.S.C. 1101(2) and 1103; to the Committee on the Judiciary.

8599. A letter from the Congressional Scouting Caucus, transmitting the 2005 Boy Scouts of America Annual Report; to the Committee on the Judiciary.

8600. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's annual report on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2005, pursuant to 22 U.S.C. 7103(d)(7); to the Committee on the Judiciary.

8601. A letter from the Assistant Attorney, Department of Justice, transmitting the Department's report providing an estimate of the dollar amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of free clinic health professionals are paid for 2005, pursuant to 42 U.S.C. 233(o); to the Committee on the Judiciary.

8602. A letter from the Attorney, National Council on Radiation Protection and Measurements, transmitting the 2005 Annual Report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, pursuant to 36 U.S.C. 10101(b)(1) and 150909; to the Committee on the Judiciary.

8603. A letter from the Director, National Legislative Commission, American Legion, transmitting a copy of the Legion's financial statements as of December 31, 2005; to the Committee on the Judiciary.

8604. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Florida and Kentucky advisory committees; to the Committee on the Judiciary.

8605. A letter from the Staff Director, United States Sentancing Commission, transmitting the Department's report on the Impact of United States v. Booker on Federal Sentancing as required by S. Report. No. 109-109, which accompanied Pub. L. 109-115; to the Committee on the Judiciary.

8606. A letter from the Chairman and General Counsel, Washington Legal Foundation, transmitting the Foundation's 2005 Annual Report; to the Committee on the Judiciary.

8607. A letter from the Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the Commonwealth of Massachusetts, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

8608. A letter from the Assistant Secretary for Civil Works, Department of the Army, Department of Defense, transmitting the Administration's position on the budgeting of the Arkansas River Navigation Study-McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma; to the Committee on Transportation and Infrastructure.

8609. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting the Department's annual report regarding actions of foreign-flag vessels and their Flag Administrations for 2006; to the Committee on Transportation and Infrastructure.

8610. A letter from the Secretary, Department of Transportation, transmitting a report entitled, "Fundamental Properties of Asphalts and Modified Asphalts-II" submitted in accordance with Section 6016(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, and Section 5117(b)(5) of the Transportation Equity Act of the 21st Century (TEA-21) and the extension of those provisions through FY 2005; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on July 14, 2006]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4132. A bill to amend title 18, United States Code, to provide penalties for officers and employees of the Federal Bureau of Investigation who obtain knowledge of criminal conduct within the jurisdiction of State and local prosecutors and fail to so inform those prosecutors; with an amendment (Rept. 109-564). Referred to the Committee of the Whole House on the State of the Union.

[Filed on July 17, 2006]

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5337. A bill to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes, with an amendment; (Rept. 109-523, Pt. 2). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 5024. A bill to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting; with an amendment (Rept. 109-565). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 5068. A bill to reauthorize the operations of the Export-Import Bank, and to reform certain operations of the Bank, and for other purposes; with an amendment (Rept. 109-566). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5018. A bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes; with an amendment (Rept. 109–567). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2925. A bill to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance; with an amendment (Rept. 109–568). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5074. A bill to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and for other purposes (Rept. 109–569). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 145. Resolution expressing the sense of Congress in support of a national bike month and in appreciation of cyclists and others for promoting bicycle safety and the benefits of cycling (Rept. 109-570 Pt. 1). Referred to the House Calendar.

Mr. OXLEY: Committee on Financial Services. H.R. 3043. A bill to authorize the Secretary of Housing and Urban Development to carry out a pilot program to insure zero-downpayment mortgages for one-unit residences; with an amendment (Rept. 109-571). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 5527. A bill to extend the authority of the Secretary of Housing and Urban Development to restructure mortgages and rental assistance for certain assisted multifamily housing; with an amendment (Rept. 109-572). Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 918. Resolution providing for consideration of the joint resolution (H.J. Res. 88) proposing an amendment to the Constitution of the United States relating to marriage (Rept. 109-573). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 5684. A bill to implement the United States-Oman Free Trade Agreement (Rept. 109-574). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1956. A bill to regulate certain State taxation of interstate commerce; and for other purposes; with an amendment (Rept. 109–575). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5323. A bill to require the Secretary of Homeland Security to provide for ceremonies on or near Independence Day for administering oaths of allegiance to legal immigrants whose applications for naturalization have been approved (Rept. 109-576). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. DEFAZIO):

H.R. 5808. A bill to authorize the Secretary of Transportation to make grants to public transportation agencies and over-the-road bus operators to improve security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. HART (for herself and Mr. BAIRD):

H.R. 5809. A bill to amend the Internal Revenue Code of 1986 to increase and extend the energy efficient commercial buildings deduction; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. DUNCAN, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 5810. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to authorize funding for brownfields revitalization activities and State response programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LOBIONDO, and Mr. FILNER):

H.R. 5811. A bill to implement the Protocol of 1997 to the International Convention for the Prevention of Pollution from Ships, 1973, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. SHUSTER, Ms. NORTON, Mr. BACHUS, Mr. BOEHLERT, Mr. CHANDLER, Mr. DAVIS of Tennessee, Mr. DUNCAN, Mr. HIGGINS, Mr. HOLDEN, Mr. KUHL of New York, and Mr. RAHALL):

H.R. 5812. A bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965; to the Committee on Transportation and Infrastructure.

By Mr. ROGERS of Alabama (for himself and Mr. MEEK of Florida):

H.R. 5813. A bill to amend the Homeland Security Act of 2002 to provide for improvements in the management and operations of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. THOMPSON of Mississippi, Mr. ROGERS of Alabama, and Mr. MEEK of Florida):

H.R. 5814. A bill to authorize appropriations for the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. BROWN of South Carolina (for himself and Mr. MICHAUD):

H.R. 5815. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FORD:

H.R. 5816. A bill to require budgeting for ongoing military operations; to the Committee on the Budget.

By Mr. INSLEE (for himself and Mr. SIMPSON):

H.R. 5817. A bill to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, and for other purposes; to the Committee on Resources.

By Mr. KOLBE:

H.R. 5818. A bill to modernize the legal tender of the United States, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER:

H.R. 5819. A bill to amend the Immigration and Nationality Act to exempt certain elderly persons from demonstrating an understanding of the English language and the history, principles, and form of government of the United States as a requirement for naturalization, and to permit certain other elderly persons to take the history and government examination in a language of their choice; to the Committee on the Judiciary.

By Mr. SWEENEY:

H.R. 5820. A bill to increase the security of sensitive data maintained by the Federal Government; to the Committee on Government Reform.

By Ms. WATSON:

H.R. 5821. A bill to increase community service by students at risk of education failure and thereby reduce youth and gang violence; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself, Ms. ROS-LEHTINEN, Mr. LANTOS, Mr. ROYCE, Ms. WATSON, Mr. MCCOTTER, Mr. FALEOMAVAEGA, Mr. SOUDER, Mrs. MALONEY, Mr. BURTON of Indiana, Mr. BERMAN, Mr. SESSIONS, Mr. HOLT, Mr. SAXTON, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. MATHESON, Ms. BERKLEY, Mr. PASCRELL, Mr. ENGEL, Mr. CHANDLER, Mr. DAVIS of Florida, Mr. SMITH of Washington, Mr. UDALL of Colorado, and Mr. BROWN of Ohio):

H. Res. 915. A resolution expressing the condolences of the House of Representatives to the families and friends of the victims of the July 11, 2006, terrorist bombings in Mumbai, India, and sympathy to the people of India; to the Committee on International Relations.

By Mr. SENSENBRENNER:

H. Res. 916. A resolution impeaching Manuel L. Real, judge of the United States District Court for the Central District of California, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. FILNER:

H. Res. 917. A resolution providing for the consideration of the bill (H.R. 23) to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Rules.

By Ms. NORTON:

H. Res. 919. A resolution honoring Retired Lieutenant Commander Wesley Anthony Brown for his historic achievement as the first African American graduate of the United States Naval Academy and paying tribute on the occasion of July 4 to Wesley Anthony Brown and other residents of the Nation's capital who have served in the armed forces and have continued to pay taxes, both without representation in Congress; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors and resolutions as follows:

H.R. 97: Mrs. MYRICK.

H.R. 98: Mr. COSTA.

H.R. 356: Mr. TURNER.

H.R. 567: Mr. STARK.

H.R. 602: Mr. JINDAL.

H.R. 892: Mr. YOUNG of Alaska.

H.R. 952: Ms. WASSERMAN SCHULTZ.

H.R. 1020: Mr. CAPUANO.

H.R. 1131: Mr. STRICKLAND.

H.R. 1298: Mr. DENT.

H.R. 1345: Mrs. JONES of Ohio.

H.R. 1384: Mr. NUSSLE.

H.R. 1578: Mr. BRADY of Pennsylvania and Mrs. MYRICK.

H.R. 1658: Mr. GOODE.

H.R. 1951: Mr. MCCRERY, Mr. CARDIN, Ms. GINNY BROWN-WAITE of Florida, Mr. MORAN of Virginia, Mr. BROWN of Ohio, Ms. PRYCE of Ohio, and Mr. ROSS.

H.R. 2034: Mr. ROSS.

H.R. 2378: Mr. REHBERG.

H.R. 2488: Mr. CLAY.

H.R. 2525: Mrs. MILLER of Michigan.

H.R. 2679: Mr. TIAHRT, Ms. FOXX, Mr. SOUDER, Mr. BASS, Mr. CALVERT, and Mr. CHABOT.

H.R. 3384: Mr. DENT.

H.R. 3478: Ms. MILLENDER-MCDONALD and Ms. SCHWARTZ of Pennsylvania.

H.R. 3949: Mr. VISCLOSKY.

H.R. 4033: Ms. SCHWARTZ of Pennsylvania.

H.R. 4264: Mr. SCOTT of Virginia and Mr. WEXLER.

H.R. 4480: Mr. CHABOT and Mrs. MYRICK.

H.R. 4491: Mr. JEFFERSON.

H.R. 4517: Mrs. CHRISTENSEN and Mr. DAVIS of Illinois.

H.R. 4551: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4618: Mr. SESSIONS.

H.R. 4622: Mrs. LOWEY.

H.R. 4747: Mr. OWENS, Mr. JEFFERSON, Mr. FATTAH, Ms. HOOLEY, and Mr. OLVER.

H.R. 4829: Mr. WAMP.

H.R. 4857: Mr. YOUNG of Alaska.

H.R. 4873: Mr. SABO.

H.R. 4913: Mr. CULBERSON.

H.R. 4953: Mr. MCHUGH and Ms. SLAUGHTER.

H.R. 4992: Mr. MORAN of Kansas and Mr. ETHERIDGE.

H.R. 5139: Mrs. BIGGERT.

H.R. 5159: Mr. AKIN.

H.R. 5182: Ms. BALDWIN, Ms. SCHWARTZ of Pennsylvania, Mr. ISTOOK, Mr. LATOURETTE, and Mr. GOODLATTE.

H.R. 5211: Mr. MILLER of Florida and Mr. ISSA.

H.R. 5249: Mr. CULBERSON, Mr. GILLMOR, and Mr. ROYCE.

H.R. 5250: Mr. GUTIERREZ.

H.R. 5262: Mr. CALVERT.

H.R. 5337: Mr. TERRY.

H.R. 5371: Mr. PAYNE.

H.R. 5382: Mr. MILLER of North Carolina.

H.R. 5436: Mr. PAYNE, Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Ms. BORDALLO, Mr. EVANS, Mr. RANGEL, Mr. CARDOZA, and Ms. WOOLSEY.

H.R. 5444: Mr. ENGEL.

H.R. 5465: Ms. MCKINNEY, Ms. BALDWIN, Mr. WEXLER, and Mr. BOUSTANY.

H.R. 5468: Mr. FEENEY.

H.R. 5475: Mr. PAUL.

H.R. 5483: Mr. RAMSTAD.

H.R. 5526: Mr. PETRI, Mr. DANIEL E. LUNGREN of California, and Mr. PICKERING.

H.R. 5533: Mrs. CAPPS.

H.R. 5536: Mr. SCHWARZ of Michigan.

H.R. 5562: Ms. BERKLEY.

H.R. 5583: Mr. HINCHEY, Mr. MILLER of North Carolina, Ms. VELÁZQUEZ, and Ms. WASSERMAN SCHULTZ.

H.R. 5602: Mr. SHAYS and Mr. CALVERT.

H.R. 5623: Mr. GRIJALVA.

H.R. 5624: Mr. PETERSON of Pennsylvania, Mr. CALVERT, and Mr. NORWOOD.

H.R. 5637: Mr. CAMPBELL of California.

H.R. 5682: Mr. CARTER, Mr. BONILLA, Mr. FOLEY, Mr. SAM JOHNSON of Texas, and Mr. LINDER.

H.R. 5694: Ms. JACKSON-LEE of Texas.

H.R. 5700: Mr. HERGER.

H.R. 5704: Mr. MCHENRY, Mr. RUPPERSBERGER, Mr. BOUSTANY, and Mr. PAYNE.

H.R. 5706: Ms. BALDWIN.

H.R. 5714: Mr. MEEK of Florida, Mr. NADLER, Ms. LEE, Mr. BROWN of Ohio, and Mr. CUMMINGS.

H.R. 5719: Mr. AKIN, Mr. KLINE, Ms. FOXX, Mr. SOUDER, Mr. MURPHY, Mr. SMITH of New Jersey, Mr. PICKERING, and Mr. PITTS.

H.R. 5731: Mr. STARK, Mr. MEEK of Florida, and Ms. NORTON.

H.R. 5755: Mr. ETHERIDGE, Ms. GINNY BROWN-WAITE of Florida, Mr. EDWARDS, Mr. BROWN of Ohio, Mr. CROWLEY, Mrs. TAUSCHER, and Ms. MCCOLLUM of Minnesota.

H.R. 5771: Ms. SCHAKOWSKY, Mr. OWENS, Mr. PAYNE, Ms. HERSETH, Ms. MATSUI, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. WAXMAN, Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Ms. LEE, and Mr. CONYERS.

H.R. 5772: Mr. SHERWOOD, Mr. SHIMKUS, Mr. MELANCON, and Mr. BACHUS.

H.R. 5785: Mr. MANZULLO.

H.R. 5805: Mrs. NAPOLITANO.

H.J. Res. 88: Mr. BOUSTANY, Mr. CALVERT, Mr. BILBRAY, and Mr. RENZI.

H.J. Res. 90: Mr. RYAN of Ohio.

H. Con. Res. 340: Mr. DEFAZIO and Mr. WALDEN of Oregon.

H. Con. Res. 346: Mr. SULLIVAN.

H. Con. Res. 347: Mr. SHAYS.

H. Con. Res. 439: Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Mr. CONYERS, and Mr. MCINTYRE.

H. Con. Res. 448: Mr. NEUGEBAUER, Mr. CULBERSON, Mr. WELDON of Pennsylvania, Mr. FEENEY, Mr. MELANCON, Mr. MCCAUL of Texas, Ms. BORDALLO, Mr. CRAMER, Mr. SNYDER, Mr. MCCOTTER, Mr. ADERHOLT, Mr. FORBES, Mr. FOLEY, Mr. WU, Mr. DAVIS of Tennessee, Mr. DAVIS of Florida, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. SIMMONS, Mr. SHERMAN, Mr. BARTON of Texas, Mr. GORDON, Mr. MOLLOHAN, Mr. UDALL of Colorado, Mr. LIPINSKI, Mr. GARY G. MILLER of California, Mr. CAMPBELL of California, and Ms. WASSERMAN SCHULTZ.

H. Res. 765: Mr. BROWN of Ohio.

H. Res. 773: Mr. ANDREWS.

H. Res. 871: Mr. CAMPBELL of California, Mr. STRICKLAND, Mr. FOLEY, Mrs. SCHMIDT, and Mr. UPTON.

H. Res. 905: Mr. CANNON, Mr. STARK, and Mr. KUCINICH.

H. Res. 908: Mr. NEAL of Massachusetts, Mr. BISHOP of New York, Mr. GALLEGLY, Mr. DOYLE, Mr. GERLACH, and Mr. MANZULLO.

H. Res. 911: Mr. MANZULLO, Mr. BUTTERFIELD, Mr. INSLEE, Mr. BARROW, Mr. CARDIN, Mr. PENCE, Mr. MCNULTY, Mr. HOYER, Mr. JOHNSON of Illinois, Ms. HOOLEY, Ms. BEAN, Mr. FRANK of Massachusetts, Mr. FARR, Ms. PELOSI, Mr. MELANCON, Mr. KING of New York, Mr. SMITH of Washington, Mr. PAYNE, Mr. EDWARDS, Mrs. MYRICK, and Mr. VAN HOLLEN.

H. Res. 912: Mr. FORTENBERRY, Mrs. JOHNSON of Connecticut, Mr. EHLERS, Mr. HENSARLING, Mr. BURTON of Indiana, Mr. HINOJOSA, Mr. DOYLE, Ms. BEAN, Mr. GILCHREST, Mr. PORTER, Mr. JONES of North Carolina, Mr. LEACH, Mr. SHAYS, Mr. MANZULLO, Mr. GARRETT of New Jersey, Mr. PAYNE, Mr. ISRAEL, Mr. FRANK of Massachusetts, Mr. BACHUS, Ms. PRYCE of Ohio, Mrs. MALONEY, Mr. PUTNAM, Mrs. KELLY, Mr. DAVIS of Kentucky, and Mr. GERLACH.

EXTENSIONS OF REMARKS

HONORING THE 150TH ANNIVERSARY OF THE CITY OF EUREKA, HUMBOLDT COUNTY, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the 150th anniversary of the City of Eureka, Humboldt County, CA.

The search for gold in the nearby Trinity Mountains brought the first settlers to Humboldt Bay in 1850. By 1856, the burgeoning settlement—Eureka, I have found it!—was designated the seat of government for Humboldt County by the California Legislature, and on April 18th of the same year officially became the city of Eureka.

The massive stands of redwoods and abundant salmon did not go unnoticed by early entrepreneurs, and soon Eureka had many lumber mills and fishing boats. This wealth of natural resources set the stage for Eureka to dominate the regional timber and fishing industries for the next 150 years.

Eureka, the heart of the "Redwood Empire," has been a destination for travelers since it was first discovered. In 1914, the first railroad was constructed that tied the community by land to San Francisco. Roads, and the automobile, followed and brought even greater appreciation of the natural splendor of the city and its surroundings. Tourism remains an important part of the area's economy.

The preservation of the architectural heritage of the community was acknowledged by the Eureka Heritage Society's effort in 1987 that identified over 1,200 historically significant and diverse buildings in the city. This unique heritage, and the celebrated Carson Mansion, draw tourists from around the world to enjoy the diversity of architecture, antique shops, art galleries, and fine restaurants.

Eureka's waterfront harkens back to its reputation as a lively place for timber workers, sailors, fishermen, and miners. A walk along today's waterfront reflects a 30-year renaissance led by the city to celebrate longstanding traditions and a dynamic future—the Woodley Island Marina, a newly constructed public boardwalk and fisherman's dock, the Sacco Amphitheater, Adorni Center, Wharfinger Building, Small Boat Basin and the Eureka Main Library.

The citizens of Eureka have always set a high standard for cultural achievement. In 1879, Eureka established the first publicly supported library in the State of California; in 2000 they gathered to celebrate the conversion of the Carnegie Library to house the Morris Graves Museum of the Arts. Eureka is a vibrant cultural center with repertory theater, dance and music, and a celebrated Arts Alive that connects people and art and business. Today the city of Eureka carries on the proud traditions of its early founders, while incorporating the best of modern life into its historic character.

Mr. Speaker, it is appropriate at this time that we recognize the city of Eureka, one of the finest and most vibrant cities in California, on the occasion of its 150th anniversary.

* * *

IN HONOR AND RECOGNITION OF CHIEF JACK MURPHY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Chief Jack Murphy, whose recent retirement as the chief of police with the city of Brooklyn reflects 40 years of excellence in law enforcement, framed by leadership, accomplishment, integrity and an unwavering commitment on behalf of the security and safety of the people of Brooklyn.

Chief Murphy's illustrious career in law enforcement began in 1966, when he became a police officer with the city of Brooklyn. He honorably served our Nation in Vietnam, and soon thereafter resumed his vocation in law enforcement. Chief Murphy and his wife Marie continue to hold family and community as the foundation of their lives. Together they raised four children: Ann Marie, Matthew, Mary Beth and Maureen. Both Chief Murphy and Marie Murphy followed the call of service to others and instilled the significance of integrity, hard work and giving back to others within their children. Marie has devoted her career to the teaching profession.

Beyond his expertise in law enforcement and exceptional leadership abilities, Chief Murphy is known for his unwavering work ethic, affable nature and personal and professional integrity. Straightforward, fair and honest, Chief Murphy garnered the admiration and respect of everyone around him, and was consistently unfazed by the inevitable ebb and flow of small town politics.

Mr. Speaker and colleagues, please join me in honor, gratitude and recognition of Chief Jack Murphy. His exceptional tenure as police officer and chief with the city of Brooklyn is forever framed in integrity, efficiency and accomplishment, and will continue to strengthen the foundation of safety and security for every resident and business owner of Brooklyn. I wish Chief Murphy, his wife Marie, and their three daughters and son, an abundance of health, peace and happiness as he journeys onward from here.

* * *

THE 80TH ANNIVERSARY OF OUR LADY OF MOUNT CARMEL PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. KUCINICH. Mr. Speaker, rise today in honor and recognition of the leaders and members of Our Lady of Mount Carmel Parish, of Cleveland, Ohio, as they celebrate 80 years of faith, guidance and support, embracing generations of citizens throughout our Westside Cleveland community.

In 1926, Our Lady of Mount Carmel was established to serve the spiritual and cultural needs of the Italian-American residents of this neighborhood. Father Sante Gattuso and Father Martin Compango were selected by then-Cleveland Bishop John Farrelly to assist and guide the needs of the growing population of Italian-American families, including newly arrived immigrants from Italy.

Father Sante slowly garnered the trust and admiration of the people of the West 69th neighborhood and people began gathering on the front porch of the Fascano family home, where services were first conducted. Storefront space was rented for many years until ground was broken on West 70th Street in 1949, the year that the parish and newly built grade school found a permanent home—all of which was made possible by the faith, commitment and devotion of Father Sante Gattuso and the faithful Italian-American community of the Westside.

Mr. Speaker and Colleagues, please join me in honor and recognition of every leader and member of Our Lady of Mount Carmel Parish, as they celebrate 80 years of cultivating faith, hope and heritage for generations of families within our Cleveland community. We also rise in honor and memory of the struggle, sacrifice and triumph of the founding members of this parish, who journeyed to America with few possessions beyond faith, love and hope in their hearts and the grit to survive. Love and faith still shines from Our Lady of Mount Carmel Parish, encircling this neighborhood with light, strength and hope rising on the dawn of every new day.

* * *

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mrs. MALONEY. Mr. Speaker, on July 10, 2006 I missed rollcall votes Nos. 358 and 359.

Had I been present, I would have voted "yea" on rollcall votes Nos. 358 and 359.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRATULATING II–VI INCORPORATED

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate II–VI Incorporated, one of the leading high tech companies in southwestern Pennsylvania, as they celebrate the 35th anniversary of their founding.

In 1971, II–VI Inc. began by producing materials available for the manufacture of high-powered industrial CO_2 laser optics. II–VI Inc. has grown into a global company with headquarters in Saxonburg, Pennsylvania. Today, CEO Carl Johnson carries on II–VI's tradition of serving the needs of western Pennsylvania.

More than 30 years after its founding, this western Pennsylvania-based company is racing to keep up with record demand for its infrared optics, radiation detection products and crystals used in laser and telecommunications equipment. The company was recently selected as one of Businessweek's Hot Growth Companies.

I ask my colleagues in the United States House of Representatives to join me in congratulating II–VI Incorporated. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute this wonderful company.

ON THE RESOLUTION HONORING WESLEY BROWN, THE FIRST AFRICAN AMERICAN GRADUATE OF THE U.S. NAVAL ACADEMY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Ms. NORTON. Mr. Speaker, I rise to honor the first African American graduate of the U.S. Naval Academy and a venerable District of Columbia resident, Retired Lieutenant Commander Wesley Brown. On the Fourth of July, I urged District residents to commemorate the day by celebrating the service of Wesley Brown as a tribute to his historic achievement and as a way of reminding the nation on this day of liberty that thousands of men like Wesley Brown have served their country in the armed forces without equal representation in Congress and that the pending District of Columbia Fair and Equal House Voting Rights Act affords a way to begin to right this wrong.

Wesley Brown is an alumnus of Dunbar High School, and upon graduation, entered the United States Naval Academy. There, he not only met the tough academic and military requirements to graduate from the Naval Academy in 1949, but also prevailed over racial discrimination and physical and mental abuse at the Academy. Mr. Brown served honorably in World War II, the Korean War, and the Vietnam War. He retired from the Navy at the rank of lieutenant commander. In recognition of his achievement, the Academy named a building after Mr. Brown last year. His remarkable life story is chronicled in the book "Breaking the Color Barrier: The U.S. Naval Academy's First Black Midshipmen and the Struggle for Racial Equality" by Robert Schneller. I am particularly and personally grateful to Mr. Brown, who chaired my first Service Academy Selection Board, which assists me in nominating D.C. high school students for appointments to the military academies, and remains Chairperson Emeritus.

Wesley Brown has become a historical figure living among us. His graduation was a pivotal moment in the nation's efforts to integrate the armed forces of the United States and to improve racial conditions. His leadership paved the way for over 1,600 African Americans who have since graduated from the Naval Academy. Today, nearly 23 percent of the Academy's students are from minority groups.

Wesley Brown deserves special recognition for this pioneering accomplishment, and the service he rendered to the cause of equal treatment for all Americans by courageously accepting unusually difficult challenges for a young Black man before the armed forces themselves were integrated. He did so as generations of Washingtonians have done for the past 230 years in serving the Armed Forces of the United States, always without equal representation in the Congress of the United States and always paying taxes without representation, notwithstanding that this form of tyranny was one of the major causes of the War for Independence which led to the founding of the United States of America.

In the spirit of another great Washingtonian, Frederick Douglass, who challenged the nation in a July 4th address to live up to its stated ideals of freedom and equality, I recognize and honor other District veterans and remind the nation of the necessity to pass H.R. 5388, the Fair and Equal House Voting Rights Act which would afford the full vote in the House of Representatives for the first time in American history. Passage of this legislation would be the optimal way to recognize the service of Mr. Brown, D.C. residents who are currently serving in Iraq and Afghanistan, and the 44,000 D.C. veterans who have honorably served our nation in the United States Armed Forces.

IN SUPPORT OF MAINTAINING NEUTRALITY WITH REGARD TO THE PEACE NEGOTIATIONS BETWEEN AZERBAIJAN AND ARMENIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. BURTON of Indiana. Mr. Speaker, in the weeks leading up to the G–8 summit, there was some speculation that the leaders of Azerbaijan and Armenia might be invited to attend the summit as an incentive to help spur further progress on peace negotiations between the two countries over the Nagorno-Karabakh issue. Unfortunately, it appears that that did not happen; and I am deeply disappointed that the world has missed the opportunity this summit offered to help promote peace in a region which has been in conflict for far too long.

Although, in my opinion, a good opportunity to advance peace has been lost, I have not lost hope that, together with other nations, we can help Azerbaijan and Armenia achieve peace, and settle once and for all the issue of Nagorno-Karabakh, which I believe has significantly stunted the development of both nations as well as the broader region.

In 1992, the Commission on Security and Cooperation in Europe—CSCE—now the Organization for Security and Cooperation in Europe—OSCE—created the Minsk Group, a coalition of member states dedicated to facilitating a peaceful resolution of the conflict. The co-chairs of the Minsk Group—Russia, France, and the United States—have served as mediators, trying to work in close and effective cooperation with all parties towards a fair and effective settlement of the issues.

I believe though that our success and credibility as a mediator stems from the policy of never appearing to favor one nation's claims over the other. I believe that even the modest steps towards peace which we have witnessed, are a direct result of this neutrality. According to the United States State Department's 2005 Fact Sheet: "The United States does not recognize Nagorno-Karabakh as an independent country, and its leadership is not recognized internationally or by the United States. The United States supports the territorial integrity of Azerbaijan and holds that the future status of Nagorno-Karabakh is a matter of negotiation between the parties." This has been the policy of the United States towards this issue through both the Clinton and Bush administrations, and it is important in my opinion that it remains the same. Any outside influence, any shift in neutrality can only result in a false peace. That is why I am deeply concerned when I hear some of my colleagues throwing barbs at the Azeris and attempting to lay all the blame for this complicated issue at their doorstep.

For example, one of my colleagues once said, "I have long supported the right of self-determination for the people of Nagorno-Karabakh and greatly admire the efforts of the people of this historically Armenian region to build democracy and a market economy in the face of hostility from Azerbaijan." So far as I know, the Nagorno-Karabakh region has never been a part of Armenia. To suggest otherwise, and to suggest that the problems in Nagorno-Karabakh are caused solely by Azerbaijan seem to me to distort the facts and potentially undermine our good faith efforts to see this conflict resolved; and to see peace and prosperity come to the people of both Azerbaijan and Armenia.

Mr. Speaker, I would encourage all of my colleagues to both maintain our neutrality in policy, and to also realize that choosing one side over the other at this point in time is a setback to peace, especially when the side they appear to be choosing may be distorting the facts for its own benefit.

IN HONOR OF DR. EDGAR B. MOORE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Dr. Edgar B. Moore, beloved husband, father, friend, educator, and spiritual leader. Dr. Moore leaves a legacy at Baldwin-Wallace College that reflects his personal passions and professional accomplishments in his roles as both chaplain and professor.

Dr. Moore began his career at Baldwin-Wallace in August 1962, when he was hired as chaplain. He immediately became involved in various chapel activities while counseling and advising students and teaching in the Religion Department. At the end of his first year, the History Department underwent major changes, and Dr. Moore was asked to take a position as professor of history. He accepted and was named chairman while remaining chaplain. Dr. Moore remained in the History Department until his retirement.

Dr. Moore's involvement at Baldwin-Wallace extended far beyond the History Department. His students became babysitters for his and his wife's three children, Cynthia, Robert, and Mary Louise. He chaperoned spring formals and Greek parties and assisted in the formation of the Cosmopolitan Club, which brought American and international students together to promote greater understanding between cultures.

Dr. Moore continued his own education while teaching at Baldwin-Wallace. In January 1966, he earned his doctorate of philosophy from the University of St. Andrews in Scotland. Through a series of visits, he developed a relationship between the schools, which led to the present Academic Studies Abroad program. Dr. Moore attended Northwestern University in the summer of 1969 for graduate classes in African Studies. His new knowledge and ongoing interest in uniting cultures led to the African Studies program.

Mr. Speaker and colleagues, please join me in honor and gratitude to Dr. Edgar B. Moore, whose outstanding 44-year career was defined by his steadfast commitment to spiritual growth, education, and appreciation of diversified cultures. While his students and colleagues will miss him immensely, his legacy and contributions to the Baldwin-Wallace community will live on for many generations to come.

HONORING THE SOLDIERS OF DETACHMENT 1, 779TH ORDNANCE COMPANY, THE TENNESSEE NATIONAL GUARD

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mrs. BLACKBURN. Mr. Speaker, fellow Members of Congress, please join me today to honor the soldiers of Detachment 1, 779th Ordnance Company, of the Tennessee National Guard.

The 779th deserves the nation's thanks and praise for serving honorably and contributing mightily to our efforts in the Middle East.

They have served America in such dangerous and strategically vital locations as Ramadi, Habanabi, Al Asad and Al Taqaddum, and they have been absolutely critical in the tactical and operational success of coalition forces.

Without the skilled and dedicated soldiers of the 779th, victory in the Global War on Terrorism would not be possible.

Let us join the rest of Tennessee in saying congratulations, welcome home, and job well done.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. GRAVES. Mr. Speaker, I would like to state for the record my position on the following votes I missed due to reasons beyond my control.

On Thursday July 13, 2006 I had to tend to some family matters and thus missed rollcall votes Nos. 370, 371, 372, 373 and 374. Had I been present, I would have voted "yea" on all votes.

On Monday June 19, 2006 I was unavoidably delayed and thus missed rollcall votes Nos. 289, 290 and 291. Had I been present, I would have voted "yea" on all votes.

On Monday May 22, 2006 I was unavoidably delayed and thus missed rollcall votes Nos. 177 and 178. Had I been present, I would have voted "yea" on both votes.

INTRODUCTION OF H. RES. 916

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. SENSENBRENNER . Mr. Speaker, regrettably, today I am forced to introduce this resolution calling for an inquiry into grounds for the impeachment of U.S. District Court Judge Manuel L. Real, from the Central District of California. This resolution has become necessary due to a breakdown in the judicial branch's enforcement of the judicial discipline statute Congress enacted in 1980. When the judicial branch has failed to address serious allegations of judicial misconduct, as the Ninth Circuit arguably has in this matter, the Constitution provides the Congress only one course of action: opening an impeachment inquiry.

I would caution my colleagues and others not to jump to any conclusions in this matter. Today's resolution merely allows the House Judiciary Committee to open an investigation to determine the facts. Only after the House Judiciary Committee has conducted a fair, thorough, and detailed investigation, will committee members be able to consider whether Articles of Impeachment might be warranted.

The introduced resolution ensures that the investigation will be referred to the House Judiciary Committee. It is modeled after the last three impeachment resolutions that the House used to investigate, respectively, Judge Harry E. Claiborne (1986), Judge Alcee L. Hastings (1988), and Judge Walter L. Nixon (1989). All three were later impeached and removed from office based on the drafting of more detailed articles reported by the committee after the investigations were completed.

According to press reports and legal filings made public, in February 2000 Judge Real allegedly interceded on behalf of a defendant known to him in a joint bankruptcy and California State unlawful-detainer action. The defendant reportedly was going through a messy divorce and was ordered to vacate a home that was held in trust by her husband's family. The defendant filed a bankruptcy petition that automatically stayed eviction proceedings in October 1999, but the stay was eventually lifted. The defendant, represented by counsel, then signed a stipulation that allowed the State court to issue an eviction notice in February 2000, approximately 10 days before Judge Real allegedly interceded.

Judge Real allegedly received ex parte communications from the defendant and through third parties about the matter before he took action. Judge Real was supervising the defendant as part of her probation in a separate criminal case in which she had pled guilty to perjury and loan fraud.

Judge Real withdrew the case from the bankruptcy court and enjoined the State eviction proceeding. He allegedly gave no reasons for his assertion of jurisdiction over the case or his rulings. The defendant was allowed to live rent-free in the home for a period of years. When the trustee appealed by mandamus to the Ninth Circuit, Judge Real transferred the case to another district judge. The trustee reclaimed the property on appeal but reportedly lost at least $35,000 in rent during the proceedings.

According to news reports, in February 2003 a private citizen filed a complaint against Judge Real for his conduct in the bankruptcy and unlawful-detainer actions. This complaint reportedly was dismissed twice by the Chief Judge of the Ninth Circuit, even though the Judicial Council in the second case reportedly recommended that further investigation take place regarding ex parte communications between Judge Real and the litigant.

Judge Alex Kozinski wrote in his dissenting opinion for the Judicial Council of the Ninth Circuit, "The fact of the matter is that the judge's conduct here caused real harm. It certainly harmed innocent creditors to the tune of $50,000 or more. Worse, it harmed public confidence in the fair administration of justice in the courts of this circuit. The prohibition against ex parte communications, rules of procedure, principles of law—all of these are not trinkets that judges may discard whenever they become a nuisance. Rather, they are the mainstays of our judicial system, our guarantee to every litigant that we will administer justice, as our oath requires, 'without respect to person'. . . . [T]he majority's exiguous order seems far more concerned with not hurting the feelings of the judge in question. But our first duty as members of the Judicial

Council is not to spare the feelings of judges accused of misconduct. It is to maintain public confidence in the judiciary by ensuring that substantial allegations of misconduct are dealt with forthrightly and appropriately. This the majority has failed to do."

Judge Real's actions are under further review by the Ninth Circuit Court of Appeals and have been the subject of numerous news reports by the Los Angeles Times and others.

Based upon these news reports and legal proceedings made public, Judge Real's behavior in the bankruptcy and unlawful-detainer actions may constitute impeachable conduct. Some of the issues that I hope will be reviewed during the Committee investigation include—

His intercession on behalf of a litigant known to him;

His alleged ex parte communications with the litigant known to him;

His assertion of jurisdiction over proceedings in which he lacked jurisdiction;

His alleged failure to explain his assertion of jurisdiction to counsel;

His alleged failure to provide any legal authority for his actions;

His reply, on at least one occasion, to counsel when questioned as to the basis of a ruling ("Just because I said it, Counsel.").

I expect the next step in this process to involve the establishment of a bipartisan impeachment inquiry team in the near future.

Chronology of Events Based Upon News Reports and Legal Filings Impeachment Investigation of U.S. District Judge Manuel L. Real, Prepared by House Judiciary Majority Committee Staff

September 11, 1991: Alan and Elizabeth Canter purchase a Los Angeles home as an investment.

September 25, 1991: Their son, Gary, and his wife, Deborah, take up residence at the home. Gary pays rent thereafter.

1997: Title to the home is transferred to a trust (the "Canter Family Trust").

February 24, 1999: Gary and Deborah Canter separate. Gary moves out and rent payments cease thereafter.

August 13, 1999: Alan Canter files an unlawful-detainer action in California state court, seeking Deborah's eviction from the property and $5,000 back rent.

October 26, 1999: Deborah Canter files a Chapter 13 bankruptcy petition 24 minutes before her unlawful-detainer trial commences. The trial is stayed.

January 24, 2000: Deborah Canter and Judge Real conduct a probation review meeting in his chambers. (Judge Real was supervising Deborah Canter as part of her probation in a separate criminal case in which she pled guilty to perjury and loan fraud.)

January 26, 2000: The bankruptcy court lifts the stay at the request of the Canter Family Trust, thereby allowing the unlawful-detainer action to proceed. Alan Canter and Deborah Canter subsequently sign a stipulated judgment that Deborah vacate the premises.

February 7, 2000: The California state court enters a judgment pursuant to the stipulation and orders that Alan Canter recover possession of the property from Deborah Canter.

February 17, 2000: Judge Real withdraws the case from the bankruptcy court.

February 29, 2000: Judge Real stays enforcement of the California state court judgment.

Sometime in 2000 or 2001: Judge Real refuses to lift the stay upon motion by the Canter Family Trust.

June 18, 2001: Judge Real again refuses to lift the stay upon motion by the Canter Family Trust. When counsel for the Trust requested a reason, Judge Real replied: "Just because I said it, Counsel."

July 2001: Judge Real transfers the bankruptcy proceeding to a second U.S. district judge. The second judge re-refers the proceeding to the bankruptcy court. (The stay of the unlawful-detainer action remains in effect.)

January 2002: the bankruptcy court grants a motion by the Trust to abandon Deborah Canter's interest in the property.

August 15, 2002: the Ninth Circuit court of appeals vacates Judge Real's order withdrawing the case from the bankruptcy court and the accompanying order staying enforcement of the California state court judgment.

February 2003: A judicial misconduct complaint is filed against Judge Real.

July 14, 2003: The Chief Judge of the Ninth Circuit dismisses the complaint.

December 18, 2003: A Ninth Circuit Judicial Council enters an orderer recommending that the Chief Judge undertake further investigation into ex parte communications between Judge Real and Deborah Canter.

November 4, 2004: the Chief Judge enters a supplemental order and dismiss the complaint again.

September 29, 2005: A complaint regarding the Chief Judge's November 4, 2004, order is dismissed.

May 23, 2006: Ninth Circuit Chief Judge orders a "special committee" to investigate consolidated complaints against Judge Real.

H. Res. 916

Resolved, That Manuel L. Real, judge of the United States District Court for the Central District of California, is impeached for high crimes and misdemeanors.

IN HONOR AND RECOGNITION OF DAVID AND REBECCA JEWEL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of David and Becky Jewel, united in marriage and united in their exceptional service to our Nation's veterans, upon the occasion of their retirement that follows more than 53 years of combined, outstanding service within the medical facilities of the Veterans Administration.

Rebecca Jewel is a registered dietician and has guided veterans in nutrition health, awareness and education at VA facilities across the Nation, including VA medical centers in Hines, IL, Fort Wayne, IN, and in Cleveland and Brecksville, OH. Her medical career also includes work at Parma Community General Hospital in Parma, OH. and Christ Hospital in Cincinnati. Besides serving as the Advanced Systems Dietician, Rebecca provides on-going tech support and training for nutrition employees, and also serves a facilitator for many Goal Sharing teams within her department.

David Jewel, the chief of External Affairs for the Louis Stokes VA in Cleveland, has also served at VA medical centers in Ann Arbor, MI, and Cincinnati, OH. David has consistently led efforts to ensure that veterans are fully informed about the benefits entitled to them. He has led the effort to upgrade vital areas of communication within the VA, with a focus on minority veteran's affairs, community affairs programs and public relations. David has been the codirector of the Medical Center's Combined Federal Campaign for the past 4 years.

Mr. Speaker and colleagues, please join me in honor, recognition and gratitude to David and Rebecca Jewel, whose individual and united dedication to our Nation's veterans is framed by commitment, compassion, integrity and accomplishment. Their service and leadership has been a significant component that reflects the strength and quality within the VA, and is a brilliant example of service for anyone who will follow. I wish David and Rebecca Jewel an abundance of health, peace and happiness as they journey onward from here.

HONORING GAYE HYDE'S SERVICE TO CALIFORNIA'S EAST BAY COMMUNITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. STARK. Mr. Speaker, I rise to honor Gaye Hyde, my lead caseworker in Fremont, CA, district office, who will be retiring on July 31, 2006.

Gaye has worked for me, and more importantly for the people of California's 13th Congressional District, for 31 years. I dare say that her level of commitment is hard—if not impossible—to match. I'm honored that she's stuck with me for so many years. But, it is my constituents who have been the real winners.

Gaye has presided over tens of thousands of cases herself and has trained every caseworker who has come and gone from my staff over the past 30 years.

She started handling constituent casework in the days before computers were used in the office. She had to type initial inquiries to agencies for assistance, have them mailed to Washington, DC for my approval, and then track their progress through written correspondence from various agencies and seldom returned phone calls. Typically, she took piles of letters home and fact checked and typed responses late into the night. She was always pushing to resolve cases and didn't feel there was time in the day to meet her standards or constituents' needs.

How times have changed. Today, many constituents e-mail their requests for assistance. Gaye is able to e-mail constituent liaison offices in a variety of agencies, and much of the work is done via the Internet. The process makes communication faster, provides better accountability, and produces much less paper waste—all of which are great advancements.

What hasn't changed over time is the importance of the role of congressional caseworkers. These staff members get little of the glory, but are the key component for an effective Member of Congress.

Constituents who reach out for help from their Member of Congress usually are in great need. They are trying to file immigration documents for a loved one, obtain a lost Social Security check upon which their parent depends, or applying for a federal grant which could make or break their organization's ability to continue providing important services to the community.

With Gaye at the helm of my casework operation, I've never had to worry about my constituents being served—and served superbly. Her retirement is well deserved, but those of us lucky enough to work with her, and thousands of East Bay residents she's helped over the years, will miss her tremendously.

A TRIBUTE TO MARTIN RUBIN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor the late Martin Rubin. Mr. Rubin will be greatly missed. The transportation engineering world lost a legend whose influence in the development of the Los Angeles Metro Rail and the San Francisco Bay Area Rapid Transit, BART, systems, among other critical transportation projects, continues to facilitate the commutes of residents in some of our nations most expansive metropolitan areas.

A native of Brooklyn, New York, Martin Rubin entered into the United States Army following his graduation from City College of New York. In 1956, he joined Parsons Brinckerhoff, a 120-year-old international engineering firm based in New York City. After moving to Southern California in 1981, he worked indefatigably to expand the prestigious representation of Parsons Brinckerhoff to the western United States, and simultaneously managed a wide array of transportation projects.

Mr. Rubin's undeniably selfless dedication earned him the honor of being in charge of the Western region of Parsons Brinckerhoff in the 1980s, followed in 1990 by his selection as the president and chief operating officer of the firm's United States infrastructure arm. Always dedicated to service, he relinquished those titles to assume his duties in the development of the Los Angeles Metro Rail system where he oversaw the engineering and construction for the Blue Line, Green Line, and Red Line, as well as overseeing preliminary efforts on the Pasadena to Los Angeles Gold Line. He was subsequently honored by being named the chairman of Parsons Brinckerhoff in 1994, an honor that he held until 1997. His retirement in 2004 was a fitting end to his 48 years of distinguished service to his firm, and to the citizens of California.

I ask all Members of the House of Representatives to pause to honor a great man, Martin Rubin, who touched so many people through his deeds in life. He will be missed not only by his surviving wife and his four children, but also by all of those who have benefited from the works to which he dedicated his life.

HONORING "MOTHER" RUTH VILLIA JONES

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and work of Ruth Villia Jones of Oakland, California. Known to most simply as Mother Ruth, she has been a leader, an activist, and an icon in the Oakland community for decades, providing care and guidance to countless others throughout her life, and on July 16, 2006, the friends and family of Mother Ruth will gather to celebrate this remarkable woman's 100th birthday.

Mother Ruth was born July 12, 1906 in Louisiana, soon after the great quake of San Francisco. She grew up during a time of extreme social and racial segregation, and learned about racial and gender discrimination from her family's experiences. These experiences shaped her resolve to challenge the status quo and begin her quest for social and human rights in the 1930s and as a Red Cross volunteer during World War II in the 1940s.

Throughout the 1950s, 1960s, and 1970s, Mother Ruth combined her deep spiritual commitment with her desire for social justice, becoming active in the civil rights movement and fighting to end racial discrimination in our country. She marched and worked with the Reverend Martin Luther King, Jr., Reverend Jesse Jackson, and the Reverend Cecil Williams. In the 1960s and 1970s Mother Ruth supported the work of a young group of African American activists, known as the Black Panthers, by joining them on picket lines, in the Free Breakfast Programs and Schools, eventually earning her the esteemed honor of "Mother" to these young men.

As "Mother Ruth," through her vision and activism, she has mentored and enriched the lives of many local leaders, such as Oakland Mayor Lionel Wilson, Congressman Ron Dellums, and myself when I was becoming politically active in the 1970s. Working with her helped to instill in me not only a deep sense of community, but also a fundamental commitment to fighting for social equity and social justice throughout my life. She has been a mentor and a friend to me throughout most of my life, and I am deeply thankful to her for sharing with me her wisdom, her compassion, and her support.

Throughout the Bay Area, Mother Ruth is also known for helping to start the meals program at Glide Memorial Church, which continues to this day. In the 1980s and 1990s Ruth Villia Jones turned her energy and expertise to professional organizations, such as the Glide Foundation, the California Legislative Council for Older Americans, the Alameda County Advisory Commission on Aging, the Black Women Organized for Political Action, the Black Women Organized for Educational Development, the National Black Women's Resource Center, the National Association of Negro Business and Professional Women's Clubs to name a few. Through her various roles in these organizations, Mother Ruth has continued the fight for social justice and equality on numerous fronts, and inspired countless new leaders along the way.

Mother Ruth Villia Jones has been awarded recognition and praise for her activism on many occasions, including being named one of the 2003 Eternal Voices of the Oakland African Museum, the 1984 Ella Hill Hutch Award, the 1980 Glide Community Award, and many others.

Mother Ruth Villia Jones has been a loving sister, mother, wife, a proud grandmother and great grandmother, a friend to many and a "Mother" to us all. On this very special occasion, Oakland and the entire Bay Area community comes together to celebrate Mother Ruth Villia Jones' 100th birthday and honor her for a lifetime of pursuing peace and fighting for social justice. I am honored to add my voice, on behalf of California's 9th U.S. Congressional District, all those gathered here today to thank and salute Mother Ruth for her immeasurable contributions to her community, our country, and our world.

SUBMISSION OF TEXAS SENATE RESOLUTION 9, URGING THE U.S. CONGRESS, TO ADDRESS PROBLEMS IN THE DEPARTMENT OF VETERANS AFFAIRS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today in an effort to bring attention to the insufficient policies that this nation has levied toward our veterans. The great sacrifices made by our military personnel should be acknowledged, at the very least, through a secure retirement. Yet time and again, the rhetoric presented by Members of Congress does not match the policies that are created.

It is imperative that we address the needs of veterans through real proposals that will be flexible and hold up against the course of time, as opposed to short-term fixes. I believe that we can provide military retirees with the degree of support that is reasonable in light of the sacrifices that they have made in service to this nation.

This belief is reflected in a measure adopted by the Texas State Senate on May 15, 2006. Texas Senate Resolution No. 9 (S.R. 9), which was authored by Texas State Senator Leticia Van de Putte, urges Congress to address problems in the Department of Veterans Affairs and to enact legislation that assures predictable and adequate funding of the Veterans Health Administration.

I would like to submit the text of S.R. 9 to the CONGRESSIONAL RECORD so that we in the Federal Government might be reminded of our duty to provide appropriate services to the men and women of our military who have served our nation so proudly. I am hopeful that we can make the needs of veterans a greater priority and that we will thusly adopt policies that recognize the profound commitment and steadfast courage our military personnel demonstrate every day.

TEXAS SENATE RESOLUTION NO. 9

Whereas, military veterans who have served their country honorably and who were promised and have earned health care and benefits from the Federal Government through the Department of Veterans Affairs are now in need of these benefits; and

Whereas, the funding of the health care programs of the Veterans Health Administration of the Department of Veterans Affairs has failed to reflect the admission of newly eligible veterans in the wake of the Veterans' Health Care Eligibility Reform Act of 1996 and has fallen short of the amount needed to counter soaring medical care inflation, resulting in a funding shortfall of at least $10 billion; and

Whereas, the current discretionary method of funding the health care programs of the Veterans Health Administration is uncertain and is subject annually to the whims and competing priorities of Congress, to the detriment of the veterans being served; and

Whereas, the Vietnam Veterans of America organization supports the adoption of a new funding mechanism for the health care programs of the Veterans Health Administration that is indexed to medical inflation and the per capita use of the administration's health care system; and

Whereas, the substantial delay in adjudicating veterans' claims for service-connected disability compensation is the cause of much anguish and anger among veterans and is the result of a lack of funding of the Veterans Benefits Administration of the Department of Veterans Affairs, which has led to an insufficient number of adjudicators and the inadequate training and supervision of adjudicators; and

Whereas, while the vast majority of Department of Veterans Affairs employees are dedicated to serving veterans, it is necessary to ensure that employee accountability standards be strengthened at senior and junior levels; and

Whereas, while more than five million veterans use the Veterans Health Administration of the Department of Veterans Affairs for their health care needs, tens of thousands more are eligible for benefits of which they are unaware due to inadequate outreach efforts by the department; now, therefore, be it

Resolved, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby respectfully urge the Congress of the United States to address problems in the Department of Veterans Affairs related to the provision of health care and benefits, the adjudication of claims, accountability, and outreach and to enact legislation that creates an appropriation formula that ensures predictable and adequate funding of the health care programs of the Veterans Health Administration; and, be it further

Resolved, That the Secretary of the Senate forward official copies of this Resolution to the Secretary of Veterans Affairs, the President of the United States, the President of the Senate and Speaker of the House of Representatives of the United States Congress, and all members of the Texas delegation to the Congress with the request that this Resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

HONORING PUBLIC DEFENDER JAMES J. STEINBERG, HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of Humboldt County Public Defender James J. Steinberg on the occasion of his retirement after nearly 30 years of service to the people of Humboldt County.

James Steinberg began his public service career as a Humboldt County Deputy Public Defender in 1977, shortly after graduating from the University of California Hastings School of Law in 1976. Promoted to Assistant Public Defender in 1989, Mr. Steinberg was then appointed as Public Defender in 1997. During this period, he represented well over 15,000 clients, including Three Strikes and death penalty cases.

In addition to his dedicated performance in the Public Defenders office, Mr. Steinberg has served as the Humboldt County Bar Association President and the President of the Board of Trustees for the Humboldt County Law Library. Mr. Steinberg has also been a member of the North-Coast Co-op Board of Directors, the City of Arcata Budget Advisory Committee, and as a lecturer and instructor at both Humboldt State University and College of the Redwoods. Mr. Steinberg is a founding member of the Teen Court, which conducts trials by peers for first-time juvenile offenders, giving young people a hands-on experience in how our justice system works.

Mr. Steinberg was recognized in 1997 as the Democrat of the Year by the Humboldt County Democratic Central Committee. He graciously accepted the award in an unforgettable address, delivered in rhymed verse. Mr. Steinberg is well-known and highly regarded by his colleagues for his patience, leadership, quick wit, superior intelligence and steadfast commitment to public service.

Mr. Speaker, it is appropriate at this time that we recognize Public Defender James J. Steinberg for his valuable service over three decades to the people of California, and extend our best wishes to him on the occasion of his retirement.

HONORING JOHN F. "RICKY" GOODRICH

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mrs. BLACKBURN. Mr. Speaker, I would like to take a moment today to honor CW5 John F. "Ricky" Goodrich of the Tennessee Army National Guard.

Recently, Chief Goodrich celebrated his 60th birthday at the Ali ai-Salem Airbase in Kuwait while serving there with the Guard's Operational Support Airlift Detachment 25. While he may be far from home, we're thinking of him and wishing him well as he works to defend America's national security.

This is not the first birthday Ricky Goodrich has spent away from home while serving his county though. Nearly 40 years ago, Chief Goodrich spent his 22nd birthday as a young soldier in Vietnam.

Chief Goodrich, the command chief warrant officer of the Tennessee Army National Guard, volunteered for this most recent deployment. And in addition to his administrative responsibilities, he routinely flies his C–12 aircraft into Iraq and Afghanistan.

I would not only like to extend our birthday wishes, but also thank him for his years of exceptional service to the United States Army and the Tennessee Army National Guard. America's fortunate to have men like Ricky and we honor him today.

HONORING CHERI FLEMING

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. McKEON. Mr. Speaker, I rise today to recognize Cheri Fleming, a lovely lady from Santa Clarita, CA. On May 22, Newsweek presented her with the prestigious 2006 Dealer of the Year Award from the American International Automobile Dealers Association, AIADA.

Founded in 1970, AIADA represents 11,000 American automobile dealerships. The members of the association provide nearly 500,000 American jobs and have a positive economic impact both nationally and in their communities. Every May, in recognition of exceptional community contributions and staunch commitment to the advancement of the industry, the Dealer of the Year program acknowledges 10 finalists from across the Nation. Winning the first time she was nominated, Cheri was the only woman proposed this year for the prestigious award.

Partners in business, philanthropy and in life, Cheri and her husband, Don, purchased Valencia Acura in 1997. Although soon to change, at the time the dealership's national ranking was dead last for sales and also in customer satisfaction. Cheri and Don adopted the philosophy of "friendship" instead of "dealership" and began treating their customers just as they would like to be treated. Today, Valencia Acura is one of the top Acura dealerships in the country and also ranks amongst the highest in customer satisfaction with repeat and referral customers comprising over 75 percent of the business. In a relatively short amount of time, Valencia Acura has won many accolades from Acura and Customer Satisfaction Index awards, including: Acura's Precision Team—2002–2004, Honda's Council of Excellence—2004–2005, "Best New Car Dealership in Santa Clarita"—2003–2005, "Most Community Minded Owners in Santa Clarita"—2003–2005 and Santa Clarita Valley Chamber of Commerce "2001 Business of the Year" for the medium-sized category.

With the success of Valencia Acura, Cheri and Don rapidly became vital forces in the Santa Clarita Valley and have donated nearly $3 million to community organizations in the past 7 years. Their community involvement transcends financial support as they can often be found participating in community organizations and generously giving their time, energy and efforts for a variety of causes. For their hard work and dedication, Don and Cheri were selected as Santa Clarita's Man and Woman of the Year for 2004. Never before in the history of the program has a husband and wife received the award in the same year.

Although at the helm of a thriving business, Cheri finds time for her extensive volunteer endeavors. Currently, she is the vice president at-large and a director for the Henry Mayo Newhall Memorial Health Foundation, governor-elect for the Soroptimist International Camino Real Region, member and past-president of the Soroptimist International of Santa Clarita Valley, vice president of Special Events and a director for the Child and Family Center Foundation, a director for the Roar Foundation Advisory Board, chair-elect and a director for the American Cancer Society Unit Council and the Los Angeles Regional Unit Council, vice president of the Sheila R. Veloz Breast Imaging Center Advisory Board, chair of the Arthritis Foundation Walk and with Don as her co-chair, has headed the Boys & Girls Club Auction for the past 3 years. In addition, Cheri just fulfilled her $100,000 pledge to help with a cardiac-catheter lab and new emergency room for our local hospital. Recently, Cheri chaired the Santa Clarita Valley Arthritis Walk raising over $60,000 and Don's efforts for the Fleming-Crawford Golf Invitational raised over $113,000 for the Sheila R. Veloz Breast Imaging Center.

The AIADA acknowledged Cheri Fleming's exceptional community contributions and business acumen with the 2006 Dealer of the Year Award and I would like to commend Cheri for her success as well. Sir Winston Churchill once said, "We make a living by what we get. We make a life by what we give." Supported by Don, there is no one who embodies that statement better than Cheri Fleming. Together, their efforts have made the Santa Clarita Valley a much better place to live and I salute them for their efforts.

RECOGNIZING THOMAS R. MERRILL OF LAKE COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize Thomas R. Merrill of Groveland, Florida. Recognized as the longest serving police chief in the Nation, Chief Merrill was honored at the Florida Peace Officers Association awards ceremony as the first-ever recipient of their Distinguished Service Award.

For the past 37 years, Chief Merrill has served as Groveland's chief of police and has proved to be an inspiration to his community and area residents. In addition to his high morals and integrity, Chief Merrill's long tenure has demonstrated his great dedication and commitment to his profession, as well as to the city of Groveland.

Born and raised in Umatilla, FL, Chief Merrill joined the military after graduating from college, serving in the U.S. Air Force from 1959 to 1963 as a nuclear weapons specialist. Chief Merrill later became an officer with the Eustis Police Department, where he remained for 3 years. After taking a brief leave of absence from the force to spend time with his family, Chief Merrill soon thereafter accepted the position as Groveland's police chief. He has been there ever since, serving Groveland with pride and seeing the city through many changes.

After raising his children in Groveland, Chief Merrill is committed to keeping his community safe for future generations. He has enjoyed watching the police department and the city grow during his tenure, and with greater expansion likely for the future, Chief Merrill has no plans to retire anytime soon.

Mr. Speaker, Chief Merrill's career shows that loyalty and dedication to one's community can indeed bring success and accomplishment. I congratulate him on being the first recipient of the Distinguished Service Award and commend him on his commitment and devotion to his career and to Groveland.

"ACTIVISM FOR THE RIGHT, RESTRAINT FOR THE LEFT"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, one of the great intellectual inconsistencies of our time is the assertion by conservatives that they are opposed to "judicial activism" and wish to have important public policy questions left to elected officials. Of course that is true only in those cases where they agree with what the elected officials have done, and they have shown very little restraint when their ideology calls for judicial invalidation of public policy. Indeed, some of the greatest anger I have heard expressed toward judiciary recently by my conservative colleagues has been against the eminent domain decision, in which the justices are guilty in the eyes of my conservative colleagues of being insufficiently activist—that is, the court majority allowed the actions of elected State and local officials in Connecticut to stand. I agree that eminent domain has been abused, but so is intellectual integrity when people insist that the courts defer to elected bodies on the one hand, and then denounce the Supreme Court precisely for doing that in the Kelo case.

Chief Justice Roberts to date appears to be very much in the mode of this one-sided condemnation of activism, as Adam Cohen cogently points out in the July 10 column in the New York Times—given the importance of consistency in the application of judicial principles, I ask that Mr. Cohen's very thoughtful analysis of the Chief Justice's inconsistency be printed here.

[From the Editorial Observer, July 10, 2006]

WHAT CHIEF JUSTICE ROBERTS FORGOT IN HIS FIRST TERM: JUDICIAL MODESTY

(By Adam Cohen)

At the confirmation hearings for John Roberts, there were two theories about what kind of a chief justice he would be. His critics maintained that he was an extreme conservative whose politics would drive his legal rulings. Judge Roberts, on the other hand, insisted that he was "not an ideologue," and that his judicial philosophy was to be "modest," which he defined as recognizing that judges should "decide the cases before them" and not try to legislate or "execute the laws."

Judicial modesty is an intriguing idea, with appeal across the political spectrum. For all the talk of liberal activist judges, anyone who is paying attention knows that conservative judges are every bit as activist as liberal ones; they just act for different reasons. A truly modest chief justice could be more deferential to the decisions of the democratically elected branches of government, both liberal and conservative, and perhaps even usher in a new, post-ideological era on the court.

That is not, however, how Chief Justice Roberts voted in his first term. He was modest in some cases, certainly, but generally ones in which criminal defendants, Democrats and other parties conservatives dislike were asking for something. When real estate developers, wealthy campaign contributors and other powerful parties wanted help, he was more inclined to support judicial action, even if it meant trampling on Congress and the states.

The term's major environmental ruling was a striking case in point. A developer sued when the Army Corps of Engineers denied him a permit to build on what it determined to be protected wetlands. The corps is under the Defense Department, ultimately part of an elected branch, and it was interpreting the Clean Water Act, passed by the other elected branch. Courts are supposed to give an enormous amount of deference to agencies' interpretations of the statutes they are charged with enforcing.

But Chief Justice Roberts did not defer. He joined a stridently anti-environmentalist opinion by Justice Antonin Scalia that sided with the developer and mocked the corps's interpretation of the law—an interpretation four justices agreed with as "beyond parody." The opinion also complained that the corps's approach was too costly. Justice John Paul Stevens dryly noted that whether benefits outweighed costs was a policy question that "should not be answered by appointed judges."

In an opinion on assisted suicide, Chief Justice Roberts was again a conservative activist. The case involved Attorney General John Ashcroft's attempt to invoke an irrelevant federal statute to block Oregon's assisted suicide law, which the state's voters had adopted by referendum. Even though it meant overruling the voters, intruding on state sovereignty and mangling the words of a federal statute, Chief Justice Roberts dissented to support Mr. Ashcroft's position.

Chief Justice Roberts voted against another democratically enacted, progressive law when the court struck down Vermont's strict limits on campaign contributions. He joined an opinion that not only held that the law violated the First Amendment, but also engaged in the kind of fine judicial line-drawing—in this case, about the precise dollar limits the Constitution allows states to impose—that is often considered a hallmark of judicial activism.

One of the court's most nakedly activist undertakings in recent years is the series of hoops it has forced Congress to jump through when it passes laws that apply to the states. Judge John Noonan Jr., a federal appeals court judge appointed by President Ronald

Reagan, has complained that the justices have set themselves up as the overseers of Congress. But Chief Justice Roberts voted to put up yet another hoop, requiring Congress to put the states on "clear notice"—whatever that means—before requiring them to pay for expert witnesses in lawsuits involving special education. It is a made-up rule that shows little respect for the people's representatives.

These cases make Chief Justice Roberts seem like a raging judicial activist. But in cases where conservative actions were being challenged, he was quite the opposite. When a whistle-blower in the Los Angeles district attorney's office' claimed he was demoted for speaking out, Chief Justice Roberts could find no First Amendment injury. When Democrats challenged Republicans' partisan gerrymandering of Texas's Congressional districts, he could find no basis for interceding.

The Roberts court's first term was not radically conservative, but only because Justice Anthony Kennedy, the swing justice, steered it on a centrist path. If Chief Justice Roberts—who voted with Justice Scalia a remarkable 88 percent of the time in nonunanimous cases—had commanded a majority, it would have been an ideologically driven court that was both highly conservative and just about as activist as it needed to be to get the results it wanted.

Chief Justice Roberts still probably views himself as judicially modest, and in some ways he may be. He has been reasonably respectful of precedent, notably when he provided a fifth vote to uphold Buckley v. Valeo, a critically important campaign finance decision that is under attack from the right. He has also been inclined to decide cases narrowly, rather than to issue sweeping judicial pronouncements. But at his confirmation hearings, he defined judicial modesty as not usurping the legislative and executive roles.

His approach to his new job is no doubt still evolving, which could be a good thing. The respect for the elected branches that he invoked while testifying before the Senate Judiciary Committee is hardly a perfect judicial philosophy especially today, when we need the court to resist the president's dangerous view of his own power. Still, that principled approach would do more for the court and the nation than the predictable arch-conservatism the chief justice's opinions have shown so far.

PAYING TRIBUTE TO CORAL CHILDS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Coral Childs for her tireless efforts to enhance technology in the classroom.

Coral Childs has worked tirelessly to further her vision of providing every student in America with access to computers in their schools. Through the Computers for Learning program, CFL, Coral and her team are turning her vision into a reality, matching these "needy" schools with a donor, either a government agency or a member of the private sector, and giving young students access to the tools they need to prepare themselves to compete in the new economy. The CFL program helped bring to life an executive order that encouraged government agencies to donate computers and equipment to schools.

The General Services Administration took ownership of CFL in late 1999. It was at this time that Coral began her work with the program. Under her leadership over the next 5 years, CFL helped transfer more than 118,000 computers and related equipment to over 12,000 needy schools. Coral played a significant role in both the marketing and outreach for the program, but her active involvement with the CFL's website cannot go unmentioned. Due to her remarkable compassion for the public and her dedication to the cause, the website is a place where agencies can instantly access pertinent information about needy schools. A key innovation to the program that Coral brought to CFL was to expand potential donors from government agencies to donors from the private sector including corporations and individuals.

Coral's achievements with CFL helped propel her to a new position within the General Services Administration. She no longer plays a daily role in the Computers for Learning program, but its success would not exist without the key part she played in the program's initiatives and implementation.

Mr. Speaker, I am proud to honor Coral Childs. Her dedication to distributing computers and related equipment to needy schools has greatly enhanced the educational experience of countless children. I applaud her efforts and wish her the best in her future endeavors.

HONORING THE CITY OF ARLINGTON, TX, ON ITS 130TH BIRTHDAY

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. BARTON of Texas. Mr. Speaker, on July 19, 1876, the United States was still celebrating its centennial as Engine No. 20 rolled down the freshly laid tracks of the Texas and Pacific Railroad built to extend rail service west from Dallas. The railroad had hired frontier surveyor and Presbyterian minister Andrew Hayter to locate and lay out a 1-square-mile township as a wood and water stop midway between Dallas and Fort Worth. Entrepreneur James Ditto immediately established a general store in the center of the new town, which had quickly become a shipping point for local cotton farmers and merchants. Hayter and Ditto named the town Arlington in honor of General Robert E. Lee's home in Virginia, and Ditto became the town's first postmaster.

Today, Arlington is the 49th largest city in the United States with a population of more than 360,000 people. It is home to a major General Motors assembly plant, a National Semiconductor wafer plant, a number of Fortune 500 facilities, the fastest growing university in Texas—the University of Texas at Arlington—and an entertainment complex that is one of the top tourist destinations in the country. The original Six Flags amusement park, Hurricane Harbor water park, and the Texas Rangers Baseball Club are located there. And in 2009, when the new stadium is completed, it will become the new home of the Dallas Cowboys football team.

Arlington is and has always been one of the best places in Texas to live, work, and play, to get a quality education and to start a new business. Recent surveys tell us that Arlington is also one of the fittest cities of its size in the Nation, as well as one of the best educated.

As the representative to Congress from Arlington, TX, I want to join the citizens of this great city in celebrating its 130th birthday, recognize the city for its outstanding achievements over the past 130 years, and pray God's blessings on its people for the next 130 years.

A TRIBUTE TO DEAN DONALD E. WILSON

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. CARDIN. Mr. Speaker, I rise today to honor Donald E. Wilson, M.D, MACP, who is retiring as dean of the University of Maryland School of Medicine and vice president of Medical Affairs for the University of Maryland.

Dean Donald E. Wilson has transformed the landscape of American medicine and medical education at the University of Maryland. In 1991, when Dr. Wilson was appointed dean of the University of Maryland School of Medicine, he was the first African-American dean of a primarily non-minority medical school, as well as the first African-American dean at the University of Maryland School of Medicine.

Since 1991, Dean Wilson has increased grant and contract awards from $77 million to $350 million. Philanthropic support for the school of medicine has risen from $1.7 million to $37 million. Dean Wilson has created one of the most diverse student bodies and faculties in the country, with the School of Medicine doubling the number of full-time African-American faculty. Now ranked among the top medical schools in the country, the University of Maryland School of Medicine has benefitted from Dean Wilson's leadership that has promoted the values of cultural and gender diversity and created an all-inclusive atmosphere at the medical school.

Dean Wilson's commitment to the education of minority students in the field of medicine led him to found the Association of Academic Minority Physicians. He continues to serve as editor of the association's journal. For his devotion, Dr. Wilson became the first recipient of the Association of American Medical Colleges' Herbert W. Nickens, MD Award for Diversity.

Dr. Wilson has been a good and trusted adviser to me on health care policy. He has spoken out about the need to expand research into diseases that are more prevalent in the African-American community and among women. His service on the Maryland Health Care Commission has helped to guarantee access to emergency health care for all Marylanders while ensuring that hospitals are able to provide those services.

I hope you will join me in congratulating and thanking Dean Donald E. Wilson for his outstanding contributions to medical education and his commitment to racial and cultural inclusion.

WELCOMING THE NAACP TO WASHINGTON, DC ON THE OCCASION OF ITS 97TH ANNUAL CONVENTION

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. CARDIN. Mr. Speaker, I rise to welcome the National Association for the Advancement of Colored People to Washington, DC for its 97th Annual Convention, The NAACP has been dedicated to promoting and preserving civil rights since its founding in 1909. This year's theme, "Voting our Values, Valuing our Votes," reflects well the organization's commitment to the causes of equality and full participation in society for each and every American.

I wish to extend a special welcome to NAACP President and CEO Bruce Gordon who is completing his first year at the organization's helm, and to Chairman Julian Bond, who has provided steadfast direction and counsel over the years.

As a native of Baltimore, the NAACP's home, and as a life member of the organization, I am filled with pride to see such a large turnout this week in our nation's capital. I also want to welcome the delegates from Region 7, including my constituents from Maryland, who are participating in the week's events. Many of the other delegates flew for the first time into the Baltimore-Washington International Thurgood Marshall Airport, which was renamed last year in honor of Justice Marshall, a son of Baltimore who served as the NAACP's Chief Counsel prior to his historic tenure on the United States Supreme Court.

The 97th annual convention occurs as the House of Representatives has just overwhelmingly passed—without amendments—a 25-year reauthorization of the 1965 Voting Rights Act, and we look forward to its passage this week by the Senate. I want to express my gratitude to Mr. Gordon and Mr. Bond for their vigorous efforts in support of this crucial legislation.

Mr. Speaker, I urge my colleagues to join me in saluting the NAACP for its extraordinary legacy of commitment and courage and for its outstanding presence at this 97th annual convention. I look forward to working with them to promote and protect civil rights in the years to come.

ON ILLICIT ARMS TRAFFICKING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. RANGEL. Mr. Speaker, I rise today to address the issue of illegal trafficking of small arms and light weapons which is responsible for the death of approximately 1,000 people every day worldwide. As U.N. Secretary General Kori Annan reminded us in the U.N. conference on curtailing small arms and light weapons, "these weapons may be small, but they cause mass destruction."

The United States objects to any international regulation on arms trade and is opposed to a blanket ban on governments selling arms to 'non-state actors,' i.e. rebel groups, on the grounds that the oppressed have the right to defend themselves against tyrannical and genocidal governments. Unfortunately our policy also leaves the door open for terrorists groups to get their hands on weaponry. The U.S. government is loathe to sacrifice the liberty of the oppressed people worldwide in exchange for a possible security risk (terrorist threat) to the United States, but has no qualms in forfeiting the privacy and civil liberties of American citizens in return for security.

Furthermore, the United States is the leading producer of arms in the world, meaning we, more than any other country engage in arms trade with other governments, as well as 'nonstate actors.' We, as the superpower of the global system, must take the leading role in eliminating illicit arms trafficking which supplies armaments to brutal civil wars and organized crime networks and thereby causing massive casualties worldwide, everyday.

The United Nations has adopted a non-binding agreement program of action in its conference on "illicit Trade of Small Arms and Light Weapons In All Its Aspects," held in July 9–20, 2001. It encourages nations to ensure manufacturers use markings on small arms and light weapons make tracing illegal arms easier. It also encourages implementation of procedures to monitor legal sales, transfer and stockpiling of small arms and light weapons and urges governments to make illegal manufacture, trade and possession a criminal offense.

The U.S. policy should be to support the U.N.'s Program of Action and try to make the resolution of the conference binding to the member states. We already have strict regulatory policies in arms trade within our borders. We need to expand those policies internationally with the assistance of the United Nations.

Mr. Speaker, I rise to enter into the RECORD, the article by Warren Hoge, titled With caveats. U.S. Backs Session at U.N. on curtailing Illegal Arms, published in the June 28, 2006 edition of the New York Times, reporting on the U.N. Small Arms & Light Weapons Review Conference 2006.

[From the New York Times, June 28, 2006]

WITH CAVEATS, U.S. BACKS SESSION AT U.N. ON CURTAILING ILLEGAL ARMS

(By Warren Hoge)

United Nations, June 27.—The Bush administration gave its backing on Tuesday to a United Nations conference on curtailing the international flow of illegal arms, but warned delegates against adopting measures that would restrict individual possession of weapons.

"The U.S. Constitution guarantees the rights of our citizens to keep and bear arms, and there will be no infringement of those rights," Robert G. Joseph, under secretary of state for arms control and international security affairs, told the *General Assembly*. "Many millions of American citizens enjoy hunting and the full range of firearms sports, and our work will not affect their rights," he said.

He also said Washington would object to any steps to establish international regulation of ammunition or to ban governments from selling arms to rebel groups, known in diplomatic jargon as "nonstate actors."

"While we will of course continue to oppose the acquisition of arms by terrorist groups," he said, "we recognize the rights of the oppressed to defend themselves against tyrannical and genocidal regimes and oppose a blanket ban on nonstate actors."

The two-week conference, which began Monday, is intended to improve ways of curbing the $1 billion black market in the manufacture and distribution of small arms and light weapons that supply brutal civil wars and organized crime networks and end up killing an estimated 1,000 people every day worldwide.

Secretary General *Kofi Annan* reminded the gathering that "these weapons may be small, but they cause mass destruction." He urged member countries to toughen existing laws governing arms deals.

Steps that Mr. Joseph said the United States would support included the marking and tracing of weapons, controls on transfers, certification of the ultimate recipients, effective management of national stockpiles and destruction of illicit and government-declared surplus weapons.

Mr. Annan said the conference was not contemplating a global ban on gun ownership. "Nor do we wish to deny law-abiding citizens their right to bear arms in accordance with their national laws," he said.

He seemed to be referring to a campaign by the National Rifle Association, which has charged in mass mailings that the United Nations is plotting to take away Americans' guns through a treaty banning ownership.

John R. Bolton, the United States ambassador to the United Nations, confirmed that he had received hundreds of the form letters. Asked why all three citizen delegates from the United States to the conference were prominent members of the gun lobby group, he said he made it a practice not to comment on the activities of nongovernmental organizations.

MEDICARE HOME INFUSION THERAPY CONSOLIDATED COVERAGE ACT OF 2006

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. ENGEL. Mr. Speaker, I am delighted to join with my colleagues KAY GRANGER, TAMMY BALDWIN, and RANDY KUHL in introducing the Medicare Home Infusion Therapy Consolidated Coverage Act of 2006. This bill would correct long-standing gaps in Medicare coverage for home infusion therapy, and will enable thousands of beneficiaries to obtain these often life-saving therapies in the most convenient and cost-effective setting—their homes.

Under current Medicare coverage rules, beneficiaries who have severe infections, cancer, or congestive heart disease and many other diagnoses, are needlessly admitted into hospitals or nursing homes to receive the care they need. This is most unfortunate, Mr. Speaker, because in many cases, infusion therapy administered in the patient's home is clearly the preferred alternative. Commercial health plans have long recognized the clinical value and cost-effectiveness of home infusion therapy, and full and proper coverage of home infusion therapy is commonplace among these payers. Medicare stands virtually alone in its antiquated coverage policies that discourage the use of a therapy that in actuality should be promoted for its cost savings, safety, clinical effectiveness, and convenience. At a time when there is a growing awareness of the need to prevent or limit inpatient hospital stays for our Nation's elderly, we believe this legislation is extremely timely.

Our bill is very simple in its approach. Currently, whatever coverage exists for home infusion therapy is divided between part B and part D. Part B coverage is based on the durable medical equipment benefit, because an item of DME—the infusion pump—is sometimes needed to administer home infusion therapy. That coverage, however, is limited to about 23 drugs. Part D, the outpatient prescription drug benefit, covers more infusion drugs than part B, but does not cover the services, supplies and equipment necessary to safely and appropriately administer these therapies in the home. As a result, both part B and part D coverage of home infusion are very limited. Under part B, Medicare beneficiaries do not have access to many of the most common infusion drugs covered by commercial health plans. Under part D, many beneficiaries have to pay for the infusion services, supplies, and equipment with out-of-pocket funds. The clear result is that access to home infusion therapy, despite its potential for cost savings and good clinical outcomes, is needlessly limited.

Our bill would consolidate coverage for home infusion therapy under part B, so that coverage would be centered in one benefit and coverage would be designed to appropriately and accurately reflect what is involved in the safe and effective provision of home infusion therapy. The Secretary of HHS would apply quality standards that are consistent with prevailing community standard of care commonly utilized by commercial health plans. Both beneficiaries and the Medicare program itself would reap the benefits of broader access to these important medical treatments in the home.

I introduced a similar bill in 2001 that would have established a home infusion therapy benefit under part B. Since then Congress enacted the Medicare Modernization Act of 2003 which created the part D prescription drug benefit. While I appreciate the efforts to broaden coverage of the drug portion of home infusion therapy, the problems I have described still persist because CMS believes it does not have the authority to cover anything beyond the drugs. Thus, effective coverage of home infusion therapy has remained elusive. We can fix this now.

Along with my colleagues, I urge early consideration of this long-overdue bill.

THANK YOU. HECTOR BARRETO, FOR A JOB WELL DONE

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. MANZULLO. Mr. Speaker, last Monday was the last day in office for Hector Barreto, the second-longest serving SBA Administrator in its 53-year history. Last week, there was a reception in honor of former Administrator Barreto with a broad spectrum of the small business community in Washington in attendance. This reflected well upon Mr. Barreto and his leadership style to bring people together of diverse interests and backgrounds.

I don't know how Mr. Barreto put up with being in Washington for these past 5 years. I'm proud to be associated with Mr. Barreto and where he has taken the SBA to serve more small businesses than ever before in the history of the agency. I'm also proud to say that Mr. Barreto and I have similar backgrounds, growing up in the family restaurant business in the Midwest.

It's amazing to see what has happened during the tenure of Mr. Barreto as Administrator of the SBA. Mr. Barreto was confirmed by the Senate and then sworn into office on July 25, 2001. Several weeks later, our Nation was hit by the awful terrorist attacks on September 11. More Americans were killed in 9/11 than at Pearl Harbor. Mr. Barreto was just getting used to his new job responsibilities and this terrible tragedy struck America. Administrator Barreto rose up to the challenge by extending Economic Injury Disaster loans to small businesses all across America regardless of their proximity to the locations of the actual terrorist attacks. The terrorists sought to devastate our economy by tearing down the World Trade Center and disrupting air travel but they did not count on the resiliency of the small business sector and the American people. More than 10,000 small businesses across the Nation employing 166,000 workers were helped with over $1 billion in 9/11 SBA disaster loans.

If that wasn't enough, Mr. Barreto achieved great results in other programs of the SBA. Between 2000 and 2005, the SBA more than doubled the number of loans made through its main business loan guarantee programs. The dollar volume also dramatically increased—in 7(a) by nearly 40 percent and in the 504 program by threefold. And after a series of programmatic shut-downs and curtailments, I joined with Mr. Barreto in making the historic decision in late 2004 to finally get the 7(a) program off the rollercoaster of the appropriations process and have it funded entirely through user fees just like the 504 and the SBIC program. Now, the 7(a) program is going like gangbusters, serving record numbers ,of small businesses throughout all demographic groups, as compared to when it was receiving a loan subsidy.

There has also been a steady increase in the number of individuals receiving technical assistance, education, and counseling through the SBA and its resource partners. Also, as a result of active engagement between the SBA and Federal agencies, Federal procurement dollars going to small businesses are at an all-time high. All this was accomplished while transforming the SBA into an agency to meet the challenges of the 21st century. Change is hard but Mr. Barreto made the courageous decision to have the SBA operate more like the private sector than a bureaucracy. Doing more with less should be praised. not condemned, particularly in this tough budget environment.

Then, Hurricanes Katrina, Rita. and Wilma violently struck the gulf coast last year. It was as if a swath of complete devastation 100 miles wide ripped through our country from Boston to Chicago. Again. Administrator Barreto and his team in the Office of Disaster Assistance came through despite enormous obstacles placed in their path, including not being able to really get to the areas of deepest destruction until well after a month after Hurricane Katrina ravaged New Orleans. The SBA and Administrator Barreto in particular took many below-the-belt political potshots along the way. I know when a person's integrity has been unfairly questioned, and I had to stand up to defend a decent and honorable man. I was proud to stand with Mr. Barreto last December in the press conference to put some context and additional facts into a very complicated situation.

Just as a side note, it is very interesting to me that the media is not reporting that the SBA thus far has approved a record amount of over $10 billion in disaster loans to more than 152,000 Gulf States residents, representing an accomplishment 2½ times greater than the Nation's previous largest disaster—and all done at a faster pace. That is something to be proud of.

Mr. Speaker, I want to take this brief opportunity to once again thank Mr. Barreto for his leadership; for his friendship; and for his service to our country. Our Nation's small business community is better for Mr. Barreto's tenure as the second longest serving SBA Administrator in history. The new SBA Administrator, Steve Preston, has some fairly big shoes to fill.

Freda and I wish Hector Barreto and his family all the best in his new endeavor as the new national chairman of the Latino Coalition. I am confident that Mr. Barreto will never forget his small business roots.

PAYING TRIBUTE TO KATHY AUGUSTINE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of Kathy Augustine, a dedicated Nevada leader, who passed away on Tuesday, July 11, 2006.

Kathy was a devoted and passionate public servant, having served in the Nevada State Assembly from 1993 to 1995, and also in the State Senate from 1995 to 1999, where she chaired the Legislative Affairs and Operations Committee and was Vice Chairman of Taxation and the Human Resources and Facilities Committees. In 1999, Kathy became the first woman to be elected as Nevada State Controller. To add to her impressive résumé, Kathy was also a Trustee for the Center for

Governmental Financial Management, and the National Association of State Auditors, Comptrollers, and Treasurers' representative on the Electronic Benefits and Services Council, where she served as Chair of the Strategic Expansion and Advanced Technology Committee.

Kathy's work on behalf of her constituents earned her a number of honors throughout her years of public service. She was a recipient of the American Legion Achievement Medallion, the Community Partners Family Resource Center 1998 Community Service Award of Excellence, the 1998 National Republican Legislators Association, Legislator of the Year, Nevada Opera Theatre's International Friendship Award (2003), and the Augustus Society's Italian American of the Year (2003).

In addition to her vast public service career, Kathy also had an impressive array of academic achievements. She earned a Bachelor's Degree in Political Science from Occidental College in Los Angeles, and a Master's in Public Administration from California State University, Long Beach. She served as a Delegate to Russia and the Ukraine with the American Council of Young Political Leaders (ACYPL) in 1993 and was selected as an Executive Committee Member to the Biennial Assembly of the Atlantic Association of Young Political Leaders (AAYPL) in Paris, France in 1995. She participated in the Council of State Governments Henry Toll Fellowship Program and was also selected for the Flemming Fellows Leadership Institute's Class of 1996. In 1999, she attended the Governors Center at Duke University Strategic Leadership for State Executives and, in 2000, graduated from the Greater Reno-Sparks Chamber of Commerce Leadership program. In 2001, she completed the Harvard University, John F. Kennedy School of Government, Senior Executives in State and Local Government Program.

Mr. Speaker, I am saddened by the unexpected and sudden loss of such a young and ambitious woman. Kathy will be remembered for her dedication to the State of Nevada, to her family, and to her friends. She will be deeply missed.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 18, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 19

9 a.m.
  Environment and Public Works
    To hold hearings to examine the science and risk assessment behind the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards.
SD-628

9:30 a.m.
  Judiciary
    To hold hearings to examine antitrust concerns relating to credit card interchange rates.
SD-226

10 a.m.
  Banking, Housing, and Urban Affairs
    Business meeting to consider the nominations of Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System, Linda Mysliwy Conlin, of New Jersey, to be First Vice President, James Lambright, of Missouri, to be President, and J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors, all of the Export-Import Bank of the United States, Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board, Edmund C. Moy, of Wisconsin, to be Director of the Mint, Department of the Treasury; to be followed by a hearing to examine the semiannual Monetary Policy Report to Congress.
SD-106

  Commerce, Science, and Transportation
    Business meeting to consider the nominations of Mark V. Rosenker, of Maryland, to be Chairman of the National Transportation Safety Board, R. Hunter Biden, of Delaware, and Donna R. McLean, of the District of Columbia, each to be a Member of the Reform Board (Amtrak), John H. Hill, of Indiana, to be Administrator of the Federal Motor Carrier Safety Administration, Andrew B. Steinberg, of Maryland, to be an Assistant Secretary of Transportation, routine lists in the Coast Guard and NOAA, and other pending calendar business.
SR-253

  Health, Education, Labor, and Pensions
    Business meeting to consider proposed Pandemic and All-Hazards Preparedness Act, S. 843, to amend the Public Health Service Act to combat autism through research, screening, intervention and education, and the nominations of Elizabeth Dougherty, of the District of Columbia, Peter W. Tredick, of California, and Harry R. Hoglander, of Massachusetts, each to be a Member of the National Mediation Board.
SD-430

  Homeland Security and Governmental Affairs
    To hold hearings to examine Department of Homeland Security purchase cards.
SD-342

  Energy and Natural Resources
  Public Lands and Forests Subcommittee
    To hold an oversight hearing on the implementation of Public Law 108-148 The Healthy Forests Restoration Act.
SD-366

11 a.m.
  Commerce, Science, and Transportation
  Technology, Innovation, and Competitiveness Subcommittee
    To hold hearings to examine high performance computing.
SR-253

2 p.m.
  Judiciary
    Business meeting to consider pending calendar business.
SD-226

2:15 p.m.
  Judiciary
    To hold hearings to examine judicial nominations.
SD-226

2:30 p.m.
  Foreign Relations
    To hold hearings to examine Extradition Treaty Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, and related exchanges of letters, signed at Washington on March 31, 2003 (Treaty Doc. 108-23).
SD-419

  Intelligence
    To receive a closed briefing regarding intelligence matters.
SH-219

JULY 20

9:30 a.m.
  Armed Services
    To receive a closed briefing regarding overhead imagery systems.
S-407, Capitol

  Foreign Relations
    To hold hearings to examine U.S. policy options regarding North Korea.
SD-419

  Judiciary
    Business meeting to consider pending calendar business.
SD-226

10 a.m.
  Agriculture, Nutrition, and Forestry
    To hold hearings to examine USDA dairy programs.
SR-328A

  Energy and Natural Resources
    To hold hearings to examine the nominations of John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement, and Mark Myers, of Alaska, to be Director of the United States Geological Survey, both of the Department of the Interior, and Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, Federal Energy Regulatory Commission.
SD-366

  Small Business and Entrepreneurship
    Business meeting to mark up an original bill to reauthorize the Small Business Administration.
SR-428A

  Veterans' Affairs
    To hold hearings to examine "VA Data Privacy Breach: Twenty-Six Million People Deserve Assurance of Future Security".
SR-418

  Aging
    To hold hearings to examine the generic drug maze relating to access to affordable, life saving drugs.
SD-106

11 a.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To receive a closed briefing regarding Iran.

S-407, Capitol

1:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine Iran's nuclear impasse, focusing on the status of Iran's nuclear weapons capabilities, European negotiations and the UN Security Council, and the feasibility of further negotiations, democracy promotion, sanctions, and/or military operations.

SD-342

2 p.m.

Appropriations

Business meeting to mark up H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2007, H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and H.R. 5576, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007.

SD-106

2:30 p.m.

Intelligence

To receive a closed briefing regarding intelligence matters.

SH-219

JULY 25

9:30 a.m.

Armed Services

Airland Subcommittee

To hold hearings to examine the F-22A multiyear procurement proposal in review of the Defense Authorization Request for fiscal year 2007.

SR-222

JULY 27

10 a.m.

Veterans' Affairs

To hold hearings to examine the nominations of Patrick W. Dunne, of New York, to be Assistant Secretary of Veterans Affairs for Policy and Planning, and Thomas E. Harvey, of New York, to be Assistant Secretary of Veterans Affairs for Congressional Affairs.

SR-418

SENATE—*Tuesday, July 18, 2006*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, in spite of the violence and the strife in our world, we pause to thank You for Your blessings. Thank You for the resiliency of the human spirit that often shines brightest during the darkest hours. Thank You for the examples of those who are willing to sacrifice even life itself for freedom. Thank You for the visions and ideals You have planted in the hearts of our legislative leaders and for their commitment to excellence. Thank You for the opportunity to labor for a world at peace and for those who toil for the day when we will study war no more.

Above all, we thank You for the blessing of Your love revealed by Your gift of salvation to our world. Accept this, our sacrifice of thanksgiving and praise.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 10 a.m. with the time equally divided.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning at 10 a.m. we will resume debate on the stem cell issue with each 30 minutes alternating between the two sides. We have the designated times locked in with three votes occurring in a stacked sequence beginning at 3:45 today.

I thank the Members who were available yesterday for the debate. We had a good debate, an important debate, on the whole range of ethical and scientific issues which were introduced and talked about yesterday in that debate, and I am sure it will be constructive, with that same cooperative dialog and spirit today. We have a limited amount of time for closing remarks, so Senators should be on the floor of the Senate during their speaking blocks, and if there is any time available in those speaking blocks, that time will be appropriately allocated.

We will recess today as usual from 12:30 until 2:15 for the weekly policy meetings, and later on this afternoon, we will also begin work on the Water Resources Development Act. We have a time agreement which limits the amendments to the so-called WRDA—the Water Resources Development Act—and we expect to begin debate on some of those amendments this afternoon and evening.

Other items that may be considered this week include some circuit and district judges that have been reported by the Judiciary Committee. We mentioned the Child Custody Protection Act, and we have mentioned the Voting Rights Act. So we will have a busy week.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, with respect to the debate time today regarding the stem cell legislation, I ask unanimous consent that the Democratic time be controlled as follows: From 10:30 to 11 a.m. Senators LAUTENBERG, CLINTON, and MIKULSKI each controlling 10 minutes; from 11:30 to 12 o'clock noon, Senators KOHL and LINCOLN each controlling 5 minutes, and Senators CARPER and JOHN KERRY each controlling 10 minutes; from 12:15 to 12:30, Senators FEINGOLD and SCHUMER each controlling 7½ minutes; and from 2:45 to 3:15 p.m. Senator MENENDEZ, 3 minutes, Senators FEINSTEIN, KENNEDY, and HARKIN each controlling 8 minutes.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Would the Chair advise me as to the current state of business on the floor?

The PRESIDENT pro tempore. The time until 10 a.m. is equally divided between the parties.

STEM CELL RESEARCH

Mr. DURBIN. Thank you very much, Mr. President. Speaking on the minority side, I would like to say that we face a historic vote today on stem cell research. This is a vote that millions of Americans are watching. People who are suffering from diabetes, Parkinson's, Alzheimer's, spinal cord injuries, they can't understand why America, for the last 5 years, has shut down medical research that promises hope—hope for cures. They can't understand that the President of the United States made the decision—almost unprecedented in our history—to close down medical research. He didn't do it absolutely, and that is the curious thing.

If this is a question of being driven by moral values, I don't understand how the President could conclude that using existing stem cell lines, 78 of them, is permissible, but using 1 more is immoral. I don't follow his logic. Frankly, I don't believe it is logical.

What we have before us is an opportunity to move forward on stem cell research with very strict ethical guidelines. We have a choice: Will we take these thousands of stem cells—which, frankly, will be discarded as waste and surplus—will we allow that to happen or use them in a laboratory to give a 12-year-old girl suffering from juvenile diabetes a chance for a normal, happy life?

Will we use these stem cells to try to explore possibilities for the epidemics of Parkinson's and Alzheimer's and Lou Gehrig's disease and finally have some avenue toward a cure? Are we going to tie our hands as a nation?

The Senate has a chance today to vote for the real bill: H.R. 810. That is the only bill dealing with stem cell research. There are two other bills we will be voting on, and honestly, they don't mean anything. They mean so little. One prohibits practices that are not occurring, and the other is just words—words that don't really lead to research.

What is really troubling is the President has sent us a message, and we received it yesterday. The President said,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

with his Statement of Administration Policy, if H.R. 810, the real stem cell research bill, were presented to the President, he would veto the bill. This President, who calls himself a compassionate conservative, has a chance with the stem cell research bill to show his compassion for the millions of people suffering from disease, people who are clinging to the possibility of hope in medical research. I hope the President will reconsider. I hope he will not just dig in and say: That's it, I won't even think about it.

I hope the President will pray on this because he is a prayerful man, and if he does, I hope he will understand that throwing away these stem cells, discarding them, declaring they are medical waste, is a waste of opportunity and a waste of hope.

We have a chance with this stem cell bill to give hope to people. I have gathered those in Chicago who are interested in the issue, and there are so many of them: Representatives of groups, a mother who wakes in the middle of the night two or three times to take a blood test on her little girl to see if she needs insulin; a couple sitting before me—I will never forget them—he is suffering from Lou Gehrig's disease. He is in his thirties. He has reached the point now where he cannot speak or move. She brings him to our meeting, and as she describes what they have been through, tears are rolling down his cheeks, realizing he can't do anything to help himself at this point.

Well, there is a chance—a chance, perhaps, for him but certainly for others—a chance for them, for those suffering from Parkinson's.

My colleague from Illinois in the House, LANE EVANS, is my buddy. We came to the House together in 1982. What a great guy. He is a Vietnam era Marine Corps veteran. He wins an upset victory in Illinois, comes in, he is a great Congressman, and then Parkinson's strikes. He had to announce this year he is ending his public career to continue this valiant battle against Parkinson's.

He said, when he came to the floor and spoke on behalf of this bill: This is not just about the right to life, it is the right to live, the right for him to live, the right for others to live.

I implore my colleagues on both sides of the aisle to pass this bill today with a strong vote. Say to the President: Please, in prayerful reflection, think about these people who are counting on us. Think about our chance to show that we are not just compassionate conservatives and compassionate progressives and compassionate liberals, we are compassionate Americans.

I urge my colleagues to pass this bill, and I urge the President to reconsider his veto.

The PRESIDING OFFICER (Mr. DEMINT). The Senator's time has expired.

Mr. HATCH. Mr. President, I see the distinguished Senator from Alaska on the Senate floor. I believe he would like to introduce some people.

VISIT TO THE SENATE BY MEMBERS OF THE SENATE OF SPAIN

Mr. STEVENS. Mr. President, it is my high honor to introduce to the Senate a delegation from the Senate of Spain. Senator Rojo is the leader of this group, the President of the Senate of Spain. With him is Senator Lucas, Senator Anasagasti, Senator Caneda, Senator Garcia-Escudero, Senator Lerma, Senator Aleu, Senator Zubia, Senator Macias, Senator Mendoza, and Senator Cuenca.

Senator Rojo is the President. Senator Lucas is the Vice President. Senator Anasagasi is the First Secretary, and Senator Caneda is the Third Secretary. Senator Garcia-Escudero is the Spokesperson for the Popular Party. Senator Lerma is the Spokesperson for the Socialist Party. Senator Aleu is the Spokesperson for the Progressive Catalonian Parties, and Senator Zubia is the Spokesperson for the Basque Nationalists. Senator Macias is the Spokesperson for the Catalonian Coalition. Senator Mendoza is the Spokesperson for the Canary Islands Coalition, and Senator Cuenca is the Deputy Spokesperson for the Mixed Group.

Mr. President, we thought we had it bad. There are many parties represented here from our distinguished ally, Spain. I hope Senators will take a moment to say hello.

I explained to my colleagues that we are in a debate which is a prelude to a debate which will come up very soon.

RECESS

Mr. STEVENS. Mr. President, I will ask the Senate stand in recess for just a few moments to say hello to our distinguished colleagues.

With the Senate's indulgence, I would like to announce we will have a coffee reception for the President of the Senate of Spain and his colleagues, the Senators from Spain, in the President pro tempore's room starting immediately. All staff and Senators are invited.

I ask unanimous consent that the Senate stand in recess so we can greet our distinguished colleagues.

The PRESIDING OFFICER. The Senator will stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:03 a.m. recessed until 10:04 a.m. and reassembled when called to order by the Presiding Officer (Mr. DEMINT).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

FETUS FARMING PROHIBITION ACT OF 2006

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will resume consideration of S. 3504, S. 2754, and H.R. 810, en bloc, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 810) to amend the Public Health Service Act to provide for human embryonic stem cell research.
>
> A bill (S. 3504) to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.
>
> A bill (S. 2754) to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

Mr. HATCH. Mr. President, I rise to speak in support of stem cell research.

I plan to vote in favor of each of the three bills that we will be considering today. I call upon my colleagues to pass all three of these bills. I call upon the President to sign all of them into law.

Make no mistake about it. This is an important debate. We will cast important votes today.

Even with all the events taking place the world today, including the developments in Lebanon, Syria, and Iran, it is my hope—and the hope of many others—that when the history of our time is written, the ultimate outcome of today's debate over stem cell research will have been a major breakthrough in our understanding of, and ability to promote, human health and prevent and treat disease.

I admire and respect President Bush tremendously for being the first President to dedicate Federal funds for stem cell research. As many may recall, in August 2001, the President announced that Federal funds would be used for research on 60 stem cell lines that were created from embryos that have already been destroyed. Unfortunately, many of these stem lines became contaminated so the cells could never be used for scientific research. I believe that H.R. 810 must be signed into law in order to make the President's policy work because in my view, the President already made the decision to use the cells. H.R. 810 just changes the guidelines for stem cell research by allowing embryos that would otherwise be discarded to be made available for research. I believe that by using these embryos for medical research, we are, in fact, promoting life.

One of the reasons why so many are so interested in this debate is that literally everyone either has, or knows, a loved one who has. one of the diseases or conditions that may one day benefit from stem cell research.

One reason why I support stem cell research so strongly is because I have heard from so many of my fellow citizens of Utah and fellow Americans about how important this issue is to them and their families.

That is the reason why Nancy Reagan wrote me the following letter about stem cell research:

MAY 1, 2006

DEAR ORRIN: Thank you for your continued commitment to helping the millions of Americans who suffer from devastating and disabling diseases. Your support has given so much hope to so many.

It has been nearly a year since the United States House of Representatives first approved the stem cell legislation that would open the research so we could fully unleash its promise. For those who are waiting every day for scientific progress to help their loved ones, the wait for United States Senate action has been very difficult and hard to comprehend.

I understand that the United States Senate is now considering voting on H.R. 810, the Stem Cell Research Enhancement Act, sometime this month. Orrin, I know I can count on friends like you to help make sure this happens. There is just no more time to wait.

Sincerely.

NANCY.

I want to make it clear that there is broad consensus among leading scientists that among the three bills we will vote upon today—the Stem Cell Research and Enhancement Act, H.R. 810; the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754; and the Fetus Farming Prohibition Act of 2006—it is H.R. 810 that can most immediately advance science.

The vote on H.R. 810 is the one that really counts.

Some in this debate suggest that passage of the Specter-Santorum alternatives bill would obviate the need for H.R. 810. Neither Senator SPECTER nor I believe that. Nor do the leading scientists in America believe that. Nor should you believe that.

To put a point on it, the other two bills, S. 2754 and S. 3504, are most emphatically not a substitute for H.R. 810. These bills complement H.R. 810. In no way can, or do, they replace H.R. 810.

I support the alternatives bill, S. 2754, for a lot of the same reasons why I coauthored the cord blood stem cell research bill that President Bush signed into law last year. I believe that all scientifically credible and ethically sound avenues of stem cell research ought to be pursued. I might add that when we passed the cord blood legislation, that form of research had already yielded tangible results for several types of diseases, such as some forms of bone marrow cancer.

In sharp contrast, whatever benefits the alternatives bill may yield, experts tell us that they are largely unrealized today and, as often the case with cutting edge science, uncertain in the future. But that is the way science works. Advance in science often progresses in fits and starts. Sometimes, actually most of the time, particular avenues of research are found to be blind alleys and advances do not come. Many seeds of discovery have to be planted for the flower of progress to bloom.

Today's votes give us an opportunity to move forward on several fronts.

Let us be clear that the centerpiece of today's debate is H.R. 810. This is the bill that will help provide the long overdue expansion of the number of stem cell lines eligible for federally funded biomedical research. This is what our leading scientists have told us they want and need to move the field of stem cell research forward.

I have worked with leading scientists throughout my 30-year career in the Senate. Few, if any, issues have created the genuine sense of excitement among the scientific community as have the current opportunities in stem cell research.

Listen to what Dr. Harold Varmus has said about the promise of stem cell research. Dr. Varmus is a Nobel Laureate. He is the former Director of the National Institutes of Health. He currently runs the prestigious Sloan-Kettering Cancer Center. By all accounts, he is one of the leading scientists in the world. I met with Dr. Varmus on several occasions to learn what scientists think about stem cell research.

Here is Dr. Varmus' assessment:

(t)he development of a cell that may produce almost every tissue of the human body is an unprecedented scientific breakthrough. It is not too unrealistic to say that this practice has the potential to revolutionize the practice of medicine.

More than 40 other Nobel prize-winners and as well most of our Nation's leading scientists, disease advocacy organizations, and many other interested citizens and organizations share this view.

For example, here is what Dr. Edward Clark of the University of Utah Department of Pediatrics has told me about stem cell research:

. . . I can assure you that the scientific progress of stem cell research is extraordinary.

. . . In pediatrics, stem cell research offers therapy, and indeed possibly a cure, for a wide variety of childhood diseases, including neurologic disease, spinal cord injuries, and heart disease . . .

I can think of nothing that will provide as much meaningful therapy for children and children's problems than the promise offered by stem cell research.

It is not hard to understand why the additional stem cell lines that can and will be used by federally funded scientists if H.R 810 becomes law is so exciting for scientists and important for the American public.

The stakes of today's debate are high. As a report of the influential National Academy of Sciences Institute of Medicine has stated:

(S)tem cell research has the potential to affect the lives of millions of people in the United States and around the world.

This Institute of Medicine Report goes on to cite the following high prevalence diseases as likely candidates for stem cell research: Cardiovascular Disease—58 million U.S. patients; Autoimmune Diseases—30 million U.S. patients; Diabetes—16 million U.S. patients; Osteoporosis—10 million U.S. patients; Cancer—10 million U.S. patients; Alzheimer's Disease—5.5 million U.S. patients; Parkinson's Disease—1.5 million U.S. patients.

What family in America does not include someone afflicted with a disease on this list? And a complete list includes many other diseases and conditions such as spinal cord injuries, burns, and many birth defects. Experts believe that upward of 100 million Americans—and hundreds of millions of others around the world—may one day benefit from stem cell research.

For example, let us consider spinal cord injuries. Who does not know, or know of, someone whose life has been devastated by a spinal cord injury?

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received just last month from Michael Armstrong, Chairman of the Board of the Johns Hopkins School of Medicine.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOHNS HOPKINS MEDICINE,
Naples, FL, June 26, 2006.

Hon. ORRIN G. HATCH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATCH: I'm writing to let you know about an exciting recent breakthrough in biomedical research at the Johns Hopkins University. Using mouse embryonic stem cells, scientists led by Dr. Douglas Kerr have regenerated damaged nerve tissue in paralyzed rats, thereby restoring motor function. The details of Dr. Kerr's research are described in a press release attached to this letter.

This breakthrough represents the first time that scientists have actually re-grown damaged components of a nervous system, and it could lead to human therapies that seemed previously to be beyond our reach. Treatments not only for paralysis, but for ALS, multiple sclerosis, and similar diseases of the brain now seem possible. The exact timeframe is impossible to predict, but it will almost certainly depend on the availability of federal funding.

Due to restrictions on federal funding of embryonic stem cell research, Dr. Kerr will likely seek state support for his continuing work. We at Johns Hopkins applaud the courageous efforts of the Maryland General Assembly to make that support possible by passing the Maryland Stem Cell Enhancement Act earlier this year.

The level of funding that will ultimately be required to advance this field of science to human trials, however, suggests that federal funding will be necessary. Yet under current federal policy, the only stem cell lines eligible for federal funding were created using mouse feeder cells and could never be used in clinical trials with humans. It is therefore crucial that current federal stem cell policy be revised.

We are grateful for your ongoing commitment to biomedical research. I'm sure your leadership on this issue will continue to uphold the best interests of American researcher, physicians, and above all, patients.

Sincerely,

C. MICHAEL ARMSTRONG,
Chairman.

Mr. HATCH. Mr. President, this letter describes groundbreaking research conducted by a Johns Hopkins scientist, Dr. Douglas Kerr, on how mouse embryonic stem cells have been able to regenerate damaged nerve tissue in paralyzed rats. According to the letter from Johns Hopkins University, one of the world's most respected biomedical research institutions in the world, Dr. Kerr's "breakthrough represents the first time that scientists have actually re-grown damaged components of a nervous system, and it could lead to human therapies that seemed previously to be beyond our reach. Treatments not only for paralysis, but for ALS, multiple sclerosis, and similar diseases of the brain now seem possible."

The current Director of the National Institutes of Health, Dr. Elias Zerhouni, has said that this research is "a remarkable advance that can help us understand how stem cells can begin to fulfill their great promise."

However, unless H.R. 810 becomes law and the number of stem cells lines eligible for Federal funding is expanded, this promising research could die on the vine.

As Mr. Armstrong explains in his letter:

> The level of funding that will that will ultimately be required to advance this field of science to human clinical trials, however, suggests that federal funding will be necessary. Yet, under current federal policy, the only stem cell lines eligible for federal funding were created using mouse feeder cells and could never be used in clinical trials with humans. It is therefore crucial that current stem cell policy be revised.

The precise type of revision that the scientists at Johns Hopkins tell us is needed is precisely the change in Federal policy that H.R. 810, the Castle-DeGette bill, will bring about.

And the scientists at Johns Hopkins are hardly alone.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Dr. Darrel Kirch, President of the Association of American Medical Colleges.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF
AMERICAN MEDICAL COLLEGES,
Washington, DC, July 11, 2006.

DEAR SENATOR: The Association of American Medical Colleges (AAMC) urges you to vote in favor of the "Stem Cell Research Enhancement Act of 2005" (H.R. 810) when it is considered by the Senate. The AAMC, which represents the nation's 125 accredited medical schools, some 400 major teaching hospitals, and more than 105,000 faculty in 94 academic and scientific societies, endorses this legislation to expand Federal support for stem cell research while adhering to strict federal oversight and standards. In accordance with current law, the legislation ensures that no Federal funding shall be used to derive stem cells or destroy embryos.

The discovery of human pluripotent stem cells is a significant research advance and Federal support to American researchers is essential both to translate this discovery into novel therapies for a range of serious and intractable diseases, and to ensure that this research is conducted under a rigorous and credible ethical regime. The therapeutic potential of pluripotent stem cells is remarkable and could well prove to be one of the important paradigm-shifting advances in the history of medical science. These cells have the unique potential to differentiate into any human cell type and offer real hope of life-affirming treatments for diabetes, damaged heart tissue, arthritis, Parkinson's, ALS and spinal cord injuries, to name but a few examples. There is also the possibility that these cells could be used to create more complex organ structures that could replace diseased vital organs, such as kidneys, livers, or even hearts.

We recognize the significant ethical issues that are raised about embryonic stem cell research and we respect the view of those who oppose such research, including some in our own medical school community. However, we are persuaded otherwise by what we believe is an equally compelling ethical consideration, namely, that it would be tragic to waste the unique potential afforded by embryonic stem cells, derived from embryos destined to be discarded in any case, to alleviate human suffering and enhance the quality of human life.

This legislation recognizes the need to expand Federal support of research on pluripotent stem cells so that the tremendous scientific and medical benefits of their use may one day become available to the millions of patients who so desperately need them. Again, we urge you to vote for this bill, which will help ensure the potential of this research is translated into treatments and cures.

Sincerely,

DARRELL G. KIRCH, M.D.,
President.

Mr. HATCH. Mr. President, this organization represents our Nation's 125 accredited medical schools, 400 teaching hospitals, and more than 105,000 medical school faculty in 94 academic and scientific societies. This letter, sent to all Senators last Tuesday, call for us to support H.R. 810. The AAMC letter states:

> The therapeutic potential of pluripotent stem cells is remarkable and could well prove to be one of the important paradigm-shifting advances in the history of medical science.

Support for H.R. 810 is not confined solely to academicians. Last year, when the House took up and passed H.R. 810 on a bipartisan basis, over 200 organizations gave their wholehearted support for this legislation. This includes many leading patient advocacy organizations such as the Coalition for the Advancement of Medical Research, the Juvenile Diabetes Research Foundation, the Elizabeth Glaser Pediatric Aids Foundation, the Christopher Reeve Foundation, the American Association for Cancer Research, and the Alliance for Aging Research, to name a few.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of organizations that support the passage of H.R. 810.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 14, 2006.

U.S. Senate,
Washington, DC.

DEAR SENATOR: We, the undersigned patient advocacy groups, health organizations, research universities, scientific societies, and other interested institutions and associations, representing millions of patients, scientists, health care providers and advocates, write you with our strong and unified support for H.R. 810, the Stem Cell Research Enhancement Act. We urge your vote in favor of H.R. 810 when the Senate considers the measure next week.

Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country. This is the bill which holds promise for expanding medical breakthroughs. The other two bills—the Alternative Pluripotent Stem Cell Therapies Enhancement Act (S. 2754) and the Fetus Farming Prohibition Act (S. 3504)—are NOT substitutes for a YES vote on H.R. 810.

H.R. 810 is the pro-patient and Pro-research bill. A vote in support of H.R. 810 will be considered a vote in support of more than 100 million patients in the U.S. and substantial progress for research. Please work to pass H.R. 810 immediately.

Sincerely,

Alliance for Aging Research; Alliance for Stem Cell Research; Alpha-1 Foundation; ALS Association; American Association for Cancer Research; American Association of Neurological Surgeons/Congress of Neurological Surgeons; American Autoimmune Related Diseases Association; American College of Neuropsychopharmacology; American College of Obstetricians and Gynecologists; American Diabetes Association; American Gastroenterological Association; American Medical Association; American Parkinson's Disease Association (Arizona Chapter); American Society for Cell Biology; American Society for Microbiology; American Society for Neural Transplantation and Repair; American Society for Reproductive Medicine; American Society of Hematology.

American Thyroid Association; Association of American Medical Colleges; Association of American Universities; Association of Independent Research Institutes; Association of Professors of Medicine; Association of Reproductive Health Professionals; Axion Research Foundation; Biotechnology Industry Organization; B'nai B'rith International; The Burnham Institute; California Institute of Technology; Californians for Cures; Cancer Research and Prevention Foundation; Cedars-Sinai Health System; Children's Neurobiological Solutions Foundation; Christopher Reeve Foundation; Columbia University Medical Center; Cornell University; CuresNow.

Duke University Medical Center; Elizabeth Glaser Pediatric AIDS Foundation; FasterCures; FD Hope Foundation; Genetics Policy Institute; Hadassah; Harvard University; Hereditary Disease Foundation; International Foundation for Anticancer Drug Discovery (IFADD); International Longevity Center—USA; International Society for Stem Cell Research; Jeffrey Modell Foundation; Johns Hopkins; Juvenile Diabetes Research Foundation; Leukemia and Lymphoma Society; Massachusetts Biotechnology Council; National Alliance for Eye and Vision Research; National Association for Biomedical Research; National Coalition for Cancer Research.

National Council on Spinal Cord Injury; National Health Council; National Partnership for Women and Families; National Venture Capital Association; New Jersey Association for Biomedical Research; New York University Medical Center; Parkinson's Action Network; Parkinson's Disease Foundation; Pittsburgh Development Center; Project A.L.S.; Quest for the Cure; Research!America; Resolve: The National Infertility Association; Rett Syndrome Research Foundation; Robert Packard Center for ALS Research at Johns Hopkins; Rutgers University; Sloan-Kettering Institute for Cancer Research; Society for Women's Health Research; Stanford University.

Stem Cell Action Network; Stem Cell Research Foundation; Steven and Michele Kirsch Foundation; Student Society for Stem Cell Research; Take Charge! Cure Parkinson's, Inc.; Texans for the Advancement of Medical Research; Tourette Syndrome Association; Travis Roy Foundation; University of California System; University of Minnesota; University of Rochester Medical Center; University of Southern California; University of Wisconsin—Madison; Vanderbilt University and Medical Center; Washington University in St. Louis; WiCell Research Institution; Wisconsin Alumni Research Foundation; Wisconsin Association for Biomedical Research and Education.

Mr. HATCH. Mr. President, support for the passage of H.R. 810 is not limited to the not-for-profit sector. While it is sometimes typical for the private sector to keep out of some controversial issues, this is not the case with stem cell research.

Last week, I received a letter of support for H.R. 810 from the Biotechnology Industry Organization. BIO represents more than 1,100 biotechnology companies, state biotechnology centers, and academic institutions. The BIO letter notes:

> Expanded support of embryonic stem cell research could also go a long way toward reducing the time and expense needed to develop drugs because new chemical or biological compounds meant to treat diseases could be tested in specific human cells prior to their use in live human beings.

Mr. President, I ask unanimous consent to have printed in the RECORD the July 12, 2006, letter from BIO calling for passage of H.R. 810.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOTECHNOLOGY INDUSTRY
ORGANIZATION,
Washington, DC, July 12, 2006.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: As President & CEO of the Biotechnology Industry Organization (BIO), I am writing to express BIO's support for H.R. 810, the Stem Cell Research Enhancement Act. Other stem cell legislation being debated by the Senate has merit, but only H.R. 810 expands the research that our nation's leading scientists believe holds the promise of finding cures and treatments for the millions of patients who currently suffer from a variety of diseases and disabilities.

BIO is the national trade association representing more than 1,100 biotechnology companies, academic institutions, state biotechnology centers and related organizations in all 50 U.S. states and 33 foreign nations. BIO members are involved in the research and development of health-care, agricultural, industrial and environmental biotechnology products.

Our nation's top scientists agree that embryonic stem cell research has the potential to lead to cures and treatments for many of our society's most devastating diseases and disabilities such as cancer, diabetes, ALS, Parkinson's disease, Alzheimer's disease, and spinal cord injuries. Embryonic stem cell research will further the development of cell-based therapies by leading to greater scientific understanding of cell differentiation—the process by which our cells become specialized to perform certain functions—and proliferation—the process where cells expand, or multiply for controlled use as a potential therapeutic.

Expanded support of embryonic stem cell research could also go a long way toward reducing the time and expense needed to develop drugs because new chemical or biological compounds meant to treat diseases could be tested in specific human cells prior to their use in live human beings.

Importantly, the legislation creates an ethical framework for this research. It prohibits funding unless the cell lines were derived from excess embryos from in vitro fertilization clinics that were created for reproductive purposes and would otherwise be discarded. It also requires voluntary informed consent from the couples donating the excess embryos and prohibits any financial inducements.

H.R. 810 provides hope to millions of patients and their families by expanding current federal policy regarding federal funding of stem cell research. I urge you to support its passage.

If you have any questions, please feel free to call me or Brent Del Monte, BIO's Vice President for Federal Government Relations, at 202-962-9200.

Thank you for your attention to this important matter.

Sincerely,
JAMES C. GREENWOOD,
President & CEO,
Biotechnology Industry Organization.

Mr. HATCH. Mr. President, some aspects of this issue involve complicated scientific facts and complex moral questions. Elected officials and the American public alike have had much to learn and consider since this issue first arose on the scene in 1998.

The more the American public thinks about this issue, the more it coalesces around the policy embraced by H.R. 810 which will significantly improve and expand taxpayer supported stem cell research.

Public opinion polls show that U.S. citizens are squarely behind stem cell research and H.R. 810.

For example, a poll commissioned by the Coalition for the Advancement of Stem Cell Research and taken in May of this year found that 72 percent of Americans support embryonic stem cell research and 70 percent favor the Senate adopting H.R. 810, the Stem Cell Research Enhancement Act. This finding of broad public support is consistent with other previously conducted polls. For example, a Harris poll taken in August 2004 found that 73 percent of Americans think stem cell research should be allowed and a June 2004 Wall Street Journal/NBC News poll placed public support for this research at 71 percent.

Some may try to quibble about how particular poll questions were phrased in particular surveys, but few would question the fact that for some time most Americans have wanted the type of research that H.R. 810 will help enable to go forward.

I can tell you this. The poll results I have just cited are consistent with what I hear from my neighbors and constituents in Utah. I come from a conservative State. But whenever the issue of stem cell research comes up at one of my meetings in Salt Lake City or other places in my State, somebody will come up to me to tell me their personal story with the diseases of a loved one and tell me that I am doing the right thing on stem cell research.

One of the reasons why I got involved with the issue of stem cell research in the first place was because of a little boy named Cody Anderson, whose family used to live in West Jordan, UT.

Cody and his family came to visit me in Washington in 2001 to tell me their tragic family struggle with diabetes. Cody's grandfather succumbed to diabetes at age 47 after a series of painful amputation operations. Cody, his grandfather's namesake, never got the chance to meet or know his grandfather because of diabetes.

Let me read you part of a letter that Cody and his family wrote me:

> I don't want other small children like me to have to go through the things that I have already had to go through. I do not want to suffer the effects that my grandfather did throughout his life because of this disease. I want to grow old and not have to worry about all the bad things that could happen to me because of diabetes. We have seen what diabetes can do to an innocent life. Please don't let this happen to me in my life now. I hope you will take it in your hearts to listen to us, the people who live with this disease for every minute of every day for now and the rest of our lives.

In a few hours we can pass a bill that can only help Cody and thousands of others suffering from diabetes and millions of others who suffer from other diseases and conditions that may benefit from stem cell research.

How do you think young Cody's parents felt when they learned of their son having the same diagnosis as his grandfather?

How would you feel if you were told that your child would lead a life revolving around multiple daily blood tests, insulin injections, and a tightly regulated diet and constricted activity schedule that no child would relish?

The answer of any parent is that you would want your government to leave no stone unturned in finding a cure for that disease. And you would want the cure found as soon as possible.

Let me say a few sobering words about the immediacy of the promise of stem cell research. Cures are not around the corner. While stem cell research may prove in time to be a revolutionary advance in science such progress does not come quickly or on the cheap.

If we start a vigorous program of federally funded stem cell research program progress will not likely be measured in hours and days. It will take years, perhaps 10 or 20 years, before American patients are administered a new class of products and treatments derived from stem cell research.

In this regard I am reminded of an instance in which, when advised that a certain type of rare plant took years and years to bloom if placed in a certain hostile environment, a great French General simply said, "Then we must not delay, we must plant today."

We have to proceed with stem cell research with a passion and urgency today precisely because we do not know how long it will take to find tomorrow's cure. But we do know that the sooner we start, the faster we will get there.

Nor will this research be inexpensive. No doubt one reason why the biotechnology industry is supporting H.R. 810 is because since the end of World War II basic biomedical research in this country has primarily been funded by taxpayers through the programs conducted or supported by the National Institutes of Health. Today, about 80 percent of the $28 billion NIH budget is invested in highly-competitive, peer-reviewed research that is undertaken by universities and research hospitals.

There has been a continuum of effort between the public sector basic research and private sector applied research that attempts to translate the new basic knowledge gleamed from federally supported NIH research into tangible FDA-approved products or other treatments before they can reach even the first patient's bedside. Americans should take pride in the fact that virtually every major advance in the biological sciences in the last 50 years emanated in some way from our investment in the NIH.

In my view, it would be in tragic and nearly incalculable mistake for our country to continue our present policy that materially constricts the cadre of investigators leading over 46,000 ongoing university based, NIH research grants from pushing the envelope of stem cell research. To cede our leadership in such a promising field of endeavor of biomedical research as stem cell research can only be shortsighted in the long run.

For example, the University of Utah is the proud home of one of the world's foremost mouse stem cell researchers. His name is Dr. Mario Capecchi and he has already won one of the most prestigious awards in American science, the Lasker Award. A great deal of the support for Dr. Capecchi and other researchers at the University of Utah and other research universities across the country come from NIH grants and contracts.

I want Dr. Capecchi to stay in Utah. I want the world's leading scientists to stay in the United States. It is critical to relax the current straitjacket on testing new stem cell lines if we are to keep the best stem cell researchers in this country.

Some might say good riddance to this research and to stem cell researchers. Look what happened in South Korea when a group of stem cell researchers conducted unethical experiments, faked the results and lied to the public.

I say that if the NIH is involved in this research and it is conducted in America, federally supported researchers will have to live within longstanding NIH ethical guidelines and principles as well as special rules that will apply only to stem cell research. In this way, as we have done so many times in the past with breakthrough research such as with recombinant DNA technology and organ transplants, the United States can help set a moral and ethical climate that our neighbors in the world community will emulate and follow.

I hope we never reach the day when the best biomedical researchers trained in America must go elsewhere to conduct the most cutting-edge basic biomedical research. Once that happens, we could face the day when sick Americans must actually leave our country to get the latest in treatments. I sure would not want to see a day when a citizen of Salt Lake City has to go to South Korea or any place else to get the best medical treatment possible.

Today, for all of its warts, the U.S.A. is widely recognized as the world's leader in developing and disseminating the latest in medical breakthroughs.

Passage of H.R. 810 will help us keep it that way.

The purpose of H.R. 810 is to expand the opportunities for the type of federally funded basic biomedical research that has proven so beneficial to the American public time and time again in the past.

Having described how many experts and interested parties believe that the promise of stem cell research is so great, I want to spend the next few minutes describing why some are opposed to this research and why I think their opposition is misplaced.

In order to do this, I feel compelled to spend a few minutes to define and discuss some technical scientific terms. I know that others have used many or all of these terms during the course of the debate but please bear with me if I am repeating some one or get too technical.

Perhaps the best place to start a discussion of stem cell research is with a broader term that many scientific experts believe more accurately describes the field and what is at stake.

The term is regenerative medicine.

Regenerative medicine seeks to uncover knowledge about how healthy cells contained in tissues and organs are formed and how they are lost through normal wear and tear or impaired more extensively through injury or degenerative disease.

The growing field of regenerative medicine is increasing our understanding of embryonic development, birth defects, organ transplantation, and the developmental biology of both healthy and diseased tissues. A key avenue of research of regenerative medicine involves stem cells. A stem cell is an undifferentiated cell that has the unique capacity to renew itself and give rise to specialized cell types. These stem cells are called pluripotent because of this ability to develop into different kinds of specialized cells, perhaps into all or most of the 200 known types of tissues that comprise the human body. Stem cells have the ability to divide and replicate for long periods of time in a laboratory colonies called cell lines.

The flexibility of these pluripotent stem cells is distinct from most cells in the body, because most cells are typically dedicated to performing a specific task such as heart muscle cells and specialized nerve cells. Scientists, like Dr. Kerr, the Johns Hopkins nerve cell researcher whom I talked about earlier, hope to be able to use stem cells to study how healthy and diseased cells work and, one day use this knowledge and use stem cell lines to treat or repair diseased tissues or organs. If this research is successful, many currently untreatable diseases and conditions may go the way of small pox and polio.

There are several different sources of stem cells.

Adult stem cells are undifferentiated cells that are found in specialized adult tissues. These cells can renew themselves and, with certain limitations, can differentiate to yield all the specialized cells types of the tissue in which they are found, and perhaps others as well. Adult stem cells have been found in many tissues including bone marrow, blood, the brain, skeletal muscle, dental pulp, liver, skin, eye, and the pancreas.

There is no serious opposition to adult stem cell research. I fully support this research.

There is, however, much debate over the potential limitations of adult stem cell research. For example, the seminal 2001 National Academy of Sciences study I mentioned earlier summarized the concerns:

> (I)t is not clear whether . . . adult stem cells . . . truly have plasticity or whether some tissues contain several types of stem cells that each give rise to only a few derivative types. Adult stem cells are rare, difficult to identify and purify, and when grown in culture, are difficult to maintain in the undifferentiated state. It is because of those limitations that even stem cells from bone marrow, the type most studied, are not available in sufficient numbers to support many potential applications of regenerative medicine.

Although some opponents of H.R. 810 have taken exception to this characterization of the limitations of adult stem cells, it is my understanding that most experts in the field believe that embryonic stem cells offer advantages over adult stem cells because of the reasons I have just reported from the NAS study.

Moreover, some proponents of adult stem cell research claim that many diseases have been effectively treated with adult stem cells. Unfortunately, the weight of evidence does not support many of these claims. Nor do most of the leading experts in the field agree with the notion that adult stem cell research exceeds the promise of embryonic stem cell research despite the fact that adult stem cell research has at least a 40-year head start on embryonic stem cell research and has enjoyed a sustained funding commitment from the NIH.

The current issue of Science magazine contains a detailed letter written by three scientists, Shane Smith, William Neaves, and Steven Teitelbaum challenging claims made by a leading advocate of adult stem cell research, Dr. David Prentice. I understand that most experts come down on the Smith-Neaves-Teitlebaum side of the debate concerning the scientific limitations and opportunities of embryonic stem cells relative to adult stem cells.

Additional sources of stem cells are those acquired from placental and umbilical cord blood. Last fall the Congress passed and President Bush signed into law legislation that I co-authored to expand the use of the valuable and proven source of stem cell therapy. Due to the work of pioneers like Dr. Joanne Kurtzberg from Duke University and Dr. Pablo Rubinstein of the New York Blood Center, cord blood has become an important mode of treatment for diseases like bone marrow disorders and has proven to be particularly useful in the African-American community where it is often difficult to find suitable bone marrow matches.

Yet another source of stem cells is those derived from human embryos. Public debate and discussion have centered on two types of embryonic stem cells.

First, stem cells may be derived from embryos created for, but no longer needed in, the in vitro fertilization process.

Second, stem cells can potentially be derived from so-called cloned embryos through the process of somatic cell nuclear transfer.

Today's debate centers on the first source of embryonic stem cells—excess embryos formed in fertility clinics slated for destruction.

Under the terms of the unanimous consent agreement—and it is an agreement I fully support and commend Senators FRIST and REID for negotiating—the bills we debate today do not involve cloned embryos formed by somatic cell nuclear transfer. This is the process whereby the nucleus of an egg and its complement of 23 chromosomes is removed and replaced with the nucleus of one of the standard 46-chromosome containing somatic cells that constitute the 200-plus tissues of the human body.

Senator FEINSTEIN and others have developed legislation that would ban and criminalize the act of using the somatic cell nuclear transfer process to give birth to a cloned human being. In addition, our bill, the Human Cloning Ban and Stem Cell Research Protection Act, S. 876, would set forth a tightly defined set of ethical restrictions and NIH oversight for anyone in the private sector that undertakes somatic cell nuclear transfer in order to produce new stem cell lines.

Others, led by Senator BROWNBACK, have offered legislation that would effectively ban somatic cell nuclear transfer altogether, even purely for research purposes and even with tight ethical controls that will govern wholly private sector funded experiments.

One day we will have that debate. We will not have it today under the rules of this debate. As I will describe, those opposed to deriving additional stem cell lines through the somatic stem cell process also oppose using spare embryos as a source of additional stem cell lines and do so for the same basic argument.

The great topic of today's debate is whether it is ethical and proper for taxpayer funded scientists to use stem cells derived from embryos no longer needed in fertility treatment.

The process of in vitro fertilization consists of fertilizing a woman's egg in a laboratory and then placing the fertilized egg in a woman's womb so that gestation and childbirth can occur. This is what is done when couples have fertility problems. Although IVF procedures were very controversial when they were first developed and used back in 1983, over 200,000 Americans have been born through this technique that is widely accepted today.

Many had grave reservations about the IVF process when it was developed. Some of the fiercest opponents of IVF back then are also the most ardent opponents of S. 810. While I respect their views—and these are sincere and earnest individuals—I think they were wrong then and wrong now.

As part of the fertility treatment process, it is inevitable that there will be some test tube embryos that will not be needed and will never be implanted in a mother's womb. And let me be clear here, I believe that the highest and best use of a human embryo is to be used by loving parents to add to their family. I wholeheartedly support adoption of spare embryos and would give adoption precedence over use for research. I think most would agree with me on this.

But the fact of the matter today is that there may exist at any point in time more than 400,000 such unused embryos in the United States and each year tens of thousands of such spare embryos are routinely and unceremoniously discarded and destroyed. It is important to note that more than 11,000 of these embryos have already been used for research.

It is from these embryos that scientists have derived stem cell lines.

Here is how it works.

During the first few days of embryo development, whether in a mother's womb or in a Petri dish inside a fertility clinic, the fertilized egg—called a zygote—begins to divide and transform into a sphere of cells called a blastocyst. Depending on its stage of development, a blastocyst is comprised of about 30 to 150 cells. It is from the inner layer of the blastocyst that scientists can derive the unspecialized but pluripotent stem cells that hold so much promise.

As I said earlier, while there is some debate on this issue, the great bulk of the evidence and consensus view of leading experts is that, at this point in time, research on the embryonic stem cells holds at least as much, and probably a lot more, promise than research on adult stem cells and cord blood. That is because the experts believe that embryonic stem cells appear to be easier to identify and work with and appear to be more flexible than other sources of stem cells.

The sole purpose of H.R. 810 is to expand the number of stem cell lines eligible for Federal funding. If H.R. 810 passes and is signed into law, Americans will finally get the vigorous program of federally funded stem cell research complete with a rigorous system of Federal oversight of the ethical protections that the National Institutes of Health will place on this research.

The policy dispute that requires the legislative fix set forth in H.R. 810 revolves around the moral status of a spare embryo. Some, including President Bush and some in Congress, have reservations about using stem cells derived from embryos for research purposes. This concern is anchored in the perspective that human life begins at the moment of conception, be it in the womb or in the lab of a fertility clinic.

While I respect this view and those who hold it, I do not agree with it.

Let me say that I come into this debate as longtime, right-to-life Senator. I oppose abortion on demand. I think that Roe v. Wade was wrongly decided. I have worked to return the power to outlaw abortion from the courts to the states. In 1981, I proudly worked to report an anti-abortion constitutional amendment from the Senate Judiciary Committee.

In the 108th Congress, I served as chairman of the House-Senate Conference Committee that finalized long-overdue legislation to outlaw the barbaric practice of partial birth abortion. I was at the President's side when he signed this bill into law.

When it comes to a right-to-life philosophy, I do not take a back seat to anyone in this Chamber or the House of Representatives. I will put my pro-life track record up against anyone inside or outside of Congress.

When I considered the question of the moral status of stem cells created for, but no longer needed in, the in-vitro fertilization process, I did so from a long and fervently held pro-life philosophy.

I have discussed this issue with many experts in science and ethics on all sides of this issue. I spoke to many Utahns and other citizens about their views on this matter. I consulted books ranging from medical texts and the Bible.

I thought long and hard about this matter.

Sometimes, I simply prayed to God for guidance.

I take my pro-family, pro-life philosophy very seriously.

I believe the worth of each soul is absolute.

Accordingly, I reject any purely utilitarian argument that the promise of stem cell research is so great that the ends justify the means.

I do not think that research can ever justify the taking of even a single human life, no matter how frail or defenseless that person may be.

Let me just say that there is not a fairer or finer man in the U.S. Senate than my friend from Kansas, Senator SAM BROWNBACK. As he has attempted to frame the issue:

> The central question in this debate is simple: Is the embryo a person or a piece of property? If you believe . . . that life begins at conception and that the human embryo is a person fully deserving of dignity and the protection of our laws, then you have to believe that we must protect this innocent life from harm and protection.

After much thought, reflection, and prayer, I concluded that life begins in, and requires, a nurturing womb. Human life does not begin in a Petri dish.

I do not question that an embryo is a living cell.

But I do not believe that a frozen embryo in a fertility clinic freezer constitutes human life.

To my knowledge, as a matter of law, no member of the U.S. Supreme Court has ever taken the position in even a dissenting opinion, let alone a majority opinion, that fetuses, let alone embryos, are constitutionally protected persons.

I cannot imagine, for example, that many Americans would view an employee of a fertility clinic whose job it is to destroy unneeded embryos as a criminal—and a murderer at that. Yet this is a task that is performed thousands of times each and every year by hundreds of fertility clinic employees.

As well, the logical extension of Senator BROWNBACK's life-begins-at-conception view might be to criminalize the actions of a woman or her doctor from using, or recommending the use of, some longstanding forms of contraception that impede fertilized eggs from attaching onto the uterine wall.

I simply do not believe that passing H.R. 810 and allowing federally funded researchers to use new stem cell lines derived from spare embryos from fertility clinics is somehow ethical.

It seems to me that you would have to believe that the in vitro fertilization process was unethical to begin with if you believe that it is unethical to use spare embryos that would never be used for fertility purposes and were slated for routine destruction.

I find both fertility treatment and embryonic stem cell research to be ethical.

I believe that being pro-life involves helping the living.

Regenerative medicine is pro-life and pro-family; it enhances, not diminishes human life.

My friend and colleague, Senator GORDON SMITH, and I share a similar perspective on this important issue. Here is Senator SMITH's eloquent response to the concerns raised by our friend, Senator BROWNBACK:

> . . . when does life begin? Some say it is at conception. Others say it is at birth. For me in my quest to be responsible and to be as right as I know how to be, I turn to what I regard as sources of truth. I find this: "And the Lord God formed man of the dust of the ground and breathed into his nostrils the breath of life, and man became a living soul." This allegory of creation describes a two-step process to life, one of the flesh, the other of the spirit . . . Cells, stem cells, adult cells, are, I believe, the dust of the earth. They are essential to life, but standing alone will never constitute life. A stem cell in a petri dish or frozen in a refrigerator will never, even in 100 years, become more than stem cells. They lack the breath of life. An ancient apostle once said: "For the body without the spirit is dead." I believe that life begins in the mother's womb, not in a scientist's laboratory. Indeed, scientists tell me that nearly one-half of fertilized eggs never attach to a mother's womb, but naturally slough off. Surely, life is not being taken here by God or by anyone else.

I find much wisdom in Senator SMITH's remarks and ask all of you to reflect upon his thoughtful and valuable perspective.

When the roll is called on H.R. 810, I will vote yea. I urge my colleagues to do likewise.

I applaud President Bush's decision to allow Federal funds to be used in connection with a limited number of stem cell lines that preexisted his August 9, 2001 speech. Frankly, I had hoped back in 2001 that President Bush would announce a more expansive policy.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I wrote to President Bush on this matter in June, 2001 on the issue of stem cell research as well as an accompanying letter to then Secretary of Health and Human Services, Tommy Thompson.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 13, 2001.

The President GEORGE WALKER BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I urge you to support federal funding of human pluripotent embryonic stem cell research. Upon substantial reflection, I find—and hope you will as well—that proceeding with this research is in the best interests of the American public and is consistent with our shared pro-life, pro-family values.

After carefully analyzing the factors involved, I conclude that, at this time, research on human pluripotent embryonic stem cells is legal, scientifically compelling, and ethically sound. I want to emphasize that my support for such research is contingent upon adherence to the applicable statutes, regulations and guidelines. For your information, I have provided a copy of my correspondence to Secretary Thompson that more fully explains my reasoning on this important matter.

Mr. President, one of the great legacies of your father's Presidency was the fall of the Berlin Wall which represented the victory of democracy in a 50-year battle with totalitarian regimes. Through sacrifice and love of country "the Greatest Generation" prevailed over both fascism and communism and proved more than equal to the challenges of the times. As a result, today the United States is in a unique position of leadership in the world. How America exerts this influence and invests our resources and energies will be observed closely by all of our global neighbors. It seems to me that leading the way in finding new cures for disease is precisely the type of activity that accrues to our benefit both at home and abroad.

In the opening days of your term in office, scientists have completed the task of sequencing the human genome. While this acccomplishment—the work of many in the public and private sectors—is of historical significance, it is only the end of the beginning in a new era of our understanding of the biological sciences. Over your next eight years in office, you have an unprecedented opportunity to provide the personal leadership required to see to it that your Administration will be remembered by future historians as the beginning of the end for such deadly and debilitating diseases as cancer, Alzheimer's, and diabetes.

To accomplish this, all promising and proper avenues of research must be explored. Throughout my career I have been proud to have worked with patients and families struggling with the daily realities of disabling high prevalence illnesses such as cancer, diabetes, and heart disease. As author of the Orphan Drug Act, I also am proud that over 200 drugs have been approved since this law was enacted in 1984 for such small population, but devastating diseases, as Hemophilia, Cystic Fibrosis, and ALS. In my 25 years of working to sustain and build America's formidable biomedical research enterprise, I have rarely, if ever, observed such genuine excitement for the prospects of future progress than is presented by embryonic stem cell research.

Mr. President, once you have considered the complexities of the questions at hand, I hope you will conclude, as other pro-life, pro-family Republicans such as Strom Thurmond, Gordon Smith, Connie Mack, and I, that the best course of action is to lead the way for this vital research.

Sincerely,

ORRIN G. HATCH,
United States Senator.

U.S. SENATE,
Washington, DC, June 13, 2001.

Hon. TOMMY G. THOMPSON,
Secretary of Health and Human Services,
Washington, DC.

DEAR MR. SECRETARY: I am writing to express my views regarding federal funding of biomedical research involving human pluripotent embryonic stem cells. After carefully considering the issues presented, I am persuaded that such research is legally permissible, scientifically promising, and ethically proper. Therefore, at this time, I support the use of federal funds to conduct research involving human pluripotent stem cells derived from embryos produced through the in vitro fertilization process. My support is, of course, conditioned upon such research being conducted in strict accordance with the relevant statutes and the protections set forth in the applicable regulations and guidelines, including those issued by the National Institutes of Health (NIH).

I am mindful that this is a matter over which reasonable, fair-minded persons may ultimately disagree. Despite this likely outcome, I believe it constructive for public dialogue to take place over this issue. For that reason, I recommend that you convene the National Institutes of Health Human Pluripotent Stem Cell Review Group (HPSCRG) or a similar expert advisory body to help bring resolution to this matter. The HPSCRG, to be chaired by Dr. James Kushner of the University of Utah, can become a key forum to provide information and advice for policymakers.

At the outset, let me be clear about one of my key perspectives as a legislator: I am pro-family and pro-life. I abhor abortion and strongly oppose this practice except in the limited cases of rape, incest, and to protect the life of the mother. While I respect those who hold a pro-choice view, I have always opposed any governmental sanctioning of a general abortion on demand policy. In my view, the adoption of the Hyde Amendment wisely restricts taxpayer financed abortions. Moreover, because of my deep reservations about the Supreme Court's decision in Roe v. Wade, I proposed—albeit unsuccessfully—an amendment to the Constitution in 1981 that would have granted to the states and Congress the power to restrict or even outright prohibit abortion.

In 1992, I led the Senate opposition to fetal tissue research that relied upon cells from induced abortions. I feared that such research would be used to justify abortion or lead to additional abortions. It was my understanding that tissue from spontaneous abortions and ectopic pregnancies could provide a sufficient and suitable supply of cells. Unfortunately, experts did not find these sources of cells as adequate for their research needs. Subsequently, the 1993 NIH reauthorization legislation changed the legal landscape on this issue.

Because of my strong pro-life beliefs, I am a co-sponsor of the Unborn Victims of Violence legislation that makes it a separate criminal offense to cause death of or bodily injury to unborn children. I also support the Child Custody Protection Act that addresses the problem of minors crossing state lines to obtain abortions in avoidance of home state parental consent or notification requirements. I have also helped lead the effort to outlaw partial birth abortion, a procedure I find to be particularly repugnant. I hope that the 107th Congress will succeed in adopting, and transmitting for the President's signature, legislation that will end late term abortions unless necessary to save the life of the mother.

I am proud of my strong pro-life, anti-abortion record. I commend the Bush Administration for its strong pro-life, pro-family philosophy. In my view research, on stem cells derived from embryos first created for, but ultimately not used in, the process of in vitro fertilization, raises questions and considerations fundamentally different from issues attendant to abortion. As I evaluate all these factors, I conclude that this research is consistent with bedrock pro-life, pro-family values. I note that our pro-life, pro-family Republican colleagues, Senators Strom Thurmond and Gordon Smith, as well as former Senator Connie Mack, support federal funding of embryonic stem cell research. It is my hope that once you have analyzed the issues, you will agree with us that this research should proceed.

THE LEGAL FRAMEWORK

After reviewing the relevant statutes and regulations, I conclude that there is no mandatory legal barrier under federal law to federal funding of research on human pluripotent embryonic stem cells. On January 15, 1999, the then-General Counsel of the Department of Health and Human Services, Harriet Raab, issued a legal opinion regarding federal funding for research involving human pluripotent stem cells. This opinion summarized the applicable law as follows:

"The statutory prohibition on the use of funds appropriated to HHS for human embryo research would not apply to research utilizing human pluripotent stem cells because such cells are not within the statutory definition. To the extent human pluripotent stem cells are considered human fetal tissue by law, they are subject to the statutory prohibition on sale for valuable consideration, the restrictions on fetal tissue transplantation research that is conducted or funded by HHS, as well as to the federal criminal prohibition on the directed donation of fetal tissue. Research involving human pluripotent stem cells excised from a nonliving fetus may be conducted only in accordance with any applicable state or local law. Finally, the Presidential Directive banning federal funding of human cloning would apply to pluripotent stem cells, only if they were to be used for that purpose."

While some take exception to this reading of the law, I believe that it sets forth a permissible interpretation of the current state of the law with respect to research on human pluripotent stem cells. I would also note that while subsequent to the issuance of the HHS Legal Opinion in January, 1999 attempts have been and are being made to change the law, Congress has not passed a bill that has altered the legal status quo. For example, Senator Brownback and others have attempted to change the law to prohibit flatly such research on fetal and embryonic stem cells. On the other hand, Senator Specter and others have supported legislation that would expand the range of permissible federally funded research activities to include derivation of pluripotent stem cells from totipotent stem cells. The considerable disagreement over what the law in this area should be stands in contrast to the common understanding of how the law has been interpreted by the Department.

It is worth noting that NIH has a carefully crafted network of regulations and guidelines that govern stem cell research. These guidelines, finalized in the Federal Register, on August 25, 2000 (65 FR 51976) were the subject of over 50,000 public comments. Among the key provisions of these requirements are:

NIH funds may only be used for research on human pluripotent stem cells derived from embryos, if such cells were derived from frozen embryos that were produced for the purpose of procreation but subsequently were not intended to be used for that purpose.

No financial or other inducements, including any promises of future remuneration from downstream commercialization activities, may be used to coerce the donation of the embryo.

A comprehensive informed consent must be obtained that includes recognition that the donated embryo will be used to derive human pluripotent stem cells for research that may include transplantation research; that derived cells may be stored and used for many years; that the research is not intended to provide direct medical benefit solely to a donor and that the donated embryo will not survive the derivation process; and, there must be a distinct separation between the fertility treatment and the decision to donate the embryos for research.

The donation may not be conditioned on any restrictions or directions regarding the individual who may receive the cells derived from the human pluripotent stem cells.

All recipients of NIH funds to conduct stem cell research must comply with guidelines and all laws and regulations governing institutional review boards.

NIH funds may not be used to: clone a human being; derive pluripotent stem cells from human embryos; conduct research using pluripotent stem cells derived from a human embryo created solely for research purposes; conduct research that creates or uses pluripotent stem cells derived from somatic cell nuclear transfer; or, combine human pluripotent stem cells with an animal embryo.

If there is a need to further strengthen the applicable guidelines and regulations, this should be done. But let us recognize that there already exists a thorough and thoughtful regulatory framework to build upon. It should also be noted that these guidelines build upon an extensive body of earlier work of the National Bioethics Advisory Committee, the Advisory Committee to the Director, NIH, and a special Human Embryo Research Panel convened by your predecessor. At this juncture, it appears that NIH is developing its stem cell research policies in an informed fashion within an area of its expertise, and is operating within a statutory environment such that, once finalized, the agency's actions will likely survive legal challenge due to the deference the courts grant these types of decisions.

THE SCIENTIFIC OPPORTUNITIES

Scientific experts believe that stem cells have tremendous potential in benefiting human health. Stem cells are thought to be a unique biological resource because these cells apparently have the potential to develop into most of the specialized cells and tissues of the body, including muscle cells, nerve cells, and blood cells. As the American Association for the Advancement of Science has characterized the promise of stem cell research: "Research on these cells could result in treatments or cures for the millions of Americans suffering from many of humanity's most devastating illnesses, including Alzheimer's disease, diabetes, spinal cord injury, and heart disease." Potentially, stem cell research can help virtually every American family. It has been estimated that over 28 million Americans are afflicted with conditions that may benefit from embryonic stem cell research.

It is also worth noting in the pro-family context that stem cell research is of particular interest to pediatricians. Consider the views of Dr. Edward B. Clark, Chairman of the Department of Pediatrics, University of Utah School of Medicine:

". . . I can assure you that the scientific promise of stem cell research is extraordinary.

"In pediatrics, stem cell research offers therapy, and indeed possibly a cure, for a wide variety of childhood diseases, including neurologic disease, spinal cord injuries, and heart disease . . .

"I can think of nothing that will provide as much meaningful therapy for children and children's problems than the promise offered by stem cell research."

"We citizens of Utah are proud to be home of the Huntsman Cancer Institute at the University of Utah. The medical director of the Huntsman Cancer Institute, Dr. Stephen Prescott, advises me that in his expert opinion stem cells research 'is an incredibly promising area that has potential application in many different fields of medicine. One of these is in the treatment of cancer, particularly as a way to control the side effects following standard treatments.' "

I am also aware that some believe, including highly-respected scientists and many of my friends and colleagues in the Right to Life community, that adult stem cells actually hold greater promise than embryonic stem cells and that research on adult stem cells should be pursued to the exclusion of fetal or embryonic stem cells. It is my understanding that, at the present time, the view that adult stem cell research is sufficient or even scientifically preferable to embryonic stem cell research is not the predominant view within the biomedical research community.

While I have great admiration for, confidence in, and strongly support America's biomedical research enterprise, and I believe that our policy should be made on the best science available, I am hardly one who invariably follows the lead of what some may term "the science establishment." With Senator Harkin, I authored the legislation that created the Center for Complementary and Alternative Medicine (CCAM) at NIH and believe there is great benefit in encouraging challenges to scientific orthodoxy. Similarly, I authored the Dietary Supplement Health and Education Act that set parameters on how the Food and Drug Administration may regulate dietary supplements as well as establishing the Office of Dietary Supplements (ODS) at NIH. To be sure, the creation of CCAM and ODS had their fair share of critics at NIH and among mainstream scientists. So be it.

In parallel to funding research on human pluripotent embryonic stem cells, I believe it is essential to carry out significant research on adult stem cells. I strongly urge the Administration to continue to provide sufficient resources to investigate fully the utility of adult stem cells as well cells derived from adipose tissue.

Policymakers should also consider another advantage of public funding of stem cell research as opposed to leaving this work beyond the reach of important federal controls. Federal funding will encourage adherence to all of the safeguards outlined above by entities conducting such research even when a particular research project is conducted solely with private dollars.

I also think it important to recognize explicitly that the knowledge gained through biomedical research can be harnessed for critical pro-life, pro-family purposes. When one of our loved ones is stricken by illness, the whole family shares in the suffering. The quality of life for America's families can improve as strides are made in biomedical research. This is why we are making good on the bipartisan commitment to double the funding of the NIH research program by 2003. I commend the Administration for its leadership in allocating resources for this worthy pro-life, pro-family purpose.

ETHICAL APPROPRIATENESS

While society must take into account the potential benefits of a given technological advance, neither scientific promise nor legal permissibility can ever be wholly sufficient to justify proceeding down a new path. In our pluralistic society, before the government commits taxpayer dollars or otherwise sanctions the pursuit of a field of research, it is imperative that we carefully examine the ethical dimensions before moving, or not moving, forward.

I would hope there is general agreement that modern techniques of in vitro fertilization are ethical and benefits society in profound ways. I have been blessed to be the father of six children and the grandfather of nineteen grandchildren. Let me just say that whatever success I have had as a legislator pales in comparison to the joy I have experienced from my family in my roles of husband, father, and grandfather. Through my church work, I have counseled several young couples who were having difficulty in conceiving children. I know that IVF clinics literally perform miracles every day. It is my understanding that in the United States over 100,000 children to date have been born through the efforts of IVF clinics.

Intrinsic with the current practice of IVF-aided pregnancies is the production of more embryos than will actually be implanted in hopeful mothers-to-be. The question arises as to whether these totipotent embryonic cells, now routinely and legally discarded—amid, I might add, no great public clamor—should be permitted to be derived into pluripotent cells with non-federal funds and then be made available for research by federal or federally-supported scientists?

Cancer survivor and former Senator, Connie Mack, recently explained his perspective on the morality of stem cell research in a Washington Post op-ed piece:

"It is the stem cells from surplus IVF embryos, donated with the informed consent of couples, that could give researchers the chance to move embryonic stem cell research forward. I believe it would be wrong not to use them to potentially save the lives of people. I know that several members of Congress who consider themselves to be pro-life have also come to this conclusion."

Senator Mack's views reflect those of many across our country and this perspective must be weighed before you decide.

Among those opposing this position is Senator Brownback, who has forcefully expressed his opinion:

"The central question in this debate is simple: Is the embryo a person, or a piece of property? If you believe that life begins at conception and that the human embryo is a person fully deserving of dignity and the protection of our laws, then you believe that we must protect this innocent life from harm and destruction."

While I generally agree with my friend from Kansas on pro-life, pro-family issues, I disagree with him in this instance. First off, I must comment on the irony that stem cell research—which under Senator Brownback's construction threatens to become a charged issue in the abortion debate—is so closely linked to an activity, in vitro fertilization, that is inherently and unambiguously pro-life and pro-family.

I recognize and respect that some hold the view that human life begins when an egg is fertilized to produce an embryo, even if this occurs in vitro and the resulting embryo is frozen and never implanted in utero. To those with this perspective, embryonic stem cell research is, or amounts to, a form of abortion. Yet this view contrasts with statutes, such as Utah's, which require the implantation at a fertilized egg before an abortion can occur.

Query whether a frozen embryo stored in a refrigerator in a clinic is really equivalent to an embryo or fetus developing in a mother's womb? To me, a frozen embryo is more akin to a frozen unfertilized egg or frozen sperm than to a fetus naturally developing in the body of a mother. In the case of in vitro fertilization, extraordinary human action is required to initiate a successful pregnancy while in the case of an elective abortion an intentional human act is required to terminate pregnancy. These are polar opposites. The purpose of in vitro fertilization is to facilitate life while abortion denies life. Moreover, as Dr. Louis Guenin has argued: "If we spurn [embryonic stem cell research] not one more baby is likely to be born." I find the practice of attempting to bring a child into the world through in vitro fertilization to be both ethical and laudable and distinguish between elective abortion and the discarding of frozen embryos no longer needed in the in vitro fertilization process.

In evaluating this issue, it is significant to point out that no member of the United States Supreme Court has ever taken the position that fetuses, let alone embryos, are constitutionally protected persons. To do so would be to thrust the courts and other governmental institutions into the midst of some of the most private of personal decisions. For example, the use of contraceptive devices that impede fertilized eggs from attaching onto the uterine wall could be considered a criminal act. Similarly, the routine act of discarding "spare" frozen embryos could be transformed into an act of murder.

As much as I oppose, partial birth abortion, I simply can not equate this offensive abortion practice with the act of disposing of a frozen embryo in the case where the embryo will never complete the journey toward birth. Nor, for example, can I imagine Congress or the courts somehow attempting to order every "spare" embryo through a full term pregnancy.

Mr. Secretary, I greatly appreciate your consideration of my views on this important subject. I only hope that when all relevant factors are weighed both you and President Bush will decide that the best course of action for America's families is to lead the way to a possible new era in medicine and health by ordering that this vital and appropriately regulated research proceed.

Sincerely,

ORRIN G. HATCH,
United States Senator.

Mr. HATCH. Mr. President, although at one time it appeared that as many as 78 stem cell lines might qualify under the President's policy, as many had feared, the number of lines that might be practically accessed today is no more than around a dozen at best. Moreover, all of these cell lines were grown with so-called mouse feeder cells so could never pass muster with the FDA for use to make products for humans. Thus for the President's initial goals to be accomplished, new embryonic stem cell lines must be made available.

It has been over a year since he House has taken its historic action of passing H.R. 810 by a bipartisan 235-to-189 vote. I commend the leadership of Representatives MIKE CASTLE and DIANA DEGETTE for moving the bill through the House.

I must pay special respects to Senator ARLEN SPECTER and Senator TOM HARKIN for their dogged determination in conducting a series of some 15 oversight hearings on the issue of stem cell research since this breakthrough science was first reported in 1998. In fact, it was the work of the Specter-Harkin Labor-HHS Appropriations Subcommittee that developed the factual basis and legal analysis that resulted in the legislation that became H.R. 810.

At long last, today the Senate will finally vote on this important legislation.

I hope that it will pass and if it does, I will strenuously urge President to reconsider his position and sign this bill into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I am awaiting the arrival shortly of Senator LAUTENBERG on our side, but in the meantime I thank Senator HATCH for the eloquent statement he made, to thank him for his long-time support of this endeavor to open more stem cell lines for research. It shows clearly, as I said earlier today, this is not a partisan issue. I see no real partisan cleavage lines anywhere. It was passed with a bipartisan majority in the House. The leader in the House was Congressman MIKE CASTLE, a Republican from Delaware. The Democrat was Congresswoman DIANA DEGETTE from Colorado. Our leader here is Senator SPECTER, leader on the bill, and I am his counterpart on the Democrat side. We have had great support from both sides of the aisle on this legislation. I don't cast it in any type of partisan terms.

There are those who obviously spoke yesterday very eloquently about their moral objections to using embryos. But, again, I point out this bill does not create any new embryos. All we are talking about is using the leftover embryos from in vitro fertilization and only if (a) the donors give their written, informed consent; (b) that no money changes hands; and (c) that the embryo will never be implanted in a uterus and will be discarded.

Fifty thousand healthy babies were born last year to couples who went to fertility clinics. Obviously, there are some embryos left over after that. They are frozen. After the parents have the children they want to have, they call the clinic or the clinic calls them and asks, do you want to continue to pay to keep these embryos frozen; and they say, no, we have our family. The clinic will then discard them. That is all we are talking about. Those embryos are going to be discarded, and with the donor's written, informed consent. They can say, no, I don't want them used for that, and then we wouldn't. You cannot induce anyone to do that by saying we will pay you for it. This clearly has to be kept in mind, that this is what we are talking about in this legislation.

Senator LAUTENBERG of New Jersey is here. I yield 5 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Iowa. I ask I be notified when 4 minutes 30 seconds has passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, this is one of those debates that makes the American people scratch their heads and ask, what are those people in Washington thinking about? From the perspective of everyday people, this should not even be a debate. Of course we should fully fund research with embryonic stem cells because it has the potential to save lives and alleviate the suffering of millions of Americans. It is common sense.

But our President is a captive of ideologs and extremists of his political party. Nearly 5 years ago President Bush enacted a policy that made no scientific contribution, only political fodder for another election. He put a stop to the development of new stem cell lines for research. It was a devastating blow to Americans suffering from diabetes, cancer, Parkinson's, Alzheimer's, multiple sclerosis, and other injuries and diseases.

For many years, I have met with children stricken with juvenile diabetes. We have established friendships, their parents and I, and the children and I. These children ask their parents, brothers, sisters, and me why the President won't allow research to move forward so their disease can be cured. There is no decent answer I can give them.

When I ask them what the worst thing about living with diabetes is, they respond plaintively, begging for help, so they can stop drawing blood from their finger six times a day. They are pleading to live their lives like other kids. One child said he is forbidden something so simple—to sleep at other friends' houses—because of the fear that he will go into insulin shock.

I promised these kids I would do everything I possibly could to get the message to the President of the United States, to help us find the cure for them. Today we have an opportunity, finally, to help these children.

It has been over 1 year since the House passed this bill. Why the delay? There is no comprehensible reason. All we know is that people wanted to obstruct this discussion today. We can only wonder how many people have had their hopes dashed and their spirits broken during that wasted year.

Americans in large majorities support stem cell research. I don't understand this "fiddling while Rome burns" policy. Seventy-two percent of Americans register support for embryonic cell research, a 3-to-1 margin over opposition. One of the most outspoken supporters of stem cell research is former First Lady Nancy Reagan. She spent 10 years watching her husband's memory fade from life, probably not even recognizing her. I have friends whose parents do not know who they are.

Virtually every major medical, scientific, and patient group supports embryonic stem cell research. In my home State of New Jersey, support for stem cell research is overwhelming. We were the second State after California to authorize embryonic stem cell research. Unfortunately, President Bush has cut off Federal funding for those projects.

My colleague Senator MENENDEZ and I recently visited the Coriell Institute in Camden, NJ. They are not well known, but they were founded in 1953 and hold the world's largest collection of human cells for research. Coriell has everything in place to find cures and help millions of people. But there is one problem: President Bush is undermining their efforts with his irrational policy on stem cell research.

Because of the scarcity of embryonic stem cell lines caused by his Executive Order, the Coriell Institute in New Jersey had to go overseas to the Technion Institute in Israel to get access to an embryonic stem cell line so they could continue their research.

The President denies hope to millions of people based on his standard of "ethics and morality." But what is ethical about denying a cure to children suffering from diabetes? What is moral about denying paralyzed people the chance to walk again?

Any real, ethical issues are addressed by this bill. New stem cell lines will come from embryos donated by fertility parents under strict guidelines. There will not be embryos created for research.

What we are talking about in this bill are embryos that would otherwise be disposed of—thrown away.

I believe compassion and common sense must prevail over rigid ideology

If we pass this bill, I understand that the President intends to veto it. That would be a terrible and tragic mistake.

President Bush has never vetoed a bill. In the nearly 6 years of his Presidency—not one veto.

What would it say to the American people if his first veto was of a bill that could save millions of lives?

And I say to the American people: don't be fooled by the sleight of hand we are seeing today. There are three bills being considered but only one of them matters.

The other two bills are part of a shell game. They are there to give President Bush something to sign.

But will those two bills do much to help the American with a shaky hand from being cured of Parkinson's disease?

Will those two bills make real strides toward relieving a child with diabetes from the constant shots of insulin? I don't think so.

Only one bill can do that—the House stem cell bill. Let's vote to approve it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, I hope our colleagues will look in the faces of their children and their grandchildren and say: We do not want them to be sick. And if they get sick, we want to help them. I hope this bill will pass overwhelmingly.

Mr. HARKIN. Mr. President, I yield 9 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, thank you very much. And I thank the Senator from Iowa for his real leadership on this issue.

This Stem Cell Research Enhancement Act debate is one of the most important debates the Senate will have in this year and in this decade. I believe this is such a great opportunity to be able to save lives. I believe it is like when we announced the endeavor to map the human genome, like when we announced the national war against cancer. That is how important this issue is.

I am a firm, unabashed supporter of stem cell research. It is a cornucopia of opportunity for new breakthroughs for some of the diseases that are the most devastating and costly conditions facing thousands of Americans, including Alzheimer's disease, from which my father died, diabetes, of which our family faces an inherent propensity, spinal cord injuries, which we see through accidents like Christopher Reeve had, and spina bifida, from which little children suffer.

Stem cell research has the potential for saving lives, and we need to be able to pursue it. I also would urge that this research be done in the sunshine. One of the reasons we need a national framework is so it will not be done in dark corners of the world without the United States of America participating.

We need a national framework to establish bioethical standards based on sound science and ethical principles. I fear that without national standards and national legislation, this could be conducted outside of the public eye, without national and international scrutiny, where dark and ghoulish things could occur.

One of the reasons I came to the Senate was to help save lives. In my home State, we are the home to the National Institutes of Health, the Federal Drug Administration, the University of Maryland, and also Johns Hopkins University. I, every day, know that in my own home State they are working on new ideas for new cures. Whether it is to ensure that women have accurate mammograms to diagnose breast cancer, streamlining the drug approval process so that lifesaving drugs can reach patients more quickly, or fighting to double the budget at NIH, we have consistently fought to improve the lives and health of the American people.

This is why I am such an advocate of stem cell research. It holds the potential to prevent, diagnose, and treat diseases, such as Alzheimer's disease, Parkinson's disease, heart disease, all those autoimmune diseases, such as MS and spinal cord injuries.

Just imagine if scientists could find a cure or the cognitive stretchout ability for Alzheimer's. Even giving individuals with a disease a longer mental capacity would be a big breakthrough. Eighty percent of Medicaid costs go to paying for long-term care for seniors. Eighty percent is primarily spent on Alzheimer's and Parkinson's. Think of just the financial savings we could have, let alone dealing with the tragedy in lives.

I, along with Senator BOND, am the lead sponsor of the Ronald Reagan breakthrough legislation to sponsor breakthroughs. We have spoken personally with Nancy Reagan, and she has endorsed this legislation, just as Senator LAUTENBERG has talked about. We need this opportunity to pursue the opportunity.

If we do not have national legislation, we are going to do it one State at a time. California has done it. My own home State of Maryland has done it. But do you know what. There is $30 million here and $30 million there, but we do not have national standards, which means, can we replicate the research? Can we have international cooperation?

For too long, this Federal health research has been operating with one hand tied behind its back. Scientists have been prohibited from doing embryonic stem cell research.

Five years ago, President Bush restricted Federal funding for embryonic stem cells. He said: Oh, we have these little lines, these little stem cell lines.

Those little stem cell lines did not turn out very well. The result is, federally funded research was almost halted. Stem cell research is conducted by private entities, and there are no national Federal bioethical standards.

I want bioethical standards. I want to ban human cloning. I want to make sure the ghoulish is not done in laboratories.

I support the other legislation. We should not turn this into financial opportunity. We should sign it into pure opportunity.

What I like about this legislation is that it removes the restrictions imposed by the Bush administration, but it does provide for an ethical and medical framework and allows for sound science and sound ethics to be able to proceed. This ensures transparency and public accountability. But most of all, it ensures opportunity.

When my father was in that nursing home and he could no longer recognize me or the woman to whom he had been married for 50 years, it did not matter that I was a Senator. There was no cure for Alzheimer's. It did not matter that I could get five Nobel Prize winners on the phone because they did not have the answer.

My father, when he passed away, was a modest man. He would not have wanted big, lavish testimonials. What he would have liked to have had was the fact that I cared enough to look out that no family would go through what we went through. And whether you were the First Lady of the United States, like Nancy Reagan, and the first caregiver, or my mother, who was by my father's bed when he passed away, we watched what that disease did. And now I will not stand patiently by and watch the opportunity to find a cure pass by.

So let's remember President Reagan. Let's remember the little guys like Mr. Willy, who ran a grocery store in Highlandtown, and who looked out for his neighbors and for his girls, as he called his daughters. Let's look out for the American people and pass stem cell research.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. HARKIN. Mr. President, I yield the remainder of the time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I welcome this vote on such an important piece of legislation, the Stem Cell Research Enhancement Act. As we have heard eloquently from my colleagues on both sides of the aisle, stem cell research holds the promise of new cures and treatments for countless diseases and millions of Americans with chronic, incurable conditions.

The wide range of applications for stem cells may lead to unparalleled achievements on behalf of research concerning Alzheimer's disease, as my friend and colleague, Senator MIKULSKI, so passionately described with respect to her own family and her own experience; spinal cord injuries, like my dear friend Christopher Reeve; diabetes, and other conditions.

For example, in my State of New York, research at Memorial Sloan-Kettering Cancer Center has shown real promise for the use of stem cell research in bone, cartilage, and muscle replacement therapies. At Columbia University researchers have shown that stem cells can develop into neurons, special nervous system cells that would allow us to actually treat vision loss. Other scientists at Columbia University and at the University of Rochester Medical Center are working to cultivate stem cells into spinal cells that control motor function as possible treatments for ALS, otherwise known as Lou Gehrig's disease.

And researchers from Rockefeller University, also in New York City, have explored ways in which stem cells can be used to develop dopamine-producing cells which could help Americans living with Parkinson's disease who experience a decline in these types of important cells.

A broad consensus in New York and across our country has brought us to this debate and vote. There has been an upsurge of demand. It has crossed every line we can imagine, certainly partisan lines, ethnic, racial, geographic lines. People in every corner of our Nation are demanding that we in Washington open the doors to this promising science.

It is long overdue, but finally we are at this point. My friends, Christopher and Dana Reeve, whom we have lost in the last several years, were eloquent, passionate advocates for this research. Christopher, from his wheelchair, performed his greatest role. He may have been Superman in the movies, but he was a super human being after his accident which paralyzed him, consigned him to a wheelchair to help with his breathing and respiratory functions. But he never gave up.

He launched his greatest battle to try to bring our Nation to the point where we would take advantage of the science that is there. He worked and struggled on behalf of all who might benefit from stem cell research and other scientific breakthroughs.

His brave, beautiful wife Dana, who passed away just this past March, showed a devotion to her husband and her son that was just inspirational. She, too, continued Christopher's work through the Reeve Foundation. And I know that both of them are looking down upon this debate and so pleased and relieved that this day has come.

As I travel around New York, I run into constituents who speak to me about this issue. They are living with type I diabetes or their children are. They are suffering from Parkinson's. They have a relative who is struggling with Alzheimer's. They are paralyzed from an accident, as Christopher was. And they believe that this holds promise for their lives, for their futures, and if not for them in their lifetimes, certainly for their children and their grandchildren.

Yet we know that the work of researchers in New York and across our country has been stymied, has been held back by the ban on certain kinds of scientific research. In 2001, when President Bush put a stop to all Federal funding for this type of research, it was limited to using already existing stem lines, which has proven to be a barrier to scientific advancement. We only have 20 lines, not 70 as was advertised, that scientists can use. And the utility of these lines has been outstripped by the scientific advances made in the past 5 years.

But the ban still stands, and we have to pass this legislation. The House already did. We are now joining with the House. We need to have additional stem cell lines in order to pursue the promising avenues for research. I am worried the President has signaled he intends to veto this legislation, the first veto he will use since he has been President.

This research is not standing still around the world. We are looking at other countries putting billions of dollars into supporting stem cell science. They are creating establishments of all kinds, centers of research, special clinical centers because they know they can attract scientists from the United States who will come to pursue this research. We are losing ground instead of doing what Americans do best, leading the world in innovation, ingenuity, new ideas.

We can send this legislation to the President's desk, as I anticipate us doing after our vote this afternoon. And then the President has a decision to make: Will he support the scientific community at this moment of unequaled optimism and discovery or will he set us back?

I am going to support the other two bills that are going to be before us as well because I think we have to clearly put an ethical fence around this research, send a very clear message about what is permitted and what is not.

Right now we have no Federal laws prohibiting the worst of some of this research. That is one of the results of the fact that we have an Executive order, but we don't have any legal prohibitions on some of the worst things people might decide to do. I think it is important that we have a strong ethical stand, a strong legal stand, strong prohibitions and penalties for people who don't pursue research in the way that we set forth.

But we cannot make the progress that we need to make for the sake of new treatments, new discoveries, and new hope for countless millions of people who are alive today and are suffering, for those born with diseases and conditions that could be ameliorated or even cured.

This is a delicate balancing act. I recognize that and acknowledge it. I respect my friends on the other side of the aisle who come to the floor with grave doubts and concerns. But I think we have struck the right balance with the legislation we will vote on this afternoon. I think we will make a serious mistake if the President vetoes this measure and sets this research back.

Mr. President, I hope we will pass it with a large margin, and I hope that the President will allow it to become law so we can, once again, stand for those who need this help to face the suffering that they encounter while living day-to-day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, the majority yields 10 minutes to the Senator from Louisiana, and the Senator from Kansas will follow him.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I rise to speak in opposition to H.R. 810, the Stem Cell Research Enhancement Act. First of all, I join with everyone in the Senate—in fact, everybody around the country—in saying that, of course, we want to further research and opportunity for the cure and the treatment of very serious illnesses. Of course, we want to do everything possible, within a strong ethical framework, to push for that scientific research and that progress. But at least I want to do that in a clear, certain, ethical framework. That is why I must oppose the details of the provisions of H.R. 810.

Mr. President, I oppose it on two significant grounds. First of all, because one of my solemn duties in the Senate, I believe, is to protect and defend all human life—every case of human life, the beauty, the sanctity, and the importance of the individual which God has created.

Secondly, I do this in particular focusing on the fact that we are talking about the use of taxpayer dollars. We are not merely talking about what is allowed and disallowed. We are talking about the use of taxpayer dollars for specific purposes, when some of these types of research are so utterly controversial in terms of the impact on individual human lives.

Mr. President, a human embryo is a human life. I believe that to the core of my being. It is at the initial stages of life and development, of course; but an embryo is a human life. Each and every one of us began as an embryo. Therefore, I firmly believe neither Congress nor independent researchers, nor any human being, for that matter, should be allowed to, in effect, play God by determining that one life is inherently more valuable than another, determining that one life should essentially be sacrificed for some other purpose, to advance the welfare of other separate human lives.

Of course, supporters of embryonic stem cell research argue that this research only kills embryos that would be discarded anyway. But there are many cases that prove otherwise, where embryos have been adopted while still embryos or donated to infertile couples by their parents.

We know that as many as 99 families have adopted and given birth to children from those very same frozen embryos. These kids are often referred to as "snowflake babies." They are beautiful, they are miracles. They remind us that, of course, we are talking about human life. How can we justify killing these tiny humans by saying that these embryos would be discarded anyway, when there is proof that, in some cases, they are not discarded, they are adopted. They grow up to be full, mature, healthy children, human beings.

Supporters of embryonic stem cell research argue that this research is essential to curing many diseases and federally funding it is our only hope for curing diseases. I point out that there are many other alternatives. In fact, those alternatives are more promising, in many ways, than the type of research we are debating today. The facts show that adult stem cells have been used to perform at least 69 successful treatments for human patients. So we have 69 treatments in human patients using adult stem cells which do not require the taking of human life. These were clinical applications, successful applications.

What is the experience in terms of embryonic stem cells? Zero successful treatments in human patients, zero direct clinical applications.

There have been 25 years of this research, and there are still no successful direct human clinical trials, and there have been many stops and starts and complications with regard to other research.

The following are some disorders and diseases with treatments from adult stem cell research that are worth noting: brain cancer, testicular cancer, ovarian cancer, skin cancer, acute heart damage, multiple sclerosis, rheumatoid arthritis, spinal cord injury, stroke damage, Parkinson's disease, chronic liver failure, sickle cell anemia, end-stage bladder disease. Again, these were not just promising but successful in many cases—human clinical trials that directly focus on these very serious diseases.

So if one weighs all of these factors in the balance, I truly believe that the thing to do is to respect all human life, to respect the very heartfelt feelings of millions upon millions, tens of millions of Americans who have fundamental problems with this sort of research. Again, it is worth underscoring that we are not debating whether this research can happen. We are debating if we are going to use taxpayer dollars to fund it, if we are going to forcibly take money from those Americans who, like me, have fundamental moral reservations with the research and spend it on that very research.

I am happy to say that there is other legislation that we are considering today. I strongly support those two other bills. First of all, the Fetus Farming Prohibition Act, S. 3504, which prohibits the creation and gestation of human beings for the purpose of harvesting spare organs, body parts, and tissue. Many people think fetus farming sounds akin to something out of a science fiction movie, and it does. But it is already being explored in animals. This is something that is advancing scientifically. Congress must prevent science from subjecting human beings to organ, body part, and tissue harvesting before it is too late.

The second bill which I proudly support today is the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754. It requires that the NIH support research into alternative methods, other than destroying human embryos, of creating pluripotent stem cells. These pluripotent stem cells are valuable for treating diseases because they are capable of forming most or all of the tissues of the adult body.

So, again, this would forge a new path to make sure we explore other avenues to create these stem cells that do not involve the destruction of precious embryos, human beings, human life. I believe this alternative path is far more productive. I believe it is far more in keeping with upholding the values of our society, the very strongly held belief of tens of millions of Americans who, like myself, have fundamental moral reservations with the destruction of individual human life for these other purposes.

So I urge all of our Senate colleagues to join me and others in supporting those two bills about ethical alternatives but in opposing this underlying bill, H.R. 810, because it would involve the destruction of individual, precious embryos, human life.

Mr. President, I don't come to this conclusion quickly or easily or rashly. Similar to virtually every American family, mine has been touched by very serious diseases to which this research pertains. My dad had Parkinson's disease. He suffered with it for about 8 years. It was very debilitating and, of course, eventually, similar to most folks with Parkinson's disease, he passed from that and complications of it. With that personal history, of course, I want to advance research in every ethical way possible. But we must do it, again, in a strong, moral framework. We must do it within clear, reasonable bounds, particularly when we are talking about taxpayer funding of research.

I believe that defeating H.R. 810—but also passing the two bills that set up alternative paths toward promising research—is the correct way to proceed. I urge all of my colleagues to join me in adopting that path.

With that, I yield back my time.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask the Chair to advise me when I have 2 minutes left. I want to start with a picture of Dennis Turner because this is a real-life case of Parkinson's disease. The prior speaker, Senator VITTER, talked about his dad dying of Parkinson's disease; it is a terrible disease. It is incredibly debilitating. I met with a friend of mine last week who has something similar. It is not Parkinson's, but it is also debilitating.

Dennis Turner testified at a hearing we had in the Senate Commerce Committee. He had been cured of his symptoms for 5 years. We had difficulty getting him in because he was out doing fun things such as safaris. After a period of 5 years, the symptoms started to return. He had received an adult stem cell therapy, not embryonic stem cell therapy. His symptoms went away for 5 years, and then they started coming back. He needed to have another treatment; he could not get it. International doctors—to try to get their help and support, we need to fund that type of work, which is working, for people like Dennis Turner.

My colleagues say we need to do this with embryonic stem cell research, that that is going to cure Dennis, Dennis Turner will be cured that way. I want to remind some of my colleagues that they said this about fetal tissue research about 10 years ago in this debate. In 1993, this was a typical statement debate at that time:

> There is substantial evidence that fetal tissue research—

Taking a human embryo, fetal tissue, and let's work and mold and work with this and put it inside a person, and let's deal with issues like Parkinson's this way.

> —will offer new hope of prolonged life, greater quality of life, perhaps one day even a cure for many of these diseases, and a tremendous economic and social cost-saving to the country.

So we funded fetal tissue research for a long period of time, like we are funding embryonic stem cell research, to the tune of half a billion dollars over the last 5 years in human and animal models.

We funded fetal tissue research. Now, this is tissue and cells that are further developed than embryonic cells. They are further differentiated and they are more stabilized, so they go off in fewer tangents. So if they are put in some particular area of the body, like they come from the brain, from the fetal tissue, and you put them back in the brain, they are more stable. We did this research. We funded this. We even tried it in humans, to disastrous results—disastrous results.

This is Parkinson's research set back by failure of fetal cell implants. Disastrous side effects are the quotes from the people who did the testing. Absolutely devastating. It was tragic, catastrophic. It is a real nightmare. And we can't selectively turn it off. My goodness, this is strong wording that is taking place, to be catastrophic for fetal cell implants. Catastrophic? What happened? These cells, the fetal cells, formed tumors, and in some cases these tumors, they were implanted in the brain, the fetal cells implanted in the brain, and these tumors ended up being fingernail or hair that was in the brain, and we can't selectively turn it off.

Think about this just for a minute, if we could. Everybody is saying we want to cure people. I want to cure people. If we have a route that is working in 72 different disease areas with the adult cord blood—and here is real research we funded. We tried it in humans even, with fetal cells. These are further developed cells than embryonic. They formed tumors, to disastrous results in Parkinson's patients.

Yesterday, I entered into the RECORD a series of six one-page—this is the front-page summary of peer-reviewed articles on the formation of tumors using embryonic stem cells, and these were all articles saying: OK, we use embryonic stem cells; they formed tumors.

Now, I am not a scientist, but it seems that if you got it in fetal tissue, which was further developed cells, and you found out that these are wild and they grow too fast and they form in other areas, and you back it up to embryonic stem cells and they are even younger, more malleable, and less formed, and we now have research saying they are forming tumors, you would look at that and say: Well, I don't think this is working particularly well.

Now, it is interesting science. We may learn something of how the cell works in this process. I don't deny that at all. But if I am looking for a cure for Dennis, and I have—I want a cure for Dennis. I want something that works for him, and he has had a treatment that has worked for 5 years in him, in the adult field, and I have research that says, in the embryonic field, it is going to form tumors, and I have research earlier in fetal tissue that says it did form tumors in humans, how am I going to cure Dennis in this case by putting more into embryonic stem cell lines, taking precious dollars from adult stem cell work and cord blood and putting it into a speculative field, the embryonic field, which is producing no results and, in fact, the results it is producing are producing tumors? That doesn't seem to make much sense to me as far as how we would invest these sorts of dollars.

People are talking about spinal cord injuries, and I think we should because we are going to deal with this area. I hope that in the next 10 years we are going to see for people, once they get a spinal cord injury, there is an immediate therapy they have and it starts to knit that spinal cord back together, so they are not waiting years and letting it further atrophy but immediately there is a therapy.

The therapy you see right here in Jacki Rabon—I have had her in to speak at a press conference. This was a spinal cord injury accident—paraplegic from the hips down. Now she has feeling in her spinal cord. She had to go overseas to get this treatment. It should have been done in America. It wasn't. Adult stem cells from the base of the nose—olfactory—taken, harvested, and put in. She is getting feeling. My guess is she is going to need several treatments.

Now, one of the greatest dismays we have is that a number of people are citing a rat model that has been shown on television of embryonic stem cells helping a rat to walk again. And that is fine. I am glad people are showing it. But a lot more people know about this rat model than know about Jacki Rabon. It seems as if there has been a media blackout on the adult stem cell successes and treatments and cord blood, and this rat has gotten all the publicity, even though we know that if you do this in humans, you are going to form tumors. Why? Why wouldn't we embrace what is working and has no ethical problem?

I wish to close this section with a letter from a child. This is the first snowflake baby. This was a frozen embryo that was adopted—Hannah. She wrote this last year. It is her letter. She is a pioneer. She says: "We're kids. I love you." X's and O's—hugs and kisses. I love these letters. When my youngest daughter Jenna does them, they are absolutely precious. Then she draws three faces. This is her face as an embryo. She is happy. She got adopted. She is no longer frozen. Here is a sad face as an embryo that is still frozen, and her explanation of this letter is he is sitting there frozen, hoping somebody adopts him. Here is a third face with a straight line, and her explanation is this is a young embryo saying: What, you are going to kill me?

This is a child's explanation of a frozen embryo. A frozen embryo that is life, that is human life. If you destroy Hannah at this stage, you don't get any sweet letters from Hannah to her parents. And we have a lot of frozen embryos.

We are saying: Well, let's make some utility out of them. Isn't that against human dignity, to say, We will just research on this, when this could be this child? This is this child? We don't need to do it. Even the research we are funding in this area isn't working.

I ask my colleagues to vote against H.R. 810.

I yield the floor.

Mr. SMITH. Mr. President, I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I have listened to a lot of debate today, and I have heard a lot of statements. Let me just go through a few.

Cures are not around the corner; that is right. Embryonic stem cell groups are now starting to realize they have years upon years upon years to offer any hope of cure of any disease using embryonic stem cells.

Yesterday in the debate, I challenged those on the other side of this issue to deny the fact that the only way we will ever have a treatment will be that you will have to clone yourself to be able to get a treatment. Nobody has refuted that, and the reason they can't refute that is because that is the only way embryonic stem cells will ever be successfully used to treat a human condition. You will have to clone yourself.

That raises all sorts of other ethical conditions.

The fact that cures are not around the corner with embryonic stem cells belies the fact that cures are here with adult stem cells, with cord blood stem cells, and it belies the fact that we are not recognizing the latest advance just available in the last 6 months, confirmed in Germany, of what is called germ cell pluripotent stem cells. They can make any type of cell, and it makes sense. What has been constant through the history of man that has survived? The ability to propagate and to repeat the species. And the unique thing about germ cell pluripotent stem cells is they come from both the testes and the ovaries of us, and we can capture from ourselves pluripotent stem cells that do all the things and have all the potential that an embryonic stem cell might have.

The real question before us is, If there was a way for us to establish this research and avoid any ethical questions, wouldn't we all want to go there? And what I am putting forward today is that way is here today. That way is here. The scientific community, in terms of their money-raising and fundraising and grant-seeking, hasn't caught up with it. But mark my words: The real research in the pluripotent stem cells, those that can do anything and regenerate themselves and also have the advantage of not creating teratomas or tumors, are going to be the germ cell pluripotent stem cells. It is important for us to look at it.

Another quote: It won't involve cloned embryos. The only way a stem cell therapy from an embryonic stem cell can work for you is in one of two ways: you either clone yourself, and you will still have some problems with rejection, or you will get from multiple, multiple lines a close match.

I wanted to ask the leader yesterday—his biggest problem as a heart-lung transplant surgeon is the availability of organs, No. 1, and rejection, No. 2. The wonderful thing about adult stem cells is there is no rejection because you are giving yourself your own cells. The same thing will be true of germ cell pluripotent stem cells. There will be no rejection because you are giving identical DNA to yourself. All the other treatments with embryonic stem cells will have rejection as a component of their treatment. So is it a wonder that we want to research the miracles of life and look at this? No. It is great research that should be going forward.

But it is not true that there is not embryonic stem cell research going on in this country outside of the Government and around the world. The question is, Are we going to use taxpayer money to do additional research?

The other question that I raised is, Where is the money up to now going? The people who are investing outside of Government grants, where is the money going in terms of research? It is not going into embryonic stem cell research. It is going into every other type of research where they can actually see treatments.

Senator HATCH talked about heart disease. We now know that if you have had an infarct and you get a bypass and you are injected with your own stem cells, a good portion of your scar goes away and the generation of new blood vessels around the heart is accelerated and accentuated to the degree of about 70 percent more than your body would naturally do, if you are injected with your own stem cells at the time you get your bypass. We are curing heart failure with adult stem cells today. We are curing new vessels in the heart.

There is recent research in the last 6 months where we are treating lung disease—pulmonary fibrosis. CHARLIE NORWOOD, a Congressman from Georgia, has had pulmonary fibrosis and has had a lung transplant. In 5 years, somebody with pulmonary fibrosis will be cured with their own stem cells—not with embryonic stem cells, with their own stem cells—and they won't have a problem with rejection. Yet CHARLIE has to take drugs to keep from rejecting the lung transplant that he has.

Over time, we will recognize the value of what is really happening today in terms of treatments. We don't want the false promise. There is no question some great things will come out of embryonic stem cells. I don't deny that. But if we could do it a different way, if we could do it in a way where we didn't approach the ethical question, almost everybody would agree, let's do that. What I am saying is that is coming today.

Other quotes: Researchers have been prohibited from doing research on embryos. That is not true. That is not true. There is research ongoing today, with $41 million of your money last year on embryos. We haven't prohibited the research. We have said it is going to be limited. This bill, H.R. 810, says: There is no limit. Whether you agree with it or not, your money is going to be used to go in this direction.

I have not approached the ethical issues on pro-life—I am pro-life, but I am not claiming that as a defense on this issue. I am claiming that the smart science will avoid it and look at where the benefits are. There is no question.

I wish to quote from Lord Winston, the most prominent fetal embryonic stem cell researcher in England: "I view the current wave of optimism about embryonic stem cells with growing suspicion."

He says we have overpromised. He is right. It is going to be decades before a response comes from embryonic stem cells. There is not one viable treatment with embryonic stem cells in an animal model today, let alone a human model. There are hundreds in animal models and there are 72 in humans. To me, this is an easy question which doesn't have anything to do with ethics. Put the money where the results are. The results are here. I will promise you, germ cell pluripotent stem cells will be the end-all for our ethical question. It is just a shame that the politics isn't up with the science.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. Under the previous order, the majority still has 2 minutes remaining.

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the minority is in control of the next 30 minutes.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield 5 minutes to the Senator from Wisconsin, Mr. KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I thank the Senator.

I rise today in support of H.R. 810, the Stem Cell Research Enhancement Act of 2005, which is a bill that will expand the number of stem cell lines that are eligible for federally funded research ensuring that scientists at NIH and laboratories around the country have access to new, uncontaminated stem cell lines. America's best scientific minds have told us that harnessing the power of these cells could one day lead to a cure for a number of diseases that afflict families all across our country.

Nearly every family in America has experienced the tragedy of watching a loved one suffer through a deadly or debilitating illness. Diseases such as Parkinson's and Alzheimer's take a terrible toll on families' lives and livelihoods. While we have made great strides in biomedical research in recent years, we still do not have all the keys to unlock the secrets of disease.

Today the Senate has the opportunity to reach across partisan lines and touch the millions of individuals and families who suffer the ravages of diseases such as Parkinson's and Alzheimer's. We are not researchers, but today we can give our best researchers the material they need to understand these diseases. We are not doctors, but today we can give our best doctors the weapons to fight back for their dying patients. And we are not patients—at least not yet—but today we can give patients hope for not just relief but a cure.

The University of Wisconsin at Madison was the first to isolate the human embryonic stem cells that have the ability to develop into virtually any cell type in the human body. They have stated unequivocally that they need H.R. 810 in order to continue their groundbreaking work. Without H.R. 810, they fear America will fall behind the rest of the world in medical and biotechnical research.

We all understand that this research is not without controversy. I respect the concerns that some have about the use of embryonic stem cells. We must closely monitor this research to ensure that it is done ethically, and our passage today of S. 3504 and S. 2754 demonstrates the unanimous bipartisan commitment to do just that.

We must step carefully, but we also must step forward, and that is what H.R. 810 is all about, opening new cell lines so we can move forward toward new understanding, new hope, and new cures.

Last year, the House took that step forward decisively and in a bipartisan manner, and so this year it is our turn. It would be unconscionable for our Government to turn its back to the discoveries that expanding stem cell research promises. Now more than ever it is important to grasp this opportunity in an ethical manner by making sure that potentially lifesaving research does not slow or stall.

We may not be in the laboratories where scientists are working around the clock to develop new vaccines, treatments, and cures. We may not be in the hospitals diagnosing and caring for the sick and the infirm. But today the Senate will openly decide to stand with the scientists, doctors, and patients. I urge my colleagues to look past the politics of this debate and embrace a promise of progress.

With that I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield 5 minutes to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I thank the Chair. I thank the Senator for yielding.

I, too, Mr. President, come to the floor today with tremendous respect for the sensitivity of this very critical issue that we in the Senate and in the Congress have worked so diligently to ensure—that we not only respect the sensitive nature but that we also look toward the possibilities of what we can do for the constituents we represent.

I am very pleased that the Senate is debating stem cell research, and particularly H.R. 810, the Stem Cell Research Enhancement Act, and I thank the majority leader, Senator FRIST, for scheduling a vote on this very important bill today.

I am a proud cosponsor of the Senate companion bill, S. 471, because it offers new hope for patients, for grandmothers and grandfathers, children, daughters, mothers, fathers, and for their families who love them so dearly.

Four years ago I watched my mother give her utmost of devotion to the man she had loved—and still loves—and shared her life with for more than 52 years. She had pledged to care for him and to honor his life until he departed this world, even if he no longer remembered her name or could recognize her face. My sweet father suffered from Alzheimer's disease. My sisters and my brother had been by his side helplessly for years watching as, first, he lost the most precious of all things, his memory, his ability to see his family and to remember the cherished moments that we had spent as family, and then, unfortunately, also, the dignity of life, in his ability to care for himself. My mother's commitment to my father during his long illness remains a tremendous source of inspiration to me and to the rest of our family.

Unfortunately, my family's experience with the ravages of Alzheimer's is not unique. Millions of victims and their families are suffering from debilitating diseases such as Alzheimer's, Parkinson's disease, diabetes, heart disease, multiple sclerosis, burns, and spinal cord injuries. Fortunately, we have within our power the potential to relieve their suffering and the possibility of cure.

I believe embryonic stem cell research conducted ethically and under Government supervision holds the potential to offer lifesaving treatments for many diseases that have frustrated the medical community for ages. I also believe that whenever we have the power to heal the sick we have the responsibility to do so. It is a commandment as old as the Scriptures themselves.

In 2001, President Bush made the decision to use Federal dollars to fund embryonic stem cell research. By allowing embryonic stem cell research to move forward, the President signaled that he believed this was both a morally acceptable and potentially lifesaving form of research. Since the President's decision, we have discovered that in order for embryonic stem cell research to reach its fullest potential and for science to be accurate, it is essential to expand the number of stem cell lines that are eligible for federally funded research. H.R. 810 will allow Federal funding for research on an expanded number of embryonic stem cell lines according to strict ethical requirements. The bill would restrict Federal funding to only those stem cells from embryos that would otherwise be discarded. In addition, the bill requires that any individuals wanting to donate embryos do so with written consent and not receive any financial inducement.

Also, the bill does nothing to change the current law banning the use of Federal money to destroy human embryos. H.R. 810 gives us the opportunity to expand lifesaving research with proper ethical safeguards. Furthermore, it will be a step forward in helping us to fulfill our moral obligation to heal the sick. And in the end, that obligation is one that we must keep.

I thank the Chair. I yield my time back to Senator HARKIN.

The PRESIDING OFFICER. Who seeks time?

Mr. HARKIN. I thank the Senator from Arkansas.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The minority has 20 minutes.

Mr. HARKIN. I yield 10 minutes to the Senator from Delaware, Mr. CARPER.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I thank my colleague for yielding. I am moved by the comments of Senator LINCOLN, and I suspect we could go throughout the Senate Chamber from desk to desk, from Member to Member, and each of us could tell a personal story from our own family as moving as I found her description of the life of her father.

In my own family, my grandfather, a wonderful role model as a butcher from West Virginia, had Parkinson's disease. He got up every morning and drove through the mountain roads to the butcher shop to cut meat. Every day I would watch him leave the House, his hands shaking, fingers shaking, wondering if he was going to chop one off, and he never did in all the years that he ran that butcher shop.

I think of the time, looking at Senator HARKIN and myself and some others in the Chamber who served in the House, we served with Mo Udall. I remember riding back and forth on the subway between the House buildings, the Rayburn Building, riding over to the Senate Chamber with Mo Udall and watching his body slowly deteriorate. I think of Ford King, my brother in law, now deceased, who was controlled by ALS over a decade or so ago and watching his life slowly fade away as ALS took its toll on him. I think of Alzheimer's and my own mom who passed away last year, her mom who was a victim of Alzheimer's, and the millions of others who die from that disease in our country.

I think of my own healthy sons, thank God, 16 and 18 years of age, and I think of their friends having to prick their bodies or their fingers several times a day, as much as 10 times a day, to take insulin shots and know that is the way they are going to have to live for the rest of their life.

Today is a day of tremendous opportunity. It is an opportunity to push for the kind of medical research that will make a difference in the lives of the people—not the people I just mentioned, unfortunately, for the most part, but in the lives of their children and their grandchildren. It is an opportunity to help find treatment for diseases such as the ones I mentioned, Parkinson's disease and juvenile diabetes and autoimmune disorders and heart disease and even, if we are lucky, cancer.

We know that stem cells hold great promise. Already stem cells have been used to help paralyzed rats regain the ability to move. Stem cells have been converted into motor neurons which could help treat spinal cord injuries or Lou Gehrig's disease—ALS.

Stem cells have also been coaxed into becoming brain cells to one day help patients with Parkinson's disease, such as my own grandfather, such as our old colleague, Mo Udall.

Today, though, is about more than just curing diseases. It is also about keeping America's research centers competitive and relevant. Stem cell research is likely to be an important area of science and medicine for a long time to come. Instead of treading water, as we have done under President Bush's stem cell policy, America should be leading the way and making other countries play catchup, instead of us playing catchup to them.

We have done this in the past. The United States has always been a valuable contributor to the prevention and treatment of illness. We have developed vaccines and antibiotics that have saved literally millions of lives. We have made tremendous advances in the areas of biotechnology and pharmaceutical research.

Now we have an opportunity to make a national commitment to expand the frontiers of medical research once again.

If we focus our resources and attention today to find cures, we will save lives, and we will save money in the long run.

H.R. 810, the Stem Cell Research Enhancement Act which is before us today, was introduced in the House of Representatives by my own Congressman, MIKE CASTLE. Here in the Senate, it has been shepherded by two of our finest colleagues, Senator SPECTER and TOM HARKIN of Iowa. This bill would greatly expand our ability to take the next steps in stem cell research by expanding the number of stem lines eligible for Federal funding. It would also strengthen the ethical rules that govern stem cell research.

Under the administration's current policy, the number of stem cell lines available for federally funded research has continued to shrink. There are now, I am told, only 22 lines available. What is more, many of those current lines are contaminated or have reached the end of their useful life.

The Castle bill would allow new lines to be derived from excess in vitro fertilization embryos that would otherwise be thrown away. The choice seems clear, at least to me and I know to a lot of people in my State. Rather than allow these embryos to be discarded and thrown away, with the consent of the couple who want to donate those embryos, with their permission, we can use those embryos to further lifesaving research.

These new stem cell lines will dramatically expand our ability to study and find treatments for a wide range of illnesses. The benefits will come not only from having more stem cell lines but from having better lines. By expanding our research policy, we can create stem cell lines that help us study specific diseases or create specific treatments.

I urge all our colleagues to support H.R. 810. I know there are a couple on the brink, who are undecided. They know who they are. I encourage them to listen to the folks from their own States and their own families whose lives could have been enhanced, been lengthened—or in the future will be. Let's vote today to expand stem cell research so we, our children, our grandchildren, and a whole lot of people beyond them can benefit in the future.

Mr. HARKIN. Mr. President, I yield the remainder of our time to the Senator from Massachusetts, Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I want to begin by thanking the Senator from Iowa, Senator HARKIN, for his long leadership on this and other issues of importance to research and to people with disabilities.

For each of us, and for millions of Americans, this is a very personal issue. It is impossible to separate it from our own experiences. I have heard colleagues on the floor talking about grandparents and other members of their family and the experiences they have had. I will never forget, personally, almost 2 years ago standing in an amphitheater in Denver, talking to many people—many of them in wheelchairs, many who had lost loved ones to disease, many who knew a cure would never come in time for them—who held out hope, nevertheless, that stem cell research might save a loved one, might save someone else in similar circumstances.

What they wanted, above all, was leadership. They wanted someone back in Washington to fight for them. I promised them that I would do all that I could, and I will never forget the look of yearning and hope in their eyes, the pleading, if you will, that people would come to a place of common sense. They placed enormous hope in all of us in the Congress.

When I think about them and I think about people all over the country who are so personally invested in this issue, I am deeply troubled to see that today we find ourselves in a place of division, where we could have been united. We are divided principally by the promise of President Bush to veto a bipartisan bill that funds stem cell research.

In more than 5 years, President Bush has not vetoed a single bill—not one. He signed 1,129 bills into law, without raising his pen to veto one—not a bill that overspent, not a bill that moved in any other direction that he disagreed with. Now he wants to use the first veto of his Presidency to stomp on the hopes of millions of Americans suffering from devastating illnesses.

A veto now would send a profound message to all Americans that, on crucial issues, our differences are greater than our shared convictions. It would also tell the world that America no longer wants to be the country that leads the world in scientific knowledge and discovery.

The bipartisan legislation before Congress shows that Congress has found a way to take the politics out of the debate on stem cell research. It is time that the White House does the same.

Our current policy is eroding America's national advantage on stem cell research. We are tying our scientists' hands. We are holding back our doctors. We need a policy that is not driven by a narrow view but, rather a broader, consensus-driven approach to life and to science itself. We need a Federal policy that builds on the advances being made in our States, in our universities, in our private foundations, and research centers. I believe that Senate passage of H.R. 810, with vetoproof majorities, can put us on that path.

What a tragedy it would be if the first veto of the Bush Presidency were used as a political wedge. This is something that Washington and the rest of America overwhelmingly supports, regardless of political party. It is a promise that offers hope to millions and could put America on the path to leading the world in the discovery of cures. This is not a wedge issue. This is about common sense and about people's lives.

For all of us, the issue of stem cell research is personal, as I mentioned. Yes, it does raise profound moral questions and nobody should skip by those questions. I am not seeking to. But I do believe that any legitimate examination of conscience and any legitimate examination of the moral questions about life that are at stake can be resolved in a way that respects life and that properly puts morality on the side of the decision we are making.

When it comes to stem cell research—and all scientific research—we ought to demand no less than that kind of effort. I acknowledge, yes, there are those moral and ethical issues. But I believe the legislation that was passed by the House of Representatives with bipartisan support does provide strong ethical guidelines, strong ethical safeguards, and it limits what this research would do in a way that does respect those moral questions that are at issue.

First of all, federally funded research with respect to embryos would only go to, or be limited to, those that are donated by in vitro fertilization clinics, so you don't create some new business or create some disrespectful effort that is outside the effort of reproduction and of life itself.

Second, they would only be permissible when created specifically for fertility treatment—which is going to occur anyway, which does occur anyway—and which is in keeping with our efforts to respect life.

In addition, we live in a situation today where those embryos that are created in the context of in vitro fertilization are either going to be used for the purpose of creating life or those numbers that are in excess are going to be discarded. That is the fact. That is what is going to happen. So this legislation limits the use of those embryos only that are donated by treatment-seeking individuals who provided written and informed consent and who were not offered financial inducements in order to do so.

As the Los Angeles Times editorialized 2 years ago:

> The moral decision is between putting those few so-called embryos in the trash or using them to possibly bring back lost memory, keep people out of wheelchairs or free them from the life of insulin injections. It is not a simple decision, but it is also not a close call.

Growing numbers of conservatives, from JOHN MCCAIN, BILL FRIST, and ORRIN HATCH to Nancy Reagan, have looked carefully at the scientific facts and searched their own consciences and arrived at the same conclusion: Opposing stem cell research, with the restrictions and the appropriate ethical guidelines that have been put in place, is the opposite of a pro-life policy. In the Senate and across the country, Americans are approaching an ethical consensus that bans human cloning while protecting stem cell research.

The stakes could not be higher. More than 100 million Americans suffer from illnesses that one day might be cured with stem cell therapy. Stem cells could replace damaged heart cells or cells destroyed by cancer. They could offer a new lease on life to those with a diagnosis that once came as a death sentence. Research has the potential to slow the loss of a grandmother's memory, calm the hand of an uncle with Parkinson's, save a child from a lifetime of daily insulin shots or permanently lift a best friend or a colleague from a wheelchair.

There is a young woman on the floor of the Senate who shares this hope. Her name is Beth Kolbe. She is a summer intern in my office, and she has followed the stem cell research debate very closely over the years and especially this week. Beth has spent the last 2 days watching the debate on the Senate floor, and her presence now is a silent, powerful reminder of what is at stake.

At the age of 14, Beth was in a car accident and suffered a terrible spinal cord injury. In that instant, she was paralyzed from the chest down. After two neck surgeries, 2 weeks in intensive care, 2 months as an inpatient in a rehab hospital and 2 years as an outpatient in physical therapy, she is now living a very full life. She just told me that she is in the Paralympics as a swimmer, and she lives her life and loves her life as a junior at Harvard, studying biology and health care, navigating the campus in her wheelchair. But she told me also that it would be a lie to say that there are not challenges that she would like to have overcome.

She wants more, not just for her but for others. Here is what she said:

> Since that day 6 years ago, my family and I have been following stem cell research because it can help so many people. I'm just one of the millions who can be helped. As a person in the disability community, I've met so many people whose main goal is just to get better, and stem cell research is their one opportunity to find a cure. I hope to be a face that the Senators can see, so that they can see what they are voting for.

Beth is here because she wants to see the Senate vote for hope. Some of the most pioneering treatments and miraculous cures could be at our fingertips, right around the next corner, but because of politics they could remain beyond reach. Every day we wait, more than 3,000 Americans die from diseases that might someday be treatable because of the discoveries made through stem cell research.

Americans have been presented with a false choice between the sanctity of human life and the scientific knowledge that can save it.

The President's veto rests on the false assumption that we have to choose between our dreams and our principles. I believe we can have both and we can protect both.

We can support our scientists, help the sick, and ensure that our legal and ethical boundaries continue to reflect our unshakable sense of human dignity and the value of human life.

If we get votes from 72 out of 100 Senators—then we can send the President a vetoproof message. Stop tying our scientists' hands, put down your veto pen, stop being part of the problem and become a part of the solution.

The American people believe in stem cell research for many of the same reasons as a remarkable woman I met at a town hall meeting on stem cell research.

She stood up in the back of the room. I will never forget it. Her body was shaking. She was petrified, but her body was also shaking because of the disease she had. She pleaded, with tears, for her government to embrace stem cell research.

It was the moral clarity of her message that will stay with me forever. Many Americans know a woman like her—maybe it's a grandparent with Alzheimer's or a friend in a wheelchair. "It's too late for me," she said, "but we need to do this for those who still have hope."

It's too late for my and TOM HARKIN's friend, Christopher Reeve, who passed away in 2004. But it's not too late for this President to change his mind before tying the hands of doctors, scientists, and ethicists with a preemptive veto. Chris would agree that it's not too late to give millions of Americans what they want most of all, which is hope.

And in closing, I want to share one more story. It's from Lauren Stanford of Plymouth, MA. She is 14 years old and has suffered from juvenile diabetes for 9 years. She and her mother, Moira McCarthy, came down to Washington, DC each year as citizen lobbyists in support of stem cell research and finding a cure for diabetes.

I want to read you a few passages from an essay she wrote as follows:

> For as long as I can remember, I've had to take a lot of leaps of faith. I've had to believe my parents when they told me taking four or five shots a day and pricking my finger eight or more times a day was just "a new kind of normal."
>
> I've had to smile at the world and say I really don't mind wearing the insulin pump that's now connected to my body 24 hours a day, seven days a week.
>
> Yes, in my nine years of life with Type 1 diabetes, I've learned to accept a lot of it is and the way it things as "just the way it is and the way it has to be."
>
> But when I watched, with my parents, President Bush's decision on Stem Cell research in the summer of 2001—and his vows now to veto the bill—I just could not accept it.
>
> You see the one thing that has helped me accept all I've had to accept these years is the presence of hope.
>
> When I feel like I might just scream if I have to live another day fighting this endless disease, I think about all the researchers out there working to help me be cured. Now, it might seem corny to think of a teenage girl dreaming about researchers in labs, but that's what kids who have incurable diseases do.
>
> Stem cell research could mean I can go to college without a machine attached to my belly keeping me alive. It could mean I can have children just like anyone else; not with teams of doctors working with me daily just to make it happen. . . . It might mean my children won't even know what diabetes was.
>
> President Bush talks about protecting the innocent. I wonder, what about me? I am truly innocent in this situation. I did nothing to bring my diabetes on. . . . How, I ask my parents, is it more important to throw discarded embryos into the trash than it is to let them be used to hopefully save my life—and to give me back a life where I don't have to accept a constant, almost insane level of hourly medical intervention as "normal?" How could my nation do this to me?

Her hopes are here today, and I hope the Senate will do the right thing.

The PRESIDING OFFICER. Under the previous order, the majority is recognized for 15 minutes.

Mr. SMITH. Thank you, Mr. President. I am very grateful the Senate is considering the issue of stem cell research today. This debate marks the culmination of years of work by many of my colleagues and certainly by myself, and a host of dedicated advocates.

I thank Senators SPECTER and HARKIN for their leadership on this issue, as well as Senators HATCH, FEINSTEIN, and KENNEDY. The work the six of us have done since the House considered embryonic stem cell research last May has helped keep the issue alive in the Senate.

I also would also like to recognize Senator FRIST, who helped negotiate the package of bills before us. His willingness to take up this important, yet divisive issue is very much appreciated.

While all three bills are important to the advancement of ethical stem cell research, there is one that stands apart from the others. That is H.R. 810, the Stem Cell Research Enhancement Act Simply, this bill would allow federal dollars to support research on stem cells derived from human embryos.

The tension surrounding this issue, I believe, pits the benefits that all can see and the potential that may be derived against the ethical uncertainties or the religious convictions our colleagues have. I think it is very important to respect both perspectives—and I certainly do. But I believe their reservations are misplaced when a full understanding is made of this very important area of research.

I think it is also important to point out as a show of respect for the differences of opinion that everyone in the Senate supports the bill's intent of furthering medical research—research that could possibly lead to a cure for a number of chronic diseases and debilitating health conditions.

The promise of embryonic stem cell research is very real. But I think we must emphasis and admit it is but a promise. It has yet to be fully realized because of the current restrictions which we have placed on it. While I appreciate the President allowing research to move forward on existing stem cell lines, over time these lines have become degraded and we are in desperate need of new, uncontaminated lines.

Stem cell science has the potential to cure dreadful illnesses such as Parkinson's, Alzheimer's, diabetes, cardiovascular disease, and many cancers. But we can't expect scientists to make progress in developing treatments if we limit them to yesterday's science.

I believe the Federal Government has a vital but a moral role to play in the development of stem cell science to ensure that the appropriate ethical guidelines are followed. To leave this to the private sector, with insufficient funding and no moral boundaries—we don't know where we will windup. But I do know the Federal Government can guide it in the right direction. I believe we will run into very serious problems if we do not as a Federal Government show up to work on this issue.

The real issue that is troubling to so many of us in this Chamber is questions of morality. I am pro life and throughout my political career I have supported policies that respect the sanctity of all human beings. I realize that many pro-life advocates oppose embryonic stem cell research on the ground that it destroys a human life. But as I have consulted with scientists and reflected upon my own conscience, I have come to a different conclusion. I feel that embryonic stem cell research is a pro-life policy. The key question that looms over this debate is, When does life begin? For me it begins with mother, with the implantation of an embryo. I believe the Scriptures provide ample support showing that flesh and spirit become one with the mother. This is one of womankind's supernal gifts. I find these verses in the Old and the New Testaments—in Jeremiah, the Psalmist, Job, Matthew, Mark, Luke, John, and in the letters of Paul. All of these things lead me to feel comfortable with an ethical conclusion that life begins when flesh and spirit are united and not before.

The embryos created as part of the in vitro fertilization process were intended to provide infertile couples the gift of life. Those embryos that go unused in fertility treatments should still have the opportunity to give the gift of life either by later implantation or to those living with debilitating diseases through this dramatic medical research.

Without being implanted in a mother's womb, an IVF embryo is a group of cells growing in a petri dish. But if those cells are left there for thousands of years, they have no possibility of developing into anything. They remain a group of cells, the dust of the Earth, one of the building blocks leading to life. It is the act of implantation within the mother that gives them life. So instead of storing or discarding unused embryos, we have the opportunity to allow them to be used to derive stem cell lines to advance much needed medical research.

I believe it would be a tremendous loss to science and to all humanity if we choose to hold back the key to unlocking the mysteries that have long puzzled scientists and physicians. That is why it is so important that my colleagues cast a vote in favor of H.R. 810, a very pro-life vote.

Some of the bill's opponents may claim that you can equally support stem cell research by voting for Senator SANTORUM's bill which authorizes a number of research alternatives. I support Senator SANTORUM's bill and plan to vote for it today, but it is by no means a substitute for H.R. 810.

Alternative forms of stem cell research are in their very early stages—just like embryonic stem cell research. Considering the enormous medical benefits that may come from these emerging fields of science, we cannot afford to promote some methods while restricting others.

After years of reflecting on this issue, it has become increasingly clear to me that being pro life requires protecting both the sanctity and the quality of life. By allowing research on stem cell lines derived from unused IVF embryos, we could forge a path that would one day lead to cures of some of mankind's most dreadful medical maladies.

If only one life-improving application of stem cell science comes from this vote—from my vote—then I believe I have done my job and done it correctly, for on this issue I choose to err on the side of hope, healing, and health.

I encourage all of my colleagues—even those who have some ethical reservations or religious feelings on this issue—to do the same.

I heard on the radio last night a radio commentator describing embryonic stem cell research as a conflict between science and religion. I do not believe that religion and science are in conflict on this issue. I believe one of the great gifts of the United States—the best example of the United States to the world—is our pluralism, religious pluralism. It is something we see an absence of, tragically, in too many places of the world. You see blood running in the gutters of the Middle East as we speak because of sectarian views which are held to the point of murdering those with divergent views. Therefore, I do not believe we serve the public well by taking the narrowest theological position and trying to impose it on public policy. We should be open enough to include other considerations of ethical ideas, scriptural interpretations, and scientific hope.

For me, as I consider issues of life and death, I often turn to the Good Book to try to discern wisdom that I do not have myself. What I find in the earliest pages of the Torah—or the Old Testament—is this statement. And I quote:

> The Lord God formed man of the dust of the ground and breathed into his nostrils the breath of life, and man became a living soul.

I am not a scientist, and I am not a theologian. But as I use my agency to interpret this early description of the sanctity of mankind's life, what I read is that we are made of dust. We ourselves are dust. Unto dust we will return.

Then you come to the conjunction in this verse, the conjunction "and." "And breathed with his nostrils the breath of life." Then you come to another conjunction, "and man became a living soul."

I believe that pluripotent stem cells are one of the building blocks of life.

Clearly they are. Even if you leave them in a petri dish for an eternity, they will remain cells, the dust of the Earth. I believe we are missing the understanding of the importance of the spirit, the breath of life—the spirit of mankind—as the essential ingredient as to when life begins.

I do not find that religion and science are in conflict in the Senate today. I believe they are in harmony. I believe we should have a broad enough view to include the many views that comprise American pluralism.

I urge President Bush not to veto H.R. 810. I believe it offers hope. It offers promise. We can't overpromise. But it opens the key to the future, to unlocking mysteries of science, to improve the quality of life now. What could be more pro life than that?

Finally, my position is formed by my family history. My mother's name was Jessica Udall. I watched my grandmother, Lela Lee Udall, die of Parkinson's. I watched my uncle, Addison Udall, die of Parkinson's. I watched my cousin, former Democratic Presidential candidate and Arizona Congressman Morris K. Udall, die of Parkinson's. To watch people die of such a malady is to instill in one's heart a desire to err on the side of health, hope, and healing, to find the cure if a cure can be found. We will all die but no one should have to die as they died.

I appeal to my friend President Bush in the memory of my Udall ancestry, please, do not veto this bill. Do not deny them, people such as the Udalls, the hope that can come from this research. I believe this is an important debate. If this bill is vetoed, another election will occur, another chapter of American democracy will be opened, and ultimately the will of the American people will be reflected in our policy. I believe the sooner, the better. So, to my pro-life friend, President Bush, I urge in the name of life to let this bill become law.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the majority still controls 1 minute 45 seconds.

Mr. SMITH. I yield back the remainder of that time.

The PRESIDING OFFICER. Under the previous order, the minority is recognized for 15 minutes.

Mr. HARKIN. I will soon yield 7 minutes each to Senators FEINGOLD and SCHUMER, in that order.

First, I had a meeting I was supposed to go to at noon. I am sorry I missed the meeting; people are waiting for me. I am not sorry that I was here to hear the profound statement made by my friend Senator SMITH. It was one of the more touching, more profound, and more insightful statements made during these 2 days of debate. I thank the Senator for that.

I yield 7 minutes to Senator FEINGOLD, and at the end of 7 minutes, to the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 7 minutes.

Mr. FEINGOLD. Mr. President, as we debate this important legislation regarding stem cell research, we are reminded of the millions of patients and families across America who await treatment and cures for our most deadly and tragic diseases. As of Friday afternoon, over 92,000 Americans were on waiting lists for organ transplant. Seventeen of these people will die every day waiting for a vital organ. Scientists believe that over half of Americans over 85 may suffer from Alzheimer's disease, and at least half a million Americans currently have Parkinson's disease. As we all know, these kinds of serious diagnoses affect not only the patient, but that patient's family, friends, and community. Illness is a burden we all share.

Fortunately, over the past century, science has turned many of our worst medical fears into manageable chronic conditions, sometimes into mere nuisances, and, in some instances, has erased them entirely.

Today we stand at the threshold of a new era of scientific achievement. Stem cell research has vast potential for curing diseases and saving lives. We must recognize the enormous potential of this research for discovering new cures and therapies for disease such as diabetes, Parkinson's disease, and spinal cord injuries. Millions of patients and their families across the Nation cannot afford to wait any longer for enactment of this urgently needed legislation.

I am a strong supporter and proud cosponsor of the Stem Cell Research Enhancement Act. I have heard from many of my constituents in Wisconsin in support of this legislation, and I am glad that the Senate is addressing this today and responding to the requests of millions across the country. As the Senator from Oregon eloquently said a few minutes ago, for many people this is a deeply personal issue. When an individual or loved one suffers from an incurable disease or medical condition, it can be devastating. Everyone knows someone who has suffered from diabetes, Alzheimer's Parkinson's, or another debilitating disease, and we all know the physical and emotional pain inflicted as a result. It is vitally important that we move this legislation into law as expeditiously as possible and provide the resources that scientists need to develop treatments and cures for these diseases.

Researchers can unlock enormous potential in stem cell research if Congress will only give them the key. At the University of Wisconsin in 1998, Dr. James Thomson became the first scientist to break into this new frontier by isolating human embryonic stem cells. Since then, researchers at the university have been able to coax embryonic stem cells to develop into mature blood cells, which could provide treatments and cures for people with a range of currently incurable diseases. By further examining the potential of stem cells, scientists at the University of Wisconsin have also successfully developed neural cells, and they have even transferred these cells successfully into mice, where the cells continued to thrive. The possibilities here are clear: If technology such as this is able to expand, those with neurological disorders and bleak prognoses may now have hope.

Despite its incredible promise, this research has unfortunately been limited by the President since 2001. It is time for Congress to take the necessary action to provide more stem cell lines to scientists so that this research can go forward, without the Federal Government standing in the way.

The Stem Cell Research Enhancement Act would allow federally funded research to be conducted on stem cell lines derived from excess embryos created for in vitro fertilization, IVF, that are no longer needed and are donated by couples for research. It is estimated that there are more than 400,000 embryos that were created for fertility treatments and are likely to be destroyed.

There is much work that needs to be done to further understand the role that embryonic stem cells can play in providing answers to some of the most troubling medical diseases and conditions that affect so many Americans. The Stem Cell Research Enhancement Act will help our Nation's researchers get closer to unlocking what this research holds by increasing the quantity and quality of stem cell lines available for research.

Embryonic stem cell research is very important to me and to Wisconsin. I am proud that the University of Wisconsin has played a prominent role in stem cell research in this country. I know that my constituents, and Americans across the country, are eagerly awaiting the benefits that this research will provide.

I hope my colleagues will join me in supporting this incredibly important science which would expand our research horizons and bring hope to so many people.

The PRESIDING OFFICER. The Senator from New York is recognized for 7 minutes.

Mr. SCHUMER. Mr. President, I rise today in support of H.R. 810, the Stem Cell Research Enhancement Act. Any one of us who has met people who have petitioned us for this act has to be moved. I have looked into the eyes of a mother who brought her beautiful 4-year-old daughter to my office and said, Senator, please allow this research to go forward because I am worried my daughter will be blind at the age of 20 without it.

I have met families whose patriarch is suffering from ALS, Lou Gehrig's disease. Again, they have pleaded with us, allow the research to go forward so maybe that person or his children, who might get the disease, will be able to be cured.

I have met with so many people my age whose parents are suffering from Alzheimer's or Parkinson's. Again, they plead with us, allow stem cell research to move forward so that maybe my parent or other parents such as mine could be cured.

Americans struggle with diseases every day. The confounding and amazing thing is, when scientists are on the edge of a breakthrough, the President stops them. Scientists are on the cusp of making incredible progress through stem cell research, a process that has the potential to cure diseases as widespread as diabetes and heart disease, but progress came to a grinding halt in 2001 when President Bush limited federally funded stem cell research to only 19 sources. With that Executive Order, President Bush shut the door on hope for millions of American families. With that one action, the President not only stopped current research in its tracks, he sent a message to future scientists that they should not pursue this line of work. As they see a limited funding stream for the work they do, fewer and fewer graduates are specializing in this kind of work. We need the best minds there.

Substantively, there is no doubt this is the right thing to do. But I put it in a broader context. There is a group of people in America of deep faith. I respect that faith. I have been in enough inner-city Black churches, working-class Catholic parishes, rural Methodist houses of worship, and small Jewish synagogues, to understand that faith is a gift. The trouble with this group, which I call the theocrats, is they want that faith to dictate what our Government does. That, in a word, is un-American. It is exactly the reason the Founding Fathers put down their plows and took up muskets to fight.

If you do not like stem cell research, don't use it for yourself or your family, but don't tell millions of Americans who may not share your faith that they cannot use it, as well.

We have seen this repeatedly with Schiavo, or the required teaching of creationism in the schools, and now with stem cell research. Unfortunately, the President and too many in this Chamber and too many in the other Chamber have gone along and said that faith, wonderful and noble as it is, should determine what our Government does.

This administration is not pursuing what most Americans want, but following the dictates of the narrow few. Fortunately, we live in a democracy. In a democracy these issues are debated.

I assure everyone in this Chamber, this issue will be debated and debated strongly in November. Those who have stood in the way of scientific progress and research, those who have told that wonderful mother that her child cannot get the research she needs so she might not be blind, will be held accountable. This will be one of the largest issues that will face us in November, and it should. That is what democracy is all about. All of those, including the President, who have tried to hide their actions with false promises or bills that accomplish nothing, will be held accountable.

Thank God we have a democracy. Thank God that a narrow band of people, few in number, deep in conviction, cannot dictate what our Government does. The fact that H.R. 810 has come to the Senate, the fact that it will get a large majority of votes here as it did in the House, and the fact that the President and some of his allies in this Chamber and others have stood in the way of saving lives and of scientific progress because they believe their faith should dictate what the rest of us do—again, they will be held accountable for that.

I hope this measure passes. It would be a miracle, a miracle that could save lives if it got a veto-proof majority in this Senate. I doubt that will happen. But one can always hope, because the hopes, the futures, of millions of Americans, born and unborn, rest on us pursuing this research, doing what science tells us it needs to do to enhance and preserve life, and not be blocked by a small group that wishes to impose its views on everyone else.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m.; and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

FETUS FARMING PROHIBITION ACT OF 2006

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005—Continued

The PRESIDING OFFICER. The majority controls the next 30 minutes.

The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

Mr. President, I would like to begin this discussion, talking about the three pieces of legislation that are before us, to talk about the one I believe is the least controversial of all; and that is the issue of fetus farming. It is a piece of legislation that I introduced, thanks to the great help of my staff, Heather MacLean, who has worked diligently on both pieces of legislation that are on the floor today that I happen to be the sponsor of, the alternatives bill as well as the fetus farming bill.

This legislation comes as a result of a recommendation from the President's Council on Bioethics. That council, as you know, is not made up of people who share the President's viewpoint on the issue of stem cell research. In fact, it is a rather diverse group. But they unanimously agreed with what they see out in the scientific world with respect to research being done—where animals are being implanted with embryos grown to a certain gestational age and then aborted for purposes of research—that this should not be allowed in humans; that we should not be developing embryos, implanting them in women, and then having those women abort the fetus for the purposes of doing research.

So the bill I have introduced follows on with the unanimous recommendation of the President's Council on Bioethics. Again, it is a diverse group. And they said: We should prohibit the transfer of a human embryo produced ex vivo—that is, outside of the mother's womb—to a woman's uterus for any purpose other than to attempt to produce a live-born child.

That is what the first piece of legislation does, what is referred to as the fetus farming bill. I am hopeful we can have a broad consensus, hopefully a unanimous vote, on the floor of the Senate in favor of this legislation. The House will hopefully pass that later today and the President will move forward and sign it.

The other issues I want to talk about get into a lot more detail with respect to how we deal with these very difficult moral questions. I have heard some say on the floor of the Senate there is no moral question here. In fact, I heard the senior Senator from New York calling those who oppose this H.R. 810—which calls for the destruction of human embryos for purposes of deriving embryonic stem cells—he called people who oppose H.R. 810 theocrats.

I do not agree with the Senator from New York on a lot of things. I am sure the Senator from New York is motivated by his faith to do a lot of things in his life. I am sure there are things on the floor of the Senate for which the Senator from New York is motivated by his faith tradition and uses it as a tool which has provided him a moral framework for this world. But I would never call him a theocrat for taking that element of his faith, which he happens to believe is valuable, and applying it to a fact of circumstances before him in the Senate. So I would hope we would tone down that type of rhetoric. No one is advocating theocracy here.

But to suggest there are not moral questions at stake. I think is blatantly dishonest. There was a doctor that was on a C-SPAN program this morning, a doctor from Johns Hopkins, who was in favor of H.R. 810, who got up and said it very clearly, if you believe that killing a 5-day-old embryo is the taking of a human life, then I can understand, she said, you having problems with H.R. 810. If you do not, then I can understand why you do not have a problem with H.R. 810.

Now, to suggest that someone who happens to believe that a 5-day-old embryo, that is genetically human, that if implanted in a woman would have as good a chance as any other embryo in a woman to develop into any one of us—that we believe that killing that embryo is the taking of a human life—I am not too sure that goes into the bounds of imposing a theocracy on America.

I think that is, yes, to some degree, a moral question but I would argue, to some degree, very much a scientific question as to whether that is actually human and is it alive. And the answer is, yes, it is genetically human. It is like every one of us. And it is alive. If it were dead, no one would be implanting it, no one would be killing it. So it is human and it is alive.

You can say it is not human life. I can say this piece of paper is not a piece of paper, but that does not make it what it is not. It is human, and it is alive. Under H.R. 810, we say that the Federal Government is going to fund research dependent on the destruction, the killing of that embryo. I think it needs to be made clear there is nothing in the legislation—in fact, there is no bill I am aware of that has been introduced—that says any individual without Government dollars cannot take, cannot buy or get donated a fertilized embryo, an embryo, a 5-day-old embryo from an in vitro fertilization clinic and do research on it. There is no law prohibiting it. There is no law prohibiting the killing of those embryos.

All of us who have concerns about H.R. 810 have concerns because this is Federal funding for research dependent on the destruction of human life. I happen to believe that is morally objectionable. I also think it is scientifically objectionable too.

Having said that, I have one final point I would make. I do not think this position is necessarily well out of the mainstream. There was a poll taken recently. In the poll, this question was asked: Stem cells are the basic cells from which all person's tissues and organs develop. Congress is considering the question of Federal funding for experiments using stem cells from human embryos. The live embryos would be destroyed in their first week of development to obtain these cells. Do you support or oppose using Federal tax dollars for such experiments? Thirty-eight percent support; almost 48 percent oppose.

I do not think those people would be called theocrats. They are not theocrats. These are honest, hard-working Americans who see human life and say: We should treat it with dignity and not do research.

Now, there are obviously a sizeable number on the other side. And, obviously, the majority of the Senate is going to support H.R. 810. I respect people who differ with me. I am not going to call them names. I am not going to label them something that sounds un-American. What I will say is I disagree with them and will try to do so respectfully. I will try to do so from the basis of someone who is a very strong supporter of stem cell research. In fact, I would put my record up against just about anybody in the Senate with respect to appropriating, asking for, and getting appropriated dollars designated to do stem cell research.

I have been working for 6 years, particularly with the Pittsburgh Tissue Engineering Institute and a whole host of companies that have developed in and around the biotech quarter in Pittsburgh that have shown great promise. Some of the research you have heard about with respect to alternatives to embryonic stem cell research with these pluripotent cells—many of these companies, many of these alternatives have come out of Pittsburgh, come out of the work that has advanced as a result of some of the Federal help that we have given to the McGowan Institute and to the Pittsburgh Tissue Engineering Institute.

In fact, we have put together such a robust program with respect to tissue engineering and regenerative medicine using stem cells that we have partnered with the Army. President Bush, earlier this year, went down to Fort Sam Houston, TX, to look at some of the work that is being done with our soldiers who have been wounded and being able to regenerate skin or parts of bodies. In fact, there is one study underway right now to regenerate an ear, actually grow back an ear of someone who lost their ear in the Iraq war.

All of that came from the support the Congress has shown, thanks to the leadership of Senator SPECTER and myself in this collaboration—the Pittsburgh Tissue Engineering Institute, the McGowan Institute for Regenerative Medicine, the U.S. Army Institute of Surgical Research, and on and on. This collaboration is based on the promise of stem cell research, to help our wounded soldiers. They are making dramatic and wonderful progress. So there is, as many have said, a tremendous opportunity for a lot of powerful things to help cure people with respect to stem cells—these adult stem cells.

But I have not foreclosed, in any respect, the possibility of other types of stem cells being used, if they can be derived in an ethical fashion; "ethical," meaning we do not sacrifice life in order to do research to find out more.

So what I have pursued—and what I think this alternative bill I have introduced, working with Senator SPECTER on it—is an attempt to find this middle ground. Some have suggested—I know Senator HARKIN has repeatedly suggested—this bill does not accomplish anything, the alternatives bill I have introduced does not do anything. I would strongly disagree with that.

The alternative bill—let me give you an example. I have been working with Senator DODD over the past several months—actually, over a year now—in developing a bill to provide direction to the National Institutes of Health with respect to autism research. It is a vitally important bill for the autism community. It is one that the entire community across the Nation has mobilized around, called the Combat Autism bill. We have worked meticulously on the language to make sure Congress provides direction to the NIH to ensure proper research is being done in accordance with the sensitivities of the community.

This bill, in many respects, is no different. What we are doing—as we are doing in the Combat Autism bill, as we did by setting up centers of excellence within the NIH, congressional-sponsored coordinators such as diabetes coordinators—all of these things NIH could have done. Could NIH have put up, structured a diabetes coordinator? Sure. Could they have set up a cancer institute? Sure. Could they have done all these thing that have been congressionally mandated to do? Yes, they could have. But Congress thought it was important enough that we put it in statute. And we direct the funding so we can get a focus on what we believe as Congress—and representing the people's belief—is important for the future of medicine.

So in this case, yes, we are directing the National Institutes of Health shall invest money—not they "may; but they "shall" invest money—in developing alternatives to the destruction of the human embryo for the creation of pluripotent cells. In fact, there are 16 different ideas, peer-reviewed studies showing alternative sources of pluripotent stem cells that have been published already.

What we are saying to the National Institutes of Health is: Look at these particular areas and others. You shall do research in this area. You shall look for alternatives for the development of these pluripotent cells. It is a directive. That is different. That is meaningful. It is important. It is not: Oh.

they can do it already, so this is no big deal. This is a big deal. This is an important step forward in getting the NIH focused on an area of research which is ethical, moral, and potentially curative for an unknown number of diseases.

There is work being done, I can tell you, because of the work we have done, and Senator SPECTER and I have done, in Pittsburgh with a company called Stemnion which I am very proud of. They are taking cells from the lining of the placenta—I was at their lab not too long ago. They had a placenta there, and they had a technician peeling off this sheathe from the lining of the inside of the placenta.

It is a three-cell layer sheet that is opaque; you can see through it almost. But it is a three-cell layer which is put into a solution. They retrieve the middle layer of the cell. They have found that this middle layer of cell can, in fact, differentiate into various types of body tissue, which is what we are looking for with respect to embryonic stem cells. They have also found that it doesn't cause tumors, which is one of the problems with embryonic stem cells. They are not just looking at that, they are also looking at—many of these researchers who are doing research on adult stem cells, cord blood, or placenta cells, or whatever—whether they can use these cells not just for direct treatment but to create a broader based treatment—something that is not just a treatment for the particular baby who came with that placenta but whether there is a broader application with these cells.

Can they do things that many believe embryonic stem cells can do—provide some sort of cellular solution that can be replicated in large doses, instead of just individual treatments, which can be expensive and not necessarily as useful or helpful? So there is the potential for broad-based solutions out of these pluripotent cells, something which those who argue for H.R. 810 say really isn't available.

The fact is, that it is an objective. We don't know if it is available, but, again, we don't know if embryonic stem cells will result in cures because they have not to date. Senators BROWNBACK, COBURN, FRIST, and many others have talked about all of the different therapies being used today to treat people through adult stem cell research. In fact, I mentioned one, which is the soldiers, in treating wound care. There are so many others. I was at another institution in Pittsburgh where they were showing how they were treating—I know this was talked about on the floor—congestive heart failure with adult stem cells and injecting them into the heart to try to regenerate the heart. So there are all sorts of opportunities with these cells. We should pursue that.

Actually, what my bill does is focus on creating embryonic-like cells. What my bill does is provide an alternative path to get to where those who want to see embryonic stem cell research move forward want to go. We try to get them there with an ethical way of doing it.

I am hopeful—and I have not heard anybody get up and say they would oppose this legislation—that this legislation will pass with a very large number because I think it deserves passage. It does more than nothing. It does something, and it does something very important.

Also, I believe it is important that we stand firm and say that those who may be against H.R. 810 have the opportunity to stand firm and say that we are pro research, pro science, pro improving the quality of health care in this country, but we need, as public officials, to be the governor for science.

I know there have been attempts in the past—I don't think H.R. 810 does it because it is a limited use of human embryos, but there have been attempts in the past to sort of throw the gates open and allow Federal funding for any type of research in this area. I think we have an obligation, as the voice of the people, to limit, at least with Federal dollars, where science goes with taxpayer dollars. This is a scientific society that, if you can do it, they want to do it. In my mind, far too many scientists don't feel any check by the moral implications of creating a cloned individual, which we have seen in some places around the world. There have been attempts in private labs in this country and around the world, and there still are attempts to clone individuals. We need to speak clearly into this moment. I think the passage of this alternative bill does that. It says we can be pro science and do so in an ethical fashion.

I guess I will conclude my remarks by saying that this is an important moment for us in this country. This is about the value of human life. I know people will dismiss that, saying they would be discarded anyway. All I can suggest is that every life, whether it is in a suspended state in an IVF clinic or standing on the floor of the Senate attempting to defend and protect those suspended lives, has meaning. Every life deserves protection under our Constitution. Our Constitution protects persons. It is a very interesting word. They use the term "persons." So we have had a debate in this country for half a century or more—actually since its founding—as to what a person is under the Constitution. We are going to say, with respect to embryos at IVF clinics, that they are not people. We are going to say that this 5-day-old embryo created by a couple who wanted life—think about that. Every one of these embryos was created because a couple wanted desperately to create human life, and what we are going to say is that life that was created is not a person, doesn't really exist from the standpoint of the Constitution. I think that is sort of hard for my mind to square—that we create human life and then later we say it is not human life, it is not a person, it is not entitled to any constitutional protections.

Some people have drawn lines and said it is not implanted and therefore it is not human life. When the egg is fertilized, it takes a while for that embryo to implant in any normal pregnancy. In the interim, is it not human life? What is it? These are questions that I know are very difficult to grapple with. It is very easy—and this is the caution—it is very easy, because that little embryo doesn't have a pair of eyes, a color of hair, or a name, to dismiss this entity as insignificant, particularly when we see some utilization, some usefulness to us in its existence. This utilitarian view that, well, we don't really know what these are—at least we make the claim that we don't really know what they are, so we sort of claim that there is a cloudiness to what this is, and it then allows us to destroy that life and use it for our purposes.

Let's be very clear about that. That is what we are doing. We are using it for our purposes, to benefit us. We are using a human life to help those of us who are alive, without the permission of that silent embryo. You can say, well, H.R. 810 is sort of a rare circumstance. It is just these small groups of embryos that are unwanted. I have been on the floor of the Senate debating issues of life for 12 years now. It seems to me that every year I come up here we tend to debate a different issue, and if we had been debating it 10 years prior, we never would have taken that position; we would have found it morally offensive to have argued what we argued—in this case 10 years ago. But 10 years from now, if we allow this to happen, what will be the next argument of what we must do because of the potential benefit for us? What must we do next?

One of the principal reasons I am an avid supporter of the fetal farming bill is a great fear that 10 years from now, we will be back here arguing the bill again. We may find that the embryonic stem cell research that is done in the public sector—and it is being done now in the private sector, and certainly there is international support for it in the public sector—just isn't the right thing, that they don't work quite as well as expected. But if you grow that embryo to a little later stage and these cells settle down and are not as hyperactive as these embryonic stem cells are, which have the potential of creating tumors, if you wait until they are a month or 2 months old, now you have the right time to be able to harvest these tissues for—you name it. I will not say that is highly likely—I don't know. I am not a scientist—but I don't think that is without question.

Then what would we say? If we can maybe just put the embryos in artificial wombs for a while and let them develop for a little bit or maybe implant them into a woman who volunteers, with no moral objection, to do so. You can say, that is repugnant. It is today.

I remember when I stood on the floor and debated the partial-birth abortion bill—how many repugnant things I had to explain regarding the killing of a child. We debated that, and it failed many times on the floor of the Senate, the banning of that procedure. No, these things do not happen in one great leap; they happen with just little steps, little defensible steps, little utilitarian steps, until the next time and the next time.

This is an important moment when we will say no to that and we will do what I believe is important to stand up for that value. At the same time, we can support a measure that is pro science. At the same time, we can support a measure that says we need to move forward, we need cures, we need scientific experimentation, we need to develop this incredibly rich field of regenerative medicine and stem cell research. It is an incredibly rich field, a promising field. We need to do it at a pace and in a way that we can be proud of over time and in a way that respects the dignity of the human person. But this is an incredibly promising field. No one on either side of this issue will deny that. It is an incredibly promising field, one we must pursue.

So that is why I introduced the alternative bill. That is why I strongly support it, and I would encourage all of my colleagues to support it. I would encourage the House to pass it, and then we will be enthusiastic supporters of Senator SPECTER's and Senator HARKIN's appropriations bill, to get as much money as the NIH can responsibly use to develop this field fully. It is an incredibly promising field that we must pursue, and we can do it. We can do it, America, ethically and morally, in a way that is consistent with the proud traditions of America. Science in an ethical and moral fashion: What a nice blend. We accomplished that with the alternative stem cell bill, and I urge the Senate's adoption.

Mr. President, I ask unanimous consent that letters I have received regarding this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OREGON HEALTH & SCIENCE UNIVERSITY, OREGON STEM CELL CENTER,
Portland, OR, July 17, 2006.

DEAR SENATOR: I am a Professor in the Departments of Molecular and Medical Genetics and of Pediatrics and the current Director of the Oregon Stem Cell Center at Oregon Health & Science University in Portland Oregon. I am also on the Board of Directors of the International Society for Stem Cell Research. Last month I participated in a press conference at the Capital in support of the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754, sponsored by Senators Santorum and Specter. I am writing to affirm the solid scientific foundations for this approach and to urge you to vote in favor of this very important legislation.

Let me begin by stating clearly that I do not think that adult stem cells have all the properties of pluripotent embryonic stem cells (ESC) and could be used to replace or substitute for them in therapeutic or scientific investigations. ESC indeed hold tremendous—albeit at this point mostly unrealized—potential for significant improvements of human health. My objection to using human embryonic stem cells is the fact that their procurement involves the destruction of early human life, generated either by in vitro fertilization or by cloning. Exploitation and destruction of human embryos is morally unacceptable to me and to millions of others in the United States and around the world.

Fortunately, science strongly suggests that there is a solution to this particular moral quandary. All cells of the human body share the exact same DNA sequence, regardless of whether they are adult skin cells or embryos. The fate and nature of a cell (embryo vs. other cell type) is not determined by its DNA sequence but by which genes are active or silenced. Silent genes can be activated and active genes can be silenced through skilled laboratory manipulation. This is why it is possible to use the nucleus of an adult cell to make an embryo, as was done with Dolly the sheep. The contents of the egg are able to "flip genetic switches". Recently, multiple labs in the United States and from around the world have published or reported experiments in which adult cells were converted, not to embryos, but directly to pluripotent "embryonic-like" cells. The resulting cells were virtually indistinguishable from embryonic stem cells derived from embryos. The techniques used have included altered nuclear transfer (ANT), cell fusion and chemical reprogramming. The results were obtained by top scientists in the field and published in the best journals.

To date the direct conversion of adult cells to pluripotent stem cells without any embryo destruction has only been achieved in animals, but it is highly likely that this can be done with human cells as well. In addition to being ethically and morally unimpeachable the alternative methods also promise a major clinical/medical advantage: pluripotent cells generated by these techniques will be tissue-matched to the patient. In contrast to embryonic stem cells derived from "discarded" embryos, immune suppression would not be needed to use these cells in transplantation.

Thus, compelling scientific and ethical arguments exist for non-embryo destructive alternative methods. S. 2754, the Alternative Pluripotent Stem Cell Therapies Enhancement Act, represents an important tool to advance the development of these techniques to the benefit of all.

Sincerely,

MARKUS GROMPE, M.D.,
Professor.

JULY 17, 2006.

DEAR SENATOR: I am a physician and a Consulting Professor in the Neuroscience Institute at Stanford where for many years I have taught courses in biomedical ethics. I have also served on the President's Council on Bioethics since its inception in January 2002.

In May 2005, the Council issued a White Paper entitled "Alternative Sources of Human Pluripotent Stem Cells." This report outlined four proposals for obtaining pluripotent stem cells (cells with the same properties and potentials as embryonic stem cells) using techniques that do not involve the destruction of human embryos. As the author of one of these proposals, Altered Nuclear Transfer, I am writing to inform you of encouraging progress in establishing both the scientific feasibility and the moral acceptability of this proposal. In what follows, I am of course speaking for myself, not for the Council as a whole or for any other institution.

Altered Nuclear Transfer (ANT) is a broad concept with a range of possible approaches. ANT draws on the basic technique of nuclear transfer (popularly known as 'therapeutic cloning') but with a pre-emptive alteration such that pluripotent stem cells are produced without the creation and destruction of human embryos. Unlike the use of embryos produced by in vitro fertilization, ANT would allow the production of pluripotent stem cell lines of specific genetic types. This would enable standardized scientific studies of genetic diseases controlled testing for drug development, and possibly patient-specific immune-compatible cell therapies.

In the year since the publication of the Council report, major advances in this project have been documented in peer-reviewed research articles published in leading scientific journals.

In January 2006, the journal Nature reported research by MIT stem cell biologists Rudolf Jaenisch and Alexander Meissner demonstrating, in mouse studies, scientific proof-of-principle for Altered Nuclear Transfer. The authors described this technique as "simple and straightforward," and, in testimony to a U.S. Senate subcommittee on stem cell research, Dr. Jaenisch stated: "Because the ANT product lacks essential properties of the fertilized embryo, it is not justified to call it an 'embryo.'"

One month later, research by developmental biologist Michael Roberts of the University of Missouri published in the journal Science, suggested that the same ANT approach might be accomplished more directly and by an even simpler technique.

In March 2006, at a conference of scientists, moral philosophers and religious leaders organized by The Westchester Institute for Ethics and the Human Person, there was unanimous agreement that if further refinement of these techniques is successful with non-human primates, cautious extension of these approaches to studies with human cells would be morally acceptable.

This conclusion has received further support from research reported by Hans Schoeler, Chair of the Department of Cell and Developmental Biology at the Max Planck Institute in Germany. Using the same basic alterations, he was able to establish pluripotent stem cells from these non-embryonic laboratory constructs at a rate of efficiency 50% higher than current embryo-destructive techniques (that use IVF embryos). This suggests that ANT may have both scientific and moral advantages.

In the attached letter, Dr. Schoeler explains: "Biologically (and morally), I would not consider such a . . . laboratory product to be a living being, but more rightly would consider it a single-lineage tissue culture." He continues, "Although these studies have been conducted using mice, it is reasonable to expect that the mammalian pattern of embryogenesis is conserved to the degree that a similar result would be obtained with human cells. These research results suggest that Altered Nuclear Transfer may be able to produce human pluripotent stem cells (the functional equivalent of embryonic stem cells) in a manner that is simpler and more efficient than current methods. Moreover, by doing so without creating a human embryo, such a project may resolve our current impasse over embryonic stem cell research and allow social consensus in support of this important new field of biomedical science."

Altered Nuclear Transfer is just one of several promising approaches that may allow a resolution of our current conflict over federal funding of stem cell research. There is also encouraging progress in 'direct reprogramming', another proposal discussed in the Council report. If we can learn the specific chemical factors in an egg that are necessary for reprogramming, we may be able to combine these factors with the nucleus of any adult body cell and produce a patient-specific, genetically matched pluripotent stem cell line. Furthermore, over a dozen types of cells from tissues as diverse as bone marrow, brain, fat, testis, and even placenta appear to share some of the properties of pluripotent cells. It is too early to claim these cells are the functional equivalent of embryonic stem cells, but thorough exploration of their potentials is obviously worthy of directed federal support.

Our current conflict over the moral status of the human embryo reflects deep differences in our basic convictions and is unlikely to be resolved through deliberation or debate. Likewise, a purely political solution will leave our country bitterly divided, eroding the social support and sense of noble purpose that is essential for the public funding of biomedical science. The President's Council on Bioethics Alternative Sources report challenges our nation to seek a solution that sustains the important human values being promoted by both sides of this difficult debate. These projects are feasible using current technologies, and the scientific information gained in their investigation would have broad value even beyond the immediate goals of stem cell research.

Senate bill 2754, The Alternative Pluripotent Stem Cell Therapies Enhancement Act of 2006, would provide crucial support for these projects. In reaching beyond the moral controversies that divide our nation, Senators Santorum and Specter have offered us a way forward with stem cell research, "one small island of unity within a sea of controversy."

Sincerely,

WILLIAM B. HURLBUT, M.D.

NATIONAL RIGHT TO LIFE
COMMITTEE, INC.,
Washington, DC, July 13, 2006.

DEAR SENATOR: With the Senate scheduled to vote on H.R. 810 on July 18, we write to express the strong opposition of the National Right to Life Committee (NRLC) to this legislation, which would mandate federal funding of research that requires the killing of human embryos. NRLC will include the roll call on passage of H.R. 810 in its scorecard of key pro-life votes for the 109th Congress.

Each human being begins as a human embryo, male or female. The government should not fund research that requires the killing of living members of the species Homo sapiens. H.R. 810 would require federal funding of research projects on stem cells taken from human embryos who are alive today, and who would be killed by the very act of removing their stem cells for the research—a practice very different from that of the human being who dies by accident and whose organs are then donated to others.

Stem cells can be obtained without killing human embryos, from umbilical cord blood and from many types of "adult" (non-embryonic) tissue. Already, humans with at least 72 different diseases and conditions have received therapeutic benefit from treatment with such "adult" stem cells. In contrast, embryonic stem cells have not been tested in humans for any purpose because of the dangers demonstrated in animal studies, including frequent formation of tumors.

Those who favor federal funding of research that kills human embryos sometimes claim that these embryos "will be discarded anyway," but this need not be so. Many human embryos have been adopted while they were still embryos, or simply donated by their biological parents to other infertile couples. Today they are children indistinguishable from any others.

Prior to the vote on H.R. 810, the Senate will vote on S. 3504, the Fetus Farming Prohibition Act, and S. 2754, the Alternative Pluripotent Stem Cell Therapies Enhancement Act. We encourage you to support both S. 3504 and S. 2754.

S. 3504 would make it a federal offense for a researcher to use tissue from a human baby who has been gestated in a woman's womb, or an animal womb, for the purpose of providing such tissue. Some researchers have already conducted such "fetus farming" experiments with animals—for example, by gestating cloned calves to four months and then aborting them to obtain certain tissues for transplantation. This research is obviously being pursued because of its potential application in humans.

S. 2754, the Alternative Pluripotent Stem Cell Therapies Enhancement Act, would require the National Institutes of Health to support research to try to find methods of creating pluripotent stem cells (which are cells that can be turned into many sorts of body tissue) without creating or harming human embryos. The bill does not endorse any particular method, and does not allow funding of any research that would create or harm human embryos.

For additional information, please contact the NRLC Federal Legislation Department at 202-626-8820 or Legfederal@aol.com. Additional resources are available at the NRLC Human Embryos webpage at www.nrlc.org/killing_embryos/index.html and at http://www.stemcellresearch.org/

Sincerely,

DAVID N. O'STEEN, Ph.D.,
NRLC Executive Director;
DOUGLAS JOHNSON,
Legislative Director.

SECRETARIAT FOR
PRO-LIFE ACTIVITIES,
Washington, DC, July 12, 2006.

DEAR SENATOR: In accordance with a unanimous consent agreement approved on June 29, the Senate may soon vote on three bills relating to bioethics and stem cell research: H.R. 810, S. 2754 and S. 3504. On behalf of the U.S. Conference of Catholic Bishops I am writing to comment on each proposal.

H.R. 810, "STEM CELL RESEARCH ENHANCEMENT ACT"

This bill violates a decades-long policy against forcing taxpayers to support the destruction of early human life. Federal funds would promote research using "new" embryonic stem cell lines, encouraging researchers to destroy countless human embryos to provide more cell lines and qualify for federal grants. However, no alleged future "promise" can justify promoting the destruction of innocent human life here and now, whatever its age or condition.

The argument that "excess" embryos may be discarded by clients anyway is morally deficient. Such arguments have been rejected by our government in all other contexts, as when harmful experiments have been proposed on death-row prisoners or on unborn children intended for abortion. The fact that others may do harm to these nascent lives gives Congress no right to join in the killing, much less to make everyone else complicit in it through their tax dollars.

While these moral considerations are paramount, it is also worth noting that the factual assumptions behind the embryonic stem cell campaign are questionable. Embryonic stem cell research is not showing the remarkable "promise" claimed by supporters, but lags far behind adult stem cells and other approaches that are providing real treatments for dozens of conditions. Experts now predict that treatments may emerge in "decades" or not at all. Other experts admit that use of so-called "spare" embryos is only a transitional step in any case, that creating human embryos (by cloning or by in vitro fertilization) solely for destructive research will be the next essential step. We also know that only 3% of frozen embryos in fertility clinics are designated by their parents for use in research—ensuring that attempts to move toward large-scale research or treatments will require creating and destroying new human lives on a massive scale.

In the name of sound ethics and responsible science, Congress should reject H.R. 810.

S. 2754, "ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT"

Even supporters of destructive embryo research have said that "the derivation of stem cells from embryos remaining following infertility treatments is justifiable only if no less morally problematic alternatives are available for advancing the research" (National Bioethics Advisory Commission, Ethical Issues in Human Stem Cell Research, Sept. 1999, Vol. I, p. 53). Congress has a responsibility to explore how such research may be advanced without creating moral problems.

S. 2754 serves this important goal, by funding efforts to derive and study cells which have the capabilities of embryonic stem cells but are not obtained from a human embryo. For example, many studies suggest that stem cells from adult tissues and umbilical cord blood already have the versatility once thought to exist only in embryonic cells, or may acquire this versatility by various forms of "reprogramming." Pluripotent stem cells may or may not have advantages over other stem cells for some forms of research—and such advantages, if any, are most likely not in the area of providing direct treatments for patients. But the effort to explore all feasible avenues of research that do not attack human life is worth pursuing.

This bill does not fund research using human embryos, and references a careful definition of "human embryo" in the Labor/HHS appropriations bill that has served the cause of ethical research very well since 1996. In the case of any technique whose nature is uncertain, the bill provides for additional basic and animal research, to make certain that the technique does not create or harm embryos before it can be applied to humans. In short, it defines a clear and responsible policy that should be supported by defenders of the sanctity of human life, as well as by those tempted to support stem cell research that destroys life.

S. 3504, "FETUS FARMING PROHIBITION ACT"

This bill amends current federal law against abuses in the area of fetal tissue research, to prevent the most egregious abuse of all: the use of human fetal tissue (such as fetal stem cells) obtained by growing human embryos in a human or animal uterus in order to provide such tissue.

Because no member of Congress has voiced support for such atrocities, the only argument against this bill may be that it is not needed because no one wants to do such a thing. I wish this were true. But in fact, most animal studies cited as "proof of principle" for so-called therapeutic cloning have required exactly this—placing cloned animal embryos in a womb and growing them to the fetal stage to obtain usable stem cells. Some researchers call this the new "paradigm" for human treatments from cloning. And while the biotechnology industry insists it has no interest in maintaining cloned human embryos past 14 days, it has supported state laws such as one enacted in New Jersey which allow such "fetus farming" into the ninth month of pregnancy to harvest body parts. (See "Research Cloning and 'Fetus Farming'" at www.usccb.org/prolife/issues/bioethic/cloning/farmfact31805.htm.) Now is the time to enact a national policy against such grotesque abuse of women and children, by approving S. 3504.

In short, the Senate has an opportunity to approve two bills that respect both science and ethics—and to reject misguided legislation that ignores ethical demands in its pursuit or an ever more speculative and elusive "progress." Technical progress that makes humans themselves into mere raw material for research is in fact a regress in our humanity. Therefore, I strongly urge you to oppose H.R. 810, and to approve the other two bills proposed as part of this agreement.

Sincerely,

Cardinal WILLIAM H. KEELER,
Archbishop of Baltimore, Chairman, Committee for Pro-Life Activities, U.S. Conference of Catholic Bishops.

THE ETHICS & RELIGIOUS LIBERTY COMMISSION OF THE SOUTHERN BAPTIST CONVENTION,
Nashville, TN, July 17, 2006.

Hon. RICK SANTORUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR SANTORUM: The U.S. Senate will vote this week on three crucial bills dealing with the sanctity of human life. Two bills promote ethical means of research, while the third promotes the unethical destruction of human embryos. We support passage of S. 3504, The Fetus Farming Prohibition Act of 2006, and S. 2754, The Alternative Pluripotent Stem Cell Therapies Enhancement Act. We oppose in strongest possible terms passage of H.R. 810, The Stem Cell Research Enhancement Act of 2005.

The Fetus Farming Prohibition Act of 2006 (S. 3504) would make it a federal offense for a researcher to use tissue from a human baby who has been gestated in a woman's or an animal's womb for the purpose of providing such tissue. This respectable bill would prevent the manufacture and ultimate abortion of human fetuses for research, a practice that would create life for the sole purpose of destroying it.

The Alternative Pluripotent Stem Cell Therapies Enhancement Act (S. 2754) would provide new federal funding for research on alternative means for producing pluripotent stem cells without creating or harming human embryos. This is an ethical alternative to the third bill, H.R. 810, which would instead provide federal tax dollars for stem cell research on embryos created at in vitro fertilization (IVF) clinics.

The Stem Cell Research Enhancement Act of 2005 (H.R. 810) would overturn President Bush's longstanding policy that bars federal funding of research that involves killing additional human embryos to obtain stem cells. Researchers who take stem cells from embryos created by IVF destroy humans who might otherwise be given the opportunity of birth, like the 100 "snowflake" babies who have been adopted as embryos from IVF clinics in the United States. Frozen embryos are clearly not "unwanted" as many of the bill's supporters claim, and must not be seen as expendable resources for the sake of so-called "more valuable lives." Proponents of H.R. 810 claim that embryonic stem cell research could lead to the discovery of cures for diseases. However, to date it has been a fruitless pursuit yielding not even a single treatment for a disease. Research on non-embryonic stem cells, on the other hand, has produced treatments for 70 ailments, often with dramatic results.

We must seek to protect human life at all stages and promote only ethical stem cell research. The votes on these three bills directly affect whether or not human life will be protected from conception to birth in the United States. Your assistance in assuring passage of S. 3504 and S. 2754 and defeat of H.R. 810 will be greatly appreciated.

In His Service,

DR. RICHARD LAND.

The PRESIDING OFFICER. The minority controls the next 30 minutes.

Mr. HARKIN. Mr. President, I yield 3½ minutes to the Senator from New Jersey, Mr. MENENDEZ.

Mr. MENENDEZ. Mr. President, I rise on behalf of millions of Americans and their families holding out hope that the Senate will do the right thing today, which is to support embryonic stem cell research so that scientists have the resources they need to potentially save millions of lives.

I voted for the Stem Cell Research Enhancement Act when I was in the House, and I strongly support it.

My support for this promising research is painfully personal. When I visit my mother, who suffers from Alzheimer's, and see her vacant stare, in which she doesn't even recognize her own family, I just cannot comprehend how anyone in this body can vote against this bill and deny families their last hope for a cure from the loneliness and confusion caused by this horrible disease.

Embryonic stem cells have the ability to grow into virtually any cell in the body and thus have the potential to cure people like my mother and many others. That is why this research is so vitally important.

Millions of Americans just like my family are waiting in hope that we will do the right thing. Those with loved ones suffering from Alzheimer's, Parkinson's, or juvenile diabetes wait in hope that their prayers will be answered and cures will be found in their lifetime. Across America, families in which a child or a parent is paralyzed from a traumatic accident hold out hope that we will do the right thing and give their loved ones back the life they knew before their injury.

President Bush and other opponents of this legislation know all too well the overwhelming public support for this promising research, but they still can't bring themselves to stand up for the people's interests over the special interests, stand up for sound science over ideology. Instead, they say one thing and do another.

You can't say you support cures, then turn around and oppose the most promising research. You can't say you support research and turn around and oppose the vital funding that will make breakthroughs possible.

For those who insist on playing politics with people's lives, make no mistake about it: The American people are watching, and they will not take kindly to seeing their last flicker of hope being extinguished.

The only thing more callous than no hope is false hope.

To those who say they are for research but vote against this legislation, they must answer to the mother who must care for her child who can't walk because of a spinal cord injury, to the wife who must help her ailing husband battling Parkinson's disease, to the father forced to watch his daughter inject herself with countless insulin needles for the rest of her life.

By saying one thing and doing another on this issue, you are creating false hope and putting these and millions of other families on yet another roller coaster of despair. I know this is true because my sister and I and our children deal with it when we look into the eyes of my mother who no longer recognizes our faces. My mother and her terrible suffering brought me to this fight, but my children and the hope for a cure for future generations inspires me to keep fighting.

We have an obligation to stand up and do what is right today in the Senate. American families and future generations simply cannot afford for us to fail them now.

Mr. HARKIN. Mr. President, I yield 8 minutes to the Senator from California, Mrs. FEINSTEIN.

Mrs. FEINSTEIN. Mr. President, I thank the manager of the bill. In just a short hour or so, the Senate will finally vote on passage of this important stem cell act. This is a long time coming.

I believe and hope that we are going to have a very strong vote in favor of this critical scientific research. I also hope that President Bush will reverse his earlier veto threat and sign this bill that holds such promise for so many

Americans suffering from catastrophic illness.

This issue, and this debate, is really about hope. It is about giving hope of a scientific breakthrough to millions of Americans suffering from chronic, debilitating, and devastating disease.

We can't stand here on the Senate floor and pretend that we know which scientific advances will cure diabetes, ALS, or cancer. Unfortunately, some of my colleagues have done just that. They have insisted that adult stem cells and cord blood cells are being successfully used to treat at least 65 illnesses. They argue that there is no reason to move forward with this bill, no reason to make new lines of stem cells available. However, adult stem cells present serious limitations and embryonic stem cell research offers unique promise.

Embryonic cells derived from embryos are pluripotent, meaning they can become any type of cell. Adult stem cells cannot, and, therefore, their application is limited. These embryonic cells are easy to grow, isolate, and study. Adult stem cells are harder to grow in a lab. These embryonic cells can divide. They can renew themselves for long periods. Adult stem cells, on the other hand, exist only in small amounts. All these properties make these stem cells an excellent target for scientific exploration.

Now, there have been heartrending stories of people suffering from diseases such as leukemia and other blood disorders who experience relief from adult stem cells or cord blood cells, and that is just great. This progress is encouraging and it should move forward. But these advances in treatments have not addressed the needs of patients suffering from other diseases.

In juvenile diabetes, for example, scientists have discovered that adult stem cells in the pancreas do not play an effective role in insulin production. To cure the disease, doctors will need insulin-producing cells to inject into their diabetic patients. This is done now on a limited basis, but there aren't enough donor cells available. Stem cells could change this. They could provide an unlimited amount of cells that are compatible with the patient, making anti-rejection drugs simply unnecessary. Of course, if we don't let our scientists try, we will never know.

Dr. Douglas Kerr of Johns Hopkins—and I used this yesterday on the floor—headed a team that used embryonic stem cells to treat 15 rats that had been paralyzed by an aggressive infection that had destroyed their cord nerve cells. Eleven of these rats experienced significant recovery. They regained enough strength to bear weight and take steps on their previously paralyzed hind quarters.

A few years ago, no one thought this could be done. Dr. Kerr explains that this is, in essence, a cookbook recipe to restore lost nerve function, and that this procedure could some day be used to repair damage from ALS, multiple sclerosis, or spinal cord injuries.

He says:

> With small adjustments keyed to differences in nervous system targets, the approach may also apply to patients with Parkinson's or Huntington's disease.

The NIH Director, Dr. Zerhouni, called this a remarkable advance that can help us understand how stem cells can begin to fulfill their great promise. What an advance this would be. Can you imagine if you could regenerate the spinal cord, once again, and if paraplegics and quadriplegics could again function? That is what this bright frontier is all about. That is what is so very important.

All of this takes time. Scientists first isolated human embryonic stem cells only 8 years ago, and in that time they have learned a substantial amount about how these cells work and how they could one day be used in treatment.

But there is also a lot we don't know. Some have suggested because there have been no miraculous cures in this 8-year period, there will never be useful treatments that come from this technology. But none of the great feats of scientific inquiry have been simple. That is for sure. Scientific progress takes time and investment. Our researchers today have made discoveries, many in mice, that could prove just as revolutionary as the introduction of penicillin in the 1940s. These preliminary discoveries will amount to nothing unless researchers have access to Federal funding and viable stem cell lines to move forward.

In the last 2 days we have heard a great deal about the hope that the passage of Castle-DeGette would bring to patients and their families.

I would like to say a final word about hope. I simply cannot believe that President Bush would select this legislation as his first veto as President of the United States. I know that he has issued a veto threat, but think about it. Think about the millions of people. Think about the fact that if you are really pro-life, these embryos—which will never become human life, which are discarded, which will not be used, which are the product of in vitro fertilization—these embryos are never going to be babies, as the opposition would have us believe. Think of the lives that these embryos might save some day. People paralyzed, people with juvenile diabetes, young people with Parkinson's disease who can't move and who have trouble speaking—think about what this can mean in terms of being for life.

That is why I think if the President thinks about this, we all have the hope on this side of the question that he will not veto this legislation.

The President himself recognized the promise of stem cell research back in 2001 when he attempted to find a middle ground. But 5 years later, it is apparent, there is no middle ground. We need embryonic stem cell research, and this is the way to do it. I am hopeful that this body will vote aye.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I thank the Senator from California and also the next speaker, Senator KENNEDY, for their great leadership over all of these years to give hope to so many Americans. I yield 10 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to extend, as I think all of us in this body want to, appreciation to the Senator from Iowa, as well as the Senator from California and the Senator from Pennsylvania, for their long, continuing, and ongoing leadership in such an important area for families in this country.

This afternoon, the debate on stem cell research will draw to a close. For Senators, life will go on. Next week, the Senate will deal with other issues and other questions. But millions of Americans don't have that luxury. For them, the struggle against disease isn't something they think about for a few brief days. It is something they confront every day of their lives.

A child coping with endless injections of insulin and constant worries about blood sugar cannot simply turn away from this debate. Someone watching helplessly as a parent or a spouse succumbs to the tremors of Parkinson's disease cannot simply move on to other concerns.

For us, a vote on stem cell research may take only a few moments in a busy day. But for millions of Americans, the consequences of our vote may last a lifetime.

Should this lifesaving legislation pass through Congress, President Bush has said he will veto it. The President may believe that ends the debate, but it does not. This debate will continue as long as lives are diminished and cut short by diseases and injuries that stem cells might cure. This debate will go on as long as there are those of us who believe that rather than discard unwanted embryos, we should embrace them to bring fuller lives to millions of people.

For their sake our battle continues—tomorrow, next week, next month, and in the days ahead. To those who suffer and cling to hope, we promise that we will never give up. The promise of a better day that embryonic stem cell research brings cannot be denied forever.

I want to take a moment to address some of the arguments our opponents on this issue have made during this debate. Dr. Thomas Murray, one of the Nation's leading scholars in bioethics, has a simple saying: "Good ethics starts with good facts." It is like John Adams, who said, "Facts are stubborn things." Sadly, on this most important ethical issue we have heard some very questionable allegations.

We have heard that adult stem cells have conquered disease after disease and therefore our legislation is not needed, but the facts tell a different story. The Nation's leading scientific society, the American Association for the Advancement of Science, recently published an extensive study that disputes these claims. Contrary to the allegation of opponents of our bill, adult stem cells have not treated Parkinson's disease, cancer, lymphoma, brain tumors, multiple sclerosis, arthritis, lupus, sickle cell anemia, heart damage, spinal cord injuries, and many other conditions.

The Cancer Research and Prevention Foundation was so concerned about the misleading claims that adult stem cells are curing cancer that they sent Congress a letter setting the record straight. Their letter states that the studies used to support these claims are "not extensive and by no means prove that adult stem cells are effective in treating these cancers."

In fact, out of the hundreds of diseases and injuries that our legislation might address, only nine have shown promise for treatment with adult stem cells. Let's hope that in time this situation changes. If adult stem cells can cure cancer or Parkinson's disease or spinal injury in the future, we will all—all rejoice.

But we must not foreclose the chance of progress with embryonic stem cells while this possibility is tested. No matter how deeply held the convictions are of those who oppose our legislation, they cannot erase the facts. The objective evidence has convinced the Nation's leading medical experts that embryonic stem cell research has unique potential and unparalleled promise.

Our opponents have also said that because there have as yet been no cures from embryonic stem cells, we should continue to restrict the research. Is it truly a surprise that a discovery made only a few years ago has yet to move to the clinic, especially when NIH has been prohibited from funding the most promising areas of research?

Knowledge about the function of DNA is the foundation of modern medical science. It underlies the development of every major new drug and medical treatment today. In 1973, scientists discovered how to splice pieces of DNA together, the fundamental breakthrough that led to the biotechnology wonders of today. But there were no clinical trials or new cures based on that historic discovery for years that followed.

Human embryonic stem cells were discovered in 1998. Of course, they have not led to a range of new cures in the brief time since then, just as discovering how to splice DNA did not lead to immediate clinical breakthroughs. But it would be just as foolish to keep restricting stem cell research today as it would have been to stop basic DNA research in the 1970s because it did not produce instant cures.

The ethical debate surrounding stem cell research is not unique. Such debates have accompanied many breakthroughs and new therapies. It is essential for researchers to be bound by strict ethical guidelines, especially in the early days of a new science as we seek to understand its potential. Such controversy also accompanied other lifesaving and beneficial medical developments, such as DNA research and in vitro fertilization. But now, DNA research has saved lives and is alleviating suffering. And IVF has brought the joy of parenthood to couples across America. Would any of us turn back the clock and shun the new medicines that DNA research has brought? Would any of us deny the joy of children to those able to conceive only through IVF? Of course not.

In a few short minutes, the Senate will decide whether to open the extraordinary promise of stem cell research to millions of Americans who look to it with hope for new cures and a better day.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. COLEMAN). The Senator has 2 minutes 45 seconds.

Mr. KENNEDY. Two years ago I held a forum on stem cell research. One of the participants was Moira McCarthy Stanford from Plymouth, MA, whose 14-year-old daughter was suffering from juvenile diabetes. I received this letter from her:

> For as long as I can remember, I've had to take a lot of leaps of faith. I've had to believe my parents when they told me taking four or five shots a day and pricking my finger eight or more times a day was just "a new kind of normal." I've had to just smile and say I'm fine when a high blood sugar or low blood sugar forced me to the sidelines in a big soccer game; or into the base lodge on a perfect ski day; or out of the pool during a swim meet.
>
> But when I watched, with my parents, President Bush's decision on Stem Cell research in the summer of 2001, I just could not accept it. You see the one thing that has helped me accept all I've had to accept these years is the presence of hope. Hope keeps me going.
>
> That night, President Bush talked about protecting the innocent. I wondered then: what about me? I am truly innocent in this situation. I did nothing to bring my diabetes on; there is nothing I can do to make it any better. All I can do is hope for a research breakthrough and keep living the difficult, demanding life of a child with diabetes until that breakthrough comes. How, I asked my parents, is it more important to throw discarded embryos into the trash than it is to let them be used to hopefully save my life.
>
> I am so happy to hear that the Senate is thinking of passing H.R. 810. I can dream again—dream of that great time when I write a thank you letter to the Senate, the House and everyone who helped me become just another girl; a girl who dreamed and hoped and one day, got just what she wanted: her health and future. That's all I'm really asking for.

Mr. President, in a few moments we will have the opportunity to answer her. I hope the answer will be in the affirmative.

I yield whatever time remains.

Mr. LEAHY. Mr. President, I would like to take this opportunity to offer my perspectives on the issue currently being debated by the Senate, stem cell research. The debate over this issue in the Senate is long overdue. The promise this research holds for finding treatments or cures for diseases such as Alzheimer's, diabetes, Parkinson's, Lou Gehrig's disease and cancer is immeasurable.

It has been 5 years since the President announced his administration's restrictive policy on stem cell research, a policy that limited the number of stem cell lines available for use with Federal funding. All of these lines are contaminated by the use of mouse feeder cells and will likely never meet the standards required for human treatment. The United States leads the world in the medical expertise that can find cures and treatments for these scourges. But it has become abundantly clear that the President's restrictive policy is hindering scientific progress toward the discovery in the United States of possible cures and treatments for many fatal diseases that affect millions of Americans, and millions more around the world.

More than a year ago, our colleagues in the House passed legislation that would reverse the President's limiting policy. Since then, as we have all waited for the Senate to act, many more who suffer from catastrophic illness and could have been helped by research of this kind have passed away. Many of us are grieving the loss of Dana Reeve, a vocal advocate for stem cell research, who lost her battle with cancer last March. She and her husband, Christopher Reeve, had become two of the public faces in the struggle for advancement of stem cell research.

The Senate will vote on three stem cell bills today. However, H.R. 810 is the only bill that will give real reason for hope to millions of Americans and their families. Take the case of a woman from my State of Vermont who was diagnosed with multiple sclerosis in 1999. Forced to give up her career as a musician because she could no longer use her hands to play the piano, she began working as a clerk in a gift store, only to have to give up that job because she had trouble handling money and sometimes broke the items in the store. Her plea to me—and really to all of us—is deeply moving. Listen to her appeal: "If there is any chance stem cell research might help MS, it must be done. There is nothing else for MS patients to look forward to . . ."

I would like to address two of the arguments that opponents of this stem cell research offer against the passage of H.R. 810. They contend that there is no need for public funding of this research because private funds are available in some situations. While there are private dollars being used for embryonic stem cell research, public funds are needed to spur on this research, to lead this research effort to the cutting edge of progress, and to harness the work of our National Institutes of Health. Public funding is also needed to keep the United States competitive with other countries in this arena.

At the University of Vermont, for example, researchers are using bone marrow stem cells to repair damaged tissues in various organs. This work could be expanded with the infusion of Federal research dollars.

A second misdirected argument is that this embryonic stem cell research is not needed because alternatives to embryonic research hold more promise than the current method. Some argue that embryonic stem cell research is not needed because it has not yielded any results. However, none of the proposed alternatives has proven successful for deriving human stem cells, and there is no guarantee that any of them ever will. While it is true that embryonic stem cell research has not yet led to human therapies, it is important to remember that this field is only in its infancy. This is because President Bush's restrictions have prevented federally funded investigators from fully exploring the potential of this research.

The President has indicated his intent to veto H.R. 810 should the Senate pass this bill. I join my colleagues in urging him not to use the first veto of his administration to block funding for this research. H.R. 810 is a bill that has garnered support across the faith community and across political lines. I respect those who raise concerns grounded in what they believe are moral and ethical issues surrounding this issue. I would assure them that this bill contains provisions that will ensure donor consent for the use of the embryos for medical research. The bill also maintains that research on these stem cells will be conducted in an ethical manner.

Those who oppose stem cell research seemingly ignore the fact that embryos used for this research will be otherwise discarded. Women at fertility clinics are given an option of what to do with unused fertilized embryos. At the discretion of the donor, embryos can be preserved, donated for medical research, or discarded. In the United States, there are more than 400,000 frozen embryos which are stored for infertile couples, and many ultimately will be thrown away. The options of discarding these embryos or allowing them to be used for lifesaving research would seem to offer a clear choice to those on both sides of this debate.

I am proud to be a cosponsor of S. 471 and I urge the Senate to pass the Stem Cell Research Enhancement Act so we can begin realizing the promise of this research.

Mr. AKAKA. Mr. President, of the three bills being discussed, only one, H.R. 810, the Stem Cell Research Act, contains language which would lead to substantive expansion of stem cell research. The legislation would authorize Federal funding for research on stem cells derived from donated embryos. These embryos will likely be destroyed if they are not donated for research. The bill also would institute strong ethical guidelines for this research.

We must pass this legislation so that researchers are able to move forward on ethical, Federally funded research projects that develop better treatments for those suffering from diseases. Human embryonic stem cells have such great potential because they have the unique ability to develop into almost any type of cell or tissue in the body. Stem cell research holds great promise to develop possible cures or improved treatments for a wide range of diseases, such as diabetes, cancer, Parkinson's disease, Alzheimer's, autism, heart disease, spinal cord injuries, and many other afflictions. We cannot afford to limit research that could help improve the lives of so many who currently suffer from diseases which we have limited ability to prevent, treat, or cure.

If we fail to enact H.R. 810, our researchers are likely to fall further behind the work being done in other countries. Australia, Canada, Finland, France, Japan, Singapore, Sweden, and the United Kingdom have provided substantial governmental support for stem cell research.

The President's restrictions on stem cell research prevent Federal funds from being used for research on newer, more promising stem cell lines. In addition, embryonic stem cell lines now eligible for Federal funding are not genetically diverse enough to realize the full therapeutic potential of this research. The President's stem cell policy prevents researchers from moving ahead on an area of research that is very promising. We need to pass this legislation to help move research forward that could alleviate the pain and suffering of individuals.

The other two bills being debated do not provide much help. I agree with the American Diabetes Association that neither S. 2754 nor S. 3504 "would have any real impact on the search for a cure and better treatments with diabetes." These two bills are no substitute for H.R. 810. I am hopeful that we will be able to pass H.R. 810 and ensure that it is enacted. I am a proud cosponsor of S. 471, the Senate companion legislation to H.R. 810, which was introduced by my colleagues, Senator SPECTER and Senator HARKIN. We have a responsibility to do all that we can to support this promising research that has the potential to improve the lives of individuals suffering from diseases.

On June 21, 2005, I met a young constituent, Dayna Akiu, at a hearing on juvenile diabetes in our Homeland Security and Governmental Affairs Committee. Dayna shared with me her success at overcoming the problems associated with diabetes, which meant a lot to her as an active soccer player. Dayna wanted me to also know that children have a very difficult time managing their diabetes. For example, checking blood sugar and taking insulin shots is hard to do for anyone suffering from diabetes, especially for children. Stem cell research has the potential to make life better for Dayna and countless others. Every time I meet with constituents advocating for increased stem cell research, I am reminded of the great possibility of improving their lives through this innovative medical research. We must allow this research to move ahead to improve the lives of Americans of every age across this country.

Mr. SALAZAR. Mr. President, I rise today to discuss the question currently before the Senate regarding whether to allow Federal funding for embryonic stem cell research.

It is clear from the last 2 days of debate in the Senate that people on both sides of this issue have very strong feelings about their positions, and rightly so. This is an extremely important issue that raises a whole host of questions to which there are no easy answers.

On one hand, we must consider the fundamental question of how to treat potential human life. On the other, we must consider the vast potential of a scientific field that could greatly improve millions of actual human lives and save millions more. When the stakes are this high, we are obligated to have an honest, open, and thorough debate.

In keeping with the gravity of these questions and the potential ramifications of how we answer them, I believe that both the Government and the scientific community should address them responsibly.

Like millions of other American families, my family has been touched by the ache of loss brought about by Alzheimer's disease. My father died of complications only a few years ago. At the end of his life, I wanted nothing more than to be able to help ease his suffering. Now, as I reflect on that difficult time, I think of the families that are currently enduring the same pain mine did, and I want to help them.

I trust the vast majority of the scientific community that believes embryonic stem cell research may hold the key to the cures these families are seeking. I also believe that our Government can work to promote this science responsibly by paving the way for treatments that will save millions of lives without destroying others.

Toward that end, I believe the legislation passed by the House represents a measured, responsible step toward tapping into the vast potential that embryonic stem cell research has with respect to finding cures for Alzheimer's, Parkinson's, diabetes, and a wide range of other devastating diseases.

In millions of cases, H.R. 810 could mean the difference between a normal life and one of pain and suffering. In millions of other cases, it could mean the difference between life and death. By authorizing Federal funding only for research on embryonic stem cells that will never become human life and that are donated willingly, it achieves its objectives without destroying the potential for life.

To be sure, support from private funds for this research has been welcome. But it is not enough. I have heard from scores of scientists in my home State of Colorado—working in university labs as we speak, trying to find cures for our most devastating diseases—who tell me that the Federal funding H.R. 810 would authorize would boost their capabilities exponentially.

In addition to the practical impact on American laboratories, however, there is something else to consider. I can think of no other Nation that should lead this research with strict guidelines than the United States. Throughout our Nation's history, America has been the leader in making monumental scientific strides—on everything from cars to computers to medicine—that have made life easier and better for people in our country and all over the world. In a field with such great promise, I believe we owe it to our history and to our position in the world community to once again be the leader.

I want to be clear that I also believe we should promote research on adult umbilical cord stem cells, as well as alternative methods of creating embryonic stem cells. In addition, we should do everything in our power to prevent unethical and repulsive practices from pervading this kind of research. For that reason, I strongly support the other two proposals that are currently before the Senate, S. 2754 and S. 3504.

As I make these remarks today, I think once again of my father. I also think of other fathers, mothers, brothers, and sisters across this great Nation who live every day with debilitating conditions that stem cell research could help cure. Suffering that could be stopped. Lives that could be saved. Families that could stay together.

We have an opportunity to make great strides on these fronts today and to do so responsibly. I urge my colleagues to support H.R. 810.

Mr. WYDEN. Mr. President, today we must reach across the aisle and make a strong bipartisan statement supporting embryonic stem cell research and challenge our scientists to use embryonic stem cells to see if the promise of treatments and cures can be made a reality for the many around our country and around the world who look to this research for hope.

The Web site of the National Institutes of Health says it most clearly. That Web site states embryonic "stem cells have potential in many different areas of health and medical research. To start with studying stem cells will help us to understand how they transform into the dazzling array of specialized cells that make us what we are. Some of the most serious medical conditions such as cancer and birth defects are due to problems that occur somewhere in this process. . . . Pluripotent stem cells offer the possibility of a renewable source of replacement cells and tissues to treat a myriad of diseases, conditions and disabilities including Parkinson's and Alzheimer's diseases, spinal cord injury, stroke, burns, heart disease, diabetes, osteoarthritis and rheumatoid arthritis."

Scientists believe that Parkinson's disease, Alzheimer's, and spinal cord injuries are some of the areas that could be helped through embryonic stem cell research. I see no reason embryonic stem cell research should be treated any differently than other research.

Some say embryonic stem cell research has not helped to date. Some point out that there has not been much success in stem cell research since it began in 1998. This kind of research has been only done for less than 10 years. That is a nanosecond when it comes to scientific research. In comparison, Congress passed the National Cancer Act in 1971. This was legislation to make "the conquest of cancer a national crusade." That legislation greatly accelerated the pace of cancer research and its translation into treatment. However it was not until 2005, when cancer deaths in the United States declined for the first time since 1930, when the United States started tracking cancer deaths. In the intervening years treatments evolved to help people fight cancer and live longer and better with the disease.

Those opposed to this research say that supporters of embryonic stem cell research have overpromised the benefits of the research. Without expanding the research beyond the bounds of current policy, people will never know what might have been.

California, New Jersey, Illinois, and a few other States have stepped up to help fund research, but they should not be expected to carry this burden alone. H.R. 810 will give clear the way for researchers to use Federal funding to access other cell lines than the 22 currently approved lines and provide access to other critical tools needed so research in this promising new area can be accelerated to the benefit of all. I urge support for H.R. 810.

Mrs. BOXER. Mr. President, I rise in support of this long overdue legislation to expand stem cell research.

When this issue first came up with President Bush in 2001, he had a choice between helping scientists conduct life-saving research or putting politics before science. To the detriment of the millions of Americans suffering from diseases and conditions for which there is no cure, the President chose politics and decided that Federal funds could only be used for research on existing stem cell lines.

At the time, there were 78 existing stem cell lines—only 22 of which were usable. Scientists agreed that this was nowhere near enough to fulfill the promise that stem cell research provides. To make matters worse, scientists at the University of California San Diego and the Salk Institute for Biological Studies in La Jolla conducted an extensive study showing that even those lines are contaminated by mouse feeder cells—and unsuitable for human therapies. So the President's policy—painted as a compromise at the time—left scientists with little to no chance to advance their research.

At least 10 countries have made significant financial commitments to stem cell research. Our commitment is less than one quarter of Australia's. Our country's failure to lead on this is having significant consequences. Here is one example:

After the President's announcement in 2001, Roger Pedersen, one of the world's leading stem cell researchers, announced that he was leaving his faculty position at the University of California San Francisco for one at the University of Cambridge. He saw a promising future for stem cell research in the United Kingdom, yet saw none in the United States.

We need to change this.

I am proud to say that California recognized that our Federal policy was unacceptable. The State has enacted the Nation's first law to permit research involving human embryonic and adult stem cells while facilitating the voluntary donation of embryos for stem cell research. Now how did this happen in California? It started with one man and one family.

Roman Reed was 19 years old when he broke his neck in a college football game and became paralyzed. Roman's parents led a campaign in 2002 to pass legislation to invest in spinal cord injury research.

Then, in November 2004, Californians passed Proposition 71, which provides $3 billion in State funding over 10 years for embryonic stem cell research. Unfortunately for Roman and his family, legal challenges have stalled these funds, and with them, stalled their hope for a brighter future.

More States are considering their own initiatives, but these State efforts simply can't supplant the resources and expertise that would result from research supported by this administration and the National Institute of Health.

Today, after years of struggling to pass this legislation, we have an opportunity to offer hope to thousands of Americans and put America back on the cutting edge of science. We know we can make a difference when we give our scientists the tools and support to do their work.

Because of our national commitment to scientific achievement and through NIH-supported research, death rates for heart disease and sudden infant death syndrome have been nearly cut in half in the past several years. The number of AIDS-related deaths fell 70 percent between 1995 and 2001. HIV/AIDS has become a disease that more people live with and fewer die from. And as a result of critical research at the National Cancer Institute at NIH, the survival rate for children with cancer rose by 80 percent in the 1990s.

The current Federal policy has been a roadblock to progress. This bill will put us back on the right track. Some in this body have been telling the American public that stem cell research is morally wrong. But we have taken every step to address their concerns in this bill.

This legislation would only allow Federal funding of research on stem cell lines derived from excess fertilized embryos that were never actually used in couples' in vitro fertilization processes. Right now, these embryos are being discarded, and we are losing hundreds or even thousands of valuable new stem cell lines

I believe it is wrong to have those embryonic stem cell lines go to waste when we could instead offer hope to Americans suffering from devastating medical conditions. We have a moral imperative to try to relieve their pain.

That is why we have seen a broad coalition of people across political lines that support this research. One example is former First Lady Nancy Reagan. She took a stand that was based on compassion and not politics. For many years, she cared for President Reagan. She inspired millions of Americans with her quiet courage and dignity. She knows that this research holds the best hope for the 4.5 million people who, like her late husband, suffer from Alzheimer's. She knows that supporting stem cell research would save many lives.

Our beloved Christopher Reeve—who we all know was paralyzed from a riding accident—supported and actively campaigned for this research because he knew that those 250,000 to 400,000 people with spinal cord injuries potentially could be treated.

How many of us have ever seen a colleague, friend, or family member suffering from a terrible disease like Parkinson's? Where the sufferers and their families struggle with debilitating physical deterioration, ever-changing medications with terrible side effects and the knowledge that the patient's condition will continue to decline—often fatally?

How many of us have met with constituents and patient advocate groups—like the ALS Association, the Juvenile Diabetes Research Foundation, the Leukemia and Lymphoma Society—that share their stories of courage and great hope for the passage of this legislation? Stem cell research has the potential for finding cures to diseases like Parkinson's, ALS, diabetes, and cancer, and has the great potential to reduce suffering. We should fulfill that potential and pass this important legislation now.

I hope that Senators support H.R. 810 because we can change the current policy and open the door to major advances in medical science through stem cell research.

President Bush has said that he will veto this legislation if it reaches his desk. I ask him to reconsider this unwise decision. The lives of millions of Americans are in his hands.

Mr. CONRAD. Mr. President, as the Senate debates stem cell research, I wanted to indicate that I will be supporting all three measures before the Senate. I will support these measures because I have great faith that some day this promising research will lead to cures for some of our most devastating diseases.

This is not a decision I came to hastily. I have thought long and hard about stem cell research. Hundreds of North Dakota families have told me this research is the key to helping their loved ones lead healthy lives. I have also heard from North Dakotans who have very strong religious objections to stem cell research. I respect their views. But, in the end, I believe we should put an appropriate ethical framework in place to give hope of a cure to those who suffer from disease. That is why I am supporting stem cell research.

In 2001, a group of U.S. Senators, including me, called on President Bush to allow Federal funding of stem cell research. The President agreed and created the current policy of allowing research but only on those lines developed by August 9, 2001. This arbitrary date has limited the ability of scientists to fully realize the potential of stem cell research. In fact, there are only 22 lines available today, and all are contaminated. I think it is right to expand the available lines. And it is imperative that we create a strong framework to ensure this research is done in the most ethical way.

It has been over a year since the House of Representatives took action on H.R. 810, the Stem Cell Research Enhancement Act, and passed it with overwhelmingly bipartisan support. This bill expands Federal research while strengthening the ethical guidelines associated with it. To be clear, this bill would only allow research on stem cells taken from excess embryos used in fertility treatments. Fertility clinics help couples have a baby, but sometimes this therapy produces extra embryos, which can be disposed of, donated to other couples, or used for research. A 2003 study estimated that 400,000 excess embryos are currently stored in these clinics and more than 11,000 of those have been designated for research. This bill simply allows researchers access to those embryos.

H.R. 810 also requires that these embryos would never be implanted into a woman and that the individual has given written consent for the donation. Under the current policy, there are no such guidelines. I believe these requirements are essential to ensuring the strongest ethical behavior.

Before I close, I would like to share the stories of two young girls that I have had the pleasure of meeting. Their stories—as well as the thousands of others like them—have deeply impacted my decision to support H.R. 810. Ashley Dahlen and Camille Johnson are both teenagers suffering with juvenile diabetes. And I truly mean suffering. They each have scars on their fingertips from where they have to check their blood sugars constantly, even while they are sleeping. They have to stay home from school when their sugars are too high. Both have had extremely close calls and have been hospitalized. Without a cure, both will end up on dialysis and will suffer other complications, possibly even heart failure.

These young girls and their families support stem cell research. They want to grow up, get married, and have children of their own. They continue to hope that one day, stem cell research will provide them a cure to this most awful disease. I share their hope and faith in stem cell research. Today, I am voting to pass this hope along to the millions of children and families suffering from diseases that could be cured using stem cell research.

Mr. BYRD. Mr. President, today, the Senate is debating H.R. 810, the Stem Cell Research Enhancement Act, which would allow the Federal Government to provide additional funding for embryonic stem cell research. I have received numerous heartfelt letters from constituents outlining their concerns with embryonic stem cell research. These are concerns which I simply cannot overlook or dismiss.

I know the suffering and worry that families go through when a loved one desperately needs treatment for a serious progressive illness. Easing the pain and suffering of our loved ones, our daughters, sons, parents, and grandparents, should be at the hallmark of a caring society. The potential of finding cures for Parkinson's disease, Alzheimer's, cancer, and diabetes must not be ignored.

I understand the promise for embryonic stem cell research to yield treatments and therapies for numerous diseases; however, we must not overlook the ethical concerns associated with such research. I am a great supporter and will continue to be a proponent of fully funding the Centers for Disease Control and the National Institutes of Health for research into cures for cancer, diabetes, and heart disease, to name a few, which is why I also support H.R. 810. However, the moral implications of embryonic stem cell research must not be discounted.

We are not just debating whether the scientific and medical communities should continue the exploration of embryonic stem cells their impact on medical conditions. If Federal funds begin to flow without also addressing moral issues such as human cloning, how long will it be before an ethical crisis of our own making erupts? This is why the Congress should also debate a framework to ensure that practices such as reproductive cloning do not take place. The Senate has taken up three bills, none of which provides guidance about stem cell research's future development. None of these bills addresses the need to examine the possibility that embryonic stem cell research might lead to potential immoral outcomes, such as the cloning of human beings for illegitimate purposes. We must not dismiss these ethical and moral undertones. A comprehensive approach must be devised to protect science and medicine against misuse and public backlash. While I will support H.R. 810 in order to help provide hope to those who suffer from diseases, the Congress must take a hard look into ensuring scientific integrity as this medical research proceeds.

Mr. LIEBERMAN. Mr. President, I rise in support of the stem cell bills currently being considered by the Senate. Frankly, this debate has been too long in coming and I commend my friends, Majority Leader FRIST and Minority Leader REID, on coming to an agreement and bringing this debate to the floor.

This is as real as it gets. This is about life over death and hope over despair. This is about encouraging astounding scientific advances that can relieve the suffering of millions of our fellow citizens, or accepting a shriveling stasis that, in fact, sounds a retreat as we watch the rest of the world march past us.

We have before us three stem cell bills, but only one, the Stem Cell Research Enhancement Act, H.R. 810, deals with embryonic stem cells.

Let me say that with a big "E." These embryonic stem cells actually hold the greatest promise for those afflicted with currently incurable diseases such as Alzheimer's, heart failure, and spinal cord injury. These stem cells are pluripotent—that is they can differentiate into any and all tissues.

There is still much to know about what causes appropriate differentiation of embryonic stem cells, but if we conduct research to answer these questions, we will have the scientific power to replace dead neural tissue and muscle and cancerous white blood cells, with fresh new ones.

The potential is breathtaking. What this means is that an individual with quadriplegia could walk again. The elderly affected by Alzheimer's can be brought back from a hellish twilight and rejoin their families. Childhood leukemia could be banished to the realm of distant memory. And Americans everywhere will have a second chance at running with strong loud hearts.

The science on embryonic stem cells is new and complicated, which is why we need our Nation's brightest minds working on this. Yet in 2001, President Bush issued an executive order which effectively banned federally funded embryonic stem cell research. This has stifled our Nation's attempts to lead the world in harnessing the potential and miracles of embryonic stem cells. The President reasoned, like many who oppose this bill, that the process of embryonic stem cell extraction amounts to abortion because these cells have to be taken from microscopic embryos that do not survive the process.

What the President did not mention is that the embryos under discussion number in the tens of thousands. They are the unused embryos from in-vitro fertilization, are frozen in fertility clinics, are unique, and will be thrown away.

I repeat: Thrown away. The chance to offer new life to millions of Americans suffering from debilitating by disease or injury will be discarded as medical waste.

Given these facts, the choice seems clear. The Senate must choose to advance the scope of our scientific knowledge and expand the horizons of our medical technologies.

The House has already done this. Last year, by a vote of 238 to 194, the House passed H.R. 810, introduced by Representative MICHAEL CASTLE, which authorized federally funded research on embryonic stem cell lines derived from surplus embryos at in-vitro fertilization clinics, provided that donors give consent and that they are not paid for the embryos.

The Senate today has the opportunity to join the House and we must do so by a resounding majority to convince the President that a veto of the Stem Cell Research Enhancement Act is contrary to what Americans want.

More than 65% of Americans support federal funding of embryonic stem cell research across all party lines.

Finally, I do support the other two pills being considered alongside the Stem Cell Research Enhancement Act. But a vote for them without a vote for H.R. 810 is the height of cynicism.

Let us be clear, alternatives to embryonic stem cells, such as umbilical cord and adult bone marrow stem cells, are inferior alternatives. They do not have the same regenerative potential and Congress has already authorized money that is currently being used for research in this area.

Today we stand at destiny's doorstep with the chance to have it swing wide and open into a new age of scientific and medical understanding. We must not hesitate.

I urge my colleagues to join me in passage of H.R. 810 and I call on President Bush to sign it into law and not veto the hopes and dreams of millions of Americans for whom astounding new cures may lie just over the threshold of our present knowledge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has until 3:15. I think it is about 8 minutes.

Mr. HARKIN. Eight minutes? Then I yield myself 8 minutes, I guess.

First of all, Mr. President, I thank all the Senators who came here to speak in support of H.R. 810. Republicans, Democrats, liberals, conservatives, moderates. I think it has been a very good debate.

When I started the debate, I talked about hope. Senator FEINSTEIN spoke about that. Senator KENNEDY just spoke eloquently about hope. I think that is where we should close the debate, on hope, because H.R. 810 offers real hope. It offers real hope to people who are suffering from Alzheimer's, from ALS, Lou Gehrig's disease, Parkinson's, spinal cord injuries, juvenile diabetes. It offers hope to their loved ones and their families.

Senator KENNEDY just read the statement by Lauren Stanford about her hope, her hope that she can one day be whole again. To repeat for emphasis sake what Senator KENNEDY just said, Lauren Stanford—she is innocent, as she said. She did nothing to bring on her diabetes. As she said, all I have is hope.

> I am so happy to hear that the Senate is thinking of passing H.R. 810. I can dream again.
>
> The one thing that has helped me accept what I have had to all these years is the presence of hope. Hope keeps me going.

That is Lauren Stanford. "Hope keeps me going."

H.R. 810 basically opens the door and lets in the sunshine. It opens the door for more responsible research, research done with good peer review, research done with good oversight, and, I might add, research done with strong ethical guidelines that we have in H.R. 810.

I remind my colleagues and all who are watching, the ethical guidelines in H.R. 810 are stronger than what exists right now—stronger than what exists right now.

The American people get it. They understand this. We know in a recent poll that asked, "Do you support embryonic stem cell research?" that 72 percent said "Yes." That is almost three out of four. Most of these American people who support stem cell research don't have MDs. They don't have a Ph.D. But they know one thing: virtually every reputable biomedical scientist, almost all Nobel Prize winners, say that embryonic stem cell research holds enormous potential to cure diseases and injuries. They know that.

That is why 591 groups, disease advocacy groups, patient groups, scientific groups, research institutions, religious groups—591 American organizations support H.R. 810. That is why over 80 Nobel Prize winners have written to us asking us to pass H.R. 810. The American people get it. They know what is at stake.

As I said, it has been a good debate. I thank Senator FRIST, our majority leader, for engineering this debate and making it possible for us to have an up-or-down vote on H.R. 810. But I must say, in the last couple of days, what has saddened me is that so much time has been spent talking about whether adult stem cells or embryonic stem cell research is the way to go. Frankly, the vast majority of American people could care less. They could care less. They want cures. They want cures for Parkinson's and Alzheimer's and juvenile diabetes and spinal cord injuries. They want their loved ones to have a better life, a fuller life, a pain-free life—less suffering.

If adult stem cells get us there, fine. If embryonic stem cell research gets us there, fine. We should not shut the door; we want to open the doors. We have done 30 years of work on adult stem cell research and not one of these illnesses has yet been cured or even remotely cured by adult stem cells. We have only had embryonic stem cells for 8 years, but we ought to open the doors.

It is a false dichotomy to say that it is either adult stem cells or embryonic stem cells. As Senator SMITH of Oregon said today so eloquently, the people of America want these embryos that are left over from IVF clinics not to be discarded but to give the gift of life to those who suffer.

Last night when I left the floor of the Senate, I met a young man out here, the first time I ever met him. His name is Jeff McGaffrey. He is sitting here on the floor of the Senate today. I didn't know this: he is an intern on the HELP Committee. He was appointed to the U.S. Air Force Academy in Missouri, and during his first year there he suffered an accident and now doesn't have the use of his legs. He is paralyzed from the waist down.

I want to read this. This is a letter from Jeff McGaffrey.

> Honest to God, not a day goes by, not an hour goes by when I don't think about my days at the academy, about the life I led as an officer in the Armed Forces, leading soldiers in service to our nation. In spite of this chair that I am confined to, I still regard myself as an officer, a soldier on the frontlines of a different type of battlefield; a battle not against a country or an army, but against disease and injury.
>
> I continue to cherish the hope for a cure, until the day comes, if God-willing, I can walk away from this chair and back into the camaraderie and respect of the men and women who proudly serve our country in the Armed Forces.
>
> I ask that you please keep my hope alive, and not just my hope but the hopes of millions of people, including our soldiers and veterans who proudly served our country and who currently suffer from disease and injury.

Keeping this hope alive is made possible by moving forward with stem cell research, especially H.R. 810, the Stem Cell Research Enhancement Act. We know not where embryonic stem research might lead, but we know there is only one way to find out, by allowing NIH funding for our best and brightest scientists to explore the full therapeutic potential of embryonic stem cells.

I ask unanimous consent that Jeff McGaffrey's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> DEAR SENATOR HARKIN: My name is Jeff McCaffrey, and I had the wonderful privilege of meeting you last night at the end of the stem cell debate. As you could tell, I was confined to a wheelchair. I currently suffer from paralysis due to a spinal cord injury. I am a resident of the great state of Missouri, currently interning for the Senate HELP Committee through Chairman Enzi working on the health policy team. I'm also a student at the University of Missouri-Kansas City.
>
> I have not always been a student at the University of Missouri-Kansas City, nor have I always been confined to a wheelchair. I was appointed to the U.S. Air Force Academy following high school. It was an honor that I continue to be proud of. Unfortunately I suffered a spinal cord injury while I was there. I believe one of the greatest honors and responsibilities that an individual can have is being an officer in the armed forces, leading soldiers in service to our nation. This was, and still is, my goal, my ambition, one in which I would dedicate my life to.
>
> Honest to God, not a day goes by, not an hour goes by when I don't think about my days at the academy, about the life I would have lead as an officer in the armed forces, leading soldiers in service to our nation. In spite of this chair that I am confined to, I still regard myself as an officer, a soldier on the frontlines of a different type of battlefield; a battle not against a country or army, but against disease and injury.
>
> I continue to cherish the hope for a cure, until the day comes, if God-willing, I can walk away from this chair and back into the camaraderie and respect of the men and women who proudly serve our country in the armed forces.
>
> I ask that you please keep my hope alive, and not just my hope, but the hope of millions of people, including our soldiers and veterans who proudly served our country and who currently suffer from disease and injury. Keeping this hope alive is made possible by moving forward with stem cell research, especially H.R. 810, The Stem-Cell Research Enhancement Act. We know not where embryonic stem cell research might lead, but we know there is only one way to find out, by allowing NIH funding for our best and brightest scientists to explore the full therapeutic potential of embryonic stem cells.
>
> Whether cures are found, whether my dream becomes a reality or not, I hope my service, in whatever capacity it might be, can lay the foundation for a better world, which is exactly what the brave men and women who serve our country do everyday.
>
> Respectfully,
>
> JEFF MCCAFFREY
> *Former U.S. Air Force Cadet.*

Mr. HARKIN. Mr. President, I close with this thought. So many people are suffering in our country. They have hope.

My nephew Kelly was injured 27 years ago serving his country—just like Jeff McGaffrey—on an aircraft carrier in the Pacific. He was sucked down by a jet engine and broke his neck. He has been paralyzed for 27 years. He keeps his hope alive. He has followed this debate. He has followed years of research. Kelly McGuade is a smart young man. He has followed it, and he knows that the one thing which gives him the best hope is embryonic stem cell research.

Are we today going to dash their hopes? Are we going to shut the door, pull the curtain down, and say, I am sorry? What all the major scientists with the best minds say is the best potential—are we going to close the curtain and shut the door?

I say open the door. Bring in the sunshine. Let our scientists move ahead with the strong ethical guidelines, with good peer review and with good oversight to give hope to my nephew, to Jeff, and to millions of Americans.

I yield the floor.

Mr. ALEXANDER. Mr. President, embryonic stem cell research has enormous promise for lifesaving treatments that may help cure juvenile diabetes, Parkinson's, spinal injury, and other debilitating diseases. That is why I will vote today for the House-passed legislation that allows Federal funding of research on stem cells derived from excess embryos at fertility clinics that would otherwise be discarded.

President Bush has already said that Federal funds may be used in some cases for research on some stem cell lines derived from fertilized eggs. This bill will increase the number of stem cell lines available for research.

With the help of fertility clinics, some perspective parents use fertilized eggs to help them have children. The excess eggs that these parents don't use often are thrown away. I support using some of these fertilized eggs under carefully controlled conditions with the consent of the donors for potentially lifesaving research.

I will also vote for two other bills this afternoon. The first bill encourages stem cell research that does not involve the destruction of embryos, and the second bill bans fetal farming—the practice of creating fetuses solely for research purposes.

Mr. McCAIN. Mr. President, I will vote in support of all three bills under consideration today, which together provide a framework for addressing the issue of stem cell research. This research holds the potential to unlock cures that could defeat deadly diseases and relieve tremendous human suffering. At the same time, one type of stem cell research, involving embryonic stem cells, has also raised serious ethical and moral concerns, both inside and outside the medical community. I believe the framework provided by the three bills before us today offers a way forward.

S. 2754 offers increased Federal funding and support for adult stem cell research and other types of stem cell research that do not involve the use of human embryos. Scientists believe this research holds tremendous potential, and I share their hope. Countless numbers are affected by the many diseases that this type of research may offer future cures.

In promoting stem cell research, one of the lines that must not be crossed is the intentional creation of human embryos for purposes of research rather than reproduction. A second bill before us, S. 3504, draws a line that says we in the United States will not abandon our values in pursuit of scientific progress. This bill bans the practice of what has been referred to as "fetal farming." It makes it a Federal crime for researchers to use cells or fetal tissue from an embryo that was created for research purposes. This bill also makes it a Federal crime to attempt to use or obtain cells from a human fetus that was gestated in the uterus of a nonhuman animal. These provisions close important gaps in our existing laws, and I urge my fellow Senators to join me in supporting this bill.

It is important that we act now to address these issues because research involving embryonic stem cells is also proceeding outside the United States. Unfortunately, the intense focus on ethical and moral concerns that has driven the debate in America, as reflected in the President's Commission on Bioethics, is not always present in private industry and the scientific community in other parts of the world. I am concerned about the path that some of this unregulated research leads us down. Of particular concern is the potential for experimentation into human cloning. Our involvement through this legislation is another protection against sanctioning such practice within our own borders. I am concerned that ongoing research elsewhere may result in the routine acceptance of deeply troubling practices, in particular the intentional creation of human embryos for purposes of research rather than reproduction.

However, it doesn't have to be this way. The United States offers a climate for scientific and medical research because of the quality of our educational institutions, the strength of our economy, and the scope of our comprehensive legal and regulatory system for protection of intellectual property rights. The final bill before us, H.R. 810, will allow us to attract scientists to perform highly regulated embryonic stem cell research that will otherwise take place in an unregulated environment somewhere else. This bill authorizes Federal support for embryonic stem cell research but limits that support to scientists who use embryos originally created for reproductive purposes, and now frozen or slated for destruction by in vitro fertilization clinics. H.R. 810 requires that prior to even considering whether to donate unused embryos for research, the patient who is the source of the embryos must be consulted, and a determination must be made that these embryos would otherwise be discarded and would never be implanted in the patient or another woman. This provision ensures that patients with excess embryos will first consider the possibility of embryo adoption, and only if this option is rejected will the patient then be consulted concerning the possibility of embryo donation. A patient donating embryos that would otherwise remain frozen or be destroyed must give written informed consent, and H.R. 810 makes it illegal for anyone to offer any sort of financial or other inducement in exchange for this consent.

All of these carefully drawn rules contained in H.R. 810 do not exist in the status quo, and this sort of embryonic stem cell research remains largely unregulated in the private sector and in many parts of the scientific community overseas. Federal oversight that will come with approving this bill will allow us to ensure that this research does not expand into ethically objectionable ground in balancing the promise on the foreseeable horizon of stem cell research with the protection of human life. It should be clearly noted that this type of research will proceed with or without Federal approval, so I believe that it is best carried out under strict Federal guidelines and oversight. It is my hope that by offering limited Federal support in the context of the framework provided by the three bills before us today, we can realize the benefits of stem cell research while also drawing clear lines that reflect our refusal to sacrifice our ethical and moral values for the sake of scientific progress.

Mr. DOMENICI. Mr. President, stem cell research has brought to the forefront the longstanding debate between bioethics and advancements in medical science. Stem cell research evokes hope in scientific progress while at the same time reminding us of its ethical hazards. Unquestionably, this is one of the most difficult public policy issues the Senate has discussed in many years.

I wish to make it very clear that I do not oppose stem cell research. I support and encourage research that uses cells derived from adult tissues and umbilical-cord blood and hope that an alternative source of embryonic stem cells, one that does not destroy embryos, can be found. I believe that it is possible to advance scientific research without violating ethical principles. It is my intention to support the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754, which will support the use and further development of techniques for producing pluripotent cells like those derived from embryos but without harming or destroying human life.

After much reflection on this issue, I have determined that I personally cannot support H.R. 810, the Stem Cell Research Enhancement Act. Taking stem cells from an embryo kills that embryo, and destroying human life is never justified even if it is done in order to benefit others. Obtaining good for oneself at the cost of another is contrary to my deepest held moral beliefs.

I do not believe the American public should have to fund research that many find morally objectionable. The future of this research does not require a policy of Federal funding. There is no ban on private funding of embryonic stem cell research, and there are other resources available to fund this type of research. The State of California has even chosen to use State taxpayer funds for embryonic stem cell research.

It is also my intent to support S. 3504, the Fetus Farming Prohibition bill. This bill would make it illegal to perform research on embryos from "fetal farms," where human embryos could be gestated in a nonhuman uterus or from human pregnancies created specifically for the purpose of research.

Although it is often portrayed as such, the debate over embryonic stem cell research is not easily reduced to simple positions in support or opposition. Good people can and do disagree on this very complex issue. It is my belief that by pursuing the appropriate scientific techniques we can alleviate human suffering and also preserve the sanctity of human life, and it is for these reasons that I cast my vote today.

Mr. SPECTER. Mr. President, I wish to address some of the comments made by my colleagues, Senators BROWNBACK and COBURN, during the debate regarding H.R. 810.

Senator COBURN stated that "every disease Senator HARKIN listed—every disease save ALS—has an adult stem cell or cord blood stem cell cure that has already been proven in humans, without using embryonic stem cells." Senator HARKIN listed the following diseases and injuries: cardiovascular disease, autoimmune disease, Alzheimer's, Parkinson's, spinal cord injuries, birth defects, and severe burns. My response to Senator COBURN is where are these cures of which he speaks? Cardiovascular disease remains the No. 1 killer of Americans. Autoimmune diseases like multiple sclerosis and lupus confound family members of Senators in this Chamber. Nancy Reagan would likely have heard of a cure for Alzheimer's disease. Christopher Reeve recently passed away and his spinal cord injury was not healed by adult or cord blood stem cells. To say that "proven cures" exist is to defy the experience and insult the intelligence of millions of Americans.

Senator COBURN stated that we are telling the American people that there are "no cures other than fetal stem cell research . . . the fact is there is not one cure in this country today from embryonic stem cells." First, I have always supported all forms of medical research. My goal is to attain cures and treatments for diseases by whatever technology works. If there were restrictions on adult stem cells, I would be the first to introduce legislation to eliminate those restrictions. The fact is, there are no restrictions on Federal funding for adult stem cell research, and there are severe limitations on Federal funding for embryonic stem cells.

Now, to the point on there being no cures from embryonic stem cells: That is a self-fulfilling prophecy. Human embryonic stem cells were discovered in 1998. Since that time, there have been severe limitations on the funding for basic research into how to make proper use of these incredible cells. Perhaps, if we had not had any restrictions, there would now be cures available. When I say that "embryonic stem cells hold great promise for treating, curing and improving our understanding of diseases" like diabetes, Parkinson's disease, amyotrophic lateral sclerosis, and heart disease, I am quoting Dr. Elias Zerhouni, President Bush's appointee as head of the National Institutes of Health, NIH. When I say that "human stem cell research represents one of the most exciting opportunities in biomedical research," I am quoting Dr. David Schwartz, the Director of the National Institute on Environmental Health Sciences and 18 other Directors of the NIH. These are the leaders of the biomedical research enterprise in the United States and the world.

Senator COBURN stated, that "as a matter of fact, [these stem cell lines] are not contaminated." I can only respond by telling you that Dr. James Battey, the Chairman of the NIH Stem Cell Task Force—and the man in charge of keeping track of the 21 approved lines—says "All of the 21 human embryonic stem cell lines eligible for Federal funding have been exposed to mouse cells." It is unlikely these cells will ever be useful for the clinical applications and cures that everyone wants.

Senator COBURN stated that "there is no limitation in this country at all on private research." I do not agree with that statement. Privately funded research in the United States counts on scientists and doctors trained by the NIH. The chokehold on Federal funding has kept young scientists from entering the field of stem cell research and limited the number and quality of scientists who can do the work that private investors would like to see done. In addition, when it comes to the basic research that is a necessary first step in curing diseases, private funds are no match for the almost $30 billion investment we make at the NIH.

Senator BROWNBACK notes that this is a question of when life begins. I say this is a question of when life ends. These embryos are already slated to be thrown away. The decision the Senate faces is do we throw these cells away or do we use them to treat diseases that affect over 100 million Americans. This is most definitely a question of when life ends.

Senator BROWNBACK has introduced into the record a list of 72 Current Human Clinical Applications Using Adult Stem Cells. That list includes lupus, multiple sclerosis, testicular cancer, and Hodgkin's lymphoma. I was surprised to find Hodgkin's lymphoma on this list as I have some personal experience with that disease. My physician, Dr. John Glick, a recognized expert in the field of Hodgkin's lymphoma, stated that he had never heard of such a treatment or cure. I wish that I had known that a "cure" existed for this disease when I was undergoing chemotherapy, as I would have liked to have avoided some of the unpleasant side effects. I state this to illustrate the point that the diseases on that list are diseases for which adult stem cell therapies have been attempted. In most cases, it just means that doctors tried a bone marrow transplant. There is no doubt that bone marrow transplants are a miraculous treatment, however, they have only been proven to be helpful in blood diseases and enhancing immune systems. The great promise of embryonic stem cells is to expand the group of diseases that can be cured to include motor-neuron, cancer, and cardiovascular diseases. This is the great potential that makes patients, like me so excited.

My goal is to enable our scientists and doctors to discover cures that will end the suffering of millions of Americans. Passing H.R. 810 will enable scientists to include stem cell research in their search for cures.

Mr. STEVENS. I support passage of H.R. 810, the Stem Cell Research Enhancement Act of 2005.

Research using embryonic stem cells will likely play an important role in developing treatments and cures for conditions such as diabetes, heart disease, Parkinson's, Alzheimer's, cancer, and other devastating diseases.

With the appropriate safeguards in place over the use of stem cell tissues, the potential improvements to our quality of life and our standards of care should be pursued.

It is clear from my conversations with scientists representing many disciplines that the stem cell lines permitted under the administration's policy allowing Federal funding from embryonic stem cell research on those cell lines in existence on August 9, 2001, are no longer adequate to allow them to pursue the breakthroughs in treatments and cures which stem cell research promises.

This bill does not allow embryos to be created for use in research; rather, it allows scientists to use embryos that already exist in storage at fertility clinics that would otherwise be destroyed.

It does not make sense to me to discard embryos that might otherwise be used to find a cure for cancer, diabetes, or Alzheimer's because it is "taking a life." These embryos are slated for destruction in any case. None of the bills before us today would prohibit the destruction of unwanted embryos created in fertility clinics but then unused.

I hope that my colleagues would prefer to have this research conducted in our country where appropriate safeguards to prevent cloning of human beings may be put into place. If Federal funds cannot be used for this research in our own country, scientists will find ways to conduct this research in other countries where such safeguards may not be in place, and where Americans might not reap the benefits of the research.

We must provide the means for science to move forward to cure and treat diseases that plague our people. I urge my colleagues to support H.R. 810.

Mr. TALENT. Mr. President, earlier this year I came to the Senate floor in opposition to human cloning and in support of new stem cell alternatives that could allow us to get exactly the stem cells we want to relieve human suffering without creating, destroying, or cloning a human embryo. I said during that speech that it appears that the very advances of science that have caused the ethical dilemmas in this area of stem cell research may now be providing a solution.

The alternatives bill, S. 2754, seeks a genuine way forward that all Americans can wholeheartedly endorse.

One year ago, the President's Council on Bioethics issued a report entitled "Alternative Sources of Human Pluripotent Stem Cells." This report outlined four proposals for obtaining pluripotent stem cells—those with the same properties and potentials as embryonic stem cells—using techniques that do not involve the destruction of human embryos. In the year since that report, major advances in each of these approaches have been documented in peer-reviewed research articles published in leading scientific journals.

Two of these "alternative methods" offer the possibility of obtaining superior stem cells with potential scientific and medical advantages over those that could be obtained by destroying embryos.

Altered nuclear transfer and direct reprogramming would permit the production of pluripotent stem cell lines of specific genetic types. This would allow standardized scientific studies of genetic diseases and possibly patient-specific or immune-compatible cell therapies.

So it is important to recognize that this alternatives bill, S. 2754, could encourage advances in stem cell biology unlike any current law or pending legislative approach. And it could do so in a way that would sustain moral and social consensus for full Federal funding of this research. I note that the bill will pass with an overwhelming vote—exactly the kind of consensus which I hoped for.

For all of these reasons, I will vote enthusiastically for the alternatives bill. I will oppose H.R. 810, which uses tax dollars to fund research that requires the destruction of human life at its earliest stages. The Federal Government has never funded such research before, and that is not a line I wish to cross—especially since, as the alternatives bill shows, it is possible to fund every type of stem cell research without cloning or destroying human embryos. In fact, the stem cells which the alternatives can provide are superior—because they are "patient specific" genetically—to the stem cells which science can get from destroying embryos.

I should add that the promise of the alternatives is speculative, but so is the promise of the research which would destroy human life. All of this research has potential, it is all speculative, and it all involves essentially the same science. My sense is that either all of it or none of it will prove to be possible and that the right balance is therefore to seek the win-win solution that gives us the best chance to relieve human suffering while protecting human life.

We are entering a promising new era in biomedical technology, but as our power over human life increases, so does the seriousness of the moral issues. We should all want to advance biomedical science while sustaining fundamental principles for the protection of human life. This is why I am also voting in favor of the prohibition against fetus farms.

Biomedical science should be a matter of unity in our national identity: No one should enter the hospital with moral qualms about the research on which their therapies had been developed or resentful that positive possibilities for the best therapies were not explored.

The differences within our Nation can be a source of strength as we seek to open a way forward for biomedical science. The alternatives offer us just such a path to progress.

Mr. REID. Mr. President, it is my understanding that I have 15 minutes. Am I correct?

The PRESIDING OFFICER. The Democratic leader is correct.

Mr. REID. Mr. President, for those of us who are fortunate to represent our States in the Senate, it is a high honor and a privilege, but we tend to not understand sometimes the eyes that are watching what we do. Today, the eyes of millions of people are watching us to see what is going to happen in the Senate as it relates to H.R. 810. Many of these people, who are afflicted with dread diseases, having had perhaps serious accidents, are personally concerned about what we do here today. But in addition to those people who are personally concerned as a result of the maladies that afflict them, there are millions of us—fathers, mothers, sons, daughters, aunts, uncles, neighbors, friends, brothers, sisters—who are all also watching and hoping that their loved ones someday will be better.

What is hope? What do you say about hope? If you had to put the words in a dictionary for hope, what would you say? I looked in the dictionary under "hope." There is a very simple definition: to cherish the desire with anticipation. That is what this is all about: people who cherish, desire, and anticipate that we will do something to make their lives better.

Shortly here in the Senate we are going to vote on a measure that will allow those people to have hope. It is called the Stem Cell Research Enhancement Act, a piece of legislation that keeps hope alive for millions and millions of people in America—hope for a 17-year-old, almost 18-year-old, Molly Miller. I have followed her disease since she was a little girl. She is a twin. The sister Jacki and herself as twins tended to go every place together. One is sick, one isn't. One feels the pain personally, one feels the pain emotionally.

This legislation gives hope to Molly and Jacki Miller of Las Vegas, a pair, a team, twins, who suffer from juvenile diabetes.

What is a twin? I guess the best way to describe a twin is when I was flying to Las Vegas on a very crowded airplane. I was in one seat and there were two little girls in the middle seat and the window seat. I began to sit down. I looked at the girls. They looked alike. I said, Are you sisters? One girl looked at me very directly and said to me, No, we are twins.

Jacki and Molly have suffered and suffered together because they are more than sisters, they are twins.

This legislation will give hope to a man by the name of Robert Alfertelle of Boulder City, NV. He is confined to a wheelchair because of Parkinson's disease.

We all know friends and neighbors who have diseases who have hope of being cured as a result of what we are doing here on the Senate floor today. These diseases can be cured. We are told they can be cured.

You have heard the recitation of these difficult diseases that people have with the hope that they can be cured if we do the right thing here today. For too long these good people have been denied hope because we in the Senate haven't acted. The House passed this bill 14 months ago. Unfortunately, until today it has been stalled here in the Senate.

The Americans who would benefit from cures offered by stem cell research have been forced to wait. They have waited through weeks dedicated to issues such as the definition of marriage. They waited through weeks of ideological debate dedicated to the well-off, connected few. In fact, we spent weeks here on issues that would affect less than .02 percent of Americans to repeal the estate tax. We spent time here on flag burning. We have waited through a health care week that had nothing to do with getting America help. We have all waited too long—so long in fact that on May 1 former First Lady Nancy Reagan was so baffled and disappointed by the continued delays in the Senate she wrote a letter, which I quote:

> For those who are waiting every day for scientific progress to help their loved ones, the wait for United States Senate action has been very difficult and very hard to understand.

I too am disappointed that we have had to wait 14 months for this vote. I am grateful the wait is over. I believe that because of the persistence of Democrats in the Senate, we will thankfully finally vote on the Stem Cell Research Enhancement Act, H.R. 810. This legislation provides a rare opportunity for this Congress—some say this "do-nothing Congress"—to consider legislation about curing disease and saving lives, not partisan politics.

This body needs to pass this legislation because the President's current stem cell policy is hindering promising medical research that could lead to treatment and cure for diseases and conditions. Under the President's stem cell policy, Federal research funds can be used on only a small number of chronic stem cell lines, most of which are contaminated, and that were created before August 9, 5 years ago.

Under this policy, only 21 stem cells qualify, many of which are contaminated and are certainly inferior to new and more promising stem cell lines. I have heard people come to this floor and say why should the Federal Government get involved? We are spending $3 billion a week in Iraq. I think we can get involved. We have gotten involved in a lot of things dealing with medical research, as well we should.

We have worked for years spending Federal taxpayer dollars on doing something about AIDS research. Last week it was announced that instead of having to take as many as 36 pills a day, there is now one pill for people who are HIV infected—one pill that does the same as 36 pills did, and in fact probably better. People have had to get up in the middle of the night to take medications.

All of that research is funded by the Federal Government. New drugs for epilepsy were started by Tony Coelho who was a whip in the House, and who was an epileptic. He led the charge. We spent lots of Federal dollars on epilepsy, and we have made great progress.

Gene therapy involved the fragile X syndrome. We spent millions of Federal dollars on stroke prevention, screening for Downs syndrome. We have spent hundreds and hundreds of millions of dollars on cancer research, on digestive bowel disease, lupus, and diabetes.

These are dollars well spent. We have made progress. But the most eminent scientists in the world tell us that they need this legislation passed. Our Government is needlessly impeding the work of our Nation's top scientists who cannot use Federal funds on research, on new and more promising stem cell research that does not pose the risk of contamination that the eligible stem lines do.

This legislation would solve this problem by expanding the number of human embryonic stem cell lines eligible for federally funded research to include new stem cell lines that would be derived from any of the more than 400,000 surplus embryos from fertility clinics that will never be used to create a pregnancy and would otherwise be thrown in the trash.

Just as important, this legislation would ensure that stem cell research is conducted under ethical guidelines that are more strict than the President's current policy.

In short, this legislation would allow our Government to do everything it can under strict ethical guidelines and oversight to develop treatments for a wide range of diseases and conditions.

That is why this legislation is supported by 41 Nobel laureates, virtually every major medical, scientific, and professional association, major research universities, and patient advocacy organizations.

Before we vote on the Stem Cell Research Enhancement Act, the Senate will first consider two other measures. Neither one of these measures is a substitute for H.R. 810. The only reason they are here is to provide political cover for the political opponents of this legislation. The opposition knows that their opposition to stem cell research is outside the American mainstream, so they want to give themselves political cover by voting for two meaningless bills. It is playbook straight from the Republican Orwellian world of politics. Neither one of these bills would do any harm but neither would have any impact at all. There is nothing included in S. 2754 which cannot already be accomplished without this legislation. The National Institutes of Health Director has told the Judiciary Committee this exact thing. It doesn't do anything that can't be done now.

The second bill, the Fetus Farming Prohibition Act, bans activity that no scientist is currently doing or wants to do. I will vote for both of them. They are meaningless.

While I support all three of these bills, there is only one that matters, H.R. 810, the Stem Cell Research Enhancement Act which will clear the way for research that can lead the way for treatments and cures for a wide range of diseases and conditions.

Don't take just my word for it. Hundreds of patient advocacy groups, health organizations, research universities, scientific societies, religious groups, and other interested organizations, representing millions and millions of patients, scientists, health care providers and advocates, wrote the following in a letter to the Senate:

> Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country . . . The other two bills . . . are not substitutes for a yes vote on H.R. 810.

I ask unanimous consent the full text of this letter, dated July 14, 2006, signed by almost 600 organizations, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 14, 2006.

DEAR SENATOR: We, the undersigned patient advocacy groups, health organizations, research universities, scientific societies, religious groups and other interested institutions and associations, representing millions of patients, scientists, health care providers and advocates, write you with our strong and unified support for H.R. 810, the Stem Cell Research Enhancement Act. We urge your vote in favor of H.R. 810 when the Senate considers the measure next week.

Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country. This is the bill which holds promise for expanding medical breakthroughs. The other two bills—the Alternative Pluripotent Stem Cell Therapies Enhancement Act (S. 2754) and the Fetus Farming Prohibition Act (S. 3504)—are not substitutes for a yes vote on H.R. 810.

H.R. 810 is the pro-patient and pro-research bill. A vote in support of H.R. 810 will be considered a vote in support of more than 100 million patients in the U.S. and substantial progress for research. Please work to pass H.R. 810 immediately.

Mr. REID. Mr. President, America needs a new direction not only in what is going on in Iraq but what is going on with medical research. We will take a step in that direction by passing H.R. 810.

A vote against H.R. 810, regardless of how Members vote on the other two measures, is a vote against research and cures. A vote for it is a vote for millions of Americans who are looking to us right new for help. A vote for H.R. 810 is a vote to keep hope alive. Let's keep hope alive.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I understand I have 15 minutes under my control.

The PRESIDING OFFICER. The majority leader is correct.

Mr. FRIST. Mr. President, I yield 3 minutes on my time to Senator DODD, who has been unable to come to the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank the majority leader immensely for his generosity. I know we are about to close out this debate, and I am appreciative of him allowing me this time to express my strong support for this legislation. I commend the majority leader, along with my colleagues from Pennsylvania and Iowa, Senator SPECTER and Senator HARKIN, and others who have championed this issue. I commend the other body for passing this legislation, the Stem Cell Research Enhancement Act, over a year ago and by a fairly substantial majority vote.

My hope is that my colleagues, in a significant vote, will endorse and support what has already been done in the House. Then we can finally deliver on promising stem cell research that may one day provide relief to the more than 100 million Americans suffering from Parkinson's, diabetes, spinal cord injury, ALS, cancer, and many other devastating conditions for which there is still no cure.

This is controversial, there is no question about it. But as the distinguished minority leader, the Democratic leader, pointed out, we are talking about embryos that would otherwise be discarded but can now be used to one day make a difference in the lives of literally millions and millions of Americans.

I am the godfather of a child with juvenile diabetes. I cannot begin to state how my friend's family in Connecticut feels about legislation. I don't know what their politics are on this. I know they are a family with deep values and a deep sense of support for their church. They are also a family whose child's life could be made profoundly different if it were possible to examine embryonic stem cells thoroughly so that one day we can find a cure for juvenile diabetes. But, obviously there are others diseases, including Parkinson's, ALS, cancer, and other devastating conditions we can make a difference on. With the passage of this bill, we can say to these children and these families we can make a difference.

I emphasize, again, these 400,000 embryos would otherwise be discarded. Strict ethical requirements apply to the use of these embryos. In fact, I believe these ethical requirements are one of the most essential provisions of the bill. Since the HELP Committee first began consideration of the President's policy on embryonic stem cell research in 2001, I have maintained that the pursuit of scientific research that may benefit millions of Americans and their families was as important as ensuring that science did not outpace ethics.

Under this legislation, the only embryonic stem cells that can be used for federally-funded research are those that were derived through embryos from in vitro fertilization clinics that were created for fertility treatment purposes and were donated for research with the written, informed consent of the individuals seeking that treatment. Any financial or other inducements to make this donation are prohibited. Their embryos will never be implanted in a woman and would otherwise have been discarded. The ethical requirements contained in this bill are stronger than current law. In fact, it's possible that some of the twenty-one stem cell lines currently approved for federally-funded research, the so-called "NIH-approved lines," may not meet the strict ethical criteria contained in this bill.

I have heard some of my colleagues who oppose this legislation argue that this legislation allows, even encourages, taxpayer-funded destruction of human embryos. That is totally false. An amendment is attached to every annual Labor-HHS appropriations bill prohibiting any Federal funds from being used to destroy human embryos. This amendment, referred to as the "Dickey amendment," is not affected by this legislation. Federal funds can be used to study stem cell lines that were derived from human embryos that meet the ethical requirements I just laid out, but the derivation process itself cannot be funded using Federal dollars.

I have also heard some of my colleagues who oppose this legislation argue that embryonic stem cell research is unnecessary given the advances in adult stem cell research. Let me quickly say, with respect to adult stem cells, I am strongly supportive of moving aggressively in that area. I am a strong supporter. In fact, I authored the legislation which is now law advancing bone marrow and cord blood stem cell collection for use in adult stem cell transplantation. For both of my young daughters, we took the umbilical cord blood from the children at birth and it is being stored. My hope is that stem cells from cord blood will prove to be tremendously valuable to coming generations of Americans. I urge my colleagues to join me in supporting full funding for this important law—which passed unanimously in the Senate—in the upcoming Labor-HHS appropriations bill.

The fact remains that there will always be limits to the use of adult stem cells when compared with embryonic stem cells and that is why the legislation before us is so important. Our Nation's best scientists, including many Nobel Laureates, believe that embryonic stem cell research has a unique potential to ease human suffering and that is because embryonic stem cells, unlike adult stem cells, can become any cell in the body. Embryonic stem cells can become heart cells, lung cells, brain cells, among others, and that property—called pluripotency—is unique to their embryonic state.

Let us not lose this opportunity. I urge the President to reconsider, to listen to the majority leader, listen to Senator SPECTER, Senator HARKIN, and others who have spent countless hours examining this issue and see if he would not be willing to change his mind on this issue to avoid a Presidential veto. My hope is we will get strong bipartisan support on this bill.

I intend to support the Fetal Farming Prohibition Act and the other legislation being offered. I think those bills are unnecessary, but nonetheless I will be glad to support them. But let's also pass the Stem Cell Research Enhancement Act by a strong vote.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, last year I made a commitment to try to bring H.R. 810, the Stem Cell Research Enhancement Act, to the floor. This week, I followed through on that promise. Over the last 2 days, we have discussed science, we have discussed ethics and how those two issues, science and ethics, interplay.

That is important because stem cell research will be the first of many major moral and ethical challenges to biomedical research that this Senate has the responsibility to address in the 21st century. We will face similar discussions again and again as biomedical science rapidly advances, especially as we learn more and more about molecular and cellular developmental biology. It is our responsibility as legislators, as representatives of the American people, to determine the proper role for our Federal Government, both in financial support, as well as in ethical oversight, in this evolving, new, exciting research and to build around it appropriate ethical safeguards and appropriate ethical framework.

As legislators, as representatives, we must participate in defining this research, surrounding the culture of life. If we don't do so, the research itself will begin to define us and who we are.

Biomedical research holds great promise, but it is a promise that must be harnessed within these moral and ethical safeguards. The secret, the heart of human dignity, is living within limits—ethical limits and moral limits—limits that do not hamper human scientific advances but, rather, allow us to preserve and promote them. That is why it is important and appropriate that we can consider all three of the bills that have been debated over the last 2 days. In the Fetus Farming Prohibition Act and the Stem Cell Therapies Enhancement Act, we realize the potential of research practices that may actually bridge moral and ethical differences, while the Stem Cell Research Enhancement Act seeks, by other means, to expand the number of embryonic stem cell lines available for federally funded research.

Over the last 2 days, we have engaged in a robust debate, a full debate, highlighting the ethical dilemmas presented by research about those very early beginnings of life, as well as the potential, the hope for this research.

I close by making a final comment on what I believe is this inherent need for policy surrounding science and add a cautionary note in this discussion. I am optimistic about the future. I am optimistic because of these remarkable, exciting, rapidly accelerating advances in developmental biology. New doors of exploration have been exploding and opened by things such as the Human Genome Project, by our new knowledge of molecular genetics, molecular sequencing, cellular mechanisms. Some have called the 21st century—we are in the early years of the 21st century—the century of the cells, a century that will explode with regenerative medicine, the ability to replace cells that had been damaged by disease or ill health.

As a heart surgeon, I can't help but to dream of no longer having to cut out a diseased heart, a heart that is failing, and replace it with a donated heart because advances in cell therapy, advances in regenerative medicine will allow us to repair tissues or regenerate that new cardiac tissue, healthy tissue, without any surgery at all.

Ten years from now, today's hope can be that reality. In 15 years, whole organ-heart transplantation could—we do not want to overstate but could be relegated to the history books. That is why it is so important to bring this debate to this Senate, to allow science to advance, to promote science with strong ethical oversight.

In the last century, we faced a whole range of ethical considerations; in my own field of heart transplantation, decisions about how you define brain death. The discussion went on for years and years, actually two decades, into the late 1960s, ethical discussions about to whom you decide to give that healthy heart, when you have so many people who are dying—ethical decisions that have to be made every day.

We have had controversies over blood transfusions, genetic therapy, we even faced controversy over the treatment and diagnosis of HIV/AIDS. But as we have seen over the course of today's and yesterday's debate, the future will bring even more profound ethical questions. They will continue to come with increasing frequency as we continue to unlock those mysteries of health and disease.

How we in humanity handle this gathering, this increasing control over cellular and molecular science, as well as developmental biology, will reflect who we are as a people and where we are going. We can't hide from, as representatives of the American people, nor should we, the questions that this new knowledge presents. Our votes today are a mere step, a first step toward beginning to answer them.

Throughout today's debate, I have heard a number of my colleagues, myself included, talk about the potential for healing, that inherent hope offered by adult stem cells as well as embryonic stem cells, but it is important that advocates not oversell the potential for medical treatment. As a physician, I understand the importance of promoting hope and of giving hope, but it is irresponsible to give false hope. This evolving science is relatively new, and even our basic research has to be done before we can truly give that hope to become reality, and even then we may encounter failure.

All of these are difficult issues on which people of very good faith can reasonably disagree. However, I hope that all can agree this debate and the approach we took in this debate by considering three bills as a package, each bill to be voted upon separately, is a fair way, is a thoughtful way, to begin to address the future of stem cell research.

The bills are important steps in defining science policy and advancing the practice and science of medicine. To get this far, we had to set aside our differences. I am hopeful that at the end of the day we will have made important strides forward in promoting biomedical advancement in a responsible and in an ethical manner. I expect the outcome of these votes will demonstrate there is some consensus among Members, even on this very divisive issue.

I yield 3 minutes to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for yielding me the time.

As we prepare for the vote, it is my view that it is a clear-cut question to use embryos to save lives because otherwise they will be destroyed. There are some 400,000 frozen embryos, and the choice is discarding them or using them to save lives.

Embryonic stem cells have the flexibility for the potential to cure Parkinson's, Alzheimer's, heart disease and cancer.

I have a constituent, Jim Cordy, in Pittsburgh, PA, who suffers from Parkinson's. Every time I see Jim Cordy, he displays an hourglass. He inverts it, and as the sand passes from one part of the hourglass to the lower, Jim Cordy makes the dramatic point that is the way his life is slipping away in the absence of utilizing all means possible to cure Parkinson's. The number one possibility is embryonic stem cell research.

Senator BROWNBACK and I had a debate where he challenged me on when life began, and I retorted—suffering from Hodgkin's cancer myself—the question on my mind was when life ended. Life will never begin for these embryos because there are 400,000 frozen embryos in the US. Notwithstanding millions of dollars appropriated to encourage adoption, only 128 have been adopted. So those lives will not begin, but many other lives will end if we do not use all the scientific resources available.

In bygone years, Galileo was prosecuted when he insisted the world was round. Columbus was discouraged from seeking America because the world was flat and it was impossible to find a new continent. Boniface VIII stopped the use of cadavers, indispensable for medical research. And the Scottish Church prohibited anesthesia for women in childbirth because it was God's will that women should suffer.

A century from now people will look back in amazement that we could even have this debate where the issues are so clear-cut. I urge my colleagues to support S. 2754, which I cosponsored with Senator SANTORUM, which is long run——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. I ask unanimous consent for 30 seconds more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Which promotes stem cell research without destroying the embryo. But the real core issue is the third vote on H.R. 810 which will allow Federal funding, which is now in the range, at NIH, of $30 billion a year, which can save so many lives.

I thank the majority leader and thank the Chair and yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in just a few moments we will be voting on three bills. The first bill we will be voting on is the Fetus Farming Prohibition Act. The second bill we will be voting on is the alternative means, the alternative ways of deriving stem cells. And the third is the House bill in support of research which is derived from blastocysts.

Mr. President, I ask unanimous consent it be in order to ask for the yeas and nays on all three bills en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I now ask for the yeas and nays on the three bills.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the second and third votes be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I yield back all time.

The PRESIDING OFFICER. Under the previous order, the hour of 3:45 having arrived, the Senate will proceed to three consecutive votes.

The question is on the engrossment and third reading of the bills.

The bills were ordered to be engrossed for a third reading and were read the third time.

The PRESIDING OFFICER. The bill, S. 3504, having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—100

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar

Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

The bill (S. 3504) was passed, as follows:

S. 3504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fetus Farming Prohibition Act of 2006".

SEC. 2. PROHIBITION OF THE SOLICITATION OR ACCEPTANCE OF TISSUE FROM FETUSES GESTATED FOR RESEARCH PURPOSES.

Section 498B of the Public Health Service Act (42 U.S.C. 289g–2) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

"(c) SOLICITATION OR ACCEPTANCE OF TISSUE FROM FETUSES GESTATED FOR RESEARCH PURPOSES.—It shall be unlawful for any person or entity involved or engaged in interstate commerce to—

"(1) solicit or knowingly acquire, receive, or accept a donation of human fetal tissue knowing that a human pregnancy was deliberately initiated to provide such tissue; or

"(2) knowingly acquire, receive, or accept tissue or cells obtained from a human embryo or fetus that was gestated in the uterus of a nonhuman animal.";

(3) in paragraph (1) of subsection (d), as so redesignated, by striking "(a) or (b)" and inserting "(a), (b), or (c)"; and

(4) in paragraph (1) of subsection (e), as so redesignated, by striking "section 498A(f)" and inserting "section 498A(g)".

Mr. LEAHY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill, S. 2754, having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—100

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

The bill (S. 2754) was passed, as follows:

S. 2754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alternative Pluripotent Stem Cell Therapies Enhancement Act".

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) intensify research that may result in improved understanding of or treatments for diseases and other adverse health conditions; and

(2) promote the derivation of pluripotent stem cell lines, including from postnatal sources, without creating human embryos for research purposes or discarding, destroying, or knowingly harming a human embryo or fetus.

SEC. 3. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by inserting after section 498C the following:

"SEC. 409J. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

"(a) IN GENERAL.—In accordance with section 492, the Secretary shall conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells that, like embryonic stem cells, are capable of producing all or almost all of the cell types of the developing body and may result in improved understanding of or treatments for diseases and other adverse health conditions, but are not derived from a human embryo.

"(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this section, the Secretary, after consultation with the Director, shall issue final guidelines to implement subsection (a), that—

"(1) provide guidance concerning the next steps required for additional research, which shall include a determination of the extent to which specific techniques may require additional basic or animal research to ensure that any research involving human cells using these techniques would clearly be consistent with the standards established under this section;

"(2) prioritize research with the greatest potential for near-term clinical benefit; and

"(3) consistent with subsection (a), take into account techniques outlined by the President's Council on Bioethics and any other appropriate techniques and research.

"(c) REPORTING REQUIREMENTS.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the fiscal year, including a description of the research conducted under this section.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any policy, guideline, or regulation regarding embryonic stem cell research, human cloning by somatic cell nuclear transfer, or any other research not specifically authorized by this section.

"(e) DEFINITION.—

"(1) IN GENERAL.—In this section, the term 'human embryo' shall have the meaning given such term in the applicable appropriations Act.

"(2) APPLICABLE ACT.—For purposes of paragraph (1), the term 'applicable appropriations Act' means, with respect to the fiscal year in which research is to be conducted or supported under this section, the Act making appropriations for the Department of Health and Human Services for such fiscal year, except that if the Act for such fiscal year does not contain the term referred to in paragraph (1), the Act for the previous fiscal year shall be deemed to be the applicable appropriations Act.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2009, to carry out this section.".

The PRESIDING OFFICER. The bill (H.R. 810) having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—63

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Burr
Byrd
Cantwell
Carper
Chafee
Clinton
Cochran
Collins
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Frist
Gregg
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Warner
Wyden

NAYS—37

Allard
Allen
Bond
Brownback
Bunning
Burns
Chambliss
Coburn
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Hagel
Inhofe
Isakson
Kyl
Martinez
McConnell
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Sununu
Talent
Thomas
Thune
Vitter
Voinovich

The bill (H.R. 810) was passed.

Mr. ENSIGN. Mr. President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FRIST. Mr. President, plans tonight are that we will get consent on moving to the Water Resources Development Act. Senator INHOFE is available to start that bill.

I congratulate and thank all of our colleagues for the very good debate that we have had over the last 2 days on a very tough issue, a difficult issue. Members have had the opportunity to express themselves with good debate on science and on the ethics. I thank them for that collegial approach.

CONDEMNING HEZBOLLAH AND ITS STATE SPONSORS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 534 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 534) condemning Hezbollah and its state sponsors.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, I have grave concerns about what the coming days hold for the situation in the Middle East. The spiral of violence, which began with the kidnaping of Israeli soldiers, is threatening to engulf the entire region. Unless something is done soon to stop the escalation, all out war—the likes of which has not been seen in the Arab-Israeli conflict for decades—could soon be upon us.

Innocent lives are at risk. The rocket attacks on Israel are indiscriminate tools of terror. We know that Israeli bombs have also taken innocent lives, including those of children. How does this fighting serve any greater purpose? Can there be no other way to solve the important problems facing the region without shedding innocent blood in the process?

Let us not forget that it is not only the lives of Israelis, Lebanese, and Palestinians that are threatened by the fighting. Press reports indicate that 25,000 Americans are in Lebanon, and some believe that number is far too low an estimate. I have learned that a number of West Virginians are in Lebanon now. Two of the families of West Virginians have children with them—children as young as 4 years old. One of these families has already fled Beirut into the countryside while they await word on when they can be transported to safety.

I am hopeful that there are yet moderate voices in the international community which seek solutions to this crisis. There are calls for an international peacekeeping force to stabilize the Israeli-Lebanese border. There are also indications of behind-the-scenes diplomacy to unite all countries of the region in favor of a reasonable solution.

The resolution before the Senate is not a voice of moderation. It is a resolution that proposes only to point fingers at who is to blame for the current violence. This is the wrong response to an international crisis and a humanitarian tragedy.

Does this resolution help the Americans who are stranded in Lebanon amidst this fighting? It does not. I fear that this resolution might, in fact, unleash a violent anti-American backlash at a time when the State Department and our Armed Forces are struggling to find a way to rescue our citizens. The Senate should have more sense than to rush to pass such a provocative resolution at this time.

Mr. President, now is the time for moderation and wise counsel. We need solutions, not recriminations. Why should the Senate pass a resolution, the only possible effect of which is to further entrench both sides of the current conflict? I cannot support a resolution that does not I have the practical effect of advancing us toward an end to this tragic violence.

Mr. WARNER. Mr. President, yesterday the Senate was advised by hotline that this resolution would be voted on last night by voice vote. I indicated a desire to be allowed to speak for no more than 15 minutes before the vote, and that was agreed to. I said explicitly when further inquiry came to me that I would not in any way—in any way—object to the Senate, if the leadership so desired, to voting on that measure last night by voice vote. I went back, checked with the senior staff of our cloakroom, and they verified it. There are e-mails to the effect that I said that.

I did have an opportunity to speak last night at length—it is in yesterday's CONGRESSIONAL RECORD—regarding my concerns about that legislation, although I indicated in large measure I supported almost every provision, and we just participated in a voice vote where, in effect, my vote was counted in the "yea" column.

Mr. President, I call to the attention of my colleagues my statement of yesterday beginning at page S7624.

Mr. President, I awakened this morning to determine that the press is reporting the following:

> The Senate had been expected to quickly pass a resolution Monday night, but Armed Services Committee Chairman John W. Warner of Virginia blocked the vote.

That message was skillfully distributed throughout the world—the worldwide press. It made CNN and other responsible news organizations. That was the deliberate attempt by some individual or individuals to distort the truth, to distort what is in the RECORD.

Mr. President, I am pleased to say that the remarks I made last night were, in part, taken into consideration, and the resolution which the Senate will soon vote on does reflect what my principal concern was with regard to the first draft: namely, that there was no reference to some—upwards of 25,000 Americans seeking to return or leave that war-torn area. Consequently, there is a provision, No. 11, placed in this resolution which says:

> Recognizes that thousands of American nationals reside peacefully in Lebanon, and that those American nationals in Lebanon concerned for their safety should receive the full support and assistance of the United States Government.

I am glad I did what I did—made it clear that this has worked its way into the RECORD. There are other concerns that I have which are cited in the statement that I made yesterday and I am delighted to have the opportunity to correct what was a deliberate attempt to distort the record.

I thank my colleagues, and I yield the floor.

Mr. DURBIN. Mr. President, I rise in support of the resolution which I cosponsored and which the Senate passed today condemning the actions of Hezbollah and expressing our support for Israel.

On July 12, Hezbollah forces launched an attack through Syria, crossing into Israel, killing eight Israelis and seizing two Israeli soldiers as hostages. This assault followed months of rocket attacks by Hezbollah on northern Israel. Those acts of terrorism created the situation that the world confronts today. Israel could not tolerate such assaults on its own soil. No nation could.

Our country will stand with the Government and people of Israel as they defend themselves. The U.S.-Israel relationship is one of the most important and steadfast diplomatic bonds in the world. It is imperative that Congress express this support clearly and unequivocally. The resolution passed today makes this important statement, to our friends in Israel and to the world.

When Hezbollah escalated its attacks against Israel earlier this month, they dragged Lebanon into a conflict that neither the Lebanese Government nor most of the Lebanese people sought. Israel was compelled to respond to the violence on their soil. That was a situation that simply could not continue. Nor can Israel afford to return to the state of affairs before the war. There must be a real change in Lebanon: the days in which Hezbollah could simply lob rockets across the Israeli border with impunity must end.

I believe the United States must play a principal role in helping to forge a solution to this conflict and its underlying causes: the persistent attacks on Israel and the capture of Israeli soldiers.

The conflict in Lebanon has broader international origins and threatens the stability of the region as a whole. Iran and Syria are involved. They have long bankrolled Hezbollah and may have been involved in the plans to seize the Israeli soldiers. One of their goals may have been to distract the world from

Iran's efforts at nuclear enrichment. If so, we cannot let them succeed. We must not let the world ignore Iran's efforts to move closer to the development of nuclear weapons.

We are handicapped in the Middle East by U.S. failures to remain consistently engaged in the quest for peace over the last 6 years. U.S. engagement lends stability to the region; disengagement has the opposite effect. The war in Iraq also constrains our options in the Middle East.

We need to take back control on other fronts—and the only way we can do that is to send a signal to the Iraqis that they need to take charge and take responsibility for their own affairs. We need to be able to dedicate our resources to other emerging threats and challenges, and we need to once again act as a pivotal peacemaker in the Middle East. I wish the resolution that we passed had discussed the need for sustained engagement at greater length and had placed increased emphasis on the need for regional diplomacy.

Saudi Arabia, Egypt, Jordan, and others in the Arab world have condemned Hezbollah's attacks on Israel. The Saudi foreign minister said, "These acts will put the whole region back to years ago, and we cannot simply accept them." These unprecedented criticisms of Hezbollah by Arab leaders offer at least the prospect that maybe the situation offers a chance to move forward, rather than backward.

Secretary Rice has said that when the moment is right she will go to the Middle East. I understand that she wants to lend her strength to the cause when and where it will do the most good, but I hope that moment will be soon. This conflict continues to increase in intensity and it could grow in scale as well. It is claiming far too many casualties on both sides. Israeli citizens have been killed by Hezbollah rockets that are now reaching deep into Israel. Casualties are especially high, as well, among Lebanese civilians. Over 200 Lebanese civilians have been killed, caught in the crossfire of this conflict. Humanitarian concerns are growing as more Lebanese are displaced and as food and water in many shelters may be running low.

There are also some 25,000 Americans in Lebanon. They have been trapped there. The Beirut airport has been bombed and so have many roadways. Some Americans have escaped by taking backroads to Syria. That is a telling measure of how desperate the situation is for them. According to media sources, at least 8000 Americans want to leave. Their loved ones in this country are frantic with worry. I have constituents who are still trapped there. I am sure virtually every other senator does as well. People are frustrated by the pace of the evacuation, and I can understand that. Several hundred Americans have been evacuated, including children who were in Lebanon alone or individuals in need of medical care. But thousands of Americans remain trapped there.

U.S. Ambassador Jeffrey D. Feltman said that by the end of the week, the evacuation will proceed at a pace of 1,000 Americans a day. Since a Swedish ship departed today with over 1,000 Scandinavians and other Europeans and with some 200 Americans on board, it is difficult to understand why we cannot marshal the resources to evacuate our citizens more quickly.

I have also received many calls from constituents who were appalled to learn that one of the first things that Americans trapped in Lebanon hear from the State Department is that they will be charged for the cost of their evacuation to Cyprus. The United States must make clear to all the parties involved that we will move quickly to evacuate our citizens. Those Americans should not bear the costs of this regional crisis.

Secretary Rice has emphasized the need to safeguard civilian lives and to "create sustainable conditions for political progress."

The Israeli soldiers who are being held hostage by Hezbollah, and the soldier captured by Hamas, must be released immediately and unconditionally. The rocket attacks on Israel, which began long before this new phase of the conflict, must end. All the parties involved must commit to abide by United Nations Security Council Resolution 1559, which was adopted in 2004. This resolution requires that all militias, including Hezbollah, be disarmed and disbanded.

All of these principles are embodied in the legislation passed by the Senate today, along with an absolutely clear statement that we stand with Israel. To make these principles a reality and to protect the lives of the innocent civilians caught in the crossfire in both Israel and Lebanon will clearly require sustained U.S. engagement in a regional solution.

Mr. FRIST. Mr. President, I urge adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 534) was agreed to.

Mr. FRIST. Mr. President, I ask unanimous consent that the preamble be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 534

Whereas Israel fully complied with United Nations Security Council Resolution 425 (adopted March 19, 1978) by completely withdrawing its forces from Lebanon, as certified by the United Nations Security Council and affirmed by United Nations Secretary General Kofi Annan on June 16, 2000, when he said, "Israel has withdrawn from [Lebanon] in full compliance with Security Council Resolution 425.";

Whereas United Nations Security Council Resolution 1559 (adopted September 2, 2004) calls for the complete withdrawal of all foreign forces and the dismantlement of all independent militias in Lebanon;

Whereas despite Resolution 1559, the terrorist organization Hezbollah remains active in Lebanon and has amassed thousands of rockets aimed at northern Israel;

Whereas the Government of Lebanon, which includes representatives of Hezbollah, has done little to dismantle Hezbollah forces or to exert its authority and control throughout all geographic regions of Lebanon;

Whereas Hezbollah receives financial, military, and political support from Syria and Iran;

Whereas the United States has enacted several laws, including the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) and the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note), that call for the imposition of sanctions on Syria and Iran for, among other things, their support for terrorism and terrorist organizations;

Whereas the Government of Israel has shown restraint in the past year even though Hezbollah has launched at least 4 separate attacks into Israel using rockets and ground forces;

Whereas, without provocation, on the morning of July 12, 2006, Hezbollah launched an attack into northern Israel, killing 7 Israeli soldiers and taking 2 hostage into Lebanon;

Whereas on June 25, 2006, despite Israel's evacuation of Gaza in 2005, the terrorist organization Hamas, which is also supported by Syria and Iran, entered sovereign Israeli territory, attacked an Israeli military base, killed 2 Israeli soldiers, and captured an Israeli soldier, and has refused to release that soldier;

Whereas rockets have been launched from Gaza into Israel since Israel's evacuation of Gaza in 2005; and

Whereas both Hezbollah and Hamas refuse to recognize Israel's right to exist and call for the destruction of Israel: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its steadfast support for the State of Israel;

(2) supports Israel's right of self-defense and Israel's right to take appropriate action to deter aggression by terrorist groups and their state sponsors;

(3) urges the President to continue fully supporting Israel as Israel exercises its right of self-defense in Lebanon and Gaza;

(4) calls for the immediate and unconditional release of Israeli soldiers who are being held captive by Hezbollah or Hamas;

(5) condemns the Governments of Iran and Syria for their continued support for Hezbollah and Hamas, and holds the Governments of Syria and Iran responsible for the acts of aggression carried out by Hezbollah and Hamas against Israel;

(6) condemns Hamas and Hezbollah for exploiting civilian populations as shields and locating their military activities in civilian areas;

(7) urges the President to use all available political and diplomatic means, including sanctions, to persuade the governments of

Syria and Iran to end their support of Hezbollah and Hamas;

(8) calls on the Government of Lebanon to do everything in its power to find and free the kidnapped Israeli soldiers being held in its territory, and to fulfill its responsibility under United Nations Security Council Resolution 1559 (adopted September 2, 2004) to disband and disarm Hezbollah;

(9) calls on the United Nations Security Council to condemn these unprovoked acts and to demand compliance with Resolution 1559, which requires that Hezbollah and other militias be disbanded and disarmed, and that all foreign forces be withdrawn from Lebanon; and

(10) urges all sides to protect innocent civilian life and infrastructure and strongly supports the use of all diplomatic means available to free the captured Israeli soldiers.

(11) recognizes that thousands of American nationals reside peacefully in Lebanon, and that those American nationals in Lebanon concerned for their safety should receive the full support and assistance of the United States government.

WATER RESOURCES DEVELOPMENT ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to S. 728, the Water Resources Development Act, under the previous order.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 728) to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(The parts intended to be stricken are shown in boldface brackets and the parts intended to be inserted are shown in italic.)

S. 728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.
Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for the Upper Mississippi River and Illinois Waterway System.
Sec. 1003. Louisiana coastal area ecosystem restoration, Louisiana.
Sec. 1004. Small projects for flood damage reduction.
Sec. 1005. Small projects for navigation.
Sec. 1006. Small projects for aquatic ecosystem restoration.

TITLE II—GENERAL PROVISIONS

SUBTITLE A—PROVISIONS

Sec. 2001. Credit for in-kind contributions.
Sec. 2002. Interagency and international support authority.
Sec. 2003. Training funds.
Sec. 2004. Recreational areas and project sites.
Sec. 2005. Fiscal transparency report.
Sec. 2006. Planning.
Sec. 2007. Independent reviews.
Sec. 2008. Mitigation for fish and wildlife losses.
Sec. 2009. State technical assistance.
Sec. 2010. Access to water resource data.
Sec. 2011. Construction of flood control projects by non-Federal interests.
Sec. 2012. Regional sediment management.
Sec. 2013. National shoreline erosion control development program.
Sec. 2014. Shore protection projects.
Sec. 2015. Cost sharing for monitoring.
Sec. 2016. Ecosystem restoration benefits.
Sec. 2017. Funding to expedite the evaluation and processing of permits.
Sec. 2018. Electronic submission of permit applications.
Sec. 2019. Improvement of water management at Corps of Engineers reservoirs.
Sec. 2020. Corps of Engineers hydropower operation and maintenance funding.
Sec. 2021. Federal hopper dredges.
Sec. 2022. Obstruction to navigation.

SUBTITLE B—CONTINUING AUTHORITIES PROJECTS

Sec. 2031. Navigation enhancements for waterbourne transportation.
Sec. 2032. Protection and restoration due to emergencies at shores and streambanks.
Sec. 2033. Restoration of the environment for protection of aquatic and riparian ecosystems program.
Sec. 2034. Environmental modification of projects for improvement and restoration of ecosystems program.
Sec. 2035. Projects to enhance estuaries and coastal habitats.
Sec. 2036. Remediation of abandoned mine sites.
Sec. 2037. Small projects for the rehabilitation or removal of dams.
Sec. 2038. Remote, maritime-dependent communities.
Sec. 2039. Agreements for water resource projects.
Sec. 2040. Program names.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 3001. St. Herman and St. Paul Harbors, Kodiak, Alaska.
Sec. 3002. Sitka, Alaska.
Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.
Sec. 3004. Augusta and Clarendon, Arkansas.
Sec. 3005. St. Francis Basin, Arkansas and Missouri.
Sec. 3006. St. Francis Basin land transfer, Arkansas and Missouri.
Sec. 3007. Red-Ouachita River Basin levees, Arkansas and Louisiana.
Sec. 3008. McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma.
Sec. **[3008]** *3009.* Cache Creek Basin, California.
Sec. **[3009]** *3010.* Hamilton Airfield, California.
Sec. **[3010]** *3011.* LA-3 dredged material ocean disposal site designation, California.
Sec. **[3011]** *3012.* Larkspur Ferry Channel, California.
Sec. **[3012]** *3013.* Llagas Creek, California.
Sec. **[3013]** *3014.* Los Angeles Harbor, California.
Sec. **[3014]** *3015.* Magpie Creek, California.
Sec. **[3015]** *3016.* Pine Flat Dam fish and wildlife habitat, California.
Sec. **[3016]** *3017.* Redwood City navigation project, California.
Sec. **[3017]** *3018.* Sacramento and American Rivers flood control, California.
Sec. **[3018]** *3019.* Conditional declaration of nonnavigability, Port of San Francisco, California.
Sec. **[3019]** *3020.* Salton Sea restoration, California.
Sec. **[3020]** *3021.* Upper Guadalupe River, California.
Sec. **[3021]** *3022.* Yuba River Basin project, California.
Sec. **[3022]** *3023.* Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
Sec. **[3023]** *3024.* Anchorage area, New London Harbor, Connecticut.
Sec. **[3024]** *3025.* Norwalk Harbor, Connecticut.
Sec. **[3025]** *3026.* St. George's Bridge, Delaware.
Sec. **[3026]** *3027.* Christina River, Wilmington, Delaware.
Sec. **[3027]** *3028.* Additional program authority, comprehensive Everglades restoration, Florida.
Sec. **[3028]** *3029.* Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.
Sec. **[3029]** *3030.* Jacksonville Harbor, Florida.
Sec. **[3030]** *3031.* Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.
Sec. **[3031]** *3032.* Lido Key, Sarasota County, Florida.
Sec. **[3032]** *3033.* Tampa Harbor, Cut B, Tampa, Florida.
Sec. **[3033]** *3034.* Allatoona Lake, Georgia.
Sec. **[3034]** *3035.* Dworshak Reservoir improvements, Idaho.
Sec. **[3035]** *3036.* Little Wood River, Gooding, Idaho.
Sec. **[3036]** *3037.* Port of Lewiston, Idaho.
Sec. **[3037]** *3038.* Cache River Levee, Illinois.
Sec. 3039. Chicago, Illinois.
Sec. **[3038]** *3040.* Chicago River, Illinois.
Sec. **[3039]** *3041.* Missouri and Illinois flood protection projects reconstruction pilot program.
Sec. **[3040]** *3042.* Spunky Bottom, Illinois.
Sec. **[3041]** *3043.* Strawn Cemetery, John Redmond Lake, Kansas.
Sec. **[3042]** *3044.* Harry S. Truman Reservoir, Milford, Kansas.
Sec. **[3043]** *3045.* Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia.
Sec. **[3044]** *3046.* Public access, Atchafalaya Basin Floodway System, Louisiana.
Sec. **[3045]** *3047.* Calcasieu River and Pass, Louisiana.
Sec. 3048. Larose to Golden Meadow, Louisiana.
Sec. **[3046]** *3049.* East Baton Rouge Parish, Louisiana.
Sec. **[3047]** *3050.* Red River (J. Bennett Johnston) Waterway, Louisiana.
Sec. **[3048]** *3051.* Camp Ellis, Saco, Maine.
Sec. **[3049]** *3052.* Union River, Maine.
Sec. **[3050]** *3053.* Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.

Sec. [3051] *3054*. Cumberland, Maryland.

Sec. [3052] *3055*. Fall River Harbor, Massachusetts and Rhode Island.

Sec. [3053] *3056*. St. Clair River and Lake St. Clair, Michigan.

Sec. [3054] *3057*. Duluth Harbor, Minnesota.

Sec. [3055] *3058*. Land exchange, Pike County, Missouri.

Sec. [3056] *3059*. Union Lake, Missouri.

Sec. [3057] *3060*. Fort Peck Fish Hatchery, Montana.

Sec. 3061. Yellowstone River and tributaries, Montana and North Dakota.

Sec. [3058] *3062*. Lower Truckee River, Mccarran Ranch, Nevada.

Sec. [3059] *3063*. Middle Rio Grande restoration, New Mexico.

Sec. [3060] *3064*. Long Island Sound oyster restoration, New York and Connecticut.

Sec. [3061] *3065*. Orchard Beach, Bronx, New York.

Sec. [3062] *3066*. New York Harbor, New York, New York.

Sec. [3063] *3067*. Onondaga Lake, New York.

Sec. [3064] *3068*. Missouri River restoration, North Dakota.

Sec. [3065] *3069*. Lower Girard Lake Dam, Girard, Ohio.

Sec. [3066] *3070*. Toussaint River navigation project, Carroll Township, Ohio.

Sec. [3067] *3071*. Arcadia Lake, Oklahoma.

Sec. 3072. Oklahoma Lake demonstration, Oklahoma.

Sec. [3068] *3073*. Waurika Lake, Oklahoma.

Sec. [3069] *3074*. Lookout Point, Dexter Lake project, Lowell, Oregon.

Sec. [3070] *3075*. Upper Willamette River Watershed ecosystem restoration.

Sec. [3071] *3076*. Tioga Township, Pennsylvania.

Sec. [3072] *3077*. Upper Susquehanna River Basin, Pennsylvania and New York.

Sec. [3073] *3078*. Cooper River Bridge demolition, Charleston, South Carolina.

Sec. [3074] *3079*. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.

Sec. [3075] *3080*. Missouri River restoration, South Dakota.

Sec. [3076] *3081*. Missouri and Middle Mississippi Rivers enhancement project.

Sec. [3077] *3082*. Anderson Creek, Jackson and Madison Counties, Tennessee.

Sec. [3078] *3083*. Harris Fork Creek, Tennessee and Kentucky.

Sec. [3079] *3084*. Nonconnah Weir, Memphis, Tennessee.

Sec. [3080] *3085*. Old Hickory Lock and Dam, Cumberland River, Tennessee.

Sec. [3081] *3086*. Sandy Creek, Jackson County, Tennessee.

Sec. [3082] *3087*. Cedar Bayou, Texas.

Sec. [3083] *3088*. Freeport Harbor, Texas.

Sec. [3084] *3089*. Harris County, Texas.

Sec. [3085] *3090*. Dam remediation, Vermont.

Sec. [3086] *3091*. Lake Champlain eurasian milfoil, water chestnut, and other nonnative plant control, Vermont.

Sec. [3087] *3092*. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.

Sec. [3088] *3093*. Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire.

Sec. [3089] *3094*. Lake Champlain Watershed, Vermont and New York.

Sec. [3090] *3095*. Chesapeake Bay oyster restoration, Virginia and Maryland.

Sec. [3091] *3096*. Tangier Island Seawall, Virginia.

Sec. [3092] *3097*. Erosion control, Puget Island, Wahkiakum County, Washington.

Sec. [3093] *3098*. Lower granite pool, Washington.

Sec. [3094] *3099*. Mcnary Lock and Dam, Mcnary National Wildlife Refuge, Washington and Idaho.

Sec. [3095] *3100*. Snake River project, Washington and Idaho.

Sec. [3096] *3101*. Marmet Lock, Kanawha River, West Virginia.

Sec. [3097] *3102*. Lower Mud River, Milton, West Virginia.

Sec. 3103. Green Bay Harbor Project, Green Bay, Wisconsin.

Sec. [3098] *3104*. Underwood Creek diversion facility project, Milwaukee County, Wisconsin.

Sec. [3099] *3105*. Mississippi River headwaters reservoirs.

Sec. [3100] *3106*. Lower Mississippi River Museum and Riverfront Interpretive Site.

Sec. [3101] *3107*. Pilot program, Middle Mississippi River.

Sec. [3102] *3108*. Upper Mississippi River system environmental management program.

Sec. 3109. Great Lakes fishery and ecosystem restoration program.

Sec. 3110. Great Lakes remedial action plans and sediment remediation.

Sec. 3111. Great Lakes tributary models.

TITLE IV—STUDIES

Sec. 4001. Eurasian milfoil.

Sec. 4002. National port study.

Sec. 4003. McClellan-Kerr Arkansas River Navigation Channel.

Sec. 4004. Selenium study, Colorado.

Sec. 4005. Nicholas Canyon, Los Angeles, California.

Sec. 4006. Oceanside, California, shoreline special study.

Sec. 4007. Comprehensive flood protection project, St. Helena, California.

Sec. 4008. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.

Sec. 4009. South San Francisco Bay shoreline study, California.

Sec. 4010. San Pablo Bay Watershed restoration, California.

Sec. 4011. Bubbly Creek, South Fork of South Branch, Chicago, Illinois.

Sec. 4012. Grand and Tiger Passes and Baptiste Collette Bayou, Louisiana.

Sec. [4011] *4013*. Lake Erie at Luna Pier, Michigan.

Sec. [4012] *4014*. Middle Bass Island State Park, Middle Bass Island, Ohio.

Sec. [4013] *4015*. Jasper County port facility study, South Carolina.

Sec. [4014] *4016*. Lake Champlain Canal study, Vermont and New York.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 5001. Lakes program.

Sec. 5002. Estuary restoration.

Sec. 5003. Delmarva conservation corridor, Delaware and Maryland.

Sec. 5004. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.

Sec. 5005. Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.

Sec. 5006. Rio Grande environmental management program, New Mexico.

Sec. 5007. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and Terrestrial Wildlife Habitat Restoration, South Dakota.

Sec. 5008. Connecticut River dams, Vermont.

TITLE VI—PROJECT DEAUTHORIZATIONS

Sec. 6001. Little Cove Creek, Glencoe, Alabama.

Sec. 6002. Goleta and vicinity, California.

Sec. 6003. Bridgeport Harbor, Connecticut.

Sec. 6004. Bridgeport, Connecticut.

Sec. 6005. Hartford, Connecticut.

Sec. 6006. New Haven, Connecticut.

Sec. 6007. Inland waterway from Delaware River to Chesapeake Bay, Part II, installation of fender protection for bridges, Delaware and Maryland.

Sec. 6008. Central and southern Florida, Everglades National Park, Florida.

Sec. 6009. Shingle Creek Basin, Florida.

Sec. 6010. Brevoort, Indiana.

Sec. 6011. Middle Wabash, Greenfield Bayou, Indiana.

Sec. 6012. Lake George, Hobart, Indiana.

Sec. 6013. Green Bay Levee and Drainage District No. 2, Iowa.

Sec. 6014. Muscatine Harbor, Iowa.

Sec. 6015. Big South Fork National River and Recreational Area, Kentucky and Tennessee.

Sec. 6016. Eagle Creek Lake, Kentucky.

Sec. 6017. Hazard, Kentucky.

Sec. 6018. West Kentucky tributaries, Kentucky.

Sec. 6019. Bayou Cocodrie and tributaries, Louisiana.

Sec. 6020. Bayou Lafourche and Lafourche Jump, Louisiana.

Sec. 6021. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.

Sec. 6022. Fort Livingston, Grand Terre Island, Louisiana.

Sec. 6023. Gulf Intercoastal Waterway, Lake Borgne and Chef Menteur, Louisiana.

Sec. 6024. Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas.

Sec. 6025. Casco Bay, Portland, Maine.

Sec. 6026. Northeast Harbor, Maine.

Sec. 6027. Penobscot River, Bangor, Maine.

Sec. 6028. Saint John River Basin, Maine.

Sec. 6029. Tenants Harbor, Maine.

Sec. 6030. Grand Haven Harbor, Michigan.

Sec. 6031. Greenville Harbor, Mississippi.

Sec. 6032. Platte River flood and related streambank erosion control, Nebraska.

Sec. 6033. Epping, New Hampshire.

Sec. 6034. Manchester, New Hampshire.

Sec. 6035. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.

Sec. 6036. Eisenhower and Snell Locks, New York.

Sec. 6037. Olcott Harbor, Lake Ontario, New York.

Sec. 6038. Outer Harbor, Buffalo, New York.

Sec. 6039. Sugar Creek Basin, North Carolina and South Carolina.

Sec. 6040. Cleveland Harbor 1958 Act, Ohio.

Sec. 6041. Cleveland Harbor 1960 Act, Ohio.

Sec. 6042. Cleveland Harbor, uncompleted portion of Cut #4, Ohio.

Sec. 6043. Columbia River, Seafarers Memorial, Hammond, Oregon.

Sec. 6044. Chartiers Creek, Cannonsburg (Houston Reach Unit 2b), Pennsylvania.

Sec. 6045. Schuylkill River, Pennsylvania.

Sec. 6046. Tioga-Hammond Lakes, Pennsylvania.

Sec. 6047. Tamaqua, Pennsylvania.
Sec. 6048. Narragansett Town Beach, Narragansett, Rhode Island.
Sec. 6049. Quonset Point-Davisville, Rhode Island.
Sec. 6050. Arroyo Colorado, Texas.
Sec. 6051. Cypress Creek-Structural, Texas.
Sec. 6052. East Fork Channel Improvement, Increment 2, east fork of the Trinity River, Texas.
Sec. 6053. Falfurrias, Texas.
Sec. 6054. Pecan Bayou Lake, Texas.
Sec. 6055. Lake of the Pines, Texas.
Sec. 6056. Tennessee Colony Lake, Texas.
Sec. 6057. City Waterway, Tacoma, Washington.
Sec. 6058. Kanawha River, Charleston, West Virginia.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) AKUTAN HARBOR, ALASKA.—The project for navigation, Akutan, Harbor, Alaska: Report of the Chief of Engineers, dated December 20, 2004, at a total estimated cost of $12,200,000, with an estimated Federal cost of $9,800,000 and an estimated non-Federal cost of $2,400,000.

(2) HAINES HARBOR, ALASKA.—The project for navigation, Haines Harbor, Alaska: Report of the Chief of Engineers, dated December 20, 2004, at a total estimated cost of $12,200,000, with an estimated Federal cost of $9,700,000 and an estimated non-Federal cost of $2,500,000.

(3) RILLITO RIVER (EL RIO ANTIGUO), PIMA COUNTY, ARIZONA.—The project for ecosystem restoration, Rillito River (El Rio Antiguo), Pima County, Arizona: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $67,457,000, with an estimated Federal cost of $43,421,000 and an estimated non-Federal cost of $24,036,000.

(4) TANQUE VERDE CREEK, ARIZONA.—The project for ecosystem restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $4,978,000, with an estimated Federal cost of $3,236,000 and an estimated non-Federal cost of $1,742,000.

(5) SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA.—The project for ecosystem restoration, Salt River (Va Shlyay Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $138,968,000, with an estimated Federal cost of $90,129,000 and an estimated non-Federal cost of $48,839,000.

(6) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $50,600,000, with an estimated Federal cost of $33,000,000 and estimated non-Federal cost of $17,600,000.

(7) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers, dated December 30, 2003, at a total cost of $11,862,000, with an estimated Federal cost of $7,592,000 and an estimated non-Federal cost of $4,270,000, and at an estimated total cost of $38,004,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $19,002,000 and an estimated non-Federal cost of $19,002,000.

(8) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $130,335,000, with an estimated Federal cost of $78,973,000 and an estimated non-Federal cost of [$48,839,000] *$51,362,000.*

(9) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $41,793,000, with an estimated Federal cost of $27,256,000 and an estimated non-Federal cost of $14,537,000.

[(10) NAPA RIVER SALT MARSH, CALIFORNIA.—The project for ecosystem restoration, Napa River Salt Marsh, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $58,412,000, with an estimated Federal cost of $37,740,000 and an estimated non-Federal cost of $20,672,000.]

(10) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, California, at a total cost of $100,500,000, with an estimated Federal cost of $64,000,000 and an estimated non-Federal cost of $36,500,000, to be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the final report signed by the Chief of Engineers on December 22, 2004.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(C) TRANSFER OF OWNERSHIP.—On completion of salinity reduction in the project area, the Secretary shall transfer ownership of the pipeline to the non-Federal interest at the fully depreciated value of the pipeline, less—

(i) the non-Federal cost-share contributed under subparagraph (A); and

(ii) the estimated value of the water to be provided as needed for maintenance of habitat values in the project area throughout the life of the project.

(11) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for ecosystem restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers, dated May 16, 2003, at a total cost of $18,824,000, with an estimated Federal cost of $12,236,000 and an estimated non-Federal cost of $6,588,000.

(12) INDIAN RIVER LAGOON, SOUTH FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon, South Florida, at a total cost of $1,210,608,000, with an estimated first Federal cost of $605,304,000, and an estimated first non-Federal cost of $605,304,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers, dated August 6, 2004.

(B) DEAUTHORIZATIONS.—As of the date of enactment of this Act, the following projects are not authorized:

(i) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000, and an estimated non-Federal cost of $56,281,000.

(ii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), Martin County, Florida, modifications to Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000, and an estimated non-Federal cost of $7,398,000.

(iii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), East Coast Backpumping, St. Lucie–Martin County, Spillway Structure S–311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000, and an estimated non-Federal cost of $21,994,000.

(13) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $191,158,000, with an estimated Federal cost of $123,807,000 and an estimated non-Federal cost of $67,351,000.

(14) PEORIA RIVERFRONT, ILLINOIS.—The project for ecosystem restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers, dated July 28, 2003, at a total cost of $16,000,000, with an estimated Federal cost of $10,400,000 and an estimated non-Federal cost of $5,600,000.

(15) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,000,000. The costs of construction of the project are to be paid [half] ½ from amounts appropriated from the general fund of the Treasury and [half] ½from amounts appropriated from the Inland Waterways Trust Fund.

(16) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers, dated August 23, 2002, and July 22, 2003, at a total cost of $788,000,000 with an estimated Federal cost of $512,200,000 and an estimated non-Federal cost of $275,800,000.

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212; Public Law 99–662).

(17) SMITH ISLAND, MARYLAND.—The project for ecosystem restoration, Smith Island, Maryland: Report of the Chief of Engineers, dated October 29, 2001, at a total cost of $14,500,000, with an estimated Federal cost of $9,425,000 and an estimated non-Federal cost of $5,075,000.

(18) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri:

Report of the Chief of Engineers, dated December 30, 2003, at a total cost of $15,683,000, with an estimated Federal cost of $10,194,000 and an estimated non-Federal cost of $5,489,000.

(19) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $64,872,000, with an estimated Federal cost of $42,168,000 and an estimated non-Federal cost of $22,704,000, and at an estimated total cost of $107,990,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $53,995,000 and an estimated non-Federal cost of $53,995,000.

(20) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and ecosystem restoration, South River, New Jersey: Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $112,623,000, with an estimated Federal cost of $73,205,000 and an estimated non-Federal cost of $39,418,000.

(21) SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Albuquerque, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $19,494,000, with an estimated Federal cost of $12,671,000 and an estimated non-Federal cost of $6,823,000.

(22) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $172,940,000, with an estimated Federal cost of $80,086,000 and an estimated non-Federal cost of $92,854,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subsection (A), the Secretary shall enforce navigational servitude in the Corpus Christi Ship Channel, including, at the sole expense of the owner of the facility, the removal or relocation of any facility obstructing the project.

(23) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-ROUTE, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers, dated December 24, 2002, at a total cost of $15,960,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(24) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers, dated April 16, 2004, at a total cost of $13,104,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(25) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—The project for ecosystem restoration, Riverside Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of $25,200,000, with an estimated Federal cost of $10,400,000 and an estimated non-Federal cost of $14,800,000.

(26) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers, dated March 3, 2003, at a total cost of $35,573,000.

(27) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—The project for flood damage reduction, Centralia, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4126)—

(A) is modified to be carried out at a total cost of $109,850,000, with a Federal cost of $66,425,000, and a non-Federal cost of $43,425,000; and

(B) shall be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers, dated September 27, 2004.

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2005:

(1) MIAMI HARBOR, MIAMI, FLORIDA.—The project for navigation, Miami Harbor, Miami, Florida, at a total cost of $121,126,000, with an estimated Federal cost of $64,843,000 and an estimated non-Federal cost of $56,283,000.

(2) PICAYUNE STRAND, FLORIDA.—The project for ecosystem restoration, Picayune Strand, Florida, at a total cost of $349,422,000 with an estimated Federal cost of $174,711,000 and an estimated non-Federal cost of $174,711,000, subject to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680).

(3) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa, at a total cost of $10,000,000, with an estimated Federal cost of $6,500,000, and an estimated non-Federal cost of $3,500,000.

(4) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana, at a total cost of $194,000,000, with an estimated Federal cost of $123,000,000 and an estimated non-Federal cost of $71,000,000.

(5) JAMAICA BAY, MARINE PARK AND PLUMB BEACH, QUEENS AND BROOKLYN, NEW YORK.—The project for ecosystem restoration, Jamaica Bay, Queens and Brooklyn, New York, at a total estimated cost of $180,000,000, with an estimated Federal cost of $117,000,000 and an estimated non-Federal cost of $63,000,000.

(6) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey, at a total cost of $105,544,000, with an estimated Federal cost of $68,603,600, and an estimated non-Federal cost of $36,940,400, and at an estimated total cost of $2,315,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $1,157,500, and an estimated non-Federal cost of $1,157,500.

(7) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, Suffolk County, New York, at a total cost of $12,000,000, with an estimated Federal cost of $7,800,000 and an estimated non-Federal cost of $4,200,000.

(8) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio, at a total cost of $20,000,000, with an estimated Federal cost of $13,000,000 and an estimated non-Federal cost of $7,000,000.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR THE UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) PLAN.—The term "Plan" means the preferred integrated plan contained in the document entitled "Integrated Feasibility Report and Programmatic Environmental Impact Statement for the UMR–IWW System Navigation Feasibility Study" and dated September 24, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term "Upper Mississippi River and Illinois Waterway System" means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

(b) AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.—

(1) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan—

(i) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(ii) provide switchboats at Locks 20 through 25; and

(iii) conduct development and testing of an appointment scheduling system.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $235,000,000 for fiscal years beginning October 1, 2004. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(2) NEW LOCKS.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan, construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(B) MITIGATION.—The Secretary shall conduct mitigation for the new locks and small scale and nonstructural measures authorized under paragraphs (1) and (2).

(C) CONCURRENCE.—The mitigation required under subparagraph (B) for the projects authorized under paragraphs (1) and (2), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests for the projects authorized under paragraphs (1) and (2), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $1,795,000,000 for fiscal years beginning October 1, 2004. The costs of construction on the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) ECOSYSTEM RESTORATION AUTHORIZATION.—

(1) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(B) PROJECTS INCLUDED.—Ecosystem restoration projects may include, but are not limited to—

(i) island building;

(ii) construction of fish passages;

(iii) floodplain restoration;

(iv) water level management (including water drawdown);

(v) backwater restoration;

(vi) side channel restoration;

(vii) wing dam and dike restoration and modification;

(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

(xiii) spillway, dam, and levee modification to benefit the environment;

(xiv) land easement authority; and

(xv) land acquisition.

(C) COST SHARING.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of carrying out an ecosystem restoration project under this paragraph shall be 65 percent.

(ii) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this subparagraph for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(I) is located below the ordinary high water mark or in a connected backwater;

(II) modifies the operation or structures for navigation; or

(III) is located on federally owned land.

(iii) SAVINGS CLAUSE.—Nothing in this paragraph affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(iv) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(D) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of—

(i) fee title to the land; or

(ii) a flood plain conservation easement.

(3) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(A) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(ii) establish the without-project condition or baseline for each performance indicator; and

(iii) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(B) OUTCOMES.—Performance measures identified under subparagraph (A)(i) should comprise specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(C) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under subparagraph (A)(i), including—

(i) a timeline to achieve the identified target goals; and

(ii) a timeline for the demonstration of project completion.

(4) SPECIFIC PROJECTS AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to carry out this subsection for fiscal years beginning October 1, 2005, $1,580,000,000, of which not more than $226,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $43,000,000 shall be available for projects described in paragraph (2)(B)(x). Such sums shall remain available until expended.

(B) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under subparagraph (A), not more than $35,000,000 for each fiscal year shall be available for land acquisition under paragraph (2)(D).

(C) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in clauses (ii) and (x) of paragraph (2)(B), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(5) IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Not later than June 30, 2008, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(i) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(ii) measures the progress in meeting the goals.

(B) ADVISORY PANEL.—

(i) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under subparagraph (A).

(ii) PANEL MEMBERS.—Panel members shall include—

(I) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(II) 1 representative of the Department of Agriculture;

(III) 1 representative of the Department of Transportation;

(IV) 1 representative of the United States Geological Survey;

(V) 1 representative of the United States Fish and Wildlife Service;

(VI) 1 representative of the Environmental Protection Agency;

(VII) 1 representative of affected landowners;

(VIII) 2 representatives of conservation and environmental advocacy groups; and

(IX) 2 representatives of agriculture and industry advocacy groups.

(iii) CO-CHAIRPERSONS.—The Secretary and the Secretary of the Interior shall serve as co-chairpersons of the advisory panel.

(iv) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Panel and any working group established by the Advisory Panel shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

(6) RANKING SYSTEM.—

(A) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(B) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in paragraph (2)(B).

(d) COMPARABLE PROGRESS.—

(1) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this section, the Secretary shall—

(A) select appropriate milestones; and

(B) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(2) NO COMPARABLE RATE.—If the Secretary determines under paragraph (1)(B) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects will be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA.

(a) IN GENERAL.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) protects a major population area of the Pontchartain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana or the State of Mississippi; and

(C) any barrier island, or barrier shoreline, project that—

(i) is carried out in conjunction with a Mississippi River diversion project; and

(ii) protects a major population area.

(c) NONGOVERNMENTAL ORGANIZATIONS.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this section.

(d) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary, in coordination with the Governor of the State of Louisiana, shall—

(A) develop a plan for protecting, preserving, and restoring the coastal Louisiana ecosystem; and

(B) not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, submit to Congress the plan, or an update of the plan.

(2) INCLUSIONS.—The comprehensive plan shall include a description of—

(A) the framework of a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(B) the means by which a new technology, or an improved technique, can be integrated into the program under subsection (a); and

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a).

(3) CONSIDERATION.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;

(B) an activity in the Louisiana Coastal Area; or

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan; or

(iv) the plan of the State of Louisiana entitled "Coast 2050: Toward a Sustainable Coastal Louisiana".

(e) TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the "Coastal Louisiana Ecosystem Protection and Restoration Task Force" (referred to in this subsection as the "Task Force").

(2) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(i) that identify funds from current agency missions and budgets; and

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (d).

(4) WORKING GROUPS.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(5) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group of the Task Force.

(f) MISSISSIPPI RIVER GULF OUTLET.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for modifying the Mississippi River Gulf Outlet that addresses—

(A) wetland losses attributable to the Mississippi River Gulf Outlet;

(B) channel bank erosion;

(C) hurricane storm surges;

(D) saltwater intrusion;

(E) navigation interests; and

(F) environmental restoration.

(2) REPORT.—[The] *If necessary, the* Secretary, in conjunction with the Chief of Engineers, shall submit to Congress a report recommending modifications to the Mississippi River Gulf Outlet, including measures to prevent the intrusion of saltwater into the Outlet.

(g) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall establish a coastal Louisiana ecosystem science and technology program.

(2) PURPOSES.—The purposes of the program established by paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana; and

(C) to identify and develop technologies, models, and methods to carry out this [subsection] *section*.

(3) WORKING GROUPS.—The Secretary may establish such working groups as the Secretary determines to be necessary to assist the Secretary in carrying out this subsection.

(4) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with an individual or entity (including a consortium of academic institutions in Louisiana [and Mississippi]) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(h) ANALYSIS OF BENEFITS.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.

(2) DETERMINATION OF COST-EFFECTIVENESS.—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.

[(i) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify the cause of any degradation of the Louisiana Coastal Area ecosystem that occurs as a result of an activity under this section.

(j) REPORT.—Not later than July 1, 2006, the Secretary, in conjunction with the Chief of Engineers, shall submit to Congress a report describing the features included in table 3 of the report described in subsection (a).]

(i) STUDIES.—

(1) DEGRADATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify—

(A) the cause of any degradation of the Louisiana Coastal Area ecosystem that occurred as a result of an activity approved by the Secretary; and

(B) the sources of the degradation.

(2) FINANCE.—On completion, and taking into account the results, of the study conducted under paragraph (1), the Secretary, in consultation with the non-Federal interest, shall study—

(A) financing alternatives for the program authorized under subsection (a); and

(B) potential reductions in the expenditure of Federal funds in emergency responses that would occur as a result of ecosystem restoration in the Louisiana Coastal Area.

(j) REPORT.—Not later than July 1, 2006, the Secretary shall submit to Congress a feasibility report on the features included in table 3 of the report described in subsection (a).

(k) PROJECT MODIFICATIONS.—

(1) REVIEW.—The Secretary, in cooperation with any non-Federal interest, shall review each federally-authorized water resources project in the coastal Louisiana area in existence on the date of enactment of this Act to determine whether—

(A) each project is in accordance with the program under subsection (a); and

(B) the project could contribute to ecosystem restoration under subsection (a) through modification of the operations or features of the project.

(2) AUTHORIZATION.—Subject to paragraphs (3) and (4), the Secretary may carry out the modifications described in paragraph (1)(B).

[(2)] *(3)* PUBLIC NOTICE AND COMMENT.—Before [modifying an operation or feature of a project under paragraph (1)(B),] *completing the report required under paragraph (4)*, the Secretary shall provide an opportunity for public notice and comment.

[(3)] *(4)* REPORT.—

(A) IN GENERAL.—Before modifying an operation or feature of a project under paragraph (1)(B), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the modification.

(B) INCLUSION.—A report under [paragraph (2)(B)] *subparagraph (A)* shall include such information relating to the timeline and cost of a modification as the Secretary determines to be relevant.

[(4)] *(5)* AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000.

SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River basin, Grubbs, Arkansas.

SEC. 1005. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) LITTLE ROCK PORT, ARKANSAS.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

(2) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(3) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(4) MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

(5) OUTER CHANNEL AND INNER HARBOR, MENOMINEE, WISCONSIN.—Project for navigation, Menominee Harbor, Michigan and Wisconsin.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(2) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

(3) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.

Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

[(1) by striking "**SEC. 221** (a) After" and inserting the following:

"SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.

"(a) COOPERATION OF NON-FEDERAL INTEREST.—

"(1) IN GENERAL.—After"; and

(2) in subsection (a)—

(A) by striking "In any" and inserting the following:

"(2) FUTURE APPROPRIATIONS.—In any"; and

(B) by adding at the end the following:]

*(1) by striking "**SEC. 221**" and inserting the following:*

"SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS."

; and

(2) by striking subsection (a) and inserting the following:

"(a) COOPERATION OF NON-FEDERAL INTEREST.—

"(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

"(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.

"(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

"[(3)] *(4)* CREDIT FOR IN-KIND CONTRIBUTIONS.—

"(A) IN GENERAL.—An agreement under paragraph (1) shall provide that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented under general continuing authority, the value of in-kind contributions made by the non-Federal interest, including—

"(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project; and

"(ii) the value of materials or services provided before execution of an agreement for the project, including—

"(I) efforts on constructed elements incorporated into the project; and

"(II) materials and services provided after an agreement is executed.

"(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

"(C) LIMITATIONS.—Credit authorized for a project—

"(i) shall not exceed the non-Federal share of the cost of the project;

"(ii) shall not alter any other requirement that a non-Federal interest provide land, an easement or right-of-way, or an area for disposal of dredged material for the project; and

"(iii) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.".

SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.";

(2) in subsection (b), by striking "Secretary of State" and inserting "Department of State"; and

(3) in subsection (d)—

(A) by striking "**$250,000** for fiscal year 2001" and inserting "**$1,000,000** for fiscal year 2006"; and

(B) by striking "or international organizations" and inserting ", international organizations, or foreign governments".

SEC. 2003. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals from *the non-Federal interest, including* the private sector, in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) EXPENSES.—

(1) IN GENERAL.—An individual from [the private sector] *a non-Federal interest* attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) PAYMENTS.—Payments made by an individual for training received under paragraph (1), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) EXCESS AMOUNTS.—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

SEC. 2004. RECREATIONAL AREAS AND PROJECT SITES.

(a) CONSTRUCTION AND OPERATION OF PUBLIC PARKS AND RECREATIONAL FACILITIES IN WATER RESOURCE DEVELOPMENT PROJECTS; LEASE OF LANDS; PREFERENCE FOR USE; PENALTY; APPLICATION OF SECTION 3401 OF TITLE 18, UNITED STATES CODE; CITATIONS AND ARRESTS WITH AND WITHOUT PROCESS; LIMITATIONS; DISPOSITION OF RECEIPTS.—Section 4 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (16 U.S.C. 460d) is amended—

(1) in the second sentence—

(A) by striking "*Provided*, That leases" and all that follows through "premises" and inserting the following: "*Provided*, That any new lease granted under this section to a nonprofit organization for park and recreational purposes, and any new lease or license granted to a Federal, State, or local governmental agency for any public purpose, shall include a provision requiring that consideration for the grant of the lease or license shall be at least sufficient to pay the costs of administering the grant, as determined by the Secretary of the Army"; and

(B) by striking "*Provided further*, That preference" and all that follows through "*And provided*" and inserting "*Provided*"; and

(2) by striking the last sentence and inserting the following: "Any funds received by the United States for a lease or privilege granted under this section shall be deposited and made available in accordance with section 210 of the Flood Control Act of 1968 (16 U.S.C. 460d–3).".

(b) RECREATIONAL USER FEES.—Section 210 of the Flood Control Act of 1968 (16 U.S.C. 460d–3) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary of the Army shall carry out a recreation user fee program to recover from users of recreation areas and project sites under the jurisdiction of the Corps of Engineers the portion of costs associated with operating and maintaining those recreation areas and project sites.";

(2) in subsection (b)—

(A) in the subsection heading, by inserting "ADMISSION AND USER" before "FEES";

(B) by striking paragraphs (3) and (4);

(C) by redesignating paragraph (2) as paragraph (3);

(D) in paragraph (1), by striking "but excluding" and all that follows and inserting the following: ", including fees—

"(A) for admission to the recreation area or project site of an individual or group; and

"(B) for the use by an individual or group of an outdoor recreation area, a facility, a visitors' center, a piece of equipment, or a service at the recreation area or project site.";

(E) by inserting after paragraph (1) the following:

"(2) Amount.—The Secretary of the Army shall determine the amount of a fee established and collected under paragraph (1) based on the fair market value, taking into consideration any comparable recreation fee for admission to, or use of, the recreation area or project site.";

(F) in paragraph (3) (as redesignated by subparagraph (C))—

(i) by striking "picnic tables";

(ii) by striking "surface water areas"; and

(iii) by striking "or general visitor information" and inserting "general visitor information, or a project site or facility that includes only a boat launch ramp and a courtesy dock"; and

(G) by inserting after paragraph (3) (as redesignated by subparagraph (C)) the following:

"(4) Contracts and services.—The Secretary of the Army may—

"(A) enter into a contract (including a contract that provides for a reasonable commission, as determined by the Secretary) with any public or private entity to provide a visitor service for a recreation area or project site under this section, including the taking of reservations and the provision of information regarding the recreation area or project site; and

"(B) accept the services of a volunteer to collect a fee established and collected under paragraph (1).

"(5) Deposit into treasury account.—

"(A) In general.—Any fee collected under this subsection shall—

"(i) be deposited into the Treasury account for the Corps of Engineers established by section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(i)(1)(A)); and

"(ii) be made available until expended to the Secretary of the Army, without further appropriation, for use for the purposes described in section 4(i)(3) of that Act (16 U.S.C. 460*l*–6a(i)(3)).

"(B) Limitation.—Not more than 80 percent of a fee established and collected at a recreational area or project site under this subsection shall be made available to pay the costs of a water resources development project under the jurisdiction of the Corps of Engineers located at the recreational area or project site."; and

(3) by adding at the end the following:

"(c) Other Fees.—Any fee established and collected at a recreational area or project site under subsection (b) shall be considered to be established and collected in lieu of a similar fee established and collected at the recreational area or project site under any other provision of law.".

(c) Admission and Use Fees; Establishment and Regulations.—Section 4(i)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(i)(3)) is amended—

(1) in the first sentence, by striking "For" and inserting the following:

"(A) In general.—For";

(2) by striking the second sentence and inserting the following:

"(B) Use of funds.—To the maximum extent practicable, funds under this subsection shall be used for a purpose described in subparagraph (A) that is directly related to the activity through which the funds were generated, including water-based recreational activities and camping."; and

(3) by adding at the end the following:

"(C) Department of army sites.—Any funds under this subsection may be used at a project site of the Department of the Army to pay the costs of—

"(i) a repair or maintenance project (including a project relating to public health and safety);

"(ii) an interpretation project;

"(iii) signage;

"(iv) habitat or facility enhancement;

"(v) resource preservation;

"(vi) annual operation (including collection of fees and costs of administering grants under section 4 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (16 U.S.C. 460d);

"(vii) law enforcement relating to public use; and

"(viii) planning.".

(d) Conforming Amendment.—Section 225 of the Water Resources Development Act of 1999 (16 U.S.C. 460*l*–6a note; Public Law 106–53) is repealed.

SEC. 2005. FISCAL TRANSPARENCY REPORT.

(a) In General.—On the third Tuesday of January of each year beginning January 2006, the Chief of Engineers shall submit to the Committee of Environment and Public Works of the Senate and the Transportation and Infrastructure Committee of the House of Representatives a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year.

(b) Contents.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

SEC. 2006. PLANNING.

(a) Matters to Be Addressed in Planning.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—

(1) by striking "Enhancing" and inserting the following:

"(a) In General.—Enhancing"; and

(2) by adding at the end the following:

"(b) Assessments.—For all feasibility reports completed after December 31, 2005, the Secretary shall assess whether—

"(1) the water resource project and each separable element is cost-effective; and

"(2) the water resource project complies with Federal, State, and local laws (including regulations) and public policies.".

(b) Feasibility Reports.—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended—

(1) in subsection (a), by inserting before "This subsection shall not apply" the following: "The Secretary shall establish a plan and schedule to periodically update and revise the planning guidelines, regulations, and circulars of the Corps of Engineers to improve the analysis of water resource projects, including the integration of new and existing analytical techniques that properly reflect the probability of project benefits and costs, as the Secretary determines appropriate."; and

(2) by striking subsection (c) and inserting the following:

"(c) Cost-Benefit Analysis.—Recommendation of a feasibility study shall be based on an analysis of the benefits and costs, both quantified and unquantified, that—

"(1) identifies areas of risk and uncertainty in the analysis;

"(2) clearly describes the degree of reliability of the estimated benefits and costs of the effectiveness of alternative plans, including an assessment of the credibility of the physical project construction schedule as the schedule affects the estimated benefits and costs;

"(3) identifies national, regional, and local economic costs and benefits;

"(4) identifies environmental costs and benefits, including the costs and benefits of protecting or degrading natural systems;

"(5) identifies social costs and benefits, including a risk analysis regarding potential loss of life that may result from flooding and storm damage; and

"(6) identifies cultural and historical costs and benefits.".

(c) Planning Process Improvements.—The Chief of Engineers—

(1) shall, not later than 2 years after the date on which the feasibility study cost sharing agreement is signed for a project, subject to the availability of appropriations—

(A) complete the feasibility study for the project; and

(B) sign the report of the Chief of Engineers for the project;

(2) may, with the approval of the Secretary, extend the deadline established under paragraph (1) for not to exceed 4 years, for a complex or controversial study;

(3)(A) shall adopt a risk analysis approach to project cost estimates; and

(B) not later than 1 year after the date of enactment of this Act, shall—

(i) issue procedures for risk analysis for cost estimation; and

(ii) submit to Congress a report that includes suggested amendments to section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280); and

(4) shall—

(A) identify and review all critical methods, models, and procedures used in the planning process of the Corps of Engineers to formulate and evaluate water resource projects;

(B) identify other existing or new methods, models, or procedures that may enhance the water resource planning process;

(C) establish a systematic process for evaluating and validating the effectiveness and efficiency of all methods, models, and procedures;

(D) develop and maintain a set of approved methods, models, and procedures to be applied to the water resource planning process across the Corps of Engineers;

(E) develop and maintain effective systems for technology transfer and support to provide state-of-the-art skills and knowledge to the workforce; and

(F) identify the discrete elements of studies and establish benchmarks for the resources required to implement elements to improve the timeliness and effectiveness of the water resource planning process.

(d) Project Planning.—

(1) Objectives.—

(A) Flood and hurricane and storm damage reduction and navigation projects.—The Federal objective of any study of the feasibility of a water resource project carried out by the Secretary for flood damage reduction, hurricane and storm damage reduction, or navigation shall be to maximize the net national economic development benefits associated with the project, consistent with protecting the environment of the United States.

(B) Ecosystem restoration projects.—The Federal objective of any study of the feasibility of a water resource project for ecosystem restoration carried out by the Secretary shall be to maximize the net national ecosystem restoration benefits associated with the project, consistent with national economic development of the United States.

(C) Projects with multiple purposes.—In the case of a study that includes multiple project purposes, the primary and other project purposes shall be evaluated based on the relevant Federal objective identified under subparagraphs (A) and (B).

(D) Selection of project alternatives.—

(i) In general.—Notwithstanding the Federal objectives identified in this paragraph, the Secretary may select a project alternative that does not maximize net benefits if there is an overriding reason for selection of the alternative that is based on other Federal, State, local, or international concerns.

(ii) Flood and hurricane and storm damage reduction and navigation projects.—With respect to a water resource project described in subparagraph (A), an overriding reason for selecting a project alternative other than the alternative that maximizes national economic development benefits may be, as determined by the Secretary, with the concurrence of the non-Federal interest, that the other project alternative is feasible and achieves the project purposes but provides greater ecosystem restoration benefits or less adverse environmental impacts.

(iii) Ecosystem restoration projects.—With respect to a water resource project described in subparagraph (B), an overriding reason for selecting a project alternative other than the project alternative that maximizes national ecosystem restoration benefits may be, as determined by the Secretary, with the concurrence of the non-Federal interest, that the other project alternative is feasible and achieves the project purpose but provides greater economic development benefits or less adverse economic impacts.

(2) Identifying additional benefits and projects.—

(A) Primarily economic benefits.—In conducting a study of the feasibility of a project the primary benefits of which are expected to be economic, the Secretary may—

(i) identify ecosystem restoration benefits that may be achieved in the study area; and

(ii) after obtaining the participation of a non-Federal interest, study and recommend construction of additional measures, a separate project, or separable element, to achieve those benefits.

(B) Primarily ecosystem restoration benefits.—In conducting a study of the feasibility of a project the primary benefits of which are expected to be associated with ecosystem restoration, the Secretary may—

(i) identify economic benefits that may be achieved in the study area; and

(ii) after obtaining the participation of a non-Federal interest, study and recommend construction of additional measures, a separate project, or separable element, to achieve those benefits.

(C) Rules applicable to identified separate projects and elements.—

(i) In general.—Any additional measure, separable project, or element identified under subparagraph (A) or (B) and recommended for construction shall not be considered integral to the underlying project under study unless the Secretary determines, and the non-Federal interest agrees, that the measure, project, or element, is integral.

(ii) Partnership agreement.—If authorized, the measure, project, or element shall be subject to a separate partnership agreement, unless the non-Federal interest agrees to share in the cost of the additional measure, project, or separable element.

(3) Calculation of benefits and costs for flood damage reduction projects.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(A) a calculation of the residual risk of flooding following completion of the proposed project;

(B) a calculation of any upstream or downstream impacts of the proposed project; and

(C) calculations to ensure that the benefits and costs associated with structural and nonstructural alternatives are evaluated in an equitable manner.

(e) Centers of Specialized Planning Expertise.—

(1) Establishment.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resource projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.

(2) Duties.—A center of expertise established under this subsection shall—

(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;

(B) provide peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies;

(C) provide support for external peer review panels convened by the Secretary; and

(D) carry out such other duties as are prescribed by the Secretary.

(f) Completion of Corps of Engineers Reports.—

(1) Alternatives.—

(A) In general.—Feasibility and other studies and assessments of water resource problems and projects shall include recommendations for alternatives—

(i) that, as determined by the non-Federal interests for the projects, promote integrated water resources management; and

(ii) for which the non-Federal interests are willing to provide the non-Federal share for the studies or assessments.

(B) Scope and purposes.—The scope and purposes of studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy as a result of the inclusion of alternatives described in that subparagraph.

(C) No effect on authority of chief.—The Chief of Engineers—

(i) shall not, in the completion of reports of the Chief of Engineers to Congress, be subject to direction as to the contents, findings, or recommendation of the reports; and

(ii) shall be solely responsible for—

(I) those reports; and

(II) any related recommendations, including evaluations and recommendations for changes in law or policy that may be appropriate to attain the best technical solutions to water resource needs and problems.

(2) Report completion.—The completion of a report of the Chief of Engineers for a project—

(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and

(B) shall be submitted, upon completion, to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(g) Completion Review.—

(1) In general.—Except as provided in paragraph (2), not later than 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, the Secretary shall—

(A) review the report; and

(B) provide any recommendations of the Secretary regarding the water resource project to Congress.

(2) Prior reports.—Not later than 90 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resource project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide recommendations to Congress for, the report in accordance with paragraph (1).

SEC. 2007. INDEPENDENT REVIEWS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ORGANIZATION.—The term "eligible organization" means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

(2) PROJECT STUDY.—

(A) IN GENERAL.—The term "project study" means a feasibility study or reevaluation study for a project.

(B) INCLUSIONS.—The term "project study" includes any other study associated with a modification or update of a project that includes an environmental impact statement or an environmental assessment.

(b) PEER REVIEWS.—

(1) POLICY.—

(A) IN GENERAL.—Major engineering, scientific, and technical work products related to Corps of Engineers decisions and recommendations to Congress should be peer reviewed.

(B) APPLICATION.—This policy—

(i) applies to peer review of the scientific, engineering, or technical basis of the decision or recommendation; and

(ii) does not apply to the decision or recommendation itself.

(2) GUIDELINES.—

(A) IN GENERAL.—Not later than the date that is 1 year after the date of enactment of this Act, the Chief of Engineers shall publish and implement guidelines to Corps of Engineers Division and District Engineers for the use of peer review (including external peer review) of major scientific, engineering, and technical work products that support the recommendations of the Chief to Congress for implementation of water resources projects.

(B) INFORMATION QUALITY ACT.—The guidelines shall be consistent with the Information Quality Act (section 515 of Public Law 106–554), as implemented in Office of Management and Budget, Revised Information Quality Bulletin for Peer Review, dated December 15, 2004.

(C) REQUIREMENTS.—The guidelines shall adhere to the following requirements:

(i) APPLICATION OF PEER REVIEW.—Peer review shall—

(I) be applied only to the engineering, scientific, and technical basis for recommendations; and

(II) shall not be applied to—

(aa) a specific recommendation; or

(bb) the application of policy to recommendations.

(ii) ANALYSES AND EVALUATIONS IN MULTIPLE PROJECT STUDIES.—Guidelines shall provide for conducting and documenting peer review of major scientific, technical, or engineering methods, models, procedures, or data that are used for conducting analyses and evaluations in multiple project studies.

(iii) INCLUSIONS.—Peer review applied to project studies may include a review of—

(I) the economic and environmental assumptions and projections;

(II) project evaluation data;

(III) economic or environmental analyses;

(IV) engineering analyses;

(V) methods for integrating risk and uncertainty;

(VI) models used in evaluation of economic or environmental impacts of proposed projects; and

(VII) any related biological opinions.

(iv) EXCLUSION.—Peer review applied to project studies shall exclude a review of any methods, models, procedures, or data previously subjected to peer review.

(v) TIMING OF REVIEW.—Peer review related to the engineering, scientific, or technical basis of any project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(vi) DELAYS; INCREASED COSTS.—Peer reviews shall be conducted in a manner that does not—

(I) cause a delay in study completion; or

(II) increase costs.

(vii) RECORD OF RECOMMENDATIONS.—

(I) IN GENERAL.—After receiving a report from any peer review panel, the Chief of Engineers shall prepare a record that documents—

(aa) any recommendations contained in the report; and

(bb) any written response for any recommendation adopted or not adopted and included in the study documentation.

(II) EXTERNAL REVIEW RECORD.—If the panel is an external peer review panel of a project study, the record of the review shall be included with the report of the Chief of Engineers to Congress.

(viii) EXTERNAL PANEL OF EXPERTS.—

(I) IN GENERAL.—Any external panel of experts assembled to review the engineering, science, or technical basis for the recommendations of a specific project study shall—

(aa) complete the peer review of the project study and submit to the Chief of Engineers a report not later than 180 days after the date of establishment of the panel, or (if the Chief of Engineers determines that a longer period of time is necessary) at the time established by the Chief, but in no event later than 90 days after the date a draft project study of the District Engineer is made available for public review; and

(bb) terminate on the date of submission of the report by the panel.

(II) FAILURE TO COMPLETE REVIEW AND REPORT.—If an external panel does not complete the peer review of a project study and submit to the Chief of Engineers a report by the deadline established by subclause (I), the Chief of Engineers shall continue the project without delay.

(3) COSTS.—

(A) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(i) shall be a Federal expense; and

(ii) shall not exceed **$500,000** for review of the engineering, scientific, or technical basis for any single water resources project study.

(B) WAIVER.—The Chief of Engineers may waive the **$500,000** limitation under subparagraph (A) if the Chief of Engineers determines appropriate.

(4) REPORT.—Not later than 5 years after the date of enactment of this Act, the Chief of Engineers shall submit to Congress a report describing the implementation of this section.

(5) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to any peer review panel established by the Chief of Engineers.

(6) PANEL OF EXPERTS.—The Chief of Engineers may contract with the National Academy of Sciences (or a similar independent scientific and technical advisory organization), or an eligible organization, to establish a panel of experts to peer review for technical and scientific sufficiency.

(7) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Chief of Engineers to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

"(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.".

(b) USE OF CONSOLIDATED MITIGATION.—Section 906(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(b)) is amended by adding at the end the following:

"(3) USE OF CONSOLIDATED MITIGATION.—

"(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

"(B) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

"(C) RESPONSIBILITY RELIEVED.—Purchase of credits from a mitigation bank or conservation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.".

(c) MITIGATION PLAN CONTENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended by adding at the end the following:

"(3) CONTENTS.—A mitigation plan shall include—

"(A)(i) a description of the physical action to be undertaken to achieve the mitigation objectives in the watershed in which the losses occur; and

"(ii) in any case in which mitigation must take place outside the watershed, a justification detailing the rationale for undertaking the mitigation outside of the watershed;

"(B) a description of the quantity of types of land or interests in land that should be acquired for mitigation and the basis for a determination that the land are available for acquisition;

"(C) the type, quantity, and characteristics of the habitat being restored; and

"(D) a plan for any necessary monitoring to determine the success of the mitigation, including the cost and duration of any monitoring and, to the extent practicable, the entities responsible for the monitoring.

"(4) RESPONSIBILITY FOR MONITORING.—In any case in which it is not practicable to identify in a mitigation plan for a water resources project the entity responsible for monitoring at the time of a final report of the Chief of Engineers or other final decision document for the project, the entity shall be identified in the partnership agreement entered into with the non-Federal interest.".

(d) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the submission of the President to Congress of the request of the President for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283) and the status of that mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

SEC. 2009. STATE TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) is amended—

(1) by striking "SEC. 22. (a) The Secretary" and inserting the following:

"SEC. 22. PLANNING ASSISTANCE TO STATES.

"(a) FEDERAL STATE COOPERATION.—

"(1) COMPREHENSIVE PLANS.—The Secretary";

(2) in subsection (a), by adding at the end the following:

"(2) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to the agency or non-Federal interest in managing water resources.

"(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.";

(3) in subsection (b)(1), by striking "this section" each place it appears and inserting "subsection (a)(1)";

(4) in subsection (b)(2), by striking "up to ½ of the" and inserting "the";

(5) in subsection (c)—

(A) by striking "(c) There is" and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FEDERAL AND STATE COOPERATION.—There is";

(B) in paragraph (1) (as designated by subparagraph (A)), by striking "the provisions of this section except that not more than $500,000 shall be expended in any one year in any one State." and inserting "subsection (a)(1)."; and

(C) by adding at the end the following:

"(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) $10,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities."; and

(6) by adding at the end the following:

"(e) ANNUAL SUBMISSION.—For each fiscal year, based on performance criteria developed by the Secretary, the Secretary shall list in the annual civil works budget submitted to Congress the individual activities proposed for funding under subsection (a)(1) for the fiscal year.".

SEC. 2010. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out a program to provide public access to water resource and related water quality data in the custody of the Corps of Engineers.

(b) DATA.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resource project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.

SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) IN GENERAL.—Section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(6)) is amended by adding at the end following:

"(E) BUDGET PRIORITY.—

"(i) IN GENERAL.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

"(ii) COMPLETED PROJECT.—A completed project shall have the same priority as a project with a contractor on site.".

(b) CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.—Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

"(9) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

"(10) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Holman Field), St. Paul, Minnesota.

"(11) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas, authorized by the first section of the Act of June 20, 1938 (52 Stat. 804, chapter 535) (commonly known as the 'River and Harbor Act of 1938') and modified by section 3a of the Act of August 11, 1939 (53 Stat. 1414, chapter 699) (commonly known as the 'Flood Control Act of 1939'), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

"(12) HALLS BAYOU, TEXAS.—The Halls Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (33 U.S.C. 2201 note), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.".

SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

"(a) IN GENERAL.—In connection with sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary, acting through the Chief of Engineers, shall develop Regional Sediment Management plans and carry out projects at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects, for—

"(1) the protection of property;

"(2) the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands; and

"(3) the transport and placement of suitable sediment

"(b) SECRETARIAL FINDINGS.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—

"(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

"(2) the project would not result in environmental degradation.

"(c) DETERMINATION OF PLANNING AND PROJECT COSTS.—

"(1) IN GENERAL.—In consultation and cooperation with the appropriate Federal, State, regional, and local agencies, the Secretary, acting through the Chief of Engineers, shall develop at Federal expense plans and projects for regional management of sediment obtained in conjunction with construction, operation, and maintenance of Federal water resources projects.

"(2) COSTS OF CONSTRUCTION.—

"*(A) In general.*—Costs associated with construction of a project under this section or identified in a Regional Sediment Management plan shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

"*(B) Cost sharing.*—The determination of any non-Federal share of the construction cost shall be based on the cost sharing as specified in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for the type of Federal water resource project using the dredged resource.

["(3) TOTAL COST.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.]

"*(C) Total cost.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.*

"[(4)] *(3)* OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION COSTS.—Operation, maintenance, replacement, and rehabilitation costs associated with a project are a non-Federal sponsor responsibility.

"(d) SELECTION OF SEDIMENT DISPOSAL METHOD FOR ENVIRONMENTAL PURPOSES.—

"(1) IN GENERAL.—In developing and carrying out a Federal water resources project involving the disposal of material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion.

"(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

"(e) STATE AND REGIONAL PLANS.—The Secretary, acting through the Chief of Engineers, may—

"(1) cooperate with any State in the preparation of a comprehensive State or regional coastal sediment management plan within the boundaries of the State;

"(2) encourage State participation in the implementation of the plan; and

"(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

"(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

"(1) Fire Island Inlet, Suffolk County, New York;

"(2) Fletcher Cove, California;

"(3) Delaware River Estuary, New Jersey and Pennsylvania; and

"(4) Toledo Harbor, Lucas County, Ohio.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **$30,000,000** during each fiscal year, to remain available until expended, for the Federal costs identified under subsection (c), of which up to **$5,000,000** shall be used for the development of regional sediment management plans as provided in subsection (e).

"(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) EXISTING PROJECTS.—The Secretary, acting through the Chief of Engineers, may complete any project being carried out under section 145 on the day before the date of enactment of this Act.

SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), is amended to read as follows:

"SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

"(a) CONSTRUCTION OF SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.—

"(1) IN GENERAL.—The Secretary may carry out construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

"(2) LOCAL COOPERATION.—The local cooperation requirement under the first section of this Act shall apply to a project under this section.

"(3) COMPLETENESS.—A project under this section—

"(A) shall be complete; and

"(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project, except for participation in periodic beach nourishment in accordance with—

"(i) the first section of this Act; and

"(ii) the procedure for projects authorized after submission of a survey report.

"(b) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall conduct a national shoreline erosion control development and demonstration program (referred to in this section as the 'program').

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The program shall include provisions for—

"(i) projects consisting of planning, design, construction, and adequate monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

"(ii) detailed engineering and environmental reports on the results of each project carried out under the program; and

"(iii) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

"(B) DETERMINATION OF FEASIBILITY.—A project under this section shall not be carried out until the Secretary, acting through the Chief of Engineers, determines that the project is feasible.

"(C) EMPHASIS.—A project carried out under the program shall emphasize, to the maximum extent practicable—

"(i) the development and demonstration of innovative technologies;

"(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

"(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

"(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

"(v) the avoidance of negative impacts to adjacent shorefront communities;

"(vi) the potential for long-term protection afforded by the technology; and

"(vii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962–5 note; 88 Stat. 26), including—

"(I) adequate consideration of the subgrade;

"(II) proper filtration;

"(III) durable components;

"(IV) adequate connection between units; and

"(V) consideration of additional relevant information.

"(D) SITES.—

"(i) IN GENERAL.—Each project under the program shall be carried out at—

"(I) a privately owned site with substantial public access; or

"(II) a publicly owned site on open coast or in tidal waters.

"(ii) SELECTION.—The Secretary, acting through the Chief of Engineers, shall develop criteria for the selection of sites for projects under the program, including criteria based on—

"(I) a variety of geographic and climatic conditions;

"(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

"(III) the rate of erosion;

"(IV) significant natural resources or habitats and environmentally sensitive areas; and

"(V) significant threatened historic structures or landmarks.

"(3) CONSULTATION.—The Secretary, acting through the Chief of Engineers, shall carry out the program in consultation with—

"(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

"(B) Federal, State, and local agencies;

"(C) private organizations;

"(D) the Coastal Engineering Research Center established by the first section of Public Law 88–172 (33 U.S.C. 426–1); and

"(E) *applicable* university research facilities.

"(4) COMPLETION OF DEMONSTRATION.—After carrying out the initial construction and evaluation of the performance and lifecycle cost of a demonstration project under this section, the Secretary, acting through the Chief of Engineers, may—

"(A) at the request of a non-Federal interest of the project, amend the agreement for a federally-authorized shore protection project in existence on the date on which initial construction of the demonstration project is complete to incorporate the demonstration project as a feature of the shore protection project, with the future cost of the demonstration project to be determined by the cost-sharing ratio of the shore protection project; or

"(B) transfer all interest in and responsibility for the completed demonstration project to the non-Federal or other Federal agency interest of the project.

"(5) AGREEMENTS.—The Secretary, acting through the Chief of Engineers, may enter into an agreement with the non-Federal or other Federal agency interest of a project under this section—

"(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the program;

"(B) to share the costs of removing a project or project element constructed under the program, if the Secretary determines that the project or project element is detrimental to private property, public infrastructure, or public safety; or

"(C) to specify ownership of a completed project that the Chief of Engineers determines will not be part of a Corps of Engineers project.

"(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and submit to the Committee on Environment and Public works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

"(A) the activities carried out and accomplishments made under the program during the preceding year; and

"(B) any recommendations of the Secretary relating to the program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than **$30,000,000** during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under the program.

"(2) Limitation.—The total amount expended for a project under this section shall—

"(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

"(B) be not more than $3,000,000.".

(b) Repeal.—Section 5 the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.

SEC. 2014. SHORE PROTECTION PROJECTS.

(a) In General.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426) and notwithstanding administrative actions, it is the policy of the United States to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) Preference.—In carrying out the policy, preference shall be given to—

(1) areas in which there has been a Federal investment of funds; and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) Applicability.—The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects in existence on the date of enactment of this Act).

SEC. 2015. COST SHARING FOR MONITORING.

(a) In General.—Costs incurred for monitoring for an ecosystem restoration project shall be cost-shared—

(1) in accordance with the formula relating to the applicable original construction project; and

(2) for a maximum period of 10 years.

(b) Aggregate Limitation.—Monitoring costs for an ecosystem restoration project—

(1) shall not exceed in the aggregate, for a 10-year period, an amount equal to 5 percent of the cost of the applicable original construction project; and

(2) after the 10-year period, shall be 100 percent non-Federal.

SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.

For each of the following projects, the Corps of Engineers shall include ecosystem restoration benefits in the calculation of benefits for the project:

(1) Grayson's Creek, California.

(2) Seven Oaks, California.

(3) Oxford, California.

(4) Walnut Creek, California.

(5) Wildcat Phase II, California.

SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND PROCESSING OF PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended by striking "In fiscal years 2001 through 2003, the" and inserting "The".

SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Corps of Engineers.

(b) Limitations.—This section does not preclude the submission of a hard copy, as required.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT CORPS OF ENGINEERS RESERVOIRS.

(a) In General.—As part of the operation and maintenance, by the Corps of Engineers, of reservoirs in operation as of the date of enactment of this Act, the Secretary shall carry out the measures described in subsection (c) to support the water resource needs of project sponsors and any affected State, local, or tribal government for authorized project purposes.

(b) Cooperation.—The Secretary shall carry out the measures described in subsection (c) in cooperation and coordination with project sponsors and any affected State, local, or tribal government.

(c) Measures.—In carrying out this section, the Secretary may—

(1) conduct a study to identify unused, underused, or additional water storage capacity at reservoirs;

(2) review an operational plan and identify any change to maximize an authorized project purpose to improve water storage capacity and enhance efficiency of releases and withdrawal of water;

(3) improve and update data, data collection, and forecasting models to maximize an authorized project purpose and improve water storage capacity and delivery to water users; and

(4) conduct a sediment study and implement any sediment management or removal measure.

(d) Revenues.—

(1) In general.—Revenues collected in connection with water storage for municipal or industrial water supply at a reservoir operated by the Corps of Engineers for navigation, flood control, or multiple purpose projects shall be credited to the revolving fund established under section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 701b–10).

(2) Availability.—

(A) District from which revenue is received.—

(i) In general.—Subject to clause (ii), 80 percent of the revenue received from each District of the Corps of Engineers shall be available for defraying the costs of planning, operation, maintenance, replacements, and upgrades of, and emergency expenditures for, any facility of the Corps of Engineers projects within that District.

(ii) Source of payments.—With respect to each activity described in clause (i), costs of planning, operation, maintenance, replacements, and upgrades of a facility of the Corps of Engineers for the project shall be paid from available revenues received from **[the]** *that* project.

(B) Agency-wide.—20 percent of the revenue received from each District of the Corps of Engineers shall be available agency-wide for defraying the costs of planning, operation, maintenance, replacements, and upgrades of, and emergency expenditures for, all Corps of Engineers projects.

(3) Special cases.—

(A) Costs of water supply storage.—In the case of a reservoir operated or maintained by the Corps of Engineers on the date of enactment of this Act, the storage charge for a future contract or contract renewal for the first cost of water supply storage at the reservoir shall be the lesser of the estimated cost of purposes foregone, replacement costs, or the updated cost of storage.

(B) Reallocation.—In the case of a water supply that is reallocated from another project purpose to municipal or industrial water supply, the joint use costs for the reservoir shall be adjusted to reflect the reallocation of project purposes.

(C) Credit for affected project purposes.—In the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

SEC. 2020. CORPS OF ENGINEERS HYDROPOWER OPERATION AND MAINTENANCE FUNDING.

(a) In General.—Notwithstanding the last sentence of section 5 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 890, chapter 665; 16 U.S.C. 825s), the 11th paragraph under the heading "Office of the Secretary" in title I of the Act of October 12, 1949 (63 Stat. 767, chapter 680; 16 U.S.C. 825s–1), the matter under the heading "Continuing fund, Southeastern Power Administration" in title I of the Act of August 31, 1951 (65 Stat. 249, chapter 375; 16 U.S.C. 825s–2), section 3302 of title 31, United States Code, or any other law, and without further appropriation or fiscal year limitation, for fiscal year 2005 as set forth in subsection (c) and each fiscal year thereafter, the Administrator of the Southeastern Power Administration, the Administrator of the Southwestern Power Administration, and the Administrator of the Western Area Power Administration may credit to the Secretary of the Army (referred to in this section as the "Secretary"), receipts from the sale of power and related services, in an amount determined under subsection (c).

(b) Use of Funds.—

(1) In general.—The Secretary—

(A) shall, except as provided in paragraph (2), use an amount credited under subsection (a) to fund only the Corps of Engineers annual operation and maintenance activities that are allocated exclusively to the power function and assigned to the respective power marketing administration and respective project system as applicable for repayment; and

(B) shall not use an amount credited under subsection (a) for any cost allocated to a non-power function of Corps of Engineer operations.

(2) Exception.—The Secretary may use an amount credited by the Southwestern Power Administration under subsection (a) for capital and nonrecurring costs and may use an amount credited by Southeastern Power Administration for capital and nonrecurring costs, if no credit exceeds the rates on file at the Federal Energy Regulatory Commission for the Southeastern Power Administration.

(c) Amount.—The amount credited under subsection (a) shall be equal to an amount that—

(1) the Secretary requests; and

(2) the appropriate Administrator, in consultation with the Secretary and the power customers of the power marketing administration of the Administrator, determines to be appropriate to apply to the costs referred to in subsection (b).

(d) Consultation.—

(1) Time frame.—Not later than the date that is 20 days after the date of enactment of

this Act, the appropriate Administrator shall submit to the Appropriations Committee a report describing the time frame during which the consultation process described in subsection (c) shall be completed.

(2) Failure to Agree.—If the Secretary and the appropriate Administrator and customer representatives cannot agree on the amount to be credited under subsection (c), the appropriate Administrator shall determine the amount to be credited.

(e) Applicable Law.—An amount credited under subsection (a) is exempt from sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.).

SEC. 2021. FEDERAL HOPPER DREDGES.

(a) Elimination of Restriction on Use.—Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423) is amended by adding at the end the following: "This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.".

(b) Decommission.—Section 563 of the Water Resources Development Act of 1996 (110 Stat. 3784) is amended to read as follows:

"SEC. 563. HOPPER DREDGE MCFARLAND.

"Not later than 1 year after the date of enactment of the Water Resources Development Act of 2005, the Secretary shall promulgate such regulations and take such actions as the Secretary determines to be necessary to decommission the Federal hopper dredge Mcfarland.".

SEC. 2022. OBSTRUCTION TO NAVIGATION.

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended by adding at the end the following: "Nothing in this section shall be construed as to provide for the regulation of activities or structures on private property, unless the Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, determines that such activity would pose a threat to the safe transit of maritime traffic.".

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) by striking "Sec. 107. (a) That the Secretary of the Army is hereby authorized to" and inserting the following:

"SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

"(a) In General.—The Secretary of the Army may";

(2) in subsection (b)—

(A) by striking "(b) Not more" and inserting the following:

"(b) Allotment.—Not more"; and

(B) by striking "**$4,000,000**" and inserting "**$7,000,000**";

(3) in subsection (c), by striking "(c) Local" and inserting the following:

"(c) Local Contributions.—Local";

(4) in subsection (d), by striking "(d) Non-Federal" and inserting the following:

"(d) Non-Federal Share.—Non-Federal";

(5) in subsection (e), by striking "(e) Each" and inserting the following:

"(e) Completion.—Each"; and

(6) in subsection (f), by striking "(f) This" and inserting the following:

"(f) Applicability.—This".

SEC. 2032. PROTECTION AND RESTORATION DUE TO EMERGENCIES AT SHORES AND STREAMBANKS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—

(1) by striking "**$15,000,000**" and inserting "**$20,000,000**"; and

(2) by striking "**$1,000,000**" and inserting "**$1,500,000**".

SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.";

(2) in subsection (a), by striking "an aquatic" and inserting "a freshwater aquatic"; and

(3) in subsection (e), by striking "$25,000,000" and inserting "$75,000,000".

SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.";

and

(2) in subsection (h), by striking "25,000,000" and inserting "$50,000,000".

SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COASTAL HABITATS.

(a) In General.—The Secretary may carry out an estuary habitat restoration project if the Secretary determines that the project—

(1) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902));

(2) is in the public interest; and

(3) is cost-effective.

(b) Cost Sharing.—The non-Federal share of the cost of construction of any project under this section—

(1) shall be 35 percent; and

(2) shall include the costs of all land, easements, rights-of-way, and necessary relocations.

(c) Agreements.—Construction of a project under this section shall commence only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required under subsection (b); and

(2) in accordance with regulations promulgated by the Secretary, 100 percent of the costs of any operation, maintenance, replacement, or rehabilitation of the project.

(d) Limitation.—Not more than $5,000,000 in Federal funds may be allocated under this section for a project at any 1 location.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section **$25,000,000** for each fiscal year beginning after the date of enactment of this Act.

SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354-355) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

"(a) Definition of Non-Federal Interest.—In this section, the term 'non-Federal interest' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).";

(4) in subsection (b) (as redesignated by paragraph (2)), by—

(A) by inserting ", and construction" before "assistance"; and

(B) by inserting ", including, with the consent of the affected local government, nonprofit entities," after "non-Federal interests";

(5) in paragraph (3) of subsection (c) (as redesignated by paragraph (2))—

(A) by inserting "physical hazards and" after "adverse"; and

(B) by striking "drainage from";

(6) in subsection (d) (as redesignated by paragraph (2)), by striking "50" and inserting "25"; and

(7) by adding at the end the following:

"(g) Operation and Maintenance.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

"(h) No Effect on Liability.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

"(i) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section for each fiscal year **$45,000,000**, to remain available until expended.".

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION OR REMOVAL OF DAMS.

(a) In General.—The Secretary may carry out a small dam removal or rehabilitation project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.

(b) Cost Sharing.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(c) Agreements.—Construction of a project under this section shall be commenced only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

(d) Cost Limitation.—Not more than **$5,000,000** in Federal funds may be allotted under this section for a project at any single location.

(e) Funding.—There is authorized to be appropriated to carry out this section **$25,000,000** for each fiscal year.

SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.

(a) In General.—The Secretary shall develop eligibility criteria for Federal participation in navigation projects located in economically disadvantaged communities that are—

(1) dependent on water transportation for subsistence; and

(2) located in—

(A) remote areas of the United States;

(B) American Samoa;

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Commonwealth of Puerto Rico; or

(F) the United States Virgin Islands.

(b) Administration.—The criteria developed under this section—

(1) shall—

(A) provide for economic expansion; and

(B) identify opportunities for promoting economic growth; and

(2) shall not require project justification solely on the basis of National Economic Development benefits received.

SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.

(a) Partnership Agreements.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) *(as amended by section 2001)* is amended—

[(1) in subsection (a)—

[(A) by striking "After the date of enactment" and inserting the following:

"[(1) In general.—After the date of enactment";

[(B) by striking "under the provisions" and all that follows through "under any other" and inserting "under any";

[(C) by inserting "partnership" after "written";

[(D) by striking "Secretary of the Army to furnish its required cooperation for" and inserting "district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of";

[(E) by inserting after "$25,000." the following:

["(2) Liquidated damages.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform."; and

[(F) by striking "In any such agreement" and inserting the following:

["(3) Obligation of future appropriations.—In any agreement described in paragraph (1)";]

[(2)] *(1)* by redesignating subsection (e) as subsection (g); and

[(3)] *(2)* by inserting after subsection (d) the following:

"(e) Public Health and Safety.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

"(1) the non-Federal interest shall pay the increased projects costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily-determined cost share; and

"(2) notwithstanding the statutorily-determined Federal share, the Secretary shall pay all increased costs remaining after payment of 20 percent of the increased costs by the non-Federal interest under paragraph (1).

"(f) Limitation.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.".

(b) Local Cooperation.—Section 912(b) of the Water Resources Development Act of 1986 (100 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by striking "shall" and inserting "may"; and

(B) by striking the second sentence; and

(2) in paragraph (4)—

(A) in the first sentence—

(i) by striking "injunction, for" and inserting the following: "injunction and payment of liquidated damages, for"; and

(ii) by striking "to collect a civil penalty imposed under this section,"; and

(B) in the second sentence, by striking "any civil penalty imposed under this section," and inserting "any liquidated damages,".

(c) Applicability.—

(1) In general.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) apply only to partnership agreements entered into after the date of enactment of this Act.

(2) Exception.—Notwithstanding paragraph (1), the district engineer for the district in which a project is located may amend the partnership agreement for the project entered into on or before the date of enactment of this Act—

(A) at the request of a non-Federal interest for a project; and

(B) if construction on the project has not been initiated as of the date of enactment of this Act.

(d) References.—

(1) Cooperation agreements.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

(2) Partnership agreements.—Any reference to a partnership agreement or project partnership agreement in this Act (other than in this section) shall be considered to be a reference to a cooperation agreement or a project cooperation agreement, respectively.

SEC. 2040. PROGRAM NAMES.

[(a) Storm and Hurricane Restoration and Impact Minimization Program.—Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g) is amended by striking "**Sec.** 3. The Secretary" and inserting the following:

"SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

["The Secretary".

[(b) *Projects to Enhance Reduction of Flooding and Obtain Risk Minimization.*]—Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking "**Sec.** 205. That the" and inserting the following:

"SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOODING AND OBTAIN RISK MINIMIZATION.

"The".

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 3002. SITKA, ALASKA.

The Thompson Harbor, Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the element, at a Federal cost of $6,300,000.

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

(a) In General.—The Secretary shall construct a new project management office located in the city of Tuscaloosa, Alabama, at a location within the vicinity of the city, at full Federal expense.

(b) Transfer of Land and Structures.—The Secretary shall sell, convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures associated with the existing project management office, if the city agrees to assume full responsibility for demolition of the existing project management office.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (a) $32,000,000.

SEC. 3004. AUGUSTA AND CLARENDON, ARKANSAS.

The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

SEC. 3005. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.

(a) In General.—The project for flood control, St. Francis River Basin, Arkansas, and Missouri, authorized the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as modified, is further modified to authorize the Secretary to undertake channel stabilization and sediment removal measures on the St. Francis River and tributaries as an integral part of the original project.

(b) No Separable Element.—The measures undertaken under subsection (a) shall not be considered to be a separable element of the project.

SEC. 3006. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI.

(a) In General.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to subsection (b), all right, title, and interest to land within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Act of May 15, 1928 (33 U.S.C. 702a et seq.) (commonly known as the "Flood Control Act of 1928").

(b) Terms and Conditions.—

(1) In general.—The conveyance by the United States under this section shall be subject to—

(A) the condition that the State of Arkansas (including the successors and assigns of the State) agree to operate, maintain, and manage the land at no cost or expense to the United States and for fish and wildlife, recreation, and environmental purposes; and

(B) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(2) Reversion.—If the State (or a successor or assign of the State) ceases to operate, maintain, and manage the land in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

SEC. 3007. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.

(a) In General.—Section 204 of the Flood Control Act of 1950 (64 Stat. 170) is amended in the matter under the heading "Red-Ouachita River Basin" by striking "at Calion, Arkansas" and inserting "improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)".

(b) Modification.—Section 3 of the Act of August 18, 1941, is amended in the second sentence of subsection (a) in the matter under the heading "Lower Mississippi River" (55 Stat. 642, chapter 377) by inserting before the period at the end the following: "*Provided*, That the Ouachita River Levees, Louisiana, authorized under the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569) shall remain as a component of the

Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535)".

SEC. 3008. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

(a) NAVIGATION CHANNEL.—The Secretary shall continue construction of the McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma, to operate and maintain the navigation channel to the authorized depth of the channel, in accordance with section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1842).

(b) MITIGATION.—

(1) IN GENERAL.—As mitigation for any incidental taking relating to the McClellan-Kerr Navigation System, the Secretary shall determine the need for, and construct modifications in, the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, including the construction of low water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled "Arkansas River Corridor Master Plan Planning Assistance to States".

(2) COST SHARING.—The non-Federal share of the cost of a project under this subsection shall be 35 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. [3008] *3009.* CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

(b) OBJECTIVES.—Mitigation under subsection (a) shall restore the pre-project capacity of the city (1,360 cubic feet per second) to release water to the Yolo Bypass, including—

(1) channel improvements;

(2) an outlet work through the west levee of the Yolo Bypass; and

(3) a new low flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. [3009] *3010.* HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to include the diked bayland parcel known as "Bel Marin Keys Unit V " at an estimated total cost of $205,226,000, with an estimated Federal cost of $153,840,000 and an estimated non-Federal cost of $51,386,000, as part of the project to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated July 19, 2004.

SEC. [3010] *3011.* LA–3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended in the third sentence by striking "January 1, 2003" and inserting "January 1, 2007".

SEC. [3011] *3012.* LARKSPUR FERRY CHANNEL, CALIFORNIA.

(a) REPORT.—The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible.

(b) AUTHORIZATION OF PROJECT.—If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. [3012] *3013.* LLAGAS CREEK, CALIFORNIA.

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to complete the project, in accordance with the requirements of local cooperation as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), at a total remaining cost of $95,000,000, with an estimated remaining Federal cost of $55,000,000, and an estimated remaining non-Federal cost of $40,000,000.

SEC. [3013] *3014.* LOS ANGELES HARBOR, CALIFORNIA.

Section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577) is amended by striking "$153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000" and inserting "$222,000,000, with an estimated Federal cost of $72,000,000 and an estimated non-Federal cost of $150,000,000".

SEC. [3014] *3015.* MAGPIE CREEK, CALIFORNIA.

(a) IN GENERAL.—Subject to subsection (b), the project for Magpie Creek, California, authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements applicable to nonstructural flood control under section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

(b) CREDITING.—The crediting allowed under subsection (a) shall not exceed the non-Federal share of the cost of the project.

SEC. [3015] *3016.* PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) GOALS AND PRINCIPLES.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled "Kings River Fisheries Management Program Framework Agreement" and dated May 29, 1999, between the California Department of Fish and Game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

(b) PARTICIPATION BY SECRETARY.—

(1) IN GENERAL.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) PROJECTS.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.

(c) NO AUTHORIZATION OF CERTAIN DAM-RELATED PROJECTS.—Nothing in this section authorizes any project for the raising of Pine Flat Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the document entitled "Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration" and dated July 19, 2002.

(e) COST SHARING.—

(1) PROJECT PLANNING, DESIGN, AND CONSTRUCTION.—The Federal share of the cost of planning, design, and construction of a project under subsection (b) shall be 65 percent.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for use in carrying out the project.

[(A)] *(B)* FORM.—The non-Federal interest may provide not more than 50 percent of the non-Federal share required under this clause in the form of services, materials, supplies, or other in-kind contributions.

(f) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. [3016] *3017.* REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA.

The Secretary may dredge the Redwood City Navigation Channel, California, on an annual basis, to maintain the authorized depth of –30 mean lower low water.

SEC. [3017] *3018.* SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall credit toward that portion of the non-Federal share of the costs of any flood damage reduction project authorized before the date of enactment of this Act that is to be paid by the Sacramento Area Flood Control Agency an amount equal to the Federal share of the flood control project authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(b) FEDERAL SHARE.—In determining the Federal share of the project authorized by section 9159(b) of that Act, the Secretary shall include all audit verified costs for planning, engineering, construction, acquisition of project land, easements, right-of-way, relocations, and environmental, mitigation for all project elements that the Secretary determines to be cost-effective.

(c) Amount Credited.—The amount credited shall be equal to the Federal share determined under this section, reduced by the total of all reimbursements paid to the non-Federal interests for work under section 9159(b) of that Act before the date of enactment of this Act.

SEC. [3018] *3019.* CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA.

(a) Conditional Declaration of Nonnavigability.—If the Secretary determines, in consultation with appropriate Federal and non-Federal entities, that projects proposed to be carried out by non-Federal entities within the portions of the San Francisco, California, waterfront described in subsection (b) are not in the public interest, the portions shall be declared not to be navigable water of the United States for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401) and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) Portions of Waterfront.—The portions of the San Francisco, California, waterfront referred to in subsection (a) are those that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures and that are located as follows: beginning at the intersection of the northeasterly prolongation of the portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet from the existing southern boundary of Pier 40 to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryan Street northwesterly; thence southwesterly along said northwesterly line of Bryant Street to the point of beginning.

(c) Requirement That Area Be Improved.—If, by the date that is 20 years after the date of enactment of this Act, any portion of the San Francisco, California, waterfront described in subsection (b) has not been bulkheaded, filled, or otherwise occupied by 1 or more permanent structures, or if work in connection with any activity carried out pursuant to applicable Federal law requiring a permit, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401), is not commenced by the date that is 5 years after the date of issuance of such a permit, the declaration of nonnavigability for the portion under this section shall cease to be effective.

SEC. [3019] *3020.* SALTON SEA RESTORATION, CALIFORNIA.

(a) Definitions.—In this section:

(1) Salton sea authority.—The term "Salton Sea Authority" means the Joint Powers Authority established under the laws of the State of California by a joint power agreement signed on June 2, 1993.

(2) Salton sea science office.—The term "Salton Sea Science Office" means the Office established by the United States Geological Survey and currently located in La Quinta, California.

(b) Pilot Projects.—

(1) In general.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine that the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372). If the Secretary makes a positive determination, the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out the pilot project for improvement of the environment in the Salton Sea, *except that the Secretary shall be a party to each contract for construction under this subsection*.

(2) Local participation.—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the Salton Sea Authority and the Salton Sea Science Office; and

(B) consider the priorities of the Salton Sea Authority.

(3) Cost sharing.—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the Salton Sea Authority that requires the non-Federal interest to—

(A) pay 35 percent of the total costs of the pilot project;

(B) acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the pilot project; and

(C) hold the United States harmless from any claim or damage that may arise from carrying out the pilot project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (b) $26,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. [3020] *3021.* UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of $212,100,000, with an estimated Federal cost of $113,300,000 and an estimated non-Federal cost of $98,800,000.

SEC. [3021] *3022.* YUBA RIVER BASIN PROJECT, CALIFORNIA.

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal share of $70,000,000 and a non-Federal share of $37,700,000.

SEC. [3022] *3023.* CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the "Charles Hervey Townshend Breakwater".

SEC. [3023] *3024.* ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.

(a) In General.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel described in subsection (b), is redesignated as an anchorage area.

(b) Description of Channel.—The channel referred to in subsection (a) may be described as beginning at a point along the western limit of the existing project, N. 188, 802.75, E. 779, 462.81, thence running northeasterly about 1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53, thence running southeasterly about 439.54 feet to a point N. 189, 319.88, E. 780, 983.98, thence running southwesterly about 831.58 feet to a point N. 188, 864.63, E. 780, 288.08, thence running southeasterly about 567.39 feet to a point N. 188, 301.88, E. 780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

SEC. [3024] *3025.* NORWALK HARBOR, CONNECTICUT.

(a) In General.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subsection (b), are not authorized.

(b) Description of Portions.—The portions of the channel referred to in subsection (a) are as follows:

(1) Rectangular portion.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a point N. 104,165.85, E. 417,662.71, thence running south 24°06′55″ E. 395.00 feet to a point N. 103,805.32, E. 417,824.10, thence running south 00°38′06″ E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north 24°06′55″ W. 480.00 feet, to a point N. 104,155.59, E. 417.628.96, thence running north 73°05′25″ E. 35.28 feet to the point of origin.

(2) Parallelogram-shaped portion.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in paragraph (1), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N. 103,855.48, E. 417,849.99, thence running south 33°07′30″ E. 133.40 feet to a point N. 103,743.76, E. 417,922.89, thence running south 24°07′04″ E. 127.75 feet to a point N. 103,627.16, E. 417,975.09, thence running north 33°07′30″ W. 190.00 feet to a point N. 103,786.28, E. 417,871.26, thence running north 17°05′15″ W. 72.39 feet to the point of origin.

(c) Modification.—The 10-foot channel portion of the Norwalk Harbor, Connecticut navigation project described in subsection (a) is modified to authorize the Secretary to realign the channel to include, immediately north of the area described in subsection (b)(2), a triangular section described as commencing at a point N. 103,968.35, E. 417,815.29, thence running S. 17°05′15″ east 118.09 feet to a point N. 103,855.48, E. 417,849.99, thence running N. 33°07′30″ west 36.76 feet to a point N. 103,886.27, E. 417,829.90, thence running N. 10°05′26″ west 83.37 feet to the point of origin.

SEC. [3025] *3026.* ST. GEORGE'S BRIDGE, DELAWARE.

Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) is amended by adding at the end the following: "The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.".

SEC. [3026] *3027.* CHRISTINA RIVER, WILMINGTON, DELAWARE.

(a) IN GENERAL.—The Secretary shall remove the shipwrecked vessel known as the "State of Pennsylvania", and any debris associated with that vessel, from the Christina River at Wilmington, Delaware, in accordance with section 202(b) of the Water Resources Development Act of 1976 (33 U.S.C. 426m(b)).

(b) NO RECOVERY OF FUNDS.—Notwithstanding any other provision of law, in carrying out this section, the Secretary shall not be required to recover funds from the owner of the vessel described in subsection (a) or any other vessel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $425,000, to remain available until expended.

SEC. [3027] *3028.* ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

"(C) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).".

SEC. [3028] *3029.* CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i), by striking "$75,000,000" and all that follows and inserting "$95,000,000."; and

(2) by striking clause (ii) and inserting the following:

"(ii) FEDERAL SHARE.—

"(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed $25,000,000.

"(II) SEMINOLE WATER CONSERVATION PLAN.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000.".

SEC. [3029] *3030.* JACKSONVILLE HARBOR, FLORIDA.

The project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to extend the navigation features in accordance with the report of the Chief of Engineers dated July 22, 2003, at an additional total cost of $14,658,000, with an estimated Federal cost of $9,636,000 and an estimated non-Federal cost of $5,022,000.

SEC. [3030] *3031.* LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended by adding at the end the following:

"(v) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.—The pilot projects for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.".

SEC. [3031] *3032.* LIDO KEY, SARASOTA COUNTY, FLORIDA.

The Secretary shall carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, based on the report of the Chief of Engineers dated December 22, 2004, at a total cost of $14,809,000, with an estimated Federal cost of $9,088,000 and an estimated non-Federal cost of $5,721,000, and at an estimated total cost $63,606,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $31,803,000 and an estimated non-Federal cost of $31,803,000.

SEC. [3032] *3033.* TAMPA HARBOR, CUT B, TAMPA, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

SEC. [3033] *3034.* ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal to ensure that land exchanged is of equal value.

(b) DISPOSAL AND ACQUISITION OF LAND, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—

(A) WILLING SELLERS.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) BASIS.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) SHARING OF COSTS.—Each purchaser of land under this subsection shall share in the associated environmental and real estate costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) OTHER CONDITIONS.—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. [3034] *3035.* DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.

(b) IMPROVEMENTS.—In carrying out subsection (a), the Secretary shall provide for appropriate improvements to—

(1) facilities that are operated by the Corps of Engineers; and

(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) COST SHARING.—The Secretary shall carry out this section through a cost-sharing program with Idaho State Parks and Recreation Department, with a total estimated project cost of $5,300,000, with an estimated Federal cost of $3,900,000 and an estimated non-Federal cost of $1,400,000.

SEC. [3035] *3036.* LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood control, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.) is modified to—

(1) direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000;

(3) authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(4) authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if the use of the funds is permitted under the other Federal program; and

(5) direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the ability to pay of the non-Federal interest.

SEC. [3036] *3037.* PORT OF LEWISTON, IDAHO.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to industrial use purposes are extinguished;

(2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(3) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(4) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's Instrument No. 399218 of Nez Perce County, Idaho, 2.07 acres.

(2) Auditor's Instrument No. 487437 of Nez Perce County, Idaho, 7.32 acres.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes with respect to property covered by deeds described in subsection (b).

SEC. [3037] *3038.* CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized under the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

SEC. 3039. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting "Lake Michigan and" before "the Chicago River".

SEC. [3038] *3040.* CHICAGO RIVER, ILLINOIS.

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, is redefined to be no wider than 66 feet.

SEC. [3039] *3041.* MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM.

(a) DEFINITION OF RECONSTRUCTION.—In this section:

(1) IN GENERAL.—The term "reconstruction" means any action taken to address 1 or more major deficiencies of a project caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with the authorized purposes of the project.

(2) INCLUSIONS.—The term "reconstruction" includes the incorporation by the Secretary of current design standards and efficiency improvements in a project if the incorporation does not significantly change the authorized scope, function, or purpose of the project.

(b) PARTICIPATION BY SECRETARY.—The Secretary may participate in the reconstruction of flood control projects within Missouri and Illinois as a pilot program if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance by the non-Federal interest.

(c) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) OPERATION, MAINTENANCE, AND REPAIR COSTS.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(d) CRITICAL PROJECTS.—In carrying out this section, the Secretary shall give priority to the following projects:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Wood River Drainage and Levee District, Illinois.

(4) City of St. Louis, Missouri.

(5) Missouri River Levee Drainage District, Missouri.

(e) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000, to remain available until expended.

SEC. [3040] *3042.* SPUNKY BOTTOM, ILLINOIS.

(a) IN GENERAL.—The project for flood control, Illinois and Des Plaines River Basin, between Beardstown, Illinois, and the mouth of the Illinois River, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter 688), is modified to authorize ecosystem restoration as a project purpose.

(b) MODIFICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding the limitation on the expenditure of Federal funds to carry out project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), modifications to the project referred to in subsection (a) shall be carried out at Spunky Bottoms, Illinois, in accordance with subsection (a).

(2) FEDERAL SHARE.—Not more than $7,500,000 in Federal funds may be expended under this section to carry out modifications to the project referred to in subsection (a).

(3) POST-CONSTRUCTION MONITORING AND MANAGEMENT.—Of the Federal funds expended under paragraph (2), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post-construction monitoring and adaptive management.

(c) EMERGENCY REPAIR ASSISTANCE.—Notwithstanding any modifications carried out under subsection (b), the project described in subsection (a) shall remain eligible for emergency repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), without consideration of economic justification.

SEC. [3041] *3043.* STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) REVERSION.—If the land transferred under this section ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(c) DESCRIPTION.—The land to be conveyed under this section is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner of the NE¼ of sec. 32, T. 20 S., R. 14 E., Coffey County, Kansas.

(d) CONSIDERATION.—

(1) IN GENERAL.—The conveyance under this section shall be at fair market value.

(2) COSTS.—All costs associated with the conveyance shall be paid by Pleasant Township, Coffey County, Kansas.

(e) OTHER TERMS AND CONDITIONS.—The conveyance under this section shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. [3042] *3044.* HARRY S. TRUMAN RESERVOIR, MILFORD, KANSAS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value by quitclaim deed to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. [3043] *3045.* OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.

Section 101(16) of the Water Resources Development Act of 2000 (114 Stat. 2578) is amended—

(1) by striking "(A) IN GENERAL.—Projects for ecosystem restoration, Ohio River Mainstem" and inserting the following:

"(A) AUTHORIZATION.—

"(i) IN GENERAL.—Projects for ecosystem restoration, Ohio River Basin (excluding the Tennessee and Cumberland River Basins)"; and

(2) in subparagraph (A), by adding at the end the following:

"(ii) NONPROFIT ENTITY.—For any ecosystem restoration project carried out under this paragraph, with the consent of the affected local government, a nonprofit entity may be considered to be a non-Federal interest.

"(iii) PROGRAM IMPLEMENTATION PLAN.—There is authorized to be developed a program implementation plan of the Ohio River Basin (excluding the Tennessee and Cumberland River Basins) at full Federal expense.

"(iv) PILOT PROGRAM.—There is authorized to be initiated a completed pilot program in Lower Scioto Basin, Ohio.".

[SEC. 3044. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

[The public access features of the Atchafalaya Basin Floodway System, Louisiana, project, authorized by the section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), are modified to authorize the Secretary to acquire from willing sellers the fee interest, exclusive of oil, gas, and minerals, of an additional 20,000 acres of land in the Lower Atchafalaya Basin Flood for the public access feature of the Atchafalaya Basin Floodway System, Louisiana, to enhance fish and wildlife resources, at a total cost of $4,000,000.]

SEC. 3046. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) IN GENERAL.—The public access feature of the Atchafalaya Basin Floodway System, Louisiana project, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest (exclusive of oil, gas, and minerals) of an additional 20,000 acres of land in the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, Louisiana project.

(b) MODIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin

Floodway System, Louisiana project, is modified to remove the $32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.

(2) FIRST COST.—The authorized first cost of $250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).

SEC. [3045] *3047.* CALCASIEU RIVER AND PASS, LOUISIANA.

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

SEC. 3048. LAROSE TO GOLDEN MEADOW, LOUISIANA.

(a) IN GENERAL.—For the project for hurricane protection, Larose to Golden Meadow, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), not later than 180 days after the date of enactment of this Act, the Secretary shall make the determination described in section 325 of the Water Resources Development Act of 1999 (113 Stat. 304) regarding the technical feasibility, environmental acceptability, and economical justification of converting the Golden Meadow floodgate into a navigation lock.

(b) CONVERSION.—If the Secretary makes a favorable determination under subsection (a), or fails to make a favorable or unfavorable determination by the date specified in subsection (a), the conversion of the Golden Meadow floodgate to a navigation lock shall be considered to be authorized as a feature of the hurricane protection project referred to in subsection (a).

SEC. [3046] *3049.* EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), as amended by section 116 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 140), is modified to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated [August] *December* 2004, at a total cost of $178,000,000.

SEC. [3047] *3050.* RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2604), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of $33,000,000;

[(1)] *(2)* to permit the purchase of marginal farmland for reforestation (in addition to the purchase of bottomland hardwood); and

[(2)] *(3)* to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the Corps of Engineers and the State of Louisiana.

SEC. [3048] *3051.* CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $20,000,000.

SEC. [3049] *3052.* UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N. 315,975.13, E. 1,004,424.86, thence running N. 61° 27′ 20.71″ W. about 132.34 feet to a point N. 316,038.37, E. 1,004,308.61.

SEC. [3050] *3053.* CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking "$10,000,000" and inserting "$30,000,000".

SEC. [3051] *3054.* CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking "$15,000,000" and inserting "$25,750,000";

(2) by striking "$9,750,000" and inserting "$16,738,000"; and

(3) by striking "$5,250,000" and inserting "$9,012,000".

SEC. [3052] *3055.* FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), shall remain authorized to be carried out by the Secretary, except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(b) FEASIBILITY.—The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge Fall River and Somerset, Massachusetts.

(c) LIMITATION.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act unless, during that period, funds have been obligated for construction (including planning and design) of the project.

SEC. [3053] *3056.* ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

(a) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term "management plan" means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of this section.

(2) PARTNERSHIP.—The term "Partnership" means the partnership established by the Secretary under subsection (b)(1).

(b) PARTNERSHIP.—

(1) IN GENERAL.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

(B) develop and implement projects consistent with the management plan.

(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

(A) IN GENERAL.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

(B) NO EFFECT ON OTHER LAW.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

(c) IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall—

(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

(C) plan, design, and implement projects consistent with the management plan; and

(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

(2) SPECIFIC MEASURES.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

(d) SUPPLEMENTS TO MANAGEMENT PLAN AND STRATEGIC IMPLEMENTATION PLAN.—In consultation with the Partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

(1) the management plan; and

(2) the strategic implementation plan developed under subsection (c)(1)(A).

(e) COST SHARING.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of technical assistance, or the cost of planning, design, construction, and evaluation of a project under subsection (c), and the cost of development of supplementary information under subsection (d)—

(A) shall be 25 percent of the total cost of the project or development; and

(B) may be provided through the provision of in-kind services.

(2) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided for use in carrying out a project under subsection (c).

(3) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out

under this section shall be non-Federal responsibilities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.

SEC. [3054] *3057.* DULUTH HARBOR, MINNESOTA.

(a) IN GENERAL.—Notwithstanding the cost limitation described in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry out the project for navigation, Duluth Harbor, Minnesota, pursuant to the authority provided under that section at a total Federal cost of $9,000,000.

(b) PUBLIC ACCESS AND RECREATIONAL FACILITIES.—Section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605) is amended by inserting ", and to provide public access and recreational facilities" after "including any required bridge construction".

SEC. [3055] *3058.* LAND EXCHANGE, PIKE COUNTY, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island in Pike County, Missouri, and consisting of Government Tract Numbers MIS–7 and a portion of FM–46.

(2) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

(b) LAND EXCHANGE.—Subject to subsection (c), on conveyance by S.S.S., Inc., to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to S.S.S., Inc., all right, title, and interest of the United States in and to the Federal land.

(c) CONDITIONS.—

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The conveyance of the Federal land to S.S.S., Inc., shall be—

(i) by quitclaim deed; and

(ii) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(C) LEGAL DESCRIPTIONS.—The Secretary shall, subject to approval of S.S.S., Inc., provide a legal description of the Federal land and non-Federal land for inclusion in the deeds referred to in subparagraphs (A) and (B).

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(B) NO LIABILITY.—If S.S.S., Inc., removes any improvements to the non-Federal land under subparagraph (A)—

(i) S.S.S., Inc., shall have no claim against the United States relating to the removal; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvements.

(3) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the exchange.

(4) CASH EQUALIZATION PAYMENT.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(5) DEADLINE.—The land exchange under subsection (b) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. [3056] *3059.* UNION LAKE, MISSOURI.

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri, before January 31, [2005] *2006*, all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906) in accordance with section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is described as follows:

(1) TRACT 500.—A tract of land situated in Franklin County, Missouri, being part of the SW¼ of sec. 7, and the NW¼ of the SW¼ of sec. 8, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 112.50 acres.

(2) TRACT 605.—A tract of land situated in Franklin County, Missouri, being part of the N½ of the NE, and part of the SE of the NE of sec. 18, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 93.00 acres.

(c) CONVEYANCE.—Upon acceptance by the State of Missouri of the offer by the Secretary under subsection (a), the land described in subsection (b) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

SEC. [3057] *3060.* FORT PECK FISH HATCHERY, MONTANA.

Section 325(f)(1)(A) of the Water Resources Development Act of 2000 (114 Stat. 2607) is amended by striking "$20,000,000" and inserting "$25,000,000".

SEC. 3061. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) DEFINITION OF RESTORATION PROJECT.—In this section, the term "restoration project" means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) PROJECTS.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

(D) the Yellowstone River Conservation District Council; and

(2) seek the full participation of the State of Montana.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with the non-Federal interest for the restoration project under which the non-Federal interest shall agree—

(1) to provide 35 percent of the total cost of the restoration project, including necessary land, easements, rights-of-way, relocations, and disposal sites;

(2) to pay the non-Federal share of the cost of feasibility studies and design during construction following execution of a project cooperation agreement;

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of enactment of this Act that are associated with the restoration project; and

(4) to hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government in carrying out the restoration project.

(e) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of a restoration project carried out under this section may be provided in the form of in-kind credit for work performed during construction of the restoration project.

(f) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the applicable local government, a nonprofit entity may be a non-Federal interest for a restoration project carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. [3058] *3062.* LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.

The maximum amount of Federal funds that may be expended for the project being carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be $5,775,000.

SEC. [3059] *3063.* MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.

(a) RESTORATION PROJECTS.—

(1) DEFINITION.—The term "restoration project" means a project that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration and recreation benefits.

(2) PROJECTS.—The Secretary shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(b) PROJECT SELECTION.—The Secretary shall select restoration projects in the Middle Rio Grande.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(1) provide 35 percent of the total cost of the restoration projects including provisions for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(2) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of the enactment of this Act that are associated with the restoration projects; and

(3) hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government.

(e) NON-FEDERAL INTERESTS.—Not withstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the local government.

(f) Authorization of Appropriations.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. [3060] *3064*. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.

(a) In General.—The Secretary shall plan, design, and construct projects to increase aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) Cost-Sharing.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(c) Authorization of Appropriations.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. [3061] *3065*. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking "$5,200,000" and inserting "$18,200,000".

SEC. [3062] *3066*. NEW YORK HARBOR, NEW YORK, NEW YORK.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) Dredged Material Facility.—

"(1) In general.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

"(2) Performance.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

"(3) Multiple federal projects.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects, if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

"(4) Public financing.—

"(A) Agreements.—

"(i) Specified federal funding sources and cost sharing.—The cost-sharing agreement used shall clearly specify—

"(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

"(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

"(ii) Management of sediments.—

"(I) In general.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnerships agreements.

"(II) Payments.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

"(iii) Credit.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

"(B) Credit.—

"(i) Effect on existing agreements.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

"(ii) Credit for funds.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

"(iii) Non-federal interest responsibilities.—The non-Federal interest shall—

"(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

"(II) receive credit for those items."; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as so redesignated)—

(A) by inserting "and maintenance" after "operation" each place it appears; and

(B) by inserting "processing, treatment, or" after "dredged material" the first place it appears in each of those paragraphs.

SEC. [3063] *3067*. ONONDAGA LAKE, NEW YORK.

Section 573 of the Water Resources Development Act of 1999 (113 Stat. 372) is amended—

(1) in subsection (f), by striking "$10,000,000" and inserting "$30,000,000";

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following:

"(f) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

SEC. [3064] *3068*. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking "2005" and inserting "2010".

SEC. [3065] *3069*. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended—

(1) by striking "$2,500,000" and inserting "$5,500,000"; and

(2) by adding before the period at the end the following: "(which repair and rehabilitation shall include lowering the crest of the Dam by not more than 12.5 feet)".

SEC. [3066] *3070*. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

Increased operation and maintenance activities for the Toussaint River Federal Navigation Project, Carroll Township, Ohio, that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance, shall be carried out at full Federal expense.

SEC. [3067] *3071*. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–002 shall satisfy the obligations of the city under that contract.

SEC. 3072. OKLAHOMA LAKE DEMONSTRATION, OKLAHOMA.

(a) Release of Retained Rights, Interests, and Reservations.—Each reversionary interest and use restriction relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled "An Act to authorize the sale of certain lands to the State of Oklahoma" (67 Stat. 62, chapter 118) is terminated.

(b) Instrument of Release.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each interest and use restriction described in subsection (a).

SEC. [3068] *3073*. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules—

(1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986; and

(2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

SEC. [3069] *3074*. LOOKOUT POINT, DEXTER LAKE PROJECT, LOWELL, OREGON.

(a) In General.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value to the community of Lowell, Oregon, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 0.98 acres located in Lane County, Oregon.

(b) Survey to Obtain Legal Description.—The exact acreage and the description of the real property referred to in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) Condition.—The Secretary shall not complete the conveyance under subsection (a) until such time as the United States Forest Service—

(1) completes and certifies that necessary environmental remediation associated with the structures located on the property is complete; and

(2) transfers the structures to the Corps of Engineers.

SEC. [3070] *3075*. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION.

(a) In General.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) Consultation.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) AUTHORIZED ACTIVITIES.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(d) COST SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—

(i) IN GENERAL.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section.

(ii) CREDIT TOWARD PAYMENT.—The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under paragraph (1) shall be credited toward the payment required under subsection (a).

(C) IN-KIND CONTRIBUTIONS.—100 percent of the non-Federal share required under subsection (a) may be satisfied by the provision of in-kind contributions.

(3) OPERATIONS AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. [3071] *3076.* TIOGA TOWNSHIP, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall convey to the Tioga Township, Pennsylvania, at fair market value, all right, title, and interest in and to the parcel of real property located on the northeast end of Tract No. 226, a portion of the Tioga-Hammond Lakes Floods Control Project, Tioga County, Pennsylvania, consisting of approximately 8 acres, together with any improvements on that property, in as-is condition, for public ownership and use as the site of the administrative offices and road maintenance complex for the Township.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) RESERVATION OF INTERESTS.—The Secretary shall reserve such rights and interests in and to the property to be conveyed as the Secretary considers necessary to preserve the operational integrity and security of the Tioga-Hammond Lakes Flood Control Project.

(d) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership, or to be used as a site for the Tioga Township administrative offices and road maintenance complex or for related public purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. [3072] *3077.* UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 if the Water Resources Development Act of 1996 (110 Stat. 3787) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) COOPERATION AGREEMENTS.—

"(1) IN GENERAL.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

"(2) FINANCIAL ASSISTANCE.—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures."; and

(2) by striking subsection (d) and inserting the following:

"(d) IMPLEMENTATION OF STRATEGY.—

"(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

"(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.".

SEC. [3073] *3078.* COOPER RIVER BRIDGE DEMOLITION, CHARLESTON, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary, at full Federal expense, may carry out all planning, design, and construction for—

(1) the demolition and removal of the Grace and Pearman Bridges over the Cooper River, South Carolina; and

(2) using the remnants from that demolition and removal, the development of an aquatic reef off the shore of South Carolina.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $39,000,000.

SEC. [3074] *3079.* SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, all right, title, and interest of the United States in and to the parcels of land described in subsection (b)(1) that are managed, as of the date of enactment of this Act, by the South Carolina Department of Commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the parcels of land referred to in subsection (a) are the parcels contained in the portion of land described in Army Lease Number DACW21–1–92–0500.

(2) RETENTION OF INTERESTS.—The United States shall retain—

(A) ownership of all land included in the lease referred to in paragraph (1) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other land as is determined by the Secretary to be required for authorized project purposes, including easement rights-of-way to remaining Federal land.

(3) SURVEY.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey satisfactory to the Secretary, with the cost of the survey to be paid by the State.

(c) GENERAL PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance under this section.

(B) FORM OF CONTRIBUTION.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this section if those actions are performed in close coordination with, and to the satisfaction of, the United States.

(4) LIABILITY.—The State shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The State shall pay fair market value consideration, as determined by the United States, for any land included in the conveyance under this section.

(2) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER–1130–2–406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this section.

(3) FEDERAL STATUTES.—The conveyance under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public review under that Act) and other Federal statutes.

(4) COST SHARING.—In carrying out the conveyance under this section, the Secretary and the State shall comply with all obligations of any cost sharing agreement between the Secretary and the State in effect as of the date of the conveyance.

(5) LAND NOT CONVEYED.—The State shall continue to manage the land not conveyed under this section in accordance with the terms and conditions of Army Lease Number DACW21–1–92–0500.

SEC. [3075] *3080.* MISSOURI RIVER RESTORATION, SOUTH DAKOTA.

(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) in clause (vii), by striking "and" at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

"(viii) rural water systems; and".

(b) REAUTHORIZATION.—Section 907(a) of the Water Resources Development Act of 2000

(114 Stat. 2712) is amended in the first sentence by striking "2005" and inserting "2010".

SEC. [3076] *3081.* MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(2) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (1) and inserting the following:

"(1) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—The non-Federal share of the cost of projects may be provided—

"(i) in cash;

"(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

"(iii) by in-kind services to implement the project; or

"(iv) by any combination of the foregoing.

"(B) PRIVATE OWNERSHIP.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

"(i) satisfactory to the Secretary; and

"(ii) necessary to assure achievement of the project purposes.";

(3) in subsection (i) (as redesignated by paragraph (1)), by striking "for the period of fiscal years 2000 and 2001." and inserting "per year, and that authority shall extend until Federal fiscal year 2015."; and

(4) by inserting after subsection (e) the following:

"(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

"(g) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality."

SEC. [3077] *3082.* ANDERSON CREEK, JACKSON AND MADISON COUNTIES, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Anderson Creek, Jackson and Madison Counties, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Anderson Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Anderson Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. [3078] *3083.* HARRIS FORK CREEK, TENNESSEE AND KENTUCKY.

Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the project for flood control, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (33 U.S.C. 701c note; 90 Stat. 2920) shall remain authorized to be carried out by the Secretary for a period of 7 years beginning on the date of enactment of this Act.

SEC. [3079] *3084.* NONCONNAH WEIR, MEMPHIS, TENNESSEE.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

(1) to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek; and

(2) to make repairs and maintain the weir in the future so that the weir functions properly.

SEC. [3080] *3085.* OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as "Easter Seals Tennessee") at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by paragraph (1).

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining right or interest of the Corps of Engineers with respect to an authorized purpose of any project.

SEC. [3081] *3086.* SANDY CREEK, JACKSON COUNTY, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek, Jackson County, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Sandy Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Sandy Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. [3082] *3087.* CEDAR BAYOU, TEXAS.

Section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632) is amended by striking "except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide" and inserting "except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide".

SEC. [3083] *3088.* FREEPORT HARBOR, TEXAS.

(a) IN GENERAL.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.

(b) COST SHARING.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

SEC. [3084] *3089.* HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding the following:

"(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).".

SEC. [3085] *3090.* DAM REMEDIATION, VERMONT.

Section 543 of the Water Resources Development Act of 2000 (114 Stat. 2673) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b)."; and

(2) in subsection (b), by adding at the end the following:

"(11) Camp Wapanacki, Hardwick.

"(12) Star Lake Dam, Mt. Holly.

"(13) Curtis Pond, Calais.

"(14) Weathersfield Reservoir, Springfield.

"(15) Burr Pond, Sudbury.

"(16) Maidstone Lake, Guildhall.

"(17) Upper and Lower Hurricane Dam.

"(18) Lake Fairlee.

"(19) West Charleston Dam.".

SEC. [3086] *3091.* LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

SEC. [3087] *3092.* UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of the study and development of the strategy under subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy may be provided through the contribution of in-kind services and materials.

(c) NON-FEDERAL INTEREST.—A nonprofit organization with wetland restoration experience may serve as the non-Federal interest for the study and development of the strategy under this section.

(d) COOPERATIVE AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into 1 or more cooperative agreements to provide technical assistance to appropriate Federal, State, and local agencies and nonprofit organizations with wetland restoration experience, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(e) IMPLEMENTATION.—The Secretary shall carry out development and implementation of the strategy under this section in cooperation with local landowners and local government officials.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SEC. [3088] *3093.* UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) GENERAL MANAGEMENT PLAN DEVELOPMENT.—

(1) The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

(A) habitat protection and restoration;

(B) streambank stabilization;

(C) restoration of stream stability;

(D) water quality improvement;

(E) invasive species control;

(F) wetland restoration;

(G) fish passage; and

(H) natural flow restoration.

(2) EXISTING PLANS.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any critical restoration project in the Upper Connecticut River Basin in accordance with the general management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) invasive species control;

(ix) wetland restoration and migratory bird habitat restoration;

(x) improvements in fish migration; and

(xi) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) COST SHARING.—The Federal share of the cost of any project carried out under this section shall not be less than 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) CREDITING.—

(1) FOR WORK.—The Secretary shall provide credit, including credit for in-kind contributions of up to 100 percent of the non-Federal share, for work (including design work and materials) if the Secretary determines that the work performed by the non-Federal interest is integral to the product.

(2) FOR OTHER CONTRIBUTIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to implement the projects.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. [3089] *3094.* LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (42 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking "or" at the end;

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

"(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

"(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or"; and

(2) in subsection (g), by striking "$20,000,000" and inserting "$32,000,000".

SEC. [3090] *3095.* CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in paragraph (1)—

(A) in the second sentence, by striking "$20,000,000" and inserting "$50,000,000"; and

(B) in the third sentence, by striking "Such projects" and inserting the following:

"(2) INCLUSIONS.—Such projects";

(3) by striking paragraph (2)(D) (as redesignated by paragraph (2)(B)) and inserting the following:

"(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

"(i) the construction of oyster bars and reefs;

"(ii) the rehabilitation of existing marginal habitat;

"(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

"(iv) the construction and upgrading of oyster hatcheries; and

"(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

"(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

"(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

"(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery."; and

(4) by adding at the end the following:

"(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term 'ecological success' means—

"(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

"(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.".

SEC. [3091] *3096.* TANGIER ISLAND SEAWALL, VIRGINIA.

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking "at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000." and inserting "at a total cost of $3,000,000, with an estimated Federal cost of $2,400,000 and an estimated non-Federal cost of $600,000.".

SEC. [3092] *3097.* EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.

(a) IN GENERAL.—The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST-SHARING REQUIREMENTS.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies;

(2) in accordance with all applicable Federal law (including regulations); and

(3) at full Federal expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. [3093] *3098.* LOWER GRANITE POOL, WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required for the use of fill material.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's File Numbers 432576, 443411, and 579771 of Whitman County, Washington.

(2) Auditor's File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining rights and interests of the Corps of Engineers for authorized project purposes in or to property covered by a deed described in subsection (b).

SEC. [3094] *3099.* MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the United States Fish and Wildlife Service under Cooperative Agreement Number DACW68–4–00–13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) EASEMENTS.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements in existence as of the date of enactment of this Act on land subject to the transfer.

(c) RIGHTS OF SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall retain rights described in paragraph (2) with respect to the land for which administrative jurisdiction is transferred under subsection (a).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

(A) to flood land described in subsection (a) to the standard project flood elevation;

(B) to manipulate the level of the McNary Project Pool;

(C) to access such land described in subsection (a) as may be required to install, maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

(F) to carry out management actions for the purpose of reducing the take of juvenile salmonids by avian colonies that inhabit, before, on, or after the date of enactment of this Act, any island included in the land described in subsection (a).

(3) COORDINATION.—Before exercising a right described in any of subparagraphs (C) through (F) of paragraph (2), the Secretary shall coordinate the exercise with the United States Fish and Wildlife Service.

(d) MANAGEMENT.—

(1) IN GENERAL.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) CUMMINS PROPERTY.—

(A) RETENTION OF CREDITS.—Habitat unit credits described in the memorandum entitled "Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU" provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the "Cummins property" shall be retained by the Secretary despite any changes in management of the parcel on or after the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The United States Fish and Wildlife Service shall obtain prior approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the parcel of land formerly known as the "Cummins property".

(3) MADAME DORIAN RECREATION AREA.—The United States Fish and Wildlife Service shall continue operation of the Madame Dorian Recreation Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The United States Fish and Wildlife Service shall be responsible for all survey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

SEC. [3095] *3100.* SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.

The Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho, as authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), is amended to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

SEC. [3096] *3101.* MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.

Section 101(a)(31) of the Water Resources Development Act of 1996 (110 Stat. 3666), is amended by striking "$229,581,000" and inserting "$358,000,000".

SEC. [3097] *3102.* LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood control at Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), as modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Secretary to construct the project substantially in accordance with the draft report of the Corps of Engineers dated May 2004, at an estimated total cost of $45,500,000, with an estimated Federal cost of $34,125,000 and an estimated non-Federal cost of $11,375,000.

SEC. 3103. GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN.

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized under the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 5, 1884 (commonly known as the "River and Harbor Act of 1884") (23 Stat. 136, chapter 229), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

SEC. [3098] *3104.* UNDERWOOD CREEK DIVERSION FACILITY PROJECT, MILWAUKEE COUNTY, WISCONSIN.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(24) Underwood Creek Diversion Facility Project (County Grounds), Milwaukee County, Wisconsin.".

SEC. [3099] *3105.* MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking "1276.42" and inserting "1278.42";

(B) by striking "1218.31" and inserting "1221.31"; and

(C) by striking "1234.82" and inserting "1235.30"; and

(2) by striking subsection (b) and inserting the following:

"(b) EXCEPTION.—

"(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

"(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

"(3) NOTIFICATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

"(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

"(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

"(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.".

SEC. [3100] *3106.* LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking "property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge" and inserting "riverfront property".

SEC. [3101] *3107.* PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the "River and Harbor Act of 1910"), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the "River and Harbor Act of 1927"), and the Act of July 3, 1930 (46 Stat. 918), the Secretary shall carry out over at least a 10-year period a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—As part of the pilot program carried out under subsection (a), the Secretary shall conduct any activities that are necessary to improve navigation through the project referred to in subsection (a) while restoring and protecting fish and wildlife habitat in the middle Mississippi River system.

(2) INCLUSIONS.—Activities authorized under paragraph (1) shall include—

(A) the modification of navigation training structures;

(B) the modification and creation of side channels;

(C) the modification and creation of islands;

(D) any studies and analysis necessary to develop adaptive management principles; and

(E) the acquisition from willing sellers of any land associated with a riparian corridor needed to carry out the goals of the pilot program.

(c) Cost-Sharing Requirement.—The cost-sharing requirement required under the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the "River and Harbor Act of 1910"), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the "River and Harbor Act of 1927"), and the Act of July 3, 1930 (46 Stat. 918), for the project referred to in subsection (a) shall apply to any activities carried out under this section.

SEC. [3102] *3108.* UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any Upper Mississippi River fish and wildlife habitat rehabilitation and enhancement project carried out under section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)), with the consent of the affected local government, a nongovernmental organization may be considered to be a non-Federal interest.

SEC. 3109. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.

(a) Great Lakes Fishery and Ecosystem Restoration.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

"(2) Reconnaissance studies.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

"(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

"(B) to determine whether planning of a project under paragraph (3) should proceed."; and

(3) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking "paragraph (2)" and inserting "paragraph (3)".

(b) Cost Sharing.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(f)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by inserting after paragraph (1) the following:

"(2) Reconnaissance studies.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.";

(3) in paragraph (3) (as redesignated by paragraph (1)), by striking "(2) or (3)" and inserting "(3) or (4)"; and

(4) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking "subsection (c)(2)" and inserting "subsection (c)(3)".

SEC. 3110. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking "through 2006" and inserting "through 2011".

SEC. 3111. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking "through 2006" and inserting "through 2011".

TITLE IV—STUDIES

SEC. 4001. EURASIAN MILFOIL.

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

SEC. 4002. NATIONAL PORT STUDY.

(a) In General.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the ability of coastal or deepwater port infrastructure to meet current and projected national economic needs.

(b) Components.—In conducting the study, the Secretary shall—

(1) consider—

(A) the availability of alternate transportation destinations and modes;

(B) the impact of larger cargo vessels on existing port capacity; and

(C) practicable, cost-effective congestion management alternatives; and

(2) give particular consideration to the benefits and proximity of proposed and existing port, harbor, waterway, and other transportation infrastructure.

(c) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the study.

SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION CHANNEL.

(a) In General.—To determine with improved accuracy the environmental impacts of the project on the McClellan-Kerr Arkansas River Navigation Channel (referred to in this section as the "MKARN"), the Secretary shall carry out the measures described in [subsections (b) and (c)] *subsection (b)* in a timely manner.

[(b) National Environmental Policy Act Analysis.—In carrying out the responsibility of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under this section, the Secretary shall include consideration of—

[(1) the environmental impacts associated with transporting an equivalent quantity of goods on Federal, State, and county roads and such other alternative modes of transportation and alternative destinations as are estimated to be transported on the MKARN;

[(2) the impacts associated with air quality;

[(3) other human health and safety information (including premature deaths averted); and

[(4) the environmental and economic costs associated with the dredging of any site on the MKARN, to the extent that the site would be dredged if the MKARN were authorized to a 9-foot depth.]

[c)] *(b)* Species Study.—

(1) In general.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

(2) Report.—The Secretary shall direct the panel to report to the Secretary, not later than 1 year after the date of enactment of this Act and in the best scientific judgment of the panel—

(A) the level of genetic variation between populations of sturgeon sufficient to determine or establish that a population is a measurably distinct species, subspecies, or population segment; and

(B) whether any pallid sturgeons that may be found in the MKARN (including any tributary of the MKARN) would qualify as such a distinct species, subspecies, or population segment.

SEC. 4004. SELENIUM STUDY, COLORADO.

(a) In General.—The Secretary, in consultation with State water quality and resource and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

(1) to measure selenium on specific sites; and

(2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4005. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.

The Secretary shall carry out a study for bank stabilization and shore protection for Nicholas Canyon, Los Angeles, California, under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

SEC. 4006. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking "32 months" and inserting "44 months".

SEC. 4007. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.

(a) In General.—The Secretary shall review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with Enhanced Minimum Plan A, as described in the Final Environmental Impact Report prepared by the city of St. Helena, California, and certified by the city to be in compliance with the California Environmental Quality Act on February 24, 2004.

(b) Cost Sharing.—Cost sharing for the project described in subsection (a) shall be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 4008. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA.

The Secretary shall carry out a study of the feasibility of a project to use Sherman Island, California, as a dredged material rehandling facility for the beneficial use of dredged material to enhance the environment and meet other water resource needs on the Sacramento-San Joaquin Delta, California, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 4009. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

In carrying out the feasibility phase of the South San Francisco Bay shoreline study, the Secretary shall use planning and design documents prepared by the California State Coastal Conservancy, the Santa Clara Valley Water District, and other local interests, in cooperation with the Corps of Engineers (who shall provide technical assistance to the local interests), as the basis for recommendations to Congress for authorization of a project to provide for flood protection of the South San Francisco Bay shoreline and restoration of the South San Francisco Bay salt ponds.

SEC. 4010. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) In General.—The Secretary shall complete work as expeditiously as practicable on the San Pablo watershed, California, study authorized under section 209 of the Flood Control Act of 1962 (76 Stat. 1196) to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay Watershed.

(b) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report that describes the results of the study.

SEC. 4011. BUBBLY CREEK, SOUTH FORK OF SOUTH BRANCH, CHICAGO RIVER, ILLINOIS.

The Secretary shall conduct a study of the feasibility of carrying out ecosystem restoration and any other related activity along the South Fork of the South Branch of the Chicago River, Illinois (commonly known as "Bubbly Creek").

SEC. 4012. GRAND AND TIGER PASSES AND BAPTISTE COLLETTE BAYOU, LOUISIANA.

The Secretary shall conduct a study of the feasibility of modifying the project in existence on the date of enactment of this Act for enlargement of the navigation channels in the Grand and Tiger Passes and Baptiste Collette Bayou, Louisiana.

SEC. [4011] *4013.* LAKE ERIE AT LUNA PIER, MICHIGAN.

The Secretary shall study the feasibility of storm damage reduction and beach erosion protection and other related purposes along Lake Erie at Luna Pier, Michigan.

SEC. [4012] *4014.* MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.

The Secretary shall carry out a study of the feasibility of a project for navigation improvements, shoreline protection, and other related purposes, including the rehabilitation the harbor basin (including entrance breakwaters), interior shoreline protection, dredging, and the development of a public launch ramp facility, for Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. [4013] *4015.* JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary may determine the feasibility of providing improvements to the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, near the vicinity of mile 6 of the Savannah Harbor Entrance Channel.

(b) CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area for maintenance of the ongoing Savannah Harbor Navigation project; and

(3) the results of a consultation with the Governor of the State of [California] *Georgia* and the Governor of the State of South Carolina.

SEC. [4014] *4016.* LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK.

(a) DISPERSAL BARRIER PROJECT.—The Secretary shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal.

(b) CONSTRUCTION, MAINTENANCE, AND OPERATION.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) in paragraph (18), by striking "and" at the end;

(2) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(21) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(22) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(23) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

"(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.".

SEC. 5002. ESTUARY RESTORATION.

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: "by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage";

(2) in paragraph (2), by inserting "and implement" after "to develop"; and

(3) in paragraph (3), by inserting "through cooperative agreements" after "restoration projects".

(b) DEFINITION OF ESTUARY HABITAT RESTORATION PLAN.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking "Federal or State" and inserting "Federal, State, or regional".

(c) ESTUARY HABITAT RESTORATION PROGRAM.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a), by inserting "through the award of contracts and cooperative agreements" after "assistance";

(2) in subsection (c)—

(A) in paragraph (3)(A), by inserting "or State" after "Federal"; and

(B) in paragraph (4)(B), by inserting "or approach" after "technology";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "Except" and inserting the following:

"(i) IN GENERAL.—Except"; and

(ii) by adding at the end the following:

"(ii) MONITORING.—

"(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

"(II) GOALS.—The goals of the monitoring are—

"(aa) to measure the effectiveness of the restoration project; and

"(bb) to allow adaptive management to ensure project success.";

(B) in paragraph (2), by inserting "or approach" after "technology"; and

(C) in paragraph (3), by inserting "(including monitoring)" after "services";

(4) in subsection (f)(1)(B), by inserting "long-term" before "maintenance"; and

(5) in subsection (g)—

(A) by striking "In carrying" and inserting the following:

"(1) IN GENERAL.—In carrying"; and

(B) by adding at the end the following:

"(2) SMALL PROJECTS.—

"(A) DEFINITION.—Small projects carried out under this Act shall have a Federal share of less than $1,000,000.

"(B) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this section, the Secretary, on recommendation of the Council, shall consider delegating implementation of the small project to—

"(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

"(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

"(iii) the Administrator of the Environmental Protection Agency; or

"(iv) the Secretary of Agriculture.

"(C) FUNDING.—Small projects delegated to another Federal department or agency may be funded from the responsible department or appropriations of the agency authorized by section 109(a)(1).

"(D) AGREEMENTS.—The Federal department or agency to which a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in sections 104(d) and 104(e). Cooperative agreements may be used for any delegated project.".

(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(6) cooperating in the implementation of the strategy developed under section 106;

"(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

"(8) otherwise using the respective agency authorities of the Council members to carry out this title.".

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking "compile" and inserting "have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under section 107, including compilation of".

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking "third and fifth" and inserting "sixth, eighth, and tenth".

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) through (D) and inserting the following:

"(A) to the Secretary, $25,000,000 for each of fiscal years 2006 through 2010;

"(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2006 through 2010;

"(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2006 through 2010;

"(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2006 through 2010; and

"(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2006 through 2010."; and

(2) in the first sentence of paragraph (2)—

(A) by inserting "and other information compiled under section 107" after "this title"; and

(B) by striking "2005" and inserting "2010".

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting "or contracts" after "agreements"; and

(B) by inserting ", nongovernmental organizations," after "agencies"; and

(2) by striking subsections (d) and (e).

SEC. 5003. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

SEC. 5004. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and sections 2.2 of the Susquehanna River Basin Compact (Public Law 91-575) and the Delaware River Basin Compact (Public Law 87-328), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be the ex officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact;

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91-407)) to fulfill the equitable funding requirements of the respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE, DELAWARE RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) WATER SUPPLY AND CONSERVATION STORAGE, SUSQUEHANNA RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River Basin, during any period in which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) WATER SUPPLY AND CONSERVATION STORAGE, POTOMAC RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Potomac River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River Basin for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5005. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) EXISTING BARRIER.—The Secretary shall upgrade and make permanent, at full Federal expense, the existing Chicago Sanitary and Ship Canal Dispersal Barrier Chicago, Illinois, constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).

(b) NEW BARRIER.—Notwithstanding the project cooperation agreement dated November 21, 2003, with the State of Illinois, the Secretary shall construct, at full Federal expense, the Chicago Sanitary and Ship Canal Dispersal Barrier currently being implemented under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(c) OPERATION AND MAINTENANCE.—The Chicago Sanitary and Ship Canal Dispersal Barriers described in subsections (a) and (b) shall be operated and maintained, at full Federal expense, as a system in a manner to optimize effectiveness.

(d) CREDIT.—

(1) IN GENERAL.—The Secretary shall credit to each State the proportion of funds that the State contributed to the authorized dispersal barriers.

(2) USE.—A State may apply the credit to existing or future projects of the Corps of Engineers.

SEC. 5006. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, NEW MEXICO.

(a) SHORT TITLE.—This section may be cited as the "Rio Grande Environmental Management Act of 2004".

(b) DEFINITIONS.—In this section:

(1) RIO GRANDE COMPACT.—The term "Rio Grande Compact" means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155), and ratified by the States of Colorado, New Mexico, and Texas.

(2) RIO GRANDE SYSTEM.—The term "Rio Grande system" means the headwaters of the Rio Chama River and the Rio Grande River (including all tributaries of the Rivers), from the border between the States of Colorado and New Mexico downstream to the border between the States of New Mexico and Texas.

(3) STATE.—The term "State" means the State of New Mexico.

(c) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary shall carry out, in the Rio Grande system—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(B) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(2) REPORTS.—Not later than December 31, 2008, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the State, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);

(B) describes the accomplishments of each of the programs;

(C) provides updates of a systemic habitat needs assessment; and

(D) identifies any needed adjustments in the authorization of the programs.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs authorized under subsection (c), the Secretary shall—

(1) consult with the State and other appropriate entities in the State the rights and interests of which might be affected by specific program activities; and

(2) enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the United States Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of those programs.

(e) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under subsection (c)(1)(A)—

(A) shall be 35 percent;

(B) may be provided through in-kind services or direct cash contributions; and

(C) shall include provision of necessary land, easements, relocations, and disposal sites.

(3) *(2)* OPERATION AND MAINTENANCE.—The costs of operation and maintenance of a project located on Federal land, or land owned or operated by a State or local government, shall be borne by the Federal, State, or local agency that has jurisdiction over fish and wildlife activities on the land.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), with the consent of the affected local government, a nonprofit entity may be included as a non-Federal interest for any project carried out under subsection (c)(1)(A).

(g) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section preempts any State water law.

(2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande system.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for fiscal year 2005 and each subsequent fiscal year.

SEC. 5007. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting "and the Secretary of the Treasury" after "Secretary"; and

(B) by striking clause (ii) and inserting the following:

"(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized."; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

"(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.".

(b) INVESTMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

"(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

"(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) INVESTMENT OF INTEREST ACCOUNT.—

"(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

"(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.";

(2) in subsection (d)(2), by inserting "of the Treasury" after Secretary"; and

(3) by striking subsection (f) and inserting the following:

"(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

"(1) up to $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

(c) INVESTMENT PROVISIONS FOR THE CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

"(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

"(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) Investment of the interest account.—

"(i) Before full capitalization.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) After full capitalization.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) Par purchase price.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) Highest yield.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) Holding to maturity.—Eligible obligations purchased shall generally be held to their maturities.

"(3) Annual review of investment activities.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe the results of the investment activities and financial status of the Funds during the preceding 12-month period."; and

(2) by striking subsection (f) and inserting the following:

"(f) Administrative Expenses.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

"(1) up to $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

SEC. 5008. CONNECTICUT RIVER DAMS, VERMONT.

(a) In General.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $30,000,000.

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.

SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

The project for flood control, Goleta and Vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826), is not authorized.

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

(a) In General.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described in subsection (b), is not authorized.

(b) Description of Project.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

SEC. 6004. BRIDGEPORT, CONNECTICUT.

The project for environmental infrastructure, Bridgeport, Connecticut, authorized by section 219(f)(26) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6005. HARTFORD, CONNECTICUT.

The project for environmental infrastructure, Hartford, Connecticut, authorized by section 219(f)(27) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6006. NEW HAVEN, CONNECTICUT.

The project for environmental infrastructure, New Haven, Connecticut, authorized by section 219(f)(28) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6007. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay authorized by the River and Harbor Act of 1954 (68 Stat. 1249) is not authorized.

SEC. 6008. CENTRAL AND SOUTHERN FLORIDA, EVERGLADES NATIONAL PARK, FLORIDA.

The project to modify the Central and Southern Florida project to improve water supply to the Everglades National Park, Florida, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1257) and the Flood Control Act of 1968 (82 Stat. 740), is not authorized.

SEC. 6009. SHINGLE CREEK BASIN, FLORIDA.

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is not authorized.

SEC. 6010. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized under section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6011. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

SEC. 6012. LAKE GEORGE, HOBART, INDIANA.

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

SEC. 6013. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.

The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821), is not authorized.

SEC. 6014. MUSCATINE HARBOR, IOWA.

The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166), is not authorized.

SEC. 6015. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.

The project for recreation facilities at Big South Fork National River and Recreational Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

SEC. 6016. EAGLE CREEK LAKE, KENTUCKY.

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

SEC. 6017. HAZARD, KENTUCKY.

The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621), is not authorized.

SEC. 6018. WEST KENTUCKY TRIBUTARIES, KENTUCKY.

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.

SEC. 6019. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (55 Stat. 644), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6020. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831) and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

SEC. 6021. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.

The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), is not authorized.

SEC. 6022. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the "Flood Control Act of 1946") (33 U.S.C. 426e et seq.), is not authorized.

SEC. 6023. GULF INTERCOASTAL WATERWAY, LAKE BORGNE AND CHEF MENTEUR, LOUISIANA.

The project for the construction of bulkheads and jetties at Lake Borgne and Chef

Menteur, Louisiana, as part of the Gulf Intercoastal Waterway authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635) is not authorized.

SEC. 6024. RED RIVER WATERWAY, SHREVEPORT, LOUISIANA TO DAINGERFIELD, TEXAS.

The project for the Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6025. CASCO BAY, PORTLAND, MAINE.

The project for environmental infrastructure, Casco Bay in the Vicinity of Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6026. NORTHEAST HARBOR, MAINE.

The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, chapter 19), is not authorized.

SEC. 6027. PENOBSCOT RIVER, BANGOR, MAINE.

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6028. SAINT JOHN RIVER BASIN, MAINE.

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

SEC. 6029. TENANTS HARBOR, MAINE.

The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, chapter 95), is not authorized.

SEC. 6030. GRAND HAVEN HARBOR, MICHIGAN.

The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is not authorized.

SEC. 6031. GREENVILLE HARBOR, MISSISSIPPI.

The project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is not authorized.

SEC. 6032. PLATTE RIVER FLOOD AND RELATED STREAMBANK EROSION CONTROL, NEBRASKA.

The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149), is not authorized.

SEC. 6033. EPPING, NEW HAMPSHIRE.

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

SEC. 6034. MANCHESTER, NEW HAMPSHIRE.

The project for environmental infrastructure, Manchester, New Hampshire, authorized by section 219(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4836), is not authorized.

SEC. 6035. NEW YORK HARBOR AND ADJACENT CHANNELS, CLAREMONT TERMINAL, JERSEY CITY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is not authorized.

SEC. 6036. EISENHOWER AND SNELL LOCKS, NEW YORK.

The project for navigation, Eisenhower and Snell Locks, New York, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258), is not authorized.

SEC. 6037. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.

The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), is not authorized.

SEC. 6038. OUTER HARBOR, BUFFALO, NEW YORK.

The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817), is not authorized.

SEC. 6039. SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA.

The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121), is not authorized.

SEC. 6040. CLEVELAND HARBOR 1958 ACT, OHIO.

The project for navigation, Cleveland Harbor (Uncompleted Portion), Ohio, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is not authorized.

SEC. 6041. CLEVELAND HARBOR 1960 ACT, OHIO.

The project for navigation, Cleveland Harbor (Uncompleted Portion), Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is not authorized.

SEC. 6042. CLEVELAND HARBOR, UNCOMPLETED PORTION OF CUT #4, OHIO.

The project for navigation, Cleveland Harbor (Uncompleted Portion of Cut #4), Ohio, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595), is not authorized.

SEC. 6043. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAMMOND, OREGON.

The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078), is not authorized.

SEC. 6044. CHARTIERS CREEK, CANNONSBURG (HOUSTON REACH UNIT 2B), PENNSYLVANIA.

The project for flood control, Chartiers Creek, Cannonsburg (Houston Reach Unit 2B), Pennsylvania, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), is not authorized.

SEC. 6045. SCHUYLKILL RIVER, PENNSYLVANIA.

The project for navigation, Schuylkill River (Mouth to Penrose Avenue), Pennsylvania, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4013), is not authorized.

SEC. 6046. TIOGA-HAMMOND LAKES, PENNSYLVANIA.

The project for flood control and recreation, Tioga-Hammond Lakes, Mill Creek Recreation, Pennsylvania, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313), is not authorized.

SEC. 6047. TAMAQUA, PENNSYLVANIA.

The project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14), is not authorized.

SEC. 6048. NARRAGANSETT TOWN BEACH, NARRAGANSETT, RHODE ISLAND.

The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861), is not authorized.

SEC. 6049. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788), is not authorized.

SEC. 6050. ARROYO COLORADO, TEXAS.

The project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is not authorized.

SEC. 6051. CYPRESS CREEK-STRUCTURAL, TEXAS.

The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6052. EAST FORK CHANNEL IMPROVEMENT, INCREMENT 2, EAST FORK OF THE TRINITY RIVER, TEXAS.

The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), is not authorized.

SEC. 6053. FALFURRIAS, TEXAS.

The project for flood damage reduction, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6054. PECAN BAYOU LAKE, TEXAS.

The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is not authorized.

SEC. 6055. LAKE OF THE PINES, TEXAS.

The project for navigation improvements affecting Lake of the Pines, Texas, for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6056. TENNESSEE COLONY LAKE, TEXAS.

The project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091), is not authorized.

SEC. 6057. CITY WATERWAY, TACOMA, WASHINGTON.

The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, is not authorized.

SEC. 6058. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.

The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153), is not authorized.

Mr. INHOFE. Mr. President, last Thursday Senator JEFFORDS and I took some time to thank the members of our committee and many on the outside for cooperation in bringing to the Senate the Water Resources Development Act. This is a very big bill. It is a very significant bill. It involved the cooperation of quite a number of people. I would say every member of our committee has been very cooperative. I talked a little bit about Senator FEINGOLD and the fact he had some objections. He was very good to work with, along with Senator MCCAIN and others.

We finally are at the point now where, after a lot of negotiation, the

Senate is considering today S. 728, the Water Resources Development Act of 2006.

As the world's leading maritime and trading nation, the United States relies on an efficient maritime transportation system to maintain its role as a global power. The bill we debate today is the cornerstone of that system.

The Water Resources Development Act, or WRDA, sets out the Federal policy of procedure for the U.S. Army Corps of Engineers to maintain and build our inland and intracoastal waterway system, which carries one-sixth of the Nation's volume of intercity cargo.

In addition, the Corps is responsible for maintaining approximate channel depths in ports along our coasts and the Great Lakes to handle 95 percent of all foreign trade into and out of the country. In fact, more than 67 percent of all consumer goods pass through harbors maintained by the Corps of Engineers. WRDA also authorizes the Corps to work with communities on flood damage reduction and hurricane and storm damage reduction projects designed to protect human life and property.

Inland and intracoastal waterways, which serve States on the Atlantic seaboard, the gulf coast, and the Pacific Northwest, move about 630 million tons of cargo valued at over $70 billion annually. Furthermore, it is estimated that the average transportation cost savings to users of the system is $10.67 per ton, or $7 billion annually over other modes of transportation.

The nearly 12,000 miles of inland and intracoastal waterways include 192 commercially active lock and dam sites. I might add, a lot of people are surprised these are in my State of Oklahoma. Over 50 percent of the locks and dams operated by the Corps are more than 50 years old and consequently are approaching the end of their design life and are in need of modernization or major rehabilitation. This bill authorizes ongoing work to modernize and rehabilitate our inland and intracoastal waterway system.

In the 1800s, the Corps was first called upon to address flood problems along the Mississippi River. Since then, the Corps has continued to provide flood damage reduction along the Mississippi River and in other regions of the country. These efforts range from small local protection to projects such as levees, or nonstructural measures, to major dams. Today, most of the structures are owned by sponsoring cities, towns, and agricultural districts. Although the Corps cannot prevent all damage from floods, the efforts of the Corps do significantly reduce the cost of the flood events.

To illustrate this point, consider that during the 10 years from 1991 to 2000, the decade of the 1990s, the country suffered $45 billion in property damage from floods. If Corps flood damage reduction measures had not been in place, however, that figure would have been more than $208 billion in damage. Clearly, flood control is a wise investment. According to the American Society of Civil Engineers, the flood control structures on average prevent $22 billion in flood damage each year, a savings of $6 per every $1 spent.

Second, similarly, the Corps also participates in and this bill authorizes hurricane and storm damage reduction projects along our Nation's coast as well as projects to combat shoreline erosion. So we are talking now about three aspects: navigation, the hurricanes, and the erosion problem.

And then the third Corps mission is ecosystems restoration. Working with non-Federal sponsors, the Corps implements single-purpose ecosystems, restoration projects, multipurpose projects with ecosystems restoration components, or projects for flood protection or navigation that incorporate environmental features as good engineering. The Corps has restored, created, and protected over 500,000 acres of wetlands and other habitats between 1988 and 2004. In some cases, existing water resources projects are modified to achieve restoration benefits.

This bill includes authorization of several such projects, including quickly approaching the crisis that, if ignored, would dramatically stunt continued economic growth.

We have to understand right now, with what is happening in this country, the increase in economic activity is what has brought us out of this recession. The deficits people in this Senate like to talk about are being addressed by the fact that, for each additional 1 percent of economic activity, it increases revenues about $45 billion. This bill is going to be very helpful in increasing economic activity.

As one of the most fiscally conservative Members of this Senate, I have long argued that the two most important functions of the Federal Government are to provide for national defense and public infrastructure. A lot of my conservative colleagues are going to be talking about projects and maybe earmarks. That is not in this bill we are talking about. They might be surprised to know that I, with a rating of 100 percent by the American Conservative Union, this year and last year, am proposing this bill, which is a big spending bill, but we are not spending. We are authorizing. We have an orderly procedure to reach those projects which would enjoy the most support.

I say to my conservative friends, I am one who is not for wasteful spending. I have maintained the perfect record in terms of my conservative leanings. In fact, it is exactly what being a fiscal conservative is all about.

The primary purpose of government spending is to provide for the national defense and to provide for critical infrastructure. Think how chaotic the system would be if each individual would build and maintain their own infrastructure system. Society simply would not function. Every first-year political science student learns that the function of the body politic is to provide resources that are used by all. Efficiency and economics require the Government not only plan but construct and maintain public infrastructure. So I am not shy about voting for increased authorization on national defense needs or public infrastructure.

At the same time, we have to spend limited tax dollars wisely, with that in mind, on three major restoration projects in Louisiana, Florida, and the Upper Mississippi River Basin. Unfortunately, as other infrastructure bills, WRDA has been decried in the press perhaps as a pork bill. During the debate in the Senate we may hear from some who will agree with that. It is the popular thing to say. As one of the primary authors of the bill, allow me to explain why this charge, if raised, is not accurate.

First, contrary to public belief, this bill is not just project authorization. It contains also significant policy changes designed to ensure an efficient and effective process for addressing our Nation's water resources needs. Later in this debate, Senators will have an opportunity to consider several amendments on further policy reforms.

The bill does have project authorizations. It is an unfortunate fact of life when infrastructure bills are debated we first have to battle back the charge that all we are doing is funding unneeded projects.

Look at the facts. According to the American Society of Civil Engineers 2005 report cards on America's infrastructure, none of the Nation's primary infrastructure such as roads, airports, drinking water facilities, wastewater management systems, gets above a C, and most receive a D. That is without exception. None. And every project authorization is quickly approaching a crisis that, if ignored, will dramatically stunt continued economic growth. We are at the point now where we need to do something.

With that in mind, the committee established a very firm policy of what types of project requests we would consider. Every project authorization included in this bill is based on a report of the Chief of Engineers verifying that the project is technically feasible, economical, economically justified, and environmentally accepted.

I will talk a little bit about the types of engineering reports that are necessary. We did not include environmental infrastructure projects such as water treatment facilities or riverfront development projects because neither of these are a Corps of Engineers mission. Finally, we did not authorize cost-share waivers on existing or new projects. We have always felt the local community has to have an investment and has to have the support of the State, county, or city in order to come forth with the project.

At the present time, Senator BOND and I will be offering two amendments, one on prioritization of projects, and another establishing a procedure of independent peer review. Both of these issues are important reforms to the program. We agree that Congress needs better analysis so we can more easily compare individual projects, thereby ensuring the most needed projects are addressed in a timely manner. Independent peer review fulfills a critical function to ensure that policymakers are using accurate information to make decisions. Therefore, Senator BOND and I will be offering an amendment to clarify which projects should undergo independent peer review.

Finally, some have expressed a concern about the size of the bill. I understand and appreciate these concerns. However, I point out that it has been 6 years since the last WRDA bill was signed into law. Traditionally, WRDA is done every 2 years. Given the 6-year timelag, what the Senate is being asked to consider represents what would be three WRDAs if we had kept to the 2-year schedule. Given that, I believe the cost is reasonable.

The amount of this bill would be eventually about $7 billion in authorization. However, if we were to follow the pattern set in 2000, for a 2-year bill, it was 5.07, so it is considerably less than if we had been doing it every 2 years as we did in the year 2000.

For the benefit of those who may not be familiar with the Army Corps of Engineers program, let me explain. The program does include planning, design, construction, maintenance, and operation of water projects that give improved flood damage reduction, hurricane and storm damage reduction, shore protection, navigation, ecosystems restoration, hydroelectric power, recreation, and other various water resources needed. Virtually all water resources projects are cost shared with a local sponsor. The statutory cost share varies depending on the size of the project. Generally speaking, the local share is about 35 percent; the Federal share is about 65 percent.

Projects generally originate with a request for assistance from a community or local government entity with the water resource need that is beyond its capability to alleviate. A study authority allows the Corps to investigate a problem and determine if there is a Federal interest in proceeding further.

If the Corps has performed a study in the geographic area before this time—in other words, if it has already done it—a new study can be authorized by a resolution of either the Senate Committee on Environment and Public Works, the committee I chair, or the House Committee on Transportation and Infrastructure. If the Corps has not previously investigated the area, the study needs to be authorized by an act of Congress, typically through what we are considering today, a WRDA bill.

Army Corps studies are usually conducted in two stages: the first, called a reconnaissance study, or the recon study, is a general investigation, including an overview of the problem, identification of potential local sponsors—that could be State, tribal, county, or local agencies or governments or nonprofit organizations—and an initial determination of a Federal interest. A recon study is done at full Federal expense and usually costs $100,000 to $200,000 and usually can be completed in about a year.

The second stage is a feasibility study, which is the detailed analysis of alternatives, costs, benefits, and environmental and other impacts. A feasibility study is cost-shared 50-50 with a local sponsor, usually costing upwards of $1 million and takes up to several years to complete.

Congress must provide authorization for the Corps to begin the recon study, but the Corps can move from the recon to feasibility stage without further authorization. Based on the results of the study, the chief of engineers may—this is the significant part—may sign a final recommendation on the project, known as the Chief's Report. Accordingly, the committee has used a favorable Chief's Report as the basis for authorizing projects.

I am going through this process so people will understand this has been thoughtfully considered in each one of these, and the Corps has gone into them and actually come out with a final Chief's Report. I have to say, individuals who sometimes complain about the way the Corps is working might remember in the late 1990s when we had the Everglades Restoration Act. I happen to be the only Member who voted against it. It was 99 to 1. I say to the Presiding Officer. The reason I voted against it is because it did not have a Chief's Report. We have to stay with this system.

Before I yield the floor to my colleagues, I want to point out some other provisions in the managers' substitute amendment that were added to the committee-reported bill. The primary changes were made in response to the devastating hurricanes that hit the gulf coast last year.

We are proposing a new National Levee Safety Program designed after the National Dam Safety Program. The new Levee Safety Program requires that a national inventory be made of all levees and that those levees that protect human life and public safety be inspected. As with the Dam Safety Program, the provision establishes a State grant program to encourage States to establish their own safety program, as these activities are best handled at the local level.

We also made some changes to language already in the bill to authorize a project for coastal wetlands restoration in Louisiana. These changes are intended to address the two main suggestions for process improvements that the Environment and Public Works Committee heard from a broad range of stakeholders following Hurricane Katrina.

First, we try to do a better job of addressing our water resources needs in a comprehensive, integrated manner, rather than in the traditional stovepipe manner of separate missions areas.

Secondly, the time it takes between identifying a water resources need to completing a solution is significantly longer than it should be. Our substitute amendment addresses the time from identification of need to solution.

So we are going to proceed with this bill. I have a request from a well-respected Senator, but I am going to ask if the Senator could withhold until we have the opening statements done.

Let me say, in closing, I have a special interest in this bill because—a lot of people do not realize it, and I am sure the Chair does because he is aware of these things—my State of Oklahoma is in that way navigable. We have a navigation way that comes all the way to the Port of Catoosa. That is in Tulsa, OK. It was put together by a State authorization in legislation that was passed by my father-in-law, the late Arthur Patrick, in the early 1930s. And you might have heard of the McClellan-Kerr Dam. That is the one that is there. So we have that history, and I have that bias that I bring to this floor with my opening remarks.

With that, let me thank the ranking minority member, Senator JEFFORDS, who has been so cooperative throughout the development of this legislation.

Mr. JEFFORDS. Mr. President, I say thank you to the Senator. It is a pleasure to work with you.

The PRESIDING OFFICER. The Senator will suspend briefly.

AMENDMENT NO. 4676

Under the previous order, the reported committee amendments are withdrawn. The managers' substitute at the desk, amendment No. 4676, is agreed to, and the bill, as so amended, is original text for further amendment.

The amendment (No. 4676) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Thank you, Mr. President.

Mr. President, I am very pleased to see the Water Resources Development Act of 2006 finally being considered on the Senate floor. This critical water resources bill is long overdue. The last one was completed 6 years ago.

Despite never receiving a water resources proposal from the administration, we are here today with a good, comprehensive bill, and I hope we can work together to finally get it enacted this year.

With this legislation, we maintain our commitment to the protection of our rivers, streams, and lakes. We also protect our aquatic ecosystems, which are so delicate and yet so vital to critical species.

We help our States and local communities manage their water resources through navigation and shoreline protection projects, as well as provide flood and storm damage protection.

This bill includes the authorization of key coastal restoration and hurricane protection projects to help the State of Louisiana recover from Hurricane Katrina.

There are also some very important project authorizations for my State of Vermont, including ecosystem restoration for the Upper Connecticut River and small dam removal and remediation throughout the State.

In addition, I am pleased this bill updates to the Army Corps of Engineers principles and guidelines to improve the efficiency of the Corps. I am disappointed, however, that some important Corps reform provisions were not included in this bill, such as stronger provisions for independent peer review.

Hurricane Katrina tragically reminded us of the importance of comprehensive reform of the Army Corps of Engineers. I am cosponsoring Senator FEINGOLD's amendment on this topic and encourage my colleagues to join us in support of this reform.

In the wake of Hurricane Katrina, the Corps has a tarnished record in many people's minds. The independent review language that will be offered by Senators FEINGOLD and MCCAIN, coupled with the other reforms we have included in the underlying bill, are critical first steps in our efforts to ensure that the Corps has adequate tools and appropriate oversight of its programs.

This water resources bill represents a step forward in our efforts to protect our water resources, enhance environmental restoration, and spur economic development.

Mr. President, I look forward to our debate on this bill. I urge my colleagues to support its passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the minority leader of our committee who has done such a good job.

Let me announce what I would like to do and see if there is any objection. I will not pose this as a UC, but I will mention we have some people who do have to leave. We had announced earlier we would go straight to the Boxer amendment. I am in support of the Boxer amendment, and that is not going to take a long time. However, she has graciously agreed to let the Senator from Michigan go in advance of her for 10 minutes.

The question I would like to ask the Senator from Michigan is, would it be permissible, and not counted against the time of the Senator from California, if Senator SANTORUM went for 3 minutes prior to you? This is at the conclusion of the remarks of the Senator from Missouri. Would that be all right? It would put you off only 3 minutes.

Ms. STABENOW. Yes. Through the Presiding Officer to the chairman, thank you very much for including me in this process. My question would only be, how much time does the Senator from Missouri require?

Mr. INHOFE. How much time?

Mr. BOND. Mr. President, I am, regretfully, limited by having to be at a markup in a subcommittee I chair, and I will limit my remarks to about 15 to 18 minutes.

Ms. STABENOW. Certainly, Mr. Chairman, I would have no objection.

Mr. INHOFE. After the conclusion of his remarks—

Mrs. BOXER. Can you do a unanimous consent request?

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senator from Missouri be first recognized for 15 to 18 minutes, immediately followed by Senator SANTORUM for not to exceed 4 minutes, and then Senator STABENOW for not to exceed 10 minutes. And then we will proceed on to the Boxer amendment.

Mrs. BOXER. For 20 minutes.

Mr. INHOFE. For whatever time she wants to use.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Chair and I particularly thank our leader, Senator FRIST, and the minority leader, Senator REID, for bringing WRDA to the floor. This is a long and arduous process, and we are grateful they were able to bring together this tremendously important bill.

I pay special thanks to the chairman of the committee, Senator INHOFE, and his staff, and the ranking member, Senator JEFFORDS, and his staff. This has been a truly bipartisan process—a lot longer process than we intended because this was supposed to have been the 2002 WRDA bill. Nevertheless, we have the much needed Water Resources Development Act before us, authorizing projects under the jurisdiction of the U.S. Army Corps of Engineers.

These projects are of tremendous value to the entire Nation. They provide drinking water, electric power production, river transportation, recreation, flood protection, environmental protection and restoration, and emergency response.

Few agencies in the Federal Government touch as many citizens as the Corps does. The Corps provides one-quarter of our Nation's total hydropower output, operates 463 lake recreation areas, moves 630 million tons of cargo valued at over $73 billion annually through our inland system, manages over 12 million acres of land and water, provides 3 trillion gallons of water for use by local communities and businesses, and has prevented an estimated $706 billion in flood damage within the past 25 years with an investment of less than one-seventh that value.

During the 1993 flood, which we experienced in Missouri with great devastation, an estimated $19.1 billion in flood damage was prevented by flood control facilities in place at the time.

WRDA, as I indicated, is a bipartisan bill, traditionally produced by Congress every 2 years, making possible America's major flood control projects, coastal protection, environmental protection and restoration, transportation, and recreation on our major waterways.

Despite its importance, we have not passed a bill since 2000. The longer we wait, the more unmet needs pile up and the more complicated the demands upon the bill become, making it harder and harder to win approval.

The public voice is loud, clear, and spoken often regarding how they feel about the need for our long-overdue and much needed WRDA legislation.

We believe the bill before the Senate is a good one that balances the needs of States for environmental restoration of key waterways and for navigation projects that create economic growth.

The bill before us will create jobs, spur economic development and trade competitiveness, and improve the environment. And it is financially responsible.

To say it is widely supported is an understatement. It passed the EPW Committee by voice vote. Eighty of our colleagues signed a letter to leadership urging floor action—80 out of 100. It is tough for us to get 80 together on anything, but they said: We want this bill. The House cleared it with an overwhelming vote of 406 for it.

Environmental restoration, in the last 20 years, has become a primary Corps mission.

Our water resources perform a variety of functions simultaneously. They can provide transportation and protection from floods and habitats for many species. Similarly, when it comes to Corps projects, navigational and flood control projects can and should be environmentally sound. Environmental restoration can help prevent or minimize flooding during the next major storm, and many other benefits.

The Corps is leading some of the world's largest ecosystem restoration projects. And the commanding feature of this bill is its landmark environmental and ecosystem restoration authorities. More than half of the cost of the bill consists of authorization for environmental restoration projects.

Think of all the major waterways that are important to America—to our environmental heritage, to recreation, and to commerce. This bill affects all of them.

Among the projects in this bill are those that will restore wetlands in the Upper Connecticut River Basin in Vermont and New Hampshire; restore oyster habitat in the Chesapeake Bay; restore fisheries in the Great Lakes; implement an environmental management program for the Rio Grande River; continue restoration of the Everglades; restore areas of coastal Louisiana damaged by Hurricanes Katrina and Rita; restore habitat on the Upper Mississippi and Illinois waterways; restore oyster habitat on Long Island Sound.

Flood control is also important. If we have learned anything from Mother Nature in the last 15 years, it is that we frequently need protection from her storms. Hurricanes Katrina and Rita are just two of the latest devastating examples.

As I said, the good news is Corps projects had an estimated $706 billion in flood damage within the past 25 years with an investment one-seventh that value. This legislation authorizes flood control projects in California, Louisiana, New Jersey, New York, Pennsylvania, Maryland, West Virginia, Minnesota, Kentucky, South Carolina, Idaho, Washington, and Missouri, to name a few.

While the majority of this legislation is for environmental protection and restoration, a key bipartisan economic initiative included provides transportation efficiency and environmental sustainability on the Mississippi and Illinois Rivers.

As the world becomes more competitive, America must also become more competitive. Between 1970 and 2003, the value of U.S. trade increased 24-fold and 70 percent since 1994. That is an average annual growth of 10.2 percent—nearly double the pace of the GDP growth for the same period. We can expect demand for U.S. exports to continue increasing dramatically over many years.

We have to ask ourselves where the growth in transportation will occur in the next 20 to 50 years to accommodate the growth in demand for commercial shipping. The Department of Transportation suggests that congestion on our roads and rails will double in the next quarter century.

Now, those who drive on the highways know how crowded they are. How would you like to see all of the transportation that we now put on water go on the roads? Ask any farmer who has found difficulty getting rail availability to ship product, commodities, because there is heavy demand. Water transportation is a great untapped capacity.

One medium-sized barge tow carries the freight of 870 trucks. On the road are 2.25 100-car unit trains, 250-car unit trains, and 1 barge carries the equivalent of 15 jumbo hopper cars. Now, how does that translate into the use of energy? We ought to be concerned about energy conservation. Well, the good news is that water transportation conserves fuel and protects the air and environment. How? How far will one gallon of fuel move one ton of freight? If you are going by truck, one gallon of fuel can move a ton of freight 59 miles. If you are going by rail, it can move it 386 miles. But if you are going by water, it can move it 522 miles. That is almost 10-to-1 more efficient than trucks and 1.5 times as efficient as rail. The rail just isn't there. The rail system is overcrowded already.

Over the past 35 years, waterborne commerce on the Upper Mississippi River has more than tripled. The system currently carries 60 percent of our Nation's corn exports and 45 percent of our Nation's soybean exports, and it does so at two-thirds the cost of rail—when rail is available.

In Missouri alone, we ship 34.7 million tons of commodities with a combined value of more than $4 billion. That is not just farm products. It includes coal, petroleum, aggregates, grain, chemicals, iron, steel, minerals, and other commodities, and, yes, the corn, soybean, and wheat that we export overseas.

Our navigable waterways are in environmental and economic decline. Jobs and markets and the availability of habitat for fish and wildlife are at stake. The American Society for Civil Engineers grades navigable waterways infrastructure D– with over 50 percent of the locks "functionally obsolete" despite increased demand.

So we have developed a plan that gets the Corps back in the business of building the future, rather than just haggling about predicting the future.

This legislation contains authorization for funding to improve navigation on a number of our major waterways in several States, including Louisiana, Texas, Alaska, Virginia, Delaware, and Maine.

A key piece of the bill modernizes locks and dams on the Upper Mississippi and Illinois Rivers. We authorize capacity expansion on locks 20 to 25 on the Mississippi River and Peoria and LaGrange on the Illinois.

New 1,200-foot locks on the Mississippi River will provide equal capacity in the bottleneck region. Upstream from the Keokuk, there is a lock 19 which is 1,200 feet, and below them at St. Louis are locks 26 and 27. They are also 1,200 feet. These 600-foot locks serve as major water roadblocks to transportation of our products to the world markets and inputs to users upstream.

One-half of the cost of the new locks will be paid for by private users who pay into the Inland Waterways Trust Fund. Additional funds will be provided for mitigation and small scale and nonstructural measurements to improve efficiency.

If you are for increased trade, commercial growth, and job creation, you cannot get there without supporting the basic transportation infrastructure, as our chairman has so eloquently pointed out. New efficiency helps give our producers an edge that can make or break opportunities in the international marketplace.

As we look 50 years into the future, we have to ask ourselves a fundamental question: Should we have a system that promotes growth or should we be confined to a transportation straitjacket designed not for 2050 but for 1950 with paddle wheel boats?

We must ask ourselves if dramatic investments should be made to address environmental problems and opportunities that exist on these great waterways?

In both cases, the answer, to me, is simple. Of course we should improve and modernize. The choice is a very important one today as we have a global economy. Our farmers are the most efficient in the world, but transportation costs can knock them out of the world market. We know our competitors are modernizing their water transportation.

Here is a very troubling picture. This is one of our foremost exports right now. You know what they are exporting? Not renewable crops that come from our fields. These are 2 towboats and 30 barges headed for Argentina. Argentina and Brazil and other Latin American countries are taking imports from our water transportation system because they have the waterways to use them and we don't. Do you want to make a one-time sale of the barges or towboats, or do you want to have sales every year on the goods and commodities these can produce?

Seventy years ago, some argued that a transportation system on the Mississippi River was not justified. Congress, fortunately, decided that its role was not to try to predict the future but to shape it and decided to invest in a system despite the naysayers. Over 81 million tons per year later, it is clear that the decision was wise.

The veteran chief economist at USDA testified that transportation efficiency and the ability of farmers to win markets and higher prices are "fundamentally related." He predicts that corn exports over the next 10 years will rise 45 percent, 70 percent of which will travel down the Mississippi River—if the river has the capacity to carry it.

The decision to improve these waterways has not been taken lightly. As has already been pointed out, all decisions and procedures have been documented and coordinated with an interagency Federal Principals Group, independent technical reviews and stakeholders, and have been made available for public review and comment.

The Corps of Engineers spent $70 million completing a study that was anticipated to take 6 years and cost $12 million, but it actually took 14 years to complete. During that period, there have been 35 meetings of the Governors Liaison Committee, 28 meetings on the Economic Coordinating Committee, among the States along the Upper Mississippi and Illinois waterways, 44 meetings of the Navigation and Environmental Coordination Committee; and there have been 3,879 public involvement activities concerning the Upper Mississippi River alone.

Additionally, there have been 130 briefings for special interest groups and 24 newsletters. There have been 6 sets of public meetings in 46 locations, with over 4,000 people in attendance. To say the least, this has been a very long, very transparent, and very representative process.

While we have been studying, our competitors have been building. Given the extraordinary delay so far, and given the reality that large-scale construction takes decades, further delay is no longer an option.

That is why I am pleased to join the bipartisan group of Senators who agree that we must improve the efficiency and the environmental sustainability of our great resources.

The transportation efficiency provisions are supported by a broad-based group of the States, farm groups, shippers, labor, and those who pay taxes into the trust fund for improvements.

Of particular note, I appreciate the strong support from the carpenters, laborers, operating engineers, Iron Workers, Teamsters, the Nature Conservancy, the Audubon Group, and the construction and energy and agriculture people.

Also, I mention specifically the good efforts of Senators TALENT, DURBIN, OBAMA, GRASSLEY, and HARKIN, who have given strong bipartisan support.

For some, the bill is too small; for others, it is too big. It is important to understand the budget implications in the real world. We are contending with difficult budget realities. It is critical to be mindful of those realities as we make investments in the infrastructure that support those who make and grow and buy and sell things so that we can expand our economy, create jobs, and, yes, pay taxes and secure our future.

This is an authorization bill that doesn't spend a single dollar, not one. Like other authorization bills, it makes projects eligible for funding under constraints administered by Congress. The Appropriations Committee and the President will have final say. Those who don't make it won't be funded.

The WRDA process simply allows for projects to be considered during the process of appropriations. I hear some suggest we should not authorize anything new until everything previously authorized has been funded. That is nonsense because it falsely assumes that all projects authorized 5, 10, 15 years ago are higher priority than those we have now. That is not true.

In fact, we have eliminated the authorization for 56 projects totaling over $500 million in savings. The remaining projects will be subject to the appropriations process.

People have talked about Corps reform. I want to make sure we reform it and don't kill it. I agree that we need to be sure every project is authorized, is needed, and is economically justifiable.

The Corps continues to make agencywide planning improvements that are responsive to stakeholders' needs and responsible to taxpayers.

The Corps includes independent review in all project studies and review by outside independent experts for larger, higher risk and complex projects. Peer review is integrated into project development.

The Corps is developing new tools to examine regional and watershed issues that will allow a broader view of complex water resource issues.

The bill contains provisions that will further improve the reliability of Corps analyses of projects.

Now, there are many—particularly community leaders around the country—who believe there is already too much redtape, delay, cost, and uncertainty. There are those who want less redtape. I strongly agree with them. Others want more redtape. But I think we strike a necessary balance in the bill.

We have embraced a commonsense, bipartisan proposal by Senators LANDRIEU and COCHRAN that requires major projects to be subject to independent review.

The PRESIDING OFFICER. The Senator has consumed 18 minutes.

Mr. BOND. Mr. President, I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, the Landrieu-Cochran proposal requires that necessary mitigation for projects be completed at the same time the project is completed or no longer than 1 year afterward. This will impose a cost on communities, particularly smaller ones, but it is not as onerous as regulations proposed 2 years ago which ultimately prevented a final agreement between the House and Senate. For some, the new regulations are too onerous; for others, not enough. As I said, I believe we strike a balance.

This legislation is supported by over 250 organizations representing the environment, agriculture, labor, and chambers of commerce. I ask unanimous consent that the letter from the National Waterways Alliance listing these groups be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL WATERWAYS ALLIANCE,
Arlington, VA, June 30, 2006.

Hon. CHRISTOPHER S. BOND,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR BOND: After six long years, we finally have hope for passage of the Water Resources Development Act of 2006 (WRDA). Our country cannot afford further delay. Clearly the time has come, particularly in light of the lessons learned from Hurricane Katrina, for Congress to complete its work on this crucial legislation for our nation's water resources.

As Senate leaders prepare the bill for floor consideration, we urge you to: (a) Request that the Majority Leader bring the bill to the floor quickly; (b) Accept the Inhofe-Bond Amendments and Reject the Feingold-McCain "Corps reform" amendments. (See attachment.)

S. 728, much like its House of Representatives counterpart, represents a workable compromise to address and provide guidance on a number of policy issues, including the need to strengthen the Army Corps of Engineers' feasibility study process, provide meaningful project peer reviews and refine mitigation standards to embody sound ecological science. In addition, S. 728 provides authorization for many important projects with the potential to improve our economy, ease our nation's growing problem of congestion and dependence on foreign oil, and enrich our quality of life and environment.

Our water resources system contributes mightily to our nation's well-being. Ports and waterways are the backbone of our transportation system—ensuring domestic and international trade opportunities and a safe, economical and eco-friendly transportation alternative—for products such as steel, coal, fertilizer, salt, sand and gravel, cement, petroleum, chemicals, etc. In addition, the U.S. maritime transportation system moves more than 60 percent of the nation's grain exports. Our flood damage reduction program saves lives and prevents almost $8 in property losses for each dollar spent. Corps' hydropower facilities supply 24% of the hydropower generated in the United States. Projects for water supply, irrigation, recreation, beach nourishment and wildlife habitat provide innumerable benefits.

We solidly support expeditious passage of S. 728 as a balanced and responsive Water Resources Development Act, and urge you to do the same. The Senate must act now to move us closer to achieving and preserving an economically and environmentally sustainable water resources development program for the nation's future.

Sincerely,

Agricultural Retailers Association; AGC of St. Louis; Ag Processing Inc.; Agribusiness Association of Iowa; Agriculture Ocean Transportation Coalition; AGRIServices of Brunswick, LLC; Agrium; All American Coop; Alter Barge Line; Ameren; American Association of Port Authorities; American

Association of State Highway and Transportation Officials (AASHTO); American Farm Bureau Federation; American Feed Industry Association; American Public Works Association; American Shore and Beach Preservation Association; American Soybean Association; American Waterways Operators, Inc.; Aon Risk Services; Arch Coal, Inc.; Arkansas Basin Development Association; Arkansas Waterways Association; Arkansas Waterways Commission; The Associated General Contractors of America.

Association of California Water Agencies; Association of Equipment Manufacturers; Association of Marina Industries; Association of Ship Brokers and Agents (U.S.A.), Inc.; Atlantic Intracoastal Waterway Association; Bay Planning Coalition (San Francisco Bay-Delta); Ben C. Gerwick, Inc.; Bergmann Associates; Boat Owners Association of The United States (BoatUS); Boaters are Voters; J.F. Brennan Marine, Inc.; Bunge North America, Inc.; Bussen Terminal; Buzzi Unicem USA; Caddo-Bossier Port Commission (LA); Cahokia Marine Service; California Coastal Coalition; California Marine Affairs and Navigation Conference; Cargo Carriers/Cargill; Caver and Associates, Inc.; Ceres Consulting, LLC; CF Industries, Inc.; Cherokee Barge & Boat, LLC; City of Carolina Beach, NC.

Carpenters' District Council of Greater Saint Louis and Vicinity; CEMEX, Inc.; CH2MHill, Inc.; CHS, Inc.; Columbiana County Port Authority (OH); Colusa Elevator Co., Inc.; Consolidated Blenders, Inc.; Construction Management Association of America; Continental Cement Company, Inc.; Dairyland Power Cooperative; Dakota, Minnesota & Eastern Railroad Company; DeBruce Grain, Inc.; Determann Industries, Inc.; Dredging Contractors of America; Dyno Nobel, Inc.; Eagle Marine Industries, Inc.; Fabick Power Systems; Farmers Coop Association; Farmers Cooperative Elevator Company; The Fertilizer Institute; Fire Island Association (NY); J. Russell Flowers, Inc.; Gahagan & Bryant Associates, Inc.; City of Galveston, TX.

Galveston County, TX; Garick Corporation; Garvey Marine, Inc.; Gateway Arch Riverboats; Gateway FS, Inc.; Grain & Feed Association of Illinois; Grain Processing Corporation; Grampa Wood Excursions; Great River Economic Development Association; Green Bay Farms, L.P.; Growmark, Inc.; Grundy County Farm Bureau; Hampton Roads Maritime Association; Harber, Inc.; Harmony/Preston Agri Services, Inc.; Harris County Flood Control District (TX); Hatch Mott MacDonald, Inc Hawkins Chemical Company, Inc.; HDR; Heart of Illinois Regional Port District; HNTB, Inc.; Holcim (US) Inc.; IEI Barge Serivces; Illinois Chamber of Commerce; Illinois Corn Growers Association.

Illinois Farm Bureau Federation; Illinois Fertilizer & Chemical Association; Illinois Grain and Feed Association; Illinois Soybean Association; City of Imperial Beach, CA; INCA Engineers, Inc.; Ingram Barge Lines, Inc.; Inland Rivers, Ports & Terminals, Inc.; International Union of Operating Engineers; Iowa Corn Growers Association; Iowa Farm Bureau Federation; Iowa Renewable Fuels Association; James Marine, Inc.; Jeppeson Marine; Jersey County Grain Company; Johnson Machine Works; Johnston Enterprises Inc.; Johnston Port 33; W.B. Johnston Grain Co.; Johnston Seed Co.; Johnston Terminal, Muskogee, OK; Kansas City Power & Light; Kansas Corn Growers; Kaskaskia Regional Port (IL).

Kentucky Corn Growers Association; City of Keokuk, IA; Kindra Lake Towing, L.P.; Kirby Corporation; Lake Carriers' Association; Lake Providence Port Authority (LA); Limited Leasing Company; Linwood Mining & Materials Corp.; Little River Drainage District (MO); Long Island Coastal Alliance (NY); Louisiana Department of Transportation and Development—Public Works, Hurricane Flood Protection & Intermodal Transportation; Luhr Bros.; Magnolia Marine Transport Company; MARC 2000; Maritime Association of the Port of New York/New Jersey; Maritime Exchange for the Delaware River and Bay; Marquette Transportation Co., Inc.; Marquis Inc./Terminal Express; Maryland Grain Producers Association; Massman Construction Company; McCallie Marine Service, LLC; MEMCO Barge Line/AEP River Operations; Merrill Marine Services; MFA, Inc.

Michigan Corn Growers Association; Mid-Central Illinois Regional Council of Carpenters; Midwest Foundation Corporation; Midwest Industrial Fuels, Inc.; Minneapolis Grain Exchange; Minnesota Agri-Growth Council, Inc.; Minnesota Crop Production Retailers; Minnesota Farm Bureau Federation; Minnesota Grain and Feed Association; Minnesota Soybean Growers Association; Mississippi River Citizen Commission; Mississippi Welders Supply Co., Inc.; Missouri Ag Industry Council; Missouri Barge Line Company, Inc.; Missouri Corn Growers Association; Missouri Corn Merchandising Council; Missouri Farm Bureau Federation; Missouri Levee & Drainage District Association; Missouri Port Authority Association; Missouri Soybean Association; MO-ARK Association; Monsanto; Morrow Group USA; National Association of Manufacturers.

National Association of Maritime Organizations; National Association of Waterfront Employers; National Association of Wheat Growers; National Corn Growers Association; National Grain & Feed Association; National Grain Trade Council; National Grange; National Heavy & Highway Alliance; Laborers' International Union of North America, International Union of Operating Engineers, United Brotherhood of Carpenters & Joiners, International Association of Bridge, Structural, Ornamental & Reinforcing Iron Works of America, Operative Plasterers' & Cement Mason International Association, International Brotherhood of Teamsters, International Union, Brickyard Layers & Allied Craftworkers; National Industrial Transportation League; National Marine Manufacturers Association; National Mining Association; National Oilseed Processors Association; NSA Agencies, Inc.; National Stone, Sand and Gravel Association; National Water Resources Association; National Waterways Conference, Inc.; New Madrid County Port Authority; Norman Bros., Inc.

The North American Export Grain Association; City of North Topsail Beach, NC; Ohio Corn Growers Association; Ohio Council of Port Authorities; Oklahoma Department of Transportation Advisory Board; Oklahoma Department of Transportation, Waterways Branch; Olympic Marine Company; Ouachita River Valley Association; Pacific Northwest Waterways Association; Pattison Bros. Mississippi River Terminal, Inc.; Pemiscot County Port Authority (MO); Personal Watercraft Industry Association; Port of Alexandria (LA); Port of Alsea (OR); Port of Bandon (OR); Port of Brookings Harbor (OR); Port of Coos Bay (OR); Port of Corpus Christi (TX); Port of The Dalles (OR); Port of Depot Bay (OR); Port of Garibaldi (OR); Port of Gold Beach (OR); Port of Galveston (TX); Port of Humboldt Bay (OR).

Port of Ilwaco (WA); Port of Memphis (TN); Port of Morrow (OR); Port of Muskogee (OK); Port of New Orleans (LA); Port of Newport (OR); Port of Palacios (TX); Port of Port Orford (OR); Port of Redwood City (CA); Port of Siuslaw (OR); Port of Toledo (OR); Port of Umatilla (OR); Port of Umpqua (OR); Port of Vancouver USA (WA); Port of Victoria (TX); Portland Cement Association; Ports of Indiana; Providence Grain Company; Quad City Development Group; Red River Valley Association; Red River Waterway Commission; Red Wing Port Authority; River Barge Excursion Lines, Inc.; River Navigation Coalition; River Resource Alliance.

Riverway Company; Salt Institute; Sargeant Grain Company; Schutte Lumber Company; The Scoular Company; Seneca; Shattuck Grain Co.; J.R. Simpson & Associates, Inc.; Smurfit Stone Container Corporation; Southeast Grain & Feed Dealers Association; Southern Illinois Construction Advancement Program; SSA Marine; St. Louis City Port Authority/Economic Council; St. Lucie County, FL; Stone Oil Distributor, Inc.; Texas Water Conservation Association; TPG Marine Enterprises, LLC; Topsail Island Shore Protection Commission (NC); Transportation, Elevator & Grain Merchants Association; Transportation Institute; Tri-City Regional Port District; Trinity Marine Products, Inc.; Tri-Oak Foods, Inc.; Tulsa Port of Catoosa (OK).

Tulsa's Port of Catoosa Facilities Authority; Twomey Company; United Brotherhood of Carpenters and Joiners of America; U.S. Chamber of Commerce; U.S. Great Lakes Shipping Association; Upper Monongahela River Association Incorporated; Upper Mississippi, Illinois & Missouri Rivers Association; Upper Mississippi Waterways Association; United Soybean Board; Upper River Services, LLC; City of Venice, FL; Volunteer Barge & Transport, Inc.; Waterways Council, Inc.; The Waterways Journal, Inc.; Wayne B. Smith, Inc.; Weeks Marine, Inc.; Western Kentucky Navigation, Inc.; White River Coalition; Winona River & Trail; Wisconsin Agri-Service Association; Wisconsin Corn Growers Association.

Mr. BOND. Mr. President, anybody who wants to know if this is broadly based can look at the list of all of these groups. As I said, they include environmental, labor, agriculture, chambers of commerce, construction, energy, local entities. MARC 2000 in my State has been a very strong supporter.

I thank all of these people who support the bill. I thank my colleagues and their staffs for the hard work devoted to this bill and the difficult issues it presents. I particularly thank Chairman INHOFE for his forbearance. I look forward to the debate on this bill and final passage.

I hope my colleagues listen carefully to the debate because we have included significant Corps reform that will achieve all the benefits that legitimate requests for Corps reform entail, but it will not subject the process to unending, wasteful delays and further redtape that sank the bill the last time we tried to send it to the House.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 4 minutes.

Mr. SANTORUM. Mr. President, I thank the chairman and ranking member and the Senator from Michigan for providing me this opportunity to speak for a few minutes about the importance of this legislation to my State.

As many know, the State of Pennsylvania over the last several weeks has experienced catastrophic floods. FEMA has now issued individual assistance declarations for 22 of our 67 counties and declarations of public assistance for 24 counties. It could have been a lot worse but for flood control projects that this Congress authorized and approved in the WRDA process in the past, particularly the Wyoming Valley levee-raising project, which I will address in a moment.

I thank the chairman and ranking member for including a provision for a flood control project for the town of Bloomsburg. It is the only town in Pennsylvania. What you see was 25 percent underwater from the Susquehanna River just a couple weeks ago. Bloomsburg State University is there. It is a beautiful little town. It was completely submerged as a result of the flash flooding and then the raising of the Susquehanna River subsequent to the rains. So I appreciate the fact there is a flood control project in this legislation for the town of Bloomsburg.

In addition, we have had another problem upstream from Bloomsburg, an area where we have had a tremendous success, and that is the Wyoming Valley levee-raising project which is almost completed, but there is an area in Wilkes-Barre in particular called Solomon Creek. It is a tributary to the Susquehanna River.

This picture shows a little bridge that goes over Solomon Creek. This bridge is virtually dry most of the time. You can see it is up 12, 14 feet from the bottom. It is a horrible problem in the city of Wilkes-Barre. It backs up into the river and causes all sorts of damage in the city of Wilkes-Barre and south Wilkes-Barre right near a hospital which is hoping to expand—but will not expand if we can't fix this problem—to serve the residents of the area.

What I have asked the chairman to do—there is a provision that Congressman KANJORSKI got into the House WRDA bill which puts this flood control project underneath the Wyoming Valley levee-raising project which is authorized for over $400 million. Believe it or not, the levee-raising project came in at well under $400 million, about $250 million. So there is room under that cap to bring in this tributary which really does need to be fixed to address this major flooding problem.

The Senator from Oklahoma, when I explained this project to him, said he would support us in conference in making sure this project is included in the final bill. I will tell you, the people of south Wilkes-Barre are very pleased to hear tonight that as a result of this bill passing, and we get it through conference, the chairman of the committee will support the Solomon Creek project in conference, which will mean that literally within the next 12 months, we can begin to work on making sure that south Wilkes-Barre doesn't experience this kind of tragic flooding in the future.

With that, I thank the chairman for his assurance and his support. It is deeply appreciated by me and I know by Senator SPECTER and by the people of Wilkes-Barre.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I thank the distinguished chairman of this important bill and the ranking member for allowing me to speak about a different subject for a few moments. This is a very important bill which is before the Senate. It is very important to Michigan. I very much appreciate all the hard work they have put into bringing this bill to the floor.

I also thank my friend and colleague from California for allowing me to use a few moments of her time.

(The remarks of Ms. STABENOW are printed in today's RECORD under "Morning Business.")

Mrs. BOXER. Mr. President, I was pleased to yield time to Senator STABENOW who had a very pressing matter regarding some of her constituents who are stuck in Lebanon with no way out, and a very vulnerable time for many of the families in her district and in her State.

Let me start out by saying thank you to my chairman, Senator INHOFE, and to our ranking member, Senator JEFFORDS, and, of course, Senators BOND and BAUCUS, and the array of Senators who have worked so hard on this very bipartisan bill. We have all worked together, and I believe it is an excellent bill. I thank the staffs for their commitment to this product, particularly Let Mon Lee with Senator BOND, Angie Giancarlo and Stephen Aaron with Senator INHOFE, and Catharine Ransom and Jo-Ellen Darcy with Senator JEFFORDS. They put in very long hours, many of them, to help all of us, and for that I thank them.

All together, this bill represents the collective work of nearly 6 long years. That is how long it has taken to get this water resources bill to the Senate. I think we all agree that 6 years is far too long to wait for a bill that authorizes essential flood control, navigation, and ecosystem restoration projects, projects that help protect thousands of homes and the lives of millions from catastrophic flooding; projects that help restore the great wetlands and the rivers of our Nation. What we learned during Katrina is what happens when we lose the wetlands in our country, and we have been losing them. As a result of that, we lose the natural flood protection that we so desperately need. So restoring the great wetlands we have lost in California—I think it is about 90 percent of our wetlands, and nationwide I think it is even more than that. So we really have lost a great deal of our wetlands, and this bill helps to correct that. It protects the rivers of our Nation, also very important and is addressed here.

We have projects that help increase our port capacity and projects that make shipping easier and safer. Specifically, for my State of California, there are many great and valuable provisions in this bill, essential flood control provisions that more than double the amount of current funds authorized to improve and upgrade levees in the San Joaquin River Delta, levees that will help protect two-thirds of California's water supply.

I remind my colleagues—I know you are aware of this—we have almost 37 million people in my State. So when we talk about flood control protecting the population, we are talking about quite a sizable population.

We have included ecosystem restoration pilot projects to help improve and restore the Salton Sea, which has been steadily shrinking into the deserts of southern California. The Salton Sea is a remarkable—remarkable—body of water.

The bill also includes authorization to restore vast salt marshes and wetlands around the Napa River.

I want to highlight one final provision in this bill for California. Earlier this year, I introduced the Los Angeles River Revitalization Act. When I tell my colleagues that there was a river in Los Angeles—there still is—they look at me and say: Well, where is this river?

Well, you can take it from me, there is a river. It has been destroyed over time. The local people, with a wonderful project, are trying to restore this river and continue to protect the residents of the area from flooding, but also to provide recreational opportunities for the communities on the riverbanks.

The 2006 WRDA bill before us contains key provisions from that bill, including a feasibility study and provisions authorizing demonstration projects to help get this great restoration effort going. If you have time to come with me to Los Angeles, I say to my colleagues, I will show you the amazing possibilities we have for recreation and for the young people in an area that is in great need, desperate need of recreation, because it is so populated and so crowded.

So in short, Mr. President, this is a great and important bill for my State. We cannot ignore our water infrastructure. We learned that from Hurricane Katrina. We cannot allow long periods of time to elapse without reauthorizing such a vital and important bill. Most of our colleagues agree, earlier this year, more than 80 Senators signed a letter requesting full Senate consideration of this bill. I have worked with colleagues on both sides of the aisle, particularly Senators INHOFE and JEFFORDS, in trying to address every colleague's concerns so that we could get to this moment, and here we are.

I look forward to discussing and debating several key policy issues relating to this bill. We have a couple of controversial ones, and I will be on the Senate floor as these issues come before us.

AMENDMENT NO. 4679

Mrs. BOXER. Mr. President, at this time, I call up my amendment No. 4679, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4679.

Mrs. BOXER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the project for Folsom Dam, California)

Beginning on page 164, strike line 21 and all that follows through page 165, line 5, and insert the following:

(b) FOLSOM DAM.—Section 128(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2259), is amended—

(1) in the first sentence, by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) in the second sentence, by striking "The Secretaries" and inserting the following:

"(2) TECHNICAL REVIEWS.—The Secretaries";

(3) in the third sentence, by striking "In developing" and inserting the following:

"(3) IMPROVEMENTS.—

"(A) IN GENERAL.—In developing";

(4) in the fourth sentence, by striking "In conducting" and inserting the following:

"(B) USE OF FUNDS.—In conducting"; and

(5) by adding at the end the following:

"(4) PROJECT ALTERNATIVE SOLUTIONS STUDY.—The Secretaries, in cooperation with non-Federal agencies, are directed to expedite their respective activities, including the formulation of all necessary studies and decision documents, in furtherance of the collaborative effort known as the 'Project Alternative Solutions Study', as well as planning, engineering, and design, including preparation of plans and specifications, of any features recommended for authorization by the Secretary of the Army under paragraph (6).

"(5) CONSOLIDATION OF TECHNICAL REVIEWS AND DESIGN ACTIVITIES.—The Secretary of the Army shall consolidate technical reviews and design activities for—

"(A) the project for flood damage reduction authorized by section 101(a)(6) of the Water Resources Development Act of 1999 (113 Stat. 274); and

"(B) the project for flood damage reduction, dam safety, and environmental restoration authorized by sections 128 and 134 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1838, 1842).

"(6) REPORT.—The recommendations of the Secretary of the Army, along with the views of the Secretary of the Interior and relevant non-Federal agencies resulting from the activities directed in paragraphs (4) and (5), shall be forwarded to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives by not later than June 30, 2007, and shall provide status reports by not later than September 30, 2006, and quarterly thereafter.

"(7) EFFECT.—Nothing in this section shall be deemed as deauthorizing the full range of project features and parameters of the projects listed in paragraph (5), nor shall it limit any previous authorizations granted by Congress.".

Mrs. BOXER. Mr. President, I offer this amendment on Sacramento flood control at the Folsom Dam, and I want to speak on behalf of my amendment. My statement will be brief because I am very pleased that my amendment has been cleared on both sides of the aisle. Again, I thank Senators INHOFE and JEFFORDS and their staffs. We will be voice-voting this amendment, and it means a great deal to Senator FEINSTEIN and to me and the people from California, be they Republicans or Democrats or Independents. I again extend my thanks to Letmon Lee with Senator BOND, Angie Giancarlo and Stephen Aaron, Catherine Ransom and Jo-Ellen Darcy. I am saying their names again because I think all too often staff just don't get the credit they deserve for the long hours they put in. Their work on this amendment, like so many others in this bill, has been invaluable.

I thank Senator FEINSTEIN for being a cosponsor of this amendment. I offer my appreciation for her help in this effort. Very briefly, I want to talk about why this amendment is so important, and then we will have a voice vote and we can move on to Senator SPECTER's amendment.

Sacramento is one of America's largest metropolitan areas that has less than 100-year flood protection, less than 100-year flood control protection. The Sacramento-American Rivers floodplain contains 165,000 homes. I want my colleagues to think about that—nearly 500,000 residents. The State Capitol is there, and many businesses providing 200,000 jobs. It is also the hub of the six-county regional economy, providing hundreds of thousands of jobs.

A major flood would cripple the Sacramento region's economy, significantly impair the operations of our government in Sacramento, and cause up to $15 billion in direct damage and up to $30 billion in total economic losses, and it would likely result in significant loss of life.

As the capital of the world's sixth largest economy—the world's sixth largest economy—no one can deny it is important to protect the Sacramento region and, fortunately, no one today is denying that. Yet Sacramento is terribly vulnerable to catastrophic flooding, so vulnerable that parts of the Sacramento area were under serious flood threat earlier this year. I remember well, when Senator FEINSTEIN and I came to the floor and we showed you the pictures. We are not going to go through those again tonight because I think you remember those pictures. There was that whole area where you have homes below sea level at risk every single day.

To protect this region from flooding, Folsom Dam was completed in 1956. It is located 15 miles northeast of Sacramento on the American River. To improve the dam's flood control capabilities, Congress authorized two projects to increase the dam's capacity and waterflow control. Over the past year, the Army Corps of Engineers and the Bureau of Reclamation have been working to refine and improve these plans.

My amendment ensures that this important process continues expeditiously and without interruption. This is what it does. It sets a strict timeframe of June 2007 for the Corps and the Bureau to complete their report, so that design work can proceed without delay.

We all know bureaucracy. They will figure out one way to delay and another way to delay, and before long we have real serious questions of the costs for the project and having to pay more for the project. We pray during that time there will not be a catastrophic flood.

We are so pleased that this amendment has been signed off on, on both sides. It also calls for quarterly reports on the progress of the Bureau of Reclamation and the Corps.

The bill as agreed to by the managers of the bill today is an important next step to provide the region of Sacramento the level of flood protection it deserves. The Corps, the Bureau, and their non-Federal partners are continuing to work on designing the best solution for Folsom Dam, and the outlook is very promising.

As S. 728 moves to conference with the other body, I intend to work with my colleagues in any way needed to support this project. Again, I thank my colleagues on both sides of the aisle for agreeing with this important amendment, and I hope the day will soon come when we will have that report ready for you and move forward.

I ask unanimous consent that all of my time and the time of Senator STABENOW be charged against my amendment. I think that will clear up the time confusion with the Chair. Is that correct? Mr. Chairman, is that making you happy?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. We are done. I hope now we can voice vote this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JEFFORDS. Mr. President, I rise in support of the amendment by Senator BOXER.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. This amendment has simple goals: to consolidate some ongoing work on the Folsom Dam and get the Corps to finish in a timely manner. I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, in my opening statement, I talked about the rather difficult process we go through in this WRDA process and the Corps of Engineers starting off with a reconnaissance or a recon setting and then going to a feasibility study. I would like to say the project, as discussed by the Senator from California, has already gone through all this. It has already been authorized twice. So I join her in wanting to get this done.

I would like to make the comment, though, that at the conclusion of this voice vote, I think we are going to be going to the Specter amendment. It is the intention of the chairman, anyway, to go ahead and have that as a recorded vote this evening.

I support the Boxer amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 4679) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, parliamentary inquiry: We have 1 hour equally divided?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 4680

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] for himself and Mr. CARPER, proposes an amendment numbered 4680.

Mr. SPECTER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify a provision relating to Federal hopper dredges)

Strike section 2020 and insert the following:

SEC. 2020. FEDERAL HOPPER DREDGES.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: "This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.".

Mr. SPECTER. Mr. President, this amendment is to delete a provision in the bill which would prohibit the hopper dredge *McFarland* from remaining in operation. I submit this bipartisan amendment on behalf of myself and Senator CARPER, of Delaware.

It is a little hard to understand why this pending bill seeks to retire this vessel, which does important dredging work, on a bill which is denominated to provide for the consideration of the development of water and related resources and authorizes the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, because this dredger is very important for the specific stated purposes of the bill.

I would start with the important role this dredging vessel, the *McFarland*, plays with respect to the Nation's military operations. The *McFarland* is one of only three active dredging vessels owned by the U.S. Government, with one other held in reserve. The other two active vessels are on the west coast. The *McFarland* is available to respond immediately to emergency blockages at the Department of Defense-designated strategic military seaports.

At a time when terrorism is a major threat in this country, it is hard to understand why we would want to give up the only dredger which is available on the east coast and on the gulf coast. I think there may be many Senators whose States will be adversely affected, as will Pennsylvania and Delaware and New Jersey—the States in our region—when you take a look at the Defense-designated "Strategic Military Seaports" within the operating range of the *McFarland*, which covers New York and New Jersey; Hampton Roads, VA; Morehead City, NC; Wilmington, NC; Charleston, SC, Savannah, GA; Jacksonville, FL; Gulfport, MS; Beaumont, TX; Corpus Christi, TX; the Earle Naval Weapons Station, NJ and Sunny Point, NC.

Senators from those States, beware about what is going to happen to your State if you don't have this dredger available to perform strategic military seaport operations at a time when there is a significant risk of terrorism.

The *McFarland* has also played a key role in responding to severe weather events and natural disasters. Most recently, the vessel was dispatched to the gulf coast to assist in Hurricane Katrina response efforts. So, Senators of Louisiana and Mississippi and Texas and Alabama, beware if this vessel is not available. There are two on the west coast. They can't get to these areas to perform needed rescue efforts.

There has been no plan put forward to address the void in the Nation's dredging capacity that will be created in the absence of the *McFarland*. The GAO has been critical of restricting the Federal hopper dredge fleet. It made a finding in a March 2003 report that the decreased utilization of the Federal fleet has imposed additional costs on the Corps and not produced significant benefits. That is because those in the private sector are on notice, with a Federal dredger available they are not in a position to raise their costs without the competition that would be supplied by the Federal dredger.

It isn't exactly a matter of having a great Federal fleet and looking to privatize or looking to help the private sector. You have 15 private dredgers, and they are interested in eliminating competition so they can raise the prices.

There was a report by the Corps of Engineers on June 3, 2005. That report does not provide sufficient support for its recommendation to eliminate the *McFarland*. You would think, if the committee was going to come forward and wanted to eliminate the *McFarland*, they would have some Federal report with verified data to rely upon, but they do not. The GAO, in 2003, says we ought not eliminate the limited Federal dredgers. The Corps of Engineers' report of 2005 doesn't give sufficient reasons for what the committee report seeks to accomplish.

There has been some suggestion that the *McFarland* is in need of repairs. That is contrary to fact. That is a scare tactic. The fact is that the *McFarland* is capable of operating for the next 10 to 12 years without undergoing any major rehabilitation work. As of March 23 of this year, just a few months ago, it was fully certified by the Coast Guard and the American Bureau of Shipping. The *McFarland* is able to be dispatched immediately to these areas.

Again, the availability of the *McFarland* ensures that prices will be reasonable when the Corps of Engineers contracts with private industry to perform dredge work. If the *McFarland* were to be decommissioned, maintenance dredging costs on the Atlantic and gulf coast will be entirely at the hands of the private dredge industry, and the Corps of Engineers' dredging costs will likely increase during peak work periods, when the availability of private bidders is limited.

The *McFarland* facilitates the safe and reliable movement of commercial goods. On the Delaware River alone, the *McFarland* helps maintain a shipping channel which supports 38 million metric tons of cargo per year at a total value of $14 billion—amounts which rank second and eighth in the Nation respectively. It is a big economic blow to my State and a big economic blow to Delaware and a big economic blow to New Jersey and a big economic blow to other States to have this *McFarland* phased out.

I am at a loss to see the motivation for the committee to come forward with this recommendation and in effect to pick a fight with half the States in the country. I will be anxious to see what the committee has by way of argument to justify eliminating the *McFarland*.

I ask unanimous consent that the full text of my printed remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. President, I have sought recognition today to introduce an amendment to the pending bill, along with my colleagues, the Senators from Delaware, regarding the Federal Hopper Dredge *McFarland*. This amendment would strike language included in the bill to decommission the *McFarland* within 2 years of enactment. The *McFarland* is a 300 foot-long, oceangoing hopper dredge crewed by approximately 80 employees of the U.S. Army Corps of Engineers Philadelphia District. The Federal Government operates a total of four dredges—two on the West Coast and one in "Ready Reserve" status on the Gulf Coast. The *McFarland* is the only "active" Federal hopper dredge available to perform critical emergency and maintenance dredging work along the Atlantic and Gulf Coasts. I am advised that nearly 80 percent of the national hopper dredging workload occurs along these shores, and that no viable plan has been put forth to fill the void in our Nation's dredge capacity if the *McFarland* were to be decommissioned. Accordingly, I believe that reducing the Federal hopper dredge fleet at this time would be unwise considering its importance to both our national dredging capacity and a maritime industry that relies on prompt, reliable and cost-effective dredge service.

I am advised that the recommendation to decommission the *McFarland* was based on two contentious assertions: that $20 million in major rehabilitation work is required to support the *McFarland*'s continued operation; and that the private dredge industry can perform comparable dredge work at a lower rate than the *McFarland*. It is my understanding, however, that the *McFarland* is capable of operating for the next 10-12 years without undergoing any major rehabilitation work. The *McFarland* has benefitted from routine scheduled servicing and both major and minor overhauls over the past 6 years. The vessel maintains a full oceangoing certification from both the United States Coast Guard as well as the American Bureau of Shipping. I am advised that these inspections are performed on a yearly basis and that the *McFarland* passed both as recently as March 23, 2006. It is my understanding that no extraordinary funding source nor direct appropriation is required to keep the *McFarland* operational and available to perform emergency and maintenance dredging along the Atlantic and gulf coasts. Rather, the *McFarland* can perform dredge work for the remainder of its useful life supported only by a portion of the overall cost of the project on which it is working and routine maintenance.

The assertion that private industry can provide comparable dredge service at a lower rate than the *McFarland* is also questionable. The Corps of Engineers' June 3, 2005 Report to Congress does not sufficiently verify private industry data used to recommend the *McFarland*'s retirement, and there are no assurances that private industry will be able to fill the void created by decommissioning the *McFarland*. For one, private industry may also not have the capability to respond to dredging requirements in as timely a fashion as the *McFarland*. Being a Federal dredge, the *McFarland* is able to be dispatched immediately to respond to emergency situations that occur within its operating range. By contrast, it is my understanding that the bid solicitation and contract award process necessary to dispatch a private dredge typically requires a minimum of 2 weeks. If the *McFarland* is decommissioned, our national ability to respond to emergency dredging requirements in a timely manner will be jeopardized.

Additionally, the cost of dredging contracts could actually increase if the *McFarland* were decommissioned. I am advised that the mere availability of the *McFarland* to perform dredging work ensures that costs will be reasonable in times of high demand or when there are limited bids for dredging projects. The *McFarland*'s presence serves as a check to keep private industry pricing inline on non-Federal dredging contracts. The GAO recognized this in a March 2003 report noting that the decreased utilization of the Federal fleet has imposed additional costs on the Corps and not produced significant benefits. If the *McFarland* is decommissioned, maintenance dredging costs on the Atlantic and gulf coast will be entirely at the hands of the private dredge industry, and costs will likely increase during peak work periods when limited bidders are available.

Further, the *McFarland* dredges areas that private industry has historically avoided, such as environmental restoration projects which require strict adherence to potentially burdensome guidelines. The *McFarland* is also available to respond to small jobs which may not be attractive to private industry. Costly shipping delays could occur if private industry declined a dredge job that was economically unattractive, and a Federal fleet must be maintained to ensure the availability of dredge services in such situations.

The availability of prompt, cost-effective dredge services on both profitable and nonprofitable projects helps ensure the safe and reliable movement of goods coming to and from Atlantic and gulf coast ports. The reliable movement of maritime cargo is vital to the economy and preserving our current dredging capacity is indispensable to maintaining the authorized water depths necessary to support the Nation's commercial navigation activity. Port stakeholders are deeply concerned that costly shipping disruptions could occur if our national dredging capacity is reduced.

Reliable, cost-effective dredge service is also very important to the continued success of our Nation's military. The *McFarland* is available to respond immediately to emergency blockages at Department of Defense-designated "Strategic Military Seaports" within its operating range, including Philadelphia, New York/New Jersey, Hampton Roads, Morehead City, Wilmington, Charleston, Savannah, Jacksonville, Gulfport, Beaumont, Corpus Christi, Earle Naval Weapons Station and Sunny Point. Thousands of pieces of military equipment and cargo are shipped to Iraq and depots throughout the Nation from these ports and retaining the existing hopper dredge fleet is essential to ensuring that military cargo arrives at its destination on time.

In addition to supporting commercial and military navigation activities, the *McFarland* plays an important role in responding to severe weather events and natural disasters, including being dispatched to the gulf coast to assist in the Hurricane Katrina response efforts. Seasonal events and natural disasters place great demands on our Nation's already limited dredging capacity. Given the number of weather-related events experienced annually along the Atlantic and gulf coasts, all available dredge resources, including the *McFarland*, are essential and must be retained. Our Nation's ability to respond to natural disasters and weather-related events will be even more limited if the *McFarland* is decommissioned.

In conclusion, no plan has been put forth to address the void that will be created in the *McFarland*'s absence. Absent a viable plan to replace her dredging capacity, decommissioning the *McFarland* is dangerously premature and could have devastating impacts on our Nation's commercial, military and emergency response capabilities. The ability of the private dredge industry to replace the services provided by the *McFarland* at a reasonable rate has not been proved. The continued operation of the *McFarland* will ensure that emergency and maintenance dredging work on both the Atlantic and gulf coasts remains responsive, reliable and cost-effective. Accordingly, I urge my colleagues to adopt this amendment.

Mr. SPECTER. Mr. President, I am reserving 10 minutes for Senator CARPER, but I am waiting with interest to see what the chairman of this committee has to say.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, at this time I will not give my full statement in opposition. I will say I would like, at this point, to have printed in the RECORD a couple of letters, one from the Transportation Institute and the other from the Seafarers International Union of North America, AFL–CIO, both saying essentially the same thing: that is, $165 million has been spent for hoppers to be able to have modern dredges work in the same areas. The capacity is there to bring the *McFarland* up to date. It would be, according to the Corps of Engineers, a cost of about $20 million. For all these reasons, they oppose it.

I ask unanimous consent that these two letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSPORTATION INSTITUTE,
Camp Springs, MD, July 17, 2006.

Hon. JAMES M. JEFFORDS,
Ranking Minority Member, Committee on Environment & Public Works, Dirksen Senate Office Building, Washington, DC.

DEAR RANKING MEMBER JEFFORDS: The Transportation Institute is of the understanding that the Senate is about to take up consideration of the Energy and Water Resources Act of 2005. We would like to take this opportunity to respectfully request that the Senate reject any attempt that might be offered during floor consideration of this bill that would modify the language contained in Sections 2021 and 563 of the bill.

These sections would decommission the 39 year-old Federal dredge *McFarland*. The Corps of Engineers is in support of the decommissioning, citing the private sector's aggressive $165 million investment in hopper dredge capacity over the past eight years. Moreover, it is our understanding that the Corps of Engineers has calculated an annual savings of some $10 million as a direct result of decommissioning the *McFarland*. Given the fact that the continued operation of the *McFarland* would only duplicate existing private sector capacity, it would seem fiscally prudent to take advantage of such a cost-saving opportunity.

The Transportation is in strong support of the passage of the Water Resources Development Act of 2005 with the language of Sections 2021 and 563 intact. Passage of this legislation would protect the commercial and environmental interests of our national waterway transportation system while concurrently reflecting the proven capability of our private hopper dredge industry.

Sincerely,

JAMES L. HENRY.

SEAFARERS INTERNATIONAL UNION
OF NORTH AMERICA,
Camp Springs, MD, July 16, 2006.

Hon. JAMES M. INHOFE, Chairman, Hon. JAMES M. JEFFORDS, Ranking,
Committee on Environment and Public Works, Washington, DC.

DEAR CHAIRMAN INHOFE AND RANKING MEMBER JEFFORDS: It is our understanding that the Senate is about to consider S.728, the Energy and Water Resources Development Act of 2005. The Seafarers International Union, along with a broad coalition or union, industry, agriculture, aggregate and other interests, has corresponded with Congress in support of this long overdue legislation critical to maintaining and protecting the commercial and environmental integrity of this vital national transportation system.

We would like to take this opportunity to recommend your opposition to any potential amendment that might be offered during floor consideration that would modify the intent of Section 2021 and Section 563 of this bill. This provision, as presently worded, decommissions the 39 year-old Federal hopper dredge *McFarland* The decommissioning of this dredge has the support of the U.S. Army Corps of Engineers citing an anticipated annual savings of $10 million. Furthermore, over the past 8 years, the private sector has invested some $165 million in capital to expand and modernize the private sector hopper dredge fleet. In fact, I participated in the christening ceremony of the SIU-crewed hopper dredge *Liberty Island*, the newest addition to the Great Lakes Dredge and Dock hopper dredge fleet.

In closing, the Seafarers International Union supports passage of the Water Resources Development Act of 2005 with Section 563 fully intact. To do so would be cost effective and entirely appropriate given the private sector's demonstrated hopper dredge capability. Once again, we appreciate the opportunity to comment on this matter.

Sincerely,

MICHAEL SACCO.

Mr. INHOFE. I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

The Senator from Pennsylvania is recognized.

Mr. INHOFE. Could I interrupt just for a moment? I would like at this point to yield a few minutes, whatever time is necessary off of our time, to the Senator from Missouri who has another committee hearing and would like to take his time now. Would that be acceptable?

Mr. SPECTER. Mr. President, I will be glad to yield to the distinguished Senator from Missouri if I may ask one question that was raised by what the Senator from Oklahoma has just said. He has made the assertion that it would cost $20 million to bring the *McFarland* up to shape. I ask him, what is the source for that and how does that square with the fact that on March 23 of this year, just a few months ago, the *McFarland* was fully certified by the Coast Guard and the American Bureau of Shipping, so that it is in good shape and would require no funding to keep it in operation?

Mr. INHOFE. Mr. President, it doesn't need the $20 million to bring it up to standard for it to compete. The Corps of Engineers has stated that its operational costs are almost double that of the private sector dredging that has been taking place. This has been agreed to by the Seafarers International Union of North America. So it is the Corps of Engineers that is making that assertion, and it is agreed to by both the Seafarers International Union and the Transportation Institute.

Mr. SPECTER. Mr. President, if I may make one statement before yielding to the Senator from Missouri, that is in direct variance with a report of the Corps of Engineers on June 3 that did not sufficiently justify its recommendation to retire the *McFarland*. And they found further that there are no assurances that private industry will be able to fill the void created by the decommissioning of *McFarland*.

I yield now to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank our chairman and manager of the bill for yielding time. I join him in urging that my colleagues oppose the amendment to strike the provision to decommission the Hopper Dredge *McFarland*.

As has already been stated, the *McFarland* is an expensive, 39-year-old hopper dredge which costs $79,000 a day to operate, more than double what a more technologically capable commercial dredge would cost. The *McFarland* imposes a wasteful expenditure of scarce resources on Corps dredging projects.

The Energy and Water bill will provide money for removing asbestos from the *McFarland*, another expense we don't need. In addition, it needs between $20 million and $40 million in upgrades to bring its safety and operational efficiency to minimal levels of acceptability in comparison with state-of-the-art private sector dredges.

Since 1978 the dredging industry has developed the capability to perform the majority of the Corps' dredging work.

This came as a result of Public Law 95–269, which directed the Secretary of the Army to dredge by contract, if he determines private industry has the capability to do such work and it can be done at reasonable prices and in a timely manner.

Under the law the Secretary "shall retain only the minimum federally owned fleet" to "carry out emergency and national defense work" and may set aside "such amount of work as he determines to be reasonably necessary to keep such fleet fully operational . . . for as long as he determines necessary."

During the last decade the Corps has successfully followed a "use industry first" policy.

Today's facts: industry is more capable; has provided more than reasonable prices; and responds routinely in a timely manner and successfully to emergencies.

All four government dredges, including the ready reserve dredge Wheeler, are fully operational.

The data does not support the continued operation of the 39-year-old *McFarland* or spending an additional $20–40 million on its modernization. The vision provided by Congress and implemented by the Corps has resulted in a vibrant and competitive marketplace.

As the Corps' November 2005 Hopper Dredge Report to Congress points out, generally, the combined industry/Corps hopper fleet has been able to meet demand.

With the January 2006 launching of the hopper dredge *Glenn Edwards*, industry has added 18 percent additional hopper capacity to the combined Federal/private hopper dredge fleet.

With a hopper capacity in excess of 13,000 CY, the *Glenn Edwards* is configured to dredge in all deep draft commercial ports in a highly effective manner. Therefore, ability to meet the Nation's hopper dredging needs has been greatly enhanced since the Corps' Hopper Dredge Report to Congress was released.

Industry by and large does most of its work for the Corps under contract. Therefore, if an emergency arises and industry dredges are all working, the Corps has the ability to reassign a private dredge working elsewhere under Corps contract to do an emergency dredging job.

Most of the dredging requirements on the Delaware River, particularly in the upper reaches near Philadelphia and Wilmington, can be accomplished through the use of nonhopper dredges. In fact, it is more efficient to dredge with a nonhopper dredge in the case of the *McFarland* because material must be pumped out of the hopper by private pumping equipment in the upper reaches of the Delaware River.

The Corps hopper dredge *Wheeler* was placed in "Ready Reserve" by the Congress in WRDA in 1996 as insurance that a hopper dredge would be available to respond to urgent and emergency dredging needs in the gulf, on the Mississippi River, and on the east coast.

The Wheeler has actually been used on the east coast to respond to emergencies when a private hopper dredge is not available. Therefore, the *Wheeler* is working exactly as Congress intended—as insurance for use during emergencies.

We should be looking for ways to make the operation of our major activities more efficient by using private sector facilities where they can be done more reasonably and more effectively rather than spending large amounts of Federal dollars just to keep the dredge in operational capability. Paying a very high charge for it every day when there are better rates available warrants the recommendation in the WRDA bill that we decommission the Hopper Dredge *McFarland*.

I urge my colleagues not to support the striking motion.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, by way of brief reply to the comments of the Senator from Missouri, the Corps of Engineers has put a $20 million figure for putting the *McFarland* into Ready Reserve. But that doesn't deal with having the *McFarland* operational. That estimate was disputed by the Maritime Exchange for the Delaware River and others presenting factual information.

I have just checked to find out if there was any hearing held on this matter. But I am advised that there was not. The rest of the Corps of Engineers report did not provide assurances that private industry would be able to fill the void created by decommissioning the *McFarland*. When you come to the issue as to whether it is capable of proceeding operationally, no one has disputed the facts that the McFarland is capable of functioning for 10 to 12 years without undergoing any major rehabilitation work being fully certified by the Coast Guard and the American Bureau of Shipping as of March 23 of this year, an undisputed fact.

How much time remains on my side, Mr. President?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. SPECTER. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I ask if Senator CARPER would await the arguments of the chairman.

Mr. INHOFE. Mr. President, let me comment.

I was asked the question by the Senator from Pennsylvania as to clarification on this Army Corps of Engineers report. It was the Energy and Water appropriations that made a request of the Corps of Engineers on June 3, 2005. The Corps report states:

> From the above discussion, the most reasonable option would be to retire the McFarland.

It goes on to state:

> It is expected that sufficient industry hopper dredging capability exists to perform the requirements that may occur on the Delaware River.

Finally, it states:

> McFarland would have to be rehabilitated and repowered at the cost of approximately $20 million.

It says that on page 22 of the report.

I will go ahead.

I ask the Senator from Delaware to take his time and I will elaborate a little bit more on this on my time.

Mr. SPECTER. Mr. President, the argument that the Senator from Oklahoma makes about a 2005 report by the Corps of Engineers is flatly contradicted by the certification by the Coast Guard and the American Bureau of Shipping as of March 23, 2006, after the 2005 report referred to by the Senator from Oklahoma, that the *McFarland* requires no rehabilitation and remains operational and available to perform dredge work.

I yield 10 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I thank Senator SPECTER, one, for yielding time, and, second, I thank him for offering an amendment to give me an opportunity to join him in offering this amendment.

Before I get to my remarks, for folks who are listening to the debate tonight, it might be confusing. There is a question as to whether this dredge called the *McFarland* is seaworthy. There is a question about whether the enormous investment—as much as $20 million—is required for it to be seaworthy or to become seaworthy or remain seaworthy. This is the deal.

The Coast Guard has said as recently as 4 months ago that the *McFarland* is seaworthy. There is no suggestion at least that I am aware of—on behalf of the Coast Guard that says $20 million or $2 million has to be spent now or next year to make it continue to be seaworthy.

The question is, What kind of investments would be needed to be made in the *McFarland* if it were to be transitioned to the Ready Reserve? In that case, I am told that an investment—as much as $20 million—might be needed in order to transition this vessel to the Ready Reserve. We are not proposing that the vessel be transitioned to the Ready Reserve. We are simply proposing that it be allowed to continue the work it does along the east coast and not long ago down on the gulf coast as well.

I think maybe that is clarifying and maybe a little bit illuminating for some of the people who are listening to this debate on the edge of their seats to determine the future of the *McFarland*.

The *McFarland* is based in Philadelphia and is one of the four hopper dredges currently owned and operated by the Army Corps of Engineers. It is the only Federal dredge stationed on the Atlantic coast.

The *McFarland* is used for maintenance dredging on the Delaware River and the Delaware Bay as well as on the east coast and the gulf coast of our country. It is also used for emergency and for national defense dredging wherever that might be needed.

The *McFarland* has been used to restore navigation after major emergencies, such as along the gulf coast after Hurricane Katrina, and after the four hurricanes that hit Florida in 2004. This dredge is also utilized when no private dredge is available and no reasonable bid is made by private industry.

In 1979, Congress passed a law instructing the Corps to use private industry dredges when industry has the capability to do the work at reasonable prices and in a timely manner. Congress also directed the Corps to retire Federal dredges when private industry demonstrated the capability to do the work. At the same time, the Corps was charged with maintaining a federally owned fleet to carry out emergency and national defense work.

In attempting to balance these responsibilities, the Army Corps produced a report in 2004 calling for the decommissioning of the *McFarland* dredge, saying that private dredgers had increased their capacity to do the same job for less. But the Corps report was sharply criticized subsequently by the Government Accountability Office for flaws in its analysis and its cost estimates.

As a result, a new report was produced last year by the Army Corps. While it still called for the decommissioning of the *McFarland*, it raised several troubling questions about private industry's capacity and the Army Corps' ability to respond to emergencies without the *McFarland*.

The report indicated that the Corps' dredge fleet is still sometimes needed, saying "industry alone has not been able to meet peak demands."

The report goes on further to say that when private capacity is stretched, the Corps fleet is needed to protect the taxpayers' dollars and ensure reasonable bids. It states:

> With such a limited number of vessels in the fleet, and during peak workload periods when only one bidder may be available, there is a tendency to exercise the principles of supply and demand, and costs will rise. The Corps' presence will serve as a deterrent for potential cost increases.

Without the *McFarland*, when private industry is at capacity and unable to respond to dredging needs on the east coast, we will have to turn to the *Wheeler* dredge, which is stationed in New Orleans. But this dredge is already in high demand. And in recent years, both dredges have been needed to respond to natural emergencies.

Emergency situations were considered by the Corps. They looked at a "worst case scenario" in their report, using the 2004 hurricane season as a good example of a worst case scenario. That year, private industry's capacity was stretched and natural disasters created an emergency need for still further dredge work.

The Army Corps pointed out in their report that the *McFarland* was needed in 2004 to respond to the four hurricanes that hit Florida. But the report downplayed the likelihood of a worst case scenario occurring again, saying:

> Having four hurricanes in a row with the extent and magnitude of damages experienced is not a common occurrence.

I wish that were true. Sadly, the following year, demonstrated that the worst Hurricanes Katrina, Rita and Wilma case scenario can come in different forms. And more active hurricane seasons are predicted to continue to occur this year, next year, and the year after that.

We would all love to believe that this type of disaster will not happen again and that we do not have to plan for that possibility. But we have no choice.

Active hurricane seasons should be expected, and we cannot fail to clear our navigation channels after a disaster—they are too important to our economy and our national security.

Finally, the Corps has found that smaller channels and smaller jobs sometimes do not attract as many bids from private industry. The Corps expressed concern about this in their report.

In discussing the industry's lack of ability to meet peak demands, it pointed out that private industry may not always have the right kind of dredge available to serve a smaller channel.

These same concerns can apply to smaller jobs, where it is not cost effective to move a private industry dredge to perform the work. In fact, without the *McFarland*, it might not be economical to use the remaining federal dredges to respond to such jobs. It could cost as much to move the Wheeler to the northeast Atlantic coast and back to the gulf as it would cost to operate it for 2 weeks.

In this case, it would be more economical to keep the *McFarland* where it is. This way it can be used when there is not enough private dredge capacity to meet the needs along the east coast.

We must ensure that we can maintain our waterways and access to our ports, whether small or large.

We should also continue to support the growing private dredge industry. However, we cannot and should not expect private industry to do work that is not profitable or beyond their capacity.

Nor can we plan for only the best case scenarios. Recent hurricane seasons have proven that we don't have that luxury.

To my colleagues, I urge support for this amendment. I thank Senator SPECTER for offering it. I am pleased, again, to join him in doing so.

I yield back whatever time I have not consumed.

Mr. SPECTER. Mr. President, I yield to the distinguished Democrat manager of the bill, Senator JEFFORDS.

Mr. JEFFORDS. Mr. President, I rise in support of the Specter-Carper amendment of the hopper dredge *McFarland*.

The Corps of Engineers maintains a fleet of four hopper dredges, and according to the GAO the Corps needs to maintain its own fleet, even when there are commercial dredges available.

One reason the Corps needs to maintain a hopper dredge fleet is that changes in annual weather patterns and severe weather events, such as hurricanes and floods, can create a wide disparity in the demand for hopper dredges from year to year.

The *McFarland* is the only hopper dredge on the East coast. If it were retired, it is not certain that the needs of the East coast during an emergency could be met by the private sector.

I support the amendment by Senators SPECTER and CARPER that would keep the *McFarland* in the hopper dredge fleet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from Vermont, the ranking member of the committee, for those comments.

I think he puts his finger on the critical spot. That is, if the *McFarland* is decommissioned, we may well have a need which will not be fulfilled. That was a big hole in the report of the Corps of Engineers that there were no assurances that the private sector would be able to handle the workload.

The fact is, as outlined in the report by the Corps of Engineers, the Corps' hopper dredges serve to ensure that costs will be reasonable, but with a limited number of vessels in the fleet and during peak workload periods when only one bidder may be available, there is a tendency to exercise the principles of supply and demand and costs will rise.

The Corps' presence will serve as a deterrent for potential cost increases. That means we need to keep the *McFarland* in operation.

The report goes on to say that a current example is the Wheeler being called out in February to perform work in the Mississippi River when a single industry bid exceeded the award amount. The Corps report further points out during the peak workload scenario, the largest industry hopper dredge, the *Stuyvesant*, experienced engine trouble and had to stop work, creating a capability shortfall. Subsequent to this event, increased shoaling in the Mobile Harbor created the need for an additional hopper dredge resulting in calling out the *Wheeler*, as the *McFarland* was also fully engaged.

When there has been talk about the daily rate of the *McFarland*, it is unsupported by the fine print. The *McFarland*'s estimated daily rate includes a payment the Corps has to make into a "dredge replacement fund" even though the Corps has no intention of replacing the *McFarland* with another federal dredge. Therefore, the daily rate which has been cited is inflated, unrealistic, and does not support decommissioning the *McFarland*.

How much time remains?

The PRESIDING OFFICER. The Senator has 5½ minutes remaining.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know no Senator on this floor would misrepresent the facts in a case like this. We have an opportunity with an agreed-to provision of our bill, which I thought we all agreed to, that we are able to save a lot of money and finally put this thing to rest.

Every year we go through this same exercise. Everyone wants to keep this old relic called the *McFarland*. I cannot figure out for the life of me why they want to do it other than the fact maybe this is some kind of an emotional institution that exists that we want to hold on to. If that is the case, maybe we should let the Historical Society have that and they can see what dredging used to be like in the old days.

The *McFarland* is the oldest and most expensive hopper dredge owned and operated by the Corps. The Corps did a study in the hopper fleet and concluded that the *McFarland* should be retired. The WRDA bill does that. The pending amendment would prevent the retirement of the *McFarland*.

The Corps found the *McFarland* operates at almost double the daily cost of a private-sector dredge, and there is sufficient private dredge capacity to cover the work of the *McFarland*.

Proponents of keeping the *McFarland* in service argue that it is necessary for two main reasons. No. 1, to keep the Delaware River free from navigational hazards and to be ready for emergency dredging. Both are incorrect.

The Corps found they have more than enough capacity to handle dredge for the Delaware River. Private dredges currently do over 80 percent of the dredging in the *McFarland* service area and still have idle capacity. The *McFarland* is the wrong type of dredge for much of the work on the Delaware.

The Corps and private industry have an agreement whereby the Corps can pull any private dredge off of any Corps project to send to an emergency. Since this agreement, the *McFarland* has not done any emergency work on the Delaware. Not only is the *McFarland* dramatically more expensive to operate than the private dredges, its age necessitates a rehabilitation that would cost over $20 million to remain in service. Even after updating, it would still be far more expensive to operate than those private dredges.

Since 1978, Corps policy has been to use industry first. This policy has been very successful. We need to retire this inefficient dredge. It will save the taxpayers a lot of dollars and get the Government out of the business of competing with the private sector.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this effort to retain the *McFarland* is not being undertaken for historical reasons. To talk about placing the *McFarland* in a museum is making light of an issue which is very, very serious for my State. It is potentially serious for about two-thirds of the other States in the United States which are affected by hurricanes and which have very important national security areas.

This amendment is being pursued at the request of the Governor of Pennsylvania and the Maritime Exchange. They are deadly serious about the adverse impact of retiring the *McFarland*.

On the Delaware River alone the *McFarland* helps maintain a shipping channel that supports 38 million metric tons of cargo per year, a total value of $14 million. That ranks second and eighth in the Nation.

We are not talking about a museum piece. We are talking about a dredge which is vital for jobs and the economy of the region. We are talking about the *McFarland*'s availability to respond to emergency blockades at the Department of Defense designated strategic military seaports. You are not talking about an antique. You are talking about an era where terrorism is an ongoing threat; where, within the past 2 weeks, we had a threat by terrorists to blow up the Holland Tunnel; where the President has a terrorist surveillance program which has superseded the Foreign Intelligence Surveillance Act and is viewed under the President's article II powers as a wartime precedent because of the threat of terrorism.

We are talking about Department of Defense interests in New Jersey, Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, and Texas. We are talking about a dredge which played a key role in responding to severe weather events and natural disasters and was dispatched to the gulf coast to assist in Hurricane Katrina.

We have a report by the Corps of Engineers which relies upon industry data. The Corps report concedes that "to verify the industry data would require extensive auditing and is beyond the scope or need of this report."

Beyond the scope of the report; we ought to rely on a Corps of Engineers report that relies upon industry data where the industry has a vested interest in having the *McFarland* retired so they can make more money, and you have a national defense interest?

There has been no case made by the committee to replace the *McFarland*.

How much time remains on my side?

The PRESIDING OFFICER (Mr. DEMINT). The Senator has 2½ minutes remaining.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I have listened to these arguments. We keep going back and refuting the arguments. We have it documented. There is no question about that.

As far as the national security ramifications are concerned, I tell my good friend from Pennsylvania I have served for 20 years either on the House or the Senate Committee on Armed Services and I have watched these things very carefully.

The Senator has mentioned San Diego and San Francisco, all these areas for national security purposes.

I suggest to my good friend from Pennsylvania that these do not use the Corps dredges. They use private-sector dredges in these areas, in all of them you mentioned.

Again, going back to the arguments, as I quoted from institutions such as the Transportation Institute and the Seafarers International Union of North America, AFL–CIO, they all say the same thing, which I could repeat as many times as we need to tonight—and I have quite a bit of time left, so I guess I could do it several times—that it would take $20 million or so to refurbish this thing, to get it so it can operate.

The report that was quoted by the Senator from Pennsylvania of the American Bureau of Shipping, that was, as I understand it, only referring to the hull, that the hull has some problems and that the hull is not cracked. So again, I just repeat these arguments, as I have done before.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I did not refer to San Francisco and I did not refer to San Diego. The long list of States affected were on the east coast and on the gulf. There are two other Federal dredgers on the west coast.

I have great respect for the distinguished Senator from Oklahoma and his 20 years of service on the Armed Services Committee. But I have been, for 26 years, on the Defense Appropriations Subcommittee and have some familiarity with these issues. I was on the Intelligence Committee for 8 years and chaired it in the 104th Congress and have some appreciation of the problems of terrorism. And I have served on the Judiciary Committee for 26 years, now chair it, and have been very deeply involved in the President's electronics surveillance program which has superseded the Foreign Intelligence Surveillance Act because of the threat of terrorism.

We are talking here about having the *McFarland* available in many, many ports and in many, many States—not the State of California and San Francisco or San Diego, but in Pennsylvania, New Jersey, New York, Virginia, North Carolina, South Carolina, Georgia, Florida, Texas, and others; and the gulf coast States affected by the hurricane, again, Texas and Louisiana and Mississippi and Alabama and Florida.

We are dealing here with a very flimsy Corps of Engineers report which is based on industry data which is not verified—a concession they make in this report. And it is provided by industry sources which have a vested interest and a bias in eliminating the McFarland as a competitor.

Mr. President, I think it is fair to say that if the committee's point on decommissioning the *McFarland* is to stand, they have a burden of proof. And they have not established it. There has not been a hearing on this subject. There has not been reliable evidence. And I would say that in the face of the threat of terrorism, and the work that the *McFarland* does in that area, and the work that the *McFarland* did in Hurricane Katrina, that their burden of proof is more than a preponderance of the evidence; it ought to be clear and convincing. And it has not been either clear or convincing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. Mr. President, it is my understanding that his time has expired. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Oklahoma has 16 minutes.

Mr. INHOFE. Mr. President, I will just take a couple minutes.

Let me say, if the argument is that it is the industry influencing these reports, I think it is rather strange that the Seafarers International Union of North America, the AFL-CIO, are the ones that agree with this report and strongly recommend that we vote against this amendment to keep us from retiring this—as I referred to several times—this relic.

Now, the Senator has a couple of arguments I had not responded to. One was he states that it went down and performed some type of a function in Katrina. It is my information they took it down to Katrina, but it would not work, so they used it as an office.

As far as the "flimsy" report is concerned, I do not think I have actually read from the report, but this says this is in response to the Energy and Water appropriations bill. They requested the Corps of Engineers to clear this up so once and for all we can get rid of this relic. This was June 3 of 2005. They said, reading from that report:

> [I]t is expected that sufficient industry hopper dredge capability exists to perform the requirements. . . .

It further says:

> Even if the scheduled work for the McFarland were maximized, the reduction in daily rate would still be almost double the daily rate of a comparable industry hopper dredge. . . .the McFarland is the oldest dredge in the fleet, and operates at a daily rate that substantially exceeds comparable industry medium class hopper dredges. If the McFarland were to be kept in the Minimum Fleet it would have to be rehabilitated and repowered at a cost of approximately $20 million.

So what you are saying is, you want to spend public funds of $20 million more to get something to compete with the private sector, that costs twice as much to operate as the private sector. I think this is absurd. I think we have been trying to do this for a number of years.

Now, we have the labor unions joining other interests in saying that we need to get rid of this thing and start saving money in our dredging. I urge my colleagues to oppose the amendment by the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—63

Akaka
Baucus
Bennett
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Collins
Dayton
DeWine
Dole
Domenici
Feingold
Feinstein
Graham
Harkin
Hatch
Hutchison
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Martinez
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Vitter
Warner
Wyden

NAYS—36

Alexander
Allard
Allen
Bayh
Bond
Brownback
Bunning
Burns
Burr
Coburn
Coleman
Conrad
Cornyn
Craig
Crapo
DeMint
Dorgan
Durbin
Ensign
Enzi
Frist
Grassley
Gregg
Hagel
Inhofe
Kyl
Lugar
McConnell
Obama
Roberts
Smith
Sununu
Talent
Thomas
Thune
Voinovich

NOT VOTING—1

Dodd

The amendment (No. 4680) was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. CARPER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

HONORING OUR ARMED FORCES

LANCE CORPORAL DUSTIN DERGA

Mr. DEWINE. Mr. President, this evening I rise to pay tribute to a courageous marine, LCpl Dustin Derga, of Pickerington, OH. Dustin was killed in Iraq while fighting insurgents on May 8, 2005, Mother's Day. After taking an interest in the military as a child, Dustin served 5½ years as a marine, and Operation Iraqi Freedom was to be his final deployment. Sadly, 24-year-old Dustin died just 1 month short of his scheduled homecoming.

He is survived by his mother Stephanie, his father and stepmother, Robert and Marla, sister Kristin, and girlfriend Kristin Earhart.

A 1999 graduate of Pickerington High School, Dustin went on to attend Columbus State Community College, where he pursued a degree in EMS and fire science. He also served his community by working as a firefighter.

Robert Derga shared these words about his son:

> Dustin was a great pitcher and could play just about any position. He loved to play catcher, which was unusual. I remember all the weekends we would go out to the ball diamonds and watch him play ball. We really enjoyed that. He loved working with his hands. He just loved doing things and getting his elbows dirty.

Friends describe Dustin as fun-loving and said he was always trying to make others laugh. His father recalled that:

> Dustin had a wonderful, fun personality. When you first met him, he seemed quiet and somewhat reserved—at least he let you think that. But once he got to know you, he would reveal that he is a practical joker at heart and the life of the party. He always had a great smile on his face. All the guys in Dustin's unit said he was always making them laugh.

Laura Giller of Pickerington said this about Dustin:

> Dustin was my friend, and I always enjoyed seeing his face wherever I went. I worked with him, and whenever he was there, it made the day that much better. He always told the silliest jokes. I will never forget the friendship that Dustin gave me. Thank God for men like him.

Erik Mellquist, another hometown friend of Dustin's, wrote the following on an Internet tribute site:

> Dustin was a great guy. I remember laughing constantly during cub scouts and little league baseball whenever Dustin was around. Thank you for sharing him with the rest of us.

Friends also emphasized Dustin's loyalty to the Marines. Fellow reservist Jeff Schmitz of Pickerington commented:

> I saw Dustin around the Reserve Center on drill weekends. He was a great Marine and an even better human being. He will be greatly missed.

Retired marine Mike Hamilton added:

> Dustin was a friend and fellow firefighter here in Baltimore, OH. I used to kid him about being too small to be a marine. He would set me straight, and then we would discuss the differences between the new Marine Corps he was in and the old one I was in. We both loved the Corps.

Dustin's loyalty to his military service was also apparent to his family and to those with whom he served. Robert said that his son "had a passion for the Corps and was proud to be a Marine. Dustin really respected his brothers in the unit and he tried to have a good time with his comrades, even under the worst of conditions."

Dustin's girlfriend Kristin wrote:

> Dustin was a great man. I wish everyone would have been given the opportunity to know him. He was my world, my heart, and my soul. His smile would make your heart melt. He was so honored to be a part of the U.S. Marine Corps and defend every last one of us.

A friend named Martin shared the following memories of Dustin, and also his good friend, Nick Erdy, a fellow marine who died 3 days after Dustin. This is what his friend, Martin, said:

> Derga and Erdy were some of the first guys I got to know when I joined the unit. They were all about having fun and enjoying life. Even in Iraq, they seemed to make the worst situations turn into great ones. Their character is what made our platoon what it was. We were full of jokes, laughter, and memorable experiences. The first platoon will never be the same without them and the others that we lost. They were great guys, and they will be remembered in our hearts forever. They will never be forgotten.

Upon returning from Iraq, Dustin planned to finish college and use his savings to buy a new truck. In one of his last notes home he wrote:

> I miss everyone a lot and can't wait to get home and go on maybe three vacations. I look forward to one vacation in particular.

He and his girlfriend Kristen had been planning on taking a vacation with his friend Nick Erdy and his fiance Ashley Boots.

Ashley said they just wanted to go somewhere fun to relax. These plans, of course, came to a tragic end when both men died within 3 days of each other in Iraq.

After their deaths, Kristen wrote:

> I just wish we could have had the chance to continue our lives the way we planned, but at least you are with Erdy. And don't worry, Ashley and I will never forget you two.

Nor will the rest of us forget the brave sacrifices made by these fine young men. My wife Fran and I continue to keep the family of Dustin Derga in our thoughts and in our prayers.

EDWARD SEITZ

Mr. President, I would like to pay tribute this evening to a brave Ohioan who lost his life while protecting the U.S. State Department personnel in Iraq. Edward Seitz was the first U.S. diplomat to be killed in Iraq since Operation Iraqi Freedom began in March 2003. He died on October 24, 2004, after a mortar shell struck him in the Green Zone in Camp Victory. He was 41 years old.

Ed grew up in Garfield Heights and in Brecksville, OH. He graduated from Holy Name High School in 1981 where he was on the wrestling team and then went on to Baldwin-Wallace College. Edward leaves behind his wife Joyce, his parents Elroy and Alba, a brother William, and a sister-in-law Colleen.

Colleen described her brother-in-law as "a large man with a John Wayne kind of figure whose trademark outfit included a vest, button down shirt, boots, and felt hat."

He was sent to Baghdad for a 1-year assignment with the State Department's Bureau of Diplomatic Security, which is the State Department's security unit. William said that his brother's work was his life. I continue to quote:

> He did what he could to protect this country and to keep terrorism from your front door. He was 100 percent into the government and 100 percent into doing what he wanted to do to defeat terrorism. That's what he did and how he did it. That's what he gave his life for. That's what made him Eddy. That's what made him my brother.

Colleen echoed her husband's sentiments by saying:

> Ed was just an amazing man. There was just nothing that he wouldn't do for someone. Every time he'd get on the phone, he'd say: What can I do for you? What do you need? What can I help with? That's just the way he was, and that's just what he was trying to do there.

I would like to read portions of the remarks that Joe D. Morton, the Director of the Diplomatic Security Service, gave at Ed's funeral because I find it particularly telling of Ed's life and values, and descriptive of his life and values:

> In 16-plus years of service with the Department of State and the Diplomatic Security Service, Ed's strength and character and his dedication to family and to this organization were his hallmarks. His work was nothing short of magnificent. He accepted every challenge willingly and always performed with an unmatched level of excellence. Ed took on some of the most important missions throughout his career. Ed protected Secretaries of State and other foreign dignitaries so that they could conduct their business safely and securely in the hope of bringing peace and stability to troubled regions of the world.
>
> Not only was Ed an exceptional agent, but he was an exceptional person as well. In an organization where so many interactions and personal contacts are short-lived by reassignments and the transient nature of the profession, the depths of personal friendships and length of time of the friendships Ed developed are quite remarkable. Ed's classmates from his basic agent training days unanimously remember Ed's caring and unselfish dedication to his colleagues and the organization. Ed would always be looking out for the welfare and safety of his fellow agents. Ed's first words to a person were, What can I do to help? He was always attending to the needs of his colleagues. No request was beyond the realm of possibility.
>
> Once, in the midst of a particularly grueling trip, Ed literally gave another agent the shirt he was wearing so that agent could attend a senior level meeting. It is all these memories that stay with us forever.
>
> Shortly after receiving word of Ed's death, the consulate in Shenyang held a memorial service in Ed's honor. The outpouring of emotions from those who worked with Ed and from those whose lives were touched by Ed, even after several years had passed, are a tremendous tribute to Ed's character and personality. His dedication to his profession is only outmatched by his devotion to his family.
>
> Several years ago, when Ed and another agent were meeting in Ed's hotel room, the agent noticed a wedding photo in the room. When asked about it, Ed replied that it was a wedding photo of his parents and he took it with him wherever he traveled.
>
> Ed's life was complete when he met his wife Joyce in Yemen. Their friends unanimously note that Joyce was Ed's perfect match. Ed was never happier than when he was with Joyce.

Again, those were the words of Joe Morton, the Director of the Diplomatic Security Service. I feel they perfectly capture what Ed stood for and what he fought for.

I would like to close by reading a poem written by one of Ed's cousins entitled "The Third Tour." This is the poem:

> The tower fell in Baghdad today.
> Unlike the World Trade Center's Twin Towers, this tower is not made of concrete and glass.
> This structure was formed with the steel of conviction.
> Each element, riveted with the strength of brotherhood.
> Larger than life was Eddy, a tower built not of man, but created by God.
> A tower of a man to stand between terror and calm.
> A friend and relative to be proud of. We all felt safer, somehow, knowing you were there.
> We prayed for you and an end to the conflict.
> A clink of the glass to celebrate a tower of a man.

Mr. President, this tower of a man, Edward Seitz, will indeed be dearly missed by his family and friends here at home, as well as those individuals whose lives he touched overseas. My wife Fran and I will continue to keep him and his family in our prayers.

STAFF SERGEANT ROGER CLINTON TURNER, JR.

Mr. President, I today pay tribute to a fine soldier and fellow Ohioan. SSG Roger Clinton Turner, Jr.—"Clinton" as he was known—lost his life while serving in Operation Iraqi Freedom. He was killed February 1, 2004 when the sleeping area of his base camp came under mortar fire. Clinton was 37 years-old.

When I think about the sacrifices our men and women in uniform and their families make in the service of our Nation, I am reminded of something President Ronald Reagan said about the strength of the American people. He said,

> Putting people first has always been America's secret weapon. It's the way we've kept the spirit of our revolutions alive—a spirit that drives us to dream and dare, and take risks for the greater good.

Clinton embodies the spirit President Reagan describes. He dedicated his life to military service and risked his wellbeing to bring freedom to the Iraqi people. Clinton excelled in his military career—but more importantly, he excelled as a son, husband, and father.

Clinton was born in Elgin, IL, but moved with his family to Ohio when he was 8 years old. At a young age, Clinton's mother Dottie recognized her son's artistic talent. She remembers how he loved to sketch and act, in addition to his other hobbies of reading comic books and playing video games.

Clinton attended Meigs High School in Pomeroy, OH, where he cultivated his love for the stage. He starred in several theatrical productions as a member of the school's drama club, including roles as Ebenezer Scrooge in "A Christmas Carol" and Ralph Malph in "Happy Days."

Celia McCoy, a drama teacher at Meigs High School, had Clinton in several classes and remembers his role as Sam Smalley in "Crosspatch." She considered that role a difficult one because it was the opposite of Clinton's natural personality—Smalley was crude, whereas Clinton could not have been a nicer kid. Celia stated, "A lot of high school students would have been intimidated to play this role, but not Clinton."

In addition to his acting talents, Clinton was known by both teachers and students as a great guy to be around. Clinton's younger sister, Charmele Spradling, described him as the "class clown" who loved to laugh. "He was definitely a character," she said. "He had a very good sense of humor, was a good student, and a very bright young man."

After winning several acting awards in high school, Clinton enrolled at Ohio University as a theatre major. A little more than a year later, however, Clinton did what most college students do. He changed his major—to elementary education. This would not be the last major change he would announce to his mother.

While a student at Ohio University, Clinton served in the National Guard and found that he enjoyed military life. So much so that he wanted to make it a career. He also found the love of his life—his future wife, Teresa. Clinton's mother Dottie vividly remembers the phone call when her son laid out his life plan. She recalls, "He called and asked if I was sitting down one day. Then, all in one breath he said he was quitting school, enlisting in the Navy, and getting married. I did sit down!"

Clinton served in the United States Navy for five years and was deployed during Operation Desert Storm, where he served as a radar man. After returning from Desert Storm Clinton changed service branches and enlisted in the Army. In total, Clinton dedicated 19 years of his life in service to our Nation.

More than a career serviceman, however, Clinton was a great dad. He and his wife Teresa considered their greatest accomplishments to be their son Steven and daughter Tabitha. Clinton's sister Denise remembers him as "a playful father to his children." Though he did not like to leave his family, Clinton was committed to his country and went to Iraq when his unit was called.

As a supervisor for an armored tank repair unit with the 10th Cavalry Regiment, 4th Infantry Division, based out of Fort Hood, TX, Clinton had been in Iraq since the start of military operations there. He was stationed at a base in Balad, Iraq, 50 miles south of the Division's headquarters in Tikrit. Military officials reported that Clinton was killed when the sleeping area of his base camp came under mortar fire. He was evacuated to a combat support hospital, where he died from his injuries.

On that day, our Nation lost a great soldier. Teresa lost her husband; Steven and Tabitha lost their father; Denise, Charmele Monica, and Katrina lost their brother; and Dottie lost her son. Dottie says she will always remember Clinton as "a devoted family man and a devoted military man who was proud to serve his country. He was a good son who was never in trouble. This is the way I want my son to be remembered. He loved his family and he loved his country. I think that's the greatest thing you can say about anybody."

At the service held in his honor, the Reverend William Williamson delivered a statement from Clinton's wife Teresa, which read, "Every time there is a smiling child's face in Iraq . . . it's because you made the sacrifice."

SSG Roger Clinton Turner paid the ultimate sacrifice in the service of our Nation and for the Iraqi people. I know that he will live on in the hearts and minds of all those who had the privilege of knowing him. My wife, Fran, and I continue to keep Clinton's family and friends in our thoughts and prayers.

ARMY SERGEANT BRYAN W. LARGE

Mr. President, today I pay tribute to a courageous soldier in the war on terror, Army SGT Bryan Large of Cuyahoga Falls, OH. Bryan was killed by a roadside bomb in Iraq on October 3, 2005 during his third tour of duty. Having joined the Army after the September 11th terrorist attacks, Bryan served in Afghanistan in 2003 and in Iraq in 2004. A loving father to 14-year-old daughter Devan and 10-year-old daughter Kylie, Bryan is also survived by his mother Linda, father Larry, sister Michelle, and girlfriend Heather Bigalow.

Everyone who knew Bryan emphasized his devotion to his daughters. His Aunt Cybil stressed the many different roles that Bryan fulfilled:

> He was an outstanding soldier, treasured grandson, devoted son and dad; but he was most proud of his role as a father.

Joshua Woods, who was twice deployed with Bryan, said:

> Bryan embodied the principles he preached—love of God, love of family, and love of country. In 25 years, I've never met a man who lived more for his daughters. I've never met a man who lived life as honestly as he did.

Most importantly, his daughters knew how much they were loved by their father. At services after his death, Bryan's 10-year-old daughter Kylie recalled, "He was a great father and a very good soldier." Fourteen-year-old daughter Devan added, "He loved doing what he did and he loved his daughters."

A 1992 graduate of Cuyahoga Falls High School, Bryan served as a Sergeant, Paratrooper, and Field Medic with the U.S. Army's 3rd Battalion, 504th Parachute Infantry Regiment, 82nd Airbourne Division. He was 31 years old when he died.

According to Bryan's father Larry, Bryan had his mother's sense of compassion and his father's determination. This combination of qualities served Bryan well in his roll as an Army Field Medic. Bryan's Executive Officer during his second tour in Iraq had this to say about him:

> As the company's senior medic, I was always going to him with issues and to ask for help. It didn't take longer that about 10 seconds for me to realize that he was a man who could make things happen . . . I often think how he would have helped a wounded insurgent without hesitation if the situation had arisen.

Bryan was a selfless individual who always put others ahead of himself. He didn't want his family back home to worry about him and told his mother that he wouldn't be on the front lines and would be okay. Even while he was deployed, he tried to keep the morale high among his fellow service members. Bryan's colleague, Sergeant William Fecke wrote:

> Large was a good man, and I had the pleasure of knowing him. He was the kind of guy you just couldn't forget. His sense of humor helped a lot of us get through the day. He will be missed by all of us.

According to family, Bryan was always willing to try new things. He tried to learn how to cook with his sister Michelle, and his specialty was deep-frying turkeys. In his free time, he enjoyed hunting, fishing, and working on cars.

Fellow soldiers say Bryan often talked about his family and his plans for when he got out of the Army. Sergeant David Bucholz wrote the following on a memorial Web site for Bryan:

> I had the pleasure of knowing Sergeant Bryan Large for the biggest part of my military career. He was appointed as the Platoon Sergeant; and, being the natural leader he was, he excelled in the position. Bryan and I were in EMT-1 school together and we often talked of our plans once getting out of the Army. He wanted to be a firefighter and spend time in North Carolina as a volunteer. He had a knack for connecting with people and helping people. I'll never forget the night when I heard that his vehicle was hit. I think he was a closer friend to all that knew him than we could ever realize.

Bryan also had many close friends and family members back home, which was evidenced by the 800 people who attended his funeral. Hundreds more lined the streets to pay their final respects and either saluted or held their hands over their hearts as the funeral procession rolled by. Bryan's daughter Kylie rolled down her car window during the procession and yelled, "Thank you! God bless you all! Thank you!"

Reflecting on the outpouring of community support, Cuyahoga Falls Mayor Don Robart said, "One of our own lost his life for our freedom and liberty. Today is about rallying around this family and honoring that man." During the funeral service, Reverend Thomas Woost reflected:

> Today is a day of great pride in who we are as American people, where strangers are standing side by side waving symbols in memory of the man who worked to preserve and protect our country. Today is about freedom, sacrifice, and heroes. Bryan made the ultimate sacrifice for his country. There is no greater love than to die for another.

This past April 2006, Cuyahoga Falls included a memorial service for Bryan in their community Arbor Day celebration. The city planted a Fort McNair horse chestnut tree in memory of him. Bryan's family worked with the city to choose that particular type of tree because of its red blossoms. Bryan's father Larry observed that as the tree grows with the passing years, it will be noticed more and more. "It's all in Bryan's honor," he said. "He was bigger than life."

His father described Bryan as "a wonderful father, a wonderful son, and a true patriot for our country." Indeed, Bryan will be remembered as a loving and devoted father, a selfless son, and a compassionate and determined soldier. My wife Fran and I continue to keep the family of Bryan Large in our thoughts and prayers.

OHIO FALLEN HEROES MEMORIAL

Mr. DEWINE. Mr. President, my wife Fran and I recently attended a very moving memorial dedication ceremony in Sunbury, OH, to honor and to remember the brave Ohio men and women who have died fighting for our country in Iraq and Afghanistan.

These courageous service members—with the many faces of Ohio—came from the smallest villages in our state and from the largest cities. Some came from our farms. Some were born here in Ohio and in America. Others came to this state and this country from many, many miles away. Some were 18 or 19 years old. Some were in their 40s.

Some were Privates and Lance Corporals, while one was a Lieutenant Colonel. Some joined the military as a result of the September 11 attacks, while others planned on a career in the military from their youngest days, marching around as small children in their fathers' uniforms. Some had seen a lot out of life, while for others—most of them, really—their lives had just begun.

All of them, though, shared something in common. All of them changed lives in countless ways, leaving enormous impacts on their families and their friends and their loved ones. Their absence leaves a gapping whole in the lives of those left behind. And while that makes it very hard, we also know that the world is a better place because these brave men and women were a part of it. It is a better place because they lived.

We are all so very fortunate to have had them in our lives for the all too brief time that we did. And for that, we are eternally grateful.

We, as citizens, will never be able to repay these Ohioans for their service. We know that when we lose a service member, there is a tear in the fabric that holds us all, as Americans, together, and there really is no way to repair that. President Theodore Roosevelt perhaps put it best when he said, "Their blood and their toil, their endurance and patriotism, have made us and all who come after us forever their debtors."

We are, indeed, in their debt.

I did not personally know any of these men and women we honored in Sunbury at that memorial. I did not personally know any of these men and women who died in Iraq, in Afghanistan, and men and women who I have come to the floor tonight to honor or who I have come to the floor on other nights to honor. But I have spoken with many of their families. I have talked to many of their friends and comrades, and have read a great deal about each one of them. They were all unique—each with their own special story to tell.

One Marine worked as a police officer before going to Iraq. He would bring disco balls into his police cruiser to make his partner laugh and sometimes brought smiley faces into jail to entertain the inmates.

Another Marine was in the high school marching band. During one football game, he forgot his sousaphone and decided to march with the only available instrument in the band room—a banjo.

One soldier's parents remember their son following them around the house at a young age, with his arms out, saying, "Big hug, big hug."

Another young man was a delegate to Buckeye Boys' State—a prestigious honor for high school students.

Several enjoyed riding their dirt bikes and fixing up cars. Some played sports. Some were in drama club. Others liked to play games, such as Scrabble.

Many married their high school sweethearts.

All of them made of our lives just a little bit brighter. They made us smile. They filled their loved ones' lives with great joy and happiness.

The recently dedicated memorial in Sunbury, OH, stands as a moving tribute and a lasting testament to these men and women and to their courage, honor, and sacrifice. They have stood tall in the fight against tyranny, aggression, and terrorism.

As John F. Kennedy once said, "A Nation reveals itself not only by the men [and women] it produces, but also by the men [and women] it honors [and] remembers." And that—that is exactly what this memorial is all about. It is about honoring and remembering each of these truly unique, wonderful souls.

Our Nation is proud of these Ohio men and women. They lived their lives well—with great purpose and commitment and love of family and country. And for that, we will never forget them.

SERGEANT MAJOR JEFFREY A. MCLOCHLIN

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave soldier from northern Indiana. Jeffrey McLochlin, father of three, died on July 5 in small-arms fire in Orgun-E, Afghanistan. Jeffrey risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A city police officer in Rochester, Jeffrey had been a National Guardsman for 19 years. He was training Afghan soldiers in police tactics and was on patrol with coalition and Afghan forces when he was shot by antigovernment forces. Jeffrey was on his second tour of duty and had previously served his country in 2004 on a NATO peacekeeping mission in Bosnia-Herzegovina. A proud husband and father, he left behind his wife Nicholle and three children, Darby, 16, Connor, 8, and Kennedy, 5. Nicholle told a local paper, "This man was amazing. There will never be another, that's for sure. Eighteen thousand miles away, and he called me daily when he could. He did everything he could to be a good father and a good husband." I stand here today to express my gratitude for Jeffrey's sacrifice and that of his family and loved ones.

Jeffrey was killed while serving his country in Operation Enduring Freedom. He was assigned to Headquarters and Headquarters Company, 2nd Battalion, 152nd Infantry Regiment, Army National Guard, Marion, IN. In addition to his wife and children, this brave soldier leaves behind his parents, Rich and Cindy McLochlin of Rochester.

Today, I join Jeffrey's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely working at home and abroad to make the world a safer place. It is his courage and strength of character that people will remember when they think of Jeffrey, a memory that will burn brightly during these continuing days of conflict and grief.

Jeffrey was known for his dedication to his family and his love of country. Today and always, Jeffrey will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Jeffrey's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Jeffrey's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Jeffrey McLochlin in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Jeffrey's can find comfort in the words of the prophet Isaiah, who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jeffrey.

ARMY STAFF SERGEANT PAUL S. PABLA

Mr. President, I also rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Fort Wayne. Paul S. Pabla, 23 years old, was killed on July 3 by sniper fire in Mosul, in northern Iraq. Volunteering for deployment to Iraq, Paul risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Pabla enlisted in the National Guard while still a student at Huntington North High School in Huntington, where he graduated in 2000. Service to others came naturally to Paul, who in high school participated in church youth mission work in Honduras. In Mosul, he especially enjoyed working with Iraqi children, calling them the "future of Iraq." Pabla was remembered by his senior-year English teacher, who told a local news outlet, "I think (enlisting) was something he felt really strongly about. Without question, he knew what he was getting into. He was really a young man with a sense of purpose." Paul was deployed to Iraq in January of 2006 on his first tour of duty there and had attained the rank of staff sergeant.

Paul was killed while serving his country in Operation Iraqi Freedom. He was assigned to B Battery, 3rd Battalion, 139th Field Artillery Regiment, 38th Infantry Division, Army National Guard, Kempton, IN. This brave soldier leaves behind his mother, Lisa Carroll; his father, Sarvjit Pabla; stepmother, Leticia Pabla; a brother, Neil Pabla; half brother, Nicholas Pabla; as well as numerous other relatives.

Today, I join Paul's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Paul, a memory that will burn brightly during these continuing days of conflict and grief.

Paul was known for his dedication to his family and his love of country. Today and always, Paul will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Paul's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Paul's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Paul S. Pabla in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Paul's can find comfort in the words of the prophet Isaiah, who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Paul.

AMERICAN CITIZENS IN LEBANON

Ms. STABENOW. Mr. President, I appreciate being able to come to the floor to speak about something of great urgency for people in Michigan and all across our country who have family and friends who are trapped in Lebanon—and certainly people in Israel as well—as a result of what is happening with the violence in the Middle East. We understand those Americans in Israel are able to leave and come home, but we have literally up to 25,000 Americans who are in Lebanon and trapped and unable to leave. They are frightened, and family members here are worried about their families in desperate situations, and they are asking for us to act much more quickly than has been occurring.

It is deeply disconcerting to me as I watched other countries, such as Italy, Spain, Great Britain, and France, on Saturday beginning to evacuate their citizens from Lebanon, taking them to Cyprus or taking them to other places to safety, and yet I understand that even though we have had some helicopters that have gone in—and I am grateful to the Department of State for that because we have families from Michigan who have been evacuated because of medical emergencies—the vast majority of people are waiting for ships.

One ship was supposed to come today. I understand that was delayed, and now they are waiting until tomorrow. And there will be, I understand, two ships—one that will allow 1,400 people to leave, and one that will allow 1,800 people to leave. But we are talking about in Michigan alone over 5,000 people, mostly women and children who have gone to see grandparents, have gone home for weddings, funerals, birthday parties, gone to see grandpa and grandma or elderly, people going home who are frightened and who are in harm's way.

I am deeply concerned that we have not moved more quickly. I have images of people sitting on rooftops in New Orleans waiting to be evacuated, waiting to be rescued, and now we have a similar situation going on with people waiting now 5 days, 6 days to leave a country that is in a war zone.

On top of that, we are now hearing that people who find themselves in a war zone, not of their making, who thought they were going to visit family during their vacation time while the children were off school or for some special event, are going to have to pay. Our Federal Government is requiring them to sign a promissory note to pay to leave to take their families to safety. That makes absolutely no sense.

So I plan to introduce a bill that will give the Secretary of State the authority to waive the reimbursement requirement for U.S. citizens who wish to evacuate Lebanon. The bill would waive the requirement in two cases: if it would create an undue financial hardship for a family or for an individual who is evacuated or if those citizens would be unable to recoup the cost of or reuse or get credit for a previously purchased airline ticket. That is the least we can do given the current situation that is underway.

This would give those who cannot afford thousands in unexpected travel costs an option for help. We cannot abandon American citizens who are currently in a war zone.

I have been in touch with hundreds of people from Michigan. I am proud to have thousands of members of Michigan who are an important part of our community, who have family members and friends trapped in the conflict in the Middle East. Frankly, our Government should be focused on the fastest, the safest way to bring people home, not how much we are going to bill them once they get here.

Let me share a couple of the hundreds of calls we have taken.

Iman Hatoum called her two young children, girls 14 and 7, who were in Lebanon visiting their grandmother when the conflict broke out. She was terrified, of course, for their safety, as anyone would be, and was working to get them out, but she was worried because this promissory note our Government is requiring them to sign would not be able to be signed by a minor. So we were able to help her work through that situation and to move forward. But she was terrified of what was going to happen to her children.

Samar Saad: Her family members—her cousins—were in Lebanon attending a wedding. They were all registered as requested by the Department of State on the Web site. But now one of her cousins was critically injured in the bombings and is in the hospital. We now find the family having to worry about medical bills because they were caught in a bombing and someone is now in a hospital, and they are having to pay for, of course, the physical injuries suffered by their family. We should not be charging them to come home, to come back to America where they will be safe.

Hoda Amine sent this very desperate e-mail to my office:

> Here we are stuck in Beirut, Lebanon, with over 25 family members. We need you and others to contact our gov. locally and nationally to get us out of here. We are all U.S. citizens and tax payers. Let our money be put to good work by saving "real U.S. citizens who are in desperate need to be saved. We have infants (my granddaughter) and elders (in-laws and friends) who need help desperately.

It goes on to indicate that they have registered with the embassy three times and have been informed to stay put, paying $150 each night at a hotel, and they say they are in a real, real emergency. Help us.

We need to do that. We need to be doing two things. We need to be getting ships there as quickly as possible. They should already have been there. If ships from other countries could be there Saturday or Sunday or Monday—now we are talking about not having something happen until Wednesday—there is no excuse for this.

The U.S. State Department estimates there are approximately 25,000 American citizens currently in Lebanon; 15,000 have registered with the State Department's Lebanon task force to receive evacuation information. We are keeping in constant contact with the task force.

Unfortunately, while we are working through all of this, current law requires that U.S. citizens and others who qualify to be evacuated by the Federal Government sign a promissory note pledging to reimburse the Government for their travel. They are later going to be billed by the State Department for the cost of any air, land, or sea transportation.

I am sure we all can imagine the situation or have family and friends—I have many friends, I have many people with whom I have talked, a friend over the weekend whose wife and young child went to visit family and have tried various roads and avenues to leave and have not been able to do that. People are frightened, people who are American citizens, who are asking us to help quickly and to please not put them in a situation of more financial hardship because they thought they were visiting their family in the summertime or they thought they were going to a beautiful wedding celebration or they were sharing the sorrow of a funeral or visiting grandpa or grandma or schoolchildren going on buses.

A colleague from the other side of the aisle has 300 members of a church community who are in Lebanon right now and have not been able to leave. Surely we can come together on a bipartisan basis. I know there is bipartisan interest in this issue. I am hopeful that we can come together and agree that we ought not to be charging for these people to leave in order to be able to survive with their families. They did not know this was going to happen. They had no idea they were going to be facing this situation. But now they find themselves needing help from their Government to bring them home and to keep them safe. We have a responsibility to make sure innocent people are not losing their lives or concerned about the safety of their children or their family members because of this situation. That is our responsibility, I believe, very strongly.

This situation is frightening enough without people being placed in financial hardship to pay for a ship to Cyprus and then find themselves where their airline ticket doesn't work from Cyprus so they have to buy a whole new ticket, or whatever it takes—thousands of dollars. People are being told that it is anywhere from $3,000 to $5,000 to be able to protect their families and leave. That is just not right.

I really am hopeful—I know colleagues are concerned about this—I am hopeful that this legislation will be strongly embraced and that we can quickly give the Secretary of State the authority. We have been told by legislative counsel they do not now have the authority to waive these costs. So I am hopeful we will give them that authority very quickly and the Secretary of State will then be able, in a humanitarian way, to address a very critical and frightening situation for many Americans right now in Lebanon.

Mr. President, I yield the floor.

A TRIBUTE TO ANNA MAY HAWEKOTTE SMITH

Mr. DURBIN. Mr. President, I rise today to pay tribute to a remarkable and compassionate woman. Anna May Hawekotte Smith fought tirelessly for underdogs of every sort throughout a professional career hat lasted more than 50 years. She passed away on July 5 at the rich age of 90.

In 1950, at the age of 35, while pregnant with her fourth child, Anna May suffered a crippling stroke. She was left paralyzed, forced to relearn such basic functions as walking and talking. Through perseverance, Anna May recovered. While a limp and leg brace remained the only physical suggestions of her former impairment, the experience left a lasting impression on Anna May. For the next 55 years, she used her extraordinary empathy, skills, and determination to help others and to advance many worthy causes.

Over the course of her lifetime, Anna May Hawekotte Smith served many roles—educator, administrator, advocate of social justice, champion of women's rights, wife, and mother. She attended Barat College in Lake Forest, IL. After graduating in 1938, Anna May obtained a master's degree in speech education from Columbia University in New York. She continued her graduate work in speech at Northwestern University in Evanston, IL, and interned with doctors at the University of Illinois Neuropsychiatric Clinic. Anna May Hawekotte Smith began her professional career as a professor at Barat College. She was soon promoted to chairman of the college's speech and drama department. During her tenure at Barat, she broadcast the first live women's radio talk show to spotlight issues related social justice and the advancement of women.

In 1966, she helped develop a program at Barat to help high school girls from low-income families in Chicago and Lake County to prepare for college. The Upward Bound Program, as it was called, ran for 8 years and assisted hundreds of young women.

It was also during her time at Barat that Anna May met her future husband, Charles Caroll Smith. Charles was executive director of the Catholic Youth Organization of Chicago and the administrative assistant to the late

Archbishop Bernard J. Sheil. The pair wed in 1941 and raised three children together.

Anna May Hawekotte Smith was a woman of active faith. That was evident in her work on behalf of the Catholic Church, as well as in her calm acceptance of the hand of God in her own life. Anna May Hawekotte Smith did not fear change; she embraced it as an adventure and God's will for her. Her daughter, Sheila Smith, said her mother was never afraid of seeing one door close because she trusted God would open a new door. Sheila remembers a couple of years ago, when Anna May learned that Barat College would be closing its doors. She didn't express anger or frustration. Instead, she told her daughter that it was time to focus on a new venture: the Barat Education Foundation. The foundation, created in 2000, would carry on the legacy of the school where she had spent so many years.

In 1969, Anna May's husband Charles passed away. Sheila remembers an evening shortly after her father died. She was sitting in the kitchen with her mother when Frank Sinatra's classic song, "My Way" came on the radio. Anna May told her daughter that, though she had been comfortable in her life, she had often done what was expected of her and what other people wanted. Widowed now, at the age of 54, she was free to make her own decisions, to live her life her way.

Anna May accepted a teaching position at Sangamon State University, now the University of Illinois Springfield, in 1973 and remained a member of the university faculty until her retirement in 1985. Today, a scholarship in her name recognizes Anna May's commitment to the advancement of women.

Following her retirement, Anna May moved back to Chicago, where she became assistant director for job development programs at the Northern Illinois National Multiple Sclerosis Society. Throughout her life, she also supported social justice causes ranging from civil rights to women's rights.

Mr. President, this Friday, July 21, on what would have been Anna May's 91st birthday, her friends and family will gather at a memorial service at Barat College Chapel to remember and honor this remarkable woman. In the words of her family, Anna May Hawekotte Smith was more than a lifelong learner, she was a lifelong doer. All of us who knew her recall her not only with fondness but with great admiration.

Our thoughts and prayers are with all of those whom she loved and who loved her, especially her children, Charles Smith, Sheila Smith, and Catherine Smith Wilson; her two brothers; and her six grandchildren.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 15, 2006, in Chicago, IL, a gay man was attacked by Marquell Shepard after leaving a local bar. Shepard approached the man, berating him with sexually derogatory slurs. Shepard then physically assaulted him and fled the scene. He was soon picked up by police and charged with a felony hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SPACE SHUTTLE "DISCOVERY" STS–121 MISSION

Mr. NELSON of Florida. Mr. President, yesterday, July 17, 2006, marked the successful conclusion of the STS–121 space shuttle *Discovery* mission with its safe landing at the Kennedy Space Center in Florida. This 13-day mission was the 115th shuttle mission and the 18th to visit the International Space Station. STS–121 satisfied its "return to flight" objectives by flight testing improvements to the shuttle and testing on-orbit shuttle repair procedures. This flight provided more than 28,000 pounds of equipment and supplies to the space station and enabled its number of occupants to grow to three. STS–121 included three important spacewalks and laid the groundwork for the continued assembly, and ultimately doubling in size, of the space station.

I applaud the bravery, expertise, and accomplishments of the STS–121 crew—Commander Steven Lindsey, Pilot Mark Kelly, and Mission Specialists Michael Fossum, Lisa Nowak, Thomas Reiter, Piers Sellers, and Stephanie Wilson. This successful mission is a testament to the thousands of people who work on the space shuttle and space station programs.

Mr. President, we must continue with our plans to fly the space shuttle in order to complete the construction of the International Space Station. Equally important, we must work together to preserve the workforce that will soon become the backbone of the new crew exploration vehicle and the next human space project.

VOTING RIGHTS ACT REAUTHORIZATION

Mr. LEAHY. Mr. President, more than 2 months ago I joined the Chairmen of both the Senate and House Judiciary Committees, the ranking member of the House Judiciary Committee, the Democratic and Republican leaders of both the Senate and the House of Representatives, and Members of Congress from both parties to introduce a bill to reauthorize and reinvigorate the temporary provisions of the Voting Rights Act of 1965. The bicameral, bipartisan introduction of this bill reflects not only its historic importance as a guarantor of the right to vote for all Americans, but also the broad consensus that the expiring provisions must be extended this year without delay. Unfortunately, we in the Senate have been delayed in getting this bill to the Senate floor by repeated cancellations and postponements of committee hearings and markups. The bill was also delayed in the House of Representatives for a month by a small group of opponents. Fortunately, the House was able to pass this legislation last week with 390 Members voting in favor. Now it is time for the Senate to do its part and pass this bill.

At my request, the chairman of the Senate Judiciary Committee has agreed to hold a special executive business session of the committee so that after a month of delay we can report out the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I hope that this vital civil rights legislation will be ready for full Senate consideration without further delay and that we can proceed with deliberate speed to pass the House-passed bill so that it may become law before Congress takes its summer vacation.

The U.S. Constitution specifically provides that Congress has the power to remedy discrimination under both the fourteenth and the fifteenth amendments. Over the course of nine Judiciary Committee hearings we received testimony from a range of constitutional scholars, voting rights advocates, and Supreme Court practitioners. There was agreement among these witnesses that Congress is at the height of its powers when giving enforceable meaning to these amendments by enacting laws that address racial discrimination in connection with voting. The fourteenth and fifteenth amendments have not changed. As long as these amendments are in our Constitution, Congress has the authority to enforce them, especially on matters of racial discrimination in connection with the right to vote. These are matters of fundamental importance.

The Senate Judiciary Committee held several hearings this year on the continuing need for the provision of the Voting Rights Act that requires covered jurisdictions to "pre-clear" all voting changes before they go into effect. This provision has been a tremendous source of protection for the voting rights of those long discriminated against and also a great deterrent against discriminatory efforts cropping up anew. Some academic witnesses suggested in their committee testimony that section 5 should be a victim of its success. In my view, abandoning a successful deterrent just because it works defies logic and common sense. Why risk losing the gains we have made? When this Congress finds an effective and constitutional way to prevent violations of the fundamental right to vote, we should preserve it. Now is no time for backsliding.

Since section 5 of the Voting Rights Act was first enacted in 1965 and last reauthorized in 1982, the country has made tremendous progress in combating racial discrimination. Certain jurisdictions disregarded the fifteenth amendment for almost 100 years and had a history of pervasive discriminatory practices that resisted attempts at redress from the passage of the fifteenth amendment in 1870 to the passage of the Voting Rights Act in 1965. Section 5 is intended to be a remedy for violations of the fourteenth and fifteenth amendments, in place for as long as necessary to enforce those amendments and eliminate practices denying or abridging the rights of minorities to participate in the political process. In fact, due in large measure to the remedies provided in the VRA, many voters in jurisdictions covered for the purposes of section 5 have gained the effective exercise of their right to vote.

However, based on the record established in hearings before the Senate Judiciary Committee and the Subcommittee on Constitution, Civil Rights, and Property Rights, which builds on the extensive record established in the House of Representatives, there remains a compelling need for section 5. The Judiciary Committee received three categories of evidence supporting the continuation of this remedy. First, there is evidence that even with section 5 in place, covered jurisdictions have continued to engage in discriminatory tactics. Often, this recurring discrimination takes on more subtle forms than in 1965 or 1982, such as vote dilution, which relies on racially polarized voting to deny the effectiveness of the votes cast by members of a particular race. Second, there is evidence of the effectiveness of section 5 as a deterrent against bad practices in covered jurisdictions. Finally, there is evidence of the prophylactic effect of section 5, preserving the gains that have been achieved against the risk of backsliding.

Today, I would like to provide some of the evidence received in the Judiciary Committee about the persistence of discriminatory practices in covered jurisdictions that supports reauthorization of this crucial provision.

The robust record compiled in the Senate Judiciary Committee includes voluminous evidence of recurring discrimination in section 5 covered jurisdictions. Often, this recurring discrimination takes on more subtle forms than in 1965 or 1982, such as vote dilution and redistricting to deny the effectiveness of the votes cast by members of a particular race. Notably, many jurisdictions are repeat offenders, continuing a pattern of persistent resistance dating back to the enactment of the VRA. Debo P. Adegbile, Associate Director of Litigation of the NAACP Legal Defense and Educational Fund, Inc., testified about some examples of the types of evidence in the record:

The Record before this Congress presents continued evidence of such violations, and highlights the necessity for continued review of voting changes to protect minority voters in covered jurisdictions. For example, since the VRA's 1982 renewal, violations of minority voting rights have taken the form of last minute election date or polling place changes, discrimination at the polls, and familiar dilutive tactics of "cracking" and "packing" minority voting districts.

Objections to voting changes interposed by DOJ are one category of evidence relevant to the persistence of discrimination in covered jurisdictions. Although several witnesses pointed to a recent reduction in VRA objections as a reason to oppose extension of section 5, in fact there have been more objections in covered jurisdictions since the last reauthorization in 1982—608—than there were before that reauthorization, including 80 statewide section 5 objections. However, these objections only reveal a chapter of a much longer story. Mr. Adegbile also testified:

Although many VRA opponents and commentators point to a recent reduction in DOJ objections as evidence of the decreasing need for Section 5—this analysis oversimplifies the many ways in which the law serves to protect minority voters. Excluded from the category of objection statistics are other categories of deterred and rejected voting changes. These include matters that were denied preclearance by the Washington D.C. District Court; matters that were settled while pending before that court; voting changes that were withdrawn, altered or abandoned after the DOJ made formal More Information Requests, MIRs; as well as any recognition that the very existence of preclearance deters discriminatory voting changes in the first place. Taken together, these categories provide a more holistic view of the sizeable impact, deterrent effect, and continued need for section 5's provisions. Moreover, without the section 5 preclearance provisions many jurisdictions that have experienced a long history of exclusionary practices in voting would have lacked the incentive to tailor their electoral changes in a non-discriminatory fashion. Even with section 5 in place, many covered jurisdictions made voting changes that disadvantaged minority voters without preclearing them with the DOJ.

This is the Testimony of Debo P. Adegbile, Associate Director of Litigation of the NAACP Legal Defense and Educational Fund, Inc., before the United States Senate Judiciary Subcommittee on the Constitution, June 21, 2006, citing generally Luis Ricardo Fraga & Maria Lizet Ocampo, More Information Requests and the Deterrent Effect of section 5 of the Voting Rights Act, June 7, 2006—unpublished essay, submitted to Senate Judiciary Committee on June 9, 2006.

The following are only a small set of examples from the robust record compiled in the Senate Judiciary Committee:

VOTE SUPPRESSION

Through the use of illegal devices, State and local officials in covered jurisdictions have suppressed the ability of minority voters to effectively exercise their right to vote.

In 2001, Kilmichael, Mississippi's white mayor and all white five-member Board of Alderman abruptly cancelled an election after census data revealed that African Americans had become the majority in the town and an unprecedented number of African-American candidates were running for office. Even after DOJ objected, concluding that the cancellation was an attempt to suppress the African-American candidates, the mayor and board did not reschedule the election. Only after DOJ forced Kilmichael to hold an election in 2003 did it elect its first African-American mayor, along with three African-American alderman. This is from Caroline Fredrickson and Deborah J. Vagins, Promises to Keep: The Impact of the Voting Rights Act, March 2006, at 12.

In March, 2004, in Prairie View, Texas, home to historically black Prairie View A&M University, two students decided to run for the local governing body. The white criminal district attorney threatened that any student who voted in the election would face felony prosecution for "illegal voting" and only withdrew his statements when the NAACP filed suit. Shortly thereafter, the Commissioner's Court voted to reduce the availability of early voting at the polling place closest to the college from 17 hours over two days, to 6 hours on one day. This would have severely limited the students' political participation, as most planned to take advantage of early voting since their spring break coincided with the primary date. The county did not restore the voting hours until the NAACP filed a section 5 enforcement suit. This is from Laughlin McDonald "The Case for Extending and Amending the Voting Rights Act," A Report of the Voting Rights Project of the American Civil Liberties Union at 65-66.

In a 2004 opinion invalidating South Dakota's redistricting plan, a Federal district judge documented the State's long history of discrimination, including persistent efforts to suppress the Native American vote since 1999. The judge documented illegal denials of the right to vote in certain elections, barriers to voter registration, intimidation and unsubstantiated charges of vote fraud, lack of access to polling sites, non-compliance with the Voting Rights Act's language assistance provision, and dilutive voting schemes. The opinion also quoted legislators expressing prejudice against Indians. For example, when debating an unsuccessful bill to make it easier for Indians to register, one legislator said, "I'm not sure we want that kind of person in the polling place.'" This is from National Commission on the Voting Rights Act, "Protecting Minority Voters: The Voting Rights Act at Work 1982–2005" February 2006 at 44.

The Mayor of the Town of North Johns, AL intentionally discriminated against African-American candidates for city council when he frustrated the attempts of these candidates to acquire the required forms for their candidacy and refused to swear them in when they won their elections. The court found that the mayor acted to undermine the candidacy of two African-American men because their election would result in the town council becoming majority black. This is from Dillard v. North Johns, 717 F. Supp. 1471, M.D. Ala. 1989.

DISCRIMINATORY REDISTRICTING

Due to racially polarized voting, the reality in many jurisdictions is that the ability of minorities to have the opportunity to elect their candidate of choice is often dependent on the racial composition of a voting district. Consequently, the seemingly neutral task of drawing district lines can, in fact, be used strategically to abridge minorities' right to vote using techniques called "packing" where a very large percentage of minorities are placed in a single district and thereby denying them influence except in that one jurisdiction, or the obverse "unpacking," which fragments minority communities into numerous jurisdictions, denying them influence anywhere.

The impact of racially polarized voting is significant. In the 2000 elections, only 8 percent of African Americans were elected from majority white districts. This is from National Commission on the Voting Rights Act, "Protecting Minority Voters: The Voting Rights Act at Work 1982–2005" February 2006 at 38. As of 2000, neither Hispanics nor Native Americans candidates had been elected to office from a majority white district. Id. This is true throughout covered jurisdictions. Every African-American representative currently holding office in Congress from Louisiana, or in the Louisiana State Legislature, has been elected from a majority African-American district. This is from Debo P. Adegbile, "Voting Rights in Louisiana: 1982–2006," RenewTheVRA.org at 9. In Mississippi, the State with the highest percentage African-American population, not a single African-American candidate has won election to Congress or the state legislature from a majority-white district, and no African-American candidate has won a statewide office in the 20th Century. This is from Robert McDuff, "Voting Rights in Mississippi: 1982–2006," RenewTheVRA.org at 13.

After failing to redistrict for over two decades, following the 1980 and 1990 census, the city of Seguin, Texas was 60 percent Hispanic, yet only 3 out of 9 city council members were Hispanic. After a successful section 5 challenge by Hispanic plaintiffs, the city redrew its discriminatory districts in 1994 and again following the 2000 census, but cut short the filing deadlines for the upcoming elections, ensuring that the white incumbent would run unopposed. Another section 5 suit was necessary to prevent this change, called by some merely de minimis even though it determined the election's outcome, from going into effect. This is Testimony of John Trasvina, Interim President and General Counsel, Mexican American Legal Defense and Educational Fund MALDEF, before the United States Senate Judiciary Committee, June 13, 2006, at 4.

At a 2001 section 2 hearing, while testifying in defense of the St. Bernard Parish School Board's illegal plan to eliminate its only African-American district, Louisiana State Senator Lynn Dean, the highest ranking public official in St. Bernard Parish, admitted that he uses a term considered by many to be a derogatory, even offensive, word in referring to African Americans, had done so recently, and does not necessarily consider it a racial term. Dean had served on the school board for 10 years. This is from Debo P. Adegbile, "Voting Rights in Louisiana: 1982–2005," RenewTheVRA.org at 26.

In the post-1990 redistricting cycle, the Department of Justice objected to Georgia's Senate redistricting bill twice and to Georgia's House redistricting bill three times. The newly adopted plans were then challenged by litigation in which the state admitted to constitutional violations. After losing the lawsuit, the state claimed to remedy the problem. However, its newly adopted plans reduced the black populations of numerous districts, thereby drawing DOJ objections to both plans yet again in March 1996. This is from Robert Kengle, "Voting Rights in Louisiana: 1982–2006," RenewTheVRA.org at 14.

The 2001 legislative redistricting plan in South Dakota, which divided the State into thirty-five legislative districts, altered the boundaries of District 27, which included Shannon and Todd Counties, so that American Indians comprised 90 percent of the district, while the district was one of the most overpopulated in the State. Had American Indians not been "packed" in District 27, they could have comprised a majority in a house district in adjacent District 26. South Dakota refused to submit the plan for preclearance, leading Alfred Bone Shirt and three other residents from Districts 26 and 27 to sue the State in December 2001. The plaintiffs claimed that South Dakota failed to submit its plan for pre-clearance and also that the plan unnecessarily packed Indian voters in violation of section 2. A 3-judge court ordered the state to seek pre-clearance and the Attorney General pre-cleared it, concluding that the additional packing of Indians in District 27 did not have a retrogressive effect. However, the district court, sitting as a single-judge court, heard the plaintiffs' section 2 claim and invalidated the State's 2001 legislative plan as diluting American Indian voting strength, finding that there was "substantial evidence that South Dakota officially excluded Indians from voting and holding office." This is from Bone Shirt v. Hazeltine, 200 F. Supp. 2d 1150, 1154 D.S.D. 2002.

In 2001, the Louisiana State Legislature sought judicial pre-clearance of its statewide redistricting plan for the Louisiana House of Representatives, which eliminated a majority African-American district in Orleans Parish. According to the legislators that drew that plan, the district was eliminated because white voters in Orleans Parish were entitled to "proportional representation," despite significant population growth among African-Americans in Orleans Parish over the course of the prior decade. Although the legislators ultimately dropped their selective "proportional representation" argument, the court found that the state "blatantly violate[ed] important procedural rules" through its litigation tactics and condemned the state for its "radical mid-course revision in [its legal] theory of the case." The evidence, obtained over plaintiffs' resistance via a motion to compel, showed significant levels of racially-polarized voting in virtually all electoral contests, as well as retrogressive purpose and effect in the adoption of the plan. The evidence also showed that the Speaker Pro Tempore, who was a plaintiff in the action, removed long-standing language from the State's redistricting guidelines that acknowledged the State's obligations under the VRA at the start of the line drawing cycle. The litigation resulted in a settlement on the eve of trial that restored the opportunity district in Orleans Parish. The 2001 Louisiana House redistricting plan followed the standard practice in Louisiana as no initial redistricting plan for the Louisiana House of Representatives has ever been pre-cleared by DOJ since the inception of Voting Rights Act in 1965. This is Testimony of Richard Engstrom before the House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution, October 25, 2005. This is also Debo P. Adegbile, Voting Rights in Louisiana, 1982–2006, at 16.

After finding Point Coupee Parish, Louisiana's redistricting plans retrogressive, the Department of Justice objected 3 decades in a row: in 1983, 1992, and 2002. After the first 2 census cycles, the parish attempted to pack minority voters into a single district while fragmenting the remaining African-Americans into majority-white districts. In 2002, without explanation, the parish eliminated one majority African-American district, despite an increase in the African-American population of the parish. Unfortunately, the experience in Point Coupee Parish is typical in Louisiana: "[b]etween 1982 and 2003, 10 other parishes were "repeat offenders," and 13 times the DOJ noted that local authorities were merely resubmitting objected-to proposals with cosmetic or no changes." This is Debo P. Adegbile, "Voting Rights in Louisiana: 1982–2006," RenewTheVRA.org at 27.

In 1983, African-American legislators were excluded from legislative sessions held to develop Louisiana's post-census redistricting plan after negotiations stalled. The governor had threatened to veto a proposed plan that would create one African-American majority district and the Senate rejected the governor's plan to create all white majority districts. In the absence of minority legislators, a compromise—Act 20—was reached that sacrificed the majority-minority district despite the fact that—after a marked increase in the previous decade—the highly-concentrated African-American population now made up 48.9 percent of the voting age population in Orleans Parish. Act 20 was struck down by a 1982 section 2 case. The remedied district led to the election of Louisiana's first African-American congressman since reconstruction. This is also from Debo P. Adegbile, "Voting Rights in Louisiana: 1982–2006," RenewTheVRA.org at 16.

In 1991 and 1992, the Morehouse Parish, Louisiana, Police Jury drew district lines in an attempt to pack African-American voters in the city of Bastrop multiple times in defiance of DOJ objections. After a 1991 section 5 objection to its attempt to draw the same districting plan several times the Morehouse Parish Police Jury made cosmetic changes and resubmitted the same plan. After DOJ lodged another objection, the police jury resubmitted the same plan with only cosmetic changes. Only after DOJ objected a third time in 1992 did the police jury address the substance of the first objection and draw district lines that did not result in an over-concentration of African-American voters.

In 2006, election officials in Randolph County, Georgia, moved the board of education district lines to include Henry Cook, the African-American chair of the board of education, from District Five of the county board of education, which is majority black, to District Four, which is majority white. In District Four, Cook would almost certainly be defeated given the prevalence of racial bloc voting in the county, depriving the African-American community of an incumbent elected official who had their strong support in past elections. Although Randolph County was covered by section 5, county officials refused to submit the change for pre-clearance. African-American residents of the county filed suit on April 17, 2006, to enjoin use of the change absent pre-clearance. On June 5, 2006, the 3-judge court issued an order enjoining further use of the voting change because of failure to comply with section 5.

In 1991, Mississippi legislators rejected proposed House and Senate redistricting plans that would have given African-American voters greater opportunity to elect representatives of their choice, referring to one such alternative on the House floor as the "black plan" and privately as "the n-plan." DOJ objected, concluding that a racially discriminatory purpose was at play. In the 1992 elections, the cured redistricting plans boosted the percentage of African-American representatives in the legislature to an all time high: 27 percent of the House and 19 percent of the Senate—up from 13 percent and 4 percent respectively in a state where 33 percent of the voting age population is African-American. This is Robert McDuff, "Voting Rights in Mississippi: 1982-2006," RenewTheVRA.org at 9–10.

In late 2001, Northampton County, VA proposed a change in the method of electing the board of supervisors by collapsing six districts into three larger districts. The DOJ objected, finding that three of the six districts were majority-minority districts in which African-American voters regularly elected their candidates of choice. The new plan would have diluted the minority-majorities and caused them to completely disappear in 2 of the 3 new districts—clearly having retrogressive effects. Two years later, the county provided a new 6-district plan, which had the same retrogressive effects of the 3-district plan. DOJ objected and provided a model non-retrogressive, 6-district plan, which has yet to be followed by the county. This from Anita S. Earls, Kara Millonzi, Oni Seliski, and Torrey Dixon, "Voting Rights in Virginia, 1982-2006," RenewTheVRA.org at 27–28.

In 1989, in section 2 suit, a Federal district court knocked down Chickasaw County, Mississippi, illegal plan to have all majority-white supervisors' districts. Sent back to the drawing board, the county then passed 3 different plans over the next 6 years. Not one passed section 5 pre-clearance. Finally, the Federal court drew its own plan for the 1995 elections, providing for 2 majority-black districts to reflect a population that was nearly 40 percent black. Only then did the county adopt a plan that met no objection by the Department of Justice. This is Robert McDuff, "Voting Rights in Mississippi: 1982-2006." RenewTheVRA.org at 6.

In 1992, DOJ objected to a Justice of the Peace and Constable redistricting plan in Galveston County, Texas, that fractured geographically compact African-American and Hispanic voters and provided no opportunity districts among the 8 districts in the plan, even though African Americans and Hispanic comprised 31 percent of the county's population. This is from Nina Perales, Luis Figueroa and Criselda G. Rivas, "Voting Rights in Texas, 1982–2006", RenewTheVRA.org, at 17–18.

In 1992, DOJ objected to the Terrell County Commissioners Court redistricting plan. Although the Hispanic population in the county had increased from 43 percent to 53 percent, the proposed redistricting plan cracked the Hispanic population by substantially decreasing the number of Hispanic voters in one of the two Hispanic majority districts and packing them into the other to create a district with an 83 percent Hispanic district. This is from Nina Perales, Luis Figueroa and Criselda G. Rivas, "Voting Rights in Texas, 1982–2006," RenewTheVRA.org, at 19.

In 2005, DOJ objected to the redistricting plan for the Town of Delhi, LA, which eliminated an African-American opportunity district, rejected an alternative plan which would have been better for minority voters, and was adopted with the intent to worsen the position of minority voters. According to the 2000 Census, Delhi's population was majority African-American, yet local officials attempted to reduce minority voting strength in the town. DOJ denied pre-clearance after determining that town officials sought to worsen the position of minority voters by looking first to the historical background of the city's decision, which revealed that the plan was adopted despite steadily increasing growth in the town's African-American population. In its April 25, 2005, objection letter, DOJ stated, "[w]ithout question, Black voters are worse off under the proposed plan," which was adopted despite the counsel of the Town's demographer, who noted the retrogressive effect of the plan. This is from a Letter from R. Alexander Acosta, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, to Mr. David Creed, Executive Director, North Delta Regional Planning and Development District, April 25, 2005.

In 1992, the Department of Justice objected to Florida's redistricting plan for the State Senate, observing that "[w]ith regard to the Hillsborough County area, the State has chosen to draw its senatorial districts such that there are no districts in which minority persons constitute a majority of the voting age population. To accomplish this result, the State chose to divide the politically cohesive minority populations in the Tampa and St. Petersburg areas." This is from JoNel Newman, "Voting Rights in Florida, 1982-2006", RenewTheVRA.org, at 9.

The Department of Justice interposed an objection to the 2002 redistricting plan for the Florida House of Representatives, stating that the plan reduced "the ability of Collier County Hispanic voters to elect their candidate of choice [and] the drop in Hispanic population in the proposed district would make it impossible for these Hispanic voters to continue to do so." As a result of the Department's Section 5 objection to the 2002 reapportionment plan, Hispanic majority-minority district was preserved in Collier County. This is JoNel Newman, "Voting Rights in Florida, 1982–2006," RenewTheVRA.org, at 10.

In 2002, the Department of Justice objected to Arizona's state legislative redistricting plan because it fractured Hispanic voters and reduced Hispanic voting age population in 5 districts below their 1994 benchmarks, despite the growth of the State's Hispanic population and the ability to draw three compact majority-Hispanic districts. The State court responded by accepting an interim plan recommended by a Special Master that restored one district to its benchmark level and created 2 new Hispanic-majority districts in metropolitan Phoenix to replace some of the other four majority Hispanic-majority districts that had been eliminated.

In 1991, Hispanic plaintiffs and Monterrey County, California, which was 33.6 percent Hispanic, reached a settlement plan which, unlike Monterrey's initial plan, did not dilute the vote of the county's Hispanic population. However, after voters struck down the county's redistricting plan in a required referendum petition, the county issued a new plan to which the Justice Department objected under section 5, stating that the County's plan ". . . appears deliberately to sacrifice Federal redistricting requirements, including a fair recognition of Hispanic voting strength, in order to advance the political interests of the non-minority residents of northern Monterey County." Subsequently, the district court adopted the plaintiffs' plan. As a result of the implementation of the plaintiffs' plan, a Hispanic was elected to the Board of Supervisors for the first time in over 100 years. This is Gonzalez v. Monterey County 808 F.Supp. 727, 729 (N.D. Cal. 1992); Joaquin G. Avila, California State Report on Voting Discrimination (forthcoming May 25, 2006, manuscript at 9.

After the 1990 census, Merced County, CA, adopted a redistricting plan that ignored the presence of its growing Hispanic population which at the time constituted 32.6 percent. In doing so, the county disregarded its demographer's recommendation to create a supervisor district with a Hispanic majority and instead chose a plan that fragmented the county's Hispanic population. The Justice Department issued an objection rejecting the county's redistricting plan because the plan fragmented the Hispanic population. Following the objection, the county created a new redistricting plan that both avoided the fragmentation of the county's Hispanic population and created a supervisory district with a Hispanic majority. The plan was later approved and a Hispanic Supervisor elected. This is Joaquin G. Avila, California State Report on Voting Discrimination, forthcoming May 25, 2006, manuscript at 11.

DISCRIMINATORY POLLING PLACE CHANGES

Another method used in covered jurisdictions to deny minorities the right to vote has been to move or even eliminate polling places, often without notice. Moving a polling place can appear to have little impact or importance, but the record demonstrates that these changes have been used systematically to deny minorities their constitutional right to vote by injecting intimidation and confusion into the electoral process.

Some have cited polling place changes as "de minimis" changes for which there should be an exception to section 5 pre-clearance. However, making such an exeception could lead to substantial violations of minority voting rights. As Robert McDuff, a civil rights attorney in Mississippi who has worked on preclearance testified, "polling place changes can be retrogressive and should not be dismissed as per se de minimis. With section 5 preclearance requests the context is critical and DOJ has an expertise in assessing the context." Robert McDuff, Answers to Written Questions from Senator Coburn. The following examples demonstrate that far from being "de minimis," polling place changes can be one of the most effective means of denying minorities the right to vote.

In 1992, the Attorney General objected to a proposal by the Wrightsville, GA, to relocate the polling place from the county courthouse to the American Legion Hall, an all-white club with a history of refusing membership to black applicants and a then-current practice of hosting functions to which blacks were not welcome. This is Laughlin McDonald "The Case for Extending and Amending the Voting Rights Act," A Report of the Voting Rights Project of the American Civil Liberties Union at 333, 334.

In 1995, Jenkins Parish, LA, attempted to relocate a polling place from a predominately black community easily accessible to many voters by foot to a location outside the city limits in a predominately white neighborhood which had no sidewalks, curving roads, and a speed limit of 55 mph. The Attorney General rejected the change, concluding, "the county's proffered reasons for the selection of this particular polling site appear to be pretextual, as the selection of this location appears to be designed, in part, to thwart recent black political participation." This is Deval L. Patrick, Assistant Attorney General, to William E. Woodrum, Jenkins County Attorney, March 20, 1995.

In 1985, the Apache County Board of Supervisors proposed to eliminate the last remaining polling place on Arizona's Fort Apache Reservation, reduce the daily hours of operation for those voting stations that remained open, and implement a rotating polling place system that would make it even harder for Navajo voters to reach the polls. Yet, absentee voting opportunities were not provided to Indian voters. Pointing to the clear discriminatory purpose and effect of the proposed changes, the Department of Justice objected. This is James Thomas Tucker and Rodolfo Espino, "Voting Rights in Arizona 1982–2006," RenewtheVRA.org, 46, 2006.

In 1994, after receiving word that whites were uncomfortable walking into an African-American neighborhood to vote at the Sunset Community Center, the St. Landry Parish, LA, Police Jury moved the polling place to the Sunset Town Hall, the site of historical racial discrimination. The police jury did not hold a public hearing, seek any further input, or advertise the change in any way. If not for the section 5 pre-clearance process, minority voters would not have known of the change until Election Day. This is Debo P. Adegbile, "Voting Rights in Louisiana, 1982–2006," RenewtheVRA.org, at 31.

In 1999, after the Davills Precinct polling center burned down and the County Board of Supervisors of Dinwiddie County, Virginia, moved the polling place to the Cut Bank Hunt Club, privately owned with a large African-American membership, one hundred and five citizens submitted their signatures to have the precinct moved to the Mansons United Methodist Church, located three miles southeast of the Hunt Club. The petition's stated purpose for moving the precinct was for a "more central location." Before the board's meeting to discuss moving the polling place, the Mansons United Methodist Church withdrew its name as a possible location. The board then placed an advertisement for a public hearing on changing the polling place which stated that if any "suitable centrally located location [could] be found prior to July 15, 1999," they would consider moving it there. On July 12, 1999, the Bott Memorial Presbyterian Church members offered their facilities for polling. On August 4, 1999, the board approved changing the polling place to Bott Memorial Presbyterian Church. The church is located at the extreme east end of the precinct, however, and 1990 Census data showed that a significant portion of the black population resides in the western end of the precinct.

DOJ objected to the change, finding that the polling place was moved for discriminatory reasons. This is a Letter from Bill Lann Lee, Acting Assistant Attorney General, Civil Rights Division, U.S. DOJ., to Benjamin W. Emerson of Sands, Anderson, Marks & Miller, October 27, 1999.

METHODS OF ELECTIONS

Officials have used their authority to set the methods of elections as ways to abridge or even deny the ability of minority citizens to vote and elect candidates of their choice. The following are examples of the use of at-large election systems, dual registration systems and other methods since the last reauthorization of section 5.

In 1995, the State of Mississippi resurrected a form of the dual registration system, which a Federal district court had struck down less than a decade earlier as racially discriminatory in intent and effect. Mississippi then refused to submit its voting procedures for pre-clearance until ordered to do so by the U.S. Supreme Court. Under the unlawful system, voters who registered pursuant to the National Voter Registration Act, NVRA, would only be eligible to vote in federal elections, but not in State and local elections. The majority of voters registered under the NVRA were African-American. In addition, while one state department provided its mostly-African-American public assistance clientele with only the NVRA registration forms, another department registered its mostly-white driver's license applicants through the state forms, which enabled them to vote in all elections. In its objection letter, DOJ noted the state had merely breathed new life into the dual registration system originally enacted by Mississippi in the 19th Century with an aim to eliminate the African-American vote. This is Robert McDuff, "Voting Rights in Mississippi: 1982–2006," RenewTheVRA.org at 16.

In 1992, Effingham County, Georgia proposed an at-large election system despite anticipating that, due to racially polarized voting, after the change, African-Americans would no longer be able to elect the commissioner who would serve as chairperson. This decision came on the heels of the county's decision to eliminate the position of vice-chairperson, long held by an African-American commissioner. The county's justification for the change—that the proposed system would avoid tie votes in the selection of a chairperson—was tenuous at best because under the new system, an even number of commissioners would invite tie votes to a greater extent than the existing system. This is Robert Kengle, "Voting Rights in Georgia: 1982–2006," RenewTheVRA.org at 9–10.

Ten years after a successful lawsuit that forced the adoption of single-member districts in the city of Freeport, TX, minority candidates had gained two seats on the city council. The City then sought to revert to at-large elections, garnering an objection from the Department of Justice. Similarly, the Haskill Consolidated Independent School District sought to revert to at-large voting after significant gains by minority populations.

After the Washington Parish, Louisiana, School Board finally added a second majority-African American district in 1993, bringing the total to 2 out of 8, representing an African American population of 32 percent, it immediately created a new at-large seat to ensure that no white incumbent would lose his or her seat and to reduce the impact of the two African American members, to 2 out of 9. The Department of Justice objected to this change. (See Letter from James P. Turner, Assistant Attorney General, Civil Rights Division, U.S. DOJ, to Sherri Marcus Morris, Assistant Attorney General, State of Louisiana, and Jerald N. Jones, City of Shreveport, September 11, 1995, cited in Debo Adegbile, Voting Rights in Louisiana: 1982–2006, February 2006, at 21.)

A Federal district court found that the at-large method of electing the nine member Charleston County Council in South Carolina violated section 2 of the Voting Rights Act. In particular, the court found evidence of white bloc voting and concluded that in 10 general elections involving African-American candidates, "white and minority voters were polarized 100 percent of the time." The court also noted that there was a history of discrimination that hindered the present ability of minority voters to participate in the political process; significant socio-economic disparities along racial lines; a negligible history of African-American electoral success; and significant evidence of intimidation and harassment of African-American voters at the polls. Following the court's decision, which was affirmed on appeal, a single-member district plan was put in place with four majority African-American districts that eventually led to the election of four African Americans to the County Council. This is Laughlin McDonald "The Case for Extending and Amending the Voting Rights Act," A Report of the Voting Rights Project of the American Civil Liberties Union at 591–592.

In 2005, a three-judge Federal court enjoined the city of McComb, MS, from enforcing a State court order it had obtained that removed an African-American member of that city's board of selectmen from his seat by changing the requirements for holding that office, holding that the order clearly altered the pre-existing practice. The court ordered the selectman restored to his office and enjoined the city from enforcing the change unless preclearance was obtained. This is Robert McDuff, "Voting Rights in Mississippi: 1982–2006," RenewTheVRA.org at 8.

In 1991 the Concordia Parish Police Jury in Louisiana announced that it would reduce its size from 9 seats to 7, with the intended consequence of eliminating one African-American district, claiming the reduction was necessary as a cost-saving measure. However, DOJ noted in its objection that the parish had seen no need to save money by eliminating districts until an influx of African-American residents transformed the district in question from a majority-white district into a majority African-American district. This is Debo P. Adegbile, "Voting Rights in Louisiana: 1982–2006," RenewTheVRA.org at 24.

ANNEXATIONS

The following are examples from the record where jurisdictions changed their boundaries in order to diminish the voting power of minorities by selectively changing the racial composition of a district. Numerous jurisdictions have annexed neighboring white suburbs in order to preserve white majorities or electoral power.

In 1990, the city of Monroe, LA attempted to annex white suburban wards to its city court jurisdiction. In its objection, DOJ noted that the wards in question had been eligible for annexation since 1970, but that there had been no interest in annexing them until just after the first-ever African-American candidate ran for Monroe city court. This is Debo P. Adegbile, "Voting Rights in Louisiana: 1982–2006," RenewTheVRA.org at 24.

Pleasant Grove, Alabama was an all-white city with a long history of discrimination, located in an otherwise racially mixed part of Alabama. The city sought pre-clearance for two annexations, one for an area of white residents who wanted to attend the all-white Pleasant Grove school district instead of the desegregated Jefferson County school district, the other for a parcel of land that was uninhabited at the time but where the city planned to build upper income housing that would likely be inhabited by whites only. At the same time, the city refused to annex to two predominantly black areas. The United States Supreme Court upheld the District Court's denial of pre-clearance. This is from City of Pleasant Grove v. United States, 479 U.S. 462, 1987.

In 2003, the Department of Justice interposed an objection to a proposed annexation in the Town of North, SC, because the town had "been racially selective in its response to both formal and informal annexation requests." DOJ found that "white petitioners have no difficulty in annexing their property to the town" while "town officials provide little, if any, information or assistance to black petitioners and often fail to respond to their requests, whether formal or informal, with the result that the annexation efforts of black persons fail." Though the town argued that no formal attempts had been made by African-Americans to be annexed into the town, DOJ's investigation revealed that at least one petition had been signed by a significant number of African-American residents who sought annexation. The fact that the town ignored or was non-responsive to the requests of African-Americans, while accommodating the requests of whites, led DOJ to determine that race was "an overriding factor in how the town responds to annexation requests." This is a Letter from R. Alexander Acosta, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, to H. Bruce Buckheister, Mayor, North, SC, September 16, 2003.

THE CRISIS IN THE MIDDLE-EAST

Mr. FEINGOLD. Mr. President, I stand firmly with the people of Israel and their government as they defend themselves against these outrageous attacks. The kidnapping of Israeli soldiers and missile attacks against Israeli citizens are unacceptable and cannot be tolerated.

The first steps toward establishing peace must begin with the unconditional and immediate return of the kidnapped Israeli soldiers. Lebanon, Syria, Iran, and countries throughout the region must also condemn the actions of and cease all forms of support of Hezbollah, Hamas, and other groups committed to blocking or derailing the pursuit of peace. These countries must take strong actions immediately to return stability to the region.

Any sustainable peace depends on the cessation of support for terrorist organizations. U.N. resolutions have clearly articulated obligations and requirements of countries throughout the region. Iran and Syria must stop all support for Hezbollah and Hamas immediately.

That said, all sides to this conflict must show as much restraint as possible. It is in the long-term interest of peace that parties to this conflict find an end to this current crisis without damaging the prospects for a sustained and permanent solution to this conflict.

ADDITIONAL STATEMENTS

HONORING DR. PETER ALAN McDONALD

• Mr. BAYH. Mr. President, today I, along with Senator CANTWELL, pay tribute to the life of a talented physician and respected citizen, Dr. Peter Alan McDonald, who passed away on June 15. I know he will be greatly missed in both Washington and his native Indiana.

Peter has left a rich legacy through his efforts to better the lives of others. From his studies in mathematics and medicine at Indiana University to his well-known work as a gifted and efficient emergency physician at St. Joseph Hospital, he dedicated himself to ensuring the welfare of those around him.

Peter's boundless passion for life led him to excel in many fields beyond his profession. An active outdoorsman and athlete, he found great joy in hockey, windsurfing, boating, and fishing. Family and friends may best remember Peter for his wonderful stories and sense of humor. He is survived by his wife, Kelli McDonald; his father, Alan McDonald; his mother, Mary Mandeville; his two brothers, Tom McDonald and Jeff McDonald; and his sister, Linda Frank.

While it is a tragedy to have Peter taken from us at such an early age, we can find comfort in the full life he led. It is a rare man who can make such an impact on so many people throughout his years.

It is my sad duty to enter the name of Dr. Peter McDonald in the official RECORD of the U.S. Senate for his service to the States of Washington and Indiana. May God grant strength and peace to those who mourn, and may God be with all of you, as I know he is with Peter.•

CONGRATULATING OWENSBORO CATHOLIC ELEMENTARY SIXTH GRADE

• Mr. BUNNING. Mr. President, today I congratulate the Owensboro Catholic Elementary sixth grade Future Problem Solving Team of Owensboro, KY. The Future Problem Solving Team recently earned the State championship in their division, placing first out of about 50 teams. They went on to compete at the international conference in Colorado and placed 22nd out of 55 teams.

The Future Problem Solving Program is a nationally recognized, award-winning program that seeks to increase awareness for the future and encourage creativity in students of all ages.

Over 50,000 students participate in the competitive components associated with future problem solving and community problem solving. Of these, less than 3 percent earn an invitation to the prestigious international event.

I congratulate the Owensboro Catholic Elementary sixth grade Future Problem Solving Team for their achievement. The administrators, teachers, parents, and students of this team are an inspiration to the citizens of Kentucky. I look forward to all that the Future Problem Solving Team accomplishes in the future.•

125TH ANNIVERSARY OF SHELDON, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that recently celebrated its 125th anniversary. On June 23–25, the residents of Sheldon gathered to celebrate their community's history and founding.

Sheldon is a small town located in the eastern part of North Dakota. Previously named Jenksville, E.E. Sheldon bought the land in June 1881 and renamed it after himself. On July 20 of that same year, a new post office was established with Karl E. Rudd as the first postmaster. The National Pacific Railroad arrived in Sheldon in 1882, and the village began to grow, becoming incorporated in 1884. Since the day of its founding, the community has been small but very active.

Shortly after its founding Sheldon established itself as a hotbed for amateur baseball, winning the state title in 1895. In addition, Lynn Bernard "Line Drive" Nelson, 1905–1955, born and raised in Sheldon, played major league baseball during the 1930's with the Chicago Cubs, the Philadelphia Athletics, and Detroit Tigers.

The community had a wonderful weekend celebration to commemorate its 125th anniversary. The celebration was highlighted by a full day of activities on Saturday, including a pancake breakfast, two parades, a tractor and pick-up pull, and a car show. The day was capped off by a street dance that night. In addition to those festivities, a quilt show and a room celebrating the history of the town were open all weekend. The celebration concluded on Sunday with an all-faiths service followed by a brunch.

Mr. President, I ask the U.S. Senate to join me in congratulating Sheldon, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring

Sheldon and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Sheldon that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Sheldon has a proud past and a bright future.•

125TH ANNIVERSARY OF COLFAX, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 22, the residents of Colfax will gather to celebrate their community's history and founding.

Colfax was founded in 1881 and was proudly named after former Vice President Schulyer Colfax, who had owned property in the area. In February 1881, Colfax's post office was established. Colfax became known as the "Fountain City" because of the numerous artesian wells that can be found in the community and the surrounding areas.

Today, Colfax remains a small, proud community. Each year, the community gathers together and has picnics in the park. During the summer, many of its residents can be found at the local pool, catching up with friends and family.

To celebrate the 125th anniversary of its founding, the residents of Colfax will gather on July 22. There will be an all-school reunion to allow former classmates to reunite with each other and a coffee social at the local church. The highlight of the celebration will be the parade, which will feature floats, horses, and this years' North Dakota nine-man football state champs—all of whom are residents of Colfax.

Mr. President, I ask the Senate to join me in congratulating Colfax, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Colfax and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Colfax that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Colfax has a proud past and a bright future.•

HONORING MARIO KAVCIC

• Mr. DEWINE. Mr. President, I ask that the following proclamation be printed in the RECORD.

The proclamation follows:

A PROCLAMATION HONORING THE DISTINGUISHED CAREER OF MARIO KAVCIC

Whereas; Mr. Mario Kavcic began his radio career forty years ago in Cleveland Heights for a Slovenian interest radio program, and

Whereas; Mr. Kavcic conducted his first on-air interview in his native Slovenian with then Ohio State Representative and current United States Senator George Voinovich, and

Whereas; Mr. Kavcic moved to Cleveland to work with other ethnic language broadcast companies, and

Whereas; Mr. Kavcic's great success and popularity earned him a prestigious evening time slot for his program, and

Whereas; Mr. Kavcic created a program devoted to international affairs that aired on Saturday nights for ten consecutive years, and

Whereas; Mr. Kavcic moved his program to Nationality Broadcast Network—which reaches communities in Ohio, Pennsylvania, and West Virginia—after National Ethnic Programming went through a format change, and

Whereas; Mr. Kavcic interviewed President Richard Nixon, President Gerald Ford, Senator Howard Metzenbaum, Congressman Dennis Kucinich, and Cleveland Mayors Michael White and Jane Campbell, to inform his listeners about current issues, and

Whereas; Mr. Kavcic was awarded the prestigious Governor Award by former Ohio Governor John Gilligan, and

Now, therefore, I, Mike DeWine, United States Senator from the Great State of Ohio, would like to commend Mr. Mario Kavcic for his longtime and tireless efforts serving the Slovenian population in Cleveland and throughout Ohio. Mr. Kavcic's outstanding work to preserve and promote the rich heritage and culture of the Slovenian community is a shining example of the positive role the press can play in our society.

On this, the 18th Day of July, 2006.•

COMMEMMORATING THE 75TH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS

• Mr. JOHNSON. Mr. President, today I pay tribute to the Department of Veterans Affairs, and the extraordinary men and women who work there to assist our Nation's veterans. Last year, the VA began a year-long celebration in order to commemorate the 75th anniversary of the founding of the Department. As the agency that administers veterans' benefits, a well-funded VA is one way our Nation honors those who have served in the Armed Forces.

Veterans programs have a long and distinguished history stretching back before nationhood itself. During the conflict between the Pilgrims of Plymouth Colony and the Pequot Indians in 1636, a law was approved mandating that disabled veterans would be supported by the colony. Over the course of the next 300 years, a variety of programs designed to assist veterans were instituted by different administrative bodies. In 1930, all veterans programs were consolidated and placed under the jurisdiction of the Veterans' Administration. Finally, in 1988, President Reagan signed legislation creating the Department of Veterans Affairs.

The mission of the Department of Veterans Affairs is "to care for him who shall have borne the battle and for his widow and his orphan,"—a quote from Abraham Lincoln's second inaugural address. The Department has five core values: commitment, excellence, people, communication, and stewardship. By upholding these core values, the Department of Veterans Affairs seeks to fulfill its obligation to those who have served in defense of our Nation.

The men and women who work at the Department of Veterans Affairs constitute a group who are highly trained and deeply devoted to the goals of the organization. This is true across the board but in South Dakota particularly. The Black Hills Health Care System was designated a top performer in the Department's fiscal year 2005 Survey of Healthcare Experiences of Patients. Furthermore, the Sioux Falls VA Medical Center has a strong track record of top notch service. For example, Luella Onken, a local volunteer at the hospital, was the recipient of the 2006 First Premier Bank/Premier Bankcard Spirit of Volunteerism Award. She volunteers 5 days a week at the medical center and has devoted 35,000 hours toward helping our veterans.

For 75 years, the Department of Veterans Affairs has done an exemplary job of providing quality health care, administering benefits, and overseeing military cemeteries for the men and women who have served our country. I am proud to recognize and commend the Department of Veterans Affairs. The dedicated service of the men and women who work at the VA is a testament to the Department's commitment to our veterans.•

CONGRATULATORY NOTE ON KAZAKH AMBASSADOR'S BIRTHDAY

• Ms. LANDRIEU. Mr. President, today, July 18th, 2006, Ambassador Kanat Saudabayev from Kazakhstan is congratulated on his 60th birthday and recognized for all of his work around the world as a diplomat, government official, and culture and arts leader.

In his work with Washington since December 2000, Ambassador Saudabayev has helped to build a strong relationship with the United States on many levels. In 2001, Kazakhstan's positive support after terrorist attacks on September 11 helped extend the U.S. partnership on important issues such as energy policy, arms proliferation, the environment, and terrorism. In the past year, he and his country have helped to build positive economic and educational affiliations with Louisiana and also have graciously donated $50,000 to two local schools for rebuilding after Hurricanes Katrina and Rita.

Serving in many important leadership positions before now, Ambassador Saudabayev was born in the Almaty region in 1946 and is now married to

Kullikhan and is privileged to have two sons, a daughter, and three grandchildren. He has served as the head of the Prime Minister's Office in 1999 and 2000. In the 1990s he was appointed to serve as Ambassador to the United Kingdom of Great Britain and Northern Ireland. He worked as the Minister of Foreign Affairs in 1994 for his state and signed for Kazakhstan in NATO's Partnership for Peace Agreement. In 1991, he served as Ambassador to Turkey, the last under Soviet order, and worked to create a new strong future for Kazakhstan in its international relationships.

Before his diplomatic ventures, Ambassador Saudabayev had a passion for and held many positions in Kazakhstan's focus on culture. Starting as a theatrical producer, Ambassador Saudabayev acted as chairman of the State Committee of Culture, chairman of the State Film Committee, and Deputy Culture Minister.

Besides his devoted nature in working with the United States and his homeland, the Ambassador's most impressive past will lead the United States to not only recognize him for his past contribution to the world but most likely also for his efforts to come.

We wish him Happy Birthday on this celebratory year and occasion along with many years of health and good fortune in his future.●

TRIBUTE TO SHARON DALY

● Mr. ROCKEFELLER. Mr. President, this month, Sharon Daly will retire from Catholic Charities USA. She has been a compassionate, committed advocate for the most vulnerable children and needy families for more than a decade. She has skillfully represented a nationwide faith-based network that serves people in every State, including West Virginia. For many years, Sharon and her grassroots network of service providers have provided information and valuable insights on the needs of children and families. I have gained facts and support on a wide range of issues, from adoption and foster care to childcare and welfare reform, thanks to Sharon Daly and Catholic Charities. She has been a clear, compelling voice for the needs of children and the poor. Her leadership has been inspiring, and her voice will be missed.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY BLOCKING PROPERTY OF CERTAIN PERSONS AND PROHIBITING THE IMPORTATION OF CERTAIN GOODS FROM LIBERIA THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13348 ON JULY 22, 2004—PM-54

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency and related measures blocking the property of certain persons and prohibiting the importation of certain goods from Liberia are to continue in effect beyond July 22, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on July 21, 2005 (70 FR 41935).

The actions and policies of former Liberian President Charles Taylor and his close associates, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons and prohibiting the importation of certain goods from Liberia.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 18, 2006.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

The President pro tempore (Mr. STEVENS) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

S. 655. An act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention.

H.R. 2872. An act to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

At 12:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1871. An act to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

H.R. 3085. An act to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

H.R. 3496. An act to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes.

H.R. 3729. An act to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts.

H.R. 4019. An act to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income.

H.R. 4075. An act to amend the Marine Mammal Protection Act of 1972 to provide for better understanding and protection of marine mammals, and for other purposes.

H.R. 4376. An act to authorize the National Park Service to enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College, and for other purposes.

At 7:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3504. An act to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1871. An act to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

H.R. 3496. An act to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3729. An act to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts; to the Committee on the Judiciary.

H.R. 4019. An act to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income; to the Committee on Finance.

H.R. 4376. An act to authorize the National Park Service to enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College, and for other purposes; to the Committee on Energy and Natural Resources.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 18, 2006, she had presented to the President of the United States the following enrolled bill:

S. 655. An act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7577. A communication from the President/Chief Executive Officer and the Senior Vice President/Chief Financial Officer, Federal Home Loan Bank of Indianapolis, transmitting jointly, pursuant to law, the Bank's 2005 Annual Report, Statement on the System of Internal Controls, and Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–7578. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, the Bank's 2005 statement on the system of internal controls, audited financial statements, and Report of Independent Auditors on Internal Control over Financial Reporting; to the Committee on Banking, Housing, and Urban Affairs.

EC–7579. A communication from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's 2005 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–7580. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's 2005 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–7581. A communication from the President, Federal Home Loan Bank of Cincinnati, transmitting, pursuant to law, the Bank's 2005 Management Report and statement on system of internal controls; to the Committee on Banking, Housing, and Urban Affairs .

EC–7582. A communication from the First Vice President and Controller, Federal Home Loan Bank of Atlanta, transmitting, pursuant to law, the Bank's 2005 management reports and statements on system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–7583. A communication from the Assistant Secretary, Division of Market Regulation, Securities and Exchange Commission , transmitting, pursuant to law, the report of a rule entitled "Application of the Definition of Narrow-Based Security Index to Debt Securities Indexes and Security Futures on Debt Securities" (RIN3235–AJ54) received on July 12, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7584. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Imposition of Special Measure Against VEF Bank Including Its Subsidiary, Veiksmes lizings, as a Financial Institution of Primary Money Laundering Concern" (RIN1506–AA82) received on July 12, 2006; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself, Mr. KENNEDY, Mr. ENZI, Mr. HARKIN, Mr. GREGG, Mr. FRIST, and Ms. MIKULSKI):

S. 3678. A bill to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS (for himself and Mr. ROCKEFELLER):

S. 3679. A bill to authorize appropriations for the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 3680. A bill to amend the Small Business Investment Act of 1958 to reauthorize and expand the New Markets Venture Capital Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DOMENICI (for himself, Mrs. LINCOLN, Mr. CRAIG, Mr. PRYOR, Mr. ALLARD, Mr. BROWNBACK, Mr. BURNS, Mr. BOND, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAPO, Mrs. DOLE, Mr. GRASSLEY, Mr. HAGEL, Mr. LOTT, Mr. ROBERTS, Mr. STEVENS, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. BURR, Mr. NELSON of Nebraska, and Ms. LANDRIEU):

S. 3681. A bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant; to the Committee on Environment and Public Works.

By Mr. ALEXANDER (for himself, Mr. ENSIGN, Mr. GREGG, and Mr. SANTORUM):

S. 3682. A bill to establish the America's Opportunity Scholarships for Kids Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS:

S. 3683. A bill to preserve the Mr. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States; to the Committee on Energy and Natural Resources.

By Mr. ALLEN (for himself, Mr. BINGAMAN, and Mrs. BOXER):

S. 3684. A bill to study and promote the use of energy efficient computer servers in the United States; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. REID, Mr. BIDEN, Mr. SANTORUM, Mr. NELSON of Florida, Mr. KYL, Mr. BOND, Mrs. HUTCHISON, Mr. LEVIN, Mrs. DOLE, Mr. GRASSLEY, Mr. BUNNING, Mr. SMITH, Mr. TALENT, Mr. ROBERTS, Mr. VITTER, Mr. CORNYN, Mr. VOINOVICH, Mr. ALLEN, Mr. COLEMAN, Mr. MCCONNELL, Mr. BROWNBACK, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CONRAD, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WYDEN, and Mr. MCCAIN):

S. Res. 534. A resolution condemning Hezbollah and Hamas and their state sponsors and supporting Israel's exercise of its right to self-defense; considered and agreed to.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. BAYH, Mr. ALLEN, Mr. BROWNBACK, Mr. LOTT, Mr. DORGAN, Ms. STABENOW, Mr. CARPER, and Mr. TALENT):

S. Res. 535. A resolution commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. ENSIGN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 351

At the request of Mr. KENNEDY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 351, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 403

At the request of Mr. ENSIGN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 418

At the request of Mr. BURNS, his name was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 537

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 882

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 882, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 929

At the request of Mr. ALLEN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 929, a bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

S. 1293

At the request of Mr. BUNNING, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1293, a bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies.

S. 1575

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1575, a bill to amend the Public Health Service Act to authorize a demonstration program to increase the number of doctorally-prepared nurse faculty.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2354

At the request of Mr. NELSON of Florida, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2435

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2435, a bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2493

At the request of Mr. LAUTENBERG, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2493, a bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes.

S. 2590

At the request of Mr. COBURN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2635

At the request of Mr. WYDEN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2635, a bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 2703

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

At the request of Mr. SPECTER, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 2703, supra.

S. 2754

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2754, a bill to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

S. 2762

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2762, a bill to amend title 38, United States Code, to ensure appropriate payment for the cost of long-term care provided to veterans in State homes, and for other purposes.

S. 2793

At the request of Mr. LUGAR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2793, a bill to enhance research and education in the areas of pharmaceutical and biotechnology science and engineering, including therapy development and manufacturing, analytical technologies, modeling, and informatics.

S. 3504

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3504, a bill to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

S. 3547

At the request of Mr. SESSIONS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Texas (Mr. CORNYN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 3547, a bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

S. 3658

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3658, a bill to reauthorize customs and trade functions and programs in order to facilitate legitimate international trade with the Untied States, and for other purposes.

S. 3667

At the request of Mr. FRIST, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3667, a bill to promote nuclear nonproliferation in North Korea.

S. RES. 531

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 531, a resolution to urge the President to appoint a Presidential Special Envoy for Sudan.

At the request of Mr. LIEBERMAN, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Colorado (Mr. SALAZAR), the Senator from Wyoming (Mr. THOMAS) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. Res. 531, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself, Mr. KENNEDY, Mr. ENZI, Mr. HARKIN, Mr. GREGG. Mr. FRIST, and Ms. MIKULSKI):

S. 3678. A bill to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pandemic and All-Hazards Preparedness Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

Sec. 101. Public health and medical preparedness and response functions of the Secretary of Health and Human Services.
Sec. 102. Assistant Secretary for Preparedness and Response.
Sec. 103. National Health Security Strategy.

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

Sec. 201. Improving State and local public health security.
Sec. 202. Using information technology to improve situational awareness in public health emergencies.
Sec. 203. Public health workforce enhancements.
Sec. 204. Vaccine tracking and distribution.
Sec. 205. National Science Advisory Board for Biosecurity.

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

Sec. 301. National Disaster Medical System.
Sec. 302. Enhancing medical surge capacity.
Sec. 303. Encouraging health professional volunteers.
Sec. 304. Core education and training.
Sec. 305. Partnerships for state and regional hospital preparedness to improve surge capacity.
Sec. 306. Enhancing the role of the Department of Veterans Affairs.

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

SEC. 101. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh-11 et seq.) is amended—

(1) by striking the title heading and inserting the following:

"TITLE XXVIII—NATIONAL ALL-HAZARDS PREPAREDNESS FOR PUBLIC HEALTH EMERGENCIES";

(2) by amending subtitle A to read as follows:

"Subtitle A—National All-Hazards Preparedness and Response Planning, Coordinating, and Reporting

"SEC. 2801. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS.

"(a) IN GENERAL.—The Secretary of Health and Human Services shall lead all Federal public health and medical response to public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

"(b) INTERAGENCY AGREEMENT.—The Secretary, in collaboration with the Secretary of Veterans Affairs, the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the head of any other relevant Federal agency, shall establish an interagency agreement, consistent with the National Response Plan or any successor plan, under which agreement the Secretary of Health and Human Services shall assume operational control of emergency public health and medical response assets, as necessary, in the event of a public health emergency.".

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

(a) ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

(1) in the subtitle heading, by inserting "All-Hazards" before "Emergency Preparedness";

(2) by redesignating section 2811 as section 2812;

(3) by inserting after the subtitle heading the following new section:

"SEC. 2811. COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO ALL-HAZARDS PUBLIC HEALTH EMERGENCIES.

"(a) IN GENERAL.—There is established within the Department of Health and Human Services the position of the Assistant Secretary for Preparedness and Response. The President, with the advice and consent of the Senate, shall appoint an individual to serve in such position. Such Assistant Secretary shall report to the Secretary.

"(b) DUTIES.—Subject to the authority of the Secretary, the Assistant Secretary for Preparedness and Response shall carry out the following functions:

"(1) LEADERSHIP.—Serve as the principal advisor to the Secretary on all matters related to Federal public health and medical preparedness and response for public health emergencies.

"(2) PERSONNEL.—Register, credential, organize, train, equip, and have the authority to deploy Federal public health and medical personnel under the authority of the Secretary, including the National Disaster Medical System, and coordinate such personnel with the Medical Reserve Corps and the Emergency System for Advance Registration of Volunteer Health Professionals.

"(3) COUNTERMEASURES.—

"(A) OVERSIGHT.—Oversee advanced research, development, and procurement of qualified countermeasures (as defined in section 319F–1) and qualified pandemic or epidemic products (as defined in section 319F–3).

"(B) STRATEGIC NATIONAL STOCKPILE.—Maintain the Strategic National Stockpile in accordance with section 319F-2, including conducting an annual review (taking into account at-risk individuals) of the contents of the stockpile, including non-pharmaceutical supplies, and make necessary additions or modifications to the contents based on such review.

"(4) COORDINATION.—

"(A) FEDERAL INTEGRATION.—Coordinate with relevant Federal officials to ensure integration of Federal preparedness and response activities for public health emergencies.

"(B) STATE, LOCAL, AND TRIBAL INTEGRATION.—Coordinate with State, local, and tribal public health officials, the Emergency Management Assistance Compact, health care systems, and emergency medical service systems to ensure effective integration of Federal public health and medical assets during a public health emergency.

"(C) EMERGENCY MEDICAL SERVICES.—Promote improved emergency medical services medical direction, system integration, research, and uniformity of data collection, treatment protocols, and policies with regard to public health emergencies.

"(5) LOGISTICS.—In coordination with the Secretary of Veterans Affairs, the Secretary of Homeland Security, the General Services Administration, and other public and private entities, provide logistical support for medical and public health aspects of Federal responses to public health emergencies.

"(6) LEADERSHIP.—Provide leadership in international programs, initiatives, and policies that deal with public health and medical emergency preparedness and response.

"(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

"(1) have authority over and responsibility for the functions, personnel, assets, and liabilities of the following—

"(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act);

"(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C-2; and

"(C) the Public Health Preparedness Cooperative Agreement Program pursuant to section 319C-1;

"(2) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

"(A) the Medical Reserve Corps pursuant to section 2813 as added by the Pandemic and All-Hazards Preparedness Act;

"(B) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I;

"(C) the Strategic National Stockpile; and

"(D) the Cities Readiness Initiative; and

"(3) assume other duties as determined appropriate by the Secretary."; and

(4) by striking "Assistant Secretary for Public Health Emergency Preparedness" each place it appears and inserting "Assistant Secretary for Preparedness and Response".

(b) TRANSFER OF FUNCTIONS; REFERENCES.—

(1) TRANSFER OF FUNCTIONS.—There shall be transferred to the Office of the Assistant Secretary for Preparedness and Response the functions, personnel, assets, and liabilities of the Assistant Secretary for Public Health Emergency Preparedness as in effect on the day before the date of enactment of this Act.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Assistant Secretary for Public Health Emergency Preparedness as in effect the day before the date of enactment of this Act, shall be deemed to be a reference to the Assistant Secretary for Preparedness and Response.

SEC. 103. NATIONAL HEALTH SECURITY STRATEGY.

Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section

101, is amended by inserting after section 2801 the following:

“SEC. 2802. NATIONAL HEALTH SECURITY STRATEGY.

“(a) In General.—

“(1) Preparedness and response regarding public health emergencies.—Beginning in 2009 and every 4 years thereafter, the Secretary shall prepare and submit to the relevant Committees of Congress a coordinated strategy and any revisions thereof, and an accompanying implementation plan for public health emergency preparedness and response. The strategy shall identify the process for achieving the preparedness goals described in subsection (b) and shall be consistent with the National Preparedness Goal, the National Incident Management System, and the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

“(2) Evaluation of progress.—The National Health Security Strategy shall include an evaluation of the progress made by Federal, State, local, and tribal entities, based on the evidence-based benchmarks and objective standards that measure levels of preparedness established pursuant to section 319C–1(g). Such evaluation shall include aggregate and State-specific breakdowns of obligated funding spent by major category (as defined by the Secretary) for activities funded through awards pursuant to sections 319C–1 and 319C–2.

“(3) Public health workforce.—In 2009, the National Health Security Strategy shall include a national strategy for establishing an effective and prepared public health workforce, including defining the functions, capabilities, and gaps in such workforce, and identifying strategies to recruit, retain, and protect such workforce from workplace exposures during public health emergencies.

“(b) Preparedness Goals.—The strategy under subsection (a) shall include provisions in furtherance of the following:

“(1) Integration.—Integrating public health and public and private medical capabilities with other first responder systems, including through—

“(A) the periodic evaluation of Federal, State, local, and tribal preparedness and response capabilities through drills and exercises; and

“(B) integrating public and private sector public health and medical donations and volunteers.

“(2) Public health.—Developing and sustaining Federal, State, local, and tribal essential public health security capabilities, including the following:

“(A) Disease situational awareness domestically and abroad, including detection, identification, and investigation.

“(B) Disease containment including capabilities for isolation, quarantine, social distancing, and decontamination.

“(C) Risk communication and public preparedness.

“(D) Rapid distribution and administration of medical countermeasures.

“(3) Medical.—Increasing the preparedness, response capabilities, and surge capacity of hospitals, other health care facilities (including mental health facilities), and trauma care and emergency medical service systems with respect to public health emergencies, which shall include developing plans for the following:

“(A) Strengthening public health emergency medical management and treatment capabilities.

“(B) Medical evacuation and fatality management.

“(C) Rapid distribution and administration of medical countermeasures.

“(D) Effective utilization of any available public and private mobile medical assets and integration of other Federal assets.

“(E) Protecting health care workers and health care first responders from workplace exposures during a public health emergency.

“(4) At-risk individuals.—

“(A) Taking into account the public health and medical needs of at-risk individuals in the event of a public health emergency.

“(B) For purpose of this title and section 319, the term ‘at-risk individuals’ means children, pregnant women, senior citizens and other individuals who have special needs in the event of a public health emergency, as determined by the Secretary.

“(5) Coordination.—Minimizing duplication of, and ensuring coordination between Federal, State, local, and tribal planning, preparedness, and response activities (including the State Emergency Management Assistance Compact). Such planning shall be consistent with the National Response Plan, or any successor plan, and National Incident Management System and the National Preparedness Goal.

“(6) Continuity of operations.—Maintaining vital public health and medical services to allow for optimal Federal, State, local, and tribal operations in the event of a public health emergency.”.

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) by amending the heading to read as follows: “improving state and local public health security.”;

(2) by striking subsections (a) through (i) and inserting the following:

“(a) In General.—To enhance the security of the United States with respect to public health emergencies, the Secretary shall award cooperative agreements to eligible entities to enable such entities to conduct the activities described in subsection (d).

“(b) Eligible Entities.—To be eligible to receive an award under subsection (a), an entity shall—

“(1)(A) be a State;

“(B) be a political subdivision determined by the Secretary to be eligible for an award under this section (based on criteria described in subsection (h)(4); or

“(C) be a consortium of entities described in subparagraph (A); and

“(2) prepare and submit to the Secretary an application at such time, and in such manner, and containing such information as the Secretary may require, including—

“(A) an All-Hazards Public Health Emergency Preparedness and Response Plan which shall include—

“(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802;

“(ii) a pandemic influenza plan consistent with the requirements of paragraphs (2) and (5) of subsection (g);

“(iii) preparedness and response strategies and capabilities that take into account the medical and public health needs of at-risk individuals in the event of a public health emergency;

“(iv) a description of the mechanism the entity will implement to utilize the Emergency Management Assistance Compact or other mutual aid agreements for medical and public health mutual aid; and

“(v) a description of how the entity will include the State Area Agency on Aging in public health emergency preparedness;

“(B) an assurance that the entity will report to the Secretary on an annual basis (or more frequently as determined by the Secretary) on the evidence-based benchmarks and objective standards established by the Secretary to evaluate the preparedness and response capabilities of such entity;

“(C) an assurance that the entity will conduct, on at least an annual basis, an exercise or drill that meets any criteria established by the Secretary to test the preparedness and response capabilities of such entity, and that the entity will report back to the Secretary within the application of the following year on the strengths and weaknesses identified through such exercise or drill, and corrective actions taken to address material weaknesses;

“(D) an assurance that the entity will provide to the Secretary the data described under section 319D(d)(3) as determined feasible by the Secretary;

“(E) an assurance that the entity will conduct activities to inform and educate the hospitals within the jurisdiction of such entity on the role of such hospitals in the plan required under subparagraph (A);

“(F) an assurance that the entity, with respect to the plan described under subparagraph (A), has developed and will implement an accountability system to ensure that such entity make satisfactory annual improvement and describe such system in the plan under subparagraph (A);

“(G) a description of the means by which to obtain public comment and input on the plan described in subparagraph (A) and on the implementation of such plan, that shall include an advisory committee or other similar mechanism for obtaining comment from the public and from other State, local, and tribal stakeholders; and

“(H) as relevant, a description of the process used by the entity to consult with local departments of public health to reach consensus, approval, or concurrence on the relative distribution of amounts received under this section.

“(c) Limitation.—Beginning in fiscal year 2009, the Secretary may not award a cooperative agreement to a State unless such State is a participant in the Emergency System for Advance Registration of Volunteer Health Professionals described in section 319I.

“(d) Use of Funds.—

“(1) In general.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (2), (4), (5), and (6) of section 2802(b).

“(2) Effect of section.—Nothing in this subsection may be construed as establishing new regulatory authority or as modifying any existing regulatory authority.

“(e) Coordination With Local Response Capabilities.—An entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant Metropolitan Medical Response Systems, local public health departments, the Cities Readiness Initiative, and local emergency plans.

“(f) Consultation With Homeland Security.—In making awards under subsection (a), the Secretary shall consult with the Secretary of Homeland Security to—

“(1) ensure maximum coordination of public health and medical preparedness and response activities with the Metropolitan Medical Response System, and other relevant activities;

"(2) minimize duplicative funding of programs and activities;

"(3) analyze activities, including exercises and drills, conducted under this section to develop recommendations and guidance on best practices for such activities, and

"(4) disseminate such recommendations and guidance, including through expanding existing lessons learned information system to create a single Internet-based point of access for sharing and distributing medical and public health best practices and lessons learned from drills, exercises, disasters, and other emergencies.

"(g) ACHIEVEMENT OF MEASURABLE EVIDENCE-BASED BENCHMARKS AND OBJECTIVE STANDARDS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop or where appropriate adopt, and require the application of measurable evidence-based benchmarks and objective standards that measure levels of preparedness with respect to the activities described in this section and with respect to activities described in section 319C-2. In developing such benchmarks and standards, the Secretary shall consult with and seek comments from State, local, and tribal officials and private entities, as appropriate. Where appropriate, the Secretary shall incorporate existing objective standards. Such benchmarks and standards shall, at a minimum, require entities to—

"(A) demonstrate progress toward achieving the preparedness goals described in section 2802 in a reasonable timeframe determined by the Secretary;

"(B) annually report grant expenditures to the Secretary (in a form prescribed by the Secretary) who shall ensure that such information is included on the Federal Internet-based point of access developed under subsection (f); and

"(C) at least annually, test and exercise the public health and medical emergency preparedness and response capabilities of the grantee, based on criteria established by the Secretary.

"(2) CRITERIA FOR PANDEMIC INFLUENZA PLANS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop and disseminate to the chief executive officer of each State criteria for an effective State plan for responding to pandemic influenza.

"(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the development of criteria or standards, without regard to whether such efforts were carried out prior to or after the date of enactment of this section.

"(3) TECHNICAL ASSISTANCE.—The Secretary shall, as determined appropriate by the Secretary, provide to a State, upon request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality assessments, the setting of State objectives and assessment methods, the development of measures of satisfactory annual improvement that are valid and reliable, and other relevant areas.

"(4) NOTIFICATION OF FAILURES.—The Secretary shall develop and implement a process to notify entities that are determined by the Secretary to have failed to meet the requirements of paragraph (1) or (2). Such process shall provide such entities with the opportunity to correct such noncompliance. An entity that fails to correct such noncompliance shall be subject to paragraph (5).

"(5) WITHHOLDING OF AMOUNTS FROM ENTITIES THAT FAIL TO ACHIEVE BENCHMARKS OR SUBMIT INFLUENZA PLAN.—Beginning with fiscal year 2009, and in each succeeding fiscal year, the Secretary shall—

"(A) withhold from each entity that has failed substantially to meet the benchmarks and performance measures described in paragraph (1) for a previous fiscal year (beginning with fiscal year 2008), pursuant to the process developed under paragraph (4), the amount described in paragraph (6); and

"(B) withhold from each entity that has failed to submit to the Secretary a plan for responding to pandemic influenza that meets the criteria developed under paragraph (2), the amount described in paragraph (6).

"(6) AMOUNTS DESCRIBED.—

"(A) IN GENERAL.—The amounts described in this paragraph are the following amounts that are payable to an entity for activities described in section 319C-1 or 319C-2:

"(i) For the fiscal year immediately following a fiscal year in which an entity experienced a failure described in subparagraph (A) or (B) of paragraph (5) by the entity, an amount equal to 10 percent of the amount the entity was eligible to receive for such fiscal year.

"(ii) For the fiscal year immediately following two consecutive fiscal years in which an entity experienced such a failure, an amount equal to 15 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal year under clause (i).

"(iii) For the fiscal year immediately following three consecutive fiscal years in which an entity experienced such a failure, an amount equal to 20 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i) and (ii).

"(iv) For the fiscal year immediately following four consecutive fiscal years in which an entity experienced such a failure, an amount equal to 25 percent of the amount the entity was eligible to receive for such a fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i), (ii), and (iii).

"(B) SEPARATE ACCOUNTING.—Each failure described in subparagraph (A) or (B) of paragraph (5) shall be treated as a separate failure for purposes of calculating amounts withheld under subparagraph (A).

"(7) REALLOCATION OF AMOUNTS WITHHELD.—

"(A) IN GENERAL.—The Secretary shall make amounts withheld under paragraph (6) available for making awards under section 319C-2 to entities described in subsection (b)(1) of such section.

"(B) PREFERENCE IN REALLOCATION.—In making awards under section 319C-2 with amounts described in subparagraph (A), the Secretary shall give preference to eligible entities (as described in section 319C-2(b)(1)) that are located in whole or in part in States from which amounts have been withheld under paragraph (6).

"(8) WAIVER OR REDUCE WITHHOLDING.—The Secretary may waive or reduce the withholding described in paragraph (6), for a single entity or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.";

(3) by redesignating subsection (j) as subsection (h);

(4) in subsection (h), as so redesignated—

(A) by striking paragraphs (1) through (3)(A) and inserting the following:

"(1) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $824,000,000 fiscal year 2007 for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)), and such sums as may be necessary for each of fiscal years 2008 through 2011.

"(B) COORDINATION.—There are authorized to be appropriated, $10,000,000 for fiscal year 2007 to carry out subsection (f)(3).

"(C) REQUIREMENT FOR STATE MATCHING FUNDS.—Beginning in fiscal year 2009, in the case of any State or consortium of two or more States, the Secretary may not award a cooperative agreement under this section unless the State or consortium of States agree that, with respect to the amount of the cooperative agreement awarded by the Secretary, the State or consortium of States will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to—

"(i) for the first fiscal year of the cooperative agreement, not less than 5 percent of such costs ($1 for each $20 of Federal funds provided in the cooperative agreement); and

"(ii) for any second fiscal year of the cooperative agreement, and for any subsequent fiscal year of such cooperative agreement, not less than 10 percent of such costs ($1 for each $10 of Federal funds provided in the cooperative agreement).

"(D) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.—As determined by the Secretary, non-Federal contributions required in subparagraph (C) may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment or services. Amounts provided by the Federal government, or services assisted or subsidized to any significant extent by the Federal government, may not be included in determining the amount of such non-Federal contributions.

"(2) MAINTAINING STATE FUNDING.—

"(A) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for public health security at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

"(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal public health agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

"(3) DETERMINATION OF AMOUNT.—

"(A) IN GENERAL.—The Secretary shall award cooperative agreements under subsection (a) to each State or consortium of 2 or more States that submits to the Secretary an application that meets the criteria of the Secretary for the receipt of such an award and that meets other implementation conditions established by the Secretary for such awards.";

(B) in paragraph (4)(A)—

(i) by striking "2003" and inserting "2007"; and

(ii) by striking "(A)(i)(I)";

(C) in paragraph (4)(D), by striking "2002" and inserting "2006";

(D) in paragraph (5), by striking "2003" and inserting "2007"; and

(E) by striking paragraph (6) and inserting the following:

"(6) FUNDING OF LOCAL ENTITIES.—The Secretary shall, in making awards under this section, ensure that with respect to the cooperative agreement awarded, the entity make available appropriate portions of such award to political subdivisions and local departments of public health through a process involving the consensus, approval or concurrence with such local entities."; and

(5) by adding at the end the following:

"(i) ADMINISTRATIVE AND FISCAL RESPONSIBILITY.—

"(1) ANNUAL REPORTING REQUIREMENTS.—Each entity shall prepare and submit to the Secretary annual reports on its activities under this section and section 319C-2. Each such report shall be prepared by, or in consultation with, the health department. In order to properly evaluate and compare the performance of different entities assisted under this section and section 319C-2 and to assure the proper expenditure of funds under this section and section 319C-2, such reports shall be in such standardized form and contain such information as the Secretary determines (after consultation with the States) to be necessary to—

"(A) secure an accurate description of those activities;

"(B) secure a complete record of the purposes for which funds were spent, and of the recipients of such funds;

"(C) describe the extent to which the entity has met the goals and objectives it set forth under this section or section 319C-2; and

"(D) determine the extent to which funds were expended consistent with the entity's application transmitted under this section or section 319C-2.

"(2) AUDITS; IMPLEMENTATION.—

"(A) IN GENERAL.—Each entity receiving funds under this section or section 319C-2 shall, not less often than once every 2 years, audit its expenditures from amounts received under this section or section 319C-2. Such audits shall be conducted by an entity independent of the agency administering a program funded under this section or section 319C-2 in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions and generally accepted auditing standards. Within 30 days following the completion of each audit report, the entity shall submit a copy of that audit report to the Secretary.

"(B) REPAYMENT.—Each entity shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the entity, not to have been expended in accordance with this section or section 319C-2 and, if such repayment is not made, the Secretary may offset such amounts against the amount of any allotment to which the entity is or may become entitled under this section or section 319C-2 or may otherwise recover such amounts.

"(C) WITHHOLDING OF PAYMENT.—The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any entity which is not using its allotment under this section or section 319C-2 in accordance with such section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

"(3) MAXIMUM CARRYOVER AMOUNT.—

"(A) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the States and political subdivisions, shall determine the maximum percentage amount of an award under this section that an entity may carryover to the succeeding fiscal year.

"(B) AMOUNT EXCEEDED.—For each fiscal year, if the percentage amount of an award under this section unexpended by an entity exceeds the maximum percentage permitted by the Secretary under subparagraph (A), the entity shall return to the Secretary the portion of the unexpended amount that exceeds the maximum amount permitted to be carried over by the Secretary.

"(C) ACTION BY SECRETARY.—The Secretary shall make amounts returned to the Secretary under subparagraph (B) available for awards under section 319C-2(b)(1). In making awards under section 319C-2(b)(1) with amounts collected under this paragraph the Secretary shall give preference to entities that are located in whole or in part in States from which amounts have been returned under subparagraph (B).

"(D) WAIVER.—An entity may apply to the Secretary for a waiver of the maximum percentage amount under subparagraph (A). Such an application for a waiver shall include an explanation why such requirement should not apply to the entity and the steps taken by such entity to ensure that all funds under an award under this section will be expended appropriately.

"(E) WAIVE OR REDUCE WITHHOLDING.—The Secretary may waive the application of subparagraph (B) for a single entity pursuant to subparagraph (D) or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.".

SEC. 202. USING INFORMATION TECHNOLOGY TO IMPROVE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.

Section 319D of the Public Health Service Act (42 U.S.C. 247d-4) is amended—

(1) in subsection (a)(1), by inserting "domestically and abroad" after "public health threats"; and

(2) by adding at the end the following:

"(d) PUBLIC HEALTH SITUATIONAL AWARENESS.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal public health officials, shall establish a near real-time electronic nationwide public health situational awareness capability through an interoperable network of systems to share data and information to enhance early detection of rapid response to, and management of, potentially catastrophic infectious disease outbreaks and other public health emergencies that originate domestically or abroad. Such network shall be built on existing State situational awareness systems or enhanced systems that enable such connectivity.

"(2) STRATEGIC PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall submit to the appropriate committees of Congress, a strategic plan that demonstrates the steps the Secretary will undertake to develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3).

"(3) ELEMENTS.—The network described in paragraph (1) shall include data and information transmitted in a standardized format from—

"(A) State, local, and tribal public health entities, including public health laboratories;

"(B) Federal health agencies;

"(C) zoonotic disease monitoring systems;

"(D) public and private sector health care entities, hospitals, pharmacies, poison control centers or professional organizations in the field of poison control, and clinical laboratories, to the extent practicable and provided that such data are voluntarily provided simultaneously to the Secretary and appropriate State, local, and tribal public health agencies; and

"(E) such other sources as the Secretary may deem appropriate.

"(4) RULE OF CONSTRUCTION.—Paragraph (3) shall not be construed as requiring separate reporting of data and information from each source listed.

"(5) REQUIRED ACTIVITIES.—In establishing and operating the network described in paragraph (1), the Secretary shall—

"(A) utilize applicable interoperability standards as determined by the Secretary through a joint public and private sector process;

"(B) define minimal data elements for such network;

"(C) in collaboration with State, local, and tribal public health officials, integrate and build upon existing State, local, and tribal capabilities, ensuring simultaneous sharing of data, information, and analyses from the network described in paragraph (1) with State, local, and tribal public health agencies; and

"(D) in collaboration with State, local, and tribal public health officials, develop procedures and standards for the collection, analysis, and interpretation of data that States, regions, or other entities collect and report to the network described in paragraph (1).

"(e) STATE AND REGIONAL SYSTEMS TO ENHANCE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.—

"(1) IN GENERAL.—To implement the network described in section (d), the Secretary may award grants to States to enhance the ability of such States to establish or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies, in collaboration with public health agencies, sentinel hospitals, clinical laboratories, pharmacies, poison control centers, other health care organizations, or animal health organizations within such States.

"(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), the State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State will submit to the Secretary—

"(A) reports of such data, information, and metrics as the Secretary may require;

"(B) a report on the effectiveness of the systems funded under the grant; and

"(C) a description of the manner in which grant funds will be used to enhance the timelines and comprehensiveness of efforts to detect, respond to, and manage potentially catastrophic infectious disease outbreaks and public health emergencies.

"(3) USE OF FUNDS.—A State that receives an award under this subsection—

"(A) shall establish, enhance, or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies; and

"(B) may award grants or contracts to entities described in paragraph (1) within or serving such State to assist such entities in improving the operation of information technology systems, facilitating the secure exchange of data and information, and training personnel to enhance the operation of the system described in paragraph (A).

"(4) LIMITATION.—Information technology systems acquired or implemented using grants awarded under this section must be compliant with—

"(A) interoperability and other technological standards, as determined by the Secretary; and

"(B) data collection and reporting requirements for the network described in subsection (d).

"(5) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report, concerning the activities conducted under this subsection and subsection (d).

"(f) GRANTS FOR REAL-TIME SURVEILLANCE IMPROVEMENT.—

"(1) IN GENERAL.—The Secretary may award grants to eligible entities to carry out projects described under paragraph (4).

"(2) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means an entity that is—

"(A)(i) a hospital, clinical laboratory, university; or

"(ii) poison control center or professional organization in the field of poison control; and

"(B) a participant in the network established under subsection (d).

"(3) APPLICATION.—Each eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(4) USE OF FUNDS.—

"(A) IN GENERAL.—An eligible entity described in paragraph (2)(A)(i) that receives a grant under this section shall use the funds awarded pursuant to such grant to carry out a pilot demonstration project to purchase and implement the use of advanced diagnostic medical equipment to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance and report any results from such project to State, local, and tribal public health entities and the network established under subsection (d).

"(B) OTHER ENTITIES.—An eligible entity described in paragraph (2)(A)(ii) that receives a grant under this section shall use the funds awarded pursuant to such grant to—

"(i) improve the early detection, surveillance, and investigative capabilities of poison control centers for chemical, biological, radiological, and nuclear events by training poison information personnel to improve the accuracy of surveillance data, improving the definitions used by the poison control centers for surveillance, and enhancing timely and efficient investigation of data anomalies;

"(ii) improve the capabilities of poison control centers to provide information to health care providers and the public with regard to chemical, biological, radiological, or nuclear threats or exposures, in consultation with the appropriate State, local, and tribal public health entities; or

"(iii) provide surge capacity in the event of a chemical, biological, radiological, or nuclear event through the establishment of alternative poison control center worksites and the training of nontraditional personnel.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FISCAL YEAR 2007.—There are authorized to be appropriated to carry out subsections (d), (e), and (f) $102,000,000 for fiscal year 2007, of which $35,000,000 is authorized to be appropriated to carry out subsection (f).

"(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated such sums as may be necessary to carry out subsections (d), (e), and (f) for each of fiscal years 2008 through 2011.".

SEC. 203. PUBLIC HEALTH WORKFORCE ENHANCEMENTS.

(a) DEMONSTRATION PROJECT.—Section 338L of the Public Health Service Act (42 U.S.C. 254t) is amended by adding at the end the following:

"(h) PUBLIC HEALTH DEPARTMENTS.—

"(1) IN GENERAL.—To the extent that funds are appropriated under paragraph (5), the Secretary shall establish a demonstration project to provide for the participation of individuals who are eligible for the Loan Repayment Program described in section 338B and who agree to complete their service obligation in a State health department that serves a significant number of health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary, or in a local health department that serves a health professional shortage area or an area at risk of a public health emergency.

"(2) PROCEDURE.—To be eligible to receive assistance under paragraph (1), with respect to the program described in section 338B, an individual shall—

"(A) comply with all rules and requirements described in such section (other than section 338B(f)(1)(B)(iv)); and

"(B) agree to serve for a time period equal to 2 years, or such longer period as the individual may agree to, in a State, local, or tribal health department, consistent with paragraph (1).

"(3) DESIGNATIONS.—The demonstration project described in paragraph (1), and any healthcare providers who are selected to participate in such project, shall not be considered by the Secretary in the designation of health professional shortage areas under section 332 during fiscal years 2007 through 2010.

"(4) REPORT.—Not later than 3 years after the date of enactment of this subsection, the Secretary shall submit a report to the relevant committees of Congress that evaluates the participation of individuals in the demonstration project under paragraph (1), the impact of such participation on State, local, and tribal health departments, and the benefit and feasibility of permanently allowing such placements in the Loan Repayment Program.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2010.".

(b) GRANTS FOR LOAN REPAYMENT PROGRAM.—Section 338I of the Public Health Service Act (42 U.S.C. 254q-1) is amended by adding at the end the following:

"(i) PUBLIC HEALTH LOAN REPAYMENT.—

"(1) IN GENERAL.—The Secretary may award grants to States for the purpose of assisting such States in operating loan repayment programs under which such States enter into contracts to repay all or part of the eligible loans borrowed by, or on behalf of, individuals who agree to serve in State, local, or tribal health departments that serve health professional shortage areas or other areas at risk of a public health emergency, as designated by the Secretary.

"(2) LOANS ELIGIBLE FOR REPAYMENT.—To be eligible for repayment under this subsection, a loan shall be a loan made, insured, or guaranteed by the Federal Government that is borrowed by, or on behalf of, an individual to pay the cost of attendance for a program of education leading to a degree appropriate for serving in a State, local, or tribal health department as determined by the Secretary and the chief executive officer of the State in which the grant is administered, at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965), including principal, interest, and related expenses on such loan.

"(3) APPLICABILITY OF EXISTING REQUIREMENTS.—With respect to awards made under paragraph (1)—

"(A) the requirements of subsections (b), (f), and (g) shall apply to such awards; and

"(B) the requirements of subsection (c) shall apply to such awards except that with respect to paragraph (1) of such subsection, the State involved may assign an individual only to public and nonprofit private entities that serve health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2010.".

SEC. 204. VACCINE TRACKING AND DISTRIBUTION.

Section 319A of the Public Health Service Act (42 U.S.C. 247d-1) is amended to read as follows:

"SEC. 319A. VACCINE TRACKING AND DISTRIBUTION.

"(a) TRACKING.—The Secretary, together with relevant manufacturers, wholesalers, and distributors as may agree to cooperate, may track the initial distribution of federally purchased influenza vaccine in an influenza pandemic. Such tracking information shall be used to inform Federal, State, local, and tribal decision makers during an influenza pandemic.

"(b) DISTRIBUTION.—The Secretary shall promote communication between State, local, and tribal public health officials and such manufacturers, wholesalers, and distributors as agree to participate, regarding the effective distribution of seasonal influenza vaccine. Such communication shall include estimates of high priority populations, as determined by the Secretary, in State, local, and tribal jurisdictions in order to inform Federal, State, local, and tribal decision makers during vaccine shortages and supply disruptions.

"(c) CONFIDENTIALITY.—The information submitted to the Secretary or its contractors, if any, under this section or under any other section of this Act related to vaccine distribution information shall remain confidential in accordance with the exception from the public disclosure of trade secrets, commercial or financial information, and information obtained from an individual that is privileged and confidential, as provided for in section 552(b)(4) of title 5, United States Code, and subject to the penalties and exceptions under sections 1832 and 1833 of title 18, United States Code, relating to the protection and theft of trade secrets, and subject to privacy protections that are consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996. None of such information provided by a manufacturer, wholesaler, or distributor shall be disclosed without its consent to another manufacturer, wholesaler, or distributor, or shall be used in any manner to give a manufacturer, wholesaler, or distributor a proprietary advantage.

"(d) GUIDELINES.—The Secretary, in order to maintain the confidentiality of relevant information and ensure that none of the information contained in the systems involved may be used to provide proprietary advantage within the vaccine market, while allowing State, local, and tribal health officials access to such information to maximize the delivery and availability of vaccines to high priority populations, during times of influenza pandemics, vaccine shortages, and supply disruptions, in consultation with manufacturers, distributors, wholesalers and State, local, and tribal health departments, shall develop guidelines for subsections (a) and (b).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums for each of fiscal years 2007 through 2011.

"(f) REPORT TO CONGRESS.—As part of the National Health Security Strategy described in section 2802, the Secretary shall provide an update on the implementation of subsections (a) through (d).".

SEC. 205. NATIONAL SCIENCE ADVISORY BOARD FOR BIOSECURITY.

The National Science Advisory Board for Biosecurity shall, when requested by the Secretary of Health and Human Services, provide to relevant Federal departments and agencies, advice, guidance, or recommendations concerning—

(1) a core curriculum and training requirements for workers in maximum containment biological laboratories; and

(2) periodic evaluations of maximum containment biological laboratory capacity nationwide and assessments of the future need for increased laboratory capacity;

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

SEC. 301. NATIONAL DISASTER MEDICAL SYSTEM.

(a) NATIONAL DISASTER MEDICAL SYSTEM.—Section 2812 of subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as redesignated by section 102, is amended—

(1) by striking the section heading and inserting "national disaster medical system";

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (h) as subsections (a) through (g);

(4) in subsection (a), as so redesignated—

(A) in paragraph (2)(B), by striking "Federal Emergency Management Agency" and inserting "Department of Homeland Security"; and

(B) in paragraph (3)(C), by striking "Public Health Security and Bioterrorism Preparedness and Response Act of 2002" and inserting "Pandemic and All-Hazards Preparedness Act";

(5) in subsection (b), as so redesignated, by—

(A) striking the subsection heading and inserting "MODIFICATIONS";

(B) redesignating paragraph (2) as paragraph (3); and

(C) striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Taking into account the findings from the joint review described under paragraph (2), the Secretary shall modify the policies of the National Disaster Medical System as necessary.

"(2) JOINT REVIEW AND MEDICAL SURGE CAPACITY STRATEGIC PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Veterans Affairs, shall conduct a joint review of the National Disaster Medical System. Such review shall include an evaluation of medical surge capacity, as described by section 2804(a). As part of the National Health Security Strategy under section 2802, the Secretary shall update the findings from such review and further modify the policies of the National Disaster Medical System as necessary.";

(6) by striking "subsection (b)" each place it appears and inserting "subsection (a)";

(7) by striking "subsection (d)" each place it appears and inserting "subsection (c)"; and

(8) in subsection (g), as so redesignated, by striking "2002 through 2006" and inserting "2007 through 2011".

(b) TRANSFER OF NATIONAL DISASTER MEDICAL SYSTEM TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—There shall be transferred to the Secretary of Health and Human Services the functions, personnel, assets, and liabilities of the National Disaster Medical System of the Department of Homeland Security, including the functions of the Secretary of Homeland Security and the Under Secretary for Emergency Preparedness and Response relating thereto.

(c) CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 312(3)(B), 313(5)) is amended—

(1) in section 502(3)(B), by striking ", the National Disaster Medical System,"; and

(2) in section 503(5), by striking ", the National Disaster Medical System".

(d) UPDATE OF CERTAIN PROVISION.—Section 319F(b)(2) of the Public Health Service Act (42 U.S.C. 247d-6(b)(2)) is amended—

(1) in the paragraph heading, by striking "CHILDREN AND TERRORISM" and inserting "AT-RISK INDIVIDUALS AND PUBLIC HEALTH EMERGENCIES";

(2) in subparagraph (A), by striking "Children and Terrorism" and inserting "At-Risk Individuals and Public Health Emergencies";

(3) in subparagraph (B)—

(A) in clause (i), by striking "bioterrorism as it relates to children" and inserting "public health emergencies as they relate to at-risk individuals";

(B) in clause (ii), by striking "children" and inserting "at-risk individuals"; and

(C) in clause (iii), by striking "children" and inserting "at-risk individuals";

(4) in subparagraph (C), by striking "children" and all that follows through the period and inserting "at-risk populations."; and

(5) in subparagraph (D), by striking "one year" and inserting "six years".

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall take effect on January 1, 2007.

SEC. 302. ENHANCING MEDICAL SURGE CAPACITY.

(a) IN GENERAL.—Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 103, is amended by inserting after section 2802 the following:

"SEC. 2804. ENHANCING MEDICAL SURGE CAPACITY.

"(a) STUDY OF ENHANCING MEDICAL SURGE CAPACITY.—As part of the joint review described in section 2812(b), the Secretary shall evaluate the benefits and feasibility of improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency. Such study shall include an assessment of the need for and feasibility of improving surge capacity through—

"(1) acquisition and operation of mobile medical assets by the Secretary to be deployed, on a contingency basis, to a community in the event of a public health emergency; and

"(2) other strategies to improve such capacity as determined appropriate by the Secretary.

"(b) AUTHORITY TO ACQUIRE AND OPERATE MOBILE MEDICAL ASSETS.—In addition to any other authority to acquire, deploy, and operate mobile medical assets, the Secretary may acquire, deploy, and operate mobile medical assets if, taking into consideration the evaluation conducted under subsection (a), such acquisition, deployment, and operation is determined to be beneficial and feasible in improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency.

"(c) USING FEDERAL FACILITIES TO ENHANCE MEDICAL SURGE CAPACITY.—

"(1) ANALYSIS.—The Secretary shall conduct an analysis of whether there are Federal facilities which, in the event of a public health emergency, could practicably be used as facilities in which to provide health care.

"(2) MEMORANDA OF UNDERSTANDING.—If, based on the analysis conducted under paragraph (1), the Secretary determines that there are Federal facilities which, in the event of a public health emergency, could be used as facilities in which to provide health care, the Secretary shall, with respect to each such facility, seek to conclude a memorandum of understanding with the head of the Department or agency that operates such facility that permits the use of such facility to provide health care in the event of a public health emergency.".

(b) EMTALA.—

(1) IN GENERAL.—Section 1135(b) of the Social Security Act (42 U.S.C. 1320b-5(b)) is amended—

(A) in paragraph (3), by striking subparagraph (B) and inserting the following:

"(B) the direction or relocation of an individual to receive medical screening in an alternative location—

"(i) pursuant to an appropriate State emergency preparedness plan; or

"(ii) in the case of a public health emergency described in subsection (g)(1)(B) that involves a pandemic infectious disease, pursuant to a State pandemic preparedness plan or a plan referred to in clause (i), whichever is applicable in the State;";

(B) in the third sentence, by striking "and shall be limited to" and inserting "and, except in the case of a waiver or modification to which the fifth sentence of this subsection applies, shall be limited to"; and

(C) by adding at the end the following: "If a public health emergency described in subsection (g)(1)(B) involves a pandemic infectious disease (such as pandemic influenza), the duration of a waiver or modification under paragraph (3) shall be determined in accordance with subsection (e) as such subsection applies to public health emergencies.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to public health emergencies declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) on or after such date.

SEC. 303. ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.

(a) VOLUNTEER MEDICAL RESERVE CORPS.—Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as amended by this Act, is amended by inserting after section 2812 the following:

"SEC. 2813. VOLUNTEER MEDICAL RESERVE CORPS.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal officials, shall build on State, local, and tribal programs in existence on the date of enactment of such Act to establish and maintain a Medical Reserve Corps (referred to in this section as the 'Corps') to provide for an adequate supply of volunteers in the case of a Federal, State, local, or tribal public health emergency. The Corps shall be headed by a Director who shall be appointed by the Secretary and shall oversee the activities of the Corps chapters that exist at the State, local, and tribal levels.

"(b) STATE, LOCAL, AND TRIBAL COORDINATION.—The Corps shall be established using existing State, local, and tribal teams and shall not alter such teams.

"(c) COMPOSITION.—The Corps shall be composed of individuals who—

"(1)(A) are health professionals who have appropriate professional training and expertise as determined appropriate by the Director of the Corps; or

"(B) are non-health professionals who have an interest in serving in an auxiliary or support capacity to facilitate access to health care services in a public health emergency;

"(2) are certified in accordance with the certification program developed under subsection (d);

"(3) are geographically diverse in residence;

"(4) have registered and carry out training exercises with a local chapter of the Medical Reserve Corps; and

"(5) indicate whether they are willing to be deployed outside the area in which they reside in the event of a public health emergency.

"(d) CERTIFICATION; DRILLS.—

"(1) CERTIFICATION.—The Director, in collaboration with State, local, and tribal officials, shall establish a process for the periodic certification of individuals who volunteer for the Corps, as determined by the Secretary, which shall include the completion by each individual of the core training programs developed under section 319F, as required by the Director. Such certification shall not supercede State licensing or credentialing requirements.

"(2) DRILLS.—In conjunction with the core training programs referred to in paragraph (1), and in order to facilitate the integration of trained volunteers into the health care system at the local level, Corps members shall engage in periodic training exercises to be carried out at the local level.

"(e) DEPLOYMENT.—During a public health emergency, the Secretary shall have the authority to activate and deploy willing members of the Corps to areas of need, taking into consideration the public health and medical expertise required, with the concurrence of the State, local, or tribal officials from the area where the members reside.

"(f) EXPENSES AND TRANSPORTATION.—While engaged in performing duties as a member of the Corps pursuant to an assignment by the Secretary (including periods of travel to facilitate such assignment), members of the Corps who are not otherwise employed by the Federal Government shall be allowed travel or transportation expenses, including per diem in lieu of subsistence.

"(g) IDENTIFICATION.—The Secretary, in cooperation and consultation with the States, shall develop a Medical Reserve Corps Identification Card that describes the licensure and certification information of Corps members, as well as other identifying information determined necessary by the Secretary.

"(h) INTERMITTENT DISASTER-RESPONSE PERSONNEL.—

"(1) IN GENERAL.—For the purpose of assisting the Corps in carrying out duties under this section, during a public health emergency, the Secretary may appoint selected individuals to serve as intermittent personnel of such Corps in accordance with applicable civil service laws and regulations. In all other cases, members of the Corps are subject to the laws of the State in which the activities of the Corps are undertaken.

"(2) APPLICABLE PROTECTIONS.—Subsections (c)(2), (d), and (e) of section 2812 shall apply to an individual appointed under paragraph (1) in the same manner as such subsections apply to an individual appointed under section 2812(c).

"(3) LIMITATION.—State, local, and tribal officials shall have no authority to designate a member of the Corps as Federal intermittent disaster-response personnel, but may request the services of such members.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.".

(b) ENCOURAGING HEALTH PROFESSIONS VOLUNTEERS.—Section 319I of the Public Health Service Act (42 U.S.C. 247d–7b) is amended—

(1) by redesignating subsections (e) and (f) as subsections (j) and (k), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

"(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall link existing State verification systems to maintain a single national interoperable network of systems, each system being maintained by a State or group of States, for the purpose of verifying the credentials and licenses of health care professionals who volunteer to provide health services during a public health emergency (such network shall be referred to in this section as the 'verification network').

"(b) REQUIREMENTS.—The interoperable network of systems established under subsection (a) shall include—

"(1) with respect to each volunteer health professional included in the system—

"(A) information necessary for the rapid identification of, and communication with, such professionals; and

"(B) the credentials, certifications, licenses, and relevant training of such individuals; and

"(2) the name of each member of the Medical Reserve Corps, the National Disaster Medical System, and any other relevant federally-sponsored or administered programs determined necessary by the Secretary.";

(3) by striking subsection (d) and inserting the following:

"(d) ACCESSIBILITY.—The Secretary shall ensure that the network established under subsection (a) is electronically accessible by State, local, and tribal health departments and can be linked with the identification cards under section 2813.

"(e) CONFIDENTIALITY.—The Secretary shall establish and require the application of and compliance with measures to ensure the effective security of, integrity of, and access to the data included in the network.

"(f) COORDINATION.—The Secretary shall coordinate with the Secretary of Veterans Affairs and the Secretary of Homeland Security to assess the feasibility of integrating the verification network under this section with the VetPro system of the Department of Veterans Affairs and the National Emergency Responder Credentialing System of the Department of Homeland Security. The Secretary shall, if feasible, integrate the verification network under this section with such VetPro system and the National Emergency Responder Credentialing System.

"(g) UPDATING OF INFORMATION.—The States that are participants in the network established under subsection (a) shall, on at least a quarterly basis, work with the Director to provide for the updating of the information contained in such network.

"(h) CLARIFICATION.—Inclusion of a health professional in the verification network established pursuant to this section shall not constitute appointment of such individual as a Federal employee for any purpose, either under section 2812(c) or otherwise. Such appointment may only be made under section 2812 or 2813.

"(i) HEALTH CARE PROVIDER LICENSES.—The Secretary shall encourage States to establish and implement mechanisms to waive the application of licensing requirements applicable to health professionals, who are seeking to provide medical services (within their scope of practice), during a national, State, local, or tribal public health emergency upon verification that such health professionals are licensed and in good standing in another State and have not been disciplined by any State health licensing or disciplinary board."; and

(4) in subsection (k) (as so redesignated), by striking "2006" and inserting "2011".

SEC. 304. CORE EDUCATION AND TRAINING.

Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by striking subsections (a) through (g) and inserting the following;

"(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—

"(1) IN GENERAL.—The Secretary, in collaboration with the Secretary of Defense, and in consultation with relevant public and private entities, shall develop core health and medical response curricula and trainings by adapting applicable existing curricula and training programs to improve responses to public health emergencies.

"(2) CURRICULUM.—The public health and medical response training program may include course work related to—

"(A) medical management of casualties, taking into account the needs of at-risk individuals;

"(B) public health aspects of public health emergencies;

"(C) mental health aspects of public health emergencies;

"(D) national incident management, including coordination among Federal, State, local, tribal, international agencies, and other entities; and

"(E) protecting health care workers and health care first responders from workplace exposures during a public health emergency.

"(3) PEER REVIEW.—On a periodic basis, products prepared as part of the program shall be rigorously tested and peer-reviewed by experts in the relevant fields.

"(4) CREDIT.—The Secretary and the Secretary of Defense shall—

"(A) take into account continuing professional education requirements of public health and healthcare professions; and

"(B) cooperate with State, local, and tribal accrediting agencies and with professional associations in arranging for students enrolled in the program to obtain continuing professional education credit for program courses.

"(5) Dissemination and training.—

"(A) In general.—The Secretary may provide for the dissemination and teaching of the materials described in paragraphs (1) and (2) by appropriate means, as determined by the Secretary.

"(B) Certain entities.—The education and training activities described in subparagraph (A) may be carried out by Federal public health or medical entities, appropriate educational entities, professional organizations and societies, private accrediting organizations, and other nonprofit institutions or entities meeting criteria established by the Secretary.

"(C) Grants and contracts.—In carrying out this subsection, the Secretary may carry out activities directly or through the award of grants and contracts, and may enter into interagency agreements with other Federal agencies.

"(b) Expansion of Epidemic Intelligence Service Program.—The Secretary may establish 20 officer positions in the Epidemic Intelligence Service Program, in addition to the number of the officer positions offered under such Program in 2006 for individuals who agree to participate, for a period of not less than 2 years, in the Career Epidemiology Field Officer program in a State, local, or tribal health department that serves a health professional shortage area (as defined under section 332(a)), a medically underserved population (as defined under section 330(b)(3)), or a medically underserved area or area at high risk of a public health emergency as designated by the Secretary.

"(c) Centers for Public Health Preparedness; Core Curricula and Training.—

"(1) In general.—The Secretary may establish at accredited schools of public health, Centers for Public Health Preparedness (hereafter referred to in this section as the 'Centers').

"(2) Eligibility.—To be eligible to receive an award under this subsection to establish a Center, an accredited school of public health shall agree to conduct activities consistent with the requirements of this subsection.

"(3) Core curricula.—The Secretary, in collaboration with the Centers and other public or private entities shall establish core curricula based on established competencies leading to a 4-year bachelor's degree, a graduate degree, a combined bachelor and master's degree, or a certificate program, for use by each Center. The Secretary shall disseminate such curricula to other accredited schools of public health and other health professions schools determined appropriate by the Secretary, for voluntary use by such schools.

"(4) Core competency-based training program.—The Secretary, in collaboration with the Centers and other public or private entities shall facilitate the development of a competency-based training program to train public health practitioners. The Centers shall use such training program to train public health practitioners. The Secretary shall disseminate such training program to other accredited schools of public health, and other health professions schools as determined by the Secretary, for voluntary use by such schools.

"(5) Content of core curricula and training program.—The Secretary shall ensure that the core curricula and training program established pursuant to this subsection respond to the needs of State, local, and tribal public health authorities and integrate and emphasize essential public health security capabilities consistent with section 2802(b)(2).

"(6) Academic-workforce communication.—As a condition of receiving funding from the Secretary under this subsection, a Center shall collaborate with a State, local, or tribal public health department to—

"(A) define the public health preparedness and response needs of the community involved;

"(B) assess the extent to which such needs are fulfilled by existing preparedness and response activities of such school or health department, and how such activities may be improved;

"(C) prior to developing new materials or trainings, evaluate and utilize relevant materials and trainings developed by others Centers; and

"(D) evaluate community impact and the effectiveness of any newly developed materials or trainings.

"(7) Public health systems research.—In consultation with relevant public and private entities, the Secretary shall define the existing knowledge base for public health preparedness and response systems, and establish a research agenda based on Federal, State, local, and tribal public health preparedness priorities. As a condition of receiving funding from the Secretary under this subsection, a Center shall conduct public health systems research that is consistent with the agenda described under this paragraph.";

(2) by redesignating subsection (h) as subsection (d);

(3) by inserting after subsection (d) (as so redesignated), the following:

"(e) Authorization of Appropriations.—

"(1) Fiscal year 2007.—There are authorized to be appropriated to carry out this section for fiscal year 2007—

"(A) to carry out subsection (a), $12,000,000, of which $5,000,000 shall be used to carry out paragraphs (1) through (4) of such subsection, and $7,000,000 shall be used to carry out paragraph (5) of such subsection;

"(B) to carry out subsection (b), $3,000,000; and

"(C) to carry out subsection (c), $31,000,000, of which $5,000,000 shall be used to carry out paragraphs (3) through (5) of such subsection.

"(2) Subsequent fiscal years.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2008 and each subsequent fiscal year."; and

(4) by striking subsections (i) and (j).

SEC. 305. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended to read as follows:

"SEC. 319C–2. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

"(a) In General.—The Secretary shall award competitive grants or cooperative agreements to eligible entities to enable such entities to improve surge capacity and enhance community and hospital preparedness for public health emergencies.

"(b) Eligibility.—To be eligible for an award under subsection (a), an entity shall—

"(1)(A) be a partnership consisting of—

"(i) one or more hospitals, at least one of which shall be a designated trauma center, consistent with section 1213(c);

"(ii) one or more other local health care facilities, including clinics, health centers, primary care facilities, mental health centers, mobile medical assets, or nursing homes; and

"(iii)(I) one or more political subdivisions;

"(II) one or more States; or

"(III) one or more States and one or more political subdivisions; and

"(B) prepare, in consultation with the Chief Executive Officer and the lead health officials of the State, District, or territory in which the hospital and health care facilities described in subparagraph (A) are located, and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary may require; or

"(2)(A) be an entity described in section 319C–1(b)(1); and

"(B) submit an application at such time, in such manner, and containing such information as the Secretary may require, including the information or assurances required under section 319C-1(b)(2) and an assurance that the State will retain not more than 25 percent of the funds awarded for administrative and other support functions.

"(c) Use of Funds.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).

"(d) Preferences.—

"(1) Regional coordination.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that submit applications that, in the determination of the Secretary—

"(A) will enhance coordination—

"(i) among the entities described in subsection (b)(1)(A)(i); and

"(ii) between such entities and the entities described in subsection (b)(1)(A)(ii); and

"(B) include, in the partnership described in subsection (b)(1)(A), a significant percentage of the hospitals and health care facilities within the geographic area served by such partnership.

"(2) Other preferences.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that, in the determination of the Secretary—

"(A) include one or more hospitals that are participants in the National Disaster Medical System;

"(B) are located in a geographic area that faces a high degree of risk, as determined by the Secretary in consultation with the Secretary of Homeland Security; or

"(C) have a significant need for funds to achieve the medical preparedness goals described in section 2802(b)(2).

"(e) Consistency of Planned Activities.—The Secretary may not award a cooperative agreement to an eligible entity described in subsection (b)(1) unless the application submitted by the entity is coordinated and consistent with an applicable State All-Hazards Public Health Emergency Preparedness and Response Plan and relevant local plans, as determined by the Secretary in consultation with relevant State health officials.

"(f) Limitation on Awards.—A political subdivision shall not participate in more than one partnership described in subsection (b)(1).

"(g) Coordination With Local Response Capabilities.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response

Systems, local Medical Reserve Corps, the Cities Readiness Initiative, and local emergency plans.

"(h) MAINTENANCE OF STATE FUNDING.—

"(1) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for health care preparedness at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

"(i) PERFORMANCE AND ACCOUNTABILITY.—The requirements of section 319C-1(g) and (i) shall apply to entities receiving awards under this section (regardless of whether such entities are described under subsection (b)(1)(A) or (b)(2)(A)) in the same manner as such requirements apply to entities under section 319C-1.

"(j) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.

"(2) RESERVATION OF AMOUNTS FOR PARTNERSHIPS.—Prior to making awards described in paragraph (3), the Secretary may reserve from the amount appropriated under paragraph (1) for a fiscal year, an amount determined appropriate by the Secretary for making awards to entities described in subsection (b)(1)(A).

"(3) AWARDS TO STATES AND POLITICAL SUBDIVISIONS.—

"(A) IN GENERAL.—From amounts appropriated for a fiscal year under paragraph (1) and not reserved under paragraph (2), the Secretary shall make awards to entities described in subsection (b)(2)(A) that have completed an application as described in subsection (b)(2)(B).

"(B) AMOUNT.—The Secretary shall determine the amount of an award to each entity described in subparagraph (A) in the same manner as such amounts are determined under section 319C-1(h).".

SEC. 306. ENHANCING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 8117 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by—

(i) striking "chemical or biological attack" and inserting "a public health emergency (as defined in section 2801 of the Public Health Service Act)";

(ii) striking "an attack" and inserting "such an emergency"; and

(iii) striking "public health emergencies" and inserting "such emergencies"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

"(C) organizing, training, and equipping the staff of such centers to support the activities carried out by the Secretary of Health and Human Services under section 2801 of the Public Health Service Act in the event of a public health emergency and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan; and

"(D) providing medical logistical support to the National Disaster Medical System and the Secretary of Health and Human Services as necessary, on a reimbursable basis, and in coordination with other designated Federal agencies.";

(2) in subsection (c), by striking "a chemical or biological attack or other terrorist attack." and inserting "a public health emergency. The Secretary shall, through existing medical procurement contracts, and on a reimbursable basis, make available as necessary, medical supplies, equipment, and pharmaceuticals in response to a public health emergency in support of the Secretary of Health and Human Services.";

(3) in subsection (d), by—

(A) striking "develop and";

(B) striking "biological, chemical, or radiological attacks" and inserting "public health emergencies"; and

(C) by inserting "consistent with section 319F(a) of the Public Health Service Act" before the period; and

(4) in subsection (e)—

(A) in paragraph (1), by striking "2811(b)" and inserting "2812"; and

(B) in paragraph (2)—

(i) by striking "bioterrorism and other"; and

(ii) by striking "319F(a)" and inserting "319F".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 8117 of title 38, United States Code, is amended by adding at the end the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.".

By Mr. KERRY:

S. 3680. A bill to amend the Small Business Investment Act of 1958 to reauthorize and expand the New Markets Venture Capital Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, in 1999, President Clinton unveiled the New Markets Investment Initiative to counter an unmet challenge in the 21st century: building economically vibrant communities in underserved places such as inner cities and distressed rural areas, where there is a great need for jobs and economic development. The goal was to build a bridge between Wall Street and our untapped markets in Main Street America. In that same year, Senators Paul Wellstone, JEFF BINGAMAN, PAUL SARBANES, CARL LEVIN, Max Cleland, and I introduced the Community Development and Venture Capital Act to spearhead this innovative New Markets initiative in the Senate. In 2000, our New Markets initiative was enacted with bipartisan support in Congress as part of the Consolidated Appropriations Act of 2001. The New Markets Venture Capital Program, NMVC, which specifically promotes the creation of wealth and job opportunities in low-income areas, was only one part of the initiative agreed to by Speaker HASTERT and then-President Clinton. The other elements of that agreement included the New Markets Tax Credits, NMTC, additional empowerment zones, and a new program: Community Renewal Zones. The overall goal of the legislation was to provide a number of different approaches to alleviating poverty so that we could better understand what works best. With the exception of the NMVC Program, all of the other programs have moved forward. However, the NMVC Program has not been given the opportunity, the funding, or the support to reach its full potential as Congress intended.

The NMVC Program has had many successes since its inception 5 years ago. CEI Community Ventures, Inc. from Maine—close to my home State of Massachusetts—has invested venture capital funds in Look's Gourmet Food Company, which manufactures and sells all-natural, high-quality, shelf-stable seafood products under the "Bar Harbor T" and "Atlantic T" brands. Another example can be found in Vermont, where Carolyn Cooke and Poppy Gall founded Juno Rising/Isis Women's Apparel, an outdoor clothing company targeting the needs of today's active women. Their products can be found in outdoor stores throughout the country.

Today, I rise to introduce legislation that will not only reauthorize the New Markets Venture Capital Program for 3 years, but will provide critical components for success: providing appropriate funding authorization levels, expanding the NMVC program into all regions of the country, encouraging investment in small manufacturers, making the NMVC Program consistent with the NMTC as Congress intended, incorporating the operational assistance grant model from the Rural Business Investment Program, and establishing a long-overdue Office of New Markets Venture Capital. The legislation is a companion to H.R. 4303, introduced by Representatives GWEN MOORE of Wisconsin and HAL ROGERS of Kentucky. While few differences exist between our bills, both send a clear legislative signal that there is strong bipartisan and bicameral support from Congress to reauthorize this program.

Mr. President, this program has a history of strong bipartisan support. In fiscal year 2001, together we appropriated $150 million for debenture guarantees and $30 million in grant financing to support up to 15 NMVC companies. Unfortunately, only half of this money was obligated to support 6 NMVC companies, and the remaining funds were rescinded in the Fiscal Year 2003 Omnibus Appropriations Act Conference Report. Now today this program faces further challenges with the President's Fiscal Year 2007 budget request asking for no funding for the NMVC Program. This is the sixth year in a row the President has not backed this program, although Congress restored funding in 2002 and initially provided funding in 2003. The Small Business Administration's, SBA's, failure to obligate the remaining funds and the President's lack of support for funding the NMVC Program raises an important question: Has the challenge in the 21st century of improving local economies in low-income urban and rural communities been met? All evidence says no. A 2006 report on America's Children by the Federal Interagency Forum on Child and Family Statistics stated that in 2004, 17 percent of children live in poverty—a total of 12.5 million. In addition, 42 percent of children with single mothers and one in three African-American children live in poverty. The Bureau of Labor Statistics shows that in areas such as Flint, MI, where the NMVC has not yet had the time or resources to reach, the unemployment rate is at 7.3 percent, well above the national average of 4.6 percent. Congress must use this reauthorization process as an opportunity to stimulate business activity in all communities and create jobs for low-income residents throughout the entire country.

Prior to the creation of the NMVC Program, Congress attempted to fill this unmet need through various programs. In fact, Congress created the NMVC Program based on the SBA's Small Business Investment Company Program, SBIC. Since its beginning in 1958, the SBIC Program has provided approximately $46 billion of long-term debt and equity capital to more than 99,000 small U.S. companies. Although the SBIC Program has been popular, it does not sufficiently reach the underserved areas of our country that need economic development the most. The NMVC is targeted specifically to very low-income areas, including historically underutilized business zones—HUB Zones—and low-income rural and urban neighborhoods, which are overlooked by traditional venture capital investors. I do not have an NMVC Company in my State, and I am sure that many Sates, like Massachusetts, could benefit from the opportunities that the NMVC creates. To ensure that the NMVC Program expands into diverse areas around the country, the legislation encourages the SBA Administrator to establish not fewer than one company from each of the 10 geographic regions of the country. In addition to diversifying the geographic distribution of NMVC companies to our underserved communities, there is a great need to diversify the types of investments approved by the SBA, particularly in the area of manufacturing. According to a 2004 study by the U.S. Department of Commerce, the most recent recession in the business cycle hit U.S. manufacturers and their workers hardest—a downturn that first was felt in 2000. The manufacturing community lost 2.6 million jobs, accounting for all of the net job losses from the fourth quarter of 2000 through the third quarter of 2003. Much of the manufacturing sector continues to operate well below its previous peak and potential. For example, in places such as Milwaukee, where in 2002, according to the Bureau of Labor Statistics, 59 percent of working-age African-American males were either unemployed or out of the workforce. Milwaukee has also lost 33,000 manufacturing jobs in the past 5 years. We need to do all we can to bring back these lost manufacturing jobs, and the NMVC Program could play a role. Relying on the market to bring venture capital funding to Milwaukee and other manufacturing hubs is not the solution. According to a study by the University of Kansas, Milwaukee ranks 49th out of the 50 largest U.S. cities in terms of venture capital dollars. Imagine the difference that a venture capital investment could make in this area, creating one job for every $15,000 invested.

As I mentioned previously, this legislation is a companion to the bipartisan legislation introduced by Representatives MOORE and ROGERS in the House. Both of our bills include small manufacturers in the mission of the program, by encouraging the SBA Administrator to select at least one NMVC company that is primarily involved in the investment and development of small manufacturing firms.

Mr. President, the legislation also makes the NMVC Program and the NMTC consistent in defining low-income geographic areas. Both programs were designed to work together—the NMTC was intended to be a tool to encourage NMVC companies to raise private investment capital in low-income communities. Conforming their definitions will assure a smooth coordination between the two programs for future investors.

The nexus between the NMVC Program and the NMTC is only one aspect that makes this program unique among all of the SBA's programs. Another unique aspect is the operational assistance grant program that fund managers can use to assist entrepreneurs in low-income communities to develop a business plan, manage employees, or market their products and services. These grants are an essential tool for fostering community development using venture capital firms because investors are able to reach out into communities not served by conventional investors. Many of the NMVC companies are also members of the surrounding community, therefore, they will have the local expertise and guidance for entrepreneurs to start and sustain a viable business. Some NMVC companies are having a difficult time meeting the SBA requirement that each company raise an upfront dollar-for-dollar match in order to obtain an operational assistance grant. To avoid this unnecessary burden, the legislation incorporates a provision modeled after the joint SBA/Department of Agriculture Rural Business Investment Program which does not require a match from the company and limits the amount of the grant.

Mr. President, these improvements to the NMVC Program are important but they cannot be implemented without dedicated staff at the SBA. In October 2005, I wrote a letter to the SBA expressing my concern about the lack of staffing and resources devoted to the NMVC office within the SBA's Investment Division. The SBA informed me that staff members within the Office of SBIC Operations were getting cross-trained on the NMVC Program to ensure adequate staffing and provide ample support to meet the needs of the six NMVC companies currently assigned to the Office of New Markets Venture Capital within the SBIC Program. Reshuffling SBA staff to assist six companies is not sufficient. If this program grows to its originally intended potential of 15 companies, there needs to be staff dedicated solely to administering the NMVC Program. This legislation establishes an Office of New Markets Venture Capital within the Investment Division of the SBA, headed by a Director appointed by the SBA Administrator. The Director would be responsible for administering and encouraging investment in small manufacturing firms and working to expand the number of small businesses participating in the NMVC Program.

This bill is urgently needed now to expand the good work of the NMVC Program, and I urge all of my colleagues to show their support for the small but growing number of businesses that promise both financial returns for their investors and social returns to low-income people and distressed regions in which they invest. This double bottom line distinguishes the NMVC Program from any other SBA program, and we cannot afford to let it expire.

By Mr. DOMENICI (for himself, Mrs. LINCOLN, Mr. CRAIG, Mr. PRYOR, Mr. ALLARD, Mr. BROWNBACK, Mr. BURNS, Mr. BOND, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAPO, Mrs. DOLE, Mr. GRASSLEY, Mr. HAGEL, Mr. LOTT, Mr. ROBERTS, Mr. STEVENS, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. BURR, Mr. NELSON of Nebraska, and Ms. LANDRIEU).

S. 3681. A bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to introduce the Agricultural Protection and Prosperity Act of 2006. I would like to thank my colleagues from both sides of the aisle for their support by cosponsoring this important legislation.

The Agricultural Protection and Prosperity Act of 2006 seeks to clarify the original intent of the Comprehensive Environmental Response, Compensation, and Liability Act, CERCLA, by providing an exemption for manure derived from agricultural operations. This clarification is badly needed in order to protect America's agriculture industry from onerous and frivolous lawsuits. Without clarification, agriculture operations could be fined up to $27,500 per day per violation, thereby bankrupting many livestock operations in this country. American livestock operations are already some of the most regulated businesses with regards to environmental quality. Additional requirements and liability under CERCLA, which is designed to clean up toxic industrial pollutants, is unwarranted and unfair for America's farmers.

Agriculture has been the backbone of this country since its inception and we owe our farmers a debt of gratitude. However, in an environment where our farmers and ranchers are struggling to compete on the international stage, it seems unconscionable that some people wish to place them at a further disadvantage.

This clarification is especially important for New Mexico's dairy industry. This relatively new sector of our economy has grown by leaps and bounds over the years to a point where it contributes substantially to the overall economic output of my great State. On a national level, New Mexico enjoys one of the largest average herd sizes and per capita milk production in the country. This dramatic increase benefits many related businesses from the alfalfa growers along the Rio Grande to the implement salesman in our small towns. However, this growth and the future of the dairy industry in New Mexico are in great jeopardy. If this clarification to CERCLA is not made, the resulting dairy closures and the effects on related industries would devastate my State.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Protection and Prosperity Act of 2006".

SEC. 2. ANIMAL WASTE.

(a) AMENDMENT OF SUPERFUND.—Title III of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9651 et seq.) is amended by adding at end the following:

"SEC. 313. EXCEPTION FOR MANURE.

"(a) DEFINITION OF MANURE.—In this section, the term 'manure' means—

"(1) digestive emissions, feces, urine, urea, and other excrement from livestock (as defined in section 205.2 of title 7, Code of Federal Regulations (or a successor regulation));

"(2) any associated bedding, compost, raw materials, or other materials commingled with such excrement from livestock (as so defined);

"(3) any process water associated with any item referred to in paragraph (1) or (2); and

"(4) any byproduct, constituent, or substance contained in or originating from, or any emission relating to, an item described in paragraph (1), (2), or (3).

"(b) EXEMPTION.—Upon the date of enactment of this section, manure shall not be included in the meaning of—

"(1) the term 'hazardous substance', as defined in section 101(14); or

"(2) the term 'pollutant or contaminant', as defined in section 101(33).

"(c) EFFECT ON OTHER LAW.—Nothing with respect to the enactment of this subsection shall—

"(1) impose any liability under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.) with respect to manure;

"(2) abrogate or otherwise affect any provision of the Air Quality Agreement entered into between the Administrator and operators of animal feeding operations (70 Fed. Reg. 4958 (January 31, 2005)); or

"(3) affect the applicability of any other environmental law as such a law relates to—

"(A) the definition of manure; or

"(B) the responsibilities or liabilities of any person regarding the treatment, storage, or disposal of manure.".

(b) AMENDMENT OF SARA.—Section 304(a)(4) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11004(a)(4)) is amended—

(1) by striking "This section" and inserting the following:

"(A) IN GENERAL.—This section"; and

(2) by adding at the end the following:

"(B) MANURE.—The notification requirements under this subsection do not apply to releases associated with manure (as defined in section 313 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980).".

By Mr. ALEXANDER (for himself, Mr. ENSIGN, Mr. GREGG, and Mr. SANTORUM):

S. 3682. A bill to establish the America's Opportunity Scholarships for Kids Program; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the attached bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "America's Opportunity Scholarships for Kids Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to support local efforts to enable students from low-income families who attend a school identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(8))—

(1) to attend a private elementary school or secondary school, or a public elementary school or secondary school outside the student's home school district, including a public charter school; or

(2) to receive intensive, sustained supplemental educational services.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY; STATE EDUCATIONAL AGENCY.—The terms "elementary school", "local educational agency", "secondary school", "Secretary", and "State educational agency" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a local educational agency;

(B) a State educational agency; or

(C) a nonprofit organization or a consortium of nonprofit organizations.

(3) ELIGIBLE STUDENT.—The term "eligible student" means a student from a low-income family who—

(A) with respect to a school identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(8))—

(i) is eligible to enroll in the beginning grade of the school;

(ii) except as provided in subparagraph (C), attended the school for the entire school year preceding the identification;

(iii) in the case of a student who transfers to the school to attend any grade beyond the beginning grade of the school, attends the school for the remainder of the school year in which the transfer occurs; or

(iv) received a scholarship under this Act in a preceding school year due to such identification; or

(B) is a sibling of a student described in any 1 of clauses (i) through (iv) of subparagraph (A).

(4) LOW-INCOME FAMILY.—The term "low-income family" means a family whose income does not exceed 185 percent of the poverty line, except that in the case of a student participating in a project under this Act for a second or any succeeding school year the term includes a family whose income does not exceed 220 percent of the poverty line.

(5) POVERTY LINE.—The term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(6) PRIVATE PROVIDER.—The term "private provider" means a nonprofit or for-profit private provider of supplemental educational services described in section 1116(e)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)(1)) that is on the updated list of approved providers maintained by the State educational agency under section 1116(e)(4)(C) of such Act (20 U.S.C. 6316(e)(4)(C)).

(7) SUPPLEMENTAL EDUCATIONAL SERVICES.—The term "supplemental educational services" has the meaning given the term in section 1116(e)(12)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)(12)(C)).

SEC. 4. PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2) and from amounts appropriated under section 6 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to support projects that provide—

(A) scholarships to enable eligible students to attend—

(i) the private elementary school or secondary school of their parent's choice; or

(ii) a public elementary school or secondary school of their parents' choice outside of the eligible student's home school district, consistent with State law; or

(B) eligible students with intensive, sustained supplemental educational services on an annual basis.

(2) SCHOLARSHIP DURATION RULE.—Each eligible entity that receives a grant under this Act shall only award a scholarship under this Act to an eligible student for—

(A)(i) in the case of an eligible student described in section 3(3)(A), the first school year for which the eligible student is eligible to receive the scholarship with respect to a school identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965; and

(ii) in the case of an eligible student described in section 3(3)(B), the first school year taught at the school so identified; and

(B) each subsequent school year through the school year applicable to the final grade taught at the school so identified.

(b) DURATION OF GRANTS.—The Secretary may award grants under this Act for a period of not more than 5 years.

(c) PRIORITIES.—In awarding grants under this Act, the Secretary shall give priority to eligible entities that—

(1) propose to serve eligible students in a local educational agency with a large number or percentage of schools identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(8));

(2) possess the knowledge and capacity to inform parents of eligible students, in urban, suburban, and rural areas, about public and private elementary school and secondary school options; and

(3) will augment the scholarships provided to eligible students under this Act in order to help ensure that parents can afford the cost (including tuition, fees, and necessary transportation expenses) of the schools the parents choose to have their children attend under this Act.

(d) APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—To be considered for a grant under this Act, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) CONTENTS.—The application shall, at a minimum, include a description of—

(A) the eligible entity's plan for—

(i) recruiting private schools, local educational agencies, charter schools, and private providers, to participate in the project in order to meet eligible student demand for private and public school admission and supplemental educational services; and

(ii) ensuring that participating schools that enroll eligible students receiving scholarships under this Act, and private providers participating in the project, will meet the applicable requirements of the project;

(B) each school identified for restructuring that will be served under the project, including—

(i) the name of each such school; and

(ii) such demographic and socioeconomic information as the Secretary may require;

(C) how the eligible entity will work with the identified schools and the local educational agency to identify the parents of eligible students (including through contracts or cooperative agreements with the public school or local educational agency) consistent with the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);

(D) how the eligible entity will structure the project in a manner that permits eligible students to participate in the second and succeeding school years of the project if the schools the eligible students attend with scholarship assistance under this Act are subsequently identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(8));

(E) how the eligible entity will use funds received under this Act;

(F) how the eligible entity will ensure that if more eligible students seek admission to the project than the project can accommodate, the eligible students will be selected through a random selection process;

(G) how the eligible entity will notify parents of eligible students of the expanded choice opportunities provided under the project and how the eligible entity will provide parents with sufficient information to enable the parents to make an informed decision;

(H) how the eligible entity will ensure that the schools receiving eligible students under the grant are financially responsible and will use the grant funds received under this Act effectively;

(I) how the eligible entity will prioritize between providing scholarships and providing sustained, intensive supplemental educational services, including the timing and duration of offering the opportunity for parents to determine which provision the parents prefer; and

(J) how the eligible entity will address the renewal of support for participating eligible students, including continued eligibility.

(e) USES OF FUNDS.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this Act may—

(A) reserve not more than 5 percent of the grant funds for administrative expenses, including costs associated with recruiting and selecting eligible students, private schools, and private providers, to participate in the project;

(B) only for the first year for which grant funds are received under this Act, reserve not more than 5 percent of the grant funds (in addition to the funds reserved under subparagraph (A)), for initial implementation expenses, including costs associated with outreach, providing information to parents and school officials, and other administrative expenses;

(C) use the grant funds to provide scholarships to eligible students to pay for the cost, including tuition, fees, and necessary transportation expenses, to attend the private school of their parents' choice or a public elementary school or secondary school of their parents' choice outside of the eligible students' home school district (consistent with State law), except that the scholarship shall not exceed $4,000 per student per school year; and

(D) use the grant funds to pay the costs, including reasonable transportation costs, of supplemental educational services (including summer school or after-school programs) provided by a private provider to eligible students, except that the costs shall not exceed $3,000 per student, per school year.

(2) FUNDING ORDER.—Each eligible entity that receives a grant under this Act shall—

(A) first fund scholarships for eligible students to attend the private school of their parents' choice or a public elementary school or secondary school of their parents' choice outside of the eligible students' home school district (consistent with State law); and

(B) use any remaining grant funds to provide eligible students with access to supplemental educational services.

(3) PAYMENT.—Each eligible entity that receives a grant under this Act shall make scholarship payments under this Act to the parent of the eligible student participating in the project, in a manner that ensures that the payments will be used only for the payment of tuition, fees, and necessary transportation expenses, in accordance with this Act.

(f) PROHIBITION.—A student who receives supplemental educational services under this Act shall not be eligible to receive other such services under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)).

(g) PROJECT PERFORMANCE.—Each eligible entity receiving a grant under this Act shall prepare and submit to the Secretary a final report on the results of the project assisted under this Act that contains such information as the Secretary may require. At a minimum, the report shall include information on the academic achievement of students receiving scholarships and supplemental educational services under the project.

(h) PERFORMANCE INFORMATION.—Each eligible entity that receives a grant under this Act shall collect and report such performance information as the Secretary may require for the national evaluation conducted under subsection (i).

(i) NATIONAL EVALUATION.—From the amount made available for any fiscal year under section 6, the Secretary shall reserve such sums as may be necessary to conduct an independent evaluation, by grant or by contract, of the program carried out under this Act, which shall include an assessment of the impact of the program on student achievement. The Secretary shall report the results of the evaluation to the appropriate committees of Congress.

SEC. 5. NONDISCRIMINATION.

(a) IN GENERAL.—An eligible entity or a school participating in a project under this Act shall not discriminate against an individual participant in, or an individual applicant to participate in, the project on the basis of race, color, religion, sex, or national origin.

(b) APPLICABILITY AND SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the prohibition of sex discrimination described in subsection (a) shall not apply to a school described in subsection (a) that is operated by, supervised by, controlled by, or connected to, a religious organization, to the extent that the application of subsection (a) is inconsistent with the religious tenets or beliefs of the organization.

(2) PARENTAL CHOICE.—Notwithstanding subsection (a) or any other provision of law, a parent may choose to enroll a child in, and a school may offer, a single-sex school, class, or activity under a project funded under this Act.

(3) NEUTRALITY.—Section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply to this Act.

(c) CHILDREN WITH DISABILITIES.—Nothing in this Act may be construed to alter or modify the requirements of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) RELIGIOUSLY AFFILIATED SCHOOLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a school described in subsection (a) that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise, in matters of employment, the school's rights consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including the exemptions in that title.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, if a school described in subsection (a) receives funds made available under this Act for an eligible student as a result of a choice made by the student's parent, the receipt of the funds shall not, consistent with the first amendment of the Constitution—

(A) necessitate any change in the school's teaching mission;

(B) require the school to remove any religious art, icon, scripture, or other symbol; or

(C) preclude the school from retaining a religious term in its name, selecting its board members on a religious basis, or including a religious reference in its mission statement or another chartering or governing document.

(e) RULES OF CONSTRUCTION.—For purposes of Federal law, a scholarship provided under this Act to a student shall be considered to be assistance to the parent of the student and shall not be considered to be assistance to the school that enrolls the student. The amount of any scholarship (or other form of support for the provision of supplemental educational services) provided to a parent of an eligible student under this Act shall not be treated as income of a parent of the eligible student for purposes of Federal tax laws or for purposes of determining eligibility for any other Federal program, other than the program carried out under this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $100,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.

Mr. ENSIGN. Mr. President, I am pleased to join my colleague, Senator ALEXANDER, in introducing legislation that would create the America's Opportunity Scholarships for Kids. First proposed by President Bush, this legislation will provide children who are in schools designated for restructuring with scholarships either for the cost of tuition at a private school or for sustained, supplemental educational services.

The No Child Left Behind Act set up a structure for schools to get evaluated annually to determine whether they are meeting adequate yearly progress. Schools are designated for restructuring after 6 years of poor student academic achievement. Children are often trapped in these circumstances, and this legislation will help provide them with either a way out or additional services to increase their academic achievement levels.

I believe that the America's Opportunity Scholarships for Kids will provide true school choice across the country.

Competitiveness and innovation are two of the latest buzz words that surround education. I believe that school choice will breed both competitiveness and innovation.

A few years ago I read an article by Maurice McTigue, now a professor at George Mason University. Mr. McTigue was the equivalent of the Secretary of Transportation in New Zealand when their government underwent a radical transformation. During that time New Zealand's government was decentralized, with most control and money going to local areas. This included the education system.

Rather than having money go directly to the schools, the money followed the children. The government set specific dollar amounts for each child, depending on whether the child had special needs, and that money was given to the school of the child's parents' choice.

This truly radical change caused great uproar at the time, as everyone believed that it would lead to the destruction of the public school system. During the first few years of this new system, enrollment in public schools did decline slightly. However, because each public school was allowed to change and meet the needs of its local students, parents eventually moved back to their home schools.

Now, public school enrollment is at an all-time high in New Zealand. Why? Because schools were forced to compete among themselves without artificial governmental barriers. Parents were allowed to choose the school that best fit their child's needs.

I believe the same thing would happen in the United States if school choice were made available across the country. In fact, two studies by Harvard researchers have shown that, as the voucher program in Milwaukee was expanded, there was a marked improvement in test scores at the public schools most threatened by the program. Students in these public schools have benefited from competition.

In Milwaukee, the choice program caused the public school system to shift power from a centralized administration to each individual school. This shift allowed parents and teachers to make decisions, including who could teach at the school.

Elementary and secondary education is one of the few sectors in this country that does not have open competition. By contrast, our higher education system has flourished because of competition.

The purpose of this legislation is to provide low-income children who are in schools that have consistently not met adequate yearly progress benchmarks, and have not improved student academic achievement, with other options.

This legislation would provide low-income students and their parents with two options. First, these students would have the option of a $4,000 scholarship that would be applied to the cost of tuition at the private school of their parent's choice. If parents decide not to take the scholarship, their child would be eligible for up to $3,000 of intensive, sustained supplemental educational services. Supplemental educational services are services that are provided outside of the regular school day, such as after or before school, that are designed to improve academic achievement.

I believe that this legislation is the next step toward bringing true competition to elementary and secondary education.

I hope that my colleagues will join Senator ALEXANDER and me in supporting this legislation.

By Mr. ALLEN (for himself, Mr. BINGAMAN, and Mrs. BOXER):

S. 3684. A bill to study and promote the use of energy efficient computer servers in the United States; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to join the Senator from Virginia as an original cosponsor of legislation to study and promote the use of energy efficient computer servers in the United States. The growth of the Internet and online applications and the strong demand for electronic transactions are creating a growing need for data centers. Most data center equipment is composed of servers, which are computers that share resources with other computers on a network.

The average annual power and cooling bill for 100 servers is about $40,000—from Computer World, February 6, 2006. The U.S. server market is expected to grow from 2.8 billion servers in 2005 to 4.9 billion in 2009. Without improved efficiency, data center power costs could easily overtake hardware costs in the next few years—A. Fanara, EPA, technical workshop on server benchmarking, March 27, 2006.

Our bill would require the Administrator of EPA to study and analyze the growth and energy consumption of computer data centers. A critical goal of the study is to develop a standard way to measure server efficiency. Energy efficient servers and data center designs are currently available. This analysis would help promote the use of efficient server technology through the Energy Star Program or the Department of Energy's buildings standards program and allow consumers to compare products on the basis of efficiency.

This legislation has broad support from the information technology sector and energy efficiency advocates, including the Alliance to Save Energy, the American Electronics Association, the American Council for an Energy Efficient Economy, the Electronic Industries Alliance, the Information Technology Industry Council, the Semiconductor Association, and leading companies such as Intel, AMD, Sun, and HP.

Mr. President, under the bipartisan leadership of Representative ESHOO, and Representative ROGERS, the House approved identical legislation last week. I hope that the Senate will also pass this needed legislation as soon as possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 534—CONDEMNING HEZBOLLAH AND HAMAS AND THEIR STATE SPONSORS AND SUPPORTING ISRAEL'S EXERCISE OF ITS RIGHT TO SELF-DEFENSE

Mr. FRIST (for himself, Mr. REID, Mr. BIDEN, Mr. SANTORUM, Mr. NELSON of Florida, Mr. KYL, Mr. BOND, Mrs. HUTCHISON, Mr. LEVIN, Mrs. DOLE, Mr. GRASSLEY, Mr. BUNNING, Mr. SMITH, Mr. TALENT, Mr. ROBERTS, Mr. VITTER, Mr. CORNYN, Mr. VOINOVICH, Mr. ALLEN, Mr. COLEMAN, Mr. MCCONNELL, Mr. BROWNBACK, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CONRAD, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WYDEN, and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 534

Whereas Israel fully complied with United Nations Security Council Resolution 425 (adopted March 19, 1978) by completely withdrawing its forces from Lebanon, as certified by the United Nations Security Council and affirmed by United Nations Secretary General Kofi Annan on June 16, 2000, when he said, "Israel has withdrawn from [Lebanon] in full compliance with Security Council Resolution 425.";

Whereas United Nations Security Council Resolution 1559 (adopted September 2, 2004) calls for the complete withdrawal of all foreign forces and the dismantlement of all independent militias in Lebanon;

Whereas despite Resolution 1559, the terrorist organization Hezbollah remains active in Lebanon and has amassed thousands of rockets aimed at northern Israel;

Whereas the Government of Lebanon, which includes representatives of Hezbollah, has done little to dismantle Hezbollah forces or to exert its authority and control throughout all geographic regions of Lebanon;

Whereas Hezbollah receives financial, military, and political support from Syria and Iran;

Whereas the United States has enacted several laws, including the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) and the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note), that call for the imposition of sanctions on Syria and Iran for, among other things, their support for terrorism and terrorist organizations;

Whereas the Government of Israel has shown restraint in the past year even though Hezbollah has launched at least 4 separate attacks into Israel using rockets and ground forces;

Whereas, without provocation, on the morning of July 12, 2006, Hezbollah launched an attack into northern Israel, killing 7 Israeli soldiers and taking 2 hostage into Lebanon;

Whereas on June 25, 2006, despite Israel's evacuation of Gaza in 2005, the terrorist organization Hamas, which is also supported by Syria and Iran, entered sovereign Israeli territory, attacked an Israeli military base, killed 2 Israeli soldiers, and captured an Israeli soldier, and has refused to release that soldier;

Whereas rockets have been launched from Gaza into Israel since Israel's evacuation of Gaza in 2005; and

Whereas both Hezbollah and Hamas refuse to recognize Israel's right to exist and call for the destruction of Israel: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its steadfast support for the State of Israel;

(2) supports Israel's right of self-defense and Israel's right to take appropriate action to deter aggression by terrorist groups and their state sponsors;

(3) urges the President to continue fully supporting Israel as Israel exercises its right of self-defense in Lebanon and Gaza;

(4) calls for the immediate and unconditional release of Israeli soldiers who are being held captive by Hezbollah or Hamas;

(5) condemns the Governments of Iran and Syria for their continued support for Hezbollah and Hamas, and holds the Governments of Syria and Iran responsible for the acts of aggression carried out by Hezbollah and Hamas against Israel;

(6) condemns Hamas and Hezbollah for exploiting civilian populations as shields and locating their military activities in civilian areas;

(7) urges the President to use all available political and diplomatic means, including sanctions, to persuade the governments of Syria and Iran to end their support of Hezbollah and Hamas;

(8) calls on the Government of Lebanon to do everything in its power to find and free the kidnapped Israeli soldiers being held in its territory, and to fulfill its responsibility under United Nations Security Council Resolution 1559 (adopted September 2, 2004) to disband and disarm Hezbollah;

(9) calls on the United Nations Security Council to condemn these unprovoked acts and to demand compliance with Resolution 1559, which requires that Hezbollah and other militias be disbanded and disarmed, and that all foreign forces be withdrawn from Lebanon; and

(10) urges all sides to protect innocent civilian life and infrastructure and strongly supports the use of all diplomatic means available to free the captured Israeli soldiers.

(11) recognizes that thousands of American nationals reside peacefully in Lebanon, and that those American nationals in Lebanon concerned for their safety should receive the full support and assistance of the United States government.

Ms. MIKULSKI. Mr. President, I am proud to rise as a cosponsor of this resolution condemning Hezbollah and its state sponsors, and supporting Israel's exercise of its right to self-defense.

On July 12 Hezbollah militants launched an attack into northern Israel, killing seven Israeli soldiers and kidnapping two soldiers to hold hostage in Lebanon. On June 25, despite Israel's evacuation of Gaza almost a year ago, Hamas entered sovereign Israeli territory, attacked an Israeli military base, killed two Israeli soldiers and kidnapped one, who is still being held captive.

Hezbollah and Hamas are terrorist organizations supported by Syria and Iran. The Senate is on the record demanding that Syria and Iran abandon their sponsorship of terrorism, with legislation including the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 and the Iran and Libya Sanctions Act of 1996. Syria, Iran, and the Hezbollah terrorists that these states sponsor are responsible for the current violence in the Middle East. The kidnapping of Israeli soldiers from Israeli soil and the exploitation of civilian populations as shields are provocations to which any sovereign nation would be obligated to react. Israel has every right to respond to protect her citizens.

These terrorists must be stopped. Terrorists destroy lives. They destroy hope. They destroy the opportunity for peace. The independent militias in Lebanon must be dismantled and withdrawn. The Lebanese government must take steps to comply with United Nations Security Council Resolution 1559 and disarm the Hezbollah forces operating within its territory. The Israeli soldiers being held captive by Hezbollah or Hamas must be released immediately and unconditionally.

I urge President Bush to use all available political and diplomatic means to persuade the governments of Syria and Iran to end their support of Hezbollah and Hamas. We are united in our rejection and condemnation of the heinous acts of Hezbollah and Hamas and the governments of Syria and Iran are supporting them.

We are also united, Mr. President, in our steadfast support for Israel and Israel's right to self-defense. Israel is one of our closest allies. As Americans, we share with Israel both strategic interests and moral values. Today I am proud to stand with the people of Israel and support their right to defend themselves.

SENATE RESOLUTION 535—COMMENDING THE PATRIOT GUARD RIDERS FOR SHIELDING MOURNING MILITARY FAMILIES FROM PROTESTERS AND PRESERVING THE MEMORY OF FALLEN SERVICE MEMBERS AT FUNERALS

Mr. CONRAD (for himself, Mr. ROBERTS, Mr. BAYH, Mr. ALLEN, Mr.

Brownback, Mr. Lott, Mr. Dorgan, Ms. Stabenow, Mr. Carper, and Mr. Talent) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 535

Whereas in 2005, a small group of American Legion Riders in Kansas calling themselves the "Patriot Guard" began a movement to shield the families and friends of fallen service members from interruptions by protesters appearing at military funerals;

Whereas individuals from Colorado, Oklahoma, and Texas later brought together diverse groups of motorcycle organizations across the country who rode to honor fallen service members, forming an organization known as the "Patriot Guard Riders";

Whereas the Patriot Guard Riders have since grown into a nationwide network, including both veterans and nonveterans and riders and nonriders, and is open to anyone who shares a respect for service members who have made the ultimate sacrifice for the Nation;

Whereas Patriot Guard Riders attend military funerals to show respect for fallen service members and to shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of the event;

Whereas across the Nation, Patriot Guard Riders volunteer their time to come to the aid of military families in need, so as to allow the memories of the deceased service member to be remembered with honor and dignity;

Whereas regardless of one's opinion of the Nation's military commitments, the families, friends, and communities of the Nation's fallen soldiers deserve a peaceful time of mourning and should not be harassed and caused further suffering at a funeral;

Whereas Patriot Guard Riders appear at a funeral only at the invitation of the fallen soldier's family and participate in a nonviolent, legal manner; and

Whereas the members of the Nation's Armed Forces willingly risk their lives to protect the American way of life and the freedoms guaranteed by the Constitution: Now, therefore, be it

Resolved, That the Senate expresses its deepest appreciation to the Patriot Guard Riders who—

(1) attend military funerals across the country to show respect for fallen members of the Armed Forces and, when needed, shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of a funeral; and

(2) in so doing, help to preserve the memory and honor of the Nation's fallen heroes.

Mr. CONRAD. Mr. President, today Senator Roberts is joining me as I submit a resolution to commend the Patriot Guard Riders for all they have done to honor our Nation's fallen heroes and bring comfort to these soldiers' friends and family members.

The Patriot Guard Riders was established in August of 2005 when the American Legion Riders Chapter 136 from Kansas learned that the Westboro Baptist Church was planning to protest at the funeral of SGT John Doles in Chelsea, OK. The Patriot Guard Riders have since grown into a national network of tens of thousands of members who share a respect for service members who have made the ultimate sacrifice.

The group's mission is to show their sincere respect for our fallen heroes, their families, and their communities. Patriot Guard members attend funerals after being invited by the family of the fallen soldier. At the funeral they form a human shield to protect grieving family members and friends from protesters.

I was recently at the funerals for North Dakota soldiers, and I was appalled—absolutely appalled—by the behavior of protesters who used the funeral to convey their twisted message of hatred for our soldiers and their families. These protests do a grave disservice to the men and women who have courageously served our country and paid the ultimate sacrifice. They and their families deserve privacy and our profound respect.

In addition to attending fallen soldiers' funerals, and send offs, and welcome home ceremonies, the Patriot Guard Riders also visit critically wounded soldiers in hospitals and help them become assimilated back into civilian life. The group has also started the Fallen Warrior Scholarship Fund, a scholarship established to send fallen soldiers' children to college.

Our colleagues in the House passed a similar piece of legislation, H. Res. 731, on June 20. We should join them in expressing the Senate's deepest appreciation to the Patriot Guard Riders who help to preserve the memory and dignity of the Nation's fallen heroes. The resolution I am submitting today does just that. It expresses the Senate's "deepest appreciation to the Patriot Guard Riders who shield mourning family members and friends of the deceased from protesters who interrupt, or threaten to interrupt, the dignity of a funeral; and in so doing, help to preserve the memory and dignity of the Nation's fallen heroes."

All across the Nation, and in my own State of North Dakota, Patriot Guard Riders are protecting mourning families from further hurt. For that, they deserve our sincere gratitude.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4676. Mr. INHOFE (for himself, Mr. Jeffords, Mr. Bond, and Mr. Baucus) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

SA 4677. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 728, supra; which was ordered to lie on the table.

SA 4678. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 728, supra; which was ordered to lie on the table.

SA 4679. Mrs. BOXER (for herself and Mrs. Feinstein) proposed an amendment to the bill S. 728, supra.

SA 4680. Mr. SPECTER (for himself and Mr. Carper) proposed an amendment to the bill S. 728, supra.

TEXT OF AMENDMENTS

SA 4676. Mr. INHOFE (for himself, Mr. Jeffords, Mr. Bond, and Mr. Baucus) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Water Resources Development Act of 2006".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.
Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for the Upper Mississippi River and Illinois Waterway System.
Sec. 1003. Louisiana Coastal Area ecosystem restoration, Louisiana.
Sec. 1004. Small projects for flood damage reduction.
Sec. 1005. Small projects for navigation.
Sec. 1006. Small projects for aquatic ecosystem restoration.

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

Sec. 2001. Credit for in-kind contributions.
Sec. 2002. Interagency and international support authority.
Sec. 2003. Training funds.
Sec. 2004. Fiscal transparency report.
Sec. 2005. Planning.
Sec. 2006. Water Resources Planning Coordinating Committee.
Sec. 2007. Independent reviews.
Sec. 2008. Mitigation for fish and wildlife losses.
Sec. 2009. State technical assistance.
Sec. 2010. Access to water resource data.
Sec. 2011. Construction of flood control projects by non-Federal interests.
Sec. 2012. Regional sediment management.
Sec. 2013. National shoreline erosion control development program.
Sec. 2014. Shore protection projects.
Sec. 2015. Cost sharing for monitoring.
Sec. 2016. Ecosystem restoration benefits.
Sec. 2017. Funding to expedite the evaluation and processing of permits.
Sec. 2018. Electronic submission of permit applications.
Sec. 2019. Improvement of water management at Corps of Engineers reservoirs.
Sec. 2020. Federal hopper dredges.
Sec. 2021. Extraordinary rainfall events.
Sec. 2022. Wildfire firefighting.
Sec. 2023. Nonprofit organizations as sponsors.
Sec. 2024. Project administration.
Sec. 2025. Program administration.
Sec. 2026. National Dam Safety Program reauthorization.
Sec. 2027. Extension of shore protection projects.

Subtitle B—Continuing Authorities Projects
Sec. 2031. Navigation enhancements for waterbourne transportation.
Sec. 2032. Protection and restoration due to emergencies at shores and streambanks.
Sec. 2033. Restoration of the environment for protection of aquatic and riparian ecosystems program.
Sec. 2034. Environmental modification of projects for improvement and restoration of ecosystems program.
Sec. 2035. Projects to enhance estuaries and coastal habitats.
Sec. 2036. Remediation of abandoned mine sites.
Sec. 2037. Small projects for the rehabilitation and removal of dams.
Sec. 2038. Remote, maritime-dependent communities.
Sec. 2039. Agreements for water resource projects.
Sec. 2040. Program names.
Subtitle C—National Levee Safety Program
Sec. 2051. Short title.
Sec. 2052. Definitions.
Sec. 2053. National Levee Safety Committee.
Sec. 2054. National Levee Safety Program.
Sec. 2055. Authorization of appropriations.
TITLE III—PROJECT-RELATED PROVISIONS
Sec. 3001. St. Herman and St. Paul Harbors, Kodiak, Alaska.
Sec. 3002. Sitka, Alaska.
Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.
Sec. 3004. Rio de Flag, Flagstaff, Arizona.
Sec. 3005. Augusta and Clarendon, Arkansas.
Sec. 3006. Red-Ouachita River Basin levees, Arkansas and Louisiana.
Sec. 3007. St. Francis Basin, Arkansas and Missouri.
Sec. 3008. St. Francis Basin land transfer, Arkansas and Missouri.
Sec. 3009. McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma.
Sec. 3010. Cache Creek Basin, California.
Sec. 3011. CALFED Levee stability program, California.
Sec. 3012. Hamilton Airfield, California.
Sec. 3013. LA-3 dredged material ocean disposal site designation, California.
Sec. 3014. Larkspur Ferry Channel, California.
Sec. 3015. Llagas Creek, California.
Sec. 3016. Magpie Creek, California.
Sec. 3017. Pine Flat Dam fish and wildlife habitat, California.
Sec. 3018. Redwood City navigation project, California.
Sec. 3019. Sacramento and American Rivers flood control, California.
Sec. 3020. Conditional declaration of nonnavigability, Port of San Francisco, California.
Sec. 3021. Salton Sea restoration, California.
Sec. 3022. Santa Barbara Streams, Lower Mission Creek, California.
Sec. 3023. Upper Guadalupe River, California.
Sec. 3024. Yuba River Basin project, California.
Sec. 3025. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
Sec. 3026. Anchorage area, New London Harbor, Connecticut.
Sec. 3027. Norwalk Harbor, Connecticut.
Sec. 3028. St. George's Bridge, Delaware.
Sec. 3029. Christina River, Wilmington, Delaware.
Sec. 3030. Designation of Senator William V. Roth, Jr. Bridge, Delaware.
Sec. 3031. Additional program authority, comprehensive Everglades restoration, Florida.
Sec. 3032. Brevard County, Florida.
Sec. 3033. Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.
Sec. 3034. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.
Sec. 3035. Lido Key, Sarasota County, Florida.
Sec. 3036. Port Sutton Channel, Tampa Harbor, Florida.
Sec. 3037. Tampa Harbor, Cut B, Tampa, Florida.
Sec. 3038. Allatoona Lake, Georgia.
Sec. 3039. Dworshak Reservoir improvements, Idaho.
Sec. 3040. Little Wood River, Gooding, Idaho.
Sec. 3041. Port of Lewiston, Idaho.
Sec. 3042. Cache River Levee, Illinois.
Sec. 3043. Chicago, Illinois.
Sec. 3044. Chicago River, Illinois.
Sec. 3045. Illinois River Basin restoration.
Sec. 3046. Missouri and Illinois flood protection projects reconstruction pilot program.
Sec. 3047. Spunky Bottom, Illinois.
Sec. 3048. Strawn Cemetery, John Redmond Lake, Kansas.
Sec. 3049. Milford Lake, Milford, Kansas.
Sec. 3050. Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia.
Sec. 3051. McAlpine Lock and Dam, Kentucky and Indiana.
Sec. 3052. Public access, Atchafalaya Basin Floodway System, Louisiana.
Sec. 3053. Regional visitor center, Atchafalaya Basin Floodway System, Louisiana.
Sec. 3054. Calcasieu River and Pass, Louisiana.
Sec. 3055. East Baton Rouge Parish, Louisiana.
Sec. 3056. Mississippi River Gulf Outlet relocation assistance, Louisiana.
Sec. 3057. Red River (J. Bennett Johnston) Waterway, Louisiana.
Sec. 3058. Camp Ellis, Saco, Maine.
Sec. 3059. Union River, Maine.
Sec. 3060. Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.
Sec. 3061. Cumberland, Maryland.
Sec. 3062. Aunt Lydia's Cove, Massachusetts.
Sec. 3063. Fall River Harbor, Massachusetts and Rhode Island.
Sec. 3064. St. Clair River and Lake St. Clair, Michigan.
Sec. 3065. Duluth Harbor, Minnesota.
Sec. 3066. Red Lake River, Minnesota.
Sec. 3067. Bonnet Carre Freshwater Diversion Project, Mississippi and Louisiana.
Sec. 3068. Land exchange, Pike County, Missouri.
Sec. 3069. L–15 levee, Missouri.
Sec. 3070. Union Lake, Missouri.
Sec. 3071. Fort Peck Fish Hatchery, Montana.
Sec. 3072. Lower Yellowstone project, Montana.
Sec. 3073. Yellowstone River and tributaries, Montana and North Dakota.
Sec. 3074. Lower Truckee River, McCarran Ranch, Nevada.
Sec. 3075. Middle Rio Grande restoration, New Mexico.
Sec. 3076. Long Island Sound oyster restoration, New York and Connecticut.
Sec. 3077. Orchard Beach, Bronx, New York.
Sec. 3078. New York Harbor, New York, New York.
Sec. 3079. Missouri River restoration, North Dakota.
Sec. 3080. Lower Girard Lake Dam, Girard, Ohio.
Sec. 3081. Toussaint River Navigation Project, Carroll Township, Ohio.
Sec. 3082. Arcadia Lake, Oklahoma.
Sec. 3083. Lake Eufaula, Oklahoma.
Sec. 3084. Release of retained rights, interests, and reservations, Oklahoma.
Sec. 3085. Oklahoma lakes demonstration program, Oklahoma.
Sec. 3086. Waurika Lake, Oklahoma.
Sec. 3087. Lookout Point project, Lowell, Oregon.
Sec. 3088. Upper Willamette River Watershed ecosystem restoration.
Sec. 3089. Tioga Township, Pennsylvania.
Sec. 3090. Upper Susquehanna River Basin, Pennsylvania and New York.
Sec. 3091. Narragansett Bay, Rhode Island.
Sec. 3092. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.
Sec. 3093. Missouri River restoration, South Dakota.
Sec. 3094. Missouri and Middle Mississippi Rivers enhancement project.
Sec. 3095. Anderson Creek, Jackson and Madison Counties, Tennessee.
Sec. 3096. Harris Fork Creek, Tennessee and Kentucky.
Sec. 3097. Nonconnah Weir, Memphis, Tennessee.
Sec. 3098. Old Hickory Lock and Dam, Cumberland River, Tennessee.
Sec. 3099. Sandy Creek, Jackson County, Tennessee.
Sec. 3100. Cedar Bayou, Texas.
Sec. 3101. Denison, Texas.
Sec. 3102. Freeport Harbor, Texas.
Sec. 3103. Harris County, Texas.
Sec. 3104. Connecticut River restoration, Vermont.
Sec. 3105. Dam remediation, Vermont.
Sec. 3106. Lake Champlain Eurasian milfoil, water chestnut, and other nonnative plant control, Vermont.
Sec. 3107. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.
Sec. 3108. Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire.
Sec. 3109. Lake Champlain watershed, Vermont and New York.
Sec. 3110. Chesapeake Bay oyster restoration, Virginia and Maryland.
Sec. 3111. Tangier Island Seawall, Virginia.
Sec. 3112. Erosion control, Puget Island, Wahkiakum County, Washington.
Sec. 3113. Lower Granite Pool, Washington.
Sec. 3114. McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho.
Sec. 3115. Snake River project, Washington and Idaho.
Sec. 3116. Whatcom Creek Waterway, Bellingham, Washington.
Sec. 3117. Lower Mud River, Milton, West Virginia.
Sec. 3118. McDowell County, West Virginia.
Sec. 3119. Green Bay Harbor project, Green Bay, Wisconsin.

Sec. 3120. Underwood Creek Diversion Facility Project, Milwaukee County, Wisconsin.
Sec. 3121. Oconto Harbor, Wisconsin.
Sec. 3122. Mississippi River headwaters reservoirs.
Sec. 3123. Lower Mississippi River Museum and Riverfront Interpretive Site.
Sec. 3124. Pilot program, Middle Mississippi River.
Sec. 3125. Upper Mississippi River system environmental management program.
Sec. 3126. Upper basin of Missouri River.
Sec. 3127. Great Lakes fishery and ecosystem restoration program.
Sec. 3128. Great Lakes remedial action plans and sediment remediation.
Sec. 3129. Great Lakes tributary models.
Sec. 3130. Upper Ohio River and Tributaries Navigation System new technology pilot program.

TITLE IV—STUDIES

Sec. 4001. Eurasian milfoil.
Sec. 4002. National port study.
Sec. 4003. McClellan-Kerr Arkansas River Navigation Channel.
Sec. 4004. Los Angeles River revitalization study, California.
Sec. 4005. Nicholas Canyon, Los Angeles, California.
Sec. 4006. Oceanside, California, shoreline special study.
Sec. 4007. Comprehensive flood protection project, St. Helena, California.
Sec. 4008. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.
Sec. 4009. South San Francisco Bay shoreline study, California.
Sec. 4010. San Pablo Bay Watershed restoration, California.
Sec. 4011. Fountain Creek, North of Pueblo, Colorado.
Sec. 4012. Selenium study, Colorado.
Sec. 4013. Promontory Point third-party review, Chicago Shoreline, Chicago, Illinois.
Sec. 4014. Vidalia Port, Louisiana.
Sec. 4015. Lake Erie at Luna Pier, Michigan.
Sec. 4016. Middle Bass Island State Park, Middle Bass Island, Ohio.
Sec. 4017. Jasper County port facility study, South Carolina.
Sec. 4018. Johnson Creek, Arlington, Texas.
Sec. 4019. Lake Champlain Canal study, Vermont and New York.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 5001. Lakes program.
Sec. 5002. Estuary restoration.
Sec. 5003. Delmarva conservation corridor, Delaware and Maryland.
Sec. 5004. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.
Sec. 5005. Anacostia River, District of Columbia and Maryland.
Sec. 5006. Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.
Sec. 5007. Rio Grande environmental management program, Colorado, New Mexico, and Texas.
Sec. 5008. Missouri River and tributaries, mitigation, recovery and restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.
Sec. 5009. Lower Platte River watershed restoration, Nebraska.
Sec. 5010. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and terrestrial wildlife habitat restoration, South Dakota.
Sec. 5011. Connecticut River dams, Vermont.

TITLE VI—PROJECT DEAUTHORIZATIONS

Sec. 6001. Little Cove Creek, Glencoe, Alabama.
Sec. 6002. Goleta and vicinity, California.
Sec. 6003. Bridgeport Harbor, Connecticut.
Sec. 6004. Bridgeport, Connecticut.
Sec. 6005. Hartford, Connecticut.
Sec. 6006. New Haven, Connecticut.
Sec. 6007. Inland waterway from Delaware River to Chesapeake Bay, part II, installation of fender protection for bridges, Delaware and Maryland.
Sec. 6008. Shingle Creek Basin, Florida.
Sec. 6009. Brevoort, Indiana.
Sec. 6010. Middle Wabash, Greenfield Bayou, Indiana.
Sec. 6011. Lake George, Hobart, Indiana.
Sec. 6012. Green Bay Levee and Drainage District No. 2, Iowa.
Sec. 6013. Muscatine Harbor, Iowa.
Sec. 6014. Big South Fork National River and recreational area, Kentucky and Tennessee.
Sec. 6015. Eagle Creek Lake, Kentucky.
Sec. 6016. Hazard, Kentucky.
Sec. 6017. West Kentucky tributaries, Kentucky.
Sec. 6018. Bayou Cocodrie and tributaries, Louisiana.
Sec. 6019. Bayou LaFourche and LaFourche Jump, Louisiana.
Sec. 6020. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.
Sec. 6021. Fort Livingston, Grand Terre Island, Louisiana.
Sec. 6022. Gulf Intercoastal Waterway, Lake Borgne and Chef Menteur, Louisiana.
Sec. 6023. Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas.
Sec. 6024. Casco Bay, Portland, Maine.
Sec. 6025. Northeast Harbor, Maine.
Sec. 6026. Penobscot River, Bangor, Maine.
Sec. 6027. Saint John River Basin, Maine.
Sec. 6028. Tenants Harbor, Maine.
Sec. 6029. Grand Haven Harbor, Michigan.
Sec. 6030. Greenville Harbor, Mississippi.
Sec. 6031. Platte River flood and related streambank erosion control, Nebraska.
Sec. 6032. Epping, New Hampshire.
Sec. 6033. Manchester, New Hampshire.
Sec. 6034. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.
Sec. 6035. Eisenhower and Snell Locks, New York.
Sec. 6036. Olcott Harbor, Lake Ontario, New York.
Sec. 6037. Outer Harbor, Buffalo, New York.
Sec. 6038. Sugar Creek Basin, North Carolina and South Carolina.
Sec. 6039. Cleveland Harbor 1958 Act, Ohio.
Sec. 6040. Cleveland Harbor 1960 Act, Ohio.
Sec. 6041. Cleveland Harbor, uncompleted portion of Cut #4, Ohio.
Sec. 6042. Columbia River, Seafarers Memorial, Hammond, Oregon.
Sec. 6043. Schuylkill River, Pennsylvania.
Sec. 6044. Tioga-Hammond Lakes, Pennsylvania.
Sec. 6045. Tamaqua, Pennsylvania.
Sec. 6046. Narragansett Town Beach, Narragansett, Rhode Island.
Sec. 6047. Quonset Point-Davisville, Rhode Island.
Sec. 6048. Arroyo Colorado, Texas.
Sec. 6049. Cypress Creek-Structural, Texas.
Sec. 6050. East Fork channel improvement, Increment 2, east fork of the Trinity river, Texas.
Sec. 6051. Falfurrias, Texas.
Sec. 6052. Pecan Bayou Lake, Texas.
Sec. 6053. Lake of the Pines, Texas.
Sec. 6054. Tennessee Colony Lake, Texas.
Sec. 6055. City Waterway, Tacoma, Washington.
Sec. 6056. Kanawha River, Charleston, West Virginia.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) HAINES HARBOR, ALASKA.—The project for navigation, Haines Harbor, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total estimated cost of $13,700,000, with an estimated Federal cost of $10,960,000 and an estimated non-Federal cost of $2,740,000.

(2) RILLITO RIVER (EL RIO ANTIGUO), PIMA COUNTY, ARIZONA.—The project for ecosystem restoration, Rillito River (El Rio Antiguo), Pima County, Arizona: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $75,200,000, with an estimated Federal cost of $48,400,000 and an estimated non-Federal cost of $26,800,000.

(3) SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, ARIZONA.—The project for ecosystem restoration, Santa Cruz River, Pima County, Arizona: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $94,400,000, with an estimated Federal cost of $61,200,000 and an estimated non-Federal cost of $33,200,000.

(4) TANQUE VERDE CREEK, ARIZONA.—The project for ecosystem restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $5,706,000, with an estimated Federal cost of $3,706,000 and an estimated non-Federal cost of $2,000,000.

(5) SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA.—

(A) IN GENERAL.—The project for ecosystem restoration, Salt River (Va Shlyay Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $156,700,000, with an estimated Federal cost of $101,600,000 and an estimated non-Federal cost of $55,100,000.

(B) COORDINATION WITH FEDERAL RECLAMATION PROJECTS.—The Secretary, to the maximum extent practicable, shall coordinate the development and construction of the project described in subparagraph (A) with each Federal reclamation project located in the Salt River Basin to address statutory requirements and the operations of those projects.

(6) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $50,600,000, with an estimated Federal cost of $33,000,000 and estimated non-Federal cost of $17,600,000.

(7) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $13,300,000, with an estimated Federal cost of $8,500,000 and an estimated non-Federal cost of $4,800,000, and at an estimated total cost of $41,100,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $20,550,000 and an estimated non-Federal cost of $20,550,000.

(8) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $139,600,000, with an estimated Federal cost of $86,700,000 and an estimated non-Federal cost of $52,900,000.

(9) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $43,630,000, with an estimated Federal cost of $28,460,000 and an estimated non-Federal cost of $15,170,000.

(10) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, California, at a total cost of $103,012,000, with an estimated Federal cost of $65,600,000 and an estimated non-Federal cost of $37,412,000, to be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the final report signed by the Chief of Engineers on December 22, 2004.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(C) TRANSFER OF OWNERSHIP.—On completion of salinity reduction in the project area, the Secretary shall transfer ownership of the pipeline to the non-Federal interest at the fully depreciated value of the pipeline, less—

(i) the non-Federal cost-share contributed under subparagraph (A); and

(ii) the estimated value of the water to be provided as needed for maintenance of habitat values in the project area throughout the life of the project.

(11) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for ecosystem restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers dated May 16, 2003, at a total cost of $21,050,000, with an estimated Federal cost of $13,680,000 and an estimated non-Federal cost of $7,370,000.

(12) INDIAN RIVER LAGOON, SOUTH FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon, south Florida, at a total cost of $1,365,000,000, with an estimated first Federal cost of $682,500,000 and an estimated first non-Federal cost of $682,500,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers dated August 6, 2004.

(B) DEAUTHORIZATIONS.—As of the date of enactment of this Act, the following projects are not authorized:

(i) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, at a total cost of $147,800,000, with an estimated Federal cost of $73,900,000 and an estimated non-Federal cost of $73,900,000.

(ii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), Martin County, Florida, modifications to Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000 and an estimated non-Federal cost of $7,398,000.

(iii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), East Coast Backpumping, St. Lucie–Martin County, Spillway Structure S–311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000 and an estimated non-Federal cost of $21,994,000.

(13) MIAMI HARBOR, MIAMI, FLORIDA.—The project for navigation, Miami Harbor, Miami, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of $125,270,000, with an estimated Federal cost of $75,140,000 and an estimated non-Federal cost of $50,130,000.

(14) PICAYUNE STRAND, FLORIDA.—The project for ecosystem restoration, Picayune Strand, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of $362,260,000 with an estimated Federal cost of $181,130,000 and an estimated non-Federal cost of $181,130,000.

(15) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $201,600,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $71,000,000.

(16) PEORIA RIVERFRONT, ILLINOIS.—The project for ecosystem restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of $17,760,000, with an estimated Federal cost of $11,540,000 and an estimated non-Federal cost of $6,220,000.

(17) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $10,500,000, with an estimated Federal cost of $6,800,000 and an estimated non-Federal cost of $3,700,000.

(18) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,500,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(19) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $841,100,000 with an estimated Federal cost of $546,300,000 and an estimated non-Federal cost of $294,800,000.

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212; Public Law 99–662).

(20) POPLAR ISLAND EXPANSION, MARYLAND.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), and modified by section 318 of the Water Resources Development Act of 2000 (114 Stat. 2678), is further modified to authorize the Secretary to construct the project in accordance with the Report of the Chief of Engineers dated March 31, 2006, at a total cost of $256,100,000, with an estimated Federal cost of $192,100,000 and an estimated non-Federal cost of $64,000,000.

(21) SMITH ISLAND, MARYLAND.—The project for ecosystem restoration, Smith Island, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of $14,500,000, with an estimated Federal cost of $9,425,000 and an estimated non-Federal cost of $5,075,000.

(22) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $16,900,000, with an estimated Federal cost of $10,990,000 and an estimated non-Federal cost of $5,910,000.

(23) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $70,340,000, with an estimated Federal cost of $45,720,000 and an estimated non-Federal cost of $24,620,000, and at an estimated total cost of $117,100,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $58,550,000 and an estimated non-Federal cost of $58,550,000.

(24) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers dated January 4, 2006, at a total cost of $112,640,000, with an estimated Federal cost of $73,220,600 and an estimated non-Federal cost of $39,420,000, and at an estimated total cost of $6,400,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $2,300,000 and an estimated non-Federal cost of $4,100,000.

(25) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and ecosystem restoration, South River, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $120,810,000, with an estimated Federal cost of $78,530,000 and an estimated non-Federal cost of $42,280,000.

(26) SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Albuquerque, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $24,000,000, with an estimated Federal cost of $15,600,000 and an estimated non-Federal cost of $8,400,000.

(27) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, New York: Report

of the Chief of Engineers dated March 31, 2006, at a total cost of $14,070,000, with an estimated Federal cost of $7,035,000 and an estimated non-Federal cost of $7,035,000.

(28) BLOOMSBURG, PENNSYLVANIA.—The project for flood damage reduction, Bloomsburg, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of $43,300,000, with an estimated Federal cost of $28,150,000 and an estimated non-Federal cost of $15,150,000.

(29) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $188,110,000, with an estimated Federal cost of $87,810,000 and an estimated non-Federal cost of $100,300,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subparagraph (A), the Secretary shall enforce navigational servitude in the Corpus Christi Ship Channel, including, at the sole expense of the owner of the facility, the removal or relocation of any facility obstructing the project.

(30) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-ROUTE, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of $17,280,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(31) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of $14,450,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(32) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—The project for ecosystem restoration, Riverside Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of $27,330,000, with an estimated Federal cost of $11,320,000 and an estimated non-Federal cost of $16,010,000.

(33) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers dated March 3, 2003, at a total cost of $37,200,000.

(34) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—The project for flood damage reduction, Centralia, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4126)—

(A) is modified to be carried out at a total cost of $121,100,000, with a Federal cost of $73,220,000, and a non-Federal cost of $47,880,000; and

(B) shall be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated September 27, 2004.

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2006:

(1) WOOD RIVER LEVEE SYSTEM, ILLINOIS.—The project for flood damage reduction, Wood River, Illinois, authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to authorize construction of the project at a total cost of $16,730,000, with an estimated Federal cost of $10,900,000 and an estimated non-Federal cost of $5,830,000.

(2) LICKING RIVER, CYNTHIANA, KENTUCKY.—The project for flood damage reduction, Licking River, Cynthiana, Kentucky, at a total cost of $17,800,000, with an estimated Federal cost of $11,570,000 and an estimated non-Federal cost of $6,230,000.

(3) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana, at a total cost of $204,600,000, with an estimated Federal cost of $129,700,000 and an estimated non-Federal cost of $74,900,000, except that the Secretary, in consultation with Vermillion and Iberia Parishes, Louisiana, is directed to use available dredged material and rock placement on the south bank of the Gulf Intracoastal Waterway and the west bank of the Freshwater Bayou Channel to provide incidental storm surge protection.

(4) HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—The project for ecosystem restoration, Hudson-Raritan Estuary, Liberty State Park, New Jersey, at a total cost of $33,050,000, with an estimated Federal cost of $21,480,000 and an estimated non-Federal cost of $11,570,000.

(5) JAMAICA BAY, MARINE PARK AND PLUMB BEACH, QUEENS AND BROOKLYN, NEW YORK.—The project for ecosystem restoration, Jamaica Bay, Queens and Brooklyn, New York, at a total estimated cost of $204,159,000, with an estimated Federal cost of $132,703,000 and an estimated non-Federal cost of $71,456,000.

(6) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio, at a total cost of $18,730,000, with an estimated Federal cost of $12,170,000 and an estimated non-Federal cost of $6,560,000.

(7) PAWLEY'S ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawley's Island, South Carolina, at a total cost of $8,980,000, with an estimated Federal cost of $4,040,000 and an estimated non-Federal cost of $4,940,000, and at an estimated total cost of $21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $7,632,000 and an estimated non-Federal cost of $13,568,000.

(8) CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA.—The project for navigation, Craney Island Eastward Expansion, Virginia, at a total cost of $671,340,000, with an estimated Federal cost of $26,220,000 and an estimated non-Federal cost of $645,120,000.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR THE UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

(a) DEFINITIONS.—In this section:

(1) PLAN.—The term "Plan" means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers dated December 15, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term "Upper Mississippi River and Illinois Waterway System" means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

(b) AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.—

(1) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan—

(i) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(ii) provide switchboats at Locks 20 through 25; and

(iii) conduct development and testing of an appointment scheduling system.

(B) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $246,000,000. The costs of construction of the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(2) NEW LOCKS.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan, construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(B) MITIGATION.—The Secretary shall conduct mitigation for the new locks and small scale and nonstructural measures authorized under paragraphs (1) and (2).

(C) CONCURRENCE.—The mitigation required under subparagraph (B) for the projects authorized under paragraphs (1) and (2), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests for the projects authorized under paragraphs (1) and (2), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

(D) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $1,870,000,000. The costs of construction on the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) ECOSYSTEM RESTORATION AUTHORIZATION.—

(1) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(B) PROJECTS INCLUDED.—Ecosystem restoration projects may include, but are not limited to—

(i) island building;

(ii) construction of fish passages;

(iii) floodplain restoration;

(iv) water level management (including water drawdown);

(v) backwater restoration;

(vi) side channel restoration;

(vii) wing dam and dike restoration and modification;

(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

(xiii) spillway, dam, and levee modification to benefit the environment;

(xiv) land easement authority; and

(xv) land acquisition.

(C) COST SHARING.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of carrying out an ecosystem restoration project under this paragraph shall be 65 percent.

(ii) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this subparagraph for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(I) is located below the ordinary high water mark or in a connected backwater;

(II) modifies the operation or structures for navigation; or

(III) is located on federally owned land.

(iii) SAVINGS CLAUSE.—Nothing in this paragraph affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(iv) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(D) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of—

(i) fee title to the land; or

(ii) a flood plain conservation easement.

(3) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(A) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(ii) establish the without-project condition or baseline for each performance indicator; and

(iii) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(B) OUTCOMES.—Performance measures identified under subparagraph (A)(i) should comprise specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(C) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under subparagraph (A)(i), including—

(i) a timeline to achieve the identified target goals; and

(ii) a timeline for the demonstration of project completion.

(4) SPECIFIC PROJECTS AUTHORIZATION.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $1,650,000,000, of which not more than $226,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $43,000,000 shall be available for projects described in paragraph (2)(B)(x). Such sums shall remain available until expended.

(B) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under subparagraph (A), not more than $35,000,000 for each fiscal year shall be available for land acquisition under paragraph (2)(D).

(C) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in clauses (ii) and (x) of paragraph (2)(B), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(5) IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Not later than June 30, 2008, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(i) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(ii) measures the progress in meeting the goals.

(B) ADVISORY PANEL.—

(i) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under subparagraph (A).

(ii) PANEL MEMBERS.—Panel members shall include—

(I) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(II) 1 representative of the Department of Agriculture;

(III) 1 representative of the Department of Transportation;

(IV) 1 representative of the United States Geological Survey;

(V) 1 representative of the United States Fish and Wildlife Service;

(VI) 1 representative of the Environmental Protection Agency;

(VII) 1 representative of affected landowners;

(VIII) 2 representatives of conservation and environmental advocacy groups; and

(IX) 2 representatives of agriculture and industry advocacy groups.

(iii) CHAIRPERSON.—The Secretary shall serve as chairperson of the advisory panel.

(iv) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Panel or any working group established by the Advisory Panel.

(6) RANKING SYSTEM.—

(A) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(B) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in paragraph (2)(B).

(d) COMPARABLE PROGRESS.—

(1) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this section, the Secretary shall—

(A) select appropriate milestones; and

(B) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(2) NO COMPARABLE RATE.—If the Secretary determines under paragraph (1)(B) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects will be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA.

(a) IN GENERAL.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) protects a major population area of the Pontchartain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana; and

(C) any barrier island, or barrier shoreline, project that—

(i) is carried out in conjunction with a Mississippi River diversion project; and

(ii) protects a major population area.

(c) MODIFICATIONS.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to make modifications as necessary to the 5 near-term critical ecosystem restoration features identified in the report referred to in subsection (a), due to the impact of Hurricanes Katrina and Rita on the project areas.

(2) INTEGRATION.—The Secretary shall ensure that the modifications under paragraph (1) are fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(3) CONSTRUCTION.—

(A) IN GENERAL.—The Secretary is authorized to construct the projects modified under this subsection.

(B) REPORTS.—

(i) IN GENERAL.—Before beginning construction of the projects, the Secretary shall submit a report documenting any modifications to the 5 near-term projects, including cost changes, to the Louisiana Water Resources Council established by subsection (n)(1) (referred to in this section as the "Council") for approval.

(ii) SUBMISSION TO CONGRESS.—On approval of a report under clause (i), the Council shall submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) APPLICABILITY OF OTHER PROVISIONS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall not apply to the 5 near-term projects authorized by this section.

(d) DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to conduct a demonstration program within the applicable project area to

evaluate new technologies and the applicability of the technologies to the program.

(2) COST LIMITATION.—The cost of an individual project under this subsection shall be not more than $25,000,000.

(e) BENEFICIAL USE OF DREDGED MATERIAL.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to use such sums as are necessary to conduct a program for the beneficial use of dredged material.

(2) CONSIDERATION.—In carrying out the program under subsection (a), the Secretary shall consider the beneficial use of sediment from the Illinois River System for wetlands restoration in wetlands-depleted watersheds.

(f) REPORTS.—

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to Congress feasibility reports on the features included in table 3 of the report referred to in subsection (a).

(2) PROJECTS IDENTIFIED IN REPORTS.—

(A) IN GENERAL.—The Secretary shall submit the reports described in paragraph (1) to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(B) CONSTRUCTION.—The Secretary shall be authorized to construct the projects identified in the reports at the time the Committees referred to in subparagraph (A) each adopt a resolution approving the project.

(g) NONGOVERNMENTAL ORGANIZATIONS.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this section.

(h) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary, in coordination with the Governor of the State of Louisiana, shall—

(A) develop a plan for protecting, preserving, and restoring the coastal Louisiana ecosystem;

(B) not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, submit to Congress the plan, or an update of the plan; and

(C) ensure that the plan is fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(2) INCLUSIONS.—The comprehensive plan shall include a description of—

(A) the framework of a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(B) the means by which a new technology, or an improved technique, can be integrated into the program under subsection (a);

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a); and

(D) specific, measurable ecological success criteria by which success of the comprehensive plan shall be measured.

(3) CONSIDERATION.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;

(B) an activity in the Louisiana Coastal Area; or

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan; or

(iv) the plan of the State of Louisiana entitled "Coast 2050: Toward a Sustainable Coastal Louisiana".

(i) TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the "Coastal Louisiana Ecosystem Protection and Restoration Task Force" (referred to in this subsection as the "Task Force").

(2) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(i) that identify funds from current agency missions and budgets; and

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (h).

(4) WORKING GROUPS.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group of the Task Force.

(j) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall establish a coastal Louisiana ecosystem science and technology program.

(2) PURPOSES.—The purposes of the program established by paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana; and

(C) to identify and develop technologies, models, and methods to carry out this subsection.

(3) WORKING GROUPS.—The Secretary may establish such working groups as the Secretary determines to be necessary to assist the Secretary in carrying out this subsection.

(4) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with an individual or entity (including a consortium of academic institutions in Louisiana) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(k) ANALYSIS OF BENEFITS.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.

(2) DETERMINATION OF COST-EFFECTIVENESS.—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.

(l) STUDIES.—

(1) DEGRADATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify—

(A) the cause of any degradation of the Louisiana Coastal Area ecosystem that occurred as a result of an activity approved by the Secretary; and

(B) the sources of the degradation.

(2) FINANCING.—On completion, and taking into account the results, of the study conducted under paragraph (1), the Secretary, in consultation with the non-Federal interest, shall study—

(A) financing alternatives for the program under subsection (a); and

(B) potential reductions in the expenditure of Federal funds in emergency responses that would occur as a result of ecosystem restoration in the Louisiana Coastal Area.

(m) PROJECT MODIFICATIONS.—

(1) REVIEW.—The Secretary, in cooperation with any non-Federal interest, shall review each federally-authorized water resources project in the coastal Louisiana area in existence on the date of enactment of this Act to determine whether—

(A) each project is in accordance with the program under subsection (a); and

(B) the project could contribute to ecosystem restoration under subsection (a) through modification of the operations or features of the project.

(2) MODIFICATIONS.—Subject to paragraphs (3) and (4), the Secretary may carry out the modifications described in paragraph (1)(B).

(3) PUBLIC NOTICE AND COMMENT.—Before completing the report required under paragraph (4), the Secretary shall provide an opportunity for public notice and comment.

(4) REPORT.—

(A) IN GENERAL.—Before modifying an operation or feature of a project under paragraph (1)(B), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the modification.

(B) INCLUSION.—A report under subparagraph (A) shall include such information relating to the timeline and cost of a modification as the Secretary determines to be relevant.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000.

(n) LOUISIANA WATER RESOURCES COUNCIL.—

(1) ESTABLISHMENT.—There is established within the Mississippi River Commission, a subgroup to be known as the "Louisiana Water Resources Council".

(2) PURPOSES.—The purposes of the Council are—

(A) to manage and oversee each aspect of the implementation of a system-wide, comprehensive plan for projects of the Corps of Engineers (including the study, planning, engineering, design, and construction of the projects or components of projects and the functions or activities of the Corps of Engineers relating to other projects) that addresses hurricane protection, flood control, ecosystem restoration, storm surge damage reduction, or navigation in the Hurricanes Katrina and Rita disaster areas in the State of Louisiana; and

(B) to demonstrate and evaluate a streamlined approach to authorization of water resources projects to be studied, designed, and constructed by the Corps of Engineers.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The president of the Mississippi River Commission shall appoint members of the Council, after considering recommendations of the Governor of Louisiana.

(B) REQUIREMENTS.—The Council shall be composed of—

(i) 2 individuals with expertise in coastal ecosystem restoration, including the interaction of saltwater and freshwater estuaries; and

(ii) 2 individual with expertise in geology or civil engineering relating to hurricane and flood damage reduction and navigation.

(C) CHAIRPERSON.—In addition to the members appointed under subparagraph (B), the Council shall be chaired by 1 of the 3 officers of the Corps of Engineers of the Mississippi River Commission.

(4) DUTIES.—With respect to modifications under subsection (c), the Council shall—

(A) review and approve or disapprove the reports completed by the Secretary; and

(B) on approval, submit the reports to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(5) TERMINATION.—

(A) IN GENERAL.—The Council shall terminate on the date that is 6 years after the date of enactment of this Act.

(B) EFFECT.—Any project modification under subsection (c) that has not been approved by the Council and submitted to Congress by the date described in subparagraph (A) shall not proceed to construction before the date on which the modification is statutorily approved by Congress.

(o) OTHER PROJECTS.—

(1) IN GENERAL.—With respect to the projects identified in the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), the Secretary shall submit a report describing the projects to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONSTRUCTION.—The Secretary shall be authorized to construct the projects at the time the Committees referred to in paragraph (1) each adopt a resolution approving the project.

(p) REPORT.—

(1) IN GENERAL.—Not later than 6 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the alternative means of authorizing Corps of Engineers water resources projects under subsections (c)(3), (f)(2), and (o)(2).

(2) INCLUSIONS.—The report shall include a description of—

(A) the projects authorized and undertaken under this section;

(B) the construction status of the projects; and

(C) the benefits and environmental impacts of the projects.

(3) EXTERNAL REVIEW.—The Secretary shall enter into a contract with the National Academy of Science to perform an external review of the demonstration program under subsection (d), which shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

The Secretary—

(1) shall conduct a study for flood damage reduction, Cache River Basin, Grubbs, Arkansas; and

(2) if the Secretary determines that the project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 1005. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) LITTLE ROCK PORT, ARKANSAS.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

(2) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(3) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(4) MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(2) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

(3) JOHNSON CREEK, GRESHAM, OREGON.—Project for aquatic ecosystem restoration, Johnson Creek, Gresham, Oregon.

(4) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(5) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—Project for aquatic ecosystem restoration, College Lake, Lynchburg, Virginia.

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.

Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by striking "SEC. 221" and inserting the following:

"SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS."

; and

(2) by striking subsection (a) and inserting the following:

"(a) COOPERATION OF NON-FEDERAL INTEREST.—

"(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

"(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.

"(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

"(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

"(A) IN GENERAL.—An agreement under paragraph (1) shall provide that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented under general continuing authority, the value of in-kind contributions made by the non-Federal interest, including—

"(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project; and

"(ii) the value of materials or services provided before execution of an agreement for the project, including—

"(I) efforts on constructed elements incorporated into the project; and

"(II) materials and services provided after an agreement is executed.

"(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

"(C) LIMITATIONS.—Credit authorized for a project—

"(i) shall not exceed the non-Federal share of the cost of the project;

"(ii) shall not alter any other requirement that a non-Federal interest provide land, an easement or right-of-way, or an area for disposal of dredged material for the project; and

"(iii) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.".

SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) In General.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.";

(2) in subsection (b), by striking "Secretary of State" and inserting "Department of State"; and

(3) in subsection (d)—

(A) by striking "$250,000 for fiscal year 2001" and inserting "$1,000,000 for fiscal year 2007 and each fiscal year thereafter"; and

(B) by striking "or international organizations" and inserting ", international organizations, or foreign governments".

SEC. 2003. TRAINING FUNDS.

(a) In General.—The Secretary may include individuals from the non-Federal interest, including the private sector, in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) Expenses.—

(1) In general.—An individual from a non-Federal interest attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) Payments.—Payments made by an individual for training received under subsection (a), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) Excess amounts.—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

SEC. 2004. FISCAL TRANSPARENCY REPORT.

(a) In General.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year.

(b) Contents.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

SEC. 2005. PLANNING.

(a) Matters to Be Addressed in Planning.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—

(1) by striking "Enhancing" and inserting the following:

"(a) In General.—Enhancing"; and

(2) by adding at the end the following:

"(b) Assessments.—For all feasibility reports completed after December 31, 2005, the Secretary shall assess whether—

"(1) the water resource project and each separable element is cost-effective; and

"(2) the water resource project complies with Federal, State, and local laws (including regulations) and public policies.".

(b) Planning Process Improvements.—The Chief of Engineers—

(1) shall, not later than 2 years after the date on which the feasibility study cost sharing agreement is signed for a project, subject to the availability of appropriations—

(A) complete the feasibility study for the project; and

(B) sign the report of the Chief of Engineers for the project;

(2) may, with the approval of the Secretary, extend the deadline established under paragraph (1) for not to exceed 4 years, for a complex or controversial study; and

(3)(A) shall adopt a risk analysis approach to project cost estimates; and

(B) not later than 1 year after the date of enactment of this Act, shall—

(i) issue procedures for risk analysis for cost estimation; and

(ii) submit to Congress a report that includes suggested amendments to section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

(c) Calculation of Benefits and Costs for Flood Damage Reduction Projects.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of the residual risk of loss of human life and residual risk to human safety following completion of the proposed project; and

(3) a calculation of any upstream or downstream impacts of the proposed project.

(d) Centers of Specialized Planning Expertise.—

(1) Establishment.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resource projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.

(2) Duties.—A center of expertise established under this subsection shall—

(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;

(B) provide peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies;

(C) provide support for external peer review panels convened by the Secretary; and

(D) carry out such other duties as are prescribed by the Secretary.

(e) Completion of Corps of Engineers Reports.—

(1) Alternatives.—

(A) In general.—Feasibility and other studies and assessments of water resource problems and projects shall include recommendations for alternatives—

(i) that, as determined by the non-Federal interests for the projects, promote integrated water resources management; and

(ii) for which the non-Federal interests are willing to provide the non-Federal share for the studies or assessments.

(B) Scope and purposes.—The scope and purposes of studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy as a result of the inclusion of alternatives described in that subparagraph.

(C) Reports of chief of engineers.—The reports of the Chief of Engineers shall be based solely on the best technical solutions to water resource needs and problems.

(2) Report completion.—The completion of a report of the Chief of Engineers for a project—

(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and

(B) shall be submitted, on completion, to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(f) Completion Review.—

(1) In general.—Except as provided in paragraph (2), not later than 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, the Secretary shall—

(A) review the report; and

(B) provide any recommendations of the Secretary regarding the water resource project to Congress.

(2) Prior reports.—Not later than 90 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resource project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide recommendations to Congress for, the report in accordance with paragraph (1).

SEC. 2006. WATER RESOURCES PLANNING COORDINATING COMMITTEE.

(a) Establishment.—The President shall establish a Water Resources Planning Coordinating Committee (referred to in this subsection as the "Coordinating Committee").

(b) Membership.—

(1) In general.—The Coordinating Committee shall be composed of the following members (or a designee of the member):

(A) The Secretary of the Interior.

(B) The Secretary of Agriculture.

(C) The Secretary of Health and Human Services.

(D) The Secretary of Housing and Urban Development.

(E) The Secretary of Transportation.

(F) The Secretary of Energy.

(G) The Secretary of Homeland Security.

(H) The Secretary of Commerce.

(I) The Administrator of the Environmental Protection Agency.

(J) The Chairperson of the Council on Environmental Quality.

(2) Chairperson and executive director.—The President shall appoint—

(A) 1 member of the Coordinating Committee to serve as Chairperson of the Coordinating Committee for a term of 2 years; and

(B) an Executive Director to supervise the activities of the Coordinating Committee.

(3) Function.—The function of the Coordinating Committee shall be to carry out the duties and responsibilities set forth under this section.

(c) National Water Resources Planning and Modernization Policy.—It is the policy of the United States that all water resources projects carried out by the Corps of Engineers shall—

(1) reflect national priorities;

(2) seek to avoid the unwise use of floodplains;

(3) minimize vulnerabilities in any case in which a floodplain must be used;

(4) protect and restore the functions of natural systems; and

(5) mitigate any unavoidable damage to natural systems.

(d) Water Resource Priorities Report.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the Coordinating Committee, in collaboration with the Secretary, shall submit to the President and Congress a report describing the vulnerability of the United States to damage from flooding and related storm damage, including—

(A) the risk to human life;

(B) the risk to property; and

(C) the comparative risks faced by different regions of the United States.

(2) Inclusions.—The report under paragraph (1) shall include—

(A) an assessment of the extent to which programs in the United States relating to flooding address flood risk reduction priorities;

(B) the extent to which those programs may be unintentionally encouraging development and economic activity in floodprone areas;

(C) recommendations for improving those programs with respect to reducing and responding to flood risks; and

(D) proposals for implementing the recommendations.

(e) Modernizing Water Resources Planning Guidelines.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary and the Coordinating Committee shall, in collaboration with each other, review and propose updates and revisions to modernize the planning principles and guidelines, regulations, and circulars by which the Corps of Engineers analyzes and evaluates water projects. In carrying out the review, the Coordinating Committee and the Secretary shall consult with the National Academy of Sciences for recommendations regarding updating planning documents.

(2) Proposed revisions.—In conducting a review under paragraph (1), the Coordinating Committee and the Secretary shall consider revisions to improve water resources project planning through, among other things—

(A) requiring the use of modern economic principles and analytical techniques, credible schedules for project construction, and current discount rates as used by other Federal agencies;

(B) eliminating biases and disincentives to providing projects to low-income communities, including fully accounting for the prevention of loss of life under section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281);

(C) eliminating biases and disincentives that discourage the use of nonstructural approaches to water resources development and management, and fully accounting for the flood protection and other values of healthy natural systems;

(D) promoting environmental restoration projects that reestablish natural processes;

(E) assessing and evaluating the impacts of a project in the context of other projects within a region or watershed;

(F) analyzing and incorporating lessons learned from recent studies of Corps of Engineers programs and recent disasters such as Hurricane Katrina and the Great Midwest Flood of 1993;

(G) encouraging wetlands conservation; and

(H) ensuring the effective implementation of the policies of this Act.

(3) Public participation.—The Coordinating Committee and the Secretary shall solicit public and expert comments regarding any revision proposed under paragraph (2).

(4) Revision of planning guidance.—

(A) In general.—Not later than 180 days after the date on which a review under paragraph (1) is completed, the Secretary, after providing notice and an opportunity for public comment in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act"), shall implement such proposed updates and revisions to the planning principles and guidelines, regulations, and circulars of the Corps of Engineers under paragraph (2) as the Secretary determines to be appropriate.

(B) Effect.—Effective beginning on the date on which the Secretary implements the first update or revision under paragraph (1), subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-17) shall not apply to the Corps of Engineers.

(5) Report.—

(A) In general.—The Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, and to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, a report describing any revision of planning guidance under paragraph (4).

(B) Publication.—The Secretary shall publish the report under subparagraph (A) in the Federal Register.

SEC. 2007. INDEPENDENT REVIEWS.

(a) Definitions.—In this section:

(1) Eligible organization.—The term "eligible organization" means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

(2) Project study.—

(A) In general.—The term "project study" means a feasibility study or reevaluation study for a project.

(B) Inclusions.—The term "project study" includes any other study associated with a modification or update of a project that includes an environmental impact statement or an environmental assessment.

(b) Peer Reviews.—

(1) Policy.—

(A) In general.—Major engineering, scientific, and technical work products related to Corps of Engineers decisions and recommendations to Congress should be peer reviewed.

(B) Application.—This policy—

(i) applies to peer review of the scientific, engineering, or technical basis of the decision or recommendation; and

(ii) does not apply to the decision or recommendation itself.

(2) Guidelines.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Chief of Engineers shall publish and implement guidelines to Corps of Engineers Division and District Engineers for the use of peer review (including external peer review) of major scientific, engineering, and technical work products that support the recommendations of the Chief to Congress for implementation of water resources projects.

(B) Information quality act.—The guidelines shall be consistent with section 515 of Public Law 106-554 (114 Stat. 2763A153) (commonly known as the "Information Quality

Act"), as implemented in Office of Management and Budget, Revised Information Quality Bulletin for Peer Review, dated December 15, 2004.

(C) REQUIREMENTS.—The guidelines shall adhere to the following requirements:

(i) APPLICATION OF PEER REVIEW.—Peer review shall—

(I) be applied only to the engineering, scientific, and technical basis for recommendations; and

(II) shall not be applied to—

(aa) a specific recommendation; or

(bb) the application of policy to recommendations.

(ii) ANALYSES AND EVALUATIONS IN MULTIPLE PROJECT STUDIES.—Guidelines shall provide for conducting and documenting peer review of major scientific, technical, or engineering methods, models, procedures, or data that are used for conducting analyses and evaluations in multiple project studies.

(iii) INCLUSIONS.—Peer review applied to project studies may include a review of—

(I) the economic and environmental assumptions and projections;

(II) project evaluation data;

(III) economic or environmental analyses;

(IV) engineering analyses;

(V) methods for integrating risk and uncertainty;

(VI) models used in evaluation of economic or environmental impacts of proposed projects; and

(VII) any related biological opinions.

(iv) EXCLUSION.—Peer review applied to project studies shall exclude a review of any methods, models, procedures, or data previously subjected to peer review.

(v) TIMING OF REVIEW.—Peer review related to the engineering, scientific, or technical basis of any project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(vi) DELAYS; INCREASED COSTS.—Peer reviews shall be conducted in a manner that does not—

(I) cause a delay in study completion; or

(II) increase costs.

(vii) RECORD OF RECOMMENDATIONS.—

(I) IN GENERAL.—After receiving a report from any peer review panel, the Chief of Engineers shall prepare a record that documents—

(aa) any recommendations contained in the report; and

(bb) any written response for any recommendation adopted or not adopted and included in the study documentation.

(II) EXTERNAL REVIEW RECORD.—If the panel is an external peer review panel of a project study, the record of the review shall be included with the report of the Chief of Engineers to Congress.

(viii) EXTERNAL PANEL OF EXPERTS.—

(I) IN GENERAL.—Any external panel of experts assembled to review the engineering, science, or technical basis for the recommendations of a specific project study shall—

(aa) complete the peer review of the project study and submit to the Chief of Engineers a report not later than 180 days after the date of establishment of the panel, or (if the Chief of Engineers determines that a longer period of time is necessary) at the time established by the Chief, but in no event later than 90 days after the date a draft project study of the District Engineer is made available for public review; and

(bb) terminate on the date of submission of the report by the panel.

(II) FAILURE TO COMPLETE REVIEW AND REPORT.—If an external panel does not complete the peer review of a project study and submit to the Chief of Engineers a report by the deadline established by subclause (I), the Chief of Engineers shall continue the project without delay.

(3) COSTS.—

(A) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(i) shall be a Federal expense; and

(ii) shall not exceed $500,000 for review of the engineering, scientific, or technical basis for any single water resources project study.

(B) WAIVER.—The Chief of Engineers may waive the $500,000 limitation under subparagraph (A) if the Chief of Engineers determines appropriate.

(4) REPORT.—Not later than 5 years after the date of enactment of this Act, the Chief of Engineers shall submit to Congress a report describing the implementation of this section.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any peer review panel established by the Chief of Engineers.

(6) PANEL OF EXPERTS.—The Chief of Engineers may contract with the National Academy of Sciences (or a similar independent scientific and technical advisory organization), or an eligible organization, to establish a panel of experts to peer review for technical and scientific sufficiency.

(7) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Chief of Engineers to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

"(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.".

(b) USE OF CONSOLIDATED MITIGATION.—Section 906(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(b)) is amended by adding at the end the following:

"(3) USE OF CONSOLIDATED MITIGATION.—

"(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

"(B) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

"(C) RESPONSIBILITY RELIEVED.—Purchase of credits from a mitigation bank or conservation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.".

(c) MITIGATION REQUIREMENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "to the Congress unless such report contains" and inserting "to Congress, and shall not select a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless the proposal, record of decision, environmental impact statement, or environmental assessment contains"; and

(B) in the second sentence, by inserting ", and other habitat types are mitigated to not less than in-kind conditions" after "mitigated in-kind"; and

(2) by adding at the end the following:

"(3) MITIGATION REQUIREMENTS.—

"(A) IN GENERAL.—To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that the mitigation plan for each water resources project complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

"(B) INCLUSIONS.—A specific mitigation plan for a water resources project under paragraph (1) shall include, at a minimum—

"(i) a plan for monitoring the implementation and ecological success of each mitigation measure, including a designation of the entities that will be responsible for the monitoring;

"(ii) the criteria for ecological success by which the mitigation will be evaluated and determined to be successful;

"(iii) land and interests in land to be acquired for the mitigation plan and the basis for a determination that the land and interests are available for acquisition;

"(iv) a description of—

"(I) the types and amount of restoration activities to be conducted; and

"(II) the resource functions and values that will result from the mitigation plan; and

"(v) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with criteria under clause (ii).

"(4) DETERMINATION OF SUCCESS.—

"(A) IN GENERAL.—A mitigation plan under this subsection shall be considered to be successful at the time at which the criteria under paragraph (3)(B)(ii) are achieved under the plan, as determined by monitoring under paragraph (3)(B)(i).

"(B) CONSULTATION.—In determining whether a mitigation plan is successful under subparagraph (A), the Secretary shall consult annually with appropriate Federal agencies and each State in which the applicable project is located on at least the following:

"(i) The ecological success of the mitigation as of the date on which the report is submitted.

"(ii) The likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan.

"(iii) The projected timeline for achieving that success.

"(iv) Any recommendations for improving the likelihood of success.

"(C) REPORTING.—Not later than 60 days after the date of completion of the annual consultation, the Federal agencies consulted shall, and each State in which the project is located may, submit to the Secretary a report that describes the results of the consultation described in (B).

"(D) ACTION BY SECRETARY.—The Secretary shall respond in writing to the substance and recommendations contained in each report under subparagraph (C) by not later than 30 days after the date of receipt of the report.

"(5) MONITORING.—Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.".

(d) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the submission of the President to Congress of the request of the President for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283) and the status of that mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) MITIGATION TRACKING SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track, for each water resources project undertaken by the Secretary and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

(A) the quantity and type of wetland and any other habitat type affected by the project, project operation, or permitted activity;

(B) the quantity and type of mitigation measures required with respect to the project, project operation, or permitted activity;

(C) the quantity and type of mitigation measures that have been completed with respect to the project, project operation, or permitted activity; and

(D) the status of monitoring of the mitigation measures carried out with respect to the project, project operation, or permitted activity.

(2) REQUIREMENTS.—The recordkeeping system under paragraph (1) shall—

(A) include information relating to the impacts and mitigation measures relating to projects described in paragraph (1) that occur after November 17, 1986; and

(B) be organized by watershed, project, permit application, and zip code.

(3) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

SEC. 2009. STATE TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) by striking "SEC. 22. (a) The Secretary" and inserting the following:

"SEC. 22. PLANNING ASSISTANCE TO STATES.

"(a) FEDERAL-STATE COOPERATION.—

"(1) COMPREHENSIVE PLANS.—The Secretary";

(2) in subsection (a), by adding at the end the following:

"(2) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to the agency or non-Federal interest in managing water resources.

"(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.";

(3) in subsection (b)(1), by striking "this section" each place it appears and inserting "subsection (a)(1)";

(4) in subsection (b)(2), by striking "up to ½ of the" and inserting "the";

(5) in subsection (c)—

(A) by striking "(c) There is" and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FEDERAL AND STATE COOPERATION.—There is";

(B) in paragraph (1) (as designated by subparagraph (A)), by striking "the provisions of this section except that not more than $500,000 shall be expended in any one year in any one State." and inserting "subsection (a)(1)."; and

(C) by adding at the end the following:

"(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) $10,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities."; and

(6) by adding at the end the following:

"(e) ANNUAL SUBMISSION.—For each fiscal year, based on performance criteria developed by the Secretary, the Secretary shall list in the annual civil works budget submitted to Congress the individual activities proposed for funding under subsection (a)(1) for the fiscal year.".

SEC. 2010. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out a program to provide public access to water resource and related water quality data in the custody of the Corps of Engineers.

(b) DATA.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resource project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.

SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) IN GENERAL.—Section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(6)) is amended by adding at the end following:

"(E) BUDGET PRIORITY.—

"(i) IN GENERAL.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

"(ii) COMPLETED PROJECT.—A completed project shall have the same priority as a project with a contractor on site.".

(b) CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.—Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

"(9) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

"(10) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Holman Field), St. Paul, Minnesota.

"(11) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas, authorized by the first section of the Act of June 20, 1938 (52 Stat. 804, chapter 535) (commonly known as the 'River and Harbor Act of 1938') and modified by section 3a of the Act of August 11, 1939 (53 Stat. 1414, chapter 699) (commonly known as the 'Flood Control Act of 1939'), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

"(12) HALLS BAYOU, TEXAS.—The Halls Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (33 U.S.C. 2201 note), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

"(13) MENOMONEE RIVER WATERSHED, WISCONSIN.—The project for the Menominee River Watershed, Wisconsin.".

SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

"SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

"(a) IN GENERAL.—In connection with sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary, acting through the Chief of Engineers, shall develop Regional Sediment Management plans and carry out projects at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects, for—

"(1) the protection of property;

"(2) the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands; and

"(3) the transport and placement of suitable sediment.

"(b) SECRETARIAL FINDINGS.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—

"(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

"(2) the project would not result in environmental degradation.

"(c) DETERMINATION OF PLANNING AND PROJECT COSTS.—

"(1) IN GENERAL.—In consultation and cooperation with the appropriate Federal, State, regional, and local agencies, the Secretary, acting through the Chief of Engineers, shall develop at Federal expense plans and projects for regional management of sediment obtained in conjunction with construction, operation, and maintenance of Federal water resources projects.

"(2) Costs of construction.—

"(A) In general.—Costs associated with construction of a project under this section or identified in a Regional Sediment Management plan shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

"(B) Cost sharing.—The determination of any non-Federal share of the construction cost shall be based on the cost sharing as specified in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for the type of Federal water resource project using the dredged resource.

"(C) Total cost.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.

"(3) Operation, maintenance, replacement, and rehabilitation costs.—Operation, maintenance, replacement, and rehabilitation costs associated with a project are a non-Federal sponsor responsibility.

"(d) Selection of Sediment Disposal Method for Environmental Purposes.—

"(1) In general.—In developing and carrying out a Federal water resources project involving the disposal of material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion.

"(2) Federal share.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

"(e) State and Regional Plans.—The Secretary, acting through the Chief of Engineers, may—

"(1) cooperate with any State in the preparation of a comprehensive State or regional coastal sediment management plan within the boundaries of the State;

"(2) encourage State participation in the implementation of the plan; and

"(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

"(f) Priority Areas.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

"(1) Fire Island Inlet, Suffolk County, New York;

"(2) Fletcher Cove, California;

"(3) Delaware River Estuary, New Jersey and Pennsylvania; and

"(4) Toledo Harbor, Lucas County, Ohio.

"(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $30,000,000 during each fiscal year, to remain available until expended, for the Federal costs identified under subsection (c), of which up to $5,000,000 shall be used for the development of regional sediment management plans as provided in subsection (e).

"(h) Nonprofit Entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

(b) Repeal.—

(1) In general.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) Existing projects.—The Secretary, acting through the Chief of Engineers, may complete any project being carried out under section 145 on the day before the date of enactment of this Act.

SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) In General.—Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), is amended to read as follows:

"SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

"(a) Construction of Small Shore and Beach Restoration and Protection Projects.—

"(1) In general.—The Secretary may carry out construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

"(2) Local cooperation.—The local cooperation requirement under the first section of this Act shall apply to a project under this section.

"(3) Completeness.—A project under this section—

"(A) shall be complete; and

"(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project, except for participation in periodic beach nourishment in accordance with—

"(i) the first section of this Act; and

"(ii) the procedure for projects authorized after submission of a survey report.

"(b) National Shoreline Erosion Control Development and Demonstration Program.—

"(1) In general.—The Secretary, acting through the Chief of Engineers, shall conduct a national shoreline erosion control development and demonstration program (referred to in this section as the 'program').

"(2) Requirements.—

"(A) In general.—The program shall include provisions for—

"(i) projects consisting of planning, design, construction, and adequate monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

"(ii) detailed engineering and environmental reports on the results of each project carried out under the program; and

"(iii) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

"(B) Determination of feasibility.—A project under this section shall not be carried out until the Secretary, acting through the Chief of Engineers, determines that the project is feasible.

"(C) Emphasis.—A project carried out under the program shall emphasize, to the maximum extent practicable—

"(i) the development and demonstration of innovative technologies;

"(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

"(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

"(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

"(v) the avoidance of negative impacts to adjacent shorefront communities;

"(vi) the potential for long-term protection afforded by the technology; and

"(vii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962-5 note; 88 Stat. 26), including—

"(I) adequate consideration of the subgrade;

"(II) proper filtration;

"(III) durable components;

"(IV) adequate connection between units; and

"(V) consideration of additional relevant information.

"(D) Sites.—

"(i) In general.—Each project under the program shall be carried out at—

"(I) a privately owned site with substantial public access; or

"(II) a publicly owned site on open coast or in tidal waters.

"(ii) Selection.—The Secretary, acting through the Chief of Engineers, shall develop criteria for the selection of sites for projects under the program, including criteria based on—

"(I) a variety of geographic and climatic conditions;

"(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

"(III) the rate of erosion;

"(IV) significant natural resources or habitats and environmentally sensitive areas; and

"(V) significant threatened historic structures or landmarks.

"(3) Consultation.—The Secretary, acting through the Chief of Engineers, shall carry out the program in consultation with—

"(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

"(B) Federal, State, and local agencies;

"(C) private organizations;

"(D) the Coastal Engineering Research Center established by the first section of Public Law 88–172 (33 U.S.C. 426–1); and

"(E) applicable university research facilities.

"(4) Completion of demonstration.—After carrying out the initial construction and evaluation of the performance and lifecycle cost of a demonstration project under this section, the Secretary, acting through the Chief of Engineers, may—

"(A) at the request of a non-Federal interest of the project, amend the agreement for a federally-authorized shore protection project in existence on the date on which initial construction of the demonstration project is complete to incorporate the demonstration project as a feature of the shore protection project, with the future cost of the demonstration project to be determined by the cost-sharing ratio of the shore protection project; or

"(B) transfer all interest in and responsibility for the completed demonstration project to the non-Federal or other Federal agency interest of the project.

"(5) AGREEMENTS.—The Secretary, acting through the Chief of Engineers, may enter into an agreement with the non-Federal or other Federal agency interest of a project under this section—

"(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the program;

"(B) to share the costs of removing a project or project element constructed under the program, if the Secretary determines that the project or project element is detrimental to private property, public infrastructure, or public safety; or

"(C) to specify ownership of a completed project that the Chief of Engineers determines will not be part of a Corps of Engineers project.

"(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and submit to the Committee on Environment and Public works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

"(A) the activities carried out and accomplishments made under the program during the preceding year; and

"(B) any recommendations of the Secretary relating to the program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than $30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under the program.

"(2) LIMITATION.—The total amount expended for a project under this section shall—

"(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

"(B) be not more than $3,000,000.".

(b) REPEAL.—Section 5 the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.

SEC. 2014. SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) PREFERENCE.—In carrying out the policy, preference shall be given to—

(1) areas in which there has been a Federal investment of funds; and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) APPLICABILITY.—The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects in existence on the date of enactment of this Act).

SEC. 2015. COST SHARING FOR MONITORING.

(a) IN GENERAL.—Costs incurred for monitoring for an ecosystem restoration project shall be cost-shared—

(1) in accordance with the formula relating to the applicable original construction project; and

(2) for a maximum period of 10 years.

(b) AGGREGATE LIMITATION.—Monitoring costs for an ecosystem restoration project—

(1) shall not exceed in the aggregate, for a 10-year period, an amount equal to 5 percent of the cost of the applicable original construction project; and

(2) after the 10-year period, shall be 100 percent non-Federal.

SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.

For each of the following projects, the Corps of Engineers shall include ecosystem restoration benefits in the calculation of benefits for the project:

(1) Grayson's Creek, California.

(2) Seven Oaks, California.

(3) Oxford, California.

(4) Walnut Creek, California.

(5) Wildcat Phase II, California.

SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND PROCESSING OF PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended by striking "In fiscal years 2001 through 2003, the" and inserting "The".

SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Corps of Engineers.

(b) LIMITATIONS.—This section does not preclude the submission of a hard copy, as required.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT CORPS OF ENGINEERS RESERVOIRS.

(a) IN GENERAL.—As part of the operation and maintenance, by the Corps of Engineers, of reservoirs in operation as of the date of enactment of this Act, the Secretary shall carry out the measures described in subsection (c) to support the water resource needs of project sponsors and any affected State, local, or tribal government for authorized project purposes.

(b) COOPERATION.—The Secretary shall carry out the measures described in subsection (c) in cooperation and coordination with project sponsors and any affected State, local, or tribal government.

(c) MEASURES.—In carrying out this section, the Secretary may—

(1) conduct a study to identify unused, underused, or additional water storage capacity at reservoirs;

(2) review an operational plan and identify any change to maximize an authorized project purpose to improve water storage capacity and enhance efficiency of releases and withdrawal of water;

(3) improve and update data, data collection, and forecasting models to maximize an authorized project purpose and improve water storage capacity and delivery to water users; and

(4) conduct a sediment study and implement any sediment management or removal measure.

(d) REVENUES FOR SPECIAL CASES.—

(1) COSTS OF WATER SUPPLY STORAGE.—In the case of a reservoir operated or maintained by the Corps of Engineers on the date of enactment of this Act, the storage charge for a future contract or contract renewal for the first cost of water supply storage at the reservoir shall be the lesser of the estimated cost of purposes foregone, replacement costs, or the updated cost of storage.

(2) REALLOCATION.—In the case of a water supply that is reallocated from another project purpose to municipal or industrial water supply, the joint use costs for the reservoir shall be adjusted to reflect the reallocation of project purposes.

(3) CREDIT FOR AFFECTED PROJECT PURPOSES.—In the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

SEC. 2020. FEDERAL HOPPER DREDGES.

(a) ELIMINATION OF RESTRICTION ON USE.—Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423) is amended by adding at the end the following: "This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.".

(b) DECOMMISSION.—Section 563 of the Water Resources Development Act of 1996 (110 Stat. 3784) is amended to read as follows:

"SEC. 563. HOPPER DREDGE MCFARLAND.

"Not later than 2 years after the date of enactment of the Water Resources Development Act of 2006, the Secretary shall promulgate such regulations and take such actions as the Secretary determines to be necessary to decommission the Federal hopper dredge McFarland.".

SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.

In the State of Louisiana, extraordinary rainfall events such as Hurricanes Katrina and Rita, which occurred during calendar year 2005, and Hurricane Andrew, which occurred during calendar year 1992, shall not be considered in making a determination with respect to the ordinary high water mark for purposes of carrying out section 10 of the Act of March 3, 1899 (33 U.S.C. 403) (commonly known as the "Rivers and Harbors Act").

SEC. 2022. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a–1; 105 Stat. 1034) is amended by inserting "the Secretary of the Army," after "the Secretary of Energy,".

SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.

Section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)) is amended—

(1) by striking "A non-Federal interest shall be" and inserting the following:

"(1) IN GENERAL.—In this section, the term 'non-Federal interest' means"; and

(2) by adding at the end the following:

"(2) INCLUSIONS.—The term 'non-Federal interest' includes a nonprofit organization acting with the consent of the affected unit of government.".

SEC. 2024. PROJECT ADMINISTRATION.

(a) PROJECT TRACKING.—The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary, to be used by each Federal agency throughout the life of the project.

(b) REPORT REPOSITORY.—

(1) IN GENERAL.—The Secretary shall maintain at the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers.

(2) AVAILABILITY TO PUBLIC.—

(A) IN GENERAL.—Each document described in paragraph (1) shall be made available to the public for review, and an electronic copy of each document shall be made permanently available to the public through the Internet website of the Corps of Engineers.

(B) COST.—The Secretary shall charge the requestor for the cost of duplication of the requested document.

SEC. 2025. PROGRAM ADMINISTRATION.

Sections 101, 106, and 108 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2252–2254), are repealed.

SEC. 2026. NATIONAL DAM SAFETY PROGRAM REAUTHORIZATION.

(a) SHORT TITLE.—This section may be cited as the "National Dam Safety Program Act of 2006".

(b) REAUTHORIZATION.—Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by adding ", and $8,000,000 for each of fiscal years 2007 through 2011, to remain available until expended" after "expended";

(2) in subsection (b), by striking "$500,000" and inserting "$1,000,000";

(3) in subsection (c), by inserting before the period at the end the following: ", and $2,000,000 for each of fiscal years 2007 through 2011, to remain available until expended";

(4) in subsection (d), by inserting before the period at the end the following: ", and $700,000 for each of fiscal years 2007 through 2011, to remain available until expended"; and

(5) in subsection (e), by inserting before the period at the end the following: ", and $1,000,000 for each of fiscal years 2007 through 2011, to remain available until expended".

SEC. 2027. EXTENSION OF SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—Before the date on which the applicable period for Federal financial participation in a shore protection project terminates, the Secretary, acting through the Chief of Engineers, is authorized to review the shore protection project to determine whether it would be feasible to extend the period of Federal financial participation relating to the project.

(b) REPORT.—The Secretary shall submit to Congress a report describing the results of each review conducted under subsection (a).

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) by striking "SEC. 107. (a) That the Secretary of the Army is hereby authorized to" and inserting the following:

"SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

"(a) IN GENERAL.—The Secretary of the Army may";

(2) in subsection (b)—

(A) by striking "(b) Not more" and inserting the following:

"(b) ALLOTMENT.—Not more"; and

(B) by striking "$4,000,000" and inserting "$7,000,000";

(3) in subsection (c), by striking "(c) Local" and inserting the following:

"(c) LOCAL CONTRIBUTIONS.—Local";

(4) in subsection (d), by striking "(d) Non-Federal" and inserting the following:

"(d) NON-FEDERAL SHARE.—Non-Federal";

(5) in subsection (e), by striking "(e) Each" and inserting the following:

"(e) COMPLETION.—Each"; and

(6) in subsection (f), by striking "(f) This" and inserting the following:

"(f) APPLICABILITY.—This".

SEC. 2032. PROTECTION AND RESTORATION DUE TO EMERGENCIES AT SHORES AND STREAMBANKS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—

(1) by striking "$15,000,000" and inserting "$20,000,000"; and

(2) by striking "$1,000,000" and inserting "$1,500,000".

SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.";

(2) in subsection (a), by striking "an aquatic" and inserting "a freshwater aquatic"; and

(3) in subsection (e), by striking "$25,000,000" and inserting "$75,000,000".

SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.";

and

(2) in subsection (h), by striking "25,000,000" and inserting "$50,000,000".

SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COASTAL HABITATS.

(a) IN GENERAL.—The Secretary may carry out an estuary habitat restoration project if the Secretary determines that the project—

(1) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902));

(2) is in the public interest; and

(3) is cost-effective.

(b) COST SHARING.—The non-Federal share of the cost of construction of any project under this section—

(1) shall be 35 percent; and

(2) shall include the costs of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall commence only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required under subsection (b); and

(2) in accordance with regulations promulgated by the Secretary, 100 percent of the costs of any operation, maintenance, replacement, or rehabilitation of the project.

(d) LIMITATION.—Not more than $5,000,000 in Federal funds may be allocated under this section for a project at any 1 location.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year beginning after the date of enactment of this Act.

SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

"(a) DEFINITION OF NON-FEDERAL INTEREST.—In this section, the term 'non-Federal interest' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).";

(4) in subsection (b) (as redesignated by paragraph (2))—

(A) by inserting ", and construction" before "assistance"; and

(B) by inserting ", including, with the consent of the affected local government, nonprofit entities," after "non-Federal interests";

(5) in paragraph (3) of subsection (c) (as redesignated by paragraph (2))—

(A) by inserting "physical hazards and" after "adverse"; and

(B) by striking "drainage from";

(6) in subsection (d) (as redesignated by paragraph (2)), by striking "50" and inserting "25"; and

(7) by adding at the end the following:

"(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

"(h) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for each fiscal year $45,000,000, to remain available until expended.".

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS.

(a) IN GENERAL.—The Secretary may carry out a small dam removal or rehabilitation project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.

(b) COST SHARING.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be commenced only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single location.

(e) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year.

SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.

(a) IN GENERAL.—The Secretary shall develop eligibility criteria for Federal participation in navigation projects located in economically disadvantaged communities that are—

(1) dependent on water transportation for subsistence; and

(2) located in—

(A) remote areas of the United States;

(B) American Samoa;

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Commonwealth of Puerto Rico; or

(F) the United States Virgin Islands.

(b) Administration.—The criteria developed under this section—

(1) shall—

(A) provide for economic expansion; and

(B) identify opportunities for promoting economic growth; and

(2) shall not require project justification solely on the basis of National Economic Development benefits received.

SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.

(a) Partnership Agreements.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

"(e) Public Health and Safety.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

"(1) the non-Federal interest shall pay the increased projects costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily-determined cost share; and

"(2) notwithstanding the statutorily-determined Federal share, the Secretary shall pay all increased costs remaining after payment of 20 percent of the increased costs by the non-Federal interest under paragraph (1).

"(f) Limitation.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.".

(b) Local Cooperation.—Section 912(b) of the Water Resources Development Act of 1986 (100 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by striking "shall" and inserting "may"; and

(B) by striking the second sentence; and

(2) in paragraph (4)—

(A) in the first sentence—

(i) by striking "injunction, for" and inserting "injunction and payment of liquidated damages, for"; and

(ii) by striking "to collect a civil penalty imposed under this section,"; and

(B) in the second sentence, by striking "any civil penalty imposed under this section," and inserting "any liquidated damages,".

(c) Applicability.—

(1) In general.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall apply only to partnership agreements entered into after the date of enactment of this Act.

(2) Exception.—Notwithstanding paragraph (1), the district engineer for the district in which a project is located may amend the partnership agreement for the project entered into on or before the date of enactment of this Act—

(A) at the request of a non-Federal interest for a project; and

(B) if construction on the project has not been initiated as of the date of enactment of this Act.

(d) References.—

(1) Cooperation agreements.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

(2) Partnership agreements.—Any reference to a partnership agreement or project partnership agreement in this Act (other than in this section) shall be considered to be a reference to a cooperation agreement or a project cooperation agreement, respectively.

SEC. 2040. PROGRAM NAMES.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking "Sec. 205. That the" and inserting the following:

"SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOODING AND OBTAIN RISK MINIMIZATION.

"The".

Subtitle C—National Levee Safety Program

SEC. 2051. SHORT TITLE.

This subtitle may be cited as the "National Levee Safety Program Act of 2006".

SEC. 2052. DEFINITIONS.

In this subtitle:

(1) Assessment.—The term "assessment" means the periodic engineering evaluation of a levee by a registered professional engineer to—

(A) review the engineering features of the levee; and

(B) develop a risk-based performance evaluation of the levee, taking into consideration potential consequences of failure or overtopping of the levee.

(2) Committee.—The term "Committee" means the National Levee Safety Committee established by section 2053(a).

(3) Inspection.—The term "inspection" means an annual review of a levee to verify whether the owner or operator of the levee is conducting required operation and maintenance in accordance with established levee maintenance standards.

(4) Levee.—The term "levee" means an embankment (including a floodwall) that—

(A) is designed, constructed, or operated for the purpose of flood or storm damage reduction;

(B) reduces the risk of loss of human life or risk to the public safety; and

(C) is not otherwise defined as a dam by the Federal Guidelines for Dam Safety.

(5) Secretary.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(6) State.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(7) State levee safety agency.—The term "State levee safety agency" means the State agency that has regulatory authority over the safety of any non-Federal levee in a State.

(8) United states.—The term "United States", when used in a geographical sense, means all of the States.

SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.

(a) Establishment.—

(1) In general.—The Secretary shall establish a National Levee Safety Committee, consisting of representatives of Federal agencies and State, tribal, and local governments, in accordance with this subsection.

(2) Federal agencies.—

(A) In general.—The head of each Federal agency and the head of the International Boundary Waters Commission may designate a representative to serve on the Committee.

(B) Action by secretary.—The Secretary shall ensure, to the maximum extent practicable, that—

(i) each Federal agency that designs, owns, operates, or maintains a levee is represented on the Committee; and

(ii) each Federal agency that has responsibility for emergency preparedness or response activities is represented on the Committee.

(3) Tribal, state, and local governments.—

(A) In general.—The Secretary shall appoint 8 members to the Committee—

(i) 3 of whom shall represent tribal governments affected by levees, based on recommendations of tribal governments;

(ii) 3 of whom shall represent State levee safety agencies, based on recommendations of Governors of the States; and

(iii) 2 of whom shall represent local governments, based on recommendations of Governors of the States.

(B) Requirement.—In appointing members under subparagraph (A), the Secretary shall ensure broad geographic representation, to the maximum extent practicable.

(4) Chairperson.—The Secretary shall serve as Chairperson of the Committee.

(5) Other members.—The Secretary, in consultation with the Committee, may invite to participate in meetings of the Committee, as appropriate, 1 or more of the following:

(A) Representatives of the National Laboratories.

(B) Levee safety experts.

(C) Environmental organizations.

(D) Members of private industry.

(E) Any other individual or entity, as the Committee determines to be appropriate.

(b) Duties.—

(1) In general.—The Committee shall—

(A) advise the Secretary in implementing the national levee safety program under section 2054;

(B) support the establishment and maintenance of effective programs, policies, and guidelines to enhance levee safety for the protection of human life and property throughout the United States; and

(C) support coordination and information exchange between Federal agencies and State levee safety agencies that share common problems and responsibilities relating to levee safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.

(c) Powers.—

(1) Information from federal agencies.—

(A) In general.—The Committee may secure directly from a Federal agency such information as the Committee considers to be necessary to carry out this section.

(B) Provision of information.—On request of the Committee, the head of a Federal agency shall provide the information to the Committee.

(2) Contracts.—The Committee may enter into any contract the Committee determines to be necessary to carry out a duty of the Committee.

(d) Working Groups.—

(1) In general.—The Secretary may establish working groups to assist the Committee in carrying out this section.

(2) Membership.—A working group under paragraph (1) shall be composed of—

(A) members of the Committee; and

(B) any other individual, as the Secretary determines to be appropriate.

(e) Compensation of Members.—

(1) Federal employees.—A member of the Committee who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

(2) Other members.—A member of the Committee who is not an officer or employee of the United States shall serve without compensation.

(f) Travel Expenses.—

(1) Representatives of federal agencies.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a Federal agency shall be reimbursed with appropriations for travel expenses by the agency of the member, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of services for the Committee.

(2) Other individuals.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a State levee safety agency, a member of the Committee who represents the private sector, and a member of a working group created under subsection (d) shall be reimbursed for travel expenses by the Secretary, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter 1 of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in performance of services for the Committee.

(g) Nonapplicability of FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.

(a) In General.—The Secretary, in consultation with the Committee and State levee safety agencies, shall establish and maintain a national levee safety program.

(b) Purposes.—The purposes of the program under this section are—

(1) to ensure that new and existing levees are safe through the development of technologically and economically feasible programs and procedures for hazard reduction relating to levees;

(2) to encourage appropriate engineering policies and procedures to be used for levee site investigation, design, construction, operation and maintenance, and emergency preparedness;

(3) to encourage the establishment and implementation of effective levee safety programs in each State;

(4) to develop and support public education and awareness projects to increase public acceptance and support of State levee safety programs;

(5) to develop technical assistance materials for Federal and State levee safety programs;

(6) to develop methods of providing technical assistance relating to levee safety to non-Federal entities; and

(7) to develop technical assistance materials, seminars, and guidelines to improve the security of levees in the United States.

(c) Strategic Plan.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall prepare a strategic plan—

(1) to establish goals, priorities, and target dates to improve the safety of levees in the United States;

(2) to cooperate and coordinate with, and provide assistance to, State levee safety agencies, to the maximum extent practicable;

(3) to share information among Federal agencies, State and local governments, and private entities relating to levee safety; and

(4) to provide information to the public relating to risks associated with levee failure or overtopping.

(d) Federal Guidelines.—

(1) In general.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall establish Federal guidelines relating to levee safety.

(2) Incorporation of federal activities.—The Federal guidelines under paragraph (1) shall incorporate, to the maximum extent practicable, any activity carried out by a Federal agency as of the date on which the guidelines are established.

(e) Incorporation of Existing Activities.—The program under this section shall incorporate, to the maximum extent practicable—

(1) any activity carried out by a State or local government, or a private entity, relating to the construction, operation, or maintenance of a levee; and

(2) any activity carried out by a Federal agency to support an effort by a State levee safety agency to develop and implement an effective levee safety program.

(f) Inventory of Levees.—The Secretary shall develop, maintain, and periodically publish an inventory of levees in the United States, including the results of any levee assessment conducted under this section and inspection.

(g) Assessments of Levees.—

(1) In general.—Except as provided in paragraph (2), as soon as practicable after the date of enactment of this Act, the Secretary shall conduct an assessment of each levee in the United States that protects human life or the public safety to determine the potential for a failure or overtopping of the levee that would pose a risk of loss of human life or a risk to the public safety.

(2) Exception.—The Secretary may exclude from assessment under paragraph (1) any non-Federal levee the failure or overtopping of which would not pose a risk of loss of human life or a risk to the public safety.

(3) Prioritization.—In determining the order in which to assess levees under paragraph (1), the Secretary shall give priority to levees the failure or overtopping of which would constitute the highest risk of loss of human life or a risk to the public safety, as determined by the Secretary.

(4) Determination.—In assessing levees under paragraph (1), the Secretary shall take into consideration the potential of a levee to fail or overtop because of—

(A) hydrologic or hydraulic conditions;

(B) storm surges;

(C) geotechnical conditions;

(D) inadequate operating procedures;

(E) structural, mechanical, or design deficiencies; or

(F) other conditions that exist or may occur in the vicinity of the levee.

(5) State participation.—On request of a State levee safety agency, with respect to any levee the failure of which would affect the State, the Secretary shall—

(A) provide information to the State levee safety agency relating to the construction, operation, and maintenance of the levee; and

(B) allow an official of the State levee safety agency to participate in the assessment of the levee.

(6) Report.—As soon as practicable after the date on which a levee is assessed under this section, the Secretary shall provide to the Governor of the State in which the levee is located a notice describing the results of the assessment, including—

(A) a description of the results of the assessment under this subsection;

(B) a description of any hazardous condition discovered during the assessment; and

(C) on request of the Governor, information relating to any remedial measure necessary to mitigate or avoid any hazardous condition discovered during the assessment.

(7) Subsequent assessments.—

(A) In general.—After the date on which a levee is initially assessed under this subsection, the Secretary shall conduct a subsequent assessment of the levee not less frequently than once every 5 years.

(B) State assessment of non-federal levees.—

(i) In general.—Each State shall conduct assessments of non-Federal levees located within the State in accordance with the applicable State levee safety program.

(ii) Availability of information.—Each State shall make the results of the assessments under clause (i) available for inclusion in the national inventory under subsection (f).

(iii) Non-federal levees.—

(I) In general.—On request of the Governor of a State, the Secretary may assess a non-Federal levee in the State.

(II) Cost.—The State shall pay 100 percent of the cost of an assessment under subclause (I).

(III) Funding.—The Secretary may accept funds from any levee owner for the purposes of conducting engineering assessments to determine the performance and structural integrity of a levee.

(h) State Levee Safety Programs.—

(1) Assistance to states.—In carrying out the program under this section, the Secretary shall provide funds to State levee safety agencies (or another appropriate State agency, as designated by the Governor of the State) to assist States in establishing, maintaining, and improving levee safety programs.

(2) Application.—

(A) In general.—To receive funds under this subsection, a State levee safety agency shall submit to the Secretary an application in such time, in such manner, and containing such information as the Secretary may require.

(B) Inclusion.—An application under subparagraph (A) shall include an agreement between the State levee safety agency and the Secretary under which the State levee safety agency shall, in accordance with State law—

(i) review and approve plans and specifications to construct, enlarge, modify, remove, or abandon a levee in the State;

(ii) perform periodic evaluations during levee construction to ensure compliance with the approved plans and specifications;

(iii) approve the construction of a levee in the State before the date on which the levee becomes operational;

(iv) assess, at least once every 5 years, all levees and reservoirs in the State the failure of which would cause a significant risk of loss of human life or risk to the public safety to determine whether the levees and reservoirs are safe;

(v) establish a procedure for more detailed and frequent safety evaluations;

(vi) ensure that assessments are led by a State-registered professional engineer with related experience in levee design and construction;

(vii) issue notices, if necessary, to require owners of levees to perform necessary maintenance or remedial work, improve security, revise operating procedures, or take other actions, including breaching levees;

(viii) contribute funds to—

(I) ensure timely repairs or other changes to, or removal of, a levee in order to reduce the risk of loss of human life and the risk to public safety; and

(II) if the owner of a levee does not take an action described in subclause (I), take appropriate action as expeditiously as practicable;

(ix) establish a system of emergency procedures and emergency response plans to be used if a levee fails or if the failure of a levee is imminent;

(x) identify—

(I) each levee the failure of which could be reasonably expected to endanger human life;

(II) the maximum area that could be flooded if a levee failed; and

(III) necessary public facilities that would be affected by the flooding; and

(xi) for the period during which the funds are provided, maintain or exceed the aggregate expenditures of the State during the 2 fiscal years preceding the fiscal year during which the funds are provided to ensure levee safety.

(3) DETERMINATION OF SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives an application under paragraph (2), the Secretary shall approve or disapprove the application.

(B) NOTICE OF DISAPPROVAL.—If the Secretary disapproves an application under subparagraph (A), the Secretary shall immediately provide to the State levee safety agency a written notice of the disapproval, including a description of—

(i) the reasons for the disapproval; and

(ii) changes necessary for approval of the application, if any.

(C) FAILURE TO DETERMINE.—If the Secretary fails to make a determination by the deadline under subparagraph (A), the application shall be considered to be approved.

(4) REVIEW OF STATE LEVEE SAFETY PROGRAMS.—

(A) IN GENERAL.—The Secretary, in conjunction with the Committee, may periodically review any program carried out using funds under this subsection.

(B) INADEQUATE PROGRAMS.—If the Secretary determines under a review under subparagraph (A) that a program is inadequate to reasonably protect human life and property, the Secretary shall, until the Secretary determines the program to be adequate—

(i) revoke the approval of the program; and

(ii) withhold assistance under this subsection.

(i) REPORTING.—Not later than 90 days after the end of each odd-numbered fiscal year, the Secretary, in consultation with the Committee, shall submit to Congress a report describing—

(1) the status of the program under this section;

(2) the progress made by Federal agencies during the 2 preceding fiscal years in implementing Federal guidelines for levee safety;

(3) the progress made by State levee safety agencies participating in the program; and

(4) recommendations for legislative or other action that the Secretary considers to be necessary, if any.

(j) RESEARCH.—The Secretary, in coordination with the Committee, shall carry out a program of technical and archival research to develop and support—

(1) improved techniques, historical experience, and equipment for rapid and effective levee construction, rehabilitation, and assessment or inspection;

(2) the development of devices for the continued monitoring of levee safety;

(3) the development and maintenance of information resources systems required to manage levee safety projects; and

(4) public policy initiatives and other improvements relating to levee safety engineering, security, and management.

(k) PARTICIPATION BY STATE LEVEE SAFETY AGENCIES.—In carrying out the levee safety program under this section, the Secretary shall—

(1) solicit participation from State levee safety agencies; and

(2) periodically update State levee safety agencies and Congress on the status of the program.

(l) LEVEE SAFETY TRAINING.—The Secretary, in consultation with the Committee, shall establish a program under which the Secretary shall provide training for State levee safety agency staff and inspectors to a State that has, or intends to develop, a State levee safety program, on request of the State.

(m) EFFECT OF SUBTITLE.—Nothing in this subtitle—

(1) creates any Federal liability relating to the recovery of a levee caused by an action or failure to act;

(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability relating to the ownership or operation of the levee; or

(3) except as provided in subsection (g)(7)(B)(iii)(III), preempts any applicable Federal or State law.

SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $50,000,000 to establish and maintain the inventory under section 2054(f);

(2) $424,000,000 to carry out levee safety assessments under section 2054(g);

(3) to provide funds for State levee safety programs under section 2054(h)—

(A) $15,000,000 for fiscal year 2007; and

(B) $5,000,000 for each of fiscal years 2008 through 2011;

(4) $2,000,000 to carry out research under section 2054(j);

(5) $1,000,000 to carry out levee safety training under section 2054(l); and

(6) $150,000 to provide travel expenses to members of the Committee under section 2053(f).

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 3002. SITKA, ALASKA.

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the Sitka Harbor Breakwater, at full Federal expense. The estimated cost is $6,300,000.

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

(a) IN GENERAL.—The Secretary shall construct a new project management office located in the city of Tuscaloosa, Alabama, at a location within the vicinity of the city, at full Federal expense.

(b) TRANSFER OF LAND AND STRUCTURES.—The Secretary shall sell, convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures associated with the existing project management office, if the city agrees to assume full responsibility for demolition of the existing project management office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $32,000,000.

SEC. 3004. RIO DE FLAG, FLAGSTAFF, ARIZONA.

The project for flood damage reduction, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary to construct the project at a total cost of $54,100,000, with an estimated Federal cost of $35,000,000 and a non-Federal cost of $19,100,000.

SEC. 3005. AUGUSTA AND CLARENDON, ARKANSAS.

The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

SEC. 3006. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.

(a) IN GENERAL.—Section 204 of the Flood Control Act of 1950 (64 Stat. 170) is amended in the matter under the heading "RED-OUACHITA RIVER BASIN" by striking "at Calion, Arkansas" and inserting "improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)".

(b) MODIFICATION.—Section 3 of the Act of August 18, 1941 (55 Stat. 642, chapter 377), is amended in the second sentence of subsection (a) in the matter under the heading "LOWER MISSISSIPPI RIVER" by inserting before the period at the end the following: "*Provided*, That the Ouachita River Levees, Louisiana, authorized by the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535)".

SEC. 3007. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The project for flood control, St. Francis River Basin, Arkansas, and Missouri, authorized the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as modified, is further modified to authorize the Secretary to undertake channel stabilization and sediment removal measures on the St. Francis River and tributaries as an integral part of the original project.

(b) NO SEPARABLE ELEMENT.—The measures undertaken under subsection (a) shall not be considered to be a separable element of the project.

SEC. 3008. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to subsection (b), all right, title, and interest to land within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Act of May 15, 1928 (33 U.S.C. 702a et seq.) (commonly known as the "Flood Control Act of 1928").

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance by the United States under this section shall be subject to—

(A) the condition that the State of Arkansas (including the successors and assigns of the State) agree to operate, maintain, and manage the land at no cost or expense to the United States and for fish and wildlife, recreation, and environmental purposes; and

(B) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(2) REVERSION.—If the State (or a successor or assign of the State) ceases to operate, maintain, and manage the land in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

SEC. 3009. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

(a) NAVIGATION CHANNEL.—The Secretary shall continue construction of the McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma, to operate and maintain the navigation channel to the authorized depth of the channel, in accordance with section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137; 117 Stat. 1842).

(b) MITIGATION.—

(1) IN GENERAL.—As mitigation for any incidental taking relating to the McClellan-Kerr Navigation System, the Secretary shall determine the need for, and construct modifications in, the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, including the construction of low water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled "Arkansas River Corridor Master Plan Planning Assistance to States".

(2) COST SHARING.—The non-Federal share of the cost of a project under this subsection shall be 35 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 3010. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

(b) OBJECTIVES.—Mitigation under subsection (a) shall restore the pre-project capacity of the city (1,360 cubic feet per second) to release water to the Yolo Bypass, including—

(1) channel improvements;

(2) an outlet work through the west levee of the Yolo Bypass; and

(3) a new low flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 3011. CALFED LEVEE STABILITY PROGRAM, CALIFORNIA.

In addition to funds made available pursuant to the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108-361) to carry out section 103(f)(3)(D) of that Act (118 Stat. 1696), there is authorized to be appropriated to carry out projects described in that section $106,000,000, to remain available until expended.

SEC. 3012. HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to include the diked bayland parcel known as "Bel Marin Keys Unit V" at an estimated total cost of $221,700,000, with an estimated Federal cost of $166,200,000 and an estimated non-Federal cost of $55,500,000, as part of the project to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated July 19, 2004.

SEC. 3013. LA-3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended in the third sentence by striking "January 1, 2003" and inserting "January 1, 2007".

SEC. 3014. LARKSPUR FERRY CHANNEL, CALIFORNIA.

(a) REPORT.—The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible.

(b) AUTHORIZATION OF PROJECT.—If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. 3015. LLAGAS CREEK, CALIFORNIA.

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to complete the project, in accordance with the requirements of local cooperation as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), at a total remaining cost of $105,000,000, with an estimated remaining Federal cost of $65,000,000 and an estimated remaining non-Federal cost of $40,000,000.

SEC. 3016. MAGPIE CREEK, CALIFORNIA.

(a) IN GENERAL.—Subject to subsection (b), the project for Magpie Creek, California, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements applicable to nonstructural flood control under section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

(b) CREDITING.—The crediting allowed under subsection (a) shall not exceed the non-Federal share of the cost of the project.

SEC. 3017. PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) GOALS AND PRINCIPLES.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled "Kings River Fisheries Management Program Framework Agreement" and dated May 29, 1999, between the California Department of Fish and Game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

(b) PARTICIPATION BY SECRETARY.—

(1) IN GENERAL.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) PROJECTS.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.

(c) NO AUTHORIZATION OF CERTAIN DAM-RELATED PROJECTS.—Nothing in this section authorizes any project for the raising of Pine Flat Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the document entitled "Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration" and dated July 19, 2002.

(e) COST SHARING.—

(1) PROJECT PLANNING, DESIGN, AND CONSTRUCTION.—The Federal share of the cost of planning, design, and construction of a project under subsection (b) shall be 65 percent.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for use in carrying out the project.

(B) FORM.—The non-Federal interest may provide not more than 50 percent of the non-Federal share required under this clause in the form of services, materials, supplies, or other in-kind contributions.

(f) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3018. REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA.

The Secretary may dredge the Redwood City Navigation Channel, California, on an annual basis, to maintain the authorized depth of -30 mean lower low water.

SEC. 3019. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) Credit for Non-Federal Work.—

(1) In general.—The Secretary shall credit toward that portion of the non-Federal share of the cost of any flood damage reduction project authorized before the date of enactment of this Act that is to be paid by the Sacramento Area Flood Control Agency an amount equal to the Federal share of the flood control project authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(2) Federal share.—In determining the Federal share of the project authorized by section 9159(b) of that Act, the Secretary shall include all audit verified costs for planning, engineering, construction, acquisition of project land, easements, rights-of-way, relocations, and environmental mitigation for all project elements that the Secretary determines to be cost-effective.

(3) Amount credited.—The amount credited shall be equal to the Federal share determined under this section, reduced by the total of all reimbursements paid to the non-Federal interests for work under section 9159(b) of that Act before the date of enactment of this Act.

(b) Folsom Dam.—Section 128(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2259), is amended by adding at the end the following: "The Secretaries, in cooperation with non-Federal agencies, are directed to expedite the Project Alternative Solution Study and to provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report by not later than June 30, 2006.".

SEC. 3020. CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA.

(a) Conditional Declaration of Nonnavigability.—If the Secretary determines, in consultation with appropriate Federal and non-Federal entities, that projects proposed to be carried out by non-Federal entities within the portions of the San Francisco, California, waterfront described in subsection (b) are not in the public interest, the portions shall be declared not to be navigable water of the United States for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401), and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) Portions of Waterfront.—The portions of the San Francisco, California, waterfront referred to in subsection (a) are those that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures and that are located as follows: beginning at the intersection of the northeasterly prolongation of the portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet from the existing southern boundary of Pier 40 to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryan Street northwesterly; thence southwesterly along said northwesterly line of Bryant Street to the point of beginning.

(c) Requirement That Area Be Improved.—If, by the date that is 20 years after the date of enactment of this Act, any portion of the San Francisco, California, waterfront described in subsection (b) has not been bulkheaded, filled, or otherwise occupied by 1 or more permanent structures, or if work in connection with any activity carried out pursuant to applicable Federal law requiring a permit, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401), is not commenced by the date that is 5 years after the date of issuance of such a permit, the declaration of nonnavigability for the portion under this section shall cease to be effective.

SEC. 3021. SALTON SEA RESTORATION, CALIFORNIA.

(a) Definitions.—In this section:

(1) Salton Sea Authority.—The term "Salton Sea Authority" means the Joint Powers Authority established under the laws of the State of California by a joint power agreement signed on June 2, 1993.

(2) Salton Sea Science Office.—The term "Salton Sea Science Office" means the Office established by the United States Geological Survey and currently located in La Quinta, California.

(b) Pilot Projects.—

(1) In general.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine that the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372). If the Secretary makes a positive determination, the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out the pilot project for improvement of the environment in the Salton Sea, except that the Secretary shall be a party to each contract for construction under this subsection.

(2) Local participation.—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the Salton Sea Authority and the Salton Sea Science Office; and

(B) consider the priorities of the Salton Sea Authority.

(3) Cost sharing.—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the Salton Sea Authority that requires the non-Federal interest to—

(A) pay 35 percent of the total costs of the pilot project;

(B) acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the pilot project; and

(C) hold the United States harmless from any claim or damage that may arise from carrying out the pilot project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (b) $26,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. 3022. SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.

The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, authorized by section 101(b)(8) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

SEC. 3023. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of $244,500,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $113,900,000.

SEC. 3024. YUBA RIVER BASIN PROJECT, CALIFORNIA.

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,700,000.

SEC. 3025. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the "Charles Hervey Townshend Breakwater".

SEC. 3026. ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.

(a) In General.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel described in subsection (b), is redesignated as an anchorage area.

(b) Description of Channel.—The channel referred to in subsection (a) may be described as beginning at a point along the western limit of the existing project, N. 188, 802.75, E. 779, 462.81, thence running northeasterly about 1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53, thence running southeasterly about 439.54 feet to a point N. 189, 319.88, E. 780, 983.98, thence running southwesterly about 831.58 feet to a point N. 188, 864.63, E. 780, 288.08, thence running southeasterly about 567.39 feet to a point N. 188, 301.88, E. 780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

SEC. 3027. NORWALK HARBOR, CONNECTICUT.

(a) In General.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subsection (b), are not authorized.

(b) Description of Portions.—The portions of the channel referred to in subsection (a) are as follows:

(1) Rectangular portion.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a

point N. 104,165.85, E. 417,662.71, thence running south 24°06'55" E. 395.00 feet to a point N. 103,805.32, E. 417,824.10, thence running south 00°38'06" E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north 24°06'55" W. 480.00 feet, to a point N. 104,155.59, E. 417,628.96, thence running north 73°05'25" E. 35.28 feet to the point of origin.

(2) PARALLELOGRAM-SHAPED PORTION.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in paragraph (1), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N. 103,855.48, E. 417,849.99, thence running south 33°07'30" E. 133.40 feet to a point N. 103,743.76, E. 417,922.89, thence running south 24°07'04" E. 127.75 feet to a point N. 103,627.16, E. 417,975.09, thence running north 33°07'30" W. 190.00 feet to a point N. 103,786.28, E. 417,871.26, thence running north 17°05'15" W. 72.39 feet to the point of origin.

(c) MODIFICATION.—The 10-foot channel portion of the Norwalk Harbor, Connecticut navigation project described in subsection (a) is modified to authorize the Secretary to realign the channel to include, immediately north of the area described in subsection (b)(2), a triangular section described as commencing at a point N. 103,968.35, E. 417,815.29, thence running S. 17°05'15" east 118.09 feet to a point N. 103,855.48, E. 417,849.99, thence running N. 33°07'30" west 36.76 feet to a point N. 103,886.27, E. 417,829.90, thence running N. 10°05'26" west 83.37 feet to the point of origin.

SEC. 3028. ST. GEORGE'S BRIDGE, DELAWARE.

Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) is amended by adding at the end the following: "The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.".

SEC. 3029. CHRISTINA RIVER, WILMINGTON, DELAWARE.

(a) IN GENERAL.—The Secretary shall remove the shipwrecked vessel known as the "State of Pennsylvania", and any debris associated with that vessel, from the Christina River at Wilmington, Delaware, in accordance with section 202(b) of the Water Resources Development Act of 1976 (33 U.S.C. 426m(b)).

(b) NO RECOVERY OF FUNDS.—Notwithstanding any other provision of law, in carrying out this section, the Secretary shall not be required to recover funds from the owner of the vessel described in subsection (a) or any other vessel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $425,000, to remain available until expended.

SEC. 3030. DESIGNATION OF SENATOR WILLIAM V. ROTH, JR. BRIDGE, DELAWARE.

(a) DESIGNATION.—The State Route 1 Bridge over the Chesapeake and Delaware Canal in the State of Delaware is designated as the "Senator William V. Roth, Jr. Bridge".

(b) REFERENCES.—Any reference in a law (including regulations), map, document, paper, or other record of the United States to the bridge described in subsection (a) shall be considered to be a reference to the Senator William V. Roth, Jr. Bridge.

SEC. 3031. ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

"(C) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).".

SEC. 3032. BREVARD COUNTY, FLORIDA.

(a) IN GENERAL.—The project for shoreline protection, Brevard County, Florida, authorized by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637), is amended by striking "7.1-mile reach" and inserting "7.6-mile reach".

(b) REFERENCES.—Any reference to a 7.1-mile reach with respect to the project described in subsection (a) shall be considered to be a reference to a 7.6-mile reach with respect to that project.

SEC. 3033. CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i), by striking "$75,000,000" and all that follows and inserting "$95,000,000."; and

(2) by striking clause (ii) and inserting the following:

"(ii) FEDERAL SHARE.—

"(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed $25,000,000.

"(II) SEMINOLE WATER CONSERVATION PLAN.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000.".

SEC. 3034. LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended by adding at the end the following:

"(v) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.—The pilot projects for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.".

SEC. 3035. LIDO KEY, SARASOTA COUNTY, FLORIDA.

The Secretary shall carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, based on the report of the Chief of Engineers dated December 22, 2004, at a total cost of $14,809,000, with an estimated Federal cost of $9,088,000 and an estimated non-Federal cost of $5,721,000, and at an estimated total cost $63,606,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $31,803,000 and an estimated non-Federal cost of $31,803,000.

SEC. 3036. PORT SUTTON CHANNEL, TAMPA HARBOR, FLORIDA.

The project for navigation, Port Sutton Channel, Tampa Harbor, Florida, authorized by section 101(b)(12) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to carry out the project at a total cost of $12,900,000.

SEC. 3037. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

SEC. 3038. ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal to ensure that land exchanged is of equal value.

(b) DISPOSAL AND ACQUISITION OF LAND, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—

(A) WILLING SELLERS.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) BASIS.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) SHARING OF COSTS.—Each purchaser of land under this subsection shall share in the associated environmental and real estate costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) OTHER CONDITIONS.—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. 3039. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.

(b) IMPROVEMENTS.—In carrying out subsection (a), the Secretary shall provide for appropriate improvements to—

(1) facilities that are operated by the Corps of Engineers; and

(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) COST SHARING.—The Secretary shall carry out this section through a cost-sharing program with Idaho State Parks and Recreation Department, with a total estimated project cost of $5,300,000, with an estimated Federal cost of $3,900,000 and an estimated non-Federal cost of $1,400,000.

SEC. 3040. LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood control, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.), is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) to authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000;

(3) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(4) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if the use of the funds is permitted under the other Federal program; and

(5) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the ability to pay of the non-Federal interest.

SEC. 3041. PORT OF LEWISTON, IDAHO.

(a) Extinguishment of Reversionary Interests and Use Restrictions.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(3) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(4) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(b) Deeds.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's Instrument No. 399218 of Nez Perce County, Idaho, 2.07 acres.

(2) Auditor's Instrument No. 487437 of Nez Perce County, Idaho, 7.32 acres.

(c) No Effect on Other Rights.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes with respect to property covered by deeds described in subsection (b).

SEC. 3042. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

SEC. 3043. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting "Lake Michigan and" before "the Chicago River".

SEC. 3044. CHICAGO RIVER, ILLINOIS.

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, is redefined to be no wider than 66 feet.

SEC. 3045. ILLINOIS RIVER BASIN RESTORATION.

Section 519(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking "$5,000,000" and inserting "$20,000,000".

SEC. 3046. MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM.

(a) Definition of Reconstruction.—In this section:

(1) In general.—The term "reconstruction" means any action taken to address 1 or more major deficiencies of a project caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with the authorized purposes of the project.

(2) Inclusions.—The term "reconstruction" includes the incorporation by the Secretary of current design standards and efficiency improvements in a project if the incorporation does not significantly change the authorized scope, function, or purpose of the project.

(b) Participation by Secretary.—The Secretary may participate in the reconstruction of flood control projects within Missouri and Illinois as a pilot program if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance by the non-Federal interest.

(c) Cost Sharing.—

(1) In general.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) Operation, maintenance, and repair costs.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(d) Critical Projects.—In carrying out this section, the Secretary shall give priority to the following projects:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Wood River Drainage and Levee District, Illinois.

(4) City of St. Louis, Missouri.

(5) Missouri River Levee Drainage District, Missouri.

(e) Economic Justification.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $50,000,000, to remain available until expended.

SEC. 3047. SPUNKY BOTTOM, ILLINOIS.

(a) In General.—The project for flood control, Illinois and Des Plaines River Basin, between Beardstown, Illinois, and the mouth of the Illinois River, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter 688), is modified to authorize ecosystem restoration as a project purpose.

(b) Modifications.—

(1) In general.—Subject to paragraph (2), notwithstanding the limitation on the expenditure of Federal funds to carry out project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), modifications to the project referred to in subsection (a) shall be carried out at Spunky Bottoms, Illinois, in accordance with subsection (a).

(2) Federal share.—Not more than $7,500,000 in Federal funds may be expended under this section to carry out modifications to the project referred to in subsection (a).

(3) Post-construction monitoring and management.—Of the Federal funds expended under paragraph (2), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post-construction monitoring and adaptive management.

(c) Emergency Repair Assistance.—Notwithstanding any modifications carried out under subsection (b), the project described in subsection (a) shall remain eligible for emergency repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), without consideration of economic justification.

SEC. 3048. STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.

(a) In General.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) Reversion.—If the land transferred under this section ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(c) Description.—The land to be conveyed under this section is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner of the NE¼ of sec. 32, T. 20 S., R. 14 E., Coffey County, Kansas.

(d) Consideration.—

(1) In general.—The conveyance under this section shall be at fair market value.

(2) Costs.—All costs associated with the conveyance shall be paid by Pleasant Township, Coffey County, Kansas.

(e) Other Terms and Conditions.—The conveyance under this section shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. 3049. MILFORD LAKE, MILFORD, KANSAS.

(a) In General.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value by quitclaim deed to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(b) Survey to Obtain Legal Description.—The exact acreage and the description of the real property referred to in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) Reversion.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3050. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.

Section 101(16) of the Water Resources Development Act of 2000 (114 Stat. 2578) is amended—

(1) by striking "(A) **IN GENERAL**.—Projects for ecosystem restoration, Ohio River Mainstem" and inserting the following:

"(A) AUTHORIZATION.—

"(i) IN GENERAL.—Projects for ecosystem restoration, Ohio River Basin (excluding the Tennessee and Cumberland River Basins)"; and

(2) in subparagraph (A), by adding at the end the following:

"(ii) NONPROFIT ENTITY.—For any ecosystem restoration project carried out under this paragraph, with the consent of the affected local government, a nonprofit entity may be considered to be a non-Federal interest.

"(iii) PROGRAM IMPLEMENTATION PLAN.—There is authorized to be developed a program implementation plan of the Ohio River Basin (excluding the Tennessee and Cumberland River Basins) at full Federal expense.

"(iv) PILOT PROGRAM.—There is authorized to be initiated a completed pilot program in Lower Scioto Basin, Ohio.".

SEC. 3051. MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA.

Section 101(a)(10) of the Water Resources Development Act of 1990 (104 Stat. 4606) is amended by striking "$219,600,000" each place it appears and inserting "$430,000,000".

SEC. 3052. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) IN GENERAL.—The public access feature of the Atchafalaya Basin Floodway System, Louisiana project, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest (exclusive of oil, gas, and minerals) of an additional 20,000 acres of land in the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, Louisiana project.

(b) MODIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin Floodway System, Louisiana project, is modified to remove the $32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.

(2) FIRST COST.—The authorized first cost of $250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).

(c) TECHNICAL AMENDMENT.—Section 315(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: "and may include Eagle Point Park, Jeanerette, Louisiana, as 1 of the alternative sites".

SEC. 3053. REGIONAL VISITOR CENTER, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) PROJECT FOR FLOOD CONTROL.—Notwithstanding paragraph (3) of the report of the Chief of Engineers dated February 28, 1983 (relating to recreational development in the Lower Atchafalaya Basin Floodway), the Secretary shall carry out the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by chapter IV of title I of the Act of August 15, 1985 (Public Law 99–88; 99 Stat. 313; 100 Stat. 4142).

(b) VISITORS CENTER.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers and in consultation with the State of Louisiana, shall study, design, and construct a type A regional visitors center in the vicinity of Morgan City, Louisiana.

(2) COST SHARING.—

(A) IN GENERAL.—The cost of construction of the visitors center shall be shared in accordance with the recreation cost-share requirement under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

(B) COST OF UPGRADING.—The non-Federal share of the cost of upgrading the visitors center from a type B to type A regional visitors center shall be 100 percent.

(3) AGREEMENT.—The project under this subsection shall be initiated only after the Secretary and the non-Federal interests enter into a binding agreement under which the non-Federal interests shall—

(A) provide any land, easement, right-of-way, or dredged material disposal area required for the project that is owned, claimed, or controlled by—

(i) the State of Louisiana (including agencies and political subdivisions of the State); or

(ii) any other non-Federal government entity authorized under the laws of the State of Louisiana;

(B) pay 100 percent of the cost of the operation, maintenance, repair, replacement, and rehabilitation of the project; and

(C) hold the United States free from liability for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project, except for damages due to the fault or negligence of the United States or a contractor of the United States.

(4) DONATIONS.—In carrying out the project under this subsection, the Mississippi River Commission may accept the donation of cash or other funds, land, materials, and services from any non-Federal government entity or nonprofit corporation, as the Commission determines to be appropriate.

SEC. 3054. CALCASIEU RIVER AND PASS, LOUISIANA.

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

SEC. 3055. EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), as amended by section 116 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 140), is modified to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated December 2004, at a total cost of $178,000,000.

SEC. 3056. MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA.

(a) PORT FACILITIES RELOCATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $175,000,000, to remain available until expended, to support the relocation of Port of New Orleans deep draft facilities from the Mississippi River Gulf Outlet (referred to in this section as the "Outlet"), the Gulf Intercoastal Waterway, and the Inner Harbor Navigation Canal to the Mississippi River.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Amounts appropriated pursuant to paragraph (1) shall be administered by the Assistant Secretary for Economic Development (referred to in this section as the "Assistant Secretary") pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233).

(B) REQUIREMENT.—The Assistant Secretary shall make amounts appropriated pursuant to paragraph (1) available to the Port of New Orleans to relocate to the Mississippi River within the State of Louisiana the port-owned facilities that are occupied by businesses in the vicinity that may be impacted due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(b) REVOLVING LOAN FUND GRANTS.—There is authorized to be appropriated to the Assistant Secretary $185,000,000, to remain available until expended, to provide assistance pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c(2), 3233) to 1 or more eligible recipients to establish revolving loan funds to make loans for terms up to 20 years at or below market interest rates (including interest-free loans) to private businesses within the Port of New Orleans that may need to relocate to the Mississippi River within the State of Louisiana due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(c) COORDINATION WITH SECRETARY.—The Assistant Secretary shall ensure that the programs described in subsections (a) and (b) are fully coordinated with the Secretary to ensure that facilities are relocated in a manner that is consistent with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(d) ADMINISTRATIVE EXPENSES.—The Assistant Secretary may use up to 2 percent of the amounts made available under subsections (a) and (b) for administrative expenses.

SEC. 3057. RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2604), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of $33,200,000;

(2) to permit the purchase of marginal farmland for reforestation (in addition to the purchase of bottomland hardwood); and

(3) to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the Corps of Engineers and the State of Louisiana.

SEC. 3058. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $20,000,000.

SEC. 3059. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N. 315,975.13, E. 1,004,424.86, thence running N. 61° 27′ 20.71″ W. about 132.34 feet to a point N. 316,038.37, E. 1,004,308.61.

SEC. 3060. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking "$10,000,000" and inserting "$30,000,000".

SEC. 3061. CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking "$15,000,000" and inserting "$25,750,000";

(2) by striking "$9,750,000" and inserting "$16,738,000"; and

(3) by striking "$5,250,000" and inserting "$9,012,000".

SEC. 3062. AUNT LYDIA'S COVE, MASSACHUSETTS.

(a) Deauthorization.—The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, authorized August 31, 1994, pursuant to section 107 of the Act of July 14, 1960 (33 U.S.C. 577) (commonly known as the "River and Harbor Act of 1960"), consisting of the 8-foot deep anchorage in the cove described in subsection (b) is deauthorized.

(b) Description.—The portion of the project described in subsection (a) is more particularly described as the portion beginning at a point along the southern limit of the existing project, N. 254332.00, E. 1023103.96, thence running northwesterly about 761.60 feet to a point along the western limit of the existing project N. 255076.84, E. 1022945.07, thence running southwesterly about 38.11 feet to a point N. 255038.99, E. 1022940.60, thence running southeasterly about 267.07 feet to a point N. 254772.00, E. 1022947.00, thence running southeasterly about 462.41 feet to a point N. 254320.06, E. 1023044.84, thence running northeasterly about 60.31 feet to the point of origin.

SEC. 3063. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

(a) In General.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), shall remain authorized to be carried out by the Secretary, except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(b) Feasibility.—The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge Fall River and Somerset, Massachusetts.

(c) Limitation.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act unless, during that period, funds have been obligated for construction (including planning and design) of the project.

SEC. 3064. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

Section 426 of the Water Resources Development Act of 1999 (113 Stat. 326) is amended to read as follows:

"SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

"(a) Definitions.—In this section:

"(1) Management plan.—The term 'management plan' means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of this section.

"(2) Partnership.—The term 'Partnership' means the partnership established by the Secretary under subsection (b)(1).

"(b) Partnership.—

"(1) In general.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

"(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

"(B) develop and implement projects consistent with the management plan.

"(2) Coordination with actions under other law.—

"(A) In general.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

"(B) No effect on other law.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

"(c) Implementation of St. Clair River and Lake St. Clair Management Plan.—

"(1) In general.—The Secretary shall—

"(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

"(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

"(C) plan, design, and implement projects consistent with the management plan; and

"(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

"(2) Specific measures.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

"(d) Supplements to Management Plan and Strategic Implementation Plan.—In consultation with the Partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

"(1) the management plan; and

"(2) the strategic implementation plan developed under subsection (c)(1)(A).

"(e) Cost Sharing.—

"(1) Non-federal share.—The non-Federal share of the cost of technical assistance, or the cost of planning, design, construction, and evaluation of a project under subsection (c), and the cost of development of supplementary information under subsection (d)—

"(A) shall be 25 percent of the total cost of the project or development; and

"(B) may be provided through the provision of in-kind services.

"(2) Credit for land, easements, and rights-of-way.—The Secretary shall credit the non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided for use in carrying out a project under subsection (c).

"(3) Nonprofit entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity.

"(4) Operation and maintenance.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

"(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.".

SEC. 3065. DULUTH HARBOR, MINNESOTA.

(a) In General.—Notwithstanding the cost limitation described in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry out the project for navigation, Duluth Harbor, Minnesota, pursuant to the authority provided under that section at a total Federal cost of $9,000,000.

(b) Public Access and Recreational Facilities.—Section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605) is amended by inserting ", and to provide public access and recreational facilities" after "including any required bridge construction".

SEC. 3066. RED LAKE RIVER, MINNESOTA.

The project for flood control, Red Lake River, Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase Loring neighborhoods, in accordance with the feasibility report supplement, local flood protection, Crookston, Minnesota, at a total cost of $25,000,000, with an estimated Federal cost of $16,250,000 and an estimated non-Federal cost of $8,750,000.

SEC. 3067. BONNET CARRE FRESHWATER DIVERSION PROJECT, MISSISSIPPI AND LOUISIANA.

(a) In General.—The project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, authorized by section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4013) is modified to direct the Secretary to carry out that portion of the project identified as the "Bonnet Carre Freshwater Diversion Project", in accordance with this section.

(b) Non-Federal Financing Requirements.—

(1) Mississippi and louisiana.—

(A) In general.—The States of Mississippi and Louisiana shall provide the funds needed during any fiscal year for meeting the respective non-Federal cost sharing requirements of each State for the Bonnet Carre

Freshwater Diversion Project during that fiscal year by making deposits of the necessary funds into an escrow account or into such other account as the Secretary determines to be acceptable.

(B) Deadline.—Any deposits required under this paragraph shall be made by the affected State by not later than 30 days after receipt of notification from the Secretary that the amounts are due.

(2) Failure to pay.—

(A) Louisiana.—In the case of deposits required to be made by the State of Louisiana, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out in the State of Louisiana under section 1003 if the State of Louisiana is not in compliance with paragraph (1).

(B) Mississippi.—In the case of deposits required to be made by the State of Mississippi, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out as a part of the Bonnet Carre Freshwater Diversion Project if the State of Mississippi is not in compliance with paragraph (1).

(3) Allocation.—The non-Federal share of project costs shall be allocated between the States of Mississippi and Louisiana as described in the report to Congress on the status and potential options and enhancement of the Bonnet Carre Freshwater Diversion Project dated December 1996.

(4) Effect.—The modification of the Bonnet Carre Freshwater Diversion Project by this section shall not reduce the percentage of the cost of the project that is required to be paid by the Federal Government as determined on the date of enactment of section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4013).

(c) Design Schedule.—

(1) In general.—Subject to the availability of appropriations, the Secretary shall complete the design of the Bonnet Carre Freshwater Diversion Project by not later than 1 year after the date of enactment of this Act.

(2) Missed deadline.—If the Secretary does not complete the design of the project by the date described in paragraph (1)—

(A) the Secretary shall assign such resources as the Secretary determines to be available and necessary to complete the design; and

(B) the authority of the Secretary to expend funds for travel, official receptions, and official representations shall be suspended until the design is complete.

(d) Construction Schedule.—

(1) In general.—Subject to the availability of appropriations, the Secretary shall complete construction of the Bonnet Carre Freshwater Diversion Project by not later than September 30, 2012.

(2) Missed deadline.—If the Secretary does not complete the construction of the Bonnet Carre Freshwater Diversion Project by the date described in paragraph (1)—

(A) the Secretary shall assign such resources as the Secretary determines to be available and necessary to complete the construction; and

(B) the authority of the Secretary to expend funds for travel, official receptions, and official representations shall be suspended until the construction is complete.

SEC. 3068. LAND EXCHANGE, PIKE COUNTY, MISSOURI.

(a) Definitions.—In this section:

(1) Federal land.—The term "Federal land" means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island in Pike County, Missouri, and consisting of Government Tract Numbers MIS–7 and a portion of FM–46.

(2) Non-federal land.—The term "non-Federal land" means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

(b) Land Exchange.—Subject to subsection (c), on conveyance by S.S.S., Inc., to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to S.S.S., Inc., all right, title, and interest of the United States in and to the Federal land.

(c) Conditions.—

(1) Deeds.—

(A) Non-federal land.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) Federal land.—The conveyance of the Federal land to S.S.S., Inc., shall be—

(i) by quitclaim deed; and

(ii) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(C) Legal descriptions.—The Secretary shall, subject to approval of S.S.S., Inc., provide a legal description of the Federal land and non-Federal land for inclusion in the deeds referred to in subparagraphs (A) and (B).

(2) Removal of improvements.—

(A) In general.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(B) No liability.—If S.S.S., Inc., removes any improvements to the non-Federal land under subparagraph (A)—

(i) S.S.S., Inc., shall have no claim against the United States relating to the removal; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvements.

(3) Administrative costs.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the exchange.

(4) Cash equalization payment.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(5) Deadline.—The land exchange under subsection (b) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 3069. L–15 LEVEE, MISSOURI.

The portion of the L–15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

SEC. 3070. UNION LAKE, MISSOURI.

(a) In General.—The Secretary shall offer to convey to the State of Missouri, before January 31, 2006, all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906), in accordance with section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) Land Description.—The land referred to in subsection (a) is described as follows:

(1) Tract 500.—A tract of land situated in Franklin County, Missouri, being part of the SW¼ of sec. 7, and the NW¼ of the SW¼ of sec. 8, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 112.50 acres.

(2) Tract 605.—A tract of land situated in Franklin County, Missouri, being part of the N½ of the NE, and part of the SE of the NE of sec. 18, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 93.00 acres.

(c) Conveyance.—On acceptance by the State of Missouri of the offer by the Secretary under subsection (a), the land described in subsection (b) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

SEC. 3071. FORT PECK FISH HATCHERY, MONTANA.

Section 325(f)(1)(A) of the Water Resources Development Act of 2000 (114 Stat. 2607) is amended by striking "$20,000,000" and inserting "$25,000,000".

SEC. 3072. LOWER YELLOWSTONE PROJECT, MONTANA.

The Secretary may use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bureau, Intake, Montana, for the purpose of ecosystem restoration.

SEC. 3073. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) Definition of Restoration Project.—In this section, the term "restoration project" means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) Projects.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) Local Participation.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

(D) the Yellowstone River Conservation District Council; and

(2) seek the full participation of the State of Montana.

(d) Cost Sharing.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with the non-Federal interest for the restoration project under which the non-Federal interest shall agree—

(1) to provide 35 percent of the total cost of the restoration project, including necessary land, easements, rights-of-way, relocations, and disposal sites;

(2) to pay the non-Federal share of the cost of feasibility studies and design during construction following execution of a project cooperation agreement;

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of enactment of this Act that are associated with the restoration project; and

(4) to hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government in carrying out the restoration project.

(e) Form of Non-Federal Share.—Not more than 50 percent of the non-Federal share of the cost of a restoration project carried out under this section may be provided in the form of in-kind credit for work performed during construction of the restoration project.

(f) Non-Federal Interests.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), with the consent of the applicable local government, a nonprofit entity may be a non-Federal interest for a restoration project carried out under this section.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 3074. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.

The maximum amount of Federal funds that may be expended for the project being carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be $5,775,000.

SEC. 3075. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.

(a) Restoration Projects.—

(1) Definition.—The term "restoration project" means a project that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration and recreation benefits.

(2) Projects.—The Secretary shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(b) Project Selection.—The Secretary shall select restoration projects in the Middle Rio Grande.

(c) Local Participation.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) Cost Sharing.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(1) provide 35 percent of the total cost of the restoration projects including provisions for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(2) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of the enactment of this Act that are associated with the restoration projects; and

(3) hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government.

(e) Non-Federal Interests.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the local government.

(f) Authorization of Appropriations.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3076. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.

(a) In General.—The Secretary shall plan, design, and construct projects to increase aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) Cost-Sharing.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(c) Authorization of Appropriations.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3077. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking "$5,200,000" and inserting "$18,200,000".

SEC. 3078. NEW YORK HARBOR, NEW YORK, NEW YORK.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) Dredged Material Facility.—

"(1) In general.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

"(2) Performance.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

"(3) Multiple federal projects.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects, if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

"(4) Public financing.—

"(A) Agreements.—

"(i) Specified federal funding sources and cost sharing.—The cost-sharing agreement used shall clearly specify—

"(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

"(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

"(ii) Management of sediments.—

"(I) In general.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnerships agreements.

"(II) Payments.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

"(iii) Credit.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

"(B) Credit.—

"(i) Effect on existing agreements.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

"(ii) Credit for funds.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

"(iii) Non-federal interest responsibilities.—The non-Federal interest shall—

"(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

"(II) receive credit for those items."; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as redesignated by paragraph (1))—

(A) by inserting "and maintenance" after "operation" each place it appears; and

(B) by inserting "processing, treatment, or" after "dredged material" the first place it appears in each of those paragraphs.

SEC. 3079. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking "$5,000,000" and all that follows through "2005" and inserting "$25,000,000".

SEC. 3080. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended—

(1) by striking "$2,500,000" and inserting "$5,500,000"; and

(2) by adding before the period at the end the following: "(which repair and rehabilitation shall include lowering the crest of the Dam by not more than 12.5 feet)".

SEC. 3081. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

Increased operation and maintenance activities for the Toussaint River Federal Navigation Project, Carroll Township, Ohio, that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance, shall be carried out at full Federal expense.

SEC. 3082. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–0072 shall satisfy the obligations of the city under that contract.

SEC. 3083. LAKE EUFAULA, OKLAHOMA.

(a) Project Goal.—

(1) In general.—The goal for operation of Lake Eufaula shall be to maximize the use of available storage in a balanced approach that incorporates advice from representatives from all the project purposes to ensure that the full value of the reservoir is realized by the United States.

(2) Recognition of purpose.—To achieve the goal described in paragraph (1), recreation is recognized as a project purpose at Lake Eufaula, pursuant to the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887, chapter 665).

(b) Lake Eufaula Advisory Committee.—

(1) In general.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the Lake Eufaula, Canadian River, Oklahoma project authorized by the Act of July 24, 1946 (commonly known as the "River and Harbor Act of 1946") (Public Law 79-525; 60 Stat. 634).

(2) Purpose.—The purpose of the committee shall be advisory only.

(3) Duties.—The committee shall provide information and recommendations to the Corps of Engineers regarding the operations of Lake Eufaula for the project purposes for Lake Eufaula.

(4) Composition.—The Committee shall be composed of members that equally represent the project purposes for Lake Eufaula.

(c) Reallocation Study.—

(1) In general.—Subject to the appropriation of funds, the Secretary, acting through the Chief of Engineers, shall perform a reallocation study, at full Federal expense, to develop and present recommendations concerning the best value, while minimizing ecological damages, for current and future use of the Lake Eufaula storage capacity for the authorized project purposes of flood control, water supply, hydroelectric power, navigation, fish and wildlife, and recreation.

(2) Factors for consideration.—The reallocation study shall take into consideration the recommendations of the Lake Eufaula Advisory Committee.

(d) Pool Management Plan.—

(1) In general.—Not later than 360 days after the date of enactment of this Act, to the extent feasible within available project funds and subject to the completion and approval of the reallocation study under subsection (c), the Tulsa District Engineer, taking into consideration recommendations of the Lake Eufaula Advisory Committee, shall develop an interim management plan that accommodates all project purposes for Lake Eufaula.

(2) Modifications.—A modification of the plan under paragraph (1) shall not cause significant adverse impacts on any existing permit, lease, license, contract, public law, or project purpose, including flood control operation, relating to Lake Eufaula.

SEC. 3084. RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS, OKLAHOMA.

(a) Release of Retained Rights, Interests, and Reservations.—Each reversionary interest and use restriction relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled "An Act to authorize the sale of certain lands to the State of Oklahoma" (67 Stat. 62, chapter 118) is terminated.

(b) Instrument of Release.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each interest and use restriction described in subsection (a).

SEC. 3085. OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA.

(a) Implementation of Program.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement an innovative program at the lakes located primarily in the State of Oklahoma that are a part of an authorized civil works project under the administrative jurisdiction of the Corps of Engineers for the purpose of demonstrating the benefits of enhanced recreation facilities and activities at those lakes.

(b) Requirements.—In implementing the program under subsection (a), the Secretary shall, consistent with authorized project purposes—

(1) pursue strategies that will enhance, to the maximum extent practicable, recreation experiences at the lakes included in the program;

(2) use creative management strategies that optimize recreational activities; and

(3) ensure continued public access to recreation areas located on or associated with the civil works project.

(c) Guidelines.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for the implementation of this section, to be developed in coordination with the State of Oklahoma.

(d) Report.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the program under subsection (a).

(2) Inclusions.—The report under paragraph (1) shall include a description of the projects undertaken under the program, including—

(A) an estimate of the change in any related recreational opportunities;

(B) a description of any leases entered into, including the parties involved; and

(C) the financial conditions that the Corps of Engineers used to justify those leases.

(3) Availability to public.—The Secretary shall make the report available to the public in electronic and written formats.

(e) Termination.—The authority provided by this section shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 3086. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules—

(1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986; and

(2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

SEC. 3087. LOOKOUT POINT PROJECT, LOWELL, OREGON.

(a) In General.—Subject to subsection (c), the Secretary shall convey at fair market value to the Lowell School District No. 71, all right, title, and interest of the United States in and to a parcel consisting of approximately 0.98 acres of land, including 3 abandoned buildings on the land, located in Lowell, Oregon, as described in subsection (b).

(b) Description of Property.—The parcel of land to be conveyed under subsection (a) is more particularly described as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded on page 56 of volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; and thence east 250.0 feet to the true point of beginning of this description in sec. 14, T. 19 S., R. 1 W. of the Willamette Meridian, Lane County, Oregon.

(c) Condition.—The Secretary shall not complete the conveyance under subsection (a) until such time as the Forest Service—

(1) completes and certifies that necessary environmental remediation associated with the structures located on the property is complete; and

(2) transfers the structures to the Corps of Engineers.

(d) Effect of Other Law.—

(1) Applicability of property screening provisions.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) Liability.—

(A) In general.—Lowell School District No, 71 shall hold the United States harmless from any liability with respect to activities carried out on the property described in subsection (b) on or after the date of the conveyance under subsection (a).

(B) Certain activities.—The United States shall be liable with respect to any activity carried out on the property described in subsection (b) before the date of conveyance under subsection (a).

SEC. 3088. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION.

(a) In General.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) Consultation.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) Authorized Activities.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(d) Cost Sharing Requirements.—

(1) Studies.—Studies conducted under this section shall be subject to cost sharing in accordance with section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) Ecosystem restoration projects.—

(A) In general.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) Items provided by non-federal interests.—

(i) In general.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section.

(ii) CREDIT TOWARD PAYMENT.—The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under paragraph (1) shall be credited toward the payment required under subsection (a).

(C) IN-KIND CONTRIBUTIONS.—100 percent of the non-Federal share required under subsection (a) may be satisfied by the provision of in-kind contributions.

(3) OPERATIONS AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 3089. TIOGA TOWNSHIP, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall convey to the Tioga Township, Pennsylvania, at fair market value, all right, title, and interest in and to the parcel of real property located on the northeast end of Tract No. 226, a portion of the Tioga-Hammond Lakes Floods Control Project, Tioga County, Pennsylvania, consisting of approximately 8 acres, together with any improvements on that property, in as-is condition, for public ownership and use as the site of the administrative offices and road maintenance complex for the Township.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) RESERVATION OF INTERESTS.—The Secretary shall reserve such rights and interests in and to the property to be conveyed as the Secretary considers necessary to preserve the operational integrity and security of the Tioga-Hammond Lakes Flood Control Project.

(d) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership, or to be used as a site for the Tioga Township administrative offices and road maintenance complex or for related public purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3090. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) COOPERATION AGREEMENTS.—

"(1) IN GENERAL.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

"(2) FINANCIAL ASSISTANCE.—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures."; and

(2) by striking subsection (d) and inserting the following:

"(d) IMPLEMENTATION OF STRATEGY.—

"(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

"(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.".

SEC. 3091. NARRAGANSETT BAY, RHODE ISLAND.

The Secretary may use amounts in the Environmental Restoration Account, Formerly Used Defense Sites, under section 2703(a)(5) of title 10, United States Code, for the removal of abandoned marine camels at any Formerly Used Defense Site under the jurisdiction of the Department of Defense that is undergoing (or is scheduled to undergo) environmental remediation under chapter 160 of title 10, United States Code (and other provisions of law), in Narragansett Bay, Rhode Island, in accordance with the Corps of Engineers prioritization process under the Formerly Used Defense Sites program.

SEC. 3092. SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, all right, title, and interest of the United States in and to the parcels of land described in subsection (b)(1) that are managed, as of the date of enactment of this Act, by the South Carolina Department of Commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the parcels of land referred to in subsection (a) are the parcels contained in the portion of land described in Army Lease Number DACW21-1-92-0500.

(2) RETENTION OF INTERESTS.—The United States shall retain—

(A) ownership of all land included in the lease referred to in paragraph (1) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other land as is determined by the Secretary to be required for authorized project purposes, including easement rights-of-way to remaining Federal land.

(3) SURVEY.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey satisfactory to the Secretary, with the cost of the survey to be paid by the State.

(c) GENERAL PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance under this section.

(B) FORM OF CONTRIBUTION.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this section if those actions are performed in close coordination with, and to the satisfaction of, the United States.

(4) LIABILITY.—The State shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The State shall pay fair market value consideration, as determined by the United States, for any land included in the conveyance under this section.

(2) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER-1130-2-406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this section.

(3) FEDERAL STATUTES.—The conveyance under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public review under that Act) and other Federal statutes.

(4) COST SHARING.—In carrying out the conveyance under this section, the Secretary and the State shall comply with all obligations of any cost sharing agreement between the Secretary and the State in effect as of the date of the conveyance.

(5) LAND NOT CONVEYED.—The State shall continue to manage the land not conveyed under this section in accordance with the terms and conditions of Army Lease Number DACW21-1-92-0500.

SEC. 3093. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.

(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) in clause (vii), by striking "and" at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

"(viii) rural water systems; and".

(b) REAUTHORIZATION.—Section 907(a) of the Water Resources Development Act of 2000 (114 Stat. 2712) is amended in the first sentence by striking "2005" and inserting "2010".

SEC. 3094. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(2) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (1) and inserting the following:

"(1) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—The non-Federal share of the cost of projects may be provided—

"(i) in cash;

"(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

"(iii) by in-kind services to implement the project; or

"(iv) by any combination of the foregoing.

"(B) PRIVATE OWNERSHIP.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

"(i) satisfactory to the Secretary; and

"(ii) necessary to assure achievement of the project purposes.";

(3) in subsection (i) (as redesignated by paragraph (1)), by striking "for the period of

fiscal years 2000 and 2001." and inserting "per year, and that authority shall extend until Federal fiscal year 2015."; and

(4) by inserting after subsection (e) the following:

"(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a regional or national nonprofit entity with the consent of the affected local government.

"(g) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality."

SEC. 3095. ANDERSON CREEK, JACKSON AND MADISON COUNTIES, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Anderson Creek, Jackson and Madison Counties, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Anderson Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Anderson Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3096. HARRIS FORK CREEK, TENNESSEE AND KENTUCKY.

Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the project for flood control, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (33 U.S.C. 701c note; 90 Stat. 2920) shall remain authorized to be carried out by the Secretary for a period of 7 years beginning on the date of enactment of this Act.

SEC. 3097. NONCONNAH WEIR, MEMPHIS, TENNESSEE.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

(1) to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek; and

(2) to make repairs and maintain the weir in the future so that the weir functions properly.

SEC. 3098. OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as "Easter Seals Tennessee") at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by subsection (a).

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining right or interest of the Corps of Engineers with respect to an authorized purpose of any project.

SEC. 3099. SANDY CREEK, JACKSON COUNTY, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek, Jackson County, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Sandy Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Sandy Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3100. CEDAR BAYOU, TEXAS.

Section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632) is amended by striking "except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide" and inserting "except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide".

SEC. 3101. DENISON, TEXAS.

(a) IN GENERAL.—The Secretary may offer to convey at fair market value to the city of Denison, Texas (or a designee of the city), all right, title, and interest of the United States in and to the approximately 900 acres of land located in Grayson County, Texas, which is currently subject to an Application for Lease for Public Park and Recreational Purposes made by the city of Denison, dated August 17, 2005.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and description of the real property referred to in subsection (a) shall be determined by a survey paid for by the city of Denison, Texas (or a designee of the city), that is satisfactory to the Secretary.

(c) CONVEYANCE.—On acceptance by the city of Denison, Texas (or a designee of the city), of an offer under subsection (a), the Secretary may immediately convey the land surveyed under subsection (b) by quitclaim deed to the city of Denison, Texas (or a designee of the city).

SEC. 3102. FREEPORT HARBOR, TEXAS.

(a) IN GENERAL.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.

(b) COST SHARING.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

SEC. 3103. HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding the following:

"(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).".

SEC. 3104. CONNECTICUT RIVER RESTORATION, VERMONT.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with respect to the study entitled "Connecticut River Restoration Authority", dated May 23, 2001, a nonprofit entity may act as the non-Federal interest for purposes of carrying out the activities described in the agreement executed between The Nature Conservancy and the Department of the Army on August 5, 2005.

SEC. 3105. DAM REMEDIATION, VERMONT.

Section 543 of the Water Resources Development Act of 2000 (114 Stat. 2673) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b)."; and

(2) in subsection (b), by adding at the end the following:

"(11) Camp Wapanacki, Hardwick.
"(12) Star Lake Dam, Mt. Holly.
"(13) Curtis Pond, Calais.
"(14) Weathersfield Reservoir, Springfield.
"(15) Burr Pond, Sudbury.
"(16) Maidstone Lake, Guildhall.
"(17) Upper and Lower Hurricane Dam.
"(18) Lake Fairlee.
"(19) West Charleston Dam.".

SEC. 3106. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

SEC. 3107. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of the study and development of the strategy under subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy may be provided through the contribution of in-kind services and materials.

(c) NON-FEDERAL INTEREST.—A nonprofit organization with wetland restoration experience may serve as the non-Federal interest for the study and development of the strategy under this section.

(d) COOPERATIVE AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into 1 or more cooperative agreements to provide technical assistance to appropriate Federal, State, and local agencies and nonprofit organizations with wetland restoration experience, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(e) IMPLEMENTATION.—The Secretary shall carry out development and implementation of the strategy under this section in cooperation with local landowners and local government officials.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SEC. 3108. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) GENERAL MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

(A) habitat protection and restoration;

(B) streambank stabilization;

(C) restoration of stream stability;

(D) water quality improvement;

(E) invasive species control;

(F) wetland restoration;

(G) fish passage; and

(H) natural flow restoration.

(2) EXISTING PLANS.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any critical restoration project in the Upper Connecticut River Basin in accordance with the general management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) invasive species control;

(ix) wetland restoration and migratory bird habitat restoration;

(x) improvements in fish migration; and

(xi) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) COST SHARING.—The Federal share of the cost of any project carried out under this section shall not be less than 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) CREDITING.—

(1) FOR WORK.—The Secretary shall provide credit, including credit for in-kind contributions of up to 100 percent of the non-Federal share, for work (including design work and materials) if the Secretary determines that the work performed by the non-Federal interest is integral to the product.

(2) FOR OTHER CONTRIBUTIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to implement the projects.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3109. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking "or" at the end;

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

"(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

"(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or";

(2) in subsection (e)(2)—

(A) in subparagraph (A)—

(i) by striking "The non-Federal" and inserting the following:

"(i) IN GENERAL.—The non-Federal"; and

(ii) by adding at the end the following:

"(ii) APPROVAL OF DISTRICT ENGINEER.—Approval of credit for design work of less than $100,000 shall be determined by the appropriate district engineer."; and

(B) in subparagraph (C), by striking "up to 50 percent of"; and

(3) in subsection (g), by striking "$20,000,000" and inserting "$32,000,000".

SEC. 3110. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in paragraph (1)—

(A) in the second sentence, by striking "$20,000,000" and inserting "$50,000,000"; and

(B) in the third sentence, by striking "Such projects" and inserting the following:

"(2) INCLUSIONS.—Such projects";

(3) by striking paragraph (2)(D) (as redesignated by paragraph (2)(B)) and inserting the following:

"(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

"(i) the construction of oyster bars and reefs;

"(ii) the rehabilitation of existing marginal habitat;

"(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

"(iv) the construction and upgrading of oyster hatcheries; and

"(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

"(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

"(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

"(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery."; and

(4) by adding at the end the following:

"(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term 'ecological success' means—

"(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

"(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.".

SEC. 3111. TANGIER ISLAND SEAWALL, VIRGINIA.

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking "at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000." and inserting "at a total cost of $3,000,000, with an estimated Federal cost of $2,400,000 and an estimated non-Federal cost of $600,000.".

SEC. 3112. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.

(a) IN GENERAL.—The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, and the shoreline of Westport Beach, Clatsop County, Oregon, between river miles 43 to 45, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST-SHARING REQUIREMENTS.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies;

(2) in accordance with all applicable Federal law (including regulations); and

(3) at full Federal expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 3113. LOWER GRANITE POOL, WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in

each area in which the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required for the use of fill material.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's File Numbers 432576, 443411, 499988, and 579771 of Whitman County, Washington.

(2) Auditor's File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining rights and interests of the Corps of Engineers for authorized project purposes in or to property covered by a deed described in subsection (b).

SEC. 3114. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the United States Fish and Wildlife Service under Cooperative Agreement Number DACW68-4-00-13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) EASEMENTS.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements in existence as of the date of enactment of this Act on land subject to the transfer.

(c) RIGHTS OF SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall retain rights described in paragraph (2) with respect to the land for which administrative jurisdiction is transferred under subsection (a).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

(A) to flood land described in subsection (a) to the standard project flood elevation;

(B) to manipulate the level of the McNary Project Pool;

(C) to access such land described in subsection (a) as may be required to install, maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized by section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

(F) to carry out management actions for the purpose of reducing the take of juvenile salmonids by avian colonies that inhabit, before, on, or after the date of enactment of this Act, any island included in the land described in subsection (a).

(3) COORDINATION.—Before exercising a right described in any of subparagraphs (C) through (F) of paragraph (2), the Secretary shall coordinate the exercise with the United States Fish and Wildlife Service.

(d) MANAGEMENT.—

(1) IN GENERAL.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) CUMMINS PROPERTY.—

(A) RETENTION OF CREDITS.—Habitat unit credits described in the memorandum entitled "Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU" provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the "Cummins property" shall be retained by the Secretary despite any changes in management of the parcel on or after the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The United States Fish and Wildlife Service shall obtain prior approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the parcel of land formerly known as the "Cummins property".

(3) MADAME DORIAN RECREATION AREA.—The United States Fish and Wildlife Service shall continue operation of the Madame Dorian Recreation Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The United States Fish and Wildlife Service shall be responsible for all survey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

SEC. 3115. SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.

The Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho, as authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), is amended to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

SEC. 3116. WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON.

That portion of the project for navigation, Whatcom Creek Waterway, Bellingham, Washington, authorized by the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the "River and Harbor Act of 1910") and the River and Harbor Act of 1958 (72 Stat. 299), consisting of the last 2,900 linear feet of the inner portion of the waterway, and beginning at station 29+00 to station 0+00, shall not be authorized as of the date of enactment of this Act.

SEC. 3117. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood control at Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), as modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Secretary to construct the project substantially in accordance with the draft report of the Corps of Engineers dated May 2004, at an estimated total cost of $45,500,000, with an estimated Federal cost of $34,125,000 and an estimated non-Federal cost of $11,375,000.

SEC. 3118. MCDOWELL COUNTY, WEST VIRGINIA.

(a) IN GENERAL.—The McDowell County nonstructural component of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide protection, throughout McDowell County, West Virginia, from the reoccurrence of the greater of—

(1) the April 1977 flood;

(2) the July 2001 flood;

(3) the May 2002 flood; or

(4) the 100-year frequency event.

(b) UPDATES AND REVISIONS.—The measures under subsection (a) shall be carried out in accordance with, and during the development of, the updates and revisions under section 2006(e)(2).

SEC. 3119. GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN.

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 5, 1884 (commonly known as the "River and Harbor Act of 1884") (23 Stat. 136, chapter 229), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

SEC. 3120. UNDERWOOD CREEK DIVERSION FACILITY PROJECT, MILWAUKEE COUNTY, WISCONSIN.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(24) Underwood Creek Diversion Facility Project (County Grounds), Milwaukee County, Wisconsin.".

SEC. 3121. OCONTO HARBOR, WISCONSIN.

(a) IN GENERAL.—The portion of the project for navigation, Oconto Harbor, Wisconsin, authorized by the Act of August 2, 1882 (22 Stat. 196, chapter 375), and the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the "River and Harbor Act of 1910"), consisting of a 15-foot-deep turning basin in the Oconto River, as described in subsection (b), is no longer authorized.

(b) PROJECT DESCRIPTION.—The project referred to in subsection (a) is more particularly described as—

(1) beginning at a point along the western limit of the existing project, N. 394,086.71, E. 2,530,202.71;

(2) thence northeasterly about 619.93 feet to a point N. 394,459.10, E. 2,530,698.33;

(3) thence southeasterly about 186.06 feet to a point N. 394,299.20, E. 2,530,793.47;

(4) thence southwesterly about 355.07 feet to a point N. 393,967.13, E. 2,530,667.76;

(5) thence southwesterly about 304.10 feet to a point N. 393,826.90, E. 2,530,397.92; and

(6) thence northwesterly about 324.97 feet to the point of origin.

SEC. 3122. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking "1276.42" and inserting "1278.42";

(B) by striking "1218.31" and inserting "1221.31"; and

(C) by striking "1234.82" and inserting "1235.30"; and

(2) by striking subsection (b) and inserting the following:

"(b) EXCEPTION.—

"(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

"(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

"(3) NOTIFICATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

"(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

"(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

"(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.".

SEC. 3123. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking "property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge" and inserting "riverfront property".

SEC. 3124. PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the "River and Harbor Act of 1910"), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the "River and Harbor Act of 1927"), and the Act of July 3, 1930 (46 Stat. 918), the Secretary shall carry out over at least a 10-year period a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—As part of the pilot program carried out under subsection (a), the Secretary shall conduct any activities that are necessary to improve navigation through the project referred to in subsection (a) while restoring and protecting fish and wildlife habitat in the middle Mississippi River system.

(2) INCLUSIONS.—Activities authorized under paragraph (1) shall include—

(A) the modification of navigation training structures;

(B) the modification and creation of side channels;

(C) the modification and creation of islands;

(D) any studies and analysis necessary to develop adaptive management principles; and

(E) the acquisition from willing sellers of any land associated with a riparian corridor needed to carry out the goals of the pilot program.

(c) COST-SHARING REQUIREMENT.—The cost-sharing requirement required under the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the "River and Harbor Act of 1910"), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the "River and Harbor Act of 1927"), and the Act of July 3, 1930 (46 Stat. 918), for the project referred to in subsection (a) shall apply to any activities carried out under this section.

SEC. 3125. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

(a) IN GENERAL.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any Upper Mississippi River fish and wildlife habitat rehabilitation and enhancement project carried out under section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)), with the consent of the affected local government, a nongovernmental organization may be considered to be a non-Federal interest.

(b) CONFORMING AMENDMENT.—Section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by inserting before the period at the end the following: ", including research on water quality issues affecting the Mississippi River, including elevated nutrient levels, and the development of remediation strategies".

SEC. 3126. UPPER BASIN OF MISSOURI RIVER.

(a) USE OF FUNDS.—Notwithstanding the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), funds made available for recovery or mitigation activities in the lower basin of the Missouri River may be used for recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota.

(b) CONFORMING AMENDMENT.—The matter under the heading "MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA" of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: "The Secretary may carry out any recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota, using funds made available under this heading in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and consistent with the project purposes of the Missouri River Mainstem System as authorized by section 10 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 897).".

SEC. 3127. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.

(a) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

"(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

"(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

"(B) to determine whether planning of a project under paragraph (3) should proceed."; and

(3) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking "paragraph (2)" and inserting "paragraph (3)".

(b) COST SHARING.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(f)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by inserting after paragraph (1) the following:

"(2) RECONNAISSANCE STUDIES.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.";

(3) in paragraph (3) (as redesignated by paragraph (1)), by striking "(2) or (3)" and inserting "(3) or (4)"; and

(4) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking "subsection (c)(2)" and inserting "subsection (c)(3)".

SEC. 3128. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking "through 2006" and inserting "through 2011".

SEC. 3129. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking "through 2006" and inserting "through 2011".

SEC. 3130. UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM.

(a) DEFINITION OF UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM.—In this section, the term "Upper Ohio River and Tributaries Navigation System" means the Allegheny, Kanawha, Monongahela, and Ohio Rivers.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to evaluate new technologies applicable to the Upper Ohio River and Tributaries Navigation System.

(2) INCLUSIONS.—The program may include the design, construction, or implementation of innovative technologies and solutions for the Upper Ohio River and Tributaries Navigation System, including projects for—

(A) improved navigation;

(B) environmental stewardship;

(C) increased navigation reliability; and

(D) reduced navigation costs.

(3) PURPOSES.—The purposes of the program shall be, with respect to the Upper Ohio River and Tributaries Navigation System—

(A) to increase the reliability and availability of federally-owned and federally-operated navigation facilities;

(B) to decrease system operational risks; and

(C) to improve—

(i) vessel traffic management;

(ii) access; and

(iii) Federal asset management.

(c) FEDERAL OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is federally owned.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall enter into local cooperation agreements with non-Federal interests to provide for the design, construction, installation, and operation of the projects to be carried out under the program.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall include the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a navigation improvement project, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project.

(3) COST SHARING.—Total project costs under each local cooperation agreement shall be cost-shared in accordance with the

formula relating to the applicable original construction project.

(4) Expenditures.—

(A) In general.—Expenditures under the program may include, for establishment at federally-owned property, such as locks, dams, and bridges—

(i) transmitters;

(ii) responders;

(iii) hardware;

(iv) software; and

(v) wireless networks.

(B) Exclusions.—Transmitters, responders, hardware, software, and wireless networks or other equipment installed on privately-owned vessels or equipment shall not be eligible under the program.

(e) Report.—Not later than December 31, 2007, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether the program or any component of the program should be implemented on a national basis.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $3,100,000, to remain available until expended.

TITLE IV—STUDIES

SEC. 4001. EURASIAN MILFOIL.

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

SEC. 4002. NATIONAL PORT STUDY.

(a) In General.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the ability of coastal or deepwater port infrastructure to meet current and projected national economic needs.

(b) Components.—In conducting the study, the Secretary shall—

(1) consider—

(A) the availability of alternate transportation destinations and modes;

(B) the impact of larger cargo vessels on existing port capacity; and

(C) practicable, cost-effective congestion management alternatives; and

(2) give particular consideration to the benefits and proximity of proposed and existing port, harbor, waterway, and other transportation infrastructure.

(c) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the study.

SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION CHANNEL.

(a) In General.—To determine with improved accuracy the environmental impacts of the project on the McClellan-Kerr Arkansas River Navigation Channel (referred to in this section as the "MKARN"), the Secretary shall carry out the measures described in subsection (b) in a timely manner.

(b) Species Study.—

(1) In general.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

(2) Report.—The Secretary shall direct the panel to report to the Secretary, not later than 1 year after the date of enactment of this Act and in the best scientific judgment of the panel—

(A) the level of genetic variation between populations of sturgeon sufficient to determine or establish that a population is a measurably distinct species, subspecies, or population segment; and

(B) whether any pallid sturgeons that may be found in the MKARN (including any tributary of the MKARN) would qualify as such a distinct species, subspecies, or population segment.

SEC. 4004. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA.

(a) In General.—The Secretary, in coordination with the city of Los Angeles, shall—

(1) prepare a feasibility study for environmental ecosystem restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles; and

(2) consider any locally-preferred project alternatives developed through a full and open evaluation process for inclusion in the study.

(b) Use of Existing Information and Measures.—In preparing the study under subsection (a), the Secretary shall use, to the maximum extent practicable—

(1) information obtained from the Los Angeles River Revitalization Master Plan; and

(2) the development process of that plan.

(c) Demonstration Projects.—

(1) In general.—The Secretary is authorized to construct demonstration projects in order to provide information to develop the study under subsection (a)(1).

(2) Federal share.—The Federal share of the cost of any project under this subsection shall be not more than 65 percent.

(3) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 4005. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.

The Secretary shall carry out a study for bank stabilization and shore protection for Nicholas Canyon, Los Angeles, California, under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

SEC. 4006. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking "32 months" and inserting "44 months".

SEC. 4007. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.

(a) Flood Protection Project.—

(1) Review.—The Secretary shall review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with Enhanced Minimum Plan A, as described in the final environmental impact report prepared by the city of St. Helena, California, and certified by the city to be in compliance with the California Environmental Quality Act on February 24, 2004.

(2) Action on determination.—If the Secretary determines under paragraph (1) that the project is economically justified, technically sound, and environmentally acceptable, the Secretary is authorized to carry out the project at a total cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000.

(b) Cost Sharing.—Cost sharing for the project described in subsection (a) shall be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 4008. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA.

The Secretary shall carry out a study of the feasibility of a project to use Sherman Island, California, as a dredged material rehandling facility for the beneficial use of dredged material to enhance the environment and meet other water resource needs on the Sacramento-San Joaquin Delta, California, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 4009. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

(a) In General.—The Secretary, in cooperation with non-Federal interests, shall conduct a study of the feasibility of carrying out a project for—

(1) flood protection of South San Francisco Bay shoreline;

(2) restoration of the South San Francisco Bay salt ponds (including on land owned by other Federal agencies); and

(3) other related purposes, as the Secretary determines to be appropriate.

(b) Independent Review.—To the extent required by applicable Federal law, a national science panel shall conduct an independent review of the study under subsection (a).

(c) Report.—

(1) In general.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

(2) Inclusions.—The report under paragraph (1) shall include recommendations of the Secretary with respect to the project described in subsection (a) based on planning, design, and land acquisition documents prepared by—

(A) the California State Coastal Conservancy;

(B) the Santa Clara Valley Water District; and

(C) other local interests.

SEC. 4010. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) In General.—The Secretary shall complete work as expeditiously as practicable on the San Pablo watershed, California, study authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1196) to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay Watershed.

(b) Report.—Not later than March 31, 2008, the Secretary shall submit to Congress a report that describes the results of the study.

SEC. 4011. FOUNTAIN CREEK, NORTH OF PUEBLO, COLORADO.

Subject to the availability of appropriations, the Secretary shall expedite the completion of the Fountain Creek, North of Pueblo, Colorado, watershed study authorized by a resolution adopted by the House of Representatives on September 23, 1976.

SEC. 4012. SELENIUM STUDY, COLORADO.

(a) In General.—The Secretary, in consultation with State water quality and resource and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

(1) to measure selenium on specific sites; and

(2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4013. PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary is authorized to conduct a third-party review of the Promontory Point project along the Chicago Shoreline, Chicago, Illinois, at a cost not to exceed $450,000.

(2) JOINT REVIEW.—The Buffalo and Seattle Districts of the Corps of Engineers shall jointly conduct the review under paragraph (1).

(3) STANDARDS.—The review shall be based on the standards under part 68 of title 36, Code of Federal Regulations (or successor regulation), for implementation by the non-Federal sponsor for the Chicago Shoreline Chicago, Illinois, project.

(b) CONTRIBUTIONS.—The Secretary shall accept from a State or political subdivision of a State voluntarily contributed funds to initiate the third-party review.

(c) TREATMENT.—While the third-party review is of the Promontory Point portion of the Chicago Shoreline, Chicago, Illinois, project, the third-party review shall be separate and distinct from the Chicago Shoreline, Chicago, Illinois, project.

(d) EFFECT OF SECTION.—Nothing in this section affects the authorization for the Chicago Shoreline, Chicago, Illinois, project.

SEC. 4014. VIDALIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation improvement at Vidalia, Louisiana.

SEC. 4015. LAKE ERIE AT LUNA PIER, MICHIGAN.

The Secretary shall study the feasibility of storm damage reduction and beach erosion protection and other related purposes along Lake Erie at Luna Pier, Michigan.

SEC. 4016. MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.

The Secretary shall carry out a study of the feasibility of a project for navigation improvements, shoreline protection, and other related purposes, including the rehabilitation the harbor basin (including entrance breakwaters), interior shoreline protection, dredging, and the development of a public launch ramp facility, for Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 4017. JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary may determine the feasibility of providing improvements to the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, near the vicinity of mile 6 of the Savannah Harbor Entrance Channel.

(b) CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area for maintenance of the ongoing Savannah Harbor Navigation project; and

(3) the results of a consultation with the Governor of the State of Georgia and the Governor of the State of South Carolina.

SEC. 4018. JOHNSON CREEK, ARLINGTON, TEXAS.

The Secretary shall conduct a feasibility study to determine the technical soundness, economic feasibility, and environmental acceptability of the plan prepared by the city of Arlington, Texas, as generally described in the report entitled "Johnson Creek: A Vision of Conservation, Arlington, Texas", dated March 2006.

SEC. 4019. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK.

(a) DISPERSAL BARRIER PROJECT.—The Secretary shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal.

(b) CONSTRUCTION, MAINTENANCE, AND OPERATION.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) in paragraph (18), by striking "and" at the end;

(2) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(21) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(22) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(23) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

"(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.".

SEC. 5002. ESTUARY RESTORATION.

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: "by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage";

(2) in paragraph (2), by inserting "and implement" after "to develop"; and

(3) in paragraph (3), by inserting "through cooperative agreements" after "restoration projects".

(b) DEFINITION OF ESTUARY HABITAT RESTORATION PLAN.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking "Federal or State" and inserting "Federal, State, or regional".

(c) ESTUARY HABITAT RESTORATION PROGRAM.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a), by inserting "through the award of contracts and cooperative agreements" after "assistance";

(2) in subsection (c)—

(A) in paragraph (3)(A), by inserting "or State" after "Federal"; and

(B) in paragraph (4)(B), by inserting "or approach" after "technology";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "Except" and inserting the following:

"(i) IN GENERAL.—Except"; and

(ii) by adding at the end the following:

"(ii) MONITORING.—

"(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

"(II) GOALS.—The goals of the monitoring are—

"(aa) to measure the effectiveness of the restoration project; and

"(bb) to allow adaptive management to ensure project success.";

(B) in paragraph (2), by inserting "or approach" after "technology"; and

(C) in paragraph (3), by inserting "(including monitoring)" after "services";

(4) in subsection (f)(1)(B), by inserting "long-term" before "maintenance"; and

(5) in subsection (g)—

(A) by striking "In carrying" and inserting the following:

"(1) IN GENERAL.—In carrying"; and

(B) by adding at the end the following:

"(2) SMALL PROJECTS.—

"(A) DEFINITION.—Small projects carried out under this Act shall have a Federal share of less than $1,000,000.

"(B) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this section, the Secretary, on recommendation of the Council, shall consider delegating implementation of the small project to—

"(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

"(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

"(iii) the Administrator of the Environmental Protection Agency; or

"(iv) the Secretary of Agriculture.

"(C) FUNDING.—Small projects delegated to another Federal department or agency may be funded from the responsible department or appropriations of the agency authorized by section 109(a)(1).

"(D) AGREEMENTS.—The Federal department or agency to which a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in subsections (d) and (e). Cooperative agreements may be used for any delegated project.".

(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(6) cooperating in the implementation of the strategy developed under section 106;

"(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

"(8) otherwise using the respective agency authorities of the Council members to carry out this title.".

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking "compile" and inserting "have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under this section, including compilation of".

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking "third and fifth" and inserting "sixth, eighth, and tenth".

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) through (D) and inserting the following:

"(A) to the Secretary, $25,000,000 for each of fiscal years 2006 through 2010;

"(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2006 through 2010;

"(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2006 through 2010;

"(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2006 through 2010; and

"(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2006 through 2010."; and

(2) in the first sentence of paragraph (2)—

(A) by inserting "and other information compiled under section 107" after "this title"; and

(B) by striking "2005" and inserting "2010".

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting "or contracts" after "agreements"; and

(B) by inserting ", nongovernmental organizations," after "agencies"; and

(2) by striking subsections (d) and (e).

SEC. 5003. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

SEC. 5004. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and sections 2.2 of the Susquehanna River Basin Compact (Public Law 91-575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be the ex officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact;

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of the respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE, DELAWARE RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) WATER SUPPLY AND CONSERVATION STORAGE, SUSQUEHANNA RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River Basin, during any period in which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) WATER SUPPLY AND CONSERVATION STORAGE, POTOMAC RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Potomac River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River Basin for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5005. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

(a) COMPREHENSIVE ACTION PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, Maryland, and other stakeholders, shall develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

(b) PUBLIC AVAILABILITY.—On completion of the comprehensive action plan under subsection (a), the Secretary shall make the plan available to the public.

SEC. 5006. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) TREATMENT AS SINGLE PROJECT.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (Barrier I) (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and Barrier II, as authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108-335; 118 Stat. 1352), shall be considered to constitute a single project.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, is authorized and directed, at full Federal expense—

(A) to upgrade and make permanent Barrier I;

(B) to construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) to operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) to conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a full range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) to provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) USE OF CREDIT.—A State may apply a credit received under paragraph (1)(E) to any cost sharing responsibility for an existing or future Federal project with the Corps of Engineers in the State.

(c) CONFORMING AMENDMENTS.—

(1) NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking ", to carry out this paragraph, $750,000" and inserting "such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph".

(2) BARRIER II AUTHORIZATION.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108-335; 118 Stat. 1352), is amended to read as follows:

"SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, ILLINOIS.

"There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251).".

SEC. 5007. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

(a) SHORT TITLE.—This section may be cited as the "Rio Grande Environmental Management Act of 2006".

(b) DEFINITIONS.—In this section:

(1) RIO GRANDE COMPACT.—The term "Rio Grande Compact" means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155), and ratified by the States.

(2) RIO GRANDE BASIN.—The term "Rio Grande Basin" means the Rio Grande (including all tributaries and their headwaters) located—

(A) in the State of Colorado, from the Rio Grande Reservoir, near Creede, Colorado, to the New Mexico State border;

(B) in the State of New Mexico, from the Colorado State border downstream to the Texas State border; and

(C) in the State of Texas, from the New Mexico State border to the southern terminus of the Rio Grande at the Gulf of Mexico.

(3) STATES.—The term "States" means the States of Colorado, New Mexico, and Texas.

(c) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary shall carry out, in the Rio Grande Basin—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(B) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(2) REPORTS.—Not later than December 31, 2008, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);

(B) describes the accomplishments of each program;

(C) provides updates of a systemic habitat needs assessment; and

(D) identifies any needed adjustments in the authorization of the programs.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs described in subsection (c), the Secretary shall—

(1) consult with the States and other appropriate entities in the States the rights and interests of which might be affected by specific program activities; and

(2) enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the United States Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of those programs.

(e) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under subsection (c)(1)(A)—

(A) shall be 35 percent;

(B) may be provided through in-kind services or direct cash contributions; and

(C) shall include provision of necessary land, easements, relocations, and disposal sites.

(2) OPERATION AND MAINTENANCE.—The costs of operation and maintenance of a project located on Federal land, or land owned or operated by a State or local government, shall be borne by the Federal, State, or local agency that has jurisdiction over fish and wildlife activities on the land.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), with the consent of the affected local government, a nonprofit entity may be included as a non-Federal interest for any project carried out under subsection (c)(1)(A).

(g) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section preempts any State water law.

(2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande Basin.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for fiscal year 2006 and each subsequent fiscal year.

SEC. 5008. MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING.

(a) STUDY.—The Secretary, in consultation with the Missouri River Recovery and Implementation Committee established by subsection (b)(1), shall conduct a study of the Missouri River and its tributaries to determine actions required—

(1) to mitigate losses of aquatic and terrestrial habitat;

(2) to recover federally listed species under the Endangered Species Act (16 U.S.C. 1531 et seq.); and

(3) to restore the ecosystem to prevent further declines among other native species.

(b) MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE.—

(1) ESTABLISHMENT.—Not later than June 31, 2006, the Secretary shall establish a committee to be known as the "Missouri River Recovery Implementation Committee" (referred to in this section as the "Committee").

(2) MEMBERSHIP.—The Committee shall include representatives from—

(A) Federal agencies;

(B) States located near the Missouri River Basin; and

(C) other appropriate entities, as determined by the Secretary, including—

(i) water management and fish and wildlife agencies;

(ii) Indian tribes located near the Missouri River Basin; and

(iii) nongovernmental stakeholders.

(3) DUTIES.—The Commission shall—

(A) with respect to the study under subsection (a), provide guidance to the Secretary and any other affected Federal agency, State agency, or Indian tribe;

(B) provide guidance to the Secretary with respect to the Missouri River recovery and mitigation program in existence on the date of enactment of this Act, including recommendations relating to—

(i) changes to the implementation strategy from the use of adaptive management; and

(ii) the coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the program;

(C) exchange information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation program;

(D) establish such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues;

(E) facilitate the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation program;

(F) coordinate scientific and other research associated with the Missouri River recovery and mitigation program; and

(G) annually prepare a work plan and associated budget requests.

(4) COMPENSATION; TRAVEL EXPENSES.—

(A) COMPENSATION.—Members of the Committee shall not receive compensation from the Secretary in carrying out the duties of the Committee under this section.

(B) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Committee in carrying out the duties of the Committee under this section shall be paid by the agency, Indian tribe, or unit of government represented by the member.

(c) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 5009. LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, may cooperate with and provide assistance to the Lower Platte River natural resources districts in the State of Nebraska to serve as local sponsors with respect to—

(1) conducting comprehensive watershed planning in the natural resource districts;

(2) assessing water resources in the natural resource districts; and

(3) providing project feasibility planning, design, and construction assistance for water resource and watershed management in the natural resource districts, including projects for environmental restoration and flood damage reduction.

(b) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity described in subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity described in subsection (a)—

(A) shall be 35 percent; and

(B) may be provided in cash or in-kind.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $12,000,000.

SEC. 5010. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting "and the Secretary of the Treasury" after "Secretary"; and

(B) by striking clause (ii) and inserting the following:

"(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized."; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

"(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.".

(b) INVESTMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE

RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

"(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

"(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) INVESTMENT OF INTEREST ACCOUNT.—

"(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

"(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

"(4) AUDITS.—

"(A) IN GENERAL.—The activities of the State of South Dakota (referred to in this subsection as the 'State') in carrying out the plan of the State for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the State is required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

"(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

"(i) determine whether funds received by the State under this section during the period covered by the audit were used to carry out the plan of the State in accordance with this section; and

"(ii) include the determination under clause (i) in the written findings of the audit.

"(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

"(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the State regarding the proposed modification.";

(2) in subsection (d)(2), by inserting "of the Treasury" after Secretary"; and

(3) by striking subsection (f) and inserting the following:

"(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

"(1) up to $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

(c) INVESTMENT PROVISIONS FOR THE CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

"(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

"(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) INVESTMENT OF THE INTEREST ACCOUNT.—

"(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

"(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the 'Tribes') the results of the investment activities and financial status of the Funds during the preceding 12-month period.

"(4) AUDITS.—

"(A) IN GENERAL.—The activities of the Tribes in carrying out the plans of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

"(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

"(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and

"(ii) include the determination under clause (i) in the written findings of the audit.

"(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

"(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification."; and

(2) by striking subsection (f) and inserting the following:

"(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

"(1) up to $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

SEC. 5011. CONNECTICUT RIVER DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.

SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

The project for flood control, Goleta and Vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826), is not authorized.

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described in subsection (b), is not authorized.

(b) DESCRIPTION OF PROJECT.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

SEC. 6004. BRIDGEPORT, CONNECTICUT.

The project for environmental infrastructure, Bridgeport, Connecticut, authorized by section 219(f)(26) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6005. HARTFORD, CONNECTICUT.

The project for environmental infrastructure, Hartford, Connecticut, authorized by section 219(f)(27) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6006. NEW HAVEN, CONNECTICUT.

The project for environmental infrastructure, New Haven, Connecticut, authorized by section 219(f)(28) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6007. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay, authorized by the River and Harbor Act of 1954 (68 Stat. 1249), is not authorized.

SEC. 6008. SHINGLE CREEK BASIN, FLORIDA.

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is not authorized.

SEC. 6009. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6010. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

SEC. 6011. LAKE GEORGE, HOBART, INDIANA.

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

SEC. 6012. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.

The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821), is not authorized.

SEC. 6013. MUSCATINE HARBOR, IOWA.

The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166), is not authorized.

SEC. 6014. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.

The project for recreation facilities at Big South Fork National River and Recreational Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

SEC. 6015. EAGLE CREEK LAKE, KENTUCKY.

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

SEC. 6016. HAZARD, KENTUCKY.

The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621), is not authorized.

SEC. 6017. WEST KENTUCKY TRIBUTARIES, KENTUCKY.

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.

SEC. 6018. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the of the Act of August 18, 1941 (55 Stat. 644, chapter 377), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6019. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

SEC. 6020. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.

The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), is not authorized.

SEC. 6021. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the "Flood

Control Act of 1946'') (33 U.S.C. 426e et seq.), is not authorized.

SEC. 6022. GULF INTERCOASTAL WATERWAY, LAKE BORGNE AND CHEF MENTEUR, LOUISIANA.

The project for the construction of bulkheads and jetties at Lake Borgne and Chef Menteur, Louisiana, as part of the Gulf Intercoastal Waterway authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635), is not authorized.

SEC. 6023. RED RIVER WATERWAY, SHREVEPORT, LOUISIANA TO DAINGERFIELD, TEXAS.

The project for the Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6024. CASCO BAY, PORTLAND, MAINE.

The project for environmental infrastructure, Casco Bay in the Vicinity of Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6025. NORTHEAST HARBOR, MAINE.

The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, chapter 19), is not authorized.

SEC. 6026. PENOBSCOT RIVER, BANGOR, MAINE.

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6027. SAINT JOHN RIVER BASIN, MAINE.

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

SEC. 6028. TENANTS HARBOR, MAINE.

The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, chapter 95), is not authorized.

SEC. 6029. GRAND HAVEN HARBOR, MICHIGAN.

The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is not authorized.

SEC. 6030. GREENVILLE HARBOR, MISSISSIPPI.

The project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is not authorized.

SEC. 6031. PLATTE RIVER FLOOD AND RELATED STREAMBANK EROSION CONTROL, NEBRASKA.

The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149), is not authorized.

SEC. 6032. EPPING, NEW HAMPSHIRE.

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

SEC. 6033. MANCHESTER, NEW HAMPSHIRE.

The project for environmental infrastructure, Manchester, New Hampshire, authorized by section 219(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4836), is not authorized.

SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS, CLAREMONT TERMINAL, JERSEY CITY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is not authorized.

SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.

The project for navigation, Eisenhower and Snell Locks, New York, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258), is not authorized.

SEC. 6036. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.

The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), is not authorized.

SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.

The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817), is not authorized.

SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA.

The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121), is not authorized.

SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is not authorized.

SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is not authorized.

SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION OF CUT #4, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion of Cut #4), Ohio, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595), is not authorized.

SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAMMOND, OREGON.

The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078), is not authorized.

SEC. 6043. SCHUYLKILL RIVER, PENNSYLVANIA.

The project for navigation, Schuylkill River (Mouth to Penrose Avenue), Pennsylvania, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4013), is not authorized.

SEC. 6044. TIOGA-HAMMOND LAKES, PENNSYLVANIA.

The project for flood control and recreation, Tioga-Hammond Lakes, Mill Creek Recreation, Pennsylvania, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313), is not authorized.

SEC. 6045. TAMAQUA, PENNSYLVANIA.

The project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14), is not authorized.

SEC. 6046. NARRAGANSETT TOWN BEACH, NARRAGANSETT, RHODE ISLAND.

The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861), is not authorized.

SEC. 6047. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788), is not authorized.

SEC. 6048. ARROYO COLORADO, TEXAS.

The project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is not authorized.

SEC. 6049. CYPRESS CREEK-STRUCTURAL, TEXAS.

The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6050. EAST FORK CHANNEL IMPROVEMENT, INCREMENT 2, EAST FORK OF THE TRINITY RIVER, TEXAS.

The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), is not authorized.

SEC. 6051. FALFURRIAS, TEXAS.

The project for flood damage reduction, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6052. PECAN BAYOU LAKE, TEXAS.

The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is not authorized.

SEC. 6053. LAKE OF THE PINES, TEXAS.

The project for navigation improvements affecting Lake of the Pines, Texas, for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6054. TENNESSEE COLONY LAKE, TEXAS.

The project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091), is not authorized.

SEC. 6055. CITY WATERWAY, TACOMA, WASHINGTON.

The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, is not authorized.

SEC. 6056. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.

The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153), is not authorized.

SA 4677. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 5 . FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

(a) DEFINITIONS.—In this section:

(1) BARRIER.—The term ''Barrier'' means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) CITY.—The term "City" means the city of Providence, Rhode Island.

(b) RESPONSIBILITY FOR ANNUAL OPERATION AND MAINTENANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c) IDENTIFICATION AND CONVEYANCE OF APPLICABLE LAND.—

(1) IDENTIFICATION.—The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) CONVEYANCE.—The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

SA 4678. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 5 . FIELDS POINT URBAN WATERFRONT RESTORATION, RHODE ISLAND.

The Secretary shall carry out the project for reclamation and environmental restoration of the waterfront around Fields Point, Rhode Island, at a total cost of $5,000,000, with an estimated Federal cost of $3,250,000 and a non-Federal cost of $1,750,000, including portions of the project relating to—

(1) the removal of in-water pilings and other dilapidated marina structures;

(2) shoreline stabilization;

(3) the reintroduction of marine vegetation; and

(4) general habitat restoration.

SA 4679. Mrs. BOXER (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Beginning on page 164, strike line 21 and all that follows through page 165, line 5, and insert the following:

(b) FOLSOM DAM.—Section 128(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2259), is amended—

(1) in the first sentence, by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) in the second sentence, by striking "The Secretaries" and inserting the following:

"(2) TECHNICAL REVIEWS.—The Secretaries";

(3) in the third sentence, by striking "In developing" and inserting the following:

"(3) IMPROVEMENTS.—

"(A) IN GENERAL.—In developing";

(4) in the fourth sentence, by striking "In conducting" and inserting the following:

"(B) USE OF FUNDS.—In conducting"; and

(5) by adding at the end the following:

"(4) PROJECT ALTERNATIVE SOLUTIONS STUDY.—The Secretaries, in cooperation with non-Federal agencies, are directed to expedite their respective activities, including the formulation of all necessary studies and decision documents, in furtherance of the collaborative effort known as the 'Project Alternative Solutions Study', as well as planning, engineering, and design, including preparation of plans and specifications, of any features recommended for authorization by the Secretary of the Army under paragraph (6).

"(5) CONSOLIDATION OF TECHNICAL REVIEWS AND DESIGN ACTIVITIES.—The Secretary of the Army shall consolidate technical reviews and design activities for—

"(A) the project for flood damage reduction authorized by section 101(a)(6) of the Water Resources Development Act of 1999 (113 Stat. 274); and

"(B) the project for flood damage reduction, dam safety, and environmental restoration authorized by sections 128 and 134 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1838, 1842).

"(6) REPORT.—The recommendations of the Secretary of the Army, along with the views of the Secretary of the Interior and relevant non-Federal agencies resulting from the activities directed in paragraphs (4) and (5), shall be forwarded to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives by not later than June 30, 2007, and shall provide status reports by not later than September 30, 2006, and quarterly thereafter.

"(7) EFFECT.—Nothing in this section shall be deemed as deauthorizing the full range of project features and parameters of the projects listed in paragraph (5), nor shall it limit any previous authorizations granted by Congress.".

SA 4680. Mr. SPECTER (for himself and Mr. CARPER) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Strike section 2020 and insert the following:

SEC. 2020. FEDERAL HOPPER DREDGES.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: "This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 18, 2006, at 9:30 a.m., in open session to consider the following nominations: Honorable Charles E. McQueary to be Director of Operational Test and Evaluation, Department of Defense; Anita K. Blair to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs; Benedict S. Cohen to be General Counsel of the Department of the Army; Frank R. Jimenez to be General Counsel of the Department of the Navy; David H. Laufman to be Inspector General, Department of Defense; Sue C. Payton to be Assistant Secretary of the Air Force for Acquisition; William H. Tobey to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration; and Robert L. Wilkie to be Assistant Secretary of Defense for Legislative Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 18, 2006, at 2 p.m., to conduct a hearing on "Perspectives on Insurance Regulation."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 18, 2006, at 10 a.m. The purpose of this oversight hearing is to examine United States and India energy cooperation in the context of global energy demand, the emerging energy needs of India, and the role nuclear power can play in meeting those needs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 18, 2006, at 10 a.m. to hold a hearing on Islam and the West.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Department of Justice Oversight" on Tuesday, July 18, 2006, at 9:30 a.m. in Hart Senate Office Building Room 216.

Witness list

Panel I: The Honorable Alberto Gonzales, The Attorney General, Department of Justice, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 18, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, July 18, 2006, at 2:30 p.m. for a hearing regarding What You Don't Know Can Hurt You: S. 2590, the Federal Funding Accountability and Transparency Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Tuesday, July 18, 2006, at 10 a.m. for a hearing entitled, Examining the Challenges the District will Face Today, Tomorrow, and in the Future.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SMITH. I ask unanimous consent Barbara Quinones, an intern in my office, be granted floor privileges for the remainder of today's debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. On behalf of Senator BAUCUS, I ask unanimous consent that Thad Seegmiler, a Committee on Finance intern, be accorded floor privileges during consideration of the stem cell legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent that Anne Michael Langguth and Bryan Klopack be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent Let Mon Lee, a senior fellow in Senator BOND's office, be given floor privileges during the consideration of S. 728.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent on the minority staff, Caroline Ahearn and April Richards, legislative fellows, have floor privileges during the duration of the 109th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent Kathleen Warner, Justin Contratto, and Patricia Castaldo, EPW Committee interns, have floor privileges during the duration and consideration of S. 728.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO SIGN DULY-AUTHORIZED BILLS AND JOINT RESOLUTIONS

Mr. DEWINE. Mr. President, on behalf of the leader, I ask unanimous consent that during the adjournment the junior Senator from South Carolina be authorized to sign duly-enrolled bills or joint resolutions

The PRESIDING OFFICER. Without objection, it is so ordered.

TO EXEMPT PERSONS WITH DISABILITIES FROM THE PROHIBITION AGAINST PROVIDING SECTION 8 RENTAL ASSISTANCE TO COLLEGE STUDENTS

Mr. DEWINE. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5117 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5117) to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5117) was read a third time, and passed.

UNANIMOUS CONSENT AGREEMENT—S. 403

Mr. DEWINE. Mr. President, I ask unanimous consent that on Thursday, July 20, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 16, S. 403, the Child Custody Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 19, 2006

Mr. DEWINE. Mr. President, I ask unanimous consent the Senate stand in adjournment until 9:30 a.m. on Wednesday, July 19. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to an hour, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; I further ask that following morning business, the Senate resume consideration of S. 728, the Water Resources Development Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Tomorrow we will resume consideration of the Water Resource Development Act. We hope to complete consideration of that bill tomorrow afternoon. Under the agreement, we have nine amendments in order, two of which we have disposed of today. Tomorrow will be a busy day as we finish our work on the remaining amendments.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DEWINE. If there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:26 p.m., adjourned until Wednesday, July 19, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 18, 2006:

DEPARTMENT OF STATE

CLYDE BISHOP, OF DELAWARE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

MARK R. DYBUL, OF FLORIDA, TO BE COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY, WITH THE RANK OF AMBASSADOR, VICE RANDALL L. TOBIAS, RESIGNED.

NATIONAL MEDIATION BOARD

PETER W. TREDICK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2010. (REAPPOINTMENT)

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

STEPHEN M. PRESCOTT, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING APRIL 15, 2011, VICE HERBERT GUENTHER, TERM EXPIRED.

ANNE JEANNETTE UDALL, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2010. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE

OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES A. BUNTYN, 1403

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GREGORY E. COUCH, 8914

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

GARY L. AKINS, 4712
JAMES F. ATKINSON III, 6641
MARK J. BAUER, 7671
CHARLES C. BLACKISTON III, 1612
DARYL L. BOHAC, 3111
GERARD F. BOLDUC, JR., 0766
DONALD J. BONTE, JR., 3178
CHRISTOPHER L. BRICKER, 8622
CRAIG A. CAMPBELL, 3456
FRANCIS X. CARILLO, JR., 9444
ROBERT F. CAYTON, 4024
SEABORN W. CHAVERS, JR., 9047
MICHAEL B. COMPTON, 8476
JEFFREY CURRY, 3160
LOUIS DANNER, 9511
JOSEPH C. DARROW, JR., 8571
JOSEPH E. DELUCA, 7771
ROBERT E. DOLANSKI, 9732
BRIAN T. DRAVIS, 4982
JOHN C. ELWOOD, 9431
JERRY L. FENWICK, 0999
ROSS W. FLYNN, 6451
JOHN D. GAICH, 1627
GERALD L. GALLMEISTER, 6933
CHRISTIAN J. GATZ, 1310
MARK P. GAUL, 6947
KEVIN D. GRAZIER, 1010
MICHAEL F. HALTOM, 2599
JOHN D. HART, 1969
HENRY H. HEARD, 7777
PENNY A. HEINIGER, 9214
JOEL E. HENNESS, 5334
DEBBIE L. HENSON, 4336
LANCE A. HESTER, 6359
JOHN J. HIGGINS, 7576
BRICE R. HUDDLESTON, 2651
SIDNEY B. JACKSON, 0188
MARK E. JANNITTO, 2755
HARLEY C. JERGENSEN, 0732
SUDHIR S. JINDAL, 6040
KARL M. KELLER, 0494
KENNETH D. KING, 0457
JOSEPH C. KINNEY, 3309
TIMOTHY J. LABARGE, 1156
KEITH I. LANG, 6483
JAMES S. LOTT, JR., 6539
MATTHEW S. LYNDE, 6972
PAUL C. MAAS, JR., 0601
MARK E. MAIER, 3872
LORI E. MARION, 0184
LEONARD H. MATTINGLY, 2244
WILLIAM E. MCARDLE, 9363
MICHAEL C. MCENULTY, 4608
GAIL A. MCGINLEY, 4546
GORDON S. MCKINLEY, 7690
ROBERT E. MONTGOMERY, 9934
FELIPE MORALES, 8820
KEITH A. NEWELL, 0214
MARK S. NOVAK, 4593
JOEL F. PANNEBAKER, 5294
HAROLD A. PARTIN, JR., 6269
ROBERT A. PAULUKAITIS, 6890
MARCUS J. QUINT, 1864
JOHN J. RANKIN, 2642
NICHOLAS S. RANTIS, 5408
MICHAEL D. REGAN, 5938
KIM A. RUTHERFORD, 9039
MARY A. SALCIDO, 6678
JOSE J. SALINAS, 8193
IAN R. SANDERSON, 4942
WAYNE A. SCHELLER, 2219
RALPH L. SCHWADER, 2499
DIANA M. SHOOP, 4371
KEITH A. SMITH, 0318
DAVID SNYDER, 2760
DANIEL R. STEINER, 3515
KENDALL S. SWITZER, 6406
GLENN A. TAYLOR, 1127
KEVIN W. TECHAU, 0321
GARY M. TURNER, 1031
TIMOTHY R. VAUGHAN, 4853
JAMES K. VOGEL, 8378
ROBERT E. WATERS, JR., 3939
MICHAEL J. WILLIAMS, 0698
KENNETH W. WISIAN, 9453
JEFFREY J. ZILLINGER, 7180
GLENN ZIMMERMAN, 2429

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A RESERVE OFFICER IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BEN M. SMITH, 1477

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SIDNEY E. HALL, 3030

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAWN M. DIVANO, 7082

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL J. LAVELLE, 7921

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

GARY C. NORMAN, 6937

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

NEAL D. AGAMAITE, 2535
ALEXANDER J. BORZYCH, 5207
DAVID C. KLEINBERG, 1728

HOUSE OF REPRESENTATIVES—*Tuesday, July 18, 2006*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
July 18, 2006.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO) for 5 minutes.

HONORING JOSEPH NICOLA DELAURO

Ms. DELAURO. Mr. Speaker, I rise today to remember and to honor the memory of my uncle, Joseph Nicola DeLauro. I spoke on this floor when he was honored by the University of Windsor in Ontario, Canada when they named him founding director emeritus of the school of visual arts, the first such title the university has bestowed. Joe DeLauro died this past weekend, and I wanted to take this moment to honor his lifetime of creative works, and I recall my earlier words.

Born in New Haven, Connecticut, Joe DeLauro attended Yale University where he received his bachelor's degree, and later gained his master's at the University of Iowa. He was a sculptor, perhaps best known for his work depicting the archetypal figures from the far past and the Bible. Much of his work, including crucifixions, pietas, virgins, baptismal fonts, stone reliefs, and stained glass windows had been commissioned by churches, convents, schools, and other largely religious institutions. However, you can also find many pieces throughout the public spaces in his home of Canton, Michigan, and in private collections throughout the world.

Internationally recognized for his talent, he was honored by organizations in the United States, England, and Italy. Exhibitions of his work have been displayed in New York, Italy, and Canada. But perhaps his most important contribution was through his work as a teacher. I have often spoke of the need of talented, creative educators ready to help young people learn and grow. This is especially true for the fine arts, where the talent of young artists must be nurtured and encouraged for them to realize their dreams.

A professor of art at both Marygrove College and the University of Detroit in Detroit, Michigan, Joe DeLauro spent the majority of his career as an educator at the University of Windsor. He came to the university in 1960, where he began Windsor's fine arts department. Through his efforts as head of the department, he gained for the institution its right to grant a bachelor of fine arts degree, the first degree-granting privilege of its kind to be granted to an Ontario university. For this accomplishment, he was credited with the founding of Windsor's school of visual arts. In his 20-year career with the University of Ontario, he helped to shepherd hundreds of students through the demanding maze of discipline, taste, and scholarship, and off to their own careers. Mentor, friend, and educator, there was no better example of what a teacher should be.

To be bestowed with the title Founding Director Emeritus was a reflection of the respect, gratitude, and appreciation Joe DeLauro earned throughout his career at the University of Windsor. His extraordinary artistic and academic career leaves an indelible mark on the university, and his spirit will forever live on through the school of visual arts, a legacy that will touch and inspire thousands for generations to come. I join with the entire family of Joseph Nicola DeLauro in their sadness and in their joyful remembrance of a unique person.

Honored in his time and ours, I offer these comments on the floor of the House of Representatives as part of the eternal record of this good man.

MUMBAI BLASTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to express concern about Pakistan's links to last week's terrorist attacks on Indian civilians. Although slow moving, the peace process between India and Pakistan was promising, and I am afraid that Pakistan now stands in the way of further progress.

First, I would like to express my deepest condolences to the families and friends of the victims of these devastating attacks. On the same day that terrorists hit Mumbai trains in the evening, similar coordinated attacks occurred in Srinagar, Kashmir earlier in the morning. As a result, over 200 people have died and more than 700 have been injured. These attacks were senseless acts of terrorism and violence. I am confident that Indian officials will find the person or organization responsible for these actions and bring them to swift justice.

Mr. Speaker, the government of India has made a strong commitment to fighting terrorism in all its forms. Like the United States, nothing has deterred their firm policy to fight this regional and global menace. Unfortunately, Mr. Speaker, Pakistan has not proven the same commitment. The government of Pakistan still lacks the appropriate law and order that is necessary to deter terrorist cells from looming and growing within their borders.

Over the past few days, it is becoming clearer that the terror units responsible for the attacks in India and Jammu and Kashmir were initiated and supported by elements in Pakistan. Leads are now pointing to the involvement of Lashkar-e-Tayiba, a terrorist organization that has received support from Pakistan's Inter Services Intelligence.

This group is active in the anti-Indian insurgency in Kashmir. Although outlawed in Pakistan, it continues to function under other guises. In fact, their leader Hafiz Muhammad Saeed enjoys freedom in Pakistan despite this official ban on his organizations by the Pakistani administration.

Lashkar-e-Tayiba is also blamed for several other attacks on Indian soil in recent years, including the attack on the Indian parliament in December 2001

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that almost instigated another war between the two countries. Since then, India and Pakistan have been engaged in peace talks over Kashmir. Violence had declined until recent weeks. Though no official deal over Kashmir has yet been made, talks between the countries have led to prisoner releases, increased tourist visas in each country, and bus and train links across the divided region of Kashmir.

However, Pakistan's failure to rein in terrorist organizations operating within its borders is threatening the peace process. Despite having vowed in 2004 not to allow any part of its territory to be used by terrorist groups such as Lashkar-e-Tayiba, the Pakistani government has simply watched while terrorist attacks took place in Jammu and Kashmir and other parts of India.

Pakistan has not implemented its promise to stop the terrorism. Acts of violence continue to occur on their watch, and the people of India and Kashmir are suffering. Pakistan must begin to demonstrate their commitment to the global war on terrorism. It must live up to its end of the bargain and control the violence. Otherwise, it will become exceedingly difficult for India to sustain the peace initiative.

Mr. Speaker, the spirit of the people of Mumbai and Jammu and Kashmir has demonstrated very strongly that terrorism cannot and will not succeed in destroying a people or a nation. My only hope is that these attacks strengthen the resolve of the government of Pakistan in combating Islamic terrorism. Pakistan must not let Islamic extremism undermine the peace process.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 8 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FORBES) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God and Father of all, source of life and health, keep us fit and able to accomplish Your holy will in all the trafficking of a busy day.

No secret is hidden from You, for every human soul is open to You. You are attentive to every prayer and know the beat of every wish that springs from a sincere heart.

Lord, grant Congress good judgment, and the President divine guidance, that peace and reconciliation may flourish upon the earth. We ask this, calling upon Your holy name, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LORETTA SANCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. LORETTA SANCHEZ of California led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

STOP EMINENT DOMAIN ABUSE

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, last year in the wake of the Supreme Court's Kelo v. New London decision, House Republicans drafted and passed legislation to better protect private property owners from eminent domain.

Today I rise seeking support for my effort to stop the potential for eminent domain abuse brought forth by last year's energy bill.

Permit holders now have the ability to petition U.S. District Court for authority to use eminent domain to construct power lines. This gives eminent domain power not to an accountable government agency, but rather to private companies.

In my Hudson Valley district, a company has a disruptive and damaging plan to place a power line from central New York all of the way to New Windsor, in spite of objections from numerous municipalities in its path.

Eminent domain is a tool that will likely be sought to advance this widely opposed plan. To end this threat, I am introducing a bill called the Protecting Communities from Power Line Abuse Act.

Let's value our constituents' rights to personal property. Cosponsor my bill and prevent efforts to abuse eminent domain and undermine our local communities.

CREATING PEACE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, we make war with such certainty, yet are befuddled how to create peace. This paradox requires reflection if we are to survive. Making and endorsing war requires a secret love of death, a fearful desire to embrace annihilation. Creating peace requires compassion, putting ourselves in the other person's place, and all of their suffering and all of their hopes, and to act from our heart's capacity for love, not fear.

The fight against terrorism in the 21st century is beginning to have the feel of the fight against communism in the 20th century, conjuring of enemies, scapegoating and wanton destruction. Our war on terror has become a war of error, so we blame the exercise, our capacity for warmaking. And because we have not yet begun to explore our capacity for peacemaking, we are reduced to a predatory voyeurism, once making war, watching war, being aghast at war, impotent to stop our own creation.

We are the most powerful Nation, but we do not have the power to reserve for ourself or to grant to our allies an exemption from the laws of cause and effect.

The fate of the world hangs in the balance, and until we consciously choose peace over war, life over death, the balance is tipping toward mutually assured destruction.

IMMIGRATION REFORM

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, House Republicans have demonstrated their commitment to immigration reform by passing a very strong border security bill that focus on strengthening our border and enforcing our law. I think that the House Republican bill does reflect the majority of Americans.

Unfortunately, Democrats have decided to go a different way. The Reid-Kennedy immigration bill would, one, allow as many as 60 million more immigrants over the next 20 years; two, Mexico would have to be consulted regarding construction of a barrier on our border; and, three, guaranteed Social Security benefits would be provided for illegal immigrants for the time they were in the country illegally.

So if an American citizen broke our Social Security laws, he or she would face jail time. But if an illegal immigrant broke the laws to get here and then broke our Social Security laws, we are going to reward them.

Mr. Speaker, House Republicans are doing the right thing by taking this issue to the Nation. We are holding hearings around the country to gain input from our citizens. Already a common theme we are hearing is that people would rather have no bill than a bad bill.

So in the interim, as Congress remains in a stalemate with the Democratic Senate bill, how about this as a concept: Enforce the current immigration laws.

REPUBLICAN CONGRESS IGNORES MIDDLE CLASS NEEDS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, we are more than halfway through the year, and the Republican do-nothing Congress has yet to pass any meaningful legislation that will benefit America's middle class.

For too long, President Bush and his friends here in the Congress have worked exclusively on behalf of the CEOs and the most privileged in our Nation. But Democrats believe it is time to take our Nation in a new direction, one where America works for all Americans.

Thanks to the misplaced priorities of Washington Republicans, middle-class Americans are working for less today than they were when the recovery began in November 2001. While wages are stagnant, monthly bills have gone through the roof. College costs 40 percent more. Health care costs are 75 percent more, and gas prices have doubled. These dramatic increases have forced millions of hardworking Americans to take on debt.

And yet Washington Republicans continue to tout this economy. They really are out of touch. I think they have been spending way too much time at the country club. It is time that the voices of all Americans are heard, and that will only happen with a Democratic Congress.

RECOGNIZING EMILY LAWRIMORE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, with the continuity of a congressional session, there is a normal shuffling of staff positions. Today, it is with mixed emotions that I announce the departure of Emily Lawrimore.

For the past year and a half, Emily has held one of the most difficult jobs on Capitol Hill, serving as the communications director in the office of the Second Congressional District of South Carolina.

Emily has handled her position with professionalism, grace and integrity. Her dedication and work ethic will be difficult to replace.

Emily began her career in Washington as a staff member of Congressman Charlie Norwood. She left the halls of Congress last Friday to become assistant press secretary for President George W. Bush. I am confident that Emily will be a welcome addition to the President's press office.

As a graduate of Clemson University, Emily Lawrimore is one of two children of Marshall and Cindy Lawrimore of Columbus, Georgia. She is a credit to the people of South Carolina and Georgia, and I wish her godspeed.

In conclusion, God bless our troops and we will never forget September 11.

FILE FREEZE

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, in this age of electronic transactions, we are all highly vulnerable to having our identity stolen and our credit ruined. Americans deserve every tool available to help protect their identities and their credit.

And yet a data protection bill that passed out of the Committee on Financial Services and that is moving to this floor for a vote strips away the ability that consumers in 18 States have to control access to their credit reports at all times. It would allow consumers to freeze their files only after they are victims of identity theft, and that would absolutely do no good.

File freeze works because it stops the granting of new credit without the consumers' expressed permission. I urge my colleagues to help protect consumers' credit and identities. I urge them to cosponsor H.R. 5482 and join me in fighting for consumers to have the ability to freeze their own credit information.

SMALL BUSINESS BILL OF RIGHTS

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Mr. Speaker, today I rise to give the American people an update regarding what the House has done to implement the Small Business Bill of Rights.

Small businesses create 70 percent of all new jobs. In April of 2005, the House passed the Small Business Bill of Rights which provided a blueprint for Congress to help small businesses create new jobs. As the author of this legislation, I am pleased to report that the House has done its job in 2005.

In April, the House passed legislation repealing the death tax to allow family-owned small businesses to survive.

In July, the House passed association health plans to help small businesses with the skyrocketing cost of health insurance.

Also in July, the House passed four OSHA reform bills to help small businesses with red tape relief.

In October, the House cracked down on frivolous lawsuits by passing the Lawsuit Abuse Reduction Act and the Personal Responsibility in Food Consumption Act, which I authored.

Currently, all of these bills are stuck in the Senate and time is running out. I urge the Senate to act now to help small businesses by passing these legislative initiatives.

TIME TO MOVE IN A NEW DIRECTION

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, it is becoming an election year tradition: House Republicans bringing up hot-button issues that have absolutely no chance of ever becoming law.

This week, House Republicans will use pledge protection and gay marriage as a means to distract and divide our Nation. Are these really the priorities of the Republican majority when we have a hot spot virtually spinning out of control in the Middle East?

The truth is this is nothing but an attempt to turn attention away from their failures over the last year on the issues that are the most important to the majority of the American people.

Republicans have failed to join us in increasing the minimum wage, they have yet to provide any relief to the American consumer at the gas pump, they continue to stall negotiations on comprehensive border security and immigration reform, and they have allowed the issue of lobbying reform to fall off the legislative agenda after all of the lobbying corruption we have witnessed over the last year from the other side of the aisle.

PREACH ON, MR. PRESIDENT

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, our President was caught on camera, on microphone, and off the cuff yesterday. He said: "What they need to do is get Syria to get Hezbollah to stop doing this (nonsense), and it's over."

He told Tony Blair he felt like telling U.N. Secretary General Kofi Annan to get on the phone with Syria's President and "make something happen." After all, that's Annan's job.

What he said was the truth. I am glad we got to hear his candor, his straight talk, his no nonsense analyzing the problem: Syria can stop this border war.

He stated: "Hezbollah is housed and encouraged by Syria and financed by Iran."

Our President left out the politically correct niceties and cut to the chase.

Mr. President, preach on, preach on. The blunt blazing truth without any fluff is what needs to be said. We know who is behind the attacks against Israel and we know who can stop it. It is time all people of the world hold the aggressive Hezbollah terrorist thugs accountable for starting this border war.

And that's just the way it is.

SPRINGFIELD ARMORY NATIONAL HISTORIC SITE

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, yesterday the House passed H.R. 4376, the Springfield Armory National Historic Site, Massachusetts Act of 2005. This legislation authorizes the National Park Service to enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of the superb Springfield Technical Community College.

The Springfield Armory Museum is home to Longfellow's famous gun rack which inspired the arsenal at Springfield, home to the Springfield rifle, the Gerrand rifle, the site of Shay's rebellion and located on the Knox Trail which General Knox used and traversed as he moved to Boston and Dorchester for those fateful days of the American Revolution.

This legislation seeks to recognize and update the partnership between the Park Service and the college by authorizing the Park Service to enter into a cooperative agreement with the Commonwealth to provide financial assistance to the college for the purpose of maintaining, preserving, renovating and rehabilitating many of the historic structures within the Springfield National Historic Site.

This is a very important piece of legislation, Mr. Speaker, and it actually will allow a cooperative agreement to take place that will transform the complexion of what is also the site of the famous Olmstead Papers. I am grateful for this recognition that the House offered yesterday on behalf of these two individual sites.

□ 1015

REPUBLICAN ECONOMIC GROWTH

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to share good news with the American people. Republicans' pro-growth economic agenda, combined with spending restraint, is driving the deficit down while pushing revenues up. In fact, if we can continue along this path of fiscal restraint, we will cut the deficit in half by the year 2008.

In addition to decreasing the deficit, the economy has created 2 million new jobs in the past year. In fact, over the past 3 years America has created more new jobs than Japan and all 25 members of the European Union combined.

Mr. Speaker, tax cuts are working. Our economy is strong and the deficit is down.

Republicans have been working tirelessly and successfully to push our economy in the right direction. Democrats, on the other hand, continue to push their tax and spend policies, a plan which is neither good for the family checkbook nor the American economy.

CONGRESSIONAL HISPANIC CAUCUS REGIONAL HEALTH FORUM

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today I rise to celebrate the Congressional Hispanic Caucus Regional Health Forum that was held on July 7 in Los Angeles, California.

The Hispanic Caucus and Congressmember JOHN CONYERS from the Black Caucus came together with over 200 community activists to find a new direction to battle health care disparities in disadvantaged communities.

The new direction that we have adopted ensures quality health care that is accessible, affordable and culturally and linguistically appropriate.

An accessible and culturally sensitive health care system is critical to addressing conditions that disproportionately impact communities of color like, for example, diabetes, obesity, kidney disease, HIV and AIDS, and mental illness. All these chronic illnesses affect our communities.

The new direction developed at the forum is one where community members, providers and policymakers at the local, State and Federal levels come together to collaborate to end health care disparities; and we plan for solutions in the next upcoming congressional session.

We came together with the Hispanic Caucus at this forum in Los Angeles, and we will continue to take the show on the road throughout the country to ensure that all Americans have a healthier system of health care.

IT IS TIME TO RAISE THE MINIMUM WAGE

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, the time for an increase in the minimum wage has not just arrived; it is long overdue. The national minimum wage has not been increased in 9 years. By year's end, 21 States across America will have a minimum wage exceeding the Federal minimum wage. Isn't it about time that we in Washington recognize the need to act, to level the playing field? Of course it is. The way things are going, we are not too far from the day when it will take an hour's labor just to pay for the gasoline to get to the job. Then, if you are like most people and you want to go back home after you work, it is going to take you another hour's wages, 2 hours just for transportation for the minimum-wage worker.

What is left for the other essentials of life, to put a roof over your head and food on your table? Not very much.

Mr. Speaker and my colleagues, we need to act now to increase the national minimum wage.

QUESTIONING REPUBLICAN PRIORITIES

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, here are some of today's headlines:

"Toll Climbs in Mideast As Fighting Rages On."

"Scores Killed in Bomb Attack Near Shiite Shrine."

"Three U.S. Soldiers Killed on Monday."

"Taliban Capture Two Afghan Towns."

"Oil Futures At $75 a Barrel."

"Wholesale Prices Climb 0.5 Percent in June."

"Heat Wave Strains Electric Systems Nationwide."

The Republican Congress's response is banning gay marriage. It is an obvious connection.

On this day nearly 2,000 years ago, Emperor Nero played his fiddle while Rome burned to the ground. This Congress would make the Emperor proud.

With all the challenges facing our Nation here at home and abroad, the Republican leadership is trying to distract the American people by playing the same old tunes, writing discrimination into the United States Constitution.

To govern is to choose, and the Republican Congress has made its priorities clear.

It is time for a new direction. It is time for a change.

MIDDLE EAST

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, for several generations now we have watched Middle Eastern-born terrorism intimidate, maim and kill Americans and our allies around the free world.

The images coming out of Israel and Lebanon are a sad, ugly replay of something we have seen far too often. Mr. Speaker, there is no easy solution to this problem, despite what some pundits on the talk show circuit would tell us. This is a fight between a nation and between terrorists who claim no nation.

It is simply unacceptable that Iran would be permitted to fund a terrorist organization like Hezbollah. It is unacceptable that the state-sponsored terrorist organization would be placed in another nation, Lebanon, in order to wage a steady war against one of our allies. That is what has been happening for far too long.

Mr. Speaker, our President is exactly right not to condemn Israel for taking actions to defeat its terrorist enemy.

A CLUELESS CONGRESS

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, there is a conflagration in the Middle East. We are losing the war in Iraq. We are losing ground to the Taliban in Afghanistan. The stock market is crashing, gas prices are skyrocketing. We have raised the debt ceiling four times to $9 trillion, all of which we are going to dump on the backs of our children, who we are inadequately educating, let alone creating a safer world for them.

And what are the Republican congressional leadership's priorities? To ban same-sex marriage, to ban flag burning, to ban stem cell research, to ban child safety locks on guns in the home, to ban abortion here and family planning abroad, to protect the pledge of allegiance, to cut $20 billion from college student loan programs, to cut $9 billion from elementary and secondary education. And, oh, yes, more tax cuts.

Mr. Speaker, this has got to be the most clueless Congress in American history.

STEM CELL RESEARCH

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, last year this House passed the landmark stem cell bill, H.R. 810. We know that President Bush has already authorized research, even though it is arbitrary and artificially restricted, when he made his executive order allowing research on existing stem cell lines before 9 p.m. August 9, 2001, and prohibiting them after that date.

We know that in 2001 it was believed 78 stem cell lines existed. But now we know there are only 22 that are viable, and they have been contaminated with mouse stem cells.

We know that we are at a historic crossroad in Washington this week. We are either days away from this Congress passing this stem cell bill, or we are going to see delays for years. We know that this issue has united Americans into action across party lines. It includes over 80 Nobel Prize scientists. It counts hundreds of disease-fighting groups advocating for 110 million Americans who are afflicted with a genetic sentence to disability or death.

We know President Bush has signed over 1,000 bills into law. This is not the time to start with the Presidential roadblock of a veto.

TIME FOR A CHANGE IN LEADERSHIP

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, the Middle East is near all-out war and the United States is on the sidelines hamstrung by the Bush occupation of Iraq. We will borrow $1.3 billion today to run the government and hand the bill to our kids and grandkids.

Record gas prices are hamstringing family budgets and business. Record oil profits for the oil companies, and we are borrowing the money from Saudi Arabia and OPEC.

Now, these are difficult issues, and it would be tough to hammer out solutions here on the floor of the House, so the Republican majority has chosen to walk away from these issues of real concern to the American people and phony up an agenda full of dead-end bills designed for one purpose only, to excite the Republican right wing base and perpetuate their hegemony here in Congress.

Two fake stem cell bills to cover the first veto by this President of a meaningful stem cell bill that could provide relief to suffering Americans, paralyzed Americans, Americans with debilitating diseases. But, no, their ideologues won't allow that. They want medieval science to prevail here in Washington, D.C. It is time for a change in the leadership, to have a Congress that truly represents the needs of the American people, not a fringe element in this country.

MARRIAGE PROTECTION AMENDMENT

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 918 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 918

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 88) proposing an amendment to the Constitution of the United States relating to marriage. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour and 30 minutes of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

SEC. 2. During consideration of H.J. Res. 88 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 918 is a closed rule. It provides 1 hour and 30 minutes of debate in the House equally divided and controlled by the majority leader and the minority leader or their designees. This resolution waives all points of order against consideration of the joint resolution, it provides one motion to recommit, and it provides that during consideration of the joint resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker.

Mr. Speaker, I rise today in support of House Resolution 918 and the underlying joint resolution, H.J. Res. 88, the Marriage Protection Act.

First, I would like to thank Representative MARILYN MUSGRAVE, the author and lead sponsor of this constitutional amendment, for her steadfast commitment to the preservation of traditional marriage.

As the manager of this rule and an original cosponsor of the underlying joint resolution, I am very pleased the House will have an opportunity today to consider and debate this very important amendment to our Constitution.

Mr. Speaker, the proceeding debate, both on the rule and the underlying resolution, either can be divisive and disrespectful, or it can be respectful and productive. This amendment has nothing whatsoever to do with exclusion, but it has everything to do with protecting the traditional and historical definition of marriage as a union between one man and one woman.

Contrary to what the opponents of this resolution might say today, this amendment will simply preserve the traditional definition of marriage as it has existed for millennia.

I anticipate there will be those on the other side who will say this amendment was concocted for political purposes. To the contrary, Mr. Speaker. This amendment is in response to a few activist judges who are trying to throw out the definition of marriage, along with over 200 years of American judicial precedent.

☐ 1030

These judges, and these judges alone, made this matter an issue, and they did so without one vote cast in either a legislature or at the ballot box. These activist judges substituted legal precedent and the will of the American people with their own personal desires and political beliefs. Their decision to scrap the traditional definition of marriage has forced us, forced us, to now consider enshrining the definition of marriage into our Constitution.

Mr. Speaker, like most of my colleagues, I would prefer to not have to address this issue in this manner. But, unfortunately, I know my constituents and a strong majority of the American people want us to defend the traditional definition of marriage. A poll by the New York Times, not exactly a bastion of right-wing conservatism, they found that 59 percent, I repeat, 59 percent, of Americans favor an amendment to the Constitution stating that marriage is a union between one man and one woman.

I also, sadly, realize this amendment will probably not have the necessary two-thirds majority to pass and opponents will cite this as a reason to not even consider the underlying resolution. We heard it in a couple of the 1-minute speeches from the other side just a few moments ago. Well, this vote will serve as an opportunity for each and every Member of this body to go on record in support or in opposition to protecting the traditional definition of marriage. And after this vote each of us will be judged accordingly by our constituents, and I can say with a clear conscience and without hesitation that I will support this rule, I will support the underlying resolution for the sake of the sacred institution of traditional marriage and for the sake of our precious children.

Mr. Speaker, I also want to encourage my colleagues to support the rule and this underlying resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I want to thank the gentleman from Georgia, Dr. GINGREY, for yielding me the customary 30 minutes, and I yield myself 5 minutes.

Mr. Speaker, I very much regret that the Republican majority in this House has brought this bill to the floor. This bill, to put it simply and bluntly, is about adding discrimination and intolerance to the United States Constitution. This is about the Republican majority's once again trying to divide and polarize the Nation. It is about the Republican leadership's taking something that should be about love and turning it into a weapon of hate.

I am proud, Mr. Speaker, to be from Massachusetts, the home of the Nation's first State Constitution. In Massachusetts over 8,000 same-sex couples have been married since May of 2004, when it became legal. I should advise my colleagues that Massachusetts has not fallen off the map into the Atlantic Ocean. The sun still rises and sets in the Commonwealth. The Red Sox still play at Fenway, and life goes on. The only thing that is different is that couples of the same sex who love each other, want to spend the rest of their lives together, and want to get married can do so. It means that men and women who happen to be gay are able to enjoy the same rights, privileges, and responsibilities as men and women who happen to be straight. And, Mr. Speaker, that is how it should be.

Those who have continued to advocate a ban on same-sex marriage are on the wrong side of history. There are some here who claim that they are on some sort of moral crusade to protect the institution of marriage. To them I say worry about your own marriage. I do not need you to protect mine. I have been happily married to the same woman for 17 years without the help or interference of Congress. What we should be protecting are the civil and human rights of all Americans.

The fact that same-sex marriage is legal in my home State has had no impact on my marriage except that we were invited to more weddings. Same-sex marriage is a threat to no institution, to no individual.

The underlying bill before us would not only add discrimination to the Constitution for the first time in our history. It would repeal, it would actually take away, the rights of thousands of Americans. What do the supporters of this bill say to the gay couples in Massachusetts who are now legally married: our family members, our neighbors, our coworkers, the people who sit next to us in church? Do you say your marriage is now meaningless and we are going to take away your rights? Do you say we are sending you back to second-class citizenship? Do you say that we have so much hatred for who you are that we are willing to tarnish the United States Constitution?

Marriage law in this country has traditionally been left to the States. Indeed, even in Massachusetts the same supreme judicial court that the proponents of this bill decry recently ruled that a referendum banning same-sex marriage can go forward. That referendum is currently working its way through the process. And I believe, of course, that the referendum should and will fail, that the citizens of Massachusetts would not vote to turn back the clock. But that should be up to us, Mr. Speaker, not to the people of Colorado or Georgia or anywhere else.

In addition, this bill jeopardizes not just same-sex marriage in Massachusetts but domestic partnership and civil union laws in other parts of the country. The proposal before us is so poorly drafted that legal experts disagree on exactly what effect it will have on those laws. That means, of course, that the issue will end up back in the courts, which is ironic given the concept of court-bashing by the bill's supporters.

Mr. Speaker, the impact of this debate goes far beyond constitutional arguments. The proponents of this bill are contributing to a climate of intolerance. We will hear protests from the other side today that they have no problem with gay people. Yet here they are arguing that gay people do not deserve the same rights as everybody else.

Mr. Speaker, I am also terribly troubled by the hate spewing from some of the outside groups using the same-sex marriage issue to whip up emotions and raise money. Mr. Speaker, some of the rhetoric is just deplorable. But I doubt that we will hear any of the bill's supporters denouncing it here today on the floor.

My colleagues, discrimination is discrimination, and it should find no sanctuary in our Constitution or in our hearts. It should find no sanctuary on the floor of the people's House.

We all know why this proposal is before us. It is an election year, and if it is an election year, the Republican leadership will find a place on the agenda for gay-bashing.

This proposal is worse than a distraction. It is not an assault on our fellow citizens. It is an attack on a piece of their humanity, and I urge you to stand on the right side of history and to defeat this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

In response to a couple of things that my good friend said, Mr. Speaker, nowadays lots of people are claiming that marriage is a discriminatory institution. Same-sex couples say marriage discriminates against them. Believe it or not, single people are now complaining that marriage discriminates also against them. After all, say the singles, why should the State give special benefits to married parents but not to us?

It gets worse. Even polygamists and believers in group marriage, who call themselves polyamorists, are saying that marriage discriminates against them.

Now, if the support society gives the men and women who have the potential to create children is going to be called discrimination, pretty soon there is not going to be such a thing as a marriage at all. When one group can call marriage discrimination, then any group can make the same claim.

And, also, Mr. Speaker, there was a comment about a couple loving each other. But this is not a civil rights issue. Love, of course, is a great thing. But in my humble opinion, marriage is not just any kind of love. It is a love that can bear children, and it is a love that involves both a mom and a dad. Two men might be a good father. But neither one is a mom. The ideal for children is the love of both a mom and a dad. No same-sex couple can provide that. The ideal for marriage is about bringing together moms and dads so children have a mother and a father to learn from.

With that, Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina, Representative VIRGINIA FOXX.

Ms. FOXX. Mr. Speaker, I thank the gentleman from Georgia for yielding me time.

I also want to thank my colleagues for seeing the great need for this debate, a need which is no longer on the horizon but has reached the forefront as it has begun to affect American families.

It is the right time to discuss a marriage protection amendment. As Members of this Congress, we have a responsibility to look at this critical situation for marriage and the real possibility that the courts are going to redefine marriage.

This constitutional amendment would concretely define marriage as we always have: as the union between one man and one woman. The disintegration of the family is the force behind so many of our most serious social problems. We cannot turn a blind eye to the social trends that are doing the most damage to America's children. The health of American families is built upon marriage, and it affects us all.

The Massachusetts Supreme Judicial Court and other local courts have ruled in favor of same-sex marriages. These unsound decisions set a dangerous precedent, and that is why a constitutional amendment is necessary. If enacted, it will effectively ban these illegitimate marriages nationwide.

This definition of marriage is not intended to be discriminatory but rather to uphold the sanctity of marriage as an institution. The Marriage Protection Amendment removes the definition of marriage from the hands of the courts and returns this decision to the American people, where it belongs. The Massachusetts decision represents the beginning of what could be a dangerous erosion of this sacred tradition that we must protect.

Will we put our faith in a few unelected activist judges seated on a bench to define marriage, or will we use the most democratic process we have to affirmatively define marriage as it is intended? We must protect the sanctity of marriage now.

I encourage my colleagues to vote "yes" on the rule and support the Marriage Protection Amendment.

Mr. McGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, with all due respect to my beloved colleagues, what if a man and a woman have a partnership which does not produce children? Is their marriage invalid? Is it less sacred? And the use of the word "illegitimate" here is a little troubling because I thought we dispensed with those kinds of references as we became more enlightened.

It is easy to take a stand for the institution of marriage in the abstract, but try doing it in your own life and that becomes a little more complex. It is far easier to tell others how they should live and whom they should be permitted to marry. The science of human relations requires humility. Whether in the heights of unity or the depths of divorce, our relationships, our companionships, our partnerships, are our greatest teachers. Our relationships are also a sphere of influence which should be free from government interest or interference.

Government does not belong in the bedroom or secretly listening on your phone, reading your books, reviewing your e-mails. Government does not have a rightful role in determining who you should love, who should love whom, and therefore enter into the formalization of a civil marriage contract.

We do not often quote from the Declaration of Independence here, but I think it would be useful if I recited some words that are instructive at this moment:

"We hold these truths to be self-evident, that all men," and we know now all people, "are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

Thomas Jefferson went on to write that governments are created to secure these rights. I might add that this government was not created to crush those rights.

Today, with a proposed constitutional amendment defining marriage, we would establish a law which would be at odds with the 14th amendment, which guarantees equal protection of the law. What is next? Amend the Pledge of Allegiance to take out the words "with liberty and justice for all"? What is next? Recarve the dais in front of us here, which has words carved into wood, and I will read them for those who are not able to see them: words carved below the Speaker: "Tolerance," "Justice," "Union," "Liberty"? Do we just take that apart?

☐ 1045

Move it? Leave it blank?

You wonder why this Congress is not held in higher regard. I will tell you why. In Iraq, our troops are caught in a crossfire of a civil war which grows more deadly every day. The administration has no exit strategy. Congress does nothing.

In Iran, the Department of Defense is actively preparing for war while the administration sets the stage for negotiations that they intend to fail. Congress does nothing.

In the Middle East, the region stands on the brink of a full-blown war in which there will be no winners. Congress does nothing.

In North Korea, the administration won't negotiate with North Korea, while North Korea is thumbing its nose at the international community. Congress does nothing.

Here at home, you want to talk about a threat to the institution of marriage? 45 to 50 million people are without health insurance; bankruptcies at a record level; people in home foreclosures. Let's talk about a threat to the institution of marriage. Congress is doing nothing about any of that.

Today, in a shameless attempt to divert, distract, and distort from the lackluster performance of this Congress, the House is set to write discrimination into the U.S. Constitution. Iraq, Iran, the Middle East, North Korea, health care, gas prices, the minimum wage? No, the most pressing issue in America is gay marriage.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

The gentleman from Ohio is concerned and says, what next? Is the Congress going to take out from the Pledge of Allegiance "with liberty and justice for all"? I say to my friend from Ohio, no. Later on this week we will have the opportunity to defend "one Nation under God" and keep the Federal judiciary from taking that out.

Mr. Speaker, I yield 2¼ minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman from Georgia for yielding.

Mr. Speaker, I rise today to defend traditional marriage. It is hard to believe that we have come to such a time in our country that we must even debate this basic American value.

Marriage is defined as the union between one man and one woman. Some may question whether or not this issue warrants a Federal debate and Federal action. Unfortunately, certain courts in this land have answered that question as ideological judges threaten to undo the very fabric of our families by imposing their opinions and policies as the final say on what marriage means.

Mr. Speaker, families matter, because fathers and mothers matter. They are not interchangeable. Literally hundreds of studies point to the crucial nature of mothers and fathers rearing children within the bonds of traditional marriage. Every deviation from the ideal model of enduring monogamous marriage between a man and a woman expands those boundaries; and when we push these limits, who is to say where the definition of marriage will end?

Government and societies have granted certain institutional benefits and privileges to heterosexual marriage because these unions have the biological potential to provide societies with a tangible benefit, children.

Mr. Speaker, redefining marriage to include same-sex unions not only devalues marriage, but it diminishes the rights of children. Nature itself gave children this right.

I wish that this fight here today was not necessary. We did not ask for it. But failure to enact a constitutional amendment will mean that the decisions made by the American people at the ballot box and through their elected representatives regarding marriage will continue to be overruled, bit by bit, by a few renegade judges and local officials. Unfortunately, when judges distort the Constitution to overrule the express will of the people, only constitutional amendments can overturn the judges.

Mr. Speaker, the people in the Eighth District of North Carolina have clearly and repeatedly asked me to defend traditional marriage, to do whatever it takes to ensure that the people have the final say. That is why I rise here today, convinced that this constitutional amendment is the right thing to do.

The time is now. Let's give American moms and dads the chance to protect marriage. I urge a "yes" vote on the rule and the Marriage Protection Amendment.

PARLIAMENTARY INQUIRY

Mr. KUCINICH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KUCINICH. Mr. Speaker, the 14th amendment, section 1, says that no one shall be denied equal protection of the laws. Now, if this would pass, would this legislation, this constitutional amendment, supersede that provision of the 14th amendment and make that provision of the 14th amendment null and void?

The SPEAKER pro tempore. It is not the province of the Chair to interpret the pending measure or to construe its relationship to the Constitution. Those are matters to be elucidated by Members in debate.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to insert into the RECORD at this time an article that appeared in the Economist magazine entitled "The Case For Gay Marriage."

I will insert into the RECORD an executive summary of the Cato Institute's policy analysis entitled: "The Federal Marriage Amendment: Unnecessary, Anti-federalist and Antidemocratic."

I would also like to insert into the RECORD a letter from the Human Rights Campaign in opposition to the bill before us, a letter from the American Jewish Committee in opposition to the bill before us, a letter from the National Council of Jewish Women in opposition to the bill before us, and a letter from the Leadership Conference on Civil Rights in opposition to the bill before us.

[From the Economist print edition, Feb. 26, 2004]

THE CASE FOR GAY MARRIAGE

IT RESTS ON EQUALITY, LIBERTY AND EVEN SOCIETY

So at last it is official: George Bush is in favour of unequal rights, big-government intrusiveness and federal power rather than devolution to the states. That is the implication of his announcement this week that he will support efforts to pass a constitutional amendment in America banning gay marriage. Some have sought to explain this action away simply as cynical politics, an effort to motivate his core conservative supporters to turn out to vote for him in November or to put his likely "Massachusetts liberal" opponent, John Kerry, in an awkward spot. Yet to call for a constitutional amendment is such a difficult, drastic and draconian move that cynicism is too weak an explanation. No, it must be worse than that: Mr. Bush must actually believe in what he is doing.

Mr. Bush says that he is acting to protect "the most fundamental institution of civilisation" from what he sees as "activist judges" who in Massachusetts early this month confirmed an earlier ruling that banning gay marriage is contrary to their state constitution. The city of San Francisco, gay capital of America, has been issuing thousands of marriage licences to homosexual couples, in apparent contradiction to state and even federal laws. It can only be a matter of time before this issue arrives at the federal Supreme Court. An those "activist judges", who, by the way, gave Mr. Bush his job in 2000, might well take the same view of the federal constitution as their Massachusetts equivalents did of their state code: that the constitution demands equality of treatment. Last June, in Lawrence v. Texas, they ruled that state anti-sodomy laws violated the constitutional right of adults to choose how to conduct their private lives with regard to sex, saying further that "the Court's obligation is to define the liberty of all, not to mandate its own moral code". That obligation could well lead the justices to uphold the right of gays to marry.

LET THEM WED

That idea remains shocking to many people. So far, only two countries—Belgium and the Netherlands—have given full legal status to same-sex unions, though Canada has backed the idea in principle and others have conferred almost-equal rights on such partnerships. The sight of homosexual men and women having wedding days just like those enjoyed for thousands of years by heterosexuals is unsettling, just as, for some people, is the sight of them holding hands or kissing. When The Economist first argued in favour of legalising gay marriage eight years ago ("Let them wed", January 6th 1996) it shocked many of our readers, though fewer than it would have shocked eight years earlier and more than it will shock today. That is why we argued that such a radical change should not be pushed along precipitously. But nor should it be blocked precipitously.

The case for allowing gays to marry begins with equality, pure and simple. Why should one set of loving, consenting adults be denied a right that other such adults have and which, if exercised, will do no damage to anyone else? Not just because they have always lacked that right in the past, for sure: until the late 1960s, in some American states it was illegal for black adults to marry white ones, but precious few would defend that ban now on grounds that it was "traditional". Another argument is rooted in semantics: marriage is the union of a man and a woman, and so cannot be extended to same-sex couples. They may live together and love one another, but cannot, on this argument, be "married". But that is to dodge the real question—why not?—and to obscure the real nature of marriage, which is a binding commitment, at once legal, social and personal, between two people to take on special obligations to one another. If homosexuals want to make such marital commitments to one another, and to society, then why should they be prevented from doing so while other adults, equivalent in all other ways, are allowed to do so?

CIVIL UNIONS ARE NOT ENOUGH

The reason, according to Mr. Bush, is that this would damage an important social institution. Yet the reverse is surely true. Gays want to marry precisely because they see marriage as important: they want the symbolism that marriage brings, the extra sense of obligation and commitment, as well as the social recognition. Allowing gays to marry would, if anything, add to social stability, for it would increase the number of couples that take on real, rather than simply passing, commitments. The weakening of marriage has been heterosexuals' doing, not gays', for it is their infidelity, divorce rates and single-parent families that have wrought social damage.

But marriage is about children, say some: to which the answer is, it often is, but not always, and permitting gay marriage would not alter that. Or it is a religious act, say others: to which the answer is, yes, you may believe that, but if so it is no business of the state to impose a religious choice. Indeed, in America the constitution expressly bans the involvement of the state in religious matters, so it would be especially outrageous if the constitution were now to be used for religious ends.

The importance of marriage for society's general health and stability also explains why the commonly mooted alternative to gay marriage—a so-called civil union—is not enough. Vermont has created this notion, of a legally registered contract between a couple that cannot, however, be called a "marriage". Some European countries, by legislating for equal legal rights for gay partnerships, have moved in the same direction (Britain is contemplating just such a move, and even the opposition Conservative leader, Michael Howard, says he would support it). Some gays think it would be better to limit their ambitions to that, rather than seeking full social equality, for fear of provoking a backlash—of the sort perhaps epitomised by Mr. Bush this week.

Yet that would be both wrong in principle and damaging for society. Marriage, as it is commonly viewed in society, is more than just a legal contract. Moreover, to establish something short of real marriage for some adults would tend to undermine the notion for all. Why shouldn't everyone, in time, downgrade to civil unions? Now that really would threaten a fundamental institution of civilisation.

[From Policy Analysis, June 1, 2006]

THE FEDERAL MARRIAGE AMENDMENT UNNECESSARY, ANTI-FEDERALIST, AND ANTI-DEMOCRATIC

(By Dale Carpenter)

EXECUTIVE SUMMARY

Members of Congress have proposed a constitutional amendment preventing states from recognizing same-sex marriages. Proponents of the Federal Marriage Amendment claim that an amendment is needed immediately to prevent same-sex marriages from being forced on the nation. That fear is even more unfounded today than it was in 2004, when Congress last considered the FMA. The better view is that the policy debate on same-sex marriage should proceed in the 50 states, without being cut off by a single national policy imposed from Washington and enshrined in the Constitution.

A person who opposes same-sex marriage on policy grounds can and should also oppose a constitutional amendment foreclosing it, on grounds of federalism, confidence that opponents will prevail without an amendment, or a belief that public policy issues should only rarely be determined at the constitutional level.

There are four main arguments against the FMA. First, a constitutional amendment is unnecessary because federal and state laws, combined with the present state of the relevant constitutional doctrines, already make court-ordered nationwide same-sex marriage unlikely for the foreseeable future. An amendment banning same-sex marriage is a solution in search of a problem.

Second, a constitutional amendment defining marriage would be a radical intrusion on the nation's founding commitment to federalism in an area traditionally reserved for state regulation, family law. There has been no showing that federalism has been unworkable in the area of family law.

Third, a constitutional amendment banning same-sex marriage would be an unprecedented form of amendment, cutting short an ongoing national debate over what privileges and benefits, if any, ought to be conferred on same-sex couples and preventing democratic processes from recognizing more individual rights.

Fourth, the amendment as proposed is constitutional overkill that reaches well beyond the stated concerns of its proponents, foreclosing not just courts but also state legislatures from recognizing same-sex marriages and perhaps other forms of legal support for same-sex relationships. Whatever one thinks of same-sex marriage as a matter of policy, no person who cares about our Constitution and public policy should support this unnecessary, radical, unprecedented, and overly broad departure from the nation's traditions and history.

HUMAN RIGHTS CAMPAIGN,
Washington, DC, July 17, 2006.

DEAR REPRESENTATIVE: On behalf of the Human Rights Campaign ("HRC"), our nation's largest civil rights organization promoting equality for gay, lesbian, bisexual and transgender ("GLBT") Americans, I write to urge you to vote no on H.J. Res. 88, a proposed amendment to the United States Constitution that would write discrimination into our Constitution and brand lesbian and gay families as second-class citizens in every state in our nation.

Our Constitution was written to promote liberty, equality, and fairness. "We, the people" means all of the people. By singling out a group of Americans for unequal treatment, the federal marriage amendment ("FMA") would undermine the guiding principles of our Constitution. Constitutional amendments have expanded rights for Americans, including voting rights, religious liberty, and equal protection. Discrimination has no place in our nation's founding document.

The proposed amendment's supporters and drafters disagree over whether it would ban the civil union and domestic partnership protections that several states and cities have extended to same-sex couples. Sixty percent of Americans agree that all families should be able to protect one other in times of crisis, whether to take care of a sick family member, share retirement savings, of make important decisions on the death of a partner. The FMA could render laws that provide these protections unconstitutional, hurting real American families.

Americans prioritize fairness over discrimination. Congress should focus on fairness, and abandon the divisive politics behind the FMA. With gas prices rising and issues related to health care and education on the minds of Americans, Congress should not be spending its time seeking to discriminate against a group of Americans and treating them differently under the law in our Constitution.

Your "no" vote on the FMA is a vote against discrimination and for the values that belong in our Constitution: liberty, equality, and fairness.

Thank you for your consideration. If you have any questions, or need more information, please contact David Stacy at 202.572.8959 or Lara Schwartz at 202.216.1578.

Sincerely,

JOE SOLMONESE,
President.

THE AMERICAN JEWISH COMMITTEE,
Washington, DC, July 17, 2006.

Re: Marriage Protection Amendment (H.J. Res. 88)

DEAR REPRESENTATIVE: On behalf of the American Jewish Committee, the nation's oldest human relations organization with over 150,000 members and supporters represented by 33 regional offices nationwide, I urge you to oppose the Marriage Protection Amendment (H.J. Res. 88). If passed, this legislation would amend the U.S. Constitution to provide that marriage in the United States shall consist only of the union between a man and a woman. The amendment would also prevent both the federal and state constitutions from being interpreted to require that marriage or the legal incidents thereof shall be conferred upon any union other than the union of a man and a woman.

The Marriage Protection Amendment would mark the first time the Constitution has been amended to include discrimination. It is a threat to the fundamental rights of many Americans and would only serve to enshrine discrimination in our social fabric.

Moreover, the Marriage Protection Amendment would imperil civil union and similar provisions that have been adopted in some states. While AJC takes no position on state recognition of same-sex marriage per se, AJC believes that same-sex couples who choose to enter into domestic arrangements such as civil unions should be afforded the same legal rights, benefits, protections and obligations conferred upon heterosexual couples who enter into civil marriage.

We therefore urge you to oppose H.J. Res. 88 in order to protect against enshrining discrimination in the Constitution.

Thank you for considering our views on this important matter.

Respectfully,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

NATIONAL COUNCIL OF JEWISH WOMEN,
July 17, 2006.

DEAR REPRESENTATIVE: On behalf of the 90,000 members and supporters of the National Council of Jewish Women (NCJW), I am writing in opposition to the federal marriage amendment (H.J. Res 39). The federal marriage amendment also threatens fundamental constitutional rights such as religious liberty and domestic violence protections.

A ban on same-sex marriage would set a dangerous precedent by amending the Constitution to restrict the rights of a specific class of people. Furthermore, the proposed language is vague and would consequently jeopardize existing state recognized civil unions. To deny couples in committed relationships the same legal benefits accorded spouses in heterosexual marriages is prejudicial, morally offensive, and goes against the spirit of a free democracy.

Passage of the vague language within H.J. Res. 39 would also have broader consequences for all unmarried Americans. For instance, in Ohio, the media reports that some people are losing the protection of domestic violence laws based on that state's marriage amendment. The federal marriage amendment, which has almost identical language, would create similar ambiguities that would endanger protections for non-married victims, potentially reduce criminal penalties, and invalidate many state and local statues. This law would inadvertently help those who hurt others by complicating established laws in place to protect victims of violence.

In addition, the passage of H.J. Res. 39 would jeopardize religious liberty. To date, no administrative or judicial decision in any state or locale requires a religious group to perform any marriage against its will. The proposed amendment, on the other hand, would impose a single, religious definition of marriage upon the entire nation. Central to religious autonomy is the ability to choose who can take part in important religious rituals or services, including marriage. For the government to interfere in this process and show preference to one particular religion's point of view would significantly undermine the separation of religion and state.

NCJW is a volunteer organization, inspired by Jewish values, that works to improve the quality of life for women, children, and families and to ensure individual rights and freedoms for all. As such, we believe that gay and lesbian individuals should have the constitutional right to affirm and protect their relationships through marriage. We endorse laws that would provide equal rights for same-sex couples.

Enshrining discrimination in a document whose purpose is to safeguard rights and freedoms is wrong. I urge you to vote to defeat this bill.

Sincerely,

PHYLLIS SNYDER,
NCJW President.

LEADERSHIP CONFERENCE ON
CIVIL RIGHTS,
WASHINGTON, DC, JULY 14, 2006.

Oppose the "Federal Marriage Amendment" (H.J. Res. 88) Don't Write Discrimination into the Constitution

DEAR REPRESENTATIVE: On behalf of the Leadership Conference on Civil Rights

(LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, we strongly urge you to oppose the "Federal Marriage Amendment" (H.J. Res. 88), a radical proposal that would permanently write discrimination into the United States Constitution. LCCR believes that this highly divisive amendment is a dangerous and unnecessary approach to resolving the ongoing debate over same-sex marriage, and that it would turn 225 years of constitutional history on its head by requiring that states actually restrict the civil rights of their own citizens.

As a diverse coalition, LCCR does not take a position for or against same-sex marriage. The issue of same-sex marriage is an extremely difficult and sensitive one, and people of good will can and do have heartfelt differences of opinion on the matter. However, LCCR strongly believes that there are right and wrong ways to address the issue as a matter of public policy, and is extremely concerned about any proposal that would alter our nation's most important document for the direct purpose of excluding any individuals from its guarantees of equal protection.

The proposed amendment is antithetical to one of the Constitution's most fundamental guiding principles, that of the guarantee of equal protection for all. For the first time in history, the Constitution would be altered to be used as a tool of exclusion, restricting the rights of a group of Americans. It is so far-reaching that it would not only prohibit states from granting equal marriage rights to same-sex couples, but also may deprive same-sex couples and their families of fundamental protections such as hospital visitation, inheritance rights, and health care benefits, whether conveyed through marriage or other legally recognized relationships. Such a proposal runs afoul of basic principles of fairness and will do little but harm real children and real families in the process.

Constitutional amendments are extremely rare, and are only done to address great public policy needs. Since the Bill of Rights' adoption in 1791, the Constitution has only been amended seventeen times. LCCR believes that the Bill of Rights and subsequent amendments were designed largely to protect and expand individual liberties, and certainly not to deliberately take away or restrict them.

LCCR is particularly troubled by the virulent rhetoric of some organizations working to enact the proposed amendment, and their animus towards gays and lesbians. The attacks made by many of the most vocal proponents, such as the Traditional Values Coalition and the American Family Association, are disturbingly similar to the sorts of attacks that have been made upon other communities as the have attempted to assert their right to equal protection of the laws. This is, of course, an element of the debate that the civil rights community finds deeply disturbing, as should all fair-minded Americans.

In addition, supporters of the Federal Marriage Amendment cite "judicial activism" as a reason to enact it. Terms like "judicial activism" are alarming to LCCR and the civil rights community because such labels have routinely been used in the past to attack judges who made courageous decisions on civil rights matters. When Chief Justice Earl Warren wrote the unanimous Supreme Court decision in Brown v. Board of Education (1954), for example, defenders of segregation cried "judicial activism" across the South and across the country. Many groups and individuals demanded that Congress "impeach Earl Warren." The Supreme Court's ruling in Loving v. Virginia (1967), which invalidated a state anti-miscegenation law, resulted in similar attacks. Fortunately, our nation avoided taking any radical measures against the so-called "judicial activists" or their decisions, and we believe a similar level of caution is warranted in this case.

At a time when our nation has many great and pressing issues, Congress can ill afford to exert time and energy on such a divisive and discriminatory constitutional amendment. We implore you to focus on the critical needs facing our nation, and to publicly oppose this amendment. If you have any questions or need further information, please contact Rob Randhava, LCCR Counsel, at (202) 466–6058, or Nancy Zirkin, LCCR Deputy Director, at (202) 263–2880. Thank you for your consideration.

Sincerely,

Leadership Conference on Civil Rights

A. Philip Randolph Institute, American Association of People with Disabilities, American Civil Liberties Union, American Humanist Association, American Jewish Committee, Americans for Democratic Action, Americans United for Separation of Church and State, Anti-Defamation League, Asian American Justice Center (formerly known as NAPALC), Asian Pacific American Labor Alliance, AFL–CIO, Association of Humanistic Rabbis, Bazelon Center for Mental Health Law, Central Conference of American Rabbis, Citizens' Commission on Civil Rights, Disability Rights Education & Defense Fund, Friends Committee on National Legislation, Global Rights, Hadassah, the Women's Zionist Organization of America, Human Rights Campaign, Jewish Labor Committee.

Korean American Resource & Cultural Center (KRCC), Korean Resource Center (KRC), Lambda Legal, League of United Latin American Citizens, League of Women Voters of the United States, Legal Momentum, Metropolitan Washington Employment Lawyers Association, Mexican American Legal Defense and Educational Fund, National Alliance of Postal and Federal Employees, National Association for the Advancement of Colored People (NAACP), National Association of Human Rights Workers, National Association of Social Workers, National Council of Jewish Women, National Council of La Raza, National Disability Rights Network, National Education Association, National Employment Lawyers Association, National Gay and Lesbian Task Force, National Jewish Democratic Council, National Korean American Service & Education Consortium (NAKASEC).

National Partnership for Women & Families, National Urban League, National Women's Law Center, People For the American Way, PFLAG National (Parents, Families and Friends of Lesbians and Gays), Planned Parenthood Federation of America, Project Equality, Inc., Retail, Wholesale and Department Store Union, UFCW, Service Employees International Union (SEIU), Society for Humanistic Judaism, The Interfaith Alliance, Union for Reform Judaism, Unitarian Universalist Association of Congregations, United Church of Christ Justice and Witness Ministries, United Food and Commercial Workers International Union, United States Student Association, Women Employed, Workmen's Circle/Arbeter Ring, YWCA USA.

Mr. Speaker, let me also just say in response to some of the speakers who have come before us who have talked about gay marriage as somehow going against the will of the people, I will tell you that in Massachusetts, where gay marriage has been legal now for over 2 years, I think the majority of the people are absolutely fine with it. Over 8,000 gay couples have been married, and life goes on. Nothing has changed. The only thing that has changed is that people in gay relationships can enjoy the same rights and privileges and responsibilities as those who are in heterosexual relationships.

I would also say to my colleagues that if you are so worried about defending the institution of marriage, then I think we should all worry about our own marriages. In Massachusetts, I should point out for the record that we have the lowest divorce rate in the country. So maybe we know something about marriage that maybe you don't.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

The gentleman from Massachusetts I am sure is aware of the fact that in his State, opponents have gathered 170,000 signatures supporting a constitutional amendment they hope would end gay marriage, despite what their supreme court did.

Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. McHENRY).

Mr. McHENRY. Mr. Speaker, we must defend traditional marriage. Marriage, family and community are not catch phrases. They are the backbone of our American society. Sadly, however, there is an organized effort by judicial activists and the radical left in this country to destroy our traditional American culture.

The Federal Marriage Amendment provides a national definition of marriage and leaves marriage laws to the State legislatures. It adds a layer of protection against court-imposed arrangements other than marriage and protects States from being forced to recognize same-sex unions created by other States.

Years of social science evidence confirms that children respond best when their mom and dad are married and live in the home. That is why it is important that we defend traditional marriage and this traditional notion of family law that emphasizes the importance of the foundational principle of family and to address the needs of children in the most positive and effective way.

We must defend what is sacred in our Nation against reckless actions of a dangerous few who seek to impose their liberal lunacy on our society. That is why we must fight for families, and this is a war worth fighting.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say that I used to think that what was sacred in this country was defending civil rights and civil liberties and fighting against discrimination. Apparently I am mistaken, based on the comments that I have just heard.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I thank the gentleman and rise this morning in strong opposition to the rule before us. I hope later today to return to the floor and address the substance of Federal Marriage Amendment. But now I want to speak to this process, because by bringing up this unnecessary and divisive amendment to write discrimination into the Constitution, the leadership of this House once again illustrates just how out of step Congress is with the rest of America.

With the defeat of the amendment in the Senate a mere 5 weeks ago, this legislation should have never reached the floor of the House. Yet, unsurprisingly, politics is prevailing over common sense, and today we are going to be hearing a lot of hurtful political rhetoric targeting gay and lesbian families, all for the purpose of pandering to a narrow political base.

Mr. Speaker, America faces great challenges, both at home and abroad. We are confronted with record high gas prices, an endless and expensive war in Iraq, skyrocketing health care costs, and a growing international crisis in the Middle East and North Korea. But the Federal Marriage Amendment allowed under this rule, of course, does nothing to address these very pressing challenges.

At a time of such great tests confronting our Nation, America's leaders should be uniting, rather than dividing, our country. But the FMA does exactly the opposite of that, and it certainly puts politics ahead of real progress.

The Federal Marriage Amendment is also unnecessary. Since 2004, States around the country have been addressing the issue of gay marriage through the normal legislative and governmental process. Today, Massachusetts remains the only State that allows gay marriage. But several other States, including Vermont, Connecticut and California, have passed laws granting civil union protections for same-sex couples. Those laws would certainly be threatened if this amendment were to pass.

The proposed FMA limits the ability of States to confer protections such as important rights like hospital visitation rights, health insurance and broader civil union or domestic partnership protections on unmarried couples, and it undermines our federalist tradition of deferring to the States to regulate the institution of marriage.

Mr. Speaker, many Americans are struggling with the issue of same-sex marriage on a personal level today. There is a vibrant debate going on across our Nation, in church basements, in break rooms, in dining rooms. This debate would be completely shutdown and stifled if this amendment were to pass.

Our Constitution, the most cherished document embodying the American Dream of life, liberty and the pursuit of happiness, should not be amended to single out and deny the rights of any one group of Americans. This divisive, hateful, and unnecessary amendment is unworthy of our great Constitution that has been the foundation of our great Nation.

I urge my colleagues to reject this rule and to vote against the amendment.

Mr. GINGREY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I want to point out to the gentlewoman from Wisconsin that 45 States currently define marriage as a union of one man and one woman or expressly prohibit same-sex marriages; and those 45 States we are talking about, Mr. Speaker, include 88 percent of the population of this country. We are not just talking about Georgia. The fact is in a constitutional amendment, three-fourths of the States will have to ratify it.

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. If all these States are doing what you want them to do, why do we need a Federal constitutional amendment?

Mr. GINGREY. Mr. Speaker, reclaiming my time, it is because of these activist judges who are chipping away at the will of the people.

Mr. Speaker, I yield 1 minute to my good friend, the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today in support of the definition of a marriage as between one man and one woman. I think really what we are doing on the floor today is determining how America will define itself. Thousands of years and many civilizations have defined a marriage as the union between one man and one woman. With few exceptions, those civilizations that did not follow that perished.

Forty-five States, as the gentleman just said, have determined by people that were elected by the people of that State that marriage is the definition of one man and one woman. So, today, we are really on the floor to debate whether America will continue to define itself and the definition of marriage on a godly institution that was established thousands and thousands of years ago that one man and one woman would come together and become one and produce families, families that all across America have said that the definition of marriage is between one man and one woman.

I urge my colleagues today to define America as a moral country.

☐ 1100

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my good friend from Massachusetts for yielding me time.

Mr. Speaker, you know we have a conflagration in the Middle East today as we speak. We have raised the debt ceiling four times to over $9 trillion, and we are going to pass it all on to our kids. And yet this is how the Republican congressional leadership chooses to spend its time.

Nobody's marriage is endangered. What this is really about and what this amendment should be entitled is the "Gay Discrimination Act." That is all it is. And what is its motivation? It is a crass political attempt to divide America in an election year. That is what this is all about. We know it. And I suspect a lot of the American people know it as well.

What every American should find most objectionable is that you are using the Constitution to do this. Our Founding Fathers put together the Constitution and the Bill of Rights in order to protect and enhance individual rights and liberties. And this goes directly counter to what our Constitution is all about by prohibiting individual rights and limiting States rights.

They talked about life, liberty and the pursuit of happiness. And, yet, all you can think about is ways to make life more difficult for people who do not fall into the mainstream of America. That is not what America is about. This amendment needs to be defeated and we need to stand up for human rights, for civil rights, and for States rights.

We know it is never going to get enacted. But we should not be spending our time talking about it. We should not be spending our time trying to seek political gain at the expense of people who want to live committed lives with each other. That is not endangering anybody. Defeating this amendment is what our Founding Fathers wanted America to be about.

Mr. Speaker, I rise today in opposition to the Federal Marriage Amendment, and I do so for one simple reason—the United States Constitution must never be allowed to expressly authorize, indeed to expressly direct, discrimination against a group of individuals that is based upon their shared personal characteristics

Mr. Speaker, this amendment shouldn't be called the Marriage Protection Amendment. It isn't needed to strengthen or enhance the institution or traditional marriage in this country.

Call it what it is—it's the Anti-Gay Marriage Amendment, for it is intended to deny gay and lesbian Americans, solely on the basis of their orientation, the ability to maintain the same kind of committed relationships that every other adult in the country is entitled to.

This is discrimination in its rankest form.

The amendment is the first of its kind, for it seeks to change the Constitution, not to prohibit, but to authorize a specific form of discrimination.

And it does this by forever preventing the states from extending the rights and protections of marriage to a certain class of citizens.

States would be denied the right to recognize and afford same sex couples the legal rights and protection that heterosexual couples receive from government, such as the right to receive health benefits and hospital visitations.

Furthermore, those states that have already seen fit to recognize and enact domestic partnership state laws would be preempted by this amendment.

Never, however, has the Constitution, on its face, been amended to deny a specific set of rights to a specific class of citizens.

By approving this measure, the House would be party to act that would stand as an extraordinary affront to the Constitution and, especially, to the Bill of Rights and the fundamental principles and protections it enshrines.

This is not what the Constitution is about; this is not what our country is about. The amendment should be seen for what it is—a crass attempt to politically divide the American public in an election year. It must be soundly defeated, and I urge my colleagues to do so.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I just want to remind the gentleman from Virginia that it is not all about money and how we spend it that we are in this Congress, but it is also about values and how this great country represents them to the world, not the least of which is the Middle East.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank my colleague also for his point that values are important here in Congress. That is why we are here. So I rise in support of the rule and support of the amendment.

In 1996, we passed in Congress the Defense of Marriage Act, DOMA, so this is not a new issue, back in 1996 to protect the institution of marriage.

Unfortunately, DOMA does not go far enough to protect States from courts that choose to drastically alter marriage laws. This amendment is greatly supported, greatly supported by the majority of Americans. As pointed out earlier, 20 States, 20 States voted and elected to define marriage as between a man and a woman by overwhelming majorities.

On average, these States have approved constitutional amendments with 70 percent approval ratings. Additionally, 23 other States have enacted laws that similarly limit marriage to unions between a man and a woman, and my State is among them, Florida. Yet, not one State, I say to my colleagues over there, not one State has chosen by popular vote to permit marriages between homosexuals. Explain that to me. Why, if there is so much concern over there, why a State has not permitted it?

Without this amendment, activist judges would be able to force recognition of same-sex marriage upon States that have democratically voted not to sanction these unions. This is a miscarriage of judicial power. I urge my colleagues to support the democratic process and support the Federal marriage amendment.

Mr. MCGOVERN. Mr. Speaker, just for the record, there is no Federal challenge at this time in any Federal court to DOMA. So that not is not even an issue.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, I probably perform more marriages than all of the other Members in this body, collected. When I perform a wedding in Los Angeles in August, it will push me over the 400 mark for my career as an ordained United Methodist pastor.

I am baffled over what is taking place on this floor. When Rome ruled the world, every now and then Roman soldiers had to go back to Rome and pledge loyalty to the Emperor. It was called sacramentum. In my tradition, the Christian tradition, we took that word to use as our word sacrament, our pledge of loyalty to God.

The generic marriage ceremony, which almost every denomination uses, begins by saying, marriage is an honorable estate instituted by God and signifies to all the uniting of this man and this woman in His church.

The point, Mr. Speaker, is that the domain of the church is the place where definitions should be made with regard to marriage. Every denomination has struggled or is struggling with this issue. The United Methodist Church voted last year not to allow same-sex marriages. The Episcopalian Church voted to do the same.

I resent a body of legislators telling me, a member of a denomination, that they will decide who can and who cannot get married. It is the responsibility of the church not the Government. If the Government is going to become involved in this sacrament, then why not communion? Why does the Congress not then begin to deal with how many times a month a church should do communion?

Friends, this is the saddest day for me since I have been here, because I can see clearly that this body is willing to trespass on the domain of God. Marriage is a holy institution. It was created by God. And we say in my tradition that Jesus ordained and beautified marriage when he performed his first miracle at the wedding in Cana of Galilee, not on the floor of Congress.

The church controls this issue. If this body would like to move to have the civil marriages restricted, that is fine. People who want to go to the courthouse, or want to get married on a ship, that is fine. But in terms of the church, keep your hands out of the church.

The church is a sacred institution. I did not come to this floor to make enemies but to make a point. And my point is this. This is off base. This is wrong. I wish we had time to debate the theology of this issue, because I would do it with anybody in this place.

Mr. GINGREY. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, I do not know that I could debate theology with the gentleman from Missouri, as an ordained minister, but I do know a little bit about the sacrament of marriage. Mr. Speaker, as one of about 200 Catholic Members of the United States Congress.

I think God has spoken very clearly, very clearly on this issue. And I would refer the gentleman to Holy Scripture, and what the word says in regard to marriage and the sanctity of marriage. I think it is pretty clear.

The gentleman wants to talk about the fact that this should be a church issue. I agree with you. I wish it were, if it were not for these activist Federal judges and these public officials. I will remind the gentleman from Missouri, the good Reverend, that they will be the one that would be performing these marriages and they would do it to a fare-thee-well.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the argument on the floor that somehow this is a church issue misses this point entirely. We are talking about the legal implications, and whether or not the Government of the United States can recognize a preferential status for marriage between one man and one woman.

Now, is this unprecedented? No, it is not. Read your American history. The State of Utah was not allowed to become a State until they recognized marriage as being only between one man and one woman. That had to do with whether you could have multiple partners.

This is a different aspect of that question, but essentially the legal basis is the same. And that is what we are talking about here. Those who wish to change this, as these activist judges do, carry the burden of arguing why we should change an institution which has stood the test of time for thousands of years.

There are reasons for this in terms of it being the most stable unit of society upon which our society has found itself in need. That is what we are talking about. It is not discrimination. It is allowing the existence of a definition of the most fundamental unit of society. That is it simply. We are not intruding in the province of churches.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Speaker, first of all I want to clarify something about the activist judges. Since

1953, since Eisenhower was sworn into office, there have been 23 Federal judges appointed to the U.S. Supreme Court. Of that amount, 17 have been Republicans, 6 have been Democrats. The Court today has 7 Republicans, and 2 Democrats.

I do not know who they are blaming. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I am a cosponsor of this amendment. And I rise today with some serious concerns. First, I am concerned about the use of faith and marriage to score political points. I am also concerned about the scope of the amendment.

First, I will talk about the amendment's scope. In my opinion, the amendment limits its ability to truly protect marriage. As written, the amendment defines marriage between a man and a woman. Sounds good, but I do not think that alone will be good enough to fully protect marriage.

Mr. Speaker, it is my belief that the amendment does not go far enough. If we truly want to protect marriage, we should look and do all the things we must to go after the evils that threaten each and everyone of our marriages. These are the evils of divorce, adultery and abuse.

The amount of divorce that has occurred in this country has become a threat to marriage. What do our children learn when they see their parents getting divorced left and right, only to remarry and get divorced again? What kind of example does it set?

This occurrence clearly undermine the values that are the foundation of every marriage. Of course I am speaking of the commonly recited tenet, "Till death do us part." Marriage is for life. This amendment needs to include that basic tenet.

Therefore, Mr. Speaker, I think we should expand the scope of the amendment to outlaw divorce in this country. Going further, Mr. Speaker, I believe infidelity, adultery, is an evil that threatens the marriage and the heart of every marriage, which is commitment.

How can we as a country allow adulterers to go unpunished and continue to make a mockery of marriage? Again, by doing so, what lessons are we teaching our children about marriage? I certainly think that it shows we are not serious about protecting the institution and this is why I think the amendment should outlaw adultery and make it a felony.

Additionally, Mr. Speaker, we must address spousal abuse and child abuse. Think of how many marriages end in divorce or permanent separation because one spouse is abusive. And, Mr. Speaker, I personally think child abuse may be the most despicable act one can commit.

This is why if we are truly serious about protecting marriage to the point where we will amend the Constitution, we should extend the punishment of abuse to prevent those who do such a heinous act from ever running for an elected position anywhere.

We should also prevent those who commit adultery or get a divorce from running for office. Mr. Speaker, this House must lead by example. If we want those watching on C-SPAN to actually believe we are serious about protecting marriage, then we should go after the other major threats to the institution, not just the threats that homosexuals may some day be allowed to marry in a State other than Massachusetts, and elected officials should certainly lead by example.

Now for my second concern, Mr. Speaker. As a person of faith who has been blessed with a wonderful marriage of 42 years, I am deeply troubled that some may be using this amendment to score political points with their base.

Why else would we be voting for an amendment that has no chance of becoming law since the Senate has already rejected it? Why else would we vote on an amendment that may not be necessary, when you consider that 45 States have enacted either constitutional or statutory bans on gay marriage? And other States, like my home State of Tennessee, have put such bans on the ballot in November.

Why, too, would Congressional Quarterly in their July 17, 2006 issue, report this amendment is a part of the legislative values agenda rolled out to rally the GOP base in the run-up to the November elections?

Just as one should not take the Lord's name in vain, I also believe a good value for folks is to never undermine religion or marriage by using them to score political points with the base in order to win elections.

In closing, Mr. Speaker, I think it is time for both parties to stop pandering to the bases that live on the political fringes and instead remember that there is one more true base: the American people. The people I represent would be more motivated if we could address the cost of $3 a gallon gasoline, and cut it in half, reduce the cost of health care for a family of four from $1,000 it currently costs for a family, increase the minimum wage from $5.15 to $7.25 an hour, address the illegal immigration, reduce budget deficits and balance our budget.

☐ 1115

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

My good friend, the gentleman from Tennessee, decried politics, and then he started his remarks about politics. He talked about whether these judges were Republican judges and Democratic judges and gave numbers.

In response to him, we are blaming activist judges, whether they are Democratically appointed or Republican appointees, who are attempting by judicial fiat to redefine our constitutional definition of marriage which has stood for 223 years.

Mr. Speaker, I yield 1¼ minutes to my good friend from Texas, who has been married to his lovely wife for 37 years, Judge John Carter.

Mr. CARTER. Mr. Speaker, I want to thank my colleague from Georgia. We have now made 38.

Mr. Speaker, anywhere in the world today you can wake somebody up in the middle of the night, you pick them, and you say, excuse me, wake up just a second. What is a marriage? They will say a union between a man and a woman.

This is a confused world that we are trying to define here. The reality is marriage has always been a union between a man and a woman. Now, in China they might say a civil union. In Rome they might say a church union, but it has always been a union between a man and a woman.

In my faith, I believe it is part of God's plan for the future of mankind. The sacredness of a marriage is based, to this Nation, and, quite frankly, every Nation on Earth, it is how the base governing we have in our lives starts.

Mr. Speaker, that is why this should be a part of the United States Constitution. When activist judges would go try to change the real world, it is our job to step up and stand up for the moral values of this Nation.

This is why I support this rule, and I support the legislation and the constitutional amendment to follow.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I honor the long-term marriages of my colleagues, all, in this Congress, but this so-called Marriage Protection Amendment isn't about trying to reduce the divorce rate, or it is not about helping married couples work through their problems. This bill is about keeping two adults from making a life-long commitment to each other. With everything that is happening in this world, it seems like this should be the least of our worries.

Mr. Speaker, it is time for the majority party to quit intruding on our private lives and start working on the issues that really matter to the American people and to their families. The American public wants us to work together, to bring our soldiers home from Iraq, to address the rising cost of gas, to raise the minimum wage.

Faced with such important issues, amending the Constitution to decide what we should do in our private lives is nothing more than a cheap stunt.

Mr. GINGREY. Mr. Speaker, I proudly yield 2 minutes now to the gentleman from Kansas (Mr. RYUN), who has been married 37½ years.

Mr. RYUN of Kansas. Mr. Speaker, I rise in strong support of this rule and the underlying legislation, House Joint Resolution 88, the Marriage Protection Amendment.

It is on behalf of the many families of the Second District of Kansas that I urge my colleagues to give our State legislators the opportunity to ratify the definition of marriage as a union between one man and one woman.

Mr. Speaker, we have reached a point in history where some have forgotten that it is the family, not the government, that is the fundamental building block of our society. This constitutional amendment would be entirely unnecessary were it not for the activist judges who are recklessly imposing their creative definitions of marriage upon citizens within their jurisdiction.

They have assailed the very anchor of family, the marriage between one man and one woman. It seems obvious to me and to 70 percent of Kansans who voted for a State constitutional amendment, that when we have strong families rooted in a marriage between one man and one woman, we give the next generation the best chance for the American Dream. When we have strong families, we have strong schools, stronger communities, and a stronger Nation.

Some would say that my beliefs are simplistic and old-fashioned. But the facts are in, and the facts say there are real consequences when society does not protect marriage and the family. But don't take my word for it. Just ask former President Clinton's own domestic policy adviser, Bill Galston, who wrote, from the standpoint of economic well-being and sound psychological development, the evidence indicates that the intact two-parent family is generally preferable to the available alternatives. It follows that a prime purpose of a sound family policy is to strengthen such families by promoting their formation and retarding their breakdown whenever possible.

Dr. Galston's research indicates what many of us, what we already know through studies, that kids are better off in an intact family that begins with a marriage between one man and one woman. I urge my colleagues to join me in supporting the rule and the underlying legislation.

Mr. McGOVERN. Mr. Speaker, I yield 4½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, as I listen, I am struck anew by the ability of preprogrammed rhetoric to resist the facts. We have heard talk about activist judges, Federal judges. No Federal judge has been involved here. There is not a pending decision that is now in force by a single Federal judge. That doesn't stop people from invoking it, because facts are irrelevant to this kind of rhetoric.

In fact, this amendment is being described in ways that are not accurate. It is not an amendment to prevent judges, activist judges, pacifist judges, any kind of judges, from deciding. It is an amendment to prevent anybody from deciding.

In the State of Massachusetts, we have had same-sex marriage for over 2 years. None of the negative consequences that people have predicted came true.

In consequence, I believe the political community of Massachusetts is prepared to say, if two men love each other and are prepared to be committed to each other legally as well as emotionally, that is rather a good thing and we will say it's okay.

If the voters of Massachusetts, in a referendum in 2008, which we might have, were to ratify same-sex marriage, this amendment would cancel it out. It has nothing to do with activist judges. It has to do with a decision that says no State by any political process can make that decision. The legislature of California, not judges in California, voted to allow two women who love each other to be legally responsible for each other.

That, if it were to be ratified by a Governor after the next election, would be cancelled out. So this is not an amendment about activist judges. This is an amendment that says no State by whatever process, including a referendum, can make this decision.

Why? I also feel strengthened in my advocacy of a cause when people won't tell me their real arguments against it. I think this is motivated, frankly, by a dislike of those of us who are gay and lesbian on the part of those who are the main motivators.

You know, we are told don't take things personally, but I take this personally. I take it personally when people decide to take political batting practice with my life, when people decide that they would demonize, not just me, I am old, I am over it, but young people who are just starting out, who find themselves, for reasons they can't explain, attracted to someone of the same sex, and they are demonized in this House of Representatives as if they are a threat to marriage.

That is the biggest nonsensical statement of all. Yes, marriage between a man and woman who are in love is a good thing. How does allowing two men who love each other to become legally committed endanger these marriages of 37 or 38 years? Let me tell you the logical structure, or the illogical structure, of the argument on the other side.

People will remember the commercial for V8 juice years ago in which a cartoon character who was feeling poorly drank various juices to see if he or she could be energized. None of them worked. Tomato juice didn't work. Apple juice didn't work. Pineapple juice didn't work, and then someone gives him a V8. The cartoon character gets pumped up, literally, and steam comes out of his ears. He is literally now raring to go, because he had a V8.

He says to himself, wow, I could have had a V8. Note for the record, I just smacked myself in the forehead to represent what happened in the commercial. Now, that is apparently the logical structure of same-sex marriages. Apparently there were these 37-, 38-, 42-year-long marriages all over the place.

There are happily married men all over America, and they are content with their wives. They are heterosexual, and they feel this physical and emotional attraction to each other. Then they read in the paper that in the State of Massachusetts it is now possible for there to be a same-sex marriage.

How is a marriage endangered? Apparently, people happily married in Indiana, Nebraska, Kansas, and Mississippi read that we have had same-sex marriage quite successfully in Massachusetts, and they look in the mirror and they say, wow, I could have married a guy.

So, apparently, same-sex marriage is the V8 juice of America. And apparently there are people who fear that knowing that two men who love each other, want to be committed to each other, somehow will dissolve the bonds of matrimony between two heterosexuals, it is, of course, nonsense. I will do my friends the credit of acknowledging that they don't believe it. There is a political motive here. Now, there are people who are genuinely concerned that there would be negative social consequences.

I understand that. I have heard that every time we deal with discrimination, when we dealt with the Americans with Disabilities Act, with gender, with race, with ethnicity, with age. I understand their fears. We have had same-sex marriage in Massachusetts for over 2 years.

Thousands of loving men and women have been able to come together and express their commitment to each other, and no one, not even the most dedicated opponent, has been able to point to a single negative consequence.

So I understand the people who are afraid. We have disproven the fears, and what is left is only dislike of many of us. It simply is not appropriate to score political points by demonizing or seeking to minimize the lives of your fellow citizens.

Mr. GINGREY. Mr. Speaker, I have no other speakers on my side. While I am going to reserve the balance of my time for closing, I want to respond and give myself as much time as I might consume to the gentleman from Massachusetts, for whom, and whose intellect, I have a deep respect. I think he knows that.

Let me just say that Americans are a good and tolerant people. The people of this country believe in equality and freedom, and we respect the rights of individuals to conduct their personal lives as they see fit.

Reasonable people can differ in their views on homosexuality or its causes, consequences, and moral significance. Personally, I think it is a good thing that American citizens who happen to be gay are accorded more tolerance and respect today than was the case 50 years ago.

But I honestly believe that the issue facing us today is not the issue of homosexuality. Most fundamentally, the issue we face today is marriage, the meaning of marriage as an institution and how best to support it. I favor the Federal Marriage Amendment because I want to support the institutution of marriage and keep it strong.

This issue is not, in my humble opinion, about homosexuality.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. This is a question, and I appreciate the civil spirit in which he discusses it. Would the gentleman explain to me does how the fact that two women in Massachusetts who are allowed to be legally committed to each other in any way endanger or threaten marriages between heterosexuals elsewhere?

Mr. GINGREY. Well, in response to the gentleman, again, as I said, it is not an issue of same-sex union.

Mr. FRANK of Massachusetts. But how does it hurt?

Mr. GINGREY. And benefits that are afforded them by many States. The States certainly have the right to prescribe that in regard to issues of consanguinity and the age of consent and benefits for same-sex unions.

But they don't, in my opinion, have the right to redefine the definition of marriage.

Mr. FRANK of Massachusetts. How does it hurt? How does the existence of a same-sex marriage in any way threaten a happy heterosexual marriage?

Mr. GINGREY. Reclaiming my time, I think that the gentlewoman from Colorado and those of us who support this constitutional amendment feel that this is all about marriage that results, or potentially can result, in the procreation of children. This is what our Constitution has implied for 223 years and, indeed, what the word of God has implied for 2,000 years.

With that, I will continue to reserve the balance of my time for the purpose of closing.

Mr. McGOVERN. Mr. Speaker, may I inquire how much time I have left.

The SPEAKER pro tempore (Mr. BONNER). The gentleman from Massachusetts has 1½ minutes.

Mr. McGOVERN. Mr. Speaker, I want to agree with my colleague from Georgia (Mr. GINGREY) when he says that the American people are a good and tolerant people. He is absolutely right. Unfortunately, that doesn't extend in terms of the tolerance part of it to a lot of Members of this Chamber.

I mean, we have listened to this debate for nearly an hour now, and we have heard the words from the other side, and they are words of exclusion, and even hate.

□ 1130

We have heard talk about family values. Well, hate is not a family value. Discrimination is not a family value. Exclusion and denying people's rights are not family values.

In Massachusetts, my home State, same-sex marriage is legal. It is legal. Gay couples can go to the town hall, city hall, fill out the forms, pay the application fee and legally get married; 8,000 couples have done so, and everything has stayed the same in Massachusetts. Life goes on.

But what you want to do here today with this amendment is not only prevent other States from acting as Massachusetts has done, but what you are saying to those 8,000 couples is that we want to affirmatively go and take away your rights; we want to null and void your legal rights.

That is shameful. It is insulting. It is discrimination. If your State wants to ban gay marriage, that is your State's right to do so, but the people of Massachusetts have a different opinion, and if the people of Massachusetts want to respect and honor same-sex marriages, that is our business. It should not be the business of the House of Representatives or the United States Senate to go in there and to go against and to void the will of the people of Massachusetts.

Mr. Speaker, this is all about politics here today. The Senate has already defeated this. This is appalling that we are here today. This is about gay-bashing. It is about winning political points. Quite frankly, this is disgraceful.

Mr. GINGREY. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I rise again in support of this rule and in full support of and recognition of the importance of this underlying amendment to our Constitution.

I appreciate each and every one of my colleagues who spoke during the debate on this rule. I fully recognize that many of us will have to simply, yet respectfully, as I said, disagree.

However, Mr. Speaker, I know that I stand today with the citizens of Georgia's 11th Congressional District, as well as the vast majority of Georgia and the Nation's citizens who continue to be outraged by the ability of a few judges to overturn our legal precedent and our traditional family values.

In 2004, the people of Georgia affirmed with a vote of 76 percent to 24 percent that marriage is an institution between one man and one woman, and I proudly count myself among that 76 percent.

I want to close this debate by reminding my colleagues that we have an opportunity today to stem the tide of this judicial activism and to restore the ability of the American people to establish policies that affect them and their lives through their elected Representatives.

Therefore, Mr. Speaker, I encourage my colleagues, please support this rule, and upon the conclusion of general debate, I ask my colleagues to affirm legal and historical precedent and defend our traditions about supporting the underlying amendment to restore the definition of marriage as a union between one man and one woman.

Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. KINGSTON. Mr. Speaker, pursuant to House Resolution 918, I call up the joint resolution (H.J. Res. 88) proposing an amendment to the Constitution of the United States relating to marriage, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 88

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. This article may be cited as the 'Marriage Protection Amendment'.

"SECTION 2. Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.".

The SPEAKER pro tempore. Pursuant to House Resolution 918, the gentleman from Georgia (Mr. KINGSTON) and the gentleman from New York (Mr. NADLER) each will control 45 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1996, the United States Congress passed DOMA, Defense of Marriage Act, and the idea behind that was that marriage would be recognized in this Nation as the union of one man and one woman. It was not the first time that the United States Congress had gotten involved in the definition of marriage. Indeed, Mr. LUNGREN had reminded us earlier today that the State of Utah and Arizona and I believe one other Western State, in order to join the Union, needed to define in their State constitution marriage as a union between one man and one woman in order to become States in the United States.

But unfortunately, since 1986, activist courts have eroded the intent of Congress, and so we come today on the House floor with H.J. Res. 88, which reads: "Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman."

The purpose of this is to say that no governmental entity, legislative, executive or judicial, shall be allowed to alter the definition of marriage from one man and one woman, and it also prevents Federal courts from construing the Constitution or a State constitution to change that definition as well.

This, indeed, is the desire of the American people at this point. A recent poll shows that 69 percent of Americans strongly agree that marriage should exist between one man and one woman. The State Constitution amendments on the States that have passed them, which now numbers 45, average by passing 71.5 percent. Forty-five States, Mr. Speaker, have enacted laws about this.

Why is this necessary, then, to come back to the floor if the States are handling it? The fact is that there are great and deliberate challenges to DOMA in the United States Constitution. We can go back to 1965. The Supreme Court in Griswold v. Connecticut discovered a constitutional right to contraceptive noted in marital privacy, and the Court in Roe v. Wade in 1973 decided that the right to reproductive privacy was applied to abortion, wholly outside the context of a marriage.

In 1996, the Court in Bowers v. Hardwick refused to create a right of sexual privacy for same-sex couples, but then, in 2003, the Court reversed itself in the Lawrence v. Texas case. In the Lawrence case, the Court claimed not to have gone so far as to establish a right to same-sex marriage, but then the State of Massachusetts and the Massachusetts Supreme Judicial Court prominently used the Lawrence decision just a few months later to do exactly that.

That is why we are here today, Mr. Speaker. This is not, as we have been charged, political pandering. This is not a frivolous exercise. Indeed, I certainly think this Congress, under the leadership of the Speaker and under the leadership of the President of the United States, has worked hard to address the issues of the day. We have worked hard in the war on terrorism.

We have worked hard in the situation in the Middle East. Indeed, as the President attended the G–8, the number one topic right now is, of course, Lebanon and Israel.

We have worked hard on balancing the budget. This House recently passed the line-item veto. This House has passed earmark reform. The Appropriations Committee, which has passed 10 out of its 11 appropriations bills, has reduced spending $4 billion by cutting out 95 different programs. We are engaged in addressing the fuel situation. We have passed tax reform which has created 5.3 million jobs since 2003.

We are very involved in the issues of today, and I will say to you that marriage is certainly one of the top-tier issues that it is the right and the obligation of the United States Congress to address, and again, not a battle that we have chosen to have but one that has been thrown back to us by the courts.

That is why we are here today, and we will have this debate, and I look forward to hearing from my friend from New York.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of marriage, in support of families, and in support of national unity. I rise against this proposed constitutional amendment, against the drumbeat of election-year political demagoguery.

This amendment does not belong in our Constitution. It is unworthy of our great Nation. The Senate could not even muster a simple majority to consider it, much less the requisite two-thirds to adopt it.

We have amended the Constitution only 27 times in our history, the first 10 of them, the Bill of Rights, in 1791. Constitutional amendments have always been used to enhance and expand the rights of citizens, not to restrict them.

The Bill of Rights, which was added in 1791, protected freedom of speech, freedom of religion, freedom of assembly, the right to be secure in our homes. Ten amendments protecting individual rights and liberties. We amended the Constitution to permanently wipe away the stain of slavery, to expand the right to vote, to expand the rights of citizenship and to allow for the direct election of senators.

Now we are being asked to amend the Constitution again, to single out a single group and to say to them for all time, you cannot even attempt to win the right to marry.

This amendment was introduced last month. We have never held hearings on it. The Judiciary Committee has never considered it. Never. Don't let anyone tell you that the Judiciary Committee considered it in 2003. We did not. That was a different amendment we considered.

But what is the Constitution between friends when there is an election coming up? From what precisely would this amendment protect marriage? From divorce? From adultery? No. Evidently, the threat to marriage is the fact that there are millions of people in this country who very much believe in marriage, who very much want to marry but who are not permitted to marry.

□ 1145

This amendment, contrary to what we have heard, doesn't block activist courts from allowing people of the same sex to marry. It would also prevent their fellow citizens from deciding democratically to permit them to do so, whether through the legislative process or even through a referendum of the people.

And why is it requisite on Congress to tell any State that the people of that State may not make up their minds for themselves on this question? Why is it necessary for the Federal Government to amend our Constitution to say to Massachusetts, which is going to hold a referendum on this subject in 2008, you may not do so because we have decided this for you?

Mr. Speaker, I have been searching in vain for some indication of what might happen to my marriage, or to the marriage of anyone in this room, if loving couples, including couples with custody of children, are permitted to enjoy the blessings of matrimony.

If there is a Member of this House who believes that his or her own marriage would be destroyed by someone else's same-sex marriage somewhere in America, I would welcome an explanation of what he or she thinks would happen to his or her marriage and why.

Are there any takers? Anyone here who wants to get up and say why they believe their marriage would be threatened if two other people are permitted to marry?

I didn't think so.

The overheated rhetoric we have been hearing is reminiscent of the bellicose fear-mongering that followed the Supreme Court's decision almost 40 years ago in Loving v. Virginia which struck down State prohibitions against interracial marriage. The Supreme Court had overstepped its authority, we were told. The Supreme Court had overridden the democratic will of the majority, the Supreme Court had signed a death warrant for all that is good and pure in this Nation. Fortunately, we survived as a Nation and we are better for that Supreme Court decision.

I believe firmly that in the not-too-distant future people will look back on these debates with the incredulity with which we now view the segregationist debates of years past. I think the public opinion polls are indicative: Opposition to gay marriage is a direct function of age. The older people are, the more set in the ways of the old discriminatory practices of this country they are, the more they oppose gay marriage. If you take a poll of people under 35 years old, 70 to 75 percent are in favor of allowing gay marriage. That is the trend for the future because demographics is destiny.

Mr. Speaker, this amendment actually does more than it purports to do. It would not only preempt any State law allowing people of the same gender to marry, even if that law was approved by the legislature or by referendum, it would preclude any State from extending medical visitation privileges or inheritance rights, for example, to same-sex couples. That is what "the incidents thereof" in the amendment means.

Proponents of this amendment have already tried to use a similar prohibition against same-sex marriage to attack in court domestic-partner benefits. So when they tell you this is only about marriage, don't believe it. No court has required that a marriage in one State be recognized in another, so don't believe anyone who tells you that this amendment is meant to protect your own State laws.

The Defense of Marriage Act which passed this Congress and which the President signed in 1996 says no State can impose its marriage laws on another.

There are many loving families, Mr. Speaker, who deserve the benefits and protections of the law. They don't live just in New York or San Francisco or Boston, they live in every one of the 435 congressional districts of this great country. They are not from outer space, they are not a public menace, and they do not threaten anyone. They are our neighbors, our coworkers, our friends, our siblings, our parents, and our children. They deserve to be treated fairly. They deserve the same rights as any other family.

I regret that this House is being so demeaned by this debate. It saddens me that this great institution would sink to these depths to have what we have already heard on this floor and to what we will hear that amounts to pure bigotry against a minority population, even on the eve of an election.

We know this amendment is not going anywhere. We know this is merely a political exercise. Shame on this House for playing politics with bigotry.

Mr. Speaker, I reserve the balance of my time.

Mr. KINGSTON. Mr. Speaker, I would just point out to my good friend from New York that 16 States have recently passed marriage protection amendments, and on an average they have passed by 71.5 percent.

Mr. Speaker, I yield such time as she may consume to the primary author of H.J. Res. 88, the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Speaker, I thank Speaker HASTERT and Mr. Leader BOEHNER for bringing this bill to the floor. Letters and e-mails and phone calls continue to pour into my office urging me to continue in this effort. We know that polls show that the overwhelming majority of the American people support traditional marriage, marriage between a man and a woman.

The people have a right to know whether their elected Representatives agree with them about protecting traditional marriage.

I cannot think of a better good that this body may pursue than to promote and defend the idea that every child deserves both a father and a mother. Studies demonstrate the utmost importance of the presence of a child's biological parents in a child's happiness, health and future achievements. If we chip away at the institution which binds these parents and the family together, the institution of marriage, you begin to chip away at the future success of that child.

I would not want to negate the heroic job that many single parents do every day in providing the necessary support to a child's happiness. But today we are discussing what social policy is best for our children, and I am convinced that the best is found in promoting and defending traditional marriage.

Are there other important issues? Of course there are, but preserving the institution of marriage, which, as the Supreme Court said many years ago, is "the foundation of the family and of society, without which there would be neither civilization nor progress," certainly warrants a few hours of our time. And even if there are other issues we need to address, as a former Member, one of my favorites, J.C. Watts said, "Members of Congress are capable of walking and chewing gum at the same time."

And where are those who say we are wasting time when we were renaming post offices and Federal buildings earlier this year? Mr. Speaker, if we have enough time to rename post offices and Federal buildings, surely we can spend one afternoon debating whether or not the traditional definition of marriage is worth preserving.

Others have asked why we need this amendment given that courts in New York, Georgia, and Nebraska have recently turned back challenges to traditional marriage. I just would like to say these decisions simply do not settle the issues. Cases in New Jersey and Washington, to name only two of many, remain pending.

Additionally, the Massachusetts Supreme Court's Goodridge decision legalizing same-sex marriage in that State continues to stand. Just last week, legislators in Massachusetts put off a measure to give the people the opportunity to decide this issue for themselves. While the Goodridge case remains on the books, court dockets all over the country will continue to be ensnarled with same-sex marriage litigation as opponents of traditional marriage continue to fight to expand their agenda to the rest of the country.

While recent court victories are not unimportant, the ultimate court test, the test in the United States Supreme Court, is still on the horizon. And legal experts agree at least four and probably five of the members of that court will act to overturn traditional marriage across America. That is why most legal experts expect DOMA to fall once a challenge finally reaches the high Court, which is why it would be the very height of foolishness to rely on the Supreme Court to protect marriage. Sadly, that august tribunal is part of the problem. Justice Scalia has already warned us that the Court's 2003 Lawrence decision was only the beginning of a road at the end of which is a radical redefinition of marriage at the hands of the Court.

Does anyone else see the irony in the opponents of this bill calling on us to wait until the Supreme Court rules before deciding this issue? Many of those who protested the loudest that DOMA was unconstitutional when it was enacted in 1996 are today the ones who say we ought to presume DOMA is constitutional until the high Court tells us otherwise.

The American people want us to settle this issue now. They don't want us to wait to see how much havoc the courts will wreak on the definition of marriage before we act to protect it.

Our marriage laws represent centuries of cumulative wisdom regarding the best way to address public concerns about property, inheritance, legal liability and raising children. The last matter is especially important because we now know beyond any reasonable doubt that children thrive best when they are raised in a traditional family. And statistically speaking, the further we go from this ideal, the more we can expect to see increases in measures as a whole host of social problems.

Again, this is not to say that children raised in nontraditional families will necessarily fall prey to these problems, but public policy is based on cumulative, not individual experience. Facts, as it has been said, are stubborn things. And one sad but stubborn fact is that the statistical dice are loaded against children who are raised without a father and a mother.

Some oppose the Marriage Protection Amendment on the grounds that the institution of marriage is already in trouble. Why be concerned, they say, about same-sex marriage when the divorce rate among couples in traditional marriages is so high? But can't you see this is a non sequitur? It is like saying to a doctor, The patient already has pneumonia, so why are you taking precautions to prevent him from getting a staph infection? Yes, traditional marriage has its problems, we all know that, and the high divorce rate is a national scandal. But far from undermining my point, this reinforces it. We are dismayed by the breakup of families because we know broken families lead to more and more children being deprived of the tremendous benefit of having both their mom and dad around to raise them.

Other opponents of this amendment argue that the existence of same-sex marriage in Massachusetts has not caused the earth to stop spinning on its axis, so they ask what is all this fuss about. After only 2 years of experience, it is absurd to suggest that we can even begin to guess how the redefinition of marriage in that State will ramify in the future. And the fact that same-sex marriages in Massachusetts do not directly affect my marriage or your marriage means nothing in regard to the public policy debate. The breakup of the family next door does not directly affect your marriage or my marriage either, but we all recognize that every family that comes apart is a tragedy, and that is why our laws have always sought to encourage, not undermine, traditional families.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, you are the Republican Party in America and what do you do? You have had control of the House of Representatives, you control the Supreme Court, you control the United States Senate, you control the White House. What are you going to do?

Seven million people in America are unemployed.

There are 46 million Americans that don't have health insurance.

The minimum wage hasn't been increased in nearly a decade. The gap between people who are wealthy and people who are poor is getting wider and wider.

We have a war in Iraq that has killed 2,500 Americans, 20,000 Americans have been seriously injured, and a policy going in the wrong direction.

You have a failed prescription drug plan, written by the prescription drug industry behind closed doors, that is confusing seniors. It is going to cost taxpayers $700 billion.

Gasoline is $3 a gallon at the pump.

☐ 1200

Global warming is threatening our environment and our health. What are you going to do? Let's have a debate about gay marriage again on the floor of the House.

We are not going to debate an exit strategy in Iraq. We don't have a plan to lower the cost of gasoline. We don't have a plan to provide health care or to give American seniors the ability to buy prescription drugs at a low cost in bulk. Oh, no. Oh no, this is Tuesday in Washington in the House of Representatives, and we are going to debate gay marriage.

This debate is meant to do nothing more than get the American people to look at other issues, ignore gas prices, ignore the unemployment rate. Let's talk about gay marriage.

I am proud to be from Massachusetts and represent 8,000 couples who have been married. And let me tell you about one of the couples in my district, Bonnie Winokar and her partner Mary McCarthy. They have been together for 19 years. But for 17 of those years, Bonnie was unable to provide Mary with the health care benefits that she was afforded as a high school math teacher. Two years ago they got married and now this happy couple has health insurance. They have coverage. They have family visitation and inheritance rights that every other married couple in America has.

I ask my colleagues, how do Bonnie and Mary threaten other marriages? I don't feel threatened by the 8,000 couples in Massachusetts who have been married. As a matter of fact, I want to tell you something. People in Massachusetts overwhelmingly now realize that approving gay marriage has not in any way negatively impacted heterosexual couples. That is why, overwhelmingly, people in Massachusetts support the SJC decision.

But we ought to keep clear and keep in mind that this debate today is not really about gay marriage. It is about the failure of this administration and this Congress to do the right thing by the American people.

Mr. KINGSTON. Mr. Speaker, I yield 3 minutes to the former attorney general of California, the distinguished DAN LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, where to begin? We have heard the argument that somehow we shouldn't bring constitutional amendments to the floor; we shouldn't amend the Constitution.

It is a very interesting argument when you realize there are two ways to amend the Constitution, one is the formal process that is contained in the Constitution itself, which we are embarking upon today, and the other one is by activist judges.

People don't like to hear that. They seem to say judges have the right to amend the Constitution, to give new meaning to the words of the Constitution, to actually give the opposite meaning to the words of the Constitution and we have to accept that forever, because if we do anything opposed to that, we are somehow changing the Constitution, even though we are following the exact requirements of the Constitution itself.

The second thing that is said is wait a second, no court has declared marriage to be unconstitutional in the traditional sense, so we should wait until that happens. In other words, if we take an anticipatory action, somehow we are unconstitutional.

How have we changed the terms of the debate when we are talking about a traditional definition of marriage that has stood the test of time for thousands of years, has been understood by every single one of our Founding Fathers at the time of the formation of this country, that somehow we are the ones that are upsetting the apple cart; when, in fact, it is those who wish to change this traditional definition in a radical way?

They say, well, the Federal Government should not be involved in it. And yet we pointed out historically the Federal Government has been involved in defining marriage, refusing to allow at least the State of Utah to become a State until they accepted that definition of marriage.

What we are talking about is changing the fundamental vision of marriage that is in our civil structure, a preferential treatment that is allowed under our laws for marriage, understood traditionally. And they say, well, we passed DOMA so you don't have to worry. Yet, many who are saying that argued on the floor of the House that DOMA was unconstitutional. Professor Lawrence Tribe has said it is unconstitutional. Many of the organizations who are against this particular amendment have argued in court that it is unconstitutional and believe it is only inevitable until they overturn it by way of their particular lawsuits brought against it.

So the question here is really, do you believe there is reason to maintain the traditional definition of marriage, allowing it to be the essential unit of our society, not that there aren't other units of society, but the essential unit of our society that has withstood the test of time? That is the simple question before us.

We never asked for this debate. This debate began with, yes, activist judges who said, wait a second, times have changed and, therefore, the traditional notion of marriage is out the window.

Why? Who said so? Because of what?

This is not a question of discrimination as some have argued on the other side, unless they are saying we are discriminating against bigamy and polygamy, because the United States has spoken, as I said before, in saying the traditional definition of marriage is enshrined in our institutions and in our law.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to urge my colleagues to oppose the Federal Marriage Amendment. The Republican leadership clearly doesn't get it. Our country is grappling with skyrocketing gas prices, wars in Iraq and Afghanistan, the constant threat of terrorism, concerns about pension security, and the rising cost of health care insurance.

But instead of addressing these priorities, what does the Republican leadership decide we need to focus on? Gay marriage, of course. As if passing the Federal Marriage Amendment would magically make all of our country's biggest challenges go away.

This resolution is not only a waste of time; it is completely unnecessary. The Senate has already rejected this amendment, so we know that even if the House passes this, the bill is not going anywhere.

Furthermore, 45 States already ban same-sex marriage, either by statute or by their State constitution.

Even more important, passage of this amendment would mark the first time that our Constitution has been amended to take rights away from people. Amending our Constitution to force States to discriminate against a targeted group of Americans would tarnish our history of protecting everybody's equal rights under the law.

I therefore strongly urge all of my colleagues to vote against the Federal Marriage Amendment.

Mr. KINGSTON. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, the proposed constitutional amendment before us today illustrates exactly why those who wrote the Constitution of the United States went to such extraordinary lengths to ensure that it was a long and arduous task to amend it.

The procedure to pass a constitutional amendment was designed specifically to compel the Nation and its leaders to carefully consider the significant and profound implications such a change could bring. This issue simply fails to meet the threshold of what the Framers called a "great and extraordinary occasion." But of even greater significance is the issue of individual rights. This proposed amendment would be the first time we would amend that document to restrict human freedoms, rather than to protect and expand them.

Let's be honest. This bill has been brought to the House floor by the leadership solely because of election-year politics. The very process by which this bill comes up is an affront to this institution. Like previous attempts, it was not considered by any committee of the House, it was not brought to the floor by the chairman of that committee, rather it was brought by the leadership, who decided to take it upon themselves to do the work of the committees and their chairmen.

Moreover, this same legislation was considered in the Senate, where it didn't even receive a majority vote, much less the required two-thirds for a constitutional amendment. Why then are we rushing to judgment here today? What is the compelling reason to consider this now?

Sixteen States have passed constitutional amendments that would define marriage in their own States as being between a man and a woman. Others, including my own State, are considering such amendments this year. While I may disagree with the voters in my State or any State in adopting such an amendment to their constitution, that is their prerogative, and State constitutions are where they should be considered.

For better than 200 years, family law has been exclusively the domain of the States. That is where it should remain. Vice President CHENEY said exactly this, and I agree with him. The chief crafter of the Defense of Marriage Act of 1996, former Representative Bob Barr, said as much, and I agree with him. Marriage and divorce, inheritance and adoption, child custody, these are matters correctly left to the States. It does not belong in the Constitution of the United States.

But that is the genius of our Federal system, to allow States to find solutions to issues such as family law which work uniquely for them. The States can pass their own laws, and many have. We should not be in the business of passing a constitutional amendment to make this point. And we certainly should not be tampering with the Constitution to address an ongoing societal dialogue on, admittedly, a very difficult subject.

Amending the Constitution is, thankfully, a difficult task. That cumbersome process has saved us from making ill-advised changes during these past 215 years. It will save us now from this ill-advised action.

We have not used the amending process to limit the rights of citizens. From the first amendment to the 14th, the original Framers and the Congress that followed have sought to expand, to protect the rights of citizens. This would be a unique amendment in that it takes away rights from one group while specifically conferring them upon another. Try to find another provision in the Constitution that does this. You will look in vain.

Mr. Speaker, this Congress and those after should be about protecting and expanding freedoms. This proposed amendment to our Constitution is about discrimination. It is about fear. It is unnecessary. It is unwarranted, and it should be soundly defeated.

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I rise in strong support of H.J. Res. 88, the Marriage Protection Amendment.

The debate before us today is about ensuring that the will of the people of the United States is protected.

My home State of South Carolina is one of 45 States that has already enacted laws defining marriage as a union between a man and a woman. Our message is clear: marriage matters, and it should be limited to that of a man and a woman.

So I stand here today wondering why we are faced with the fact that a handful of judges have taken it upon themselves to hand down rulings that redefine marriage for moms and dads and most importantly children across this Nation.

Mr. Speaker, some in this country, elected by no one, believe they have the right to supersede the wishes of my constituents and the constituents of other Members here today.

I urge my colleagues to join me today in supporting the Marriage Protection Amendment ensuring constituents' voices are heard.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished ranking Democrat on the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the ranking member of the Constitution Subcommittee, Mr. NADLER, for his fine work in this area. He hasn't had all that much to do because the bill never came to the Constitution Committee. We never had hearings. We never had a markup. We didn't even have supporters of this amendment yesterday at the Rules Committee which set the rules that allowed it to come to the floor today.

And so I am happy to join in opposition with a number of friends that I would like to indicate. First, the NAACP, which is in convention here in Washington this week, is strongly opposed to this amendment. So is the AFL–CIO and the American Civil Liberties Union, the Jewish Committee, the Human Rights Campaign, the National Council of La Raza, the National Urban League, Planned Parenthood, and countless religious organizations. They are all telling us to leave the Constitution alone.

The other consideration that I would bring to the Members' attention is the far-reaching scope of this amendment that has never been heard in the Judiciary Committee. Not only would it ban same-sex marriages, but it would also deprive same-sex couples and their families of fundamental protections such as hospital visitation, inheritance rights, and health care benefits.

Ladies and gentlemen, this amendment is divisive. It is unnecessary. It is constitutionally extreme. And I must point out that the amendment has already been debated in the other body and did not prevail. What we are doing, as has been widely recognized, is a political act. It is getting near election time. Let's whip up the forces of conservatism. Let's deal with this subject to energize the political base 4 months before the election.

☐ 1215

Ladies and gentlemen, please, the amendment is unnecessary because our Constitution has been amended only 27 times in 219 years and to preserve our right to free speech was one of the objectives, to protect the right to assemble was another objective of a constitutional amendment, the right to vote was subject to constitutional amendment. The right to be free of discrimination was subject to constitutional amendment. They all ensured the integrity and continuity of our government.

So I urge a "no" vote on the Musgrave same-sex marriage amendment.

Mr. KINGSTON. Mr. Speaker, I want to point out that, in fact, under H.J. Res. 88, State legislatures can allow same-sex benefits in the unions.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. Pence).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise in strong support of the marriage amendment and offer heartfelt thanks and congratulations to the gentlewoman from Colorado (Mrs. Musgrave) for her principled, compassionate, and courageous leadership on this issue from her very first term in Congress.

Mr. Speaker, in the wake of ominous decisions by activist courts across the land, I come to the well today to defend that institution that forms the backbone of our society: traditional marriage. Like millions of Americans, I believe that marriage matters, that it was ordained by God, instituted among men, that it is the glue of the American family and the safest harbor to raise children.

I believe first, though, marriage should be protected, because it wasn't our idea. Several millennia ago the words were written that a man should leave his father and mother and cleave to his wife and the two shall become one flesh. It was not our idea; it was God's idea. And I say that unashamedly on the floor where the words "In God We Trust" appear above your chair, Mr. Speaker.

And let me say emphatically that this debate today is not about discrimination. I believe that if someone chooses another life-style than I have chosen, that that is their right in a free society. But tolerance does not require that we permit our courts to redefine an institution upon which our society depends. Marriage matters, according to the researchers. Harvard sociologist Pitirim Sorokin found that throughout history, societal collapse was always brought about following an advent of the deterioration of marriage and family.

And marriage matters to kids. As my Hoosier colleague and friend Vice President Dan Quayle first accurately observed, Mr. Speaker, marriage is the safest harbor to raise children. Sociologists tell us that children raised by married parents experience lower rates of premarital childbearing, illicit drug use, arrest, health, emotional and behavioral problems, school dropout rate, and poverty.

And marriage even matters to adults. A recent 5-year study in 1998 found that continuously married husbands and wives experience significantly better emotional health and less depression than people of other marital status.

Let us say "yes" very humbly today to the marriage as traditionally defined. Let us say "no" to activist courts bent on redefining it.

Marriage matters, Mr. Speaker. It was ordained by God, instituted in the law. It is the glue of the American family and the safest harbor to raise children. Let us put in that most sacred of documents an affirmation of that institution upon which our society demands.

I urge my colleagues to embrace H.J. Res. 88, the Marriage Protection Amendment.

Mr. NADLER. Mr Speaker I yield 3½ minutes to the gentleman from Massachusetts (Mr. Delahunt).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding.

Two years ago this May, people in Massachusetts, my home State, woke up thinking and talking about same-sex marriage like everyone else. You could not avoid it. It was on the cover of every newspaper. It was a national issue.

Now, since then, 9,000 gay and lesbian couples have been married in Massachusetts. And you know what the news flash is? The news flash is that there is not a news flash. The sky has not fallen. The tsunamis have not come. Everyone is going through their daily lives.

Mr. Speaker, the average American family does not wake up every morning worrying about same-sex marriage. Instead, they are worried about the price of gas that they have to put in their vehicle to take their kids to school. They worry about whether their kids are getting a decent education. They worry about health care. They worry about mortgage rates and whether they will ever be able to retire.

And if they are worried about any marriage, I would suggest it is their own. There are plenty of threats to marriage out there today. We are all aware of them. Trying to find time to spend with their families, the pressures of making ends meet, all the challenges that we all know exist. But what is not a threat is gay marriage.

In Massachusetts gay couples are not masterminding acts of terrorism. They are not cutting Medicaid. They are not putting a hole in the Medicare prescription drug program. They are not running up the Federal deficit. They are doing what everyone else does. They are getting through life.

Others have alluded to the constitutional issues. There are States everywhere, Mr. Speaker, that are addressing this through the constitutional means available to them as States, and that is fine. A recent ruling in Massachusetts from the Supreme Judicial Court that entered the famous decision that has provoked some controversy said that if the people of Massachusetts want to overrule the decision of the Massachusetts Supreme Judicial Court, they can via their own State constitutional mechanism. Let them do it if they want to. As others have said, this is an area that has been reserved continually through our jurisprudence to our States.

But, no, it is an election year. We know it is an election year and we know you have to do it. You have got to energize the base. But the American people are not stupid. They see through this. They know what is going to happen.

I remember when the President came to office pledging that he would be a uniter, not a divider. And what we are doing here today is divisive and dividing Americans. Let us experience a sense of tolerance.

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. Pitts).

Mr. PITTS. Mr. Speaker, marriage has been under attack for years in America. Regardless of where we look, we have seen a gradual weakening of the institution that historically we have relied on to nurture America's kids.

And while marriage has taken a beating from divorce and other factors, the statistics still show that the best home for kids is still with a mom and dad who are married and love each other. That is the ideal we are talking about here: the best home for kids. By protecting marriage, this amendment promotes such an environment for our kids.

Statistics show children living with their mom and dad are safer, that they are less likely to be abused or neglected, that they have fewer health problems, that they engage in fewer risky behaviors than their peers, that they are more likely to do well in school, that they are better off economically, that they display increased ability to adapt to changing circumstances. Study after study shows us this, Mr. Speaker.

But most Americans do not need a scientific study to tell them that marriage is important for our children and our families. When given the chance to have their voices heard on this issue, they have overwhelmingly come down on the side of protecting marriage. Twenty States have now passed voter referendums to amend their constitution to protect marriage. Six more will have it on the ballot this November. Six more next year. There is a pattern here. Every time the people are actually given a chance to vote on this, they choose to protect marriage overwhelmingly. In more than half of the 20 States, they have amended their constitution with over 70 percent of the vote or more.

These numbers should tell us something, Mr. Speaker. They should tell us that people understand intuitively what studies show us empirically: Marriage is important, it is the foundation of the family and it is the safest harbor to raise children.

This amendment protects marriage from the whims of activist courts that would further undermine this institution by radically redefining its definition. It would see to it that the people have a say on an issue of fundamental importance to our Nation.

It is the right policy, Mr. Speaker, and I urge all my colleagues to support the Marriage Protection Amendment today.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this issue.

I have heard my friends on the other side talk about marriage being under attack. Well, I think it probably is in many sectors. Marriages are under strain today in terms of economics. There are social cross-currents. We see failed marriages. But it is not under attack by our gay and lesbian citizens.

The gay and lesbian citizens I know in my community are dealing with the everyday stresses of their lives, which are actually more difficult than most Americans. They are struggling against discrimination in the workplace. They are struggling against discrimination and in some cases violence directed towards gay and lesbian citizens. And every day gay and lesbian couples in long-term committed relationships, sometimes involving children, have to struggle with the fact that they are not afforded the protections and the resources to be able to deal with the everyday challenges like health care emergencies. That is what they are dealing with. They are not assaulting my marriage or anybody else's. They are trying to deal with a difficult hand that has been dealt to them.

The good news is that we are seeing the changes that are going to make a difference in the long run. The good news is that younger Americans wonder what bizarre episode we are involved with here. They are not peddling discrimination and hate. They have a much more positive and healthy attitude towards their neighbors, their friends, their relations, who happen to be gay and lesbian. The good news is that the States are trying to figure out ways to handle it.

The bad news is that Congress is not part of the solution but is instead pandering politically in something that has already been killed in the other Chamber, that has no chance of passage; going through a ritual that is actually setting us back.

I am confident that in the long run truth and justice is going to prevail. We are not going to be having any assaults on any heterosexual marriages, but we will be dealing with how we are going to provide the necessary protections for our gay and lesbian citizens. That day, sadly, is not today.

Mr. KINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I now yield 5 minutes to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I thank Mr. NADLER for yielding the time.

At the beginning of every session of Congress, I raise my right hand and state the following oath: "I, Tammy Baldwin, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

□ 1230

I have felt deep pride in our country and our democracy and particularly in the Constitution itself every time I have taken that oath. But if we were to pass this amendment, it would put a stain on our founding document.

In our democracy since its founding, a basic premise is that in a government by, for and of the people, the people must have the ability to petition their government for the redress of grievances. Americans who wanted women to have the right to vote petitioned their government. Americans who wanted an end to slavery petitioned their government. Americans who wanted an end to child labor petitioned their government. Americans who wanted to end segregation policies petitioned their government. Americans who wanted to protect our environment petitioned their government.

Our constitutional system, the checks and balances between the three coequal branches of government, was created to ensure protection of minority rights, and throughout history many groups of individuals have sought such protection from their government. Today, Americans who want the protection of marriage laws for their same-sex partnerships are in the process of petitioning their government.

The Constitution is for expanding rights, opportunities and aspirations. I want to see the day when I can protect my family, my life partner of 10 years, through the same laws and with the same obligations, responsibilities and rights as can straight Americans. These are my aspirations, both as an American and as a Member of Congress, to see the Constitution that I have sworn to support and protect illuminating a path to justice and equality for more and more Americans.

The amendment we are debating today would do just the opposite. Why would we amend the U.S. Constitution to say that one group of Americans, gay and lesbian Americans, can no longer petition their government for redress of grievances? A healthy and a vibrant debate on same-sex marriage is occurring throughout this Nation at this very time in break rooms, in dining rooms, in church basements. Don't cut it off. It is what democracy is all about.

One State in our Union allows same-sex marriages, several others have passed civil union protections for same-sex couples, and others still are silent on the issue or have passed laws or State constitutional amendments prohibiting same-sex marriage. This is what happens in a democracy when people petition their government for change.

But we also know that this really isn't about the substance. It is about politics. Why else would we be debating and voting on a measure that the Senate has already effectively killed?

You will get your rollcall vote, but shame on you for playing politics with people's families and their lives.

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, today I proudly rise in support of House Joint Resolution 88, the Marriage Protection Amendment.

Today, Mr. Speaker, 45 out of 50 States have enacted laws defining marriage as a union between a man and a woman. That is 90 percent of the States, and these States contain 88 percent of the population.

In August 2004, the people of my home State of Missouri overwhelmingly voted by a majority of 71 to 29 percent to approve a State constitutional amendment protecting the traditional definition of marriage. Unfortunately, this sacred institution and the will of the people are under direct assault by an out-of-control judiciary branch. Radical judges on the supreme court of Massachusetts have already imposed same-sex marriage in that Commonwealth against the wishes of a majority of citizens, and I fear the activist State and Federal judges will soon impose same-sex marriage upon other jurisdictions in our Nation.

What that means is the people in my home State of Missouri may have legal recognition of same-sex marriage forced upon them, even though 71 percent of Missourians voted to adopt an amendment preventing such a practice.

Mr. Speaker, it is becoming increasingly apparent that our only recourse is to amend the Constitution of the United States. This is not a decision I take lightly, but we must act to defend the foundation of our society. Without such an amendment, people in Missouri, and many other States, will be disenfranchised by the courts.

Yes, Mr. Speaker, the Senate has dealt with this, and, no, this isn't a political issue. The reason that the Senate has dealt with this is exactly why the House needs to stand up and send a positive message to the American people about what is the best married environment to raise our children, and that is an environment that is a marriage between a man and a woman.

Mr. Speaker, this Congress as representatives of the American people has a duty to protect marriage from attack by the courts. I urge my colleagues to vote in favor of the Marriage Protection Amendment.

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first, let's be very clear: this is not an attempt to restrain judges.

There have been two sources of opposition to same-sex marriage. A large number of people who bear those of us who are gay and lesbian no ill will have been opposed to it because they have heard that it would lead to social disruption. That is a common theme when we deal with issues involving particular groups in our society against whom there has been discrimination.

I invite people to go back and read the debates over the Americans with Disabilities Act to read what people like Pat Robertson said in opposition to it. I remember this debate 30 years ago in Massachusetts when we were talking about the Equal Rights Amendment. And so, yes, I understand that there are people who are opposed to same-sex marriage who do not in any way feel themselves prejudiced against gay men and lesbians, but who worry about the social consequences.

I think here we can point to the facts. We had full civil unions in Vermont in 2000. We have had same-sex marriage in Massachusetts for over 2 years. In no case is there the slightest evidence of social disruption. Let me say, though, that is one wing of the opposition.

There is another wing in the opposition, the people who are motivated by this, who really, frankly, dislike the fact that we exist; and disliking the fact that we exist individually, they are particularly distraught at the notion that we will associate with each other in various ways.

I want to address now the people who are worried about the social consequences, because I invite people to look at the evidence. There were no negatives.

But now let me go back to the point about the judges, because that is relevant to Massachusetts, and the points are linked. Because in Massachusetts what we have seen is that thousands of people have had their lives enriched by being able to love each other in a legally connected way, and it has been a good thing for them, and it has had zero negative consequences. I believe the political community in Massachusetts, through the elected legislature, maybe through a referendum, although I hope it doesn't come to that, will support this.

Be very clear: this amendment says that even if the people of Massachusetts, after 4 years of same-sex marriage being in existence, vote to ratify it by a majority, their vote does not count. This amendment cancels out a referendum.

In California, where the legislature voted for it, if a Governor should be elected in November who would sign that bill, this amendment says, no, legislature; no, Governor. We the Federal Government will decide. So it is not about restraining activist judges. It is about overruling any decision.

So then the question is, Why do it? Usually our view would be that if people are going to benefit from something, enjoy it, we would let that happen, in the absence of harm.

Now, clearly there is value to same-sex marriage. There are men and women, millions of us, who, for reasons we don't understand, nobody really does, in my judgment, feel an attraction to people of the same sex. What many of them have said is, you know what, we would like to have our love put into a legally connected context. We want to be legally bound to each other, as we are emotionally and morally.

Who is that hurting? Well, we are told that it hurts marriage. And here is where the illogic comes in. People get up and say we have to be against letting two women marry because it is very important that men and women marry.

There is no connection. Nothing here threatens heterosexual marriage. It is just the most illogical argument I have ever heard. If two men are attracted to each other and want to live together legally, how does that endanger heterosexual marriage?

So the argument that we must ban same-sex marriage to protect heterosexual marriage literally makes no sense whatsoever. No one has shown me what the connection is. As a matter of fact, of course, people will have an example of people of the same sex living together, and if that somehow destabilizes heterosexual marriage, then it is going to happen.

If the gentleman wants me to yield, I would be glad to yield.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, what I would like to ask is this: Does the gentleman see any problem with society allowing preferential status in some ways to the traditional marriage between a man and a woman? Because that, to me, is what it really comes down to.

Mr. FRANK of Massachusetts. I would say to the gentleman this: no, I think we give preferential status to people who are married over people who aren't. What I don't see, what no one has argued, is how does allowing two men have that status interfere with the status. I assume you give a preferential status because you want to give people an incentive to marry. Okay, let's do that. Let's give people an incentive to marry.

But if you are a heterosexual strongly attracted to someone of the opposite sex and really not at all attracted to the idea of someone of your same sex, how does the existence of that undermine this?

Yes, I think we should give a preference to heterosexual marriage. We should incentivize it. How does the existence of same-sex marriage discourage or retard heterosexual marriage? Would anyone want to answer that for me?

Mr. KINGSTON. Mr. Speaker, I yield 3½ minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, the debate before us today, as has been highlighted by people from both sides of the aisle, is about a definition of marriage. I think that the point that in the subtlest way has to be made clear, it is something that most Americans understand logically, and that is marriage is not about love; it is about a love that can bear children. There is a difference.

I love my parents. I love my family. I have friends that I love. But I love my wife and we are married. Marriage is a love that bears children and replenishes society along those lines.

I have been married personally for 31 years. We have six children and even a grandson. The children are doing well. One is a first lieutenant that just came back from Fallujah. The other two sons are over at the Naval Academy. I have two daughters that have not gone off to school yet.

All of those children, growing up with a mother and a father, have understood the first primitive concepts of government. They have understood what it is like to live under authority. They understand what it is like to work hard. They have learned to walk and to talk and to get along with each other and all of those things.

We also know that historically the people that are filling our prisons, the people who socially get in trouble a lot are statistically people who have not had the blessings of a loving mother and father and a stable home. It doesn't mean that people can't get in trouble when they come from that background, but statistically it is a lot easier for a child to grow up with the benefit of a loving home with a mother and a father.

So from a practical point of view, to preserve our civilization and society, it is important for us to preserve marriage. It is not just love; it is a love that produces children.

We ask ourselves, well, is this such a big debate? Really it shouldn't be. We have 45 States that have passed legislation saying a marriage is between a man and a woman. Also anybody who knows something about the history of the human race knows that there is no civilization which has condoned homosexual marriage widely and openly that has long survived.

It is for the practical reason that marriage is about bringing the next generation along, and it works best with one dad and one mom. That is what a great majority of Americans believe.

So it is sad that we have to basically tell our courts, because of their activist nature, the beliefs of such a great block of Americans.

I will conclude my comments by doing something that I don't know that I have done on the floor before, and that is to call attention to my colleague, the gentlewoman from Colorado, MARILYN MUSGRAVE, who has had the courage to do what seems so obvious, so obvious to at least 45 States' worth of Americans, to bring this amendment to the floor.

For her efforts to defend plain old traditional marriage, she has had millions of dollars thrown against her, and even a television ad that I have seen of some fat pink-dressed lady that is stealing jewelry off a corpse. She has had to put up with that.

I say to you, Congresswoman MUSGRAVE, we are proud of you, and we thank you for standing up for something that is so foundational to our society.

☐ 1245

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished minority leader of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank Mr. NADLER for yielding and for his great leadership in defending the Constitution of the United States which is, of course, our oath of office.

Mr. Speaker, I also want to thank Mr. CONYERS, the gentleman from Michigan, for his leadership on this important issue, and to say to Congresswoman BALDWIN and to Congressman FRANK what an honor it is to serve with you in the Congress. It is a privilege to call you colleague.

Mr. Speaker, the crisis in the Middle East reminds us that it is our responsibility as a Congress to address the urgent priorities of the American people. Yet today it is painfully obvious that instead of tackling the challenges facing our Nation and our world, Republicans want to persist in their agenda to distract and to divide.

That is why the American people are demanding a new direction. That is why they say in great numbers that our country is going in the wrong direction. The challenges that our country face are too great for the Republican politics as usual. The constitutional amendment that we are debating today has been brought to this floor with full knowledge that it has no prospect for success either now or in the near future, the foreseeable future.

This is a partisan exercise by Republicans to divide the American people rather than forge consensus to solve our urgent problems. Our Constitution, which we all take an oath to support and defend, is an enduring and living document that has throughout our history expanded rights, not diminished them.

Though the Federal marriage amendment claims to protect marriage, it benefits no one and actually limits the rights of millions of Americans. In September, I am happy to say, my husband and I will be celebrating our 43rd wedding anniversary. I am a mother of five, we have five children and five grandchildren, expecting our sixth grandchild in October. And we certainly appreciate the value of family.

We see family in our community as a source of strength and a source of comfort to people. What constitutes that family is an individual and personal decision. But for all, it is a place where people find love, comfort and support. As we consider this amendment, we must understand we are talking about our fellow citizens, equal under the law, who are lesbian and gay, and what it means to them. They are members of our communities with dreams and aspirations, including their right to find comfort, love and support on equal terms.

They have every right and every expectation of any American that they are entitled to the very purposes for which this country was founded, that we are all created equal by our Creator, and endowed with inalienable rights of life, liberty and the pursuit of happiness.

Let me tell you about two extraordinary constituents of mine. I have talked about them on the floor before. Phyllis Lyon and Del Martin, both in their eighties, and they have lived together for more than 50 years. They are grandparents, by the way, they are grandmothers. Their commitment, their love and their happiness are a source of strength to all who know them.

They are leaders in our community and are held in high esteem by all who know them. Why should they not have the full protection of the law to be able to share each other's health and bereavement benefits, to be able to share all of the protections and rights accruing to financial relationships, inheritance and immigration?

Why should Phyllis and Del and millions of gay and lesbian citizens not be treated equally and not be afforded the legal protections conferred by marriage? I will again vote against this amendment, as I have in the past, because it is counter to the noble ideas of liberty, freedom and equality for which this Nation stands.

This amendment defiles our cherished Constitution by saying that some members of our society are not equal under the law. This is blatant discrimination. It is wrong. It does not belong in our Constitution. It is contrary again to the noble purpose for which this Nation was founded, and it is contrary to the principle of ending discrimination, unifying our country, and fostering equality for all.

The American people demand that this Congress address their priorities: creation of jobs, creating a minimum wage that has not been raised in 9 years, gas prices that are over $3 a gallon, and the skyrocketing cost of higher education. That is what they want us to be doing here.

Mr. Speaker, let us strive to do the work of the American people. Let us strive to unite our country, take our country in a whole new direction, let us honor our Constitution, let us honor all of God's children and let us reject this amendment.

Mr. KINGSTON. Mr. Speaker, I yield 1½ minutes to the distinguished majority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. I thank my colleague for yielding.

Mr. Speaker, I rise today in strong support of the Marriage Protection Amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mr. Speaker, over the past few days some people have asked me, Why are we having this debate and this vote? I think this is an issue that the American people want their Representatives to debate and to vote on. And that is why it is part of the American Values Agenda that we released last month.

It has been front-page news all across the country, sparking intense debate amongst our fellow citizens. Many people that we represent believe the Congress needs to act. While 45 of the 50 States have either a State constitutional amendment or a statute that preserves the current definition of marriage, left-wing activist judges and officials at the local levels have struck down State laws protecting marriage.

The American people should decide this issue, not out-of-touch judges who are bent on redefining what marriage is for America's moms and dads. Poll after poll shows that the American people don't want marriage to be redefined by judges today and for our children tomorrow.

And protecting the institution of marriage safeguards, I believe, the American family. Studies show that children best flourish when one mom and one dad are there to raise them. And 30 years of social science evidence confirms that children respond best when their mom or dad are married and live at home. And that is why marriage and family law has emphasized the importance of marriage as the foundation of family, addressing the needs of children in the most positive way.

Mr. Speaker, I urge my colleagues to send a strong message to America's moms and dads rather than allowing judges to redefine marriage. I urge my colleagues to support the amendment.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, how ironic that we consider this discriminatory, so-called marriage protection measure just one week after successfully renewing by a strong bipartisan margin a landmark piece of civil rights legislation, the Voting Rights Act.

The Voting Rights Act brought millions of Americans into the heart of American democracy. It has been a critical milestone in our Nation's ongoing quest to live up to the ideals of equality and freedom embodied in the Constitution. In contrast, today's legislation, if passed, would be a tragic step backwards. Amending the Constitution to limit the rights of a specific group amounts to government-sanctioned discrimination, and tramples on the prerogative of the State to define community values.

Regulation of marriage is historically a State-sanctioned enterprise. How hypocritical it is for those who often invoke States rights to claim this is a Federal issue. I believe I understand something about the cruel effects of discrimination on the individual and society at large.

You see, my father was a refugee from Nazi Germany. His medical school class was the last to graduate before the Nazi purges of Jewish students began. He and some of my family fled Germany a year later.

Mr. Speaker, one of the greatest joys of my life occurred recently. I became a grandmother for the first time.

I urge this House to carefully assess how our action today will impact future generations. And I wish for little Lucy a world in which prejudice and discrimination are mere footnotes in her high school history book. Vote "no."

Mr. KINGSTON. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, one of the things that I think we can probably agree on today is the opponents of this legislation have questioned why we are even here. Mr. Speaker, I agree with them on that and disagree with them on almost everything else, because it just baffles me, as we think about our Founding Fathers dreaming that we would ever stand here and have to debate the definition of marriage and whether or not that was between a man and a woman.

Earlier today I stood where you are now standing and I listened to some of the words that were used against this legislation. I wrote some of them down. And one of the words was "hateful." And as I wrote that down, all I could think about is if you want a definition of hateful, look at the attacks that have been brought against the sponsor of this piece of legislation across the country for daring to bring it to the floor for debate. That defines hateful.

And then they raised the word "unimportant." And they list all of the other things that they think are important. And that frightens me, because they do not recognize the difference and the importance of the connection between strong marriages in this country and the strength of our Nation.

And then they call it divisive. Divisive to dare to stand against activist judges who will try to redefine literally hundreds of years of historical sanctioning of the institution of marriage. And then they say it is intolerant.

They couch themselves with love, and all they want to do is have love. Well, Mr. Speaker, suppose you have a teacher who loves her 13-year-old student, and just says, all we want to do is love each other and be together. We would never think of sanctioning that. Suppose you have a situation where a husband came in and said I love three wives. Just let me love them. How is that harming society?

I think, Mr. Speaker, you could use every argument you hear on this floor today against this legislation to justify both of those two situations. But, Mr. Speaker, I think one of the things that bothers me most is when we hear the argument that we shouldn't try because this legislation just won't pass.

Well, Mr. Speaker, we try because we believe that values are still important in America. We try because we believe marriage between a man and a woman is a cornerstone of those values. We try because we believe the only way to protect the rights of States to define marriage for themselves is to pass this amendment.

Mr. Speaker, I am proud to stand with those who support this legislation and those who understand that this historic relationship between a man and a woman is worth defending, even if we do not succeed.

Mr. NADLER. Mr. Speaker, I yield to the gentleman from Texas (Mr. GENE GREEN) for the purpose of making a unanimous consent request.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to H.J. Res. 88.

I believe that the institution of marriage should consist of one man and one woman and I voted for the 1996 Defense of Marriage Act, but I cannot support this bill.

The Defense of Marriage Act has never been challenged in the Supreme Court and it seems like we are putting the cart before the horse.

We should allow our system of checks and balances to work as it has for over 200 years. Our founding fathers created three branches of government to work independently, but equally.

In Texas, we already have a law that states that the institution of marriage is between one man and one woman. We also have a law that states that Texas does not have to recognize marriages that were performed outside of the state of Texas.

Even if other states decide to change their standards for issuing marriage licenses. It will not change how marriage licenses are issued in Texas.

The Defense of Marriage Act supports our state laws. Marriage is a state issue and it should remain so. When my wife and I married 36 years ago we went to our county courthouse, not our federal courthouse.

We do not seek marriage licenses from the federal government.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri.

Mr. CLEAVER. Mr. Speaker, in 1974, I was ordained as an elder in the United Methodist Church after having completed 3 years of seminary, 4 years of undergraduate work. I have been pastoring for 32 years. As of today, I have never, ever been asked to perform a wedding between same-sex partners. I do not even know of a minister who has ever been made that request.

And so I am not sure how significant this is, except for the fact that I am not here to defend anything except the church. We have people sitting in the gallery and people looking at this broadcast all across America. And the chances are really high that almost 100 percent of them have marriage licenses signed by a member of the clergy, and not a Member of Congress.

Marriage was ordained by God, and in all of the weddings the words are read, "Marriage is an institution by God signifying the uniting of this man and this woman in holy matrimony".

And then we go on to say that, in my tradition, "Christ adorned and beautified marriage when he performed his first miracle at the wedding in Cana of Galilee.

☐ 1300

Marriage is sacred. It is holy. It is an institution created by the church. Now, the United States Congress is going to trespass on the property of the church?

I am concerned that we have gone too far. Every judicatory or denomination in the world is debating this issue, and it should remain in that domain, not on the floor of Congress. I don't want Congress to approve or disapprove how we perform marriages in my church.

I sat on the front row in December, and I thought about Exodus: For 6 days, work is to be done, but the seventh day shall be your holy day, a sabbath of rest for the Lord. Whoever does any work on it must be put to death.

As I thought about that, we were sitting here on a Sunday morning debating the defense bill.

Mr. KINGSTON. Mr. Speaker, I wanted to point out to my friend from Missouri that in order to become States in the United States of America, Arizona and Utah had to change their own State constitutions to recognize marriage as a union between one man and one woman in order to do away with polygamy.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman and thank him for bringing this amendment to the floor and managing the time. I also would be remiss if I didn't acknowledge the leadership of my colleague from Colorado (Mrs. MUSGRAVE) on this issue. She has been a true champion, not only a champion inside this Chamber, but a champion for the values that I think a vast majority of Americans hold dear. For that she has paid what has already been recognized as a significant personal price. Again, I applaud her and I certainly admire her character and her tenacity.

Mr. Speaker, this debate seems to be framed by talking about what we are against. I think what we ought to be talking about, frankly, is what we are for. Too often in society, especially these days, it seems like we are against the very institutions that made this Nation great.

I see above your head, Mr. Speaker, the words "in God we trust," and directly opposite you over my left shoulder is the medallion of the very first law giver, Moses. We all know where those laws came from, the very hand of God.

I think very often about the fact that we proudly profess that we are founded on Judeo-Christian principles. I think it is indisputable where those principles come from and what the origin of those principles is.

I believe that in the very beginning He created us, yes, all equal. The distinguished minority leader mentioned that a little bit ago, that we celebrate the fact that we were all created equal by our Creator, equal but different, and for a purpose. He showed us that purpose in the Garden of Eden, Adam and Eve. He showed us once again, and blessed that difference, at Cana, as my friend and colleague from Missouri just referenced, by Jesus performing his first miracle by blessing that wedding feast between a man and a woman.

I think there is a reason why marriage has always been such a sacred institution. I believe some things, some definitions in our society are absolute. Up isn't down, dark isn't daylight, black isn't white, fish isn't fowl, and marriage, since the beginning of time, as close as I can tell, has been between a man and a woman. If it was, indeed, good enough for our Creator, and it was indeed our Creator's plan, that we were created different for an absolute divine purpose, I think we best not be messing with His plan today.

It is important, I will disagree with my colleague from Missouri in this regard, it is very important that when a nation is, indeed, founded upon Judeo-Christian principles that we are willing to stand and define what we are for, lest we forget what we are about.

I strongly encourage the adoption of this amendment.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong opposition to the constitutional amendment to prohibit same-sex marriage. If this amendment were to pass, it would mean the first time in history that the Constitution has been amended to include discrimination. I believe in marriage as a stabilizing force in our society, as a nurturing environment for our children, as a public expression of the most profound love and devotion of a commitment between two people to take responsibility for one another, in a legal and a personal sense, in sickness and in health.

The vast majority of marriages are, and, of course always will be, between one man and one woman. But the same virtues of couplehood apply to any loving adults.

Surely the 27-year relationship of my dear friends Michael and Roger does not threaten my marriage in any way. The loving family that Ann and Jackie expanded when they adopted David, giving him two adoring parents, is a good thing, regardless what anyone may say to the contrary, although they are free to say it.

But nothing in the Constitution should be established to exclude them from the rights that they deserve. There are so many pressing issues right now that are working, that undermine families.

Same-sex couples embrace the positive values of families. Let's spend our limited time here as lawmakers helping all American families, and not discriminating against any.

Mr. KINGSTON. Mr. Speaker, I would point out that if this amendment does, in fact, make marriage, well, discriminate, and the opponents want to make marriage more inclusive, then is it not also true that we should and will broaden the definition of marriage, so that as Mr. FORBES from Virginia pointed out it is not merely a matter of one same-sex couple.

But why are we tripping over the word "couple"? Why can't marriage be three people or four people? Why can't it be a combination, if that is what we are talking about.

I want to point that out to my friends, that this doesn't just end with being one definition or the other if you don't want to go with this definition.

Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I want to say amen to everything my colleagues who have just spoken before me, Mr. FORBES and Mr. BEAUPREZ, said. They made very eloquent arguments.

Mr. Speaker, if Members of the House vote as their States have voted on this amendment, the amendment will pass. Forty-five States have defined marriage as the union of a man and a woman. As a sociologist, I taught, and I believe, that marriage is the foundational institution of every culture. It is under attack by the courts. It needs to be defended in this way by defining it as the union of a man and a woman.

If it is going to be defined otherwise, it must be done by the legislatures and not by the courts. Today we are going to vote on a constitutional amendment to define marriage as the union of a man and a woman. This is about who is going to determine the definition, whether it is the courts or the legislative bodies.

The amendment is about how we are going to raise the next generation. How are they going to be raised? It is a fundamental issue for our families and for our future. It is an issue for the people. It is not an issue that the courts should resolve.

Those of us who support this amendment are doing so in an effort to let the people decide. We are making progress in America on defining marriage as the union of a man and a woman and will not stop until it is defined and protected as that union. Marriage is about our future. I continue to be struck by the opponents of this amendment, who say it is an effort to promote discrimination. The amendment is about promoting our future, our families, about how we raise the next generation and about allowing a definition of marriage that is as old as the creation of human beings.

Mr. Speaker, I ask my colleagues to support the Marriage Protection Amendment.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding and for his leadership. Of course, I stand in strong opposition to H.J. Res. 88.

This amendment seeks to enshrine, and it does seek to enshrine, discrimination into our Constitution. As an African American woman, and as a person of faith, there is no way that I can support discriminating against anybody. The history of our Nation has been a long process of bringing people of different backgrounds together.

This amendment would take everything that this Nation stands for as a beacon of hope, a land of opportunity, and a tolerant, democratic society and turn it all on its head. Government should not be in the business of discriminating against its people, pure and simple. Government should not get into the personal lives of individuals.

We must reject this, and it is a hateful and discriminatory amendment. It takes an extraordinary step that previous amendments have not taken. It bars States from granting pretty much any legal partnership such as civil unions or domestic partnerships.

Congress is supposed to work to promote a better life for all Americans. That means improving our Nation's education system, working to provide health care for the 47 million uninsured, ensuring that people have a roof over their heads.

We must see this amendment for what it is. It is clearly election-year pandering. It is an attempt to create a diversion from the real issues that this Congress should be dealing with.

This is clear election year pandering. This is simply an attempt to create a diversion from the real issues this Congress should be dealing with.

It's also an amendment once again enshrouded in an attempt to cloud the public's image of same-gender couples. They want to fill everyone's head with images of gay couples marching into churches and demanding marriage equality. This has nothing, nothing at all to do with churches and marriage.

The Republican Leadership wants to rile up the religious right with the idea that this has to do with an attempt to force religious institutions to sanctify same-sex couples.

Same-sex couples merely want the same rights that many take for granted; hospital visitation rights, health care benefits, inheritance rights, and joint tax-filing. These all come with civil ceremonies, through a license granted by a local county or city, not through an order signed by a church or any religious institution. We must make clear, this is about equal rights.

I urge my colleagues, and the public, to see this amendment for what it is really for. A mere political diversion tactic and an attempt to write hate into the Constitution.

Mr. KINGSTON. Mr. Speaker, I would invite the previous speaker, my friend, to watch one of the 527 ads that are being run against Mrs. MUSGRAVE. If she wants to see hateful speech, and one of the most hideous hateful acts that I have witnessed on any Member of Congress, I would invite anybody who is talking about hate to watch the ads that are run against our colleague for sponsorship of this amendment.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding. I will be voting for the amendment. I have got questions, though. Why now? Why this amendment? Why now?

No court has ordered the State of South Carolina to recognize a Massachusetts marriage. In fact, it is all within any given State. If a court had ordered South Carolina to recognize a Massachusetts marriage, this amendment would not be failing today on the House floor, as we all know it will. It would be passing with a significant margin.

I also have a question about why this amendment. Why not a federalism amendment? Why not an amendment that honors the 10th amendment to the Constitution that says that all powers not delegated to the Federal Government are reserved to the States?

As it is, this amendment is not what it should be. It should be a federalism amendment. It should be an amendment that says States have the prerogative to define marriage within their boundaries. As it is, we are providing a Federal definition of marriage, or attempting to do so, in this amendment that will fail.

I think it is also important to ask why this amendment, and to point out that no one should be under the misimpression that we are here mandating, let's say, a biblical definition of marriage. If we were, we would be directing the States only to grant divorces on the biblical basis of infidelity. But nobody is proposing such an amendment.

Why? Because we have avoided the dangers of a theocracy. I agree with what my colleague from Missouri said earlier, Mr. CLEAVER: this is the church's business. This is the synagogue's business. This is the business of the mosque to figure out what is marriage within their definition.

Now, when a State gets involved, it is really just about children and the result of divorce. Why now? Why this amendment? But yet the question is simply brought up, so we vote for it.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me say to my colleagues on the other side of the aisle, I do believe in the separation of church and State, as one asked the question that we should be talking about what we believe in.

□ 1315

I believe in the 10th amendment and its constitutional premise: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

My good friend who just spoke from South Carolina made a very valid point, that we are now tampering with constitutional privileges that we have yielded to the States, and more importantly, the Bill of Rights and the Constitution have made it very clear that it is a document of enhancement, of affirmation of rights.

My concern is that we are now standing on the floor of this sacred body denying rights to human beings and Americans. We are denying the rights, the privacy rights, civil liberties rights. We are even going so far as to deny visitation rights at hospitals and the ability to mourn your loved one.

Might I say that this past week a dear, beloved friend of mine mourned his partner, mourned his partner, and all of the community came to acknowledge the leadership of his partner. Is his grief or his loss to be degraded on this floor, to be denied, to ask the question whether it was not a special and sacred relationship?

So I ask my colleagues, as we corrected the enslavement of those of us who came here first in the bottom of the belly of a slave boat with the 13th, 14th and 15th amendment, affirmation of rights, creating rights, not denying rights, I will not stand here on the floor today and accept the responsibility of denying rights. Might I say, the Senate, the other body, has already spoken. They could not get a simple majority. Why? It is wrong to deny rights to Americans.

I will not allow the flag to be desecrated by this amendment. Defeat this constitutional offering and bring back freedom to America.

Mr. Speaker, this resolution is the symbol of the misplaced priorities of the Republican leadership in the House. It is clear that this amendment is being addressed not for the policy involved but simply for floor debate. We have considered this issue in Congress before, and doing so again is simply a waste of taxpayers' money. This debate is ill-advised and will not help the American people. Issues we could be addressing here today are: the global war on terrorism we are fighting, from which we have been distracted by the war in Iraq, and a war that has resulted in a devastating toll on American lives and our budget; the crisis in the Middle East; increasing gas prices; a ballooning budget deficit of over $5 trillion that is choking our economy and crucial social service programs; and a health care system that is failing the millions of Americans that remain uninsured.

Why are we wasting time on the House floor, in our legislative offices and with our valuable staff to handle this imprudent amendment?

I oppose this bill because, for the first time in America's rich and long democratic history, the Constitution will be used not as a beacon of liberation but an instrument of deprivation. On the 230-year anniversary of our Constitution, let us not desecrate it by enacting this act. H.J. Res. 88, the "Marriage Protection Amendment," proposes to impose the opinion of a minority of the members of this Congress on the lives of all Americans on matters that concern their personal lives, their family relations, and their very identity.

TENTH AMENDMENT

The 10th Amendment states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The individual states need to have the ability to differ with the Federal Government in an area that relates to what goes on in the homes of individuals.

EQUAL PROTECTION OF THE LAW

Gay and lesbian Americans are American citizens who pay taxes and protect our communities as fire fighters, police officers, and by serving in the military, and therefore desire the same rights and protections as other Americans.

Denying gay and lesbian couples the right to marry amounts to a federal taking—legal rights in pensions, health insurance, hospital visitations, and inheritance that other long-term committed couples enjoy. It should never be our job to restrict the rights of the American people—only to extend them. This amendment would write discrimination into our Constitution.

As Members of Congress with the authorities vested in us as a body, we have a responsibility to deal with issues that need attention. There is no emergent need relating to individual well-being, national security, or any other government interest that warrants a constitutional amendment for this purpose. This is a waste of the taxpayers' dollars. This Amendment takes away existing legal protections, under state and local laws, for committed, long-term couples, such as hospital visitation rights, inheritance rights, pension benefits, and health insurance coverage among others.

Under current law, marriage is a decision of the state. As marriage was initially tied to property rights, this has historically always been a local issue. The state gives us a marriage license, determines a couples' tax bracket and authorizes its divorce. It does not need additional control over the situation. Religious conceptions of marriage are sacrosanct and should remain so, but how a state decides to dole out hospital visitation rights or insurance benefits should be a matter of state law. As legal relationships change, laws adapt accordingly.

Matters of great importance, such as marriage, need to reflect the will of the people and be resolved within the democratic process. By having Congress give the states restrictions initially, we are denying them the chance to let their constituents decide what is best for them. We cannot use the Constitution as a bullhorn to dictate social policy from Washington.

Furthermore, any law determining who may or may not marry denies religious institutions the right to decide this amongst themselves and is therefore a denial of the religious freedoms that we treasure so dearly.

Leading civil rights and religious organizations across the Nation have expressed their opposition to this amendment. Among them are: the Anti-Defamation League; the Alliance of Baptists; the American Civil Liberties Union; the League of Women Voters of the United States; the American Jewish Committee; the NAACP; and many more.

I have here in my hand a letter to Representatives HASTERT and PELOSI, signed by over 2,500 members of the clergy in our Nation. They come from different faiths and backgrounds, and may disagree on many things, but they all oppose this amendment.

This proposed amendment will forever write discrimination into the U.S. Constitution rather than focusing on the crucial problems and challenges that affect the lives of all of us. It is nothing more than a political distraction for the country to divert attention from the overabundance of real problems and our tremendous lack of effective solutions.

VIOLATION OF PRIVACY

Our civil liberties are based upon the fundamental premise that each individual has a right to privacy, to be free from governmental interference in the most personal, private areas of one's life. Deciding when and whether to have children is one of those areas. Marriage is another.

In 1965 the Supreme Court ruled in Griswold v. Connecticut that a married couple had the right to use birth control. In doing so, the Court recognized a "zone of privacy" implicit in various provisions of the Constitution. Most recently, the Supreme Court struck down a law criminalizing sex between same-sex couples in Lawrence v. Texas based upon these same principles.

Indeed, Lawrence relied principally on Griswold, Eisenstadt and Roe v. Wade. Collectively, these decisions recognize the fundamental principle that the Constitution protects individuals' decisions about marriage, procreation, contraception and family relationships. The issues are inextricably linked—in law as well as policy.

THERE IS NO VALID NEED TO AMEND THE CONSTITUTION

Amending the Constitution is a radical act that should only be undertaken to address great public-policy needs. Since the adoption of the Bill of Rights, in 1791, the Constitution has been amended only 17 times. Moreover, the Constitution should be amended only to protect and expand, not limit, individual freedoms. By contrast, the Marriage Protection Amendment is an attempt to restrict liberties, and on a discriminatory basis.

DEFENSE OF MARRIAGE ACT ALREADY EXISTS

The Defense of Marriage Act, which President Bill Clinton signed into law in 1996, already exists and recognizes marriage as a heterosexual union for purposes of federal law only. DOMA was designed to provide individual states individual autonomy in deciding how to recognize marriage and other unions within their borders. This allowed legislators the latitude to decide how to deal with marriage rights themselves, while simultaneously stating that no state could force another to recognize marriage of same sex couples. For those who want to take a stance on marriage alone, DOMA should quell their fears. We do not need additional, far reaching legislation.

MPA WILL NOT CHANGE VIEWS ON SAME SEX MARRIAGE

The Federal government cannot use its influence to change people's minds about a social issue. It did not work in the 1920s when the 18th amendment declared alcohol to be illegal and it did not work in the 1960s when interracial marriage was still considered a crime. This amendment will not change the lives of those who want to live as a married couple; all it will do is take away their license to do so.

THIS WILL CLOG THE JUDICIAL SYSTEM

The MPA is a lawyer's dream and a judge's nightmare. The number of cases that will flood the system will be outlandish. Does the MPA retroactively invalidate all marriages that have occurred in the interim? If a spouse has died, how does the retroactive annulment effect custody of the children, or property rights? There will be a litany of case law brought out to deal with these questions, and our judicial system will be filled with cases trying to sort out the lasting effects of the MPA.

THIS IS LIKELY TO FAIL

Amending the constitution is not a simple thing, and should be done with care and caution over a longer period of time. Our haste in this matter will be the tragic flaw of the MPA's journey. Recent polls show that a majority of people who oppose gay marriage also oppose amending the constitution to ban them. In addition, this amendment has already been considered in the Senate and was rejected.

MPA DOES NOT HELP FAMILIES

Many of my colleagues are arguing that the MPA is here to protect the family. Spending time and resources to amend the constitution to prevent gay marriages is not helping a single family. Divorce, abuse, unwed motherhood, and unemployment are doing far more harm to millions of families everywhere. To those who are taking up the cause to protect American families, perhaps your attention could be focused elsewhere on the problems which are truly plaguing them.

The vocal proponents of the MPA show their strong and willful hatred of the gay and lesbian community. This egregious amendment would enshrine discrimination against a specific group of citizens and intolerance of specific religious beliefs into our Nation's most sacred document. The fight for equality is uniquely woven into our Nation's history. From the suffrage movement, to the civil rights movement, to the gay rights movement, minorities in this country have worked tirelessly to achieve the equal rights guaranteed to all.

THE LEGAL INCIDENT OF MARRIAGE WARRANTS A LICENSE

Marriage provides a multitude of critical protections to same sex couples and their children. These legal incidents include rights related to: group insurance; victim's compensation; worker's compensation; durable powers of attorney; family leave benefits; and a joint tax return.

These benefits are necessary for families to function. If "marriage" is truly a license that extends rights, it should not be denied to one group of people—otherwise, this body will be guilty of legislating in violation of the Equal Protections Clause of the Constitution.

Mr. Speaker, again, I urge my colleagues to defeat this resolution.

Mr. KINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, if I could just respond to the question of federalism.

There is a mistake on this floor when people are talking about this being a violation of federalism. Federalism, properly understood, is a check on the power of the Federal Government by the State government and vice versa.

The reason why the federalism issue does not apply here is because marriage and the family is likewise an institution, although a private one, which provides a countervailing source of power vis-a-vis the government, and there are lot of arguments on the floor. It is too bad we do not have a lot more time to talk about it.

The simple question, though, is are we going to fundamentally change the definition of marriage, understood in this country since its founding, and allow a preferential status for marriage properly understood? That is what we are really talking about. It is not discrimination. It is the question of whether you allow the traditional form of marriage to be given preferential status.

Those that argue against this amendment do not want that to be the case anymore. They are the ones that are overturning history and overturning the way things have been done for several hundred years in this country and thousands of years in this culture.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Federalism is the division of power between the Federal Government and the States. Family law, marriage, divorce have always been a matter for the States. This amendment attempts to seize it for the Federal Government. That is a major change in federalism, whatever the gentleman from California may say.

It is most certainly an issue of federalism because the Federal Government has never before gotten into the definition of marriage or divorce or any of those things. It has always been left to the States until this amendment.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank my friend from New York, and Mr. Speaker, I rise to oppose this resolution.

Mr. Speaker, this is not the grave crisis that a constitutional amendment demands. I will tell you what the grave crises are that we should be spending our time on.

North Korea tested a ballistic missile last week. We are still waiting for a strategy for success in Iraq. Gas prices are skyrocketing. War is erupting in the Middle East. And Congress wants the American people to believe that same-sex marriages are the gravest threat to their security.

We need to be focusing on issues of true security and safety for the American people and not on rhetorical devices that have no substantive meaning, because the other body already defeated it.

Mr. Speaker, I spent all morning this morning at the National Defense University participating in a military exercise with respect to Iran's development of nuclear weapons. I spent my time trying to figure out how we are going to protect the American people from that threat, and then I come to the floor of the House, and we waste time debating how we are going to protect the American people from same-sex marriages when we cannot even amend the Constitution in this session of Congress.

If we spent more time trying to hunt down Osama bin Laden and less time trying to hunt down people in marriages that we find objectionable, we would all be safer.

Now, I have a deep respect for my colleagues on the other side of the aisle and on the other side of this issue, but I would suggest that the American people want us focused on real security and real safety.

Mr. KINGSTON. Mr. Speaker, if I can ask the gentleman from New York, I have one more speaker. Then we are ready to close.

Mr. NADLER. I will yield to Ms. JACKSON-LEE for a unanimous consent request, and then you have your speaker, and I will close for my side and you close for yours. Let me ask how much time we have left at this point.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from New York (Mr. NADLER) has 3 minutes remaining. The gentleman from Georgia (Mr. KINGSTON) has 4¼ minutes remaining.

Mr. NADLER. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I insert into the RECORD at this point the Clergy for Fairness, Religious Leaders Opposed to the Federal Marriage Amendment, that shows the standing of the religious community of America. It is entitled: "We, the People."

CLERGY FOR FAIRNESS,
Washington, DC, July 7, 2006.

Rep. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.
Rep NANCY PELOSI,
House Minority Leader,
Washington, DC.

DEAR REP. HASTERT AND REP. PELOSI: As clergy from a broad spectrum of religious traditions we hold diverse views regarding marriage. However, we are united in our opposition to amending the U.S. Constitution to define marriage.

The Marriage Protection Amendment raises alarming constitutional concerns. We do not favor using the constitutional amendment process to resolve the divisive issues of the moment. Loading down the Constitution with such amendments weakens the enormous influence it holds as the key document that binds our nation together.

We are concerned that the Marriage Protection Amendment would mark the first time in history that an amendment to the Constitution would restrict the civil rights of an entire group of Americans. Misusing our nation's most cherished document for this purpose would tarnish our proud tradition of expanding citizens' rights by Constitutional amendment, a tradition long supported by America's faith communities. These concerns alone merit rejection of the Marriage Protection Amendment.

We also share a serious concern that the proposed Marriage Protection Amendment would infringe on religious liberty.

Thoughtful people of faith can and do disagree on the issue of marriage. America's many religious traditions reflect this diversity of opinion, as do we who sign this letter. But we respect the right of each religious group to decide, based on its own religious teachings, whether or not to sanction marriage of same-sex couples. It is surely not the federal government's role to prefer one religious definition of marriage over another, much less to codify such a preference in the Constitution. To the contrary: the great contribution of our Constitution is to ensure religious liberty for all.

Some argue that a constitutional amendment is necessary to ensure that clergy and faith groups will never be forced to recognize marriages of same-sex couples against their will. This argument is unfounded. Such coercion is already expressly forbidden by the First Amendment's "establishment" clause, its guarantee of the right to "free exercise" of religion, and the Supreme Court's doctrine of religious autonomy that is rooted in both religion clauses. These, and only these, are all the protection of religious autonomy—and of religious marriage—our nation needs.

Our nation's founders adopted the First Amendment precisely because they understood the dangers of allowing government to have control over religious doctrine and decisions. It is this commitment to religious freedom that has allowed religious practice and pluralism to flourish in America as nowhere else. If this freedom is to be maintained, we must respect the rights of faith communities to apply their own religious teachings and values to the issue of same-sex relationships. It is surely not the business of politicians to assert control over the doctrine and practice of our faith communities.

The Marriage Protection Amendment would dignify discrimination and undermine religious liberty. America's religious communities do not support this amendment. As leaders of these communities, we urge you to vote against any attempt to pass this Amendment.

Respectfully,

Rev. Richard K. Heacock, Jr., United Methodist, Fairbanks, AK.

Rev. Janice A. Hotze, Episcopal, St. Michael and All Angels, Haines, AK.

Rev. Dale Kelley, Christian Church (Disciples of Christ), Unalaska, AK.

Rev. Robert Thomas, Jr., Episcopal, St. Peter's, Seward, AK.

Rev. Diana Jordan Allende, Unitarian Universalist, Auburn UU Fellowship, Auburn, AL.

Rabbi Jeffrey Ballon, Jewish, Bnai Shalom, Huntsville, AL.

The Rev. James Creasy, Episcopal, Opelika, AL.

Rev. Peter M. Horn, Episcopal, Vestavia Hills, AL.

Mr. Steven T. Karnes, Jewish, Kingdom Of Yahwey Assembly, Phenix City, AL.

Rev. Ruth B. LaMonte, Episcopal, Trinity Church, Birmingham, AL.

Rev. Lynette Lanphere, Episcopalian, Leeds, AL.

Rev. Elizabeth L. O'Neill, Presbyterian, Immanuel PCUSA, Montgomery, AL.

Rev. Marjorie F. Ragona, Metropolitan Community Churches, Bethel, Birmingham, AL.

Rev. Mary C. Robert, Episcopal, All Saints, Mobile, AL.

Rev. Alice I. Syltie, Unitarian Universalist, UU Church of Huntsville Alabama, Huntsville, AL.

Rev. Jack Zylman, Unitarian Universalist Church of Birmingham, Birmingham, AL.

Pastor Robert Anderson, Lutheran, Hot Springs Village, AR.

Rev. Alma T. Beck, Episcopal, St. Michael's Episcopal Church, Little Rock, AR.

Rev. Sharon M. Coote, Christian Church (Disciples of Christ), Pulaski Heights Christian Church, Little Rock, AR.

Rev. Stephen J. Copley, Mr. United Methodist Church, North Little Rock, AR.

Rev. Gerald G. Crawford, II, Episcopal, St. Mark's, Crossett, AR.

Rev. Marc Fredette, Unitarian Universalist, Unitarian Universalist Fellowship of Fayetteville, Fayetteville, AR.

Rev. Dr. Raymond Hearn, Presbyterian, Hot Springs Village, AR.

Rev. Robert Klein, Unitarian Universalist, Unitarian Universalist Church of Little Rock, Little Rock, AR.

Rabbi Eugene H. Levy, Jewish, B'nai Israel, Little Rock, AR.

Rev. Samuel C. Loudenslager, Episcopalian, St. Michael's Episcopal Church, Bigelow, AR.

Rev. Betty Grace McCollum, Unitarian Universalist, Emerson, AR.

Rev. Phillip R. Plunkett, Episcopal, Little Rock, AR.

Rev. Donna L. Rountree, Christian Church (Disciples of Christ), Scott, AR.

Rev. Anne Russ, PCUSA, Grace Presbyterian, Little Rock, AR.

Rev. Dan R. Thornhill, Christian Church (Disciples of Christ), Parkview Christian Church (Disciples of Christ), Little Rock, AR.

Rev. Kenneth Reuel Ahlstrand, Evangelical Lutheran Church in America, Beautiful Savior, Oro Valley, AZ.

Rev. Rosemary G. Anderson, United Methodist, Apache Junction, AZ.

The Rev. Susan Anderson-Smith, Episcopal, St. Philip's In the Hills, Tucson, AZ.

Rev. Leslie S. Argueta-Vogel, Presbyterian (USA), Phoenix, AZ.

Rev. Curtis A. Beardsley, Independant Catholic, Reyna del Tepeya, Apostolic Catholic Church of Antioch, Phoenix, AZ.

Rev. Franklyn Bergen, Episcopalian, St.Andrew's Tucson, AZ, Tucson, AZ.

Rabbi Alan Berlin, Jewish, Scottsdale, AZ.

Rev. Andre R. Boulanger, MA, STL, Roman Catholic, Phoenix, AZ.

Rev. Larry David Bridge, Christian Church (Disciples of Christ) & United Church of Christ, Scottsdale Congregational United Church of Christ, Scottsdale, AZ.

Rabbi Mari Chernow, Jewish, Temple Chai, Phoenix, AZ.

Rev. Rula Colvin, Methodist, Gilbert, AZ.

Rev. James Dew, Evangelical Lutheran Church in America, Santa Cruz Lutheran Church, Tucson, AZ.

Rev. Barbara D. Doerrer-Peacock, United Church of Christ, South Mountain Community Church, Tempe, AZ.

Rev. Richard Doerrer-Peacock, United Church of Christ, South Mountain Community Church, Tempe, AZ.

Rev. Dr. Eric Elnes, United Church of Christ, Scottsdale Congregational United Church of Christ, Scottsdale, AZ.

Rev. Barbara M. Farwell, Presbyterian, Serving as chaplain in lifecare community, Sun City, AZ.

Rev. Mary S. Harris, Presbyterian, Tucson, AZ.

The Rev. Robert Harvey, Episcopal, Tucson, AZ.

Rev. William H. Jacobs, Disciples of Christ, First Christian Church of Mesa, AZ, Tempe, AZ.

Rev. Dawn E. Keller, ELCA, Tucson, AZ.

Rev. Steve J. Keplinger, Episcopalian, St. David's, Page, AZ.

Rev. Delores J. Kropf, Ecumenical Catholic, St. Mihael's Ecumenical Catholic Church, Tucson, AZ.

Fr. Gordon K. McBride, Episcopal, Grace St. Paul's, Tucson, AZ.

Rev. Gary N. McCluskey, Lutheran (ELCA), University Lutheran, Tempe, AZ.

Rev. Marc E. McDonald, United Methodist, Hope UMC, Bullhead City, AZ.

Fr. Brian H. O. A. McHugh, Episcopal, Coolidge, AZ.

Rev. Lee J. Milligan, United Church of Christ, Church of the Painted Hills, Tucson, AZ.

Rev. Kimberly Murman, Presbyterian Church (USA), Mesa, AZ.

Rev. Briget Nicholson, United Church of Christ, First, Tucson, AZ.

Rev. James Parkhurst, United Methodist, Phoenix, AZ.

Rev. David W. Ragan, United Church of Christ, Phoenix, AZ.

Rev. Rod Richards, Unitarian Universalist, UU Church of SE Arizona, Bisbee, AZ.

Rev. Ann Rogers-Witte, United Church of Christ, Shadow Rock UCC, Phoenix, AZ.

Rev. Liana Rowe, UCC, Phoenix, AZ.

Rev. Ron Rude, Evangelical Lutheran Church in America, Tucson, AZ.

Rev. Anne Sawyer, Episcopal, St. Andrew's, Tucson, AZ.

Rev. Kelli M. Shepard, Lutheran, Faith Lutheran, Tempe, AZ.

Rev. Gerry Straatemeier, MSW, Religious Science, Tucson, AZ.

Rev. James Strader, Episcopal, University of Arizona Episcopal Campus Ministry, Tucson, AZ.

Rabbi Andrew Straus, Jewish, Temple Emanuel of Tempe, Tempe, AZ.

Rev. Charlotte Strayhorne, Independent, Casa de Cristo Evangelical Church, Phoenix, AZ.

Rabbi Lisa Tzur, Jewish, Temple Gan Elohim, Scottsdale, AZ.

Rev. Dr. Stephen Wayles, United Church of Christ, 1st Congregational UCC, Phoenix, AZ, Phoenix, AZ.

Rev. Fletch Wideman, United Church of Christ, Shadow Rock UCC, Glendale, AZ.

Rev. Susan K. Wintz, MDiv, BCC, Presbyterian Church (USA), Mesa, AZ.

Deborah J. Davis, Jewish, Humanistic Jewish Congregation, San Diego, CA.

Rev. Luke Adams, Independent Catholic Churches International, Order of St. Luke the Healer, Oakland, CA.

Rev. Joseph M. Amico, United Church of Christ, Sunland, CA.

Rev. John Anderson, Presbyterian, San Francisco, CA.

Rev. Charlotte L. Asher, United Church of Christ, Redwood City, Redwood City, CA.

Rev. Joy Atkinson, Unitarian Universalist, Berkeley, CA.

Susan J. Averbach, Jewish Humanist, Kol Hadash, San Francisco, CA.

Fr. Michael A. Backlund, PhD, The Episcopal Church, St. Paul's Church, Sacramento, Angels Camp, CA.

Rev. Connie Zekas Bailey, RSI International, Vista, San Marcos, CA.

Rev. Keith G. Banwart, Jr., Evangelical Lutheran Church in America, St. Matthew's Church, Glendale, CA.

Rev. Erwin C. Barron, PCUSA, Old First Presbyterian Church, San Francisco, CA.

Rev. Hank Bates, Independent Religious Science, Palm Springs, CA.

Rabbi Haim Beliak, Jewish, Beth Shalom of Whittier, Los Angeles, CA.

Fr. John A. Bell, New Church Inclusive Anglican Reform, St. Savior—San Francisco, Oakland, CA.

Rabbi Elissa Ben-Naim, Reform Jewish, Los Angeles, CA.

Rev. David L. Bennett, United Methodist, Central United Methodist, Stockton, CA.

Fr. William S. Bennett, OHC, Episcopal, Santa Barbara, CA.

Rev. Dr. Gaye G. Benson, United Methodist, El Sobrante, CA, Richmond, CA.

Rev. Susan Bergmans, Episcopal, San Pablo, CA.

Rabbi Michael Berk, Reform Jewish, San Francisco, CA.

Rabbi Linda Bertenthal, Jewish, Union for Reform Judaism, Los Angeles, CA.

Fr. Robert L. Bettinger, PHD, Episcopalian, San Diego, CA.

Rev. Elizabeth A. Brick, United Methodist, St. Andrew's United Methodist Church, Sacramento, Sacramento, CA.

Rev. David Brickman, Interfaith Temple, Hollywood, CA.

Rabbi Rick Brody, Jewish, Temple Ami Shalom, Los Angeles, CA.

Rev. Mary Sue Brookshire, Baptist/UCC, UCC La Mesa, La Mesa, CA.

Rev. Clark. M. Brown, Lutheran (ELCA), St. Timothy Lutheran, Monterey, CA.

Rabbi Jeffrey Brown, Reform Judaism, Temple Solel, Cardiff, CA.

Ms. Eileen O. Brownell, Religious Science, Chico, Chico, CA .

Rev. Richard E. Bruner, United Methodist, Claremont UMC, Hesperia, CA.

Paul A. Buch, Jewish, Temple Beth Israel, Pomona, CA.

Rev. Donna Byrns, Church of Truth, Pasadena, CA.

Rev. Jolene J. Cadenbach, United Church of Christ, Arcadia Congregational, Arcadia, CA.

Rev. Anite J. Cadonau-Huseby, Christian Church (Disciples of Christ), Danville, CA.

Br. Richard Jonathan Cardarelli, SSF, Anglican, San Francisco, CA.

Rev. Helen Carroll, Unitarian Universalist, Atascadero, CA.

Rev. Jan Chase, Unity, Unity of Pomona, Pomona, CA.

Rev. Marilyn Chilcote, Presbyterian, First Presbyterian, Oakland Oakland, CA.

Rev. Kelly Dahlgren Childress, United Church of Christ, Oakland, CA.

Rev. Abbot Neil V. Christensen, c.s.e.f., Th.D., Catholic, Community of Sts. Elizabeth of Hungary & Farancis de Sales, Interdenominational, Sacramento, CA.

Rev. Jan Christian, Unitarian Universalist, UU Church of Ventura, Ventura, CA.

Rev. Maureen Christopher, Religious Science, Hospice Chaplain, Oxnard, CA.

Rev. William M. Clyma, III, New Church-Inclusive Anglican Reform, Church of St. Savior, San Francisco, CA.

Rev. Kenneth W. Collier, PhD, Unitarian Universalist, Unitarian Society of Santa Barbara, Santa Barbara, CA.

Rabbi Neil Comess-Daniels, Jewish, Beth Shir Sholom, Santa Monica, CA.

Rev. Catherine Costas, Episcopalian, Good Shepherd Episcopal Church, Mountain View, CA.

Rev. Lyn Cox, Unitarian Universalist, UU Society of Sacramento, Sacramento, CA.

Rev. Stuart P. Coxhead, Jr., Episcopal, Burlingame, CA.

Rev. Susan H. Craig, Presbyterian Church (USA), Pasadena, CA.

Fr. Norman L. Cram, Episcopal, Sonoma, CA.

Rev. Robert Warren Cromey, Episcopalian, Trinity, SF, San Francisco, CA.

Rev. Sandra R. Decker, Interfaith, Kensington, CA.

Rev. Nancy S. DeNero, UCC, Mount Hollywood Congregational UCC, Pasadena, CA.

Rev. Kristi L. Denham, United Church of Christ, Congregational Church of Belmont, San Mateo, CA.

Rabbi Lavey Derby, Jewish, Kol Shofar, Mill Valley, CA.

Rev. Brian K. Dixon, Alliance of Baptists, Dolores Street Baptist Church, San Francisco, CA.

Rabbi Joel C. Dobin, D.D., Reform, Walnut Creek, CA.

Rev. James Dollins, United Methodist, San Dieguito UMC, Vista, CA.

Rev. Richard F. Drasen, Religious Science, Palm Springs Church for Today, Palm Springs, CA.

Rev. Michael G. Dresbach, Episcopal, San Cristbal, Panama, San Jose, CA.

Rev. Doris L. Dunn, United Church of Christ, Citrus Heights, CA.

Rev. Dale K. Edmondson, American Baptist, San Leandro, CA.

Br. Kenneth Ehrnman, EACA, Laguna Woods, CA.

Rev. Michael Ellard, Metropolian Community Churches, MCC San Jose, San Jose, CA.

Rev. Brian Elster, Evangelical Lutheran (ELCA), Lutheran Church of Our Redeemer, Oxnard, CA.

Rev. Richard K. Ernst, United Methodist, Loomis, CA.

Rev. Alejandro Escoto, MCCLA's Latino Congregation, West Hollywood, CA.

Rev. Stefanie Etzbach-Dale, Unitarian Universalist, Unitarian Universalist Fellowship of Kern County, Bakersfield, CA, Santa Monica, CA.

Rev. Martha Fahncke, Christian, Temple City, CA.

Rev. John Fanestil, United Methodist, La Mesa, CA.

Rev. Carol C. Faust, Protestant—Universal Life, Oakdale, CA.

Rev. Robert H. Fernandez, Presbyterian (USA), San Francisco, CA.

Rev. Lydia Ferrante-Roseberry, Unitarian Universalist, Oakland, CA.

Rev. Marylee Fithian, United Methodist, Guerneville, CA.

Rabbi Joel R. Fleekop, Jewish, Shir Hadash, Los Gatos, CA.

Msr. Carlos A. Florido, OSF, Orthodox Catholic, San Francisco, CA.

Rev. John C. Forney, Episcopal, Progressive Christians Uniting, Chino, CA.

Rev. Ernest M. Fowler, United Church of Christ, 1st Congregational Church, Long Beach, CA, Laguna Woods, CA.

Rev. Jerry Fox, United Methodist, San Jose, CA.

Rabbi Karen L. Fox, Jewish, Los Angeles, CA.

Rev. David French, United Methodist, Temecula, CA.

Rev. Mary M. Gaines, Episcopal, St. James, SF, San Francisco, CA.

Rev. Bruce R. Gilliland, Alliance of Christian Churches, Sunnyvale, CA.

Rev. Deborah Beach Giordano, Independent Methodist, inklings, Castro Valley, CA.

Rabbi Eva Goldfinger, Humanistic Judaism, Adat Chaverim Valley Congregation for Humanistic Judaism, Valley Glen, CA.

Rabbi Evan Goodman, Jewish, Congregation Beth Israel-Judea, San Francisco, CA.

Rev. Thomas H. Griffith, United Methodist, Woodland Hills United Methodist Church, Woodland Hills, CA.

Rev. Anthony Guillen, Episcopal, Ventura, CA.

Rev. Caroline J. Hall, Episcopalian, St Benedicts Los Osos, Los Osos, CA.

Rev. Jim Hamilton, United Methodist, Redondo Beach, CA.

Dr. Frank S. Hamilton, Presbyterian Church (USA), Santa Rosa, CA.

Rev. Sally Hamini, Unitarian Universalist, UU Church of Buffalo, Berkeley, CA.

Rev. M. Elisabet Hannon, United Church of Christ, Wesley United Methodist Church, Fresno, CA.

Rev. Pharis Harvey, United Methodist, Corralitos, CA.

Dr. Kathy Hearn, United Church of Religious Science, La Jolla, CA.

Rev. Patricia D. Hendrickson, Episcopal Thousand Oaks, CA.

Rev. Carol C. Hilton, Unitarian Universalist, Palomar U.U. Fellowship, Vista, CA, Oceanside, CA.

Rev. Daniel M. Hooper, Evangelical Lutheran, Hollywood Lutheran Church, Los Angeles, CA.

Rev. H. James Hopkins, American Baptist, Lakeshore Avenue Baptist Church, Oakland, CA.

Rev. Ricky Hoyt, Unitarian Universalist, Santa Clarita, Los Angeles, CA.

Rev. Thomas B. Hubbard, Episcopal, Claremont, CA.

Rev. Joan G. Huff, Presbyterian Church (USA), 7th Avenue Presbyterian Church, San Francisco, CA.

Rev. Bill Hutchinson, United Church of Christ, Sonoma, CA.

Rev. Scott T. Imler, United Methodist Church, Crescent Heights UMC, West Hollywood, CA.

Rev. Rebecca Irelan, United Methodist, Novato UMC, Novato, CA.

Rev. Steve C. Islander, United Methodist, Estero Bay UMC, Atascadero, CA.

Rabbi Steven Jacobs, Jewish, Woodland Hills, CA.

Rev. Mark J. Jaufmann, Ecumenical Catholic, St. Andrew & St. Paul Ecumenical Catholic, Community, Woodland Hills, CA.

Rev. Bryan Jessup, Unitarian Universalist, Fresno California, Fresno, CA.

Rev. Beth A. Johnson, Unitarian Universalist, Palomar Unitarian Universalist Fellowship, Vista, CA.

Rev. Jay E. Johnson, PhD, Episcopal, Church of the Good Shepherd, Berkeley, Richmond, CA.

Rev. Kevin A. Johnson, UCC and Methodist, Bloom in the Desert Ministries, Palm Springs, CA.

Rev. Allan B. Jones, United Methodist, Christ Church United Methodist, Santa Rosa, CA.

Rev. Nancy Palmer Jones, Unitarian Universalist, First Unitarian Church of San Jose, San Jose, CA.

Rev. Robert Angus Jones, Methodist, Oakland, CA.

Rev. Sally J. Juarez, PCUSA, Oakland, CA.

Rabbi Yoel Kahn, Jewish, JCCSF, San Francisco, CA.

Rev. Sheila M. Kane, United Methodist, Riverside, CA.

Evan Kent, Jewish, Temple Isaiah, Los Angeles, CA.

Rev. David L. Klingensmith, United Church of Christ, Fresno, CA.

Rev. Patricia L. Klink, Religious Science, Fillmore Church of Religious Science, Fillmore, CA.

Rev. Peter D. Krey, PhD., E.L.C.A., Christ Lutheran, Albany, CA

Rabbi Brett Krichiver, Jewish, Stephen S. Wise Temple, Los Angeles, CA.

Rev. Kathleen F. La Point-Collup, United Methodist, Elk Grove UMC, Elk Grove, CA.

Rev. Peter Laarman, United Church of Christ, Los Angeles, CA.

Rabbi Gail Labovitz, Jewish-Conservative, University of Judaism, Los Angeles, CA.

Rabbi Howard Laibson, Jewish, Seal Beach, CA.

Rev. Darcey Laine, Unitarian Universalist, Unitarian Universalist Church of Palo Alto, Palo Alto, CA.

Rev. Jeffrey P. Lambkin, Sr., Unitarian Universalist, Unitarian Universalist Church in Idaho Falls, Richmond, CA.

Rev. Scott Landis, United Church of Christ, Mission Hills, San Diego, CA.

Rev. Joseph A. Lane, Episcopal, Good Shepherd Episcopal Church, Belmont, CA.

Rev. Peter R Lawson, Episcopalian, St. James', San Francisco, Valley Ford, CA.

Rabbi Steven Z. Leder, Jewish, Wilshire Boulevard Temple, Los Angeles, CA.

Rabbi Michael Lerner, Jewish, Beyt Tikkun Synagogue, Berkeley, CA.

Rev. John L Levy, Religious Science, Palm Springs, CA.

Rev. Kirsten M. Linford, Disciples of Christ/United Church of Christ, Westwood Hills Congregational UCC, Los Angeles, CA.

Rev. Harriet B. Linville, Episcopal, Morro Bay, CA.

Rev. Dr. Robert Lodwick, Presbyterian Church (USA), Pasadena Presbyterian Church, Pasadena, CA.

Rabbi Michael Lotker, Jewish, Temple Ner Ami, Northridge, CA.

Rev. Petra Malleis-Sternberg, United Church of Christ, First Congregational United Church of Christ, San Bernardino, CA.

Rev. Tessie Mandeville, Universal Fellowship of Metropolitan Community Churches, MCC San Francisco, San Francisco, CA.

Rev. Dr. Robert Mattheis, Lutheran (ELCA), Our Savior, Lafayette, CA, Lodi, CA.

Rev. Patricia E. McClellan, OMC, Celtic Christian, St. Columba's Celtic Christian Church, Pinole, CA.

Rev. David Elwood McCracken, United Church of Christ, Sonoma, CA.

Rev. Gregory W. McGonigle, Unitarian Universalist, Davis, CA.

Rev. Steven E Meineke, UCC, Solana Beach, CA.

Rabbi Norman Mendel, Jewish, San Luis Obispo, CA.

Rev. Barbara Meyers, Unitarian Universalist, Mission Peak Unitarian Universalist Congregation, Fremont, CA.

Rev. Eleanor Meyers, United Church of Christ, Claremont, CA.

Rev. Ralph Midtlyng, ELCA, All Saints Ev. Lutheran, Granada Hills, CA.

Rev. Rosamonde Miller, Gnostic, Palo Alto, CA.

Rev. John S Millspaugh, Unitarian Universalist, Tapestry, a Unitarian Universalist Congregation, Mission Viejo, CA.

Rev. Clair E Mitchell, United Methodist, Westwood—LA, CA, Los Angeles, CA.

Rev. Dr. Rick Mitchell, Disciples of Christ, Concord, CA.

Rev. Douglas J. Monroe, United Methodist, 1st UMC of Napa, Napa, CA.

Rev. Richard O. Moore, United Church of Christ, Claremont, CA.

Rev. Ronald S. Moore, Lutheran, San Leandro, CA.

Rev. Amy Zucker Morgenstern, Unitarian Universalist, Unitarian Universalist Church of Palo Alto, Palo Alto, CA.

Rev. Keith Mozingo, Metropolitan Community Churches, Metropolitan Community Church Los Angeles, West Hollywood, CA.

Rev. Paul Mullins, ELCA, Grace, San Francisco, CA.

Rabbi Leonard Z Muroff, Jewish, Temple Beth Zion-Sinai, Agoura Hills, CA.

Rabbi Tracy Nathan, Jewish, Congregation Beth Sholom, San Francisco, CA.

Rev. Arlene K. Nehring, United Church of Christ, Eden United Church of Christ, Hayward, CA.

Rev. Penny Nixon, Metropolitan Community Churches, San Francisco, CA.

Rev. Julia H. Older, Unitarian Universalist, UUFRC, Redwood City, CA.

Rev. Kathleen France O'Leary, United Methodist, Arcata UMC, McKinleyville, CA.

Rev. G. Kathleen Owens, Unitarian Universalist, Pasadena, CA.

Rev. Susan Parsley, Christian, Disciples of Christ, San Francisco, CA.

Rev. Larry Patten, United Methodist, Wesley United Methodist, Fresno, CA.

Rev. Fhyre Phoenix, Universal Life Church, Arcata, CA.

Rev. Giovanna Piazza, Ecumenical Catholic, Sophia Spirit, Santa Ana, CA.

Rev. Gayle Pickrell, United Methodist, Christ Church UMC, Santa Rosa, CA.

Rev. Fred Rabidoux, Unitarian Universalist, San Francisco, CA.

Rabbi Sanford Ragins, Jewish, Leo Baeck Temple, Los Angeles, CA.

Rev. Lindi Ramsden, Unitarian Universalist, Unitarian Universalist Legislative Ministry, CA, Sacramento, CA.

Rev. Chris Rankin-Williams, Episcopal, Ross, CA.

Rev. Dr. George Regas, Episcopal, All Saints Church, Pasadena, CA, Pasadena, CA.

Fr. John B. Reid, Eastern Orthodox, St. Michael's Church, West Covina, CA.

Rev. Holly Reinhart-Marean, United Methodist, Sierra Madre United Methodist Church, Sierra Madre, CA.

Rev. Thomas Reinhart-Marean, United Methodist, Sierra Madre UMC, Sierra Madre, CA.

Rev. Dr. Mark Richardson, United Methodist, Trinity UMC, Los Osos California, Los Osos, CA.

Rabbi Dorothy Richman, Jewish, Berkeley, CA.

Mrs. Maria Riter Wilson, The Contemporary Catholic Church, San Dimas, CA.

Rev. Philip H. Robb, Episcopal, St. John's, San Bernardino, Grand Terrace, CA.

Br. Stuart G. Robertson, Presbyterian Church (USA), Grace Sacramento, Carmichael, CA.

Rev. Dr. Wayne Bradley Robinson, United Church of Christ, Pioneer UCC, Antelope, CA.

Rabbi Sanford Rosen, Jewish, Peninsula Temple Beth El, Fullerton, CA.

Rabbi John Rosove, Judaism, Temple Israel of Hollywood, Los Angeles, CA.

Rev. Kathleen D. Ross Bradford, Episcopal, St. Alban's, Antioch, CA.

Rev. Carol S. Rudisill, Unitarian Universalist, Sierra Madre, CA.

Rev. Dr. Victoria Rue, Roman Catholic, Watsonville, CA.

Rev. Diane B. Russell, Religious Science, Bonita, Chula Vista, CA.

Rev. Susan L. Russell, Episcopal, All Saints Church, Pasadena, Pasadena, CA.

Rev. Kenneth Ryan-King, Episcopalian, San Jorge, Oakland, CA.

Rev. Franklin D. Sablan, United Methodist, Wilshire UMC, Los Angeles, CA.

Rabbi Joseph Baruch Sacks, Conservative Judaism, Congregation Beth Shalom of Corona, Los Angeles, CA.

Rev. Katherine Salinaro, Episcopal, Hercules, CA.

Rev. Blythe Sawyer, UCC, UCC Petaluma, Petaluma, CA.

Rev. Maxine S. Schiltz, Religious Science, Lancaster, CA.

Rev. David F. Schlicher, UCC, College Community Congregational Church UCC, Fresno, CA.

Rev. Rick Schlosser, United Methodist, Clearlake Oaks Community UMC, Sacramento, CA.

Rev. Kathryn M. Schreiber, UCC, United Church of Hayward, UCC, Hayward, CA.

Rev. Craig Scott, Unitarian Universalist, Berkeley, CA.

Rabbi Judith A. Seid, Jewish, Tri-Valley Cultural Jews-CSJO, Pleasanton, CA.

Rabbi Richard Shapiro, Jewish-Reform, Temple Sinai, Rancho Mirage, CA.

Rev. Andy Shelton, Community of Christ, Novato, CA.

Rabbi John M. Sherwood, Jewish, Temple Beth Torah, Oxnard, CA.

Rev. John L. Shriver, Presbyterian, Walnut Creek, CA.

Rev. Linda Siddall, Religious Science, San Mateo, CA.

Rev. Grace H. Simons, Unitarian Universalist, UU Fellowship of Stanislaus County, Modesto, CA.

Fr. Duane Lynn Sisson, Episcopalian, St. Giles, Oakland, CA.

Rev. David A. Smiley, Disciples of Christ, San Luis Obispo, CA.

Rev. Channing Smith, Episcopal, Transfiguration Episcopal Church, Belmont, CA.

Fr. Richard L. Smith, Ph.D., Episcopal, St. John the Evangelist, San Francisco, CA.

Rev. Stanley A. Smith, Protestant, Carmel, CA.

Rev. Dr. Ronald Sparks, United Church of Christ, Community Church, California City, CA.

The Rev. Jeffrey Spencer, United Church of Christ, Niles Congregational UCC, Fremont, CA.

Rev. Terry C. Springstead, Mar Thoma Orthodox Catholic Church, Ridgecrest, CA.

Rev. Betty R. Stapleford, Unitarian Universalist, Conejo Valley UU Fellowship, Thousand Oaks, CA.

Rabbi David E. S. Stein, Jewish, Redondo Beach, CA.

Rabbi Stephen Julius Stein, Jewish, Wilshire Boulevd Temple, Los Angeles, CA.

Rabbi Gershon Steinberg-Caudill, Jewish, Ohr Shekinah Havurah, El Cerrito, CA.

Rabbi Ronald Stern, Jewish, Stephen S. Wise Temple, Los Angeles, CA.

Rev. Robert Stewart, Presbyterian (USA), San Francisco, CA.

The Rev. B.J. Stiles, United Methodist, Cal-Nev UMC Conference, San Francisco, CA.

Rev. Jerald Stinson, United Church of Christ, First Congregational Church of Long Beach, CA, Long Beach, CA.

Rev. Janine C. Stock, Independent Catholic, All Saints Parish, Carlsbad, CA.

Rev. Roger D. Straw, United Church of Christ, Benicia, CA.

Rev. Susan M. Strouse, Lutheran, First United Lutheran, Berkeley, CA.

Rev. Rexford J. Styzens, Unitarian Universalist, Long Beach, CA.

Rev. Gerald V. Summers, United Methodist, Chico, CA.

Rev. Neil A. Tadken, Episcopal, St. James' Church, L.A., West Hollywood, CA.

Msr. Suzanne Tavernetti, Episcopal, King City, CA.

Rev. Richard E. Taylor, Ph.D., American Baptist, Eureka, CA.

Rev. Wendy J. Taylor, United Church of Christ, San Mateo, CA.

Rev. Neil G. Thomas, Metropolitan Community Churches, Metropolitan Community Church Los Angeles, West Hollywood, CA.

Rev. Janelle L. Tibbetts, PCUSA, Burbank, CA.

Rev. Harold A. Tillinghast, United Methodist, Eureka, CA.

Rev. Dr. Lynn Ungat, Unitarian Universalist, Church of the Larger Fellowship, Castro Valley, CA.

Rev. Valerie A. Valle, Ph.D., Episcopalian, St. Alban's, Brentwood, Brentwood, CA.

Rev. Clyde Vaughn, United Methodist, Aptos, California, Aptos, CA.

Rev. Felix C. Villanueva, UCC, UCC La Mesa, La Mesa, CA.

Rev. Joseph Walters, Christian Church (Disciples of Christ), First Christian Church, Fremont, CA.

Rev. Mary Walton, United Methodist Church, Long Beach, CA.

Rabbi Martin Weiner, Reform Judaism, Sherith Israel, San Francisco, CA.

Rev. S. Kay Wellington, UCC, Benicia Community, Concord, CA.

Rev. Faith Whitmore, United Methodist, St. Mark's UMC, Sacramento, CA.

Rev. Bets Wienecke, Unitarian Universalist, Carpinteria, CA.

Rev. Ned Wight, Unitarian Universalist, La Mesa, CA.

Rev. Karen L. Wiklund, Universal Life Church, Lompoc, CA.

Rev. Warren R. Wilcox, United Church of Christ, Grover Beach, CA.

Rev. Lee E. Williamson, United Methodist, California-Nevada Conference, Hayward, CA.

Rev. Dr. Kimberly Willis, United-Methodist, Bakersfield, CA.

Rev. Paul D. Wolkovits, Roman Catholic, Los Angeles, CA.

Rev. Mark Zangrando, Catholic, Jesuit, West Hollywood, CA.

Rev. Oberon Zell, Church of All Worlds, Cotati, CA.

Rev. David Zollars, Presbyterian, Comm. Pres. Pittsburg, Pittsburg, CA.

Rabbi Laurie Coskey, Reform Judaism, San Diego, CA.

Pastor Janice Adams, Presbyterian, Calvary Presbyterian, Bayfield, CO.

Rev. George C. Anastos, United Church of Christ, First Plymouth Congregational Church, Englewood, CO.

Rev. Richard Baer, Buddhist, The Open Circle, Littleton, CO.

Rabbi Eliot Baskin, Jewish, Har Shalom, Greenwood Village, CO.

Rev. Bonnie L. Benda, United Methodist, Cameron, Denver, CO.

Rev. Sharon A. Benton, Christian, Plymouth Congregational Church, Fort Collins, CO.

Rev. John P. Blinn, United Methodist, Pueblo, CO.

Rev. Nelson Bock, Lutheran (ELCA), Our Savior's Lutheran, Denver, Denver CO.

Rev. Rebecca Booher, Interfaith/Unitarian Universalist, UU Church of Pueblo, Pueblo, CO.

Rabbi Stephen Booth-Nadav, Reconstructionist/Jewish, Bnai Havurah:CJRF, Denver, CO.

Rev. Betty J. Bradford, United Methodist, Denver, CO.

Rev. Patrick Bruns, United Methodist, Brentwood United Methodist Church, Denver, CO.

Rev. Russell V. Butler, United Methodist, Arvada United Methodist, Arvada, CO.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I also will submit into the RECORD at this point some groups who want to go on the record as being in support of this.

COALITIONS FOR AMERICA,
Washington, DC, July 17, 2006.

DEAR REPRESENTATIVE, I want you to know that I am in full support of your efforts and appreciate your leadership role in helping to defend traditional marriage by sponsoring House Joint Resolution 88, a constitutional amendment to define marriage as the union of one man and one woman.

As a conservative, amending the Constitution is not something I or others should take lightly, but with the continuous assault from the left on traditional marriage "day in and day out" it is an issue that must be addressed, I believe, by amending the Constitution.

Sincerely,

PAUL M. WEYRICH,
National Chairman.

POSITION STATEMENT OF FOCUS ON THE FAMILY ON THE MARRIAGE PROTECTION AMENDMENT, H.J. RES. 88

Marriage is a sacred, legal, and social union ordained by God to be a lifelong exclusive relationship between one man and one woman. Focus on the Family holds this institution in the highest esteem, and strongly opposes any legal sanction of marriage counterfeits, such as the legalization of same-sex "marriage." History, nature, social science, anthropology, religion, and theology all coalesce in vigorous support of traditional marriage as it has always been understood: a lifelong union of male and female for the purpose of creating stable families.

The Marriage Protection Amendment is necessary to protect the institution of marriage. To date, three courts have overturned state marriage protection amendments and in one state—Massachusetts—judicial fiat has forced the state to issue same-sex "marriage" licenses. Currently, ten states face challenges to their marriage protection laws. Just one such lawsuit needs to reach the Supreme Court before marriage is redefined for all Americans.

A plethora of federal and state law including tax law, employment law, social security, wills and estates, depend on a foundational definition of marriage for proper application. Without a national definition of marriage upheld in the Constitution, consistent administration of law will soon be impossible.

Due to the foundational importance of marriage in American society it must be defined nationally. The only question is, Who will define marriage? Will it be tyrannical judges acting through the courts to write a radical new definition of marriage or the American people, acting through their elected legislators to pass a Marriage Protection Amendment? We believe the people should decide.

Focus on the Family calls on all Members of Congress to cosponsor and vote in support of the Marriage Protection Amendment, H.J. Res. 88.

CENTER FOR RECLAIMING
AMERICA FOR CHRIST,
Fort Lauderdale, FL, July 14, 2006.

Hon. MARILYN MUSGRAVE,
House of Representatives,
Washington, DC.

DEAR MRS. MUSGRAVE: We firmly believe that marriage is more than a private emotional relationship. It is for the common good of society that marriage remains exclusively the union of a man and a woman.

We agree that the Constitutional amendment process is a fair and democratic way of putting this important question back in the hands of the American people rather than in the hands of a number of unelected judges, whose bias leads them to redefine marriage contrary to its basic meaning and structure.

Respectfully submitted,

DR. GARY L. CASS,
Executive Director,
Center for Reclaiming America.

AMERICAN ASSOCIATION
OF CHRISTIAN SCHOOLS,
Chattanooga, TN, July 14, 2006.

DEAR CONGRESSMAN: Multiple studies have shown that children are healthier when they have both a mom and a dad married to each other. Risks such as physical abuse, verbal abuse, and poverty decrease when children live in a family with a mother and a father. To intentionally increase a child's risk of abuse by depriving him/her of a natural family structure is unconscionable. A federal marriage amendment will protect this family structure, and thereby protect the institution that is foundational to our strong society.

Despite the overwhelming support of Americans for the protection of marriage, a few judges are taking liberties to change the definition of marriage through the courts. As President Bush said, "After more than two centuries of American Jurisprudence, and millennia of human experience, a few judges and local authorities are presuming to change the most fundamental institution of civilization." The Founders did not intend for the Judiciary to overrule the will of the people by judicial fiat, especially when that will extends to preserving a sacred and essential institution of our society.

The American Association of Christian Schools urges you to join your colleagues in supporting and voting for a Federal Constitutional Amendment that protects marriage.

Yours for the children,

KEITH WIEBE,
President.

AMERICAN VALUES,
Arlington, VA.

DEAR REPRESENTATIVE MUSGRAVE: Thank you for your leadership in defense of traditional marriage and for sponsoring House Joint Resolution 88, a constitutional amendment to define marriage as the union of one man and one woman. While conservatives believe amending the Constitution should never be taken lightly, the Constitution's framers created an amendment process for a reason. Sometimes we must address issues that affect us all, and marriage is just such an issue.

I was encouraged to learn recently that New York's highest court upheld the legislature's right to pass laws protecting marriage, based largely on ". . . the undisputed assumption that marriage is important to the welfare of children." As the court stated, ". . . The Legislature could rationally believe that it is better, other things being equal, for children to grow up with both a mother and a father. Intuition and experience suggest that a child benefits from having before his or her eyes, every day, living models of what both a man and woman are like."

Today, the Eighth Circuit Court of Appeals re-instated Nebraska's popularly-enacted marriage protection amendment based on the recognition that marriage is "rationally related to legitimate state interests." While this decision is good news, it also means that this case might be headed to the United States Supreme Court, which raises the stakes in the upcoming vote on House Joint Resolution 88.

I am hopeful that the House of Representatives will follow the lead of the American people and respond decisively to the threat posed by judicial activists to redefine traditional marriage. I look forward to working with you in the future on this important issue.

Sincerely,

GARY L. BAUER.

THE ETHICS & RELIGIOUS LIBERTY COMMISSION OF THE SOUTHERN BAPTIST CONVENTION,
Nashville, TN, July 14, 2006.

Hon. MARILYN MUSGRAVE,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN MUSGRAVE: Recently Alabama, by the approval of 81 percent of the people, became the 20th state to affirm a state constitutional amendment on marriage. A total of 45 states have now passed amendments or laws prohibiting same-sex marriage. Clearly, Americans do not want to see this most basic institution open to any arrangement other than that of one man and one woman.

Unfortunately, recent court decisions have demonstrated that state constitutional amendments can be struck down at the whim of an overreaching judge. Last year, a federal judge struck down Nebraska's state marriage amendment—despite its passage by over 70 percent of voters in 2000—and more recently, a Georgia court deemed the state's marriage amendment unconstitutional—in the wake of 76 percent of voters favoring the amendment in 2004. Fortunately, the Georgia ruling has been overturned, but that case still serves as a reminder that an amendment to the U.S. Constitution is the only sure means to safeguard marriage from radical judges.

Respectfully,

RICHARD D. LAND,
President.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of the marriage protection amendment, and I want to thank Congresswoman MUSGRAVE for her bravery and leadership on this critical issue.

Marriage is an honored institution in this country, and voters have consistently voiced their support for protecting traditional marriage. Many State legislatures have already taken action and laws have been passed to establish marriage as the union of one man and one woman.

Unfortunately, we have seen activist courts taking the legislative power away from elected officials and reversing important laws and, in particular, marriage protections. Recent court decisions are threatening traditional marriage, and I might add that there are groups in this country who have made that their agenda. They want to redefine the institution of marriage in the United States, and they do not want to do it through the political process, but they want to do it through the courts; and that is why we are here today having this debate.

Our goal is to preserve the most basic fundamental unit of our society, of every society on the planet, the family. It has been consistently proven that children benefit the most from being raised in a home with a father and a mother present. Some people argue that traditional marriages and families are failing anyway and they are not worth protecting. I say if children are benefiting from traditional families, we always must fight. It is always worth protecting.

This is why I stand today, urging my colleagues to support this important amendment. This issue will not go away, and that is about protecting the clergy so that they can marry men and women and not be forced by courts to do something other than what they want to do.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there have been a number of points made in this debate today with doubtful validity. We are told we should pass this amendment to protect marriage. But against what threat? If Henry and Steve want to get married, maybe that is a good idea, maybe it is a bad idea, but it does not threaten the marriage of anyone else, of any man or woman who wants to get married. It does not affect them in any way. Divorce is a threat. Some of our other threats are threats, but gay marriage is not a threat to a straight marriage.

We are told we have to protect children, but children are already in the custody of straight people, of gay people, of gay couples, of individuals. If we want to protect children, we should give a legal basis to the partnership of the two people who have custody of them. Now, we are not saying that it might not be preferable to have a traditional custody arrangement, maybe it is, but this does not affect that in any way.

Nor do we say because we want to protect children that we prohibit elderly couples from getting married or sterile couples from getting married because procreation is the purpose of marriage. So this is a red herring.

We had a whole religious discussion. The fact is churches can define marriage in their point of view, any way they want. We are not telling a church you must consider this couple married from a religious point of view. We are not telling the church how to define the sacrament. We are talking about civil marriage, and churches can do what they want and regard as married whom they want, but we are talking about what the government recognizes.

We are also told that this is to protect marriage, but the amendment talks about not only marriage by, but the incidents thereof, to clearly prohibit specific rights that a State may choose to give to a gay couple, the right of inheritance, a right of visitation when one is sick in the hospital. Why should we tell the States they cannot do that at their wisdom?

We are told always by the other side of the aisle that we should protect the rights of States, but as I said a few moments ago, family law, the marriage law, divorce law, visitation law, child custody law have always been a matter for the States. Why are we preempting those State laws?

We are told we are preempting unelected judges, that that amendment is an amendment to the Constitution of the United States, that it would preempt not just judges elected or appointed. It would preempt the State legislative action; it would preempt action by the people in a referendum. That is not democratic, with a small D.

This, Mr. Speaker, is a political stunt. It is a political stunt at the expense of a minority, of an unpopular minority. That is all it is. We know it is not going to pass. We know the Senate already rejected it. So this is just a political stunt.

I appeal to my colleagues, vote "no" on this amendment. Leave family law where it always has been, with the State, and do not desecrate our Constitution, do not desecrate our most sacred document, our civil religion, by inserting it into an amendment to deny a basic right to an unpopular group just because we want to make a political point at the expense of that unpopular group in an election year.

Make no mistake, that is what this amendment is. That is all it is. It does not protect marriage. It does not protect children. It just makes a political point at the expense of an unpopular group, and we should not desecrate our Constitution by so doing.

Mr. Speaker, I yield back the balance of my time.

Mr. KINGSTON. Mr. Speaker, I rise to close and I just want to split the time between Mr. MURPHY and Mrs. MUSGRAVE.

I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. I thank the Speaker and the Members on this as I speak in favor of this amendment.

As a person who has spent my career as a child psychologist and have dealt with many children who have struggled with many problems in families, I have seen families ripped apart by so many things that sometimes law has tried to deal with. Instead, I think over the years we have cut the strength of marriage and relationships by the law and weakened the institution. We have tried to deal with relationships with no-fault divorce, with child custody, with so many other avenues; and it has not helped.

What I do say is, yes, children may be resilient and they have been able to deal with all sorts of difficulties they have faced, but the bottom line is this: I believe very strongly children need a mother and a father in the home. They need strong relationships with men and women both, and they are the ones that I believe are part of what is preserved in this amendment and why I believe we need to support this, if anything, for the sake of those children who need this kind of support in their lifetime.

☐ 1330

The SPEAKER pro tempore. The gentlewoman from Colorado is recognized for 1½ minutes.

Mrs. MUSGRAVE. Mr. Speaker, I just want to say to Mr. NADLER, your statements about hospital visits and those things, that was a misstatement. That is not what this amendment does. There are State legislatures that have the authority to handle all of the benefits that you have talked about, and that is what the amendment clearly states.

I would just like to say, we can look at places like the Netherlands, where since 1997 they have had registered partnership, and gay marriage since 2001. In effect, that is probably the best place to look at what gay marriage has done. The out-of-wedlock births have escalated. The divorce rate is escalating. In fact, many people in Scandinavia don't think that marriage is even relevant today.

I would say today if marriage can mean anything, eventually marriage will mean nothing.

Within the institution of marriage, society offers special support and encouragement to the men and women who together make children. Because marriage is deeply implicated in the interest of children, it is obviously a matter of public concern. Children depend on society to create institutions to keep them from chaos. That is why we have the obligation to give special support and encouragement to an institution that is necessary to the well-being of children.

I urge my colleagues to support public policy that strengthens marriage and vote in favor of this amendment.

Marriage is for Children:

1a) In setting up the institution of marriage, society offers special support and encouragement to the men and women who together make children. Because marriage is deeply implicated in the interests of children, it is a matter of public concern. Children are helpless. They depend upon adults. Over and above their parents, children depend upon society to create institutions that keep them from chaos. Children cannot articulate their needs. Children cannot vote. Yet children are society. They are us, and they are our future. That is why society has the right to give special support and encouragement to an institution that is necessary to the well being of children—even if that means special benefits for some, and not for others. Single people are denied the benefits of married couples, for example. But this is permitted because married parenthood is essential to society. The law has always permitted the state to give special support to critical institutions, if those institutions serve a compelling interest of society. Marriage is exactly such an institution. Marriage is designed to maximize the chances that each child will be provided with a mother and a father, in a stable family setting, during the years when children are too young to fend for themselves. To redefine marriage in such a way as to remove its essential connection to parenthood is to take away its very purpose.

(1b) Only a man and a woman have the power between them to create children. Marriage as an institution helps to turn the love of a man and a woman into an instrument for the nurture and protection of children. If we redefine fathers, mothers, and parenthood out of marriage, then this precious institution will be lost.

The European Experience With Gay Marriage:

Can it be a coincidence that Scandinavia, the region with the highest out-of-wedlock birthrates in the world, was the very first place to recognize same-sex unions? Marriage was already in serious decline in Sweden and Norway when same-sex partnerships arrived, and since that time marital decline in those countries has advanced still further. But the clearest example of the effect of same-sex marriage is the Netherlands, where they have had registered partnerships since 1997 and full gay marriage since 2001. In the Netherlands, out-of-wedlock birthrates were low until the arrival of registered partnerships and gay marriage. But since the advent of registered partnerships and same-sex marriage, the out-of-wedlock birthrate has risen faster and longer in the Netherlands than in any other west European country.

(1a) What is marriage? Marriage is society's way of supporting the men and women who together make children. Children can't fend for themselves. That's why the public has always taken an interest in marriage. By supporting the institution of marriage, the state encourages the rearing of children under the secure care of a mother and father. But what would happen if we said marriage doesn't have anything to do with mothers, fathers, and children? What would happen if we said marriage is really just about a couple of adults who love each other—whether they're men and women or not?

Well, just look at Scandinavia and Holland. Over in Scandinavia they've had various forms of same-sex partnership nearly two decades. And they've had gay marriage in Holland for several years. But marriage in Scandinavia is dying, and marriage in Holland is growing progressively weaker every year. A majority of children in Sweden and Norway are now born out-of-wedlock. In some parts of Norway, as many as eighty percent of first-born children and two-thirds of subsequent children are now born out-of-wedlock. True, much of that decline took place even before same-sex partnerships came into effect. But in both Sweden and Norway, marriage continued to decline following the introduction of same-sex partnerships. Can it be a coincidence that the region of the world where marriage has traditionally been weakest was the first place to experiment with something like same-sex marriage?

The negative effects of gay marriage on marriage are even clearer in the Netherlands. Prior to the introduction of registered partnerships and later gay marriage, Holland was known for having one of the lowest out-of-wedlock birthrates in Northern Europe. Yet out-of-wedlock birthrates have been rising at an unusually rapid rate in the Netherlands ever since registered partnerships, and then formal gay marriage, were established.

In the last decade, no other West European country has seen its out-of-wedlock birthrate rise as fast as Holland's. And there were no other major legal or social changes during the last decade that might explain Holland's rising out-of-wedlock birthrate in some other way. So it looks very likely that registered partnerships and same-sex marriage have helped to hasten the unusually rapid decline of marriage in the Netherlands.

Gay marriage has helped send a message to parents in Scandinavia and Holland that being married doesn't have much of anything to do with being a parent. Nowadays, a lot of parents in Scandinavia and Holland put off getting married until after they've had a child or two, if they don't break up first—which many do. Increasingly, parents in these countries don't get married at all anymore. If marriage is disappearing in the parts of the world that have had something like gay marriage longer than anywhere else, I don't want to take a chance on gay marriage here.

1b) Marriage is not meant solely, or even mainly, for husbands and wives. Marriage exists as a public institution because children need mothers and fathers. Once marriage is treated as a mere celebration of the love of two adults, there is no reason for it to necessarily happen before children are born instead of after. And if marriage could just as well happen after children are born, it doesn't really need to happen at all. European parents have increasingly stopped marrying because they no longer think of marriage as an institution meant to bind children to mothers and fathers. Gay marriage helps Europeans to see it that way, making them consider marriage nothing more than the expression of mutual affection between two adults. But this view translates into marrying long after children are born—if parents don't break up first. It means rising rates of family dissolution. That's what's happening in Europe. Do we want it to happen in America? That the family is the bedrock of society is more than just a cliche. In Scandinavia, where they've had de facto gay marriage for some time, marriage is dying, and a huge welfare state has taken over for parents. If the family goes here in America, then we will either have the social chaos of more crime and fatherless kids, or we will have to vastly expand our welfare state. So this issue touches on the deepest problems of governance. America's system of limited government works because the family does what the state does not. Weaken the family, and government is bound to expand to take its place. That is exactly what's happened in Scandinavia.

Responding to Critics of the Scandinavia/Holland argument:

(1) I know some folks have said that same-sex partnerships haven't had any bad effects on marriage in Europe, but I don't find their arguments convincing.

(a) For one thing, some of these folks actually deny that Europe's high out-of-wedlock birthrates are a problem at all. That's just not true. In Europe, cohabiting parents break up at two-to-three times the rate of married parents. That level of family instability is very bad for children. So the European experience actually proves that it's better when parents get married.

(b) Some folks say that marriage was in trouble in Scandinavia even before same-sex partnerships came along. Well, that's true, although in most parts of Scandinavia marriage continued to decline after same-sex partnerships came along. We all know that marriage has been in trouble for some time in America, and in many other countries, for a wide variety of reasons. But if you want to see a clear case where marriage was relatively strong, and only went into serious decline after the introduction of same-sex partnerships, just look at Holland. (See 1a in the previous section for more on Holland.)

(c) Some folks claim that the Dutch example isn't a problem because out-of-wedlock birthrates have been rising almost as rapidly in Eastern Europe as in Holland. But the decline of marriage in Eastern Europe is rooted in the economic chaos that followed the collapse of communism. The amazing thing is that a prosperous Western European country like The Netherlands is experiencing the same sort of marital decline we're seeing in countries recovering from the collapse of their entire social system.

(d) Some folks say that out-of-wedlock birthrates in Sweden haven't gone up all that much since registered partnerships came along in 1994. But they're not counting from 1987, when Sweden introduced the very first same-sex partnerships in the world. Just because these first same-sex partnerships didn't include all the rights of marriage doesn't mean that they weren't a huge legal and symbolic step. Amazingly, in 1987, at the very same time that Sweden introduced the first same-sex partnerships in the world, Sweden also granted just about all the rights of marriage to unmarried heterosexual couples. So from 1987 on, Sweden's parliament sent out a powerful message that married parenthood isn't important. Same-sex partnerships were part of that message from the start.

(e) Some folks say that marriage in Denmark hasn't suffered since they adopted same-sex partnerships in 1989. Well, it's true that the Danish out-of-wedlock birthrate hasn't risen since they adopted same-sex partnerships, like it has in Sweden, Norway, and Holland. But that's a bit misleading. Actually, the rate of unmarried parenthood has increased among young people in Denmark, who are adopting the same practice of cohabiting parenthood favored in other Scandinavian countries. But the increased rate of unmarried parenthood among young Danes has been temporarily offset by marriages among older Danes.

You see, there are virtually no housewives left in Denmark. The need to support the huge Danish welfare state forces nearly all Danish women to work. And it was only in the late 1980's and 1990's that Denmark created a parental leave policy and other changes that allowed large numbers of women to take time off of work to become mothers. That policy change unleashed huge pent-up demand among Danish women to have children, and that led to a temporary increase in the marriage rate among older Danes. But all that time, younger Danes have been taking up the practice of unmarried parenthood that is already so popular in the rest of Scandinavia.

The Slippery Slope to Polygamy, Polyamory (Group Marriage) and Parental Cohabitation:

(1) Once we say that same-sex couples can marry, it's going to be impossible to deny that right to polygamists and believers in group marriage. After all, gay marriage is being advocated on grounds of relationship equality. So if all relationships are equal, why is group marriage forbidden? And don't think it can't happen here. We already know that there are thousands of practicing polygamists in some Western states. But did you also know that there are groups of "polyamorists" all over the country? Just go to the Internet and run a google search on the word "polyamory." The polyamorists have already had one court case trying to gain recognition for a marriage of a woman and two men. They're just waiting for gay marriage to pass to begin agitating for legalized group marriage. And after granting gay marriage on equal protection grounds, how is a court going to deny them? There are plenty of polyamorists out there, but the problem goes further than that. We now have an advocacy group called the "Alternatives to Marriage Project" which supports polyamory and other innovations like parental cohabitation. The Alternatives to Marriage Project is frequently quoted in the mainstream media. And believe it or not, the most powerful faction of family law scholars in our law schools favors legal recognition of both polyamory and parental cohabitation. There are even law review articles out now advocating both. And the influential American Law Institute has even come out with proposals which would grant nearly equal legal recognition to cohabiting and married parents. If we allow marriage to be radically redefined now, we will not be able to stop these further changes.

(2) Now I know that some folks scoff at the claim that same-sex marriage could lead to polygamy. But just look at what's happened around the world in the past year or so. In Sweden, which passed the first same-sex partnership plan in the world, we've had a serious proposals floated by parties on the left to abolish marriage and legalize multi-partner unions. In the Netherlands, the first country in the world to have full and formal same-sex marriage, a man and two bisexual women signed a triple cohabitation contract. When a conservative political party asked the Dutch government to withdraw recognition from that contract, the government refused. In fact, the Dutch Justice Minister said it was actually a good thing that the law was beginning to provide support for multi-partner relationships. In Canada, two out of four reports commissioned by the last government recommended the decriminalization and regulation of polygamy. True, the revelation of those reports helped Canada's Conservative Party win the last election. But the fact remains that many of Canada's legal elites want to see the abolition of traditional marriage and official recognition for multi-partner unions.

And of course, in America we've got "Big Love," a popular television show on HBO about polygamy. Even a year ago, no-one would have believed it if someone had said we'd soon have a television show with polygamists as heroes. But it's happened. And next week the BRAVO Channel is going to run a sympathetic documentary about a relationship between a woman and two bisexual men. It's called "Three of Hearts," and it's already played in movie theaters across the country.

The truth is, this is only the beginning. Advocates for multi-partner unions are out there, but many of them are waiting for same-sex marriage to be legalized before they make their move to gain public acceptance. Newsweek has already said that "polygamy activists are emerging in the wake of the gay marriage movement." Well, just wait till gay marriage is actually legalized. If that happens, you can bet we'll see plenty more movies and television shows along the lines of "Big Love" and "Three of Hearts." The people on the so-called "cutting edge" of culture in Europe and Canada have already made it clear that multi-partner unions are their next crusade, and it's happening in America even as we speak. The only way to put a stop to it is to define marriage as the union of a man and a woman.

The Threat to Religious Freedom:

(1) It's becoming increasingly apparent that gay marriage poses a significant threat to religious liberty. Scholars on both the left and right agree that same-sex marriage has raised the specter of a massive and protracted battle over religious freedom. In states that adopt same-sex marriage, religious liberty is clearly going to lose. Gay marriage proponents argue that sexual orientation is like race, and that opponents of same-sex marriage are therefore like bigots who oppose interracial marriage. Once same-sex marriage becomes law, that understanding is likely to be controlling. Legal same-sex marriage will be taken by courts as proof that a "public policy" in support of same-sex marriage exists.

So in states with same-sex marriage, religiously affiliated schools, adoption agencies, psychological clinics, social workers, marital counselors, etc. will be forced to choose between going out of business and violating their own deeply held beliefs. If a religious social service agency refuses to offer counseling designed to preserve the marriage of a same-sex couple, it could lose its tax-exempt status. Religious schools would either have to tolerate conduct they believed to be sinful, or face a cut-off of federal funds. It's already happening, as we've seen with the recent withdrawal of Boston's Catholic Charities from the adoption business.

Free speech could also be under threat, as sexual-harassment-in-the-workplace principles are used by nervous corporate lawyers to draw speech prohibitions on the marriage issue. Fear of litigation will breed self-censorship. One expert predicts "a concerted effort to take same-sex marriage from a negative right to be free of state interference to a positive entitlement to assistance by others."

Some folks say the answer to this problem is special exemptions from the law for religious conscience. But conscience exemptions would be very difficult to enact. And in Europe, which has tried this in places, conscience exemptions are breaking down and failing to provide protection for the traditionally religious.

The lesson in all this is clear. There's a lot more at stake in the battle over same-sex marriage than the marriage issue itself, important as that is. The very ability of religiously affiliated organizations to exist and operate is under threat.

Mr. HOLT. Mr. Speaker, I rise today to oppose the Federal Marriage Amendment, H.J. Res. 88.

Just a few yards down the hall from where we are debating this discriminatory constitutional amendment today, in the Rotunda of this great Capitol, stands a bust of Dr. Martin Luther King, Jr. Every time I walk through the Rotunda, I remember Dr. King's struggle and what his life meant for me and for all Americans. For too long, the inalienable constitutional rights of all Americans were denied to many of our neighbors. As the leader of the civil rights movement, Dr. King helped secure equal rights for all Americans regardless of the color of their skin.

One of the things that Dr. King fought against were the anti-miscegenation laws that existed at some point in 49 states. These laws prohibited interracial marriage and they were still in effect in sixteen states when the Supreme Court ruled them unconstitutional in 1967 because they denied the liberty of American citizens. Legal bans on interracial marriage were defended with all the kinds of arguments used by proponents of bans on same sex marriage: They would say that interracial marriages are contrary to the laws of God or contrary to centuries of social tradition or harmful to the institution of marriage or harmful to children. Would any Member of this body now defend those bans? Those bans were discriminatory and took away the rights of American citizens—in short they were what the Constitution was designed to prohibit. No one longs for anti-miscegenation laws today. We as a nation have learned from our mistakes.

Or have we?

We remember Dr. King for what he stood for, not just for who he was. As he said, "man is man because he is free to operate within the framework of his destiny. He is free to deliberate, to make decisions, and to choose between alternatives. He is distinguished from animals by his freedom to do evil or to do good and to walk the high road of beauty or tread the low road of ugly degeneracy."

Today, I ask, will we do evil or will we do good? Will we keep the spirit of the Founding Fathers alive? Will we respect and honor the foundations of our constitutional government or will we chart a new course and, in the name of protecting an institution that is under no threat, shred the very premise of our Constitution.

Our Constitution is the source of our freedom in this great country. For almost 220 years, the Constitution—mankind's greatest invention—has allowed our diverse people to live together, to balance our various interests, and to thrive. It has provided each citizen with broad, basic rights. The inherent wisdom of the Constitution is that it doesn't espouse a single viewpoint or ideology. Rather it protects all individuals as equal under the law.

In more than 200 years, the Constitution has been amended on only 27 occasions. With the exception of Prohibition—which was later repealed—these amendments have affirmed and expanded individual freedoms and rights. Yet, this proposed amendment threatens to lead us in a dangerous new direction.

This amendment would restrict freedoms, and codify discrimination into our guiding charter.

We must think deeply about the ramifications of allowing such an amendment to be ratified. It would create a group of second-class citizens who lack equal rights due to the private, personal choices they and their loved one have made. It would also transfer to the federal government the right to recognize marriages, a power that had previously been retained by the States.

This amendment is not only discriminatory and inhumane, it is also illogical. How does this actually protect marriage? What is it exactly about same sex marriage that is putting heterosexual marriage at risk? Do the proponents of the ban on same sex marriages want to annul all childless marriages or require all newlyweds to promise to have children? Do the proponents of this ban think for a moment that the marriage of loving people of the same sex are the case of America's high divorce rate among heterosexuals. It seems to me that other factors than this are responsible for the high divorce rate.

I certainly agree that the institution of marriage and a cohesive family unit are vital to the health of our communities and the success of our society. Unfortunately, the amendment we are debating today does nothing to strengthen the bonds of matrimony, nor does it strengthen families or enhance our communities. In fact, it divides our communities, and shows contempt to a minority population. Throughout history, we have only moved forward when our society has come together to build a more perfect union, not intentionally divide American against American.

No one should be denied the opportunity to choose his or her life partner. It is a basic human right. It is a deeply personal decision. Attacking gay couples who want to share lifelong obligations and responsibilities undermines the spirit of community that this amendment purports to strengthen.

In 50 years will we build a statue to honor the great advances for our society that this amendment provided, as we do for the life of Dr. King? No. In the long shadow of history, this amendment and the philosophy behind it will be remembered alongside anti-miscegenation laws as offending the spirit of America and our founding principles.

I hope that my colleagues will recognize the tremendous cost this amendment will have for our freedoms and I respectfully urge them to oppose it.

Mr. TERRY. Mr. Speaker, I rise in support of H.J. Res. 88, the Marriage Protection Amendment.

Last Friday, the 8th Circuit Court of Appeals upheld the Nebraska constitutional amendment protecting marriage between one man and one woman, and affirming the legal protections and benefits reserved to this fundamental union. The amendment was approved by an overwhelming 70 percent majority in 2000.

Nationwide, 45 states have defined marriage as the union of one man and one woman or expressly prohibited same-sex marriage. Twenty states approved constitutional amendments upholding marriage; six states will vote on an amendment in November; and eight states are considering sending constitutional amendments to voters in 2006 or 2008. The 16 states that approved constitutional amendments since 2004 did so by an average 72 percent voter majority.

Even voters in Massachusetts—the first state to have its supreme court unilaterally declare same-sex marriage as constitutional—may have the opportunity to uphold marriage. The state's high court ruled last week that legislative efforts to put a same-sex marriage ban on the 2008 ballot could move forward. Recent court rulings in New York, Tennessee and Georgia have also upheld marriage rights.

The Federal Marriage Protection Amendment under consideration today would prohibit any governmental entity—whether in the legislative, executive or judicial branch at all levels of government—from altering the definition of marriage. It does not discriminate against homosexuals; it upholds and recognizes the importance of marriage between a man and a woman for the well-being of children and society at large.

Mr. Speaker, the American people want the Marriage Protection Amendment to be approved. Their will is clearly reflected through the overwhelming majorities voting for marriage protection initiatives in the states. We have a responsibility to children and families nationwide to send a clear message today that marriage will be upheld and protected. We also have a sacred duty to future generations to preserve marriage as the fundamental building block of society.

I urge my colleagues to join me in supporting H.J. Res. 88 today.

Mr. SHAYS. Mr. Speaker, today we are debating a Constitutional amendment drafted not to protect my marriage or my family—I see no reasonable way to argue it would—but rather to explicitly deny a portion of our society the right to marry and the benefits that accompany that kind of partnership.

I do not advocate the legalization of gay marriage, but our Constitution is simply not the proper place to set this kind of social policy.

I believed back in 1996, when I voted for the Defense of Marriage Act, and I still believe today, the decision about whether to recognize gay marriage should be left to the states.

I can't help but wonder . . . Why are we doing this? What are we so afraid of?

Gay men and women pass through our lives every day. There are wonderful teachers and leaders and role models who happen to be gay and sometimes we don't even know they're gay.

I wouldn't be a Member of Congress today if it weren't for an extraordinary teacher I had in High School 40 years ago. I learned years later he was gay and that he had commuted from Connecticut to Washington, DC, every weekend in part to protect his privacy and his job.

When I went to college, my understanding of gay people was impacted again by my wife's best friend. One day, she told us she too had found the love of her life. We were eager to meet the boyfriend she was so madly in love with, but we soon learned her love was not a he, but a she.

Once we got over our surprise and our ways of thinking about relationships, we were able to sincerely rejoice in the joy they brought each other because we knew what a dear and good person our friend is.

My perception of gay people evolved further during my first campaign for Congress, when I worked with a magnificent young man named Carl Brown.

He became my friend and he gave me another gay face to know. Carl has since passed away, but I remember him as a person of exceptional dignity and grace.

My teacher, my wife's best friend and Carl helped me understand their lives and I think made me a better person in the process.

The Constitution of the United Staets—which established our government, grants us free speech and gives all citizens the right to vote—should not be dishonored by this effort to write indiscrimination.

I am sensitive to some of my colleague's concerns about potential biblical and social implications of legalizing same-size marriage, but I oppose this proposed amendment because I believe the Constitution is not the proper instrument to set—or reject—such policy. That debate should happened in our state legislatures.

Mr. LEWIS of Georgia. Mr. Speaker, over the years, this Nation has worked hard to take discrimination out of the Constitution, and today, the House is voting to put it back in.

I can recall just a few short years ago that there were laws inscribed in some State constitutions saying that blacks and whites could not marry. We changed that.

Today, we look back on those days, and we laugh. There will come a time when generations yet unborn will look back on this Congress, look back on this debate, and laugh at us. This is not a good day in America. This is a sad day in the House of the people.

This is unbelievable. It is unreal. I thought as a Nation and as a people we had moved so far down the road toward one family, one House, one America. To pass this legislation would be a step backward.

The institution of marriage is not begging this Congress for protection. No one is running through the halls of Congress. No one is running around this building saying protect us.

Whose marriage is threatened? Whose marriage is in danger if two people, in the privacy of their own hearts, decide they want to be committed to each other? Whose marriage is threatened? Whose marriage is in danger if we decide to recognize the dignity, the worth and humanity of all human beings?

The Constitution is a sacred document. It defines who we are as a nation and as a people. Over the years, we have tried to make it more and more inclusive. We cannot turn back. We do not want to go back. We want to go forward. Today it is gay marriage; tomorrow it will be something else.

Forget about the politics; vote your conscience. Vote with your heart, vote with your soul, vote with your gut. Do what is right and defeat this amendment.

Mr. STARK. Mr. Speaker, I rise in strong opposition to House Joint Resolution 88, the so-called Marriage Protection Amendment, which proposes an amendment to the U.S. Constitution to ban same-sex couples from getting married or receiving any of the rights of marriage.

The right-wing political machine is churning out divisive legislation at a record pace as we get close to the election, but this is a particular low point. We can all have a good laugh at the pandering Republican majority when they claim that banning flag burning will make us more patriotic or that school prayer will prevent teenage pregnancy, but this proposal would, for the first time ever, target a specific group of Americans in our most sacred document, and permanently ban them from having equal rights under the law.

The proposed amendment not only bans marriage, but any of the "legal incidents thereof," meaning that the proponents think our founding document should keep gay and lesbian couples from filing a joint tax return, inheriting property, or visiting their partner in the hospital. I vehemently oppose this discrimination.

Oh, and I forgot to mention that this amendment has already failed once in the House and twice in the Senate, so today's vote is all a terrible waste of time. What we should be doing is passing legislation to address real problems in America today. Rather than insult a group of people as deserving of protection under law as any other, Congress should work to reduce domestic violence, provide high quality childcare to all families, and make the minimum wage a living wage. These actions would actually prevent divorce in America and strengthen our families.

Citizens of the United States are guaranteed equal treatment under the law, even if voters in red states don't like them. I urge my colleagues to vote against this nonsense.

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to H.J. Res. 88, the so called Federal Marriage Amendment. This bill would turn over 200 years of State jurisprudence on its head, attempting to Federalize marriage.

This resolution is another attempt to mandate one definition of marriage upon the States. I ask my colleagues if we take away this right from the States, what's next? Where does it stop? Take away local decisions for education or child custody issues. Between the consideration of this bill and the court stripping bills that we will take up this week, it leads me to believe, Mr. Speaker, this is just another cynical political ploy by the majority during an election year.

Like Vice President CHENEY and former Representative Bob Barr, I believe the voters of each State should decide for themselves who can and cannot marry. It has always been a State function. It should remain so. To take away that right of the State to decide this issue, we endanger basic principles of the Federal system in which we live. As our Constitution so eloquently states in the Tenth Amendment of our Federal Constitution, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Mr. Speaker, amendment of our Constitution has happened only 17 times since the Bill of Rights was passed. Some of those amendments do not look so good today. Many of those not adopted now look worse. We should not lightly tamper with the perfection, beauty and majesty of our great Constitution.

There have been no Committee hearings, no time to look at different amendment proposals, and no opportunity to have the important deliberations that should take place when amending the Constitution. We have heard nothing from our concerned citizens and from our Constitutional scholars.

The issue before us today is not whether you are for or against gay marriage. It is whether or not we should Federalize marriage and take away the right of the States to define marriage.

Now Mr. Speaker, I supported the Defense of Marriage Act and continue to do so. At this point, the Defense of Marriage Act remains the law of the land. It works. Nothing yet threatens this law. Nothing more needs to be done on this matter.

Those proposing this amendment rely on hypothetical dangers to try and push through a dramatic, but mischievous change to our Constitution. I am opposed to taking away the right of each State to have its citizenry decide how to define marriage. It seems to me too many people are meddling in this matter for political reasons. Let the States continue to decide sound public policy on this subject.

We must never rush to amend our Constitution. Mr. Speaker, I oppose this bill and ask for my colleagues to vote against this iniquitous, politically inspired, and destructive legislation.

The Constitution is not a laundry list to be amended on whim or caprice. It is a great, noble and living document, not to be trivialized by amendments which are unnecessary. This amendment is for useless political purposes and should be defeated as an affront to our great and majestic Constitution.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, as a proud husband and father, I value family above all else and strongly support the traditional family: the union of a man and a woman. This union is the cornerstone of our society, and plays a vital and unique role in our children's lives and in our communities.

Today, we considered H.J. Res. 88, The Marriage Protection Amendment. This legislation seeks to alter the United States Constitution—the bedrock of democracy and the basis of our Republic for 217 years—to define marriage as the union between one man and one woman. The U.S. Constitution embodies the federalist principles this country was founded on and should be held to the highest standard. It should only be altered in the most extreme circumstances. I believe opening this document to allow such a narrow definition could lead to unintended consequences in the near and far future. Our commitment to federalist principles and to this great Republic must supersede all debates of the day.

Furthermore, I strongly believe that one of the most important powers reserved to the States as a result of the 10th Amendment is the act of regulating marriage and family law. This right of States to self-determination has protected and sustained our Republic for more than 200 years.

While serving in the Florida Senate in 1997, I voted to support a statute stating that marriage is the union of one man and one woman. This statute became State law and was in response to action taken by the U.S. Congress to ensure the right of the States to define marriage.

In 1996, the U.S. Congress passed the Defense of Marriage Act, DOMA, which was subsequently signed into law. DOMA provides each State the discretion to determine whether to recognize a same-sex marriage license issued by another State. I strongly support DOMA because it protects the right of States to self-determination.

On July 22, 2004, I supported the Protection of Marriage Act which would have permitted States to reject same-sex marriages from other States without interference by Federal courts.

Since the passage of DOMA, 45 states, such as Florida, have banned gay marriage by statute or in their Constitutions, and numerous court decisions have upheld these laws. Where judicial activism has threatened traditional marriage, the people have acted to protect it, such as in the State of Massachusetts, where a ballot initiative is being circulated to overturn a court ruling allowing for same-sex marriage.

Moreover, it is my belief that the U.S. Supreme Court will ensure that States' rights and the institution of traditional marriage are upheld. Additionally, as a result of past Supreme Court decisions, exemptions have been made to the "Full Faith and Credit Clause" that apply to DOMA. If the Supreme Court, at any point in the future, did attempt to redefine marriage as something other than the union between one man and one woman, I want to be clear that I would determine it an extreme circumstance and would at that time advocate a Constitutional Amendment.

Congress must be diligent in its efforts not to overstep and impede on more than two centuries of a successful Republic without absolute necessity. I strongly believe that marriage should only be the union between one man and one woman, but I do not believe that the threshold for constitutional change has been reached.

Mr. KIND. Mr. Speaker, I rise to express my disappointment that this body has brought the Marriage Protection Act to the Floor at a time when American families are dealing with skyrocketing health costs, rising gas prices, and loved ones who are serving the Nation overseas. Mr. Speaker, is the matter before us today truly the most important subject for Congress to debate?

This is not to say that I believe the issue of gay marriage to be unworthy of discussion. I understand that some people firmly regard gay marriage as a civil right while others find it antithetical to their religious or moral beliefs. Reasonable people can disagree on this issue, and it is a subject which our country must continue to discuss. In America, however, the authority to grant legal status to a marriage has been a function reserved for the States, and different States have different laws regarding issues ranging from blood-testing to waiting periods before marriage.

Some, including the proponents of this bill, will argue that an amendment to the U.S. Constitution is necessary to keep one State from forcing another to accept same-sex marriages. In fact, this is not necessary because of the 1996 Defense of Marriage Law, which provides that States, U.S. territories, or Indian tribes do not have to recognize same-sex marriages granted by other States. Further, the Act defines marriage, for the purpose of Federal benefits and rules, as the legal union between one man and one woman. Therefore, the Wisconsin law which recognizes marriage as a relationship between a husband and wife is protected.

Mr. Speaker, when it comes to amending the United States Constitution, I am very conservative. Like Republican Senator CHUCK HAGEL, conservative columnist George F. Will, and the Republican author of the Defense of Marriage Act, Bob Barr, I am opposed to amending the Constitution for the purpose of outlawing gay marriage. In its 215-year history, the Constitution has been amended only 27 times, and we must not add amendments limiting rights rather than expanding them.

DICK CHENEY has stated "With respect to my views on the issue, I stated those during the course of the 2000 campaign, that I thought when it came to the question of whether or not some sort of legal status or legal sanction were granted to a same-sex relationship that that was a matter best left to the States. That was my view then. That's my view now." (Scripps Howard News Service, January 9, 2004). As recently as August, 2004, Vice President DICK CHENEY, speaking of gay marriage, affirmed that, "marriage has historically been a relationship that has been handled by the States." Like Vice President CHENEY, I do not believe the U.S. Congress needs to intrude on this State issue. Because of my great respect for the Constitution, and for the Federal nature of the government which the document dictates, I oppose this resolution, and I urge my colleagues on both sides of the aisle to do the same. Because of illness, I was unable to cast my vote on today's amendment; had I been able to, I would have voted "no."

Mr. UDALL of Colorado. Mr. Speaker, I cannot support changing the Constitution along the lines of this proposal—so I will not vote for this resolution.

Under our federal system, there are many matters where the states have broad latitude to shape their laws and policies in ways their residents think fit, subject to the U.S. Constitution's provisions protecting individual rights. And one of those areas has been family law, including the regulation of marriage and divorce. But this amendment would change that.

Adoption of this amendment would for the first time impose a constitutional restriction on the ability of a state to define marriage. And it would do so in a way that would restrict, not protect, individual rights that now are protected in at least some states. I think this is not necessary or appropriate.

Some of the resolution's supporters say it is needed so a state whose laws ban same-sex marriages or civil unions will not be forced to recognize such marriages or unions established under another state's laws.

They say this could happen because Article IV of the Constitution requires each state to give full faith and credit to another state's public acts, records, and judicial proceedings. But my understanding is that this part of the Constitution has never been construed to require states to recognize the validity of all marriages of people from other states.

Instead, over the years various states have refused to recognize some out-of-state marriages—and the "full faith and credit" clause has not been used to force them to do otherwise—because marriages are not judgments but civil contracts that a state may choose to recognize as a matter of comity, not as a constitutional requirement.

As if this were not enough, in 1996 Congress passed and President Clinton signed into law the Defense of Marriage Act. That law says "No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship."

Not everyone supported that bill at the time. But it did pass, and now that law is on the books and has not been successfully challenged.

Given this history, I am not convinced that this constitutional amendment is necessary to prevent the full faith and credit clause being used to compel a state to recognize a same-sex marriage.

Moreover, when you focus on the language of the proposed amendment it becomes clear that protecting states is not its real purpose.

That purpose could be achieved by an amendment to the full faith and credit clause—perhaps by putting language along the lines of the Defense of Marriage Act into the constitution itself. But that is not what is being proposed here.

Instead, this amendment would restrict states, by establishing a single definition of marriage—the only definition that any state could recognize.

And, unlike other constitutional amendments, it would not protect individuals either. It would write into the Constitution a new limit on what legal rights they could hope to have protected by a state or the federal government.

If adopted, this amendment would restrict individual liberties instead of expanding them. So, I think it is clear the real purpose of this amendment is to lay a foundation for discrimination against some Americans on the basis of their sexual orientation. In good conscience, I cannot support that.

Mr. Speaker, no proposed constitutional amendment should be taken lightly. On the contrary, I think such proposals require very careful scrutiny and should not be adopted unless we are convinced that a change in our fundamental law is essential.

I do not think this resolution meets that test, and so I will vote against it.

Mrs. BIGGERT. Mr. Speaker, I rise in opposition to H.J. Res. 88, the Marriage Protection Amendment. Passage of this resolution will not protect marriage, and I am concerned it will create the opposite effect of what its proponents seek to accomplish.

Let me first state that I believe that marriage is a sacred union between one man and one woman. I strongly support the federal Defense of Marriage Act (DOMA) passed by Congress and signed into law in 1996.

Second, marriage is an issue that our Founding Fathers wisely left to the states. The Tenth Amendment to the Constitution states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

No Congress ever has seen fit to amend the Constitution to address any issue related to marriage. No Constitutional Amendment was needed to ban polygamy or bigamy, nor was a Constitutional Amendment needed to set a uniform age of majority to ban child marriages.

So why do proponents argue that we must take this unprecedented step now to ban same-sex marriages?

They claim that without the Amendment, states will be forced to recognize same-sex marriages performed in other states. Yet the Defense of Marriage Act not only prohibits federal recognition of same-sex marriages, it allows individual states to refuse to recognize such unions performed in other states. And in the nearly 10 years that have passed since its enactment, DOMA never has been invalidated in any court in the country. The authors of DOMA took the greatest pains to write a law that is constitutional and will withstand judicial challenges.

Proponents also claim that amending the Constitution is the only way to prevent so-called activist judges from legislating matters of same-sex marriage. Yet amending the Constitution to address marriage could invite federal judicial review not only of marriage, but of divorce, child custody, inheritance, adoption, and other issues of family law. Not only would this violate the principles of federalism, it would create very bad public policy.

Mr. Speaker, no legislature in the country has established same-sex marriage in statute. In fact, 45 states, including Illinois, have adopted laws limiting marriage to one man and one woman.

I urge my colleagues to have faith in our system of government, keep marriage out of the Constitution, and allow the states to continue to exercise what is best left to them.

Mr. HERGER. Mr. Speaker, I rise in strong support of House Joint Resolution 88. Most Americans believe that marriage should be defined as the legal union of one man and one woman. But as we have seen in the past several years, attacks on marriage by unelected and unaccountable judges threaten to destroy this long-standing and widely accepted institution. I firmly believe that activist judges should not be able to overturn the marriage laws of almost every state based on bizarre legal theories. Although I believe we must be extremely careful in amending the Constitution, this is a critically important issue for our country. We must place the vital institution of marriage beyond the reach of activist courts.

Mrs. MALONEY. Mr. Speaker, I rise in strong opposition to H.J. Res. 88.

Instead of spending time working on the issues that really matter to the American people, we are here debating a proposed amendment that would write discrimination into the Constitution.

We do this even after the Senate failed to pass a similar amendment.

So let's be clear, regardless of what the vote is today, this amendment is going nowhere.

This makes our time on this even more pointless.

What this debate really is about is dividing our country and riling up the base for a Republican party increasingly concerned about their election prospects this November.

And the Republican leadership is willing to trample on our Constitution in order to do so and no issue is worth paying such a price.

Instead of debating discrimination and dividing our country, why don't we spend our time working to make health care more affordable, work to lower gas prices and achieve energy independence, raise the minimum wage, cut the cost of college or work to ensure our hard-working constituents a dignified retirement?

Why is it that my Republican colleagues who talk so much about family values refuse to allow our families to earn a livable wage, refuse to fix the prescription drug program and turn their backs on our children by raising the interest rate on all student loans?

We must resist this divisive use of this House to score a few political points. We must reject this effort.

We need real leadership that will bring our country towards a new direction.

There is a new direction that our country must go in that will help American families and address the issues that impact them every single day.

Mr. MEEK of Florida. Mr. Speaker, I rise to voice my strong opposition to H.J. Res. 88, a proposed Constitutional amendment that would prohibit same sex marriages. This proposed amendment is not directed at any real problem, other than the apparent need of the Republican leadership to gin up political support for their candidates.

It is sad that the Republican leadership is not as interested as they say they are in protecting the institution of marriage as they are in waging a campaign to divide and distract the American people from the real issues that need to be addressed. The Nation is at war in Iraq; we face crises in Iran, North Korea and Lebanon; the federal deficit is soaring out of control as more and more U.S. debt is controlled by countries like China; energy costs continue to rise and Americans wait for Congress to act to increase the minimum wage. The Republican response: wasting hours of debate on an unnecessary Constitutional amendment that had already been defeated in the Senate.

Studies have consistently shown that financial hardship is the biggest obstacle to heterosexual marriage, yet the Republican leadership has done precious little to help address the financial hardship faced by American families.

American families need job security; better child care options; national flextime policies that allow more young parents to work from home and to be with their families; better public schools; federal policies to make sure college is affordable; housing policies that promote the construction of homes that working families can afford; and health care so that no child has to go without the medical and dental treatment he or she needs.

Instead, today, we vote on an effort to single out one group of Americans, in a pointless, partisan move that does nothing to address the major challenges facing our Nation—education, the economy, energy, homeland security and the war in Iraq.

For over 200 years, our Constitution has defined our Nation and protected individual rights. It is a document of empowerment, not limitation. While the Constitution has been amended, it has been done so only to protect and expand individual liberty, not to deny it.

Americans see this amendment for what it is: a partisan waste of time, and that is why we need a new direction in Washington that would prioritize the needs of every-day working people.

Mr. Speaker, I oppose this resolution, and I call on my colleagues to join me in defeating it.

Mr. VAN HOLLEN. Mr. Speaker, I oppose this constitutional amendment to ban gay marriage. The legislation before us today is nothing more than an attempt by the Republican leadership to exploit a wedge issue that panders to their political base and diverts attention from their abysmal record of non-accomplishment and rubberstamping the incompetence of the Bush Administration.

As we get closer to the end of this Congress, we should be addressing the urgent needs of the American people—the war in Iraq, affordable health care, a sensible energy policy, quality education for our children, retirement security, and a sound and fair fiscal policy.

Whatever one's view is on same sex marriage, amending the Constitution is not the place to address this issue. The laws governing marriage fall under the domain of the states and that is where this issue should be addressed. Amendments to the Constitution have historically expanded, not diminished, the rights and liberties of the American people. We should not use the Constitution as a political tool to divide us. The American people will see through the motivations behind this amendment—to distract the American people from the failed record of the Republican leadership in the Congress.

Mr. Speaker, I urge my colleagues to work to unite the American people, address the real issues facing our Nation, and reject this amendment.

Ms. McCOLLUM of Minnesota. Mr. Speaker, once again this Republican led Congress is exercising an election year ploy with their attempt today to demonize gay and lesbian Americans. H.J. Res. 88 is an attempt to write hate and discrimination into our Nation's Constitution and disgracefully use this House to advance a cynical and cruel political agenda. While my Republican colleagues are actively working to transform the Constitution into a document of discrimination by passing H.J. Res. 88, the rest of America is concerned about very real and serious issues that this Congress is ignoring.

American families are concerned about real issues that affect their daily lives like the price of gasoline as it rises above $3 per gallon, the deteriorating situation in Iraq that is costing the American people the lives of their loved ones and $3 billion per week, and they are deeply concerned about the skyrocketing cost of healthcare and prescription drugs while at the same time insurance and drug companies report massive profits. The American people are not threatened by men and women in loving and committed relationships. They are threatened and at risk by a do-nothing Congress that ignores the real challenges facing America.

President Bush and his followers seek to permanently enshrine discrimination and hate as part of our Constitution. Nothing could be more disgraceful and fundamentally un-American. I am committed to defeat this intolerance and work tirelessly for equal rights, justice and respect for all Americans. Gay and lesbian Americans are citizens who must never be treated as second class citizens, as H.J. Res. 88 proposes. They must be guaranteed what America's founding fathers called for in the Declaration of Independence when they stated, "all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness."

I urge my colleagues to reject discrimination and hate by voting against H.J. Res. 88.

Mr. TIAHRT. Mr. Speaker, I rise in strong support of H.J. Res. 88, the Marriage Protection Amendment offered by Representative MARILYN MUSGRAVE.

The resolution reads: "Marriage in the United States shall consist solely of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman."

This resolution is identical to the resolution that was voted on by the House on September 30, 2004. Although the House received a majority vote on the previous resolution, H.J. Res. 106, it wasn't enough for a constitutional amendment. The American people are overwhelmingly supportive of a constitutional amendment that will protect traditional marriage between one man and one woman. In fact, since the vote in 2004, 16 States have passed State constitutional amendments to protect and defend traditional marriage, including my home State of Kansas. By an overwhelming margin of 70–30 percent, Kansans passed such an amendment in April 2005. The American people have been heard. Now it is time to ensure the will of the people be protected by passing a constitutional amendment that will define marriage as the union of one man and one woman. With activist judges overruling the will of the people time and time again, there is no other way than to amend the U.S. Constitution.

Marriage is the foundation of our society.

The well-being and welfare of children should always be our focus. Children that are raised in a home with a married mother and father consistently do better in every measure of well-being than their peers who come from divorced or step-parent, single-parent, cohabiting homes. When there is a breakdown in the family or failure to form marriages becomes widespread, society is harmed by a whole host of social pathologies from increased poverty, crime, mental illness, illegal drug use to clinical depression, and suicide. The very best environment for children, our most vulnerable members of society, should be of the utmost importance. I will continue to fight for children and families and to defend the will of the people of the Fourth District of Kansas.

Next month, I will celebrate my 30th anniversary of marriage with my beautiful bride, Vicki. Our marriage has been a blessing. I have gained even more respect for the institution over the past 3 decades and will defend it against attack.

I vote in favor of protecting traditional marriage between one man and one woman today and I encourage my colleagues to vote for H.J. Res. 88.

Mr. MARKEY. Mr. Speaker, the world around us is engulfed in a state of peril. Our soldiers in Iraq are facing increased violence, Israel is fighting a multi-state sponsored terrorist organization, India was ravaged by a series of rail bombings last week, development in Afghanistan is being stifled by warlords, North Korea is testing the limits of its neighbors with missile tests, Iran is testing the international community's patience and defying its commitment to the Non-Proliferation Treaty, Mexico is heavily divided over its "Florida-like" uncertain presidential election, the humanitarian crisis in Sudan rages on.

Here in the homeland, we struggle to pick up the pieces after Katrina, millions of Americans are living in poverty, the minimum wage hasn't risen in nearly 10 years, we're shortchanging our veterans coming home from Iraq, families are struggling to send their kids to college, school districts face confusion over the implementation of No Child Left Behind, seniors face difficulties paying for their prescription drugs, major cities are receiving less homeland security funds, and consumers are paying over $3 a gallon at the pump.

How do we respond to these challenges? The Republican leadership says we should spend our time making sure that two adults who love each other cannot form a marriage. Is this why our founding fathers created the greatest democracy in the world—to keep people apart? Our country and our world deserve better than this. To say that the threat of same sex marriage is so great that it requires the alteration of our Constitution to include discriminatory language is a slap in the face to those that have fought for equality and civil rights.

We already debated gay marriage nearly two years ago with the Defense of Marriage Act. States that don't want to honor other states civil unions don't have to.

I believe that states should have the right to grant same-sex marriages or offer couples the same legal rights as those of other couples. I share this position with Vice President DICK CHENEY. This flagrant attempt to include discrimination into our Constitution is nothing but election year politics and the American people deserve better.

Mr. PAUL. Mr. Speaker, while I oppose federal efforts to redefine marriage as something other than a union between one man and one woman, I do not believe a constitutional amendment is either a necessary or proper way to defend marriage.

While marriage is licensed and otherwise regulated by the states, government did not create the institution of marriage. In fact, the institution of marriage most likely pre-dates the institution of government! Government regulation of marriage is based on state recognition of the practices and customs formulated by private individuals interacting in civil society. Many people associate their wedding day with completing the rituals and other requirements of their faith, thus being joined in the eyes of their church and their creator, not with receiving their marriage license, thus being joined in the eyes of the state.

If I were in Congress in 1996, I would have voted for the Defense of Marriage Act, which used Congress's constitutional authority to define what official state documents other states have to recognize under the Full Faith and Credit Clause, to ensure that no state would be forced to recognize a "same sex" marriage license issued in another state. This Congress, I am an original cosponsor of the Marriage Protection Act, H.R. 1100, that removes challenges to the Defense of Marriage Act from federal courts' jurisdiction. If I were a member of the Texas legislature, I would do all I could to oppose any attempt by rogue judges to impose a new definition of marriage on the people of my state.

Having studied this issue and consulted with leading legal scholars, including an attorney who helped defend the Boy Scouts against attempts to force the organization to allow gay men to serve as scoutmasters, I am convinced that both the Defense of Marriage Act and the Marriage Protection Act can survive legal challenges and ensure that no state is forced by a federal court's or another state's actions to recognize same sex marriage. Therefore, while I am sympathetic to those who feel only a constitutional amendment will sufficiently address this issue, I respectfully disagree. I also am concerned that the proposed amendment, by telling the individual states how their state constitutions are to be interpreted, is a major usurpation of the states' power. The division of power between the federal government and the states is one of the virtues of the American political system. Altering that balance endangers self-government and individual liberty. However, if federal judges wrongly interfere and attempt to compel a state to recognize the marriage licenses of another state, that would be the proper time for me to consider new legislative or constitutional approaches.

Conservatives in particular should be leery of anything that increases federal power, since centralized government power is traditionally the enemy of conservative values. I agree with the assessment of former Congressman Bob Barr, who authored the Defense of Marriage Act:

> "The very fact that the FMA [Federal Marriage Amendment] was introduced said that conservatives believed it was okay to amend the Constitution to take power from the states and give it to Washington. That is hardly a basic principle of conservatism as we used to know it. It is entirely likely the left will boomerang that assertion into a future proposed amendment that would weaken gun rights or mandate income redistribution."

Passing a constitutional amendment is a long, drawn-out process. The fact that the marriage amendment already failed to gather the necessary two-thirds support in the Senate means that, even if two-thirds of House members support the amendment, it will not be sent to states for ratification this year. Even if the amendment gathers the necessary two-thirds support in both houses of Congress, it still must go through the time-consuming process of state ratification. This process requires three-quarters of the state legislatures to approve the amendment before it can become effective. Those who believe that immediate action to protect the traditional definition of marriage is necessary should consider that the Equal Rights Amendment easily passed both houses of Congress and was quickly ratified by a number of states. Yet, that amendment remains unratified today. Proponents of this marriage amendment should also consider that efforts to amend the Constitution to address flag burning and require the federal government to balance the budget have been ongoing for years, without any success.

Ironically, liberal social engineers who wish to use federal government power to redefine marriage will be able to point to the constitutional marriage amendment as proof that the definition of marriage is indeed a federal matter! I am unwilling either to cede to federal courts the authority to redefine marriage, or to deny a state's ability to preserve the traditional definition of marriage. Instead, I believe it is time for Congress and state legislatures to reassert their authority by refusing to enforce judicial usurpations of power.

In contrast to a constitutional amendment, the Marriage Protection Act requires only a majority vote of both houses of Congress and the President's signature to become law. The bill already has passed the House of Representatives; at least 51 Senators would vote for it; and the President would sign this legislation given his commitment to protecting the traditional definition of marriage. Therefore, those who believe Congress needs to take immediate action to protect marriage this year should focus on passing the Marriage Protection Act.

Because of the dangers to liberty and traditional values posed by the unexpected consequences of amending the Constitution to strip power from the states and the people and further empower Washington, I cannot in good conscience support the marriage amendment to the United States Constitution. Instead, I plan to continue working to enact the Marriage Protection Act and protect each state's right not to be forced to recognize a same-sex marriage.

Mr. WAXMAN. Mr. Speaker, I rise to express my strong opposition to House Joint Resolution 88, which would amend our Constitution to deny basic rights to gays and lesbians. I would like to express my disappointment in the Republican leadership for once again bringing this divisive and discriminatory amendment before Congress.

Our Constitution has guided our Nation for over 200 years. During that time, it has been amended to guarantee religious liberty, equal protection, and the right to vote. Not once has it been amended to take away rights from a specific group of people. Yet that is what this legislation would do.

Of course, this constitutional amendment will not be adopted; it failed to garner even a simple majority only weeks ago in the Senate. We are wasting our time on this because Republican pollsters have concluded that targeting gays and lesbians is a winning election strategy.

Mr. Speaker, our fellow citizens deserve better. Same-sex couples are trying to raise families, pay the bills, get health care for their partners, and put their kids through college. Instead of working to help them, we are debating whether to permanently deny them over 1,000 rights and benefits given to married heterosexual couples. We should be striving for fairness and equality, not singling them out for discrimination.

Americans are sick and tired of political gamesmanship. They want a Congress that will address the real challenges our Nation faces: health care, energy security, education, economic opportunity. The Republican leadership has once again let down the American people, and I urge my colleagues to reject this effort to distract and divide.

The SPEAKER pro tempore. Pursuant to House Resolution 918, the joint resolution is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KINGSTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 187, answered "present" 1, not voting 9, as follows:

[Roll No. 378]

YEAS—236

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hoekstra
Holden
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—187

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Costa
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hobson
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Knollenberg
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Sweeney
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Lipinski

NOT VOTING—9

Brown (OH)
Davis (IL)
Evans
Hinojosa
Johnson, Sam
Kind
McKinney
Northup
Strickland

☐ 1400

So (two-thirds of those voting having not responded in the affirmative) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HINOJOSA. Mr. Speaker, during rollcall vote No. 378 on July 18th I was unavoidably detained. Had I been present, I would have voted "nay."

Mr. BROWN of Ohio. Mr. Speaker, regarding the Federal marriage amendment, I was detained coming in from the airport, missed the vote by 4 minutes, and would have voted "nay" on the Federal marriage amendment, rollcall 378.

Mr. STRICKLAND. Mr. Speaker, on rollcall 378, which I missed as a result of my being detained at the airport, I indicate for the RECORD that I would have voted "nay" had I been here for that vote.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I was unavoidably detained in meetings downtown with my constituents. Had I been present, I would have voted "nay" on rollcall 378 because I continue to believe the issue of what constitutes a marriage should be left to the states to determine. I also believe that we should not set a precedent by amending the constitution in a way that narrows the rights of individuals.

GENERAL LEAVE

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 88.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SENSE OF CONGRESS REGARDING WELFARE REFORMS

Mr. HERGER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 438) expressing the sense of the Congress that continuation of the welfare reforms provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 should remain a priority.

The Clerk read as follows:

H. CON. RES. 438

Whereas the Temporary Assistance for Needy Families (TANF) program established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) has succeeded in moving families from welfare to work and reducing child poverty;

Whereas there has been a dramatic increase in the employment of current and former welfare recipients;

Whereas the percentage of working recipients reached an all-time high in fiscal year 1999 and held steady in fiscal years 2000 and 2001;

Whereas, in fiscal year 2004, 32 percent of adult recipients were counted as meeting TANF work participation requirements, significantly above pre-reform levels;

Whereas earnings for welfare recipients remaining on the rolls also have increased significantly, as have earnings for female-headed households;

Whereas single mothers, on average, earned $13.50 per hour in 2004, almost three times the minimum wage;

Whereas the increases have been particularly large for the bottom 2 income quintiles, that is, those women who are most likely to be former or current welfare recipients;

Whereas welfare dependency has plummeted;

Whereas, as of September 2005, 1,887,855 families, including 4,443,170 individuals, were receiving TANF assistance, and accordingly, the number of families in the welfare caseload and the number of individuals receiving cash assistance declined 56 percent and 61 percent, respectively, since the enactment of the TANF program;

Whereas, since the enactment of welfare reform, the number of children in the United States has grown from 69,000,000 in 1995 to 73,000,000 in 2004, which is an increase of 4,000,000, yet 1,400,000 fewer children were living in poverty in 2004 than in 1995—a 14 percent decline in overall child poverty;

Whereas the poverty rates for African-American and Hispanic children also have declined remarkably—20 percent and 28 percent, respectively, since 1995;

Whereas, as a Nation, we have made substantial progress in reducing teen pregnancies and births, slowing increases in nonmarital childbearing, and improving child support collections and paternity establishment;

Whereas the birth rate to teenagers declined 30 percent from its high in 1991 to 2004. The 2004 teenage birth rate of 41.2 per 1,000 women aged 15 through 19 is the lowest recorded birth rate for teenagers since 1940;

Whereas, during the period from 1991 through 2001, teenage birth rates fell in all States and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such declines also have spanned age, racial, and ethnic groups;

Whereas there has been success in lowering the birth rate for both younger and older teens;

Whereas the birth rate for those aged 15 through 17 declined 43 percent since 1991, the rate for those aged 18 and 19 declined 26 percent, and the rate for African American teens—until recently the highest—declined the most—falling 47 percent from 1991 through 2004;

Whereas, since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, child support collections within the child support enforcement system have grown every year, increasing from $12,000,000,000 in fiscal year 1996 to over $22,000,000,000 in fiscal year 2004;

Whereas the number of paternities established or acknowledged in fiscal year 2003—over 1,600,000—includes an almost 300 percent increase in paternities established through in-hospital acknowledgement programs promoted by the 1996 welfare reforms, and there were almost 915,000 paternities established this way in 2004 compared to 324,652 in 1996;

Whereas child support collections were made in nearly 8,100,000 cases in fiscal year 2004, significantly more than the almost 4,000,000 cases in which a collection was made in 1996;

Whereas the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 gave States great flexibility in the use of Federal funds to develop innovative programs to help families leave welfare and begin employment, and to encourage the formation of 2-parent families;

Whereas annual Federal funding for under the new TANF block grant program have been held constant at the all-time highs set in 1995, despite unprecedented welfare caseload declines and despite the fact that States may spend as little as 75 percent as much as they spent spending under the prior AFDC program;

Whereas total welfare and child care funds available per family increased over 130 percent between 1995 and 2004, from $6,934 to $16,185;

Whereas child care expenditures have quadrupled under welfare reform, rising from $3,000,000,000 in 1995 to $12,000,000,000 in 2004;

Whereas, under the TANF program, States have enjoyed significant new flexibility in making policy choices and investment decisions best suited to the needs of their citizens;

Whereas, despite all of these successes, there is still progress to be made;

Whereas significant numbers of welfare recipients still are not engaged in employment-related activities;

Whereas, while all States have met the overall work participation rates required by law, in an average month, only 41 percent of all TANF families with an adult participated in work activities for even a single hour that was countable toward the State's work participation rate;

Whereas, in 2002, 34 percent of all births in the United States were to unmarried women;

Whereas, despite recent progress in reducing teen pregnancy in general, with fewer teens entering marriage, the proportion of births to unmarried teens has increased dramatically to 80 percent in 2002 from 30 percent in 1970;

Whereas the negative consequences of out-of-wedlock birth on the mother, the child, the family, and society are well documented;

Whereas the negative consequences include increased likelihood of welfare dependency, increased risks of low birth weight, poor cognitive development, child abuse and neglect, teen parenthood, and decreased likelihood of having an intact marriage during adulthood, and these outcomes result despite the often heroic struggles of mostly single mothers to care for their families;

Whereas there has been a dramatic rise in cohabitation as marriages have declined;

Whereas an estimated 40 percent of children are expected to live in a cohabiting-parent family at some point during their childhood;

Whereas children in single-parent households and cohabiting-parent households are at much higher risk of child abuse than children in intact married families;

Whereas children who live apart from their biological fathers are, on average, more likely to be poor, experience educational, health, emotional, and psychological problems, be victims of child abuse, engage in criminal behavior, and become involved with the juvenile justice system than their peers who live with their married, biological mother and father;

Whereas, despite the strenuous efforts of single mothers to care for their children, a child living with a single mother is nearly 5 times as likely to be poor as a child living in a married-couple family; and

Whereas, in 2003, in married-couple families, the child poverty rate was 8.6 percent; in households headed by a single mother the poverty rate was 41.7 percent: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that increasing success in moving families from welfare to work, as well as in promoting healthy marriage and other means of improving child well-being, as promoted by the welfare reforms in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, are very important Government interests and should remain priorities for the responsible Federal and State agencies in the years ahead for assisting needy families and others at risk of poverty and dependence on government benefits.

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 438. This resolution does something we don't do enough of in this institution: It takes a look back at what Congress tried to do in the previous years and assesses whether we got it right. As the text of the resolution suggests, many people, including some former critics, think we got it right.

Mr. Speaker, the results of the 1996 welfare reform are remarkable in terms of achieving and in some cases exceeding the goals the Nation laid out when Congress took on this challenging issue. Former Wisconsin Governor and Health and Human Services Secretary Tommy Thompson has called welfare reform one of the most successful social policy changes in U.S. history, and I think he is right. In terms of reducing dependence, promoting work and earnings, and reducing poverty, it would be hard to mask the outcomes of these reforms.

I would also like to thank my colleague CLAY SHAW for his steadfast leadership and tireless work to enact these remarkable reforms. Welfare reform did not happen overnight. And it would not have happened without his strong leadership.

Ten years ago today, this House passed what went on to become the landmark 1996 welfare reform law. At that time nearly 12 million parents and children were dependent on the government. Today, after 10 years of reforms and much success, that number is down to fewer than 5 million individuals dependent on welfare checks for support, a decline of an unprecedented 64 percent, almost two-thirds. Millions of those families now collect a paycheck instead of a welfare check. Since welfare reform was enacted, we have seen a sharp increase in work among welfare recipients. This is a stark contrast to the Nation's former welfare program under which there was no incentive to work. In fact, the prior program actually punished work. But today, because of welfare reform, work among those on welfare has more than doubled. And to support working families, the amount taxpayers provide for child care has tripled from $4 billion to nearly $12 billion today.

Back in 1996, welfare reform opponents argued that if enacted, this law would result in millions of additional children living in poverty. However, they were wrong with this prediction as they were with all their other predictions about what this law would accomplish. Compared to 1996, 1.4 million fewer children are in poverty today. This is a direct result of the pro-work, pro-family policies passed in 1996 and which are still in place today.

Earlier this year, the House accompanied by the Senate sent President Bush legislation to extend and strengthen the 1996 reforms to help even more low-income parents go to work. All States are now busy revamping their programs to meet that challenge. Based on the results of the 1996 reforms, we should have great confidence that millions more families will succeed in finding and keeping jobs in the years ahead. That is something every Member and, indeed, every American should support.

Again, I would like to thank CLAY SHAW for all his work in this area over so many years. I look forward to continuing to work in the years ahead to support all families in their efforts to end their dependence on government assistance.

I urge all my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

We have before us today a Republican resolution that should be backdated to the last Democratic President, if it is to be honest, because when America actually made great strides in decreasing poverty it was during that administration. But that is not what we are about today. This is a PR event.

H. Con. Res. 438 is a Republican attempt to take a victory lap on something they have done right. I mean on the war and gas prices and everything else, they cannot say anything. But in the run-up to this election, they are borrowing the vision and the success under the leadership of Mr. Clinton.

The resolution is not about reducing poverty. It is about increasing Republican poll numbers. America's poor and disadvantaged deserve a fair shake, not a glad hand.

It is unmistakably clear that domestic priorities under the current Republican administration and Republican Congress have focused on the rich, not the middle class, not the working class, and certainly not the disadvantaged class. And the record will show the great strides we have made to reduce poverty peaked in the year 2000, the beginning of the Bush administration, and they have been on a downward spiral ever since. The rate of poverty has been climbing during the Bush administration. The number of two-parent families living in poverty has increased during the Bush administration, and the number of American children living in poverty has also increased during the Bush administration.

Now, you have to draw the line somewhere; so I intend to vote "no" because I want a real agenda for reducing poverty in America. Congress needs a renewed commitment, not a disingenuous celebration. It was the pre-Bush economy that boosted the value of work. And that is not all. This resolution ignores the domestic priorities championed by Democrats that have made a meaningful difference in the lives of ordinary Americans, like the earned income tax credit.

Instead of a resolution meant to increase the poll numbers, we ought to be passing legislation to increase the minimum wage. We have tried and we have tried, and you can really do something for poverty if you would do it. In one stroke we could do more to reduce poverty in this country than all the resolutions that you have offered since the President took office 6 years ago.

That is an honest assessment of the situation. There is a concurrent resolution I authored with Mr. LEVIN. Since the Republicans will not allow us to consider it, let me take a moment to discuss it. It offers an honest assessment of where we are today. It highlights the progress made in the second half of the 1990s on poverty and unemployment. It also makes it clear that poverty has increased since 2000 with more than 5 million more Americans falling into poverty, including 1.5 million children. If you call that success, it is a strange success.

The percentage of single moms who are working today has declined by 4 percent since the beginning of the Bush administration. And we are sticking the States with new unfunded mandates; so there will be much less money available in the next several years to deal with this growing problem. That is the Republican solution.

Our resolution makes reducing poverty a national priority, not wishful thinking, by supporting the States, who are the Nation's first responders in fighting poverty. We would like to have a great debate over whether or not America's best interest is served by a Republican resolution created for the campaign trail or by a Democratic resolution created to meet America's needs. As it now stands, the debate is about Republican photo ops and press releases, which I am sure have already been mailed.

This resolution is designed by the Republicans so that they can try to take a victory lap after some successes in the welfare. But there cannot be a victory lap because the race is not over. Poverty is up, wages are down, and the working poor are losing in the Bush economy.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

It would be nice if today we could all work in a bipartisan way to take credit for something that Congress has done which has been so incredibly successful. I really regret the negative tone I hear from my good friends on the other side of the aisle.

They made the comment that President Clinton had signed this. I think we should let the history speak for itself.

□ 1415

The fact is, after the Democrats opposed this legislation every inch of the way, opposing it in subcommittee, opposing it in the full committee, opposing it on the House floor, voting against it, and then having President Clinton vetoing it, not once, but twice, and only before the election where he was afraid that maybe the people might throw him out if he continued to oppose it did he finally sign it, did we finally get it. And after these dire predictions that the sky was going to fall in, that we have these incredible results that we have, again, it would be nice if we could all take credit here for something we have done well. It is regrettable we can't.

Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. SHAW) and ask unanimous consent that the gentleman control the time.

The SPEAKER pro tempore. Without objection, the gentleman from Florida (Mr. SHAW) will control the balance of the time.

There was no objection.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), who has a different view of welfare reform as the Governor of a State who did a tremendous job in that capacity at the time we were changing welfare reform and the way it served America.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding and for the wonderful job he has done on this.

We started on welfare reform in Delaware very early on, long before the Federal Government started to look at it, and, obviously, it involved people having to go to classes and having to go to work. It was rather unique at the time.

I remember going to the first class, it was 19 people, 18 women and a man, and I sort of trembled. I was Governor of Delaware and I was a little nervous about that because I figured they wouldn't be receptive at all.

My mind was completely turned around going to that class when those 19 individuals said thank you for giving us the opportunity. They were being educated at that point. I went to their graduation later. They then went on to get jobs, and they subsequently went off welfare and became contributing citizens.

I can't tell you the value of this program, the self-esteem of individuals who have been through this. You can look at the statistics, be it 40, 50, 60 percent, in the various States, and that is about where it is, for the reduction of people on welfare. And you say perhaps it saved money, although, frankly, it doesn't save a lot of money. It costs a lot to educate and day care and everything else.

But the bottom line is that we have actually helped individuals. Indeed, it is a program which I think Republicans and Democrats have been supporting and should take credit for. And I certainly give some credit to President Clinton, because I worked with him as a Governor on this program as well.

But it has made a huge difference in their mindset. It has made a huge difference in their families' mindset. It has made a difference in the children of these individuals, who see their parents going off to work and earning a living, perhaps having a little more spending money and being able to hold themselves high as far as their immediate society is concerned.

This has been a highly successful program. It is true, I think, what Tommy Thompson said about it, and that is it is perhaps the greatest social reform program we have seen in this country.

Every now and then something comes along which really can make a difference in the lives of people. I just would like to thank all those who worked on this, and I worked with some of them, mostly members of the Ways and Means Committee when they were working with CLAY SHAW and others, because there was a lot of opposition to this.

But, indeed, it is a program which worked, it is a program which should be continued and expanded if possible, and it is a program for which I think we will always look back and be able to take some good positive credit for.

Mr. McDERMOTT. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. STARK).

Mr. STARK. The resolution before us, Mr. Speaker, ignores the realities of increasing child poverty, stagnating wages and lost opportunities for those families and children left behind by the so-called success of the welfare reform. Pilot SHAW has landed his plane on the aircraft carrier and said "mission accomplished," and the carrier sank.

This resolution, looking at a 10-year window, ignores the disturbing trends of the last 5 years during the Bush Republican Presidency. Total poverty has increased for 4 consecutive years, and more than 37 million people are living in poverty today. Child poverty has been on the rise for 5 straight years, and 13 million children are struggling in poverty today. Real wages for low-income workers have been stagnant for 5 consecutive years. It is time for the minimum wage to be raised, but the Republicans don't care to represent poor people, only rich.

Nearly one in three poor single women are not working and not receiving TANF assistance, and fewer than half of the families eligible for TANF receive it. Child care funding under the Republicans is $11 billion short of what CBO estimates the States need. The administration funneled $2 billion alone to religious organizations, trusting in this faith-based stuff, and the GAO has found the Bush faith-based initiative lacks accountability and safeguards against discrimination. And this has been, as Congressman SHAW would claim, the most successful social policy in history.

What is it, sir, that you don't understand about the word "failure"? Instead of engaging in this political public relations charade, we should be working on a bipartisan basis to confront realities of poverty in this country. We should move ourselves into the present and work to ensure that we provide States with the resources they need to move families out of poverty, instead of wasting time defining marriage.

We should focus on real programs that help families improve their lives. We need to improve their lives, expand the Earned Income Tax Credit, raise the minimum wage, increase access to Medicaid and Medicare, CHIP and food stamps. We need to provide work supports such as sufficient funding for children, remove the barriers to employment, provide education and training opportunities and get to work and solve the problem of poverty, instead of making tax cuts for the very rich and ignoring the middle class and doing it on the backs of the poor. That is the Republican way. The Democrats' way is to help everybody in this country rise out of poverty.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the distinguished member of the Ways and Means Committee, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I want to thank the gentleman who as chairman of the Human Resources Subcommittee when I was a freshman was one of the key players in steering the welfare reform through.

I was a freshman when our new majority came to power and was determined to do things differently. As a result, we were able to push forward on a key initiative to change the welfare system in a fundamental way. We were successful. We came up against terrific resistance, initially resistance from the administration; but we were able to steer it through. Ten years later it is clear that we were successful.

As the gentleman said, this is a profoundly successful social reform. It is the most successful reform for bringing people out of poverty that we saw in the 20th century.

We have seen dramatic reductions in welfare dependence, fewer families in poverty, increases in work and earnings and declines in waste, fraud and abuse of welfare benefits. And this has occurred, I believe, in the context of a clear contrast, because they took a completely different position when we put forward this new welfare reform initiative.

May I quote the gentleman who is managing the time on the other side. It was just 10 years ago that he said of this legislation: "It will put 1½ million to 2½ million children into poverty. In about 1998, you are going to start to see the impacts on cities, with more homeless families. They can't pay their rent. You will wind up with people living under bridges and in cardboard boxes." That is what Mr. McDERMOTT said in 1995.

The reality is that we brought people out of poverty, we have brought the caseloads down, we have given the States more flexibility to deal with welfare problems. And it was this majority that fought them, fought them successfully, got a bill to the White House that that President could sign, and, in the process, started a transformation of our welfare system which continues today.

Mr. Speaker, we should celebrate this landmark and move forward with further reform of the welfare system.

Mr. MCDERMOTT. Mr. Speaker, I yield 4½ minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, the majority says they want to recognize the past. What you are doing in this resolution is to twist it. So let me say again what the facts were.

The bill was vetoed by Mr. Clinton, by the President, because of inadequate child support and inadequate health care provisions. He so stated. He had started this effort to reform welfare, but the inadequacies in the bills that came before him required a veto.

What was the result of the veto, of the two vetoes? Money was put in for child care and for health care. It is ironic that this resolution brags about the amount of money for child care. Without those vetoes, a lot of those moneys never would have been in welfare reform.

The same is true of transitional Medicaid.

So come here, but don't, for totally partisan electoral purposes twist the history of this. You are twisting it. Maybe you think it will gain you a few votes, but you lose your credibility and you lose any chance of proceeding on a bipartisan basis.

You did the same thing in the bill that was passed just some months ago on welfare reform. You cut child support. This resolution talks about child support collections increasing; but in the bill that was passed recently, you made arrangements for a reduction in child support estimated by CBO to be $8.4 billion over the next 10 years.

You talk in this resolution about giving States "great flexibility in the use of Federal funds." That was one of the advantages of the 1996 legislation and that is one reason why a good number of Democrats voted for it.

In the 2006 legislation, you reduced the flexibility of the States. I want to just refer to some of the programs that the States have used that would probably be disentangled by this 2006 legislation:

The Portland Program, that has some strategies so that people can upgrade their skills and get out of poverty. The Corpus Christi Employment, Retention and Advance Program. The Maine Program, that does rely on some higher education, including a 4-year degree. And also the Utah Program, that was very advanced in terms of addressing substance abuse and mental health. So you essentially have reduced the flexibility of the States.

Let me talk for a moment about poverty and what was the main problem with the 2006 legislation. The data that we have show this, more or less, that 60 to 70 percent of the people who have moved from welfare to work have been earning less than 42 percent of the median average wage in their States.

We were hopeful in the 2006 legislation that we would take a further step in welfare reform, that we would help people not only move from welfare to work, but from welfare to work that would take them out of poverty.

You, on a strictly partisan basis, did not even bother to talk to us. You made no effort. You would not even work with us to try to provide a law that would help people move from welfare to work.

So I regret your spurning any effort to make this resolution bipartisan. I think instead of recognizing the past, you are mainly twisting it; and there has been a failure of this Congress to take the next steps in welfare reform so people move from poverty into something beyond it when they move from welfare to work.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is amazing, the gentleman who just left the well, when he would say this is a partisan resolution. I don't think the Republican name is in this resolution whatsoever. It is a figment of his imagination.

This was a team effort. President Clinton did sign this bill. This is not a partisan resolution. So why don't you join with us and rejoice in what we have accomplished.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LINDER), a distinguished member of the Ways and Means Committee.

Mr. LINDER. Mr. Speaker, I rise in strong support of H. Con. Res. 438, of which I am an original cosponsor, which expresses the sense of the Congress that historic welfare reforms begun with the 1996 Welfare Reform Act should continue forward and continue to remain a priority.

I wrote in 1979 that it was not uncommon for a government program to be begun for noble worthy purposes and end up becoming an end in itself.

□ 1430

The more assistance that was distributed, the more necessary the program, and the means became the ends. Before the consideration of the welfare reform bill 10 years ago, there was no indication that some of these government programs would be improved, much less encourage self-sufficiency. This is not surprising, given how the welfare reform bill was described on this floor as, "the most cruel and shortsighted view on public policy I have seen in 20 years", and, "a mean-spirited attack on children and poor families in America that fails every test of true welfare reform", and "a cruel attack on America's children".

Well, as we mark the 10th anniversary of the signing of the bill, the statistics show the successes. Welfare caseloads have declined almost 65 percent. The poverty rate has declined. The child poverty rate has declined. The number of children lifted from poverty is 1.4 million, and the number of adults receiving welfare and working has more than doubled since 1996. The employment rate of never-married mothers has increased by almost 35 percent.

We have achieved great progress in eradicating poverty in this Nation. Ten years ago, thousands of poor people who deserve much more from their government were unwitting pawns in the game for power over the lives of others. The 1996 Welfare Reform Act has been enormously successful and we must continue to help those who truly need assistance while encouraging those who can support their families to do so.

Mr. Speaker, I urge my colleagues to support this bill. I thank my friend for yielding me the time.

Mr. MCDERMOTT. Mr. Speaker I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this marks the 10th anniversary of the passage of the 1996 welfare bill, a measure I voted for. And the legislation certainly was not perfect, but the system that it supplanted was even worse. Ten years on, instead of having a pep rally for TANF, I think what we ought to be doing is having a serious conversation about whether the program is being implemented in a way that effectively and realistically moves everyone who can work into a job so that they might support their family.

With Bill Clinton, the TANF program rightly demanded that able-bodied people do everything possible to find and keep a job. But it also recognized the fact that single moms needed help with child care and transportation in order to successfully and permanently transition out of public assistance. So the Clinton budgets provided that traditional assistance.

The Clinton budgets also made enforcement of child support payments a top priority, which gleaned billions of dollars, that pulled thousands of women and children out of poverty. Bill Clinton insisted on an increase in the minimum wage and an expanded earned income tax credit, which helped people earning the lowest wages support themselves.

And the results spoke for themselves. Even as welfare caseloads dropped, poverty rates fell for every year that Bill Clinton was in office. So what has happened in the last 5 years? Child care, cut. Food stamps, cut. Medicaid, cut. Child support enforcement, cut.

So it is a disappointment but not a surprise that poverty rates are once again on the rise. According to the Census Bureau in 2004, there were 13 million children living under the poverty line. Almost one American child in five grows up in a family that cannot pay for the bare essentials of life like food, shelter, and clothing.

How can we let this happen? Today I want people to listen to this. Today a minimum wage worker in America who puts in 40 hours a week and never takes a vacation day, listen to this, they earn, at minimum wage, $10,700 a year before taxes.

That is not enough for a single mother with one child to clear the poverty line. But I think it is the new face of compassionate conservatism. That is a full-time working mom who cannot possibly make ends meet for herself and her child. One in five kids in this country grows up in poverty.

The welfare bill was supposed to counteract these trends, and when Bill Clinton was in office it was doing a good job. But the programs that helped welfare reform demonstrate progress like child support enforcement, child care assistance, have been eviscerated by this Congress and this administration. But we always have time here for tax cuts for rich people. If we cannot take care of Paris Hilton, who can? This welfare bill was a good start, and if properly implemented, it was during the Clinton years, we would still be on the path to reform.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would remind the gentleman in the well that it is rare today that people work for minimum wage. But those who do earn $10,700 a year, they also get an earned income tax credit of $4,000. They also get food stamps worth $2,000. They get rent subsidies which varies.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman from Florida for yielding me time.

Mr. Speaker, I rise in support of this resolution. And I am somewhat mystified by some of the claims made by my colleagues on the other side of the aisle. I and several of my colleagues spent a significant amount of time making sure that additional moneys were put into this legislation when it was passed to make sure that there would be more money for child care.

That was signed by the President and is current law today. We have increased assistance to women who were on welfare, who are now working. We needed to do that in order to make sure that their children would be safe. Our goal of welfare reform was about family growth and security and future financial security.

Our goal was certainly not to put the children in jeopardy, and part of that complete goal was to make sure that they had availability of child care. We have worked to make sure it is available at different times of the day. We have worked to make sure that it is available and convenient, and obviously that those who are providers are providing safe child care.

Another point that I think is very important to refute is that there is something wrong with the direction we are moving in, asking for people to work more hours. Once they commit to receiving welfare, they commit to work more hours, and they do so. What we found, the statistics show that when people start to work, obviously, their incomes will rise. They begin to climb the ladder of future success and their children do not live in poverty.

I want to repeat this point, because again it is the most important goal that we had of welfare reform, to make sure that from generation to generation children are not living in poverty. And children have been lifted from poverty as a result of our welfare reform, and more will continue to be lifted out of poverty as a result of more work requirements. These children will grow up with a great example of industrious working parents, and they will do the same.

Mr. Speaker, this Congress has a lot of missions before us. One of them certainly is to help encourage people to grow in their abilities, to grow in their talents and their willingness to teach their children. This welfare reform bill has helped us in all of those counts. I encourage my colleagues to support it.

Mr. McDERMOTT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, this resolution is a celebration of bad policy. I voted against it when it was a Clinton proposal, and I voted against it because my fear was, based on having been a past welfare mom, my fear was that ultimately it would be the kids who suffered. And how right I was.

So when the Congress reauthorized the welfare program recently, not a single Democrat voted for it, because Democrats know that what this bill does is fail to help families reach economic independence. Instead it pushes families off welfare, into the workforce without sufficient education, without adequate child care, and without a path to self-sufficiency.

If the Republican leadership was truly interested in improving families' welfare, it would be debating and passing an increase in the minimum wage, and we would be doing that today, instead of talking about celebrating welfare. The sad fact is that this Congress is more interested that fewer people get help than whether fewer people need help. And that is a shame.

I encourage my colleagues, please oppose this resolution, a resolution that is trying to celebrate bad policy. A policy that keeps children in poverty.

Mr. SHAW. Mr. Speaker, I would like to point out to the gentlewoman who just spoke that the poverty rate among children has dropped 13 percent since the passage of this resolution, and, Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, could you tell us the time remaining?

The SPEAKER pro tempore. The gentleman has 4½ minutes, and the gentleman from Florida has 6 minutes.

Mr. McDERMOTT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we go through a policy like this in 20 minutes. The Republican policy toward children is, you have no entitlement to anything. The point of welfare reform was to take away the entitlement of health and welfare, and housing and food from children, to take away the entitlement and put it to 50 States to whatever they want to do.

And we have 50 different plans in this country. The Republicans define welfare, people, those eligible for TANF, in such a way that you can drive down the numbers. You can push people off into work. And there is nobody on this side who has not worked in their life, who does not think it is a good idea to work.

But what we believe is that you ought to work for a wage that is fair and provides a decent living. The Republicans for the entire period this has been in place have refused to raise the minimum wage.

You want to drive people into poverty, and you did drive them into poverty, because when they are in poverty you can make them do anything. That is the way you keep the costs down in business, have a workforce of people who have to work for the minimum wage, and that is it for them.

Now, you have cut Medicare. Medicare in every State in this country is in a terrible mess. There are 300,000 children eligible for child care in California who do not have access because there is no money. You say to the mothers, go out and work. Leave your kids at home, leave them a package of graham crackers, leave them a television, and leave them with their 12-year-old sister. That is the Republican plan.

You also take away their housing benefits. When they go off of TANF they do not get access to those housing benefits they had before. So you take away every single piece of security for a child who knows they have a home, who knows there is going to be food on the table, who is going to have a parent there when they come home from school. And then you ask yourself why you have a drug problem in this country. Why you have kids getting in trouble everywhere, why the prisons are full.

This is the result of a public policy that says we do not believe in the common good. We cannot tax the rich, oh, no, no, we must not tax the rich, they need another wall around their compound. But you can put kids out on the street, with their mother working down at the local motel cleaning beds for $5.15 an hour, that is all right with you. It is that that we object to.

It is not that we do not think people should work, we just think they should work for a decent living, a decent wage, and you will not give them that. You want to define success. The press release will say, we have reduced the welfare rolls from 5 million, as it was in 2000, to about 1.9 today.

But you will say nothing of the human misery you have created by these policies. The reason none of us voted for the reauthorization was, you put no additional money in for child care. And you cut the benefits for health care. And you do not take care of the needs of the kids. This is not about adults. Adults can make it. But it is a question about whether we as Americans, as a part of the common good, think children are entitled to a decent and safe childhood.

And your answer is, we cut the welfare rolls, raise the flag, let's march around and have a big parade and we will send out press releases, we cut the welfare rolls. But poverty has increased. You have 5 million more people in poverty since Mr. Bush became President of the United States.

That is not an enviable record; 1½ million more children are in poverty. How can you celebrate that?

Mr. Speaker, I yield back the balance of my time.

□ 1445

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I don't know quite where to start in correcting the gentleman from Washington. First of all, he said that we didn't increase child care. Well, we had just done over a $1 billion increase, and that is just within the last few months. I would say that the gentleman's memory is a little short.

He also talked about a secret Republican agenda. I was in charge of this bill 10 years ago, and I insisted that we did not do any of that. In fact, I don't know of anybody that was trying to do that. I maintained that we had to keep up the food programs, we had to keep up the Medicaid payments, taking care of the health care. We had to take care of the kids. We had to produce child care, in addition to all of this and all of the other programs that go along with the poverty program.

But what did we expect? We expected people to climb out of poverty. We are going to help them, but they are going to help themselves.

The problem of those who still oppose welfare reform is they have no faith. They didn't have any faith in the human spirit. We did have faith in the human spirit, and I can tell you the real champions, the real heroes of welfare reform are those who pull themselves out of poverty.

It is not the Members of Congress or the Senate that are sitting on this floor. It is the single mom, and she is the hero.

We started this program about 15, 16 years ago. We worked hard on it for many, many years. At every turn, we recognized the fragile nature of those that we were trying to rescue. Oh, we had a poverty program that was being guarded so carefully by those that wanted to pay people not to work, not to get married and have kids, the most destructive behavior you could possibly have.

I remember when we came to this floor and debated this bill. Some of the comments that were made back then, and I will read one of the worst ones, and I won't even mention the Member's name because I think it is so bad. It says: read the proposal, read the small print, read the Republican contract. They are coming for our children, they are coming for the poor. They are coming for the sick, the elderly and the disabled.

That is the stuff we were listening to on this floor when we were on a rescue mission. Through the debate on July 18, 1996, after several of the Democrat Members, some of whom have spoken today, spoke against the bill, President Clinton announced that he was coming on to television. We retired back into the Cloakroom to see what he was going to say. He looked right into the TV cameras, and he said, I am going to sign this bill.

Well, that brought about some Democratic votes, and it made it truly a bipartisan bill. Since then, the statistical information that is out there is history. Let me run down just some of the things that welfare reform has accomplished.

Welfare caseloads are now down by 64 percent, as nearly 8 million parents and children no longer receive welfare. The overall poverty rate dropped 7 percent, the child poverty dropped 13 percent, the poverty rate of young children in female-headed families, the group most likely to go on welfare, dropped 15 percent from 1996 to 2004.

Compared with 1996, 1.4 million fewer children lived in poverty in 2004. That is a victory. That is a victory for the human race. That is a victory for the poor Americans. The number of adults on welfare who work has more than doubled since welfare reform. More broadly, the work of all never-married mothers has surged 34 percent since 1996.

I will never forget, at one of our hearings, and I think, Mr. MCDERMOTT, you were there, when one of the welfare workers came in and was bragging about one of her clients who went to school. One of the young kids had gone to school, and he raised his hand to get the attention of the teacher. The teacher finally looked down and said, What do you want? He says, My momma went to work today.

What a wonderful thing. That mother who had nothing to do all day but sit around for the postman to come and bring her a check is now a role model for that child. What a difference that this has made.

Yes, this was a rescue program. We paid a lot of money for job training and things in order to accomplish this welfare reform package, and it has worked.

I can tell you I was stunned when the President said he was going to sign it, because all of a sudden I realized, my God, look what we have done, look what we have done. Now I can look back with great pride and see what this Congress did, what we accomplished, that rescue mission that took so many people out of poverty.

Mr. Speaker, I urge passage of the bill.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of the welfare reforms provided in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The House is considering H. Con. Res. 438 that expresses the sense of the Congress that continuation of the welfare reforms provided for in the 1996 welfare reform act should remain a priority. The House Resolution marks the 10th anniversary of the 1996 Republican-led enactment of welfare reform.

I strongly support H. Con. Res. 438 that celebrates 10 years of success in reducing welfare rolls and helping children and families escape from the cycle of poverty. Ten years ago, Republicans decided it was time to reform our broken welfare system and give welfare recipients the tools they needed to escape the system and build a better life. Today, we can see the results of those efforts—a 64 percent decrease in welfare caseloads, a sharp decline in child poverty, and a dramatic increase in the number of welfare recipients who work.

Since Republicans have passed welfare reform in 1996, the overall poverty rate has dropped 7 percent and 1.4 million fewer children are living in poverty. I urge my colleagues to join me in support of H. Con. Res. 438. Support of this resolution is support for continuing to move from welfare to work more quickly and promoting and encouraging stable, healthy families.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 438.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF SCHOOL BUS SAFETY WEEK

Mr. MARCHANT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 498) supporting the goals and ideals of School Bus Safety Week.

The Clerk read as follows:

H. RES. 498

Whereas approximately 480,000 yellow school buses carry 25 million children to and from school every weekday;

Whereas America's 480,000 school buses comprise the largest mass transportation fleet in the country, 2.5 times the size of all other forms of mass transportation—transit, intercity buses, commercial airlines, and rail—combined;

Whereas during the school year, school buses make more than 50 million passenger trips daily carrying the Nation's future—our children;

Whereas school bus transportation is eight times safer than traveling in a passenger vehicle and is the safest form of ground transportation available;

Whereas school buses meet higher construction, equipment, and inspection standards than any other vehicle, and school bus drivers meet higher qualification, training, and testing standards than any other drivers;

Whereas according to the National Academy of Sciences, an average of 820 students are killed annually during school transportation hours, but less than 2 percent of them are school bus passengers;

Whereas despite the industry's best efforts, accidents still happen;

Whereas an average of seven school-age passengers are killed in school bus crashes each year, and an average of 19 children are killed each year getting on and off the bus;

Whereas most of those killed are children aged five to seven, and most often those children are killed in the area immediately surrounding the bus—either by a passing vehicle or by the bus itself;

Whereas School Bus Safety Week, which is celebrated in more than 40 States and sponsored by the National Highway Traffic Safety Administration (NHTSA), was created to remind all students of the best ways to get on and off the bus in an effort to enhance the safety of the Nation's children;

Whereas School Bus Safety Week, which dates back to 1966, also recognizes the hard work and dedication of school transportation personnel, especially the many school bus drivers who ensure a safe journey each and every day; and

Whereas School Bus Safety Week, celebrated the third week in October, promotes awareness through local and State poster and speech contests, lessons utilizing school bus safety community awareness kits, and other activities built around themes that raise awareness of school bus safety issues: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of School Bus Safety Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. MARCHANT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MARCHANT. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today in support of H. Res. 498 offered by the distinguished gentleman from Tennessee (Mr. DUNCAN). This resolution would support the goals and ideals of a National School Bus Safety Week.

In our Nation, approximately 22.5 million children ride school buses to and from school each day, which accounts for 54 percent of all students attending grade school. In fact, the more than 440,000 public school buses travel approximately 5 billion miles each year, comprising the largest mass transportation fleet in the country, 2½ times the size of all other forms of mass transportation, and according to statistics, representing the safest form of highway transportation.

Even so, according to the National Highway Transportation Safety Administration, each year for the past 11 years, an average of 35 school-age children have died in school bus-related traffic accidents. This is why it is vital that drivers, mechanics and supervisors, as well as parents and children, observe certain rules and regulations pertaining to all the operations of school bus safety.

The week of October 15 through October 21 will educate children around the country about school bus safety precautions with special activities such as poster contests to help bring the valuable information to our Nation's children.

I urge all Members to come together to encourage the educational importance of a School Bus Safety Week by adopting H. Res. 498.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, students are at a much greater risk while traveling to and from school than at any other time during their school day. During the 1997-98 school year, about 800 children from the ages of 5 through 18 were killed during normal school transportation hours, while traveling by passenger car, foot, bicycle, public transportation or school bus. Although school buses are the safest form of highway transportation, they are not fail-safe.

The most dangerous part of the school bus ride is getting on and off the school bus. Fatalities that occur when students board and exit school buses account for approximately three times as many school bus-related fatalities than for fatalities that occur when the school buses are occupied. The area around the bus when the bus is loading and unloading is called the danger zone. The danger zone is comprised of the areas outside of the bus where the children are in the most danger of not being seen by the driver. It is the 10 feet in front of the bus where the driver is too high to see a child, 10-foot-long blind spots that run along both sides of the bus, and the area behind the school bus.

The goal of National School Bus Safety Week is to ensure safe, efficient, economical and high-quality transportation for school children on their trips to and from school and school-related activities. This is certainly a goal we all can support, and I urge my colleagues to do so.

Mr. Speaker, I reserve the balance of my time.

Mr. MARCHANT. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague, the Congressman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Texas for yielding me this time and for managing this resolution and for his comments, as well as those of our distinguished colleague from Missouri.

Mr. Speaker, last October, I introduced House Resolution 498, which supports the goals and ideals promoted by School Bus Safety Week. This bill certainly has bipartisan support with 62 cosponsors. Also, all three national school bus associations are in support of this resolution: the National Association of Pupil Transportation, the National Association of State Directors of Pupil Transportation, and the National School Transportation Association.

America's 480,000 school buses comprise the largest mass transportation fleet in the country, 2½ times the size of all other forms of mass transportation, transit, intercity buses, commercial airlines, and rail combined.

During the school year, school buses make more than 50 million passenger trips daily. School Bus Safety Week, which is celebrated in more than 40 States and sponsored by the National Highway Traffic Safety Administration, was created to remind all students of the best ways to get on and off the bus and of other ways to enhance the safety of our Nation's children.

According to the National Academy of Sciences, an average of 820 students are killed annually during school transportation hours, but less than 2 percent of them are school bus passengers. Most of those killed are children aged 5 to 7, and most often those children are killed in the area immediately surrounding the bus, either by a passing vehicle or occasionally by the bus itself.

While school bus transportation is eight times safer than traveling in a passenger vehicle and is the safest form of ground transportation available, unfortunately, accidents still happen. An average of seven school-age passengers are killed in school bus crashes each year, and an average of 19 children are killed getting on and off the bus each year.

Many of our communities honor School Bus Safety Week through local and State poster and speech contests, lessons utilized in School Bus Safety Community Awareness kits and other activities built around themes that raise awareness of school bus safety issues.

It is my hope that our children will be safer than ever before, and that our children will safely get on and off and travel on these school buses each day, and that drivers in our communities will be mindful of the laws designed to protect our Nation's school bus passengers.

□ 1500

This is a business dominated by individuals and very small businesses. Most school bus drivers are stay-at-home moms, retired people or others who need some part-time income. They do a really outstanding job and provide a great community service in helping keep our school children safe, and H. Res. 498 will help promote and improve that safety even further.

Madam Speaker, I urge passage of this resolution.

Mr. CLAY. Madam Speaker, I want to thank my colleagues, Mr. MARCHANT of Texas and as well as Mr. DUNCAN of Tennessee, and urge a favorable vote of passage of the School Bus Safety Week. I have no further requests for time, and I yield back the balance of my time.

Mr. MARCHANT. Madam Speaker, I urge all Members to support the adoption of H. Res. 498, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and agree to the resolution, H. Res. 498.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MARCHANT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CAPTAIN GEORGE A. WOOD POST OFFICE BUILDING

Mr. MARCHANT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4962) to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building".

The Clerk read as follows:

H.R. 4962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAPTAIN GEORGE A. WOOD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, shall be known and designated as the "Captain George A. Wood Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain George A. Wood Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. MARCHANT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MARCHANT. Madam Speaker, I yield myself such time as I may consume.

Captain George A. Wood of New York was killed on November 20, 2003, while fighting the war on terror in Iraq. Wood was on patrol when his tank rolled over an improvised explosive device. At the time, he was assigned to B Company, 1st Battalion, 67th Armor Regiment, 2nd Brigade, 4th Infantry Division, based out of Fort Hood, Texas.

Growing up in New York's Mohawk Valley, Wood was a football and track star at Notre Dame Junior Senior High School in Utica, New York. He later went on to earn his degree from Cornell and completed his postgraduate work at both New York State University Colleges at Albany and Cortland. His lifelong dream was to teach history and coach football at West Point.

Captain Wood leaves behind his wife and daughter and many lifelong friends. His friends will always reminisce about his wonderful storytelling ability and his goodheartedness that was transparent in everything that he did.

I would urge all the Members to come together to honor Captain George Wood by passing H.R. 4962.

Madam Speaker, I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield myself such time as I might consume.

As a member of the Government Reform Committee, I am pleased to join my colleague Representative MARCHANT in support of H.R. 4962, legislation sponsored by Representative BOEHLERT which names a post office in Utica, New York, after Captain George A. Wood. H.R. 4962, which was cosponsored by the entire New York delegation, was unanimously approved by the Government Reform Committee on June 29, 2006.

George A. Wood, a native New Yorker, was by all accounts a stellar person. A graduate of Notre Dame Junior Senior High School in Utica, George was a high school track and football star. After high school, he graduated from Cornell University and went on to earn master's degrees from New York State University Colleges at Albany and Cortland.

A history buff who was fascinated with military history, George joined the military and was assigned to B company, 1st Battalion, 67th Armor Regiment, 2nd Brigade, 4th Infantry Division based in Fort Hood, Texas.

Sadly, at age 33, Captain Wood was killed while on patrol in Baqubah, Iraq, on November 20, 2003, when his tank rolled over an improvised explosive device. Captain Wood is survived by his wife Lisa and daughter Maria.

Mr. Speaker, it is always difficult to learn of a soldier's death, but I commend my colleague for seeking to honor the legacy, sacrifice and accomplishments of Captain Wood by designating the Utica post office in his name. I note that Captain Wood's father and grandfather were postal employees at the Utica facility. How fitting.

Madam Speaker, I urge the swift passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. MARCHANT. Madam Speaker, I yield as much time as he may consume to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Madam Speaker, today we have the privilege of honoring our fallen hero, U.S. Army Captain George A. Wood. The bill before us would rename the Pitcher Street Post Office in Utica, New York, the George A. Wood Post Office Building, which is a fitting tribute to a man who paid the ultimate sacrifice to defend our freedom and our security.

Captain Wood bravely served our Nation in Iraq where he met an untimely death on November 20, 2003. However, his memory will live on. Every day, Captain Wood will be in the hearts of his family and his friends and his classmates and his comrades and our neighbors by virtue of the naming of this public facility, this Federal facility in his honor.

He is survived by his wife Lisa and his 6-year-old daughter Maria, and to them we send the Nation's condolences on your great loss of yesteryear and our optimism on a more promising future because of what the Captain Woods do so often for so many.

Captain Wood was born and raised in upstate New York's beautiful Mohawk Valley. He was an accomplished athlete at Notre Dame Junior Senior High School, and if you are from our neck of the woods, you know those teams are just dynamite. He excelled at both football and track and field.

He was also, and this is very important, a superstar in the classroom. He graduated not just from Cornell University but later earned master's degrees from both the State University at New York in Albany and State University at New York in Cortland.

In the Armed Services, Captain Wood served for 8 years in the 4th Infantry Division in Fort Hood, Texas, and there he became fascinated with the history of our great military. As a matter of fact, Captain Wood dreamed of teaching history and coaching football at the West Point Military Academy. Had he not paid the ultimate price for our way of life, I am confident that he would have seen this dream become a reality.

Captain Wood's discipline, his love of learning and his fine character have made him a model citizen for all of his countrymen and generations to come, a true role model, a genuine American hero.

Both Captain Wood's father and his granddad worked at the Pitcher Street Post Office, so there is a special affinity for the post office in the Wood family, and it would be our utmost pleasure and distinct honor to designate the facility at Utica, New York, as the Captain George A. Wood Post Office Building in honor of a true American hero.

I want to thank my colleagues in the majority and the minority and on the committee for dealing with this very important issue. Oftentimes, as we deal with the major issues that affect so many people around the world, we sometimes neglect the littler things, but they are equally important. They are very personal. They have real meaning for so many, and I thank my colleagues for their support and their cooperation. I urge all of my colleagues to proudly vote "aye" for this measure.

Mr. CLAY. Madam Speaker, I urge the swift passage of this bill. I have no further requests for time, and I yield back the balance of my time.

Mr. MARCHANT. Madam Speaker, I urge all Members to support the passage of H.R. 4962, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and pass the bill, H.R. 4962.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF A SALVORDAN-AMERICAN DAY

Mr. MARCHANT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 721) supporting the goals and ideals of a Salvadoran-American Day (El Dia del Salvadoreno) in recognition of all Salvadoran-Americans for their hard work, dedication, and contribution to the stability and well-being of the United States.

The Clerk read as follows:

H. RES. 721

Whereas the aftermath of 40 years of internal political turmoil forced hundreds of thousands of individuals in the Republic of El Salvador to flee that country and seek peace and security in a new country, the United States;

Whereas Salvadoran-Americans constitute a significantly growing population in the United States, with the majority living in the Los Angeles metropolitan area, the Washington, D.C., metropolitan area, and various other areas in the United States;

Whereas the history of the United States is a rich and enduring tapestry woven with the threads of many remarkable lives, cultures, and events, and the lives, work, and artistry of Salvadoran-Americans have added strength, vitality, and purpose to that tapestry;

Whereas the maturing Salvadoran-American community continues to make great economic and cultural contributions to daily life in the United States;

Whereas many of these Salvadoran-Americans actively participate in the United States educational system, further promoting their sense of American pride within communities in this country;

Whereas Salvadoran-American families should have an established day to acknowledge the contribution and value of their culture to the United States;

Whereas the strength of the Salvadoran-American culture can be preserved and passed on to future generations;

Whereas Salvadoran-American families, communities, and generations that follow are committed to maintain both Salvadoran and American cultures, while promoting cultural interchange;

Whereas free of prejudices and as proud men and women, Salvadoran-Americans participate and contribute to the social, educational, professional, and political systems of the United States;

Whereas Salvadoran-American individuals, families, organizations, and communities in cities and States across the Nation wish to share the establishment of a nationally recognized and celebrated Salvadoran-American Day (El Dia del Salvadoreño), beginning on August 6, 2005, and to be celebrated by all generations that follow;

Whereas on August 6, 1525, the official founding of Villa De San Salvador was declared in the Valle de las Hamacas (Valley of the Hammocks) where the indigenous ancestors of El Salvador fought historic battles against the submission and abuse of Spanish colonialism in order to preserve the life and liberty of the Cuscatleco population; and

Whereas August 6 is a day of recognition for Salvadoran-Americans to celebrate throughout the United States: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of a Salvadoran-American Day (El Dia del Salvadoreño) in recognition of all Salvadoran-Americans for their hard work, dedication, and contribution to the stability and well-being of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. MARCHANT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MARCHANT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 721 offered by the distinguished gentlewoman from California (Ms. SOLIS). This resolution would support the goals and ideals of a Salvadoran American Day.

Currently, thousands of Salvadoran Americans reside in the United States, mostly within California, the Washington, D.C. area, and New York. August 6 marks the date of the celebration of Fiestas Agostinas, an observance that dates back to 1525, paying homage to the cultural festivities of El Salvador, and is widely observed by the Latino community in the United States.

This day has grown in significance over the years as the Salvadoran-American community has matured and adapted the holiday to fit the lives of Salvadorans living in the United States. Living in a country built by offerings from many cultures and nationalities, Salvadorans have brought forth many economic and cultural contributions to weave into the American fabric.

I urge all Members to come together to pay homage to many Salvadoran Americans that are thriving in our society today by adopting H. Res. 721.

Madam Speaker, I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, 40 years of political turmoil forced many individuals from the Republic of El Salvador to flee the country in search of peace and security in the U.S. Currently, there are over 900,000 Salvadoran Americans living in the U.S. The majority of them have found new homes in California, New York, and the Washington, D.C. metropolitan area.

The history of the U.S. is a rich and enduring tapestry woven with the threads of many remarkable lives, cultures and events. The lives, work, and artistry of Salvadoran Americans have added strength, vitality and purpose to that tapestry.

The Salvadoran-American community continues to make great economic and cultural contribution to the United States. Therefore, I urge my colleagues to support H. Res. 721.

Madam Speaker, I reserve the balance of my time.

Mr. MARCHANT. Madam Speaker, I have no other speakers at this moment, and I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. SOLIS), my colleague.

Ms. SOLIS. Madam Speaker, I would like to thank the gentleman from Missouri and obviously the Members of this very important committee that helped to pass this resolution.

Madam Speaker, today, I rise in strong support of H. Res. 721, a resolution supporting the goals and ideals of the Salvadoran American Day, el dia del Salvadoreno. I would like to thank Chairman DAVIS and Ranking Member WAXMAN for their support in bringing the resolution to the floor today.

This resolution recognizes the Salvadoran Americans for their hard work, dedication and contributions to our stability and well-being of the United States.

Forty years of internal political turmoil forced thousands and thousands of individuals from the Republic of El Salvadore to flee and come to this country. They sought peace and security and a better life in the United States.

□ 1515

Madam Speaker, my mother was born in Central America, in Nicaragua, and immigrated to the United States to seek a better life. As the only Member of Congress of Central American descent, I am honored to recognize Salvadoran Americans and Salvadoran American Day.

Currently, there are over 900,000 Salvadorans living in the U.S. The majority live in Washington, D.C., New York, California and Miami. In the Los Angeles metropolitan area alone, parts of the district that I represent, there are nearly 300,000 Salvadoran Americans.

This celebration of Salvadoran tradition dates back to August 6, 1525, almost five centuries ago, when the city of Villa De San Salvador was founded. El Dia del Salvadoreno marks the culmination of a week-long celebration "Fiestas Agostinas" and is arguably the most important civic-religious celebration in El Salvador. The celebration pays homage to the cultural festivities of El Salvador, while recognizing that Salvadorans have adapted themselves to life in the United States.

Celebrated by Salvadoran Americans in California and throughout the country, this day has grown in significance over the years. Back in 2001, the city of Los Angeles honored Salvadoran American Day, and in 2002 Salvadoran American Day was declared as a statewide event in California. More than 100,000 Salvadorans participated in these celebrations in 2005, and we know and expect we will see more this coming August.

I am proud that Congress is helping to recognize and honor this day. Salvadoran American Day contributes to a positive image for Salvadorans, as well as improving a better understanding between our diverse communities and this part of America.

I would like to recognize and thank the Salvadoran American National Association, known as SANA, the SHARE Foundation, and all of the Salvadoran American and Central American organizations for their support and their work to provide for this resolution.

Let us not forget that our Nation was built by the people from many nations and different backgrounds and cultures. In fact, many of the workers who helped rebuild the Pentagon were of Salvadoran background. They love this country. I urge my colleagues to recognize the Salvadoran Americans and pass this resolution.

Mr. MARCHANT. Madam Speaker, I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield 3 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Madam Speaker, I certainly would like to thank the gentleman from Missouri for offering me this opportunity to say a few words in support of this resolution.

I certainly want to extend my commendation to the gentlewoman from California for being the chief sponsor of this bill, and I regret to say I should have been an original cosponsor, and I want to be on record that I want to be on as an original cosponsor of this resolution.

Madam Speaker, August 6, 1525 means a lot to the Salvadoran Americans in our country. As the gentlewoman from California said earlier, we almost have a million fellow Americans whose ancestry is from El Salvador.

On August 6, 1525, the official founding of Villa De San Salvador was declared in the Valle de las Hamacas, or the Valley of the Hammocks, where the indigenous ancestors of El Salvador fought historic battles against the submission and abuse of Spanish colonialism in order to preserve the life and liberty of the Cuscatleco population.

This is very significant and important, Madam Speaker, and I certainly want to say that we truly are a Nation of immigrants. Whether you be from South America, and even if you are from Ireland, we can never forget the problems there, the people starving to death, and there was the Irish potato.

Madam Speaker, I don't know why you call it the Irish potato; potato came from America, and that is what saved millions of our fellow Irish people coming over here to this country.

The interesting thing about it, too, is I have been to Central America and I have been to El Salvador, and I say that for good reason, millions of these people coming from Latin America come to this country why? Because they love freedom, they seek opportunity for jobs, and want the best America has to offer. What's wrong with that?

I think this resolution signifies the importance that we should recognize not only the presence of our fellow Salvadoran Americans, but also the contributions that they made to this great country.

Again, I commend the gentlewoman from California for proposing this resolution and I urge my colleagues to support it.

Mr. HONDA. Madam Speaker, I rise today in support of House Resolution 721, legislation introduced by Congresswoman HILDA L. SOLIS that I am proud to have cosponsored. H. Res. 721 supports the goals and ideals of a Salvadoran-American Day (El Día del Salvadoreño).

Currently, there are more than 900,000 Salvadoran Americans living in the United States, with the majority of them living in California, the Washington, D.C. metropolitan area, and New York. In the Los Angeles metropolitan area alone there are nearly 400,000 Salvadoran-Americans.

Today, El Día del Salvadoreño is celebrated among the Latino community in California. This celebration of Salvadoran traditions dates back to 1525 when the city of Villa De San Salvador was founded.

The history of the United States is a rich and enduring tapestry woven with the threads of many remarkable cultures and events, and the lives, work, and artistry of Salvadoran-Americans have added strength, vitality, and purpose to that tapestry.

As a former Peace Corp volunteer in El Salvador, I experienced first hand the culture, hard work and dedication of the people. I commend Salvadoran-Americans for their resilience and contribution to the stability and well-being of the United States. I also thank the estimated 800 Salvadoran nationals who are currently serving in the U.S. military for their efforts on behalf of the security of our country.

The Salvadoran-American community continues to make great economic and cultural contributions to daily life in the United States, and I am proud to support H. Res. 721 and the goals and ideals of Salvadoran-American Day.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in firm support of H. Res. 721, which supports the goals and ideals of a Salvadorian-American Day (El Dia del Salvadoreno) in recognition of all Salvadoran-Americans for their hard work, dedication, and contribution to the stability and well-being of the United States.

Salvadorans form an integral part of our communities and our labor force. My district in Northern Virginia, for example, is home to many hard-working Salvadorans who pay taxes and consume U.S. products. Salvadorans also play an important role in the economy of their native country by sending billions of dollars in payments to their families in Central America every year. The remittances that these individuals send to their families are a large source of revenue, which the United States could not match in foreign aid. As a result, after suffering through a string of brutal civil wars, El Salvador now has a moderate, democratically-elected government.

Madam Speaker, in closing it is all too easy to overlook the important and daily contributions that Salvadorian Americans have made not just to Northern Virginia, but to our Nation as a whole. This bill provides much needed and deserved recognition to the Salvadorian American community for the indelible mark they have made upon the diversity and prominence of our great nation. I urge an "aye" vote.

Mr. CLAY. Madam Speaker, I urge my colleagues to support H. Res. 721, supporting the goals and ideals of Salvadoran American Day, and I yield back the balance of my time.

Mr. MARCHANT. Madam Speaker, I urge Members to support H. Res. 721, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and agree to the resolution, H. Res. 721.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING ITALY ON WINNING THE 2006 WORLD CUP

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 908) congratulating Italy on winning the 2006 Federation Internationale de Football Association (FIFA) World Cup, as amended.

The Clerk read as follows:

H. RES. 908

Whereas for the first time in 24 years, the Italian National Soccer Team won the Federation Internationale de Football Association (FIFA) World Cup;

Whereas Italy is one of the most successful countries in World Cup history, reaching the finals 6 times and winning 4 championships, in 1934, 1938, 1982, and 2006;

Whereas the 2006 championship is due in large part to the extraordinary leadership of head coach Marcello Lippi and team Captain Fabio Cannavaro;

Whereas in 2006, team Italy (known as "Azzurri" or simply "the Blue") went undefeated in World Cup play and won the final game in only the second World Cup Championship to be determined by shoot-out;

Whereas in winning the World Cup, the Italian National Soccer Team faced adversity and overcame setbacks;

Whereas the vibrant culture and heritage of Italy were brought to our Nation by millions of Italian immigrants;

Whereas Italian Americans have made significant contributions to our Nation in all fields of endeavor;

Whereas Italian Americans rejoiced in the victory of the soccer team of their ancestral homeland, many spontaneously celebrating in American neighborhoods throughout our Nation;

Whereas all Americans can take pride in the knowledge that the United States National Soccer Team was the only team that Italy was unable to defeat during this World Cup, needing to settle with a 1-1 tie; and

Whereas the fans of the Italian National Soccer team, many hailing from the United States, represent some of the most enthusiastic in the world: Now, therefore, be it

Resolved, That the House of Representatives congratulates Italy and the Italian National Soccer team on winning the 2006 Federation Internationale de Football Association (FIFA) World Cup.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to request my colleagues' support for H. Res. 908, a resolution congratulating Italy on winning the 2006 Federation Internationale de Football Association, or FIFA, World Cup.

On July 9, 2006 the Italian team, known affectionately in Italy as Azzurri, or "The Blue," secured its place as one of the most successful teams in World Cup history, having reached the finals six times and having just won its championship.

Under the leadership of Coach Marcello Lippi and Captain Fabio Cannavaro, the Italian team went undefeated in World Cup play. I must point out in a bit of national pride that the only team Italy was unable to defeat was our very own United States National Team, with whom Italy tied 1–1.

The Italian championship at the FIFA World Cup highlights the vibrant culture and the heritage of Italy, the same vibrant culture and heritage brought to America by millions of Italian immigrants that has enriched and continues to enrich our great Nation through countless contributions to every aspect of our society.

This is a proud heritage that is shared by millions of Italian Americans, and a pride which extends to the Italian National World Cup team. Countless Americans throughout the United States rejoiced at Italy's success, and it is with a hearty "bene fatto" that I extend congratulations to Italy and to the Italian International Soccer team on winning the 2006 FIFA World Cup. I urge my colleagues to do likewise by agreeing to this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for the management of this legislation.

Madam Speaker, just over a week ago I had the tremendous pleasure of watching the thrilling finale of the World Cup championship match in Germany. As the winning penalty kick zipped past the French goalkeeper, I felt the joy of millions of Italians as they celebrated their historic fourth World Cup victory. For that matter, the entire planet with billions of people witnessing this special event, the number one sport in the world, not American football, I beg to say, Madam Speaker.

The Italians are known for the passion they exhibit in every endeavor they undertake. I cannot agree more with that. Whether it is in art, literature, mathematics, business or especially soccer, Italians all over the world pour their heart and soul into every task they assume.

Madam Speaker, this passion has led great men like Christopher Columbus, Amerigo Vespucci, Constantino Brumidi, Enrico Fermi and captains of industry A.P. Giannini, to contribute to the rock-solid foundation on which this country is built. Not to mention some of my favorite singers, Mario Lanza, Frank Sinatra, Tony Bennett, Perry Como, and the list goes on. This passion has also contributed mightily to the strong alliance between Italy and the United States since the end of World War II. Our bond with Italy kept the Soviet menace at bay during the decades of the Cold War.

Today, Italy aids in the fight for democracy. Our Italian allies fight, bleed, and even die to bring democracy to the people of Afghanistan and Iraq.

This passion was unabashedly unleashed in the worldwide celebrations following the Italian national soccer team's historic victory in Germany. I, for one, reveled in the images of our Italian friends singing and dancing around the world.

In all this praise for Italy and its fantastic soccer team, I would like to congratulate the fans who traveled to Germany to support their beloved Azzurri, as the national soccer team is known.

During the month-long tournament, the fans were a model of civility and good spirits.

Madam Speaker, the Italian fans, along with those from 31 other nations, enjoyed the beautiful country of Germany and all of its 64 thrilling soccer matches without any major incidents.

Finally, I would like to commend those involved with the security of the World Cup tournament. As we all know, this kind of world gathering, unfortunately, presents potential terrorist opportunities as well as other dangers. The German Government and security officials performed magnificently, the venues were safe, and the atmosphere always enjoyable.

This was an exciting month, capped off with an unforgettable ending for our longtime friends and allies, the Italian people. I strongly support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FOSSELLA), the original sponsor of this resolution.

Mr. FOSSELLA. Madam Speaker, I thank the gentlewoman for yielding.

As mentioned, last week with approximately a billion people watching, for the first time in 24 years, the Italian National Soccer Team won the Federation Internationale de Football Association World Cup. It was indeed a great day for the people of Italy. I know they celebrated with pride and enthusiasm, and they probably still are, and rightfully so.

But it was also a very important and poignant day for many Americans of Italian descent. While I, like many here, rooted for the American team, and I tip my hat to the U.S.A. team that tied the Italian soccer team, they should be very proud for trying and giving their best and representing our Nation well in Germany.

But no question, Italy's victory captivated the world and showed that teamwork is the key to success.

It was wonderful to watch the game across Staten Island and Brooklyn, whether it was the Dyker Heights section of Brooklyn, and I spent much of the day in Bensonhurst along 18th Avenue. I stopped into many of the clubs and restaurants, and literally televisions were in the middle of the street as people poured out to watch their favorite players and cheer. There were thousands celebrating into the night as well.

During the game, we were proud to watch Italy play with a passion, overcoming every challenge to go undefeated in the tournament and walk away the champions.

Team Italy, known as Azzurri, or simply "The Blue" went undefeated in World Cup play and won the final game in only the second World Cup championship to be determined by a shootout.

That makes Italy the second most successful country in World Cup history, winning four championships in 1934, 1938, 1982 and 2006. But fate rested on the side of Italy this year, and despite strong competition of many countries, Italy was the victor.

I am delighted to have introduced this resolution to recognize Azzurri and extend our praise to its coach, Marcello Lippi, and the entire team. I would like to thank Chairman HYDE, Ms. ROS-LEHTINEN, Ranking Member LANTOS. And also, finally, I know this has been a great relationship, which has just been mentioned, between Italy and the United States. The role that Italy has played is often taken for granted. It is one of our largest trading partners.

□ 1530

It is a nation that embraces Western values, that celebrates and cherishes freedom and individual liberty and has been an especially strong supporter of our country in the last several years as we engage in the war on terror.

There is no question that we have a tremendous bond with the Italian people and that it serves our interests as well as theirs. There is no question that there are many Americans of Italian descent who have made this country the greatest in the history of the world. From the art, the literature, the law, politics, music, you name it, there have been contributions from Americans of Italian descent.

And I would say, finally, if you had a visual of driving around at least Brooklyn on that day to see the American flag waving so proudly outside people's houses and on their door steps, and next to it the Italian flag, I think it represents the strong alliance and unbelievable embrace that Americans of Italian descent love this country, respect their heritage, and on that day, Italy proved to the world that teamwork and pride works. No, ifs, ands, or head butts.

Mr. FALEOMAVAEGA. Madam Speaker, I just have a couple of minutes and I want to yield to myself to again commend the gentleman from New York (Mr. FOSSELLA) for offering this legislation.

We have a long way to go as far as the sport of soccer is concerned. I just wish that maybe if it wasn't so much into American football, our Nation could concentrate and focus on the fact that this is the number one sport in the world. And I am sure that if we turn our resources, our technology, our know-how into becoming competent and being really proactive in this support, maybe our own country could also be favored to be among the top players in this sport.

It was interesting to note, Madam Speaker, that all the expectations were supposed to be on Brazil, and the great player Renaldo was supposed to give Brazil another World Cup. And then even Argentina was supposed to focus on this. But never was there any expectation that teams from Europe would dominate as they did, where Italy has now won this great sport.

Madam Speaker, I did have the gentleman from New York (Mr. CROWLEY) to come and also make a presentation, but unfortunately he is tied up with other meetings, but I am sure that he will have a separate statement to be submitted to be made part of the RECORD.

Mr. CROWLEY. Madam Speaker, I rise today to congratulate Italy on winning the 2006 Federation Internationale de Football Association (FIFA) World Cup. Throughout the competition Italy exhibited great sportsmanship and competitive skill that carried them through to the final round. Billions of soccer fans across he globe had the opportunity to follow Italy as the team progressed to become one of the most successful countries in World Cup history.

Under the extraordinary leadership of head coach Marcello Lippi and team Captain Fabio Cannavaro, Italy was able to win the championship for the fourth time in World Cup history. Some of the most enthusiastic fans of Italy hailed from the United States and were able to support their favorite team. Italy's victory was especially exciting for the millions of Italian Americans who proudly value Italian culture and heritage.

I would like to commend Congressman FOSSELLA for introducing H. Res. 908 to honor Italy's great athletic accomplishment. By participating in the FIFA World Cup, Italy was able to partake in an excellent forum for the development of international friendship and relationships.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in support of H. Res. 908, which congratulates the Italian national soccer team for their 2006 FIFA World Cup championship. The World Cup is a true testament of nations of the world putting aside their differences to come together in competition and athletic excellence.

Following Fabio Grosso's goal in penalty kicks sealing the Italian victory, people around the globe joined the people of Rome, Naples, and Milan in celebration of Italy's return to World Cup glory. Even back in my district, Italian Americans took to the streets of Franklin Avenue in the south end of Hartford with Italian flags, jerseys, face paint, and smiles in jubilation of the Italian victory.

I join my fellow colleagues, those back in my district, and Italians around the world in congratulating the Italian national soccer team on their undefeated tournament run and their incredible achievement of the Italian nation's fourth World Cup victory.

Mr. FALEOMAVAEGA. Madam Speaker, I have no further speakers and yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I also have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 908, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING KAZAKHSTAN ON 15TH ANNIVERSARY OF CLOSURE OF WORLD'S SECOND LARGEST NUCLEAR TEST SITE

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 905) congratulating Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site in the Semipalatinsk region of Kazakhstan and for its efforts on the nonproliferation of weapons of mass destruction.

The Clerk read as follows:

H. RES. 905

Whereas on August 29, 1991, the Government of Kazakhstan shut down the world's second largest nuclear test site in the Semipalatinsk region of the Republic of Kazakhstan;

Whereas between 1945 and 1991, more than 450 nuclear tests were conducted at this site, exposing more than 1.5 million innocent people to radiation and causing damage to the environment;

Whereas the damage to the environment and to the health of the people of Kazakhstan from this terrible legacy of hundreds of detonations of Soviet nuclear explosive devices could be felt for decades to come;

Whereas upon gaining independence, Kazakhstan inherited from the former Soviet Union more than 1,000 nuclear warheads, as well as a squadron of 40 TU-95 heavy bombers armed with 370 nuclear warheads, comprising the world's fourth largest nuclear arsenal;

Whereas Kazakhstan renounced this massive nuclear arsenal, unilaterally disarmed, and joined the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as a non-nuclear weapon state, the first time a state that had possessed such a massive nuclear arsenal had done so;

Whereas Kazakhstan's leadership and cooperation with the United States on nonproliferation matters is a model for other countries to follow;

Whereas Kazakhstan also inherited from the former Soviet Union the world's largest anthrax production and weaponization facility, which had a capacity to produce more than 300 metric tons of anthrax per year;

Whereas Kazakhstan, in cooperation with the United States Cooperative Threat Reduction (CTR) program, dismantled the military-related buildings and equipment associated with the anthrax production and weaponization facility;

Whereas the Government of Kazakhstan, in cooperation with the United States, participated in a very successful secret operation code-named "Project Sapphire," in which 581 kilograms (1,278 pounds) of weapons-grade highly enriched uranium, enough to produce 20 to 25 nuclear warheads, were removed overnight from Kazakhstan;

Whereas in December 2004 and May 2006, Kazakhstan and the United States concluded amendments to a bilateral agreement on the nonproliferation of weapons of mass destruction, which have moved the two countries toward a new level of cooperation in preventing the threat of bio-terrorism; and

Whereas in February 2006, Kazakhstan and the Nuclear Threat Initiative of Washington, D.C., with the support of the United States Department of Energy, blended down 2,900 kilograms (6,600 pounds) of weapons-usable highly enriched uranium, enough to produce up to 25 nuclear warheads, converting the material for peaceful use and preventing it from falling into the hands of terrorist organizations and being used in weapons production: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people and Government of the Republic of Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site in the Semipalatinsk region of Kazakhstan;

(2) commends Kazakhstan for greatly advancing the cause of the nonproliferation of weapons of mass destruction as a result of its dismantlement of its nuclear and biological weapons and facilities; and

(3) calls upon the Administration to establish a joint working group with the Government of Kazakhstan to assist in assessing the environmental damage and health effects caused by nuclear testing in the Semipalatinsk region by the former Soviet Union.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 905, congratulating Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site, and for its efforts on nonproliferation of weapons of mass destruction.

Kazakhstan was once home to the second largest nuclear test site in the world. From the years of 1945 to 1991, over 450 tests were carried out at that site.

After becoming independent from the Soviet Union, Kazakhstan was left with more than 1,000 nuclear warheads and with 40 heavy bombers armed with 370 nuclear warheads and comprising the world's fourth largest nuclear arsenal.

Immediately after achieving its independence, Kazakhstan successfully closed and secured its enormous nuclear test site.

Kazakhstan accepted support from the U.S. Department of Energy and readily complied with the nuclear threat initiative, blending down over 6,000 pounds of weapons grade highly enriched uranium.

Given the threats that we are facing from rogue states such as Iran, which has blatantly violated its nuclear nonproliferation obligations and which refuses to immediately stop its nuclear-related and weapons-related activities, we welcome the opportunity to stand here today commemorating Kazakhstan's landmark decision.

In addition to inheriting a massive nuclear arsenal from the Soviet Union, Kazakhstan was also left with the world's largest anthrax production and weaponizing facility.

Through cooperation with the United States Cooperative Threat Reduction program, CTR, Kazakhstan was able to successfully dismantle the military-related buildings and equipment related to such anthrax programs.

I ask my colleagues to support this important resolution and, in so doing, join us in commending the people and the government of Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site and for greatly advancing global nonproliferation efforts by dismantling its nuclear and biological weapons and facilities.

Madam Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, again I want to thank my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN), especially in her capacity as chairperson of the Subcommittee on the Middle East and Eastern Europe, and especially my good friend, the gentleman from New York (Mr. ACKERMAN), who is our ranking member of the subcommittee. I certainly want to thank also Chairman HENRY HYDE and Mr. TOM LANTOS, our senior ranking member of the House International Relations Committee. Without their support, Madam Speaker, House Resolution 905 would not be possible. And I really, really appreciate their help and assistance in providing this resolution now before the floor.

Madam Speaker, I rise today in support of House Resolution 905, congratulating Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site in Semipalatinsk region of Kazakhstan, and for its efforts on the nonproliferation of weapons of mass destruction.

House Resolution 905 is historic for these reasons, Madam Speaker. It is historic because this is the first time the U.S. House of Representatives has considered legislation in praise of

Kazakhstan, a former Soviet republic that has proved to be a true ally of the United States.

It is also historic because it is being considered on the 60th birthday of my dear friend and brother. I consider my brother, the Honorable Kanat Saudabayev, the Ambassador of the Republic of Kazakhstan to the United States. Ambassador Saudabayev has worked tirelessly to represent the interests of Kazakhstan in the United States and has served His Excellency, Mr. Sursultan Nazarbayev, the President of Kazakhstan, with distinction and honor.

Ambassador Saudabayev and his wife and children and grandchildren are with us. It is my privilege to wish him a happy birthday and commend him for his service to his nation and certainly to the United States as well.

Madam Speaker, House Resolution 905 recognizes Kazakhstan as a model for advancing the cause of nuclear nonproliferation. After the collapse of the Soviet Union in 1991, Kazakhstan inherited a ruined economy and became overnight the world's fourth largest recipient and supplier of nuclear weapons.

This arsenal of nuclear weapons could possibly have helped to resolve the financial problems of this young and struggling nation. However, under the leadership of President Nazarbayev, the people of Kazakhstan, knowing firsthand the horrible effects of nuclear tests, made a choice to renounce nuclear weapons all together. In fact, immediately after achieving independence, and in spite of threats from the Kremlin, President Nazarbayev closed and sealed the world's second largest nuclear test site at Semipalatinsk, where the Soviet Union conducted almost 500 nuclear tests from 1949 to 1991.

Our Nation assisted President Nazarbayev to dismantle these nuclear weapons through the leadership of former Senator Sam Nunn and Chairman RICHARD LUGAR, with the enactment of the Nunn-Lugar Act that provided the necessary funds to carry out the elimination of these nuclear weapons.

Madam Speaker, today few know about President Nazarbayev's heroic decision which, in my humble opinion, changed the course of modern history. Few know that this story about Kazakhstan did not bargain and did not lobby to gain political or economic dividends from its choice. Rather, Kazakhstan, for the sake of global peace and security, consciously chose to ensure a brighter future for their children and for the rest of the world.

Can you believe a Muslim country having in its possession all these nuclear weapons that President Nazarbayev could have easily doled out, sold them, and made it such that it could have been a very, very dangerous situation for the world.

I believe we should speak out more often of Kazakhstan's example, Madam Speaker. While I am grateful that the world is aware of the Chernobyl disaster, where several thousands perished, I am saddened that the world knows so little about the tragedies of Semipalatinsk, the Marshall Islands and French Polynesia, where children and elderly have gone dying for decades as a result of Cold War policies and also being directly affected because of nuclear contamination.

At Semipalatinsk, Kazakhstan, the cumulative power of explosions from nuclear tests conducted by the former Soviet Union is believed to be equal to the power of 2,500 explosions of the type of bombs dropped in Hiroshima, Japan in 1945. More than 1.5 million people of Kazakhstan suffered from nuclear contamination as a result of these tests, and a horrifying array of diseases will continue to destroy the lives of these good people.

Madam Speaker, as a Pacific Islander, I have a tremendous affinity to the people of Kazakhstan because the Marshallese and the Polynesian Tahitians also know firsthand the horrors of nuclear testing. Bikini is one of 29 atolls and five islands that compose the Marshall Islands. These atolls are located north of the equator and are scattered over some 357,000 square miles of the Pacific Ocean. Because of their location away from regular air and sea routes, these atolls were chosen by our government to be the nuclear proving grounds for the United States.

From 1946 to 1958 the United States detonated 67 nuclear weapons at the Marshall Islands, which included the first hydrogen bomb explosion of what is known as the Bravo shot, a 15 megaton shot, which is equivalent to 1,000 times more powerful than the bombs we dropped on Nagasaki, Hiroshima. Acknowledged as the greatest nuclear explosion ever detonated by the United States, the Bravo shot vaporized six islands, and created a mushroom cloud 25 miles up in the atmosphere. It has been said that if one were to calculate the net yield of the tests conducted in the Marshall Islands, it would be equivalent to the detonation of 1.7 Hiroshima nuclear bombs every day for 12 years.

The U.S. nuclear testing program exposed the people of the Marshall Islands to severe health problems and genetic abnormalities for generations. The U.S. nuclear testing program in the Marshall Islands also set a precedent for France to use the islands of the Pacific for its own testing program. For some 30 years the French Government detonated approximately 218 nuclear bombs on Moruroa and Fangataufa atolls near Tahiti.

In 1995, while the world turned a blind eye, the newly elected President, Jacques Chirac, announced that France would violate the 1992 world moratorium on nuclear testing and exploded eight more nuclear bombs on Moruroa and Fangataufa atolls beginning in September 1995.

Chirac said the nuclear explosions would have no ecological consequences. Give me a break. They described his decision as irrevocable. And what is known about this is that we even told France, you don't need to explode any more nuclear bombs. You can do it electronically. Despite all of this, still couldn't do it.

I also made an irrevocable decision to accompany Mr. Oscar Temaru, the current President of French Polynesia on the Greenpeace warrior vessel which took us to Moruroa as part of some 20,000 demonstrators who came from Europe, from Japan, from the United States, from New Zealand, Australia and elsewhere to protest President's Chirac's decision to break France's commitment to a moratorium not to conduct any more nuclear tests.

□ 1545

Later I personally visited Moruroa under the supervision of the French Government, and to this day portions of that atoll is still contaminated.

Madam Speaker, in 2003, as a direct result of my friendship with the good Ambassador from Kazakhstan, I became aware of the magnitude of the problem of Semipalatinsk. In August, 2004, I felt a deep sense of obligation as a Member of Congress who had visited the nuclear test sites in the Marshall Islands and in French Polynesia and also now to the Semipalatinsk test site. During my visit and in later discussions with President Nazarbayev, I learned that I was the first American legislator to set foot on ground zero where the Soviet Union exploded its first nuclear device in 1949. And guess what, Madam Speaker? It is still contaminated to this day.

Madam Speaker, considering the courageous decision made by President Nazarbayev to shut down the Semipalatinsk test site so that you and I and future generations may live in peace, I believe we have a moral responsibility to bear the burdens of our brothers and sisters in Semipalatinsk. This is why I am pleased that this House resolution calls upon the administration to establish a joint working group with the Government of Kazakhstan to assist in assessing the environmental damage and health effects caused by nuclear testing in the Semipalatinsk region by the former Soviet Union.

As important as this resolution is, Madam Speaker, I also believe the international community should more fully acknowledge Kazakhstan's tremendous contribution to world peace. While I am pleased this year's Nobel Peace Prize was awarded to the United Nations director general of the International Atomic Energy Agency, the

IAEA. I believe President Nazarbayev, Senator RICHARD LUGAR, and Senator Sam Nunn should also be seriously considered for the Nobel Peace Prize for reaffirming the worth and advancing the rights of human beings around the world and by dismantling the world's fourth largest nuclear arsenal, closing and sealing the Semipalatinsk test site, and most recently blending down 6,600 pounds of weapons-usable highly enriched uranium, or enough to produce up to 25 nuclear warheads, converting the material for peaceful use and thereby preventing it from falling into the hands of terrorist organizations.

I submit, Madam Speaker, these are some of the achievements that President Nazarbayev and Senator LUGAR and Senator Nunn have made, and they certainly should be recognized by leaders of our world community.

I want to share with my colleagues the substance of the paper that was delivered by my good friend, Ambassador Saudabayev, concerning what happened in Kazakhstan. And I quote:

"The people of Kazakhstan have experienced firsthand the devastating force of nuclear weapons. During four decades, the Soviet Union conducted 456 nuclear explosions at the world's largest nuclear test site at Semipalatinsk. The cumulative power output of these explosions equaled 2,500 Hiroshima-size bombs. More than 1.5 million Kazaks were exposed.

"That is, Kazakhstan made the unprecedented step in the history of the world and became the first country to shut down a nuclear test site and renounce the world's fourth largest nuclear arsenal. At that time this arsenal was larger than the nuclear weapons stockpiles of Great Britain, France, and China combined. Kazakhstan had 1,040 nuclear warheads for intercontinental ballistic missiles SS–18 and 370 nuclear warheads for cruise missiles and 40 strategic multipurpose bombers TU–95 to deliver them."

The point I wanted to make about the Ambassador's statement, Madam Speaker, is that Kazakhstan is no longer involved in this madness of developing as well as holding on to nuclear weapons.

With the recent announcement of our need to establish a global initiative to combat nuclear terrorism and on the occasion of the 15th anniversary of the closure of the world's second largest nuclear test site at Semipalatinsk, it is only fitting and fair that we should acknowledge Kazakhstan's commitment and leadership in nuclear disarmament and nonproliferation. For this reason I urge my colleagues to support the House Resolution 905.

Madam Speaker, I rise in strong support of this resolution. H. Res. 905 congratulates Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site in the Semipalatinsk region of Kazakhstan and for its efforts on the nonproliferation of weapons of mass destruction.

H. Res. 905 is non-controversial and historic. It is historic because this is the first time the U.S. House of Representatives has considered legislation in praise of Kazakhstan, a former Soviet Republic that has proved to be a true ally of the U.S.

It is also historic because it is being considered on the 60th birthday of my friend and brother, His Excellency Kanat Saudabayev, Ambassador of the Republic of Kazakhstan. Ambassador Saudabayev has worked tirelessly to represent the interests of Kazakhstan in the U.S. and has served his President, Nursultan Nazarbayev, with distinction and honor and, today, it is my privilege to wish him a happy birthday and commend him for his service to his nation and ours.

Also, at this time, I thank Chairman HENRY HYDE and Ranking Member TOM LANTOS of the International Relations Committee for their support in moving this important legislation forward. I also thank Congresswoman ILEANA ROS-LEHTINEN and Congressman GARY ACKERMAN, Chair and Ranking Member of the Subcommittee on the Middle East and Central Asia, for cosponsoring this legislation. Without their support, H. Res. 905 would not be possible.

H. Res. 905 recognizes Kazakhstan as a model for advancing the cause of nuclear nonproliferation. After the collapse of the Soviet Union in 1991, Kazakhstan inherited a ruined economy and the World's fourth largest nuclear arsenal. This arsenal could possibly have helped to resolve the financial problems of this young and struggling nation.

However, led by President Nazarbayev, the people of Kazakhstan, knowing firsthand the horrible effects of nuclear tests, made a choice to renounce nuclear weapons. In fact, immediately after achieving independence and in spite of threats from the Kremlin, President Nazarbayev closed and sealed the world's second largest nuclear test site at Semipalatinsk where the Soviet Union conducted more than 450 nuclear tests from 1949 to 1991.

Today, few know about President Nazarbayev's heroic decision which undoubtedly changed the course of modern history. Few know this story because Kazakhstan did not bargain and did not lobby to gain political or economic dividends from its choice. Rather, Kazakhstan, for the sake of global peace and security, consciously chose to ensure a brighter future for their children and ours.

For this reason, I believe we should speak more often of Kazakhstan's example. While I am grateful that the world is aware of the Chernobyl disaster where thousands perished, I am saddened that the world knows so little about the tragedies of Semipalatinsk, the Marshall Islands and French Polynesia where children and the elderly have been dying for decades as a result of Cold War policies that to this day have never been set right.

In Semipalatinsk, the cumulative power of explosions from nuclear tests conducted by the former Soviet Union is believed to be equal to the power of 2,500 explosions of the type of bomb dropped on Hiroshima, Japan in 1945. More than 1.5 million people in Kazakhstan suffered from nuclear contamination as a result of these tests and a horrifying array of disease will continue to destroy the lives of many more.

As a Pacific Islander, I have a special affinity for the people of Kazakhstan because the Marshallese and Polynesian Tahitians also know firsthand the horrors of nuclear testing. Bikini is one of 29 atolls and five islands that compose the Marshall Islands. These atolls are located north of the equator and are scattered over 357,000 square miles of the Pacific Ocean. Because of their location away from regular air and sea routes, these atolls were chosen to be the nuclear proving ground for the United States.

From 1946 to 1958, the United States detonated 66 nuclear weapons in the Marshall Islands including the first hydrogen bomb,or Bravo shot, which was 1,000 times more powerful than the bomb dropped on Hiroshima. Acknowledged as the greatest nuclear explosion ever detonated by the U.S., the Bravo shot vaporized 6 islands and created a mushroom cloud 25 miles in diameter. It has been said that if one were to calculate the net yield of the tests conducted in the Marshall Islands, it would be equivalent to the detonation of 1.7 Hiroshima nuclear bombs every day for 12 years.

The U.S. nuclear testing program exposed the people of the Marshall Islands to severe health problems and genetic anomalies for generations to come. The U.S. nuclear testing program in the Marshall Islands also set a precedent for France to use the islands of the Pacific for its own testing program. For some 30 years, the French Government detonated approximately 218 nuclear devices at Moruroa and Fangataufa atolls in Tahiti. In 1995, while the world turned a blind eye, the newly elected President of France, Jacques Chirac, announced that France would violate the 1992 world moratorium on nuclear testing and explode 8 more nuclear bombs at Moruroa and Fangataufa atolls beginning in September 1995. Chirac said that the nuclear explosions would have no "ecological consequences" and described his decision a "irrevocable."

I also made an irrevocable decision and, in August 1995, accompanied Mr. Oscar Temaru, who is now the President of French Polynesia, on the Green Peace Warrior which took us to Moruroa in protest of President Chirac's decision to break the world moratorium. Later, I personally visited Moruroa under the supervision of the French Government and I remember well the fact that on certain areas of the island, it was off-limits and obviously contaminated and unfit for human occupation. After years of denial, the French Government has finally admitted there are leakages of radioactive materials from these atolls where the nuclear tests were conducted. As a result, some 10,000 Tahitians are believed to be severely exposed to nuclear radiation and the French Government has done little or nothing to properly diagnose or even give medical treatment to the Tahitian workers who were victims of this tragedy.

In 2003, as a direct result of my friendship with Ambassador Saudabayev, I became aware of the magnitude of the problem of Semipalatinsk. In August 2004, I felt a deep sense of obligation as a Member of Congress who had visited the nuclear test sites in the

Marshall Islands and Tahiti to also visit the Semipalatinsk test site. During my visit and in later discussions with President Nazarbayev, I learned that I was the first American legislator to set foot on ground zero in Kazakhstan.

Considering the courageous decision made by President Nazarbayev to shut down the Semipalatinsk test site so that you and I and future generations may live in peace, I believe we have a moral responsibility to bear the burdens of our brothers and sisters in Semipalatinsk. This is why I am pleased that H. Res. 905 calls upon the Administration to establish a joint working group with the Government of Kazakhstan to assist in assessing the environmental damage and health effects caused by nuclear testing in the Semipalatinsk region by the former Soviet Union.

As important as this resolution is, I also believe the international community should more fully acknowledge Kazakhstan's contribution to world peace. While I am pleased that this year's Nobel Peace Prize was awarded to the Director General of the International Atomic Energy Agency (IAEA), I believe President Nazarbayev should also receive the Nobel Peace Prize for reaffirming the worth and advancing the rights of the human person by dismantling the world's 4th largest nuclear arsenal, closing and sealing the Semipalatinsk test site, and most recently blending down 6,600 pounds of weapons-usable highly enriched uranium, or enough to produce up to 25 nuclear warheads, converting the material for peaceful use and thereby preventing it from falling into the hands of terrorist organizations.

I also believe Senator RICHARD LUGAR and former Senator Sam Nunn should likewise be honored for establishing the Nunn-Lugar Cooperative Threat Reduction (CTR) program which provides assistance to Russia and the former Soviet republics for securing and destroying their excess nuclear, biological and chemical weapons.

With the recent announcement of our need to establish a global initiative to combat nuclear terrorism and on the occasion of the 15th anniversary of the closure of the world's second largest nuclear test site at Semipalatinsk, it is only fitting and fair that we should acknowledge Kazakhstan's commitment and leadership in nuclear disarmament and nonproliferation. For this reason, I urge my colleagues to support H. Res. 905 and I thank Minority Leader PELOSI and Majority Leader BOEHNER for bringing this timely resolution to the floor.

Madam Speaker, I gladly yield 5 minutes to my dear friend and colleague from the great State of Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I thank the gentleman from American Samoa for yielding.

I rise today to congratulate the people and the Government of the Republic of Kazakhstan on the 15th anniversary of the closure of the former Soviet nuclear test site within their borders. I am pleased to commend Kazakhstan on its tireless work for nonproliferation of weapons of mass destruction, and I call upon the administration and my colleagues here in Congress to assist Kazakhstan in assessing the environmental damage caused by Soviet testing.

This is a very important and very personal issue to me. I represent southern Nevada, where the United States detonated over 900 nuclear bombs at the Nevada test site in the 1950s and 1960s. Nevadans and residents of surrounding States paid a very heavy price for this testing especially during the above-ground testing years. Environmental contamination and the devastating impact on the health of the people living in this area, living in the southwestern region of the United States of America, were unconscionable and unacceptable and can never be allowed to happen again.

I remember as a kid growing up in Las Vegas, so many of my friends' mothers and fathers worked at the Nevada test site. They would be bussed into the test site during the week. They would be bussed home during the weekend. Little did any of us realize that they were being contaminated as they worked for our government in the attempt and in the thought that they were doing something good and important for national security.

I recall, after being elected to Congress, going to a meeting of all the former Nevada test site workers, at least those that were still alive. There were 200 people in the room when I walked in. We asked that everybody in the room that had been a worker at the test site who had some form of cancer, if they would mind standing and acknowledging that fact. Every single person in that room, all 200 of them, stood up because they were all suffering from a form of cancer.

Radioactive contamination from tests in both Nevada and in Kazakhstan indiscriminately spread across the globe, eventually causing world powers to recognize the terrible health risks, stop atmospheric testing, and finally end all testing. We must prevent a return to nuclear testing, and we must continue to redress the problems that have been caused by testing over the last 60 years and continue to cause environmental and health threats from the United States to the former Soviet Union, Kazakhstan, to the South Pacific, Marshall Islands, and many other places that have been harmed by nuclear testing.

Today is the 60th birthday of my friend and partner in opposing nuclear proliferation, His Excellency Kanat Saudabayev, the Ambassador to the United States from the Republic of Kazakhstan. I do not think it is appropriate to acknowledge the fact that he is in the gallery, but I will be joining him in the gallery to congratulate him on reaching this milestone when I conclude my remarks.

It was my great pleasure in June to cochair, at his suggestion, a public symposium in Las Vegas on the Legacy and Lessons of Nuclear Testing in Kazakhstan and Nevada. Over 100 of my constituents joined me and the Ambassador for this remarkable event, and it was with a strong sense of commitment that I submitted into the CONGRESSIONAL RECORD the Ambassador's and my joint statement of opposition to nuclear proliferation and our ongoing commitment to working for a safer world.

I salute the Ambassador, his President, and the people of Kazakhstan and look forward to working with them on eliminating the threat of nuclear testing and nuclear weapons proliferation and congratulate them for their very courageous actions.

I wholeheartedly support H. Res. 905. I commend my friend and colleague, the gentleman from American Samoa, for drafting this timely and important resolution, and I strongly urge its passage.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield 5 minutes of our time to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

The SPEAKER pro tempore. The gentleman from American Samoa is recognized for 5 additional minutes.

Mr. FALEOMAVAEGA. Madam Speaker, how much more time do I have on this side?

The SPEAKER pro tempore. The gentleman has 8½ minutes.

Mr. FALEOMAVAEGA. Thank you, Madam Speaker.

I want to commend the gentlewoman from Nevada for a most eloquent statement. And nothing pleases me more than to know that one of my colleagues has had personal experience in dealing with nuclear testing.

I must say for the record I am probably one of the few Members who have ever visited the actual nuclear test sites. I have been to French Polynesia. I have been to Moruroa. It is not a very pleasant sight when you see a nuclear explosion like a flower, a beautiful array of colors, but very deadly. I have been to Semipalatinsk, ground zero, where the Soviet Union exploded its first nuclear weapon in 1949. That place is still contaminated. So with 10,000 French Tahitians who were exposed to nuclear contamination, 1.5 million people of Kazakhstan exposed to nuclear contamination, several hundred Marshallese people exposed to nuclear contamination, Madam Speaker, I submit we have a moral obligation to help these people, to assist them with their medical needs. And, unfortunately, I must say my own government has not done a very good job in helping the people of the Marshall Islands, providing the best medical treatment that we can give.

When that 15-megaton hydrogen bomb was exploded, there was no warning given to the people living in Rongelap and Utirik. And guess what? That nuclear cloud that came over as result of the explosion of this hydrogen bomb literally caused some very serious problems. I have talked to some of the women in the Marshall Islands. Five times they have had to have cancer operations of the lymph nodes. And this is just an example of our failure as a government to fulfill our responsibility to what we have done to these people in the Marshall Islands.

And I want to say that I commend also the Government of Kazakhstan and all the efforts that they are making. I visited the hospitals, seen the nuclear victims and, sad to say, the cancer, the results of women not giving birth in normal cycles.

This is very bad, and I sincerely hope that my colleagues and we as a government could be more responsible, especially in our responsibility to the people of the Marshall Islands.

Madam Speaker, I have several documents of a symposium that was conducted December 16, 2003, here in Washington, D.C., and I will include in the Record the statement of Ambassador Kanat Saudabayev and a table also indicating the various nuclear explosions that had taken place since we started this madness in 1945 up until 1998.

A realistic comparison to make here: We exploded a 15-megaton bomb. The Soviet Union exploded a 50-megaton hydrogen bomb in 1961, which was 3.333 times more powerful than the Hiroshima and Nagasaki atom bombs that we exploded in Japan. You can just imagine what this means to the 1.5 million Kazaks who were exposed in this terrible, terrible time of our world's history, what the Soviet Union had done to these good people.

Madam Speaker, again I want to thank my good friend, the gentlewoman from Florida for her support and management of this legislation.

I urge my colleagues to support this resolution.

SYMPOSIUM REMARKS BY KANAT SAUDABAYEV

Hon. Senator Nunn, Congressmen Faleomavaega, Your Excellencies, Ladies and gentlemen, It is difficult to overestimate the pressing urgency of today's symposium; weapons of mass destruction and the desire by international terrorists to use them have become the most dangerous threat in the world.

The people of Kazakhstan have experienced first-hand the devastating force of nuclear weapons. During four decades, the Soviet Union conducted 456 nuclear explosions at the world's largest nuclear test site at Semipalatinsk. The cumulative power output of these explosions equaled 2,500 Hiroshima-size bombs. More than 1.5 million people suffered from these tests in Kazakhstan, and vast territories became absolutely useless for life.

That is why Kazakhstan made the unprecedented step in the history of the world, and became the first country to shut down a nuclear test site and renounce the world's fourth largest nuclear arsenal. At that time this arsenal was larger than the nuclear weapons stockpiles of Great Britain, France and China combined. Kazakhstan had 1,040 nuclear warheads for intercontinental, ballistic missiles (ICBMs) 55–18 and 370 nuclear warheads for cruise missiles, and 40 strategic multipurpose bombers TU–95 to deliver them.

Today, there are no nuclear weapons in Kazakhstan. The infrastructure of the test site has been demolished. This was possible due to close cooperation between our two countries during the past decade under the Nunn-Lugar Program.

It could have been very different. In the early days of independence, there was no shortage of foreign emissaries asking our President to keep the nuclear weapons, saying that you are going to be the first and only Muslim nation with nuclear weapons and that you are going to be respected by the whole world. I must say that a significant portion of Kazakhstan's elite of that time were also in favor of keeping the nuclear arsenal. Today it would be fair to say that our renunciation of nuclear weapons was a courageous choice of historic significance by the President of Kazakhstan, Nursultan Nazarbayev.

The President convincingly tells the story of what was behind that choice in his book, Epicenter of Peace, which we present to you today. I must say that the book's first presentation in Washington was supposed to happen on September 11, 2001. The time that has passed since that tragic day has only confirmed and reinforced the urgent need to tackle the problems discussed in the book. Yet another argument against weapons of mass destruction and their proliferation is the photo exhibit, Kazakhstan: From Nuclear Nightmare to Epicenter of Peace, which you can see here.

Today Kazakhstan strongly urges the world to follow our example and further reduce and eliminate nuclear arsenals as well as other weapons of mass destruction, and prevent them from falling into the hands of terrorists.

This is the reason Kazakhstan has become a strong partner of the United States and the international coalition in the fight against terrorism from the very first days after the tragedy of September 11. We provide assistance to Operation Enduring Freedom in Afghanistan. Today our troops, the only ones, from our region, are taking part in the postwar stabilization and restoration of Iraq.

I believe Kazakhstan's experience of cooperating with the United States in nonproliferation of weapons of mass destruction and eliminating the infrastructure that supports them provide meaningful answers to modern challenges.

We are eager to further strengthen our cooperation with the United States and other nations who are interested in the prevention of further proliferation of WMDs.

Today's forum, taking place in the U.S. Congress, a universally recognized citadel of democracy and freedom, is vivid proof of strengthening cooperation between Kazakhstan and the U.S. to ensure security in the world.

There are people in this room today who by the call of duty and the call of heart are committed to the ideal of nonproliferation and are doing everything possible to free the world of the threat of weapons of mass destruction. The symposium has gained a special significance with the participation of outstanding statesmen such as senators Sam Nunn and Richard Lugar who established the famous Cooperative Threat Reduction Program. I believe their enormous contribution to global security has yet to be fully appreciated by the world.

The Presidents of our two countries, George W. Bush and Nursultan Nazarbayev, support this symposium's goals and each sent a message. It is with great pleasure that I would like to carry out the honorable mission assigned to me by President Nursultan Nazarbayev and read out his message to the symposium.

Ambassador Saudabayev, assigned to Washington since December 2000, brings an important contribution strengthening the growing strategic partnership between Kazakhstan and the United States of America in the spheres of security, economy and democratic development.

Before his appointment to the U.S., Ambassador Saudabayev had a long career in the fields of government, diplomacy and the arts.

In 1999 and 2000, he served as the head of the Prime Minister's Office with the rank of Cabinet member.

In the 1990s, he served as Kazakhstan's Ambassador to the United Kingdom of Great Britain and Northern Ireland, and to Turkey.

During 1994, as the Minister of Foreign Affairs, Ambassador Saudabayev worked to implement the developing foreign policy of his young independent state. He was Kazakhstan's signatory to NATO's Partnership for Peace agreement.

In the fall of 1991, he became the last Soviet Ambassador ever appointed, to Turkey, by President Mikhail S. Gorbachev. As he was planning to take up his post, the Soviet Union ceased to exist. Within weeks he was on his way to Turkey again, but as the first Ambassador ever from an independent Kazakhstan to any nation.

Working in Moscow from September 1991 through May 1992 as the Plenipotentiary Representative of the Kazakh Soviet Socialist Republic to the USSR, and then, after the Soviet Union collapsed, to the new Russian republic, Kanat Saudabayev was a direct participant in and a witness to many crucial events of those historic days.

Before entering the diplomatic service, Ambassador Saudabayev had a distinguished cultural career serving as Chairman of the State Committee of Culture with the rank of Minister, Chairman of the State Film Committee, and Deputy Culture Minister. He began his career as a theatrical producer.

Ambassador Saudabayev holds degrees from the Leningrad Institute of Culture and the Academy of Public Sciences of the Central Committee of Communist Party of the Soviet Union. He has a Ph.D. in Philosophy from the Kazakh State University and a Ph.D. in Political Science from Moscow State University. His service has been recognized with the Order of Kurmet (Distinguished Service).

Kanat Saudabayev is married to Kullikhan with two sons and a daughter, and three grandchildren. He was born in the Almaty region in 1946.

MILESTONE NUCLEAR EXPLOSIONS

[The following list is of milestone nuclear explosions. In addition to the atomic bombings of Hiroshima and Nagasaki, the first nuclear test of a given weapon type for a country is included, and tests which were otherwise notable (such as the largest test ever). All yields (explosive power) are given in their estimated energy equivalents in kilotons of TNT (see megaton).]

Date	Name	Yield (kt)	Country	Significance
Jul 16 1945	Trinity	19	USA	First fission weapon test
Aug 6 1945	Little Boy	15	USA	Bombing of Hiroshima, Japan
Aug 9 1945	Fat Man	21	USA	Bombing of Nagasaki, Japan
Aug 29 1949	Joe 1	22	USSR	First fission weapon test by the USSR
Oct 3 1952	Hurricane	25	UK	First fission weapon test by the UK
Nov 1 1952	Ivy Mike	10,200	USA	First "staged" thermonuclear weapon test (not deployable)
Aug 12 1953	Joe 4	400	USSR	First fusion weapon test by the USSR (not "staged", but deployable)
Mar 1 1954	Castle Bravo	15,000	USA	First deployable "staged" thermonuclear weapon; fallout accident
Nov 22 1955	RDS-37	1,600	USSR	First "staged" thermonuclear weapon test by the USSR (deployable)
Nov 8 1957	Grapple X	1,800	UK	First (successful) "staged" thermonuclear weapon test by the UK
Feb 13 1960	Gerboise Bleue	60	France	First fission weapon test by France
Oct 31 1961	Tsar Bomba	50,000	USSR	Largest thermonuclear weapon ever tested
Oct 16 1964	596	22	China	First fission weapon test by China
June 17 1967	Test No. 6	3,300	China	First "staged" thermonuclear weapon test by China
Aug 24 1968	Canopus	2,600	France	First "staged" thermonuclear test by France
May 18 1974	Smiling Buddha	12	India	First fission nuclear explosive test by India
May 11 1998	Shakti I	43	India	First potential fusion/boosted weapon test by India (exact yields disputed, between 25kt and 45kt)
May 13 1998	Shakti II	12	India	First fission "weapon" test by India
May 28 1998	Chagai-I	9	Pakistan	First fission weapon test by Pakistan

Mr. LANTOS. Madam Speaker, I rise in strong support of this resolution. I would first like to commend my good friend and colleague from American Samoa, ENI FALEOMAVAEGA, for introducing this important measure. He has been the leader in Congress on matters related to the legacy of nuclear testing, both in the former Soviet Union and in the Pacific, and we greatly appreciate his hard work.

Madam Speaker, upon the dissolution of the Soviet Union, the newly-minted independent nation of Kazakhstan found itself in possession of the fourth largest nuclear arsenal in the world. Kazakhstan inherited more than 1,000 nuclear weapons and a squadron of heavy bombers armed with 370 nuclear warheads from the Soviet Union.

Rather than embrace their nuclear status, the people of Kazakhstan made a farsighted decision fifteen years ago. They closed their nation's nuclear test site, and yielded all of their inherited nuclear arsenal and weapons materials back to Russia.

Kazakhstan, the victim for so long of Soviet domination, completely and voluntarily rescinded their membership in the nuclear club. The nation proudly joined the Treaty on the Non-Proliferation of Nuclear Weapons, or "NPT", as a non-nuclear weapon state, the first time a state that had possessed such a massive nuclear arsenal had done so.

While Kazakhstan made a wise decision to rid itself of its nuclear arsenal, the damage to the environment and to the health of the people of Kazakhstan will be felt for decades to come. Between 1945 and 1991, more than 450 nuclear tests were conducted at the Semipalatink test site, exposing more than 1.5 million innocent people to radiation and causing massive damage to the environment.

It is for that reason that the United States should work with Kazakhstan to establish a joint working group to help assess the environmental damage and health affects caused by the nuclear testing.

Madam Speaker, Kazakhstan's commitment to nuclear non-proliferation, and to nuclear disarmament, is an inspiring one, and a shining example for others to follow. It has strengthened immeasurably the global nuclear nonproliferation regime, and we greatly appreciate these actions.

Madam Speaker, I strongly support this resolution, and I urge all of my colleagues to join me in doing likewise.

Mr. FALEOMAVAEGA. Madam Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 905.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

COMMENDING AND SUPPORTING RADIO AL MAHABA

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 784) commending and supporting Radio Al Mahaba, Iraq's first and only radio station for women.

The Clerk read as follows:

H. RES. 784

Whereas Radio Al Mahaba, Iraq's first and only radio station for women, went on the air on April 1, 2005;

Whereas Radio Al Mahaba is an educational tool, broadcasting in three different languages and giving women freedom to voice opinions and hear other opinions;

Whereas Radio Al Mahaba airs shows dedicated to women's rights and women's issues;

Whereas such shows are devoted to relationships, parenting, and other social topics;

Whereas despite terrible risks, the staff of Radio Al Mahaba works at the station because they want to reach out and touch peoples' lives, and they want to give hope, knowledge, empowerment, support, and a passage to freedom to Iraqi women;

Whereas Radio Al Mahaba, amid the struggles in Iraq, has followed the examples of the United States which guarantees freedoms of speech and the press, thereby encouraging Iraqis to build an open, democratic civil society;

Whereas Radio Al Mahaba has a positive, important role in educating women;

Whereas Radio Al Mahaba provides women with freedom of speech;

Whereas Radio Al Mahaba provides an opportunity for women to secure their role in the governance of a civil society within Iraq; and

Whereas Radio Al Mahaba meets a palpable need of Iraqi women: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the efforts of Radio Al Mahaba to provide Iraqi women with freedom of speech and an opportunity for women to be included in and informed of the reconstruction of Iraq with an open, democratic civil society;

(2) supports the mission of Radio Al Mahaba; and

(3) urges Al Mahaba to continue its important work.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ACKERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

☐ 1600

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 784, introduced by our colleague Mrs. MCCARTHY, and a measure of which I am proud to be an original cosponsor, commends and supports Iraq's first and only radio station for women, Al Mahaba. All of us who have spent time in the Middle East know of the courage that it takes for women to take to the airwaves and provide education and information for women.

It was April 1, 2005, when Al Mahaba first went on the air. Despite personal risk, these courageous people took to the airwaves, in the words of the resolution, to reach out and touch people's lives, and give hope, knowledge empowerment, support and a passage to freedom to Iraqi women.

Its commitment was to serve as an important education resource for women, for broadcasting in three languages, and enabling women to hear, some for the very first time, messages about women's rights and women's issues. Radio Al Mahaba provides a forum for women to voice their opinions and to hear the opinions of other women who face the complexities of life for women in the Middle East.

The programming on Al Mahaba deals with issues specifically focused on women, which includes such important topics as relationships, parenting and other social issues which are not dealt with in other media. This radio station, which operates within the aura of what we in America know as our first amendment rights of freedom of speech and freedom of the press, is a wonderful example to Iraqi women and Iraqi people nationwide of the benefits of freedom. It plays an important role in paving the way for women to have more of a fundamental impact on Iraqi society.

House Resolution 784 appropriately commends the efforts of these pioneers. It supports the mission of Radio Al Mahaba and it encourages it to continue with its important work. I urge my colleagues, Mr. Speaker, to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, first I would like to commend and thank my good friend and colleague from New York, CAROLYN MCCARTHY, for sponsoring this very important measure.

Mr. Speaker, our intervention in Iraq and its aftermath have not been without controversy, but there are some developments there that I know every Member of this body is happy to embrace. Radio Al Mahaba represents just such a development.

Radio Al Mahaba is a unique phenomenon in the Middle East, a radio station for women dealing with issues of interest to women, and, more importantly, run by women.

In a society where a majority of women are illiterate, radio is a vital means of imparting information. Of course, female illiteracy is a problem in virtually every state in the Islamic Middle East, which is precisely why Radio Al Mahaba is a model for the region.

I am pleased to report, Mr. Speaker, that Radio Al Mahaba is a fully independent radio station, both politically and religiously. It is surely one of the few Iraqi radio stations, some say the only one, that can be described in that way.

Mr. Speaker, Radio Al Mahaba was founded 1 year ago with a $500,000 grant from the United Nations Development Fund for Women. It started out broadcasting 6 hours a day; and as a result of its incredible popularity, it was up to 16 hours a day very soon thereafter. Unfortunately, it was forced to cut back after terrorists destroyed its transmitter. Nonetheless, Al Mahaba carries on.

Radio Al Mahaba is a beacon of free expression for Iraqi women, and it has the potential to make a remarkable contribution to the political and cultural growth of Iraqi society as a whole. It deserves the support of every Member of this body, as does the resolution commending its work.

Mr. Speaker, I strongly support this resolution and urge all of our colleagues to do likewise

Mr. Speaker, I yield 5 minutes to the gentlewoman from New York, the sponsor of the resolution, CAROLYN MCCARTHY.

Mrs. MCCARTHY. Mr. Speaker, I want to thank my colleague from New York for allowing me to speak on this, and I also want to thank my colleague from Florida, who has been a sponsor. We actually had a trip of women that went to Iraq and saw firsthand how important it is for the Iraqi women to have a voice.

Historically, Iraqi women were extremely well educated, but the educational suppression brought on by Saddam Hussein led to the illiteracy rate of women rising to almost 75 percent.

After Saddam was ousted, Bushra Jamil, an Iraqi who was living in Canada, saw an opportunity to empower the women of Iraq as it transitioned to democracy. Bushra returned home and created Radio Al Mahaba, the Middle East's only radio station for women. The station became so popular that they were broadcasting, as my colleague had said, 16 hours a day in three languages, Arabic, Kurdish and English.

While we take radio shows that cater to women for granted, this was a revolutionary concept in the Middle East. Women who had been oppressed for years were finally able to hear their side of the story.

The radio station provided a forum for women to make sure their voices were heard. The station received 100 calls a day from women asking questions, giving advice and voicing their opinions on the rebuilding of their country. The radio station had found an audience, and they were now financially sustainable through sponsorships.

But last October, unfortunately, the radio station fell silent. The terrorist attack on the Palestinian hotel in Baghdad destroyed their transmitter. And while the station was not the target of this attack, many leaders in Iraq were not all upset that these women's voices were silenced.

They found another transmitter, but it wasn't as powerful as the one they lost during the terrorist attack. This new transmitter could only reach about a third of their listening audience. Fewer listeners meant less sponsorship revenue for the station.

Unfortunately, the rented transmitter broke down about a month ago, and they are in desperate need of funds to get back on the air. Once they receive this funding, they plan to expand their listening audience to include all of Iraq and its neighbors. They are also planning on broadcasting in Persian to reach the women of Iran, who have been oppressed for nearly 30 years.

The radio station can be the place for women in Iraq and throughout the Middle East to learn about the issues that will affect their lives. The right to educate one's self and to be heard are cornerstones of our own democracy, and these characteristics should be carried over into the new Iraq.

The station's 28 full-time and part-time staff risk their lives every day by going to work. These people are Iraqi patriots, and I am confident their sacrifices will be rewarded.

Mr. Speaker, I recently had a chance to speak to President Bush about the station and he was very enthusiastic about the role it will play in a democratic Iraq.

Mr. Speaker, I strongly support this station and the resolution. I would like to thank members of the Iraqi Women's Caucus and the International Relations Committee. I would also like to thank Representatives OSBORNE, TAUSCHER, GRANGER, SOLIS, my colleague from New York, Mr. ACKERMAN and, of course, my colleague from Florida, Ms. ROS-LEHTINEN, Chairman HYDE and Ranking Member LANTOS for their strong support of this station and this resolution. This has been a bipartisan effort from the start, and I hope we can continue to work together.

Mr. Speaker, with all the bad news that is coming out of Iraq, we must recognize those who are really trying to make a free Iraq. Democracy takes a long time. We can do this, but we all must work together.

Mr. ACKERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so proud to yield the balance of my time to the gentleman from Nebraska (Mr. OSBORNE) who is going to close our debate, the cochair of the Iraqi Women's Caucus here in the House.

Mr. OSBORNE. Mr. Speaker, as has been mentioned, I have served as a cochair of the Iraqi Women's Caucus. Some people may say, well, why would you have a Women's Caucus? The reason is at one point we were meeting with Paul Wolfowitz, and Paul was mentioning the fact that women had been subjugated in Iraq, had not been given a voice. So at that time Jennifer Dunn and I thought that maybe doing something to encourage Iraqi women would be helpful, because women tend to be oriented toward family, toward children, and they tend not to be as isolated by tribes, by ethnicity. As a result, we formed the Iraqi Women's Caucus. We felt that women could be a key to uniting Iraq.

So we are very encouraged by Radio Al Mahaba and the fact that they are now broadcasting in three languages. They do not recognize differences between the Shiia, the Kurds and the Sunnis; and they devote themselves almost entirely to women's issues. We feel that this is something that absolutely has to be encouraged.

In talking to Iraqi women who have come to the United States, and we have had many groups who come here, they have said that really Iraq is not as divided as most people in the United States believe, because there is intermarriage and there are cousins who are from one tribe or another and they all are related. So we feel that endeavors such as this are really important.

Mr. Speaker, we particularly want to commend the staff at the radio station, Al Mahaba, for their bravery, for their fortitude, and for what they are doing to try to bring Iraq together. I think one thing that we will find is that humanity has certain common instincts and needs, and certainly the desire to nurture on the part of women, and men as well, the desire to have strong families, the desire to have our children have a better life than what we had is something that is common to all of us.

So as we point out these things and as this radio station capitalizes on those instincts, I think we certainly are moving toward a better day in Iraq.

Mrs. MALONEY. Mr. Speaker, I rise today in strong support of H. Res. 784, which commends and supports Radio Al Mahaba, Iraq's first and only radio station for women.

In the midst of all the bad news coming out of Iraq, it is important that we recognize one of the positive developments there. Radio Al Mahaba provides a unique service to the citizens of Iraq, particularly the women. It allows Iraqi women to express their opinions about issues important to them, including women's rights.

For Iraq to have any kind of future, there must be full participation and equal treatment under the law for women in Iraq. The voices of Iraqi women must be heard in all levels of government, the private sector, in schools, and in the media. I am pleased that today this body officially goes on the record in support of these efforts.

However, we should not stop here. We must continue to encourage the leadership in Iraq to protect the rights of women, particularly in the amendment process for the constitution. Iraqi women and men should be guaranteed equality in the constitution to ensure that women will never become second-class citizens. Both women and men should have the right to vote, access to equal opportunities, and equal treatment under the law. I am particularly concerned that final language in the constitution could limit women's rights, including in matters such as divorce, child custody, and inheritance.

I have introduced legislation, H.R. 5548, the "Empowerment of Iraqi Women Act of 2006," which would establish an Iraqi Women's Fund to help Iraqi women and girls in the areas of political, legal, and human rights, health care, education, training, security, and shelter, and it would authorize $22,500,000 in each fiscal year 2007, 2008, and 2009 for this fund. I have met with several delegations of Iraqi women during my trips to Iraq and here in Washington. I am always inspired by their strength and courage to speak out in support of equality, even in the face of danger. While these women have hope, they understand that the future is very uncertain.

I know my colleagues join me in expressing our strong support and solidarity with the women of Iraq as they fight for the rights to which they are entitled. I urge a "yes" vote on this important resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 784, a resolution that would celebrate Radio Al Mahaba, the first and only radio station for women in Iraq. Located in a country that only just recently employed a democratic system, Radio Al Mahaba is a true symbol of the rights associated with that system.

In Iraq's history, women were typically denied their basic rights. Radio Al Mahaba, which means "Voice of Women," first went on the air on April 1, 2005 and represents just the opposite of this norm. It has become a forum where women can voice and discuss opinions and practice their freedoms of speech and the press. The station offers speaking opportunities for local volunteers and female journalists. It has been an effective tool not only to reach out to women throughout Iraq, but also to encourage greater female participation in the electoral process. Thus, the establishment of Radio Al Mahaba was truly a step in the right direction towards establishing autonomy and liberties for women in Iraq.

Moreover, Radio Al Mahaba can be a key source for open communication among the people of Iraq, delivering information, such as news alerts, when necessary. It also represents a positive result of the U.S. presence in Iraq.

Today, it is critical that we commend Radio Al Mahaba for its inspiring work and encourage it to stay on the air for years to come. I commend Congresswoman MCCARTHY for proposing H. Res. 784, and I strongly urge my colleagues to join me in supporting it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to support House Resolution 784, the resolution that commends Iraq's first and only radio station for women.

As the women of Iraq continue to fight for their rightful place in society, we must recognize the avenues they have engineered for themselves that provide the forum for practicing their right to be heard.

Established in 2005, the radio station is appropriately named al-Mahaba, which means "love" in Arabic, is the first and only independent women's radio station in Iraq. The station was funded by UNIFEM, a United Nations agency that supports women's issues, and is not affiliated to any political party.

Having returned from a recent Codel trip to Iraq, I was very fortunate to have met with women representatives from the radio station who expressed their commitment to women's issues. These strong and courageous women understand much too well the importance of taking a stand against oppression and know they have found a new sense of empowerment.

The station's purpose is to reconcile women's rights, which have been arbitrarily taken away by political regimes; and to encourage them to face their fears and learn to assert themselves as women.

I support the format facilitated by the radio station because it provides women with a long overdue venue where they can tell their stories, share their ambitions and express their fears.

When calling the radio station, these women address a wide range of personal and political issues that have a direct affect on them as women. The format allows them to candidly share enduring numerous beatings from their husbands; share their frustrations with the consistent pressure from religious groups to wear the hijab; and express their fear of having a strict form of Islamic Law imbedded in their society.

For women who feel as forgotten members of society, the radio station provides them a haven to freely express themselves without fear of judgment or persecution. These women endure immense atrocities and oppressions and we must support and recognize their efforts to assert themselves as strong voices in Iraq's society.

Ms. GRANGER of Texas. Mr. Speaker, I rise today in support of House Resolution 784 commending Radio Station Al-Mahaba in Iraq.

Radio Al-Mahaba, which means "love" in Arabic, is the only radio station in Iraq or the Greater Middle East whose programming is geared toward the issues important to women.

The station's programming is meant to be an educational tool for women, focusing on subjects such as parenting, healthcare, relationships and other social topics.

The station broadcasts in three different languages, giving women freedom to voice their opinions and hear other opinions.

Articles about Radio Al-Mahaba have appeared in the New York Times, Wall Street Journal, Chicago Tribune and USA Today.

I recently had the honor of meeting with employees of Radio Al-Mahaba on a delegation I led to Iraq to work with Iraqi women leaders and Parliamentarians.

Right now, they are on the verge of having to shut their doors because of terrorist threats against the group and a lack of funding.

Many insurgents do not want to see women have a voice or play a significant role in Iraq. Despite these threats, the employees remain determined to stay on the air.

To do this, they are working for free to keep the station running. If this is not a clear expression of a desire for a free and open society, I don't know what is.

The station eventually hopes to broadcast into Iran in order to let Iranian women know that freedom can be achieved but only if they stand up for their rights.

Mr. Speaker, this is a non-partisan issue. Radio Al-Mahaba deserves our support.

It's crucial that women have a strong voice in Iraqi society, especially as Iraqis work to form a democracy.

Radio Al-Mahaba provides women with a vehicle to have that voice.

The SPEAKER pro tempore (Mr. WAMP). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 784.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3504. An act to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

CONVEYANCE OF REVERSIONARY INTEREST OF UNITED STATES IN CERTAIN LANDS TO CLINT INDEPENDENT SCHOOL DISTRICT

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 860) to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas.

The Clerk read as follows:

H.R. 860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF PROPERTY.

(a) CONVEYANCE.—Subject to section 2, the Secretary of State shall execute and file in the appropriate office such instrument as may be necessary to release the reversionary interest of the United States in the land referred to in subsection (b).

(b) LAND DESCRIBED.—The land described in this subsection consists of Tracts 4-B, 5, and 7, Block 14, San Elizario Grant, County of El Paso, State of Texas.

SEC. 2. TERMS AND CONDITIONS.

The release under section 1 shall be made upon condition that the Clint Independent School District in the County of El Paso, State of Texas, use any proceeds received from the disposal of such land for public educational purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ACKERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 860, a bill to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District of El Paso County, Texas.

In 1940, the Clint District School received 20 acres of land that the United States Government had obtained by treaty with Mexico. The Department of State retained reversionary interests in the parcel. Because of legislation passed in 1957, Clint was able to trade the land for another piece of land in which the U.S. Government also had a reversionary interest. The Clint School District still owns that piece of land.

During the 105th Congress, Congressman REYES introduced legislation, a similar bill to the one before us, which would have provided for the conveyance of the reversionary interest of the United States in this land to the Clint Independent School District. This legislation became public law number 105–169 on April 24, 1998, but a drafting error led to the misidentification of the land in question and thus rendered this public law obsolete. This bill before us, Mr. Speaker, H.R. 860, corrects that error.

Mr. Speaker, because the land in question still lies outside of Clint's boundaries, regulations prevent the school district from developing it. H.R. 860 will allow Clint to sell its land in order to buy property within its district boundaries that can be used for public educational purposes.

☐ 1615

This legislation has been approved by the State Department and approved by the House International Relations Committee and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of this bill, and yield myself 1½ minutes.

Mr. Speaker, I would first like to thank the gentlewoman from Florida for all of her efforts. I want to especially single out the hard work of my good friend and colleague from Texas, SILVESTRE REYES, for his steadfast efforts to help the Clint Independent School District improve the quality of education for its students.

Mr. Speaker, this bill seeks to correct a technical error in legislation which the 105th Congress passed. That legislation should have relinquished the Federal Government's reversionary interest in a tract of land that is owned by the Clint Independent School District.

Unfortunately, the wrong coordinates for the land were included in the bill. This bill, H.R. 860, completes the transfer of property rights for the school district so that it can proceed with a planned sale of the land.

Mr. Speaker, I urge all of our colleagues to support H.R. 860.

Mr. Speaker, I yield such time as he may consume to the author of the bill, the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank my good friend from New York for yielding me time, and my good friend from Florida, the gentlewoman, for her support in this bill.

Mr. Speaker, I rise today in support of H.R. 860, a bill to provide for the conveyance of reversionary interests of the United States in certain lands in my district of El Paso County, Texas to the Clint Independent School District.

The passage of H.R. 860 comes on the heels of an interesting footnote in our history. In 1940, Clint Independent School District received 20 acres of land that the United States Government had obtained from Mexico through the Convention of February 1, 1933.

In the treaty, the two governments agreed to cooperate in the construction and maintenance of the Rio Grande Rectification Project, which ultimately straightened and reinforced 155 miles of river boundary flowing through the increasingly developed El Paso, Texas-Juarez, Chihuahua area.

In addition to helping provide a more stable international boundary, the project also helped occasional flooding in that region. After giving the land to the school district, the Department of State retained reversionary interest in the parcel. In 1957 Federal statutes gave Clint Independent School District the ability to trade that piece of land for another, which it did, acquiring a separate parcel in which the United States had also retained reversionary interest.

Today, Clint Independent School District still owns that one piece of land. Unfortunately, because the land in question lies outside of Clint's boundaries, district regulations prevent the school district from developing it.

H.R. 860 will allow Clint to sell its land in order to buy property within its own district boundaries. All proceeds from such a sale must and will be used for public educational purposes. This legislation has been approved by the State Department and reported favorably by the House International Relations Committee. Of the nine school districts in El Paso County, Clint is the largest in square mileage, encompassing a diverse area in the fast-growing east El Paso County.

The district itself is one of the most rapidly expanding in Texas, with an estimated student population of 9,000-plus, a figure that is expected to double within the next 5 years.

All together, the district has 12 campuses, three high schools, two middle schools, one junior high school and six elementary schools. This bill will afford Clint the ability to help keep pace with its growth and help the district provide its students a high-quality educational experience.

I would like to thank the chairman and ranking member of the House International Relations Committee, Mr. HYDE of Illinois and Mr. LANTOS of California, as well as my friend from New York and my friend from Florida, for reporting this beneficial piece of legislation out of their committee.

Mr. Speaker, I would also like to thank our leader, Ms. PELOSI, and minority whip, Mr. HOYER for their support and assistance in bringing this bill to the floor.

Mr. Speaker, I encourage all my colleagues to vote "yes" on H.R. 860.

Mr. ACKERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WAMP). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 860.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2389, PLEDGE PROTECTION ACT OF 2005

Mr. GINGREY (during consideration of H.R. 860), from the Committee on Rules, submitted a privileged report (Rept. No. 109–577) on the resolution (H. Res. 920) providing for consideration of the bill (H.R. 2389) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance, which was referred to the House Calendar and ordered to be printed.

CONGRATULATING ISRAEL'S MAGEN DAVID ADOM SOCIETY

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 435) congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Movement, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 435

Whereas international humanitarian law is, quintessentially, about principle, establishing standards of conduct that can not be breached under any circumstance, or for any calculation of political efficacy or utility;

Whereas the International Red Cross and Red Crescent Movement is a worldwide institution in which all national Red Cross and Red Crescent societies have equal status, whose mission is to prevent and alleviate human suffering wherever it may be found, without discrimination;

Whereas the Magen David Adom (Red Shield of David) Society is the national humanitarian society in the State of Israel and has performed heroically, aiding all in need of assistance, on a purely humanitarian basis, without bias, even those responsible for acts of horrific violence against Israeli civilians;

Whereas since 1949 the Magen David Adom Society has been refused admission into the International Red Cross and Red Crescent Federation and has been relegated to observer status without a vote because it has used the Red Shield of David, the only such national organization denied membership in the Movement;

Whereas the red cross symbol was intended as the visible expression of the neutral status enjoyed by the medical services of the armed forces and the protection thus conferred, and there is not, and has never been, any implicit religious connection in the cross;

Whereas since its establishment in 1930, the Magen David Adom Society, because it does not use either a red cross or a red crescent, has been prevented from full membership in the International Red Cross and Red Crescent Federation;

Whereas Israel acceded to the Geneva Conventions in 1951 with a reservation specifying their intent to continue to use the Magen David Adom;

Whereas international consultations among nations and national Red Cross Societies ensued until 1999, when the International Committee of the Red Cross formally called for adoption of a protocol to the Geneva Conventions creating a third neutral symbol; allowing the use of either the Red Cross, the Red Crescent, or the third neutral symbol; and allowing for the third neutral symbol to be used in combination with other national Red Cross Society symbols—including the Magen David Adom;

Whereas a diplomatic conference to adopt this proposal into the Geneva Conventions was scheduled for October 2000, but was prevented by the outbreak of the second Palestinian intifada;

Whereas the United States and the American Red Cross have worked ceaselessly to resolve the issue of the third neutral symbol and achieve full membership in the International Red Cross and Red Crescent Federation for the Magen David Adom Society;

Whereas Congress has insisted that funds made available to the headquarters of the International Red Cross and Red Crescent Movement be contingent on a certification by the Secretary of State confirming that the Magen David Adom Society is a full participant in the activities of the International Committee of the Red Cross;

Whereas the American Red Cross has stood alone among all the national humanitarian aid societies, and has withheld over $45,000,000 in dues to the International Federation of the Red Cross and Red Crescent Societies to protest the exclusion of the Magen David Adom;

Whereas the Government of Switzerland, the depositary state for the Geneva Conventions, convened a Diplomatic Conference of the states parties to the Geneva Conventions in December 2005 for the purpose of adopting a Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (the "Geneva Protocol III") and rightly resisted efforts to block the broad international consensus in favor of resolving the third neutral symbol question;

Whereas the efforts by the United States and the American Red Cross at the Diplomatic Conference in December 2005 were critical to achieving both an overwhelming positive vote in favor of adopting the Geneva Protocol III, as well as an extremely important memorandum of understanding between the Magen David Adom and the Palestinian Red Crescent Society;

Whereas sustaining international support for the adoption of the third neutral symbol against efforts to divert the conference into unrelated political matters required extraordinary diplomatic efforts by the United States and the American Red Cross;

Whereas the Geneva Protocol III adopted in Geneva in December 2005 established the new third neutral symbol, the "red crystal" that can be used in conjunction with the Red Shield of David and cleared the way for Israel's full participation in the international movement;

Whereas in June 2006 the states parties to the Geneva Conventions, the national Red Cross and Red Crescent societies, the Federation of the Red Cross and Red Crescent Societies, and the International Committee of the Red Cross met in Geneva to adopt rules implementing the Geneva Protocol III; and

Whereas following the June 2006 meeting in Geneva, the International Red Cross and Red Crescent Federation accepted the Magen David Adom Society as a full member: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress—

(A) commends the Magen David Adom Society for its long and distinguished record of providing humanitarian assistance to all those in need of aid, even those responsible for heinous atrocities against Israeli civilians;

(B) congratulates the Magen David Adom Society, and the Government and the people of the State of Israel, for securing full membership in the International Red Cross and Red Crescent Federation, 57 years past due;

(C) thanks the President, the Secretary of State, and United States diplomatic representatives for their tireless pursuit and maintenance of the international support that culminated in the Magen David Adom Society's recent acceptance as a full member in the International Red Cross and Red Crescent Federation;

(D) thanks the American Red Cross for its unwavering and unyielding insistence within the International Red Cross and Red Crescent Movement that the humanitarian principle of universality could not be reconciled with continued exclusion of the Magen David Adom Society; and

(E) thanks the Government of Switzerland and officials of the International Committee of the Red Cross for helping to prepare the necessary groundwork and carrying to completion the adoption of the Geneva Protocol III by the states parties to the Geneva Conventions and the rules for its implementation; and

(2) Congress commends the President for—

(A) submitting the Geneva Protocol III to the Senate for its advice and consent; and

(B) pending approval by the Senate, preparing for congressional consideration and enactment of legislation necessary to carry into effect the Geneva Protocol III.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ACKERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 435, congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and the Red Crescent Movement.

On June 22, the Society was recognized by the International Committee of the Red Cross and admitted as a full member into the International Federation of Red Cross and Red Crescent Movement.

The Society's attaining full membership in the International Red Cross and the Red Crescent Movement is a significant achievement, as it marks an end to Israel's almost 60-year-old isolation from the international human rights assistance community.

Since 1949, the Society has been refused admission into the International Red Cross and the Red Crescent Movement simply due to the fact that they used the Red Shield of David as its symbol. For years, the Society has worked closely with the International Red Cross bringing emergency relief to victims of hurricanes, earthquakes, and floods around the globe.

It has brought its medical services and cutting-edge technology to provide assistance to disasters, such as Katrina in the U.S. Gulf Coast, tsunami relief in southeast Asia, and the flooding in Romania. This resolution commends the Magen David Adom Society for its distinguished record of humanitarian service and congratulates this organization for achieving full membership in the International Red Cross and Red Crescent Movement.

The resolution before us thanks the President and the Secretary of State for their tireless efforts toward this goal, and for submitting to the Senate the third additional protocol for the Geneva Convention.

The resolution also expresses appreciation to the American Red Cross for its insistence that the goals of the International Red Cross and the Red Crescent Movement could not be credibly accomplished if Magen David Adom was excluded.

Lastly, this measure thanks the Government of Switzerland and the International Committee of the Red Cross for paving the way for Israel's full inclusion into the international humanitarian assistance community.

I would like to extend my personal congratulations to the Magen David Adom for the remarkable job that it has done for years in saving the lives around the globe and for this landmark achievement.

I want to give a personal congratulations to my ranking member on the Middle East and Central Asia Subcommittee, Mr. ACKERMAN, who is the author and the chief sponsor of this resolution. This is a subject with which he has been intimately involved in a number of years, and it is thanks in large part to his participation in this effort that we have finally brought this organization on board. Congratulations.

Mr. Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of this resolution, and yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman and ranking member for their assistance in getting this resolution through the committee, and especially note the hard work and determination of my colleague, the chairperson of the subcommittee, Ms. ROS-LEHTINEN of Florida. Their support is deeply appreciated.

Mr. Speaker, there are very, very few issues that are really just black and white, where there are good guys and there are bad guys. This struggle, the 60-year effort to win membership for Israel's humanitarian society, the Magen David Adom, Israel's Red Shield of David, into the International Red Cross and Red Crescent Movement, has been such an enterprise.

Like all of my colleagues speaking in support of this resolution, I am honored to have been part of that struggle, and am deeply gratified by the clear, indeed overwhelming victory MDA won last month in Geneva. It is a triumph where humanitarian principles overranked politics and bigotry.

It is a triumph for the State of Israel and the Jewish people. It is a triumph for patient, cooperative, multilateral diplomacy and especially American leadership. The victory of MDA really illustrates how important American leadership is, and what this Nation can accomplish with determination, tenacity, and a commitment to holding and protecting the moral high ground in international debate.

There never was a good argument against MDA. And with that fact came moral strength and clarity. And with that strength and clarity came this hard-won victory.

As Dr. Martin Luther King liked to say, the arc of the universe is long, but it bends towards justice. A lot of people earned a share of the success that occurred in Geneva. Many of us in the House wrote letters, spoke directly with the Red Cross officials in Europe and with officials within the administration to let them know that Congress backed them 100 percent.

All we asked in return was, What more could we do to help? Credit is also due to America's diplomats and to America's humanitarians. Secretary Rice's State Department showed again what a force American diplomacy can be in a righteous cause.

And the American Red Cross, the American Red Cross alone in the entire world drew a line in the sand, withholding $45 million in dues to the Federation of Red Cross and Red Crescent Societies until the MDA won equal treatment. Only the American Red Cross was willing to put its money where its mouth was and to insist that international humanitarian law should not, could not, and now thankfully cannot be used as a tool of discrimination against Israel.

This resolution congratulates Israel on the Magen David Adom Society, which is facing a terrible trial right now, with terrorist rockets falling both in northern and southern Israel. Our thoughts and prayers are with them both. The Magen David Adom stands for everything Hezbollah and Hamas reject, the independence of Israel as a sovereign Jewish state, equal treatment and protection for all people, regardless of their faith, and the belief that there are standards of behavior beyond the realm of political convenience, and above all, the value of life over death.

Mr. Speaker, in the business of international politics and diplomacy, clear-cut triumphs are few and far between. I am thrilled to be able to celebrate with you today what a bipartisan, bicameral, cross-branch, multinational, public-private effort can do.

☐ 1630

But what we are here to celebrate principally is a high moral triumph. I want to thank all of those who helped bring us to this great day and to the Magen David Adom, I say yasher koach, and congratulations on this well-deserved and long-overdue victory.

I urge all of my colleagues to support this resolution.

Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Nevada (Ms.

BERKLEY) and thank her for her leadership in this effort as well.

Ms. BERKLEY. Thank you very much, coming from you, who truly was a leader in this issue. I appreciate the recognition and do not deserve it.

Mr. Speaker, I rise in strong support of the resolution and ask for its immediate passage. Since its establishment in 1930, Magen David Adom, or MDA, has been denied membership in the International Committee of the Red Cross for refusing to replace its red Star of David emblem with one of the approved symbols.

For nearly 60 years, the International Red Cross refused to admit MDA unless it adopted the red cross or the red crescent as its symbol. This past December, a third additional emblem, the red diamond, was finally established. It is about time.

Since 1949, the Magen David Adom Society was the only national organization denied full membership in the International Red Cross and Red Crescent movement. It was denied full membership simply because it used a red star instead of a red cross or a red crescent.

It should not have taken 60 years for an honest discussion of MDA membership in the Red Cross, free from religious intolerance or bigotry. During that time, the American Red Cross stood alone as the only member of the International Red Cross to protest the exclusion of the MDA.

In those 60 years, in spite of the official slight, MDA has performed heroically, aiding those in need and providing humanitarian assistance. It has done this without regard for race or religion. It did this to help alleviate pain and suffering throughout the world, even among Israel's enemies.

In April of this year, MDA was in Romania assisting the local population after the disastrous flooding of the Danube. After Hurricane Katrina, MDA collected donations, clothing and equipment in Israel to help meet the needs of the hundreds of thousands of homeless.

Last month, the state party to the Geneva convention adopted the neutral red diamond symbol of the International Red Cross and Red Crescent Movement finally accepted MDA as a full member. May I say it's about time.

I join my colleagues in congratulating MDA on its admittance to the Red Cross. While this should have happened 60 years ago, we are glad that MDA has been given the recognition that it has always deserved.

Mr. ACKERMAN. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from New York (Mr. ENGEL), who has been one of the paramount leaders in this fight.

Mr. ENGEL. I thank my friend from New York. All of us in New York that are distinguished gentlemen think that everybody else is a distinguished gentleman. So I thank the distinguished gentleman from New York, and I commend him and my good friend from Florida (Ms. ROS-LEHTINEN) for this very important and very, very timely resolution.

For many, many years, everyone you have heard speak, Mr. Speaker, has played an important part in finally getting Magen David Adom recognized. One of the problems that we have seen in international bodies is that Israel has been systematically excluded and vilified by majorities that have nothing to do with what's right and nothing to do with reality, but just simply trying to ostracize Israel and make it difficult for them, whether it is in the United Nations or anything else. This was the case with the International Society of the Red Cross.

This happened for many, many years, and then the United States Society of the Red Cross really got involved at the behest of many of us. We have been very, very helpful in finally paving the way for this compromise that so many of my colleagues have spoken about. I had the good fortune to be in Geneva when this was agreed to and this was done.

It was very good for me to personally be there to see it, because, again, this has been 10 years or more that many of us in Congress have worked together to try to see this. At the last minute, it nearly got derailed again because Syria was playing its old games, up to its old games, and then tried to make it very, very difficult.

When people are in need, politics should not be involved. It doesn't matter whether it is the Red Cross or Red Crescent or Magen David Adom. Whatever society the people who are helping want to help, politics should not play a role.

Those of us who are New Yorkers and lived through the World Trade Center, we know how important it is to have the first responders there to help us.

It is fair, it is equitable and I commend my colleagues.

Mr. ACKERMAN. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Maryland (Mr. CARDIN) and thank him not just for his leadership but for his life-long commitment.

Mr. CARDIN. Let me thank my friend from New York (Mr. ACKERMAN) for his leadership on many of these issues.

Mr. Speaker, this is an important moment. We have been working now, many have been working now, for almost 60 years to bring this date together. The Magen David Adom Society, like the Red Cross and Red Crescent Society, provides unbiased aid, regardless of whom is in need.

Mr. Speaker, when tragedies occur, it is a welcome sight to see the internationally recognized symbol of help. It has been true in all countries where members have been part of the Red Cross and Red Crescent movement, but Israel was denied that membership.

For reasons unrelated to its society that provided that help, the MDA provided unbiased help to all in need and was entitled to be recognized internationally. It has taken almost 60 years to achieve this moment, and I think it is very appropriate that we, in this body, recognize this moment and the role that the United States has played in making this happen.

But for the leadership of our country in support of the MDA in Israel, we would not be able to celebrate this moment, and victims of disasters would be the losers. I congratulate all involved. I urge my colleagues to support the resolution.

I rise today in strong support as an original co-sponsor of H. Con. Res. 435, which congratulates Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Movement.

Since its founding in 1859, the International Red Cross and Red Crescent Movement have helped millions of people in need through its dedication to providing impartial and compassionate aid to victims of war, internal violence, and disaster, regardless of political or religious affiliation. For over 140 years, the Movement has been the world's leader in humanitarian aid.

In Israel, the Magen David Adom (MDA) Society has upheld these same goals, providing impartial aid to those in need. As a committed humanitarian organization, MDA has been a model of excellence, embodying the Red Cross and Red Crescent Movement's goals of humanity, impartiality, neutrality, independence, voluntary service, unity, and universality.

Unfortunately, the Red Cross and Red Crescent Movement has for decades rejected the MDA's full admittance into the Organization because of the MDA's refusal to use the accepted symbols of a cross or crescent.

It has taken decades of discussion to reach a compromise, but one comes to us now in the form of a diamond. The red crystal will soon fly high—a beacon of hope to all who see it.

Since its founding in 1930, the MDA has proven its quality time and again through its rapid response to war areas and to natural disasters such as the earthquakes and tsunami, as well as through its compassionate treatment of civilian victims and injured perpetrators of horrific acts of violence alike. The MDA, like all Red Cross and Red Crescent societies, provides unbiased aid, regardless of who is in need. For this they are at last being recognized through full membership in the Red Cross and Red Crescent Movement—a classification they have long since deserved.

The MDA has fought for this designation since 1949, but until now has been perpetually relegated to observer status due solely to its use of the Shield of David as their symbol. The American Red Cross, the U.S. Government, and Congress have never wavered in their pressure for this positive outcome, and I am thrilled that now the MDA will benefit from full membership in the Red Cross and Red

Crescent Movement—benefits that will then be passed on to the millions of victims that the Organization helps.

This solidarity on behalf of impartial humanitarian aid is especially commendable given the current climate in the Middle East. In a moment in history when the region hovers on the brink of war, the internationally-recognized symbols of help and compassion are a welcome sight on all fronts, reminding us all of the dignity of life and the necessity of compromise and compassion. The union of the MDA and the Red Cross and Crescent Movement represents a movement towards cooperation and consideration, and encourages hope in a time when such hope is so desperately needed.

I urge my colleagues to pass this resolution to celebrate a new symbol of hope on the Israeli landscape, and to congratulate the Magen David Adom Society for at last achieving the recognition it has long deserved.

Mr. SHAYS. Mr. Speaker, I am so pleased the day has come that Congress can officially congratulate Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Movement.

Since the Knesset ratified the Magen David Adom Law in 1950, the Society has functioned as Israel's National Red Cross Society. While acting in accordance with the Geneva Convention, Magen David Adom has maintained a national civilian blood bank and has also provided emergency first-aid services and temporary shelter in emergency situations.

As Israel has defended itself against terrorist attacks, the Magen David Adom Society has been there to bravely and heroically provide humanitarian assistance to all those in need. Yet despite its clear and undeniable accordance with the principles of the International Red Cross and Red Crescent Societies, until recently Magen David Adom was refused admission into the International Red Cross and Red Crescent Movement and has been relegated to observer status without a vote because it has used the Red Shield of David. As such, it was the only such national organization denied membership in the Movement.

In 2005, the Government of Switzerland convened a Diplomatic Conference of the states parties to the Geneva Conventions to adopt a Third Additional Protocol allowing for the third neutral symbol to be used in combination with other national Red Cross Society symbols. I am so grateful to the Swiss government for initiating this effort and proud of the United States diplomats who worked tirelessly to achieve an overwhelming positive vote in favor of adopting this protocol.

So I wish to extend my heartfelt congratulations to the Magen David Adom Society for its full membership in the International Red Cross and Red Crescent Movement and my appreciation for its distinguished record of providing humanitarian assistance to all those in need of aid.

Mr. HONDA. Mr. Speaker, I rise today to congratulate the Magen David Adom (MDA) Society for securing full membership in the International Red Cross.

For many years the Magen David Adom Society was denied the right to join the International Red Cross. The Red Cross informed them that they could not use the Star of David, a symbol integral to their identity as the first aid and disaster relief organization of the Jewish State. The International Red Cross informed them that in order to join they would have to abandon their symbol and take on a symbol like the Christian cross or Moslem red crescent.

Standing fast to their principles, they continued to use the Star of David as their symbol as they dedicated themselves to excellence and rose as one of the premier ambulatory organizations in the world. In addition to their extensive record in providing aid to those in need all throughout Israel, they have excelled through their contributions to medical relief efforts throughout the world. The United States owes a great debt to MDA's assistance during the Hurricane Katrina disaster where they used their expertise and state-of-the-art technology to save the lives of countless Americans. Their relief work abroad is extensive, including their recent disaster relief work in Turkey, Sri Lanka, and Romania.

In light of the MDA's role as a leader in the field, Secretary of State Condoleezza Rice diligently worked with our allies abroad to allow MDA to join the International Red Cross. Through her work and the efforts of countless others, Israel's medical society has finally been admitted to the International Red Cross when a neutral symbol, the Red Diamond, was accepted as an alternative symbol. Israel is now free to use the Star of David within a diamond as their international insignia as a full-fledged member of the International Red Cross. This alliance between the Magen David Adom Society and the International Committee of the Red Cross is truly a monumental step for all humanitarian efforts and hopefully can serve as a model of international goodwill.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of this resolution and to congratulate Magen David Adom Society for achieving full membership in the International Red Cross.

Magen David Adom (MDA), Israel's first-aid and disaster relief organization, was granted full membership into the International Red Cross and Red Crescent Society on June 21, 2006. The decision, which took place in Geneva, Switzerland at the 29th International Conference of the Red Cross and Red Crescent voted to accept both the Palestinian Red Crescent and Magen David Adom. Both organizations are now full voting members, and received crucial funding to assist in their life-saving work.

Internationally, MDA has served in crisis spots around the world for 50 years alongside Red Cross, bringing emergency relief to victims of hurricanes, floods, and earthquakes. Earlier this year, MDA specialists flew to Romania to assist the local population with the disastrous flooding of the River Danube.

During the Katrina nightmare, MDA started "United Brotherhood" to collect donations, clothing and equipment in Israel to help meet the needs of the 400,000 homeless along the American gulf coast.

The relief effort after Southeast Asian tsunami found MDA running two emergency clinics in Sri Lanka and providing thousands of blood units. At every turn, the MDA has offered their help to nations in need.

Mr. Speaker, I applaud the International Red Cross for granting MDA full membership, and I urge my colleagues to join me in supporting this resolution congratulating the Magen David Adom Society.

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H. Con. Res. 435, congratulating the Magen David Adorn Society on its admission as a full member into the International Red Cross and Red Crescent Movement.

The Magen David Adom Society has a long and distinguished history of providing humanitarian assistance. Founded in 1930, this remarkable organization has provided first aid and disaster assistance to all of those in need, and has functioned as Israel's National Red Cross Society for over half a century.

Primarily a volunteer organization, the MDA provides aid to nearly 600,000 Israeli citizens each year and supplies 98% of Israel's domestic blood services. The MDA has also been deeply involved in providing assistance to international crises including the recent flooding in Romania and the aftermath of the Southeast Asian Tsunami.

Mr. Speaker, I applaud the ICRC's decision to include the Magen David Adom Society on its membership and commend the MDA on its continuing contributions to the welfare of so many.

Mr. WAXMAN. Mr. Speaker, I join my colleagues in congratulating Magen David Adom, Israel's national emergency medical service, as a fully admitted and recognized member of the International Red Cross and Red Crescent Movement. This 60-year effort to win membership for Israel's humanitarian society solely on the basis the MDA uses the Star of David as its symbol.

Since its founding in 1930, MDA has been a leading participant in international humanitarian relief efforts and in training and instruction in emergency services techniques. Regrettably, the organization has been denied full membership in the International Committee for the Red Cross, ICRC, because of anti-Israel bias among countries that refuse to recognize the State of Israel or the symbol of the Star of David. This political discrimination is in direct violation of the ICRC principle of maintaining neutrality and impartiality in conflicts.

MDA has been a committed humanitarian society embodying all the goals and ideals of the Red Cross and Red Crescent Movement. MDA has been an impartial force in the international community helping victims all over the world after the Southeast Asian tsunami, Hurricane Katrina, disastrous flooding of the River Danube in Romania, even helping those considered enemies of Israel. But for 60 years, Israel was denied membership. There was no good reason for MDA to be forced to wait this long to be a member of ICRC when their efforts are solely humanitarian and separate from the decades-old political conflict existing in the Middle East.

The process of International recognition has been a long and arduous process tainted by discrimination allowing politics to outweigh the humanitarian objectives of the MDA. A diplomatic conference in Geneva in December 2005 was a significant step in the process of enabling MDA to finally become a full member in the International Committee of the Red

Cross. On December 8, 2005 the signatory countries to the Geneva Conventions approved a Third Additional Protocol establishing a new neutral Red Crystal emblem by a vote of 98 in favor, 27 against, with 10 abstentions. After all these years, the Syrian delegation still tried to stall the vote, but in the end was unable to prevent the adoption of the Third Protocol.

I am pleased that this longstanding injustice has been rectified and MDA is permitted to conduct international humanitarian operations under a third neutral symbol. We should not allow decades old disputes and larger, unrelated political problems in the Middle East to impede the work of Israel's humanitarian aid society.

I also take this time to applaud the efforts of U.S. diplomats and American organizations for bringing the issue of MDA's exclusion from the ICRC to the focus of the international community. Without U.S. leadership on this important issue and the pressure that both our leaders and the American Red Cross put on the ICRC, this wrong that has existed since Israel's founding would not have been redressed. Our country understood that we should not allow politics to prevail over humanitarian efforts in any country no matter what the political climate or religious beliefs are. I also thank the American Red Cross for its continued support to help open the channels for MDA's acceptance in the ICRC. I fully support the decision of the American Red Cross, since 2000, to protest the exclusion of MDA by withholding $42 million in annual dues from ICRC. Finally, I would like to thank Hadassah, the Women's Zionist Organization of America, for its efforts lobbying Congress and working with the U.N. and the American Red Cross in support of MDA.

MDA should never have been linked to the fate of the Israeli-Palestinian conflict and with the adoption of a third neutral symbol will be able to fulfill its humanitarian mission. The adoption of a neutral symbol is a celebration that humanitarian principles have triumphed above politics and bigotry.

Mr. ACKERMAN. Mr. Speaker, I yield back the balance of our time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I am proud to yield back the balance of my time. It has been a pleasure working with my good friend, Mr. ACKERMAN.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 435, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Federation, and for other purposes.".

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2754. An act to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

FETUS FARMING PROHIBITION ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3504) to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

The Clerk read as follows:

S. 3504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fetus Farming Prohibition Act of 2006".

SEC. 2. PROHIBITION OF THE SOLICITATION OR ACCEPTANCE OF TISSUE FROM FETUSES GESTATED FOR RESEARCH PURPOSES.

Section 498B of the Public Health Service Act (42 U.S.C. 289g–2) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

"(c) SOLICITATION OR ACCEPTANCE OF TISSUE FROM FETUSES GESTATED FOR RESEARCH PURPOSES.—It shall be unlawful for any person or entity involved or engaged in interstate commerce to—

"(1) solicit or knowingly acquire, receive, or accept a donation of human fetal tissue knowing that a human pregnancy was deliberately initiated to provide such tissue; or

"(2) knowingly acquire, receive, or accept tissue or cells obtained from a human embryo or fetus that was gestated in the uterus of a nonhuman animal.";

(3) in paragraph (1) of subsection (d), as so redesignated, by striking "(a) or (b)" and inserting "(a), (b), or (c)"; and

(4) in paragraph (1) of subsection (e), as so redesignated, by striking "section 498A(f)" and inserting "section 498A(g)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy to rise in support of this bill along with my good friend, Congresswoman DEGETTE of Colorado.

I rise today in the strongest possible support of S. 3504, the Fetus Farming Prohibition Act. Every so often, we deal with a subject on this floor that is so ugly that the language almost is unable to qualify and quantify that ugliness. Today is one of those moments. When you know what fetus farming is, words like obnoxious and repugnant seem timid.

As we know, fetus farming is the gruesome idea of creating a human fetus purely for research to harvest its organs. This bill would ban that practice, and we cannot ban it, in my opinion, soon enough. Most scientists today share the belief that human life should not be created just for the purposes of experimentation, or for harvesting the organs of one person to be given to another. The vast majority of scientists in our Nation uphold the ethical and moral principles on which our country forever rests, the inalienable right to life and the inherent value of human life in whatever form it may take. These scientists are working tirelessly with the knowledge that their efforts are to benefit life, benefit humanity, not to benefit one person for profit at the detriment of another person.

Unfortunately, Mr. Speaker, we have seen clear examples in other countries that some scientists see things somewhat differently.

It is towards these scientists that the pending legislation is directed. Rather than waiting for a horror story to appear on the front pages or allowing for the possibility of scientific advancement taking us down a slippery slope, this bill gives a clear signal that fetus farming in all of its forms will not be tolerated in the United States, nor will we allow human fetuses or embryos to be bought and sold for research like cattle.

This legislation will ensure that nobody gains financially when unborn children are exploited for fetal tissue research. This legislation sends the right message on the importance of human dignity and life at the right time.

Before the Pandora's box of fetus farming is opened and it is too late for us to do something about it, I will urge all of my colleagues on both sides of the aisle to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. I just must say, Mr. Speaker, this has got to be a new record of transmission of a bill from the Senate to the House. I was literally on the Senate floor a few minutes ago when S. 3504 was passed, and I had to run to the House to have it considered.

I think this bill is just fine. I am not sure that there is a pressing problem in this country right now of fetal farming, but I will support it. Like my chairman, Mr. BARTON, I have complete and abhorrent opposition to the idea of people doing fetal farming.

I must say, though, that if people are worried about women becoming pregnant so they can be paid for making fetal tissue available for research, I want to point out that the current law already prohibits the sale of fetal tissue. Section 498(b) of the Public Health Service Act says: "It shall be unlawful for any person to knowingly acquire, receive or otherwise transfer any human fetal issue for valuable consideration."

In addition, a yearly amendment that we do, called Dickey-Wicker, already forbids the creation of a human embryo or embryos for research purposes. So while this bill is completely unnecessary, I guess we will just pass it today and move on.

But here is the real reason this bill has been fast-tracked from the Senate, why there is a second bill that will be fast-tracked from the Senate, and that is because of H.R. 810, the Embryonic Stem Cell Enhancement Act, which has been cosponsored by my friend MIKE CASTLE from Delaware and myself.

This important piece of legislation expands embryonic stem cell research so that the 110 million Americans and their families who suffer from diseases like Alzheimer's, Parkinson's, diabetes, nerve cell damage and on and on, so that the bill would allow embryonic research to be expanded so that those patients can have hope for cures.

Unlike many other kinds of stem cells, adult stem cells and cord blood, embryonic stem cells have shown great promise in being a potential cure for these diseases. That is why a majority of this body passed that legislation on May 24 of 2005.

☐ 1645

This is why the Senate is poised to pass that legislation with over 60 votes today.

H.R. 810 will go directly to the President's desk. Sadly, the President has announced his intention to make H.R. 810 the very first veto of his 6-year administration. He has signed over 1,600 bills, but he has announced he is going to veto a bill that could provide hope for tens of millions of Americans.

In order to do that, though, the President will need cover, since 72 percent of Americans support embryonic stem cell research, and that is what this bill, S. 3504, and its companion bill from the Senate will hopefully I guess give the administration cover.

There will be no solace, these bills, to the patients of America. These bills are merely a fig leaf to show that the veto that is happening is going to prevent the most promising research that could happen for all these patients, and so while I support S. 3504, no one would support fetus farming. Let us really call this what this is.

This is the first in a pair of fig leaf bills designed to give cover to the President, and I, for one, think it is a sad day when we are rushing to judgment on such an important research potential.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. DEAL), the subcommittee chairman.

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of this legislation. As a cosponsor of the House equivalent of this Senate bill to prohibit fetus farming, I believe it is something that we need to take action on.

What is fetus farming? Simply put, it is the creation and development of a human fetus for the purposes of later killing it for research or for harvesting its organs.

While advances in scientific research have led to some new and exciting treatments that have enlarged and enhanced the quality and length of human life, we must not lose sight as to what we are trying to accomplish. Scientific advancement should aim to affirm and to improve human life.

Unfortunately, some have begun to pursue scientific research for its own benefit or for profit, without respect for human life. Science without respect for human life is degrading to us all and reflects a hollow and deceptive philosophy, a philosophy that we as a people should never condone.

In the grisly process of fetus farming, a woman might become pregnant with the sole intention of selling the tissue of her unborn child. An unscrupulous individual could pay a young, underprivileged woman, for example, to become pregnant so that the fetal tissue could be harvested. Even more appalling and disturbing, human embryos could be harvested for their tissue after developing in the womb of a nonhuman animal.

While some of these scenarios may seem like something out of the realm of fantasy, fetus farming is an emerging possibility in our world. As I stand here today, some scientists are engaged in animal research that uses cloned embryos, implanted and grown in the womb before being aborted so that the tissue could be harvested. Sometimes, cloned animal fetuses are allowed to develop almost to the newborn stage before being aborted and used to test new therapies.

We now know that human cloning is not only a possibility but is already happening. Many of my colleagues may have heard or read about a technique called somatic cell nuclear transfer, also known as therapeutic cloning, in which a cloned human embryo is created and then destroyed for the purposes of harvesting its cells. It is only one small step further to begin creating and developing human fetuses for the purposes of research or for harvesting the unborn child's organs.

Just because scientists have the knowledge to do it, the technology to do it, and some may even have a financial motive or other incentive to do it, does not make it right.

Congress should take this proactive step to eliminate fetus farming. Human life should never be made into a commodity, and I urge my colleagues to vote in favor of S. 3504.

Ms. DEGETTE. Mr. Speaker, I yield myself such time as I may consume.

That message from the Senate, I guess, means that within moments, sheer moments, S. 2754 will also be up on the House here because, as I said, this entire package is being railroaded through so that it can reach the President's desk in a neat little package.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from the First State, Delaware (Mr. CASTLE), the distinguished former Governor, to speak on this particular bill.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding. I hope I have the right bill. I am a little confused, too, the way bills are flying through here.

I do rise in support of the bill the chairman has spoken of, S. 3504, legislation which is aimed at preventing so-called fetal farming; and while such fetal farming may not be taking place now, I applaud my colleagues for being forward thinking and targeting such an exploitive practice now.

This legislation is critical because it places ethical restrictions on what can and cannot be done in federally funded research.

Ethical guidelines are absolutely critical to guide all federally funded research. That is exactly why Representative DIANA DEGETTE and I have been pressing strongly for President Bush to sign H.R. 810, the Stem Cell Research Enhancement Act, into law. Contrary to popular belief, H.R. 810 does not increase funding for embryonic stem cell research, nor does it fund the creation or destruction of embryos. Rather, it allows researchers access to the best and most promising stem cell lines, while creating for the first time an ethical construct to guide this research at the National Institutes of Health.

H.R. 810 has strict financial prohibitions in place, and it prohibits the creation of embryos for research purposes. It enables the creators of the embryo to first make a decision about what they want to do with leftover embryos, which are really 5-day-old blastocysts, no bigger than the tip of a pencil. If they choose discard, it allows them the option to donate these embryos to research, instead of medical waste. No money can exchange hands throughout the process. The legislation only allows federally funded research on stem cell lines derived ethically with private funds. No Federal funds can be used.

Mr. Speaker, biomedical research is something that must be carefully monitored and rigorous guidelines must be established. That is exactly what this bill, S. 3504, aims to do, and it is what H.R. 810 aims to do. I ask my colleagues to support the underlying legislation and to urge President Bush not to veto H.R. 810.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my colleague from the Energy and Commerce Committee for yielding to me and want to commend her on the outstanding job she is doing in fighting for embryonic stem cell research, which the American people want. The American people across ideological lines understand that this is something that will help people in their battles against illness; and why there is such rigid ideology on the other side, I just really do not understand.

The Fetus Farming Prohibition Act of 2006 is fine the way it is. None of us oppose it. None of us would take issue with it, but it does not really do what the American people want us to do.

The American people know that the United States has always led the way with medical research. We have always led the way in finding cures for diseases. We have always led the way in terms of our health care.

And what is happening is obviously because there has been a prohibition on stem cell research, that we have fallen behind, and so other countries are eclipsing us, other countries which I believe cannot do it as well as we could do it if we were allowed to do it. And so as a result, people are dying and being injured with no help every day when, if we were permitted to have stem cell research, we could have the help that we need.

This is an undertaking that really the Federal Government needs to put itself behind and which cannot work if it is left to the private sector. It cannot work if it is only going to be certain kinds of cells or certain limited amounts of cells.

This has to be something that we have to do. I am very sensitive to people who care about this issue; but this, to me, has nothing to do with the issue of abortion or any of those issues. This is about saving people's lives and making it easier for people who have loved ones, who are ill and who would rely on this kind of research to get better soon.

So I would hope that my colleagues would support stem cell research and vote for this bill; but again, this bill is only a scratch. We need to do much more.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), one of the leaders in the pro-life community.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, fetus farming, the growing of embryos and fetuses so as to derive tissue or organs and other cells for research or treatment, turns human beings into commodities.

Fetus farming is a grave violation of human rights and is an act of research violence that Congress must stop.

The harbinger of human fetus farming, Mr. Speaker, can be found in animal fetus farming studies already under way. We know that researchers are not doing this research to advance veterinary medicine.

Dr. Robert Lanza, for example, of Advanced Cell Technology, attempted to clone cows for their liver stem cells. The cloned cow fetuses were implanted and grown in the womb for 3 to 4 months before being aborted so their liver tissue could be harvested. Dr. Lanza said ominously, "We hope to use this technology in the future to treat patients with diverse diseases." He is not talking about cows. He is talking about human beings.

Another researcher, Dr. Smadar Evantov-Friedman of the Weizmann Institute of Science in Israel, conducted research to determine the best "gestational time windows for the growth of pig embryonic liver, pancreas, and lung precursors." They determined that the best windows for tissue ranged from more than 2 months to more than 6 months, and that is 6 months of gestation.

This is not science fiction, Mr. Speaker. This is actual animal research. I have no doubt that Dr. Lanza and Evantov-Friedman and others are not investing enormous amounts of money and talent in research for cures for animals.

And the loopholes to allow fetus farming already exist in State laws. In my home State of New Jersey, a law was enacted in 2004 that defines a cloning ban in such a bizarre way so as to ban it only if the cloned human being is grown to the newborn stage.

Thus, in my State, a cloned embryo could be grown to the later fetal stage and then aborted for research. I would point out parenthetically that many of us raised these issues with our Governor, then Gov. McGreevey. I gave him a letter outlining these concerns about the legislation. They knew that what they were doing would allow the harvesting, the fetus farming of these individuals.

S. 3504 makes it unlawful to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue knowing that a human pregnancy was deliberately initiated to provide such tissue or knowingly acquire or receive or accept tissue or cells obtained from a human embryo or fetus that was gestated in a nonhuman animal.

Fetus farming is dehumanizing. It is a serious violation of human rights. Every human life is precious, Mr. Speaker, and has innate value and dignity. Every human life, regardless of age, maturity or condition of dependency deserves respect. Every human life, no matter how small, deserves protection from harm, inhumane experimentation or slaughter.

☐ 1700

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the gentlewoman from Colorado and the distinguished gentleman from Delaware, and a number of others, along with the cosponsors, of which I am very proud to have been a cosponsor. And I thank the Energy and Commerce Committee.

I rise to acknowledge and support S. 3504. This bill prohibits the harvesting of human fetal tissue or embryos for scientific research, which is consistent with current science research practices anyway. I am delighted to join in and support this moral boundary to prohibit heinous practices that are already law.

At the same time, I would ask that we move quickly to pass H.R. 810, the Castle-DeGette Stem Cell Research Enhancement Act which would expand Federal funding for enormously promising embryonic stem cell research; but more importantly, as those who are languishing in our districts, some who have lost their life, others who are seeking some relief with spinal injuries, if you will, spinal cord injuries, with Parkinson's disease, begging that we move forward on H.R. 810, embryonic stem cell research has the potential to unlock the doors to treatments, diseases, and cures for numerous illnesses, including diabetes, Parkinson's disease, Alzheimer's, Lou Gehrig's Disease, multiple sclerosis, cancer and spinal cord injuries. The very same voice that Nancy Reagan raised, we are raising on this floor.

Embryonic stem cell research could benefit an estimated 100 million Americans, those with these diseases and those having family members with these diseases. More importantly, children who have not seen the future before them could now have an open opportunity.

Senator BILL FRIST said it right: Embryonic stem cells uniquely hold specific promise that adult stem cells cannot provide. Our country's leading scientists and biomedical researchers support H.R. 810. The Santorum-Specter alternative stem cell research bill is no replacement for that bill.

Yes. we can support the Fetus Farming Prohibition Act of 2006. We can support it. but I hope we will rush to the floor and support H.R. 810 so Americans might still live.

Mr. Speaker, I rise today to support S. 3504, the Fetus Farming Prohibition Act. I am under no illusion that this bill will contribute significantly to the advancement of stem cell research.

This bill prohibits the harvesting of human fetal tissue or embryos for scientific research, which is consistent with current scientific research practices anyway. There is no argument that the provisions in this bill would prevent repulsive practices from occurring, but there is also no evidence that these practices would ever occur. By designating this moral boundary, this bill requires researchers to find a way to make stem cells reap the potential benefits while skirting a politically divisive issue.

As a Member of the Science Committee, I am committed to the advancement of science. I believe we should explore creative initiatives and pursue sound research. By demonizing science, we only hurt ourselves and make it more likely that our country will fall behind other countries in the critically important fields of science, technology, and innovation.

For many of us, our driver's license exhibits a tiny red heart, which indicates to any emergency personnel that, God forbid, in a fatal accident, I have voluntarily chosen to be an organ donor. A similar option exists for those who prefer to dedicate themselves to scientific research postmortem.

For those who may not know, the first scientists to successfully separate and grow cultures of stem cells in 1998 utilized discarded tissue. In all cases, it was from an unrelated yet previous decision, such as non-living fetuses obtained from terminated first trimester pregnancies. The distinction is important—this is not sacrificing one life for another, it is the possibility of bringing more life out of a death.

What the authors of this bill call fetal farming, the scientific community calls "therapeutic cloning." Therapeutic cloning involves removing the DNA from an unfertilized human egg and replacing it with DNA from a patient. The egg then divides through mitosis to become a blastocyst. A blastocyst is a clump of several dozen cells that then produces stem cells with DNA identical to the patient.

Though a fetus could not develop in these conditions, many contend that the resulting blastocyst is still a human embryo. It is important to note that the process does not involve a human pregnancy.

Ethical boundaries are crucial to the integrity of science. Naming a bill creatively, on the other hand, and making a big issue out of a non-contentious point does not improve the law.

Unfortunately, however, this simple little bill and its companion, which we are also discussing today, do not weigh the consequences of any of these valid policy discussions. Instead, it does little to advance the very serious and promising area of scientific research that is reflected in H.R. 810; this research is supported by a majority of this House, and hopefully will be reaffirmed by this House later this week.

This bill prohibits the "harvesting" of human fetal tissue or embryos for scientific research, which is consistent with current scientific research practices anyway. There is no argument that the provisions in this bill would prevent repulsive practices from occurring, but there is also no evidence that these practices would ever occur. By designating this moral boundary, this bill requires researchers to find a way to make stem cells reap the potential benefits while skirting a politically divisive issue.

I am not opposed to this Jill, although it does not further scientific research. I strongly urge my colleagues to vote in favor of science, scientific research, and the promise of scientific advancement later this week.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I rise in strong support of S. 3504, the Fetus Farming Prohibition Act. As my colleagues know, researchers have already published studies in which cloned animals were grown in utero to harvest fetal tissue. Some researchers have indicated that cells or tissues from human fetuses are more desirable than embryonic stem cells.

It is morally shocking to think that someone would engage in so-called "fetus farming" of a human embryonic embryo. It is essential that Congress act today and pass the Fetus Farming Prohibition Act to prevent and prohibit such gruesome research from ever being performed on a developing human child.

Congress has a moral obligation to protect women and the unborn, and I urge my colleagues to support S. 3504 to do just that.

Ms. DEGETTE. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Speaker, I thank the gentlewoman from Colorado for her leadership on this important issue. I rise today to talk about S. 3504, the Fetus Farming Prohibition Act of 2006. Sponsors of this bill say it is necessary to ban the practice of fetal farming, which is the development of embryos for the sole purpose of research in questionable ways.

I support this bill and intend to vote for it, but at the end of the day this bill does little more than ban researchers from taking actions they don't want to take anyway. It does draw a line in the sand which I think is important to have in our law, but it does nothing to advance scientific research in our country. It does nothing to fulfill the promise of stem cell research.

I understand just minutes ago the other body passed H.R. 810, a landmark bill that would allow the kind of research necessary to help tens of millions of Americans who suffer with a genetic sentence of disability or death. H.R. 810, which passed this House last year through an extraordinary bipartisan effort, would apply strict ethical guidelines to and expand Federal funding for the most promising methods of stem cell research.

H.R. 810 is the only bill this Congress has debated that has the potential to truly unlock the doors to treatments and cures for so many who really need them. I am bitterly disappointed that the President has threatened to use his first veto to stop this important scientific progress.

Unfortunately for some, the bill before us now has been a distraction, or worse yet, a source of political cover for those who do not support this landmark bill, H.R. 810.

I urge my colleagues to continue the bipartisan spirit that this House started last year that could be so meaningful to millions of people around this country. Let's continue this work for meaningful progress in stem cell research. Let's not get sidetracked by political gamesmanship. The American people demand it.

Mr. BARTON of Texas. Mr. Speaker, we are so happy the Senate is working today. It gives us something to do, but I only have one more speaker, the sponsor of the House companion bill, Dr. WELDON.

Ms. DEGETTE. Mr. Speaker, we rushed over here literally from the Senate floor. I do have other Members who would like to speak on this bill, but they are not here yet. I intend to close for my side.

Mr. BARTON of Texas. We only have one other speaker, so if you would like to close for your side.

Ms. DEGETTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, S. 3504, the Fetus Farming Prohibition Act of 2006, which as we mentioned just passed the Senate a few moments ago, is important in the sense that it is Congress' way of saying that we need to ensure that the scientific research that we do is ethical, that what we do to try to cure diseases is always ethical.

I, frankly, very rarely find myself agreeing with people like Mr. SMITH and Mr. WELDON on this issue. But in the case of S. 3504 I do, because I don't agree we should have fetal farming. None of us agree that we should have fetal farming. It is wrong, and it is unethical.

But nobody should again convince themselves that this bill has anything whatsoever to do with the great promise that embryonic stem cell research holds. In addition, S. 2754 which came over here just on the heels of the other legislation, this bill is also attempting to give cover to those who say that they want to support research, but they don't support embryonic stem cell research.

As I will discuss moments from now when we bring up that bill, that bill is no substitute for embryonic stem cell research. In fact, the greatest promise for creating cures to diseases that affect millions of Americans is H.R. 810

which, as we just now learned moments ago again, has now passed the Senate by a solid majority, bipartisan Members who consider themselves pro-choice and Members who consider themselves pro-life. The reason they support embryonic stem cell research is because the vast majority of scientists agree that research holds the cure to potentially curing diseases that affect 110 million Americans and their families.

I have a 13-page letter signed by many, many groups, universities, patient advocacy groups, all kinds of folks, and this letter says: "We, the undersigned patient advocacy groups, health organizations, research universities, scientific societies, religious groups and other interested institutions and associations, representing millions of patients, scientists, health care providers and advocates, write you with our strong and unified support for H.R. 810, the Stem Cell Research Enhancement Act.

"Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country. This is the bill which holds promise for expanding medical breakthroughs. The other two bills are not substitutes for a "yes" vote on H.R. 810.

"H.R. 810 is the pro-patient and pro-research bill. A vote in support of H.R. 810 will be considered a vote in support of more than 100 million patients in the U.S. and substantial progress for research."

I include this letter for the RECORD.

JULY 14, 2006.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: We, the undersigned patient advocacy groups, health organizations, research universities, scientific societies, religious groups and other interested institutions and associations, representing millions of patients, scientists, health care providers and advocates, write you with our strong and unified support for H.R. 810, the Stem Cell Research Enhancement Act. We urge your vote in favor of H.R. 810 when the Senate considers the measure next week.

Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country. This is the bill which holds promise for expanding medical breakthroughs. The other two bills—the Alternative Pluripotent Stem Cell Therapies Enhancement Act (S. 2754) and the Fetus Farming Prohibition Act (S. 3504)—are NOT substitutes for a YES vote on H.R. 810.

H.R. 810 is the pro-patient and pro-research bill. A vote in support of H.R. 810 will be considered a vote in support of more than 100 million patients in the U.S. and substantial progress for research. Please work to pass H.R. 810 immediately.

Sincerely,

AO North America, AAALAC International, AARP, Abbott Laboratories, Acadia Pharmaceuticals, Accelerated Cure Project for Multiple Sclerosis, Adams County Economic Development, Inc., AdvaMed (Advanced Medical Technology Association).

AMDeC-Academic Medicine Development Co., America on the Move Foundation, American Academy of Neurology, American Academy of Nursing, American Academy of Pediatric Dentistry, American Academy of Pediatrics, American Association for Cancer Research, American Association for Dental Research, American Association for Geriatric Psychiatry, American Association for the Advancement of Science, American Association of Anatomists, American Association of Colleges of Nursing, American Association of Colleges of Osteopathic Medicine, American Association of Colleges of Pharmacy, American Association of Neurological Surgeons/Congress of Neurological Surgeons, American Association of Public Health Dentistry, American Autoimmune Related Diseases Association, American Brain Coalition, American Chronic Pain Association, American College of Cardiology, American College of Medical Genetics, American College of Neuropsychopharmacology, American College of Obstetricians and Gynecologists.

American Society for Cell Biology, American Society for Clinical Pharmacology and Therapeutics, American Society for Microbiology, American Society for Neural Transplantation and Repair, American Society for Nutrition, Affymetrix, Inc., Albert Einstein College of Medicine of Yeshiva University, Alliance for Aging Research, Alliance for Lupus Research, Alliance for Stem Cell Research, Alnylam US, Inc., Alpha-1 Foundation, ALS Association, Ambulatory Pediatric Association, American College of Surgeons, American Council on Education, American Council on Science and Health, American Dental Association, American Dental Education Association, American Diabetes Association, American Federation for Aging Research, American Gastroenterological Association, American Geriatrics Society, American Institute for Medical and Biological Engineering, American Lung Association, American Medical Association, American Medical Informatics Association, American Medical Women's Association, American Pain Foundation, American Parkinson's Disease Association, American Parkinson's Disease Association (Arizona Chapter), American Pediatric Society, American Physiological Society, American Psychiatric Association, American Psychological Association, American Public Health Association, American Society for Biochemistry and Molecular Biology, American Society for Bone and Mineral Research, American Society for Pharmacology and Experimental Therapeutics, American Society for Reproductive Medicine, American Society for Virology, American Society of Clinical Oncology, American Society of Critical Care Anesthesiologists, American Society of Hematology, American Society of Human Genetics.

American Society of Nephrology, American Society of Tropical Medicine and Hygiene, American Surgical Association, American Surgical Association Foundation, American Thoracic Society, American Thyroid Association, American Transplant Foundation, Americans for Medical Progress, amFAR, The Foundation for AIDS Research, Arizona State University College of Nursing, Arthritis Foundation, Arthritis Foundation, Rocky Mountain Chapter, Association for Clinical Research Training, Association for Medical School Pharmacology Chairs, Association for Prevention Teaching and Research, Association for the Accreditation of Human Research, Protection Programs, Inc., Association of Academic Chairs of Emergency Medicine, Association of Academic Departments of Otolaryngology.

Association of Public Health Laboratories, Association of Reproductive Health Professionals, Association of Schools and Colleges of Optometry, Association of Specialty Professors, Association of University Anesthesiologists, Assurant Health, Asthma and Allergy Foundation of America, Athena Diagnostics, Aurora Economic Development Council, Axion Research Foundation, B'nai B'rith International, Baylor College of Medicine, Baylor College of Medicine Graduate School of Biomedical Sciences, Biotechnology Industry Organization, BloodCenter of Wisconsin, Inc., Blue Cross and Blue Shield Foundation on Health Care, Boston Biomedical Research Institute, Boston University School of Dental Medicine, Boston University School of Public Health, Brigham and Women's Hospital, Bristol-Myers Squibb Company, Broadened Horizons, LLC.

Children's Research Institute (Columbus), Children's Research Institute (Washington), Children's Tumor Foundation, Childrens Hospital Boston, Christopher Reeve Foundation, City and County of Denver, City of Hope National Medical Center, Cold Spring Harbor Laboratory, Coleman Institute for Cognitive Disabilitites, University of Colorado System, Colfax Marathon Partnership, Inc., Colorado Bioscience Association, Colorado Office of Economic Development and International Trade, Colorado State University, Association of Academic Health Centers, Association of Academic Physiatrists, Association of American Medical Colleges, Association of American Physicians, Association of American Universities, Association of American Veterinary Medical Colleges, Association of Anatomy, Cell Biology and Neurobiology Chairs, Association of Anesthesiology Program Directors, Association of Black Cardiologists, Association of Chairs of Departments of Physiology, Association of Independent Research Institutes, Association of Medical School Microbiology and Immunology Chairs, Association of Medical School Pediatric Department Chairs, Association of Medical School Pharmacology Chairs, Association of Professors of Dermatology, Association of Professors of Human and Medical Genetics, Association of Professors of Medicine, Brown Medical School, Buck Institute for Age Research, Burns & Allen Research Institute, Burrill & Company, Burroughs Wellcome Fund, C3: Colorectal Cancer Coalition, California Biomedical Research Association, California Institute of Technology, California Institute for Regenerative Medicine, California Wellness Foundation, Californians for Cures, Campaign for Medical Research, Cancer Research and Prevention Foundation, Canon U.S. Life Sciences, Inc., Case Western Reserve University School of Dentistry, Case Western Reserve University School of Medicine, Cedars-Sinai Health System, Center for the Advancement of Health, Central Conference of American Rabbis, CFIDS Association of America, Charles R. Drew University of Medicine and Science, Charles River Laboratories, Child & Adolescent Bipolar Foundation, Children's Memorial Research Center, Children's Neurobiological Solutions Foundation, Columbia University, Columbia University College of Dental Medicine, Columbia University Medical Center, Community Health Partnership, Conference of Boston Teaching Hospitals, Connecticut United for Research Excellence, Inc., Conquer Fragile X Foundation, Cornell University, Council for the Advancement of Nursing Science, (CANS), Creighton University School of Medicine, CURE (Citizens United for Research in Epilepsy), Cure Alzheimer's Fund, Cure Paralysis Now, CuresNow, Damon Runyon Cancer Research Foundation, Dana-Farber Cancer Institute, Dartmouth Medical School, David Geffen School of Medicine at UCLA, DENTSPLY International, Digene Corporation, Discovery Partners International, Doheny Eye Institute, Drexel University College of Medicine, Drexel University School of Public Health, Duke University Medical Center, Dystonia Medical Research Foundation.

FD Hope Foundation, Federation of American Scientists, Federation of American Societies for Experimental, Biology (FASEB), Federation of State Medical Boards of the United States, Inc., Fertile Hope, Fitzsimons Redevelopment Authority, Florida Atlantic University Division of Research, Ford Finance, Inc., Fox Chase Cancer Center, Fred Hutchinson Cancer Research Center, Friends of Cancer Research, Friends of the National Institute for Dental and Craniofacial Research, Friends of the National Institute of Nursing Research, Friends of the National Library of Medicine, Genetic Alliance, Genetics Policy Institute, George Mason University, Georgetown University Medical Center, Guillain Barre Syndrome Foundation International, Gynecologic Cancer Foundation, Hadassah, Harvard University, Harvard University School of Dental Medicine.

Jacobs Institute of Women's Health, Jeffrey Modell Foundation, Johns Hopkins, Johnson & Johnson, Joint Commission on Accreditation of Healthcare Organizations (JCAHO), Joint Steering Committee for Public Policy, Juvenile Diabetes Research Foundation, Keck School of Medicine of the University of Southern California, Kennedy Krieger Institute, Keystone Symposia on Molecular and Cellular Biology, KID Foundation, Kidney Cancer Association, La Jolla Institute for Allergy and Immunology, Lance Armstrong Foundation, Lawson Wilkins Pediatric Endocrine Society, Leukemia and Lymphoma Society, Lombardi Comprehensive Cancer Center, Georgetown University, Los Angeles Biomedical Research Institute at Harbor-UCLA Medical Center, East Tennessee State University James H. Quillen College of Medicine, Eli Lilly and Company, Elizabeth Glaser Pediatric AIDS Foundation, Emory University, Emory University Nell Hodgson Woodruff School of Nursing, Emory University Rollins School of Public Health, Emory University School of Medicine, FasterCures.

Harvard University School of Public Health, Hauptman-Woodward Medical Research Institute, Inc., Hereditary Disease Foundation, HHT Foundation International, Inc., Home Safety Council, Howard University College of Dentistry, Howard University College of Medicine, Huntington's Disease Society of America, IBM Life Sciences Division, Illinois State University Mennonite College of Nursing, ImmunoGen, Inc., Indiana University School of Dentistry, Indiana University School of Medicine, Indiana University School of Nursing, Infectious Diseases Society of America, Institute for African American Health, Inc., Intercultural Cancer Council Caucus, International Foundation for Anticancer Drug, Discovery (IFADD), International Longevity Center—USA, International Society for Stem Cell Research, Invitrogen Corporation, Iraq Veterans for Cures, Iris Alliance Fund, Iron Disorders Institute.

Louisiana State University Health Sciences Center, Louisiana State University Health Sciences Center School of Dentistry, Lovelace Respiratory Research Institute, Loyola University of Chicago Stritch School of Medicine, Lung Cancer Alliance, Lupus Foundation of America, Inc., Lupus Foundation of Colorado, Inc., Lupus Research Institute, Lymphatic Research Foundation, Mailman School of Public Health of Columbia University, Malecare Prostate Cancer Support, March of Dimes Birth Defects Foundation, Marine Biological Laboratory, Marshalltown [IA] Cancer Resource Center, Masonic Medical Research Laboratory, Massachusetts Biotechnology Council, Massachusetts General Hospital, Massachusetts Institute of Technology, MaxCyte, Inc., McLaughlin Research Institute, Medical College of Georgia, Medical University of South Carolina, Medical University of South Carolina College of Nursing, MedStar Research Institute (MRI), Meharry Medical College School of Dentistry.

Miami Children's Hospital, Midwest Nursing Research Society, Morehouse School of Medicine, Mount Sinai Medical Center, Mount Sinai School of Medicine, National Alliance for Eye and Vision Research, National Alliance for Hispanic Health, National Alliance for Research on Schizophrenia and Depression, National Alliance on Mental Illness, National Alopecia Areata Foundation, National Asian Women's Health Organization, National Association for Biomedical Research, National Association of Hepatitis Task Forces, National Caucus of Basic Biomedical Science Chairs, National Coalition for Cancer Research, National Coalition for Cancer Survivorship, National Coalition for Women with Heart Disease, National Committee for Quality Health Care, National Council of Jewish Women, National Council on Spinal Cord Injury, National Down Syndrome Society, National Electrical Manufacturers Association, National Foundation for Ectodermal Dysplasias.

New York Presbyterian Hospital, North American Brain Tumor Coalition, North Carolina Association for Biomedical Research, Northwest Association for Biomedical Research, Northwestern University, Northwestern University, The Feinberg School of Medicine, Nova Southeastern University College of Dental Medicine, Novartis Pharmaceuticals, Oklahoma Medical Research Foundation, Oral Health America, Oregon Health & Science University, Oregon Health & Science University School of Nursing, Oregon Research Institute, Oxford Bioscience Partners, Pacific Health Research Institute, Paralyzed Veterans of America, Parent Project Muscular Dystrophy, Parkinson's Action Network, Parkinson's Disease Foundation, Partnership for Prevention, Pennsylvania Society for Biomedical Research, Pharmaceutical Research and Manufacturers of America.

Society for Male Reproduction and Urology, Society for Neuroscience, Society for Pediatric Research, Memorial Sloan-Kettering Cancer Center, Memory Pharmaceuticals, Mercer University, Metro Denver Economic Development Corporation.

National Health Council, National Hemophilia Foundation, National Hispanic Health Foundation, National Jewish Medical and Research Center, National Marfan Foundation, National Medical Association, National Multiple Sclerosis Society, National Osteoporosis Foundation, National Partnership for Women and Families, National Pharmaceutical Council, National Prostate Cancer Coalition, National Quality Forum, National Spinal Cord Injury Association, National Venture Capital Association, Nebraskans for Research, Nemours, New Jersey Association for Biomedical Research, New Jersey Dental School, New York Blood Center, New York College of Osteopathic Medicine, New York State Association of County Health Officials, New York Stem Cell Foundation, New York University College of Dentistry, New York University School of Medicine, Pittsburgh Development Center, Princeton University, Project A.L.S., Prostate Cancer Foundation, Pseudoxanthoma Elasticum International, Quest for the Cure, RAND Health, Research!America, Resolve: The National Infertility Association, RetireSafe, Rett Syndrome Research Foundation, Rice University, Robert Packard Center for ALS Research at Johns Hopkins, The Rockefeller University, Rosalind Franklin University of Medicine and Science, Rush University Medical Center, Rutgers University, Salk Institute for Biological Studies, sanofi-aventis, Scleroderma Research Foundation, Secular Coalition for America, Sjogren's Syndrome Foundation, Inc., Society for Advancement of Violence and Injury, Research (SAVIR), Society for Assisted Reproductive Technology, Society for Education in Anesthesia Society for Reproductive Endocrinology and Infertility, Society for Women's Health Research, Society of Academic Anesthesiology Chairs, Society of General Internal Medicine, Society of Gynecologic Oncologists, Society of Reproductive Surgeons, Society of University Otolaryngologists, South Alabama Medical Science Foundation, South Dakota State University, Southern Illinois University School of Medicine, Spina Bifida Association of America, Stanford University, State University of New York at Buffalo School of Dental Medicine, State University of New York Downstate Medical, Center College of Medicine at Brooklyn, State University of New York Upstate Medical University, Stem Cell Action Network, Stem Cell Research Foundation, Steven and Michele Kirsch Foundation, Stony Brook University, State University of New York, Strategic Health Policy International, Inc., Student Society for Stem Cell Research, Suicide Prevention Action Network-USA (SPAN), Take Charge! Cure Parkinson's, Inc.

The Georgetown University Center for the Study of Sex Difference in Health, Aging and Disease, The Gerontological Society of America, The J. David Gladstone Institutes, The Jackson Laboratory, The Johns Hopkins University Bloomberg School of Public Health, The Johns Hopkins University School of Nursing, The Medical College of Wisconsin, The Medical Foundation, Inc., The Michael J. Fox Foundation for Parkinson's Research, The Ohio State University College of Dentistry, The Ohio State University College of Medicine and Public Health, The Ohio State University School of Public Health, The Parkinson Alliance and Unity Walk, The Research Foundation for Mental Hygiene, Inc., The Rockefeller University, The Schepens Eye Research Institute, The Scientist, The Scripps Research Institute, The Smith-Kettlewell Eye Research Institute, The Society for Investigative Dermatology, The Spiral Foundation, The University of Chicago Pritzker School of Medicine, The University of Iowa Carver College of Medicine.

University of Alabama at Birmingham School of Medicine, University of Alabama at Birmingham School of Nursing, University of Alabama at Birmingham School of Public Health, University of Arizona College of Medicine, University of Arkansas for Medical Sciences, University of Buffalo, Targacept, Inc., Temple University School of Dentistry, Texans for Advancement of Medical Research, Texas A&M University Health Science Center, Texas Medical Center, Texas Tech University Health Sciences Center, The Arc of the United States, The Association for Research in Vision and Ophthalmology, The

Biophysical Society, The Brody School of Medicine at East Carolina University, The Burnham Institute, The CJD Foundation, The Critical Path Institute (C-Path), The Endocrine Society, The FAIR Foundation, The Food Allergy and Anaphylaxis Network, The Food Allergy Project, Inc., The Forsyth Institute, The Foundation Fighting Blindness, The George Washington University Medical Center.

The University of Iowa College of Dentistry, The University of Iowa College of Public Health, The University of Mississippi Medical Center, The University of Mississippi Medical Center School of Dentistry, The University of Oklahoma College of Dentistry, The University of Oklahoma Health Sciences Center, The University of Tennessee Health Science Center, The University of Tennessee HSC College of Nursing, The University of Texas Health Science Center at Houston, The University of Texas Health Science Center at San Antonio, The University of Texas M.D. Anderson Cancer Center, The University of Texas Medical Branch at Galveston School of Medicine, The University of Texas Southwestern Medical Center, The University of Toledo Academic Health Science Center, Tourette Syndrome Association, Travis Roy Foundation, Tufts University School of Dental Medicine, Tulane University, Tulane University Health Sciences Center, Union for Reformed Judaism, Union of Concerned Scientists, Unitarian Universalist Association of Congregations, United Spinal Association, University of California System, University of California, Berkeley, University of California, Berkeley School of Public Health, University of California, Davis, University of California, Irvine, University of California, Los Angeles, University of California, Los Angeles School of Dentistry, University of California, Los Angeles School of Medicine, University of California, San Diego, University of California, San Francisco, University of California, San Francisco School of Dentistry, University of California, San Francisco School of Nursing, University of California, Santa Cruz, University of Chicago, University of Cincinnati Medical Center, University of Colorado at Denver and Health Sciences Center, University of Colorado at Denver and HSC School of Dentistry, University of Colorado at Denver and HSC School of Nursing, University of Connecticut School of Medicine, University of Florida, University of Florida College of Dentistry, University of Georgia, University of Illinois.

University of Michigan School of Dentistry, University of Michigan School of Nursing, University of Michigan School of Public Health, University of Minnesota, University of Minnesota School of Public Health, University of Missouri at Kansas City School of Dentistry, University of Montana School of Pharmacy and Allied Health Sciences, University of Nebraska Medical Center, University of Nebraska Medical Center College of Dentistry, University of Nevada, Las Vegas School of Dental Medicine, University of Nevada, Reno School of Medicine, University of North Carolina at Chapel Hill, University of North Carolina at Chapel Hill School of Dentistry, University of North Carolina at Chapel Hill School of Public Health, University of North Dakota, University of North Texas Health Science Center, University of Oregon, University of Pennsylvania School of Dental Medicine, University of Pennsylvania School of Medicine, University of Pennsylvania School of Nursing, University of Pittsburgh Graduate School of Public Health, University of Pittsburgh School of Dental Medicine, University of Pittsburgh School of Medicine.

Washington University in St. Louis School of Medicine, WE MOVE, Weill Medical College of Cornell University, Whitehead Institute for Biomedical Research, WiCell Research Institution, Wisconsin Alumni Research Foundation, University of Illinois at Chicago, University of Illinois at Chicago College of Dentistry, University of Illinois at Chicago College of Nursing, University of Iowa, University of Kansas, University of Kansas Medical Center, University of Kansas Medical Center School of Nursing, University of Kentucky, University of Kentucky College of Dentistry, University of Louisville, University of Louisville School of Dentistry, University of Maryland at Baltimore, University of Maryland at Baltimore College of Dental Surgery, University of Maryland at Baltimore School of Nursing, University of Miami, University of Michigan, University of Michigan College of Pharmacy, University of Michigan Medical School.

University of Rochester Medical Center, University of Rochester School of Medicine and Dentistry, University of Rochester School of Nursing, University of South Carolina Office of Research and Health Sciences, University of South Dakota School of Medicine and Health Sciences, University of South Florida, University of South Florida College of Nursing, University of Southern California, University of Southern California School of Dentistry, University of Utah HSC School of Medicine, University of Vermont College of Medicine, University of Washington, University of Washington School of Dentistry, University of Washington School of Nursing, University of Washington School of Public Health and Community Medicine, University of Wisconsin-Madison, Van Andel Research Institute, Vanderbilt University and Medical Center, Vanderbilt University School of Nursing, Virginia Commonwealth University School of Dentistry, Virginia Commonwealth University School of Medicine, Wake Forest University School of Medicine, Washington University in St. Louis, Washington University in St. Louis Center for Health Policy, Wisconsin Association for Biomedical Research and Education, Woodruff Health Sciences Center at Emory University, Wright State University School of Medicine, Yale University, Yale University School of Medicine, Yale University School of Nursing.

Ms. DEGETTE. Mr. Speaker, many have said that adult stem cell research can be a substitute for embryonic stem cell research. To those people I would say that is simply not true. I support adult stem cell research. I support cord blood research. I support anything that could help cure all of the diseases that affect Americans.

But those who say adult stem cell research will be a substitute are demagoguing that issue for political gain and that is wrong.

Dr. Harold Varmus summarized it for all of the hundreds of researchers and the people who have done studies when he said just this week: "Compared to adult stem cells, embryonic stem cells have a much greater potential, according to all existing scientific literature."

Some researchers have said well, maybe we can find cures through adult stem cell research. Some researchers have said maybe we could do embryonic stem cell research in alternative ways, but those methods have shown no promise whatsoever.

By way of contrast, recently researchers were able to create beta cells in mouse pancreases which then became insulin-producing islet cells. Even more recently, researchers were able to take embryonic stem cells and make nerve cells to help with nerve damage and paralysis. Adult stem cells cannot be used for that purpose.

So in fact, the only promise for many diseases like the ones I mentioned, is embryonic stem cell research. That is why, Mr. Speaker, it is all well and good if people want to vote for S. 3504. It is all well and good if they want to say they support these other kinds of research, but in truth the only research that the tens of millions of Americans will rely on is embryonic stem cell research.

In closing, our President has said that he will veto this legislation, H.R. 810, and sign S. 3504. I will say this to the President: In 6 years in office, over 1,600 bills he has signed, he has signed bills that make our budget deficit the worst in our country. He has signed bills that allow us to go to war against other nations. He has signed post office namings, and so many other bills. This bill, MIKE CASTLE and I, we drafted this bill to be very narrow.

□ 1715

We only allowed embryos which are created to give life for in vitro fertilization clinics and are then slated to be destroyed as medical waste to be donated voluntarily by the donors to be used for embryonic stem cell research. This is the pro-life alternative. This is the alternative that lets people, once they have had their babies for in vitro fertilization, say, I don't want my embryos thrown away. I want them used for medical research. I want those embryos to be used to save lives.

I just have one personal thing to say in closing. When people say that a 12-celled embryo is more important than patients today, I think of my 12-year-old daughter who suffers from type I diabetes. I think of the medical test that she does every day, sticking her finger. I think of the insulin that she must have to stay alive, and I say to the President, and I say to those that think that those embryos are more important than they are, I say, you know, come walk in her shoes for a day.

Come walk in the shoes of LANE EVANS, our colleague who cannot appear on this floor because of his debilitating illness.

Come walk in the shoes, unfortunately you couldn't walk in the shoes of our colleague, JIM LANGEVIN, who was paralyzed in a tragic gun accident and never walked again. And you tell all of those people that an embryo which is going to be thrown away for medical waste is more important than those people.

And that is why tens of millions of people will be watching this vote, and tens of millions of people will be watching the President this week. I suggest that the most important vote we can take is a vote for life and a vote for 810.

I want to thank my colleagues in the House for passing this bill. It was a bipartisan effort. And I want to urge them to think about that later this week if, as expected, a veto override vote comes to the floor.

Mr. Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, to close on this very important piece of legislation, I yield to the House sponsor of the companion bill, Dr. DAVE WELDON of Florida.

Mr. WELDON of Florida. Mr. Speaker, I want to thank Chairman BARTON. And I particularly want to thank the cosponsor of this legislation, Subcommittee Chairman DEAL. And I am certainly pleased that this legislation that we introduced passed the Senate unanimously. I fully expect something similar here in the House.

This bill, and I just want to point out to my colleagues, we are not revoting H.R. 810. We are talking about the bill to ban the procedure called fetal farming. And we are taking up the Senate version of the bill, which is a verbatim equivalent to the bill that Mr. DEAL and I introduced.

This bill sets a very, very important ethical boundary for biomedical research in this country, and obviously there is an ethical boundary that today we all agree on. It is a modest, but important, update to the Waxman 1993 fetal tissue research prohibitions.

These laws, as developed in the 1990s, attempt to protect women from being coerced into having an abortion for the purpose of providing fetal tissue for research. What they were trying to do is say you can only use voluntarily aborted fetal tissue. Then, as now, the concern was that women would be exploited. Because of this, in my bill the researchers are held accountable, not any woman who may be engaged in this procedure.

My bill adds a simple provision that would hold researchers criminally liable for intentionally implanting a human embryo, either in a womb or in an animal womb, for the purpose of harvesting the tissue for research.

Otherwise, the Waxman language is the same. It stays the same. The criminal penalties are the same. The definition of the fetus is the same.

When Congressman WAXMAN originally developed these laws, the thought of fetus farming hadn't even crossed our minds. Even now, most of us and most scientists would say that fetus farming is unthinkable. Science Magazine, in their reporting on the bill, stated, this bill, the one we are debating now, not H.R. 810, that fetus farming was "ethically taboo for any legitimate researcher."

However, what I want to get into now, and that is the reason I have the posters, this is the reason I have introduced this legislation. It may be considered taboo now, but I don't know if it will still be considered taboo in 2 or 3 or 4 years. And the way these things usually progress is they start doing it in animals and it shows a little bit of maybe potential, and then people start saying, we can cure diabetes and Parkinson's disease if we just start doing this in humans. And that is the direction they want to go.

Now, this was the first study that caught my attention, and as I have stated many times on the floor of this Chamber, I am a physician. I still see patients once a month. I have treated diabetes and Parkinson's. My uncle died of complications of Parkinson's. My father died of complications of diabetes. I have dealt with this as a professional. I have dealt with this in my family.

What they did is this is a cow study, and I would be happy to provide this to anybody. They did cloning, but then they took the cloned embryos, put them in a cow, and cardiac and skeletal tissue from 5- to 6-week-old cloned natural fetuses were used in this study, and they tried to show that it had some therapeutic potential.

This was a second one, a cow study where they did the exact same thing, cloning, and they put it in a cow and they grew it into the fetal stage. And that is because embryonic stem cells are really a hassle to work with. It is really easier to use fetal tissue. And that is one of the arguments I have been making ever since I introduced my original bill to ban human cloning.

If you don't think scientists want to start doing this, here it is. This is one of the researchers involved with this. He says, "We hope to use this technology in the future to treat patients with diverse diseases." And that is usually the way we go. We say, oh, this is ethically taboo. Oh, we don't want to do this. And then somebody with a Ph.D. on the end of their name comes along and says, we are going to be able to cure this and cure that, even though there is very little evidence, scientifically, to say that the cures will be there or at least, like in the case of human embryonic stem cell research, most credible researchers in moments of honesty will acknowledge it is 10 to 20 years, if ever, going to be applicable.

But that is what they will do. They will say we are going to cure this. We are going to cure that.

So I am very grateful the Senate voted unanimously. I fully expect this bill to pass overwhelmingly on suspension. And we will draw a line in the sand to say we are not going to take this whole area of tissue therapies into the realm of where we are exploiting fetuses.

Today, there is a majority in both bodies that want to exploit embryos. But we are saying collectively, as a Nation, through the votes of the Members of both Chambers, that we are not going to start exploiting fetuses. I think it is the right thing for us to do, and I am very, very pleased at the expedited action on this bill.

And, again, I want to thank Chairman BARTON and particularly my cosponsor, Chairman DEAL.

Mr. TERRY. Mr. Speaker, I rise in strong support of S. 3504, the Fetus Farming Prohibition Act.

This critical legislation will help prevent the dangerous potential for creation of human "fetus farms" to harvest children's tissues and organs for medical research. It would make it a federal crime punishable by up to ten years in prison to knowingly buy or sell human fetal tissue from a pregnancy deliberately initiated for the purpose of harvesting organs and tissues.

Unless S. 3504 is enacted, the potential for exploitation of women and children is tremendous. Animal research has already been conducted that raises severe ethical concerns for application in humans. For example, Advanced Cell Technology attempted to clone cow fetuses, implanted the fetuses within a womb and grew them for three to four months before aborting the cows to harvest their liver tissue for research. In addition, the Massachusetts Institute of Technology cloned and grew mouse fetuses to correct an immune deficiency, but the research was only successful when the mouse was aborted at the newborn stage for cell harvesting.

Some researchers have already indicated that cells or tissues from human fetuses are more desirable than embryonic stem cells because they are more developed and adaptable for transplantation. While the biotechnology industry claims no interest in maintaining cloned human embryos past 14 days, it has supported State laws such as the New Jersey law which allows "fetus farming" into the ninth month of pregnancy to harvest more developed organs and tissues. The potential to pay women to act as incubators for children to be grown and aborted for "research" is easily seen. S. 3504 would prevent this horrific situation, and I am proud President Bush has agreed to sign this legislation into law upon passage by Congress today.

I urge my colleagues to join me in supporting S. 3504 to uphold human life and protect women and children from exploitation in unethical research.

Mr. ESHOO. Mr. Speaker, I support S. 3504 because I think it is essential to have the strictest of guidelines that reflect our Nation's values regarding the creation and responsible treatment of human embryos.

Having said this, if we pass this bill without also enacting legislation to allow for federally funded and regulated stem cell research, we are saying "no" to the potential of life saving treatments for millions of Americans who suffer from diseases for which there are currently limited or no treatment options.

Later this week, the House will likely vote on H.R. 810, the Stem Cell Research Enhancement Act, a bill which puts into place critical federal support for embryonic research under the strictest ethical requirements, and I'm proud to be an original cosponsor of this bill.

Under H.R. 810 embryonic stem cell lines will be eligible for research funding only if embryos used to derive stem cells were originally created for fertility treatment purposes, are in excess of clinical need, and are donated for the purpose of research.

H.R. 810 will bring embryonic stem cell research under the National Institutes of Health, ensuring rigorous controls and ethical guidelines on this research that only NIH can impose. We have a moral imperative to ensure that this research is conducted in adherence to sound medical, ethical, and moral guidelines.

The Stem Cell Research Enhancement Act will advance medical science and will almost certainly save lives and provide hope to millions of Americans afflicted with suffering from diseases and injuries, including Parkinson's, Alzheimer's, heart disease, and spinal injuries.

Without federal funding and standards, scientific progress will move overseas and Americans' access to the most important medical innovations will be limited.

I join Dr. FRIST, the Senate Republican leader, in support of this bill, as well the governor of California, Governor Schwarzenegger, who has asked the President to withhold his veto.

The Federal Government has a key role to lead, to encourage and to assist in the cutting-edge research which can and will save the lives of our citizens.

I urge my colleagues to support H.R. 810 and support stem cell research, and I implore the President to reconsider his pledge to veto this crucial legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, S. 3504.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. DEGETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 810. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2754) to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

The Clerk read as follows:

S. 2754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alternative Pluripotent Stem Cell Therapies Enhancement Act".

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) intensify research that may result in improved understanding of or treatments for diseases and other adverse health conditions; and

(2) promote the derivation of pluripotent stem cell lines, including from postnatal sources, without creating human embryos for research purposes or discarding, destroying, or knowingly harming a human embryo or fetus.

SEC. 3. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by inserting after section 498C the following:

"SEC. 409J. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

"(a) IN GENERAL.—In accordance with section 492, the Secretary shall conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells that, like embryonic stem cells, are capable of producing all or almost all of the cell types of the developing body and may result in improved understanding of or treatments for diseases and other adverse health conditions, but are not derived from a human embryo.

"(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this section, the Secretary, after consultation with the Director, shall issue final guidelines to implement subsection (a), that—

"(1) provide guidance concerning the next steps required for additional research, which shall include a determination of the extent to which specific techniques may require additional basic or animal research to ensure that any research involving human cells using these techniques would clearly be consistent with the standards established under this section;

"(2) prioritize research with the greatest potential for near-term clinical benefit; and

"(3) consistent with subsection (a), take into account techniques outlined by the President's Council on Bioethics and any other appropriate techniques and research.

"(c) REPORTING REQUIREMENTS.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the fiscal year, including a description of the research conducted under this section.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any policy, guideline, or regulation regarding embryonic stem cell research, human cloning by somatic cell nuclear transfer, or any other research not specifically authorized by this section.

"(e) DEFINITION.—

"(1) IN GENERAL.—In this section, the term 'human embryo' shall have the meaning given such term in the applicable appropriations Act.

"(2) APPLICABLE ACT.—For purposes of paragraph (1), the term 'applicable appropriations Act' means, with respect to the fiscal year in which research is to be conducted or supported under this section, the Act making appropriations for the Department of Health and Human Services for such fiscal year, except that if the Act for such fiscal year does not contain the term referred to in paragraph (1), the Act for the previous fiscal year shall be deemed to be the applicable appropriations Act.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2009, to carry out this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise today to voice my support for the alternative Pluripotent Stem Cell Therapy Enhancement Act. Now, that is a mouthful.

As an advocate of increased funding for health care research, I am eager to support legislation that would continue funding for this groundbreaking research that shows great promise for translating research into real cures for people who suffer from debilitating illnesses like diabetes and Parkinson's.

As I have said in the past on this floor, I feel strongly that Congress should do its best without delay to ensure that our American citizens benefit from the latest advancements in medical research. Great advancements are possible from research on adult stem cells and other pluripotent cells, and such research should be encouraged.

This legislation would provide valuable dollars to promote stem cell research into new and promising areas. And it should be recognized as an important compromise measure that addresses the many ethical issues deeply held by many Members in this body on both sides of the issue that are associated with the question of Federal funding for stem cell research.

With this legislation, the important research can continue to expand. With time, I am hopeful that we will see some of the miracle cures that all of us have been so fervently praying for for many years.

Mr. Speaker, I hope that my colleagues will seize the opportunity to advance scientific and medical research in a morally ethical way by voting in favor of S. 2754.

Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I yield 3 minutes to myself.

Mr. Speaker, I rise in opposition to S. 2754, the so-called Alternative Pluripotent Stem Cell Therapies Enhancement Act.

This bill may seem innocuous on its face. It just tells the Secretary of HHS to research these alternative therapies. But, in fact, it has several key problems. The first one is it sets a disturbing precedent. The bill requires the Secretary of HHS to conduct research into so-called alternative therapies. These therapies, however, do not exist. And they would shift precious resources from the NIH into this fake research that doesn't really exist.

Secondly, as a member of the House Energy and Commerce Committee, I am very concerned when we direct the NIH to pursue one type of research over another. Congress never directs the course of research.

Imagine if we told the NIH, Congress, I guess because we are the uber researchers now, to pursue one type of cancer research over another type of cancer research.

Thirdly, alternative methods for creating pluripotent stem cells are not a real scientific prospect at this time.

As I mentioned during the debate on the last piece of legislation, these types of research have been hypothesized from time to time, but no one has actually had any clinical application. The only promise has been shown in embryonic stem cell research.

Frankly, this bill does worse than nothing. This bill diverts attention and resources away from embryonic stem cell research, which is the research that really shows promise for diseases that affect tens of millions of people, diseases like nerve damage, Alzheimer's, Parkinson's and so many others.

I support all legitimate research, but Congress and the White House should not be giving false hope to patients across America who just want to have cures for their diseases.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself 2 minutes.

I rise in support of this legislation, which will allow funding for research that is already showing some real promise and, at the same time, avoids the moral and ethical perils of research involving the destruction of human embryos.

Pluripotent cells have the ability to grow into any cell in the body. Like other stem cells, pluripotent cells are used in the treatment of debilitating conditions where the replacement of damaged or malfunctioning cells is needed. Using adult stem cells drawn from bone marrow and umbilical cord blood system cells, scientists have discovered new treatments for scores of diseases and conditions such as Parkinson's disease, juvenile diabetes, and spinal cord injuries. Thousands of people have already benefited from these advances; and with continued research, thousands more stand to benefit in the near future.

☐ 1730

The success of these treatments shows the merit of adult stem cell research and demonstrates the need for further research.

Last year Congress took action in this area by passing the Stem Cell Therapeutic and Research Act of 2005. As a cosponsor of that legislation, it was a bill which expanded the number of stem cell options available to Americans suffering from life-threatening diseases.

Today's legislation will allow us to take another step forward and open up even more avenues for promising research for individuals and families.

The concerns with embryonic stem cell research are real and deeply held by many Americans. But Americans are not the only ones who have reservations about moving forward with research that destroys human embryos. In fact, many nations currently refuse to support embryonic stem cell research of any kind. And last year the United Nations adopted a resolution declaring a prohibition on "all forms of human cloning inasmuch as they are incompatible with human dignity and the protection of human life." Voting along with the United States on this strong declaration were 84 nations, including Germany, Austria, Australia, Italy, and Portugal.

The legislation before us today upholds these principles and will help to further establish our Nation's leadership in ethical and effective scientific research.

Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Delaware (Mr. CASTLE) and the prime cosponsor of H.R. 810.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman for yielding.

I do rise in opposition to S. 2754, which is the Alternative Pluripotent Stem Cell Therapies Enhancement Act. This is authored by good friends and people I respect greatly, Senator SANTORUM and Senator SPECTER and particularly the gentleman in this House who is here on the floor, Mr. BARTLETT, for whom I have great admiration. But I have looked at it considerably, and after many discussions with him and others, I disagree this is the way to go about this, and I must oppose it.

Put simply, the legislation mandates the National Institutes of Health to support highly speculative research, some of which has been deemed unethical by the President's own Bioethics Council, and this mandated research may violate current law because embryos will be destroyed with Federal dollars.

While I appreciate the fact that this legislation acknowledges the very real fact that embryonic stem cells have more potential for treatments and cures than adult stem cell research, and I think that is a very important point. I might add, this legislation is a delay to cures. Why is it a delay? It requires researchers to develop new ways to create or isolate embryonic stem cells before the research with embryonic stem cells can even begin. So you add a whole additional step to the process. And in speaking with Dr. Leon Kass, the former director of the President's Bioethics Council, it could take years to develop these isolation techniques, which means the research is being held up even further.

Why not go with the tried and true method of isolating embryonic stem cells from 5-day-old blastocysts created for the purposes of IVF, no bigger than the tip of a pencil, that would never be implanted in a woman and are slated for medical waste. And then let the research begin immediately.

It would be one thing if these methods were scientifically proven, but they are not. And if they are not, they may never be. My friend from Maryland may talk about single-cell biopsy and its promise in mouse stem cell research, but the Bioethics Council deemed that particular procedure unethical as well because it may very well lead to the destruction of the embryos.

Why not leave the current law alone? The National Institutes of Health can already fund research grants examining alternative methods of derivation. In other words, most of this can be done without being mandated. There is absolutely no reason to mandate this research.

I ask my friends who support embryonic stem cell research to vote against this legislation. It is a distraction for the NIH. It is a distraction for our researchers. And it is a delay to cures, which is most important. The only legislation which provides a direct path to potential cures is H.R. 810, the Stem Cell Research Enhancement Act. Put together, this bill would mandate research, some of which the President's own Bioethics Council has concluded is unethical. And for those who have raised this issue repeatedly, it permits the possibility of destroying embryos as part of the mandated research.

I would encourage all in the House to oppose this legislation.

Mr. DEAL of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, earlier today I participated in a news conference with about a dozen Snowflake babies who were adopted as embryos, along with five colleagues who are medical doctors. Very few media came to see these children and record their smiles, squirms, dancing, and other delightful antics. How can anyone look at them and say that it would have been okay to kill them to produce stem cell lines? I can state unequivocally that it is morally reprehensible and scientifically unnecessary to kill human embryos to provide raw fodder for scientific research.

For the vast majority of scientists and medial researchers, pluripotent stem cells hold the most promise for understanding human diseases and treating devastating conditions. That is why they are coveted.

To some, the manner in which these pluripotent stem cells would be obtained under the Castle-DeGette bill, by using taxpayers' dollars to kill a human embryo, is secondary to the hope for cures that they represent to sick patients.

To me and millions of other Americans, deliberately taking the lives of innocent human embryos is an unacceptable trade-off. A number of scientists have now proven what I have argued for the past 5 years. It is scientifically unnecessary to destroy human embryos to obtain pluripotent stem cells. Indeed, at least one procedure is almost immediately ready for human clinical application.

The Bartlett-Santorum bill represents common ground into promising ways the Federal Government can support pluripotent stem cell research without sacrificing life for medicine.

The Bartlett-Santorum bill will amend the Public Health Service Act to require NIH to conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells that have pluripotent or embryonic-like qualities. It was approved by the Senate earlier today by a unanimous recorded vote of 100–0.

"It's surprising what you can accomplish when no one is concerned about who gets the credit." Ronald Reagan, 1989.

President Bush will sign the Bartlett-Santorum bill into law because it meets his ethical standards for promoting pluripotent stem cell research without the creation of human embryos for research purposes or discarding, destroying, or knowingly harming a human embryo or fetus. I am proud of President Bush's unwavering defense of the sanctity of life. I am grateful for his support and the support of my colleagues for ethical pluripotent stem cell research.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I want to make sure I am actually speaking on the right bill, and I am speaking to the Alternative Pluripotent Stem Cell Therapies Enhancement Act, and I thank my colleague from Colorado for yielding.

I do rise in opposition to a politically motivated bill brought to this House today to provide cover for certain Members who have tough elections ahead of them. It seems really simple: Vote for one type of stem cell research and then you can oppose another. This way you can appeal to voters on both sides of the issue.

But this bill is rather meaningless because there is nothing preventing researchers now from conducting research on stem cells derived from sources other than embryos.

I wish to enter into the RECORD a letter from the American Society for Cell Biology, which contains 27 signatories including Nobel Prize winners, chancellors of universities, researchers from across this country who are opposing this legislation not because it is evil but because it is a waste of resources.

The truth is there exists no way to extract embryonic stem cells without then having to discard those embryos, which, by the design of the underlying legislation, would have been discarded anyway. This would not be done without the expressed approval of the donating parent.

If you truly support giving hope to the millions of Americans who suffer today from diseases like ALS, cancer, Alzheimer's, diabetes, then you support feasible embryonic stem cell research that can be done today.

And those of you who claim that there is no hope for stem cell research are wrong. NIH-funded research, limited as it currently is, has already shown definite progress in this area. In the case of heart disease, scientists have been able to successfully use stem cells to create and transplant living heart cells in rats. The promise of these advancements for the human heart is incredible. This is surely a prolife piece of legislation if there ever was one.

And there are so many more examples of the lifesaving potential of the stem cell research we already know about, but our scientific researchers only need the resources to do this.

So I urge my colleagues to join me in voting "no" on this bill as a show of support for enactment into law of H.R. 810, voted for in a bipartisan way in this House, today voted for in the Senate. This is what the American people want. This is what we have supported. This is the only vehicle by which we can ensure expanded stem cell research and the ability to save lives.

THE AMERICAN SOCIETY
FOR CELL BIOLOGY,
Bethesda, MD, July 17, 2006.
Hon. ORRIN HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: The Senate will shortly be considering legislation to permit the National Institutes of Health (NIH) to fund research with additional and new and existing human embryonic stem cell (hESC) lines. As staunch supporters of biomedical research and particularly research with hESCs, we trust that you will exert your influence to ensure passage of H.R. 810. Scientists engaged in ESC research are counting on you and like-minded Senate colleagues to assure its passage.

The President must also be persuaded not to veto this legislation, for if we continue on the path he set 5 years ago, United States investigators will be out of the running in converting embryonic stem cells into important new therapies. It is especially frustrating and demeaning that American scientists are prohibited from using their NIH grant funds for research with the hundreds of hESC lines generated outside the United States or generated in this country with private funding.

Also, S. 2754, the "Alternative Pluripotent Stem Cell Therapies Enhancement Act," sponsored by Senators SPECTER and SANTORUM, seems to us, superfluous. Ostensibly, it is intended to authorize research "to derive human pluripotent stem cell lines using techniques that do not harm embryos." However, at present, such research is currently permissible and, therefore, does not require congressional legislation; indeed, the National Institutes of Health may currently be funding such efforts.

Moreover, all the alternative procedures advanced in the report by the President's Council on Bioethics and other alternative methods that have been suggested encounter equally vexing ethical concerns. Hence, S. 2754 is unneeded and if passed would deflect from the current urgent need for generating new stem cell lines from excess IVF-derived blastocysts.

Sincerely,

Peter Agre, M.D., Vice Chancellor for Science and Technology, James B. Duke Professor of Cell Biology, Duke University School of Medicine, Nobel Prize in Chemistry, 2003; Bruce Alberts, Professor of Biochemistry and Biophysics, University of California, San Francisco, President Emeritus, National Academy of Sciences; Mary C. Beckerle, Ph.D., Ralph E. and Willia T. Main, Presidential Professor, University of Utah, President, American Society for Cell Biology; David Baltimore, President, California Institute of Technology, Nobel Prize in Physiology or Medicine, 1975; Paul Berg, Cahill Professor of Biochemistry, Emeritus, Stanford University, Nobel Prize in Chemistry, 1980; J. Michael Bishop, Nobel Prize in Physiology or Medicine, 1989; Helen M. Blau, Ph.D., Donald E. and Delia B. Baxter, Professor, Director, Baxter Laboratory in Genetic Pharmacology, Stanford University School of Medicine.

Michael S. Brown, MD, Nobel Prize in Physiology or Medicine, 1985; Linda Buck, Ph.D., Howard Hughes Medical Institute, Division of Basic Sciences, Fred Hutchinson Cancer Research Center, Nobel Prize in Physiology or Medicine, 2004; Johann Deisenhofer, Regental Professor, Investigator, Howard Hughes Medical Institute, The University of Texas Southwestern Medical Center, Nobel Prize in Chemistry, 1988; Joseph L. Goldstein, M.D., Regental Professor of Molecular Genetics and Internal Medicine, University of Texas Southwestern Medical Center at Dallas, Nobel Prize in Physiology or Medicine, 1985; Larry Goldstein, Investigator, Howard Hughes Medical Institute, Department of Cellular and Molecular Medicine, University of California, San Diego School of Medicine; Alfred G. Gilman, M.D., Ph.D., Dallas, Texas, Nobel Prize in Physiology or Medicine, 1994; Paul Greengard, Professor, The Rockefeller University, Nobel Prize in Physiology or Medicine, 2000; Lee Hartwell, Ph.D., President & Director, Fred Hutchinson Cancer Research Center, Nobel Prize in Physiology or Medicine, 2001; Dudley Herschbach, Baird Research Professor of Science, Harvard University, Nobel Prize in Chemistry, 1986.

H. Robert Horvitz, Professor of Biology, Massachusetts Institute of Technology, Nobel Prize in Physiology or Medicine, 2002; Douglas Koshland, Carnegie Institution, Investigator, Howard Hughes Medical Institute; Paul C. Lauterbur, Center for Advanced Study Professor of Chemistry & Distinguished Professor of Medical Information Sciences, University of Illinois, Nobel Prize for Physiology or Medicine, 2003; Sean J. Morrison, Investigator, Howard Hughes Medical Institute, Director, Center for Stem Cell Biology, University of Michigan; Eric N. Olson, Department of Molecular Biology, University of Texas, Southwestern Medical Center at Dallas; Thomas D. Pollard, MD, Sterling Professor and Chair, Molecular Cellular and Developmental Biology, Yale University; Randy Schekman, HHMI Investigator, Dept. of Molecular and Cell Biology, University of California, Berkeley; Phillip A. Sharp, Institute Professor and Center for Cancer Research, Massachusetts Institute of Technology, Nobel Prize in Physiology or Medicine, 1993; Maxine F. Singer, A.B., Ph.D., D.Sc., President Emerita, Carnegie Institution of Washington; Harold Varmus, MD, President, Memorial Sloan-Kettering Cancer Center, Chair, Joint Steering Committee for Public Policy, Former Director, National Institutes of Health, Nobel Laureate in Medicine or Physiology, 1989; Eric Wieschaus, Department of Molecular Biology, Princeton University, Nobel Prize in Physiology or Medicine, 1995.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, many of us have been impacted, directly or indirectly, by diseases like juvenile diabetes, Parkinson's, Alzheimer's, Lou Gehrig's disease, and so on. I have friends, as many people here do, who have had these diseases, and my heart goes out to these families. And on the other hand, many oppose embryonic stem cell research because they see the embryo as a human life, which I do as well.

So where do we go with this? I mean on the one hand we are going to create a huge problem for those who believe in life beginning at conception, and we have a desire to also help people who need the stem cell research that think that these are the solutions. So I would differ with some of my friends here, in that the British have done more than 2,000 replications where they have extracted stem cells without destroying the embryo. It has been done. This is not something that has never occurred before. This is not pie in the sky. This is a very real possibility to resolve this dilemma: Are you going to try to preserve human life, as many of us who are pro-life see it, and also have stem cell research? The Senate saw it 100–0. So why over here now, in order to pass a particular bill, are we trying to destroy this bill? It makes no sense to me.

So with that, I certainly urge passage of Senate 2754.

Ms. DEGETTE. Mr. Speaker, I would just correct the gentleman from Nebraska. I was in England over the Memorial Day recess, meeting with all of the major researchers. None of them have found clinical application in just taking cells out of embryos. They all agree that embryonic stem cell research shows the most promise.

Mr. Speaker, I yield 3 minutes to my distinguished colleague from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman for yielding and for her great work on this issue.

The real debate here today in Congress is about whether or not the President is going to veto the Stem Cell Research Enhancement Act.

What the Republicans have done is to bring out so many red herrings that we might as well put an aquarium out here in the well of the House. It is to distract. It is to divert.

The central issue is whether or not this body this week is going to vote for a victory for science, a victory for progress, a victory for millions of Americans who are struggling to survive in the face of a devastating disease. This bill, as it passes the House and has already passed the Senate and we vote on it later on this week, is a magnificent milestone in our journey to realizing the life-giving potential of stem cells. Twenty-one million Americans have diabetes; 4.5 million Americans have Alzheimer's; 1.5 million Americans suffer from Parkinson's disease; and more than 1 million people in our country have muscular dystrophy. You can go down the list: spinal cord, heart disease. You can go through all of those diseases. Just take one, Alzheimer's. By the time all of the baby boomers have retired, 15 million Americans will have had Alzheimer's, 15 million baby boomers.

Embryonic stem cell research is one of the most promising paths to the treatment and cure of all of these devastating diseases.

☐ 1745

Nevertheless, President Bush is now threatening to use his very first veto to prevent scientists from using Federal funds to search for these cures. He is threatening to use his very first veto to dash the hopes of patients and their families.

Research is medicine's field of dreams from which we harvest the findings that give new knowledge to the causes, the treatment and prevention of disease and the development of cures. Hope is what this debate is all about. Hope is the most powerful four-letter word in the English language, and I have no doubt that, in the end, hope is going to win.

But if we don't, if President Bush is successful, we will be snuffing out that flickering candle for medical cures that has just been lit. We will be condemning the afflicted to another generation of darkness. We will be ending the hope for a child with muscular dystrophy, who can't understand why his body is getting weaker while his friends are getting stronger, a veteran with spinal cord injury, a spouse who watches her husband lose his memory.

Let us not let President Bush veto hope. Let us not let President Bush veto hope. We must not let President Bush veto hope.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I rise today in strong support of the Santorum-Bartlett pluripotent stem cell bill, and I want to take this opportunity to say on the floor of the House of Representatives that I am proudly both pro-life and pro-science.

Today is a great day for the American people. Today they get to see their Members of Congress stand up for the sanctity of human life as well as the hope of medical research. No longer as a society do our hands need to be tied to choose one or another; nor are we forced to trade one person's life for the chance to improve another's. No. Today, Mr. Speaker, I am here to say that technology has advanced and research has shown that there are methods to obtain embryonic-like stem cells ethically. It is because of the potential of these advances that the Federal Government should invest their financial resources in the promise of pluripotent stem cell research.

My good friend from Delaware, Mr. CASTLE, said earlier, you know, why go through another step? We have already got this proven technique that the Castle-DeGette bill calls for of obtaining stem cells, embryonic stem cells, from human embryos by just simply putting them in a blender, churning them up and easily getting those embryonic stem cells out.

I am saying to you and my colleagues, that is too much collateral damage. The collateral damage is destruction of human life. This is a better way. We can utilize embryonic stem cells from what Mr. BARTLETT has described in his bill and Senator SANTORUM, and I think that is the way to go. I commend him for this bill, and I commend it to my colleagues.

Ms. DEGETTE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1¾ minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, like many of my colleagues and fellow citizens across the country, my family, too, has been touched by the scourge of disease. I have seen firsthand the devastating effect that disease can have on a loved one and on a family. That is why I am a strong supporter of stem cell research, research on adult stem cells and stem cells derived from umbilical cord and placenta blood.

Adult stem cell research has already proven successful and worthy of our investment of taxpayer money. It has proven so useful in fact that therapies derived from adult stem cells are treating patients today throughout the country.

Before the House today we have a bill that supports new and even broader horizons in stem cell technology, H.R. 5526, the Pluripotent Stem Cell Therapies Enhancement Act.

To be sure, positions on embryonic stem cell research are deeply held by every Member. This legislation focuses on what scientists at many of our country's most esteemed research universities have developed, embryonic stem cells that do not require the destruction of the embryo. Scientists seeking the same compassionate cures to many of our most debilitating diseases have recognized that science and ethics need not be divorced to produce positive results for patients.

Adult stem cell therapies and pluripotent stem cell therapy present exciting and hopeful new possibilities and treatments and even cures to families with loved ones facing the scourge of disease. This is good news worth repeating. We can do worthwhile and groundbreaking stem cell research to benefit patients without destroying human life.

Mr. Speaker, science and technology must always serve humanity, not the other way around. H.R. 5526 is faithful to that principle. We can both conform to the highest bioethical standards and provide the potential for hopeful medical advances. I urge its passage.

Ms. DEGETTE. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, today I rise in support of our Nation's scientists and medical research. Today the Senate passed three bills. Now, I believe that it is important to pursue all types of research, and the bill that we are debating presently is something that NIH and our researchers can already do.

But let me be very clear: only H.R. 810, which this Chamber passed over a year ago, H.R. 810 is the only bill that holds the tremendous potential to cure some of life's most challenging conditions and diseases.

Mr. Speaker, we stand at the threshold of a new generation in medical research. I believe firmly that H.R. 810 and stem cell research will fundamentally change the course of medicine within the next decade and well into the future in so many ways.

We are limited only by the bounds of our own imagination. As long as our Nation's scientists and medical researchers have the tools and resources that they need, I believe that there is no limit to what they can cure. H.R. 810 and stem cell research offers the hope to cure Parkinson's disease, Alzheimer's, juvenile diabetes, and even spinal cord injuries.

Mr. Speaker, I remember a time more than 25 years ago when I stood in the locker room of the police station as a young police cadet. A police officer's gun accidentally went off. That bullet went through my neck and severed my spinal cord. I have been paralyzed ever since. I was told that I would never walk again.

But, Mr. Speaker, today is an exciting time in medical research. I firmly believe in a day in the very near future when a child with juvenile diabetes will not have to endure a lifetime of painful shots and tests; that families will not have to watch in agony as a loved one with Alzheimer's gradually declines; and, Mr. Speaker, I believe in a day when I will walk again.

Today, Mr. Speaker, we have the opportunity to move research forward. H.R. 810 removes the restrictions that have been placed on it and offers hope to millions of Americans and people around the world.

This is an important time. I ask the President not to veto this bill, but to join with us in passing H.R. 810 and changing the world for the better.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, today I rise in support of S. 2754.

Make no mistake about it, Congress is not debating banning stem cell research. It is legal. It is a question, though, of whether or not we will use the public's money to fund research that many Americans find morally and ethically reprehensible.

I support this bill because, without destroying innocent human life, it prioritizes additional research with the greatest potential for near-term clinical benefit, like umbilical cord blood and adult stem cells. That research is already yielding treatment to fight diseases like leukemia and lymphoma.

Mr. Speaker, our sacred Declaration of Independence states that every American has the right to life, and I am personally opposed to any measure that would create life just to destroy it.

This it is not the first nor the last time that I believe Congress will debate this important question, but whenever doubt or conflict arises, I hope that Congress will always, always, Mr. Speaker, err on the side of life.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, this legislation does not advance potentially lifesaving stem cell research. Despite its nice sounding, albeit hard to pronounce, name, the bill simply tells the National Institutes of Health to continue doing what they are already doing. This bill really is here to serve as political cover so that opponents of H.R. 810, the Castle-DeGette bill, can claim that they did something. It is really both useless and superfluous.

Instead of spending our time debating bills that would not advance the science of stem cell research, we should be looking for real ways to promote this vital research. We should be empowering our scientists by opening up new resources and new opportunities for them to expand their research. We should be providing patients and families with real hope for the future, not passing empty bills.

Mr. Speaker, I am fortunate to represent the University of Wisconsin-Madison, where Dr. Jamie Thomson and his team were the first to derive and culture human embryonic stem cells in a laboratory. Embryonic stem cells open the possibility of dramatic new medical treatments, transplantation therapies and cures. But at 9 p.m. on August 9, 2001, the hope and promise of this embryonic stem cell research was greatly curtailed by the administration's restrictions on Federal research dollars for stem cells.

We need to end these irrational restrictions. We need to enact H.R. 810 into law. H.R. 810 is real progress, and it provides our scientists with the tools that they need to continue their lifesaving research.

Please vote against the distraction before us right now.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I just want to give this audience here three reasons to support this bill: first, it funds groundbreaking stem cell research. The types of stem cells promoted by S. 2754 possess similar potential to differentiate into any cell in the human body as embryonic stem cells. This bill authorizes funding for pluripotent stem cell techniques that do not involve the derivation from a human embryo.

Two, it is noncontroversial. It does not authorize Federal funding for research that would create, discard, destroy, knowingly harm human embryos or fetuses, avoiding this sensitive and controversial issue. Pluripotent stem cells derived from methods that do not result in the destruction of human embryos possess the ability to differentiate into all human cells, just like embryonic stem cells. This bill does not mandate any techniques or methods for deriving or creating alternative pluripotent stem cells. It simply establishes the guidelines for the type of research authorized for funding.

Finally, it supports scientific research. Researchers exploring alternative methods of deriving stem cells will benefit from Federal funding.

Mr. Speaker, no one in this room is untouched by the need to have good quality research. In my own family, my cousin has Lou Gehrig's disease. We need responsible research. This is responsible research.

Background: Scientists believe that stem cell therapies may be used to treat a wide variety of illnesses, from degenerative neurological diseases like Alzheimer's, Parkinson's, and Lou Gehrig's, to other conditions like diabetes and heart disease.

Pluripotent stem cells, of which embryonic stem cells are one type, can produce all of the cell types of the developing body. However, they need not be derived from human embryos.

A May 2005 White Paper published by the President's Council on Bioethics described, in depth, various methods of deriving pluripotent stem cells without destroying embryos.

In keeping with the recommendations of the President's 2001 policy on Federal stem cell research and the Dickey amendment, S. 2754 would authorize appropriations for the Secretary of HHS to conduct research into developing techniques "for the isolation, derivation, production, or testing" of pluripotent stem cells that do not involve the destruction of human embryos.

Bottom Line: S. 2754 will allow federal funding for stem cell research that is ethically sound because embryos will neither be created, harmed, nor destroyed.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Speaker, this bill, while well-intentioned, raises obfuscation and disingenuousness to an art form. It says nothing that truly supports embryonic stem cell research. It promotes technology which does not exist in a form which will help cure human disease.

Only the central cell mass of the blastocyst, in this case those which would be used in in vitro fertilization but instead will be tossed in the trash, are pluripotent.

□ 1800

While I strongly support adult and umbilical cord stem cell research, and there are clinical uses for both now, and they should be supported and research continued.

The true stem cell bill is H.R. 810, the Castle-DeGette bill. It is the bill endorsed by the legitimate scientific community, and the bill which holds the most promise for cures for diseases which today have no cure. It is the bill which is truly pro-life.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I think it is unfortunate that Mrs. CAPPS, Mr. MARKEY, Ms. BALDWIN and others have attacked our motives on this floor. I think it degrades the debate. This is not about political cover, but how we can support stem cell research that is ethical and works, and promote research on pluripotent cells that do not destroy human embryos.

Let me remind my colleagues that way back on September 11, 2001, DAVE WELDON and a group of us began working on the umbilical cord blood bill that was finally, several years later, signed into law by the President. That legislation, signed on December 20, 2005 provides $265 million over 5 years to create a new, aggressive, robust, cord blood and bone marrow transplantation program.

That is not cover. That is all about trying to find cures. We take a back seat to no one. We have all had sicknesses in our families, every one of us. We just believe that we need to promote research that is both ethical and not embryo destroying.

Let me also remind my colleagues, and this may come as a pleasant surprise, this year we will spend $609 million on stem cell research. Is that cover too? Of course not. We want to find cures. And we want to do it in an efficacious manner as well as an ethical manner. I support ROSCOE BARTLETT's legislation which he has brought to the floor today.

Ms. DEGETTE. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STERNS).

Mr. STEARNS. Mr. Speaker, I come down in this short amount of time, Mr. Speaker, to say the claim and the facts. The claim that these folks make is the bill takes focus away from advancing cures through federally funded embryonic stem cell research from excess IVF embryos. Fact. In other words, it is another way to advance those cures which all supporters of embryonic stem cell research claim to support as well until now.

This is a very strange argument, when all supporters of this research and the Senate just voted to support this bill.

Claim. Alternative methods described in legislation are highly speculative, and are either simply ideas or unproven in a human model. We all know that the Federal money is going to cost the taxpayers a lot. But privately, you can go out and do what you folks want to do. So if there are so many cures for this, why not have the private sector provide them for you? And all of these baby boomers that you talk about who will not get these, of course, will in fact get them, because the private sector can solve it.

Ms. DEGETTE. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, the gentleman from Florida says this is a strange argument, and he has got that right, because this is a very strange bill. What it does is it says the Secretary shall conduct research into these so-called alternatives. But these are alternatives not specified in the legislation. But what is worse is it will take resources away from the already minuscule amount of resources that are being put in at the NIH to enforce the little stem cell research that is going on in this country.

Frankly, some of the kind of research techniques that have been discussed on the floor today, including those by my friend Mr. BARTLETT from Maryland, are techniques for alternative derivation of cells and so on that would, in fact, involve destruction of embryos.

And Dr. Leon Cass, who is the President's own chairman of his bioethics committee, said that it remains to be seen, in his view, whether any of those proposals for alternate sources of stem cells will succeed, and more discussion is surely required of some of the ethical issues.

So even their own expert thinks this bill may be unethical. Why would we do this when we have so many scientific advances that are just outside of our grasp? Why would we do this when there are thousands of embryos that are thrown away as medical waste? It would be as if your child was in a car crash, and you decided that the ethical thing to do would be to donate that child's organs so that someone else could live.

Why should we not allow people who have these embryos created for in vitro fertilization to donate those embryos which are slated to be thrown away as medical waste, in order that others may live?

We have heard the President intends to veto H.R. 810 and sign this bill. No one will be fooled by this fig leaf. The patients of America, the tens of millions of people who suffer from diseases like Parkinson's, diabetes, paralysis, cancer, heart disease, they know, they know that this research holds hope and they know that 72 percent of Americans support this.

And I would urge the President to think hard about whether this is where he wants to take the stand for his first veto. I would urge this House to think very, very hard about what they will do in that tragic incidence.

Mr. CASTLE and I asked the President to meet with us, so that we could look him in the eye and explain the bill, and explain the ethical controls that are in the bill, and explain how we too want ethical science but that we want science that is meaningful. He refused to meet with us. I have time tonight. If the President would like to meet with me and Mr. CASTLE, we would be delighted to explain the tremendous potential of embryonic stem cell research.

Mr. DEAL of Georgia. Mr. Speaker, to conclude the debate, I would yield the remaining time to Dr. WELDON from Florida.

Mr. WELDON of Florida. I thank Chairman DEAL for yielding.

I want to commend Dr. ROSCOE BARTLETT. Many of you don't know him as a doctor, but he is a doctor of physiology. He led the charge on this issue beginning over a year ago now. Frankly, I am really surprised anybody would get up and oppose this legislation. It has been claimed that the Congress never directs research like this. We have had a line item directing NIH on diabetes for years. As a matter of fact, I think it passed as a separate authorization through the Commerce Committee.

Then we have obviously had the directed research on AIDS for years and years and years. So there is plenty of precedent for this. As was stated earlier, this passed the Senate unanimously. You know, the embryonic stem cells that the opponents of this bill prefer to use, the embryonic stem cells from the fertility clinics, if they were ever used in a human clinical trial, first of all, you have to get over the issue that I have been saying for years and years, that they become tumors when you put them in animals, they become teratomas.

That is a feature of embryonic stem cells that nobody has published a study showing the ability to turn that feature off. So they have never been shown to be safe. But then you are going to have the genetic mismatch issue.

And, you know, Senator SPECTER recently held a hearing. And he asked Dr. Beatty, he runs the stem cell program at the NIH, and he asked him this question. He said, would you say, then, that embryonic stem cells are the best available, although all others ought to be pursued? I think he was expecting this researcher to say, yes, like so many other scientists are saying. The embryonic stem cells have the most promise.

But, no, he did not say that. He said nuclear reprogramming, where you take a mature adult cell type, and you effectively dedifferentiate it back to a pluripotent state, that is one of the most exciting areas of research. And that is what this bill calls for putting more money into.

Let me see. I think I had one other quote here. This is really interesting. Like I have said before, I am a doctor. I have treated Alzheimer's and Parkinson's, it has affected my family. I have also said I read the medical journals, indeed I even hired a Ph.D. researcher out of MIT to help me keep track of all of this.

And here it is. This is Nature Magazine, published on line: "Reprogramming Adult Human Cells to Repair Damaged Tissue May Not be Quite as Tough as Thought."

Researchers have devised a chemical cocktail that makes adult mouse cells behave like embryonic stem cells, and the recipe is surprisingly simple.

What is really exciting are a bunch of German researchers have published this. They have taken testicular cells in a mouse model, gotten them to behave just like embryonic stem cells, and indeed, if you do not think this is worth pursuing and you do not want to vote for this, I can tell you there are venture capitalists funding a company in California devoted to doing just this very thing. And that is where this is going.

The embryonic stem cells are going to go away, no matter how we vote on this. Now, I personally believe this is a very, very good piece of legislation nonetheless, and that is because you are going to learn a lot about cell biology and embryology by studying these things. I am morally and ethically against it, but what I have opposed are these false claims that you are going to have all of these cures.

I mean, there is no evidence to that. Now, I have never disputed the fact that you will gain knowledge by doing embryonic stem cell research. And we now have the potential to do that in a very ethically acceptable way to, I think, everybody. And this is a very, very modest piece of legislation.

To oppose it, I don't know how else to interpret it other than to say, you really want to kill embryos. Because we now have abundant scientific evidence coming forward that you can create embryonic stem cells using other methods. And there are several different pathways to do that. And this bill is a very, very good bill.

Mr. STARK. Mr. Speaker, I resent being dragged into RICK SANTORUM's hapless reelection campaign by having to vote on bills designed to provide him and other extremist Republicans with cover for their opposition to productive embryonic stem cell research.

S. 2754, the Alternative Pluripotent Stem Cell Therapies Enhancement Act, directs the Secretary of Health and Human Services to pour money into far less promising methods of deriving stem cells from adult cells. S. 3504, the Fetus Farming Prohibition Act, bans unethical forms of research that are already prohibited by law. I sincerely doubt that these worthless bills will convince any voter that their Senator supports stem cell research.

I will vote for the Fetus Farming bill simply because this practice is already against the law. Therefore, this bill is meaningless, but also harmless.

However, I will vote against the Alternative Pluripotent bill because it sets a dangerous precedent in choosing one form of research over the other. Much as Congress would never instruct the NIH to cure cancer, but only in a certain manner, we shouldn't dictate the kind of stem cell research scientists should and should not practice. This bill requires the Secretary of HHS to conduct research into so-called alternative therapies. But these therapies do not currently exist and their development would shift scarce research dollars away from embryonic research.

If Senator SANTORUM and President Bush truly believe that it's morally superior to discard single cells in a freezer rather than to use them to help millions of Americans with Parkinson's, Alzheimer's, and diabetes, then they should have the guts to say so without another sham bill for political cover.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support S. 2754, the Alternative Pluripotent Stem Cell Therapies Enhancement Act. I am under no illusion that this bill will contribute significantly to the advancement of stem cell research.

As a Member of the Science committee, I am committed to the advancement of science. I believe we should explore creative initiatives and pursue sound research. By demonizing science, we only hurt ourselves and make it more likely that our country will fall behind other countries in the critically important fields of science, technology, and innovation.

The type of stem cells that this bill refers to are the most adaptable and unique of all of the stem cell varieties. As opposed to adult stem cells, which are limited to a genre, such as blood cells or bone cells, pluripotent stem cells can be eventually developed into any bodily tissue. But they cannot themselves develop into a human being. The possibilities, and medical miracles, are literally limitless, and only restricted by time and by funding.

The pluripotent stem cells were derived using non-Federal funds from early-stage embryos donated voluntarily by couples undergoing fertility treatment in an in vitro fertilization (IVF) clinic or from non-living fetuses obtained from terminated first trimester pregnancies. Informed consent was obtained from the donors in both cases. Women voluntarily donating fetal tissue for research did so only after making the decision to terminate the pregnancy.

Those who would argue against pluripotent stem cells usually approach the topic through one of the following three questions:

1. Do the pluripotent cells have a moral status on their own? In other words, are they considered entities that must be protected?
2. Is it unethical to derive pluripotent cells from fetal tissue?
3. Is it unethical to create human embryonic blastocysts in order to create these pluripotent cells?

Unfortunately, however, this simple little bill and its companion, which we are also discussing today, do not weigh the consequences of any of these valid policy discussions. Instead, it does little to advance the very serious and promising area of scientific research that is reflected in H.R. 810; this research is supported by a majority of this House, and hopefully will be reaffirmed by this House later this week.

This bill only encourages research that does not discard, destroy, or knowingly harm a human fetus, which is consistent with current scientific research practices anyway. By designating this moral boundary, this bill requires researchers to find a way to make stem cells reap the potential benefits while skirting a politically divisive issue.

I am not opposed to this bill, although it does not further scientific research. I strongly urge my colleagues to vote in favor of science, scientific research, and the promise of scientific advancement later this week.

Mr. PAUL. Mr. Speaker, the issue of government funding of embryonic stem cell research is one of the most divisive issues facing the country. While I sympathize with those who see embryonic stem cell research as providing a path to a cure for the dreadful diseases that have stricken so many Americans, I strongly object to forcing those Americans who believe embryonic stem cell research is immoral to subsidize such research with their tax dollars.

The main question that should concern Congress today is does the United States Government have the constitutional authority to fund any form of stem cell research. The clear answer to that question is no. A proper constitutional position would reject federal funding for stem cell research, while allowing the individual states and private citizens to decide whether to permit, ban, or fund this research. Therefore, I will vote to uphold President Bush's expected veto of H.R. 810.

Unfortunately, many opponents of embryonic stem cell research are disregarding the Constitution by supporting S. 2754, an "acceptable" alternative that funds non-embryonic stem cell research. While this approach is much less objectionable than funding embryonic stem cell research, it is still unconstitutional. Therefore, I must also oppose S. 2754.

Federal funding of medical research guarantees the politicization of decisions about what types of research for what diseases will be funded. Thus, scarce resources will be allocated according to who has the most effective lobby rather than allocated on the basis of need or even likely success. Federal funding will also cause researchers to neglect potential treatments and cures that do not qualify for federal funds.

In order to promote private medical research, I have introduced the Cures Can Be Found Act (H.R. 3444). H.R. 3444 promotes medical research by providing a tax credit for investments and donations to promote adult and umbilical cord blood stem cell research and providing a $2,000 tax credit to new parents for the donation of umbilical cord blood from which to extract stem cells. The Cures Can Be Found Act will ensure greater resources are devoted to this valuable research. The tax credit for donations of umbilical cord blood will ensure that medical science has a continuous supply of stem cells. Thus, this bill will help scientists discover new cures using stem cells and, hopefully, make routine the use of stem cells to treat formerly incurable diseases.

H.R. 3444 will benefit companies like Prime Cell, which is making great progress in transforming non-embryonic stem cells into any cell type in the body. Prime Cell is already talking to health care practitioners about putting its findings to use to help cure diseases.

Companies like Prime Cell are continuing the great American tradition of private medical research that is responsible for many medical breakthroughs. For example, Jonas Salk, discoverer of the polio vaccine, did not receive one dollar from the federal government for his efforts.

Mr. Speaker, there is no question that forcing taxpayers to subsidize embryonic stem cell research violates basic constitutional principles. However, S. 2754 also exceeds Congress's constitutional authority and may even retard effective adult stem cell research. Therefore, I urge my colleagues to vote against S. 2754 and vote to uphold President Bush's veto of H.R. 810. Instead, I urge my colleagues to support H.R. 3444, the Cures Can Be Found Act.

Mr. ACKERMAN. Mr. Speaker, I rise in opposition of S. 2754, the Alternative Stem Cell Research Enhancement Act. I think we can all agree that stem-cell research holds tremendous promise for advances in health care for all Americans. Stem-cell research may one day lead to treatments for Parkinson's, Alzheimer's, arthritis, cancer, diabetes, multiple sclerosis, spinal-cord injuries, Lou Gehrig's disease, strokes, severe burns and many more diseases and injuries.

However, Mr. Speaker, five years ago, the President made a self-serving and short-sighted decision to limit federally funded embryonic stem-cell research to stem-cell lines that already existed. At that time, on August 9, 2001, the President promised 78 stem-cell lines would be available to federal researchers, yet five years later, there are at most, only 22 lines available. Even worse, Mr. Speaker, many of these lines are contaminated with animal cells that make them unusable for human-therapeutic study.

So, Mr. Speaker, here we are half a decade later, and we are considering S. 2754 and another Republican bill, S. 3504, the Fetus Farming Prohibition Act. Let there be no mistake, Mr. Speaker, these proposals are nothing but a smoke screen; they were introduced to give political cover to Republican members who didn't vote for the embryonic stem-cell bill. I have no problem with measures that would encourage development of stem-cell lines from nonembryonic methods and prohibit embryo implantation for the purpose of deriving stem-cell lines. However, the real issue here is the President's policy that has prohibited federal funds for embryonic stem-cell research.

Let me be clear, neither of these Republican-sham bills is in any way a viable alternative to the measure the House passed last year, H.R. 810, the Stem Cell Research Enhancement Act. That legislation would allow federal funding for research on embryonic stem-cell lines regardless of the date on which they were derived. Researchers and scientists would be eligible to utilize their federal funds for research on a new stem-cell line as long as their work met the strict ethical guidelines contained in the bill. Those rules restrict stem-cell lines to embryos that were created originally for fertility purposes, and that are no longer needed. This legislation will take the President's political shackles off our researchers and scientists and allow them to expand the number of stem-cell lines that are eligible for federally funded research.

The Senate has finally acted, passing H.R. 810, the Stem Cell Research Enhancement Act, this afternoon. So, there is now, finally, a historic opportunity to fund research that holds incredible promise, that could lead to incredible medical breakthroughs. So, what does the President do? He pledges yet again to veto embryonic stem-cell research legislation.

How out of touch can he be? Mr. Speaker, the President has promised to veto hope; hope for the millions of Americans who have cancer or Lou Gehrig's disease or diabetes or Parkinson's disease. He has promised to veto hope for victims of cancer and Alzheimer's disease. I am shocked but not surprised that President Bush has said that his very first veto will be to block this legislation. As usual, President Bush and his rightwing Republican allies are way out on the political margins. So, if you're counting votes Mr. President, mine will be to override. My vote will be for all those Americans who want us to put their needs first, and political paybacks, second. I will vote to override the President's shameful veto when the House again takes up H.R. 810, and I urge all my colleagues to vote to override the President's veto. This vote is the key vote showing whether Congress is genuinely committed to effective federally funded embryonic stem-cell research, and most of all, restoring hope to millions of sick Americans.

Mr. WU. Mr. Speaker, I rise in opposition to this bill, the Alternative Pluripotent Stem Cell Therapies Enhancement Act. In this bill, Congress is overreaching its authority. The Federal Government already permits this research, through a merit based peer review process led by the scientific community. Congress should not be directing research in which we do not have expertise; we are not scientists.

The SPEAKER pro tempore (Mr. REHBERG). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 2754.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. DEGETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 3504, by the yeas and nays.

S. 2754, by the yeas and nays.

H. Res. 498, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FETUS FARMING PROHIBITION ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 3504.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 3504, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 8, as follows:

[Roll No. 379]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Carter
Davis (FL)
Davis (IL)
Evans
Kennedy (RI)
McKinney
Northup
Rothman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1835

Mr. TERRY changed his vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CARTER. Mr. Speaker, I was off the Capitol Hill complex when votes were called and was stuck in traffic, which caused me to miss the first vote. Had I been present, I would have voted "yea."

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2754.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 2754, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 273, nays 154, not voting 6, as follows:

[Roll No. 380]

YEAS—273

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Clyburn
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)

Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwartz (PA)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—154

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Coble
Conyers
Cooper
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Farr
Filner
Flake
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (RI)
Kilpatrick (MI)
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Linder
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Davis (FL)
Davis (IL)
Evans
McKinney
Northup
Rothman

☐ 1844

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

REMEMBERING HELEN SEWELL

(Mr. HASTERT asked and was given permission to address the House for 1 minute.)

Mr. HASTERT. Ladies and gentlemen, for us on the Republican side of the aisle, it is a sad day today. We have lost Helen Sewell. Helen served in the Republican cloakroom for over 70 years. She was a person who was always happy, always met any special needs that people had.

She starting serving in the House in the cloakroom with her father. She started working when she was in junior high. She was a very sweet lady. She was there all the time. Whether it was late at night, early in the morning, Helen was there with her hot dogs and tuna fish sandwich, and always a little hot sauce or relish if people wanted that. She loved working in the cloakroom and working for the people and serving the people that came to see her almost on a daily basis.

When people like Gerald Ford or George Bush, Sr., or DICK CHENEY would come by, they would always make sure that they took some time and conversed with her and greeted, kibitzed, a bit in the cloakroom.

Some of her favorite Members include Henry Cabot Lodge and Claire Booth Luce, so Members know she went back a long, long time in this country's history.

We will miss her. We thank the Lord for her service here, and I would just like to take a minute in remembrance.

Thank you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

SUPPORTING THE GOALS AND IDEALS OF SCHOOL BUS SAFETY WEEK

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 498.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and agree to the resolution, H. Res. 498, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 8, as follows:

[Roll No. 381]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood

Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Davis (FL)
Davis (IL)
Evans
McKinney
Northup
Payne
Rothman
Thomas

☐ 1859

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF REVISED EDITION OF POCKET VERSION OF THE UNITED STATES CONSTITUTION

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 108) authorizing the printing of a revised edition of a pocket version of the United States Constitution, and other publications, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Ms. MILLENDER-McDONALD. Mr. Speaker, I reserve the right to object. I shall not object, but I will yield to the gentleman from Michigan to further explain his request.

Mr. EHLERS. Mr. Speaker, I rise today in support of Senate Concurrent Resolution 108, authorizing the printing of a revised edition of a pocket version of the United States Constitution and other publications. This concurrent resolution not only reauthorizes the printing of the pocket size Constitution, but also the publication "Our Flag." These congressional publications are favorites among Members to distribute to their constituents who visit them both here and in the Nation's Capitol and back at home in their district.

And I can say that not only do Members enjoy distributing them, because we have such a respect and love for the Constitution, but I do have to tell you that students, citizens, teachers, also love to receive these pocket editions. And I urge them to emphasize to them what a fantastic thing it is that a pocket-sized version of a document has served this Nation so well for so many years that it has led to the longest lasting democratic government in the history of this planet.

In addition, this resolution authorizes for the first time the printing of a history of the U.S. Botanic Garden. This book offers a comprehensive history of the garden and will further help its mission of educating the American public on environmental sciences.

With that, Mr. Speaker, I ask for support of this resolution.

Ms. MILLENDER-McDONALD. Mr. Speaker, further reserving my right to object, I would like to now join the chairman and urge the House to adopt this printing resolution. The two publications to be reprinted, "Our Flag" and the pocket edition of the U.S. Constitution, are very popular with the American people, especially teachers and students.

I know when I go to my schools, our students really enjoy these two very fine publications telling them about their flag and about the Constitution in an abbreviated form.

So the supplies, Mr. Speaker, of both have been exhausted, and with Constitution Day approaching on September 17, now is an ideal time to replenish our supplies.

The resolution also provides for printing of a new publication about the U.S. Botanic Gardens.

Mr. Speaker, I remove my reservation, and I urge all Members to support the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 108

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 22nd edition of the pocket version of the United States Constitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $198,000 with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 for each Member of Congress.

SEC. 2. OUR FLAG.

(a) IN GENERAL.—The 2006 revised edition of the publication entitled "Our Flag" shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $215,000 with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 for each Member of Congress.

SEC. 3. A BOTANIC GARDEN FOR THE NATION.

(a) IN GENERAL.—There shall be printed as a Senate document under the direction of the Joint Committee on Printing the book entitled "A Botanic Garden for the Nation", prepared by the United States Botanic Gardens.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 3,075 copies of the document, of which 725 copies shall be for the use of the Senate

and 1,470 for the use the House of Representatives with distribution determined by the Joint Committee on Printing, 880 copies for the use of the Botanic Gardens with distribution determined by the Joint Committee of Congress on the Library; or

(2) a number of copies that does not have a total production and printing cost of more than $102,000.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ISRAEL'S RIGHT TO DEFEND ITSELF

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, the conflict between Hezbollah, the infamous Lebanese-based terrorist group, and Israel is nothing new.

But over the weekend Hezbollah has upped the ante. They have kidnapped Israeli soldiers and launched countless rocket attacks against Israeli civilians.

With the support of Iran and Syria, Hezbollah is heavily armed and ready for an all-out war.

Obviously, this issue is not new. In 1990 the peace treaty that ended the hostilities in Lebanon called on the Lebanese Government to deploy its army along the border with Israel. This has not been done.

In 2004, the United Nations called on Lebanon to disarm Hezbollah. Once again, this has not been done.

With this in mind, Israel not only has the right to defend itself against terrorist acts; it has the responsibility to do so. Allowing Hezbollah to terrorize Israel without fear of reprisal would be tantamount to appeasement.

Throughout history, this strategy has repeatedly proven itself a failure.

MOURNING THE PASSING OF ARKANSAS LT. GOVERNOR WIN ROCKEFELLER

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise with my colleagues from Arkansas today. The State of Arkansas has lost one of its greatest citizens and role models this week. Lieutenant Governor Win Rockefeller dedicated his life to public service and to the people of our State.

As Lieutenant Governor, Governor Rockefeller focused on economic development, education and literacy. Let me give you just an example of the many great contributions that Lieutenant Governor Rockefeller made, not just as an elected official, but as a citizen. The Lieutenant Governor created a program called "Books in the Attic" where Boy Scouts collected used children's books to distribute to needy families. This was a little thing, but Lieutenant Governor Rockefeller was always willing to use his resources to do good, but more importantly he wanted to get other people involved in doing good as well.

The passing of Lieutenant Governor Rockefeller is a great loss for the State of Arkansas. We will all be grateful that he chose to make Arkansas his home. Our hearts and prayers go out to his family and friends who loved him so much.

HONORING WIN ROCKEFELLER

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, I rise today with my colleagues from the Arkansas congressional delegation to recognize a man whose generosity and dedication transformed so many communities across our State. I have met few men with such an enthusiasm for service and will miss his leadership greatly.

Win Paul Rockefeller displayed one of his favorite quotes on a plaque outside his home. The quote comes from Micah 6:8 and says: "And what doth the Lord require of thee, but to do justly, to love mercy and to walk humbly with thy God?" I can think of no better way to honor a man with so many accomplishments and a great appreciation for the people of Arkansas. He was indeed a good man.

HONORING WIN ROCKEFELLER

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, until the day he died last Sunday, Lieutenant Governor Win Rockefeller cared deeply about his family, did all he could for Arkansas, and loved America.

My wife was formerly his associate pastor for 7 years at Pulaski Heights Methodist Church, and she shared with me today a couple of her favorite stories about Win. She said that here he was, one of America's richest men. When he was with the youth program as a father, as a member of the church, rather than fly up to Colorado and meet the youth group, he climbed on the bus as a chaperone and took the 16-hour ride with all the kids and teenagers up to Colorado on the ski trip.

She also related to me when she left at the end of her 7 years at Pulaski Heights Methodist Church and was going through a lot of changes in her life, that the church had two different receptions which he attended to show his support and affection and concern for her.

Lieutenant Governor Rockefeller was a genuine, caring man. Our thoughts are with his wonderful children and family.

WINTHROP PAUL ROCKEFELLER

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Mr. Speaker, I, along with my colleagues from Arkansas, all four of us, rise this evening to remember the life of our Lieutenant Governor, Winthrop Paul Rockefeller. This is a sad day for Arkansas and for Arkansans.

As a State Senator in the Arkansas legislature, I had the privilege to serve with Lieutenant Governor Win Rockefeller for nearly 5 years. In presiding over the State senate, I can remember that he was always fair and ruled without political bias.

I had the distinct pleasure to know him personally as a result of our work together in the State senate. And I can tell you he was a generous man. He was an unassuming man. He was a family man. I can tell you, Mr. Speaker, that he loved the State of Arkansas and its people.

The people of Arkansas will deeply miss his leadership and his vision, his vision to make our State a better place for all of us.

His family is in my prayers during this difficult time.

THE DIFFICULT, UNENVIABLE PLIGHT OF ISRAEL

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, can you imagine having thousands of enemy rockets rain down on American soil, on American cities? How threatened would we feel?

This is exactly what Israel is facing today again. The recent, unprovoked attacks on Israel are deplorable. They are made all the more concerning because of the commendable unilateral Israeli withdrawal from southern Lebanon in 2000, which vividly demonstrated their desire for peace.

With United Nations Resolution 1559, Lebanon was charged with controlling their southern territory and disarming Hezbollah. The world should seize the opportunity now to assist and finally accomplish 1559.

America must strongly support Israel's right of self-defense while, at the same time, working to strengthen the democratically elected government in Lebanon.

I am encouraged by the unanimity of Egypt, Saudi Arabia and Jordan in condemning the action of Iran and the actions of Hezbollah.

The war on terror is truly a global war, and the civilized world must condemn these attacks and strive to work together to end the scourge of terrorist violence.

BRING AMERICANS HOME FROM LEBANON

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it spells relief that the 10 students from the Mickey Leland Kibbutz program have now begun to leave Israel and to come home. They had a wonderful experience, but they were in the midst of one the rising conflicts in a region that needs the full attention of this administration.

My first request is for Americans to have the confidence in America, and for America to extend itself on behalf of those who need to be rescued from Lebanon. How can we watch European countries send ship after ship, and we are begging at the shores to be allowed to leave Lebanon?

What more pain can Americans experience? And who can expect an American to have confidence in their government when you are asking them to sign a piece of paper to pay to save their lives? Did they do that when they were fleeing from Vietnam when North Vietnam was taking over South Vietnam?

It is time to bring resolution. And the President was right: let's talk to Syria. Let's have Hezbollah stand down. Let's have a cease-fire. Let's have the soldiers of Israel return.

And, yes, they have a right to defend. But we, as a world power, have a right and responsibility to engage and bring about a resolution in the conflict in the Mid East.

REMEMBERING HELEN SEWELL

(Mr. BURTON Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the Speaker of the House came down to the floor just a few minutes ago and talked about Helen, who worked in the Cloakroom for probably 40 or 50 years and told about what a wonderful lady she was. I don't want to be redundant, but I want to say that there are an awful lot of people that serve in this body that the people of America never see that make it so worthwhile and so important to be here. Helen was one of those people. She was so nice to every Member of Congress. She treated us all like family.

She served with many Presidents, from Richard Nixon, John F. Kennedy. All of those guys, regardless of party, liked Helen. They all had pictures with her, and she kept them back there in the Cloakroom and was very proud of each and every picture she had with Presidents. And they all admired her. As the Speaker said, they all came to visit her when they came to the Capitol.

Let me just say that Helen was one of the most wonderful people that I ever met, and I haven't had many occasions since I have been here to feel a little weak in the knees when something happens; but when I heard that Helen died today, I felt a little pain in the knees because she was such a wonderful person.

So to Helen's family, if they happen to be paying attention to this, Mr. Speaker, we send our deepest sympathy because she was one of the finest people that I ever met, and she is surely going to be missed by everybody in the House.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO LIBERIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–125)

The SPEAKER pro tempore (Mr. WESTMORELAND) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency and related measures blocking the property of certain persons and prohibiting the importation of certain goods from Liberia are to continue in effect beyond July 22, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on July 21, 2005 (70 FR 41935).

The actions and policies of former Liberian President Charles Taylor and his close associates, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons and prohibiting the importation of certain goods from Liberia.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 18, 2006.*

□ 1915

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GUN AMENDMENTS TO SCIENCE, COMMERCE, JUSTICE, STATE APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, this body's war on common sense continues.

Before the Independence Day recess, the House approved two amendments to the Science, Commerce, Justice, State Appropriations bill that promote irresponsible gun ownership and discourage police departments from working together to solve gun crimes. Last year the House passed legislation that would make sure that gun locks are included with all handgun sales. Last month the House stripped away that provision.

Gun safety locks can save lives. I agree with the proponents of these measures that most gun owners are responsible and store their guns safely and securely. I am not worried about these gun owners. Many responsible gun owners already voluntarily equip their guns with safety locks. Gun locks are needed to prevent accidents with the minority of gun owners who are not responsible. And while the pro-gun lobby does not like to talk about it, yes, there are irresponsible gun owners out there.

Last month in New Jersey an 11-year-old found his grandfather's gun and killed his 12-year-old best friend. A gun lock that you can purchase online for less than $7 would have prevented this tragedy. According to the CDC, 151 children died of accidental shotgun wounds in 2003. Mandatory gun locks would have saved some of those children's lives.

Gun locks prevent stolen guns from being used in crimes. Opponents of mandatory gun locks cite that the cost of gun locks prevent gun ownership. That is truly nonsense. This is like saying the added cost of air bags and seat belts prevent people from buying cars. And, again, trigger locks are relatively inexpensive. Seven dollars could save a child's life. Mr. Speaker, is a $7 gunlock really infringing on second amendment rights? Of course not.

I wish I could say that the amendment stripping away the gunlock provision was the only nonsensical amendment to the Department of Justice appropriations bill, but it was not. Once again, this bill would have made felons out of law enforcement officials who share ATF gun tracing information with police departments in other jurisdictions.

The ATF's gun-tracing program helps local police solve gun crimes by analyzing the unique marks made on bullets and cartridge cases when guns are fired. The images of these markings can be compared with other images in more than 200 Federal, State, and local law enforcement laboratories. But this appropriation bill would have made it a crime, a crime, for a police department to share information from the database with another department.

Say a police department in my district on Long Island obtains ballistic information from the ATF and a similar shooting occurs in New York City. The Long Island department could not share that information. In fact, an officer who did share this information would be arrested. This is absolutely insane.

Instead of cracking down on criminals using guns, this provision would treat police officers like criminals. To paraphrase my friend, Mayor Bloomberg of New York, it is a god-awful bill.

Again, some Members of this body put their allegiance to the NRA above common sense. The tracing program provides law enforcement agencies with valuable information about gun trafficking that can prevent crimes from happening. Tracing helps the public identify gun dealers and traffickers who are supplying illegal guns in our communities. But this provision would prevent the use of trace data as evidence in any State or Federal court or any nonATF administrative procedure. This provision cuts local law enforcement out of the loop. Without this tracing data, local law enforcement officers will not be able to pursue gun suppliers that have been implicated in crimes without the ATF's getting involved first. And we all know the ATF does not have the resources to get involved in every civil issue regarding gun crimes.

We let our police departments go after taverns that serve underage drinkers, but Congress will not allow them to crack down on the 1 percent, 1 percent, of dealers in this country who sell guns involved in 57 percent of the crimes.

Mr. Speaker, it is time for common sense. I hope the other body and the eventual conferees who will determine the final version of this appropriation bill will exercise more common sense than the House did last month.

Mr. Speaker, I have been here 10 years. I have never put any legislation forward that would take away the right of someone to own a gun. I am here for gun safety issues. I am here to save lives. I am here to keep down medical costs. I am here to protect our communities. We can do better. And we can with commonsense laws.

JUSTICE FOR ASHTON GLOVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, "humorous," "outgoing," "warm-hearted," "devout."

These are a few words to describe 16-year-old Ashton Glover, words that came instantly to those who knew her best and loved her.

Ashton had the world at her fingers. She was entering Clements High School for her final year and then wanted to attend Texas A&M University to become a veterinarian. She was born in Lufkin, Texas, and she was proud of her country roots, and she held on to them. She now lived in the small town of Sugar Land, Texas, outside of Houston.

She was a self-described tomboy. Ashton proudly held an officer position with the Future Farmers of America, and she preferred the outdoors and being among nature.

Ashton was a devout Christian. When not with the First Colony Church of Christ Youth Group, she was always willing to help those less fortunate or those in need. She was always there to provide advice to friends or give a simple hug to those in pain. She thought her mission on Earth was to help people.

A room instantly illuminated with Ashton's presence. Those who knew her stated they were the lucky ones. They were able to share in everything that Ashton was.

Those who knew her, however, did not know that two other students, with hearts full of malice and souls fatally bent on mischief, were plotting to steal the life of Ashton.

On July 7 Ashton met up with two 18-year-old students to go "mudding." As you know, Mr. Speaker, that is something we do in the South, driving trucks through muddy fields. It was the type of activity that appealed to this fun-loving girl.

Little did Ashton know that these two scoundrels had no plans to go "mudding" with her. Their sinister intentions were not revealed until it was too late for her to escape. They took Ashton to a dark, deserted construction site, away from the security of Sugar Land, Texas. Away from those who loved her. Away from the safety of her home. And they executed her gangland style.

No reason. No argument. No justification. Just what one murderer called "a morbid curiosity" to see what would happen, to see what she looked like when we shot her in the back of the head.

These two teenage terrors, feeling no remorse or human compassion, left Ashton to die there in the heap of garbage while they went over to IHOP for breakfast.

Mr. Speaker, there is something evil and cold about people who kill someone and then go and have a hearty breakfast.

After they were through eating their pancakes, they came back and buried her in a shallow grave. They went home and slept off the night's atrocity, while her family had nightmares of where Ashton was.

When Ashton's body was located by police, the outlaws decided to run in the darkness of the night. They fled north to Canada, but they did not run fast enough or hard enough. They were caught at the U.S.-Canadian border after police typed their names into the national criminal database.

This tragic and unspeakable crime hits close to my heart. As a father of four and grandfather of five, no father wants to lose a child in the fullness of youth. As a former prosecutor and judge, I believe in justice. And there must be justice, Mr. Speaker.

Justice for a young girl who had a full and rewarding life ahead of her, who was murdered just so a couple of cowardly cunning criminals could see what it looked like to kill somebody, when a young girl took her last gasping breath. There must be justice for her family and her friends who must now endure life without her.

These two killers must also get some justice, Mr. Speaker. Justice is getting what one deserves. These teens will no doubt cry and whine for mercy, but justice must rule the day. Justice for these two demons who brutally executed a young Ashton and extinguished a bright light in this world.

Some individuals will now argue that these two 18-year-olds should be treated with compassion because of their age. Mr. Speaker, these two killers were macho enough to violently end the life of a young girl just to see the results. They should be macho enough to accept the punishment in the penitentiary, where they belong.

Victims should not be discriminated against based upon the age of the offender. As King Solomon was once quoted as saying, "Justice will only be achieved when those who are not injured by crime feel as indignant as those who are."

And, Mr. Speaker, that's just the way it is.

MILITARY READINESS

Mr. SKELTON. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. Mr. Speaker, I want to contrast two statements for you to set the stage on what we are dealing with regarding the United States Army.

"Help is on the way." That is what President Bush said to our military during the 2000 campaign when they were in pretty good shape.

And "No." That is what General Schoomaker, the chief of staff of the Army, answered when I asked him if he was comfortable with the readiness levels of the nondeployed Army units here in the United States.

Let me put it in very clear terms. Our Army is in a crisis. Our forces are fighting valiantly in Iraq and Afghanistan. But the strain of that continued effort has put our preparedness to deter or to fight somewhere else, if we must, at strategic risk. The crises in North Korea, Iran, the Middle East, show how quickly things can change and how they can go wrong. We must be prepared. And right now the Army is not.

President Bush, during the 2000 campaign, strongly criticized the Clinton administration because two divisions were below their appropriate readiness ratings. He said, "If called upon by the Commander in Chief today, two entire divisions of the Army would have to report 'not ready for duty, sir.'"

Today nearly every combat brigade located within the United States would report that they are not ready for duty. They are at the lowest levels of readiness.

Most nondeployed units in the active Army are reporting that they are not able to complete the expected wartime missions. The exact numbers, of course, are classified. Army readiness for units not in Iraq has steadily declined and has fallen to levels that will limit our ability to project ground forces.

Every nondeployed National Guard combat brigade in the Army is reported at the lowest level of readiness. Forty percent of the Army's ground equipment is deployed to Iraq and Afghanistan. The army has depleted its prepositioned overseas war stocks of equipment. The Army is so strapped for equipment, they are planning on downloading prepositioned ships loaded with combat equipment to help fill shortages.

Mr. Speaker, the Army has lost over 1,000 wheeled vehicles, over 100 armored vehicles, and 100 helicopters since the start of the war in Iraq.

☐ 1930

Guard units in the U.S. are suffering severe equipment shortages which will affect their ability to respond to emergencies in their home States, such as Katrina.

Equipment readiness is suffering as the priority for repair, parts and equipment is only toward the combat theater. The Army is now having a crisis funding its installations at home because of poor planning and the lack of support from the administration. The recent supplemental funding resolution increased the installation budgets by $722 million, but the Army is still short $530 million to meet minimum support levels through the remainder of the fiscal year.

Each installation is being forced to find ways to cut their operating budgets. These cuts are affecting vital training and family support, which further degrades the Army's readiness posture.

Over $290 billion has been spent in Iraq, with no end in sight. The Army requested more money in the recent supplemental, but the President's Office of Management and Budget cut $4.9 billion from the Army's request for the 2006 war supplemental before sending it over here to Congress.

During the 2000 election, the current administration told our military, help is on the way. That is clearly not the case. The administration has failed to request the funds needed for the defense of this Nation. We must give the Army what it needs. The Army will need sustained funds, $17.5 billion this year alone, to start getting well. We cannot shortchange them. We must provide a new direction for the Army, with sustained equipment and manpower, so that we can project power to protect America, wherever and whenever necessary. That is exactly what we must be prepared to do.

THE SCOURGE OF UNDERAGE DRINKING

Mr. OSBORNE. Mr. Speaker, I request to address the House for 5 minutes.

The SPEAKER pro tempore (Mr. WESTMORELAND). Without objection, the gentleman from Nebraska is recognized for 5 minutes.

There was no objection.

Mr. OSBORNE. Mr. Speaker, underage drinking flies under the radar screen most of the time, and I guess the reason for that is that alcohol is legal and is widely accepted. The average age 12- to 17-year-olds begin drinking is 12.7 years of age.

The Center for Disease Control and Prevention estimated the number of underage deaths due to excessive alcohol use is roughly 4,554 a year. In other words, in one year we lose more young people to underage drinking than we have lost in Iraq in 3 years. The death rate is six times higher for underage drinking.

Another death rate that is six times higher is alcohol kills six times more young people than all other drugs combined: heroin, cocaine, methamphetamine, marijuana. Six times more die from underage drinking.

Teens who start drinking before the age of 15 are four times more likely to become addicted to alcohol than someone who starts drinking at age 21. Yet the Federal Government spends about 25 times more annually to combat youth drug use than to prevent underage alcohol use. In other words, we spend $1.8 billion on combating heroin, cocaine, methamphetamine, marijuana, compared to $71 million for underage drinking.

Most people know that alcohol is a gateway drug. It leads to all of these other drugs directly, and it appears to be much more fatal and more dangerous when you look at the raw numbers.

Television ads for alcohol products outnumber responsibility messages by 32 to 1. In other words, you will see 32 ads promoting alcohol, and many of those ads are very attractive to young people, for every one that talks about responsible use of alcohol. From 2001 to 2003, the alcohol industry spent $2.5 billion on television advertising their product, and only $27 million on responsibility programs.

Underage drinkers currently account for 17 percent of all alcohol sales in the United States; and in my State, Nebraska, underage drinkers consume 25 percent of the alcohol sold.

Young people tend to binge drink. They do not drink socially. Ninety-two percent of the alcohol consumed by 12- to 14-year-olds is consumed when they are having five or more drinks in a row, which is called binge drinking, or, more often, drinking to get drunk.

Recent studies have found that heavy exposure of the adolescent brain to alcohol interferes with brain development. We will take a look at this poster. On the right is a young person 15 years of age who abstains from alcohol, who was asked to do a comprehensive memory test. On the left is a young person who is a binge drinker who is sober at the time and asked to do the same test. You see the amount of cortical activity, the amount of brain activity firing in the young person who is an abstainer compared to the one who uses and abuses alcohol.

So there is quite a difference in this regard, and I would present a hypothesis of mine and that is that a great many young people who drop out, a great number of young people who do very poorly in school are affected dramatically by alcohol, binge drinking, and alcohol abuse.

There are a couple of other things on this poster that I think are worthy of note. There are roughly 3 million teenagers who today are full-blown alcoholics. Alcohol, as we mentioned, kills about six times more people than all other drugs combined. The total cost of underage drinking to the country is $53 billion a year. $53 billion a year. It is a huge expenditure.

Mr. Speaker, we have introduced legislation, Congresswoman ROYBAL-ALLARD, Congressman WAMP, Congressman WOLF and Congresswoman DELAURO, and Senators DEWINE and DODD have introduced the Sober Truth on Prevention of Underage Drinking, the STOP Act, which would, number one, create a Federal agency coordinating all of the Federal programs aimed at underage drinking. Right now we have underage drinking programs spread across 12 agencies. They are not coordinated. Sometimes they duplicate each other and are not very effective. So we would want those coordinated.

Secondly, it authorizes a national media campaign directed at adults. The number one indicator of whether a young person will use alcohol and abuse alcohol is parental attitudes. So many parents really believe the myth if a young person is using alcohol, then they will not use marijuana, they will not use cocaine, they will not use heroin, when exactly the opposite is true. Because anymore, a person that abuses one substance will abuse another, and alcohol usually leads to further abuse.

The Sober Truth on Preventing Underage Drinking Act, STOP Act, would:

Create a Federal Interagency Coordinating Committee to coordinate the efforts and expertise across agencies for underage drinking;

Authorizes a national media campaign directed at adults;

Parents are the number one influence on underage drinking;

Parents & friends purchase 65 percent.

Provide additional resources to communities and colleges and universities to prevent underage drinking;

1,700 college students die each year

70,000 rapes or sexual assaults

Increases Federal research and data collection on underage drinking.

So we hope that we can have support for this act. We think it is important, and we urge its passage.

PROBLEMS WITH HOUSE OFFSHORE DRILLING BILL

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, the offshore oil drilling legislation that passed the House last month has a lot of problems. One of its biggest failings is that the bill overrides and ignores the long-standing, bipartisan objection to new drilling off the California coast.

The people of California have repeatedly made it clear that they oppose this wrong-headed approach. In fact, opposition to this legislation is unanimous in California that even in the middle of a highly charged race for Governor, the Democrats and Republicans are on the same page on this one issue. State Treasurer Phil Angelides, a Democrat, opposes the House bill, pointing out that it would remove the critical protections for California's coastline and also financially punish States that decide to protect their environment and coastal economies by continuing to oppose offshore oil drilling.

The Republican Governor, Arnold Schwarzenegger, sent another letter to the Senate this week restating his opposition in no uncertain terms. In his newest letter, which I am submitting for the RECORD, he writes: "Our coast is not for sale, and no amount of promises of money or other incentives will alter my position on that."

Well, I am disappointed that so many Members of the House voted against California's interests last month. Our State's Senators have strong records of spelling for the people of California, so I am not concerned about them. But I do want to make sure that the Senators from around the country realize that any legislation that opens the California coast to drilling will be a non-starter in our State and should be rejected.

As the Governor wrote: "Anything short of upholding the current moratorium in perpetuity would be unacceptable to Californians." Governor Schwarzenegger also wrote something very interesting: "California has the most aggressive energy efficiency measures in the Nation. Because of our efforts, California's per capita energy use has remained nearly flat, while the nationwide energy use has increased by nearly 50 percent."

What the Governor is telling the people of this Nation is that had you made the same choices that we made starting back in 1974 with the first fuel crisis, you would have been able to save a huge amount of energy in this country. While California has continued to grow, our per capita use has remained flat, and that is 50 percent better than the rest of the Nation. That means that not only do California consumers save a great deal of energy and they reduce the pollution to the atmosphere: they also save a great deal of money.

As the other body considers the legislation that was passed out of this House this last week, I hope they will remember that energy conservation and innovative alternative approaches will guarantee us far more energy independence in the future than the short-sighted House bill that will require the ruining of the coastlines of this great Nation.

LEAVE ISSUE OF SAME-SEX MARRIAGE TO THE STATES

Mr. SHAYS. Mr. Speaker, I would like to speak out of order for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Connecticut is recognized for 5 minutes.

There was no objection.

Mr. SHAYS. Mr. Speaker, today we debated a constitutional amendment drafted not to protect my marriage or my family. I see no reasonable way to argue it would, but rather to explicitly deny a portion of our society the right to marry and the benefits that accompany that kind of partnership.

I do not advocate the legalization of gay marriage, but our Constitution is simply not the proper place to set this kind of social policy. I believed back in 1996 when I voted for the Defense of Marriage Act and I still believe today the decision about whether to recognize gay marriage should be left to the States.

I can't help but wonder why we are doing this. What are we so afraid of? Gay men and women pass through our lives every day. They are wonderful teachers and leaders and role models who happen to be gay, and sometimes we don't even know they are gay. There are brave men and women buried in Arlington National Cemetery who happen to be gay.

I wouldn't be a Member of Congress today if it weren't for an extraordinary teacher I had in high school 40 years ago. I learned years later he was gay and that he had to commute from Connecticut to Washington, D.C. to be with his partner every weekend, in part to protect his privacy and his job.

When I went to college, my understanding of gay people was impacted again by my wife's best friend. One day she told us that she, too, like my wife and I, had found the love of her life. We were eager to meet the boyfriend she was so madly in love with. But we soon learned her love was not a he, but a she. Once we got over our surprise and our ways of thinking about relationships, we were able to sincerely rejoice in the joy they brought each other because we knew what a dear and good person our friend is.

My perception of gay people evolved further during my first campaign for Congress when I worked with a magnificent young man named Carl Brown. He became my friend, and he gave me another gay face to know. Carl has since passed away from AIDS, but I remember him as a person of exceptional dignity and grace.

My teacher, my wife's best friend, and Carl helped me understand their lives and I think made me a better person in the process.

The Constitution of the United States, which established our government, grants us free speech and gives all citizens the right to vote, should not be dishonored by this effort to write in discrimination. I am clearly sensitive to some of my colleagues' concerns about potential biblical and social implications of legalized same-sex marriage, but I oppose this proposed amendment because I believe the Constitution is not the proper instrument to set or reject such policy. That debate should happen in our State legislatures.

AMERICAN NEEDS A NEW DIRECTION TO COMBAT TERRORISM

Ms. SOLIS. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

There was no objection.

Ms. SOLIS. Mr. Speaker, I rise tonight because I believe that America needs a new direction to secure our country and combat terrorism. We need a new direction so our children and our children's children will live in a safer and more secure world.

On May 1, 2003, President Bush declared that Iraq is free, that major combat operations in Iraq have ended. Yet in more than 3 years since, our world has not become a safer place, and our military families continue to suffer. More than 130,000 U.S. troops are serving in Iraq and more than 10,500 members of the selected Reserves have been deployed more than three times. Ninety-seven percent of the National Guard combat and special operations battalions have been mobilized since September 11, 2001, and the average tour of duty for National Guard members is 342 days.

□ 1945

Two thousand five hundred fifty-three of our men and women have paid the ultimate price. That includes 11 members that I represent from East Los Angeles and the San Gabriel Valley: Private First Class Jose Casanova, age 23. Lance Corporal Manuel Ceniceors, age 23. Lance Corporal Francisco Martinez Flores, age 21. Sergeant First Class Kelly Bolor, age 38. Lance Corporal Benjamin Gonzalez, age 23. Corporal Jorge Gonzalez, age 20. Sergeant Atanacio Haro-Marin, age 27. Specialist Leroy Harris-Kelly, III, age 20. Corporal Stephen Johnson, age 24. Corporal Rudy Salas, age 20. And, lastly, Marine Corporal Carlos Arellano, age 22.

Another 10,327 have been injured, not including more than 8,500 who have been injured so badly that they cannot return to action. I strongly support our servicemen and women that have performed admirably under these very difficult conditions. These conditions have been worsened by the lack of needed supplies, and our men and women continue to serve without a plan to secure the peace.

Today, the Government Accountability Office testified that Congress had appropriated $430 billion to the Department of Defense for the global war on terror. According to the GAO, and I quote: "Neither the DOD nor the Congress reliably know how much the war is costing Americans."

The GAO also testified that the U.S. can expect to incur significant costs for an unspecified time in the future, requiring decision-makers to consider difficult trade-offs. As the Nation faces increasing long-range fiscal challenges, we have seen some of the trade-offs already.

Critical programs remain unfunded and underfunded by this administration, and our veterans and their families are the ones that are suffering. There are $3 billion worth of gaps in needed services for our Nation's veterans. The number of new veterans waiting for health care appointments at the VA, the Veterans Administration, has risen by 400 percent over the last 2 years.

Funding for Homeland Security is suffering too. And as a result, because of the administration's misguided policies, first responder grants have been slashed by 59 percent, and only 5 percent of containers entering the U.S. ports are screened, and there are 800 fewer border patrol agents than what was authorized in the 9/11 Commission Act.

Afghanistan is also suffering from the Bush administration's misguided policies. Secretary Rumsfeld wrote in a letter today that the United States maintains its strong commitment to Afghan's success. We look forward to continuing our strong partnership, he said.

Yet the people in Afghanistan are not feeling that commitment. Between November 2003 and April 2006, the number of insurgents has quadrupled from 5,000 to 20,000. The average number of daily attacks by insurgents has climbed by more than 70.

The Afghan Defense Minister recently stated that Afghanistan needs five times the number of security forces to address the issue of a resurgent Taliban. And without them, Afghanistan is in real danger of collapse. If his warnings were not enough, just today the Taliban recaptured two towns in the southern province of Pakistan's border.

Despite the increasing conflict in Afghanistan, despite the lack of a plan for peace in Iraq, despite the lack of accountability for government contracts, and despite the trade-offs on homeland security, important first responder programs, the administration wants the United States to stay the course.

I could not disagree more. War and military might alone does not show strength in foreign policy rooted in a unilateral and preemptive action which does not achieve peace for Americans. America needs a new direction

Mr. Speaker, we must seize the moment and insist on a new direction for America so our children and our children's children will live in a safer and more secure environment.

VIOLENCE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today, again, the newspapers of our country tell the story of more organized killings, more death, more carnage, more bombings, more escalating violence in the Middle East.

There are photos in this newspaper of fathers and relatives crying in Lebanon, and below it, young people crying in Haifa, in Israel. We all read these stories and we say, why cannot the killing stop? I as just one Member of this Congress am very proud to represent a community that knows what it will take for the killing to stop.

Toledo, Ohio, in fact, was the first community in the United States of America to elect a mayor who was of American Lebanese heritage, Michael Damas, who is no longer living. You know. I am so proud of the people of my community.

Today they came to our office in Toledo and they said, Congresswoman, we have a statement that we would like you to consider. And I thought it was so thoughtful and even-handed that I wanted to read it to the American people tonight. They asked, of course, that Americans who are in Lebanon be removed safely, and they asked us to urge the President of our country to move them out quickly.

But then they wrote, "We the American Lebanese Descent Community of Toledo request that the war and the bombing be suspended and our U.S. Government pursue peace and save lives in the region: Americans, Israelis, Palestinians, Lebanese and others. It is a simple statement. But I think it is a much more judicious statement than the President of our country made as part of the G–8 summit the other day when using a vulgarity. The President said at one point that Syria should get Hezbollah to stop its attacks on Israel.

His statement was not even-handed, it was not comprehensive, it did not talk about peace, it did not recognize the legitimate interests of the people of this country, the people of Israel, the people of Lebanon, the people of a future Palestinian.

His statement did not talk about limiting carnage, and the retribution that characterizes the deteriorating situation in Lebanon and in adjoining countries. I am very proud of the people of the greater Toledo area for understanding what it is going to take to create peace and to initiate peace.

I am very proud to sponsor today as well, a resolution submitted by Congressman KUCINICH of Cleveland that reads as follows. It calls upon our President to appeal to all sides in the current crisis in the Middle East for an immediate cessation of violence and to commit the United States and our diplomats to multiparty negotiations with no preconditions.

And it calls upon the President to appeal to all of those sides, as the people in my community have done, for an immediate cessation of violence. Would it have not been great if President Bush, like President Reagan had done with Menachem Began when he served as Prime Minister of Israel, and asked for an immediate cessation of violence? That did not happen with President Bush.

This resolution of Mr. KUCINICH would commit the United States and our diplomatic efforts to multiparty negotiations without precondition. It would send high-level diplomatic missions to the region to facilitate such multiparty negotiations, and would include representatives from the Governments of Israel, Lebanon, Iran, Syria, Jordan, Egypt, the Palestinian Authority and it would support an international peacekeeping mission to southern Lebanon to prevent cross-border skirmishes during such multiparty negotiations.

Does that not sound like a much healthier way for the world to move? There will be many resolutions offered here this week. And I ask myself, will they be as judicious as the people of our community? Will they be as full-bodied? Will they be as even-handed? Will they have a peace process envisioned at the end of this horrible, horrible road?

Will they recognize the legitimate interests of all parties concerned? And will they seek to limit carnage, or will those resolutions continue to engender hate and further retribution?

Mr. Speaker, this is a critical time for the world, not just for our country, but for so many fragile nations who really need the time to heal and the time to let democracy develop.

Mr. Speaker, I hope, with those peace-loving people of our community that peace is just ahead.

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, this evening as I do each Tuesday evening that the United States House of Representatives is in session, I rise on behalf of the 37-Member-strong fiscally conservative Democratic Blue Dog Coalition.

As you walk the halls of Congress, as you walk the halls of the Cannon House Office Building, the Longworth House Office Building and the Rayburn House Office Building, it is easy to spot an office that belongs to one of the 37 Members of the fiscally conservative Democratic Blue Dog Coalition, because you will find this poster as a welcome mat by each door of a Blue Dog member.

As you can see, today the U.S. national debt is $8,419,147,820,878 and some change. Your share of the national debt, that is every living man, woman and child, including the children born today, every American citizen's share of the national debt is $28,134.

As Members of the Blue Dog Coalition, it is what we call the debt tax, d-e-b-t, and that is one tax that cannot go away until this Republican Congress and this administration gets our Nation's fiscal house in order.

Last week, the President made a big announcement about how the deficit really was not as bad as what his White House had first thought and reported it would be. I think the best way to sum up the events of last week can be found in an editorial, July 11, 2006, from the Los Angeles Times entitled "Another Mission Accomplished."

And I will not read the entire editorial, but I think it sets the stage for what we plan the spend the next hour discussing this evening. It starts off like this: "The release of the White House mid-session budget review is an annual event normally marked by a few wonkish observations and the routine updating of various spreadsheets, not by a full-dressed Presidential dog-and-pony show. But President Bush plans to preside today with Members of Congress and invited guests in attendance. By all indications, including his own, in his weekly radio address last Saturday, he plans to turn this into a celebration just in time for the fall campaign."

The editorial from the Los Angeles times dated July 11, 2006 continues. "This is proof, if anyone still needs it, that this administration is desperate for something to boast about. On Mr. Bush's watch, triple-digit budget surpluses have turned into annual triple-digit budget deficits.

"There is no information in the mid-session report to alter that utterly dispiriting fact. Yes, the report is expected to project that this year's deficit will be somewhat less gargantuan than last year's, probably somewhere between $280 and $300 billion versus a $318 billion shortfall in 2005."

And it concludes, that part of the editorial, by saying, "That is not much to crow about." Well, they are right. Last week the administration released its mid-session review of the budget. And after further examination, let's take a closer look at what the report actually tells us.

The report actually tells us that what we have here is another record deficit. The administration's updated estimate of $296 billion deficit makes 2006 one of the four largest deficits in our Nation's history. It is hard now to believe that we had a balanced budget in this country from 1998 to 2001. But it did not take this administration and this Republican-led Congress very long to turn fiscal responsibility into record deficits.

□ 2000

As you can see, the largest deficit ever in our Nation's history occurred in 2004 when the Republicans controlled the White House, the House, and the Senate. It was $413 billion in red ink, in hot checks, if you will.

The year 2003 was the second largest deficit ever in our Nation's history, where, for the first time in over 50 years, the Republicans controlled the White House, the House and Senate, and they gave us the second largest deficit ever in our Nation's history, $378 billion.

The third largest record deficit ever in our Nation's history again occurred while the Republicans controlled the White House, the House, and the Senate. It was in 2005, and it was $318 billion deficit, the third largest deficit ever in our Nation's history.

Then this year, the President has a press conference, has a grand ceremony and event to announce that the deficit for fiscal year 2006 is only $296 billion, the fourth largest deficit ever in our Nation's history. I think the editorial in the Los Angeles Times had it right when it said that is not much to crow about.

The administration's updated estimate of $296 billion deficit, as I indicated, makes 2006 the fourth largest deficit ever in our Nation's history.

While this number represents an improvement over the 2005 deficit of $318 billion, it still ranks as the fourth largest deficit ever in our Nation's history. These revised estimates do not account for the extent of our budget problems, because they include in the calculation the annual surpluses in Social Security.

The first bill I filed as a Member of Congress when I got here in 2001 was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund. This Republican Congress refused to give me a hearing or a vote on that bill, and now we know why, because they are raiding the Social Security trust fund to fund tax cuts for those earning over $400,000 a year.

They are raiding the Social Security trust fund to fund this out-of-control deficit, this out-of-control debt, this reckless spending that we are seeing occurring in our Nation's capital and the way the Republican leadership is running our government and this country. In fact, when the Social Security surplus is excluded, as it should be, the 2006 deficit is not $296 billion; it is $473 billion.

Now, throughout the evening we are going to be talking more about this, including projected surpluses, and how they became huge deficits. I will talk more about that in a little bit, but I have been joined this evening by the cochair for policy for the Blue Dog Coalition, JIM COOPER from Tennessee. Glad to have you with us this evening.

Mr. COOPER. Thank you. I thank my good friend from Arkansas, and I appreciate your excellent summary of our fiscal situation.

Because Americans lead busy lives, we were happy to get a little bit of good news last week, or what we thought was good news. The President and the administration certainly built it up as if it was good news. I am glad that the deficit is looking a little smaller than the White House had predicted. That is good news, and I appreciate that.

But it is still very important for Americans to put that in perspective. As my friend from Arkansas points out, it is good news, and it is not the largest deficit in American history; it is only the fourth largest deficit in American history. So that is something to be grateful for.

But it reminded me a little bit of telling somebody, hey, the good news is your cancer is in remission. Well, that is good news. It is good news the cancer is in remission, but the bad news is you still have cancer.

What we are concerned about as Blue Dogs is not a temporary deficit. Sometimes the Nation has to run a temporary deficit. What we are concerned about are permanent structural deficits, deficits that grow beyond our possible ability to repay the debt, deficits that strangle economic growth, that prevent us from building a stronger country for our kids and grandkids.

We are worried about deficits that hurt the middle class, because as my friend from Arkansas mentioned, there is a $28,000 per citizen tax on everyone in America, man, woman or child. That is a lot of money to be born owing the country before you even have a chance to grow up or earn a living.

But I know there are some folks out there who are watching us, and they are saying, well, the Blue Dogs, they are only mentioning absolute deficit dollars. They are not putting it in perspective with gross domestic product. I would agree that is a percent of GDP; we should look at it that way too. You can say, well, this is not a percent of GDP, the largest or even the fourth largest deficit in American history.

But I brought along a document tonight that I hope everyone in the country will pay attention to. I first saw it when it was in the Wall Street Journal a few weeks ago. It is a document not from the Republican Party or the Democratic Party or anybody connected with politics. It is a document from one of the Nation's leading business organizations called Standard & Poor's. Now, they are a Wall Street outfit, but they are supposed to be the neutral judges of all the debt from all the corporations, and all the debt from all the countries, and all the debt from all the States and cities and towns in America and around the world, S&P, it is called, Standard & Poor's.

Well, they issued this document on June 6, 2006. To read this document, you wouldn't dream that any President of the United States could have a press conference a few weeks later championing good news. Because what Standard & Poor's says about America is this, it says that we are in such bad fiscal shape, and getting worse every year, that by the year 2012, which isn't that far away, it is just 5 or 6 years away, that America will lose its AAA credit rating for the first time in our modern history.

Now, American Treasury bonds, bills and notes are considered basically the gold standard of all debt instruments on the planet.

If you need to put your money in a safe and secure place and you want it to earn interest, Treasury bonds are safer than putting it in any bank as a deposit or putting it anywhere else, because they are backed by the full faith and credit of the United States Government.

There is no sounder financial instrument than the U.S. Treasury bond, and we should be proud of that.

But what Standard & Poor's is saying, as a result of the deficits my friend from Arkansas is talking about, in just 5 or 6 years, we will lose our AAA credit rating. Now that is not just like getting, say, an A minus instead of an A in class. What it means is higher interest payments.

It means that every time that America borrows money in the future, possibly forever, we will have to pay more for it. Because the good part about being a solid credit risk is that you pay the lowest possible rate of interest. You are able to borrow money cheap. But by losing our AAA credit rating, our interest rates are going up.

There is another bad part to this S&P report. Again, this is not a political report; this is from one of America's leading business organizations. It says that by the year 2020, which isn't that far away either, that our Treasury bonds will basically be junk bonds, or what they call below investment grade.

Now, that is such a far cry from our current AAA rating, the rating that U.S. bonds have had for all of modern American history; it is a literal tragedy to see America go from AAA ratings down to junk bond ratings in just a few short years as a result of the work of one administration, the current administration.

Because even though the current administration will be out of office in 2008, the impact of their fiscal policies stretches for decades beyond their time in office.

That is why this S&P report is so significant. They state carefully that it is not a prediction. They are hoping, and I suppose praying, that America will change course drastically from what we have seen from the current Republican administration.

But they do say that although it is not a prediction, it is a simulation of what will happen if we don't change course.

So it is a lot like that famous old ship, the *Titanic*. When they saw the iceberg in the distance, did they change course? No, they hit it head on.

Well, America still has a few short months and years to change course before we hit the iceberg that literally destroys America's credit rating and forces us to borrow money at much higher rates of interest, possibly for the rest of American history. That is permanent structural damage to our economy. Permanent structural deficits caused that damage that hurt the outlook for our kids and grandkids.

So I hope that people will go to the Internet, check out the Standard & Poor's Web site, look for this publication dated June 5, 2006, and check it out for yourself. Some of it is written in fairly technical business language. You will see that a number of nations face the problem that we do in America of an aging population. Some nations face it more severely than we do. But we are in such a fundamental imbalance that it is important to note that one of the primary causes for that imbalance is actually the crowning achievement of the Bush administration domestic policy.

They cite specifically the U.S. position has worsened since 2003 because of the new drug benefit added to Medicare, which increases estimated health care costs by nearly 2 percent of GDP annually by 2050 and accounts for one-quarter of the rise in spending on the elderly.

Now, we all want seniors to have medicine. Medicine needs to be affordable. But the Wall Street Journal pointed out in their editorial that in the Bush legislation that Congress passed and was signed into law that only $1 out of $16 by that bill would only actually buy medicine, only $1 out of every 16 would go for its intended purpose.

Mr. ROSS. The gentleman from Tennessee makes an excellent point about how we have gotten into this mess with these record deficits. This Republican Congress, this administration, gave us a so-called Medicare part D prescription drug plan. We all want our seniors to be able to have access and be able to afford the medicine that they so desperately need.

I thought that we were going to pass a bipartisan meaningful benefit for our seniors, but instead we passed a bill that was written by the big drug manufacturers. In fact, the chairman of the committee writing the bill at the time left the committee and took a multimillion dollar job as the head of PhRMA, the association in Washington D.C. that represents the big drug manufacturers.

Now, every State in America, through its Medicaid programming was negotiating with the drug manufacturers to reduce the cost that those States paid for the Medicaid program.

When this Medicare part D program became law, they shifted Medicare-eligible seniors that were poor enough to be on Medicaid away from Medicaid and on to Medicare and into a bill that actually has language in the legislation.

I thought this was going to be a bill to help our seniors with the high cost of medicine. But this legislation included language that said the Federal Government shall be prohibited from negotiating with the big drug manufacturers to bring down the high cost of medicine. So we shifted that cost from the States and, more importantly, from the big drug manufacturers, because every manufacturer out there was giving rebates to the States to help offset the costs to the program and to a Federal program where the Federal Government is prohibited from negotiating with the big drug companies to bring down the high cost of medicine.

We are seeing, as a result of that, our seniors not really getting that good of a benefit, and yet it is a program that is causing these deficits to go up.

Mr. COOPER. Today's news revealed that that bait-and-switch provision that was in the Medicare drug bill would add $2 billion in additional profits to our drug companies this year.

□ 2015

Two billion, billion with a B as in boy, and that is all as a result of this sleight of hand that was engineered in part by the committee chairman who left public service to go almost immediately to represent special interests, and not just any special interests but the very drug manufacturers for whom he had just passed legislation.

Think of $2 billion extra profits in one year as a result of this technical switch with a lot of seniors from Medicaid to Medicare, from a program that could negotiate for lower prices to a program that cannot, by law, negotiate for better prices. It is outrageous, and some of the money in that horribly expensive bill has gone not to help seniors get more affordable medicine but to line the pockets of major drug companies.

We are all thankful for the life-saving discoveries they make. We are thankful for the research and development, but I am less thankful for the advertisement and TV ads where things like that are not helping create new medicines. They are more trying to make money off people's illnesses, and there has got be a better way.

We live in the greatest country on Earth in the history of the world, and there has got to be a better way to do is this so we can live within our means, so we can treat everybody fairly, so we can build a stronger middle class, so we can be strong so we can be the world's only superpower. We are not living up to that potential today.

Mr. ROSS. Mr. Speaker, I thought we would go through a few other charts that we have here and talk a little bit more about this entire discussion about the projected surpluses becoming huge deficits.

When the administration took office in 2001, it had an advantage no administration in recent times has enjoyed, a 10-year projected surplus of $5.6 trillion. The administration has replaced that surplus with recurring deficits and a record debt.

When the cost of items omitted from the mid-session review are included, the deterioration in the budget between 2002 and 2011 is about $8.5 trillion. Although these numbers are more positive than the administration's February forecast, which some would argue they inflated again so they could boast now about not having the largest deficit in our Nation's history, but rather having the fourth largest deficit in our Nation's history, they unfortunately do not represent any significant improvement in the long-term budget picture.

Even the administration's 5-year forecast, which omits the cost of certain planned policies, never shows a deficit smaller than $123 billion. You can see here in 2000 we had a real, actual surplus of $236 billion. In 2001, we had a projected surplus of $281 billion, which in the end result ended up being $128 billion.

And then as you can see, when the Bush administration came here, surpluses were projected for year 2002 through 2006; but, instead, we got deficits, including four of the largest deficits ever in our Nation's history. This was a $610 billion swing from having the first balanced budget in 40 years to having the largest debt ever in our Nation's history and having the largest deficit ever in our Nation's history for 4 years in a row.

I yield to the gentleman from Tennessee.

Mr. COOPER. Mr. Speaker, we are, like all Americans, acutely aware of the terrible tragedy that happened on September 11, 2001. That changed the world, but we should not make the mistake of thinking that it gave us all these deficits because that claim, that belief would not be true. It hurt our economy temporarily, but we were already pulling out of a shallow recession, and we have not been in a recession since. So you cannot blame our overall economic condition for that.

What it is the result of, and again, do not take our word for it, read the reports from the Heritage Foundation, a conservative foundation think tank here in Washington; read the reports of the CATO Institute, a libertarian organization, and they will tell you, they will demonstrate to you that the Bush administration is the biggest-spending administration since at least Lyndon Baines Johnson and probably even way before LBJ.

It has nothing to do with defense or homeland security, budget needs that are really set more by our enemies than by ourselves. It has everything to do with a wasteful and mismanaged and sometimes incompetent government like we saw in Hurricane Katrina relief.

That is a waste of taxpayer money. That is a shame for everyone because no one wants to pay more taxes. We are not for more taxes. We want every tax dollar to be spent wisely so the taxpayers think their government is on their side instead of working against them, but we really have not been seeing that and especially with these deficits.

Adding these taxes to our kids and grandkids, a tax that can never be repealed, a debt tax as the gentleman so ably described it a while ago, is limiting our growth in future years. It is crippling America's future potential. As I showed with this S&P report, it is destroying America's credit rating, and yet the administration holds triumphant press conferences as if they are announcing good news.

A lot of folks think maybe we have been cured, but the cancer is still there, and we have got to get at that cancer.

Mr. ROSS. This administration has told us for 5½ years now that if you cut taxes on folks earning over $400,000 a year, I do not have a lot of folks in my district who earn that kind of money, but this administration, this Republican-led Congress, for 5½ years has been telling us about that trickle down business, that if you cut taxes on those earning over $400,000 a year, it will eventually trickle down to everyone else and stimulate the economy and bring in new revenues and, therefore, a stronger economy and a stronger government.

Well, as you can see here, the realistic estimate shows a bleak deficit outlook for those tax cuts for people earning over $400,000 a year. All they have gotten us is in the business whereas of today our Nation is borrowing $1 billion a year, 45 percent of which we are borrowing from places like China, Japan, Hong Kong and Korea and, oh, yeah, OPEC nations.

In fact, these tax cuts for folks earning over $400,000 a year, what they have gotten us is not only a record debt and record deficit and in the business of borrowing $1 billion a day. It has also resulted in our Nation spending a half a billion dollars every day simply paying interest on the debt we have already got.

Again, as Blue Dog members, fiscally conservative Democrats, we coined the phrase the "debt tax," D-E-B-T, which is one tax that cannot be cut, cannot go away until we get our Nation's fiscal house in order.

As you can see, we had actual deficits back in the 1980s and the 1990s; and then in 1998, under the leadership of President Clinton, we popped into a surplus, first time a Democrat or Republican had done that in 40 years. We saw a surplus. We saw a balanced budget from 1998 through 2001, and then look what happened, and then tax cuts for those earning over $400,000 a year, and we started seeing record deficits.

This administration, this Republican-led Congress have given us four of the largest deficits ever, ever in our Nation's history. The administration's estimated future deficits failed to include the full cost of items on its agenda; and once likely costs are included, the deficit is never better than $229 billion for the foreseeable future.

The true state of the budget is worse than the administration's forecast depicts because it omits certain costs. When realistic adjustments are made for omitted items, annual deficits never improve to better than $229 billion for any year over the next decade, and by 2016, the deficit grows to $444 billion.

I think it is important to note that the administration's new estimates for the war in Iraq and Afghanistan reflect a total of $110 billion for 2007, $60 billion more than the President's February budget. However, beyond 2008, the administration provides no further funding for these efforts. It is like the White House is telling us that everything will be rosy in Iraq, Afghanistan and all of our troops will be able to come home by 2008.

It is time for some truthful budgeting in our government. Based on a model presented by the Congressional Budget Office, CBO, costs for military operations in Iraq and Afghanistan could run as much as $371 billion over the next 10 years, from 2007 to 2016, and this calculation is likely conservative.

I have Middle East experts at the State Department telling me that we will be in a situation that is costing us billions of dollars in Iraq at least for 10 years, some believe for as much as 30 or 35 years; and yet this administration can look the American people in the eye with an honest look and an honest face and say that there is no reason to budget for the war beyond 2008.

It is time for this administration and this Republican-led Congress to be truthful with the American people and to give this government, to give the people of this country an honest budget.

The report also estimates that the President's plan to partially privatize Social Security will worsen the unified deficit by $721 billion over the next 10 years.

Finally, the report does not include the cost of addressing Medicare physician payments which must be addressed. A long-term fix could cost from $127 billion to $275 billion over the next 10 years in the absence of other policy changes, another omission from the numbers presented to us in this mid-year report that the President presented last week.

I am also joined this evening by our cochair for communication with the 37-member strong fiscally conservative Democratic Blue Dog Coalition, and that is the gentleman from California (Mr. CARDOZA) who I yield to.

Mr. CARDOZA. Mr. Speaker, I would like to thank my colleague from Arkansas (Mr. ROSS). You have been so gracious to lead the Blue Dog effort here on Tuesday nights for several weeks now, and I consider it an act of patriotism what you are doing here because, truly, it is something that the American people must know, and it is what we will do to strengthen our country and our fiscal order if we can simply pass half of the accountability measures that the Blue Dogs have put in place, the 12-step Blue Dog program that I am sure you have talked about tonight because you have talked about it so many times on the floor. Hopefully, the American people are listening and the Congress is listening that we must, in fact, bring accountability to our government.

As you said, the Blue Dogs have been fighting for greater accountability in Washington for over 10 years now. We have argued for a return of pay-as-you-go budgeting to balance our budget. And as I said, we offer a 12-step reform plan to cure our Nation's addiction to deficit spending.

We have argued that all earmarks should require written justification from a Member of Congress before being considered, and now the Blue Dogs have authored and endorsed two bills that strike at the heart of this administration's mismanagement and its fiscal mismanagement of our government.

We have introduced the Blue Dog accountability package, and one is a bill that I authored which requires the reconfirmation of any Cabinet official whose agency cannot produce a clean audit for 2 consecutive years.

The second piece of legislation, written by our colleague from Tennessee (Mr. TANNER) requires an oversight hearing 60 days after the Inspector General reports waste, fraud and abuse above $1 million in any Federal Department.

I would like our audience tonight to consider these facts: in 2004, the Federal Government spent $25 billion of everyone's tax dollars, yours, mine and everyone else who pays taxes in America, $25 billion that it cannot account for.

☐ 2030

Now, Mr. ROSS, you and I, when we write a check out of our account, we have a check stub. But for some reason the Federal Government has lost $25 billion in check stubs. They are our tax dollars.

That same year, 2004, only six of the 63 Pentagon departments were able to produce a clean audit, about 10 percent.

For 2005, the General Accounting Office reports that 19 of the 24 Federal agencies can't produce a clean audit or fully explain how they have spent our taxpayer dollars.

In March of 2005, the Veterans Affairs Inspector General issued a report calling for agency information systems to be upgraded for security purposes. As you probably know, no action was taken; and since that time, the personal information of millions of our veterans has been stolen or lost, putting millions of our veterans' personal information and virtually their financial history in jeopardy.

Mr. ROSS. Will the gentleman yield?

Mr. CARDOZA. Certainly.

Mr. ROSS. Actually, my office received a call today from the GAO, and I have got some good news. We have been saying, I have been saying, that the GAO reported that 19 of 24 Federal agencies were not in compliance with all Federal accounting audit standards and could not fully explain how they had spent taxpayer money appropriated by Congress. I am here to correct that. The GAO convinced me today that that statement is not true. Here is what they tell me is true: that the GAO reports that 18 of 24, not 19; 18 of 24 major Federal agencies have such bad financial systems that they don't even know the true cost of running some of their programs. I don't really see the difference, one sounds about as bad as the other to me, but the good news is we no longer have 19 of 24 major Federal agencies that can't produce a clean audit. Instead, we have 18 of 24 major Federal agencies that have such bad financial systems that they don't even know the true cost of running some of their programs.

And yet Republican leaders in this Congress did not force these agencies to fully account for how the money was being spent before doling out billions more of taxpayer dollars for the same programs. And that is why I am so proud of our 37-member strong, fiscally conservative Democratic Blue Dog Coalition for coming forward, not just to criticize the Republican leadership on this. You can bet we are going to hold them accountable. But we are going to do much more than that.

We have offered up a bill, it is led by one of the founders of our Blue Dog Coalition, Mr. TANNER of Tennessee, and you have been discussing that bill in your comments tonight, and I appreciate you doing that. It is about accountability, and it is about restoring some common sense and accountability to our government.

And with that I will yield back to the gentleman from California.

Mr. CARDOZA. I thank the gentleman for the correction. I am not sure that 18 out of 24 is a whole lot better than 19 out of 24. Maybe they got one of the little departments to come into compliance. I think the year before I think it was 16 out of 24 or 23. So it is sort of like the Bush deficit numbers. You inflate them one year so you can show improvement the next. It boggles my mind that they can't find $25 billion in check stubs. You would think that they would be able to do that. But I guess when they think it is not their money, they are not so worried about it. But I have got to tell you, I am worried about it, and I know you are, Mr. ROSS, because when we lose the confidence of the American people for our voluntary tax system that we have, and when people don't think that their money is going to be used the correct way, I think this Nation is in serious, serious trouble.

Mr. ROSS. I share your concern because we have been sent here. We have been sent here by the people to be their representatives. And part of being their representatives is to ensure that their tax money is being accounted for and being spent in a meaningful way and in a way that we would deem responsible.

It kind of reminds me growing up at that little country Methodist church just outside of Prescott in Hope, Arkansas. Midway United Methodist Church. I still try to get back there every year for homecoming. My parents still go there. My mom still plays the piano there.

And growing up there at Midway United Methodist Church, every Sunday I heard the preacher talk about being a good steward. Being a good steward. And I think that the American people have sent us here and expect us to be good stewards of their tax money and make sure that it is being accounted for and make sure that it is being spent in a responsible way, a way that will help lift people up, a way that will invest in their children and their education and their future. And that is why I am so very concerned about this.

That is why we are pleased to offer up a 12-point plan for budget reform, to cure our Nation's addiction to deficit spending. That is why, as Blue Dog members, we are pleased to offer up this accountability plan under the leadership of Mr. TANNER, one of the founders of the Blue Dogs, and that is why I am so pleased to be a part of your legislation, Mr. CARDOZA, another part of our Blue Dog package, to basically tell Cabinet-level agencies that Mr. Secretary, Madam Secretary, if you can't produce a clean audit, then you have got to go back to the Senate and have a reconfirmation hearing.

And there is another bill that you have got that I am real proud of, and that is, again, about being good stewards, about the public trust that is being placed in us to come here and to represent the people from back home. They place a lot of trust in us. And when we violate that trust, when we break the laws that we helped write as Members of Congress, we shouldn't be held to the same standards as every other citizen in this country. We should be held to a much greater standard. And we should have to serve even longer prison terms and have even bigger fines than everyone else, because if we are going to come here and violate the public trust and break the laws that we helped write, we should be held to an even more strict standard.

And I am proud of the bill that we have on that. And I will yield to the gentleman from California to describe that piece of legislation

Mr. CARDOZA. I thank the gentleman. And in fact I will describe it. But before I do, I just want to say one thing. You know, you talked about your growing up in rural Arkansas. I grew up in rural California. My grandparents were all Portuguese immigrants. They all naturalized, became legal citizens, proudest day of their lives was when they got their citizenship papers. And they imbued in me and my parents, who couldn't speak English when they were growing up, a sense of duty and responsibility. And you did the right thing.

I will never forget my grandmother, she wasn't so excited when I got into politics because she said, you know, DENNIS, that is a dirty game sometimes. And if you are going to get in that business, you just make sure you do the right thing.

And when I introduced the legislation that you described, it is really holding us to a higher standard. And the legislation says that if you break the public trust and you enrich yourself while you are standing here in the Halls of Congress that you would have to serve the time that you would get convicted for fraud or for all the other kinds of things that you can do to get put in jail, but you would have to serve a sentence enhancement for two additional years because you broke the public trust, the trust that the people gave you when you signed up to run for this office.

And I hold that sentiment very strongly, that that is something that we should all stand up and be held accountable to a higher standard if we are going to take the oath of office. So I thank you for raising that issue and that I could talk about my bill tonight.

I want to also tell you that the work that we are doing with regard to oversight and demanding that this Congress do oversight, that is one of the fundamental jobs of Members of Congress, to hold hearings and to examine where our tax dollars are going. And we simply, as a Congress, are not doing that anymore. It is part of the problem with having one-party government that there is nobody to hold it accountable. And we can't get the power of the subpoena to go in there and look and see what is going on. And we need to examine the books. We need to audit the books in a more effective way. We need Mr. TANNER's bill that says if the Inspector General finds fraud and abuse, that we will, in fact, do a hearing in the Halls of Congress. And I see you putting up a poster.

Mr. ROSS. You have been there.

Mr. CARDOZA. I have been there. We went together, and we saw, talk about waste, fraud and abuse. What we could do for $1 billion in this country is just amazing. We can educate so many kids, send our kids to college. We can do so much good for $1 billion. And here we are looking at about a half a billion dollars. You tell the story, Mr. ROSS, because this is in your district. You took me down there. We did some uncovering of some waste, fraud and abuse.

And I will yield back to the gentleman from Arkansas.

Mr. ROSS. I just want to quickly make the point as I do every Tuesday and I am going to as long as these things are still down there. But the reason that we have House Resolution 841 by Mr. TANNER and those of us in the Blue Dog Coalition, this is a bill about accountability and about holding agencies accountable. This is why we need legislation to restore accountability within our government.

I don't know how good you can see this, Mr. Speaker, but this is the airport in Hope, Arkansas. Hope used to be known for something else. Now we are known for the trailer houses, mobile homes, manufactured homes. As you can see, this is an active runway at the Hope Airport. And these are old World War II proving ground runways that are no longer being used. So FEMA decides they are going to go out and buy about 20,000 brand-new, fully furnished, microwaves built in, whirlpool tubs built in. We have been in them. We have seen them.

Mr. CARDOZA. Jacuzzi tubs. It is amazing.

Mr. ROSS. I don't know if they are Jacuzzi brand but they are whirlpool.

Mr. CARDOZA. That is what we call them where I come from, even though that might not be the brand.

Mr. ROSS. They are fully furnished, 16-foot wide, 60-foot long mobile homes, about a half a billion dollars worth of them. And they are parked here at the airport in Hope, Arkansas. Except the theory was they were going to bring them in and then take them to the storm victims from Hurricane Katrina.

We are coming up on the first anniversary of Hurricane Katrina and Hurricane Rita. And so the theory was that they were going to be coming in and then going out. This would be a FEMA staging area.

Well, they all came and never went. And as a result, they quickly filled up these old World War II-era proving ground runways and started parking them just in the hay meadow. I mean, just literally on the pasture.

And then the Inspector General noted that with the rains they were going to start sinking this past spring. Lord knows, we would love to have rain now. It is awful hot and dry in Arkansas.

But FEMA's response was not to get the homes to the people who need them. FEMA's response was to spend 4 to $7 million putting gravel on 200 acres of hay meadow pasture land at the Hope Airport to keep these mobile homes from sinking.

The bottom line is, if you can't really get a good look at it there, if you have ever wondered what 9,959 mobile homes look like, that is what it looks like. At one time we had 10,777. We finally have got it down to 9,959. But this is a better look of what it looks like. I mean, there is a fence, barbed wire fence and pasture. They are just sitting there on the areas. Here, as you can see, 16-foot wide, 60-foot long, mobile homes; 9,959 of them sitting there at the airport in Hope, Arkansas, 450 miles from the eye of Hurricane Katrina nearly a year after the storm.

Now, FEMA buys these for victims of Hurricane Katrina; and then FEMA says, well, we are not going to put them in a flood plain. Well, everybody that lost their home and their housing in Hurricane Katrina, they loss it because they lived in a flood plain.

It is time to restore some common sense to FEMA, and it is time to find a good use, a responsible use of these 9,959 mobile homes that are simply parked there at the airport in Hope, Arkansas, an example of mismanagement by a Federal agency. Example of mismanagement by the Federal Emergency Management Agency. An example of why we need to restore accountability in our government. And I am not going to let up on this until every single one of these mobile homes that taxpayers have paid for, about $400 billion worth, are put to good use.

They are not serving anybody any purpose. They are not doing anyone any good sitting in a hay meadow at the Hope Airport in Hope, Arkansas.

This is a symbol of what is wrong with this administration. This is a symbol of what is wrong with this Republican-led Congress. It is a symbol of what is wrong with the Federal Emergency Management Agency.

I yield back to the gentleman from California.

Mr. CARDOZA. The gentleman is absolutely right. And it is interesting that so many of our Departments are run this way. But the Office of the Inspector General for the Department of Homeland Security Department, which FEMA is part of, was quoted recently as saying: "Unfortunately, the Department had made little or no progress to improve its overall financial reporting during the whole fiscal year of 2005." And KPMG accounting firm was unable to even provide an opinion on the Department's balance sheet because the books were in such bad shape.

Another example is the Inspector General for NASA, in its 2005 financial statement said: "In the enclosed report of independent auditors, Ernest & Young disclaimed an opinion on NASA's financial statements for the fiscal year ended September 30, 2005."

☐ 2045

The disclaimer resulted from NASA's inability to provide Ernst & Young with auditable financial statements and sufficient evidence to support the financial statements" that they did have "throughout the fiscal year and at year end."

Basically it is what we were talking about earlier. The Federal Government is writing checks and does not even keep its check stubs. They cannot find $25 billion of our taxpayers' money, and then they want to spend more of it. And it is just a crying shame that we cannot do a better job, and it is a crying shame that we are not doing the accounting and the investigative hearings and the oversight hearings that is the job of this Congress. It is an abdication of our duty as Members of Congress, and it is an indication that we need to change the one-party system that we have got going on here because we need to audit the books. It is just a basic fundamental necessity of running a good government. And what it means is that we have gone, like that chart you showed, from a situation where when we had a Democratic President, we were actually paying off the national debt, and now we are going in the wrong direction. We are going into a deep trough, and I see the slide that you have put up now. This is what the resulting action is. First of all, we are not able to do what we need to do for education, send our kids to college, do all the things that we need to do proactively to prepare our country for the next century, but we are having to do instead what you are about ready to talk about, Mr. Ross.

Mr. ROSS. Since President Bush took office, the amount of foreign-held Treasury debt has more than doubled, increasing from $1 trillion to $2.1 trillion, meaning that this administration has already accrued more foreign debt than the previous 42 Presidents combined.

Let me repeat that. This President and this Republican-led Congress has borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined.

As you can see here in 2001, the amount of money borrowed from foreign central banks and from foreign investors was $988 billion. That was troubling enough. In 2006, we are up to $2.66 trillion that has been borrowed from foreigners. Unlike deficits in earlier years, current deficits have been primarily financed by foreign investors with the rise in foreign-held debt equaling three-fourths the increase in publicly-held debt since the start of the current administration in 2001.

This rise in foreign-held debt is troubling because it makes our economy beholden to foreign creditors and represents another financial burden passed on to future generations. Foreign-held debt is fundamentally different from domestically-held debt, since the interest payments on foreign-held debt flow outside the United States of America and reduce Americans' standard of living.

The cost of servicing foreign-held debt is high. Local, State, and Federal Government interest rates to foreign investors totaled $114 billion in 2005, an amount that will grow rapidly if the Treasury continues to sell debt to foreign investors at the current rate. Compare this to only $23 billion in foreign holdings in 1993. Today, the debt, the foreign-held debt, is $2.1 trillion.

And just like David Letterman, I have got a "top ten list." The top ten current lenders, again, our government is borrowing $1 billion a day. We keep passing tax cuts for those earning over $400,000 a year. And where does the money come from? We have got record deficits. Where is the money coming from to give tax cuts to those earning over $400,000 a year?

Here is the top ten: Japan, our Nation has borrowed $640.1 billion from Japan; China, $321.4 billion.

Mr. CARDOZA. Is that Communist China, Mr. Ross?

Mr. ROSS. Yes.

Mr. CARDOZA. I thought it was.

Mr. ROSS. That would be Red China, Communist China. Our Nation has borrowed $321.4 billion from China to fund tax cuts for folks earning over $400,000 a year at home, leaving our children and grandchildren to foot the bill. That may be a tax cut for the wealthiest people in this country now, but it is nothing more than a tax increase on our children and our grandchildren.

The United Kingdom, $179.5 billion. OPEC, imagine that one, OPEC, our Nation has borrowed $98 billion from OPEC. And we wonder why gasoline is approaching $3 a gallon.

Korea, $72.4 billion; Taiwan, $68.9 billion; the Caribbean banking centers, $61.7 billion; Hong Kong, $46.6 billion; Germany, $46.5 billion. And get a load of this, rounding off the top ten: Our Nation has borrowed $40.1 billion from

Mexico to fund this reckless spending, these record deficits and this record debt given to us by this Republican Congress and this administration.

Now, as members of the Blue Dog Coalition, why do we raise this issue? We have got just a few minutes left here. We raise it because our Nation is borrowing $1 billion a day. Never mind that. On top of that, we are spending a half billion dollars a day paying interest on the debt we have already got. That is a half billion dollars a day that cannot go for education, cannot go for health care, cannot go for infrastructure improvements. It has got to go to service the debt. It has got to pay back these foreign countries, these foreign central banks and foreign investors that are funding these record debts and record deficits in this country.

In fact, as you can see here, like interest payments on a family's credit card, every dollar spent on the national debt is a dollar that does not educate a child, build a road, or keep the Nation secure. Because of recent record deficits, the government's annual interest payment is the fastest growing category of Federal spending over the next 5 years and has posted double-digit percentage growth for the past 2 years. Interest payments dwarf spending on most national priorities such as homeland security, education, and veterans health care. By 2011 annual interest payments under the administration's proposed budget will grow to $302 billion, a 38 percent increase from the current level. As you can see here, the amount of money we are spending in billions of dollars simply paying interest on the national debt, this is the amount of money going to pay interest on the national debt. This is the amount of money being spent to educate our children. This is the amount of money going for homeland security to keep America secure. And this is the amount of money going to keep our promises to our veterans. America's priorities are not being met because of this Republican Congress' reckless fiscal mess.

It is time to put an end to these record debts and record deficits. It is time to restore some common sense and fiscal discipline to our Nation's government.

Mr. Speaker, if you have any comments, questions, or concerns about what we have been discussing in the past hour, you can e-mail us, Mr. Speaker, at bluedog@mail.house.gov. That is bluedog@mail.house.gov.

I want to thank the gentleman from California for joining me this evening.

As we are out of time, I want to leave you with how we started. When we started this hour, I pointed out the national debt was $8.419,147,820.878 and that every living soul in America's share was $28,134.

Just in the hour that we have been discussing trying to restore some common sense and fiscal discipline to our Nation's government, this number, our Nation's debt has gone up another $41 million, roughly another $41.666 million.

As members of the 37-member strong fiscally conservative Democratic Blue Dog Coalition, we come to this floor of the United States House of Representatives every Tuesday night to talk about restoring accountability and fiscal discipline to our Nation's government. We are going to hold the Republican leadership accountable for the reckless spending and the lack of accountability, but we are also going to offer up commonsense solutions to fix these problems, to ensure that we leave this country just a little bit better than we found it for the next generation.

Does the gentleman from California have any closing thoughts?

Mr. CARDOZA. I would just like to say thanks to the gentleman from Arkansas for hosting this once again. We are going to make fiscal responsibility a priority for this Congress. It is a shame that we have not spent more time this year dealing with these matters. Hopefully, we will have some oversight hearings.

Thank you for conducting this, and I just say we will continue to work on it.

STEM CELL RESEARCH

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Mr. Speaker, I am happy to be here this evening as the designee of the majority leader talking about something that is hugely, hugely important that we debated on the floor of this House just an hour, maybe a couple of hours ago. And, Mr. Speaker, I am referring, of course, to the issue of stem cell research.

And just to kind of set the record straight, Mr. Speaker, I think my colleagues know that my prior profession was that of a physician, in particular as an OB-GYN doctor, a pro-life OB-GYN practicing in my home State of Georgia for 26 years.

And the President, before I was elected to the Congress in August of 2001, Mr. Speaker, made a very careful, thought-out and prayerful decision in regard to the issue of the utilization of embryonic stem cells for medical research in hopes of providing someday a cure for some of the devastating diseases that we have seen in public service announcements on television. And God rest his soul, I remember when the actor Christopher Reeve was talking about the suffering and his malady. And, of course, there are other conditions such as Alzheimer's and Parkinson's and Type 1 diabetes and things like that. And we do hope and every Member in this body hopes on both sides of the aisle, and the other body as well, that someday we can have our medical research scientists, doctors, develop an ability to treat some of these chronic, devastating diseases. Spinal cord injury certainly is another.

But the President made this decision because people were asking that we take so-called extra embryos from fertility clinics that couples were not going to use. Maybe they had already achieved a pregnancy or several pregnancies and they had completed their family, and yet because of egg retrieval and in vitro fertilization, there were these embryos that they owned, that belonged to them, that were frozen in case they may, indeed, need them at some point in the future. Some couples, of course, would decide that their family was complete and maybe never utilize these frozen embryos. And there was a great push on the President to say, well, look, these are just extra. They are going to be thrown away anyway. The couples have already said they do not want them and they are willing to donate them to research.

And the research we are talking about, Mr. Speaker, is the ability to take those embryos and obtain from them something that we refer to as a stem cell and, by definition, an embryonic stem cell. But to do that, as the President so clearly understood, these embryos were being destroyed. Although it is not an exactly accurate description, Mr. Speaker, but you may say you just put these embryos in a blender and you churn them up and you centrifuge and at some point you are able to obtain these stem cells from the embryo that have a potential in cell culture, when stimulated in a certain way, to grow into really any tissue of the body.

□ 2100

There are three different germ cell layers. But in essence, if you needed cardiac muscle in somebody who, let's say had a heart attack, and you could go these embryonic stem cells and make them become heart muscle, maybe you could repair that scar on a person's heart. Or if you could stimulate these cells to become nerve tissue, maybe indeed you could help a little child overcome the paralysis of spina bifida, or someone with a spinal cord injury like a very fine Member of this House that suffered a spinal cord injury as a teenager, maybe you can do that.

The President recognized that. But basically what he said to the American people in August of 2001, shortly before 9/11, is we are not going to allow taxpayer dollars to be used for research on embryonic stem cells if it results in the destruction of human life, the destruction of one life, maybe a near perfect life if you allow it to continue to live.

in the hopes that you can, in destroying it, take these beginning cells that we call stem cells from the embryo and help somebody else.

Well, the President basically said, Mr. Speaker, and I agreed with him then and I agree with him wholeheartedly today as a pro-life physician and a pro-life Member of this body, there was too much collateral damage. In this instance the collateral damage was the death of that embryo, that little baby, if you will. We call them fetuses, embryo, fetus, but really it is just a little baby.

Today at a press conference, and they have been on the Hill before, but it was so poignant to me, Mr. Speaker, to see some of these so-called snowflake babies, these little embryos from these fertility clinics, these so-called extras.

Well, lo and behold, almost 100 couples were aware of the availability and asked some of these parents who owned those embryos, they were their children and they had the right to throw them away or donate them, offer them up for adoption, and some infertile couples, many of whom we saw today, Mr. Speaker, at this press conference, legally adopted these so-called throwaway, extra, nobody-wants-them embryos.

In two instances, they resulted in twins, identical twins. I saw 3-year-old boys, beautiful boys and 2-year-old identical twin girls, two different couples of these almost 100 moms and dads who have adopted these so-called throwaway embryos.

Mr. Speaker, those two sets of twins that me and some of my colleagues on both sides of the aisle saw today at this press conference, they could have been in that blender churned up so that their stem cells would have been obtained in hopes of helping somebody else. These precious lives would not exist today.

This President has got a great heart and great compassion and great morality, and he was absolutely right to say we will fund with taxpayer dollars through our National Institutes of Health and our great scientists, we will fund research programs on stem cells, even embryonic stem cells, but not if it means we have got to kill some little baby in harvesting these cells.

Well, the President was right. But last year in this body a couple of our Members sponsored a bill, one from both sides of the aisle, two well-respected Members, I have great respect for both of them, and Members in the other body wanted to bring this back up and felt that because the American public, after watching all of these public service announcements that tug at your heartstrings, felt that, well, you know, why not? You are just going to throw away those embryos.

Of course, these public service announcements didn't talk about the snowflake babies, the children that we saw today. If they had known that, if the public knew that, if they were fully aware of it, then all these polling numbers that we hear, Mr. Speaker, that say, oh, the public wants this, the public demands this, and therefore we have this bill last year, the so-called Castle-DeGette bill, H.R. 810, I believe is the number, and it passes this body. It passes this body with support on both sides of the aisle, but with more Democrats supporting it than Republicans. But, in any regard, it passes.

Now, today the bill passes the Senate. I think they thought they were going to roll the table over there, Mr. Speaker. It barely got the number of votes that it needed, 63, where they require that supermajority in the other body.

So this bill is going to go to the President. It is going to go to the President. It is probably already on his desk, or maybe it will be there tomorrow, and he is going to be expected to vote yea or nay on that bill.

Well, not only do I hope and pray, I have every confidence that this President will stand by his convictions, as he always has, Mr. Speaker, whether we are talking about fighting the Global War on Terrorism or protecting the sanctity of human life, and this President will veto that bill, as well he should.

Now, one of the main purposes of me wanting to speak tonight about values, and there is hardly anything more important in this body that we attend to than the values of this great Nation that we are so privileged to be a part of, we have another bill. We have a bill that was voted on in this body today, and it required by the rules of procedure a two-thirds vote here, and it did not quite get it today. It did not quite reach that two-thirds majority for passage. But I want to just kind of talk about the bill a little bit and make sure my colleagues fully understand.

I hope there was no confusion about this alternate bill, because really what the bill does, Mr. Speaker, as you well know, it is an opportunity to obtain these same embryonic stem cells without destroying or even harming human life. I as a physician know that it can be done. In fact, it is occurring in nature. I will describe that in just a minute.

My colleague who really drafted the original bill, ROSCOE BARTLETT, the gentleman from Maryland, this became the Senator Santorum bill, which was a companion bill, I commend the Senator from Pennsylvania, a great pro-life, traditional, family value member in the Senate, for introducing it.

Mr. Speaker, that bill in the Senate today, it didn't pass with 63 votes like the H.R. 810 Castle-DeGette bill did. The vote was 100–0. I don't even know how many days you are going to have 100 members. That is 100 percent of that body present. It is hard at any time to have 100 percent of the membership present, what with family emergencies and things like that.

But today there were 100, the whole body was there, and a 100–0 vote in support of Senator SANTORUM. Representative BARTLETT's bill, that would fund research, would let taxpayer dollars go to grants to research ways of obtaining those embryonic and other stem cells without harming or destroying human life.

Now, it passed. That bill passed here in the House of Representatives this afternoon, but it was just a little bit short of the two-thirds that it needed. We will bring that bill back to this floor, Mr. Speaker, tomorrow, and it will pass, and it will pass with bipartisan support, and it will pass with a wide majority. A great plurality of the 435 Members of this body will support this bill. Two-thirds? No, but darn close to it.

It will go to the President and the President will have an opportunity then to say to the American people, you know, I have got these two pieces of legislation here. They both seek the same result. Each bill wants to give us an opportunity to put money behind research so that we can obtain these embryonic and adult stem cells so we can help people like the late great Christopher Reeve and Michael J. Fox, a person who we all know who is suffering from parkinsonism, but, more importantly, the folks back home, our constituents, our families, our moms, our dads, our grandparents, the child I see in church every Sunday who is suffering from a spinal condition, probably spina bifida.

We know that we can put money behind research in either one of these two bills, the Castle-DeGette bill, H.R. 810, I think it is, or the Santorum-Bartlett bill.

But, Mr. Speaker, the difference, there is a huge difference in the two bills. As I told my colleagues on the floor today, the difference is in the collateral damage. In the Bartlett-Santorum bill, it allows this research to be able to obtain stem cells maybe from an embryo by a biopsy without harming the fetus, or the Castle-DeGette bill, where you do it the easy way. You just kind of take the embryo and you churn it up and centrifuge off the stem cells.

I heard someone on the floor today say that, well, you know, we know that method, the blender method, if you will, where we destroy human life in obtaining the embryonic stem cells. It is easy. It is proven. We can do it. There is no problem. Why should we go through another step or two and go to the trouble and the expense? And, oh, by the way, it may take a year or two before we know for sure that it works. Why don't we just go ahead and do the expedient thing?

Goodness gracious, my colleagues, Mr. Speaker, the expedient thing results in the loss of life, and no snowflake embryos, no precious twins that we saw today. It is just not the right thing to do.

This President, thank God, has a good heart and a good soul and a good mind, and he knows that. And I think God has given him the wisdom to make the right decision in this case and resist the pressure and understand that the polling, many times when you ask the question, if people don't fully understand what I am trying to explain to my colleagues tonight, and anyone that might be listening at home, that when you look at it and understand what I am saying, and it is the absolute truth, what I am saying, I think the American people overwhelmingly would say, well, gee, you know, if we are going to get the same result and there is already good research going on with Federal funding, our tax dollars supporting research on adult stem cells and we are getting good results, all right.

In the private sector, Mr. Speaker, there is plenty of research going on in regard to embryonic stem cells, some of which are obtained from those fertility clinics with the destruction of human life. If private people want to do that, the State of California recently enacted legislation or had a statewide referendum that called for $3 billion in funding for embryonic stem cell research that does result in the death of the embryo, and that is fine. If they want to do that in California with their money, fine. If private companies want to do it, that is fine.

But to say to the American people, who I am sure I am correct in saying that more than 50 percent of them, certainly in my district in my State, in my hospital, are strongly pro-life, and to say to them, you know, we are going to take your money, your tax dollars, and we are going to put it and let NIH researchers or give grants to doctors, wherever, you know, I am not going to name names or places, but these higher institutes of learning, these ivory towers, they are great, we love them.

□ 2115

We are all for research. But not if it means that my money is going to fund something that results in yet another of the 40 million abortions that have occurred since Roe versus Wade in 1973.

Make no mistake about it. Every time you kill one of these embryos to obtain those stem cells in this manner, that is yet another abortion. So I am very much opposed to the Castle-DeGette bill and very much in favor, Mr. Speaker, of the Santorum-Bartlett bill.

As I say, I will in all probability have an opportunity to discuss the rule on the floor tomorrow. We will have another vote, and I will be very proud when my colleagues again on both sides of the aisle, there is no way this should be a partisan issue, really it is not. We will have the votes to do the right thing. I really look forward to that.

I wanted, Mr. Speaker, to take a little time to talk about another issue or two, that may come up as we refer this week to "values week" in the House of Representatives. Although we sometimes get criticized and people say, well, you know, you all are spending all of your time talking about values, and yet we have got a deficit and we have got a national debt and we need to fund this and we need to fund that, and, you know, your responsibilities, you are neglecting them as you concentrate on these value issues like the Marriage Protection Act, the Pledge of Allegiance Protection Act and this stem cell issue, I would say to those critics, and some of them were sitting in this Chamber earlier today, from my perspective, I was sent here to do more than just spend people's money.

Obviously we have to spend money, and we try to do it wisely. But the values of this country are just as important to me in my representation of those values, not just my district in Georgia, the 11th, or my State, but of this entire country, because we need to show the world that we are a country of strong moral values.

I think that that in itself will help us as much as anything in the Middle East, to let the rest of the world know that we have character in this country and we stand by these values. And so for us to spend time standing up for the sanctity of marriage is an example. I would say to my constituents and my colleagues, that is no waste of time. That is no waste of time at all.

The debate that we had on the floor today on this constitutional amendment resolution brought to us by the gentlewoman from Colorado (Mrs. MUSGRAVE), a champion really of this cause, and I commend her for her ethics both in this 109th Congress and the 108th Congress.

We fell a little short of the two-thirds vote we needed. They fell a little short in the other body. But I will guarantee you the American people would not fall short on this issue. 88 percent of them in 45 States have already addressed this issue, and they cannot wait for this Congress with its two-thirds majority vote in both bodies to give them the opportunity to vote on this constitutional amendment, defining, defining marriage as a union between a man and a woman.

I just went over, Mr. Speaker, before we started the time and looked at the dictionary. It is right to my left as we come into the door, these hallowed halls. And you see Members looking at it all the time. This happens to be the Random House Webster's dictionary.

And listen to what they say about the definition of marriage. "The social institution under which a man and a woman establish their decision to live as husband and wife by legal commitments and religious ceremony".

That is what we are talking about. And when Members stand up and criticize and say, oh, well, what about Federalism and the power of the States? Well, the States regulate issues such as age of consent and consanguinity and the rules of civil procedure and inheritance, and that does not change at all.

But it just says that these activist judges, because of a constitutional amendment that I know one day soon we will pass, that the definition, the definition of marriage is that union between a man and a woman.

You know who benefits the most from that, Mr. Speaker? You know who benefits the most, my colleagues? It is the children of that marriage. And do not call me a bigot for my strong feeling that a child needs a mother and father. I feel very strongly about that. And this is not a racial issue. There is no hatred involved, certainly not in the heart of MARILYN MUSGRAVE, a great mom and wife.

The Members who really overwhelming support this. This is the right thing to do. And that is why we spend time in this body, precious time, yes, talking about our values. Our values in regard to the sanctity of life and the sanctity of marriage.

Finally, finally, Mr. Speaker, let me talk a little bit about the pledge of allegiance. You know, I believe it is the 9th District Court, we sometimes refer to it as the Left Coast, but that would be California for those of you who do not know to what I am referring.

For those judges to say that it is unconstitutional to have "under God" in the pledge of allegiance and make a decision, Federal District Court in the 9th District which includes California and the rest of the left coast, and to have that say that that is applicable to the entire United States.

No way. No way. And we are not going to have it. We are not going to have it. And we will be discussing and voting on a bill tomorrow that says to these activist judges, you keep your legal opinions away from our pledge of allegiance. And you have no authority whatsoever to speak in regard to that.

If some State court wants to do it, or some State supreme court wants to do it, and their citizens are happy with that, so be it. But not at the Federal level. I am going to tell you, if they did it in the State of Georgia we would throw the bums out. They may embrace them in California, but that is what makes this country great, you know. I mean, different strokes for different folks.

But we want to make absolutely sure that these activist Federal judges are not taking God out of our pledge of allegiance, and we will have that vote, we will have the discussion. We will have a good discussion and then we will have Members kind of go on record. Those votes will not be by voice vote. I can assure you of that, Mr. Speaker. They will be record votes, and I really, really look forward to that debate.

Mr. Speaker, I am going to conclude. I think we have a very important Rules Committee meeting coming up in a few minutes and I need to be at that noting.

But again, I wanted to thank the leadership. I want to thank my Speaker and my majority leader, our conference chairwoman, Deborah Pryce for giving me the opportunity to come here tonight and spend 30 or 40 minutes talking about values and how important they are on our side of the aisle, and how important they are to the leadership.

Mr. Speaker, I think that they are important really to all Members in this chamber. They are good people, good hearts, men and women on both sides of the aisle. And I think sometimes, though, we have a tendency to lose our way. We have got a lot of pressure, a lot of interest groups, a lot of advocates, stakeholders wanting us to do certain things.

But I think if we stop and think, we do not get in too big a hurry, realize that we do not have to rush to destroy embryos, as an example. If we take our time, we can get the same result with no collateral damage. That is what it is all about. That is what values are all about.

So I am happy to have had this time to share my thoughts with my colleagues. I look forward to tomorrow, another day, when we will have some very, very significant value votes in this body. With that, I yield back.

RECESS

The SPEAKER pro tempore (Ms. McMorris). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 28 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2154

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Sessions) at 9 o'clock and 54 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 2754, ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–578) on the resolution (H. Res. 924) providing for consideration of the Senate bill (S. 2754) to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Davis of Illinois (at the request of Ms. Pelosi) for today on account of business in the district.

Mr. Kind (at the request of Ms. Pelosi) for today before 3:00 p.m. on account of illness.

Ms. McKinney (at the request of Ms. Pelosi) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. McCarthy) to revise and extend their remarks and include extraneous material:)

Mrs. McCarthy, for 5 minutes, today.

Mr. DeFazio, for 5 minutes, today.

Mr. Skelton, for 5 minutes, today.

Mr. Emanuel, for 5 minutes, today.

Ms. Woolsey, for 5 minutes, today.

Ms. Herseth, for 5 minutes, today.

Mr. Pallone, for 5 minutes, today.

Mr. George Miller of California, for 5 minutes, today.

Mr. McDermott, for 5 minutes, today.

Ms. Millender-McDonald, for 5 minutes, today.

Ms. Solis, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

Mr. Berry, for 5 minutes, today.

Mr. Owens, for 5 minutes, today.

(The following Members (at the request of Mr. Poe) to revise and extend their remarks and include extraneous material:)

Mr. Jindal, for 5 minutes, today.

Mr. Jones of North Carolina, for 5 minutes, July 24 and 25.

Mr. Shays, for 5 minutes, today.

Mr. Gilchrest, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 42. An act to ensure that the right of an individual to display the flag of the United States on residential property not be abridged.

H.R. 810. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3504. An act to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

ADJOURNMENT

Mr. GINGREY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 19, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8611. A letter from the Director, Regulatory Review Committee, Department of Agriculture, transmitting the Department's final rule — Revisions of Delegations of Authority (RIN: 0560-AH51) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8612. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Add Denmark to the List of Regions Free of Exotic Newcastle Disease [Docket No. 02-089-3] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8613. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus Thuringiensis Cry1A.105 Protein and the Genetic Material Necessary for Its Production in Corn in or on All Corn Commodities; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2006-0554; FRL-8076-5] received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8614. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus Thuringiensis Cry2Ab2 Protein and the Genetic Material Necessary for Its Production in Corn in or on All Corn Commodities; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2006-0553; FRL-8076-6] received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8615. A communication from the President of the United States, transmitting a request for FY 2007 budget amendments for the Department of Health and Human Services; (H. Doc. No. 109-123); to the Committee on Appropriations and ordered to be printed.

8616. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting Withdrawal of the request for a FY 2006 fully offset proposal to provide additional funds for the Information Technology Systems account within the Department of Veterans Affairs; (H. Doc. No. 109-124); to the Committee on Appropriations and ordered to be printed.

8617. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8618. A letter from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting the sixteenth annual report on the Pentagon Renovation and Construction Program, pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

8619. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Citizenship Documentation Requirements [CMS-2257-IFC] (RIN: 0938-AO51) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8620. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana; Direct Final Rule [EPA-R08-OAR-2006-0009; FRL-8187-6] received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8621. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — PM2.5 De Minimis Emission Levels for General Conformity Applicability [EPA-HQ-OAR-2004-0491; FRL-8197-4] (RIN: 2060-AN60) received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8622. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plan; Idaho [Docket # R10-OAR-2005-ID-0001; FRL-8191-6] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8623. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island Update to Materials Incorporated by Reference [RI-44-1222c; FRL-8185-1] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8624. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; NSR in the Ozone Transport Region [EPA-R03-OAR-2005-VA-0015; FRL-8796-8] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8625. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the City of Weirton PM-10 Nonattainment Area to Attainment and Approval of the Maintenance Plan [EPA-R03-OAR-2005-0480; FRL-8197-1] received July 12, 206, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8626. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Indiana; Final Approval of State Underground Storage Tank Program [FRL-8195-8] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8627. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities [EPA-HQ-OAR-2002-0083; FRL-8196-6] (RIN: 2060-AE48) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8628. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits and Program; State of Missouri [EPA-R07-OAR-2005-MO-0005; FRL-8192-4] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8629. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Nebraska [EPA-R07-OAR-2006-0476; FRL-8192-5] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8630. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Carbon Monoxide Maintenance Plan, Conformity Budgets, Emissions Inventories; State of New Jersey [Docket No. EPA-R02-OAR-2006-0342; FRL-8191-2] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8631. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky Prevention of Significant Deterioration and Nonattainment New Source Review [EPA-R04-OAR-2004-KY-0004-200610; FRL-8191-5] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8632. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Mississippi Prevention of Significant Deterioration and New Source Review [EPA-R04-OAR-2005-MS-0001-200612; FRL-8191-4] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8633. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Charleston Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan [EPA-R03-OAR-2005-0548; FRL-8191-9] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8634. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Colorado; Final Authorization of State Hazardous Waste Management Program Revision [EPA-R08-RCRA-2006-0382; FRL-8193-2] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8635. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Maricopa County Air Quality Department; State of California; San Joaquin Valley Unified Air Pollution Control District; State of Nevada; Nevada Division of Environmental Protection [EPA-R09-OAR-2006-0496; FRL-8190-1] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8636. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing [EPA-HQ-OAR-2003-0121; FRL-8190-5] (RIN: 2060-AM43) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8637. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Combustion Turbines [EPA-HQ-OAR-2004-0490; FRL-8033-4] (RIN: 2060-AM79) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8638. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Utah: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R08-RCRA-2006-0127; FRL-8193-5] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8639. A letter from the Principal Deputy Assistant Administrator, Environmental Protetcion Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Compression Ignition Internal Combustion Engines [EPA-HQ-OAR-2005-0029, FRL-8190-7] (RIN: 2060-AM82) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8640. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 16-06 informing of an intent to sign the Force Protection Memorandum of Understanding between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8641. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1641(c) 50 U.S.C. 1703(c); to the Committee on International Relations.

8642. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded by the American Institute in Taiwan between May 25, 2006 and June 9, 2006, pursuant to 22 U.S.C. 3301; to the Committee on International Relations.

8643. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the initial report as required by Section 6 of the Senator Paul Simon Water for the Poor Act of 2005; to the Committee on International Relations.

8644. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Germany (Transmittal No. DDTC

035-06); to the Committee on International Relations.

8645. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8646. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8647. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8648. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8649. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8650. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8651. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Boston, transmitting the 2005 management report and statements of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8652. A letter from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting the 2005 management report of the Federal Home Loan Bank of Dallas, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8653. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting the 2005 Statements on System of Internal Controls of the Federal Home Loan Bank of Pittsburgh, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8654. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting the 2005 management report and statements on system of internal controls of the Federal Home Loan Bank of San Francisco, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8655. A letter from the Executive Director, National Credit Union Administration, transmitting a report on the Administration's category rating system, pursuant to 5 U.S.C. 3319; to the Committee on Government Reform.

8656. A letter from the Acting General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8657. A letter from the Acting General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8658. A letter from the Acting General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8659. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Senior Executive Service Pay (RIN: 3206-AL01) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8660. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Veterans' Preference (RIN: 3206-AL00) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8661. A letter from the Director, Executive Services Staff, Social Security Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8662. A letter from the Deputy Assistant Secretary of the Interior, Department of the Interior, transmitting the Department's final rule — Grazing Administration — Exclusive of Alaska [WO-220-1020-24 1A] (RIN: 1004-AD42) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8663. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's designation of additional members of the Special Exposure Cohort of a class of employees from the Nevada Test Site in Mercury, Nevada, under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8664. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Pacific Proving Grounds, Enewetak Atoll to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8665. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the feasibility of Federal Drug Courts, pursuant to Section 753 of the USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. 109-177; to the Committee on the Judiciary.

8666. A letter from the Comptroller, National Society Daughters of the American Revolution, transmitting the Audited Financial Statements of NSDAR for the Fiscal Year ending February 28, 2006, pursuant to 36 U.S.C. 1102; to the Committee on the Judiciary.

8667. A letter from the Acting Senior Procurement Executive, (OCAO), GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-10; Introduction [Docket FAR-2006-0023] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GINGREY: Committee on Rules. House Resolution 920. Resolution providing for consideration of the bill (H.R. 2389) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance (Rept. 109–577). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 924. Resolution providing for consideration of the bill (S. 2754) to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos (Rept. 109–578). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas:

H.R. 5822. A bill to establish the America's Opportunity Scholarships for Kids Program; to the Committee on Education and the Workforce.

By Mrs. KELLY:

H.R. 5823. A bill to amend certain provisions of the Federal Power Act added by the Energy Policy Act of 2005 relating to the use of eminent domain authority for the construction of electric power lines, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HART:

H.R. 5824. A bill to authorize the Secretary of Labor to award a grant to the Manchester Bidwell Corporation to improve, expand, and replicate the arts and technology education centers operated by such corporation; to the Committee on Education and the Workforce.

By Mrs. WILSON of New Mexico (for herself, Mr. SENSENBRENNER, Mr. HOEKSTRA, Mr. RENZI, Mrs. JOHNSON of Connecticut, Mr. EVERETT, Mr. THORNBERRY, Mr. ROGERS of Michigan, Mr. GALLEGLY, and Mr. ISSA):

H.R. 5825. A bill to update the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Minnesota:

H.R. 5826. A bill to amend title 5, United States Code, to provide for greater flexibility in the number of levels of benefits that may be offered by certain health plans under chapter 89 of such title; to the Committee on Government Reform.

By Mr. BOEHNER:

H.R. 5827. A bill to make Celina, Ohio, eligible for certain rural development loans and grants; to the Committee on Agriculture.

By Mr. DINGELL:

H.R. 5828. A bill to amend the State Department Basic Authorities Act of 1956 to remove the reimbursement requirement for evacuation as a result of war, civil unrest, or natural disaster; to the Committee on International Relations.

By Mrs. McCARTHY (for herself and Mr. LEWIS of Georgia):

H.R. 5829. A bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes; to the Committee on House Administration.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. MICA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARCHANT, Ms. GRANGER, Mr. BARTON of Texas, Mr. BURGESS, Mr. EDWARDS, Mr. GOHMERT, Mr. HALL, Mr.

SAM JOHNSON of Texas, and Mr. SESSIONS):

H.R. 5830. A bill to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas; to the Committee on Transportation and Infrastructure.

By Mr. BOEHNER (for himself, Mr. HYDE, and Mr. LANTOS):

H. Res. 921. A resolution condemning the recent attacks against the State of Israel, holding terrorists and their state-sponsors accountable for such attacks, supporting Israel's right to defend itself, and for other purposes; to the Committee on International Relations.

By Mr. ACKERMAN (for himself, Mr. LANTOS, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. ENGEL, and Mr. CROWLEY):

H. Res. 922. A resolution condemning cross-border terrorism against Israel by Hamas and Hezbollah and the complicity in these acts of terrorist aggression by Syria and Iran; to the Committee on International Relations.

By Mr. SHAW:

H. Res. 923. A resolution condemning the recent attacks against the State of Israel; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. TOWNS.

H.R. 450: Mr. MCCOTTER and Mr. MCGOVERN.

H.R. 500: Mr. SAM JOHNSON of Texas.

H.R. 947: Mr. MOORE of Kansas.

H.R. 998: Mr. COBLE.

H.R. 1002: Mrs. NAPOLITANO.

H.R. 1130: Mr. EDWARDS.

H.R. 1241: Mr. DOYLE.

H.R. 1366: Mr. WELDON of Florida and Mr. BONILLA.

H.R. 1372: Mr. BISHOP of Georgia.

H.R. 1384: Mr. NEUGEBAUER.

H.R. 1471: Mr. MICHAUD.

H.R. 1526: Mr. FARR.

H.R. 1558: Mr. OWENS, Ms. LINDA T. SÁNCHEZ of California, and Mr. GUTIERREZ.

H.R. 1704: Mr. BLUMENAUER and Mrs. DRAKE.

H.R. 1898: Mr. SCHWARZ of Michigan and Ms. ESHOO.

H.R. 1996: Mr. CASE.

H.R. 2421: Mr. TERRY.

H.R. 2429: Mr. MILLER of North Carolina.

H.R. 2561: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2568: Mr. SIMMONS and Mr. MCCOTTER.

H.R. 3137: Mr. JINDAL.

H.R. 3195: Ms. MILLENDER-MCDONALD and Mr. WAXMAN.

H.R. 3282: Mr. CAMPBELL of California.

H.R. 3352: Mr. HINCHEY.

H.R. 3427: Mr. WAXMAN.

H.R. 3641: Mr. PAYNE.

H.R. 3875: Mr. WELDON of Pennsylvania and Mr. RENZI.

H.R. 4188: Mr. MEEHAN.

H.R. 4236: Mr. SHUSTER.

H.R. 4264: Mr. ABERCROMBIE and Mr. HAYES.

H.R. 4366: Mr. MANZULLO.

H.R. 4491: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4537: Ms. LEE.

H.R. 4597: Mrs. MALONEY and Mr. YOUNG of Alaska.

H.R. 4710: Mr. GONZALEZ and Mr. MILLER of Florida.

H.R. 4771: Ms. BALDWIN.

H.R. 4910: Mr. UPTON and Mrs. MYRICK.

H.R. 4925: Ms. MCKINNEY.

H.R. 4953: Mr. KENNEDY of Minnesota, Mr. PETRI, and Mr. CONYERS.

H.R. 5005: Mr. NUSSLE, Mr. BISHOP of Utah, and Mr. NEUGEBAUER.

H.R. 5013: Mr. LATHAM and Mr. SAM JOHNSON of Texas.

H.R. 5022: Mr. UDALL of Colorado, Mr. MCCOTTER, Mr. BAIRD, Mr. GENE GREEN of Texas, Mr. REICHERT, Mr. WALSH, and Mr. SPRATT.

H.R. 5072: Mr. LEACH.

H.R. 5092: Mr. CAMPBELL of California, Mr. LATHAM, Mr. NUSSLE, and Mr. BISHOP of Utah.

H.R. 5100: Ms. BALDWIN and Mr. PETRI.

H.R. 5120: Mr. CLYBURN.

H.R. 5134: Mr. JINDAL and Mr. MARSHALL.

H.R. 5140: Mr. STARK.

H.R. 5167: Mr. LOBIONDO.

H.R. 5171: Mr. PITTS.

H.R. 5185: Mr. MORAN of Virginia.

H.R. 5206: Mr. CARDOZA, Mr. SCHWARZ of Michigan, and Ms. LORETTA SANCHEZ of California.

H.R. 5242: Mr. THORNBERRY.

H.R. 5339: Mr. PAYNE and Ms. KILPATRICK of Michigan.

H.R. 5381: Mr. NEAL of Massachusetts.

H.R. 5388: Ms. ESHOO.

H.R. 5453: Ms. HART.

H.R. 5455: Mr. BISHOP of Georgia.

H.R. 5465: Mr. ROTHMAN, Mr. BERMAN, and Mr. WELDON of Pennsylvania.

H.R. 5474: Mr. BROWN of South Carolina.

H.R. 5478: Mr. GILLMOR.

H.R. 5482: Ms. LORETTA SANCHEZ of California and Mr. FORD.

H.R. 5499: Mr. JEFFERSON.

H.R. 5535: Mr. PENCE.

H.R. 5588: Mrs. JONES of Ohio.

H.R. 5608: Mr. WAXMAN, Mr. DAVIS of Florida, Mr. KENNEDY of Rhode Island, Ms. JACKSON-LEE of Texas, and Mr. TOWNS.

H.R. 5637: Mr. MANZULLO.

H.R. 5671: Mr. ETHERIDGE, Mr. MEEKS of New York, and Mr. JONES of North Carolina.

H.R. 5682: Mr. CULBERSON, Mr. HENSARLING, and Mr. MCCAUL of Texas.

H.R. 5685: Mr. REYNOLDS, Mr. SERRANO, Mr. ENGEL, Mr. WEINER, Mr. HIGGINS, Mr. OWENS, Mr. NADLER, Ms. SLAUGHTER, Mr. MCNULTY, Mr. MEEKS of New York, Mr. KUHL of New York, and Ms. VELÁZQUEZ.

H.R. 5704: Mr. GINGREY.

H.R. 5712: Mr. GONZALEZ.

H.R. 5714: Mr. DEFAZIO, Ms. ZOE LOFGREN of California, Mr. WEXLER, and Ms. LORETTA SANCHEZ of California.

H.R. 5743: Mr. SAM JOHNSON of Texas.

H.R. 5755: Mr. SIMMONS, Mr. PETERSON of Pennsylvania, Mr. CUMMINGS, Mr. MCCOTTER, Mr. HOLDEN, Mr. CARDOZA, Mr. TAYLOR of Mississippi, Mr. CHANDLER, Mr. ROSS, Mr. COOPER, Mr. SALAZAR, Mr. MOORE of Kansas, Mr. PETERSON of Minnesota, Mr. POMEROY, and Mr. MCINTYRE.

H.R. 5756: Mr. TANCREDO.

H.R. 5766: Mr. PENCE, Mr. CALVERT, Mr. HERGER, Mr. SESSIONS, Mr. CULBERSON, Ms. HART, Ms. HARRIS, Mr. GARRETT of New Jersey, Mr. WAMP, Mr. WELDON of Florida, Mr. BILBRAY, Mr. GERLACH, Mr. HAYWORTH, Mr. ISTOOK, Mr. STEARNS, Mr. RENZI, Mr. FRANKS of Arizona, Mr. MORAN of Kansas, Mr. HAYES, Miss MCMORRIS, Mr. DAVIS of Kentucky, Mr. CAMPBELL of California, and Mr. LATHAM.

H.R. 5784: Mr. MEEK of Florida and Mr. MORAN of Virginia.

H.R. 5785: Mr. COSTELLO.

H.R. 5805: Ms. BORDALLO, Mr. BROWN of Ohio, Mr. CROWLEY, Mr. CHABOT, Mr. POE, and Mr. SMITH of New Jersey.

H. J. Res. 90: Mr. MCNULTY.

H. Con. Res. 222: Mr. MCNULTY and Mr. NEY.

H. Con. Res. 346: Mr. HYDE.

H. Con. Res. 347: Mr. MICHAUD.

H. Con. Res. 390: Ms. BEAN and Mr. TERRY.

H. Con. Res. 406: Mr. FRANK of Massachusetts.

H. Con. Res. 416: Mr. JEFFERSON and Mr. DOYLE.

H. Con. Res. 434: Mr. CONYERS.

H. Con. Res. 435: Mr. FOSSELLA.

H. Con. Res. 438: Ms. PRYCE of Ohio, Mr. MCCOTTER, Mr. MANZULLO, Mr. NORWOOD, Mr. GARY G. MILLER of California, and Mr. ISTOOK.

H. Con. Res. 448: Mr. HALL, Ms. KAPTUR, and Mr. WELDON of Florida.

H. Res. 79: Ms. WATSON, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. CLYBURN, Mr. MARSHALL, Mr. GENE GREEN of Texas, Mr. HENSARLING, and Mr. PAUL.

H. Res. 295: Mr. WHITFIELD.

H. Res. 603: Mr. CALVERT.

H. Res. 784: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 790: Ms. WOOLSEY, Mr. CLYBURN, and Ms. LEE.

H. Res. 863: Mr. ISSA.

H. Res. 871: Mr. KIRK, Mr. FRELINGHUYSEN, Mr. GERLACH, Mrs. JOHNSON of Connecticut, Mr. PETRI, Mr. BOEHLERT, Mr. SCHWARZ of Michigan, Mrs. KELLY, Mr. BASS, Mr. EHLERS, Mr. PLATTS, Mr. CASTLE, Mr. BRADLEY of New Hampshire, Mr. GILCHREST, Mrs. WILSON of New Mexico, and Mr. WALSH.

H. Res. 888: Ms. KILPATRICK of Michigan.

H. Res. 901: Mr. HINOJOSA, Mrs. TAUSCHER, Mr. CLEAVER, and Mr. SCOTT of Virginia.

H. Res. 908: Mr. MCNULTY.

H. Res. 911: Mr. GARY G. MILLER of California, Mr. WYNN, Mr. SHERMAN, Mr. STARK, Mr. PRICE of North Carolina, and Mr. MARSHALL.

H. Res. 912: Mr. BERRY, Mr. GARY G. MILLER of California, Mr. POMEROY, Mr. GORDON, Mr. MARSHALL, Mr. MOORE of Kansas, Ms. HOOLEY, Mr. CASTLE, Mr. CAMPBELL of California, Mr. HAYWORTH, Mr. SIMMONS, Mr. GOODE, Mr. KIRK, Mr. RAMSTAD, Mr. SESSIONS, Mr. LEWIS of California, Mr. GILLMOR, Mr. BRADY of Texas, Mr. GREEN of Wisconsin, Mr. TIBERI, Mr. MELANCON, Mr. COBLE, Mr. PEARCE, Mr. BOEHLERT, and Ms. BERKLEY.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during today's votes on H.R. 3085, regarding the Trail of Tears National Historic Trail; H.R. 3496, the National Capital Transportation Amendments Act; and H.R. 3729, the Federal Judiciary Emergency Tolling Act.

Had I been present, I would have voted in favor of each bill.

CELEBRATING NURSING AND KHALIL KHOURY, MSCPHARM, BSN, RN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mrs. CAPPS. Mr. Speaker, as a Member of Congress who is a registered nurse and cares deeply about fostering dialogue between Arabs and Israelis, I wanted to share an inspiring story that appeared in the July 2006 issue of the American Journal of Nursing. Khalil Khoury, MScPharm, BSN, RN is head nurse of an internal medicine unit at Hadassah University Medical Center in Jerusalem where Prime Minister Ariel Sharon was treated in December 2005. At a time of such hopelessness and extraordinary tensions between Palestinians and Israelis, Khalil's story provided me with a little bit of hope and optimism that all is not lost in the Middle East. I urge my colleagues to take note of this story and hope it instills that same bit of hope in you.

[From the American Journal of Nursing, July 2006]

THE HOSPITAL AS SANCTUARY: AN ARAB NURSE WHO CARED FOR ISRAEL'S STRICKEN PRIME MINISTER

(By Khalil Khoury)

I am head nurse on a unit known as Internal Medicine A at Hadassah University Medical Center in Jerusalem. This is where former prime minister Ariel Sharon was admitted for several days after a minor stroke on December 18, 2005. (He subsequently suffered a major cerebral accident on January 5, 2006, from which he has not recovered.) During his first hospitalization, my staff of Arab and Jewish nurses cared for him in an atmosphere of mutual respect—a sharp contrast to life outside of the hospital walls.

Internal Medicine A is a microcosm of Israel. Of 40 nurses under my supervision—all Israelis—one-third of us are Christian or Muslim Arabs and the rest are Jews. Yet we work together as a harmonious unit, an approach that is the basis for the humane way we treat our patients. I think of my workplace as an island of sanity within the insanity that surrounds us. As an Israeli citizen, I have the same rights as Jewish Israelis, but when security guards at a shopping center or coffee shop see me or hear me speaking Arabic to a companion, they demand to see my identification and search my bag more thoroughly than those of others. My professional accomplishments, my integration into Israeli society, my triumphs over the odds against Arabs in my country—none of this matters.

I was born in Haifa in 1971, and my parents—a construction worker and a housewife—raised me to respect humankind, to accept others and to help them. This led me to nursing, but my career choice was also a practical decision. Because they are perceived as security risks, Israeli Arabs can get jobs in nursing more easily than they can in other fields, such as high tech or the military. I enrolled at the Hadassah-Hebrew University School of Nursing in Jerusalem in 1992; when I graduated in 1996, I immediately went to work as an RN on Internal Medicine A. I was named head nurse in 2001.

When the prime minister was assigned to our department, there was considerable media excitement. "The team that treats prime minister Sharon includes Arabs," commentators proclaimed. Given the political situation in Israel, the presence of Arabs on the treatment team was considered exceptional. Yet inside the hospital, we performed our duties exactly as we would for any patient. The only substantive difference was the necessity of accommodating the prime minister's security staff in an adjoining patient room with a connecting door and the political staff in one of our two doctors' lounges. We cared for the prime minister and prepared and administered his medications, including injections, all without interference from the bodyguards who were at the bedside around the clock.

I learned about my own prejudices from the experience of being one of Sharon's nurses. Before meeting him during his first hospitalization in 2005, I would have described him as tough, formal, distant, and not very nice, based on his public image. But he turned out to be pleasant and polite in conversation; without his bodyguards and political retinue, he would have been considered simply a nice old man.

I don't see Sharon as my enemy, although Israel does not always see Arabs as friends. Fighting stereotypes is what I do almost every day, whether it is prejudice aimed at me as a man in a traditionally woman's profession or as an Arab living and working in Israel. I am helped in this by the principles of nursing, which emphasize patience and tolerance toward others, without regard to race, religion, sex, or nationality. This is how I was raised, and working at Hadassah has strengthened my commitment to these values.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. ANDREWS. Mr. Speaker, I regret that, due to transportation problems, I missed 3 votes on July 17, 2006. Had I been present I would have voted "yea" on H.R. 3085, to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes; "yea" on H.R. 3496, the National Capital Transportation Amendments Act of 2005; and "yea" on H.R. 3729, the Federal Judiciary Emergency Tolling Act of 2005.

CFIUS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. OXLEY. Mr. Speaker, recognizing the importance of America's longstanding free trade policies and the many benefits of direct foreign investment in our country, I commend to the attention of my colleagues this excellent Wall Street Journal piece by Douglas Holtz-Eakin.

Mr. Holtz-Eakin rightly notes that congressional overreaction in the area of CFIUS reform would do great harm to our economy and result in protectionist retaliation by our trading partners.

[From the Wall Street Journal, Jul. 13, 2006]

YOU CAN'T BE CFIUS

(By Douglas Holtz-Eakin)

The ongoing legislative effort to reform the Committee on Foreign Investment in the United States (CFIUS) has suddenly been put on the fast track. In particular, Senate Banking Committee Chairman Richard Shelby is asking for unanimous consent by the full Senate to vote on his bill with no debate over whether key provisions are in the national interest. Unfortunately, there is a big downside risk in precipitous action.

Earlier this year, international investors looked askance when an acquisition—the purchase by Dubai Ports World (DPW) of Peninsular and Oriental Steam Navigation Company (P&O)—dissolved into political controversy because the deal included terminal operations at a number of U.S. ports. Yet even though this impasse came on the heels of heavy-handed congressional interference in Chinese National Offshore Oil Corporation's proposed purchase of American oil company Unocal, hope remained that this was all a brief departure from the U.S. tradition of open international investment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Hope took a hit in the solar plexus last month during the Senate debate over the U.S.-Oman free trade agreement. Sen. Byron Dorgan objected to an obscure provision covering "land-side aspects of port activities," arguing that it would obligate the U.S. to turn over to Omani interests the same kind of port operations that were disputed in the DPW affair. The Oman agreement ultimately was approved by the Senate. But the eagerness of politicians to play the DPW card bodes ill for the future.

Congress may not appreciate what is at stake. Far from being in continuous conflict, open capital markets and national security support one another. A strong economy is part of national security, and among developed economies the U.S. has experienced uniquely strong productivity growth in the past decade. A key ingredient for this success has been openness to global trade in goods, services and capital. Currently, U.S. subsidiaries of international companies have over five million employees and pay compensation of over $300 billion each year, or about $60,000 per employee. The vast bulk of these investments have come from countries belonging to the OECD (over 90%) and a small minority is undertaken by firms with government control.

CONGRESSIONAL MEDDLING WILL RETARD FOREIGN INVESTMENT

Transactions do arise (and have arisen) in which security consideration overwhelm their financial desirability. To date, the CFIUS process has worked well to support well-functioning, open capital markets with specific carve-outs for transactions that pose a national security threat. CFIUS did its security job, but it failed miserably in other respects. Congress, which created the security-screening authority with the Exon-Florio legislation nearly two decades ago, was left too much in the dark. Suspicious of security gaps and frustrated by its inability to exercise appropriate oversight, Congress has seized the opportunity to revisit the entire issue.

And therein lies a danger. While global investors watch nervously, the Senate has raised the specter of wholesale politicization of investment approvals—requiring notices to governors and congressional delegations of proposed purchases in their states; ranking countries by their cooperation in the war on terror and nuclear nonproliferation and basing the severity of security reviews on these published rankings; adding bureaucratic delays for investments that don't raise security concerns; and drawing Congress into the middle of the review process. The potential for damage to the U.S. investment climate is quite real.

More productive would be to drop the legislative approach entirely. After all, what is the rush? Once our genuine national interests are clarified, the president can take advantage of Treasury Secretary Hank Paulson's 30 years of experience in cross-border transactions and issue an improved executive order revising the marching orders for CFIUS to include greater transparency, improved cooperation with Congress and improved monitoring of compliance. The Treasury has already appointed a new deputy assistant secretary position devoted to CFIUS reviews.

It is important to eliminate any lingering threat of politically driven reviews that will boomerang and directly hurt U.S. global investments. The greatest danger lies in other countries using recent U.S. missteps as a pretext for protectionist rules draped in the guise of national security. Press reports indicate that China will tighten screening of deals, and impose new curbs oil foreign acquisitions by setting up a ministry-level committee to review controlling stakes in strategic industries including steel and the manufacturing of equipment for shipbuilding and power generation. A trend toward restricted capital markets would greatly damage the global economy, especially at a time when multilateral trade liberalization is losing steam. It would also directly hurt U.S. interests. To reduce this danger we need presidential leadership, and no more interference by Congress.

Mr. Holtz-Eakin, director of the Maurice R. Greenberg Center for Geoeconomic Studies at the Council on Foreign Relations, was chief economist of the president's Council of Economic Advisers from 2001 to 2002.

CELEBRATING THE 60TH ANNIVERSARY OF THE CITY OF GUADALUPE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to the City of Guadalupe, located on the Central Coast of California. I celebrate with the residents of Guadalupe today, remembering that on August 3, 1946, the County Board of Supervisors approved the City of Guadalupe as a Municipal Corporation.

Guadalupe was founded in 1843 as one of the earliest communities on the Central Coast. At the time of its founding, it was known as Rancho de Guadalupe and the land was first obtained as part of a Mexican Land Grant. The community developed economically through raising cattle, the dairy industry, and later, vegetable farming, About 6,500 people currently live in Guadalupe. Guadalupe's very diverse population is a reflection of early Chinese, Swiss, Italian, German, Portuguese, Filipino, African American, Hawaiian and Hispanic immigrants to the region.

In addition to Guadalupe's rich cultural heritage, it is also known as the home to the popular Guadalupe Dunes, an area of great physical beauty. The Dunes Visitor Center is located in a 1910 Craftsman style home right in the heart of Guadalupe. The Center provides environmental education in partnership with local schools and offers over 200 guided walks and talks each year. Many residents of the Central Coast know Guadalupe as the location of the Far Western Tavern, famous for their Santa Maria Style BBQ and their "Suzie Q's" line of beans, salsa, seasoning and more. Guadalupe is a small town with a lot of history. In fact, it is famous for providing the backdrop for Cecil B. Demille's "The 10 Commandments."

Though still a small, quiet community, the City of Guadalupe, like many areas on the Central Coast, continues to grow. I am pleased to be able to celebrate with Mayor Alvarez and the residents of Guadalupe, looking fondly at the past and looking forward to the future.

TRIBUTE TO MR. TERRI POTTER

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to the tireless work and dedication shown by Mr. Terri Potter of Madison, Wisconsin. After 35 years devoted to the development and improvement of Meriter Health Services, Terri Potter is retiring from his position of CEO and President of the organization.

From the local to the federal level, Mr. Potter has been pioneering initiatives to improve health care policy in various areas, including, but not limited to, patient care, health care access, and health care reporting. Under Terri Potter's direction, Meriter Health Services has become one of Madison's top ten employers and remains the only community health care system in the city.

Terri Potter's leadership has led Meriter Health Services through momentous growth. From the early 1980s with the merger of Methodist Hospital and Madison General to the present, Mr. Potter has guided its development He has overseen the development of Physicians Plus Insurance Corporation, Meriter Health Enterprises, Meriter Retirement Services, and Meriter Foundation into successful ventures. Mr. Potter has a strong commitment to Meriter Health Services and the community.

I feel privileged to have had the opportunity to honor this man today. Madison and the state of Wisconsin are fortunate and grateful to be beneficiaries of Terri Potter's work at Meriter. Thank you, Mr. Potter, and best of luck with your future endeavors.

TRIBUTE TO RADM TERRY L. "T" McCREARY, UNITED STATES NAVY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. SKELTON. Mr. Speaker, let me take this means to recognize RADM Terry L. "T" McCreary on the occasion of his retirement as the Navy's Chief of Information after 28 years of dedicated service to our Navy and the Nation.

Before becoming a public affairs officer, Admiral McCreary joined the Navy as a surface warfare officer. His service to our Nation has taken him around the globe during some of the most important military operations in our recent history. As a junior officer, he completed several deployments in the Pacific Fleet onboard the USS *O'Brien* (DD 975). He also served on the staff of the Seventh Fleet, based in Japan, and with the Fifth Fleet in the Persian Gulf.

I first came to know Admiral McCreary during Operation Desert Storm, when he served as the public affairs officer for the battleship USS *Missouri* (BB 63) in the Persian Gulf. He is a student of history and a scholar, but is remarkable for his candor and insight, traits that have served him and the Navy well during his career.

Admiral McCreary has excelled in positions of leadership in the joint force. He served with skill as the public affairs officer for the U.S. Pacific Command, and also as the Special Assistant for Public Affairs to both GENs Hugh Shelton and Richard Myers in their capacity as Chairman of the Joint Chiefs of Staff.

In the Pentagon on September 11, 2001, he was instrumental in accurately depicting the work and sacrifices of our men and women in uniform. He oversaw the plan to embed journalists with our forces in Iraq to bring the news from the front directly to the American people.

Rear Admiral McCreary assumed the duties as the Navy's Chief of Information in July 2003. He has provided sound counsel to the Secretary of the Navy and the Chief of Naval Operations and has ably directed the 3,500 sailors and civilian communication professionals under his care. He has skillfully built a sound foundation for the future of strategic communications in the Navy.

With his intimate knowledge of public affairs across the spectrum of military operations, his advice has been sought by officials both inside and outside of government. Admiral McCreary has been the right person, in the right job, at the right time for the U.S. Navy.

I know Rear Admiral McCreary's contributions to our Nation will continue. As he retires, I want to offer him and his wife, Jopat, my personal appreciation for their service and wish them well as they begin this new phase of their lives together.

TRIBUTE TO THE U.S. COAST GUARD AIR STATION IN TRAVERSE CITY, MI

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. CAMP of Michigan. Mr. Speaker, I rise today to pay tribute to the members of the U.S. Coast Guard Air Station in Traverse City, MI, whose heroic efforts on the night of July 8, 2006, saved the lives of two young men adrift on Lake Michigan.

When the boys did not return home after a nighttime swim, the Air Station dispatched Coast Guard Helicopter 6551 to aid in the search mission. Six hours after the boys' disappearance, the crew of 6551—Lieutenant Joe Klatt, Lieutenant Gabe Somma, Aviation Electronic Technician Third Class Bobby Teal, and Chief Aviation Survival Technician Kurt Revels—spotted them clinging to a raft near the Mackinac Bridge on the last leg of their assigned search area. With limited fuel, the crew of 6551 commenced a daring rescue. Lieutenant Klatt flew the helicopter into a stable position; Petty Officer Teal used the rescue hoist to lower Chief Revels into the rough night waters; Chief Revels loaded the young men into the rescue basket; Petty Officer Teal hoisted them into the safety of the helicopter; and Lieutenant Somma navigated the craft to Pellston Airport, where emergency services successfully treated the boys for hypothermia.

On behalf of the Fourth Congressional District, I applaud the Traverse City Coast Guard Air Station for its tireless efforts to protect the lives and ensure the safety of every person under their watch. The heroism of the crew of Helicopter 6551 illustrates why this Coast Guard Air Station is the only unit to have received the prestigious Coast Guard Aviation Training Center Standardization Excellence Award for 3 consecutive years.

HONORING PHILIP BINKLEY FOR 30 YEARS OF INSTRUCTING YOUNG MUSICIANS AT LOMA LINDA ACADEMY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to an extraordinary music teacher who is retiring after 44 years of educating and encouraging youth to strive toward musical excellence, thirty years of which were spent enlightening the minds of students at Loma Linda Academy.

Philip Binkley's interest in music began at an early age and continued throughout his life. By receiving both a Bachelor's and a Master's Degree in Music Education, Mr. Binkley proved his sincere devotion to educating others. During his 30 years at the Loma Linda Academy, Mr. Binkley led the school's highest level symphonic band at performances around the globe, setting new standards of achievement. The Loma Linda Academy Symphonic Band was the first high school symphonic band to perform at the Crystal Cathedral in Garden Grove, California, and was one of only nine U.S. and Canada bands selected to perform at the World Exposition in Brisbane, Australia.

Mr. Binkley's continual encouragement strengthened the self-confidence and musical proficiency of each student, resulting in worldwide recognition of the Loma Linda Academy Symphonic Band. In 1992 they captured first place runner-up at the International Music Festival held in Sweden, and won the gold medal at the Munich International Music Festival in 1995, During that same year they represented the United States at the Vienna Klangbogen Festival in Germany.

Mr. Binkley's commitment to his students did not stop at musical excellence; rather he made it a priority to encourage his pupils to live up to the highest standards of integrity. On each trip overseas, he included in the daily itinerary a unique statement which served to remind his students of the importance in serving as model citizens of the United States. Through the Loma Linda Academy Symphonic Band, Mr. Binkley strived to represent to other nations the positive qualities of America's youth.

Outside of teaching, Philip Binkley chose to serve his community by acting as the Minister of Music at several churches in Florida and California. By devoting time to local churches, he was able to expand the musical knowledge of hundreds of individuals. Mr. Binkley's dedication was rewarded with the Loma Linda Teacher of the Year award in 1992 and 2006, and in being named Teacher of Excellence by the Alumni Awards Foundation in 2006.

Mr. Speaker, Philip Binkley has certainly succeeded in becoming an exemplary model of a teacher's commitment to students. Please join me in thanking Mr. Binkley for a lifetime of devotion to the musical education of America's youth, and in wishing him well in his years to come.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. WELLER. Mr. Speaker, on rollcall Nos. 375, 376, and 377 my flight was delayed and I did not arrive in Washington until after the votes were over.

Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. OWENS. Mr. Speaker, I was absent on Monday July 17, 2006 due to unavoidable circumstances in my Congressional District. Had I been present, I would have voted: "yea" to H.R. 3085—To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes; "yea" to H.R. 3496—National Capital Transportation Amendments Act of 2005 and "yea" to H.R. 3729—Federal Judiciary Emergency Tolling Act of 2005.

TRIBUTE TO WILLIAM KARNET "BILL" WILLIS

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. REGULA. Mr. Speaker, I rise today to salute the achievements of William Karnet "Bill" Willis of Columbus, Ohio.

Mr. Willis was a 3-year starter for The Ohio State University and starred on the 1942 National Championship football team as a sophomore. He was twice recognized for his football talents as an All-Big 10 honoree while at The Ohio State University.

After college, Mr. Willis served as the Head Football Coach and Athletic Director of Kentucky State College in 1945. He subsequently signed a contract on August 6, 1946 with the Cleveland Browns to play professional football in the first year that the All-American Football Conference competed.

Upon signing his contract with the Cleveland Browns, Mr. Willis broke the color barrier in professional football a full year before Jackie

Robinson broke the color barrier in Major League Baseball. With this landmark achievement, Mr. Willis became a role model for others.

Continuing his role as a trailblazer, Mr. Willis played in the first three Pro Bowl games for the National Football League. Specifically, the game-winning tackle by Mr. Willis in the divisional playoff between the New York Giants and the Cleveland Browns propelled the Cleveland Browns to the 1950 National Football League Championship.

Mr. Willis played professional football with the Cleveland Browns for the 8 years from 1946 to 1953.

After his football career, Mr. Willis was appointed to the Ohio Youth Commission in 1963 and was named Commission Director. He is a member of the City of Columbus Hall of Fame in recognition of his accomplishments.

Mr. Willis was inducted into the Professional Football Hall of Fame in 1977 for his outstanding achievements in and contributions toward professional football.

His record of remarkable leadership in helping the young people of Ohio will be a lasting legacy of achievement.

CONGRATULATIONS TO KRISTIE THOMAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize a distinguished individual from my district who was recently crowned Ms. Wheelchair Texas 2006, Ms. Kristie Thomas. The Ms. Wheelchair Pageant, since its establishment in 1972, has promoted the many talents of our disabled citizens as well needs of the mobility impaired.

Ms. Thomas, a native of Hickory Creek, is the pageant's most recent winner. Born 26 years ago with the condition known of cerebral palsy, she has fought for higher quality patient care as well as greater rights for the disabled. As Ms. Wheelchair Texas, Ms. Thomas will be an important spokeswoman for disabled men and women everywhere.

Besides her crown, she also holds a degree in biomedical engineering from Texas A&M University and has established her own Christian clothing company. She also is a professional writer and hopes one day to become a politician.

Mr. Speaker, it is with great to honor that I recognize Ms. Kristie Thomas for her title of Ms. Wheelchair Texas as well as for her continued service to disabled men and women everywhere. I am honored to represent her in Washington, and I know she serves as an inspiration to us all.

PERSONAL EXPLANATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. SESSIONS. Mr. Speaker, I was granted official leave of absence the week of July 10, 2006. Please let the record reflect, that had I been present, I would have voted "aye" on roll No. 374, final passage of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

IN SUPPORT OF THE MEDICARE HOME INFUSION THERAPY CONSOLIDATED COVERAGE ACT

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Ms. GRANGER. Mr. Speaker, last week, I introduced H.R. 5791, the "Medicare Home Infusion Therapy Consolidated Coverage Act of 2006," along with my colleagues, Representatives ENGEL, KUHL and BALDWIN. This legislation will bring life-saving, cost-effective treatment to Medicare beneficiaries suffering from cancer, serious infections and other conditions that can and should be treated by home infusion therapy. It does so by first consolidating Medicare coverage of home infusion therapy under Part B and then by covering it in a rational and logical manner.

Infusion therapy involves administering medications directly into a patient's bloodstream via a catheter or needle. Infusion therapy is medically necessary for patients with medical conditions that cannot be treated effectively with oral medications. These include infections that are unresponsive to oral antibiotics, cancer and cancer-related pain, multiple sclerosis, rheumatoid arthritis and more. The infusion therapies needed to treat these diseases involve more than the simple delivery of drugs. Rather, patients receiving home infusion therapy require an array of professional services.

In addition, infusion patients also require specialized equipment and supplies. Even with all of these services and supplies, home infusion therapy is often far more cost-effective than obtaining treatment in a hospital or nursing home. Unfortunately, there are gaps in coverage under Medicare. Consequently, the Medicare program and its beneficiaries are not able to take full advantage of the cost savings and innovations made possible through home infusion therapy.

Current Part B coverage of home infusion therapy is limited to what is covered under the durable medical equipment benefit, where coverage is based on the use of an item of DME (i.e., an infusion pump) for administration and extends only to a few drugs. More infusion drugs are coverable under the Part D outpatient prescription drug benefit, but CMS has determined that it does not have the authority to cover the related services, supplies and equipment under Part D. As a result, most beneficiaries who cannot afford to pay these costs out-of-pocket are forced back into hospitals and nursing homes for their infusion treatments. This is a great inconvenience to patients and creates an added cost to the taxpayers—a cost that could be avoided.

Properly provided, home infusion therapy is a clinically and cost-effective medical treatment for serious diseases. Medicare beneficiaries should not continue to be denied access to these therapies because of definitional and coverage policies that do not reflect the components or the costs of care. Congress can fix this by consolidating coverage for home infusion therapy under Part B, apart from the DME benefit. In doing so, we can ensure that our constituents gain access to these therapies in the most cost-effective and convenient setting—their homes.

Under commercial health plans, home infusion usually is covered as a major medical benefit. We should ensure that Medicare can do the same. Part B is able to accommodate and reimburse for the multi-faceted components of a major medical benefit. My bill allows us to use this existing structure to make home infusion therapy work for Medicare beneficiaries.

Every day that passes without complete Medicare coverage of home infusion therapy is a missed opportunity to bring cost-effective care in to the most convenient setting to beneficiaries. I urge my colleagues to support this critical legislation.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. GALLEGLY. Mr. Speaker, I was unable to vote on following bills on July 17, 2006:

H.R. 3729, Federal Judiciary Emergency Tolling Act (roll No. 377): Had I been present, I would have voted "aye."

H.R. 3496, To amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes (roll No. 376): Had I been present, I would have voted "nay."

H.R. 3085, To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes (roll No. 375): Had I been present, I would have voted "aye."

CIVIC RESPONSIBILITY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. RAMSTAD. Mr. Speaker, I rise today to submit an article on promoting civic responsibility that was brought to my attention by a constituent, Gopal Khanna. Mr. Khanna knows a great deal about civic responsibility, having served as a community and business leader, as well as Chief Financial Officer of the Peace Corps. This article outlines the very significant work being done to promote civic responsibility among immigrants, citizens and institutions in America. Thank you, Mr. Speaker.

CHERIAN PUSHES CIVIC RESPONSIBILITY AS MEDIUM FOR CHANGE

[From the India Abroad, May 19, 2006]

(By Aziz Haniffa)

Dr Joy Cherian has embarked on yet another mission, and discovered another outlet for his social activism.

The man who, 25 years ago, founded the Indian American Forum for Political Education, the first ever Indian American political organization, and went on to become the first Indian American to hold a sub-cabinet level rank position in the US government when he served as Commissioner of the Equal Employment Opportunity Commission in the Ronald Reagan and George H W Bush administrations, signaled his latest direction when, last month, he convened a roundtable conference of the Association of Americans for Civic Responsibility.

Following his stint at the EEOC, Cherian had started his own company, J Cherian Consultants, Inc, which blossomed into a highly successful international government and public relations firm based in Washington, DC. A year ago, he wound that company up and founded the AACR, in conjunction with Syracuse University's School of International Affairs.

The conference, at Syracuse University's Maxwell School of International Relations in Washington, DC, touched on topics as varied as 'The American Immigrant Community and US Immigrant Organizations' and 'The Role of Small and Midsized Enterprises in Promoting Civic Responsibility by Immigrants'.

Panelists included Dr Michael Schneider, director, Maxwell School of International Relations, who is also chairman of AACR's Advisory Committee; Alysia Wilson, Senior Policy Adviser, US Department of Commerce; Tess Scannell, Director, Senior Corps, Corporation for National and Community Services in Washington, DC; Chad Tragakis and Pavlina Majorosova, vice president and account executive respectively of Hill & Knowlton, Washington, DC; Jennifer K Woofter, president, Strategic Sustainability Consulting, Washington, DC; Mahadeva (Matt) Mani, director, Strategic Markets, AT & T, Oakton, Virginia; Joseph Melookaran, member of the President's Advisory Commission on Asian and Pacific Islanders and Dr Piyush C Agrawal, national coordinator, Global Organization of People of Indian Origin.

While acknowledging that there are no rules and regulations or even informal encouragement of civic responsibility in the federal government, Wilson noted that several agencies have taken their own initiatives in this direction.

Wilson said that it is likely the Administration would soon start a program to train 'private and public sector decision-makers in other countries on ethical issues and on how lack of transparency in their own countries impedes growth and progress.'

Agrawal, who kicked off the immigration panel discussion, spoke of the 'socio-political climate' in the United States, 'which for the most part has created an extremely conducive environment for the immigrants to prosper and become whatever they wanted to be,' and argued that in this process the nation has also progressed to be the affluent superpower that it is.

But, he said, 'it must be pointed out that the history of immigration, as well as the assimilation in this country has not been smooth. Every wave of migrants has paid its dues, going through various types of suffering and discrimination, and even the laws enacted in this country of immigrants have not always been fair and equitable despite the claim of liberty and justice for all.'

Agrawal said the oldest immigrant organization, the Association of Indians in America, established in 1967 'when the USA opened its borders for the first time for legal migration from India,' was an exemplar of communities organizing to fight for their rights.

Such organizations, he said, 'usually take their civic responsibility seriously', and by way of example pointed to the activist role played by the community's various bodies following disasters such as 9/11, the tsunami in South Asia, the Gujarat earthquake, and Hurricanes Katrina and Rita.

'Besides raising hundreds of thousands of dollars for these causes, we continue to serve the daily needs of the poor, the indigent and the downtrodden here in the US through helping out in homeless shelters, food banks, soup kitchens, medical clinics and other civic activities, including but not limited to, voter registration and 'get the vote out' campaigns,' and 'Be Counted' operation for the US Census.'

Melookaran said that small and medium enterprises' (SME) involvement in corporate civic responsibility (CCR) is a vast untapped potential that could dramatically change the face of our communities.

He said that corporate social responsibility or corporate civic responsibility is often built into the strategic planning of big corporate entities. However, 'If you ask a small business owner about his CCR initiatives, you will draw a blank.'

These, he said, was not because such small businesses did nothing in this area, but because big business did not view the work as corporate initiatives, or dignify such efforts by terming them CCRs.

The flip side, he said, was that many SMEs did nothing in terms of CCR, and said such films needed encouragement and guidance. He suggested that the MCR should serve as a clearinghouse for activities and training of CCR for such businesses.

A significant majority of employees in the US are SMEs, and therefore a broad-based effort to stimulate CCR initiatives among this group could have a tremendous impact, and be the vehicle for change in communities across the country.

Mani expanded on the theme, from his perspective of a diversity initiative that is an integral part of AT&T in its CCR activities, while Majorosova talked about charity and volunteerism from a Central and East European perspective from the experiences she has had.

She distinguished how volunteerism is abused under repressive regimes and compared it to how it finds a sense of purpose in free and civic-minded societies.

Scannell, who was the featured luncheon speaker, emphasized the importance of the pool of baby-boomers 'who will be ready to share their civic responsibilities if the activities are tailored to their skills and tastes.'

Cherian told India Abroad that his philosophy in founding AACR was to "educate and encourage all individuals and institutions in the United States to advance the public good of all the people by engaging in civic responsibilities such as volunteerism, social involvement and community service."

He said the mission statement of AACR, which he authored, holds that this civic responsibility, that "springs from one's ethical and moral obligations, is more than just a 'social responsibility,' because 'civic responsibility' requires all members of all sectors of life in the United States to give back to the country based on their privilege or living, working, learning, or doing business in the United States.

"The essence of democracy is the participation of the very people and entities that benefit from its fruits," Cherian said, adding that consequently, "the active performance of civic responsibility is essential for the continuance of the democratic process in tile United States."

To this end, he said, AACR seeks to foster understanding of the concept of civic responsibility among American citizens, non-citizen US residents, institutions of all kinds.

Admitting that critics see the vision as utopian, Cherian said this was no new thought, but the very philosophy that had guided his founding of the IAFPE more than two decades ago.

He carried that same philosophy over to the Asian American Voters Coalition, which he chaired, and later during his tenure as Commissioner of the EEOC.

"This is something I believe is vital for the future generations of Indian Americans, including my children and grandchildren and everyone else who came here and have made America their home,"he said.

"All of our children and grandchildren will benefit if we give back to society," he said. "We have only to see some of the incidents and historical antecedents of immigrants, including Indians in various parts of the world when they isolate themselves and don't integrate and become part of the mainstream."

Cherian said the conference "will be a sort of historic conference because it's the first conference ever exclusively focused on immigrants and civic responsibility."

TRIBUTE TO STUDENT RECIPIENTS OF COMCAST FOUNDATION'S LEADERS AND ACHIEVERS SCHOLARSHIP FOR 2006

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. MOORE of Kansas. Mr. Speaker, I am very pleased to bring to the attention of the House this year's winners from Kansas' Third Congressional District of the Comcast Foundation's Leaders and Achievers Scholarship for 2006.

This scholarship program recognizes students for their community service, leadership skills, positive attitude and academic achievement. These five students, along with fifteen other Kansas City area student scholarship recipients, will be recognized at an event on July 26 at the Harry S Truman Presidential Museum and Library.

In 2006, this program will grant over $1.7 million, recognizing 1,728 students attending high schools in Comcast-served communities across the United States. Since its inception in 2000, the program has awarded more than $5.8 million in scholarships.

Mr. Speaker, I commend the following award winners from my congressional district:

Caitlin M. Powell, of Olathe, attending Olathe North High School; Francis N. Pamatmat, of Olathe, attending Olathe Northwest High School; William C. Cromer, of Olathe, attending Olathe South High School; Heidi D. Golubscki, of Olathe, attending St. Thomas Aquinas High School; and Jacqueline Behnen, of Overland Park, attending Olathe East High School.

TRIBUTE TO JOHN DEAN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. KILDEE. Mr. Speaker, I rise today to ask the House of Representatives to join me in congratulating John Dean as he retires as Police Chief of the Waterford Township Police Department. John will be honored for his lifetime of service at a dinner in Waterford Township Michigan on July 28.

John Dean began his career with the Waterford Township Police Department as a 15-year-old cadet. After serving our country in the Marine Corps Reserve, John joined the Detroit Police Force. In 1975 he joined the Waterford Township Police Department as a Patrol Officer. Over the years he has served as an Undercover Officer, Patrol Sergeant, Detective Sergeant, Youth Liaison Officer, Patrol Lieutenant, and Detective Bureau Commander. He was promoted to Police Chief in 2000.

A graduate of the FBI National Academy, John has received many awards for his consummate police work over the years. They include Officer of the Year, Medal for Bravery, Meritorious Service, Waterford Township Employee of the Year, and the Oakland County NAACP's Presidential Award for implementing the policy to end racial profiling by the police department. His retirement plans are to spend more time with his wife, Andrea, and their three sons.

Mr. Speaker, I congratulate John Dean for his exemplary work as a law enforcement officer in Waterford Township. I ask the House of Representatives to join me in applauding his wonderful career and wish him the best in his future endeavors.

PERSONAL EXPLANATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. SHUSTER. Mr. Speaker, on Monday, July 17, 2006, I could not be present for rollcall votes 375, 376, and 377 due to a previous commitment in my district.

Had I been present, I would have cast the following votes: "yes" on rollcall 375 (H.R. 3085—To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail); "no" on rollcall 376 (H.R. 3496—National Capital Transportation Amendments Act of 2005); and "yes" on rollcall 377 (H.R. 3729—Federal Judiciary Emergency Tolling Act of 2005).

HONORING THE DEPARTMENT OF VETERANS AFFAIRS ON RECEIVING THE INNOVATIONS IN AMERICAN GOVERNMENT AWARD FROM THE ASH INSTITUTE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. WALSH. Mr. Speaker, as Chairman of the Military Quality of Life and Veterans Affairs Subcommittee, I would like to congratulate the Department of Veterans Affairs on receiving the prestigious Innovations in American Government Award on Monday, July 10 from the Ash Institute in the John F. Kennedy School of Government at Harvard University, for their work in developing and implementing the Veterans Health Information Systems and Technology Architecture (VistA). The VA was one of seven winners who were selected from more than 1,000 entries, including 200 forward thinking federal programs, that implemented a creative approach to a significant problem and demonstrated that their solution worked. This $100,000 award will provide VA the opportunity to share VistA's success story as a role model to other government agencies and the private sector. I am proud of the Department of Veterans Affairs dedication in providing excellence in health care to our Nation's veterans.

The VistA system includes an electronic health record that organizes and presents all relevant patient data to directly support clinical decision-making, and improves safety and efficiency while reducing costs and staff requirements. Patient files are readily available, easily searchable, and proactive in that they alert providers to vital patient information. The records system enables physicians to review a patient's medical history, diagnoses, medications, charts and X-rays at any of the 1,400 VA sites.

At a time when Americans are wrestling with the high cost and complexity of medical services, VA officials point to VistA as the model for delivering on the key components of health care: accessibility, quality, and cost.

Five years ago, VA won an Innovation Award for creating a health management system that worked to reduce medical mistakes. VistA is a system whereby any authorized caregiver in VA's network has immediate access to every veteran's complete electronic medical record.

According to Dr. Jonathan B. Perlin, VA's Undersecretary for Health, the key to the success of the system was the full support of caregivers from the start. In fact, it was VA physicians who pushed for the system. It was developed in-house so that VA had complete control over the design and implementation.

On the quality-of-care front, the system has reduced outpatient medication errors from the national rate of 5 percent to a fraction of 1 percent. The system also enabled VA to manage vaccinations much more effectively, increasing the vaccination rate for pneumonia from 26 to 92 percent in a decade.

Also important, VistA has helped VA offer enrolled veterans better quality care than a decade ago. Their health status, as defined by patient functioning, has measurably improved. All of this has been provided a the same cost per patient as VA expended 10 years ago, while the rest of the country has seen costs nearly double.

This was a proud day for the VA. Secretary Jim Nicholson said "The VA is now at the forefront of America's health-care industry."

Once again, I would like to congratulate the veteran health providers at the Department of Veterans Affairs on receiving this well deserved award and thank them for their dedication in providing excellence in health care to our Nation's veterans.

ADDRESS BY FORMER SENATOR SAM NUNN AT NUCLEAR DANGERS SYMPOSIUM

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. FALEOMAVAEGA. Mr. Speaker, in reference to H. Res. 905, I submit an address by former Senator Sam Nunn, Co-Chairman and CEO of the Nuclear Threat Initiative, presented on December 16, 2003 at a symposium entitled Kazakhstan: Reducing Nuclear Dangers, Increasing Global Security.

SYMPOSIUM KEYNOTE ADDRESS

(By Sam Nunn)

I want to thank our guests for joining us today in the United States Senate, where so much deliberation has taken place on how to stop the spread of nuclear weapons, and where the example of Kazakhstan has been welcomed and celebrated as a model of what we must see in the 21st century.

President Nazarbayev is one of the greatest champions of nuclear nonproliferation in the world—not merely by his words, but—most importantly—by his actions and his nation's example.

President Nazarbayev tells a very striking personal story in the prologue of his book Epicenter of Peace. As a child, he remembered having in his home an army rifle that had been taken by one of his relatives—a Kazakh militiaman—in a rebellion against a regular Russian army unit in 1916. One day his grandmother said that the rifle had brought suffering—that it should be cast out of the house. So President Nazarbayev's father took the rifle to the authorities, but not before removing the bayonet, which the grandmother ordered be made into a sickle. She supplied the handle that she made herself from her old spindle. As a young boy, the President used that sickle to cut hay. This childhood event—dismantling a weapon and building from it a tool of peace and commerce—foreshadowed the work of his adult life. It is the heart of the Biblical passage "they shall beat their swords into plowshares, and their spears into pruning hooks."

President Nazarbayev dismantled his nation's nuclear weapons and out of that action built a friendship with the United States, an example for the world, and an opportunity for his people to move toward a more promising future. Iran and other nations could learn from Kazakhstan that a nation can grow, modernize, make progress, and gain stature not in spite of renouncing nuclear weapons, but because of it.

Increasing global security also has a critical economic dimension. In making the decision to disarm, President Nazarbayev also chose to use his nation's resources to build an economic base that would benefit all the citizens of Kazakhstan. The world's economy and stability depends on diversifying our energy base—so the Kazakhstan role in energy development is very important. The pressure is appropriately increasing on both governments and industry to embed "transparent" processes and good governance practices into their management systems. The government of Kazakhstan clearly understands this issue, given the heightened attention to increased oil production in the Caspian region. The transparency demonstrated by the government of Kazakhstan recently in announcing at a press conference the royalties received for a recent large petroleum project is a very positive step, and one that should be recognized, showcased, and supported widely. Revenue transparency is an issue on which industry and governments will likely continue to face pressure. I applaud the inclusive and constructive approach that has been taken to date, and I encourage all parties involved to continue the dialogue and working together to advance this important topic. Without economic stability—every step in the security arena becomes more difficult.

Let me acknowledge and thank Minister Vladimir Shkolnik for his role both in Kazakhstan's economic development and in its nuclear disarmament example. President Nazarbayev had the personal vision to renounce nuclear weapons, but he also had something just as important. He had in Minister Shkolnik, a man with the determination and the skill to get it done. The world owes you a great debt, Mr. Minister.

I also want to thank Ambassador Saudabayev, who this past August in Athens, Georgia, so graciously presented to me Kazakhstan's highest award to non-citizens. The Ambassador is a vigorous and talented advocate for Kazakhstan's interests in the United States. He has a keen understanding of where our nations' interests intersect, and how we can advance them together. Kazakhstan is fortunate to have a man of his talent in Washington.

It is fitting that we meet here in the halls of the United States Senate, because it was here that the first legislative debate took place on the question of reducing the nuclear threat in the post-Cold War world.

Let us recall what was at stake back in 1991. In December of that year, Vice President Dick Cheney was then Defense Secretary, and he offered this analysis:

"If the Soviets do an excellent job retaining control over their stockpile of nuclear weapons—let's assume they've got 25,000–30,000; that's a ballpark figure—and they are 99 percent successful, that would mean you could still have as many as 250 that they were not able to control."

So far—strong, visionary actions by many people have kept that dire but plausible scenario from becoming reality. Dick Lugar was an indispensible partner in creating the Nunn-Lugar Program and a central crucial force in the Senate for spending U.S. dollars to help secure nuclear weapons and materials in the former Soviet Union. Graham Allison was a brilliant voice from the outside urging action. At the start, many members of Congress criticized this effort as aid to the Soviet military. Six weeks or so later, the Senate voted 86–8 to spend $400 million to help secure the Soviet nuclear stockpile and limit the spread of nuclear weapons as one country split into fifteen countries, and one nuclear power was replaced by four.

This first vote was not a blank check; it was a challenge. We had to prove to the Congress that Cooperative Threat Reduction made a clear contribution to our national security. The courageous actions of President Nazarbayev, Kazakhstan and Ukraine made a world of difference in proving the effectiveness of our efforts.

I understand the term "Kazakh" is a version of a Turkic word meaning "free or independent". The moment Kazakhstan became free, it set an independent course among the nations of the world. Its President declared the nation would renounce nuclear weapons. Its parliament voted in 1993 to confirm that—and set in motion the plans to destroy more than one hundred SS–18 ICBMs, each with 10 high-yield warheads, along with other smaller nuclear weapons—a larger nuclear arsenal than held by China, France or the United Kingdom.

President Nazarbayev's view was like his grandmother's: these weapons have caused only suffering; they should be cast out of the country.

The world should understand, more than it does, the Kazakhstani suffering that led to that decision. As everyone here knows, the Soviet Union's premier nuclear test site was located in Kazakhstan at Semipalatinsk, where it was the site of the first Soviet nuclear explosion, and nearly 500 more over the next forty years, more than one hundred of them above ground. Because of the environmental devastation caused by the Soviet nuclear test site at Semipalatinsk, President Nazarbayev ordered the test site closed on August 29, 1991—four months before the collapse of the Soviet Union and 42 years to the day after the first nuclear test there.

The release of radiation at the test site was far more severe than Chernobyl—yet the world hears much of Chernobyl and little of Semipalatinsk. Seventy percent of all Soviet nuclear testing took place there. More than a million people suffered dangerous doses of radiation from exposure to fallout from the test site. Those exposed have suffered high rates of cancer, infant mortality, birth defects, immune deficiencies and nervous system disorders. Many of these health defects don't end with the first generation; they are passed on to children.

It was in large part an understanding of their suffering and a respect for their sacrifice that caused Kazakhstan to become a world leader in renouncing nuclear weapons. Kazakhstan was not only willing to dismantle its nuclear arsenal, but also eager to destroy the test sites.

Kazakhstan and the United States became strong security partners from that decision forward, and money appropriated here in the Congress helped pay for the dismantling of the nuclear weapons, the destruction of the silos and the sealing of the nuclear test tunnels.

That is an impressive record of security cooperation. Yet there is another accomplishment of U.S.-Kazakhstan relations that is a model for nuclear nonproliferation, and that is Project Sapphire. In 1993, Kazakhstani officials approached the U.S. Ambassador in secret, alerting him to the existence, at the lightly-secured Ulba Metallurgical Plant, of 1,300 pounds of weapons-grade uranium—enough to make dozens of nuclear weapons. Both Iraq and Iran were known to be seeking this kind of high-grade material. It was dangerous, plentiful and vulnerable.

After a year of planning, a 31-person team from the United States flew to the region and worked with Kazakhstani experts for six weeks to take the material out of its containers, take precautions to make it safe during transport, repackage it, and then ship it back to the United States on two Air Force transporters. Once securely stored in Tennessee, this uranium was blended down and used to generate civilian power, in a continuation of the "swords to plowshares" tradition.

This example shows how indispensable cooperation is in keeping weapons of mass destruction out of the hands of dangerous people. The U.S. team arrived back in the United States in late November. Elections three weeks before had turned leadership of several legislative committees in Congress over to new chairmen, some of whom were opposed to Cooperative Threat Reduction. Project Sapphire offered dramatic and visible proof of the security value of this program and helped strengthen the arguments of those of us who fought to continue funding.

Project Sapphire also provided a model for future operations of this kind—such as an operation four years later in the Republic of Georgia; a recent operation in Serbia called Project Vinca, where NTI working with the U.S., Russian and Serbian officials, removed 100 pounds of highly enriched uranium from the nuclear research reactor near Belgrade; an another successful operation in Romania a few months ago.

The United States and Kazakhstan must intensify our ties across the board—economic, educational, cultural, and especially on matters of security.

We have to continue to work together to shut down Kazakhstan's fast breeder reactor that generated weapons-usable plutonium. We have to make sure the weapons scientists who used to work at the Stepnogorsk anthrax factory can find peaceful work. NTI is working with Kazakhstan now on how to convert an active research reactor from using 90% enriched uranium to low-enriched uranium, and on blending down tons of fresh HEU power reactor fuel for sale as LEU.

Kazakhstan has an important role in global security. Much remains to be done and each crucial step is important to Kazakhstan security, U.S. security and world security.

We must recognize and our priorities and resources must reflect that:

1. The gravest danger in the world today is the threat from nuclear, biological, an chemical weapons.

2. The likeliest use of these weapons are in terrorist hands.

3. Preventing the spread and use of nuclear, biological and chemical weapons should be the central organizing security principle for the 21st century.

Terrorists are racing to get weapons of mass destruction, and we are not yet racing to stop them. The citizens of all nations need to understand that no one—no matter where in the world they live—is safe from the consequences of a terrorist nuclear attack. The economic impact of the September 11 attacks was felt in all parts of the globe. Tourism dollars plunged. Airlines went bankrupt. Corporations announced layoffs.

But a nuclear 9/11 would make World Trade Center attacks look like a warning shot. It would be impossible to calculate the economic costs, because there is no way to calculate how long it would take for citizens to recover the confidence they need to spend and invest. The public would assume that if the terrorists had one nuclear weapon, they could get another. If they would use it in one city, they would use it in another. If even one goes off, it's hard to see how we could fully recover. We have to prevent it from happening—ever.

How difficult is it for terrorists to attack us with a nuclear weapon? That depends on how difficult we make it. No terrorist can launch an attack without weapons-grade material—plutonium or highly enriched uranium. Most terrorists lack the sophisticated infrastructure necessary to produce these materials: they would have to steal or buy them.

So the most effective, least expensive way to prevent nuclear terrorism is to lock down and secure weapons and fissile materials in every country and every facility that has them. The world is in a race between cooperation an catastrophe. To win this race, we have to achieve cooperation on a scale we've never seen or attempted before—not because cooperation will give us a warm feeling of community, but because every. other method will fail.

Sam Nunn is co-chairman and chief executive officer of the Nuclear Threat Initiative (NTI), a charitable organization working to reduce the global threats from nuclear, biological and chemical weapons. He is also a senior partner in the law firm of King & Spalding, where he focuses his practice on international and corporate matters. He served as a United States Senator from Georgia for 24 years (1972-1996).

Raised in the small town of Perry in middle Georgia, he attended Georgia Tech, Emory University and Emory Law School, where he graduated with honors in 1962. After active duty service in the U.S. Coast Guard, he served six years in the U.S. Coast Guard Reserve. He first entere politics as a member of the Georgia House of Representatives in 1968.

During his tenure in the U.S. Senate, Senator Nunn served as chairman of the Senate Armed Services Committee and the Permanent Subcommittee on Investigations. He also served on the Intelligence and Small Business Committees. His legislative achievements include the landmark Department of Defense Reorganization Act, drafted with the late Senator Barry Goldwater, and the "Nunn-Lugar" Cooperative Threat Reduction Program, which provides assistance to Russia and the former Soviet republics for securing and destroying their excess nuclear, biological and chemical weapons.

In addition to his work with NTI, Senator Nunn has continued his service in the public policy arena as a distinguished professor in the Sam Nunn School of International Affairs at Georgia Tech and as chairman of the board of the Center for Strategic and International Studies in Washington, D.C.

He is a board member of the following publicly held corporations: ChevronTexaco Corporation, The Coca-Cola Company, Dell Computer Corporation, General Electric Company, Internet Security Systems Inc., and Scientific-Atlanta Inc.

He is married to the former Colleen O'Brien and has two children, Michelle and Brian, and one grandchild.

On the nuclear front: the mission is difficult—but it is not complicated. We know where the dangerous and vulnerable materials are; we know what how to be done: we know how to do it: we have made some progress—but not enough.

There remains a dangerous gap between the pace of our progress and the scope and urgency of the threat. The threat extends well beyond the former Soviet Union. There are 100 nuclear research reactors and other facilities in 40 countries using highly enriched uranium—the raw material of nuclear terrorism. Some of it is secured by nothing more than an underpaid guard sitting inside a chain-link fence. In August 2002, when nuclear weapons material was removed from the research reactor near Belgrade, the U.S. and Russia said they were going to move quickly on 24 similar sites. But it's now been over a year and only one additional site has been addressed. Two out of 25 shows the lack of urgency of this work. We can argue as to who is to blame—Russia or the United States or other countries—but the bottom line is that our security is at stake no matter who is to blame.

Most governments and most leaders have still not acknowledged by their actions, by their resource priorities, and by their cooperation that the threat of catastrophic terrorism is the most immediate, most likely, most potentially devastating threat we face; that it threatens all of us equally; that it demands urgent action; that it requires a new level of cooperation. This is the kind of danger that ought to focus our attention—because if we don't prevent this threat, nothing else will matter.

What must we do? NTI has funded a project that brings together a consortium of 21 research institutions across Europe, Russia, the U.S. and Asia to work together on threat reduction. Let me summarize their conclusion:

1. Nuclear weapons and materials—wherever they are in the world—represent a grave danger. We must secure all of it, everywhere, quickly to reduce the terrorist threat.

2. Tactical nuclear weapons must be accounted for and secured.

3. All excess weapons-grade nuclear materials should be secured and then destroyed.

4. Chemical weapons—every one of them—should be secured and destroyed.

5. Biological weapons facilities of the former Soviet Union must be open and transparent. We must help convert these facilities and the labors of the scientists who used to work in them, to peaceful commercial purposes.

The most positive recent development in Cooperative Threat Reduction came in the summer of last year when the G8 nations pledged $20 billion over ten years to launch the Global Partnership and to secure and prevent the read of weapons and mass destruction. Since this announcement many other nations have joined the partnership. Kazakhstan has a great deal to contribute to the partnership, and I hope that you will join. The partnership should include everyone who has something to safeguard and who has something to contribute to safeguarding it. Kazakhstan is unique as an example of leadership.

A great opportunity to accelerate the work of the global partnership comes next summer in Sea Island, Georgia, where the leaders of the G8 will meet again. Either the G8 will dramatically expand its threat reduction efforts, or the Global Partnership will remain a second-tier response to a first-tier threat—and leave grave dangers to our children.

In the race between cooperation and catastrophe, we have taken steps in the right direction, but we're long past the time when we can take satisfaction with step in the right direction. A gazelle running from a cheetah is taking steps in the right direction. It's not just a question of direction: it's a matter of speed.

If a terrorist nuclear device exploded tonight in Washington, New York, Astana, Moscow or London, what would we wish we had done to stop it? Why aren't we doing that now?

ADDRESS BY SENATOR RICHARD LUGAR AT NUCLEAR DANGERS SYMPOSIUM

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. FALEOMAVAEGA. Mr. Speaker, in reference to H. Res. 905, I submit an address by Senator RICHARD LUGAR, Chairman of the Senate Foreign Relations Committee, presented on December 16, 2003 at a symposium entitled Kazakhstan: Reducing Nuclear Dangers, Increasing Global Security.

SYMPOSIUM KEYNOTE ADDRESS BY SENATOR RICHARD LUGAR (R–IN), CHAIRMAN, SENATE FOREIGN RELATIONS COMMITTEE

It is a pleasure to be here today to celebrate the decision made by Kazakhstan to join the Nuclear Nonproliferation Treaty (NPT) as a non-nuclear state. A little more than a decade ago, when the Soviet Union collapsed, Kazakhstan became the fourth largest nuclear power in the world. But instead of enlarging the nuclear club, Kazakhstan joined Ukraine and Belarus in turning away from weapons of mass destruction. Courageous leaders chose instead to embrace the NPT and the arms control process in eliminating offensive nuclear, chemical and biological arms from Kazakhstan.

The world cheered when Kazakhstan became a non-nuclear state in November 1996. I am proud of the role the United States played in Kazakhstan's decision and of our role in facilitating the removal of thousands of nuclear warheads and the elimination of hundreds of SS–18 intercontinental ballistic missiles, silos, and command centers. The addition of three more nuclear weapons states would have been a devastating setback to the reduction of offensive nuclear arms around the world.

HISTORIC SIGNIFICANCE

Kazakhstan's wise and brave choice stands in stark contrast to events in India, Pakistan, North Korea, and Iran. In 1998, the world was shocked by the testing of nuclear weapons in India and Pakistan. In January of this year, the international arms control process was again shaken by the departure of North Korea from the NPT. Last month, the world watched closely as the IAEA deliberated over Iran's numerous NPT violations amid Tehran's threats of withdrawal should the body seek to enforce the treaty's provisions.

With these events in mind, the world should be especially appreciative of the course selected by Kazakhstan. Leaders in Almaty faced the same choices as their counterparts in New Delhi, Islamabad, Pyongyang, and Tehran. But instead of violating international norms and pursuing nuclear weapons, Kazakh leaders made the right choice. When searching for success stories, the international community should turn to Kazakhstan.

The presence of dangerous weaponry in the states of the former Soviet Union was not a problem that the U.S. Government was prepared to deal with in 1991. Most decision-makers in Washington were highly skeptical of assisting the newly independent states in eliminating their inherited arsenals. In fact, many were opposed to committing funds to any program that seemed to benefit the former Soviet Union. The atmosphere was decidedly hostile to initiatives that focused on foreign problems. Americans were weary of the Cold War and the Gulf War. Both Congress and aspirants in the 1992 Presidential election had decided that attention to foreign concerns was politically a lowered priority.

In this atmosphere, Senator Nunn and I proposed legislation to commit a portion of Defense Department resources each year to the cooperative dismantlement of the old Soviet arsenal. The House of Representatives had previously rejected a plan to commit one billion dollars to addressing the problems of the former Soviet Union. That outcome did not give Senator Nunn and me much of a springboard for our initiative. Yet we brought together a bipartisan nucleus of Senators who saw the problem as we did. Remarkably, the Nunn-Lugar Program was passed in the Senate by a vote of 86 to 8. It went on to gain approval in the House and was signed into law by President George H.W. Bush.

Many believed that the Nunn-Lugar Program would be a relatively simple affair wherein weapons would be quickly safeguarded and destroyed. But these efforts were far more complex than most expected. It wasn't until Sam Nunn and I took high-ranking Bush Administration officials with us on a trip to the former Soviet Union that executive branch implementation was accelerated and a strong commitment was established.

At a cost of less than two-tenths of one percent of the annual U.S. defense budget, the Nunn-Lugar Program has facilitated the destruction of 520 ballistic missiles, 451 ballistic missile launchers, 7 mobile missile launchers, 122 bombers, 624 long-range nuclear air-launched cruise missiles, 408 submarine missile launchers, 445 submarine launched ballistic missiles, and 27 strategic missile submarines. It also has sealed 194 nuclear test tunnels. Most notably, 6,212 warheads that were on strategic systems aimed at the United States have been deactivated. To put this into perspective, Nunn-Lugar has dismantled more nuclear weaponry than the countries of Great Britain, France, and China currently possess in their stockpiles and arsenals combined.

Nunn-Lugar also has undertaken previously-classified emergency missions in cooperation with the government of Kazakhstan to thwart proliferation. Project Sapphire is the best known. In the pre-dawn hours of November 20, 1994, as winter descended upon northeastern Kazakhstan, experts from the Departments of Defense and Energy took possession of enough highly enriched uranium to make between 20 and 30 nuclear weapons. Two U.S. C–5 cargo planes then flew 20 hours with five mid-air refuelings, to deliver the material safely to the United States and prevent it from falling into the hands of rogue states or terrorist cells.

Nunn-Lugar also assisted Kazakhstan in eliminating the former Soviet nuclear weapons testing complex. The Degelen Mountain Test Tunnel Complex and Balapan were the sites of hundreds of nuclear weapons tests throughout the Cold War. In close cooperation with Kazakh partners, the Nunn-Lugar Program systematically dismantled the complex and sealed nearly 200 nuclear test tunnels and shafts. These facilities will never again contribute to the weapons systems that threatened the world during the Cold War.

More recently, the Nunn-Lugar Program concluded an agreement with Kazakhstan to raze to the ground the world's largest anthrax production and weaponization facility. Stepnogorsk, built by the Soviet Union during the height of the Cold War, will be completely eliminated and decontaminated.

The Nunn-Lugar Program has already eliminated or dismantled equipment necessary for the production of biological weapons. But now we will take the additional step of razing the weapons-related buildings to the ground. Currently, American contractors are removing windows, non-load bearing walls, and other debris and disposing of it prior to the commencement of demolition. Each building will be contained and eliminated in a secure and ecologically safe manner.

RECENT TRIP TO KAZAKHSTAN

This past summer, I had the opportunity to visit Almaty. During that visit, I toured Nunn-lugar projects and visited with Kazakh leaders about future opportunities for cooperative threat reduction.

I toured the Kazakh Science Center for Quarantine and Zoonotic Diseases, a biological research facility located in one of the city's residential neighborhoods. The Center has 135 staff members and 50 years of experience in the identification, handling, control and treatment of dangerous, naturally occurring microbes that cause anthrax, tularemia, plague, and brucellosis.

The facility is working on treatments for Tuberculosis, plague, and other dangerous diseases, not only for Kazakhstan, but for all mankind. We are creating cures arid helping people throughout the world. The Nunn-Lugar Program has worked to improve the security surrounding the facility, installed alarm and accounting systems, and improved the protection and control in storage areas. Today the facility is working closely with experts here in the United States and elsewhere to address mutual threats from dangerous diseases and pathogens.

I also had good discussions with Kazakh leaders on plans to dismantle a former nuclear weapons storage bunker at Semipalatinsk so that terrorists or rogue nations will not have the opportunity to study and duplicate its design. Let me be clear, this facility does not represent a Kazakh violation of international commitments. Instead, the concern was that the facility would provide would-be terrorists with valuable intelligence and insight into the design of such facilities. I am pleased to announce that the U.S. and Kazakhstan have agreed to eliminate this dangerous facility and the potential threat it poses to the security of operational Soviet-designed storage facilities elsewhere.

NUNN-LUGAR EXPANSION

This year Congress took important steps in the Fiscal Year 2004 Defense Authorization Conference Report to continue the Nunn-Lugar Program's important work. I commend Senate Armed Services Committee Chairman, John Warner, and Ranking Member, Carl Levin, for a bill that fully funds the Bush Administration's request for nonproliferation and dismantlement projects and expands the President's authority to confront the threat posed by proliferation.

The outcome was far from certain when the Senate and House passed divergent bills with respect to the Nunn-Lugar Program. The Senate bill included a provision that I had authored, known as "The Nunn-Lugar Expansion Act." This provision gives the President the authority to use the Nunn-Lugar Program beyond the former Soviet Union to address proliferation emergencies. Unfortunately, the House took a different approach, denying the Administration the ability to use Nunn-Lugar worldwide. In the end, however, the House and Senate conferees arrived at a compromise that will permit Nunn-Lugar to continue its important work and, where needed, to expand the winning strategy beyond the borders of the former Soviet Union. The bill permits President Bush to use up to $50 million of unobligated Nunn-Lugar funds for proliferation emergencies outside the former Soviet Union. I worked closely with the Administration on this important issue and received the strong support of Dr. Condoleezza Rice and Secretary of State Colin Powell. Most importantly, I have spoken to the President on more than one occasion about Cooperative Threat Reduction. The program as well as cur new initiatives has his full and strong support.

The continuing experience of Nunn-Lugar has created a tremendous nonproliferation asset for the United States. We have an impressive cadre of talented scientists, technicians, negotiators, and managers working for the Defense Department and for associated defense contractors who understand how to implement non-proliferation programs and how to respond to proliferation emergencies. The new authority will permit and facilitate the use of Nunn-Lugar expertise and resources when nonproliferation threats around the world are identified.

Proliferation threats sometimes require an instantaneous response. We must not allow a proliferation or WMD threat to "go critical" because we lacked the foresight to empower the U.S. to respond. The Nunn-Lugar Program's experience in Kazakhstan through "Project Sapphire" shows the utility of such capabilities.

The precise replication of the Nunn-Lugar Program will not be possible everywhere. Clearly, many states will continue to avoid accountability for programs related to weapons of mass destruction. When nations resist such accountability, other options must be explored. When governments continue to contribute to the WMD threat facing the United States, we must be prepared to apply diplomatic and economic power, and as a last resort, military force.

Yet we should not assume that we cannot forge cooperative nonproliferation programs with some critical nations. The experience of the Nunn-Lugar Program in Kazakhstan has demonstrated that the threat of weapons of mass destruction can lead to extraordinary outcomes based on mutual interest. No one would have predicted in the 1980s that American contractors and DOD officials would be on the ground in Russia, Ukraine and Kazakhstan destroying thousands of strategic systems. If we are to protect ourselves during this incredibly dangerous period, we must create new nonproliferation partners and aggressively pursue any nonproliferation opportunities that appear. Nunn-Lugar expansion authority is the first step down that road. Ultimately, a satisfactory level of accountability, transparency, and safety must be established in every nation with a WMD program.

There are always risks when expanding a successful venture into new areas, but I don't believe we have a choice. We must give the Administration the ability to interdict and neutralize the proliferation of weapons of mass destruction. This new venture, like its predecessor, will take time to organize and to establish operating procedures, but I am hopeful that a decade from now, we will look back on this effort and marvel at the successes we have enjoyed.

CONCLUSION

The U.S., Kazakhstan, and the international community still have much work to do and these efforts will require compromise and sacrifice. The last ten years have shown that nothing is impossible. Both sides have set aside past differences to accomplish this cooperation. Let us continue to approach these challenges with creativity, a willingness to cooperate, and a commitment to a safer world.

Historically, the world has never before enjoyed such an opportunity for former adversaries to work together on mutual threat reduction and on such an awesome and world threatening agenda. After decades of tense military confrontation and ideological struggle, we are sending American firm and know-how to Kazakhstan as we work together to dismantle weapons and materials of mass destruction, and their means of development and delivery. Bipartisan vision, statesmanship, and patience will be required over many years. For the sake of our children and our hopes for normal life in our world, we must be successful.

From an interview by Senator Richard Lugar to the news media following the symposium:

I hope the Nunn-Lugar Program will continue to be funded. I would like to stress that the cooperation with Kazakhstan has played a key role for putting this program into practice. Kazakhstan is a courageous country and the policies of President Nazarbayev have laid the foundation for practical realization of our program.

Kazakhstan remains a reliable partner of the United States, and we are grateful to this nation for its enthusiasm and real deeds in the area of disarmament. All of this gives us hope for a continued successful work."

RICHARD LUGAR: U.S. SENATOR (R–IN), CHAIRMAN, SENATE FOREIGN RELATIONS COMMITTEE

Dick Lugar is an unwavering advocate of U.S. leadership in the world, strong national security, free-trade and economic growth.

This fifth generation Hoosier is the longest serving U.S. Senator in Indiana history. He is the Chairman of the Foreign Relations Committee and a member and former chairman of the Agriculture, Nutrition and Forestry Committe. He was first elected to the U.S. Senate in 1976 and won a fifth term in 2000, his third consecutive victory by a two-thirds majority. He holds all Indiana statewide election records.

Lugar manages his family's 604-acre Marion County corn, soy-bean and tree farm. Before entering public life, he helped manage with his brother Tom the family's food machinery manufacturing business in Indianapolis.

As the two-term mayor of Indianapolis (1968–75), he envisioned the unification of the city and surrounding Marion County into one government. Unigov, as Lugar's plan was called, set the city on path of uninterrupted economic growth.

Richard Lugar has been a leader in reducing the threat of nuclear, chemical and biological weapons. In 1991, he forged a bipartisan partnership with then-Senate Armed Services Chairman, Sam Nunn (D–GA), to destroy these weapons of mass destruction in the former Soviet Union. To date, the Nunn-Lugar Program has deactivated nearly 6,000 nuclear warheads that were once aimed at the United States.

As Chairman of the Agriculture Committee, Lugar built bipartisan support for 1996 federal farm program reforms, ending 1930s era federal production controls. He has promoted broader risk management options for farmers, research advancements, increased export opportunities and higher net farm income. Lugar initiated a biofuels research program to help decrease U.S. dependency on foreign oil. He also led initiatives to streamline the U.S. Department of Agriculture, reform the food stamp program and preserve the federal school lunch program.

Lugar has promoted policies that spur economic growth, cut taxes, lead to job creation, eliminate wasteful government spending and reduce bureaucratic red tape for American businesses.

His Hoosier commonsense has been recognized many times including such awards as Guardian of Small Business, the Spirit of Enterprise, Watchdog of the Treasury, and 36 honorary doctorate degrees. He was the fourth person ever named Outstanding Legislator by the American Political Science Association.

Richard Lugar and his wife Charlene were married September 8, 1956, and have four sons and seven grandchildren.

ADDRESS BY DR. GRAHAM ALLISON AT NUCLEAR DANGERS SYMPOSIUM

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. FALEOMAVAEGA. Mr. Speaker, in reference to H. Res. 905, I submit an address by Dr. Graham Allison, Professor at Harvard University and Director of the Belfer Center for Science and International Affairs, presented on December 16, 2003 at a symposium entitled Kazakhstan: Reducing Nuclear Dangers, Increasing Global Security.

SYMPOSIUM REMARKS

(By Graham Allison)

It is a great honor for me to participate in this happy event and to celebrate the twelfth birthday of Kazakhstan, and, as the Minister said, the tenth anniversary of Kazakhstan's participation in the Nunn-Lugar CTR Program.

I want to congratulate Ambassador Saudabayev and his colleagues for putting together such a remarkable event, and President Nazarbayev for the actions that make it possible for us to celebrate this occasion.

I am going to make four points.

First, I want to agree strongly with Sam Nunn about the importance of the success of Kazakhstan. John Kennedy had a saying, which he would frequently observe, that "success has a thousand fathers, or mothers, and failure is an orphan."

If we are celebrating a success today, I would say this is a success of President Nazarbayev for a leadership that is truly remarkable and which one gets some sense for in his book, Epicenter of Peace.

But I would also celebrate Sam Nunn and Dick Lugar for their initiative without which the events that we are celebrating surely would not have occurred.

Without the Nunn-Lugar Program, an initiative undertaken by members of Congress, not by Administration, that put this issue front and center and provide the wherewithal to deal with it, the story of Kazakhstan, I believe, would have turned out differently.

So I want to congratulate the two of them and to say what a remarkable process I believe this was.

Historians have a hard time dealing with counterfactual. In fact for all of us when something has happened, it seems like, well, it almost had to happen.

But let us imagine what might have been.

Just imagine that a Kazakh leader, let's call him President Nazarbayev, sought to rest operational control of some 1,400 nuclear weapons, the fourth largest arsenal in the world, from former Soviet Strategic Rocket Forces' troops whose chain of command continued to run to Moscow. Would they have succeeded? Would Moscow have taken these efforts to seize operational effort as a casus belli and attacked these missile facilities or indeed Kazakhstan itself? Had a contest for control of the nuclear arsenals ensued, would some of these weapons have been fired? If so, since most of the warheads were mounted on ICBMs that had been programmed to hit and were targeted against the United States, millions of Americans could have suffered instant nuclear death.

I had a great fortune to work in the first Clinton Administration on nuclear weapons issues. And I believe that without the courageous actions of President Nazarbayev, the Kazakh government and the cooperation of the U.S. and Russian government in that effort, and the US participation through the Nunn-Lugar Program, these events would not have occurred the way they did. That's my first point.

Second point. I also wanted to support Sam Nunn in talking about Kazakhstan being too modest, I think, too reserved, too reticent about taking its example of nuclear disarmament to others. I was actually encouraged when Ambassador Saudabayev read the letter from President Nazarbayev and I am afraid I'm not quoting him exactly, but I think he said, "Kazakhstan has earned the moral right to call on the world to follow its example." I think that's exactly correct. And I think if the Kazakh Government were a more active player with other governments, especially acting on the basis of the moral right that it has earned, the world would become a safer place.

Who could better deal with Iran than Kazakhstan?

President Nazarbayev knows Iranian leadership very well indeed. So who can explain to them the consequences of alternative path better than President Nazarbayev? So I thought that this has come to the point when Kazakhstan needs to be less modest and less reserved. It should be proud of what it accomplished becoming a nuclear-free nation.

Thirdly. If the denuclearization of Kazakhstan, Ukraine, and Belarus whose nuclear arsenal was eliminated was the signal success of the 1990s, I believe, the signal failure was the failure to capitalize on those events to push through a more general solution.

In 1998 nuclear tests were conducted by India and Pakistan when they declared themselves nuclear weapons states. But could one of them turn to example provided by Kazakhstan, and Ukraine and Belarus, more, even more, becoming a platform or a foundation of a more global effort to prevent nuclear terrorism and to realize that the nuclear war could be lost? And I believe the answer is yes.

So, my fourth and final point, especially for Christmas season, is a piece of good news. Good news that, I think, Sam has already suggested, but I would like to put slightly more provocatively.

The unspoken and frequently unrecognized fundamental insight, I believe, is that nuclear terrorism is preventable. Nuclear terrorism is, in fact, preventable. In the absence of fissile material, either enriched uranium or plutonium, there could be no nuclear programs and, therefore, no nuclear terrorism.

So, all that we have to do, all is a lot, but all that we have to do, is to prevent terrorists from acquiring nuclear weapons or fissile materials for these weapons to develop.

Fortunately, manufacturing or producing new highly enriched uranium or plutonium is a successive lengthy process that requires large and visible and indeed vulnerable facilities.

Until now, all the fissile materials that currently exist were successfully protected. The technology for doing so already exists: Americans lose no gold from Fort Knox, nor does Russia lose items from the Kremlin Armory.

So all that we have to do, and it's a lot, but all that we have to do is prevent production of new fissile material, lock down or eliminate all the fissile materials that currently exist.

I have a piece in the current issue of the Foreign Affairs that is coming out next week, in which I make this argument at some length and propose a new doctrine of what I would call the "Three No's":

1. No new nuclear weapons.

2. No new programs, no new facilities for producing either enriched uranium or plutonium.

3. No new nuclear states.

Kazakhstan, I think, is the best example of all three of these.

There's no question that Kazakhstan can be a source of nuclear 9/11, because Kazakhstan has no nuclear weapons, it has no production facilities of either enriched uranium or plutonium, and it has no fissile material.

I believe that is something that people with Nuclear Threat Initiative and Sam Nunn should be given credit for. And I congratulate our Kazakh partners for their extraordinary endeavor.

Director of Harvard's major Belfer Center for Science and International Affairs (BCSIA), Professor Graham Allison has for three decades been a leading analyst of U.S. national security and defense policy with a special interest in terrorism. As Assistant Secretary of Defense in the first Clinton Administration, Dr. Allison received the Defense Department's highest civilian award, the Defense Medal for Distinguished Public Service, for "reshaping relations with Russia, Ukraine, Belarus, and Kazakhstan to reduce the former Soviet nuclear arsenal." This resulted in the safe return of more than 12,000 tactical nuclear weapons from the former Soviet republics and the complete elimination of more than 4,000 strategic nuclear warheads previously targeted at the U.S. and left in Ukraine, Kazakhstan, and Belarus when the Soviet Union disappeared.

As Director of BCSIA, Dr. Allison has assembled a team of more than two dozen leading scholars and practitioners of national security to analyze terrorism in its multiple dimensions. Products include: Avoiding Nuclear Anarchy (1996), America's Achilles Heel: Nuclear, Biological, and Chemical Terrorism and Covert Attack (1998), Catastrophic Terrorism (1998), and others.

A 1995 Washington Post op-ed by Dr. Allison warned that: "In the absence of a determined program of action, we have every reason to anticipate acts of nuclear terrorism before this decade is out." Dr. Allison was the organizer of the Commission on America's National Interests (1996 and 2000) that included leading Senators and national security specialists from across the country (former Senator Sam Nunn, Senators John McCain, Bob Graham, and Pat Roberts, Condoleezza Rice, Richard Armitage, Robert Ellsworth, and others). The Commission's work highlighted the threat of mega-terrorism as a major challenge to American national interest. Senator Roberts credited the work of the Commission as inspiration in his creating a Subcommittee on Emerging Threats of the Senate Armed Services Committee. At the initial session of that Subcommittee on March 11, 1999 he warned that there is "a real opportunity for a handful of zealots to wreak havoc on a scale that hitherto only armies could obtain. Targets will be selected for their symbolic value, like the World Trade Center in the heart of Manhattan, because terrorists need to escalate their attacks, making each more spectacular and horrific than its predecessor.

Dr. Allison is also a leading analyst of Russia and its transformation to democracy and market economy as well as an authority on the threat of loose nukes and weapons of mass destruction. He has written numerous articles and op-eds in the foremost journals and newspapers and is a sought-after speaker and commentator. Dr. Allison's seminal book, Essence of Decision: Explaining the Cuban Missile Crisis, first published in 1971, and significantly revised and re-issued in 1999, ranks among the bestsellers in political science with more than 350,000 copies in print.

Dr. Allison was born and raised in Charlotte, North Carolina. He was educated at Davidson College; Harvard College (B.A., Magna Cum Laude, in History); Oxford University (B.A. and M.A., First Class Honors in Philosophy, Politics, and Economics); and Harvard University (Ph.D. in Political Science).

TRIBUTE TO THE 125TH ANNIVERSARY OF THE TUSCOLA COUNTY FAIR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. KILDEE. Mr. Speaker, July 23rd through July 29th will mark the 125th anniversary of the Tuscola County Fair. Since 1881, the fair has been an annual tradition of family and friends in the greater Tuscola County area. It is the oldest on-going event in Tuscola County. To celebrate the anniversary, the community is holding a barbeque on Sunday in Caro Michigan to kick off this year's celebration.

From the beginning the fair was a success. The Caro District Agricultural Society organized the first fair to allow the local farmers and merchants to display their produce, livestock, handicrafts, merchandise and machinery. One of the popular entertainments of the day was harness racing and in 1892 the clay track was completed so that sulky races could be run. Two years later the first grandstand, seating 1500 people, was finished. It was adjacent to the track and also had a wooden stage.

After purchasing the land from the Van Winkle family in 1895, the fair continued to grow. Buildings were constructed over the years including Heritage Hall, the swine and cattle barns, the 4–H horse barn, the merchants' display hall, and the fair offices. In 1920 Michigan Sugar Company provided the first electricity to the fair. After being destroyed by fire twice the grandstand was rebuilt both times. The state highway department built a park with picnic tables and a covered water fountain for fair patrons. Later the village expanded this park and added a swimming pool and tennis courts. During World War II the fair grounds operated as a prisoner of war camp. The German prisoners housed at fair grounds worked at the Michigan Sugar Company. After the war ended, it was the center of Tuscola County celebrations welcoming home their returning veterans. Utilized year round, the fairgrounds have been the site of several festivals, trade shows, educational programs, and athletic events.

The spirit of the Tuscola County Fair is embodied in the people that have attended year after year. They have brought their best livestock, canned goods, flowers, needlework, crafts, and produce to display. The fair is an opportunity to socialize, to be entertained, to be inspired and to be educated.

Agricultural fairs in the United States played a significant role in developing a sense of community and spurring innovation. Agriculture was the largest domestic industry in the 19th century and the agricultural fair was the primary means to showcase the ingenuity of American farmers producing an abundant harvest. Innovations first demonstrated at a fair are now part of everyday agricultural and livestock production worldwide. Agricultural fairs have historically promoted three core values: education, community celebration, and youth development. The Tuscola County Fair is no exception. The partnership between the fair, 4–H, the community of Caro, educational institutions and local business is the central component to the fair's longevity and vitality.

Mr. Speaker, I ask the House of Representatives to join me in commending the members of the Tuscola County Fair Association for their tireless work preserving and supporting a piece of America's living history. The fair continues to challenge farmers to increase our bounty and every American has benefited from their skill in rising to that challenge.

TRIBUTE TO THE JOHN W. STEVENSON MASONIC LODGE NO. 56

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. KILDEE. Mr. Speaker, today I am honoring the John W. Stevenson Masonic Lodge No. 56, Prince Hall Free and Accepted Masons, for their scholarship program and their support, encouragement, and education of today's youth. On July 23rd the Lodge will present scholarships to four high school students at their annual banquet in my hometown of Flint, Michigan.

The theme of this year's banquet is "Investing in Our Youth to Guarantee Our Future." The 53 members of the Lodge work throughout the year to raise money for the College Scholarship Fund. Their goal is to help as many young people as possible achieve their dreams of a better life. The Lodge members have established the cornerstones of high morals, good character, and sound education for a solid foundation in life. They view the scholarship fund as a means to assist young people in building upon that foundation.

The members distribute the applications throughout Genesee County and students are awarded the scholarships based upon several factors including greatest financial need. This year the recipients are all graduating seniors but the program is also open to students working for advanced degrees.

Mr. Speaker, please join me in commending the members of the John W. Stevenson Lodge No. 56 for their exemplary work on behalf of the young men and women of the greater Flint area. Since the Lodge was founded in 1968, the men of the John W. Stevenson Lodge have dedicated themselves to ensuring all youth are able to fulfill their potential.

TRIBUTE TO THE MEMORY OF IRENE L. JAMES, ESQ.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to honor the memory and legacy of Irene L. James who passed away on Tuesday, July 4, 2006. Her death leaves a deep void in the Greater Newark community.

Irene was known for her caring spirit and her service to others. She was creative, passionate and intelligent. Her intellect led her to Rutgers University in Newark where she earned both her under-graduate and law degrees. Over the years, she would hold several roles that allowed her to utilize her talents to enrich the lives of others. A prolific writer, Irene was able to secure grants and/or technological enhancements for many programs and institutions. In fact, Irene is credited with procuring a three million dollar grant from the Robert Wood Johnson Foundation to create a "fighting back" sight in Newark. This program's mission was to help decrease the demand for alcohol, tobacco and other drugs for women and children. Irene served with distinction in administrative positions at Essex County College, CHOICES, Inc., Newark Welfare and Newark Fighting Back.

During her life, Irene touched many lives with her kindness, thoughtfulness and humor. She will be remembered for making a difference in the lives of those fortunate enough to benefit from her years of public service. Irene was a profound believer in social justice and was able to associate with many others who felt likewise.

As Irene's life was celebrated during her "Home going" service on Wednesday, July 12, 2006, many recalled the impact she made in the community, her competency and professionalism. They remembered that she came from a family of achievers, including my Chief of Staff, Maxine James, her father, Mack James, sister, Jeanette Parham and her brother, Michael James.

Mr. Speaker, I know my colleagues join me in letting Irene L. James' family, friends and associates know that her memory will always be honored and cherished.

PERSONAL EXPLANATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, due to delays on Amtrak, I regrettably missed rollcall votes 375–377. Had I been present, I would have voted in the following manner: rollcall No. 375—"Yea", rollcall No. 376—"Yea", rollcall No. 377—"Yea".

HOUSTON LIVESTOCK SHOW AND RODEO SCHOLARSHIP FUND

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to call attention to one of the most successful scholarship programs in the country. The Houston Livestock Show and Rodeo has been known as the largest Rodeo in the world.

It attracts the best of the best in the rodeo and livestock industries but it also raises millions of dollars for Houston area children to go to college.

The Houston Livestock Show and Rodeo awarded 315 scholarships totaling $3.78 million this year, and every year, the rodeo increases the number of awards given.

Forty students in our Congressional District received a $12,000 Rodeo scholarship bringing in almost $500,000 in scholarship money collectively.

Since 1957, the Houston Livestock Show and Rodeo has been helping students that demonstrate academic success, leadership, and need achieve their dream of going to college.

Next year will mark 50 years since the Houston Livestock Show and Rodeo awarded their first scholarship and 75 years since the rodeo started.

In that time, over 20,0001 students have received over $100 million.

I was pleased to learn that students in our Congressional District have received almost $5.9 million in scholarship money since the Rodeo Scholarship Program has been in existence.

The area I represent has a large percentage of first-generation college students. I was especially pleased to learn that Milby High School, a school that is 90 percent Hispanic has received more Rodeo Scholarships than any other High School in the State.

Milby High School students have received 222 scholarships totaling $1.4 million. That's impressive for Milby and it's a statement to the commitment of the Rodeo to serve all communities in Texas.

I'm sure hundreds of more students will enjoy benefiting from this amazing program as it grows in the future.

I am proud to be a life member of the Houston Livestock Show and Rodeo and thank the thousands of volunteers that dedicate well over a million hours of service each year to make the rodeo and its scholarship program operate as smoothly as they do.

Their service to our community is greatly appreciated.

Mr. Speaker, I invite all my fellow Members to come down to Houston sometime to enjoy all the entertainment the Rodeo has to offer, and then join me in visiting some of our neediest schools so you can meet the students that benefit from the world's largest rodeo.

IN SUPPORT OF LIFTING THE BAN ON FEDERALLY FUNDED STEM CELL RESEARCH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mrs. MALONEY. Mr. Speaker, it isn't every day that we get to come to the House Floor with the opportunity to save lives. When we voted on H.R. 810, the Stem Cell Research Enhancement Act, we were given that very chance. With the Senate voting on the bill in the coming days, we must respond to 72 percent of Americans, scientists, researchers, and Nobel laureates and vote to continue our support for lifting the ban on which stem cell lines can be federally funded.

Right now, only 22 of the 78 stem cell lines approved by President Bush are left. Many of these lines have been contaminated and are no longer useful, but more than 400,000 frozen embryos exist in the United States. With further research, these cells may be used as "replacement" cells and tissues to treat many diseases including Parkinson's disease, Alzheimer's disease, diabetes, AIDS, Lou Gehrig's disease and others. Stem cell research holds hope of one day being able to treat brain injury, spinal cord injury, and stroke for which there is currently no treatment available. And they may solve the problem of the body's reaction to foreign tissue, resulting in dramatic improvements in the treatment of a number of life-threatening conditions, such as burns and kidney failure, for which transplantation is currently used.

As a co-chair on the Working Group for Parkinson's Disease and as someone who has lost a very close family member to Parkinson's disease, I know firsthand just how important this legislation is and how important it is to open up the stem cell lines. Parkinson's disease is a progressive degenerative brain disease which kills a specialized and vital type of brain cell, a cell which produces the substance dopamine, that is essential for normal movement and balance. The loss of these dopamine-producing cells causes symptoms, including slowness and paucity of movement, tremor, stiffness, and difficulty walking and balancing, which makes the sufferer unable to carry out the normal activities of daily living. In 30 percent of the cases those symptoms include dementia. As the disease progresses, it inflicts horrific physical, emotional, and financial burdens on the patient and family, requiring the caregiver to assist in the activities of daily living, and may eventually lead to placement in a nursing home until death.

With further research into stem cells, scientists will be able to "reprogram" the stem cells into the dopamine-producing cells which are lost in Parkinson's disease. One million Americans are afflicted by this terrible disease. This bill will directly help them.

As for the suspensions we are debating today. I have heard Members of the other body claim that they are useless, but harmless. That they don't do anything to help and that there are no applications of science that they would impact, that fetal farms simply don't exist.

Mr. Speaker, we have a bill before us that will save millions of lives and impact millions more.

It's time that we put the politics aside, listen to the science, and do what's right.

I urge my colleagues to support H.R. 810.

PERSONAL EXPLANATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. HAYES. Mr. Speaker, I was unable to participate in the following votes on July 17, 2006. If I had been present, I would have voted as follows:

Rollcall vote 377, I would have voted "yea."
Rollcall vote 376, I would have voted "yea."
Rollcall vote 375, I would have voted "yea."

HONORING HEATHER MARI STANTON OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Heather Mari Stanton on the occasion of her retirement as project manager from the Napa County Flood Control and Water Management District.

Ms. Stanton's career in public service began in 1981 when she was hired as the executive assistant to the city council in San Jose. Her involvement and leadership in political life had begun earlier, however, when she founded her own political campaign consulting company in 1975 and worked as a lobbyist and advocate for the outdoor industry.

Ms. Stanton's work in the Napa Valley began in 1987 with her appointment as an assistant to the city manager in Napa, and she quickly moved to the position of director of community resources, a position she held for a decade. As director, she was instrumental in overseeing the development of numerous parks, sporting facilities, and community buildings, as well as an animal shelter.

Mr. Speaker, Ms. Stanton's work as project manager of the Napa County Flood Control and Water Conservation District has been vital to the success of the ongoing effort to ensure greater flood protection for the communities along the Napa River. In addition to ensuring the safety of our communities, she has helped to preserve the natural beauty of the Napa Valley through her involvement with the restoration of over 900 acres of wetlands.

Ms. Stanton is an active participant and leader in the Napa Valley community. She is currently a board member of Leadership Napa Valley, where she has helped develop programs to nurture new generations of leaders. She is also a member of the Napa Valley Art Association and the Court Appointed Special Advocates for Children.

Ms. Stanton has also actively been involved in promoting the interests of the business community in the Napa Valley through her participation with the Napa Chamber of Commerce. She is a past president and board member of the Napa Valley Conference and Visitor's Bureau.

Ms. Stanton is the loving mother of three children, Shana, Greg, and Andrew Stanton. She lives with her best friend and partner, Benjamin Faulk.

Mr. Speaker, it is appropriate at this time that we recognize Heather Mari Stanton for her years of public service to the city and county of Napa, and for her hard work and leadership in the public life of the Napa Valley and extend our best wishes to her in retirement.

STEM CELL RESEARCH

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. CROWLEY. Mr. Speaker, I rise in support of Federally funded, ethical stem cell research. H.R. 810 passed by the House and passed the Senate on July 18, 2006 accomplishes this goal.

This important legislation would lift the ban on which stem cell lines can be researched using Federal dollars. It provides sound rules and regulations to govern the research of stem cells, such as preventing human cloning for embryos or the deliberate destruction of embryos, while also providing doctors and scientists the ability to perform more research to find new cures for degenerative diseases such as Alzheimer's, spinal chord injuries, and diabetes.

Many of my colleagues on the Republican side of the aisle believe this legislation will open the door to rouge doctors to perform cloning procedures, or will allow for the use of Federal funds to actually destroy the embryos. Let me be crystal clear, this legislation will NOT allow Federal funds to be used in the destruction of embryos, nor will this legislation allow these funds to be used in cloning.

We, as a country, excel in so much; let us push forward on important research rather then regressing. With embryonic stem cell research we could potentially save the lives of an estimated 100 million Americans.

While this bill has overwhelming support from our country's leading scientists, biomedical researchers, patient advocacy groups, and health organizations, along with many religious leaders. President Bush has emphatically stated he will veto this legislation; the first veto thus far of his 6-year administration.

I cannot, on my conscience stand face to face with an individual suffering from a degenerative disease, and tell them that an embryo that will be discarded is more important then saving their lives.

President Bush, I ask you to reconsider your stance on H.R. 810, the stem cell research bill. Leave a lasting legacy on your Presidency, this country and the entire world. Sign this important legislation into law. I support this legislation and stand with my colleagues in the House and the Senate.

SENATE—*Wednesday, July 19, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of our hopes, by Your might the mountains are made firm and the roaring seas are still. You have challenged us to ask, to seek, and to knock in order to receive from Your bounty.

So we ask for Your favor upon the Members of this body that they will do Your will. We seek Your wisdom in order to find solutions to challenges that require more than human ingenuity. And we knock on the door of Your sovereignty, believing that in everything that happens, You are working for our good.

Show us how to find Your truth, even in the midst of error. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 1 hour, with the first half of the time being controlled by the majority leader or his designee and the second half of the time controlled by the Democratic leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we have a period of 1 hour for morning business. Following that hour, the Senate will return to the consideration of the Water Resources Development Act. We are considering that bill under a unanimous consent agreement that allows for seven additional amendments. We will finish that bill today, and that will require votes throughout the course of the day. I expect that not all of the debate time will be used on each of the remaining amendments. If we are able to yield back some time today and if some of the amendments don't require rollcall votes, it is possible to finish early this evening. If Senators begin to use all of the time allocated, it will turn into a much later session with votes. In any event, we will finish the bill today.

Tomorrow we have an order to proceed to the Child Custody Protection Act. I am pleased that we are now able to proceed to that bill without any objection, and I hope we can get an agreement to finish that bill in a reasonable period of time as well.

In addition, this week we have some circuit and district court nominations on the Executive Calendar that will require some votes. We will consider those in all likelihood on Thursday.

I thank my colleagues for their assistance. We have had a very good and very productive week, with our debate on stem cell research, including scientific and ethical issues, over the last couple of days.

VIOLENCE IN THE MIDDLE EAST

Mr. FRIST. Mr. President, last week, on the morning of July 12, Hezbollah launched a brazen and unprovoked attack on Israeli soldiers patrolling their side of the border with Lebanon in northern Israel. Hezbollah militants killed seven Israeli soldiers and kidnapped two more in the attack. These two soldiers remain captive, presumably somewhere inside of Lebanon.

This Hezbollah attack followed an earlier attack from the Hamas terrorist groups on June 25. Hamas terrorists entered Israeli territory, attacked an Israeli military base, killed two soldiers, and kidnapped another. CPL Gilad Shalit has yet to be released.

Hezbollah and Hamas are terrorists organizations. They receive military and financial support from terror-sponsoring regimes in Damascus and Tehran, and they refuse to recognize Israel's right to exist. In fact, they call for Israel's destruction.

In June 2000, U.N. Secretary General Kofi Annan deemed Israel in full compliance with Security Council Resolution 425 by completely withdrawing its forces from Lebanon. Yet in the past year alone, Hezbollah has launched at least four separate attacks into Israeli territory using rockets and ground forces. It has blocked implementation of U.N. Security Council Resolution 1559 by refusing to disarm and disband its militia.

Last summer, Israel completely evacuated its forces from the Gaza Strip. Instead of demonstrating a willingness and ability to govern responsibly and improve the lives of the Palestinians living there, Hamas has used Gaza as a base to launch rocket attacks and other assaults on the State of Israel, like the one that led to the capture of Corporal Shalit on June 25.

Let us be clear: Hezbollah and Hamas, with the backing of Syria and Iran, are wholly responsible for the recent outbreak of violence in the Middle East.

While it is important for Israel to proceed carefully, we cannot deny its right to self-defense. Prime Minister Olmert's government has a responsibility to the Israeli people to defend Israel against terrorist attacks. He has a responsibility to do what he can to prevent similar attacks from occurring in the future.

Israel is an ally—our closest friend in the Middle East. We share its strong commitment to democracy, to the rule of law, and to a peaceful solution to this conflict, a solution that leaves two democratic States, Israel and Palestine, living side by side in peace and security.

Yesterday, the Senate passed a resolution reaffirming its steadfast support for Israel in its fight against these vicious terrorists and other extremists who target Israeli citizens and exploit their own civilian populations as shields.

Hezbollah and Hamas must immediately and unconditionally release the captured Israeli soldiers and cease their rocket attacks against Israel. The state sponsors of these groups in Syria and Iran must be held to account.

Mr. President, I yield the floor.

Mr. ALLARD. Mr. President, may I inquire about the regular order?

The PRESIDENT pro tempore. We are in morning business with the first half of the time of 1 hour under the control of the majority leader or his designee.

Mr. ALLARD. Mr. President, I rise today deeply disturbed after watching the situation in Israel continuing to escalate over the last few days. Israel, over the last 3 years, has acted in a responsible manner and done everything possible, in my view, to reach out to those who desire peace. Unfortunately, there remain those who continue to disregard the Israeli State and refuse to recognize its legitimacy.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Sadly, these terrorist groups such as Hamas and Hezbollah remain committed to their ideology of hatred toward the Jewish people and appear determined to try to bring an end to the State of Israel. As such, I strongly support Israel's response to the unprovoked kidnapping of two Israeli soldiers and the unprecedented rocket bombardment of northern Israel.

The current Israeli action is justified. Action is necessary to stop those who are responsible for these despicable acts of terror. The attempts to defend Israel and rescue its captured soldiers with airstrikes and incursions by Israeli forces are not only appropriate but are absolutely necessary to protect Israeli citizens from future terrorist attacks.

Ultimately, I believe outside actors, such as Syria and Iran, which continue to support terrorist organizations such as Hamas and Hezbollah are the main culprits. These nations have done nothing to promote peace in the region. I believe the United States and the community of nations should put these nations on notice that their support for terrorism is unacceptable and will not be tolerated.

President Bush has likewise called out Syria and Iran for their support of Hezbollah by stating:

> The one way to help heal the Middle East is to address the root causes of the problems there, and the root cause of the problem is Hezbollah and Syria and the Iranian connection.

No one doubts that with the support these nations provide to Hezbollah they could bring an end to the hostilities in the region. Instead, they would rather Hezbollah continue to use innocent citizens as shields while the terrorist organization conducts attacks against a sovereign nation. They need to abide by the already passed United Nations resolution and end support for Hezbollah.

That is why I rise in support of S. Res. 534 condemning Hezbollah and their sponsors, and I also ask to be added as a cosponsor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, our ally, Israel, is entitled to the defense of its land. We as a body should again recognize this act and support Israel's right to self-defense while calling for the Syrians and the Iranians to take responsibility for these open hostilities. They must help immediately to withdraw all terrorist forces from Lebanon and end their support for Hezbollah's action against our allies. We also must ensure that the U.N. Security Council enforces the full implementation of U.N. Security Council Resolution 1559, which in 2004 called for disarming Hezbollah and the removal of all foreign forces from Lebanon. We must use all of the tools at our disposal to discontinue the financial, military, and political support Hezbollah and Hamas receive from these state sponsors of terror.

Of course, during this crisis I would be remiss if I did not mention my grave concern about the loss of innocent life in Israel, Lebanon, and Gaza. During the past week, Hezbollah has continued to fire rockets and mortars into civilian areas, killing multiple Israelis, among others. As much as I believe it is imperative that the United States stand behind Israel in its time of need, we also must provide assistance to those who have been hurt because of this conflict.

It is my strong belief that the United States should do everything in its power to assure Israel's right to exist and right to protect its borders. Israel must be allowed to live without fear within those borders. It is my hope that this conflict will be resolved peacefully in the coming days. The people of Israel have not asked for more than that, and I believe they certainly deserve as much.

Mr. President, I yield the floor.

WORLD SECURITY AND ENERGY

Mr. DEMINT. Mr. President, I have come to the Chamber this morning to talk about energy, an important issue that affects not only our cost of living but our Nation's security. But before I do, I wish to say I was pleased, as my colleague just mentioned, that last night the Senate voted unanimously to recognize the inherent right of our ally, Israel, to defend itself against terrorist aggression. Israel has a responsibility to protect its citizens, just as the United States does, and no nation should have to live under the constant fear of missile attacks or kidnapping.

The recent violence in the Middle East is demonstrating how broad this global war against radical Islamic murderers really is and how much nations such as Iran and Syria are funding these radical extremists. As Israel fights to defend its way of life from Hezbollah and Hamas and other radical Islamic terrorist groups, America will continue to support their efforts to defend their freedom.

As we fight to secure our homeland from future attacks by completing our mission in Iraq and hunting down terrorists around the world, I am proud we took the time last night to recognize Israel's struggle and express our solidarity behind them.

I would like to spend the rest of my time this morning talking about the energy crisis we are facing at home. Americans everywhere are paying the price.

For years, Democrats have complained about high energy prices and blocked the very solutions that would have lowered them and then attempted to blame Republicans for not doing enough.

American businesses, both large and small, are feeling the pinch. Recent estimates show that, since the year 2000, 3.1 million high-wage manufacturing jobs have been eliminated and moved overseas, where energy supplies are plentiful and costs are lower.

American families are struggling to make ends meet. In a recent survey, nearly 80 percent thought the rising cost of energy was hurting our economy and threatening jobs; 90 percent of those polled said that high energy costs were impacting their family budget. Despite having been through the warmest winter on record, heating bills for homes using natural gas went up over 25 percent. Last year, the percentage of credit card bills 30 days or more past due reached the highest level since the American Banking Association began recording this information in 1973. The ABA's chief economist cited high gasoline prices as the major factor.

One letter I received recently from a South Carolinian detailed how his father, who was on a fixed income, was forced to choose between paying for his medicine and putting gas in his car. Another constituent wrote that rising energy costs seriously threatened her family farm, due to the increased cost of vehicle operation, fertilizer, and irrigation.

With all this news, is it any wonder that Americans are discouraged when they see the partisan obstruction coming from Washington Democrats? The American people need answers, not more obstruction. We recently had good news that Republican tax cuts continue to produce strong economic growth and have helped to create 5.4 million new jobs since 2003. But even as the economy grows and wages rise, family checkbooks still feel the pressure. If you get a $25-a-week raise but you have to spend $50 a week more to fill up your car with gas, you are still $25 worse off than you were when you started. It is no wonder that American's optimism about their economic future has faded as concerns over the cost of living have increased.

There is no quick fix to this dilemma, but there are many things that will work together to secure our economic prosperity. We can address rising health care prices by passing small business health plans to make health insurance more affordable—another item my Democratic colleagues have obstructed this year. We can return more control to patients by ensuring that every American has a health plan that they can own and afford and keep.

We can invest in the flexibility and choice necessary to train the best workforce in the world. It is not going to help to raise the minimum wage a dollar or two. We need to work on maximum wages for Americans by creating more qualified workers.

We can work to increase our natural gas and oil supplies. That will reduce the cost of gas, it will increase America's supply of energy, and encourage conservation. We can reduce the dependence on foreign oil. There is a lot we can do if we can work together in the Congress to pass new energy legislation.

The good news is that Republicans are working, one step at a time, to get these things done. In the next few weeks, the Senate will debate critical legislation to increase America's deep sea exploration in the Gulf of Mexico. This could help, again, to lower energy costs across the Nation. Unfortunately, some Democrats have already threatened to obstruct this important bill that would keep American energy prices competitive and hopefully lower them in the future.

We are still waiting for these same Democrats to offer any immediate solutions on their own. Strong economic growth in America and around the world has greatly increased the demand for already limited supplies of energy. We are now competing with other nations, not just for jobs but for the energy that powers those jobs.

Our energy problems did not occur overnight and they will not be fixed overnight. But if we fail to address rising American energy costs, we will create yet another incentive for businesses to locate overseas and leave American workers behind.

To keep the United States competitive, we must transform our energy policy to meet pressing short-term needs while exploring new alternative solutions to meet long-term needs for abundant, affordable, and emission-free energy. Currently, expensive and time-consuming permitting processes, extensive regulatory burdens, and overly bureaucratic environmental hurdles have made it cheaper to import our oil and natural gas from the Middle East than to use our own domestic resources. This makes no sense. To address the short-term issue of constantly fluctuating energy prices, we must eliminate these Government-imposed regulatory roadblocks in order to increase our energy supply and get these resources to consumers quickly and affordably. We can unshackle American entrepreneurs, the best in the world, and allow them to fully develop our natural resources and still protect our environment.

The long-term policy must focus on creating a diverse energy infrastructure that includes new technologies such as hydrogen, fuel cells, and other alternative forms of energy. Many of these technologies, currently in the early stages of development, have shown great promise and can revolutionize the way we fuel our cars, homes, and businesses.

Energy costs are on the rise and the ball is in the Democrats' court. Republicans have put forth practical solutions, such as the deep sea development that we will be talking about over the next weeks. These will diversify our energy infrastructure and supply affordable, abundant, and environmentally friendly energy, and most important, reduce the cost of living for American families.

I ask my Democratic colleagues to reject their leadership's tired strategy of blocking real solutions and then trying to blame Republicans when the problems don't get solved. Working together, we can bring down the cost of living and improve the quality of life for every American as we reduce the cost of gas and increase America's supply of energy. We can still encourage conservation, while reducing our dependence on foreign oil.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from the great State of Arizona.

Mr. KYL. Mr. President, I thank the majority and minority leaders for setting aside some time today to discuss the situation in the Middle East. While news of Israeli airstrikes and Hezbollah rocket attacks have dominated the airwaves for over a week now, the issue has not been extensively debated on the floor of the Senate. What we have now, today, is an opportunity to stand together as the Senate and send an unequivocal message of support to our Israeli allies in their time of need.

I am speaking about the Senate resolution which was adopted last evening, crafted in a bipartisan way by the majority and minority leaders of the Senate, a resolution which I am proud to cosponsor and which I believe eloquently expresses what I believe to be the true sense of this body and of the American people. It rightly points out that Israel has complied with the relevant Security Council resolutions regarding withdrawal from Lebanon and that, by contrast, Lebanon has failed to follow through on its obligation to disarm Hezbollah. The resolution correctly identifies the nexus of the problem not in Beirut or Gaza but in Tehran and Damascus, where State sponsorship of terrorism has reached new and disturbing levels.

Finally, this resolution encourages continued U.S. support for Israel and renewed international action to end the conflict by eliminating support and freedom of action of Hezbollah. It is, in summary, an important expression by the Senate.

I would like to take a moment now to address some arguments made by some over the years that Americans are too quick to equate our interests with those of Israel. There are recent articles by respected scholars who have argued that the role of the United States should be to push Israel toward an accommodation with these terrorists, the same terrorists bent on her destruction, rather than standing by her as she tries to lay the foundation for a lasting peace.

I think this past week's conflict exposes the utter fallacy of that perspective. Israel is under attack today, not just from Hezbollah and Hamas but from Iran and Syria, the two most active State sponsors of global terrorism. Right now the United States is struggling with these same two countries over their counterproductive roles in Iraq, their WMD programs, and their role in financing and equipping terrorists throughout the world.

The kind of attacks that Israel is enduring today could be visited on the United States or our troops tomorrow. For example, late last week an advanced Israeli warship was hit with an Iranian antiship missile. Despite the high-tech countermeasures on that ship, four sailors are now presumed lost. It is not hard to imagine these very same missiles used against American ships in the future, especially if the Iranians decide to blockade the Strait of Hormuz in response to U.S. pressure over that nuclear program. The attack on that ship can easily be perceived as directed as much against the U.S. Navy as it is against the Israeli Navy.

Those fighting international terrorism are bound at the hip in this conflict. To believe otherwise is the height of foolishness.

William Kristol stated in a editorial yesterday:

> It's our war. For while Syria and Iran are enemies of Israel, they are also enemies of the United States. We have done a poor job of standing up to them and weakening them. They are now testing us more boldly than one would have thought possible a few years ago. Weakness is provocative. We have been too weak, and have allowed ourselves to be perceived as weak.

This conflict, in short, is not just about the interests of the Israeli or Palestinian or Lebanese people. It is about a broader state-sponsored jihad against Western civilization, a war in which we cannot afford to stumble or waver or appear to be weak. The Senate resolution is a sign that we will not stumble, that we stand by our Israeli allies as they fight on the frontlines of this war against terrorists. That the people of Lebanon have gotten caught in the middle of this war is not simply regrettable, it is criminal. But make no mistake who the perpetrators are: Iran and Syria and the terrorist groups they equip and encourage. This axis of violence cannot be allowed to operate with impunity against the State of Israel.

The solution to this current crisis will not be easy. But the first step was identified by President Bush, in what some have characterized as an overly candid conversation with Tony Blair in Saint Petersburg. Paraphrasing the President, he said the international community must put pressure on Iran and Syria to curb the actions of their terrorist proxy armies.

At the same time, the Government of Lebanon must act swiftly and directly to dismantle the Hezbollah infrastructure that threatens northern Israel. When these processes are in motion and the kidnapped Israeli soldiers have been returned, then is the time to again move toward the end game of this crisis.

Many in the international community have urged restraint on the part of Israel in facing this crisis. They talk about proportionality. I think we can all agree that in international relations, restraint is generally a good thing, but Israeli restraint and forbearance should only be given in response to action on the other side. Israel's response against terrorism cannot be proportionate. It must be effective. Absent action by the international community and the Lebanese Government, restraint will look like weakness to Israel's enemies. And any show of weakness will only bring more bloodthirsty attacks.

This is the experience of the region. This is the history of the region. No sovereign nation would tolerate the type of attacks that Israel has endured, nor would they prioritize restraint above effectiveness in their response.

This is why I come back to the resolution that was passed in the Senate in a bipartisan expression of our support for the State of Israel, our condemnation of this action by terrorists and their State sponsors, and our commitment, as the Government of the United States, to do all we can to see to it that the terrorists are defeated, that the people in the region have an opportunity to live in peace, and that once and for all throughout the world the world can be safe from the threat of those who would attack others and to do so in the most heinous way.

The kind of action that has been taken by these terrorists cannot be justified in any way, shape, or form, and it is altogether fitting for the Senate to have expressed its resolve against this action.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I speak in morning business about the issue that the two prior speakers—the Senator from South Carolina and the Senator from Arizona—spoke about, the Middle East. This is a key time. I hope we continue to stand by Israel very strongly, very resolutely, and recognize what we are experiencing today. We are experiencing a key global war on terrorism, which is the use of terrorist entities sponsored by state sponsors so that there is some sort of deniability by the state sponsor. But, nonetheless, there is real terrorism that is taking place.

There are real threats that are occurring and real attacks that are occurring. There are real responses that are needed.

That is what you have seen Israel doing today. Israel has been attacked. Hezbollah has been launching missiles into Israel, into major cities in Israel. That is what is occurring. Hezbollah is sponsored by the Iranians. Iran is the key sponsor of Hezbollah. Iran is the lead sponsor of terrorism in the world, according to our State Department and, I think, frankly, according to the intelligence entities around the world. They cannot sponsor the terror group and then deny responsibility for it and say they should be left alone and there should be no consequences.

We need to move aggressively against Iran in the United Nations and force the issue on Iran. Here I am talking about economic sanctions and political and diplomatic pressure on the Iranians for their state sponsorship of terrorism.

We are also seeing that in Syria. This body passed the Syrian Accountability Act. I urge the administration to use all tools available toward Syria, which is also a state sponsor of terrorism, in working with Hamas and Hezbollah and other groups in this region.

I get concerned when a lot of people look at it and say Israel shouldn't be doing this or shouldn't respond. Certainly, we want all care to be given in any sort of military response so that innocent civilians are not hurt. We want to urge that sort of restraint, but by the same token, if the United States were attacked by terrorist groups sponsored by other countries operating off foreign soil, the United States would act aggressively and respond. We would not allow this to continue. We would say our citizens are being attacked and we have the right as a sovereign nation to defend our people, as Israel does, and as any nation around the world does.

I hope we view this for what it is—a part of the global war on terrorism. These are terrorist tactics that are being used by terrorist groups, and they have state sponsors behind them.

I wish the situation were different today. I wish we were not here having to talk about the support for Israel in a military engagement in Lebanon. But the facts are what they are. We have to deal with the situation as it is. I believe we should be standing aggressively and firmly with Israel. They are a democratic country in the region. They are a strong ally of the United States. We have worked closely together over many years. They seek peace. They want peace as we want peace. Yet, at some point in time they have to respond to the attacks. That is what they are doing.

I am pleased that this body in a bipartisan fashion has stood with Israel.

ENERGY

Mr. BROWNBACK. Mr. President, the prior speaker from South Carolina talked about energy. We have to engage in energy strategies that pull us off of our addiction to Middle Eastern oil. We have a lot of plants coming on in ethanol production from grain. We need to move that as well—and plant materials and cellulosic alcohol from grain. We can produce about 10 percent of our fuel needs from grain, corn, milo-based ethanol. From the cellulosic material, we can get another 30 percent.

We need a rapid expansion of plants and investment in this field. It is starting to take place. It is very encouraging. The economics are at work, particularly when you are looking at over $70 per barrel of oil. We can produce energy cheaper than $70 a barrel oil and get off the addiction. We need more of our cars running on 85-percent ethanol rather than 10-percent ethanol. We need more plug-in technologies where we have more cars that are using electricity rather than gasoline so we can break the addiction.

This country can do it with our technology and our willingness and with the economics of today. We can do it. And it is a matter of utmost national security to break that addiction. It is time, I believe, that we in this body take up additional energy legislation. It is time we do that.

I thank the Presiding Officer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I yield back the remainder of our morning business time.

The PRESIDING OFFICER. Without objection, morning business time is yielded back.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WATER RESOURCES DEVELOPMENT ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 728, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 728) to provide for the consideration and development of water and related resources, to authorize the Secretary of the

Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I would like to start off by making a general statement about the amendments we are going to offer, and I assume that time will come off the time of the amendment I will offer, the amendment on independent peer review. Is that correct?

The PRESIDING OFFICER. Without objection, that is the case.

Mr. FEINGOLD. Mr. President, I will make a few remarks, and then I would like to turn to the distinguished ranking member of the committee, my friend, Senator JEFFORDS, for a few remarks. Then after he has talked, I will offer the amendment.

Mr. President, today the Senate will consider two tremendously important amendments to the Water Resources Development Act. Those amendments are the Feingold-McCain-Carper-Lieberman-Jeffords-Collins independent peer review amendment and the McCain-Feingold-Lieberman-Feinstein prioritization amendment.

As many know, I have tried to work for a long time to modernize the Army Corps of Engineers to ensure that this Federal agency is best situated to serve our great Nation. I have worked alongside Senator McCAIN in these efforts, and I thank him for his dedication to helping me bring attention to the need for congressional leadership to address what many have noted as fundamental problems with the Corps.

I want to be clear about my intentions with the amendments we will offer this morning, as well as our other efforts involving the Corps. We just want to get this agency back on track to serve the interests of all Americans. That is what it is about, period.

As many have noted over the past few days, I have been trying to bring up this issue for quite some time. In fact, I have waited 6 long years to come down to the floor of the Senate to push for meaningful reform of the U.S. Army Corps of Engineers.

Back in 2000, during debate on final passage of the last enacted WRDA, the former chairman of the Environment and Public Works Committee and the current ranking member of the subcommittee of jurisdiction, my friend from Montana, Senator BAUCUS, made a commitment to me to address the issues that plagued the Corps.

At that time I sought to offer an amendment to WRDA 2000 to create an independent peer review process for the Army Corps. In response to my amendment, the bill managers adopted language to authorize the National Academy of Sciences to study peer review. This study has long been complete, and the final recommendation was clear. In a 2002 report—Review Procedures for Water Resources Planning—the National Academy of Sciences recommended creation of a formalized process to independently review costly or controversial Corps projects.

Four years later, and with Corps reform bills in the 106th, 107th, 108th, and 109th Congresses, we are still trying to enact such a mechanism.

I would just like to note that I am pleased to see my friend involved in this issue, particularly given the role he played in 2000. My only hope is, after 6 years of work on this issue, we can go home tonight knowing we did right by the taxpayers, by the citizens of our country who rely on sound Corps projects to protect their families, their property, and the natural systems they want to protect for future generations.

Yes, Corps reform has been a work in progress. In 2001, I introduced a stand-alone bill to modernize the Corps. Later that Congress, I cosponsored a bill with Senator SMITH from New Hampshire, Senator Daschle of South Dakota, Senator ENSIGN of Nevada, and Senator McCAIN, the senior Senator from Arizona. In March 2004 I introduced another stand-alone Corps reform bill along with Senator Daschle and Senator McCAIN. Then in the spring of 2005, Senator McCAIN and I offered another bill detailing the changes we hoped to see in the agency. And, finally, this spring we introduced another stand-alone bill.

What these efforts have been about is restoring credibility and accountability to this Federal agency that has been rocked by scandal, overextended to the tune of a 35-year backlog, and constrained by a gloomy fiscal picture. We can do that today. We can restore credibility and accountability to the Corps by passing the amendments that my friend, the Senator from Arizona, and I will be offering.

Some have said I have an ax to grind with the Corps. That is not true. The reason I am dedicated to improving this embattled agency is that I care about the Corps, and I want it to succeed. My home State of Wisconsin and numerous other States across our country rely on the Corps. From the Great Lakes to the Mississippi, the Corps is involved in providing aid to navigation, environmental restoration, flood control, and many other valuable services.

I want to improve the way this agency operates, so that not only Wisconsinites but all Americans—particularly those who help pay for Corps projects either through their Federal tax dollars or, in many cases, through taxes they pay at a local level as part of a non-Federal cost-sharing arrangement—can rest easy knowing that their flood control projects are not going to fail them, their ecosystem restoration projects are going to protect our environmental treasures, and their navigation projects are based on sound economics and reliable traffic projections.

Much of the work that has gone into reforming the Corps was done before our Nation saw a major U.S. city laid to waste. When Hurricane Katrina rocked New Orleans, none of us imagined the horrors that would ensue. None of us imagined that much of the flooding—much of the flooding—that occurred could have possibly been prevented had some of the reforms we will be discussing today been in place decades ago.

Despite every wish to the contrary, the aftermath of Hurricane Katrina exposed serious problems that this body will be addressing for years to come. Many have stood on this floor and in their States and talked about what must be done to responsibly move forward in a post-Katrina landscape. And many of those discussions have, of course, centered, appropriately, on the Federal Emergency Management Agency.

I am here to say that if you were outraged by FEMA's poor response, like me, then you should be equally outraged by problems with the Corps and the process that has determined where limited Federal resources are spent.

While any hurricane that makes landfall will leave some level of destruction behind, the country has been shocked to learn that there were engineering flaws in the New Orleans levees, and that important information was ignored by the Corps. According to one of the independent reviewers looking into what happened with the levee failures, the causes of the failures "are firmly founded in organizational and institutional failures that are primarily focused in the Corps of Engineers."

Now, I had the chance to visit New Orleans a little over a week ago, and I can attest that the sentiment toward the Corps is anything but cordial. There is a lot of anger toward the Corps down there, and we have a responsibility in Congress to address it.

Additionally, following the hurricane, we have faced questions from our constituents about where the Corps was spending its limited budget and why. We have a responsibility to address those legitimate concerns, too.

The Times-Picayune of New Orleans recently said the following:

> Efforts to reform the agency, the Corps, are critical for this state [meaning Louisiana, of course] which—after the levee failures during Hurricane Katrina—could serve as the poster child [the poster child] for the Corps' shortcomings.
>
> The best chance for changing the way the Corps operates is through reforms sought by Sens. John McCain and Russ Feingold.

And finally.

> Unfortunately, not everyone in Congress is interested in changing the way the Corps does business. The McCain-Feingold amendments face opposition and a rival set of measures by the main authors of the water

resources bill, Sens. James Inhofe and Kit Bond. What those Senators offer as reform is meaningless, however . . . Sham reform won't do anything to restore confidence in the Corps and the Congress must do better.

I agree that this body must do better than sham reform. Today Senator McCAIN and I will be offering amendments that we believe are the minimum changes this body must accept as we look to the future and reflect on the past. I sincerely hope my colleagues will join me in demonstrating that the Senate can respond to over 10 years of Government reports—from the Government Accountability Office, the National Academy of Sciences, and even the Army Inspector General—on the horrific aftermath of Hurricane Katrina and provide the leadership to move the Army Corps into the 21st century.

I want to publicly recognize the EPW Committee chairman and ranking member, Senators INHOFE and JEFFORDS, as well as the Subcommittee on Transportation and Infrastructure chairman and ranking member, Senators BONDS and BAUCUS. Late this spring those offices approached Senator McCAIN and me and indicated a willingness to talk about some of our interest with respect to the Corps. From those discussions came real compromise on both sides. The result is that the underlying WRDA bill does include significant language to ensure periodic updating of the principles and guidelines that form the foundation of every Corps project but which have not been updated since 1983.

The language also includes a minimum mitigation standard for Corps civil works projects. The Corps' track record on mitigation suggests that the Nation would be better served through the standard described in the underlying bill. As WRDA moves through conference, I look forward to the EPW Committee standing by the language we agreed on and included in the underlying bill in sections 2006 and 2008 so that it is included in any bill that comes out of Congress.

I will now give some of my time on the amendment to my friend, a distinguished leader in this area, the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 4681

Mr. FEINGOLD. Mr. President, before yielding to the Senator from Vermont, I will offer the amendment, if there is no objection. I have an amendment at the desk numbered 4681 regarding independent peer review.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. McCAIN, Mr. CARPER, Mr. LIEBERMAN, and Ms. COLLINS, proposes an amendment numbered 4681.

Mr. FEINGOLD. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 4681, AS MODIFIED

Mr. FEINGOLD. Mr. President, I call up a modified version of the amendment which is at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 4681), as modified, is as follows:

Strike section 2007 and insert the following:

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION ACTIVITIES.—The term "construction activities" means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.

(2) PROJECT STUDY.—The term "project study" means a feasibility report, reevaluation report, or environmental impact statement prepared by the Corps of Engineers.

(b) DIRECTOR OF INDEPENDENT REVIEW.—The Secretary shall appoint in the Office of the Secretary a Director of Independent Review. The Director shall be selected from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline related to water resources management. The Secretary shall ensure, to the maximum extent practicable, that the Director does not have a financial, professional, or other conflict of interest with projects subject to review. The Director of Independent Review shall carry out the duties set forth in this section and such other duties as the Secretary deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—The Secretary shall ensure that each project study for a water resources project shall be reviewed by an independent panel of experts established under this subsection if—

(A) the project has an estimated total cost of more than $40,000,000, including mitigation costs;

(B) the Governor of a State in which the water resources project is located in whole or in part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel's conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

(iii) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel of experts established under this subsection does not submit to the Secretary a report by the deadline established by clause (ii), the Chief of Engineers may continue project planning without delay.

(iv) DURATION OF PANELS.—An independent panel of experts established under this subsection shall terminate on the date of submission of the report by the panel. Panels may be established as early in the planning process as deemed appropriate by the Director of Independent Review, but shall be appointed no later than 90 days before the release for public comment of a draft study subject to review under subsection (c)(1)(A), and not later than 30 days after a determination that review is necessary under subsection (c)(1)(B), (c)(1)(C), or (c)(1)(D).

(E) EFFECT ON EXISTING GUIDANCE.—The project planning review required by this subsection shall be deemed to satisfy any external review required by Engineering Circular 1105-2-408 (31 May 2005) on Peer Review of Decision Documents.

(d) SAFETY ASSURANCE.—

(1) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review makes a determination that an independent review is necessary to ensure public health, safety, and welfare on any project—

(A) for which the reliability of performance under emergency conditions is critical;

(B) that uses innovative materials or techniques;

(C) for which the project design is lacking in redundancy, or that has a unique construction sequencing or a short or overlapping design construction schedule; or

(D) other than a project described in subparagraphs (A) through (C), as the Director of Independent Review determines to be appropriate.

(2) SAFETY ASSURANCE REVIEW PANELS.—At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a publicly available schedule determined by the Director of Independent Review for the purposes of assuring the public safety. The Director of Independent Review shall ensure that these reviews be carried out in a way to protect the public health, safety, and welfare, while not causing unnecessary delays in construction activities.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall—

(A) take into consideration recommendations contained in the report, provide a written explanation of recommendations not adopted, and immediately make the report and explanation available to the public on the Internet; and

(B) submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

(A) $250,000, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(g) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

Mr. FEINGOLD. I thank the Chair.

I offer this independent peer review amendment on behalf of myself, Senators McCAIN, CARPER, LIEBERMAN, and COLLINS. As we all know, Senator COLLINS and Senator LIEBERMAN, through their leadership of the Homeland Security and Government Affairs Committee, have done an extensive investigation into all aspects of the aftermath of Hurricane Katrina. I applaud their leadership and am proud they are cosponsoring this amendment, as I think it is a testament to the importance of implementing the changes included in this amendment. Additionally, Senator JEFFORDS has consistently pushed, through his position as ranking member of the Environment and Public Works Committee, for many of the provisions of this amendment. I publicly thank him for all his attention to this matter.

Finally, Senator CARPER has seen the need for an independent peer review amendment through both his Homeland Security Committee membership and his EPW Committee membership, and I appreciate his support in moving this issue forward.

Before I explain exactly what my amendment does, let me take a few minutes to talk about what various Government reports have said about the Corps' study process, as these reports have been the basis of my efforts over the last 6 years.

More than a decade of reports from the National Academy of Sciences, the Government Accountability Office, the U.S. Army inspector general, U.S. Commission on Ocean Policy, and other independent experts have revealed a pattern of stunning flaws in U.S. Army Corps of Engineers project planning and implementation and urged substantial changes to the Corps' project planning process. Most recently, in June of this year, a report entitled "U.S. Army Corps of Engineers Performance Evaluation of the New Orleans and Southeast Louisiana Hurricane Protection System Draft Final Report on the Interagency Performance Evaluation Task Force" acknowledged that the New Orleans levees failed catastrophically during Hurricane Katrina because of poor design and flawed construction. In planning the system, the Corps did not take into account poor soil quality and failed to account for the sinking of land which caused sections to be as much as 2 feet lower than other sections.

Breaches in four New Orleans canals were caused by foundation failures that were "not considered in the original design." The system was designed to protect against a relatively low-strength hurricane, and the Corps did not respond to repeated warnings from the National Oceanic and Atmospheric Administration that a stronger hurricane should have been the standard. The Corps also did not reexamine the heights of the levees after it had been warned about significant subsidence.

In discussing this report, the Corps' chief of engineers acknowledged that the agency must change, telling reporters that "words alone will not restore trust in the Corps."

Also, in June of this year, a report issued by the American Society of Civil Engineers, "Project Engineering Peer Review Within the U.S. Army Corps of Engineers," recommends that Congress enact legislation to mandate external, independent peer reviews for all major Corps projects that would include reviews of the feasibility report, subsequent design and engineering reports, the project plans, and specifications and construction. Reviews should be carried out by experts who have no connection to the Corps, to the local project sponsor, or to the particular project contract.

In May of this year, we got "A Nation Still Unprepared," a report that resulted from the excellent work of my friend from Maine, Senator SUSAN COLLINS, chair of the Senate Homeland Security and Governmental Affairs Committee, and a cosponsor of our independent peer review amendment, and Senator JOE LIEBERMAN, ranking member of the committee, and another cosponsor of our amendment.

That report recommends independent peer review of levee systems that protect population centers throughout the country. I don't know if Senator COLLINS or Senator LIEBERMAN will have time to elaborate more on the thorough investigation their committee conducted and on their key findings and recommendations, but the report in many ways speaks volumes on its own.

One of the most striking reports, conducted by R.B. Seed in May of this year, "Investigation of the Performance of the New Orleans Flood Protection Systems and Hurricane Katrina on August 29, 2005, Draft Final Report," finds that the catastrophic failure of the New Orleans regional flood protection system was the result of "engineering lapses, poor judgments, and efforts to reduce costs at the expense of system reliability." The Corps failed to design the system with appropriate safety standards, failed to adequately address the complex geology of the region, failed to provide adequate design oversight, and engaged in "a persistent pattern of attempts to reduce costs of constructed works at the price of corollary reduction in safety and reliability."

These failings led to the "single most costly catastrophic failure of an engineered system in history" that caused the deaths of more than 1,290 people and some $100 to $150 billion in damages to the greater New Orleans area.

I could go on, and I will. I want my colleagues to know what is at stake. In March 2006, the Government Accountability Office testified that "the Corps' track record of providing reliable information that can be used by decision makers . . . is spotty, at best." Four recent Corps studies examined by GAO were "fraught with errors, mistakes, and miscalculations and used invalid assumptions and outdated data." These studies "did not provide a reasonable basis for decisionmaking." The recurring problems "clearly indicate that the Corps' planning and project management processes cannot ensure that national priorities are appropriately established across the hundreds of civil works projects that are competing for scarce federal resources." Problems at the agency are "systemic in nature and therefore prevalent throughout the Corps' Civil Works portfolio" so that effectively addressing these issues "may require a more global and comprehensive revamping of the Corps' planning and project management processes rather than a piecemeal approach."

I commend to my coleagues this damning testimony before the House Energy and Resources Subcommittee of the Committee on Government Reform by Ann Mittal, Director, Natural Resources and Environment, GAO.

In March of 2006, the American Society of Civil Engineers External Review Panel for the Interagency Performance Evaluation Task Force letter to the Corps' chief of engineers found that decisions made during the original design phase led to the failure of the 17th Street canal floodwall in New Orleans and are representative of "an overall pattern of engineering judgment inconsistent with that required for critical structures." These problems pose "significant implications for the current and future safety offered by levees, floodwalls and control structures in New Orleans, and perhaps elsewhere." The External Review Panel recommends a number of immediate actions to improve Corps planning for "levees and floodwalls in New Orleans and perhaps everywhere else in the nation," including external peer review of the Corps' design process for critical life safety structures.

In September 2005, the GAO issued a report which backs up our call for prioritization. "Army Corps of Engineers, Improved Planning and Financial Management Should Replace Reliance on Reprogramming Actions to Manage Project Funds" finds that the Corps' excessive use of reprogramming funds is being used as a substitute for an effective priority-setting system for the civil works program and as a substitute for sound fiscal and project management.

In fiscal years 2003 and 2004, the Corps reprogrammed funds over 7,000 times and moved over $2.1 billion among projects within the investigations and constructions account.

In September 2004, the U.S. Commission on Ocean Policy issued a report, "An Ocean Blueprint for the 21st Century Final Report of the U.S. Commission on Ocean Policy." This report recommends that the National Ocean Council review and recommend changes to the Corps' civil works program to ensure valid, peer-reviewed cost-benefit analyses of coastal projects; provide greater transparency to the public; enforce requirements for mitigating the impacts of coastal projects; and coordinate such projects with broader coastal planning efforts.

The report also recommends that Congress modify its current authorization and funding processes to encourage the Corps to monitor outcomes from past projects and study the cumulative and regional impacts of its activities within coastal watersheds and ecosystems.

In 2004, the National Academy of Sciences issued a slew of reports:

The "U.S. Army Corps of Engineers Water Resources Planning: A New Opportunity for Service" recommends modernizing the Corps's authorities, planning approaches, and guidelines to better match contemporary water resources management challenges.

"Adaptive Management for Water Resources Project Planning" recommends needed changes to ensure effective use of the adaptive management by the Corps for its civil works projects.

"River Basins and Coastal Systems Planning Within the U.S. Army Corps of Engineers" describes the challenges to water resources planning at the scale of river basins and coastal systems and recommends needed changes to the Corps' current planning practices.

"Analytical Methods and Approaches for Water Resources Planning" recommends needed changes to the Corps' "Principles and Guidelines" in planning guidance policies.

In May 2003, the Pew Oceans Commission's "America's Living Oceans, Charting a Course for Sea Change, A Report to the Nation, Recommendations for a New Ocean Policy" recommends enactment of "substantial reforms" of the Corps, including legislation to ensure that Corps projects are environmentally and economically sound and reflect national priorities. The Pew report recommends development of uniform standards for Corps participation in shoreline restoration projects and transformation of the Corps over the long term into a strong and reliable force for environmental restoration. The report also recommends that Congress direct the Corps and other Federal agencies to develop a comprehensive floodplain management policy that emphasizes nonstructural control measures.

In May 2002, the GAO found in its report "Scientific Panel's Assessment of Fish and Wildlife Mitigation Guidance" that the Corps has proposed no mitigation for almost 70 percent of its projects. And for those few projects where the Corps does perform mitigation, 80 percent of the time it does not carry out the mitigation concurrently with project construction.

In response to language that was included in the WRDA 2000 bill, the National Academy of Sciences, in "Review Procedures for Water Resources Planning" issued in 2002, recommends creation of a formalized process to independently review costly or controversial Corps projects. And in one of the most disturbing of the numerous reports on the Corps and the problems endemic in this agency, in November 2000, the Department of the Army Inspector General issued a report entitled

"Investigation of Allegations Against the U.S. Army Corps of Engineers Involving Manipulation of Studies Related to the Upper Mississippi River and Illinois Waterway Navigation Systems." Their report found that the Corps deceptively and intentionally manipulated data in an attempt to justify a $1.2 billion expansion of locks on the upper Mississippi River and that the Corps has an institutional bias for constructing costly, large-scale structural projects.

Back in 1999—yes, 7 years ago—the National Academy of Sciences, in their report titled "New Directions in Water Resources Planning for the U.S. Army Corps of Engineers" recommends key changes to the Corps' planning process and examines the length of time and cost of Corps studies in comparison with similar studies carried out by the private sector.

Twelve years ago, in June of 1994, the Interagency Floodplain Management Review Committee report, "Sharing the Challenge: Floodplain Management Into the 21st Century," a Report to the Administration Floodplain Management Task Force—often referred to as the Galloway Report after the report's primary author, BG Gerald Galloway—recommends changes to the Nation's water resources policies based on lessons learned from the great Midwest Flood of 1993, including modernizing the Corps' Principles and Guidelines, requiring the Corps to give full consideration to nonstructural flood damage reduction alternatives, requiring periodic reviews of completed Corps projects, adopting floodplain management guidelines that would minimize impacts to floodplains land reduce vulnerabilities to population centers and critical infrastructure, and reinstituting the Water Resources Council to facilitate improvement in Federal water resources planning.

Lastly, but certainly not least, in 1994 that very busy National Academy of Sciences issued yet another scathing report, "Restoring and Protecting Marine Habitat: The Role of Engineering and Technology," which finds, among other things, that the Corps and all Federal agencies with responsibility for marine habitat management should revise their policies and procedures to increase use of restoration technologies; take into account which natural functions can be restored or facilitated; improve coordination concerning marine resources; include environmental and economic benefits derived from nonstrucural measures in benefit/cost ratios of marine habitat projects; and examine the feasibility of improving economic incentives for marine habitat restoration. It has been a long recitation of these reports, but it is an amazing record.

Over 12 years of analysis on how we can improve the Corps of Engineers. During that time, WRDA bills passed in 1996, 1999, and 2000, with the only reform coming in the NAS study I got included in the 2000 bill. That is why today is the day to implement the knowledge we have from all of this expert consideration of the Corps. Today is the day for action.

With that history in mind, let me describe what our independent peer review amendment does: No. 1, it requires independent review of projects that are costly, controversial, or critical to public safety. Under my amendment Corps project planning will be independently reviewed if the project costs more than $40 million, a Governor requests a review, a Federal agency finds the project will have a significant adverse impact, or the Secretary of the Army determines that the project is controversial; No. 2, it ensures truly independent review panels by implementing National Academy of Sciences criteria about who would be eligible to provide expert review; No. 3, it implements the recommendation of the 2002 National Academy of Sciences report on peer review that said that independent reviewers should be given the flexibility to bring important issues to the attention of decisionmakers; No. 4, it includes strict deadlines for reviews. Reviews are subject to a strict timeline that requires independent review panels to complete the review 180 days after being impaneled or 90 days following the close of public comment, whichever provides the most time. This timeline balances the need to not delay the planning process with the need to ensure that the panel will be able to review the full draft study and to consider any relevant public comments; and No. 5, it implements recommendations from the Senate Homeland Security and Government Affairs Committee's Katrina report by requiring review of the more detailed technical design and construction work for Corps flood control projects where failure could jeopardize the public safety.

In a nutshell, that is what the amendment does.

Mr. President, when you have worked on an issue as long as I have worked on Corps reform, you are likely to hear your intentions mischaracterized.

I wish to address at some point today some of the myths out there about what we are trying to do here. At this point, I inquire whether my cosponsor, the Senator from Arizona, is interested in addressing this issue.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, the Senator from Oklahoma wants to speak first.

Mr. INHOFE. Yes, Mr. President, I think the ranking member of the committee would like to make a short statement, and then it would be fine for Senator McCAIN to go and, after that, Senator BOND.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in support of the Feingold-McCain amendment on the Army Corps of Engineers' independent peer review, which I am proud to cosponsor.

For years, we have heard from a variety of reports about the need for reforming the Corps, reports that Senator FEINGOLD has elaborated on in his statement.

I thank him for his leadership in this issue. In fact, Senator FEINGOLD has been a leader on this issue for many years. Through his efforts, an amendment was included in the last water resources bill in 2000 directing the National Academy of Sciences to undertake a 1-year study on peer review. In the 107th Congress, Senator FEINGOLD introduced a comprehensive Corps reform bill and the Environment and Public Works Committee held a hearing on it.

While development of the bill before the Senate today was a bi-partisan effort, independent reviews, mitigation and planning, and issues considered Corps reform, were not negotiated by the bill's managers.

However, in the previous Congress, the managers were able to reach a compromise agreement on these issues, including peer review, which I offered during committee consideration of this bill, but it did not prevail.

Since committee consideration of the bill, some improvements have been made to the planning provisions of the bill, due to the work of Senator FEINGOLD, and I want to thank him for working with the managers to incorporate those revisions.

I think many believe there should be independent peer review of Corps projects, the debate is over what form that review should take and which projects should be reviewed.

In fact, the Assistant Secretary of the Army, Mr. Woodley, on March 31, 2004, in testimony before the Environment and Public Works Committee stated:

> The concept of requiring a peer review is something that should be addressed. We are supportive of requiring outside independent peer review of certain Corps projects. Peer review, where appropriate, would be a very useful tool and add significant credibility to the Corps project analyses and to our ability to judge the merits of a project.

I think the Feingold-McCain amendment provides the strong, truly independent peer review that is needed to assure that taxpayer dollars are being spent on projects that have had the utmost scrutiny and unbiased review. The Inhofe/Bond amendment does not.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I am pleased to join Senators FEINGOLD, CARPER, LIEBERMAN, and JEFFORDS in sponsoring the amendment. This amendment has been described already by my friend from Wisconsin. I will point out again that it establishes a truly independent system for conducting peer review of certain Army Corps projects.

As my colleagues know, the Corps comes under intense scrutiny by Government watchdog agencies and taxpayer groups, including the Government Accountability Office and the National Academy of Sciences. Investigation after investigation into the Corps' project review practices has revealed serious problems with the quality, objectivity, and credibility of the Corps when reporting on the economic and environmental feasibility of proposed water projects. One GAO report concluded in 2006 that the Corps' planning studies "were fraught with errors, mistakes, and miscalculations, and used invalid assumptions and outdated data." The same GAO report cited several examples of the Corps' failure to properly analyze projects.

These include the Sacramento flood protection project. According to the GAO, the Corps didn't fully analyze likely cost increases for the Sacramento flood protection project or report cost overruns to Congress in a timely manner. The GAO found that the estimated cost of the project originally totaled about $114 million but increased to about $500 million by 2002. By the time the Corps reported those cost increases to Congress in 2002, it had already spent or planned to spend more than double its original estimated cost.

The Delaware deepening project: The GAO found that the Corps substantially overstated the projected economic benefits of the Delaware River channel-deepening project. Whereas the Corps estimated the benefits to be $40.1 million per year in 1998, the GAO projected only $13.3 million per year. The GAO urged the Corps to reanalyze the project, which later revealed it could be built for $56 million less than the Corps estimated.

The list goes on and on of these projects that have been understated in cost, not properly justified. There is not a proper prioritization.

Regarding the Corps' analysis of the Oregon Inlet jetty project, according to the GAO, the Corps' analysis of the Oregon Inlet jetty project, issued in 2001, failed to "consider alternatives to the proposed project, used outdated data to estimate benefits to fishing trawlers, and did not account for the effects on smaller fishing vessels."

In 2005, the Corps adopted guidelines for conducting external reviews of projects. It sounds like a good idea. The current guidelines give the Corps virtually complete discretion to decide what projects should be reviewed from outside the Corps. The so-called peer reviewers themselves are selected by the Corps and in some circumstances can even be Corps employees. According to the American Society of Civil Engineers, Corps officials have identified approximately 25 engineering studies as eligible for outside peer review since the peer review guidelines were enacted over a year ago, but the Corps has not been able to point to any study where an external review was actually carried out.

Clearly, the system needs to be fixed. According to this amendment, Corps studies would be subject to peer review if the project cost more than $40 million, the Governor of an affected State requests a review, a Federal agency with statutory authority to review a project finds that it will have significant adverse impact, or the Secretary of the Army determines that the project is controversial.

This kind of issue hits home pretty much when we have a situation such as the catastrophe in New Orleans.

According to a March 25, 2006, article in the Washington Post:

> An organization of civil engineers yesterday questioned the soundness of large portions of New Orleans' levee system, warning that the city's federally designed flood walls were not built to standards stringent enough to protect a large city.
>
> The group faulted the agency responsible for the levees, the Army Corps of Engineers, for adapting safety standards that were "too close to the margin" to protect human life. It also called for an urgent reexamination of the entire levee system, saying there are no assurances that the miles of concrete "I-walls" in New Orleans will hold up against even a moderate hurricane.

We have just experienced an incredible disaster and, apparently, the Corps of Engineers is not taking the proper measures to repair it.

> Corps officials said they had already taken steps to address problems identified in the letter, starting with an effort to replace miles of I-walls with sturdier structures. But agency officials insisted the Corps was not solely to blame for weaknesses in the system.
>
> "We have done the best things we could have done. We live here," spokeswoman Susan J. Jackson said. . . .
>
> The American Society of Civil Engineers panel is one of three independent teams investigating the failure of the New Orleans levees, and until now it has been the most cautious in its public criticisms. The other investigating teams quickly endorsed its findings.
>
> "We agree that every single foot of the I-walls is suspect," said Ivor van Heerden, leader of a Louisiana-appointed team of engineers. "When asked, we have constantly urged anyone returning to New Orleans to exercise caution . . .

We are talking about a pretty serious situation here.

On May 14, 2006, an article entitled "A Flood of Bad Projects," was written by Mr. Michael Grunwald who is a Washington Post staff writer. He goes on to say:

> In 2000, when I was writing a 50,000-word Washington Post series about dysfunction at the Army Corps of Engineers, I highlighted a $65 million flood control project in Missouri as Exhibit A. Corps documents showed that the project would drain more acres of wetlands than all U.S. developers do in a typical year, but wouldn't stop flooding in the town it was meant to protect. FEMA'S director called it "a crazy idea"; the Fish and Wildlife Service's regional director called it "absolutely ridiculous."
>
> Six years later, the project hasn't changed—except for its cost, which has soared to $112 million.

Remember, Mr. President, originally, it was $65 million.

> Larry Prather, chief of legislative management for the Corps, privately described it in a 2002 e-mail as an "economic dud with huge environmental consequences." Another Corps official called it "a bad project. Period." But the Corps still wants to build it.
>
> "Who can take this seriously?" Prather asked in his e-mail. That's a good thing question to ask about the entire civil works program of the Corps.

It goes on to say:

> Somehow, America has concluded that the scandal of Katrina was the government's response to the disaster, not the government's contribution to the disaster. The Corps has eluded the public's outrage—even though a useless Corps shipping canal intensified Katrina's surge,—

Remember that, we have come to the shipping canal intensified Katrina's surge—

> even though poorly designed Corps floodwalls collapsed just a few feet from an unnecessary $750 million Corps navigation project, even though the Corps had promoted development in dangerously low-lying New Orleans floodplains and had helped destroy the vast marshes that [surround it.]

There have been many studies and views of what happened in New Orleans. We all know that canal intensified the damage. We all know that the levees were not well built. Some of them, according to other news reports, had already been turned over to the local authorities.

What we are asking for is rather modest. I am going to be astonished at the response of my dear friends from Missouri and Oklahoma about this because basically all this says is that there would be a peer review if a project costs more than $40 million, and if the Governor of an affected State—which seems to be a fairly good Republican principle to me—requests a review that it should be allowed, and a Federal agency with statutory authority to review a project finds that it will have a significant adverse impact or the Secretary of the Army determines that the project is controversial.

The timing of the review is flexible, but the duration is strictly limited in order to not delay the process. Reviewers will be able to consider all the data, facts, and models used.

Finally, the amendment establishes an independent safety assurance review for flood control projects where the public safety could be at risk should the project fail.

By the way, that was recommended in the Senate Homeland Security Committee's report on Hurricane Katrina.

I would think that the Members of this body, knowing the intense criticism that the Corps of Engineers has come under for years and these dramatic cost overruns time after time—I later may submit for the Record the very long list of cost overruns that have been incurred due to bad estimates to start with—that we would want to have greater oversight, that we would want to have a peer review system that would only apply to projects over $40 million each and if a Governor of a State requests it.

If I were in the Corps of Engineers, maybe I would like to continue to do business as usual, but I think we showed in New Orleans that we are not talking about just cost overruns. We are not just talking about featherbedding in bureaucracies. We are talking about the lives of our citizens and catastrophes that could take place.

I hope my colleagues will understand that this amendment is meant to try to improve the image of the Corps of Engineers, to give greater confidence to the taxpayers of America that their tax dollars are being wisely spent, and that we will do everything we can to prevent the kind of construction and failing that took place in New Orleans which caused so much damage, including the construction of a canal that aggravated dramatically the disaster that took place.

I might add, it was also the Corps of Engineers' projects which depleted the wetlands which have been the natural barrier to hurricanes for hundreds of years, which are disappearing as we speak. As we speak, the wetlands south of Louisiana are being eroded on a daily basis.

Mr. President, I thank my colleague from Wisconsin for his involvement in this issue. I hope my colleagues will understand, considering the rather significant shortfalls and shortcomings we have found involved in the Corps of Engineers, that we would want to support an effort for greater accountability and greater transparency and more involvement by local government.

I also remind my colleagues that there are many projects which are on the boards, in planning stages. We will be discussing that when I propose my amendment for a process of prioritization for these projects.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, I ask unanimous consent to add the following cosponsors to the Inhofe-Bond amendment: Senators Cochran, Domenici, and Thune.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, also, I am going to announce what we are doing. We are going to be considering these two amendments, and after the time has expired for both amendments under the time agreement, then we will actually be voting on them side by side. That will take place and people will have a choice.

I also want to mention that the Senator from Wisconsin and the Senator from Arizona acknowledge that the underlying substitute amendment does improve this situation. I don't think anyone is saying that what we have had in the past is acceptable. It is not acceptable. We are talking about making major changes, and the underlying substitute amendment does that as well as either of the amendments we are considering now.

Before I forget to do this, I wish to repeat something I said a couple of days ago. I thank Senator McCain and Senator Feingold and all the members of our committee for working closely together so that this very significant legislation could come to the floor. I think, regardless of what amendments are adopted, we are going to have a dramatic improvement over the current system.

Speaking of thanking people, I thank Senator Bond. He is the one who has been a driving force in this committee. I yield to him at this time whatever time he wants to consume on our amendment or on the Feingold-McCain amendment.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. I just did.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am very grateful to the chairman of the committee for giving me this opportunity to respond.

I was very pleased that my friend from Arizona finally called attention to the St. John's Bayou-New Madrid floodway project. This is a very important project. I invite the Senator out to see it sometime because this area, a large area of southeast Missouri, was converted to cropland in the early 1900s.

One can argue whether that was a good idea, but for over a century, it has been farmed and farmed successfully. They are not wetlands. There are no wetlands being drained there. This is cropland, and it is farmed. Some of the farming is done by very low economic people. Minority communities are located there. The minority community of Pinhook holds many of the farmers who farm this land.

We have had very compelling testimony before the Environment and Public Works Committee. When the late Jimmy Robbins, one of the leaders of Pinhook, came up and explained that without closing the St. John's Bayou-New Madrid floodway, every time the river comes up, the river floods Pinhook. The entire community is covered in floodwater. They have to get out high-wheel tractors and large farm tractors to ferry their children to school, to ferry them back and forth to work, to take care of their basic needs.

Do we want to subject these people to continued flooding?

My predecessor, Senator Tom Eagleton, back in 1976, proposed bringing relief to the minority communities living in the area that floods when the Mississippi River rises. Guess what. That was a mere 30 years ago because his project had been reviewed, re-reviewed, replanned, challenged, re-reviewed, re-reviewed, and the people of Pinhook continued to be flooded.

This is not about draining wetlands. This is a problem of what happens to the people who actually live there.

The purpose of the project is to protect communities, farmlands, and wildlife in a flood-prone area. No wetlands will be drained. The majority of the land has been leveled, improved, irrigated and is not functioning as wetlands habitat but is functioning as farmland.

The Corps has reevaluated operations for fishery habitat for the area and determined that this project still exceeds the 1-to-1 benefit-to-cost ratio. I can tell you it is a whole lot more expensive than it would have been had the project been done in a timely fashion after 1976. That is what happens when you study, when you threaten to bankrupt local communities trying to pay their share. You put the State at great expense to continue these operations.

Yes, we should study, and the amendment that has been proposed by Senator Inhofe and me provides for review to make sure the review is accurate. But to provide the additional bureaucracy, the additional hassle that the Feingold-McCain amendment provides does not in any way assure that the taxpayers will get a better deal, the environment will be better or that the needs of the people in the communities will be better satisfied.

I want to discuss, very briefly, the technical and scientific independent review amendment offered by Senator Inhofe and me and the peer review amendment offered by Senators McCain and Feingold. Although the difference between independent review and independent peer review appears to be semantic and minor, when you look at what is in them, you see the difference. Both proposed amendments address Corps reform and both address external review. Nobody is arguing to say there shouldn't be review, that we shouldn't take a look and see what needs to be done and how it needs to be done better. Everybody can focus on the problems of New Orleans. Well, when you look at the problems of New Orleans, there are many factors that go into account. We are not going to address those here. But you take a look at how money was spent locally that was supposed to be spent on levees, and you take a look at the decisions made along the way that were not well made.

Senator INHOFE and I have offered an amendment which is before us that is going to require an independent review by qualified, interested experts, compiled by the National Academy of Sciences, and the review will occur throughout the entire process. In other words, people such as representatives from the National Academy of Sciences, the IRC, the American Society of Civil Engineers, will be focusing on the project as it is developed. There are many stages in the development of these projects, and they need to be reviewed to make sure the work that is being done by the Corps is being done accurately.

This is a general operation of what happens before you go to a decision to move forward. There is the chief's report; it is referred. There are letters, OSA reviews, the Office of Management and Budget reviews, the Office of Management and Budget has to clear it, the Assistant Secretary of the Army recommends it to Congress, and then Congress approves it. All of these steps—there are about 103 separate steps that have to be followed. So it comes to the Congress as a policymaker to decide whether it is an appropriate policy. But all along that path, we want to have people who are scientifically qualified to make sure that if they are building a levee, they build a levee that will hold as projected. If they are building a lock, they want to make sure it will hold water, that it will be sound, that it will be safe, whether it is a levee or a lock.

As a result of the admission from the Corps that some of the problems existed with the planning and construction of the New Orleans levees, no one—not even the Corps—is denying that realistic reform is an important component of this WRDA bill. The challenge is to enact realistic reform that provides sufficient project review without creating unnecessary costs.

The Inhofe-Bond amendment proposed does just that. It provides reform that will establish greater accountability and assure us that scientific, technical standards are observed without adding unjustified delays and costs.

The peer review panels in the Feingold-McCain amendment are not clearly restricted to reviewing the scientific and engineering basis. The panels are permitted to get into policy, value, public controversy, and make the decisions that Congress and the local community are supposed to make. The local community decides whether to support it. Congress makes a policy decision. Congress has provided already for public hearings, public comment. Yesterday I went through the process of the number of meetings that had been held with Governors, with public hearings on the locks projects on the upper Mississippi, with the number of comments, the number of people who participated. There is tremendous public participation and input. Setting up a separate body to judge that input, rather than the Congress, is not, I think, good policy. We are supposed to make the policy based on the best scientific recommendations we can get. OMB has a crack at the policy when they send it up. But these policy reviews would be second-guessing the scientific decisions.

Let's think about how this would play out in the transition. Once the comment period moves beyond the technicality and the science, what independent experts are dictating the project approval? We should not dilute public review by giving technocrats a larger role in policy recommendations than is given to the general public. There is a reason why we rely upon the appropriate training and expertise of the people who are generating the process to develop and construct our infrastructure and safety needs.

Let's take a look at the local cost share that would go into the Feingold-McCain process. It doesn't even provide for integration of peer review until the end of the process. Making sure that the independent review begins as the process goes forward is the way that we assure the process is better. We want integration of the review all throughout before you make a major mistake and go off in the wrong direction. When you wait to have end-of-the-line peer review—does it make any sense to wait until a car is coming off of an assembly line, is rolled off the assembly line, to test to make sure that the lights work and the switches work? You test them before you put them into the car. That is what we are doing, we test along the line to make sure that what you are putting into the process works. You don't want to put components into a car only to find out, Hey, the lights don't work, the switches don't work, and then have to start tearing the car apart.

That is what the Feingold-McCain amendment does. It is end-of-the-line peer review. It invites multiple passes through the study process with unacceptable expense and delay, and it would, in effect, become a second study process. The first go-round, the local cost share, would increase, because they have to pay for it, the locals have to pay for it. It takes 1 to 3 years to go through the process in the first place, and then you start a peer review at the end and it could take another period of time, and if they send it back, you start it 1 to 3 years over. That becomes extremely expensive for the local cosponsors. It becomes extremely expensive for the taxpayers who are paying for the tab if you redo it without reviewing the project as you go forward. Doubling the time and moving the costs of a project outside of the realm of the local community's ability to pay makes no sense.

Now, of course, beyond the peer review process, there is the congressional process. Congress must authorize and fund studies on each project and then authorize and appropriate funds to construct each project. As we all know, the congressional process does take years. If my ancient memory serves me, this is the 2002 Water Resources Development Act. This was the bill that was due in 2002. Here we are 4 years later. Don't let anybody tell you that Congress doesn't review it and review it and review it and review it until it is lying on the floor gasping for breath.

The amendment Senator INHOFE and I propose establishes a peer review panel that provides a safety net. We are elected to represent the interests of constituents. We are not appointed bureaucrats. The amendment takes away our authority to act on behalf of our constituents and meet the needs of our local communities. It removes the checks and balances set forth in our Constitution by shifting power away to other people.

Now, why do we wait until the end of the line to do this peer review in the first place? The collaborative solutions to urgent flood and storm control and other important questions would be moved to the end of the process and sent back to the drawing board.

Let's try another analogy. We test our schoolchildren throughout each grade level and assess their progress. If a child has difficulty reading, it is flagged, and intervention and extra help should be provided. We do not wait until students reach the end of the eighth grade and then test them to see if they have learned to read in the first grade and send them back to the first grade. You ought to be testing them each year to make sure they are proficient, and you ought to be testing the hypotheses of this process throughout.

Common sense says that independent review is effective only if it is used throughout the process. Can you imagine an employee working on a project and planning for several years, and then during the end-of-the-line review finding a technical error and having to go back to the beginning? Not only is that unnecessarily delaying and expensive, but it kills the motivation of employees, and it delays. I, along with Senator INHOFE, propose independent peer review during this study process.

One other thing, the inclusion of the expectation of litigation. Their amendment talks about judicial review and invites judicial review. Well, that is another cost adder that will continue to impose burdens on communities and delay the effectiveness of the ability to construct needed projects. With the clear-cut incentives to litigate, we are going to see more lawsuits and less projects. Clear-cut opportunities to litigate, if the committee is unhappy with the chief's report, will only complicate the cost-benefit analysis, when it is already too challenging to place a value on human life and the economic lifeline of the country. The Corps study process already takes too long and will be too expensive, and it will continue to delay the progress we need.

Media reports and editorials have criticized what went on, and they play the blame game—they burden the Corps with the blame. But Senators should understand that the Corps needs to have an improved process, and we are going to do our best to make sure that process is driven by sound science throughout the process.

About 80 of our colleagues signed a letter saying, Bring this bill to the floor. The 80 colleagues who are signed on to that letter believe they have projects in their communities, in their States, that are important. If you wish to continue to delay the passage of the WRDA bill for another 2, 4, 6, 8 years, then forget about the environmental benefits—the environmental benefits which are more than half of the authorization of this project, and the environmental benefits which the Audubon Society, the Nature Conservancy, and other responsible environmental groups say need to happen. Trying to delay the bill or trying to delay the process of implementation of Corps studies and recommendations is very costly and denies us the ability to accomplish things that are important for the safety, the well-being of our communities and the people who live in them.

Mr. President, I urge our colleagues to oppose the Feingold-McCain amendment and to support the Inhofe-Bond amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, we had a list of people wanting to be heard. It is my understanding the Senator from Montana wants to be heard, and that would come from the minority time on general debate.

Mr. JEFFORDS. Yes.

Mr. President, I yield 10 minutes to the Senator from Montana, the ranking member of the Subcommittee on Transportation and Infrastructure.

Mr. BAUCUS. Mr. President, over 70 years ago one of Montana's most renowned political figures, Senator Burton K. Wheeler, attended a meeting with President Franklin D. Roosevelt where be proposed building the Fort Peck Dam in Central Montana. Fort Peck would be the largest hydraulic earth-filled dam in the world requiring over 11,000 workers at peak construction. At a pricetag of $75 million, the cost of construction was large even by today's standards. Fifteen minutes after Senator Wheeler's meeting with President Roosevelt had begun, Senator Wheeler walked out with a promise from President Roosevelt to have the Army Corps of Engineers build Fort Peck Dam. Construction began in 1933.

While it has taken this Congress significantly longer than it did Senator Wheeler to advance the water resource needs of the Nation, I am pleased to have worked with my colleagues—Senators INHOFE, JEFFORDS, and BOND—to bring the Water Resources Development Act of 2005 to the floor.

It has been nearly 6 years since the last WRDA bill was signed into law. Protection of public safety, continued growth of the economy, and the restoration of the environment depend on our timely action.

Much has changed since the Corps constructed Fort Peck Dam. Today much of the Corps work in Montana is focused on ecosystem restoration. That is why I included a provision in this bill that will allow the Corps to plan conservation projects on the Yellowstone River that are identified in the course of the Yellowstone River Cumulative Effects Study. A cumulative effects study has been ongoing along the Yellowstone River for several years, authorized by WRDA 1999. This study has been very successful, and has involved close collaboration with the State of Montana, the Yellowstone Conservation District Council, and local conservation districts, among many others. The provision included in the bill today would provide the Corps with the authority to move forward with planning, design and construction of ecosystem restoration projects along the Yellowstone as they are identified by the cumulative effects study. It is so important. All these factors work together. It provides for public participation in the selection of projects, and consultation with the State of Montana, the Yellowstone Conservation District Council, and others.

The Yellowstone is the longest free flowing river in the county. Much of southern and eastern Montana depends on the health of the Yellowstone River. It irrigates fields, provides world-class fishing, sustains the tourism sector, and supplies clean drinking water. It is a source of great pride and economic strength for all Montana. This provision will protect the Yellowstone and Montana's recreational heritage for generations to come.

While the Corps' mission has evolved to include ecosystem restoration, part of the Corps' central mission is to develop our water resources to maintain our economic competitiveness. Economic development and ecosystem restoration used to be thought of as mutually exclusive. No more. This view is needlessly divisive. This bill includes a provision that has brought together both irrigators and environmentalists. The Intake project on the Yellowstone River will authorize the Corps to work with the Bureau of Reclamation in the design and construction of a dam and diversion works that will help both farmers and endangered fish. Rebuilding the dam at Intake will guarantee farmers water for their crops and allow the endangered sturgeon to pass through the dam, opening 238 miles of river habitat for the endangered fish.

This bill also includes urgently needed hurricane protection and coastal restoration projects for the State of Louisiana. Indeed, this bill authorizes the Corps in consultation with the Governor of Louisiana to create a comprehensive ecosystem restoration plan for Louisiana to rehabilitate coastal barrier islands and wetlands that serve as natural hurricane barriers.

Unfortunately, some things at the Corps have not changed. In 1938 the Fort Peck Dam tragically failed. Thirty-four workers were swept away in a landslide. Eight lost their lives. The landslide was the result of inaccurate soils and foundation analysis. If we do not learn the lessons of history, we are doomed to repeat them.

Sixty-seven years later as Hurricane Katrina bared down on the city of New Orleans, floodwalls around New Orleans failed because of faulty soils analysis. What makes this event even more tragic is that an internal Corps study predicted exactly how the floodwalls would fail, and it went unread. The underlying bill does not go far enough to ensure that the Corps learns from the tragedy of Hurricanes Katrina and Rita. The Corps needs a robust program of independent peer review and project prioritization. The Corps currently has a $58 billion project backlog and a $2 billion a year project budget. At that pace it would take the Corps roughly 30 years just to work through the backlog of projects. With limited Federal resources, it is important that the Corps separate the wheat from the chaff.

In fact I would like to see the prioritization framework extended to cover not only construction projects but ongoing operational activities of the Corps as well. Recreation on the Missouri River generates nearly $85 million a year, while the barge industry provides only $9 million a year. Despite this disparity, the Corps continues to maintain at least a 6-month navigation season on the Missouri unless total water system storage on the Missouri drops below 31 million acre feet. That is dryer than a dust bowl drought. It makes no sense to waste precious taxpayer and water resources to maintain a navigation season on the Missouri in drought years. That is why I was pleased to work with Senators FEINGOLD and MCCAIN to include a provision in their project prioritization amendment that directs the Water Resources Planning Coordinating Committee to recommend to Congress a process for prioritizing ongoing operational activities of the Corps.

I am proud of the work my colleagues and I have done on this bill. It's been nearly 6 years in the making, but it has a solid base. This bill keeps our economy competitive. It restores fisheries along the Yellowstone River so our kids can enjoy the great outdoors. It protects the gulf coast from the ravages of hurricanes. But it can do more. With the right amendments, it can reform the way the Corps does business to rebuild the floodwalls of New Orleans and the public's trust in the Corps.

I very much hope this amendment succeeds.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. I yield time to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I speak in opposition to the Inhofe-Bond amendment. I would like to make it very clear that the Inhofe-Bond amendment is not an independent review amendment. In fact, it is business as usual.

We have an expansion of a system that has never worked before and will continue to fail in the future because we are putting the fox in charge of the hen house. We are putting the Corps of Engineers in charge of reviewing their own work.

To begin with, I hesitate to call it an independent peer review amendment, considering that the amendment directs the Chief of Engineers to select the panels, guaranteeing that the panels will not be independent. The amendment makes the Chief of Engineers the final arbiter of whether an independent review will happen at all. The Corps gets to select the reviewers. There are no criteria at all for ensuring independence of those reviewers. Review is not independent if the Corps has control over whether, how, and who will review the projects. Their version, according to the Inhofe-Bond amendment, would be prepared by the Corps, controlled by the Corps, evaluated by the Corps, and reported by the Corps, locking out input from other relevant water resources agencies such as the Department of Homeland Security.

Putting the structure of the review aside, let's look more closely at what requirements would need to be met in order to trigger a review of a Corps project. According to the Inhofe-Bond amendment, it gives the Corps complete discretion to avoid review of most projects. Review is mandatory only for projects costing more than $100 million. Inhofe-Bond lets the Corps ignore Governor and agency requests for review. Inhofe-Bond prohibits review of the Corps' project proposal. Reviews could only examine scientific, engineering or technical bases of the decision or recommendation but not the recommendations resulting from that data. The environment review accompanying a feasibility study would not be subject to review.

The Inhofe-Bond amendment prohibits reassessment of key models and data. This permanent moratorium guarantees that the Corps will continue to use models that are widely recognized as inaccurate and flawed.

Mr. President, I think events of New Orleans cry out for independent review and outside scrutiny. It is alarming what we have found out, after some of the hubbub concerning Katrina has died down.

> After Katrina, the Corps of Engineers said that all of its failed flood walls had been overtopped by a hurricane too powerful for the Category 3 protection authorized by Congress, while [the President's] critics said the administration budget cuts had hamstrung the Corps.
>
> Both were wrong. Katrina was no stronger than Category 2 when it hit New Orleans, and many corps [flood walls] collapsed even though they were not overtopped. [President] Bush's proposed budget cuts were largely ignored, and were mostly irrelevant to the city's flood protection. New Orleans was betrayed by the Corps and its friends in Congress.
>
> The Corps helped set the stage for the disaster decades ago by imprisoning the Mississippi River behind giant levees. Those levees helped protect St. Louis, Memphis and even New Orleans from river flooding, but they reduced the amount of silt the river carries to its delta, curtailing the land-building process that creates marshes and swamps along the Louisiana coast. Those wetlands serve as hurricane speed bumps—in Katrina, levees with natural buffers had much higher survival rates—but they have been vanishing at a rate of 24 square miles per year.

Mr. President, the record of the Corps of Engineers cries out for independent review and scrutiny and a prioritization of projects. I quote from the Washington Post editorial of Wednesday, June 7, 2006:

> Last week the U.S. Army Corps of Engineers admitted responsibility for much of the destruction of New Orleans. It was not true, as the Corps initially had claimed, that its defenses failed because Congress had authorized only Category 3 protection, with the result that Hurricane Katrina overtopped the city's floodwalls. Rather, Katrina was no stronger than a Category 2 storm by the time it came ashore, and many of the floodwalls let water in because they collapsed, not because they weren't high enough. As the Corps' own inquiry found, the agency committed numerous mistakes of design. Its network of pumps, walls and levees was "a system in name only." It failed to take into account the gradual sinking of the local soil; it closed its ears when people pointed out these problems. The result was a national tragedy.

I hope my colleagues will do everything in their power to make sure we never see a repeat of this. There are admitted failures in the process, and I respect the effort of my colleagues from Oklahoma and Missouri to make some changes. But our argument is it is not enough. It is not enough. Virtually every environmental organization in America supports this amendment. Virtually every outside organization supports this amendment. The administration supports this amendment.

I hope that we would make sure that we can tell our constituents and the people who live in areas that may be buffeted by hurricanes or other natural disasters, particularly as we enter another what is predicted to be a heavy hurricane season, that at least in future projects, we have installed a proper system of scrutiny and oversight—not only so their tax dollars aren't wasted but, far more important, that they don't experience an unnecessary disaster.

I urge we adopt the amendment of Senator FEINGOLD and myself and reject the Inhofe-Bond amendment.

I will yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding the Senator from Iowa is here, but I don't see him. Let me do this. We don't have any other speakers requesting time.

Yesterday, Senator BOND had printed in the RECORD the National Waterways Alliance letter that we received, dated June 30 of this year, wherein they were strongly requesting the passage of the WRDA bill which—I think we all are in agreement on that. We have not had a reauthorization since the year 2000.

They also say they want us to accept the Inhofe-Bond amendment and reject the Feingold-McCain Corps reform. I bring this up because the distinguished Senator from Arizona commented about a lot of groups that were in favor of their amendment. But there are 288 organizations—labor organizations, Chamber organizations, waterway organizations of the National Waterway Alliance. I will go ahead and read a few:

American Farm Bureau Federation, American Shore and Beach Preservation Association, Arkansas Basin Development Association—this is kind of interesting. A lot of people don't realize my State of Oklahoma is navigable. We have a port. It comes up through the Arkansas River, comes across from the Mississippi into Arkansas and up to my home town of Tulsa, OK. Obviously, they are in support of this, too.

The California Coastal Coalition, the Carpenters' District Council of Greater Saint Louis and Vicinity, Grain & Feed Association of Illinois, the Harris County Flood Control District of Texas, the Illinois Chamber of Commerce, Illinois Corn Growers Association, and many of the Illinois—almost every organization in Illinois, I believe; the International Union of Operating Engineers, Iowa Corn Growers Association, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, Johnson Terminal in Muskogee, OK, Kansas Corn Growers, Kentucky Corn Growers, the Long Island Coastal Alliance, Louisiana Department of Transportation and Development, Maritime Association of the Port of New York and New Jersey, Maritime Exchange for the Delaware River and Bay, the

Mid-Central Illinois Regional Council of Carpenters, Missouri Farm Bureau Federation, Mississippi Welders Supply, Incorporated, the Missouri Corn Growers Association, Missouri Levee & Drainage District Association, National Association of Manufacturers, National Association of Waterfront Employees, National Corn Growers Association, National Grain & Feed Association, National Grain Trade Council, National Grange, National Heavy & Highway Alliance, Laborers' International Union of North America, International Union of Operating Engineers, United Brotherhood of Carpenters & Joiners, International Association of Bridge, Structural, Ornamental & Reinforcing Iron Works of America, Operative Plasterers' & Cement Mason International Association, International Brotherhood of Teamsters, and the International Union, Brickyard Layers & Allied Craftworkers.

The list goes on and on, including, of course, our State of Oklahoma Department of Transportation.

I guess what I am saying here is most States—the National Farm Bureau as well as the American Farm Bureau and individual State farm bureaus—are all in support of the Inhofe-Bond amendment and they are all opposed to the Feingold-McCain amendment. I don't want people to think these organizations are ambivalent. They are strongly in support of our approach.

Again, we all agree on one thing: that is, the need to make some improvements. We like our peer review system better, and we will have ample time to talk about that.

I understand Senator GRASSLEY is here. I yield whatever time he wants to take and suggest it come off the general debate.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Thank you, Mr. President. I thank the Senator from Oklahoma.

I appreciate very much the opportunity to discuss the issue of the Water Resources Development Act and particularly that part of the act that deals with the improvement of transportation on the Mississippi River because that improvement is very essential not only to the economy of Iowa but to the economy of the whole Midwest, and in turn that relates to the economy of the United States.

Most importantly, it affects the economy—meaning the economic competitiveness of our industry and agriculture, and primarily agriculture with competition around the world, and particularly that, as I see it, of Brazil. Brazil is becoming very much a competitor with the Midwest of the United States in the production of a lot of grains, particularly soybeans.

I owe a thank you, particularly to Senators BOND and INHOFE, for their strong leadership in moving this legislation forward.

This used to happen every 2 years, a bill called the Water Resources Development Act. But we have not dealt with this issue since the year 2000. This bill is not only long overdue, but it is a very important bill. Not only does the bill which is before us include many updates in existing authorized projects, but it also authorizes new projects throughout the country.

Several examples of these much-needed projects beyond the ones I am going to emphasize are the coastal wetland restorations, but the one I want to emphasize the improvement of is the Upper Mississippi and Illinois Rivers. Coastal wetland restoration will help protect our inland waterways. We think, maybe too often, of that as being an environmental issue, but it is also about protecting our inland waterways, making sure that there is a multiple use of the rivers, recreation, food, as well as commerce.

In the process of the wetland restoration protecting our offshore energy supply, we provide much-needed flood protection in the gulf coast region. But for my State and the Midwest generally, the Upper Mississippi and Illinois River navigation and ecosystem investments are also very vital because of the multipurpose use of the river. Of course, Iowa is bounded on the east side by the Mississippi River for the entire north and west distance of our State. And Iowa, as well as the Nation, relies on the river to move both goods that are domestically oriented and distributed as well as goods that are internationally distributed.

The United States enjoys a comparative advantage in corn production worldwide. My State is also the No. 1 producer of corn, and usually we are also the No. 1 producer of soybeans.

In regard to corn production, the per-ton cost of transporting corn in the United States is lower than any other country. But our country must not allow its transportation infrastructure to continue to deteriorate. Quite frankly, that is what this legislation is all about. Because of deterioration, it needs to be enhanced, it needs to be improved, and it needs to be kept up to date. Our international competitors are making major investments in their transportation systems.

In Brazil, surface transportation—meaning railroads and highways, primarily highways—is very much inferior to ours. In March, I took a trip to Brazil. I can tell you that when we were out in the countryside, what we would call rural Brazil, we ran into more potholes than you could count, something that farmers of Iowa would not anticipate or tolerate from our local officials. You wonder how local officials get reelected because they are not going to be reelected because of filling potholes. But Brazil, on the other hand, as far as their river transportation, brings into question the competitive advantage the United States might have that we could be losing. Brazil has made significant investments in its river infrastructure. They do not have to have locks and dams, such as we do on the Mississippi, in the case of the Amazon. I saw facilities on my trip to Brazil on the Amazon that we could be very jealous of, the opportunity to bring commercial seagoing ships up the Amazon to load in Brazil on the Amazon and coming in this far with very major terminals for loading primarily soybeans, but also they can go up the river as well.

There is a new facility being built at this point. I believe these ships go even further up. But at least I wanted to be sure of here and here that it is possible to load those ships at that point. They don't have to use barges as we do from Iowa to New Orleans to load. This would be the equivalent of our being able to take oceangoing ships up to Memphis to load for soybeans.

You can understand then that we have this lock and dam situation that makes it possible for us to use the Mississippi River for major transportation. Keeping that up to date is very important if we are going to be economically competitive with how they can move their agricultural products—primarily soybeans—out of Brazil into the world trade.

What they don't have that we have is very good roads, although they are improving them. They don't have the railroad system we have in the United States that makes it possible for us to get our grain very easily to the Mississippi River or using railroads to get it down to the gulf. But they are working on that. Right now we are competitive because they do not have that land infrastructure we have. When they get that, we will have a hard time competing.

That brings up the point of this legislation and getting it passed, to make sure our Mississippi infrastructure is up to date. We must invest in major improvements in all of our transportation infrastructure. If we don't make these investments in our roads, our rails and water, the U.S. agricultural industry and labor will pay the price.

Last year we did a lot to help with surface transportation, primarily referred to as the highway bill, although maybe not entirely highways. We provided $295 billion for road, transit, and rail improvements in that bill we passed last year. These funds will help facilitate the movement of our goods. The surface transportation bill will help alleviate congestion so our trucks can move more efficiently.

It also provides additional loan authority and tax credit to help railroads invest in much-needed capital improvements and to help meet the large demands for their services.

According to the Congressional Research Service, last year U.S. exports of goods and services totaled $1.275 trillion compared to $1.115 trillion in 2004 and $1.023 trillion in the year 2003.

You can see very much an enhancement in value of our exports from the United States according to the Congressional Research Service. Of course, our consumers and our manufacturers, and to some extent food supply, rely upon importing goods into the United States. But whether it is exports or imports, whether it is consumers or input into manufacturing and agriculture, many of these goods travel on our inland waterways.

Again, emphasizing the need to get this legislation passed, because it is also forecast to beat our exports and imports are going to continue to grow in the future, we must be able to efficiently and economically move these goods.

When I get more parochial in my economic observance of the need of this legislation, it is because nearly two-thirds of all grain as well as soybean exports are moved through the Mississippi and Illinois Rivers. According to one study, unless the Army Corps of Engineers modernizes, which means Congress giving them the ability to do it, unless we modernize the lock and dam system on the Upper Mississippi and the Illinois Rivers, the cost of transporting just one commodity, corn, to the export market would rise by 17 cents per bushel.

As a result, corn and soybean exports would decline by 68 million and 10 million bushels per year, respectively, and the decline in corn and soybean exports would reduce farm income by $246 million. This highlights how important barge transportation is to the farmers but in turn to the economy generally.

In addition, there are many environmental benefits to river transportation. According to the Environmental Protection Agency, towboats might have 35 to 60 percent fewer pollutants than either train locomotives or our big semitrucks in transporting anything, but particularly in regard to what I am talking about, the necessity of moving grain. A color chart used by the Senator from Missouri shows the same thing. I have a black-and-white chart. The information is the same, but it is cheaper to make white charts than it is colored charts.

It shows one barge can move what 15 jumbo hopper cars of railroads can move or what 58 large semis can move. Not only is that an environmental issue, that is an issue of economy of moving a product. Most importantly, when you are waiting for a long train at a crossing, think in terms of fewer hopper cars because of what one barge can move. Of all of the trucks you meet on the interstate or the two-lane highways of the Midwest, think how many more there would be if we did not have transportation to the gulf by barge. If you have 15 of these barges being pushed by one motor, you would have 2.25 miles of train, 180 cars or, in this case, 870 large semis.

I hope everyone can see that moving a lot of merchandise to export on the Mississippi River is taking an awful lot of pressure off the highways, an awful lot of pressure off of the railroads. It is environmentally sound in the process.

The Army Corps of Engineers data suggests that the Nation currently saves $100 to $300 million in air pollution abatement when moving bulk commodities by barge through the Mississippi River system. In these times of high fuel prices and with the need to conserve energy, one gallon of fuel in a towboat can carry one ton of freight 2.5 times further than rail and nine times further than trucks.

Quoting the Minnesota Department of Transportation estimate, shifting from barge to rail results in fuel usage emissions and probable accident increases by the following percentages: 331-percent fuel usage; 470 percent less emissions; and 290 percent less probable accidents. Shifting traffic from barge to trucks increases fuel use 826 percent, emissions 709 percent, and probable accidents by 5.967 percent. In addition, another 1,333 heavy trucks would be added to our already congested roads.

For these above reasons, we have this legislation before the Senate. Several of my Senate colleagues for many years have been seeking authorization for this lock and dam modernization as well as enhanced environmental restoration of the Mississippi and Illinois Rivers. To get that done, we have to get this bill to the President for his signature.

I am very pleased the Committee on Environment and Public Works included these important initiatives in this Water Resources Development Act and that a truly bipartisan group of Senators is advocating for this important modernization. If anyone believes it is always Republicans attacking Democrats and Democrats attacking Republicans, this is an ideal initiative that shows how widespread bipartisan support and cooperation can be in this Senate when there is a national emergency. That national emergency is environmental, the national emergency is for our economy to be competitive, the national emergency is safety on our highways, to relieve glut on our railroads. It is all around.

This is a bipartisan effort to cooperate for the good of this Nation because this lock-and-dam system of the Upper Mississippi River was built in the late 1930s, I suppose over a period of a few decades. But many lock chambers are only 600 feet long and cannot accommodate the barges we are talking about used in the modern day to get things into the international market. These structures require a modernization because there is a tow configuration that needs a double lock to pass. This adds to mounting delay time when we do not have the modernization. It amounts to increased costs to the shippers, increased harm to our environment with higher emissions and higher sediment suspensions in the river channel, the loss of jobs when we are not competitive, and lower wages when we are not competitive.

Increased traffic levels without these improvements will result in gross farm revenue loss of over $105 million per year. This does not take into account the huge cost of increased highway and rail transportation.

We realize the authorization of the lock-and-dam improvements is a first step in a lengthy process, but it is a necessary step and one that a bipartisan group of Senators, an increasing number of Senators in a bipartisan way, has been working on for a few years.

It is an important and necessary project for our Nation. I urge my colleagues to vote for this balanced legislation, not to vote for any amendments that are going to dilute it or harm it in any way. When we get this number of Senators working together in a bipartisan fashion, this ought to be a test of something that is needed, a test of something that is good, something to move forward on. It is balanced legislation and, of course, it is good for the country.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I appreciate the comments of the Senator in support of the bill. The Senator from Iowa is in support of the Inhofe-Bond amendment and opposed to the Feingold-McCain amendment. I remind him that virtually every organization in Iowa, including the Iowa Renewable Fuels Association, Iowa Farm Bureau Federation, Iowa Corn Growers Association, and others, are in support of the Bond-Inhofe amendment.

I also make a request, and I am sure others will join, asking Members to come to the Senate if they want to speak on either of the two amendments that are being discussed right now.

I ask unanimous consent to add Senator BURNS as a cosponsor of the Inhofe-Bond amendment.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. INHOFE. It is my understanding Senator HATCH is going to be making a request to be heard as if in morning business for 15 minutes. Because of the time constrains we are operating under, I will ask that time be taken off of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

(The remarks of Mr. HATCH are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I yield 10 minutes to the Senator from New York, who will speak in morning business, but I understand the time will be charged to my side of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Madam President, first, I thank my colleague for yielding time generously, as he always does, and note that I support his amendment and look forward to voting on it.

(The remarks of Mr. SCHUMER are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4682

(Purpose: To modify a section relating to independent reviews)

Mr. INHOFE. Madam President, I ask unanimous consent that the pending amendment be temporarily set aside, and I call up amendment No. 4682.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] for himself, Mr. BOND, Mr. COCHRAN, Mr. THUNE, Mr. DOMENICI, and Mr. BURNS, proposes an amendment numbered 4682.

Mr. INHOFE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. INHOFE. I ask unanimous consent that the time until 2:30 be for concurrent debate on the pending Feingold-McCain amendment and the pending Inhofe-Bond amendment and be equally divided between the bill managers or their designees, and that at 2:30 the Senate proceed to a vote in relation to amendment No. 4681, to be followed by a vote in relation to the Inhofe-Bond amendment, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. For clarification, I encourage Members to come down because our time is running out. It is confusing when you have two amendments that you are using the same time for. So essentially the time that we would have in favor of the Inhofe-Bond amendment would be the same as the time in opposition to the Feingold-McCain amendment. I appreciate the Senator from Wisconsin for his cooperation in moving this along.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I thank the Senator from Oklahoma for his continued cooperation in the way in which this debate is proceeding. I will use a few minutes of my time to bring us back to the debate on these two amendments that are before us. First, to make it absolutely clear to people that the amendment that Senator MCCAIN and I are offering certainly would not slow down the bill in any way or delude the bill; we have a time agreement. However, it turns out the legislation will go forward and there is an obvious expectation that the bill will pass. In light of the remarks of the Senator from Iowa, I want to make it clear to people that this in no way is going to somehow stop the bill from going through this body. We will let the chips fall where they may based on the results of the votes, but there is no slowing down of the bill.

Secondly, I was struck by the response to our amendment. Senator MCCAIN and I laid out some pretty damning evidence about what the Army Corps of Engineers' role may have been in the Katrina disaster, which everybody admits is one of the worst disasters in the history of our country. I think the Senator from Missouri indicated that he didn't think we ought to engage in a blame game. I wouldn't call it a blame game, but somebody has to be held responsible. We have to acknowledge what might have caused this horrendous problem, and the evidence is overwhelming. Just as FEMA's performance was abysmal, so, too, was the role of the Army Corps of Engineers in properly establishing levees and other engineering that had to be done. And it may well have been significantly responsible for the tragedy that occurred in New Orleans. I don't know if they plan to mount a response to that, but I hope the record makes it clear that this New Orleans situation is Exhibit A in the kinds of problems that can occur if you don't have appropriate review of these Army Corps of Engineers projects.

I wanted to also respond to some of the specific issues the Senator from Missouri spoke about. He talked about what issues an independent review group could consider. I want to make it very clear. Under my amendment, which directly implements the recommendations of the 2002 National Academy of Sciences' report on peer review, independent panels will ensure that the Corps' proposed approach to a problem will work to resolve the identified problem and not cause unintended adverse consequences. Independent review panels will not take away any decisionmaking responsibilities. I want to be clear on that because a couple of the comments today could at least be interpreted to suggest that somehow this is going to take away the decisionmaking power from those who have it. Under my amendment, no decisionmaking responsibilities are taken away from the Army Corps of Engineers. The amendment simply allows for independent experts to identify problems in the best possible way.

Why would anyone not want to hear the important feedback from independent experts?

I would like to talk a little more in detail about one of the biggest differences between our independent review amendment and the Inhofe-Bond alternative which will be voted on side by side starting at 2:30, as the Senator from Oklahoma indicated. One of the very clear recommendations from the National Academy of Sciences' 2002 report on peer review is that reviewers should have the flexibility to comment on important issues to decisionmakers.

On this point, the two competing amendments are very different. I want my colleagues to understand the importance and the potential ramifications of the difference as they consider these two amendments.

My amendment implements the recommendations of the National Academy of Sciences by allowing a thorough analysis of a Corps feasibility study. The Inhofe-Bond amendment ignores this recommendation by sharply limiting what independent reviewers would be allowed to consider. On this point, it is good to give an example of why this matters. Many of us know about the Mississippi River Gulf Outlet, MRGO, in Louisiana. In Louisiana, MRGO is what this project is referred as.

According to most scientists who have looked at it, MRGO, a Corps navigation channel, greatly exacerbated the impact of Hurricane Katrina by funneling and intensifying Katrina's storm surge directly into New Orleans and by destroying 20,000 acres of coastal wetlands that could have buffered the storm's surge. These same experts, including the independent reviewers looking into what happened in New Orleans, have said that the devastating flooding that overwhelmed St. Bernard Parish and the lower ninth ward of New Orleans came from the MRGO. I was in both of those parishes 10 days ago, and that is exactly what the National Guard and other people and experts indicated to me while I was physically looking at this destruction.

Only 52 of the 28,000 structures in St. Bernard Parish escaped unscathed from Katrina. For years, community leaders, including the St. Bernard Parish Council, activists, and scientists warned that the MRGO was a hurricane highway and called for closing the outlet. This is not merely an after-the-fact recognition that something was wrong. People who lived and some who died in these communities were warning about this potential disaster before it occurred.

Why is this relevant? Under the Inhofe-Bond limited review, the other amendment, a panel would not have been able to examine the full implications of constructing the Mississippi

River Gulf Outlet or MRGO in New Orleans. While reviewers would have been able to assess whether the Corps properly calculated the wetlands impact of the MRGO, they would not have been able to comment on the fact that the recommended plan would put New Orleans at risk by destroying wetlands vital for buffering storm surge and by creating a funneling effect that would intensify the storm surge. The Inhofe-Bond review also would not have allowed any comment on the appropriateness of proceeding with the MRGO in light of the increased danger to the city and the fact that traffic projections were vastly overstated.

I think we can all agree that this example shows what can be at stake if we don't allow reviewers some flexibility to bring up important issues. This isn't the only example of where the Inhofe-Bond amendment falls short, but I will try to say more about that later. This is a timely and very serious example of the dramatic difference between the amendment that Senator MCCAIN and I have offered and the, frankly, inadequate amendment that is offered as an alternative.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Madam President, first, let me make a couple of observations. I think in the discussions we have had so far, there are a lot of things we agree on. We agree that we need to change the system we have right now. I don't really take issue with some of the things that the Senator from Arizona and the Senator from Wisconsin have said about existing problems with the way that the Corps of Engineers has been working. I recognize also that the Senator from Wisconsin agrees that the underlying substitute amendment does include some provisions to require peer review, specifically for Corps of Engineers studies. The Inhofe-Bond amendment gives additional detail and clarity to that requirement as well as the Feingold-McCain amendment gives additional detail and clarity to that amendment. So there are some areas where I think we are in agreement.

Also, we are in agreement on the necessity of reauthorizing the Water Resources Development Act. It has not been addressed since the year 2000.

Our amendment ensures that peer review is integrated into the Corps study process. Most stakeholders agree that the current study process is already too long and further delays are not advisable. That is not a reason to ignore the critical role that peer review can play, but it is a reason to demand that peer review not be an end of the process addition or delay.

Our amendment clarifies that peer review panels are to review the technical and scientific information that forms the basis of decisions, but the decisions themselves are a function of the Government. It is something the Government should be doing, not any independent peer review. Decisions regarding how best to meet our Nation's water resources needs all involve tradeoffs of some sort. No outside group or distinct subject matter experts can truly be considered experts at making those decisions.

I am sure they would all have opinions, but everyone has opinions. Government officials, on the other hand, are specifically charged with making the decision. They have that responsibility. I believe that is one of the distinctions between the Inhofe-Bond amendment and the approach taken by Senators FEINGOLD and MCCAIN.

Another aspect of the Inhofe-Bond amendment I would highlight is the detailing of which project studies at a minimum should undergo peer review. Independent reviews are required if the estimated total project cost is more than $100 million. I believe the Feingold-McCain approach is $40 million. We also say it has to be over $100 million and if the Secretary of the Army determines that the project is controversial. Independent reviews may be required if a Governor or head of a Federal agency requests the review.

I know some of those opposed to this amendment have argued that these triggers are too lenient, but I don't believe that is the case.

Of the 44 new or contingent authorizations included in the substitute amendment, 18 would have been subject to independent peer review based on the $100 million trigger alone. That is 40 percent of these projects based on just one of the four possible triggers. The other triggers would be in addition to this requirement of the minimum of $100 million. I don't consider that lenient at all. The Inhofe-Bond amendment also incorporates a recommendation of the American Society of Civil Engineers to require independent review of technical and design specifications of certain projects critical to public safety beyond the study phase.

Finally, I would like to address another baseless charge that has been made against this amendment: that these panels wouldn't really be independent because the chief of engineers is the official in charge of selecting the panels. The amendment is clear that the Corps must issue guidelines that are consistent with the Information Quality Act as implemented in OMB's revised bulletin from December 2004. This bulletin discusses in some detail requirements for reviewers, including expertise and balance of panels, lack of conflicts of interest, and independence.

I have been a little concerned, after reading the Feingold-McCain amendment, as to just how this works. It is my understanding that it would—in my opinion and in the way I look at things—create another bureaucracy and another board that would be looking at these. I am not sure this is really going to be necessary. I do believe that we have tried to strike a balance. I believe we have done so. I am quite confident we can trust a three-star general to follow direct commands, especially those issued in law.

As I have outlined, the Inhofe-Bond independent peer review amendment would ensure review of critical information by experts outside the Corps without creating unnecessary burdens and delays.

As was stated before, we are going to first be voting at 2:30 on the Feingold-McCain amendment and then on the Inhofe-Bond amendment. I will be encouraging them to vote against the Feingold-McCain amendment and for our amendment. But having said that, I would like to say that we are in agreement. Sometimes you get into a discussion on these things and it sounds as if everyone is in disagreement. This isn't like a climate change debate. This isn't one where everybody gets all fired up. I know we are all trying to do the same thing. We know there is room for improvement in the way the Corps of Engineers operates. I have a few examples I could use. We have right now a problem in Oklahoma with one of the individuals who has not been doing a conscientious job. We can't get the Corps of Engineers to listen to us in terms of how this particular bureaucrat is abusive in his treatment of individuals.

I think that we need to do something. Our underlying substitute amendment does something. I think probably either of these two amendments will take that one step further. There are areas where we agree.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I am pleased to yield 12 minutes to one of our strong supporters and cosponsors of the amendment, the Senator from Delaware, Mr. CARPER.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Madam President, to my colleague and friend, Senator FEINGOLD, I thank him very much for yielding, and I thank him even more for his leadership and that of Senator MCCAIN in offering this amendment.

Before I talk about the amendment, I want to also thank Senator INHOFE and our ranking member, Senator JEFFORDS, as well as Senators BOND and BAUCUS, for bringing this bill to the floor today. It has taken 6 long years and a huge amount of work on the part of them and their staffs and our staffs as we have prepared for this debate today.

We are finally able to move this important legislation because of their dogged determination, really a collective determination and willingness to work with all of us to address our States' respective needs, and an openness to debating possible reforms for the way we plan and prioritize water resource projects.

This bill includes several provisions that are very important to my State of Delaware. I want to quickly highlight maybe two of those and talk about the importance of modernizing the Corps of Engineers.

First, this bill preserves something called the St. Georges Bridge over the Chesapeake and Delaware Canal, the 14-mile canal that really connects the Delaware Bay to the Chesapeake Bay. It serves to divide Delaware in half. It takes up valuable space within my little State, disrupts our commerce and the movement of people and goods, and provides a shortcut for ships trying to get from the Delaware Bay to the Chesapeake Bay, and it helps to divert traffic away from my port, the Port of Wilmington. To say that I am not a great admirer of all that the C&D Canal does for my State would be an understatement. I have proposed, tongue-in-cheek, that we appropriate shovels to the people of Delaware so we can line up on either side of the C&D Canal and fill it in, and that we bring in plants and trees from other parts of the country to use up enormous quantities of water, and that we might plant them in the bed of the canal to soak up the water and then we can go across, like the children of Israel, on dry land. Well, none of that has happened, so we have to figure out how to get across the C&D Canal that disrupts commerce in my State.

In return for the imposition of this canal, the Corps of Engineers has been obligated for three quarters of a century to provide sufficient access across that canal. Yet, in recent years, in spite of population growth that has stretched the capacity of the current bridges, the Corps has sought to reduce the number of bridges across the C&D Canal. Thanks to the support of the chairman and ranking member, that will not happen.

The second important provision in this bill to our State is a late entry. A little over a year ago, some of you may recall that the Senate passed a bill by unanimous consent to rename our new bridge over the C&D Canal along State Route 1 for former U.S. Senator Bill Roth, my predecessor. Senator Roth served in the Senate for 30 years and in the House of Representatives for a time before that. I see Senator BOND here; he served with him for a number of those years. Bill Roth, for over a third of a century, served the people of Delaware admirably and with distinction in the House and later, for many years, in the Senate. He also worked hard to make sure about 15 years ago that this new bridge over the C&D Canal would be built.

The bill to name the State Route 1 bridge at St. Georges for Senator Roth passed the Senate unanimously. It has been held up in the House for the past year. I appreciate Senator INHOFE's and Senator JEFFORDS' willingness to move it forward by agreeing to add it to the Water Resources Development Act. On behalf of our State and the Roth family, we express our deepest gratitude.

I also rise today to voice my support for Senator FEINGOLD's and Senator MCCAIN's Corps independent review amendment. It is essential that we apply the lessons that we learned from Hurricane Katrina. This amendment seeks to do that, at least in part.

This past April, I had the opportunity to tour both the devastation in New Orleans, as well as the wetlands that act as a buffer for that city. As a member of the Homeland Security and Governmental Affairs Committee, I have spent many hours hearing from experts about why the levees failed in New Orleans.

One thing became inescapably clear: There were warnings that were not heeded. The McCain-Feingold amendment seeks to prevent that from happening again.

The McCain-Feingold independent review amendment—which I have cosponsored—requires an independent panel of experts to be constituted to review projects that will cost greater than $40 million.

That panel will be fully independent of the Corps and made up of anywhere from five to nine experts in engineering, hydrology, biology, and economics. This panel will be able to review every aspect of a proposed project, from the data and assumptions that went into the Corps' analysis into the actual design of the final project that is chosen.

Having such a review of the New Orleans levee system likely would have drawn attention to the flaws in the Corps' design, including the facts that they failed to account for the natural subsidence of the city and that the flood walls were not properly anchored in the swampy southern Louisiana ground.

We often talk about these proposals as "Corps reform." But in a real sense, they are also congressional reforms. That is because the findings of the independent panels merely provide more information to us, the Congress. They are not binding. It will still be up to us in the Congress to decide how to proceed, and we will need to do a better job ourselves in the future. But we cannot be expected to make good decisions if we don't have good information.

Moreover, in these days of tighter budgets, we are not going to be able to gather support of our constituents for big navigation projects that they fear will destroy wetlands that are needed for flood protection or for a flood control project that people don't believe will work.

As the New Orleans Times-Picayune stated in a recent editorial:

> Taxpayers shouldn't have to wonder if there's a rational basis for spending billions of dollars.

I am reminded of something that LTG Carl Strock, who commands the Army Corps of Engineers, said:

> Words alone will not restore trust in the Corps.

These amendments will provide some substantive change to back up the claim that we will never let what happened in New Orleans happen again.

I urge my colleagues to support the McCain-Feingold independent review amendment. I am pleased to be among its cosponsors. I urge its adoption.

I yield back my time.

The PRESIDING OFFICER (Mr. THUNE). Who yields time?

Mr. BOND. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, we have had a lot of talk about all of the things that the Corps has done wrong and the problems in the past. I don't think anybody believes that there is not a need for reform, review, independent review by experts who can comment on and who can provide valuable input to the Corps. The Corps has learned a lot of lessons, and the Inhofe-Bond proposal creates a mechanism for improving technical quality of the projects that move forward, not an incubator for more lawsuits to delay needed projects.

The Inhofe-Bond amendment would encourage independent review of technical information and science, not a review of policy decisions, which are appropriately made in the executive branch and by this body. We don't want to outsource our policy decisions to some other group, as the Feingold-McCain amendment would do. We want to continue an open, fair, and public review of recommendations, and not create a public review created by special interests designed to undo projects for reasons other than policy reasons.

We support stabilizing, not destabilizing, Federal/non-Federal interests in reliance on the Corps. We support Presidential oversight of independent review, not handing government functions over to some unelected commission.

When you take a look at the past work of the Corps, you see that the Corps now currently provides 3 trillion gallons of water for use by local communities and businesses. The Corps manages a supply of one-quarter of our Nation's hydropower. The Corps operates 463 lake recreation areas. The Corps moves 630 million tons of cargo valued at over $73 billion annually over the inland water system. It manages over 12 million acres of land and water.

The levees that have been properly constructed have prevented an estimated $76 billion in flood damage within the past 25 years, with an investment of one-seventh of that value.

These are the tremendous values that can be provided if we can pass this bill and if we can make sensible Corps reform, without providing major hindrances and roadblocks.

I hope that the 80 Senators who joined with us in saying "bring this bill to the floor" will realize that there is such a thing as appropriate review and there is such a thing as unnecessary, late-stage second guessing, which can be extremely expensive and can delay the benefits that could come from the work of the Corps.

The McCain-Feingold independent review amendment has a tremendous potential to delay project construction. They wait until the end of the process, and any mistakes found at the end of the process, as envisioned in the Feingold-McCain amendment, would necessitate a repeat of the study to correct the problems—beginning over again. Clearly, this would delay project construction and drive up costs.

Under our proposal, since reviews are integrated into the process, any mistakes made or improvements suggested could be corrected and incorporated at the time. As I said earlier today, it is like waiting to test students in the eighth grade to see if they have first-grade reading capabilities. If a child cannot read at the first-grade level when he or she finishes the first grade, give them remediation then, help prepare them for the second grade; don't wait until they get to the eighth grade and say we just wasted 8 years of this child's education because they could not read at the first-grade level. This essentially—testing at the eighth grade level for first-grade compliance—is what the Feingold-McCain amendment would do.

Let's be clear about it. We passed a bill 2 years ago that had all sorts of regulatory redtape and delays. This was opposed by the House, which could not agree on a conference with us. That is why we lost this bill. Putting in a batch of redtape and bureaucratic delays is going to make possible negotiations with the House extremely difficult and could lead to no bill being passed again.

So the 2002 Water Resources Development Act that we are still trying to pass in 2006 would go into 2007 and 2008. The benefits that come from the authorized projects in this bill will be delayed. I want the 80 Senators who want to see this bill passed—because they have projects that are important—to understand that the review that is necessary is being incorporated in the Inhofe-Bond amendment. It is being incorporated in a sensible timeframe, reviewing with representatives from the National Academy of Science, the American Society of Civil Engineers, and the Independent Research Council, as the project goes along.

Everybody knows there needs to be review. The Corps has learned a lot of lessons from mistakes. We ought to learn from our mistakes. One of the mistakes we have made is to try to burden the process and make it so cumbersome it can't work.

If you don't want to see the Corps providing water supply, protecting against floods and hurricanes, making sure we have the most efficient, economical, environmentally friendly, energy-friendly means of transportation, then support more bureaucracy, more redtape, and more delays.

If, on the other hand, you want to see the Corps do the job and get the job done right, then I ask my colleagues to support the Inhofe-Bond amendment and let us get on about the business of protecting people from floods, from hurricanes, and making sure that our waterways continue to be an efficient energy-conserving means of transporting bulk commodities.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am pleased to yield 5 minutes to the Senator from California in support of our amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator FEINGOLD for his leadership. I also thank Senator McCAIN. They have two amendments before us, the next one coming shortly. I enthusiastically support this amendment. I think this one is very much a reform. I strongly oppose the other one. But I am not going to use my time now to talk about the second amendment because I do want to concentrate on what an important step forward this particular amendment is.

The 2005 hurricane season taught us many valuable lessons—lessons that we will never forget because we saw them with our very own eyes. And one of the most important lessons is that major water resources projects and especially flood control projects must be carefully reviewed to be sure they will be effective.

What a disaster it is for our taxpayers to spend millions and billions on these projects, only to learn that they were not designed well or they didn't meet the real threat that was posed by Mother Nature or that there was cronyism dealing with putting together the alternatives.

I believe this amendment will put independent and expert eyes on the data, on the science, and on the engineering of our major public works projects. We need these independent and expert eyes because so much is at stake.

I come from a State that has every kind of natural disaster imaginable. The people there are very good at pointing out what the problems are, and we have to be equally as good in responding to these needs and making sure we give them quality, that we give them the protection they deserve.

In this amendment, we are giving the people what they deserve. When a review is triggered under this proposal, a panel of experts, of engineers and hydrologists to biologists and economists, must look at the underlying technical data and look at the project in its whole and make sure that the project will meet and achieve its goals.

There is little point in expending hard-earned taxpayers' dollars unless we know it is being spent right. What this particular amendment does is bring in those outside experts to kind of give a seal of approval on what we are doing.

Again, I don't go along with the next amendment, and I will be back to talk about that, but this amendment does what needs to be done. The panel will make recommendations to improve the project. This particular amendment is common sense, pure and simple.

Complex and costly engineering projects deserve the additional scrutiny. Mistakes do happen. You know what. Mistakes will happen no matter how many panels we have, but the idea is to cut down on those mistakes. We are all human. We all make mistakes, but how much better is it to get a very seasoned pair of eyes to take a look at what we are doing.

I believe this amendment will make these projects safer, and they will make them more effective.

I support the Army Corps of Engineers' mission. When I first got into politics in local government, I worked very closely with the Corps on many flood control projects. We have had our arguments, we have had our debates, but over the years, we have managed to work well together. But there were moments during those debates when I knew I could benefit from outside experts, and that is what we are giving to the Congress and, therefore, to the American people. We are going to have additional scrutiny, and we are going to make sure that mistakes are rare.

When we talk about mistakes, it is one thing to make a mistake on an issue that doesn't put lives at risk, but we are talking about the protection of life and limb for our people.

I think this amendment will help the Corps do its job better. It will improve public faith in the work of the Corps because, frankly, after Katrina, many people are saying to me: Can we trust these public works projects, these flood control projects to really protect us?

They have doubts, and they should have doubts, having seen what they saw.

I, again, thank Senators FEINGOLD and McCAIN for their leadership on this particular amendment, and I urge a "yes" vote. I know it is going to be a close vote, but I really do believe people listening to this debate will see that all we are saying in support of this amendment is we are bringing in outside experts to keep an eye on taxpayers' dollars and keep an eye on these designs to make sure that when we fund a public works project, we have done everything in our power to make sure it is designed well, that it will be cost-effective, and it will be safe.

Mr. LIEBERMAN. Mr. President, I rise to speak in support of the McCain-Feingold amendment on independent review. I do so because of the investigation that the Senate Homeland Security and Governmental Affairs Committee recently completed into the preparation for and response to Hurricane Katrina. In that investigation, Senator COLLINS and I and the rest of the committee learned a great deal about the inadequacy of the levee system that was supposed to protect New Orleans. And we were greatly aided by the work of the three different independent forensic investigations carried out by the State of Louisiana, the National Science Foundation, and by the Army Corps' own Interagency Performance Evaluation Task Force or IPET.

The results of these reviews were truly shocking. In the words of the Army Corps' own IPET report, "The System did not perform as a system: the hurricane protection in New Orleans and Southeast Louisiana was a system in name only." IPET found that the system was only as strong as its weakest links, and that there were many weak links. IPET found:

That the materials and designs used in the levees were inadequate and failed faster than expected in fending off Katrina.

That project designs failed to incorporate redundancy and measures to respond to a hurricane that was larger than expected. For instance, there was no shielding on the back of the flood walls to prevent their collapse if they were overtopped by the storm surge.

That some parts of the system were not prepared to handle a category 3 storm even though the Army Corps had been telling the city and the Nation for years that the system offered comprehensive category 3 level protection.

That the floodwalls along the 17th Street and London Avenue Canals collapsed because of foundation failures caused by design and construction mistakes. Those walls collapsed well before the water reached the height the walls were designed to protect against, causing a major portion of the flooding in the city and the suffering at the Superdome and Convention Center. The Army Corps considered those floodwalls complete, ready to defend against a hurricane of Katrina's strength. Unfortunately, it took Katrina and the subsequent IPET report to learn that those floodwalls were not designed, built, or constructed to protect those who lived in nearby neighborhoods.

And one of the most shocking discoveries, IPET found that, because of subsidence in the area, parts of the levee system were anywhere from 2 to 3 feet below their design height. What was even more shocking was that the Army Corps was aware of the subsidence before Katrina but did nothing to address the obvious deficiency.

Mr. President, I am on the Senate floor today because while it is enormously important that we have learned of these failures after Katrina, it is even more important that we learn of them before the next Katrina, before the next failure of a major flood control project. And that is what this amendment will do. It will require that major Corps projects, and especially flood control projects that protect people and property, be subject to the kind of independent oversight that has proven so beneficial in the aftermath of Katrina.

Why did the citizens of Louisiana not know any of these problems before Katrina made landfall, and why did the Army Corps not feel compelled to fix the ones they knew about?

How different the preparation for and response to the storm would have been had an independent review process like IPET been initiated before the Army Corps designed and constructed the levee system rather than after a storm like Katrina left it and the city it was supposed to protect in tatters.

We have learned valuable lessons from Katrina, and one of those lessons is that we need an independent review process for our most critical projects before they are battle tested. We need assurances that what the Army Corps builds will function as planned. And unfortunately, we have also learned that we cannot count on the Army Corps of Engineers to do this themselves. These reviews need to be independent, conducted by 3 outside experts who can objectively evaluate what is being proposed, and in the case of major flood control projects, also how it is being designed and built.

The Army Corps has already given us an effective model to do that—IPET. This amendment, introduced by Senators MCCAIN and FEINGOLD, would create within the Army Corps a Director of Independent Review. The Director's job will be to establish a panel of distinguished experts to conduct a thorough review of the planning process for major projects, including engineering analyses, and to issue a report and make recommendations to the Army Corps. For major flood control projects, where lives are at stake, the Director would create an additional panel to review the detailed design and construction so that we do not find ourselves in another Katrina situation where we find, after the fact, that designs and construction were flawed.

It is then up the Army Corps to implement those recommendations. The Army Corps will also be required to make the independent panel's report public so Congress and the American people will be aware of possible problems before the project is funded and before the public relies on the project for protection.

The Homeland Security and Governmental Affairs Committee learned a great deal in our investigation into Hurricane Katrina, and we made some recommendations in our report to address what we found. One of those recommendations was to create an independent review process like IPET and the one established in this amendment to oversee the design and construction of critical flood control projects. These were joint, bipartisan recommendations, and I am pleased that the chairman of our committee, Senator COLLINS, is also joining as a cosponsor of this amendment.

Catastrophes like Katrina will be repeated unless we learn from our mistake, and this amendment is a tremendous opportunity to do just that. We already have a model for the proposed solution in the independent forensic teams that were created after Katrina whose reports and recommendations have been applauded from all circles—the Army Corps, independent professional engineers, and local interests in New Orleans. But those efforts need to be in place before disaster strikes, and that is exactly what this amendment would do.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I wish to respond to a couple of arguments in the debate. How much time remains on our side?

The PRESIDING OFFICER. There is 31 minutes remaining.

Mr. FEINGOLD. I thank the Presiding Officer.

I heard the comment from some of my colleagues on the other side offering the alternative amendment that somehow this independent peer review will create a bureaucracy. I find that a little ironic because to me the definition of "bureaucracy" is an agency, such as the Army Corps of Engineers, that has $68 billion in authorized projects that apparently would take 35 years to build if everything was done in a sort of rational manner. That is how long it would take. It is sort of the definition of a bureaucracy that has gone awry, where there are not priorities, where there isn't clarity, where there really isn't any sense of what is more important than something else or what situation is more dangerous than another situation, what is more threatening to people's lives than another situation.

The notion that an independent peer review would not be binding, to have experts give us guidance as to what is more important as opposed to what is less important to fix or change, to me, is the opposite of bureaucracy. It is bringing rationality and a good government approach to what is currently a very troubled and in-need-of-reform bureaucracy.

I certainly expected the other side would try to raise the notion that somehow our amendment, our new system of independent review, would lead to more litigation. Of course, that is a standard argument against everything, and sometimes it is true, but here it is not.

The judicial deference provision makes it clear that the Corps must give serious consideration and review to an independent panel's findings. Unless that happens, independent review will just be another box to be checked off in project planning and will not result in better and safer projects.

The Corps, unfortunately, has a history of ignoring independent panel recommendations, even when those panels have been hand picked by the Corps, and that is unacceptable.

To ensure the independent review process is meaningful and produces real improvements for project planning, the amendment gives the recommendations of a panel equal deference with the Corps's recommendation in any judicial proceeding regarding the project in question if the Corps rejects the expert panel's finding without good cause.

That is what it does, and that is all it does. It provides an alternative view that the Corps can consider, but there is the key point. The judicial deference provision clearly does not—does not—create any new cause of action. It does not create a new basis for somebody to litigate. So it is false that somehow this creates the opportunity for new litigation. It does not even anticipate that projects subject to independent review will ever be involved in litigation at all. It simply notes that where there is judicial review of a project where the Corps did not follow an independent panel's findings, the Corps will need to explain that decision to the court.

The Corps would then be given ample opportunity to demonstrate to the court that it has rejected an expert panel finding for a valid reason, good cause—not a difficult judicial standard to meet.

If the Corps cannot do so, the court will give equal consideration to both the panel and the Corps's recommendations.

So just as the argument that we are creating somehow a new bureaucracy is just the opposite of the fact, there is no basis, no validity whatsoever to the notion that this creates some new legal cause of action that didn't exist before.

I have two more points with regard to independence. I have heard the manager of the bill and the Senator from Missouri indicate that they are for some kind of independent review and that their alternative provides for it. But, of course, it is only in the most narrow of circumstances, only in projects that are over **$100** million. That is essentially wiping out independent review on almost every single project.

Our view is this probably involves, maybe on average of less than one project a year that would receive that kind of independent review. We compromised to make sure that our figure would be acceptable to the body. We started with **$25** million and went up as high as **$41** million. But **$100** million essentially makes a mockery of the whole idea of independent review because it would only apply in the most rare cases.

Finally, of course, the argument is, apart from the notion that somehow this creates new litigation, which is not the case, somehow this will cause things to take longer in terms of approving projects and reviewing projects.

That also is incorrect. The Senator from Missouri is incorrect about our amendment and the timing of review. To quote from page 8:

> Panels may be established as early in the planning process as deemed appropriate by the director of independent review.

So this whole idea that he indicated of somehow waiting until the eighth grade for somebody who needs help in the first grade—I heard that analogy—is not true. The Director has the power to do this whenever he deems this appropriate. He has that discretion. He has that flexibility, so it is not some kind of a locked-in delay at the end of the process review.

I encourage my colleagues to read the text of the bill on each of these points which I think will bear out the validity of the arguments I made.

Mr. President, I retain the remainder of my time.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield myself some additional time.

When you have worked on an issue as long as I have worked on Corps reform, sometimes people don't always understand your intentions and maybe, in some cases, mischaracterize them.

But I am astonished at the extent to which my opponents, those who like the status quo, those who benefit from the status quo, are saying about the Feingold-McCain-Lieberman-Carper-Jeffords-Collins Independent Peer Review Amendment. If I may, I would like to take this opportunity to clarify some of the myths I have heard and set the record straight.

Myth No. 1: The Feingold-McCain independent peer review amendment will delay project construction.

This just is not true. Our amendment will not delay projects. We agree, projects do take some time. That's why we were very sensitive to ensure that independent peer review of Army Corps feasibility studies overlays with the existing process. Furthermore, our amendment includes strict deadlines for the panel to report and, if they fail to report in the allotted time, the Chief of Engineers is directed to proceed with planning. In fact, the Inhofe-Bond amendment uses some of the same timing criteria.

Independent review will ensure that communities will actually get the projects they are being told they will get. The independent review can start as early in the process as deemed appropriate, and for projects costing more than **$40** million, must end within 90 days after the close of the public comment period.

Under the most ideal circumstances the Corps takes 11 to 12 months from the close of the public comment period to the time it issues a Chief's report for a project. And under current law, the Corps must take into account all the public and agency comment submitted during the public comment period. For large and controversial projects the time from draft feasibility study to final Chief's report takes much longer. So the independent review of feasibility studies in our amendment, which balances the absolute need to allow for a thorough review with the need to move forward in a timely fashion, fits well within the current timelines and will not delay project planning. The Nation will get better projects under this amendment.

Myth No. 2: The Feingold-McCain amendment will require reviews of too many projects.

Mr. President, the **$40** million review trigger in our amendment will, on average, subject about five projects a year to independent review. This is a highly valuable use of resources. And, I believe it will promote better and more efficient studies for Corps projects throughout all of the Corps' 38 domestic districts.

Just this March, the GAO testified to the House Committee on Government Reform that:

> GAO's recent reviews of four Corps civil works projects and actions found that the planning studies conducted by the Corps . . . were fraught with errors, mistakes, and miscalculations, and used invalid assumptions and outdated data.

GAO went on to note that the planning studies:

did not provide a reasonable basis for decision-making.

Later in its report, GAO even says:

> The Corps' track record for providing reliable information that can be used by decision makers . . . is spotty, at best.

This is simply unacceptable for a Federal agency and it should get the attention of every Member of this body.

Given the Corps' track record, we really should be requiring reviews of all studies until the agency improves its record. The $40 million trigger, however, is a reasonable and appropriate compromise that will sweep in the largest and costliest Corps projects. The other triggers will ensure that any less costly projects that could be very problematic do not fall through the cracks in the study process. We must be able to rely on the integrity of Corps project studies and their recommendations to Congress. And unfortunately, right now we cannot.

Myth No. 3: The Feingold-McCain amendment will increase project costs.

Independenter peer review is a critical taxpayer investment. The country cannot afford to have costly mistakes like the levee failures in the aftermath of Katrina. The Corps, the American Society of Civil Engineers, the National Academy of Sciences have all said that faulty design and construction by the Corps resulted in the levee failures. We cannot afford any more examples like what we saw in New Orleans. We also cannot afford to build projects based on economic or engineering errors. We have tight water resource budgets, thus we must spend every dime wisely and judiciously. I believe, and my cosponsors agree, independent peer review will help us do that.

Myth No. 4: The Feingold-McCain amendment will open the door to more litigation.

The Corps must give serious consideration and review to an independent peer review panel's findings. Without that hook, the concept is useless. We do not want independent review to be just another box to be checked off in project planning, for I think we can all agree that doing so will not yield better or safer projects. The Corps unfortunately has a history of ignoring independent panel recommendations, even when those panels have been hand picked by the Corps. This can happen no longer.

To ensure that the independent review process is meaningful and produces real improvements to project planning, the amendment gives the recommendations of an independent peer review panel equal deference with the Corps' recommendations in any judicial proceeding regarding the project in question if the Corps rejects the expert panel's findings without good cause.

The judicial deference provision clearly does not create any new cause of action, and it does not even anticipate that projects subject to independent review will ever be involved in litigation at all. It simply notes that where there is judicial review of a project where the Corps did not follow an independent panel's findings, the Corps will need to explain that decision to the court. The Corps would then be given ample opportunity to demonstrate to the court that it has rejected an expert panel's findings for a valid reason. If the Corps cannot do so, the court will give equal consideration to both the panel's and the Corps' recommendations.

Myth No. 5: The Feingold-McCain independent peer review will apply to all projects, even those that are already authorized.

The independent peer review of Corps studies applies to projects as they enter the feasibility stage, not after authorization, at which point the Chief's report is already complete. However, my amendment will ensure that flood control projects whose failure could endanger people and communities will be properly designed and constructed with adequate review. If such a project is in the post authorization design phase or construction phase it will receive the benefit of the safety assurance review required by the amendment. This comes directly from the recommendations of the Senate Homeland Security Committee's Katrina report, and I am sure my colleagues will agree that we need to make sure key flood control projects are designed and built properly.

Myth No. 6: The Feingold-McCain amendment will create a whole new layer of bureaucracy.

The amendment does not create a bureaucracy; it establishes a workable system to address a very real problem—poorly planned and designed projects that put people at risk, unnecessarily damage the environment and waste taxpayer dollars.

I would like to address one final myth, and that is that the Inhofe-Bond amendment would create a system of true independent project review.

Their amendment makes the Chief of Engineers the final arbiter of whether an independent review will happen at all. This is like puttingy the fox in charge of the henhouse. The Corps gets to select the reviewers, and there are no criteria at all for ensuring independence of those reviewers. Review is not independent if the Corps has control over whether, how, and who will review projects.

As you can see, the naysayers want to keep saying no, but we need to move beyond this game and start implementing policy that has a real chance of improving a broken system, protecting lives and property, and restoring integrity to a Federal agency charged with providing the first line of defense against storms, charged with protecting and restoring some of our most precious natural resources and charged with providing efficient commerce.

Let me say a bit about what editorials from across the country have said. It has been just an overwhelming response. They are from communities large and small, but they all have the same message: Congress must reform the Corps. I don't have every editorial ever written about a need for a change in the Corps. I do have a good number.

I ask unanimous consent they be printed following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FEINGOLD. Let me ask again, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15½ minutes.

Mr. FEINGOLD. In the Northeast, the New York Times and the Washington Post have been leaders in calling for reform. While some Members will jokingly say they don't read the New York Times or the Washington Post, maybe they have heard of some of the others—the Concord Monitor in New Hampshire, the Delaware News Journal, the Philadelphia Inquirer.

Moving to the South, in Florida alone, a State with numerous Corps projects, including projects to help restore the Everglades, five papers have called for enactment of the reforms the Senator from Arizona and I are offering today. In addition, the Winston-Salem Journal, the Atlanta Journal and Constitution. Most importantly, in my regard, the New Orleans Times-Picayune has called not only for passage of our reform amendments but flatout rejection of the competing amendments that will be offered today.

In the Midwest, where I hail from, the editorial boards for the Wisconsin State Journal, the Star Tribune in Minnesota, the Chicago Tribune, the St. Louis Post Dispatch. Let me repeat that: the St. Louis Post Dispatch has editorialized on the need for modernization of the Corps of Engineers.

Those of us familiar with the players on this issue in the Senate will be interested to note that in fact the St. Louis Post Dispatch ran an editorial today, supporting the Feingold-McCain amendment.

I ask unanimous consent that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post Dispatch, July 19, 2006]

COURSE CORRECTION

The U.S. Army Corps of Engineers is a force nearly as inexorable as the mighty rivers it dams and dredges.

From the moment it accepts an assignment, the Corps moves slowly and relentlessly forward in its course. In many circumstances, that can-do attitude is a positive attribute. But when questions arise about whether a new Corps project will drain money from other, more crucial projects, or whether a design is adequate or cost-effective, the Corps has been slow to evaluate its own decisions and glacial in course-correction. A governance structure and an endless river of federal money have allowed the Corps to avoid accountability.

The high water mark of those wrong-headed policies came last summer in the aftermath of Hurricane Katrina. The strengthening of levees and flood walls around New Orleans had been deferred for decades while money was spent on less urgent needs, like planning new locks and dams along the Upper Mississippi and Illinois rivers. When Katrina struck, the levees broke and New Orleans was underwater.

It's time for a more rational approach. It could start today, when the U.S. Senate votes on a bill called the Water Resources Development Act of 2006 (H.R. 2864), a version of which the House passed last year.

The bill's primary purpose is to authorize a slew of big water projects with big price tags around the country. But it also contains some much-needed reforms.

Several are included in an amendment cosponsored by Sens. John McCain, R-Ariz., and Russ Feingold, D-Wis. Their amendment would require that all Corps projects costing more than $40 million be reviewed by independent experts. The bill also would establish a transparent national system to set priorities for Corps projects.

Those are simple steps in the right direction.

But a rival amendment has been sponsored by Sens. Christopher "Kit" Bond, R-Mo., and James Inhofe, R-Okla., long-time defenders of the Corps. The Bond-Inhofe amendment also would require reviews and priority-setting. But reviews would be done only on projects costing at least $100 million a year; only two or three such projects a year fall into that big bucket. Priorities would be set by a process that would not be shared with the public, and Congress would have the final sign-off.

The effect would be to reinforce the old, flawed ways of doing things, with the Corps' influential champions like Mr. Bond overseeing the doling out of pork projects with inadequate attention to weeding out the inefficient and unrealistic. That approach wastes taxpayers' money.

The Senate should chart a course to true reform by passing amendments proposed by Sens. McCain and Feingold.

Mr. FEINGOLD. Winston-Salem Journal:

After Hurricane Katrina, to vote with Inhofe and Bond to block reform of the Corps would be downright reckless.

The Miami Herald:

A bipartisan Senate proposal to overhaul the U.S. Army Corps of Engineers deserves approval to eliminate some of Congress' most nefarious pork-barrel spending and improve the process that determines which projects are worthwhile.

San Francisco Chronicle:

This reform is not only about saving money, it's about saving lives.

The Commercial Appeal—Tennessee:

At the very least, evaluations of proposed corps projects, their environmental impact and especially their cost and benefits, should be in independent and impartial hands.

The Cleveland Plain Dealer:

This singular study of failure no doubt will become a standard reference work in engineering school libraries. It should be cross-referenced, as well, to those who study political science and philosophy, for between its lines it reveals a government authority in which a region's trust was misplaced, and a hubris in the face of the inevitable that cost more than 1,200 lives and as-yet uncounted billions of dollars in damage. Congress must read it, too, for it describes flaws in corps management that demand fixing before the next levee fails.

I reserve the remainder of my time and I yield the floor.

EXHIBIT 1

[From the Times-Picayune, July 16, 2006]

COUNTING ON CORPS REFORM

Louisiana urgently needs hurricane protection and coastal restoration projects contained in the Water Resources Development Act, and for that reason alone it's critical for Congress to move on this long-delayed measure.

But Louisiana's fortunes are also tied, for better or worse, to the U.S. Army Corps of Engineers. Efforts to reform the agency are critical for this state, which—after the levee failures during Hurricane Katrina—could serve as the poster child for the corps' shortcomings.

Congress is four years overdue in adopting a new water resources bill, in part because of disagreements over corps reform. But the Senate is expected to vote on the measure this week, and Sens. Mary Landrieu and David Vitter need to do more than push for crucial Louisiana projects. They need to push for changes that will make the corps a better, more responsible agency in the future.

The best chance for changing the way the corps operates is through reforms sought by Sens. John McCain and Russ Feingold. They're offering two amendments to the water resources bill. One would establish independent review of corps projects from planning and design to construction. The other would require corps projects to be ranked in importance based on three national priorities: flood and storm damage reduction, navigation and environmental restoration.

While the McCain-Feingold amendments won't fix everything that's wrong with the corps, Louisiana stands to benefit from both proposed changes.

The catastrophic failure during Katrina of canal floodwalls built by the corps is Exhibit A in the case for independent review. If such a process had been in place, surely subsidence wouldn't have been discounted when New Orleans' levee system was being built, and research on soil strength wouldn't have been ignored.

Louisiana also should fare better under a system that uses criteria other than political clout to decide which projects should be done. The corps already has a $58 billion project backlog—an amount that will grow by another $10 billion if the water resources bill is adopted. That means competition for the $2 billion per year that the corps gets for projects is intense.

Without a rational system for prioritizing that work, there's no guarantee that Louisiana's critically needed flood control project will prevail even over less-needed or justified projects. While there's a danger that a Louisiana project could be pushed aside in a priority-based system, this state is helped by the fact that the McCain-Feingold approach favors projects that reduce flood damage and restore the environment.

The effectiveness of the proposed changes will depend on details. If an independent review panel isn't given adequate time to evaluate a project, for example, the benefit of oversight could be lost. Conversely, a cumbersome review process could end up further delaying badly needed projects.

But an independent review process that works, combined with a ranking policy that makes sense, should result in a better-performing agency.

Unfortunately, not everyone in Congress is interested in changing the way the corps does business. The McCain-Feingold amendments face opposition and a rival set of measures by the main authors of the water resources bill, Sens. James Inhofe and Kit Bond.

What those senators offer as reform is meaningless, however. The Inhofe-Bond review process would be controlled by the corps and would only apply to projects that exceed $100 million, compared to a $40 million threshold in the McCain-Feingold measures. The Inhofe-Bond amendments also call for prioritization, but their system would simply measure projects against a set of national priorities without actually ranking them.

Sham reform won't do anything to restore confidence in the corps, and Congress must do better. The public should be able to rely on the agency that builds levees and dams to do work that will stand up to independent scrutiny. Taxpayers shouldn't have to wonder if there's a rational basis for spending billions of dollars.

And Louisianians should be able to believe that the corps, which is rebuilding our levee system and restoring our coastline, is a wiser, better managed and more reliable agency than the one that failed us when Hurricane Katrina came to town.

[From the New York Times, July 19, 2006]

A CHANCE TO REFORM THE CORPS

The Senate has a rare opportunity today to strike a blow for both fiscal sanity and environmental stewardship. It will consider several amendments that would bring a measure of discipline and independent oversight to the Army Corps of Engineers, a notoriously spendthrift agency with a history of answering to no one except a few members of Congress who control its purse strings.

The reputation of the Corps is now at a low ebb because of levee failures in New Orleans. But well before that debacle, studies by the National Academy of Sciences and others had found that the agency routinely inflated the economic payoffs of its construction projects to justify steadily greater budget outlays, while underestimating the environmental damage of those projects.

The amendments' main sponsors are the Senate's reformist duo of John McCain and Russ Feingold. One amendment would subject any project costing more than $40 million to an independent review of the project's design, feasibility, cost and environmental consequences. A second amendment would require that projects be ranked in order of importance based on established national priorities like flood control and environmental restoration. This amendment is aimed less at the Corps than its Congressional paymasters, who have historically put their own local pork barrel projects ahead of more urgent and generally accepted needs.

The sponsors will try to attach these amendments to the five-year $40 billion Water Resources Development bill, itself overdue even though it includes several important provisions. One authorizes $1.5 billion for key elements of the Everglades restoration project, which has suffered from

Congressional neglect. Another would jump-start a major effort to reverse the erosion of coastal wetlands that has left Louisiana vulnerable to flooding.

A bill this size inevitably has the usual ration of local pork. But some of this would now be subject to outside review and possible rejection if the McCain-Feingold amendments stick. As they should. These reforms made sense when first offered in 2002. Post-Katrina, they are essential.

[From the Battle Creek (MI) Enquirer, July 19, 2006]

Amendment Would Reform Army Corps Project Funding

The U.S. Senate this week is taking up legislation regarding authorization of project funds for the U.S. Army Corps of Engineers. It is a process that needs reform, and we hope senators will approve a bipartisan proposal which would ensure that national priorities—and not pork-barrel spending—determine which projects the Corps undertakes.

For years, members of Congress have pushed for Corps projects beneficial to little but their own districts. The trend has grown to the point where the corps now has an estimated $70 billion in backlogged projects.

Presidential budget plans have sought to eliminate such pork, but it consistently has been reinserted by Congress.

Now Sens. Russ Feingold, D-Wis., and John McCain, R-Ariz., have introduced an amendment to the Water Resources Development Act that would set up clear criteria to ensure that projects carried out by the Corps reflect national priorities as they relate to navigation, flood damage reduction and ecosystem restoration. The Corps currently uses a cost-benefits ratio to determine project priority, which gives more weight to economic benefits—such as jobs in a certain area—than to national needs, such as ensuring levees can hold back flood waters and rivers remain navigable.

The Feingold-McCain amendment would re-establish the Water Resource Council and order it to provide Congress with a list of which water-resources projects should get priority funding. Under the amendment, any project costing more than $40 million would be subject to an independent review. A review also could be ordered if another federal agency challenged the project or the secretary of the Army found the project to be controversial.

The proposed reforms would help eliminate wasteful projects such as Alaska's infamous "Bridge to Nowhere," which carried a price tag of more than $200 million.

The Feingold-McCain plan is competing with another proposal by Sens. Kit Bond, R-Mo., and James Inhofe, R-Okla. But the Bond-Inhofe plan would provide no ranking for Corps projects and would give the Corps the power to deny a request for an independent review—even if it came from a governor or the leader of a federal agency.

We think the Bond-Inhofe plan would do little to change the status quo.

The devastation of Hurricane Katrina illustrated the need for the Corps of Engineers to carry out its vital mission with more coordination and funding. With federal tax dollars already being stretched, it is important that funds for the Corps are directed to those projects that will produce the greatest benefits for the nation—not for a single congressional district.

We hope senators agree.

[From the Washington Post, June 7, 2006]

Katrinia's Unlearned Lessons

Last week the U.S. Army Corps of Engineers admitted responsibility for much of the destruction of New Orleans. It was not true, as the Carps initially had claimed, that its defenses failed because Congress had authorized only Category 3 protection, with the result that Hurricane Katrina overtopped the city's floodwalls. Rather, Katrina was no stronger than a Category 2 storm by the time it came ashore, and many of the floodwalls let water in because they collapsed, not because they weren't high enough. As the Corps' own inquiry found, the agency committed numerous mistakes of design: Its network of pumps, walls and levees was "a system in name only"; it failed to take into account the gradual sinking of the local soil; it closed its ears when people pointed out these problems. The result was a national tragedy.

You might think that the Corps' mea culpa would fuel efforts to reform the agency. Sens. John McCain (R-Ariz.) and Russell Feingold (D-Wis.) are pushing a measure that would do just that, requiring that future Corps proposals be subject to technical review by an independent agency. But the stronger current in Congress goes in the opposite direction. A measure urged by Louisiana senators and written by Sens. James M. Inhofe (R-Okla.) and Christopher S. Bond (R-Mo.) would loosen oversight of the Corps.Billions of dollars may be spent in ways that ignore the most basic lessons from Katrina.

Congress has already passed laws with language directing the Corps to design a new flood-protection plan for Louisiana. The language encourages the construction of Category 5 protections for the whole state, a project that could cost tens of billions of dollars; it advertises its own profligacy by laying down that the flood-protection plan should be exempt from cost-benefit analysis. The new measure, which is reportedly part of a revised version of a water projects bill that will be unveiled shortly, would lower the bar for congressional approval of whatever Louisiana defenses the Corps sees fit to propose. Rather than requiring full votes in both chambers of Congress, the Corps' plan could be authorized by votes in two committees that tend to rubber-stamp such projects.

In the wake of Katrina, this is almost beyond belief. The Corps' admission of its own technical shortcomings points to the need for tougher oversight, not less. And the New Orleans disaster has illustrated the folly of building flood defenses for vulnerable lowland: Some of the worst-hit areas would not have been developed in the first place if the Corps hadn't decided to build "protections" for them. Encouraging the Army Corps of Engineers to build Category 5 defenses for all of Louisiana, including parts that are sparsely populated for good reason, would not merely cost billions that would be better spent on defending urban areas. It would encourage settlement of more flood-prone land and set the stage for the next tragedy.

[From the Wisconsin State Journal, June 28, 2006]

Protect Taxpayers From Boondoggles

If the United States is to rein in the billions of dollars misspent on pork-barrel projects each year, a top priority should be reforming the way the Army Corps of Engineers does business.

That's why Congress should pass the Army Corps reforms proposed by Sens. Russ Feingold, D-Wis., and John McCain, R-Ariz. The Feingold-McCain proposal would improve the public's ability to make sure limited federal resources are spent on cost-effective projects for flood control, navigation, environmental protection and related goals, rather than on boondoggles.

At stake is how the Corps spends its $12-billion-a-year budget, which includes nearly $5 billion for civil works projects, from levees to canals to coastal restoration.

Analyses of last year's hurricane disaster in New Orleans helped to expose costly even deadly flaws in how the Corps decides where to spend the public's money. For example, before the flooding from Hurricane Katrina breached the levee on the New Orleans Industrial Canal, the Corps had begun a $748 million project at that exact spot.

The project, however, was not flood control but rather a new lock for the canal. The lock, favored by local politicians, was supposed to accommodate barge traffic. Barge traffic on the canal, however, was decreasing.

The New Orleans experience highlighted the Corps' long history of mutual back-scratching with members of Congress: The Corps caters to pet projects, even if their costs far outweigh the benefits, and Congress in return makes sure the Corps gets a big fat budget all at the expense of fiscal responsibility and long-term water resource strategy.

The Feingold-McCain proposal would modernize the Corps' cost-benefit analysis to make it more about project merit and less about political influence. One provision would require independent review of any project estimated to cost more than $40 million, requested by a governor, determined to have significant adverse impact, or judged by the secretary of the Army to be controversial.

Another provision would require a cabinet-level committee to work with the secretary of the Army to annually establish a list of water resource project priorities to give Congress guidance.

Wisconsin taxpayers would benefit if Congress limits the influence of pork-barrel politics in the Army Corps of Engineers. So would Corps projects affecting the state, from the modernization of the Mississippi River's lock-and-dam system to efforts to keep invasive species out of the Great Lakes.

The state's congressional delegation should support the Feingold-McCain reforms.

[From the Tallahassee Democrat, July 9, 2006]

Get to the Corps—Florida Senators Should Back Reforms

Sometimes great, unexpected tragedies such as Hurricane Katrina are sobering enough to lead to badly needed improvements in the way things are done.

With luck and some wise voting by Florida's U.S. Sens. Bill Nelson and Mel Martinez, this might be the case with an urgently needed reformation of the Army Corps of Engineers via the Water Resources Development Act now under consideration.

The Corps has long been famous for, above all, fulfilling the aspirations of unenlightened politicians who are dying to bring home the bacon to their districts, usually not for the good of the taxpayers but for well-focused special interests. The Corps is the nation's construction company for big water-management projects, but it has regrettably become known for building wasteful, unnecessary, even destructive projects.

Florida's long-ago Cross Florida Barge Canal, which was to cut a 150-foot-wide swath across the upper neck of our peninsula (from Palatka to Yankeetown), is a great example.

It would have furthered the shipping industry's interests, cutting off some 600 miles on a voyage around the state's southern tip. But it would have destroyed so many vital aspects of Florida's precious environment—groundwater resources, wildlife areas and other ecosystems—that President Richard Nixon suspended work on it in 1971, after millions had been invested and 25 ugly miles of excavation (later filled in) had been completed.

Less dramatic, but more current, has been the Corps' dredging of the Apalachicola River, which had been listed as the nation's "most endangered" rivers and one that feeds directly into our Big Bend coastline.

Last year, the Corps was forced to stop years of dredging when the Florida Department of Environmental Protection denied a request to continue operations for the sake of a few commercial interests and even though there has been a sharp decline in barge traffic in recent years. The river's no longer on that endangered list, but it's so damaged that restoring it—while considering the water needs of Florida, Alabama and Georgia—is an almost untenable undertaking. The dredging kept water out of thousands of acres of flood plains, changing everything—largely for the worse—by destroying natural habitats, allowing construction in areas that never should have been built on, and restricting the flow of that necessity of life, fresh water.

PUT A LOCK ON BOONDOGGLING

Which leads us full circle back to Hurricane Katrina and the Water Resources Development Act. The hurricane disaster in New Orleans exposed fatal flaws in how the Corps spends its $12 billion annual budget. It was spending $748 million on a new lock for one of the canals whose levee was breached by the hurricane, even though, once again, barge traffic was decreasing. Local politicians had wanted the lock nonetheless. After all, the nation's taxpayers would be picking up the tab.

The boondoggles will continue unless we get approval of bipartisan reforms proposed by Sens. Russ Feingold, D-Wis., and John McCain, R-Ariz., to modernize the cost-benefit analysis of Corps' projects.

Just now about $70 billion in backlogged projects are in line, though none has been prioritized as being in the public interest. The reforms would require what seems utterly obvious: those promoting projects would have to demonstrate that they were more about merit than political influence. Really big ones—those costing more than $40 million, requested by a governor, determined to have major and detrimental impacts or otherwise enormously controversial—would have to go to an independent expert review panel. It would make sure that the economics of a project, and the science and engineering, all work to make sure limited federal resources are spent on the most essential flood control, environmental protection and navigation projects.

We urge Mr. Nelson and Mr. Martinez to modernize and restore integrity to the Army Corps of Engineers.

[From the Buffalo News, July 17, 2006]

Another Voice/Army Corps of Engineers: Major Reform Needed for Nation's Water Projects

(By Larry Schweiger)

The U.S. Senate is set to decide in the next few days whether to reform or concede to a fiscal outrage akin to the infamous "bridge to nowhere." Few taxpayers know about it, though billions in public funds hang in the balance. The Water Resources Development Act funds the Army Corps of Engineers, the nation's chief flood protection builder, but with a troubled history of promoting wasteful and unnecessary projects.

The water resources bill headed to the Senate floor this week is a public scandal. It is fiscally out of control, laden with lawmakers' pet projects that are often economically unjustifiable and environmentally destructive. The central decision senators will have to make in voting on this legislation is whether to support basic reforms or continue business as usual.

The reforms would apply the lessons learned from Hurricane Katrina by putting the public interest first and spending tax dollars where they are needed most. While the bill includes important projects, notably protecting New Orleans and restoring coastal Louisiana and the Everglades, without reform it will maintain a process where they may never be funded.

The current bill would add another $10 billion to $12 billion to an already estimated $58 billion in backlogged projects. Essential projects will have to compete with boondoggles and earmarks in that $70 billion mix. With the Corps receiving about $2 billion per year for construction, it would take 35 years to clear the existing backlog—none of it prioritized in the public interest or subject to independent peer review.

Sens. Russ Feingold, D-Wis., and John McCain, D-Ariz., have proposed reforms to fix these problems. Corps projects will be prioritized based on clear standards that put the public interest first. The Feingold-McCain measures also provide for independent expert review of large or controversial projects, ensuring that economic assumptions, science and engineering stand up to outside scrutiny.

But not everyone takes issue with the status quo. Sens. James Inhofe, R-Okla., and Christopher Bond, R-Mo., have proposed reforms to give the appearance of responding to growing public unease over the Corps' performance in New Orleans. For instance, the Corps could appoint its own "independent" review panel, and deny others' requests for independent reviews. The Inhofe-Bond approach also lacks clear prioritization of Corps projects and will only encourage the back scratching and cronyism that has long plagued the system.

Without prioritization reform, crucial projects will fall through the cracks, while outrageous boondoggles gobble up scarce federal funds. If the New Orleans tragedy taught anything, it's that human safety is compromised when professional standards and fundamental construction needs are ignored.

The receding floodwaters of Hurricane Katrina revealed preventable devastation and the need to clean up a fiscal mess. The Feingold-McCain reforms will restore integrity and security in the wake of a Corps disaster. The Senate should pass them.

[From the Concord Monitor, July 17, 2006]

Put a Stop to Corps of Engineers Boondoggles

The U.S. Senate voted overwhelmingly last week to replace FEMA, a federal agency whose name became inextricably linked to failure in the days and months after Hurricane Katrina, with a new agency. The Emergency Management Authority will remain under the umbrella of the Department of Homeland Security, but unlike FEMA, it will report to both Homeland Security and to the president.

The reshuffling may or may not solve the agency's many problems, but it's a start. This week, however, the Senate will turn its attention to the agency that bears the most responsibility for the needless loss of life and property in New Orleans, the Army Corps of Engineers.

It was the Corps whose faulty design of the city's levee system, whose refusal to heed decades-old warnings that the levees would not hold and whose shoddy construction practices caused the levees to collapse and drown the city.

The disaster was a symptom of a much larger, longstanding problem with the Corps. It is one of the biggest barrels of pork in Washington, and no outside agency has oversight over its planning and projects. It is answerable not to presidents or secretaries of defense, but only to the members of Congress who use the Corps to funnel money to their home states.

Tomorrow the Senate will take up the Water Resources and Development Act passed earlier by the House. The measure contains $12 billion worth of alleged flood control, water resources and environmental protection projects. If it passes in its current form, that sum will be added to the $58 billion list of previously approved Corps projects.

That backlog is big enough, if nothing is ever added to it, to keep the Corps digging and dredging for the next 40 years;

Some Corps projects work beautifully, as the elaborate flood control system it built in central New Hampshire a half-century ago proved again this spring. But many are a waste of money, and some do far more harm than good.

The bad projects get built—often while worthy ones wait—because the priorities of the Corps are based not on need but politics.

To justify a project, the Corps need only show that its public or private economic benefit will be more than its cost to taxpayers. When, to please a congressional benefactor, the Corps can't make the numbers add up, it cooks the books, according to audits by the General Accounting Office and others. The agency's priorities are so wrong that "beach rebuilding" has become its fastest-growing activity. Many of the beaches it spends million re-sanding are off limits to the public.

Sens. John McCain of Arizona, Russ Feingold of Wisconsin and Joe Lieberman of Connecticut are trying to reform the Corps by creating an independent agency to assess its projects and rank them in the order of their priority. The rankings would not be binding on the Corps, but they would be made public so that taxpayers who pay for the projects would know which are boondoggles and which are justified.

To counter the attempt to bring some fiscal responsibility to the process, Oklahoma Sen. James Inhofe has introduced a rival amendment to keep the pork barrel open.

New Hampshire benefits from Corps projects, and perhaps a dozen are in the works. But Sens. Judd Gregg arid John Sununu enjoy a reputation for frugality, fiscal responsibility and abhorrence of waste. Their vote on the attempt to reform the Corps will say a lot about whether that reputation is deserved.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma is recognized.

Mr. INHOFE. I ask unanimous consent the stacked votes now occur at 2:45 and all other provisions of the agreement remain in place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Let me make a couple of comments. I appreciate that there is some division of editorial policy around the country. Different positions are taken. I would say this, though. Probably the most impressive thing we have added to the RECORD is from the National Waterways Alliance, which has been a very strong supporter, of course, of the bill, as are, I believe, most of us on both sides of this issue who do agree we want to have the WRDA bill. We haven't had a reauthorization since the year 2000.

This organization says they want to accept the Inhofe-Bond amendment and reject the Feingold amendments. It is interesting. As the Senator mentioned some of the editorials, perhaps the St. Louis Dispatch would be of interest to my colleague, Senator BOND.

This also has a number of groups from Wisconsin who are strongly in opposition to the Feingold-McCain amendment, such as the Wisconsin Corn Growers, the Wisconsin AgriServices of Brunswick, the Farm Bureau, and others.

Sometimes you can evaluate something, an amendment, by who is in support of it. I think if you look at this, there are 288 groups. Virtually everyone who has any interest in using a waterway has said they strongly support the Inhofe-Bond amendment. It is such a varied and diverse group. All the Chambers of Commerce, the labor unions, they are all in there, including, of course, the U.S. Chamber, the Wisconsin groups, Agribusiness Association of Iowa, as I mentioned before, American Association of Port authorities, the American Farm Bureau Federation, American Shore and Beach Preservation Association, Arkansas Basin Development Association.

That is an interesting one because as I sometimes remind my colleagues, people are not aware, maybe one of the best kept secrets having to do with this subject matter is that my home State of Oklahoma is a navigable State. Much of that is due to activities of my father-in-law, who is deceased now. Glade R. Kirkpatrick is the one who introduced legislation to provide for the Arkansas Development Association, working with Senator McClellan from Arkansas, Senator Kerr, at that time from Oklahoma.

I can remember 47 years ago, when I married my wife, the first thing my father-in-law did was take me with him for the dedication of the Port of Catoosa. Lyndon B. Johnson came out. I believe that was who came out to dedicate it.

I remember also—I think my friend from Wisconsin will enjoy this—many years ago when I was in the State senate, I was trying to draw attention to the fact that we have barge traffic coming into Oklahoma. I approached a group called the Submarine Veterans of World War II. They decided what they would like to do. I said we have to do something to show the people of America that we can take barge traffic up and down here. It was all done through the private sector. We went to Orange, TX, got a 300-foot-long submarine, the USS *Batfish*, and the idea was to bring it all the way up to my home town of Tulsa, OK. This was quite an undertaking. We had to put floatation on it to raise it up, then bring it down to get it under the bridges. Nobody thought it could be done. All of my political adversaries in the State of Oklahoma were saying we will sink INHOFE with this submarine. It is there, one of the most attractive tourist sites in the State of Oklahoma. Some publications had it coming across the Arkansas line into Oklahoma.

I mention that, that is one of the many groups supporting this, the Arkansas Basin Development Association. Also the California Coastal Coalition, California Marine Affairs Navigation System, the Grain and Feed Associations of Illinois.

There is a long list from Illinois; almost every agricultural organization up there is in support of the Inhofe-Bond amendment—the Illinois Chamber of Commerce, Illinois Corn Growers Association, the International Union of Operating Engineers. Everybody in Iowa is for this, too. The list goes on and on. It gets into some of the labor unions; in fact, almost all of them are in support of our amendment and opposed to the Feingold-McCain amendment, such as the Laborers' International Union of North America, the International Union of Operating Engineers, the United Brotherhood of Carpenters and Joiners, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Works of America, Operative Plasterers & Cement Mason International Association, International Brotherhood of Teamsters, the International Brotherhood of Brickyard Layers and Allied Craftworkers. The list goes on. As I say, the total number is 288 organizations. I can't think of any user—even recreational groups—who are in support of this.

I have to repeat this. I don't want it to be implied by the Senator from Wisconsin or the Senator from Arizona that I do not believe reform is necessary. I talked at earlier times on this floor about the problems we have had with the Corps of Engineers. Sometimes they have done good work. Sometimes the work has not been so good. They need to have more oversight. They need to have some kind of a system, which is built into the underlying amendment or the underlying legislation. It means, to enhance that, either the Inhofe-Bond amendment or the Feingold-McCain amendment would do that. I think that is a recognition that the main thing we want here is to pass the WRDA bill. It is long overdue. We have to do it.

It is funny for me to stand up here as a conservative, having been the author of the transportation reauthorization bill, which was perhaps the largest nondefense spending bill in the history of this body, and now come along with this one, yet I still have my 100 percent rating with the American Conservative Union, I remind my friends.

Nonetheless, this is important. As I say, we are now down to less than 50 minutes until we have a chance to vote.

Several times they have talked about the Hurricane Katrina situation as the ultimate example for the Feingold-McCain amendment. As outlined in the draft final report of the Interagency Performance Evaluation Task Force issued on June 1, the Corps has made mistakes. We do not know why certain decisions were made during the design of the New Orleans levees, but in retrospect we know that they were the wrong decisions. Some or all of these mistakes may have been noticed by an independent peer review panel.

It could have been a panel that would either be adopted under the Feingold-McCain amendment or the Inhofe-Bond amendment.

I agree this unfortunate disaster is an example of the potential usefulness of peer review, but it is not a mandate for their particular amendment. At the time the New Orleans levees were being designed, independent peer review was not a requirement.

I recall one case in particular. In 1976, the Corps had actually done a review of the levee problems that might arise in the future. So they were talking about enhancing the strength of the levee. However, there was an environmentalist group called Save The Wetlands that came along and enjoined them in court and kept them from doing this.

Either review is something that would take care of problems like this that might come up in the future.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, continuing the debate, I appreciate the Senator mentioning my home State of Wisconsin. I think that is an opportunity to quote from one of the leading newspapers in our State, the Wisconsin State Journal. It in the past has not always agreed with me on this issue. But they have come down strongly this year, and I would like to read what they said.

The title of the editorial is "Protect taxpayers from boondoggles," and I am going to read it in its entirety.

> If the United States is to rein in the billions of dollars misspent on pork-barrel projects each year, a top priority should be reforming the way the Army Corps of Engineers does business.

That's why Congress should pass the Army Corps reforms proposed by Senators Russ Feingold, D–Wis., and John McCain, R–Ariz. The Feingold-McCain proposal would improve the public's ability to make sure limited federal resources are spent on cost-effective projects for flood control, navigation, environmental protection and related goals, rather than on boondoggles.

At stake is how the Corps spends its $12-billion-a-year budget, which includes nearly $5 billion for civil works projects, from levees to canals to coastal restoration.

Analyses of last year's hurricane disaster in New Orleans helped to expose costly, even deadly flaws in how the Corps decides where to spend the public's money. For example, before the flooding from Hurricane Katrina breached the levee on the New Orleans Industrial Canal, the Corps had begun a $748 million project at that exact spot.

The project, however, was not flood control but rather a new lock for the canal. The lock, favored by local politicians, was supposed to accommodate barge traffic. Barge traffic on the canal, however, was decreasing.

The New Orleans experience highlighted the Corps' long history of mutual back-scratching with members of Congress: The Corps caters to pet projects, even if their costs far outweigh the benefits, and Congress in return makes sure the Corps gets a big fat budget all at the expense of fiscal responsibility and long-term water resource strategy.

The Feingold-McCain proposal would modernize the Corps' cost-benefit analysis to make it more about project merit and less about political influence. One provision would require independent review of any project estimated to cost more than $40 million, requested by a governor, determined to have significant adverse impact, or judged by the secretary of the Army to be controversial.

Another provision would require a cabinet-level committee to work with the secretary of the Army to annually establish a list of water source project priorities to give Congress guidance.

Wisconsin taxpayers would benefit if Congress limits the influence of pork-barrel politics in the Army Corps of Engineers. So would Corps projects affecting the state, from the modernization of the Mississippi River's lock-and-dam system to efforts to keep invasive species out of the Great Lakes.

The State's congressional delegation should support the Feingold-McCain reforms.

I could go on.

There are more editorials coming online every day. These editorials are coming from States that have projects in this bill, projects that would be subject to the prioritization amendment, projects that would be subject to the independent peer review amendment. These editorials are coming from small States and large cities. Yet they still support reform. And I believe that is because any State that might be the non-Federal cosponsor of a project should want these reforms to ensure that their investment is a wise one.

As the Senator from Oklahoma mentioned some of the groups that support his position, let me also briefly touch on the amazing support for our independent review amendment. There are letters of support from all of the following groups and individuals: League of Conservation Voters; Taxpayers for Common Sense; American Rivers; National Taxpayers Union; National Wildlife Federation; Environmental Defense; the Coalition to Restore Coastal Louisiana; Association of State Floodplain Managers; Republicans for Environmental Protection; Defenders of Wildlife; Louisiana Wildlife Federation; Natural Resources Defense Council; Sierra Club; the Garden Club of America; Council for Citizens Against Government Waste; Earthjustice; the Tennessee Wildlife Resources Agency; the Isaak Walton League of America; World Wildlife Fund; Friends of the Earth; The John Muir Chapter of the Sierra Club; U.S. Public Interest Research Group; a letter from G. Paul Kemp, a professor at Louisiana State University and a member of the Louisiana Forensics Team investigating the Corps' engineering failures; more Great Lakes groups than I can describe here, including Great Lakes United, Alliance for the Great Lakes, Lake Erie Region Conservancy, the Ohio Environmental Council, Environment Michigan, and the Michigan Wildlife Conservancy; Columbia River Fisherman's Protective Union and Columbia Riverkeeper; Environment Maine; National Audubon Society; and finally, a letter that is signed by over 120 grassroots groups from across the country that supports our stand-alone bill, from which today's Feingold and McCain amendments come. The States represented on the letter are Alabama, Alaska, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, Oklahoma, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, Washington, and, of course, Wisconsin.

I ask unanimous consent that several of these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, July 17, 2006.

Re Support Corps of Engineers modernization amendments to S. 728 (Water Resources Development Act), oppose sham amendments.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The League of Conservation Voters (LCV) is the independent political voice for the environment. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

LCV urges you to support amendments to S. 728, the Water Resources Development Act, offered by Senators Feingold, McCain, Carper, Lieberman, and Jeffords, and oppose amendments offered by Senators Inhofe and Bond. The Feingold-McCain-Carper-Lieberman amendments will provide additional transparency and accountability for the Army Corps of Engineers, while the Inhofe-Bond amendments do little more than codify current practices, which have failed to protect the public and the environment. Hurricane Katrina offered a stark example of these failures.

Corps of Engineers projects have all too often been plagued with inadequate or erroneous environmental or economic studies. Recently, the American Society of Civil Engineers called for mandatory independent peer review at all phases of major Corps projects. The Feingold-McCain-Carper-Lieberman-Jeffords amendment ensures that studies for significant projects receive an independent, peer-reviewed assessment. This independent review is empowered to examine all aspects of the Corps analysis it believes are flawed. By contrast, an Inhofe-Bond amendment sharply limits which projects must receive this review, fails to ensure independence, and narrows the scope of that review.

The Corps of Engineers has a multi-decade backlog of authorized projects. In an era of limited resources, it is more important than ever that funds are focused on those projects that are most important to protecting public health and the environment. The McCain-Feingold-Lieberman amendment establishes an independent body that will determine criteria for setting priorities, and then issue a prioritization report to Congress. In contrast, the competing Inhofe-Bond amendment skews the prioritization process toward particular types of Corps projects, leaves the Corps to determine, in vague terms, what the priorities should be, and provides Congress with minimal information for decision-making.

We urge you to support the amendments to WRDA which increase accountability within the Corps of Engineers and to oppose those amendments which do not provide real reform. The LCV Political Advisory Committee will consider including these votes in compiling LCV's 2006 Scorecard. If you need more information, please call Tiernan Sittenfeld or Nat Mund at my office at (202) 785–8683.

Sincerely,

GENE KARPINSKI,
President.

AMERICAN RIVERS, DEFENDERS OF WILDLIFE, EARTHJUSTICE, ENVIRONMENTAL DEFENSE, FRIENDS OF THE EARTH, NATIONAL WILDLIFE FEDERATION, REPUBLICANS FOR ENVIRONMENTAL PROTECTION, SIERRA CLUB, U.S. PUBLIC INTEREST RESEARCH GROUP,
July 17, 2006.

DEAR SENATOR: On behalf of our organizations and our millions of members and supporters, we request your support for the true Army Corps of Engineers modernization amendments that will be offered to the Water Resources Development Act when it comes to the floor. These amendments, offered by Senators Feingold, McCain, Carper, Lieberman, and Jeffords, pose our only meaningful chance of reforming this embattled federal agency.

Hurricane Katrina confirmed the high cost of the Corps' flawed process for developing water projects. As such, our organizations have made addressing the flaws exposed by Katrina a top priority for the 109th Congress. Poorly conceived and engineered flood control, and navigation projects led to the destruction of coastal wetlands and caused most of New Orleans' Katrina related flooding. Billions of federal dollars flowed to low priority Corps projects while acknowledged weaknesses in New Orleans levees went unaddressed.

To avoid repeating these preventable disasters, Congress must require to independent peer review of costly, controversial, and high risk projects. With a 30-year backlog of authorized projects, Congress should also establish a credible system for identifying projects that deserve priority funding. If the Water Resources Development Act comes to the floor, Senators Feingold, McCain, Carper, Lieberman and Jeffords will introduce well-crafted amendments to address these two endemic problems with the Corps.

However, to undercut true reforms, competing amendments developed by and for the Corps will be offered on the floor by Senators Inhofe and Bond. The purpose of these amendments, which do no more than codify existing Corps procedures that have proved inadequate, is to give the appearance of reform without the substance. We strongly urge you to reject these distracting alternatives, which would prohibit review of how models and tools are applied to a particular project; provide only a snap shot assessment of design specifications, for even the most critical projects; and give sole control over peer review and prioritization "evaluations" to the Corps. The Chief of Engineers, not an impartial officer or outside body, would select project reviewers, decide which projects should be reviewed, and recommend priority projects. It would be absurd to vest this additional authority in the Corps in light of the dramatic problems at the agency revealed by Katrina and more than a decade of government and independent studies.

We urge you to oppose the amendments offered by Senators Inhofe and Bond and VOTE YES on the common sense reforms that will be offered by Senators Feingold, McCain, Carper, Lieberman and Jeffords when WRDA is brought to the Senate floor.

Sincerely.

Rebecca Wodder, President, American Rivers.

Buck Parker, Executive Director, Earthjustice.

Brent Blackwelder, President, Friends of the Earth.

Martha Marks, President, Republicans for Environmental Protection.

Doug Phelps, Chairman, Board of Directors, U.S. Public Interest Research Group.

Roger Schlickeisen, President and CEO, Defenders of Wildlife.

Fred Krupp, President, Environmental Defense.

Larry Schweiger, President and CEO, National Wildlife Federation.

Carl Pope, Executive Director, Sierra Club.

JUNE 9, 2006.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the Michigan United Conservation Clubs and the National Wildlife Federation, we urge you to cosponsor the Independent Peer Review amendment proposed by Senators Feingold and McCain, which will be offered to the Water Resources Development Act when it comes to the Senate floor for consideration. This provision would address fundamental flaws with the Corps of Engineers and our nation's water resources program that have been brought to light by Hurricane Katrina. It would improve the health, safety, and security of all Americans, while better protecting the environment and the taxpayers.

As a senior member of the Senate Homeland Security and Government Affairs Committee, you have done due diligence for both the residents of New Orleans and Americans nationwide who watched in horror the days after Hurricane Katrina hit that historical city. Your thorough investigation into all facets of the many failures that befell New Orleans exposed numerous flaws in the federal response system. One of the most startling flaws, in our regard, is the mismanagement of the U.S. Army Corps of Engineers.

Unchecked engineering flaws, poorly planned water projects like the Mississippi River Gulf Outlet that destroy natural flood protection, and misplaced priorities can have disastrous consequences, and not just in a vulnerable city like New Orleans. Senator Levin, this is an historic moment for our nation. We must do a better job of managing our water resources.

The amendments proposed by Senators Feingold and McCain will steer the Corps in a new, more sustainable direction. Recommendation 82 in your report called for independent peer review task forces to be convened to oversee flood control projects across the country. The Feingold-McCain Independent Peer Review amendment will subject all costly and controversial Corps projects to independent peer review. This will provide an important check to ensure that projects proposed by the Corps are based on sound science and economics.

We urge you to cosponsor this critically needed amendment before WRDA is brought to the Senate floor.

Sincerely,

ANDY BUCHSBAUM,
Director, Great Lakes Natural Resource Center.
SAM WASHINGTON,
Executive Director, Michigan United Conservation Clubs.

THE IZAAK WALTON LEAGUE
OF AMERICA,
Gaithersburg, MD, July 17, 2006.

DEAR SENATOR: The Izaak Walton League of America requests that you oppose the current S. 728 Water Resources Development Act when it comes to the Senate floor. A Water Resources Development Act (WRDA) has not passed congress in six years because of bad provisions and resistance to necessary revisions that would safeguard the environment. This legislation sets water policy for our nation and should never be approved without due consideration to the conservation of our water resources. Specifically, please vote against any WRDA bill that contains the boondoggle scheme to build new locks on the Upper Mississippi River. This navigation expansion plan closely follows the Army Corps of Engineers proposal for seven new locks that has been found to be unjustified in multiple examinations by the National Academy of Sciences. Furthermore, President Bush, the Secretary of the Army for Civil Works and the Secretary of Agriculture have all previously disputed the need for the new locks.

Rather than spending billions on un-needed construction projects, the Leagile reminds you that the Mississippi River corridor contains an ecosystem home to 260 fish species, more than 300 varieties of birds, and serves as the migratory path to 40 percent of North America's waterfowl. And the Army Corps of Engineers itself has reported this ecosystem is "significantly altered, is currently degraded, and is expected to get worse." There is no need for the new locks; it is time for the Senate to instead discuss the critical ecological restoration needs of the Mississippi River.

We encourage you to support amendments to S. 728 offered by Sen. Feingold and Sen. McCain.

The Independent Peer Review amendment will require the Corps to submit costly or controversial projects to be reviewed by an independent panel of experts in science and transportation. This amendment will ensure that Corps projects are based on solid engineering, are technically and environmentally sound, and are fiscally responsible.

The Prioritization amendment will require an independent panel to identify the top priority flood control, navigation, and restoration projects for our country. The panel will share their findings with Congress to guide funding decisions.

Our country's water resources are far too important to be altered without complete review, and our federal funds are far too scarce to be spent on unjustified new locks. Thank you.

Sincerely,

BRADLEY REDLIN,
Director, Agricultural Programs.

TENNESSEE WILDLIFE RESOURCES AGENCY, ELLINGTON AGRICULTURAL CENTER,
Nashville, TN, July 17, 2006.

Hon. LAMAR ALEXANDER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR ALEXANDER: We are writing this letter in support of the Feingold-McCain-Carper-Lieberman-Jeffords sponsored amendment to the Water Resources Development Act (WRDA) which is scheduled to be on the floor of the Senate sometime the week of July 17, 2006. The proposed amendment allows for the formation of a Water Resources Coordinating Committee (WRCC) which will provide review and oversight to water resources projects by the U.S. Army Corps of Engineers. This interagency task force will prioritize Corps 'projects; establish a transparent system of ongoing review; and issue recommendations set upon strict timelines that will not delay the planning process. The amendment provides WRCC review for all projects exceeding $40 million; when a state Governor requests it; when a federal agency finds the project will have a significant adverse impact, or when the Secretary of the Army determines that the project is controversial. We urge you to support the Feingold-McCain-Carper-Lieberman-Jeffords amendment to the WRDA which ensures a meaningful, independent review mechanism to review Corps projects.

A competing amendment to the WRDA is being sponsored by Senators Inhofe and Bond that imposes little change on how the Corps does business. It continues to foster a system without clear water resource priorities and allows the Corps to ignore requests from federal agencies and state Governors. Furthermore, reviews will only cover scientific, engineering or technical bases of the decision or recommendation, but not recommendations resulting from the data. Environmental reviews accompanying a feasibility study would not be subject to the overall review. Review will be one-time instead of ongoing during the life of each Corps project, and will not be independent; allowing the Corps Chief of Engineers to select the review panel. Only projects exceeding $100 million will be subject to mandatory review, allowing the Corps discretion to avoid review for most projects. We urge you to vote to defeat the Inhofe-Bond amendment which allows the Corps to continue to ignore priorities for politics.

The current lack of clear water resources priorities is damaging the nation's economic development, transportation systems, and ability to protect its citizens and property from flooding and natural disasters. The Feingold-McCain-Carper-Lieberman-Jeffords amendment moves the nation toward a transparent system that establishes water resource priorities through independent, external peer review. The review system proposed by this amendment ensures that Congress has the information it needs to direct limited federal resources to meet the nation's most urgent needs.

Sincerely,

TIM CHURCHILL,
Tennessee Wildlife Resources Agency.

Mr. FEINGOLD. Mr. President, the need for change could not be more clear, and I hope that today the Senate will adopt the Feingold-McCain-Carper-Lieberman-Jeffords-Collins independent peer review amendment and reject the Inhofe-Bond counter amendment.

I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, we have several times addressed both sides of the agreement we have in terms of how Katrina would have been affected with the various different types of approaches of peer review. I was approached by the junior Senator from Louisiana who said that in Louisiana they are very strongly in support of the Inhofe-Bond amendment. He says those in support are the City of New Orleans, Jefferson Parish, St. Tammany Parish, the State of Louisiana, the Terrebonne Levee and Conservation District, and the Red River Valley Association.

I yield as much time to the Senator from South Dakota as he desires.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I thank the chairman.

I congratulate the chairman of the committee and Senator JEFFORDS and Senator BOND and others who have worked so hard to get this measure to the floor.

Congress is long overdue in reauthorizing this important measure. As a member of the Environment and Public Works Committee, I am pleased to be part of efforts to improve the functionality of the Army Corps of Engineers.

While my home State of South Dakota doesn't have any new specific projects in this bill, I appreciate the hard work that has been put in on the part of Chairman INHOFE, Subcommittee Chairman BOND, and Senators JEFFORDS and BOXER in getting this long overdue legislation to the floor for consideration and hopefully a favorable vote.

I express my appreciation to the bill managers for their willingness to extend the provisions having to do with the Missouri River Restoration Act that was authorized in the 2000 Water Resources Development Act bill.

This particular provision will allow the State of South Dakota to move forward with a task force report from State, tribal, and Federal entities concerning siltation, erosion, and the status of Native American historical and cultural sites along the Missouri River.

My colleagues will be interested to know that my home State of South Dakota has four dams along the Missouri River which resulted in the flooding of hundreds of thousands of acres of State, tribal, and private lands. This particular provision will assist in addressing some of the consequences of the construction of those dams.

Additionally, I appreciate the inclusion of clarifying language in section 5010 that will assist the U.S. Treasury in managing the assets within the Habitat Restoration Trust Fund for the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe that was created in the 1999 WRDA bill. These trust funds are close to being fully capitalized and will greatly assist mitigation of the terrestrial impacts that resulted with the construction of the Oahe and Sharpe reservoirs. This language was requested by the U.S. Treasury and will assure the trust fund's assets are properly invested.

I also would highlight that the Governor of South Dakota is very supportive of a provision I advocated in section 3126 which ensures that Missouri River recovery funds are available to upper basin States—States including Montana, North Dakota, and South Dakota—that would be covered by that provision.

While there have been some previous disagreements among the upper basin States and lower basin States regarding the management of the Missouri River, I am pleased to see that section 5008 has been included to allow all the stakeholders along the Missouri River to work together in laying out what needs to be done to address long-term recovery and mitigation activities.

I rise today to again congratulate and give due credit to the leadership of Environment and Public Works Committee on both sides of the aisle, and our leadership here in the Senate in getting this legislation to the floor.

This is a bill, as I said, which I had some experience working on as a Member of the House of Representatives back in 2004. It is something that we reauthorize on a fairly regular basis. But this one in particular is long overdue.

There are many needs that have been raised for why we need a reauthorization of the Water Resources Development Act, and I also add in terms of the direct benefits to South Dakota and our issues with regard to the Missouri River which are many and have been going on for a very long time.

I also add that the agricultural groups in South Dakota have all weighed in in favor of getting this bill to the floor, voted on and on the President's desk because of the important projects that are included that will make it more possible for them to get their agricultural products to the marketplace.

It is widely supported by a lot of groups in my State—agricultural groups, the Governor of South Dakota, and obviously the tribes of South Dakota, who have been impacted as well when the Missouri River was dammed up and lands were taken to help in flood control issues downstream. There have been ongoing disputes over the years with respect to this river and how it is managed by the Corps of Engineers.

This bill moves us a long way toward addressing some of those issues and making sure that we have good policies and a good process in place for the needs of the States that are impacted by the Missouri River—my State right down the center—which, as I said, has provided a number of benefits, construction of the dams and the area of recreation but also has created a number of challenges for landowners, and for many of the benefits that were promised when the dams were put in. People in my State don't believe they have been fully realized. It seems we have been fighting ever since between the up- and downstream States over getting policies in place that will effectively manage in a fair way the Missouri River.

The WRDA bill doesn't address all those legal issues, but it certainly does address many of the ongoing challenges we face in making sure that the Missouri River is a river that provides for all the various users.

There are many stakeholders, as I mentioned earlier, who have a vested interest in seeing this bill get passed. I am pleased today to be able to rise in support, and I urge us to get a vote on it, pass it, and get it on the President's desk and signed into law so this long overdue legislation can be put into effect and begin to provide the benefits and the intended results for those who have been waiting for its passage.

I yield my time to the chairman of the Environment and Public Works Committee, and again give him due credit for getting this bill to the floor today. I hope we get a very favorable vote.

Mr. INHOFE. Mr. President, I thank the Senator from South Dakota. He has been a huge help on the committee. He is always very active.

I agree with him, the WRDA bill has been pretty heavy lifting. We were both around in 2004 when we had our last reauthorization. It was not an easy accomplishment. It was one that was almost the magnitude of the Transportation reauthorization bill.

We have these amendments, and we are coming down to the wire where we are going to be able to see final passage before too long. I thank my friend from South Dakota for all of his help.

I yield the floor.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the time be equally divided during the quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent Senators CORNYN and HUTCHISON both be added as cosponsors to the Inhofe-Bond amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield 3 minutes to the Senator from Iowa. He is going to speak as in morning business, but I understand it will be charged against my time.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 3 minutes.

(The remarks of Mr. HARKIN and Mr. MCCAIN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, while we have a minute or two here, the Senator from Oklahoma and I have agreed—and I hope the Senator from Vermont would agree—that on the next amendment we could get it dispensed with pretty quickly. We do not intend to propose the other two amendments which we had pending. So as far as the Senator from Wisconsin and I are concerned, we would only have one additional amendment, and if it is agreeable to the managers of the bill, that would be for an hour equally divided.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I yield 5 minutes to the junior Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. MARTINEZ. Mr. President, I rise today to offer my strong support for S. 728, the Water Resources Development Act. This is truly a momentous and important day for Florida. My State is home to beautiful beaches, coastal estuaries, numerous ports, and the Everglades. No piece of legislation moving through Congress could have as much lasting improvement on Florida's fragile ecosystem as the WRDA bill.

I express my sincere thanks to the EPW chairman, Senator JIM INHOFE, and Senator BOND for their diligent leadership in crafting this legislation. I also thank Majority Leader FRIST and Senators REID and Jeffords for reaching time agreements and allowing this historic legislation to come to the floor. So often the media depicts Congress in such an acrimonious light, and I believe this bill is a testament to the fact that bipartisanship still exists in the Senate and that we can also roll up our sleeves and act for the betterment of our Nation.

For too long in our Nation's past, the Federal Government's water resources policies seemed to be in conflict with nature. In the not-so-distant past, the Corps and even the elected congressional and State leadership of Florida was determined to drain the Everglades. One of our most colorful former Governors, Napoleon Bonaparte Broward, famously proclaimed: "Water will run downhill!" At that time, draining and improving "useless swampland" was the epitome of true conservation because opening the wetlands and marshes of Florida to farming and development was considered a better use of land because it could feed and employ people. The idea that places should be protected for their intrinsic beauty and public enjoyment was a foreign concept. Fortunately for our Nation and Florida, the idea of conservation and restoration has an entirely different and more sophisticated meaning today than it did in years past.

In 2000, Congress authorized the landmark Comprehensive Everglades Restoration Plan to repair and restore the natural sheet flow of water across the Everglades National Park into Florida Bay. CERP projects will capture and store a great deal of the nearly 1.7 billion gallons of fresh water a day which are currently released into the Atlantic Ocean and Gulf of Mexico. This water will be restored in above- and underground reservoirs. And when needed, it will be directed to the wetlands, lakes, rivers, and estuaries of south Florida—providing abundant, clean, fresh water, while also ensuring future urban and agricultural water supplies.

This incredible undertaking is the largest environmental restoration project in the world. I am proud to say the State of Florida has made an historic and prolific financial investment of over $3 billion to honor its commitment to the Everglades restoration. And now, with the expected passage of WRDA, new major CERP projects such as the Indian River Lagoon and the Picayune Strand will finally be federally authorized so this important restoration effort can start to take shape.

The Indian River Lagoon's South Restoration Project in WRDA is critical to the success of CERP and returning the Saint Lucie estuary to a healthy status. Approximately 2,200 species have been identified in the lagoon system, with 35 of these species listed as threatened or endangered.

Implementation of the South Restoration Project will feature more than 12,000 acres of aboveground water reservoirs; 9,000 acres of manmade wetlands; and 90,000 acres of natural storage and water quality areas, including 53,000 acres of restored wetlands. We will also be pleased to restore a great deal of the Saint Lucie River, with a corresponding restoration of 2,600 acres of habitat.

Another very important Everglades restoration project included in WRDA is the authorization of the Picayune Strand project. This area was originally planned as the largest subdivision in the United States called Golden Gate Estates. In the early 1960s, the Gulf American Corporation dredged 48 miles of canals, built over 290 miles of roads, and sold thousands of lots before going bankrupt. At that time, there were no Federal or State laws setting drainage standards. So now today we will be moving that area back into somewhat of its natural state and natural habitat, and it will join with the Big Cypress National Preserve and the 10,000 Islands National Wildlife Refuge. It will also provide additional grounds for the Florida Panther Wildlife Refuge.

These are great things for our State. They are great things for restoring back to a lot of its original beauty Florida's ecosystem; not just the beauty but also the functionality of providing for wetlands as a renourishment of Florida's aquifer, which also is so important to maintaining the urban lifestyle of south Florida.

The need to pass a comprehensive water resources bill in Florida is overwhelming. Florida will benefit tremendously from it. I want to use this opportunity to thank Chairman INHOFE and Senator BOND for including these vital restoration and economic development projects in WRDA. This legislation is long overdue. It is time for us to pass S. 728. I urge my colleagues to support final passage of this very important piece of legislation to Florida.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wisconsin has 30 seconds remaining. All other time has expired.

Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the amendment cosponsored by Senators McCAIN, CARPER, LIEBERMAN, JEFFORDS and COLLINS will ensure independent review of Army Corps projects that are costly, controversial or critical to public safety. The amendment responds to over 10 years of studies, including analysis of the Katrina disaster, documenting serious problems with planning and design of Army Corps projects. We owe it to the people of New Orleans, and to all of our constituents, to ensure close scrutiny of critical flood control projects, as recommended by the Homeland Security Committee. That is what our amendment does.

Despite any outcome on my amendment, I urge my colleagues to vote "nay" on the Inhofe-Bond amendment which maintains the unacceptable status quo.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to amendment No. 4681, as modified.

Mr. FEINGOLD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—54

Akaka
Alexander
Allard
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Byrd
Cantwell
Carper
Chafee
Clinton
Coburn
Collins
DeMint
DeWine
Dodd
Durbin
Ensign
Feingold
Feinstein
Graham
Gregg
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Sununu
Voinovich
Wyden

NAYS—46

Allen
Bennett
Bond
Bunning
Burns
Burr
Chambliss
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
Dayton
Dole
Domenici
Dorgan
Enzi
Frist
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Lincoln
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Talent
Thomas
Thune
Vitter
Warner

The amendment (No. 4681), as modified, was agreed to.

Mr. FEINGOLD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4682

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4682.

Mr. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—49

Alexander
Allen
Bennett
Bond
Bunning
Burns
Burr
Byrd
Chambliss
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Enzi
Frist
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Lincoln
Lott
Lugar
Martinez
McConnell
Murkowski
Murray
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Talent
Thomas
Thune
Vitter
Warner

NAYS—51

Akaka
Allard
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Cantwell
Carper
Chafee
Clinton
Coburn
Collins
Dayton
DeWine
Dodd
Durbin
Ensign
Feingold
Feinstein
Graham
Gregg
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Menendez
Mikulski
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Sununu
Voinovich
Wyden

The amendment (No. 4682) was rejected.

Mr. INHOFE. Mr. President, I move to reconsider the vote.

Mr. FEINGOLD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INHOFE. Mr. President, I ask unanimous consent that Senator McCAIN be recognized to offer an amendment regarding prioritization report; further, that following the reporting of that amendment, Senator INHOFE be recognized to offer an amendment on fiscal transparency; provided further that there be 1 hour total for both amendments, to be divided equally between Senators INHOFE and McCAIN; further, that following the use or yielding of time, the Senate proceed to a vote in relation to the McCain-Feingold amendment, to be followed by a vote in relation to the Inhofe-Bond amendment, with no intervening time or extra debate; and that following the votes, there will be 30 minutes equally divided, followed by a vote on final passage.

Mr. President, let me restate this. We have too many things going on, so let me be sure we get it right.

The unanimous consent request is that Senator McCAIN be recognized to offer an amendment regarding prioritization report; further, that following the reporting of that amendment, Senator INHOFE be recognized to offer an amendment on fiscal transparency; provided further that there be 1 hour total for both amendments to be divided between Senators INHOFE and McCAIN; further, that there be 30 minutes equally divided for general debate on the bill, and that following the use or yielding of time, the Senate proceed to a vote in relation to the McCain-Feingold amendment, to be followed by a vote in relation to the Inhofe amendment, to be followed by a vote on final passage, all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri is recognized.

Mr. TALENT. Mr. President, reserving the right to object, could I ask my friend if I could have just a few minutes? It sounds like the unanimous consent takes up all the time, and I just wanted to speak for 4 or 5 minutes on the bill, which I would want to do before we got into that.

Mr. INHOFE. I would respond to my friend from Missouri that we do have in this unanimous consent request 30 minutes equally divided before final passage, and I would be glad to yield to the Senator at that time.

Mr. TALENT. That will be fine.

Mrs. LINCOLN. Mr. President, reserving the right to object, I would like to ask the Chair if there is any possible way we could take the opportunity to give myself and my colleague from Arkansas and Senator ROCKEFELLER just a few moments to speak in morning business in behalf of paying tribute to our Lieutenant Governor from Arkansas.

Mr. INHOFE. Yes. Let me respond to the Senators from Arkansas. I have talked to Senator ROCKEFELLER and we have agreed that as soon as this UC goes through, we will recognize him and the Senator from Arkansas for up to 15 minutes for that purpose.

Mrs. LINCOLN. We are so grateful. We appreciate that from our colleague from Oklahoma.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mrs. LINCOLN, Mr. PRYOR, and Mr. ROCKEFELLER are printed in today's RECORD under "Morning Business".)

Mr. ROCKEFELLER. I thank the chairman of the committee and ranking member. I yield the floor.

Mr. INHOFE. Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COBURN). Without objection. it is so ordered.

Mr. JEFFORDS. Mr. President, while we have a moment I would like to take some time to thank the staff from the Environment and Public Works Committee.

Senator INHOFE's staff is first class, including Ruth Van Mark, Andrew Wheeler, Angie Giancarlo. Stephen Aaron, and many others.

Senator BOND's lead staffer Letmon Lee has done excellent work on this bill.

Paul Wilkins and Sara Roberts from Senator BAUCUS' staff also contributed extensively to this product.

From my staff, Ken Connolly, Alison Taylor. Margaret Weatherald. and Caroline Ahearn have been tremendous.

But most importantly I wanted to recognize two staff people who have worked for years and years on Army Corps issues and specifically this bill.

First, Catharine Cyr Ransom. Catharine is an exceptional Senate staffer. She works hard, is fair, and a joy to work with. She also is very persistent and has made sure that my little State of Vermont has been looked after in this legislation.

Finally, JoEllen Darcy, who has been with the Committee 12 years, and has lived through this WRDA process for her entire tenure. is a true gem. JoEllen has an incredible record of legislative success on the Environment and Public Works Committee due to her depth of knowledge, kind manner, and strong negotiating skills. She is also an avid Red Sox fan, which says a lot about her character and why I like her so much.

I thank all the staff for their work and for all their work through the August recess on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, right now we are waiting for Senator MCCAIN to return and call up his legislation in conjunction with the unanimous consent agreement.

I would like also to say the same thing. It has been great working with Senator JEFFORDS and his staff. as well as other staff members, and of course my staff. Angie, here, has been the primary driver with Steve Aaron and Blu Hulsey, David Lungren, our staff director, and Ruth Van Mark, who has done so much work on the transportation end.

On Senator BOND's staff, Letmon Lee; of course, JoEllen Darcey with Senator JEFFORDS, Catharine Ransom, Alison Taylor, and I guess I would have to mention Ken Connolly, too. as someone who hangs around and gets things done, and Paul Wilkins with Senator BAUCUS.

There is a lot of truth to this. This is more of a nonpartisan committee. We have a lot of issues on which we disagree, but when it gets down to the big authorization we recognize that what we deal with are some of the most significant aspects of government—those that have to get done.

It is the only way to do that when we are dealing with many areas—is cooperate. I appreciate all the staff working together.

I yield the floor.

AMENDMENT NO. 4684

Mr. MCCAIN. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. FEINGOLD, Mr. LIEBERMAN, and Mrs. FEINSTEIN, proposes an amendment numbered 4684.

Mr. MCCAIN. Mr. President. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection. it is so ordered.

The amendment is as follows:

(Purpose: To provide for a water resources construction project prioritization report)

On page 76 between lines 20 and 21, insert the following:

SEC. 2007. WATER RESOURCES CONSTRUCTION PROJECT PRIORITIZATION REPORT.

(a) PRIORITIZATION REPORT.—

(1) IN GENERAL.—On the third Tuesday of January of each year beginning January 2007, the Water Resources Planning Coordinating Committee established under section 2006(a) (referred to in this section as the "Coordinating Committee") shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, and the Office of Management and Budget, and make available to the public on the Internet, a prioritization report describing Corps of Engineers water resources projects authorized for construction.

(2) INCLUSIONS.—Each report under paragraph (1) shall include, at a minimum, a description of—

(A) each water resources project included in the fiscal transparency report under section 2004(b)(1);

(B) each water resources project authorized for construction—

(i) on or after the date of enactment of this Act; or

(ii) during the 10-year period ending on the date of enactment of this Act; and

(C) other water resources projects authorized for construction, as the Coordinating Committee and the Secretary determine to be appropriate.

(3) PRIORITIZATION REQUIREMENTS.—

(A) IN GENERAL.—Each project described in a report under paragraph (1) shall—

(i) be categorized by project type; and

(ii) be classified into a tier system of descending priority, to be established by the Coordinating Committee, in cooperation with the Secretary, in a manner that reflects the extent to which the project achieves national priority criteria established under subsection (b).

(B) MULTIPURPOSE PROJECTS.—Each multipurpose project described in a report under paragraph (1) shall—

(i) be classified by the project type that best represents the primary project purpose, as determined by the Coordinating Committee; and

(ii) be classified into the tier system described in subparagraph (A)(ii) within that project type.

(C) TIER SYSTEM REQUIREMENTS.—In establishing a tier system under subparagraph (A)(ii), the Secretary shall ensure that—

(i) each tier is limited to $5.000.000.000 in total authorized project costs; and

(ii) includes not more than 100 projects.

(4) REQUIREMENT.—In preparing reports under paragraph (1), the Coordinating Committee shall balance, to the maximum extent practicable—

(A) stability in project prioritization between reports; and

(B) recognition of newly-authorized construction projects and changing needs of the United States.

(b) NATIONAL PRIORITY CRITERIA.—

(1) IN GENERAL.—In preparing a report under subsection (a), the Coordinating Committee shall prioritize water resources construction projects within the applicable category based on an assessment by the Coordinating Committee of the following criteria:

(A) For flood and storm damage reduction projects, the extent to which the project—

(i) addresses critical flood damage reduction needs of the United States, including by reducing the risks to loss of life by considering current protection levels; and

(ii) avoids increasing risks to human life or damages to property in the case of large flood events, avoids adverse environmental impacts, or produces environmental benefits.

(B) For navigation projects, the extent to which the project—

(i) addresses priority navigation needs of the United States, including by having a high probability of producing the economic benefits projected with respect to the project and reflecting regional planning needs, as applicable; and

(ii) avoids adverse environmental impacts.

(C) For environmental restoration projects, the extent to which the project—

(i) addresses priority environmental restoration needs of the United States, including by restoring the natural hydrologic processes and spatial extent of an aquatic habitat while being, to the maximum extent practicable, self-sustaining; and

(ii) is cost-effective or produces economic benefits.

(2) BENEFIT-TO-COST RATIOS.—In prioritizing water resources projects under subsection (a)(3) that require benefit-to-cost ratios for inclusion in a report under subsection (a)(1), the Coordinating Committee shall assess and take into consideration the benefit-to-cost ratio and the remaining benefit-to-cost ratio of each project.

(3) FACTORS FOR CONSIDERATION.—In preparing reports under subsection (a)(1), the Coordinating Committee may take into consideration any additional criteria or subcriteria, if the criteria or subcriteria are fully explained in the report.

(4) STATE PRIORITIZATION DETERMINATIONS.—The Coordinating Committee shall establish a process by which each State may submit to the Coordinating Committee for consideration in carrying out this subsection any prioritization determination of the State with respect to a water resources project in the State.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Coordinating Committee shall submit to Congress proposed recommendations with respect to—

(A) a process to prioritize water resources projects across project type;

(B) a process to prioritize ongoing operational activities carried out by the Corps of Engineers;

(C) a process to address in the prioritization process recreation and other ancillary benefits resulting from the construction of Corps of Engineers projects; and

(D) potential improvements to the prioritization process established under this section.

(2) CONTRACTS WITH OTHER ENTITIES.—The Coordinating Committee may offer to enter into a contract with the National Academy of Public Administration or any similar entity to assist in developing recommendations under this subsection.

Mr. MCCAIN. Mr. President, if I may ask the distinguished chairman, have we entered into a time agreement on this amendment?

Mr. INHOFE. Yes, we have. In fact, I will be bringing up mine, and we will consider them jointly. There will be 1 hour equally divided.

Mr. MCCAIN. I thank my colleague.

Mr. President, I ask unanimous consent that the Senator from Ohio be recognized for however much time he may take in support of the amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I would like to second the remarks of Senator INHOFE about Senator JEFFORDS. I have had an opportunity to work with Senator JEFFORDS now for 8 years. We have had our good days and bad days, but we never had good days and bad days between us. I consider him to be an outstanding Senator and a gentleman. I appreciate the courtesies which he has extended me over the years of his distinguished career.

Mr. JEFFORDS. I thank the Senator for his remarks. It has been a privilege to work with him. We got some things done.

Mr. VOINOVICH. Mr. President, I rise in support of the Water Resources Development Act of 2006.

I commend Senators INHOFE, JEFFORDS, and BOND—and their staffs—for their hard work and strong leadership in putting together a bipartisan bill. As a member of the Environment and Public Works Committee, I am pleased to have been a part of this effort. But I want to make it clear that Senator INHOFE is the driving force and Senator BOND kept pushing us. If it wasn't for their unbelievable commitment to this, we wouldn't be here today.

It has been 6 years since the Congress last passed a Water Resources and Development reauthorization bill. I remember it because I was chairman of the subcommittee that handled the bill. The time has come to finally pass this legislation.

America's infrastructure and waterways system is the foundation of our economy. For too long, we have been ignoring our infrastructure, but Katrina was a wake-up call for all of us. In the wake of this disaster, we saw firsthand the devastating impact of a weak infrastructure on our people and our economy. The more we continue to fail to fund our water infrastructure, the more we are putting our Nation's competitiveness at risk in this global marketplace.

It has a new dimension to it because if we are going to compete in the global marketplace, we need to build the infrastructure for competitiveness, and we have had our heads in the sand in terms of the condition of that infrastructure. It is a critical piece of America's competitiveness.

Our infinite needs are overwhelming and being squeezed. We should be rebuilding an infrastructure so that the new generation has at least the same opportunity to enjoy our standard of living and quality of life.

Right now, our infrastructure is collapsing due to insufficient funding. Congress desperately needs to provide increased funding for the Army Corps of Engineers, including funding for levees and funding for additional engineers.

I have been concerned about the backlog of unfunded Corps projects since I was chairman of the Subcommittee on Transportation and Infrastructure in 1999. When I arrived in the Senate in 1999, the backlog of unfunded Corps operation and maintenance projects was $250 million. Today, it is $1.2 billion. At that time, there was a backlog of $38 billion active water resource projects waiting for Federal funding. I want to emphasize that.

Today, according to the administration, there are about $50 billion in Army Corps construction projects that are in need of Federal funding.

Despite these needs, the Corps is currently able to function only at 50-percent capacity at the rate of funding proposed by the budget. It is hard to believe when you consider what we have had with Katrina.

Annual appropriations for the Corps' construction accounts has fallen from a $4 billion average in the mid-1960s to a $1.5 billion average for 1996 through 2005.

The stark reality is at the current levels of construction appropriations, the Corps' water resource projects, we already have more water resource projects authorized for construction than we can complete. At the current low levels of construction, it would take 25 years to complete the active projects in the backlog without even considering additional project authorizations that are in this bill.

That is why I am supporting the prioritization amendment offered by Senator MCCAIN and Senator FEINGOLD.

I tried to get this kind of amendment back 5 or 6 years ago, but it was rebuffed. We don't want to do that. We don't want to prioritize anything. It might be someone's special project, and it may not get on the list where they would like it to be. So let's not do that.

Unfortunately, appropriations for the Corps program have not been adequate to meet the needs that have been identified in our Nation. We have also been asking the Corps to do more with less. I am all for trimming fat from the Federal budget and practicing fiscal discipline, but the Corps of Engineers budget is not fat—it is the bread and butter of our economy and our infrastructure.

I believe this amendment will reduce this backlog. This amendment would allow the Water Resources Coordinating Committee, an interagency task force that has been established in the underlying bill, to establish transparent, project-specific national priority criteria, classify projects either currently under construction or authorized into a tier system based on that criteria, and then issue a nonbinding prioritization report to the authorizing and appropriations committees.

I will bet you that a lot of what they have against this is because they do not want anyone to tinker with what they do. The fact is, I think we owe it to them to make sure they have some priority list as to the importance of these projects as well as the Office of Management and Budget to help guild them in their funding decisions. This report would also be made available to the public.

I believe this report would ensure that the most critical projects in the Nation are receiving adequate funding. Katrina showed us the importance of prioritization.

We need a comprehensive prioritization system to ensure that Congress has the information it needs to direct limited Federal resources to the most urgent projects.

When I was Governor of the State of Ohio, the State had hundreds of highway projects that every preceding Governor had promised each municipality would be built. It is whatever you want, you got it. The list was unbelievable. The projects would have cost the State of Ohio between $5 billion and $6 billion to build, whereas the State typically only received between $100 million and $300 million a year. At the time, it would have taken decades to build all the projects my constituents asked for, even if another new project was not added to the list for years.

In order to deal with the imbalance between demand and available revenue, I created an objective, criteria-driven project selection process called the Transportation Review Advisory Council, or TRAC. This process gives paramount consideration to effective management of the backlog to assure that it only includes needed projects that are economically justified, environmentally acceptable, and supported by willing and financially capable, non-federal sponsors. The State is required to balance this project list with the State's revenue projections.

The TRAC also is required to issue a 4-year fiscal forecast after Congress passes each highway bill to get an idea of how much money we are going to get. It made no sense for the State of Ohio to continue project development on projects worth millions of dollars that had no realistic hope of ever being built. I think my constituents are much better served by this system because the State is investing its resources in projects that will become a reality in the near future.

I am sure the President would understand this. When you have a highway bill, a lot of the Congressmen would put in earmarks on projects. And today when they are earmarking, they earmark it for projects that are on that list because they know that the money will be spent for the project.

We need to take similar steps in the Senate in addressing our water resource needs. It is long overdue with the limited resources that we have. Hopefully, one day we will face up to those limited resources in terms of our infrastructure. We need a prioritization.

I think Senator McCAIN and Senator FEINGOLD have put together a very good amendment.

Again, I know it may be controversial for some of the authorizers, but it is time that we do this.

The passage of another WRDA bill cannot be delayed any further. It is simply too important to our Nation in terms of its benefits to our economy and environment and for the speedy recovery for the areas affected by Hurricane Katrina.

I call on President Bush and my colleagues in both the House and the Senate to work expeditiously to get this bill enacted into law as soon as possible.

Really from the bottom of my heart, I urge my colleagues to support this bill and this amendment.

Thank you, Mr. President.

AMENDMENT NO. 4683

Mr. INHOFE. Mr. President, I ask that the Inhofe-Bond amendment be brought up for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mr. BOND, proposes an amendment numbered 4683.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify a section relating to a fiscal transparency and prioritization report)

Strike section 2004 and insert the following:

SEC. 2004. FISCAL TRANSPARENCY AND PRIORITIZATION REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(1) the expenditures of the Corps of Engineers for the preceding fiscal year and estimated expenditures for the current fiscal year; and

(2) the extent to which each authorized project of the Corps of Engineers meets the national priorities described in subsection (b).

(b) NATIONAL PRIORITIES.—

(1) IN GENERAL.—The national priorities referred to in subsection (a)(2) are—

(A) to reduce the risk of loss of human life and risk to public safety;

(B) to benefit the national economy;

(C) to protect and enhance the environment; and

(D) to promote the national defense.

(2) EVALUATION OF PROJECTS.—

(A) IN GENERAL.—In evaluating the extent to which a project of the Corps of Engineers meets the national priorities under paragraph (1), the Chief of Engineers—

(i) shall develop a relative rating system that is appropriate for—

(I) each project purpose; and

(II) if applicable, multipurpose projects; and

(ii) may include an evaluation of projects using additional criteria or subcriteria, if the additional criteria or subcriteria are—

(I) clearly explained; and

(II) consistent with the method of evaluating the extent to which a project meets the national priorities under this paragraph.

(B) FACTORS.—The Chief of Engineers shall establish such factors, and assign to the factors such priority, as the Chief of Engineers determines to be appropriate to evaluate the extent to which a project meets the national priorities.

(C) CONSIDERATION.—In establishing factors under subparagraph (B), the Chief of Engineers may consider—

(i) for evaluating the reduction in the risk of loss of human life and risk to public safety of a project—

(I) the human population protected by the project;

(II) current levels of protection of human life under the project; and

(III) the risk of loss of human life and risk to public safety if the project is not completed, taking into consideration the existence and probability of success of evacuation plans relating to the project, as determined by the Director of the Federal Emergency Management Agency;

(ii) for evaluating the benefit of a project to the national economy—

(I) the benefit-cost ratio, and the remaining benefit-remaining cost ratio, of the project;

(II) the availability and cost of alternate transportation methods relating to the project;

(III) any applicable financial risk to a non-Federal sponsor of the project;

(IV) the costs to State, regional, and local entities of project termination;

(V) any contribution of the project with respect to international competitiveness; and

(VI) the extent to which the project is integrated with, and complementary to, other Federal, State, and local government programs, projects, and objectives within the project area;

(iii) for evaluating the extent to which a project protects or enhances the environment—

(I) for ecosystem restoration projects and mitigation plans associated with other project purposes—

(aa) the extent to which the project or plan restores the natural hydrologic processes of an aquatic habitat;

(bb) the significance of the resource to be protected or restored by the project or plan;

(cc) the extent to which the project or plan is self-sustaining; and

(dd) the cost-effectiveness of the project or plan; and

(II) the pollution reduction benefits associated with using water as a method of transportation of goods; and

(iv) for evaluating the extent to which a project promotes the national defense—

(I) the effect of the project relating to a strategic port designation; and

(II) the reduction of dependence on foreign oil associated with using water as a method of transportation of goods.

(c) CONTENTS.—In addition to the information described in subsections (a) and (b), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95-502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

Mr. INHOFE. Mr. President, I yield 15 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 15 minutes.

Mrs. BOXER. Mr. President, I thank my chairman, Chairman INHOFE, for granting me this time.

I feel so strongly against this amendment. I really need the time to explain to my good colleagues why I think it ought to be voted down.

We have amendments before us from time to time and they come to us as reform. I totally understand that we need reform in this whole area of the way we prioritize projects that come before us. But I don't believe this is reform at all. In my view, I think this is a delegation of the responsibility of the Senate and the House over to the executive branch. I believe it is going to be put into the hands of people who won't know a thing about this subject matter, and it is going to bring politics right into this Chamber. We were elected by the people. The cities and counties count on us to do our homework, to do our due diligence and understand what the needs are of our people, what our flood control needs are in our States, what our other needs are in our States, the studies that need to be performed, and all of that. That is our job.

The McCain amendment just simply wraps it all up and tosses it over to the executive branch. It sets up a whole new bureaucracy that I think is absolutely unnecessary and, frankly, I think it is disastrous for this WRDA bill. Unlike the other amendment which we supported, which is peer review, that looked forward, this amendment looks back into this bill where we have sat for years and years.

Again, I thank Senators INHOFE, JEFFORDS, BOND, and BAUCUS and the leaders of this committee who have worked with us to ferret out the projects that didn't have merit. I can attest to the fact that I had an amendment that I wanted to move forward.

I was persuaded by my colleagues on both sides of the aisle that there was a better way to move forward.

We have done our work. This amendment is well intended. I know that. I know the people who have put it forward to us have good intentions. But I think it is going to make it more difficult for worthy projects to get needed funding. That includes projects that have an impact on public health and safety.

I may have a debate with Senator BOND over which project I think is the more worthy and we will sit and talk about it and we will argue about it. At the end of the day, there will be a decision. Why should the two of us toss that all over to the executive branch, no matter who is President? What does it have to do with them? It is our bill. The President has the right to veto it if he doesn't like it or sign it. But thrashing out what ought to be in it and what is good, we have done that. That is part of our job.

There is another problem with this amendment. It sets up a nightmare of a tier system. You have to fight your way into a tier in order to be funded. The administration—this one and the next one and the one thereafter—will be able to recommend which tier your State projects ought to be in. When the first tier reaches $5 billion, or when there are 100 projects in it, that tier is finished. So if you have a very important project, a large project, but let's say we all know we have to move to help the folks who are impacted by Hurricane Katrina, and they have priority—we all agree that it has a very high priority—if you represent a large State, you have a large project, you will never make it into the first tier. It is bad for my State.

Frankly, it is bad for any project that is large enough and can't get into the first tier—it gets knocked down. You get stuck in a lower tier simply because the project may protect more people. How does that make any sense whatsoever? It is an arbitrary system. It can label a project as second tier despite critical local public safety needs. It will undermine a project's chances of receiving appropriations.

We already know what a fight we have to convince our colleagues in the Committee on Appropriations that the projects in our State have merit. We subject these projects to tremendous scrutiny, first in this particular WRDA bill. As we struggle to get appropriations funds, we have to make the case. Then we have to go to conference and continue to make the case.

Under this amendment, I am sorry to say this is no reform. I ask rhetorically if this makes any sense. There is a very important committee that has been set up in the underlying bill. The committee has some very important functions, but now the McCain amendment adds this next function on to this committee, this coordinating committee which, by the way, is going to hire an executive director.

If anyone wants to learn how projects and laws get bogged down, here is an example. This committee that is going to be set up includes the following people: The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Health and Human Services, the Secretary of Housing and Development, the Secretary of Transportation, the Secretary of Energy, the Secretary of Commerce, the Administrator of the EPA, the chairperson of the Council on Environmental Quality, and here is my favorite, the Secretary of Homeland Security.

We all know about their priority list. We just took a look at their priority list. Petting zoos should be protected before bridges and highways. They have included Old McDonald's Petting Zoo, a bourbon festival, a bean festival, the Kangaroo Conservation Center. This is what the Department of Homeland Security said ought to be prioritized.

Do we want to invite them into a new prioritization game for the WRDA projects? I hope not. What could come out of this is not good.

In discussing this with my colleagues, they say: But, Senator BOXER, they are just going to recommend. We have the ability to sit down among ourselves—Democrats and Republicans—as we have done in this bill, and come to some decisions on what the priorities are. I believe the Committee on Appropriations, working with all of us, has a second bite at that apple.

I don't believe we need to ask this President or any future President to get into this issue and convene meetings, have studies, and waste money just to put together a list that they say is their priorities. What makes their priorities better than our priorities? They are not even elected. This is not even their job. How do you come forward—I ask my friend from Arizona, rhetorically, because he is not here—giving people who have no idea what this is about the power over the projects? They say it is just a recommendation, but we know they will take that seriously.

We remember the whole tizzy when they said they thought it was fine for the country of Dubai to run our ports. There was a big debate in the Senate.

Most Members believed that was a mistake. That also came out of some committee.

We all fight to get here. We all work hard to get here. At a minimum, we are in touch with our States and we know the needs of our States. The Congress, not a political appointee, not some bureaucrat, but Members of the Senate should retain the central responsibility for establishing the border resource priorities for their States. Instead, this amendment leaves the recommendation of priorities up to a committee made up of Cabinet and other political appointees.

We are inviting politics into this debate. As Senator INHOFE said, this is one of those rare moments in history, this bill, where politics is left at the committee door. We worked together. We worked hard together. Now, with this McCain amendment, we are injecting partisan politics. In this case it is a Republican President. In future years it could be a Democratic President. It does not make any difference.

We should do our job. We should not punt the ball elsewhere. What are we here for? Anyone who votes for this, and I am sure there will be a few—I hope not too many—the message they are basically sending is that they do not feel comfortable enough, they do not feel knowledgeable enough, they do not feel strong enough to stand up for what needs to be done in their States.

Again, I ask, do we really want to have the Department of Homeland Security deciding the critical water resource projects? They have enough to do to get their own priorities in order.

With all due respect to members of the Cabinet, we as individual Senators know our States' needs. We know our States' priorities. This is not reform; this is injecting, in my view, partisanship into a very bipartisan approach.

I trust my colleagues, whether Republican or Democrat, in this bill because they have to explain why their projects are worthy. This is not like an earmark where something is stuck in the bill in the middle of the night. This is a major reauthorization bill where every project is looked at very carefully. I don't believe any Cabinet is going to be more effective at telling us what projects should be funded.

As Members of Congress, let us not surrender our responsibility to an executive branch that, in my view, will not reflect the real needs of our people. I urge my colleagues to vote no, a very sound no, on this amendment. Let's send a message today that this Senate knows what it is doing in this bill.

I feel very comfortable with the leadership of Senators INHOFE and JEFFORDS, that we do know what we are doing in this bill. If you are for this bill, I hope you will vote no on the McCain amendment.

I give the remainder of my time to the good Senator, Mr. INHOFE. I thank him so much for the chance to speak against this amendment.

Mr. INHOFE. I thank the Senator from California for bringing up some very good points.

How much time is remaining?

The PRESIDING OFFICER. The total time remaining is 17 minutes 45 seconds.

Mr. INHOFE. Parliamentary inquiry because there is some confusion, without using our time to make the parliamentary inquiry: It is my understanding that while we have an hour equally divided on the two amendments that are going to be voted back to back, there is also 30 minutes equally divided on final passage. All of this time would be used prior to the three votes that come consecutively; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. If that is the case, there would be more like 30 minutes remaining because each side would have 45 minutes.

The PRESIDING OFFICER. The agreement contemplated that the final 30 minutes would be used after the initial hour so that the Senator's assumption is correct that he will have 15 minutes after the 17 minutes and 35 minutes is expired.

Mr. INHOFE. I ask unanimous consent on our side, and I suggest they probably want to do the same thing, that our time not be segregated as to the amendments versus final passage so we could have 45 minutes for either as we desire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. With that, I yield 10 minutes to the Senator from Missouri who has been very helpful and constructive in this legislation.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mr. BOND. Mr. President, I thank the Senator for the time and also for the kind remarks. I appreciate the excellent leadership he has provided and the bipartisan nature with which he and Senator JEFFORDS brought this bill to the Senate.

It is important to take a look at the substance of what is going on in these prioritization amendments now before the Senate which deal with fiscal deadlines and requirements and, in turn, how projects should be prioritized. I hope our colleagues will listen carefully to the context of the WRDA legislation and the Corps reform.

Worthwhile projects of the Corps of Engineers should be funded. The inadequate funding of the levees in New Orleans was a bad mistake. We need to fund worthwhile levees, but the best route is not the total overhaul of the Corps and passage of the Feingold-McCain amendments, in this case, specifically, the prioritization amendment.

The Feingold-McCain amendment proposes a complete overhaul by establishing a new bureaucracy, the Water Resources Planning Coordinating Committee. We need another bureaucracy in the Federal Government like a bear needs tennis shoes. This idea is essentially a reprise of the Water Resources Council that existed during the Carter administration which was discredited due to its inability to get anything done. That is not surprising when you have members ranging from the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Homeland Security. These are just a few of the Cabinet members, along with others, proposed to provide review under the Feingold-McCain amendment. The Secretary of the Army is on there, not even a Cabinet position. I look forward to the Secretary of the Army, for example, providing input and review to the Department of Education on No Child Left Behind. That is essentially the same thing as having the proposed Feingold-McCain council consisting of noninterested, nontrained Cabinet members with other heavy responsibilities involved in the Corps of Engineers' very complicated 103-step process to come up with priorities and approval of projects.

Beyond a lack of interest in expertise, this council is structured for projects to fail. A meeting of the minds is very difficult. This is probably the reason such a council does not exist in any other forum. In the rare event a consensus would emerge, the 50 percent local cost share would increase to the point where communities could no longer afford to make their contributions for essential projects.

It sounds like a time-consuming, expensive, headache-producing bureaucracy to me, and I have seen them before. I can tell one when I see it. This is one area where trained experts who understand the process, from planning to construction, should be running our water project formulation process. There is a reason we rely upon those with appropriate training and expertise to develop and construct our infrastructure and safety needs. These decisions should be based on sound science, not on political judgment of people with no expertise in the area.

With thousands of projects and costs that change annually, prioritization of the projects and the process directed by Feingold-McCain would be extremely cumbersome. Achieving stability and prioritization would be nearly impossible.

The amendment Senator INHOFE and I have proposed would categorize and prioritize projects on scientifically sustainable reports. These reports will provide Congress with the necessary information to make tough values-related decisions. Our proposed approach supports and encourages a holistic approach to water resource management by considering a wide range of important factors.

Feingold-McCain fails to address multipurpose projects and thus results in inadequate cost-benefit ratios. Modernizing our locks and dams and improving our levees contribute to the entire way of American life: enhancing flood control, transportation, hydropower, water supply, and recreation. Each purpose of the project served determines demands prioritization, weighing all benefits in the analysis. And even then, how do you truly value safety and the health of human life?

Media reports and editorials have criticized and played the blame game. As a result, the Corps has received more than its share of public ridicule. What is not well publicized is the good work that the Civil Works Program of the United States Army Corps of Engineers has already done in its exhaustive inhouse budget prioritization. The Civil Works Program has the only infrastructure project analysis that is required to have cost-benefit ratios grounded in economic theory and extensive ongoing economic analysis.

From its inception, each economic water resource infrastructure project goes through multiple "winnowing" processes. In recent years, only 16 percent of the proposed projects generally pass on a "national benefit," a positive benefit to cost ratio. Unless a project meets this threshold, the process will not allow for a favorable report of the chief of engineers.

The second winnowing is cost-share requirements where both studies and construction require percentages of local moneys to match the amounts from the Federal Government as well as other contributions such as lands, easements, and rights-of-way.

Unless exempted by Congress, if a local cost-sharing agreement does not come forward, a project is not eligible for Federal funds.

Next is the actual budget appropriations process, which begins at the 38 districts of the Corps of Engineers 18 months before a President's budget is delivered.

Performance-based budgeting requires a highly detailed process, sorting the projects by benefits and costs and rated in a variety of categories, including risk factors for the environment, safety, security, and operations.

Each of the "economic" Corps projects is then subject to "diminishing returns" analysis that defines specific measurable performance benefits that may be gained through a number of levels of incremental funding.

In addition, unique elements or circumstances, such as judicial findings and orders, are taken into account. The recommendation is then sent to the Corps Division office that merges all district inputs into a division recommendation which goes to the Corps headquarters in Washington.

Once at headquarters, they are reviewed, merged, cross-walked, racked, stacked, jacked, and tacked, and finally nationally ranked on a benefit scale, to deliver a list to OMB.

I am exhausted—and I know my listeners are exhausted, those who are still listening—merely summarizing the current standards and the process that has to be followed—and we did not go into the 103 steps currently existing before the request even reaches Congress for appropriations.

But the Bond-Inhofe amendment goes further and categorizes and prioritizes projects scientifically and makes a supportable report to make it easier for us to make the important judgments. It is a time-consuming and extensive process already. The last thing the process needs is additional bureaucratic steps and redtape from those who have already skewed priorities and lack the expertise to make decisions.

OMB has its own criteria and priorities, with recent trend analysis showing they favor environmental restoration projects. For example, within the fiscal year 2007 construction account, only 90 out of the approximately 655 projects were accorded "priority status" that would allow for some level of funding.

The Feingold-McCain amendment would only add additional steps, lengthen the timetable, with fewer funded projects, the loss of jobs, and the inability to provide safety and the transportation we need.

Finally, of course, there is a congressional process where we must authorize and fund the projects. We establish our priorities, and they are contained in the amendment, the Bond-Inhofe amendment.

The Feingold-McCain amendment proposes a council that lacks the necessary expertise and adds redtape. We believe the Bond-Inhofe amendment makes sense, and it will add to what the WRDA legislation already includes: reasonable Corps reform amendments that would strike a balance, that disciplines new projects to criteria fairly applied, while addressing a greater number of water resources multipurpose priorities.

I urge my colleagues to support the Inhofe-Bond amendment and to oppose the Feingold-McCain amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I would like to thank my friends from Oklahoma and Missouri for their courtesy in the way we have been addressing these two amendments.

Mr. President, I begin by asking unanimous consent that the Statement of Administration Policy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY, JULY 18, 2006

S. 728—WATER RESOURCES DEVELOPMENT ACT OF 2006

The Administration has strong concerns with the significant overall cost of S. 728. The Congressional Budget Office has estimated that the bill as reported by the Committee would authorize nearly $12 billion in discretionary spending, and a preliminary Administration review indicates that the cost of the manager's amendment would be greater. The Administration believes the bill should establish priorities among these activities and limit new authorizations to those projects that represent the highest priorities for Federal funding within the three main Corps mission areas: commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration. The Administration is committed to maintaining fiscal discipline in order to protect the American taxpayer and sustain a strong economy.

The Administration supports the intent of the manager's amendment in the nature of a substitute to S. 728 with regard to provisions that: (1) address high-return nationally significant water resource infrastructure efforts and aquatic ecosystem restoration opportunities in coastal Louisiana and along the Upper Mississippi River; (2) protect the Great Lakes from invasive fish species; and (3) improve the Corps of Engineers recreation services by providing a financing authority similar to that proposed in the President's Budget.

The Administration is committed to restoring the Everglades in partnership with the State of Florida. S. 728 would authorize construction of the Indian River Lagoon project, a significant South Florida aquatic ecosystem restoration project. It would also authorize construction of the Picayune Strand project, which has not completed its review by the Administration. We look forward to working with Congress on these and future authorizations for this priority restoration effort.

The Administration looks forward to working with the Senate to revise this legislation so that it will accomplish our shared goals and objectives.

THE NEED FOR BASIC REFORMS

The civil works program has played an important role in developing the Nation's water resources; however, it faces several interrelated problems: (1) the Corps has a large backlog of unfinished construction work, resulting in more projects facing delays and a $50 billion cost to complete the backlog of already-authorized projects; (2) the Corps is providing funding to construct projects outside of its three main missions, which reduces the funding available for higher priority needs; and (3) the Federal government pays a substantial share of project costs, which can lead to an over-allocation of resources to build new projects and upgrade existing ones. The bill does not address, and in some cases would exacerbate, these problems.

The President's last four Budgets have outlined the direction of the reforms needed to address these and other concerns. The Administration has proposed five principles to guide Corps authorizations and appropriations, which focus on: (1) improving how the

Corps formulates its water resources projects, such as through changes to the 1983 principles and guidelines for proposed Federal water resources projects; (2) limiting new construction starts to projects with a very high net economic or environmental return per dollar invested; (3) setting priorities for allocating funding among the projects with ongoing construction work in the three main Corps mission areas; (4) de-authorizing commercial navigation projects with extremely low levels of commercial use, and projects whose main purpose falls outside the three main mission areas; and (5) addressing cost-sharing.

The FY 2007 Budget proposes specific economic, environmental, and public safety performance criteria for use in establishing priorities among ongoing construction projects. The Administration supports efforts to prioritize water resources construction projects consistent with this approach, and looks forward to working with Congress to accomplish this objective.

PLANNING FUTURE PROIECTS

The bill's proposals regarding the formulation of projects would undermine efforts to improve the economic and environmental performance of future projects. Subsection 2005(e)(1)(A)(ii) would increase the ability of local project sponsors to direct the project alternatives that the Corps may consider and recommend, and could preclude consideration of other reasonable alternatives. Subsection 2005(e)(1)(B) would prohibit the use of budgetary and other policy considerations in the formulation of proposed projects. Both of these changes would erode the ability of the Executive Branch and Congress to ensure that the projects proposed for authorization are well-justified and in the national interest.

The Administration supports the independent peer review of proposed projects. Section 2007 would restrict such reviews to 90 days from the start of the public comment period, which may not provide enough time to fully consider the public comments and would preclude using these panels to assess substantial changes to the project proposed by the Corps in response to the public comments. The Administration looks forward to working with Congress on this process.

RESTRICTING THE POWERS OF THE EXECUTIVE BRANCH

The Administration strongly objects to section 2006(f)(1)(C), which would limit the ability of the Executive Branch to properly supervise the civil works program by prohibiting anyone from giving direction to the Chief of Engineers, including Senate-confirmed Presidential appointees in the Department of Defense, regarding any Corps report on a proposed project or any related recommendations for changes in law or policy. Such a provision would hinder the President's ability to fulfill his Constitutional duties. The bill would also require the Secretary to provide his recommendations to Congress on a proposed project within 90 days of the Chiefs report, which is not adequate time for a proper review and a determination of the Administration's position. In addition, this language should be revised to request rather than require the recommendation, in keeping with the President's constitutional authority to make recommendations he determines to be necessary and expedient.

The Administration strongly objects to Section 1003(o) which conditionally preauthorizes the construction of all projects identified in a future Corps report on options for improving storm damage reduction along the Louisiana coast. Congress should not preauthorize these yet-to-be-identified projects, whose total cost is likely to be measured in the tens of billions of dollars and is not included in Congressional Budget Office estimate, before the Executive Branch, Congress, and the public have had a full opportunity to review them.

The Administration objects to Section 1003(n) which creates a new agency—the Louisiana Water Resources Council—to manage and oversee a system-wide comprehensive plan of unspecified future projects in Louisiana. This provision would circumvent the normal chain of command within the Executive Branch and thereby reduce accountability for the costs to build these projects. The provision also raises constitutional concerns with regard to the Appointments Clause.

ADEQUATE AND APPROPRIATE COST-SHARING

The Administration objects to the authorizations in the bill that would have the effect of providing unwarranted waivers or reductions in non-Federal cost-sharing requirements. The Administration strongly opposes section 2039(a), which could be read as authorizing a major shift in future project costs—potentially costing billions of dollars to the general taxpayer. In addition, for the aquatic ecosystem restoration work along the Upper Mississippi River and Illinois Waterway and in the wetlands of coastal Louisiana, the cost-share paid by the general taxpayer should be no more than 50 percent, as it is for the Everglades restoration effort.

UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY NAVIGATION

The Mississippi River is a major artery for transporting America's bulk agricultural products, and the Administration is working to keep it that way. The Administration has identified work on the Upper Mississippi River and Illinois Waterway as one of the most important Corps operations and maintenance projects. The Administration would like to work with Congress to appropriately address the navigation and ecosystem needs of this part of the inland waterway.

COASTAL LOUISIANA

The Administration recommends that the Senate revise section 1003 to provide a single generic authorization covering all studies, construction, and science work needed to support the effort to restore coastal Louisiana wetlands, including but not limited to the work envisioned in the near-term restoration plan. This would expedite the approval process for projects and their implementation while providing greater flexibility in setting future priorities. Subsection 1003(j) should also be revised to provide for only a science program, which should be run by the U.S. Geological Survey and be funded on a cost-sharing basis and through appropriations from the Corps. Moreover, section 1003(i), and several other provisions in the bill, should be revised to avoid micromanaging the internal deliberations of the executive branch, and thereby interfering with the President's constitutional duty to execute the law.

OTHER CONCERNS

The Administration also opposes certain other provisions in the bill, including:

Section 2001, which could significantly diminish accountability, nationwide consistency, and oversight of Corps projects by limiting the ability of Corps headquarters and the Secretary of the Army to review proposed agreements with local project sponsors, and could expose the Federal government to liquidated damages in the event that Congress terminates funding for a project;

Section 2014, which would establish a binding 50-year Federal commitment to the periodic nourishment of sandy beaches and which could be construed as promoting "shore protection" instead of storm damage reduction as the program's objective; and

Section 3067, which would lead to the use of the Bonnet Carre Spillway in ways that could be harmful to the ecosystem of Lake Pontchartrain.

The Administration looks forward to working with Congress on these and other concerns as the legislation proceeds.

Mr. McCAIN. Mr. President, I would just like to quote from the first paragraph of the Statement of Administration Policy:

> The Administration has strong concerns with the significant overall cost of S. 728. The Congressional Budget Office has estimated that the bill as reported by the Committee would authorize nearly $12 billion in discretionary spending, and a preliminary Administration review indicates that the cost of the manager's amendment would be greater. The Administration believes the bill should establish priorities—

I repeat: "The Administration believes the bill should establish priorities"—

> among these activities and limit new authorizations to those projects that represent the highest priorities for Federal funding within the three main Corps mission areas: commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration.

The first paragraph of the administration's Statement of Administration Policy emphasizes their belief that this legislation should establish priorities amongst these activities. That is what this amendment is about. It is exactly that. The amendment is designed to help Congress make clear and educated decisions on which Army Corps projects should be funded based on our Nation's priorities.

I am pleased to be joined by Senators FEINGOLD, LIEBERMAN, and FEINSTEIN in offering this important amendment to the Water Resources Development Act.

Last August, this Nation witnessed a devastating national disaster. When Hurricane Katrina hit, it brought with it destruction and tragedy beyond compare; more so than our Nation has seen in decades. Almost a year later, the gulf coast region is still trying to rebuild and there is a long road ahead. We learned many lessons from this tragedy, and, as our Nation continues to dedicate significant resources to the reconstruction effort, we must ensure that those resources are being used in the most effective and efficient manner as possible. It is time the Congress takes a hard look at how our scarce Army Corps dollars are being spent overall and whether they are actually going to the most necessary projects.

Our current system for funding Corps projects is not working. Currently, projects are submitted by Members of

Congress for funding without having a clear picture of how that project affects the overall infrastructure of our Nation's waterways or where it fits within our national waterways priorities.

Too often, it is a Member's seniority and party position that dictates which projects are funded and which ones will join the $58 billion backlog. Mr. President, I repeat, we have a $58 billion backlog of projects. And the bill before us is going to add another $12 billion in projects to the backlog. Do you know how much funding the Corps receives annually? Two billion dollars. So if you have $70 billion, and we are annually allocating $2 billion, that is 35 years. It is 35 years before any project that is on this list is funded.

Clearly, without a prioritization, that opens itself up to no way that we would have a way of determining which project is most important and which is not. There is no way to know which projects warrant these limited resources because the Corps refuses to give Congress its views on which projects are necessary. In fact, even when Congress specifically requests a list of the Corps' top priorities, it is unable to provide it. Remarkable. Remarkable. Unfortunately, the underlying bill does not address this problem.

To help my colleagues fully understand the extent of this problem, let me quote Representative HOBSON, chairman of the House Energy and Water Appropriations Committee, from his statement on the House floor on May 24, 2006:

> Last fall, we asked the Corps to provide Congress with a "top 10" list of the flood control and navigation infrastructure needs in the country. The Corps was surprisingly unable or not allowed to respond to this simple request, and that tells me the Corps has lost sight of its national mission and has no clear vision for projects it ought to be doing in the future . . . frankly, what is still lacking is a long-term vision of what the Nation's water resources infrastructure should look like in the future. "More of the same" is not a thoughtful answer, nor is it a responsible answer in times of constrained budgets.

This amendment is designed to address this problem and shed light on the funding process. It allows both Congress and the American people to have a clear understanding of where our limited resources should be spent. The amendment will tap a multiagency committee created in the underlying bill. It will direct that committee to review Corps projects that are currently under construction or have been authorized during the last 10 years.

These projects would be evaluated by several commonsense, transparent criteria. They would also be divided and judged within their own project category, such as navigation, flood and storm damage reduction, and environmental restoration. Each project category would be broken into broad, roughly equal-sized tiers, with the highest tiers including the highest priority projects, and on down the ladder. This advisory report would then be sent to Congress and be made available to the public.

Some have said this amendment relinquishes congressional authority to the executive branch. That is a false allegation. The prioritization report is an effort to inform Congress, but it does not dictate spending decisions—just as the Department of Defense sends our authorizing committee, the Armed Services Committee, their priorities. Without knowing their priorities, how in the world can we know how to spend the dollars?

To more fully understand the need for a prioritization system, let's consider funding for Louisiana in the fiscal year 2006 budget. The administration's budget request included 41 line items or projects solely for Louisiana that totaled $268 million. That works out to $6.5 million per project, on average. The House Energy and Water appropriations bill included 39 line items or projects totaling $254 million—again, in the neighborhood of $6.5 million per project. The Senate bill included 71 line items or projects, to the tune of $375 million—averaging out to $5.3 million per project.

So while even more money was proposed for Louisiana under the Senate version, individual projects would receive less money, and, inevitably, this would result in delays in completing larger projects. So this really does come down, once again, to real-world consequences of earmarking. Communities actually lose under this earmarking practice.

Can we really afford long, drawn-out delays on flood control projects that people's lives depend on simply because too many Members are fighting for a small pool of money with no real direction? We need some kind of direction, clear understanding and guidance for funding Corps projects. While more money may ultimately be going to a State, if it is being parsed via earmarking in an appropriations bill, we will not be able to make significant progress on any project.

Ultimately, without guidance, Congress is able to cram as many projects as possible into appropriations bills while contending that each project is as important as the next. Drawing out completion on all of these projects puts people's lives in danger and is unacceptable.

Some may believe that under this amendment smaller projects will lose out. However, the size of the project has no impact on the prioritization system. In fact, this objective system will help find the hidden gems in the Corps project list and highlight their strengths to Congress.

It is time we end this process of blind spending, throwing money at projects that may or may not benefit the larger good. It is time for us to take a post-Katrina look at the world and decide whether we will learn from our experiences over the last year or whether we are content to continue business as usual.

Shouldn't we be doing all we can to reform the Corps and ensure that most urgent projects are being funded and constructed or are we more content with needless earmarks—too often at the expense of projects that are of most need?

As stated in a letter signed by the heads of the Taxpayers for Common Sense Action, the National Taxpayers Union, and the Council for Citizens Against Government Waste, in support of our amendment:

> Enough is enough . . . we need a systematic method for ensuring the most vital projects move to the front of the line so limited taxpayer funds are spent more prudently.

The Corps procedures for planning and approving projects, as well as the congressional system for funding projects, are broken. But they can be fixed. The reforms in this amendment are based on thorough program analysis and common sense. And let me be clear: A vote against this amendment is a vote against Government transparency and accountability. This amendment is a step toward a more informed public and a more informed Congress. We owe the American public accountability in how their tax dollars are spent.

I commend Senator FEINGOLD for his efforts to build and improve upon the Corps reforms we have explained before. Corps modernization has been a priority that Senator FEINGOLD and I have shared for years, but never before has there been such an appropriate atmosphere and urgent need to move forward.

I also thank Senators INHOFE and BOND for working with us throughout this process and helping us to incorporate many commonsense changes into the larger bill. While I still have concerns with the underlying bill, and particularly the number of projects that would be authorized, I hope that by adopting this amendment we can move this bill in a direction that will truly benefit the Nation.

I want to share with my colleagues not only the administration's support for this important prioritization amendment, it also has been endorsed by many outside groups, including Taxpayers for Common Sense Action, National Taxpayers Union, Citizens Against Government Waste, American Rivers, National Wildlife Federation, Earthjustice, Environmental Defense, Republicans for Environmental Protection, Sierra Club, and the World Wildlife Fund. And it has been positively commented on by the Heritage Foundation. The vote on this amendment will be key voted by the Taxpayers for Common Sense Action, National Taxpayers Union, Council for Citizens Against Government Waste, and the League of Conservation Voters.

We are also considering side by side the Inhofe-Bond amendment. As I have mentioned before, their version would be prepared by the Corps, controlled by the Corps, evaluated by the Corps, and reported by the Corps, locking out input from other relevant water resources agencies such as the Department of Homeland Security. That amendment, unlike my amendment, only looks at likely construction projects, forces the Corps to review every single project in its $58 billion backlog, soon to be $70 billion with the passing of this bill. It would also create a vague need to fund a relative rating system that does not require any final analysis or ranking. This would lead to an argument over semantics rather than quality of a project. Members would come to the floor to argue that the criteria that their project scored well in is the most important criteria, whereas another Member would be arguing for another criteria because their project scored well in that area. This system would only lead to further confusion over the worth of individual projects and distract Congress from the job at hand. Further, this system would use criteria clearly devised to skew ratings toward particular types of Corps projects. How would an environmental restoration project ever score well on a criteria designed to weigh a project's ability to lessen our dependence on foreign oil? How would a flood and storm damage reduction project do being judged by this criteria that is in the amendment, pollution reduction benefits associated with using water as a method of transportation of goods?

Additionally, the Inhofe-Bond amendment would require the rating report to be delivered only to the authorizing committee, thus sending the signal that this information is not intended to help set funding priorities and not intended to be transparent for the public. I urge my colleagues to oppose the amendment.

I point out again the problem we have here: $70 billion, $2 billion spent every year. That makes for $70 billion worth of authorized projects, $2 billion can be spent each year. That makes for some pretty ferocious competition. I think it is very important that we put some kind of prioritization into this kind of process; otherwise, it will be very hard for us to understand what is being done. But more importantly, it is certainly not clear that the projects that need the priority will receive them.

I ask unanimous consent that a memo published by the Heritage Foundation on this issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Heritage Foundation, July 19, 2006]

IMPROVING THE PERFORMANCE OF THE U.S. ARMY CORPS OF ENGINEERS

(By Ronald D. Utt, Ph.D.)

The extensive flooding of New Orleans caused by several breaks in the levee system during Hurricane Katrina led to an extensive debate about the performance of the Army Corps of Engineers in protecting Americans from natural disasters. In the months following Katrina's assault on the Gulf Coast, many public officials, civil engineers, and policy analysts began to question both the quality of the Corps' work and the spending priorities Congress imposes on it. In particular, there is considerable evidence that lobbyists and Members of Congress systematically redirect Corps' spending for the benefit of influential private interests at the expense of essential flood control and protection. An amendment proposed by Senators John McCain (R–AZ) and Russ Feingold (D–WI) would create an independent commission to review select Corps projects. This would be a major step towards reform of the Corps.

As a Heritage Foundation Backgrounder and the Washington Post have recently reported, a substantial portion of Corps spending supports harbor and channel maintenance that benefit specific shipping companies, new irrigation projects that benefit crops like rice that already receive extensive federal subsidies from the Department of Agriculture, recreational boating facilities, and beach replenishment programs to enhance the value of seaside vacation homes. As a result of these diversions to low-priority purposes, Corps' spending on flood and storm protection have accounted for only about 12 percent of its budget in recent years.

Absent any formal mechanism to rate Corps projects and establish priorities for investments that benefit ordinary Americans, not just lobbyists and special interests, the Corps will continue on the same ineffective course that contributed to last year's disaster in New Orleans. And with the Corps already working under a 35-year backlog of projects totaling $58 billion, these management deficiencies will persist for decades.

Senators John McCain and Russ Feingold propose to remedy this deadly deficiency with an amendment to the Water Resources Development Act that would require independent peer review if a project costs more than $40 million, the Governor of an affected state requests a review, a federal agency with statutory authority to review a project finds that it will have a significant adverse impact, or the Secretary of the Army determines that a project is controversial. Their amendment would also require an independent safety review for flood control projects involving issues of public safety. While the McCain-Feingold proposal is a big step in the right direction, the independent review commission should also be encouraged to comment on the Corps' broad resource allocations to ensure that priority projects involving issues of public safety are not delayed because of diversions to beach resorts, environmental remediation, and irrigation crops already in substantial surplus.

Mr. McCAIN. The Heritage Foundation memo says:

> Absent any formal mechanism to rate Corps projects and establish priorities for investments that benefit ordinary Americans, not just lobbyists and special interests, the Corps will continue on the same ineffective course that contributed to last year's disaster in New Orleans. And with the Corps already working under a 35-year backlog of projects totaling $58 billion, these management deficiencies will persist for decades.

I hope my colleagues on this side of the aisle who almost always pay close attention to the Heritage Foundation and their findings will pay attention to this one as well.

I again thank my friend from Oklahoma for his courtesy in consideration of this amendment.

I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it further demonstrates that people can have honest disagreements. I look forward to responding to some of the comments that were made by the Senator from Arizona.

I yield 7 minutes to the Senator from Missouri, Mr. TALENT.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 7 minutes.

Mr. TALENT. I thank the chairman for yielding and compliment him and Senator BOND for their work in getting the Water Resources Development Act on the Senate floor finally. It has been literally years getting it here. I think it is a very important measure. Transportation infrastructure is very important. If we are going to maintain our global competitiveness, our economic growth, we have to be able to get goods from one place to another. We have to be able to protect people from natural disasters. We have to control and use the water resources this Nation is blessed with, and we cannot do it without this bill.

I want to address specifically the provisions in the bill that authorize the modernization of locks and dams on the upper Mississippi River—locks and dams which, if they were people, would be old enough to collect Social Security; locks and dams which are so small relative to the needs of modern transportation that barges must routinely be broken down into two halfs, in essence, before they can go through the locks and dams; locks and dams which are in such need of maintenance that you can take a picture of one and then come back and take a picture of the same lock a month later and you will find that concrete has literally fallen off it.

The case for river transportation is so strong, it is a matter of common sense. It is a cheap, environmentally sound method of moving goods. I say inexpensive because it costs roughly a third of the cost of shipping by rail; environmentally friendly because one medium barge tow can carry the same freight as 870 traffic trail trucks. So obviously, by fixing locks and dams, we can relieve highway congestion, reduce shipping costs, reduce fuel consumption, and we can reduce air emissions. We will also create jobs.

The construction of new 1200-foot locks and lock extensions will provide more than 48 million man-hours of employment over the next 10 to 15 years. We can also move the country's goods more efficiently. Sixty percent of the country's corn exports, 45 percent of soybean exports go on the Mississippi River to their destination. It is absolutely important to the transportation of coal, steel, and concrete. We have a new concrete facility going into Sainte Genevieve, MO. It was a number of years before they were able to begin building it, but they have. The reason that plant is going in there is because the river is there, because they can bring products in and they can move products out. It is vitally important that we do this. We have been waiting a number of years. We are at least going to be able to authorize doing it in this bill. We then have to fund it.

I want to say a few words about what I think is the most important issue regarding our Nation's transportation infrastructure, and that is less about how we prioritize than whether we are going to build it at all. Transportation infrastructure is absolutely crucial to the competitiveness and future of any economy. Other nations know that. That is why they are building it. Brazil, for example, which is certainly not a country with an economy as prosperous as ours, is building water transportation infrastructure. I know people are concerned about the revenues of the Federal Government and about the deficit. I certainly am as well. But that is not a reason to avoid investments in capital infrastructure. If you are a homeowner and you have a hole in your roof, you have to fix the hole in the roof. You have to fix it somehow because it doesn't go away if you don't fix it. It gets worse. Then it costs more when you finally do decide to fix it.

We have been talking about priorities. It is certainly reasonable to discuss how we are going to prioritize the projects that we have backlogged. But I note with interest that both sides seem to agree that after this bill passes, if it passes, we will have $70 billion in backlogged projects and evidently $2 billion a year to spend on them. I wonder if anybody else noted the irony of that. We are arguing about how to prioritize $2 billion, when we have $70 billion in backlog. Perhaps we ought to be arguing about how we can reduce the backlogs faster by finding more money. Unless somebody is aware of some technology that is going to allow us to transport goods across the country other than through rivers or rail or trucks, we had better figure out how we are going to fix this, and we had better figure it out fast.

A lot of people who are concerned—I don't mean here in the Senate so much but over in the Office of Management and Budget—about passing trade agreements will reassure us that it is OK to have trade agreements with other countries, even though they have lower wage levels, because they say we are competitive anyway because we have a better financial system, a better telecommunications systems, and we have a better transportation system. Then the same people begrudge every attempt to invest in the transportation system. The reality is that however we prioritize the money, we are falling behind every year. In 10 or 15 years from now, maybe sooner, we are going to have fallen so far behind, we will never be able to catch up. When the next generation does not have the transportation infrastructure they need to be competitive, as we had because the earlier generation gave it to us, I don't think we will be able to explain it away by saying we were arguing over how to prioritize it. I think they will want to know how we are going to build it. Because right now, however you prioritize it, we have a heck of a lot more priorities than we have money to spend. I hope we can put a little bit of the energy that we are now putting into prioritization—and I don't begrudge anybody the debate over this—into how we are going to fund the transportation infrastructure that this generation and the next generation needs before the Chinese fund theirs and the Third World countries fund theirs, and our people are out in the cold.

I thank the Senator from Oklahoma for his efforts and for yielding.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. President, under Senate rules, I ask unanimous consent that I be allowed to show a prompt on the Senate floor, a bottle of water.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, this is the bottle. This is a glass of clean water that is put on our desk to drink. This is the bottle of water that I scooped up out of the Saint Lucie River which is one of the estuaries that will be dealt with in this Water Resources Development Act that we are now considering. You can see the dramatic difference between the two. This one is laden with algae and with all kinds of particulates. This is the kind of clean water that we would like our rivers and estuaries to be.

Thank goodness we have this bill and we are going to pass it. It is going to address these kinds of problems. Specifically in this bill is the Everglades restoration and two important projects, the Indian River Lagoon, from which this water came. It is the Saint Lucie River estuary that leads into the Indian River. You can see why that estuary is messed up. When I went out there and scooped up this bottle of water, it was a dead river. That river, the Saint Lucie, flows into the Indian River, which is not a river, it is a lagoon. It is a bay. This Senator grew up on the banks of the Indian River.

Where I grew up, there are the pelicans diving for fish because there are plenty of fish. There is Mr. Osprey up there swooping down and getting his dinner. You look up in that dead pine tree and there is old Mr. Eagle. He is up there waiting for Mr. Osprey to go down and scoop up and get his dinner. Then Mr. Eagle is going to take off after Mr. Osprey, and Mr. Osprey is going to drop that fish and Mr. Eagle is going to swoop it up. That is going to be his dinner. Yet there is nothing out there in a river that has water like this—no pelicans, no bird life. You cannot even see it. You can see the density of this water. You cannot even see below the surface of the water. Thank goodness we have up this WRDA bill. This bill also is going to authorize the Fakahatchee Strand and the waters that dump into the St. Lucie, like this to the east of Lake Okeechobee, dumped into the Caloosahatchee River to the west, and a similar kind of water goes out to tidewater in the Gulf of Mexico to the Caloosahatchee River. This is what we are going to correct with this WRDA bill.

And, also, we are going to—in the managers' package they have accepted an amendment that the two Senators from Florida have offered, which is to get an examination of this report that came out about a 70-year-old dike that rings Lake Okeechobee; 40,000 people live in the vicinity of the perimeter of Lake Okeechobee, and the report predicts there is a one-in-six chance of dike failure with each year that passes. So we are getting an emergency examination and report in this bill of the sanctity and security of that dike, with all of those lives that are at stake.

Overall, all of this is so important for us. This is the greater part of a 20-year project of the restoration of the Everglades, the river of grass, which for over a half century we have messed up by diking and draining and sending this water of Mother Nature out to tidewater, instead of preserving it for what it was intended by Mother Nature—to keep flowing south through the Everglades and ultimately out into the Florida Bay.

I am so grateful that the leadership on both sides of the aisle has brought this bill to the floor. It is with great joy that I will be voting for this legislation.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

Mr. President, the Water Resources Development Act is critically important for our nation because it provides our States and local jurisdictions with the support they need to manage their water resources, and improve flood and storm control damage protection.

The Senate's passage of this legislation maintains our commitment to the protection of our rivers, streams and lakes.

And it also maintains our commitment to protect our aquatic ecosystems, which are so delicate and yet so vital to critical species.

I am proud that the Senate will pass a good, comprehensive bill that also includes key coastal restoration and hurricane projects to further assist the rebuilding efforts in the State of Louisiana following Hurricanes Katrina and Rita.

I am also very proud that my State of Vermont will receive important project authorizations, including restoration programs for the upper Connecticut River; the repair, remediation and removal of small dams throughout the State; and the construction of a dispersal barrier to protect Lake Champlain from invasive species.

As we stand on the verge of passing the Water Resources Development Act, I would once again like to thank Chairman INHOFE for his leadership. We would not be at this point without his persistence and hard work.

I would also like to thank Senators BAUCUS and BOND for their hard work in advancing this bill.

Mr. President, it may have taken us six long years to get here, but the impact of this bill will be felt for decades to come.

I urge my colleagues to support this bill as it moves through conference.

Mr. President, I yield 3 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 3 minutes.

Ms. LANDRIEU. Mr. President, I had to come to the floor and speak briefly and thank the ranking member and the chairman for their extraordinary help in crafting this bill to help meet the needs of Louisiana's vanishing coast. This coastline just doesn't belong to Louisiana, it belongs to the Nation. It is America's last coastal zone, with millions of acres of wetlands that serve as hosts of the oil and gas industry and that cradle, if you will, the great Mississippi River, which is the greatest river system on the North American Continent. It provides for the extensive fisheries industry.

This is a picture of southeast Louisiana. But if you head southwest, it is also host to major river systems, the Calcasieu Ship Channel, et cetera. This coast is threatened. This is a pretty extraordinary graph that we found recently, which shows the track of every major hurricane since 1955. The blue line is the track of Hurricane Rita, a category 4 to 5 hurricane. Katrina is the yellow line that went through the eastern part of our State, and then, of course, Rita on the western part on the Texas-Louisiana line.

This gulf coast is America's only energy coast. All of the oil and gas offshore is produced right here. Most of the refineries, platforms, et cetera, are beside these great wetlands. This bill is going to make substantial investments along this coastline to keep our river open, to keep our ports operating, to protect these wetlands, and to help create a stronger barrier.

Obviously, we need to be doing this all over the country, this Atlantic coast. There is money for that as well. Of course, I am not as familiar with those projects. I can tell you that this WRDA bill—of course, my partner and colleague, Senator VITTER, is on the authorizing committee, and he deserves a tremendous amount of credit for his work.

I wanted to say that the ecosystem project of Louisiana's coastal area is funded, as well as significant navigation and hurricane protection and wetlands restoration projects. In addition, there are some innovations important to America. There are some new technologies that will allow us to protect these areas, to build stronger levees, to protect this coast with better materials that cost less—way less—and we can stretch the dollars in this bill far more than we have been able to do in the past because although this is a very large bill with a $10 billion authorization, it is not enough, as some of our colleagues have said.

Mr. President, the technology—and we will soon send to the RECORD an example of the technologies—will help us to make these projects stretch. I thank the ranking member for his courtesy and the chairman for all of his help.

Mr. INHOFE. Mr. President, I yield 5 minutes to the junior Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I rise, too, in strong support of this WRDA bill with my Louisiana colleague and many others because of the enormously important work it will do for the country, including the State of Louisiana, particularly after the devastating hurricanes of Katrina and Rita.

I, too, thank the chairman of the Environment and Public Works Committee, Chairman INHOFE, and the ranking member, Senator JEFFORDS, and Senators BOND and BAUCUS, and everybody who has made this very important bill possible, including our great staff, including Angie Johncarlo, Ruth VanMark, Letmon Lee, Stephen Aaron, Catharine Ransom, and Jo-Ellen Darcy. I thank them all for their hard and, in so many cases, their ongoing work.

This bill is vitally important to the country and is vitally important to Louisiana, and it was before 2005. It was important before Hurricanes Katrina and Rita, but it is 10 times more important after those devastating storms and in light of our continuing and increasing needs following those storms.

I want to highlight some very important aspects. One is fundamental Corps reform, which is important, which will get done one way or another in this bill. Now, in terms of Corps reform, I favor the model of Chairman INHOFE. I also point out that I have been working, with his help and the help of many others, on a Louisiana water resources council to ensure proper oversight, vetting, review, and ongoing outside independent expert review of all of the projects in the Louisiana hurricane area.

That concept was first embodied in a separate stand-alone bill that I introduced on March 15 as S. 2421. I am happy to say that through a managers' amendment it will be included in all substantial and major ways in this WRDA bill. It is very important to bring outside expertise to bear to review on an ongoing basis, to do that peer review for those projects and to integrate those projects into an overall plan for our Louisiana coast.

There are other important needs that the bill meets. The comprehensive hurricane, flood, and coastal protection program is fully authorized in this bill. Immediately, it authorizes 5-year near-term coastal restoration projects and will exceed $1.2 billion, establishes a science and technology program of at least $500 million, requires consistency and integration in all of the programs, and makes sure they work together.

Other crucial Louisiana needs addressed in the bill are hurricane protection for Terrebonne and Lafourche. The bill authorizes the Morganza to the gulf hurricane protection project that has been ready for 3 years now. This is long overdue and it finally comes in this important WRDA bill, addressing the travesty of the Mississippi River Gulf Outlet, MRGO, fixing that environmental disaster and making sure that the negative impacts of it, as we saw through Katrina, never happen again. And other crucial needs are addressed, such as the Port of Iberia, Vermillion hurricane protection, east Baton Rouge, Red-Ouachita River Basin, Atchafalaya Basin, Calcasieu River and Pass, Larose to Golden Meadow, Vidalia Port, and St. Charles. They are all directly met in this bill.

Again, I thank the chairman, the ranking member, and others on the committee for their leadership to meet these crucial Louisiana needs and certainly these crucial national needs. I strongly and fully support the bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time. The Senator from Wisconsin.

Mr. FEINGOLD. I yield myself time off of the McCain-Feingold prioritization amendment.

I rise in strong support of the McCain-Feingold prioritization amendment. I am pleased to be a cosponsor. As Senator McCAIN points out, it recognizes we must respond to the tragedy of Katrina and to our current flawed planning process by making sure that limited taxpayer dollars go to the most worthy water resources projects.

That doesn't sound like a lot to ask. As we all know, our Nation is staring down deficits that just a few years ago were unimaginable. We have a backlog of $58 billion in projects that are authorized but not built, and that number will be closer to $70 billion when this bill passes. Clearly, we need some way of identifying projects that are most needed.

Right now, Congress does not have any information about the relative priority of the current massive backlog of unauthorized projects, and we don't have any way of evaluating the relative priority of the new projects. What we do have is individual Members arguing for projects in their States or districts but no information about which projects are most important to the country's economic development or transportation systems or our ability to protect our citizens and our property from natural disasters.

Our current prioritization process is not serving the public good. The McCain amendment would make sure Congress has the tools to more wisely invest limited resources while also increasing public transparency in decisionmaking. It does so by utilizing an interagency task force set up in the underlying bill, the Water Resources Coordinating Committee, to evaluate likely Corps projects in three different categories: flood damage reduction, navigation, and ecosystem restoration. The committee will establish broad national priorities to apply to those projects.

The amendment sets out minimum requirements that projects in each category have to meet, so that, for example, flood reduction projects must be evaluated in part whether they reduce the risk of loss of life. But the committee is free to consider other factors as long as it is clear about which factors it is considering.

Projects in each of these project types will be placed in tiers based on how great a priority they represent, and this information will be provided to Congress and the public in a nonbinding annual report. That is it. Congress and the public get information to help them make decisions involving millions—or even billions—of dollars. Surely that isn't too much to ask.

Modernizing all aspects of our water resources policy will help restore credibility to a Federal agency that is plagued by public skepticism in the wake of Katrina. The Corps has admitted serious design flaws in the levees it built in New Orleans, and it is clear that the Corps' mistakes contributed significantly to the damage New Orleans suffered.

I can tell you, when I was down in New Orleans just last week, even more than complaints about FEMA, I heard complaints about the Corps. And just as we have worked as a body to improve FEMA, we need to work to improve the Corps. Our constituents and the people of New Orleans deserve no less.

The Corps does important work. The real problem, as the senior Senator from Arizona points out, that this amendment seeks to get at is us in Congress. Congress has long used the Army Corps of Engineers to facilitate favored pork-barrel projects, while periodically expressing a desire to change its ways. If we want to change our ways, we can start by passing the McCain prioritization amendment which will help us make sure the Corps continues to contribute to our safety, environment, and economy, without wasting taxpayer dollars.

The Inhofe-Bond so-called prioritization amendment does not accomplish that. In fact, that competing amendment would do nothing more than create a bureaucratic nightmare. It would require every project in the $58 billion backlog to be rated. Even the Corps admits there are many projects in the backlog that will never be built. Some of the projects being deauthorized in this WRDA bill were first authorized in the 19th century. So why would we expend such time and resources evaluating projects that have no chance of being built? We can prioritize in a smarter, more manageable way.

Their amendment creates an ill-defined relative rating system for criteria but doesn't require any final analysis or ranking. How is that going to help us decide where to allocate taxpayer dollars? It won't. The relative rating system is nothing more than a throwaway single line with no substance.

What is most telling is that there is no provision to allow for the information to be made available to the public so they can look over our shoulders and make sense of whether our decisions about national water resource priorities make sense.

Furthermore, their amendment, rather than using impartial criteria on which to weigh projects, would use criteria which would be applied across project types and which appear to be reverse-engineered to elevate inland navigation projects: for example, criteria such as "availability cost alternate transportation methods relating to the project"; "[R]eduction of dependence on foreign oil associated with using water as a method of transportation of goods"; "pollution reduction benefits associated with using water as a method of transportation of goods."

These criteria serve to elevate generically inland navigation projects at the expense of flood and storm damage reduction projects and environmental restoration projects.

Obviously, I do not have an issue with inland navigation projects.

The PRESIDING OFFICER. The time on the amendment has now expired.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may continue under the remaining time on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I inquire as to how much time remains.

The PRESIDING OFFICER. The amount of time combined is 10 minutes 58 seconds under the control of Senator INHOFE and 2 minutes 41 seconds under the control of the Senator from Vermont.

Mr. INHOFE. No objection.

The PRESIDING OFFICER. Who yields time? Does the Senator from Vermont or the Senator from Oklahoma yield? Does the Senator from Vermont yield time?

Mr. INHOFE. That is correct, I do not yield time. I just don't object to his using some of the time on the bill.

The PRESIDING OFFICER. The Senator from Vermont yields time.

Mr. FEINGOLD. I thank my colleagues.

The Mississippi River is a critical artery for Wisconsin and national commerce, and many other rivers serve the same role. However, I do take issue with the process that uses broadly applied criteria that will obviously only be met by a small subset of projects at the expense of other valuable project types that fall within the mission area of the Corps of Engineers.

Lastly, if any of my colleagues are tempted to vote for the Inhofe-Bond alternative, I encourage them to take a close look at it. It is clearly designed to look more substantial than it really is because in a nine-page amendment, four pages are dedicated to simply reinserting the same language on a fiscal transparency report that the amendment initially deleted.

Unfortunately, the existing inadequate, opaque funding process is better than the prioritization process created by the Inhofe-Bond amendment. A deliberately flawed and skewed prioritization system would be more harmful than the current ineffective one. As such, whatever one's position may be on the McCain-Feingold-Lieberman-Feinstein amendment, I strongly encourage my colleagues to oppose the Inhofe-Bond prioritization amendment.

I certainly thank my colleagues for the additional time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield myself such time as I may consume. It is my intention to yield back some time. We have some colleagues we want to accommodate. I think if I do that, time will also be yielded back from the other side.

While I don't agree with those who tried to argue that there are currently no prioritization projects, I do acknowledge that we can do a better job. That is exactly what the Inhofe-Bond amendment will do.

The administration has priorities right now. They can set priorities. It is called the budget. The administration sets its funding priorities through the President's budget request. For the last couple of fiscal years, President Bush has relied on a measure called the remaining benefit-remaining cost ratio.

The Inhofe-Bond amendment requires the Corps of Engineers to provide critical and easy-to-understand information to Congress that can then be used to make tough budgetary decisions that we have to make when the funds are so limited.

The amendment sets out four national priorities—I mention this because this contradicts something said by the Senator from Wisconsin: No. 1, to reduce the risk of loss of human life and risk to public safety; No. 2, to benefit the national economy; No. 3, to protect and enhance the environment; and No. 4, to promote the national defense.

Let me just say in closing that no one can vote either for their amendment or against our amendment saying that one of them is going to be spending more money or there is pork. It is a wash. They are both the same. Voting for the Inhofe-Bond amendment is not going to reduce the amount of money that is going to be spent on projects or voting for the other amendment is not going to do that, either. Not one of these is a large spending bill or a small spending bill. I would like to get that out of the way.

Our amendment sets out our national goals. The Corps is directed to develop a relative ranking system to report how well each project meets these four priorities.

I really think enough has been said on this issue. I am prepared at this point, if the other side is, to yield back and accommodate some of our colleagues. I do so at this time.

Mr. JEFFORDS. Mr. President, first, I commend my partner for the cooperation we have had on this bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to amendment No. 4684, the McCain amendment.

Mr. McCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 19, nays 80, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—19

Alexander
Bingaman
Brownback
Burr
Chafee
Coburn
DeMint
DeWine
Dodd
Ensign
Feingold
Gregg
Kyl
Landrieu
Lieberman
McCain
Nelson (FL)
Sununu
Voinovich

NAYS—80

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Bunning
Burns
Byrd
Cantwell
Carper
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
Dole
Domenici
Dorgan
Durbin
Enzi
Feinstein
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kerry
Kohl
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Warner
Wyden

NOT VOTING—1

Kennedy

The amendment (No. 4684) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4683

The PRESIDING OFFICER (Mr. SESSIONS). The question now is on agreeing to the amendment of the Senator from Oklahoma, Mr. INHOFE.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—43

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Enzi
Frist
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Lott
Lugar
Martinez
McConnell
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Gregg
Harkin
Inouye
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Stevens
Sununu
Wyden

NOT VOTING—1

Kennedy

The amendment (No. 4683) was rejected.

Mr. BOND. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent that the managers' amendment at the desk be agreed to and the motion to reconsider be laid upon the table.

Mr. JEFFORDS. This amendment has been cleared on our side.

The PRESIDING OFFICER. Is there an objection?

Mr. McCAIN. I object.

The PRESIDING OFFICER. The objection is heard.

REMOVAL OF MARINE CAMELS

Mr. WARNER. Mr. President, I seek recognition to engage in a colloquy with the distinguished manager of this bill, Senator INHOFE, and the distinguished Senator from Rhode Island, Mr. REED, pertaining to a provision that would clarify that funds from the Department of Defense account for environmental remediation at formerly used Defense sites may be used for the removal of abandoned marine camels at any formerly used Defense site under the jurisdiction of the Department of Defense.

First, perhaps for those who are not familiar with marine and naval terminology, it would be useful to point out that a "marine camel" is nothing more than a large timber fender. These wooden fenders, or bumpers, are of the type that have been used since the days of sail to cushion a ship as it lays alongside a pier, or to act as a buffer between two or more ships when they are tied up alongside each other, either at a pier, a mooring, or at anchor. The purpose of the camel is to prevent damage to a ship or a pier that would otherwise occur when a ship rocks against a pier or against another ship due to shifting tides, currents, wakes from passing ships, and so forth.

The problem this provision seeks to solve is that over the many years these marine camels have been in use at naval facilities, marine terminals, and moorings controlled and operated by the Department of Defense, they have been lost, sunk, or otherwise have become hazardous debris, often containing hazardous substances, in the waters and on the shores of formerly used Defense sites in Narragansett Bay.

The purpose of this colloquy is to establish that the provision that has been included in the Water Resources Development Act is not an expansion of existing authority. This provision is clear that use of Department of Defense funds is linked to formerly used Defense sites that are under the jurisdiction of the Department of Defense. Therefore, this provision clarifies but does not expand the authority or responsibility of the Department of Defense to undertake environmental restoration.

Mr. INHOFE. My colleague on both the Armed Services and Environment and Public Works Committees is correct. This Water Resources Development Act provision is simply to clarify existing authority. The other bill managers and I were informed that there was some confusion as to whether funds from the Department of Defense environmental remediation account for formerly used Defense sites could be used to remove abandoned marine camels located in the waters of formerly used Defense sites in Narragansett Bay. It was our intent to clarify that the Department could in fact use these funds to remove debris linked to a formerly used Defense site even if that debris has drifted off land and into the water. Of course, any debris in the water not linked to a formerly used Defense site could not be cleaned up using funds from this account, and I believe the language in the bill reflects that distinction.

Mr. WARNER. Further, it is also my understanding and I wish to make clear as part of our discussion that this provision is not intended to give a priority to clean up sites in Narragansett Bay over other formerly used Defense sites that present a greater risk to public health and safety.

The Department of Defense establishes the priority for cleanup of formerly used Defense sites on the basis of risk to the public. The Senate Armed Services Committee has long supported the Department's policy of prioritizing environmental cleanup based on risk. We stand committed to that principle today. I ask my distinguished colleague to confirm that he shares my understanding on these fundamental points.

Mr. INHOFE. Again, I agree completely with my colleague. There is absolutely no intent to change the Department's current policy of prioritization through this provision. Those sites presenting the greatest risk to the public should be cleaned up first. This provision is silent with regard to where on that priority list sites in Narragansett Bay may fall.

Mr. WARNER. With that understanding, I support this provision and I believe it may be helpful in ensuring that this cleanup in the Narragansett Bay takes place, as it should.

Mr. REED. Mr. President, I thank my colleagues for including this provision in the Water Resources Development Act. More than 100 abandoned camels litter Narragansett Bay, creating a safety hazard for boaters and divers and contaminating the bay's water with creosote, which has been listed by the Environmental Protection Agency as a probable human carcinogen. Camels were commonly used as fendering systems at the Newport Navy Base, the Quonset Point Naval Air Station carrier pier, Davisville Naval Construction Battalion Center, and the Melville Fuel Depot. As my colleagues from Virginia and Oklahoma pointed out, this language clarifies that funding from the formerly used Defense sites' account could be used to remove abandoned marine camels located in the waters of formerly used Defense sites in Narragansett Bay, including removal of debris that is linked to a formerly used Defense site even if that debris has drifted off land and into the water. The ecological health and water quality of Narragansett Bay is vital to the economy of Rhode Island, and I believe that this language will aid in the cleanup of this precious natural resource.

AQUATIC NUISANCE SPECIES

Mr. LEVIN. Mr. President, as the leaders of this bill know, aquatic nuisance species cause unwanted and potentially harmful environmental changes in the Nation's waters. Aquatic nuisance species are introduced through various pathways, with ballast water on ships being the most predominant. Having a strong program to address the challenges presented by new introductions, allow rapid response actions, screen imports of aquatic organisms, and conduct research in all of these areas is extremely important and something this Congress needs to address.

In an attempt to develop a system to confront the challenges presented by these species, Senator COLLINS and I have sponsored comprehensive legislation to address this issue. While the Water Resources Development Act addresses protecting our Nation's waters, my colleague from Maine and I have decided not to address the need for comprehensive aquatic nuisance species legislation in this bill because the Environment and Public Works Committee leadership has committed to try to move a comprehensive bill forward this year.

Mr. INHOFE. I do understand the concerns about the impacts of aquatic nuisance species. I want to assure the Senate that it is my intention to resume discussions on a bill and try to bring a comprehensive bill to the Senate floor this year.

Mr. LEVIN. I thank the chairman and ranking member for their commitment to continue the process and look forward to working with you and continuing the discussion on this issue.

COMPREHENSIVE EVERGLADES RESTORATION PLAN

Mr. MARTINEZ. Senator INHOFE, as you know, the 2000 WRDA bill authorized the Comprehensive Everglades Restoration Plan. CERP created a permanent and independent peer review panel. The process used to develop CERP had broad public and technical review and participation. Therefore, all CERP projects have already gone through an initial planning stage. However, there are approximately 50 CERP projects that still need additional authorization from Congress. During conference negotiations with the House, would you be willing to examine the impact of additional peer review on CERP projects and its current independent review process?

Mr. INHOFE. Senator MARTINEZ, I am aware of the CERP review process established in WRDA 2000, and during conference we will examine its established independent review process to ensure that Everglades restoration is not unduly impeded.

Mr. MARTINEZ. Thank you, Senator INHOFE. I appreciate your leadership and diligence on this important issue.

SECTION 2019

Mr. INHOFE. I am aware that section 2019 of the WRDA bill before us has some problems with how we have attempted to deal with balancing the needs of municipal water suppliers and hydroelectric power generation. Complicating the issue is how CBO has scored our proposals to achieve balance. I fully intend to resolve this issue and do not intend to preempt existing statutory authorities that govern the Corps' ability to reallocate storage and provide municipal and industrial water supply. I ask my colleague, the senior Senator from New Mexico, to accept my assurances that I will work towards a compromise that treats all parties fairly.

Mr. DOMENICI. I thank my colleague for his efforts on these difficult issues and appreciate his consideration of the importance of hydroelectric generation to the nation's power supply. I also appreciate his working with me to ensure that this has no unintended impact on existing authorities that govern the Corps' ability to reallocate storage. I look forward to working with the senior Senator from Oklahoma on these issues.

COMPREHENSIVE EVERGLADES RESTORATION PLAN

Mr. NELSON of Florida. Senator FEINGOLD, as you know, the legislation establishing the Everglades Restoration Comprehensive Plan creates a permanent, independent peer review panel with extensive responsibilities for reviewing the Everglades restoration plan in detail. The Corps of Engineers has contracted with the National Academy of Sciences to establish that panel, and it has been working productively for years, issuing a number of major reports. Would this legislation create duplication with that panel?

Mr. FEINGOLD. Senator NELSON, I am familiar with the excellent peer review system that has been established for the comprehensive Everglades project. In many ways, that peer review system is a model for this amendment. There is nothing in this amendment that would keep the Director of Independent Peer Review from determining that the Everglades peer review is the functional equivalent of the peer review or substitute for the peer review required by this amendment and satisfies this requirement. In many ways, the Everglades peer review goes beyond that required by this amendment, and works smoothly with the requirements of this amendment.

Mr. NELSON of Florida. I appreciate and agree with your understanding of this amendment. I fully support the view that expensive controversial Corps of Engineers projects should be subject to independent peer review. In case there is any possible need for clarification of this issue, would the Senator from Wisconsin be willing to work with me during the conference on this bill?

Mr. FEINGOLD. Absolutely.

POPLAR ISLAND EXPANSION

Mr. SARBANES. Mr. President, I would like to engage the distinguished chairman in a colloquy with respect to the provisions in section 1001(a)(20), authorizing the Poplar Island Expansion, Maryland.

Mr. INHOFE. I would be happy to respond to the Senator from Maryland.

Mr. SARBANES. I would simply like to clarify that it is the intent of the committee that this provision authorizes construction of a 575-acre addition to the existing 1,140-acre Poplar Island, MD, beneficial use of dredged material project which is presently under construction and authorizes an additional $256.1 million for that expansion.

Mr. INHOFE. The Senator from Maryland is correct. Section 1001(a)(20) authorizes the Secretary to construct the expansion of the Poplar Island, MD, project in accordance with the Report of the Chief of Engineers dated March 31, 2006, at an additional total cost of $256,100,000. This will increase the overall environmental restoration project at Poplar Island from 1,140 acres to approximately 1,715 acres and bring the total cost of the existing project and the expansion project to $643.4 million, with an estimated Federal cost of $482.4 million and an estimated non-Federal cost of $161 million.

Mr. JEFFORDS. I concur that this is the committee's intent.

Mr. SARBANES. I thank the chairman and ranking member for this clarification and for including this provision which is vitally important for the Port of Baltimore and the Chesapeake Bay.

Mr. LAUTENBERG. Mr. President, I rise to speak in support of S. 728, the bill to reauthorize the Water Resources Development Act, WRDA.

I want to join my colleagues in expressing my sincere appreciation to Environment and Public Works Committee Chairman INHOFE and Ranking Member JEFFORDS, and to Senator BOND, who chairs the Subcommittee on Transportation and Infrastructure, and Senator BAUCUS, who serves as the ranking member of the Subcommittee. I also want to commend their dedicated staff for their hard work and consideration on this important legislation. The leaders in our committee and their staff have literally worked for years to bring this bill to the floor for consideration, and they deserve credit for their patience and perseverance.

I particularly thank Senator INHOFE and Senator BOND for the New Jersey project authorizations they have included in this bill. As do other States, New Jersey depends on the Army Corps to carry out projects that are vital to our economy. This bill contains authorizations for three important projects in New Jersey. The first is a South River storm damage and ecosystem restoration project. The second is a Raritan Bay and Sandy Hook Bay project at Union Beach which will address hurricane and storm damage and provide for beach nourishment over the 50-year life of the project. The third is a Manasquan to Barnegat Inlets project to address hurricane and storm damage and provide for beach nourishment over the 50-year life of the project.

The bill also contains a contingent authorization for a Great Egg Harbor Inlet to Townsends Inlet project for hurricane and storm damage reduction and periodic nourishment over the 50-year life of the project. I also appreciate the bill managers' willingness to accept my language on the shore protection demonstration program. This program will help us learn how to nourish our shore in smarter and cheaper ways.

While I supported the Feingold-McCain amendment regarding independent peer review, I hope this won't be construed to take anything away from the underlying bill or the hard work of its managers. The underlying bill is one that I am pleased to support, and I will vote for its final passage.

Mr. AKAKA. Mr. President, I want to express my support of S. 728, the Water Resources Development Act, WRDA, of 2006. S. 728 authorizes the U.S. Army Corps of Engineers to study water resource problems, undertake construction projects, and make major modifications to existing projects. It has been 5 years since the last WRDA was enacted into law and I thank my colleague, the Senior Senator from Missouri, for his leadership in bringing this bill to the floor. This is a bipartisan piece of legislation that must be passed to address our Nation's critical navigation, flood control, and environmental restoration needs.

I am a cosponsor of S. 728 because I recognize the need to authorize essential flood control, shore protection, dam safety, storm damage reduction, and environmental restoration projects. These projects carried out by the U.S. Army Corps of Engineers protect communities across the country from destruction caused by severe weather and flooding, and also promote protection and restoration of our Nation's ecosystems. In addition, the legislation establishes standards that balance the safety and interest of the public with the economic and environmental feasibility of projects.

I am pleased that provisions from S. 2735, the Dam Safety Act of 2006, which I introduced with Senator BOND, are included in the managers' amendment to S. 728. This will advance dam safety in the United States and prevent loss of life and property damage from dam failures at both the Federal and State programmatic levels. Specifically, the reauthorization of the National Dam Safety Program Act will provide much needed assistance to State dam safety programs that regulate 95 percent of the 80,000 dams in the United States. Of the approximately $13 million authorized annually through 2011, $8 million will be divided among the States to improve safety programs and $2 million will be dedicated for research to identify more effective techniques to assess, construct, and monitor dams. In addition, $700,000 will be available for training assistance for State engineers, $1 million for the employment of new staff and personnel for Federal Emergency Management Agency, and $1 million for the National Inventory of Dams.

An additional provision that mirrors S. 2444, the National Dam Safety Program Act, which I introduced with Senator INOUYE, is included in S. 728. This authorizes appropriations of $25 million for small dam removals and dam rehabilitation projects. Although the amount included in S. 728 is not as large as in S. 2444, this is still an important first step in ensuring the safety of the public. I will continue to work with my colleagues to ensure that both public and private dams receive the maintenance they need.

The cost of failing to maintain our Nation's dam infrastructure is extremely high. There have been at least 29 dam failures in the United States during the past 2 years causing more than $200 million in property damage. In my home State in March, the Ka Loko Dam, a 116-year earthen dam, on the island of Kauai breached during heavy rains killing seven people. This tragic event serves as an important reminder of the responsibility held by the State and local governments, but also of the leadership role of the Federal Government in supplementing State resources and developing national guidelines for dam safety.

I urge my colleagues to join me in supporting S. 728. Again, I express my appreciation to my colleagues Senators BOND, INHOFE, JEFFORDS, FEINGOLD, BOXER, SPECTER and MCCAIN for their leadership in bringing this bill to the floor. This bill is essential in improving economic growth, safety, and the quality of life of all Americans.

Mr. OBAMA. Mr. President, I rise today in strong support of the Water Resources Development Act. First, let me commend my colleague from across the Mississippi River, Senator BOND, for his efforts in bringing this bill to the floor. I was pleased to support his efforts in the Environment and Public Works Committee and to be an original cosponsor of this bill.

Last year, Senator BOND and I worked together on a letter, signed by 40 of our colleagues, saying it was time for this bill to be considered on the floor of the Senate. When we were told that 40 was not enough, that we needed 60 signatures, we came back and got 81.

That was 7 months ago, and I am pleased that the Senate is now on the verge of passing this bill because this is an important bill both to my State of Illinois and to the entire country. It authorizes and revises the policies and practices of the U.S. Army Corps of Engineers in waterway navigation, including the construction of locks and dams, the construction of levees and wetlands restoration to promote flood control, and other ecosystem and environmental mitigation activities.

For two decades, Congress has enacted revisions and updates to WRDA roughly every 2 years. It is now been 6 years since the last WRDA bill and, in light of the devastation wrought by Hurricanes Katrina and Rita last year, this bill is long overdue.

Recently, the American Society of Civil Engineers conducted a report card of the Nation's infrastructure and gave a D-minus to our navigable waterways. More than 50 percent of our lock and dam systems in the United States are functionally obsolete, and that figure will rise to 80 percent in the next 10 years.

Now, if you are not from a farm State, you might not understand why navigable waterways are important to all of us. But a major component of the cost of farm commodities is the cost of transportation. That affects both the price of food that we buy in grocery stores and the price of homegrown fuels that fuel our cars. If U.S. agriculture is to remain competitive in the worldwide market during the 21st century, we need to improve our transportation infrastructure.

Countries such as Brazil and China understand the importance of efficient commerce for their farmers and have made significant investments in improvements. Unfortunately, American farmers still rely on pre-World War II-era infrastructure when transporting their goods to market. When we talk about the responsibility of Congress and the U.S. Government to create jobs and economic development, upgrading these locks and dams is part of that responsibility.

This bill provides $1.8 billion for lock and dam upgrades along these waterways to replace transportation infrastructure almost 70 years old. This is an important provision to Illinois farmers and to everyone around the world who uses the products that we grow in Illinois.

The bill also provides an unprecedented $1.6 billion in Federal funds for ecosystem restoration along the Illinois and Mississippi Rivers to improve fish and wildlife habitat as well as land and water management.

Finally, there is a small, but important, provision to authorize continued funding for the electric barriers that prevent the Asian carp from entering into the Great Lakes. The Asian carp is an invasive species with a voracious appetite that, if left unchecked, would disrupt the natural ecosystem in the Great Lakes and crowd out the native fish. Senator VOINOVICH and I were able to get a temporary fix put into the supplemental appropriations bill, but we need a more permanent guarantee of funding, and WRDA will provide just that.

I will also take a minute to discuss the subject of reforming the Army Corps of Engineers. Serious questions have been raised as to how the Corps develops its calculations and analyses for projects. I believe that subjecting some projects to an independent review process is necessary to ensure that taxpayer dollars are used in the most effective manner.

In closing, I commend Chairman INHOFE and Ranking Member JEFFORDS for their leadership, and I thank the EPW Committee staff for their fine efforts in preparing this bill. I am pleased to cosponsor this bill and urge my colleagues to support it as well.

Mr. SARBANES. Mr. President, our Nation's waterways, harbors, and ports are vital to our economic prosperity, the safety of those who navigate our waters, and to our quality of life. It is estimated that one out of every five jobs in the United States is dependent, to some extent, on commercial activities handled by our ports and harbors. In many instances, ship and barge transport is the safest, cheapest, and cleanest transportation mode. Likewise, our waterways provide critical habitat for fish and wildlife, recreational opportunities for boaters, and contribute to the health and well-being of millions of people through their diversity, beauty, history, and natural environment. This legislation authorizes the U.S. Army Corps of Engineers to undertake water resource projects of great importance to our Nation's and our states' economy and maritime industry, public safety and to our environment.

I am particularly pleased that the measure includes a number of provisions for which I have fought to help ensure the future health of the Port of Baltimore, the Chesapeake Bay, and Maryland's waterfront communities. With more than 4,000 miles of shoreline around the Chesapeake Bay and Atlantic Ocean, 126 miles of deepwater shipping channels leading to the Port of Baltimore, some 70 small navigation projects critical to commercial and recreational fisherman and to local and regional economies, Maryland is a State which relies heavily on the navigation, flood control, and environmental restoration programs of the U.S. Army Corps of Engineers. Over the years, I and other members of the Maryland congressional delegation have worked hard to maintain and improve the Federal channel system—serving the Port of Baltimore and other communities throughout Maryland, to address the severe shoreline erosion problems on Maryland's Atlantic Coast, and to bring the Army Corps of Engineers' expertise to bear in the restoration of the Chesapeake Bay and Maryland's rivers and streams. While other ports are just now beginning to deepen their channels to 45 or 50 feet, we succeeded in deepening the port's main shipping channel to 50 feet 16 years ago making navigation safer, easier, and cheaper for ships using the channel and assuring that the route can handle the deep draft bulk cargo carriers in use today.

We recently completed two critical safety improvements to the Port's channel system—the straightening of the Tolchester "S" turn and the widening and deepening of the Brewerton channel eastern extension—as well as some long-needed improvements to Baltimore harbor's anchorages and branch channels. We constructed a hurricane protection project at Ocean City, MD to help protect the citizens and the billions of dollars in public and private infrastructure in the area and restored the beach at the north end of Assateague Island National Seashore. We also completed numerous environmental restoration projects throughout the Chesapeake Bay watershed from Jennings Randolph Lake in western Maryland to the Poplar Island Environmental Restoration Project—the largest and most environmentally significant island habitat restoration project ever undertaken in the Chesapeake Bay. These projects would not have taken place without the authorities and funding provided in previous Water Resources Development Acts. The measure before us will enable several, much-needed water resource infrastructure projects in Maryland to move forward.

First, the bill authorizes a 50-percent expansion of the Poplar Island environmental restoration project, to provide additional dredged material capacity for the Port of Baltimore and additional habitat for the Chesapeake Bay's wildlife. Initially authorized by section 537 of the Water Resources Development Act, WRDA, of 1996, the Poplar Island project has proved to be a tremendous success and a model for the Nation on how to dispose of dredged material.

Instead of the traditional practice of treating the dredged material as a waste and dumping it overboard, we are putting approximately 40 million cubic yards of clean dredged material from the shipping channels leading to the Port of Baltimore into a productive use, restoring 1,140 acres of remote island habitat in the Chesapeake Bay, creating a haven for fish and wildlife, and helping reduce sediment degradation of the Bay's water quality. This represents a win-win situation for two of Maryland's most important assets—the Port of Baltimore and the Chesapeake Bay.

Last year, the Army Corps of Engineers completed two studies—a Baltimore Harbor and Channels Dredged Material Plan, DMMP, and an integrated General Reevaluation Report, GRR/Supplemental Environmental Impact Statement, SEIS, on the Poplar Island Environmental Restoration Project—which identified a critical need for new dredged material placement capacity for the Port of Baltimore by 2009 in order to meet Federal and State of Maryland requirements and recommended the expansion of Poplar Island as a preferred alternatives for addressing the dredged material capacity gap in an economically and environmentally sound manner. A subsequent Chief's Report submitted to Congress on March 31, 2006, recommended a 575-acre expansion of the existing Poplar Island and the raising of the island's existing upland cells to add approximately 28 million cubic yards of dredged material placement capacity and extend the project life by approximately 7 years. This measure authorizes the expansion of the existing Poplar Island project as recommended in the Chief's Report. It authorizes $256.1 million for the expansion project, bringing the total cost of the existing project and the expansion project to $643.4 million, with an estimated Federal cost of $482.4 million and an estimated non-Federal cost of $161 million. The Poplar Island environmental restoration project has been a top priority of mine, of the Maryland Port Administration and of the shipping and environmental communities for many years, and I am delighted that this legislation will enable us to move forward with the expansion of this project.

Second, the bill contains three additional provisions authorizing a total of nearly $100 million which are critical to our continuing efforts to restore the Chesapeake Bay. It reauthorizes and expands a program that we established in section 510 of WRDA 1996 known as the Chesapeake Bay Environmental Restoration and Protection Program, raising the authorized funding from the current level of $10 million to $30 million. It increases the funding for Chesapeake Bay native oyster restoration to $50 million—a $20 million increase over current levels. And it authorizes the Smith Island ecosystem restoration project to reverse the tremendous loss of wetlands and submerged aquatic vegetation around Smith Island, MD.

In 1984, the U.S. Army Corps of Engineers completed a comprehensive study—the first such study ever undertaken—of the present and future uses and problems of Chesapeake Bay's water and related land resources. Since then the Corps has undertaken or participated in a variety of projects to help restore the Chesapeake Bay's water quality and living resources, including sewage treatment plant upgrades, making beneficial use of dredged materials, removing impediments to fish passage, mitigating the impacts of shoreline erosion, and restoring wetlands, habitat and oyster reefs. But despite these efforts, the Chesapeake Bay's health continues to languish.

To restore the integrity of the ecosystem and to meet the goals established in the Chesapeake 2000 Agreement, nutrient and sediment loads must be significantly reduced, oyster populations must be increased, SAV and wetlands must be protected and restored, and remaining blockages to fish passage must be removed, among other actions. As the lead Federal agency in water resource management, the Corps has a vital role to play in this endeavor, and the programs authorized in this measure will enable the Corps to continue to participate in this effort. The funding increase provided for the Chesapeake Bay Environmental Restoration and Protection Program will allow the Corps to expand design and construction assistance to State and local authorities for a variety of environmental restoration projects in the bay. The additional funds provided for native oyster restoration will help support the Chesapeake 2000's goal of increasing oyster populations by tenfold by the year 2010. And the new authority to construct the Smith Island environmental restoration projects will help stem the alarming loss of SAV and wetlands along the coastline of Martin National Wildlife Refuge and Smith Island, protecting approximately 720 acres and restoring about 1,400 acres of valuable habitat.

Third, the measure provides the funding necessary to complete the C&O Canal rewatering project in Cumberland, MD. In 1952 a 1.2-mile section of the historic C&O Canal and turning basin at its Cumberland terminus was filled in by the Corps of Engineers during construction of the Cumberland, MD, and Ridgely, WV, flood protection project. The National Park Service and State and local authorities have long sought to rebuild and rewater the C&O Canal in this area to restore the integrity of the historic canal and assist in revitalizing the area as a major hub for tourism and environmentally sound economic development. The Corps investigated the feasibility of reconstructing and rewatering the turning basin and canal near its terminus and determined that it is feasible to rewater the canal successfully without compromising the flood protection for the city of Cumberland.

Subsequently, Senator MIKULSKI and I secured a provision in WRDA 1999 authorizing the Corps to construct this project at a then-estimated total project cost of $15 million. Those estimates were based on a 50-percent design document completed in 1998. Since that time, the estimated cost of the project has increased due, in large part, to the finding of archeological objects and petroleum in the canal turning basin and prism as well as design refinements. The provisions included in this bill increase the authorized funding level for the project from $15 million to $25.75 million and will ensure that the full 1.2-mile section of canal and turning basin are completed.

Fourth, the bill contains provisions to facilitate the restoration of the Anacostia River, one of the most degraded rivers in the Chesapeake Bay watershed and in the Nation.

Through a cooperative and coordinated Federal, State, local, and private effort, significant progress has been made over the past decade to restore the Anacostia watershed. Today there are more than 60 local, State, and Federal agencies involved in Anacostia watershed restoration efforts, and more than $100 million in Federal, State, and local funds have been invested in this endeavor. The U.S. Army Corps of Engineers has played a key role in improving tidal waterflow through the marsh, reducing the concentration of nitrogen and phosphorus, and restoring wetlands, but the job of restoring the Anacostia watershed is far from complete. The provisions in this legislation require the Secretary of the Army, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, MD, and other stakeholders, to develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

I wish to compliment the distinguished chairmen of the committee and the subcommittee, Senators INHOFE and BOND, and the ranking members, Senators JEFFORDS and BAUCUS, for including these provisions and for their work on this legislation. This legislation is long overdue, and I urge my colleagues to join me in supporting this measure.

Mr. HARKIN. Mr. President, I am very pleased that we are finally going to conclude the Water Resources Development Act. My hope is that the conference with the House can be completed before the Congress recesses in early October. This is a good bill, providing for flood control, improvements to navigation, and considerable improvements to the environment. The bill also provides some real improvements to the way the Corps works.

I am very pleased that the bill includes improvements for navigation and environmental improvements for the Upper Mississippi River. It includes five expanded locks, a number of long-overdue efficiency improvements, and a major boost to the Corps of Engineers' environmental programs. I was pleased to work with Senator BOND to develop this important and very balanced proposal. The unfortunate thing is that our Upper Mississippi lock and dam measure was first introduced in 2004 and then made a part of the Senate WRDA bill that year. But we are only now getting a chance to move it to the Senate floor.

I have been deeply involved with navigation because of its importance to farmers in Iowa and across the upper Midwest. River transportation is critical to keeping commodity costs low enough to remain competitive.

When shipping on the river is constrained, costs rise. When that happens, prices for moving bulk farm commodities by alternative means, mainly rail, go up as well. These price differentials seem relatively small compared to the total price, but they make a huge difference in farm income.

Clearly, river traffic on the Mississippi is incredibly important to producers in my State and elsewhere in the upper Midwest. As a result of traffic congestion on the Mississippi, producers face longer shipping times, which are very costly. Clearly, traffic management and helper boats to push long barges through crowded locks will be very helpful, and this bill will help that happen. In the long run, though, that won't be enough. It is incredibly important that we address ways to modernize a number of the locks on the upper Mississippi.

And we face substantial improvements from our competitors in their transportation capabilities, particularly in Brazil. I visited there a few years ago and saw firsthand how Brazil was rapidly moving to improve its Amazon River facilities. In contrast, we are sitting with 60-year-old locks that raise our costs.

I would also note that moving goods like corn down to the Gulf by river instead of by rail, and building material up from the Gulf in the same manner means considerable saving in fuel both lowering costs and air pollution.

Existing law requires exhaustive analysis of future river use levels decades into the future. The studies required for such predictions are, by their nature, highly speculative at best. While many have been critical of the methods of the U.S. Army Corps of Engineers, the Corps is essential to our ability to compete, to ensure that we keep the arteries and veins of America's river transportation system in smooth running order. We must remain competitive. We cannot wait any longer to authorize construction for 1,200-foot locks so barge tows can move through the upper Mississippi and Illinois without being split.

Of course, navigation needs cannot be our sole concern. Over the years, I have heard time and time again from constituents and national leaders concerned about the environment, about the need to maintain a balance among navigation, flood control and the environment. Habitat for many species—indeed, the Mississippi River ecosystem as a whole—has deteriorated since the construction of the original lock system in the 1930's.

The Mississippi River is home to a wide variety of fish and birds, as well as other wildlife. These animals and abundant plant life are important to the character and life of the Mississippi River. Approximately, 40 percent of North America's waterfowl and shorebirds use the Mississippi Flyway.

Parts of the Upper Mississippi River may serve as the most important area for migrating diving ducks in the United States. And the Mississippi River serves as habitat for breeding and wintering birds, including the bald eagle.

We are all aware of the problems that have plagued the Corps' actions on the Mississippi River. However, the Corps has pledged and is putting a much stronger emphasis on environmental protection. We need to work with the Corps to ensure that all updates and renovations of the locks and dams are done with the utmost care for the environment and the wildlife that depends on the Mississippi River habitat.

In addition to that mitigation, we need to give the Corps the authorization and the funding it needs to accomplish real ecosystem restoration, and not just make up for the lost habitat of specific identified species. The legislation we are proposing does just that.

This is going to be a challenge in these difficult budget times, but not to do so would be penny-wise and pound-foolish. We need to be thinking both of the long-term economic health of our agricultural producers and shippers, in tandem with the long-term health of the diverse ecosystems on the river.

I would like to note that I am pleased that bill authorizes improvements to the Des Moines flood control system. Des Moines suffered major flooding in 1993 and clearly needs the improvements to reduce the chance of flooding in the future.

I believe the legislation we are proposing strikes the correct balance. I urge our colleagues to support this important bill.

Mr. DURBIN. Mr. Presient, I thank Chairman INHOFE and Senator JEFFORDS and both of their staffs for their tireless effort writing this bill. It has not been an easy bill to write due to the many competing demands on water resources as well as interests regarding Corps reform.

Traditionally, Congress passes WRDA every 2 years, ensuring that the Corps of Engineers can stay current in studying the most pressing water resource problems, constructing projects, and modifying existing projects to meet various needs across the country.

We have been waiting 6 long years for a bill to reauthorize navigation, ecosystem restoration, fish and wildlife conservation, and flood and storm damage reduction projects all over the country.

Today, I am pleased to see this bill on the floor of the Senate, a measure that is the product of bipartisan negotiations and has the support of 80 Senators.

I strongly support this legislation.

Most significant to my home State of Illinois is the bill's authorization of navigation improvements and restoration of the ecosystem of the Upper Mississippi River and Illinois Waterway System. This project will increase lock capacity and improve the ecosystem of both the Upper Mississippi River and the Illinois River.

Specifically, this bill authorizes improvements to Locks 12, 14, 18, 20, 22, and 24 on the Mississippi River. It also authorizes the construction of 7 new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Mississippi River and at the LaGrange and Peoria Locks on the Illinois River. Many of the locks on the rivers were built nearly 70 years ago and are in desperate need of an overhaul. Inland waterway shipping relies on the successful operation of these locks. Frequent delays caused by the antiquated lock system increase shipping costs, which hurts American farmers.

Updating these locks is critical for industry and agriculture in the Midwest and in my home State of Illinois. Every year, the river moves $12 billion worth of products. It moves 1 billion bushels of grain—about 60 percent of all grain exports—to ports around the world. More than half of Illinois' annual corn crop and 75 percent of all U.S. soybean exports travel via the Upper Mississippi/Illinois River system. Shipping via barge keeps exports competitive and reduces transportation costs. That is good for producers and consumers. In addition, increased barge shipping displaces shipments by rail and truck, which lowers transportation costs for all businesses nationwide.

There are significant cost savings and environmental benefits to updating these locks as well. Barges operate at 10 percent of the cost of trucks and 40 percent of the cost of rail traffic. They also emit much less carbon monoxide, nitrous oxide, and hydrocarbons, and use less fuel to transport the equivalent tonnage of products.

It is estimated that the construction of the 7 locks will create 48 million man-hours of jobs and provide 3,000 to 6,000 jobs per year, including many high-paying manufacturing jobs. Currently, in the Upper Mississippi River Basin alone, more than 400,000 jobs are connected to the river. This includes 90,000 well-paid manufacturing jobs.

In addition, this project manages to balance the navigation needs of commercial shippers on our inland waterways with ecosystem restoration. Quite simply, this project authorizes the most ambitious ecosystem restoration project in the history of the Corps of Engineers. At a time when many believe this waterway is losing its habitats and eco-diversity, this $1.65 billion ecosystem restoration project is an important step toward fostering wildlife and natural habitats along the inland waterway system.

This restoration project will restore over 100,000 acres of habitat and create new recreational opportunities and additional jobs in the area.

Ecosystem restoration projects that are authorized in this bill include flood plain restoration, island building, construction of fish passages, island and shoreline protection and tributary confluence restoration, among others. When this project was developed, I worked diligently to ensure that the natural ecosystem of the Mississippi and Illinois Rivers received the same attention as the navigational needs of the area.

I also thank the managers of this bill for the inclusion of a project that is critically important to Illinois as well as the entire Great Lakes region—the authorization to make permanent the Chicago Sanitary and Ship Canal Dispersal Barrier system. This project is critical to protecting the Great Lakes from the Asian Carp, an invasive species now found in the Mississippi River. Asian carp can grow to 4 feet, weigh 60 pounds, and are capable of consuming up to 40 percent of their body weight in plankton per day. While the Mississippi River and the Great Lakes were once separate water systems, the construction of the Chicago Sanitary and Ship Canal connected these two water bodies. Today, the Asian carp threatens a $4.1 billion sport and commercial fishing industry in the Great Lakes. Permanent operation of the barrier system to prevent the Asian carp from entering the waters of the Great Lakes is critical to the protection of this valuable ecosystem. I appreciate the inclusion of language in this bill that recognizes the threat of the Asian carp and the need to protect the Great Lakes ecosystem from this invasive species.

Finally, we must recognize that Hurricane Katrina was a wake-up call; one that requires us in Congress to take those steps that ensure we don't witness another Katrina-type disaster caused by a failure of engineering, analysis or any other failure of oversight. We must ensure that projects meant to protect the public wellbeing do just that. This bill is critically important to the agricultural interests in my State. I will encourage the advancement of this bill through Congress and am committed to seeing that it is sent to the President.

Mr. FEINGOLD. Mr. President, when a bill like this one comes to the floor, especially after 6 years, there are so many people to thank. First, I want to thank the support of my principal cosponsor, the Senator from Arizona, Mr. MCCAIN, who has worked with me since the 108th Congress.

I know he shares my view that future Corps projects should no longer fail to produce predicted benefits, should stop costing the taxpayers more than the Corps estimated, should not have unanticipated environmental impacts, and should be built in an environmentally compatible way.

He saw the importance of ensuring that the Corps does a better job, which is what the taxpayers and the environment deserve. He and his staffer, Becky Jensen, deserve commendation.

I am particularly grateful for the help and support of the chairman of the committee, Mr. INHOFE. He directed his staff to work closely with mine, and Ruth Van Mark, Angie Giancarlo, and Steven Aaron did so ably, and I thank them, and the majority staff director, Andy Wheeler.

I would also be remiss if I did not acknowledge the support of another former EPW chairman, the former Senator from New Hampshire, Mr. Smith. It was he who brought conservative groups and taxpayer groups to the table on these issues, honored my request for a hearing in 2002 along with then-Ranking Member BAUCUS, and I am deeply grateful.

I want to thank our current esteemed and retiring ranking member, the Senator from Vermont, Mr. JEFFORDS. This may be the committee's last major bill this Congress, and he is to be commended for his leadership.

He and I have spoken personally about my interests in improving the Corps, and I am grateful for his support.

Several of the minority staff of the committee have been working on the issues I am raising in my amendments since my first independent review amendment on the 2000 WRDA bill. At the time, Jo-Ellen Darcy worked on the committee for the Senator from Montana, Mr. BAUCUS, who was then the ranking member, and she has followed my interest in these issues for Senator BAUCUS, Senator REID, and now Senator JEFFORDS.

I also want to acknowledge the help and support of several others on the minority staff, Catharine Ransom, Alison Taylor, Ken Connolly, and Mary Frances Repko, who worked for me until 2003, and provided invaluable help to me with my first Corps reform bill in the 107th Congress and the WRDA amendment that preceded it.

I also have a long history working with the Senator from Missouri, Mr. BOND, on Corps issues. I appreciate the effort that he, and his staffers, Brian Klippenstein and Letmon Lee, have made to improve the Corps' performance.

Our work together goes back to 1999. The reauthorization of the Environmental Management Program in the Upper Mississippi was the only permanent authorization in WRDA 99. Included in the final EMP provisions was a requirement that Senator BOND and I developed to have the Corps create an independent technical advisory committee to review EMP projects, monitoring plans, and habitat and natural resource needs assessments. Our work helped to cement the Environment Committee's commitment to secure outside technical advice in Corps habitat restoration programs, like the EMP.

The amendments I offered to the WRDA bill are widely supported in the environmental and taxpayer community, and several individuals have worked hard for this day, including Chelsea Maxwell, former staffer to the retired Senator from New Hampshire, Mr. SMITH, and now with National Wildlife Federation, Adam Kolton, David Conrad and Tim Eder with National Wildlife Federation, Joan

Mulhern with Earth Justice, Melissa Samet with American Rivers, Steve Ellis and Jill Lancelot with Taxpayers for Common Sense, Tim Searchinger with Environmental Defense, and Pete Sepp and Kristina Rasmussen with the National Taxpayers Union.

Finally, I want to thank my own staff. My staffer, Jessica Maher, has worked tirelessly on this legislation. She has talked to countless offices and constituents, and has worked to address their concerns and questions with grace and good humor, as has Mike Schmidt, another member of my staff. I am deeply grateful to Jess and to her predecessor, Heather White.

Mr. JEFFORDS. Mr. President, while we are nearing completion of this bill, I would like to take a few minutes to highlight some of the projects in the bill for my State of Vermont.

Throughout our work on this bill, I have worked to find a way to use the Army Corps of Engineers' expertise in a series of "Vermont style" projects. I believe we have succeeded.

This bill would provide $67 million in new authorities for the State of Vermont. Vermonters identified four major priorities for the Corps during my discussions with them: keep Vermont projects in the Vermont style, continue ongoing Lake Champlain efforts, address Connecticut River issues, and find a way to repair or eliminate the thousands of small dams throughout the State creating flood hazards and causing ecosystem damage. This bill addresses each of these areas.

First, during our discussion on the WRDA bill, I advocated strongly for an increase in the authorization for small ecosystem restoration projects like those in Vermont. In this bill, we increase that program from $25 million to $50 million, allowing smaller, Vermont-scale projects to move forward.

Second, we have continued our ongoing support of the Lake Champlain program, authorized in WRDA 2000, by adding $2 million in authority for geographic mapping and $10 million for streambank stabilization projects to protect water quality. We also authorize a study of the Lake Champlain Canal dispersal barrier to help prevent invasive species from entering the lake.

Third, this bill includes major changes for the Connecticut River. We authorize $30 million for modifications to existing Corps dams on the Connecticut River to regulate flow and temperature to mitigate impacts on aquatic habitat and fisheries. The bill also includes a $20 million authorization for ecosystem restoration on the Upper Connecticut River and $5 million for a wetlands restoration partnership.

Finally, the WRDA bill includes both nationwide and Vermont-specific programs for small dam remediation, removal, and rehabilitation. I authored a continuing authority for small dams that allows $25 million to be used for small dam removal or rehabilitation. I joined my colleagues, Senators KERRY and KENNEDY, as a cosponsor of this provision as a stand-alone bill, S. 1887. In addition, the existing Vermont dams remediation authority is expanded to allow for measures to restore, protect, and preserve an ecosystem affected by one of the dams included in the program.

When I first took over as chairman of this Committee in 2001, I started working with the State of Vermont to identify how we could get the Corps more involved in Vermont. At first blush, this seemed counterintuitive to me, and to many Vermonters. After all, early on in my career as the States attorney general, I led efforts to derail several major flood control dams proposed by the Corps for the Moose River, White River, and Saxtons River.

Did we really want to open the door again? At the time, my answer was, and still remains, a guarded yes.

In my opening statement when WRDA reached the Senate floor on Tuesday, I referenced some of the reforms contained in the underlying bill as well as some of the amendments proposed by Senator FEINGOLD that will further improve the Corps. However, over the last 30 years, the Corps has made much progress. Ecosystem restoration is a defined mission area. Continuing authorities programs allow small-scale projects, like the ones usually found in Vermont, to proceed without the excessive bureaucracy that smallest States tend to dread.

Beginning in 2003, I held a series of annual workshops with the New England and the New York districts, the State of Vermont, and local stakeholders at multiple locations in Vermont. The first year we were in Bennington, Norwich, and Barrer, and the second year we were in Norwich and Burlington.

The projects included in this bill for Vermont are a direct result of those workshops, and I thank everyone who helped make them possible. Specifically, I thank LTC Brian Green, Acting New England District Commander; John Kennelly, Chief of Planning, and Bobby Byrne, Chief of Programs and Civil Project Management with the New England District.

With the New York District, I thank COL John O'Dowd, the former District Commander; COL Richard Polo, the current District Commander; Gene Brickman, Deputy Chief of the Planning Division; Paul Tumminello, the Waterbury Dam Project Manager; and Jason Shea, the Lake Champlain Basin Program Coordinator.

In addition, from the North Atlantic Division, BG Bo Temple, the former Division Commander; Joseph Vietri, the Planning Director; and Stuart Piken, the former Project Management Chief at Division and the current New York District Deputy District Engineer for Project Management.

Finally, I thank Rob Vining, formerly with Army Corps Headquarters.

Mr. President, I especially thank my colleagues on the EPW Committee, particularly Senators BAUCUS, BOND, and INHOFE, for working with me on these critical priorities, and I look forward to the enactment of the Water Resources Development Act of 2006.

Mr. COBURN. Mr. President, I thank you for having this important debate regarding our Nation's aging infrastructure and for allowing this body to discuss the merits of Corps of Engineers reform.

As you know, I supported allowing this bill to come to the Senate floor for consideration. Congress has not passed a water resources authorization bill since 2000, and particularly in the wake of Hurricane Katrina, this debate is long overdue. While many attempted to derail consideration of this debate, I did not because I believed that we must have this discussion in the open.

That being said, I have deep concerns regarding the legislation that is before us today. Specifically, I am concerned that we are missing a historic opportunity to incorporate the many lessons learned since the last WRDA bill passed in 2000. Consider the following developments that highlight the critical need for reform of the Corps of Engineers:

> The Government Accountability Office (GAO) reported in March 2006 that "the cost benefit analyses performed by the Corps to support decisions on Civil Works projects . . . were generally inadequate to provide a reasonable basis for deciding whether to proceed with the project . . ." GAO–06–529T—Corps of Engineers: Observations on Planning and Project Management Processes for the Civil Works Program (March 15, 2006)
>
> In remarking on the fact that the Corps reprogrammed over $2.1 billion through 7,000 reprogramming actions in fiscal years 2003 and 2004, the GAO noted that the Corps' practice was often "not necessary" and is "reflect[ive] of poor planning and an absence of Corps-wide priorities for its Civil Works priorities." GAO–06–529T—Corps of Engineers: Observations on Planning and Project Management Processes for the Civil Works Program (March 15, 2006)
>
> In a report to Congress in 2003 regarding the Sacramento flood protection project, the GAO found that the Corps used "an inappropriate methodology to calculate the value of protected properties" and failed to properly report expected cost increases. Consider the projected costs for the three primary Sacramento projects: the Common Features Project increased from $57 million in 1996 to $370 million in 2002; the American Features project increased from $44 million in 1996 to $143 million in 2002; and the Natomis Basin component has ballooned from an early estimated cost of $13 million, to $212 million in 2002. GAO–04–30—Corps of Engineers: Improved Analysis of Costs & Benefits Needed for the Sacramento Flood Control Project.
>
> Thanks to a Corps whistleblower and a subsequent investigation by the Army inspector

general, we know that the Corps: "manipulated the economic analyses of the feasibility study being conducted on the Upper Mississippi lock expansion project in order to steer the study to a specific outcome." Furthermore, the investigation revealed that a Corps official knowingly directed that "mathematically flawed" data be used to justify the project. High-ranking Corps officials also were criticized for giving "preferential treatment to the barge industry . . ." by allowing industry representatives to become direct participants in the economic analysis." U.S. Office of Special Counsel: Statement of Elaine Kaplan, Special Counsel, U.S. Office of Special Counsel (December 2000).

I could add several more examples, including the many lessons we have learned in the wake of Katrina, but my point is clear: the processes used for project justification, for long-term planning, for cost containment, and for project accountability are fundamentally flawed and do not serve the best interests of American taxpayers. For too long, we have allowed project costs to soar, routinely accepted inaccurate studies to justify large projects, and rarely, if ever, asked the tough questions of Corps officials.

Congress plays a central role in the oversight of all Federal agencies, and with respect to the Corps, we have failed taxpayers miserably. Why? Perhaps a better question would be to ask who benefits most from lax congressional oversight. I would argue that Members themselves are the real winners. We get the projects we want, regardless of the cost or the overall impact on critical national infrastructure, and the Corps is allowed to operate as it pleases. This environment—with every incentive for construction and little or no incentive for accountability—is a recipe for disasters of all sorts.

The only way to fix this problem in the long term is to bring fiscal transparency and oversight to this process.

First and foremost, we have to develop our ability to prioritize authorized Corps projects. The Corps currently faces a $58 billion dollar project backlog that will take many decades to resolve, and this bill will add over $10 billion more to that backlog. Many worthwhile projects, already debated and authorized by previous Congresses, languish in the annual competition for appropriations. Taking their place in line are politically popular projects that rarely address vital national infrastructure needs. Again, we are failing taxpayers.

I am pleased to see the amendment offered by my colleagues, Senators FEINGOLD and MCCAIN, that will squarely address this lack of prioritization. The tools that will be provided by this amendment will strengthen the ability of Members of Congress to analyze the hundreds of authorized Corps projects and determine which are in the best interests of our Nation. Congress maintains its discretion to fund whichever projects it deems most appropriate, but we will do so with an abundance of new data that will highlight critical national infrastructural needs. Funds are increasingly limited, and we have a responsibility to prioritize projects based on their impact.

Second, in our efforts to improve this important process, Congress must consider ways to bring greater oversight to the Corps. The many instances of wrongdoing in the Corps project justification process make clear that we must do better. With billions of dollars at stake and often thousands of lives hanging in the balance, we simply cannot allow for manipulation and undue influence in the justification study process.

Again, I am pleased to see the efforts of Senators MCCAIN and FEINGOLD in addressing this void. The Corps has proven itself incapable of mending these problems on its own, and nowhere is this more apparent than in the project justification process. It is imperative that outside experts, with no stake in large-scale construction proposals, be allowed to review these types of Corps studies. While I may have designed the amendment in a slightly different manner, I look forward to supporting the McCain-Feingold approach that will allow for a truly independent and time-sensitive review by a panel of experts. At the end of the day, Congress still makes the final decision on which projects to fund, and in no way will this amendment impact our constitutional obligations or slow project construction. We can still fund wasteful and inefficient spending if we so desire. If we pass this amendment, at least we will ensure that the studies we cite are accurate. We owe that to the American public.

I am grateful to my colleagues for the countless hours they have spent in putting this bill together. I know the road that led to this debate today was not an easy one, and it has been a long and difficult journey. As we embark on this debate and in our legitimate desire to pass this legislation, however, we must not overlook the critical need for Corps reform. The many lessons we have learned since WRDA 2000 are as numerous as they are pressing. The Corps of Engineers is staffed by many dedicated and hard-working Americans, many of whom are in my State. The agency itself, however, is ailing and demands our attention. If the Corps is to continue to meet the mandate it has been given and serve the needs of the American taxpayer, we must not move forward without the incorporation of new oversight and transparency.

America's waterways and flood control projects have played an important role in protecting our communities and in spurring agricultural and industrial commerce. Unless we can reform the Corps, though, their impact will increasingly diminish. As it stands today, the Corps is not accountable to Congress, and ultimately, it is not accountable to the American taxpayer. We have a historic opportunity to change this environment, and we must seize it.

Mr. LIEBERMAN. Mr. President, I rise today in support of amendment No. 4684, the McCain-Feingold-Prioritization amendment, to the Water Resources Development Act.

The city of New Orleans has been under a constant threat of flooding from the "big one" ever since it was founded in 1718. Though the city has survived, its flood control defenses have been tested and occasionally overwhelmed. There was the great flood of 1927 when the Mississippi River spilled into the city, and there was Hurricane Betsy in 1965, which, according to Senator Russell Long of Louisiana, "picked up ... [Lake Pontchartrain] and put it inside New Orleans and Jefferson Parish."

In the same year that Betsy inundated the city, Congress authorized a hurricane protection project to protect the city. That project was supposed to take 13 years, cost $85 million, and, according to the Army Corps, protect greater New Orleans from the equivalent of a fast-moving category 3 hurricane.

In the Senate Homeland Security and Governmental Affairs Committee's investigation into the preparation for and response to Hurricane Katrina, our committee learned that that project was still a decade or more away from completion—close to 50 years after this body authorized its construction—and the total cost of the project had ballooned to more than $750 million. In addition, the project did not provide the level of protection for New Orleans and the region that it was expected to provide.

There were many reasons for the delay, including natural ones such as the subsidence of the land in southeastern Louisiana. Building levees in this part of the country required the Army Corps to return time and time again to add additional layers to the levees, known as lifts, to accommodate for the sinking soils.

But there were also manmade reasons for the delay, such as the absence of Federal funding. In recent years, local Army Corps officials have had to scramble to move these Louisiana hurricane protection projects forward. Local Army Corps officials had to urge local levee boards to contact their congressional delegation to ask for financial help to restore levees to their original design height, and on two recent occasions, the Army Corps had to rely on the local levee districts, which share in the cost of these projects, to advance them money so they could continue construction of segments of the hurricane protection system.

As the Corps of Engineers' own Interagency Performance Evaluation Taskforce, or IPET, investigators observed, if one part of the levee system comes up short, it can compromise the entire protection system. Yet this levee system, which was supposed to be protecting one of America's most vulnerable cities, was never finished, and as a result, when Katrina hit last August, dire consequences ensued.

We learned from Katrina that there is a need to focus limited Federal resources on finishing flood control projects that are critical to our Nation's health, safety, and welfare. The Army Corps' current process to do this is inadequate. As the GAO testified before the House in March, "The Corps' planning and project management processes cannot ensure that national priorities are appropriately established across the hundreds of civil works projects that are competing for scarce federal resources."

The McCain-Feingold amendment on prioritization, which I am proud to cosponsor, will address this problem by requiring the Water Resources Planning Coordinating Committee, which the underlying WRDA Bill already establishes for other purposes to evaluate the importance of Corps projects in three different categories—storm damage reduction projects, navigation projects, and environmental restoration projects. The amendment also requires the committee to rank projects in each category so that Congress, and the Corps itself, can determine what projects are the most important to pursue and most worthy of funding. The Coordinating Committee will then submit its report to Congress and make the report available to the public.

With that information, Congress can make better decisions about how to spend scarce Federal resources on critical infrastructure projects across the country. We have to learn from Katrina and we should never again allow a project that is so critical to the very livelihood of so many to languish because we did not give it the priority it deserved.

I know many of my colleagues are concerned that this amendment will remove authority from individual Members about how to spend Army Corps dollars. I understand that concern, but the reality is that the Corps has more work to do than funding to do it. This WRDA bill will add another $10 to $12 billion in Army Corps projects on top of the estimated $58 billion in backlogged Army Corps projects that are authorized but not yet funded. Without some system of prioritizing projects, as this amendment would require, we run the risk of another Katrina-like situation where critical projects are not given the priority they deserve. On the other hand, by requiring the Corps to prioritize projects in each category—flood control, navigation, and environmental restoration—we can ensure that there is a balance among the types of projects that are funded and that the most important and cost-effective projects in each category get the attention they deserve.

Water resources projects are important to each and every State, but we need to heed the lessons of Katrina and make sure that we spend our tax dollars where they are most needed.

I urge my colleagues to support this critical amendment.

Mr. BOND. Mr. President, we have been advised by both sides a voice vote would suffice on this measure. Many Members want to be recorded, but if we all speak loudly we can do that without going through the time of a rollcall vote.

I suggest to my colleague from Vermont, if his side is happy with it, we accept a voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2864; all after the enacting clause is stricken, and the text of S. 728, as amended, is inserted in lieu thereof, and the bill is read the third time.

The question is, Shall it pass?

The bill (H.R. 2864), as amended, was passed as follows:

H.R. 2864

Resolved, That the bill from the House of Representatives (H.R. 2864) entitled "An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.
Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for the Upper Mississippi River and Illinois Waterway System.
Sec. 1003. Louisiana Coastal Area ecosystem restoration, Louisiana.
Sec. 1004. Small projects for flood damage reduction.
Sec. 1005. Small projects for navigation.
Sec. 1006. Small projects for aquatic ecosystem restoration.

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

Sec. 2001. Credit for in-kind contributions.
Sec. 2002. Interagency and international support authority.
Sec. 2003. Training funds.
Sec. 2004. Fiscal transparency report.
Sec. 2005. Planning.
Sec. 2006. Water Resources Planning Coordinating Committee.
Sec. 2007. Independent peer review.
Sec. 2008. Mitigation for fish and wildlife losses.
Sec. 2009. State technical assistance.
Sec. 2010. Access to water resource data.
Sec. 2011. Construction of flood control projects by non-Federal interests.
Sec. 2012. Regional sediment management.
Sec. 2013. National shoreline erosion control development program.
Sec. 2014. Shore protection projects.
Sec. 2015. Cost sharing for monitoring.
Sec. 2016. Ecosystem restoration benefits.
Sec. 2017. Funding to expedite the evaluation and processing of permits.
Sec. 2018. Electronic submission of permit applications.
Sec. 2019. Improvement of water management at Corps of Engineers reservoirs.
Sec. 2020. Federal hopper dredges.
Sec. 2021. Extraordinary rainfall events.
Sec. 2022. Wildfire firefighting.
Sec. 2023. Nonprofit organizations as sponsors.
Sec. 2024. Project administration.
Sec. 2025. Program administration.
Sec. 2026. National Dam Safety Program reauthorization.
Sec. 2027. Extension of shore protection projects.

Subtitle B—Continuing Authorities Projects

Sec. 2031. Navigation enhancements for waterbourne transportation.
Sec. 2032. Protection and restoration due to emergencies at shores and streambanks.
Sec. 2033. Restoration of the environment for protection of aquatic and riparian ecosystems program.
Sec. 2034. Environmental modification of projects for improvement and restoration of ecosystems program.
Sec. 2035. Projects to enhance estuaries and coastal habitats.
Sec. 2036. Remediation of abandoned mine sites.
Sec. 2037. Small projects for the rehabilitation and removal of dams.
Sec. 2038. Remote, maritime-dependent communities.
Sec. 2039. Agreements for water resource projects.
Sec. 2040. Program names.

Subtitle C—National Levee Safety Program

Sec. 2051. Short title.
Sec. 2052. Definitions.
Sec. 2053. National Levee Safety Committee.
Sec. 2054. National Levee Safety Program.
Sec. 2055. Authorization of appropriations.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 3001. St. Herman and St. Paul Harbors, Kodiak, Alaska.
Sec. 3002. Sitka, Alaska.
Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.
Sec. 3004. Rio de Flag, Flagstaff, Arizona.
Sec. 3005. Augusta and Clarendon, Arkansas.
Sec. 3006. Red-Ouachita River Basin levees, Arkansas and Louisiana.
Sec. 3007. St. Francis Basin, Arkansas and Missouri.
Sec. 3008. St. Francis Basin land transfer, Arkansas and Missouri.
Sec. 3009. McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma.
Sec. 3010. Cache Creek Basin, California.
Sec. 3011. CALFED Levee stability program, California.
Sec. 3012. Hamilton Airfield, California.

Sec. 3013. LA-3 dredged material ocean disposal site designation, California.
Sec. 3014. Larkspur Ferry Channel, California.
Sec. 3015. Llagas Creek, California.
Sec. 3016. Magpie Creek, California.
Sec. 3017. Pine Flat Dam fish and wildlife habitat, California.
Sec. 3018. Redwood City navigation project, California.
Sec. 3019. Sacramento and American Rivers flood control, California.
Sec. 3020. Conditional declaration of nonnavigability, Port of San Francisco, California.
Sec. 3021. Salton Sea restoration, California.
Sec. 3022. Santa Barbara Streams, Lower Mission Creek, California.
Sec. 3023. Upper Guadalupe River, California.
Sec. 3024. Yuba River Basin project, California.
Sec. 3025. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
Sec. 3026. Anchorage area, New London Harbor, Connecticut.
Sec. 3027. Norwalk Harbor, Connecticut.
Sec. 3028. St. George's Bridge, Delaware.
Sec. 3029. Christina River, Wilmington, Delaware.
Sec. 3030. Designation of Senator William V. Roth, Jr. Bridge, Delaware.
Sec. 3031. Additional program authority, comprehensive Everglades restoration, Florida.
Sec. 3032. Brevard County, Florida.
Sec. 3033. Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.
Sec. 3034. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.
Sec. 3035. Lido Key, Sarasota County, Florida.
Sec. 3036. Port Sutton Channel, Tampa Harbor, Florida.
Sec. 3037. Tampa Harbor, Cut B, Tampa, Florida.
Sec. 3038. Allatoona Lake, Georgia.
Sec. 3039. Dworshak Reservoir improvements, Idaho.
Sec. 3040. Little Wood River, Gooding, Idaho.
Sec. 3041. Port of Lewiston, Idaho.
Sec. 3042. Cache River Levee, Illinois.
Sec. 3043. Chicago, Illinois.
Sec. 3044. Chicago River, Illinois.
Sec. 3045. Illinois River Basin restoration.
Sec. 3046. Missouri and Illinois flood protection projects reconstruction pilot program.
Sec. 3047. Spunky Bottom, Illinois.
Sec. 3048. Strawn Cemetery, John Redmond Lake, Kansas.
Sec. 3049. Milford Lake, Milford, Kansas.
Sec. 3050. Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia.
Sec. 3051. McAlpine Lock and Dam, Kentucky and Indiana.
Sec. 3052. Public access, Atchafalaya Basin Floodway System, Louisiana.
Sec. 3053. Regional visitor center, Atchafalaya Basin Floodway System, Louisiana.
Sec. 3054. Calcasieu River and Pass, Louisiana.
Sec. 3055. East Baton Rouge Parish, Louisiana.
Sec. 3056. Mississippi River Gulf Outlet relocation assistance, Louisiana.
Sec. 3057. Red River (J. Bennett Johnston) Waterway, Louisiana.
Sec. 3058. Camp Ellis, Saco, Maine.
Sec. 3059. Union River, Maine.
Sec. 3060. Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.
Sec. 3061. Cumberland, Maryland.
Sec. 3062. Aunt Lydia's Cove, Massachusetts.
Sec. 3063. Fall River Harbor, Massachusetts and Rhode Island.
Sec. 3064. St. Clair River and Lake St. Clair, Michigan.
Sec. 3065. Duluth Harbor, Minnesota.
Sec. 3066. Red Lake River, Minnesota.
Sec. 3067. Bonnet Carre Freshwater Diversion Project, Mississippi and Louisiana.
Sec. 3068. Land exchange, Pike County, Missouri.
Sec. 3069. L-15 levee, Missouri.
Sec. 3070. Union Lake, Missouri.
Sec. 3071. Fort Peck Fish Hatchery, Montana.
Sec. 3072. Lower Yellowstone project, Montana.
Sec. 3073. Yellowstone River and tributaries, Montana and North Dakota.
Sec. 3074. Lower Truckee River, McCarran Ranch, Nevada.
Sec. 3075. Middle Rio Grande restoration, New Mexico.
Sec. 3076. Long Island Sound oyster restoration, New York and Connecticut.
Sec. 3077. Orchard Beach, Bronx, New York.
Sec. 3078. New York Harbor, New York, New York.
Sec. 3079. Missouri River restoration, North Dakota.
Sec. 3080. Lower Girard Lake Dam, Girard, Ohio.
Sec. 3081. Toussaint River Navigation Project, Carroll Township, Ohio.
Sec. 3082. Arcadia Lake, Oklahoma.
Sec. 3083. Lake Eufaula, Oklahoma.
Sec. 3084. Release of retained rights, interests, and reservations, Oklahoma.
Sec. 3085. Oklahoma lakes demonstration program, Oklahoma.
Sec. 3086. Waurika Lake, Oklahoma.
Sec. 3087. Lookout Point project, Lowell, Oregon.
Sec. 3088. Upper Willamette River Watershed ecosystem restoration.
Sec. 3089. Tioga Township, Pennsylvania.
Sec. 3090. Upper Susquehanna River Basin, Pennsylvania and New York.
Sec. 3091. Narragansett Bay, Rhode Island.
Sec. 3092. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.
Sec. 3093. Missouri River restoration, South Dakota.
Sec. 3094. Missouri and Middle Mississippi Rivers enhancement project.
Sec. 3095. Anderson Creek, Jackson and Madison Counties, Tennessee.
Sec. 3096. Harris Fork Creek, Tennessee and Kentucky.
Sec. 3097. Nonconnah Weir, Memphis, Tennessee.
Sec. 3098. Old Hickory Lock and Dam, Cumberland River, Tennessee.
Sec. 3099. Sandy Creek, Jackson County, Tennessee.
Sec. 3100. Cedar Bayou, Texas.
Sec. 3101. Denison, Texas.
Sec. 3102. Freeport Harbor, Texas.
Sec. 3103. Harris County, Texas.
Sec. 3104. Connecticut River restoration, Vermont.
Sec. 3105. Dam remediation, Vermont.
Sec. 3106. Lake Champlain Eurasian milfoil, water chestnut, and other nonnative plant control, Vermont.
Sec. 3107. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.
Sec. 3108. Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire.
Sec. 3109. Lake Champlain watershed, Vermont and New York.
Sec. 3110. Chesapeake Bay oyster restoration, Virginia and Maryland.
Sec. 3111. Tangier Island Seawall, Virginia.
Sec. 3112. Erosion control, Puget Island, Wahkiakum County, Washington.
Sec. 3113. Lower Granite Pool, Washington.
Sec. 3114. McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho.
Sec. 3115. Snake River project, Washington and Idaho.
Sec. 3116. Whatcom Creek Waterway, Bellingham, Washington.
Sec. 3117. Lower Mud River, Milton, West Virginia.
Sec. 3118. McDowell County, West Virginia.
Sec. 3119. Green Bay Harbor project, Green Bay, Wisconsin.
Sec. 3120. Underwood Creek Diversion Facility Project, Milwaukee County, Wisconsin.
Sec. 3121. Oconto Harbor, Wisconsin.
Sec. 3122. Mississippi River headwaters reservoirs.
Sec. 3123. Lower Mississippi River Museum and Riverfront Interpretive Site.
Sec. 3124. Pilot program, Middle Mississippi River.
Sec. 3125. Upper Mississippi River system environmental management program.
Sec. 3126. Upper basin of Missouri River.
Sec. 3127. Great Lakes fishery and ecosystem restoration program.
Sec. 3128. Great Lakes remedial action plans and sediment remediation.
Sec. 3129. Great Lakes tributary models.
Sec. 3130. Upper Ohio River and Tributaries Navigation System new technology pilot program.

TITLE IV—STUDIES

Sec. 4001. Eurasian milfoil.
Sec. 4002. National port study.
Sec. 4003. McClellan-Kerr Arkansas River Navigation Channel.
Sec. 4004. Los Angeles River revitalization study, California.
Sec. 4005. Nicholas Canyon, Los Angeles, California.
Sec. 4006. Oceanside, California, shoreline special study.
Sec. 4007. Comprehensive flood protection project, St. Helena, California.
Sec. 4008. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.
Sec. 4009. South San Francisco Bay shoreline study, California.
Sec. 4010. San Pablo Bay Watershed restoration, California.
Sec. 4011. Fountain Creek, North of Pueblo, Colorado.
Sec. 4012. Selenium study, Colorado.
Sec. 4013. Promontory Point third-party review, Chicago Shoreline, Chicago, Illinois.
Sec. 4014. Vidalia Port, Louisiana.
Sec. 4015. Lake Erie at Luna Pier, Michigan.
Sec. 4016. Middle Bass Island State Park, Middle Bass Island, Ohio.
Sec. 4017. Jasper County port facility study, South Carolina.
Sec. 4018. Johnson Creek, Arlington, Texas.
Sec. 4019. Lake Champlain Canal study, Vermont and New York.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 5001. Lakes program.
Sec. 5002. Estuary restoration.
Sec. 5003. Delmarva conservation corridor, Delaware and Maryland.
Sec. 5004. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.

Sec. 5005. *Anacostia River, District of Columbia and Maryland.*
Sec. 5006. *Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.*
Sec. 5007. *Rio Grande environmental management program, Colorado, New Mexico, and Texas.*
Sec. 5008. *Missouri River and tributaries, mitigation, recovery and restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.*
Sec. 5009. *Lower Platte River watershed restoration, Nebraska.*
Sec. 5010. *Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and terrestrial wildlife habitat restoration, South Dakota.*
Sec. 5011. *Connecticut River dams, Vermont.*

TITLE VI—PROJECT DEAUTHORIZATIONS

Sec. 6001. *Little Cove Creek, Glencoe, Alabama.*
Sec. 6002. *Goleta and vicinity, California.*
Sec. 6003. *Bridgeport Harbor, Connecticut.*
Sec. 6004. *Bridgeport, Connecticut.*
Sec. 6005. *Hartford, Connecticut.*
Sec. 6006. *New Haven, Connecticut.*
Sec. 6007. *Inland waterway from Delaware River to Chesapeake Bay, part II, installation of fender protection for bridges, Delaware and Maryland.*
Sec. 6008. *Shingle Creek Basin, Florida.*
Sec. 6009. *Brevoort, Indiana.*
Sec. 6010. *Middle Wabash, Greenfield Bayou, Indiana.*
Sec. 6011. *Lake George, Hobart, Indiana.*
Sec. 6012. *Green Bay Levee and Drainage District No. 2, Iowa.*
Sec. 6013. *Muscatine Harbor, Iowa.*
Sec. 6014. *Big South Fork National River and recreational area, Kentucky and Tennessee.*
Sec. 6015. *Eagle Creek Lake, Kentucky.*
Sec. 6016. *Hazard, Kentucky.*
Sec. 6017. *West Kentucky tributaries, Kentucky.*
Sec. 6018. *Bayou Cocodrie and tributaries, Louisiana.*
Sec. 6019. *Bayou LaFourche and LaFourche Jump, Louisiana.*
Sec. 6020. *Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.*
Sec. 6021. *Fort Livingston, Grand Terre Island, Louisiana.*
Sec. 6022. *Gulf Intercoastal Waterway, Lake Borgne and Chef Menteur, Louisiana.*
Sec. 6023. *Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas.*
Sec. 6024. *Casco Bay, Portland, Maine.*
Sec. 6025. *Northeast Harbor, Maine.*
Sec. 6026. *Penobscot River, Bangor, Maine.*
Sec. 6027. *Saint John River Basin, Maine.*
Sec. 6028. *Tenants Harbor, Maine.*
Sec. 6029. *Grand Haven Harbor, Michigan.*
Sec. 6030. *Greenville Harbor, Mississippi.*
Sec. 6031. *Platte River flood and related streambank erosion control, Nebraska.*
Sec. 6032. *Epping, New Hampshire.*
Sec. 6033. *Manchester, New Hampshire.*
Sec. 6034. *New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.*
Sec. 6035. *Eisenhower and Snell Locks, New York.*
Sec. 6036. *Olcott Harbor, Lake Ontario, New York.*
Sec. 6037. *Outer Harbor, Buffalo, New York.*
Sec. 6038. *Sugar Creek Basin, North Carolina and South Carolina.*
Sec. 6039. *Cleveland Harbor 1958 Act, Ohio.*
Sec. 6040. *Cleveland Harbor 1960 Act, Ohio.*
Sec. 6041. *Cleveland Harbor, uncompleted portion of Cut #4, Ohio.*
Sec. 6042. *Columbia River, Seafarers Memorial, Hammond, Oregon.*
Sec. 6043. *Schuylkill River, Pennsylvania.*
Sec. 6044. *Tioga-Hammond Lakes, Pennsylvania.*
Sec. 6045. *Tamaqua, Pennsylvania.*
Sec. 6046. *Narragansett Town Beach, Narragansett, Rhode Island.*
Sec. 6047. *Quonset Point-Davisville, Rhode Island.*
Sec. 6048. *Arroyo Colorado, Texas.*
Sec. 6049. *Cypress Creek-Structural, Texas.*
Sec. 6050. *East Fork channel improvement, Increment 2, east fork of the Trinity River, Texas.*
Sec. 6051. *Falfurrias, Texas.*
Sec. 6052. *Pecan Bayou Lake, Texas.*
Sec. 6053. *Lake of the Pines, Texas.*
Sec. 6054. *Tennessee Colony Lake, Texas.*
Sec. 6055. *City Waterway, Tacoma, Washington.*
Sec. 6056. *Kanawha River, Charleston, West Virginia.*

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) HAINES HARBOR, ALASKA.—The project for navigation, Haines Harbor, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total estimated cost of $13,700,000, with an estimated Federal cost of $10,960,000 and an estimated non-Federal cost of $2,740,000.

(2) RILLITO RIVER (EL RIO ANTIGUO), PIMA COUNTY, ARIZONA.—The project for ecosystem restoration, Rillito River (El Rio Antiguo), Pima County, Arizona: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $75,200,000, with an estimated Federal cost of $48,400,000 and an estimated non-Federal cost of $26,800,000.

(3) SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, ARIZONA.—The project for ecosystem restoration, Santa Cruz River, Pima County, Arizona: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $94,400,000, with an estimated Federal cost of $61,200,000 and an estimated non-Federal cost of $33,200,000.

(4) TANQUE VERDE CREEK, ARIZONA.—The project for ecosystem restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $5,706,000, with an estimated Federal cost of $3,706,000 and an estimated non-Federal cost of $2,000,000.

(5) SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA.—

(A) IN GENERAL.—The project for ecosystem restoration, Salt River (Va Shlyay Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $156,700,000, with an estimated Federal cost of $101,600,000 and an estimated non-Federal cost of $55,100,000.

(B) COORDINATION WITH FEDERAL RECLAMATION PROJECTS.—The Secretary, to the maximum extent practicable, shall coordinate the development and construction of the project described in subparagraph (A) with each Federal reclamation project located in the Salt River Basin to address statutory requirements and the operations of those projects.

(6) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $50,600,000, with an estimated Federal cost of $33,000,000 and estimated non-Federal cost of $17,600,000.

(7) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $13,300,000, with an estimated Federal cost of $8,500,000 and an estimated non-Federal cost of $4,800,000, and at an estimated total cost of $41,100,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $20,550,000 and an estimated non-Federal cost of $20,550,000.

(8) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $139,600,000, with an estimated Federal cost of $86,700,000 and an estimated non-Federal cost of $52,900,000.

(9) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $43,630,000, with an estimated Federal cost of $28,460,000 and an estimated non-Federal cost of $15,170,000.

(10) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, California, at a total cost of $103,012,000, with an estimated Federal cost of $65,600,000 and an estimated non-Federal cost of $37,412,000, to be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the final report signed by the Chief of Engineers on December 22, 2004.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(C) TRANSFER OF OWNERSHIP.—On completion of salinity reduction in the project area, the Secretary shall transfer ownership of the pipeline to the non-Federal interest at the fully depreciated value of the pipeline, less—

(i) the non-Federal cost-share contributed under subparagraph (A); and

(ii) the estimated value of the water to be provided as needed for maintenance of habitat values in the project area throughout the life of the project.

(11) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for ecosystem restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers dated May 16, 2003, at a total cost of $21,050,000, with an estimated Federal cost of $13,680,000 and an estimated non-Federal cost of $7,370,000.

(12) INDIAN RIVER LAGOON, SOUTH FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon, south Florida, at a total cost of $1,365,000,000, with an estimated first Federal cost of $682,500,000 and an estimated first non-Federal cost of $682,500,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers dated August 6, 2004.

(B) DEAUTHORIZATIONS.—As of the date of enactment of this Act, the following projects are not authorized:

(i) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, at a total cost of $147,800,000, with an estimated Federal cost of $73,900,000 and an estimated non-Federal cost of $73,900,000.

(ii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), Martin County, Florida, modifications to Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000 and an estimated non-Federal cost of $7,398,000.

(iii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), East Coast Backpumping, St. Lucie–Martin County, Spillway Structure S–311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000 and an estimated non-Federal cost of $21,994,000.

(13) MIAMI HARBOR, MIAMI, FLORIDA.—The project for navigation, Miami Harbor, Miami, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of $125,270,000, with an estimated Federal cost of $75,140,000 and an estimated non-Federal cost of $50,130,000.

(14) PICAYUNE STRAND, FLORIDA.—The project for ecosystem restoration, Picayune Strand, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of $362,260,000 with an estimated Federal cost of $181,130,000 and an estimated non-Federal cost of $181,130,000.

(15) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $201,600,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $71,000,000.

(16) PEORIA RIVERFRONT, ILLINOIS.—The project for ecosystem restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of $17,760,000, with an estimated Federal cost of $11,540,000 and an estimated non-Federal cost of $6,220,000.

(17) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $10,500,000, with an estimated Federal cost of $6,800,000 and an estimated non-Federal cost of $3,700,000.

(18) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,500,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(19) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $841,100,000 with an estimated Federal cost of $546,300,000 and an estimated non-Federal cost of $294,800,000.

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212; Public Law 99–662).

(20) POPLAR ISLAND EXPANSION, MARYLAND.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), and modified by section 318 of the Water Resources Development Act of 2000 (114 Stat. 2678), is further modified to authorize the Secretary to construct the project in accordance with the Report of the Chief of Engineers dated March 31, 2006, at a total cost of $256,100,000, with an estimated Federal cost of $192,100,000 and an estimated non-Federal cost of $64,000,000.

(21) SMITH ISLAND, MARYLAND.—The project for ecosystem restoration, Smith Island, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of $14,500,000, with an estimated Federal cost of $9,425,000 and an estimated non-Federal cost of $5,075,000.

(22) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $16,900,000, with an estimated Federal cost of $10,990,000 and an estimated non-Federal cost of $5,910,000.

(23) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $70,340,000, with an estimated Federal cost of $45,720,000 and an estimated non-Federal cost of $24,620,000, and at an estimated total cost of $117,100,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $58,550,000 and an estimated non-Federal cost of $58,550,000.

(24) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers dated January 4, 2006, at a total cost of $112,640,000, with an estimated Federal cost of $73,220,600 and an estimated non-Federal cost of $39,420,000, and at an estimated total cost of $6,400,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $2,300,000 and an estimated non-Federal cost of $4,100,000.

(25) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and ecosystem restoration, South River, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $120,810,000, with an estimated Federal cost of $78,530,000 and an estimated non-Federal cost of $42,280,000.

(26) SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Albuquerque, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $24,000,000, with an estimated Federal cost of $15,600,000 and an estimated non-Federal cost of $8,400,000.

(27) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, New York: Report of the Chief of Engineers dated March 31, 2006, at a total cost of $14,070,000, with an estimated Federal cost of $7,035,000 and an estimated non-Federal cost of $7,035,000.

(28) BLOOMSBURG, PENNSYLVANIA.—The project for flood damage reduction, Bloomsburg, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of $43,300,000, with an estimated Federal cost of $28,150,000 and an estimated non-Federal cost of $15,150,000.

(29) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $188,110,000, with an estimated Federal cost of $87,810,000 and an estimated non-Federal cost of $100,300,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subparagraph (A), the Secretary shall enforce navigational servitude in the Corpus Christi Ship Channel, including, at the sole expense of the owner of the facility, the removal or relocation of any facility obstructing the project.

(30) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY REROUTE, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of $17,280,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(31) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of $14,450,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(32) RIVERSIDE OXBOW, FORT WORTH, TEXAS. The project for ecosystem restoration, Riverside Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of $27,330,000, with an estimated Federal cost of $11,320,000 and an estimated non-Federal cost of $16,010,000.

(33) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers dated March 3, 2003, at a total cost of $37,200,000.

(34) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—The project for flood damage reduction, Centralia, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4126)—

(A) is modified to be carried out at a total cost of $121,100,000, with a Federal cost of $73,220,000, and a non-Federal cost of $47,880,000; and

(B) shall be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated September 27, 2004.

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2006:

(1) WOOD RIVER LEVEE SYSTEM, ILLINOIS.—The project for flood damage reduction, Wood River, Illinois, authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to authorize construction of the project at a total cost of $16,730,000, with an estimated Federal cost of $10,900,000 and an estimated non-Federal cost of $5,830,000.

(2) LICKING RIVER, CYNTHIANA, KENTUCKY.—The project for flood damage reduction, Licking River, Cynthiana, Kentucky, at a total cost of $17,800,000, with an estimated Federal cost of $11,570,000 and an estimated non-Federal cost of $6,230,000.

(3) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana, at a total cost of $204,600,000, with an estimated Federal cost of $129,700,000 and an estimated non-Federal cost of $74,900,000, except that the Secretary, in consultation with Vermillion and Iberia Parishes, Louisiana, is directed to use available dredged material and rock placement on the south bank of the Gulf Intracoastal Waterway and the west bank of the Freshwater Bayou Channel to provide incidental storm surge protection.

(4) HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—The project for ecosystem restoration, Hudson-Raritan Estuary, Liberty State Park, New Jersey, at a total cost of $33,050,000, with an estimated Federal cost of $21,480,000 and an estimated non-Federal cost of $11,570,000.

(5) JAMAICA BAY, MARINE PARK AND PLUMB BEACH, QUEENS AND BROOKLYN, NEW YORK.—The project for ecosystem restoration, Jamaica Bay, Queens and Brooklyn, New York, at a total estimated cost of $204,159,000, with an estimated Federal cost of $132,703,000 and an estimated non-Federal cost of $71,456,000.

(6) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio, at a total cost of $18,730,000, with an estimated Federal cost of $12,170,000 and an estimated non-Federal cost of $6,560,000.

(7) PAWLEY'S ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawley's Island, South Carolina, at a total cost of $8,980,000, with an estimated Federal cost of $4,040,000 and an estimated non-Federal cost of $4,940,000, and at an estimated total cost of $21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $7,632,000 and an estimated non-Federal cost of $13,568,000.

(8) CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA.—The project for navigation, Craney Island Eastward Expansion, Virginia, at a total cost of $671,340,000, with an estimated Federal cost of $26,220,000 and an estimated non-Federal cost of $645,120,000.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR THE UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

(a) DEFINITIONS.—In this section:

(1) PLAN.—The term "Plan" means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers dated December 15, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term "Upper Mississippi River and Illinois Waterway System" means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

(b) AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.—

(1) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan—

(i) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(ii) provide switchboats at Locks 20 through 25; and

(iii) conduct development and testing of an appointment scheduling system.

(B) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $246,000,000. The costs of construction of the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(2) NEW LOCKS.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan, construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(B) MITIGATION.—The Secretary shall conduct mitigation for the new locks and small scale and nonstructural measures authorized under paragraphs (1) and (2).

(C) CONCURRENCE.—The mitigation required under subparagraph (B) for the projects authorized under paragraphs (1) and (2), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests for the projects authorized under paragraphs (1) and (2), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

(D) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $1,870,000,000. The costs of construction on the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) ECOSYSTEM RESTORATION AUTHORIZATION.—

(1) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(B) PROJECTS INCLUDED.—Ecosystem restoration projects may include, but are not limited to—

(i) island building;

(ii) construction of fish passages;

(iii) floodplain restoration;

(iv) water level management (including water drawdown);

(v) backwater restoration;

(vi) side channel restoration;

(vii) wing dam and dike restoration and modification;

(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

(xiii) spillway, dam, and levee modification to benefit the environment;

(xiv) land easement authority; and

(xv) land acquisition.

(C) COST SHARING.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of carrying out an ecosystem restoration project under this paragraph shall be 65 percent.

(ii) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this subparagraph for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(I) is located below the ordinary high water mark or in a connected backwater;

(II) modifies the operation or structures for navigation; or

(III) is located on federally owned land.

(iii) SAVINGS CLAUSE.—Nothing in this paragraph affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(iv) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(D) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of—

(i) fee title to the land; or

(ii) a flood plain conservation easement.

(3) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(A) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(ii) establish the without-project condition or baseline for each performance indicator; and

(iii) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(B) OUTCOMES.—Performance measures identified under subparagraph (A)(i) should comprise specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(C) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under subparagraph (A)(i), including—

(i) a timeline to achieve the identified target goals; and

(ii) a timeline for the demonstration of project completion.

(4) SPECIFIC PROJECTS AUTHORIZATION.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $1,650,000,000, of which not more than $226,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $43,000,000 shall be available for projects described in paragraph (2)(B)(x). Such sums shall remain available until expended.

(B) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under subparagraph (A), not more than $35,000,000 for each fiscal year shall be available for land acquisition under paragraph (2)(D).

(C) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in clauses (ii) and (x) of paragraph (2)(B), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(5) IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Not later than June 30, 2008, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(i) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(ii) measures the progress in meeting the goals.

(B) Advisory panel.—

(i) In general.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under subparagraph (A).

(ii) Panel members.—Panel members shall include—

(I) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(II) 1 representative of the Department of Agriculture;

(III) 1 representative of the Department of Transportation;

(IV) 1 representative of the United States Geological Survey;

(V) 1 representative of the United States Fish and Wildlife Service;

(VI) 1 representative of the Environmental Protection Agency;

(VII) 1 representative of affected landowners;

(VIII) 2 representatives of conservation and environmental advocacy groups; and

(IX) 2 representatives of agriculture and industry advocacy groups.

(iii) Chairperson.—The Secretary shall serve as chairperson of the advisory panel.

(iv) Nonapplicability of FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Panel or any working group established by the Advisory Panel.

(6) Ranking system.—

(A) In general.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(B) Priority.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in paragraph (2)(B).

(d) Comparable progress.—

(1) In general.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this section, the Secretary shall—

(A) select appropriate milestones; and

(B) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(2) No comparable rate.—If the Secretary determines under paragraph (1)(B) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects will be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA.

(a) In General.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) Priorities.—

(1) In general.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) protects a major population area of the Pontchartain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana; and

(C) any barrier island, or barrier shoreline, project that—

(i) is carried out in conjunction with a Mississippi River diversion project; and

(ii) protects a major population area.

(c) Modifications.—

(1) In general.—In carrying out the program under subsection (a), the Secretary is authorized to make modifications as necessary to the 5 near-term critical ecosystem restoration features identified in the report referred to in subsection (a), due to the impact of Hurricanes Katrina and Rita on the project areas.

(2) Integration.—The Secretary shall ensure that the modifications under paragraph (1) are fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(3) Construction.—

(A) In general.—The Secretary is authorized to construct the projects modified under this subsection.

(B) Reports.—

(i) In general.—Before beginning construction of the projects, the Secretary shall submit a report documenting any modifications to the 5 near-term projects, including cost changes, to the Louisiana Water Resources Council established by subsection (n)(1) (referred to in this section as the "Council") for approval.

(ii) Submission to congress.—On approval of a report under clause (i), the Council shall submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) Applicability of other provisions.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall not apply to the 5 near-term projects authorized by this section.

(d) Demonstration Program.—

(1) In general.—In carrying out the program under subsection (a), the Secretary is authorized to conduct a demonstration program within the applicable project area to evaluate new technologies and the applicability of the technologies to the program.

(2) Cost limitation.—The cost of an individual project under this subsection shall be not more than $25,000,000.

(e) Beneficial Use of Dredged Material.—

(1) In general.—In carrying out the program under subsection (a), the Secretary is authorized to use such sums as are necessary to conduct a program for the beneficial use of dredged material.

(2) Consideration.—In carrying out the program under subsection (a), the Secretary shall consider the beneficial use of sediment from the Illinois River System for wetlands restoration in wetlands-depleted watersheds.

(f) Reports.—

(1) In general.—Not later than December 31, 2008, the Secretary shall submit to Congress feasibility reports on the features included in table 3 of the report referred to in subsection (a).

(2) Projects identified in reports.—

(A) In general.—The Secretary shall submit the reports described in paragraph (1) to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(B) Construction.—The Secretary shall be authorized to construct the projects identified in the reports at the time the Committees referred to in subparagraph (A) each adopt a resolution approving the project.

(g) Nongovernmental Organizations.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this section.

(h) Comprehensive Plan.—

(1) In general.—The Secretary, in coordination with the Governor of the State of Louisiana, shall—

(A) develop a plan for protecting, preserving, and restoring the coastal Louisiana ecosystem;

(B) not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, submit to Congress the plan, or an update of the plan; and

(C) ensure that the plan is fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(2) Inclusions.—The comprehensive plan shall include a description of—

(A) the framework of a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(B) the means by which a new technology, or an improved technique, can be integrated into the program under subsection (a);

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a); and

(D) specific, measurable ecological success criteria by which success of the comprehensive plan shall be measured.

(3) Consideration.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;

(B) an activity in the Louisiana Coastal Area; or

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan; or

(iv) the plan of the State of Louisiana entitled "Coast 2050: Toward a Sustainable Coastal Louisiana".

(i) Task Force.—

(1) Establishment.—There is established a task force to be known as the "Coastal Louisiana Ecosystem Protection and Restoration Task Force" (referred to in this subsection as the "Task Force").

(2) Membership.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) Duties.—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(i) that identify funds from current agency missions and budgets; and

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (h).

(4) Working Groups.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(5) Nonapplicability of FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group of the Task Force.

(j) Science and Technology.—

(1) In general.—The Secretary shall establish a coastal Louisiana ecosystem science and technology program.

(2) Purposes.—The purposes of the program established by paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana; and

(C) to identify and develop technologies, models, and methods to carry out this subsection.

(3) Working Groups.—The Secretary may establish such working groups as the Secretary determines to be necessary to assist the Secretary in carrying out this subsection.

(4) Contracts and Cooperative Agreements.—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with an individual or entity (including a consortium of academic institutions in Louisiana) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(k) Analysis of Benefits.—

(1) In general.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.

(2) Determination of Cost-Effectiveness.—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.

(l) Studies.—

(1) Degradation.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify—

(A) the cause of any degradation of the Louisiana Coastal Area ecosystem that occurred as a result of an activity approved by the Secretary; and

(B) the sources of the degradation.

(2) Financing.—On completion, and taking into account the results, of the study conducted under paragraph (1), the Secretary, in consultation with the non-Federal interest, shall study—

(A) financing alternatives for the program under subsection (a); and

(B) potential reductions in the expenditure of Federal funds in emergency responses that would occur as a result of ecosystem restoration in the Louisiana Coastal Area.

(m) Project Modifications.—

(1) Review.—The Secretary, in cooperation with any non-Federal interest, shall review each federally-authorized water resources project in the coastal Louisiana area in existence on the date of enactment of this Act to determine whether—

(A) each project is in accordance with the program under subsection (a); and

(B) the project could contribute to ecosystem restoration under subsection (a) through modification of the operations or features of the project.

(2) Modifications.—Subject to paragraphs (3) and (4), the Secretary may carry out the modifications described in paragraph (1)(B).

(3) Public notice and comment.—Before completing the report required under paragraph (4), the Secretary shall provide an opportunity for public notice and comment.

(4) Report.—

(A) In general.—Before modifying an operation or feature of a project under paragraph (1)(B), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the modification.

(B) Inclusion.—A report under subparagraph (A) shall include such information relating to the timeline and cost of a modification as the Secretary determines to be relevant.

(5) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $10,000,000.

(n) Louisiana Water Resources Council.—

(1) Establishment.—There is established within the Mississippi River Commission, a subgroup to be known as the "Louisiana Water Resources Council".

(2) Purposes.—The purposes of the Council are—

(A) to manage and oversee each aspect of the implementation of a system-wide, comprehensive plan for projects of the Corps of Engineers (including the study, planning, engineering, design, and construction of the projects or components of projects and the functions or activities of the Corps of Engineers relating to other projects) that addresses hurricane protection, flood control, ecosystem restoration, storm surge damage reduction, or navigation in the Hurricanes Katrina and Rita disaster areas in the State of Louisiana; and

(B) to demonstrate and evaluate a streamlined approach to authorization of water resources projects to be studied, designed, and constructed by the Corps of Engineers.

(3) Membership.—

(A) In general.—The president of the Mississippi River Commission shall appoint members of the Council, after considering recommendations of the Governor of Louisiana.

(B) Requirements.—The Council shall be composed of—

(i) 2 individuals with expertise in coastal ecosystem restoration, including the interaction of saltwater and freshwater estuaries; and

(ii) 2 individual with expertise in geology or civil engineering relating to hurricane and flood damage reduction and navigation.

(C) Chairperson.—In addition to the members appointed under subparagraph (B), the Council shall be chaired by 1 of the 3 officers of the Corps of Engineers of the Mississippi River Commission.

(4) Duties.—With respect to modifications under subsection (c), the Council shall—

(A) review and approve or disapprove the reports completed by the Secretary; and

(B) on approval, submit the reports to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(5) Termination.—

(A) In general.—The Council shall terminate on the date that is 6 years after the date of enactment of this Act.

(B) Effect.—Any project modification under subsection (c) that has not been approved by the Council and submitted to Congress by the date described in subparagraph (A) shall not proceed to construction before the date on which the modification is statutorily approved by Congress.

(o) Other Projects.—

(1) In general.—With respect to the projects identified in the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), the Secretary shall submit a report describing the projects to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) Construction.—The Secretary shall be authorized to construct the projects at the time the Committees referred to in paragraph (1) each adopt a resolution approving the project.

(p) Report.—

(1) In general.—Not later than 6 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the alternative means of authorizing Corps of Engineers water resources projects under subsections (c)(3), (f)(2), and (o)(2).

(2) Inclusions.—The report shall include a description of—

(A) the projects authorized and undertaken under this section;

(B) the construction status of the projects; and

(C) the benefits and environmental impacts of the projects.

(3) External review.—The Secretary shall enter into a contract with the National Academy of Science to perform an external review of the demonstration program under subsection (d), which shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

The Secretary—

(1) shall conduct a study for flood damage reduction, Cache River Basin, Grubbs, Arkansas; and

(2) if the Secretary determines that the project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 1005. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) Little Rock Port, Arkansas.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

(2) Au Sable River, Michigan.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(3) Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(4) Middle Bass Island State Park, Middle Bass Island, Ohio.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(2) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

(3) JOHNSON CREEK, GRESHAM, OREGON.—Project for aquatic ecosystem restoration, Johnson Creek, Gresham, Oregon.

(4) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(5) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—Project for aquatic ecosystem restoration, College Lake, Lynchburg, Virginia.

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.

Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by striking "SEC. 221" and inserting the following:

"SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.";

and

(2) by striking subsection (a) and inserting the following:

"(a) COOPERATION OF NON-FEDERAL INTEREST.—

"(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

"(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.

"(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

"(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

"(A) IN GENERAL.—An agreement under paragraph (1) shall provide that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented under general continuing authority, the value of in-kind contributions made by the non-Federal interest, including—

"(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project; and

"(ii) the value of materials or services provided before execution of an agreement for the project, including—

"(I) efforts on constructed elements incorporated into the project; and

"(II) materials and services provided after an agreement is executed.

"(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

"(C) LIMITATIONS.—Credit authorized for a project—

"(i) shall not exceed the non-Federal share of the cost of the project;

"(ii) shall not alter any other requirement that a non-Federal interest provide land, an easement or right-of-way, or an area for disposal of dredged material for the project; and

"(iii) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.".

SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.";

(2) in subsection (b), by striking "Secretary of State" and inserting "Department of State"; and

(3) in subsection (d)—

(A) by striking "$250,000 for fiscal year 2001" and inserting "$1,000,000 for fiscal year 2007 and each fiscal year thereafter"; and

(B) by striking "or international organizations" and inserting ", international organizations, or foreign governments".

SEC. 2003. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals from the non-Federal interest, including the private sector, in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) EXPENSES.—

(1) IN GENERAL.—An individual from a non-Federal interest attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) PAYMENTS.—Payments made by an individual for training received under subsection (a), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) EXCESS AMOUNTS.—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

SEC. 2004. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year.

(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

SEC. 2005. PLANNING.

(a) MATTERS TO BE ADDRESSED IN PLANNING.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—

(1) by striking "Enhancing" and inserting the following:

"(a) IN GENERAL.—Enhancing"; and

(2) by adding at the end the following:

"(b) ASSESSMENTS.—For all feasibility reports completed after December 31, 2005, the Secretary shall assess whether—

"(1) the water resource project and each separable element is cost-effective; and

"(2) the water resource project complies with Federal, State, and local laws (including regulations) and public policies.".

(b) Planning Process Improvements.—The Chief of Engineers—

(1) shall, not later than 2 years after the date on which the feasibility study cost sharing agreement is signed for a project, subject to the availability of appropriations—

(A) complete the feasibility study for the project; and

(B) sign the report of the Chief of Engineers for the project;

(2) may, with the approval of the Secretary, extend the deadline established under paragraph (1) for not to exceed 4 years, for a complex or controversial study; and

(3)(A) shall adopt a risk analysis approach to project cost estimates; and

(B) not later than 1 year after the date of enactment of this Act, shall—

(i) issue procedures for risk analysis for cost estimation; and

(ii) submit to Congress a report that includes suggested amendments to section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

(c) Calculation of Benefits and Costs for Flood Damage Reduction Projects.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of the residual risk of loss of human life and residual risk to human safety following completion of the proposed project; and

(3) a calculation of any upstream or downstream impacts of the proposed project.

(d) Centers of Specialized Planning Expertise.—

(1) Establishment.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resource projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.

(2) Duties.—A center of expertise established under this subsection shall—

(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;

(B) provide peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies;

(C) provide support for external peer review panels convened by the Secretary; and

(D) carry out such other duties as are prescribed by the Secretary.

(e) Completion of Corps of Engineers Reports.—

(1) Alternatives.—

(A) In general.—Feasibility and other studies and assessments of water resource problems and projects shall include recommendations for alternatives—

(i) that, as determined by the non-Federal interests for the projects, promote integrated water resources management; and

(ii) for which the non-Federal interests are willing to provide the non-Federal share for the studies or assessments.

(B) Scope and purposes.—The scope and purposes of studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy as a result of the inclusion of alternatives described in that subparagraph.

(C) Reports of chief of engineers.—The reports of the Chief of Engineers shall be based solely on the best technical solutions to water resource needs and problems.

(2) Report completion.—The completion of a report of the Chief of Engineers for a project—

(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and

(B) shall be submitted, on completion, to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(f) Completion Review.—

(1) In general.—Except as provided in paragraph (2), not later than 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, the Secretary shall—

(A) review the report; and

(B) provide any recommendations of the Secretary regarding the water resource project to Congress.

(2) Prior reports.—Not later than 90 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resource project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide recommendations to Congress for, the report in accordance with paragraph (1).

SEC. 2006. WATER RESOURCES PLANNING COORDINATING COMMITTEE.

(a) Establishment.—The President shall establish a Water Resources Planning Coordinating Committee (referred to in this subsection as the "Coordinating Committee").

(b) Membership.—

(1) In general.—The Coordinating Committee shall be composed of the following members (or a designee of the member):

(A) The Secretary of the Interior.

(B) The Secretary of Agriculture.

(C) The Secretary of Health and Human Services.

(D) The Secretary of Housing and Urban Development.

(E) The Secretary of Transportation.

(F) The Secretary of Energy.

(G) The Secretary of Homeland Security.

(H) The Secretary of Commerce.

(I) The Administrator of the Environmental Protection Agency.

(J) The Chairperson of the Council on Environmental Quality.

(2) Chairperson and executive director.—The President shall appoint—

(A) 1 member of the Coordinating Committee to serve as Chairperson of the Coordinating Committee for a term of 2 years; and

(B) an Executive Director to supervise the activities of the Coordinating Committee.

(3) Function.—The function of the Coordinating Committee shall be to carry out the duties and responsibilities set forth under this section.

(c) National Water Resources Planning and Modernization Policy.—It is the policy of the United States that all water resources projects carried out by the Corps of Engineers shall—

(1) reflect national priorities;

(2) seek to avoid the unwise use of floodplains;

(3) minimize vulnerabilities in any case in which a floodplain must be used;

(4) protect and restore the functions of natural systems; and

(5) mitigate any unavoidable damage to natural systems.

(d) Water Resource Priorities Report.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the Coordinating Committee, in collaboration with the Secretary, shall submit to the President and Congress a report describing the vulnerability of the United States to damage from flooding and related storm damage, including—

(A) the risk to human life;

(B) the risk to property; and

(C) the comparative risks faced by different regions of the United States.

(2) Inclusions.—The report under paragraph (1) shall include—

(A) an assessment of the extent to which programs in the United States relating to flooding address flood risk reduction priorities;

(B) the extent to which those programs may be unintentionally encouraging development and economic activity in floodprone areas;

(C) recommendations for improving those programs with respect to reducing and responding to flood risks; and

(D) proposals for implementing the recommendations.

(e) Modernizing Water Resources Planning Guidelines.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary and the Coordinating Committee shall, in collaboration with each other, review and propose updates and revisions to modernize the planning principles and guidelines, regulations, and circulars by which the Corps of Engineers analyzes and evaluates water projects. In carrying out the review, the Coordinating Committee and the Secretary shall consult with the National Academy of Sciences for recommendations regarding updating planning documents.

(2) Proposed revisions.—In conducting a review under paragraph (1), the Coordinating Committee and the Secretary shall consider revisions to improve water resources project planning through, among other things—

(A) requiring the use of modern economic principles and analytical techniques, credible schedules for project construction, and current discount rates as used by other Federal agencies;

(B) eliminating biases and disincentives to providing projects to low-income communities, including fully accounting for the prevention of loss of life under section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281);

(C) eliminating biases and disincentives that discourage the use of nonstructural approaches to water resources development and management, and fully accounting for the flood protection and other values of healthy natural systems;

(D) promoting environmental restoration projects that reestablish natural processes;

(E) assessing and evaluating the impacts of a project in the context of other projects within a region or watershed;

(F) analyzing and incorporating lessons learned from recent studies of Corps of Engineers programs and recent disasters such as Hurricane Katrina and the Great Midwest Flood of 1993;

(G) encouraging wetlands conservation; and

(H) ensuring the effective implementation of the policies of this Act.

(3) Public participation.—The Coordinating Committee and the Secretary shall solicit public and expert comments regarding any revision proposed under paragraph (2).

(4) Revision of planning guidance.—

(A) In general.—Not later than 180 days after the date on which a review under paragraph (1) is completed, the Secretary, after providing notice and an opportunity for public comment in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act"), shall implement such proposed updates and revisions to the planning

principles and guidelines, regulations, and circulars of the Corps of Engineers under paragraph (2) as the Secretary determines to be appropriate.

(B) EFFECT.—Effective beginning on the date on which the Secretary implements the first update or revision under paragraph (1), subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17) shall not apply to the Corps of Engineers.

(5) REPORT.—

(A) IN GENERAL.—The Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, and to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, a report describing any revision of planning guidance under paragraph (4).

(B) PUBLICATION.—The Secretary shall publish the report under subparagraph (A) in the Federal Register.

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION ACTIVITIES.—The term "construction activities" means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.

(2) PROJECT STUDY.—The term "project study" means a feasibility report, reevaluation report, or environmental impact statement prepared by the Corps of Engineers.

(b) DIRECTOR OF INDEPENDENT REVIEW.—The Secretary shall appoint in the Office of the Secretary a Director of Independent Review. The Director shall be selected from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline related to water resources management. The Secretary shall ensure, to the maximum extent practicable, that the Director does not have a financial, professional, or other conflict of interest with projects subject to review. The Director of Independent Review shall carry out the duties set forth in this section and such other duties as the Secretary deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—The Secretary shall ensure that each project study for a water resources project shall be reviewed by an independent panel of experts established under this subsection if—

(A) the project has an estimated total cost of more than $40,000,000, including mitigation costs;

(B) the Governor of a State in which the water resources project is located in whole or in part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel's conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

(iii) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel of experts established under this subsection does not submit to the Secretary a report by the deadline established by clause (ii), the Chief of Engineers may continue project planning without delay.

(iv) DURATION OF PANELS.—An independent panel of experts established under this subsection shall terminate on the date of submission of the report by the panel. Panels may be established as early in the planning process as deemed appropriate by the Director of Independent Review, but shall be appointed no later than 90 days before the release for public comment of a draft study subject to review under subsection (c)(1)(A), and not later than 30 days after a determination that review is necessary under subsection (c)(1)(B), (c)(1)(C), or (c)(1)(D).

(E) EFFECT ON EXISTING GUIDANCE.—The project planning review required by this subsection shall be deemed to satisfy any external review required by Engineering Circular 1105-2-408 (31 May 2005) on Peer Review of Decision Documents.

(d) SAFETY ASSURANCE.—

(1) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review makes a determination that an independent review is necessary to ensure public health, safety, and welfare on any project—

(A) for which the reliability of performance under emergency conditions is critical;

(B) that uses innovative materials or techniques;

(C) for which the project design is lacking in redundancy, or that has a unique construction sequencing or a short or overlapping design construction schedule; or

(D) other than a project described in subparagraphs (A) through (C), as the Director of Independent Review determines to be appropriate.

(2) SAFETY ASSURANCE REVIEW PANELS.—At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed

on a publicly available schedule determined by the Director of Independent Review for the purposes of assuring the public safety. The Director of Independent Review shall ensure that these reviews be carried out in a way to protect the public health, safety, and welfare, while not causing unnecessary delays in construction activities.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall—

(A) take into consideration recommendations contained in the report, provide a written explanation of recommendations not adopted, and immediately make the report and explanation available to the public on the Internet; and

(B) submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

(A) $250,000, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(g) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SEC. 2008. *MITIGATION FOR FISH AND WILDLIFE LOSSES.*

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

"(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.".

(b) USE OF CONSOLIDATED MITIGATION.—Section 906(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(b)) is amended by adding at the end the following:

"(3) USE OF CONSOLIDATED MITIGATION.—

"(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

"(B) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

"(C) RESPONSIBILITY RELIEVED.—Purchase of credits from a mitigation bank or conservation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.".

(c) MITIGATION REQUIREMENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "to the Congress unless such report contains" and inserting "to Congress, and shall not select a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless the proposal, record of decision, environmental impact statement, or environmental assessment contains"; and

(B) in the second sentence, by inserting ", and other habitat types are mitigated to not less than in-kind conditions" after "mitigated in-kind"; and

(2) by adding at the end the following:

"(3) MITIGATION REQUIREMENTS.—

"(A) IN GENERAL.—To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that the mitigation plan for each water resources project complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

"(B) INCLUSIONS.—A specific mitigation plan for a water resources project under paragraph (1) shall include, at a minimum—

"(i) a plan for monitoring the implementation and ecological success of each mitigation measure, including a designation of the entities that will be responsible for the monitoring;

"(ii) the criteria for ecological success by which the mitigation will be evaluated and determined to be successful;

"(iii) land and interests in land to be acquired for the mitigation plan and the basis for a determination that the land and interests are available for acquisition;

"(iv) a description of—

"(I) the types and amount of restoration activities to be conducted; and

"(II) the resource functions and values that will result from the mitigation plan; and

"(v) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with criteria under clause (ii).

"(4) DETERMINATION OF SUCCESS.—

"(A) IN GENERAL.—A mitigation plan under this subsection shall be considered to be successful at the time at which the criteria under paragraph (3)(B)(ii) are achieved under the plan, as determined by monitoring under paragraph (3)(B)(i).

"(B) CONSULTATION.—In determining whether a mitigation plan is successful under subparagraph (A), the Secretary shall consult annually with appropriate Federal agencies and each State in which the applicable project is located on at least the following:

"(i) The ecological success of the mitigation as of the date on which the report is submitted.

"(ii) The likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan.

"(iii) The projected timeline for achieving that success.

"(iv) Any recommendations for improving the likelihood of success.

"(C) REPORTING.—Not later than 60 days after the date of completion of the annual consultation, the Federal agencies consulted shall, and each State in which the project is located may, submit to the Secretary a report that describes the results of the consultation described in (B).

"(D) ACTION BY SECRETARY.—The Secretary shall respond in writing to the substance and recommendations contained in each report under subparagraph (C) by not later than 30 days after the date of receipt of the report.

"(5) MONITORING.—Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.".

(d) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the submission of the President to Congress of the request of the President for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283) and the status of that mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) MITIGATION TRACKING SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track, for each water resources project undertaken by the Secretary and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

(A) the quantity and type of wetland and any other habitat type affected by the project, project operation, or permitted activity;

(B) the quantity and type of mitigation measures required with respect to the project, project operation, or permitted activity;

(C) the quantity and type of mitigation measures that have been completed with respect to the project, project operation, or permitted activity; and

(D) the status of monitoring of the mitigation measures carried out with respect to the project, project operation, or permitted activity.

(2) REQUIREMENTS.—The recordkeeping system under paragraph (1) shall—

(A) include information relating to the impacts and mitigation measures relating to projects described in paragraph (1) that occur after November 17, 1986; and

(B) be organized by watershed, project, permit application, and zip code.

(3) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

SEC. 2009. *STATE TECHNICAL ASSISTANCE.*

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) by striking "SEC. 22. (a) The Secretary" and inserting the following:

"SEC. 22. *PLANNING ASSISTANCE TO STATES.*

"(a) FEDERAL-STATE COOPERATION.—

"(1) COMPREHENSIVE PLANS.—The Secretary";

(2) in subsection (a), by adding at the end the following:

"(2) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to the agency or non-Federal interest in managing water resources.

"(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.";

(3) in subsection (b)(1), by striking "this section" each place it appears and inserting "subsection (a)(1)";

(4) in subsection (b)(2), by striking "up to ½ of the" and inserting "the";

(5) in subsection (c)—

(A) by striking "(c) There is" and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FEDERAL AND STATE COOPERATION.—There is";

(B) in paragraph (1) (as designated by subparagraph (A)), by striking "the provisions of this section except that not more than $500,000 shall be expended in any one year in any one State." and inserting "subsection (a)(1)."; and

(C) by adding at the end the following:

"(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) $10,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities."; and

(6) by adding at the end the following:

"(e) ANNUAL SUBMISSION.—For each fiscal year, based on performance criteria developed by the Secretary, the Secretary shall list in the annual civil works budget submitted to Congress the individual activities proposed for funding under subsection (a)(1) for the fiscal year.".

SEC. 2010. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out a program to provide public access to water resource and related water quality data in the custody of the Corps of Engineers.

(b) DATA.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resource project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.

SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) IN GENERAL.—Section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(6)) is amended by adding at the end following:

"(E) BUDGET PRIORITY.—

"(i) IN GENERAL.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

"(ii) COMPLETED PROJECT.—A completed project shall have the same priority as a project with a contractor on site.".

(b) CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.—Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

"(9) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

"(10) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Holman Field), St. Paul, Minnesota.

"(11) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas, authorized by the first section of the Act of June 20, 1938 (52 Stat. 804, chapter 535) (commonly known as the 'River and Harbor Act of 1938') and modified by section 3a of the Act of August 11, 1939 (53 Stat. 1414, chapter 699) (commonly known as the 'Flood Control Act of 1939'), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

"(12) HALLS BAYOU, TEXAS.—The Halls Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (33 U.S.C. 2201 note), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

"(13) MENOMONEE RIVER WATERSHED, WISCONSIN.—The project for the Menominee River Watershed, Wisconsin.".

SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

"SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

"(a) IN GENERAL.—In connection with sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary, acting through the Chief of Engineers, shall develop Regional Sediment Management plans and carry out projects at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects, for—

"(1) the protection of property;

"(2) the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands; and

"(3) the transport and placement of suitable sediment

"(b) SECRETARIAL FINDINGS.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—

"(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

"(2) the project would not result in environmental degradation.

"(c) DETERMINATION OF PLANNING AND PROJECT COSTS.—

"(1) IN GENERAL.—In consultation and cooperation with the appropriate Federal, State, regional, and local agencies, the Secretary, acting through the Chief of Engineers, shall develop at Federal expense plans and projects for regional management of sediment obtained in conjunction with construction, operation, and maintenance of Federal water resources projects.

"(2) COSTS OF CONSTRUCTION.—

"(A) IN GENERAL.—Costs associated with construction of a project under this section or identified in a Regional Sediment Management plan shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

"(B) COST SHARING.—The determination of any non-Federal share of the construction cost shall be based on the cost sharing as specified in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for the type of Federal water resource project using the dredged resource.

"(C) TOTAL COST.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.

"(3) OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION COSTS.—Operation, maintenance, replacement, and rehabilitation costs associated with a project are a non-Federal sponsor responsibility.

"(d) SELECTION OF SEDIMENT DISPOSAL METHOD FOR ENVIRONMENTAL PURPOSES.—

"(1) IN GENERAL.—In developing and carrying out a Federal water resources project involving the disposal of material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion.

"(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

"(e) STATE AND REGIONAL PLANS.—The Secretary, acting through the Chief of Engineers, may—

"(1) cooperate with any State in the preparation of a comprehensive State or regional coastal sediment management plan within the boundaries of the State;

"(2) encourage State participation in the implementation of the plan; and

"(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

"(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

"(1) Fire Island Inlet, Suffolk County, New York;

"(2) Fletcher Cove, California;

"(3) Delaware River Estuary, New Jersey and Pennsylvania; and

"(4) Toledo Harbor, Lucas County, Ohio.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 during each fiscal year, to remain available until expended, for the Federal costs identified under subsection (c), of which up to $5,000,000 shall be used for the development of regional sediment management plans as provided in subsection (e).

"(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) EXISTING PROJECTS.—The Secretary, acting through the Chief of Engineers, may complete any project being carried out under section 145 on the day before the date of enactment of this Act.

SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), is amended to read as follows:

"SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

"(a) CONSTRUCTION OF SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.—

"(1) IN GENERAL.—The Secretary may carry out construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

"(2) LOCAL COOPERATION.—The local cooperation requirement under the first section of this Act shall apply to a project under this section.

"(3) COMPLETENESS.—A project under this section—

"(A) shall be complete; and

"(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project, except for participation in periodic beach nourishment in accordance with—

"(i) the first section of this Act; and

"(ii) the procedure for projects authorized after submission of a survey report.

"(b) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall conduct a national shoreline erosion control development and demonstration program (referred to in this section as the 'program').

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The program shall include provisions for—

"(i) projects consisting of planning, design, construction, and adequate monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

"(ii) detailed engineering and environmental reports on the results of each project carried out under the program; and

"(iii) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

"(B) DETERMINATION OF FEASIBILITY.—A project under this section shall not be carried out until the Secretary, acting through the Chief of Engineers, determines that the project is feasible.

"(C) EMPHASIS.—A project carried out under the program shall emphasize, to the maximum extent practicable—

"(i) the development and demonstration of innovative technologies;

"(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

"(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

"(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

"(v) the avoidance of negative impacts to adjacent shorefront communities;

"(vi) the potential for long-term protection afforded by the technology; and

"(vii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962–5 note; 88 Stat. 26), including—

"(I) adequate consideration of the subgrade;

"(II) proper filtration;

"(III) durable components;

"(IV) adequate connection between units; and

"(V) consideration of additional relevant information.

"(D) SITES.—

"(i) IN GENERAL.—Each project under the program shall be carried out at—

"(I) a privately owned site with substantial public access; or

"(II) a publicly owned site on open coast or in tidal waters.

"(ii) SELECTION.—The Secretary, acting through the Chief of Engineers, shall develop criteria for the selection of sites for projects under the program, including criteria based on—

"(I) a variety of geographic and climatic conditions;

"(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

"(III) the rate of erosion;

"(IV) significant natural resources or habitats and environmentally sensitive areas; and

"(V) significant threatened historic structures or landmarks.

"(3) CONSULTATION.—The Secretary, acting through the Chief of Engineers, shall carry out the program in consultation with—

"(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

"(B) Federal, State, and local agencies;

"(C) private organizations;

"(D) the Coastal Engineering Research Center established by the first section of Public Law 88–172 (33 U.S.C. 426–1); and

"(E) applicable university research facilities.

"(4) COMPLETION OF DEMONSTRATION.—After carrying out the initial construction and evaluation of the performance and lifecycle cost of a demonstration project under this section, the Secretary, acting through the Chief of Engineers, may—

"(A) at the request of a non-Federal interest of the project, amend the agreement for a federally-authorized shore protection project in existence on the date on which initial construction of the demonstration project is complete to incorporate the demonstration project as a feature of the shore protection project, with the future cost of the demonstration project to be determined by the cost-sharing ratio of the shore protection project; or

"(B) transfer all interest in and responsibility for the completed demonstration project to the non-Federal or other Federal agency interest of the project.

"(5) AGREEMENTS.—The Secretary, acting through the Chief of Engineers, may enter into an agreement with the non-Federal or other Federal agency interest of a project under this section—

"(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the program;

"(B) to share the costs of removing a project or project element constructed under the program, if the Secretary determines that the project or project element is detrimental to private property, public infrastructure, or public safety; or

"(C) to specify ownership of a completed project that the Chief of Engineers determines will not be part of a Corps of Engineers project.

"(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and submit to the Committee on Environment and Public works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

"(A) the activities carried out and accomplishments made under the program during the preceding year; and

"(B) any recommendations of the Secretary relating to the program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than $30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under the program.

"(2) LIMITATION.—The total amount expended for a project under this section shall—

"(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

"(B) be not more than $3,000,000.".

(b) REPEAL.—Section 5 the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.

SEC. 2014. SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) PREFERENCE.—In carrying out the policy, preference shall be given to—

(1) areas in which there has been a Federal investment of funds; and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) APPLICABILITY.—The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects in existence on the date of enactment of this Act).

SEC. 2015. COST SHARING FOR MONITORING.

(a) IN GENERAL.—Costs incurred for monitoring for an ecosystem restoration project shall be cost-shared—

(1) in accordance with the formula relating to the applicable original construction project; and

(2) for a maximum period of 10 years.

(b) AGGREGATE LIMITATION.—Monitoring costs for an ecosystem restoration project—

(1) shall not exceed in the aggregate, for a 10-year period, an amount equal to 5 percent of the cost of the applicable original construction project; and

(2) after the 10-year period, shall be 100 percent non-Federal.

SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.

For each of the following projects, the Corps of Engineers shall include ecosystem restoration benefits in the calculation of benefits for the project:

(1) Grayson's Creek, California.

(2) Seven Oaks, California.

(3) Oxford, California.

(4) Walnut Creek, California.

(5) Wildcat Phase II, California.

SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND PROCESSING OF PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended by striking "In fiscal years 2001 through 2003, the" and inserting "The".

SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Corps of Engineers.

(b) LIMITATIONS.—This section does not preclude the submission of a hard copy, as required.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT CORPS OF ENGINEERS RESERVOIRS.

(a) In General.—As part of the operation and maintenance, by the Corps of Engineers, of reservoirs in operation as of the date of enactment of this Act, the Secretary shall carry out the measures described in subsection (c) to support the water resource needs of project sponsors and any affected State, local, or tribal government for authorized project purposes.

(b) Cooperation.—The Secretary shall carry out the measures described in subsection (c) in cooperation and coordination with project sponsors and any affected State, local, or tribal government.

(c) Measures.—In carrying out this section, the Secretary may—

(1) conduct a study to identify unused, underused, or additional water storage capacity at reservoirs;

(2) review an operational plan and identify any change to maximize an authorized project purpose to improve water storage capacity and enhance efficiency of releases and withdrawal of water;

(3) improve and update data, data collection, and forecasting models to maximize an authorized project purpose and improve water storage capacity and delivery to water users; and

(4) conduct a sediment study and implement any sediment management or removal measure.

(d) Revenues for Special Cases.—

(1) Costs of Water Supply Storage.—In the case of a reservoir operated or maintained by the Corps of Engineers on the date of enactment of this Act, the storage charge for a future contract or contract renewal for the first cost of water supply storage at the reservoir shall be the lesser of the estimated cost of purposes foregone, replacement costs, or the updated cost of storage.

(2) Reallocation.—In the case of a water supply that is reallocated from another project purpose to municipal or industrial water supply, the joint use costs for the reservoir shall be adjusted to reflect the reallocation of project purposes.

(3) Credit for Affected Project Purposes.—In the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

SEC. 2020. FEDERAL HOPPER DREDGES.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: "This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.".

SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.

In the State of Louisiana, extraordinary rainfall events such as Hurricanes Katrina and Rita, which occurred during calendar year 2005, and Hurricane Andrew, which occurred during calendar year 1992, shall not be considered in making a determination with respect to the ordinary high water mark for purposes of carrying out section 10 of the Act of March 3, 1899 (33 U.S.C. 403) (commonly known as the "Rivers and Harbors Act").

SEC. 2022. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a–1; 105 Stat. 1034) is amended by inserting "the Secretary of the Army," after "the Secretary of Energy,".

SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.

Section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)) is amended—

(1) by striking "A non-Federal interest shall be" and inserting the following:

"(1) In General.—In this section, the term 'non-Federal interest' means"; and

(2) by adding at the end the following:

"(2) Inclusions.—The term 'non-Federal interest' includes a nonprofit organization acting with the consent of the affected unit of government.".

SEC. 2024. PROJECT ADMINISTRATION.

(a) Project Tracking.—The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary, to be used by each Federal agency throughout the life of the project.

(b) Report Repository.—

(1) In general.—The Secretary shall maintain at the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers.

(2) Availability to public.—

(A) In general.—Each document described in paragraph (1) shall be made available to the public for review, and an electronic copy of each document shall be made permanently available to the public through the Internet website of the Corps of Engineers.

(B) Cost.—The Secretary shall charge the requestor for the cost of duplication of the requested document.

SEC. 2025. PROGRAM ADMINISTRATION.

Sections 101, 106, and 108 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2252–2254), are repealed.

SEC. 2026. NATIONAL DAM SAFETY PROGRAM REAUTHORIZATION.

(a) Short Title.—This section may be cited as the "National Dam Safety Program Act of 2006".

(b) Reauthorization.—Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by adding ", and $8,000,000 for each of fiscal years 2007 through 2011, to remain available until expended" after "expended";

(2) in subsection (b), by striking "$500,000" and inserting "$1,000,000";

(3) in subsection (c), by inserting before the period at the end the following: ", and $2,000,000 for each of fiscal years 2007 through 2011, to remain available until expended";

(4) in subsection (d), by inserting before the period at the end the following: ", and $700,000 for each of fiscal years 2007 through 2011, to remain available until expended"; and

(5) in subsection (e), by inserting before the period at the end the following: ", and $1,000,000 for each of fiscal years 2007 through 2011, to remain available until expended".

SEC. 2027. EXTENSION OF SHORE PROTECTION PROJECTS.

(a) In General.—Before the date on which the applicable period for Federal financial participation in a shore protection project terminates, the Secretary, acting through the Chief of Engineers, is authorized to review the shore protection project to determine whether it would be feasible to extend the period of Federal financial participation relating to the project.

(b) Report.—The Secretary shall submit to Congress a report describing the results of each review conducted under subsection (a).

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) by striking "Sec. 107. (a) That the Secretary of the Army is hereby authorized to" and inserting the following:

"SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

"(a) In General.—The Secretary of the Army may";

(2) in subsection (b)—

(A) by striking "(b) Not more" and inserting the following:

"(b) Allotment.—Not more"; and

(B) by striking "$4,000,000" and inserting "$7,000,000";

(3) in subsection (c), by striking "(c) Local" and inserting the following:

"(c) Local Contributions.—Local";

(4) in subsection (d), by striking "(d) Non-Federal" and inserting the following:

"(d) Non-Federal Share.—Non-Federal";

(5) in subsection (e), by striking "(e) Each" and inserting the following:

"(e) Completion.—Each"; and

(6) in subsection (f), by striking "(f) This" and inserting the following:

"(f) Applicability.—This".

SEC. 2032. PROTECTION AND RESTORATION DUE TO EMERGENCIES AT SHORES AND STREAMBANKS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—

(1) by striking "$15,000,000" and inserting "$20,000,000"; and

(2) by striking "$1,000,000" and inserting "$1,500,000".

SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.";

(2) in subsection (a), by striking "an aquatic" and inserting "a freshwater aquatic"; and

(3) in subsection (e), by striking "$25,000,000" and inserting "$75,000,000".

SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.";

and

(2) in subsection (h), by striking "25,000,000" and inserting "$50,000,000".

SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COASTAL HABITATS.

(a) In General.—The Secretary may carry out an estuary habitat restoration project if the Secretary determines that the project—

(1) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902));

(2) is in the public interest; and

(3) is cost-effective.

(b) Cost Sharing.—The non-Federal share of the cost of construction of any project under this section—

(1) shall be 35 percent; and

(2) shall include the costs of all land, easements, rights-of-way, and necessary relocations.

(c) Agreements.—Construction of a project under this section shall commence only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required under subsection (b); and

(2) in accordance with regulations promulgated by the Secretary, 100 percent of the costs

of any operation, maintenance, replacement, or rehabilitation of the project.

(d) LIMITATION.—Not more than $5,000,000 in Federal funds may be allocated under this section for a project at any 1 location.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year beginning after the date of enactment of this Act.

SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

"(a) DEFINITION OF NON-FEDERAL INTEREST.—In this section, the term 'non-Federal interest' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).";

(4) in subsection (b) (as redesignated by paragraph (2))—

(A) by inserting ", and construction" before "assistance"; and

(B) by inserting ", including, with the consent of the affected local government, nonprofit entities," after "non-Federal interests";

(5) in paragraph (3) of subsection (c) (as redesignated by paragraph (2))—

(A) by inserting "physical hazards and" after "adverse"; and

(B) by striking "drainage from";

(6) in subsection (d) (as redesignated by paragraph (2)), by striking "50" and inserting "25"; and

(7) by adding at the end the following:

"(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

"(h) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for each fiscal year $45,000,000, to remain available until expended.".

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS.

(a) IN GENERAL.—The Secretary may carry out a small dam removal or rehabilitation project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.

(b) COST SHARING.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be commenced only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single location.

(e) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year.

SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.

(a) IN GENERAL.—The Secretary shall develop eligibility criteria for Federal participation in navigation projects located in economically disadvantaged communities that are—

(1) dependent on water transportation for subsistence; and

(2) located in—

(A) remote areas of the United States;

(B) American Samoa;

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Commonwealth of Puerto Rico; or

(F) the United States Virgin Islands.

(b) ADMINISTRATION.—The criteria developed under this section—

(1) shall—

(A) provide for economic expansion; and

(B) identify opportunities for promoting economic growth; and

(2) shall not require project justification solely on the basis of National Economic Development benefits received.

SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.

(a) PARTNERSHIP AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

"(e) PUBLIC HEALTH AND SAFETY.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

"(1) the non-Federal interest shall pay the increased projects costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily-determined cost share; and

"(2) notwithstanding the statutorily-determined Federal share, the Secretary shall pay all increased costs remaining after payment of 20 percent of the increased costs by the non-Federal interest under paragraph (1).

"(f) LIMITATION.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.".

(b) LOCAL COOPERATION.—Section 912(b) of the Water Resources Development Act of 1986 (100 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by striking "shall" and inserting "may"; and

(B) by striking the second sentence; and

(2) in paragraph (4)—

(A) in the first sentence—

(i) by striking "injunction, for" and inserting "injunction and payment of liquidated damages, for"; and

(ii) by striking "to collect a civil penalty imposed under this section,"; and

(B) in the second sentence, by striking "any civil penalty imposed under this section," and inserting "any liquidated damages,".

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall apply only to partnership agreements entered into after the date of enactment of this Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), the district engineer for the district in which a project is located may amend the partnership agreement for the project entered into on or before the date of enactment of this Act—

(A) at the request of a non-Federal interest for a project; and

(B) if construction on the project has not been initiated as of the date of enactment of this Act.

(d) REFERENCES.—

(1) COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

(2) PARTNERSHIP AGREEMENTS.—Any reference to a partnership agreement or project partnership agreement in this Act (other than in this section) shall be considered to be a reference to a cooperation agreement or a project cooperation agreement, respectively.

SEC. 2040. PROGRAM NAMES.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking "SEC. 205. That the" and inserting the following:

"SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOODING AND OBTAIN RISK MINIMIZATION.

"The".

Subtitle C—National Levee Safety Program

SEC. 2051. SHORT TITLE.

This subtitle may be cited as the "National Levee Safety Program Act of 2006".

SEC. 2052. DEFINITIONS.

In this subtitle:

(1) ASSESSMENT.—The term "assessment" means the periodic engineering evaluation of a levee by a registered professional engineer to—

(A) review the engineering features of the levee; and

(B) develop a risk-based performance evaluation of the levee, taking into consideration potential consequences of failure or overtopping of the levee.

(2) COMMITTEE.—The term "Committee" means the National Levee Safety Committee established by section 2053(a).

(3) INSPECTION.—The term "inspection" means an annual review of a levee to verify whether the owner or operator of the levee is conducting required operation and maintenance in accordance with established levee maintenance standards.

(4) LEVEE.—The term "levee" means an embankment (including a floodwall) that—

(A) is designed, constructed, or operated for the purpose of flood or storm damage reduction;

(B) reduces the risk of loss of human life or risk to the public safety; and

(C) is not otherwise defined as a dam by the Federal Guidelines for Dam Safety.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(6) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(7) STATE LEVEE SAFETY AGENCY.—The term "State levee safety agency" means the State agency that has regulatory authority over the safety of any non-Federal levee in a State.

(8) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a National Levee Safety Committee, consisting of representatives of Federal agencies and State, tribal, and local governments, in accordance with this subsection.

(2) FEDERAL AGENCIES.—

(A) IN GENERAL.—The head of each Federal agency and the head of the International Boundary Waters Commission may designate a representative to serve on the Committee.

(B) ACTION BY SECRETARY.—The Secretary shall ensure, to the maximum extent practicable, that—

(i) each Federal agency that designs, owns, operates, or maintains a levee is represented on the Committee; and

(ii) each Federal agency that has responsibility for emergency preparedness or response activities is represented on the Committee.

(3) TRIBAL, STATE, AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—The Secretary shall appoint 8 members to the Committee—

(i) 3 of whom shall represent tribal governments affected by levees, based on recommendations of tribal governments;

(ii) 3 of whom shall represent State levee safety agencies, based on recommendations of Governors of the States; and

(iii) 2 of whom shall represent local governments, based on recommendations of Governors of the States.

(B) REQUIREMENT.—In appointing members under subparagraph (A), the Secretary shall ensure broad geographic representation, to the maximum extent practicable.

(4) CHAIRPERSON.—The Secretary shall serve as Chairperson of the Committee.

(5) OTHER MEMBERS.—The Secretary, in consultation with the Committee, may invite to participate in meetings of the Committee, as appropriate, 1 or more of the following:

(A) Representatives of the National Laboratories.

(B) Levee safety experts.

(C) Environmental organizations.

(D) Members of private industry.

(E) Any other individual or entity, as the Committee determines to be appropriate.

(b) DUTIES.—

(1) IN GENERAL.—The Committee shall—

(A) advise the Secretary in implementing the national levee safety program under section 2054;

(B) support the establishment and maintenance of effective programs, policies, and guidelines to enhance levee safety for the protection of human life and property throughout the United States; and

(C) support coordination and information exchange between Federal agencies and State levee safety agencies that share common problems and responsibilities relating to levee safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.

(c) POWERS.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Committee may secure directly from a Federal agency such information as the Committee considers to be necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Committee, the head of a Federal agency shall provide the information to the Committee.

(2) CONTRACTS.—The Committee may enter into any contract the Committee determines to be necessary to carry out a duty of the Committee.

(d) WORKING GROUPS.—

(1) IN GENERAL.—The Secretary may establish working groups to assist the Committee in carrying out this section.

(2) MEMBERSHIP.—A working group under paragraph (1) shall be composed of—

(A) members of the Committee; and

(B) any other individual, as the Secretary determines to be appropriate.

(e) COMPENSATION OF MEMBERS.—

(1) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

(2) OTHER MEMBERS.—A member of the Committee who is not an officer or employee of the United States shall serve without compensation.

(f) TRAVEL EXPENSES.—

(1) REPRESENTATIVES OF FEDERAL AGENCIES.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a Federal agency shall be reimbursed with appropriations for travel expenses by the agency of the member, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of services for the Committee.

(2) OTHER INDIVIDUALS.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a State levee safety agency, a member of the Committee who represents the private sector, and a member of a working group created under subsection (d) shall be reimbursed for travel expenses by the Secretary, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in performance of services for the Committee.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Committee and State levee safety agencies, shall establish and maintain a national levee safety program.

(b) PURPOSES.—The purposes of the program under this section are—

(1) to ensure that new and existing levees are safe through the development of technologically and economically feasible programs and procedures for hazard reduction relating to levees;

(2) to encourage appropriate engineering policies and procedures to be used for levee site investigation, design, construction, operation and maintenance, and emergency preparedness;

(3) to encourage the establishment and implementation of effective levee safety programs in each State;

(4) to develop and support public education and awareness projects to increase public acceptance and support of State levee safety programs;

(5) to develop technical assistance materials for Federal and State levee safety programs;

(6) to develop methods of providing technical assistance relating to levee safety to non-Federal entities; and

(7) to develop technical assistance materials, seminars, and guidelines to improve the security of levees in the United States.

(c) STRATEGIC PLAN.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall prepare a strategic plan—

(1) to establish goals, priorities, and target dates to improve the safety of levees in the United States;

(2) to cooperate and coordinate with, and provide assistance to, State levee safety agencies, to the maximum extent practicable;

(3) to share information among Federal agencies, State and local governments, and private entities relating to levee safety; and

(4) to provide information to the public relating to risks associated with levee failure or overtopping.

(d) FEDERAL GUIDELINES.—

(1) IN GENERAL.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall establish Federal guidelines relating to levee safety.

(2) INCORPORATION OF FEDERAL ACTIVITIES.—The Federal guidelines under paragraph (1) shall incorporate, to the maximum extent practicable, any activity carried out by a Federal agency as of the date on which the guidelines are established.

(e) INCORPORATION OF EXISTING ACTIVITIES.—The program under this section shall incorporate, to the maximum extent practicable—

(1) any activity carried out by a State or local government, or a private entity, relating to the construction, operation, or maintenance of a levee; and

(2) any activity carried out by a Federal agency to support an effort by a State levee safety agency to develop and implement an effective levee safety program.

(f) INVENTORY OF LEVEES.—The Secretary shall develop, maintain, and periodically publish an inventory of levees in the United States, including the results of any levee assessment conducted under this section and inspection.

(g) ASSESSMENTS OF LEVEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable after the date of enactment of this Act, the Secretary shall conduct an assessment of each levee in the United States that protects human life or the public safety to determine the potential for a failure or overtopping of the levee that would pose a risk of loss of human life or a risk to the public safety.

(2) EXCEPTION.—The Secretary may exclude from assessment under paragraph (1) any non-Federal levee the failure or overtopping of which would not pose a risk of loss of human life or a risk to the public safety.

(3) PRIORITIZATION.—In determining the order in which to assess levees under paragraph (1), the Secretary shall give priority to levees the failure or overtopping of which would constitute the highest risk of loss of human life or a risk to the public safety, as determined by the Secretary.

(4) DETERMINATION.—In assessing levees under paragraph (1), the Secretary shall take into consideration the potential of a levee to fail or overtop because of—

(A) hydrologic or hydraulic conditions;

(B) storm surges;

(C) geotechnical conditions;

(D) inadequate operating procedures;

(E) structural, mechanical, or design deficiencies; or

(F) other conditions that exist or may occur in the vicinity of the levee.

(5) STATE PARTICIPATION.—On request of a State levee safety agency, with respect to any levee the failure of which would affect the State, the Secretary shall—

(A) provide information to the State levee safety agency relating to the construction, operation, and maintenance of the levee; and

(B) allow an official of the State levee safety agency to participate in the assessment of the levee.

(6) REPORT.—As soon as practicable after the date on which a levee is assessed under this section, the Secretary shall provide to the Governor of the State in which the levee is located a notice describing the results of the assessment, including—

(A) a description of the results of the assessment under this subsection;

(B) a description of any hazardous condition discovered during the assessment; and

(C) on request of the Governor, information relating to any remedial measure necessary to mitigate or avoid any hazardous condition discovered during the assessment.

(7) SUBSEQUENT ASSESSMENTS.—

(A) IN GENERAL.—After the date on which a levee is initially assessed under this subsection,

the Secretary shall conduct a subsequent assessment of the levee not less frequently than once every 5 years.

(B) STATE ASSESSMENT OF NON-FEDERAL LEVEES.—

(i) IN GENERAL.—Each State shall conduct assessments of non-Federal levees located within the State in accordance with the applicable State levee safety program.

(ii) AVAILABILITY OF INFORMATION.—Each State shall make the results of the assessments under clause (i) available for inclusion in the national inventory under subsection (f).

(iii) NON-FEDERAL LEVEES.—

(I) IN GENERAL.—On request of the Governor of a State, the Secretary may assess a non-Federal levee in the State.

(II) COST.—The State shall pay 100 percent of the cost of an assessment under subclause (I).

(III) FUNDING.—The Secretary may accept funds from any levee owner for the purposes of conducting engineering assessments to determine the performance and structural integrity of a levee.

(h) STATE LEVEE SAFETY PROGRAMS.—

(1) ASSISTANCE TO STATES.—In carrying out the program under this section, the Secretary shall provide funds to State levee safety agencies (or another appropriate State agency, as designated by the Governor of the State) to assist States in establishing, maintaining, and improving levee safety programs.

(2) APPLICATION.—

(A) IN GENERAL.—To receive funds under this subsection, a State levee safety agency shall submit to the Secretary an application in such time, in such manner, and containing such information as the Secretary may require.

(B) INCLUSION.—An application under subparagraph (A) shall include an agreement between the State levee safety agency and the Secretary under which the State levee safety agency shall, in accordance with State law—

(i) review and approve plans and specifications to construct, enlarge, modify, remove, or abandon a levee in the State;

(ii) perform periodic evaluations during levee construction to ensure compliance with the approved plans and specifications;

(iii) approve the construction of a levee in the State before the date on which the levee becomes operational;

(iv) assess, at least once every 5 years, all levees and reservoirs in the State the failure of which would cause a significant risk of loss of human life or risk to the public safety to determine whether the levees and reservoirs are safe;

(v) establish a procedure for more detailed and frequent safety evaluations;

(vi) ensure that assessments are led by a State-registered professional engineer with related experience in levee design and construction;

(vii) issue notices, if necessary, to require owners of levees to perform necessary maintenance or remedial work, improve security, revise operating procedures, or take other actions, including breaching levees;

(viii) contribute funds to—

(I) ensure timely repairs or other changes to, or removal of, a levee in order to reduce the risk of loss of human life and the risk to public safety; and

(II) if the owner of a levee does not take an action described in subclause (I), take appropriate action as expeditiously as practicable;

(ix) establish a system of emergency procedures and emergency response plans to be used if a levee fails or if the failure of a levee is imminent;

(x) identify—

(I) each levee the failure of which could be reasonably expected to endanger human life;

(II) the maximum area that could be flooded if a levee failed; and

(III) necessary public facilities that would be affected by the flooding; and

(xi) for the period during which the funds are provided, maintain or exceed the aggregate expenditures of the State during the 2 fiscal years preceding the fiscal year during which the funds are provided to ensure levee safety.

(3) DETERMINATION OF SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives an application under paragraph (2), the Secretary shall approve or disapprove the application.

(B) NOTICE OF DISAPPROVAL.—If the Secretary disapproves an application under subparagraph (A), the Secretary shall immediately provide to the State levee safety agency a written notice of the disapproval, including a description of—

(i) the reasons for the disapproval; and

(ii) changes necessary for approval of the application, if any.

(C) FAILURE TO DETERMINE.—If the Secretary fails to make a determination by the deadline under subparagraph (A), the application shall be considered to be approved.

(4) REVIEW OF STATE LEVEE SAFETY PROGRAMS.—

(A) IN GENERAL.—The Secretary, in conjunction with the Committee, may periodically review any program carried out using funds under this subsection.

(B) INADEQUATE PROGRAMS.—If the Secretary determines under a review under subparagraph (A) that a program is inadequate to reasonably protect human life and property, the Secretary shall, until the Secretary determines the program to be adequate—

(i) revoke the approval of the program; and

(ii) withhold assistance under this subsection.

(i) REPORTING.—Not later than 90 days after the end of each odd-numbered fiscal year, the Secretary, in consultation with the Committee, shall submit to Congress a report describing—

(1) the status of the program under this section;

(2) the progress made by Federal agencies during the 2 preceding fiscal years in implementing Federal guidelines for levee safety;

(3) the progress made by State levee safety agencies participating in the program; and

(4) recommendations for legislative or other action that the Secretary considers to be necessary, if any.

(j) RESEARCH.—The Secretary, in coordination with the Committee, shall carry out a program of technical and archival research to develop and support—

(1) improved techniques, historical experience, and equipment for rapid and effective levee construction, rehabilitation, and assessment or inspection;

(2) the development of devices for the continued monitoring of levee safety;

(3) the development and maintenance of information resources systems required to manage levee safety projects; and

(4) public policy initiatives and other improvements relating to levee safety engineering, security, and management.

(k) PARTICIPATION BY STATE LEVEE SAFETY AGENCIES.—In carrying out the levee safety program under this section, the Secretary shall—

(1) solicit participation from State levee safety agencies; and

(2) periodically update State levee safety agencies and Congress on the status of the program.

(l) LEVEE SAFETY TRAINING.—The Secretary, in consultation with the Committee, shall establish a program under which the Secretary shall provide training for State levee safety agency staff and inspectors to a State that has, or intends to develop, a State levee safety program, on request of the State.

(m) EFFECT OF SUBTITLE.—Nothing in this subtitle—

(1) creates any Federal liability relating to the recovery of a levee caused by an action or failure to act;

(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability relating to the ownership or operation of the levee; or

(3) except as provided in subsection (g)(7)(B)(iii)(III), preempts any applicable Federal or State law.

SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $50,000,000 to establish and maintain the inventory under section 2054(f);

(2) $424,000,000 to carry out levee safety assessments under section 2054(g);

(3) to provide funds for State levee safety programs under section 2054(h)—

(A) $15,000,000 for fiscal year 2007; and

(B) $5,000,000 for each of fiscal years 2008 through 2011;

(4) $2,000,000 to carry out research under section 2054(j);

(5) $1,000,000 to carry out levee safety training under section 2054(l); and

(6) $150,000 to provide travel expenses to members of the Committee under section 2053(f).

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 3002. SITKA, ALASKA.

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the Sitka Harbor Breakwater, at full Federal expense. The estimated cost is $6,300,000.

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

(a) IN GENERAL.—The Secretary shall construct a new project management office located in the city of Tuscaloosa, Alabama, at a location within the vicinity of the city, at full Federal expense.

(b) TRANSFER OF LAND AND STRUCTURES.—The Secretary shall sell, convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures associated with the existing project management office, if the city agrees to assume full responsibility for demolition of the existing project management office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $32,000,000.

SEC. 3004. RIO DE FLAG, FLAGSTAFF, ARIZONA.

The project for flood damage reduction, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary to construct the project at a total cost of $54,100,000, with an estimated Federal cost of $35,000,000 and a non-Federal cost of $19,100,000.

SEC. 3005. AUGUSTA AND CLARENDON, ARKANSAS.

The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

SEC. 3006. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.

(a) In General.—Section 204 of the Flood Control Act of 1950 (64 Stat. 170) is amended in the matter under the heading "RED-OUACHITA RIVER BASIN" by striking "at Calion, Arkansas" and inserting "improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)".

(b) Modification.—Section 3 of the Act of August 18, 1941 (55 Stat. 642, chapter 377), is amended in the second sentence of subsection (a) in the matter under the heading "LOWER MISSISSIPPI RIVER" by inserting before the period at the end the following: "Provided, That the Ouachita River Levees, Louisiana, authorized by the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535)".

SEC. 3007. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.

(a) In General.—The project for flood control, St. Francis River Basin, Arkansas, and Missouri, authorized the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as modified, is further modified to authorize the Secretary to undertake channel stabilization and sediment removal measures on the St. Francis River and tributaries as an integral part of the original project.

(b) No Separable Element.—The measures undertaken under subsection (a) shall not be considered to be a separable element of the project.

SEC. 3008. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI.

(a) In General.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to subsection (b), all right, title, and interest to land within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Act of May 15, 1928 (33 U.S.C. 702a et seq.) (commonly known as the "Flood Control Act of 1928").

(b) Terms and Conditions.—

(1) In general.—The conveyance by the United States under this section shall be subject to—

(A) the condition that the State of Arkansas (including the successors and assigns of the State) agree to operate, maintain, and manage the land at no cost or expense to the United States and for fish and wildlife, recreation, and environmental purposes; and

(B) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(2) Reversion.—If the State (or a successor or assign of the State) ceases to operate, maintain, and manage the land in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

SEC. 3009. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

(a) Navigation Channel.—The Secretary shall continue construction of the McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma, to operate and maintain the navigation channel to the authorized depth of the channel, in accordance with section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1842).

(b) Mitigation.—

(1) In general.—As mitigation for any incidental taking relating to the McClellan-Kerr Navigation System, the Secretary shall determine the need for, and construct modifications in, the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, including the construction of low water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled "Arkansas River Corridor Master Plan Planning Assistance to States".

(2) Cost sharing.—The non-Federal share of the cost of a project under this subsection shall be 35 percent.

(3) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 3010. CACHE CREEK BASIN, CALIFORNIA.

(a) In General.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

(b) Objectives.—Mitigation under subsection (a) shall restore the pre-project capacity of the city (1,360 cubic feet per second) to release water to the Yolo Bypass, including—

(1) channel improvements;

(2) an outlet work through the west levee of the Yolo Bypass; and

(3) a new low flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 3011. CALFED LEVEE STABILITY PROGRAM, CALIFORNIA.

In addition to funds made available pursuant to the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108-361) to carry out section 103(f)(3)(D) of that Act (118 Stat. 1696), there is authorized to be appropriated to carry out projects described in that section $106,000,000, to remain available until expended.

SEC. 3012. HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to include the diked bayland parcel known as "Bel Marin Keys Unit V" at an estimated total cost of $221,700,000, with an estimated Federal cost of $166,200,000 and an estimated non-Federal cost of $55,500,000, as part of the project to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated July 19, 2004.

SEC. 3013. LA-3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended in the third sentence by striking "January 1, 2003" and inserting "January 1, 2007".

SEC. 3014. LARKSPUR FERRY CHANNEL, CALIFORNIA.

(a) Report.—The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible.

(b) Authorization of Project.—If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. 3015. LLAGAS CREEK, CALIFORNIA.

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to complete the project, in accordance with the requirements of local cooperation as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), at a total remaining cost of $105,000,000, with an estimated remaining Federal cost of $65,000,000 and an estimated remaining non-Federal cost of $40,000,000.

SEC. 3016. MAGPIE CREEK, CALIFORNIA.

(a) In General.—Subject to subsection (b), the project for Magpie Creek, California, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements applicable to nonstructural flood control under section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

(b) Crediting.—The crediting allowed under subsection (a) shall not exceed the non-Federal share of the cost of the project.

SEC. 3017. PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) Cooperative Program.—

(1) In general.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) Goals and principles.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled "Kings River Fisheries Management Program Framework Agreement" and dated May 29, 1999, between the California Department of Fish and Game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

(b) Participation by Secretary.—

(1) In general.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) Projects.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.

(c) No Authorization of Certain Dam-Related Projects.—Nothing in this section authorizes any project for the raising of Pine Flat Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) Use of Existing Studies.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence

on the date of enactment of this Act, including data and environmental documentation in the document entitled "Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration" and dated July 19, 2002.

(e) COST SHARING.—

(1) PROJECT PLANNING, DESIGN, AND CONSTRUCTION.—The Federal share of the cost of planning, design, and construction of a project under subsection (b) shall be 65 percent.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for use in carrying out the project.

(B) FORM.—The non-Federal interest may provide not more than 50 percent of the non-Federal share required under this clause in the form of services, materials, supplies, or other in-kind contributions.

(f) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3018. REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA.

The Secretary may dredge the Redwood City Navigation Channel, California, on an annual basis, to maintain the authorized depth of -30 mean lower low water.

SEC. 3019. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) CREDIT FOR NON-FEDERAL WORK.—

(1) IN GENERAL.—The Secretary shall credit toward that portion of the non-Federal share of the cost of any flood damage reduction project authorized before the date of enactment of this Act that is to be paid by the Sacramento Area Flood Control Agency an amount equal to the Federal share of the flood control project authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(2) FEDERAL SHARE.—In determining the Federal share of the project authorized by section 9159(b) of that Act, the Secretary shall include all audit verified costs for planning, engineering, construction, acquisition of project land, easements, rights-of-way, relocations, and environmental mitigation for all project elements that the Secretary determines to be cost-effective.

(3) AMOUNT CREDITED.—The amount credited shall be equal to the Federal share determined under this section, reduced by the total of all reimbursements paid to the non-Federal interests for work under section 9159(b) of that Act before the date of enactment of this Act.

(b) FOLSOM DAM.—Section 128(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2259), is amended—

(1) in the first sentence, by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) in the second sentence, by striking "The Secretaries" and inserting the following:

"(2) TECHNICAL REVIEWS.—The Secretaries";

(3) in the third sentence, by striking "In developing" and inserting the following:

"(3) IMPROVEMENTS.—

"(A) IN GENERAL.—In developing";

(4) in the fourth sentence, by striking "In conducting" and inserting the following:

"(B) USE OF FUNDS.—In conducting"; and

(5) by adding at the end the following:

"(4) PROJECT ALTERNATIVE SOLUTIONS STUDY.—The Secretaries, in cooperation with non-Federal agencies, are directed to expedite their respective activities, including the formulation of all necessary studies and decision documents, in furtherance of the collaborative effort known as the 'Project Alternative Solutions Study', as well as planning, engineering, and design, including preparation of plans and specifications, of any features recommended for authorization by the Secretary of the Army under paragraph (6).

"(5) CONSOLIDATION OF TECHNICAL REVIEWS AND DESIGN ACTIVITIES.—The Secretary of the Army shall consolidate technical reviews and design activities for—

"(A) the project for flood damage reduction authorized by section 101(a)(6) of the Water Resources Development Act of 1999 (113 Stat. 274); and

"(B) the project for flood damage reduction, dam safety, and environmental restoration authorized by sections 128 and 134 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1838, 1842).

"(6) REPORT.—The recommendations of the Secretary of the Army, along with the views of the Secretary of the Interior and relevant non-Federal agencies resulting from the activities directed in paragraphs (4) and (5), shall be forwarded to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives by not later than June 30, 2007, and shall provide status reports by not later than September 30, 2006, and quarterly thereafter.

"(7) EFFECT.—Nothing in this section shall be deemed as deauthorizing the full range of project features and parameters of the projects listed in paragraph (5), nor shall it limit any previous authorizations granted by Congress.".

SEC. 3020. CONDITIONAL DECLARATION OF NON-NAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA.

(a) CONDITIONAL DECLARATION OF NONNAVIGABILITY.—If the Secretary determines, in consultation with appropriate Federal and non-Federal entities, that projects proposed to be carried out by non-Federal entities within the portions of the San Francisco, California, waterfront described in subsection (b) are not in the public interest, the portions shall be declared not to be navigable water of the United States for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401), and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) PORTIONS OF WATERFRONT.—The portions of the San Francisco, California, waterfront referred to in subsection (a) are those that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures and that are located as follows: beginning at the intersection of the northeasterly prolongation of the portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet from the existing southern boundary of Pier 40 to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryan Street northwesterly; thence southwesterly along said northwesterly line of Bryant Street to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—If, by the date that is 20 years after the date of enactment of this Act, any portion of the San Francisco, California, waterfront described in subsection (b) has not been bulkheaded, filled, or otherwise occupied by 1 or more permanent structures, or if work in connection with any activity carried out pursuant to applicable Federal law requiring a permit, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401), is not commenced by the date that is 5 years after the date of issuance of such a permit, the declaration of nonnavigability for the portion under this section shall cease to be effective.

SEC. 3021. SALTON SEA RESTORATION, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) SALTON SEA AUTHORITY.—The term "Salton Sea Authority" means the Joint Powers Authority established under the laws of the State of California by a joint power agreement signed on June 2, 1993.

(2) SALTON SEA SCIENCE OFFICE.—The term "Salton Sea Science Office" means the Office established by the United States Geological Survey and currently located in La Quinta, California.

(b) PILOT PROJECTS.—

(1) IN GENERAL.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine that the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372). If the Secretary makes a positive determination, the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out the pilot project for improvement of the environment in the Salton Sea, except that the Secretary shall be a party to each contract for construction under this subsection.

(2) LOCAL PARTICIPATION.—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the Salton Sea Authority and the Salton Sea Science Office; and

(B) consider the priorities of the Salton Sea Authority.

(3) COST SHARING.—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the Salton Sea Authority that requires the non-Federal interest to—

(A) pay 35 percent of the total costs of the pilot project;

(B) acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the pilot project; and

(C) hold the United States harmless from any claim or damage that may arise from carrying out the pilot project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $26,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. 3022. SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.

The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, authorized by section 101(b)(8) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

SEC. 3023. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of $244,500,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $113,900,000.

SEC. 3024. YUBA RIVER BASIN PROJECT, CALIFORNIA.

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,700,000.

SEC. 3025. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the "Charles Hervey Townshend Breakwater".

SEC. 3026. ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.

(a) In General.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel described in subsection (b), is redesignated as an anchorage area.

(b) Description of Channel.—The channel referred to in subsection (a) may be described as beginning at a point along the western limit of the existing project, N. 188, 802.75, E. 779, 462.81, thence running northeasterly about 1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53, thence running southeasterly about 439.54 feet to a point N. 189, 319.88, E. 780, 983.98, thence running southwesterly about 831.58 feet to a point N. 188, 864.63, E. 780, 288.08, thence running southeasterly about 567.39 feet to a point N. 188, 301.88, E. 780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

SEC. 3027. NORWALK HARBOR, CONNECTICUT.

(a) In General.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subsection (b), are not authorized.

(b) Description of Portions.—The portions of the channel referred to in subsection (a) are as follows:

(1) Rectangular portion.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a point N. 104,165.85, E. 417,662.71, thence running south 24°06'55" E. 395.00 feet to a point N. 103,805.32, E. 417,824.10, thence running south 00°38'06" E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north 24°06'55" W. 480.00 feet, to a point N. 104,155.59, E. 417,628.96, thence running north 73°05'25" E. 35.28 feet to the point of origin.

(2) Parallelogram-shaped portion.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in paragraph (1), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N. 103,855.48, E. 417,849.99, thence running south 33°07'30" E. 133.40 feet to a point N. 103,743.76, E. 417,922.89, thence running south 24°07'04" E. 127.75 feet to a point N. 103,627.16, E. 417,975.09, thence running north 33°07'30" W. 190.00 feet to a point N. 103,786.28, E. 417,871.26, thence running north 17°05'15" W. 72.39 feet to the point of origin.

(c) Modification.—The 10-foot channel portion of the Norwalk Harbor, Connecticut navigation project described in subsection (a) is modified to authorize the Secretary to realign the channel to include, immediately north of the area described in subsection (b)(2), a triangular section described as commencing at a point N. 103,968.35, E. 417,815.29, thence running S. 17°05'15" east 118.09 feet to a point N. 103,855.48, E. 417,849.99, thence running N. 33°07'30" west 36.76 feet to a point N. 103,886.27, E. 417,829.90, thence running N. 10°05'26" west 83.37 feet to the point of origin.

SEC. 3028. ST. GEORGE'S BRIDGE, DELAWARE.

Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) is amended by adding at the end the following: "The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.".

SEC. 3029. CHRISTINA RIVER, WILMINGTON, DELAWARE.

(a) In General.—The Secretary shall remove the shipwrecked vessel known as the "State of Pennsylvania", and any debris associated with that vessel, from the Christina River at Wilmington, Delaware, in accordance with section 202(b) of the Water Resources Development Act of 1976 (33 U.S.C. 426m(b)).

(b) No Recovery of Funds.—Notwithstanding any other provision of law, in carrying out this section, the Secretary shall not be required to recover funds from the owner of the vessel described in subsection (a) or any other vessel.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $425,000, to remain available until expended.

SEC. 3030. DESIGNATION OF SENATOR WILLIAM V. ROTH, JR. BRIDGE, DELAWARE.

(a) Designation.—The State Route 1 Bridge over the Chesapeake and Delaware Canal in the State of Delaware is designated as the "Senator William V. Roth, Jr. Bridge".

(b) References.—Any reference in a law (including regulations), map, document, paper, or other record of the United States to the bridge described in subsection (a) shall be considered to be a reference to the Senator William V. Roth, Jr. Bridge.

SEC. 3031. ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

"(C) Maximum cost of program authority.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).".

SEC. 3032. BREVARD COUNTY, FLORIDA.

(a) In General.—The project for shoreline protection, Brevard County, Florida, authorized by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637), is amended by striking "7.1-mile reach" and inserting "7.6-mile reach".

(b) References.—Any reference to a 7.1-mile reach with respect to the project described in subsection (a) shall be considered to be a reference to a 7.6-mile reach with respect to that project.

SEC. 3033. CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i), by striking "$75,000,000" and all that follows and inserting "$95,000,000."; and

(2) by striking clause (ii) and inserting the following:

"(ii) Federal share.—

"(I) In general.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed $25,000,000.

"(II) Seminole water conservation plan.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000.".

SEC. 3034. LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended by adding at the end the following:

"(v) Hillsboro and Okeechobee aquifer, Florida.—The pilot projects for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.".

SEC. 3035. LIDO KEY, SARASOTA COUNTY, FLORIDA.

The Secretary shall carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, based on the report of the Chief of Engineers dated December 22, 2004, at a total cost of $14,809,000, with an estimated Federal cost of $9,088,000 and an estimated non-Federal cost of $5,721,000, and at an estimated total cost $63,606,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $31,803,000 and an estimated non-Federal cost of $31,803,000.

SEC. 3036. PORT SUTTON CHANNEL, TAMPA HARBOR, FLORIDA.

The project for navigation, Port Sutton Channel, Tampa Harbor, Florida, authorized by section 101(b)(12) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to carry out the project at a total cost of $12,900,000.

SEC. 3037. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

SEC. 3038. ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal to ensure that land exchanged is of equal value.

(b) DISPOSAL AND ACQUISITION OF LAND, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—

(A) WILLING SELLERS.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) BASIS.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) SHARING OF COSTS.—Each purchaser of land under this subsection shall share in the associated environmental and real estate costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) OTHER CONDITIONS.—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. 3039. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.

(b) IMPROVEMENTS.—In carrying out subsection (a), the Secretary shall provide for appropriate improvements to—

(1) facilities that are operated by the Corps of Engineers; and

(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) COST SHARING.—The Secretary shall carry out this section through a cost-sharing program with Idaho State Parks and Recreation Department, with a total estimated project cost of $5,300,000, with an estimated Federal cost of $3,900,000 and an estimated non-Federal cost of $1,400,000.

SEC. 3040. LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood control, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.), is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) to authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000;

(3) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(4) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if the use of the funds is permitted under the other Federal program; and

(5) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the ability to pay of the non-Federal interest.

SEC. 3041. PORT OF LEWISTON, IDAHO.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(3) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(4) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's Instrument No. 399218 of Nez Perce County, Idaho, 2.07 acres.

(2) Auditor's Instrument No. 487437 of Nez Perce County, Idaho, 7.32 acres.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes with respect to property covered by deeds described in subsection (b).

SEC. 3042. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

SEC. 3043. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting "Lake Michigan and" before "the Chicago River".

SEC. 3044. CHICAGO RIVER, ILLINOIS.

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, is redefined to be no wider than 66 feet.

SEC. 3045. ILLINOIS RIVER BASIN RESTORATION.

Section 519(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking "$5,000,000" and inserting "$20,000,000".

SEC. 3046. MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM.

(a) DEFINITION OF RECONSTRUCTION.—In this section:

(1) IN GENERAL.—The term "reconstruction" means any action taken to address 1 or more major deficiencies of a project caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with the authorized purposes of the project.

(2) INCLUSIONS.—The term "reconstruction" includes the incorporation by the Secretary of current design standards and efficiency improvements in a project if the incorporation does not significantly change the authorized scope, function, or purpose of the project.

(b) PARTICIPATION BY SECRETARY.—The Secretary may participate in the reconstruction of flood control projects within Missouri and Illinois as a pilot program if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance by the non-Federal interest.

(c) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) OPERATION, MAINTENANCE, AND REPAIR COSTS.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(d) CRITICAL PROJECTS.—In carrying out this section, the Secretary shall give priority to the following projects:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Wood River Drainage and Levee District, Illinois.

(4) City of St. Louis, Missouri.

(5) Missouri River Levee Drainage District, Missouri.

(e) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000, to remain available until expended.

SEC. 3047. SPUNKY BOTTOM, ILLINOIS.

(a) IN GENERAL.—The project for flood control, Illinois and Des Plaines River Basin, between Beardstown, Illinois, and the mouth of the Illinois River, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter 688), is modified to authorize ecosystem restoration as a project purpose.

(b) MODIFICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding the limitation on the expenditure of Federal funds to carry out project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), modifications to the project referred to in subsection (a) shall be carried out at Spunky Bottoms, Illinois, in accordance with subsection (a).

(2) FEDERAL SHARE.—Not more than $7,500,000 in Federal funds may be expended under this section to carry out modifications to the project referred to in subsection (a).

(3) POST-CONSTRUCTION MONITORING AND MANAGEMENT.—Of the Federal funds expended under paragraph (2), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post-construction monitoring and adaptive management.

(c) EMERGENCY REPAIR ASSISTANCE.—Notwithstanding any modifications carried out under subsection (b), the project described in subsection (a) shall remain eligible for emergency repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), without consideration of economic justification.

SEC. 3048. STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) REVERSION.—If the land transferred under this section ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(c) DESCRIPTION.—The land to be conveyed under this section is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner of the NE¼ of sec. 32, T. 20 S., R. 14 E., Coffey County, Kansas.

(d) CONSIDERATION.—

(1) IN GENERAL.—The conveyance under this section shall be at fair market value.

(2) COSTS.—All costs associated with the conveyance shall be paid by Pleasant Township, Coffey County, Kansas.

(e) OTHER TERMS AND CONDITIONS.—The conveyance under this section shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. 3049. MILFORD LAKE, MILFORD, KANSAS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value by quitclaim deed to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3050. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.

Section 101(16) of the Water Resources Development Act of 2000 (114 Stat. 2578) is amended—

(1) by striking "(A) in general.—Projects for ecosystem restoration, Ohio River Mainstem" and inserting the following:

"(A) AUTHORIZATION.—

"(i) IN GENERAL.—Projects for ecosystem restoration, Ohio River Basin (excluding the Tennessee and Cumberland River Basins)"; and

(2) in subparagraph (A), by adding at the end the following:

"(ii) NONPROFIT ENTITY.—For any ecosystem restoration project carried out under this paragraph, with the consent of the affected local government, a nonprofit entity may be considered to be a non-Federal interest.

"(iii) PROGRAM IMPLEMENTATION PLAN.—There is authorized to be developed a program implementation plan of the Ohio River Basin (excluding the Tennessee and Cumberland River Basins) at full Federal expense.

"(iv) PILOT PROGRAM.—There is authorized to be initiated a completed pilot program in Lower Scioto Basin, Ohio.".

SEC. 3051. MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA.

Section 101(a)(10) of the Water Resources Development Act of 1990 (104 Stat. 4606) is amended by striking "$219,600,000" each place it appears and inserting "$430,000,000".

SEC. 3052. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) IN GENERAL.—The public access feature of the Atchafalaya Basin Floodway System, Louisiana project, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest (exclusive of oil, gas, and minerals) of an additional 20,000 acres of land in the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, Louisiana project.

(b) MODIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin Floodway System, Louisiana project, is modified to remove the $32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.

(2) FIRST COST.—The authorized first cost of $250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).

(c) TECHNICAL AMENDMENT.—Section 315(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: "and may include Eagle Point Park, Jeanerette, Louisiana, as 1 of the alternative sites".

SEC. 3053. REGIONAL VISITOR CENTER, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) PROJECT FOR FLOOD CONTROL.—Notwithstanding paragraph (3) of the report of the Chief of Engineers dated February 28, 1983 (relating to recreational development in the Lower Atchafalaya Basin Floodway), the Secretary shall carry out the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by chapter IV of title I of the Act of August 15, 1985 (Public Law 99–88; 99 Stat. 313; 100 Stat. 4142).

(b) VISITORS CENTER.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers and in consultation with the State of Louisiana, shall study, design, and construct a type A regional visitors center in the vicinity of Morgan City, Louisiana.

(2) COST SHARING.—

(A) IN GENERAL.—The cost of construction of the visitors center shall be shared in accordance with the recreation cost-share requirement under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

(B) COST OF UPGRADING.—The non-Federal share of the cost of upgrading the visitors center from a type B to type A regional visitors center shall be 100 percent.

(3) AGREEMENT.—The project under this subsection shall be initiated only after the Secretary and the non-Federal interests enter into a binding agreement under which the non-Federal interests shall—

(A) provide any land, easement, right-of-way, or dredged material disposal area required for the project that is owned, claimed, or controlled by—

(i) the State of Louisiana (including agencies and political subdivisions of the State); or

(ii) any other non-Federal government entity authorized under the laws of the State of Louisiana;

(B) pay 100 percent of the cost of the operation, maintenance, repair, replacement, and rehabilitation of the project; and

(C) hold the United States free from liability for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project, except for damages due to the fault or negligence of the United States or a contractor of the United States.

(4) DONATIONS.—In carrying out the project under this subsection, the Mississippi River Commission may accept the donation of cash or other funds, land, materials, and services from any non-Federal government entity or nonprofit corporation, as the Commission determines to be appropriate.

SEC. 3054. CALCASIEU RIVER AND PASS, LOUISIANA.

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

SEC. 3055. EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), as amended by section 116 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 140), is modified to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated December 2004, at a total cost of $178,000,000.

SEC. 3056. MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA.

(a) PORT FACILITIES RELOCATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $175,000,000, to remain available until expended, to support the relocation of Port of New Orleans deep draft facilities from the Mississippi River Gulf Outlet (referred to in this section as the "Outlet"), the Gulf Intercoastal Waterway, and the Inner Harbor Navigation Canal to the Mississippi River.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Amounts appropriated pursuant to paragraph (1) shall be administered by the Assistant Secretary for Economic Development (referred to in this section as the "Assistant Secretary") pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233).

(B) REQUIREMENT.—The Assistant Secretary shall make amounts appropriated pursuant to paragraph (1) available to the Port of New Orleans to relocate to the Mississippi River within the State of Louisiana the port-owned facilities that are occupied by businesses in the vicinity that may be impacted due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(b) REVOLVING LOAN FUND GRANTS.—There is authorized to be appropriated to the Assistant Secretary $185,000,000, to remain available until expended, to provide assistance pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipients to establish revolving loan funds to make loans for terms up to 20 years at or below market interest rates (including interest-free loans) to private businesses within the Port of New Orleans that may need to relocate to the Mississippi River within the State of Louisiana due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2247).

(c) Coordination With Secretary.—The Assistant Secretary shall ensure that the programs described in subsections (a) and (b) are fully coordinated with the Secretary to ensure that facilities are relocated in a manner that is consistent with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2247).

(d) Administrative Expenses.—The Assistant Secretary may use up to 2 percent of the amounts made available under subsections (a) and (b) for administrative expenses.

SEC. 3057. RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2604), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of $33,200,000;

(2) to permit the purchase of marginal farmland for reforestation (in addition to the purchase of bottomland hardwood); and

(3) to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the Corps of Engineers and the State of Louisiana.

SEC. 3058. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $20,000,000.

SEC. 3059. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N. 315,975.13, E. 1,004,424.86, thence running N. 61° 27′ 20.71″ W. about 132.34 feet to a point N. 316,038.37, E. 1,004,308.61.

SEC. 3060. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking "$10,000,000" and inserting "$30,000,000".

SEC. 3061. CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking "$15,000,000" and inserting "$25,750,000";

(2) by striking "$9,750,000" and inserting "$16,738,000"; and

(3) by striking "$5,250,000" and inserting "$9,012,000".

SEC. 3062. AUNT LYDIA'S COVE, MASSACHUSETTS.

(a) Deauthorization.—The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, authorized August 31, 1994, pursuant to section 107 of the Act of July 14, 1960 (33 U.S.C. 577) (commonly known as the "River and Harbor Act of 1960"), consisting of the 8-foot deep anchorage in the cove described in subsection (b) is deauthorized.

(b) Description.—The portion of the project described in subsection (a) is more particularly described as the portion beginning at a point along the southern limit of the existing project, N. 254332.00, E. 1023103.96, thence running northwesterly about 761.60 feet to a point along the western limit of the existing project N. 255076.84, E. 1022945.07, thence running southwesterly about 38.11 feet to a point N. 255038.99, E. 1022940.60, thence running southeasterly about 267.07 feet to a point N. 254772.00, E. 1022947.00, thence running southeasterly about 462.41 feet to a point N. 254320.06, E. 1023044.84, thence running northeasterly about 60.31 feet to the point of origin.

SEC. 3063. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

(a) In General.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), shall remain authorized to be carried out by the Secretary, except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(b) Feasibility.—The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge Fall River and Somerset, Massachusetts.

(c) Limitation.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act unless, during that period, funds have been obligated for construction (including planning and design) of the project.

SEC. 3064. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

Section 426 of the Water Resources Development Act of 1999 (113 Stat. 326) is amended to read as follows:

"SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

"(a) Definitions.—In this section:

"(1) Management plan.—The term 'management plan' means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of this section.

"(2) Partnership.—The term 'Partnership' means the partnership established by the Secretary under subsection (b)(1).

"(b) Partnership.—

"(1) In general.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

"(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

"(B) develop and implement projects consistent with the management plan.

"(2) Coordination with actions under other law.—

"(A) In general.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

"(B) No effect on other law.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

"(c) Implementation of St. Clair River and Lake St. Clair Management Plan.—

"(1) In general.—The Secretary shall—

"(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

"(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

"(C) plan, design, and implement projects consistent with the management plan; and

"(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

"(2) Specific measures.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

"(d) Supplements to Management Plan and Strategic Implementation Plan.—In consultation with the Partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

"(1) the management plan; and

"(2) the strategic implementation plan developed under subsection (c)(1)(A).

"(e) Cost Sharing.—

"(1) Non-Federal share.—The non-Federal share of the cost of technical assistance, or the cost of planning, design, construction, and evaluation of a project under subsection (c), and the cost of development of supplementary information under subsection (d)—

"(A) shall be 25 percent of the total cost of the project or development; and

"(B) may be provided through the provision of in-kind services.

"(2) Credit for land, easements, and rights-of-way.—The Secretary shall credit the non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided for use in carrying out a project under subsection (c).

"(3) Nonprofit entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity.

"(4) Operation and maintenance.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

"(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.".

SEC. 3065. DULUTH HARBOR, MINNESOTA.

(a) In General.—Notwithstanding the cost limitation described in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry out the project for navigation, Duluth Harbor, Minnesota, pursuant to the authority provided under that section at a total Federal cost of $9,000,000.

(b) Public Access and Recreational Facilities.—Section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605) is amended by inserting ", and to provide public access and recreational facilities" after "including any required bridge construction".

SEC. 3066. RED LAKE RIVER, MINNESOTA.

The project for flood control, Red Lake River, Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase/Loring neighborhoods, in accordance with the feasibility report supplement, local flood protection, Crookston, Minnesota, at a total cost of $25,000,000, with an estimated Federal cost of $16,250,000 and an estimated non-Federal cost of $8,750,000.

SEC. 3067. BONNET CARRE FRESHWATER DIVERSION PROJECT, MISSISSIPPI AND LOUISIANA.

(a) IN GENERAL.—The project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, authorized by section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4013) is modified to direct the Secretary to carry out that portion of the project identified as the "Bonnet Carre Freshwater Diversion Project", in accordance with this section.

(b) NON-FEDERAL FINANCING REQUIREMENTS.—

(1) MISSISSIPPI AND LOUISIANA.—

(A) IN GENERAL.—The States of Mississippi and Louisiana shall provide the funds needed during any fiscal year for meeting the respective non-Federal cost sharing requirements of each State for the Bonnet Carre Freshwater Diversion Project during that fiscal year by making deposits of the necessary funds into an escrow account or into such other account as the Secretary determines to be acceptable.

(B) DEADLINE.—Any deposits required under this paragraph shall be made by the affected State by not later than 30 days after receipt of notification from the Secretary that the amounts are due.

(2) FAILURE TO PAY.—

(A) LOUISIANA.—In the case of deposits required to be made by the State of Louisiana, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out in the State of Louisiana under section 1003 if the State of Louisiana is not in compliance with paragraph (1).

(B) MISSISSIPPI.—In the case of deposits required to be made by the State of Mississippi, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out as a part of the Bonnet Carre Freshwater Diversion Project if the State of Mississippi is not in compliance with paragraph (1).

(3) ALLOCATION.—The non-Federal share of project costs shall be allocated between the States of Mississippi and Louisiana as described in the report to Congress on the status and potential options and enhancement of the Bonnet Carre Freshwater Diversion Project dated December 1996.

(4) EFFECT.—The modification of the Bonnet Carre Freshwater Diversion Project by this section shall not reduce the percentage of the cost of the project that is required to be paid by the Federal Government as determined on the date of enactment of section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4013).

(c) DESIGN SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete the design of the Bonnet Carre Freshwater Diversion Project by not later than 1 year after the date of enactment of this Act.

(2) MISSED DEADLINE.—If the Secretary does not complete the design of the project by the date described in paragraph (1)—

(A) the Secretary shall assign such resources as the Secretary determines to be available and necessary to complete the design; and

(B) the authority of the Secretary to expend funds for travel, official receptions, and official representations shall be suspended until the design is complete.

(d) CONSTRUCTION SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete construction of the Bonnet Carre Freshwater Diversion Project by not later than September 30, 2012.

(2) MISSED DEADLINE.—If the Secretary does not complete the construction of the Bonnet Carre Freshwater Diversion Project by the date described in paragraph (1)—

(A) the Secretary shall assign such resources as the Secretary determines to be available and necessary to complete the construction; and

(B) the authority of the Secretary to expend funds for travel, official receptions, and official representations shall be suspended until the construction is complete.

SEC. 3068. LAND EXCHANGE, PIKE COUNTY, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island in Pike County, Missouri, and consisting of Government Tract Numbers MIS–7 and a portion of FM–46.

(2) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

(b) LAND EXCHANGE.—Subject to subsection (c), on conveyance by S.S.S., Inc., to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to S.S.S., Inc., all right, title, and interest of the United States in and to the Federal land.

(c) CONDITIONS.—

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The conveyance of the Federal land to S.S.S., Inc., shall be—

(i) by quitclaim deed; and

(ii) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(C) LEGAL DESCRIPTIONS.—The Secretary shall, subject to approval of S.S.S., Inc., provide a legal description of the Federal land and non-Federal land for inclusion in the deeds referred to in subparagraphs (A) and (B).

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(B) NO LIABILITY.—If S.S.S., Inc., removes any improvements to the non-Federal land under subparagraph (A)—

(i) S.S.S., Inc., shall have no claim against the United States relating to the removal; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvements.

(3) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the exchange.

(4) CASH EQUALIZATION PAYMENT.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(5) DEADLINE.—The land exchange under subsection (b) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 3069. L–15 LEVEE, MISSOURI.

The portion of the L–15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

SEC. 3070. UNION LAKE, MISSOURI.

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri, before January 31, 2006, all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906), in accordance with section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is described as follows:

(1) TRACT 500.—A tract of land situated in Franklin County, Missouri, being part of the SW¼ of sec. 7, and the NW¼ of the SW¼ of sec. 8, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 112.50 acres.

(2) TRACT 605.—A tract of land situated in Franklin County, Missouri, being part of the N½ of the NE. and part of the SE of the NE of sec. 18, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 93.00 acres.

(c) CONVEYANCE.—On acceptance by the State of Missouri of the offer by the Secretary under subsection (a), the land described in subsection (b) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

SEC. 3071. FORT PECK FISH HATCHERY, MONTANA.

Section 325(f)(1)(A) of the Water Resources Development Act of 2000 (114 Stat. 2607) is amended by striking "$20,000,000" and inserting "$25,000,000".

SEC. 3072. LOWER YELLOWSTONE PROJECT, MONTANA.

The Secretary may use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bureau, Intake, Montana, for the purpose of ecosystem restoration.

SEC. 3073. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) DEFINITION OF RESTORATION PROJECT.—In this section, the term "restoration project" means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) PROJECTS.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

(D) the Yellowstone River Conservation District Council; and

(2) seek the full participation of the State of Montana.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with the non-Federal interest for the restoration project under which the non-Federal interest shall agree—

(1) to provide 35 percent of the total cost of the restoration project, including necessary land, easements, rights-of-way, relocations, and disposal sites;

(2) to pay the non-Federal share of the cost of feasibility studies and design during construction following execution of a project cooperation agreement;

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of enactment of this Act that are associated with the restoration project; and

(4) to hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government in carrying out the restoration project.

(e) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of a restoration project carried out under this section may be provided in the form of in-kind credit for work performed during construction of the restoration project.

(f) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), with the consent of the applicable local government, a nonprofit entity may be a non-Federal interest for a restoration project carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 3074. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.

The maximum amount of Federal funds that may be expended for the project being carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be $5,775,000.

SEC. 3075. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.

(a) RESTORATION PROJECTS.—

(1) DEFINITION.—The term "restoration project" means a project that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration and recreation benefits.

(2) PROJECTS.—The Secretary shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(b) PROJECT SELECTION.—The Secretary shall select restoration projects in the Middle Rio Grande.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(1) provide 35 percent of the total cost of the restoration projects including provisions for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(2) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of the enactment of this Act that are associated with the restoration projects; and

(3) hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government.

(e) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the local government.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3076. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects to increase aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) COST-SHARING.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3077. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking "$5,200,000" and inserting "$18,200,000".

SEC. 3078. NEW YORK HARBOR, NEW YORK, NEW YORK.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) DREDGED MATERIAL FACILITY.—

"(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

"(2) PERFORMANCE.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

"(3) MULTIPLE FEDERAL PROJECTS.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects, if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

"(4) PUBLIC FINANCING.—

"(A) AGREEMENTS.—

"(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify—

"(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

"(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

"(ii) MANAGEMENT OF SEDIMENTS.—

"(I) IN GENERAL.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnerships agreements.

"(II) PAYMENTS.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

"(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

"(B) CREDIT.—

"(i) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

"(ii) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

"(iii) NON-FEDERAL INTEREST RESPONSIBILITIES.—The non-Federal interest shall—

"(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

"(II) receive credit for those items."; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as redesignated by paragraph (1))—

(A) by inserting "and maintenance" after "operation" each place it appears; and

(B) by inserting "processing, treatment, or" after "dredged material" the first place it appears in each of those paragraphs.

SEC. 3079. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking "$5,000,000" and all that follows through "2005" and inserting "$25,000,000".

SEC. 3080. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended—

(1) by striking "$2,500,000" and inserting "$5,500,000"; and

(2) by adding before the period at the end the following: "(which repair and rehabilitation shall include lowering the crest of the Dam by not more than 12.5 feet)".

SEC. 3081. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

Increased operation and maintenance activities for the Toussaint River Federal Navigation Project, Carroll Township, Ohio, that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance, shall be carried out at full Federal expense.

SEC. 3082. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–0072 shall satisfy the obligations of the city under that contract.

SEC. 3083. LAKE EUFAULA, OKLAHOMA.

(a) PROJECT GOAL.—

(1) IN GENERAL.—The goal for operation of Lake Eufaula shall be to maximize the use of available storage in a balanced approach that

incorporates advice from representatives from all the project purposes to ensure that the full value of the reservoir is realized by the United States.

(2) RECOGNITION OF PURPOSE.—To achieve the goal described in paragraph (1), recreation is recognized as a project purpose at Lake Eufaula, pursuant to the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887, chapter 665).

(b) LAKE EUFAULA ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the Lake Eufaula, Canadian River, Oklahoma project authorized by the Act of July 24, 1946 (commonly known as the "River and Harbor Act of 1946") (Public Law 79–525; 60 Stat. 634).

(2) PURPOSE.—The purpose of the committee shall be advisory only.

(3) DUTIES.—The committee shall provide information and recommendations to the Corps of Engineers regarding the operations of Lake Eufaula for the project purposes for Lake Eufaula.

(4) COMPOSITION.—The Committee shall be composed of members that equally represent the project purposes for Lake Eufaula.

(c) REALLOCATION STUDY.—

(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary, acting through the Chief of Engineers, shall perform a reallocation study, at full Federal expense, to develop and present recommendations concerning the best value, while minimizing ecological damages, for current and future use of the Lake Eufaula storage capacity for the authorized project purposes of flood control, water supply, hydroelectric power, navigation, fish and wildlife, and recreation.

(2) FACTORS FOR CONSIDERATION.—The reallocation study shall take into consideration the recommendations of the Lake Eufaula Advisory Committee.

(d) POOL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, to the extent feasible within available project funds and subject to the completion and approval of the reallocation study under subsection (c), the Tulsa District Engineer, taking into consideration recommendations of the Lake Eufaula Advisory Committee, shall develop an interim management plan that accommodates all project purposes for Lake Eufaula.

(2) MODIFICATIONS.—A modification of the plan under paragraph (1) shall not cause significant adverse impacts on any existing permit, lease, license, contract, public law, or project purpose, including flood control operation, relating to Lake Eufaula.

SEC. 3084. RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS, OKLAHOMA.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS.—Each reversionary interest and use restriction relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled "An Act to authorize the sale of certain lands to the State of Oklahoma" (67 Stat. 62, chapter 118) is terminated.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each interest and use restriction described in subsection (a).

SEC. 3085. OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA.

(a) IMPLEMENTATION OF PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement an innovative program at the lakes located primarily in the State of Oklahoma that are a part of an authorized civil works project under the administrative jurisdiction of the Corps of Engineers for the purpose of demonstrating the benefits of enhanced recreation facilities and activities at those lakes.

(b) REQUIREMENTS.—In implementing the program under subsection (a), the Secretary shall, consistent with authorized project purposes—

(1) pursue strategies that will enhance, to the maximum extent practicable, recreation experiences at the lakes included in the program;

(2) use creative management strategies that optimize recreational activities; and

(3) ensure continued public access to recreation areas located on or associated with the civil works project.

(c) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for the implementation of this section, to be developed in coordination with the State of Oklahoma.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the program under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of the projects undertaken under the program, including—

(A) an estimate of the change in any related recreational opportunities;

(B) a description of any leases entered into, including the parties involved; and

(C) the financial conditions that the Corps of Engineers used to justify those leases.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall make the report available to the public in electronic and written formats.

(e) TERMINATION.—The authority provided by this section shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 3086. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules—

(1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986; and

(2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

SEC. 3087. LOOKOUT POINT PROJECT, LOWELL, OREGON.

(a) IN GENERAL.—Subject to subsection (c), the Secretary shall convey at fair market value to the Lowell School District No. 71, all right, title, and interest of the United States in and to a parcel consisting of approximately 0.98 acres of land, including 3 abandoned buildings on the land, located in Lowell, Oregon, as described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—The parcel of land to be conveyed under subsection (a) is more particularly described as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded on page 56 of volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; and thence east 250.0 feet to the true point of beginning of this description in sec. 14, T. 19 S., R. 1 W. of the Willamette Meridian, Lane County, Oregon.

(c) CONDITION.—The Secretary shall not complete the conveyance under subsection (a) until such time as the Forest Service—

(1) completes and certifies that necessary environmental remediation associated with the structures located on the property is complete; and

(2) transfers the structures to the Corps of Engineers.

(d) EFFECT OF OTHER LAW.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) LIABILITY.—

(A) IN GENERAL.—Lowell School District No. 71 shall hold the United States harmless from any liability with respect to activities carried out on the property described in subsection (b) on or after the date of the conveyance under subsection (a).

(B) CERTAIN ACTIVITIES.—The United States shall be liable with respect to any activity carried out on the property described in subsection (b) before the date of conveyance under subsection (a).

SEC. 3088. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) AUTHORIZED ACTIVITIES.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(d) COST SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—

(i) IN GENERAL.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section.

(ii) CREDIT TOWARD PAYMENT.—The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under paragraph (1) shall be credited toward the payment required under subsection (a).

(C) IN-KIND CONTRIBUTIONS.—100 percent of the non-Federal share required under subsection (a) may be satisfied by the provision of in-kind contributions.

(3) OPERATIONS AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 3089. TIOGA TOWNSHIP, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall convey to the Tioga Township, Pennsylvania, at fair market value, all right, title, and interest in and to the parcel of real property located on the northeast end of Tract No. 226, a portion of the Tioga-Hammond Lakes Floods Control Project, Tioga County, Pennsylvania, consisting of approximately 8 acres, together with any improvements on that property, in as-is condition, for public ownership and use as the site of the administrative offices and road maintenance complex for the Township.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) RESERVATION OF INTERESTS.—The Secretary shall reserve such rights and interests in and to the property to be conveyed as the Secretary considers necessary to preserve the operational integrity and security of the Tioga-Hammond Lakes Flood Control Project.

(d) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership, or to be used as a site for the Tioga Township administrative offices and road maintenance complex or for related public purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3090. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) COOPERATION AGREEMENTS.—

"(1) IN GENERAL.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

"(2) FINANCIAL ASSISTANCE.—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures."; and

(2) by striking subsection (d) and inserting the following:

"(d) IMPLEMENTATION OF STRATEGY.—

"(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

"(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.".

SEC. 3091. NARRAGANSETT BAY, RHODE ISLAND.

The Secretary may use amounts in the Environmental Restoration Account, Formerly Used Defense Sites, under section 2703(a)(5) of title 10, United States Code, for the removal of abandoned marine camels at any Formerly Used Defense Site under the jurisdiction of the Department of Defense that is undergoing (or is scheduled to undergo) environmental remediation under chapter 160 of title 10, United States Code (and other provisions of law), in Narragansett Bay, Rhode Island, in accordance with the Corps of Engineers prioritization process under the Formerly Used Defense Sites program.

SEC. 3092. SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, all right, title, and interest of the United States in and to the parcels of land described in subsection (b)(1) that are managed, as of the date of enactment of this Act, by the South Carolina Department of Commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the parcels of land referred to in subsection (a) are the parcels contained in the portion of land described in Army Lease Number DACW21–1–92–0500.

(2) RETENTION OF INTERESTS.—The United States shall retain—

(A) ownership of all land included in the lease referred to in paragraph (1) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other land as is determined by the Secretary to be required for authorized project purposes, including easement rights-of-way to remaining Federal land.

(3) SURVEY.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey satisfactory to the Secretary, with the cost of the survey to be paid by the State.

(c) GENERAL PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance under this section.

(B) FORM OF CONTRIBUTION.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this section if those actions are performed in close coordination with, and to the satisfaction of, the United States.

(4) LIABILITY.—The State shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The State shall pay fair market value consideration, as determined by the United States, for any land included in the conveyance under this section.

(2) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER–1130–2–406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this section.

(3) FEDERAL STATUTES.—The conveyance under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public review under that Act) and other Federal statutes.

(4) COST SHARING.—In carrying out the conveyance under this section, the Secretary and the State shall comply with all obligations of any cost sharing agreement between the Secretary and the State in effect as of the date of the conveyance.

(5) LAND NOT CONVEYED.—The State shall continue to manage the land not conveyed under this section in accordance with the terms and conditions of Army Lease Number DACW21–1–92–0500.

SEC. 3093. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.

(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) in clause (vii), by striking "and" at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

"(viii) rural water systems; and".

(b) REAUTHORIZATION.—Section 907(a) of the Water Resources Development Act of 2000 (114 Stat. 2712) is amended in the first sentence by striking "2005" and inserting "2010".

SEC. 3094. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(2) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (1) and inserting the following:

"(1) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—The non-Federal share of the cost of projects may be provided—

"(i) in cash;

"(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

"(iii) by in-kind services to implement the project; or

"(iv) by any combination of the foregoing.

"(B) PRIVATE OWNERSHIP.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

"(i) satisfactory to the Secretary; and

"(ii) necessary to assure achievement of the project purposes.";

(3) in subsection (i) (as redesignated by paragraph (1)), by striking "for the period of fiscal years 2000 and 2001." and inserting "per year, and that authority shall extend until Federal fiscal year 2015."; and

(4) by inserting after subsection (e) the following:

"(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a regional or national nonprofit entity with the consent of the affected local government.

"(g) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality."

SEC. 3095. ANDERSON CREEK, JACKSON AND MADISON COUNTIES, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Anderson Creek, Jackson and Madison Counties, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Anderson Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Anderson Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3096. HARRIS FORK CREEK, TENNESSEE AND KENTUCKY.

Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the project for flood control, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (33 U.S.C. 701c note; 90 Stat. 2920) shall remain authorized to be carried out by the Secretary for a period of 7 years beginning on the date of enactment of this Act.

SEC. 3097. NONCONNAH WEIR, MEMPHIS, TENNESSEE.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

(1) to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek; and

(2) to make repairs and maintain the weir in the future so that the weir functions properly.

SEC. 3098. OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.

(a) Release of Retained Rights, Interests, Reservations.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as "Easter Seals Tennessee") at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(b) Instrument of Release.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by subsection (a).

(c) No Effect on Other Rights.—Nothing in this section affects any remaining right or interest of the Corps of Engineers with respect to an authorized purpose of any project.

SEC. 3099. SANDY CREEK, JACKSON COUNTY, TENNESSEE.

(a) In General.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek, Jackson County, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) Relationship to West Tennessee Tributaries Project, Tennessee.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Sandy Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Sandy Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3100. CEDAR BAYOU, TEXAS.

Section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632) is amended by striking "except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide" and inserting "except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide".

SEC. 3101. DENISON, TEXAS.

(a) In General.—The Secretary may offer to convey at fair market value to the city of Denison, Texas (or a designee of the city), all right, title, and interest of the United States in and to the approximately 900 acres of land located in Grayson County, Texas, which is currently subject to an Application for Lease for Public Park and Recreational Purposes made by the city of Denison, dated August 17, 2005.

(b) Survey To Obtain Legal Description.—The exact acreage and description of the real property referred to in subsection (a) shall be determined by a survey paid for by the city of Denison, Texas (or a designee of the city), that is satisfactory to the Secretary.

(c) Conveyance.—On acceptance by the city of Denison, Texas (or a designee of the city), of an offer under subsection (a), the Secretary may immediately convey the land surveyed under subsection (b) by quitclaim deed to the city of Denison, Texas (or a designee of the city).

SEC. 3102. FREEPORT HARBOR, TEXAS.

(a) In General.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.

(b) Cost Sharing.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

SEC. 3103. HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding the following:

"(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).".

SEC. 3104. CONNECTICUT RIVER RESTORATION, VERMONT.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with respect to the study entitled "Connecticut River Restoration Authority", dated May 23, 2001, a nonprofit entity may act as the non-Federal interest for purposes of carrying out the activities described in the agreement executed between The Nature Conservancy and the Department of the Army on August 5, 2005.

SEC. 3105. DAM REMEDIATION, VERMONT.

Section 543 of the Water Resources Development Act of 2000 (114 Stat. 2673) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b)."; and

(2) in subsection (b), by adding at the end the following:

"(11) Camp Wapanacki, Hardwick.
"(12) Star Lake Dam, Mt. Holly.
"(13) Curtis Pond, Calais.
"(14) Weathersfield Reservoir, Springfield.
"(15) Burr Pond, Sudbury.
"(16) Maidstone Lake, Guildhall.
"(17) Upper and Lower Hurricane Dam.
"(18) Lake Fairlee.
"(19) West Charleston Dam.".

SEC. 3106. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

SEC. 3107. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) In General.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) Cost Sharing.—

(1) Federal share.—The Federal share of the cost of the study and development of the strategy under subsection (a) shall be 65 percent.

(2) Non-federal share.—The non-Federal share of the cost of the study and development of the strategy may be provided through the contribution of in-kind services and materials.

(c) Non-Federal Interest.—A nonprofit organization with wetland restoration experience may serve as the non-Federal interest for the study and development of the strategy under this section.

(d) Cooperative Agreements.—In conducting the study and developing the strategy under this section, the Secretary may enter into 1 or more cooperative agreements to provide technical assistance to appropriate Federal, State, and local agencies and nonprofit organizations with wetland restoration experience, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(e) Implementation.—The Secretary shall carry out development and implementation of the strategy under this section in cooperation with local landowners and local government officials.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SEC. 3108. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) General Management Plan Development.—

(1) In general.—The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

(A) habitat protection and restoration;

(B) streambank stabilization;

(C) restoration of stream stability;

(D) water quality improvement;

(E) invasive species control;

(F) wetland restoration;

(G) fish passage; and

(H) natural flow restoration.

(2) Existing plans.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) Critical Restoration Projects.—

(1) In general.—The Secretary may participate in any critical restoration project in the

Upper Connecticut River Basin in accordance with the general management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) invasive species control;

(ix) wetland restoration and migratory bird habitat restoration;

(x) improvements in fish migration; and

(xi) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) COST SHARING.—The Federal share of the cost of any project carried out under this section shall not be less than 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) CREDITING.—

(1) FOR WORK.—The Secretary shall provide credit, including credit for in-kind contributions of up to 100 percent of the non-Federal share, for work (including design work and materials) if the Secretary determines that the work performed by the non-Federal interest is integral to the product.

(2) FOR OTHER CONTRIBUTIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to implement the projects.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3109. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking "or" at the end;

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

"(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

"(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or";

(2) in subsection (e)(2)—

(A) in subparagraph (A)—

(i) by striking "The non-Federal" and inserting the following:

"(i) IN GENERAL.—The non-Federal"; and

(ii) by adding at the end the following:

"(ii) APPROVAL OF DISTRICT ENGINEER.—Approval of credit for design work of less than $100,000 shall be determined by the appropriate district engineer."; and

(B) in subparagraph (C), by striking "up to 50 percent of"; and

(3) in subsection (g), by striking "$20,000,000" and inserting "$32,000,000".

SEC. 3110. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in paragraph (1)—

(A) in the second sentence, by striking "$20,000,000" and inserting "$50,000,000"; and

(B) in the third sentence, by striking "Such projects" and inserting the following:

"(2) INCLUSIONS.—Such projects";

(3) by striking paragraph (2)(D) (as redesignated by paragraph (2)(B)) and inserting the following:

"(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

"(i) the construction of oyster bars and reefs;

"(ii) the rehabilitation of existing marginal habitat;

"(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

"(iv) the construction and upgrading of oyster hatcheries; and

"(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

"(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

"(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

"(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery."; and

(4) by adding at the end the following:

"(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term 'ecological success' means—

"(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

"(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.".

SEC. 3111. TANGIER ISLAND SEAWALL, VIRGINIA.

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking "at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000." and inserting "at a total cost of $3,000,000, with an estimated Federal cost of $2,400,000 and an estimated non-Federal cost of $600,000.".

SEC. 3112. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.

(a) IN GENERAL.—The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, and the shoreline of Westport Beach, Clatsop County, Oregon, between river miles 43 to 45, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST-SHARING REQUIREMENTS.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies;

(2) in accordance with all applicable Federal law (including regulations); and

(3) at full Federal expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 3113. LOWER GRANITE POOL, WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required for the use of fill material.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's File Numbers 432576, 443411, 499988, and 579771 of Whitman County, Washington.

(2) Auditor's File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining rights and interests of the Corps of Engineers for authorized project purposes in or to property covered by a deed described in subsection (b).

SEC. 3114. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the United States Fish and Wildlife Service under Cooperative Agreement Number DACW68-4-00-13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) EASEMENTS.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements in existence as of the date of enactment of this Act on land subject to the transfer.

(c) RIGHTS OF SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall retain rights described in paragraph (2) with respect to the land for which administrative jurisdiction is transferred under subsection (a).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

(A) to flood land described in subsection (a) to the standard project flood elevation;

(B) to manipulate the level of the McNary Project Pool;

(C) to access such land described in subsection (a) as may be required to install, maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized by section 1135 of the Water Resources Development Act of 1986 (33 U.S.C.

2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

(F) to carry out management actions for the purpose of reducing the take of juvenile salmonids by avian colonies that inhabit, before, on, or after the date of enactment of this Act, any island included in the land described in subsection (a).

(3) COORDINATION.—Before exercising a right described in any of subparagraphs (C) through (F) of paragraph (2), the Secretary shall coordinate the exercise with the United States Fish and Wildlife Service.

(d) MANAGEMENT.—

(1) IN GENERAL.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) CUMMINS PROPERTY.—

(A) RETENTION OF CREDITS.—Habitat unit credits described in the memorandum entitled "Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU" provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the "Cummins property" shall be retained by the Secretary despite any changes in management of the parcel on or after the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The United States Fish and Wildlife Service shall obtain prior approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the parcel of land formerly known as the "Cummins property".

(3) MADAME DORIAN RECREATION AREA.—The United States Fish and Wildlife Service shall continue operation of the Madame Dorian Recreation Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The United States Fish and Wildlife Service shall be responsible for all survey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

SEC. 3115. SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.

The Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho, as authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), is amended to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

SEC. 3116. WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON.

That portion of the project for navigation, Whatcom Creek Waterway, Bellingham, Washington, authorized by the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the "River and Harbor Act of 1910") and the River and Harbor Act of 1958 (72 Stat. 299), consisting of the last 2,900 linear feet of the inner portion of the waterway, and beginning at station 29+00 to station 0+00, shall not be authorized as of the date of enactment of this Act.

SEC. 3117. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood control at Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), as modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Secretary to construct the project substantially in accordance with the draft report of the Corps of Engineers dated May 2004, at an estimated total cost of $45,500,000, with an estimated Federal cost of $34,125,000 and an estimated non-Federal cost of $11,375,000.

SEC. 3118. MCDOWELL COUNTY, WEST VIRGINIA.

(a) IN GENERAL.—The McDowell County nonstructural component of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide protection, throughout McDowell County, West Virginia, from the reoccurrence of the greater of—

(1) the April 1977 flood;

(2) the July 2001 flood;

(3) the May 2002 flood; or

(4) the 100-year frequency event.

(b) UPDATES AND REVISIONS.—The measures under subsection (a) shall be carried out in accordance with, and during the development of, the updates and revisions under section 2006(e)(2).

SEC. 3119. GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN.

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 5, 1884 (commonly known as the "River and Harbor Act of 1884") (23 Stat. 136, chapter 229), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

SEC. 3120. UNDERWOOD CREEK DIVERSION FACILITY PROJECT, MILWAUKEE COUNTY, WISCONSIN.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(24) Underwood Creek Diversion Facility Project (County Grounds), Milwaukee County, Wisconsin.".

SEC. 3121. OCONTO HARBOR, WISCONSIN.

(a) IN GENERAL.—The portion of the project for navigation, Oconto Harbor, Wisconsin, authorized by the Act of August 2, 1882 (22 Stat. 196, chapter 375), and the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the "River and Harbor Act of 1910"), consisting of a 15-foot-deep turning basin in the Oconto River, as described in subsection (b), is no longer authorized.

(b) PROJECT DESCRIPTION.—The project referred to in subsection (a) is more particularly described as—

(1) beginning at a point along the western limit of the existing project, N. 394,086.71, E. 2,530,202.71;

(2) thence northeasterly about 619.93 feet to a point N. 394,459.10, E. 2,530,698.33;

(3) thence southeasterly about 186.06 feet to a point N. 394,299.20, E. 2,530,793.47;

(4) thence southwesterly about 355.07 feet to a point N. 393,967.13, E. 2,530,667.76;

(5) thence southwesterly about 304.10 feet to a point N. 393,826.90, E. 2,530,397.92; and

(6) thence northwesterly about 324.97 feet to the point of origin.

SEC. 3122. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking "1276.42" and inserting "1278.42";

(B) by striking "1218.31" and inserting "1221.31"; and

(C) by striking "1234.82" and inserting "1235.30"; and

(2) by striking subsection (b) and inserting the following:

"(b) EXCEPTION.—

"(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

"(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

"(3) NOTIFICATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

"(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

"(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

"(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.".

SEC. 3123. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking "property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge" and inserting "riverfront property".

SEC. 3124. PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the "River and Harbor Act of 1910"), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the "River and Harbor Act of 1927"), and the Act of July 3, 1930 (46 Stat. 918), the Secretary shall carry out over at least a 10-year period a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—As part of the pilot program carried out under subsection (a), the Secretary shall conduct any activities that are necessary to improve navigation through the project referred to in subsection (a) while restoring and protecting fish and wildlife habitat in the middle Mississippi River system.

(2) INCLUSIONS.—Activities authorized under paragraph (1) shall include—

(A) the modification of navigation training structures;

(B) the modification and creation of side channels;

(C) the modification and creation of islands;

(D) any studies and analysis necessary to develop adaptive management principles; and

(E) the acquisition from willing sellers of any land associated with a riparian corridor needed to carry out the goals of the pilot program.

(c) COST-SHARING REQUIREMENT.—The cost-sharing requirement required under the Act of

June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the "River and Harbor Act of 1910"), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the "River and Harbor Act of 1927"), and the Act of July 3, 1930 (46 Stat. 918), for the project referred to in subsection (a) shall apply to any activities carried out under this section.

SEC. 3125. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

(a) IN GENERAL.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any Upper Mississippi River fish and wildlife habitat rehabilitation and enhancement project carried out under section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)), with the consent of the affected local government, a nongovernmental organization may be considered to be a non-Federal interest.

(b) CONFORMING AMENDMENT.—Section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by inserting before the period at the end the following: ", including research on water quality issues affecting the Mississippi River, including elevated nutrient levels, and the development of remediation strategies".

SEC. 3126. UPPER BASIN OF MISSOURI RIVER.

(a) USE OF FUNDS.—Notwithstanding the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), funds made available for recovery or mitigation activities in the lower basin of the Missouri River may be used for recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota.

(b) CONFORMING AMENDMENT.—The matter under the heading "MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA" of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: "The Secretary may carry out any recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota, using funds made available under this heading in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and consistent with the project purposes of the Missouri River Mainstem System as authorized by section 10 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 897).".

SEC. 3127. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.

(a) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

"(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

"(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

"(B) to determine whether planning of a project under paragraph (3) should proceed."; and

(3) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking "paragraph (2)" and inserting "paragraph (3)".

(b) COST SHARING.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(f)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by inserting after paragraph (1) the following:

"(2) RECONNAISSANCE STUDIES.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.";

(3) in paragraph (3) (as redesignated by paragraph (1)), by striking "(2) or (3)" and inserting "(3) or (4)"; and

(4) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking "subsection (c)(2)" and inserting "subsection (c)(3)".

SEC. 3128. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking "through 2006" and inserting "through 2011".

SEC. 3129. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking "through 2006" and inserting "through 2011".

SEC. 3130. UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM.

(a) DEFINITION OF UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM.—In this section, the term "Upper Ohio River and Tributaries Navigation System" means the Allegheny, Kanawha, Monongahela, and Ohio Rivers.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to evaluate new technologies applicable to the Upper Ohio River and Tributaries Navigation System.

(2) INCLUSIONS.—The program may include the design, construction, or implementation of innovative technologies and solutions for the Upper Ohio River and Tributaries Navigation System, including projects for—

(A) improved navigation;

(B) environmental stewardship;

(C) increased navigation reliability; and

(D) reduced navigation costs.

(3) PURPOSES.—The purposes of the program shall be, with respect to the Upper Ohio River and Tributaries Navigation System—

(A) to increase the reliability and availability of federally-owned and federally-operated navigation facilities;

(B) to decrease system operational risks; and

(C) to improve—

(i) vessel traffic management;

(ii) access; and

(iii) Federal asset management.

(c) FEDERAL OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is federally owned.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall enter into local cooperation agreements with non-Federal interests to provide for the design, construction, installation, and operation of the projects to be carried out under the program.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall include the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a navigation improvement project, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project.

(3) COST SHARING.—Total project costs under each local cooperation agreement shall be cost-shared in accordance with the formula relating to the applicable original construction project.

(4) EXPENDITURES.—

(A) IN GENERAL.—Expenditures under the program may include, for establishment at federally-owned property, such as locks, dams, and bridges—

(i) transmitters;

(ii) responders;

(iii) hardware;

(iv) software; and

(v) wireless networks.

(B) EXCLUSIONS.—Transmitters, responders, hardware, software, and wireless networks or other equipment installed on privately-owned vessels or equipment shall not be eligible under the program.

(e) REPORT.—Not later than December 31, 2007, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether the program or any component of the program should be implemented on a national basis.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000, to remain available until expended.

TITLE IV—STUDIES

SEC. 4001. EURASIAN MILFOIL.

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

SEC. 4002. NATIONAL PORT STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the ability of coastal or deepwater port infrastructure to meet current and projected national economic needs.

(b) COMPONENTS.—In conducting the study, the Secretary shall—

(1) consider—

(A) the availability of alternate transportation destinations and modes;

(B) the impact of larger cargo vessels on existing port capacity; and

(C) practicable, cost-effective congestion management alternatives; and

(2) give particular consideration to the benefits and proximity of proposed and existing port, harbor, waterway, and other transportation infrastructure.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the study.

SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION CHANNEL.

(a) IN GENERAL.—To determine with improved accuracy the environmental impacts of the project on the McClellan-Kerr Arkansas River Navigation Channel (referred to in this section as the "MKARN"), the Secretary shall carry out the measures described in subsection (b) in a timely manner.

(b) SPECIES STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

(2) REPORT.—The Secretary shall direct the panel to report to the Secretary, not later than

1 year after the date of enactment of this Act and in the best scientific judgment of the panel—

(A) the level of genetic variation between populations of sturgeon sufficient to determine or establish that a population is a measurably distinct species, subspecies, or population segment; and

(B) whether any pallid sturgeons that may be found in the MKARN (including any tributary of the MKARN) would qualify as such a distinct species, subspecies, or population segment.

SEC. 4004. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in coordination with the city of Los Angeles, shall—

(1) prepare a feasibility study for environmental ecosystem restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles; and

(2) consider any locally-preferred project alternatives developed through a full and open evaluation process for inclusion in the study.

(b) USE OF EXISTING INFORMATION AND MEASURES.—In preparing the study under subsection (a), the Secretary shall use, to the maximum extent practicable—

(1) information obtained from the Los Angeles River Revitalization Master Plan; and

(2) the development process of that plan.

(c) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to construct demonstration projects in order to provide information to develop the study under subsection (a)(1).

(2) FEDERAL SHARE.—The Federal share of the cost of any project under this subsection shall be not more than 65 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 4005. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.

The Secretary shall carry out a study for bank stabilization and shore protection for Nicholas Canyon, Los Angeles, California, under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

SEC. 4006. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking "32 months" and inserting "44 months".

SEC. 4007. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.

(a) FLOOD PROTECTION PROJECT.—

(1) REVIEW.—The Secretary shall review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with Enhanced Minimum Plan A, as described in the final environmental impact report prepared by the city of St. Helena, California, and certified by the city to be in compliance with the California Environmental Quality Act on February 24, 2004.

(2) ACTION ON DETERMINATION.—If the Secretary determines under paragraph (1) that the project is economically justified, technically sound, and environmentally acceptable, the Secretary is authorized to carry out the project at a total cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000.

(b) COST SHARING.—Cost sharing for the project described in subsection (a) shall be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 4008. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA.

The Secretary shall carry out a study of the feasibility of a project to use Sherman Island, California, as a dredged material rehandling facility for the beneficial use of dredged material to enhance the environment and meet other water resource needs on the Sacramento-San Joaquin Delta, California, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 4009. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal interests, shall conduct a study of the feasibility of carrying out a project for—

(1) flood protection of South San Francisco Bay shoreline;

(2) restoration of the South San Francisco Bay salt ponds (including on land owned by other Federal agencies); and

(3) other related purposes, as the Secretary determines to be appropriate.

(b) INDEPENDENT REVIEW.—To the extent required by applicable Federal law, a national science panel shall conduct an independent review of the study under subsection (a).

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include recommendations of the Secretary with respect to the project described in subsection (a) based on planning, design, and land acquisition documents prepared by—

(A) the California State Coastal Conservancy;

(B) the Santa Clara Valley Water District; and

(C) other local interests.

SEC. 4010. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall complete work as expeditiously as practicable on the San Pablo watershed, California, study authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1196) to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay Watershed.

(b) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report that describes the results of the study.

SEC. 4011. FOUNTAIN CREEK, NORTH OF PUEBLO, COLORADO.

Subject to the availability of appropriations, the Secretary shall expedite the completion of the Fountain Creek, North of Pueblo, Colorado, watershed study authorized by a resolution adopted by the House of Representatives on September 23, 1976.

SEC. 4012. SELENIUM STUDY, COLORADO.

(a) IN GENERAL.—The Secretary, in consultation with State water quality and resource and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

(1) to measure selenium on specific sites; and

(2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4013. PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary is authorized to conduct a third-party review of the Promontory Point project along the Chicago Shoreline, Chicago, Illinois, at a cost not to exceed $450,000.

(2) JOINT REVIEW.—The Buffalo and Seattle Districts of the Corps of Engineers shall jointly conduct the review under paragraph (1).

(3) STANDARDS.—The review shall be based on the standards under part 68 of title 36, Code of Federal Regulations (or successor regulation), for implementation by the non-Federal sponsor for the Chicago Shoreline Chicago, Illinois, project.

(b) CONTRIBUTIONS.—The Secretary shall accept from a State or political subdivision of a State voluntarily contributed funds to initiate the third-party review.

(c) TREATMENT.—While the third-party review is of the Promontory Point portion of the Chicago Shoreline, Chicago, Illinois, project, the third-party review shall be separate and distinct from the Chicago Shoreline, Chicago, Illinois, project.

(d) EFFECT OF SECTION.—Nothing in this section affects the authorization for the Chicago Shoreline, Chicago, Illinois, project.

SEC. 4014. VIDALIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation improvement at Vidalia, Louisiana.

SEC. 4015. LAKE ERIE AT LUNA PIER, MICHIGAN.

The Secretary shall study the feasibility of storm damage reduction and beach erosion protection and other related purposes along Lake Erie at Luna Pier, Michigan.

SEC. 4016. MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.

The Secretary shall carry out a study of the feasibility of a project for navigation improvements, shoreline protection, and other related purposes, including the rehabilitation the harbor basin (including entrance breakwaters), interior shoreline protection, dredging, and the development of a public launch ramp facility, for Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 4017. JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary may determine the feasibility of providing improvements to the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, near the vicinity of mile 6 of the Savannah Harbor Entrance Channel.

(b) CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area for maintenance of the ongoing Savannah Harbor Navigation project; and

(3) the results of a consultation with the Governor of the State of Georgia and the Governor of the State of South Carolina.

SEC. 4018. JOHNSON CREEK, ARLINGTON, TEXAS.

The Secretary shall conduct a feasibility study to determine the technical soundness, economic feasibility, and environmental acceptability of the plan prepared by the city of Arlington, Texas, as generally described in the report entitled "Johnson Creek: A Vision of Conservation, Arlington, Texas", dated March 2006.

SEC. 4019. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK.

(a) DISPERSAL BARRIER PROJECT.—The Secretary shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal.

(b) CONSTRUCTION, MAINTENANCE, AND OPERATION.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) in paragraph (18), by striking "and" at the end;

(2) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(21) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(22) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(23) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

"(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.".

SEC. 5002. ESTUARY RESTORATION.

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: "by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage";

(2) in paragraph (2), by inserting "and implement" after "to develop"; and

(3) in paragraph (3), by inserting "through cooperative agreements" after "restoration projects".

(b) DEFINITION OF ESTUARY HABITAT RESTORATION PLAN.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking "Federal or State" and inserting "Federal, State, or regional".

(c) ESTUARY HABITAT RESTORATION PROGRAM.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a), by inserting "through the award of contracts and cooperative agreements" after "assistance";

(2) in subsection (c)—

(A) in paragraph (3)(A), by inserting "or State" after "Federal"; and

(B) in paragraph (4)(B), by inserting "or approach" after "technology";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "Except" and inserting the following:

"(i) IN GENERAL.—Except"; and

(ii) by adding at the end the following:

"(ii) MONITORING.—

"(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

"(II) GOALS.—The goals of the monitoring are—

"(aa) to measure the effectiveness of the restoration project; and

"(bb) to allow adaptive management to ensure project success.";

(B) in paragraph (2), by inserting "or approach" after "technology"; and

(C) in paragraph (3), by inserting "(including monitoring)" after "services";

(4) in subsection (f)(1)(B), by inserting "long-term" before "maintenance"; and

(5) in subsection (g)—

(A) by striking "In carrying" and inserting the following:

"(1) IN GENERAL.—In carrying"; and

(B) by adding at the end the following:

"(2) SMALL PROJECTS.—

"(A) DEFINITION.—Small projects carried out under this Act shall have a Federal share of less than $1,000,000.

"(B) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this section, the Secretary, on recommendation of the Council, shall consider delegating implementation of the small project to—

"(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

"(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

"(iii) the Administrator of the Environmental Protection Agency; or

"(iv) the Secretary of Agriculture.

"(C) FUNDING.—Small projects delegated to another Federal department or agency may be funded from the responsible department or appropriations of the agency authorized by section 109(a)(1).

"(D) AGREEMENTS.—The Federal department or agency to which a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in subsections (d) and (e). Cooperative agreements may be used for any delegated project.".

(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(6) cooperating in the implementation of the strategy developed under section 106;

"(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

"(8) otherwise using the respective agency authorities of the Council members to carry out this title.".

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking "compile" and inserting "have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under this section, including compilation of".

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking "third and fifth" and inserting "sixth, eighth, and tenth".

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) through (D) and inserting the following:

"(A) to the Secretary, $25,000,000 for each of fiscal years 2006 through 2010;

"(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2006 through 2010;

"(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2006 through 2010;

"(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2006 through 2010; and

"(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2006 through 2010."; and

(2) in the first sentence of paragraph (2)—

(A) by inserting "and other information compiled under section 107" after "this title"; and

(B) by striking "2005" and inserting "2010".

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting "or contracts" after "agreements"; and

(B) by inserting ", nongovernmental organizations," after "agencies"; and

(2) by striking subsections (d) and (e).

SEC. 5003. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

SEC. 5004. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and sections 2.2 of the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be the ex officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact;

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91-407)) to fulfill the equitable funding requirements of the respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE, DELAWARE RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) WATER SUPPLY AND CONSERVATION STORAGE, SUSQUEHANNA RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River Basin, during any period in which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) WATER SUPPLY AND CONSERVATION STORAGE, POTOMAC RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Potomac River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River Basin for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5005. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

(a) COMPREHENSIVE ACTION PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, Maryland, and other stakeholders, shall develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

(b) PUBLIC AVAILABILITY.—On completion of the comprehensive action plan under subsection (a), the Secretary shall make the plan available to the public.

SEC. 5006. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) TREATMENT AS SINGLE PROJECT.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (Barrier I) (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and Barrier II, as authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), shall be considered to constitute a single project.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, is authorized and directed, at full Federal expense—

(A) to upgrade and make permanent Barrier I;

(B) to construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) to operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) to conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a full range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) to provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) USE OF CREDIT.—A State may apply a credit received under paragraph (1)(E) to any cost sharing responsibility for an existing or future Federal project with the Corps of Engineers in the State.

(c) CONFORMING AMENDMENTS.—

(1) NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking ", to carry out this paragraph, $750,000" and inserting "such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph".

(2) BARRIER II AUTHORIZATION.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), is amended to read as follows:

"SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, ILLINOIS.

"There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251).".

SEC. 5007. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

(a) SHORT TITLE.—This section may be cited as the "Rio Grande Environmental Management Act of 2006".

(b) DEFINITIONS.—In this section:

(1) RIO GRANDE COMPACT.—The term "Rio Grande Compact" means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155), and ratified by the States.

(2) RIO GRANDE BASIN.—The term "Rio Grande Basin" means the Rio Grande (including all tributaries and their headwaters) located—

(A) in the State of Colorado, from the Rio Grande Reservoir, near Creede, Colorado, to the New Mexico State border;

(B) in the State of New Mexico, from the Colorado State border downstream to the Texas State border; and

(C) in the State of Texas, from the New Mexico State border to the southern terminus of the Rio Grande at the Gulf of Mexico.

(3) STATES.—The term "States" means the States of Colorado, New Mexico, and Texas.

(c) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary shall carry out, in the Rio Grande Basin—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(B) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(2) REPORTS.—Not later than December 31, 2008, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);

(B) describes the accomplishments of each program;

(C) provides updates of a systemic habitat needs assessment; and

(D) identifies any needed adjustments in the authorization of the programs.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs described in subsection (c), the Secretary shall—

(1) consult with the States and other appropriate entities in the States the rights and interests of which might be affected by specific program activities; and

(2) enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the United States Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of those programs.

(e) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under subsection (c)(1)(A)—

(A) shall be 35 percent;

(B) may be provided through in-kind services or direct cash contributions; and

(C) shall include provision of necessary land, easements, relocations, and disposal sites.

(2) OPERATION AND MAINTENANCE.—The costs of operation and maintenance of a project located on Federal land, or land owned or operated by a State or local government, shall be borne by the Federal, State, or local agency that has jurisdiction over fish and wildlife activities on the land.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the affected local government, a nonprofit entity may be included as a non-Federal interest for any project carried out under subsection (c)(1)(A).

(g) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section preempts any State water law.

(2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande Basin.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for fiscal year 2006 and each subsequent fiscal year.

SEC. 5008. MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING.

(a) STUDY.—The Secretary, in consultation with the Missouri River Recovery and Implementation Committee established by subsection (b)(1), shall conduct a study of the Missouri River and its tributaries to determine actions required—

(1) to mitigate losses of aquatic and terrestrial habitat;

(2) to recover federally listed species under the Endangered Species Act (16 U.S.C. 1531 et seq.); and

(3) to restore the ecosystem to prevent further declines among other native species.

(b) MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE.—

(1) ESTABLISHMENT.—Not later than June 31, 2006, the Secretary shall establish a committee to be known as the "Missouri River Recovery Implementation Committee" (referred to in this section as the "Committee").

(2) MEMBERSHIP.—The Committee shall include representatives from—

(A) Federal agencies;

(B) States located near the Missouri River Basin; and

(C) other appropriate entities, as determined by the Secretary, including—

(i) water management and fish and wildlife agencies;

(ii) Indian tribes located near the Missouri River Basin; and

(iii) nongovernmental stakeholders.

(3) DUTIES.—The Commission shall—

(A) with respect to the study under subsection (a), provide guidance to the Secretary and any other affected Federal agency, State agency, or Indian tribe;

(B) provide guidance to the Secretary with respect to the Missouri River recovery and mitigation program in existence on the date of enactment of this Act, including recommendations relating to—

(i) changes to the implementation strategy from the use of adaptive management; and

(ii) the coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the program;

(C) exchange information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation program;

(D) establish such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues;

(E) facilitate the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation program;

(F) coordinate scientific and other research associated with the Missouri River recovery and mitigation program; and

(G) annually prepare a work plan and associated budget requests.

(4) COMPENSATION; TRAVEL EXPENSES.—

(A) COMPENSATION.—Members of the Committee shall not receive compensation from the Secretary in carrying out the duties of the Committee under this section.

(B) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Committee in carrying out the duties of the Committee under this section shall be paid by the agency, Indian tribe, or unit of government represented by the member.

(c) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 5009. LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, may cooperate with and provide assistance to the Lower Platte River natural resources districts in the State of Nebraska to serve as local sponsors with respect to—

(1) conducting comprehensive watershed planning in the natural resource districts;

(2) assessing water resources in the natural resource districts; and

(3) providing project feasibility planning, design, and construction assistance for water resource and watershed management in the natural resource districts, including projects for environmental restoration and flood damage reduction.

(b) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity described in subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity described in subsection (a)—

(A) shall be 35 percent; and

(B) may be provided in cash or in-kind.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $12,000,000.

SEC. 5010. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting "and the Secretary of the Treasury" after "Secretary"; and

(B) by striking clause (ii) and inserting the following:

"(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized."; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

"(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.".

(b) INVESTMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

"(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

"(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) INVESTMENT OF INTEREST ACCOUNT.—

"(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

"(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

"(4) AUDITS.—

"(A) IN GENERAL.—The activities of the State of South Dakota (referred to in this subsection as the 'State') in carrying out the plan of the State for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the State is required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

"(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

"(i) determine whether funds received by the State under this section during the period covered by the audit were used to carry out the plan of the State in accordance with this section; and

"(ii) include the determination under clause (i) in the written findings of the audit.

"(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

"(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the State regarding the proposed modification.";

(2) in subsection (d)(2), by inserting "of the Treasury" after Secretary"; and

(3) by striking subsection (f) and inserting the following:

"(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

"(1) up to $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

(c) INVESTMENT PROVISIONS FOR THE CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

"(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

"(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) INVESTMENT OF THE INTEREST ACCOUNT.—

"(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

"(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the 'Tribes') the results of the investment activities and financial status of the Funds during the preceding 12-month period.

"(4) AUDITS.—

"(A) IN GENERAL.—The activities of the Tribes in carrying out the plans of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

"(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

"(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and

"(ii) include the determination under clause (i) in the written findings of the audit.

"(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

"(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification."; and

(2) by striking subsection (f) and inserting the following:

"(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

"(1) up to $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

SEC. 5011. CONNECTICUT RIVER DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.

SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

The project for flood control, Goleta and Vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826), is not authorized.

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described in subsection (b), is not authorized.

(b) DESCRIPTION OF PROJECT.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

SEC. 6004. BRIDGEPORT, CONNECTICUT.

The project for environmental infrastructure, Bridgeport, Connecticut, authorized by section 219(f)(26) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6005. HARTFORD, CONNECTICUT.

The project for environmental infrastructure, Hartford, Connecticut, authorized by section 219(f)(27) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6006. NEW HAVEN, CONNECTICUT.

The project for environmental infrastructure, New Haven, Connecticut, authorized by section 219(f)(28) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6007. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay, authorized by the River and Harbor Act of 1954 (68 Stat. 1249), is not authorized.

SEC. 6008. SHINGLE CREEK BASIN, FLORIDA.

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is not authorized.

SEC. 6009. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6010. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

SEC. 6011. LAKE GEORGE, HOBART, INDIANA.

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

SEC. 6012. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.

The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821), is not authorized.

SEC. 6013. MUSCATINE HARBOR, IOWA.

The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166), is not authorized.

SEC. 6014. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.

The project for recreation facilities at Big South Fork National River and Recreational Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

SEC. 6015. EAGLE CREEK LAKE, KENTUCKY.

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

SEC. 6016. HAZARD, KENTUCKY.

The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621), is not authorized.

SEC. 6017. WEST KENTUCKY TRIBUTARIES, KENTUCKY.

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.

SEC. 6018. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the of the Act of August 18, 1941 (55 Stat. 644, chapter 377), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6019. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

SEC. 6020. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.

The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), is not authorized.

SEC. 6021. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the "Flood Control Act of 1946") (33 U.S.C. 426e et seq.), is not authorized.

SEC. 6022. GULF INTERCOASTAL WATERWAY, LAKE BORGNE AND CHEF MENTEUR, LOUISIANA.

The project for the construction of bulkheads and jetties at Lake Borgne and Chef Menteur, Louisiana, as part of the Gulf Intercoastal Waterway authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635), is not authorized.

SEC. 6023. RED RIVER WATERWAY, SHREVEPORT, LOUISIANA TO DAINGERFIELD, TEXAS.

The project for the Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6024. CASCO BAY, PORTLAND, MAINE.

The project for environmental infrastructure, Casco Bay in the Vicinity of Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6025. NORTHEAST HARBOR, MAINE.

The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, chapter 19), is not authorized.

SEC. 6026. PENOBSCOT RIVER, BANGOR, MAINE.

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6027. SAINT JOHN RIVER BASIN, MAINE.

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

SEC. 6028. TENANTS HARBOR, MAINE.

The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, chapter 95), is not authorized.

SEC. 6029. GRAND HAVEN HARBOR, MICHIGAN.

The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is not authorized.

SEC. 6030. GREENVILLE HARBOR, MISSISSIPPI.

The project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is not authorized.

SEC. 6031. PLATTE RIVER FLOOD AND RELATED STREAMBANK EROSION CONTROL, NEBRASKA.

The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149), is not authorized.

SEC. 6032. EPPING, NEW HAMPSHIRE.

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

SEC. 6033. MANCHESTER, NEW HAMPSHIRE.

The project for environmental infrastructure, Manchester, New Hampshire, authorized by section 219(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4836), is not authorized.

SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS, CLAREMONT TERMINAL, JERSEY CITY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is not authorized.

SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.

The project for navigation, Eisenhower and Snell Locks, New York, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258), is not authorized.

SEC. 6036. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.

The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), is not authorized.

SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.

The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817), is not authorized.

SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA.

The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121), is not authorized.

SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is not authorized.

SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is not authorized.

SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION OF CUT #4, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion of Cut #4), Ohio, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595), is not authorized.

SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAMMOND, OREGON.

The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078), is not authorized.

SEC. 6043. SCHUYLKILL RIVER, PENNSYLVANIA.

The project for navigation, Schuylkill River (Mouth to Penrose Avenue), Pennsylvania, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4013), is not authorized.

SEC. 6044. TIOGA-HAMMOND LAKES, PENNSYLVANIA.

The project for flood control and recreation, Tioga-Hammond Lakes, Mill Creek Recreation, Pennsylvania, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313), is not authorized.

SEC. 6045. TAMAQUA, PENNSYLVANIA.

The project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14), is not authorized.

SEC. 6046. NARRAGANSETT TOWN BEACH, NARRAGANSETT, RHODE ISLAND.

The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861), is not authorized.

SEC. 6047. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788), is not authorized.

SEC. 6048. ARROYO COLORADO, TEXAS.

The project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is not authorized.

SEC. 6049. CYPRESS CREEK-STRUCTURAL, TEXAS.

The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6050. EAST FORK CHANNEL IMPROVEMENT, INCREMENT 2, EAST FORK OF THE TRINITY RIVER, TEXAS.

The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), is not authorized.

SEC. 6051. FALFURRIAS, TEXAS.

The project for flood damage reduction, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6052. PECAN BAYOU LAKE, TEXAS.

The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is not authorized.

SEC. 6053. LAKE OF THE PINES, TEXAS.

The project for navigation improvements affecting Lake of the Pines, Texas, for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6054. TENNESSEE COLONY LAKE, TEXAS.

The project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091), is not authorized.

SEC. 6055. CITY WATERWAY, TACOMA, WASHINGTON.

The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, is not authorized.

SEC. 6056. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.

The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153), is not authorized.

Mr. BOND. I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. I thank all Senators for the passage of this very important bill. There has been tremendous bipartisan cooperation. I especially thank Senator JEFFORDS and Catharine Ransom, Jo-Ellen Darcy, and the great leadership of our chairman, Senator INHOFE. He did an outstanding job, with the great help of Angie Giancarlo, Ruth Van Mark and Stephen Aaron.

On my staff I express a special thanks to a fellow, Letmon Lee, who has worked on this tirelessly for better than 2 years, Karla Klingner, on my staff, Brian Klippenstein, who worked so hard. I believe we have a product we can take to the House.

It is long overdue that we pass the Water Resources Development Act. It was due to be passed in 2002. We have finally done it. My thanks to both sides.

Mr. JEFFORDS. I commend the Senator for his statement. I concur with him wholeheartedly. Let's get on with it.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 9

Mr. SPECTER. Mr. President, I ask unanimous consent that on Thursday at 9:30 a.m. the Senate proceed to Calendar No. 521, H.R. 9, the Voting Rights Act. I further ask there be 8 hours of debate equally divided between the two leaders or their designees with no amendments in order to the bill, and that following the use or yielding of time, the Senate proceed to a vote on passage without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SPECTER. Mr. President, I further ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, since we will be proceeding to the Voting Rights Act tomorrow morning at 9:30, I thought you would be interested to know, since you are on the Judiciary Committee, there will be no executive committee meeting because Senator LEAHY and I cannot be in two places at the same time. There will be no executive meeting tomorrow at 9:30. We will try to have a meeting off the floor if we can to pass out the judges.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak in morning business for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator is recognized for 20 minutes.

OIL ROYALTIES

Mr. WYDEN. Mr. President, last week a group of Senators announced they had reached an agreement to open more offshore areas to oil drilling. For the first time, they would allow nearby States, under their proposal, to share in the oil royalties from drilling in Federal waters.

I have come to the floor tonight to say that while I am very hopeful the Senate can come to agreement on a plan that provides significantly more relief to the areas that have been ravaged by Hurricane Katrina, I am also hopeful that the Senate will use this opportunity to finally address a current program, a current royalty relief program, that is out of control and is diverting billions of dollars away from the Federal Treasury.

What the Senate is going to confront, apparently next week, is the prospect that while there is a royalty relief program now that needs to be fixed and has not been fixed, the Senate is going to start a new royalty relief program.

Usually, the first thing you do is fix the program that is not working today before you start anything else. Apparently, some would not be supportive of that taking place. I am one who sees this otherwise.

I also think if you can fix the current royalty relief program, where the Government Accountability Office says $20 billion to possibly $60 billion is being wasted, you could use that money from the current program—that even the sponsor, our respected former colleague, Senator Bennett Johnston, says is out of control—you could use that money from the current program, that wastes so much money, and get some of that to these areas that have been ravaged by Katrina.

There were two floods, in effect, that the Congress must now confront. First, we have to help rebuild the States of Louisiana, Mississippi, and Alabama that were destroyed by the storm surge of August 29 of last year. But the second flood that needs to be stemmed is the flood of billions of dollars of oil royalties that have gone into the pockets of the world's largest oil companies at a time when they have enjoyed extraordinary profits. They have enjoyed tremendous profits. We have seen extraordinary prices, and yet they continue to get these great subsidies.

As I say, if we can clean up the current royalty program, which is so inefficient that even its sponsor thinks is out of control, we will have more money to help these flood-ravaged areas of the gulf that are the legitimate concern of all of my colleagues from those States.

The existing oil royalty giveaways have grown over the years to become the biggest oil subsidy of all and one of the largest boondoggles that wastes taxpayer money of any Federal program.

The General Accountability Office estimates that at a minimum the Federal Government and the taxpayers are going to be out $20 billion in lost revenues. If the Government loses pending lawsuits, that amount could reach as high as $80 billion. This comes at a time when, according to the Congressional Research Service, the oil companies are enjoying record profits.

It will be very difficult to explain to the American public how Congress can be proposing to allow additional billions of dollars of royalty money to be given away before it first puts a stop to what is already going out the door.

Now, in opening this discussion tonight—I expect the Senate will look at this formally next week—I want to be very clear in saying that I understand the need of the gulf States to secure Federal funds to restore their coastlines and rebuild their communities. There is no question that Katrina and Rita flattened New Orleans and other communities up and down the gulf coast, and that there is a clear need for all Americans, including my constituents at home in Oregon, to be part of going to bat for our fellow Americans.

But I do hope, fervently, that as the Senate looks to find additional resources for these gulf States, the Senate will not be given a false choice between either aiding the gulf States or standing up for the public interest in the face of the outrageous oil company windfalls now being paid for today. We can and should do both.

Helping the victims of Katrina is not mutually exclusive from helping taxpayers. It is possible to do both. And as I have outlined, if you clean up the oil royalty giveaway that is on the books today, that is so inefficient, you can take those dollars and give some of them to folks in the gulf States that are suffering.

Mr. President, my seatmate, Senator LANDRIEU, for whom I have the greatest respect, is from the great State of Louisiana, and she and other colleagues from the gulf States have come to the floor again and again and again to describe eloquently the devastation their States have faced from these hurricanes. Senator LANDRIEU has been a tireless advocate for her State. They have made a compelling case why Congress and the American people ought to provide real assistance to these communities.

Like my colleagues, like Senators of both parties, I want to help the hurricane victims in the gulf rebuild. But I also do not want to continue wasting taxpayer money in unnecessary giveaways to oil companies that have been raking in gushers of cash in the past few years.

As I indicated earlier when we talked about this subject at length on the floor of the Senate, the mistakes that were made in the current royalty relief program have been bipartisan. Certainly, the Clinton administration muffed the ball back in the 1990s when they did not step in and put a solid price threshold on this program. That caused a significant amount of money to be given away. But the mistakes made by the Clinton administration were compounded by Secretary Gale Norton in the Bush administration, and also by the Congress in the energy bill, which continued to sweeten the current royalty relief program.

So citizens and taxpayers have a bit of history: The current oil royalty relief program, which is such a colossal waste of taxpayer money, began when oil was $19 a barrel, and has been continuing at a time when oil has been well over $70 a barrel.

So I think it is important for the Senate to look at ways to provide additional help to the needs of the gulf States without turning a blind eye to this boondoggle that is on the books today—the oil royalty giveaway program that came about in the 1990s.

A possible solution to the current predicament is to use some of the money from the program, which does not work, to try to provide an additional boost of funding for the gulf States at present. Reforming the current royalty program could provide more money for areas hit by hurricanes and possibly other urgent priorities.

As long as we are on that subject, I would very much like to see some of the money that now goes to this inefficient oil royalty giveaway program used for the Secure Rural Schools legislation that is so important in my home State and much of the West and the South.

The oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. But in order to stimulate production of oil in our country—this was back when oil was $19 a barrel—the Federal Government has been giving oil producers what has been known as royalty relief for some period of time.

Royalty relief is a nice way of saying that the oil companies are taking something from the American people without paying for it. That relief now amounts to billions of taxpayer dollars that are given away to companies that do not need them.

In fact, the President has said that with the price of oil at $55 a barrel, companies do not need incentives at all to drill for oil. That is the President of the United States, not some anti-oil advocate. The President of the United States has said that you do not need incentives with the price of oil above $55 a barrel. In fact, with prices shooting up to more than $75 a barrel—more than $20 higher than the price the President said meant there should not be any subsidies—I do not see how you can make a case at all for the current out-of-control oil royalty giveaway.

I am not the only person who is making this argument. For example, in May, a few weeks after I spent about 5 hours on the floor talking about this program, the other body, the House, held a historic vote to put an end to taxpayer-funded royalty giveaways to profitable oil companies. The House of Representatives, the other body, voted overwhelmingly, on a bipartisan basis, to put a stop to this waste of taxpayer dollars.

So what I spent 5 hours talking about on the floor of the Senate earlier this year—and Senators were saying: What is the point of this? What are going to be the implications? I think it is important to note that a few weeks after I took that time on the floor of this great body, the other body voted overwhelmingly to cut these unnecessary subsidies.

Even officials in the oil industry are saying that you cannot make a case for this multibillion-dollar subsidy at this time. The architect of the program, our respected former colleague, Senator Bennett Johnston, has said that what has taken place with respect to the royalty relief program is far removed from what he had in mind when he wrote the program.

Now, I believe the Senate ought to have another opportunity to debate and vote on the oil royalty issue, just as the other body did this spring. I was unable, earlier this year, despite being close to 5 hours on the floor, to even get an up-or-down vote on my proposal to stop ladling out tens of billions of dollars of unnecessary subsidies to the oil industry.

It seems to me if the U.S. Senate is going to vote on a new royalty scheme that will involve, again, enormous sums of money, the Senate certainly should have the opportunity to vote on reforming the existing program at that time.

We are, of course, in the middle of the summer driving season. This is a time of the year when our citizens drive more, as they go on summer vacations, when demand for gas goes up, and when prices at the pump continue to escalate. I am sure our citizens, who are now facing the highest gas prices ever at this time of the year, will be interested to know when the Senate will have a chance to vote on the question of whether, at this time of record prices, oil companies making record profits should continue to get record taxpayer subsidies in the form of royalty relief.

Along with several colleagues, I have written to the distinguished majority leader asking for the Senate to hold an up-or-down vote on ending royalty relief to profitable oil companies before the August recess. I will continue to press for a floor vote on reforming the oil royalty program at the earliest possible opportunity. I am going to do everything I can to see that this vote happens in a fashion that will expedite aid to the people and communities in the Gulf States who await our best efforts.

It is my understanding that the legislation to open up more offshore areas to oil drilling will come up under expedited procedures next week. I am going to work with colleagues who I know have a great interest in this. I have already spoken with Senator KYL, for example, who helped me greatly when we tried to roll back the oil royalty program earlier this year. I have also spoken with Senators LOTT and LANDRIEU and Chairman DOMENICI. I will continue to have those discussions. I simply wanted to take the time tonight, with the Senate having completed business for the week, to go through some of the implications of this offshore oil drilling program that will be debated next week.

What it comes down to is, before you start a brandnew program that will involve vast sums, you ought to clean up one that is on the books today and is currently out of control, wasting billions of dollars, according to the Government Accountability Office. Secondly, if you clean up the program that doesn't work today, you save some dollars and you can apply them to those devastated gulf States which have such a great need.

I intend to talk about this further next week. I do think it is time for the Senate to start thinking about the implications of what happens if you start a new program and you haven't fixed the one on the books today that even its author thinks is completely out of control and far removed from what he intended.

Mr. HATCH. Mr. President, today we have the opportunity to do something very important for a precious national resource: our children.

We must seize this opportunity and approve H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006.

As the father of six and the grandfather of 22, and about to be 23, my heart reaches out to parents whose children become the victims of sexual predators.

I cannot imagine what a nightmare that must be.

And as a legislator, I want to assure those parents that we are doing all we can to make certain this never happens again.

I am very confident that due to passing this legislation, there will be fewer sex offender victims in America, and fewer sex offenders roaming free.

This bill has enjoyed vast bipartisan support. When Senator BIDEN and I first introduced the legislation in the Senate, in the form of S. 1086 the Sex Offender Registration and Notification Act—42 Senators quickly signed on as cosponsors.

In particular, I thank for their support my colleague from Utah, BOB BENNETT, and Senator GRASSLEY. I also thank Representative MARK FOLEY who introduced a companion bill in the House and Chairman JIM SENSENBRENNER, who moved this through the House Judiciary Committee.

Majority Leader BILL FRIST and Speaker HASTERT are to be applauded for coming together to make sure this bill passed. I thank them all.

Technology of the 21st century, such as DNA testing, has empowered law enforcement to identify, prosecute, and punish sex offenders—the most despicable of criminals—as never before.

But advanced technology has also empowered sexual predators in way that outrages and disgusts me.

Some have compared the Internet to an "open game preserve" where sex offenders can prey on vulnerable children, meeting them in chat rooms and luring them into horrible situations.

Pedophiles use the web to hunt our children; now we will start using the web to hunt down sexual predators when this bill passes.

Today, there are more than 500,000 registered sex offenders in the United States.

Unfortunately, many of them receive limited sentences and roam invisibly through our communities.

With too many, we don't know where they are until it is too late.

We have tried tracking sex offenders through Web sites before, but these sites are virtually useless because the information is frequently wrong and outdated.

Most offenders register once a year, by mail. Moreover, state Web sites do not correspond with each other, and sex offenders are under penalty of only a misdemeanor if they lie or just decide not to participate. There are 150,000 out there that we do not know where they are.

This bill will enhance the web technology available for tracking convicted sex offenders and replace outdated, inaccurate Web sites with meaningful tools to protect children.

It will be a searchable national Web site that interacts with state sites.

Citizens in every state will be able to inform themselves about predators in their communities with accurate information.

Under this legislation, offenders will be required to report regularly to the authorities in person, and let them know when they move or change jobs.

And if they don't want to follow the rules, they will go to jail, because failure to provide truthful information will become a felony.

Those who break such a sacred trust and harm our children, no matter who they are, where they are from, or where they commit their crime, will have obligations under this law to make their whereabouts known voluntarily or subject themselves to additional prison time.

The bill also provides money to put tracking devices on high-risk sex offenders who are released from jail. If we convict these monsters, we can't lose track of them.

These are all common-sense solutions to a dark and horrible problem in our society.

We have all heard with horror the tales of sexual predators.

One of those tales that has captured national headlines comes from my home state of Utah. Elizabeth Smart, then a 14-year-old girl, was kidnapped from her home in 2002. Miraculously, she was rescued nine months later.

Since then, she and her father, Ed Smart, have vigorously labored on behalf of sex-crime victims and laws to help them, including this law.

Ed and Elizabeth have joined me in the Senate today. I thank them publicly, both for standing up and for fighting back. It means so much to all of us.

I have come to know and love them both, and I am grateful for the devotion they have shown for the children of this country.

This bill will call for the creation of a new office within the Department of Justice—called the SMART Office—the Director of which will be appointed by the President and confirmed by the Senate. SMART is an acronym which represents the reaffirmed efforts of the Justice Department to, Sentence—Monitor—Apprehend—Register—and Track, sex offenders. It is also named after Elizabeth Smart.

I thank the Department of Justice for their commitment to the issues of sex offenders, child pornography and the creation of the SMART Office—and I want to, again, thank the Smart family for their active participation in this debate and for helping to move this bill forward.

This legislation is truly "smart" legislation.

Also included in this legislation are child protection provisions first introduced in the House by Representative MIKE PENCE, and which I introduced here in the Senate.

This legislation will help prevent children from participating in the production of sexually explicit material.

It strengthens current law by requiring producers of sexually explicit material to keep records regarding the identity and age of performers.

I thank the Senator from Kansas, Senator BROWNBACK, who was this bill's original cosponsor, and the 29 other Senators, on both sides of the aisle, who joined as cosponsors of this bill.

As my colleagues are aware, Congress previously approved the PROTECT Act of 2003 against the backdrop of Department of Justice regulations applying recordkeeping statutes to both primary and secondary producers.

Along with the act's specific reference to the regulatory definition that existed at the time, this signaled Congress's agreement with the Department's view that it already had the authority to regulate secondary producers.

A Federal court in Colorado, however, recently enjoined the Department from enforcing the statute against secondary producers, a decision that conflicted with a DC court ruling on this point.

Title V of the Adam Walsh Act will eliminate any doubt that the recordkeeping statute applies to both primary and secondary producers. It clearly expresses Congress's agreement with the Department's regulatory approach and gives the Department the tools to enforce the statute.

I want to thank the American press corps for the attention it has given to this issue. News outlets have diligently raised the American public's awareness of the grave threat posed by today's sexual predators. And the press have followed the lead of John Walsh, host of "America's Most Wanted." He and his wife, Reve, have waited nearly 25 years for the passage of this bill.

Next Thursday, July 27, 2006, marks 25 years since the abduction and murder of their son Adam. And on that 25th anniversary, it is our hope the President will sign into law legislation that will help law enforcement do what John has been doing all along—hunt down predators and criminals.

Ernie Allen, president of the National Center for Missing and Exploited Children, along with Robbie Callaway, John Libonati, and Carolyn Atwell-Davis were also very prominent spokespeople for this legislation, and I want to personally thank them.

The National Center for Missing and Exploited Children is one of the unsung heroes in the efforts to stop the abduction, exploitation, and murder of children. Their staff works long hours, and their commitment to stopping child pornography and sexual assault against kids is hard to match.

I am grateful that the Senate will soon act on this bill. In the preamble to our Nation's great Constitution, we the people promise to establish justice, promote the general welfare, and provide for the common defense. There is no defense more sacred, nor welfare more precious, than those of our children.

Currently, we track library books in this country better than we do sex offenders. With this measure, however, law enforcement will have the best means possible to protect our Nation's most precious national resource: our children.

Now, I appreciate the help of all of my colleagues. I certainly appreciate this time from the distinguished Senator from Oklahoma because I wanted to make this statement, and this was a good time to make it. I am grateful to him for providing the time. I yield back the remainder of my time and ask everybody in the Senate to vote for this bill.

VIOLENCE IN THE MIDDLE EAST

Mr. SCHUMER. Madam President, I rise to speak about the situation in the Middle East. As we have seen, the missiles are continuing to fly, the fighting continues, the situation gets volatile. This morning, another Hezbollah rocket attack—this time on Nazareth—caused the death of two more Israelis. So it is vitally important that we seriously discuss this issue.

Israel and its immediate neighbor Lebanon are in a state of peril that concerns the entire world. If I had one point to make this morning, it is this: President Bush is correct to fully support Israel in her effort to bring peace, to bring the soldiers home, to prevent missiles from flying on the northern fifth of Israel.

Mr. President, 1.2 million people are living in shelters. That is a fifth of the entire population. Israel has an inherent right as a sovereign nation not only to secure her borders but to defend herself from outside attack. I am urging the President to continue to stand tall and give Israel the space she needs, the time she needs, to defend herself and make sure that these missiles cannot continue to rain down upon her people at Hezbollah's will.

There is a great deal of pressure from the European community and from others that Israel should not be given the ability to defend herself. In short, if we were to prevent Israel from doing everything she could to stop these rockets from flying down on her people, we would be back where we are now 3 months, 6 months, a year from now, in the same situation.

So should there be peace and negotiations? Yes. Might it be possible eventually to have an international force in southern Lebanon? Perhaps, although many of us who believe in Israel are worried about that force because in the past it has not stopped terrorist attacks on Israel. But at the moment, we cannot allow the status quo to continue, where a militant terrorist organization, Hezbollah, has the ability to rain torture down on the northern part of Israel.

Israel must be allowed to defend herself like any nation. Can you imagine if some group were operating in Canada and continued to fire missiles at Buffalo and Detroit and Minneapolis and Seattle? Would the rest of the world tell the U.S. "show restraint" even though every night a hundred missiles came down on the cities, even though millions of people might be living in shelters? Of course not.

Every country has the right to defend herself. Israel is no exception. I salute President Bush for understanding that and hope he continues on that course because any other course, any appeasement of Hezbollah, will lead to this same sorry situation repeating itself.

Let's be clear: The state of Israel is not an aggressor here. Israel has stated over and over again its desire to live in peace with the Arab world. It is Israel's policy to allow a Palestinian state. And there are some in the Palestinian and Arab world who agree with it. But there are some who do not.

Hezbollah believes Israel has no right to exist, not simply in the West Bank and Gaza but in Tel Aviv and Jerusalem and Ashdod and Ashkelon. And Hezbollah has said they will do all they can to eradicate the state of Israel. Hezbollah is the aggressor.

I feel deeply for those who are injured, both Israeli and Lebanese, both Jew and Arab. But the Lebanese Government also has an obligation here; that is, not to allow terrorists to operate on her soil. I was so pleased to see that Saudi Arabia and other countries in the Arab world understand that Hezbollah is the provocateur here. But the world must unite against terrorism. The sad lesson we learn is that if terrorism is first directed at one country, it will inevitably spread, unless we have a strong, united world against terrorism.

In this case, Israel is not the aggressor. She is defending herself against an unlawful incursion into her borders by the terrorist organization Hezbollah. Hezbollah has rockets, and they shoot indiscriminately at civilians. Israel, on the other hand, in defending herself, goes out of her way and sacrifices the lives of her soldiers not to punish and hurt civilians. It is awfully difficult when people store missiles in their garages and in their homes.

But all Israel asks for is the ability to defend herself. To create some moral equivalency between Israel's response to these rocket attacks and the terrorist attacks themselves is, in my opinion, immoral. What other country would allow it? Would Prime Minister Chirac stand for restraint if missiles rained from Switzerland to Lyon? Would President Putin ask for restraint? Why he asks for restraint against terrorists in the Middle East but asks for world support against terrorists in Chechnya is beyond me. He seems to have a double standard.

Would any country simply watch as dozens of its own citizens were killed, countless more injured, the whole nation frantic with fear and uncertainty? No, of course not. Every nation would respond with strength and do everything it could to eradicate the terrorists. And that is just what Israel is doing now.

Prime Minister Olmert has publicly called for peace. He is right to do so.

Israel did not seek out this conflict and does not seek its continuance. But neither will nor should Israel back down and simply allow Hezbollah to continue its reign of terror over Israel and its citizens at any time of its choosing.

So this is a sad situation. Lebanon's entire population is paying the price for Hezbollah's outrageous actions. The Prime Minister, Siniora, said in a statement:

> Lebanon cannot grow and develop if the government is the last to know and yet the first to pay the price.

The great mistake was allowing Hezbollah into the government and then allowing them free reign in southern Lebanon. It should not be a mistake that Lebanon repeats, and it should not be a mistake to which the world acquiesces.

Lebanese Prime Minister Siniora has called for his government to assert "sovereignty in all Lebanese territory." I agree with this. You cannot have a terrorist separate nation living within your nation and then disclaim any responsibility and blame the country that is simply defending itself against terror.

As I said, I welcome the stance of Saudi Arabia and Egypt and Jordan and Kuwait, which characterized Hezbollah's actions as "unexpected, inappropriate and irresponsible." This is a welcome stance, a new stance. But talk is cheap. We should hold the Arab League's feet to the fire and pressure them to take concrete steps that will force Hezbollah to stop its attacks and return the captured soldiers.

In short, our President is doing the right thing. Americans of all political philosophies and all parties back him in doing it. Our plea, Mr. President: Stay the course. Continue strong. Let Israel, who does not ask for United States troops or United States casualties in any way—defend herself. All she needs is the support of the world to help her fight terrorism, a terrorism which could afflict any one of our nations.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I think this may be the first time I have had occasion to stand on the floor and associate myself with the remarks of the distinguished Senator from New York. I appreciate his thoughtful remarks.

PRESIDENT'S VETO OF H.R. 810

Mr. HARKIN. Mr. President, I just watched the President of the United States veto the bill that passed here yesterday by 63 votes, the bill to provide that our scientists in this country, under the guidance of the National Institutes of Health, could conduct lifesaving research on embryonic stem cells, with strong ethical guidelines.

I will mince no words about the President's action and the words he used. I think this veto is a shameful display of cruelty and hypocrisy and ignorance. It is cruel because it denies hope to millions of Americans who suffer from Parkinson's, Alzheimer's, ALS, juvenile diabetes, and spinal cord injuries.

The best scientists in the world, overwhelmingly—including dozens of Nobel Prize winners, every director at the National Institutes of Health—say that embryonic stem cell research offers enormous potential to ease human suffering.

I think this veto displays some hypocrisy. The President describes it as immoral, yet himself provided funding for it in 2001. How is it that for those stem cells derived before 9 p.m. August 9, 2001, it is moral to do research on them, but it is immoral to do research on any stem cells after that? Please, explain that, Mr. President.

Quite frankly, I think this is a shameful display of ignorance about what stem cell research is. His spokesman today, Mr. Snow, said we are not going to kill these embryos to provide life to someone else. What a shameful display of ignorance. These cells are not killed. They are kept alive. These stem cells are kept alive to grow tissue and heart muscle, nerve muscle, reconnect spinal cords. If you kill them, they cannot do that. What sheer ignorance was on display by Mr. Snow this morning when he said that.

So, Mr. President, I will have more to say about this later. I only have a few minutes now. But I think what the President did is to condemn millions of Americans to suffering—needless suffering—and to take away the hope so many people have that this research could ease their suffering. I think it was a shameful display.

I congratulate the Senate which, in a bipartisan effort—63 votes—passed H.R. 810 yesterday. Now the President has vetoed it. We cannot bring it up again this year. But I can assure you that this Senate will take it up next January. We will be back, Mr. President. We will be back, and we will have more Senators next year willing to stand up—willing to stand up—against ignorance and hypocrisy and cruelty, more Senators who will stand up for embryonic stem cell research and help those who are suffering in our society. We will be back next January, and we will pass it again. And if this President vetoes it again, we will override it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I wish to respond to the Senator from Iowa very briefly.

I voted with the majority. I think we ought to give the President of the United States credit for a firmly based, knowledgeable position on this issue. Reasonable people can disagree on this issue. I think the debate generally that we had was good for America, but I respect the President's right to carry out his responsibilities as he sees fit. An exercise of a veto is within the President's authority.

I disagree with the President on this issue, but I respect his views and I respect his right to act as he feels is in the Nation's interest.

TRIBUTE TO WINTHROP PAUL ROCKEFELLER

Mrs. LINCOLN. Mr. President, I thank my colleague from West Virginia and my colleagues from Oklahoma and Vermont for allowing us this opportunity.

Today I rise to pay tribute to one of Arkansas' great public servants, business leaders, and philanthropists, our Lieutenant Governor, Winthrop Paul Rockefeller. Winthrop passed away quietly last Sunday after a period of illness. Words can hardly express the sense of loss we in Arkansas feel at the passing of Winthrop.

Everyone has heard of the Rockefeller name, there is no doubt. It is renowned the world over. Truth be told, Win could have used that name and the family fortune to do whatever he wanted or nothing at all. Many in similar circumstances have chosen to indulge themselves in personal excess. But not Win. He chose to live the life of a servant.

He had a plaque placed at his home on Petit Jean Mountain in Arkansas that really sums up how he lived and what he believed. The plaque quoted Micah, chapter 6, verse 8:

> He has showed us, O man, what is good. And what does the Lord require of you? To act justly and to love mercy, and to walk humbly with thy God.

All through his life, you see evidence of his desire to live out that Scripture. He was compassionate and thoughtful. He showed a strong love for his fellow man and a commitment to leaving this world a better place than he found it. Part of that commitment was expressed through his work at Little Rock-based Winrock International—one of the world's leading incubators of economic progress for developing economies.

His work there not only has had a profound impact on 107 nations spread across the globe but also has impacted Arkansas' rural areas as well. I have worked closely with Winrock International on many of those initiatives and have been proud to do so.

His Winthrop Rockefeller Foundation has also helped enrich the quality of life for rural America, particularly in the area of home ownership in my home area; that is, the Mississippi Delta.

He also strongly believed in developing the potential in our young people. One of his favorite organizations was the Boy Scouts of America. He served on the executive board of the National Council, and he was president of the Quapaw Area Council in 1997 and thereafter was a vice president. He also founded a program called Books in the Attic in which Boy Scouts could collect used books to distribute to families. Most importantly, however, he served for many years as an assistant Scoutmaster for Troop 12, and he attended Scout camp with his son regularly, as well as Scout meetings.

Win was also the father of two special needs children. His desire to see them and others like them succeed in life moved him to open a school for differently abled children called the Academy at Riverdale in Little Rock. This is just another example of the kind of heart he possessed.

Throughout his lifetime, Win also served in charitable organizations in many ways. The list is long, but some of the charities include the Arkansas State Police Commission, the President's Council on Rural America, and on and on. He served as a Texas Christian University trustee and was on the national boards of Ducks Unlimited, and the Nature Conservancy.

He served on the boards of the Arkansas Cancer Research Center and the Arkansas Arts Center Foundation. He was a trustee of the Winthrop Rockefeller Charitable Trust and Rockefeller Foundation.

In his spare time he was one of the finest Lieutenant Governors the State of Arkansas has ever known.

As I close paying tribute to this thoughtful, kind man, I am reminded of the story of David. He was looked upon as the most unlikely of men to become king of Israel. In the same way, it was easy for many to believe that they could look at outward things—Win's money perhaps, family connections, and his status—and draw conclusions about who he was.

But, as with David, man looks on the outside but God looks in the heart. Win's heart was always in the proper place, a faithful place. I truly believe that his heart has now found its rightful place in the hands of his King.

My condolences go out to his lovely wife Lisenne, his three daughters and five sons, to his extended family and my very dear friend and colleague, Senator JAY ROCKEFELLER, and I pray the Lord will keep this entire Rockefeller family in this time of grief.

Mr. President, I am proud to yield to my colleague from the great State of Arkansas, Senator PRYOR.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, we lost a great Arkansan this week and also a great American. I rise today to give tribute to Winthrop Paul Rockefeller.

When I think of Win Paul, I think of a man who demonstrated throughout the course of his life great faith, courage, and humility. He was a friend to me, but he was a friend to thousands of people around our State and around our Nation. He set a high standard for public service and for philanthropy and a high standard for leadership. In fact, he is one of those people who, regardless of his station in life, even had he been born without a penny to his name, would have been selfless, and he would have lived a sacrificial life just as he did.

He has done so many great things for the State of Arkansas, for the country and for the world. Let me just name a few of the charities that he has been deeply involved with: The Boy Scouts of America, Project ChildSave, the Arkansas Literary Festival, the President's Council on Rural America, the Bill Fish Foundation, Ducks Unlimited, the Nature Conservancy, the Arkansas Coalition for Juvenile Justice—to name just a few.

He has helped so many people along the way. He has inspired people with the time he spent with them but also with his generosity.

I experienced that when I was about 10 or so years old. My father was the newly elected Governor of Arkansas and Win Paul walked in, a young man, and on the spot he bought for the Governor's mansion and gave to the State of Arkansas a new stove for the kitchen because he thought that Liza Jane Ashley, the cook at Governor's mansion, should not have to labor over that old, dilapidated stove she had. That is the way he was. We will never know the thousand acts of kindness he did for people.

I have to single out one organization that he loved so much and he is closely identified with in Arkansas and that is the Boy Scouts. He was involved in that organization for 30 years, and he led by example. The Boy Scouts' motto is "Be prepared." I think that Win Paul Rockefeller was always prepared to help his fellow man. He was always looking for ways to be of service. The Boy Scouts' slogan is "Do a good turn daily," and certainly he lived by that and lived by a very deep faith. He demonstrated his faith every single day that we all knew him.

Like my colleague from Arkansas, we extend our prayers to Lisenne, their children, and to JAY ROCKEFELLER and the entire Rockefeller family and all of their friends and all the people they have touched. We just want to say we know that he is in a better place. We know that he has been greeted at the Pearly Gates with open arms.

We will truly miss Winthrop Paul Rockefeller.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I thank the chairman of the full committee and ranking member for their generosity in allowing, hopefully, 15 minutes for eulogizing Win Paul. Win Paul was my first cousin. I think people need to know, he died from a really horrible form of cancer. We knew it was going to be difficult. He went to Seattle to get a variety of bone marrow transplants, and wasn't going anywhere. So, in effect, he came back to Arkansas, his home. In many ways like his father, in some ways under the shadow of his father, but in all ways committed to the people of Arkansas.

He originally came back to Arkansas at the age of 24 when his father died. He wanted to do good. When I think about him, I just think of his desire to be helpful to people. Both of my colleagues from Arkansas mentioned his relations, working with the Boy Scouts. One thing he was really proud of is that he racially integrated the Little Rock Boy Scouts, so that there were two sides.

I feel a great sense of loss personally as his first cousin, who knew him very well. He had a great affinity for Arkansas, which is a State that I love because it is very much like West Virginia.

He had a wonderful family, eight children. Several of them have very difficult developmental disabilities. He has, for that reason, and I think because of his general humanity, poured himself into people who do have developmental problems. Both Senators from Arkansas mentioned the Riverdale Academy, which I think tripled in size since it was founded in 2004.

He was ultimately a Lieutenant Governor who wanted to be Governor to do what all Governors want to do, which is to live out their vision, make his vision for Arkansas come true. He didn't have that chance. He gracefully withdrew from the race when it became evident to him that things weren't going to be very good in terms of his health. He came back to Arkansas a very, very sick person to die, to his home and to his God.

I am going to miss him. I thank my colleagues for indulging in this moment of thought about a family member to me and a political leader and friend to my two beloved colleagues from Arkansas.

He will be at home in Heaven.

PRESIDENTIAL REPORT

Mr. STEVENS. Mr. President, I ask unanimous consent that a letter from the President of the United States be printed in the RECORD today pursuant to the war powers resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. TED STEVENS,
President pro tempore of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Hostilities involving Israeli military forces and Hezbollah terrorists in Lebanon commenced on July 12, 2006, and have included military operations in the vicinity of the U.S. Embassy in Beirut.

Although there is no evidence that Americans are being directly targeted, the security situation has deteriorated and now presents a potential threat to American citizens and the U.S. Embassy. On July 14, the Department of State first requested Department of Defense assistance to support the departure of American citizens from Lebanon. On July 15, U.S. military helicopters temporarily deployed to Cyprus. On July 16, these combat-equipped helicopters delivered to U.S. Embassy, Beirut, a contingent of U.S. military personnel who will assist in planning and conducting the departure from Lebanon of U.S. Embassy personnel and citizens and designated third country personnel. The helicopters also transported U.S. citizens from Beirut to Cyprus. It is expected that these helicopters will continue to provide support to the Embassy, including for the departure of additional personnel from Lebanon. It is likely that additional combat-equipped U.S. military forces may be deployed to Lebanon and Cyprus and other locations, as necessary, in order to support further efforts to assist in the departure of persons from Lebanon and to provide security.

These actions are being undertaken solely for the purpose of protecting American citizens and property. United States forces will redeploy as soon as it is determined that the threat to U.S. citizens and property has ended and the departure of any persons, as necessary, is completed.

I have taken this action pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive. I am providing this report as part of my efforts to keep the Congress informed, consistent with the War Powers Resolution.

Sincerely,

GEORGE W. BUSH.
THE WHITE HOUSE, *July 18, 2006.*

COMMENDING SHARON DALY

Mr. REID. Mr. President, I am pleased to rise today to commend Sharon Daly for her more than 30 years of service to those in need. Through her tireless advocacy, she has truly made an important contribution to the well-being of real people and has improved the character of this Nation.

Most of those who have benefited from her efforts will never know her name or the impact that she had on their lives. That is because Sharon wasn't one to seek the limelight or publicity for herself. Instead, she has quietly but determinedly dedicated herself to helping the most vulnerable among us—including those with disabilities, the homeless, victims of domestic violence, disadvantaged and abused children, and immigrants. Sharon's leadership and commitment truly exemplifies what it means to "love you neighbor as yourself."

Through her service at the Children's Foundation, the U.S. Conference of Catholic Bishops, the Children's Defense Fund, and most recently as vice president and then senior public policy advisor at Catholic Charities USA she has worked to make Federal programs, including the Food Stamps Program, Medicaid, the earned-income tax credit and many others, more responsive to the needs of those facing significant challenges in their lives. She helped Members of Congress and our staffs understand how the support provided by these programs helps low-income families and children address the ravages of poverty.

Sharon worked successfully on bipartisan efforts to enact the Family and Medical Leave Act and the Americans with Disabilities Act. She also played a lead role in the enactment of a 1993 package of benefits for low-income families with children, including major expansions in the earned-income tax credit, food stamps, immunization, and family preservation/child welfare services.

Mr. President, Sharon Daly is retiring from Catholic Charities USA. She will be deeply missed for her thoughtful guidance and leadership. I have confidence, however, that she will remain an inspiration to those who will follow in her footsteps.

TEEN DRIVER SAFETY

Mr. DURBIN. Mr. President, during the recent district work period, I read a front-page Chicago Tribune news article that reminded me of the importance of educating young adults about driving safety. And as students in Gibson City, IL, can tell you, the story is also a testament to what can be achieved through dedication, perseverance, and heart.

Summer can be a dangerous time for teen drivers, many of whom are just beginning to build their experience behind the wheel. In my home State of Illinois, July is the deadliest month for teen drivers. An average of 12 Illinois teens have been killed in car accidents every July for the last 10 years. We must work to prevent these tragic losses by educating America's teenage drivers about driver safety.

The Tribune article highlighted the story of the Arends family, of Gibson City, IL, who have turned an unimaginably heartbreaking tragedy into a successful campaign to save the lives of teen drivers. Three and a half years ago, 17-year-old twins Greg and Steve Arends were driving to work when Greg, the driver, lost control of the car, which slammed sideways into a telephone pole at 80 miles per hour. Neither boy was under the influence of drugs or alcohol, and both boys' seatbelts were fastened, but unfortunately, Greg's side of the vehicle bore the impact of the crash, and he died at the hospital. Miraculously, his twin brother Steve survived, thanks in part to wearing a seatbelt.

A year and a half after the accident, despite their immense pain and grief, the Arends family responded to a call from Judy Weber-Jones, a teacher at the local high school, who asked if they would be willing to help launch a teen driver safety campaign in Gibson City. They agreed, and Steve Arends even decided to participate in presentations for his peers. His is a powerful message, and it is already making a difference in the lives of teens in Gibson City. Though the accident left Steve with injuries that he is still trying to overcome, he has displayed great courage in sharing his unfortunate experience with his peers in Central Illinois.

Over the last year and a half, the campaign at Gibson City-Melvin-Sibley High School, called Project Ignition—License to Live, has grown to attract the participation of dozens of students and community volunteers. The Arends family has allowed students to place pictures of Greg around the school and gave the group a picture of the car mangled in the accident. Roadside signs erected all over town read "Slow Down. Buckle Up. Remember Greg and Steve." Students have staged mock car accidents and organized demonstrations with crash simulators. The group has also produced videos, PowerPoint presentations, and public service announcements aimed at increasing seatbelt use, reducing speeding, and promoting safe driving practices among teens.

I commend the Arends family, Ms. Weber-Jones, and all those who collaborate with the Project Ignition—License to Live program for their work to save the lives of young drivers in Illinois. The campaign's success has been remarkable.

Since the start of the Project Ignition—License to Live program, seatbelt use among teens at Gibson City-Melvin-Sibley High School has increased at least 20 percent, the number of speeding tickets issued to teens has decreased by more than 70 percent, and the number of accidents reported to local police departments has dropped by more than half. This program is indeed saving lives. Six teens were involved in car accidents this past school year, and in all six cases, the teens were wearing their seatbelts and walked away with only minor injuries.

So what is Project Ignition—License to Live doing differently than other teen driver safety programs? In just a short time, this program has been able to achieve levels of improvement in teen driver safety and accident prevention that parents, teachers, law enforcement, and other leaders have not been able to accomplish in decades. The most notable difference is that this program is fueled by teens themselves. They have found a way to package messages about wearing seatbelts, slowing down, and staying alert that truly resonate among their peers. Theirs is a model that I believe should be replicated across the Nation.

The SAFETEA highway and transit bill that Congress passed 1 year ago included a provision to reward States that have passed strong primary seatbelt laws. Such laws allow law enforcement officials to stop, ticket, and fine drivers for not wearing a seatbelt. My home State of Illinois is one of those States that have already passed a primary seatbelt law. In 2006, Illinois will receive a one-time payment of $30 million in Federal funds authorized by SAFETEA. I commend Illinois for not only passing a primary seatbelt law that will save lives but also for dedicating all of the $30 million to highway safety programs. I recently sent a letter to Governor Blagojevich urging him to use the funds to bolster the efforts of groups like Project Ignition License to Live.

As the example of Gibson City and the Arends family shows, young adults take to heart the life lessons of their peers. Therefore, Governor Blagojevich and the State of Illinois would be wise to coordinate with groups such as Project Ignition—License to Live so that young adults can share their personal experiences and remind their peers to drive safe and buckle up. I urge my fellow Senators to continue to fund these important safety programs and to work with their State governments to pass primary seatbelt laws so that other States can follow Illinois' example and make highway safety a priority.

HONORING OUR ARMED FORCES

AIRMAN JASON J. DOYLE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Navy Airman Jason Doyle of Nebraska. Airman Doyle died after falling overboard from the USS *Kitty Hawk* off the eastern coast of Japan on July 8. He was 19 years old.

Airman Doyle grew up near Sunset, UT. In 2000, he moved to Bellevue, NE and was a 2005 graduate of Papillion-La Vista South High School. He joined the Navy immediately following graduation.

Airman Doyle had a lifelong interest in flying and in Japanese culture. He turned those interests into an opportunity with the Navy. He was deployed with the Electronic Attack Squadron, VAQ, 136 aboard the USS *Kitty Hawk* in October 2005. His first leave was at a Japanese port, where he was able to experience a culture he had been fascinated with his entire life. Thousands of brave Americans like Airman Doyle are serving the United States worldwide.

Airman Doyle is survived by his father, Dale Doyle; his mother, Martha Bower; his stepmother, Susie Doyle; his brother Brandon; and sisters Shauna, Whitney, and Ashley.

I ask my colleagues to join me and all Americans in honoring Airman Jason Doyle.

REAUTHORIZATION OF THE NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

Mr. AKAKA. Mr. President, I am pleased to be an original cosponsor of a bipartisan bill to reauthorize the National Veterans Business Development Corporation, commonly known as the Vets Corp. This bill, the Veterans Corporation Reauthorization Act of 2006, was developed in a cooperative fashion by members of the Small Business and Veterans Affairs' Committees, in conjunction with Senator TALENT who was involved in the original establishment of the Vets Corp during his tenure in the other body.

The Vets Corp has a crucial mission—to foster entrepreneurship and business opportunities for veterans, with a special focus on service-disabled veterans. During this time of conflict abroad, this mission is extremely relevant. A seamless transition from military to civilian status requires that we give our veterans the tools necessary to succeed in their post-military lives. The Vets Corp seeks to do just this for veteran-owned small businesses.

Created by Congress in 1999, the Vets Corp had a slow start. While I believe that the new Vets Corp leadership is turning things around, there are some lingering concerns about the Vets Corp's funding and mission. I am hopeful that this legislation we are introducing today will help remedy these concerns. Under the terms of the legislation, the Vets Corp would be provided matching funds instead of a straight allocation. In addition, this bill would clarify the purpose of the organization as well as improve the structure of their advisory board.

Mr. President, I am proud to be a cosponsor of this bill. I applaud the hard work of Senators KERRY, SNOWE, TALENT, and their staffs in crafting this bipartisan bill. I hope my colleagues will support this bill and I urge its speedy passage.

VIOLENCE IN DARFUR

Mr. FEINGOLD. Mr. President, I am deeply troubled that violence in Darfur continues. It is disheartening to learn that the Government of Sudan continues to serve as an obstacle to the deployment of U.N. peacekeeping forces that could bolster the African Union Mission in Sudan, AMIS. While AMIS has conducted its mission to the best of its ability, it is clear that it has neither the resources nor the mandate to stop the violence that is affecting the lives of millions of innocent people. It remains critical that an international peacekeeping force be allowed to deploy to Darfur to augment the African Union Mission in Sudan and to establish a lasting and sustainable peace.

Peace in Darfur has been elusive, but it is not unattainable. The Government of Sudan must be a willing partner for peace; it must work with the international community to find an acceptable and expedient plan to introduce peacekeeping forces to that region. Until a more robust peacekeeping force can deploy to Darfur, it is important that the international community support continuing AMIS efforts there. Finally, parties to the conflict in Darfur must also abide by the recently agreed upon Darfur Peace Agreement, DPA, although it is apparent that this peace agreement is showing signs of strain.

Peace in Darfur is critical for establishing a lasting and comprehensive peace throughout Sudan and the region. That said, we must not ignore the continuing need to press for progress on the North-South Comprehensive Peace Agreement, CPA. The U.S. Government, with the international community and the United Nations, must continue to press for progress in implementing the CPA between the north and the south of Sudan. Unfortunately, well over a year from the signing of the CPA, it has become painfully clear that various important elements of the agreement have yet to be implemented, let alone completed. Key issues concerning land tenure rights, critical border agreements, oil revenue sharing, and armed militias in southern Sudan have yet to be settled or addressed fully.

While much of the lack of progress relating to the CPA relates to the complexity of the peace agreement, much of it relates to the limited capacity of the Government of Southern Sudan, GOSS, to provide effective governance, services, and protection of its citizens. There remain serious obstacles to the establishment of a viable and strong GOSS, including a continuing lack of sufficient infrastructure throughout the south and sporadic violence that disrupts various parts of the region. The international community must continue its support of Sudan's CPA, which means addressing the capacity that parties to the agreement have to implement the agreement.

The U.S. Government and the international community need to be sustained, coordinated, and comprehensive. We cannot dismiss the significance of the linkages and impact that each of these agreements have on one another, nor their significance for developing a solid foundation for addressing conflict throughout the region. Successful implementation of both the CPA and DPA will provide significant benefits to all communities in Sudan and will set the stage for a new era of peace for the entire country and region.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

Ms. SNOWE. The Veterans Entrepreneurship and Small Business Development Act of 1999 created the National

Veterans Business Development Corporation—The Veterans Corporation—to address gaps in providing small business and entrepreneurship assistance to veterans and service-disabled veterans. These services are to be delivered through newly created, community-based veterans business resource centers, VBRCs. The legislation authorized Federal funding through fiscal year 2004, with the requirement that the Corporation "institute and implement a plan to raise private funds and become a self-sustaining corporation."

While the Veterans Corporation's purpose and mission are well-intentioned, in practice, the Corporation has been unable to become self-sustaining and continues to rely on congressional appropriations. Furthermore, the Corporation's funding concerns have diminished its ability to create a vibrant national network of VBRCs. The Corporation's struggles have led it astray from the original intent of the law and hurt its delivery of services to our Nation's veterans. As such, my colleagues and I are introducing legislation to reauthorize the Veterans Corporation and to improve the direction of the Corporation as it works to serve veteran and service-disabled veteran entrepreneurs.

Although the Veterans Corporation has fallen on hard times, its vision of assisting veterans with their business needs is still admirable. In fact, according to the Small Business Administration, about 22 percent of veterans were either purchasing or starting a new business or considering doing so in 2004. Moreover, almost 72 percent of these new veteran entrepreneurs planned to employ at least one person at the outset of their new venture. Supporting veterans' small business needs has become increasingly important as soldiers begin to return from continuing U.S. military operations worldwide.

I have worked hard to put the Veterans Corporation on the track to success and to support the veteran entrepreneurs and veteran-owned small businesses that it serves. I have led efforts to ensure proper oversight of the Corporation, as well as assisted the Corporation through appropriate legislative action.

As Chair of the Senate Committee on Small Business and Entrepreneurship, I requested a Government Accountability Office, GAO, study, released in August 2004, to ensure that the Veterans Corporation was meeting its responsibilities and the needs of our Nation's veterans. The GAO report concluded that the Veterans Corporation faced a number of challenges in achieving self-sufficiency, noting that dramatically lower-than-expected revenues delayed the estimated date for achieving self-sustaining operations from fiscal year 2004 to fiscal year 2009. The GAO was also concerned with the Corporation's distinction as a government corporation," as determined by the Office of Management and Budget and the Department of Justice. This determination subjected the Corporation to numerous agency requirements and drained significant resources away from serving veterans. Again, this designation inhibited the Corporation's ability to become self-sustaining.

In the fall of 2004, I introduced emergency legislation that was passed into law to clarify the Corporation's status as a "quasi-private entity," not a "government corporation." At the time, this legislation relieved the 12-employee Corporation from burdensome Federal agency reporting requirements.

Following the enactment of this legislation, many of my colleagues and I encouraged the Corporation to work hard to get its fiscal house in order and to focus on reaching out to veterans in local communities, particularly through VBRCs. Unfortunately, the Corporation's most recent efforts to become self-sustaining have yielded insufficient results. Furthermore, since its inception, the Corporation has only succeeded in establishing four VBRCs. Therefore, it is appropriate to restructure the corporation to meet the original intent of the law and to better serve our veteran entrepreneurs.

I would like to thank Senators KERRY, TALENT, and AKAKA for working together with me to craft the bipartisan "Veterans Corporation Reauthorization Act of 2006." We believe that this bill will clarify current law directing the Veterans Corporation, improve the Corporation's services to veterans by stressing the need to create VBRCs, and protecting the American taxpayer by ensuring that the Corporation meets its self-sustaining requirement.

More specifically, this legislation will focus the Corporation's purpose and mission to emphasize establishing a national network of information and assistance centers for use by veterans and the public.

This bill would strictly guide the Corporation's ability to access public funds. Although the legislation would reauthorize funding at $2 million for fiscal year 2007–fiscal year 2009, the funds would be directed through the Small Business Administration's Office of Veterans' Business Development. These funds would only be allocated to the Corporation if it first matches those funds on a dollar-for-dollar basis. Any funds not expended would revert back to the Treasury. Furthermore, there is a provision that restricts the amount of revenue the Corporation can raise from fee-for-service tools or direct charge, to the veteran receiving services.

Our legislation also reinforces current law by requiring that the Veterans Corporation must develop a plan to become self-sustaining and would add the requirement that the Corporation include an independent audit in its annual report to Congress, and includes a GAO audit to ensure review and compliance.

Finally, the legislation will postpone the transfer of duties from the SBA's Advisory Committee on Veterans Business Affairs to the Corporation, and improve notification of the Corporation's services to veterans and transitioning service members.

VOTING RIGHTS ACT REAUTHORIZATION

Mr. LEAHY. Mr. President, There are few things as critical to our Nation, and to American citizenship, as voting. Like the rights guaranteed by the first amendment, the right to vote is fundamental because it secures the effective exercise of all other rights. As people are able to register, vote, and elect candidates of their choice, their interests and rights get attention. The very legitimacy of our democratic Government is dependent on the access all Americans have to the electoral process.

The Voting Rights Act of 1965 transformed the landscape of political inclusion. As amended, the act contains important provisions for language assistance. Section 203, added as part of the second reauthorization of the Voting Rights in 1975, broadened this landscape by allowing millions more American citizens to participate fully in our democracy. Section 203, which requires bilingual voting assistance for certain language minority groups, was enacted to remove obstacles to voting posed by illiteracy and lack of bilingual language assistance resulting in large measure from unequal educational opportunities available to minorities. These provisions helped overcome discriminatory barriers which limited access to the political process for language minority groups and resulted in low turnout and registration. Along with section 4(f)(4), section 203 has led to extraordinary gains in representation and participation made by Asian Americans and Hispanic Americans.

Hispanic-American populations have been one of the primary minority language groups to benefit from the protections of the bilingual provisions of the Voting Rights Act. For example, effective implementation of the bilingual provisions in San Diego County, CA, helped increase voter registration by more than 20 percent. And voter turnout among Hispanic Americans in New Mexico rose 26 percent between 2000 and 2004 after television and radio spots were aired in districts with Spanish-educated listeners about voter registration and absentee ballots. Yet more needs to be done. Historically, Hispanic Americans have low voter turnout and less than 1 percent of all elected offices in the United States are held by Hispanic Americans.

I was troubled during the immigration debate that the rhetoric of some Members of the Senate appeared to be anti-Hispanic in supporting the adoption of an English language amendment. Senator SALAZAR and I wrote to the President following up on this provision. We asked whether the President will continue to implement the language outreach policies of President Clinton's Executive Order No. 13166. A prompt and straightforward affirmative answer would have gone a long way. Sadly, we have received no response from this White House. I have, however, raised the matter when the opportunity presented itself with the Secretary of Commerce and the Attorney General and both have assured me that the Bush administration will continue to adhere to the outreach efforts of the Clinton Executive order.

I understand why those efforts to amend the immigration bill to make English the official or national language provoked a reaction and seemed mean-spirited to so many. It elicited the extraordinary May 19 letter from the League of United Latin American Citizens, the Mexican American Legal Defense and Educational Fund, the National Association of Latino Elected Officials Educational Fund, the National Council of La Raza and the National Puerto Rican Coalition and from a larger coalition of interested parties from 96 national and local organizations.

Until that vote, in our previous 230 years we had not found it necessary or wise to adopt English as our official or national language. I believe it was in the Commonwealth of Pennsylvania that the State legislature shortly after the Revolutionary War authorized official publication of Pennsylvania's laws in German as well as English to serve the German-speaking population of that State. We have been a confident Nation unafraid to hear expressions in a variety of languages and willing to reach out to all within our borders. That tradition is reflected in section 203 of the Voting Rights Act and in President Clinton's Executive Order No. 13166. It is an honorable and just tradition.

We demean our history and our welcoming tradition when we disparage languages other than English and those who speak them. I have spoken about our including Latin phrases on our official seal and the many States that include mottos and phrases in Latin, French and Spanish on their State flags. We need not fear other languages. We would do better to do more to encourage and assist those who wish to be citizens to learn English, but we should recognize English, as Senator SALAZAR's amendment suggested, as our common and unifying language.

I hope that the President will join with us to protect language minority voters. As a presidential candidate, then-Governor Bush told a New Hampshire audience in September 1999, "English-only would mean to people 'me, not you.'" As the Washington Times noted recently:

> Mr. Bush speaks some Spanish and occasionally peppers speeches and conversations with words and phrases from the language. Speaking to a group of adults taking civics lessons yesterday at the Catholic Charities-operated Juan Diego Center, he lapsed into Spanish. Asked whether Mr. Bush planned to drop Spanish from his stump speeches, a White House spokeswoman said she does not expect that to happen.

The White House, government agencies and a number of Senators include Spanish language outreach on their official government Web sites. I am glad that they do. Ironically, some who pushed most strongly for some variant of English-only treatment in the immigration bill have bent our rules to address the Senate in Spanish.

We have been engaged in a contentious debate about immigrants who are not yet citizens, which is unfortunate. I wish we could join together to pass fair and comprehensive immigration reform. But the issue related to section 203 and section 4(f)4 of the Voting Rights Act affects American citizens. These provisions provide assistance to Native Americans and indigenous peoples, who speak languages which preceded the first English speakers on this continent. These are citizens who are trying to vote but many of them are struggling with the English language due to disparities in education and the incremental process of learning. It is imperative that all citizens be able to exercise their rights as citizens, particularly a right as fundamental as the right to vote. Renewing the language provisions of the Voting Rights Act that are expiring and continue to be needed, will help make that a reality.

At this time I would like to summarize some of the evidence received by the Senate Judiciary Committee demonstrating the continuing need for sections 203 and 4(f)4.

We received extensive testimony about past and continuing educational disparities in jurisdictions covered by section 203 and section 4(f)4. According to multiple witnesses, many Alaska Natives, Native Americans, Asian Americans and Hispanic Americans suffer from inadequate educational opportunities to learn English. Unfortunately, our Judiciary Committee record demonstrates that the high illiteracy rates experienced by language minorities result from the failure of State and local officials to afford equal educational opportunities.

Several witnesses testified that these educational disparities are the major form of discrimination against language minorities. John Trasviña, president of MALDEF, testified, "while they may speak conversational English well, these U.S. citizens may not be fully proficient because they were intentionally denied the academic instruction necessary to vote effectively in English-only elections that employ complicated language and terminology." The problem of unequal educational opportunities existed before the Voting Rights Act was passed in 1965 and continues today. Language minority children who were educated in the 1970s, 1980s and 1990s and given unequal education opportunities are the adults that today need the assistance of sections 203 and 4(f)(4). Children who are in schools today where they receive unequal education will need the assistance of these provisions to fully participate in the political process as adults.

Over the course of nine hearings, we heard and received testimony that not only are all states with the most limited English proficient students covered by section 203, but all the school districts with most limited English proficient students are also covered by section 203. These children will first begin to vote over the next 25 years while this proposed reauthorization of the Voting Rights Act is in effect, and they will not have had equal access to education and the opportunity to learn English.

In Alaska, which has the single largest indigenous population in the United States, an attorney for Native American Rights Fund testified about the dramatic educational disparity between Native people and non-Natives. Only 75 percent of all Alaska Natives completed high school compared to 90 percent of non-Natives. And still Alaska persists in holding all-English elections—in violation of section 203—which has impacted Alaska Natives' ability to vote with their turnout lagging behind statewide voter turnout by 17 percent.

According to the 2000 Census, the educational attainment of Hispanic Americans nationally is also lacking. Only 52.4 percent of all Hispanic Americans have a high school education or more, compared to 80.4 percent for all persons in the United States. Efforts to combat this educational disparity have resulted in dozens of lawsuits against states for failing to provide equal education to native and nonnative English speakers. We received testimony that successful school funding cases have been brought in half of all the section 203 covered States and are pending in many others. In Arizona in 2005, a Federal court cited the State of Arizona for contempt for failing over the course of the preceding 13 years to provide opportunities for Spanish-language students to learn English in the public schools. The court has been fining the State at least $500,000 a day until the problem is corrected and equal opportunities are provided to the 175,000 English language learner students estimated to be in Arizona's schools in 2006.

And I personally understand the challenges of learning English as your second language. As I have said before, my wife was born of immigrant parents and English became her second language. My mother was born of immigrant parents, with English as her second language. Fortunately, they learned it as young people. But for adults learning English, it can be much harder.

We received extensive testimony that classes for adult students to increase their English proficiency are too few and oversubscribed. Senator KENNEDY told us that in his own section 203 covered jurisdiction of Boston, the waiting period for English as a second language, ESL, classes is 17,000 students long which translates into a wait of as much as 3 years. In New York City, the ESL need is estimated to be 1 million, but only 41,347 adults were able to enroll in 2005 because of limited availability. It is a sad fact that most adult ESL programs no longer keep waiting lists because of the extreme demand, but use lotteries in which at least 75 percent are turned away, and the waiting time can be several years.

Continuing acts of discrimination against language minorities, such as those contained in the committee record, chill minority voting participation denying these citizens equal access to the balloting process. We heard countless examples of the continuing discrimination that minority language citizens face when participating or attempting to participate in the political process. These experiences will no doubt stick with each voter for some time.

Civil Rights organizations testified about numerous instances of discrimination that were documented while monitoring elections in covered jurisdictions in New York. For example, in the 2001 elections at Public School 228, a polling site coordinator, trying to thwart bilingual interpreters from performing their duties, yelled "You f---ing Chinese, there's too many of you!" In 2002, at Public School 82 and at the Botanical Garden, some of the comments made to Asian-American voters included poll workers calling South Asian voters "terrorists" and mocking the physical features of Asian eyes. While monitoring the 2003 elections, independent observers reported that in Public School 126 in Manhattan's Chinatown, poll inspectors ridiculed a voter's surname—Ho; in Public School 115 in Queens, disparaging remarks were directed at South Asian voters, with one coordinator continuously referring to herself as a "U.S. citizen" and that she, unlike them, was "born here" and that the other workers needed to "keep an eye" on all South Asian voters; at Flushing Bland Center in Queens, the site coordinator complained that Asian-American voters "should learn to speak English."

During the 2004 election, a Hispanic voter in San Antonio, TX, was told by an election judge that she was not on a voter registration list and could not cast a provisional ballot, despite the recently enacted Help America Vote Act which provides for provisional ballots in such situations. She and her family had been voting at the same polling station for over 20 years. The election judge refused to unlock the provisional ballot box until a Mexican American Legal Defense and Education Fund—MALDEF—attorney arrived and negotiated on behalf of the voter.

And the House of Representatives received equally disturbing testimony which was incorporated into our own RECORD. In 2003, the chairman of the Texas House Redistricting Committee stated that he did not intend to hold redistricting hearings in the Rio Grande Valley in South Texas, where many U.S. citizens are limited English proficient Spanish speakers, because only two members of the Redistricting Committee spoke Spanish. Chairman Crabb stated that the members of the committee who did not speak Spanish "would have a very difficult time if we were out in an area other than Austin or other English speaking areas to be able to have committee hearings to be able to converse with the people that did not speak English." Many citizens living in areas of Texas with high concentrations of limited English proficient citizens would have been excluded from participating in local Redistricting Committee hearings had Hispanic advocates not interceded on their behalf. In another part of the country, due to a lack of sufficient bilingual ballots, Hispanic voters in Pima County, AZ, were forced to crowd around one translated poster of more than a dozen initiatives left in a poorly lit area during the 2004 elections.

Sadly, these examples are not isolated incidents of discrimination. Assistant Attorney General Wan Kim testified that the Department of Justice has brought more lawsuits to enforce the language minority provisions of the Voting Rights Act in the previous 5 years than in all previous years combined. These facts and all the other testimony we received in Committee clearly demonstrate the ongoing need for section 203's protections and the need that we reauthorize these provisions of the Voting Rights Act.

Of course there are critics. There are critics who say that the language assistance provisions in the Voting Rights Act should be eliminated entirely because immigrants must learn English to pass the citizenship test and therefore should be able to vote in English. This argument is unsound for two reasons.

First, we received overwhelming testimony that the level of English proficiency required to pass a citizenship test does not approach the level of proficiency required to register to vote or to understand ballot measures. Naturalization requires a third or fourth grade knowledge of English. Sample test sentences on the Immigration and Naturalization Services Web site reveal that no sentence is more than 10 words long and most are seven or less, containing one or two syllable words. In addition, most candidates for citizenship are exempt from the English language requirements of the citizenship test because they are over the age of 50. Between 1986 and 2004, 9,055,732 people were naturalized of which 4,925,553 or 54 percent were over the age of 50.

Voting requires English proficiency at levels much higher than the citizenship test. A survey of voter registration materials reported on the Warren Institute on Race, Ethnicity and Diversity, admitted into our RECORD, found the English grade level of the materials just to register to vote was much higher than third or fourth grade knowledge. In Texas, a "covered jurisdiction" for section 203 purposes, the voter registration material required nearly a twelfth grade English comprehension for completion with an average of 21 words per sentence. The situation is similar in Arizona—ninth grade level with 15 words per sentence—California, college freshman level with 22 words per sentence, and New Mexico, twelfth grade level with 19 words per sentence. This survey only covers materials required to register to vote. We also heard testimony about the complexity of actually casting votes on ballot initiatives and directions to operate voting machines as examples of other English language barriers to language minority voters. Ballot initiatives are often long and complicated requiring high school level education or higher. Deborah Wright, Acting Assistant Registrar-Recorder and County Clerk for Los Angeles County, testified that written translations are provided in L.A. County because of the complex nature of the issues facing the voters in that state.

Complex ballots are not limited to California. We received evidence of numerous examples. Perhaps the one that struck me the most was a 2004 Fargo, ND, election ballot, where a single question concerning tax increases for infrastructure improvement was one sentence which contained 150 words written at the graduate school level.

Second, most language minorities protected by the Voting Rights Act are United States citizens by birth. The vast majority of language minorities are not immigrants. In fact, 3.4 million of the 4.5 million language minority students in the public schools are native-born U.S. citizens. Hispanic Americans are the single largest minority group covered by Sections 203 and 4(f)(4). According to 2000 Census data, 84.2 percent of all Hispanic American citizens in the United States were born here. Nearly half of the 11.9 million Asian Americans citizens in the United States were born here. Further, 98.6 percent of all Puerto Rican persons in the United States are native born and the language of Puerto Rican public schools is Spanish with English taught as a subject.

The committee received testimony that although there are costs associated with implementing the minority language assistance provisions, they are reasonable. Los Angeles, the largest and most diverse local election jurisdiction in the United States, provides assistance to voters in six languages other than English, and its compliance with section 203 requirements costs 10 percent or less of its annual election budget. And the Secretary of State for New Mexico testified before the House Judiciary Committee characterizing the costs of complying with section 203 as, "a minimal cost to the State of New Mexico."

One witness testified that she believed the costs of section 203 to be extremely burdensome. Linda Chavez, president of One Nation Indivisible, testified that Los Angeles County spent $3.3 million in 2002 to comply with section 203, which she thought was too much to ask the County to bear. However, as Deborah Wright's testimony on behalf of Los Angeles County made clear this number is a small percentage of the overall election budget, and is proportional to the 12.9 million limited English proficient voters in her jurisdiction. Ms. Chavez also alleged that "[f]requently the cost of multilingual voter assistance is more than half of a jurisdiction's total election costs," citing a 1997 General Accounting Office report. However, a close look at that GAO report shows that only 3 out of the 34 jurisdictions surveyed spent over 50 percent of their total election budget on multilingual voter assistance. Contrary to Ms. Chavez's testimony, the report reveals that the costs of providing language assistance made up, on average, a little over 10 percent of total expenditures. Ensuring full access to American's right to vote certainly is worth this reasonable cost.

For jurisdictions that struggle with the costs of implementing sections 203 or 4(f)(4), the Department of Justice, DOJ, provides commendable assistance in managing the costs. Acting Assistant Attorney General Bradley Schlozman testified that "the Civil Rights Division recognizes, of course, that States and municipalities do not have unlimited budgets, and we have thus designed our enforcement strategy to minimize unnecessary costs for local election officials."

The DOJ urges covered jurisdictions to avoid costly and unhelpful expenditures such as publishing Spanish language notices in English language newspapers that are not read by those who rely on the Spanish language. Election officials are encouraged to identify the most effective and efficient channels of communication that are used by private enterprise, service providers, tribal governments, and the like to get information effectively to the language minority community at low cost.

The DOJ also encourages the use of fax and e-mail "information trees," whereby bilingual election notices are sent at no cost to a wide array of businesses, unions, social and fraternal organizations, service providers, churches and other organizations with a request that these entities make announcements or otherwise disseminate the information to their membership's language minority voters. And the DOJ has incorporated "best practices" from around the country to help jurisdictions recruit sufficient numbers of bilingual poll workers. As a consequence of the testimony submitted on costs of implementation, we determined that costs are both reasonable and manageable.

There has been some discussion about allegations that in some jurisdictions no one uses the translated materials, but we also received hard research showing that limited English proficient citizens utilize the written and oral assistance offered in jurisdictions, but must be made aware it exists. According to a November 2000 exit survey of language minority voters in Los Angeles and Orange Counties in California, 54 percent of Asian and Pacific Islander voters and 46 percent of Hispanic voters reported that they would be more likely to vote if they received language assistance. These numbers are consistent with other exit surveys done in the same counties in March 2000 and November 1998.

Examples of "low use" of bilingual election materials are not evidence that bilingual materials are not needed. "Low use" more likely suggests that a jurisdiction is not conducting sufficient outreach to the communities that would most benefit. In a survey of 810 section 203 covered jurisdictions, nearly two-thirds of election officials admitted they do not engage in community outreach to covered language groups. How are people supposed to know the help is there, if there is no community outreach? We can, and we must do better.

I am nonetheless happy to report, that when sufficient outreach to language minorities is accomplished, materials are being used to assist in voting according to evidence received in Committee. In the 1990 general election, bilingual assistance was used by 25 percent of Hispanic voters in the State of Texas, and 18 percent of Hispanic voters in the State of California. In the 1988 general election, bilingual assistance was used by 20 percent of Hispanic voters in the State of New Mexico, 19 percent of Hispanic voters in the State of Texas, and 10 percent of Hispanic voters in the State of California.

Being from a small state, I know the importance and the power of community involvement, but perhaps the best evidence we heard that shows the power of community outreach was the experience of Chinese-American voters in King County, WA, which includes the city of Seattle. One witness who urged an opt-out provision in section 203 for low use cited King County's experience in 2000, the first year it became a covered jurisdiction for voters who speak Chinese. That year, according to the witness, only 24 Chinese ballots were used, demonstrating that ballots were not needed. But that is not the full story. The real story is that after that election, officials in King County worked with Chinese-American community organizations and increased the publicity about the availability of bilingual election materials. In 2005, the number of requested Chinese ballots increased by more than 5,800 percent. It shows the power of community outreach cannot be overstated.

Much has been made by some witnesses in committee, and even in the press, that any provision of bilingual election materials contribute to the balkanization of American society. Research offered in committee shows this allegation to be faulty. On the contrary, making bilingual election materials available has encouraged more language minorities to participate in all political aspects of American society. After the section 203 coverage was expanded to include a numeric trigger during the last reauthorization, the number of Asian Americans registered to vote increased dramatically. Between 1996 and 2004, Asian Americans had the highest increase of new voter registration—58.7 percent. And we received testimony that in districts where the Department of Justice has conducted enforcement ensuring bilingual election materials, participation not only in voting but in running for political office has increased. After an enforcement proceeding in Harris County, TX, the Vietnamese-American voter turnout doubled, and the first Vietnamese-American candidate in history, Hubert Vo, was elected to the Texas Legislature—defeating the incumbent chair of the Appropriations Committee by 16 votes out of over 40,000 cast.

These voting rights provisions work—they tell new citizens and citizens by birth who may not always feel they are afforded all of the opportunities they deserve that they are welcome to join our political process. They help new citizens and first time voters to overcome cultural differences which further contribute to disenfranchisement for limited English proficient citizens who are often unfamiliar with the American voting process and do not know about registration, referenda and voting machines. The charge of "balkanization," as one witness put it is "a loaded term of mythical proportions that has absolutely no basis in fact, and is used as a divisive measure." Based on the evidence we received, it is clear that the provisions of Sections 203 and 4(f)(4) have led to increased participation and representation. These provisions, that caused significant problems in the House of Representatives, have enabled language minorities to overcome what are tantamount to literacy tests at the polling place so that they can access their fundamental right to vote. Section 203 and section 4(f)4 of the Voting Rights Act must be reauthorized.

ADDITIONAL STATEMENTS

TRIBUTE TO JONATHON SOLOMON

● Mr. LIEBERMAN. Mr. President, today in Fort Yukon, people from all over the State of Alaska and the country will come together to celebrate the life of a remarkable leader of the Gwich'in Nation, Jonathon Solomon, who passed away last week at the age of 74.

As traditional chief of Fort Yukon, and chairman of the Gwich'in Steering Committee, Jonathon was a tireless advocate for the Gwich'in people. Born in Fort Yukon, he was raised to live a traditional subsistence lifestyle, and his upbringing directly influenced his passion and work throughout his life. Although Jonathon fought for many issues on behalf of the Gwich'in, his life's passion was the protection of the porcupine caribou herd and their birthing grounds on the coastal plain of the Arctic National Wildlife Refuge. Jonathon's efforts to protect the Arctic Refuge began in 1978, as the Alaska National Interest Lands Conservation Act was first being negotiated and he continued this work determinedly throughout his entire life. Among his many accomplishments, he led the 7-year effort to negotiate the U.S.-Canada agreement to protect the porcupine caribou herd and its habitat, signed July 1987, and was one of the chief organizers of the first Gwich'in gathering in 1988, which led to the creation of the Gwich'in Steering Committee. It was at this meeting in 1988, that the Gwich'in first came together as a nation to pass a resolution calling for permanent protection of the caribou calving and nursery grounds as congressionally designated wilderness.

Jonathon's work took him all over the country, including to Washington, DC, where on numerous occasions he spoke to Members of Congress and their staffs about the importance of protecting the Arctic Refuge. Throughout his life, Jonathon was an inspiration to all who knew him. He represented the Gwich'in people with dignity, devotion and respect. While we mourn his loss, I know that his energy will live on in all of us who carry on the fight to protect the Arctic Refuge and other places throughout the country that are special to all of us.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 3504. An act to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

H.R. 42. An act to ensure that the right of an individual to display the flag of the United States on residential property not be abridged.

H.R. 810. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 2:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 860. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas.

H.R. 4962. An act to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 435. Concurrent resolution congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Federation, and for other purposes.

H. Con. Res. 438. Concurrent resolution expressing the sense of the Congress that continuation of the welfare reforms provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 should remain a priority.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 108. Concurrent resolution authorizing the printing of a revised edition of a pocket version of the United States Constitution, and other publications.

ENROLLED BILL SIGNED

At 7:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5117. An act to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 860. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas; to the Committee on Foreign Relations.

H.R. 4962. An act to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 435. Concurrent resolution congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Federation, and for other purposes; to the Committee on Foreign Relations.

H. Con. Res. 438. Concurrent resolution expressing the sense of the Congress that continuation of the welfare reforms provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 should remain a priority; to the Committee on Finance.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 19, 2006, she had presented to the President of the United States the following enrolled bill:

S. 3504. An act to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-347. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to the authorization and appropriation of funds to allow all members of the armed forces reserve component to access the TRICARE program; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 147

Whereas, Army National Guard members are fulfilling commitments in Iraq, Afghanistan, Bosnia, and the Sinai, with members of the Hawaii Army National Guard having recently served in Iraq and Afghanistan; and

Whereas, presently almost half of all service personnel deployed in Iraq are members of the reserve components of the United States armed forces, including members of the National Guard and Army, Navy, Air Force, and Marine Corps Reserves; and

Whereas, under present law, for every ninety day period on active duty, a member of the reserve component receives one year of cost-share TRICARE health benefits if the member agrees to serve that year with a reserve component; and

Whereas, while well-intentioned, this measure does not go far enough to solve the problem of medical readiness that exists in the reserve component and can affect the mobilization and deployment of intact reserve component units; now, therefore, be it

Resolved by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, that the Congress of the United States is urged to authorize and appropriate funds to allow all members of the reserve component to access TRICARE health benefit coverage on a cost-share basis, without restrictions; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Defense, members of Hawaii's congressional delegation, the Governor, and the Adjutant General.

POM-348. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to require a minimum time period for a business to refund an unauthorized overcharge on a debit card; to the Committee on Banking, Housing, and Urban Affairs.

House Concurrent Resolution No. 208

Whereas, businesses across the Nation engage in the unfair trade practice of overcharging a debit cardholder's account for more than the sales price of goods or services without the cardholder's knowledge and consent; and

Whereas, this practice causes financial harm to debit cardholders by the assessment of overdraft fees and inability to access funds depleted by the overcharged amount; and

Whereas, legislation requiring a minimum time period for refunds by businesses who overcharge a debit cardholder's account without permission should be enacted: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to require a minimum time period for refunds by businesses who overcharge a debit cardholder's account without permission; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-349. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to urging and requesting the attorney general and the legislative auditor to continue to pursue all options necessary to permit the state to have an accurate accounting of assistance for which the state is required to pay a portion of the costs and urging and requesting the Louisiana congressional delegation to support such efforts; to the Committee on Banking, Housing, and Urban Affairs.

House Concurrent Resolution No. 170

Whereas, the Federal Emergency Management Agency has requested a combined payment of almost one hundred fifty-six million dollars for the state's twenty-five percent share of the six hundred twenty-three million dollars spent through November 30, 2005, for Other Needs Assistance to one hundred eighty-one thousand Louisiana citizens affected by Hurricanes Katrina and Rita; and

Whereas, 44 CFR 206.16 requires the FEMA associate director or regional director to conduct audits and investigations as necessary to assure compliance with the Stafford Act and, for purposes of such audits and investigations, authorizes FEMA or state auditors, the governor's authorized representative, the regional director, the associate director, and the comptroller general of the United States, or their duly authorized representatives to inspect any books, documents, papers, and records of any person relating to any activity undertaken or funded under the Stafford Act; and

Whereas, Attorney General Charles Foti and Legislative Auditor Steve Theriot sent letters dated February 7, 2006, and February 17, 2006, requesting pursuant to 44 CFR 216.16, 206.62(b), and 206.64, source documentation which will allow the legislative auditor to give assurance to the leaders of the state of Louisiana that these monies are, in fact, owing, and due: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the attorney general and the legislative auditor to continue to pursue all options necessary to permit the state to have an accurate accounting of assistance for which the state is required to pay a portion of the costs and to urge and request the Louisiana congressional delegation to support such efforts; be it further

Resolved, That the Legislature of Louisiana does hereby urge and request the members of the Louisiana congressional delegation to support the efforts of the attorney general and the legislative auditor to permit the state to have an accurate accounting of money the Federal Emergency Management Agency claims the state owes; be, it further

Resolved, That copies of this Resolution be transmitted to the attorney general, the legislative auditor, each member of the Louisiana congressional delegation, and the acting director of the Federal Emergency Management Agency.

POM-350. A concurrent memorial adopted by the Senate of the Legislature of the State of Arizona relative to rejecting attempts to lower the mortgage index deduction in the Internal Revenue Code; to the Committee on Banking, Housing, and Urban Affairs.

Senate Concurrent Memorial No. 1003

Whereas, it has been the federal tax policy since the inception of the Internal Revenue Code to encourage home ownership; and

Whereas, the real estate industry generates 15 to 18 per cent of the gross domestic product, and the housing market has been the most vibrant sector of our state and national economies in the past five years, fueling much of the 2001–2002 economic recovery; and

Whereas, home ownership in Arizona and the United States is at record levels with more than 70 percent of families owning their own homes; and

Whereas, homes are the foundations of our culture, the basis for our community life and the bedrock value of the American dream; and

Whereas, with a low national savings rate and the impending retirement of the baby boom generation, home ownership and its resulting equity growth is in itself a method of savings and capital formation and should be encouraged; and

Whereas, the capital invested in housing and the equity it generates should be preserved for families and is generally the prime savings choice for lower and middle income Americans; and

Whereas, real estate and home ownership is almost always acquired with debt of some sort; and

Whereas, the current $1 million cap on mortgage indebtedness as a measure of allowable mortgage interest deductions was adopted nearly 20 years ago in 1987 and has not been indexed for inflation; and

Whereas, the Tax Reform Act of 1986 provided ample evidence that when the tax benefits associated with real estate ownership are curtailed, the value of real estate declines; and

Whereas, the President's Advisory Panel on Tax Reform has suggested lowering the cap on mortgage interest deductions; and

Whereas, any change in lowering the mortgage cap would cause a government-created collapse of housing prices, wiping out equity and wealth for millions of working families across this nation; and

Whereas, any change in lowering the mortgage cap would create a further barrier to home ownership for young families by diminishing the savings families could have in their homes and would lead to a decline in the homeownership rate.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress reject any attempt to lower the mortage index deduction in the Internal Revenue Code.
2. That the United States Congress enact legislation raising the current mortgage cap and index it for inflation.
3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-351. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to providing funding for local housing authorities located in Vermilion Parish which were impacted by Hurricane Rita; to the Committee on Banking, Housing, and Urban Affairs.

Senate Concurrent Resolution No. 74

Whereas, the parish of Vermilion was severally impacted by the devastation and destruction inflicted by Hurricane Rita; and

Whereas, the availability of safe and secure housing remains the greatest need for residents impacted by the hurricane; and

Whereas, in many areas of Vermilion Parish, nearly 100 percent of the available public housing units were either destroyed or rendered unlivable; and

Whereas, in addition to those areas which were directly impacted by the devastation caused by Hurricane Rita, numerous other communities in Vermilion Parish have been indirectly impacted as Louisiana residents have relocated and are in search of safe, secure, and affordable housing; and

Whereas, the shortage of such public housing is an immediate need that must be addressed prior to the start of the 2006 hurricane season; and

Whereas, in order to meet these housing needs, additional federal funds must be appropriated in order to construct and repair public housing units located in Vermilion Parish; and

Whereas, public housing authorities located in Vermilion Parish are poised to purchase additional property in order to locate and construct essential housing for the citizens of Louisiana; and

Whereas, the Congress of the United States must immediately address the significant public housing shortage being experienced by the parish of Vermilion: Therefore be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to provide funding for local housing authorities located in Vermilion Parish which were impacted by Hurricane Rita; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-352. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to reconsidering the decision to exclude Plaquemines Parish from the federal plan to invest $2.5 billion for levee re-enhancement in south Louisiana; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 83

Whereas, as the southernmost land area of Louisiana, Plaquemines Parish creates a corridor surrounding the Mississippi River as it flows to the Gulf of Mexico and the peninsula of saltwater marshes and estuaries forms the rich delta of the river; and

Whereas, Plaquemines Parish is the operational center for the offshore oil and gas industry, its port and harbor terminal district is sought after as the coal exporting capital of Louisiana, and the area provides a substantial portion of the state's shrimping industry, the nation's largest, and its commercial fishing is second only to Alaska; and

Whereas, the parish's location and geographical structure are vital to Louisiana and the nation as a buffer for tropical storms and hurricanes as without Plaquemines Parish, Hurricane Katrina would have advanced directly into New Orleans with no protection; and

Whereas, Hurricane Katrina washed away 57 square miles of the Plaquemines coastline, destroyed barrier islands that once protected the region from storms, and severely damaged levees on both east and west banks of the parish; and

Whereas, while Katrina-damaged levees will be "repaired," President Bush has announced he will not seek the $1.6 billion needed to "upgrade" levees in the southern half of Plaquemines Parish and it has been proposed to exclude Plaquemines Parish from the $2.5 billion levee re-enhancement in south Louisiana pending further study on cost effectiveness; and

Whereas, the Legislature of Louisiana opposes this exclusion and urges the reconsideration of all of Plaquemines Parish as a top priority in the proposed levee upgrades for south Louisiana: therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to reconsider the decision to exclude Plaquemines Parish from the federal plan to invest $2.5 billion for levee re-enhancement in south Louisiana; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-353. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 205

Whereas, Louisiana's seaward boundary in the Gulf of Mexico has been judicially determined to be three geographical miles, and the United States has jurisdiction outside of three geographical miles; and

Whereas, Congress has the power to amend the Submerged Lands Act of 1953 to provide that Louisiana's seaward boundary extends twelve geographical miles into the Gulf of Mexico; and

Whereas, Louisiana acts as a significant energy corridor vital to the entire United States and provides intersections of oil and natural gas intrastate and interstate pipeline networks, which serve as references for futures markets, such as the Henry Hub for natural gas, the St. James Louisiana Light Sweet Crude Oil, and the Mars Sour Crude Oil contracts; and

Whereas, Louisiana provides storage for the nation's Strategic Petroleum Reserve and is the home of the nation's major import terminal for foreign oil, known as the Louisiana Offshore Oil Port; and

Whereas, Louisiana and its coastal wetlands provide access to nearly thirty-four percent of the United States natural gas supply and nearly twenty-nine percent of the United States oil supply; and

Whereas, the United States' economic growth depends on access to stable supplies of oil and natural gas; and

Whereas, Louisiana ranks first in crude oil production, including the outer continental shelf production, and ranks second in natural gas production, including the outer continental shelf production; and

Whereas, in 2001, the state of Louisiana received only one-half of one percent of the federal oil and gas revenues from its coast; and

Whereas, Hurricanes Katrina and Rita have shown that the loss of vital oil and gas infrastructure in Louisiana and the Gulf of Mexico has an immediate and direct impact upon the economy and well-being of the entire country and its citizens; and

Whereas, the hurricanes shut-in approximately fifty-three percent of the daily oil production in the Gulf of Mexico and shut-in approximately forty-seven percent of the daily gas production in the Gulf of Mexico; and

Whereas, for the time period of August 26, 2005, through November 3, 2005, the cumulative shut-in of oil production was approximately fourteen percent of the yearly oil production in the Gulf of Mexico, and the cumulative shut-in of gas production was approximately eleven percent of the yearly gas production in the Gulf of Mexico; and

Whereas, due to Hurricanes Katrina and Rita, Louisiana has suffered loss of life and tremendous devastation to its economy, its citizens, infrastructure, and coastal landscape; and

Whereas, the state has provided ten million dollars from our Rapid Response Fund for short-term, interest-free loans to struggling businesses and granted the full Interim Emergency Fund in the amount of sixteen million dollars to local governments in order for the governments' vital services to operate; and

Whereas, Louisiana has paid out approximately three hundred million dollars in unemployment benefits to hurricane-affected employees; and

Whereas, Louisiana has established a Rainy Day Fund that is worth approximately four hundred sixty million dollars, and the state is in the process of using at least one-third of this fund to balance the state budget; and

Whereas, in this regular session the Louisiana Legislature along with the governor are considering other options for balancing the budget, increasing revenues, and funding the massive cleanup, rebuilding, and restoration of southern Louisiana; and

Whereas, Hurricanes Katrina and Rita turned approximately one hundred square miles of southeast Louisiana coastal wetlands into open water and destroyed more wetlands east of the Mississippi River in one month than experts estimated would be lost in over forty-five years; and

Whereas, monies are desperately needed to fund the state's cleanup, rebuilding, and restoration of southern Louisiana; and

Whereas, the state of Louisiana and its citizens are in a financial crisis; and

Whereas, in order to rebuild the state of Louisiana and protect its citizens, the state needs a significant, consistent, and ongoing stream of revenue; and

Whereas, the extension of Louisiana's seaward boundary into the Gulf of Mexico for twelve geographical miles will provide such stream of revenue; therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-354. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Kansas relative to urging the federal government to lift the moratorium on offshore drilling for oil and natural gas; to the Committee on Energy and Natural Resources.

SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 5030

Whereas, policies of the federal government have placed much of the coastal Outer Continental Shelf off limits to oil and natural gas production; and Whereas, development of oil and natural gas resources, where allowed off our shores, has coexisted for decades with recreational and commercial activities while benefiting the entire nation; and

Whereas, offshore oil and natural gas operations have a long history of environmentally sensitive and safe performance; and

Whereas, offshore development of oil and natural gas has provided needed supplies of American energy, generated substantial local, state and federal revenues and created thousands of jobs and economic development; and

Whereas, America's increased dependence on foreign energy supplies and global competition for oil and natural gas will create a threat to our national security; and

Whereas, the nation's farming and ranching sector depend on a reliable and affordable supply of energy to run equipment, fertilize crops and transport products to market; and

Whereas, the Economic Research Service of the United States Department of Agriculture estimates that farmers' fuel expenses for 2005 will have exceeded their 2004 fuel expenses by 41 percent, and higher energy prices mean increased costs to farmers and ranchers, who already face tremendous economic challenges; and

Whereas, the fertilizer industry depends on natural gas, and since 2002, 36 percent of the U.S. fertilizer industry has been shut down or mothballed and the industry has been forced to move production to other countries, creating a threat to our food security; and

Whereas, the Energy Information Administration of the United States Department of Energy projects that the average residential customer this winter will spend approximately 48 percent more on natural gas than last winter, creating a serious hardship for those who lived on a fixed or limited income, especially senior citizens; and

Whereas, today, the Outer Continental Shelf represents one of the brightest spots in terms of potential United States energy resources: now, therefore, be it

Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the State of Kansas urges the Minerals Management Service of the United States Department of Interior to include all Outer Continental Shelf planning areas in its proposed five-year plan for 2007 through 2012 and approve the broadest possible plan for offshore development; and be it further

Resolved, That the Secretary of State is directed to send enrolled copies of this resolution to the United States Secretaries of Commerce, Interior and Energy, and to the administrators of the Minerals Management Service, Federal Energy Regulatory Commission, National Oceanic and Atmospheric Administration, and the Environmental Protection Agency, and to the President and Congressional leadership, and to each member of the Kansas congressional delegation.

POM-355. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to providing funding to the National Park Service to expedite repairs of damage caused by vandalism at Gettysburg National Military Park and urging the National Park Service to work with Federal, State and local law enforcement officials to apprehend and prosecute to the fullest extent available under statute the perpetrators of the vandalism; to the Committee on Energy and Natural Resources.

SENATE RESLUTION NO. 232

Whereas, on February 15, 2006, unknown individuals vandalized three Civil War monuments and stole a 120-year-old sword at the Gettysburg National Military Park; and

Whereas, the individuals desecrated the monument for the 4th New York Battery, also known as "Smith's Battery," which was dedicated on July 2, 1888; and

Whereas, a bronze statue of a Zouave infantryman was pulled from the pedestal of the 114th Pennsylvania Volunteer Infantry Monument, which was dedicated on July 2, 1886; and

Whereas, the top stone and sculpture of the 11th Massachusetts Volunteer Infantry Monument, dedicated on October 8, 1885, was dislodged and its sword taken; and

Whereas, the Battle of Gettysburg on July 1 through 3, 1863, represents a pivotal point in the history of the United States in which thousands of men lost their lives and the reunification of our nation was ultimately ensured; and

Whereas, in the cemetery of Gettysburg, President Abraham Lincoln delivered one of the most historic and enduring speeches in American history; and

Whereas, the Gettysburg National Military Park and its cemetery, monuments and memorials are a treasured and sanctified landmark for the Commonwealth of Pennsylvania and the nation, honoring the men who fought valorously and who made the ultimate sacrifice; and

Whereas, the acts of vandalism are a malicious and heinous attack on the sanctity of the Gettysburg National Military Park and the memory of the men who fought there; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to provide funding to the National Park Service to expedite repairs of damage caused by vandalism at Gettysburg National Military Park and urge the National Park Service to work with Federal, State and local law enforcement officials to apprehend and prosecute to the fullest extent available under statute the perpetrators of the vandalism; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-356. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 182

Whereas, as a result of the massive flooding suffered by the citizens in Orleans, Plaquemines, and St. Bernard parishes due to the overtopping of levees and levee breaches during Hurricanes Katrina and Rita, the issue and challenge of providing hurricane tidal flood protection for south Louisiana has gotten the attention of the nation; and

Whereas, not only were Orleans, Plaquemines, and St. Bernard parishes flooded as a result of the hurricane tidal surge, massive flooding was also prevalent in smaller communities in Terrebonne and Lafourche parishes; and

Whereas, the United States Army Corps of Engineers is focusing its attention on repairing the federal levees which breached during the 2005 hurricane season; however, there is also a system of nonfederal tidal levees, which offers a level of protection to the citizens of south Louisiana and which needs to be assessed, and in some cases, needs to be strengthened; and

Whereas, nonfederal tidal levees have long been a concern of the local citizens of smaller communities of this state since local and state funds to repair and strengthen such levees have fallen well short of the need; and

Whereas, nonfederal tidal levees are a valuable asset for citizens in south Louisiana because in many cases this system of levees is the only hurricane tidal flood protection these citizens enjoy; and

Whereas, since the state suffered such massive flooding as a result of the 2005 hurricane season, the need for a greater, more comprehensive hurricane tidal flood protection system for south Louisiana has never been more urgent; and

Whereas, the United States Army Corps of Engineers should evaluate both federal and nonfederal tidal levees in south Louisiana and should consider including nonfederal tidal levees in the federal program in order to provide comprehensive hurricane tidal flood protection for all of south Louisiana; and

Whereas, in order to avoid the costs of rebuilding entire communities, the federal government should consider fully funding the costs of repairing and upgrading the level of hurricane tidal flood protection for south Louisiana: therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-357. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to requesting that Rutgers, the State University, assist the Governor's "Flood Mitigation Task Force" in examining and determining the causes and solutions to help reduce flooding along the Delaware River, especially in Trenton; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 29

Whereas, from Friday April 1, 2005 through Sunday April 5, 2005, a major storm deposited four inches of rain on New Jersey, causing heavy main stream and river flooding, and prompting the Governor to declare a state of emergency; and

Whereas, an estimated 3,500 homes were affected by the flooding, with at least 5,600 people evacuated; and

Whereas, the April 2005 flood marks the third major flood in less than a year for New Jersey communities, emphasizing a strong need to establish safeguards for the areas most affected by the flooding; and

Whereas, the Governor has announced the creation of the "Flood Mitigation Task Force" to study and implement measures to reduce the impacts of flooding in New Jersey communities; and

Whereas, the members of the task force include the Commissioner of the Department of Environmental Protection, the Chair of the Department of Geography of Rutgers University, public and elected officials, and academic experts; and

Whereas, the task force will consult with the State climatologist, the Office of Emergency Management and the United States Geological Survey on ways to manage flooding; and

Whereas, it is in the best interest of the State to request the additional assistance of Rutgers, the State University, in determining the fundamental causes of the recent flooding in Trenton, New Jersey, as well as solutions to reduce flooding along the Delaware River in the future: Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. This Senate resolution requests that Rutgers, the State University, assist the Governor's "Flood Mitigation Task Force" in determining the fundamental causes of the recent flooding in Trenton, New Jersey, as well as solutions to reduce flooding along the Delaware River in the future.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the Vice President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, and each member of Congress elected from this State.

POM–358. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to immediately authorizing the Morganza to the Gulf Hurricane Protection Project, and urging and requesting the U.S. Army Corps of Engineers to include such recommendation in its pending interim report to Congress; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 72

Whereas, an interim report being prepared by the U.S. Army Corps of Engineers as part of the Category 5 Hurricane Protection Study will shortly be submitted to Congress; and

Whereas, one purpose of the interim report is to allow Congress to act immediately on recommendations contained in the report; and

Whereas, Terrebonne Parish was severely impacted by Hurricane Rita, with flooding affecting approximately ten thousand businesses and homes; and

Whereas, with the exception of assistance in the two weeks immediately following the hurricane, Terrebonne Parish has received no further assistance from the federal government to repair flood control infrastructure; and

Whereas, funding for such flood control infrastructure has been excluded from significant federal appropriations for Louisiana and from the proposed federal budget for the coming fiscal year; and

Whereas, the Morganza to the Gulf Hurricane Protection Project has been ready for authorization for Congress since 2002, and was presented to Congress in that year after ten years of study, analysis, and evaluation; and

Whereas, such study and analysis shows that immediate implementation of the Morganza to the Gulf Hurricane Protection Project is the best way to obtain Category 5 hurricane protection for affected parts of Terrebonne and Lafourche parishes; and

Whereas, without implementation of such project, these areas lack protection from almost any significant storm levels and face potential disaster if implementation is further delayed: therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to immediately authorize implementation of the Morganza to the Gulf Hurricane Protection Project, be it further

Resolved, That the interim report being prepared by the U.S. Army Corps of Engineers for Congress as part of the Category 5 Hurricane Protection Study should include a recommendation for immediate authorization of the Morganza to the Gulf Hurricane Protection Project, be it further

Resolved, That a copy of this Resolution shall be transmitted, to the commander of the U.S. Army Corps of Engineers, the executive office of the New Orleans District of the U.S. Army Corps of Engineers, the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

POM–359. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 182

Whereas, as a result of the massive flooding suffered by the citizens in Orleans, Plaquemines, and St. Bernard parishes due to the overtopping of levees and levee breaches during Hurricanes Katrina and Rita, the issue and challenge of providing hurricane tidal flood protection for south Louisiana has gotten the attention of the nation; and

Whereas, not only were Orleans, Plaquemines, and St. Bernard parishes flooded as a result of the hurricane tidal surge, massive flooding was also prevalent in smaller communities in Terrebonne and Lafourche parishes; and

Whereas, the United States Army Corps of Engineers is focusing its attention on repairing the federal levees which breached during the 2005 hurricane season; however, there is also a system of nonfederal tidal levees, which offers a level of protection to the citizens of south Louisiana and which needs to be assessed, and in some cases, needs to be strengthened; and

Whereas, nonfederal tidal levees have long been a concern of the local citizens of smaller communities of this state since local and state funds to repair and strengthen such levees have fallen well short of the need; and

Whereas, nonfederal tidal levees are a valuable asset for citizens in south Louisiana because in many cases this system of levees is the only hurricane tidal flood protection these citizens enjoy; and

Whereas, since the state suffered such massive flooding as a result of the 2005 hurricane season, the need for a greater, more comprehensive hurricane tidal flood protection system for south Louisiana has never been more urgent; and

Whereas, the United States Army Corps of Engineers should evaluate both federal and nonfederal tidal levees in south Louisiana and should consider including nonfederal tidal levees in the federal program in order to provide comprehensive hurricane tidal flood protection for all of south Louisiana; and

Whereas, in order to avoid the costs of rebuilding entire communities, the federal government should consider fully funding the costs of repairing and upgrading the level of hurricane tidal flood protection for south Louisiana: therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–360. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to ensure that the Centers for Medicare and Medicaid Services do not penalize senior citizens who resided in areas affected by Hurricane Katrina for taking advantage of the special enrollment period set for enrollment in Medicare Part D; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 203

Whereas, prescription drug costs have risen at a rapid rate over the past decade; and

Whereas, the rising costs of prescription drugs have proven unsustainable for millions of America's senior citizens; and

Whereas, in order to curb the ever-increasing burden of prescription drug costs on senior citizens, congress adopted a prescription drug benefit program as part of Medicare; and

Whereas, on December 8, 2003, President Bush signed the Medicare Prescription Drug, Improvement and Modernization Act, and this legislation provides senior citizens of the United States with a Medicare prescription drug benefit; and

Whereas, the drug benefit, otherwise known as Medicare Part D, is estimated by the Bush administration to currently have thirty-seven million enrollees; and

Whereas, Hurricane Katrina put an additional financial burden on many of Louisiana's seniors, as well as exacerbating many of the already severe health concerns of the state's citizens; and

Whereas, additional time to review and choose the proper prescription drug benefit is necessary, as many seniors have been occupied by the travails of rebuilding after the devastation wrought by Hurricane Katrina; and

Whereas, on March 8, 2006, Randy Brauer, the acting director of the division of enrollment and eligibility policy of the CMS issued a letter stating that evacuees of Hurricane Katrina will be granted a special enrollment period in which to enroll in Medicare Part D; and

Whereas, the normal deadline for enrollment is May fifteenth, and the extended deadline is over seven months later on December thirty-first; and

Whereas, state and local agencies as well as civic and community groups have informed senior citizens of the extended enrollment period; and

Whereas, though a special enrollment period has been created, CMS is considering penalizing seniors who decide to take advantage of the extended enrollment period; and

Whereas, many of the elderly have experienced financial hardship as a result of the hurricane that makes an increase in the cost of the drug benefit even more pernicious: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to ensure that the Centers for Medicare and Medicaid Services not penalize senior citizens who resided in areas affected by Hurricane Katrina for utilizing the special enrollment period established for enrollment in Medicare Part D; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-361. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to enacting the Nursing Home Fire Safety Act; to the Committee on Finance.

HOUSE RESOLUTION NO. 247

Whereas, the safety of the elderly and disabled, our most vulnerable citizens, deserves the highest priority and attention. It is estimated that 20 to 30 percent of the nation's 17,000 nursing homes lack sprinkler systems. Such blatant oversights place the residents of these facilities at great risk in the event of a fire; and

Whereas, in 2005, legislation was introduced in Congress to enact the Nursing Home Fire Safety Act. It is the intent of Congress, through this legislation, to equip every nursing home in the country with a fire sprinkler system over the next five years, adopt the Life Safety Code, and provide direct loans and sprinkler retrofit assistance grants to assist with installation costs; and

Whereas, the bill requires the Center for Medicare and Medicaid Services (CMS), the agency authorized to implement nursing home regulations, to adopt the National Fire Protection Association's (NFPA) new requirement that all existing nursing homes be equipped with automatic fire sprinklers. It also provides the resources that existing nursing homes will need to retrofit their facilities while continuing to care for residents; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact the Nursing Home Fire Safety Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-362. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to extending the Medicare Part D prescription drug deadline to December 31, 2006; to the Committee on Finance.

HOUSE RESOLUTION NO. 727

Whereas, Many older and disabled citizens in the United States and the Commonwealth of Pennsylvania depend on the Federal Government for assistance with the purchase of necessary prescription drugs; and

Whereas, The Federal Medicare Part D prescription drug benefit can help all eligible Americans and Pennsylvanians with the rising out-of-pocket drug costs, especially those persons with limited incomes; and

Whereas, Given enough time to eliminate the confusion created by the changes in this prescription drug program, most eligible citizens will sign up or obtain alternative insurance coverage; and

Whereas, Beneficiary and caregiver education and counseling is critical to promote informed decision making and smooth transition as this new drug benefit is implemented; and

Whereas, The current proposed May 15, 2006, deadline for enrollment in the program or alternative insurance is too soon to include everyone it should because of the confusion and lack of education and counseling for seniors and caregivers: Therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress of the United States to extend the Medicare Part D prescription drug deadline to December 31, 2006; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-363. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to repealing the excise tax on telecommunications; to the Committee on Finance.

HOUSE CONCURRENT MEMORIAL NO. 2007

Whereas, the first federal excise tax on communications was enacted in 1898 for the purpose of funding the Spanish-American War; and

Whereas, the tax was introduced as a "temporary" luxury tax; and

Whereas, the federal excise tax on communications was repealed in 1902 and was not reenacted until World War I required additional revenues; and

Whereas, the World War I federal excise tax on communications was repealed in 1924 and was reenacted in 1932; and

Whereas, all of the initial federal excise taxes on telecommunications applied only to toll, long distance service; and

Whereas, in 1941, with the advent of World War II, the federal excise tax on communications was extended to general service; and

Whereas, a federal excise tax on telephone service has been in effect in every year since 1941, despite enactment of periodic legislation to repeal or phaseout the tax; and

Whereas, telephone service is no longer a luxury, but rather a necessity for consumers of all income levels; and

Whereas, the federal excise tax is regressive, as low-income Americans pay a higher percentage of their income for telephone services than high-income Americans; and

Whereas, telecommunications services are the infrastructure on which new technologies including the Internet depend, and therefore the telecommunications excise tax discourages expansion of both the telephone infrastructure and new technologies; and

Whereas, the federal excise tax on telecommunications flows into the general fund, rather than being earmarked for a specific purpose; and

Whereas, in 2000, both houses of Congress passed a repeal of the federal excise tax on telecommunications, which was vetoed by President William Jefferson Clinton.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of he United States repeal the federal excise tax on telecommunications.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-364. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to supporting permanent repeal of the Federal Inheritance Tax; to the Committee on Finance.

HOUSE RESOLUTION NO. 3

Whereas, under tax relief legislation passed in 2001, the Federal Inheritance Tax, or death tax, was temporarily phased out but not permanently eliminated;

Whereas, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death;

Whereas, this is a tax that is particularly damaging to families who are working their way up the ladder and trying to accumulate wealth for the first time;

Whereas, employees suffer layoffs when small and medium businesses are liquidated to pay death taxes;

Whereas, if the death tax had been repealed in 1996, the United States economy would have realized billions of dollars each year in extra output and an average of 145,000 additional new jobs would have been created; and

Whereas, having repeatedly passed in the United States House of Representatives and the United States Senate, repeal of the death tax holds wide bipartisan support: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah requests our elected representatives and senators in the United States Congress support, work to pass, and vote for the immediate and permanent repeal of the death tax; and be it further

Resolved, That copies of this resolution be sent to the members of Utah's congressional delegation.

POM-365. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to appropriating sufficient funding for the recovery of the shrimp industry and voting against the repeal of the "Byrd Amendment"; to the Committee on Finance.

SENATE RESOLUTION NO. 117

Whereas, Louisiana has the nation's only warm water shrimp cannery; and

Whereas, before hurricanes Katrina and Rita, Louisiana generated an estimated one hundred twenty million pounds of shrimp and sold approximately nine thousand commercial shrimp gear licenses; and

Whereas, Louisiana shrimpers are the largest community of shrimpers in the Atlantic and Gulf of Mexico regions; and

Whereas, due to hurricanes Katrina and Rita, the shrimp industry suffered devastating economic and infrastructure losses; and

Whereas, due to the hurricanes, assessments estimate that for the shrimp industry the total potential production lost at retail level is approximately nine hundred and nineteen million dollars; and

Whereas, the influx of foreign shrimp sold at below market prices causes domestic prices to drop to levels at which domestic producers are unable to survive in the industry; and

Whereas, the United States House Committee on Ways and Means recommended to repeal the provision of the Continued Dumping and Subsidy Offset Act, commonly known as the "Byrd Amendment"; and

Whereas, the "Byrd Amendment" required duties to be collected under antidumping and countervailing duty orders and required payment to eligible domestic producers who initiated the petition which resulted in the imposition of the duties; and

Whereas, Louisiana was one of the original states that initiated a petition against foreign shrimp producers; and

Whereas, taking into consideration the potential repeal of the "Byrd Amendment" and the effects of hurricanes Katrina and Rita, the shrimp industry and the state of Louisiana stands to suffer severe financial losses: Therefore, be it

Resolved, That the Senate of Louisiana memorializes the Congress of the United States to appropriate sufficient funding for the recovery of the shrimp industry. Be it further

Resolved, That the Senate of Louisiana memorializes the Congress of the United States to vote against the repeal of the "Byrd Amendment." Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–366. A joint resolution adopted by the Legislature of the State of Utah relative to the tax deductibility of medical expenses by individuals; to the Committee on Finance.

House Joint Resolution No. 2

Whereas, access to quality health care is a basic need of individuals and families within the State;

Whereas, employer sponsored health insurance is the most common means of insuring nonelderly Americans;

Whereas, the growth in the cost of health care has made it increasingly difficult for employers, especially small employers, to provide affordable health care coverage to their employees;

Whereas, there is consequently a need to foster insurance coverage other than employer sponsored health insurance;

Whereas, current Federal law provides a tax benefit for health insurance provided as an employee fringe benefit, but generally offers no similar tax benefit for health insurance purchased by individuals;

Whereas, current Federal law provides a tax benefit on third-party payment of medical expenses, but generally offers no similar tax benefit for most individuals' direct payment of medical expenses;

Whereas, this tax structure has negative implications such as: curtailing competition for health insurance and health care services generally resulting in higher costs; increasing large group health care delivery systems resulting in decisions being made by large health care bureaucracies and the eroding of the doctor-patient relationship; restricting individuals' freedom to exercise direct control over their health care costs; and discriminating against individuals who work for employers that do not provide health benefits, who are unemployed, or who are disabled;

Whereas, access to health care, choice in health care decisions, and affordability of health care may improve if Congress places the medical choices made by individuals on equal footing with those made by employers and third parties; and

Whereas, Congress is considering adoption of the Health Care Freedom of Choice Act through the passage of H.R. 4625, 109th Cong. (2005) which would provide for the tax deductibility of expenses for medical care of the taxpayer, the taxpayer's spouse, or a dependent of the taxpayer, which the taxpayer pays but for which the taxpayer is not compensated: Now, therefore, be it

Resolved, That the Legislature of the State of Utah urges Congress to pass H.R. 4625, 109th Congress, First Session, which provides tax benefits to individual health care choices; and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM–367. A joint resolution adopted by the Legislature of the State of Utah relative to expressing opposition to a recent decision of the United States Supreme Court regarding pornography and urging Congress to pass a constitutional amendment to protect children from accessing pornography; to the Committee on the Judiciary.

House Joint Resolution No. 7

Whereas, in Ashcroft v. American Civil Liberties Union, 124 S. Ct. 2783, 159 L. Ed. 2d 690, plaintiffs challenged the content-based speech restrictions of the Child Online Protection Act (COPA), which was designed to protect minors from exposure to pornography on the World Wide Web;

Whereas, in that case, the United States Supreme Court invoked a requirement that, in order to prevail in a court challenge, the federal government must demonstrate that less restrictive methods of protecting minors from pornography are not as effective as current law;

Whereas, in that case, the United States Supreme Court held that the federal government failed to meet the burden of proving that proposed alternatives such as filtering software, a plausible less restrictive alternative to COPA, would be less effective in protecting minors from exposure to pornography on the Internet;

Whereas, child pornography has become a $3 billion annual industry;

Whereas, the United States Customs Service estimates that there are more than 100,000 websites offering child pornography, which is illegal worldwide;

Whereas, these unlawful sexual images can be purchased very easily at these websites;

Whereas, more than 20,000 images of child pornography are posted on the Internet every week;

Whereas, one in five children who use computer chat rooms has been approached over the Internet by pedophiles;

Whereas, in 2002, the United States Supreme Court stated in another case that virtual pornographic images of children are a victimless crime;

Whereas, in many instances it is impossible for a viewer to determine whether an image is a virtual or an actual photographic image;

Whereas, the determination of whether the material is "harmful to minors" was intended by the United States Supreme Court to be made by lawfully appointed juries made up of, in the Court's own words, "average person[s], applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest" and "taken as a whole, lack serious literary, artistic, political, or scientific value for minors";

Whereas, the United States Congress should take deliberate action to protect minors through the passage of a constitutional amendment protecting minors from exposure to pornography; and

Whereas, governments and the courts must respond decisively when minors are exposed to material that is harmful to them, in the name of preserving the free speech right of adults: Therefore, be it

Resolved, That the Legislature of the state of Utah expresses opposition to the United States Supreme Court's decision in Ashcroft v. American Civil Liberties Union, 124 S. Ct. 2783, 159 L. Ed. 2d 690, and other recent cases that claim to preserve the free speech rights of adults while exposing minors to material the United States Supreme Court has stated is "harmful to minors;" and be it further

Resolved, That the Legislature of the state of Utah, in order to help protect children, strongly urges the United States Congress to pass a constitutional amendment, if necessary, prohibiting child pornography, actual or simulated; and be it further

Resolved, That the Legislature strongly urges Congress to pass a constitutional amendment, if necessary, to criminalize the possession or viewing of child pornography, actual or simulated, by any individual; and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Supreme Court, and to the members of Utah's congressional delegation.

POM–368. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to support and establish a free trade agreement between the United States and Taiwan; to the Committee on Finance.

House Concurrent Resolution No. 212

Whereas, Taiwan has developed steadily into a major international trading power with over three hundred forty billion dollars in two-way trade and the world's seventeenth largest economy; and

Whereas, Taiwan is the United States' eighth largest trading partner, with trade flowing between these nations totaling over fifty-six billion dollars in 2005 alone; and

Whereas, Taiwan is the sixth largest market for United States agricultural products, including beef, wheat, corn, and soybeans, and with the strong purchasing power of its twenty-three million people, there are many opportunities to further expand bilateral trade between Taiwan and the United States; and

Whereas, Taiwan is the world's largest supplier of computer monitors and is a leading personal computer manufacturer; and

Whereas, some of the biggest industries in Taiwan are electronics and computer products, chemicals and petrochemicals, basic metals, machinery, textiles, transport equipment, plastics, and machinery; and

Whereas, a United States-Taiwan free trade agreement would lead to further investment by firms in both Taiwan and the United States and would create new business opportunities and new jobs; and

Whereas, a United States-Taiwan free trade agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development; and

Whereas, the United States International Trade Commission (USITC) and the Institute for International Economics (IIE) estimate that a United States-Taiwan free trade agreement would increase United States exports to Taiwan by about six billion dollars: Therefore be it

Resolved, that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to support and establish a free trade agreement between the United States and Taiwan; and be it further

Resolved, a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-369. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to permitting emergency workers and equipment to cross the international border with Mexico to address emergencies that threaten both sides of the border; to the Committee on Foreign Relations.

CONCURRENT MEMORIAL

Whereas, Arizona and Mexico share a border that stretches for more than three hundred fifty miles; and

Whereas, the threats from environmental spills, leaks, explosions and similar disasters involving toxic substances in border communities are not constrained by political boundaries and can threaten people and communities on both sides; and

Whereas, the threats from fires, floods and similar natural disasters are not constrained by political boundaries and can threaten people and communities on both sides; and

Whereas, as a result of a joint legislative protocol session with the members of the Arizona Legislature, on December 1, 2005, the Legislature of Sonora, Mexico adopted a resolution calling on the federal government in Mexico to permit emergency workers and vehicles to cross the international border to fight such environmental and natural disasters as long as they return to their country of origin when the emergency subsides.

Whereas, authorizing emergency workers and equipment to cross the international border requires action by the President and Congress of the United States of America.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

(1) That the President and Congress of the United States of America recognize the importance of authorizing emergency workers and equipment from the United States of America and Mexico to cross their respective international borders whenever an environmental or natural disaster threatens communities on both sides;

(2) That the President and Congress of the United States of America take the action necessary to authorize emergency workers and equipment from the United States of America and Mexico to cross their respective international borders whenever an environmental or natural disaster threatens communities on both sides as long as they return to their country of origin when the emergency subsides; and

(3) That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States of America, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-370. A resolution adopted by the Senate of the Legislature of the State of Utah relative to urging the Bush Administration to support Taiwan's participation in the World Health Organization; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 3

Whereas, the World Health Organization's (WHO) Constitution states that "The objective of the World Health Organization shall be the attainment by all peoples of the highest possible level of health";

Whereas, this position demonstrates that the WHO is obligated to reach all peoples throughout the world, regardless of state or national boundaries;

Whereas, the WHO Constitution permits a wide variety of entities, including nonmember states, international organizations, national organizations, and nongovernmental organizations, to participate in the activities of the WHO;

Whereas, five entities, for example, have acquired the status of observer of the World Health Assembly (WHA) and are routinely invited to its assemblies;

Whereas, both the WHO Constitution and the International Covenant of Economic, Social, and Cultural Rights (ICESCR) declare that health is an essential element of human rights and that no signatory shall impede on the health rights of others;

Whereas, Taiwan seeks to be invited to participate in the work of the WHA simply as an observer, instead of as a full member, in order to allow the work of the WHO to proceed without creating political frictions and to demonstrate Taiwan's willingness to put aside political controversies for the common good of global health;

Whereas, this request is fundamentally based on professional health grounds and has nothing to do with the political issues of sovereignty and statehood;

Whereas, Taiwan currently participates as a full member in organizations like the World Trade Organization (WTO): Asia-Pacific Economic Cooperation (APEC), and several other international organizations that count the People's Republic of China among their membership;

Whereas, Taiwan has become an asset to all these institutions because of a flexible interpretation of the terms of membership;

Whereas, closing the gap between the WHO and Taiwan is an urgent global health imperative;

Whereas, the health administration of Taiwan is the only competent body possessing and managing all the information on any outbreak in Taiwan of epidemics that could potentially threaten global health;

Whereas, excluding Taiwan from the WHO's Global Outbreak Alert and Response Network (GOARN), for example, is dangerous and self defeating from a professional perspective:

Whereas, good health is a basic right for every citizen of the world and access to the highest standard of health information and services is necessary to help guarantee this right;

Whereas, direct and unobstructed participation in international health cooperation forums and programs is therefore crucial, especially with today's greater potential for the cross-border spread of various infectious diseases through increased trade and travel;

Whereas, the WHO sets forth in the first chapter of its charter the objectives of attaining the highest possible level of health for all people;

Whereas, Taiwan's population of 23 million people is larger than that of three quarters of the member states already in the WHO and shares the noble goals of the organization;

Whereas, Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those in western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first country in the world to provide children with free hepatitis B vaccinations;

Whereas, Taiwan is not allowed to participate in any WHO-organized forums and workshops concerning the latest technologies in the diagnosis, monitoring, and control of diseases;

Whereas, in recent years, both the Taiwanese Government and individual Taiwanese experts have expressed a willingness to assist financially or technically in WHO-supported international aid and health activities but have ultimately been unable to render assistance;

Whereas, the WHO does allow observers to participate in the activities of the organization; and

Whereas, in light of all the benefits that participation could bring to the state of health of people not only in Taiwan, but also regionally and globally, it seems appropriate, if not imperative, for Taiwan to be involved with the WHO: Therefore, be it

Resolved, That the Senate of the state of Utah urges the Bush Administration to support Taiwan and its 23 million people in obtaining appropriate and meaningful participation in the World Health Organization (WHO); and be it further

Resolved, That the Senate urges that United States' policy should include the pursuit of some initiative in the WHO which would give Taiwan meaningful participation in a manner that is consistent with the organization's requirements; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary of Health and Human Services, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the Government of Taiwan, and the World Health Organization.

POM-371. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to urging the President and Congress of the United States to take immediate action in assisting with the peacekeeping mission and efforts to resolve the conflict in the Darfur region of Sudan; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 741

Whereas, the people of Darfur have suffered for decades from the devastating effects of drought; and

Whereas, in 2003 a crisis associated with drought conditions and limited food production was further compounded by a campaign of violence in the region; and

Whereas, since 2003 an estimated 300,000 people have died as a result of the genocide in Darfur and approximately 3.5 million men, women and children in the region continue to face violence and starvation: and

Whereas, a separate Sudanese conflict lasting more than two decades ended in 2005, raising hope in the country, but conditions have worsened; and

Whereas, recently the scope and degree of violence has escalated, leading to the arrival of tens of thousands of people at refugee camps in Sudan and Chad; and

Whereas, civilians are unable to grow food and sustain life as roving government-sponsored militias systematically beat, rape and kill the people of Darfur; and

Whereas, the United Nations refugee agency, the United Nations High Commissioner for Refugees, recently announced it will be cutting refugee assistance funds to Darfur by 44%, which adds to the urgency of the situation; and

Whereas, on February 17, 2006, President Bush stated that he would push for additional United Nations and North Atlantic Treaty Organization (NATO) assistance to protect the people of Darfur; and

Whereas, on March 24, 2006, the United Nations Security Council adopted a resolution to further support assistance efforts in Darfur; and

Whereas, intervention by the United States and the United Nations may take time to implement; and

Whereas, if the security situation continues to deteriorate and the humanitarian life-support system fully collapses, the casualty rate could rise as high as 100,000 per month: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the President of the United States to push for:

(1) immediate assistance to the African Union peacekeeping mission to improve their civilian protection capacity until the United Nations can fully deploy a capable peacekeeping force;

(2) a United Nations peacekeeping force to take over the African Union peacekeeping mission in Darfur: and

(3) greater United States involvement in the Darfur peace process and urge the President to use the power of his office to encourage other world leaders to do so as well: and be it further

Resolved, That the House of Representatives urge members of Congress to:

(1) support short-term supplemental funding for peacekeeping and humanitarian aid in Sudan, a minimum of which should include the $514 million requested by the President in the Fiscal Year 2006 supplemental appropriations bill;

(2) support long-term Fiscal Year 2007 funding for humanitarian aid, NATO and United Nations peacekeeping and reconstruction assistance; and

(3) pass the strongest possible version of the Darfur Peace and Accountability Act, which includes placing additional penalties on the Government of the Sudan and on those persons, complicit in the genocide: and be it further

Resolved, That copies of this resolution be transmitted to the President, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-372. A concurrent resolution adopted by the Legislature of the State of Utah relative to recognizing the contributions of Fred C. Adams to the State of Utah; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 6

Whereas, the Utah Shakespearean Festival is considered by many to be one of the most prestigious repertory theaters and Shakespearean festivals in the United States;

Whereas, over the last 44 years, the Utah Shakespearean Festival, which is currently in its 45th season, has hosted 4,148,008 people who have attended 144 productions of Shakespeare's plays;

Whereas, as of the year 2000, the Utah Shakespearean Festival had produced Shakespeare's entire canon of plays;

Whereas, the Utah Shakespearean Festival has employed 170 musicians, 376 electricians, 218 directors, 447 designers, 314 props artists, 957 carpenters, 877 Greenshow performers, 260 make-up artists, 2,007 actors, 291 stage managers, and 1,272 costumers;

Whereas, Fred C. Adams is the Festival Founder and Executive Producer Emeritus;

Whereas, under Mr. Adams's guidance, the Festival has grown from a budget of $1,000 and 3,276 paid admissions in 1962, to a 2006 annual budget of $6 million and an anticipated attendance of 150,000 paid admissions;

Whereas, beginning his long association as a teacher at Southern Utah University in 1959, he retired from his university teaching and directing responsibilities in 2000, to devote his energies full-time to the day-to-day artistic operations of the Festival;

Whereas, Mr. Adams received his B.A. and M.A. degrees from Brigham Young University in theater arts and Russian;

Whereas, on June 4, 2000, the Utah Shakespearean Festival received the prestigious Tony Award for Outstanding Regional Theater at Radio City Music Hall in New York City;

Whereas, 1,389 schools have participated in the Festival's High School Shakespeare Competition since 1977;

Whereas, 183,280 students have seen the Festival's Educational Tour since 2001;

Whereas, the International Festival and Events Association estimates the annual economic impact of the Utah Shakespearean Festival to be in excess of $64 million;

Whereas, in 2001 the Festival received the 25th Annual National Governors Association Award for Distinguished Service to the Arts;

Whereas, Mr. Adams is the recipient of the Pioneer of Progress Award for the Days of '47 in Salt Lake City (2005), the Ernst and Young Entrepreneur of the Year Award (2003), the Utah Theater Association's Lifetime Service Award (2000), an honorary doctorate degree from Southern Utah University (1999), the Institute of Outdoor Drama's Mark R. Sumner Award (1998), Brigham Young University's Distinguished Service Award (1995), Geneva Steel's Modern Pioneer Award (1994), the Cedar City Area Chamber of Commerce Arts Contribution Award (1992), Southern Utah University's Outstanding Alumni Award (1991), the Citizen Meritorious Service Award from the American Parks and Recreation Society (1991), Utah Business Magazine's Outstanding Business Leader recognition (1989), the First Annual Governor's Award in the Arts (1989), and the Distinguished Alumni Award from Brigham Young University (1984 and 1987);

Whereas, Mr. Adams was also honored to carry the Olympic flame in Cedar City during the 2002 Winter Olympic Torch Relay;

Whereas, Mr. Adams was the featured personality for the Utah Travel Council's summer tourism advertising campaign in 1995 and 1996, appearing in a number of magazines, including Condé Nast Traveler, Mature Outlook, American Heritage, Midwest Living, National Geographic Traveler, Gourmet, and Life;

Whereas, Mr. Adams is the author of many articles appearing in several professional magazines, and he is a favorite lecturer for educational institutions and professional organizations throughout the United States and Europe;

Whereas, Mr. Adams also conducts and is host for at least one annual tour to Europe;

Whereas, as executive director of the Festival Center Project, Mr. Adams will now focus on securing funding for the completion of the Utah Shakespearean Festival Center for the Performing Arts;

Whereas, the projected $65 million Center will feature Renaissance-style buildings surrounding a brick-paved central plaza and a beautiful fountain highlighted by bronze statues of some of Shakespeare's most loved characters;

Whereas, the Center will include the relocated Adams Shakespearean Theater (a Tudor-styled outdoor theater), and one additional small performance facility (the New Playwright's Theater), as well as a bookstore, art gallery, bakery, restaurant, ale house, costume and scene shops, Greenshow performance stages, a seminar grove, and a feast hall patterned after the great banquet halls of Europe, all of which will compliment the state-of-the-art Randall L. Jones Theater, built in 1989;

Whereas, as executive producer emeritus he will consult and advise the Festival concerning play selection, choosing directors and designers, and long-term planning;

Whereas, Mr. Adams will also continue to be seen at the Festival as he conducts orientations, participates in all Festival functions, and greets patrons and his many friends before the plays; and

Whereas, the life and accomplishments of Fred C. Adams and his contribution to the arts and to economic development in the State of Utah merit the thanks and praise of a grateful state: Now, therefore, be it

Resolved, that the Legislature of the State of Utah, the Governor concurring therein, recognize the enormous contributions of Fred C. Adams to the arts in the State of Utah, and to its economic development: be it further

Resolved, That a copy of this resolution be sent to Fred C. Adams.

POM-373. A Senate concurrent resolution adopted by the Legislature of the State of Kansas relative to federal funding of education: to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 1618

Whereas, The state of Kansas under the Quality Performance Accreditation (QPA) System has long pursued the goal of improving the academic performance of all students, especially students of racial and ethnic background, lower economic status, limited English proficiency and with learning disabilities or challenges; and

Whereas, The state of Kansas, therefore, applauds the President and the United States Congress for putting forth the same goals in the reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, and emphasizing the urgency in improving the performance of these students; and

Whereas, The reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, has encouraged some needed changes in public education and was initially accompanied with relatively large increases in federal funding for public elementary and secondary education; and

Whereas, However, the increases in federal funding since the first year of the reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, have been minimal: and

Whereas, The federal government has decreased funding for reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, in fiscal year 2006 by $793,000,000, decreased funding for postsecondary education by $166,000,000, and decreased funding for programs that serve students with disabilities by $21,000,000: Now, therefore, *Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the Kansas legislature memorializes the President and the United States Congress to make a serious commitment to improving the quality of the nation's public schools by substantially increasing its funding for the reauthorization of the Elementary and Secondary Education Act of 1965 commonly known as the No Child Left Behind Act of 2001, the Higher Education Act, the Individuals with Disabilities Education Act and other educational related programs: and

Be it further resolved: That the state of Kansas requests that the President, United States Congress and United States Department of Education offer the various states waivers, exemptions or whatever flexibility is possible regarding the requirements of the reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, in any year that federal funding for public elementary and secondary education is decreased to prevent states from spending state and local resources on activities that have not proven effective in raising student achievement and may not be the priority of an individual state; and

Be it further resolved: That the state of Kansas encourages other states to pass similar resolutions; and

Be it further resolved: That the Secretary of State send an enrolled copy of this resolution to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, Secretary of the United States Department of Education and each member of the Kansas legislative delegation.

POM-374. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to applauding the contributions of Pennsylvania's Taiwanese-American community and joining in support of the participation of the Republic of China in the role of World Health Organization observer; to the Committee on Health, Education, Labor, and Pensions.

House Resolution No. 690

Whereas, The Commonwealth of Pennsylvania and the Republic of China (Taiwan) have had a long history of friendship; and

Whereas, Philadelphia is home to a large Taiwanese community; and

Whereas, The people of the Taiwanese-American community maintain close ties with family and friends in their native land and are concerned about their health, safety and quality of life: and

Whereas, Good health is essential to every citizen of the world, just as access to the highest standards of health information and service is necessary to improve the public health: and

Whereas, The World Health Organization (WHO) set forth, in the first chapter of its charter, the objective of attaining the highest possible level of health for all people; and

Whereas, The House of Representatives of the Commonwealth of Pennsylvania is justly proud to support the participation of Taiwan in the role of observer in the World Health Organization in the upcoming World Health Assembly (WHA) at its annual summit to be held in Geneva, Switzerland in May 2006; and

Whereas, Taiwan's population of more than 23 million is larger than that of 75% of the current WHO member states; and

Whereas, The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

Whereas, The State Department, in its report to the Congress of the United States in April 2005, reaffirmed United States support of Taiwan's observer status in the WHA; and

Whereas, Fifty-three members of the United States House of Representatives wrote a letter to Secretary of State Condoleezza Rice on December 16, 2005, expressing their support of observer status for Taiwan at the annual meeting of the WHA; and

Whereas, The United States Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO; and

Whereas, The government and the people of Taiwan have been actively engaged in various activities in the fields of medical assistance and humanitarian relief to countries in Africa, Asia, Central America and the Caribbean in such places as Afghanistan, Chad, El Salvador, Honduras and Liberia and have contributed financial resources to global relief efforts and to combat disease around the world; and

Whereas, Taiwan's participation in international health forums and programs is critical, especially with today's greater potential for the cross-border spread of various infectious diseases such as human immunodeficiency virus (HIV), tuberculosis and malaria; and

Whereas, Recent outbreaks of the lethal avian flu and severe acute respiratory syndrome (SARS) in East Asia and Southeast Asia have caused panic around the world and have accentuated the importance of Taiwan's participation in international health forums and the inherent danger of nonparticipation; and

Whereas, Taiwan's substantial achievements in the field of health include having one of the highest life expectancy levels in Asia and having low maternal and infant mortality rates, eradicating such infectious diseases as cholera, smallpox and plague and being the first to eradicate polio and to provide children with hepatitis B vaccinations; and

Whereas, Taiwan's WHO observer status affects the health rights of millions of Taiwanese people and benefits regional and global public health; Therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania pause in its deliberations to applaud the contributions of Pennsylvania's Taiwanese-American community and join in support of the participation of Taiwan in the role of WHO observer; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the United States Department of Health and Human Services, to each member of the Pennsylvania Congressional Delegation and to the World Health Organization.

POM-375. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to supporting changes to the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

Senate Concurrent Resolution No. 105

Whereas, the National Conference of State Legislatures created a special task force (Task Force) that spent ten months conducting a comprehensive, bipartisan review of the No Child Left Behind Act of 2001; and

Whereas, this review identified a number of changes that must be made to the No Child Left Behind Act for it to become a positive impetus to school improvement and ensure that young people will learn at their full potential; and

Whereas, the Task Force drafted forty-three recommendations outlining these necessary changes to provide useful, workable requirements for schools, many of which could be easily incorporated into the No Child Left Behind Act; and

Whereas, the four key Task Force recommendations include: (1) removing obstacles that block state education innovations and undermine programs that were succeeding prior to the passage of the No Child Left Behind Act; (2) providing the federal financial assistance necessary for states to meet No Child Left Behind Act classroom goals; (3) removing the "one-size-fits-all" student performance measurements in favor of more sophisticated systems that measure progress on an individualized basis; and (4) recognizing that individual schools face special challenges, and that significant differences exist between rural and urban schools: Now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, That the Hawaii State Legislature strongly urges the Congress of the United States to support the worthwhile recommendations of the National Conference of State Legislatures special task force on revisions to the No Child Left Behind Act; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and Hawaii's congressional delegation.

POM-376. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to supporting the goal of eliminating suffering and death from cancer by the year 2015; to the Committee on Health, Education, Labor, and Pensions.

Senate Concurrent Resolution No. 15 S.D. 1

Whereas, cancer is the second leading cause of death and touches almost every family, with over ten million Americans now living with a history of cancer; and

Whereas, cancer affects one out of every four Americans or one out of every two men and one out of every three women; and

Whereas, this year alone, cancer will claim the lives of more than 570,000 Americans or 1,500 people per day; and

Whereas, 1,700 Hawaii residents or roughly one out of every five deaths in Hawaii is attributed to cancer; and

Whereas, more than 1,300,000 cancer cases were diagnosed in 2005; and

Whereas, approximately 5,000 men and women in Hawaii are diagnosed each year with the disease; and

Whereas, it is estimated that cancer cost the Nation nearly $190 billion 2003, including more than $69 billion in direct medical costs; and

Whereas, the cost for cancer care in Hawaii is estimated to cost $500 million each year; and

Whereas, the Nation's investment in cancer research and programs have led to actual progress; and

Whereas, between 1991 and 2001, cancer death rates declined by more than nine percent and about 258,000 lives were saved; and

Whereas, at least half of all cancer deaths could have been prevented by applying existing knowledge; and

Whereas, the Director of the National Cancer Institute has set a bold goal to eliminate suffering and death from cancer by 2015; and

Whereas, eliminating cancer related suffering and death will require a commitment by the Hawaii State Legislature to continue to make the fight against cancer a priority; now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, That the Hawaii State Legislature supports the goal of eliminating suffering and death due to cancer by 2015; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the Director of Health, the Hawaii Comprehensive Cancer Control Coalition, U.S. House of Representatives, U.S. Senate, and to the Director of the National Cancer Institute.

POM-377. A joint resolution adopted by the Legislature of the State of Utah relative to urging the citizens of Utah to increase their awareness of the contributions paraeducators make in educating children in public schools; to the Committee on Health, Education, Labor, and Pensions.

House Joint Resolution No. 15

Whereas, for the more than 40 years since they were first introduced into the nation's schools, the roles of "teacher aides" have become more complex and demanding;

Whereas, these aides have become technicians who are more aptly described as paraeducators;

Whereas, under the direction of teachers, paraeducators assist with the delivery, to both learners and their parents, of instructional and other direct services designed to support instructional plans and educational goals;

Whereas, more than 7,000 paraeducators serve in Utah's school districts and charter schools, providing invaluable services and support to students in Utah's public schools;

Whereas, these paraeducators display a high degree of professionalism and spend considerable time and energy in career development;

Whereas, paraeducators work as members of teams in the classroom where the teacher has the ultimate responsibility for the design and implementation of the classroom education program, the education programs of individual students, and for the evaluation of those programs and student progress;

Whereas, paraeducators work under the ultimate supervision of the school principal and are assigned to work under the direction of a teacher or team of teachers;

Whereas, while they perform clerical tasks, prepare materials, and monitor learners in nonacademic settings, paraeducators perform many other tasks under the supervision of teachers and, in some cases, related services professionals;

Whereas, paraeducators in early childhood, elementary, middle, and secondary classrooms and programs engage individual and small groups of learners in instructional activities developed by teachers, carry out behavior management and disciplinary plans developed by teachers, and assist teachers with functional and other assessment activities;

Whereas, paraeducators can also document and provide objective information about learner performance that enables teachers to plan and modify curriculum and learning activities for individuals, assist teachers with organizing learning activities and maintaining supportive environments, and assist teachers with involving parents or other caregivers in their child's education;

Whereas, recent legislation requires paraprofessionals to be qualified to perform their jobs and requires local districts to provide adequate training and supervision of their paraeducators;

Whereas, by serving jointly with teachers, paraeducators enhance the continuity and quality of services for many students in Utah schools; and

Whereas, the services provided by paraeducators, though not widely understood or recognized, are a key element in the success of Utah's education efforts: Now, therefore, be it

Resolved, That the Legislature of the State of Utah urges the citizens of Utah to increase their awareness of the critical role paraeducators play in the education of Utah school children; be it further

Resolved, That a copy of this resolution be sent to each of Utah's school districts, charter schools, the National Resource Center for Paraprofessionals, members of the Utah Education Coalition and education community, the Utah Parent Teacher Association, the Utah State Board of Education, and the Utah State Office of Education.

POM-378. A joint resolution adopted by the Legislature of the State of Utah relative to urging state agencies to replace "mental retardation" references in their documents with a more respectful description; to the Committee on Health, Education, Labor, and Pensions.

House Resolution No. 14

Whereas, the stigma attached to the phrase "mental retardation" creates an unwarranted burden on those who experience this intellectual disability;

Whereas, in some cases government agencies inadvertently perpetuate this burden by continuing to use this archaic term;

Whereas, this phrase should be changed to reflect a sensitivity to those who experience this disability;

Whereas, many government agencies throughout the United States have altered their documents to refer to these individuals as persons with a disability;

Whereas, the use of "persons with a disability" removes a measure of the sting and stigma suffered by those who must struggle with this disability every day of their lives; and

Whereas, Utah state agencies should take deliberate steps to update their documents to reflect this more sensitive reference to characterize those who experience this disability: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges Utah's state agencies to review their official documents and replace current references to "mental retardation" with an alternative that reflects increased sensitivity to those who experience this disability; and be it further

Resolved, That the Legislature encourages state agencies to review and consider alternative references to this disability that are used by other states; and be it further

Resolved, That a copy of this resolution be sent to the Department of Human Resources, the Utah Developmental Disabilities Council, the Department of Health, the Department of Human Services, and People First.

POM-379. A resolution adopted of the Legislature of the State of Utah relative to encouraging Utah schools to educate children regarding risks of sun exposure; to the Committee on Health, Education, Labor, and pensions.

Senate Resolution No. 2

Whereas, one in five Americans will get skin cancer in their lifetime;

Whereas, melanoma, the most deadly form of skin cancer, is now the second leading cause of cancer for women in their 20's and 30's;

Whereas, melanoma is now the fastest growing cancer in the U.S., with cases increasing at an epidemic rate of 3% per year;

Whereas, there have been no significant advances in the medical treatment of advanced melanoma or its survival rate in the last 30 years;

Whereas, in a survey by the Centers for Disease Control, 74% of young adults and 50% of older adults said that they had little or no knowledge about melanoma;

Whereas, in 1940, the chance of a U.S. citizen getting melanoma was 1 in 1,500, by 2004 it was 1 in 67, and by 2010 scientists predict it will be 1 in 50;

Whereas, if caught in the earliest stages, melanoma is entirely treatable with a survival rate of nearly 100%;

Whereas, if untreated and allowed to spread, there is no known effective treatment or cure for melanoma;

Whereas, the lifetime risk of getting skin cancer is linked to sun exposed sunburn during childhood and adolescence;

Whereas, studies have shown that the occurrence of at least two blistering sunburns before the age of 18 years may double the risk for development of melanoma as an adult;

Whereas, it is estimated that regular use of sunscreen during childhood could lower skin cancer incidence by nearly 80%;

Whereas, since 1982; incidences of pediatric melanoma in children have more than doubled;

Whereas, Utah's melanoma rates are among the highest in the nation;

Whereas, Utah regularly ranks in the top five states in the nation for per capita deaths from melanoma;

Whereas, the United States Department of Health and Human Services Classifies solar radiation as a known human carcinogen;

Whereas, the causes, prevention, and early detection of skin cancer, particularly melanoma, are fairly well understood and easy to learn;

Whereas, schools have the potential to educate and positively influence pupil and family behavior regarding skin cancer prevention;

Whereas, simple, inexpensive changes in behavior such as wearing sunscreen, avoiding midday sun exposure, and wearing a shirt and hat can alter lifelong skin cancer risks;

Whereas, several programs are available to educators to help them teach students about the risks and prevention of skin cancer, and the programs could be integrated into classes in Utah schools;

Whereas, the United States Environmental Protection Agency has created a program that educates school-age children on the risks of exposure to the sun;

Whereas, this program, called SunWise, is provided free of charge, is designed for school-age children, requires no teacher training, and is easily integrated into a school's curriculum;

Whereas, SunWise is currently being used by 14,000 schools around the country and 246 school in Utah with great success;

Whereas, a low-cost program about the risks, and prevention of skin cancer, Sunny

Days, Healthy Ways, was developed with grants from the National Cancer Institute;

Whereas, the Centers for Disease Control have free materials on the prevention of skin cancer which, can be downloaded from their website and used in class or sent home with children to help educate families;

Whereas, Only Skin Deep is a Utah based program designed to train high school students to teach their peers about skin cancer prevention;

Whereas, this program has been successfully used in Utah schools, is free of charge, and requires no time from teachers; and

Whereas, faced with the reality of the risks of sun exposure and with the variety of low or no-cost programs and materials available, Utah schools should educate their students on the risks and prevention of skin cancer: Now, therefore, be it

Resolved, That the Senate of the state of Utah urges Utah's public schools to consider incorporating sun exposure awareness programs and materials into their curriculum. Be it further

Resolved, That copies of this resolution be sent to each school district in the state of Utah, the Utah Parent Teachers Association, the American Cancer Society of Utah, the Utah Cancer Action Network, the Utah State Office of Education, the Utah State Board of Education, the Utah Department of Health, the National Cancer Institute, and the Utah Society of Dermatologic Medicine and Surgery.

POM-380. A concurrent resolution adopted by the Legislature of the State of Utah relative to encouraging school boards to adopt policy prohibiting bullying; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 1

Whereas, school bullying, harassment, and intimidation greatly reduce a student's ability to both achieve and surpass academic standards in Utah;

Whereas, school bullying, harassment and intimidation can directly affect a student's health and well-being and thus contribute to excess absences from school, physical sickness, mental and emotional anguish, and long-term social and mental consequences;

Whereas, bullying, harassment; and intimidation can take physical, verbal, and written forms, including use of electronic media;

Whereas, it is long past time for not only society, but also for each community in Utah, down to the individual school community level, to acknowledge that bullying is not some sort of right of passage to be simply ignored or tolerated;

Whereas, incidents of reported school-related bullying in the state and throughout the nation are ample evidence of the need for intervention;

Whereas, many bullies eventually end up with criminal records and are involved in abusive relationships because they have not learned appropriate social behavior;

Whereas, it is within the goals and dictates of the state's public education system to provide a healthy, positive, and safe learning atmosphere for all Utah children in the state's public schools;

Whereas, many schools across the state are already engaged in prevention efforts, including Utah's K-12 prevention program, Prevention Dimensions;

Whereas, these programs emphasize assessment of the prevalence of bullying incidents and preventive, early intervention strategies; and

Whereas, with the help of local school boards, school districts and school personnel, parents, and concerned individuals, school bullying can be effectively addressed: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express its condemnation of bullying, harassment, and intimidation in Utah schools. Be it further

Resolved, That the Legislature and the Governor urge school districts, concerned parents, the members of the Utah Substance Abuse and Anti-Violence Coordinating Council, and the members of the Utah Education Coalition, which includes the State Board of Education, the Utah Education Association, the Utah Parent Teacher Association, the Utah School Employees Association, the Utah Association of Elementary School Principals, the Utah Association of Secondary School Principals, the Utah School Boards Association, the Utah State Office of Education, and the Utah School Superintendents Association to work together to further define and understand the multiple aspects of bullying and effectively utilize systems for reporting school-related bullying incidents. Be it further

Resolved, That the Legislature and the Governor call upon school districts, concerned parents, the members of Utah Education Coalition, and the members of the Utah Substance Abuse and Anti-Violence Coordinating Council to respond to school-related bullying incidents by implementing a program where victims of bullying can be identified and assisted, and perpetrators educated, in order to create safer schools that provide a positive learning environment. Be it further

Resolved, That the Legislature and the Governor encourage these groups to come together to form a coalition whose goal would be to bring about, through education and other means, the end of bullying, harassment, and intimidation in the states public schools. Be it further

Resolved, That a copy of this resolution be sent to the State Board of Education, the Utah Education Association, the Utah Parent Teacher Association, the Utah School Employees Association, the Utah Association of Elementary School Principals, the Utah Association of Secondary School Principals, the Utah School Boards Association, the Utah State Office of Education, the Utah School Superintendents Association, the Utah Substance Abuse and Anti-Violence Coordinating Council, each public school district in the state of Utah, and the Utah Charter School Association.

POM-381. A joint resolution by the Legislature of the State of Utah relative to recognizing the rights of public school students to voluntarily participate in religious expression in public schools; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 9

Whereas, a firm understanding of the proper and lawful role of religious expression is requisite to full participation in public institutions;

Whereas, a state of confusion and in some cases fear among the general citizenry exists as to the proper role of religious expression in public schools and other public settings;

Whereas, the free exercise of religion is a fundamental right guaranteed by both the United States Constitution and the Utah Constitution;

Whereas, the freedom of speech is a fundamental right guaranteed by both the United States Constitution and the Utah Constitution;

Whereas, the First Amendment to the United States Constitution states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble";

Whereas, the Utah Constitution states, "The rights of conscience shall never be infringed. The State shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; . . . There shall be no union of Church and State, nor shall any church dominate the State or interfere with its functions. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or for the support of any ecclesiastical establishment.";

Whereas, the Utah Constitution also states: "No law shall be passed to abridge or restrain the freedom of speech or of the press";

Whereas, prayer is fundamental to the exercise of both religion and free speech;

Whereas, courts have upheld the right of students to spontaneously and nondisruptively pray in school settings, and school administrators and teachers are in no way permitted to discourage such religious expression, including prayer, by a student;

Whereas, in the classroom, instruction covering religious subject matter is permitted, provided the teacher does not advocate religion in general or one or more religions in particular;

Whereas, students participating in the singing of songs that are religious in theme, and expressions often related to holidays that are "religious in nature, also enjoy legal protection under the state and federal constitutions;

Whereas, the courts have established a three-part test for determining if a government action violates the establishment of religion clause of the First Amendment to the United States Constitution: (1) the government action must have a secular (nonreligious) purpose; (2) the government action's primary purpose must not be to inhibit or to advance religion; and (3) there must be no excessive entanglement between government and religion; and

Whereas, the United States Supreme Court has ruled the union-of-church-and-state ban applies only to circumstances that join a particular religious denomination and the state so that the two function in tandem on an ongoing basis: Now, therefore, be it

Resolved, That the Legislature of the State of Utah recognizes the right of public school students to voluntarily participate in prayer, and also in the singing of songs and in expressions related to holidays that are religious in nature, in public schools, within known legal limits of religious expression, tolerance, civility, and dignity as contemplated by this nation's founders. Be it further

Resolved, That a copy of this resolution be sent annually to each student currently enrolled in Utah's public schools, each parent of a student currently enrolled in Utah's public schools, the Utah Parent Teacher Association, the Utah Education Association, the Utah State Board of Education, the Utah State Office of Education, the Utah Association of Counties, and the Utah League of Cities and Towns.

POM-382. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to providing states with the necessary funding to implement the goals of the No

Child Left Behind Act of 2001 and other education-related programs; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 104

Whereas, the State of Hawaii has long pursued the goal of improving the academic performance of all students, especially those of minority racial and ethnic backgrounds, lower economic status, and limited English proficiency, and those with learning disabilities or challenges; and

Whereas, the State of Hawaii, therefore, applauds the President of the United States and Congress for setting the same goals in the No Child Left Behind Act of 2001, and emphasizing the urgency in closing the achievement gaps for these students; and

Whereas, the No Child Left Behind Act has encouraged some needed changes in public education and was initially accompanied by relatively large increases in federal funding for public elementary and secondary education; and

Whereas, the increases in federal funding since the first year of implementation of the No Child Left Behind Act have been minimal and insufficient to meet its requirements; and

Whereas, the federal government has decreased funding for programs implementing the No Child Left Behind Act in fiscal year 2006 by almost $800,000,000, and for overall public education by $606,000,000, including cuts of more than $165,000,000 from postsecondary education and over $20,000,000 from programs for students with disabilities: Now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, That the Hawaii Legislature urges the President of the United States and United States Congress to make a serious commitment to improving the quality of the nation's public schools by substantially increasing its funding for implementation of the No Child Left Behind Act, the Higher Education Act, the Individuals with Disabilities Education Act, and other education-related programs; and be it further

Resolved, That the State of Hawaii requests that in any year that federal funding for public elementary and secondary education is decreased, the President, United States Congress, and the United States Department of Education create flexibility in No Child Left Behind Act requirements through the use of state waivers, exemptions, or other mechanisms; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Education, and Hawaii's congressional delegation.

POM-383. A joint resolution adopted by the General Assembly of the State of Colorado relative to requesting the United States Senate to pass the "Stem Cell Research Enhancement Act of 2005"; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION NO. 06–1034

Whereas, In May 2005, by a bipartisan vote of 238 to 194, the United States House of Representatives passed H.R. 810, the "Stem Cell Research Enhancement Act of 2005", and the bill is currently pending in the United States Senate; and

Whereas, H.R. 810 would authorize research using embryonic stem cells only if the stem cells are derived from human embryos that have been donated from in-vitro fertilization clinics, are created for the purpose of fertility treatment, and are in excess of the clinical need of the individuals seeking such treatment; and

Whereas, H.R. 810 would further require that it be determined that the human embryos used for research are ones that would never be implanted in a woman and would otherwise be discarded, and that the individuals donating the human embryos give written, informed consent to the donation and do not receive any financial or other inducements to make the donation; and

Whereas, Stem cell research offers the opportunity to discover cures and treatments for diseases such as Parkinson's, Alzheimer's, ALS, diabetes, spinal cord injury, and many others; and

Whereas, We have a responsibility to ensure that this research proceeds with ethical safeguards and strict guidelines, and, by permitting research only on excess embryos created in the in-vitro fertilization process and establishing a clear, voluntary consent process for donors, H.R 810 meets this responsibility; and

Whereas, Senator Bill Frist, Senate Majority leader, noted, "While human embryonic stem cell research is still at a very early stage, the limitations put in place in 2001 will, over time, slow our ability to bring potential new treatments for certain diseases. Therefore, I believe the President's policy should be modified": Now, therefore, be it

Resolved, by the House of Representatives of the Sixty-fifth General Assembly of the State of Colorado, the Senate concurring herein; That the General Assembly of the state of Colorado requests the United States Senate to move expeditiously to pass H.R. 810 and urges all members of the United States Senate to vote in favor of H.R. 810; and be it further

Resolved, That copies of this Joint Resolution be sent to the President and Vice-President of the United States, the Majority and Minority Leaders of the Senate, the Colorado Senate delegation.

POM-384. A joint resolution adopted by the Legislature of the State of Utah relative to supporting Utah Highway Patrol use of white crosses as roadside memorials; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, since the creation of the Utah Highway Patrol in 1935, 14 Highway Patrol officers have been killed in the line of duty;

Whereas, the 14 Utah Highway Patrolmen who have been killed in the line of duty are Patrolman George "Ed" VanWagenen and Troopers Armond A. "Monty" Luke, George Dee Rees, Charles D. Warren, John R. Winn, William J. Antoniewicz, Robert B. Hutchings, Ray Lynn Pierson, Daniel W. Harris, Joseph "Joey" S. Brumett III, Dennis "Dee" Lund, Doyle R. Thorne, Randy K. Ingram, and Thomas S. Rettberg;

Whereas, for the families of these officers who have paid the ultimate price for their service, there is often very little that can be done to stem the tide of their grief and suffering, or to help them move on with their lives;

Whereas, the families of these officers killed in the line of duty have been involved in, and have supported, the creation of roadside memorials that are placed near the location of the incidents that caused the deaths of their loved ones;

Whereas, each memorial represents a Utah Highway Patrol officer who died in the line of duty and service to the state of Utah and its citizens;

Whereas, a white cross has become widely accepted as a symbol of a death, and not a religious symbol, when placed along a highway;

Whereas, the memorials remind the citizens of Utah and this nation of the price that is too often paid for safety and freedom;

Whereas, the memorials also console the family members left behind, who too often consist of young mothers and young children;

Whereas, the primary feature of the memorials is a white cross, which was never intended as a religious symbol, but as a symbol of the sacrifice made by these highway patrol officers;

Whereas, the beehive emblem, which is also the official state emblem, is attached to the cross because the emblem is worn as part of the official Utah Highway Patrol uniform;

Whereas, the purchase and placement of these memorials has been accomplished with private funds only; and

Whereas, given the heartfelt yet nonsectarian intentions of the memorials, removing or tampering with them would clearly convey an absence of concern, respect, and recognition of the sacrifices made by these officer and their families: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express support for the Utah Highway Patrol's use of white crosses, or other appropriate symbols as requested by the family, as roadside memorials as a means to pay tribute to the heroes from the ranks of the Utah Highway Patrol who have fallen and to their families; and be it further

Resolved, That a copy of this resolution be sent to the surviving spouse or nearest relative of each Utah Highway Patrol Officer who has been killed in the line of duty and service to the citizens of Utah, the Utah Highway Patrol, and the Utah Highway Patrol Association.

POM–385. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to authorizing funding for the Navajo Health Foundation/Sage Memorial Hospital; to the Committee on Indian Affairs.

HOUSE CONCURRENT MEMORIAL NO. 2002

Your memorialist respectfully represents:

Whereas, the Navajo Nation finds that the lack of appropriations by the United States Congress for full funding of the Navajo Health Foundation/Sage Memorial Hospital, Inc. contract severely and negatively impacts the delivery of health care services to Navajo recipients of health care services.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress authorize and rebudget contract health care service funds appropriated to the Navajo Area Indian Health Service into hospital and clinic budgeted funds to fully fund the P.L. 93-638 contract with the Navajo Health Foundation/Sage Memorial Hospital.
2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of United States House of Representatives, the United States Secretary of Health and Human Services and each Member of Congress from the State of Arizona.

POM–386. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to permanently repealing the death tax, dissolving

United States Membership in the United Nations, and removing specific areas relating to faith from the jurisdiction of the United States Supreme Court; to the Committee on the Judiciary.

House Concurrent Memorial No. 2011

Whereas, under tax relief legislation passed in 2001, the death tax was temporarily phased out but not permanently eliminated; and

Whereas, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death; and

Whereas, this is a tax that is particularly damaging to families who are working their way up the ladder and trying to accumulate wealth for the first time; and

Whereas, employees suffer layoffs when small and medium businesses are liquidated to pay death taxes; and

Whereas, if the death tax had been repealed in 1996, the United States economy would have realized billions of dollars of extra output each year and an average of 145,000 additional new jobs would have been created; and

Whereas, having repeatedly passed in the United States House of Representatives and Senate, repeal of the death tax holds wide bipartisan support.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That the Congress of the United States immediately and permanently repeal the death tax.

Your memorialist respectfully represents:

Whereas, the United States of America became an independent, sovereign nation for the reasons expressed in the Declaration of Independence and as the result of a bloody war to achieve its independence; and

Whereas, the Constitution of the United States of America is, and rightfully must remain, the Supreme Law of the Land; and

Whereas, the Constitution of the United States of America provides for limited, nondelegable and diffused powers of governments that are separated among the Congress, the President and the judiciary and that preserve the powers and duties of the individual states and the people; and

Whereas, the Constitution of the United States of America guarantees personal liberties of each individual citizen; and

Whereas, the Charter of the United Nations purports to supersede the independence and sovereignty of the United States and the Constitution of the United States of America and to usurp powers delegated in the Constitution by:

1. Concentrating in the United Nations Security Council control and use of certain American military personnel and the military personnel of all member nations for its own purposes without any accountability and in violation of the exclusive power of the United States Congress to declare war.

2. Seeking authority to tax citizens of the United States and other member nations directly to support United Nations activities.

3. Sponsoring and extending to all nations, whether signatories or not, an International Criminal Court that violates the rights of the accused as well as the Constitution of the United States and the Bill of Rights; and

Whereas, the oil-for-food effort in Iraq has been a global scandal that has enriched Saddam Hussein and his inner circle, leaving the Iraqi people further deprived, and has further enabled him to acquire arms and munitions that have been used against United States forces, all having occurred while under the supervision of the United Nations; and

Whereas, Congressman Ron Paul of Texas has introduced a bill in Congress that is known as the American Sovereignty Restoration Act of 2005. This important legislation, H.R. 1146, would end the membership of the United States in the United Nations; and

Whereas, the only benefit to the United States of America to belong to the United Nations is that we have veto authority on the Security Council to protect our allies, such as the Nation of Israel; and

Whereas, H.R. 1146 would repeal the United Nations Participation Act of 1945, the United Nations Headquarters Agreement Act and various other related laws. The bill would prevent the authorization of further monies for United Nations military operations and would terminate the participation of the United States in United Nations peacekeeping operations; and

Whereas, the Constitution and bylaws of the United Nations frequently conflict with the Constitution and laws of the United States. Over the years, past presidents have unconstitutionally transferred their authority to United Nations commanders without the consent of Congress; and

Whereas, the enactment of H.R. 1146, the American Sovereignty Restoration Act of 2005, would end the usurpation of American powers by the United Nations and would reaffirm the sovereignty of the United States.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That upon such time that the United States of America ceases to use its veto authority on the United Nations Security Council to protect Israel, the Congress of the United States take immediate steps to ensure the passage of H.R. 1146, the American Sovereignty Restoration Act of 2005, and take any other measures necessary to dissolve the membership of the United States in the United Nations.

Your memorialist also respectfully represents:

Whereas, on June 27, 2005, the United States Supreme Court, in two razor thin majorities of 5-4 concluded that it is consistent with the First Amendment to display the Ten Commandments in an outdoor public square in Texas, but not on the courthouse walls of two counties in Kentucky; and

Whereas, many Americans are deeply puzzled as to how the Court could produce two opposite results involving the same Ten Commandments; and

Whereas, it is appropriate to observe that, based on the Kentucky decision, it is acceptable to display the Ten Commandments in a county courthouse, provided you do not believe in God; and

Whereas, Justice Scalia, in the Kentucky case, used these words to emphasize the importance of the Ten Commandments to most Americans: "The three most popular religions in the United States, Christianity, Judaism and Islam—which combined account for 97.7% of all believers—are monotheistic . . . [a]ll of them, moreover (Islam included), believe that the Ten Commandments were given by God to Moses, and are divine prescriptions for a virtuous life"; and

Whereas, very recent polling data by a major Washington, D.C. paper revealed that a huge majority of the American people supports posting the Ten Commandments; and

Whereas, S520 and HR1070 are bills that would allow the display of the Commandments in public places in America. The operative language provides: ". . . [t]he Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any matter to the extent that relief is sought against an entity of Federal, State, or local government, or against an officer or agent of Federal, State, or local government (whether or not acting in official or personal capacity), concerning that entity's, officer's, or agent's acknowledgment of God as the sovereign source of law, liberty, or government"; and

Whereas, hearings were held on the same language in June 2004 in the Constitution, Civil Rights and Property Rights Subcommittee of the Senate Judiciary Committee. Hearings were also held on this language in September 2004 in the Courts Subcommittee of the House Judiciary Committee; and

Whereas, former Chief Justice Rehnquist, in the Texas case, used the following words to describe the obvious duplicity of the United States Supreme Court in telling local governments in America that they may not display the Ten Commandments in local buildings in their communities while at the same time allowing the Ten Commandments to be present on the building housing the United States Supreme Court: "Since 1935, Moses has stood, holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the Courtroom as well as the doors leading into the Courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets."; and

Whereas, the Kentucky decision will be used by litigants who want to remove God from the public square in America. Sooner or later, this effort will take place in our states. Reports have indicated that efforts to remove the Ten Commandments from public buildings or public parks are now underway in at least twenty-five different places in America.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That the United States Congress adopt S520 and HR1070, and in so doing, protect the ability of the people of this state and nation to display the Ten Commandments in public buildings, to express their faith in public, to retain God in the Pledge of Allegiance and in the national motto, and to use article III, section 2.2, United States Constitution, to remove these areas from the jurisdiction of the United States Supreme Court.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-387. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to making the Republic of Poland eligible for the United States Department of State Visa Waiver Program; to the Committee on the Judiciary.

House Resolution 269

Whereas, The Republic of Poland is a free, democratic, and independent nation. The fall of the Berlin Wall in 1989 paved the way for Poland to break free from Soviet control and pursue its own destiny. In 1999, the United States and the Republic of Poland became formal allies when Poland was granted membership in the North Atlantic Treaty Organization. Since that historic occasion, the Republic of Poland has proven to be an indispensable ally in the global campaign against terrorism. Poland actively participated in Operation Iraqi Freedom and the Iraqi reconstruction mission, shedding blood along with American military personnel; and

Whereas, From the beginning of Poland's new independence, the Polish people have expressed their wishes for close ties with America. On April 15, 1991, the Republic of Poland unilaterally repealed the visa obligation for United States citizens traveling to Poland. The United States has not reciprocated this gesture. Our Department of State's Visa Waiver Program currently allows citizens from 27 countries to travel to the United States for tourism or business for up to 90 days without first obtaining visas for entry. The countries that currently participate in the Visa Waiver Program include Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom; and

Whereas, the President of the United States and other high ranking officials have rightly described Poland as "one of our closest friends." After emerging from five decades of foreign domination, the people of Poland have made great strides in building a free and prosperous nation to stand by America's side in the great struggle of our day. It is appropriate that the Republic of Poland be made eligible for the United States Department of State Visa Waiver Program: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President of the United States and the United States Congress to make the Republic of Poland eligible for the United States Department of State Visa Waiver Program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Ambassador of the Republic of Poland to the United States of America.

POM–388. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts relative to affirming the civil rights and liberties of the people of Massachusetts; to the Committee on the Judiciary.

SENATE RESOLUTION

Whereas, the struggle to establish democracy and secure the rights and liberties of Americans began in Massachusetts; and

Whereas, the Declaration of Rights of the inhabitants of the Commonwealth of Massachusetts was the first enumeration of the civil rights and liberties of Americans, provided a model for the United States Constitution and its Bill of Rights, and continues to serve the Citizens of the Commonwealth; and

Whereas, every duly elected public official in Massachusetts has sworn to uphold the Constitution of the United States and the Constitution of the Commonwealth; and

Whereas, in response to the terrorist attacks of September 11, 2001, the United States Congress passed, without public hearings and with little debate, the USA PATRIOT Act (Public Law 107–56), provisions of which threaten the fundamental rights and liberties of citizens and non-citizens; and

Whereas, through executive orders, changes in procedures, and other actions, the United States Department of Justice has adopted practices which infringe upon the rights and liberties of citizens and non-citizens; and

Whereas, fifty-three Massachusetts cities and towns and more than 400 cities and towns across the United States have passed resolutions that affirm their support for our fundamental freedoms and that state their opposition to provisions of the USA Patriot Act and the practices of the United States Department of Justice; and

Whereas, on November 2, 2004, in the 9 State legislative districts where it appeared on the ballot, voters approved, by overwhelming margins, a referendum question requesting legislators to support a Massachusetts resolution asserting that the campaign against terrorism should not be waged at the expense of civil rights and liberties, and to support legislation barring the use of State resources for racial and religious profiling, for secret investigations without reasonable grounds, and for maintaining files on individuals and organizations without reasonable suspicion of criminal conduct; and

Whereas, the States of Alaska, Hawaii, Vermont, Maine, Montana, Idaho and Colorado have passed resolutions opposing provisions of the USA PATRIOT Act and Federal practices which threaten our civil liberties; and

Whereas, in recent testimony and through legislative initiatives, the United States Department of Justice has indicated an intention to seek even greater powers of surveillance, investigation and prosecution; now there be it

Resolved, That the Massachusetts State Senate hereby affirms the rights and liberties of the people of Massachusetts and our system of checks and balances as specified in the United States Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Massachusetts; and be it further

Resolved, That the Massachusetts State Senate hereby affirms that measures taken to protect our local and national security must be guided by and must respect principles of American liberty and the rights of persons as enshrined in the Constitution of the Commonwealth of Massachusetts, the United States Constitution and the Bill of Rights; and be it further

Resolved, That the Massachusetts State Senate hereby requests that the State and local law enforcement authorities refrain from actions that impinge and infringe upon and violate constitutional rights, such as racial and religious profiling, conducting warrantless searches and maintaining files on individuals and organizations without reasonable suspicion of criminal conduct; and be it further

Resolved, That the Massachusetts State Senate hereby urges the United States Congress to allow to sunset, to repeal or to amend those sections of the USA PATRIOT Act which allow the executive branch to infringe upon the rights and liberties of persons as specified in the United States Constitution, the Bill of Rights and the Constitution of the Commonwealth of Massachusetts, and to oppose any additional legislation that would infringe upon these rights and liberties; and be it further

Resolved, That the Massachusetts State Senate hereby urges the United States Department of Justice and other Federal agencies and departments to refrain from any investigations, procedures or prosecutions which infringe upon the liberties of persons as specified in the United States Constitution, the Bill of Rights and the Constitution of the Commonwealth of Massachusetts, or which single out individuals for legal scrutiny or enforcement activity based upon their race, religion, ethnicity or country of origin; and be it further

Resolved, That the Massachusetts State Senate hereby urges the United States Congress to exercise its constitutionally necessary and proper oversight responsibilities relative to the operations and actions of the Departments of Defense and Justice, the National Security Agency and the Central Intelligence Agency that may adversely affect and impinge upon civil rights and liberties, and to ensure the publication of its findings; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the Honorable George W. Bush, President of the United States; to Alberto Gonzales, Attorney General of the United States; and to Michael J. Sullivan, United States Attorney for Massachusetts; and be it further

Resolved, That copies of these resolutions shall be transmitted to United States Senators Edward Kennedy and John Kerry, Congressmen Michael Capuano, William Delahunt, Barney Frank, Stephen Lynch, Edward Markey, James McGovern, Marty Meehan, Richard Neal, John Olver and John Tierney, Massachusetts Governor Mitt Romney, Massachusetts Attorney General Tom Reilly, Massachusetts State Police Colonel Thomas G. Robbins and to all city and town halls and public libraries within the Commonwealth of Massachusetts.

POM–389. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to passing a constitutional amendment banning the desecration of the United States flag; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 23

Whereas, during the first session of the 109th Congress of the United States of America, House Joint Resolution 10 was introduced proposing to amend the Constitution of the United States to authorize the Congress to prohibit the physical desecration of the flag of the United States; and

Whereas, the United States House of Representatives on June 22, 2005, by a vote of two hundred eighty-six to one hundred thirty, passed the constitutional amendment prohibiting the physical desecration of the United States flag; and

Whereas, the United States Senate has until the end of 2006 to take action upon House Joint Resolution 10; and

Whereas, since 1995, the United States Senate has failed to pass five similar constitutional amendments which were previously passed by the United States House of Representatives; and

Whereas, the United States Senate should not continue to prevent the individual states of the United States from having a voice in whether or not to ratify this constitutional amendment: Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Senate to take such actions as are necessary to pass the proposed constitutional amendment banning the desecration of the United States flag which was passed by the United States House of Representatives on June 22, 2005; and be it further.

Resolved, That a copy of this Resolution shall be transmitted to the president of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, and each member of the Louisiana delegation to the United States Congress.

POM-390. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to support the Marriage Protection Amendment; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 235

Whereas, marriage is a sacred institution that has endured for centuries as the bedrock of a healthy and successful family; and

Whereas, the stable and healthy marriage is the most beneficial circumstance within which to rear children; and

Whereas, marriage has been reflected historically in the laws of the United States and of the individual states as the union of a man and a woman; and

Whereas, in the 2004 Regular Session of the Louisiana Legislature, Act No. 926 provided that marriage in this state shall consist only of the union of one man and one woman; and

Whereas, Act No. 926 of the 2004 Regular Session was approved by eighty-three percent of the House of Representatives and seventy-nine percent of the Senate; and

Whereas, Act No. 926 of the 2004 Regular Session was submitted to the voters of Louisiana on September 18, 2004, and was approved by seventy-eight percent of the voters; and

Whereas, thirteen other states of the United States have approved similar constitutional amendments limiting marriage to the union of one man and one woman; and

Whereas, the protection of marriage is essential to the continued strength of the nation, and it is vital that Congress and the United States senators from Louisiana vote to support the Marriage Protection Amendment: Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress and Senators Mary Landrieu and David Vitter to take such actions as are necessary to support and vote for the Marriage Protection Amendment presently pending in the United States Senate; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each of the United States senators from Louisiana.

POM-391. A joint resolution adopted by the General Assembly of the State of Tennessee relative to the addition of a balanced budget amendment to the United States Constitution; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 574

Whereas with each passing year our nation falls further into debt as federal government expenditures repeatedly exceed available revenue; and

Whereas the federal public debt now stands at approximately $8.2 trillion, which equates to $27,600 of debt for every man, woman, and child in America; and

Whereas the annual federal budget has risen to unprecedented levels, demonstrating an unwillingness or inability of both the legislative and executive branches of federal government to control the federal debt; and

Whereas fiscal discipline is a powerful means for strengthening our nation; with a constitutional provision requiring a federal balanced budget, less of America's financial resources would be channeled into servicing the national debt and more of our tax dollars would be available for public endeavors that reflect our national priorities, such as education, health, the security of our nation, and the creation of jobs; and

Whereas Thomas Jefferson recognized the importance of a balanced budget when he wrote: "The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay for them ourselves."; and

Whereas state legislatures overwhelmingly recognize the necessity of maintaining a balanced budget; whether through constitutional requirement or by statute, 49 states require a balanced budget; and

Whereas in promoting the broadest principles of a government of, by, and for the people, one of the core functions of the United States Constitution is to enumerate and limit federal power; and

Whereas the federal government's unlimited ability to borrow involves decisions of such magnitude, with such potentially profound consequences for the nation and its people, today and in the future, that it is an appropriate subject for limitation by the United States Constitution; and

Whereas the United States Constitution vests the ultimate responsibility to approve or disapprove amendments to the Constitution with the people of the several states, as represented by their elected legislatures: Now, therefore, be it

Resolved by the Senate of the One Hundred Fourth General Assembly of the State of Tennessee, the House of Representatives Concurring, that we hereby strongly urge the United States Congress to propose, adopt, and submit to the states for ratification an amendment to the United States Constitution requiring a balanced federal budget on an annual basis, except in times of extreme national emergency; and be it further

Resolved, that an enrolled copy of this resolution be transmitted to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and each member of Tennessee's Congressional delegation.

POM-392. A resolution adopted by the Senate of the General Assembly of the State of Tennessee relative to the "Constitution Restoration Act of 2005"; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 158

Resolved by the Senate of the One Hundred Fourth General Assembly of the State of Tennesee, That through passage of this resolution, this body hereby memorializes the United Slates Congress to enact S. 520 and H.R. 1070 of the 109th Congress, which bears the short title "Constitution Restoration Act of 2005", and by enacting such legislation protect the ability of the people of our state and nation to:

(1) Display the Ten Commandments in public buildings and public places in this state and nation;

(2) Express their faith in public;

(3) Retain God in the Pledge of Allegiance;

(4) Retain "In God We Trust" as our national motto; and

(5) Otherwise acknowledge God as the sovereign source of law, liberty, and government in these United States; and be it further

Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives; the President and the Secretary of the United States House of Representatives; the President and the Secretary of the United States Senate; and to each member of Tennessee's delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 2464. A bill to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes (Rept. No. 109–284).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2802. A bill to improve American innovation and competitiveness in the global economy (Rept. No. 109–285).

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment:

S. 2703. A bill to amend the Voting Rights Act of 1965.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*James Lambright, of Mississippi, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2009.

*Linda Mysliwy Conlin, of New Jersey, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2009.

*J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2009.

*Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2013.

*Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

*Edmund C. Moy, of Wisconsin, to be Director of the Mint for a term of five years.

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

*Andrew B. Steinberg, of Maryland, to be an Assistant Secretary of Transportation.

*Mark V. Rosenker, of Maryland, to be Chairman of the National Transportation Safety Board for a term of two years.

*R. Hunter Biden, of Delaware, to be a Member of the Reform Board (Amtrak) for a term of five years.

*Donna R. McLean, of the District of Columbia, to be a Member of the Reform Board (Amtrak) for a term of five years.

*John H. Hill, of Indiana, to be Administrator of the Federal Motor Carrier Safety Administration.

*Coast Guard nominations beginning with Rear Adm. (lh) Gary T. Blore and ending with Rear Adm. (lh) Joel R. Whitehead, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2006.

Mr. STEVENS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the Record of the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*National Oceanic and Atmospheric Administration nomination beginning with Philip A. Gruccio and ending with Jamie S. Wasser, which nominations were received by the Senate and appeared in the Congressional Record on May 24, 2006.

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Lawrence A. Warder, of Texas, to be Chief Financial Officer, Department of Education.

*Troy R. Justesen, of Utah, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

*Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2008.

*Elizabeth Dougherty, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2009.

*Ronald S. Cooper, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BOND:

S. 3685. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 3686. A bill to suspend temporarily the duty on certain AC electric motors; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3687. A bill to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes; to the Committee on Indian Affairs.

By Mr. MCCAIN (for himself and Mr. GRAHAM):

S. 3688. A bill to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS:

S. 3689. A bill to establish a national historic country store preservation and revitalization program; to the Committee on Environment and Public Works.

By Ms. STABENOW:

S. 3690. A bill to authorize the Secretary of State to pay the costs of evacuating nationals of the United States from the Middle East in response to the hostilities between Israel and its neighbors that began in July 2006, and to require, except in limited circumstances, the reimbursement of such costs; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. AKAKA, and Mr. TALENT):

S. 3691. A bill to amend the Small Business Act, to reform and reauthorize the National Veterans Business Development Corporation, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mr. DEWINE, Mr. DOMENICI, Mr. KENNEDY, Mr. LIEBERMAN, Mr. LOTT, Mr. REED, and Mr. SESSIONS):

S. 3692. A bill to extend the date on which the National Security Personnel System will first apply to certain defense laboratories; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER (for himself and Mr. BIDEN):

S. 3693. A bill to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005; considered and passed.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. HARKIN, Mr. COLEMAN, and Mr. DURBIN):

S. 3694. A bill to increase fuel economy standards for automobiles, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, and Mr. LEAHY):

S. 3695. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEWINE:

S. Con. Res. 110. A concurrent resolution commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 138

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 138, a bill to make improvements to the microenterprise programs administered by the Small Business Administration.

S. 191

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 191, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 311

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 311, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 401

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 401, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 424

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 666

At the request of Mr. DEWINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2123

At the request of Mr. ALLARD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2123, a bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2560

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2560, a bill to reauthorize the Office of National Drug Control Policy.

S. 2586

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2586, a bill to establish a 2-year pilot program to develop a curriculum at historically Black colleges and universities, Tribal Colleges, and Hispanic serving institutions to foster entrepreneurship and business development in underserved minority communities.

S. 2590

At the request of Mr. COBURN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. 2646

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2646, a bill to create a 3-year pilot program that makes small, nonprofit child care businesses eligible for loans under title V of the Small Business Investment Act of 1958.

S. 2663

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2663, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 2679

At the request of Mr. TALENT, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2679, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 2703

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

At the request of Mr. LEAHY, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Maine (Ms. COLLINS) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2703, supra.

S. 3495

At the request of Mr. SMITH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3495, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam.

S. 3620

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 3620, a bill to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields.

S. 3629

At the request of Mr. ENSIGN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3629, a bill to require a 50-hour workweek for Federal prison inmates, to reform inmate work programs, and for other purposes.

S. 3656

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3656, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 3658

At the request of Mr. GRASSLEY, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 3658, a bill to reauthorize customs and trade functions and programs in order to facilitate legitimate international trade with the Untied States, and for other purposes.

S. 3667

At the request of Mr. FRIST, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 3667, a bill to promote nuclear nonproliferation in North Korea.

S. 3678

At the request of Mr. BURR, the names of the Senator from Utah (Mr. HATCH), the Senator from New York (Mrs. CLINTON), the Senator from Kansas (Mr. ROBERTS), the Senator from Georgia (Mr. ISAKSON), the Senator from Ohio (Mr. DEWINE) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 3678, a bill to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

S. 3680

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3680, a bill to amend the Small Business Investment Act of 1958 to reauthorize and expand the New Markets Venture Capital Program, and for other purposes.

S. 3681

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 3681, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. RES. 526

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 526, a resolution condemning the murder of United States journalist Paul Klebnikov on July 9, 2004, in Moscow, and the murders of other members of the media in the Russian Federation.

AMENDMENT NO. 4677

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 4677 intended to be proposed to S. 728, a bill to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 3685. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Mr. President, children endure a lot. They cannot always tell us what is wrong. Often they do not know themselves. So it takes a special person to work with young people and help identify their problems. Every child deserves the opportunity to reach their full potential, but it takes more than a bookbag full of pencils, paper, books and rulers to equip children with the tools necessary to succeed in school.

The most important tool kids will take to school is their eyes. Good vision is critical to learning. Eighty percent of what kids learn in their early school years is visual. Unfortunately, we overlook that fact sometimes. According to the CDC only one in three children receive any form of preventive vision care before entering school. That means many kids are in school right now with an undetected vision problem. One in four children has a vision problem that can interfere with learning. Some children are even labeled "disruptive" or thought to have a learning disability when the real reason for their difficulty is an undetected vision problem.

Without any vision care, some of our children will continue to fall through the cracks. I sympathize with these kids because I suffer from permanent vision loss in one eye as a result of undiagnosed amblyopia in childhood. Amblyopia is the No. 1 cause of vision loss in young Americans. If discovered and treated early, vision loss from amblyopia can be largely prevented. Had I been identified and treated before I entered school, I could have avoided a lifetime of vision loss. Parents are not always aware that their child may suffer from a vision problem. By educating parents on the importance of vision care and recognizing signs of visual impairment we can help children avoid unnecessary vision loss.

To ensure that children get the vital vision care that they need to succeed, today I am introducing the Vision Care for Kids Act of 2006 which will establish a grant program to complement and encourage existing state efforts to improve children's vision care. More specifically, grant funds will be used to: (1) provide comprehensive eye exams to children that have been previously identified as needing such services; (2) provide treatment or services necessary to correct vision problems identified in that eye exam; and (3) develop and disseminate educational materials to recognize the signs of visual impairment in children for parents, teachers, and health care practitioners.

We need to do this. We must improve vision care for children to better equip them to succeed in school and in life. The Vision Care for Kids Act, endorsed by the American Academy of Ophthalmology, American Optometric Association, and Vision Council of America, will make a difference in the lives of children across the country.

By Mr. McCAIN (for himself and Mr. GRAHAM):

S. 3688. A bill to preserve the Mount Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States; to the Committee on Energy and Natural Resources.

Mr. McCAIN. Mr President, today I am introducing legislation to preserve the Mount Soledad Veterans Memorial in San Diego, CA. I am pleased to be joined in this effort by Senator GRAHAM.

Since 1913, a series of crosses have stood on top of Mount Soledad, property owned by the city of San Diego. In April of 1954, the site was designated to commemorate the sacrifices made by members of the Armed Forces who served in World War II, as well as the Korean war.

In 1989, one individual filed suit against the city claiming that the display of the cross by he city was unconstitutional and, therefore, violated his civil rights. In 1991, a Federal judge issued an injunction prohibiting the permanent display of the cross on city property. Since that time, the city has repeatedly tried to divest itself of the property through sale or donation. But the plaintiff continued to mount legal challenges to every attempted property transfer—revealing that his true objection is not to the city's display of the cross, but to the cross itself. The legal wrangling over this memorial continues today.

The Mount Soledad Memorial is a remarkably popular landmark. On two different occasions, the voters of San Diego passed, by votes of 76 percent, ballot measures designed to transfer the property to entities that could maintain it.

I do not believe that the Mount Soledad cross violates the Constitution. Consequently, I do not believe there is just cause for removing it from its position as the centerpiece of the Soledad Veterans Memorial. Therefore, given the many years of legal disputes regarding this issue, I believe it is past time it is resolved.

The bill I am introducing would bring the Mount Soledad cross under the control of the Federal Government, and specifically the Department of Defense. The process set forth in the bill is consistent with analysis provided by the Department of Justice's Office of Legislative Affairs in a recent letter to the chairman of the House Armed Services Committee. In that letter, the OLA stated, "we would . . . point out that Congress could enact the necessary authority [to acquire the Mount Soledad Memorial] through an immediate legislative taking. . ."

This bill would allow for the just compensation for the property in question. It also would address the required maintenance for the memorial and the surrounding property through a memorandum of understanding between the Secretary of Defense and the Mount Soledad Memorial Association. The minimal financial commitment required in this legislation will ensure the endurance of this memorial which serves as a reminder of the hundreds of thousands of men and women who made enormous sacrifices when our country called upon them.

I encourage my colleagues to join me in supporting this legislation, which will ensure the preservation of an important tribute to our men and women of the Armed Forces.

By Mr. JEFFORDS:

S. 3689. A bill to establish a national historic country store preservation and revitalization program; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I have long been a proponent of measures that support historic preservation and economic development. In keeping with that tradition, I rise today to introduce the National Historic Country Store Preservation and Revitalization Act of 2006.

This bill establishes a national program to support historic country store preservation and will aid in the revitalization of rural villages and community centers nationwide.

For many Americans, the country store brings to mind days that have since passed, before much of this country became stamped with shopping malls and the "big-box" store. But for thousands of people living in Vermont and for millions more living in rural communities across the United States, a visit to the local country store is a regular part of one's daily life.

In my hometown of Shrewsbury, VT, the Pierce Store was the hub of our small community when my wife Liz and I settled there in 1963. Run by the four Pierce siblings—Marjorie, Glendon, Marion and Gordon—the store was the place to go for a neighborly chat as much as for your milk and butter. Unfortunately, the Pierce Store closed its doors some years back and Shrewsbury lost a vital part of its identity.

Yet while some country stores have been forced to close their doors, others have shown incredible resiliency.

They have survived floods and fires, overcome economic downturns, and reformulated their inventories to meet modern needs. According to the Vermont Grocers' Association, country stores account for an estimated $55 million annually in retail sales in Vermont alone.

But with increased competition and additional costs to maintain aging structures, today's remaining country store owners are hard-pressed to overcome these unprecedented challenges.

My legislation authorizes the U.S. Economic Development Administration to make grants to national, state and local agencies and non-profit organizations to support historic country store preservation efforts. In addition, the bill establishes a revolving loan fund. The fund will be used for research, restoration work that will improve our understanding of existing needs and provide the assistance required to address them. The bill promotes the study of best practices for preserving structures, improving profitability and promoting collaboration among country store owners.

My legislation unites small business development and historic preservation principles to sustain these invaluable community institutions. I encourage my colleagues to join me in my efforts to protect our rural heritage by preventing the further loss of our Nation's historic country stores.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Historic Country Store Preservation and Revitalization Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) historic country stores are lasting icons of rural tradition in the United States;

(2) historic country stores are valuable contributors to the civic and economic vitality of their local communities;

(3) historic country stores demonstrate innovative approaches to historic preservation and small business practices;

(4) historic country stores are threatened by larger competitors and the costs associated with maintaining older structures; and

(5) the United States should—

(A) collect and disseminate information concerning the number, condition, and variety of historic country stores;

(B) develop opportunities for cooperation among proprietors of historic country stores; and

(C) promote the long-term economic viability of historic country stores through the provision of financial assistance to historic country stores.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNTRY STORE.—

(A) IN GENERAL.—The term "country store" means a structure independently owned and formerly or currently operated as a business that—

(i) sells or sold grocery items and other small retail goods; and

(ii) is located in—

(I) an economically distressed area; or

(II) a nonmetropolitan area, as defined by the Secretary.

(B) INCLUSION.—The term "country store" includes a cooperative.

(2) ECONOMICALLY DISTRESSED AREA.—The term "economically distressed area" means an area that meets 1 or more of the criteria described in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

(3) ELIGIBLE APPLICANT.—The term "eligible applicant" means—

(A) a State department of commerce or economic development;

(B) a national or State nonprofit organization that—

(i) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986; and

(ii)(I) has experience or expertise, as determined by the Secretary, in the identification, evaluation, rehabilitation, or preservation of historic country stores; or

(II) is undertaking economic and community development activities;

(C) a national or State nonprofit trade organization that—

(i) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986; and

(ii) acts as a cooperative to promote and enhance country stores; and

(D) a State historic preservation office.

(4) FUND.—The term "Fund" means the Historic Country Store Revolving Loan Fund established under section 5(a).

(5) HISTORIC COUNTRY STORE.—The term "historic country store" means a country store that—

(A) has operated at the same location for at least 50 years; and

(B) retains sufficient integrity of design, materials, and construction to clearly identify the structure as a country store.

(6) SECRETARY.—The term "Secretary" means the Secretary of Commerce, acting through the Assistant Secretary for Economic Development.

SEC. 4. HISTORIC COUNTRY STORE PRESERVATION AND REVITALIZATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a historic country store preservation and revitalization program—

(1) to collect and disseminate information on historic country stores;

(2) to promote State and regional partnerships among proprietors of historic country stores; and

(3) to sponsor and conduct research on—

(A) the economic impact of historic country stores in rural areas, including the impact on unemployment rates and community vitality;

(B) best practices to—

(i) improve the profitability of historic country stores; and

(ii) protect historic country stores from foreclosure or seizure; and

(C) best practices for developing cooperative organizations that address the economic and historic preservation needs of—

(i) historic country stores; and

(ii) the communities served by the historic country stores.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make grants to, or enter into contracts or cooperative agreements with, eligible applicants to carry out an eligible project under paragraph (2).

(2) ELIGIBLE PROJECTS.—A grant under this subsection may be made to an eligible applicant for a project—

(A)(i) to rehabilitate or repair a historic country store; and

(ii) to enhance the economic benefit of the historic country store to the communities served by the historic country store;

(B) to identify, document, and conduct research on historic country stores; and

(C) to develop and evaluate appropriate techniques or best practices for protecting historic country stores.

(3) REQUIREMENTS.—An eligible applicant that receives a grant for an eligible project under paragraph (1) shall comply with all applicable requirements for historic preservation projects under Federal, State, and local law.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) identifies the number of grants made under subsection (b);

(B) describes the type of grants made under subsection (b); and

(C) includes any other information that the Secretary determines to be appropriate.

(c) COUNTRY STORE ALLIANCE PILOT PROJECT.—

(1) IN GENERAL.—The Secretary shall carry out a pilot project in the State of Vermont under which the Secretary shall conduct demonstration activities to preserve historic country stores and the communities served by the historic country stores, including—

(A) the collection and dissemination of information on historic country stores in the State;

(B) the development of collaborative country store marketing and purchasing techniques; and

(C) the development of best practices for historic country store proprietors and communities facing transitions involved in the sale or closure of a historic country store.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) describes the results of the pilot project; and

(B) includes any recommended changes of the Secretary to the program established under subsection (a), based on the results of the pilot project.

SEC. 5. HISTORIC COUNTRY STORE REVOLVING LOAN FUND.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Treasury shall establish in the Treasury of the United States a revolving fund, to be known as the "Historic Country Store Revolving Loan Fund", consisting of—

(1) such amounts as are appropriated to the Fund under subsection (b);

(2) ⅓ of the amounts appropriated under section 8(a); and

(3) any interest earned on investment of amounts in the Fund under subsection (d).

(b) TRANSFERS TO FUND.—There are appropriated to the Fund amounts equivalent to—

(1) the amounts repaid on loans under section 6; and

(2) the amounts of the proceeds from the sales of notes, bonds, obligations, liens, mortgages and property delivered or assigned to the Secretary pursuant to loans made under section 6.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under section 6.

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this Act.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 6. LOANS FOR HISTORIC COUNTRY STORE REHABILITATION OR REPAIR PROJECTS.

(a) In General.—Using amounts in the Fund, the Secretary may make direct loans to eligible applicants for projects—

(1) to purchase, rehabilitate, or repair historic country stores; or

(2) to establish microloan funds to make short-term, fixed-interest rate loans to proprietors of historic country stores.

(b) Applications.—

(1) In general.—To be eligible for a loan under this section, an eligible applicant shall submit to the Secretary a complete application for a loan that addresses the criteria described in paragraph (2).

(2) Considerations for approval or disapproval.—In determining whether to approve or disapprove an application for a loan submitted under paragraph (1), the Secretary shall consider—

(A) the demonstrated need for the purchase, construction, reconstruction, or renovation of the historic country store based on the condition of the historic country store;

(B) the age of the historic country store;

(C) the extent to which the project to purchase, rehabilitate, or repair the historic country store includes collaboration among historic country store proprietors and other eligible applicants; and

(D) any other criteria that the Secretary determines to be appropriate.

(c) Requirements.—An eligible applicant that receives a loan for a project under this section shall comply with all applicable standards for historic preservation projects under Federal, State, and local law.

(d) Report.—Not later than 1 year after the date on which the Fund is established under subsection (a), and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) identifies—

(A) the number of loans provided under this section;

(B) the repayment rate of the loans; and

(C) the default rate of the loans; and

(2) includes any other information that the Secretary determines to be appropriate.

SEC. 7. PERFORMANCE REPORT.

Any eligible applicant that receives financial assistance under this Act shall, for each fiscal year for which the eligible applicant receives the financial assistance, submit to the Secretary a performance report that—

(1) describes—

(A) the allocation of the amount of financial assistance received under this Act;

(B) the economic benefit of the financial assistance, including a description of—

(i) the number of jobs retained or created; and

(ii) the tax revenues generated; and

(2) addresses any other reporting requirements established by the Secretary.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this Act, $50,000,000 for the period of fiscal years 2006 through 2011, to remain available until expended.

(b) Country Store Alliance Pilot Project.—Of the amount made available under subsection (a), not less than $250,000 shall be made available to carry out section 4(c).

By Mr. KERRY (for himself, Ms. Snowe, Mr. Akaka, and Mr. Talent):

S. 3691. A bill to amend the Small Business Act, to reform and reauthorize the National Veterans Business Development Corporation, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, as the ranking member of the Committee on Small Business and Entrepreneurship, I am joined today by my colleagues Senators Snowe, Akaka, and Talent to introduce the Veterans Corporation Reauthorization Act of 2006.

This legislation is the product of lengthy bipartisan discussions about how we might be able to restore and revitalize the mission of The Veterans Corporation. Established in 1999 through Public Law 106-50, The National Veterans Business Development Corporation, commonly known as The Veterans Corporation, TVC, is charged with the task of assisting the men and women who have served this country in the military by helping them create and expand their own businesses. There are over 5 million veteran entrepreneurs across the country—over 550,000 in the Commonwealth of Massachusetts alone—and approximately 200,000 veterans are expected to retire in 2006. Additionally, 2004 data from the Small Business Administration, SBA, shows that approximately 22 percent of veterans in the U.S. household population purchased or started a new business, or were considering doing so. This legislation ensures that necessary steps are taken to continue fostering entrepreneurship and business ownership among a veterans population that can clearly benefit from such assistance nationwide.

My distinguished colleagues and I feel that TVC is an organization worth reinvigorating. In fiscal year 2005, TVC reached out to over 18,000 current and potential veteran entrepreneurs, and opened three Veteran Business Resource Centers in Boston, MA; Flint, MI; and San Diego, CA, in addition to the flagship location in St. Louis, MO. In my home State of Massachusetts, TVC has close to 100 business owners and over 400 registered members.

Yet, in recent years, TVC has come under criticism for its overall performance. Many within the veterans community, and indeed some of my colleagues in Congress, do not believe TVC has produced results that warrant the millions of dollars in funding the organization has received. I understand this sentiment, and share in the desire to ensure taxpayer dollars are well-spent. This was among my primary concerns as we approached reauthorizing TVC. However, my colleagues and I came to the conclusion that by reauthorizing the organization, Congress could ensure greater oversight and accountability on the part of TVC and its use of Federal dollars—ultimately resulting in better service for our veterans. This is exactly what the Veterans Corporation Reauthorization Act of 2006 aims to do.

This legislation builds on the pre-existing TVC program in order to expand its reach nationwide, so that more veterans can have the tools they need to realize their entrepreneurial aspirations. Through a series of provisions that target the weaknesses of TVC and develop sound policies to strengthen them and clarify the organization's mission within the veterans community it serves, this bill makes several key improvements to the corporation.

In its inception, we envisioned that TVC would establish centers across the country to help assist veteran entrepreneurs with their small business needs. Unfortunately, the organization has shifted its primary focus toward the development of online programs in recent years. Although it is a good thing that TVC has four centers across the country, clearly more needs to be done to build upon these and develop a substantial number of new centers and networking opportunities for veterans nationwide. That is why this bill clarifies the role TVC should have in local communities. In rewriting the purpose of TVC in this capacity, our legislation explicitly states that the organization should be actively working to form more centers in order to build and create a national network linking veterans to the information, counseling, and assistance they need in starting and maintaining their businesses.

A recurring frustration that echoes from many veterans nationwide is that they are often unable to gain access to the Federal contracting and procurement realm. It is downright shameful that so many servicemen and women feel as though a government they fought so hard to protect all but abandons them—continuing to award myriad contracts to big businesses. By law, the Federal Government has a 3-percent contracting goal for service-disabled veterans. However, in 2004 only 0.38 percent of government contracts were awarded to service-disabled veterans. Patterns such as this are all too common—replaying themselves year in and year out. Clearly, more ought to be done to help those veterans who are looking to gain access to Federal contracts. Given this, our legislation directs TVC to assist veterans, particularly service-disabled veterans, with Federal contracting opportunities.

We received numerous complaints from veterans about the way the administration has chosen to interpret the current law such that it severely limits Congress's role in appointing board members. In this, TVC had experienced significant staffing changes on its Board of Directors since 1999. Our legislation ensures that the President works with the chair and ranking members of the Senate Committee on Small Business and Entrepreneurship and/or the Senate Committee on Veterans Affairs, and their House counterparts, to appoint nine members of the board with 4-year terms. Additionally, our legislation dictates that in this nomination process, the President and Congress consult with veterans groups nationwide. Furthermore, the Veterans Corporation Reauthorization Act of 2006 stipulates that no more than five of the nine board members be from the same political party and that all have business experience, knowledge of veterans issues, as well as the wherewithal to raise private funds for TVC. I firmly believe that this provision will ensure that TVC has top-notch board members, who can offer the best service to those who have already served our country.

This legislation authorizes $2 million in Federal funds annually from fiscal years 2007 through 2009. Additionally, because TVC was originally to become a self-sustaining entity, our bill requires that for all Federal dollars received, the organization match those dollar amounts with private funds. Since its authorization expired in 2004, TVC's original matching requirement vanished, and the organization instead received Federal funding without any private fundraising requirement. We felt that this matching requirement needed to be reinstated to better enable TVC to become fully self-sustaining. Thus, our legislation forces TVC to function in a way similar to the SBA's Women's Business Centers and Small Business Development Centers. The leveraging of Federal dollars enables TVC to expand its donor base so that it can achieve the goal of self-sustainability. Additionally, it has come to our attention through conversations with the veterans community, that servicemen and women are being charged high fees for using TVC services. That was never the intention when this program was conceptualized, and it is wrong for TVC to earn its private funds on the backs of veterans. We fix that in this bill by limiting the amount of non-Federal funds that TVC can raise in the form of fees to veterans to no more than 33 percent of the organization's total revenue.

In addition to the matching-fund requirement within our bill, it also requires that TVC develop a comprehensive plan for privatization within 6 months of the enactment of the Veterans Corporation Reauthorization Act of 2006. To ensure that TVC is in full compliance with the provisions in our bill, and that its self-sustaining plan demonstrates a certain degree of feasibility, we have asked the Government Accountability Office to conduct an audit of the organization no later than one year after date of enactment.

Finally, this bill extends the SBA's Veterans Advisory Committee, which the administration planned on terminating as of this year. Originally established through Public Law 106-50, this committee was to advise and counsel the SBA Administrator and the agency's Associate Administrator for Veterans' Business Development on the entrepreneurial needs and concerns of veteran small business owners and to monitor public and private plans that have the potential to impact veteran entrepreneurs from obtaining capital, credit, and to access markets. Additionally, it was to roll into TVC by September 30, 2004. However, when this date came around, it was clear that TVC was in no position to take on more responsibilities. Thus, Congress reauthorized the Veterans Advisory Committee and postponed the transfer date until this year. As the deadline closes in, we thought it best to reauthorize Veterans Advisory Committee and again postpone the transfer.

America's veterans and service-disabled veteran communities deserve a resource to assist them in bringing their entrepreneurial ideas into fruition. Nationwide, more and more veterans are turning to small businesses as a means of carving out their piece of the American dream, despite the many barriers they face upon reentering civilian life. The strengthening and revitalization of TVC that this legislation proposes, is one way that Congress can help in this effort and ensure greater effectiveness and accountability within the organization in the years ahead.

I urge my colleagues to join in support of this bipartisan Veterans Corporation Reauthorization Act of 2006—because in helping TVC succeed, we are ultimately helping veterans succeed and prosper.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Corporation Reauthorization Act of 2006".

SEC. 2. PURPOSES OF THE CORPORATION.

(a) PURPOSES.—Section 33(b) of the Small Business Act (15 U.S.C. 657c(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) to establish and maintain a national network of information and assistance centers for use by veterans and the public by—

"(A) providing information regarding small business oriented employment or development programs;

"(B) providing access to studies and research concerning the management, financing, and operation of small business enterprises, small business participation in international markets, export promotion, and technology transfer;

"(C) providing referrals to business analysts who can provide direct counseling to veteran small business owners regarding the subjects described in this section;

"(D) serving as an information clearinghouse for business development and entrepreneurial assistance materials, as well as other veteran assistance materials, as deemed necessary, that are provided by Federal, State and local governments; and

"(E) providing assistance to veterans and service-disabled veterans in efforts to gain access to Federal prime contracts and subcontracts; and"; and

(2) in paragraph (2), by striking "including service-disabled veterans" and inserting "particularly service-disabled veterans".

SEC. 3. MANAGEMENT OF THE CORPORATION.

(a) APPOINTMENTS TO THE BOARD.—Section 33(c)(2) of the Small Business Act (15 U.S.C. 657c(c)(2)) is amended to read as follows:

"(2) APPOINTMENT OF VOTING MEMBERS.—

"(A) IN GENERAL.—The President shall, after considering recommendations proposed under subparagraph (B), appoint the 9 voting members of the Board, all of whom shall be United States citizens, and not more than 5 of whom shall be members of the same political party.

"(B) RECOMMENDATIONS.—Recommendations shall be submitted to the President for appointments under this paragraph by the chairman or ranking member (or both) of the Committee on Small Business and Entrepreneurship or the Committee on Veterans Affairs (or both) of the Senate or the Committee on Small Business or the Committee on Veterans Affairs (or both) of the House of Representatives.

"(C) CONSULTATION WITH VETERAN ORGANIZATIONS.—Recommendations under subparagraph (B) shall be made after consultation with such veteran service organizations as are determined appropriate by the member of Congress making the recommendation.

"(D) CONSIDERATIONS.—Consideration for eligibility for membership on the Board shall include business experience, knowledge of veterans' issues, and ability to raise funds for the Corporation.

"(E) LIMITATION ON INTERNAL RECOMMENDATIONS.—No member of the Board may recommend an individual for appointment to another position on the Board.".

(b) TERMS.—Section 33(c)(6) of the Small Business Act (15 U.S.C. 657c(c)(6)) is amended to read as follows:

"(6) TERMS OF APPOINTED MEMBERS.—

"(A) IN GENERAL.—Each member of the Board of Directors appointed under paragraph (2) shall serve for a term of 4 years.

"(B) UNEXPIRED TERMS.—Any member of the Board of Directors appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of the term. A member of the Board of Directors may not serve beyond the expiration of the term for which the member is appointed.".

(c) REMOVAL OF BOARD MEMBERS.—Section 33(c) of the Small Business Act (15 U.S.C. 657c(c)) is amended by adding at the end the following:

"(12) REMOVAL OF MEMBERS.—With the approval of a majority of the Board of Directors and the approval of the chairmen and ranking members of the Committee on Small Business and Entrepreneurship and the Committee on Veterans Affairs of the Senate, the Corporation may remove a member of the Board of Directors that is deemed unable to fulfill his or her duties, as established under this section.".

SEC. 4. TIMING OF TRANSFER OF ADVISORY COMMITTEE DUTIES.

Section 33(h) of the Small Business Act (15 U.S.C. 657c(h)) is amended by striking "October 1, 2006" and inserting "October 1, 2009".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 33(k) of the Small Business Act (15 U.S.C. 657c(k)(1)) is amended—

(1) in paragraph (1)—

(A) by inserting ", through the Office of Veteran's Business Development of the Administration," after "to the Corporation"; and

(B) by striking subparagraphs (A) through (D) and inserting the following:

"(A) $2,000,000 for fiscal year 2007;

"(B) $2,000,000 for fiscal year 2008; and

"(C) $2,000,000 for fiscal year 2009.";

(2) by striking paragraph (2) and inserting the following:

"(2) Matching Requirements.—

"(A) In General.—The Administration shall require, as a condition of any grant (or amendment or modification thereto) made to the Corporation under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government.

"(B) Limitation.—Not more than 33 percent of the total revenue of the Corporation, including the funds raised for use at the Veteran's Business Resource Centers, may be acquired from fee-for-service tools or direct charge to the veteran receiving services, as described in this section, except that the amount of any such fee or charge may not exceed the amount of such fee or charge in effect on the date of enactment of the Veterans Corporation Reauthorization Act of 2006.

"(C) Mission-Related Limitation.—The Corporation may not engage in revenue producing programs, services, or related business ventures that are not intended to carry out the mission and activities described in section (b).

"(D) Return to Treasury.—Funds appropriated under this section that have not been expended at the end of the fiscal year for which they were appropriated shall revert back to the Treasury."; and

(3) by striking paragraph (3).

SEC. 6. PRIVATIZATION.

Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsections (f) and (i); and

(2) by redesignating subsections (g), (h), (j), and (k) as subsections (f) through (i), respectively; and

(3) by adding at the end the following:

"(j) Privatization.—

"(1) Development of Plan.—Not later than 6 months after the date of enactment of the Veterans Corporation Reauthorization Act of 2006, the Corporation shall develop, institute, and implement a plan to raise private funds and become a self-sustaining corporation.

"(2) GAO Audit and Report.—

"(A) Audit.—The Comptroller General of the United States shall conduct an audit of the Corporation, in accordance with generally accepted accounting principles and generally accepted audit standards.

"(B) Inclusions.—The audit required by this paragraph shall include—

"(i) an evaluation of the efficacy of the Corporation in carrying out the purposes under section (b); and

"(ii) an analysis of the feasibility of the sustainability plan developed by the Corporation.

"(C) Report.—Not later than 1 year after the date of enactment of the Veterans Corporation Reauthorization Act of 2006, the Comptroller General shall submit a report on the audit conducted under this paragraph to the Committee on Small Business and Entrepreneurship and the Committee on Veterans Affairs of the Senate and to the Committee on Small Business and the Committee on Veterans Affairs of the House of Representatives.".

By Mr. OBAMA (for himself, Mr. Lugar, Mr. Biden, Mr. Smith, Mr. Bingaman, Mr. Harkin, Mr. Coleman, and Mr. Durbin):

S. 3694. A bill to increase fuel economy standards for automobiles, and for other purposes; to the Committee on Finance.

Mr. OBAMA. Mr. President, 33 years ago, this Nation faced a crisis that touched every American. In 1973, in the shadow of a war against Israel, the Arab nations of OPEC decided to embargo shipments of crude oil to the West.

The economic effects were devastating. For American drivers, the price at the gas pump rose from a national average of 38.5 cents per gallon in May 1973 to 55.1 cents per gallon in June 1974. The stock market fell, and countries across the world faced terrible cycles of inflation and recession that lasted well into the 1980s.

Lawmakers in Washington reacted by calling for a nationwide daylight savings time and a national speed limit. They established a new Department of Energy that eventually created a strategic petroleum reserve. Perhaps most important, Congress enacted the Corporate Average Fuel Economy standards, or CAFE, the first-ever requirements for automakers to improve gas mileage on the vehicles we drive.

At the time, auto executives protested, saying there was no way to increase fuel economy without making cars smaller. One company predicted that Americans would all be driving sub-compacts as a result of CAFE. But CAFE did work, and under the direction of Congress, the National Highway Traffic Safety Administration, NHSTA, nearly doubled the average gas mileage of cars from 14 miles per gallon in 1976 to 27.5 mpg for cars in 1985. Today, CAFE standards save us about 3 million barrels of oil per day, making it the most successful energy-saving measure ever adopted.

Now 30 years later, Americans again are feeling the pain at the pump. The price of oil has reached $78 a barrel, and Americans are paying more than $3.00 a gallon for gas. America's 20-million-barrel-a-day habit costs our economy $800 million a day, or $300 billion annually. Because we import 60 percent of our oil, much of it from the Middle East, our dependence on oil is also a national security issue as well. Al-Qaida knows that oil is America's Achilles heel. Osama bin Laden has urged his supporters to "Focus your operations on oil, especially in Iraq and the gulf area, since this will cause them to die off."

At a time when the energy and security stakes couldn't be higher, CAFE standards have been stagnant. In fact, because of a long-standing deadlock in Washington, CAFE standards that initially increased so quickly have remained stagnant for the last 20 years.

Since 1985, efforts to raise the CAFE standard have been stymied by opponents who have argued that Congress does not possess the expertise to set specific benchmarks and that an inflexible congressional mandate would result in the production of less safe cars and a loss of American jobs. This has been a bureaucratic logjam that has ignored technological innovations in the auto industry and crippled our ability to increase fuel efficiency.

To attempt to break this two-decade-long deadlock and start the U.S. on the path towards energy independence, I have joined with Senators Lugar, Biden, Smith, Bingaman, Harkin, Coleman, and Durbin to introduce the Fuel Economy Reform Act of 2006. This bill would set a new course by establishing regular, continual, and incremental progress in miles per gallon, targeting 4 percent annually, but preserving NHTSA expertise and flexibility on how to meet those targets.

Over the past 20 years, NHTSA's efforts to improve fuel economy have been encumbered with loopholes and resistance. With this bill, CAFE standards would increase by 4 percent every year unless NHTSA can justify a deviation in that rate by proving that the increase is technologically unachievable, does not materially reduce the safety of automobiles manufactured or sold in the U.S., or can prove it is not cost-effective when comparing with the economic and geopolitical value of a gallon of gasoline saved. We specifically define the grounds upon which NHTSA can determine cost-effectiveness. By flipping the presumption that has served as a barrier to action, we replace the status quo of continued stagnation with steady, measured progress.

Under this system, if the 4 percent annualized improvement occurs over ten years, this bill would save 1.3 million barrels of oil per day—or 20 billion gallons of gasoline per year. If gasoline is just $2.50 per gallon, consumers will save $50 billion at the pump in 2018. By 2018, we would be cutting global warming pollution by 220 million metric tons of carbon dioxide equivalent gases.

The Fuel Economy Reform Act also would provide fairness and flexibility to domestic automakers by establishing different standards for different types of cars. Currently, manufacturers have to meet broad standards over their whole fleet of cars. This disadvantages companies like Ford and General Motors that produce full lines of small and large cars and trucks rather than manufacturers that only sell small cars.

In order to enable domestic manufacturers to develop advanced-technology vehicles, this legislation provides tax incentives to retool parts and assembly plants. This will strengthen the U.S.

auto industry by allowing it to compete with foreign hybrid and other fuel efficient vehicles. It is our expectation that NHTSA will use its enhanced authority to bring greater market-based flexibility into CAFE compliance by allowing the banking and trading of credits among all vehicle types and between manufacturers.

Finally, the bill also would expand the tax incentives that encourage consumers to buy advanced technology vehicles. The bill would lift the current 60,000-per-manufacturer cap on buyer tax credits to allow more Americans to buy ultra-efficient vehicles like hybrids.

By ending a 20-year stalemate on CAFE, the Fuel Economy Reform Act will recapture the innovation that Congress and the auto industry launched in response to the OPEC crisis. In the process, we will safeguard our national security, protect our economy, reduce consumer pain at the pump, and protect our climate, environment, and public health. I urge my colleagues to join our bipartisan coalition and support the Fuel Economy Reform Act.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, and Mr. LEAHY):

S. 3695. A bill to amend the Federal Food, Drug, and Cosmetic Ad to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today with Senators SCHUMER and LEAHY to introduce an important piece of legislation for seniors, individual with disabilities, children, and anyone who is taking a brand name prescription drug with a generic equivalent. The bill we are introducing today would outlaw the latest in a long line of loopholes that brand name manufacturers have found to limit generic drug access to the market.

Our legislation would prohibit brand name manufacturers from introducing so-called "authorized generics" during the 180-day period that Congress intended true generics to have exclusive market rights. Some of my colleagues may be wondering what an "authorized generic" is.

An authorized generic drug is a brand name prescription drug produced by the same brand manufacturer on the same manufacturing lines, yet repackaged as a generic in order to confuse consumers and shut true generics out of the market. This is a huge problem and one that is becoming even more prevalent as patents on some of the best-selling brand name pharmaceuticals start to expire.

Pravachol, Zocor and Zoloft have patents that have expired or will expire this year. Together, these drugs account for approximately $9 billion in sales annually. In 2007, another top-selling brand name drug, Norvasc, will lose its patent protection, followed by Advair the following year.

When brand name drugs lose patent rights, this opens the door for consumers, employers, third-party payers, and other purchasers to save billions—between 50 and 80 percent on the costs of prescriptions—by using generic versions of these drugs. Brand name drug companies are expected to lose as much as $75 billion over the next 5 years as some of their best sellers go off-patent and generic competition increases. So, not surprisingly, these big pharmaceutical companies are desperately trying to protect their market share and prevent consumers from cashing in on savings from generic drugs.

We have addressed this issue before. In 1984, Congress passed the Hatch-Waxman legislation to provide consumers greater access to lower cost generic drugs. The intent of this law was to improve generic competition, while preserving the ability of brand name manufacturers to discover and market new and innovative products. As part of this law, the first generic company on the market after challenging an expiring brand name patent is granted 180-days of exclusive market rights, which is just a fraction of the up to 20 years of exclusive market rights afforded brand companies.

This 6-month incentive is crucial to maintaining the balance between encouraging brand drug companies to make new drugs and encouraging generic drug companies to make existing drugs more affordable. Challenging a brand name drug's patent takes time, money, and involves absorbing a great deal of risk. Generic drug companies rely on the added revenue provided by the 180-day exclusivity period to recoup their costs, fund new patent challenges where appropriate, and ultimately pass savings onto consumers.

This latest attempt by big drug companies to protect their profits puts billions of dollars in savings for consumers in jeopardy. The bill we are introducing today eliminates the authorized generic loophole, protects the integrity of the 180 days, and improves consumer access to lower-cost generic drugs. I urge my colleagues to support this timely and important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF AUTHORIZED GENERICS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

"(o) PROHIBITION OF AUTHORIZED GENERIC DRUGS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, no holder of a new drug application approved under subsection (c) shall manufacture, market, sell, or distribute an authorized generic drug, direct or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

"(2) AUTHORIZED GENERIC DRUG.—For purposes of this subsection, the term 'authorized generic drug'—

"(A) means any version of a listed drug (as such term is used in subsection (j)) that the holder of the new drug application approved under subsection (c) for that listed drug seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) with respect to that listed drug; and

"(B) does not include any drug to be marketed, sold, or distributed—

"(i) by an entity eligible for exclusivity with respect to such drug under subsection (j)(5)(B)(iv); or

"(ii) after expiration or forfeiture of any exclusivity with respect to such drug under such subsection (j)(5)(B)(iv).".

Mr. LEAHY. Mr. President, recently I was pleased to introduce with Senators KOHL, GRASSLEY and SCHUMER, the Preserve Access to Affordable Generics Act of 2006, S. 3582. That bill was designed to improve the timely and effective introduction of generic pharmaceuticals into the marketplace.

It is no secret that prescription drug prices are rapidly increasing and are a source of considerable concern to many Americans, especially senior citizens and families. In a marketplace free of manipulation, generic drug prices can be as much as 80 percent lower than the comparable brand name version. Unfortunately, there are still some companies driven by greed that may be keeping low-cost, life-saving generic drugs off the marketplace, off pharmacy shelves, and out of the hands of consumers by carefully crafted anti-competitive agreements between drug manufacturers.

In 2001, and last Congress, I introduced a related bill, the Competition Act. That bill, which is now law, is small in terms of length but large in terms of impact. It ensured that law enforcement agencies could take quick and decisive action against companies seeking to cheat consumers by delaying availability of generic medicines. It gave the Federal Trade Commission and the Justice Department access to information about secret deals between drug companies that keep generic drugs out of the market—a practice that not only hurts American families, particularly senior citizens, by denying them access to low-cost generic drugs, but also contributes to rising medical costs.

The Drug Competition Act, which was incorporated in the Medicare Modernization Act, was a bipartisan effort to protect consumers in need of patented medicines who were being forced to pay considerably higher costs because of collusive secret deals designed. It is regrettable that we must come to the floor again today and take additional action to prevent drug companies from continuing to find and exploit loopholes.

The bill I am introducing tonight with Senators Rockefeller and Schumer is very important. It will provide incentives for generic companies to make the investments needed to introduce low-cost generic medicines for all our citizens.

The bill assures all Americans that the original intent of the Hatch-Waxman law is carried out. That law was to provide incentives for generic companies to challenge the validity of patents on medicines and provide incentives for generic companies to manufacture low-cost medicines. That incentive was simple.

Under Hatch-Waxman law, the first generic company, called the first-filer, which successfully develops a generic version of a patented drug and meets certain other requirements, can get a 180-day exclusivity period to be the only generic company to have permission to make and sell that generic drug.

That was called an exclusivity period because that is what the Congress intended—that generic company would have the exclusive right for 180 days to make the generic version of the patented medicine.

The problem is that recently brand-name companies have been labeling their own patented drugs also as a generic version of itself, or licensing others to make it, and selling both the brand-name version and the so-called generic version. This undercuts the potential profits of the "real" generic company and denies them what the Hatch-Waxman law promised and for a long time delivered—an exclusivity period lasting up to 180 days.

When the brand-name company offers a competing "fake" generic version of the drug, that can cut the profits of the real generic manufacturer greatly—thus making it less likely that a real generic company will even want to make the product.

The Rockefeller bill prevents the brand-name company from doing that for the 180-day exclusivity period. I hope my colleagues will join me in supporting this effort.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 110—COMMEMORATING THE 60TH ANNIVERSARY OF THE HISTORIC 1946 SEASON OF MAJOR LEAGUE BASEBALL HALL OF FAME MEMBER BOB FELLER AND HIS RETURN FROM MILITARY SERVICE TO THE UNITED STATES

Mr. DeWINE submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. Con. Res. 110

Whereas Robert William Andrew Feller was born on November 3, 1918, near Van Meter, Iowa, and resides in Gates Mills, Ohio:

Whereas Bob Feller enlisted in the Navy 2 days after the attack on Pearl Harbor in 1941;

Whereas, at the time of his enlistment, Bob Feller was at the peak of his baseball career, as he had been signed to the Cleveland Indians at the age of 16, had struck out 15 batters in his first Major League Baseball start in August 1936, and established a Major League record by striking out 18 Detroit Tigers in a single, 9-inning game;

Whereas Bob Feller is the first pitcher in modern Major League Baseball history to win 20 or more games before the age of 21;

Whereas Bob Feller pitched the only opening day no-hitter in Major League Baseball history;

Whereas, on April 16, 1940, at Comiskey Park in Chicago, Bob Feller threw his first no-hitter and began the season for which he was awarded Major League Baseball Player of the Year;

Whereas Bob Feller served with valor in the Navy for nearly 4 years, missing almost 4 full baseball seasons;

Whereas Bob Feller was stationed mostly aboard the U.S.S. Alabama as a gunnery specialist, where he kept his pitching arm in shape by tossing a ball on the deck of that ship;

Whereas Bob Feller earned 8 battle stars and was discharged in late 1945, and was able to pitch 9 games at the end of that season, compiling a record of 5 wins and 3 losses;

Whereas 60 years ago, amid great speculation that, after nearly 4 seasons away from baseball, his best pitching days were behind him, Bob Feller had 1 of the most amazing seasons in baseball history;

Whereas, in the 1946 season, Bob Feller pitched 36 complete games in 42 starts;

Whereas, on April 30, 1946, in a game against the New York Yankees, Bob Feller pitched his second career no-hitter;

Whereas, in 1946, Bob Feller pitched in relief 6 times, saving 4 games;

Whereas, in 1946, Bob Feller routinely threw between 125 and 140 pitches a game, a feat not often seen today;

Whereas, in 1946, Bob Feller pitched 371⅓ innings and had 348 strikeouts;

Whereas, in 1946, Bob Feller had an earned run average of 2.18;

Whereas, in 1946, a fastball thrown by Bob Feller was clocked at 109 mph;

Whereas Bob Feller was the winning pitcher in the 1946 All Star Game, throwing 3 scoreless innings in a 12-0 victory by the American League;

Whereas, in 1946, Bob Feller led the American League in wins, shutouts, strikeouts, games pitched, and innings;

Whereas the baseball career of Bob Feller ended in 1956, but not before pitching his third no-hitter against the Detroit Tigers on July 1, 1951, pitching 12 1-hit games, amassing 266 victories and 2,581 strikeouts, and leading the league in strikeouts 7 times;

Whereas Bob Feller was inducted into the Baseball Hall of Fame in 1962; and

Whereas Bob Feller, a beloved baseball figure known as "Bullet Bob" and "Rapid Robert," placed service to his country ahead of playing the game he loved and is a decorated war veteran: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress commemorates the 60th anniversary of the 1946 season of Bob Feller and his return from military service to the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4681. Mr. FEINGOLD (for himself, Mr. McCain, Mr. Carper, Mr. Lieberman, Mr. Jeffords, Ms. Collins, and Ms. Snowe) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

SA 4682. Mr. INHOFE (for himself, Mr. Bond, Mr. Cochran, Mr. Thune, Mr. Domenici, Mr. Burns, Mr. Cornyn, and Mrs. Hutchison) proposed an amendment to the bill S. 728, supra.

SA 4683. Mr. INHOFE (for himself and Mr. Bond) submitted an amendment intended to be proposed by him to the bill S. 728, supra.

SA 4684. Mr. McCAIN (for himself, Mr. Feingold, and Mr. Lieberman) proposed an amendment to the bill S. 728, supra.

TEXT OF AMENDMENTS

SA 4681. Mr. FEINGOLD (for himself, Mr. McCain, Mr. Carper, Mr. Lieberman, Mr. Jeffords, Ms. Collins, and Ms. Snowe) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Strike section 2007 and insert the following:

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) Definitions.—In this section:

(1) Construction activities.—The term "construction activities" means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.

(2) Project study.—The term "project study" means a feasibility report, reevaluation report, or environmental impact statement prepared by the Corps of Engineers.

(b) Director of Independent Review.—The Secretary shall appoint in the Office of the Secretary a Director of Independent Review. The Director shall be selected from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline related to water resources management. The Secretary shall ensure, to the maximum extent practicable, that the Director does not have a financial, professional, or other conflict of interest with projects subject to review. The Director of Independent Review shall carry out the duties set forth in this section and such other duties as the Secretary deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—The Secretary shall ensure that each project study for a water resources project shall be reviewed by an independent panel of experts established under this subsection if—

(A) the project has an estimated total cost of more than $40,000,000, including mitigation costs;

(B) the Governor of a State in which the water resources project is located in whole or in part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel's conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

(iii) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel of experts established under this subsection does not submit to the Secretary a report by the deadline established by clause (ii), the Chief of Engineers may continue project planning without delay.

(iv) DURATION OF PANELS.—An independent panel of experts established under this subsection shall terminate on the date of submission of the report by the panel.

(E) EFFECT ON EXISTING GUIDANCE.—The project planning review required by this subsection shall be deemed to satisfy any external review required by Engineering Circular 1105-2-408 (31 May 2005) on Peer Review of Decision Documents.

(d) SAFETY ASSURANCE.—

(1) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review determines that—

(A) project performance is critical to the public health and safety;

(B) reliability of project performance under emergency conditions is critical;

(C) the project utilizes innovative materials or techniques; or

(D) the project design is lacking in redundancy, or the project has a unique construction sequencing or a short or overlapping design construction schedule.

(2) SAFETY ASSURANCE REVIEW PANELS.—At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to initiation of physical construction and every two years thereafter until construction activities are completed. The Director of Independent Review may establish an alternate schedule if such schedule would better serve the purposes of assuring public safety, and upon written notification to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet. The Secretary also shall submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

(A) $250,000, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(g) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SA 4682. Mr. INHOFE (for himself, Mr. BOND, Mr. COCHRAN, Mr. THUNE, Mr. DOMENICI, Mr. BURNS, Mr. CORNYN, and Mrs. HUTCHISON) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Strike section 2007 and insert the following:

SEC. 2007. INDEPENDENT REVIEWS.

(a) DEFINITIONS.—In this section:

(1) AFFECTED STATE.—The term "affected State" means a State in which a water resources project is located, in whole or in part.

(2) ELIGIBLE ORGANIZATION.—The term "eligible organization" means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

(3) PROJECT STUDY.—

(A) IN GENERAL.—The term "project study" means a feasibility study or reevaluation study for a project.

(B) INCLUSIONS.—The term "project study" includes any other study associated with a modification or update of a project that includes an environmental impact statement or an environmental assessment.

(b) PEER REVIEWS.—

(1) POLICY.—

(A) IN GENERAL.—Major engineering, scientific, and technical work products related to Corps of Engineers decisions and recommendations to Congress should be peer reviewed.

(B) APPLICATION.—This policy—

(i) applies to peer review of the scientific, engineering, or technical basis of the decision or recommendation; and

(ii) does not apply to the decision or recommendation itself.

(2) GUIDELINES.—

(A) IN GENERAL.—Not later than the date that is 1 year after the date of enactment of this Act, the Chief of Engineers shall publish and implement guidelines to Corps of Engineers Division and District Engineers for the use of peer review (including independent peer review) of major scientific, engineering, and technical work products that support the recommendations of the Chief to Congress for implementation of water resources projects.

(B) INFORMATION QUALITY ACT.—The guidelines shall be consistent with section 515 of Public Law 106-554 (114 Stat. 2763A153) (commonly known as the "Information Quality Act"), as implemented in Office of Management and Budget, Revised Information Quality Bulletin for Peer Review, dated December 15, 2004.

(C) REQUIREMENTS.—The guidelines shall adhere to the following requirements:

(i) APPLICATION OF PEER REVIEW.—Peer review shall—

(I) be applied only to the engineering, scientific, and technical basis for recommendations; and

(II) shall not be applied to—

(aa) a specific recommendation; or

(bb) the application of policy to recommendations.

(ii) PROJECTS SUBJECT TO INDEPENDENT PEER REVIEW.—

(I) IN GENERAL.—The Chief of Engineers shall ensure that each project study for a water resources project is subject to review by an independent panel of experts if—

(aa) the project has an estimated total cost of more than $100,000,000 (including mitigation costs); or

(bb) the Secretary determines that the project is controversial because—

(AA) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(BB) there is a significant dispute regarding the economic or environmental costs or benefits of the project.

(II) INDEPENDENT PANELS.—The Chief of Engineers may consider whether to establish an independent panel of experts to review a project study if—

(aa) the Governor of an affected State submits to the Secretary a written request for the establishment of an independent panel of experts for the project; or

(bb) the head of a Federal agency charged with reviewing the project determines that the project is likely to have a significant adverse impact on cultural, environmental, or other resources under the jurisdiction of the agency and submits to the Secretary a written request for the establishment of an independent panel of experts for the project.

(III) REVIEW OF TECHNICAL SPECIFICATIONS AND DESIGN.—The Chief of Engineers shall establish an independent panel of experts, at the appropriate point in project planning, to review and provide written comments on the technical and design specifications of the Corps of Engineers for any water resources project—

(aa) the performance of which is critical to the public health, safety, and welfare;

(bb) the reliability of performance under emergency conditions of which is critical;

(cc) that uses innovative materials or techniques; or

(dd) in any case in which—

(AA) the project design of which is lacking in redundancy; or

(BB) the project has a unique construction sequencing or a short or overlapping design construction schedule.

(iii) ANALYSES AND EVALUATIONS IN MULTIPLE PROJECT STUDIES.—Guidelines shall provide for conducting and documenting peer review of major scientific, technical, or engineering methods, models, procedures, or data that are used for conducting analyses and evaluations in multiple project studies.

(iv) INCLUSIONS.—Peer review applied to project studies may include a review of—

(I) the economic and environmental assumptions and projections;

(II) project evaluation data;

(III) economic or environmental analyses;

(IV) engineering analyses;

(V) methods for integrating risk and uncertainty;

(VI) models used in evaluation of economic or environmental impacts of proposed projects; and

(VII) any related biological opinions.

(v) EXCLUSION.—Peer review applied to project studies shall exclude a review of any methods, models, procedures, or data previously subjected to peer review.

(vi) TIMING OF REVIEW.—Peer review related to the engineering, scientific, or technical basis of any project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(vii) DELAYS; INCREASED COSTS.—Peer reviews shall be conducted in a manner that does not—

(I) cause a delay in study completion; or

(II) increase costs.

(viii) RECORD OF RECOMMENDATIONS.—

(I) IN GENERAL.—After receiving a report from any peer review panel, the Chief of Engineers shall prepare a record that documents—

(aa) any recommendations contained in the report; and

(bb) any written response for any recommendation adopted or not adopted and included in the study documentation.

(II) INDEPENDENT REVIEW RECORD.—If the panel is an independent peer review panel of a project study, the record of the review shall be included with the report of the Chief of Engineers to Congress.

(ix) INDEPENDENT PANEL OF EXPERTS.—

(I) IN GENERAL.—Any independent panel of experts assembled to review the engineering, science, or technical basis for the recommendations of a specific project study shall—

(aa) complete the peer review of the project study and submit to the Chief of Engineers a report not later than 180 days after the date of establishment of the panel, or (if the Chief of Engineers determines that a longer period of time is necessary) at the time established by the Chief, but in no event later than 90 days after the date a draft project study of the District Engineer is made available for public review; and

(bb) terminate on the date of submission of the report by the panel.

(II) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel does not complete the peer review of a project study and submit to the Chief of Engineers a report by the deadline established under subclause (I), the Chief of Engineers shall continue the project without delay.

(3) COSTS.—

(A) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(i) shall be a Federal expense; and

(ii) shall not exceed $500,000 for review of the engineering, scientific, or technical basis for any single water resources project study.

(B) WAIVER.—The Chief of Engineers may waive the $500,000 limitation under subparagraph (A) as the Chief of Engineers determines appropriate.

(4) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any peer review panel established under this section.

(6) PANEL OF EXPERTS.—The Chief of Engineers may contract with the National Academy of Sciences (or a similar independent scientific and technical advisory organization), or an eligible organization, to establish a panel of experts to peer review for technical and scientific sufficiency.

(7) SAVINGS CLAUSE.—Nothing in this section affects any authority of the Secretary

or the Chief of Engineers to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SA 4683. Mr. INHOFE (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Strike section 2004 and insert the following:

SEC. 2004. FISCAL TRANSPARENCY AND PRIORITIZATION REPORT.

(a) In General.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(1) the expenditures of the Corps of Engineers for the preceding fiscal year and estimated expenditures for the current fiscal year; and

(2) the extent to which each authorized project of the Corps of Engineers meets the national priorities described in subsection (b).

(b) National Priorities.—

(1) In general.—The national priorities referred to in subsection (a)(2) are—

(A) to reduce the risk of loss of human life and risk to public safety;

(B) to benefit the national economy;

(C) to protect and enhance the environment; and

(D) to promote the national defense.

(2) Evaluation of projects.—

(A) In general.—In evaluating the extent to which a project of the Corps of Engineers meets the national priorities under paragraph (1), the Chief of Engineers—

(i) shall develop a relative rating system that is appropriate for—

(I) each project purpose; and

(II) if applicable, multipurpose projects; and

(ii) may include an evaluation of projects using additional criteria or subcriteria, if the additional criteria or subcriteria are—

(I) clearly explained; and

(II) consistent with the method of evaluating the extent to which a project meets the national priorities under this paragraph.

(B) Factors.—The Chief of Engineers shall establish such factors, and assign to the factors such priority, as the Chief of Engineers determines to be appropriate to evaluate the extent to which a project meets the national priorities.

(C) Consideration.—In establishing factors under subparagraph (B), the Chief of Engineers may consider—

(i) for evaluating the reduction in the risk of loss of human life and risk to public safety of a project—

(I) the human population protected by the project;

(II) current levels of protection of human life under the project; and

(III) the risk of loss of human life and risk to public safety if the project is not completed, taking into consideration the existence and probability of success of evacuation plans relating to the project, as determined by the Director of the Federal Emergency Management Agency;

(ii) for evaluating the benefit of a project to the national economy—

(I) the benefit-cost ratio, and the remaining benefit-remaining cost ratio, of the project;

(II) the availability and cost of alternate transportation methods relating to the project;

(III) any applicable financial risk to a non-Federal sponsor of the project;

(IV) the costs to State, regional, and local entities of project termination;

(V) any contribution of the project with respect to international competitiveness; and

(VI) the extent to which the project is integrated with, and complementary to, other Federal, State, and local government programs, projects, and objectives within the project area;

(iii) for evaluating the extent to which a project protects or enhances the environment—

(I) for ecosystem restoration projects and mitigation plans associated with other project purposes—

(aa) the extent to which the project or plan restores the natural hydrologic processes of an aquatic habitat;

(bb) the significance of the resource to be protected or restored by the project or plan;

(cc) the extent to which the project or plan is self-sustaining; and

(dd) the cost-effectiveness of the project or plan; and

(II) the pollution reduction benefits associated with using water as a method of transportation of goods; and

(iv) for evaluating the extent to which a project promotes the national defense—

(I) the effect of the project relating to a strategic port designation; and

(II) the reduction of dependence on foreign oil associated with using water as a method of transportation of goods.

(c) Contents.—In addition to the information described in subsections (a) and (b), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

SA 4684. Mr. McCAIN (for himself, Mr. FEINGOLD, and Mr. LIEBERMAN) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

On page 76 between lines 20 and 21, insert the following:

SEC. 2007. WATER RESOURCES CONSTRUCTION PROJECT PRIORITIZATION REPORT.

(a) Prioritization Report.—

(1) In general.—On the third Tuesday of January of each year beginning January 2007, the Water Resources Planning Coordinating Committee established under section 2006(a) (referred to in this section as the "Coordinating Committee") shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, and the Office of Management and Budget, and make available to the public on the Internet, a prioritization report describing Corps of Engineers water resources projects authorized for construction.

(2) Inclusions.—Each report under paragraph (1) shall include, at a minimum, a description of—

(A) each water resources project included in the fiscal transparency report under section 2004(b)(1);

(B) each water resources project authorized for construction—

(i) on or after the date of enactment of this Act; or

(ii) during the 10-year period ending on the date of enactment of this Act; and

(C) other water resources projects authorized for construction, as the Coordinating Committee and the Secretary determine to be appropriate.

(3) PRIORITIZATION REQUIREMENTS.—

(A) IN GENERAL.—Each project described in a report under paragraph (1) shall—

(i) be categorized by project type; and

(ii) be classified into a tier system of descending priority, to be established by the Coordinating Committee, in cooperation with the Secretary, in a manner that reflects the extent to which the project achieves national priority criteria established under subsection (b).

(B) MULTIPURPOSE PROJECTS.—Each multipurpose project described in a report under paragraph (1) shall—

(i) be classified by the project type that best represents the primary project purpose, as determined by the Coordinating Committee; and

(ii) be classified into the tier system described in subparagraph (A)(ii) within that project type.

(C) TIER SYSTEM REQUIREMENTS.—In establishing a tier system under subparagraph (A)(ii), the Secretary shall ensure that—

(i) each tier is limited to $5,000,000,000 in total authorized project costs; and

(ii) includes not more than 100 projects.

(4) REQUIREMENT.—In preparing reports under paragraph (1), the Coordinating Committee shall balance, to the maximum extent practicable—

(A) stability in project prioritization between reports; and

(B) recognition of newly-authorized construction projects and changing needs of the United States.

(b) NATIONAL PRIORITY CRITERIA.—

(1) IN GENERAL.—In preparing a report under subsection (a), the Coordinating Committee shall prioritize water resources construction projects within the applicable category based on an assessment by the Coordinating Committee of the following criteria:

(A) For flood and storm damage reduction projects, the extent to which the project—

(i) addresses critical flood damage reduction needs of the United States, including by reducing the risks to loss of life by considering current protection levels; and

(ii) avoids increasing risks to human life or damages to property in the case of large flood events, avoids adverse environmental impacts, or produces environmental benefits.

(B) For navigation projects, the extent to which the project—

(i) addresses priority navigation needs of the United States, including by having a high probability of producing the economic benefits projected with respect to the project and reflecting regional planning needs, as applicable; and

(ii) avoids adverse environmental impacts.

(C) For environmental restoration projects, the extent to which the project—

(i) addresses priority environmental restoration needs of the United States, including by restoring the natural hydrologic processes and spatial extent of an aquatic habitat while being, to the maximum extent practicable, self-sustaining; and

(ii) is cost-effective or produces economic benefits.

(2) BENEFIT-TO-COST RATIOS.—In prioritizing water resources projects under subsection (a)(3) that require benefit-to-cost ratios for inclusion in a report under subsection (a)(1), the Coordinating Committee shall assess and take into consideration the benefit-to-cost ratio and the remaining benefit-to-cost ratio of each project.

(3) FACTORS FOR CONSIDERATION.—In preparing reports under subsection (a)(1), the Coordinating Committee may take into consideration any additional criteria or subcriteria, if the criteria or subcriteria are fully explained in the report.

(4) STATE PRIORITIZATION DETERMINATIONS.—The Coordinating Committee shall establish a process by which each State may submit to the Coordinating Committee for consideration in carrying out this subsection any prioritization determination of the State with respect to a water resources project in the State.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Coordinating Committee shall submit to Congress proposed recommendations with respect to—

(A) a process to prioritize water resources projects across project type;

(B) a process to prioritize ongoing operational activities carried out by the Corps of Engineers;

(C) a process to address in the prioritization process recreation and other ancillary benefits resulting from the construction of Corps of Engineers projects; and

(D) potential improvements to the prioritization process established under this section.

(2) CONTRACTS WITH OTHER ENTITIES.—The Coordinating Committee may offer to enter into a contract with the National Academy of Public Administration or any similar entity to assist in developing recommendations under this subsection.

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, July 27, 2006 at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 3638, to encourage the Secretary of the Interior to participate in projects to plan, design, and construct water supply projects and to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to encourage the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal in the State of California; S. 3639, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects; H.R. 177, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes.; H.R. 2341, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas; and H.R. 3418, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Joshua Johnson at 202-224-5861 or Steve Waskiewicz at 202-228-6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 19, 2006, at 10 a.m., in open session to continue to receive testimony on military commissions in light of the Supreme Court decision in Hamdan v. Rumsfeld.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 19, 2006, at 10 a.m., to conduct a vote on the nomination of Mr. Frederic S. Mishkin, of New York, to be a member of the Board of Governors of the Federal Reserve System; Ms. Linda Mysliwy Conlin, of New Jersey, to be First Vice President of The Export-Import Bank; Mr. Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board; Mr. Edmund C. Moy, of Wisconsin, to be Director of the Mint; Mr. J. Joseph Grandmaison, of New Hampshire, to be a member of the Board of Directors of the Export-Import Bank; and Mr. James Lambright, of Missouri, to be President of the Export-Import Bank. Immediately following the vote, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet to conduct an Oversight Hearing on the semi-annual monetary policy report of The Federal Reserve.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 19, 2006, at 10 a.m., to conduct a hearing on "The Semiannual Monetary Policy Report to the Congress."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be allowed to meet at 10 a.m. on Wednesday, July 19, 2006, to consider S. 3661, S. Con. Res. 71, S. 3679, the National Transportation Safety Board Reauthorization Act of 2006, nominations, and the Committee print of the Maritime Administration Improvements Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I ask unanimous consent that on Wednesday, July 19, 2006, at 9 a.m., the Committee on Environment and Public Works be authorized to hold a hearing on the science and risk assessment behind the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, July 19, 2006, at 10:30 a.m in SD 430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, July 19, 2006, at 10 a.m. for a hearing titled, "DHS Purchase Cards: Credit Without Accountability."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Credit Card Interchange Fees: Antitrust Concerns?" on Wednesday, July 19, 2006, at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witnesses

Panel I: Bill Douglas, Chief Executive Officer, Douglas Distributing, Sherman, TX. Kathy Miller, Owner, The Elmore Store, Elmore, VT. Joshua R. Floum, Executive Vice President, General Counsel and Secretary, Visa U.S.A., Washington, DC. Joshua L. Peirez, Group Executive, Global Public Policy and Associate General Counsel, MasterCard Worldwide, Purchase, NY. The Hon. Timothy J. Muris, Former Chairman, Federal Trade Commission, Of Counsel, O'Melveny & Meyers, Washington, DC. W. Stephen Cannon, President and Managing Partner, Constantine Cannon, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, July 19, 2006, at 2 p.m. in the Dirksen Senate Office Building Room 226.

I. Bills

S. 2703, Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 [SPECTER, LEAHY, GRASSLEY, KENNEDY, DEWINE, FEINSTEIN, BROWNBACK, DURBIN, SCHUMER, KOHL, BIDEN, FEINGOLD]

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 19, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 19, 2006, at 10 a.m. The purpose of the hearing is to provide oversight on the implementation of Public Law 108–148 (the Healthy Forests Restoration Act).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, INNOVATION, AND COMPETITIVENESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Technology, Innovation, and Competitiveness be allowed to meet at 11 a.m. on Wednesday, July 19, 2006, to discuss High Performance Computing.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO APPOINT SENATE COMMITTEE TO ESCORT PRIME MINISTER OF IRAQ INTO HOUSE OF REPRESENTATIVES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Nuri al-Maliki, Prime Minister of the Republic of Iraq, into the House Chamber for a joint meeting at 11 a.m. on Wednesday, July 26.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING TECHNICAL CORRECTIONS TO VIOLENCE AGAINST WOMEN ACT AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT OF 2005

Mr. McCONNELL. I ask unanimous consent that the Senate proceed to immediate consideration of S. 3693 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3693) to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Oklahoma, I object.

Objection is heard.

Mr. McCONNELL. Mr. President, I ask unanimous consent to vitiate any action on the previous bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

COPYRIGHT ROYALTY JUDGES PROGRAM TECHNICAL CORRECTIONS ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 515, H.R. 1036.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1036) to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part intended to be stricken is shown in boldface brackets and the part intended to be inserted is shown in italic.)

H.R. 1036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Royalty Judges Program Technical Corrections Act".

SEC. 2. REFERENCE.

Any reference in this Act to a provision of title 17, United States Code, refers to such provision as amended by the Copyright Royalty and Distribution Reform Act of 2004 (Public Law 108–419) and the Satellite Home Viewer Extension and Reauthorization Act of 2004 (title IX of division J of Public Law 108–447).

SEC. 3. AMENDMENTS TO CHAPTER 8 OF TITLE 17, UNITED STATES CODE.

Chapter 8 of title 17, United States Code, is amended as follows:

(1) Section 801(b)(1) is amended, in the matter preceding subparagraph (A), by striking "119 and 1004" and inserting "119, and 1004".

(2) Section 801 is amended by adding at the end the following:

"(f) EFFECTIVE DATE OF ACTIONS.—On and after the date of the enactment of the Copyright Royalty and Distribution Reform Act of 2004, in any case in which time limits are prescribed under this title for performance of an action with or by the Copyright Royalty Judges, and in which the last day of the prescribed period falls on a Saturday, Sunday, holiday, or other nonbusiness day within the District of Columbia or the Federal Government, the action may be taken on the next succeeding business day, and is effective as of the date when the period expired.".

(3) Section 802(f)(1)(A) is amended—

(A) in clause (i), by striking "clause (ii) of this subparagraph and subparagraph (B)" and inserting "subparagraph (B) and clause (ii) of this subparagraph"; and

(B) by striking clause (ii) and inserting the following:

"(ii) One or more Copyright Royalty Judges may, or by motion to the Copyright Royalty Judges, any participant in a proceeding may, request from the Register of Copyrights an interpretation of any material questions of substantive law that relate to the construction of provisions of this title and arise in the course of the proceeding. Any request for a written interpretation shall be in writing and on the record, and reasonable provision shall be made to permit participants in the proceeding to comment on the material questions of substantive law in a manner that minimizes duplication and delay. Except as provided in subparagraph (B), the Register of Copyrights shall deliver to the Copyright Royalty Judges a written response within 14 days after the receipt of all briefs and comments from the participants. The Copyright Royalty Judges shall apply the legal interpretation embodied in the response of the Register of Copyrights if it is timely delivered, and the response shall be included in the record that accompanies the final determination. The authority under this clause shall not be construed to authorize the Register of Copyrights to provide an interpretation of questions of procedure before the Copyright Royalty Judges, the ultimate adjustments and determinations of copyright royalty rates and terms, the ultimate distribution of copyright royalties, or the acceptance or rejection of royalty claims, rate adjustment petitions, or petitions to participate in a proceeding.".

(4) Section 802(f)(1)(D) is amended by inserting a comma after "undertakes to consult with".

(5) Section 803(a)(1) is amended—

(A) by striking "The Copyright" and inserting "The Copyright Royalty Judges shall act in accordance with this title, and to the extent not inconsistent with this title, in accordance with subchapter II of chapter 5 of title 5, in carrying out the purposes set forth in section 801. The Copyright"; and

(B) by inserting after "Congress, the Register of Copyrights," the following: "copyright arbitration royalty panels (to the extent those determinations are not inconsistent with a decision of the Librarian of Congress or the Register of Copyrights),".

(6) Section 803(b) is amended—

(A) in paragraph (1)(A)(i)(V)—

(i) by striking "in the case of" and inserting "the publication of notice requirement shall not apply in the case of"; and

(ii) by striking ", such notice may not be published.";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking", together with a filing fee of $150";

(ii) in subparagraph (B), by striking "and" after the semicolon;

(iii) in subparagraph (C), by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(D) the petition to participate is accompanied by either—

"(i) in a proceeding to determine royalty rates, a filing fee of $150; or

"(ii) in a proceeding to determine distribution of royalty fees—

"(I) a filing fee of $150; or

"(II) a statement that the petitioner (individually or as a group) will not seek a distribution of more than $1000, in which case the amount distributed to the petitioner shall not exceed $1000.";

(C) in paragraph (3)(A)—

(i) by striking "(A) IN GENERAL.—Promptly" and inserting "(A) COMMENCEMENT OF PROCEEDINGS.—

"(i) RATE ADJUSTMENT PROCEEDING.—Promptly"; and

(ii) by adding at the end the following:

"(ii) DISTRIBUTION PROCEEDING.—Promptly after the date for filing of petitions to participate in a proceeding to determine the distribution of royalties, the Copyright Royalty Judges shall make available to all participants in the proceeding a list of such participants. The initiation of a voluntary negotiation period among the participants shall be set at a time determined by the Copyright Royalty Judges.".

(D) in paragraph (4)(A), by striking the last sentence; and

(E) in paragraph (6)(C)—

(i) in clause (i)—

(I) in the first sentence, by inserting "and written rebuttal statements" after "written direct statements";

(II) in the first sentence, by striking "which may" and inserting "which, in the case of written direct statements, may"; and

(III) by striking "clause (iii)" and inserting "clause (iv)";

(ii) by amending clause (ii)(I) to read as follows:

"(ii)(I) Following the submission to the Copyright Royalty Judges of written direct statements and written rebuttal statements by the participants in a proceeding under paragraph (2), the Copyright Royalty Judges, after taking into consideration the views of the participants in the proceeding, shall determine a schedule for conducting and completing discovery.";

(iii) by amending clause (iv) to read as follows:

"(iv) Discovery in connection with written direct statements shall be permitted for a period of 60 days, except for discovery ordered by the Copyright Royalty Judges in connection with the resolution of motions, orders, and disputes pending at the end of such period. The Copyright Royalty Judges may order a discovery schedule in connection with written rebuttal statements."; and

(iv) by amending clause (x) to read as follows:

"(x) The Copyright Royalty Judges shall order a settlement conference among the participants in the proceeding to facilitate the presentation of offers of settlement among the participants. The settlement conference shall be held during a 21-day period following the 60-day discovery period specified in clause (iv) and shall take place outside the presence of the Copyright Royalty Judges.".

(7) Section 803(c)(2)(B) is amended by striking "concerning rates and terms".

(8) Section 803(c)(4) is amended by striking ", with the approval of the Register of Copyrights,".

(9) Section 803(c)(7) is amended by striking "of Copyright" and inserting "of the Copyright".

(10) Section 803(d)(2)(C)(i)(I) is amended by striking "statements of account and any report of use" and inserting "applicable statements of account and reports of use".

(11) Section 803(d)(3) is amended by striking "If the court, pursuant to section 706 of title 5, modifies" and inserting "Section 706 of title 5 shall apply with respect to review by the court of appeals under this subsection. If the court modifies".

(12) Section 804(b)(1)(B) is amended—

(A) by striking "801(b)(3)(B) or (C)" and inserting "801(b)(2)(B) or (C)"; and

(B) in the last sentence, by striking "change is" and inserting "change in".

(13) Section 804(b)(3) is amended—

(A) in subparagraph (A), by striking "effective date" and inserting "date of enactment"; and

(B) in subparagraph (C)—

(i) in clause (ii), by striking "that is filed" and inserting "is filed"; and

(ii) in clause (iii), by striking "such subsections (b)" and inserting "subsections (b)".

SEC. 4. ADDITIONAL TECHNICAL AMENDMENTS.

(a) DISTRIBUTION OF ROYALTY FEES.—Section 111(d) of title 17, United States Code, is amended—

(1) in the second sentence of paragraph (2), by striking all that follows "Librarian of Congress" and inserting "upon authorization by the Copyright Royalty Judges.";

(2) in paragraph (4)—

(A) in subparagraph (B)—

(i) by striking the second sentence and inserting the following: "If the Copyright Royalty Judges determine that no such controversy exists, the Copyright Royalty Judges shall authorize the Librarian of Congress to proceed to distribute such fees to the copyright owners entitled to receive them, or to their designated agents, subject to the deduction of reasonable administrative costs under this section."; and

(ii) in the last sentence, by striking "finds" and inserting "find"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) During the pendency of any proceeding under this subsection, the Copyright Royalty Judges shall have the discretion to authorize the Librarian of Congress to proceed to distribute any amounts that are not in controversy.".

(b) SOUND RECORDINGS.—Section 114(f) of title 17, United States Code, is amended—

(1) in paragraph (1)(A), in the first sentence, by striking "except where" and all that follows through the end period and inserting "except in the case of a different transitional period provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period as the parties may agree.";

(2) by amending paragraph (2)(A) to read as follows:

"(2)(A) Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for public performances of sound recordings by means of eligible nonsubscription transmission services and new subscription services specified by subsection (d)(2) during the 5-year period beginning on January 1 of the second year following the year in which the proceedings are to be commenced, except in the case of a different transitional period provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period as the parties may agree. Such rates and terms shall distinguish among the different types of eligible nonsubscription transmission services and new subscription services then in operation and shall include a minimum fee for each such type of service. Any copyright owners of sound recordings or any entities performing sound recordings affected by this paragraph may submit to the Copyright Royalty Judges licenses covering such eligible nonsubscription transmissions and new subscription services with respect to such sound recordings. The parties to each proceeding shall bear their own costs."; and

(3) in paragraph (2)(B), in the last sentence, by striking "negotiated under" and inserting "described in".

(c) PHONORECORDS OF NONDRAMATIC MUSICAL WORKS.—Section 115(c)(3) of title 17, United States Code, is amended—

(1) in subparagraph (B), by striking "subparagraphs (B) through (F)" and inserting "this subparagraph and subparagraphs (C) through (E)";

(2) in subparagraph (D), in the third sentence, by inserting "in subparagraphs (B) and (C)" after "described"; and

(3) in subparagraph (E), in clauses (i) and (ii)(I), by striking "(C) or (D)" each place it appears and inserting "(C) and (D)".

(d) NONCOMMERCIAL BROADCASTING.—Section 118 of title 17, United States Code, is amended—

(1) in subsection (b)(3), by striking "copyright owners in works" and inserting "owners of copyright in works"; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "established by" and all that follows through "engage" and inserting "established by the Copyright Royalty Judges under subsection (b)(4), engage"; and

(B) in paragraph (1), by striking "(g)" and inserting "(f)".

(e) SATELLITE CARRIERS.—Section 119 of title 17, United States Code, is amended—

(1) in subsection (b)(4)—

(A) in subparagraph (B), by striking the second sentence and inserting the following: "If the Copyright Royalty Judges determine that no such controversy exists, the Copyright Royalty Judges shall authorize the Librarian of Congress to proceed to distribute such fees to the copyright owners entitled to receive them, or to their designated agents, subject to the deduction of reasonable administrative costs under this section."; and

(B) by amending subparagraph (C) to read as follows:

"(C) WITHHOLDING OF FEES DURING CONTROVERSY.—During the pendency of any proceeding under this subsection, the Copyright Royalty Judges shall have the discretion to authorize the Librarian of Congress to proceed to distribute any amounts that are not in controversy."; and

(2) in subsection (c)(1)(F)(i), in the last sentence, by striking "arbitrary" and inserting "arbitration".

(f) DIGITAL AUDIO RECORDING DEVICES.—Section 1007 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in the second sentence, by striking "Librarian of Congress" and inserting "Copyright Royalty Judges"; and

(B) in the last sentence, by striking "by the Librarian"; and

(2) in subsection (c), in the last sentence, by striking "by the Librarian".

(g) REMOVAL OF INCONSISTENT PROVISIONS.—The amendments contained in subsection (h) of section 5 of the Copyright Royalty and Distribution Reform Act of 2004 shall be deemed never to have been enacted.

(h) EFFECTIVE DATE.—Section 6(b)(1) of the Copyright Royalty and Distribution Reform Act of 2004 (Public Law 108–419) is amended by striking "commenced before the date of enactment of this Act" and inserting "commenced before the effective date provided in subsection (a)".

[SEC. 5. EFFECTIVE DATE.

[This Act and the amendments made by this Act shall be effective as if included in the Copyright Royalty and Distribution Reform Act of 2004.]

SEC. 5. PARTIAL DISTRIBUTION OF ROYALTY FEES.

Section 801(b)(3)(C) of title 17, United States Code, is amended—

(1) by striking all that precedes clause (i) and inserting the following:

"(C) Notwithstanding section 804(b)(8), the Copyright Royalty Judges, at any time after the filing of claims under section 111, 119, or 1007, may, upon motion of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, make a partial distribution of such fees, if, based upon all responses received during the 30-day period beginning on the date of such publication, the Copyright Royalty Judges conclude that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution, and all such claimants—"; and

(2) in clause (i), by striking "such" and inserting "the".

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided under subsection (b), this Act and the amendments made by this Act shall be effective as if included in the Copyright Royalty and Distribution Reform Act of 2004.

(b) PARTIAL DISTRIBUTION OF ROYALTY FEES.—Section 5 shall take effect on the date of enactment of this Act.

Mr. LEAHY. Mr. President, I am pleased that the Judiciary Committee unanimously approved the Copyright Royalty Judges Program Technical Corrections Act, H.R. 1036, a bill that makes several important, noncontroversial, technical corrections to the Copyright Royalty and Distribution Reform Act of 2004. In particular, I am grateful to Senators SPECTER and HATCH for their efforts in the important work we have done, on this bill and so many others, over the years to strengthen our Nation's intellectual property laws. When Senators from different parties can collaborate as productively as we have on these tough issues, the legislative process is working the way it should.

The Copyright Royalty and Distribution Reform Act of 2004, which Senator HATCH and I jointly authored, modernized and improved the process by which certain royalty rates, such as those for small webcasters, are determined. Passage of the act was an important step toward creating laws that adequately protect and compensate makers of creative works. The Technical Corrections Act, H.R. 1036, makes truly technical corrections that shore up those laws and further preserve the traditional role of important intellectual property protections.

In addition to these technical corrections, I, along with Chairman SPECTER and Senator HATCH, offered an amendment that makes one more correction. Several copyright holders had brought it to our attention that under current laws, copyright royalty judges do not have the ability to allocate portions of cable and satellite royalties before the end of royalty distribution proceedings. This has resulted in more than $1 billion in cable and satellite royalties being withheld from rightful recipients. Our amendment rectified the problem by providing copyright royalty judges with explicit statutory discretion for partial distribution of royalties and was included in the legislation that the Judiciary Committee approved last week.

Now that the bill is on the floor, I urge my colleagues to move it quickly, by unanimous consent.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill as amended by read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 1036) was read the third time and passed, as follows:

H.R. 1036

Resolved, That the bill from the House of Representatives (H.R. 1036) entitled "An Act to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes." do pass with the following amendment: On page 16, line 4 through 7, strike and insert the following amendment:

On page 16, line 4 through 7, strike and insert the following:

SEC. 5. PARTIAL DISTRIBUTION OF ROYALTY FEES.

Section 801(b)(3)(C) of title 17, United States Code, is amended—

(1) by striking all that precedes clause (i) and inserting the following:

"(C) Notwithstanding section 804(b)(8), the Copyright Royalty Judges, at any time after the filing of claims under section 111, 119, or 1007, may, upon motion of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, make a partial distribution of such fees, if, based upon all responses received during the 30-day period beginning on the date of such publication, the Copyright Royalty Judges conclude that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution, and all such claimants—"; and

(2) in clause (i), by striking "such" and inserting "the".

SEC. 6. EFFECTIVE DATE.

(a) In General.—Except as provided under subsection (b), this Act and the amendments made by this Act shall be effective as if included in the Copyright Royalty and Distribution Reform Act of 2004.

(b) Partial Distribution of Royalty Fees.—Section 5 shall take effect on the date of enactment of this Act.

MAKING TECHNICAL CORRECTIONS TO VIOLENCE AGAINST WOMEN ACT AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT OF 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3693, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3693) to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005.

There being to objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3693) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNIVERSAL GRANT CONDITIONS AND DEFINITIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 2005.

(a) Short Title.—Section 1 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by—

(1) inserting "(a) In General" before "This"; and

(2) adding at the end the following:

"(b) Separate Short Titles.—Section 3 and titles I through IX of this Act may be cited as the 'Violence Against Women Reauthorization Act of 2005'. Title XI of this Act may be cited as the 'Department of Justice Appropriations Authorization Act of 2005'.".

(b) Clarify Effective Dates.—The Violence Against Women Act and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) is amended by adding after section 3 the following new section:

"SEC. 4. EFFECTIVE DATE OF SPECIFIC SECTIONS.

"Notwithstanding any other provision of this Act or any other law, sections 101, 102 (except the amendment to section 2101(d) of the Omnibus Crime Control and Safe Streets Act of 1968 included in that section), 103, 121, 203, 204, 205, 304, 306, 602, 906, and 907 of this Act shall not take effect until the beginning of fiscal year 2007.".

(c) Ensure Comprehensive Definitional Section.—

(1) Crimes on campuses.—Section 304 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) is amended by adding at the end the following:

"(g) Definitions and Grant Conditions.—In this section the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.".

(2) Outreach to underserved populations.—Section 120 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) is amended by adding at the end the following:

"(i) Definitions and Grant Conditions.—In this section the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.".

(3) Cultural services.—Section 121 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) is amended by adding at the end the following:

"(h) Definitions and Grant Conditions.—In this section the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.".

(d) Correct Definition of Sexual Assault.—Section 40002(a)(23) of the Violence Against Women Act of 1994, as added by section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), is amended by striking "prescribed" and inserting "proscribed".

(e) Tribal Definitions.—Section 40002(a) of the Violence Against Women Act of 1994, as added by section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), is amended—

(1) in paragraph (1), by striking "Alaskan" and inserting "Alaska Native";

(2) by redesignating paragraphs (31) through (36) as paragraphs (32) through (37), respectively; and

(3) by adding after paragraph (30) the following:

"(31) Tribal nonprofit organization.—The term 'tribal nonprofit organization' means—

"(A) a victim services provider that has as its primary purpose to assist Native victims of domestic violence, dating violence, sexual assault, or stalking; and

"(B) staff and leadership of the organization must include persons with a demonstrated history of assisting American Indian or Alaska Native victims of domestic violence, dating violence, sexual assault, or stalking.".

(f) Clarify Matching Provision in the Universal Grant Condition.—Section 40002(b) of the Violence Against Women Act of 1994, as added by section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), is amended by striking paragraph (1) and inserting the following:

"(1) Match.—No matching funds shall be required for any grant or subgrant made under this Act for—

"(A) any tribe, territory, or victim service provider; or

"(B) any other entity, including a State, that—

"(i) petitions for a waiver of any match condition imposed by the Attorney General or the Secretaries of Health and Human Services or Housing and Urban Development; and

"(ii) whose petition for waiver is determined by the Attorney General or the Secretaries of Health and Human Services or Housing and Urban Development to have adequately demonstrated the financial need of the petitioning entity.".

SEC. 2. TITLE I—LAW ENFORCEMENT TOOLS.

(a) Duplicate Provision.—Title I of the Violence Against Women Act of 2005 (Public Law 109-162) is amended by striking section 108.

(b) Authorization Period.—Section 1167 of the Violence Against Women Act of 2005 is amended by striking "2006 through 2010" and inserting "2007 through 2011".

(c) Definition of Spouse of Intimate Partner.—Section 2266(7)(A) of title 18, United States Code, is amended by striking clause (ii) and inserting the following:

"(ii) section 2261A—

"(I) a spouse or former spouse of the target of the stalking, a person who shares a child in common with the target of the stalking, and a person who cohabits or has cohabited as a spouse with the target of the stalking; or

"(II) a person who is or has been in a social relationship of a romantic or intimate nature with the target of the stalking, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.".

(d) Strike Repeated Sections.—The Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by striking sections 1134 and 1135.

(e) Conditions on Technical Assistance.—Section 40002(b)(11) of the Violence Against Women Act of 1994 is amended by inserting before "If there" the following: "Of the total amounts appropriated under this title, not less than 3 percent and up to 8 percent, unless otherwise noted, shall be available for providing training and technical assistance relating to the purposes of this title to improve the capacity of the grantees, subgrantees, and other entities.".

(f) Remove the Technical Assistance Provision in STOP and Grants To Encourage Arrest.—The Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 2007, by striking subsection (i), as added by section 101 of the Violence Against Women and Department of Justice Reauthorization Act of 2005; and

(2) by striking section 2106, as added by section 102 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

(g) Correct STOP Grant Allocation.—Section 2007 (b)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1), as amended by section 101 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by striking "and the coalitions for combined Territories of the United States" and inserting "the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands.".

(h) UNDERSERVED POPULATIONS REPORT.—Section 120(g) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by striking ", every 18 months,".

(i) CORRECT DEFINITION OF DATING PARTNER.—Section 2266(10) of title 18, United States Code, as amended by section 116 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is further amended by striking "and the existence of such a relationship" and inserting ". The existence of such a relationship is".

(j) ALTER COMPLIANCE TIME FOR FORENSIC EXAM CERTIFICATION.—Section 2010(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4(d)) as added by section 101 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by—

(1) striking "Nothing" and inserting "(1) IN GENERAL.—"; and

(2) inserting at the end the following:

"(2) COMPLIANCE PERIOD.—States, territories, and Indian tribal governments shall have 3 years from the date of enactment of the Violence Against Women and Department of Justice Reauthorization Act of 2005 to come into compliance with this subsection.".

(k) CORRECT UNDERSERVED POPULATIONS GRANT PROGRAM.—Section 121 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended—

(1) in subsection (a)(1), by inserting at the end the following : "The requirements of the grant programs identified in paragraph (2) shall not apply to this new grant program."; and

(2) in subsection (b)(2) by striking the period and inserting ", including—

"(A) working with State and local governments and social service agencies to develop and enhance effective strategies to provide culturally and linguistically specific services to victims of domestic violence, dating violence, sexual assault, and stalking;

"(B) increasing communities' capacity to provide culturally and linguistically specific resources and support for victims of domestic violence, dating violence, sexual assault, and stalking crimes and their families;

"(C) strengthening criminal justice interventions, by providing training for law enforcement, prosecution, courts, probation, and correctional facilities on culturally and linguistically specific responses to domestic violence, dating violence, sexual assault, and stalking;

"(D) enhancing traditional services to victims of domestic violence, dating violence, sexual assault, and stalking through the leadership of culturally and linguistically specific programs offering services to victims of domestic violence, dating violence, sexual assault, and stalking;

"(E) working in cooperation with the community to develop education and prevention strategies highlighting culturally and linguistically specific issues and resources regarding victims of domestic violence, dating violence, sexual assault, and stalking;

"(F) providing culturally and linguistically specific programs for children exposed to domestic violence, dating violence, sexual assault, and stalking;

"(G) providing culturally and linguistically specific resources and services that address the safety, economic, housing, and workplace needs of victims of domestic violence, dating violence, sexual assault, or stalking, including emergency assistance; or

"(H) examining the dynamics of culture and its impact on victimization and healing.".

(l) FIX ALLOCATION ISSUE IN STOP GRANTS.—Subparagraphs (A) and (B) of section 2007(c)(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(c)(3) (A) and (B)) are amended to read as follows:

"(A) not less than 25 percent shall be allocated for law enforcement and not less than 25 percent shall be allocated for prosecutors;

"(B) not less than 30 percent shall be allocated for victims services of which at least 10 percent shall be distributed to culturally specific community-based organizations; and".

(m) CORRECT GAO STUDY.—Section 119(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by striking "of domestic violence." and inserting "of these respective crimes."

(n) PROTECTION ORDER CORRECTION.—Section 106(c) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by striking "the registration or filing of a protection order" and inserting "the registration, filing of a petition for, or issuance of a protection order, restraining order or injunction"

SEC. 3. TITLE II—IMPROVED SERVICES.

(a) SEXUAL ASSAULT SERVICES INTO VAWA.—Section 202 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is repealed.

(b) SEXUAL ASSAULT SERVICES PROGRAM.—The Violence Against Women Act of 1994 (Public Law 103–322) is amended by adding at the end the following:

"Subtitle P—Sexual Assault Services

"SEC. 41601. SEXUAL ASSAULT SERVICES PROGRAM.

"(a) PURPOSES.—The purposes of this section are—

"(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

"(A) adult, youth, and child victims of sexual assault;

"(B) family and household members of such victims; and

"(C) those collaterally affected by the victimization, except for the perpetrator of such victimization; and

"(2) to provide for technical assistance and training relating to sexual assault to—

"(A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

"(B) professionals working in legal, social service, and health care settings;

"(C) nonprofit organizations;

"(D) faith-based organizations; and

"(E) other individuals and organizations seeking such assistance.

"(b) GRANTS TO STATES AND TERRITORIES.—

"(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

"(2) ALLOCATION AND USE OF FUNDS.—

"(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.

"(B) GRANT FUNDS.—Any funds received by a State or territory under this subsection that are not used for administrative costs shall be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations for programs and activities within such State or territory that provide direct intervention and related assistance.

"(C) INTERVENTION AND RELATED ASSISTANCE.—Intervention and related assistance under subparagraph (B) may include—

"(i) 24-hour hotline services providing crisis intervention services and referral;

"(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

"(iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;

"(iv) information and referral to assist the sexual assault victim and family or household members;

"(v) community-based, linguistically and culturally specific services and support mechanisms, including outreach activities for underserved communities; and

"(vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

"(3) APPLICATION.—

"(A) IN GENERAL.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time and in such manner as the Attorney General may reasonably require.

"(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

"(i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from underserved communities in the development of the application and the implementation of the plans;

"(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;

"(iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and

"(iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

"(4) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 1.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, the District of Columbia, Puerto Rico, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriations. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State and such territory bears to the population of all the States and the territories. The District of Columbia shall be treated as a territory for purposes of calculating its allocation under the preceding formula.

"(c) Grants for Culturally Specific Programs Addressing Sexual Assault.—

"(1) Grants authorized.—The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

"(2) Eligible entities.—To be eligible to receive a grant under this section, an entity shall—

"(A) be a private nonprofit organization that focuses primarily on culturally specific communities;

"(B) must have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise;

"(C) have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of culturally specific populations; and

"(D) have an advisory board or steering committee and staffing which is reflective of the targeted culturally specific community.

"(3) Award basis.—The Attorney General shall award grants under this section on a competitive basis.

"(4) Distribution.—

"(A) The Attorney General shall not use more than 2.5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

"(B) Up to 5 percent of funds appropriated under this subsection in any year shall be available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within underserved culturally specific populations.

"(5) Term.—The Attorney General shall make grants under this section for a period of no less than 2 fiscal years.

"(6) Reporting.—Each entity receiving a grant under this subsection shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

"(d) Grants to State, Territorial, and Tribal Sexual Assault Coalitions.—

"(1) Grants authorized.—

"(A) In general.—The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.

"(B) Minimum amount.—Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

"(C) Eligible applicants.—Each of the State, territorial, and tribal sexual assault coalitions.

"(2) Use of funds.—Grant funds received under this subsection may be used to—

"(A) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or tribe;

"(B) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

"(C) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

"(D) design and conduct public education campaigns;

"(E) plan and monitor the distribution of grants and grant funds to their State, territory, or tribe; or

"(F) collaborate with and inform Federal, State, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

"(3) Allocation and use of funds.—From amounts appropriated for grants under this subsection for each fiscal year—

"(A) not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions; and

"(B) the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of those State and territorial coalitions.

"(4) Application.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

"(5) First-time applicants.—No entity shall be prohibited from submitting an application under this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

"(e) Grants to Tribes.—

"(1) Grants authorized.—The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of sexual assault programs or projects in Indian tribal lands and Alaska Native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

"(2) Allocation and use of funds.—

"(A) Administrative costs.—Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

"(B) Grant funds.—Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

"(f) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated $50,000,000 to remain available until expended for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

"(2) Allocations.—Of the total amounts appropriated for each fiscal year to carry out this section—

"(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

"(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section;

"(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

"(D) not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d);

"(E) not less than 10 percent shall be used for grants to tribes under subsection (e); and

"(F) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).".

SEC. 4. TITLE III—YOUNG VICTIMS.

(a) Correct Citation in Section 41204.—Section 41204(f)(2) of the Violence Against Women Act of 1994 (42 U.S.C. 14043c-3) is amended by striking "(b)(4)(D)" and inserting "(b)(4)".

(b) Correct Campus Grant Program's Purpose Areas.—Section 304(b)(2) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by striking the first sentence and inserting "To develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault and stalking, and to train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards on such policies, protocols, and services.".

(c) Correction.—In section 758(c)(1)(A) of the Public Health Services Act (42 U.S.C. 294h(c)(1)(A)), insert "experiencing" after "to individuals who are" and before "or who have experienced".

(d) Campus Reporting Requirement.—Section 304(d)(2)(A) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by striking "biennial".

SEC. 5. TITLE VI—HOUSING AMENDMENTS.

(a) Amendments to Collaborative Grant Program.—Section 41404 of the Violence Against Women Act of 1994 (as added by Public Law 109-162; 119 Stat. 3033) is amended—

(1) in subsection (a)(1) by striking "of Children" and inserting "for Children"; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in the heading, by striking "(1) In general.—"; and

(ii) by adding at the end "Such activities, services, or programs—";

(B) in paragraph (2), by striking "(2) Activities, services, programs.—Such activities, services, or programs described in paragraph (1)" and inserting "(1)";

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(D) in paragraph (3), as so redesignated, by striking "paragraph (3)" and inserting "paragraph (2)".

(b) Technical Amendments to Stewart B. McKinney Homeless Assistance Act.—Section 423(a)(8) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383(a)(8)) is amended—

(1) in the first sentence of subparagraph (A), by striking "subsection" and inserting "section"; and

(2) in subparagraph (B)(ii), by striking "or 'victim service providers'".

(c) Technical Amendment to Violence Against Women Act of 2005.—Section 606 of the Violence Against Women Act of 2005 (Public Law 104–162; 119 Stat. 3041) is amended in the heading by striking "**VOUCHER**".

(d) Selection of Tenants.—Section 8(d)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(1)(A)) is amended to read as follows:

"(A) the selection of tenants shall be the function of the owner, subject to the annual contributions contract between the Secretary and the agency, except that with respect to the certificate and moderate rehabilitation programs only, for the purpose of selecting families to be assisted, the public housing agency may establish local preferences, consistent with the public housing agency plan submitted under section 5A (42 U.S.C. 1437c–1) by the public housing agency and that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission;".

(e) TECHNICAL AMENDMENTS TO HOUSING ASSISTANCE PROGRAM.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (c)(9)(C), by striking clause (ii) and inserting the following:

"(ii) Notwithstanding clause (i) or any Federal, State, or local law to the contrary, an owner or manager may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.";

(2) in subsection (d)(1)(B)(iii), by striking subclause (II) and inserting the following:

"(II) Notwithstanding subclause (I) or any Federal, State, or local law to the contrary, a public housing agency may terminate assistance to, or an owner or manager may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.";

(3) in subsection (f)—

(A) in paragraph (9), by striking "; and" and inserting a semicolon;

(B) in paragraph (10)(A)(i), by striking "; and" and inserting "; or"; and

(C) in paragraph (11)(B), by striking "blood and marriage" and inserting "blood or marriage";

(4) in subsection (o)—

(A) in the second sentence of paragraph (6)(B)—

(i) by striking "by" after "denial of program assistance";

(ii) by striking "for admission for" and inserting "for admission or"; and

(iii) by striking "admission, and that nothing" and inserting "admission. Nothing";

(B) in paragraph (7)(D)—

(i) by striking clause (ii) and inserting the following:

"(ii) LIMITATION.—Notwithstanding clause (i) or any Federal, State, or local law to the contrary, a public housing agency may terminate assistance to, or an owner or manager may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.";

(ii) in clause (iii), by striking "access to control" and inserting "access or control"; and

(iii) in clause (v), by striking "terminate," and inserting "terminate"; and

(C) in paragraph (20)(D)(ii), by striking "distribution" and inserting "distribution or"; and

(5) in subsection (ee)(1)—

(A) in subparagraph (A), by striking "the owner, manager, or public housing agency requests such certification" and inserting "the individual receives a request for such certification from the owner, manager, or public housing agency";

(B) in subparagraph (B)—

(i) by striking "the owner, manager, public housing agency, or assisted housing provider has requested such certification in writing" and inserting "the individual has received a request in writing for such certification for the owner, manager, or public housing agency";

(ii) by striking "manager, public housing" and inserting "manager or public housing" each place that term appears; and

(iii) by striking ", or assisted housing provider" each place that term appears;

(C) in subparagraph (C), by striking "sexual assault,";

(D) in subparagraph (D), by striking "sexual assault,"; and

(E) in subparagraph (E)—

(i) by striking "manager, public housing" and inserting "manager or public housing" each place that term appears; and

(ii) by striking ", or assisted housing provider" each place that term appears.

(f) TECHNICAL AMENDMENT TO SECTION 6 OF UNITED STATES HOUSING ACT OF 1937.—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (l)(6), by striking subparagraph (B) and inserting the following: "(B) notwithstanding subparagraph (A) or any Federal, State, or local law to the contrary, a public housing agency may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant and such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing;"; and

(2) in subsection (u)—

(A) in paragraph (1)(A), by striking "the public housing agency requests such certification" and inserting "the individual receives a request for such certification from the public housing agency";

(B) in paragraph (1)(B), by striking "the public housing agency has requested such certification in writing" and inserting "the individual has received a request in writing for such certification from the public housing agency"; and

(C) in paragraph (3)(D)(ii), by striking "blood and marriage" and inserting "blood or marriage".

SEC. 6. TITLE VIII—IMMIGRATION AND NATIONALITY ACT.

(a) PETITIONS FOR IMMIGRANT STATUS.—Section 204(a)(1)(D)(v) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)(v)) is amended by inserting "or (B)(iii)" after "(A)(iv)".

(b) INADMISSIBLE ALIENS.—Section 212 of such Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(C)(i)—

(i) in subclause (II), by striking ", or" at the end and inserting a semicolon; and

(ii) by adding at the end the following:

"(III) classification or status as a VAWA self-petitioner; or";

(B) in paragraph (6)(A)(ii), by amending subclause (I) to read as follows:

"(I) the alien is a VAWA self-petitioner;"; and

(C) in paragraph (9)(C)(ii), by striking "the Attorney General has consented" and all that follows through "United States." and inserting the following: "the Secretary of Homeland Security has consented to the alien's reapplying for admission.

"(iii) WAIVER.—The Secretary of Homeland Security may waive the application of clause (i) in the case of an alien who is a VAWA self-petitioner if there is a connection between—

"(I) the alien's battering or subjection to extreme cruelty; and

"(II) the alien's removal, departure from the United States, reentry into the United States; or attempted reentry into the United States.";

(2) in subsection (g)(1), by amending subparagraph (C) to read as follows:

"(C) is a VAWA self-petitioner,";

(3) in subsection (h)(1), by amending subparagraph (C) to read as follows:

"(C) the alien is a VAWA self-petitioner; and"; and

(4) in subsection (i)(1), by striking "an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)" and inserting "a VAWA self-petitioner".

(c) DEPORTABLE ALIENS.—Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended to read as follows:

"(ii) is a VAWA self-petitioner.".

(d) REMOVAL.—Section 239(e)(2)(B) of such Act (8 U.S.C. 1229(e)(2)(B)) is amended by striking "(V)" and inserting "(U)".

(e) CANCELLATION OF REMOVAL.—Section 240A(b)(4)(B) of such Act (8 U.S.C. 1229b(b)(4)(B)) is amended by striking "they were applications filed under section 204(a)(1)(A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c)." and inserting "the applicants were VAWA self-petitioners.".

(f) ADJUSTMENT OF STATUS.—Section 245 of such Act (8 U.S.C. 1255) is amended—

(1) in subsection (a), by striking "under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or" and inserting "as a VAWA self-petitioner"; and

(2) in subsection (c), by striking "under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1)" and inserting "as a VAWA self-petitioner".

(g) IMMIGRATION OFFICERS.—Section 287 of such Act (8 U.S.C. 1357) is amended by redesignating subsection (i) as subsection (h).

(h) PENALTIES FOR DISCLOSURE OF INFORMATION.—Section 384(a)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a)(2)) is amended by striking "clause (iii) or (iv)" and all that follows and inserting "paragraph (15)(T), (15)(U), or (51) of section 101(a) of the Immigration and Nationality Act or section 240A(b)(2) of such Act.".

SEC. 7. TITLE IX—INDIAN WOMEN.

(a) OMNIBUS CRIME CONTROL AND SAFE STREETS.—

(1) GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.—Part T of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) by redesignating the second section 2007 (42 U.S.C. 3796gg-10) (relating to grants to Indian tribal governments), as added by section 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, as section 2015;

(B) by redesignating the second section 2008 (42 U.S.C. 3796gg-11) (relating to a tribal deputy), as added by section 907 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, as section 2016; and

(C) by moving those sections so as to appear at the end of the part.

(2) STATE GRANT AMOUNTS.—Section 2007(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(b)), as amended by section 906(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by striking paragraph (1) and inserting the following:

"(1) 10 percent shall be available for grants under the program authorized by section 2015, which shall not otherwise be subject to the requirements of this part (other than section 2008);".

(3) GRANTS TO INDIAN TRIBAL GOVERNMENTS.—Section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (as redesignated by paragraph (1)(A)), is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking "and tribal organizations" and inserting "or authorized designees of Indian tribal governments";

(ii) in paragraph (6), by striking "and" at the end;

(iii) in paragraph (7), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(8) provide legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims."; and

(B) by striking subsection (c).

(4) TRIBAL DEPUTY RESPONSIBILITIES.—Section 2016(b)(1)(I) of the Omnibus Crime Control and Safe Streets Act of 1968 (as redesignated by paragraph (1)(B)) is amended by inserting after "technical assistance" the following: "that is developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law".

(5) GRANTS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended by striking subsection (e) and inserting the following:

"(e) ALLOTMENT FOR INDIAN TRIBES.—

"(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015.

"(2) APPLICABILITY OF PART.—The requirements of this part shall not apply to funds allocated for the program described in paragraph (1).".

(b) RURAL DOMESTIC VIOLENCE.—

(1) IN GENERAL.—Section 40295(d) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(d)), as amended by section 306 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by striking paragraph (1) and inserting the following:

"(1) ALLOTMENT FOR INDIAN TRIBES.—

"(A) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-10).

"(B) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in subparagraph (A).".

(2) CONFORMING AMENDMENT.—Section 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by—

(A) striking subsection (d); and

(B) redesignating subsections (e) through (g) as subsections (d) through (f), respectively.

(c) VIOLENCE AGAINST WOMEN ACT OF 1994.—

(1) TRANSITIONAL HOUSING ASSISTANCE.—Section 40299(g) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(g)), as amended by sections 602 and 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended—

(A) in paragraph (3)(C), by striking clause (i) and inserting the following:

"(i) INDIAN TRIBES.—

"(I) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-10).

"(II) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in subclause (I)."; and

(B) by striking paragraph (4).

(2) COURT TRAINING AND IMPROVEMENTS.—Section 41006 of the Violence Against Women Act of 1994 (42 U.S.C. 14043a-3), as added by section 105 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by striking subsection (c) and inserting the following:

"(c) SET ASIDE.—

"(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-10).

"(2) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).".

(d) VIOLENCE AGAINST WOMEN ACT OF 2000.—

(1) LEGAL ASSISTANCE FOR VICTIMS.—Section 1201(f) of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6(f)), as amended by sections 103 and 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "10 percent" and inserting "3 percent";

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

"(B) TRIBAL GOVERNMENT PROGRAM.—

"(i) IN GENERAL.—Not less than 7 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-10).

"(ii) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in clause (i)."; and

(B) by striking paragraph (4).

(2) SAFE HAVENS FOR CHILDREN.—Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420), as amended by sections 906 and 306 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended—

(A) in subsection (e)(2)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(B) by striking subsection (f) and inserting the following:

"(f) ALLOTMENT FOR INDIAN TRIBES.—

"(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-10).

"(2) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).".

SEC. 8. TITLE XI—DEPARTMENT OF JUSTICE.

(a) ORGANIZED RETAIL THEFT.—Section 1105(a)(3) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 509 note) is amended by striking "The Attorney General through the Bureau of Justice Assistance in the Office of Justice may" and inserting "The Director of the Bureau of Justice Assistance of the Office of Justice Programs may".

(b) FORMULAS AND REPORTING.—Sections 1134 and 1135 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162; 119 Stat. 3108), and the amendments made by such sections, are repealed.

(c) GRANTS FOR YOUNG WITNESS ASSISTANCE.—Section 1136(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C.

3743(a)) is amended by striking "The Attorney General, acting through the Bureau of Justice Assistance, may" and inserting "The Director of the Bureau of Justice Assistance of the Office of Justice Programs may".

(d) USE OF FEDERAL TRAINING FACILITIES.—Section 1173 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 530c note) is amended—

(1) in subsection (a), by inserting "or for meals, lodging, or other expenses related to such internal training or conference meeting" before the period; and

(2) in subsection (b), by striking "that requires specific authorization" and inserting "authorized".

(e) OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by redesignating the section 105 titled "**OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT**" as section 109 and transferring such section to the end of such part A.

(f) COMMUNITY CAPACITY DEVELOPMENT OFFICE.—Section 106 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712e) is amended by striking "section 105(b)" each place such term appears and inserting "section 103(b)".

(g) AVAILABILITY OF FUNDS.—Section 108(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712g(b)) is amended by striking "revert to the Treasury" and inserting "be deobligated".

(h) DELETION OF DUPLICATIVE REFERENCE TO TRIBAL GOVERNMENTS.—Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b) is amended—

(1) in paragraph (1), by inserting "or" after the semicolon;

(2) in paragraph (2), by striking "; or" and inserting a period; and

(3) by striking paragraph (3).

(i) APPLICATIONS FOR BYRNE GRANTS.—Section 502 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended in the matter preceding paragraph (1), by striking "90 days" and inserting "120 days".

(j) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.—Part AA of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a et seq.) is amended—

(1) in section 2701(a), by striking "The Attorney General, acting through the Office of Community Oriented Policing Services," and inserting "The Director of the Office of Community Oriented Policing Services (in this section referred to as the 'Director')"; and

(2) by striking "Attorney General" each place such term appears and inserting "Director".

(k) FUNDING.—Section 1101 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) is amended—

(1) in paragraph (8), by striking "$800,255,000" and inserting "$809,372,000";

(2) in paragraph (11), by striking "$923,613,000" and inserting "$935,817,000";

(3) in paragraph (12), by striking "$8,000,000" and inserting "$10,000,000"; and

(4) in paragraph (14), by striking "$1,270,000" and inserting "$1,303,000".

(l) DRUG COURTS TECHNICAL ASSISTANCE AND TRAINING.—Section 2957(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–6(b)) is amended by striking "Community Capacity Development Office" each place such term appears and inserting "Bureau of Justice Assistance".

(m) AIMEE'S LAW.—Section 2001(e)(1) of division C of Public Law 106–386 (42 U.S.C. 13713(e)(1)) is amended by striking "section 506 of the Omnibus Crime Control and Safe Streets Act of 1968" and inserting "section 505 of the Omnibus Crime Control and Safe Streets Act of 1968".

(n) EFFECTIVE DATES.—

(1) OFFICE OF WEED AND FEED STRATEGIES.—Section 1121(c) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3712a note) is amended by striking "90 days after the date of the enactment of this Act" and inserting "with respect to appropriations for fiscal year 2007 and for each fiscal year thereafter".

(2) SUBSTANCE ABUSE TREATMENT.—

(A) IN GENERAL.—Chapter 4 of subtitle B of title XI of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 3110) is amended by adding at the end the following:

"SEC. 1147. EFFECTIVE DATE.

"The amendments made by sections 1144 and 1145 shall take effect on October 1, 2006.".

(B) CONFORMING AMENDMENT.—The table of contents in section 2 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 106–162; 119 Stat. 2960) is amended by inserting after the item relating to section 1146 the following:

"Sec. 1147. Effective date.".

(3) OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.—Section 1158(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3712d note) is amended to read as follows:

"(b) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), section 109 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712d) shall take effect on April 5, 2006.

"(2) CERTAIN PROVISIONS.—Subsections (c), (d), and (e) of section 109 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712d) shall take effect on October 1, 2006.".

(4) OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.—

(A) IN GENERAL.—Section 1160(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3712f note) is amended by striking "90 days after the date of the enactment of this Act" and inserting "on October 1, 2006".

(B) AVAILABILITY OF FUNDS.—Section 1161(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3712g note) is amended by striking "90 days after the date of the enactment of this Act" and inserting "on October 1, 2006".

(5) EVIDENCE-BASED APPROACHES.—Section 1168 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 3122) is amended—

(A) by striking "Section 1802" and inserting the following:

"(a) IN GENERAL.—Section 1802"; and

(B) by adding at the end the following:

"(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.".

(6) STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.—Section 1196 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 3130) is amended by adding at the end the following:

"(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2006.".

Mr. LEAHY. Mr. President, I am pleased that the Senate will pass a bill providing needed corrections to the Violence Against Women Act, VAWA, and the Department of Justice authorization bill we passed last year.

Among the improvements made in the amendment, the changes ensure that the VAWA public housing provisions allow a landlord to bifurcate a lease to evict an abuser while allowing a cosigning lessee as well as an authorized resident to remain as tenants. The bill also makes technical improvements in the administration of STOP grants and the Campus Grant Program. The bill improves the administration of grants to tribal governments and ensures that the 10-percent designation of VAWA grants to Indian tribes applies throughout all sections of the law.

I commend the efforts of all those who worked hard to improve this important law, and I am glad to support the improvements in this amendment that will sustain this law as a vital tool in our efforts to put an end to domestic violence.

In the last 25 years I believe that we have only been successful twice in passing authorization bills for the Department of Justice. I was pleased to be involved in both of them, working with Chairman SENSENBRENNER and the Republican leader on the Senate Judiciary Committee at the time. This bill improves the most recent authorization we considered and passed in a bipartisan manner.

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 518, S. 418.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 418) to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Military Personnel Financial Services Protection Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.
Sec. 3. Definitions.
Sec. 4. Prohibition on future sales of periodic payment plans.
Sec. 5. Required disclosures regarding offers or sales of securities on military installations.

Sec. 6. Method of maintaining broker and dealer registration, disciplinary, and other data.
Sec. 7. Filing depositories for investment advisers.
Sec. 8. State insurance and securities jurisdiction on military installations.
Sec. 9. Required development of military personnel protection standards regarding insurance sales.
Sec. 10. Required disclosures regarding life insurance products.
Sec. 11. Improving life insurance product standards.
Sec. 12. Required reporting of disciplinary actions.
Sec. 13. Reporting barred persons selling insurance or securities.
Sec. 14. Study and reports by Inspector General of the Department of Defense.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) members of the Armed Forces perform great sacrifices in protecting our Nation in the War on Terror;

(2) the brave men and women in uniform deserve to be offered first-rate financial products in order to provide for their families and to save and invest for retirement;

(3) members of the Armed Forces are being offered high-cost securities and life insurance products by some financial services companies engaging in abusive and misleading sales practices;

(4) one securities product offered to service members, known as the "mutual fund contractual plan", largely disappeared from the civilian market in the 1980s, due to excessive sales charges;

(5) with respect to a mutual fund contractual plan, a 50 percent sales commission is assessed against the first year of contributions, despite an average commission on other securities products of less than 6 percent on each sale;

(6) excessive sales charges allow abusive and misleading sales practices in connection with mutual fund contractual plan;

(7) certain life insurance products being offered to members of the Armed Forces are improperly marketed as investment products, providing minimal death benefits in exchange for excessive premiums that are front-loaded in the first few years, making them entirely inappropriate for most military personnel; and

(8) the need for regulation of the marketing and sale of securities and life insurance products on military bases necessitates Congressional action.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) LIFE INSURANCE PRODUCT.—

(A) IN GENERAL.—The term "life insurance product" means any product, including individual and group life insurance, funding agreements, and annuities, that provides insurance for which the probabilities of the duration of human life or the rate of mortality are an element or condition of insurance.

(B) INCLUDED INSURANCE.—The term "life insurance product" includes the granting of—

(i) endowment benefits;

(ii) additional benefits in the event of death by accident or accidental means;

(iii) disability income benefits;

(iv) additional disability benefits that operate to safeguard the contract from lapse or to provide a special surrender value, or special benefit in the event of total and permanent disability;

(v) benefits that provide payment or reimbursement for long-term home health care, or long-term care in a nursing home or other related facility;

(vi) burial insurance; and

(vii) optional modes of settlement or proceeds of life insurance.

(C) EXCLUSIONS.—Such term does not include workers compensation insurance, medical indemnity health insurance, or property and casualty insurance.

(2) NAIC.—The term "NAIC" means the National Association of Insurance Commissioners (or any successor thereto).

SEC. 4. PROHIBITION ON FUTURE SALES OF PERIODIC PAYMENT PLANS.

(a) AMENDMENT.—Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a–27) is amended by adding at the end the following new subsection:

"(j) TERMINATION OF SALES.—

"(1) TERMINATION.—Effective 30 days after the date of enactment of the Military Personnel Financial Services Protection Act, it shall be unlawful, subject to subsection (i)—

"(A) for any registered investment company to issue any periodic payment plan certificate; or

"(B) for such company, or any depositor of or underwriter for any such company, or any other person, to sell such a certificate.

"(2) NO INVALIDATION OF EXISTING CERTIFICATES.—Paragraph (1) shall not be construed to alter, invalidate, or otherwise affect any rights or obligations, including rights of redemption, under any periodic payment plan certificate issued and sold before 30 days after such date of enactment.".

(b) TECHNICAL AMENDMENT.—Section 27(i)(2)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–27(i)(2)(B)) is amended by striking "section 26(e)" each place that term appears and inserting "section 26(f)".

(c) REPORT ON REFUNDS, SALES PRACTICES, AND REVENUES FROM PERIODIC PAYMENT PLANS.—Not later than 6 months after the date of enactment of this Act, the Securities and Exchange Commission shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report describing—

(1) any measures taken by a broker or dealer registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) to voluntarily refund payments made by military service members on any periodic payment plan certificate, and the amounts of such refunds;

(2) after such consultation with the Secretary of Defense, as the Commission considers appropriate, the sales practices of such brokers or dealers on military installations over the 5 years preceding the date of submission of the report and any legislative or regulatory recommendations to improve such practices; and

(3) the revenues generated by such brokers or dealers in the sales of periodic payment plan certificates over the 5 years preceding the date of submission of the report, and the products marketed by such brokers or dealers to replace the revenue generated from the sales of periodic payment plan certificates prohibited under subsection (a).

SEC. 5. REQUIRED DISCLOSURES REGARDING OFFERS OR SALES OF SECURITIES ON MILITARY INSTALLATIONS.

Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(b)) is amended by inserting immediately after paragraph (13) the following:

"(14) The rules of the association include provisions governing the sales, or offers of sales, of securities on the premises of any military installation to any member of the Armed Forces or a dependant thereof, which rules require—

"(A) the broker or dealer performing brokerage services to clearly and conspicuously disclose to potential investors—

"(i) that the securities offered are not being offered or provided by the broker or dealer on behalf of the Federal Government, and that its offer is not sanctioned, recommended, or encouraged by the Federal Government; and

"(ii) the identity of the registered broker-dealer offering the securities;

"(B) such broker or dealer to perform an appropriate suitability determination, including consideration of costs and knowledge about securities, prior to making a recommendation of a security to a member of the Armed Forces or a dependant thereof; and

"(C) that no person receive any referral fee or incentive compensation in connection with a sale or offer of sale of securities, unless such person is an associated person of a registered broker or dealer and is qualified pursuant to the rules of a self-regulatory organization.".

SEC. 6. METHOD OF MAINTAINING BROKER AND DEALER REGISTRATION, DISCIPLINARY, AND OTHER DATA.

Section 15A(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(i)) is amended to read as follows:

"(i) OBLIGATION TO MAINTAIN REGISTRATION, DISCIPLINARY, AND OTHER DATA.—

"(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—A registered securities association shall—

"(A) establish and maintain a system for collecting and retaining registration information;

"(B) establish and maintain a toll-free telephone listing, and a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding—

"(i) registration information on its members and their associated persons; and

"(ii) registration information on the members and their associated persons of any registered national securities exchange that uses the system described in subparagraph (A) for the registration of its members and their associated persons; and

"(C) adopt rules governing the process for making inquiries and the type, scope, and presentation of information to be provided in response to such inquiries in consultation with any registered national securities exchange providing information pursuant to subparagraph (B)(ii).

"(2) RECOVERY OF COSTS.—A registered securities association may charge persons making inquiries described in paragraph (1)(B), other than individual investors, reasonable fees for responses to such inquiries.

"(3) PROCESS FOR DISPUTED INFORMATION.—Each registered securities association shall adopt rules establishing an administrative process for disputing the accuracy of information provided in response to inquiries under this subsection in consultation with any registered national securities exchange providing information pursuant to paragraph (1)(B)(ii).

"(4) LIMITATION ON LIABILITY.—A registered securities association, or an exchange reporting information to such an association, shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.

"(5) DEFINITION.—For purposes of this subsection, the term 'registration information' means the information reported in connection with the registration or licensing of brokers and dealers and their associated persons, including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law, or exchange or association rule, and the source and status of such information.".

SEC. 7. FILING DEPOSITORIES FOR INVESTMENT ADVISERS.

(a) INVESTMENT ADVISERS.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-4) is amended—

(1) by striking "Every investment" and inserting the following:

"(a) In General.—Every investment"; and

(2) by adding at the end the following:

"(b) Filing Depositories.—The Commission may, by rule, require an investment adviser—

"(1) to file with the Commission any fee, application, report, or notice required to be filed by this title or the rules issued under this title through any entity designated by the Commission for that purpose; and

"(2) to pay the reasonable costs associated with such filing and the establishment and maintenance of the systems required by subsection (c).

"(c) Access to Disciplinary and Other Information.—

"(1) Maintenance of system to respond to inquiries.—

"(A) In general.—The Commission shall require the entity designated by the Commission under subsection (b)(1) to establish and maintain a toll-free telephone listing, or a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding registration information (including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law or rule to be reported) involving investment advisers and persons associated with investment advisers.

"(B) Applicability.—This subsection shall apply to any investment adviser (and the persons associated with that adviser), whether the investment adviser is registered with the Commission under section 203 or regulated solely by a State, as described in section 203A.

"(2) Recovery of costs.—An entity designated by the Commission under subsection (b)(1) may charge persons making inquiries, other than individual investors, reasonable fees for responses to inquiries described in paragraph (1).

"(3) Limitation on liability.—An entity designated by the Commission under subsection (b)(1) shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.".

(b) Conforming Amendments.—

(1) Investment advisers act of 1940.—Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3a) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) National securities markets improvement act of 1996.—Section 306 of the National Securities Markets Improvement Act of 1996 (15 U.S.C. 80b-10, note) is repealed.

SEC. 8. STATE INSURANCE AND SECURITIES JURISDICTION ON MILITARY INSTALLATIONS.

(a) Clarification of Jurisdiction.—Any provision of law, regulation, or order of a State with respect to regulating the business of insurance or securities shall apply to insurance or securities activities conducted on Federal land or facilities in the United States and abroad, including military installations, except to the extent that such law, regulation, or order—

(1) directly conflicts with any applicable Federal law, regulation, or authorized directive; or

(2) would not apply if such activity were conducted on State land.

(b) Primary State Jurisdiction.—To the extent that multiple State laws would otherwise apply pursuant to subsection (a) to an insurance or securities activity of an individual or entity on Federal land or facilities, the State having the primary duty to regulate such activity and the laws of which shall apply to such activity in the case of a conflict shall be—

(1) the State within which the Federal land or facility is located; or

(2) if the Federal land or facility is located outside of the United States, the State in which—

(A) in the case of an individual engaged in the business of insurance, such individual has been issued a resident license;

(B) in the case of an entity engaged in the business of insurance, such entity is domiciled;

(C) in the case of an individual engaged in the offer or sale (or both) of securities, such individual is registered or required to be registered to do business or the person solicited by such individual resides; or

(D) in the case of an entity engaged in the offer or sale (or both) of securities, such entity is registered or is required to be registered to do business or the person solicited by such entity resides.

SEC. 9. REQUIRED DEVELOPMENT OF MILITARY PERSONNEL PROTECTION STANDARDS REGARDING INSURANCE SALES; ADMINISTRATIVE COORDINATION.

(a) State Standards.—Congress intends that—

(1) the States collectively work with the Secretary of Defense to ensure implementation of appropriate standards to protect members of the Armed Forces from dishonest and predatory insurance sales practices while on a military installation of the United States (including installations located outside of the United States); and

(2) each State identify its role in promoting the standards described in paragraph (1) in a uniform manner, not later than 12 months after the date of enactment of this Act.

(b) State Report.—It is the sense of Congress that the NAIC should, after consultation with the Secretary of Defense and, not later than 12 months after the date of enactment of this Act, conduct a study to determine the extent to which the States have met the requirement of subsection (a), and report the results of such study to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(c) Administrative Coordination; Sense of Congress.—It is the sense of the Congress that senior representatives of the Secretary of Defense, the Securities and Exchange Commission, and the NAIC should meet not less frequently than twice a year to coordinate their activities to implement this Act and monitor the enforcement of relevant regulations relating to the sale of financial products on military installations of the United States.

SEC. 10. REQUIRED DISCLOSURES REGARDING LIFE INSURANCE PRODUCTS.

(a) Requirement.—Except as provided in subsection (e), no person may sell, or offer for sale, any life insurance product to any member of the Armed Forces or a dependant thereof on a military installation of the United States, unless a disclosure in accordance with this section is provided to such member or dependent at the time of the sale or offer.

(b) Disclosure.—A disclosure in accordance with this section is a written disclosure that—

(1) states that subsidized life insurance is available to the member of the Armed Forces from the Federal Government under the Servicemembers' Group Life Insurance program (also referred to as "SGLI"), under subchapter III of chapter 19 of title 38, United States Code;

(2) states the amount of insurance coverage available under the SGLI program, together with the costs to the member of the Armed Forces for such coverage;

(3) states that the life insurance product that is the subject of the disclosure is not offered or provided by the Federal Government, and that the Federal Government has in no way sanctioned, recommended, or encouraged the sale of the life insurance product being offered;

(4) fully discloses any terms and circumstances under which amounts accumulated in a savings fund or savings feature under the life insurance product that is the subject of the disclosure may be diverted to pay, or reduced to offset, premiums due for continuation of coverage under such product;

(5) states that no person has received any referral fee or incentive compensation in connection with the offer or sale of the life insurance product, unless such person is a licensed agent of the person engaged in the business of insurance that is issuing such product;

(6) is made in plain and readily understandable language and in a type font at least as large as the font used for the majority of the solicitation material used with respect to or relating to the life insurance product; and

(7) with respect to a sale or solicitation on Federal land or facilities located outside of the United States, lists the address and phone number at which consumer complaints are received by the State insurance commissioner for the State having the primary jurisdiction and duty to regulate the sale of such life insurance products pursuant to section 8.

(c) Voidability.—The sale of a life insurance product in violation of this section shall be voidable from its inception, at the sole option of the member of the Armed Forces, or dependent thereof, as applicable, to whom the product was sold.

(d) Enforcement.—If it is determined by a Federal or State agency, or in a final court proceeding, that any person has intentionally violated, or willfully disregarded the provisions of, this section, in addition to any other penalty under applicable Federal or State law, such person shall be prohibited from further engaging in the business of insurance with respect to employees of the Federal Government on Federal land, except—

(1) with respect to existing policies; and

(2) to the extent required by the Federal Government pursuant to previous commitments.

(e) Exceptions.—This section shall not apply to any life insurance product specifically contracted by or through the Federal Government.

SEC. 11. IMPROVING LIFE INSURANCE PRODUCT STANDARDS.

(a) In General.—It is the sense of Congress that the NAIC should, after consultation with the Secretary of Defense, and not later than 6 months after the date of enactment of this Act, conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on—

(1) ways of improving the quality of and sale of life insurance products sold on military installations of the United States, which may include—

(A) limiting such sales authority to persons that are certified as meeting appropriate best practices procedures; and

(B) creating standards for products specifically designed to meet the particular needs of members of the Armed Forces, regardless of the sales location; and

(2) the extent to which life insurance products marketed to members of the Armed Forces comply with otherwise applicable provisions of State law.

(b) Conditional GAO Report.—If the NAIC does not submit the report as described in subsection (a), the Comptroller General of the United States shall—

(1) study any proposals that have been made to improve the quality of and sale of life insurance products sold on military installations of the United States; and

(2) not later than 6 months after the expiration of the period referred to in subsection (a), submit a report on such proposals to the Committee on Banking, Housing, and Urban Affairs

of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 12. REQUIRED REPORTING OF DISCIPLINARY ACTIONS.

(a) REPORTING BY INSURERS.—Beginning 1 year after the date of enactment of this Act, no insurer may enter into or renew a contractual relationship with any other person that sells or solicits the sale of any life insurance product on any military installation of the United States, unless the insurer has implemented a system to report to the State insurance commissioner of the State of domicile of the insurer and the State of residence of that other person—

(1) any disciplinary action taken by any Federal or State government entity with respect to sales or solicitations of life insurance products on a military installation that the insurer knows, or in the exercise of due diligence should have known, to have been taken; and

(2) any significant disciplinary action taken by the insurer with respect to sales or solicitations of life insurance products on a military installation of the United States.

(b) REPORTING BY STATES.—It is the sense of Congress that, not later than 1 year after the date of enactment of this Act, the States should collectively implement a system to—

(1) receive reports of disciplinary actions taken against persons that sell or solicit the sale of any life insurance product on any military installation of the United States by insurers or Federal or State government entities with respect to such sales or solicitations; and

(2) disseminate such information to all other States and to the Secretary of Defense.

(c) DEFINITION.—As used in this section, the term "insurer" means a person engaged in the business of insurance.

SEC. 13. REPORTING BARRED PERSONS SELLING INSURANCE OR SECURITIES.

(a) ESTABLISHMENT.—The Secretary of Defense shall maintain a list of the name, address, and other appropriate information relating to persons engaged in the business of securities or insurance that have been barred or otherwise limited in any manner that is not generally applicable to all such type of persons, from any or all military installations of the United States, or that have engaged in any transaction that is prohibited by this Act.

(b) NOTICE AND ACCESS.—The Secretary of Defense shall ensure that—

(1) the appropriate Federal and State agencies responsible for securities and insurance regulation are promptly notified upon the inclusion in or removal from the list required by subsection (a) of a person under the jurisdiction of one or more of such agencies; and

(2) the list is kept current and easily accessible—

(A) for use by such agencies; and

(B) for purposes of enforcing or considering any such bar or limitation by the appropriate Federal personnel, including commanders of military installations.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall issue regulations in accordance with this subsection to provide for the establishment and maintenance of the list required by this section, including appropriate due process considerations.

(2) TIMING.—

(A) PROPOSED REGULATIONS.—Not later than the expiration of the 60-day period beginning on the date of enactment of this Act, the Secretary of Defense shall prepare and submit to the appropriate Committees of Congress a copy of the regulations required by this subsection that are proposed to be published for comment. The Secretary may not publish such regulations for comment in the Federal Register until the expiration of the 15-day period beginning on the date of such submission to the appropriate Committees of Congress.

(B) FINAL REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate Committees of Congress a copy of the regulations under this section to be published in final form.

(C) EFFECTIVE DATE.—Final regulations under this paragraph shall become effective 30 days after the date of their submission to the appropriate Committees of Congress under subparagraph (B).

(d) DEFINITION.—For purposes of this section, the term "appropriate Committees of Congress" means—

(1) the Committee on Financial Services and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Banking, Housing, and Urban Affairs and the Committee on Armed Services of the Senate.

SEC. 14. STUDY AND REPORTS BY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

(a) STUDY.—The Inspector General of the Department of Defense shall conduct a study on the impact of Department of Defense Instruction 1344.07 (as in effect on the date of enactment of this Act) and the reforms included in this Act on the quality and suitability of sales of securities and insurance products marketed or otherwise offered to members of the Armed Forces.

(b) REPORTS.—Not later than 12 months after the date of enactment of this Act, the Inspector General of the Department of Defense shall submit an initial report on the results of the study conducted under subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and shall submit followup reports to those committees on December 31, 2008 and December 31, 2010.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 418), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR THURSDAY, JULY 20, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, July 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to H.R. 9, the Voting Rights Act, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow, the Senate will consider the Voting Rights Act under a limited time agreement. There are 8 hours of debate, but we hope to yield back some of the time and vote in the afternoon tomorrow. We will also have votes on several circuit court and district court nominees, the Adam Walsh Child Protection and Safety Act, and under an agreement reached earlier this week, we will proceed to the consideration of S. 403, the Child Custody Protection Act. So Senators should plan for a full day tomorrow with a number of votes throughout the day.

ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

STEM CELL RESEARCH ENHANCEMENT ACT

Mr. HARKIN. Mr. President, a few hours ago, the President used his first ever veto in his 6 years of being in office to kill H.R. 810, the Stem Cell Research Enhancement Act, a bill that is supported by over 70 percent of the American public, a bill that was supported by a bipartisan majority of the House, a bill that was supported by a bipartisan, big majority in the Senate—63 Members of the Senate, Republicans and Democrats, voted for it yesterday—and is supported by 591 different patient advocacy groups, research institutions, universities, scientific organizations, biomedical research institutions—everything from Alzheimer's to Parkinson's to cancer, spinal cord injuries, you name it. This bill has almost been universally supported. Over 80 Nobel laureates support this bill. Virtually every reputable scientist in America supports this bill.

I will mince no words about the President's action today. The veto he cast is a shameful display of cruelty, hypocrisy, and contempt for science. It is cruel because it denies hope to millions of Americans who suffer from Parkinson's and Alzheimer's, who have already received the death sentence of Lou Gehrig's disease, kids suffering from juvenile diabetes all over America, those suffering from cancer and spinal cord injuries, and many other diseases and injuries.

The best scientists in the world, as I said, including many dozens of Nobel Prize winners and every Director at the National Institutes of Health say that embryonic stem cell research offers enormous potential to cure these illnesses, to ease suffering, to make the lame walk again.

H.R. 810 would have expanded Federal funding to pursue this research. But with the stroke of his pen today, the President vetoed this bill and dashed the hopes of millions of Americans.

This veto displays hypocrisy because the President describes the research as immoral. He himself provided Federal funding for it. His press Secretary, Tony Snow, claimed yesterday that using leftover embryos, even those already slated to be discarded, is tantamount to murder. That is the word he used. Here is his own words. Mr. Snow said:

> The President believes strongly that for the purpose of research, it is inappropriate for the Federal Government to finance something that many people consider murder.

Mr. Snow went on to say that the President is one of those people who consider the practice to be murder.

This is a very bizarre statement. First, H.R. 810 would not allow Federal funding to be used to derive human embryos. That is already prohibited by existing law. And I couldn't believe my ears today when I heard the President say that H.R. 810—which passed with 63 Senate votes, and passed with the majority of the House—would overturn over 10 years of Federal prohibitions against deriving embryos.

I couldn't believe the President said that. The bill expressly does not do that. How could he say that? Either A, he did not read the bill; B, his assistants didn't read the bill; or C, he is purposely misleading the American public.

We do not overturn what is called the so-called Dickey-Wicker amendment that prohibits Federal funds from deriving stem cells. That is existing law. Federal funding can only be used to conduct research on stem cell lines, not to derive them. That derivation has to be funded privately. The President himself has already supported that.

What is even stranger and more bizarre and more hypocritical is that the President has already endorsed embryonic stem cell research. Under the policy that he announced 5 years ago, on August 9, 2001—I remember it well. I was in Iowa. I was listening to the radio, listening to his speech because this was an area of interest to me. Senator SPECTER and I had the first hearings in 1998, right after Doctors Gearhart and Thomson had derived the first human embryonic stem cells at the University of Wisconsin. That was in November of 1998. We commenced hearings after that, and when I was chairman I continued the hearings. So I was chairman of the committee at the time—and of the subcommittee—that funded these programs at the time, so I was listening to the President's speech.

Under the policy that he announced nearly 5 years ago, he allowed Federal funding—get this—he allowed Federal funding for research on embryonic stem cell lines that were derived before 9 p.m, August 9, 2001, but no Federal funding for any research on any lines derived after that date and time.

So let's look at this. Here is the stem cell hypocrisy. The President of the United States—President Bush—said that all the stem cell lines derived before August 9, 2001, at 9 p.m.—is morally acceptable. If they are derived after 9 p.m. on August 9, 2001, they are morally unacceptable. Who drew this line, I ask? What right does the President of the United States have to say that something is moral before 9 p.m. and immoral afterward? I mean, what about the lines that were derived at 9:05 p.m. or 9:30 p.m? Why is that line there? It is because the President arbitrarily drew it.

So I ask, if using discarded embryos to extract stem cells is murder, isn't it then immoral to allow Federal research on existing lines of embryonic stem cells, as the current administration policy permits? Murder is murder, Mr. President. So if you, Mr. President, are saying that it is all right for Federal funds to be used for research on stem cell lines derived before August 9, 2001, at 9 p.m., why is that any different from afterward? Why isn't it here murder and here it is not? And isn't it immoral to allow privately funded embryonic stem cell research to continue?

Now, again, as we heard many times on the Senate floor over the last couple of days of debate, privately funded embryonic stem cell research goes on in the United States, but according to the President, this is murder. And if it is really murder to take left over human embryos and cause them to cease to be embryos, but to take the stem cells out, why isn't the President using his authority, his moral authority to shut down all the in vitro fertilization clinics in America?

By his definition of murder, these clinics are institutions of mass murder because they routinely dispose of countless unwanted embryos. Virtually every time a couple goes to a fertility clinic, left over embryos are created. That is how the IVF—in vitro fertilization—process, works. Eventually, after moms and dads have had their children, when they have had all the children they want, they either call the clinic or the clinic calls them—someone has to pay to keep these frozen, so the clinic may call and say: Well, we have all these embryos left over. Do you want to continue to pay to have them frozen?

No, we don't want them anymore. You have our consent to discard them.

Every day this happens. If that is murder, then how can the President permit it to continue? Where is his outrage? Where is his outrage at the IVF clinics in this country? Why isn't he here proposing legislation to shut down in vitro fertilization in this country, make it a crime, a Federal crime to conduct in vitro fertilization?

In the President's narrow moral universe, it seems to be fine to destroy embryos—to throw them away as the byproduct of producing babies through IVF, but it is murder to use the embryos to conduct lifesaving research. Someone please explain the logic of that to me.

One more time: In the President's narrow moral universe, to take these unwanted embryos that are left over from in vitro fertilization clinics, throw them away, flush them down the drain, that is OK. To take the same embryos, extract the stem cells, keep them alive, keep them growing, to perhaps discover something that will save someone's life, that is murder.

I don't get it. Who gave the President the authority to draw that line? He may be the President of the United States, but he is not the moral authority for all Americans. I say, Mr. President, you are not our moral Ayatollah. You don't have that right, and you don't have that power. Oh, you can veto legislation. You can veto it. But you notice, when the President vetoed the bill today, he didn't veto it on the grounds it was unconstitutional. He did not veto it on the grounds it spent too much money. He did not veto it on any grounds that Congress exceeded its authority, none of the usual reasons that a President gives for vetoing a bill. He vetoed it because he said it is immoral, tantamount to murder.

No. I am sorry. It is hypocrisy at the extreme for the President to take that position. As I said, if you take the lines before August 9 at 9 p.m., it is OK; after August 9 at 9 p.m., it is not OK. No, you are not our moral Ayatollah, Mr. President. You may be our President, and I respect you for being the President of the United States. I respect the office. But I don't pay any respect to someone trying to dictate to me the moral authority of the President of the United States; that somehow you can define what is moral and what is immoral. Leave that to our religious leaders. Leave that to our theologians.

Why isn't the President prosecuting the many thousands of American men and women who use these IVF clinics? If their attempts to have children result in leftover embryos and their embryos eventually get discarded, aren't they complicit in murder? Let's say a couple had in vitro fertilization; they wanted to have children. They finally have their children, and they say: We don't want the rest of those embryos, you can discard them—because they have to approve it. Are they complicit in murder?

Under the President's narrow moral logic—I hate to call it logic—under the

President's narrow moral view, any man or woman who allows their embryos to be discarded, something that happens every single day all over the country, is authorizing murder. Why is the President standing idly by? Why isn't he putting all these men and women in jail? I would have to warn him, though, there are over 50,000 babies born every year to couples via IVF. We are going to have to build a lot of jails if you are going to throw them all in jail for murder.

As I have said, the President's veto is cruel for dashing the hopes of millions of Americans who suffer. It is hypocritical, as I pointed out here, because the President says it is OK in one moment but it is not OK here.

I want to point out another thing the President gave misinformation about today. He said today that there were 22 lines, stem cell lines for research—from here on this chart. That is OK, you understand. That is morally OK because, according to the President, it was before 9 p.m. of August 9. I still don't understand that, but somehow that is morally OK. What he didn't tell you is that when he made this decision at 9 p.m. on August 9, at that time he said there were 78 lines. Now he says there are 22.

There is one other thing the President didn't say today and we all know is a scientific fact: Every single one of those stem cell lines is contaminated because they were all grown in Petri dishes with mouse cells to energize them and grow them—so they are all contaminated. They will not be used for human therapies. Many of those stem cell lines are sick. They are not viable. He didn't tell you that, either, did he? He didn't tell you that they are all contaminated with mouse cells. He didn't say that.

As I have said, it is cruel, it is hypocritical, and his veto today shows a shocking contempt for science, a disdain for science. I don't know who the President's science teachers were when he was in school, but I will bet none of them are bragging about it.

The President's political adviser, Karl Rove, told the Denver Post last week that researchers have found "far more promise from adult stem cells than from embryonic stem cells." I hate to disagree with such a renowned biomedical expert as Karl Rove but, frankly, he does not know what he is talking about and his statement is absolutely, totally, irrevocably false.

Here is what Dr. Michael Clarke of Stanford University said about Mr. Rove's claim: It is "just not true." I will take Dr. Clarke's word over Mr. Rove's any day of the week. Dr. Clarke is the director of the Stanford stem cell institute, and he published the first study showing how adult stem cells replicate themselves. So here is an authority on adult stem cells basically saying what Karl Rove said is just not true. Yet Karl Rove says it.

Dr. Stephen Teitelbaum also disagrees with Mr. Rove. Dr. Teitelbaum is a professor of pathology at the Washington University School of Medicine in St. Louis, a former President of the Federation of American Societies for Experimental Biology. I spoke with him on the phone yesterday. He said something that struck me, and I wrote it down. He said if people want to disagree on moral grounds, that is fine. If people want to have a certain moral view of something, that is their right in our society. But they don't have the right to buttress their claims with misinformation and falsehoods. In other words, the President and Mr. Rove are entitled to their own moral opinions, whatever they may be. However narrow they may be, they are entitled to them. But they are not entitled to mislead the public with misinformation and falsehoods. And that is what the President did today. That is what the President did today.

The facts are that virtually every reputable scientist in this country believes in the promise of embryonic stem cell research to cure and treat diseases. It has the greatest potential to do so. By vetoing H.R. 810, the President is closing his heart and his mind to the facts, to the science, and to the strict ethical guidelines we put in the bill.

By his veto today, the President has put himself in some very illustrious company down through history, people such as Cardinal Roberto Bellarmino, who told Galileo that it was heresy for him to claim that the Earth went around the Sun. Religious teaching at that time said that the Earth was the center of the universe and everything revolved around the Earth. We forget that Galileo was sentenced to life in prison.

The President also puts himself in the company of people such as Pope Boniface VIII, who banned the practice of cadaver dissection in the 1200s, and for 300 years it was banned. There was no dissection of cadavers until finally someone came along who decided to do it and discovered all of the different ways the muscles work in the body. Of course, now we know that cadaver dissection from donated cadavers has led us to all kinds of medical breakthroughs and the understanding of how the human body works. But here was a Pope who said: No, you can't do it. Just like the President today—no, you can't do it. So the President can take his place alongside Pope Boniface VIII.

The President could also take his spot alongside people such as Rev. Edward Massey, who had this to say in 1722 in response to the new science of vaccination. Here is what Reverend Massey said:

> Diseases are sent by providence for the punishment of sin and a proposed attempt to prevent them is a diabolical operation.

Imagine how many millions of lives would have been lost if the Reverend Massey's ignorance had prevailed, if a President of the United States had said: You know, Reverend Massey is right, we are not going to permit vaccinations. Think of it. President Bush, take your place right alongside him.

I might add you don't even have to go back so far. The President has company in more recent times. Just a few decades ago, many religious people considered heart transplants to be immoral—heart transplants to be immoral. Others objected on moral grounds to the use of anesthesia during childbirth, saying that the Bible held that women were meant to suffer when delivering babies.

Many people opposed in vitro fertilization, one of those being Dr. Leon Kass. Guess what he was. He was the head of this President's Bioethics Council. Years ago, he opposed in vitro fertilization. Do you get the picture? And the President made him the head of his Bioethics Council.

I guess, Mr. President, you can take your place alongside Leon Kass, too. Tell all those wonderful families out there who have had babies through IVF, tell them that they were wrong, they should not have had them.

In all of these cases, we look back with a sense of astonishment that people could be so blinded by a narrow view of religion or ideology that they could stand in the way of scientific progress that has saved lives, eased pain and made life better for so many people.

Twenty or 30 years from now, history books will ask the same question about this President. People will wonder: How could he have objected to research that has led to so much good for so many people?

Maybe not in my lifetime—I don't know how long God will give me here on Earth. But maybe these young people's lifetimes here, the pages, maybe in their lifetime through the embryonic stem cell research that is being done in Great Britain, Korea, Singapore, and other places around the world where a number of scientists—because they are handcuffed to do that research here—will find a way of taking embryonic pluripotent stem cells and finding how they make nerve cells. And guess what. Just as they have done with rats—we have seen the films of rats with their spinal cords severed, taking embryonic stem cells from other rats and putting them into these rats and watching them walk again. As my departed friend Christopher Reeve, the first Superman, said after that, "Oh, to be a rat."

You all remember the tragedy of Christopher Reeve. He was paralyzed from the neck down. He fought so hard for embryonic stem cell research.

It has been said that we are 99 percent rat. I don't mean just us politicians. I mean humans. And politicians, maybe more. I don't know. But it is said of humans that we are basically 99 percent the same DNA as a rat. We can do it for rats. It is not hard to think that the same thing can be done for humans.

It is going to happen in their lifetimes—the lifetimes of these young people here today. Somewhere, in Great Britain, somewhere, they can do this research and we will find out how to take these cells—people like my nephew Kelly who hasn't walked for 27 years because of a spinal cord injury—and make it possible for people like him to walk again.

People will say, What was this President thinking? Like Pope Boniface VIII, like Cardinal Bellarmino, like Reverend Massey—how could the President have objected to this ethical good research that has led to so much good for so many people?

Let's be clear. Nothing could be more pro-life than signing this bill into law.

We all know people—friends or family members—with ALS or Parkinson's or juvenile diabetes or a spinal cord injury. What could be more pro-life than using the scientific tools that God has given us to help heal them?

White House spokesperson Tony Snow said yesterday, "The President is not going to get on the slippery slope of taking something that is living and making it dead for the purpose of research."

Again, I want to emphasize a couple of things. We carefully crafted H.R. 810 to impose strict ethical standards on embryonic stem cell research. This bill would not allow Federal funds to be used to create or destroy human embryos. The only embryos we are talking about are those already slated for destruction in the clinics. It is right there in the bill. Let me read it:

> Prior to the consideration of embryo donation and through consultation with the individuals seeking fertility treatment, it was determined that the embryos would never be implanted in a woman and would otherwise be discarded.

It is right there in the bill.

All we are saying is, instead of discarding some 400,000 embryos that are currently sitting frozen in storage, let us use some of them—as long as the donors give written informed consent—to help people who are suffering from diseases. I think it is this choice that is truly respectful of human life.

Besides, the stem cells that come from those embryos don't die. That is the amazing thing about stem cells. They keep reproducing themselves. They just keep reproducing themselves. They will be more alive when used as treatment in research than if they were washed down a drain or sit in storage for another hundred years.

Think about that. They talk about destroying these embryos. If you take an embryo from an IVF clinic and destroy it, wash it down the drain, that is the end of it. That really does destroy the embryo. That does kill it. That ends it.

But if you take that embryo and take the stem cells out—talking about a blastocyst which has about 100 or 200 cells—take some of those cells out, those cells live. They are alive. They do not die. They live. They grow. They became tissue, nerve tissue, bone tissue, or maybe they became other things that we can use to help cure disease. They live. It seems to me that it is the pro-life position. Using research to improve people's lives is a true pro-life position.

Once again, the President has staked out an extreme ideological position—a position that flies in the face of science and common sense. He refuses to listen to any other point of view, including the pleas of Nancy Reagan, Republican supporters of the bill, scientists all over America, and people at NIH.

I was told that some Republican supporters of this bill requested an opportunity to talk with the President, and they were turned down. He didn't even want to talk to them.

As I have said, President Bush's veto is cruel, hypocritical, and absolutely disdainful of science. But I guess most of all, it is just sad. It is just sad.

On Monday and Tuesday, we had a great debate. On Tuesday we had a great bipartisan vote, 63 Senators, Republicans, Democrats, liberals, conservatives, pro-life, pro-choice, all came together to support life-saving research. That was also supported by more than 70 percent of Americans. It was a huge debate for millions of Americans suffering from disease and paralysis who might be cured by this life-saving research.

After the vote, I went upstairs. There was a young woman in a wheelchair. She must have been upstairs watching the vote. I didn't ask her name. She was using a wheelchair, and she said, "Thank you—thank you for giving me hope."

Today, the President slammed the door. He took that hope away. How sad. How sad.

The President insists that he knows better than the American people; he knows better than all of the scientists; he knows better than all the directors at the National Institutes of Health; he knows better than 63 Senators; he knows better than the majority of the House.

So with one arrogant stroke of his pen, he dashed the bill, dashed the hopes of millions of Americans. He vetoed the hopes. It wasn't just a veto of the bill. He vetoed the hopes of millions of Americans living with Parkinson's, ALS, juvenile diabetes, and spinal cord injuries.

Where is the President's compassion? How dare the President refer to himself as a compassionate conservative.

I don't think you can get much more conservative than Senator ORRIN HATCH, Senator SMITH, Senator LOTT, and a number of Senators here. I named them because they are cosponsors of the bill. You don't get much more conservative than that. Can you get much more conservative than Nancy Reagan? I don't think so. They were compassionate. They were truly compassionate.

My message to my nephew Kelly who waited 27 years, my message to millions of others whose hopes were raised this week and then sadly crushed today, my message is this: The President's veto is not the final word. It may be this year because to get the agreement to bring up the bill we had to agree that we wouldn't bring it up again this year. So it is over for this year. Perhaps next year, when Senator SPECTER and I will reintroduce this bill along with others in January, we will have more Senators here. We will have more Senators who represent the true wishes of the American people, who understand the necessity for moving ahead on stem cell research.

Maybe the voters this fall will speak about that. All those families who have someone with Parkinson's, Alzheimer's or juvenile diabetes, maybe they will say, Look, we need people in the Senate and in the House who will help us get over this veto.

The President's veto is not the final word. Science is on our side. Ethics is on our side. There is an election in November. It will be known where every candidate, where he or she stands on embryonic stem cell research. We will introduce it again in January. We will be back. We will not go away. And just perhaps we will have a few more Senators and a few more Members of the House who want to do the ethical, right thing, and help cure disease and suffering with the potential of embryonic stem cell research.

It is a sad day, a sad day, indeed. We will be back.

ORDER OF PROCEDURE

Mr. HARKIN. Mr. President, I ask unanimous consent that if the majority leader or his designee introduces a bill related to energy during Thursday's session, it be in order to move to proceed to that legislation on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Thursday, June 20, 2006.

Thereupon, the Senate, at 7:41 p.m., adjourned until Thursday, June 20, 2006, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, July 19, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 19, 2006.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Monsignor Robert Sheeran, President, Seton Hall University, South Orange, NJ, offered the following prayer:

Lord God, bless America, our land and our people. Bless America, among the greatest of all human endeavors.

Lord God, make America worthy of the dreams of our Founders. Worthy of the sacrifices of those who have gone before us and who have given their lives for us. Make America worthy of the calling and leadership that You place on our shoulders in this our generation.

Let wisdom, goodness and generosity grow and take deeper root in our people and in this chosen body of representatives.

This day, Lord, You have given to us as our day. These hours before us are ours, set before us to do good as You show us the good, and to avoid evil as You show us the way.

May our work, in some small way, be part of Your work, never in vain and always to the glory of Your Holy Name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana (Mr. JINDAL) come forward and lead the House in the Pledge of Allegiance.

Mr. JINDAL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5117. An act to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

WELCOMING MONSIGNOR ROBERT SHEERAN

(Mr. FERGUSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FERGUSON. Madam Speaker, I would like to welcome Monsignor Robert Sheeran to the House floor and thank him for taking time to be our guest chaplain today. Monsignor Sheeran is joining us in part because Seton Hall University is celebrating its sesquicentennial this year. The celebration started last year on October 1, and for the past year Seton Hall University in South Orange, NJ, where Seton Hall is located, has been celebrating its 150th anniversary.

New Jersey's largest Catholic university was founded in 1856 by Bishop James Roosevelt Bayley and named after the first American-born saint, Mother Elizabeth Ann Seton. Seton Hall is the oldest diocesan university in the United States.

Monsignor Sheeran has a long history with Seton Hall University, receiving his bachelor's degree in classical languages, and, finding his way back to his alma mater in 1980, he served as rector of Saint Andrew's College Seminary. He was then appointed assistant provost of the university in 1987 and promoted to associate provost in 1991.

After another short leave, he returned to Seton Hall to hold the position of executive vice chancellor in 1993, and 2 years later he was appointed to be president of Seton Hall University, and is still serving as president today.

I am honored to welcome Monsignor Robert Sheeran to the United States House of Representatives. On behalf of the whole House, I congratulate him on Seton Hall's milestone.

WELCOMING MONSIGNOR ROBERT SHEERAN

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, it gives me great pleasure to welcome to the United States House of Representatives today's guest chaplain, Monsignor Robert Sheeran, a friend and an innovative leader who serves as the 19th president of my alma mater, Seton Hall University, which happens to reside in my 10th Congressional District of New Jersey.

After studying at Seton Hall as an undergraduate, Monsignor returned to the university in 1980 to serve as rector of St. Andrew's College Seminary. In 1987, Monsignor Sheeran was appointed assistant provost of the university. Under his leadership, the school saw a marked decrease in undergraduate attrition.

After completing Harvard University's management development program in 1989 and being promoted to the assistant provost in 1991, he was selected as a fellow of the American Council on Education. Upon his return to Seton Hall, he was appointed executive vice chancellor, a post he held until his appointment as president 2 years later.

Under Monsignor Sheeran's leadership, Seton Hall has moved forward technologically, with the distinction of being named one of the most connected college campuses in the United States by Forbes magazine. Under construction is a new science and technology center which will help train graduates to compete in the workforce of the future.

In addition, the White House School of Diplomacy and International Relations has formed an innovative partnership with the United Nations, which is of special interest to me as a member of the House International Relations Committee and one of the two congressional delegates to the United Nations serving in the House.

I hope that Seton Hall will play a constructive role in confronting the many foreign policy challenges our Nation faces. I know my colleagues join with me in welcoming Monsignor Sheeran and thanking him for his devoted service throughout his life.

REDUCING EXPOSURE TO SECONDHAND SMOKE

(Mr. MURPHY asked and was given permission to address the House for 1

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend his remarks.)

Mr. MURPHY. Madam Speaker, while this week we are discussing ways to treat disease with stem cells, let us not overlook what we should also be doing to prevent disease.

Each year nearly 50,000 adult nonsmokers die from lung cancer or heart disease from secondhand smoke. A recent U.S. Surgeon General report found 60 percent of nonsmokers, about 126 million people, have biologic evidence of nicotine, carbon monoxide and tobacco-specific carcinogens in their systems from secondhand smoke.

In adults, secondhand smoke can increase the risk of developing lung cancer and heart disease by up to 30 percent. And in children secondhand smoke leads to premature birth, asthma, respiratory illness and ear infections.

Encouraging smoke-free workplaces will help to reduce $10 billion in annual medical costs. Offering deductions in health insurance, and smoking-cessation treatment are just a couple of ways that the Federal Government and employers can cut health care costs.

To learn more about ways to save lives and money in health care, I urge my colleagues to visit my Web site at murphy.house.gov.

THIS IS THE TIME FOR PEACE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, the Book of Ecclesiastes says there is a time for war and a time for peace. This is the time for peace.

Now is the time to stop the disintegration into a worldwide conflict. Now is the time to show the world that the United States is strong enough to be a leader in peace, not war. Now is the time to call for an immediate cessation of violence in the Middle East. Now is the time to commit the United States diplomats to multiparty negotiations with no preconditions. Now is the time to reaffirm our support for Israel by showing leadership and diplomacy.

Unilateralism breeds unilateralism. And then the awful dialectic of conflict moves as a force beyond our control and takes its deadly toll. One hundred civilians a day are being killed in Iraq. Things are spinning out of control. The war on terror has become a war of errors. We must bring a halt to this march of folly.

Communication is the controlling factor. Diplomacy is the controlling factor.

There is a time for war and a time for peace. This is the time for peace.

ISRAELI COWBOYS v. HEZBOLLAH OUTLAWS

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, what is playing out in southern Lebanon is analogous to the days of yesteryear in the Old West. It is the cowboys versus the outlaws.

There is a basic human right to self-defense. There is a basic right to shoot back when shot at. You don't have to duck, run or hide. And there is a further right to keep on shooting back until the bad guys stop shooting.

This is taking place in the gunfight with Hezbollah outlaws and Israeli cowboys, just like the Old West.

Hezbollah, a fancy name for a gang of terrorists, are kidnappers and killers, and they are hiding out in the hills of southern Lebanon. They are a state within a state. They are spreading terror. That's what terrorists do. They started shooting at Israeli citizens, kids and soldiers, and they won't stop no matter what we do. The outlaws have fired 1,100 rounds, and they will shoot thousands more because they preach death to Israel.

So, Madam Speaker, what's a cowboy to do? Well, shoot back and keep on shooting until the Hezbollah gang stops, gives up, or is rounded up and locked up.

It is a basic human right to defend yourself and take out the outlaws. And that's just the way it is.

REJECT OMAN FREE TRADE AGREEMENT

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today in opposition to the Oman Free Trade Agreement. This deal is an expansion of a failed trade model that does not guarantee even the most basic labor standards, and it is simply unacceptable.

We are talking about an agreement with a country that our own State Department says does not meet the minimum requirements for trafficking people into forced labor. Even more shocking, labor unions don't even exist in Oman. Instead, workers are supposed to be represented by committees that actually are run by management.

In fact, Oman has only fixed one out of 10 areas where they are not compliant with the ILO. This is unacceptable.

We cannot preach about spreading freedom and opportunity around the world while ignoring the lack of labor and human rights standards in our trade bills. I urge my colleagues to reject the Oman Free Trade Agreement.

VENEZUELA AND OUR ENERGY SECURITY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, today more than ever our energy supply is a matter of national security. Venezuela is our fourth largest supplier of crude oil, but since the Castro ally Hugo Chavez came to power, production has dropped sharply. As Chavez purchases Russian arms and assembles a regional anti-American coalition, many predict that decline will continue.

According to the Wall Street Journal, a GAO study found that a 6-month disruption in Venezuelan output would increase oil prices by $11 a barrel, costing our economy about $23 billion. Rather than respond to such a crisis after it arises, we should take the initiative to encourage exploration here at home, diversify our energy supplies by promoting alternatives, including nuclear power.

Finally, since the lack of freedom and democracy is synonymous with instability, we should consider the promotion of these values in Venezuela not only a moral imperative, but in our national interest as well.

VOTE "NO" ON OMAN FREE TRADE AGREEMENT

(Mr. MICHAUD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHAUD. Madam Speaker, if we are really serious about national security, especially given the bipartisan outrage over the Dubai Ports World situation earlier this year, we must reject the Oman Free Trade Agreement.

The Oman agreement allows foreign tribunals to second-guess American decisions about who can operate our ports and dictate to us what is in our national security interest.

Simply put, foreign tribunals should not determine what is a security threat to the United States. We should. This provision should not be in this trade agreement, period.

It is bad enough that we are asked to support agreements that will ship our jobs overseas, that undermine our environment, and ask us to stick our head in the sand over serious human rights violations, but it is simply outrageous to ask Congress to support legislation that can undermine the security of our Nation.

Whether you consider yourself a free trader or not, I cannot think of one Member of Congress who would support weakening our national security, and this agreement does that. I urge my colleagues to vote "no" on the Oman Free Trade Agreement.

VETO HUMAN EMBRYO RESEARCH

(Mr. PENCE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, President Ronald Reagan famously said, "We cannot diminish the value of one category of human life, the unborn, without diminishing the value of all human life."

Yesterday the United States Senate passed a bill that authorizes the use of Federal tax dollars to fund the destruction of human embryos for scientific research.

While supporters of the bill argue this debate is a battle between science and ideology, that really misses the point.

If the Castle-DeGette bill returns to the Congress tonight, we will simply decide whether Congress should take the taxpayer dollars of millions of prolife Americans and use them to fund the destruction of human embryos for research.

You see, I believe that life begins at conception; that a human embryo is human life. I believe it is morally wrong to create human life to destroy it for research, and I believe it is morally wrong to take the tax dollars of millions of prolife Americans who believe that life is sacred and use it to fund the destruction of human embryos for research.

This debate then tonight will not be about what an embryo is. It will be about who we are as a Nation and whether we respect fully half of our country. On behalf of those millions of prolife Americans, Mr. President, veto this bill.

☐ 1015

CONNECT THE DOTS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, after 9/11 there were calls to connect the dots. And as we approach the first anniversary of Katrina, with wildfires raging across the West, it is time to connect the dots dealing with natural disaster.

Former National Parks Director, Roger Kennedy, wrote an outstanding op-ed in the New York Times yesterday entitled " Houses to Burn," and recently published a book " Wildfires in America." He documents that we in government are part of this problem. We construct roads and infrastructure into hazardous areas. We don't have appropriate building codes, and often we don't even enforce the building codes that we have. We even build, as the Federal Government did, Los Alamos Research Laboratories in the midst of an area that has burned repeatedly decade after decade for centuries. And it is only going to get worse by sprawl and global warming.

It is time for government at all levels to connect the dots, to reduce and ultimately protect Americans from wildfires and other natural disasters, to make our communities more livable and our families safer, healthier and more economically secure.

BORDER SECURITY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, when I am in my district there is one issue that tops all others with our constituents; it is the issue of border security.

In this environment, Madam Speaker, every town has become a border town and every State has become a border State. And our constituents are sending the message, and they couldn't be clearer, secure our Nation's borders.

I want to thank our House Republican leadership for standing up to the Senate and their Reid-Kennedy immigration reform bill, which would, among many other things, grant amnesty to those who break our laws in coming to this Nation.

Madam Speaker, it is time to halt illegal entry into this country. It is time to halt the flow of illegal drugs and weapons into this great Nation, and it is time to secure our borders.

I thank the Republican leadership for working on this issue, for standing firm. It is what the American people want to see done.

EMBRYONIC STEM CELL RESEARCH

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Madam Speaker, both Houses have passed legislation that would ensure funding for important research on embryonic stem cells and hold great promise of cures for diseases that have confounded scientists for years, diseases that have taken and continue to take many lives.

Cord blood, while important, is only a small part of the answer. Adult stem cells is an unknown and too far into the future.

Meanwhile, our loved ones continue to suffer and die.

We in the Congressional Black Caucus Health Brain Trust work to improve the quality and length of life of minorities and all Americans. H.R. 810 becoming law is a critical part of that effort.

A veto of this legislation would be conceding our country's moral leadership and leadership in medical science. A veto would put Americans at the mercy and largesse of other countries for our well-being. A veto of this legislation would be a veto of the right of many to a cure, to wellness and to life itself.

We have to stand up against the conservative fundamental ideologues of the right, and we must stand up for life, for this important research, embryonic stem cell research, which has the potential to give the gift of life to millions.

I cannot believe the President would veto a bill like this, but if he does, we owe it to our country to override.

ISRAEL'S SELF-DEFENSE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, on June 25, Hamas terrorists from Gaza carried out a cross-border attack into Israel, killing two soldiers and kidnapping a third. Shortly thereafter, Hezbollah terrorists from Lebanon attacked Israeli soldiers, killing three and capturing two. Just yesterday, Hezbollah fired missiles into Israel at a rate of one per minute for a full hour. Rather than using diplomacy to deescalate the situation, Iranian President Ahmadinejad falsely claimed Israel was trying to reoccupy Lebanon and, once again, denied the existence of the Holocaust.

I agree with President Bush when he said yesterday "The root cause of the problem is Hezbollah." President Bush further said that Israel has a right "to defend herself from terrorist attacks." The kidnapped Israeli soldiers need to be released. Hamas and Hezbollah need to turn away from the current path of terror, violence and intimidation. We must stand with Israel in her fight against misguided religious extremism and those who glorify death over life. We must stand with Middle Eastern allies to establish peace.

In conclusion, God bless our troops, and we will never forget September 11.

EMBRYONIC STEM CELL RESEARCH

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Madam Speaker, virtually every family in America has been stricken with one dread disease or another. It may be cancer, it may be heart disease, it may be diabetes, Parkinson's, Alzheimer's. The list goes on and on. And finally, there are scientific breakthroughs called embryonic stem cell research that allow hope for a cure.

Sadly, the President of the United States is about to veto the legislation that this Congress has finally passed to give these families hope. This is a sad day for America because the President has never vetoed any other bill. He is the first President since Thomas Jefferson to endorse all our legislation as if it were perfect, except for this one bill, the bill that gives hope to virtually all American families.

Why, Mr. President, are you vetoing hope for Parkinson's victims, vetoing hope for cancer victims, for diabetes victims, for Alzheimer's victims?

Why, Mr. President are you, alone, standing in the way of hope and progress for our people?

WAR ON TERROR

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, there have been many reminders across the world recently of why we and the global community must maintain our commitment to fighting terror.

From the 1-year anniversary of the horrific bombings in London to the upcoming 5-year anniversary of September 11, we are constantly reminded of why our resolve and perseverance are crucial. America has shown the world that a strong, vibrant Nation faced with adversity can come together, unlike any nation on Earth. America has distinguished itself as the shining beacon of democracy throughout the world. When attacked, and freedom is in danger, we have proven that freedom will prevail.

Madam Speaker, I want to commend our troops for their sacrifice, their dedication and their bravery. They are freeing people from oppression so they may enjoy the same freedoms that Americans cherish. They are fighting a global war on terror, and they are winning

IN SUPPORT OF EMBRYONIC STEM CELL RESEARCH

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, yesterday the House of Representatives gave a victory to those hoping for cures for some of the most terrible illnesses of our time by defeating a fake bill on stem cell research.

Today, it is back to the calendar. The only reason we are considering this bill is to give our colleagues political cover when the President vetoes the bill that will provide real hope for cures, the Castle-DeGette embryonic stem cell legislation.

Let's make one thing clear this morning. A Presidential veto of the Castle-DeGette stem cell research bill will slow, if not stall, the real hope for cures and slam the door of hope right in the face of millions of Americans suffering from scores of incurable diseases.

The New Testament tells us that religious leaders in biblical times attacked Jesus for healing the sick on the Sabbath. We have religious leaders today who want to sit in judgment of today's healers.

Each of us on the floor today has a friend or family member who could benefit from increased embryonic stem cell research, whether they suffer from spinal cord injury, Alzheimer's or juvenile diabetes.

We must remember those who suffer and the compassion of the New Testament, not play political games with the hopes and prayers of the American people.

EMBRYONIC STEM CELL LEGISLATION

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Madam Speaker, scientific discovery should never compromise our moral integrity. Embryonic stem cell research, which they call hope, which some call hope, destroys human life.

What they do, in essence, is they create a new human life. They fertilize an embryo, the essence of life. Then they take that embryo and destroy it, the essence of human life. It is a destructive concept for our society. And government has no business funding research that creates life in order to destroy it. And at its essence, that is what embryonic stem cell research does. It is not progress. It is a breakdown in medical ethics, and government should not support it or endorse it.

Additionally, embryonic stem cell research has not produced a single medical treatment, whereas ethical adult stem cell research has produced 27, at least, disease and condition recoveries for cerebral palsy and spinal cord injuries.

We need to actually encourage human life, not destroy it. And I urge the President to veto this unethical research.

EMBRYONIC STEM CELL RESEARCH

(Mr. McGOVERN asked and was given permission to address the House for 1 minute.)

Mr. McGOVERN. Madam Speaker, President Bush has not vetoed a single bill, even though this Republican Congress has passed some really lousy legislation. It is amazing to me that he would choose his first veto on a bill that is critical to finding cures for cancer, Alzheimer's disease, Parkinson's disease, MS, and so many other diseases.

H.R. 810, the Stem Cell Research Enhancement Act offers real hope, and the President should not veto it. Washington Republicans, worried that a veto of this important and popular bill will damage them politically, are also pushing two other bills.

The American people will not be deceived. They know that H.R. 810 is the real deal, and that it deserves to become law.

This week the American Medical Association and 92 other organizations sent out a letter stating, and I quote, "Only H.R. 810 will move stem cell research forward in our country. This is the bill that holds promise for expanding medical breakthroughs. The other two bills are not substitutes for a 'yes' vote on H.R. 810." They conclude by saying that H.R. 810 is the "pro-patient and pro-research bill."

Madam Speaker, President Bush has a choice to make. He can act on behalf of his extreme right wing, or he can act on behalf of millions of Americans who are suffering from terrible diseases. I hope he makes the right choice.

ISRAEL'S SELF-DEFENSE

(Mr. JINDAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JINDAL. Madam Speaker, I rise in strong support of Israel's right for self-defense. The killing of Israeli soldiers and the kidnapping of their soldiers by Hamas and other groups were unprovoked acts of war.

Israel's response to these acts of war is designed to secure the release of its soldiers, end ongoing rocket strikes by terrorist groups and deter further attacks on its citizens.

Israel is exerting its right to defend itself by carrying out operations, both inside Gaza and southern Lebanon.

This strike took place following Israel's full withdrawal from Lebanon, a move that was applauded by the international community and fully certified by the U.N. Security Council.

Hezbollah, since then, has launched dozens of unprovoked attacks since Israel withdrew from Lebanon, including the firing of hundreds of rockets and mortars at civilian areas and the kidnapping of a number of Israelis.

During the past 6 months alone, nearly 1,000 short-range rockets have been fired into Israel landing on homes and in schools. An additional 150,000 Israeli citizens and numerous strategic facilities are now within range of these missiles and their ability to reach Israel.

Israel's actions are aimed at securing the release of its soldiers and degrading the abilities of Hamas and Hezbollah to threaten its citizens with ongoing barrages of rockets.

Madam Speaker, that is why I ask the United States to stand at Israel's side as it defends itself.

□ 1030

EMBRYONIC STEM CELL RESEARCH DESERVES FEDERAL FUNDING

(Mr. CLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLAY. Madam Speaker, I rise to urge my colleagues to reject the cynical attempt to politicize a critical health care issue that offers hope to millions of Americans, embryonic stem cell research. Last year a bipartisan coalition in this House voted for hope, and we should not abandon that today.

In my State almost 1 million people suffer from chronic diseases like diabetes, cancer, Parkinson's disease, Alzheimer's, and spinal cord injuries, and I will not turn my back on them.

Expanding Federal support for stem cell research is also vital to helping America maintain our leadership in medicine and the life sciences. And for minorities and lower-income Americans who suffer from higher rates of chronic diseases, embryonic stem cell research could unlock the secrets to closing the health care disparities gap.

The American people support this research because they know that someone they love will be helped. We should not sacrifice that hope on the altar of partisan politics.

THE ECONOMY

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Madam Speaker, thanks to the tax relief passed by Republicans in Congress, our economy continues to roll, creating 5.4 million jobs in just 2 years. And because our taxes have been lowered, Americans are working, saving, and investing even more.

That means Republican progrowth tax policies have actually resulted in higher tax revenues, which in turn means that the budget deficit has now dropped from $423 billion to $296 billion.

Madam Speaker, despite the opposition of the Democrats, the deficit is down, after-tax incomes are up, homeownership is at an all-time high, and more Americans are working today than ever before. In my district a worker in Mesquite is entering the workforce, a family in Jacksonville can better afford to send their daughter to college, a newlywed couple in Dallas can now put a down payment on a home, and a small business owner in Garland can hire three new workers.

The numbers and stories reveal that tax relief is working and making the lives of Americans better. That is why we will continue to fight the Democrat agenda of excessive taxation, mind-numbing and senseless litigation that will only close down small businesses and hurt our jobs.

GOP MISGUIDED PRIORITIES ARE NOT HELPING MIDDLE-CLASS FAMILIES

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Madam Speaker. House Republicans are ignoring the priorities of America's families. Once again they refuse to bring up one single bill that will help working families who are struggling to make ends meet.

This morning I would like to offer my Republican colleagues a challenge: Name for me one bill that you have passed into law this year that has significantly helped middle-class Americans.

The American people want a government that works for them, and right now under this House Republican majority, they are not getting it. Middle-class Americans are struggling. For 5 years their wages have remained stagnant, while everything else, housing and health care, energy costs, food, and college costs, has increased dramatically. If you factor in inflation, hourly wages are only .7 percent higher today than they were in 2001. Weekly wages are about the same.

It is no wonder that a large majority of Americans are concerned about their futures. But House Republicans refuse to listen.

Madam Speaker, America works best when we work together for the common good. It is time for a change in Washington.

UNIVERSITY OF WEST GEORGIA

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I rise today to congratulate the University of West Georgia on its centennial anniversary. For the past 100 years, West Georgia has been educating some of our State's brightest minds, and I know the school will continue providing educational excellence for many years to come.

West Georgia's roots are humble. In 1906, it was founded as the Fourth District A&M School, a charter member of the university system of Georgia. In January 1908, the school opened its doors to students, enrolling 52 boarding pupils and 58 day pupils. Those first students would hardly recognize West Georgia today, home to more than 10,000 pupils and over 100 programs of study.

Yet despite the changes of the past 100 years, one thing has remained the same, and that is the dedication of the staff, faculty, students, and community. I want to congratulate university president Dr. Beheruz Sethna, the city of Carrollton, County of Carroll, and the entire West Georgia community on reaching this historic milestone.

Madam Speaker, I ask that you join me in congratulating the University of West Georgia, and here is to another 100 years of educating Georgia's students.

WHILE REPUBLICANS DIVIDE AND DISTRACT, DEMOCRATS ARE UNITED ON NEW DIRECTION FOR AMERICA

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Madam Speaker, I whipped up my snake oil this morning. Snake oil, that is what every 2 years the Republicans whip out. Snake oil this week in Congress. That is, passing legislation that they know will never come into law.

But Democrats are united in taking America in a new direction.

This week marks the second anniversary of the release of the 9/11 Commission recommendations. House Republicans have refused to institute their recommendations, receiving Ds and Fs from the 9/11 Commission on protecting the homeland.

House Democrats want to make the recommendations into law as soon as possible. We want to secure the 25 million passengers who ride Amtrak each year, our neighborhoods, our ports, and our borders. Democrats want to ensure all Americans have access to good-paying jobs by raising the minimum wage and ending outsourcing. We want to make college more affordable.

This time the American people will not be fooled. No more snake oil.

We want to make college more affordable for middle class families by making some college tuition costs tax deductible, expanding Pell Grants and cutting interest costs on student loans in half.

For too long, House Republicans have ignored the needs of hardworking middle class families. Their attempts to distract and divide won't work. The American people are ready for a change.

IN SUPPORT OF H.R. 810, STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, today is certainly a momentous day. President Bush is about to veto the first bill of his 6-year Presidency, and we will have the opportunity to override this veto and reaffirm the House of Representatives' support for lifesaving medical research.

I take this moment to remind my colleagues of what H.R. 810 and stem cell research can do. Embryonic stem cells have the unique ability to become any other kind of bodily cell. These cells have the potential to help researchers find cures, that is right, cures, for diabetes, Alzheimer's, ALS, cancer, heart disease, Parkinson's, the list goes on.

Under H.R. 810 these cells would be extracted from embryos that are already created for in vitro fertilization and are no longer needed. Use of these surplus embryos would only be done with the consent of the donor.

I urge my colleagues to vote in favor of the override and put us on the path to saving lives.

IT IS TIME TO RAISE THE MINIMUM WAGE

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Madam Speaker, it is past time to raise the minimum wage. It was last raised in 1997. Currently, a person working full time at $5.15 an hour will make $10,712 per year. The poverty line is $13.461 for a family of two.

We must raise the minimum wage. No one should work full time and stand in a welfare line. No one should work full time and live below the poverty line. People do not want welfare. People want self-care.

It is time to raise the minimum wage.

IN HONOR OF SETON HALL UNIVERSITY'S 150TH ANNIVERSARY

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Madam Speaker, I rise today to congratulate Seton Hall University on its 150th anniversary and recognize the extraordinary contributions the university has made to my home State of New Jersey.

As Seton Hall marks a century and a half of achievements, I join my fellow New Jerseyans in commending this esteemed university and its faculty, led by Monsignor Robert Sheeran.

Seton Hall, located in South Orange, is New Jersey's largest Catholic university, and it was founded in 1856. Today, after 150 years, Seton Hall has become both a pillar of academic life in New Jersey and an invaluable member of the South Orange community.

I proudly join the residents of the Ninth District of New Jersey in congratulating the students, faculty, and administration of Seton Hall University and wishing them a happy 150th anniversary.

PHARMACEUTICAL COMPANIES BRINGING IN RECORD PROFITS FROM MEDICARE PART D PLAN

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, the American taxpayer is being ripped off by the Republican prescription drug law. Any Republican who wants to dispute this fact should take a look at yesterday's New York Times. Under the headline "A Windfall from Shifts to Medicare," we have yet another example of how the pharmaceutical companies are reaping record profits while the American taxpayer is left holding the bill.

Before the Republican law went into effect this year, more than 6.5 million low-income Americans received help with their prescription drug bills through Medicaid. Under the Medicaid system, States could purchase the drugs at the lowest available prices. While this was good news for the taxpayer, it certainly cut into the profits of the pharmaceutical companies.

So now those 6.5 million Americans have been moved into the Republican plan, and they are no longer receiving the lowest prices. And the higher costs, adding up to as much as $2 billion this year alone, will be passed on to the American taxpayer.

And House Republicans still claim to be fiscal conservatives? House Republicans sold out to the pharmaceutical companies, and now the American taxpayers are paying the price.

PROVIDING FOR CONSIDERATION OF H.R. 2389, PLEDGE PROTECTION ACT OF 2005

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 920 and ask for its immediate consideration.

The Clerk read the resolution, as follows

H. RES. 920

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2389) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and Minority Leader or their designees. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 920 is a structured rule, and it provides 1 hour of general debate that is equally divided and controlled by the majority leader and minority leader or their designees. This resolution waives all points of order against consideration of the bill, and it makes in order only those amendments that are printed in the Rules Committee report accompanying the resolution. It provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Further, it waives all points of order against the amendments printed in the report, and it provides one motion to recommit with or without instructions.

Madam Speaker, I rise today in support of House Resolution 920 and, of course, the underlying bill, H.R. 2389, the Pledge Protection Act of 2005.

□ 1045

Madam Speaker, I would first like to take this opportunity to thank my friend and colleague from Missouri, Representative TODD AKIN, the author and lead sponsor of the underlying bill. As an original cosponsor of H.R. 2389, I am glad to see that we will have the opportunity to set the record straight and defend our traditions against a few activist judges who would supplant the will of the people with their own personal agenda.

Yesterday, this House had the opportunity to debate and vote on an amendment to the Constitution defining marriage as the union between one man and one woman. Unfortunately, the necessary two-thirds vote in support of the amendment simply was not there. While some may characterize yesterday's debate as an act of futility, I wholeheartedly disagree. Yesterday's vote put each and every Member of this House on record with their constituents and with the American people as to where they stand on defending our culture, on defending our values, against a few activist judges seeking to turn our society upside down.

I make mention of this because I anticipate that the opponents of this underlying bill will attempt to make the same arguments against this bill as they did yesterday against the Marriage Protection Act. And, Madam Speaker, they were wrong yesterday, and they continue to be wrong today.

The Pledge Protection Act, as well as the Marriage Protection Act, represents more than just the underlying issues of our Pledge of Allegiance or the traditional definition of marriage. These bills affirm that it is the American people, not a few activist judges, that have the right to create laws and establish the policies that will shape their lives.

Now, I know that the opponents of this bill will also try to confuse and confound this debate by arguing that there are other more pressing things to consider and that this Congress has passed nothing of importance to the American people. Well, Madam Speaker, I have to ask myself, where were they? Where were these individuals when we passed H.R. 4297, that cut taxes and prevented tax increases for millions of Americans? Where were they when we passed lobbying reform out of this House with bipartisan support? Where were they when we passed out of this House comprehensive border security legislation? Where were they when we passed 10 of 11 appropriations bills that fund the operations of this government? Where were they when we passed legislation to increase oil production through domestic production and refinery capacity to bring down the price of gasoline?

Madam Speaker, I could go on and on, but I believe I have made my point that this House has a proven track record of passing legislation important to the American people and their families, and the Pledge Protection Act simply builds upon that track record.

H.R. 2389 will affirm the ability of Americans across this country to recite the Pledge of Allegiance anytime, anywhere, with or without the phrase "one Nation under God." The point is, the individual will get to choose.

Since the days of colonial America and the founding of this great Nation, the vast majority of our citizenry has celebrated and honored the role of Almighty God in shaping the history of this great land and defending her through many trials and tribulations and in lifting her up as a shining city on a hill.

As our founders set forth in the Declaration of Independence, "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."

Madam Speaker, the recognition of a higher authority above human law and above temporal law is fundamental to the establishment and preservation of our fundamental rights and liberties. Those who would divorce the recognition of a higher authority from the rights he secures are guilty of throwing the baby out with the bath water.

If our fundamental rights come from human beings, then human beings can take them away. But because our rights are endowed to us by our creator, no man, no woman, no government can take them away. Therefore, we in this Congress have an obligation to uphold the ability of citizens across this great land to recite and pledge their allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Madam Speaker, I reserve the balance of my time

Mr. HASTINGS of Florida. Madam Speaker, I thank Dr. GINGREY for the time, and I yield myself such time as I may consume.

Madam Speaker, I listened to Dr. GINGREY, and I have the misfortune of reading the paper every now and again. Dr. GINGREY, you are quoted as saying yesterday in the discussion with reference to banning gay marriage, the quote says, "This is probably the best message we can give to the Middle East in regards to the trouble we are having over there right now."

I say to you, sir, that I find that very confusing in the sense that I don't understand how, with all of the things going on in this country and around the world, that gay marriage, yesterday, was the most important thing that we could contribute to the horror of what is going on in the Middle East.

But I don't intend to use much of my time this morning, frankly. I really am embarrassed for the House of Representatives today. Why? Let's be clear about what the priorities are for the majority and what they are for the rest of the world.

Today, the Federal minimum wage purchases less than it has at any point in the last 50 years. Let me repeat: The Federal minimum wage purchases less than it has at any point in the last 50 years. It hasn't been raised in 9 years, and today the House is going to spend its time protecting something that all of us say every morning in the House of Representatives, the Pledge of Allegiance.

In the last year, 23 percent of all Americans say they or someone in their family have had to stop medical treatment because of the cost, and today the House will spend its time attempting to turn the independent judiciary into an echo chamber of the right wing of this particular majority.

If today is anything like the typical day of the past 3 years, three American soldiers will die in Iraq or Afghanistan, the Taliban will get a little stronger in Afghanistan and the civil war will continue to be enhanced in Iraq. And the American people will watch their Congress do nothing, but listen to a bunch of demagogues who claim a crisis in the United States courts.

The Middle East is literally going up in flames, as is California, and Katrina's problems haven't been solved, and Congress' response is to criticize Federal judges.

Today in America, 110 people will be treated in an emergency room for their wounds from a handgun and there is an epidemic of violence with reference to handguns, particularly by our youth in this country. 1,500 people will die of cancer today in America, and 1,900 people will die of heart disease. And the United States House of Representatives will speechify about patriotism.

Let me tell you something, Madam Speaker: Patriots try to solve real problems and not seek out remedies to perceived problems. Yesterday in this country we had people die of hunger and malnutrition. In some parts of this country, the infant mortality rate rivals that of sub-Saharan Africa. We have a public education system that ranks below that of almost any other Western nation. We have a looming Social Security crisis, and health care costs are spiraling out of control. And what do we do? Speechify about patriotism.

These are some of the problems, just some of the problems, confronting the American people today. And what is the majority's response to this? Today we will make sure that the Pledge of Allegiance is safe from so-called activist judges.

I could go on and on, but I have already taken more time than this deserves. Court-stripping bills such as this are, according to the Chief Justice of the United States of America, John Roberts, and let me quote the Chief Justice of America, they are bad policy.

I hope the American people are paying attention to their priorities, the priorities of the Republican majority.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, I yield myself 20 seconds.

I just wanted to respond to my friend from Florida. I didn't see that quote. I need to grab that newspaper that he was referring to. It sounds like I was either misquoted or my words were taken out of context.

Yesterday I spoke several times, and I mainly was speaking about our value system as a great Nation. We were talking about values yesterday from my perspective and the image that we present to the rest of the world, and particularly at this time to the countries in the troubled Middle East. So I don't know what the exact quote was, but I just want to try to clarify that

Madam Speaker, I am proud to yield 2 minutes to my colleague on the Committee on Rules, the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Speaker, I would like to thank the gentleman from Georgia for yielding me time, and I rise in support of the rule and the underlying bill.

I am a proud cosponsor of the Pledge Protection Act, and, like many of my West Virginia constituents, I am disappointed that this legislation is necessary.

I was disappointed 4 years ago when two judges of the Ninth U.S. Circuit Court of Appeals ruled that our Pledge, our statement of shared national values, was somehow unconstitutional.

I do not take legislation that removes an issue from the jurisdiction of this court system lightly. This legislation is appropriate, however, because of the egregious conduct of the courts in dealing with the Pledge of Allegiance. By striking "under God" from the Pledge, the Ninth Circuit has shown contempt for the Congress which approved the language, and, more importantly, shows a complete disregard for the millions of Americans who proudly recite the Pledge as a statement of our shared national values and aspirations.

One of the many great things about living in a Nation under God, indivisible, with liberty and justice for all, is that no one is required to recite the Pledge if they disagree with its message.

We are a Nation that respects minority opinions. Those who disagree with the Pledge have every right to attempt to convince others of their point of view and convince Congress to change it. That is how our system works. Instead, the Ninth Circuit would allow the opinion of one person who disagrees with the Pledge to override the opinions of tens of millions of Americans who want to express their belief that America is in fact one Nation under God.

I am proud to stand with the vast majority of Americans and certainly the vast majority of West Virginians who support our Pledge of Allegiance the way that it is. We do not need Federal judges to dictate what our Pledge says. I hope my colleagues will join me and support the Pledge Protection Act.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 6 minutes to my good friend, the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking member of the Appropriations Committee.

Mr. OBEY. Madam Speaker, I thank the gentleman for the time.

Madam Speaker, for 9 years there has been no increase in the minimum wage. Meanwhile, CEOs of the largest corporations in this country have seen their pay rise to record heights, almost 200 times the size of the paycheck for an average worker in this country.

For the last month, we on this side of the aisle have been trying to get the majority party to allow for a simple, straight up or down vote on increasing the minimum wage. We tried over a month ago to attach it to the appropriations bill for the Department of Labor, and we succeeded. When we did, the majority party decided they would not allow that bill to come forward because they didn't like the results.

We are now told, if you read Congress Daily put out by the National Journal, we are now told that the Speaker of the House, Mr. HASTERT, is against the minimum wage increase; we are told that the Majority Leader of the House, Mr. BOEHNER, is against the minimum wage increase. But they don't want to evidently face this issue up or down.

□ 1100

So the article in CQ this morning says, "It is unlikely that GOP leaders would allow an up-or-down vote on a wage increase. Rather GOP aides say that if they craft a bill, it would likely include so-called sweeteners."

Madam Speaker, I am proud of the fact that on this side of the aisle, our Members do not have to be maneuvered and cajoled and enticed into voting for a minimum wage increase. I am pleased by the fact that on this side of the aisle, Members do not need sweeteners in order to do what is right on this issue.

So we are trying today to attach the minimum wage increase to this bill. There are those on the other side of the aisle who will say that is inappropriate. Well, the previous speaker just recited part of the Pledge of Allegiance. When we stand on this House floor every day and take that pledge, we pledge to provide liberty and justice for all; not for most, not just for CEOs, not just to the wealthiest 1 percent of people in this country, but for all.

This Congress has provided $50 billion in tax cuts this year for people who make $1 million or more a year, and yet it is steadfastly refusing, on the direction of the top Republican leadership of this House, it is steadfastly refusing to do anything at all on the wage front for people who live life on the underside.

I think it is disgraceful for a Member of Congress, or for this Congress, to allow a pay raise for Members of Congress to go through at the same time that they are trying to block an increase in the minimum wage for the poorest people among us.

We have 15 weeks between now and the election. Do you realize, Madam Speaker, that we are going to spend 4 of those weeks in town here, and 11 weeks we are going to be spending back home campaigning for reelection? Meanwhile we will have taken no action to provide a Manhattan-like project on the energy front so that we are not stuck with $3 and $4 gasoline prices.

This Congress will have taken no action to provide health care for every child in this country. It will have taken no action to guarantee that we provide as much protection for the average worker in a company as we do for the board of directors and the CEO if that company goes bankrupt. We are taking no action to make college more affordable for every family in this country. We are not doing any of that.

Cannot we at least provide a minimal increase in the minimum wage for people who are living on life's edge? That is what we are asking you to do. I am amazed that we are told that we cannot do it.

Oh, you have time to strip a court from jurisdiction, just like you had time to call the Congress back to stick your nose in the family affairs of the Terry Schiavo family, but you do not have time and you do not have the will to provide some decent economic help to people who need it more than virtually anybody else in this society.

Shame on every one of you who will not move on this issue.

Mr. GINGREY. Madam Speaker, I yield myself 1 minute just in response to the gentleman from Wisconsin.

Madam Speaker, a couple of weeks ago on another rule that I was managing, this same issue was brought up, had really nothing do with the subject at hand, but was in regard to the minimum wage. I pointed out in a little colloquy with the gentleman from Wisconsin that I did not vote for that congressional pay raise, and he said that he did not either.

I just want to point out, this gentleman from Georgia, to the gentleman from Wisconsin that this just once again proves that cheese and crackers occasionally go good together. So I do not disagree with the gentleman on that particular point.

Madam Speaker, at this time, I yield 4 minutes to the author, the distinguished author, of this bill, the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Madam Speaker, I came here to discuss, I thought there would not be much discussion on the rule, because that is what we are supposed to be debating and discussing right now, the rule on the Pledge Protection Act.

Instead, most of the discussion that seems to come from the other side is complaining about priorities. I did not know that this is where we were going to complain about priorities. I suppose there are some connections.

It seems that judging by the comments in the Rules Committee yesterday, that the Democrats have a very hard time understanding the importance of the Pledge or the words "under God" or even the first amendment, which is about free speech. They seem to consider that to be a rather minor thing, and that perhaps may fit in with their view of government.

But I would recall that if you were to summarize what America stands for, we have always stood for the idea, the simple principle, that there is a God, even though we disagree as to who He might be, who gives basic inalienable rights to all people, and that it is the job of government to protect those rights.

That is, in a sense, a formula that Americans have gone to war about through the ages. That is why we went to war with King George, that is why we fought the War of Independence, because we believed in that basic formula.

The Democrats are saying now that formula is not very important, we should not give it time to discuss it or think about it. But if they spent a little more time thinking about it, they would realize that is why we are in the war against these radical Islamists, why we fight the war of terror, why our sons and daughters are overseas.

The reason we fight is because these terrorists take away people's innocent lives and blow them up for political statements. We fight because these terrorists want to terrorize, to take away people's freedom. And the other side, the Democrats, want to cut and run from that fight. They would not want to cut and run if they understood the importance of those basic principles and that inalienable rights are impossible without a recognition of God, and that is why the Pledge bill is important and not irrelevant or trivial.

And so while we hear all of these discussions about, oh, you are not doing this, you are not doing that, you are not doing the other thing, fortunately government can do more than one thing at a time. There are many people at work in government.

The energy bill was brought up. I am surprised that the Democrats would mention the energy bill. It would be an embarrassment to me if I were a Democrat, and the Republicans had brought an energy bill on this floor in 2001, and it was killed by Democrats in the Senate. 2002, we brought an energy bill. That was killed by Democrats in the Senate. 2003, we brought an energy bill. It was killed by the Democrats in the Senate. And 2004, the Democrats killed it again. Finally in 2005, we get an energy bill.

If I were a Democrat, I would not be talking about energy prices after basically filibustering an energy bill for 5 years.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume before yielding to the distinguished minority whip from Maryland, my very good friend, a Member of this body who works tirelessly, tirelessly to alleviate the squeeze on America's middle class.

Madam Speaker, I would like to respond to my friend from Georgia who was responding to my friend from Wisconsin Mr. OBEY when he says cheese and crackers go together. And the context, as I understand it, was that you did not vote for the pay raise.

The question is, do you favor and can you push for the minimum wage? Cheese and crackers may very well go together, but they need to be washed down with milk or Coca-Cola. And the fact of the matter is people living on the minimum wage cannot buy cheese, crackers, Coca-Cola or milk, and so somewhere along the line that needs to be understood

Madam Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER), my good friend.

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding me time.

The gentleman who just spoke previously on the other side of the aisle was wrong, and he misstates the position of the Democrat Party. Indeed, he misstates the need for this bill. There is no court case that is pending that has shunted this aside, of articulation of "under God." In fact, the Supreme Court said the litigant did not have standing.

Madam Speaker, I believe that our Pledge of Allegiance with its use of the phrase "one Nation under God" is entirely consistent with our Nation's cultural and historic traditions.

I also believe that the United States District Court in Sacramento, in September of 2005, holding that use of this phrase is unconstitutional is wrong. I want the gentleman to hear me. I believe the decision was wrong.

As a matter of fact, as the gentleman knows, 383 people on the floor of this House, overwhelming numbers of Democrats and Republicans, said it was wrong. The gentleman may recall that resolution.

But this court-stripping bill is not necessary. In fact, the Department of Justice is seeking to overturn the district court's decision. For political reasons, the other side of the aisle does not want to allow the judicial procedure to continue as our Founding Fathers perceived it to be in the best interests of our Nation, a Nation of laws.

Yet today with this radical court-stripping bill, our Republican friends completely overreact to this lone district court decision, which I believe is clearly likely to be overturned.

This legislation would bar a Federal court, including the Supreme Court, from reviewing any claim that challenges the recitation of the Pledge on first amendment grounds. If we are a Nation of laws, we must be committed to allowing courts to decide what the law is.

Let us be clear. This bill is unnecessary and, I believe, probably unconstitutional. It would contradict the principle of Marbury v. Madison, intrude on the principles of separation of powers, degrade our independent Federal judiciary, which, by the way, is a pattern of the majority party that is constantly wanting to undermine the judiciary. It is an end run.

Furthermore, Madam Speaker, the House should not be spending its time today addressing a single Federal court decision that should be overturned on appeal. My goodness, how many bills we would have to have to disagree with every court opinion that comes down.

What we should be doing, Madam Speaker, is taking up legislation providing a long overdue increase in the Federal minimum wage, which has stood at $5.15 per hour since 1997, the longest period of time that we have not raised the minimum wage since Ronald Reagan and George Bush were President of the United States, in which case it was a longer period of time.

An estimated 6.6 million, indeed some estimate as many as 18 million people, are impacted by the minimum wage. Yes, we are raising this issue now because it is the right thing to do whenever you do it, in whatever forum you do it, at whatever time you do it. It is time that we take people working in America every day, playing by the rules, take them out of poverty. Let's do it now. Give us this opportunity. Give them a chance.

Mr. GINGREY. Madam Speaker, I yield myself such time as I may consume.

We have heard on both sides reference, of course, to our Founding Fathers in this debate. Madam Speaker, deep concern that Federal judges might abuse their power has long been noted by America's most gifted observers, including Thomas Jefferson and Abraham Lincoln.

Thomas Jefferson lamented that, this is the quote, "the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary; . . . working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped . . ."

In Jefferson's view, leaving the protection of individuals' rights to Federal judges employed for life was a serious error.

Listen to what Abraham Lincoln said, Madam Speaker, in his first inaugural address in 1861. "The candid citizen must confess that if the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the people will have ceased to be their own rulers, having to that extent practical resigned their Government into the hands of eminent tribunal."

That is the concern that we express today in this debate, Madam Speaker.

Madam Speaker, I reserve the balance of my time.

☐ 1115

Mr. HASTINGS of Florida. Madam Speaker, I look forward to the day that somebody offers a bill to eliminate the Court. I mean, you talk about Jefferson and Madison. I don't know how many of you have read the Federalist Papers and clearly understand the dynamics of establishing the Federal judiciary and the importance of the separation of powers.

That is what they went to war about or with King George, it was to make sure that we had a separation of powers. I travel in countries all over this world where the leaders of the country dictate to the courts, if they have any.

I don't want to see America in that position, and I believe my good friend from California feels likewise.

Madam Speaker, I yield 3½ minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Speaker, we are here today because the Republican leadership has made a stunning decision that it thwart the will, a bipartisan will of the House of Representatives, a bipartisan majority will of the House of Representatives to increase the minimum wage. They have decided that they are not going to follow the rules of democracy. They are not going to let this body reflect over 80 percent of the American people that believe that the minimum wage that is stuck at 1997 levels should be brought up to date for those workers who work hard every day.

In fact, when the Appropriations Committee spoke on a bipartisan majority, they refused to bring the bill to the floor, because it had an increase in the minimum wage that was put there by Mr. OBEY and Mr. HOYER. We just see last week, 26 Members of the Republican Party of this House wrote the majority leader demanding action before we leave in August.

Two Members of the Republicans voted for our motion on the previous question and we will offer it again today. So what we now understand is there is a majority. If we want to strip somebody of authority, maybe we ought to strip the Republican majority in this House of its authority to block the democratic will of both Members of this House who are duly elected under the Constitution and reflecting the will of the American people to increase the minimum wage. Forget stripping the Court of its authority. Let us strip the Republican leadership.

Just last week the Republican leader, Mr. BOEHNER, completely misrepresented the record on the minimum wage when he suggested that he had never heard from the Democrats about the minimum wage in an odd-numbered year.

Now, maybe Mr. BOEHNER doesn't know odd from even. But the fact of the matter is we introduced a minimum wage bill in 1997. I believe that is an odd-numbered year. We introduced a bill in 1999, another odd year; 2001, another odd year; 2005 an odd year.

We wrote to Mr. BOEHNER, as the chairman of that committee, time and again in 1991, asking for hearings and a markup. We asked again in October of 1999. In March of 2001 we sent Mr. BOEHNER letters from the members of the committee again asking for actions; in March of 2001 and in July of 2001. There have been numerous events calling upon the majority leader and the Speaker of this House to provide for an increase in the minimum wage.

It goes on and on and on. I have 30 here that I would like to enter into the RECORD. I suspect there are hundreds where the Democrats have asked time and time again this leadership to provide us an up-or-down vote on the minimum wage. Why do we do that? Because, as Mr. OBEY and Mr. HOYER pointed out, 6 million workers in this country are stuck in a wage that this Congress set in 1997.

No other workers in this country are stuck at that wage except these individuals. These are people who get up every day and go to work at very difficult jobs at the lowest wage you can pay in this country legally, and they go every day and every week and every month. At the end of the year, at the end of the year, they end up poor.

By official action of this Congress, they end up poor. The gas that they buy to go to work is not at 1997 prices. The bread and the milk they buy to bring back to their families is not at 1997 prices. The health care they hope to buy someday for themselves and their family is not at 1997 prices, nor is the housing where they rent homes.

These are people, because of the official action of the Republican leadership of the House of Representatives, these people must continue to be impoverished. Yet we tell them that we value their work.

No, we don't. We ought to strip this Republican leadership so that these people can have economic justice so that they can share in some of the liberties and freedoms that the other side talks about so much. It is very hard to share in liberties and freedom at $5.15 an hour, very difficult to do that. But the Republicans wouldn't understand that, because they just don't understand the plight nor do they care about the plight of these workers. That is why we should raise this minimum wage.

Minimum Wage Legislation Introduced By Democrats in Odd-Numbered Years

1. 105th Congress 1997: H.R. 2211 "American Family Fair Minimum Wage Act of 1997"—Republican-controlled E&W Committee refused to take action on the bill.

2. 106th Congress 1999: H.R. 325 "Fair Minimum Wage Act of 1999"

3. 107th Congress 2001: H.R. 665 "Fair Minimum Wage Act of 2001"

4. 109th Congress 2005: H.R. 2429 "Fair Minimum Wage Act of 2005"

Letters to Ed and Workforce Chairman Goodling From Ranking Democrat William Clay Requesting Action on the Minimum Wage—in Odd-Numbered Years

5. March 1, 1999, asking for hearing and markup of minimum wage legislation.

6. October 29, 1999

Letters To Ed and Workforce Chairman Boehner from Senior Member Miller Requesting Action on the Minimum Wage—in Odd-Numbered Years

7. March 2, 2001 from all 22 Democratic Members of the Committee requesting hearings on H.R. 665 to increase the minimum wage

8. July 16, 2001 from George Miller requesting, among other things, "immediate action to increase the minimum wage."

Press Events/Statements/Reports—in Odd-Numbered Years

9. Ranking Member Clay Makes a Statement in Ed and Workforce Committee urging passage of the minimum wage, October 7, 1999.

10. Ranking Member Clay asks unanimous consent in the Education and Workforce Committee to bring up H.R. 325 to increase the minimum wage, November 3, 1999.

11. Democrats issue "A Mid-Term Report Card, the Republicans Failed Labor Education and Health Care Record" with section entitled "Republicans Continue to Block a Fair Minimum Wage" and notes no committee action "[d]espite the submission to the committee's chairman for repeated written requests for a markup of minimum wage legislation . . ." November 29, 1999 (Report).

12. Statement on the Introduction of the Fair Minimum Wage Act of 2001 (February 7, 2001)

13. Miller Introduces Legislation to Increase the Minimum Wage, February 27, 2003 (press release)

14. "Bush Administration Assault on Working Families—First 100 Days" calls for Republicans to stop blocking an increase in the minimum wage. April 26, 2001 (Report)

15. This Christmas, Congress Should Help the Less Fortunate by Raising Minimum Wage, December 14, 2005. (press release)

16. House Again Refuses to Give Minimum Wage Workers a Raise, July 12, 2005 (press release)

17. Miller Calls for Minimum Wage Increase, May 18, 2005 (press release)

Sample of Dear Colleagues Sent in Odd-Numbered Years on Minimum Wage

18. Support a Fair Increase in the Minimum Wage, January 8, 2003 (Miller)

19. Support an Increase in the Minimum Wage, January 31, 2003 (Miller)

20. Co-sponsor the Minimum Wage, February 25, 2003 (Miller)

Sampling of Floor Statements (Congressional Record) on Minimum Wage by Key Democrats in Odd-Numbered Years

21. Rep. George Miller, October 25, 2005:

"Mr. Speaker, today I rise on behalf of millions of American working men and women who are in desperate need of a raise. It has been a disgraceful 8 years since Congress last voted to raise the national minimum wage which is stuck today at only $5.15 an hour. A person making the minimum wage today would have to work for the better part of an hour just to afford a single gallon of milk or a gallon of gasoline." (Congressional Record, Page H9049)

22. Rep. George Miller, May 18, 2005:

"Mr. Speaker, today, together with 100 of my colleagues, we are introducing legislation to raise the Federal minimum wage from $5.15 to $7.25 over 2 years. Senator Edward Kennedy is introducing identical legislation in the Senate. Two reports that are also being released today, one by the Center for Economic and Policy Research and one by the Children's Defense Fund, make obvious the importance of raising the minimum wage for workers, children, and families." (Congressional Record, Page E1024)

23. Rep. George Miller, February 27, 2003:

"Mr. Speaker, today I am honored to be joined by 73 of my colleagues in introducing legislation to increase the minimum wage. The legislation that we are introducing today provides for a $1.50 increase in the minimum wage, in two steps. Our bill raises the minimum wage from its current level of $5.15 per hour to $5.90 sixty days after enactment and raises it again to $6.65 one year thereafter. In addition, the legislation extends the applicability of the minimum wage to the U.S. Commonwealth of the Northern Mariana Islands. Our bill is identical to legislation introduced in the other body by the Democratic Leader, Mr. Daschle, and 34 of his colleagues." (Congressional Record, Page E333)

24. Rep. George Miller on CNMI, July 26, 2001:

"Today, I am joined by more than 40 cosponsors as we introduce the "CNMI Human Dignity Act," which would require that the Americans living in the US/CNMI live under the same laws as all of our constituents in our home districts. This legislation would extend U.S. immigration and minimum wage laws to the US/CNMI." (Congressional Record, Page E1442)

25. Rep. Rob Andrews, May 23, 2001:

"That compassion is sorely lacking when there has been a commitment by the majority not to move a bill to raise the minimum wage of many of those parents that we are talking about today." (Congressional Record, Page H2601)

26. Rep. Major Owens, March 7, 2001:

"What we are experiencing today is the beginning of warfare on a large scale which has a psychological significance. It is very strategic. After we roll over ergonomics, it is going to be Davis-Bacon's prevailing wage act. It is going to be onward marching toward the elimination of any consideration of any minimum wage from now until this administration goes out of power." (Congressional Record, Page H664)

27. Rep. George Miller, November 3, 1999:

"Now the Republicans tell us that we cannot afford a prescription drug benefit for our seniors, that we cannot afford a Patients' Bill of Rights to protect our families against managed care and HMOs that deny them care, that we cannot afford a minimum wage for our low-income workers in this Nation, and that we cannot extend the fiscal security of social security by even one day. No, the Republicans still want to try to pass tax breaks for the wealthiest individuals, corporations, and special interests in this country. When in this session, in the last remaining 8 or 10 days of this session, when is it that Republicans are going to start thinking about our elderly, our children, and the working families of this Nation?" (Congressional Record, Page H11376)

28. Rep. William Clay, June 18, 1997:

"Mr. Speaker, I would like to bring to your attention an important editorial that appeared in the St. Louis Post-Dispatch, Monday, June 16, 1997. It brings to light the harsh reality of a GOP plan that deprives welfare participants of minimum wage." (Congressional Record, Page E1251)

29. Rep. George Miller on CNMI, April 24, 1997:

"Mr. Speaker, today I am introducing legislation to address the systematic, persistent, and inexcusable exploitation of men and women in sweatshops in the Commonwealth of the Northern Mariana Islands, a territory of the United States of America. . . . This legislation will increase the minimum wage in the CNMI in stages until it matches the Federal level." (Congressional Record, Page E748)

30. Rep. George Miller, September 5, 1997:

"This is not a matter of conjecture, this is a matter of record that hundreds of thousands of workers on a regular basis are denied their overtime pay. That overtime pay is the difference of whether or not they can provide for their family or not provide for their family. That minimum wage pays the difference of whether or not they need public assistance or they do not need public assistance, whether they can provide child care or they cannot provide child care for their children as they work." (Congressional Record, Page H6931)

Mr. GINGREY. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, how much time remains on both sides?

The SPEAKER pro tempore. Eleven minutes remain for the gentleman from Florida; the gentleman from Georgia, 16½.

Mr. HASTINGS of Florida. Madam Speaker, a young man whose sensitivities have shown through on this subject of countless others who are less fortunate, I am pleased to yield 2 minutes to my good friend from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Madam Speaker, if this issue were not so serious it would be a joke. The Republican majority today is talking about a Pledge of Allegiance where they are saying that we should include the words "under God" as they have been historically in our country. They preach God all the time. They even call themselves the Christian Coalition. But you look at their policies, and you would not see anything Christian about their policies.

My Aunt Rosemary was mentally retarded. If she didn't come from my family and have all of the financial support to give her, all of the support she needed, under the Republican Medicaid budget, she would have to live in the right State in order to get the support of services she needed because this Republican Congress has cut funding for the developmentally disabled in this country.

The very people who are treating the most vulnerable people in our society, the handicapped, the people who are living in group homes, in institutions, those people are being paid the least. They are being paid the minimum wage. They are taking care of God's children, God's children, and yet this majority says they want to make sure they stand up for God.

Where is their religiosity when it comes to standing up for the children of God? Where is their sense of justice when it comes to making sure that we treat others with the dignity and respect that God would have us treat one another with?

This is a joke, Madam Speaker, that this majority would talk about God and yet not even work to raise the wages of the very people that are taking care of the children of God.

Mr. GINGREY. Madam Speaker, I yield myself such time as I may consume.

The gentleman from Rhode Island, I greatly respect. The other side, making points about minimum wage or mental health parity and implying that these are the godly things to do, then I think in a way that they are inadvertently making my case.

Let us go along with the wishes outlined in this bill to keep "under God" in our Pledge of Allegiance, as we stand up every day and honor our flag. That, indeed is what it is all about. I thank them for helping to make the case for this particular piece of legislation, H.R. 2389.

I do hope that we have a recorded vote on the rule, and obviously on the bill, and I look forward to wide, maybe unanimous, bipartisan support on this issue.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield 30 seconds to the gentleman from Rhode Island (Mr. KENNEDY) to respond.

Mr. KENNEDY of Rhode Island. Madam Speaker, in 1960 my uncle, President Kennedy, in one of his remarks in the inaugural address said, ultimately, our truest test here on Earth, we need to make sure we do God's will, because God's work is ultimately our own.

I find it so interesting that when it comes to our implementing the kinds of things that this gentleman would say we are somehow being inconsistent; it is really my point that the gentleman is being inconsistent, saying that he is for making sure we have God in our Pledge of Allegiance, but that God does not exist anywhere else in the Republican majority positions.

Mr. HASTINGS of Florida. Before the gentleman from Georgia goes forward, may I say that we have but one more speaker, and then I will be prepared to close if the gentleman is prepared to close.

Mr. GINGREY. Madam Speaker, to my good friend from Florida, at this time I have no additional speakers. I will reserve to close.

Mr. HASTINGS of Florida. Before yielding to the distinguished minority leader whom I believe will cause in November the priorities of this House to change substantially, and to protect not only minimum wage earners, but the middle class of this country better than we have, I would like to come to today's discussion.

I find it difficult to believe that God would want us to strip the courts of their powers to interpret the laws of this land, albeit with the divergent opinions. I shudder that my colleagues do not understand the dynamics of the Federal judiciary.

But let me do something, perhaps not dramatic, perhaps a little melodramatic. Under Madam Speaker are the words "In God we trust." I have been in this body 14 years, and I have had the distinct privilege, as have many other Members of the House of Representatives, of opening these proceedings with other speakers in the chair, at least five times, from my memory.

Every time that I participated in the opening proceedings, we said the Pledge of Allegiance, and we used the term "God." I don't have as many of these as I want, and minimum wage workers don't have this many, and the middle class is suffering immensely in this country. But on our money is "In God we trust."

Please understand this. Only once has a court ruled that you cannot say the Pledge of Allegiance in this country, and that law was stricken down. I ask you, please, to listen to the Chief Justice when he says that court-stripping would be bad policy.

You may have the right intention, but you are doing it in the wrong way.

Madam Speaker, I yield 1 minute to the distinguished minority leader, Ms. PELOSI.

Ms. PELOSI. I thank the distinguished gentleman from Florida for his leadership on this important issue, and for his eloquence on it as well.

Madam Speaker, my Republican colleagues on the other side of the aisle. I have really good news for you. The pledge to the flag and the words "under God" are not in trouble. They are very safely ensconced in the Pledge of Allegiance, which, as our colleague mentioned, we pledge every single day that this body comes to order, school children across the country, the beginning of meetings all over our country. The profession of our pledge to the flag, and one Nation under God, is safe and it is sound.

That is why it is hard to understand why you would take up the time of this Congress to bring something to the floor that is so out of touch with the concerns of America's middle class. We are talking about democracy here and the intentions of our Founding Fathers. Essential to a democracy is a strong, thriving and growing middle class.

The policies of this Congress, this Republican Congress, undermined the security and the size of that middle class. That is why, if you are at home with someone who is sick, or a child home from school, and you happen to turn on the TV, and you see the proceedings of Congress, what would an American think? What they are doing is totally irrelevant to my life, totally irrelevant to my life, whether it is the health of my family, the education of my children, the economic security of our family and the safety of my neighborhoods.

Why isn't Congress addressing the concerns of America's great middle class? Why, indeed, are the Republicans taking up the time, day in and day out, with their proposals which have no prospect of success, which have no basis in reality, and which, in fact, undermine the Constitution of the United States which each one of us takes an oath of office to support and defend.

Why, instead of having this conversation, which as Mr. HASTINGS and others have said, this is not at risk. We all agree. One Nation under God. What a beautiful pledge. We all agree.

□ 1130

So rather than addressing the concerns of the American people, we are making here an all-out assault on the Constitution of the United States, which, thank God, will fail. Court-stripping. Court-stripping.

Fundamental to our democracy is the separation of powers, a system of checks and balances, but this Republican Congress says that Congress should strip the courts of the power to be a check and a balance to the other branches of government.

They have said in their meetings that Marbury v. Madison, which established precedent of judicial review, was wrongly decided. Over 200 years of precedent on judicial review they say was wrongly decided, and therefore, they can strip the courts of the ability to review the constitutionality of an act of Congress. That means by a simple majority, and if the other body were willing and the President were to sign, by a simple majority they can amend the Constitution with bills that are not constitutional but have no court to judge that constitutionality.

It is absolutely wrong, and Justice O'Connor said recently on this subject that this was brought up at the time of desegregation. They tried to use it then. Thank God, thank God, thank you, God, they failed. Thank God they failed.

What we should be talking about today is what is important, the issues that are important to America's middle class. Again, when people ask me what are the three most important issues facing the Congress I say the same thing: our children, our children, our children: their health, their education, the economic security of their families, which includes the pension security of their grandparents, the healthy environment and safety of the neighborhoods in which they live, a world at peace in which they can thrive.

But turn on the television and tune in to C–SPAN and see what is going on in Congress, and what do you see? The politics of divide and distract. It is really sad, as Mr. KENNEDY said. It would be almost a joke but it is just really not that funny.

So let us instead vote, when we have a chance to vote on this rule, against the previous question; and that vote will be a vote to increase the minimum wage. That is relevant to the lives of the American people. In fact, it is relevant to the lives of millions of American people, many of them single moms. Many of them single moms.

Right now, minimum wage is $5.15 an hour. If you work full time at the minimum wage you make about $10,000. If you are two wage earners in a family and you both work full time and make the minimum wage, you make $20,000. You are below the poverty line for a family of four. Imagine two wage earners working full time. Is that fair? Is that just? I do not think so.

This Congress had no hesitation to give itself a raise over the past 9 years, $30,000 in raises. That $30,000 would take a minimum wage worker 3 years to earn just the increase in salaries that Congress gave itself. So there is no justice in what we are talking about here.

I quoted another debate on this subject, the recent encyclical of Pope Benedict XVI. This is a quote from Cardinal McCarrick, quoting the Pope quoting a saint. In his encyclical, "God is Love," Pope Benedict talks about the responsibilities of politicians, people in government, and he quotes Saint Augustine who said that unless politicians, people who are in the public domain, are there to promote justice, they are just a bunch of thieves. Saint Augustine said, unless politicians were there in office to promote justice, they were just a gang of thieves. The Pope quoted Saint Augustine and the cardinal quoted the Pope in his farewell address to us.

It is true, it is true, how can we be talking about justice, how can we be talking about our Constitution, how can we be talking about under God if we do not even meet the simple test of fairness to America's middle class, which is central to our democracy? How can we be talking about that here when people are suffering in our country? They do not know how they are going to pay for their health bills, and millions of them do not have health insurance. In fact, 6 million more people in America do not have health insurance since President Bush became

President, a 70 percent increase in the cost of health insurance since President Bush and this Republican Congress went to work on the American people.

So the injustices are there. The opportunity is here, and it is being ignored because the priority of the Republicans in Congress is to distract and divide the country. It is time for the politics as usual to end. It is time for this House to be the marketplace of ideas that our Founders intended, where we come to do the work of the American people, where they tell us to make laws to grow our economy, to make our country strong militarily, and then the health and well-being of the American people, make our country strong in the unity and the reputation that we have in the world.

Instead, we have this freak show one day after another of a rollout of distractions and divisions that is unworthy of this House, unworthy of the American people and certainly does not honor the vision of our Founding Fathers, the sacrifices of our men and women in uniform or the aspirations of our children.

So I urge my colleagues to vote "no" on the previous question, and that vote will be a vote to increase the minimum wage, which is, again, $5.15 an hour. It has not been increased in 9 years. While the price of gas, food, health care and everything else has gone up, the purchasing power has gone down.

Let us not be a bunch of thieves. Let us be a deliberative body that is here to promote justice. Vote "no" on the previous question. Vote "no" on this court-stripping bill which dishonors the oath of office that we all take.

Mr. GINGREY. Madam Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN), the author of the bill.

Mr. AKIN. Madam Speaker, the question has been placed: Is there really a need for this legislation? And I think the statement was made, inaccurately, that there was just only one time that the Pledge had been challenged as being unconstitutional.

The words "under God" were found by the Ninth Circuit to be unconstitutional. It was not once. It was done first by a three-judge panel there. They came to the conclusion that school kids are not allowed to say the Pledge of Allegiance. They were then backed up by the entire Ninth Circuit that supported that same position.

The case then went to the U.S. Supreme Court. If we could be so assured that the phrase "one Nation under God," Madam Speaker, that is over your head is safe, if the words "in God we trust" on our money is safe, well, then certainly the words "under God" in our Pledge should be safe. So the Supreme Court could simply have ruled this is a ridiculous and a silly case that the Ninth Circuit has sent to the Supreme Court; we strike down their decision. They could have ruled that way.

I was there when the case was heard. The President's attorney recommended that the Court dismiss the case based on lack of standing of the person who brought the case. And one of the Supreme Court judges said we consider that the lower courts will take care of whether or not somebody has standing; that is not the kind of issue we consider. And yet on deliberation, instead of striking the Ninth Circuit decision, the Court said, oh, we are going to dismiss it for lack of standing.

That gives many of us very little cause to not be concerned not only with our Pledge, but with the money that says "in God we trust," "in God we trust" over the Speaker's chair, and "one Nation under God" on our money. So it is a matter of debate whether or not there is a threat here, but this is the same Court who not so long ago made the decision that we could also ignore the fifth amendment and redistribute private property to other people without it being for government use. If they would ignore the fifth amendment, is it possible they might turn the first amendment upside down and use it as a tool of censorship? Certainly, many authorities think so.

This bill has merit, and it needs serious consideration. We take an oath of office to uphold the Constitution. That includes the first amendment, and this is about free speech, not censorship.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

It is hard to correct my friend from Missouri. I said to him last night, earlier yesterday, as it were, in the Rules Committee that he is an engineer and I am a lawyer of 44 years standing, twice a judge as it were, and I understand a little bit about how the Federal judiciary works. I said to him that I do not come into his engineering association to tell them how to construct bridges and tunnels, and not that there is any premium on lawyers or judges having clarity, but he muddies the water on this subject.

I would urge him to understand that it was under President Eisenhower that the words "under God" were put in the Pledge of Allegiance. Somehow or another, during World War I and World War II, without the words "under God," we managed to win those wars. Somehow or another we were not a godless society any more than we are not today.

Please understand that the pendulum swings in the Federal judiciary, and there may be a day when things that you envision are important for the Court to undertake constitutionally will allow for some more liberal Congresspersons to come along than you and strip the courts of those powers.

We have a beautiful system of checks and balances in this country. Madam Speaker, I would urge that we do not impinge upon that territory.

I urge all Members to vote "no" on the previous question so I can amend the rule and provide this House with yet another chance to vote on legislation to increase the Federal minimum wage.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. My amendment provides that immediately after the House adopts this rule it will bring H.R. 2429, the Miller-Owens minimum wage bill, to the House floor for an up-or-down vote. This bill will gradually increase the minimum wage from the current level of $5.15 an hour to $7.25 an hour after about 2 years.

A footnote right there; I am so proud of my State. By petition, the State of Florida passed a minimum wage with an acceleration clause pegged to the cost of living. Hurrah for Florida.

The bill is identical to language that was included in the Labor-HHS appropriations bill that was blocked by the majority leadership last month. It is also identical to the language that we on the Democratic side have tried to bring to this floor in recent weeks.

Madam Speaker, every day that we fail to bring legislation to the floor to increase the minimum wage is another day we turn our backs on America's low-income and middle-class families who desperately need our help. These workers, as many have said, struggle every day to make ends meet. Many minimum-wage earners work two and three jobs just to get by, and it is unconscionable that we have waited this long to offer even a little relief to those in this Nation who need it most.

There is a statistic that was quoted very recently, but no offense to rich people, but America's corporate executives collectively, when paired down in the first 4 hours of any given year that they worked, they earn in 4 hours more money than a minimum-wage earner makes all year long.

It has been nearly a decade since this House voted to increase the minimum wage. The minimum wage, as I said earlier, is now at its lowest level in 50 years.

□ 1145

A full-time minimum-wage earner makes just $10,700 a year, an amount that is $5,000 below the poverty line for a family of three.

I am going to cut it off right here, Madam Speaker, and go back to my original remarks. We have not done anything about genocide in Darfur; the Middle East is in flames. California is suffering forest fires. We have left the Hurricane Katrina victims by the wayside with more hurricanes looming to come during this hurricane season. The deficit is at an all-time high and accelerating. The national debt is crippling this Nation. And the middle class, we didn't fully fund education to the extent that we left no children behind. We are not putting sufficient police on the streets in order to be able to protect our Nation. Our homeland is vulnerable in more ways than one, including the containers that go on our aircraft and those that are not inspected in our ports. I could go on and on, including the potential for $4-a-gallon gas prices.

And what we are going to do? We are going to strip the courts. We ought to strip some of these people that are in the business of stripping the courts.

Mr. GINGREY. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I rise again in support of this rule and in recognition of the importance of the underlying bill, H.R. 2389, the Pledge Protection Act of 2005.

I want to express my appreciation to my colleagues who participated in the preceding debate on this rule, and I want to ask my colleagues to continue their participation as we move into the general debate.

I also want to again commend Representative AKIN, both a friend and a colleague, for leading the charge in defense of not only our Pledge of Allegiance, but also many of our time-honored traditions that are currently under assault by some activist judges, as he just enumerated.

As I stated yesterday, we did not raise these issues; a few activist judges did when they decided to throw out precedent and make new law without one vote cast in either a legislature or at the ballot box. So it is now the responsibility of this Congress to stand up for the will of the American people and sanction our Pledge of Allegiance. Let us affirm this is "one Nation under God, indivisible, with liberty and justice for all."

The material previously referred to by Mr. HASTINGS of Florida is as follows:

Previous Question on H. Res. 920, Rule for H.R. 2389 The Pledge Protection Act of 2005

At the end of the resolution add the following new section:

"SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions."

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. GINGREY. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 200, not voting 8, as follows:

[Roll No. 382]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert

Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Evans
Ford
Goode
Gutierrez
Harris
Linder
McKinney
Northup

□ 1213

Ms. McCOLLUM of Minnesota, Mr. AL GREEN of Texas and Mr. POMEROY changed their vote from "yea" to "nay."

Mr. SULLIVAN changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GINGREY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 257, nays 168, not voting 7, as follows:

[Roll No. 383]

YEAS—257

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—168

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Grijalva
Harman
Hastings (FL)
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Evans
Ford
Gutierrez
Harris
McKinney
Northup
Ryan (OH)

□ 1223

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BLUNT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2389.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PLEDGE PROTECTION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 920 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2389.

□ 1225

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2389) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Missouri (Mr. BLUNT) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. BLUNT. Mr. Chairman, I yield myself such time as I may consume.

As we approach this bill today, Mr. Chairman, I want to make the point that clearly the Pledge of Allegiance is well understood by this body and the Members of this body. It is repeated here every day. The words of the Pledge are words that we have learned since our childhood:

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

When Congress passed the bill adding the words "under God," Congress stated its belief that those words in no way run contrary to the first amendment, but recognize "only the guidance of God in our national affairs."

Two words, "under God," in the Pledge helped define our national heritage as the beneficiaries of a Constitution sent to the States for ratification "in the year of our Lord," as the ratification statement said, 1787, by a founding generation that saw itself as guided by a providential God. These two words were added to the Pledge in the 1950s, and at that time President Eisenhower made the point that in those days of Cold War, those days after World War II, that it was important that we realize that there was something bigger than ourselves and that our country was guided by that.

For decades children have been reciting the Pledge of Allegiance in classrooms across America. The Pledge of Allegiance is an important civic ritual. It binds us together as Americans. But last year that daily ritual was halted in the Ninth Circuit Court of Appeals. The court actually told teachers and children in Alaska and Arizona, in California and Hawaii, in Idaho and Montana, in Nevada, Oregon, and Washington that they could not recite the Pledge of Allegiance as they had for decades in their classrooms.

The Court's reasoning? The words "under God" constituted a violation of the establishment clause of the first amendment. According to the court, it was unconstitutional to lead students, even voluntarily, in the Pledge of Allegiance because it included the phrase "under God."

Any of the phrases in the Pledge do not need to be subject to this kind of court interpretation. The Pledge of Allegiance, an act of Congress, modified by the Congress in 1950s, still continues to be the Pledge of Allegiance said by school students and Members of this body and others all over the country today. Judges should not be able to rewrite the Pledge. Passing this bill will protect the Pledge from Federal judges and will strike an important blow for self-government.

This legislation, Mr. Chairman, is in the spirit of the first judiciary act, the Judiciary Act of 1789, drafted by individuals who had drafted the Constitution, voted on by Members who had been at the drafting of the Constitution, all willing to define the role of the Federal courts and to narrow the role of the Federal courts, as this bill proposes to do.

I look forward to the debate.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I really hate to be an "I told you so," but when, in 2003, we considered legislation to strip the Federal courts of jurisdiction, in that case to hear cases challenging the Defense of Marriage Act, I warned that there would be no end to it.

In fact, when we first marked up this bill, I asked my friend, the chairman of the Constitution Subcommittee, whether there would be other court-stripping bills. He assured me that this and the marriage court-stripping bill were the only ones "so far." As we know, he was being, as always, truthful.

Our former colleague Bob Barr, the author of the Defense of Marriage Act, whose legislation Congress was purporting to protect in that case, said, no thanks.

He wrote: "This bill will needlessly set a dangerous precedent for future Congresses that might want to protect unconstitutional legislation from judicial review. During my time in Congress, I saw many bills introduced that would violate the takings clause, the second amendment, the 10th amendment, and many other constitutional protections. The fundamental protections afforded by the Constitution would be rendered meaningless if others followed the path set by this bill."

□ 1230

Bob Barr was right. Today it is the turn of the religious minorities.

Once upon a time in this country a student could be expelled from school for refusing to cite the Pledge because it was against his or her religion. In 1943, the Supreme Court in West Virginia Board of Education v. Barnette held that children, in that case Jehovah's Witnesses, had a first amendment right not to be compelled to swear an oath or recite a pledge in violation of their religious beliefs.

This legislation would, of course, strip those families of the right to go to court and to defend their religious liberty. Schools would be able to expel children for acting according to the dictates of their religious faith, and Congress will have slammed the courthouse door in their faces.

As dangerous as this legislation is, even for an election season, it is part of a more general attack on our system of government which includes an independent judiciary whose job it is to interpret the Constitution even if those decisions are unpopular. It is their job to protect individual rights, even if the exercise of those rights in given instances are unpopular.

Sometimes we do not like what the court says. I don't like that the Supreme Court struck down part of the Violence Against Women Act, or that they struck down part of the Gun Free Safe Schools Zones Act, or that they are misapplying, in my opinion, the commerce clause and the 11th amendment in order to gut some of our civil rights laws. I really didn't like it that Republican-appointed justices traversed, perverted justice in order to put someone in the White House who got more than half a million votes less than the other candidate who really won the election.

I don't hear my colleagues on the other side screaming about judicial activism by unelected judges in these cases.

As wrong as I believe the current Supreme Court to be on many issues, I understand that we cannot maintain our system of government and especially our Bill of Rights if the independent judiciary cannot enforce those rights, even if the majority doesn't like it.

Again, I will refer to the Soviet Stalinist Constitution of 1936, which had many rights in it, freedom of speech, freedom of association, freedom of the press, freedom of religious and antireligious propaganda, as they quaintly put it. But, of course, it wasn't worth the paper it was written on because they had no judicial enforcement of it, and if you tried to bring a lawsuit to enforce your right, they shot you before they brought you to court. Any constitutional right without the ability to enforce it in court is no right.

This House appears infected with hostility toward the rule of law. This bill is a perfect example. Even more egregious is the way it has reached the floor. The Judiciary Committee twice voted against reporting this bill to the House. The "no" vote was bipartisan. Now the Republican majority is abusing its power to bring it to the floor anyway.

Neither the Parliamentarian nor the Congressional Research Service has been able to find any other case like this. They report, "We found one instance of a bill, a joint resolution, between the 100th Congress and the current Congress, in which a committee specifically voted not to report a measure that was later considered by the House." That measure was a 1996 agriculture bill that was rejected in committee and later folded into a reconciliation bill.

Now the Republican majority exceeds even that arrogance. We are asked to vote on a bill that guts our system of government and guts the protection of our individual rights when the committee tasked with the consideration of this bill rejected it. It must be an election year.

To return to Justice Jackson and the flag salute case, he observed that, and I quote because it is very apposite here, "The very purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty and property, to free speech, a free press, freedom of worship and assembly and other fundamental rights may not be submitted to vote. They depend on the outcome of no elections."

But now some would strip the courts of any ability to protect these individual rights against a temporarily intolerant majority.

As to the complaints about unelected judges, I would refer my colleagues back to their high school civics textbooks. We have an independent judiciary precisely to rule against the wishes of the majority, especially when it comes to the rights of unpopular minorities. That is our system of government and it is a good one and we should protect it.

As Alexander Hamilton said in Federalist Number 78, "The complete independence of the court of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all reservations of particular rights or privileges would amount to nothing."

Where would this bill leave religious liberty? The Republicans tell us State courts can protect those rights. What would this mean? It would mean that your rights might be protected in one State, but not in another. I thought the 14th amendment to our Constitution settled that issue.

One of the reasons we have a Supreme Court is so that the Federal Constitution means the same thing in New York as in California or Mississippi or Minnesota. This country must be one country, not 50 separate countries.

We are really playing with fire here. Do you really hate unpopular religious minorities so much that you are willing to destroy the first amendment? I urge my conservative colleagues especially to shape up and act like conservatives for once. We live in a free society that protects unpopular minorities, even if the majority hates them or hates the expression of their opinion.

If someone doesn't want to recite the Pledge of Allegiance or doesn't feel conscientiously able to recite the words "under God," that is their privilege. Our Constitution protects it, our civil liberties protect it, this country should protect it, and I urge the defeat of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. BLUNT. Mr. Chairman, I yield 3 minutes to the principal sponsor of the bill, my colleague from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I rise to introduce the Pledge Protection Act and just to give a quick and brief history as to why it is important. We have heard some discussion that this is really not necessary, that we can rest assured that the words of the Pledge of Allegiance will just stand firm forever. Unfortunately, that is not what our recent history shows.

First of all, three judges on the Ninth Circuit Court in California ruled that the words "under God" are unconstitutional. They were supported by the entire Ninth Circuit.

The case went to the Supreme Court, and I was there at the hearing at the Supreme Court. The President's attorney there argued that the Supreme Court should kick the case out because the person, Mr. Newdow, bringing the case did not have standing. The response of one of the Judges was, as a Supreme Court we never kick a case out based on standing, because we assume the lower courts have already taken care of that.

Why did the Supreme Court do this? They could easily have ruled that the Pledge is just fine, that it is completely constitutional. Is that their ruling? No. They kicked the case out based on standing.

So we believe that there are not five Judges on the Court, which is what it would take to uphold the Pledge of Allegiance. Hence we use a constitutional authority granted to us from the Founders that wrote the Constitution to protect the Pledge of Allegiance. That constitutional authority is known as Article III, section 2.

What we do is we create a very simple fence around the Federal court system. We say just regarding the Pledge of Allegiance, that no Federal Court has authority to hear a claim that the Pledge is unconstitutional. So we put a fence around the Federal court system.

Well, what does that mean, if somebody really wants to make a claim that the Pledge is unconstitutional? It means that they go to their local State courts, with the ultimate decisions being made in 50 separate supreme courts and a court here in the District of Columbia. So that is the reason for why we need to pass the Pledge Protection Act.

It seems a bit ironic that some people will complain about the fact that we have no respect for the Constitution and that we are eroding the separation of powers, and yet it is the very Constitution that gives Congress the authority and the responsibility to stand up to the Court when they are misusing the Constitution. If you claim you respect the Constitution, part of that is the first amendment, and the first amendment to the Constitution is about free speech. It is not about censorship.

To say that a child cannot say the Pledge of Allegiance is a form of censorship. The Court has already ruled that no child has to say the Pledge. But now the Court wants to go the other step and say no, we are going to use the first amendment about free speech to say that you cannot say the Pledge. We must step in.

Mr. NADLER. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, anytime we consider legislation like this, one can be assured that veterans benefits have either just been cut or are about to be cut. Instead of addressing the real issues of patriotism, such as the adequacy of health care funding for veterans or the fact that the number of veterans waiting for benefit determinations has increased by approximately 80,000 since last year alone, we are going to use this bill to divert attention from those more pressing issues.

Mr. Chairman, this bill is aimed at the Ninth Circuit Court of Appeals case, Newdow v. U.S. Congress, which held that the words "under God" in the Pledge are unconstitutional in the context of public school recitations. I happen to disagree with that decision and I agree with the dissent in that case which stated, "Legal world abstractions and ruminations aside, when all is said and done, the danger that 'under God' in our Pledge of Allegiance will tend to bring about a theocracy or suppress someone's belief is so miniscule as to be de minimis. The danger that the phrase represents to our first amendment's freedoms is picayune at best."

I agree with that language, Mr. Chairman. So as we discuss the constitutionality of "under God" in the Pledge, we must recognize that every bill that is introduced, every hearing we have, every vote that we take on the issue enhances the importance of this issue and these actions serve to chip away at the de minimis argument and actually increase the chance that the court will ultimately decide that the Pledge is unconstitutional.

The simple fact is that we need to respect the Constitution and the right of courts to decide whether the Pledge is constitutional or not. But the majority will not do that. H.R. 2389 is a court-stripping bill as the bill does not address the substance of the arguments pro and con, it just prohibits Federal courts, including the Supreme Court, from deciding the case.

This bill is a blatant attempt to prevent the judicial branch from doing its job. The foundation of our democracy rests on the principle of checks and balances of power among three coequal branches, and this bill is a flagrant disregard of that principle. In addition, this bill will result in unprecedented confusion as each State court will decide how to interpret the Federal Constitution.

It also sets a poor precedent that at any time we are considering a bill that might be found unconstitutional by the courts, we might just prohibit the courts from saying so by taking away their right to hear the case.

Mr. Chairman, this bill would strip Federal courts from their ability to hear cases that are clearly within Federal jurisdiction because those cases address Federal constitutional rights and individual liberties guaranteed under the Bill of Rights, and many rights may be involved because the bill is not limited to cases addressing the words "under God." The recitation of the Pledge may in some situations implicate the right of free speech, the right of freedom of association, the right to free exercise of religion, the establishment clause protections, all guaranteed under the first amendment of the Constitution.

The passage of this bill will mean that there will be no Federal law on a Federal constitutional question, not even a supreme law of the land to guide other Federal or State courts on the matter or to definitively state the law when there are inconsistent decisions in different States. So a Federal constitutional right could be applied inconsistently to American citizens simply because they live in different parts of the country.

The need for a Federal review of many different rights that may be involved is not speculative. For example, Mr. Chairman, even before the words "under God" were in the Pledge, the Supreme Court in 1943 held in West Virginia Board of Education v. Barnette that a compulsory flag salute and accompanying Pledge were unconstitutional when required of a public school student in violation of the student's religious beliefs.

In that case, the lawsuit was originally filed in Federal Court and was never considered in State court. If this legislation passes, State courts won't even have to follow prior Supreme Court precedents. The reason that State courts are prohibited from ignoring Supreme Court precedent is if they do so, the Supreme Court is there, ready and willing and able to reverse the State court's decision. But no more under this bill. We may well end up with 50 interpretations and applications of a single Federal constitutional right.

For over 200 years, since Marbury v. Madison in 1803, the Supreme Court has been the final arbiter of what is constitutional and what is not. So while Congress has the power to regulate jurisdiction of Federal courts, the court-stripping language of H.R. 2389 grossly exceeds that power in violation of the principles of separation of powers.

□ 1245

If this court-stripping idea had been around in 1954, Congress could have prohibited the Supreme Court from hearing issues involving student assignment to public schools. We never would have had the decision of Brown v. Board of Education, or it could have passed in the 1960s, and the decision in the Federal court in Loving v. Virginia, to overrule the will of the people of Virginia and require Virginia to recognize racially mixed marriages, might not have ever happened.

The judges in those decisions were described just as judges are described today: liberal, rogue, unelected, lifetime appointed activist judges. But they made the right decisions in those cases. The truth is that we rely on Federal courts to determine and enforce our constitutional rights.

America is more politically and religiously diverse than it was in 1943, but instead of embracing that diversity, this bill would jeopardize our fundamental rights. We should instead adhere to the wisdom of the Supreme Court in the Barnette case which said, and I quote, "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy and place them beyond the reach of majorities and officials, and to establish them as legal principles to be applied by the courts. One's right to life, liberty and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

Mr. Chairman, there are numerous legal, civil rights and religious organizations opposed to this legislation, including the American Bar Association, the ACLU, the American Jewish Committee, the Anti-Defamation League, the Baptist Joint Committee, the Constitutional Project, the Leadership Conference on Civil Rights, Legal Momentum, the National Women's Law Center and People for the American Way.

Mr. Chairman, I will ask unanimous consent to insert those letters into the RECORD at the appropriate time, and there are other organizations, of course, that are opposed to the bill. I urge my colleagues to vote "no" on this legislation.

JUNE 14, 2006.

Protect Separation of Powers and Religious Minorities' Longstanding Constitutional Rights; Oppose Final Passage of H.R. 2389.

DEAR REPRESENTATIVE: We, the undersigned religious, civil rights, and civil liberties organizations, urge you to oppose H.R. 2389, the "Pledge Protection Act," misguided legislation that would strip all federal courts, including the Supreme Court, from hearing First Amendment challenges to the Pledge of Allegiance and from enforcing longstanding constitutional rights in federal court.

The signatories to this letter include organizations that supported the court challenge to the constitutionality of including "under God" in the Pledge of Allegiance, organizations that opposed that challenge, and organizations that took no position on the matter. We are united, however, in believing that H.R. 2389 threatens the separation of powers that is a fundamental aspect of our constitutional structure. Beyond this, while the legislation ostensibly responds to the controversy surrounding "under God" in the Pledge of Allegiance, this legislation sweeps far more broadly, with potentially severe constitutional implications for religious minorities who are adversely affected by government-mandated recitation of the Pledge.

First and foremost, we are opposed to H.R. 2389 because this legislation, by entirely stripping all federal courts, including the Supreme Court, of jurisdiction over a particular class of cases, threatens the separation of powers established by the Constitution, and undermines the unique function of the federal courts to interpret constitutional law. This legislation deprives the federal courts of the ability to hear cases involving religious and free speech rights of students, parents, and other individuals. The denial of a federal forum to plaintiffs to vindicate their constitutional rights would force plaintiffs out of federal courts, which are specifically suited for the vindication of federal interests, and into state courts, which may be hostile or unsympathetic to these federal claims, and which may lack expertise and independent safeguards provided to federal judges under Article III of the Constitution.

In addition, as drafted, the bill would deny access to the federal courts in cases to enforce existing constitutional rights for religious minorities. Over sixty years ago, the Supreme Court decided the case of West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943). In Barnette, the Supreme Court struck down a West Virginia law that mandated schoolchildren to recite the Pledge of Allegiance. Under the West Virginia law, religious minorities faced expulsion from school and could be subject to prosecution and fined, if convicted of violating the statute's provisions. In striking down that statute, the Court reasoned: "To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds . . . If there is any fixed star in our constitutional constellation, it is that no official, high, or petty can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion." 319 U.S. at 639–40.

Moreover, a panel of the U.S. Court of Appeals for the Third Circuit, holding unconstitutional two provisions of a Pennsylvania law mandating recitation of the Pledge, said, "It may be useful to note our belief that most citizens of the United States willingly recite the Pledge of Allegiance and proudly sing the national anthem. But the rights embodied in the Constitution, most particularly the First Amendment, protect the minority—those persons who march to their own drummers. It is they who need the protection afforded by the Constitution and it is the responsibility of federal judges to ensure that protection." Circle School v. Pappert, 381 F.3d 172, 183 (3d Cir. 2004).

H.R. 2389 would undermine the longstanding constitutional rights of religious minorities to seek redress in the federal courts in cases involving mandatory recitation of the Pledge. As a result, this legislation will seriously harm religious minorities and the constitutional free speech rights of countless individuals.

H.R. 2389 also raises serious legal concerns about the violation of the principles of separation of powers, equal protection and due process. The bill undermines public confidence in the federal courts by expressing outright hostility toward them, threatens the legitimacy of future congressional action by removing the federal courts as a neutral arbiter, and rejects the unifying function of the federal judiciary by denying federal courts the opportunity to interpret the law. We strongly believe that this legislation as drafted will have broad, negative implications on the ability of individuals to seek enforcement of previously constitutionally protected rights concerning mandatory recitation of the Pledge. We therefore urge, in the strongest terms, your rejection of this misguided and unwise legislation.

Sincerely,

American Civil Liberties Union.
American Humanists Association.
American Jewish Committee.
Americans for Democratic Action.
Americans United for Separation of Church and State.
Anti-Defamation League.
Baptist Joint Committee.
Buddhist Peace Fellowship.
Central Conference of American Rabbis.
Disciples Justice Action Network (Disciples of Christ).
Equal Partners in Faith.
Federation of Jain Associations in North America (JAINA).
Friends Committee on National Legislation.
Human Rights Campaign.
Jewish Council For Public Affairs (JCPA).
Leadership Conference on Civil Rights.
Legal Momentum (formerly NOW Legal Defense and Education Fund).
National Council of Jewish Women.
National Council of Negro Women, Inc.
National Family Planning and Reproductive Health Association (NFPRHA).
National Gay and Lesbian Task Force.
People For the American Way.
Secular Coalition for America.
Sikh Coalition.
The Interfaith Alliance.
The Workmen's Circle/Arbeter Ring.
Union for Reform Judaism.
Unitarian Universalist Association of Congregations.
Woodhull Freedom Federation.

JUNE 9, 2006.

Oppose the "Pledge Protection Act." H.R. 2389.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: We, the undersigned organizations dedicated to protecting women's reproductive health and rights, write to urge you to oppose H.R. 2389, the so-called "Pledge Protection Act." The implications of this bill go far beyond the context of the Pledge of Allegiance. This bill would set a dangerous precedent that would disrupt the traditional separation of powers and undermine the longstanding role of the federal judiciary in safeguarding constitutional rights, including the right of reproductive choice.

H.R. 2389 would deny all federal courts—including the U.S. Supreme Court—the jurisdiction to hear any cases concerning the interpretation or constitutionality of the Pledge of Allegiance. The bill would irreparably alter the relationship between the judicial branch and the two other branches of the federal government by depriving the federal courts of their traditional role as interpreters of the U.S. Constitution. Even more disturbing, unlike other previous versions of court-stripping legislation, H.R. 2389 deprives even the U.S. Supreme Court of jurisdiction, divesting the Court of its historical role as the final authority on the U.S. Constitution.

We are deeply concerned about legislation like H.R. 2389 that strips federal courts of their important role in safeguarding constitutional rights and freedoms. While the target today is a controversial view of the Pledge of Allegiance and the separation of church and state (a view that the Supreme Court has not endorsed), there can be no doubt that anti-choice lawmakers and their allies in Congress intend to use this strategy to achieve other policy goals that they are unable to accomplish without toppling the delicate constitutional balance of powers that has served this country for more than 200 years. In the past, Republican leadership has discussed "jurisdiction stripping" measures to achieve other social policy goals. While they have claimed that the time is "not quite ripe" to apply this legislative tactic to the issue of abortion, in fact, anti-choice lawmakers have already made the attempt—in 2002, when considering the Federal Abortion Ban. Although that particular effort failed, passage of H.R. 2389 would set a dangerous precedent for future attempts to strip federal courts of jurisdiction to hear cases regarding reproductive choice. The federal courthouse doors should not be closed to women seeking to vindicate their right to obtain critical reproductive health services.

For these reasons, we urge you to oppose H.R. 2389.

Sincerely,

Center for Reproductive Rights.
Choice USA.
Feminist Majority.
Legal Momentum.
NARAL Pro-Choice America.
National Abortion Federation.
National Council of Jewish Women.
National Family Planning and Reproductive Health Association.
National Organization for Women.
National Partnership for Women & Families.
National Women's Law Center.
Planned Parenthood Federation of America.
Sexuality Information and Education Council of the U.S. (SIECUS).

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, June 7, 2006.

Re Oppose the "Pledge Protection Act of 2005" (H.R. 2389): It Threatens Constitutional Protections and Civil Rights.

DEAR JUDICIARY COMMITTEE MEMBER: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil rights coalition, we urge you to vote against H.R. 2389, the "Pledge Protection Act of 2005." LCCR strongly opposes any proposal that would eliminate access to the federal judiciary for any group of Americans. H.R. 2389 would do just that: it would deny constitutional rights to religious minorities by stripping the courts of jurisdiction to hear some cases.

For decades, the judicial branch has often been the sole protector of the rights of minority groups against the will of the popular majority. Any proposal to interfere with this role through "courtstripping" proposals would set a dangerous precedent that would harm all Americans. Allowing the courthouse doors to be closed to any minority group, as H.R. 2389 would do to religious minorities, is not only unnecessary in itself, but will also set a dangerous precedent that will undermine the rights of other minority groups that may need to turn to the courts for justice.

Further, H.R. 2389 threatens the separation of powers established by the Constitution, and undermines the unique function of the federal courts to interpret constitutional law. It deprives federal courts of the ability to hear cases involving religious and free speech rights of students, parents, and other individuals. The denial of a federal forum to plaintiffs to vindicate their constitutional rights would force them out of federal courts, which are specifically suited to hear such cases, and into state courts, which may be hostile or unsympathetic to these federal claims and which may lack the expertise and independent safeguards that distinguish Article III courts.

In West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943), the Supreme Court recognized the importance of protecting the religious beliefs of all Americans.

by striking down a West Virginia law that required schoolchildren to recite the Pledge of Allegiance. The Court reasoned: "To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds." H.R. 2389 would slam the federal courthouse doors to all religious minorities trying to do nothing more than vindicate a fundamental, existing constitutional right that they have had for over 60 years.

LCCR urges you to vote against H.R. 2389 because of the dangers it poses to constitutional protections and to the enforcement of civil rights laws. If you have any questions, please feel free to contact Rob Randhava, LCCR Counsel or Nancy Zirkin, LCCR Deputy Director. Thank you for your consideration.

Sincerely,

WADE HENDERSON,
Executive Director.
NANCY ZIRKIN,
Deputy Director.

BAPTIST JOINT COMMITTEE
FOR RELIGIOUS LIBERTY,
Washington, DC, June 6, 2006.

DEAR REPRESENTATIVE: The Baptist Joint Committee (BJC) urges members of the Judiciary Committee to vote no on H.R. 2389, the so-called "Pledge Protection Act," when considered during markup tomorrow. The BJC is a 70-year-old organization committed to the principle that religion must be freely exercised, neither advanced nor inhibited by government. We oppose any legislation that seeks to strip the federal courts of their fundamental role in protecting individual liberties.

The existence of an independent judiciary, free from political or public pressure, has been essential to our Nation's success in protecting religious liberty for all Americans. Indeed, the role of the federal courts has long been recognized as essential in the battle for full religious liberty. As Justice Jackson stated in the case of West Virginia State Board of Education v. Barnett: "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections." 319 U.S. 624, 639 (1943).

Moreover, the result of any particular case does not undermine the important role of the judiciary. The misnamed "Pledge Protection Act" represents a dangerous attack on our tradition of religious freedom, on the constitutional separation of powers and indeed our system of government. It represents an unwarranted attempt to restrict the power of the federal judicial system.

Whatever the motivation, there is insufficient basis to depart from a long-standing congressional custom against using jurisdiction-stripping to control the federal courts. Federal judicial review has consistently supported the proper separation of church and state so vital to all Americans, and we must trust that the courts will continue to do so. We ask the Judiciary Committee to reject H.R. 2389.

Sincerely,

J. BRENT WALKER,
Executive Director.
K. HOLLYN HOLLMAN,
General Counsel.

UNITARIAN UNIVERSALIST
ASSOCIATION OF CONGREGATIONS,
Washington, DC, June 6, 2006.

DEAR REPRESENTATIVE: On behalf of more than 1,050 congregations that make up the Unitarian Universalist Association, I urge you to oppose H.R. 2389, the "Pledge Protection Act". As a tradition with a deep commitment to religious pluralism, we believe that this legislation would seriously undermine the First Amendment protections of the Constitution, and particularly the rights of religious minorities, by stripping federal courts, including the Supreme Court, of jurisdiction over cases concerning the Pledge of Allegiance.

In resolutions dating back to 1961, the highest policy-making body of the Unitarian Universalist Association has repeatedly affirmed the right of all Americans to religious freedom, including the right of religious minorities in public schools to not recite the Pledge of Allegiance. The Supreme Court has agreed in the case of West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943) that the Pledge cannot be mandatory for public school students.

Despite the Barnette ruling, we know from experience that the practice of mandatory recitation continues. By eliminating the mechanism for religious minorities to seek relief from this practice through appeals to a federal court, H.R. 2389 would have the practical effect of all but eliminating the right itself. As a result, we believe that this legislation will seriously harm religious minorities and the constitutional free speech rights of countless parents and children, many of whom are members of Unitarian Universalist congregations and are involved in our religious education programs.

By undermining the power of federal courts to protect constitutional rights affirmed by the U.S. Supreme Court, we believe that H.R. 2389 would weaken the separation of powers in a way that we find deeply troubling.

The congregations of the Unitarian Universalist Association collectively affirm and promote the right of conscience and the use of the democratic process in society at large. We are committed to the ideals of the founders of this nation, including religious liberty and religious pluralism, as well as the balance of powers that protects such rights.

I urge you to preserve the rights of religious minorities, as well as the constitutional separation of powers, by opposing the "Pledge Protection Act."

In Faith,

ROBERT C. KEITHAN,
Director.

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM,
Washington, DC, June 6, 2006.

DEAR REPRESENTATIVE: On behalf of the Union for Reform Judaism, whose more than 900 congregations across North America encompass 1.5 million Reform Jews, and the Central Conference of American Rabbis (CCAR), whose membership includes more than 1,800 Reform rabbis, I ask you to oppose H.R. 2389, the Pledge Protection Act, when it is marked up by the House Judiciary Committee tomorrow.

As you know, the bill would strip federal courts, including the Supreme Court, of their authority to hear First Amendment cases pertaining to the Pledge of Allegiance. By supporting this legislation, you risk compromising the traditional—and vital—system of checks and balances upon which our government was founded. In addition, the bill threatens the ability of members of religious minorities to seek the protection of the federal courts in cases where they feel coerced into reciting the Pledge.

What this legislation places at stake is nothing less than the principle of the separation of powers that has allowed our nation to flourish for more than two centuries. Americans of all religious backgrounds, and of none, hold differing views about the inclusion of the phrase "under God" in the Pledge of Allegiance. The Movement I have the honor of representing, for example, took no position when the Supreme Court heard a case concerning the Pledge two years ago. Yet H.R. 2389 is not about that contentious issue. By removing cases involving the Pledge from the jurisdiction of the federal courts, Congress would undermine the ability of those courts to interpret constitutional law, the very core of the courts' functions. Plaintiffs seeking to have their federal rights upheld should not be forced to defend those rights in state courts.

In addition, H.R. 2389 threatens the rights of members of religious minorities, such as Mennonites, Buddhists, and others who in the past have been adversely affected by being forced to recite the Pledge in violation of Supreme Court rulings. Were H.R. 2389 to become law, elementary school students who are punished for declining to participate in the recitation of the Pledge based on their religious teachings would not be able to have their rights upheld in federal court. Under H.R. 2389 as currently drafted, even the Supreme Court would not be allowed to hear the case and uphold the child's rights. As a people who have long known the dangers inherent in limiting the protections afforded religious minorities, we are particularly sensitive to this effort to restrict courts from protecting such minorities.

The dangers of Congressional tampering with the jurisdiction of the federal courts and restricting their ability to uphold the rights of religious minorities could not be graver. The very values upon which our nation was founded—separation of powers and religious liberty—are threatened by H.R. 2389. I strongly urge you to oppose this perilous legislation.

Sincerely,

MARK J. PELAVIN,
Associate Director.

NATIONAL COUNCIL OF JEWISH WOMEN,
New York, NY, June 6, 2006.

Hon. JAMES SENSENBRENNER,
Chairman, House Judiciary Committee,
Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I am writing on behalf of the 90,000 members and supporters of the National Council of Jewish Women (NCJW) in opposition to the "Pledge Protection Act of 2005" (H.R. 2389) which would strip all federal courts, including the Supreme Court, from hearing First Amendment challenges to the Pledge of Allegiance and from enforcing longstanding constitutional rights in federal court.

NCJW is a volunteer organization, inspired by Jewish values, that works to improve the quality of life for women, children, and families and to ensure individual rights and freedoms for all. As such we must oppose the passage of any legislation that threatens religious liberty and an individual's access to the judicial process.

This bill threatens the separation of powers that is a founding principle of our nation and a key source of our liberties. In addition, it would impose religious and ideological conformity regardless of individual conscience, by preventing dissenting voices from appealing to the courts.

This attempt to restrict access to the courts is part of a larger campaign to roll back political and religious freedom by crippling the ability of the judicial branch of government to defend civil and individual rights. If this bill moves forward, it would undermine constitutional rights and the judiciary.

As Jews, we know that the power of the majority can become the tyranny of the majority if left unchecked. H.R. 2389 would undermine the longstanding constitutional rights of religious minorities to seek redress in the federal courts in cases involving mandatory recitation of the Pledge.

Sincerely,

PHYLLIS SNYDER,
President.

THE AMERICAN JEWISH COMMITTEE,
Washington, DC, June 7, 2006.

Re Pledge Protection Act of 2005 (H.R. 2389).

DEAR REPRESENTATIVE: On behalf of the American Jewish Committee, the nation's oldest human relations organization with over 150,000 members and supporters represented by 33 regional offices nationwide, I urge you to oppose the Pledge Protection Act of 2005 (H.R. 2389).

While AJC has not taken a position on the constitutionality of including "under God" in the Pledge of Allegiance, we believe that the federal courts must be available to hear cases in which individuals contend that their First Amendment rights have been violated. H.R. 2389 would strip all federal courts, including the Supreme Court, of the jurisdiction to hear First Amendment challenges to the Pledge. This legislation threatens the separation of powers that is a fundamental aspect of our constitutional structure and has potentially severe constitutional implications for religious minorities and others who are adversely affected when the government impermissibly seeks to mandate the recitation of the Pledge.

Furthermore, this legislation would undermine public confidence in the federal courts, threaten the legitimacy of future congressional action by removing the federal courts as a neutral arbiter, and reject the unifying function of the federal judiciary by denying federal courts the opportunity to interpret the law.

Finally, as drafted, the bill would deny access to the federal courts—even the Supreme Court—when individuals seek redress in cases involving mandatory recitation of the Pledge. As a result, this legislation will seriously undermine constitutional guarantees of freedom of speech and religion. Coercing students to say the Pledge of Allegiance is contradictory to the very principles of conscience which both our Constitution and the Pledge of Allegiance itself represent. Students' First Amendment rights were protected in the U.S. Supreme Court's landmark decision in West Virginia State Board of Education v. Barnett, 319 U.S. 624 (1943) (striking down a West Virginia law that mandated schoolchildren to recite the Pledge of Allegiance), and, more recently, in the decision of a federal appellate court in Circle School v. Pappert, 381 F.3d 172 (3d Cir. 2004) (holding that a Pennsylvania law mandating the recitation of the Pledge, even when it provided a religious exception, violated the Constitution because it violated the free speech of the students). H.R. 2389 contradicts these significant decisions by removing from the federal courts the jurisdiction to hear these types of cases.

For all of these reasons, the American Jewish Committee urges you to vote against this misguided and unwise legislation. Thank you for your consideration of our views on this important matter.

Respectfully,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

THE INTERFAITH ALLIANCE,
Washington, DC, June 9, 2006.

DEAR REPRESENTATIVE: As the president of the Interfaith Alliance, I am writing to urge you vote "No" on passage of the "Pledge Protection Act" (H.R. 2389). The Interfaith Alliance is a nonpartisan, clergy-led organization that represents over 150,000 members. We are committed to promoting the positive and healing role of religion in public life and challenging those who employ religion to promote intolerance.

If passed, H.R. 2389 would strip all federal courts, including the U.S. Supreme Court, from hearing any cases that have to deal with the Pledge of Allegiance. The Interfaith Alliance has not taken a position either for or against the inclusion of the phrase "under God" in the Pledge of Allegiance. We will advocate, however, for the right of any person of faith or of no faith at all to receive a fair hearing by the federal courts if they feel their Constitutional rights have been violated by this or any other imposition of sectarian religious references in public places. No citizen's rights or opportunities should depend on religious beliefs or practices.

This bill is not only an assault on the freedom of conscience guaranteed by our Constitution; it also undermines the federal courts' role of providing access to justice to those who are in the religious minority and those in religious majorities who believe that religious choices should be couched in freedom and never imposed by law. If passed, H.R. 2389 would slam the courthouse door and reduce the phrase "Equal Justice under Law" to just a hollow phrase above a courthouse that is off-limits to those who fall outside of the Judeo-Christian tradition.

It is time for congress to stop trying to curtail the power of the federal judiciary, a fundamental component of our nation's system of checks and balances. The efforts to prevent the courts from hearing cases on gay marriage and the Pledge of Allegiance, among others, appear to be nothing more than an attempt to pander to a political base.

Americans of all faiths—Buddhists, Hindus, Sikhs, Muslims, Christians and Jews—and those who profess no faith—must have the right to practice their religions and raise challenges when they feel that there is a specific violation of the clause in the First Amendment which guarantees that "Congress shall make no law respecting an establishment of religion." How strange the times when the democratic process founded to protect the rights of minorities is being used to jeopardize or abolish the rights of minorities in the name of religion.

Although this legislation most directly affects those who do not adhere to the mainline religious traditions in our nation, in truth it diminishes any of us who see religious liberty as a non-negotiable part of our American democracy. H.R. 2389 is bad for the Constitution. It is bad for religion.

If there is anything that we at The Interfaith Alliance can do to assist you in this important matter, please do not hesitate to contact Preetmohan Singh, Senior Policy Analyst.

Sincerely,

Rev. Dr. C. WELTON GADDY,
President, The Interfaith Alliance, Pastor of Preaching and Worship, North Minister Baptist Church (Monroe, LA).

THE CONSTITUTION PROJECT,
Washington, DC, September 21, 2004.

HOUSE OF REPRESENTATIVES,
The Capitol,
Washington, DC.

DEAR MEMBERS OF THE HOUSE OF REPRESENTATIVES: I write on behalf of the Constitution Project to urge you to oppose H.R. 2028, the "Pledge Protection Act of 2003."

The Constitution Project, based at Georgetown University's Public Policy Institute, specializes in creating bipartisan consensus on a variety of legal and governance issues, and promoting that consensus to policymakers, opinion leaders, the media, and the public. We have initiatives on the death penalty, liberty and national security, war powers, and judicial independence (our Courts Initiative), among others. Each of our initiatives is directed by a bipartisan committee of prominent and influential businesspeople, scholars, and former public officials.

Our Courts Initiative works to promote public education on the importance of our courts as protectors of Americans' essential constitutional freedoms. Its co-chairs are the Honorable Mickey Edwards, John Quincy Adams Lecturer at the John F. Kennedy School of Government at Harvard University and former chair of the House of Representatives Republican Policy Committee (R OK), and the Honorable Lloyd Cutler, a prominent Washington lawyer and White House counsel to Presidents Carter and Clinton.

In 2000, the Courts Initiative created a bipartisan Task Force to examine and identify basic principles as to when the legislature acts unconstitutionally in setting the powers and jurisdiction of the judiciary. The Task Force was unanimous in its conclusion that some legislative acts restricting courts' powers and jurisdiction are unconstitutional. The Task Force also concluded that some legislative actions, even if constitutional, are undesirable. (The Task Force's findings and recommendations are published in Uncertain Justice: Politics and America's Courts 2000.)

Our Task Force arrived at seven bipartisan consensus recommendations, including the following, which are relevant to the legislation at hand:

1. Congress and state legislatures should heed constitutional limits when considering proposals to restrict the powers and jurisdiction of the courts.

2. Legislatures should refrain from restricting court jurisdiction in an effort to control substantive judicial decisions in a manner that violates separation of powers, due process, or other constitutional principles.

3. Legislatures should not attempt to control substantive judicial decisions by enacting legislation that restricts court jurisdiction over particular types of cases.

4. Legislatures should refrain from restricting access to the courts and should take necessary affirmative steps to ensure adequate access to the courts for all Americans.

Specifically, our Task Force was unanimous in its view that there are some constitutional limits on the authority the legislature to restrict court jurisdiction in an effort to control substantive judicial decisions.

In particular, separation of powers, due process, and other constitutional provisions limit such authority. Task Force members had differing views about the scope and source of the constitutional limit on the legislature's power in this area. For instance, some believed that restrictions on jurisdiction become unconstitutional when they undermine the essential role of the Supreme Court. Others relied on a reading of the Vesting Clause of Article III, which places judicial power—the power to decide cases—in the hands of the courts alone. Nonetheless, all believed that constitutional limitations exist.

Apart from the constitutionality of laws restricting federal court jurisdiction, the Task Force was also unanimous in its view that legislative acts stripping courts of jurisdiction to hear particular types of cases in an effort to control substantive judicial decisions are undesirable and inappropriate in a democratic system with co-equal branches of government. Legislative restriction of jurisdiction in response to particular substantive decisions unduly politicizes the judicial process, and attempts by legislatures to affect substantive outcomes by curtailing judicial jurisdiction are inappropriate, even if believed constitutional. (Indeed, it was striking that members reflecting a broad ideological range—from, for example, Leonard Leo of the Federalist Society to Steven Shapiro of the American Civil Liberties Union—agreed that restrictions on jurisdiction to achieve substantive changes in the law are unwise and undesirable policy.)

The Task Force was also unanimous that legislation that restricts access to the courts and precludes individuals from using a judicial forum to enforce rights is undesirable and unconstitutional. Rights are meaningless without a forum in which they can be vindicated. Therefore, access to the courts at both the federal and state levels is essential in order for rights to have effect. Legislatures have the duty to ensure meaningful access to the courts and legislative actions that preclude this are undesirable and unconstitutional.

Our Task Force reached these conclusions and recommendations rightly. From its beginning, our system of constitutional democracy has depended on the independence of the judiciary. Judges are able to protect citizens' basic rights and decide cases fairly only if free to make decisions according to the law, without regard to political or public pressure. Similarly, the judiciary can maintain the checks and balances essential to preserving a healthy separation of powers only if able to resist overreaching by the political branches. Indeed, the cornerstone of American liberty is the power of the courts to protect individual rights from momentary excesses of political and popular majorities.

In recent years, as part of the polarization and posturing that increasingly characterize our national and state politics, threats to judicial independence have become more commonplace. Attacks on judges for unpopular decisions, even those made in good faith, have become more rampant. Politicians are responding to unpopular decisions and litigants by attempting to restrict courts' powers in certain kinds of cases. However, Americans have much to lose if we do not exercise self-restraint and instead choose short-term political gain at the expense of judicial independence. The independence of our judiciary is, as Chief Justice Rehnquist described, "one of the crown jewels of our system of government."

In conclusion, while Article III of our Constitution gives Congress the power to regulate federal court jurisdiction, this power is not unlimited, and Congress should not—and in some instances may not—use its power to restrict federal court jurisdiction in ways that infringe upon separation of powers, violate individual rights and equal protection, or offend federalism. H.R. 2028 is poised to do all three by stripping federal courts—including even the U.S. Supreme Court—of the authority to hear cases involving the Pledge of Allegiance, even when such cases involve First Amendment issues of free speech and freedom of religion. It sets the dangerous precedent of transferring questions of federal and constitutional law exclusively to state courts and preventing American citizens from seeking protection of fundamental rights in federal court, and it threatens the critical and unique role that the federal courts play in constitutional balance of powers, interpreting and enforcing constitutional law, and providing legal certainty.

For these reasons, as well as those detailed our Task Force's findings and recommendations, the Constitution Project urges you to oppose H.R. 2028. Thank you for your consideration.

Sincerely,

KATHRYN A. MONROE,
Director, Courts Initiative.

AMERICAN BAR ASSOCIATION,
Washington, DC, July 18, 2006.

Re H.R. 2389, the Pledge Protection Act of 2005.

DEAR REPRESENTATIVE: We understand that the House is scheduled to consider H.R. 2389 tomorrow. We are writing to express our opposition to this legislation, which would strip from all federal courts jurisdiction to hear constitutional challenges to the interpretation of, or the validity of, the Pledge of Allegiance.

Our views on H.R. 2389 are informed by our long-standing opposition to legislative curtailment of the jurisdiction of the Supreme Court of the United States and the inferior federal courts for the purpose of effecting changes in constitutional law. The ABA has taken no position on the underlying issues regarding recitation of the Pledge of Allegiance in public schools; instead, our strong opposition to H.R. 2389 and other pending legislation that would strip the federal courts of jurisdiction to hear selected types of constitutional cases is based on our concern for the integrity of our system of government.

This legislation would authorize Congress to use its regulatory power over federal jurisdiction to advance a particular legislative outcome by insulating it from constitutional scrutiny by the federal judiciary. In addition to being constitutionally suspect, this legislation would establish a dangerous precedent if enacted. As a matter of policy, Congress should not jettison our foundational principles because of current dissatisfaction with a controversial decision of the Supreme Court or lower federal courts by permanently stripping the jurisdiction of the federal courts to hear certain categories of cases. Rather than strengthening its legislative role, Congress, by pressing its own checking power to the extreme, imperils the entire system of separated powers.

If enacted, H.R. 2389 would restrict the role of the federal courts in our system of checks and balances and thereby limit the ability of the federal courts to protect the constitutional rights of all Americans. Indeed, this legislation would leave the state courts as the final arbiters of federal constitutional law, creating the possibility that some state judges might choose not to follow Supreme Court precedents. Because the legislation would nullify the Supremacy Clause in certain classes of cases, the Constitution could mean something different from state to state; and, contrary to the expressed intentions of the Framers, our fundamental rights and the balance of power among the branches would be subject to evanescent majority opinion.

At a time when Congress is accusing the federal courts of overstepping their constitutional role and calling for judicial restraint, we urge you to likewise exercise legislative restraint and demonstrate your continued commitment to the doctrine of separation of powers and a government composed of separate but coequal branches by voting to defeat passage of H.R. 2389.

If you have any questions regarding our position, please have your staff contact Denise Cardman, Deputy Director of the Governmental Affairs Office.

Sincerely,

ROBERT D. EVANS

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, June 6, 2006.

Re Don't Shut the Federal Courthouse Doors to Religious Minorities: Oppose H.R. 2389

DEAR REPRESENTATIVE: The American Civil Liberties Union strongly urges you to oppose H.R. 2389, "the Pledge Protection Act of 2005." H.R. 2389 is an extreme measure that would remove jurisdiction from all federal courts, including the Supreme Court, over any constitutional claim involving the Pledge of Allegiance or its recitation.

H.R. 2389 would slam shut the federal court house doors to religious minorities, parents, schoolchildren and others who seek nothing more than to have their religious and free speech claims heard before the courts most uniquely suited to entertain such claims. Further, by entirely stripping all federal courts of jurisdiction over a particular class of cases, H.R. 2389 raises serious legal concerns, violating principles of separation of powers, equal protection and due process. The bill undermines public confidence in the federal courts by expressing outright hostility toward them, threatens the legitimacy of future congressional action by removing the federal courts as a neutral arbiter, and rejects the unifying function of the federal judiciary by denying federal courts the opportunity to interpret the law. H.R. 2389 would deny the U.S. Supreme Court its historical role as the final authority on resolving differing interpretations of federal constitutional rights. As a result, each of the 50 state supreme courts would be a final authority on these federal constitutional questions. This would potentially create a situation where we could have as many as 50 different interpretations of any relevant federal constitutional question.

It is in apparent recognition of many of these concerns that no federal bill withdrawing federal jurisdiction in cases involving fundamental constitutional rights has become law since the Reconstruction period. Federal courts were established to interpret federal law and to ensure that the states and the government did not violate the protections in the federal constitution. An effort to deny the federal courts, particularly the U.S. Supreme Court, of jurisdiction over the very sort of claim they were established to hear—governmental conduct that violates a constitutional right—is an extreme attack on the role of federal courts in our system of checks and balances. It strikes at the very intent of the Founders.

While the supporters of this bill see it as an appropriate response to recent court decisions that they dislike concerning the words "under God" in the Pledge, the impact of H.R. 2389 would NOT be limited merely to that issue. This bill would remove jurisdiction over ALL constitutional claims, related to the pledge, from ALL federal courts. This could potentially undermine decades of well-established Supreme Court precedents by denying access to the federal courts in cases brought to enforce existing constitutional rights for religious minorities. For example, over sixty years ago, the Supreme Court decided the case of West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943). In Barnette, the Supreme Court struck down a West Virginia law that mandated schoolchildren to recite the Pledge of Allegiance. Under the West Virginia law, religious minorities faced expulsion from school and could be subject to prosecution and fined, if convicted of violating the statute's provisions. In striking down that statute, the Court reasoned: "To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds * * *. If there is any fixed star in our constitutional constellation, it is that no official, high or petty can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion." 319 U.S. at 639-40.

In 2004, a panel of the U.S. Court of Appeals for the Third Circuit held that a Pennsylvania law mandating recitation of the Pledge, even when it provided a religious exception, violated the Constitution because it violated the free speech rights of the students. Circle School v. Pappert, 381 F.3d 172 (3d Cir. 2004). In Pappert, the court found that: "It may be useful to note our belief that most citizens of the United States willingly recite the Pledge of Allegiance and proudly sing the national anthem. But the rights embodied in the Constitution, particularly the First Amendment, protect the minority—those persons who march to their own drummers. It is they who need the protection afforded by the Constitution and it is the responsibility of federal judges to ensure that protection." Pappert, 381 F.3d at 183.

First comes marriage then comes the Pledge . . . Where will it end? Passage of H.R. 2389 would set a dangerous precedent for responses by Members of Congress to court decisions with which they disagree. In the 109th Congress alone, Congress is considering court-stripping legislation related to the Pledge of Allegiance, marriage, governmental acknowledgement of God, and impeachment of judges for considering certain religion cases.

Over the years, Congress has considered legislation designed to strip court jurisdiction on the issues such as public school busing, voluntary prayer and abortion. Fortunately, none of those proposals was adopted by Congress because legislators understood that setting a precedent for stripping the courts of their jurisdiction over a particular issue might, in the future, be used by some other group of advocates, when in the majority, to establish its views as the law of the land, safely out of the reach of the courts. We urge members of this Committee to oppose passage of H.R. 2389 and not to abandon this tradition of thoughtfulness and restraint.

Please do not hesitate to contact Terri Schroeder at (202) 675-2324 if you have any questions.

Sincerely,

CAROLINE FREDRICKSON,
Director.
TERRI A. SCHROEDER,
Legislative Analyst.

AMERICANS UNITED FOR SEPARATION
OF CHURCH AND STATE,
Washington, DC, June 7, 2006.

Reject Efforts to Slam Federal Courthouse Doors on Religious Minorities and Vote "No" on H.R. 2389

DEAR REPRESENTATIVE: Americans United for Separation of Church and State urges you to vote "No" on passage of H.R. 2389, the "Pledge Protection Act," which is being marked up by the House Judiciary Committee this week. Americans United represents more than 75,000 individual members throughout the fifty states and in the District of Columbia, as well as cooperating houses of worship and other religious bodies committed to the preservation of religious liberty. H.R. 2389 is an extreme and unwise proposal that will undermine the crucial separation of powers at the heart of our government and deny religious minorities from seeking enforcement of their longstanding constitutional rights in the federal courts.

H.R. 2389 would deprive all federal courts—including the U.S. Supreme Court—of their ability to hear cases involving the Pledge of Allegiance and to enforce longstanding constitutional rights against coerced recitation of the Pledge. Americans United firmly believes that the text, history and structure of the Constitution, together with important policy considerations, should lead the Judiciary Committee to soundly defeat this dangerous and misguided bill, as well as any other court-stripping proposal.

THE PLEDGE PROTECTION ACT IS UNCONSTITUTIONAL

Article III, Section I of the United States Constitution creates the Supreme Court and provides the Congress with the power to establish "such inferior Courts as the Congress may from time to time establish." Section 2 of Article III delineates sets of cases that the federal courts may hear, provides for areas of original jurisdiction of the U.S. Supreme Court, and also provides for the appellate jurisdiction of the Supreme Court in other areas "with such Exceptions, and under such Regulations as the Congress shall make."

Under Section 2, Congress may have some degree of authority to limit the Supreme Court's appellate jurisdiction, as well as the jurisdiction of lower federal courts. Although the extent of this congressional authority is in dispute and has been the subject of academic commentary over the years, there are clear limits to this authority—and these limits are also found in the Constitution. With the Pledge Protection Act, Congress makes its limited—and disputed—power in Section 2 more important than the fundamental due process rights of citizens and the fundamental notion of separation of powers underlying our government.

THE PLEDGE PROTECTION ACT WOULD VIOLATE DUE PROCESS RIGHTS AND UNDERMINE THE SEPARATION OF POWERS

Basic due process demands an independent judicial forum capable of determining federal constitutional rights. This legislation deprives the federal courts of the ability to hear cases involving fundamental free exercise and free speech rights of students, parents, and other individuals. Congress' denial of a federal forum to plaintiffs in a specified class of cases would force plaintiffs out of federal courts, which are specially suited for the vindication of federal interests, and into state courts, which may be hostile or unsympathetic to federal claims, and which may lack expertise and independent safeguards provided to federal judges under Article III of the Constitution. It is in apparent recognition of this concern that no federal bill withdrawing federal jurisdiction over cases involving fundamental constitutional rights with respect to a particular substantive area has become law in decades.

Political frustration with controversial court decisions during the second half of the twentieth century provoked Congress to propose a number of court-stripping measures designed to overturn court decisions touching on a wide variety of issues, including: anti-subversive statutes, apportionment in state legislatures, "Miranda" warnings, busing, school prayer, abortion, racial integration, and composition of the armed services. All of these measures failed to pass Congress. In each instance, bipartisan concerns over threats to the American system of government and constitutional order gave way to a recognition of these court-stripping measures for what they truly were: attempts to circumvent the careful process required for amendments to the U.S. Constitution. As Professor Michael J. Gerhardt stated in his testimony regarding the "Constitution Restoration Act of 2004" before the Subcommittee on Courts on September 13, 2004: "Efforts, taken in response to or retaliation against judicial decisions, to withdraw all federal jurisdiction or even jurisdiction of inferior federal courts on questions of constitutional law are transparent attempts to influence, or displace, substantive judicial outcomes. For several decades, the Congress, for good reason, has refrained from enacting such laws." Like so many failed court-stripping measures that have come before it, the Pledge Protection Act represents yet another illegitimate short cut to amending the Constitution, is against the weight of history, and must fail.

THE PLEDGE PROTECTION ACT IS EXTREME, UNWISE, AND REPRESENTS MISGUIDED POLICY

As drafted, the bill would slam the courthouse doors to religious minorities trying to gain protection for their fundamental constitutional religious and free speech rights. Over sixty years ago, the Supreme Court decided the case of West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943). In Barnette, the Supreme Court struck down a West Virginia law that mandated schoolchildren to recite the Pledge of Allegiance. Under the West Virginia law, religious minorities faced expulsion from school and could be subject to prosecution and fined, if convicted of violating the statute's provisions. In striking down that statute, the Court reasoned: "To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds . . . If there is any fixed star in our constitutional constellation, it is that no official, high, or petty can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion." 319 U.S. at 639-40.

Moreover, a panel of the U.S. Court of Appeals for the Third Circuit, holding unconstitutional two provisions of a Pennsylvania law mandating recitation of the Pledge, said, "It may be useful to note our belief that most citizens of the United States willingly recite the Pledge of Allegiance and proudly sing the national anthem. But the rights embodied in the Constitution, most particularly the First Amendment, protect the minority—those persons who march to their own drummers. It is they who need the protection afforded by the Constitution and it is the responsibility of federal judges to ensure that protection." Circle School v. Pappert, 381 F.3d 172, 183 (3d Cir. 2004).

The Pledge Protection Act is an attack on our very system of government. Americans United strongly urges you to leave the independence of the federal judiciary in tact, protect longstanding constitutional rights of religious minorities in the federal courts, and respect free speech rights of countless individuals by rejecting this misguided legislation.

If you have any questions regarding this legislation or would like further information on any other issues of importance to Americans United, please do not hesitate to contact Aaron D. Schuham, Legislative Director, at (202) 466-3234, extension 240.

Sincerely,

REV. BARRY W. LYNN,
Executive Director.

PEOPLE FOR THE AMERICAN WAY,
Washington, DC, June 7, 2006.

House of Representatives,
Washington, DC.

DEAR COMMITTEE MEMBER: On behalf of the more than 900,000 members and activists of People For the American Way, we write to urge you to oppose H.R. 2389, the "Pledge Protection Act of 2005," when it comes before the Committee today, June 7. This legislation would violate the First Amendment, and would set a terrible precedent against the separation of powers embodied in our Constitution that protects the fundamental rights of all Americans.

H.R. 2389 would eliminate any role for the federal courts, including the U.S. Supreme Court, in challenges concerning the constitutionality of the Pledge of Allegiance. This would have an immediate and dramatic impact on the ability of individual Americans to be free from government-coerced speech or religious expression. For example, this legislation would bar the federal courts from enforcing the U.S. Supreme Court's 1943 decision in West Virginia State Board of Education v. Barnette, which barred a local school district from forcing children to recite the Pledge of Allegiance over their religious objections.

Apart from being unwise as a matter of policy, H.R. 2389 appears to be an unconstitutional overreach of Congress' power under Article III regarding the federal judiciary, particularly in light of the Fifth Amendment's due process clause and the Fourteenth Amendment's equal protection clause. Further, it would contradict common sense, and more than 200 years of constitutional history, to allow Congress to circumvent the words "Congress shall make no law" by eliminating effective enforcement of the First Amendment by the courts and the U.S. Supreme Court. We agree with U.S. Senator Barry Goldwater who stated about a similar attempt to strip federal courts of jurisdiction over fundamental rights more than twenty four years ago: "If there is no independent tribunal to check legislative or executive action all the written guarantees or rights in the world would amount to nothing."

Nor are state courts the appropriate sole and final venue for enforcement of federal constitutional rights. Indeed, H.R. 2389 raises the prospect of 50 different interpretations of the First Amendment. Guarantees of such fundamental rights as freedom of religion, freedom of speech and freedom from governmental religious coercion should not and cannot properly be relegated to such jurisprudential uncertainty. We note that the Reagan Administration, hardly an opponent of federalism, rejected historical and textual arguments for removing jurisdiction over federal constitutional questions to state courts:

"Nor does it seem likely that the [Constitutional] Convention would have developed the Exceptions Clause as a check on the Supreme Court in such a manner that an exercise of power under the Clause to remove Supreme Court appellate jurisdiction would . . . vest [the power] in the state courts. Hamilton regarded even the possibility of multiple courts of final jurisdiction as unacceptable."

In addition, H.R. 2389 expressly sets the precedent for future Congresses to completely bar U.S. citizens from raising any judicial challenge to federal action. State courts can only assert jurisdiction over the federal government if it consents to be sued. Failing that consent, individuals would be left without recourse to unconstitutional actions of the Congress or the executive branch. Unreviewable federal power to infringe on fundamental individual rights of American citizens is alien to our republic.

Finally, H.R. 2389 threatens to disrupt the framework of checks and balances on governmental power embodied in the U.S. Constitution through the separation of powers by setting the precedent for Congress to remove legislation from constitutional review by the judicial branch. For all practical purposes, Congress could become the sole arbiter of constitutionality on any subject within its powers—or indeed outside its powers since it could legislate away any challenge to congressional interpretation of its own authority. Litigation over the meaning of Article III, a necessary part of the inevitable court challenge to H.R. 2389, could in of itself result in a constitutional crisis deeply damaging to the separation of powers.

H.R. 2389 would set a terrible precedent for separation of powers and protection of individual rights. We urge you to reject the premise that Congress is above the Constitution and vote no on this legislation.

Sincerely,

RALPH G. NEAS,
President.
TANYA CLAY,
Director, Public Policy.

SECULAR COALITION FOR AMERICA,
Washington, DC, June 9, 2006.

DEAR REPRESENTATIVE: The Secular Coalition for America urges you to oppose H.R. 2389, the so-called Pledge Protection Act. Passage of this act would curtail the ability of the judiciary to make Constitutional determinations. It would interfere with the current protection of checks and balances provided by having three independent branches of government.

It is up to the U.S. Senate to approve or disapprove of federal judges. Thus the elected legislative body has both the right and the duty to ensure that our judiciary is of the highest quality. Once they are seated, it is essential that the judicial branch maintain its independence. By allowing the judiciary to be free of political pressures and majority rule, minorities in our nation gain the protections afforded by the First Amendment freedom of religion. This protection has allowed members of minority religions (such as Jehovah's Witnesses) as well as nonreligious Americans to be free of government required religious exercises. Individuals have been free to exercise their own decisions of conscience in public schools and governmental bodies.

Nontheists oppose the 1954 change to the Pledge of Allegiance, which turned that patriotic exercise into a statement of religiously-based division of Americans and used religion as a tool for political gain and theism as a litmus test for patriotism. By inserting religion into government, Americans who do not believe in God are relegated to a second-class citizenship. Regardless of whether or not individuals support the revision of the pledge however, it is up to the judicial branch to enforce the Constitution, including the Bill of Rights.

Our nation has respected the separation of powers which our founders so wisely created to prevent anyone branch from gaining too much power. Congress must not encroach on the judiciary's power to resolve constitutional issues. If Congress passes constitutional laws, they should be upheld on judicial review. If Congress passes laws deemed to be unconstitutional, it is the duty of the judiciary to overturn such laws. Without such checks and balances, the rights of minorities guaranteed in the Bill of Rights would be meaningless; the Constitution could not be enforced; and a tyranny of the majority would ensue.

Passage of HR 2389 creates a slippery slope that would leave the judicial branch constrained to address only those issues of which Congress approves. Any time the judicial branch makes a decision unpopular with Congress, it could simply pass legislation taking away the court's jurisdiction. Passing this type of court-stripping legislation would subvert the will, not only of the people, but of the founders of our great nation.

Sincerely,

LORI LIPMAN BROWN, Esq.,
Director, Secular Coalition for America.

AMERICAN HUMANIST ASSOCIATION,
Washington, DC, June 8, 2006.

Re Oppose H.R. 2389, the "Pledge Protection Act of 2005."

DEAR REPRESENTATIVE, The American Humanist Association (AHA) stands in opposition to H.R. 2389, the "Pledge Protection Act of 2005," which would prevent all federal courts from hearing cases challenging or interpreting rights granted by the First Amendment as they relate to Pledge of Allegiance cases. We urge you to vote against this bill, which would compromise long held American legal principles of due process and separation of powers by shutting the federal courthouse doors to large numbers of Americans.

If passed, the Pledge Protection Act would set a dangerous precedent by stripping federal courts of judicial independence and paving the way to preventing federal judges from ruling on other controversial social issues from abortion and gun control to school vouchers and school prayer. As we warned with the Marriage Protection Act of 2005 (H.R. 1100), attempts by Congress to strip the judiciary of their power to review legislation are inequitable and will open the door to more of the same. If the Pledge Protection Act passes it will fuel the fires for similar bills.

Denying access to the federal court system is unacceptable to religious and Humanist minorities who have a due process right to have their cases heard.

The Pledge Protection Act presents a serious separation of powers concern. Federal courts are uniquely prepared to interpret federal constitutional concerns and to serve as a check on the constitutionality of actions of Congress and the Executive branch. That's why constitutional concerns are raised when an attempt is made to block the courts from reviewing and interpreting the constitutionality of a single act.

Congress should not disrupt the balance of power intended by our Founding Fathers. Restricting the federal courts' ability to protect First Amendment rights severely undermines the American judicial system.

Humanists are particularly concerned about this bill because it would violate judicial independence in order to undermine American citizens, in this case those of a minority faith or no religion, the right to access federal courts to challenge a piece of legislation.

In the past Congress has rejected attempts to withdraw controversial issues from the scope of federal courts and the AHA encourages you to do so again at this important juncture. We urge you to defend due process and separation of powers and vote no on the Pledge Protection Act.

Sincerely,

MEL LIPMAN,
AHA President.

Mr. BLUNT. Mr. Chairman, yielding myself 15 seconds, I would like to point out that clearly this is in absolute agreement with Marbury v. Madison. Even in that case, the Chief Justice dismissed cases later when the Federal courts had not been granted jurisdiction.

Granting jurisdiction is the constitutional job of this body.

Mr. Chairman, I yield 4½ minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I thank my distinguished colleague from Missouri for yielding me time.

The question was posed by the gentleman from New York and others is this Pledge Protection Act, H.R. 2389, constitutional? Is the whole concept of "under God" part of our Pledge constitutional? I submit this humble penny with Abraham Lincoln's picture on it. Do you know what it says on the side? "In God We Trust."

Behind the Speaker's chair, "In God We Trust."

At the Supreme Court they pray every day, asking for God's blessing. So Surely when we have a pledge, we should be able to use the word "under God." Throughout our history this concept, as the United States being a providential Nation, has been the cornerstone of our success.

Would our Founding Fathers, if they were here today, decide to take "under God" from the Pledge? I do not think so. In fact, let's go and look at what the Founding Fathers talked about. This belief in our Nation being under God is a central part of our heritage. History bears this out.

Even before independence, a central theme among all forefathers was that our liberty flowed from our Creator. Josiah Quincy was one of these leaders. Not a lot of people know who he was. He was a charismatic leader in the American Revolution and outstanding lawyer. He wrote a series of anonymous articles for the Boston Gazette in which he opposed the Stamp Act and other British colonial policies. He, along with John Adams, bravely defended the British soldiers at a trial for the Boston Massacre, to show the world that the colonialists valued the rule of law above all.

In 1774, he was sent as an agent to argue the colonial cause for independence in England. He perished on the journey over. Yet, before he left, these are his immortal words that he uttered: "For under God, we are determined that wheresoever, whensoever, or howsoever we shall be called to make our exit, we will die free men."

Our Founding Fathers uttered similar statements time and time again, my colleagues, yet perhaps never more eloquently than the Declaration of Independence when even Thomas Jefferson penned the famous lines that "we hold these truths to be self-evident: that all men are created equal; that they are endowed by the Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness."

This same man who first wrote about separation of church and state also acknowledged, "The God who gave us life, gave us liberty at the same time." And so over the years our Nation's leaders have freely expressed their beliefs in a higher providence for this country.

In our darkest hour, President Lincoln during the Civil War and later President Kennedy during the civil rights movement reaffirmed that this Nation was founded under God, and that all men and women living here are entitled by God to equal liberty.

Even more recently, in the midst of the Cold War, my colleagues, President Reagan argued that "freedom prospers when religion is vibrant and the rule of law under God is acknowledged."

So the whole idea of under God has been passed on from generation to generation. We are blessed by this concept. The Constitution was drafted to guard our liberties, obviously, our God-given liberties, and wisely established a system of checks and balances for our government structure. Mr. AKIN pointed these out. The power of Congress to limit jurisdiction of the courts is one of those primary checks on the power of the judiciary. So this is all according to procedures that our Founding Fathers established.

Article III, section 2 grants Congress the power to limit the jurisdiction of Federal courts. So what we are doing today is according to the Constitution.

The Pledge Protection Act invokes the constitutional powers and removes the Pledge from the jurisdiction of Federal courts. I ask you to support this act. I urge my colleagues for future generations to acknowledge our providential point in history.

Mr. NADLER. Mr. Speaker, the gentleman is commenting and his entire speech was about the desirability or the worth of the words "under God," which I think almost everybody agrees with. The issue in this bill is court-stripping. Do we take away from the courts the right to decide, to protect people's rights?

Mr. Speaker, Mr. STEARNS may be right in everything that he is saying, but he does not seem to have the confidence that the courts will agree with him, because if he did, he would not be supporting this legislation.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield myself 10 seconds so I can yield to the gentleman from Florida.

Mr. STEARNS. Would you agree that we here in Congress can have the right in the separation of powers to overrule the Supreme Court?

Mr. NADLER. To overrule the Supreme Court? Certainly we do not have that.

Mr. STEARNS. Not to overrule, but to pass laws here to check the balance of the Supreme Court?

Mr. NADLER. We have the right, but I do not believe we have the right, given the fact that the Bill of Rights postdates the grant of the jurisdiction-setting authority in the Constitution, I do not think we have the right to take away from the Supreme Court the ability to protect constitutional rights.

Mr. Chairman, I yield 5 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, when I listed the organizations opposed to the bill, I inadvertently left off Americans United for Separation of Church and State and the National Council of Negro Women.

Mr. NADLER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me time.

As the gentleman pointed out, the gentleman from Florida gave a very compelling argument for why it is appropriate to have "under God" in the Pledge of Allegiance, and therefore concludes that since he thinks that is in jeopardy, based on the court case now moving through the judicial system arguing for stripping away the jurisdiction of the court to decide that issue.

But the bill before us goes far beyond the issue of under God, and that is why I would like to ask if the majority whip, I would like to use my time to make sure that you and I have the same understanding of the purpose of this bill.

Let's say, for example, that a school board in West Virginia decides that every student in the school system must recite the Pledge of Allegiance at the beginning of the school day. And a Jehovah's Witness family goes to court, to State court, after this bill is passed and says, it is a violation of our religious principles to pledge allegiance to anyone other than God. We are prepared to make all kinds of statements with respect to our regard for the country, but we cannot pledge allegiance to anyone but God.

And then that case goes to the State courts, and the West Virginia Supreme Court decides that, no, the school board is right. They have the right to compel every student in that school system to recite the pledge, even if it violates their religious principles. Or maybe it is telling an Orthodox Jewish child that they have to remove their skull cap for the recitation of the Pledge, and they say, no, if the West Virginia school board ruled that way, the individual's right to exercise their religious principles by keeping their skull cap on when they are outside and in this public arena is trumped by the school board's policy.

Should the U.S. Supreme Court be able to take that case on appeal that compels a decision that a State court, that compels the recitation of the Pledge in a way that violates the fundamental free exercise of religion of a student? That is my question.

Mr. BLUNT. If my friend is yielding to me, the principal sponsor of the bill, Mr. AKIN, has said he would like to respond to that. If that is appropriate, I would like for that to be our response.

Mr. BERMAN. Mr. Chairman, I yield to the gentleman from Missouri (Mr. AKIN) 1 minute of the remaining time I have.

Mr. AKIN. Mr. Chairman, as the gentleman made the scenario, let's assume the bill passes that we are discussing now, is signed by the President.

Mr. BERMAN. My assumption is this bill is now law.

Mr. AKIN. Now is law. What happens then is you are going to a particular State, you are saying West Virginia. And what happens is that a school board or something like that in the State decides to just basically go against what is already established Supreme Court policy.

From 1944, the Supreme Court made the ruling that nobody is required to say the Pledge of Allegiance. We have no interest in changing that. We think that is good policy.

Mr. BERMAN. Mr. Chairman, reclaiming my time. Because under this bill, they can decide to violate that Supreme Court decision, and the West Virginia Supreme Court, now the final arbiter of it, says, we did not like that decision in the first place, and now the Supreme Court cannot take jurisdiction of this case, so they decide to reverse, for West Virginia purposes, the Barnette case that the Supreme Court decided in 1944, and this bill strips away the jurisdiction of the Supreme Court to say, you did not follow our precedent.

Mr. AKIN. What you are saying is, first of all, you are making, obviously you are taking this to a pretty extreme situation. You are saying a whole series of courts in West Virginia are going to overturn Supreme Court policy on the fact that people have to say the Pledge.

So first of all, they are going completely against what the Federal courts have already established. They then expose themselves to the checks and balances within that State. In at least 45, probably more, of the States, there are provisions where those judges can be removed by the people of that State.

Mr. BERMAN. Reclaiming my time. If you had stripped away the right of the U.S. Supreme Court, of the Federal courts to decide whether segregated schools, whether the doctrine of separate and equal should stand or whether it violated the 14th amendment of the Constitution, there are many States in this country where every State court would have affirmed that separate is equal, is compliant with the 14th amendment, and in many of those States, the voters in those States would have been quite happy with that decision.

You have eliminated the Supreme Court's ability to review fundamental decisions involving first amendment rights.

Mr. NADLER. Mr. Chairman, I will yield the gentleman 30 seconds, and yield for an answer to how he would have prevented, under this bill, all the States from negating the Supreme Court's Brown v. Board of Education ruling.

□ 1300

Mr. AKIN. Well, the situation is that you are dependent on this bill with the various checks and balances on the Supreme Courts in the States. That is, those justices could be impeached for violating the Supreme Court.

Mr. BERMAN. And the voters of that State.

Mr. AKIN. And the voters of that State. It depends on the State laws.

Mr. BERMAN. The first amendment was to protect the exercise of religion, even if the majority didn't like that religion.

Mr. AKIN. The bottom line is we have a system of republics. We have a system of federalism. We have 51 established republics, one federated and 50 States.

Mr. BLUNT. Mr. Chairman, I yield 2 minutes to my neighbor from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Chairman, I come to the floor today to support this legislation that will preserve America's Pledge of Allegiance. This Congress is working to strengthen America to taking steps to continue job creation, keeping our economy growing, providing the tools that we need to fight the war on terrorism and address the problems that are leading to high energy prices.

However, we also have a responsibility to take a few minutes today to reinforce the spirit and unity of the American people by protecting our Pledge. The Pledge of Allegiance is not just a statement that our kids rehearse in schools, it is an expression of we as Americans.

The American people are united by devotion, not just to our flag but to our country. Our devotion is not just to our public, but to our principles, including liberty and justice for all. Our shared Pledge of Allegiance should not be rewritten on a whim by a few judges against the will of the overwhelming majority of American public.

That is why this legislation is so important, and I appreciate Mr. BLUNT's and Mr. AKIN's leadership on this issue. The Pledge Protection Act, which has 197 cosponsors, passed the House in the 108th Congress by a wide margin. Article III of the Constitution gives Congress the authority to pass this legislation. We should use this authority with restraint.

But when it comes to protecting America's Pledge of Allegiance, we should take these thoughtful steps to exercise the will of the American people.

Mr. NADLER. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in opposition to this bill, and it does pain me to be on the other side of a piece of legislation that so many of my friends are advocating so sincerely on the other side.

Mr. Chairman, I yield to no one in my commitment to the Pledge of Allegiance, and the Pledge of Allegiance that includes the words "under God." However, it does not follow that the appropriate way to deal with this issue is to strip Federal courts of their jurisdiction to hear cases relating to the Pledge of Allegiance.

First of all, I don't believe that my colleagues who support H.R. 2389 realize the consequences of this bill, even though we just had a discussion about what those consequences might be. H.R. 2389 does not strip State and local courts from jurisdiction related to the Pledge, only the Federal courts, and specifically strips the U.S. Supreme Court of its ability to overrule State supreme courts in this matter.

So, for example, if the highest court in a State like Massachusetts rules that it is unconstitutional under the Constitution for the State schools to start their day with a Pledge of Allegiance, including the words, "under God," H.R. 2389 would prohibit the U.S.

Supreme Court from overturning that decision. Such a result would be ironically and supremely counter to the stated goals of this bill's proponents.

But that is what would become the result of this language becoming law. Members on my side of the aisle should seriously consider the consequences of the precedents that are being set.

Republican support for court-stripping makes it that much easier for the other side to someday strip a conservative Supreme Court of jurisdiction on an issue paramount to our liberty. For example, if our judges on the Court remain devoted to the second amendment, rather than upholding a universal gun ban that is put into place by a future President and Congress, and the other party, they will accuse our President of stripping the court in order to get their way.

Here we are neutering our ability to have protections for the constitutional things we believe in the future, in order to achieve a temporary, I might even say a political, goal in the Pledge of Allegiance.

The supporters of H.R. 2389 will come to regret this day when they are being quoted by some future liberal Congress in order to strip the Court of a decision made to protect our liberties.

Mr. Chairman, let us consider the long-term consequences of our actions and let us look before we leap. I would suggest that we vote "no" on this. That is the Reagan and conservative position.

Mr. BLUNT. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the distinguished majority whip.

Mr. Chairman, with respect, religion in the United States is rightly pluralistic. We are or in no way should we be theocratic at all. As a matter of fact, one of the great threats in the world today, jihadism, is born out of theocracy.

That doesn't mean, though, that this country should be godless. One of my greatest, one of the great sayings I love is if there is no God, nothing matters. But if there is a God, nothing else matters. We should remember that today.

Abraham Lincoln said we do not claim to have God on our side, but we strive to be on his. We should not and cannot rewrite history to ignore our spiritual heritage. It surrounds us. It cries out for our country to honor God and to seek and supplicate His will in our country's life.

Today the people from my State of Tennessee would listen to this debate, or even talk about a reference to God on our money or in the Halls of Congress or in our Pledge and say, please, let common sense and logic win the day and prevail versus legal mumbo jumbo.

In closing, let me just thank God, on the floor of the House, for not turning away from us even though we seem to be turning away from Him.

Mr. NADLER. Mr. Chairman, I now yield 3 minutes to the distinguished ranking member of the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the ranking chairman of the Constitutional Subcommittee, Mr. NADLER, for yielding to me. I commend him for the incredible work that we have done to try to bring understanding to how difficult and unworkable this so-called Pledge Protection Act is.

Mr. Chairman, I hold in my hands this letter that has just come in to the Judiciary Committee from the American Bar Association, their Governmental Affairs Office.

The controlling sentence is this: "As a matter of policy, Congress should not jettison our foundational principles because of current dissatisfaction with the controversial decision of the Supreme Court or lower Federal courts by permanently stripping the jurisdiction of the Federal courts to hear certain categories of cases. Rather than strengthening its legislative role, Congress, by pressing its own checking power to the extreme, imperils the entire system of separated powers."

Ladies and gentlemen, this unconstitutional court-stripping bill, and it would be found unconstitutional if enacted, is only the latest attempt by a Congress to force a pluralist society into a one-size-fits-all set of beliefs. This is a remarkable violation of the separation of powers and the establishment clause.

If the act were to become law, it would clearly be held unconstitutional. Only State courts would be able to constitutionally challenge the Pledge, and so we would therefore end up with a 50-State collection of views as to what the free exercise clause, the establishment clause, meant in this context.

In addition, think of what this means to those groups that depend on this provision of our law not to be able to bring their issues to the court. This legislation would strip all Federal courts, including the Supreme Court, from hearing first amendment challenges to the Pledge of Allegiance and from enforcing longstanding constitutional rights in the court, and would slam the Federal courthouse door on religious minorities trying to do nothing more than enforce a fundamental constitutional right that they have had for over 60 years.

Please, let us turn this Pledge Protection Act down this afternoon.

AMERICAN BAR ASSOCIATION,
GOVERNMENT AFFAIRS OFFICE,
Washington, DC, July 18, 2006.

Re H.R. 2389, the Pledge Protection Act of 2005.

DEAR REPRESENTATIVE: We understand that the House is scheduled to consider H.R. 2389 tomorrow. We are writing to express our opposition to this legislation, which would strip from all federal courts jurisdiction to hear constitutional challenges to the interpretation of, or the validity of, the Pledge of Allegiance.

Our views on H.R. 2389 are informed by our long-standing opposition to legislative curtailment of the jurisdiction of the Supreme Court of the United States and the inferior federal courts for the purpose of effecting changes in constitutional law. The ABA has taken no position on the underlying issues regarding recitation of the Pledge of Allegiance in public schools; instead, our strong opposition to H.R. 2389 and other pending legislation that would strip the federal courts of jurisdiction to hear selected types of constitutional cases is based on our concern for the integrity of our system of government.

This legislation would authorize Congress to use its regulatory power over federal jurisdiction to advance a particular legislative outcome by insulating it from constitutional scrutiny by the federal judiciary. In addition to being constitutionally suspect, this legislation would establish a dangerous precedent if enacted. As a matter of policy, Congress should not jettison our foundational principles because of current dissatisfaction with a controversial decision of the Supreme Court or lower federal courts by permanently stripping the jurisdiction of the federal courts to hear certain categories of cases. Rather than strengthening its legislative role, Congress, by pressing its own checking power to the extreme, imperils the entire system of separated powers.

If enacted, H.R. 2389 would restrict the role of the federal courts in our system of checks and balances and thereby limit the ability of the federal courts to protect the constitutional rights of all Americans. Indeed, this legislation would leave the state courts as the final arbiters of federal constitutional law, creating the possibility that some state judges might choose not to follow Supreme Court precedents. Because the legislation would nullify the Supremacy Clause in certain classes of cases, the Constitution could mean something different from state to state; and, contrary to the expressed intentions of the Framers, our fundamental rights and the balance of power among the branches would be subject to evanescent majority opinion.

At a time when Congress is accusing the federal courts of overstepping their constitutional role and calling for judicial restraint, we urge you to likewise exercise legislative restraint and demonstrate your continued commitment to the doctrine of separation of powers and a government composed of separate but coequal branches by voting to defeat passage of H.R. 2389.

If you have any questions regarding our position, please have your staff contact Denise Cardman, Deputy Director of the Governmental Affairs Office.

Sincerely,

ROBERT D. EVANS.

Mr. BLUNT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the distinguished majority whip for yielding.

Mr. Chairman, I rise in strong support of the Pledge Protection Act and commend its author, the gentleman from Missouri (Mr. AKIN) for his yeoman's work on this thoughtful legislation.

As a member of the Judiciary Committee, I admire my colleagues on the other side of the aisle for their intellectual acumen and their commitment to their view and their philosophy of government. But while each of us may have a different philosophy of government, we don't get to have different facts.

The clear policy of Article III, section 2 of the United States Constitution reads, "In all other cases before mentioned, the Supreme Court shall have developed jurisdiction, but it is the law and the fact with such exceptions and under such exceptions as the Congress shall make." It is black letter law in the Constitution of the United States of America that this body, this Congress, shall have the authority to set the jurisdiction of the courts.

So if I may say, respectfully, let us stop with all the conversation about anticonstitutional action being taken. In fact, restricting the Federal courts' jurisdiction is a common practice in the House of Representatives, and a long litany of recent legislation, like the Black Hills National Forest, the recent Class Action Fairness Act, attests to that.

But we are here about the business of protecting the contents of the Pledge of Allegiance, which some Federal courts have either resolved as unconstitutional or left unresolved.

We stand here today to say those words, which appear above you, Mr. Chairman, in the phrase "in God we trust" in our national model, words which were reflected in our founding documents that speak of a Nation that believes its rights are endowed by our Creator, and words that President Abraham Lincoln spoke at Gettysburg, that this is one Nation under God, be protected and vouchsafed in our Pledge.

Let us take this jurisdiction away, which is our constitutional power to do, and leave that power with the people of the United States and the States severally.

Mr. NADLER. Mr. Chairman, I yield to the gentleman from Texas for a unanimous consent request.

Mr. GENE GREEN of Texas. I thank my colleague for yielding.

Mr. Chairman, I rise today in support of H.R. 2389, the Protect the Pledge Act.

I strongly support the Pledge of Allegiance. In fact, in the 107th Congress I introduced H.J. Res. 103, an amendment to the Constitution that would affirm that the Pledge of Allegiance in no way violates the First Amendment.

Unfortunately, Congress did not pass the resolution before it adjourned for the 107th Congress.

As an original cosponsor of H.R. 2389, I believe it is necessary to protect the Pledge of Allegiance from unnecessary court battles, but without infringing on the rights of the people.

Article III of the Constitution states that Congress has the power to define jurisdiction of Federal district and appellate courts.

This bill still allows for our system of checks and balances to work as it has for over 200 years.

The Pledge of Allegiance is an important symbol of the privileges and rights that our Founding Fathers fought so desperately to preserve.

It deserves protection from those trying to remove the words "under God."

Mr. NADLER. Mr. Chairman, how much time do I have left?

The CHAIRMAN. The gentleman has 3½ minutes.

Mr. NADLER. The other side?

The CHAIRMAN. They have 13½ minutes.

Mr. BLUNT. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the majority whip for yielding. I especially thank Mr. AKIN for bringing this bill before this Congress. When we first met, he approached me with this bill, and I said, oh yes, Article III, section 2, I will sign on. Then we got to know each other after that. So it is a proud moment for me to stand here and stand with the gentleman from Missouri and God-fearing and God-loving people across this country.

□ 1315

The question about the constitutionality of court-stripping Article III, section 2, I think Mr. PENCE addressed it very well. Black-letter language in the Constitution was such exceptions and under such regulations as the Congress shall make, and those exceptions are legion.

In fact, the landmark case is Ex parte McCardle 1869 where Congress had authorized Federal judges to issues writs of habeas corpus, and they purported to be acting under its authority under Article III, section 2 to make those exceptions.

But in reviewing the statutes the Supreme Court's jurisdiction granted, they were not at liberty to inquire into the motives of the legislature. We can only examine its power under the Constitution. In fact, the majority decision on the Supreme Court said this: "Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause. And this is not less clear upon authority than upon principle." Ex parte McCardle, 1869.

And I would point out that Justice Scalia in the Hamdan case so recently wrote in his opinion, albeit in dissent, he said that "the Court . . . cannot cite a single case in the history of Anglo-American law . . . in which a jurisdiction-stripping . . . was denied immediate effect in pending cases." But "by contrast, the cases granting such immediate effect are legion . . . they repeatedly rely on the plain language of the jurisdictional repeal as an 'inflexible trump.'" and we know in our current experience in Congress, we have done this several times, particularly the Daschle case with Blackhawk Timber.

Mr. BLUNT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the distinguished majority whip for yielding. I certainly thank the gentleman from Missouri (Mr. AKIN) for his leadership on this issue.

Mr. Chairman, the author of the Declaration of Independence, Thomas Jefferson, once wrote: "Can the liberties of a Nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God?"

Now, I have heard Democrat after Democrat saying that we should not be debating the Pledge Protection Act here today. Apparently, whether the phrase "one Nation under God" is stripped from our Pledge by activist judges is of little importance to them, but it is to most Americans, and it should be to our Democrat colleagues as well.

Mr. Chairman, what we are debating here today is nothing short of our very liberty. What could be more worthy of this body than a debate about our liberty?

When our forefathers gave birth to this new Nation, they also gave birth to a radical, revolutionary idea in history, the idea that our rights do not emanate from the State, that they are granted to us from the Almighty.

Who among us have forgotten the words enshrined in our Declaration of Independence that we are endowed by our Creator with certain unalienable rights? The answer appears to be some of our Democrat colleagues.

Nothing is more central to the foundation of our very liberty than the acknowledgment of God in public life, not the Christian God, the Jewish God or the Muslim God, but God, the Creator, as broadly defined and acknowledged and worshipped in many faiths and traditions.

But, Mr. Chairman, there is now a concerted effort among some, including apparently the Ninth Circuit Court of Appeals, to chase God from the schoolhouse, the courthouse and the statehouse, not to mention our very Pledge of Allegiance.

Through H.R. 2389, using our powers under Article III, section 2, we should stop them and protect liberty by enacting the Pledge Protection Act.

Mr. BLUNT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DREIER), the chairman of the Rules Committee.

Mr. DREIER. Mr. Chairman, I thank my very good friend, the distinguished majority whip, for yielding time, and I congratulate my friend from Missouri (Mr. AKIN) for having shown his very strong commitment to the U.S. Constitution. As we all know, the specificity is Article III, section 2.

As I was talking to a friend of mine in Los Angeles yesterday, he was asking, what are you bringing up in the Rules Committee today? When I told him that we were bringing this measure to deal with the Ninth Circuit Court's decision, basically throwing out the use of "one Nation under God" in the Pledge of Allegiance, he, like most people, was horrified. He said, let us look at the natural extension of the Ninth Circuit Court's decision.

Well, for starters, in the County of Los Angeles, Mr. Chairman, we have already seen the removal of the cross from the seal of the County of Los Angeles. It seems kind of silly, and there obviously is a lot of outrage in southern California about that.

But then one must conclude that the natural extension of this, when we have dealt with the seal of the County of Los Angeles, let us look at some of the cities in California: The City of Angels, Saint Francis, San Francisco, San Diego, another saint. I found that my city that I reside in, the city of San Dimas, is the name for the reformed saint of thieves, San Dismas.

But one must come to the conclusion that if we are going to continue down this road, that the west coast would become what many in the country probably already believe it is, and that would be the lost coast, and I find that to be a very troubling sign, that we are moving in the direction to overturn that wise decision that was made by the United States Congress in the 1950s when President Eisenhower was here.

I think that we should realize that common sense needs to be applied when we look at an instance like this. The Ninth Circuit Court in California clearly overreached, Mr. Chairman, and as we look at how far they could go, I find the direction to be very, very troubling.

I thank my friend for yielding.

Mr. BLUNT. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, the concern about the Constitution is certainly worthwhile, but when it says very clearly Article III, section 2, that in all other cases except those specified or mentioned, the Supreme Court shall have appellate jurisdiction both as to law and fact with such exceptions and under such regulations as the Congress shall make, it also allows us to set the jurisdictions of the local courts.

So, clearly, this is something that is constitutional to take up. As an old judge and a former chief justice of an appellate court, those things are important to us.

Our friend from New York indicated that it seems like some of us do not have much faith in the Supreme Court, and he is right, some of us do not. I would submit to you that while they are lingering under this infirmity or disability of being prepositionally challenged, that this is a good issue to take up and to remove jurisdiction on.

For example, in the 10th amendment it says all the things not specified are reserved to the States and to the people. The Supreme Court seems to think that means reserved from the States and from the people. They are prepositionally challenged. They think freedom of religion means freedom from religion.

There is so much rewriting of history, the separation of church and state. It is not in the Constitution. That is in a letter that Thomas Jefferson wrote to the Danbury Baptists about not specifying a specific denomination, and at the same time Madison wrote the first amendment, Jefferson wrote those words in a letter, they came to church, a nondenominational Christian church, right down the hall in Statuary Hall. For about 60 years there was a church down there.

So the question before us is, is this an issue we want to remove from the Supreme Court's consideration until they remove or are able to overcome the disability of being prepositionally challenged? I certainly think it is.

Mr. BLUNT. Mr. Chairman, I yield myself 1½ minutes just to say that this debate clearly, once again, emphasizes the responsibility of the Congress to decide the jurisdiction of the courts.

It does not decide who has to say the Pledge of Allegiance. It does not decide separate but equal. In fact, separate but equal was decided by the Supreme Court just like the Dred Scott case was decided by the Supreme Court, which is why Abraham Lincoln, in his inaugural address, specifically talked about the danger of the Congress and the country letting the Court be the sole decision of these kinds of issues.

This is an issue that clearly resonates to the heart of what we are about as a country. It is the heart of what we are about as a people. All of our documents, our coins, our institutions, the Constitution, the Declaration of Independence, all have recognized a being superior to ourselves.

We think that protection for that phrase and other phrases in the Pledge is appropriate. Certainly we have not anticipated that State courts, who, by the way, were also recognized by the early Congress as appropriate determiners of some Federal laws, and early congressional determination in an early Supreme Court decision was that Federal laws that have been upheld by the State courts would not be subject to Federal review. This is in line with our responsibilities. It would be a responsibility some would like to suggest is different than it is, but it is our responsibility.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, every word that we have heard uttered on this floor by the majority side has, as Mr. SCOTT said, increased the likelihood of the courts ordering that the words "under God" in the Pledge of Allegiance cannot be recited in a public, in a school situation where there is an imputation of coercion or pressure because the students are, in fact, under the direction of the State agent, namely, the teacher.

As someone who very deeply believes in God, I think it is insulting to say that the words "under God" are not important, and yet that is the defense that is offered in court because the Constitution says there should be no establishment of religion. Well, saying that schoolchildren must recite the Pledge of Allegiance with the words "under God" is not an establishment of religion. The defense is, no, it is not because this is de minimis; it is not important; it is minor. I do not believe the words "under God" are minor or de minimis, unimportant. I think that it is an insult to religion.

But that whole question is for the courts, not for us, and here we are seeing another bill to strip the courts of jurisdiction. We are getting to a point where it is becoming boilerplate in any controversial issue to say the courts shall not have jurisdiction.

Consider this, the Defense of Marriage Act, the Pledge, we passed the bill a few weeks ago on the floor here saying that no funds should be expended to enforce a court order in some court in Indiana because we do not like what the courts do, or we think we might not like what the court will do; we will strip them of jurisdiction.

This is a danger to all our constitutional rights. The only thing that protects our rights as Americans, that protects our freedom of speech, religion, press, assembly, et cetera, is the ability to go to court and tell the President or the Governor or whoever, you cannot do that, you cannot force them to do that, you cannot put them in jail for not doing it. Without the protection of the court, rights are meaningless.

There is a maxim in law: There is no right without a remedy. What we are doing here is saying to people who are unpopular, to people who may not want to recite the words "under God," they may be wrong and unpopular, but we are saying you cannot go to court to defend yourself and assert your constitutional rights. It is very dangerous. As was pointed out before, if we had done that before, we would still have segregation in this country because in every State we would have stripped the Supreme Court of the ability to declare separate but equal schools unconstitutional. The State courts would have soon said it is fine, and we would still have Jim Crow.

Almost lastly, we should not have a separate law in every State. We should not have the Constitution mean different things in New York and New

Jersey. We should be one country. That is why the Supreme Court is vested with jurisdiction to rule on appeals from the State supreme courts.

Finally, this bill is itself unconstitutional. Someone said that the courts have upheld Congress' ability to limit jurisdiction. Sure, they have. Every single case has upheld limitations to jurisdiction, regardless of subject matter, never with regard to constitutional claims, not one case in the history of the Republic.

At a hearing that was held 2 years ago on a similar bill, the majority witness, the Republican witness, professor of constitutional law, said the following: "The due process clause of the fifth amendment requires that a neutral, independent and competent judicial forum remain available in cases in which the liberty or property interests of an individual or entity are at stake. The constitutional directive of equal protection restricts congressional power to employ its power to restrict jurisdiction in an unconstitutionally discriminatory manner," which is what this bill does.

There is no ability, for example, to constitutionally provide that Republicans, but no one else, may have access to the Supreme Court. No one will think Congress could do that. This bill is clearly unconstitutional for the same reason.

Mr. Chairman, I yield back my time.

□ 1330

Mr. BLUNT. Mr. Chairman, I yield the balance of our time to the gentleman from Missouri (Mr. AKIN).

The CHAIRMAN. The gentleman from Missouri is recognized for 2 minutes.

Mr. AKIN. Mr. Chairman, I would like to start by quoting a person who I believe is the founder, or at least acknowledged as the father, of the Democratic Party, Thomas Jefferson. His words encased in stone on his monument read: "The God that gave us life gave us liberty." It goes on to say: "Can the liberties of a people be secure if we remove the conviction that those liberties are the gift of God?"

The author of our Declaration well understood that it is impossible to assert that we have inalienable rights and at the same time ignore the person that gave us the inalienable rights, the God that provided those rights itself.

This question goes to the heart of what America has always stood for and always fought for. We believe that there is a God that gives basic rights to all people, and it is the job of the government to protect those rights. If the courts come to the decision that we cannot acknowledge God, then we have ripped the heart out of the logic of what makes America, the fact that our rights come from God Himself, and we have thumbed our nose at Thomas Jefferson and our Declaration and our 300-plus years of history.

Now we have good reason to fear that the Court will not be content to ignore just the fifth amendment and say that you can take private property from people and redistribute it without a public purpose, but that they may also decide to take the first amendment and turn it upside down and use it as a sword of censorship rather than an oasis of free speech.

I am not persuaded by the pious hand-wringing of liberal activists who flinch not at the courts' unfettered march to create some imagined utopia at the expense of the separation of powers in the Constitution itself.

It is time for the Congress to reassert our legislative authority. It is time for the Congress to signal an end to the courts' freewheeling forays of unchecked legislative license.

Mr. WELDON of Florida. Mr. Chairman, I rise in strong support of H.R. 2389, the Pledge Protection Act of 2005. This legislation is important to ensuring that over-zealous Federal courts do not strike down the U.S. Pledge of Allegiance. In Newdow, Ninth Circuit ruled that the pledge was unconstitutional. The U.S. Supreme Court struck down the Newdow decision based not on the substance of the issue, but rather because it found that Newdow did not have standing. The Supreme Court did not address the underlying question regarding whether the phrase "under God" was constitutional. The Ninth Circuit is expected to rule on this issue in March 2007.

The bill before us would prohibit Federal courts from ruling on issues related to the Pledge of Allegiance. Article III, Section 2, Clause 2 of the U.S. Constitution gives the Congress the authority to set such limits. The Constitution states:

> In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to law and Fact, *with such Exceptions, and under such Regulations as the Congress shall make* [emphasis added].

Mr. Chairman, today, by passing this law, we are making those exceptions.

I rise in strong support of this legislation and urge my colleagues to join me in support of it.

Mr. CARDIN. Mr. Chairman, I rise today in opposition to H.R. 2389—the Pledge Protection Act—a bill which does not protect the Pledge of Allegiance, but instead endangers the constitutional balance between the legislative and judicial branches.

I believe in the Pledge of Allegiance. In the wake of the Ninth Circuit Court of Appeals opinion in Newdow v. U.S. Congress in 2002, the House acted swiftly to affirm our support of the Pledge as it has existed since 1954. I voted in favor of a resolution that disagreed with the court's opinion that the words "under God" in the Pledge violate the Establishment Clause of the Constitution.

My opinion today remains the same: the Pledge of Alliance is a simple, eloquent statement of American values. Each morning millions of school children pledge allegiance not only to the flag but to the Nation and our values and our principles. This act, like the prayer that opens each session of the House and the call that brings the Supreme Court to order, reminds us all of the greater context of our purpose.

I oppose this legislation, not because I do not support the Pledge of Alliance, but because I know that this legislation does not achieve its goal. This legislation takes a bold step towards a radical concept which undermines the constitutional checks and balances so crucial to our system of Government. We have taken steps to protect the Pledge and we will continue to do so—but this is not the way.

This bill proposes to strip the courts of their just jurisdiction. While the Congress is granted the power to create and establish Federal courts and this jurisdiction, this power has always been used to promote judicial efficiency. It has not, and should not, be used to stifle debate on any issue regarding fundamental rights and liberties.

Since the Supreme Court decided the case of Marbury v. Madison in 1803, the judiciary has performed its unique role of interpreting laws of this country. This bill is unconstitutional because it would fly in the face of 200 years of our constitutional tradition. I cannot imagine our democracy could long endure a system in which the Congress may take from the courts the ability to hear cases regarding the freedom of speech, the freedom of religion, civil rights, or privacy.

The 108th Congress considered this legislation, and the Senate refused to pass this measure. Indeed, in this Congress the House Judiciary Committee refused to favorably report the bill to the full House.

The courts are now properly continuing to review constitutional challenges regarding the Pledge of Allegiance. The Supreme Court has dismissed a case regarding the Pledge, and the Ninth Circuit is again reviewing this matter. Congress has gone on record in support of the Pledge.

It is important that the courts remain as the neutral decision makers in constitutional cases. The Founders wisely enshrined the concept of judicial independence into the Constitution. Federal judges are given lifetime tenure, and Congress is prohibited from reducing their pay during their service in office.

Congress has indeed considered whether to intrude on the province of the Federal courts throughout the history of this country. Congress wisely rejected President Franklin D. Roosevelt's plan to "pack the court" by increasing the size of the Supreme Court. In the 1970s Congress considered, but rejected, effort to strip jurisdiction away from the courts in the areas of civil rights and privacy cases, as a result of Supreme Court decisions of the 1950s and 1960s.

In many ways, this type of legislation is a thinly-veiled attempt to circumvent Article V of the Constitution, which gives Congress the ability to propose an amendment to the Constitution, and therefore overturn a constitutional decision of the Supreme Court. Congress and ultimately the states have the ability to amend the Constitution at their discretion, but under Article III of the Constitution the courts have the obligation to interpret the law and Constitution when "cases or controversies" arise in a lawsuit that is properly brought by parties before the court.

This bill would close the door to Federal courts. When there is no court to hear a case, then there is no liberty. A law without a venue for debate is a law without moral force. As the Ranking Member of the Helsinki Commission, I have seen too many countries run by dictators whose first actions are to shut down the independence courts and make them answerable to what the executive and the legislature wanted them to do. We cannot go down this path in the United States, and undermine our citizens' confidence in an independent judiciary that will decide cases without fear or favor.

I urge my colleagues to reject this legislation and attack on the independence of the judiciary, and oppose this legislation.

Mr. UDALL of Colorado. Mr. Chairman, at best this bill is a mistake. At worst, it is a cynical political stunt. Either way, it should not pass.

It seeks to end the ability of Federal courts—including the Supreme Court—"to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, the Pledge of Allegiance" as the pledge is now worded.

It responds to a 2002 decision of the Court of Appeals for the Ninth Circuit that both the 1954 law that added the words "under God" to the pledge and a local school district's policy of daily recitation of the pledge as so worded were unconstitutional. (The ruling later was modified to apply only to the school district's recitation policy.)

The Supreme Court reversed that decision because the plaintiff did not have legal standing to challenge the school district's policy. But the Republican leadership evidently finds the possibility of a similar lawsuit so alarming—or maybe they think it presents such a political opportunity—that they back this bill to keep any Federal court from hearing a lawsuit like that.

I cannot support such legislation.

It mayor may not be constitutional—on that I defer to those with more legal expertise than I can claim. But I have no doubt it is not only unnecessary but even misguided and destructive.

I have no objection to the current wording of the Pledge of Allegiance. After the Ninth Circuit's decision, I voted for a resolution—approved by the House by a vote of 416 to 3—affirming that "the Pledge of Allegiance and similar expressions are not unconstitutional expressions of religious belief" and calling for the case to be reheard.

But this bill is a different matter. It may be called the "Pledge Protection Act," but that is inaccurate and even misleading—because it not only fails to protect the pledge but also would undercut the very thing to which those who recite the pledge are expressing their allegiance.

It doesn't protect the pledge because even if it becomes law people who don't like the way the pledge's current wording would still be able to bring lawsuits in state courts. So, even if Colorado's courts upheld the current wording, the courts of other States might not. And the bill says the U.S. Supreme Court could not resolve the matter.

That would mean there would no longer be a single Pledge of Allegiance, but different pledges for different States—and the Constitution's meaning would vary based on State lines. That would directly contradict the very idea of the United States as "one Nation" that should remain "indivisible" and whose defining characteristics are devotion to "liberty and justice for all."

And that would be completely inconsistent with the idea of the Republic (symbolized by the flag) to which we pledge allegiance when we recite what this bill pretends to "protect."

How ironic—and how pathetic.

As national legislators, as U.S. Representatives, we can and should do better. We should reject this bill.

Mr. DINGELL. Mr. Chairman, I rise in strong opposition to H.R. 2389. Here we are again considering needless court-stripping legislation that would destroy our constitutional system of checks and balances. This time we wrap it in the flag and call it the Pledge Protection Act.

We dealt with this same legislation two years ago, and it failed to become law. I ask my colleagues, why are we bringing this same legislation up for consideration again 2 years later?

Could it be an election year? Could my colleagues in the majority want to rally a certain part of their base? The real question is whether the majority will put election year political concerns ahead of the good of the Nation? Unfortunately, with this action, it looks like the answer is yes.

This is another extraordinary piece of arrogance on the part of the House of Representatives to pass legislation which would strip American citizens of their right to access the Federal courthouse. Can you imagine anything more shameful than telling an American citizen you cannot go into court to have your concerns addressed, heard by the courts of your Nation?

The right for a citizen to access the courts to decide questions of policy is as old as the Magna Carta, and it is important to us as anything else in the Constitution. Here we calmly say, "You cannot have access to the Federal courts, including the Supreme Court." Shame, shame, shame, shame.

This is a precedent which is going to live to curse us, and we are going to live to regret this day's labor because other precedents will be following this, wherein we strip the rights of citizens under the Second Amendment, the thirteenth, fourteenth, and fifteenth amendments.

The Congress has considered these kinds of questions before. It is to be anticipated if this works, we can look to see this kind of abusive legislation considered in this body again. And you can be certain that somebody is sitting out there now thinking of new rights we can strip because we disagree with them.

I do not believe that we should strip the Federal courts of jurisdiction when it comes to issues related to the Equal Protection Clause of the Constitution. It drastically interferes with the separation of powers between the three branches of our government.

While I will always defend the autonomy and the power of the legislative branch, the principle of judicial review that Chief Justice John Marshall set out in the 1803 decision Marbury v. Madison is law. This landmark case established that the Supreme Court has the right to pass on the constitutionality of an act of Congress. To whittle away one of the bedrock powers of the judicial branch is wrong for the Union and wrong for our citizenry.

Tinkering with the foundation of our judicial branch could come back to haunt us. You can be almost certain with the passage of this legislation that there are interests out there deciding what other rights can be stripped of American citizens because we disagree with them. Maybe a future Congress will want to strip court challenges to gun control legislation by gun owners or sportsmen.

Mr. Chairman, we live in one Nation, under God, with liberty and justice for all. If we pass this bill, we begin to hollow out the true meaning of the pledge, the Constitution and what it means to live in this great Nation.

Like I did 2 years ago, I strongly oppose this legislation and urge my colleagues to do the same.

Mr. HOLT. Mr. Chairman, I rise in opposition to H.R. 2389, which would strip from the federal courts and the Supreme Court the ability to hear any cases related to the Pledge of Allegiance. This bill eliminates the basic principle of judicial review that was established by the Supreme Court in Marbury v. Madison back in 1803.

This bill should not have come to the floor today because it seeks to make a dangerous change to our Nation's system of checks and balances. For that reason, this bill was rejected by the House Judiciary Committee. Yet, the Majority has brought it up today to intentionally divide the House. This is not the first time. We have seen this before. In September two years ago, we had this same vote, and I opposed it then.

The judiciary was designed to be the one branch of the federal government that is insulated from political forces. This independent nature enables the federal judiciary to thoughtfully and objectively review laws to ensure that they are in line with the Constitution. Throughout the development of our Nation, this check has been vital to protecting the rights of minorities.

Although the Constitution gives Congress the power to limit the jurisdiction of the federal judiciary and the appellate jurisdiction of the Supreme Court, I am certain that the founding fathers did not intend for Congress to use this power to shape the jurisdiction of the courts along ideological lines. This legislation will set a dangerous precedent by allowing Congress to avoid judicial review so that it can pass legislation that it thinks may be unconstitutional. This is a clear abuse of Congressional authority and a cynical attempt to question the patriotism of Members of this institution.

Like every Member of this body, I am proud to recite the Pledge of Allegiance as a way to express my loyalty to this Nation and its founding principles. I make it a point during my town meetings in New Jersey to lead my constituents in reciting the Pledge of Allegiance. I share the view of many Members that the current text of the Pledge of Allegiance is constitutional including the phrase "under God". I expressed my support for the Pledge in its current form when I joined many of my colleagues in voting for a resolution that urged the Supreme Court to recognize the constitutional right of children to recite the pledge in school. That resolution was an appropriate way for me, as a Member of Congress, to express my belief in the constitutionality of the Pledge of Allegiance.

Unfortunately, those who support this legislation seek to alter our delicate system of checks and balances and make their own decisions unchallengeable—as if they were infallible. They are attempting to alter the intended framework of our government, which has met the needs of a diverse population and allowed us to remain indivisible in times of crisis for more than 200 years. We should not make this dangerous change to upset the balance of power established by our Founding Fathers and enshrined in the Constitution.

I urge my colleagues to oppose this bill.

Mr. BONNER. Mr. Chairman, I rise today in support of H.R. 2389, "The Pledge Protection Act."

As I rise to address this body, I am reminded by the words above the Speaker's chair, "In God We Trust" and the significance those words hold for our great Nation. From the unalienable rights that Mr. Jefferson penned in the Declaration of Independence to the money that is minted just blocks from this Chamber, our Nation has and will continue to publicly recognize God's providence and guidance. However, the recognition of God contained within the Pledge of Allegiance has provided leverage for some courts to claim that reciting our Pledge is unconstitutional.

In 1954, this body recognized the need to add the phrase "under God" to our Pledge and for 46 years this was hailed by Americans and remained uncontested. Yet in 2002, these two words were exploited by courts claiming that it is unconstitutional for the Pledge of Allegiance to remain a part of American life. Congress acted swiftly to reverse the damage caused by such a ruling and preserve the patriotic act of reciting the Pledge. In 2002, both Houses of Congress overwhelmingly supported resolutions rebuking the court and upholding the Pledge of Allegiance. However, Congress failed to invoke our authority to prevent activist courts from destroying the American institution that is the Pledge of Allegiance.

The Pledge embodies our patriotism and must be preserved. It serves to remind this body, at the beginning of each daily session, of our devotion to country. Protecting the Pledge ensures that the ideals of America will continue for generations to come.

Mr. Chairman, I urge my colleagues to join with me in support of this bill to prevent the federal judiciary from hearing cases against the Pledge of Allegiance.

Mr. SHAYS. Mr. Chairman, today, I urge my colleagues to vote against H.R. 2389, the Pledge Protection Act.

The phrase "under God" belongs in our Pledge of Allegiance to the Flag of the United States of America and the words In God We Trust belong on our currency. The Ninth Circuit Court of Appeals made a serious error in Newdow v. U.S. Congress when they declared our Pledge unconstitutional.

When the phrase under God was added to the Pledge of Allegiance in 1954, I was in elementary school and remember feeling the phrase belonged there. It appropriately reflects the fact that a belief in God motivated the founding and development of our great Nation.

The Declaration of Independence states, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights . . ." Our forefathers understood it was not they, but He, who had bestowed upon all of us those most cherished rights to life, liberty and the pursuit of happiness upon which our model of government is based.

At Gettysburg, President Abraham Lincoln acknowledged we were a Nation under God and, during his Second Inaugural Address, he mentioned our Creator 13 times.

Those historic speeches, the Pledge of Allegiance, our currency and the Declaration of Independence are not prayers or parts of a religious service. They are a statement of our commitment as citizens to our great Nation and the role God plays in it.

Our founders envisioned a government that would allow, not discourage or punish, the free exercise of religion and we are living their dream.

I oppose the Pledge Protection Act because I have faith in our Constitution and do not believe we should preclude judges from hearing issues of social relevance, simply because we may disagree with their ultimate decisions.

While the courts may, from time to time, produce a ruling we question, the principle of judicial review is essential to maintaining the integrity of our system of checks and balances and I fear the path we appear to be on. We are a Nation under God, and in Him we trust.

Mr. CARDOZA. Mr. Chairman, I rise in opposition to H.R. 2389, the Pledge Protection Act.

While I strongly support the Pledge of Allegiance and the use of the term under God, I oppose this misguided legislation because it would strip all federal courts, including the Supreme Court, of the jurisdiction to hear First Amendment challenges to the Pledge of Allegiance.

In the process, this legislation would strip federal courts of their important role in safeguarding Constitutional rights and freedoms. It will also work to undermine public confidence in the federal courts by expressing outright hostility to their role as a neutral arbiter of constitutional claims.

Through passage of this legislation, this body is endorsing the dangerous premise that Congress is above the Constitution. So in response, I ask my colleagues this question: do you believe our founding fathers designed the Constitution to protect the people from their government, or to regulate the conduct of its citizens?

I submit that if we strip federal courts of their judicial independence, nothing stops Congress from preventing courts to rule on other freedoms protected in our Bill of Rights, including freedom of speech, the right to bear arms, freedom of worship and freedom to assemble. Is that really the precedent we want to establish?

I believe we need our judicial system to protect our rights—and this bill prohibits the courts from doing just that. Indeed, I believe enactment of this legislation would have a dramatic impact on the ability of individual Americans to be free from government-coerced speech or religious expression.

In our system of democracy, our government works on a system of checks and balances. Instead of stripping power from the courts, I believe we should follow the process prescribed in our Constitution—consideration of a Constitutional amendment. In fact, as a member of the California Legislature, I passed a bill calling on Congress to pass a Pledge protection amendment, and I believe that is the appropriate way to address this issue.

I happen to believe that the inclusion of the term under God in the Pledge is appropriate and constitutional. Further, should the Supreme Court ever rule that the term is unconstitutional, I would vote for a constitutional amendment to it ensure its presence. I support the Pledge because it is an important part of our American fabric, and an important symbol of the rights our founding fathers fought so desperately to preserve—liberty and justice for every American.

But our justice is protected by our independent judiciary. Let us keep it that way for all Americans. Oppose this bill and support and protect our Constitutional rights.

Mr. BLUMENAUER. Mr. Chairman, I oppose the "Pledge Protection Act" because of its potential ramification for the judicial process. This legislation seeks to prohibit all federal courts, including the Supreme Court, from hearing any case that challenges the constitutionality of the Pledge of Allegiance.

This legislation is a response to recent challenges in the 9th Circuit Court involving the statement "under God." While I do not agree with the court's decision, we are heading down a slippery slope when we authorize Congress to use its power over the courts to limit jurisdiction of constitutional challenges.

This seemingly bipartisan legislation is another attack on our principles of civil liberties and equal protection, just as we saw on yesterday's vote on the "Marriage Protection Act," to please the most extreme of the Republican base. It is not worth undermining our system of checks and balances.

Yesterday, the state's domestic laws; today, the Pledge of Allegiance; tomorrow . . .?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to H.R. 2389, the Pledge Protection Act of 2005.

This bill precludes any Federal judicial review of any constitutional challenge to recitation of the Pledge of Allegiance—whether it be in the lower Federal courts or in the highest court in the land, the U.S. Supreme Court. Effectively, if passed, this extremely vague legislation will relegate all claimants to State courts to review any challenges to the pledge. This possibility will lead to different constitutional constructions in each of the 50 States.

The only way to make this bill palatable is to adopt the Jackson-Lee amendment, which provides for an exception to the bill's preclusion for cases that involve allegations of coerced or mandatory recitation of the Pledge of Allegiance, including coercion in violation of the First Amendment or the Equal Protection clauses. Opposing the Jackson-Lee amendment is tantamount to endorsing the coercion of children to mandatory recitation of the Pledge of Allegiance.

Closing the doors of the Federal courthouse doors to claimants will actually amount to a coercion of individuals to recite the pledge and its "under God" reference in violation of West Virginia State Board of Education v. Barnette.

In Barnette, the Supreme Court struck down a West Virginia law that mandated school children recite the Pledge of Allegiance. Under the West Virginia law, religious minorities faced expulsion from school and could be subject to prosecution and fines, if convicted of violating the statute's provisions. In striking down that statute, Justice Jackson wrote for the Court:

> "To believe in patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds . . . If there is any fixed star in our constitutional constellation, it is that no official, high, or petty can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."

H.R. 2389 would strip parents of their right to go to court and defend their children's religious liberty. If this legislation is passed, schools could expel children for acting according to the dictates of their faith and Congress will have slammed the courthouse door shut in their faces. When I was a child, I always wondered why, when the rest of the class recited the Pledge of Allegiance, one little girl always sat quietly. Today, I understand that it was because she was of the 7th Day Adventist faith and therefore reciting the "under God" provision would force her to undermine her religious faith. If H.R. 2389 were law back then, the school administrators could have forced her to say the pledge and she would have no recourse in the Federal courts.

The problem with this bill is that it does not protect religious minorities, Mr. Chairman.

Article III, Section I of the U.S. Constitution vests "the Judicial Power of the United States . . . in one supreme court." The list of subject matter areas which the Federal courts have the power to hear and decide under section 2 of Article III establishes that, "The Judicial power shall extend to all cases . . . arising under this Constitution." For over 50 years, the Federal courts have played a central role in the interpretation and enforcement of civil rights laws. Bills such as H.R. 2389 and the Federal Marriage Amendment we debated yesterday are bills to prevent the courts from exercising their article III functions and prohibiting discrimination. We cannot allow bad legislation such as this to pass in the House, and thereby eviscerate the Constitution and the values upon which this nation was originally founded. In the 1970s, some Members of Congress unsuccessfully sought to strip the courts of jurisdiction to hear desegregation efforts such as busing, which would have perpetuated racial inequality. We did not allow it then, and we should not allow it now.

H.R. 2389, as drafted, insulates the Pledge of Allegiance as set forth in section 4 of title 4 of the United States Code from constitutional challenge in the Federal court. The Jackson-Lee amendment protects children from being coerced or forced into reciting the Pledge of Allegiance against their will.

However, the statute and the pledge are subject to change by future legislation bodies. This means that if some future Congress decides to insert some religiously offensive or discriminatory language in the Pledge, the matter would be immune to constitutional challenge in the Federal courts.

Mr. Chairman, I ask unanimous consent to place in the RECORD a copy of a letter dated July 18, 2006 from the American Bar Association which supports my claims.

Mr. Chairman, I ask that my colleagues vote to protect religious minorities, vote to protect judicial review, vote to protect separation of powers, and vote to protect access to the Federal courts. I urge my colleagues to vote against H.R. 2389.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I support our national Pledge of Allegiance 100 percent. I strongly believe the Pledge teaches America's children national pride and a sense of civic responsibility.

However, I oppose H.R. 2389, the "Pledge Protection Act." This bill is merely a reaction to one federal case: Newdow vs. U.S. Congress.

The 9th Circuit Federal court in Newdow held that the Pledge of Allegiance violated the Established Clause of the Constitution. The court ruled that the phrase "one nation under God" within the Pledge impermissibly takes a position with respect to the identity and existence of God.

I disagree with the 9th Circuit's ruling in the Newdow case. However, I don't believe the way to protect the Pledge of Allegiance is by banning all federal courts from hearing cases dealing with the Pledge, which is what H.R. 2389 does. H.R. 2389 goes way too far. In fact, it violates the Constitution and the very spirit of the Pledge itself.

The federal courts, not the United States Congress, have the power to interpret and enforce rights protected under the Constitution. That is what the famous Marbury vs. Madison case was all about: separation of powers. But, H.R. 2389 violates the constitutional separation of powers principle, because it strips all federal courts of their power to make rulings on an individual's right to choose whether to recite the Pledge of Allegiance.

To ensure that America remains an indivisible and proud Nation, it is very important that we protect the Pledge of Allegiance, but it is even more important that we do not violate the Constitution and undermine the federal courts to do so.

Therefore, I oppose H.R. 2389.

Mr. TIAHRT. Mr. Chairman, I rise today in strong support of H.R. 2389, The Pledge Protection Act, offered by Representative TODD AKIN.

This legislation protects our Pledge of Allegiance by preventing radical judges and liberal lawyers from questioning the constitutionality of the phrase "under God."

The preamble of the Declaration of Independence states: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed, by their Creator, with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."

Our national motto is: "In God We Trust."

The opening announcement at the United States Supreme Court is: "God save the United States and this honorable court."

Unless there is a law limiting the jurisdiction of Federal courts, we will continue to see lawsuits such as the one that is trying to ban the Pledge of Allegiance in schools because it mentions "One nation under God."

The Constitution gives Congress the power to limit the jurisdiction of Federal courts in Article III, Section 2. Maintaining checks and balances on the power of the Judiciary Branch and the other two branches is vital to keep the form of government set up by our Founding Fathers.

I am proud to be a co-sponsor of The Pledge Protection Act and will vote in favor of this legislation.

God Bless America!

Mrs. MALONEY. Mr. Chairman, I rise today in strong opposition to H.R. 2389, the "Pledge Protection Act."

This legislation represents an attempt by the Majority to strip the federal courts of jurisdiction over yet another important issue. The effect of H.R. 2389 would be to prevent individuals who have legitimate cases from ever reaching a courtroom. The U.S. Constitution clearly states that a separation of powers, ensured by a system of checks and balances established by our Founding Fathers more than 200 years ago, must exist among the three branches of government. What the proponents of this bill want to do is to tell the courts what cases they can and cannot hear.

This bill is wrong and costs too high a price. I urge my colleagues to vote "no" on H.R. 2389.

Mr. KIND. Mr. Chairman, I am a strong supporter of the Pledge of Allegiance. I believe "under God" should be in the Pledge of the Allegiance. But what I cannot support today is legislation that basically tells the third branch of our government, go home, no thanks, we don't need you anymore.

Judicial review has been a part of our democracy in this constitutional government for over 200 years. And now with the fancy language embodied in this legislation and other pieces of legislation that have been pending, they are trying to disrupt that delicate balance of power, the checks and balances that exist that allow the Federal courts from time to time to take a look at the work that we are doing in the Congress to see whether or not we are complying with the highest law of the land, the United States Constitution. That is what judicial review is all about.

What is so ironic about today's debate is that the courts have already weighed in and said that the Pledge is okay; "under God" is okay. So what are we doing here when we have anemic economic job growth in this country, rising health care costs, and tuition that is placing college out of the reach of students? We can do better by the American people.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in opposition to H.R. 2389, the so-called Pledge Protection Act. H.R. 2389 would strip all Federal courts, including the Supreme Court, of their ability to hear cases involving the Pledge of Allegiance.

The Pledge of Allegiance is a true expression of liberty and justice for all—cornerstones of our great Nation. However, H.R. 2389 would punish those who exercise that freedom. Basic due process demands an independent judicial forum capable of determining Federal constitutional rights. This legislation deprives the Federal courts of their ability to hear cases involving the fundamental free speech rights of students, parents, and other individuals. In our Country, dissenting views are supposed to be valued, allowed and tolerated. To take away this fundamental freedom of expression is to dishonor America and all Americans.

At this time when American soldiers continue to die every day in Iraq, with the Taliban and Al Qaeda making gains in Afghanistan, when millions of Americans are suffering because the minimum wage has not been raised in almost a decade, when millions more lack any health care coverage, and when gas prices are skyrocketing, the Republican majority has decided that the House should instead debate a bill that is unnecessary and, if passed, would only serve to undermine our democracy.

I am not afraid of those Americans who oppose parts of the Pledge having an opportunity to express those views. Healthy, controversial debates and a free society able to challenge the status quo are what make our country so strong and so great. What is scary are those who seek to use bills, such as the one before us today, to advance their ideology at the expense of freedom and liberty. That is something we should all oppose in the strongest terms.

As Members of Congress we owe our constituents better. I urge my colleagues to vote "no" on H.R. 2389.

Mr. FLAKE. Mr. Chairman, today I voted against the Pledge Protection Act—H.R. 2389. I believe in the constitutionality of the Pledge and believe that the Pledge should contain the words "under God."

Unfortunately, this bill does more to hurt the Pledge than help it. The bill strips Federal courts of jurisdiction over Federal constitutional claims, leaving the States to each decide issues regarding the Pledge. Some States may strike down the Pledge; others may modify it. The end result would be lasting damage to the Pledge. This is clearly a Federal, constitutional issue.

I realize that, in 2002, the Ninth U.S. Circuit Court of Appeals reached a disturbing result by declaring that it was an unconstitutional establishment of religion to have students to recite the words "under God" in the Pledge of Allegiance. The U.S. Supreme Court overruled the ninth circuit on procedural grounds in 2004. Unfortunately, there was no clear opinion overruling the ninth circuit on substantive grounds.

The ninth circuit's ruling has created confusion as to whether the decision must be followed within the boundaries of the circuit. At least one Federal district court in California has since ruled that it must. That case is on appeal now to the ninth circuit, and hopefully it will make its way to the U.S. Supreme Court for a reversal.

Mr. POMEROY. Mr. Chairman, I rise in opposition to H.R. 2389, The Pledge Protection Act of 2005.

As I said in 2004 when the House voted on the Pledge Protection Act in the 108th Congress, I strongly believe that the Pledge of Allegiance, including the phrase, "under God" is a constitutional expression of patriotism.

Therefore, I—along with many of my colleagues—was outraged by court decisions that erroneously declared the Pledge of Allegiance unconstitutional. As a result, I consistently have voted in favor of legislation reaffirming the place of the Pledge of Allegiance in its entirety in our schools.

In the 108th Congress, I voted in favor of H. Res. 132, which urged the Supreme Court "to correct the constitutionally infirm and incorrect holding" by the 9th Circuit Court of Appeals in its revised decision on the Newdow v. U.S. Congress case. This resolution also expressed the sense of the House of Representatives that the recitation of the Pledge is a patriotic act—not a religious act, that the Pledge should retain the phrase "One nation, under God," and that Congressional policy should encourage the voluntary recitation of the Pledge in public school classrooms. I also voted in favor of an amendment offered by Rep. Hostettler to H.R. 2799, the Commerce, Justice and State and Related Agencies Appropriations bill, which prohibited any funds appropriated by the bill being used to enforce the court's decision in Newdow v. U.S. Congress.

In the 107th Congress, I voted in favor of H. Res. 459, which expressed the view of the House of Representatives that the 9th Circuit Court of Appeals' original decision in Newdow v. U.S. Congress to strike the words "under God" from the Pledge of Allegiance was incorrectly decided. Similarly, I strongly supported S. 2690, legislation that reaffirmed the language of the Pledge of Allegiance, including the phrase "one Nation under God."

However, as I stated last year, I am concerned that the passage of H.R. 2389 would threaten the separation of powers set forth in the United States Constitution. Historically, the United States Supreme Court has the final authority on questions regarding a Federal law's constitutionality. However, H.R. 2389 would allow future Congresses to enact laws that clearly violate basic constitutional principles, while at the same time barring these laws from review by the Supreme Court. This lack of checks and balances could undermine the strength of America's most fundamental founding document. Given these significant issues with H.R. 2389, I again plan on voting against this measure.

Mr. MOORE of Kansas. Mr. Chairman, on July 19, 2006, I voted against H.R. 2389, the Pledge Protection Act of 2005.

The American flag is a symbol of liberty and justice, of freedom of speech and expression, as well as the other freedoms we cherish which are guaranteed in the Bill of Rights. But even more important than the symbol are the ideals and principles that the symbol represents. I believe the best way to honor the American flag is not to wrap ourselves in it, but to respect and honor the values for which it stands. That our Nation can tolerate disrespect for our flag is proof of the enduring strength of our Nation. It is proof to me that ours is the greatest nation on earth.

I served in the U.S. Army and Army Reserves. I know how deeply our veterans love and revere our flag. I share those feelings for our flag and all that it represents.

Our democracy has withstood many tests over time, and has been strengthened as a result. There is no more important protection provided by the First Amendment than its protection of political speech and expression.

In a letter to Senator PATRICK LEAHY of Vermont dated May 18, 1999, former Secretary of State (then General) Colin L. Powell wrote to express his concerns regarding a constitutional amendment banning flag burning: "The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away. . . . If I were a member of Congress, I would not vote for the proposed amendment. . . ."

I agree wholeheartedly with Colin Powell's statement, and believe it applies here as well. The Pledge of Allegiance is an invaluable part of our national heritage, but we must also bear in mind the immeasurable significance of the First Amendment to the United States Constitution.

Finally, I have deep concerns about current efforts to deny the Federal courts, including the Supreme Court, the ability to review the constitutionality of our Federal laws. I believe preserving our three-branch system of government is in our Nation's best interest.

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise to express my opposition to H.R. 2389, the Pledge Protection Act of 2005. This legislation does nothing to address the real issues facing families in America today, and serves merely to distract and delay Congress from efforts to vote on issues that would actually impact the daily lives of our constituents.

This bill failed to pass out of the Judiciary Committee, and yet, we are voting on it today on the Floor of the People's House, an event without precedence according to the Parliamentarian. The Majority is taking this extraordinary action not for an issue that will affect the daily lives of American families—but for a blatantly political debate in an election-year attempt to appeal to their base. My constituents are concerned about the conflict in the Middle East, earning a living wage, accessing affordable health care and relief from sky-rocketing gas prices. Minnesotans in the 4th District have made it clear that Congress should get to work on the priority issues of this country, rather than continue to play political games.

H.R. 2389 would remove the Pledge of Allegiance from the jurisdiction of federal courts. This bill is an attempt by Republicans to strip our federal courts of their power to rule over issues of Constitutional relevance, and to tell our federal courts that their expertise on Constitutional freedoms is irrelevant. Our system of checks and balances was constructed by our Founders for this specific reason—to retain the independence of the Courts, and their ability to rule justly and uphold the rule of law in this great country. As Justice Sandra Day O'Connor stated last year, the effectiveness of the federal courts relies on the knowledge that they will not be subject to retaliation for their rulings.

Representative MEL WATT offered an amendment today to this bill that, had it passed, would have allowed the Supreme Court to hear cases regarding the Pledge of Allegiance—in effect, reversing the negative damage this bill will inflict if it passes. I supported Mr. WATT's amendment, and am extremely disappointed that the majority of my colleagues did not do the same.

This bill is likely unconstitutional and debating it on the floor of the House today is an outrage considering the real issues facing American families. I urge my colleagues to join me in opposing this legislation, upholding the system of justice our Founders intended, and return to debating the issues we were elected to resolve.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 2389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pledge Protection Act of 2005".

SEC. 2. LIMITATION ON JURISDICTION.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following:

"§ 1632. Limitation on jurisdiction

"(a) Except as provided in subsection (b), no court created by Act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, the Pledge of Allegiance, as defined in section 4 of title 4, or its recitation.

"(b) The limitation in subsection (a) does not apply to—

"(1) any court established by Congress under its power to make needful rules and regulations respecting the territory of the United States; or

"(2) the Superior Court of the District of Columbia or the District of Columbia Court of Appeals;".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

"1632. Limitation on jurisdiction.".

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 109-577. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. WATT

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 109-577.

Mr. WATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. WATT:

Page 2, lines 12 and 13, strike ", and the Supreme Court shall have no appellate jurisdiction,".

The CHAIRMAN. Pursuant to House Resolution 920, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, in many ways my amendment is quite simple. It simply preserves the authority of the United States Supreme Court to do its job. My amendment, however, is fundamental in its simplicity because it reflects the cornerstone of our constitutional framework, a framework that recognizes three coequal branches of government, each with its own area of responsibility, each serving as a check and balance on the others.

For over 200 years, the separation of powers doctrine has worked well, vesting the legislative power with the Congress, the executive power with the President, and the judicial power with the Supreme Court and other inferior Federal courts. At the pinnacle of the judiciary is and has been the one Court mandated by the Constitution, the United States Supreme Court.

I have offered this amendment before, and I offer it today because the very idea of Congress unilaterally cutting off all Federal court review of a constitutional issue is both unprecedented and likely unconstitutional, but it is also impractical and imprudent.

Despite the substantial body of scholarship that suggests that Congress does not have the authority to strip the Supreme Court of this appellate jurisdiction in the manner proposed by this bill, let's for the sake of argument concede that it does have that authority, and let me address the imprudence of this bill.

As legislators exercising the legislative power committed to us by the Constitution, the compelling question is: Why would we want to do what this bill would have us do? What could possibly motivate this Congress to adopt this bill as sound public policy? How does this bill do anything to protect the Pledge of Allegiance? What respect does it show for our venerable institutions? How does it unify us as a Nation?

I suggest to you that this bill makes the Pledge far more vulnerable to assorted, distasteful interpretations than the current law that exists at present.

I appeal to our common sense. Under the bill as drafted, the likelihood that different opinions on the Pledge will issue from State, territorial and the District of Columbia courts is either ignored or deliberately sheltered from challenge. Rather than protect the Pledge of Allegiance, this bill invites a patchwork of interpretations from all over the country.

What if your State is the State that determines that your child can no longer recite the words "under God" in the Pledge? Will you move to a neighboring State? Move across the country? Wherever you find a friendly State interpretation? But what if there is no Federal constitutional determination, and State legislatures are left to change the law upon acquiring the appropriate majority. Would you become a nomad? Would you move from State to State in search of the right position for your child?

The bill eliminates every single recourse that you have. It establishes a mechanism under which an individual's Federal rights would depend entirely on the happenstance of location. Ultimately coercing children to recite the Pledge without the language "under God" may be prohibited in one place but not another. Constitutional protections could be strong in one State and weak or nonexistent in another.

My amendment would restore the obligation of the Supreme Court to exercise its role as the final arbiter of the Constitution. Even if the proponents of this measure believe the Federal, district, and circuit courts of appeal should be removed from the process, the role of the U.S. Supreme Court in establishing uniform standards to apply to all Americans wherever they reside should certainly be protected.

I urge my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman's time has expired.

Mr. AKIN. Mr. Chairman, I rise to claim the time in opposition to the amendment, and I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for yielding this time and for his leadership on this issue.

This issue that is in front of us today is an example of congressional restraint, congressional restraint with regard to a court that is out of control.

The Ninth Circuit Court has thrown it back at this Congress time and time again, and the activism that has taken place out there in the ninth circuit brings me to some things that would be more drastic solutions to this than this very careful, very narrow, very gently defined legislation that we have before us. It only deals with the words "under God" in the Pledge.

We could do far more. In fact, I voted to split the ninth circuit in half. I would vote to abolish them if they continue this kind of behavior, throwing this into the face of the American people. We are not doing that. We are very carefully, very narrowly addressing something that the American people are asking for, very well within the jurisdiction of the United States Congress. And any Member who votes against this legislation may have their opinions, as Mr. WATT does, that they are either knowingly or inadvertently or perhaps even willfully conceding some power and authority this Congress has to control the courts.

In the end, it is the Congress that controls the courts. It is not three separate but equal branches. In the end, the congressional structure is set up for the Congress to determine the final authority over the judicial branch of government through the pursestrings. For all of our judicial courts and all of our appellate courts, everything is a creature of Congress, except the Supreme Court, which is also a creature of Congress, but established by the directive and the mandate of the Constitution.

Mr. Chairman, we have the authority to do this. It is a very narrowly and carefully defined piece of legislation.

The Watt amendment is a gutting amendment. It kills the bill. It hands this authority over to the Supreme Court, which is our very number one concern. We simply want to, with legislation, reflect the values of the American people, reflect the values of the history and the legacy of our Founding Fathers, and our rights that come from God within this Pledge. I urge we oppose the Watt amendment.

Mr. AKIN. Mr. Chairman, I yield myself the balance of my time.

Essentially what our bill does, if you want to put it in a simple word picture, we are creating a fence. The fence goes around the Federal judiciary. We do that because we don't trust them. We don't trust them because of previous decisions and because of the simple fact that there are not five votes on the Supreme Court to protect our beloved Pledge of Allegiance. And 80 percent to 90 percent of Americans would like to leave the Pledge of Allegiance the way it is.

So what does this amendment do? This amendment simply opens a big hole in the fence. So the gentleman from Iowa was absolutely right: this is a gutting amendment. There is absolutely no reason to pass the bill if this amendment were to pass. We simply allow the Supreme Court to come in whenever they choose, turn the first amendment upside down and simply say to kids, you are not allowed to say the Pledge of Allegiance, and we are going to use the first amendment from now on as a weapon instead of for free speech to censorship on the courts.

So I am not persuaded by the pious hand-wringing of liberal activists who flinch not at the courts' unfettered march to create some imagined utopia at the expense of the separation of powers. It is time for us to do our job as Congressmen. It is time to assert ourselves, that we will not give unchecked legislative authority to the courts. We have been too long rolling over to them. It is time to stand up and say on the Pledge of Allegiance, enough is enough.

Mrs. BIGGERT. Mr. Chairman, I rise today in support of the Watt Amendment, which would restore the Supreme Court's jurisdiction over questions related to the Pledge of Allegiance.

The Pledge of Allegiance is an important expression of our shared values, and it should be preserved in its current form. I fully support the Pledge of Allegiance and urge my colleagues to do the same.

The intent of this bill is good. In fact, I was a cosponsor of this bill in the 108th Congress. However, that was before the provision was added to restrict the Supreme Court from hearing cases involving the Pledge of Allegiance. The bill we vote on today again strips the Supreme Court's jurisdiction over this important constitutional issue.

I recognize that Congress clearly has the authority under Article III of the Constitution to define the jurisdiction or the federal district and appellate courts. But constitutional scholars say there is no direct precedent for making exceptions to the appellate jurisdiction of the Supreme Court.

I would caution my colleagues to think twice before tampering with authorities clearly granted in the Constitution. The issue today may be the Pledge, but what if the issue tomorrow is Second Amendment rights, civil rights, environmental protection, or a host of other issues that members may hold dear?

I would also ask my colleagues, do we really want 50 different versions of the Pledge of Allegiance? I certainly don't think so.

The Watt amendment would restore to the bill the Supreme Court's jurisdiction over questions related to the Pledge of Allegiance, changing the bill back to the way it was originally introduced in the 108th Congress when I was a cosponsor.

I revere the Constitution and the Pledge of Allegiance. I believe that "Under God" are two of the most important words in the Pledge. I also believe that the Supreme Court should be the final arbiter of all federal questions. That's why I urge you to support the Watt Amendment to the Pledge Protection Act.

Mr AKIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WATT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–577.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. JACKSON-LEE of Texas:

Page 3, line 2, insert after "recitation" the following: ", except in a case in which the claim involved alleges coerced or mandatory recitation of the Pledge of Allegiance, including coercion in violation of the protection of the free exercise of religion".

The CHAIRMAN. Pursuant to House Resolution 920, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would imagine that Members across the campus in their offices and maybe even committee rooms are moved by the impassioned pleas by my friends on the other side of the aisle, so I want to make a pledge, and that is that I have stood on the floor of the House and acknowledged the importance of having our schoolchildren and others of America acknowledge and say the Pledge of Allegiance every single day. I stand by that statement.

What bothers me is when Members come to the floor and vote, they will look to the name of the proponent and they will simply vote "no." They will not understand the crux of the debate. They will not understand the sheer quarrel or the sheer amazement that we have with this particular legislation in the first place.

This legislation deals with the idea of protecting the Pledge of Allegiance by denying access to the courthouse. My amendment is simple. It gives real meaning to the Pledge of Allegiance and the patriotism that is felt when it is recited by making it clear that no one can be forced or coerced to recite the Pledge of Allegiance or retaliated against for not reciting it in those cases where doing so violates one's religious beliefs.

What is the hindrance of Members agreeing to allow one to be able to access the courts on the simple ground that it violates one's religious beliefs?

□ 1345

In this way, my amendment ensures that the Pledge of Allegiance is being recited freely, voluntarily and without coercion or fear of retaliation. In this way, a recited Pledge of Allegiance remains sacrosanct, and our national commitment to religious freedom is preserved.

Might I cite for my friends a quote from President Reagan, the great communicator himself, who said in 1983, "The first amendment of the Constitution was not written to protect the people of this country from religious values, it was written to protect religious values from government tyranny."

What I would suggest is to close the courthouse door is an example of government tyranny. It means that if my 6-year-old friend by the name of Hazel, who had a religious belief, whose family had a religious belief, who was allowed to sit silently in her seat when all of us stood to say I pledge allegiance, that little girl, if forced by any school system to do so, now has the courthouse door closed to her.

It means that we are ignoring the West Virginia State Board of Education versus Barnett case that mandated that school children recite the Pledge of Allegiance. This was done in West Virginia. Under West Virginia law, persons who on religious grounds refused to recite the Pledge faced expulsion from school. But Justice Jackson wrote, "To believe patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institution to free minds."

Mr. Chairman, I have said it is good and good news to say the Pledge and to have our school children say the Pledge. This amendment is very clear. It does nothing to this particular legislation, other than to say that if your grounds are religious based, based on religion, based on your defined religious beliefs, why are you denying them the right to go into the courthouse on religious beliefs only?

That is the question that clergy are asking across America. That is the question that the American Bar Association, representing lawyers of all political persuasions, are asking at this time.

And I beg of my colleagues to understand that we are protectors of liberty. We are protectors of the first amendment. We are not to denounce the first amendment. We are not to ignoring the first amendment. We are not to stomp on the first amendment. And I would beg to say that if we call ourselves protecting the flag, the very flag that soldiers in Iraq and Afghanistan are now on the battlefield shedding their blood, veterans, and we would deny Americans the right to utilize the constitutional branch of government created by the Constitution and created by this body.

Shame on us if we cannot accept the entreaty of a little girl named Hazel, who sat next to me in a school a few short years ago, I might add, lonely, unprotected, fearful, sitting isolated while we stood to say the Pledge. I am grateful that I had a teacher that understood that we would not stigmatize her, discriminate against her, and she had her freedom.

This is an important amendment to ensure that all of our freedom is protected. I ask my colleagues for a vote for religious freedom and liberty and to allow the Jackson-Lee amendment to go forward.

Mr. Chairman, I have an amendment at the desk. I thank the members of the Rules Committee for allowing this amendment to go forward.

Mr. Chairman, my amendment gives real meaning to the Pledge of Allegiance and the patriotism that is felt when it is recited by making it clear that no one can be coerced or forced to recite the Pledge, or retaliated against for not reciting it in those cases where doing so violates one's religious beliefs. In this way, my amendment ensures that the Pledge of Allegiance is being recited freely, voluntarily, and without coercion or fear of retaliation. In this way, a recited Pledge of Allegiance remains sacrosanct and our national commitment to religious freedom is preserved.

Mr. Chairman, my amendment draws inspiration from President Reagan, the Great Communicator himself, who said in 1983:

> The First Amendment of the Constitution was not written to protect the people of this country from religious values; it was written to protect religious values from government tyranny.

H.R. 2389 precludes Federal judicial review of any constitutional challenge to recitation of the Pledge of Allegiance—whether it be in the lower Federal courts or the U.S. Supreme Court. My amendment does not disturb this legislative judgment except in the limited instance of cases involving claims of coercion and mandatory recitation. In other words, my amendment is intended to protect religious values from government tyranny. Nothing less, nothing more.

Mr. Chairman, in West Virginia State Board of Education v. Barnett, the Supreme Court struck down a West Virginia law that mandated schoolchildren recite the Pledge of Allegiance. Under West Virginia law, persons who, on religious grounds, refused to recite the Pledge faced expulsion from school and could be prosecuted and fined for violating the statute. In striking down that statute, the great Justice Robert Jackson wrote for the Court:

> To believe patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds . . . If there is any fixed star in our constitutional constellation, it is that no official, high, or petty can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.

Mr. Chairman, my amendment is important for another reason. H.R. 2389, as drafted, insulates the Pledge of Allegiance from constitutional challenge in Federal court.

However, the pledge itself is subject to change by future legislative bodies. This means that if some future Congress decides to revise the Pledge to include religiously offensive or discriminatory language in the Pledge, the authority of the government to compel a person to recite that Pledge could not be challenged in Federal court. None of us would want that to happen. My amendment ensures that it won't.

Mr. Chairman, my amendment protects religious minorities. My amendment protects judicial review. My amendment protects the separation of powers. My amendment strengthens the Pledge by ensuring that it recited voluntarily. My amendment ensures that the Pledge, like the oath all Members of Congress take, is "given freely, without mental reservation or purpose of evasion." I urge all Members to support the Jackson-Lee amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentlewoman's time has expired.

Mr. AKIN. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. AKIN. Mr. Chairman, I yield 3 minutes to my distinguished colleague from Arizona, TRENT FRANKS.

Mr. FRANKS of Arizona. Mr. Chairman, may I first remind all of us of words we each spoke not so long ago.

"I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."

Mr. Chairman, when we swore this oath, we did not say that we would protect the Constitution from everyone except rogue judges.

The issue that brings us to the floor this day is an act on the part of the Ninth Circuit that ruled that the words "under God" in a voluntary Pledge of Allegiance by our school children is unconstitutional.

It astonishes me, Mr. Chairman, that we even have to address such an insane conclusion. I truly believe that if we had lived in the days of the Founding Fathers and accused them of intending to outlaw school children from saying the words "under God" in their voluntary Pledge of Allegiance, they would have challenged us to a duel for impugning their honor in such an egregious and outrageous fashion.

Mr. Chairman, when judicial supremacists on the bench desecrate the very Constitution that they are given charge, the sacred charge to defend, those of us in this Congress who have also made an oath to defend the Constitution must respond accordingly.

The Constitution of the United States, Mr. Chairman, does not prohibit school children from saying the words "under God" in a voluntary Pledge of Allegiance. It is that fundamentally simple.

Indeed, the Constitution does say that the Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Mr. Chairman, when the Ninth Circuit decision said school children cannot voluntarily say the words "under God" in their Pledge of Allegiance, these judges, sir, were prohibiting the free exercise thereof.

This legislation would take such a decision away from such rogue judges.

Mr. Chairman, if Congress forsakes their oath and their duty to defend the Constitution and allows this magnificent document to fall prey to activist judges, we relegate this Republic to an arrogant judicial oligarchy. It is an abrogation of our oath of office and it tramples on the blood of our Founding Fathers and the soldiers who died to give us America and her rule of law.

There would be nothing left to us at that point but to board up the windows in this building and go home and quit pretending to be defenders of the United States Constitution or representatives of the greatest Republic in the history of humanity.

Mr. Chairman, it is not too late. I urge this amendment be rejected, and the bill be passed as written.

Mr. AKIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

Ms. JACKSON-LEE of Texas. Mr. Chairman, in the spirit of reflection of this disastrous bill, I ask unanimous consent to withdraw my rollcall vote only because I believe that we would denigrate the protection of religion even further by subjecting my very good amendment to a rollcall vote. It should be already included in this.

The CHAIRMAN. Without objection, the gentlewoman's request for a recorded vote is withdrawn, to the end that the amendment stands rejected by voice vote.

There was no objection.

So the amendment was rejected.

AMENDMENT NO. 3 OFFERED BY MR. AKIN

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109-577.

Mr. AKIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. AKIN:

Add at the end the following:

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date of the enactment of this Act and apply to any case that—

(1) is pending on such date of enactment; or

(2) is commenced on or after such date of enactment.

The CHAIRMAN. Pursuant to House Resolution 920, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 5 minutes.

Mr. NADLER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from New York will control the 5 minutes in opposition.

The Chair recognizes the gentleman from Missouri.

Mr. AKIN. Mr. Chairman, could I just ask, is the other side going to be speaking on the amendment?

The CHAIRMAN. Mr. NADLER has claimed the 5 minutes in opposition, so I assume he is going to speak.

Mr. AKIN. That is a good assumption.

Mr. Chairman, the purpose of this amendment and the reason it was added, to some degree in a last-minute nature, was because of the Hamden decision. The Hamden decision, a majority of the Supreme Court on an Article III, section 2 question said that because a particular issue, in this case it was Gitmo, was being considered in the courts, that the article III, section 2 language didn't apply.

Now, this is completely inconsistent with all previous rulings of the Supreme Court. But we thought, just to be safe, that what we would do here would be to add language that makes it clear that not only does this bill consider any future cases that are brought before the court, the Federal courts, but also existing cases, in this case, again, the challenge to the Pledge that is already in the Federal court system and is before the Ninth Circuit out in California and some of the States in the West. So that was the reason for this technical and perfecting amendment, certainly to clarify, just simply to clarify that this bill would apply not only to future legislation but cases that are currently before the Court.

Along those lines, I think it is very important for us to once again affirm the importance of our discussion and our debate here today. It is ultimately the job of the legislative branch and the executive branch to provide some check and balance on the Supreme Court.

There would be no argument from me if the Supreme Court based all of their decisions on the rules, that is the U.S. Constitution. However, the Supreme Court has gone beyond that increasingly, and it is our concern that they will go well beyond the U.S. Constitution in considering this case.

We have every reason to believe that we do not have five Justices that will support the Pledge. We have every reason to believe that the Pledge could easily be struck, and it is for that reason that this bill has been introduced.

Now, some would say that, in fact I believe the minority leader called what is going on on this floor a charade. I think that is a rather harsh way of describing people that have a genuine interest in the Pledge of Allegiance, have a genuine interest in the heart of what this good Nation was based on, the idea that there is, in fact, a God that grants basic inalienable rights to all people, and that the job of government is to protect those basic rights.

Part of that U.S. Constitution includes the first amendment, and the first amendment has to do with free speech. I can understand the use of the first amendment to say to someone, you are not required to give an oath that you don't believe in. But I cannot understand how you can look at free speech as a tool to censor school children across America from saying that they cannot, they are going to censor the Pledge of Allegiance, they cannot say the Pledge of Allegiance.

This is the time for this Congress to stand up, to be strong, and to take notice of the fact that the Court will no longer be making these forays of absolutely unchecked legislative decision-making. And it is time for us to stand up and say no to a Court that is effectively trying to create their own set of rules instead of reading the U.S. Constitution.

Mr. Chairman, I think that there is good evidence from the way that the Court has handled the fifth amendment in allowing the redistribution of private property willy nilly, without a government purpose, I think there is good reason to be concerned as the Court has taken to itself a power to tax, which is unconstitutional. There is good reason for us to be concerned about the Court's overrunning their constitutional bounds.

It is time for us to show the backbone to stand up to the Court. It is time for us to say no to this unregulated, general legislative authority.

Mr. Chairman, I yield back the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are now down to the heart of the matter. This entire spectacle is aimed at a possible decision by one Court that the directed recitation by school children under the instruction of their teacher of the phrase "under God" may violate the first amendment rights of those children.

Let's be clear. Nowhere in the United States is the use of the phrase "under God" prohibited in the public schools. In the only two cases in which the Court ruled that the directed recitation of the phrase "under God" violated the establishment clause, the Supreme Court vacated one ruling, and has issued a stay preventing the second ruling from interfering with the recitation of the Pledge.

For this we need to take a chain saw to the Constitution? For this we need to endanger the religious liberty of religious minorities like the Jehovah's Witnesses, who were thrown out of school because their religion barred them from saying the Pledge?

Only the Supreme Court protected their rights in violence against Jehovah's Witnesses that ensued.

This bill would not only prevent the Supreme Court from ruling on the constitutionality of directing school children to recite the phrase "under God," it would also overturn the 1943 Supreme Court Jehovah's Witnesses case and allow the punishment or expulsion of school children for refusing to recite a pledge that violates their religion or their conscience.

□ 1400

We may be endowed, Mr. Chairman, by our Creator with certain unalienable rights, but people can, and routinely do, violate and take away those rights. That is why we need a Supreme Court, to protect these rights even when political majorities will not.

Supporters of this bill have candidly said they disagree with the Supreme Court, and that, in their opinion, the Supreme Court has gone beyond its powers, and that we, in effect, should overrule it and prevent them from ruling in these cases. We have heard this before. Look at the notorious "Southern Manifesto" against the Supreme Court decision in the Brown v. Board of Education 50 years ago: "We regard the decisions of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people."

That is what we hear whenever people disagree with the Supreme Court, in the school desegregation cases and now. And this amendment makes the point of the bill explicit.

The sponsors are afraid of what the Supreme Court may do in a pending case on this subject that may come before them and therefore explicitly strip the Federal courts of jurisdiction even over a pending case. This is Congress saying to a specific plaintiff, we do not approve of your claim of a violation of your constitutional right; so we are going to shut the courthouse door in your face.

This is a dangerous enterprise. I respect my friend's concerns and his right to disagree with the courts, but we must not destroy our Constitution and the one independent bulwark of our liberty. I urge defeat of this bill.

Mr. Chairman, I yield for the purpose of making a unanimous consent request to the distinguished ranking member of the Judiciary Committee, Mr. CONYERS.

Mr. CONYERS. Mr. Chairman, I rise today to oppose this amendment and am against any amendment that would throw out any case currently pending in the Court.

This amendment would add language making it explicit that this already unconstitutional bill is effective immediately and applies to all pending and future litigation. As it currently stands, this bill does nothing to protect religious minorities from being coerced into reciting the Pledge, in violation of their First Amendment right of free speech. This amendment would effectively throw out any case that is currently pending in court in which a child's right to be free from religious persecution is being vindicated, and would slam the courthouse door shut in their faces.

H.R. 2389 as a whole is premature and should not be on our list of priorities.

What I find particularly troubling about this bill, setting aside all of the concerns that I have already stated, is its timing. It seems that my colleagues in the majority have lost sight of our priorities. At a time of record budget deficits and gasoline prices, when we are engaged in a quagmire in Iraq, when more than 45 million people are uninsured in this nation, and every day workers are seeing their pensions and health care benefits jeopardized, surely we can find better things to do with our time as a congress than bash the courts.

Why then is something as arbitrary as a bill that would strip our Federal courts of their authority to hear an issue that the highest court in our land has never spoke on at the top of our list of "things to do"? Need I remind my colleagues that the Supreme Court has never, since the inclusion of the words "under God" into the Pledge of Allegiance back in 1954, discussed or ruled on its constitutionality? Why then do we need this legislation at all? Why then do we need to offer this legislation now? It is our rights as individuals that are at stake right now—not the sanctity and preservation of the Pledge.

I urge my colleagues to vote "no" on this amendment.

Mr. NADLER. Mr. Chairman, how much time do I have left?

The CHAIRMAN. The gentleman from New York has 1½ minutes.

Mr. NADLER. Mr. Chairman, I will not use the 1½ minutes. I will simply say that this amendment is dangerous for the same reason that the bill is dangerous. We should not say, in the case of this amendment, to someone who is a plaintiff in a court in a pending case, we are going to shut the courthouse door in your face because we are afraid the Supreme Court might issue a decision. It has not done it yet, but we are afraid the Supreme Court might issue a decision that we disagree with. We do not trust the courts. We do not agree with them. Never mind that George Bush has appointed two new members of the Court. We still do not agree with it, and, therefore, we are going to try to strip them of their jurisdiction.

That way strips the protection of our liberties from us. We need the courts to protect our liberties. Our constitutional rights can only be vindicated by the courts stepping in when the political branches of government violate the rights of unpopular minorities. That is what the courts have done throughout our history, and we need that protection to continue. And that is why this bill is not only subversive of our constitutional rights, but unconstitutional.

The bill ought to be defeated. The amendment ought to be defeated.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

The amendment was agreed to.

Mr. AKIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MARCHANT) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2389) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3044

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to remove my name from cosponsorship of H.R. 3044.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken later today.

COMMENDING NASA ON COMPLETION OF THE SPACE SHUTTLE'S SECOND RETURN-TO-FLIGHT MISSION

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 448) commending the National Aeronautics and Space Administration on the completion of the Space Shuttle's second Return-to-Flight mission.

The Clerk read as follows:

H. CON. RES. 448

Whereas, on July 4, 2006, the National Aeronautics and Space Administration performed a successful launch of the Space Shuttle Discovery;

Whereas this mission, known as STS-121, marks the second Return-to-Flight mission;

Whereas the crew of the Discovery consisted of Colonel Steve Lindsey, Commander Mark Kelly, Piers Sellers, Ph.D, Lieutenant Colonel Mike Fossum, Commander Lisa Nowak, Stephanie Wilson, and Thomas Reiter;

Whereas the STS-121 mission tested Space Shuttle safety improvements, building on findings from Discovery's flight last year, including a redesign of the Space Shuttle's External Tank foam insulation, in-flight inspection of the shuttle's heat shield, and improved imagery during launch;

Whereas the STS–121 mission re-supplied the International Space Station by delivering more than 28,000 pounds of equipment and supplies, as well as added a third crew member to the International Space Station;

Whereas, due to the overall success of the launch and on-orbit operations, the mission was able to be extended from 12 to 13 days, allowing for an additional space walk to the two originally scheduled;

Whereas the success of the STS–121 mission is a tribute to the skills and dedication of the Space Shuttle crew, the National Aeronautics and Space Administration, and its industrial partners;

Whereas all Americans benefit from the technological advances gained through the Space Shuttle program; and

Whereas the National Aeronautics and Space Administration plays a vital role in sustaining America's preeminence in space: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the National Aeronautics and Space Administration be commended for—

(1) the successful completion of the Space Shuttle Discovery's STS–121 mission; and

(2) its pioneering work in space exploration which is strengthening the Nation and benefitting all Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Con. Res. 448, the concurrent resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in hearty support of H. Con. Res. 448, which commends the National Aeronautics and Space Administration for its successful completion of the space shuttle's second return-to-flight test mission. NASA gave the United States a birthday present and the best fireworks show imaginable with the breathtaking launch of the Discovery mission, also known as STS–121, on the Fourth of July this year.

The shuttle *Discovery* spent nearly 13 days in orbit, 9 of which were spent docked to the international space station. During the 18th shuttle mission to the international space station, the STS–121 crew members delivered over 28,000 pounds of equipment and supplies and transported one additional crew member to the station for a 6-month stay. The astronauts also performed three successful space walks to test equipment and to conduct maintenance.

This Discovery mission is an essential building block for the Vision for Space Exploration to the Moon, Mars, and Beyond. NASA is already fast at work on preparation for the next shuttle launch, with a window that begins on August 28, just a little more than a month away. This mission will resume the assembly of the international space station with the delivery of two truss sections and a set of solar arrays.

NASA Administrator Mike Griffin, the Discovery crew, and the men and women of NASA deserve accolades from the American public for a successful STS–121 mission and for effectively reviving America's space program to the heights of its glory. These astronauts represent the best of humankind. As the President stated upon the return of the Discovery crew on Monday: "Your courage and commitment to excellence have inspired us all, and a proud Nation sends its congratulations on a job well done. America's space program is a source of great national pride."

□ 1415

I urge the passage of H. Con. Res. 448.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the distinguished chairman and ranking member of the full committee and the chairman and ranking member of the subcommittee, Mr. PAUL of Texas, Mr. BOEHLERT and Mr. CALVERT, and those of us enthusiastically in support of this very, very important resolution.

I would like to first of all acknowledge the human factor, and that is to call out the names of COL Steve Lindsey, CDR Mark Kelly, Piers Sellers, Ph.D., LTC Mike Fossum, CDR Lisa Nowak, Stephanie Wilson and Thomas Reiter, congratulations to these very expert, profound and committed Americans, brave Americans, and to really congratulate their efforts and the STS–121; to commend, as I said, my colleague from Texas, for allowing us today to acknowledge how important this launch is.

It was launched safely and it reentered safely. In addition, STS–121 was the 115th shuttle station, and the 18th to visit the space station, on which we left a very new member of the able space station family. This particular launch had a special emphasis because it was launched on July 4th, the Nation's birthday. What a spectacular event.

I would simply say in addition to its launch, the important work that was done, the important space exploration that was done by two of the members of the team, two crew members, Piers Sellers and Mike Fossum, ventured outside the Space Shuttle three times on space walks. I remember as a child the amazing experience that one would see and envision as the initial space launches began, and then subsequently as we saw the space walks that began, but then to be able to acknowledge when one astronaut stepped first on the Moon.

During the first space walk, they prepared the international space station's railcar for restoration and successfully tested whether the combination of the space shuttle's robotic arm and orbital boom sensor system could be a platform to make repairs.

During the second space walk, they restored the station's mobile transport. On the third space walk, Sellers and Fossum tested methods of repairing a damaged orbiter.

Let me just simply say as we look at all of the work, Mission Specialist Thomas Reiter remained in the international space station and he was the backup. Stephanie Wilson from my community, as many of you know, the astronauts live in Houston, let me also pay special tribute to Stephanie Wilson, the second African American woman to go into space. Lisa Nowak added to this pool of outstanding women.

So allow me to close by simply saying that this was unique not only because of its launch on July 4th, but because of the new culture of safety; because I questioned whether this launch should go forward in light of the safety engineer's comments and the controversy before the launch. But now, in the new culture of safety, NASA vetted those concerns and NASA continued to vet them throughout the launch. They did an extensive review of the space shuttle before reentry. This pronounces that we are ready, we are ready to take on the responsibility, and we are ready to accept risk but not without every attention to safety.

So I would simply say to my colleagues, I ask enthusiastically that we support this resolution.

Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina (Mr. MILLER) be able to manage the rest of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. CALVERT. Mr. Speaker, I am happy to yield 4 minutes to the gentleman from Texas (Mr. PAUL), the author of this resolution and a great supporter of the great work of NASA.

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to sponsor H. Con. Res. 448, a resolution commending the people of the National Aeronautics and Space Administration for the latest mission of the Space Shuttle Discovery, and I thank the

Science Committee and the House leadership for their assistance in bringing this resolution to the floor.

Successfully launched on July 4th, this mission, known as STS–121, marks the second mission of the return-to-flight sequence. STS–121 originally was scheduled to perform just two space walks. However, due to the overall success of the launch, the mission was extended from 12 days to 13 days, allowing for an additional space walk.

Among the tasks that were performed on this mission are tests of shuttle safety improvements to build on findings from Discovery's flight last year, including a redesign of the shuttle's external fuel tank's foam insulation, inflight inspection of the shuttle's heat shield, improved imagery during launch, and the ability to launch a shuttle rescue mission. The external tank, which underwent work during the mission to reduce foam loss, performed well this time, especially early in the flight.

The STS–121 mission also bolstered the international space station by making a key repair and delivering more than 28,000 pounds of equipment and supplies, as well as adding a third crew member to the space station.

STS–121 was NASA's most photographed mission in shuttle history, as more than 100 high definition, digital, video and film cameras assessed whether any debris comes off the external tank during the shuttle's launch.

Mr. Speaker, the success of STS–121 is a tribute to the skills and dedication of all NASA employees, especially the Space Shuttle Discovery crew of Colonel Steve Lindsey, Commander Mark Kelly, Piers Sellers, Ph.D., Lieutenant Colonel Mike Fossum, Commander Lisa Nowak, Stephanie Wilson and Thomas Reiter.

I would like now to close with a particular quote that is very pertinent for what we are doing here with this resolution. This comes from a famous author of the last century, who might have been one of the most famous, who wrote a book that many Members of this Congress may well have read. The interesting thing about this quote, it comes from an individual who was not much in favor of big government. As a matter of fact, she was in favor of very, very limited government, and she introduced the ideas of libertarianism to millions of Americans.

But nevertheless, it just happened that NASA was her favorite government agency, and therefore after the Moon landing in 1979 she wrote very favorably about NASA, which in some ways contradicted her philosophy, but it also spoke to the tremendous brilliance and success of the Moon exploration program.

That author that I want to quote is the author of Atlas Shrugged, Ayn Rand, who wrote this shortly after the Moon landing in 1969. And although this is written in praise of the Moon landing, it applies to all those individuals who participated in STS–121.

The quote goes this way: "Think of what was required to achieve that mission. Think of the unpitying effort; the merciless discipline; the courage; the responsibility of relying on one's judgment; the days, nights and years of unswerving dedication to a goal; the tension of an unbroken maintenance of a full, clear mental focus and honesty. It took the highest, sustained acts of virtue to create in realty what had only been dreamt of for millennia."

I encourage all my colleagues and all Americans to join me in commending NASA for completing this mission and all of NASA's work.

Mr. MILLER of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, I rise today in support of the resolution, and I rise, Mr. Speaker, to make note of the heroes in our society and the heroines in our society.

As I do so, I am reminded of a statement that calls to our attention the notion that a great person or great people will always rise to the occasion, and our astronauts have truly risen to the occasion. They are making it possible for us to travel not only to the planets, but also to the stars and beyond. They have truly risen to the occasion.

However, just as a great person will always rise to the occasion, it takes an even greater people to make the occasion, and I want to salute as well the many persons, some of whom are nondescript, who help make it possible for a great people to rise to the occasion: the janitors who work as a part of this team, all of the contractors and subcontractors who are a part of this team. Every person associated with this effort deserves to be commended for the outstanding job that has been done.

So today we celebrate not only those who rise to the occasion, but also those who make the occasion.

Mr. CALVERT. Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of North Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I rise to congratulate the crew and all of the NASA employees on the successful completion of their mission, known as STS–121, the second return-to-flight mission. The mission serves as another example of the historic accomplishments of each of NASA's centers.

I am proud to say that the NASA Glenn Research Center in Cleveland, Ohio played an essential role in the mission. Over the last year, NASA Glenn's researchers and scientists have worked to improve the safety of the shuttle.

Glenn's supersonic 8 by 6 foot wind tunnel was used to make detailed measurements of the ways in which the shuttle would be affected by the absence of what is called the protuberance air load ramps, PAL. The PAL ramp is used to smooth the airflow over the exterior cables and fuel lines. The information gained from the tests was used to decide to fly without the PALs, which is the biggest aerodynamic change in the history of the space shuttle.

Glenn has also been part of a team testing NOAX, a material designed to fill spaces in the shuttle's surface. On the third space walk, shuttle astronauts tested the compound's performance during the intense heat of reentry. Early indications are that the experiment went very well.

Glenn also has experiments in the international space station that will further the safety of human presence in outer space. For example, this mission began an experiment on the space station that will improve the detection of fire in a microgravity environment.

NASA is deserving of thanks and congratulations from Congress. I support this resolution. I thank Congressman PAUL for offering it, and I want to thank all of my colleagues who have been supportive of this program and who understand its relationship to the future of our Nation and the future of the world.

Mr. CALVERT. Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I regret that there are no NASA facilities in my district. We are available if NASA has the need of additional facilities.

Mr. Speaker, I rise in strong support of this resolution. As the adult who sat transfixed as a child in my elementary school classroom and watched as we launched first Alan Shepard, then Gus Grissom and then John Glenn into space, and sat and watched transfixed each time we put human beings into space, it is a remarkable accomplishment. I feel as much in awe of the crew of STS–121 as I felt as a small child in watching those first Mercury flights.

It is an accomplishment that requires great skill, and, as we have been painfully reminded on two occasions, it is one that still requires great physical courage. This is not a safe undertaking. It cannot be made safe. It requires great physical courage for the crew to fly into space to pursue space travel as they do.

It is also a remarkable accomplishment for the team of employees at NASA who remained on the ground and for all the contractors as well, the team at the National Aeronautics and Space Administration.

The crew of the STS–121, again, I know that Mr. CALVERT has already said who they were. Colonel Steve Lindsey, Commander Mark Kelly, Piers Sellers, Ph.D., Lieutenant Colonel Mike Fossum, Commander Lisa Nowak, Stephanie Wilson and Thomas Reiter, specifically launched into orbit above the Space Shuttle Discovery, the second return-to-space flight after the disaster, the tragedy of a few years ago.

□ 1430

Colonel Lindsey said after landing STS-121 that there were two goals for the mission. The first was to complete the return-to-flight tasks begun with the first return-to-flight mission in July of 2005 by flying an improved external tank and testing shuttle repair procedures while in orbit, which apparently is considerably more difficult than conducting those repairs in a garage bay or in a bay.

The second goal was to prepare the international space station for future assembly and to boost the number of people living on the space station from two to three.

Both of those goals were successfully completed by the mission. For the first time since 2003, the international space station now has three members. European Space Agency astronaut Thomas Reiter joined Russian Pavel Vinogradov and American Jeff Williams.

In addition to those goals, the crew was able to make never-before-seen high-resolution images of the shuttle during and after the July Fourth launch, making that mission the most photographed in the shuttle mission.

And the tragedy a few years ago has reminded us, or should remind us, that that ability to look at the shuttle and figure out its current status, its current condition is one that is critical to successful safe future flights.

There were many high-definition digital, video and film cameras documenting the launch and the climb into orbit, and they did help determine whether the shuttle had experienced any damage and whether there were any concerns with return to Earth such as the tragedy that came upon the Discovery.

They also performed inspection of the shuttle heat shield while in space. And on their third space walk during the mission, they tested different techniques for inspecting and repairing the reinforced carbon segments that protect the shuttle's nose cone and the right leading edge, again, an important safety concern because of the Discovery tragedy.

The crew also delivered 28,000 pounds of equipment and supplies to the international space station and repaired a rail car on the international space station.

Through this successful launch and the technological advances that the crew made while in space, we can look forward in the not-too-distant future to the complete assembly of the international space station.

Mr. Speaker, it also increases, the successful mission increases, the likelihood that we can keep the Hubble space telescope in service, perform necessary repairs as well as routine maintenance, to the extent that you can call that routine maintenance.

Mr. Speaker, the flights of the Discovery showed that the team of NASA employees and contractors still have the right stuff or still are deserving of our awe and admiration, as the awe and admiration I felt as a child for those first Mercury astronauts.

Mr. Speaker, there being no further speakers, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume. Once again, I want to congratulate the crew, the NASA team, the contractors for the successful completion of STS-121. We look forward to future success as we continue our journey exploring the unknown and to do things that require skill, technical expertise, courage, and the will to succeed.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H. Con. Res. 448—Commending the National Aeronautics and Space Administration on the completion of the Space Shuttle's second Return-to-Flight mission.

I can think of no better way to celebrate this great Nation's Independence Day than to witness the triumph of science and innovation. As a Member of the House Science Committee and the Senior Member of the Subcommittee on Space and Aeronautics, it was a thrill and a joy to see Space Shuttle *Discovery* launch on July 4.

The *Discovery* crew finished their 13-day mission, which included a docking with the International Space Station, two space walks, but most importantly, a keen review of all safety issues.

We began to focus on the issue of safety when the issues were raised by NASA safety engineers just before the launch of *Discovery* the first week of July. I met with NASA Administrator Michael Griffin just before the launch, and I am pleased that emphasis and priority has been placed on the safety of the astronauts and the space shuttle.

This was an exciting and positive mission. Over the course of the 5.8 million mile journey, the STS-121 Mission Crew succeeded in testing shuttle safety improvements, repairing a rail car on the International Space Station and producing unprecedented images of the shuttle during and after its July 4 launch. In addition, the entire mission exhibited a new concern with safety to coincide with NASA's exemplary reputation for accuracy, precision, and innovation.

Americans love their space program and it is the first priority of NASA and Members of Congress to ensure that it is a viable, continuing, and safe program. The survival of the space program has to be premised with an understanding of the risk, yet at the same time must embrace this new important culture of safety.

I would like to extend my thanks to STS-121, Commander Steve Lindsey, Pilot Mark Kelly, and Mission Specialists Piers Sellers, Stephanie Wilson, Lisa Nowak, and Michael Fossum. Your courage and resolve will continue to be an inspiration for generations to come.

Welcome home *Discovery*.

Mr. WELDON of Florida. Mr. Speaker, I would like to extend congratulations to NASA and the Shuttle program for the successful STS-121 mission on Space Shuttle *Discovery*. On July 4th, I watched with pride as the NASA performed a successful launch of the Space Shuttle *Discovery*, a fitting tribute to NASA, our brave astronauts, and our incredible space program.

STS-121 successfully confirmed the Space Shuttle safety improvements, including the redesigned External Tank foam insulation, the heat shield, and improved imagery during launch. STS-121 also successfully supplied the International Space Station with more than 28,000 pounds of much-needed equipment and supplies.

Our amazing astronauts also gave us earthbound admirers three awe-inspiring spacewalks. My hearty congratulations go to the entire *Discovery* crew—Commander Steven Lindsey, Pilot Mark Kelly, and Mission Specialists Michael Fossum, Lisa Nowak, Piers Sellers, and Stephanie Wilson.

With the completion of the flawless 13-day mission of STS-121 on Space Shuttle *Discovery*, NASA proved that both its Space Shuttle program and the International Space Station program are once again on firm footing. Americans can be confident that NASA's goal of completing the construction of the space station will be realized.

And this confidence-building mission comes at the right time, since the most complicated space assembly mission that has ever been scheduled in human space flight will happen in only a month and a half. Starting in August, NASA will launch a series of missions to finish the backbone of the International Space Station. These shuttle missions will be the most complex since the Apollo program.

These are great challenges for NASA, but America's space agency continues to prove that it is up to the job. I have complete confidence that NASA will be successful with the remaining 15 Shuttle missions to complete the space station before the shuttle's retirement in 2010.

Our Space Shuttle program has proven that it is on track to completing its remaining missions and NASA is on track to continue the manned space program, including the return of Americans to the surface of the Moon.

Mr. CALVERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 448.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CALVERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MT. SOLEDAD VETERANS MEMORIAL PROTECTION ACT

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5683) to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States, as amended.

The Clerk read as follows

H.R. 5683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Mt. Soledad Veterans Memorial has proudly stood overlooking San Diego, California, for over 52 years as a tribute to the members of the United States Armed Forces who sacrificed their lives in the defense of the United States.

(2) The Mt. Soledad Veterans Memorial was dedicated on April 18, 1954, as "a lasting memorial to the dead of the First and Second World Wars and the Korean conflict" and now serves as a memorial to American veterans of all wars, including the War on Terrorism.

(3) The United States has a long history and tradition of memorializing members of the Armed Forces who die in battle with a cross or other religious emblem of their faith, and a memorial cross is fully integrated as the centerpiece of the multi-faceted Mt. Soledad Veterans Memorial that is replete with secular symbols.

(4) The patriotic and inspirational symbolism of the Mt. Soledad Veterans Memorial provides solace to the families and comrades of the veterans it memorializes.

(5) The Mt. Soledad Veterans Memorial has been recognized by Congress as a National Veterans Memorial and is considered a historically significant national memorial.

(6) 76 percent of the voters of San Diego supported donating the Mt. Soledad Memorial to the Federal Government only to have a superior court judge of the State of California invalidate that election.

(7) The City of San Diego has diligently pursued every possible legal recourse in order to preserve the Mt. Soledad Veterans Memorial in its entirety for persons who have served in the Armed Forces and those persons who will serve and sacrifice in the future.

SEC. 2. ACQUISITION OF MT. SOLEDAD VETERANS MEMORIAL, SAN DIEGO, CALIFORNIA.

(a) Acquisition.—To effectuate the purpose of section 116 of division E of Public Law 108–447 (118 Stat. 3346; 16 U.S.C. 431 note), which, in order to preserve a historically significant war memorial, designated the Mt. Soledad Veterans Memorial in San Diego, California, as a national memorial honoring veterans of the United States Armed Forces, there is hereby vested in the United States all right, title, and interest in and to, and the right to immediate possession of, the Mt. Soledad Veterans Memorial in San Diego, California, as more fully described in subsection (d).

(b) Compensation.—The United States shall pay just compensation to any owner of the property for the property taken pursuant to this section, and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of the property. Payment shall be in the amount of the agreed negotiated value of the property or the valuation of the property awarded by judgment and shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code. If the parties do not reach a negotiated settlement within one year after the date of the enactment of this Act, the Secretary of Defense may initiate a proceeding in a court of competent jurisdiction to determine the just compensation with respect to the taking of such property.

(c) Maintenance.—Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the Secretary of Defense shall manage the property and shall enter into a memorandum of understanding with the Mt. Soledad Memorial Association for the continued maintenance of the Mt. Soledad Veterans Memorial by the Association.

(d) Legal Description.—The Mt. Soledad Veterans Memorial referred to in this section is all that portion of Pueblo lot 1265 of the Pueblo Lands of San Diego in the City and County of San Diego, California, according to the map thereof prepared by James Pascoe in 1879, a copy of which was filed in the office of the County Recorder of San Diego County on November 14, 1921, and is known as miscellaneous map No. 36, more particularly described as follows: The area bounded by the back of the existing inner sidewalk on top of Mt. Soledad, being also a circle with radius of 84 feet, the center of which circle is located as follows: Beginning at the Southwesterly corner of such Pueblo Lot 1265, such corner being South 17 degrees 14′33″ East (Record South 17 degrees 14′09″ East) 607.21 feet distant along the westerly line of such Pueblo lot 1265 from the intersection with the North line of La Jolla Scenic Drive South as described and dedicated as parcel 2 of City Council Resolution No. 216644 adopted August 25, 1976; thence North 39 degrees 59′24″ East 1147.62 feet to the center of such circle. The exact boundaries and legal description of the Mt. Soledad Veterans Memorial shall be determined by survey prepared by the Secretary of Defense. Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the boundaries of the Memorial may not be expanded.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise to ask my colleagues' support for H.R. 5683, the Mt. Soledad Veterans Memorial Protection Act. Since 1954, a 29-foot cross has stood atop Mt. Soledad in San Diego, California, memorializing the sacrifices of American soldiers during World War I, World War II, and the Korean conflict.

This beautiful and historic memorial cross was erected and is maintained by a private organization, the Mt. Soledad Memorial Association, with the permission of the city of San Diego.

Over the years, the memorial association has added many elements to this memorial, including over 1,700 granite plaques commemorating individual servicewomen and men on concentric walls, bollards, pavers, and a flag pole proudly flying the American flag. The memorial cross now is fully integrated as a centerpiece of the multifaceted Mt. Soledad Veterans Memorial. It is without question a world-class war memorial, dedicated to all of those, regardless of race, religion or creed, who have served our armed services.

In 1989, a single plaintiff brought suit against the city of San Diego because he stated he was offended by the sight of the cross. The district court found that presence of this memorial cross violated the California Constitution's guarantee of free exercise and enjoyment of religion without discrimination or preference and ordered the removal of the display.

The city of San Diego, like other municipalities faced with similar court orders, endeavored in good faith to divest itself of the memorial property by selling it to a private party who could choose to display the memorial cross.

In this case, however, the Ninth Circuit Court of Appeals found that the method of sale violated the California Constitution's ban on aid to sectarian purposes. On May 3, 2006, the district court ordered the city of San Diego to comply with the original injunction.

The city has appealed that order to the Ninth Circuit Court of Appeals, and the United States Supreme Court Justice Anthony Kennedy has stayed enforcement of the order pending the outcome of that appeal.

In 2004, the United States Congress designated the Mt. Soledad Veterans Memorial a National Veterans Memorial and authorized the Federal Government to accept the donation of the memorial from the city of San Diego. The voters of San Diego passed, by an overwhelming 76 percent, a ballot measure providing for the donation.

But in response to a complaint by the same lone plaintiff, a San Diego County superior court judge invalidated the citywide referendum as violating the California Constitution.

The vast majority of the citizens of the city of San Diego favor finding a way to keep the Mt. Soledad Memorial intact, even if that means giving up ownership of the parkland property on which it is located.

A 1994 ballot measure authorizing the sale of the property also passed with 76 percent of the vote, as did a 2005 ballot measure directing the city to donate the memorial property to the Federal Government.

The efforts of the city to vindicate the desires of the citizenry, however, have been stymied by one plaintiff and a few judges who find the city of San Diego's display of the decades-old memorial cross impermissible under the California Constitution.

H.R. 5683 vests title and possession of the Mt. Soledad Veterans Memorial, a national memorial honoring the war dead and veterans of the United States Armed Forces, in the United States. Once the memorial property belongs to the United States, the constitutionality of the property transfer, as well as the display of the cross as an element of the Mt. Soledad Veterans Memorial, will be determined under the establishment clause of the United States Constitution.

Applying the establishment clause to the government's display of religious symbols, the United States Supreme Court has determined that displays of religious symbols on government property are unconstitutional only if their purpose is entirely religious and they include no secular components.

Most recently the Supreme Court has determined that the establishment clause analysis of passive monuments like this one is driven by the nature of the monument and by our Nation's history. In the case of the Mt. Soledad Veterans Memorial, it is surrounded by a plethora of secular symbols. In fact, Mr. Speaker, there are some 1,700 memorials that make up this overall veterans memorial.

In accordance with the United States' long tradition of memorializing members of the Armed Forces who die in battle with religious symbols, the memorial cross serves a legitimate secular purpose of commemorating our Nation's war dead and veterans. Therefore, the display of the Mt. Soledad memorial cross on Federal property as part of a larger memorial is constitutional.

In fact, Mr. Speaker, we have many pictures of large crosses in national cemeteries and other national property or Federal property across this Nation, and we will display those at the appropriate time.

The memorial cross on Mt. Soledad is not only a religious symbol, it is a venerated landmark, beloved by the people of San Diego for over 50 years. It is a fitting memorial to all persons who have served and sacrificed for our Nation as members of the Armed Forces.

Passage of H.R. 5683 will preserve the beautiful memorial for the families of those who have died in service, for all current military servicemembers, for veterans, for the citizens of San Diego and for the Nation.

For the RECORD, Mr. Speaker, I would like to submit letters of support from Jerry Sanders, mayor of San Diego; San Diegans for the Mount Soledad National War Memorial; the American Legion; AMVETS; Veterans for Foreign Wars of the United States; Disabled American Veterans; the American Center for Law and Justice; and Robert and Sybil Martino, the parents of a soldier who gave his life in the war on terror and was honored for his sacrifice at the Mt. Soledad Memorial.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 19, 2006.

STATEMENT OF ADMINISTRATION POLICY—H.R. 5683—ACQUISITION OF MT. SOLEDAD VETERANS MEMORIAL

(Rep. Hunter (R) CA and two cosponsors)

The Administration strongly supports passage of H.R. 5683 to protect the Mount Soledad Veterans Memorial in San Diego. In the face of legal action threatening the continued existence of the current Memorial, the people of San Diego have clearly expressed their desire to keep the Mt. Soledad Veterans Memorial in its present form. Judicial activism should not stand in the way of the people, and the Administration commends Rep. Hunter for his efforts in introducing this bill. The bill would preserve the Mount Soledad Memorial by vesting title to the Memorial in the Federal government and providing that it be administered by the Secretary of Defense. The Administration supports the important goal of preserving the integrity of war memorials.

JULY 18, 2006.

Hon. DUNCAN HUNTER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HUNTER: As the U.S. House of Representatives prepares to consider the Mt. Soledad Veterans Memorial Protection Act (H.R. 5683), I write in support of this bill.

As you know, I have strongly voiced my support for maintaining the integrity of the Mt. Soledad Memorial as a multi-faceted site that recognizes veterans of all wars and all faiths.

H.R. 5683 provides that, "The United States shall pay just compensation to any owner of the property for the property." As acknowledged in the legislation, "The United States has a long history and tradition of memorializing members of the Armed Forces who die in battle with a cross or other religious emblem of their faith and a memorial cross is fully integrated as the centerpiece of the multi-faceted Mt. Soledad Veterans Memorial that is replete with secular symbols."

I believe this legislation provides a possible means of preserving the integrity of the memorial and for that reason I support these efforts.

Sincerely,

JERRY SANDERS,
Mayor.

SAN DIEGANS FOR THE MOUNT SOLEDAD NATIONAL WAR MEMORIAL,
San Diego, CA, July 19, 2006.

Hon. DUNCAN HUNTER,
House Armed Services Committee,
Washington, DC.

DEAR CHAIRMAN HUNTER: San Diegans for the Mount Soledad National War Memorial applauds your efforts on behalf of the vast supermajority of San Diegans, including thousands of veterans, to maintain the integrity of this important monument to those courageous heroes who have fought and died in defense of this great Nation.

By joining Congressmen Issa and Bilbray in introducing legislation that would transfer the site of the memorial to the federal government, you are upholding the will of over 75 percent of San Diegans who voted Yes on Proposition A to keep Mount Soledad as it is, where it is. You are also drawing a clear line in the sand against those who seek to undermine the history and heritage of our great Nation by eradicating from the historic record the heroic individual sacrifices that have not only preserved our own freedom, but liberated millions of people across the globe.

As Chairman of the committee that spearheaded the overwhelmingly successful referendary petition drive and subsequent "Yes on Prop A" campaign last July, and a practicing Jew, I am pleased to offer you the full support of San Diegans for the Mount Soledad National War Memorial and any further necessary assistance in preserving this sacred monument on behalf of the people of San Diego and the United States of America.

Thank you.

Sincerely,

PHILIP L. THALHEIMER,
Chairman.

MAY 15, 2006.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: My wife and I would like to express our support for the effort initiated by Representative Duncan Hunter of California and the Mayor of San Diego to save the cross at Mt. Soledad wherein the Federal Government would take the property by eminent domain as a veteran's memorial.

Our son Captain Michael D. Martino, USMC, was killed in action in Iraq on November 2, 2005, when his Cobra Helicopter was shot down by a SA 16. This past week our son's Camp Pendleton unit, which had just recently returned from Iraq, dedicated plaques at Mt. Soledad to honor him and his fellow pilot Major Gerry Bloomfield for their heroic service. There is no better place to honor our fallen heroes than under that cross, overlooking the country they fought and died to preserve.

Our son loved his country and the many rights and liberties it provided, especially our right to freedom of religion. A few in this country would like to see the cross removed from Mt. Soledad and thus deny the majority their rights to religious expression. This cross is no more an affront to personal beliefs than the thousands of crosses in Arlington Cemetery.

Is it fair to the majority who have served or fallen for our Nation and wish to keep the cross for the sake of the few who look to strip all religion from our country, under a false interpretation of the separation of church and state? Our son died with a strong belief that he was fighting to preserve the freedom of all Americans. Please let us have OUR freedom from activist judges and their personal interpretation of our Constitution.

Mr. President, please take the Memorial at Mt. Soledad under federal ownership.

You are always in our prayers.

Sincerely,

ROBERT A. AND SYBIL E. MARTINO.

JUNE 21, 2006.

Hon. DUNCAN HUNTER,
Chairman, House Armed Services Committee
Washington, DC.

DEAR CHAIRMAN HUNTER: As the leaders of the Nation's four largest veterans organizations, we respectfully request your assistance on an issue that is important to former military personnel and to American values.

The Mt. Soledad Veterans Memorial is a historic site overlooking the Pacific Ocean that has stood for over 52 years as a tribute to our Nation's Armed Forces. This veterans memorial is the first and last thing that ships see as they arrive or depart from one of the world's largest naval installations. Unfortunately a small group of plaintiffs wish to destroy the integrity of the Memorial and the courts have complied by requiring that the Memorial's centerpiece cross be removed by August 1, 2006. We believe that destruction of the Memorial is an affront to the sacrifices made by America's veterans and is contrary to the will of citizens of San Diego, 76 percent of whom voted in a recent referendum to try to preserve the Memorial. Accordingly, we request that the Congress pursue all available legislative options to take federal possession of the Memorial with the intention of preserving the Veterans Memorial in its current form.

Sincerely,

THOMAS L. BOCK,
National Commander, the American Legion.
PAUL W. JACKSON,
National Commander, Disabled American Veterans.
JAMES R. MUELLER,
Commander-in-Chief, Veterans of Foreign Wars of the U.S.
EDWARD W. KEMP,
National Commander, AMVETS.

JUNE 29, 2006.

Hon. DUNCAN HUNTER,
Chairman, House Armed Services Committee,
Washington, DC.

DEAR CHAIRMAN HUNTER: As the leaders of the Nation's four largest veterans' service organizations, we write to you today in appreciation for introducing with Representatives Issa and Bilbray a measure which would provide for the immediate acquisition of the Mount Soledad Veterans Memorial by the United States. While this step is extraordinary, our organizations feel it is the appropriate measure to take.

As we noted in our letter to you last week, we believe that the destruction of this Memorial is an affront to the sacrifices made by America's veterans and is contrary to the will of the citizens of San Diego. This Memorial has stood in its historic location overlooking the Pacific Ocean for 52 years, a silent tribute to the sacrifices made by veterans past, present and future.

As we answered the call in the past to serve this country, so we will answer the call now. Accordingly, we offer to help in any way we can to aid you in preserving this hallowed Memorial.

Sincerely,

THOMAS L. BOCK,
National Commander, the American Legion.
PAUL W. JACKSON,
National Commander, Disabled American Veterans.
JAMES R. MUELLER,
Commander-in-Chief, Veterans of Foreign Wars of the U.S.
EDWARD W. KEMP,
National Commander, AMVETS.

AMERICAN CENTER FOR LAW & JUSTICE,
Washington, DC, July 17, 2006.

Congressman DUNCAN HUNTER,
Rayburn House Office Building,
Washington, DC.

CONGRESSMAN HUNTER: We write today in support of your legislation to protect the war memorial at Mt. Soledad, H.R. 5683.

We believe the public has a vital interest in ensuring that centuries-old American traditions and practices are not declared unconstitutional without careful and accurate judicial review of all issues involved. The Establishment Clause does not require that crosses, Stars of David, and other religious symbols be removed from Mount Soledad, Arlington National Cemetery, and the countless other places across the country where the lives and sacrifices of veterans are commemorated. The longstanding, venerable tradition of using crosses and other religious symbols on memorials and in the public square is fully consistent with the Supreme Court's Establishment Clause analysis in its County of Allegheny v. ACLU (1998), ACLU of Kentucky v. Mercer County (2005), Elk Grove Unified School District v. Newdow (2004), and Van Orden v. Perry (2005) decisions.

Your actions, those of other Members and the Departments of Defense and the Interior, and the citizens of San Diego, to help preserve the integrity and sanctity of memorials honoring the lives and sacrifices of veterans are well taken and constitutionally permissible.

To remove the Mt. Soledad cross is an insult to the men and women who fought to protect our freedoms. To allow activist organizations to strip religious symbolism from public life would cut against America's heritage and remove a vital component which makes our country unique.

We applaud your efforts and stand ready to assist you as you continue your fight to save the war memorial at Mt. Soledad.

JAY A. SEKULOW,
Chief Counsel.
COLBY M. MAY,
Senior Counsel & Director.

Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chairman said a moment ago, this bill is intended to preserve the Mt. Soledad Veterans Memorial in San Diego, California, and it allows for the immediate acquisition of this memorial by the United States Government.

The distinguished chairman, my friend from California, feels obviously very strongly about this issue, and apparently the people of that region also feel very strongly about it, by virtue of a vote that they took, a popular vote, indicating some 76 percent support for this idea.

Mr. Speaker, for that reason I will not be opposing the resolution. I will have some speakers who would like to speak to the issue.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield 5 minutes to the gentleman from San Diego, California (Mr. ISSA), who has been a real champion in this effort to preserve the memorial.

□ 1445

Mr. ISSA. Mr. Speaker, I rise today in strong support of this acquisition by the Federal Government, because it is so consistent with how we as Americans have honored our war dead and those who have given in service to our country.

I just want to point out for a moment a picture of Mt. Soledad, of the actual cross, and then, Mr. Speaker, as you look at pictures of the other Federal sites, the amazing thing is how similar they are. These are sites which are not contested. They are not contested because our Founding Fathers didn't want the establishment of a religion, but they didn't want a godless society; just the opposite, they wanted a freedom for people to observe their God as they chose fit. Particularly when we deal with those who have fallen in support of this country, they should be free to honor them with or without symbols that they find comfort in.

I think, Mr. Speaker, as we consider this important piece of legislation, I think it is important that we realize that that cross is about men and women who have given their lives and a symbol that says they gave their life for their country. It is an arbitrary symbol, but it is not a symbol without meaning. It stands, like those crosses in faraway lands of Americans who fell in Tripoli, Americans who were buried at Normandy, and of Americans who have never been returned home from the sea. It stands as a symbol of their passing and their sacrifice.

Mt. Soledad, no one ever doubted that this was a war memorial. No one ever doubted that. In fact, people found comfort in this symbol to those men and women in San Diego, the home of both Marines and Navy, for more than 100 years. No one ever found that this was inappropriate to honor our dead. What they found was one person, one out of 2 million people, who said, I am offended. I want no cross. It offends me.

Mr. Speaker, the definition of offensive language and offensive behavior and signs like the swastikas and other symbols of hate are just that. They are unique symbols that people have no doubt are designed to offend.

This cross was never intended to offend. Just the opposite; it was intended to do what it does for the vast majority of San Diegans and people who come to our fair city. It honors our war veterans for the sacrifice they made. That is the symbolism it has. That is the reason that hundreds of thousands of people climb that hill every year to spend a moment to look at the cross, but, more importantly, to look at the pictures of the men and women throughout the lower part of this memorial who, in fact, are there on plaques to be observed and remembered for their sacrifice.

I ask full support of this resolution.

Mr. BUTTERFIELD. Mr. Speaker, I yield 5 minutes to a distinguished member of the House Armed Services Committee, the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I would like to begin by saying I appreciate the sensitivity of my colleagues on this issue who believe this bill is about veterans. I, too, have a deep appreciation of our veterans and the sacrifices they have made for our Nation and our freedoms.

If this bill were nothing more than a veterans issue, we would have a very simple decision before us today. But, unfortunately, that is not the case. The courts have told us time and time again what this issue is about. It is about a demonstrated preference of one religion over all others. It is about a uniquely religious symbol on public land. Make no mistake about it, this bill is not about preserving a veterans memorial. It is about preserving a 29-foot cross that sits within the boundaries of a veterans memorial, a veterans memorial that is supposed to honor all veterans.

Yet towering over the American flag, and the plaques, names, and photos of honored veterans, and I can see many of their faces in the plaques today, is a 29-foot symbol of one religion, and that is why we are here today.

A district court ruling on the memorial noted, "Even if one strains to view the cross in the context of a war memorial, its primary effect is to give the impression that only Christians are being honored."

I can certainly understand, Mr. Speaker, the emotion that this issue has generated. Believe me, I can understand that emotion. But as today's discussion has proven, this issue has become more about a cross than about a veterans memorial. Our focus should be on the veterans, and it should be inclusive of all veterans.

Mr. Speaker, I would like to take a moment to share the words of one of my constituents who just recently wrote me. He says, "My father, a Bronze Star recipient for being wounded twice during D-Day, died a few years back, and I would like to pay tribute to his service to our country by purchasing a plaque to honor him.

"Mt. Soledad is one mile from where I live, and it would be the most logical choice, given its beautiful location and proximity.

"However, my father, being a practicing Jew, would be dishonored by the cross." That was the way he felt he would see it. "Shouldn't," he asked, "a war memorial pay homage to all who served and defended this country?"

And he continues to write, "It is un-American to create a memorial to veterans which is not all-inclusive.

"There are many things," he writes, "which could be erected as a tribute, but a cross, a crescent moon, a statue of Buddha, or a Star of David, are completely inappropriate and illegal.

"This is all about religion, because if the monument being considered were a statue of a dove or a soldier, we would not even be having this conversation."

Mr. Speaker, I say to you, I fully understand the sensitivity of this issue. Believe me, it would be easy to vote with the majority on this issue. But the easiest decision, or the most popular one, is not always the right one.

In the words of James Fenimore Cooper, and I quote, "It is a besetting vice of democracies to substitute public opinion for law. This is the usual form in which masses of men exhibit their tyranny."

The beauty of our Constitution is that it protects the voice of the minority, so I ask you to join me in protecting that minority today.

Mr. HUNTER. Mr. Speaker, I yield 5 minutes to the gentleman from San Diego, California (Mr. BILBRAY), a gentleman who has worked tirelessly to preserve the memorial.

Mr. BILBRAY. Mr. Speaker, I rise in strong support of this resolution. This memorial is in my district. It is a very prominent memorial, not just in the landscape, but in the history of San Diego County.

I remember as a child my father driving me past this memorial and looking up and saying this is one of the few memorials in the country that recognize the heartbreak of what went on in Korea. As a Korean veteran, he was also very much impressed with the fact that San Diegans set aside a memorial for the Korean war.

Frankly, I am shocked in a time of war, a time when our men and women are out exchanging deadly fire with the enemy, that we are talking about destruction of a war memorial. It is a war memorial dedicated to 800-plus people that never came back from the Korean war, the missing in action.

Now, in San Diego County, we have many religious symbols on public lands. We have a cross to Father Serra on Presidio Hill. We have a cross to Cabrillo, who found San Diego Harbor. We have Point Lomo. We have a county synagogue in our county park, and we have a cross on Mount Helix that was set aside by a gentleman for his wife. We are not asking to tear those religious symbols down.

All I have to say, Mr. Speaker, is we have enough tolerance for a cross to Father Serra. If we can find the tolerance to save a major historical building such as the synagogue, Beth Israel Synagogue, if we can find the tolerance to have a cross for Cabrillo, my God, can't we find the tolerance to preserve a war memorial to 800,000 missing in action in Korea? This really is about common sense, common decency and tolerance.

Mr. Speaker, there are those who will find excuses to attack what they may not like, but this is not about religion; it is about the tolerance of our heritage and the memorials to those who have fought for our heritage across the board. I would just like to point out, if somebody wants to say that this is somehow a Christian conspiracy, that Phil Thalheimer, the chairman of Save the Cross, happens to be of the Jewish faith, his family survived the terrible Holocaust in Europe.

One of his biggest statements, that his family always talked about, the first thing that the Fascists wanted to do was to destroy religious symbols when his parents were trying to escape.

Now, Mr. Speaker, the State of California has many religious symbols, and we do too here. All I have to say is I don't think anybody in California or in this Chamber is asking for the cross in Father Serra's hands to be taken off that statue in Statuary Hall. The fact is that both of the statues for California happen to be someone who is affiliated with the Christian faith. But their affiliation with Christianity does not change the historical significance or the justification and the logic of us honoring him here in Washington.

Mr. Speaker, we are asking today to do a very easy thing. Understand that mistakes can be made by courts; but the voters have said very clearly they do not find offense in a memorial to veterans. They do not find offense to this symbol for these people, for the people that committed so much for America.

I would ask anyone who thinks that the cross is offensive, because it is a religious symbol, to go to the memorial and walk around the wall of it. You will see every religious symbol thinkable around that memorial that have been dedicated.

If we take this cross down because someone may take offense to a religious symbol, when will they next go for the Star of David, the star or crescent? They will go after the other symbols that somebody may take offense to.

Mr. Speaker. I think we need to honor our war dead, our missing in action from Korea. We should honor ourselves by showing that tolerance is not a politically correct catch term, but truly is the sign of an enlightened people, that as Moses looks down on us here, we will be proud to have him guide us on this vote.

I ask for a "yes" vote on this, and ask you, for the people of the 50th District of California, to support their will, support their veterans, and vote "yes" on this resolution.

Mr. BUTTERFIELD. Mr. Speaker. I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker. I yield myself such time as I may consume.

Just to make one point, what we are doing with this legislation is taking ownership that we have already designated by law the memorial at Mt. Soledad. the Korean war memorial. We have already designated this memorial as a Federal memorial. What we are doing is taking ownership of the memorial.

So for those who don't like it and who think that it is unconstitutional. that memorial will still be intact and will be subject to any attacks that they or others may want to make on the memorial.

What it simply does is transfer title of the memorial. of the property. to the Federal Government. I think that is absolutely appropriate in light of the fact that these are veterans from all over America who are represented on those 1.700-plus little memorials that make up this big memorial. So it is absolutely reasonable and appropriate that the Federal Government. having designated this as a Federal memorial, takes ownership of the property as a Federal memorial.

□ 1500

Mr. BUTTERFIELD. Mr. Speaker. I yield 3 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I had not intended to speak on this matter, but the eloquence of the gentlewoman from California and the remarks of the distinguished gentleman from California have moved me to stand up and say a few words.

I do not know why in a pluralistic society, in a great democracy that we are, that we have become. that we continue to be, that we look to find things and issues to divide us rather than to unite us.

I am not of the Christian faith. Christian symbols do not offend me. They stand for things that are good and decent and pure and idealistic, and I think that is wonderful. But to make them the symbol of something public is something that I do find offensive.

We talk about so often our Judeo-Christian heritage. I am not sure what that means exactly. I know it means that somebody is reaching out to try to include me and my small faith when they want to look pluralistic.

I know that my dad fought in World War II. I know that I had relatives who went to Canada to join the Royal Mounted Police because they were in World War II fighting the Nazis before the United States of America did. I know that people of all faiths of this great Nation died in that war and all other wars that we fought. and continue to die today as you read the list of people coming back, tragically killed by terrorists.

I do not know why we have to put a religious symbol on the entire monument. There is nothing wrong with the crucifix in the hands of whoever wants to hold it. even in Statuary Hall. Nobody is saying remove that cross. That is an individual sign of faith. not a collective societal sign of faith.

The gentleman from California justifies it by saying it is a symbol of our heritage. I beg to differ. It is not a collective symbol of our heritage because it is not the symbol of my heritage. though I respect it as a symbol of somebody else's heritage. And if. indeed, the only symbol up there was a statue of Buddha or a Muslim symbol or a Jewish Star of David. I would object as strenuously.

If you cannot represent all religions, then represent no religion. They did not die in a crusade. It was not a religious Korean war. Why put the symbol of Christianity or any other religion there?

Make it a monument for people who fought and died for freedom of liberty, who died for freedom of religion, who died for people's ability to express themselves in a free society. That was the intent. and I think that is something we would all be proud of, and we are proud of the veterans.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his statement. How much time do both sides have left?

The SPEAKER pro tempore (Mr. LINDER). The gentleman from California (Mr. HUNTER) has 5½ minutes remaining. The gentleman from North Carolina (Mr. BUTTERFIELD) has 11½ minutes remaining.

Mr. HUNTER. Do we have the right to close?

The SPEAKER pro tempore. The gentleman is correct.

Mr. HUNTER. In that case, we would like to reserve our time.

Mr. BUTTERFIELD. I do not have any additional speakers, Mr. Speaker. and I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I want to thank all Members for engaging in this debate. I think it is a good one and a healthy one, and I would like to point out to all Members that preserving this memorial, that is. transferring it to the United States of America. is supported strongly by the American Legion. by the Veterans of Foreign Wars of the United States. by the Disabled American Veterans, and by AMVETS and by all of their national commanders.

Mr. Speaker, let me point out that there are dozens and dozens not only of crosses but of Stars of David and other religious symbols on Federal property throughout this country.

I noticed during the debate here that we are standing under a statement. "In God we trust," that stands over the Speaker's chair. arguably a target for a constitutional argument that it violates separation of church and State.

Now, in answer to my friend from New York and his statement that why did we have to go and put this cross on this memorial, this memorial is 52 years ago. It is a memorial that has evolved and grown since not only the Korean war but actually right after the turn of the century. like so many memorials that we have.

Today. there is not really just one memorial. There are really 1.701 memorials in composite because there are 1.700 plaques to people that gave everything they had to the United States of America.

This last letter that I received in support of this from the parents of Captain Martino. who fell in Iraq last year. saying please do not let them tear down the memorial. reminded me to look back and look at some of the other people that are on this memorial. There is a thread of patriotism between every American alive today and those who served our country and those who fell for our country, those 619.000 Americans who died in the last century. those 2.500-plus Americans who have given their lives in Iraq and the 300-plus Americans who have given their lives in Afghanistan. There is a thread of patriotism between those people.

So for Captain Martino. who gave his life in Iraq just last year because of that, and for his family. somebody is able to teach at a synagogue or a church today or a college: because of a machine gunner in Belleau Wood early in this century. a businessman is able to operate freely in Cincinnati; and because of people who fell in the Korean war, a young couple is able to walk down the streets without being arrested in Washington. D.C.

So the freedoms that we have are combined by a thread to every single person who gave that full measure of devotion to our country. and whether we like it or not and whether the courts like it or not. the people. the families. the service people. think that those threads come together in little monuments and memorials throughout this country. not the least of which is Arlington Cemetery. but also not the least of which is 3,000 miles away on Mt. Soledad overlooking the Pacific Ocean where the 1st Marine Division embarked for those incredible fights in the island chains, taking back Guadalcanal, Iwo Jima and other islands in the Axis Powers in World War II. That is a point of embarkation. It is a point where many families last saw their loved ones.

This memorial has a thread of patriotism and a thread of meaning to the people of the United States, not just San Diego, and it is fully appropriate that the United States of America, having made this memorial a national memorial, now takes ownership of the memorial.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 5683, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HUNTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING SYMPATHY FOR THE PEOPLE OF INDIA IN AFTERMATH OF THE DEADLY TERRORIST ATTACKS ON JULY 11, 2006

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 911) expressing sympathy for the people of India in the aftermath of the deadly terrorist attacks in Mumbai on July 11, 2006, as amended.

The Clerk read as follows:

H. RES. 911

Whereas on July 11, 2006, during evening rush hour, seven major explosions occurred on busy urban commuter trains in the Indian financial capital of Mumbai, killing as many as 200 and wounding more than 700 innocent civilians;

Whereas the Mumbai attacks occurred shortly after a series of grenade attacks took the lives of at least eight people and injured approximately 40 others in tourist areas of Srinagar, Kashmir;

Whereas India has been a strong partner of the United States in the Global War on Terror and offered immediate assistance to the United States after the terrorist attacks of September 11, 2001;

Whereas the United States and India are both multicultural, multireligious democracies that oppose terrorism in all its forms and will continue to work steadfastly to overcome terrorist ideology and establish international peace and security;

Whereas the bombings have been condemned by leaders from around the world, including from those attending the Group of Eight (G-8) meeting in Saint Petersburg, Russia; and

Whereas the United States stands with the people and the Government of India and condemns in the strongest terms these atrocities, which were committed against innocent people as they went about their daily lives: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest possible terms the July 11, 2006, terrorist attacks in Mumbai and Srinagar;

(2) expresses its deepest condolences to the families and friends of those individuals killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) expresses its solidarity with the Government and people of India in fighting and defeating terrorism in all its forms; and

(4) expresses its support for the enhancement of relations between the United States and India, with the goal of combating terrorism and advancing international peace and security.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 911.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

At the outset, let me acknowledge the leadership of Mr. WILSON and Mr. CROWLEY in sponsoring this important and timely resolution, as well as that of the current cochairs of the India Caucus, Ms. ROS-LEHTINEN and Mr. ACKERMAN, as well as the leadership of Mr. HYDE and, of course, Mr. LANTOS, the distinguished ranking member.

I would also like to express appreciation to House leadership for scheduling floor time today for this measure.

On July 11, 2006, more than 200 people were killed and over 700 others injured in seven bomb blasts that targeted several locations on the local railway network in Mumbai, India's commercial capital during evening rush hour. Meanwhile, earlier that same day, grenade attacks in Srinagar, Kashmir targeted tourists, killing eight innocent civilians and wounding over 40 more.

Although the motivations behind this attack are still a bit vague, previous attacks have been designed to provoke communal conflict and to disrupt the Indian economy. However, India's multicultural and multiethnic democracy is enormously resilient, and the warped schemes of those who planned and executed these attacks have so far, thankfully, come to naught.

Mr. Speaker, it is self-evident that these brutal terrorist attacks are an affront to the world community, and they have, appropriately, been thoroughly and unequivocally condemned by leaders and ordinary citizens around the globe.

For example, in the immediate aftermath of the attacks, President and Mrs. Bush issued a statement on behalf of the American people expressing their deepest condolences to the friends and families of the victims.

The President spoke for all Americans when he noted that "The United States stands with the people and the Government of India and condemns in the strongest terms these atrocities which were committed against innocent people as they went about their daily lives. Such acts only strengthen the resolve of the international community to stand united against terrorism and to declare unequivocally that there is no justification for the vicious murder of innocent people," said President and Mrs. Bush.

More recently on July 17, representatives at the Group of Eight Summit in St. Petersburg, Russia also condemned these "barbaric terrorist acts" and emphasized their unity with India in a common resolve to intensify efforts to combat anarchistic acts of terrorism and uphold the rule of law.

Mr. Speaker, tribute must be paid to the people of Mumbai who not only responded with great compassion to families of those who were killed and injured in the attacks, but who demonstrated such courage and resolve in almost immediately restoring normalcy in that great and bustling city. It is astonishing that in the wake of these attacks not only were Mumbai's trains running the next day, but millions of its citizens overcame their fears and returned to those trains in order to keep that extraordinary city thriving.

Likewise, at a time when international events seem to be spinning dangerously out of control, tribute must also be paid to the leadership of Prime Minister Singh, who has responded to the attacks in Mumbai and Srinagar with firm resolve but measured restraint as the investigation of these attacks unfold.

Here, Mr. Speaker, let me stress that the challenge of establishing a balance between the two "Rs," resolve and restraint, involves the most difficult judgment call in international relations today. Senseless, anarchistic acts tempt human nature. It is easy to succumb to the third "R," revenge, but not infrequently that is the response terrorists most desire because it escalates violence and disorder.

In this context, it is impressive how historically Indian democracy stands out, not only for its size, for its success in amalgamating extraordinary diversity, but for its origin in Gandhi-esque principles, revolution premised on nonviolence, the Indian term "satyagraha." The power of principled nonviolence overwhelmed the power of colonialist arms.

Today, there are models in the world of military reaction to terrorist disorder. These models of escalated violence are understandable, but it will be interesting to see if the model of restraint being established in India today to these unpardonable acts of violence proves more effective, as well as more humane, than military responses.

I urge support for this resolution.

□ 1515

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Just over a week ago, barbarism boarded seven trains in Mumbai, India, and turned them into a horror show. The toll was horrific, over 200 dead, hundreds of others maimed and traumatized. Across the region, shocked, grieving people had suddenly lost parents, spouses, children, brothers and sisters to this random, heinous act.

The explosive devices were placed to cause maximum havoc. Hidden in overhead luggage racks, they tore through the upper bodies of some victims, decapitating many. And they were set to detonate during Mumbai's rush hour to increase the carnage.

I wish to express my personal solidarity with the victims of this sickening, heartless act and with their families, along with the people of India as a whole. With our resolution today, Congress condemns this assault on civilization in the strongest of terms.

Mr. Speaker, as we in Congress move ahead with efforts to improve the geostrategic relationship with India, we now have a fresh incentive to forge ever-closer ties. At a time such as this, we consider what our two great democracies have in common: our values, our aspirations, our hopes, and our respect for human life.

Mr. Speaker, it is an irony of timing in the legislative process that the legislation we are considering today is referred to as H. Res. 911, but this coincidence serves to remind us of a common experience. In India, as in the United States, it is a tragic outcome of the civilized world's struggle with terrorism that the world's largest democracy and its oldest are both victims of terrorist attacks. Both of our great nations are targeted by terrorists hellbent on destroying the innocent and frightening our governments into submission and appeasement.

Let us reaffirm today that the terrorists will not succeed. The civilized and peace-loving nations of the world are joining forces to combat this evil ideology. Good will prevail. Life will triumph over death. Together, India and the United States will hold aloft the bright beacon of freedom and democracy to lead the way.

Mr. Speaker, this is far from the first such incident in India. Let it be the last, and let us send an unequivocal message that we stand with our brothers and sisters in Indian in the face of the barbarous onslaught in Mumbai.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I am honored to yield to the distinguished chairman of the Middle East Subcommittee, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for such time as she may consume.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the chairman for yielding me this time.

Today I rise in strong support of H. Res. 911, and I would like to join my fellow Members of this Chamber in expressing our heartfelt sympathies to the families and friends of the victims.

Last Tuesday, as all of us know, the explosions in India's financial capital of Mumbai killed 207 people, wounding an additional 800. As the deadly bombings occurred during Mumbai's rush hour, aimed at killing as many innocent civilians as possible, they constitute the most heinous acts of terrorism.

The United States stands in solemn support of the Indian people in the face of this terrible tragedy. As cochair of the Congressional Caucus on India and Indian Americans, which I am proud to share with the gentleman from New York (Mr. ACKERMAN), I take the everlasting bond between the United States and India very seriously.

Just last night Mr. ACKERMAN and I, along with other colleagues and members of the Indian American community, were together in celebrating this expanding and positive relationship between our two countries. We greatly value India's commitment to democracy, and we are grateful that it stands beside the United States as an ally in the war on Islamofascism.

In the wake of the tragic September 11 attacks, India was the first nation to step forward and offer assistance to our Nation. Five years later, the United States humbly offers its assistance to India. Your loss is our loss. Your struggles are our struggles.

Due to the Indian Government's swift response to the attacks, police have captured five persons suspected to be involved. America stands by the Indian people and its government in their efforts to bring to justice those responsible, and we will work together with India to disrupt and dismantle the networks that have made attacks like these all too possible.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguish chairman of the India Caucus, the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of the resolution and thank the gentleman for yielding me this time.

I want to thank Mr. LANTOS for his leadership, along with Representative LEACH for everything that he has done on this issue, and Congressman WILSON as well; and my cochair of the India Caucus, the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her great leadership, and I especially single out Mr. CROWLEY of New York for his role in bringing this resolution to the floor.

Mr. Speaker, sadly on July 11, 2006, we have a date which will join the litany of the all-too-familiar terrorist attacks, along with the July bombings in London last year, the Madrid bombings in 2004, the Bali bombings in 2002, and, of course, the September 11 attacks on us.

What is also sad is this is not the first time Mumbai has been attacked. In fact, Mumbai has suffered from terrorist attacks since 1993. Indeed, India itself has been the victim of various forms of terrorism since its founding.

Last week's bombings are simply a continuation of India's ongoing struggle with terrorists. Eight bombs were planted by terrorists in the western commuter railway in Mumbai on July 11. Seven of them exploded. They were timed for the height of the rush hour, with the obvious premeditated intent to kill and maim as many innocent people as possible. The resulting explosions left as many as 200 innocent people dead and over 700 people wounded. The response by the authorities and the people of Mumbai to aid the wounded and comfort the families and friends was extraordinary.

The bombings horrified decent people everywhere and were condemned by leaders from all over the globe, including the G-8.

Terrorism is a disease. It is a cancer on the body of humanity, and all nations that oppose terrorism should work shoulder to shoulder to make sure that this scourge is not just cured, but eliminated. The Government of India has long recognized this truth, and in the wake of September 11, 2001, and its attacks on the United States, India was indeed the first nation to step forward and offer its assistance to our Nation.

Let us do the same for India. Let us be prepared not just to offer our condolences and sympathy, but our renewed and reinvigorated commitment to defeating terrorism globally.

I thank the Speaker, and I urge my colleagues to stand with India against terrorism and to support them and this resolution.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding me this time, and for my colleagues in their steadfast support of H. Res. 911, expressing our collective sympathy and outrage for the attacks on the good people of India and Mumbai on July 11, 2006.

It harkens back to that tragic day, September 11, when the World Trade Center and the Pentagon were attacked. It harkens back to that brutal devastation of the Spanish train bombing that occurred shortly after. It renews the sense of outrage about the London subway attacks a year ago, and it reminds us of Khobar Towers, the two African American embassies, the USS *Cole* and so many other targets preyed upon by savage individuals who know no bounds of decency, but only know how to destroy the innocent.

To attack a train of peace-loving people on the way to or from work is an absolute atrocity, and so we join together with our good friend India, this strong partner in the global war on terror, a strong partner in our humanitarian ties to help other nations in their time of need, one of the world's largest democracies, who has been there through thick and thin to assist not only our Nation, but nations around the world to ensure that we will not stop until we fully prosecute those responsible.

As they investigate, we urge all international partners to assist in this investigation, to take these leads and follow the leads and find, apprehend, detain and sentence the very people who brought this devastating disaster to the fine people of India.

Our prayers are with you. Our support is with you, and it should remind the world for us all to open our eyes to the dangers that lurk among us. The sad reality is that terrorism has destroyed too many lives, and that as a world, not just the United States and Great Britain and a few others, we must stand united in our efforts to eradicate this scourge from our world.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 4 minutes to a distinguish member of the International Relations Committee, the author of this resolution, my good friend, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

I want to join saluting all those who are sponsoring this resolution today. In particular I want to salute the cochairs of the India Caucus, Mr. ACKERMAN and Ms. ROS-LEHTINEN, for their words in support of this resolution today and their leadership as cochairs of the caucus.

I rise to express myself in the strongest way in support of this resolution and extend my sincere condolences to all of the families of all of the victims of last week's bombing in Mumbai, India.

I would like to thank the majority leader for bringing this resolution to the floor today. And in particular once again I want to thank Mr. LANTOS for his leadership and Chairman HYDE for his leadership on the committee in working with us to bring this important resolution to the floor.

On July 11, 2006, over 200 innocent people were brutally murdered in India's financial capital by terrorists. Right before these coordinated attacks, terrorists killed 8 people and injured 40 more civilians in Kashmir. Attacks like these are a scourge on our world that all democratic nations must join in unison to fight.

By targeting Mumbai's commuter rail service at the height of rush hour, the terrorists had hoped to accomplish the maximum amount of bloodshed for this cowardly act on innocent civilians. But the Indian people responded to the attacks by turning out in hundreds to donate blood, taking bed sheets to turn into stretchers, and offering assistance and comfort to the victims of this attack.

Today as Members of Congress we send our condolences to the families of the victims. We condemn this act of terrorism by these perpetrators of this senseless act of carnage.

□ 1530

And we express our sympathy with all the people of India and all the people of goodwill throughout this world. India has remained a strong ally of the United States in our global fight against terrorism. And the United States will never forget that. The terrorists who have been attacking India since their founding are the same brand of extremists who continue to threaten the United States of America. Our two countries need to increase our cooperation to root out all terrorism.

Since President Clinton's administration, our country has been moving closer to India to create the natural alliance we should have always had. And, thankfully, President Bush recognized what this relationship could become, and just over a year ago, our two nations signed the July 18 declaration. This declared our resolve to transform our relationship and establish a global partnership committed to the values of human freedom, democracy and the rule of law. This relationship will promote stability, democracy, prosperity and peace throughout the world and enhance our ability to work together to provide global leadership in areas of mutual concern and interest.

With this resolution today, we are reinforcing that relationship. We are pledging our support for the Indian Government as it seeks to reassure its people and capture and bring the perpetrators of this horrific crime to justice during these very, very difficult times in India.

I want to thank my over 100 colleagues who have joined us in sponsoring this resolution today. And I ask each and every one of you, my colleagues, for a "yes" vote.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Speaker, I want to thank my colleagues for offering this very important resolution. I rose to speak earlier today on the importance of America standing by our good friend, Israel, as it was attacked by terrorists. I rise today to also speak of the importance for America to stand by our good friend, India, as it too is attacked by terrorists.

On July 11 of this year, a series of seven explosions killed over 200 people on crowded commuter trains and stations in the Indian city of Mumbai. This deadly attack was an attack not only on India but on the very democracy and pluralism that India represents, values that are important for India, but also for America, values that are important in that part and every part of our world.

Nearly 700 people were injured in the blast in the city's western suburbs as commuters made their way home. All seven blasts came within an 11-minute time span. Timers apparently were hidden in pencils and discovered in at least three of these seven sites where these bombs exploded. The bombs were believed to have been made of RDX, one of the most powerful kinds of military explosives.

The attacks obviously reminded many of the terrorist attacks on the London public transportation system last July and the Madrid train bombings in March 2004. They also reminded India, however, of a series of terrorist attacks; for example, a series of bomb blasts in Mumbai in 1993 that killed more than 250 people. The Prime Minister of India, Prime Minister Singh, attended the G–8 summit with a clear agenda. The world community must declare, in his words, "zero tolerance for terrorism anywhere." And he is correct. We must not forget.

March of 1993, there was a terrorist attack in India again that killed 257 people, wounded more than 1,000.

December of 2001, militants attacked India's Parliament, leaving 14 people, including several gunmen, dead.

In September of 2002 militants attacked a temple, killing 33 people, including two attackers.

March of 2003, a bomb exploded in Mumbai, killing 10 people.

August 2003, two taxis packed with explosives blew up outside a tourist attraction, killing 52 people.

October 2005, three bombs killed 62 people.

And in March 2006, bombs killed 20 people.

July 2006, bombs killed more than 140 people.

I applaud my colleagues for offering this resolution. I think it is important that America extend its sympathies and that we stand with the people of India and Israel as they are subject to these terrorist attacks and we help our allies, our democratic allies stand for the very values of pluralism and democracy that are so important to us here at home in America.

Mr. LANTOS. Mr. Speaker, I am honored to yield 1 minute to the distinguished Democratic leader with whom I have the privilege of sharing representation of the great city of San Francisco (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, thank him for his extraordinary leadership in making foreign policy for our country that is values based, and it makes us safer.

My compliments, Mr. Speaker, to the gentleman from New York (Mr. CROWLEY) and Mr. WILSON of South Carolina for bringing this important legislation to the floor.

Thank you, Mr. LEACH, for your leadership on this as well. I am pleased to be a cosponsor of it.

I wish this resolution expressing the condolences of yet another terrorist attack was not necessary. The people of the United States know only too well the shock and sorrow experienced by the people of India on July 11. We grieve with them and share their resolve to defeat the forces of evil who would perpetrate such heinous and, yes, cowardly acts.

We also salute the bravery of the millions of residents of Mumbai, who got back on those commuter trains the day after the attacks, refusing to alter their lives and thereby concede even a little to the terrorists.

At a time like this, when we are commending the people of India for their courage and expressing the sympathy and condolences of our constituents to the people and the Government of India, it gives us pause to think about how much we owe India. We in the United States came through, a generation ago, a civil rights movement that was inspired by the spirit of nonviolence which was led in India by Mahatma Gandhi. Our own Martin Luther King and Coretta Scott King visited India to learn about nonviolence, and we all know what a tremendous impact it had on succeeding in advancing civil rights in our own country. We will be forever in the debt of India for that magnificent contribution to our own social progress in the United States.

And nobody knows better than Mr. LANTOS the debt of gratitude we owe India for its hospital to His Holiness the Dalai Lama. When I was a brand new Member of Congress, one of the first meetings I was invited to was by Mr. LANTOS to meet His Holiness. He talked about his plan for Tibet. And it has been rough sledding since then, but the Government of India has been a friend to all who are concerned about human rights and respect for the dignity and worth of every person and in the person of His Holiness, a man of peace, a man of balance, a man who would condemn this kind of violence. So India has certainly taken the lead in the nonviolence that influenced our own civil rights movement and the hospitality extended to His Holiness in so many ways as the largest democracy in the world. It is just that democracy and that freedom of movement that, of course, made them a target of these cowards.

So, again, I express the love of freedom and commitment to a democracy that the United States and India share. We will stand together against those who value neither and whose disdain for human life is evidence of the shallowness of the agenda they seek to advance.

The resolution before us is a strong testament to the shared values and the friendship which binds the United States and India. I urge its overwhelming adoption by this House, and again, thank Mr. CROWLEY for his leadership in bringing it to the floor.

Mr. LEACH. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman, Mr. ROYCE, also from California.

Mr. ROYCE. Mr. Speaker, I thank Chairman LEACH for yielding.

Mr. Speaker, as chairman of the Subcommittee on International Terrorism and Nonproliferation, I rise in support of this resolution and to strongly condemn the terrorist attack that took place last week in Mumbai, India.

Last week, eight bombs ripped through crowded commuter trains headed for Mumbai in a well-coordinated terrorist attack which claimed as many as 200 lives and injured hundreds more. Mumbai is, of course, India's commercial capital, teeming with people contributing to India's growing economy. Yesterday, life across that city of over 12 million halted for 2 minutes, 2 minutes of silence to remember those killed a week ago.

The style of the attacks and the targeting of mass transportation share the tactics of al Qaeda and Kashmiri militants, and echo the attacks of London, 7/7, and Madrid, 3/11. The attack in Mumbai took place not long after a series of grenade attacks took eight lives in Kashmir. Tests this week confirmed that the Mumbai bombers used the powerful military explosive, RDX, a weapon that has been favored by the Pakistani-led LeT. LeT has had links to al Qaeda, with a senior al Qaeda leader, Abu Zubaydah, being captured at a LeT safe house in 2002 in Faisalabad, Pakistan.

Mr. Speaker, while we commiserate with India, we must also view these attacks as a reminder that terrorism is indeed a global struggle. It is often said that India and America have a natural bond as two of the largest democracies. Today we share a bond of a common enemy: what the 9/11 Commission identified as Islamist terrorism.

Today our thoughts are with the people of India, and I am confident that the aftermath of these attacks and in that aftermath, we will see all the resilience that is embodied in the Indian people.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to the distinguished member of the International Relations Committee, my friend from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my distinguished colleague for giving me this time. And I rise, of course, in strong support of this resolution.

The United States and India are strong allies and friends, and our friendship will deepen in the years ahead.

Being a New Yorker, and having lived through the catastrophe of the World Trade Center bombings and here in Washington in the Pentagon, we certainly understand the feelings of the people of India because of this horrific terrorist attack killing innocent civilians on the trains.

Mr. Speaker, it makes no difference if terrorists attack Haifa in Israel or blow up children on buses in Tel Aviv in Jerusalem or blow up innocent civilians in Spain, in England, and in India. Terrorism is terrorism. And just as we support Israel and other democracies in the war on terror, we support India in its war on terror as well. And that is why the United States, as the oldest democracy in the world, and India, as the biggest democracy in the world, share so many things in common. And I am delighted that we are working very, very closely with the Indian Government.

And our hearts go out to the people of India, but it is not just sympathy. There has to be a resolve on the part of India and the United States, other democracies and freedom-loving people in the world, to stamp out the scourge of terrorism.

It is very important that we understand what happened. It is very important that we don't mince our words. It is very important that we stand together with the people of India.

So I am delighted that this has strong bipartisan support. I think it is important that the Congress act as one. And I think that in the future, India and the United States will continue to work closely together. Again, we share a common vision.

In the United States, when political campaigns are fought and the opposition party wins, we turn over the reins of government because we are a Nation of laws. The same thing happens in India. When the party in power loses control, they turn over the reins. And since 1947 when India became independent they have done that time and time and time again, unlike some neighboring states. And again, when we look at the vision of the future, the United States and India have the same adversaries. One of them, of course, is terrorism. But when we look at the geopolitical scene in Asia, the United States and India see things very, very closely.

☐ 1545

So I am honored to add my voice to all my colleagues who have spoken on behalf of this resolution, to strengthen the U.S.-India relationship, to tell the people of India that we stand with them, we mourn their loss, and we are more resolved than ever with them to fight the war on terror.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member of the full committee and to the chairman of the full committee Mr. LEACH; sponsors of this legislation, two strong advocates, former cochairs of the India Caucus, Mr. CROWLEY and Mr. WILSON, whom I have had the opportunity to work with.

I remember, and all of us have recalled many times on this floor, the unspeakable experience of 9/11, as we are in betwixt two movies that are now coming out to recount again that tragic day. We also recall how the world stood alongside of America in her time of mourning and her time of sheer desperation and despair, for she had lost 3,000-plus of her citizens.

The same time we now come to stand alongside of India for that day of July 11, when not only was there an attack in Kashmir that saw eight people lose their lives, but we know the triggering of the terror act in Mumbai that generated 200 dead and probably many more injured and how many more to die because of their injuries.

So it is important to stand and to acknowledge our sympathy and as well our compassion. But at the same time I want to emphasize that good people everywhere abhor terror, and I hope that the region of South Asia will embrace those in India and offer their greatest sympathy and, of course, their support against the war on terror and those despots, desperate persons, those horrific individuals who would take their own causes and turn them into terror against others so that others' lives might be lost.

We fight on the battlefields of war. We debate in places like the United Nations, and we have heads of state that engage or disagree. But when we lift up against another human being, another nation, in reckless, random terror, there can be no solace. There can be no comfort. There can be no excuse. There can be no acceptance.

So we join with the people of India in acknowledging that, as the largest democracy and the oldest democracy, you have a friend in the United States. You have a democratic ally in the United States. And you have a family of human beings, ourselves, experiencing terror either in terms of ongoing threats or by watching our friends suffer the consequences.

So it is important, if you will, that today this resolution is more than our affirmation of our friendship and sympathy, but also our brotherhood and sisterhood in the war on terror. I look forward to a day when these resolutions will not be the call of the day, but simply that we will extinguish those who think that they can expand their causes by using terror against innocent, democratic, free-loving people around the world, wherever they might be.

And, again, my deepest sympathy to the people of India. And, again, we stand with you at this time against acts of terror around the world.

Mr. LANTOS. May I inquire, Mr. Speaker, how much time is left for both sides?

The SPEAKER pro tempore. The gentleman from California has 3½ minutes remaining, and the gentleman from Iowa has 6½ minutes remaining.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

This resolution is a deeply felt emotional resolution expressing our solidarity with the people of India who were subjected to a totally unprovoked and brutal terrorist act.

Next week this body will consider one of the most significant pieces of legislation of the current session of Congress, establishing a relationship in the field of civilian nuclear power between the United States and India. That legislation will usher in a whole new era of the historic geostrategic relationship between these two great democracies.

I earnestly wish that we did not need to deal with this tragedy, but I think it is appropriate that we demonstrate to our friends in India that we are with them in their times of trouble, and we are with them at moments when they plan to accelerate their economic development and move into the 21st century with large-scale civilian nuclear power.

Mr. Speaker, I am delighted to yield the balance of my time to the distinguished Democratic whip, my good friend from Maryland (Mr. HOYER).

Mr. LEACH. Mr. Speaker, I would be delighted to yield 2 minutes to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank my friends for yielding. I am glad that I got here in a timely fashion.

I join with my colleagues in supporting House Resolution 911 expressing our deep sympathy to the people of India in the aftermath of last week's horrific terrorist attacks in Mumbai and strongly condemning these reprehensible and cowardly acts.

I want to commend my colleagues, Representatives JOE CROWLEY and JOE WILSON, for sponsoring this resolution.

On July 11, during the height of the evening rush hour, a series of coordinated explosions shook the heavily traveled commuter rail lines in Mumbai. I am sure that has already been discussed. 207 people were severely injured and killed. Hundreds more were injured less severely. It is my understanding that this represents the deadliest terrorist bombing since the attacks of September 11 of 2001.

Mr. Speaker, in recent years relations between United States and India have improved dramatically. There was a period of time during the Cold War when we did not have good relations, but now the world's oldest democracy and the world's largest democracy are forging a partnership and friendship that I think will redound to the benefit of not only the peoples of India and the peoples of the United States, but, indeed, the peoples of the international community.

In the immediate aftermath of the September 11 terrorist attacks, India pledged its full cooperation and offered the use of all its military bases for counterterrorism efforts. That was their offer to us.

Mr. Speaker, we mourn the loss suffered by our friends in India and offer our prayers to those who have lost loved ones and those injured in those heinous attacks.

Mr. Speaker, I thank my colleagues. Quite obviously this will be a bipartisan effort on behalf of us all. Too few times we act in a bipartisan fashion, but certainly the respect that we have for our democratic friends in India, the respect we have for their history of bringing together almost 1 billion people and soon over 1 billion people together in a democracy and forging a free and open society is one that we can all respect and admire and certainly support.

When friends like those sustain great injury, we share with them a sadness and empathy, and we wish them the best, and we let them know that we will be there for them as they have been there for us.

I thank Mr. LEACH for yielding his time.

Mr. LEACH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, one of the extraordinary aspects of terrorism is that a few can, with relative ease, disrupt peace negotiations between nation-states. The challenge is to see that a small number of terrorists do not destroy the right to peace of the many.

As rightfully angered and concerned as the Indian Government must be, it would be a mistake of historic proportions to allow the violence of July 11 to end the warming dialogue that has commenced between the Indian and Pakistani Governments. There are few places on the globe where war can more easily break out than on the Indian subcontinent. India and Pakistan have fought three wars over the past 60 years, and both now possess nuclear weapons. The will to pursue peace is thus a social imperative. Revenge may be warranted, but real courage rests with maintaining restraint.

Our heart goes out to the families affected by these acts of violence, and our heads congratulate the care with which the Indian Government has refused, to date, to overreact. This Congress sympathizes with our Indian friends and holds in deepest respect the leaders in Delhi who have such difficult decisions to make in the weeks and months ahead.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of H. Res. 911, which expresses the House of Representatives' deepest condolences to the people of India and the victims and their families for the terrorist attacks that occurred in Mumbai on July 11, 2006.

India is a strategic friend and ally of the U.S. As the two largest pluralistic, free-market democracies in the world, it is only natural for the U.S. and India to seek closer ties with one another. India has one of the world's largest and fastest growing populations with nearly 1.1 billion people. According to the United Nations, India's population could overtake China by as early as 2030. In addition, Indian Americans have made an indelible mark upon the culture and diversity of our Nation. I was proud to sponsor H. Res. 227 that recognized the contributions of Indian Americans to our Nation, which the House passed earlier this year.

India and the U.S. have a strong history of cooperation. Directly after the September 11, 2001 terrorist attacks, India was one of the first countries to offer immediate aid to the United States. Most recently, the two countries announced an agreement which would allow full trade in civil nuclear energy. In exchange for such trade, India has agreed to separate its military and civilian nuclear programs over the next eight years, placing 14 of its 22 reactors under permanent international safeguards, as well as all future civilian thermal and breeder reactors. It has also agreed to maintain its unilateral moratorium on nuclear testing and to work with the United States toward a fissile material cutoff treaty, which would ban the production of fissile material, like plutonium-239, used in nuclear weapons and other explosive devices.

The bloody attacks that took innocent lives in Mumbai earlier this month demonstrate that terrorism does not discriminate by race, ethnicity, or region. Instead, terrorists target those seeking to live a peaceful and free life. We must hunt the terrorists down and bring them to justice. There is no other way to respond to those so committed to the destruction of life. We must also stand in solidarity with the Indian government, its citizens, and the number of Indian Americans who also lost loved ones. This resolution does just that—making it clear that Congress and the American people are behind them during this difficult period.

Mr. Speaker, in closing let the House of Representatives speak in unison and with clarity on this issue—terrorism has no place in this world and will not be tolerated. I thank the leadership on both sides for allowing this resolution on the floor today and urge an aye vote.

Mrs. SCHAKOWSKY. Mr. Speaker, I rise in support of H. Res. 911, a resolution strongest possible terms the July 11, 2006, terrorist attacks in Mumbai, India.

I would like to express my condolences to the families of the victims and sympathy to the people of India in the aftermath of this deadly terrorist attack. The July 11th attack resulted in the death of hundreds of innocent civilians, and injuries to many more. I have traveled to India, and have been to Mumbai, and its people remain in my heart and mind.

India is the largest democracy in the world and since its establishment, India has been threatened by terrorists trying to undermine its democratic principles. The security of India's democracy is not only important to India, but it is important to every American as well.

I commend the courage of the people of Mumbai, who quickly responded to the attack by turning out to donate blood, taking bed sheets to turn into stretchers, and offering assistance and comfort to the victims of the attack. These same brave citizens resumed using the rail commuter system the very next day.

It is an honor to represent Illinois' diverse 9th Congressional District where so many Indian-Americans reside. My sympathies go out to everyone affected by the Mumbai train bombings. I stand with India, the United States must stand with India, and I encourage this Congress to pass this important resolution.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 911, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5684, UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 109–579) on the resolution (H. Res. 925) providing for consideration of the bill (H.R. 5684) to implement the United States-Oman Free Trade Agreement, which was referred to the House Calendar and ordered to be printed.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 1956, BUSINESS ACTIVITY TAX SIMPLIFICATION ACT OF 2006

Mr. HASTINGS of Washington. Mr. Speaker, the Committee on Rules may meet the week of July 24 to grant a rule which would limit the amendment process for floor consideration of H.R. 1956, the Business Activity Tax Simplification Act of 2006.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by noon on Monday, July 21, 2006. Members should draft their amendments to the bill as ordered reported by the Committee on the Judiciary, which was filed with the House on Monday, July 17, 2006.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to ensure that their amendments comply with the rules of the House.

PLEDGE PROTECTION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 920 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2389.

□ 1558

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2389) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance, with Mr. SIMPSON (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 3 printed in House Report 109–577 by the gentleman from Missouri (Mr. AKIN) had been disposed of.

AMENDMENT NO. 1 OFFERED BY MR. WATT

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, the pending business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. WATT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 241, not voting 8, as follows:

[Roll No. 384]

AYES—183

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Clay
Clyburn
Cooper
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Foley
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inglis (SC)
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—241

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Evans
Gutierrez
Honda
Inslee
Marshall
McKinney
Meek (FL)
Northup

☐ 1622

Mr. PICKERING, Mr. HALL, Mrs. MYRICK, and Ms. SCHWARTZ of Pennsylvania changed their vote from "aye" to "no."

Ms. SOLIS and Messrs. HINOJOSA, MACK, and FOLEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HYDE. Mr. Speaker, during rollcall vote No. 384 on the Watt amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. CLEAVER. Mr. Chairman, on rollcall 384, the Watt amendment to H.R. 2389, I was recorded as a "no." I had intended to vote "yes" on the Watt amendment.

The Acting CHAIRMAN. There being no further amendments, pursuant to House Resolution 920, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LINDER) having assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2389) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance, pursuant to House Resolution 920, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LAHOOD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 2389 will be followed by 5-minute votes on suspending the rules and passing H.R. 5683, and suspending the rules and agreeing to H. Res. 911.

The vote was taken by electronic device, and there were—ayes 260, noes 167, not voting 5, as follows:

[Roll No. 385]

AYES—260

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger

Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—167

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
English (PA)
Eshoo
Farr
Fattah
Filner
Flake
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Grijalva
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—5

Evans
Gutierrez
Inslee
McKinney
Northup

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1640

Mr. BACA changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MT. SOLEDAD VETERANS MEMORIAL PROTECTION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5683, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 5683, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 349, nays 74, answered "present" 3, not voting 6, as follows:

[Roll No. 386]

YEAS—349

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—74

Ackerman
Baldwin
Bean
Becerra
Berkley
Blumenauer
Capps
Cardin
Clay
Conyers
Crowley
Davis (CA)

Davis (IL)
DeGette
DeLauro
Emanuel
Eshoo
Filner
Frank (MA)
Grijalva
Harman
Hinchey
Holt
Honda
Israel
Jackson (IL)
Kanjorski
Kennedy (RI)
Kucinich
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
Meehan
Millender-McDonald
Miller, George
Moore (KS)
Nadler
Neal (MA)
Olver
Pallone
Payne
Pelosi
Price (NC)
Rangel
Rothman
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Tauscher
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Woolsey

ANSWERED "PRESENT"—3

Engel
Kind
Obey

NOT VOTING—6

Bachus
Evans
Gutierrez
Inslee
McKinney
Northup

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1649

Mr. NEAL of Massachusetts changed his vote from "yea" to "nay."

Mr. McGOVERN changed his vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SYMPATHY FOR THE PEOPLE OF INDIA IN AFTERMATH OF THE DEADLY TERRORIST ATTACKS ON JULY 11, 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 911, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 911, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 8, as follows:

[Roll No. 387]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Davis (FL)
Evans
Gutierrez
Inslee
Issa
McHugh
McKinney
Northup

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1657

Mr. LEVIN changed his vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Resolution condemning in the strongest possible terms the July 11, 2006, terrorist attacks in India and expressing condolences to the families of the victims and sympathy to the people of India.".

A motion to reconsider was laid on the table.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-127)

The SPEAKER pro tempore (Mr. KUHL of New York) laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 810, the "Stem Cell Research Enhancement Act of 2005."

Like all Americans, I believe our Nation must vigorously pursue the tremendous possibilities that science offers to cure disease and improve the lives of millions. Yet, as science brings us ever closer to unlocking the secrets of human biology, it also offers temptations to manipulate human life and violate human dignity. Our conscience and history as a Nation demand that we resist this temptation. With the right scientific techniques and the right policies, we can achieve scientific progress while living up to our ethical responsibilities.

In 2001, I set forth a new policy on stem cell research that struck a balance between the needs of science and the demands of conscience. When I took office, there was no Federal funding for human embryonic stem cell research. Under the policy I announced 5 years ago, my Administration became the first to make Federal funds available for this research, but only on embryonic stem cell lines derived from embryos that had already been destroyed. My Administration has made available more than $90 million for research of these lines. This policy has allowed important research to go forward and has allowed America to continue to lead the world in embryonic stem cell research without encouraging the further destruction of living human embryos.

H.R. 810 would overturn my Administration's balanced policy on embryonic stem cell research. If this bill were to become law, American taxpayers for the first time in our history would be compelled to fund the deliberate destruction of human embryos. Crossing this line would be a grave mistake and would needlessly encourage a conflict between science and ethics that can only do damage to both and harm our Nation as a whole.

Advances in research show that stem cell science can progress in an ethical way. Since I announced my policy in 2001, my Administration has expanded funding of research into stem cells that can be drawn from children, adults, and the blood in umbilical cords with no harm to the donor, and these stem cells are currently being used in medical treatments. Science also offers the hope that we may one day enjoy the potential benefits of embryonic stem cells without destroying human life. Researchers are investigating new techniques that might allow doctors and scientists to produce stem cells just as versatile as those derived from human embryos without harming life. We must continue to explore these hopeful alternatives, so we can advance the cause of scientific research while staying true to the ideals of a decent and humane society.

I hold to the principle that we can harness the promise of technology without becoming slaves to technology and ensure that science serves the cause of humanity. If we are to find the right ways to advance ethical medical research, we must also be willing when necessary to reject the wrong ways. For that reason, I must veto this bill.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 19, 2006.*

☐ 1700

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Ohio (Mr. BOEHNER) is recognized for 1 hour.

Mr. BOEHNER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

The President today used the veto authority for the first time in his Presidency. Yesterday Congress sent him two bills relating to emerging medical research involving the use of so-called stem cells. Today the President signed one of those bills while vetoing a second. A third bill was supported by a majority of House Members last night, but did not capture the necessary two-thirds vote to be passed under the suspension of the rules.

The bill signed into law by the President today is a positive step forward, and I remain hopeful that we can reconsider the other measure at some point in the future. Our colleagues, ROSCOE BARTLETT, PHIL GINGREY, NATHAN DEAL, and DAVE WELDON, deserve great credit for their hard work on these two measures. Their work brings new hope in the struggle to find cures that have eluded medical researchers for decades as they search for ways to defeat serious disease.

The President's decision to veto the legislation offered by my friend from Delaware Mr. CASTLE should come as no surprise to anyone. More than a year ago President Bush warned the bill would take us across a critical ethical line by creating new incentives for the ongoing destruction of emerging human life. Crossing this line, the President said, would be a great mistake.

As the President also noted a year ago, there really is no such thing as a "spare embryo." Every man and woman in this Chamber began life as an embryo identical to those destroyed through the process known as embryonic stem cell research. The embryos at issue in this debate are fully capable of growing and being born as healthy babies with loving parents. The notion that embryonic stem cell research relies on "spare embryos" that have no value beyond the possibilities for medical research is tragically and deceptively wrong.

Many opponents of the President's decision today are driven by a passion for the preservation of human life and the desire to see developments of cures to chronic diseases. I have great respect for their commitment to this goal, and I think it is a goal that we all share. The passion for the preservation of human life is incomplete if that passion does not extend to the most vulnerable form of human life.

It is wrong to force Americans to allow their tax dollars to subsidize medical research that depends on this destruction of human embryos. The Congress sent the President a bill that would expand the use of Federal tax dollars for this practice, and the President rightly used his veto power to reject it.

Because the vetoed bill originated in the House, the Constitution gives us the duty of receiving the President's veto message and initiating any legislative response. Having now been notified of the President's action, the House will now immediately consider the question of whether to override the President's veto, which would require a two-thirds vote, or to sustain it.

For the reasons I have just articulated, I would urge my colleagues to join me in voting against the motion to override. No just society should condone the destruction of innocent life, even in the name of medical research. The President was right to veto this bill. It would be wrong for this House to overrule the President's decision by voting to override.

Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, today the President of the United States has snuffed out the candle of hope for 110 million Americans who suffer from debilitating diseases like diabetes, Parkinson's, Alzheimer's, nerve damage and many, many more. He snuffed out this candle of hope because he used the first veto of his 6-year Presidency to veto H.R. 810, the embryonic stem cell legislation.

Mr. Speaker, this is the President's first veto in over 1,100 bills. The President issued veto warnings in nearly 150 bills, but he signed all of those bills. The President has signed bills to increase the national debt. He has signed bills to increase tax cuts for wealthy corporations and oil companies. He signed hundreds of post office naming bills, but he decided he would veto this one bill. This is not some minor legislation. This is legislation that would foster the only research that has shown hope for millions of Americans.

He said in his veto message that he was vetoing this legislation because "American taxpayers would be compelled to fund the deliberate destruction of human embryos." One might think that the President would read this bill, his first veto, before he said that, because if he had read that bill, he would know that H.R. 810 specifically does not allow Federal funds to be used for the destruction of embryos. Rather, H.R. 810 says that Federal dollars can be used for the research on embryonic stem cell lines which have already been created with private dollars.

This policy is the same as the policy President Bush looked at in 2001 when he issued an executive order restricting the number of stem cell lines used. What he said at that time was embryonic stem cell research was okay, but he limited it to embryonic stem cell lines in existence as of that day.

So I ask the President, why is it wrong to simply expend Federal money for stem cell lines that have been created by private researchers since that date? It seems wrong, and it is certainly not what this bill is intended to do.

The President wants it both ways. He wants to say that he supports embryonic stem cell research, but he doesn't want to do it in a way that will actually effect cures.

Mr. Speaker, it seems to me that the President is confused about his role as chief executive of this country. We don't live in a theocracy. We live in a constitutional democracy in this country where we form a consensus about ethics and medical research. There is a widespread consensus. The public supports this almost three-quarters. Prolife, prochoice, Democrat, Republican, Independent, all of them share the same concern that we protect lives, but that we expand research in a way that will benefit millions and millions of Americans.

I urge this House to take this very seriously. Don't make a political vote. Think about the lives that could be saved. Think about what H.R. 810 actually does, and vote "yes" to override this veto.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the sponsor of the underlying bill, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the distinguished majority leader very much for yielding.

I would just ask everybody, be they at home or here, look to your left and look to your right. There is one of those three people who probably has some form of illness which could be helped by good medical research, and we believe that is embryonic stem cell research.

It is ironic that the President is vetoing a piece of legislation that many of us here on this floor believe is the most significant piece of legislation that he could have signed in the course of time that he has been President of the United States of America. I am disappointed in that, but I would rather look at the bright side of things in the sense that we have advanced, I believe, the cause of medical research in this country.

We have had alternative proposals in terms of embryonic stem cell research. We have had a focus on it. There is a greater education about stem cell research than we ever had in this Congress before and certainly across the United States of America. Hopefully this will end up with greater research being done as far as the NIH and Federal medical involvement in that research is concerned.

The debate has sort of shifted. Back in May of 2005 when we had this debate, we talked about adult stem cells and how they could be better than embryonic stem cells. I think we all should recognize that there is some very good research on adult stem cells, which has been around for a long time, but we should realize now that the debate has turned to how are we going to obtain these pluripotent embryonic stem cells which can help research so much more than anything else we could possibly do. So there had been some progress as far as that is concerned.

A couple of points I want to make, and one is that everybody knows this research is about embryos. What is an embryo? It is a 5-day-old blastocyst no bigger than the point of a pencil. The ones that we are dealing with would never be implanted in a woman and are slated for medical waste. That is very important to understand. The decision has been made by the individuals who created that embryo to have it go into medical waste; and then they make the decision instead of doing that, it will be used for medical research. So these will never become people because that is a decision that has already been made and is behind us at that particular point in time.

It is also very important to point out that this legislation does not fund derivation or the so-called killing of the embryo to obtain the embryonic stem cells. That has nothing to do with this. This simply funds the research, the potentially life-saving research, for the one in three, the 110 million Americans who have been referred to.

We are not going to stop here. I would just like to address those 110 million people and their families. We are not going to stop here. We are going to continue to advance research. We have offered alternatives to the White House before. They did not want those alternatives. They did not want this legislation. We will go back to that process. We will do everything in our power to help the patients nationwide who might need help.

I think there is more commonality of opinion on this than there was before. Hopefully there will be more openings than we have had heretofore as well.

I know that embryonic stem cell research will progress and eventually be a benefit to mankind. My concern is delay. It is going to happen at some point. It is a time issue. It is a temporal issue, but we are going to have this research. We are going to improve medical research opportunities for everybody.

I just want to quote Ben Franklin at the 1787 Constitutional Convention: "I have often in the course of the session looked at that sun behind the President without being able to tell whether it was rising or setting. But now at length I have the happiness to know it is a rising and not a setting sun."

That is how I feel about stem cell research: One day the sun will rise on it, and people will be helped.

□ 1715

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank our distinguished colleague who has worked so hard to bring this legislation forward.

Today, I think, is really a sad day in our country with the President announcing the veto, the only veto that he has used in his entire Presidency, to strike down what I believe is very sound legislation. I think he has placed the dogmatic views of some of his supporters ahead of sound science, ahead of public health, ahead of research, and ahead of our country's best interest.

I am proud to be an original cosponsor of the Stem Cell Research Enhancement Act. Why? Because there are millions of Americans that are afflicted with so many diseases. I believe that this legislation not only gives them hope, it spells out, as a national policy, that we can indeed merge ethics, morality, and sound public policy to address what ails them.

We have all had constituents come to us, parents of children with juvenile diabetes, pleading that the research be able to go forward.

I have always thought that America was the best idea that has ever been born. Today, I think that light of what America represents not only to her own people, but to be the hope and the beacon of light for people around the world, has been diminished by this veto.

I believe that this legislation needs to move on. It should be the public policy and the guidepost in terms of ethics and morality for our country, which is the responsibility of the Congress to set forward, should move forward, and it will when the House of Representatives overrides the President's dubious veto.

Mr. Speaker, unfortunately the President has placed the dogmatic views of some of his supporters ahead of sound science, ahead of public health, and ahead of our country's best interests.

The Stem Cell Research Enhancement Act will not merely advance medical science. It will almost certainly save many thousands of lives and provide hope to millions of Americans afflicted with terrible, debilitating diseases and injuries, including Parkinson's, Alzheimer's, spinal cord injuries, strokes, heart disease, diabetes, burns and arthritis.

I'm proud to be an original cosponsor of this bill and I'm deeply saddened that the President has seen fit to use the first veto of his presidency on this crucial legislation.

H.R. 810 will bring embryonic stem cell research under the National Institutes of Health, ensuring rigorous controls and ethical guidelines on this research that only the NIH can implement.

Congress has a moral imperative to frame these issues and establish a national policy that integrates the best of science and the highest ethical standards.

Without this legislation, much of the critical funding for stem-cell research will be available only from the States, from private sources, or from foreign governments who are investing billions in this field.

If we don't override the President's veto, stem cell research will be curtailed in the United States, but it will not end. Researchers and doctors in the United Kingdom, Sweden, Israel, China, Australia, South Korea, the Czech Republic, and elsewhere are moving full speed ahead on this vital research and will continue to do so.

If the President's veto of this bill is successful, he will only succeed in preventing life-saving cures from reaching American patients sooner, and prevent the establishment of national standards for this research.

Mr. Speaker, science and ethics can and indeed should be joined, and this legislation sets out a comprehensive national policy for this vital research.

The President's veto represents an exercise of political science over real science, and must not be allowed to stand.

Vote to override this veto.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, it is regrettable that there has been so much confusion about the current state of embryonic stem cell research in our country. The choice is not between conducting the stem cell research or not conducting it. That is not the choice. Embryonic stem cell research is legal in America, and nothing in the administration's current policy affects that legality: 400 lines are currently being used to conduct embryonic stem cell research, both in the private sector and by the Federal Government. Indeed, the Federal Government spent $41 million last year on embryonic stem cell research.

The administration's policy simply provides that Federal taxpayer dollars are not used to destroy human embryos. It is false to suggest that medical breakthroughs come only through government research. In fact, the private sector has been responsible for such breakthroughs as the heart drug Sildenafil, Prozac and ibuprofen. Private researchers discovered penicillin and the polio vaccine, conducted the first kidney and lung transplants, and identified the role DNA plays in directing our biologic makeup, all without Federal dollars.

And where is the private sector spending its dollars now? The overwhelming portion of nongovernment money is going to adult and germ cell research, because that is where the promise is. There are over 72 known treatments using adult stem cells. A huge breakthrough with regard to juvenile diabetes has occurred just in the last 6 months. Ductal cells from the patient's own pancreas can be induced to become stem cells that then produce insulin-producing cells. This process was created in the U.S. and has cured eight people of diabetes in Europe using adult stem cells, not embryonic stem cells.

But, Mr. Speaker, no one can deny that this debate involves a profound ethical and moral question. This is a matter of conscience for millions of taxpayers who are deeply troubled by the idea that their resources are being used to destroy human life, and it is a vote of conscience for me.

The private sector can go forward, if it must, with destruction of embryos for questionable and ethically challenged science. But spend the people's money on proven blood cord, bone marrow, germ cell, and adult cell research.

Ms. DEGETTE. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a leader on this issue.

Mr. LANGEVIN. Mr. Speaker, I thank the gentlewoman for yielding and for her exceptional leadership, along with Congressman MIKE CASTLE's leadership on this exceptional and important issue.

Mr. Speaker, I rise to express profound disappointment in the decision of the President to veto H.R. 810.

This legislation passed with strong bipartisan support in both Chambers of Congress. It enjoys the support of upwards of 70 percent of the American people and, most importantly, it offers hope and the promise of a cure to the millions of people who are living with the constant challenge and burdens of chronic disease and disability.

Mr. Speaker, when I was injured in an accidental shooting as a young police cadet almost 26 years ago, I was told that I would never walk again. The promise of embryonic stem cell research was at that time unheard of.

While I always held out hope that I would one day walk again, it was not until the tremendous potential and advances in the field of stem cell research that I truly understood how a cure might work. Today I am thrilled to be able to share this hope with millions of others.

We live in exciting times. Today, newly injured patients, many of them teenagers, as I was, are told about developing treatments and scientific progress. They face the world with many of the same challenges I faced in 1980, but they also face the world with the hope and real promise of a cure.

Under the current policy, however, that promise is limited. Embryonic stem cell research has been limited to the lines derived before August 9, 2001, the date of the President's policy announcement.

When the President announced his policy almost 5 years ago, even he acknowledged the tremendous potential of embryonic stem cell research. In fact, that policy allows the research to proceed but only in a very limited way. The resources that we had in 2001 have run out. This research cannot truly move forward without a change in policy. That is why I am disheartened by the President's decision today.

H.R. 810 was crafted according to the ethical guidelines outlined by the President, and it is why I will vote to override his veto today.

It authorizes research only on excess embryos originally created for in vitro fertilization but which are slated for destruction.

It requires informed, voluntary consent of the donor.

The only change to existing policy would be the lifting of the cutoff date of August 9. This is, in fact, not a debate about the ethics of stem cell research, or a debate about when life begins. It is a debate about a date.

H.R. 810 offers our nation's scientists the tools they need to proceed down this historic path. Stem cell research represents the most noble activity in which our government can engage: the protection, promotion, and, indeed, affirmation of the lives of our most vulnerable citizens.

With millions of American patients and their families in mind, I will proudly cast my vote today to override the President's veto. I urge all my colleagues to join me in support of the override.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today as a mother, as a Member of this body, and certainly as a concerned citizen who fears that the untapped potential of stem cell research may be falling by the wayside.

I was disheartened to learn that the President did veto H.R. 810 today because it passed the House by a very significant majority. It is because of my strong respect for and commitment to life that I supported this bill last year.

A sad fact of life is that many of our loved ones suffer from debilitating diseases such as Alzheimer's, diabetes and Parkinson's. But embryonic stem cell research holds promise to cure these illnesses. A visit to the Miami Project, where they are trying to find a cure for paralysis, certainly would convince anyone of the need for this research. They have shown very promising progress.

The bill brings forth hope from embryos that would otherwise be discarded, thrown in the trash. These are embryos that can be used for good and for substantial medical research.

Overriding the veto today will provide promise of hope and promise to millions of Americans suffering from diseases and I urge my colleagues to vote in favor of life by voting "yes" to override the President's veto.

Ms. DEGETTE. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman.

I rise strongly to support stem cell research and ask this House to vote "yes" to override the President's veto. I intend to vote "yes" to override the veto.

Mr. Speaker, I rise today in support of H.R. 810, the "Stem Cell Research Enhancement Act of 2005." We have an opportunity, and a responsibility, to save lives by supporting this bill, and to help Americans who are suffering.

In order to accelerate scientific progress toward the cures and treatments for a wide variety of diseases and debilitating health conditions, such as Parkinson's Disease, Diabetes, Alzheimer's Disease, Amyotrophic Lateral Sclerosis (ALS), cancer, and spinal cord injuries, it is necessary to expand the number of stem cell lines that can be used in federally funded research.

Our debate today is a historical achievement for two reasons. First, President Bush vetoed this bill, after it passed in both the House of Representatives (238–194) and the Senate (63–37). This was the first time in five and one-half years in office that President Bush has vetoed a bill. This speaks volumes about the failure of our system of checks and balances, the short-sightedness of our executive branch, and the lack of Congressional leadership.

Second, we must reassess and reaffirm the need and commitment of this nation to pursue medical research leadership and scientific innovation. We must do everything in our power to reduce human suffering and better understand human physiology. Today, we must make history. We must override this veto and pass H.R. 810 in order to preserve the ability of our scientists to pursue innovative research with stem cell lines and find effective treatments and cures for the diseases and conditions that plague humankind.

The miracles capable with stem cell research are mind boggling. It may be possible for neurons developed from embryonic stem cells to restore function to paralyzed individuals; breast cancer may be mitigated by embryonic stem cells that mimic and then slow the growth of cancer cells; an embryonic stem cell-aided kidney transplant can help a patient accept a donor organ with minimal dose of drugs; embryonic stem cells can transform and regenerate damaged liver tissue, offering renewed hope to the 1 out of 5 patients who die before they receive a liver transplant.

As a Member of the Science committee, I am dedicated to the advancement of science, to the exploration of creative initiatives, and the pursuit of sound research. When we demonize science, we only hurt ourselves, making it more likely that other countries will stand at the forefront of science and innovation.

According to the National Institutes of Health (NIH), of more than 60 stem cell lines that were declared eligible for federal funding in 2001, only about 22 lines are actually available for study by and distribution to researchers. These NIH-approved lines lack the genetic diversity that researchers need in order to develop effective treatments for millions of Americans.

The policy debate that we have engaged in over the last year has focused on both scientific and moral arguments. This bill is precisely the measured, balanced, rational, and progressive law that we need to further the scope of medicine, while simultaneously defining precise moral guidelines.

At issue in particular is the use of embryonic stem cells, or pluripotent stem cells, versus adult stem cells. The difference is crucial in understanding the immense potential benefit.

Pluripotent stem cells are the most adaptable and unique of all of the stem cell varieties. As opposed to adult stem cells, which are limited to a genre, such as blood cells or bone cells, pluripotent stem cells can eventually specialize in any bodily tissue. Embryonic stem cells are clusters of cells, and cannot develop into a fetus or a human being. The possibilities are literally limitless, and only restricted by time and by funding.

The pluripotent stem cells were derived using non-Federal funds from early-stage embryos donated voluntarily by couples undergoing fertility treatment in an in vitro fertilization (IVF) clinic or from non-living fetuses obtained from terminated first trimester pregnancies. Informed consent was obtained from the donors in both cases. Women voluntarily donating fetal tissue for research did so only after making the decision to terminate the pregnancy.

It is estimated that more than 400,000 excess frozen embryos exist in the United States today and that tens of thousands, and perhaps as many as 100,000, are discarded every year.

When President Bush declared in 2001 that federal funding to stem cell research would be limited, an unprecedented 80 Nobel laureates opposed with this action. They included such notables as James Watson, who co-discovered the DNA double helix, and renowned economist Milton Friedman. In their letter to Mr. Bush, the laureates noted that the embryos to be used in the research were destined for destruction anyway. They wrote, "Under these circumstances, it would be tragic to waste this opportunity to pursue the work that could potentially alleviate human suffering."

I ask unanimous consent to submit a copy of this letter to the RECORD.

This bill provides a limited—yet significant—change in current policy that would result in making many more lines of stem cells available for research. If we limit the opportunities and resources our researchers have today, we only postpone the inevitable breakthrough. Our vote today may determine whether that breakthrough is made by Americans, or not.

I urge my colleagues to vote in favor of this bill, to vote in favor of scientific innovation, and to vote in favor of a perfect compromise between the needs of science and the boundary of our principles.

Ms. DEGETTE. Mr. Speaker, I am delighted to yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), another fine leader in this movement.

Mrs. CAPPS. Mr. Speaker, I thank my colleague from Colorado for yielding and for her leadership and, in fact, the bipartisan leadership that has brought us to this point today.

Mr. Speaker, I rise in support of the bill to override the President's veto of H.R. 810.

It is really unfortunate that this veto and other opposition of this bill are born out of misinformation about the issue at hand.

Under H.R. 810, the embryos from which stem cells are extracted for research come from in vitro fertilization only.

Each year thousands of embryos, no bigger than the head of a pin, are created in the process of in vitro fertilization, with the support of Congress, by the way.

A small percentage of these embryos are implanted and will, hopefully, grow into children. The rest will be frozen or discarded. They will not be used to create life. They will never become children. They will be lost without purpose.

But H.R. 810 gives them purpose, and this only with the express approval of the donors.

Now, the majority of Members in both the House and Senate affirmed their support for enhancing our use of stem cells in research because they understand that purpose.

Maybe it really isn't surprising that President Bush has vetoed this bill because he doesn't understand, and it is consistent with his signing into law other bills that have cut funding for medical research, denied proper funding for veterans health care, decreased our Nation's ability to confront true health crises.

This administration has ignored and twisted science in a variety of areas, everything from global warming to abstinence-only education.

The refusal to acknowledge the scientific value of embryonic stem cell research is one more tragic misstep.

Let's not be the embarrassment of the world yet again. Let's affirm our commitment to saving lives by overriding this veto. Let's untie the hands of scientists on the verge of cures for the world's most devastating diseases.

I urge my colleagues to support this measure.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I rise in support of sustaining the President's veto of H.R. 810. I strongly oppose H.R. 810, the Stem Cell Research Enhancement Act. An embryo is human life. H.R. 810 would use Federal tax dollars, our tax dollars, to fund the destruction of human life for scientific research. This misguided research is already permitted. What we are debating is who should pay for it. Should it be the taxpayers or private research?

To my colleagues who support this legislation, I share your concern for finding future medical treatments to improve lives. But let's be open in the process and look for ways that do not compromise life in any form, at its beginning, its middle, or end. There is no justification for the destruction of innocent life for the sake of another.

Congress has a moral obligation to protect women and the unborn, and I urge my colleagues to sustain the President's veto and vote "no" on this question.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, the President's veto of embryonic stem cell legislation flies in the face of the American people's broad support for this bill. In vetoing this bill, the President has gone against more than 70 percent of Americans who support stem cell research using embryos that would otherwise be discarded.

□ 1730

Even worse, he has thumbed his nose at the millions of Americans suffering from incurable diseases. Americans have kept their hopes alive while this administration has played political games and thrown up roadblocks to the promising research that would offer them a cure.

As opposed to legislation we have passed to encourage research on cord blood and adult stem cells, only this bill, the Castle-DeGette bill, would expand research on the embryonic stem cells that have the unique ability to reproduce indefinitely and evolve into any cell type in our bodies.

I have personally seen the potential that this research holds and how it works. Last summer I visited the stem cell labs at the Baylor College of Medicine in my hometown of Houston, where researchers are looking at treatments for heart disease with just a few Federal lines. The message from the researchers I met with was clear. The current policy not only slows medical progress, but will force the world's brightest researchers to abandon the U.S. for countries without this restriction on lifesaving research.

My colleagues opposed to this bill have argued this on moral and religious grounds. They are absolutely right. Regardless of whether one practices Christianity, Judaism, or Islam, every religion in the world tells us to alleviate human suffering.

History has shown, however, that even the most devout have often strayed from this common religious and moral duty. According to the New Testament, religious leaders in Biblical times attacked Jesus for healing the sick on the Sabbath. History has apparently repeated itself, as we have religious leaders today casting similar judgments on the healers of our time. Just like the sick in Biblical times, American families suffering from incurable diseases do not have time for the Federal Government to restrict those who could heal them. To alleviate human suffering, that is the purpose of this bill, and that should be our purpose today.

Let us override this veto.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman from Ohio for allowing me some time to speak in favor of sustaining the President's veto.

It has been a year since this House passed the Castle-DeGette bill, and in that year science, not Hollywood, has helped us to debunk the myth of a promise for embryonic stem cell research. Hollywood supports it. Science created fraudulent experiments. Before last year's vote, they made arguments supporting embryonic stem cell research. They were coming fast and furious from our colleagues.

During the debate in the Senate, the same arguments came. They cited Dr. Hwang Wook Suk of South Korea and his research. Supporters of his research said that he had cloned a human embryo, that he had found a way to produce embryonic stem cell lines that could be done routinely and efficiently. What happened later? All of his research was debunked. The ethics of his research were called into question. It was revealed that his publications were faked, his experiments were unsuccessful, and the treatment of their egg donors was ethically grossly appalling.

Mr. Speaker, I urge us to reject embryonic stem cell research as the science is not there. Science is very successful in treating patients using adult stem cells and cord blood stem cells, which we agreed to fund and the President signed, and I believe we should support that.

Ms. DEGETTE. Mr. Speaker, of course, the gentlewoman from Pennsylvania refers to the South Korea experiment which was not embryonic stem cell research. Rather, it was somatic cell nuclear transfer, not at issue today. And, furthermore, it only points out why we need Federal oversight and ethics in the United States.

Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, no single action this Congress could take would have a more profound impact on life than increasing Federal funds for biomedical research, biomedical scientists to conduct that research with human embryonic stem cells. Alzheimer's, Parkinson's, brain and spinal cord disorders, diabetes, cancer, at least 58 diseases could potentially be cured through stem cell research, diseases that touch every family in America and in the world.

I stand here as someone who understands the promise of biomedical research all too well. Having been diagnosed with ovarian cancer by chance on a doctor's visit two decades ago, I know firsthand how medical research can save lives. It saved mine. It can quite literally mean the difference between life and death, between hope and despair.

Are there moral issues to consider with respect to stem cell research? Absolutely. But let us not confuse them with the ethical safeguards that this legislation does put in place, allowing research only on embryos that were originally created for fertility treatment purposes and that are in excess of clinical need. By permitting peer-reviewed Federal funds to be used with public oversight, we can have no doubt that this research will be performed with the utmost dignity and ethical responsibility.

The moral issue here is whether the United States Congress is going to stand in the way of science and preclude scientists from doing lifesaving research. We do not live in the Dark Ages. With this vote this Congress has an opportunity to tell the world that we are a country that believes science has the power to advance life. I believe we are. By allowing the President to stop this research from going forward, we risk something very precious.

Mr. Speaker, the world has always looked to America as a beacon of hope precisely because of our capacity to combine the best ideas in the world with abundant resources. Let us continue that tradition. Let us lead the way. Support the veto override.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, this House should override the President's veto of the Stem Cell Research Enhancement Act.

With regard to medical research, science should triumph over politics.

Stem cell research offers the best promise of ending diabetes, Parkinson's, and cancer. Americans strongly support the treatment of disease, but we are passionate about finding cures.

America has won more Nobel Prizes in medicine than all European countries combined. This legislation is needed to maintain U.S. leadership.

Mr. Speaker, the leading candidates for President in our country of both the Republican and Democratic Parties support this bill. In the House the Republican chairmen of our most powerful committees, Rules, Ways and Means, Appropriations, and Energy, all support this bill. In the Senate the Republican majority leader and the Chairs of Armed Services, Commerce, Appropriations, Foreign Relations, and Rules all supported this bill.

At worst, the President's stem cell policy will last only 30 more months and be reversed on January 20, 2009, regardless of who wins the Presidency.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield for the purpose of making a unanimous consent request to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise in support of the effort to override this Presidential veto, of people's right to live a life where they can be free from the illness that they are suffering today, and of my colleague JIM LANGEVIN's right to be able to get out of that wheelchair within his lifetime thanks to stem cell research.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished member of the Energy and Commerce Committee, Mr. ENGEL.

Mr. ENGEL. Mr. Speaker, I thank the gentlewoman for yielding.

Today President Bush has cast the first veto of his Presidency on legislation approved overwhelmingly by the House and Senate: the Stem Cell Research Enhancement Act. Frankly, to veto a bill that has the support of 72 percent of the American public is simply unconscionable and indefensible. The President speaks about ethics. I think it is totally unethical not to save lives.

Despite what the critics may say, H.R. 810 does not end life. It honors life. As anyone who suffers from diabetes, Parkinson's disease, ALS, or a whole host of other debilitating health conditions knows, scientists believe embryonic stems cells provide a real opportunity for devising unique treatments for these serious diseases.

Let me be absolutely clear. This is not about cloning. I oppose cloning of human beings. This is about the use of stem cells which would have been discarded anyway. It has been estimated that there are currently 400,000 frozen embryos created during fertility treatments which would be destroyed if they are not donated for research. I would never condone the donation of embryos to science without the informed written consent of donors and strict regulations prohibiting financial compensation for potential donors. Our Nation's scientific research must adhere to the highest critical and ethical standards, and H.R. 810 protects this.

The National Institutes of Health has admitted that U.S. scientists have fallen behind Europe and Asia in stem cell research because of President Bush's policy. While five States have committed significant funding, NIH Director Zerhouni has noted that a patchwork collection of different stem cell policies in States could inhibit critical collaborations. We need a national commitment, and the current stem cells that the President alludes to have been contaminated and are no longer useful.

We must not allow those standing in the way of health and science to compromise the future well-being of our families and loved ones. Simply put, that would not be ethical. Over 200 patient groups, universities, and scientific societies have urged the President to expand the Federal policy on stem cell research.

We must honor life by overriding President Bush's veto.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I rise today proud to stand with our President to ensure that our society remains a people that values life. The President is a man of his word, and today he made good on his promise and he issued his first Presidential veto against H.R. 810, a move to protect the sanctity of human life.

Mr. Speaker, over the last few days, I have had the privilege to meet and visit with the families of the so-called "snowflake babies." These are children who started out life at frozen embryos, indeed no larger than the point of a pen, whose parents, instead of discarding these precious little lives, allowed them to be adopted.

Each of these families has their own unique story. They are families who have longed for and prayed for children. They are families who now enjoy the blessings of these little ones' smiles and tears, laughter and heartbreak. These children represent what advocates of this bill see as unwanted leftovers, collateral damage on society's path to medical research called for in the Castle-DeGette bill.

Mr. Speaker, the interesting aspect of this debate is that embryonic stem cell research does not have to divide this House of Representatives. I am here today to tell the American people that science has delivered the solution to this ethical divide. Scientists have made extraordinary advances in research that now allow them access to embryoniclike stem cells without destroying the human embryo. The answer that science has given us is that our government can have both, and, most importantly, so can the American people.

Yesterday Members of this House, those who claim to be supporters of all types of embryonic stem cell research, stood in the way of a bill that would have funded these ethical and exciting new breakthroughs.

Mr. Speaker, we need to sustain the President's veto, and I call for my colleagues on both sides of the aisle to do just that.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished Democratic whip, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

The choices before the Members of this House today are clear and straightforward. Will the Members of the Republican majority choose to stand with George W. Bush, who just minutes ago vetoed this legislation, ironically the very first veto of his Presidency, and, as a result, impede medical research into diseases that afflict millions of Americans? Or will the Members of this Republican majority choose to stand with more than 70 percent of the American people; the most respected members of America's medical research community; and 238 Members of this House and 63 United States Senators, including, of course, majority leader BILL FRIST, all of whom support embryonic stem cell research?

There is little question, Mr. Speaker, about the utility of such research. Scientists, including 80 Nobel Laureates, believe that embryonic stem cell research could lead to treatments and cures for diabetes; Parkinson's; Alzheimer's; multiple sclerosis; cancer; and, as the gentleman from Rhode Island indicated, the rehabilitation of nerves.

Dr. Zerhouni, director of the National Institutes of Health, chosen by George Bush, has stated: "Embryonic stem cell research holds great promise for treating, curing, and improving our understanding and treatment of disease."

□ 1745

The American Medical Association and 92 other organizations stated last week in a letter that "only H.R. 810 will move stem cell research forward."

Senate Majority Leader FRIST, a heart surgeon, has stated, "Embryonic stem cells uniquely hold specific promise that adult stem cells cannot provide."

Nor is there doubt about the need for more stem cell lines, since the lines designated by President Bush in 2001 have proven much less useful than hoped. Dr. Anthony Fauci, director of the National Institute of Allergy And Infectious Diseases, has stated, "Our institute believes that embryonic stem cell research could be advanced by the availability of additional cell lines. We may be limiting our ability to achieve the full range of potential therapeutic application of embryonic stem cells by restricting research to a relatively small number of lines currently available." This legislation seeks to do just what Dr. Fauci says ought to be done.

Mr. Speaker, the Castle-DeGette bill quite simply would authorize Federal funds for research on embryonic stem cell lines derived from surplus embryos at in vitro fertilization clinics that would otherwise be discarded. That would otherwise be discarded. That seems to me to be critical to every Member's decision.

Equally important, the bill would allow Federal funding of embryonic stem cell research only if strict ethical guidelines are followed. We do not pursue this irresponsibly.

Mr. Speaker, this is one of the most important votes that Members will cast in this Congress, and it will be long remembered by the American people. I implore my colleagues, vote to advance ethical embryonic stem cell research, not impede it. Vote to override the President's misguided veto, which will be looked upon years from now as a momentary victory for ideology over medical research and progress.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, earlier today I attended the President's news conference with snowflake babies and their families at which the President announced his veto of H.R. 810. Snowflake babies were adopted as excess embryos. Excess embryos would be destroyed with taxpayers' dollars under H.R. 810 to produce pluripotent stem cells for science.

How can anyone look at these snowflake babies and hear their voices and say that it would be okay to kill them to provide materials for medical research?

President Bush transformed what could have been a day of tragedy into a day of triumph by vetoing H.R. 810 and by taking additional steps to support pluripotent stem cell research that does not destroy embryos.

To the proponents of H.R. 810, scientists, doctors and the public, pluripotent stem cells hold the most promise for understanding human diseases and treating devastating conditions. That is why pluripotent stem cells are coveted.

Yesterday, knowing that the President would veto H.R. 810, this body had the opportunity to approve a bill the President said he would sign to use taxpayer dollars to obtain pluripotent stem cells without destroying embryos. This opportunity is not lost to this Congress.

I urge everyone in this Chamber to sustain President Bush's veto and support bringing back for a vote the Bartlett-Santorum bill, S. 2754, which represents common ground into promising ways the Federal Government can support pluripotent stem cell research without sacrificing life for medicine.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman, and especially appreciate the good work that she and Mr. CASTLE have done.

With the President's action today, and he always keeps his word, he condemned tens of millions of Americans and their families and everybody who loves them to suffer needlessly, and all the while they know their government, when given the opportunity to help, decided to do nothing.

I remember this kind of mugwumpery before. I remember when organ transplants came about. Everybody said, oh, no, we can't do that. If God didn't want you to have a good liver, you can't get one from somebody else. The same thing with blood transfusions, all the way through. Why in the world do we always have such a know-nothing, antiscientific government body that tells our scientists what they can do and can't do?

As one of the scientists in this House, I am appalled at the fact that my country is falling behind in scientific research. I am astonished that we are telling scientists what they can and cannot study. It bothers me that scientists in other countries don't want to come here to study anymore because of the way that this has happened.

If we fail to override this veto tonight, we are putting this country back another 200 years. Perhaps not that much. But any of you who believe that voting for that one bill yesterday and wanting to vote for the second will cover you at home, let me tell you that is not true. Science knows better. Science will bear out that we do not have the lines we need for research, and you will pay the price, I hope, in November.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. SHAYS) for the purpose of a unanimous consent request.

Mr. SHAYS. Mr. Speaker, I rise in support of overriding the veto.

I urge my colleagues to join in voting to override the Presidential veto of H.R. 810, the Stem Cell Research Enhancement Act.

I am disappointed the President used his first veto on legislation that has the potential to help millions of Americans affected by debilitating illnesses. I do not believe history will judge his decision kindly.

When the President first allowed this research to go forward in 2001, he could argue that he was setting up reasonable restrictions. I think today it is clear those restrictions are burdensome, ideologically driven and threaten our status as the preeminent country for medical research.

I appreciate that my Leadership has allowed fair debate on this bill and an up-or-down vote, and hope that in the future we will be successful in helping this research to advance.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would like to yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of overriding the President's veto of the embryonic stem cell research bill.

Every time I go to a classroom in my district, I tell those kids, knowledge is power, and one of the reasons America is such a great Nation is because knowledge and freedom couple to drive the frontiers of knowledge forward, as they have in science and medicine. And here is another frontier. Yes, we will push forward. The President cannot fence in knowledge, the pursuit of knowledge, in a free society.

But as we push forward, that research will not be covered and guided by the ethical code developed by NIH. As we push forward, millions of dollars will be wasted on building a parallel infrastructure of expensive equipment so the State and Federal dollars and the private and Federal dollars can be kept separate.

It is a tragedy that our President has vetoed this important bill, and I will vote to override.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Speaker, I rise today in strong support of this landmark stem cell bill and in opposition to President Bush's unbelievable first-ever veto.

We reached an historic crossroad today in Washington. With the stroke of his pen, the President could have signed stem cell hope and ethical standards into law. But, sadly, the President has delayed medical advances for years.

H.R. 810 will provide the Federal resources necessary to unlock the door to lifesaving cures for millions. It was passed after extraordinary debate and historic bipartisan cooperation. It holds the promise of major advancements in science.

I am deeply disappointed by the President's veto, as are millions of Americans and thousands of my fellow Missourians that have been working, hoping and praying for the approval of this bill. We will not soon forget what happened today. We will not give up. This issue has united Americans into action with a powerful voice.

I strongly urge my colleagues to override the President's veto, to continue the work of embryonic stem cell research and to provide hope for those who need it most.

Mr. BOEHNER. Mr. Speaker, I yield 45 seconds to the gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Speaker, medical research in the United States has for decades been the envy of the world. That embryonic stem cell research holds the key to potential treatment for all manner of disease is already well documented in this debate.

As a physician, I am dismayed at the claims that adult stem cells and umbilical cord cells hold the true pluripotentiality of embryonic stem cells. This is simply not true.

I ask my colleagues to vote to override the veto of this bill. Embryonic stem cell research will continue apace in other parts of the world. It is sad that the great progress and potential in this field won't happen in the United States with our superb academic scientific facilities. It is sadder yet that those who oppose this bill don't recognize that embryonic stem cells represent the epitome, the ultimate, in those things prolife, that is, to save the lives of our fellow members of the human race.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, at issue here is the fundamental value of saving lives, a value that we all share regardless of race, culture or religion. Embryonic stem cells have the potential not just to treat some of the most devastating diseases and conditions, but to actually cure them.

The President's veto of this lifesaving legislation is a slap in the face of the millions of Americans suffering from diseases like Alzheimer's, Parkinson's, or debilitating physical injuries, who found new hope for treatment and cures with the passage of H.R. 810. This hope will remain only if researchers have access to the science that holds the most potential and are free to explore, with appropriate ethical guidelines, medical advances never before imagined possible.

The 67 percent of the American public that supports embryonic stem cell research understands this. Why doesn't the President?

There is no question that scientific advancement often comes with moral dilemmas. That is why we have examined and debated difficult ethical and social questions before passing this legislation.

Like many of you, I believe that strong guidelines must be in place with vigorous oversight from the NIH and Congress before allowing federally-funded embryonic stem cell research.

H.R. 810 would strengthen the standards guiding embryonic stem cell research and would ensure that embryos originally created for the purpose of in vitro fertilization could be made available for research only with the consent of the donor.

So today I ask my colleagues to be as determined to find a cure as science allows us to be. We are closer than ever to remarkable discoveries and on the brink of providing hope to millions of individuals who otherwise have none. Congress must not allow the President to once again put ideology before science.

I urge my colleagues to vote to override of the President's veto of the Stem Cell Research Enhancement Act.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 15 seconds to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise to urge my colleagues to override the Presidential veto of H.R. 810. The Senate's 63-37 vote yesterday to loosen the stranglehold on federally conducted stem cell research and set strict ethical standards for performing that research and the strong showing of support by the House in May of last year marked a triumph of science over politics.

Mr. Speaker, I strongly urge my colleagues to support the override of this veto.

Ms. DEGETTE. Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I thank the majority leader for yielding me time, and thank you for your continued support on this issue.

I do rise today to voice my support for the President's veto of H.R. 810. With today's vote, the House will place itself alongside the millions of Americans who believe that all life is precious, even at its earliest stages.

This bill, H.R. 810, would make taxpayer dollars available for embryonic stem cell research using embryos remaining from in vitro fertilization procedures.

Mr. Speaker, that is the issue. Taxpayers should not be forced to fund what some consider morally wrong.

It is still questionable whether embryonic stem cell research will even yield results. I believe we should focus our resources on the proven, the successful adult stem cell research that is working to produce real, meaningful results. That we can all agree on.

Proponents of embryonic stem cell research point to their hope of potential lifesaving benefits from such research. I support the goal, but destroying a life to try to save another is not the way to accomplish it.

Mr. Speaker, I urge a "no" vote on this legislation.

Ms. DEGETTE. Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise to join many of my colleagues today in opposing the President's veto of H.R. 810. I do so reluctantly. I think the overriding of a veto of any President should be undertaken with caution, but in this case I believe it is necessary.

When the House considered this bill last year, our debate focused on the ethical dilemmas of embryonic stem cell research. Those dilemmas are real, and they've been thoroughly addressed in the bill we passed.

What hasn't been noted enough, however, is the importance this bill has for American innovation. The President himself has written—quote—"Through America's investments in science and technology, we have revolutionized our economy and changed the world for the better. Groundbreaking ideas generated by innovative minds in the private and public sectors have paid enormous dividends—improving the lives and livelihoods of generations of Americans."

These words are true—and to his credit, the President has backed them up with his American Competitiveness Initiative, a set of proposals that every Member in this House has embraced.

So I ask my colleagues: what field will prove more crucial to American competitiveness, to human well-being, to economic growth, than the biological sciences? And what area of research holds more promise in the biological sciences than stem cells?

Over the past two decades, three-quarters of the researchers who have won the Nobel Prize in medicine have studied or taught in the United States. Can we really expect to retain the global leadership if we can't even pass a bill, a thoughtful, bipartisan bill, that assures the moral study of embryonic stem cells? "Assures." I use the word deliberately, because no other nation will meet, let alone exceed, the ethical guidelines and constraints embodied in Castle-DeGette. Each of us knows that.

The sooner we pass this bill into law, the sooner America becomes the hub for this research, the sooner our ethical standards become the de facto standards governing stem cell science around the world.

So Castle-DeGette isn't just about taking the scientific lead on embryonic stem cells, it is about taking the moral lead, setting an ethical standard for research that will take place whether this bill becomes law or not. I urge my colleagues to override this veto.

□ 1800

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, last May I voted in support of H.R. 810. I rise again today to override the veto of this legislation.

I want to take this opportunity to reiterate why I believe that expanded Federal funding of stem cell research is good public policy. We are aware of the potential embryonic stem cells hold. They could hold the key to the greatest mysteries of medical science, offering cures for those afflicted with Alzheimer's, Parkinson's, juvenile diabetes, spinal cord injuries and others. I hope they do.

On the other hand, they can be nothing but a source of false hope, another disappointment for those who wish for a return to health either for themselves or their loved ones. The only certainty is that we will never know the answer if our scientists are overly constrained in their efforts. Without the wherewithal of the National Institutes of Health, we face the prospect of numerous State agencies attempting to set up research protocols, something they are not well equipped to do.

Good science takes time. We must not throw caution to the wind at the hint of miraculous cures. Indeed, left unconstrained, this type of research could lead to dangerous outcomes.

H.R. 810 provides ethical guidelines by which federally funded researchers must comply. I believe it would be far preferable to have the Federal Government setting standards in this field rather than a hodgepodge of States and private entities. The Federal Government should lead the way.

I supported President Bush when he announced his plan to allow federally funded research on 60 preexisting lines. Now, though, we only have 22 lines with significant shortcomings that make them of dubious value.

Federally funded U.S. researchers are at a technical disadvantage as they lack access to newer stem cell lines. Our top stem cell biologists are moving into non-federally funded research or even going overseas to pursue their work. We should not allow this to happen.

There is no question that many difficult questions attend this debate, and many feel strongly that there are ethical reasons not to pursue embryonic stem cell research. But I strongly feel there are ethical reasons why we should. I cannot look at a couple whose child is suffering from a debilitating disease in the eye and tell them I am not doing everything as their elected official; I came to find a cure. I cannot look a researcher in the eyes and tell him I will not let him explore the promise.

I urge my colleagues to vote to override this veto.

Ms. DEGETTE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I thank the majority leader for yielding. In her opening remarks, the chief Democratic sponsor of this bill told us that embryonic stem cell research will cure Alzheimer's. This is yet another example of the misinformation the bill's proponents have been spreading for the past year.

Let me read from a Washington Post article by Rick Weiss: "Given the lack of any serious suggestion that stem cells themselves have practical potential to treat Alzheimer's, the Reagan-inspired tidal wave of enthusiasm stands as an example of how easily a modest line of scientific inquiry can grow in the public mind to mythological proportions. It is a distortion that some admit is not being aggressively corrected by scientists."

Said Ronald D.G. McKay, stem cell researcher at the National Institute of Neurological Disorders and Stroke, "Embryonic stem cell research may never cure any disease."

However, ethical adult stem cell research has already resulted in nine FDA-approved therapies for major diseases. We should support ethical research that works.

In this binder I have information from established medical journals for over 70, 72 to be exact, successful treatments that have been discovered using ethical research of adult stem cells; not a single embryo has been destroyed in the process.

In this binder I have the successful treatments derived from embryo-destroying stem cell research. Not a single cure. The score is 72–0. All it has to show for itself are failed experiments, disgraced researchers, tumors and dead laboratory rats.

Mr. Speaker, I applaud the President for doing the right thing and vetoing this unethical and unnecessary legislation. I urge all of my colleagues to sustain the President's veto. Reject H.R. 810.

Ms. DEGETTE. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, President Bush made history today by adding a major black mark to a Presidency that began on the comforting note of compassionate conservatism, but is ending with a jarring jab to the sick and the ill.

There have been 1,484 previous formal vetoes of legislation enacted by Congress in the history of this country, but this one may be the most damaging veto ever issued by any President. If the Congress does not override this veto of this bipartisan stem cell research act, this will be remembered as a Luddite moment in American history, when scientific progress was brought to a halt by those who put fear ahead of hope, and ideology ahead of science.

Research is medicine's field of dreams from which we harvest cures, cures which offer hope to millions of American families struggling with Parkinson's, Alzheimer's, heart disease, juvenile diabetes and cancer. Hope is the most powerful four-letter word in the English language. But if we allow this Bush veto to stand, we will snuff out this flickering candle of hope just as the candle was lit.

Vote for the override of this historic veto of scientific progress. Vote to give the American people a reason to believe.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I have heard it said that the President's veto is a political game. There are no political games being played here, except yesterday when the authors of this bill that is before us argued that people should vote against H.R. 5526, the Alternative Pluripotent Stem Cell Therapies Enhancement Act. Why would they do that? A bill that would allow a neutral, that is neutral with respect to ethics, opportunity to develop pluripotent stem cell therapies. And yet we are told here that we are allowing ideology to get in the way of science.

What was yesterday's request by those who authored this bill? You know, we have to consider ethics. Science cannot tell us what to do. It tells us what we can do, but it does not tell us what it is ethically appropriate to do.

This country leads the world in medical research, but it also leads the world in ethical action. We should not be losers in either side. Support the President's veto.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, like millions of Americans, I, too, am disappointed with the President's veto. In Kansas City, Missouri, a man by the name of Jim and his wife Virginia Stowers started a company called American Centuries. It became one of the most successful companies in this country. A few years ago they decided that they would give back. Both of them are cancer survivors, and so they founded the Stowers Institute. It is an institution in Kansas City, Missouri, designed and funded by this great couple to research all kinds of medical cures. I will tell them later today that no Federal funds can be used.

Behind all of the opposition to stem cell research, there seems to be a subliminal religious tone. I am a fundamentalist in that I believe that the Holy Bible is the inspired and interminable word of God. But I am baffled by my fellow fundamentalists who seem to be utterly opposed to and terror-stricken by the advancement of science, including stem cell research.

The propagation of knowledge by some in our faith seems to be a foreboding foray toward undermining or diminishing the glory of the Creator. However, the opposite is true. When the human intellect makes strides that sets the world agog, it is God from whom all knowledge stems who is honored.

And keep in mind that scientific advancement is not an enemy of faith, but rather a bold statement that God is still active in this universe.

Mr. Speaker, I conclude by just saying that it is a great testament to God if we are able to advance science. It means that His power is supreme.

Because I accept the Bible as the inspired and interminable Word of God, I consider myself to be a Christian fundamentalist. I accept, as an inseparable component of my faith, the omnipotence, omnipresence, and omniscience of God. Therefore, I am baffled by my fellow fundamentalists who seem to be utterly opposed to and terror-stricken by the advancement of science, including stem cell research. The propagation of knowledge and the dismantling of the boundless awe-inspiring mysteries of God's world are viewed by some in our faith as a foreboding foray toward undermining and diminishing the glory of the Creator. However, the opposite is true. When the human intellect makes strides that sets the world agog, it is God, from whom all knowledge stems, who is honored. Let us keep in mind that scientific advancement is not an enemy of faith, but rather a bold statement of Praise.

Contemporary men and women of faith, as always, stand at the crossroads. In a real sense, religion has always been impelled to wage war in some area or another. The pressing question is shall we march across the battlefields of faith with open arms toward the magnificent revelations of God's great truths, or, do we use our inherent power and influence to signal a retreat from the bright and simmering sunshine of expanding scientific scholarship. The potential life-saving issue of stem cell research is before us. The scepter is in the hands of the enlightened community of believers. Our failure to speak out on the medical need for stem cell research will allow earnest but erroneous or misguided souls who wish to constrain such study to force us back to a time when the faithful waged its fiery finger of scorn at the irreverence of scientific inquiry. Like the majority of people of faith, I totally reject the notion that today's community of believers are as troglodytic as our ancestors who refused to peer through the lens of Galileo's telescope. Nonetheless, this is a testing time.

Doctor Harry Emerson Fosdick, the legendary Baptist clergyman of the first half of the 20th century, profoundly addresses the issue of flowering faith in his wonderfully inspiring book, The Modern Use of the Bible: "If there are fresh things to learn concerning the physical universe, let us have them, that we may find deeper meaning when we say, 'The heavens declare the glory of God.'"

If there is a great possibility to uncover new cures for the beastly diseases which besiege the human body, the community of faith must implore the researchers to explore, seize, and use them. After all, the One we claim as the Imminent Source and Guide of the Universe is befitting of our very best.

Sure, the scientific research on stem cells must be moral. The institutions of scientific research must understand that there are moral mandates that cannot be infringed or ignored with impunity. When the sway of the intellect becomes extreme, the religious must repudiate and guide it back to equilibrium and reason. Additionally, when the community of faith clings to the debilitating conventionalism of a petrified past, some among us must push against that as well.

Should science succeed in fulfilling the much vaunted optimism expressed by advocates of stem cell therapy, much of the credit should go to the community of faith. Every experiment that leads to greater medical breakthroughs is a discernible display of the earthly presence of God and of the presence of particles of his divinity in us.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the majority leader for yielding me time, and for his leadership today and every day.

Mr. Speaker, never in my 26 years as a Member of Congress have I seen so much hyperbole, misinformation and misattribution of success as in the embryonic stem cell debate.

Despite recent revelations of massive fraud by prominent stem cell researchers in South Korea, despite the fact that there hasn't been anything even close to success of any kind in treating any human being anywhere in the world with embryonic stem cells, despite all of this and so much more, embryonic stem cell proponents demand that tens of thousands of perfectly healthy human embryos be destroyed for taxpayer-funded research.

This is especially troubling in light of the stunning breakthroughs and successes announced almost daily of adult and cord blood stem cell therapies that are today helping men and women with leukemia, sickle cell anemia, and a myriad of other diseases. Ethical stem cell research, Mr. Speaker, has given not only hope, but it has given us real, durable therapies that work.

Arguments were made on this floor, Mr. Speaker, that we are just using spare or leftover embryos as if they exist as a subclass of surplus human beings that can be experimented on or slaughtered at will.

A few hours ago at the White House, several of us met with some of those snowflake children, all of whom were adopted while they were still in their embryonic stage and frozen in what we like to call frozen orphanages. Believe me, watching snowflakes children laugh, smile and act, well, like kids underscored the fact that they are every bit as human and alive and precious as any other child. Under the Castle bill, these so-called surplus humans are throwaways. Adopt them, don't destroy them.

Mr. Speaker, finally, make no mistake about it, those of us who oppose the Castle bill support aggressive stem cell research and judicious application of stem cells to mitigate and cure diseases. That is why I sponsored the Stem Cell Therapeutic and Research Act of 2005. It provides $265 million for comprehensive cord blood and bone marrow stem cells. That is why we support the $609 million in FY 2006 currently been expended under the NIH for ethical stem cells.

Yesterday, Hannah Strege, the first known snowflake embryo adoption, told a small group of us: "Don't kill the embryos, we are kids and we want to grow up too." How come a 7-year-old gets it and we don't. Sustain the veto.

Ms. DEGETTE. Mr. Speaker, I yield 1 minute to the distinguished Democratic leader (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me time. I salute her for her outstanding leadership and stewardship of this bill and her leadership on this issue so important to America's families. I also commend Congressman CASTLE of Delaware for his courage and his leadership as well.

Mr. Speaker, every family in America, indeed every person in this room and in this gallery, is just one diagnosis or one phone call away from needing the benefits of the embryonic stem cell research. Today with his veto, President Bush dashed the hopes of so many Americans who were praying for this legislation and the cures that it can bring. Imagine, the first veto of this President, and it is for a bill vetoing a bill that has the miraculous power to cure.

The Latin root of veto, the Latin translation of veto means "I forbid." President Bush has said today, I forbid allowing the best and brightest minds to pursue the science that they believe has the most promise and potential to cure.

☐ 1815

President Bush says, I forbid bringing embryonic stem cell research under NIH, ensuring the strict controls and stringent ethical guidelines that only NIH can ensure and impose. President Bush says, I forbid giving our scientists the opportunities they need to ensure that our Nation remains preeminent in science.

Today, I am hoping that the people's House will reflect the American people's will and overturn this short-sighted action, and instead of saying "I forbid," say "yes" to the American people.

The opponents of this legislation believe that this is a struggle between faith and science. I believe that faith and science have at least one thing in common: Both are searches for truth. America has room for both faith and science, and thank God for that.

The Episcopal Church, in its letter in support of this legislation says, "As stewards of creation, we are called to help mend and renew the world in many ways. The Episcopal Church celebrates medical research, and this research expands our knowledge of God's creation and empowers us to bring potential healing to those who suffer from disease and disability." It is our duty here in Congress to bring hope to the sick and the disabled, not to bind the hands of those who can bring them hope.

I believe, as Representative EMANUEL CLEAVER has said. I believe that God guided our researchers to discover the stem cell's power to heal. Overturning the President's cruel veto will enable science to live up to its potential to answer the prayers of America's families.

According to many scientists, including 80 Nobel Laureates, embryonic stem cell research has the potential to unlock the doors to treatments and cures to numerous diseases, and we have spoken about them all day, including diabetes, Parkinson's disease, Alzheimer's, Lou Gehrig's disease, multiple sclerosis, cancer and spinal cord injuries, to name a few.

Many of our colleagues both here on the floor and other venues, have shared their personal stories, whether it is a condition of their children or an affliction of their parents. Their generosity of spirit and generosity to share those stories gives us testimony as to the need for this embryonic stem cell research, and it fills a void in science that we know can be filled. I believe that if we know a scientific opportunity for cure, we have a moral responsibility to support it.

Mr. Speaker, this bill will save lives and help us find the cures for diseases in a shorter time span. It is all about time, after all, how much time people have, the quality of their lives in that time frame.

This bill will enable science to live up to the biblical power to cure. I urge all of my colleagues to vote "yes" on the override and override the President's cruel veto.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. I thank the majority leader for yielding time. I rise in support of the President's veto. I applaud President Bush's courage in doing this, and I encourage all of my colleagues on both sides of the aisle to sustain this veto.

This is not about whether we are going to fund more embryonic stem cell research. We are funding embryonic stem cell research. We funded $38 million of human embryonic stem cell research last year. This is not about whether it is legal or not. It is legal in the United States to do embryonic stem cell research. Indeed, this is really not about whether the United States is going to fall behind in this area of research.

The United States leads the world because of the President's program, publishing 46 percent of the published research articles on human embryonic stem cell research.

So what is this about, what are we debating today? We lead the world. We are funding it. What are we debating?

What we are debating today in this Chamber is whether or not we are going to use taxpayer dollars to kill more human embryos. That is really what this debate is all about. This business about cures being around the corner, jeepers, I have said this, and nobody has refuted it, they don't have an animal model that shows that embryonic stem cells work and they are safe.

Nobody has gotten an FDA approval to use human embryonic stem cells in a human trial. But we have each year 10, 15 or more clinical trials published in the literature showing adult stem cells and core blood stem cells work.

This is a debate about whether or not we are going to have the imprimatur of the United States Government to say that certain forms of human life can be discarded.

Ms. DEGETTE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentlewoman is recognized for 3 minutes.

Ms. DEGETTE. Mr. Speaker, my colleagues, this is a sad day for America. But what is so sad is that our opponents would so distort the facts to stop research that would benefit so many. Many have talked today about the so-called snowflake babies, embryos which are donated to other couples. I don't oppose that. I think that is great.

But right now couples undergoing IVF treatment have three options for the spare embryos that are necessarily created. They can freeze them for future use by themselves. They can donate them to other couples, as several hundred have done, or they can say that the embryos that are left over should be destroyed as medical waste, and tens of thousands of those embryos have been destroyed.

All we say today, give those couples a fourth choice. Let those embryos that would thrown away as medical waste be donated for ethical embryonic stem cell research. The opponents of this bill also continue to claim that adult stem cell and core blood cells are just as good as embryonic stem cells. Shame on them. This is a bald lie.

Harold Varmus, the former director of the NIH, said just this week, compared to adult stem cells, embryonic stem cells have a much greater potential according to all existing scientific literature. Let's not distort the facts just for a political argument.

This Congress has been politicizing science in a way that the American public disagrees with. Earlier this year, we tried to assert our jurisdiction over end-of-life decisions with the terrible vote that we took in the Terry Schiavo case. Now, today, we are trying to stop ethical scientific research that could help tens of millions of people.

Many on the other side say, well, the taxpayers shouldn't fund this research. Excuse me, I thought we had a national consensus. 72 percent of Americans agree with this precept, people who are Democrats, Republicans, independents, prolife, prochoice. I don't know who decided that they were God and that Congress could not fund this research, because their religious thinking trumps the national consensus.

A majority of my constituents don't think we should fund the war. Does that mean we shouldn't fund the war? Of course not.

We need this ethical research. We need it for our colleague, JIM LANGEVIN, so he can walk again. We need it for our colleague, LANE EVANS, whose Parkinson's has made him so sick that he cannot be here today to vote to override this bill.

Let's give hope to millions of Americans. Let's give hope for ethical research. Let us override this veto.

Mr. BOEHNER. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. MURPHY) for a unanimous-consent request.

Mr. MURPHY. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of sustaining the President's veto. This is not a vote for or against stem cell research. Many U.S. companies and universities are engaged in a great deal of embryonic stem cell research.

In fact, the President and the U.S. Congress have supported this research with over $90 million for embryonic stem cell lines derived from embryos that had already been destroyed with more than 700 shipments to researchers since 2001.

The question is whether to use federal money or U.S. taxpayer dollars to destroy human embryos for research?

The research bears out that several types of stem cell research have been successful. These are adult stem cells and umbilical cord blood stem cells.

However, no research has shown embryonic stem cell research to be fruitful. A year ago when we debated this issue, a study at Seoul National University in Korea was brought up as an example of success to create the world's first embryonic stem cells from a cloned human embryo. Since then, we've learned that study was filled with erroneous data. The DNA studies on the two preserved stem cells did not match those from the published study and were not cloned human embryonic stem cells.

But, beyond this, we must keep in mind how we use human life and think about where we should draw the line.

Those who support destroying embryos for this research have stated these will be embryos that will be discarded. This is not true.

Many parents would love to adopt these embryos and raise these children as their own. According to the non-partisan RAND Corporation the "vast majority" or 88 percent of the 400,000 embryos that have been frozen since the late 1970s are not going to be discarded but are held for family building and not for medical research. In fact, over 21 families who visited the White House last year adopted these embryos in order to fulfill their own dreams of having a family.

Even to refer to these embryos as ones that are unwanted and will be destroyed raises the ultimate question: where do we and where will we draw the line?

If we say a human embryo is unwanted and discardable, we head down the road of asking "what next?"

Do we view seriously disabled newborns as unwanted? Will it be acceptable to discard them?

This is a road down which we cannot afford to turn.

The research does not support it, morality does not condone it. U.S. taxpayer dollars must not support destroying a life to save a life.

Mr. BOEHNER. Mr. Chairman, I yield to the gentleman from Texas (Mr. BARTON), the chairman of the Energy and Commerce Committee, for a unanimous-consent request.

Mr. BARTON of Texas. Mr. Speaker, as a 22-year Congressman with a 100 percent prolife voting record, minus two votes, I rise in opposition of the Presidential veto and support the effort to override it.

Mr. Speaker, today, I rise in support of H.R. 810 and overriding the President's earlier veto of this legislation. H.R. 810 would expand the number of sources of embryonic stem cell lines that may be used in federally funded scientific research. The bill would allow the limited use of human embryonic stem cells that are derived from embryos that would otherwise be discarded from fertility clinics.

This is not an issue where everyone agrees. There are deeply held views on both sides of the difficult question before us, and I want to emphasize that every one of my colleagues should vote in accordance with their own conscience. I support the bill, and I want to say why.

Stem cells are cells that can differentiate into many different kinds of cells used in the body. They can come from several sources, such as adult stem cells, but many scientists believe that the most potential for productive research lies in embryonic stem cells, which could have the capacity to differentiate into any cell in the body. If researchers can find such a perfect stem cell that can differentiate into any other cell type, we may be able to unlock the cures to hundreds of diseases that afflict us today.

This is more than a sterile, academic matter to me. Diseases like Parkinson's, diabetes, cancer, heart disease, have stricken millions of Americans and continue to take a heavy toll on all of us. I can tell you that it is a living nightmare to watch a loved one suffer from a terrible illness and know that there is nothing that you can do but be by their side. That was the experience I had when my father died of complications of diabetes at the age of 71. It was also the experience I had when my younger brother, Jon Kevin Barton, died of liver cancer at the age of 44.

When my brother was diagnosed, we tried everything. They found his liver cancer when he was just 41 years old. He and his wife, Jennifer, had two children, Jack and Jace. He was a state district judge in Texas. After they told Jon he had liver cancer, we did everything we could, and, in fact, his cancer went into remission for a year. But it came back, and Jon died just three months short of his 44th birthday. That was 6 years ago. Every time I see Jace and Jack and their Mom, I think of Jon and wonder if stem cell research could have allowed him to be alive today.

I do not know for sure, but my heart tells me that stem cell research might have led to treatments that could have helped my brother and my father. We cannot be certain, but maybe the answers for finding cures for many of the diseases that afflict us lie in stem cell research. Many scientists believe that once we can identify a perfect, undifferentiated stem cell line, it will lead to significant scientific breakthroughs and the discovery of cures for many diseases.

It is the hope of a cure for people suffering today and their families that led me to decide to support this legislation. I believe hope is what led President Bush to take the steps he did in August, 2001, when he permitted for the first time Federal taxpayer dollars to be spent on embryonic stem cell research. He recognized the profound benefits that were possible through embryonic research, and he wanted to let the research go forward in a way that respected life and the moral and ethical views of millions of Americans. The President's decision struck a delicate balance between respecting the life of human embryos and giving hope to the American families who are enduring the suffering and loss of debilitating diseases like diabetes and cancer.

But when the President made his announcement in 2001, it was believed that there were at least 60 viable lines of stem cells that could be used for this research. For a variety of reasons, this has turned out not to be the case; not all of these potential lines are now available for research. Currently, there are approximately 22 lines of embryonic stem cells that are available for federally funded research. None of those lines that are currently allowed for Federal research purposes have been shown to have that breakthrough stem cell—the one cell that can differentiate into all 220 cell types in the body.

The President's initial decision reflects the difficulty of this issue. However, when new facts arise on the one hand that tell us the embryonic stem cell lines already used for federal research do not hold the promise we once thought, it should require us to reevaluate that initial decision in light of the facts.

I continue to support the expansion of cord blood and bone marrow stem cell research, and perhaps the breakthrough we are all hoping for will come from adult stem cells. But at this point, we cannot know for sure where the breakthrough will come from, and it is my belief that we need to keep all of our options open while continuing to go forward in a moral and ethical way.

I fully understand that there are people of good conscience that will disagree with me. I completely respect their views and differences of opinion. Like many on the other side of this legislation, I am also strongly pro-life. For over two decades in the United States Congress, I have had a strong pro-life voting record. I remain pro-life, but for the reasons I have given, I intend to vote in favor of this legislation.

As my colleagues continue to debate the merits of this bill, I only ask that we try to respect one another's various points of view and that no one is ridiculed for their beliefs on either side of this complex and difficult issue.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

My colleagues, we have had a very good debate. This is an issue that has been very divisive in this House for the last year or so, and the President has made his position very clear.

But let me make the position very clear that embryonic research with regard to stem cells is occurring and is going to continue to occur. The issue here is whether Federal funds, taxpayer dollars ought to be used to destroy human life in the search for cures for other diseases. That is what the issue is, pure and simple. We all know that this research is going to continue in the private sector with private moneys.

But the debate that we have had is whether it is appropriate to take taxpayer funds to destroy human life to find embryonic stem cells. I believe that my colleagues, enough of my colleagues will stand up today to sustain the President's veto.

With that, Mr. Speaker, I ask my colleagues, to vote "no" on overriding the President's veto.

Mr. SCHIFF. Mr. Speaker, it is a momentous event when a president vetoes a bill. It is a pronouncement that the lawmaking body of our federal government is in error and that the difficult lawmaking process has produced legislation not worthy of enactment. For the Stem Cell Research Enhancement Act of 2005, nothing could be further from the truth. I was proud to have voted for H.R. 810 when it first came to the House Floor for a vote in May 2005, and I am proud today to vote to override the President's veto—the first veto of his Administration.

A broad spectrum of lawmakers from both parties and all regions of the country recognize the extraordinary opportunity that stem cell research presents to treat and cure tragic diseases afflicting millions of Americans. Some of these potential treatments were only dreamt about a generation ago. Alzheimer's, paralysis, Parkinson's, diabetes—the list of possible applications for stem cell research goes on and on. For some of the victims of these diseases, stem cell research provides the only present hope for a cure. To use the President's first and only veto to effectively deny these citizens of their best hope is as tragic as it is wrongheaded. H.R. 810 carefully ensures that this research is conducted in a manner consistent with the highest ethical standards.

There have been numerous times in history when a chief executive has denied the progress of science. We mark these times as setbacks for humanity, and we also recognize that in many cases, progress was only delayed, not curtailed. Despite the setback of this veto, the struggle will continue—both the struggle for Americans seeking to overcome disability and disease, and the struggle to support the scientific community in its quest to find the effective cures and treatments. I am confident that the American people will not allow this veto to forever impede the progress of science.

Mr. DINGELL. Mr. Speaker, I support H.R. 810, the "Stem Cell Research and Enhancement Act", and urge my colleagues to reject President Bush's regrettable veto.

We are here to decide once again whether our Nation will move forward in the search for treatments and therapies that will cure a multitude of dreaded diseases that afflict an estimated 128 million Americans. These diseases include Alzheimer's disease, Parkinson's disease, spinal cord injuries or spinal dysfunction, and diabetes. Embryonic stem cell research holds the potential for treating these diseases, and many more.

H.R. 810 is a sensible and targeted path forward. It would impose strict ethical guidelines for embryonic stem cell research and would lift the arbitrary restriction limiting funds to only some embryonic stem cell lines created before August 10, 2001. By removing this arbitrary restriction, H.R. 810 will ensure that researchers can not only continue their work to prolong or save lives, but also conduct such research using newer, less contaminated, more diverse, and more numerous embryonic stem cells.

H.R. 810 does not allow Federal funding for the creation or destruction of embryos. This bill only allows for research on embryonic stem cell lines retrieved from embryos created for reproductive purposes that would otherwise be discarded. This point is critical: if these embryos are not used for stem cell research, they will be destroyed.

President Bush's rejection of this narrow and commonsense measure should be overridden by the people's House.

Mr. BLUMENAUER. Mr. Speaker, every American has a very personal stake in today's discussion on stem cell research. Everyone knows people who would benefit from breakthrough research using stem cells. Indeed, with a hundred million Americans at risk from a variety of diseases ranging from Lou Gehrig's disease, to Alzheimer's, to Parkinson's, to cancer, to juvenile diabetes, it's almost impossible to not know somebody who could potentially be helped by stem cell research. For me, the most important beneficiaries are our children and grandchildren who have not yet shown any symptoms, but who may fall victim to one of these devastating diseases.

H.R. 810 is an opportunity for Congress to clarify the issues and exert leadership in a way that the federal government has in the past. Instead the President vetoed the bill after having passed through the House and Senate. This administration is out of touch with the 70% of the American public who supports stem cell research. We have inadequate access to stem cell lines for research purposes and we are putting forth neither money nor encouragement while we construct artificial boundaries. These misguided policies by the administration will not stop progress from stem cell research, but will delay the day we have these very important therapies to transform people's lives. Americans are losing ground on this vital research to other countries while relinquishing leadership to the states here in our country.

Stem cell research is not about cloning a human being or creating embryos for research purposes. We can maintain prohibitions against cloning of humans while supplying stem cells in an ethical manner from 400,000 embryos already accessible that will otherwise be destroyed.

Every American needs to watch this closely. The stakes in this debate are high both for the potential benefit to the physical condition of all humankind, as well as the establishment of the boundaries between public policy and personal theology.

For me the choice is clear. American families deserve an opportunity for embryonic stem cell research to be conducted in a reasonable, controlled manner, to hasten the day of vital life-saving, life-enriching therapy.

Mr. WEXLER. Mr. Speaker, I am outraged that President Bush has single handedly stifled the advancement of medical research that could provide cures for millions of Americans who are suffering needlessly from a wide range of debilitating diseases. President Bush's decision to use his veto power for the first time in his Presidency on this historic piece of legislation is unconscionable and a misguided attempt to pander to the extreme base in his party. The tireless efforts made by the scientific community, stem cell advocates and supportive Members of Congress finally came to fruition when this body passed the Stem Cell Research Enhancement Act (H.R. 810). This legislation, supported by a majority of Americans, expands the embryonic stem cell lines available for conducting research and allows the federal government to fund this type of undertaking.

Stem cell research (including embryonic stem cell research) offers incredible hope to the sufferers of diseases like Parkinson's, Alzheimer's, multiple sclerosis, cancer and diabetes. Embryonic stem cells are derived from donated embryos that are not used during the process of in-vitro fertilization and would otherwise be discarded. Many scientists believe that embryonic stem cells have greater potential than adult stem cells because they can differentiate into any specialized cell in the body. Additionally, they can be administered to patients without fear of rejection or the need for expensive immunosuppressive drugs.

Unfortunately, in one fell swoop, President Bush has preemptively thwarted medical progress, destroying the hope of millions of Americans desperately waiting for a cure. Medical science is at a crossroads with incredible potential to save and improve the lives of chronic and fatal disease sufferers. At this time, our government should be doing everything possible to advance and explore all avenues of medical research. With polls showing 60 percent of the country supporting embryonic stem cell research, it is indefensible that President Bush chose to ignore the will of the American people by striking down this monumental measure.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise today to support the veto override of H.R. 810, the Stem Cell Research Enhancement Act. This bipartisan legislation would expand Federal funding for embryonic stem cell research.

The House approved this bill last year and it won U.S. Senate approval yesterday. However, despite the measure passing both chambers of Congress, the President has vetoed the legislation, the first of his presidency. I am disappointed the President chose this bill to be his first veto.

The American Medical Association and 92 other organizations, including scientists and researchers support H.R. 810. Federal funding would enable further research to examine many new lines of stem cells—increasing the potential for cures. Each year 8,000 to 10,000 embryos created for in-vitro fertilization are destroyed. H.R. 810 would allow Federally funded research of stem cells, which scientists believe can yield cures for diseases and injuries, to be harvested from surplus frozen embryos that are stored at fertility clinics and slated for destruction.

Human embryonic stem cells are prized because they can replicate themselves and become almost any type of human tissue. We all know someone who can benefit from the research. Science should prevail over politics.

President Bush's veto is standing in the way of hope and progress in curing many diseases such as diabetes, Parkinson's disease, Alzheimer's disease, Lou Gehrig's disease, some cancers, and spinal cord injuries. This veto has ignored our country's healthcare needs and has slowed the potential to eradicate life threatening and chronic diseases.

The President did not make the right choice. This critical life saving bill is greatly needed. I urge my colleagues to support the veto override and reaffirm Congress's support of life saving medical research.

Mr. RAMSTAD. Mr. Speaker, President Bush unfortunately vetoed funding for life-saving research on stem cells from donated, surplus embryos because he maintains it's wrong to "promote science which destroys life in order to save life."

As the leading pro-life legislator in Washington, Sen. ORRIN HATCH put it, "Since when does human life begin in a petri dish in a refrigerator?"

To reduce this issue to an abortion issue is a horrible injustice to 100 million Americans suffering the ravages of diabetes, spinal cord paralysis, heart disease, Parkinson's and Alzheimer's disease, cancer, multiple sclerosis, Lou Gehrig's disease and other fatal, debilitating diseases.

I've met with medical researchers from the University of Minnesota Stem Cell Institute, the Mayo Clinic, the National Institutes of Health and Johns Hopkins University.

As one prominent researcher told me, "The real irony of the President's policy is that at least 400,000 surplus frozen embryos could be used to produce stem cells for research to save lives. Instead, these surplus embryos are being thrown into the garbage and treated as medical waste."

Only 22 of the 78 stem cell lines approved by the President in 2001 remain today. This limit on research has stunted progress on finding cures for a number of debilitating and fatal diseases according to scientists and patient advocacy groups.

Mr. Speaker, the scientific evidence is overwhelming that embryonic stem cells have great potential to regenerate specific types of human tissues, offering hope for millions of Americans suffering from debilitating diseases.

Mr. Speaker, it's too late for my beloved mother who was totally debilitated by Alzheimer's disease which led to her death. It's too late for my cousin who died a cruel, tragic death from diabetes in his 20s.

But it's not too late for 100 million other American people counting on us to support funding for life-saving research on stem cells derived from donated surplus embryos created through in vitro fertilization.

Let's not turn our backs on these people. Let's not take away their hope. Let's make it clear that abortion politics should not determine this critical medical research.

Embryonic stem cell research will prolong life, improve life and give hope for life to millions of people.

I urge members to override the President's veto of funding for life-saving and life-enhancing embryonic stem cell research.

Mr. LEVIN. Mr. Speaker, this institution is often called the people's House and today I ask my colleagues to stand in the shoes of the millions of people dealing with incurable or debilitating diseases. Diseases such as juvenile diabetes, Parkinson's, Alzheimer's, multiple sclerosis, or cancer. Diseases that impact them every day . . . their plans for the future.

Let us stand with them today and vote to override the President's veto of the medical research that holds the potential to find a treatment to improve their lives, or, over time, a cure.

The U.S. House has approved this legislation. The Senate has approved this legislation. The reason the American people—72 percent of them in public surveys—support the Federal Government proceeding with this legislation is because in virtually every family there is a life experience with the need for medical breakthroughs.

We can never guarantee the results of scientific research, but without it we guarantee there can be no results.

The President's stem cell policy is not working. Of the 78 existing stem cell lines permitted for use in federally funded research, only 22 of these lines are currently used for research, and many have raised concerns that these lines are genetically unstable, contaminated, and harder to work with than newer lines. Research is practically at a standstill in this country.

The Stem Cell Research Enhancement Act is a well-crafted, bipartisan approach. It is opposed with false arguments that divide Americans when what is involved is an expansion of research on embryonic stem cell lines derived from surplus embryos that were originally created for fertility treatments purposes, are in excess of clinical need and would otherwise be discarded, and have been donated by the individuals seeking fertility treatment through written consent and without any financial involvement.

Let us override the President's veto and take these vitals steps to tap into the promise of research that has the potential to change the face of modern medicine as we know it today. That is a human value that should not be undermined by the people's representatives.

Mr. MORAN of Virginia. Mr. Speaker, last year, I was proud to cosponsor and vote in favor of the Stem Cell Research Enhancement Act, which will expand the Federal policy and implement stricter ethical guidelines for this research.

Embryonic stem cell research is necessary to discover the causes of a myriad of genetic diseases, to test new drug therapies more efficiently on laboratory tissue instead of human volunteers, and to staving off the ravages of disease with the regeneration of our bodies' essential organs.

President George W. Bush's policy on stem cell research limits Federal funding only to embryonic stem cell lines that were derived by August 9, 2001, the date of his policy announcement.

Of the 78 stem cell lines promised by President Bush, only 22 are available to researchers.

Unfortunately these stem cell lines are aged and contaminated with mouse feeder cells, making their therapeutic use for humans uncertain. According to the majority of scientists, if these stem cell lines were transplanted into people, they would provoke dangerous viruses in humans.

What is even more disturbing is the fact that there are at least 125 new stem cell lines, which are more pristine than the lines currently available on the National Institutes of Health registry, and which are ineligible for Federally-funded research because they were derived after August 9, 2001.

This restrictive embryonic stem cell research policy is making it increasingly more difficult to attract new scientists to this area of research because of concerns that funding restrictions will keep this research from being successful.

The Stem Cell Research Enhancement Act, which passed the House on May 25, 2005, simply seeks to lift the cutoff date for lines available for research.

H.R. 810 will also strengthen the ethical standards guiding the Federal research on stem cell lines and will ensure that embryos donated for stem cell research were created for the purposes of in vitro fertilization, were in excess of clinical need, would have otherwise been discarded and involved no financial inducement.

Contrary to what opponents have been saying, the Stem Cell Research Enhancement Act will not Federally fund the destruction of embryos.

This measure makes it clear that unused embryos will be used for embryonic stem cell research only by decision of the donor. No Federally-funded research will be supported by this measure on any embryos that had been created solely for research purposes.

In February 2005, the Civil Society Institute conducted a nationwide survey of 1,022 adults and found that 70 percent supported bipartisan federal legislation to promote embryonic stem cell research.

Let public interest triumph over ideological special interests. Public interest is best served when the medical and the scientific community is free to exercise its professional judgment in extending and enhancing human life.

I urge the Senate to pass the Stem Cell Research Enhancement Act with overwhelming support, and for President Bush to sign it into law when it reaches his desk.

Mr. STEARNS. Mr. Speaker, the argument that embryonic stem cell research can contribute to life-saving research is emotionally persuasive, but it is never justifiable to deliberately end one life, even to save others. There are alternative sources of stem cells without engaging in research that purposefully takes a life. We debated an alternative stem cell bill on this floor yesterday, and it is unfortunate it did not get the support of those Members here today crying aloud how we are denying vital lifesaving research.

Furthermore, we are already funding such research. In 2001, President Bush announced federal funding for the embryonic stem cell lines that had already been created. There are 78 of these approved lines and only 22 of them are currently being used in federally funded research. These lines are so useful that they are used in 85 percent of the published embryonic stem cell studies in the world.

In fact, President Bush's policy is generous. In 2005 NIH spent $38 million, up $13 million from 2004. Most importantly, the current ban on embryonic research does not prevent private funding for embryonic stem cell research. Microsoft Chairman Bill Gates and Newport Beach bond trader Bill Gross are among several private donors who have provided millions of dollars toward embryonic stem cell research.

Proponents also claim that the U.S. is lagging behind the rest of the world in embryonic stem cell research and that increased federal funding would close the gap. The fact is the United States leads the world in embryonic stem cell research. A recent Nature Journal publication states that U.S. scientists contributed 46 percent of all stem cell publications since 1998. Germany comes far second representing 10 percent of studies, and the remaining 44 percent derive from between 16 other countries.

It is unnecessary and morally offensive to use taxpayer money to expand embryonic stem cell research. I urge my colleagues to join me in supporting President Bush's veto.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of this effort to override the President's veto of H.R. 810, the Stem Cell Research Enhancement Act. I am proud to be a cosponsor of this important legislation, which expands stem cell research and ensures that the federal government can implement ethical guidelines.

This bill will provide hope and opportunity for millions of Americans suffering from chronic and life threatening health conditions. This legislation will also ensure that the federal government can implement ethical guidelines over federally-funded research, which will help to set high standards for all research. To be clear, H.R. 810 only allows federal funding for embryonic stem cell research in cases where the cells were created for fertility treatment and will otherwise be discarded.

The expansion of funding to stem cell research has the power to make a real difference in the lives of Americans. Stem cells offer remarkable potential contributions to medical science and improve the lives of millions of people who suffer from incurable diseases such as juvenile diabetes, Alzheimer's, Parkinson's, AIDS, and spinal cord injuries. It may also help us to understand abnormal cell growth that occurs in cancer, as well as change the way we develop drugs and test them for safety and potential efficacy.

It is imperative that we move our health care policy in a new direction and support efforts to improve the quality of life. This research is supported by 72 percent of Americans and the majority of the Congress. H.R. 810 is supported by over 200 patient groups, universities, and scientific societies, and has been endorsed by more than 75 national and local newspapers and 80 Nobel Laureates.

For President Bush to use his first veto to ignore this overwhelming support for stem cell research and at the same time extinguish the hopes of millions for cures to chronic and dangerous diseases is an outrage. This veto has made it clear that President Bush has chosen radical ideology over American lives. I urge my colleagues to join me in voting to override this misguided veto.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of overriding the President's veto of the Stem Cell Research Enhancement Act of 2005.

I am extremely disappointed that the President exercised his first veto on a piece of bipartisan legislation that will provide countless number of Americans hope of finding cures for many life-threatening diseases. This Congress has passed many pieces of irresponsible legislation that benefit narrow special interests at the expense of the public good. The President did not veto any of those bills. Now the Congress has finally passed a bipartisan bill that will help find cures to diseases that strike virtually every American family. Yet the President has chosen to veto this landmark bill. In doing so, the President is playing to the extreme right of his own political party. Shame on the President for putting politics over the health of the American people.

We should allow the expansion of federally supported research of human embryonic stem cell lines. The Stem Cell Research Enhancement Act of 2005 would provide federal funding for a wider range of stem cell research while establishing ethical guidelines. The bill also provides that embryos that are otherwise likely to be discarded can be used to develop treatments for debilitating diseases and lifesaving cures.

I believe stem cell research holds the promise of scientific breakthroughs that could improve the lives of millions of Americans afflicted with a debilitating disease—such as Parkinson's, diabetes, spinal cord injuries, autoimmune diseases, cardiovascular disease, and cancer—for which there is currently no cure. While it is too late for those who have passed from these terrible diseases, it still not too late for the millions of other Americans hoping that the Congress will override the President's veto and support federally funded research of this potentially life-saving resource. For these patients and their families, stem cell research is the last hope for a cure.

Mr. Speaker, this is an issue that affects every family in America. I strongly urge my House colleagues to vote to override the President's veto on this bipartisan legislation.

Ms. MATSUI. Mr. Speaker, ethical, embryonic stem cell research is a reality. The federal government has two options. We can engage, by participating in the research and influencing the ethical debate within the global community. Or, we ignore the issue and let others lead.

America is the world leader in medical research and development. We cannot cede this ground.

That is why we must be unyielding in our support for the embryonic stem cell research made possible under H.R. 810. And why I would caution my colleagues against accepting any of the weak alternatives being debated.

Mr. Speaker, one of the great equalizers is disease. It ignores age, income and education level. Embryonic stem cell research has the potential to cure and maybe even prevent many debilitating conditions affecting the old and the young, the rich and the poor. Like Diabetes. Parkinson's disease. Alzheimer's. Spinal cord damage. And maybe even bone marrow failure. Families from all walks of life have first-hand experience with these tragedies.

Make no mistake, these potential breakthroughs lie at the end of a long and difficult road. But the research community is committed to this task. Just last week in my hometown of Sacramento, the UC Davis Medical Center hired a top national expert in regenerative medicine to direct the Center's new stem cell research facility.

But every stem cell researcher agrees that this research must use embryonic stem cells. These are the only cells with the flexibility and the potential to fix spinal cord injuries, or cure diabetes. And using the unused embryos from in vitro fertilization clinics gives us an ethical way to obtain them.

Mr. Speaker, it is true that this is a debate about what science tells about stem cell research. And equally, it is about the ethical constraints our democracy rightly agrees to impose on that science. But there is broad consensus on these two points. That consensus is enshrined in H.R. 810.

So the federal government must decide whether it will lend its tremendous weight to embryonic stem cell research. Or whether it will simply remain on the sidelines, pretending that ethical solutions don't exist.

Earlier today, President Bush chose the sidelines. He chose to ignore the issue and allow others to lead. Worse still, he is stifling the hopes of millions of Americans.

And fundamentally, this is a debate about hope. Hope is the light that keeps us going through a dark and torturous tunnel.

I urge my colleagues to think very hard before denying that hope to millions of people across America by supporting anything less than federally-funded embryonic stem cell research. I hope my colleagues will vote to override the President's veto. It is time to go in a new direction.

Mr. STUPAK. Mr. Speaker, This debate on H.R. 810, the Stem Cell Research Enhancement Act, is really one of the most fundamentally important debates that this body can undertake.

H.R. 810 addresses the most basic, essential ethical issues—life, when does it begin, and when should life, including human embryos, be open to experimentation and scientific research.

It is society's ethical obligation to draw boundaries around the possibilities of science. I believe we must draw a boundary that says "no" to embryonic stem cell research that requires the killing of embryos that if left to grow would become children. Children who would grow up to become police officers, factory workers, soldiers, government employees, lawyers, doctors, and scientists.

I believe that embryos, as life, should be treated with as much respect as you and I, and I reject the view that embryos are mere medical waste, as some have suggested.

Where do we draw the line as a Nation, and say, we will not cross that line? These proponents of H.R. 810 would not have us draw a line. This legislation leaves too many questions unanswered.

When do embryos become human life? After 40 hours? After 2 days? H.R. 810 is silent on when embryos become human life—it doesn't specify how long these embryos are allowed to grow before they are killed—2 days, 5 days, 14 days, or more!

Proponents of H.R. 810 will claim that their legislation will address the "ethical manner" in which this research will be conducted, yet their legislation is silent on the ethics, other than a subsection that directs the secretary to create guidelines in 60 days or less.

As elected leaders, we should set basic guidelines, not leave the guidelines to an unelected and unnamed administration official.

This legislation is unethical and unnecessary. Human embryonic stem cell research is completely legal today in the private sector and eligible for state funding in several states, including California and New Jersey. Since August 2001, over 128 stem cell lines have been created.

Furthermore, human embryonic stem cell research is funded by the federal government today. The National Institutes of Health (NIH) spent an estimated $38 million on Embryonic Stem Cell research in Fiscal Year 2006. 22 human embryonic stem cell lines are currently receiving federal funds. These lines are sufficient for basic research according to NIH director, Dr. Zerhouni.

Finally, embryonic stem cell research remains unproven. Not a single therapy has been developed from embryonic stem cell research. Instead of cures, embryonic stem cell research has led to tumors and deaths in animal studies.

While the promise of embryonic stem cells is questionable, adult stem cells are being used today to save lives. Recognizing this, the National Institutes of Health spent $568 million in Fiscal Year 2006 on adult stem cell research.

Adult stem cells are being used today in clinical trials and in clinical practice to treat 72 diseases including, Parkinson's disease, spinal cord injury, juvenile diabetes, brain cancer, breast cancer, lymphoma, heart damage, rheumatoid arthritis, juvenile arthritis, stroke, and sickle cell anemia.

Let me be clear, I am committed to funding ethical scientific research that will unlock the origins of diseases and develop cures that can help my constituents.

But we cannot let science leap-frog our ethics, our morals, and our legal system.

This is not a partisan issue, and it's bigger than a right to life issue.

I urge Members to vote against H.R. 810 and sustain the President's veto.

Mr. LEACH. Mr. Speaker, the possibility is real that embryonic stem-cell research represents the greatest breakthrough in the history of science. It is, therefore, important that we understand the medical and moral issues at stake.

In 1998, University of Wisconsin scientists for the first time isolated embryonic stem cells in a laboratory. These cells, 30 to 34 in number, are derived from a blastocyst, which is a group of 150 to 200 cells smaller than the dot at the end of this sentence. A blastocyst, in turn, is derived from a single cell known as a zygote, which comes into being after a sperm and an egg combine.

Blastocysts have been created outside of the body in cell cultures for decades in fertility clinics. More than 400,000 are known to exist in frozen form. Thousands are discarded as medical waste and millions are eliminated naturally every year.

The reason the scientific community is so excited about embryonic stem cells is that they are pluripotent. Unlike other stem cells, they are capable of continuously dividing and being coaxed into forming virtually any of several hundred types of body cells. Health research is conducted in stages—mice before people. At the moment, scientists are encouraged by the results they have obtained from the animal kingdom. Research on mice, pigs and monkeys is so promising that scientists can envision the possibility of creating "cellular repair kits" for the human body. If research is supported the regenerative power of embryonic stem cells may soon be harnessed to treat ailments as diverse as spinal-cord injury, diabetes, Alzheimer's, Parkinson's, multiple sclerosis and heart disease.

Profound moral questions encompass embryonic stem-cell research. A blastocyst, which is subject to scientific engineering on a Petri dish, could, if implanted in a uterus, cause a life to form. "Excess" blastocysts also could be adopted. As the father of adopted children, I confess to personal enthusiasm for this option.

Nevertheless, the ethical question must be addressed: Is it more moral to throw away as medical waste blastocysts that exceed demand for implanting, or to allow them to be used by scientists to extract therapies for saving life?

More precisely, which is more pro-life: throwing a blastocyst away in a dumpster or placing it on a Petri dish to develop a remedy for heart disease?

The question today is about science and its promise. Tomorrow, a different set of questions may have to be addressed. Could a mother deny a child dying of cancer access to embryonic stem-cell therapy? Could a son or daughter deny a parent suffering from Alzheimer's or Parkinson's disease access to such therapies? Is it not pro-life to save and prolong life?

On most political issues compromise is possible. On ethics, it is not so easy. Indeed, uncompromising approaches to ethics are generally considered admirable. The problem comes when values, as in this case, are in conflict.

Morality is about means as well as ends. For citizens who believe nothing is more important than to protect life at conception, embryonic stem-cell research may be intolerable. For citizens who believe that the prospect of meaningful life begins in a mother, not a Petri dish, the moral imperative of attending the sick and alleviating illness is compelling.

When one group of Americans considers embryonic stem-cell research immoral and another finds it ethically problematic to refuse to seek credible cures for life-threatening disease, the public goal can never be full agreement. But it can be mutual respect.

One approach which this legislation advances is the notion of authorizing federal support for stem cell research involving only those lines derived from blastocysts that would otherwise be thrown away and that were not initially created for the purpose of research.

I recognized that for some even this restrained approach amounts to hubris, to man tampering with nature. But this is what modern science is about: Care, to be sure, must be taken, particularly at this stage of scientific development, not to attempt to clone human life or toy with human reproduction. But careful, moral exploration into disease control is morally defendable. Indeed, for many of us it would be morally derelect to turn our backs on our ailing parents and sick children.

Hence, I am compelled to vote to override this veto.

Ms. SCHAKOWSKY. Mr. Speaker, I stand today in strong support of a veto override for H.R. 810, the Stem Cell Research Enhancement Act. It is clear that a majority of Americans and a bipartisan majority in Congress strongly support embryonic stem cell research because it could prove to be critical for some 128 million Americans who suffer from juvenile diabetes, Parkinson's, Alzheimer's, cancer, heart disease, spinal cord injury, cerebral palsy, and other diseases.

Stem cell research is essential for the future of medicine in America; one that should be allowed to transcend political lines so that critical gains can be made to save millions of human lives. One such life is that of my constituent, 24-year-old Bishoy Abo-Saif. In his letter to me, Bishoy described his daily struggle with cerebral palsy. He has been to Canada, the United Kingdom, Hungary, Poland and the Ukraine looking for alternative therapies for his disease. Nothing has worked. Even though he has accomplished academic goals, he still feels he is on the sidelines. As he stated to me, "the wheelchair is always in the way." However, he said that, "stem cell treatment is the only hope to overcome his condition."

Most scientists agree that embryonic stem cell research offers the greatest hope to people like Bishoy. America has always been on the cutting edge of new innovation and now we stand on the brink of groundbreaking medical advancements that would dramatically alter the lives of people such as Bishoy. We must not prohibit this promising research.

But the opponents of this measure have put forward disingenuous arguments that fly in the face of widely accepted scientific research and proven potential. They wrongly portray the decision on funding for additional stem cell research as a choice between one life or another. In fact, we are choosing between disposing of embryonic stem cells or using those cells to save countless lives and advance lifesaving science in previously unrealized ways. It is incomprehensible that anyone would allow politics and personal preference to trump hard facts and science. And, like the overwhelming majority of Americans, I am deeply disappointed and dismayed over President Bush's decision to issue his first veto on this bill, dashing the hopes so many families who are battling critical illnesses have pinned on the promising potential of stem cell research.

President Bush acted to snuff out the hopes of millions of Americans only to please a small right-wing constituency which has politicized this medical issue. Once again, the Bush administration has put politics before science sadly taking hope and health away from countless families. We should not delay or deny the potentially lifesaving research offered by stem cell technology. Bishoy and millions of other Americans are counting on us. As Bishoy stated in his letter, "our hopes and dreams are in your hands, please do not shatter them. Allow me and others to regain what we have lost."

I urge my colleagues to vote "yes" on the veto override to H.R. 810.

PARK RIDGE, IL,
July 17, 2006.

DEAR CONGRESSWOMAN SCHAKOWSKY: My name is Bishoy Abo-Saif. I am 24 years old. Currently I am studying for my Master's degree in Social Work, at Dominican University, in River Forest, Illinois. However, I feel that I live in two completely different worlds. These two worlds could not be further apart. Since birth I have had severe physical limitations caused by a condition called Cerebral Palsy. I am one of the lucky few who is not affected cognitively by this devastating condition.

I am writing to you today to implore you to support H.R. 810, for this piece of legislation is vital to millions of people who are afflicted with my condition and other neurological disorders. Since I was diagnosed, at 9 months of age, my parents' mission was to help me lead a normal life. Unfortunately, the many doctors we visited painted a very bleak picture. A picture, which had no light at the end of the tunnel. One doctor after the other kept telling my parents that I would never walk. Cerebral Palsy is a condition that affects people in different ways. It ranges from severe to mild. Despite the years spent in physical and occupational therapies, the progress is always minimal at best, much to the dismay of the patients and their families.

In our efforts to beat the odds, we kept looking for alternative treatments outside the U.S. We went to Canada, the United Kingdom, Hungary, Poland and Ukraine. The success of these treatments was very limited. Many were not covered by our insurance and the trips were arduous.

To this end, H.R. 810 holds the key to unlock the chains that trap me and others in my condition from experiencing life as it should be experienced. Ever since I was a child, I could not experience activities which other children take for granted. I never knew how it feels like to run or jump, or hit a ball.

Even now despite the fact that I have accomplished academic goals, I still feel that I am on the sidelines, so to speak. The wheelchair is always in the way.

Stem Cell treatment is the only hope to overcome this condition. Doctors have made great strides with animal experiments in the lab. It has been proven that Stem Cells have the ability to regenerate the damaged cells in the brain.

Stem Cell treatment is the catalyst for great progress in the field of medicine. It is the answer to many unsolved medical conditions. This Congress has the opportunity to make history by voting for H.R. 810, which will make a real tangible difference in the lives of the millions for whom Stem Cell treatment is the only answer. People will be able to takes steps, regain function of their legs, hands, and affected parts of the brain will regenerate. People will become whole. Our hopes and dreams are in your hands; please do not shatter them. Allow me and others to regain what we have lost.

H.R. 810 is an imperative piece of legislation which will change my life and the lives of millions of other people like me.

Thank you.

Yours truly,

BISHOY ABO-SAIF.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise today to support the veto override of H.R. 810, the Stem Cell Research Enhancement Act. This bipartisan legislation would expand Federal funding for embryonic stem cell research.

The House approved this bill last year and it won U.S. Senate approval yesterday. However, despite the measure passing both Chambers of Congress, the President has vetoed the legislation, the first of his presidency. I am disappointed the President chose this bill to be his first veto.

The American Medical Association and 92 other organizations, including scientists and researchers support H.R. 810. Federal funding would enable further research to examine many new lines of stem cells—increasing the potential for cures. Each year 8,000 to 10,000 embryos created for in-vitro fertilization are destroyed. H.R. 810 would allow federally funded research of stem cells, which scientists believe can yield cures for diseases and injuries, to be harvested from surplus frozen embryos that are stored at fertility clinics and slated for destruction.

Human embryonic stem cells are prized because they can replicate themselves and become almost any type of human tissue. We all know someone who can benefit from the research. Science should prevail over politics.

President Bush's veto is standing in the way of hope and progress in curing many diseases such as diabetes, Parkinson's disease, Alzheimer's disease, Lou Gehrig's disease, some cancers, and spinal cord injuries. This veto has ignored our country's healthcare needs and has slowed the potential to eradicate life threatening and chronic diseases.

The President did not make the right choice. This critical life-saving bill is greatly needed. I urge my colleagues to support the veto override and reaffirm Congress' support of life-saving medical research.

Mr. ROTHMAN. Mr. Speaker, I rise in support of H.R. 810, the Stem Cell Research Enhancement Act, and in support of overturning the President's veto of this legislation. Unfortunately, what should be a debate about promising new research and technology that could lead to cures and treatments for countless diseases and disorders has been overshadowed, yet again, by a debate about when life begins.

These stem cells do not come from fetuses as some people mistakenly believe. They are blastocysts, 3- to 5-day-old embryos made up of so small a number of cells they can fit on a head of a pin. This legislation does not allow these embryos to be cloned or created for stem cell research. Therefore, there is no risk of rogue scientists performing illegal or unethical experiments.

In addition, the authors of H.R. 810 have taken all precautions to ensure that safeguards are in place for the ethical use of embryonic stem cells. The only embryos permitted to be used under H.R. 810 are those that will come from in vitro fertilization, IVF, donors who no longer plan on using the embryos and who provide their written consent.

Every year hundreds of thousands of leftover embryos from IVF are thrown away. Instead of tossing them in the trash, why shouldn't the owners of the embryos be able to give their consent to have these embryos used for research? We should not be denying their right to help save lives.

Those of us who support embryonic stem cell research unfortunately will not be able to overturn the President's veto. We, however, must not give up. To all Americans who support saving lives, who want to cure diseases and disorders that are plaguing their loved ones, and who care about groundbreaking ethical health research, I ask you to take this issue to your elected Representative and tell them that you demand this legislation become law in the next Congress.

Mrs. MALONEY. Mr. Speaker, today marked a true tragedy for the medical history of this country. For the first time in 5 years, this President chose to veto a bill that has the potential to save millions of lives and impact millions more.

This veto will go down in history as a monumental step backward for medical research and a profound and significant disappointment for victims and their families. Hope was just a signature away and to millions of people in this country, this President could have become a hero simply by signing H.R. 810, the Stem Cell Research Enhancement Act, into law. Instead, he chose to veto this bill and stall the advancement of science.

In contrast, by signing S. 3504, the President gave cover to opponents of lifesaving science. I would hope that this President would give more credit to the American public. S. 3504 is a useless bill that does nothing for victims of ravaging diseases and instead rubs salt in the wound.

Mr. Speaker, I stand here with many of my colleagues, pleading with the President to listen to 72 percent of Americans, the overwhelming majority of scientists, researchers, and even Nobel laureates who all recognize the promise that embryonic stem cell research holds.

Right now, only 22 of the 78 stem cell lines approved by President Bush are left. Many of these lines have been contaminated and are no longer useful, but more than 400,000 frozen embryos exist in the United States. To be clear, these are embryos that were extracted for in vitro fertilization. Most of them will be discarded. If the President had signed H.R. 810, they would have instead been used to save human lives. With further research, these cells may be used as "replacement" cells and tissues to treat many diseases including Parkinson's disease, Alzheimer's disease, diabetes, AIDS, Lou Gehrig's disease and others.

Mr. Speaker, as a founder and current cochair of the Working Group on Parkinson's Disease and as someone who lost my father to Parkinson's disease, I know firsthand just how important this legislation is and how important it is to open up the stem cell lines. I cannot be more clear: This bill is about saving lives and preventing devastating diseases from ravaging and ending people's lives.

In vetoing this legislation, this President has stalled science, ended hope, and reversed progress.

I stand with a bipartisan majority of Congress to express my severe disappointment with the President's decision to veto this lifesaving legislation.

Mr. WU. Mr. Speaker, I rise in support for H.R. 810, the Stem Cell Research Enhancement Act, and the override of the President's veto of this monumental commitment to historic scientific research.

Yet again, the administration turned its back on science and chose politics.

Embryonic stem cell research will go on, with or without the United States. Diabetes, Alzheimer's, Lou Gehrig's Disease will be cured, with or without the United States.

The stem cells in an embryo are special tissue. We should not create them with the intent to terminate them later. But here, embryos were created with the intent to bring more children in to the world, and once a baby is born many fertilized eggs are not implanted. The only alternate fate for them now is disposal.

Let us not waste potential human life, let us not waste these fertilized eggs by destroying them. Let us use them to save human lives through stem cell research.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to express my extreme disappointment with the President's decision to use his veto power to reject the Congress's will to see H.R. 810, the Stem Cell Research Enhancement Act, become public law, and I stand in support of millions of Americans who will benefit from the promises of embryonic stem cell research. Each year, I meet several hundred, perhaps thousands, of constituents who share with me how Federal support of embryonic stem cell research could vastly change their lives. There are a few constituents in particular who stand out on this issue. Late last year, Maddie and Tommy Poulin, just 4 and 5 years old, traveled from Rhode Island to Washington. These two young children talked with me about what their life is like with Type I Diabetes. In a journal they left with me, Maddie included an entry that said, "I really hope you can help us find a cure, we're not asking for a lot, we just want to live without needles."

Stem cell research also holds promise for those suffering from Parkinson's disease, like my good friend, and the distinguished Senator from Rhode Island, Claiborne Pell. Senator Pell's contributions to our country are too numerous to list, but I know his legacy is honored everyday when individuals are able to attend college with the assistance of a Pell Grant. He stood up for those without a voice for over 35 years, and now it is time for us to stand up for him.

Sue Sgambato, a cancer survivor living in Rhode Island, visits my office regularly to advocate on behalf of patients in our State. Rhode Island has one of the highest rates of cancer in the Nation, and stem cell research may provide clues on how to beat this devastating disease. I cannot and will not stand by and let one more person be diagnosed with cancer, Alzheimer's, Lou Gehrig's disease, or multiple sclerosis without holding the President responsible for his action today.

It is absolutely tragic that President Bush has used his very first and only veto on an issue of such importance to American families. Every family in America has a loved one who is suffering from a disease that could benefit from the advances of stem cell research. This veto is only the latest action that President Bush has taken against medical research. He has also level funded the National Institutes of Health, and cut programs at the Centers for Disease Control and Prevention (CDC), limiting our Nation's ability to find better treatments and cures for diseases.

President Bush had a choice today, and he chose politics over people. I want to assure my friends in Congress, as well as the people of the First District of Rhode Island, that today's veto is not the end to this debate, it is only the beginning. Congress has voted overwhelmingly in support of stem cell research, and this bill remains a top priority for a majority of elected officials. I promise that I will continue to do everything within my power to get this legislation back to the President's desk, and to get this language into our public law. We will be back, and we will succeed.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 235, nays 193, not voting 5, as follows:

[Roll No. 388]

YEAS—235

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Reichert
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NAYS—193

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Chocola
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—5

Evans
Gutierrez
Lewis (GA)
McKinney
Northup

☐ 1851

Mr. SULLIVAN changed his vote from "yea" to "nay."

Mr. SHERMAN and Mr. MORAN of Virginia changed their vote from "nay" to "yea."

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, on account of official business in my district, I missed votes in this Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 384, 387, and 388. I would have voted "no" on rollcall votes 382, 383, 385, and 386.

The SPEAKER pro tempore. The message and the bill are referred to the Committee on Energy and Commerce.

The Clerk will notify the Senate of the action of the House.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2830, the pension conference report.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed—

(1) to agree to the provisions contained in subsections (a) through (d) of section 601 of the Senate amendment (relating to prospective application of age discrimination, conversion, and present value assumption rules with respect to cash balance and other hybrid defined benefit plans) and not to agree with the provisions contained in title VII of the bill as passed the House (relating to benefit accrual standards); and

(2) to agree to the provisions contained in section 413 of the Senate amendment (relating to computation of guaranteed benefits of airline pilots required to separate from service prior to attaining age 65), but only with respect to plan terminations occurring on or after September 11, 2001.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow. The postponed vote on H. Con. Res. 448 will also be taken tomorrow.

CONDEMNING THE RECENT ATTACKS AGAINST THE STATE OF ISRAEL

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 921) condemning the recent attacks against the State of Israel, holding terrorists and their state-sponsors accountable for such attacks, supporting Israel's right to defend itself, and for other purposes.

The Clerk read as follows:

H. RES. 921

Whereas on September 12, 2005, Israel completed its unilateral withdrawal from Gaza, demonstrating its willingness to make sacrifices for the sake of peace;

Whereas more than 1,000 rockets have been launched from Gaza into Israel since Israel's disengagement;

Whereas in a completely unprovoked attack that occurred in undisputed Israeli territory on June 25, 2006, Israeli Defense Forces Corporal Gilad Shalit was kidnapped and is being held hostage in Gaza by a Palestinian terrorist group which includes members of Hamas;

Whereas Hamas political leader Khaled Meshaal, in Damascus, Syria, has acknowledged the role of Hamas in holding Corporal Shalit hostage;

Whereas in a completely unprovoked attack that occurred in undisputed Israeli territory on July 12, 2006, operatives of the terrorist group Hezbollah operating out of southern Lebanon killed three Israeli soldiers and took two others hostage;

Whereas Israel fully complied with United Nations Security Council Resolution 425 (1978) by completely withdrawing its forces from Lebanon, as certified by the United Nations Security Council and affirmed by United Nations Secretary-General Kofi Annan on June 16, 2000, when he said, "Israel has withdrawn from [Lebanon] in full compliance with Security Council Resolution 425.";

Whereas United Nations Security Council Resolution 1559 (2004) calls for the complete withdrawal of all foreign forces from Lebanon and the dismantlement of all independent militias in Lebanon;

Whereas despite the adoption of United Nations Security Council Resolution 1559, the Government of Lebanon has failed to disband and disarm Hezbollah, allowing Hezbollah instead to amass 13,000 rockets, including rockets that are more destructive, longer-range and more accurate than rockets previously used by Hezbollah, and has integrated Hezbollah into the Lebanese Government;

Whereas the Government of Israel has previously shown great restraint despite the fact that Hezbollah has launched at least four separate attacks into Israel using rockets and ground forces over the past year;

Whereas the failure of the Government of Lebanon to implement all aspects of United Nations Security Council Resolution 1559 and to extend its authority throughout its territory has enabled Hezbollah to launch armed attacks against Israel and recently to kidnap Israeli soldiers;

Whereas Hezbollah's strength derives significantly from the direct financial, military, and political support it receives from Syria and Iran, and Hezbollah also receives important support from sources within Lebanon;

Whereas Iranian Revolutionary Guards continue to operate in southern Lebanon, providing support to Hezbollah and reportedly controlling its operational activities;

Whereas the Government of the United States has enacted several laws, including the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175) and the Iran and Libya Sanctions Act of 1996 (Public Law 104–172), which call for the imposition of sanctions on Syria and Iran for, among other things, their support for terrorism and terrorist organizations;

Whereas the House of Representatives has repeatedly called for full implementation of United Nations Security Council Resolution 1559;

Whereas section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) withholds certain assistance to Lebanon contingent on the deployment of the Lebanese armed forces to the internationally recognized border between Lebanon and Israel and its effective assertion of authority in the border area in order, among other reasons, to prevent cross-border infiltration by terrorists, precisely the criminal activity that has provoked the current crisis;

Whereas President George W. Bush stated on July 12, 2006, "Hezbollah's terrorist operations threaten Lebanon's security and are an affront to the sovereignty of the Lebanese Government. Hezbollah's actions are not in the interest of the Lebanese people, whose welfare should not be held hostage to the interests of the Syrian and Iranian regimes.", and has repeatedly affirmed that Syria and Iran must be held to account for their shared responsibility in the recent attacks;

Whereas the United States recognizes that some members of the democratically-elected Lebanese parliament are working to build an autonomous and sovereign Lebanon and supports their efforts; and

Whereas both Hezbollah and Hamas refuse to recognize Israel's right to exist and call for the destruction of Israel: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its steadfast support for the State of Israel;

(2) condemns Hamas and Hezbollah for engaging in unprovoked and reprehensible armed attacks against Israel on undisputed Israeli territory, for taking hostages, for killing Israeli soldiers, and for continuing to indiscriminately target Israeli civilian populations with their rockets and missiles;

(3) further condemns Hamas and Hezbollah for cynically exploiting civilian populations as shields, locating their equipment and bases of operation, including their rockets and other armaments, amidst civilian populations, including in homes and mosques;

(4) recognizes Israel's longstanding commitment to minimizing civilian loss and welcomes Israel's continued efforts to prevent civilian casualties;

(5) demands the Governments of Iran and Syria to direct Hamas and Hezbollah to immediately and unconditionally release Israeli soldiers which they hold captive;

(6) affirms that all governments that have provided continued support to Hamas or Hezbollah share responsibility for the hostage-taking and attacks against Israel and, as such, should be held accountable for their actions;

(7) condemns the Governments of Iran and Syria for their continued support for Hezbollah and Hamas in their armed attacks against Israelis and their other terrorist activities;

(8) supports Israel's right to take appropriate action to defend itself, including to conduct operations both in Israel and in the territory of nations which pose a threat to it, which is in accordance with international law, including Article 51 of the United Nations Charter;

(9) commends the President of the United States for fully supporting Israel as it responds to these armed attacks by terrorist organizations and their state sponsors;

(10) urges the President of the United States to bring the full force of political, diplomatic, and economic sanctions available to the Government of the United States against the Governments of Syria and Iran;

(11) demands the Government of Lebanon to do everything in its power to find and free the kidnapped Israeli soldiers being held in the territory of Lebanon;

(12) calls on the United Nations Security Council to condemn these unprovoked acts and to take action to ensure full and immediate implementation of United Nations Security Council 1559 (2004), which requires Hezbollah to be dismantled and the departure of all Syrian personnel and Iranian Revolutionary Guards from Lebanon;

(13) expresses its condolences to all families of innocent victims of recent violence; and

(14) declares its continued commitment to working with Israel and other United States allies in combating terrorism worldwide.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

Mr. PAUL. Mr. Speaker, if neither gentlemen is opposed to the bill, I request the time in opposition.

The SPEAKER pro tempore. Is the gentleman from California opposed to the motion?

Mr. LANTOS. I strongly support this legislation, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman from Texas opposed to the motion?

Mr. PAUL. I am opposed to it.

The SPEAKER pro tempore. Under clause 1 of rule XV, the gentleman from Texas (Mr. PAUL) will control 20 minutes in opposition.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that the time for debate on this measure be extended for 80 additional minutes to be equally divided.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield 30 minutes of my time to the ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS), and I ask unanimous consent that he may be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the world is witnessing yet another violent episode in the global struggle between civilization and terror.

The cowardly and deadly attacks on Israel by Hamas and Hezbollah have resulted in a vigorous response by Israel. We shouldn't be surprised. A history of precarious existence in a violent region has persuaded most Israelis that wishful thinking carries deadly costs and has convinced them that their survival depends upon their own willingness to act. And so Israel has acted.

As a result, Israel is now the subject of criticism around the world. The standard condemnations will be uttered, the familiar demands expressed. Israel will once again be excoriated for self-defense by governments that cannot be bothered to assist others or which are even the sources of threats themselves.

Instead of offering help to halt these terrorist attacks, too many of the world's governments will yet again demonstrate their irrelevance to the region's problems or to any possible solution by restricting their contributions to making disparaging comments from the sidelines. We can be certain that terrorism writ large is likely to be verbally assaulted. But were verbal disapprovals as deadly a weapon as are missiles and bombs, the violence and slaughter that are the chosen instruments of the terrorists would be quickly eliminated.

At best, a moral equivalence between the terrorist attacks and Israel's response will be asserted. But it is profoundly immoral to equate assault with defense, to erase the bright line between the deliberate killing of innocents and a determination to protect those innocents.

Were we in the position of the Israelis, how would we ourselves react if missiles were launched from Cuba and rained down on Miami? Any government that would allow terrorists to attack its citizens and do nothing in response but protest or beg for mercy would betray its most sacred trust.

□ 1900

Instead, we should take encouragement from Israel's courageous example and hope that others sleeping in their protective cocoons awake and finally see that this conflict holds enormous stakes for us all. Israel must win its battle against terrorism, or we all will lose.

Mr. Speaker, I reserve the balance of my time.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have taken the time in opposition to this resolution because I very sincerely believe that resolutions of this sort actually do more harm than good. I know that it is very good to condemn the violence, and I certainly do agree with that.

But I am convinced that when we get involved and send strong messages, such as this resolution will, that it ends up expanding the war rather than diminishing the conflict, and that ultimately it comes back to haunt us.

Generally speaking, I follow a policy in foreign affairs called noninterventionism. It is not generally acceptable in this current time that we do this, but I think there is every reason to consider it. It certainly was something that the founders talked about.

The Constitution really doesn't authorize us to be the policemen of the world. And for this reason, we should talk about it. And that is why I take this opportunity to do so, with the sincere belief that we would be better off with less intervention overseas.

The founders talked about that, about rejecting entangling alliances. And we have been involved in a lot of entangling alliances since World War I, especially after World War II, and we have been doing a lot of things, losing a lot of men and women and costing a lot of money; and too often, these events have come back to haunt us. There is blow-back from our policy.

The policy of interventionism, which I object to, really doesn't work. It is well intended, and we have these grandiose plans and schemes to solve the problems of the world, but if you are really honest with yourself and you look at the success and failure, it doesn't have a good record. I mean, are you going to defend the great victory in Korea, the great victory in Vietnam? And on and on. The great victory in Iraq?

And I see resolutions like this step in the wrong direction. Actually, I believe it is going to expand the war in the Middle East.

The other reason why I strongly object to interventionism is it costs a lot of money. And someday we will have to deal with that. Supplemental bills come up now to the tune of tens of billions, and next year, already, they are planning to come up with another $100 billion for our intervention overseas. But it is off the regular budgetary process, so it doesn't meet the budgetary restraints that we are supposed to follow. So it becomes emergency funding, although we have been in Iraq for 3 years, and with plans to stay endlessly. We are building permanent bases in Iraq. So there is a lot of cost, and eventually that will come home to haunt us, and it already has.

And then there is the problem of unintended consequences. We went into Iraq for all kinds of reasons, some disproven, and all well intended, and who knows what the real motivations were. But one thing was that we would gain access to oil, and oil would be produced and would help pay the bills. Yet oil, when we went into Iraq was $28 a barrel. Now it is $75 a barrel. That is an unintended consequence.

We have done more to fall into the trap of what Osama bin Laden wanted in Iraq than anything else. And actually we have helped Iran. Iran is stronger. They have probably already more influence with the grass roots, the democratic process in Iraq, than we do. Those are the kind of unintended consequences that, on principle, I strongly object to.

I believe that the founders were correct in advocating avoiding entangling alliances, to have a strong national defense, to defend this country. I believe that is just plain common sense. Most Americans, if you just flat-out put it to them, think we should not be the policemen of the world. Do you think we should be involved in the internal affairs of other nations? People say no. We shouldn't do this. The Constitution doesn't give us the authority to do it.

And we now are in the business of maintaining an empire. A noninterventionist foreign policy concedes up front that is not our goal. We are not supposed to be going overseas and building permanent bases and staying there endlessly. Even the election campaign of 2000 was won partially on the foreign policy issue that, you know, it was said that we shouldn't be the policemen of the world and we shouldn't be in nation building.

I think those are good ideas and the American people agree. They didn't object to it. But each step along the way we dig a deeper hole for ourselves. And that is the general philosophic reasons why I believe nonintervention is beneficial. Intervention is very, very dangerous. Later there will be a lot of specifics that I would like to mention.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. The conflict now raging in the Middle East is between a stable, pro-Western democracy and the terrorists who seek to destroy it. It is obviously in our country's interest and that of the civilized world as a whole to oppose and denounce the vicious war against Israel by Hezbollah and Hamas. We simply cannot accept a world in which terrorist bands can trigger cross-border conflicts in violation of international law. Even the 22 member states of the Arab League have recognized this fact. They unequivocally denounced Hezbollah for provoking the current crisis because they know that Hezbollah's nihilism threatens not just Lebanon but their own stability.

Hezbollah's contempt for human suffering is total, as it showed once again this morning when its rockets murdered two Israeli Arab children in Nazareth.

Mr. Speaker, Israel is doing all it can to limit the civilian suffering as any civilized, responsible, legitimate government would do. Its air bases, weapons and other military assets are located as far from population centers as they can be. But Hezbollah and Hamas have deliberately placed their weapons among the people, in their homes, in their schools, in their mosques. In a struggle between the two sides, the risk of civilian casualties is naturally disproportionate. The terrorists care nothing for human life, and care only to the extent that they can cynically leverage the damage in their favor in the court of public opinion.

Of course, Mr. Speaker, Israel is not facing just the terrorists Hamas and Hezbollah. Those criminal groups are merely proxies for the real masters of terror, Syria and Iran. If there was ever any doubt as to whether Hezbollah is a wholly owned subsidiary of Iran, it has now been put to rest. The unprovoked murder and kidnapping of Israeli soldiers on undisputed Israeli territory clearly served Tehran's interests. It occurred just days before the G-8 summit in St. Petersburg, which was set to focus on Iran's nuclear projects and transgressions. And, Mr. Speaker, the plot worked. The G-8 was indeed preoccupied with events in the Arab-Israeli arena, rather than with Iran's unrelenting march to secure nuclear weapons. But it is a mark of how alarmed the G-8 members were at the current situation that even Russia joined in the final communique condemning Hezbollah's actions.

Mr. Speaker, U.N. Security Council Resolution 1559, passed in 2004, declared that all foreign forces should be removed from Lebanon, all militias dismantled, and the Lebanese Armed Forces be deployed to the entire border with Israel. In fact, none of this happened. Iranian Revolutionary Guard troops roam freely. And thanks to Hezbollah, Iran has established, effectively, a base in southern Lebanon right on Israel's border.

This is the same Iran that has called for Israel to be wiped off the map, the same Iran that has armed Hezbollah with 13,000 deadly missiles.

Meanwhile, Mr. Speaker, the Lebanese Government stands by, helplessly watching its sovereignty evaporate. Hezbollah and Iran are holding Lebanon hostage as surely as they are holding the two Israeli soldiers.

Mr. Speaker, there will never be real Lebanese democracy or real Lebanese sovereignty as long as Hezbollah is armed and occupies southern Lebanon.

We also know that Syria is the primary culprit behind the Hamas kidnapping of an Israeli soldier, which also took place, unprovoked, on undisputed Israeli territory. It strains credulity to believe that the Syrian regime is merely a passive host for the Damascus-based Hamas leader, Khaled Meshaal. Syria is his master.

Mr. Speaker, how often have we heard the complaint that there would be peace in the Middle East if only the Israelis ended their occupation?

The watchword of this school of thought was land for peace. But as events of the last week have shown, it should have been land for war. Israel ended its occupation of Lebanon and of Gaza. There was not one Israeli citizen in either Gaza or Lebanon when this murderous and cynical pair of attacks took place. And where did the murderers and kidnappers attack from when they invaded Israeli territory? The very places from which Israel withdrew.

How are we ever to establish peace?

How will decent people in the region ever believe in peace if Arab terrorists interpret every gesture of peace as a display of weakness and then act accordingly?

☐ 1915

Israel has withdrawn from Lebanon and Gaza. But where is the goodwill on the other side? Since Israel evacuated Gaza, more than 1,000 Hamas rockets have been fired at Israeli homes and Israeli schools. Since Israel evacuated Lebanon, the terrorist gang Hezbollah that occupies south Lebanon has stockpiled 13,000 rockets. As we have learned in recent days, these rockets travel farther and are far more deadly than had been previously believed. No wonder, Mr. Speaker, that Israeli support for Prime Minister Olmert's plan to withdraw from large areas of the West Bank has been plummeting even while Olmert himself enjoys wide support among his people.

Given the stakes, I believe that the United States must support Israel in combating enemies who will not be mollified by anything less than Israel's total destruction. Any result of this fighting that leaves Hezbollah in occupation of southern Lebanon will be a victory for Iran and for Syria, for fanaticism and for terror, and the defeat for Lebanon and for Middle East peace.

That, in my view, is the message of the resolution before us today, Mr. Speaker. And that is why I strongly support this resolution, and that is why I urge all of my colleagues on both sides of the aisle to do likewise.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am proud to yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), our distinguished majority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentlewoman for recognition. And I am grateful to Chairman HYDE and Mr. LANTOS for the hard and thoughtful work they have done on this resolution, for the comments that they have already made, and many of those comments are not going to be better made this evening.

Clearly, we stand here understanding that no country in the world knows more about the importance of a safe society than Israel, knows more the need to protect its borders and citizens than Israel.

The conflict being waged is not one that Israel asked for. It is being fought out of necessity and out of self-defense. No country would tolerate the type of armed aggression that Israelis have witnessed in recent weeks. These deadly rocket attacks have been launched against civilians in Israel by Hamas and Hezbollah with the direct backing, as Mr. LANTOS has said, of Syria and Iran.

In fact, just last night word came out of the region that the Israelis had found and destroyed a truck convoy carrying new deadly rockets across the Syrian border into Lebanon. Those weapons, which reportedly were produced in Iran and transported through Syria under the knowing eye of that country's government, are the instruments being used by Syria and Iran to wage a proxy war against Israel.

All responsible members of the international community must demand that Syria and Iran immediately cease their financial and military support for these terrorist organizations or face the kind of global isolation and action by the Security Council that they deserve.

Innocent citizens of Lebanon have also been the victims. The Lebanese Government has not been able to gain control over its own security and disarm Hezbollah, as demanded by the United Nations. I believe the Cedar Revolution was real, but democracy is still weak, and the Lebanese Government must resist terrorism or it does not govern.

As Israel engages in a two-front conflict to defend its borders, I am confident that its government is doing all it can to minimize the loss of civilian life. Unfortunately, Lebanese and Palestinian civilians are being caught in the middle. I talked today to friends of mine in Nazareth who were witnesses to the attacks on Nazareth today where innocent Arabs living in Israel have been killed by these terrorist factions. We must put a stop to this. We must stand strong. This is exactly the kind of Islamic totalitarian view of the world that we resist today in Iraq, in Afghanistan, and elsewhere.

Mr. PAUL. Mr. Speaker, I yield 8 minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

I would like to stipulate that in the 12 years I have been in the House, I have visited Lebanon on 10 occasions, and 2 years ago when I was there, I called upon the President of Lebanon, who has the same name as I do, although he is no relation, that he should not extend his term as President of the country, and that troops should be moved into the southern part of the country. I want to stipulate that now so people understand.

I believe this resolution does not go far enough, and I believe the resolution should stipulate some humanitarian interest in the Lebanese people who are the ones that are being injured and killed by the attacks on the country. But I do not believe the current President should be in office. He has extended his term, and that should not have been. They should have moved troops into the southern part of the country and gone after Hezbollah, but that has not happened.

But over the last 10 years, the country of Lebanon, in particular Beirut, has been rebuilt. It has been rebuilt primarily by the assassinated former Prime Minister, who did an extraordinary job and showed extraordinary leadership over the last several years in helping to rebuild the country and helping to rebuild, in particular, the city of Beirut.

Late last week I decried the capture of two Israeli soldiers, and I decried the Hezbollah for doing that. But I also decry the idea that the attacks that are being made are well beyond the boundaries of where Hezbollah is at, well beyond the boundaries of the southern part of Lebanon, to completely shut down the airport, to bomb every road so there is no way for peace-loving people who have no fight in this battle at all to exit the country.

Over 25,000 Americans are trapped in Lebanon, many students, many American students, who go to school at American University of Beirut. And also many peace-loving Americans who are there, many from my home community of Peoria, over 300, who traditionally go to the country in the summertime to visit their mothers and their fathers and their aunts and their uncles, are trapped there.

Now, I give the administration credit for allowing these cruise ships now to come to the Mediterranean and help them exit. But the point that I want to make here is there is nothing in the resolution about the innocent people that are being killed. Over 300 people have been killed in the last 7 days who have no fight in this. They do not live in the southern part of the country. And there are many people that are trapped there. And I wish the resolution would have allowed for some idea that you can go into the southern part, you can go after Hezbollah, you can run them out of the country, and we are well within our right to do that, but not to shut down every way and every means of people to escape the country, not to kill innocent people, not to go into neighborhoods where there are absolutely no Hezbollah.

Mr. LANTOS. Mr. Speaker, will my friend yield?

Mr. LAHOOD. I yield to the gentleman.

Mr. LANTOS. I thank my friend for yielding.

First, let me react to your comment that the resolution does not deal with the loss of innocent life. The resolution expresses its condolences to all families of innocent victims of recent violence.

Secondly, it is critical to prevent the resupply of deadly rockets from Iran and Syria. Unless the airport is closed down, unless the border with Syria is closed down, these deadly weapons will be resupplied in no time. That is why the airport was attacked. That is why the border crossings with Syria were attacked.

Mr. LAHOOD. Mr. Speaker, reclaiming my time, I would say the resolution is not specific to the Lebanese innocent people. It mentions innocent people, but there is no specificity about those Lebanese people, particularly Lebanese Americans who are there visiting their families and the students that are there.

The only road that was not bombed, the only road that was not closed, is the road that goes to Syria. And I know people and I have talked to them that have exited the country through Syria, and the Syrian Government is allowing them to go into Syria, go into Damascus, and take flights out to other parts in order to get back to the United States.

I have served on the Intelligence Committee now for 8 years. There is something I think I know. Hezbollah is well armed. They have all the ammunition they need, and we need to shut them down. We need to eliminate them from the southern part of Lebanon.

I do not buy this idea that they were going to be able to ship arms in through the airport. They have all they need. They have the kind of capability, and they have shown that.

So I have heard that argument that the airport was bombed. I believe it was bombed so you could close off a way for people to get out of there. And I do not quite buy the argument that it was bombed so that they could be resupplied. They do not need to be resupplied. They have got all they need.

Look, I have said pretty much what I wanted to. I know what the debate is going to be about. My obligation is to peace-loving people who live in Lebanon, who have made their homes there. My grandfather on my father's side came to this country in 1895 to Peoria, Illinois, from Lebanon. We have a large Lebanese population in Peoria. And I hope there are others, I think there will be, that will speak up for the common, ordinary, decent people of Lebanon who are suffering as a result.

They want Hezbollah out of the country, and there is no argument with that, but they do not want to see their own neighborhoods, where there is no presence of Hezbollah, to be bombed and innocent people killed.

If this were going on in Israel, which it is, the resolution stipulates that our hearts go out to those people. The innocent, peace-loving people of Lebanon in neighborhoods where Hezbollah does not exist, they get no recognition in this resolution. With all due respect, Mr. LANTOS, they simply do not. They did in a resolution that was prepared earlier on, but that language was taken out.

So I think the resolution is inadequate, and I want to stick up for the people of Lebanon. I want to also compliment the administration for waiving the fees that they were going to charge innocent people for getting outside of the country. Obviously, that was a no-brainer. For getting the cruise ships to come in, to allow helicopters to transport people from the embassy over to Cyprus, all of these things are good things.

I have talked to the administration. I have asked Secretary Rice and her team to talk more about restraint, particularly in the parts of Lebanon that do not deserve to be bombed, where innocent people do not deserve to be killed.

I am just going to wrap up. It is going to take millions of dollars to rebuild areas of Lebanon that have been damaged. I mean, it is going to take millions of dollars to rebuild bridges and roads and infrastructure that have been built over the last 10 years. Beirut was so well positioned. This year in the city of Beirut, they had more tourism. The economy was booming. And now when you see what is happening, not only the innocent life, but so much of the infrastructure has been destroyed. I hope our government is going to be willing to step up and provide some of the dollars to help rebuild the country.

So my objection is that I think the resolution is inadequate, and I want to speak up for the people of Lebanon.

I thank the gentleman from Texas very much for yielding me this time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Before yielding to our distinguished whip, I would like to make a couple of observations. I first visited Lebanon in 1956, in the summer of 1956.

□ 1930

It was the jewel of the Middle East. And what has destroyed Lebanon during the course of the last half century were various terrorist groups, first Arafat's PLO and now Hezbollah.

No one is in favor of hurting a single innocent human being. The fact is that with Hezbollah placing its weaponry in the midst of population centers, collateral damage is unavoidable. Israel has gone to every length to minimize collateral damage.

As a matter of fact, the difference between the tragedies befalling the Lebanese people and the tragedies befalling the Israeli people is very simple: Hezbollah deliberately, deliberately, attacks civilians. Israel does its utmost not to attack innocent civilians.

Mr. LAHOOD. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I am glad to yield to my friend, the gentleman from Illinois.

Mr. LAHOOD. Mr. Speaker, I thank the gentleman for yielding.

I agree with everything you have said, Mr. LANTOS. My only problem is, why not give the same kind of consideration in the resolution to the common, ordinary, decent people of Lebanon who are being hurt by these attacks? That is really all we were asking earlier on when we presented a resolution to the majority leader's office.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to the distinguished Democratic whip, my good friend, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, first let me say that, unfortunately, there wasn't as much bipartisan drafting of this resolution as I would have hoped.

Hopefully there is no one in this Chamber who does not empathize with those who want peace, those who work for peace, those who are caught in the environment of hate, those who are caught in the environment of attacks on innocent people, those who are harboring in their midst those who attack a nation because of the religion and ethnicity of their population. All of us have empathy for innocent people caught in the grip of terror and terrorism.

But all of us also ought to have the expectation that those people would exorcise from their societies those who undermine peace, security and safety, and the Lebanese people have not done that. They have either not done it because they are incapable of doing it, or they have not done it, as too often I hear verbalized, I tell my friend, because of their sympathy for Hezbollah.

Mr. Speaker, I strongly support this resolution condemning the recent terrorist attacks against our Nation's staunchest democratic ally in the Middle East and supporting Israel's inherent right for self-defense, and I urge Members on both sides of the aisle to support this resolution as well.

Israel is absolutely justified in undertaking the defense of its territory and its people. As the Israeli columnist Ari Shavit recently wrote, Israel's actions are "not a war of occupation, but rather a war of defense. Not a settlements war, but rather a green line war. A war over the validity of an international border that was drawn, defined and recognized by the United Nations."

No one should be mistaken: The actions taken by Israel over the last 8 days have been a direct response to the premeditated, unprovoked attacks of Hamas and Hezbollah, terrorist organizations which are underwritten and encouraged by their sponsors, Syria and Iran.

Palestinian militants, including members of Hamas, dug a tunnel 300 yards inside of Israel territory. And when, on June 25th, militants emerged from that tunnel, they killed two Israeli soldiers, wounded three and kidnapped one.

Then last Wednesday, July 12, Hezbollah terrorists crossed Israel's internationally recognized northern border, and in a brazen daylight attack killed three Israeli soldiers and kidnapped two. Another five Israeli soldiers were killed by Hezbollah terrorists when they tried to retrieve the bodies of their fallen comrades.

Mr. Speaker, these premeditated, unprovoked terrorist attacks on Israel are indefensible. One can only imagine the American response if a terrorist group attacked and killed American citizens from just across our border.

It also must be noted that Israel has exercised great restraint over the last year, during which Palestinian militants, as has been referenced on this floor, have launched over 1,000 rockets from Gaza into Israel and Hezbollah has launched four separate attacks on Israel.

While I am convinced that Israel is using every possible effort to avoid civilian casualties, it is clear that the terrorists in Hamas and Hezbollah purposely, purposely, staged their actions from within civilian communities, thereby putting civilians at grave risk.

Furthermore, while Israel makes every effort to minimize civilian casualties, it is clear that the terrorists of Hamas and Hezbollah deliberately attempt to maximize such casualties by indiscriminately firing rockets upon Israeli population centers.

Mr. Speaker, as a first step towards restoring calm, it is absolutely imperative that Israel's soldiers in Gaza and Lebanon be returned unconditionally and unharmed and that indiscriminate rocket attacks on Israeli civilians by Hamas and Hezbollah cease immediately.

It is also long past the time for the international community to facilitate the implementation of Security Council Resolution 1559. If that U.N. resolution had been carried out, there would be no innocent citizens on either side being killed this day. The tragedy of our international community is the United Nations talks a much better game than it ever plays. That resolution, which was adopted in September of 2004, calls for the Lebanese army to control southern Lebanon's border, and for all militias, including Hezbollah, to be disabled and disbanded.

So long as the international community fails to ensure the implementation of Security Council Resolution 1559, I believe Israel as a sovereign nation with an inherent right of self-defense has every right to strike armed terrorists which seek her destruction. Disarming and disbanding terrorist organizations is essential to Middle East peace.

We empathize, we sympathize, we have deep concern for those caught in this web of violence and terror, but that will not rationalize nor will it excuse the lack of action to exorcise those terrorists from the body politic of the Middle East. Until that happens, innocent civilians will ever be at risk.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am proud to yield 2 minutes to my colleague the distinguished gentleman from Florida (Mr. SHAW), who is a staunch supporter of Israel and who has been there many times.

Mr. SHAW. Mr. Speaker, first of all, I would like to associate myself with the previous speaker and his remarks.

Mr. Speaker, I rise today to voice my steadfast support for Israel during this time of crisis and escalating violence. In the strongest possible terms, I condemn Hezbollah's unprovoked attack on Israel.

On July 12, 2006, Hezbollah assaulted northern Israel. This attack killed eight soldiers and took two others hostage. The kidnapping and killing of Israeli soldiers symbolizes a clear act of war by Hezbollah, which the government of Lebanon has failed to take apart and has even included in its cabinet.

Hezbollah's continued violence against Israel is financed and supported by Syria and Iran. The United States Department of State said that Iran supports Hezbollah with financial, political and organizational aid, while Syria provides diplomatic, political and logistic support. Syria and Iran should be held responsible for the violence that has ensued in the region as a result of their support of Hamas.

Like the United States and other sovereign nations, Israel has the right to defend itself and its people from the attacks by these terrorists. Hezbollah fired at least 100 rockets at Israel just yesterday, with an estimated 720 Hezbollah rockets reported fired since the current crisis began. Israel air strikes continue and Israel defense forces conducted cross-border raids overnight. Over 230 Lebanese and 25 Israelis have been reported killed since hostilities began. Estimates of Lebanese displaced by the violence vary widely, from tens of thousands to as many as 400,000.

Mr. Speaker, it is clear that the United States must continue our efforts to support the State of Israel. These are the same killers who blew up our Marine barracks in Lebanon and killed 260 of our finest United States Marines.

An Israeli win is a win for the United States. Our future, as well as Israel's future, is wrapped up in the future of this conflict. I urge my colleagues to support this resolution.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to comment just briefly on the comments made by the gentleman from Illinois (Mr. LaHood), because I think his point is well taken about the emphasis on this legislation, and to deny that would be just trying to fool one's self.

It is very clear that if one were objective and read this resolution, all the terrorists are on one side and all the victims and the innocents are on the other side, which I, quite frankly, find unfair, especially coming from the position that I want to advocate, neutrality, rather than picking sides.

But he also mentioned the fact about trying to change the resolution. I would like to emphasize also that being on the International Relations Committee, I was anxious to see the resolution, but characteristically it was very difficult to get. We didn't hold hearings and we didn't debate it and we didn't get a chance to have amendments to it, and even last night I couldn't receive it. There were some news articles very early this morning. Lo and behold, they had copies of it. It took me until about 9 o'clock this morning to get it.

So I think it would be fairer within this Congress to allow us to have a chance to debate these in the committee, to bring them to the floor.

Mr. Speaker, I yield 8 minutes to the gentleman from West Virginia (Mr. Rahall).

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Texas for yielding me time.

Mr. Speaker, it was 24 years ago almost to this very day that I led an official congressional delegation to the Middle East, appointed by then Speaker Tip O'Neill. This six-nation tour included meetings with heads of state in every one of the countries we visited, including the Prime Minister of Israel, Menachem Began.

We were in Beirut those first days of August 1982 when Israeli bombs were falling all over the country and all over the city, as they are this very day. The Israeli aim at that time was to rid Lebanon of the PLO.

Then President Ronald Reagan got on the phone to then Prime Minister Menachem Began and said enough is enough. Stop the bombing. President Reagan had that courage, had that sense.

There immediately ensued negotiations and a peaceful evacuation of Americans in the area, and we initially sent over marines, maybe a month later, at which point in time we were considered peacekeepers and all the Lebanese were welcoming the American presence. That later turned sour. That is part of history and I shall not go there.

But I have written President Bush last Friday urging him to take this same action as President Ronald Reagan took 24 years ago.

□ 1945

I commend him for calling Arab leaders as he is and asking the Arab leaders to urge restraint upon Hezbollah and to urge the release of the hostages, which is a proper action. I also asked the President that should he not be calling the Israeli Prime Minister at the same time. What is wrong with this course of action?

The point where we are today is a point that is unfortunate. It was stupid of Hezbollah, Hamas to take the actions they took. I condemn the hostage taking.

Israel has a right to defend itself. It has the right to pursue to the nth degree those that abduct their soldiers. The Israeli action of current days, and as we speak in Lebanon, however, has other repercussions than just the stated agenda of destroying Hezbollah. That is not going to happen. We know that there is no military action that is going to wipe out every member of Hezbollah, that is going to wipe out every member of Hamas.

That is not the way this problem is going to be resolved. It is time for cooler heads to prevail if peace is to have a prayer. It is time for a cease-fire. It is time for Secretary Rice to go to the region. It is time for Hezbollah to, as the first step, simultaneously with the calling of a cease-fire release the hostages. That must be done, step number 1, with the calling of a cease-fire, and then negotiations should continue.

As to whether there will be future and sequential release of Lebanese and Palestinian prisoners held by the Israelis, many of whom have not even had the first charge read against them yet, but that is for later. Israel has done this in the past, to their credit. Yes, we do not negotiate with terrorists, but we do. We know the reality.

So I say, Mr. Speaker, that the current actions of Israelis have gone beyond going after Hezbollah. This resolution that is before us seems to hint at that pretty strongly. The Government of Lebanon is targeted in many different points in the resolution before us. The Government of Lebanon is demanded in this resolution to disarm Hezbollah. That is something that 18 years of Israeli occupation of Lebanon could not achieve. The Israelis cannot do that. But we are demanding now that a year-and-a-half-old Lebanese Government, prodemocracy, pro-American, so much hope after the Cedar Revolution of a year and a half ago, we are now demanding that they disarm Hezbollah in this resolution. Not realistic.

Who are the losers if a cease-fire is not immediately implemented? Who are the losers in this fighting and the loss of innocent lives and civilian infrastructure continues? The losers are the moderates. The losers are the Siniora government in Lebanon, a government that has not approved, has not condoned the taking of hostages, as a matter of fact has spoken against it; a government that cannot at this particular point in time control fully its borders, but was getting its act in order previous to the current invasion.

In the Palestinian territories, who are the losers? The moderate Palestinian leader Abu Mazen is the loser, an individual who was negotiating with Prime Minister Olmert, very close to a deal on prisoner exchange, when all of a sudden this kidnapping occurred, and that almost deal went down the tubes. So the moderates are the losers the longer the fighting goes on, the longer we are without a cease-fire.

The likely scenario, of course, is that the Israelis will continue. They did a massive hit just as we speak against a Hezbollah bunker in south Beirut. It remains to be seen whether they got the head of Hezbollah or not, but there will be some mopping-up operations in the next week or so, and then Secretary Rice will go to the region and be the big peacemaker. I hope that is the scenario and that it is over that quick. I hope indeed that is what will occur.

But we must request and we must demand that Hezbollah release the kidnapped soldiers as the first step with the simultaneous announcing of a cease-fire and let cooler heads prevail if we are going to give peace a chance.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. Gene Green).

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of House Resolution 921.

Throughout its history, Israel has had to defend itself from groups that want to wipe it off the map. Hamas and Hezbollah do not want to negotiate a two-state solution, they want to go back to before 1948. That is not going to happen. The United States first recognized Israel and will continue to help Israel defend herself.

The recent attacks, murders and seizure of soldiers by Hezbollah and Hamas are no different, and this House must affirm its commitment to Israel and stand behind that nation's right to defend itself.

Less than three weeks after the June 25 abduction of Corporal Gilad Shalit by Hamas in undisputed Israeli territory, Hezbollah opened a second front against Israel by attacking, killing and abducting more Israeli soldiers in northern Israel.

Israel's response was no different than the U.S. response would have been if someone had attacked across our border.

Israel completely withdrew from southern Lebanon in accordance with United Nations Security Council Resolution 425.

Despite this move to facilitate the peace process in the region, and despite U.N. Security Council resolution 1559—which required Lebanon to take control of this region and to disarm and disband any militias in the country—Lebanon allowed Hezbollah to operate in southern Lebanon, and receive material and funding from Iran and Syria

Hezbollah launched four separate attacks earlier this year against Israel.

Israel has been forced to defend itself from these terrorist groups to protect its borders and its people which have been targeted by Hezbollah rockets.

Unlike Israel, which has carefully targeted Hezbollah members who hide and operate among the civilian populations, Hezbollah has indiscriminately fired rockets at northern Israeli civilian populations in cities like Haifa, Nazareth, and Nahariya.

Mr. Speaker, these attacks by the terrorist groups Hezbollah and Hamas on Israel's borders, military, and civilian population have forced Israel to respond.

I urge my colleagues to join me in supporting this resolution reaffirming our support for Israel's right to defend itself.

Mr. LANTOS. Mr. Speaker, before yielding to my friend from Massachusetts, I yield myself such time as I may consume to make a comment about Mr. PAUL's observation as he calls for neutrality.

Calling for neutrality between a democratic ally of the United States and a gang of terrorists is not worthy of this body. There is no neutrality between a gang of terrorists who indiscriminately kill and the democratic state.

May I also say that it was Hezbollah terrorists who killed the largest number of U.S. Marines in Beirut a quarter century ago. Some of us were there visiting with them just a couple of weeks before they were all killed. Lee Hamilton, a distinguished former Member of this body, and I visited with our marines just days before they were all killed by Hezbollah terrorist activity.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK), the distinguished ranking member of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, first, this Israeli retaliation did not come in the abstract. Let's be clear what happened. I speak here as someone who has been critical in the past of Israeli Governments that were, in my judgment, sufficiently willing to take risks for peace. I have been an advocate of giving up land in the interests of a comprehensive settlement.

What happened tragically in the last couple of weeks is that Israel was attacked by entities who do not think there should be any Israel at all. It was attacked by people dedicated to the abolition of the Jewish State in the Middle East from two territories from which it had withdrawn.

What was attacked was not just individual Israelis, but those in Israel within that democratic nation who have pushed for peace. In April, after the withdrawal from Gaza, very controversial, the people willing in Israel to withdraw from territory in pursuit of peace won an election. Those in Israel who would reject that approach lost. Sadly, the rejectionists then won in the Palestinian Authority. So you have people who had risked themselves in a democratic nation for peace now being undercut by those who use those very territories from which they withdrew for attacking them. And again these were not disputes over specifics.

Hamas and Hezbollah both agreed there should be no Israel. These are people who want to return not to the borders of 1967, but to the borders of 1947 when there was no Israel. Now, no democratic nation can be expected to not respond, and that is what we have, a response to attacks across the internationally recognized border of Israel by people committed to destroying its very existence from territories from which they withdrew. So the attacks were clearly justified.

Then the question is, well, how have they conducted the war? I think there were things that they should not have done. I wish they had not bombed the power plant in Gaza. But, you know, I look at what Israel is doing in Lebanon, and I must tell you what it most resembles in my recent memory, the American action in Yugoslavia when we bombed and bombed and bombed Belgrade and much of Yugoslavia, much of Serbia, to get them to withdraw from Kosovo. That was not a conventional military action. Now, I must note that Israel has not at this point taken out any embassies. We in the Yugoslav war took out the Chinese Embassy. We bombed convoys.

Sadly, when people go to war, innocent people die. That is why I am very reluctant to vote for war. But that happens. But what happened in Serbia was America punishing the Serbian territory to get them to withdraw from Kosovo, and it worked.

Now, I understand the pride of the Lebanese Government, but let me say this, first of all, in response to my friend from West Virginia. The resolution does not demand that the Lebanese Government disarm Hezbollah. It demands that the Lebanese do everything within its power, within its power, to change things.

In contrast, the resolution does make an unconditional demand of Syria and Iran that they do the right thing. So it does differentiate between Lebanon and Syria and Iran.

Now, let me say, with regard to Lebanon, I am struck by the pride of the Lebanese people, but I have to say this. Many of those who are now critical of Israel and say, what do you want from poor Lebanon, where were they when poor Lebanon needed them? Where were they when the Lebanese were unable to get Hezbollah to move? Why did they not get involved then?

In defense of the Israelis, what they are saying is this: Look, a U.N. resolution said get Hezbollah away from us, because if they keep this up, we will have to retaliate, and nothing happened until they started killing Israelis inside Israel, and then Israel retaliated.

So those who now say, well, you know what, do not blame the poor Government of Lebanon, I do not. I blame those in the Arab world and elsewhere who could have gone into that situation and avoided this.

So now the question is what do you do? A simple cease-fire that leaves Hezbollah on the Israeli border, in violation of a U.N. resolution, free to continue to kill across that international border in their pursuit of their effort to destroy the State is not good enough. I would like to see us be involved.

What the resolution says is have Syria and Iran be pressured by the rest of the world, including those great humanitarian nations of Russia and China and elsewhere that have expressed opinions here; let them intervene not simply to stop the shooting, but to get Hezbollah away from that border. Then it will be reasonable to ask Israel to stop, and I believe they want to.

So it is not simply release the soldiers today so four more can be captured and more people killed tomorrow. Let the international community show its real concern for the Government of Lebanon by providing them with the assistance they need to move Hezbollah away.

Let Hamas honor the fact that Israel withdrew at great political internal cost from Gaza and not use that as a lunching pad for their efforts to destroy Israel.

So I must say, I think it is justified in terms of the response, in terms of the way it is conducted. Yeah, it is messy and bloody, and innocent people die, and that is why you try to avoid those situations, and why Syria and Iran should be pressured to get Hezbollah to move back so we can put an end to it.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, Hamas and Hezbollah attacks against one of our closest friends and best allies, Israel, are acts of war, and they have Iran and Syria's fingerprints all over them.

As chairman of the National Security Subcommittee with direct focus on the Middle East and the Islamist terrorists that breed there, I am grateful we are promptly considering this bipartisan resolution to say to Israel, to the international community, and, most importantly, to the terrorists and the nations who support them that this Congress unequivocally stands by Israel.

We condemn the terror attacks against it, and we pray for the peaceful resolution of this crisis and to the end to the loss of innocent lives on both sides.

The prisoner exchange called for by some must be put off the table. Doing so legitimizes Hamas and Hezbollah's actions and will only embolden them and the Syrian and Iranian Governments that back them to launch similar attacks in the future. The resolution of this crisis must include the nonnegotiable safe return of the kidnapped Israeli soldiers, and the guarantee of the security of Israel's borders, including the full implementation of the U.N. Security Council Resolution 1559.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California (Mr. LANTOS) derogatorily said there is no room to talk about neutrality, as if it were a crime. I would suggest there is room for an open mind to another type of policy that may save American lives.

I was in the Congress in the early 1980s, and then I left Congress, and I just come back recently. But I was here when the Marines were sent in to Lebanon, and I strenuously came to the floor before they went, when they went, and before they were killed, arguing my case. And then they were killed. Ronald Reagan, when he sent the troops in, said he would never turn tail and run.

□ 2000

Then, after the marines were killed, he had a reassessment of the policy. When he wrote his autobiography a few years later after leaving the Presidency, he wrote this.

He says, "Perhaps we didn't appreciate fully enough the depth of the hatred and the complexity of the problems that made the Middle East such a jungle. Perhaps the idea of a suicide car bomber committing mass murder to gain instant entry to Paradise was so foreign to our own values and consciousness that it did not create in us the concern for the marines' safety that it should have."

In the weeks immediately after the bombing, I believe the last thing that we should do was turn tail and leave. Yet the irrationality of Middle Eastern politics forced us to rethink our policy there. If there would be some rethinking of policy before our men die, we would be a lot better off. If that policy had changed towards more of a neutral position and neutrality, those 241 marines would be alive today.

Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, let me start by commending the esteemed chairman of the International Relations Committee and the distinguished gentleman, the ranking member, for bringing this very powerful resolution to the floor.

I agree with this resolution. I vehemently, vehemently condemn the violence and terrorist activity of Hamas and Hezbollah. I also vigorously support the right of Israel to defend itself against these terrorist acts and to do what is necessary under these dire circumstances.

But let me also say that this resolution is incomplete, and I don't think it is fully reflective of what U.S. policy should be. Much has been said about Resolution 1559. Much has been said about Lebanon, that poor small country that has been victimized time and time again.

What of Lebanon? There is a nascent democracy there, despite the challenges, despite the years of conflict, a nascent democracy that is budding. I think this resolution should give lip service to those Lebanese patriots who are trying to build this democracy. The Siniora government, we should not do anything that would undermine this nascent democracy and Prime Minister Siniora's attempt to build an economic country, a country that is going to have opportunity.

Security Council Resolution 1559, whose fault is it? We know that this nascent democracy in Lebanon doesn't have the capability to defend itself. It doesn't have a very well-formed armed services. We know that Israel could not drive Hezbollah out.

How can the small force that Lebanon has do such? Whose fault is it? The international community, the U.S.? This has been a failure of policy. One thing that is clear is that this Security Council Resolution 1559 has to be enforced unequivocally, and Hezbollah must be disarmed in any way that is possible. This is going to take an international effort. Once there is international consensus that this resolution will be enforced, then we need to put together the coalition to enforce it.

I am going to conclude. I am not going to take the full time, but I am going to say that America should not turn its back on any of its allies, and that certainly includes Israel. But it should also include that vulnerable State of Lebanon.

Mr. LANTOS. Mr. Speaker, I want to commend my good friend from Louisiana for his very thoughtful statement, and let me just add that if Hezbollah is, in fact, defanged, the primary beneficiary will be the people and the State of Lebanon.

Mr. Speaker, I am very pleased to yield 3½ minutes to my distinguished friend from Illinois (Mr. EMANUEL).

Mr. EMANUEL. I thank my colleague from California, and I strongly support this resolution. Mr. Speaker, on June 25, Palestinian militants from Hamas kidnapped and later executed an Israeli soldier. On July 12, Hezbollah kidnapped two Israeli soldiers.

In both cases, terrorist militias affiliated with democratically elected governments, violated internationally recognized borders and seized three soldiers. In both cases, they were acts of wars. These acts turned on its head 25 years of agreement that if Israel would leave territories to internationally recognized borders, there would be peace.

It is this turning on its head the reason for the reaction by both Saudi Arabia, Egypt and Jordan because it has violated what happened in 1978 with the giving of the Sinai. It violated what happened in 1993 with the Oslo Agreement, and it violated what happened in 1994 with Jordan.

What happened here, and nobody should underestimate the consequences, is it totally violates not only the internationally recognized border but the bipartisan effort, internationalized effort, to bring peace to the Middle East, and specifically to the Arab and Israeli conflict. That is, Israel would move to internationally recognized borders. Those borders would be recognized and peace would happen.

That effort, if it doesn't end here, and this doesn't get upturned with the return of soldiers, that effort of giving up peace by giving up real estate, recognizing internationally recognized borders, will come to an end. That is why three Arab governments, allies of the United States, have acted the way they have acted and recognized the consequences and the deep meaning of what happened here.

That being said, nobody should lose sight for one moment also of what has happened here. The so-called democratically elected governments on the West Bank and in Lebanon have militias affiliated with those governments. So those are democracies. They are not truly democracies, they are totalitarian entities with militias and terrorists acting as democracies.

As we talk about bringing democracy to the Mideast, understand that that button should be paused for a second and understand the consequences here. That what has happened is Saudi Arabia, most importantly, Egypt and Jordan, have brought peace and have come to a peace agreement with Israel. Those who have violated that peace are, quote-unquote, democracies, as we spread democracy in the Mideast.

Understand what that means here, and the consequences of what has happened here, is that you cannot allow this violation of internationally recognized borders, three soldiers to be seized, and think there will be no act of war. That is what has broadened, and yes, many of its citizens will be hurt.

I want to see an end to the violence that is engulfing Israel and Lebanon, but it will not end this violence at the ballot box. It will only end with the emergence of true partners who recognize the importance of peace and the end of terrorist regimes founded on hate.

I strongly support this resolution, its spirit, as well as its letter.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise tonight in strong support of the resolution before us, introduced by our distinguished majority leader and two foreign policy giants, our International Relations chairman, HENRY HYDE and our ranking member, TOM LANTOS. We wish that circumstances were different in the Middle East, and we regret the loss of innocent human life.

However, silence on our part in the face of these outrageous attacks against Israel would only serve to embolden these Islamic terrorists and their neighbors. Our stance, therefore, must be clear, Mr. Speaker; we condemned these armed attacks against Israel.

We fully support Israel's right to take appropriate action to defend itself in the face of these existential threats, and we must hold not just Hamas and Hezbollah but also Iran and Syria accountable.

Mr. Speaker, the current conflict in the Middle East is not simply the result of these most recent developments. Rather, it results from the efforts of the chain of interrelated extremist entities and their state sponsors who threaten not just Israel but our own security interests as well.

It stems from a deep-seated desire to destroy the State of Israel, or, as the Iranian leader has said, to wipe Israel off the map. It stems from Iran's desire to export its revolution and to exert regional domination. It is based on a world view that led to the taking of American hostages in 1979, who were held for 444 days, and that hatred against the U.S. as not gone unabated.

The events of the recent weeks find their roots in an alliance between Iran and Syria and their terrorist proxies, which, throughout the years, have caused the deaths and injuries of countless Israelis and Americans alike. Current developments are also linked to the failure of the United Nations to ensure full implementation of Security Council Resolution 1559 requiring Hezbollah to dismantle and disarm.

Over the past year, Israel has shown tremendous restraint in the face of continued assault from Islamic extremists. Despite Israel's withdrawal from Gaza last year, terror attacks targeting innocent Israeli civilians continued and, in fact, have increased.

In the last year extremists in Gaza have launched over 1,000 rockets at Israelis. Weapons, money and manpower were smuggled to Gaza through tunnels, enabling continued terrorism and transforming the areas controlled by the Palestinian Authority into havens for international terror groups like al Qaeda.

Hamas and other jihadist groups use such underground tunnels to sneak into Israel, to kill two soldiers and kidnap Corporal Shalit in order to exchange him for imprisoned, condemned, Palestinian terrorists. The situation intensified on July 12 when members of Hezbollah, without a hint of provocation, went into Israel and killed three Israeli soldiers and took two others hostages.

Again, this was not an isolated incident by Hezbollah. In the past year these extremists launched at least four attacks into Israel. One of these took place on November 2005 when Hezbollah launched rockets into Israel while a large number of its jihadists infiltrated and attacked an Israeli village.

The enemy should not and must not be underestimated. Iran and Syria and other terrorist enablers are engaged in a never-ending struggle to improve their relative power position. They have declared war on freedom and democracy, and will use any means available to them to achieve their ends.

They not only present a threat to Israel and to the U.S., but also to moderate reforming Arab governments in the region. In turn, we must resolve, as this resolution clearly states, to work with Israel and other U.S. allies to fight these extremists worldwide.

As Robert Satloff of the Washington Institute for Near East Policies recently said, defeat for Israel is a defeat for U.S. interests. It will inspire radicals of every stripe. It will release Iran and Syria to spread more mayhem inside Iraq, and make more likely our own eventual confrontation with this emboldened alliance of extremists.

By contrast, Satloff adds, victory in the form of Hezbollah disarmament, the expulsion of Iran's military presence from Lebanon, the eviction of Meshal and friends from Damascus, and the demise of the Hamas government in Gaza is, by the same token, also a victory for the U.S. and for Western interests.

Mr. Speaker, this says it all. I urge my colleagues to support this resolution.

□ 2015

Mr. Speaker, I reserve the balance of my time, and I also ask unanimous consent that the time for debate on this measure be extended for 40 minutes, to be equally divided between the proponent and opponent.

The SPEAKER pro tempore (Mr. CAMPBELL of California). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, further, I yield 10 minutes of my time to the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

I just want to make a couple of comments before yielding. It has been well advertised about the three prisoners that have been taken, the three Israeli prisoners. Everybody in the country knows about it. What I find a bit interesting is that some people estimate between 8,000 and 10,000 Palestinians and Lebanese are in prisons and under the authority of the Israeli police and government.

It is also known that one-third of the Cabinet of Palestine have been arrested and held hostage by the Israeli Government, and once again, I think this is a distortion of what is going on. It is hard to get the information out to find out exactly what is happening in this area.

Also, I would like to make one additional point that it is very easy to criticize the Government of Lebanon for not doing more about Hezbollah. I object to everything Hezbollah does because I am a strong opponent to all violence on both sides. So I object, too, but I also object to the unreasonable accusations that the Government of Lebanon has not done enough, when we realize that Israel was there for 18 years, and Hezbollah did not get any weaker, and they are stronger than ever. So I think, again, a little bit of balance is worth considering.

Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I would like to thank the gentleman from Texas for yielding, and yielding, I note, time in opposition.

I will be voting for this important resolution, not because it is perfect. As a matter of fact, I think the one consistent thing that, Mr. Speaker, you are going to see tonight is not one, not two, not three, but all four of the Members of Congress on both sides of the aisle whose families emigrated from Lebanon basically 100 years ago or more are finding that this resolution does not say enough.

Mr. Speaker, I want to bring to the attention and will be including in my remarks H. Res. 926, which was submitted as a draft to the Committee on International Relations and to the Subcommittee on the Middle East on which I serve on both.

For those who think that Members of Congress who come from Lebanese ancestry would somehow think differently than many of the rest, I would like to share just a few short portions.

First of all, the opening of the resolution: "Condemning the kidnapping of

Israeli soldiers by Hamas and Hezbollah, affirming the right of Israel to conduct operations to secure the kidnapped soldiers, urging all parties to protect innocent life and civilian infrastructure, and for other purposes."

Many of the passages are similar, but some notably are different than the resolution being considered tonight. It goes on to blame directly Nasrallah, the Secretary General of Hezbollah, responsible for these attacks and responsible for taking hostages.

It further, in its whereases: "Whereas Iran, Syria, and elements of the Government of Lebanon have a well-documented history of supporting the terrorist groups responsible for these kidnappings."

And, Mr. Speaker, it is important to note that the Lebanese Americans were the first to come out and say in no uncertain terms that the elements in Lebanese society, including those who were elected from the occupied south, not occupied by Israel any longer, but occupied by Hezbollah, did send representatives sympathetic to Hezbollah.

But I think what is not said in this resolution and has not been said well enough here tonight, in my opinion, is that the Cedar Revolution clearly denounced that direction. It went against the illegally reelected or illegally extended Presidency of Emile Lahoud, and it made very clear by backing the so-called Saad Hariri bloc, the bloc of the assassinated former Prime Minister in securing a multidenominational, across-the-board, including Shi'a, government that wants a sovereign, independent and peaceful Lebanon.

Unfortunately, the resolution we are considering tonight does talk about the failure of the Lebanese Government. I think that is fair, but it is only fair if we also include the failure of the United States Government.

We have provided nothing to the Lebanese since they bravely stood up to Syria, demanded their withdrawal, rioted in the street, were bombed and killed for their attempt to give themselves that freedom and liberty. We have not provided them any kind of capability of going to the south and enforcing. We have talked about it. We have planned to do it. The administration has prepared to do it. Our committees have explored it, but today, as of yet, we have not yet done what we must do.

Mr. Speaker, I call on this committee that is here today on this floor to dedicate itself to immediately upon us coming back to work in the morning begin the process of providing the lawful Government of Lebanon the ability to, in fact, send those troops to the south to, in fact, displace Hezbollah. It is going to take time, energy, money and training.

We are spending billions of dollars every month arming the Iraqi people so, in fact, they can replace a government that we had to topple. The Lebanese already toppled a government that had been a puppet of Syria and Iran for a long time, and they, in fact, were the movement that led to Syria being forced out after decades of occupation.

The Lebanese have earned the right, and this resolution in part says that, they have earned the right to have that ability, and we have to give them that ability.

So I go further than simply say I hope we will. I demand that if we care enough about the words we say in our resolution tonight and in H. Res. 926, which is the underlying document submitted by four Lebanese Americans, if we care enough to denounce Hezbollah for what they have, and Iran and Syria for what they have done, then we have to be willing to confront them in Lebanon, something we have not been willing to do.

So, tonight I stand with Israel's right to get its kidnapped soldiers back. I stand with Israel's right to reduce the ability of Hezbollah to rain rockets down on Israel, but I also stand with the people of Lebanon who have been traded like pawns again and again and say, yes, let us pass this resolution, but let us also start in the morning to do the job so that the next resolution, when it says the Lebanese Government has failed to do something, it will not also have the right to say the Lebanese Government did not have a snowball's chance in a summer in Hades of actually doing it.

A government with armored personnel carriers donated by the U.S. Government in the 1970s made of aluminum is not going to take on Hezbollah, not if tanks from Israel could not do it in 18 years.

So, yes, I am voting for this resolution. I appreciate the gentleman giving me time from the opposition, but I want to include H. Res. 926 in this debate, and I want to include the statement by the four Lebanese Americans that, yes, we will support Israel, but we want to support Lebanon's ability to be free and independent, and that will take a commitment starting tomorrow morning.

H. RES. 926

Whereas on June 25, 2006, Israeli Defense Forces Corporal Gilad Shalit was kidnapped and taken hostage by a Palestinian militant group that included members of the military wing of Hamas;

Whereas Hamas political leader Khaled Meshaal, in Damascus, Syria, has acknowledged the role of Hamas in holding Corporal Shalit hostage;

Whereas on July 12, 2006, operatives of the terrorist group Hezbollah carried out an attack in Israel, killing three Israeli soldiers and taking two others hostage;

Whereas Hezbollah Secretary General Hasan Nasrallah has acknowledged Hezbollah's responsibility for the attack and taking hostages;

Whereas Iran, Syria, and elements of the Government of Lebanon have a well-documented history of supporting the terrorist groups responsible for these kidnappings;

Whereas President George W. Bush stated on July 13, 2006, "[t]he democracy of Lebanon is an important part of laying a foundation of peace", that the government of Lebanese Prime Minister Faoud Sinoria must not be undermined during the current crisis, and that Syria and Iran must be held to account for their shared responsibility in the recent hostage taking; and

Whereas Secretary of State Condoleezza Rice stated on July 12, 2006, "All sides must act with restraint to resolve this incident peacefully and to protect innocent life and civilian infrastructure.": Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns Hamas and Hezbollah for engaging in the reprehensible terrorist act of taking hostages;

(2) affirms the right of Israel to conduct operations, both inside and outside its own borders and in the territory of countries supporting the hostage takers, in pursuit of the release of hostages;

(3) notes that all governments that have provided continued support to Hamas or Hezbollah share responsibility for the hostage taking and urges these countries to use all efforts to secure the unconditional release of the hostages;

(4) urges all parties to protect innocent life and civilian infrastructure;

(5) declares its continued commitment to aiding Israel and the administration of President George W. Bush in battling terrorism and securing the unconditional release of hostages; and

(6) expresses its condolences to all innocent victims of recent violence in Israel, Lebanon, and the Palestinian territories and their families, including those of the three Israeli hostages.

Mr. LANTOS. Mr. Speaker, I want to commend my friend from California for his very thoughtful observations, and I am pleased to yield 3 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Ways and Means Committee, my very good friend.

Mr. RANGEL. Mr. Speaker, I thank the gentleman for this opportunity.

I stand in strong support of this resolution. Some may say, well, how could you be against the war and supporting this? Well, I think it is good historic sense, it is good moral sense, that any sovereign nation that gets attacked should have the opportunity and be given support for defending herself.

Clearly, when we went into Iraq, we had no clue as to who the terrorists were. They certainly were not in Iraq. There were no weapons of mass destruction, no connection between Saddam Hussein and 9/11.

But here we have a nation that has been invaded. People have come into their country, killed their soldiers, kidnapped their soldiers, and rain rockets on them, and the surprising thing that we find here is that we find something to that. As an American, I cannot imagine the hostility I would feel and the support I would give in retaliation if something like that happened to our country.

What amazes me, however, is that for the first time people have recognized that the terrorists are not just after the United States and Israel. The terrorists are after every decent thing that we believe in, and at long last the Governments of Jordan and Egypt and Saudi Arabia has seen that these terrorists, that somehow we found out that they believe that not being at war with Israel is the same as being at peace with Israel, but recognize in that area some of the Arab countries that we give support to, economic and trade support, still held hostile the people in Israel and resented the right for Israel to exist.

I think this is a great opportunity to bring those Arab nations together, to let them know that they are just as vulnerable for the people that they have supported, and even though the animosity seems to be going toward Israel, is toward them, is toward the United States, is toward everything that we believe.

So, if we do have crown princes and kings and Presidents unable to go to the ranch and discuss whatever they do, and if Israel does not come up as a place where they teach hatred and anti-Semitism, why not take advantage of this opportunity to tell the Arab countries in the region that this is the time for all of us to come together not just in a willing coalition, but in a coalition for peace, and to make certain that we cut this cancer out not just because of Israel, but because of the free world?

The Hamas and the Hezbollah have to really cut this cancer out of our society now, and it gives us an excellent opportunity to bring the friends of the United States and the so-called friends of Israel together to see whether or not we can make certain that these people are not a threat to Israel and not a threat to the neighboring countries and not a threat to the great United States of America.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield to the gentleman from Florida (Mr. FOLEY) for a unanimous consent request.

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman. I rise in support of H. Res. 921, condemning the recent attacks against the State of Israel.

On June 25th, Israeli soldier Corporal Gilad Shalit was kidnapped and is still being held hostage in Gaza by Hamas.

On July 12th, Hezbollah in southern Lebanon killed three Israeli soldiers and took two others hostage and began bombarding Israel with rockets.

In the past week, over 700 rockets and mortars from Gaza and Southern Lebanon have hit Haifa (Israel's 3rd largest city) and numerous other cities and towns.

These unprovoked attacks appear to be coordinated by Iran and Syria—probably to take the issue of Iran's nuclear development off the front burner.

When Israel withdrew from Southern Lebanon several years ago, it did so with the understanding that the Lebanese Army would secure the area from Hezbollah. To this date, the Army has yet to move into the area and take control.

Some have suggested that the U.S. urge Israel to restrain itself—that it should negotiate and stop their attacks. The problem is, as Amb. Bolton said today, there isn't anyone to talk to. The Palestinians are being governed by Hamas and Lebanon is still being controlled by Syria—both terrorist regimes.

Israel must take any action it sees fit to defend themselves and prevent the abducted soldiers from being taken to Damascus or Tehran.

Iran needs to be put on notice. We know what you are doing and it is not going to work.

I know that the Palestinian and Israeli people are committed to peace. The Hezbollah and Hamas scourge, who are the only ones undermining a long-term peace, must be wiped off this earth.

I pray that this situation resolves itself quickly and that we can continue to move forward with the Middle East peace process.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on Africa, Global Human Rights and International Operations.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding.

Mr. Speaker, the events in Lebanon during the past week are yet another wake-up call to those who have perhaps complacently thought or believed that the global war on terrorism has somehow abated. It has not. Israel is, in fact, on the front lines of this war as we meet.

Mr. Speaker, we all know there is nothing whatsoever benign or noble or praiseworthy about the terrorist groups such as Hamas or Hezbollah and their state sponsors Syria and Iran. They not only refuse to recognize Israel's right to exist, they want Israel wiped off the face of the map.

They actively seek Israel's demise, its destruction, by both their words and their deeds. Their hate-filled, fanatic, perhaps even psychotic, suicide bombers bomb, shoot and wreak havoc on the lives of countless unarmed innocent men, women and children through the terrorist intifada campaign.

It is abundantly clear that Hezbollah has violated the sovereign territory of Israel by launching unprovoked rocket attacks and ground forces incursions into undisputed Israeli territory, resulting in the death and hostage-taking of Israeli soldiers.

☐ 2030

While Israel has withdrawn from Lebanon, in full compliance with U.N. Security Resolution 425 in June of 2000, and unilaterally withdrawn from Gaza in September of last year, the Government of Lebanon has been unable or unwilling to disband and disarm Hezbollah in implementation of U.N. Security Council Resolution 1559.

I want to thank Dr. Boustany for his comments earlier. And I think it was important that he injected it into the debate that there is this inability, perhaps, on the part of the government. And I think we need to do more ourselves to help them to rid themselves of this cancer called Hezbollah. Hezbollah clearly is not only a grave threat to Israel, as we all know, but it is a grave threat to the freedom-loving people of Lebanon as well.

This resolution puts us clearly on the record stating where we stand, and I am so glad that I think there will be great support for it.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there has been a lot of accusations made about who precipitated the crisis, the charges made that it all occurred because three prisoners were taken, and that Hezbollah and Hamas deliberately provoked the situation. And it may well be true. I have no idea exactly what is true.

But there are others who have indicated that they believe that it was precipitated mainly with the intent of our foreign policy, along with Israel's foreign policy, as an initial step to go into Iran. We have talked about Iran around the House and around Washington, and there are a lot of people very, very concerned. Our administration talks about it all the time; taking out Iran, taking out the nuclear sites. But to do that, the theory is that these missiles had to be removed and, in a practical military sense, that seems very reasonable. So there could be the deliberateness of Hamas and Hezbollah precipitating the crisis for whatever gain they think, or deliberately precipitated by both the United States and Israel with the intent to follow up with bombing in Iran. And I am frightened about that. I think that may well occur.

I have talked to a lot of military people, a lot of CIA people, who actually believe this is a possibility within months. And this is the reason I have such great concern about what is happening in this area of the country, because if us going into Iraq didn't go so well, can anybody imagine what is going to happen when the bombs start to fall on Iran? I think it is going to be catastrophic. And there has been talk on television this past weekend, the beginning of World War III. And this war is about to spread, and this is the reason that I oppose this resolution, because, deep down in my heart, I believe that what we do here helps to provoke things and agitate things and bring us closer to a greater conflict. And I am just arguing that there is an alternative other than violence to settle some of these problems.

Now, a lot of bombs have fallen on both sides, and of course, if they are coming from Lebanon, Syria and Iran are blamed, and they may well deserve the blame. But we haven't talked about who gets the blame for the other side. More people are getting killed on the other side. And as we mentioned before, innocent people are killed, and a lot of nonmilitary targets have been hit, farms and buildings and electrical plants and airports that have nothing to do with the military.

And yet the reason I believe this is going to be worse is because we see it in this country the way we want to see it. And we have no willingness to think about how it might be seen elsewhere, like how is it going to be seen by 1 billion Muslims around the world? And you know, quite frankly, every single bomb that is dropped by Israel, by their calculation, and they have reason to believe so, those are U.S. bombs. Those are our airplanes. We paid for them. And they get the money to buy these weapons. So whether it is deliberate or whatever, it doesn't matter. It is the perception by the Muslims who are radicalized by this.

You can't deny it. There are more radicals today than there were 2 or 3 years ago. And the reason why I am worried about this is we are now getting the information about the reaction to 9/11. 9/11 occurred, and the immediate response by many of our leaders and the administration said, let's go to Iraq. People would say, well, why Iraq? Well, we have been planning on it all along. This is the opportunity.

As soon as this crisis built, we heard very similar comments. Let's go to Iran, you know, to go forward.

There are others who suggest that this crisis has come about not out of our strength, but out of our weakness. If Hezbollah and Hamas has deliberately done this, they might have calculated we have been stretched fairly thin around the world and with Iraq, and know that a lot of the American people and the taxpayers are getting tired of the war, so they may have seen this as a sign of weakness on our part. But then the "neocons" say, yeah, that may well be true, that is why we have to be tougher than ever. We have got to unleash the bombs. We have got to consider nuclear weapons, and back and forth and back and forth, until one day we are going to get ourselves in such a fix that World War III will be here and it will be irrevocable.

And there are some people who sort of like this idea. There are some "neocons" who thrive on chaos, because their theory is they want regime change. They want regime change in Syria, and they want regime change in Iran. They wanted it in Iraq. And we are, by gosh, we are going to have regime change, and they are going to be our friends and they are going to be democrats. We are going to have democratic elections.

So we go to war and our men and women die. We spend all this money, and we have elections. And then sometimes we don't like the results of the elections, so we ignore them.

What if we had elections in Saudi Arabia? What if we had elections in Egypt? And then what if their radicals were elected?

So we are fighting and dying to spread democracy. And it is probably one of the most dangerous things for us with our current foreign policy, is that when they do vote and elect Hezbollah and Hamas, then we have to reject the principle of democracy.

Self-determination is a great principle, and we should permit it and encourage self-determination. But encouraging elections under these circumstances, and by force, in hopes that we get our man in charge just doesn't work.

I think we are going to have regime changes, a lot more regime changes than most people want around here. I think the regime changes are coming in Saudi Arabia, and I think there will be a regime change maybe in Egypt. Who knows? In Libya. And you are going to be very unhappy with those regime changes.

So, yes, it was well intended to have regime change in Iraq. But what has it gotten us?

And now we want to spread that philosophy and have more regime changes, and who knows what the results are going to be? They are not going to be good. They are going to backfire on us.

You know, when Osama bin Laden responded to why, he had a list of reasons on why he encouraged or directed the attack on 9/11. And the one thing that he listed we shouldn't ignore, because as bad as that individual is, and as violent as he is, nobody has ever proven he tells lies. Nobody has ever proven this. Nobody says he is a liar. So we ought to listen to what he says.

And one of the reasons that he listed for this was back in 1982, back to the problems we had in Lebanon, there were 18,000 Lebanese and Palestinians killed. And who knows whose bombs and who was doing it? But you know, we were in there, although our troops weren't fighting and we left, but Israel was involved, 18,000. But regardless of whether or not we directed it or wanted it is irrelevant. The conclusion was that we were participants, and it rallied his troops and helped him organize to get people so hateful that they were willing to commit suicide terrorism and come here.

Now, we can ignore it and say, well, he is a liar. That is not the reason they did it. But we do that at our own peril.

Now, one of the reasons why I believe that it wouldn't be difficult to put the label USA on these weapons, obviously the airplanes have been built here. But what about the money? How much money have we given for weapons?

Between 1997 and 2004, and that doesn't even count the last 2 years, we gave over $7 billion in weapons grants. It wasn't a loan. It was a weapons grant.

Now, the neat thing about this, this was an economic deal because it was beneficial because under the foreign military financing program that we have, Israel is required to spend 74 percent of that back here. So you are talking about a military-industrial complex, a pretty good deal. You know, we subsidize them, send the money over here, it comes over here, and our arms manufacturers make even more money and then dig a bigger hole for us in foreign policy and contribute to the many problems that we have. And that amount of money, they get $2.3 billion of these military grants, and they automatically increase it $60 million per year. So it is locked in place.

Now, you say, well, that is money for our ally. And fine, if it was used for defense, maybe. But if it is used to antagonize 1 billion Muslims and there is no willingness to even consider the fact that we should look at it in a balanced way, and instead it is ridiculed and said, oh, this is ridiculous to think of neutrality or balance and think about both sides, and the innocent people dying on both sides should be considered.

So we are moving toward a major crisis, a major crisis financially and a major crisis in our foreign policy. I don't believe we can maintain this.

So even if you totally disagree with our aggressive empire building and policing the world, let me tell you, I am going to win the argument, because we are running out of money. We are in big debt, and we are borrowing it. We borrowed $3 billion a day from countries like China and Japan and Saudi Arabia to finance this horrendous debt. And it won't be, it can't be continued. The dollar will eventually weaken. You are going to have horrendous inflation. Interest rates are going to go up, and it is going to be worse than the stagflation of the 1970s.

And domestic spending is never curtailed. We have been in charge of the Congress and the Presidency for several years now, and the government gets bigger, probably faster than it was getting before.

So we are facing a crisis that is liable to escalate and get out of control in the Middle East. At the same time, it has a bearing on our finances, because when it contributes to the deficit, there is a limit to how much foreigners will loan to us. We have to print the money. We have to go to the Fed, create new money. That is the inflation.

And what does it do to the cost of oil? Inflation pushes the cost of oil up. That should be a concern to everybody. And at the same time, the production of the oil didn't work. I mean, the oil production went down in Iraq.

What happens if this happens to be true? I actually pray that I am completely wrong about this. And you can say, well, you are, so don't sweat it. But what if I am right? It is frightening, because if this leads to bombing in Iran, look for oil at $150 a barrel. Then the American people will wake up. They will say, hey, what's going on here? Why is gasoline so expensive? It is expensive because we have less production out of Iraq, and it is expensive because the value of the dollar is going down. And it is expensive because they are anticipating that this crisis is not going away, and what we do are antagonizing the world.

So, once again, I come to this from a slightly different viewpoint than those who like to pick sides. There is nothing wrong with considering the fact that we don't have to be involved in every single fight. That was the conclusion that Ronald Reagan came to, and he was not an enemy of Israel. He was a friend of Israel. But he concluded that that is a mess over there. Let me just repeat those words that he used. He said, he came to the conclusion, "The irrationality of Middle Eastern politics forced us to rethink our policy there."

I would like you to rethink our policy, not only there, but the kind of policy that led to 60,000 people dying in Vietnam and then walking away. And what happened after we walked away? We are better off than ever. We had a naval ship going into Vietnam just recently. We trade with them. We do deals with them. Yet it was a total fiasco and a total loss because of the way we went to war.

And this is also the reason that I am determined to persist that if we take our country to war, that we ought to be responsible. We should never send these kids and young people to war without a declaration, win the war, and get it over with. When we don't declare it, it goes on and on and on. We don't win them.

And literally, this Persian Gulf War, and this Iraqi war, it has been going on since 1990. We never stopped bombing Iraq, never stopped bugging them, and antagonizing them and inciting them.

So it is not a sign of weakness to talk about neutrality. It is a sign of strength that you have a little bit of courage and you believe in your own system. If we want to spread our values, it is a good way to do it. Set a good example. Put our financial house in order. Treat people evenly, and trade with people, and talk to people and travel.

But don't think that we can force our values at the point of a gun, and think they are all going to be democratic elected governments that we are going to be pleased with. It is not going to happen.

So there is reason to reconsider the total policy that has been followed in this country essentially for 100 years. And it hasn't been productive for us. Essentially, Woodrow Wilson started it. We are going to make the world safe for democracy. And look how safe the world has been since Woodrow Wilson introduced that. We are less safe than ever. And our financial condition is worse than ever.

And we are running our program, whether it is our domestic welfare program or our foreign policy, it is being run on borrowed money. It is borrowed money from overseas, and it is also from inflated currency. And we can get away with it for a while longer, but let me tell you, there is a crisis coming, and it is going to be dealing with the dollar and it is going to involve our foreign policy. And then we will, as a sign of weakness, we will have to come home. We will have to come home because we can't afford the empire. It is not wise to have it, and we should have more confidence and more belief that what we have in this country, and what America used to stand for, that we should spread that message more by setting an example and through a voluntary approach. And when that time comes, I think that maybe more people will reconsider it.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to the distinguished gentleman from California (Mr. BERMAN), ranking member of the International Relations Committee.

Mr. BERMAN. Mr. Speaker, imagine for a moment that there was a gang, an organization of Mexican nationals who believed zealously and fanatically that the Southwest of the United States had been stolen from them; and that this group of people committed to murdering in order to right that wrong, was funded and controlled by countries that were dedicated to the destruction of the United States; that this group had stockpiled thousands of offensive weapons that could be unleashed on our citizens with little or no warning; that it launched an unprovoked, cross-border attack from Baja, California, kidnapped two of our border patrol agents and killed several others. And it then unleashed a massive barrage of missiles on San Diego with the sole intent of killing innocent civilians. The American people would demand immediate and decisive action. The Congress would overwhelmingly approve a resolution authorizing the President to use force, just as we did after 9/11. And none of us would be satisfied with a cease-fire that allowed the terrorists to regroup and rebuild their weapons stockpile. For America at this point, this is just a fantasy. But for Israel, this is daily reality.

For years Israel has lived with Hezbollah's sword of Damocles hanging over its head, and it has shown extraordinary restraint in the face of repeated attacks. But this latest attack and the kidnapping of its two soldiers is a naked act of aggression. Israel did not seek this conflict, but it is compelled to take forceful action to defend itself, just as the United States or any other sovereign nation would do in this situation.

The loss of innocent lives on both sides is tragic. When I hear Mr. RAHALL and Mr. LAHOOD and I watch the images on television, one cannot help but want to cry for the damage and the death and the carnage that that conflict brings. But there can't be any moral equivalence between Israel and Hezbollah. Israel goes to extraordinary lengths to minimize civilian loss, while Hezbollah deliberately targets the innocent.

When we talk of disproportionate response, I would like for someone to tell me what the proportionate response is in this particular situation.

Once again, what this does is highlight the central role played by Iran and Syria in promoting terrorism throughout the Middle East.

As Dennis Ross recently observed when Lebanon was withdrawn from, when Gaza was withdrawn from, what did Israel get? It wasn't land for peace, it was land for war.

□ 2045

I urge this body to speak strongly in support of expressing its solidarity with Israel in these difficult times, and I urge my colleagues to support this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am proud to yield 2 minutes to the gentleman from Virginia (Mr. CANTOR), the chief deputy whip.

Mr. CANTOR. Mr. Speaker, I thank the gentlewoman for yielding, and I recognize her leadership and her staff as well as that of the gentleman from California in bringing this resolution forward, and congratulate them on that.

Very briefly in response to my good friend from Texas and his view and addressing so many different issues, I would just like to say this clearly is not a conflict, I think, that Israel finds itself in by its own making or its asking.

As the gentleman from California (Mr. BERMAN) indicated, Israel was once again attacked. It was forced by its enemies, who wished to see it wiped off the map, to respond. The actions taken by Hezbollah and Hamas are tantamount to nothing less than an act of war against a sovereign country. Israel has the right to use every military tool in its arsenal to protect its citizens from this invasion and to incapacitate its enemy to prevent future attacks.

This latest conflict of the waging war against the terrorists in the Middle East is evidence again that we cannot hope to win that war against the Islamic fascists if we ignore their state sponsors. Make no mistake about it. Syria and Iran are to blame for the outbreak of war in the region, and they must be held accountable. They support Hezbollah and Hamas both financially and militarily. The line of terror and violence occurring in Israel today and in Lebanon today runs straight back to Damascus and Tehran. These state sponsors of terror must know that their actions are unacceptable and that the free world will no longer ignore or tolerate their actions.

Mr. Speaker, I support this resolution and stand beside our ally Israel as it fights the terrorists. This is a battle the free world cannot afford to lose.

Mr. PAUL. Mr. Speaker, I am going to yield 3 minutes to Mr. RAHALL, but first I would ask how much time I have left after I yield the 3 minutes.

The SPEAKER pro tempore (Mr. CAMPBELL of California). The gentleman from Texas has 25½ minutes remaining.

Mr. PAUL. Mr. Speaker, I yield 25½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN) and ask unanimous consent that she be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I want to thank Dr. PAUL for yielding me that time, and I yield 12¾ minutes to the gentleman from California (Mr. LANTOS) and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. PAUL. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL).

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Texas and the gentlewoman from Florida for yielding me the time, and I commend him. The plethora of scenarios that he has just taken this body through, some of which are scary, are certainly scenarios of which we need to bring to the American people's attention.

We have seen the neocons have their way much too often in this administration. They got us into the war in Iraq, with some prodding from our allies in the region. And now those same individuals would have us strike at Iran. Yes, Iran, Syria are culprits in this recent kidnapping. There is no doubt in my mind, although there probably is not proof out there. Earlier I condemned Hezbollah and Hamas for these kidnappings. Were they taking their directions directly from Damascus, directly from Tehran? Probably, or at least some wink along the way. Or was Nasrallah going off on a tangent on his own? I am sure he did not expect the Israeli response that he got.

I am sure the Israelis have learned something from this latest fighting, just what is in the Hezbollah arsenal, missiles that perhaps both Israeli Army intelligence and our own did not forecast.

So perhaps this current scenario that will play out hopefully over another week or 2 is a learning experience, a feeling-out experience on both sides to determine just what other surprises are up one's sleeve.

But regardless of that, the gentleman from California (Mr. BERMAN) just accused, and it is a reality, that Hezbollah rockets have hit civilians in Israel. Unfortunate. Were they targeted? I hardly think the Hezbollah missiles are of the same guidance technology as Israel missiles. For the most part, these Hezbollah missiles have been landing in barren deserts. That does not seem to be a targeting of civilians. And when they do find a target, yes, unfortunately there have been civilians that have been hit. Israeli technology and Israeli IDF are certainly much more advanced, much more advanced in their guidance procedures and in their ability to target their targets.

The response is Hezbollah has their weapons, their missiles in civilian populations, in mosques, in innocent civilian homes. I have no doubt that that is accurate. And where that is proven to be, those targets are fair game and should be hit. But the Beirut airport, hardly a hideout for Hezbollah missiles, hardly a place that Hezbollah would use to receive arms, hardly a place that they would take their hostages for transportation elsewhere.

Let me say, Mr. Speaker, I appreciate this debate, the tenor of the debate. The quality of the debate has been superb. The time that all sides have agreed for an extension is great. This is an important issue, and it should be debated as much as this body wishes to.

But the fact is that the country of Lebanon has never taken any hostages. Lebanon has never attacked anybody. Lebanon has been used as a chessboard upon which all other countries in the region play their games and seek their own motives, whatever those motives may be. The Iranians have their motives. The Syrians have their motives. The Israelis have their motives.

☐ 2100

The other Arab countries in the region certainly have their motives. But Lebanon, the innocent bystander, is the one suffering the damage here. They have suffered an unmeasured response.

The gentleman from California, Mr. BERMAN, again asked what should a response be then if Israel, as I have said, does have the right to go after their kidnapped soldiers, and how do you measure what is appropriate and what is inappropriate?

I happen to believe that the Israeli intelligence, as I have said, and their technologies, are far superior to Hezbollah, are far superior to any country in the region, far superior, and they can use that ability, that superiority, to better track where their soldiers may be and where they are unlikely to be.

It is that type of response that they have the right to pursue to the fullest extent to go after their soldiers. Not in Christian suburbs of Beirut that were hit today. I hardly think that is a hiding point for Hezbollah rockets and missiles. I hardly think you are going to find Hezbollah there. There were none found there. Yet a very pro-Christian, previously thought safe section of Beirut was hit just this afternoon by Israeli missiles. So there can be a better consideration of the innocent civilians.

The resolution to which Mr. ISSA referred, which we Lebanese-Americans support, H.R. 926, mentions that protection of innocent life and civilian infrastructure in the very beginning up in the first paragraph, not the next to the last paragraph, as the current resolution before us does.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 7 minutes to the distinguished member of the International Relations Committee, the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, it is an old photograph, tattered and torn. Its color is sepia, indicating that it is over 90 years old, and it hung on the wall in my mom's apartment. She would point it out to me when I was a little boy and say, "This was your grandmother, who you never knew. It is a picture of their wedding." And the little children who sat in front of this wedding portrait were 5, 6, 7, 8 years old, a lot of little kids, and she said, pointing to one of them, "This is my Aunt Rachel," and to another she said, "This is my Uncle Joseph."

I was tiny. I didn't understand. I said, "Mom, how can that be your aunt and uncle? They are only children." And she said, "They will always be children." I didn't understand quite what she was getting at until I was quite a bit older.

When World War II broke out, there were 1.6 million Jewish children throughout Europe. At the end of the Holocaust, that number became under 100,000. The Jewish people were almost eradicated from the face of the Earth by the people of the National Socialist Party of Germany, the Nazis, who were intent on wiping the Jews from the face of the Earth, claiming they had no right to live, no right to exist, in their country or anyplace else, and set out on a pogrom. They were nearly successful.

Nobody came to the aid of the Jewish people. People were put in gas chambers, their bodies burnt in ovens by the millions throughout the world. Nobody came to their aid. Nobody cared. The annihilation of an entire people by people who were pure evil.

It wasn't until the end of the war when the Jewish people and others who were in these concentration camps saw their first Americans and America's allies when they were liberated from those camps, alive because of happenstance and circumstance.

Our good friend, TOM LANTOS, and his wife, Annette, a distinguished moral force in our Congress, is alive today along with his wife as the beneficiary of a noble act of Christian charity by somebody who was a stranger. The luck of the draw.

The Jewish people weren't even organized enough to fight. They weren't fighters. They didn't know any better. They had no country. They were scattered.

The world looked at them at the end of the war and said we have to do something about this, and they took the area of Transjordan and they divided it and created the country of Jordan and the country of Israel, a Jewish state, so Jews could have a place to be where they could live safely within secure borders. And I know many things have happened and part of those borders are disputed today, but that is beside the point.

Suddenly in this very day and age, what seems to be eons from the Nazis and that era, another people rise up and make claim to the world out loud, clearly and unambiguously, that the Jewish people have no right to be anywhere; that they will wipe them from the region, kill them, eradicate them, and drive them from the planet. No different than the Nazis.

Now, those of my friends with such good intentions, and there are some here and I have spoken to them and I have listened to them, who talk about proportionality, who talk treating everybody equal, who talk about measured response, who talk about a cease-fire and going back to the status quo, they are well-intentioned, but I want them to look me in the eye and tell me what a proportional response means.

How do you negotiate with somebody whose goal is your eradication? Take half my family? Kill every other one of us? What is there to negotiate? Do we tell the victim of a violent crime that they have no right to fight back as forcefully as they can? Do we tell the rape victim that she has no right to fight with all her strength against the accused rapist? Nonsense.

We don't tell that to any other country. And there is only one Jewish state on the planet. Don't tell that to Israel. People of the Jewish faith and everybody else living in Israel have the right to exist, the same right as anybody else, and they have that right to respond. How can you deny that?

Thank God Israel doesn't stand alone anymore. It has one good friend in this whole world, and that is this United States. And we are so thankful for that. I am very pleased with this resolution. It does have the right balance.

Innocent people die in wars. Not every German was a Nazi, and yet we had to fight them because they represented the Nazis. They put them in power. They elected them in a democratic election. Elections have consequences. Just because you participate in an electoral process doesn't absolve of you of your crimes or your sins, especially if you rededicate yourself to them. That is what we are facing right now.

I urge your serious consideration of this resolution and all that it implies. Justice demands no less.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), the chairman of the Subcommittee on Oversight and Investigations.

Mr. ROHRABACHER. Madam Speaker, I rise in support of this resolution. And let me note to my friend, Mr. ACKERMAN, that we understand that quite often throughout history, an accurate description of history and a look at history will show that there have been many sins committed against the Jewish people, and perhaps we can say the most recent one is the one that we are just now discussing with these rocket attacks.

But let us also realize that there have been sins committed against the Palestinian people as well. They are people, and they were there. And this is a dispute, this is a dispute between the Palestinians and the Israeli people that is being exploited by outsiders.

Let me say that in the past when Israel has been in the wrong I have not hesitated to criticize Israel. This is not one of those occasions. Israel is not in the wrong. And while we recognize there are people who have done good things and bad things, that there are heroes and sinners on both sides of the Israeli-Palestinian conflict, tonight we are talking about a situation that was created intentionally by those people who launched rockets on Israel and left the people of Israel with no other choice but to respond militarily.

Those people who launched those rockets on Israel knew exactly what they were doing. In fact, about a month ago the word was spread that Hamas was on the verge of cutting a deal with Israel. Then elements in Hamas and Hezbollah ratcheted up the violence specifically to undermine any opportunity for peace in the region.

Peace will not be achieved in the Middle East unless we are bold enough not just to condemn terrorism, the terrorism specifically that leads to the type of violence and bloodshed and chaos that is now evident in the Middle East, but we must also back those who act when confronted with this type of violence, and in this case it behooves us to back Israel in what they are doing today as a result of those rockets and those attacks that were made upon Israeli citizens.

Our sights, however, should not just be set on Hamas and Hezbollah. The rockets that slammed into Israel were made in China. They were provided to the terrorists who launched them by the mullah regime in Iran.

Long ago, we should have been supporting those pro-democratic elements in Iran which totally reject the corruption, repression, incompetence, and, yes, terrorist aggression of the feudalistic mullahs who rule over them. Now is the time for us to back those democratic elements in Iran and put the Iranians on the defensive, rather than letting them supply missiles to undermine peace in the Middle East.

Mr. LANTOS. Madam Speaker, I am pleased to yield 3 minutes to our distinguished colleague, the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Madam Speaker, for 10 years I have come to this floor to explain Israel's peril and justify its action. I owe a special debt of gratitude to Hezbollah and Hamas for doing a far better job than I ever could, for they have announced that their policy is the destruction of Israel, the ethnic cleansing of the Middle East of all Jews. Ultimately it is a program of genocide. And they are now using the very territory from which Israel has withdrawn to kill as many Israeli civilians as possible.

If their efforts have not yet risen to the level of genocide, it is only because their rockets often fail to hit their targets. And let's not mince words, their targets are always Israeli civilians.

□ 2115

Israel withdrew from Gaza; kidnappers and missiles come from Gaza into Israel. Israel withdrew from southern Lebanon, and now kidnappers and missiles come into Israel from southern Lebanon, not just recently, but continuously over the last 6 years.

Five kidnapping raids, thousands of missiles, 6 years of attacks. If anyone is going to say that Israel's reaction is disproportionate, let them say that Israel is doing too little.

Let me speak to those who may be skeptical of this resolution. We all want peace, and peace can only come if Israel withdraws from certain territories. Yet the Israelis must know that when they vacate a territory, that territory will not be used as a rocket-launching pad against Israel, and that if it ever is, that Israel will have the full support of the United States and of this Congress. We cannot have peace, we cannot have any Israeli territorial concessions unless we show Israel that we will support them when they have made those concessions.

There are those who urge a cease-fire. I hope we get there soon. But this all started with rockets and kidnapping, and it would be a phony cease-fire unless the soldiers are returned, and unless Hezbollah is disarmed as required by U.N. Resolution 1559.

There are those who talk of prisoner exchanges, but we should not tell Israel to exchange the guilty for the innocent, nor should we tell them to release those who would resume their terror.

We in Congress should call every major ambassador from Europe and demand that Europe list Hezbollah as a terrorist entity and stop Europeans from sending money to Hezbollah.

And, finally, we all need to call the World Bank and say that it is time for the World Bank to stop making loans and giving aid to Iran, which, after all, is the source of the money and the missiles that Hezbollah is using. It is time for the World Bank to stop its loans to Iran, and to not disburse funds that have already been approved until that government changes its policy.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on International Terrorism and Nonproliferation.

Mr. ROYCE. Madam Speaker, as the chairman of the Subcommittee on International Terrorism and Nonproliferation, I rise in support of this vital resolution in support of democratic Israel, who is facing terrorist attacks on two fronts, from Hamas and Hezbollah.

It is important to have a clear focus on the threat posed by Hezbollah. Former Deputy Secretary of State Armitage testified Hezbollah may be the A team of terrorists, and maybe al Qaeda is actually the B team.

The former Director of Center Intelligence called Hezbollah a notch above al Qaeda organizationally, in part because of its deadly ties to Iran.

Hezbollah receives $100 million annually from Iran, including 13,000 rockets. These rockets, which have rained down on Israeli citizens, are hidden in homes of supporters and in small factories scattered across Lebanon. Hezbollah launches unmanned aerial vehicles.

Hezbollah's TV station, a vehicle for hate which the U.S. has placed on its terrorists exclusion list, has 10 million viewers around the world.

Hezbollah is no ordinary terrorist group. Indeed, Israel is confronting Islamist terrorism's A Team. Before 9/11, Hezbollah was the terrorist group that had killed more Americans than any other. It has support cells in Europe, Africa, South America, Asia and here in North America. Dismantling Hezbollah is critical for U.S. and Israel's security.

Iran no doubt hopes that the current crisis will distract the world's attention away from its pursuit of nuclear weapons. Yet today's crisis shows exactly why Iran's ambition must be thwarted, because an Iran with nuclear weapons will be even more aggressive in supporting terrorism in the Middle East and beyond.

Mr. Speaker, Israelis are suffering. Lebanese, some of whom, as this resolution points out, are being used as human shields, are suffering. Too many are suffering at the hands of the Hezbollah terrorists. Hezbollah must be disarmed.

Mr. LANTOS. Madam Speaker, I yield 1 minute to the distinguished Democratic leader (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, Mr. LANTOS, it is very hard to capture the words to express the difficulty that Israel is facing now for all of us. But for you, it must be particularly difficult. I know that you are an idealist, I know that you are a realist. I thank you for your leadership. We could not be better served than by having you here at this very difficult time for the world really, especially difficult time for Israel. Thank you for your leadership.

And at this very difficult time for the State of Israel, this resolution reaffirms our unwavering support and commitment to Israel, and condemns the attacks by Hezbollah.

I support this resolution because I believe that the seizure of Israeli soldiers by Hezbollah terrorists was an unprovoked attack, and Israel has the right, indeed the obligation, to respond.

Hamas and Hezbollah are committed to the destruction of Israel. What more do you need to know? It is clear that Iran and Syria aid have helped the effort to achieve that goal.

The United Nations Security Council has already spoken on the issue of dismantling Hezbollah. The Security Council's resolution must be enforced by the international community. Syria has repeatedly demonstrated it is a rogue state, which is why we passed Mr. RANGEL's Syria Accountability Act more than 2 years ago. However, we must now fully implement all sanctions spelled out in that legislation.

In order to address the Iranian support of the terrorists, I urge the passage of the Iran Freedom Support Act.

We must ensure that Iran and Syria understand the depth of commitment of the United States to the State of Israel by using every diplomatic tool at our disposal. For a time in recent years, there was a hope that a corner had been turned in the Middle East. The Israeli withdrawal from Lebanon, the emergence of a democratic process in Lebanon, and the Israeli withdrawal from Gaza were hopeful signs that the future could be different from the past.

Those indications of progress, however, were seen as threats by Hezbollah and Hamas, organizations that have a greater interest in maintaining a state of hostility with Israel than improving the lives of the people they claim to represent. Now, the lives of those people and tens of thousands of others in the Middle East, including thousands of American citizens in Israel and Lebanon, have been put at risk by the aggression of Hamas and Hezbollah.

As the fighting rages, it is imperative that the combatants take whatever steps they can to lessen the risk to innocent civilians. The world knows too well the horrors of war. It also knows that there are ways to offer some degree of protection to civilians, and it is right to insist that those ways be chosen. Using civilians as shields by concealing weapons in civilian areas, as done by Hezbollah, is inconsistent with affording those protections. The resolution we are considering properly condemns that action.

Protecting civilians also means getting our citizens out of harm's way as quickly as possible. I urge the administration to expedite its efforts to bring to safety those Americans who want to leave Lebanon.

When the fighting ends, and I hope that that will be soon, the United States must engage in a concerted, sustained effort with other nations seeking a joint resolution of the differences between Israel and its neighbors. Israel's right to exist is the nonnegotiable starting point for that effort.

I thank again those who were responsible for bringing the resolution to the floor, and again commend Mr. LANTOS for his leadership, for his compassion, and for his wisdom.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Speaker, I thank the gentlewoman for yielding me time.

Madam Speaker, tonight I rise in strong support of this resolution and to condemn the recent attacks upon Israel by Hezbollah. All of us tonight have the earnest prayer that the current wave of violence can end quickly.

Innocent civilians are being lost in Lebanon and Israel, and the word "tragic" never does the situation justice. But peace can never be achieved by asking Israel to put at risk its security and the safety of its people. Let there be no doubt, this latest conflict began with Hezbollah. Rockets have now rained down upon Israel. Israel has been forced to defend her citizens and sovereign territory, and I believe that Israel has the moral, historical and legal right to do so.

Holding the keys to peace in this situation are Hezbollah's state sponsors in Damascus and Tehran. They can and must use their influence to convince Hezbollah to return the kidnapped Israeli soldiers. By doing so, Syria and Iran will finally demonstrate that they are prepared to join the world community. Should they not, however, the world community must hold them fully accountable for being state sponsors of a terrorist organization.

Also critical to achieving a lasting peace in the region is international support for the full implementation of United Nations Security Council Resolution 1559. Passed by the United Nations Security Council in 2004, the resolution calls on all foreign forces to withdraw from Lebanon, and for all militias within Lebanon to be disbanded. Its full implementation, Madam Speaker, will promote greater independence for Lebanon and greater security for Israel, not to mention the rest of the world.

Since 1948, the United States has stood with and supported the State of Israel, as it has defended herself from these who seek her destruction and deny her very right to exist. In return, Israel has been our staunchest ally in the region as well as a full partner in the global war on terror. Let us pass this resolution and assure Israel that we will continue to stand by her side in the face of terror.

Mr. LANTOS. Madam Speaker, I yield 7 minutes to my good friend from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I thank the gentleman for yielding me time.

While I share a commitment to the survival of Israel and the right to security, I am not going to assert that I know more than my good friend Mr. LANTOS or my good friend Mr. ACKERMAN, that I know more about the suffering of the people of Israel.

But I can have compassion for those who have suffered and for not just Israelis, but the Lebanese and the Palestinians as well. And it is in that spirit that I share with the House my concerns that the situation in the Middle East is spiraling out of control, and this resolution may not diffuse this crisis.

I deplore the fact that in the past 8 days, 13 Israeli civilians have been killed, 2 Israelis soldiers have been captured, and many more killed in raids. I also deplore the fact that in the past 8 days, 300 Lebanese people have been killed, 1,000 have been wounded, and a half million have been displaced from their homes.

In the past 8 days, democracy in Lebanon has been attacked, perhaps grievously. The Prime Minister hinted today in a speech to foreign ambassadors that his government may not be able to survive. No government can survive in the ruins of a nation, he said.

The past 8 days of crisis in Lebanon and north Israel follow months of escalating violence in Gaza. Numerous innocent Palestinians have been killed. Between June 4 and June 13, 14 Palestinian civilians, including 5 children, were killed in Gaza.

On June 9 at a Gaza beach, a blast killed eight Palestinians, including an entire family of 7-year-old Huda Ghaliya. Numerous innocent Israelis have also been killed.

On Sunday, July 25, a group of Palestinian fighters, including members of Hamas's armed wing, attacked an Israeli post near the Kerem Shalom border, which resulted in four Israeli casualties and the kidnapping of the Israeli soldier Gilad Shalit.

□ 2130

Israel began an offensive in Gaza on June 28. Since then, Palestinian militants have fired 17 homemade rockets towards Israel. The Israeli Army has carried out 168 far strikes and fired more than 600 shells into Gaza.

The Government of the Palestinian Authority is breaking, as lawmakers, ministers and members of the police force have been arrested. In today's Washington Post, Harold Meyerson published an op-ed called, "The Guns of July," comparing the past week's escalation of violence in the Middle East to the escalation of violence over the course of a month in Europe, that began with the assassination of Austrian Archduke Ferdinand by a Serbian nationalist terrorist and led to World War I.

He said we are in the midst of what "may be the brink of a cataclysmic regional war with ghastly global implications." He wrote, "While the two crises and sets of conflicting forces are by no means parallel, in each the power of nationalism, the sense of national victimization, the need for revenge, the opportunity for miscalculation, the illusion of obtainable victory and all-around fear and rage loom large. More inexplicably, so does the American absence."

The resolution before us today does not rein in the chaos in the Middle East. This resolution, it could be said, is limited in its ability to rein in war and destruction, which unfortunately may continue. Furthermore, by condemning Syria and Iran, this resolution threatens to bring the U.S. into a regional war in which everyone would lose, including Israel, a longtime friend and ally.

Moreover, condemning Syria and Iran closes the door for possible diplomacy that would be needed to end this conflict. President Bush himself acknowledged the value of Syria just yesterday, when he said that Syria has the potential to stop the ongoing crisis.

If the United States wants to help stabilize the region, as we should, we must act as an honest broker to all parties involved, the Israelis, the Palestinians and the Lebanese. We can do this without abandoning our affection and our commitment to the survival of Israel.

Moreover, the United States should bring in equipment, and Jordan to help to mediate this escalating conflict. Recently, Egypt's President Mubarak dispatched his intelligence chief to help calm the situation between the Israelis and the Palestinians. The intelligence chief demanded that a doctor be allowed to see the captive Israeli soldier and is trying to mediate between the factions. The U.S. is in a good position to mediate as well between the Israelis, Palestinians, and Lebanese.

The U.S. has a history of trying to mediate between the Israelis, our longtime ally, and the Palestinians.

Regarding the Lebanese, it was just over a year ago that this House passed multiple bills supporting the people of Lebanon. One bill, House Resolution 91, condemned the attacks that killed former Prime Minister Hariri and killed and wounded other Lebanese victims.

The United States stood with the Lebanese people then. Today, nearly 300 Lebanese people have been killed. The government is on the verge of collapse. The Lebanese people need the support of the United States now, just as the Israelis need our support.

What they need and all parties need, what the region needs and what the world needs, is for the U.S. to call upon all sides to quickly stop the violence. But today's resolution fails to support the Lebanese people in their hour of need.

Today, I introduced a bill, H. Con. Res. 450, calling upon the President to appeal to all sides in the current crisis in the Middle East for an immediate cessation of violence and to commit U.S. diplomats to multiparty negotiations. Only by acting as an honest broker can the United States have any authority and success in bringing peace to the region, which is crucial at this critical time.

Remembering the lessons of World War I, if everyone has taken a side in a conflict and can't see the need for even-handedness, then cataclysm can follow. It is important to be a strong ally. It is fine to be a strong ally, but it is not fine to get pulled into a conflict because we lacked the vision to be more than one-sided.

This latest conflict in the Middle East will not be solved militarily. The solution will have to come back to diplomacy. The current violence makes a diplomatic solution even harder to achieve. Yet the resolution before the floor doesn't commit the United States to any diplomatic action that could quell the violence and resolve the conflict. This is a grave missed opportunity.

I urge my colleagues to cosponsor my bill, H. Con. Res. 450 to bring about peace in the Middle East before the crisis spirals further out of control, further damaging the hopes of all people in the region and the world.

I again want to thank Mr. LANTOS for his unstinting and unwavering commitment to the survival and hopes and dreams of people of Israel, because I think that, Mr. LANTOS, you and everyone who has spoken in defense of Israel, I think all of us want the same thing. We want peace, and we want the survival of Israel and all the people.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Madam Speaker, just a few short weeks ago, the Prime Minister of Israel addressed a joint session of Congress. He said, in part, and

I quote, "There has not been 1 year, 1 week, or even 1 day of peace in our tortured land." He went on to say, Madam Speaker, "Over the past 6 years, more than 20,000 attempted terrorist attacks have been initiated against the people of Israel."

Madam Speaker, less than 2 weeks ago, the war which has gone on for more than a half century was rekindled with the kidnapping of Israeli soldiers, with the strategy manipulated by Iran and Syria, by a cynical, sick, cycle of violence that diplomacy has not cured.

I listened with great interest to my friend from Ohio who preceded me, who again said that diplomacy was the solution.

Madam Speaker, Israel was told by the international community, you must give up land for peace, land for peace. Israel gave up land, and there is no peace.

Madam Speaker, my colleagues, I rise in strong support of this resolution, not to embrace war or violence for its own sake, but instead to pursue a true peace and to reaffirm.

Madam Speaker, I stand in this well at this hour to reaffirm the basic truth of this resolution and the right of the sovereignty and existence of the State of Israel from a historical, from a legal and, yes, from a scriptural perspective. Let it be clear from this, the last best hope of mankind on Earth, that we stand foursquare with our allies in Israel, and we understand the nefarious misbegotten schemes of those who seek to spread Islamofascism and terror around the globe, and we categorically reject that behavior and those actions as we stand in solidarity with our ally, a democracy, an oasis of democracy in a desert of desolation.

Madam Speaker, I ask my colleagues to join us in strong support of this resolution.

Mr. LANTOS. Madam Speaker, how much time do we have?

The SPEAKER pro tempore (Miss MCMORRIS). The gentleman has 1½ minutes.

Mr. LANTOS. Madam Speaker, in view of the fact that this is one of the most substantive debates of the year, that colleagues have been waiting for a long time, I respectfully ask unanimous consent that we extend the debate by 40 minutes, equally divided between Ms. ROS-LEHTINEN and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. I am pleased to yield 3 minutes to my good friend, the distinguished member of the International Relations Committee, Mr. ENGEL.

Mr. ENGEL. I thank the gentleman for yielding to me, and I rise in strong support of his bipartisan resolution and strong support of the people of Israel in their fight against terrorism. It makes no difference where terrorism rears its ugly head, whether its planes going into the World Trade Center or the Pentagon, or innocent people being blown up on trains in India, England or Spain, or the bombs falling on Haifa or the innocent children being blown up on a bus in Tel Aviv. The fight against terrorism is our fight. Israel's fight is our fight.

Iran and Syria are fighting a proxy war against Israel using Hezbollah and Hamas. It has been pointed out that Israel withdrew from Lebanon 6 years ago, so the myth of any kind of occupation is not there. Simply speaking, Hezbollah and Hamas, as well as Iran and Syria, want to, as Iran's President has said, wipe Israel off the face of the Earth.

We should let Israel finish the job. There should be no precipitous calls to a cease-fire before Israel could rid itself of a terrorist threat. We should fully implement my bill, and I was happy that our Democratic leader mentioned it, the Syria Accountability and Lebanese Sovereignty Restoration Act, and President Bush should implement those sanctions which are available to him against Syria.

I care very much about Lebanon. Our bill was called Syria Accountability and Lebanese Sovereignty Restoration Act. The people of Lebanon are suffering. When this is over, we should do everything we can to help them rebuild their country.

But the people of Lebanon have suffered by having this terrorist group, this poison, in its midst, this poison, this militia that is a lawless militia, and that Security Council Resolution 1559, which called for the Syrians to leave Lebanon.

I thank my colleague who is my partner in the Syria Accountability and Lebanese Sovereignty Restoration Act. She knows that when the Syrians finally left Lebanon, the world community failed to implement the other part of Resolution 1559, which called for all militias to give up their arms. Hezbollah continued and, shamefully, even won some seats in the Government of Lebanon.

My friend and colleague, Mr. ACKERMAN, spoke before and reminded us that Israel was born out of the ashes of the Holocaust. The leader of Iran, while denying the Holocaust, threatens to unleash a new one on Israel. There is only one country that constantly stands with Israel, and that is the United States of America.

We ought to be proud of the bipartisan support that we have shown for Israel through the years. Israel's fight against terrorism is our fight. We need to support the brave people of Israel in their struggle. Terrorism over there and terrorism over here is the same thing. Support the resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, I appreciate, first, the leadership of Ms. ROS-LEHTINEN and Mr. LANTOS on this important issue of leadership, not just this critical time, but throughout the years.

Yes, I strongly support the resolution, but listening tonight I think there has been some odd debate. To suggest, as some did, that Israel and America have somehow conspired to encourage this attack on Israel as an excuse to invade or attack Iran, to me, is absurd.

☐ 2145

It is a dangerous claim, and at this important and critical time in history has no real place in this important debate on this floor in this Chamber in this democracy.

We reaffirm America's support for the State of Israel. We support Israel's right to take appropriate action to defend itself not only in Israel, but in the territories of those who would threaten it in accordance with the international law.

We condemn Hamas and Hezbollah for cynically exploiting civilian populations as shields, then locating their equipment and bases of operations in civilian areas.

We recognize Israel's long-standing commitment to minimizing civilian loss.

We demand the Governments of Iran and Syria to direct Hamas and Hezbollah to immediately and unconditionally release the Israeli soldiers which they hold captive.

And we condemn the Governments of Iran and Syria for their continued support of Hezbollah and Hamas in these armed attacks against Israel.

Make no mistake, an attack against Israel is an attack against the peace and security of America. Israel's fight is America's fight. America will stand with Israel.

Mr. LANTOS. Madam Speaker, I am very pleased to yield 3½ minutes to the gentlewoman from California (Ms. LEE), my good friend.

Ms. LEE. Madam Speaker, let me first thank Mr. LANTOS for yielding; also just to say to him that I appreciate the respect and the space that you provide for all of us who may have a different point of view, but who all support peace and security and Israel's right to defend itself. I also have tremendous respect for Mr. LANTOS just in terms of your work and your long history as a champion of human rights not only on behalf of the State of Israel, but throughout the world, and so I thank Mr. LANTOS for yielding.

Madam Speaker, I join with those who condemn the recent kidnapping of Israeli soldiers and the rocket attacks into Israel, and also, I rise in support of Israel's right to protect and defend itself from attacks in accordance with international law, including Article 51 of the United Nations Charter.

However, this resolution goes much further than that, and it also omits any mention, and I think this is so critical at this stage, it omits any mention of how and why the United States should exert its leadership in stopping the violence. Too many people, Israelis Lebanese and Palestinians, have been killed, and there is no end in sight. Very seldom do I cast a "present" vote, but in this instance I will, and let me explain why.

This resolution reaffirms our support for Israel, demands that the Government of Lebanon do everything in its power to find and free the kidnapped Israeli soldiers and to gain control of its borders in order to prevent future attacks. It also condemns Hamas and Hezbollah for killing Israeli soldiers and for indiscriminately targeting Israeli civilians, and it recognizes the plight of the families of the innocent victims. These provisions warrant our strong support and certainly sends a strong message in support of Israel, in behalf of Israel and on behalf of Israel.

But on the other hand, there are provisions in this resolution that are totally unfinished or missing and leave this resolution very much incomplete.

Such a course of action, I believe, ought to make it clear that in no uncertain terms will the United States support a strategy of the use of force against Iran or Syria. This resolution leaves the door open for this.

This resolution ought to make it clear that the only way to remove the threat to Israel and to the larger region is to resolve these issues through an immediate cease-fire and commit the United States, through the cease-fire, to high-level and sustained diplomacy. We need to be doing that right now in support of many of the initiatives such as the road map. This resolution does not really address how to end the escalating violence that really, quite frankly, does more violence and harm to Israel's long-term interests and living in peace and security with her neighbors.

This resolution should offer concrete steps on how to achieve peace and security for Israel and the region, and the resolution says nothing about the peace process.

The bottom line is there is absolutely no military resolution to the issues confronting the Middle East, notwithstanding the acts of self-defense to which Israel is entitled in accordance with international law.

If we do not put a stop to all of the hostilities today, what is to stop future violence with more technologically advanced weapons systems, rockets with even longer ranges? Where does it end? Is war the only answer?

Israel's security and a sustained peace that includes a two-state solution cannot be achieved militarily. The only option, and the only hope, is a political solution to this crisis and for a sustained peace.

That is why, Madam Speaker, it is imperative that all parties return to internationally recognized borders and for all parties to resume urgent, multilateral diplomatic efforts, including a return to the road map and a full engagement by the quartet.

What we should be doing today is imploring all sides to agree to a cease-fire, insist on the return of the hostages, and agree to an international security force.

If we can reach the end of that road that we are walking down right now, then our ally, I believe, Israel will find the peace and security that she and her people rightfully deserve.

So, Madam Speaker, I intend to vote "present" on this resolution because, while I believe there are some provisions that warrant our support, I do not believe it goes far enough in addressing the immediate security needs and the violence that is taking place right now in the Middle East.

Ms. ROS-LEHTINEN. Madam Speaker, I am so pleased to yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Madam Speaker, I thank the gentlewoman for allowing me the time to speak on behalf of this resolution, and I will be very brief.

Madam Speaker, whether we understand it or not, tonight the world faces an evil, poisonous ideology that threatens the peace and freedom of humankind. This ideology is not new, Madam Speaker. It is the same one that murdered Israeli athletes in 1972, that took American hostages in Iran, that murdered marines in their barracks in 1983, that bombed the World Trade Center in 1993, Riyadh in 1995, the Khobar Towers in 1996, the embassies in 1998, the U.S.S. *Cole* in 2000, and then, Madam Speaker, that same ideology massacred nearly 3,000 Americans on September 11.

And tonight, Madam Speaker, that same dark, insidious ideology is launching rockets into Israel to slaughter innocent, freedom-loving civilians. This is why Israel's war is our war.

If there is hope for peace and freedom in this world, free peoples across this planet must unite with Israel to defeat this hellish ideology. The battle Israel fights tonight is a battle to protect all of humanity. May the people of Israel take comfort knowing that America stands with you in these difficult days. May you come to victory, and may the light of God's peace shine down on the streets of Jerusalem forever.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2½ minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Madam Speaker, once again I thank my great friend from the State of California for yielding me this time.

Madam Speaker, I rise to speak out in strong support of a democratic nation under attack by terrorists, a nation that has been under attack every day for 58 years of its existence.

As we debate this bill, over a quarter of a million Israelis are in bomb shelters or awaiting to rush to safety from missiles being launched specifically at civilian targets. Think about that. As we are debating this evening, a quarter of a million Israelis are seeking cover, launched by a terrorist organization, funded by Syria and Iran waging a proxy war in Israel.

I take some exceptions to some comments made by a colleague earlier tonight, and that is about the accuracy of rockets being launched by Hezbollah. The goal of Hezbollah is to inflict as many civilian casualties as possible, end of story.

Yesterday I read a report from Human Rights Watch that called the missile strikes on Israel possible war crimes. The rockets launched against Israel, and specifically in Haifa, contained metal ball bearings that have limited use against military targets. They probably will not even destroy a building in and of themselves. They can do incredible damage to civilian populations, tearing people's bodies apart.

Hezbollah fires these inaccurate Katyusha rockets that do not differentiate between Jews, Arabs or Christians or whatever they may be in Israel. In fact, one of these missiles killed two Israeli Arab children today when it struck the city of Nazareth, an ancient Christian city with a majority of Arab inhabitants.

I am saddened by all loss of civilian and innocent life, but I strongly support Israel's right to defend itself by removing the threats against her, wherever they may be.

This conflict was preventable. Our allies in Europe and the Middle East must know that the operation in Lebanon is not an act of war, but an act of self-defense. Israel is not looking for this fight, but Hamas and Hezbollah created the events we have been watching by murdering and kidnapping members of the Israeli Defense Forces and launching over 800 deadly missiles into Israel over the past week.

Israel must do everything in its power to protect all of its citizens, and I am proud that this Congress stands with our friends and our allies in Israel by passing this worthy resolution.

Ms. ROS-LEHTINEN. Madam Speaker, before yielding to my colleague from Florida, I would like to thank Mr. Dan Freeman, our parliamentarian of the House International Relations Committee who has steered us correctly through this debate; and Dr. Yleen Boblete, who spent so many hours drafting this resolution; and, of course, our staff director for the committee Dr. Hillel Weinberg, who has been working so many hours as well.

Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON), who is ever patient.

Mr. WELDON of Florida. Madam Speaker, I thank the gentlewoman for yielding, and I rise in support of this resolution, and I commend the authors, Mr. BOEHNER, Mr. HYDE and Mr. LANTOS, and the staff involved in drafting it.

I stand to urge our continued support for our ally Israel and to condemn the actions of terrorist organizations Hamas and Hezbollah, as well as the complicit Governments of Syria, Iran and Lebanon.

We must clearly understand what is really going on here, the motivations underneath the surface of these attacks.

As I stated last week in the House, the actions of Hamas and Hezbollah involve the kidnapping and killing of Israeli soldiers. This is an act of aggression against our ally Israel, and now they have widened their continued attacks on innocent civilians with their rocket attacks.

What is particularly troubling in the case of Hezbollah is that it is part of the Government of Lebanon, which not only failed to dismantle the terrorist group, but incorporated the terrorist group into the nation's official government.

Hezbollah has dragged all of Lebanon into its unfounded quarrels with Israel. Unfortunately for Lebanon's other factions, Hezbollah's attacks on Israel will cost the entire nation of Lebanon much, but they should have thought of that before allowing Hezbollah a seat at the governing table.

Hezbollah has launched hundreds of rockets at Israel since 2000. It also has thousands of Iranian- and Syrian-supplied rockets ready to launch against Israel in the future.

Israel is justly taking strong measures in response to Hezbollah's aggression, as they have done with Hamas' attacks, in order to deter further attacks against its soldiers and civilians.

A U.S.-designated terrorist organization, Hezbollah is fully backed by the Iranian and Syrian regimes. Not only have all of the G–8 countries condemned Hamas and Hezbollah and blamed them solely for the current crisis in the Middle East, but the Arab League, while characteristically condemning the Israeli attacks, noticeably failed to support Hezbollah in its attacks on Israel.

Why is this? Because the members of the Arab League, Saudi Arabia, Jordan, Egypt and others, are increasingly concerned about the growing threat of Iran and the amount of influence that Iran has in Syria and Lebanon and in the region generally.

We should not look at this current crisis as just another page in the ongoing conflict between the Palestinians and the Israelis.

□ 2200

This now involves an Iranian regime and the Syrians that are fomenting this, supporting this financially. I support this resolution and I again commend the authors of the resolution.

Mr. LANTOS. Madam Speaker, before yielding, I would like to offer an opportunity to Mrs. LOWEY to ask for a unanimous consent.

Mrs. LOWEY. I thank the outstanding chairman for his leadership on this issue.

Madam Speaker, I rise in support of this resolution. It is a powerful statement in support of Israel and the Israeli people during this difficult time.

Let us be clear about what is happening in the Middle East. Israel has been dragged into battle on two fronts to defend itself against terrorists who target Israeli civilians and seek the destruction of the Jewish State. The current hostilities were initiated, in both cases, by incursions of terrorists across recognized borders and the kidnapping of Israeli soldiers. As we know all too well, these battles are merely the latest chapter in a war that has been waged against Israel since its establishment in 1948.

I join all those who yearn for peace in praying for an end to the hostilities. I also recognize that the fighting can only be stopped by the terrorists who initiated it. I believe the U.N. should play a role in ending this conflict, but the deployment of another force with the same, weak mandate as UNIFIL will not get the job done. The U.N. and the international community need to unite to demand an end to this reign of terror and full implementation of U.N. Security Council Resolution 1559. The Lebanese government must establish sovereignty over its own territory instead of allowing Hezbollah and Iranian Guards to operate freely. And we must keep the focus on Iran and Syria—the root causes of this conflict.

The last several weeks have demonstrated beyond all doubt why Israel must maintain its qualitative military edge in the region. Any action taken by the international community must respect Israel's right to protect its own citizens and must be aimed at disarming Hezbollah and Hamas and terminating their ability to attack Israel.

Israel seeks peace and has taken risks to achieve it time and time again. Sadly, its sacrifices have been met only with escalated threats and violence.

Israel withdrew from Lebanon in May 2000 in compliance with U.N. resolutions. In return, it has been continuously threatened by Hezbollah terrorists on its northern border, allowed free reign by a reckless Lebanese government with Syria and Iran calling the shots in violation of U.N. Security Council Resolution 1559.

Israel withdrew from Gaza in 2005. In return, it is faced with a Hamas-led Palestinian Authority that supports attacks against civilians and competes with exiled Hamas members over who can be more extreme.

This latest violence confirms that Iran currently poses the single greatest threat to regional stability. It has the motivation and resources to stage a methodical campaign of terror and violence throughout the Middle East, concentrating on fomenting sectarian violence in Iraq and supporting Hezbollah in Lebanon. Syria continues to shelter Hamas leaders and is widely acknowledged to be complicit in the kidnapping of Corporal Shalit. Both countries are transit points and suppliers of weapons to terrorists. The current hostilities are mere symptoms of the disease Iran and Syria have brought on the region. And our policies and those of the international community must respond accordingly.

We have potent tools to deal with Iran and Syria that we have ignored. The Iran Freedom Support Act passed the House of Representatives overwhelmingly but has been held up by the Senate leadership and the Administration. The Syria Accountability and Lebanese Sovereignty Restoration Act became law in 2003, but the Administration has largely ignored the instruments it provides to pressure Syria. Sending Secretary Rice to the region may indicate our concern, but developing a strategy to join with like-minded nations to force Iran and Syria to abandon their campaigns of terror should be our ultimate goal. Until we have such a strategy in place, a high-level visit will accomplish nothing.

I join my colleagues in Congress in standing in solidarity with Israel during this difficult time. The American people understand what it feels like to be targeted on our own soil. As children in Haifa, Safed, and Nahariya remain trapped in bomb shelters, we reaffirm our support for Israel's effort to defend itself against terrorists stationed on its borders.

I urge support for this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, a distinguished member of the International Relations Committee, Mr. BLUMENAUER.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak and for his hard work on this resolution.

I attempt to carefully examine the terminology and the nuance in such efforts because I want to make sure the United States' policy is carefully reflected in terms of our long-term interests, the security of Israel, and those of peace. And I think this resolution meets that test.

The attacks on Israel by Hezbollah are both unjustified and unprovoked, particularly given Israel's withdrawal from Lebanon 6 years ago.

Since the initial raid across the Israeli-Lebanese border, in which Hezbollah killed eight Israeli soldiers, took two others hostage, they have continued indiscriminately targeting Israeli civilians with increasingly sophisticated weaponry.

It is in this context that Israel has exercised its right of self-defense, which I completely support. I am, of course, I hope we all are concerned about the impact on the actions that deal with innocent Lebanese civilians. But as I cringed a little bit when I saw one of my colleagues look at the minority, and talked about shortcomings in the resolution, because I know Mr. LANTOS had offered up on behalf of the minority specific language of concern for innocents which, sadly, is not in the resolution. But I do think it is a good starting point.

Even the Saudis and the Egyptians have recognized the responsibility for the current crisis lies with Hezbollah, Syria and Iran, as well as with Lebanon's inabilities to disarm Hezbollah as called for by Security Council Resolution 1559.

We should not seek to impose a cease-fire that returns the region to the status quo without ensuring that Hezbollah is no longer a threat to Israel or Lebanon.

This resolution is a strong signal of support for Israel. It is a signal to people who are playing their terrorist politics with innocent lives, of the United States' intentions. It is a signal to governments on the sidelines that they need to step up and help.

Nothing has been more vexing to me during my tenure in the House than this continuing conflict with Israel. I don't pretend to know the answers, but I do know it does start with support for Israel and this resolution.

Ms. ROS-LEHTINEN. Madam Speaker, before yielding my time to Mr. LANTOS, I would also like to recognize the work of Jen Stuart, the foreign policy advisor to the majority leader, who has spent so many hours working on this resolution.

And with that, Madam Speaker, I will be glad to yield the remainder of our time, minus 1 minute, so we can close, to Mr. LANTOS.

The SPEAKER pro tempore (Miss McMORRIS). Without objection, the gentleman from California is recognized.

There was no objection.

Mr. LANTOS. Madam Speaker, I want to thank my good friend for yielding.

I am delighted to recognize a distinguished member of the committee, my good friend from Nevada, Ms. SHELLEY BERKLEY.

Ms. BERKLEY. Thank you, Madam Speaker, and a very special thank-you to my very good friend from California, Tom Lantos, for his leadership on this issue. I rest better at night knowing that he is our leader. And I am very proud of him and very delighted to be here today.

I am not going to take all of the time, which is uncharacteristic for me. I just couldn't have a resolution of this magnitude on the floor of the House without coming here and lending support. Two minutes could never be enough for me to speak on this issue, and I am afraid even 2 hours might not be long enough for me to express my feelings and my views.

I grew up in a family where the very existence of Israel changed our lives. I was born in my grandmother's apartment on the Lower East Side of New York, and grew up hearing stories of what their lives were like in Europe before they came to this country and how important Israel was to the survival of the Jewish people. And while the Jewish people were people of the diaspora and had managed to survive without a nation for 5,000 years, the very existence of Israel gave each of us a tremendous sense of confidence and well-being, knowing that we had a homeland of our own.

I was not alive in the 1948 war, or the 1956, when Israel was attacked again by its Arab neighbors. 1967, I was more aware, and 1973, of course. What I find incomprehensible and something I simply cannot understand, that here we are, so many years after the creation of Israel, after the aftermath of the Holocaust and the very reasons that Israel was established, and we are still debating throughout the world whether Israel has a right to exist.

I am so proud of my colleagues for introducing this resolution. I think it strikes the exact right note at the exact right time in our world's history.

We cannot allow this to continue. Israel has a right to exist, have secure borders, and lead a life for its citizens. And I think the time has come for the world body, led by the United States of America, to step up to the plate and say enough is enough. And this resolution is a remarkably good start. I thank everybody for supporting it.

I am very proud of the speeches that my colleagues have made, and I look forward to voting for this, and I urge all of my colleagues to do the same.

Madam Speaker, I rise in strong support for the resolution.

The current crisis in the Middle East was caused by an unnecessary, ill advised, and unprovoked attack on Israel by Hamas and Hezbollah by terrorist organizations who have called for the elimination of Israel.

There are victims of these terrorist attacks innocent Israeli soldiers and citizens and there are perpetrators of these terrorist attacks—Hamas and Hezbollah. There is no moral equivalency in this struggle.

To those who incomprehensibly condemn Israel or who attempt to find some equivalency, let me state the obvious.

Every sovereign nation has a right and responsibility to protect and defend its people.

For those who think that Israel overreacted—If I was the mother of a 19-year-old soldier peacefully guarding my country's border and my son was kidnapped by a terrorist organization, I would expect my government to do everything in its power to bring my boy home. An Israeli mother should expect and get no less. If I was living on the border of my country and a terrorist group was continuously lobbing rockets into my town where I live, where my children play, I would demand that my country do whatever they had to to eliminate the threat—Israel should.

There should be no mistake about who is behind this crisis, Iran and Syria. Iran's president pledged to wipe Israel off the map and he refers to Israel as an "illegitimate nation." Syria's troops occupied southern Lebanon illegally until 2005.

This is a strictly defensive action on the part of Israel.

There is an internationally recognized border with Lebanon. Israel unilaterally completed its withdrawal from Lebanon over 6 years ago. For 6 years, the Lebanese government has done nothing to step-in and establish control over part of its country.

They did nothing, and left a power vacuum, filled by Hezbollah, in the southern third of Lebanon. Hezbollah uses southern Lebanon to lob katusha rockets into Israel with the hope of killing someone, killing anyone. They are not there to build a nation, protecting a people, laying a foundation for a better Lebanon—they are there to kill Israelis.

Israel did everything it could possibly do to avoid a conflict in Lebanon—asking time and again that the government of Lebanon take control and police their territory. Unfortunately, these requests went unanswered and the terrorism continued to grow.

On its border with Gaza, Israel also faces unrelenting terrorist attacks. After years of waiting, and praying, and hoping for a peace partner, Israel chose to unilaterally withdraw from Gaza.

It uprooted families who created beautiful settlements. These families built homes from nothing, farms from dirt. Three generations were removed, some focibly, from the only homes they had ever known.

I know. I was there.

I saw Israeli soldiers carrying Jewish settlers in their arms across the border out of Gaza.

There were tears in the eyes of the settlers and there were tears in the eyes of the soldiers.

One would have thought that the Palestinians would have used this opportunity to demonstrate to the world that they were capable of self-governance. Instead of building homes, schools, and infrastructure, they have used Gaza to launch thousands of Kassam Rockets at innocent Israelis.

The international community must ensure that Hamas and Hezbollah are disarmed.

The international community must ensure that Iran and Syria end their support for Hezbollah's and Hamas's terrorism.

Hamas must renounce its charter that calls for the destruction of the State of Israel or be cut off from the rest of the world.

Syria and Iran must be punished for their support of Hezbollah.

The 3 Israeli soldiers must be returned—alive and unharmed.

Congress must pass this resolution condemning the attacks on Israel—they are indefensible and unacceptable—and supporting its unconditional right to defend itself, which every nation on this planet has the right to do.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2½ minutes to a distinguished member of our committee, Mr. SCHIFF.

Mr. SCHIFF. Madam Speaker, I rise in strong support of this resolution and of our friend and ally, the State of Israel.

In May of 2000, Israeli forces withdrew from southern Lebanon, ending an 18-year presence that was intended to stop guerilla attacks on civilians living in northern Israel. Last summer

Israeli settlers and military personnel left Gaza and part of the West Bank and turned over administration of those areas to the Palestinian Authority.

The withdrawals were conciliatory gestures to Israel's Arab neighbors, and Israel and the international community expected the Lebanese Government and the Palestinian Authority to see them as opportunities to stabilize a region that has seen too much blood and tears over the last 60 years.

Instead, successive Lebanese governments, hobbled by the oppressive presence of Syrian troops and intelligence officers, never made a concerted effort to reassert control in the south, and effectively ceded this area to Hezbollah, a radical Shiite militia trained, supplied, and directed by Syria and Iran.

In Gaza, a corrupt and calcified Palestinian Authority would not make the necessary efforts to dismantle the infrastructure of terror that allowed terrorists to rain down Qassam rockets on Israeli civilians. When Hamas, a radical Islamist party that has never budged from its calls for Israel's destruction, swept into power in parliamentary elections in January of this year, it made no secret of the fact it would embrace a rejectionist policy towards Israel.

Nevertheless, the Government of Israel and a majority of her citizens were determined to continue efforts to withdraw from large parts of the West Bank. It was this plan that was the centerpiece of Ehud Olmert's campaign for Prime Minister and which the new Prime Minister was seeking to implement in the coming months. Instead, in what can only be seen as a coordinated effort, Hamas and Hezbollah crossed Israel's internationally recognized frontiers to murder and kidnap Israeli defense force personnel on Israeli territory.

□ 2210

At this stage four things are clear: First, these acts were not undertaken by rogue elements of Hamas and Hezbollah, but were the result of meticulous and lengthy planning.

Second, while the attacks were launched from Gaza and Lebanon, the Governments of Syria and Iran were involved in their planning and execution, especially in the case of the Lebanon attack.

Third, the murder and kidnapping of Israeli military personnel on Israeli territory by armed forces operating from a neighboring state or political entity is the root cause of the present violence.

And, fourth, Israel has the legitimate right to take military action necessary to defend its citizens and its territory from attack.

We mourn the loss of life. Lebanese, Israeli, and Palestinian, they are all the victims of Hezbollah and Hamas. I hope that Secretary Rice and her international counterparts will be able to pressure Iran and Syria to rein in these terrorist organizations and establish a legitimate Lebanese Army force to patrol the border with Israel.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2 minutes to my good friend from Kentucky, our distinguished colleague on the International Relations Committee, Mr. CHANDLER.

Mr. CHANDLER. Madam Speaker, I thank Mr. LANTOS for yielding.

Madam Speaker, I am deeply troubled by the recent violent events in the Middle East. The United States must stand with Israel and recognize their right to defend their people and country from unprovoked acts of terrorism.

As we know, innocent civilians are losing their lives right now as a result of extremist religious terrorism. Take the heartbreaking story of Monica Seidman as an example. Forty-two-year-old Monica, a mother of two, moved to the Israeli town of Naharia from Argentina 3 years ago. Last Wednesday as she was sitting on her porch having coffee, a Hezbollah-fired rocket made a direct hit on her building, instantly killing her.

Monica was the first civilian killed in this conflict. How can this be explained to her children? How will they ever understand the meaning of this attack?

I believe the United States must call on Syria and Iran to stop all support of Hezbollah. The Israeli people do not want violence. They want peace. They want to be able to go about life without causing harm to anyone else and without fearing for their own safety. Israel's voluntary withdrawal from southern Lebanon 6 years ago is proof of their desire for peace and stability in the region.

It is my hope that Israel will be able to secure its border quickly and facilitate a safe return for its soldiers captured by Hezbollah and Hamas, and that is why I fully support this resolution.

Mr. LANTOS. Madam Speaker, I am very pleased to yield 2 minutes to my friend from Florida, Congresswoman DEBBIE WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Madam Speaker, the first duty of the government is to protect its citizens, and I stand by Israel's right to defend herself against Hezbollah's aggression.

This bipartisan resolution sends a powerful message that the United States Congress and the American people support our friend Israel at this critical hour. Hezbollah's capture of Israeli soldiers was unprovoked. I call on the Governments of Iran, Lebanon, and Syria, who have influence over the fate of the captured Israeli soldiers, to secure their immediate and unconditional release.

Hezbollah must be disarmed to prevent a similar conflict in the future. A simple cease-fire will not accomplish this goal.

Any nation that refuses to act against terrorist networks simply stands as a willing accomplice. The actions of Hezbollah and the complicity of Syria and Iran demonstrate that former Israeli Prime Minister Golda Meir was right when she said, "Peace will come when the Arabs love their children more than they hate us."

I strongly support this resolution and stand by Israel in her pursuit of peace and security.

As an American mother, I wish that mothers around the world, Iranian, Syrian, and mothers universally, spend the time that I have spent talking to my twin 7-year-olds and will teach my almost 3-year-old girl, when she is old enough to understand, that we are all equal. We are all equal under the eyes of God.

My 7-year-old daughter is here with me this week, and she asked me about what we are debating here tonight. She asked me, "Mommy, why don't some people like us?" And that question broke my heart, Madam Speaker, because the only answer I could give her was because we are Jewish and because we have different beliefs.

Please let us not have another generation of our children grow up knowing hatred. Israel and her children need the world to stand with her in support of her right to defend herself and in support of peace.

Mr. LANTOS. Madam Speaker, before yielding, I want to express my appreciation to the chief of staff on the Democratic side, Dr. Bob King; Mr. Alan Makovsky; and to all other members of our staff who worked so hard on this measure.

Madam Speaker, I am delighted to yield 2 minutes to my friend from Pennsylvania, Congresswoman Allyson Schwartz.

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I rise in support of this resolution and in support of our friend and ally Israel.

September 11 was a defining moment for our country. It forced Americans to confront a new reality, that terrorists could cause massive destruction on our soil, and that all of us are at risk. Israelis have been living with this reality for decades. Well-armed, well-financed, and sophisticated terrorist organizations backed by Syria and Iran surround her. They have carried out thousands of attacks on Israeli soil, and they will stop at nothing to accomplish their one common goal: the destruction of Israel.

Just as America does, Israel has a right to defend herself. Israel has a right to better security for its borders and its security and its future. A secure Israel cannot exist with Hezbollah controlling the territory directly to the north, and a secure Israel cannot exist with Hamas in control of the Palestinian Authority.

Israel is at war with terrorists, and we must stand with her. We have a moral obligation to stand on the side of democracy and freedom against terror and radicalism, and we must do so because, left unchecked, these terrorist organizations will continue to destabilize the region and will use it as a base to foster global instability and to undermine our national security.

With passage of this resolution, we will send an unequivocal message to the world that terrorist organizations, Hezbollah and Hamas, backed by Iran and Syria are responsible for this violence; that Israel has a right to defend herself; and that the United States will stand with Israel in its fight against terror.

We must also do so because this conflict is not just about Israel, but it is about America's national security. Since the 1980's, Hizballah has been behind dozens of terrorist attacks targeting western nations, including the United States. In 1983, they killed 241 American servicemen in an attack on a military barracks in Lebanon. In 1994, they killed 86 civilians in a bombing in Buenos Aires, Argentina. In 1996, they killed 19 U.S. airmen at a U.S. military barracks in Saudi Arabia. Left unchecked, Hizballah and these terrorist groups will continue to destabilize the region and use it as a base to foster global instability.

By passing this resolution with strong bipartisan support, we will send an unequivocal message to the world—Hizballah and Hamas are responsible for this violence, Israel has a right to defend itself, and the United States will stand with Israel in its fight against terror. I am confident that Israel will prevail in this fight. And, it is my hope that their strong actions against terror will ultimately lead to the peace and security that so many in the region desperately seek.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2½ minutes to my good friend from North Carolina, Congressman PRICE.

Mr. PRICE of North Carolina. Madam Speaker, I thank the gentleman for yielding.

I address my colleagues tonight in support of H. Res. 921, but acutely aware of some of its shortcomings.

Let me stipulate two things from the beginning. First, Hezbollah attacked Israel without provocation, and it now threatens the lives of hundreds of thousands of innocent Israelis in the range of its rockets. Such a situation is intolerable for Israel. It would be intolerable for any country. And a robust response is necessary to protect Israel's sovereignty and its citizens.

Secondly, we must fully acknowledge the human toll of this conflict on innocent civilians in Lebanon and Israel and on our own citizens caught in the crossfire. As Israel meets the imperative of self-preservation by disabling Hezbollah, it must also do all it can to obey the moral imperative of protecting the innocent, though it is an imperative we know is wholly disregarded by Hezbollah.

The Lebanese people are not the enemy of Israel, nor is the Lebanese Government, which is led by a reform coalition that is fighting against Syria domination. Our ultimate need is for a stronger, not a weaker, Lebanese Government. And Israeli strategy should take that, too, into account. The real enemy here of both Israel and Lebanon is Hezbollah.

With those stipulations the question before us is how can our Nation play a productive role in bringing a swift and just end to this conflict? The resolution offers little insight into this; so I want to use the limited time I have here to urge my colleagues to consider this critical question.

I recently returned from a mission to Beirut with the House Democracy Assistance Commission, which is working with Lebanese parliamentarians as they seek to establish an independent and effective representative body. We met with many of the reformers who won a majority of seats in the Parliament in the 2005 Cedar Revolution. Democracy has a foothold in Lebanon, and we must find a way to empower those Lebanese leaders who seek reform and democracy in their country.

To bring about such a resolution, the United States must dramatically increase its engagement in the region. Secretary Rice should go there sooner rather than later, work with the international community toward a resolution of the conflict. I am not talking about a settlement that leaves Hezbollah intact and merely postpones the fight. We must have a resolution that guarantees Israel security, that permanently disarms Hezbollah, and supports the development of democracy in Lebanon.

□ 2220

If we are truly to support Israel, we must do far more than the resolution before us suggests.

Madam Speaker, I address my colleagues in support of H. Res. 921 but acutely aware of its shortcomings.

Nearly two years ago, the United Nations Security Council unanimously adopted a resolution calling for the disarmament of all armed militias in Lebanon. As Lebanon's Cedar Revolution has brought new pro-democratic forces into power, one group has defied the world's mandate: Hezbollah. Hezbollah has justified its defiance by claiming to be a legitimate resistance against Israel's occupation of a small parcel of land in Syria, adjacent to Southern Lebanon, called Sheba Farms. It has tried to straddle the fence, claiming political legitimacy by participating in democratic elections and the Lebanese government, yet refusing to disarm and adding to its arsenal of rockets and other weapons.

Hezbollah's decision to kidnap two Israeli soldiers and kill three others—without provocation—and to launch rockets deep into Israel belie its claims to legitimacy and reveal its true mission: fighting not for Lebanon, but for its own interests and those of its patrons in Iran and Syria.

No nation should be expected to tolerate a situation in which a terrorist organization bent on its destruction has free rein to ignore established borders through ground attacks or air strikes. Hundreds of thousands of Israelis are living in constant fear of deadly rocket attacks. I join with my colleagues in strongly supporting Israel's right to defend its sovereignty and its citizens.

The human toll of this conflict has also been frightful on the Lebanese side of the border. Dozens, perhaps hundreds, of innocent lives have already been lost. Hundreds of homes housing innocent Lebanese citizens have been destroyed, and tens of thousands of families have been displaced. The Lebanese people, like the Israelis, are living under a dense cloud of fear and danger.

Our own citizens, too, have suffered from this violence. Over the last few days, I have received calls from tearful fathers with young daughters stuck in the hills of Lebanon with no way out; from families stuck in Beirut on vacation; from relatives with Lebanese family members killed in the conflict. We must remember the suffering of these innocent citizens, caught by chance in the storm of war.

As Israel faces the imperative of disabling Hezbollah, it must do all it can to obey the moral imperative of protecting the innocent, though it is an imperative we know is wholly disregarded by Hezbollah. The enemy here is not the Lebanese people. And the enemy is not the Lebanese government, which is led by a reform coalition that continues to fight against Syrian domination. The real enemy here is Hezbollah.

Our ultimate need is for a stronger, not weaker, Lebanese government. What sense does it make, for example, to demand more vigorous action against terrorists by the Lebanese Army, and then proceed to destroy that Army's barracks?

Our country's role must be to work for an end to this conflict that is both swift and just. Let us harbor no illusions: a cease fire that allows Hezbollah to remain intact and merely postpones this fight until another day is not an acceptable option. We must require Hezbollah to disarm permanently and guarantee that Hezbollah will no longer threaten Israel or Lebanon. That will likely require the establishment of an international peacekeeping presence.

We must also work for a resolution that preserves the promise of the Cedar Revolution and empowers those Lebanese leaders who seek reform and democracy in their country. I recently returned from a mission to Beirut with the House Democracy Assistance Commission, which is working with Lebanese Parliamentarians as they seek to establish an independent and effective representative body. Our Commission met with many of the reformers who, in a stunning victory, won a majority of seats in the Parliament in the 2005 Cedar Revolution. While key positions in the government, including the Presidency, are still controlled by those who would do the bidding of Syria, democracy has a foothold in Lebanon—the most significant foothold for democracy in the entire Middle East, outside of Israel. We must not allow the current conflict to destroy that foothold.

To bring about such a resolution, the United States must dramatically increase its engagement in the region. As the conflict has unfolded, we have watched the international community react with promising diplomacy. The United Nations, our allies in Europe, and key actors in the region—Egypt, Jordan, Saudi Arabia—have come forward with mediators, cease fire proposals, and calls for international peacekeepers. Even the Arab League, too often silent in the face of past attacks against Israel, is working to convene an emergency summit to deal with the crisis. But where has our own Administration been? As one commentator recently wrote, "the world's sole superpower is also its only no-show."

With so much at stake for our national security interests in the region, the Bush Administration's lack of engagement is troubling. But it is not surprising. This Administration has taken a hands-off approach to the area, at great cost to the prospects for peace. It has allowed the Road Map for resolving the Israeli-Palestinian conflict to wither on the vine. It has failed to sufficiently support the moderate Palestinian leader Abu Mazen, watching as Hamas capitalized on his political struggles. And, after trumpeting the gains of the Cedar Revolution, it has done too little to actually support the fledgling reform movement in Lebanon. With the Administration's gaze still fixed on Baghdad, the tensions that have led to the current conflict mounted unchecked.

Madam Speaker, the current crisis demands decisive leadership. Secretary Rice should go to the region sooner rather than later, working with the international community toward a resolution to the conflict that guarantees Israel's security, permanently disarms Hezbollah, and supports the development of democracy in Lebanon. If we are to truly support Israel, we must do far more than the resolution before us suggests.

Mr. LANTOS. Madam Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Madam Speaker, the recent unprovoked attacks on Israel are particularly notable because of the unilateral Israeli withdrawal from southern Lebanon in 2000 and from Gaza in 2005. Israel, as it has so often been urged to do, gave up land for the hope of peace. Yet what happened? From the day Israel withdrew, Hamas fired rockets at Israeli cities and villages every single day, followed more recently by Hezbollah rockets.

Can you imagine what the United States would do if terrorists rained down thousands of rockets on American cities from Canada? We would tell the Canadian government to stop it immediately. And if the reply was we don't want to stop it, as with Hamas, or we can't stop it, as the government of Lebanon says it cannot stop Hezbollah, we would not hesitate to bomb whatever targets were necessary and to invade whatever territory was necessary to stop the bombardment, and we would not cease until we had destroyed or disarmed the terrorists.

Similarly, we must not demand a cease-fire that leaves the Hezbollah or Hamas weapons and infrastructure intact.

This recent violence, this war, is the penalty we pay for looking away and urging restraint on Israel as Hamas and Hezbollah flouted peace agreements and built up terrorist infrastructures and arsenals of thousands of rockets as they openly proclaimed their intentions to destroy Israel and murder her people.

The Prime Minister of the Palestinian Authority, a Hamas leader, wrote in the Washington Post just last week that what matters are not the issues of 1967, but the issues of 1948, that is, the very existence of Israel. But the existence of Israel is not negotiable. But many seem not to have learned the lessons.

The European Union criticized Israel's response as disproportionate. What would the EU do if European cities were attacked as Safed, Haifa and Nazareth have been? How is Israel's response against strategic Hezbollah targets disproportionate to Hezbollah's intentional attacks against Israeli civilians? And since when do we demand that responses to naked aggression and intended genocide be proportionate? It was Colin Powell who said that military responses must be of "overwhelming force."

The violence can end only if Hamas and Hezbollah are disarmed. Otherwise, Israel will have to defend itself against future terrorist attacks, and innocent Israeli, Palestinian and Lebanese civilians will continue to die.

There is a role for diplomacy in the Middle East, but only when Hezbollah and Hamas are forced to stand down and Hezbollah forces are moved away from the Israeli border.

I extend my sympathy to the families of the victims of the attacks in Israel and in Lebanon, and I pray for the safe return of those captured. But I know that because the United Nations and the international community have failed to dismantle the terrorist infrastructure by diplomacy, Israel must be permitted to dismantle that infrastructure by force of arms if the killing is not to go on indefinitely. We must not stop her from doing so.

I strongly support the resolution.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2 minutes to my good friend from New York (Mr. ISRAEL).

Mr. ISRAEL. Madam Speaker, I thank my friend from California.

Madam Speaker, I rise in support of this resolution. Almost 1 year ago, in August, I stood on the border of Gaza. I watched a gate descend. I watched the last Israeli leave Gaza. Israel said to the Palestinians, we will take a risk for peace. Build something here. Provide security. We want peace.

And what did they do with that? What did the Palestinians do with that offer? They fired Kassam missiles on Israeli civilians. They elected a terrorist regime sworn to the liquidation of Israel. They dug a tunnel. They snuck through the tunnel, they showed up on Israeli soil, they kidnapped a 19-year-old soldier and snuck him back. Israel took a risk for peace, and this is how it was rewarded.

Israel took the same risk in Lebanon. They left Lebanon. They said provide security here. We will take a risk for peace, and let's have it together. What happened with that offer? Hezbollah was allowed to dominate southern Lebanon. And just last week, Hezbollah terrorists infiltrated a border, snuck across an undisputed border, murdered some Israelis, kidnapped others, murdered some more, and snuck back across.

Every time Israel has taken a risk for peace, that risk has been answered with violence, and that is not acceptable.

What would we have done? It is exactly what we did do on 9/11. When terrorists infiltrated our borders, we responded robustly to protect innocent civilians.

Israel has the right to do the same. There can be no double standard. There can be no moral relativism. This resolution simply says that Israel has taken risks for peace. Those risks ought to be answered with reciprocation, and not missiles; with good faith, security, and not kidnappings. Israel has done what we have done, and this resolution reaffirms that.

Mr. LANTOS. Madam Speaker, I am pleased to yield 2 minutes to my good friend the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I rise in strong support of this resolution and of Israel's right to defend itself from terrorist attacks.

The world community has a responsibility to support Israel during these difficult times. Israel has complied with international demands by withdrawing from both the Gaza Strip and from Lebanon. Unfortunately, it seems like the governments in both of these areas are not interested in peace.

Lebanon in particular has failed to abide by UN Security Council Resolution 1559, which requires the disarmament of Hezbollah and other militias and the deployment of the Lebanese army along its southern border. Israel has simply requested that Lebanon comply with this resolution and that Hezbollah end its attacks and return of its kidnapped soldiers.

There has been little effort on the part of the Lebanese or Hezbollah to actually meet any of these requests however, and that is why it is critical that the United States and the world community stand behind Israel and condemn the actions of Hezbollah, the Lebanese government and Hamas.

As we condemn these acts we must recognize the connection between

Hezbollah and its international backers, Iran and Syria. It is clear that both of these nations are aiding Hezbollah with funding, munitions and even direct military advice, which is why Israel felt compelled to impose the blockade on Lebanon.

We must ratchet up the pressure on Syria and Iran to give up their support for organized terrorist groups like Hezbollah. That is why I joined many of my other colleagues in calling on President Bush to fully implement all of the sanctions available under the Syria Accountability Act, which we passed during the last Congress. Syria is continuing its support for terrorism, and we must demonstrate the consequence of such actions.

Madam Speaker, as Israel continues to defend itself, we should stand in support of her by putting greater pressure on nations who support terrorist attacks against her. We should do nothing less and expect nothing less of our allies if we were in such a situation.

I urge my colleagues to pass this important resolution, and I urge the Bush administration to do more to hold accountable those countries who support terrorism against Israel.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2 minutes to our distinguished colleague, the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Madam Speaker, I thank Mr. HYDE, the chairperson, and I thank my friend Mr. LANTOS, the ranking member.

Madam Speaker, I want peace for both Palestinians and Israelis. I want justice for both Palestinians and Israelis. And I support House Resolution 921 condemning the recent attacks on Israel and supporting Israel's right to defend herself.

Madam Speaker, Hezbollah has killed more Americans than any other terrorist group, save al Qaeda: 257 Americans killed in the 1983 bombings of the U.S. embassy and barracks in Beirut; 19 Americans killed in the 1996 bombings of the Khobar Towers.

Hezbollah has more than 13,000 rockets capable of hitting Israeli cities and towns and killing innocent persons. Does anybody think that these rockets will just go away? Hezbollah wasn't getting weaker. Hezbollah was getting stronger.

□ 2230

Israel must defend herself or there will be no Israel to defend.

Mr. LANTOS. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Madam Speaker, I stand here today to support this resolution, and indeed in saying that I wish this resolution did not have to be. For surely I am also convinced that the people of Israel and many of the people in Lebanon and in the Palestinian Territories wish it had not to be, but it does.

Why does it? Because you cannot have peace if you are negotiating with yourself. If individuals will not even acknowledge the right for the State of Israel to exist, how can you have peace? And if you are put in that position, then you have no choice but to defend yourself.

The thing that we must not think that Israel is doing in having to defend itself and using the force that it has to use is they are doing it with glee. That is not what they want to do at all. They wish that there was peace. But when people do not acknowledge your right to exist, and there are 14,000 rockets aimed at you, I just ask you the question, I think of myself. Suppose you are in your home and you have got people that are outside, and they are pointing weapons at you and your family. What would you do? Would you just say, let them continue to point them and shoot them until there is damage to you or your family?

What we are talking about here is simply a matter of defense. And indeed, we would dream of having the day where we do not have to have these resolutions on the floor, dream of the day when there is no innocent people on any side of the lines in the Middle East who are dead or would be killed or anything of that nature, dream of having peace.

The only way to have it, though, is to have partners, to have somebody that is going to stand and say, we will fight, along with Israel, to make sure that all of its people are safe. We need to have the day when, in fact, we know that the terrorist organizations like Hamas and Hezbollah, who is holding hostage an entire region for their bad reasons, are wiped out.

And if they will not go away, then Israel must defend itself.

Mr. LANTOS. Madam Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I do thank Mr. LANTOS and his good leadership and his history. It is reflected in what I think is both a potent, important and very directed resolution. It draws upon all of the voices that we have heard this evening.

Might I acknowledge Ms. ROS-LEHTINEN for her patience and leadership, along with Chairman HYDE as well as and the leadership of this House.

This weekend I will go home and meet with members of the Jewish community, and as well meet with members of the Muslim and Arab community. I believe it is important for Members to be forthright, and in doing so, it is to understand that we stand here promoting peace, and to say to the Palestinians, those of good faith, and President Abbas, we will stand with you to rid yourself of those who believe that their basic existence is for the nonexistence of Israel.

And to Lebanon, we will stand with you, so that you will have the courage, the fortitude and the leadership to free your nation, for it to be the shining pearl, the financial site of the Middle East of which it has the potential to be.

I want to offer to those who have lost their lives, their families, my deepest sympathy. To the innocent civilians in the Gaza strip, in Palestinian, in Lebanon, in Israel, all who have lost their lives, we offer the deepest sympathy.

But, Madam Speaker, let me simply say, Israel fully complied with Resolution 425 in 1978, and wants us to know that they have removed themselves from Lebanon, and Secretary Kofi Annan said Israel has withdrawn, in full compliance with the Security Council resolution, as well it has withdrawn from the Gaza Strip.

And so today I am interested in a cease-fire. I am interested in engagement. But I am also interested in making sure that we have permanent peace in the region, that we do not allow those who would perpetrate terror against innocent individuals to be able to survive and to continue their violence.

I would ask Syria and Iran to be forthright with the world and to give away their continued intrusion into Lebanon and fueling the fires of those that would perpetrate terror in the region. I also ask that our refugees, if you will, Americans who are stuck in Lebanon, be fully brought home safely and quickly.

So as I close, Madam Speaker, might I just say this evening that I will be voting for this resolution, but I will be continuing to press for engagement. I will continue to press for resolution. And I will continue to ask that the Arab States become engaged, and that Syria and Iran stand down, and that there is peace, and that the existence of Israel is reaffirmed, and our Arab neighbors live freely and peacefully for all the world to see.

Madam Speaker, I rise today to support H. Res. 921, condemning the recent violence in the Middle East. I remain dismayed at the fact that, once again, violence is poisoning and engulfing the Middle East.

This resolution condemns the recent attacks against Israel, holds terrorists and their state-sponsors accountable for such attacks, and supports Israel's right to defend itself.

This resolution is a very strong statement. While we must acknowledge the culpability of the perpetrators of violence, we must always stand for a solution that engages all parties.

The conflict is between those who wish to end the violence and those who do not. All involved have created a sense of victimization, and turned away from the most important goal: protecting their people, abating violence, and stabilizing the region.

With this bill, we denounce terrorist acts, and we recognize the right of all sovereign nations—including Israel—to exist, and to defend itself. In addition, if Hamas is going to lead the

Palestinian Authority to participate in the international community, it must accept Israel's right to exist and eliminate its violence against Israel.

This past January, I visited Israel prior to the Palestinian elections, and visited with the emerging leadership of Kadima on the eve of a new era of Israeli diplomacy and security policy. I have traveled extensively in the region, and I have witnessed first-hand the promise of the Holy Land, as well as the devastation of long-term strife. Although Prime Minister Olmert has only held this position of leadership for a few short months, he has led his nation with strength and clarity.

We acknowledge Israel as a democratic and strategic ally, and we look to Israel for regional leadership. No cause should ever warrant aggressive terrorist acts against others who have not sought to initiate any acts against the offending party. It is an absolute necessity that kidnapped soldiers be returned, that soldiers stolen from their own country, from their own land, must be returned to their homeland. Israel was not the aggressor.

Hezbollah has committed acts of war, and Israel responded in kind. Hezbollah has yet again demonstrated its easy familiarity with terrorist tactics, and tensions continue to rise. Over the last several weeks, we have seen the situation crumble. Accusations of blame and responsibility fly like shrapnel.

Last week, the Lebanese government briefly called for a ceasefire after Israel blockaded the country by air and sea in an effort to distance itself from the Hezbollah faction. In a statement, the Lebanese government said that all means must be used to end this "open aggression."

When both aggressors are acting in defense, the only result is destruction.

We must immediately engage Israel, Lebanon, the Palestinian Authority, and any other stakeholder willing to take action to protect the people and cease this swift escalation. We must engage them in multi-party negotiations, and the United States must send a high-level delegation to meet with the leaders in the region. The desecration of life and the disrespect of boundaries in the last few weeks are offensive, yet must be surmounted, and the violence must end. The U.N. Resolution 1559 must be complied with by Lebanon—to fully disband and disarm Hezbollah.

I commend Israel for its willingness to unilaterally withdraw from the Gaza. I remain hopeful that the Palestinian Authority will soon be able to assert itself and secure the Gaza Strip for its citizens, and stop the invasion into Israeli territory.

I wish to relay to the Lebanon Government that America is their friend, we support their independence, and we need them to assert their independence and sovereign authority. Because of their independence, Lebanon is well positioned to be an integral part of long term negotiations and an eventual settlement to this terrible crises.

I urge decision-makers in Israel, Lebanon, and the PLO to observe a ceasefire, and that the terrorist be brought to justice.

I also urge neighboring nations, such as Syria, to stop harboring terrorists and to participate honestly in negotiations, to pursue a mutually beneficial resolution without violence, and to respect the sovereign Lebanon.

Violence is not the only thing to fear. We must do everything within our power to prevent further escalation. We must silence the rumbling of bombs and the screaming of missiles and restore at least the semblance of peace.

We must condemn the poor response that the Administration has exhibited in rescuing Americans. It is not befitting of the most powerful nation, and we must expedite the rescuing of American citizens. The President must also take to the airwaves to speak to Muslims and Arabs to assure them that America remains their friend, and the friend of all freedom-loving peaceful citizens of those nations. We do not condemn all because of the missteps of some individuals or governments in the region.

It is increasingly important that we immediately begin negotiations to resolve this aggression on the northern and southern border, observe ceasefire, and the United States must act urgently yet fairly, and remain steadfast to bringing peace to the region.

We must do everything we can to assuage the fear and devastation of the last two generations, and take decisive action to ensure that today's children, and their children's children, can live in peace and safety at last.

This past Saturday, Saudi Arabia, Jordan, Egypt, and several Persian Gulf states, chastised Hezbollah for "unexpected, inappropriate, and irresponsible acts" at an emergency Arab League summit meeting in Cairo. At last, perhaps we will see the larger international community—including the Arab League—denounce terrorism and terrorist tactics and commit to securing first calm, then peace, for the region and for the rest of the world.

The Middle East is at a crossroads, and Israel needs a partner for peace. The new governments of Israel and the Palestinian Authority must overcome the burden of history and begin writing the textbooks anew. Palestinian and Israeli children should begin to learn that their neighbors are good, peace-loving people, and that the region is capable of coexistence and friendship.

I hope that soon all people in the Middle East, Jewish or Muslim, Israeli or Arab, can look to God with thankful, not pleading eyes. May the words of our tradition inspire our decisions, as it says in Proverbs 34:14: "Seek peace, and pursue it."

Before we can have peace, let us pray for calm.

Mr. LANTOS. Madam Speaker, I yield 2 minutes to my good friend from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, I thank our leader Mr. LANTOS for his leadership on this issue, and so many others in this Congress. I rise, as did Ms. JACKSON-LEE and others, in support of the resolution.

I would like to cite an article by Charles Krauthammer, who gives some history that I think is useful as this debate draws nearer to a close, from the Washington Post this last Friday.

I quote. "Israel withdrew from Lebanon completely in 2000. It was so scrupulous in making sure that not 1 square inch of Lebanon was left inadvertently occupied that it asked the United Nations to verify the exact frontier defining Lebanon's southern border and retreated behind it. This 'blue line' was approved by the Security Council, which declared that Israel had fully complied with resolutions demanding its withdrawal from Lebanon.

"Grievance satisfied. Yet what happens?" Krauthammer writes, "Hezbollah has done to South Lebanon exactly what Hamas has done to Gaza, turned it into a military base and terrorist operations center from which to continue the war against Israel.

"South Lebanon bristles with Hezbollah's 10,000 Katyusha rockets that put northern Israel under the gun. Fired in the first hours of fighting, just 85 of these killed 2 Israelis and wounded 120 in Israel's northern towns."

Mr. Speaker, we should stand with Israel, we should vote for the resolution.

Mr. LANTOS. Madam Speaker, I just want to thank you for your patience. I want to thank my dear friend from Florida for her extraordinary graciousness. And I want to thank all of my Republican and Democratic colleagues for a serious and substantive debate. I urge all of my colleagues to vote for this resolution.

Madam Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself the balance of our time.

Madam Speaker, I also would like to thank the gentleman from California, our ranking member of the International Relations Committee, for handling this debate in such a skillful manner. We want to thank our majority leader Mr. BOEHNER, who was one of the authors of this resolution; and, of course, our esteemed chairman of the International Relations Committee, Mr. HYDE.

I would like to thank all of the Members who participated in this debate, in this very civil debate on a very important topic.

Mr. BOEHNER. Madam Speaker, I rise today in strong support of this resolution. As we speak, the security situation in the Middle East continues to evolve.

The aggressive, unprovoked acts of violence against Israel by Hezbollah and Hamas are revealing. It is clear they don't want peace, but rather seek the ultimate destruction of Israel. This is why we must support Israel's right to defend itself against these armed attacks.

Each and every day, Israel's very existence is at stake. Since its first day as a nation, Israel has lived under a cloud of aggression from militant extremists and hostile neighboring governments. Most recently, terrorist forces have captured Israeli soldiers and fired rockets into Israeli cities—both unprovoked. These acts of aggression deserve the rapid and decisive response they received.

The United States and Israel have a unique relationship based on our mutual commitment to democracy, freedom, and peace. Therefore, just as our commitment to these principles must be steadfast, so must our support for Israel.

The enemies the United States and Israel face are the same. Their nature is brutal, oppressive, and inspired by hatred. The rise of Islamic fundamentalism in the Middle East has real security implications, not only for Israel, but also for the United States. The same ideologically malevolent forces working to destroy Israel are working to destroy our cherished political values.

The United States did not choose to fight Islamic extremists. These terrorists chose to fight our way of life. They chose to challenge our existence.

We as a Nation have endured heartbreak, tragedy, and occasional setbacks, but we are resolute in taking the fight to the enemy and winning. We cannot afford to lose. The stakes are too high; the price too great. And because we face the same enemy, we will not ask Israel to respond differently. The consequences of not responding are too great.

This resolution simply says Israel has the right to defend itself. This includes conducting operations both inside its borders and in the territory of nations that threaten it, which is in accordance with international law.

Furthermore, it is incumbent upon Lebanon, Syria, and Iran to rein in Hezbollah and Hamas. We know Iran and Syria are helping Hamas and Hezbollah. That is why this resolution reaffirms our support for President Bush as he seeks to use the most effective range of political, diplomatic, and economic sanctions available.

We are clear in our purpose and our resolve. We are committed to peace, democracy, freedom, and prosperity. We will work with those who want these values, and we will use all means at our disposal to stop those who seek to destroy them.

I urge my colleagues to join me in sending a strong message of support to Israel, and I urge all to support this resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today in strong support of H. Res. 921.

Let us be very clear from the outset of this debate: the current conflict was caused by the violent attacks of two terrorist organizations on Israel, in Israel. Israel has the sovereign right and responsibility to protect and defend itself from these terrorists.

The roots of this problem must be addressed if there is to be any true cessation of violence. Iran and Syria must cease their financial and military support of terrorist organizations. Hezbollah must be disarmed and no longer be allowed to operate. U.N. Resolution 1559 must be fully implemented. The government of Lebanon must be allowed to govern the whole of its territories. President Abbas must guarantee peace, exercise full control over the Palestinian-controlled territory and the Hamas terrorist attacks originating in Palestinian-controlled territory must be permanently stopped. This latest violence only confirms what we have known since 9/11: the forces of extremism and terrorism must no longer be allowed to terrorize peoples and countries who desire to live in peace and freedom.

The approach taken by President Bush has been appropriate. Without an end to terrorist operations by Hamas, Hezbollah, and other enemies of Israel, there will be no hope for peace.

The United States should not negotiate with terrorists and neither should Israel. Despite the recent set-backs, however, we should continue to try to promote peace in the Middle East because it is vitally important to the safety and security of America. We must continue to encourage peace, but all parties must be willing to truly accept Israel's existence and come to the table if peace is to have a chance. Unfortunately, without an end to terrorist operations against Israel by Hamas and Hezbollah, there is no hope for a lasting peace in the Middle East.

Mr. BUYER. Madam Speaker, the United States has a long history of supporting the state of Israel and the strong example of democratic values it has brought to the Middle East. The recent events that have enveloped the region will not waiver the resolve of our relationship.

Israel has found itself strained on two fronts. It is battling both Hamas and Hezbollah, backed by Iran and Syria, nations known to sponsor terrorism and dedicated to the destruction of Israel. While the ferocity of Israel's response to the kidnapping of its soldiers by these terrorist groups may be in question, Israel has only acted to defend its way of life and the intrinsic right for a nation to defend its very existence.

Easing tensions in the region will require that neighboring nations take an active role to stabilize the conflict. Egypt and Lebanon must have the fortitude to take a leadership role to pursue regional stabilization. They must grasp this opportunity to demand that immediate steps are taken to resolve the conflict and work to bring peace to the region.

Mr. FERGUSON. Madam Speaker, I rise today in strong support of this resolution.

For generations Hamas and Hezbollah, which are committed to the total destruction of Israel, have indiscriminately targeted Israeli civilian populations and military forces. In recent days, these terrorists organizations have kidnapped Israeli soldiers and singled out Israeli citizens for arbitrary relentless rocket fire.

Hamas and Hezbollah, as dangerous and destructive as their actions are in the current conflict, are mere puppets. Hamas and Hezbollah are supported by Iran and Syria. With their financial and military support—including providing the missiles that today are raining down on Israeli towns—the Iranian and Syrian governments are co-conspirators in the ongoing terrorist attacks against Israel.

The world community of nations must hold Iran and Syria accountable for their actions. Their active support of terrorist nations not only threatens Israel but also all nations in the Middle East and those throughout the world who are waging the ongoing global war on terror.

In the face of these terrorist attacks, we must resolve that Israel has the absolute right to defend itself—just as the United States did following September 11, 2001.

The time has now come for Congress to reaffirm our commitment to Israel and the Israeli people, their absolute right to existence and their absolute right to defend themselves.

Israel is one of the United States' strongest allies. In the last 50 years, our two nations have forged strong economic, military and educational connections. Our bonds have never been more important than today in our shared fight against terrorism.

Today, let us stand in firm resolve against terrorism and with Israel.

I encourage my colleagues to support this important resolution.

Mr. MICA. Madam Speaker, I rise today in support of H. Res. 921 and specifically in support of Israel's right to defend itself against the murderous actions of Hamas and Hezbollah.

The terrorist attacks on Israel and India and the recent July 4th, 2006 ballistic missile launch by North Korea are stern reminders that the United States and world must remain vigilant against radical extremism. It is not enough that America and her allies guard against weapons of mass destruction, but we must also remain prepared to deal with acts of human destruction. Terrorist acts on any sovereign state can not and must not be tolerated.

I am pleased that the House of Representatives and our President has remained firm in support of the people of Israel. While I am hopeful that a stable peace in the Middle East will be established, no arbitrary time limit should be placed on Israel's actions to defend itself. Neither should a time line be imposed on bringing to justice those who commit unjust acts.

Mr. GRAVES. Madam Speaker, I rise today in strong support of House Resolution 921 and in strong support of our oldest ally in the Middle East, the State of Israel.

Today the Middle East is a region filled with contradictions. It is a place where progress and regress have both taken root and are thriving. Iraq is no longer ruled over by a tyrant named Saddam Hussein, who terrorized people inside and outside his country with unimaginable brutality. Today, a democratically elected government has been empowered by the Iraqi people to improve security, build infrastructure, and move forward. Admittedly, there is still turmoil in Iraq; but the progress there is undeniable.

In the countries that border Iraq to the east and northwest, one encounters a far different Middle East. It is in these two countries—Iran and Syria—where international terrorism has found all too willing hosts and official state sponsorship. And it is this state sponsorship of terrorism, fueled by the desire of the Tehran and Damascus regimes to project influence across a broader region in order to stifle democracy and freedom, which has led us to the current crisis in Lebanon and Israel.

This is not the first time that Israel has been forced to engage in military operations in Lebanon to secure its northern border and protect its citizens. As many of my colleagues will recall, Lebanon could not control its border with Israel in 1978, and after numerous terrorist attacks against Israel were launched from southern Lebanon, the Israeli Defense Forces intervened. The Israeli Defense Forces withdrew in June 1978, but were forced to return four years later due to further attacks from Lebanese territory. In 1985, Israel withdrew its forces from all of Lebanon, save for a security perimeter on their common border. In 2000, Israel withdrew its remaining forces from the security zone. Immediately thereafter, Hezbollah militia members moved into the former security zone, and claimed credit for the Israeli withdrawal.

Beginning in 2005, the Lebanese people have made significant progress in their mission to push their Syrian occupiers out of their country. In the midst of Lebanon's movement towards true freedom and independence from Syria, Hezbollah terrorists crossed the border into Israel, then killed eight Israelis and took two Israeli soldiers as hostages. This was likely done in coordination with Hamas terrorists in Gaza.

That was July 12, 2006; just one week ago, Madam Speaker. Since then, Israel initiated military operations to prevent further attacks and once again secure its border with Lebanon. Hezbollah's response has consisted of daily rocket attacks that have hit Haifa, Israel's third largest city. It is estimated that Hezbollah has an arsenal of at least 12,000 rockets some of which are Iranian weapons, and many of which have reached Lebanon via Syria.

The United States Department of State has designated Hezbollah as a foreign terrorist organization, and its main sponsors are Syria and Iran, both of which are state sponsors of terrorism. The Lebanese government may protest Israel's current military actions, but these actions are essential to Israel's national security, and essential to Lebanon's prospects for true sovereignty. Former Lebanese Prime Minister Rafik Hariri spoke out against Syrian domination of Lebanon and was assassinated on orders from the highest levels of the Damascus government. Unless we allow Israel to destroy the terrorist network and infrastructure in Lebanon, and drive its agents back into Syria and Iran, neither the Lebanese people or Israeli people will have the opportunity to live in peace.

The Government of Lebanon cannot secure its own border, and has not prevented the terrorist organizations—sponsored by foreign agents—from using its soil to launch attacks into Israel. Israel has a right to her own national defense, and is exercising that right in striking terrorist targets inside Lebanon. On the other hand, Hezbollah is reigning down rockets on civilian targets in Haifa, Galilee, and Nazareth.

Prime Minister Ehud Olmert has laid out specific criteria for peace: the return of the abducted Israeli soldiers; cessation of the rocket attacks and other raids on Israel; expulsion of Hezbollah from southern Lebanon and the deployment of the Lebanese Army to that region, and the withdrawal of all foreign forces from Lebanese territory. Short of these criteria being fulfilled, Israel must take it upon herself to unilaterally provide security for her territory and people.

Madam Speaker, Israel is the oldest democracy in a region not known for liberty, and is our oldest ally in a region with many agents that are hostile to America and our interests. We must strongly support our old friend in this time of crisis. We also must condemn Hamas, Hezbollah, and their Iranian and Syrian sponsors in the strongest terms possible for their terrorist attacks on innocent Israelis. As we know all too well, we must hunt down and eradicate terrorists wherever they find sanctuary and assistance, and Israel is doing just that; Israel is taking the fight to the terrorists.

Madam Speaker, this situation proves that Syria and Iran are dangerous agents acting on behalf of and in concert with fundamentalists, extremists, and terrorists. Hezbollah and Hamas have absolutely no remorse for the damage they are inflicting on the Israeli people or the Lebanese people, and the clerics in Tehran and tyrants in Damascus are encouraging continued carnage.

In response, this Congress—as representatives of the American people—must set an example and stand on the side of freedom, democracy, and sovereignty in the face of this challenge. It is the latest confrontation in the Global War on Terror, and it is a battle that we as Americans cannot afford for Israel to lose. I urge my colleagues to support this important resolution.

Mr. WAXMAN. Madam Speaker, it is a tragedy that we have come to this point today, watching the spiral of hostilities between Israel and its neighbors.

Although Israel withdrew completely from Lebanon in 2000, and the U.N. Security Council certified the withdrawal to internationally recognized borders, Hezbollah still refuses to accept peace.

Although Israel has removed all its settlers from Gaza and has been working with President Abbas to negotiate additional concessions, Hamas is still unwilling to lay down its weapons, accept Israel's legitimate existence, and come to the table to negotiate the creation of a peaceful Palestinian state.

When Hamas and Hezbollah leaders were elected to be part of the emerging democratic governments, some hoped they would focus on leading the Palestinian and Lebanese people to fulfill their aspirations of a stable and prosperous future.

Instead, the terrorists have pursued only their own aspirations of regional instability and the destruction of Israel.

Kidnapping soldiers does nothing to promote the welfare of the Lebanese and Palestinian people. Missile attacks don't develop the economy or expand freedom of movement or provide access to health care and education.

Terrorism has only brought suffering to the people of Gaza and Lebanon, and these attacks serve no one but the terrorists and their state sponsors.

We must recognize the role of Syria and Iran in this conflict, and the threat they pose to Israel, the United States, and the entire Middle East.

Though it has been unwilling or unable to do so, the world must insist that the Lebanese government take control of its borders and disarm the terrorists within them as required by the Road Map and the U.N. Security Council.

Israel has made every effort to avoid civilian casualties, and those that have occurred are tragic. But Israel's best efforts to spare civilians stand in sharp contrast to the terrorists' deliberate efforts to target Israeli civilians as they drink their morning coffee or head off to school and work.

Acts like these leave Israel no choice but to break down the terrorists' capacity to carry them out. Israel has targeted stockpiles of missiles procured from Syria and Iran and blocked the routes through which the terrorists would rearm. It is Hamas and Hezbollah who have cruelly decided to place these stockpiles among civilians, again putting the political and strategic needs of terror above those of the people they claim to represent.

Israel is not the source of instability and danger. Israel withdrew from Lebanon and Gaza in pursuit of peace. The terrorist regimes in the region have pursued other ends. Israel has every right as a sovereign nation to defend its cities from unprovoked cross-border attacks and to seek the safe, swift, and unconditional return of its soldiers.

Mrs. CAPPS. Madam Speaker, I am voting for this resolution because I absolutely condemn Hezbollah's senseless, unprovoked cross-border attacks on Israel, and the murderous rain of missiles it has unleashed on Haifa and other northern cities. Terrorist groups like Hezbollah, whose actions have caused the death and misery of hundreds of innocent Israelis and Lebanese, deserve no sympathy and no mercy. Hezbollah needs to be disarmed, for the sake of Israel's security and, indeed, for the stability of the entire region.

And I also join my colleagues in condemning the actions of Syria and Iran for their support and arming of Hezbollah. We see the true nature of these regimes when we see the tragic results of their support of terrorist groups like Hezbollah.

But I would have hoped for a different resolution to come before the House. I would have hoped for a more comprehensive resolution that respects the complexity of the issues unfolding in the area, and the necessity for direct U.S. involvement in the unfolding tragedy.

A more appropriate resolution would recognize the fundamental difference between Hamas and Hezbollah. Of course, Hamas should be condemned for its actions and the kidnapped Israeli soldier must be returned unharmed. But Gaza and Southern Lebanon are two separate situations and this resolution confuses that.

The Palestinian people have legitimate grievances and a solution to these grievances can and must be found through negotiations. Hamas exploits those grievances, but we must not allow Hamas's actions to delegitimize the aspirations of the Palestinian people. Hamas's actions do not negate the reality that we simply must resolve the humanitarian crisis now engulfing Gaza and the West Bank.

I believe Israel's security depends on forging a negotiated settlement with the Palestinians that will ensure the safety and security of both peoples. And while I respect Israel's right to defend itself, I am deeply concerned that Israel's response to Hamas' actions is only prolonging the suffering of the Palestinian people and putting off resolution of this decades long problem.

Conversely, Hezbollah has no legitimate grievances with Israel.

Hezbollah seeks nothing more than the destruction of Israel and there is no negotiating with it. Only through Hezbollah's complete disarmament will we be able to remove its threat to the region.

I am also troubled by the unqualified praise in this resolution for the President and his Administration. The President has done little to stop the meltdown of the Middle East that has occurred under his watch. Unlike previous Administrations, including that of his father and

President Clinton, he simply hasn't been engaged. And his response here is tragically inadequate, again.

The U.S. must engage immediately to bring about a cease fire and help drive a long term solution for the area. Every major Arab-Israeli crisis over the years has ended with U.S. involvement—at the highest levels—because the players rely on intermediaries to broker agreements.

We may not like it, but that's the reality of the situation. And given that the stability of the region plays so large a role in our own national security interests, we must continue to engage forcefully if we are committed to bringing about peace in the region. Waiting another week before dispatching the Secretary of State is not a viable response.

Finally, I would note that every day this crisis continues brings a greater risk of direct involvement by Syria and Iran. As bad as this situation is now, direct involvement from either Syria or Iran would be much, much worse. Immediate, hands-on U.S. involvement is critical to keep the situation from spiraling even further out of control.

Madam Speaker, the situation in the Middle East grows graver every day. Dozens of Israelis and hundreds of innocent Palestinians and Lebanese civilians have already died. Beruit, which has only recently been restored to its historic splendor, is in ruins. A key ally in the area is threatened and our national security interests are as well.

I urge the Administration to help bring peace to the region.

Mr. CARDIN. Madam Speaker, I rise in strong support of H. Res. 921, condemning recent terrorist attacks against the state of Israel.

Israel has the absolute right to defend itself against terrorist attacks. The United States stands in solidarity with Israel at this critical moment. I condemn the premeditated kidnapping and killing of Israel soldiers by Hezbollah and Hamas, which are both U.S. designated terrorist organizations. Israel has a right to launch operations to try to free its kidnapped soldiers that are being held hostage. Israel also has a right to defend itself and try to prevent ongoing rocket attacks by Hezbollah, which are being launched from Lebanese territory and which land in Israeli territory.

I also condemn the use of civilian populations as human shields by Hamas and Hezbollah, which only increase the suffering of innocent persons in this conflict. Israel, on the other hand, is taking significant steps to minimize and prevent additional civilian casualties in both Israel and Lebanon.

Even though Israel unilaterally withdrew from Lebanon in 2000, the Lebanese Government has permitted Hezbollah to operate at its border and to repeatedly launch attacks against Israel. United Nations Security Council Resolution 1559, passed in 2004, calls for all remaining foreign forces to withdraw from Lebanon, directs that all Lebanese and non-Lebanese militias should be disbanded and disarmed, and urges the Government of Lebanon to exercise control over all its territory. We need to fully implement this United Nations resolution.

Both Syria and Iran have continued to provide funds and weapons to the Hezbollah terrorists, which have resulted in numerous Israeli civilian casualties. All parties in the region must take immediate steps to prevent the operation of terrorist activities on their soil and to abide by previous peace agreements. The President should use his authority under the Iran and Libya Sanctions Act of 1996 to impose additional sanctions on Iran.

I also call on the Bush Administration to take a more aggressive diplomatic role in the conflict in the Middle East, including the appointment of a high-level U.S. envoy to the Middle East as soon as possible. The Bush Administration should also put pressure on all parties in the region to stop terrorist attacks and prevent the flow of money and weapons to terrorist organizations.

Madam Speaker, I strongly urge my colleagues to support this resolution, and stand in solidarity with Israel at this critical moment.

Mr. HIGGINS. Madam Speaker, Palestinian militants in Gaza kidnapped Israeli soldier Gilad Shalit and later, Hezbollah agents crossed the border, killed seven Israeli soldiers, captured two others, and continue to hold them captive. Hamas, and Hezbollah, specifically, have long relied on Syrian and Iranian support and funding. Now, Iranian and Syrian made and purchased Katyusha rockets rain down on Israel from Lebanon in the north and Qassam rockets are launched from over the border from Gaza in the south. Despite having withdrawn from Lebanon in 2000 and from Gaza last summer, Israel is under attack.

I stand by Israel during these troubled times and I strongly support H. Res. 921, to be voted on today, which pledges our solidarity with this nation under fire; I urge my colleagues to join me in support of this bill.

After the terrible attacks of September 11, 2001, President Bush declared that we are engaged in a War on Terror and countries across the globe stood up in support of and behind the United States. Now we are called upon to stand with Israel during her time of need as she defends her borders and her citizens from unprovoked kidnappings and attacks.

Madam Speaker, the international community, led by the United States, must ensure the full implementation of U.N. Security Council Resolution 1559, which passed unanimously in 2004, and calls for disarming Hezbollah, removing all foreign forces from Lebanon and deploying the Lebanese army to secure the border with Israel. What we are seeing today in the region is the consequence of the Lebanese government allowing Hezbollah to join its parliament and cabinet while the international community did little to exert pressure to force them out.

Israel, the Jewish state, is defending its citizens, much as this nation would if we were under attack. Any innocent civilian deaths—Israeli, Palestinian, Lebanese, or other—are awful and should be minimized in every possible way. But responsibility lies with Hezbollah and Hamas who brought Israel's retaliation upon not just themselves but the communities they live in by launching unprovoked attacks, and by purposefully planting themselves in civilian population centers where innocent men, women, and children are used as swords and shields.

We must continue to stand behind Israel and to show her our solidarity against those that continue to do her harm. Additionally, the international community, led by the United States, should now ensure that Hezbollah is finally disarmed, that Iranian influence is forced out of the region, and that Hamas recognizes Israel so that we may finally put an end to the cycle of violence.

Ms. MOORE of Wisconsin. Madam Speaker, I have grave concerns about what the future holds for the Middle East. The violence in Israel and Lebanon, which began with Hezbollah rocket attacks on an Israeli town and a military incursion into Israel and abduction of Israeli soldiers, threatens to engulf the entire region. Unless swift action is taken by the international community, further escalation and bloodshed will soon be upon us.

As we consider this resolution, H. Res. 921, civilian lives hang in the balance. Hezbollah's rocket attacks against innocent Israelis are indiscriminate tools of terror against a civilian population. Reports indicate that Israeli retaliations have resulted in the loss of innocent lives.

It seems clear that Hezbollah has raised—or lowered—the suicide attack to a new level: they have dragged the entire nation of Lebanon and all its people into harm's way because of the group's attacks on Israel.

I wish that this resolution made more mention of these innocent Lebanese civilians and innocent Israeli civilians who are caught in the middle here. They are the ones paying the price.

I wish that this resolution made more mention of the urgent need for the U.S. to step forward, use its considerable influence, and take diplomatic action immediately to try to end the bloodshed affecting millions on both sides of the border.

The finding in paragraph 4 of this measure asserts that Israel is making every effort to prevent civilian casualties. And while I am a staunch supporter of Israel's right to defend itself, it is disturbing that some sources report that over 300 Lebanese civilians have been killed due to the violence. I hope that Israeli forces truly are making every effort to prevent civilian casualties, as indicated by this measure.

Finally, I want to tell you how deeply saddened I am that recent events have reduced the power of moderates in the region and dimmed prospects for long-term peace. The earlier abduction in Gaza came just as talks among Palestinian officials seemed to be reaching a point that may have allowed Hamas to open negotiations with Israel. And the attacks across the Israeli-Lebanese border will undoubtedly serve to diminish and muffle—now and in the immediate future—the voices of moderation who would otherwise call for peace.

It is my hope—no, my demand—that moderate voices in the international community, including the United States, will promptly work to quell this crisis. Clearly, Madam Speaker, right now we need solutions and not just condemnations.

Mr. WELLER. Madam Speaker, today I rise in strong support for H. Res. 921, condemning the recent attacks against the State of Israel. With this resolution, the United States of America reaffirms its steadfast support for the State of Israel, denounces the use of terrorism as a tool of influence, and condemns those states that encourage its use. Iran and Syria's support for the terrorist organization, Hezbollah, does not go unnoticed. I urge the President of the United States to continue his support for Israel, as it responds to the armed attacks against it, and I support bringing the full force of sanctions: economic, political and diplomatic, against these state-sponsors of terrorism.

Madam Speaker, Israel, as a sovereign nation, has the right to defend itself and protect its citizens by deterring further attacks by the terrorist organization, Hezbollah. Since its founding, Hezbollah has been actively supported by both Syria and Iran. These two countries are estimated at providing Hezbollah with $100 million annually in addition to providing regular weapons shipments. These weapons range from rockets, mortars and small arms, to mines, explosives and anti-tank missiles. Hezbollah is by no means an innocent victim in an offensive war. Hezbollah is a terrorist organization, which has put the people of Israel, and the people of Lebanon, in harms way.

The United States of America knows all too well what drives this organization: the taking of innocent life. Before 9/11, Hezbollah single handedly killed more Americans than any other terrorist organization. In 1983, Hezbollah killed 257 Americans when it bombed the U.S. Embassy and U.S. Marine Barracks in Beirut. Between 1982 and 1992, more than 30 Westerners were abducted by this organization, some tortured and killed. In 1996, 19 American servicemen were killed in the bombing of a U.S. military housing facility in Saudi Arabia.

Madam Speaker, this resolution sends an important message: the United States of America will not stand by and silently accept terrorism as a viable option with which to negotiate. Terrorism is not a viable option; it is not an option at all.

The United States must continue to lead in efforts not only to keep a check on the danger presented by Hezbollah and its sponsors, Syria and Iran, but also to help achieve a lasting peace in the Middle East. I join my colleagues from both parties today in support of Israel's right to self-defense and in condemnation of Hezbollah's decision to put the people of Israel and Lebanon in danger. Madam Speaker, thank you for bringing this important resolution to the floor and I urge my colleagues to vote in its favor.

Mr. SESSIONS. Madam Speaker, in recent weeks, radical terrorist organizations have engaged in a number of unprovoked attacks on the State of Israel. I rise today in strong support of Israel's right to defend its citizens and its borders from acts of terrorism.

Most recently, Hezbollah military forces committed an act of war by crossing the border between Lebanon and Israel, attacking and killing several Israeli soldiers and kidnapping two Israeli soldiers. The integrity of the internationally recognized border between Lebanon and Israel must be respected in order for Israel to provide for its security. Hezbollah—a terrorist organization recognized by the U.S. Department of State as a Foreign Terrorist Organization (FTO)—operates with impunity in many areas of southern Lebanon. Lebanon must accept responsibility for and bring an end to military attacks originating from within its territory. Iran and Syria also bear responsibility for the current crisis, because armaments used by Hezbollah have been traced to Iran and transferred through Syria for use by these Hezbollah forces.

This month, Hamas—another organization designated by the State Department as a FTO—also conducted an unprovoked military attack on Israel, killing and kidnapping Israeli soldiers. This military invasion represents a small part of the Palestinian violence emanating from Gaza into Israel. Last August, Israel withdrew every settler and soldier from Gaza in hopes that Palestinians would establish a democratic state capable of living side-by-side in peace with Israel. However, Palestinian terrorists took this historic opportunity to begin systematically firing Kassam rockets at Israeli towns. Over 1,000 have been fired since Israel's total withdrawal from Gaza—and it is important to note that the rockets are fired into territory belonging to Israel before 1967 and universally recognized as being Israeli territory.

Israel has the obligation and the right to defend its citizens against attacks emanating from both Lebanon and Gaza. I support Israel's right to take the appropriate military action necessary to deter future attacks, and hope that Israel's neighbors will take this opportunity to control future terrorism within their own borders.

Mr. KNOLLENBERG. Madam Speaker, I rise today in support of H. Res. 921, a resolution expressing support for the security of the State of Israel.

Over the last few days, it has been hard to turn on the television without seeing disturbing images of the current conflict in the Middle East.

Many of us share serious concerns about future of the Middle East. It seems unfair that this area—which has suffered so much conflict already—now is confronted with yet another period of escalating violence.

The long simmering tension in this region has finally come to a boiling point. The capturing of Israeli soldiers and the attacks on innocent civilians by the terrorist organization Hezbollah is absolutely unacceptable.

The President was correct when he stated that Israel has a right to defend itself against the aggressions by Hezbollah. The U.S. must stand side by side with our friends in the Middle East—especially Israel—as they fight terrorism in and around their borders. Israel must have our support and prayers as they continue to fight against those who murder innocent civilians just to advance their political agenda.

The loss of innocent life in this region over the last few days is heartbreaking. The people of Israel and Lebanon deserve to live in freedom and peace, safe from violence and terror.

Madam Speaker, the source of this current conflict does not lie within Israel or Lebanon. To put it plainly, the violence in the region is rooted in Iran. The support of Hezbollah by Iran in countries like Lebanon only serves to encourage violence, unfairly damage the region's fragile democracies, and undermine the rights of citizens in that region to fair and uncorrupted government.

Iran has created and supported terrorism and continues to funnel money and weapons to Hezbollah and Hamas. In fact, missiles that have targeted Israeli forces over the last few days have been traced to manufacturers in Iran.

It is clear that a nuclear Iran puts the Middle East and all countries around the world in grave peril. Iran has repeatedly defied the international community and has progressed in its development of nuclear capabilities. If Iran continues with its rogue nuclear programs, it will not be long before these weapons fall into the hands of terrorist organizations such as Hezbollah and Hamas.

If we want to address the future security and stability of the Middle East, the U.S. must work to curb extremism and violent political activism nurtured by the Iranian government. The U.S. and the international community must come together behind a united front and stand with unwavering strength against the Iran's state-sponsored terrorist organizations and activities.

Here at home, it is now more important than ever that we realize that our own safety and security depends on the destruction of terrorism in the Middle East. This isn't just a Middle East problem—the attacks in London, Madrid, Bali, and now India show us that this is world terror. And, as we saw first hand on 9/11, America is not immune to terrorists who seek to destroy freedom and democracy.

Although the conflict in the Middle East can seem distant and unrelated to our daily lives, it is vitally important that we remember our past, present and future is intrinsically linked with this region. As the situation continues to unfold over the next days and weeks, let our thoughts and prayers be for a true and lasting peace in the Middle East.

Madam Speaker, I urge support for H. Res. 921 to show solidarity with Israel in their quest for security and peace, and to show our commitment to defeating terrorism around the globe.

Ms. SCHAKOWSKY. Madam Speaker, as a Jew, as someone who loves Israel, and as a member of Congress, I stand in solidarity with the people of Israel.

I remain committed to a peace process for Israel's security and for the future of the Middle East. Unfortunately, that peace process and the relative calm that has been the reality in the region in recent months were violently attacked at dawn on June 25th when a Hamas terror cell infiltrated Israel through a tunnel, murdered two Israeli soldiers, and kidnapped 19 year old Corporal Gilad Shalit. The operation was praised by the Hamas government. This came after Israel had fully withdrawn from Gaza in September 2005, a move that offered the Palestinian people the opportunity to begin the development of their future independent state.

Then on July 12th, the Iran and Syria-supported Hezbollah terrorist organization crossed the internationally recognized border between Lebanon and Israel under a barrage of rocket and missile salvos, initially killing two Israeli soldiers and kidnapping two more. From positions in Lebanon, Hezbollah launched dozens of rockets laden with ball bearings indiscriminately at civilian communities in Israel. Israel fully withdrew from Lebanon in May of the year 2000. Last week's attack was so egregious that it prompted the leaders of Arab states, such as Saudi Arabia, Egypt, and Jordan to condemn Hezbollah's act of vicious terrorism.

The premeditated, coordinated, and unprovoked terrorist attacks on Israel, from territory that Israel voluntarily conceded in an effort to promote peace and regional security, are absolutely indefensible. Hamas and Hezbollah bear direct responsibility for this current conflict.

Hezbollah receives military, financial and political support from Iran and Syria, with Tehran providing the terrorist group with an estimated $100 million annually. Regular weapons shipments including Katyusha rockets, new long-range ballistic missiles, Chinese-made anti-ship missiles, mortars, anti-tank missiles, mines, explosives and small arms are sent to Hezbollah from Tehran through Damascus.

Iran and Syria have provided Hezbollah with more than 10,000 rockets, including shorter-range Katyushas and more sophisticated longer-range weapons, which the terrorist group is now firing at major Israeli population centers across northern Israel and beyond. In fact, on July 14th, Hezbollah used a Silkworm cruise missile to attack an Israeli ship, killing four sailors and yesterday, rockets slammed into a Christian-Arab neighborhood of Nazareth, a city respected by people of all faiths around the world.

Both Syrian President Bashar Assad and Iranian President Mahmoud Ahmadinejad have met with Hezbollah Secretary General Hassan Nasrallah in the past year to reaffirm their ties to the terrorist group. Ahmadinejad promised to continue to support Hezbollah's struggle against the "enemies of Islam."

Israeli and American officials believe Hezbollah would not have attacked Israel without a green light from its patrons in Damascus and Tehran, and the leaders of both countries have subsequently expressed strong support for the attacks on Israel.

The United States Congress has already enacted several laws, including the Syria Accountability and Lebanese Sovereignty Restoration Act, and the Iran and Libya Sanctions Act, all of which call for the imposition of sanctions on Syria and Iran for, among other things, their support for terrorism and terrorist organizations. We must insist that President Bush bring the full force of political, diplomatic, and economic sanctions available to the Government of the United States against the Governments of Syria and Iran.

Sadly and frighteningly, Hezbollah remains off the European Union's (EU) terrorist list. This means that European nationals continue to provide Hezbollah with material support to this day. President Bush and Secretary of State Rice must make an immediate push with our European allies to have Hezbollah added to the EU terrorist list.

Israel has the responsibility to defend its citizens and cannot be expected to tolerate the violent provocations Hamas and Hezbollah committed this month. And while I am convinced that Israel is using every possible effort to avoid civilian casualties, it has become clear that the terrorists in Hamas and Hezbollah stage their actions from within civilian communities, thereby intentionally putting civilians at risk. Israel must do what is necessary to defend itself while continuing to make every effort to avoid civilian casualties.

As the New York Times stated: "Kidnapping Israeli soldiers to use as bargaining chips for the release of Arab prisoners is horrible behavior for groups that claim international recognition and political legitimacy, as Hamas and Hezbollah do. The same applies to lobbing rockets over Israel's borders in the hope that they might kill unsuspecting civilians."

It is long past due for the international community to implement fully UN Security Council Resolution 1559, adopted in September 2004, which calls for the Lebanese army to secure southern Lebanon's border and for Hezbollah to be disarmed and disbanded. Lebanon cannot be free and democratic so long as Hezbollah continues to operate as a state within a state, complete with its own army.

Regarding the Palestinians, the peace process will continue to be under attack until Hamas denounces its violent charter, rejects terrorism, and recognizes Israel's right to exist and decides it is more important to build a Palestinian state than destroy the Jewish State. I encourage Israeli leaders to maintain a dialogue with moderates within the Palestinian Authority in order to keep hope of a two-state solution in the near future alive.

But in the meantime, the United States must stand by its friend and ally, Israel, and the Bush Administration must actively engage itself in seeking a resolution to this situation. As a first step to restoring calm, the kidnapped Israeli soldiers in Gaza and Lebanon must be returned unconditionally and unharmed, and the indiscriminate rocket attacks on Israeli civilians by Hamas and Hezbollah must end immediately.

I strongly encourage all of my colleagues to support H. Res. 921.

Ms. McCOLLUM of Minnesota. Madam Speaker, today the world watches with sadness and grave concern as the Middle East is at war, civilians are being killed and maimed, and the possibility of a region-wide conflict grows by the day. People around the world watch this violence and ask what are the world's leaders doing to stop the killing, to end the bloodshed? We hear tough words, satellite television diplomacy, accusations and excuses, but no action or urgency to end the violence. With this type of global response we can all be tragically assured that our televisions will continue to show the horror, destruction and the suffering faces of innocents in Israel and Lebanon for some time to come.

I extend my prayers and heartfelt sympathy to the citizens of Israel and Lebanon who are suffering and grieving. Allow me to also extend my sympathies to Canada which also had citizens tragically killed in this conflict. In light of so many civilian deaths and destruction of infrastructure, it would be my hope and desire that the international community, led by the United States, would immediately start the difficult work of brokering a cessation to the killing and the start of a process to resolve this conflict through diplomacy rather than rockets and bombs. This is essential to allow the thousands of U.S. citizens to be safely evacuated out of Lebanon, as well as to prevent a much larger regional conflict from starting.

The entire world knows that Hezbollah, a terrorist organization, has provoked this conflict by illegally entering the sovereign territory of Israel on the border with Lebanon, abducting two Israeli soldiers and killing eight more. Today, this House rightly condemns this act and Hezbollah's on-going acts of terror with the passage of H. Res. 921.

The United States has a profound national interest in the security of Israel. The right of Israel and all sovereign nations to be secure and defend themselves from acts of violence and terror is clearly defined in international law. The action of Hezbollah to enter Israel on July 12, 2006 and commit acts of kidnapping and terror demands a focused military response that sends a clear message that terrorism will not be tolerated. The firing of rockets into Haifa and other Israeli cities and towns with the intent of killing and harming innocent civilians requires a firm, focused and proportional response against Hezbollah.

Yet, today, after a week of open warfare, there is the on-going destruction of civilian infrastructure in both Haifa and Beirut and more than 300 dead in Lebanon and at least 25 dead in Israel, overwhelmingly innocent civilians on both sides. In the near term, there is no prospect of security for Israeli or Lebanese civilians, only more death, destruction, fear and suffering on both sides. It is time for the international community to change this hopeless dynamic and immediately start to work to end this war using diplomatic power before it escalates and spreads throughout the entire Middle East. On the day of Hezbollah's incursion into Israel, Prime Minister Ehud Olmert said, "I want to make clear that the event this morning is not a terror act, but an act of a sovereign state that attacked Israel without reason." This statement explicitly attributes to the Lebanese Republic the responsibility for this aggression against Israel, not Hezbollah. This is of concern since there has been no evidence put forth that the nascent government of Lebanese Prime Minister Faud Siniora has any knowledge of or sanctioned Hezbollah's terrorist act.

Lebanon is being bombed, ripped apart, in response to Hezbollah's terrorism. This strategic response may offer short-term security for Israel, but it also has the very real potential of transforming Lebanon into a radicalized, failed state. How will Lebanon recover politically and economically when this war ends? It is inconceivable that when the bombing stops there will suddenly be an international outpouring of generous donors willing support to spend billions of dollars to rebuild Lebanon's destroyed infrastructure, re-invest in its evaporated economy, and salvage its threatened democracy. It is much more likely that a new generation will be radicalized by the loss of hope in the future. At this moment, the prospect of a land bridge—a terrorist highway—of failed states and rogue nations stretching from the Mediterranean Sea to the Persian Gulf is a scenario that has emerged and poses a major threat to global security.

I am disturbed at the diplomatic impotence of the Bush administration as it plays the role of a spectator watching this war escalate and the death-toll mount. United Nations Secretary General Kofi Annan is correct and to be commended for moving forward quickly to marshal international support to negotiate an immediate cease fire. I believe President Bush should join him in working to make a cease fire a reality. Furthermore, I strongly agree with Mr. Annan's call for a significant multinational force in Lebanon to secure the border with Israel, eliminate Hezbollah's military capacity, and help to establish the presence of whatever Lebanese army remains to enforce UN Security Council Resolution 1559.

Of course there are many voices here in the United States that oppose diplomacy and are comfortably dismissive of the death, destruction and long-term consequences of this war. Today, an editorial in the Washington Post dismisses diplomacy by saying, "If Secretary of State Condoleezza Rice makes the mistake of visiting Damascus, Mr. Assad will roll out the red carpet; then he will offer to stop the rocket and missile fire against Israel by Hezbollah and Hamas, on Syria's terms. The result will be to restore Damascus's influence in Lebanon and destroy the new independent, democratic government in Beirut—which has far more to fear from such a deal than from Israel's cratering of its airport runways and bridges." This "let them fight" sycophancy from the comfort of a safe office in the U.S. rather than a bombed out apartment or office building in Beirut ignores the obvious—Lebanon's democracy is being destroyed and it is a country on a path to becoming a failed state, as well as a haven for terrorists for years to come, unless the international community intervenes to change the current equation and establishes a guarantee of security for civilians.

It is important to remember that on April 18, 2006, President Bush appeared at a White House with Lebanon's Prime Minister Siniora and said, "There's no question in my mind that Lebanon can serve as a great example of what is possible in the broader Middle East; that out of tough times the country has been through will rise a state that shows that it's possible for people of religious differences to live side-by-side in peace; to show that it's possible for people to put aside past histories to live together in a way that the people want, which is, therefore, to be peace and hope and opportunity."

Three months later Prime Minister Siniora's nation is a war zone, Israel is under attack daily from Hezbollah rockets, and the United States is content with waiting for the outcome of a conflict which threatens our vital security interests. It is shocking, sad and disturbing turn of events.

Today we pass H. Res. 921 and recommit our support for Israel as it is under attack from a terrorist organization. Our prayers are with the families in Israel that want security, peace and hope. At the same time, my prayers are with the people of Lebanon who reject terror and have rebuilt their country over the past decade after years of civil war. Israeli cities and towns are being terrorized by Hezbollah rockets that should be targeted and destroyed, but I do not believe the massive attacks launched against civilian targets in Lebanon are justified.

The U.S. has an obligation to stand with our ally as well as advance our vital interests in the region—security for Israel and the survival of Lebanon. Defending these interests is complicated and extraordinarily difficult because Israel is not secure and Lebanon may not survive. Unfortunately, the Bush administration has chosen the path of apathy, not diplomatic action. It is absolutely essential that the U.S. engage the rgion, hold terrorists accountable, and mobilize the Arab world, along with our European allies, to end the terrorist attacks on Israel while providing Lebanon with the support and resources needed to survive and excise Hezbollah. To do anything less in the upcoming days allows the possibility for an escalation into a global security and economic nightmare that will bring this Middle East war home to America.

Mr. EMANUEL. Madam Speaker, during these troubled times it is more important than ever for the United States to express its firm commitment to the State of Israel.

Since the very beginning of its existence, Israel has been a vital ally of the United States, enjoying a strategic partnership based on shared democratic values, friendship, and respect.

The State of Israel was established as a sovereign and independent nation 58 years ago, and it continues to be a strong friend of the United States and a beacon of democracy in the Middle East. Our democracy must stand by democratic governments such as Israel as their existence is threatened by the forces of totalitarianism and extremism.

The people of Israel have worked tirelessly to live in peace with their neighbors in the Middle East, and I commend them for their efforts. Unfortunately, that fragile peace has been shattered by the acts of terrorists bent on death and destruction, and Israel must be allowed to defend itself against these attacks.

Today a multitude of my fellow Chicagoans will join in a rally at the Federal Plaza to express their solidarity with the State of Israel. I commend these citizens and the organizers of the rally, including the Jewish Federation of Chicago. I also commend the Jewish United Fund for its financial contributions to help move children and refugees out of the northern region until this conflict is resolved.

Madam Speaker, I wish peace and prosperity to return to the region for all of its people. But a just and lasting peace can only be achieved with an end to terrorism. We stand with the State of Israel in that fight.

Mr. MICHAUD. Madam Speaker, I rise today in support of H. Res. 921.

We must fully and clearly condemn the attacks on sovereign, undisputed Israeli territory as the terrorist attacks that they are. The June 25th murders and kidnapping carried out by Hamas are an act of war. The July 12th murders and kidnappings carried out by Hezbollah are an act of war. As a sovereign state, Israel has the right to defend itself and its citizens from these attacks.

Hezbollah must immediately stop its attacks on innocent Israelis. All provisions of United Nations Resolution 1559 calling for the complete withdrawal of all foreign forces from Lebanon and the dismantlement of all independent militias in Lebanon must be fully implemented. Iran and Syria must end their proxy war with Israel at the expense of the Lebanese, Israeli, and Palestinian people.

Israel has the right to defend itself from these most recent criminal attacks, but I believe Israel must show restraint and limit civilian casualties as it struggles to end the threat posed by the terrorist organization Hezbollah—an organization which is responsible for more American deaths in recent decades than any other group except Al Qaeda. The Lebanese government must be able in the future to provide security within its own country and return to the path of peace and mutual security. That is the path of hope.

We all look toward the day when a secure Israel can live in peace with its neighbors, including a sovereign democratic and peaceful Palestinian state. If we are ever going to reach that goal, a goal shared by a majority of the world, then the United States and the international community must be fully diplomatically engaged in ending the terror and violence suffered in the region. My thoughts and prayers are with the innocent Israelis, Palestinians, Lebanese and foreign nationals who are all in harm's way.

I condemn this new escalation of violence and the terrorist attacks on Israel. I join my colleagues in standing with our ally Israel during this time of struggle. I call on the terrorist groups to release their hostages and turn away from the path of violence. I pray for lasting peace and mutual security and prosperity for all who suffer through this terrible conflict.

Mr. HOLT. Madam Speaker, I rise today in strong support of H. Res. 921, which condemns the recent attacks against the State of Israel and supports her right to defend herself. The United States has no closer ally in the Middle East and, at this difficult and troubling time, it is essential that the United States maintain its steadfast commitment to Israel and all her people.

Today, my thoughts and prayers are with Israel, her brave citizens, the captured soldiers, and all the innocent people on both sides of the border with Lebanon and the Gaza Strip. It is important that America supports Israel as she defends herself against the deadly and destructive acts of terrorists. Those who committed these heinous attacks must know that they will not succeed in destroying the State of Israel, nor will they diminish the spirit of the Israeli people.

Each day brings more rocket attacks from Hezbollah that target innocent civilians in northern Israel. These attacks must be stopped, and to do so Israel has the right to go after the Hezbollah terrorists who launch them from southern Lebanon with the assistance of Syria and Iran.

Despite the commitment and good faith efforts made by Israel to build a lasting peace in the Middle East, the terrorist organizations Hamas and Hezbollah engaged in unprovoked attacks on Israel and kidnapped three of her soldiers. Israel withdrew from the Gaza Strip, but Hamas responded with violence. Israel withdrew from southern Lebanon, but Hezbollah responded with terrorism. These terrorist organizations are killing innocent Israelis despite every attempt to demonstrate their genuine commitment to peace.

I hope that this crisis ends soon. In fact, I think it would be beneficial if the United States helped to arrange a cease fire, but Israel will and should maintain control of her own security. The experience of the last weeks reaffirms the right of nations to defend themselves against acts of terrorism, especially by organizations that are part of sovereign governments. But there are other lessons for those who do not live in the Middle East.

First, when there are opportunities to support moderate governments, we must do so. Part of the reason Hezbollah is still in south Lebanon is because it is backed by Iran and Syria, while the government of Lebanon was left without similar strong backing from the international community, including the United States.

Second, we must also remember the fact that extremism incubates in societies ravaged by poverty, hopelessness and humiliation. We cannot eliminate terrorism simply by suppressing terrorists. We must also lift up the societies and groups upon which terrorists rely for their recruitment.

And third, when confronting terrorists, every effort must be made to protect the civilians around them and prevent destruction to civilian communities. We cannot win the battle of ideas and prevail in the fight against extremism if the people we are trying to lift up are reduced to living in rubble.

Madam Speaker, the bible recounts many miracles performed by God. And miracles seemingly have helped Israel flourish since its independence. As the first Prime Minister David Ben Gurion once said, "in Israel, in order to be a realist you must believe in miracles." I still strongly believe in the dream that has become the wonderful reality of Israel.

I urge my colleagues to support Israel and to support this important resolution.

Mr. GARRETT of New Jersey. Madam Speaker, I rise today with full and strong support of H. Res. 921 and stand by our good friend Israel. Israel is once again under attack from ruthless regimes residing within the borders of their Arab neighbors.

At this very moment, Israel is engaged in defensive measures against the terrorist organizations Hezbollah and Hamas in response to their recent indefensible actions. These fanatical fringe associations have engaged in kidnapping and murdering Israeli soldiers and have sent over a thousand rockets into civilian Israeli neighborhoods. It is these terrorist groups that threaten peace in the Middle East and security for both Israeli and Arab peace-loving peoples.

The actions taken by Israel are simply an effort to rescue their kidnapped citizens as well as take out as many of the 14,000 Katyusha rockets controlled by Hezbollah and the unknown number of Qassam rockets controlled by Hamas already aimed at Israel. In taking action against Hamas and Hezbollah, Israel is exercising their unquestionable right to self-defense against unprovoked attacks on its sovereign territory by terrorist groups.

Israel exercised great restraint in not responding to the four separate rocket attacks on its people over the past year. Since Israel's handover of Gaza, the terrorists there have used that territory to launch more than 1,000 rocket attacks in the past 6 months alone. They act now because they must.

Hezbollah is not only a significant aggressor and threat to Israel, but has also been a sworn enemy of the United States. Before 9/11, it had killed more Americans than any other terror group. It was in 1983 that Hezbollah killed 257 Americans when they bombed the U.S. Embassy and U.S. Marine barracks in Beirut.

Perhaps the most troubling scenario in all of this is who is actually pulling the strings in these attacks. Since its inception, Hezbollah has received active support from Iran and Syria, which provide the terrorist group with an estimated $100 million annually. Iran has also actively helped fund Hamas which has also claimed some responsibility for the kidnappings that precipitated this turmoil. Iran's leaders proudly declare that "Israel should be wiped off the map."

I urge the nations of the Middle East to join with the State of Israel in condemning the horrific actions of these evil terrorists and in promoting real peace and stability for all people of the region.

I wish the Israeli people safety and security and pray for a quick resolution in these troubling times.

Mr. BONILLA. Madam Speaker, I rise today to express my solidarity with the State of Israel in its ongoing struggle against terrorist organizations such as Hezbollah. Despite U.N. Resolution 1559 which demands the disarming of Hezbollah, the organization still operates as an armed force in Lebanon threatening the stability of the region and freedom throughout the world. In fact, prior to September 11, 2001, Hezbollah was responsible for more American deaths due to terrorism than any other organization. This organization continuously fires rockets into Israel, and on July 12 conducted an unprovoked attack into Israel, killing at least three soldiers and kidnapping two.

It is without question that Israel is exercising its inherent right of self-defense by taking action against Hezbollah. Israel's military actions appear appropriate to prevent the further removal of the two kidnapped soldiers into Syria or Iran. It is clear that Hezbollah is supported by direct financial, military, and political aid from Syria and Iran, and Hezbollah also receives important support from sources within Lebanon. In fact, Iranian Revolutionary Guards continue to operate in southern Lebanon, providing support to Hezbollah and reportedly controlling its operational activities.

Congress has already enacted several laws, including the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, and the Iran and Libya Sanctions Act of 1996 which call for the imposition of sanctions on Syria and Iran for, among other things, their support for terrorism and terrorist organizations.

Israel is and will continue to be one of our greatest allies. Some examples of their cooperation include Israeli produced Unmanned Aerial Vehicles, UAV, that have been used by the United States military to identify targets, survey damage caused by bombs, and provide air support for United States soldiers. The United States military is also currently using Bradley Reactive Armor Tiles, BRAT, originally designed by the Israeli military. One hundred United States Bradley vehicles, which were installed with BRAT, overcame direct anti-armor fire and repelled each attack successfully in Iraq. Most importantly, however, Israel is among our strongest allies in the global war on terror. No free nation can allow this scourge to continue to grow and spread unchecked. The brave and proud people of Israel are standing up to terror and we must stand with them.

Mr. MCCAUL of Texas. Madam Speaker, I rise today in strong support of Israel, our ally in the Middle East. I would like to thank Majority Leader BOEHNER and Chairman HYDE for their leadership in bringing this timely resolution to the floor.

Since its inception nearly sixty years ago, Israel has been engaged in a war for its survival. It has conducted that war according to every rule set out by the international community and has always acted with restraint when it comes to civilians. Israel's enemies have not only acted without restraint, they have deliberately targeted civilians in an effort to terrorize the nation.

Israel is now engaged in a new chapter of its war on terror. I fully support Israel's right to defend its citizens by using all means necessary to destroy terrorists and those that support them. However, we must also consider the root cause of today's violence. For nearly thirty years, the government of Iran has been monetarily and militarily supporting Hezbollah around the world. Evidence of Syrian and Iranian complicity in Hezbollah's abduction of two Israeli soldiers last week is abundant.

The scourge of terrorism will never go away until the state sponsors of terrorism have been dealt with decisively. Iran today remains the world's largest state sponsor of terror. Iran's president has repeatedly threatened to bring a rain of fire to Israel and the United States. Imagine what might happen if they get a nuclear weapon to back up those threats. The majority of the Iranian people oppose the theocratic dictators that rule their country. The time has come for the United States to actively support the Iranian people and help them bring about democratic change in their country.

Ms. ESHOO. Madam Speaker, I rise today in support of this Resolution which condemns Hezbollah and Hamas, the terrorist attacks against Israel and the full support of the U.S. for Israel to defend herself and live in peace among her neighbors.

As I support this Resolution, I believe it is deficient in not expressing this body's strongest desire for all parties involved in the current conflict to exercise military restraint in order to spare the lives of innocent Israeli and Lebanese civilians.

While the Lebanese people have been making laudable strides toward a more positive future and a peaceful coexistence in the region, terrorists have sought continuously to ignite conflict. The Government of Lebanon has paid a price for their stand against Hezbollah and Syria, enduring assassinations, political and social turmoil, and now the wide-scale destruction of civilian lives and critical infrastructure.

As a result the people of Lebanon are alongside our friends in Israel in being victimized by Hezbollah and Hamas in the current crisis. Both sides are enduring extraordinary hardship from air and rocket attacks and hundreds of civilians have been killed during the current military campaign. The terrorists have succeeded in creating a humanitarian crisis which the international community, including the United States, has yet to respond to. The escalating conflict is nearing full-scale war and terrorists and their state sponsors are realizing their goal of scuttling the Roadmap to Peace and pushing regional leaders away from the negotiating table.

I believe the United States has the responsibility and the power to be the voice of reason and put an end to brinkmanship. The region is desperate for restraint on the part of all parties. The Resolution is silent on this.

It should be our goal today to protect the civilian lives and critical infrastructure that have been targeted in the current fighting, and work to bring about restraint to resolve the crisis without further bloodshed.

We need a policy in the Middle East that does not begin and end with military force. A political solution must be structured and the U.S. can and should take a decisive role through diplomacy and negotiations to shape a solution to the conflict.

It is regrettable that the above is not addressed in House Resolution 921.

Mr. KILDEE. Madam Speaker, I rise in support of House Resolution 921. I strongly believe that the State of Israel has the right to defend itself and its citizens from attacks from Hezbelloh. No country in the world would long tolerate the capture of its soldiers or the continual rain of deadly missiles and rockets onto its cities, towns, and villages without retaliating.

Madam Speaker, I also support the statements by President Bush and the leaders of the other G–8 nations that Israel should exercise the utmost restraint in its military actions in Lebanon. It is crucial that Israel seek to minimize the loss of civilian lives and the destruction of the civilian infrastructure of Lebanon, as well as the destabilization of the Lebanese Government.

Moreover, thousands of Americans are currently trapped in Lebanon. Many of these Americans have family ties to my State of Michigan. I urge the State Department and the Department of Defense to evacuate these American citizens swiftly and safely. I am also pleased that the Bush administration has agreed to not charge the American citizens for the costs of their evacuation from Lebanon.

Madam Speaker, the United States is the only superpower in the world. We should work closely with the United Nations and the international community to help find a lasting solution to Israel's conflicts with her neighbors. As the G–8 leaders said in their statement on the Middle East, the root cause of the problems in that region is the absence of a comprehensive Middle East peace. America should be leading the way to such a comprehensive peace between Israel, Lebanon and the Palestinians. In the near term, an immediate cease fire would allow desperately needed humanitarian assistance to reach the people of Lebanon, and would allow the Israeli residents of northern Israel to return to their homes and lives.

Mr. WEXLER. Madam Speaker, I rise in strong support of this resolution to express unwavering support for Israel as it faces a campaign of violence perpetrated by Hezbollah; express strong support for the Israeli government, which has evoked its unequivocal right to self-defense; and express support for the Israeli people, who are not alone. America stands shoulder-to-shoulder with Israel in its ongoing, 58-year struggle for security and peace.

Israel has been victimized by attacks on its sovereign land, and the international community must join us in decrying these horrific acts. Make no mistake—Hezbollah is not Israel's problem alone. In the past few years, Hezbollah has acquired advanced weaponry from Iran and Syria that threatens the security of Israel, the stability of the region, and American interests in the Middle East. The world cannot afford to remain on the sidelines as Israel fights to eradicate this global threat.

Two years ago, the United States and France joined together in passing U.N. Security Council Resolution 1559, which asserted the sovereignty of Lebanon and demanded the disarmament of Hezbollah. While Syria withdrew its troops from Lebanon, the Lebanese government was negligent in failing to disarm Hezbollah. During this time, Hezbollah strengthened its arsenal while continuing to serve as a terrorist proxy for Syria and Iran.

Today, I call on the international community to assist the Lebanese government in fulfilling its obligations outlined in U.N. Security Council Resolution 1559. I call on the European Union to add Hezbollah to its terrorist list. I call on the United Nations to hold Iran and Syria responsible for arming, financing, and supporting Hezbollah. And I respectfully call on President Bush to implement the full range of U.S. sanctions against Syria and renew U.S. sanctions against Iran. As Israel's strongest ally and friend, the United States must exhaust every effort to restore stability and security to the Middle East.

As we reflect on the violence unfolding as we speak, we are reminded of the resilience and perseverance of the Israeli people, who have never sacrificed the dream of peace. It is my wish that the vision of hope embodied in Israel's national anthem—Hatikva—may come to fruition, and that Israel will succeed in defeating Hezbollah and creating a lasting peace.

Mr. FARR. Madam Speaker, I offer my heartfelt condolences to the families who have lost loved ones in the recent escalation of violence in the Middle East. I am pleased that H. Res. 921 expresses Congress's "condolences to all families of innocent victims of recent violence."

The United States is faced with a harsh reality that peace in the Middle East has been so elusive. Yet we cannot, we must not, stop trying to broker peace. The U.S. cannot turn its back on the families in the Middle East and must not conclude that constant war is inevitable. The U.S. must step up to the challenge of engaging the Israelis, Palestinians, and Lebanese and all the Middle East nations who want a lasting peace. I am not willing to give up hope that peace in the region can be achieved and nor should this administration.

It is imperative to remember that this region is very complex, and that there are forces working for peace and forces that crave war. Benjamin Franklin once said, "There was never a good war or a bad peace." It is time for this administration to remember these important words. The Middle East conflict has largely been pushed to the back burner by this administration with serious repercussions for U.S. national security interests. The U.S. must stop performing band-aid diplomacy and focus on long-term solutions to move toward peace. History should have taught us that violence only begets more violence and all actors involved need to recognize the mutual benefits of peace.

We are faced with a vital question—where can we go from here? First and foremost, Hezbollah and Hamas must disarm and recognize Israel's right to exist. Armed political parties that use brute force do not foster peaceful solutions. Israel has survived five major wars since its inception. This country lives in constant defense mode because terrorist organizations surrounding it still harbor hope of its destruction. The U.S. must continue its steadfast support of Israel, and all countries in the region must abide by U.N. resolutions that promote a two-state solution.

The loss of civilian lives in the Middle East is tragic and continued violence makes the challenge of achieving peace more difficult. The U.S. must renew a serious diplomatic effort in the region.

Ms. KILPATRICK of Michigan. Madam Speaker, I rise today with very strong and mixed feelings on H. Res, 921, This resolution condemns the recent attacks against the State of Israel. The State of Israel has two intractable enemies, Hamas and Hezbollah. Presently, Israel is engaged in military operations in Gaza and Lebanon. I cannot over-emphasize that I am vehemently and unalterably opposed to the attacks undertaken by Hezbollah against Israel. At the same time, I cannot and will not support other language in the resolution which I consider to be harmful to the interests of peace, diplomacy, security, and the protection of civilians in Lebanon and Israel.

Let me say at the outset, I support the right of Israel to exist and to defend itself from attack. I cannot support the level of retaliation it is using against the civilian population that did not provoke the attack. Hezbollah is the guilty party, and their attacks were egregious, without merit, and provocative. Israel must direct its campaign against confirmed Hezbollah strongholds. Given the sophistication of current surveillance technology and intelligence-gathering, I am convinced those strongholds can be effectively eradicated, without the current and ongoing loss of life and casualties to innocent civilians.

This resolution on first glance would appear to be easy to support, but on further review, it poses serious philosophical problems for me. Hezbollah provoked the attacks by capturing and killing Israeli soldiers. Indeed, in some instances, Hezbollah is using Lebanese civilians as shields.

The resolution declares that the House affirms its support for Israel. I believe that offering unconditional support to Israel's response sends the signal that the House supports the continuing and increasing carnage that is taking place in Lebanon. I fully recognize that lives have been lost in Israel too. All of these deaths are tragic and deplorable. This resolution does not even offer counsel to Israel to aggressively pursue the course of minimizing civilian loss of life. Furthermore, the resolution recognizes Israel's commitment to minimizing civilian loss of life. To date, Israeli military operations have resulted in excess of 300 civilians killed, with an estimated one-third of them being children. I do not see Israel's actions being consistent with a commitment to minimizing the loss of life.

The resolution also cites Israel's right to take appropriate action to defend itself, including conducting operations in both Israel and in the territory of nations which pose a threat to it. At the present time, Israeli military bombing operations are completely dismantling the infrastructure of Lebanon. Bridges, roads and buildings are being destroyed. Once the campaign wanes, the country will consist of rubble.

I am also concerned by the language that commends the President for fully supporting Israel. The language and the message state explicitly that the House supports the way he has handled the current crisis. I strongly disagree with this premise and statement.

I want to state that I am mindful that although the focus of our current attention is on the plight of the citizens affected in Israel and Lebanon, we must not forget the other component of the equation—the situation in Gaza involving the Palestinians.

In Gaza, a cordon has been set up by the Israelis, and Palestinians are suffering under unbearable conditions. My concern rests with the humanitarian plight of civilians in Gaza and Lebanon that are pawns in a struggle by terrorist organizations. Both organizations, Hamas—Sunni—and Hezbollah—Shia—provide vital social services such as education and medical care to civilian populations, while simultaneously engaging in terrorist activities. In fact, their efforts and ideologies have created desperate political and military scenarios. In the case of Hezbollah, their efforts are contributing to instability in the region.

I fully recognize the gravity of the situation that is presented by the unconscionable and provocative behavior of Hezbollah. I also have grave reservations about the level of the response by Israel to Hezbollah's actions. The competing complexities and mixed messages presented by the language in the resolution preclude me from offering my support to H. Res. 921. Therefore, I will cast a vote of "nay" on this resolution.

Mrs. DRAKE. Madam Speaker, I am proud to come to the floor today to voice my support for this resolution.

Since the year 2000, Israel has demonstrated a willingness to act unilaterally in the name of peace; only to have their enemies respond with more acts of violence.

In 2000, Israel withdrew their forces from southern Lebanon, only to be followed by Hezbollah and their missiles.

In 2005, Israel unilaterally withdrew from Gaza, only to be replaced by the militant wing of the Hamas party.

As a sovereign and independent nation, Israel has every right to defend itself from these constant attacks led by groups with the expressed purpose of destroying Israel.

There is agreement in this House and in the world community that there be peace in the Middle East, so that all families, whether they be Israeli, Palestinian, or Lebanese, can live without fear.

But there will be no peace so long as these terrorist organizations insist on the destruction of Israel.

There will be no peace, until Hamas agrees to curtail acts of violence and aggression and show that they are willing to work towards a two-state solution.

Our own soldiers are currently engaged against an enemy that has no respect for human life and a complete disdain for democracy.

In this Global War on Terror, we have no greater ally than the nation of Israel, whose citizens are all too familiar with terrorists and their tactics.

I am proud to support this resolution because I believe it is important that we let the Israeli people know that we stand behind their right to defend their homeland and their citizens. I encourage my colleagues to support this resolution, so that we may speak with one voice so that there may be peace for all people in the Middle East.

Ms. WOOLSEY. Madam Speaker, today the House is considering H. Res. 921, a resolution condemning the recent attacks against the State of Israel.

The resolution focuses on the attacks by Hamas and Hezbollah on Israel and expresses its condolences to all families of innocent victims of the recent violence. While the resolution is not perfect, it does call on the international community to cooperate to bring an end to the violence in the region.

The two sides cannot resolve this by themselves, and it is clear that only a diplomatic track will help to address the wide-spread unrest in the Middle East. Believing that, I would prefer the resolution do more to solidify the U.S. as an honest broker in the conflict.

It is unfortunate that while the violence has continued for more than a week now, Secretary of State Rice still has failed to travel to the region. Even further, she has declined to send a Special Envoy to focus exclusively on the crisis. This is yet one more example of the Bush Administration's failure on the foreign policy front.

The Administration must become engaged with the international community in pursuing a peaceful and just resolution to this on-going crisis instead of standing by while innocent civilians are killed. President Bush's stubborn involvement in Iraq has made it difficult for the U.S. to focus on this and other conflicts in the region. Instead of bringing parties to the negotiating table, President Bush and Secretary Rice have ignored the region while it has literally gone up in flames.

History has shown that the U.S. is most successful when it supports evenhanded, diplomacy-based foreign policy. This can be achieved by supporting and implementing the legislation I introduced earlier this year, SMART (H. Con. Res. 158). SMART steps include:

1. Preventing future acts of terrorism by strengthening international institutions and respect for the rule of law;

2. Reducing the threat and stop the spread of weapons of mass destruction;

3. Addressing the root causes of terrorism;

4. Shifting U.S. budget priorities to more effectively meet our national security needs; and

5. Pursuing to the fullest extent alternatives to war.

Until the Bush Administration adopts principles like these in the Middle East, and throughout the world, the cycle of unrest will continue.

Unlike previous Congressional acts, SMART strives to achieve a balance of support for all parties and puts the U.S. in the role of a partner for peace in Middle East.

With my constituents and colleagues, I call on the President to dedicate himself fully to the peace process and to guarantee the safety and well-being of all innocent civilians involved in the chaos in the Middle East.

Mr. RAMSTAD. Madam Speaker, I rise today as a strong and consistent supporter of Israel to urge my colleagues to pass H. Res. 921.

This important resolution condemns the recent attacks on Israel by the Hamas and Hezbollah terrorist groups and expresses continued U.S. support for the right of Israel to defend itself.

The State of Israel was created in 1948, and the United States was the first country to formally recognize its right to exist. Since that time, Israel has been one of our strongest allies in the world and a glimmer of hope in the Middle East as the only developed democracy in a region that has known too much war, too much terror and too much violence.

Israel consistently stands shoulder to shoulder with the U.S. in countering the most dangerous threats we face today, including the use of terror by groups attempting to destabilize moderate regimes and disrupt various peacemaking efforts.

In August 2005, Israel began its withdrawal from the Gaza Strip and gave the Palestinian Authority (PA) the opportunity to prove themselves capable of exercising just and rightful authority over their own people. Since that time, the PA has proven to be ineffective at immobilizing terrorist activities, as shown by Hamas' frequent rocket attacks on Israeli cities and the cross-border ambush that took place only a few weeks ago, which resulted in the deaths of two Israeli soldiers and the kidnapping of another.

In addition, Iran's public declarations calling for both the destruction of the state of Israel and greater development of nuclear arms have produced a dangerous and volatile situation both regionally and globally. As Iran continues to provide weapons and supplies to terrorist groups like Hezbollah, we must allow Israel to continue to take necessary action to protect itself.

This is a critical time for Israel. We must allow Israel to continue its self defense efforts and attempts to prevent terrorist organizations from destroying the Middle East. As Prime Minister Olmert stated in his address to Congress, "[We must] replace the 'Culture of Hate' with an 'Outlook of Hope.'" Hezbollah and Hamas are organizations that have proven to be committed to this "Culture of Hate." Consequently, their removal from the Middle East is essential to instill hope into a region that has seen far too much destruction of innocent life.

Once again, I urge my colleagues to support this important resolution.

Ms. WOOLSEY. Madam Speaker, today the House is considering H. Res. 921, a resolution condemning the recent attacks against the State of Israel.

The resolution focuses on the attacks by Hamas and Hezbollah on Israel and expresses its condolences to all families of innocent victims of the recent violence. While the

resolution is not perfect, it does call on the international community to cooperate to bring an end to the violence in the region.

The two sides cannot resolve this by themselves, and it is clear that only a diplomatic track will help to address the widespread unrest in the Middle East. Believing that, I would prefer the resolution would do more to solidify the U.S. as an honest broker in the conflict.

It is unfortunate that while the violence has continued for more than a week now, Secretary of State Rice still has failed to travel to the region. Even further, she has declined to send a special envoy to focus exclusively on the crisis. This is yet one more example of the Bush administration's failure on the foreign policy front.

The administration must become engaged with the international community in pursuing a peaceful and just resolution to this on-going crisis instead of standing by while innocent civilians are killed. President Bush's stubborn involvement in Iraq has made it difficult for the U.S. to focus on this and other conflicts in the region. Instead of bringing parties to the negotiating table, President Bush and Secretary Rice have ignored the region while it has literally gone up in flames.

History has shown that the U.S. is most successful when it supports even-handed, diplomacy-based foreign policy. This can be achieved by supporting and implementing the legislation I introduced earlier this year, SMART—H. Con. Res. 158. SMART steps include:

1. preventing future acts of terrorism by strengthening international institutions and respect for the rule of law; 2. reducing the threat and stop the spread of weapons of mass destruction; 3. addressing the root causes of terrorism; 4. shifting U.S. budget priorities to more effectively meet our national security needs; and 5. pursuing to the fullest extent alternatives to war.

Until the Bush administration adopts principles like these in the Middle East, and throughout the world, the cycle of unrest will continue.

Unlike previous congressional acts, SMART strives to achieve a balance of support for all parties and puts the U.S. in the role of a partner for peace in Middle East.

With my constituents and colleagues, I call on the President to dedicate himself fully to the peace process and to guarantee the safety and well-being of all innocent civilians involved in the chaos in the Middle East.

Mr. PAUL. Madam Speaker, I rise in opposition to this resolution, which I sincerely believe will do more harm than good.

I do agree with the resolution's condemnation of violence. But I am convinced that when we get involved in foreign conflicts and send strong messages, such as this resolution will, it ends up expanding the war rather than diminishing the conflict, and that ultimately comes back to haunt us.

Madam Speaker, I follow a policy in foreign affairs called non-interventionism. I do not believe we are making the United States more secure when we involve ourselves in conflicts overseas. The Constitution really does not authorize us to be the policemen of the world, much less to favor one side over another in foreign conflicts. It is very clear, reading this resolution objectively, that all the terrorists are on one side, and all the victims and the innocents are on the other side. I find this unfair, particularly considering the significantly higher number of civilian casualties among Lebanese civilians. I would rather advocate neutrality rather than picking sides, which is what this resolution does.

Some would say that there is no room to talk about neutrality, as if neutrality were a crime. I would suggest there should be room for an open mind to consider another type of policy that may save American lives.

I was in Congress in the early 1980s when the U.S. Marines were sent into Lebanon, and I came to the Floor before they went, when they went, and before they were killed, arguing my case against getting involved in that conflict.

Ronald Reagan, when he sent the troops in, said he would never turn tail and run. Then, after the Marines were killed, he had a reassessment of the policy. When he wrote his autobiography a few years later after leaving the Presidency, he wrote this:

> Perhaps we didn't appreciate fully enough the depth of the hatred and the complexity of the problems that made the Middle East such a jungle. Perhaps the idea of a suicide car bomber committing mass murder to gain instant entry to Paradise was so foreign to our own values and consciousness that it did not create in us the concern for the marines' safety that it should have.
>
> In the weeks immediately after the bombing, I believe the last thing that we should do was turn tail and leave. Yet the irrationality of Middle Eastern politics forced us to rethink our policy there. If there would be some rethinking of policy before our men die, we would be a lot better off. If that policy had changed towards more of a neutral position and neutrality, those 241 marines would be alive today.

It is very easy to criticize the Government of Lebanon for not doing more about Hezbollah. I object to terrorism committed by Hezbollah because I am a strong opponent to all violence on all sides. But I also object to the unreasonable accusations that the Government of Lebanon has not done enough, when we realize that Israel occupied southern Lebanon for 18 years and was not able to neutralize Hezbollah.

Madam Speaker, there is nothing wrong with considering the fact that we don't have to be involved in every single fight. That was the conclusion that Ronald Reagan came to, and he was not an enemy of Israel. He was a friend of Israel. But he concluded that that is a mess over there. Let me just repeat those words that he used. He said, he came to the conclusion, "The irrationality of Middle Eastern politics forced us to rethink our policy there." I believe these words are probably more valid now even than when they were written.

Mr. DINGELL. Madam Speaker, I rise today with great sadness over the events in Lebanon.

I believe we must speak with one voice that Israel has a right to defend itself. I believe we are unanimous in our opinion that Hezbollah began this conflict; and I believe that we are unanimous that Iran and Syria continue to destructively meddle in the emerging democracy of Lebanon.

This resolution comes at a time when Lebanon—a potential unwavering ally to the United States, a western looking democracy, has become an unfortunate proxy in a war between Israel and extremism.

Right now, there are 5,000 of my constituents who are facing bombing raids and a harrowing escape from war. They were in Lebanon visiting friends, relatives, childhood homes, or just enjoying Lebanon's sites, and now they are in a war zone. As their representative, my first responsibility is to them.

The events of the last week have been horrific. The violence on both sides of the Israeli-Lebanon border has escalated, and more and more people, mostly civilians, have seen their lives forever changed.

Innocent Israelis and innocent Lebanese have been pulled into a conflict not of their own making. The "Peace of the Brave", that Prime Minister Yitzhak Rabin gave his life for, is today a lost hope.

Diplomacy, which the last Administration was criticized for using too much, seems to be a dirty word today.

This House, which after each Middle East conflagration brings a resolution of resolve and solidarity to the floor, could do much more to alleviate the suffering of the Lebanese.

Last summer, we passed unanimously a resolution that said, the United States would support efforts to enhance Lebanon's sovereignty. The same resolution said, "The United States should aid the people of Lebanon in their efforts to restore the separation of powers, the rule of law, and a proper respect for fundamental freedoms of every citizen."

We promised a commitment to the people of Lebanon that is not entirely reflected in this resolution. We said we would support them, and in my view the best way we can support them is to bring about a cessation of violence.

Israel's right to defend itself is absolute, but I am concerned that the current action will make it impossible for Lebanon's small military to properly assert itself along the troubled border.

We should support Prime Minister Tony Blair's plan to expand the international force along the southern border. We should also begin to rethink our own aid package to Lebanon's democratic government.

The United States can truly change hearts and minds in the Middle East if we commit ourselves to helping to rebuild Lebanon's infrastructure, help professionalize and equip their national military, and provide the economic assistance they will need to keep their restive population employed and prosperous.

That is where I believe this resolution should be focused, and I believe it is in that omission that this Congress' policy is woefully inadequate.

The events of the past few days are heartbreaking. Not only because the unfolding violence involves our dear, and unwavering ally, Israel but also because it has sucked in Lebanon, a fragile nation that has had a bitter history and has only recently begun to reemerge from its dark past.

Madam Speaker, most tragically it was only 6 years ago that we were on the cusp of something almost magical—peaceful coexistence in the Middle East. The engagement of the United States was vital to that.

The brave dream laid out by Yitzhak Rabin was shattered by an assassin's bullet. The brave concessions by Ehud Barak and the support of President Clinton almost realized that dream.

But I believe we can get back to that moment. I believe it will take a fully engaged United States. I believe it will take a substantial investment on our part as a Congress to provide Lebanon and Israel with the assistance they need to overcome this crisis and reestablish security along their border.

Unfortunately, this resolution does not address these issues, and is an inadequate statement of policy to the parties who are friends of peace.

Madam Speaker, at this time I want to enter into the RECORD the names of twelve members of the Bzeih family who were killed as a result of the fighting—they have family in Michigan that held a memorial service for them on Sunday.

Hajji Fatme Bzeih, 80 years old; Hajji Thanya, 74 years old; Souad Nassour, 38 years old; Mariam Naem, 52 years old; Mohamad Naem, 17 years old; Malaak Naem, 17 years old; Hussein Naem, 11 years old; Naeem Naem, 24 years old; Ammal Bzeih, 42 years old; Khouloud Bzeih, 18 years old; Farah Bzeih, 12 years old; and Aziza Bzeih, 9 years old.

Mr. MORAN of Virginia. Madam Speaker, I rise in support of H. Res. 921, which expresses the United States House of Representatives' support for the government and people of Israel at this most difficult time, and also extends its condolences to the families of all the innocent victims of the ongoing violence. I further wish to express my condolences to the Americans who are stranded or trapped in Lebanon, the West Bank and Gaza amidst the crossfire between Israel, Hezbollah and Hamas. My thoughts are with them at this time.

Though I support this resolution, I feel it falls short in failing to call for an immediate cessation to the ongoing hostilities, for an end to the loss of civilian life and the destruction of property that is occurring in Israel, Lebanon and the West Bank and Gaza. Violence, death and destruction are the unfortunate consequences of war. But, here, these consequences are especially unfortunate because they have been experienced almost entirely by innocent civilians from all sides of the conflict, rather than its actual combatants. Over 200 innocent Lebanese civilians have been killed, with at least a thousand more injured. This destruction of innocent lives must immediately come to an end.

It is the responsibility of our government to protect Americans everywhere and lead them to safety during times of war. It's estimated that approximately 25,000 Americans are in Lebanon. Yet after 7 days of fighting, the government has only managed to evacuate a few hundred. It is now reported that 7,000 more Americans are scheduled to be evacuated by naval ship to Cyprus by week's end, but this is still not enough. I urge the administration to increase the pace at which it is evacuating Americans from Lebanon.

The administration must play a different, far bolder and more balanced role in resolving the current Middle East hostilities. When it comes to the ongoing Israeli-Palestinian conflict, the administration has been disengaged for more than 5 years. Over the past 3 weeks, we have seen the disengagement.

Starting now, the United States must be willing to again engage itself, directly and forcefully, in the Israeli-Palestinian peace process. We have played an important role in the prior progress that has been made toward peace and stability in the Middle East. We must resume this role. Secretary Condoleezza Rice must immediately lead the efforts for a multilateral diplomatic return to the peace process, and hang in there until real fundamental reconciliation is achieved.

Finally, I am deeply concerned about the impact the current crisis will have on the long-term prospects for peace in the Middle East and upon future generations in Israel, the West Bank and Gaza, and Lebanon. A continuation of the violence and hatred will only serve to harden feelings and widen the gap now separating the people of this historic and cherished part of the world, and to make the securing of a real and permanent peace in the region more difficult and elusive than ever. Israel must learn to get along with its neighbors and vice versa.

Sometimes conditions need to hit bottom in the short term before they can get better in the long term. My fervent hope is that a decade from now, we will look upon these times as the bottom of the descent, and the beginning of a wondrous ascent, led by people of good faith in the Middle East and throughout the world, that ended the hatred and enmity between Israel and its neighbors, and produced the lasting peace that the peoples of the region pray for.

Mr. STARK. Madam Speaker, I reluctantly rise in opposition to this one-sided resolution that condemns recent attacks against the State of Israel while failing to deplore Israeli violence against the people of Lebanon. Like the authors and supporters of this resolution, I support Israel's right to exist and denounce the tragic kidnapping of Israeli soldiers. I also appreciate the desire to marginalize Hezbollah. But Israel's disproportionate military response, which is decimating Lebanon's infrastructure and economy, and preventing the transport of necessary medicines into the country, is counterproductive.

As we are all painfully aware, the Middle East is a fragile place. Unfortunately, America's unconditional support for Israel is now tipping the balance in Israel's favor, facilitating a cycle of violence that undermines hopes for long-term peace. The latest back-and-forth threatens a larger, longer, and more deadly war, and underscores the failure of this administration to bring stability to the region.

Lebanon has a democratically elected government that is by no means safely ensconced. I fear that in an attempt to weaken Hezbollah, Israel will instead undermine a Lebanese government that is more autonomous and sovereign than at any time in the past two decades. Killing Lebanese soldiers, for example, will not help the Lebanese government limit Hezbollah's influence. President Bush and I rarely agree, but even he this week cautioned Israel to be "mindful" of allowing Lebanon's government to "succeed and survive" after the conflict

I do not agree with the President's refusal, however, to join the international community in calling for a prompt cease-fire. Nor do I appreciate this resolution's tacit approval for a lack of American diplomacy. Rather than back any and all actions Israel takes, the United States should act as an honest broker and pressure both Israel and Lebanon to show restraint. Diplomacy, not more violence, is the path to peace in the Middle East.

Additionally, I strongly encourage the United States to acknowledge the plight of Americans living in Lebanon. Yesterday morning, the Washington Post ran a letter to the editor by a constituent of mine, noting the administration's Katrina-like response to evacuation requests. The constituent's family would like to depart Lebanon, but has been unable to secure transport out of the country.

Finally, I am concerned that particular language in this resolution that all but encourages Israel to take action against Iran's nuclear facilities. Section Eight in particular sanctions "Israel's right to take appropriate action including to conduct operations in the territory of nations which pose a threat to it" As with the current violence, I would urge Israel—and the United States—to pursue a diplomatic solution in Iran.

I cannot vote for a resolution that condemns one tragedy while supporting another. I urge my colleagues to embrace the difficult and challenging path to peace rather than the reflexively simple march to war.

Mr. MURPHY. Madam Speaker, I strongly support House Resolution 921 and America's ally, Israel.

This is a critical time for the entire Middle East. The unprovoked, illegitimate acts of Hamas and Hezbollah in recent days have been despicable. As the President has said, Israel, like any other sovereign nation, "should be allowed to defend herself." Israeli citizens should not have to live with hundreds of Hezbollah's Katyusha (ka-TOO-sha) rockets reigning down upon them in their neighborhoods.

Let there be no question that the attacks on the northern border and the kidnapping of the soldier along the western border are the result of more than 58 years of hatred against Israel by supporters of groups like Hezbollah and Hamas. These terrorist organizations simply do not want to live in peace alongside Israel. Hamas and Hezbollah both officially state they are totally dedicated to ending the nation of Israel and killing Israelis.

Certainly, the loss of innocent life anywhere in the world is tragic. We all mourn for families in Lebanon and Israel who have been torn apart in the recent violence. But perhaps the real treachery of extremist terrorists lies in their efforts to assimilate into nations of the world and hide amongst law-abiding citizens. For one full week now, from civilian areas of Lebanon, Hezbollah terrorists have lobbed more than a thousand rockets at innocent people in Israel. In response, Israel retains every right to retaliate against these attacks, and Hezbollah's disregard for innocent life on both sides of the Lebanese-Israeli border has led to needless deaths.

While our brave servicemen and women fight for freedom and democracy in Iraq, we must never forget that the nation of Israel has for decades been the greatest Middle East ally to the U.S. and all democratic, free nations.

The enemies of Israel can choose to live in peace alongside Israel. If they do not choose peace, Israelis have every right to defend their nation, with full confidence the United States will always stand with them.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of H. Res. 921 condemning recent attacks against Israel. The attacks and kidnapping of Israeli soldiers by Hezbollah have precipitated a crisis in the region. Like any sovereign power, Israel has the right and responsibility to defend herself against unprovoked attacks.

United Nations Security Council Resolution 1559 calls for the dismantling of all independent militias in Lebanon. That resolution has never been enforced. Consequently, the Hezbollah militia has been able to operate freely in Lebanon, especially in the southern area bordering Israel, and has amassed a large arsenal of weapons, including an estimated 13,000 rockets. During the past year, Hezbollah has launched at least four separate rocket attacks into Israel. The latest round of rockets have fallen indiscriminately on civilians in Haifa and other population centers.

Hezbollah's terrorist operations not only pose a threat to Israel, but they also threaten the security of Lebanon. The majority of people in Lebanon strongly resent Hezbollah for dragging Lebanon into a conflict with Israel. They understand that Israel did not initiate these hostilities and has a right to defend herself. Israel also has a right to destroy the military and terrorist apparatus employed by Hezbollah in its attacks on Israel. Israel must make it absolutely clear that its efforts are focused on that objective. Every effort must be made to prevent civilian casualties. Actions perceived by the people of Lebanon to unnecessarily target civilian infrastructure will have the unintentional consequence of transforming Lebanese anger at Hezbollah into anger at Israel. The United States and Israel must not unwittingly hand Hezbollah a propaganda victory and strengthen the hands of the extremists in the region.

Unfortunately, recent American actions in the Middle East and Southwest Asia, especially the war in Iraq, have had the unintentional but very foreseeable consequence of inflaming anti-Western sentiment and strengthening the position of the most radical Islamic forces. Among the biggest beneficiaries of the situation in Iraq has been neighboring Iran. Iran has exploited the chaos and instability in Iraq to advance its own radical agenda and expand its influence in the region. It has also further strengthened its leverage and reach in the region through its continued support of Hezbollah. The United States must do more to rally the international community to pressure Syria and Iran to end their support for Hezbollah and Hamas. However, our leverage has been considerably weakened by the situation in Iraq and the perception that the United States is bogged down there.

In a speech delivered at the American Enterprise Institute in February 2003, a few weeks before invading Iraq, President Bush declared that going to war in Iraq would promote democracy and stability in the Middle East, reduce the influence of the hardliners and help resolve the Israeli-Palestinian conflict. Specifically, the President said, "Success in Iraq could also begin a new stage for Middle Eastern peace and set in motion progress toward a truly democratic Palestinian state. The passing of Saddam Hussein's regime will deprive terrorist networks of a wealthy nation that pays for terrorist training and offers rewards to families of suicide bombers and other regimes will be given a clear warning that support for terrorists would not be tolerated."

Unfortunately, but predictably, we have seen the opposite result in the aftermath of the invasion of Iraq. The prospects of achieving an Israeli-Palestinian peace settlement are far more remote today than they were when we invaded Iraq. While we engaged militarily in Iraq, this Administration disengaged from any serious effort at re- establishing an Israeli-Palestinian peace process. This Administration must confront the fact that its failed policies in Iraq and the region are further destabilizing and inflaming an already volatile region. We must lead not just by the might of our military, but by the power of our example. It is time to begin rebuilding our credibility around the world.

Mr. CARDOZA. Madam Speaker, I rise to express strong support for Israel's right to defend itself against unprovoked acts of terrorism.

On June 25, members of Hamas attacked an Israeli army post, killing two Israeli soldiers and kidnapping another, Corporal Galid Shalit. Israel responded with appropriate force, seeking the return of its soldier and an end to rocket attacks coming from the Gaza Strip. Then, on July 12, Hezbollah terrorists attacked an Israeli military unit patrolling the Israeli border south of Lebanon, taking two Israeli soldiers hostage. They also began firing dozens of Katyusha rockets at northern Israel, including Haifa.

The acts of terrorism perpetrated by Hamas and Hezbollah created the situation that the world confronts today. Israel could not tolerate such assaults on its soil, against its citizens—no nation would. Israel responded to these acts of war by defending themselves. They entered Gaza and Lebanon to try to rescue their kidnapped soldiers and prevent terrorists from committing further attacks on their homeland.

Both of these attacks were calculated acts of war—attacks on Israeli soldiers guarding undisputed Israeli territory. The attacks by Hezbollah are blatant breaches of Security Council resolutions 1559, 1655 and 1680, which certified Israel's full withdrawal from Lebanese territory and called for the disarmament of all militias in Lebanon and an end to attacks across the Israel-Lebanon border. Unfortunately, the government in Beirut has not done its part to enhance the security of both nations. In fact, the attacks against Israel are the result of Iran, Syria, and certain factions of the Lebanese Government's inaction towards these terrorist organizations in their country.

Let's look at the facts. Despite the Security Council resolutions, Hezbollah remains an armed militia group that controls 23 seats in the Lebanese parliament and 2 ministers in the national government. According to the State Department, Hezbollah receives between 30 and 40 million a month in cash, aid and arms support from Iran. Additionally, the State Department reports that Syria is an active partner with Iran in supporting and funding Hezbollah.

At the same time, the leadership of Hamas recently called Hezbollah's actions "a heroic operation." It is clear that, despite optimism that Hamas would transform into a secular, stable government, it is sticking to its roots as a terrorist organization, supporting and encouraging attacks against innocent civilians.

Given these facts, I believe it is time for the world community to take action against Hamas and Hezbollah and the nations that support both regimes. The United States should demand that the Government of Lebanon immediately release the abducted Israeli soldiers. The same holds true for the soldier held by Hamas in Gaza. At the same time, we must insist that Iran and Syria immediately cease interfering in the internal affairs of Lebanon and the Palestinian Territories by ending all support for Hezbollah and Hamas.

The United States must also continue to provide Israel with consistent and broad-based support, since an even greater destabilizing force is developing in the region—a nuclear-armed Iran with terrorist allies in Hezbollah and Hamas.

I also believe the United States must also play an active role in forging a solution to this conflict and its underlying cause. Let us not forget that it is not only the lives of Israelis, Lebanese, and Palestinians threatened by the fighting. Press reports indicate that approximately 25,000 Americans are in Lebanon, many of whom are trying to leave that war-torn area.

The best deterrent to future acts of terrorism is the presence a unified world community. In the days ahead, I hope the Bush administration works to build a broad global alliance to deal with the current crisis in the Middle East, which will act as a powerful deterrent against similar acts of terrorism in the future. We cannot afford to let Israel go it alone in this conflict—we need the engagement of the Bush administration and the world community to punish the regimes that support terror, while also supporting the moderate voices in the Muslim world.

At this time of struggle and great peril, we need to stand firmly with the people of Israel and their government. Our country will stand with the government and people of Israel as they defend themselves. As an independent sovereign nation, Israel has every right to respond to acts of aggression against its homeland and the soldiers who defend it.

Mr. NUSSLE. Madam Speaker, I rise to express my support for today's resolution (H. Res. 921) condemning attacks against Israel.

Israel is a friend of the United States and a strong ally in the War on Terror. They have every right to defend themselves against brutal terrorists who attack innocent civilians and bomb their cities. Terrorist groups like Hamas and Hezbollah rely on violence, fear, and terror to spread religious fanaticism and advance their political agenda.

We will continue to defend the cause of freedom and stand up to evil terrorist regimes wherever they exist. Peace in the Middle East will not be possible until there is a permanent end to the violence by these terrorist groups and the countries that sponsor them.

Madam Speaker, I strongly support today's resolution. By taking action, the House of Representatives is sending an important message: That we support our friends in Israel and we condemn the state sponsors of recent terrorist acts.

Mrs. DAVIS of California. Madam Speaker, I share your concern about the grave nature of the ongoing violence in the Middle East.

It's good we are here talking about these very serious issues. I am pleased to see honest debate about the nature of this conflict and the need to stand with Israel. But what else should this Congress be doing?

It is vital that we engage one another in these critical days. With American military assets already deployed to the region for the evacuation effort, and the risk of escalation high, we must work together to get this right.

Passing this resolution, however, is only the first step.

After expressing our will, Congress must insist that the White House take our resolution and use it to encourage the international community to condemn Hamas and Hezbollah and expose them for what they really are—terrorist groups openly operating within the borders of democratically elected regimes.

The recent events in the Middle East have troubled us all. The campaign by Hamas and Hezbollah to kidnap Israeli soldiers and launch rocket attacks in Israel has the potential to destabilize the entire region and invite an expanded conflict.

Israel's ongoing incursions into Lebanon should rightly be viewed as retaliations against Hezbollah—and not against the people of Lebanon.

Like many of my colleagues, I have traveled to Lebanon and seen first hand the potential that country has. Like Israelis, the Lebanese want nothing more than to live in peace and prosperity.

But as fast as a rocket flying across the Israel border, the dreams of the Lebanese have been put on hold. Once again, their population is held hostage by foreign interests. And once again, the threat to Israeli sovereignty has forced an armed response.

I agree with Secretary Rice that Israel has a right and obligation to defend its people. That is exactly what Article 51 of the U.N. Charter guarantees to all sovereign nations.

As justified as their response may be, Israel must continue to be mindful of the effects, both physical and psychological, that their actions have on civilians in the region.

There is substantial evidence that Israel has taken several measures to minimize harm to the civilian population in Lebanon.

This includes the dropping of warning pamphlets in advance of Israeli missions in civilian areas.

It also includes the use of advanced weaponry that targets a military objective without harming civilians or civilian infrastructure.

But we must be honest. When engaged in armed conflict it is difficult to ensure the safety of civilians.

In fact, Hezbollah and Hamas purposefully operate in populated areas, often putting civilians between heavily armed terrorists and the Israeli military.

The effects of this type of warfare is also painful to Israel.

As Golda Meir so poignantly stated," When peace comes we will perhaps in time be able to forgive Arabs for killing our sons, but it will be harder for us to forgive them for having forced us to kill their sons."

As dire as events on the ground appear, there is room for U.S. leadership. The question now is what form that leadership should take.

The administration must swiftly do what it can to create conditions in the region that will open the doors to diplomacy.

This Congress expects the President to work toward achieving this goal. Once more favorable conditions are created, it should be the administration's priority to dispatch our senior diplomatic leaders, led by Secretary of State Condoleezza Rice to the region as soon as possible.

I urge my colleagues to vote for this resolution.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in strong support of H. Res. 921, which, among other things, condemns the recent attacks against the State of Israel, expresses the House of Representatives' condolences to all families of innocent victims of recent violence, and holds terrorists and their state-sponsors accountable for such attacks.

On June 25, 2006, the terrorist group Hezbollah disrupted peaceful relations between Israel and Lebanon by crossing Israel's internationally recognized borders and abducting two Israeli soldiers. Let me say upfront that I know from meeting with Lebanese Prime Minister Fuad Siniora that the Lebanese government is not able to control Hezbollah. However, this incursion provoked Israel to take action to retrieve its two nationals, a response U.S. citizens would fully expect of their own government were it in the same situation. Unfortunately, escalating violence has led to the death of innocent civilians in both Israel and Lebanon.

While pundits have voiced concerns over how "measured" Israel's response was in this case, we must remember that this situation just scratches the surface of a deeply rooted conflict between Israel and a number of terrorist groups such as Hezbollah, Hamas, etc. Since Israel withdrew from Southern Lebanon back in 2000, Hezbollah has terrorized and ravaged Israel's northern border.

Many have also called for a cease-fire. Rest assured, I welcome the cessation of all hostility, but am concerned about whether a conventional "cease-fire" is appropriate when dealing with a terrorist group that openly fires upon civilian populations. I believe that Israel, on the other hand, exercised due diligence in specifically targeting Hezbollah. However, even though many civilians have died in Lebanon, we must remember this task is extremely difficult to execute because Hezbollah hides among Lebanon's civilian population. Hezbollah is cleverly aware that this makes it extremely difficult for Israel to target it. Moreover, at the bitter cost of innocent Lebanese lives, it rejoices at the public torment that Israel receives.

There is no easy solution to this situation. However, our primary concern at this point ought to be to evacuate all U.S. citizens who wish to leave Lebanon as quickly and safely as possible. I have been personally working with a number of my constituents who have family in Lebanon to ensure their safe return back home. I ask the American people to stand in solidarity with all the families who have lost loved ones in this conflict.

Madam Speaker, in closing it is truly sad that in this day and age a terrorist group like Hezbollah does not hesitate to point their weapons at innocent civilians. We must continue to support the return of Israel's kidnapped soldiers and push for a cessation of all hostility in any way that we can. I urge for an aye vote on H. Res. 921.

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I rise in support of this resolution and I rise in support of our friend and ally, Israel, during this critical period.

September 11th was a defining moment for our country in many ways. In particular, it forced Americans to confront a new reality—that terrorists could cause massive destruction on our soil and that we are all at risk. Faced with this new reality, we resolved to fight—to go to Afghanistan with the aim of destroying al-Qaeda and removing the government that sheltered it.

Israelis have been living with this reality for decades. Well-armed, well-financed and sophisticated terrorist organizations—backed by Syria and Iran—surround her. Hamas, Islamic Jihad, and Hezbollah have carried out thousands of attacks on Israeli soil. They have strapped bombs to teenagers and sent them on suicide missions targeting buses filled with innocent women and children. They have launched rockets at Israeli homes and stores. And, they have murdered and kidnapped Israeli soldiers. They will stop at nothing to accomplish their one common goal: the destruction of Israel.

Just as America does, Israel has a right to defend herself. Israel has a right to better secure its borders, its security and its future. A secure Israel can not exist with Hezbollah controlling the territory directly north of the country. A secure Israel can not exist with thousands of katyusha rockets aimed at Haifa, Tiberius and other population centers in the North. A secure Israel can not exist with Hamas in control of the Palestinian territories.

Israel is at war with these terrorist entities and we must stand by her. We have a moral obligation to do so—to stand on the side of democracy and freedom versus terror and radicalism. We must also do so because left unchecked, these terrorist organizations will continue to destabilize the region and use it as a base to foster global instability and undermine our national security.

As the daughter of a Holocaust survivor, I will never forget what can result when the world fails to confront evil and terror. Passage of this resolution with strong bipartisan support will send an unequivocal message to the world—Hezbollah and Hamas are responsible for this violence, Israel has a right to defend itself, and the United States will stand with Israel as it confronts the evil and terror of Hezbollah and Hamas. I am confident that Israel will prevail in this fight. And, it is my hope that their strong actions against terror will ultimately lead to the peace and security that so many in the region desperately seek.

Mrs. MALONEY. Madam Speaker, I rise in support of H. Res. 921.

No sovereign nation can tolerate having its borders invaded, its people shelled and its soldiers kidnapped. America wouldn't, the members of the EU wouldn't, and Israel shouldn't.

Under the circumstances, Israel's response has been measured. Israel clearly has the right to defend its cities and its people from rocket fire, its borders from terrorist tunnels and its military bases from kidnappers.

Hamas and Hezbollah are terrorist organizations. They have no purpose and no aim other than to destroy Israel. For months they have been waging a war against Israel—and Israel has shown restraint. They have lobbed rockets at Israeli targets—and Israel has shown restraint. They have bombed Israel's cities—and Israel has shown restraint. They have sent their suicide bombers—and Israel has shown restraint. There comes a point when Israel can no longer be restrained. It has a right and an obligation to protect its people from attack.

Ironically, these attacks originate in the areas from which Israel withdrew its troops and settlers. Israel left Lebanon in 2000 and disengaged from Gaza last year. Instead of rewarding and encouraging such movement, Hamas and Hezbollah set about arming themselves with increasingly dangerous and potent weapons. We are now seeing the extent to which these terrorist organizations have been fortifying themselves, and it is terrifying. Their weapons are reaching areas of Israel that have never been subjected to rocket fire before. Hundreds of thousands of Israelis are living in bomb shelters or have been evacuated from their homes.

I am pleased to note that the United States and many members of the international community, including the G–8 have supported Israel's right to defend itself. "We demand first that the Israeli soldiers be returned to Israel healthy, that the attacks on Israel cease, and then naturally for Israel to halt military action," German Chancellor Angela Merkel told reporters at the G–8 summit.

Many Arab leaders and opinion molders have also condemned Hezbollah and/or Hamas for their actions. Although he issued the usual condemnations of Israel, Saud al-Faisal, the Saudi foreign minister, also chided Hezbollah's "unexpected, inappropriate and irresponsible acts." I understand that delegates from Bahrain, Egypt, Jordan, Kuwait and the UAE backed Mr. al-Faisal. In the same vein, the official Saudi Press Agency opined, "A distinction must be made between legitimate resistance and uncalculated adventures undertaken by elements [without] . . . consulting and coordinating with Arab nations." Ahmed al-Jarallah, editor of Kuwait's Arab Times, condemned both Hezbollah and Hamas in an editorial on July 15, 2006, writing, "Unfortunately we must admit that in such a war the only way to get rid of 'these irregular phenomena' is what Israel is doing. The operations of Israel in Gaza and Lebanon are in the interest of people of Arab countries and the international community."

I am pleased that Secretary of State Condoleezza Rice is planning a trip to the region shortly, and hope that she will remain fully engaged. In the meantime, Israel should not be asked to stop its actions as long as Hezbollah and Hamas continue to send missiles toward Israel and to hold Israeli soldiers hostage.

Mr. HASTINGS of Florida. Madam Speaker, I rise today in strong support of H. Res. 921, condemning the provocations by terrorist organizations on Israel's northern and southern borders.

The actions of the terrorist organizations, Hezbollah, in Lebanon, and Hamas, in Gaza, against Israel are unconscionable. Instead of working towards peace, these terrorist organizations have chosen to perpetuate the violence. Unprovoked attacks on Israel's borders, murdering Israeli soldiers, taking Israeli hostages and showering rockets targeting and killing Israeli civilians are not furthering any legitimate goal.

I am pleased to see that many of the world's leaders have publicly recognized that the crisis in the Middle East was deliberately incited by terrorist organizations. I applaud the leaders of the world's top industrial nations' collaborative statement on July 16 condemning the terrorists: "These extremist elements and those that support them cannot be allowed to plunge the Middle East into chaos and provoke a wider conflict. The extremists must immediately halt their attacks."

I also congratulate the Arab nations, Saudi Arabia, Egypt and Jordan for their willingness to openly criticize Hezbollah's attacks on Israel's northern border. I am in full support of their efforts to speak out against Hezbollah's recent assaults against Israel.

Israel's actions over the past week must be viewed in a broader context. It should be recognized that in response to Israel's unilateral withdrawal from Southern Lebanon in 2000 and from Gaza in 2005, as well as its committed plan to pull out completely from the West Bank, Israel has met only violence. Since 2000, Hezbollah has fired hundreds of rockets at civilian areas and kidnapped and murdered Israeli soldiers. Since September 2005, terrorist groups in Gaza have launched over 1,000 rocket attacks at Israeli cities. Previously, Israel exhibited restraint and refused to respond to these aggressions with any significant counterattack. Now, in light of the current unprovoked kidnappings by Hamas and Hezbollah, Israel is warranted to act appropriately to free the captured soldiers and to defend her citizens.

Now is the time for the Lebanese Government to abide by the U.N.'s rules. In refusing to disarm Hezbollah as required by U.N. Resolution 1559, the Lebanese Government is choosing to openly ignore the decree of the international community. Lebanese Prime Minister Fouad Siniora should accept responsibility and take immediate action against the terrorist group which Lebanon harbors. I support the resolutions that call on the United Nations to help the Prime Minister and his government to achieve these goals.

Now is also the time for the Hamas government to accept accountability for the actions of its terrorist organization. As the elected government of the Palestinian people, they have a duty to tell the terrorists to release the soldier they captured, halt the relentless rocket fire aimed at Israeli civilians and end their encouragement of terrorist acts against Israel.

But neither the Palestinian nor the Lebanese Government are wholly responsible for these recent provocations against Israel. There is a much greater strategic dimension to the Hamas-Hezbollah offensive. The terrorist organizations, Hezbollah and Hamas, are unquestionably sponsored and guided by the Iranian and Syrian Governments.

Iranian and Syrian support of these attacks will not be rewarded. The current bloodshed of innocent Israeli and Lebanese civilians will not strengthen their governments' positions. As sponsors of terror they will be condemned and held accountable for their actions.

Israel must have the right to defend her civilians from ongoing missile attacks, whether they arise from Lebanon or the Gaza Strip. Like the United States and other sovereign nations, Israel is justified in reestablishing its deterrent posture.

Mr. CAPUANO. Madam Speaker, I voted in favor of H. Res. 921. The recent attacks against the State of Israel should be condemned and terrorists and their state sponsors should be held accountable. I supported this resolution because I believe that Israel, as a sovereign democratic state, has the right to defend herself against aggression. Furthermore, the attacks on Israel came from Hamas in Gaza and Hezbollah in Lebanon, lands from which Israel had withdrawn in the interests of peace.

However, I do have deep concerns about the scale of the Israeli response. I mourn the loss of life among all the suffering peoples of the region. We must actively work towards a peaceful solution to this crisis.

I do not believe that my vote in favor of this resolution provides President Bush with the authority to take direct military action against Lebanon, Syria, Iran or any other nation involved and my vote should not be interpreted as a vote in favor of such action. I insist that the President seek congressional approval if at any point he intends to take military action.

Mr. JOHNSON of Illinois. Madam Speaker, we find ourselves once again on disturbingly familiar ground as Israel continues to defend itself against armed attacks by terrorist groups targeting civilian populations. As a sovereign nation, Israel has the right and, more importantly, the responsibility to defend its borders from acts of terrorism and threats to its national security. The War on Terror continues to combat terrorist organizations and their State sponsors, and as such, Hamas and Hezbollah must be held accountable for their destructive actions.

The recent unprovoked rocket attacks in Israel and the kidnapping of Israeli soldiers are obvious acts of war against the democratic nation by Hezbollah and Hamas. The U.S. has been a strong leader in the War on Terror and these offensive acts of violence are no exception in the mission to stop terrorist activities around the world. Increased international pressure to call for an end to terrorism must be a priority, as an unstable Middle East can have dire consequences to the entire international community, as confirmed by the extensive evacuations currently taking place in Lebanon.

The Governments of Syria and Iran, as supporters of both Hamas and Hezbollah in their terror activities, must be held accountable for the violence taking place in Israel to protect the innocent populations of both Israel and Lebanon that find themselves in the middle of continued violence. Additionally, the Lebanese Government must call for an end to all terrorist violence and do everything possible to expel Hezbollah from within its borders. These terrorist organizations cannot be ignored and Lebanon must protect its sovereignty in the presence of any terrorist activity by taking decisive action.

I commend Israel for minimizing civilian casualties by focusing defensive attacks on infrastructures and weapons facilities, intentionally avoiding towns and villages. In the face of such violence, Israel continues to follow democratic and civilized principles of war in protecting its people and Country. I continue to support the right of Israel to vigorously defend itself in response to attacks of violence that threaten the existence of the Israeli people and pray for the end of violence and a peaceful outcome in the Middle East.

Mr. REYES. Madam Speaker, I rise today in support of H. Res. 921, a resolution reaffirming this Chamber's steadfast support for the State of Israel and condemning Hamas and Hezbollah for engaging in unprovoked and reprehensible armed attacks against Israel on undisputed Israeli territory, among other provisions.

On June 16, 2000, Israel unilaterally withdrew its troops from areas in Southern Lebanon. It was a monumental stride in the long and difficult march toward Middle East peace, one that lent if only fleeting promise for a cessation of violence along the Lebonon-Israel border. The idea was simple: Israel would end an occupation long cited as a serious grievance by Israel's foes, and those foes, denied that grievance, would end attacks on Israel. Any further attacks on Israel from formerly occupied areas would invite a robust military response. That equation for peace, however, was quickly undone.

After the withdrawal, Hezbollah and other belligerents boasted not of a promise of peace, but of defeating the Israeli military and forcing it into retreat. Rather than planning for peace and building a strong civil society in Southern Lebanon, Hezbollah created a sophisticated military infrastructure and denied control of the region to the democratically elected Lebanese Government.

One week ago, Hezbollah, following a similar Hamas kidnaping in June, attacked an Israeli military outpost in undisputed Israeli territory, killing three soldiers and taking two hostages. Since then, Hezbollah has continued attacks on Israel by firing deadly rockets into Israeli urban centers like Haifa. Those rockets, whose warheads are often packed with ball bearings that turn into molten shrapnel upon explosion, are meant to kill and maim indiscriminately.

No country in the world would tolerate such vicious attacks upon its homeland nor threats to its sovereignty without responding and acting to ensure its longer-term security. If we support the Israeli State's right to exist, then we cannot make Israel an exception among nations. Israel must possess the right to defend itself.

Lastly, even as this war rages, I believe it is important to work steadfastly toward peace, because there can be no military solution to this conflict. As it combats Hezbollah, I urge Israel to take measures to limit casualties among the civilian population and to not irrevocably undermine Lebanon's young government, which was the product of the inspiring cedar revolution.

Madam Speaker, I urge my colleagues to support this resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

☐ 2240

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 921.

The question was taken.

The SPEAKER pro tempore (Miss McMORRIS). In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ACTION IS OVERDUE ON DRUG PRICING REFORM

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Recently, the United States Senate voted 68–32 to adopt an amendment that would stop the government from seizing safe, effective, affordable medicine imported from Canada. The House passed a responsible bipartisan prescription drug importation bill 3 years ago this month. I was pleased to lead the House Democrats in support of that bill.

We were not able to get it sent to the President's desk for only one reason: Senate Majority Leader FRIST never brought it to the Senate floor. His own Republican Caucus never demanded a vote. They never stood up. They never demanded action to break the drug industry stranglehold on the American market. They never demanded an end to the multibillion-dollar annual tax of skyrocketing drug prices it imposed on American business, and it imposed on American families.

At long last, the other body has begun to act. That vote should be the start, not the end, of this effort. I challenge the Republican leadership in both Chambers to give us an open debate, an honest vote on comprehensive drug importation legislation, before the anniversary of the House bill's passage 3 years ago. Three years is long enough to wait for independence from the drug industry.

ENERGY INDUSTRY OCCUPANCY PROTECTION ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, today I introduced the Energy Industry Occupancy Protection Act of 2006. Tomorrow in the House Judiciary Committee we will hold a hearing. We will have the opportunity to listen to a victim, victims who have been forgotten, victims who were engaged in America's warfare protecting America in the 1940s and 1950s, when they worked around nuclear radioactive material, and were not told by the contractors that they, in fact, were subjecting themselves to radioactive impact.

These families, these individuals, some of whom lost their lives, were never compensated. I know America can do better. Tomorrow in front of our committee, the Judiciary Committee, Immigration Claims Committee, we will have an opportunity to lay the record to establish that this government must respond to those brave Americans who stood on the front lines, providing the resources for our warriors in World War II and the Korean War, and yet were never compensated for their illness.

I do hope my colleagues will join me in cosponsoring this legislation, pushing it quickly through the committee, through the committee, and ensuring that Americans are protected against this devastating impact of working on behalf of Americans and fighting on the front lines by engaging and providing nuclear materials for the wars that we were engaged in.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OMAN TRADE DEAL COMPROMISES SECURITY OF U.S. PORTS

Mr. BROWN of Ohio. Madam Speaker, I ask unanimous consent to go out of place and replace Congressman MILLER.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. BROWN of Ohio. Only a couple of weeks ago, during the same week when the Senate rejected an increase in the minimum wage, meaning that for 10 years there has not been a minimum wage increase in this country, but there have been six congressional pay raises, that same week the United States Senate voted to approve a free trade agreement with Oman.

This agreement compromises port security, just what the Bush administration had been prepared to do earlier this year, with the Dubai Ports World case. You see, the Oman FTA, Free Trade Agreement, includes provisions allowing companies from Oman to take over land, so-called land-side port operations, operating the piers, loading and unloading cargo, exactly the sorts of things Dubai Ports World had sought to do.

In the case of Dubai Ports World, concerned legislators on both sides of the aisle, Republicans and Democrats, demanded that the Bush administration back down, demanded that the administration block the deal, and ultimately the foreign company gave up. But the Oman Free Trade Agreement would weaken our ability to protect port security and actually allow it to back-door its way into this country.

If we tried to block an Omani company's control over critical port infrastructure, the Omani Government could sue us, could sue the United States for violating this trade agreement, and that case would not be heard by a U.S. court with judges confirmed by U.S.-elected officials and charged with balancing the needs of trade and the imperative security under U.S. law. It would instead be heard by an unelected, unaccountable, international tribunal whose mission is trade promotion, not security enhancement.

If we lost, the foreign ports takeover would go ahead, despite our security concerns, or we would face retaliatory sanctions. Even if we won, we would have spent, as a country, as taxpayers, millions and millions of taxpayer dollars, fighting in a foreign court for the right to protect our most basic security.

Worse yet, the agreement opens U.S. security decisions to suits not only from the Omani Government, but also from companies located in Oman. That means not only actually companies actually headquartered in Oman, but any companies with a branch in Oman.

For example, an Iranian company, we heard a lot about Iran tonight, an Iranian company with a branch in Oman might be able to sue us if we continue to block its efforts in a U.S. port. There is reason to be concerned about the Irani-Oman connection. Iran recently spent $45 million to expand a port with the objective of increasing trade with Iran.

We need to reject not only the Oman FTA, but the whole fundamentally flawed trade model, a model that puts the economic interests of multinational corporations ahead of the security interests of the American people. Imagine again what can happen. Dubai Ports World locates an office in Oman. We pass this trade agreement.

Oman then allows, and under the free trade agreement, Dubai Ports World could actually run a port in Baltimore, a port in New York. That company then, running the Baltimore port, allows cargo into the Baltimore port.

That cargo comes across I-70 to Bellaire and Zanesville and Columbus and Springfield and Dayton, or it comes down the Saint Lawrence Seaway through Ashtabula and Cleveland and Toledo, or it comes down the Ohio River to Steubenville and Marietta and Gallipolis and Cincinnati.

☐ 2250

I have introduced legislation, H.R. 4812, to ensure that trade agreements do not undermine homeland security. My bill requires security reviews of trade agreements as soon as negotiations begin, then another round of reviews when the agreement's concluded.

Unlike the Dubai Ports World and the Oman Free Trade Agreement, this bill keeps Congress in the loop all the way. It creates a special security watchdog commission to make sure Congress has an independent voice on security issues. It is absurd that the Federal Government makes American citizens take off our shoes at the airport but refuses to conduct security reviews of multibillion-dollar trade deals.

We need to take our heads out of the sand. We need to reject the Oman Free Trade Agreement and its dangerous ports language. We need to insist on a responsible policy to ensure that trade agreements strengthen, not weaken, our national security.

32ND ANNIVERSARY OF TURKISH INVASION OF CYPRUS

Mr. PALLONE. Madam Speaker, I ask unanimous consent to take the time of Mr. EMANUEL.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. PALLONE. Madam Speaker, this week people all around the world are hearing about the small island of Cyprus. Today, Cyprus is serving as a safe haven for thousands of Americans and others who have fled the violence of the Middle East.

I would suspect, however, that most people around the world do not know that tomorrow Cyprus marks the 32nd anniversary of a very dark day in its history. That is the day Turkey illegally invaded the northern third of Cyprus. At a time when Cypriots are inviting thousands of people to their island as a way to leave behind violence, the actual island itself remains divided.

I commend the Cypriot government for its effective work in coordinating evacuation efforts with both the U.S. Government and the world community. According to a State Department official, "Cypriots have met every helicopter and ship with sandwiches and water and juice. They're just being fantastic." And this is nothing new, Madam Speaker. Cyprus has always been a strong ally of the United States.

I hope Cyprus' actions of the last week will help the Bush administration reevaluate its relationship with the island Nation, a relationship that has cooled over the last couple of years.

Until 2 years ago, both Democratic and Republican administrations consistently condemned the Turkish government for this illegal occupation and pressured the government to come to the negotiating table in an attempt to finally reunite Cyprus.

Past administrations understood that the invading Nation of Turkey was to blame for the division and should, therefore, be punished accordingly. As a result, past administrations specifically forbid trade with the illegal government of the occupied north. Our government also prohibited directly flights into the occupied north. As long as Turkey continued its intransigence and refused to leave Cyprus, U.S. administrations correctly believed that they should not be rewarded.

While this has been consistent U.S. policy, I am deeply concerned that over the past 2 years we have witnessed a blatant shift in Cyprus policy from the Bush administration, specifically from Secretary of State Condoleezza Rice.

The U.S. State Department and Secretary Rice seem much more interested in rewarding those who illegally occupied the northern third of the Nation back in 1974 than actually reunifying the island.

Over the past year, our State Department decided to allow Americans to fly into the occupied north, in direct violation of international law and the law of the Republic of Cyprus. Last year, I joined many of my colleagues from the Congressional Hellenic Caucus in sending a letter expressing our deep concern regarding the legality of these flights.

In response, the State Department said that it was encouraging the elimination of unnecessary restrictions and barriers that isolate and impede the economic development of the Turkish Cypriot community.

Unfortunately, it did not end there. The State Department agreed to resume trade with the occupied north, a direct violation of both domestic law in law Cyprus and international law.

Madam Speaker, I am deeply concerned that the State Department's new policy towards the government and the people of the occupied north will only delay reunification of the entire island. If the U.S. allows direct trade through routes in the north, what incentive do the illegal occupiers have to make any concessions?

It is as if the State Department had completely for gotten who is responsible for the division of Cyprus in the first place. I have repeatedly encouraged Secretary Rice to take a historic look at the Cyprus problem over the past 32 years.

Madam Speaker, I hope that the Bush administration remembers how helpful both the Cyprus government and the people of Cyprus have been over the last week. It is time that we return to the fair-minded policies enacted prior to 2005 so that we can finally bring about real negotiations that will finally reunify Cyprus. The 32 years of occupation must come to an end.

And so as we recognize this dark anniversary, I hope that the Bush administration rewards the actions of Cyprus over this last week by returning to the policies of the past. They were the right policies then, and they would be the best policies now to foster an environment to end this division of Cyprus.

AMERICANS STRANDED AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I spoke of this earlier in the discussion of the resolution regarding the statement on Israel, but I think as a member of the Homeland Security Committee and having experienced just almost a year ago the watching of Americans in the gulf region, Louisiana, Alabama and Mississippi remain stranded for days upon days, as confusion continued in how to evacuate Americans who looked to the Federal Government as their umbrella on a rainy day, the images of Americans sitting on rooftops, floating in water, and the terrible stories that were told as many of them were evacuated to Houston is still very, very strong and very, very potent in our minds.

It bothers me that we stand here again watching the newsreels report over and over again of the 25,000 stranded Americans in Lebanon. The seemingly slow process of reaching those particular citizens, families, children, who are looking for relief from the Federal Government.

I think it is imperative that there be some briefing of the United States Congress immediately to detail how we can swiftly move up the throngs of Americans who are begging to be able to come home. It simply seems untenable that we do not have the resources necessary to evacuate our citizens more quickly than it has been done.

Many of them are in need of medical care, many of them with young families, and the stories are just heartbreaking. Children who are left on the pier. The 11-year-old girl who watched a ship go off and ultimately had to be redirected to a ship in the morning.

There is a conflict, there is a violent conflict going on. American lives are in jeopardy, and this administration needs to provide to the United States Congress their detailed plan of how they will evacuate Americans. We have their loved ones in our districts. They are pained to understand why the most powerful Nation in the world cannot even get its citizens out of Lebanon. There is no excuse.

We know the military, although it is stretched in Iraq and elsewhere, is well able to take orders and to move quickly, and if it is not the military, then we know that you can capture civilian commercial aircrafts and direct them to be able to secure those who need to get out because of medical emergencies and other needs that would warrant them getting out more swiftly than others.

Mr. President, the United States Senate and this Congress, this House, can do a far better job responding to this crisis while protecting the American people. It is a shame, simple shame that loved ones here in the United States are still facing this crisis without knowing whether their loved ones can be returned home safely and secure.

Hurricane Katrina was a dastardly, devastating experience for this country. In fact, there is no excuse. We cannot defend the incompetence of the departments that were responsible for evacuating those citizens from the gulf coast, a natural disaster. Now we have been at war in conflict and crisis for six, seven, eight days, and there are Americans still stranded in Lebanon. I hope that will be a wake-up call and that we will get a response immediately.

My door is open. My number is available, (202) 225-3816. We want to be of help to those families who are stranded, and we also want to be of help for a resolution of the conflict, of which all of us are looking for an immediate engagement and the opportunity for the U.N. and other bodies to be able to bring a solution to this terrible tragedy.

□ 2300

TERRORISTS NO LONGER A THREAT TO THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Michigan (Mr. MCCOTTER) is recognized for half of the time remaining before midnight as the designee of the majority leader.

Mr. MCCOTTER. Madam Speaker, throughout this unsought struggle, which is the world war on terror, our Nation's citizen soldiers have expended their fullest measures of devotion to our defense. The cost of their heroic sacrifices, especially our fallen soldiers' ultimate sacrifices, upon themselves and their loved ones has rightly been solemnly noted on the floor of this, the people's House.

The success of their heroic sacrifices in protecting our families and freedoms, however, has yet to be fully enunciated and honored, for as the men and women of the United States Armed Forces themselves, and their loved ones, have expressed to myself and my colleagues, their sacrifices have not been in vain.

Thus, tonight my colleagues and I will endeavor to emphasize but a portion of our noble military's and our Homeland Security personnel's victories in defending our lives and our liberties from our evil terrorist enemies.

To commence, I yield such time as he may consume to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mohammed Atef aka Abu Hafs Al-Masri, no longer a threat to the United States.

Ahmed Homood Al-Khaldi, no longer a threat to the United States.

Mohammed Abdul Fattah Mohammed Kiram, no longer a threat to the United States.

Hanan Abdullah Raqib, no longer a threat to the United States.

Hassan bin Hamid Hazimi, no longer a threat to the United States.

Ali Kudhair Fahd Al-Khudhair, no longer a threat to the United States.

Ali Al-Khudair, no longer a threat to the United States.

Al-Iyadiyah Ahmed Mohammed Al-Sayyad, no longer a threat to the United States.

Hisham Mubarak Al-Hakami, no longer a threat to the United States.

Hani Al-Sayegh, no longer a threat to the United States.

Abdul Monim Ali Mahfouz Al-Ghamdi, no longer a threat to the United States.

Zubayr al-Rimi, no longer a threat to the United States.

Khalid Jehani, no longer a threat to the United States.

Badr Al Sobeii, no longer a threat to the United States.

Ghaidah Ahmed Mohamed Souidah, no longer a threat to the United States.

Fayez bin Awad Juhaini, no longer a threat to the United States.

Abdul Wahab Adel Abdul Wahab Al Sheridah, no longer a threat to the United States.

Qasim al-Raimi aka Qasim al-Taizi, no longer a threat to the United States.

Ali Abd al-Rahman al-Faqasi al-Ghamdi, no longer a threat to the United States.

Abdullah Ibn Ibrahim Ibn Abdullah Al-Shabrami, no longer a threat to the United States.

Eid bin Dakhil Allah Juhaini, no longer a threat to the United States.

Khaled Ahmed Mohammed bin Sanan, no longer a threat to the United States.

Muhammad Atef, no longer a threat to the United States.

Narseal Batiste, no longer a threat to the United States.

Stanley Grant Phanor, no longer a threat to the United States.

Mohammed Ajmal Khan, no longer a threat to the United States.

Saif al-Adel, no longer a threat to the United States.

Major Khalid Hmood, no longer a threat to the United States.

Safwan al-Hasham, no longer a threat to the United States.

Saif Alwahid, no longer a threat to the United States.

Yasser al-Jaziri, no longer a threat to the United States.

Mohammed Salah, no longer a threat to the United States.

Sheikh Ibn al-Liby, no longer a threat to the United States.

Mohammed Omar Abdel Rahman, no longer a threat to the United States.

Aso Hawleri, no longer a threat to the United States.

Omar Hadid, no longer a threat to the United States.

Ali Wali aka Abbas bin Farnas bin Qafqa, no longer a threat to the United States.

Hassan Ibrahim Farhan, no longer a threat to the United States.

Abd al-Tahki al-Nissani, no longer a threat to the United States.

Abdullah al-Janabi, no longer a threat to the United States.

Umar Baziyani, no longer a threat to the United States.

Abu Waleed Saudi, no longer a threat to the United States.

Faraj Ahmad Najmuddin aka Mullah Krekar, no longer a threat to the United States.

Muhammed Hila Hammed al-Ubaydi aka Abu Ayman, no longer a threat to the United States.

Nayef Abbas al-Zubaydi aka Abu Moawiy, no longer a threat to the United States.

Abu Tallah, no longer a threat to the United States.

Shahab Ahmed, no longer a threat to the United States.

Abu Abdallah Suri, no longer a threat to the United States.

Mo'ayed Ahmed Yassin aka Abu Ahmed, no longer a threat to the United States.

Abu Mohammad Hamza, no longer a threat to the United States.

Abu Zubayr, no longer a threat to the United States.

Muhammad Khalid, no longer a threat to the United States.

□ 2310

Ridha Baziyani aka Fadil al-Kurdi, no longer a threat to the United States.

Mr. McCOTTER. Reclaiming my time, Madam Speaker, I wish to yield to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Madam Speaker, I thank the gentleman.

Omar Rahman, no longer a threat to the United States.

Syed Adnan Shah, no longer a threat to the United States.

Amjad Hussain Farooqi, no longer a threat to the United States.

Osama Nazir, no longer a threat to the United States.

Yousaf bin Yousaf, no longer a threat to the United States.

Wahid Khan, no longer a threat to the United States.

Mohammed Omar Abdel Rahman, no longer a threat to the United States.

Shamshad Khan, no longer a threat to the United States.

Mohammed Shafique, no longer a threat to the United States.

Mohammad Hassan, no longer a threat to the United States.

Khalid Ansari, no longer a threat to the United States.

Mian Abdul Mannan Samejo, no longer a threat to the United States.

Mullah Abdul Jalal, no longer a threat to the United States.

Nek Mohammed, no longer a threat to the United States.

Mullah Dost Mohammad, no longer a threat to the United States.

Mullah Abdul Razaq, no longer a threat to the United States.

General Abdul Qadeer, no longer a threat to the United States.

Maulavi Abdul Razaq, no longer a threat to the United States.

Qari Ahmadulla, no longer a threat to the United States.

Mullah Fazel M. Mazloom, no longer a threat to the United States.

Hazrat Ali, no longer a threat to the United States.

Mullah Angar, no longer a threat to the United States.

Sattar Sadozai, no longer a threat to the United States.

Mullah Badar, no longer a threat to the United States.

Mullah Abdul Salam Zaeef, no longer a threat to the United States.

Abdul Kabir, no longer a threat to the United States.

Maulavi S. Ahmed Shahid Khel, no longer a threat to the United States.

Reza Khan, no longer a threat to the United States.

Toor Mullah Naqibullah Khan, no longer a threat to the United States.

Abdul Razzak, no longer a threat to the United States.

Maulavi Qalamuddin, no longer a threat to the United States.

Hilmi Tugluoglu, no longer a threat to the United States.

Zahir Salaamah, no longer a threat to the United States.

Ziyad Dabdoob, no longer a threat to the United States.

Khalid al-Haajji, no longer a threat to the United States.

Hilal Altah, no longer a threat to the United States.

Imad ad-Deen an-Naqib, no longer a threat to the United States.

Jamil Dawud, no longer a threat to the United States.

Ibrahim Eid, no longer a threat to the United States.

Alauddin Hammad, no longer a threat to the United States.

Fuad Mubarak, no longer a threat to the United States.

Mazin al-Qasir, no longer a threat to the United States.

Mansor Hasnu, no longer a threat to the United States.

Saad bin Laden, no longer a threat to the United States.

Ahmed Zaoui, no longer a threat to the United States.

Qari Saifullah Akhtar, no longer a threat to the United States.

Abd al-Hadi al-Iraqi, no longer a threat to the United States.

Mohammed Mohsen Yahya Zayed, no longer a threat to the United States.

Mr. McCOTTER. Madam Speaker, reclaiming my time, I wish to yield to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Hazil Mohsen Shalesh, no longer a threat to the United States.

Amir Saleh Ismael, no longer a threat to the United States.

Moayad Ahmed Yasseen, no longer a threat to the United States.

Hamdi Tantawi, no longer a threat to the United States.

Majid Abdul Hameed Kazim, no longer a threat to the United States.

Ahmed Qumra Isaa, no longer a threat to the United States.

Arkan Jawad Jari, no longer a threat to the United States.

Abdul Aziz Sa'dun Ahmed Hamduni aka Abu Ahmed, no longer a threat to the United States.

Ammar Abu Bara, no longer a threat to the United States.

Muthana Kahdum Al Madawwere, no longer a threat to the United States.

Omar Sayel, no longer a threat to the United States.

Yasser Fathi Ibrahim, no longer a threat to the United States.

Muawiyah Muhanna, no longer a threat to the United States.

Ahmed Mohammed Ali Ayed, no longer a threat to the United States.

Jamil Mohammed Kutkut, no longer a threat to the United States.

Ibrahim Ahmed Abdel Majeed Al Reemy, no longer a threat to the United States.

Thamer Khamis Abdel Aziz Al Khamis, no longer a threat to the United States.

Salem Saad Salem bin Soued, no longer a threat to the United States.

Saud Abdullah Al Jadhii, no longer a threat to the United States.

Harbi Khudair Hamudi, no longer a threat to the United States.

Abed Sattar, no longer a threat to the United States.

Karem Abed Ibrahim, no longer a threat to the United States.

Adel Mujtaba aka Abu Rim, no longer a threat to the United States.

Hazif Sattar, no longer a threat to the United States.

Haidar Abu Bawari, no longer a threat to the United States.

Salah Suleiman Loheibi, no longer a threat to the United States.

Anad Mohammed Qais, no longer a threat to the United States.

Sami Ali Faidy, no longer a threat to the United States.

Abu Omar al-Kurdi, no longer a threat to the United States.

Fares Younis, no longer a threat to the United States.

Sheikh Yusef, no longer a threat to the United States.

Nidal Arabiyat Agha Hamza, no longer a threat to the United States.

Mullah Noor Mohammed, no longer a threat to the United States.

Khalid Shaikh Mohammed, no longer a threat to the United States.

Muhammad Hamza al-Zubadyi, no longer a threat to the United States.

Taha Yasin Ramadan al-Jizrawi, no longer a threat to the United States.

Zuhayr Talib Abd al-Sattar al-Naqib, no longer a threat to the United States.

Maulvi Abdul Ghaffar, no longer a threat to the United States.

Abd al Tawab Mullah Huwaysh, no longer a threat to the United States.

Abu-Musab Al-Zarqawi, no longer a threat to the United States.

☐ 2320

Qusay Hussein, no longer a threat to the United States.

Khalid Shaikh Mohammad, no longer a threat to the United States.

Uday Hussein, no longer a threat to the United States.

Saddam Hussein, no longer a threat to the United States.

Abu Zubaydah, no longer a threat to the United States.

Abdel Basset Ali Al-Megrahi, no longer a threat to the United States.

Ali Asad Chandia, no longer a threat to the United States.

Mr. McCOTTER. Abu Abbas, no longer a threat to the United States.

Atta Kumar, no longer a threat to the United States.

Saifullah alias Gori, no longer a threat to the United States.

Abdullah of Parnot, no longer a threat to the United States.

Burez Begum, no longer a threat to the United States.

Mustaqim, no longer a threat to the United States.

Farouk Hijazi, no longer a threat to the United States.

Nasser Al-Fahd, no longer a threat to the United States.

Mohammad Salim Al-Ghamdi, no longer a threat to the United States.

Tariq Mikhail Aziz, no longer a threat to the United States.

Hassan Ghul, no longer a threat to the United States.

Khala Khadr Al-Salahat, no longer a threat to the United States.

Nayif Shindakh Thamir, no longer a threat to the United States.

Adil Abdallah Mahdi, no longer a threat to the United States.

Humam Abd al-Khaliq Abd al-Ghafur, no longer a threat to the United States.

Ahmad al-Ali, no longer a threat to the United States.

Lt. Colonel Khaled Rajab, no longer a threat to the United States.

Sabawi Ibrahim Hasan al-Tikriti, no longer a threat to the United States.

Abdul Hadi Daghlas aka Abu Taisir, no longer a threat to the United States.

Shihab al-Sab'awi, no longer a threat to the United States.

Mohammed al Harahse, no longer a threat to the United States.

Abdullah al-Shami, no longer a threat to the United States.

Ayoub Hawleri, no longer a threat to the United States.

Abu Saeed, no longer a threat to the United States.

Mohammad Salman Eisa aka Ibrah, no longer a threat to the United States.

Mohammed Sultan, no longer a threat to the United States.

Mo'ayed Ahmed Yassin aka Abu Ahmed, no longer a threat to the United States.

Husam al Yemeni, no longer a threat to the United States.

Abu Abdullah Hasan bin Mahmud, no longer a threat to the United States.

Didar Khalan, no longer a threat to the United States.

Anas Ahmad al-Issa, no longer a threat to the United States.

Mohammed Najm Ibrahim, no longer a threat to the United States.

Abu Zubair al-Haili, no longer a threat to the United States.

Mahmud Hameeda, no longer a threat to the United States.

Isa al-Millly, no longer a threat to the United States.

Kasir al-As'ad, no longer a threat to the United States.

Madam Chairman, I yield to the gentleman from South Carolina, Mr. BARRETT.

Mr. BARRETT of South Carolina. Bassim Mohammad Hazeem, no longer a threat to the United States.

Mahi Shami, no longer a threat to the United States.

Zain Abdallah Salah Khalaf al-Jib aka Abu Karam, no longer a threat to the United States.

Saleh Arugayan Kahlil, no longer a threat to the United States.

Ami Mohammed al-Jafi aka Abu Omar al-Kurdi, no longer a threat to the United States.

Abu al-Hasan, no longer a threat to the United States.

Abd al-Hafiz Shamma, no longer a threat to the United States.

Abdel Karim Sayyid Sulayman, no longer a threat to the United States.

Abd al-Khaliq Hakimi, no longer a threat to the United States.

Abd ar-Rahman as-Suways, no longer a threat to the United States.

Aamir Nawfal, no longer a threat to the United States.

Ihab Dafaa, no longer a threat to the United States.

Jamal Ba Khorsh, no longer a threat to the United States.

Ahmad al-Shinni, no longer a threat to the United States.

Fatha Abdul Rahman, no longer a threat to the United States.

Mohsen Al Fadli, no longer a threat to the United States.

Juma Ibraham, no longer a threat to the United States.

Mohammad al-'Owhali, no longer a threat to the United States.

Mr. McCOTTER. Reclaiming my time, I yield to the gentlelady from Pennsylvania (Ms. HART).

Ms. HART. Yusus a-Balkhi, no longer a threat to the United States.

Mohammed Saeed Kazim al-Saha, no longer a threat to the United States.

Abd al-Rahim al-Nashiri, no longer a threat to the United States.

Ibrahim Bah, no longer a threat to the United States.

Munib Zahiragic, no longer a threat to the United States.

Qaed Salim Sinan al-Harethi, no longer a threat to the United States.

Tawfiz Attash Khallad, no longer a threat to the United States.

Aziz Nassour, no longer a threat to the United States.

Abdallah Muhammed Rajab Abd al-Rahman, no longer a threat to the United States.

Abu Ubaida, no longer a threat to the United States.

Mamdouh Mahmud Salim, no longer a threat to the United States.

Abu Yasir al-Jaziri, no longer a threat to the United States.

Mosabir Aroochi, no longer a threat to the United States.

Mamoun Darkazanli, no longer a threat to the United States.

Adil al-Jaziri, no longer a threat to the United States.

Ali Ahmed Hamdoosh, no longer a threat to the United States.

Taha Ahmed Kalif, no longer a threat to the United States.

Abdul Rahim Riyadh, no longer a threat to the United States.

Youssef Mustafa Nada, no longer a threat to the United States.

Mr. McCOTTER. Reclaiming my time, I yield to the gentleman from Texas (Mr. CARTER)

Mr. CARTER. Mulvi Nida Mohammed, no longer a threat to the United States.

Ahmadullah, no longer a threat to the United States.

Khalfan Khamis Mohamed, no longer a threat to the United States.

Ahmed Khalfan Ghailani, no longer a threat to the United States.

Abu Faraj al-Libbi, no longer a threat to the United States.

Patrick Abraham, no longer a threat to the United States.

Mir Aimal Kansi, no longer a threat to the United States.

Mustafa Setmariam Nasar, no longer a threat to the United States.

Jose Padilla, no longer a threat to the United States.

Rotschild Augustine, no longer a threat to the United States.

Naudimar Herrera, no longer a threat to the United States.

Lyglenson Lemorin, no longer a threat to the United States.

□ 2330

Mr. McCOTTER. Reclaiming my time, Madam Speaker, as the hour is almost upon us.

Madam Speaker, these were but a random portion of the thousands of names which could have been read into the RECORD. But I trust we have proven our point of how honorably and effectively our citizen soldiers and our homeland security personnel have been defending and continue to defend our lives and liberties against our evil terrorist enemy.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Miss McMORRIS). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for the remaining time before midnight as the designee of the minority leader.

Mr. MEEK of Florida. Madam Speaker, it is an honor to come before the House once again. As you know, the 30-Something Working Group, we come to floor if not every other day, every day, to not only share with the Members but also the American people about many of the issues that we fight for for them here in this U.S. House of Representatives.

I must say that there are a number of things that we can talk about this evening. But I just want to start off, because I know that not only the Democratic leader, but also the entire Democratic Caucus is looking to hopefully put America in a new direction. We want to make sure that we provide the leadership on behalf of all Americans.

As you know, I want to start off tonight, but as you know, we have been sharing it with the Members so that hopefully it will have some sort of lift here in the House. It has not had thus far, but we are willing to provide the leadership, even in the minority, even though the majority is not willing to pick up the philosophy that we are pushing here on behalf of the American people, making sure that we have more affordable health care.

Madam Speaker, this is on housedemocrats.gov. Also lower gas prices to achieve energy independence, which we have our energy plan on housedemocrats.gov. And, Madam Speaker, our innovation plan that has been there for some time, and filed legislation here in the House that has not been heard.

We want to talk about homeland security. We have a Real Security Plan also on that website that is there for the Members. They have to have the will and the desire, Madam Speaker, to be able to take up these plans and these initiatives. And if we were able to work in a bipartisan way, these plans would already be passed, not only in the Appropriations Act, but also here on the floor.

The two other things that I want to mention, as it relates to cutting the cost of college cost. As you know, the cost to go to college has gone up. This Republican-led Congress last not helped in that area. They have not helped the every-day average American to be able to meet the increases that they have been asked to pay.

And also, Madam Speaker, in a new direction for America is making sure that we follow through with fiscal responsibility, pay as we go, not just on a credit card, not just saying because we can give tax cuts to millionaires, and we will just put it off on future generations, or we will go to foreign nations and borrow a record number of dollars.

These nations, Madam Speaker, that I am holding up here, they own a part of the American apple pie, not because of what the American people have done, it is what the Republican Congress has done, and allow these countries to buy our debt because we are not fiscally responsible.

I think it is also important to make sure that we encourage working families, people that are making minimum wage. Madam Speaker, I just want to make this point, then I am going to give it to my friend, Mr. RYAN from Youngstown, Ohio.

As you know, Madam Speaker, we have had, time after time again, three or four occasions in the 109th Congress that we have asked the Republican majority to join us in raising the minimum wage, to make sure that the American workers are able to keep up with the costs of not only living but inflation.

But it has been well said, and Mr. RYAN will point it out with his chart that he has there in a moment, that the Republican Congress is in no way and in no shape ready to give minimum wage workers an increase. Since 1997 they have not had an increase.

But here in the 30-Something Working Group, Madam Speaker, we actually take time to find out the facts, because we want to make sure that we are not telling the American people nor Members of this House something that is inaccurate.

I must say that in 1998, Madam Speaker, Members of Congress received $3,100 in a pay increase. And we are not minimum-wage workers. In 1998, minimum wage workers zero, Mr. RYAN.

In 2000, Members of Congress received a pay increase of $4,600. Guess what? Same year, minimum-wage workers, zero. 2001, Members of Congress received $3,800. Minimum-wage workers, zero. In 2002, Members of Congress received another pay increase, $4,900, almost $5,000 pay increase. Remember we just got one in 2002, I was not a Member yet but it happened. Minimum-wage workers, zero.

2003. Members of Congress, $4,700 pay increase. Just got one last year, getting another one in 2003. Of course, minimum-wage workers, zero. Punch in and punch out every day. They work a 40-hour work week, catch the early bus, trying to raise their children.

Members of Congress, 2004, $3,400 pay increase. Same year, minimum-wage workers, zero. Mr. RYAN, thanks to the Republican majority.

2005, it is great to be in Congress. Too bad every American cannot be and minimum-wage workers cannot be. 2005 Members of Congress, $4,000. Tell you, the Republican majority takes care of their own, and us too. 2005, zero for minimum-wage workers.

Proposed increase for Members of Congress, $3,100, Madam Speaker. And, of course, this year again, 2006, zero for minimum-wage workers.

Mr. RYAN, I think it is important for us to share that, not only with the Members so they will not go home and say, well, you know, I do not quite know what was going on. If you have a family member, which I know many Americans, because there are 7 million Americans that are working in minimum wage, we have middle class workers that are working that are not working for minimum wage, but as long as minimum-wage workers are making $5 and change, the American worker will got get what they deserve.

Madam Speaker, I guess it is okay, and I do not know if I have my chart here, the Republican Congress, Mr. RYAN, and quickly closing on this, I guess it is okay for big oil executives to have a $398 million retirement package and a $2 million tax break. I think that is where the priorities are.

I think also the priorities are making sure that oil companies are able to price-gouge Americans at the same time. We are talking about energy innovation, E–85, for them to not only to sell the old stuff that is keeping it alive and well in the Middle East instead of investing in the midwest, Madam Speaker, and E–85, saying that you cannot use a credit card, a Mobil card, to be able to buy gas, but better yet you can go into the store and buy a carton of cigarettes or 10 gallons of milk, but you cannot get this E–85, because we want to keep you there, and we are not encouraging them to do anything else.

Madam Speaker, I think it is important also to outline, if you are an oil company, you are in good, or if you are a Member of Congress you are in good shape, because you are going to get a pay raise, and we are going to make sure that you are able to make record profits.

As you know, Madam Speaker, and also, Mr. RYAN, almost nightly I read the Washington Post article that talked about the special meeting that took place in the west wing of the White House, in the complex, where oil executives met with Cheney's aides. Guess what? They got a pay raise and also a profit raise.

Look what happened after their 2001 meeting, that Washington Post article, I believe it is on our website, housedemocrats.gov/30something. $34 billion increase for 2002. 2003, $59 billion increase. Mr. RYAN, I think that was a good meeting. In 2004, $84 billion. And in 2005, $113 billion.

You want to know who is on your side, the bottom line is on this side of the aisle, we say we want to take this country in a new direction. We want to make sure that they receive the leadership that they deserve.

Mr. RYAN of Ohio. I appreciate that, because exactly what you are saying fits into the overall economic picture. And there was a great column the other day in the New York Times by Paul Krugman, who kind of outlined, as the statistics finally came in from 2004, we now know how the economic pie was divided in 2004.

So what happened in 2004, which I find very interesting, this is inflation-adjusted income. The top 1 percent in 2004 had a real income increase of 17 percent. And the other 99 percent had an increase of 3 percent.

❑ 2340

Basically what we are saying here, is over the past 5 or 6 years, where President Bush is in and the Republican Congress, Senate and House have all been in, the top 1 percent had an income growth of 17 percent on average. They received tax cuts from this administration. They are the same executives that represent the oil companies that get $400 million retirement packages. They are the same representatives on the boards of all the major multinational companies that have been going gangbusters.

When you move the jobs offshore, and you take them to China, and the profits go up, and they just go to a small group, that is the same group that is getting the tax cut. That is the same group that is getting the corporate welfare, on and on and on.

All we are trying to say is raise the minimum wage for the least among us, the 7 million people who need a little bump. For many people, this is irrelevant. I was having lunch today with a guy from Girard, Ohio, who owns a bunch of nursing homes. His people are at $8 or $9 an hour. He says, this has no benefit for me, one way or another. Why not raise it? Why not lift those 7 million people up, because you want to make an incentive for them to work and not create an incentive where they want to go on the government dole.

But if you look at what's happening here, while the top 1 percent had an income growth of 17 percent, while they got corporate welfare in the energy industry to the tune of $17 billion, this is what has been happening here at home.

Minimum wage has gone up 0 percent since 1997; whole milk, 24 percent. This is where the rubber meets the road. This is where you are going to the grocery store, and this is having an effect on you. Bread, up 25 percent; 4-year public college, 77 percent up; health insurance, up 97 percent; and regular gas, up 136 percent.

We have leaders in the Republican Party saying I don't believe in the minimum wage, I am never going to vote for the minimum wage. I am never going to vote for an increase in the minimum wage. I mean, come on, what are you thinking?

We need average Americans to be lifted up. I know, down in Florida, in Ohio, time and time again, we have people who need assistance. I want to make a point that the system right now is cutting against average people.

If you got a couple kids in college, and tuition has doubled in the last 5 years, and you have to take your kids to and from school, and gas is up 136 percent, and you own a small business and you are trying to cover your employees, and health insurance is up 97 percent, you are just an American trying to make ends meet, keep your family together, and hopefully give the next generation an opportunity to have a little bit better off than you had it.

People down here aren't doing anything to be helpful.

Mr. MEEK of Florida. There is another chart behind that chart further that goes into what is happening as it relates to middle-class families.

Mr. RYAN of Ohio. Well, and the best part about this chart is again, really, college tuition up, gas prices up, health care up, this is since President Bush has been in; median household income, down 4 percent. When you have all of these increases, rapidly increasing, and the wages are increased by 4 percent, a terrible problem.

But here is the real problem, President Bush says, America's economy is strong and benefiting all Americans. Come to Youngstown, Ohio, Mr. President. Come to western Pennsylvania. Come to south Florida, come to the Midwest. The economy is not benefiting all Americans, and the President needs to realize that.

You know, I don't want to get into the whole international relations discussion here, because this is our focus, and I don't want to. But I am going to make one comment, because I know you want me to.

This administration has been totally disengaged from average American people, from the international community. This problem we have in the Middle East right now is because this President disengaged the peace process 5 years ago. He has not been engaged.

The number of terrorists are up from what they were in 2000, okay? Up. We have got problems now in Lebanon, Syria, Iran, North Korea, Iraq. We have got insurgency in Iraq, and we are spending $8 billion a month that needs to be going to address these problems, not building roads and bridges, health care centers and hospitals, and schools in Iraq, but building them here in the United States of America and lowering tuition costs.

Mr. MEEK of Florida. Exactly what you are talking about, you say we are not going to talk about international affairs tonight, but you said a couple of words. And I need to say something.

Mr. RYAN of Ohio. Why do you have to always try to one-up me?

Mr. MEEK of Florida. I am not trying to one-up you. I am trying to provide information to the Members of the House and the American people. You know we come in that vein every evening.

I think it is very important that Members of Congress that have the July 17 edition of Time magazine, it says, "The end of cowboy democracy: What North Korea, Iran, Iraq, teaches us about limits on going it alone," okay? That is what it says, "going it alone."

The real issue here, when you open the page, looks like a very worried Commander in Chief. He doesn't look like he is jumping up and down about everything that is great in the world. Because the bottom line is, we have done a lot on our own. It goes on in further detail to talk about how the administration now is trying to reach out to these countries.

But meanwhile, as it relates to this majority rubber-stamp Congress, has allowed the President the ability to do anything and everything that he wants to do. I am so glad my rubber stamp has made it to the floor.

I want to put it here. Because, as you know, we like to make things visible, so that people can understand what is going on here. The reason why we are in the situation that we are in now is the fact that the Republican Congress has rubber-stamped everything that the administration has handed down.

This is not about the Commander in Chief. He is not going to run for election again. But you know what? In this Congress we run every 2 years for election. It doesn't matter if you are a Republican, a Democrat, or an independent, you are an American first. You have to have a problem in what is going on.

How many more indications do we need that the plan that has been set forth from the White House, has been handed to the Congress, and a Republican rubber-stamp Congress on partisan votes have voted for everything that this administration wants.

The American people want this Congress to play the rule constitutionally that it is supposed to play and the checks and balances in making sure that we have adequate oversight and action. I can tell you no other President in the history, I think, of the Republic, has celebrated such a rubber-stamp Congress.

Case in point: You want to talk about money? Let us talk about money for a second. Let us talk about commitment. Here is a chart. I pull it out almost every night, because I think it is just so revealing. I think in this time and this place and this moment, tonight, Eastern standard time, a little bit before midnight, 42 Presidents, 224 years. You saw the chart earlier.

I said, foreign nations have bought our debt. Not because of what the American people have done, not because they have misspent. It is because the Republican majority has rubber-stamped everything.

Mr. RYAN of Ohio. Republican House, Republican President, Republican Senate. Bottom line.

Mr. MEEK of Florida. Exactly. This is not bottom line that relates to the Republican Party, Democrats, this and that. This has nothing to do with that. It has everything to do with this Republican majority not saying no to the President even once, even if he was on the right track.

Look at the numbers. This was from the U.S. Department of Treasury, this was a Secretary confirmed out of the Republican Senate and appointed by the President of the United States. These numbers are from the Republican Treasury, not the DNC, from the Republican Treasury, the United States Treasury. $1.01 trillion borrowed over 24 years from 1976 to 2000.

President Bush gets elected. Rubber-stamp Republican Congress. This is what happens: $1.05 trillion borrowed in 4 years from foreign nations. They have dethroned, I say they, we have to get the Gingrich chart out, because I don't want someone saying I am out of line here, I am only saying what the Republican past Speaker of the House is now saying, because the American spirit will rise above partisan politics at any time. That is why I feel that the American people are going to relook at their vote when it comes down to sending Members back here to the House that is willing to rubber-stamp this administration. I can tell you right now, it is sending us down a road that no one knows, down a tunnel that no one knows if it is sunlight or train.

□ 2350

$1.05 trillion borrowed from foreign Nations. The Republican Congress helped the President do this in 4 years alone. 224-years. Great Depression, World War I, World War II, other conflicts, Korea, you name it, Iraq. I can go on and on and on. There are too many names, hard times in America, challenges in America. They only borrowed $1.01 trillion. This President in 4-years and the Republican Congress has borrowed more than that.

Mr. RYAN, I am going to yield to you in just one second.

This is what Newt Gingrich says. This is the Speaker, Madam Speaker, that brought on this Republican revolution; we are going to turn the country around with the contract for America. This is what he says in Knight Ridder newspapers, Friday, March 31, 2006. They, not my colleagues, my Republican colleagues in the House, my good friends in the House, they.

Mr. RYAN of Ohio. My old friends in the House.

Mr. MEEK of Florida. My old friends in the House. He is saying, "they," so they means, Madam Speaker, that I guess he no longer associates himself and he has not said, oh, I was misquoted. He is standing by this. He continues, "They are seen by the country as being in charge of a government that can't function."

Now, I am going the tell you something. If I was in my office now or I picked up the paper and I read that from a former Speaker of the U.S. House of Representatives in my party referring to me as "they," that is why it it is important, Madam Speaker, that we come to the floor in the 30 Something Working Group, and speak with confidence and the facts and with great passion, because we love this country.

The bottom line is, if we were working in a bipartisan way, we could not come to this floor with a straight face saying, well, the Republican majority is working with us and we have shared ideas and issues that we are in right now and the trouble that we are in right now, we are in it because we are in it together. The Republican majority cannot say that. Bipartisanship is only allowed when the majority does so.

What have we said as Democrats? We are going to raise the minimum wage. We are going to implement all of the 9/11 recommendations, and you have a chart that is very revealing here, all of the 9/11 recommendations. We are going to make sure veterans are treated with dignity and respect and they have the health care they deserve.

We also said that we are going to look at these tax cuts to billionaires and make sure the middle class get their fair share. We are going to make sure there is dignity in health care and affordable, and if kids want to go to college, it is not about college kids, it is about those parents who have worked their entire lives to make sure their children and grandchildren have a better opportunity than what we have had.

That is a new direction for America, and we have the will and the desire, Madam Speaker, to stand up to the President and to those that are willing to take us back to the days of deficits as far as the eye can see, and we are working to work and pay as you go to balance the budget.

That is the reason why this rubber stamp, I want to retire this rubber stamp come this January if the American people see fit to say I am not going to vote for the individuals that have got us in this situation; I am going to vote for the folks that are going to adhere to the U.S. Constitution, stand up to the President of the United States and govern on behalf of this country and not just be a rubber stamp. This rubber stamp is, as far as I am concerned, we are going to have a session out in front of the Capitol, and we are going to drop it in the garbage can and burn it because this is not what this country is about.

Democracy is about discourse and balance and accountability to the American people, and it should not be a rubber stamp Congress, and this is exactly what it is because that is what the Republican Congress has brought about.

Mr. RYAN of Ohio. If you just look at what we would do once we get in, just in the first day or two, pass an increase in the minimum wage; reduce college tuition costs, interest on student loans by half for both parents and student loans, cut in half to save people about $5,000. Just those two things alone will save average American families thousands of dollars. Implement 9/11.

Now, Mr. Gingrich brought up a great point. They are in charge of a government, Madam Speaker, that just cannot function. They do not know how to run government. They have had the opportunity over the past 5 years, and they have been incapable and unable to execute and administer government.

They run it down for years and then they expect it to work. They hire their buddies who know how to run ponies and administer horse shows, but then they cannot execute FEMA, Katrina, Iraq, Medicare, health care, gas prices, college education. They do not know how to administer government.

Everyone likes to say that the Democrats do not know how to administer an immigration policy. Well here's the statistics. From 1993 to 2000, the average number of border patrol agents added per year under Clinton, 642; under Bush, 411. Who is trying to protect the country from illegal immigrants coming into the country? It looks like to me that the Clinton administration did a heck of a lot better job than the Bush administration and the Republican Congress did.

INS fines for immigration enforcement, 1999, under President Clinton, 417 fines for immigration; only three in 2004 under President Bush. Seventy-eight percent fewer completed immigration fraud cases under President Bush. Under Clinton in 1995, fraud cases completed, 6,455; in 2003, under President Bush, 1,389.

It is not about ideology. It is not about what your rhetoric is. It is not about our little cute phrases that you may have and you may have worked on in some little interest group or some little building somewhere in D.C. and you just say the right things and it may sound like you know what you are doing.

These are facts. Gas prices are facts. College tuition numbers, they are facts. Health care costs, those are facts. Prescription drug costs, those are facts. Tax rates on small businesspeople, those are facts.

It is kind of funny because you go back home, you go back to the real world, and you get out from where the Potomac fever is, and you go back home and people are not saying things are going real good for them. But you come down here and our friends, many of them are our good friends, on the other side that stand in the well and they will try to convince everybody how great the economy is going. But when you go back to Ohio or Miami, it is not same.

We know how to do this and we want, Madam Speaker, an opportunity to take back over the House of Representatives that was created by Article I, Section 1 of the United States Constitution. We want an opportunity to govern, to lower tuition costs, increase the minimum wage, implement the 9/11 Commission report, provide for the common good, the common defense, and do it with some commonsense and get the country going in a new direction.

On www.housedemocrats.gov/30Something, all of our charts will be available. This was the 30 Something 2-minute drill today.

Mr. MEEK of Florida. Let me say, I almost feel like a preacher of a Baptist church. I just wish I had time to preach this sermon. I wish I had time. The reason why I am saying that is by the House rules we have to end at 12:00.

I am going to I say this to my good friend Mr. Manatos, we need a chart that talks about what Congress has received since 1998 in pay increases and what the American people have received in the minimum wage. We need a chart that talks about that every year, so Mr. RYAN, when you talk about when folks come to the floor, the majority side talk about how great the economy is, you doggone they come and say it because they have gotten a pay increase every year.

Let me tell you, a lot of us here in Congress, including myself, are financially challenged. We have got to have a house here and a house there and kids and all of the things that goes with it. But do not vote for an increase for yourself and then turn around to someone that is making $5.15 an hour to say that you do not deserve it. Over my dead body. That is what the Republican majority is saying.

So I think it is important. If I had time tonight to carry this point further, I would, but with that, Madam Speaker, we want to thank the Democratic leader for allowing us to have this time. It was an honor to come before the House to address the American people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUTIERREZ (at the request of Ms. PELOSI) for today on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

(The following Members (at the request of Ms. HART) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and July 24, 25, and 26.

Mr. MCCOTTER, for 5 minutes, July 20.

Mr. MORAN of Kansas, for 5 minutes, July 24.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. SHAYS, for 5 minutes, today, and July 24, 25, and 26.

Mr. FRANKS of Arizona, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCOTT of Virginia, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,517.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5117. An act to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on July 19, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 42. To ensure that the right of an individual to display the flag of the United States on residential property not be abridged.

H.R. 810. To amend the Public Health Service Act to provide for human embryonic stem cell research.

H.R. 2872. To require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Thursday, July 20, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8668. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Debenture Interest Payment Changes [Docket No. FR-4945-F-01] (RIN: 2502-AI41) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8669. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations — Imposition of Special Measure Against VEF Banka, as a Financial Institution of Primary Money Laundering Concern (RIN: 1506-AA82) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8670. A letter from the General Counsel, Federal Housing Finance Board, transmitting the Board's final rule — Data Reporting Requirements for the Federal Home Loan Banks [No. 2006-10] (RIN: 3069-AB28) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8671. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Third-Party Servicing of Indirect Vehicle Loans—received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8672. A letter from the Assistant Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule — Joint Final Rules: Application of the Definition of Narrow-Based Security Index to Debt Securities Indexes and Security Futures on Debt Securities [Release No. 34-54106; File No. S7-07-06]

(RIN: 3235-AJ54) received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8673. A communication from the President of the United States, transmitting notification that the national emergency with respect to Liberia is to continue in effect beyond July 22, 2006, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109-125); to the Committee on International Relations and ordered to be printed.

8674. A communication from the President of the United States, transmitting a letter notifying Congress, consistant with the War Powers Resolution, that on July 14,2006, due to the uncertain security situation and the possible threat to American citizens and the American Embassy in Lebanon. Department of Defense assistance has been requested to assist in the departure of American citizens in Lebanon; (H. Doc. No. 109-126); to the Committee on International Relations and ordered to be printed.

8675. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Classification and Program Review [BOP-1131-F] (RIN: 1120-AB32) received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8676. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [CGD05-06-065] (RIN: 1625-AA08) received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8677. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations: Suncoast Offshore Grand Prix; Gulf of Mexico, Sarasota, FL [CGD 07-06-107] (RIN: 1625-AA08) received July 13, 206, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8678. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Annual Greater Jacksonville Kingfish Tournament; Jacksonville, Florida [CGD07-06-108] (RIN: 1625-AA08) received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8679. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Georgetown Channel, Potomac River, Washington, DC [CGD05-06-014] (RIN: 1625-AA87) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8680. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Beaufort (Gallants) Channel, NC [CGD05-06-047] (RIN: 1625-AA09) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8681. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Pinellas Bayway Structure "E" (SR 679) Bridge, Gulf Intracoastal Waterway, mile 113, St. Petersburg Beach, Pinellas County, FL. [CGD07-06-073] (RIN: 1625-AA09) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8682. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Welch Causeway (SR 699) Bridge, Gulf Intracoastal Waterway, mile 122.8, Madeira Beach, Pinellas County, FL [CGD07-06-074] (RIN: 1625-AA09) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8683. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Severn River and College Creek, Annapolis, Maryland [CGD05-06-052] (RIN: 1625-AA87) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8684. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City Fireworks Celebration, Syracuse, NY [CGD09-06-063] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8685. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Village Fireworks, Sodus Point, NY [CGD09-06-052] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8686. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Brewerton Fireworks, Brewerton, NY [CGD09-06-051] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8687. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2006 Fireworks, St. Lawrence River, Clayton, NY [CGD09-06-050] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8688. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mentor Power Boat Race, Lake Erie, Mentor, OH [CGD09-06-060] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8689. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Island Festival Fireworks Display [CGD09-06-049] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8690. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clearwater Harbor, Florida [COTP St. Petersburg 06-104] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8691. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fourth of July Fireworks, Heart Island, Alexandria Bay, NY [CGD09-06-053] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8692. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Seneca River Days, Baldwinsville, NY [CGD09-06-055] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8693. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Fireworks Safety Zone; Shelter Cove, Hilton Head, SC [COTP Charleston 06-110] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8694. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Seneca River Days Fireworks, Baldwinsville, NY [CGD09-06-054] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8695. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rochester Harbor and Carousel Festival, Rochester, NY [CGD09-06-038] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8696. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Fireworks Safety Zone; Skull Creek, Hilton Head, SC [COTP Charleston 06-112] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8697. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, River Front Park, North Charleston, South Carolina [COTP Charleston 06-113] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8698. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Louis River/Duluth/Interlake Tar Remediation Site, Duluth, MN [CGD09-06-031] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8699. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks, Lower Colorado River, Laughlin, NV [COTP San Diego 06-025] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8700. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clearwater Harbor, FL [COTP St. Petersburg 06-082] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8701. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fort Story, Chesapeake Bay, Virginia Beach, VA [CGD05-06-055] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8702. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Lake Michigan, Milwaukee, WI [CGD09-06-035] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 925. Resolution providing for consideration of the bill (H.R. 5684) to implement the United States-Oman Free Trade Agreement (Rept. 109-579). Referred to the House Calendar.

Mr. OXLEY: Committee on Financial Services. H.R. 4804. A bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act; with an amendment (Rept. 109-580). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEES

[Omitted from the Record of July 17, 2006]

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. H. Con. Res. 145 referred to the House Calendar.

Pursuant to clause 2 of rule XII the Committee on International Relations discharged from further consideration. H.R. 5337 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BACA:

H.R. 5831. A bill to authorize the Director of the United States Patent and Trademark Office to extend a reissue patent for up to two years if the application for reissue is not processed within 10 years; to the Committee on the Judiciary.

By Mr. GUTKNECHT (for himself, Mr. Peterson of Minnesota, Mr. Thompson of Mississippi, Mr. Clay, and Mr. Akin):

H.R. 5832. A bill to establish the National Institute of Food and Agriculture, to provide funding for the support of fundamental agricultural research of the highest quality, and for other purposes; to the Committee on Agriculture.

By Mr. GEORGE MILLER of California:

H.R. 5833. A bill to amend the Elementary and Secondary Education Act of 1965 to improve retention of public elementary and secondary school teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DINGELL (for himself, Mr. Whitfield, Mr. George Miller of California, Mr. Waxman, Mr. Markey, Mrs. Capps, Mr. Rush, Mr. Towns, Ms. Schakowsky, Mr. Davis of Florida, Ms. Baldwin, Mr. Pallone, Mr. Ross, Mr. Gene Green of Texas, Mr. Engel, Mr. Stupak, Mr. Wynn, Ms. DeGette, Mr. Allen, Ms. Solis, Mr. Gonzalez, Mr. Strickland, Mr. Doyle, Mr. Kildee, Mr. Grijalva, Mr. Davis of Illinois, Mr. Hinojosa, Mr. Payne, Ms. Lee, Mr. Filner, Ms. Zoe Lofgren of California, Ms. Woolsey, and Mr. Cardin):

H.R. 5834. A bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid Program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUYER (for himself, Mr. Filner, Mr. Bilirakis, Mr. Evans, Mr. Stearns, Mr. Gutierrez, Mr. Burton of Indiana, Ms. Corrine Brown of Florida, Mr. Brown of South Carolina, Mr. Michaud, Mr. Miller of Florida, Ms. Herseth, Mr. Boozman, Mr. Strickland, Mr. Bradley of New Hampshire, Mr. Reyes, Ms. Ginny Brown-Waite of Florida, Ms. Berkley, Mr. Bilbray, Mr. Salazar, Mr. Tom Davis of Virginia, Mr. Waxman, Mr. Walsh, Mr. Edwards, Mr. Dingell, and Ms. Schakowsky):

H.R. 5835. A bill to amend title 38, United States Code, to improve information management within the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself and Mrs. Wilson of New Mexico):

H.R. 5836. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself and Mr. Frank of Massachusetts):

H.R. 5837. A bill to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program; to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself, Ms. Pryce of Ohio, Mr. Buyer, Mr. Bradley of New Hampshire, and Ms. Corrine Brown of Florida):

H.R. 5838. A bill to amend title 44, United States Code, to strengthen requirements related to security breaches of data involving the disclosure of sensitive personal information; to the Committee on Government Reform.

By Mr. HEFLEY:

H.R. 5839. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the establishment of leadership political action committees, and for other purposes; to the Committee on House Administration.

By Ms. JACKSON-LEE of Texas (for herself, Mr. Udall of Colorado, Mr. Strickland, and Mr. Udall of New Mexico):

H.R. 5840. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to clarify the roles and responsibilities of the agencies and actors responsible for the administration of such compensation program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE:

H.R. 5841. A bill to prohibit the Secretary of Homeland Security from paroling into the United States an alien who falls ill while seeking admission at a port of entry or seeks emergency medical assistance by approaching an agent or official of the Department of Homeland Security at or near a border; to the Committee on the Judiciary.

By Mr. PEARCE (for himself, Mr. Udall of New Mexico, and Mrs. Wilson of New Mexico):

H.R. 5842. A bill to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes; to the Committee on Resources.

By Mr. RYAN of Ohio (for himself and Mr. Strickland):

H.R. 5843. A bill to amend the COBRA continuation Act provisions to extend COBRA continuation coverage from 18 months to 36 months, to provide a tax credit for the cost of such coverage, and to reduce the income tax rate reduction for families with incomes of more than a million dollars; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Energy and Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND:

H.R. 5844. A bill to prohibit the importation for sale of foreign-made flags of the United States of America; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Mr. Kucinich, Mr. Brown of Ohio, Mrs. Jones of Ohio, Mr. Boehlert, and Mr. Latham):

H. Con. Res. 449. Concurrent resolution commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States; to the Committee on Government Reform.

By Mr. KUCINICH (for himself, Mr. Rangel, Mr. Abercrombie, Ms. Slaughter, Ms. Kaptur, Mr. Conyers, Mr. Cleaver, Ms. Lee, Ms.

WOOLSEY, Mr. GRIJALVA, Mr. FILNER, Mr. STARK, Mr. MCDERMOTT, Mr. HINCHEY, Mr. HONDA, Mr. DAVIS of Illinois, Ms. WATERS, Mr. MORAN of Virginia, Mr. RUSH, Ms. BALDWIN, Ms. KILPATRICK of Michigan, Ms. MCCOLLUM of Minnesota, Ms. SOLIS, and Mr. MEEKS of New York):

H. Con. Res. 450. Concurrent resolution calling upon the President to appeal to all sides in the current crisis in the Middle East for an immediate cessation of violence and to commit United States diplomats to multiparty negotiations with no preconditions; to the Committee on International Relations.

By Mr. NEAL of Massachusetts (for himself, Mr. BOEHLERT, and Mr. CLEAVER):

H. Con. Res. 451. Concurrent resolution honoring John Jordan "Buck" O'Neil and urging his induction into the National Baseball Hall of Fame; to the Committee on Government Reform.

By Mr. ISSA:

H. Res. 926. A resolution condemning the kidnapping of Israeli soldiers by Hamas and Hezbollah, affirming the right of Israel to conduct operations to secure the kidnapped soldiers, urging all parties to protect innocent life and civilian infrastructure, and for other purposes; to the Committee on International Relations.

By Mr. INGLIS of South Carolina (for himself, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, and Mr. BARRETT of South Carolina):

H. Res. 927. A resolution commending William W. Wilkins, Chief Judge of the United States Court of Appeals for the Fourth Circuit, for his commitment and dedication to public service, the judicial system, and the rule of law, as he enters his 25th year of service as a member of the Federal judiciary; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. WILSON of South Carolina, Mr. WELDON of Pennsylvania, and Mr. HALL):

H. Res. 928. A resolution expressing the sense of the House of Representatives that a National Historically Black Colleges and Universities Week should be established; to the Committee on Education and the Workforce.

By Mrs. MUSGRAVE:

H. Res. 929. A resolution to congratulate Fort Collins, Colorado, on being named the best place to live in the United States for 2006; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

383. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 12 urging American farmers, ranchers, and food producers be enabled to compete freely and trade fairly in foreign markets; to the Committee on Agriculture.

384. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Resolution No. 2001 urging the Congress of the United States to enact a 2007 Farm Bill that is supportive of the specialty crop industry; to the Committee on Agriculture.

385. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 109 memorializing the Congress of the United States to take such actions as are encessary to adopt the Senate Appropriations Committee amendment for fishing industry recovery under the Magnuson-Stevens Fishery Conservation and Management Act to H.R. 4939 making emergency supplemental appropriations for the fiscal year ending September 30, 2006; to the Committee on Appropriations.

386. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 13 urging the Congress of the United States to support legislation that will enhance specified aspects of the "No Child Left Behind Act"; to the Committee on Education and the Workforce.

387. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 22 supporting the participation of Taiwan in a meaningful and appropriate way in the World Health Organization; to the Committee on International Relations.

388. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 26 recognizing the Basque ETA organization; the governments of the Basque Autonomous Region; Spain, and all parties of Spain and France for their actions to promote and achieve lasting peace in the Basque Homeland; to the Committee on International Relations.

389. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 16 supporting the efforts of Senator Mike Crapo to reform and improve the Endangered Species Act through the enactment of the Collaboration for the Recovery of Endangered Species Act (CRESA), promoting species conservation and preservation within the State of Idaho and the United States; to the Committee on Resources.

390. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 25 encouraging the Congress of the United States to make the nation's Outer Continental Shelf available for energy development in an environmentally responsible manner; to the Committee on Resources.

391. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 235 memorializing the Congress of the United States, specifically Louisiana Senators Mary Landrieu and David Vitter, to take such actions as are necessary to support and vote for the Marriage Protection Amendment presently pending in the United States Senate; to the Committee on the Judiciary.

392. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 101 memorializing the Congress of the United States to provide funding to help states and local communities clean up and address the disastrous effects of clandestine methamphetamine labs; to the Committee on the Judiciary.

393. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Resolution No. 2011 urging the Congress of the United States to permanently repeal the Death Tax, to dissolve United State membership in the United Nations and to remove specific areas relating to faith from the jurisdiction of the United States Supreme Court; to the Committee on the Judiciary.

394. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 23 memorializing the Congress of the United States to take such actions as are necessary to pass the proposed consitutional amendment banning the desecration of the United States flag; to the Committee on the Judiciary.

395. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 107 memorializing the Congress of the United States to take such actions as are necessary to facilitate the construction of a storm surge barrier at Port Fourchon; to the Committee on Transportation and Infrastructure.

396. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 108 memorializing the Congress of the United States to take such actions as are necessary to ensure that any United States Army Corps of Engineer project restoring barrier islands protecting Terrebonne and Timbalier Bays redefine and narrow Whiskey Pass, Little Pass, Wine Island Pass, and Cat Island Pass using hardened material; to the Committee on Transportation and Infrastructure.

397. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 130 memorializing the Congress of the United States to take such actions as are necessary to expedite the Federal Emergency Management Agency's (FEMA) reimbursement process and to make the reimbursement of accrued interest on loans part of its public assistance grants; to the Committee on Transportation and Infrastructure.

398. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 182 memorializing the Congress of the United States to take such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana; to the Committee on Transportation and Infrastructure.

399. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 90 urging and requesting the Social Security Administration to accept a notarized document to suffice as independent verification for evidence of age; to the Committee on Ways and Means.

400. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 212 memorializing the Congress of the United States to take such actions as are necessary to support and establish a free trade agreement between the United States and Taiwan; to the Committee on Ways and Means.

401. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 116 memorializing the Congress of the United States to take such actions as are necessary to formulate a sound energy policy that will provide for the long-term economic and national security need of the United States of America; jointly to the Committees on Energy and Commerce and Ways and Means.

402. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 11 urging the United States Forest Service enter a decision granting a special use permit allowing Idaho Department of Fish and Game to land helicopters in the wilderness for the purpose of monitoring gray wolves; jointly to the Committees on Resources and Agriculture.

403. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 14 demanding that the Federal Lands Recreation Act be repealed and

that no recreational fees authorized under the Federal Lands Recreation Enhancement Act be imposed to use federal public land in the state; jointly to the Committees on Resources and Agriculture.

404. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 20 declaring that should the Federal Lands Recreation Enhancement Act be repealed, the authority for permitting outfitters and guides be replaced immediately to allow for operations to continue uninterrupted and special use fee currently assessed by reauthorized under a new authority; jointly to the Committees on Resources and Agriculture.

405. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 21 urging the Congress of the United States to support federal legislation transferring management of National Forest System lands within Idaho to the state of Idaho to be managed for the benefit of rural counties and schools; jointly to the Committees on Resources and Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BRADY of Pennsylvania:

H.R. 5845. A bill for the relief of Zhen Xing Jiang; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania:

H.R. 5846. A bill for the relief of Tian Xiao Zhang; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 115: Mr. Larson of Connecticut and Mr. Kind.

H.R. 615: Mr. Payne.

H.R. 772: Mr. Schwarz of Michigan and Ms. DeLauro.

H.R. 790: Mr. Davis of Illinois.

H.R. 916: Mr. Calvert and Ms. Eddie Bernice Johnson of Texas.

H.R. 1128: Mr. Culberson.

H.R. 1227: Mrs. Drake and Mr. Lipinski.

H.R. 1384: Mr. Pombo and Mr. Brown of South Carolina.

H.R. 1413: Mr. Jackson of Illinois and Mr. Baird.

H.R. 1471: Mr. McCotter, Mr. Case, and Mr. Alexander.

H.R. 1578: Mrs. Drake, Mr. Bonner, Mr. Kennedy of Minnesota, and Mrs. Christensen.

H.R. 1582: Mr. Inslee.

H.R. 1632: Mr. Goodlatte.

H.R. 1634: Mr. Goode and Ms. Eddie Bernice Johnson of Texas.

H.R. 1671: Mr. Stupak.

H.R. 1688: Ms. Linda T. Sánchez of California.

H.R. 1704: Mr. Capuano.

H.R. 1709: Mr. Boswell.

H.R. 1940: Mr. Meehan, Mr. Gene Green of Texas, Mr. Markey, Mr. Gonzalez, Ms. Wasserman Schultz, and Mr. Burgess.

H.R. 1951: Mr. Hobson, Mr. McHugh, Mr. Reichert, and Mr. Wilson of South Carolina.

H.R. 2323: Mr. Stark.

H.R. 2328: Mr. Melancon.

H.R. 2356: Mr. Stearns, Mr. Jefferson, and Mr. Melancon.

H.R. 2498: Mr. Ross.

H.R. 2794: Mr. Brown of Ohio.

H.R. 2808: Mr. Mario Diaz-Balart of Florida, Mr. Price of North Carolina, Mr. Davis of Kentucky, Mr. Osborne, Mr. Kolbe, Mr. Keller, Mr. Reichert, Mr. Berry, Ms. Pelosi, Mr. McIntyre, Mr. Smith of Washington, Mr. Duncan, Mr. Sherwood, Mr. Case, Mr. Bachus, Ms. Berkley, and Mr. Cramer.

H.R. 2861: Mr. Ferguson.

H.R. 2928: Mr. Delahunt.

H.R. 2943: Mr. Carnahan.

H.R. 3380: Mr. Rothman.

H.R. 3436: Mr. Jones of North Carolina.

H.R. 3476: Mr. Inglis of South Carolina.

H.R. 3511: Mr. Shays.

H.R. 3547: Mr. Ruppersberger and Mr. Kildee.

H.R. 3628: Mr. Boucher.

H.R. 3854: Mrs. McCarthy and Mrs. Davis of California.

H.R. 3900: Mr. Smith of Texas.

H.R. 3902: Mr. Carnahan.

H.R. 3957: Mr. Lucas.

H.R. 4022: Mr. Snyder.

H.R. 4042: Mr. Larsen of Washington.

H.R. 4236: Mr. Latham.

H.R. 4264: Mr. Spratt.

H.R. 4341: Mrs. Drake.

H.R. 4357: Ms. Harris and Mr. McCotter.

H.R. 4381: Mr. McCrery.

H.R. 4384: Mr. Andrews.

H.R. 4479: Mr. Filner.

H.R. 4480: Ms. Granger.

H.R. 4537: Mr. Spratt.

H.R. 4547: Mr. Latham, Mr. Sam Johnson of Texas, Mr. Neugebauer, and Mr. Culberson.

H.R. 4562: Mr. Foley, Mr. Bilirakis, Mr. Carter, Mr. Crenshaw, and Mr. Ramstad.

H.R. 4597: Ms. McCollum of Minnesota.

H.R. 4800: Mr. Grijalva.

H.R. 4830: Mr. Smith of Texas.

H.R. 4838: Mr. Stearns.

H.R. 4857: Mr. Jones of North Carolina.

H.R. 4922: Mr. Jones of North Carolina, Mr. Fortuño, and Mr. Tierney.

H.R. 5005: Mr. Pombo, Mr. Culberson, Mr. Brown of South Carolina, and Mr. Renzi.

H.R. 5011: Ms. Jackson-Lee of Texas, Mr. Lantos, Mr. Gonzalez, and Mr. Rothman.

H.R. 5013: Mr. Fortenberry and Mr. Rohrabacher.

H.R. 5023: Mr. Boucher.

H.R. 5099: Mr. Carnahan.

H.R. 5128: Mr. Costa.

H.R. 5134: Ms. Schwartz of Pennsylvania.

H.R. 5139: Mr. Van Hollen.

H.R. 5166: Mr. Goodlatte and Mr. Hinojosa.

H.R. 5185: Mr. Grijalva and Ms. Solis.

H.R. 5246: Mr. Rothman, Mr. Reichert, and Mr. Shadegg.

H.R. 5249: Mr. McCaul of Texas and Mr. Lewis of Kentucky.

H.R. 5280: Mr. Engel, Mr. Inslee, and Mr. LaHood.

H.R. 5309: Mr. Neal of Massachusetts and Mr. English of Pennsylvania.

H.R. 5321: Mr. English of Pennsylvania.

H.R. 5371: Mr. Holt.

H.R. 5390: Mr. Stark, Mr. Oberstar, Mr. Higgins, and Mr. Rothman.

H.R. 5405: Mr. McCotter.

H.R. 5424: Mr. Chocola and Mr. LaHood.

H.R. 5452: Mr. Walsh.

H.R. 5491: Mr. Kennedy of Minnesota.

H.R. 5513: Mr. Ross and Mr. McCaul of Texas.

H.R. 5524: Mr. Case and Mr. Higgins.

H.R. 5555: Mr. Ross, Mr. Waxman, Mr. Engel, Mrs. Capps, and Mr. Allen.

H.R. 5608: Mr. Pastor and Ms. Bordallo.

H.R. 5635: Mr. Mollohan.

H.R. 5650: Mr. Ross.

H.R. 5656: Mr. Weldon of Pennsylvania.

H.R. 5671: Mr. McIntyre.

H.R. 5674: Ms. Zoe Lofgren of California.

H.R. 5682: Mr. Kolbe, Ms. Granger, and Mr. Marchant.

H.R. 5706: Mr. Sensenbrenner.

H.R. 5731: Mr. Gene Green of Texas, Mr. Capuano, Mr. Pallone, Mr. Meehan, and Mr. Nadler.

H.R. 5733: Ms. Ginny Brown-Waite of Florida, Mr. Conyers, Mr. Lantos, Mr. Kennedy of Minnesota, Mr. McNulty, Mr. Pickering, Mr. Weldon of Pennsylvania, and Mr. Fortuño.

H.R. 5744: Mr. Cantor.

H.R. 5750: Mr. McNulty, Mr. Jefferson, and Mr. Farr.

H.R. 5755: Mr. Bass and Mr. Rangel.

H.R. 5758: Mr. Fortuño.

H.R. 5766: Mr. Barrett of South Carolina, Mr. McHenry, Mr. Rohrabacher, Mr. Feeney, Mr. Fortenberry, Mrs. Myrick, Mr. King of Iowa, Mr. Cole of Oklahoma, Mr. Price of Georgia, Mr. Terry, Ms. Granger, Mrs. Cubin, Mr. Fortuño, and Mr. Hastings of Washington.

H.R. 5771: Mr. Emanuel, Ms. Berkley, Mr. Van Hollen, Mr. Abercrombie, Mr. Langevin, Mrs. Capps, Mr. Spratt, Mr. McGovern, Ms. DeLauro, Mr. Honda, Mr. Engel, Mr. Schiff, Mr. Costa, Mr. Moore of Kansas, Mr. Cooper, and Mr. Grijalva.

H.R. 5772: Mr. Marchant and Mr. Saxton.

H.R. 5784: Ms. Waters and Ms. Woolsey.

H.R. 5785: Mr. Pickering.

H.R. 5791: Mr. Bishop of Georgia, Mr. Strickland, Mr. Ross, and Mr. Leach.

H.R. 5797: Mr. Crowley, Mr. Nunes, and Mr. McCaul of Texas.

H.R. 5815: Mr. Fortuño.

H.R. 5822: Mr. McKeon, Mr. Ehlers, Mr. Shays, and Mr. Franks of Arizona.

H.J. Res. 58: Mr. Hastings of Washington.

H.J. Res. 90: Mr. Carnahan.

H. Con. Res. 347: Ms. Berkley.

H. Con. Res. 384: Mr. Castle.

H. Con. Res. 434: Mr. Butterfield, Mr. Pallone, Mr. Fattah, and Mr. Berman.

H. Res. 97: Ms. Hart.

H. Res. 295: Mr. Manzullo.

H. Res. 305: Mr. Allen.

H. Res. 373: Mr. Farr, Ms. McKinney, and Ms. Schakowsky.

H. Res. 490: Mr. Gutierrez.

H. Res. 852: Mr. Miller of Florida.

H. Res. 863: Mr. Akin and Mr. Wicker.

H. Res. 911: Mr. Waxman and Mr. McCaul of Texas.

H. Res. 912: Mr. McCotter, Mr. Petri, and Mr. Terry.

H. Res. 915: Mr. Pitts, Mr. Nadler, Mr. Gary G. Miller of California, Mr. Spratt, Mr. Price of North Carolina, and Mr. Emanuel.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3044: Mr. Conyers.

EXTENSIONS OF REMARKS

RECOGNIZING NOLAN K. STARK FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nolan K. Stark, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 41, and in earning the most prestigious award of Eagle Scout.

Nolan has been very active with his troop, participating in many Scout activities. Over the many years Nolan has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Nolan K. Stark for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP)

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. AL GREEN of Texas. Mr. Speaker, I would like to honor the National Association for the Advancement of Colored People—NAACP—for its 97 years of faithful service as champions of social justice on behalf of African-Americans and for fighting for almost a century so that all Americans could realize and experience the American dream. The NAACP has always been comprised of dedicated people who would not stand still while the rights of Americans of color were denied and they have built a legacy on ensuring that every single American was able to carry out their lives under the full protection of the law.

From the ballot box to the classroom, the dedicated workers, organizers, and leaders who make up this tremendous organization and maintain its status as an immense civil rights organization have been continuously fighting on the frontlines for social and economic justice.

Since the foundation of this great organization was laid down more than a century ago alongside the banks of the Niagara Falls, this movement has fought long and hard to ensure that the voices of African-American women and men would be heard. The legacy of pioneers such as W.E.B. DuBois, Thurgood Marshall, Rosa Parks, Mary Mcleod Bethune, Mary White Ovington, Joel Elias Spingarn and Roy Wilkins, along with the hundreds of thousands of nameless faces who worked tirelessly can not and must not be forgotten.

The history of the NAACP is one of sacrifice and suffering. From bold investigations of terrorist lynching, protests of mass murders, segregation and discrimination, to testimony before congressional committees on the vicious tactics used to bar African-Americans from the ballot box, it was the talent, determination, and tenacity of NAACP members that saved lives and changed many negative aspects of American society.

Mr. Speaker, Medgar Evers was a World War II veteran and a field secretary for the NAACP. This proud member of the NAACP was one of the many martyrs of the civil rights movement and his assassination at the hands of a white supremacist from Mississippi in 1963 helped prompt President John Kennedy to ask Congress for a comprehensive civil-rights bill, which President Lyndon Johnson signed into law the following year. Because of the continuous sacrifice of NAACP leaders and members like Medgar Evers, America is a better place than it was 40 years ago and because of the continuous effort of the NAACP America will provide a better tomorrow for all of our citizens.

Mr. Speaker, it is my privilege to honor the National Association for the Advancement of Colored People—NAACP—for its 97 years of faithful service on behalf of African-Americans as champions of social justice and for its leadership in the continuous struggle for civil and human rights for all.

RECOGNIZING JEFFREY AARON WULFF FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jeffrey Aaron Wulff, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Jeffery has been very active with his troop, participating in many Scout activities. Over the many years Jeffery has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Jeffery Aaron Wulff for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING BENJAMIN L. HOOKS

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. AL GREEN of Texas. Mr. Speaker, I would like to honor the life, legacy, and leadership of Benjamin L. Hooks. For 15 years Benjamin L. Hooks presided over America's largest and most influential organization for African-Americans, the National Association for the Advancement of Colored People, NAACP. Under his leadership, the influence of this organization was greatly enhanced, adding several hundred thousand new members to its ranks. Beginning in 1977, when he became executive director of the NAACP, he began issuing formal opinions on topics as diverse as the lack of Black executives in Hollywood, the role of the Black middle class on the improvement of life in the low-income areas, and the 1991 nomination and confirmation of Judge Clarence Thomas to the U.S. Supreme Court.

Benjamin L. Hooks was born in Memphis, TN in 1925, the fifth of seven children of Robert B. and Bessie Hooks. Although his family was comfortable by so-called Black standards, Hooks would recall wearing hand-me-down clothes and watching his mother stretch the groceries so everyone had enough to eat. Hooks's parents were both hard-working Americans, and his grandmother was the second Black woman in the United States to graduate from college—Berea College in Kentucky.

During the Second World War, Benjamin L. Hooks found himself in the humiliating position of guarding Italian prisoners of war who were allowed to eat in restaurants that were off limits to him because he was not White. The experience helped to deepen his resolve to fight against all forms of discrimination in the United States. After his wartime service—he was promoted to the rank of staff sergeant—he would later head north to Chicago to study law at DePaul University. Even after putting his life on the line for his country, no law school in his native Tennessee would admit him simply because he was not White.

Hooks earned his J.D. degree in 1948 and promptly returned to Memphis, vowing to help break down segregation. He passed the Tennessee Bar examination and opened up his own law practice, confronting prejudice at every turn. By the late 1960s Hooks worked as a judge, a businessman, a lawyer, and a minister. Twice a month he flew to Detroit and preached at the Greater New Mount Moriah Baptist Church. Always dedicated to the civil rights struggle, he constantly made himself available to the NAACP as needed for civil rights protests and marches.

On November 6, 1976, the 64-member board of directors of the NAACP elected Hooks executive director of the prominent civil

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

rights organization. Dr. Hooks and his wife handled the NAACP's business and helped to plan for its future for more than 15 years. He told the New York Times that a "sense of duty and responsibility" to the NAACP compelled him to stay in office through the 1990s. In February of 1992, at the age of 67, he announced his resignation from the post after many years of faithful and dedicated service. The service of this great leader will never go unforgotten.

Mr. Speaker, it is my privilege to honor the life, legacy, and leadership of Benjamin L. Hooks.

HONORING JEANNE SANITATE ON HER ACHIEVEMENTS AT THE VETERANS ANNUAL WHEELCHAIR GAMES

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. ANDREWS. Mr. Speaker, I rise today to honor Jeanne Sanitate, a disabled Air Force veteran from Medford, New Jersey on her three gold medals and one bronze medal in the 26th Annual Veterans Wheelchair Games in Alaska.

The 26th Annual Wheelchair Games took place July 3–8, 2006 and is the largest annual wheelchair sports event in the world. This event is committed to improving the quality of life for veterans with disabilities and fostering better health through sports competition. Jeanne Sanitate joined more than 500 people, both novices and experienced athletes, for a week of competition in more than 15 events. Jeanne Sanitate won her gold medals in bowling, Air-Gun Para, and table tennis. She also collected a bronze in softball. This was her first time competing in the games, and she competed as a Class IV in the novice division.

Mr. Speaker, I celebrate the accomplishments of Jeanne Sanitate at the 26th Annual Veterans Wheelchair Games. I applaud her past service to this country as a veteran and her remarkable athletic abilities and personal achievements.

RECOGNIZING SEAN ALEXANDER BURNS-SPRUNG FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sean Alexander Burns-Sprung a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop, participating in many scout activities. Over the many years Sean has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Sean Alexander Burns-Sprung for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CARIBBEAN-AMERICAN HERITAGE MONTH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Ms. LEE. Mr. Speaker, I rise today to pay tribute to the Caribbean American community in honor of the first-ever National Caribbean American Heritage Month.

On June 27, 2005, the House unanimously adopted H. Con. Res. 71, my resolution to declare June National Caribbean American Heritage Month. On February 14, 2006, the Senate followed suit, thanks to the work of Senator SCHUMER of New York and Arielle Goren on his staff.

And let me begin by recognizing the many people who helped realize this 2-year bipartisan, bicameral effort, because this was quite a feat. First, I want to recognize our colleague, a great leader on so many issues and especially on health care, Congresswoman DONNA CHRISTENSEN from the Caribbean, who has been tremendous in terms of bringing us together to address the issues of health disparities throughout our country and throughout the world.

Also, I would like to thank the Institute of Caribbean Studies, especially Dr. Claire Nelson and her team, for joining us in this effort from the very beginning.

And we must recognize our friends from the Caribbean diplomatic corps, who worked so hard to spread the word about this effort both at home in the Caribbean and in their embassies and consulates across the country.

There are many Members of Congress who supported this effort. In addition to early support from my colleagues in the Congressional Black Caucus and Friends of the Caribbean Task Force, the former chair of the Western Hemisphere Subcommittee, Representative Cass Ballenger, was the first Republican to endorse this bill, and his successor, Chairman DAN BURTON, was one of the first to help urge the President to issue an official proclamation.

This was truly a bipartisan effort, with, of course, our chairman Mr. HYDE of the International Relations Committee and our ranking member Mr. LANTOS, who lent their very strong support.

And, of course, we never would have done any of this without our staff. First, let me commend and thank my staff person Jamila Thompson for her leadership and for her commitment to not only this issue and this bill, but for so many of the efforts that she mounts. She has roots in the Bahamas, and she understands the importance of recognizing Caribbean Americans and their proper role and proper recognition in our country.

Also, we had many other House staff members—Ted Brennan, Jack Scharfen, Paul Oostburg, Dan Getz, Mark Walker, and Michael Layman—who worked in a bipartisan way to make this a reality and really to realize this dream for many, many people.

The Government Reform Committee, Chairman TOM DAVIS, and our Ranking Member HENRY WAXMAN applauded the passage of this resolution last year and were instrumental in its passage.

And, of course, in the final weeks before the proclamation was issued by the White House, a coalition was formed that was very instrumental in urging the White House to officially declare June National Caribbean-American Heritage Month. This coalition included Senator MEL MARTINEZ from Florida, Ambassador Tom Shannon, State Department's Assistant Secretary for the Western Hemisphere, and Brian Nichols of his staff.

And the Caribbean American community was very active around this effort. It could not have been done without them. From Glenn Joseph and John Felix in Florida; to Jean Alexander, Horace Morancie, and Anthony Carter in New York; to Shorron Levy in California and so many others across the country, this became, quite frankly, an international grassroots effort.

So I am pleased that on June 5, the President responded by officially declaring June National Caribbean American Heritage Month.

We have some phenomenal spokespersons Sheryl Lee Ralph and basketball legend Rick Fox, who are traveling throughout the country. Sheryl Lee Ralph is a woman of Caribbean descent from Jamaica actually, and is a great actress as well. Her voice on HIV and AIDS, as well as promoting and spreading the word about Caribbean American Heritage Month, will be very valuable in terms of making sure that our entire country knows about the phenomenal contributions of Caribbean Americans.

On a very personal level, my relationship with persons of Caribbean descent began with the late great former member of this body, the first African American woman elected to Congress, Congresswoman Shirley Chisholm. I worked as a volunteer in her historic 1972 Presidential campaign. As a woman of Barbadian and Guyanese descent, Congresswoman Chisholm never forgot her roots and connections to the Caribbean. Her work, whether it was fighting for equal access to education in the United States Congress or Haitian refugees in detention camps, her commitment always stemmed from her faith and her strong Caribbean values.

When the United States-Caribbean relations began to deteriorate over the war in Iraq, the coups in Haiti, and the Cuban embargo, I knew that we needed to go back and really recognize our deep and strong relations with the Caribbean. So we need to send a message of goodwill to the Caribbean American community.

Soon I will be introducing the Shirley Chisholm Caribbean Educational Exchange Act of 2006 to provide existing and expanded educational exchanges between our country and the Caribbean.

This legislation has two components:

First it supports and expands existing primary and secondary training programs currently operating in the Caribbean.

And second it establishes the Shirley Chisholm Educational Exchange program structure for U.S. and Caribbean high school, undergraduate and graduate students, and professional scholars.

I would like to close by reminding those here in Congress and others watching at home that during Caribbean-American Heritage Month, each of us should look to the past and to the future in recognizing the strong role of the Caribbean and the Caribbean-American community in United States history.

Thank you. Mr. Speaker. This process was really an exercise in democracy, and I ask unanimous consent to insert into the Congressional Record a list of organizations from across the country that supported this effort:

The Secretary of State Condoleezza Rice and CARICOM Foreign Ministers included the following statement in their joint press release issued at the conclusion of the US–CARICOM Ministerial Meeting held in The Bahamas in March 2006:

"The Ministers and the Secretary of State welcomed the recent resolution of the U.S. Congress to commemorate Caribbean American Heritage Month in June. The resolution is a recognition of the deep and lasting human ties that bind the United States and the Caribbean."

This bi-partisan effort to create a National Caribbean-American Heritage Month is supported by Ambassador Albert Ramdin, Assistant Secretary General of the Organization of American States, the Caucus of CARICOM Ambassadors in Washington, DC, and the following organizations:

The Institute for Caribbean Studies, DC; Caribbean-Central American Action, DC; Caribbean American Chamber of Commerce of Florida, Inc.; The West Indian American Day Carnival Association, NY; Caribbean-American Cultural Association, Inc. of North America (CACANA), FL; Caribbean-American Center of New York; Conference of Heads of Caribbean Organizations of Central Florida; TnT International, Inc.; The Caribbean American Chamber of Commerce and Industry—Greater Washington Area Network; South Florida Caribbean Diaspora Task Force; Trinidad & Tobago Working Women's Committee, DC; Caribbean Association of World Bank Group and IMP Staff, DC; Caribbean American Chamber of Commerce and Industry, Inc. (CACCI), NY; Global Exchange, CA; Caribbean Peoples International Collective, NY (CPIC); The St. Lucia Nationals Association; Andrea M. Ewart, P.C.; Dominica Academy of Arts & Sciences, DC; Metro Atlanta Caribbean Cultural Arts Centre, Inc. (MACCA); The Washington Office on Latin America (WOLA); The Caribbean Voice, NY; Northern California Caribbean American Heritage Month Committee; Central Florida's Caribbean Sun Newspaper; The Guyanese Society of St. Louis; The Caribbean Club in Mount Vernon, NY; Caribbean Professional Networking Series, DC; Caribbean World Arts & Culture, Inc.; St. Kitts and Nevis Association of Metropolitan Washington; The West Indian Social Club of Hartford. Inc.; The Inter-American Economic Council; Sunrise Symphony Steelpan Corporation; Barbados Assoc. of Central Florida; Jamaican American Association of Central Florida; Grenadian-American Educational and Cultural Organization of Central Florida, Inc.; Caribbean and Floridian Association, Inc. (CAFA); Guyanese American Cultural Association of Central Florida; Orlando Carnival Association, Inc.; Alliance of Guyanese Expatriates of Central Florida; Caribbean Students' Association at the University of Central Florida; Jamaican/American Partners in Education, GA; Central Florida Cricket League; Caribbean Bar Association (Central Florida Chapter); Antigua and Barbuda Association of Central Florida; Association of Asian Cultural Festivals, Inc.; Caribbean Community Connection of Orlando, Inc.; Trinidad & Tobago Association of Central Florida; Suriname American Network; Haitian American Support Group of Central Florida, Inc.; Caribbean-Guyana Institute for Democracy; The Indo-Caribbean Council, NY; The Haitian American Historical Society, FL; Caribbean American Intercultural Organization; Sistas-With Style, CA; Dominican American National Roundtable, DC; West Indian Social Club of Hartford, Inc.; Caribbean American Society of Hartford; The Ballentine Group; Jamaica Progressive League; St. Lucian American Society of Hartford; Mico Alumni Association Inc.; Guyanese American Cultural Association; Connecticut Haitian American Organization, Inc.; Barbados American Society of Hartford; Sportsmen Athletic Club & Cricket Hall of Fame; Cultural Dance Troupe of the West Indies; Trinidad and Tobago Steel Symphony; Jamaica Ex-Policeman Association of Connecticut; West Indian American Newspaper; Center for Urban & Caribbean Research; CAYASCO, Inc.; Martin Luther King Jr. Soccer League; Morancie Family Reunion, Inc., NY; Tropical Paradise Restaurant and Juice Bar, NY; Jamaica Nationals Association, DC; Medgar Evers College, NY; Carriacou Charitable Health Services, Inc., NY; The Caribbean World News Network, NY; The Shirley Chisholm Cultural Institute for Children, Inc., DC; Caribbean Research Center, NY; Montserrat Progressive Society of NY, Inc.; The Georgia Caribbean-American Heritage Month Planning Committee, GA; Ainsley Gill & Associates LLC, DC; SOCA Warriors United, NY; The Black Diaspora, NY; Sunrise Symphony Steelpan Orchestra, Inc., NY; Gloria's In & Out Restaurant, NY; Virgin Islands Association, DC; CCB International, Inc., NJ; TATUCA, NY; Callaloo Magazine, NY; Department of African American Studies, Ohio University; Hannah's Place International, NY; Guyana Folk Festival, DC; Caribbean Sunshine Awards, NJ; Trinidad and Tobago Business Association, Inc., NY; RAJHUMARI Center for Indo-Caribbean Arts & Culture, NY; Mauby Media Services, NY; Merrymakers Cultural Association, NY; Caribbean People's Association, NJ; Trin-American Social & Cultural Association, DC; Trinidadian and Tobagonians Inc., NY; Gasparillo Group, NY; Trinidad and Tobago Association of Washington, MA; Caribbean Journal, NY; St. Anthony's Spiritual Baptist Church, PA; Friends of the Caribbean, Inc., DC; The International Consortium of Caribbean Professionals (ICCP); Tropicalfete.com, NY; St. Louis-Georgetown Sisters Cities Committee, MO; Virgin Islands Association of the District of Columbia (VIA); Patterson Dental Clinic, NJ; Barbados American Society of Hartford, Inc.; TransAfrica Forum, DC; Caribbean-African-American Hotline, Ads, News, Gospel & Global Events (411XCHANGE), NY; Belizean Information & Services International, NY; St. Vincent and the Grenadines Nationals Association of Washington, DC; eCaroh Caribbean Emporium, MA; Caribbean American Weekly (CAW), NY; Council of St. Vincent and the Grenadines Organizations U.S.A., Inc., NY; St. Vincent Benevolent Association; Bequia United Progressive Organization, Inc.; Chateaubelair Development Organization; Club St. Vincent, Inc.; Canouan United Social Organization, Inc.; Friends of the St. Vincent Grammar School; Girls High School Alumnae; Hairoun Sports Club; St. Vincent and the Grenadines Humanitarian Organization; Mas Productions Unlimited; Striders Social and Cultural Organization; St. Vincent and the Grenadines Ex-Police Association; St. Vincent and the Grenadines Ex-Teachers Association; St. Vincent and the Grenadines Nurses Association; United Vincie Cultural Group of Brooklyn; Concerned Americans for Racial Equality, NY; Benevolent Missions of Atlanta, Inc. (BMA); Barbados Association of Greater Houston; Bahamian Junkanoo Association of Metropolitan DC.; The National Coalition on Caribbean Affairs (NCOCA), MD.

H. CON. RES. 71 COSPONSORS (81) DURING THE 109TH CONGRESS

Representatives Becerra, Berkley, Berman, S. Bishop, C. Brown, S. Brown, Bordallo, Burton, Butterfield, Capuano, Carson, Christensen, W.L. Clay, Clyburn, Conyers, Crowley, Cummings, D. Davis, J. Davis, Delahunt, Engel, Faleomavaega, Farr, Fattah, Feeney, Ford, Fortuño, B. Frank, A. Green, Grijalva, Gutierrez, A. Hastings, Honda, Jackson-Lee, Jefferson, E.B. Johnson, Tubbs Jones, Kaptur, Kilpatrick, Kucinich, Kuhl, Lantos, Lewis, Lofgren, Maloney, McCarthy, McDermott, McGovern, McKinney, McCollum, Meek, Meeks, Menendez, Millender-McDonald, G. Moore, Nadler, Napolitano, Norton, Owens, Pallone, Payne, Rangel, Rush, T. Ryan, Serrano, D. Scott, Schakowsky, Shimkus, Slaughter, Solis, B. Thompson, Towns, Van Hollen, Velázquez, Waters, Watt, Weiner, Wexler, Woolsey, Wynn

H. RES. 570 CO-SPONSORS DURING THE 108TH CONGRESS (65)

Representatives Payne, Ney, Christensen, Ballenger, Owens, Rangel, Serrano, Hastings (FL), Tubbs Jones, McDermott, Meek (FL), Clyburn, Capuano, Watt, Lewis, A. Davis, B. Scott, S. Bishop, B. Thompson, Norton, Eddie Bernice Johnson, Waters, Cummings, Kilpatrick, Rush, Lofgren, Towns, Grijalva, D. Scott, Majette, Weiner, Meeks (NY), Acevedo-Vilá, Conyers, Kucinich, Wynn, Jackson-Lee, Sweeney, Berman, Delahunt, Woolsey, Feeney, Shimkus, Van Hollen, Engel, Deutsch, Watson, Ballance, Menendez, Berkley, Jefferson, Ruppersberger, Lantos, Israel, Gonzalez, Lacy Clay, Wexler, Ros-Lehtinen, Ford, Jackson, Millender-McDonald, C. Brown, D. Moore.

Caribbean-American Heritage Month, 2006—By the President of the United States of America—A Proclamation

During Caribbean-American Heritage Month, we celebrate the great contributions of Caribbean Americans to the fabric of our Nation, and we pay tribute to the common culture and bonds of friendship that unite the United States and the Caribbean countries.

Our Nation has thrived as a country of immigrants, and we are more vibrant and hopeful because of the talent, faith, and values of Caribbean Americans. For centuries, Caribbean Americans have enriched our society and added to the strength of America. They have been leaders in government, sports, entertainment, the arts, and many other fields.

During the month of June, we also honor the friendship between the United States and the Caribbean countries. We are united by our common values and shared history, and I join all Americans in celebrating the rich Caribbean heritage and the many ways in which Caribbean Americans have helped shape this Nation.

Now, Therefore, I, George W. Bush, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim June 2006 as Caribbean-American Heritage Month. I encourage all Americans to learn more about the history of Caribbean Americans and their contributions to our Nation.

In Witness Whereof, I have hereunto set my hand this fifth day of June, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.

GEORGE W. BUSH.

TRIBUTE TO CHARLIE LOUVIN

HON. JIM COOPER

OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 2006

Mr. COOPER. Mr. Speaker, I rise today to salute one of the great voices in American music and a resident of my hometown of Nashville: Charlie Louvin.

Charlie just celebrated his 79th birthday at a day-long celebration held at the Louvin Brothers Museum in Nashville last weekend. Folks from around the country came to wish Charlie well and to thank him for his many great musical accomplishments on stage as a performer, and to recognize his extraordinary songwriting achievements.

Charlie Louvin's career has spanned more than six decades and earned him a following that cuts across all music genres and generations.

Charlie Louvin was born Charlie Loudermilk in Alabama in 1927. Along with his older brother Ira, he grew up listening to the Grand Ole Opry on the radio at night and dreamed of a career on the stage of Opry.

Changing their name to Louvin, the brothers made their first musical performance on July 4th, 1940, playing background music for the merry-go-round at a country fair. From that time on, the Louvins became known for a distinctive style of harmony singing that blended gospel harmonies with country influences. They performed regularly across the South, particularly in Alabama and Tennessee, building a following that would earn them attention—and a recording contract—in Nashville.

From the mid-1950s through the early 1960s, the Louvin Brothers had over twenty entries on Billboard's country chart, including "Cash on the Barrelhead" and "You're Running Wild." The Louvins would achieve their childhood dream, invited to join the Grand Ole Opy in 1955. Ira Louvin would die in a tragic automobile accident in 1965 but Charlie would continue on his own to record, perform and win the hearts of music lovers everywhere.

In the late 1960s and early 1970s, groups like The Byrds and country rocker Gram Parsons introduced rock fans to the Louvins' talents, recording some of their classic songs. In 2002, Charlie was inducted into the Country Music Hall of Fame and, the following year, artists as diverse as James Taylor, Patty Loveless, Merle Haggard and Dolly Parton joined together to pay tribute to the Louvins. The result was a special CD: "Livin', Lovin', Losin': Songs of the Louvin Brothers" that became a must-have recording for country and rock fans alike. Even today, Charlie is apt to be found on stage performing alongside the likes of Cake, the popular rock band he recently toured with, or on stage at the Opry.

As one of Nashville's most highly respected musicians and writers, I congratulate Charlie Louvin on his 79th birthday—and for creating music that is just as relevant today as it was 50 years ago.

RECOGNIZING JACOB LEE BUEHLER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jacob Lee Buehler, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop, participating in many scout activities. Over the many years Jacob has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Jacob Lee Buehler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO MR. JOSE R. CORONADO

HON. HENRY CUELLAR

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Jose R. Coronado, Director of the South Texas Veterans Health Care System, on his coming retirement on July 21st, 2006, from his years of Federal service and outreach to the veterans of South Texas.

Jose R. Coronado was born and raised in Benavides, Texas. He attended the Texas College of Arts and Industries at Texas A&M University-Kingsville, and graduated in 1957 with a Bachelor of Science in Zoology/Chemistry. This was followed by a Masters of Science Degree in Education/Administration from Texas A&M University-Kingsville. He began his long, illustrious Federal career when he was selected by the Veterans Administration through a national competition to attend the U.S. Army-Baylor University Graduate Program in Healthcare Administration where he earned his second Masters Degree in 1973. Mr. Coronado is also an Army veteran from the 11th Armored Cavalry Regiment where he served as a Battalion Operations Sergeant from 1953 to 1955.

His experience in the Army led him to his first position with the VA as an Administrative Officer in the Research Department of the Veterans Administration Medical Center in the City of Houston, Texas. This was the start of a long, illustrious career with the Veterans Administration, where he is now the Director of the South Texas Veterans Health Care System in the City of San Antonio. He was responsible for a healthcare delivery system which has an annual budget of $404.4 million; three divisions, namely that of the Audie L. Murphy Division, the Kerrville Division, and the Satellite Clinic Division. The South Texas Veterans Health Care System is also affiliated with the University of Texas Health Science Center in San Antonio, which enables it to have an ambulatory care program with outpatient clinics in Corpus Christi, Laredo, McAllen, San Antonio, and Victoria.

In addition to his lifelong involvement in the medical community, Mr. Coronado was honored as a member of the Senior Executive Service of the United States with three Presidential Rank Awards by Presidents Ronald Reagan, George H. Bush, and Bill Clinton. In addition to these prestigious awards, Mr. Coronado has received the Regent's Award in 2002 from the American College of Health Care Executives, the 1995 Ray E. Brown Award by the Association of Military Surgeons in the United States, and other numerous awards.

Mr. Speaker, I am honored to have had this time to recognize the wonderful dedication of Jose R. Coronado to the City of San Antonio and to the medical community of South Texas, and I thank you for this time.

RECOGNIZING ANTHONY CHARLES CHANDLER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Anthony Charles Chandler, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 270, and in earning the most prestigious award of Eagle Scout.

Anthony has been very active with his troop, participating in many scout activities. Over the many years Anthony has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Anthony Charles Chandler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THANK YOU, CYPRUS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. McGOVERN. Mr. Speaker, every year I have taken the time to remember the Black Anniversary of the Turkish Invasion of Cyprus. Thirty-two years ago, in 1974, Turkish forces invaded northern Cyprus and seized control of more than one-third of the island. In 1983, these illegal occupiers arbitrarily declared the territory to be an independent state. This so-called "Turkish Republic of Northern Cyprus" remains to this day shunned by the international community, recognized as legitimate only by Turkey.

This year, an "invasion" of another sort is taking place during this anniversary. The Republic of Cyprus has opened its skies, its communities, and its facilities to thousands of European and American evacuees fleeing the fighting in Lebanon. By boat, by ferry, by airplane these French, Italian, British, American and other evacuees arrive safely on Cypriot soil. There they find peace for the first time in many days as they make arrangements to return to their own homelands and family members, anxiously awaiting their safe return.

The Cyprus government has organized reception and hospitality for all foreign nationals arriving at the Larnaca Port from Lebanon. The Cyprus government is opening up hotels, and providing temporary housing in schools, exhibition spaces and prefabricated housing for evacuees while they arrange the next stage of their journey home. I am inserting a July 19 ANA–MPA wire story on the hospitality of the Cyprus Republic for all the evacuees landing on their shores.

As I see the many photos and broadcast images of evacuees from Lebanon arriving safely in Cyprus, my heart is too full to speak this year about the dark events of three decades past. I only wish to say "thank you" to President Papadopoulos and to the people of Cyprus, thank you for the sanctuary you are providing and serving as a critical transit point for these shell-shocked individuals and families.

The island of Cyprus remains divided because of the brutality and intransigence of just one country, Turkey. But this anniversary the world has witnessed the compassionate heart of the only true nation of Cyprus as it has embraced these evacuees and helped each of them find their way home.

MORE FLEE LEBANON VIA CYPRUS

NICOSIA.—Organising the reception and hospitality of foreign nationals arriving in Larnaca from Lebanon is a coordinating committee set up by the Cyprus government, which oversees the activities of the various government services and other bodies involved.

There is heightened activity and traffic at Larnaca port as hundreds of Europeans and Americans arrive on boats from Beirut.

Arrivals on Wednesday included the Norwegian ship "Hual Transporter" with more than 1,100 people on board, mostly of American or Scandinavian origin.

The U.S. Ambassador to Cyprus Ronald Schlicher said that several thousand U.S. citizens were expected to arrive on Cyprus, who would stay in hotels or—if there were not enough beds—in schools and an exhibition space equipped with tents and prefab housing provided by the Cyprus government.

Thanking Nicosia, Schlicher said that the Cyprus Republic had offered significant assistance and that this could be a good opportunity to deepen U.S.-Cyprus cooperation.

Later on Wednesday, the Panamanian-flagged ship "Oriental Queen" is expected to arrive at the port in Limassol carrying another 800–900 Americans, to be followed by the cruise ship "Serenate" that will left off passengers that were on a scheduled cruise to Port Said in Egypt and then depart immediately without passengers.

The Greek ferry boat "Ierapetra", chartered by the French government, set sail for Beirut at dawn on Wednesday to pick up another 2,000-odd people, followed by the Greek Navy tank-landing craft "Alcyone" soon after it arrived from Greece.

According to an announcement by the Greek armed forces general staff, meanwhile, the tank-landing craft "Ikaria" was expected to arrive in Beirut at 14:30 on Wednesday afternoon.

The foreigners arriving in Cyprus are mostly leaving from Larnaca airport, or staying at hotels until arrangements for their departure can be made.

Meanwhile, during the U.S. State Department briefing on the Lebanon evacuation efforts, Assistant Secretary for Consular Affairs Maura Harty expressed gratitude for help offered by the Cyprus Republic.

"We're so grateful to them . . . Cypriots have met every helicopter and ship with sandwiches and water and juice. They're just being fantastic. Department of Defense is meeting planes as well for security reasons and for protection purposes," she said.

She also noted that the U.S. was trying to minimise the time spent by its citizens on the island and would try to coordinate the arrival of ships with chartered planes to take them home, as far as possible.

"We just want that throughput to be as efficient as it can be. So there is bottled water. There is a fair grounds that we have rented. There are some air-conditioned facilities. The Cypriot Civil Defense Force has been very helpful to us in what they have provided," she added.

IN RECOGNITION OF MASTER ARTIST WAN KO YEE

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mrs. JONES of Ohio. Mr. Speaker, I rise today in recognition of Master Artist Wan Ko Yee, an exceptional artist whose work has been exhibited throughout the world. His work encompasses the genres of painting, calligraphy, literature, and sculpture. Philosophically, his paintings reflect Buddhist themes and the ideas of tolerance and peace between nations. In esthetic terms, his paintings are infused with balance and an appreciation of the natural world.

It is my hope that cultural diplomacy will begin to have enhanced value in coming years as a means of building understanding between nations. Toward this end, it is important to create awareness of the history and culture of Asian communities in this country and throughout the world.

In 2003, Master Artist Wan Ko Yee exhibited selected works at the House of Representatives in an exhibit that was well attended and appreciated. He has been recognized by the Royal Academy of Arts of the United Kingdom, and the Organization of American States. I commend Master Artist Wan Ko Yee on his artistic contributions.

RECOGNIZING DANIELLE McCURDY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Danielle McCurdy of Blue Springs, Missouri. Danielle recently won the Comcast Leaders and Achievers Scholarship sponsored by Comcast and the Comcast Foundation. She will formally receive the award on July 26, 2006.

Danielle completed a lengthy nomination and selection process, and was chosen from a field of numerous qualified candidates. Comcast recognized Danielle's leadership skills, dedication to community service, positive attitude, and academic achievement.

Comcast and the Comcast Foundation have committed a significant portion of their resources toward motivating young people. In Danielle, Comcast found a high school student who will surely be a force for positive change in the community.

Mr. Speaker. I proudly ask you to join me in recognizing Danielle McCurdy of Blue Springs, Missouri. Danielle's commitment to excellence is remarkable, and I am honored to represent her in the United States Congress.

HONORING THE LIFE AND SERVICE OF JOHN EDWARD PECHMANN

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. McINTYRE. Mr. Speaker, I rise today to pay special tribute to an outstanding leader in Southeastern North Carolina, Mr. John Edward Pechmann. Mr. Pechmann unexpectedly passed away on July 15, 2006. John leaves behind a wife, Amy, and son, Jack, but his legacy and contributions will live on in the hearts and minds of many for generations to come.

In lamenting the loss of this great man, The Fayetteville (NC) Observer eloquently described John as "a Renaissance man—a talented lawyer, a fine fisherman, a skilled manager, an expert antiques collector, and a devoted father and husband." As head of the North Carolina Wildlife Resources Commission, John dedicated his life to ensuring that our outdoors were enjoyed, protected, and sustained. Indeed, in 2001, John received the Governor's Award as North Carolina's Conservationist of the Year. As a lawyer, John displayed the integrity and honor that reflects the best of our judicial system. As a leader in the community of his beloved home and state, Fayetteville, North Carolina, John never saw a challenge too great and never met a stranger he did not want to help. As a father and husband, John always put family first and loved the time he spent with his son fishing. Next month, there will be a fishing education center dedicated in his honor at Lake Rim in his home county of Cumberland. Although, John will not be there in person to rightfully receive the honor and praise he so deserves for his commitment to fish, wildlife, and the environment, the center will be a lasting memory that all can enjoy and strive to emulate.

Samuel Logan Bringle, the legendary leader in the Salvation Army, once said some very important words that are reflective of the character and life of John. He said, "The final estimate of a man will show that history cares not one iota about the title he has carried or the rank he has borne, but only about the quality of his deeds and the character of his heart." Indeed, John Pechmann has reflected this through his sacrifice and commitment.

Mr. Speaker, dedicated service to others combined with dynamic leadership has been the embodiment of John's life. May we all use his wisdom, selflessness, and integrity as a source of inspiration and encouragement during our walk on this earth. Indeed, may God bless to all of our memories the tremendous life and legacy of John Edward Pechmann.

MICROSOFT'S "OPEN PLATFORM PRINCIPLES" ANNOUNCEMENT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. INSLEE. Mr. Speaker, I commend Microsoft's announcement today that it will adopt a set of "Open Platform Principles" that will govern the development of Windows desktop operating systems.

Four years ago, the Justice Department rejected calls to force Microsoft to remove code out of Windows and to reorganize its business. Instead, the department adopted a consent decree setting out basic rules to preserve competitive opportunities for other companies, while ensuring that Microsoft could continue to improve its products. As a result, the U.S. software industry is thriving with competition and innovation.

The "Open Platform Principles" that Microsoft announced today give me tremendous confidence that innovation and competition will continue. The principles broaden the Department's consent decree and makes them a standard part of how Microsoft does business. They give every company, large and small, confidence that they will be treated fairly and can compete equally.

In 2004, the European Commission ordered Microsoft to delete code out of Windows. To the commission's shock, absolutely no one bought this substandard version of Windows. The commission now appears intent on actively managing how Microsoft designs Vista, its new platform. Microsoft's new guiding principles ensure that Windows will continue to be a great platform for innovation and competition. The fact that Microsoft adopted these principles voluntarily shows that it recognizes the important responsibilities that come with being an industry leader. I congratulate Microsoft for taking this important and forward-looking step.

RECOGNIZING SOPHIA LEE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sophia Lee of Blue Springs, Missouri. Sophia recently won the Comcast Leaders and Achievers Scholarship sponsored by Comcast and the Comcast Foundation. She will formally receive the award on July 26, 2006.

Sophia completed a lengthy nomination and selection process, and was chosen from a field of numerous qualified candidates. Comcast recognized Sophia's leadership skills, dedication to community service, positive attitude, and academic achievement.

Comcast and the Comcast Foundation have committed a significant portion of their resources toward motivating young people. In Sophia, Comcast found a high school student who will surely be a force for positive change in the community.

Mr. Speaker, I proudly ask you to join me in recognizing Sophia Lee of Blue Springs, Missouri. Sophia's commitment to excellence is remarkable, and I am honored to represent her in the United States Congress.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Ms. LEE. Mr. Speaker, on Monday, July 17, 2006, I missed rollcall votes Nos. 375, 376, and 377. Had I been present, I would have voted "aye" on H.R. 3085, "nay" on H.R. 3496, and "aye" on H.R. 3279.

TRIBUTE TO JONATHON SOLOMON

HON. RAÚL GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRIJALVA. Mr. Speaker, I rise today to remember and honor a great American who has recently passed away.

Last week, Jonathon Solomon, a leader and elder of the Gwich'in Nation, passed away in Alaska. A lifelong advocate on behalf of his people, Jonathon was an inspiration to many and was instrumental in the fight to protect the birthplace of the Porcupine Caribou Herd in the Arctic National Wildlife Refuge. As a Traditional Chief of Fort Yukon, Jonathon was raised in the traditional subsistence lifestyle, depending on the Porcupine Caribou herd as his ancestors before him had for a millennium. To the Gwich'in, there is no more sacred place than the calving grounds of the caribou herd upon which their way of life depends. Jonathon was one of the leading Gwich'in voices on a myriad of issues. He halted the construction of a dam in the 1960's that would have flooded several Gwich'in villages, and was one of the first native leaders to work on the Alaska Native Claims Settlement Act. However, it was protecting the sacred calving grounds of the Porcupine Caribou Herd that was the most significant issue in Jonathon's life.

His work to protect the Arctic Refuge began in 1978, when the House was debating the Alaska National Interest Lands Conservation Act. In 1988 when the House was considering oil drilling in the calving grounds in the Arctic Refuge, Jonathon helped organize the first Gwich'in Gathering. At the gathering, the Gwich'in Steering was created, and the first resolution of the Gwich'in Nation, calling for permanent protection of the caribou calving and nursery grounds as congressionally designated wilderness, was passed. In 2002, he and two other Gwich'in leaders were honored with the prestigious Goldman Environmental Prize for their work to protect the calving grounds in the Arctic Refuge.

I had the great honor of meeting Jonathon during one of his many trips to Washington, DC, to talk with Members about the threat of oil drilling to the way of life of the Gwich'in people. Jonathon was ever an optimistic advocate, dedicated to his people, and sure in his cause. His funeral will be today in Fort Yukon, Alaska, and it is my privilege to honor him this morning.

RECOGNIZING TYSON R. STARK FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Tyson R. Stark a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 41, and in earning the most prestigious award of Eagle Scout.

Tyson has been very active with his troop, participating in many Scout activities. Over the many years Tyson has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Tyson R. Stark for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING SHARON DALY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mrs. LOWEY. Mr. Speaker, I rise today to recognize the accomplishments of Sharon Daly and to congratulate her on being named a Human Needs Hero by the Coalition on Human Needs.

Sharon Daly has had a long, distinguished career serving the most vulnerable people in our society with a level of compassion and commitment that is unrivaled.

After hearing from numerous women escaping family violence that ineligibility for food stamps was a major hardship, Sharon played a vital role in convincing Congress that change was necessary, In 1980, federal law was changed so that women residing in battered women's shelters and families with high child care expenses could receive food stamps.

In addition, Sharon fought to secure benefits for people with disabilities and mental illness and played a critical role in garnering momentum for enactment of the Family and Medical Leave Act as well as an expansion of the Earned Income Tax Credit and family preservation/child welfare services.

In her almost 30 years of work in Washington, DC, Sharon has worked at the Children's Foundation, the U.S. Conference of Catholic Bishops, the Children's Defense Fund, and Catholic Charities USA. Additionally, she provided expert leadership on the Board of the Coalition on Human Needs, including serving as Chairwoman from 1994 to 2000. Her career has been marked by remarkable dedication to providing help to those in need.

Mr. Speaker, I am proud to recognize my good friend Sharon Daly for an unparalleled career fighting for those who may be unable to fight for themselves, and I urge my colleagues to join me in honoring her tremendous accomplishments.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. NADLER. Mr. Speaker, my train was delayed, and as a result, I missed three votes on July 17, 2006. I ask that the RECORD reflect that had I been able to, I would have voted "aye" on rollcall vote No. 375, regarding the Trail of Tears National Historic Trail; "aye" on rollcall vote No. 376, regarding Federal contributions to the Washington Metropolitan Area Transit Authority; and "aye" on rollcall vote No. 377, the Federal Judiciary Emergency Tolling Act.

TRIBUTE TO PHIL MOELLER

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Miss McMORRIS. Mr. Speaker, I rise today to recognize Phil Moeller for being appointed and confirmed as Commissioner for the Federal Energy Regulatory Commission. He was confirmed by the Senate last Friday and will serve in this position through 2010.

I have known Phil for over a decade and believe he has a unique background that will enable him to address the challenges and opportunities of our 21st century energy system. He is a native of Spokane, owns a farm in eastern Washington, and fully understands Northwest energy issues. Phil's work at the state and federal level, as well as in the private sector, has proven effective in his approach to solve problems but also strive to develop consensus on the most challenging issues.

Phil maintains the highest ethical and personal standards of achievement and conduct. His work ethic, combined with his in-depth knowledge of energy markets, hydroelectricity, oil and gas, transmission systems and our overall energy supply makes him ideal to serve as a Commissioner for FERC.

Phil served as energy policy advisor to former U.S. Senator Slade Gorton, and most recently served as the Washington representative for Alliant Energy Corp. He also worked for nearly 10 years as the staff coordinator for the Washington State Senate Committee on Energy, Utilities and Telecommunications.

Mr. Speaker, I rise today to commend Phil Moeller for his exceptional work to protect and develop Northwest energy and wish him the best of luck as he begins his new position as Commissioner for FERC.

ON THE 25TH ANNIVERSARY OF THE PUBLIC LAW CENTER IN ORANGE COUNTY, CALIFORNIA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to congratulate the Public Law Center for its 25 years of service to the people of Orange County, California.

Thousands of Orange County lower-income residents have benefited from the myriad of pro bono services that the PLC offers. The PLC has amassed an army of legal professionals to help our community. They hold community legal clinics every-other months. For more specific needs, they help refer clients to specialized private attorneys.

The PLC also provides assistance to local community organizations, the non-profits that understand all the challenges that our less fortunate Orange County brothers and sisters face. What would we do if we didn't have the PLC to help navigate the complicated world of employment contracts and housing agreements?

The PLC is there too for needy families, and to individuals with special needs, like people living with HIV/AIDS.

I am very grateful for the Public Law Center's work with members of the South East Asian community. Our Vietnamese community especially requires and deserves special attention, as they face legal and cultural challenges which are unique to them.

One challenge in particular is dealing with the awful scourge of human trafficking. I am proud to call the PLC a partner—along with St. Anselm's Cross Cultural Center, the cities of Santa Ana, Garden Grove and Westminster, along with other community organizations—in their work with the Orange County Human Trafficking Coalition. The U.S. Congress recently recognized the work of the Coalition by awarding it with a Federal law enforcement grant. While the Federal Government works with local law enforcement to arrest and prosecute the traffickers, the PLC and its partners work to provide services to victims. This cooperation is a model for public private cooperation.

In its 25 years, the Public Law Center has worked on countless cases, and its service to our community is immeasurable. I can only wish its board, staff and volunteers another 25 years of continued success and service.

INTRODUCTION OF THE "PROTECTING CHILDREN'S HEALTH IN SCHOOLS ACT OF 2006"

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. DINGELL. Mr. Speaker, helping children learn and be successful in life should be a priority for us. It is unfortunate the Bush administration does not agree. This bill, the "Protecting Children's Health in Schools Act of 2006", will stop the harmful Medicaid cuts proposed by the President so that disabled children can continue receiving the medical services they need in order to continue to learn in school. Without this bill, the administration's actions are placing children's health and education in jeopardy by leaving the brunt of the burden on already stretched State education systems.

Since 1986 Federal Medicaid policy has explicitly recognized the essential nature of the link between Medicaid and health care for low-income children whose special healthcare needs make management of and access to treatment in school settings an imperative. Recent actions by the administration, however, including audits and proposed regulatory cuts in payments to schools for providing healthcare services in the President's FY2007 budget, have created an atmosphere of uncertainty about the continued ability of children with serious and chronic health conditions to get the health care they need that will allow them to attend school in mainstream, community settings.

Rather than discouraging the provision of health care in schools, the administration should be providing extensive technical assistance to States to optimize children's opportunities to receive needed school-based health care. This would enable them to learn in community educational settings instead of being forced to remain at home, which is fully permitted under the current law. Close to 7 million children currently receive education and related services through school districts ranging from assistive technology for students with hearing disabilities to personal aides for students with several developmental or physical disabilities. These services are determined, based on a student's medical needs, to be necessary for the "appropriate" education of that student.

This bill I am introducing with Representatives WHITFIELD, MILLER, and many others, would set forward clear guidelines in the statute for providing and receiving reimbursement for this care, rather than put schools, families, and their disabled children, and States in a situation where they are uncertain whether or not these medically-necessary services and the related administrative and transportation costs will be covered under Medicaid. This legislation has the support of the American Association of School Administrators, the American Federation of Teachers, the National Education Association, the National Rural Education Advocacy Coalition, the Council of Great City Schools, and the National Association of State Directors of Special Education, among other organizations.

The administration's current moves and proposed budget cuts curtailing Medicaid coverage and provision of health services in schools endanger the health and educational opportunities for 7 million children. This bill, in essence, maintains and protects current law coverage for children with special needs.

TRIBUTE TO THE OWEGO, NEW YORK, FIRE DEPARTMENT HOSE TEAMS

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. BOEHLERT. Mr. Speaker, it is my pleasure to honor the Owego, New York, Fire Department Hose Teams for placing first and second at the Central New York Firematic Hose Races on July 16, 2006, during the 113th Annual Central New York Firemen's Convention in New York Mills, New York.

In a superb victory, Owego's Susquehanna House Company #1 secured the overall points title, successfully defending its title from last year and winning its third and final leg on the overall traveling trophy. Three legs are required to retire the traveling trophy. This year's victory marks the second time the Owego team has successfully retired the trophy. Since the inception of firematic hose races in the 1940's, Owego has won 12 championships. In addition, Owego's Croton Hose #3 team finished second overall.

Team members for the Susquehanna House Company #1 included J.T. Fisher, Patrick Gavin, Tim Gavin, Danny Gavin, and Lou Striley. The Owego Fire Department proudly protects 26,000 residents, and its members participate on a volunteer status. Therefore, the winners deserve to be recognized not only for their excellent performance, but also for their outstanding service to the community as firefighters.

Both teams have donated their prize money, a total of $350, to the Owego Fire Department Training Tower Fund in memory of fallen firefighter Steve Gavin, who hose raced for Owego teams for 34 years before his passing in the fall of 2003. I commend the winners for this noble tribute in honor of a man who gave so much to his family and community.

On behalf of the entire 24th Congressional district, I congratulate the Owego teams for their achievements, and for their tireless service to the Owego community.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mrs. BONO. Mr. Speaker, I would like to commend Representatives CASTLE and DEGETTE for their tireless efforts on behalf of H.R. 810, the Stem Cell Research Enhancement Act of 2005. This important legislation provides much needed expansion of federal policy while implementing stricter ethical guidelines for this research.

I would be remiss in my commendation if I failed to mention the work of former first lady Nancy Reagan, who has been a true leader on this issue. I would like to reiterate a point made in one of her oft quoted statements on this issue, "We have lost so much time already. I just really can't bear to lose any more." Time is one commodity that we cannot create, we cannot stop and we cannot afford to waste. The American people have made clear their support for this research, and I am proud that Congress has acted. We have passed this critical stem cell legislation in both the House and the Senate. We are on the brink of moving forward in a scientific endeavor that has the potential to ease the pain and suffering of millions—to be stopped here is to deprive millions of hope.

While I commend President Bush for taking the initiative in 2001 to provide Federal funds for stem cell research, I am deeply disappointed with the decision to move ahead with this veto. Many human diseases arise from a defect in a single gene; muscular dystrophy, cystic fibrosis, and Huntington's disease, to name a few. Embryonic research provides an unparalleled opportunity to understand and perhaps correct some of the errors that result in these medical conditions.

My own State of California has already moved ahead by establishing the Institute for Regenerative Medicine, which will devote $3 billion to embryonic stem cell over the next 10 years. As the people of California did, Congress now has the opportunity to permit embryonic stem cell research, which will allow scientists throughout the entire country to search for cures and to stay competitive with the rest of the world.

The President's veto today is not in line with the hope that he created in 2001. His leadership at that time opened a critical door to some of the most promising research of our generation, and embryonic stem cell research will enhance and advance that vision of progress. I will be voting to override this veto and I urge my colleagues to do the same.

BRIDGING YEARS OF TENSION

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. DELAHUNT. Mr. Speaker, sometimes we get it right. When we do, it's worth celebrating.

Next week on Cape Cod, in my congressional district, leaders of the Wampanoag Tribal Council will sit down with officials of Mashpee, Massachusetts, to discuss the future of the town—together.

Just a few years ago, such a meeting would have been inconceivable. The chasm between the aspirations of the Wampanoags and the fears of other local residents resulted in a generation of ill will among neighbors. Today I take to the floor of the House of Representatives to salute the people—all the people—of the Town of Mashpee for finding the higher road.

As my colleagues may know, the federal Bureau of Indian Affairs recently granted preliminary approval to the Mashpee Wampanoag's petition for tribal designation. After a public comment period now underway, it is expected that the BIA will authorize full tribal status next spring.

This designation has national significance for the tribe that originally welcomed the Pilgrims to our shores. Closer to home, its anticipation could have salted old wounds. Instead, it has inspired new collaboration. When town and tribal representatives meet next week, it will affirm our collective respect for the quality of life that has long defined Cape Cod—weaving diversity with common purpose.

This is uncharted and perhaps challenging territory, but it is an opportunity that most communities never enjoy. It begins with the considerable financial benefits—for the Tribe, for the Town and our region—that accompany tribal status. However, the decision of the Town and the Tribe to embrace this opportunity will also yield a benefit less tangible but at least as valuable: a spirit of renewal as a community, in the name of all Mashpee residents and their families.

As the following newspaper editorial outlines, "Federal recognition . . . is not simply for tribal members . . . it's about Mashpee, and that can be good for all of us. It's hard to contemplate a firmer foundation for . . . the months and years ahead."

[From the CapeNews.net]

MASHPEE EDITORIAL: A MOST ENCOURAGING LETTER

Since March 31, when the Mashpee Wampanoag received initial recognition as a federal tribe, Mashpee selectmen have been eager to get talks underway to find out what full federal acknowledgment next year will mean for the wider community. As weeks passed without any tangible response from the tribe, selectmen became a little impatient and also a tad wary, asking why tribal council members seemed unwilling to talk. From the tribe's standpoint, the lack of response was more akin to: "What's the hurry? We've waited 30 years for federal recognition. Be patient, talks will happen in due time."

Then, on May 10, Town Counsel Patrick Costello had an initial discussion with William McDermott, an attorney for the tribe, at Mr. McDermott's West Roxbury office. A month passed before the next exchange.

On June 12, Mr. Costello wrote a letter to Mr. McDermott laying out seven topics the selectmen want to discuss with the tribal council. Mr. Costello wrote: "I believe that, most, if not all, of these topics are typical subjects for discussion between federally recognized tribes and neighboring local government entities."

Perhaps so, but the dominant theme was land. What was the tribe going to do with its own land in Mashpee? What were its plans for acquiring additional land in town? What role would land claims play in acquisition?

Tribal council members have repeatedly said that there would be no return to the land suit days and that Mashpee property owners have nothing to fear from federal recognition. They have also promised that they would not bring casino gambling to Mashpee or anywhere else on Cape Cod. But selectmen believe they have a responsibility to get these two issues formalized. Town Manager Joyce Mason and the selectmen released Mr. Costello's letter and we published the full text June 16. This public airing took Mr. McDermott by surprise because he said it was his intention to keep the initial talks private.

What comes into play here is something that can add perhaps unintended tension: the very different standings of the town and the tribe. The Mashpee Wampanoag have both political and cultural leaders. They are a large extended family and a private corporation. Meetings of the tribal council are not open to non-tribal members. They don't have to make their every move public.

While selectmen can and do meet in executive session, the substance of those meetings is known in outline, whether it's litigation, for example, or a personnel issue. But outside of his carefully defined framework, selectmen are bound to conduct the town's business in public. As political leaders, they also have a vested interest in the public's knowing that they are acting responsibly in regard to the $42 million town budget and the approximately $5 billion worth of property in Mashpee. Releasing Mr. Costello's letter may not fit into the tribe's more private way of conducting business, but it lets Mashpee residents who are skeptical of unwritten agreements know that town officials are taking their fiduciary responsibilities seriously. If the tribe's delay in wanting to open talks raised concerns at town hall, these must have been somewhat alleviated Monday with the arrival of a letter from Mr. McDermott to Mr. Costello. At the selectmen's meeting Monday night, there was an almost palpable sense of relief at the most encouraging tone of Mr. McDermott's words on the tribe's behalf.

In response to the selectmen's seven topics for discussion, the tribe lists six of their own: affordable and stable housing; local public education; police and fire protection; healthcare; transportation infrastructure; and preservation and conservation of lands and waters.

The encouraging and positive tone is set in Mr. McDermott's first sentence. The six issues detailed in the letter are ones "the tribe believes are mutual objectives for the both the town and the tribe, and should be discussed when the two meet."

Mr. McDermott's second sentence gets to the nub of selectmen's concerns: "First, however, the tribe has asked me to reiterate, in response to Items 3 and 4 in your June 12 letter, the tribe's prior commitments that it will not conduct gaming activities in the Town of Mashpee or on Cape Cod, and that it will not make any claims to private lands or file suit asserting such a claim in connection with the tribe's efforts to acquire lands within the town."

The discussions, which can begin "any time during the week of July 24 that is convenient for the town," Mr. McDermott writes, "can lead to a mutually cooperative framework between the tribe and town to improve the quality of housing, education, law enforcement, fire protection, public safety, health care, transportation, and preservation of lands and water in a way that will improve the life of all residents of Mashpee."

In essence, with these words, the Mashpee Wampanoag are bridging years of tension in a wonderfully generous and inclusive manner. Federal recognition and its financial advantages is not simply for tribal members, they are saying, it's about Mashpee, and that can be good for all of us. It's hard to contemplate a firmer foundation for the private and public talks and conversations in the months and years ahead.

HONORING MARY AND JIM HORN FOR THEIR LIFETIME OF SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor Mary and Jim Horn for their lifetime of service to the city of Denton as well as the State of Texas.

Ms. Mary Horn, formerly Mary Roberts, has had an important leadership role in both the government and business realms. Before she served as the first and only female Denton County Tax Assessor-Collector, she rose from the position of a flight attendant to become the Manager of Special Operations at Braniff. She was the first woman in that company to serve as an executive. From there, she moved on to manage her own business from 1982 to 1992, After serving two terms as the Denton County Tax Assessor-Collector, she ran and was overwhelmingly elected Denton County Judge. Again, she became the first and only woman thus far to serve in that capacity.

In 1998, she was awarded the Outstanding Volunteer Award of the Denton County Republican Party. She was honored at the Texas Federation of Republican Women during their Tribute to Women at State Convention. In 1999, she was nominated for the "Tax Assessor-Collector of the Year" Award.

Representative Jim Horn served in many important leadership roles. In 1969, he led the Aerosmith Corporation as the Executive Vice President. He followed this with a move to the role of Precinct Chairman. He then served as Denton County Republican Party Chairman and as the elected Committeeman on the State Republican Executive Committee. In 1980, he became the first Republican to be elected county-wide to a State legislator in over 100 years. To top off his career, Representative Horn was recognized for his efforts with the honorable "Hat's Off" Award for his many years of loyal service to the city of Denton as well as the State of Texas.

Representative Jim Horn and his lovely wife Judge Mary Horn will be recognized in August for their many achievements with the dedication of the Mary and Jim Horn Government Center. Mr. Speaker, it is with great honor that I stand here today to recognize them for their tireless public service. It has been a pleasure working with them both and representing them in Washington. I know that the city of Denton and the State of Texas would have been at a loss without their leadership.

STATEMENT RECOGNIZING THE ACCREDITATION OF THE FIELD MUSEUM OF NATURAL HISTORY IN CHICAGO BY THE AMERICAN ASSOCIATION OF MUSEUMS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to recognize the recent accreditation of the Field Museum of Natural History in Chicago by the American Association of Museums. Accreditation is awarded to less than 5 percent of museums in the United States, and the Field Museum now stands among those few museums honored for its high professional standards and excellence in education and stewardship. Anyone who has ever been to the Field Museum knows than an award for excellence befits this well-known Chicago institution.

Mark Twain wrote, "It is hopeless for the occasional visitor to try to keep up with Chicago—she outgrows his prophecies faster than he can make them. She is always a novelty; for she is never the Chicago you saw when you passed through the last time." Twain's comment remains timeless. Chicago's wonderful museums are never the same since the last time you walked down their halls, especially the Field Museum.

As we speak, hundreds of thousands of advance tickets have been booked from visitors around the world who are waiting to experience the Field Museum's latest exhibition, Tutankhamun and the Golden Age of the Pharaohs. The Museum's commitment to educational programs for people from all backgrounds and educational levels, provides an important window to our world and an educational venue paralleled by few institutions of its type. The exhibits contained within the Field Museum elucidate remote and ancient cultural practices from around the world for others to learn. Their archaeological work has produced astonishing finds from the earth's past. Current groundbreaking work in avian genetics may expose important information that will help address an avian flu pandemic. Beyond traditional museum activities, the Field Museum, in collaboration with the Chicago Cultural Alliance, contributes to Chicago cultural life in many ways. Together the Alliance is developing an innovative program that targets at-risk youth by engaging them in arts workshops that allows them to address issues of identity, conflict resolution, and their heritage. These are but a few of the ways the Field Museum enriches all of our lives through discovery, education, and community outreach.

Museum staffs go to great lengths to consult State educational curricula and guidelines when designing exhibits, thereby further enhancing the quality and relevance of the museum experience. Each year, we spend over $1 billion to create and stage educational exhibits and special programs. The men and women of the Field Museum are to be commended for their dedication to stewardship, rigorous research, and the creative educational ways they reach out to the community to feed people's curiosity and wonder for the world in which we live. Just as the American Association of Museums recognized the Field Museum of Natural History with accreditation, today I also want to celebrate and congratulate those responsible for the amazing work that transpires within and outside its halls.

SUPPORT FOR REPRESENTATIVE MOLLOHAN

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. HEFLEY. Mr. Speaker, there is enough blame to go around. The minority leadership of the House has politicized the ethics process for partisan political gain. Likewise, the majority party has tried to take control of the ethics process again for partisan reasons.

I have been encouraged recently that the House Ethics Committee is again taking action in investigative matters. I am disappointed, however, that Representative ALAN MOLLOHAN (D–WV), the former ranking minority member, is being given blame by some for inactivity of the committee over the last 16 months.

If I put myself in Representative MOLLOHAN's position, I am not sure I would have acted any differently. The House Ethics Committee is the only House committee that has an even number of Republicans and Democrats. Due to the nature of the committee and the important work it conducts, all committee activity should be conducted on a bipartisan basis.

As I review the events at the start of the 109th Congress, it leads me to the conclusion that several important actions were conducted by the majority without consulting the minority. These partisan actions were contrary to the nature and spirit of the way business has been, and should be, conducted by the Ethics Committee. If I had been the ranking member of the Ethics Committee and the majority party had arbitrarily and unilaterally changed the rules I would have had an obligation to react, just as Representative MOLLOHAN did. If I had been the ranking member and the majority party unilaterally fired the senior committee staff in contradiction to rules which say both the majority and minority must agree, I would have had to react, just as Representative MOLLOHAN did. If I had been the ranking member and the majority party tried to put a partisan chief of staff in as the staff director for the Ethics Committee in contradiction to the standards of a nonpartisan staff I would have had to react, just as Representative MOLLOHAN did.

In other words, I feel Representative MOLLOHAN did exactly what was expected of him as the ranking minority member when the bipartisan nature of the ethics process was unilaterally challenged by the majority. He had the courage to stand up to partisan actions when he should have.

My experience with Representative MOLLOHAN when we served together on the Ethics Committee during the 108th Congress is that he was completely nonpartisan and that he would absolutely take no instructions from his leadership on the conduct of the Ethics Committee. That was my philosophy as well, and should be the stance of all who serve on this important committee.

Representative MOLLOHAN has recently been dealing with some other issues that I know nothing about and won't speak to, but as the committee chairman I couldn't have asked for a more thoughtful and considerate ranking member to work with.

His successor as ranking minority member on the Ethics Committee, Representative HOWARD BERMAN (D–CA), is an excellent choice. I have also worked with Representative BERMAN on the committee and I have the highest respect for him.

In conclusion, it is apparent to me that the leadership of both parties have forgotten the importance of a bipartisan ethics process in the House. The Ethics Committee proved during the 108th Congress that, working in a bipartisan manner, it could handle politically sensitive and difficult cases.

Both parties need to return to a bipartisan Ethics Committee and bipartisan ethics process or the House as a whole will continue to suffer.

INTRODUCTION OF THE TEACHER CENTER ACT OF 2006

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased today to introduce the Teacher Center Act of 2006.

First and foremost, I want to thank our teachers for their dedication and commitment to taking on all of the demands of their profession. We ask them to perform miracles every day in our underfunded and overcrowded system. And we owe it to them and to their students to provide more than rhetoric about our commitment to supporting teachers and helping them succeed.

Teacher quality is the number one in-school influence on student achievement. Congress recognized this when we passed the No Child Left Behind law and we've come a long way in making sure that every child is taught by a highly qualified teacher. In NCLB we also took a major step forward in improving professional development opportunities for our Nation's teachers. We moved away from 1-day workshops that were not connected to the curriculum and, instead, provided resources to help States and local school districts develop programs that provide continuous, high-quality professional development. This was—and is—essential to meeting the Nation's goal of high standards of learning for every child.

Now we have a responsibility to go to the next step, building on innovative models of dynamic professional development. Teachers tell us that in order to better meet the learning needs of students, particularly those with the greatest needs, it is essential that we support teachers in honing their instructional skills and techniques with a full repertoire of research-based, proven strategies. We need to pay heed to their call.

The Teacher Center Act of 2006 builds on NCLB by assisting teachers in helping students meet high academic standards. Teacher Centers align professional development with state standards and district curricula and incorporate research about proven classroom strategies—all while meeting high levels of rigor and expertise in both the design and delivery of services.

Teacher Centers employ a strategy in which professional development is made available "for teachers, of teachers, and by teachers." Teachers' voices drive and design the services, which are delivered by expert, practicing teachers and other experts. Teacher Centers provide teachers with opportunities to take charge of their own professional growth and take a lead in the decision-making and implementation of staff development programs based on their needs.

One of the most exciting elements of Teacher Centers is the focus on data-driven instruction in which test results and other indicators of student need are used to drive classroom instruction and strategies. While Teacher Centers give priority focus to literacy and math, they also highlight other essential areas of the curriculum including science, social studies, art, music, foreign languages, health, and physical education. Interdisciplinary approaches to instruction are another example of the type of innovative approaches to professional development that the Teacher Centers provide.

Teacher Centers also help to bridge the gap between groups of students by promoting the effective use of technology to support instruction. Technology is changing at lightning speed and Teacher Centers are particularly helpful to teachers by helping them learn to use technology effectively in their classrooms.

Finally, as we move forward in efforts to ensure that all students receive a high-quality education, we must pay particular attention to the needs of English language learners, students with disabilities, recently arrived students from foreign countries, and other students with special needs. Teacher Centers provide a great opportunity for teachers of these students who have developed effective strategies for helping these students improve their academic achievement to share what they have learned with their peers.

The Teacher Center Act of 2006 is a positive and important step in strengthening the teaching profession and in strengthening our schools. I look forward to achieving the vision of a better school system for all of our children.

THE ONGOING BATTLE AGAINST SLAVERY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. RANGEL. Mr. Speaker, I rise today to praise the traveling exhibition created by the Schomburg Center for Research in Black Culture, a branch organization of the New York Public Library, in conjunction with the UNESCO Slave Route Project to mark the United Nation's General Assembly's resolution proclaiming 2004 as the International Year to Commemorate the Struggle against Slavery and its Abolition. To reach a wider audience the Schomburg Center has created versions in French, Portuguese, Spanish, as well as in English. The online version of the exhibition is available on the Schomburg Center website. (http://www.nypl.org/research/ sc/sc.html)

The exhibition, titled Lest We Forget: The Triumph Over Slavery, is a celebration of the extraordinary human capacity to overcome oppression and injustice. Its tour through Africa, the Caribbean, Central and South America and Europe, is a reminder of a heritage that binds people of all races and color, across national and religious boundaries.

Lest We Forget shows us the images of downtrodden degraded people who were stripped of their humanity and culture who were forced to live their lives as mindless, agendaless pawns in vicious, all-powerful systems of human degradation. The transatlantic slave trade was brutal, vicious, denigrating and horrific. It is a representation of one of the most consistent assaults on human dignity and self-worth in the history of mankind.

We see a different kind of slavery today. Guest-workers, lured from third world countries with false promises, are forced to work in hazardous work conditions with very little wages in countries where oftentimes they do not even speak the language. They have virtually no rights as foreign workers and are sometimes forbidden by law to form unions. These modern-day slaves have no recourse but to follow the directives of their employers to exploit their helplessness. The United Nations defines an enslaved person as one whose movement and decision-making abilities are curtailed so that he/she does not have the ability to choose his employer. With this in mind, it is doubly important for us to recall the brutal reality of slavery and systematic degradation of human dignity; and take action in order to eliminate this modern-day slavery.

I commend the Schomburg Center for creating this remarkable presentation, and the UNESCO for making it accessible across the globe. Their cooperation and collaboration has made the exhibition a resounding success, and I hope to see this cooperation repeated and expanded in finding the resolution to the problem of slavery in today's world.

Traveling With A Global Appeal

To mark the United Nations International Year to Commemorate the Struggle Against Slavery and its Abolition in 2004. UNESCO commissioned the Schomburg Center to create a traveling version of its exhibition Lest We Forget: The Triumph Over Slavery. The exhibition highlighted the extraordinary capacity of human beings to confront and transcend oppression, and to overcome state-sanctioned injustice.

The traveling version of Lest We Forget has toured in Africa, the Caribbean, Central and South America, and Europe. Travelling to countries such as Cameroon, South Africa, Cape Verde, Mali, Mozambique, Guinea Bissau, Senegal, The Bahamas, Dominican Republic, Jamaica, Brazil, Sweden, France, Finland, and Norway. To help ensure that the exhibition did indeed reach a wider audience the Schomburg created versions in English, French, Portuguese, and Spanish.

Just as Lest We Forget tells a portion of the story about people of the African Diaspora, so too does In Motion: The African-American Migration Experience, which originally opened at the Schomburg Center in February 2005. In Motion traces 13 different migration patterns of African Americans over 500 years. As part of the Schomburg Center's ever-expanding Traveling Exhibition Program, In Motion opened at the Lyric Theater in the historic "Overtown" district of Miami, Florida at the beginning of Black History Month.

Miami Mayor Manny Diaz opened the exhibition with a reception and Schomburg Center Chief Howard Dodson was on hand for the unveiling. The exhibition's Miami host Dr. Dorothy Fields, Founder of the Black Archives, History and Research Foundation of South Florida, Inc, knew In Motion would be perfect for her city. "Miami is a city of many people from so many different countries. As soon as you walk in the information about the Haitian migration experience is right there, strategically in the center [of the theater]," said Dr. Fields. "In Motion: The African-American Migration Experience explains that we are all different branches of the same tree."

To guarantee that the exhibition would have a lasting effect, Dr. Fields and her colleagues signed a contract with the county to do a Black History bus tour, which began at the Lyric Theater, this resulted in more than 9,000 visitors in one month. And they even devoted the entire month of May to bring school children to see and learn from the exhibition, and offered two days of teacher workshops with In Motion Project Content Manager Sylviane Diouf, so that educators could prepare their students for the experience ahead of time.

In Motion is set to run at the Lyric Theater until the end of May, Miami's Haitian American Month, but Dr. Fields has confirmed that her organization has plans to expand on In Motion, by providing the Schomburg Center with primary sources on the African Diaspora in Miami to develop another exhibition.

With traveling exhibitions like Lest We Forget and In Motion, the resources of the Schomburg Center reach far beyond its structure to educate and inspire scores of people around the world.

Traveling dates: Lest We Forget

When: May 19–July 19, 2006.

Where: Esmeraldas International Center for Afro-Amerindian Cultural Diversity and Human Development, Esmeraldas, Ecuador.

Organizer: UNESCO Quito's Office.

In Motion: The African-American Migration Experience

When: October 2, 2006–March 9, 2007.

Where: National Heritage Museum, 33 Marrett Road, Lexington, MA 02421

For more information about the Traveling Exhibition Program, please visit www.schomburgcenter.org, or contact Mei TeiSing Smith at msmith@nypl.org, or by calling (212) 491–2204.

ACKNOWLEDGING THE OUTSTANDING PUBLIC SERVICE OF HESTER HILL

HON. JOHN TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. TANNER. Mr. Speaker, I rise today to recognize a very distinguished volunteer from Tennessee, who was awarded this year's national Humanitarian of the Year award. I want to congratulate and thank Hester Hill, who has given so much time and effort for a very valuable public service program called Angel Flight.

Angel Flight South Central began in 1991, assisting medical patients and their family members with air transportation they could not otherwise get. It specializes in offering free non-emergency travel for those in need, and the shipment of blood and organs for medical procedures. The travel is provided by volunteers like Mrs. Hill and pilots who offer their time and aircraft at no cost. Last year alone, Angel Flight South Central flew more than 3,000 medical missions at no charge to its carriers. In the weeks following Hurricane Katrina, the rescue group flew hundreds of missions, reuniting people with their loved ones.

Mr. Speaker, Hester Hill has given so much of her time and skill to help others when they need it most. I hope you and our colleagues will join me in honoring Hester Hill for the passionate and dedicated service she has provided to others and congratulate her on this prestigious award she has earned.

PAYING TRIBUTE TO EMILIA GUENECHEA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Emilia Guenechea for her outstanding efforts to bring awareness to minorities and the underprivileged in Las Vegas.

Over the past ten years, Emilia has served in various positions in her quest to create and implement plans for healthy communities, and she has participated in a variety of programs to assist members of the Hispanic community in Las Vegas. Emilia served as the Woman to Woman Program Coordinator for the YMCA and SAFE HOUSE Shelter, providing a support system for Hispanic women. She also served as the Salud in Acción Program Coordinator, where she was responsible for the planning and coordination of all media production associated with the cancer prevention program for Hispanic women. In addition, Emilia has dedicated two years to the National Cancer Institute's Cancer Information Service Partnership Program as Coordinator for the Northwest Region, where she conducted a comprehensive study to identify gaps in cancer information and education services in order to identify, implement, and maintain partnerships with organizations to serve the underprivileged.

In addition to her outstanding work with the Hispanic community, Emilia has a very impressive academic record. She received her first Master's degree in Clinical Psychology at the Iberoamericana University in Mexico, and her second Master's degree in Counseling from the University of Nevada, Las Vegas.

Emilia is currently the Nevada Cancer Institute's Multicultural Community Outreach and Education Production Manager, a position she has enjoyed since October of 2005. In her role, she develops and implements programs to increase awareness, education, and early detection of chronic diseases. Emilia's main goals are to increase the screening numbers of breast, cervical, colorectal, and prostate cancers, and to increase the participation in clinical trials within multicultural communities. Emilia's hard work is leading to progress in these often difficult and culturally sensitive tasks.

Mr. Speaker, I am proud to honor Emilia Guenechea. Her dedication to creating health awareness has greatly impacted the diverse communities of Las Vegas. She is truly a remarkable woman who should serve as an inspiration and a roll model for us all. I commend her efforts and wish her the best in future endeavors.

PERSONAL EXPLANATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. ROTHMAN. Mr. Speaker, on July 18, 2006, due to illness, I missed 3 recorded votes. I take my voting responsibility very seriously, and had I been present, I would have voted "yes" on recorded vote No. 379; "no" on recorded vote No. 380; "yes" on recorded vote No. 381.

TRIBUTE TO JIM BURKE

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. THOMAS. Mr. Speaker, I rise today with my colleague Mr. COSTA to honor the life of our friend, Jim Burke, a Bakersfield community leader, philanthropist, and businessman, who passed away on Monday, July 17, 2006. In Bakersfield, the name Jim Burke is synonymous with generosity.

Jim was born on August 1, 1925, in Bakersfield, California, to Mr. and Mrs. James Joseph Burke, a family with Kern County pioneer roots. His great grandfather, Daniel Burke, came to Kern County in 1864 from Ireland. Jim graduated from Kern County Union High School in 1943 with accolades as a scholar, athlete, and president of the student body. He attended Stanford University for a year before joining the Navy and serving on the USS *Midway* and the USS *New Mexico*. After two and a half years of service in the Navy, Jim returned to Stanford and graduated in 1948 as an Industrial Engineer. In 1950, Jim married Bebe Rinker and they subsequently had a daughter, Michele (Mikie).

Jim began his career in the parts department of Haberfelde Ford in 1949, became a partner in the Haberfelde family business in 1964, and purchased the remaining business interest in 1972. In 1977, he renamed it Jim Burke Ford and it has since become one of the largest Ford dealerships in the country, with over 370 employees. Jim cared deeply for his employees and customers and was known to buy back a vehicle if a customer had an unresolved vehicle problem with Ford in order to address the issue with Ford himself.

Throughout his life, Jim's passion was in the areas of education and health care. He worked with educators to create "The Ford Dimension," which is a program that for 32 years has taught high school students about the private enterprise system and the practical problems of the business world.

In 1994, over 200 Ford Dimension alumni from across the nation founded the Jim Burke Education Foundation in his honor. Later in 2003, Ford Dimension alumni and the Jim Burke Education Foundation created a leadership program, Dream Builders, to develop leadership and life skills in high school seniors and share with them the value of civic responsibility as a lifetime commitment.

Jim also actively worked to address the hospital and healthcare needs in Bakersfield. He was a founding director of the Friends of Mercy Foundation, which assists in the healthcare needs of the local community, and he served as Chairman of the Mercy Hospital Board of Trustees as well as a director of Bakersfield Memorial Hospital.

Jim was also involved with numerous organizations in the community such as the Campfire Girls, Better Business Bureau, the Trade Club of Greater Bakersfield, Bakersfield Chamber of Commerce, the California State University Bakersfield Foundation, and served as chairman of the Kern County Business Outlook Conference. Jim was also very active in the Catholic community. Jim's fundraising efforts and work with the Sisters of Mercy addressed the special needs of others, such as construction of the Madison Place, a model low-income housing project.

Over the course of his life, Jim received numerous awards and honors for his service to the community and business achievements. In fact, in 1976, he was recognized with the Time Magazine Quality Dealership Award for his outstanding business performance and involvement in the community. In 1995, Jim was inducted into the Automotive Hall of Fame and he received a Honorary Doctorate from California State University, Bakersfield in 1997.

Yet no award will ever capture the true humanity, strength, and leadership that Jim achieved. Throughout his life, Jim and his family continuously strived to better our community and help others, with humility and true compassion. Jim was immensely successful in his efforts and we will never know the full extent of the impact Jim's kindness and compassion had. On this day, we rise, on behalf of a community in mourning, to remember with great appreciation Jim Burke, a man who embodied the civic generosity and leadership that is uniquely American and that has made Kern County such a great place to live. Accordingly, we offer our deep condolences to Bebe and his family.

PAYING TRIBUTE TO REE WENGERT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Ree Wengert, a prominent Las Vegas singer and activist, who passed away on Sunday, July 2, 2006, at the age of 78.

Ree was born on December 14, 1927 in Charleston, WV, and was the youngest of an amazing 12 children. Ree chose to complete her undergraduate studies at Marymount College in Tarrytown, NY. She was soon awarded a full scholarship to the Julliard School of Music.

In 1952, Ree moved to Las Vegas, NV, and joined the Las Vegas Service League, which is now known as the Junior League of Las Vegas. She also began performing charity work for the Catholic Church. In the 1980s and '90s, she donated her services to Southern Nevada in many ways, including singing in charity events and advocating for AIDS victims' rights. She often visited and spoke with the most critically ill patients in the University Medical Center's AIDS ward.

Ree was most prominently known as the wonderful wife of Ward Wengert, a banker and civic leader in Las Vegas who passed in 1996, and mother to Rhetta Storebo, Rene McCown, Ward Jr., and Cyril, who passed in 1997. She also enjoyed four grandchildren.

Mr. Speaker, I am honored to recognize Ree Wengert and her amazing family for their contributions to the Southern Nevada community. She will be dearly missed.

TRIBUTE TO THE ANNIVERSARY OF THE BIG THOMPSON FLOOD

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise to commemorate the 30th anniversary of Colorado's Big Thompson Flood.

On July 31, 1976, residents and visitors in the Big Thompson Canyon suffered the unspeakable horror of one of the worst natural disasters in Colorado history.

I will never forget when the news started to break and the tragedy started to unfold.

In just a few hours, more than a foot of rain fell in the area surrounding the Big Thompson River, causing a wall of water over 20 feet tall to sweep through the canyon. In its wake, the flood claimed the lives of 144 people and left many others homeless. In all, over 400 homes and dozens of businesses were destroyed.

As we pause to commemorate the tragic events of 30 years ago, we remember the many lives that were taken from us by the waters of the Big Thompson and offer our thoughts and prayers for those they left behind.

It is often said that the worst of circumstances bring forth the best in people. In the hours and weeks following the disaster, the community surrounding Big Thompson Canyon displayed unparalleled graciousness and compassion. From the heroic rescuers who plucked survivors from the craggy canyon walls, to the countless others who gave their time, talents and resources, we saw the best of the American spirit in the wake of disaster.

Mr. Speaker, today Big Thompson Canyon and, more significantly, the lives of those touched by the flood still bear the scars from that terrible July night. As we mark the 30th anniversary of one of the worst natural disasters in Colorado history, I urge my colleagues to join me in remembering those who lost their lives and the countless others whose lives have been forever changed by the Big Thompson Flood.

TRIBUTE TO COLONEL JAMES ELI CROWTHER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. SHUSTER. Mr. Speaker, I rise today to honor Colonel James Eli Crowther, a distinguished officer who served his country and his home state of Pennsylvania throughout his life. As a native of Tyrone, the Colonel was the third Burgess (Mayor) of Tyrone and was serving in that capacity as the American Civil War began.

Colonel Crowther served the Pennsylvania militia in the mid 1800's, where he was commissioned as a First Lieutenant in the Washington Infantry in early August of 1842. From there he was again commissioned as a First Lieutenant for the Tyrone Artillery in early July of 1858. Less than one year later he began service as the Caption of the Tyrone Cavalry. His command of that Cavalry was influential during the first 90 days of service at the beginning of the American Civil War. The Cavalry then became Company D of the 14th Pennsylvania Infantry.

Crowther volunteered as an Officer through the Civil War, commissioned as Lieutenant Colonel in 1861 and then Colonel in March of 1863. It was less than 2 months later that Colonel James E. Crowther was killed in action at Chancellorsville on May 3, 1863.

His service to his country was noble, and his rank was earned through hard work and dedication to American principles and values. The leadership that Colonel Crowther displayed throughout his service and lifetime is to be remembered and respected as our country continues to move forward honoring those values.

In his memory, the Colonel Crowther Foundation was established. This organization's intent is to protect, teach and re-live the rich and storied history of Pennsylvania and continue to honor the distinguished Colonel. As can be found in their mission statement, the Foundation strives to 'create a living heritage environment where preservation is enhanced by demonstration and education.' It is only through our history that we are able to create a future.

As a tribute to this man's great accomplishments the Tyrone Borough Council has declared Saturday August 6th, 2006 to be Colonel Crowther Day. Crowther's military service to the state of Pennsylvania and our country will not be forgotten.

PAYING TRIBUTE TO CRAIG HARRIS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Craig Harris for his outstanding efforts as a taxicab driver safety advocate. Craig passed away on Wednesday, June 21, 2006 at the age of 56.

Craig had been a Las Vegas resident for 28 years and a taxi driver for Yellow-Checker-Star Transportation since 1979. Having been assaulted and robbed twice by passengers, Craig fully understood the dangers of driving a taxi. A long-time advocate of taxi driver safety, Craig was one of the first to test still cameras in taxis as a deterrent against attacks on drivers. According to his long-time boss and Yellow-Checker-Star's director of operations, Bill Shranko, Craig's work led to camera installation in each of the company's cabs. Since then, Shranko says there has been at least a sixty percent decrease in attacks on drivers. Craig's hard work and advocacy has produced impressive results for driver safety.

In addition to driving a cab forty hours a week and his efforts to promote driver safety, Craig also found time to represent local drivers as a steward for the Industrial Technical Professional Employees Union, helping fired drivers to regain their jobs and making sure that drivers have access to important benefits, including health insurance. He led a campaign to raise thousands of dollars to aid the family of a colleague who was killed while on duty as a cab driver, and always offered to help colleagues and their families when in need.

Born in Los Angeles on October 14, 1949, Craig graduated from Shasta College in Northern California. He worked on newspapers in California and Oklahoma before moving to Las Vegas in 1978 and beginning work on the Trip Sheet magazine for cab drivers in the 1980s. He served as managing editor of the magazine and often wrote articles dealing with driver safety and furthering the fair treatment of drivers. His work helped turn the six-page newspaper of the '80s into the 48-page magazine of today, which reaches over 7,000 monthly readers.

Mr. Speaker, I am proud to honor Craig Harris for his outstanding service and representation of the taxi drivers of Las Vegas. His tireless efforts to help drivers and their families and his hard work as a driver, journalist, and advocate have greatly contributed to the safety of the profession, and he will be greatly missed.

TRIBUTE TO ELLIS PARK

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. WHITFIELD. Mr. Speaker, I rise to bring to the attention of the House an historical day for Thoroughbred Horse Racing in western Kentucky—the reopening of Ellis Park.

Since opening its gates for the first time in October of 1922, Ellis Park has been a significant part of Kentucky and Indiana's equine history. During those years the one and one eighth mile long track has provided horsemen and trainers a venue to showcase the sport they love.

Today, Ellis Park re-opens after suffering a devastating tornado on November 6th, 2005, that claimed the lives of 25 individuals in the surrounding community of Evansville, Indiana, and that delivered a direct hit to the Ellis Park race track damaging several buildings and killing some of the Thoroughbred Horses stabled at the track.

Today is one of triumph over tragedy as those who suffered so much move forward and continue to rebuild their community.

Mr. Speaker, the re-opening of historic Ellis Park under the new ownership of Kentucky Businessman Ron Geary promises a bright future for Thoroughbred Racing in western Kentucky and the tri-state region. Mr. Geary has committed to continue and build upon an 85 year history that has made Ellis Park a popular setting for friends and family to come together and enjoy the atmosphere created by the sight and sound of thoroughbreds thundering towards the finish line.

PAYING TRIBUTE TO SANDY HEVERLY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my good friend Sandy Heverly for her dedication to victims of DUI accidents and their families.

Sandy became impassioned with the anti-DUI movement after she, her husband, children and mother were all injured as a result of an accident caused by a drunk driver. Following this incident, Sandy decided to try to help DUI victims and create awareness about the severity of DUI crimes. Since then, Sandy has been a driving force in the anti-DUI movement in Nevada, and has helped enhance awareness nationwide.

Through her positions as Executive Director and Co-Founder of STOP DUI, Executive Director of Nevada Mothers Against Drunk Driving (MADD), and Nevada Students Against

Destructive Decisions (SADD) State Coordinator, Sandy has spread the message about drunk driving throughout Nevada and the Nation. She has increased awareness by making over 1,000 anti-DUI presentations to students, civic organizations, and the gaming and liquor industries, and through various media movements, including the eight-year "Red Ribbon Campaign." With STOP DUI, Sandy established a Victim's Assistance Program to provide immediate financial assistance to DUI victims and their families, the only program of its kind in the Nation. She has also helped the bipartisan Congressional Stop DUI Caucus shed new light on the epidemic of drunk driving in America.

On July 19, 2006, Sandy's efforts to end drunk driving will be recognized as she is sworn in to the President's Advisory Commission for Drug-Free Communities. Her extensive knowledge and experience in bringing awareness to the anti-DUI cause will undoubtedly make Sandy an asset to the Commission.

Mr. Speaker, I am proud to honor Sandy Heverly for her dedication and advocacy against drunk driving. As the co-chair of the Congressional Stop DUI Caucus, and father to a daughter injured by a drunk driver, ridding our nation's roads of these dangerous drivers is a cause that is very important to me. I congratulate Sandy for her appointment to the President's Advisory Commission for Drug-Free Communities, and I wish her the best in her future endeavors.

TRIBUTE TO KATHIE SIMPKINS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mrs. EMERSON. Mr. Speaker, I rise today to honor the life and contributions of Kathie Simpkins from East Prairie, Missouri, who passed away on July 16, 2006. Kathie was a standout individual, a dedicated public servant, and a true friend. As the City Administrator for East Prairie, Kathie brought innovative ideas and unbridled enthusiasm to her job.

Kathie's sense of community is strong and deep-rooted, which has made her a successful individual in East Prairie. She was even recognized as East Prairie Woman of the Year in 2005. Kathie demonstrated the kind of pragmatic, problem-solving ability that is rare anywhere in the Nation and a real blessing to us in Southern Missouri. As City Administrator, Kathie was responsible for securing and administering more than $12 million in state and federal grants.

Spending her life living in her hometown, Kathie was Southern Missouri through-and-through. She was a 1973 graduate of East Prairie High School and a 1978 graduate of Southeast Missouri State University in Cape Girardeau, where she majored in business administration and marketing management. Kathie was a fixture at professional and other local organizations' meetings. She was always in search of another way to serve her neighbor.

Kathie Simpkins' family and friends have lost a dear part of their life, but the entire region has lost a tremendous advocate for Southern Missouri. It will take the hard work of many individuals to fill the void Kathie has left in our community. We are fortunate to have known Kathie and been inspired by her. She leaves a legacy of good management and great investment in the people of East Prairie.

I feel very fortunate to have known Kathie, and I want to ensure that she is remembered for her wealth of good works. She is a true model of civic pride and community service. Kathie Simpkins has made an immeasurable contribution to our district, our state, and our Nation. Thank you, Kathie, and God bless you.

SETON HALL UNIVERSITY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. PASCRELL. Mr. Speaker, I wanted to take a moment to welcome the entire Seton Hall community here to Capitol Hill for their annual 'Hall on the Hill' Reception. Let me thank Monsignor Sheeran for his leadership at Seton Hall, as well as his profound words given at invocation on the House floor this morning. Let me also congratulate my good friend Phil Thigpen for the honor he is receiving this evening. Phil has always been active in the community and clearly he has done his alma mater proud.

As Seton Hall University celebrates 150 years of service to our educational community, it is appropriate to take a moment to acknowledge what a remarkable achievement it is. Founded in 1856, Seton Hall University predates even the Civil War.

Throughout the years, Seton Hall University has educated our Nation's youth, providing them with the tools necessary to succeed in the ever-changing world. One of Seton Hall's greatest aspects is its versatility. With programs in business, law, medicine, and the humanities, students are free to explore all areas of academia. The John C. Whitehead School of Diplomacy and International Relations is world-renowned for its fantastic professors and unique alliance with the United Nations Association of the United States of America. Ranked in the top 125 national universities by US News and World Report, Seton Hall is truly a premier academic institution.

But, it is not just academics which makes Seton Hall University such a great institution. Being the largest Catholic University in the state of New Jersey, Seton Hall has a special focus on its ethical mission, teaching students not just how to be great scholars but great people. Part of this ethical mission includes tolerance and openness. In fact, few schools are so diverse and welcome students of so many different backgrounds. Its location in South Orange, New Jersey also allows the university to benefit from the diversity of its surroundings and proximity to New York City.

A Seton Hall University experience does not end at the doors of the classroom. Many Pirates have gone on to achieve great feats at both the collegiate and professional athletics level, including baseball player Craig Biggio and ESPN sportscaster, Dick Vitale. Students also have the opportunity to take part in over one hundred different extracurricular organizations to expand their interests and talents.

Educating our Nation's youth is a service to more than just the students who earn degrees. Universities such as Seton Hall provide a service to our entire community by training future generations of our Nation's leaders. It is an honor to celebrate this 150th anniversary of Seton Hall University and I hope that it will continue to educate our students for at least another 150 years.

RECOGNIZING SETON HALL UNIVERSITY ON THEIR 150TH ANNIVERSARY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to recognize Seton Hall University on the occasion of their 150th anniversary. The University is located in South Orange, New Jersey and is a community of 1,500 employees, 10,000 students, and 70,000 distinguished alumni. From the university's humble beginnings as a small local diocesan college, Seton Hall has grown into New Jersey's largest Catholic university. Founding Reverend, Bishop James Roosevelt Bayley, had not only a patriotic attachment but also a personal one to the school's namesake: Mother Elizabeth Ann Seton, the first American-born saint and his aunt. Using her devotion to values-based education as a guide, Seton Hall embarked on their noble mission to educate young minds in New Jersey.

The university has remained a steady ground for its faculty and students, even through catastrophes like fire and war, always remembering their motto, "No Matter What the Hazard, Yet Forward." This resilient spirit has seen Seton Hall through these historic 150 years and will surely carry them into a bright future. Seton Hall is recognized as a leader in educational technology and will continue to attract the best and the brightest to their campus.

As reflected in their mission, Seton Hall students are not only prepared with a well-rounded education but also a unique focus on service that prepares them to become citizen leaders in their professional and community lives.

I congratulate Seton Hall University on their 150th anniversary and encourage them to remain vigilant on their mission to mold intelligent and ethical scholars.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily

Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 20, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 21

10 a.m.

Foreign Relations

To hold hearings to examine Extradition Treaty Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, and related exchanges of letters, signed at Washington on March 31, 2003 (Treaty Doc. 108–23).

SD–419

JULY 25

9:30 a.m.

Armed Services

Airland Subcommittee

To hold hearings to examine the F-22A multiyear procurement proposal in review of the Defense Authorization Request for fiscal year 2007.

SR–222

Judiciary

To hold hearings to examine the authority to prosecute terrorists under the war crime provisions of Title 18.

SD–226

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold an oversight hearing to examine the Joint Planning and Development Office.

SR–253

Banking, Housing, and Urban Affairs

To hold hearings to examine regulation of hedge funds.

SD–538

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the Department of Defense Supply Chain Management Plan, focusing on the extent to which the supply chain management improvement plan is integrated with other Department of Defense logistics strategies, concepts, and plans, and if the Department has identified valid performance metrics and data to use in monitoring initiatives and measuring progress.

SD–342

Intelligence

To hold a closed hearing regarding intelligence matters.

SH–219

2:30 p.m.

Finance

Health Care Subcommittee

To hold hearings to examine a decade of covering children relating to State Children's Health Insurance Program.

SD–215

JULY 26

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Michael V. Dunn, of Iowa, to be a Commissioner of the Commodity Futures Trading Commission, Nancy Montanez-Johner, of Nebraska, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services, and to be a Member of the Board of Directors of the Commodity Credit Corporation, Margo M. McKay, of Virginia, to be an Assistant Secretary of Agriculture, and Bruce I. Knight, of South Dakota, to be Under Secretary of Agriculture for Marketing and Regulatory Programs, and to be a Member of the Board of Directors of the Commodity Credit Corporation.

SR–328A

Judiciary

To hold hearings to examine the current and future status of the Foreign Intelligence Surveillance Act which prescribes procedures for requesting judicial authorization for electronic surveillance and physical search of persons engaged in espionage or international terrorism against the United States on behalf of a foreign power.

SD–226

10 a.m.

Energy and Natural Resources

Business meeting to consider the nominations of John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement, and Mark Myers, of Alaska, to be Director of the United States Geological Survey, both of the Department of the Interior, and Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, Federal Energy Regulatory Commission.

SD–366

Intelligence

To hold a closed meeting regarding intelligence matters.

SH–219

11 a.m.

Commerce, Science, and Transportation

To hold a hearing to examine pending nominations.

SR–253

JULY 27

10 a.m.

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold an oversight hearing to examine the Department of Agriculture's use of technical service providers.

SR–328A

Small Business and Entrepreneurship

Business meeting to markup an original bill to reauthorize the Small Business Administration.

SR–428A

Veterans' Affairs

To hold hearings to examine the nominations of Patrick W. Dunne, of New York, to be Assistant Secretary of Veterans Affairs for Policy and Planning, and Thomas E. Harvey, of New York, to be Assistant Secretary of Veterans Affairs for Congressional Affairs.

SR–418

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 3638, to encourage the Secretary of the Interior to participate in projects to plan, design, and construct water supply projects and to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to encourage the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal in the State of California, S. 3639, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects, H.R. 177, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, H.R. 2341, to amend the Reclamation Wastewater and Groundwater Study and FAcilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austim Water and Wastewater Utility, Texas, and H.R. 3418, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project.

SD–366

Intelligence

To receive a closed briefing regarding intelligence matters.

SH–219

AUGUST 2

9 a.m.

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold hearings to examine H.R. 4200, to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests.

SR–328A

HOUSE OF REPRESENTATIVES—*Thursday, July 20, 2006*

The House met at 10 a.m.

The Reverend Phil Fulton, Pastor, Union Hill Church, Peebles, Ohio, offered the following prayer:

Almighty God, Creator of Heaven and Earth, and all that is therein, we thank You for this great congressional body. I pray You would bless them with wisdom, knowledge, and that the spirit of bipartisanship would prevail in all their decisions for the inherent good of this great Nation.

I pray they would remember well the words of President Cleveland: "That those who manage the affairs of government are by this means reminded that the law of God demands that they should be courageously true to the interests of the people, and that the Ruler of the Universe will require of them a strict account of their stewardship."

In the name of our Lord Jesus Christ, I pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Pennsylvania (Ms. SCHWARTZ) come forward and lead the House in the Pledge of Allegiance.

Ms. SCHWARTZ of Pennsylvania led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 1036. An act to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

> S. 418. An act to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

> S. 3693. An act to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005.

WELCOMING REVEREND PHIL FULTON

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize my friend, Reverend Phil Fulton, who is serving as guest chaplain for the House of Representatives today.

Reverend Fulton is from Adams County which is located in the district I represent. Reverend Fulton was born and raised in southern Ohio, and now serves our community daily.

For the last 30 years, he has worked as pastor of Union Hill Church, an independent community church which is located in Peebles, Ohio. He plays a very active role in our local area, helping those around him.

As vice president of Love, Incorporated, he has reached out to many folks by meeting their intimate needs in a very personal way. He is chairperson of the Ten Commandments Committee which is working on issues related to the display of the Ten Commandments in public places.

Reverend Fulton is not only an active member of our community, but he is also a devoted member of his family. He has been married to his lovely wife, Sharon, for 40 years, and they have two children and five very energetic grandchildren.

Mr. Speaker, I ask all of my colleagues to join me in welcoming Reverend Phil Fulton to the House of Representatives as our guest chaplain.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 one-minute requests per side.

PROTECTING EMBRYOS RIGHT THING TO DO

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, constituents throughout my district have been contacting my office in opposition to using embryonic stem cells for research purposes. They join me today in applauding the President's veto of the Stem Cell Research Enhancement Act.

As stewards of hardworking Americans' tax dollars, we cannot ask our constituents to fund the killing of human embryos. It is imperative that we do all we can to protect the most vulnerable members of our society, the unborn.

Embyronic stem cells have been available for research for nearly 5 years, and during that time research on those stem cells has produced nothing and cured no one. In the meantime, ethical biomedical treatment not derived from embryos, like that at the Wake Forest Institute for Regenerative Medicine in my district, has helped cure over 70 diseases. In this time of incredible medical advances, unethical research is unnecessary and desecrates the sanctity of human life.

PREPARE FOR PEACE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, how is it that even with the constant moral and financial support of our Nation, our friend and ally, Israel, is still not safe and secure. If we insist upon the security and survival of Israel, and we must, then we must also insist upon the security and survival of the Palestinians and the Lebanese.

We say we will never negotiate with those who have sworn to destroy us or our allies, but history shows us that every conflict was resolved by doing exactly that. We prepare for war so grandly; let us prepare for peace grandly by looking fearlessly and deep into the hearts of those who wish us harm, and find that spark of recognition that connects us to a common humanity and from that draw a flicker of hope to enkindle the warm glow of peace.

After 9/11, we asked, Why do they hate us? Isn't it time for us to ask, Why do we hate them?

Do we think about what hate does to our own hearts? Isn't it time to put on the invincible armor of human compassion to explore human relations as the science of the human heart, in which we always have the capacity through courage, communication, patience and understanding to turn hate into love, and to beat our swords into plowshares.

LONE STAR VOICE: CHARLES HAMILTON

(Mr. POE asked and was given permission to address the House for 1

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Americans pay millions a year of their money in health care costs for illegals. Now it is time for those renegade businesses that hire illegals and the Mexican Government to pay.

Charles Hamilton of Spring, Texas, writes me: "Texas taxpayers should not be made to pay the brunt for the high concentration of illegals here that the Feds won't stop from coming into our country. It might be an incentive for employers not to hire illegals if a tax was levied on each illegal hired. Employee rosters showing names and Social Security numbers should be checked for each company each year. Companies with illegals would pay a tax to cover the illegals' hospital costs."

Mr. Speaker, Dallas County, Texas wants to bill or even sue Mexico for the hospital costs of illegals. But get this: The Mexican consulate arrogantly says, "You can't do that, it is illegal."

Mr. Speaker, the coconspirators of businesses that exploit illegals and the Mexican Government that encourages illegal entry need to pay for this health care. It is morally wrong to expect American citizens and legal immigrants to pay.

And that's just the way it is.

SUPPORT EMBRYONIC STEM CELL RESEARCH

(Ms. SCHWARTZ of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise disappointed and angered by the President's veto of the Stem Cell Research Enhancement Act, and I rise in solidarity with my 237 colleagues and the 63 Senators who voted to overturn the Bush administration's policies that have stifled the promise of stem cell research and sound and ethical science.

Since 2001, stem cell research in the United States has been thwarted by the Bush administration's misguided policies. And yesterday, President Bush once again let politics, not science, not the health and well-being of American families, and not the will of the majority of Americans, dictate his decision making.

It is a sad day when the President of the United States acts to impede lifesaving medical research. And with this veto, President Bush failed to give American families the promise of this research. American families want cures, not politics. And they want hope, not lost opportunities.

I, along with millions of Americans, am outraged, but we are not deterred. We will keep fighting and we will succeed in fighting the President's restrictions on stem cell research.

Those of us who voted to override the presidential veto, voted:

to maintain the United State's stance as the world leader in medical research and scientific advancement;

to advance scientific discovery in an ethically and responsible manner;

to enhance the ability of medical professionals to care for their patients;

to fulfill our obligation to use our human resources and capital for the greater good; and

most importantly, to benefit the millions battling disease and injury.

TRIBUTE TO SECRETARY NORMAN MINETA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, for more than 5 years, we have been honored to have Norman Mineta serve as Secretary of Transportation, selected by President Bush, to be the longest-serving Secretary in American history.

Secretary Mineta served as an intelligence officer in the U.S. Army in both Japan and Korea. He was the 59th mayor of San Jose, California, and served as a Member of Congress for 20 years. He was the first Asian American elected mayor of a major city, and the first to hold a Cabinet position when he served as Secretary of Commerce from 2000 to 2001.

As the Secretary of Transportation, Norman Mineta oversaw an agency with almost 60,000 employees and a $62 billion budget. Created in 1967, the department brought under one umbrella air, maritime, and surface transportation missions. Today, I honor his service to the American people and wish him and his wife, Deni, the best in their future endeavors.

In conclusion, God bless our troops and we will never forget September 11.

PRESIDENTIAL VETO WRONG

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, when I voted to override President Bush's veto of stem cell research, I was thinking of ex-Governor Booth Gardner of Washington State. I saw Governor Gardner in the Sea-Tac Airport Monday as I was flying back here. He was flying to San Francisco for advanced treatment for Parkinson's, a disease he has been battling for some time with great courage and grace.

And yet this promising research, we have a President who decided he is not going to let Americans have because he, from his exalted realm on Pennsylvania Avenue, has taken it upon himself to dictate to Americans what our morals should be.

Let me suggest that the President who started the war in Iraq based on false information, the President that mishandled Hurricane Katrina relief, the President who has created the largest deficit in the history of the solar system, is not entitled by any law, religion, morality, ethics or common sense to dictate to the American people one sense of morality, much less any others.

It was wrong for him to deny Booth Gardner treatment, it is wrong for him to take it away from millions of Americans.

SUPPORT HOMEOWNERS TAX RELIEF ACT

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today to urge passage of the Homeowners Tax Relief Act. I have introduced this act to help bring much-needed property tax relief to middle-class families.

Taxes are one of the most critical issues our constituents face. When I talk with residents of the Hudson Valley in my New York district, they repeatedly tell me they are at wit's end because their property tax rates are increasing faster than their incomes.

We have passed significant tax relief legislation in this Congress, but we can do more to show our constituents that we are committed to tax cuts, not tax increases.

My legislation is particularly aimed to help middle-class families. It would enable homeowners to deduct on their Federal tax forms the amount of property and school taxes that they pay in excess of the national average. This also brings a first-of-its-kind property tax deduction to residents who use the standard deduction. The IRS estimates that two-thirds of taxpayers use the standard deduction. They would be able to get this tax relief.

Mr. Speaker, both Republican and Democrat cosponsors are on my bill. We need to move it forward to bring additional tax relief to middle-class families in New York and throughout the country.

VOTE "NO" ON OMAN FREE TRADE AGREEMENT

(Mr. MICHAUD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHAUD. Mr. Speaker, last night several of our colleagues stood on this floor and listed all of the terrorists that are no longer threats to the United States. I couldn't be more pleased that this list of potential threats is getting shorter. So why are we going to vote today on a proposal that will add major new threats to that list?

The Oman Free Trade Agreement would require the United States to allow any Omani company to provide landside U.S. port activities if they so choose. A new CRS report confirms that fact.

We know that al Qaeda wants to launch more attacks here. Do you think that this deal presents a golden opportunity for al Qaeda to infiltrate our ports, to smuggle weapons of mass destruction into the United States?

Last year more than 11 million cargo containers entered the United States. Do you want a company in Oman managing this flow of who knows what into our borders? Would you let any company that operates in Oman run our airport security?

The Oman Free Trade Agreement hands over the keys to any company that operates in Oman. Think about it, and vote "no" on this stupid, ridiculous deal.

When the American people find out about the port provision of this agreement they will be outraged.

☐ 1015

PIEDMONT HEALTH CARE

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to congratulate two Georgia hospitals, Piedmont and Piedmont Fayette, which this month were named two of the Nation's Most Wired Hospitals by a Benchmarking survey.

The Piedmont health care group is known for its longstanding commitment to health information technology. With this award, the whole Nation now understands how these hospitals are using electronic medical records, e-prescribing, and digital radiology to help streamline practices and to reduce medical errors.

I am a strong supporter of health information technology because it saves lives, time, money. And as a physician, I know that encouraging the adoption of health care technology is one of the most important ways we can work to lower costs while also raising quality of care.

This is why I have introduced legislation to incentivize more physicians to adopt information technology. And I hope the success of Piedmont health care will encourage other providers to look at the real savings that this technology offers.

Mr. Speaker, I ask that you join me in congratulating Piedmont for their leadership in the field of health information technology.

HOUSE REPUBLICANS FAIL TO ADDRESS THE ISSUES OF REAL CONCERN TO THE AMERICAN PEOPLE

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, all year long House Republicans have failed to provide real leadership on issues that affect Americans. Earlier this month the Associated Press reported that President Bush had only signed two substantial bills into law this year.

And, now, House Republicans want to spend the entire week distracting and dividing our Nation with pieces of legislation that will never be signed into law. This is not what the American people sent us here to do.

They have yet to join us in offering a stand-alone vote to increase the minimum wage, which about 60 to 70 percent of people polled said they agree with.

Because of their cozy relationship with Big Oil, they have yet to provide American consumers any relief at the gas pump. In my district it is over $3.35.

Earlier this year, House Republicans promised they would clean up the place after several Republican lobbyists pleaded guilty in the Abramoff scandal. But still we have yet to pass any final legislation.

Mr. Speaker, no wonder House Republicans are trying to distract the American public. This is not a record I would want to run on either.

FISCAL MISMANAGEMENT

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, last year's highway authorization bill, better known as SAFETEA-LU, which brought us the bridge to nowhere, seems to be a gift that keeps on giving. It has now cleared the path for a program that may set a standard for fiscal mismanagement and favoritism by the Federal Government.

Thanks to changes made to the Railroad Rehabilitation and Improvement Financing, or RRIF, program in SAFETEA-LU, the administration is considering awarding one of the largest loans to a private company in the history of the United States. This would be a $2.5 billion loan to the Dakota, Minnesota and Eastern Railroads, or DM&E, a loan larger than the Chrysler bail-out.

SAFETEA-LU expanded the loan authority of the RRIF program from $3.5 billion to $35 billion and removed any prohibition on the size of any single loan, paving the way for the DM&E loan application.

If drastically expanding the program's loan authority opened the door for DM&E, a handful of other changes to the program all but drive the loan application home.

Mr. Speaker, the RRIF program is on the verge of being used to provide a competitive advantage. It is inappropriate for the taxpayers to finance it.

HOUSE REPUBLICANS ARE PREVENTING MEDICAL ADVANCES

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, the editorial in yesterday's USA Today, entitled "Bush Readies First Veto, Dashing Hopes of Millions," says it all. The editorial begins: "A quarter-century from now, when the benefits of embryonic stem cell research are finally realized, Americans are likely to shake their heads in astonishment at this week's events in Washington."

But President Bush is not the only one to blame. House Republicans had a chance to join us in overriding the President's veto. They refused. Instead, they rubber-stamped the wishes of the President and, in doing so, dashed the hopes of millions of Americans.

The legislation offered us a real opportunity to find cures for diseases such as diabetes, Parkinson's, Alzheimer's, cancer and MS that are currently afflicting millions of Americans. This research has been put on hold for far too long by an administration that chooses to stifle groundbreaking science.

Mr. Speaker, this was a golden opportunity for this Congress to give scientists and researchers the tools they need to save lives. House Republicans refused to join us in moving this Nation forward. The stem cell vote yesterday is the latest example of why new leadership is needed to take our country in a new direction.

CREDIT CARD ABUSE AT HOMELAND SECURITY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the GAO recently reported that 9,000 credit card holders at the Department of Homeland Security used their official cards for more than $420 million worth of goods and services last year, making it the top purchasing agency in the Federal Government.

The purchases were made using government credit cards with a congressionally approved spending limit of $250,000 that the GAO said resulted in numerous cases of fraud and abuse of taxpayers' dollars.

Nearly half the purchases were made without prior written authorization, and 63 percent did not have evidence that the goods or services were actually received, the report said. How terrible and outrageous this abuse is. Surely the spending limit is too high.

It is very important that this agency enforce adequate internal controls to ensure that card holders are responsibly using their cards. I call upon the homeland security officials to stop this abuse.

REPUBLICANS CHANGE TUNE ON IRAQ

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, just 6 weeks ago, Zarqawi was killed in Iraq. Five weeks ago, the House held a debate on Iraq in which Republicans belittled Democrats for questioning the President's strategy.

Said my colleague from North Carolina: "There are those who want to deny that we are making progress in Iraq."

But no matter how hard my Republican colleagues try, they cannot escape the facts on the ground. After the most violent month in Iraq and a U.N. report estimating that more than 100 Iraqis are being killed per day, the Republicans are singing a different tune.

This morning's Washington Post reads: "GOP Lawmakers Edge Away from Optimism on Iraq." And that same North Carolina lawmaker is quoted as saying: "We can't look like we won't face reality."

Well, here's reality: when the President went to war with too few troops, not enough body armor, and not enough armed Humvees, and without a plan for occupation, the Republican Congress failed their oversight responsibilities.

Lieutenant General Greg Newbold said, "To be sure, the Bush administration and senior military officials are not alone in their culpability." Members of Congress defaulted in fulfilling their constitutional responsibility of oversight.

Mr. Speaker, it is time for a change. It is time for a new direction.

NATIONAL SECURITY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, you know, we are seeing it on the front page of Roll Call today, talking about the security message, where the leadership in this House has been focused for a long time now.

We know that national security is securing this country, making an aggressive move in the war on terror, being sure that we support our troops, making sure that we have a Nation that is safe, where we can live, where we can work, go to school, go to our businesses, have secure communities and be secure in our American hopes and dreams.

We also know that a key component of this national security agenda is border security, and I commend the House leadership for staying focused on securing the border first.

It is an imperative for us, Mr. Speaker. We have to stop illegal entry into this country. Illegal entry has turned every State into a border State, every town into a border town, and the people of this Nation know that it will not change until we secure our border.

RAMAPO AMONG BEST PLACES TO LIVE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I am happy to report that Money Magazine has just named the town of Ramapo, in Rockland County in my district, as one of the 100 best places to live in the United States, ranking Ramapo as 49.

I congratulate Ramapo and its town supervisor, Christopher St. Lawrence, who has done a wonderful job in leading that town. Ramapo, with a population of 110,000 residents, is the largest town in Rockland County, with a third of Rockland's inhabitants. It combines such densely populated places as Spring Valley, Muncie, New Square with the country settings of Chestnut Ridge, Suffern, and Wesley Hills.

Half of Ramapo is designated park land. Businesses have invested more than $1 billion in the past 4 years. The town has the highest bond rating in the country. A new state-of-the-art cardiac care unit has opened at Good Samaritan Hospital in Suffern. They have great schools, and $125 million has been invested in a water treatment plant.

Three years ago, Money Magazine named Ramapo as the second best place to live in the Northeast. This year the ranking was done on a nationwide basis.

I am proud to represent Rockland and Ramapo in the U.S. Congress, and I congratulate the people of Ramapo on achieving this great honor.

THE WAYWARD REID-KENNEDY SENATE IMMIGRATION BILL

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, some have asked why the House will be holding hearings around our country about illegal immigration. Well, the concise reason is the out-of-touch Reid-Kennedy Senate bill.

The Senate passed legislation that clearly flies in the face of common sense. The American people don't want amnesty. The Reid-Kennedy Bill includes it. The American people don't want to provide Social Security benefits to illegal aliens. The Reid-Kennedy bill includes it.

The Senate voted to give illegals things that American citizens, legal American citizens, don't get, like in-state college tuition for all.

This makes no sense. It is unacceptable and it is unbelievable and it is just plain wrong.

The American people are fed up with this reckless attitude and poor policy. Acceptance of the Senate plan is something for which the House will not stand: and once the American people know about it, through our hearings, they won't stand for it either. Then the American people will speak with such passion and vehemence and clarity that the House and Senate may act together and do the right thing first, control our borders and enforce current law.

HOUSE REPUBLICANS DISTRACT AND DIVIDE

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, it is bad enough that out of the 201 days this year this House has only been in session for 63. We are on track for this House to meet even less than the notorious "Do Nothing Congress" that Missouri's Harry Truman ran against in 1948.

But now the House Republican leadership has dedicated themselves to a distract and divide agenda, even while we face growing challenges at home and crisis abroad.

This week their agenda called for supporting President Bush's veto of the landmark stem cell bill that would move us closer to lifesaving cures for diseases like Parkinson's, Alzheimer's, and cancer. Majority Republicans are cutting off hope for millions of Americans, all so they can satisfy their base on the far right. Do they really want to keep research from finding cures to these diseases so we can save millions of lives? Their agenda is not our agenda.

With only one week left before the August recess, House Republicans refuse to address the issues that are of real concern to American people. It is time we take America in a new direction.

STEM CELL RESEARCH

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, President Bush issued the first veto of his Presidency yesterday, and it was the right thing to do.

By sustaining that veto last night, after more than a year of rhetoric, much of it misleading, we have come down on the side of protecting human life. And we have saved the American taxpayer from being forced to fund unethical and unsuccessful research involving the destruction of human embryos.

Though a chapter in this debate has now been closed, this issue is not going away. As we move forward, I hope we will keep in mind what we have learned. The choice doesn't have to be between doing stem cell research and not doing stem cell research. There are ethical, life-affirming methods of doing this research that are producing successful treatments today using adult stem cells.

Let's move forward with stem cell research, Mr. Speaker, but let's do it in an ethical way.

☐ 1030

PROVIDING FOR CONSIDERATION OF H.R. 5684, UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 925 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 925

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5684) to implement the United States-Oman Free Trade Agreement. The bill shall be considered as read. The bill shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. During consideration of H.R. 5684 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker in consonance with section 151 of the Trade Act of 1974.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 925 is a closed rule providing for 2 hours of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill. It also provides that pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

Lastly, the resolution provides that during consideration of the bill, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker in consonance with section 151 of the Trade Act of 1974.

Mr. Speaker, House Resolution 925 provides for the consideration of H.R. 5684, a bill to implement the United States-Oman Free Trade Agreement, in accordance with trade measures negotiated under the Trade Promotion Authority. Under these procedures, once the administration formally submits the final legislative language to Congress, it may not be amended.

Former United States Trade Rep Rob Portman signed the United States-Oman Free Trade Agreement on January 19, 2006. Under the agreement, all consumer and industrial goods traded between the U.S. and Oman will immediately be duty free, and 87 percent of the U.S. agriculture tariff lines will gain immediate duty-free access with the remaining tariffs phased out over a 10-year period. It provides wide access and sets a strong precedent for opening up opportunities for services for U.S. firms, contains robust protections for U.S. intellectual property rights holders, and includes strong labor and environmental provisions.

Oman enacted broad labor reforms in 2003, Mr. Speaker, and has followed up with specific commitments to ensure that its laws provide strong protections for workers consistent with international standards. Oman enacted many of these reforms earlier this month and has pledged to enact the remaining reforms by this November. This agreement makes it clear that it is inappropriate for Oman to weaken or reduce domestic labor protections or environmental laws to encourage trade or investment and that this obligation is enforceable through specific dispute settlement procedures.

Mr. Speaker, the United States makes up only 4 percent of the world's population. Therefore, we must recognize that we have an opportunity to create and expand the marketplace for U.S. goods and services by reaching fair trade agreements with our international trading partners. This agreement will contribute to economic growth and trade between the U.S. and Oman; generate export opportunities for U.S. companies, farmers, and ranchers; help create jobs in both countries; and help American consumers save money while offering them greater choices.

My home State of Washington, for example, is one of the most trade-dependent States in the Nation, and our economy depends on fair trade. From agriculture to high tech to manufacturing industries, Washington State and our Nation are in a position to benefit by having more trading partners.

One area where trade with Oman shows great promise for America is in the area of commercial aircraft. Oman Air recently purchased Boeing 737 airplanes valued at $200 million at catalog prices. We want to continue to encourage these kinds of sales to Oman and in the broader Middle East, which, of course, creates new jobs here at home.

In addition to the new commercial opportunities it provides, this agreement will support many of the recent government, legal, and economic reforms in Oman, which are important to bringing stability to the Middle East region. In 2003 President Bush proposed completion of a Middle East Free Trade Area by 2013 as part of a plan to fight terrorism by supporting Middle East economic growth and democracy through trade.

The United States-Oman Free Trade Agreement Implementation Act would be the fifth bilateral trade agreement reached between the United States and a Middle Eastern country. It is yet another step in the right direction toward integrating fair trade policies and economic reforms to support a more stable and prosperous Middle East. This agreement will send a strong signal to countries in that region about the benefits of closer economic and political ties to the United States.

The Committee on Ways and Means favorably reported H.R. 5684 last May. Accordingly, Mr. Speaker, I urge my colleagues to support House Resolution 925 and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Washington for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, today we debate another free trade agreement. We all know well-crafted trade policy is capable of spreading benefits to a broad portion of the population while promoting innovation and solidifying partnerships between and among nations.

As a leader in the global economy, the United States has the ability and the responsibility to use trade agreements to effect positive change here at home and abroad. Unfortunately, the Oman Free Trade Agreement, which we are considering, continues the recent trend toward divisive partnership on trade.

Because of the majority's approach on trade policy, you have a lot of Democrats, who I believe are inclined to vote for free trade agreements, voting against this pact. I am disappointed the administration and the Republican leadership have missed another opportunity to return to a bipartisan consensus on trade. The majority once again cut Democrats out of the negotiations and produced another free trade agreement that fails to protect the basic rights of workers.

Like the Central American Free Trade Agreement, CAFTA, which I voted against a year ago, the labor provisions of the Oman Free Trade Agreement only require Oman to enforce its own labor laws. At this time Oman's laws do not come close to meeting International Labor Organization standards. This is a threshold that Ways and Means Democrats have set for labor provisions in trade agreements, and it is quite reasonable. The United States-Oman Free Trade Agreement does not meet it.

Of utmost concern, Oman's laws do not guarantee the freedom of association and the right to bargain collectively. It does not even prohibit human trafficking and forced labor.

In Oman today unions do not exist. There are only labor management committees where management holds over 70 percent of the leadership positions. In no way is this even close to representation the workers here have achieved after decades of struggle.

Ways and Means Committee Democrats tried to work with the Government of Oman to revise its labor laws, and they were very clear about what steps needed to be taken: Specifically, make sure Oman's laws conform to basic labor standards and begin to implement existing laws in a manner that complies with the principles established by the International Labor Organization. These are not radical requests. Yet the majority and Oman have not acceded to them.

Just yesterday Representative CARDIN offered a reasonable amendment that would have delayed implementation of this agreement until Oman came into compliance with these standards. That amendment was rejected. The Omani Government attempted to pacify our labor concerns with an 11th-hour royal decree. Unfortunately, it fully addressed only one of the 10 deficiencies outlined by Ways and Means Democrats. So this is not a valid argument.

The situation I just described is quite a contrast to the United States-Bahrain Free Trade Agreement negotiations. Bahrain made commitments to modify its laws to adhere to International Labor Organization standards and took steps to make sure those standards were being adhered to on the ground immediately. Oman has taken no such actions. As a result, the United States-Oman Free Trade Agreement fails workers in Oman and here in the United States.

This sends a message to the world that the United States does not respect the hardworking men and women that fuel the global economy. That is extraordinarily unwise, particularly considering the challenges we are facing all around the globe today.

I had hoped that the bipartisan opposition to CAFTA might make it clear to the Bush administration that a broad cross-section of this House would not accept trade agreements which fail to ensure fundamental rights for workers. That is apparently not the case because this agreement is another step backwards for workers. Further, it demonstrates this administration's refusal to use trade to better the lives of the broad portion of working families, not a select few.

And yesterday at the Rules Committee, Representative CARDIN highlighted a potentially serious concern about port security. The provision imposes a burdensome process should the United States Government choose to protect its citizens from potentially dangerous foreign control over United States port operations. Representative CARDIN offered a second amendment yesterday in the Rules Committee that would have addressed this concern. However, like his other commonsense amendment on labor provisions, it was rejected. This scenario is another reason Members should reject this agreement as currently written.

I know these amendments would interrupt the fast-track process. However, I believe the issues raised by Mr. CARDIN's amendments warrant rejecting this agreement as currently written. By doing so, we can put together a framework that addresses these very serious concerns on port security and workers' rights.

Congress needs to push the administration to step back and rethink its trade policy. The United States cannot afford to abandon its role as a leader in the global economy nor can we abandon our duty to working families both here and abroad.

We need to embrace the benefits of trade while still respecting the fundamental rights of workers. I sincerely hope that my colleagues on both sides of the aisle will work together to achieve such a balance in considering future trade policy.

When we debated CAFTA, I said, "If we do not get CAFTA right, we risk undercutting support for all future trade agreements." Well, we did not get CAFTA right, and now we are doing it again on Oman. The majority is just digging us all into a deeper hole, making it that much more difficult to establish the trust required for balanced trade negotiations.

I hope the scrutiny that this relatively small free trade agreement is receiving leads the majority to reconsider its approach. I hope it makes them ask: Is it worth rushing this agreement to passage with inadequate assurances on labor protections when we might be able to achieve them in a number of weeks? Is it really worth cutting the minority out of the negotiations?

In my opinion, the answers to these questions are obvious. Partisanship tears this House apart every week we are in session. Look at the tone of the debate on the floor this week. It is time for a new direction; and trade, because it is such a critical issue, would be an ideal place to start.

I continue to have hope that we can regain the spirit of cooperation on trade that has served this House so well in the past. It is a goal that is within reach. I urge Members on both sides of the aisle to commit to achieving it.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will respond to a couple of points that my friend from California made. Regarding the labor language in this trade agreement, it is essentially the same language that was in the Bahrain trade agreement that, of course, is in the same part geographically in the world as Oman.

☐ 1045

I would just remind my colleagues that that language and that trade agreement were acceptable to my friend from California. She voted in favor of the Bahrain trade agreement, as did the gentleman from Maryland, whom she referenced.

Mr. Speaker, I would also like to respond to the concerns that this agreement poses national security issues and concerns that a third-party tribunal would have ultimate say over our security issues.

The U.S.-Oman Free Trade Agreement, like previous trade agreements, treats Omani landside service providers and investors no less favorably than our own landside service suppliers. These landside activities include unloading vessels, marine cargo handling, and ship cleaning.

When an entity participates in these landside aspects of port activities, it does not control, manage or operate a U.S. port. That always remains the responsibility of the port authority.

Nothing in this agreement, Mr. Speaker, before us today prohibits the U.S. from reviewing foreign investment transactions in order to ensure our national security. More importantly, it expressly permits the U.S. to block a potential port acquisition by claiming national security interests.

As you see, Mr. Speaker, all of our trade agreements, including this one, contain an article called "essential security," which is self-judging, meaning that it is up to an individual country to determine whether a particular matter is necessary for the protection of its essential security interests. All the commitments that we undertake in trade agreements are subject to this provision.

Under this article, nothing in an agreement can prevent us from applying measures that we consider necessary for the protection of our essential security interests. Therefore, the ultimate decision on what is necessary to protect our essential services rests with the United States, not a third-party tribunal.

Finally, Mr. Speaker, history and precedent also indicate that no third-party dispute panel or tribunal has ever heard any arguments, much less issued a decision, related to the scope and application of any national security exception contained in a national trade or investment agreement.

So those issues, while they may be nice to talk about, really have no bearing on the trade agreements that we have had in the past.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank my friend from California for yielding me time.

Mr. Speaker, I am disappointed today that we are about to consider a free trade agreement with Oman that I would have hoped we would have worked out so we could have had strong bipartisan support. Unfortunately, the agreement comes up short on international labor standards, and I believe we could have achieved those international labor standards to make sure that Oman complies with ILO standards. But, unfortunately, there was an unwillingness on the part of the negotiators to complete the agreement in a way that could have gotten more support.

The second issue that I take, particularly with this rule, because I am going to support the gentlewoman's position of opposing the previous question, is to deal with a very sensitive issue of port security. So let me try to explain the port security issue, because I think there have been some misstatements on the floor of the House.

This agreement permits Oman to operate landside aspects of port activities, including operation and maintenance of docks, loading and unloading of vessels directly to and from land, marine cargo handling, operation and maintenance of piers, ship cleaning, stevedoring, transfer of cargo between vessels and trucks, trains, pipelines and wharves and waterfront terminal operations.

That is exactly what Dubai Ports World tried to do in ports in this country, including my own Port of Baltimore. We spoke up and the American people spoke up against allowing a foreign company to operate port facilities here in the United States, and we blocked that transaction. It was the right thing to do for the security of America and the security of our ports. Under this agreement, if Dubai Ports World had an operation within Oman, they would be permitted to apply to do those same operations here in the United States and they would be permitted to do that under the free trade agreement.

I have heard my colleagues suggest that we can just invoke the essential security exception to an agreement, and you are correct, we can invoke the essential security exception and block the transaction. But then we are subject to dispute settlement procedures. We never give up our sovereignty in trade agreements, but we changed our tax laws because of international pressure when we thought we didn't have to, because otherwise we would have been subjected to tariffs against U.S. products. The same thing is true here. If the dispute panel rules against us, then we are subjecting ourselves to sanctions.

Our USTR says this is absolute, they can't do that. But let me remind you, we have lost 83 percent of our cases in dispute settlement procedures where sanctions have been imposed against our country. So we haven't been that successful in these international tribunals.

Let me also point out that by including this language in this bill, there will be continued pressure on this administration to allow foreign government companies to operate ports here in the United States. We have an administration that is friendly towards that.

We have the responsibility in Congress to protect our ports and protect our Nation. It is our responsibility. I urge my colleagues to defeat the previous question so that we can protect the ports here in America and make it clear, by simply taking out that one provision that would allow the operation of port facilities potentially by companies owned by countries that are not friendly to the United States.

This is an important issue, and I urge all my colleagues to pay attention to this. This is our vote and our opportunity, and I urge the defeat of the previous question.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the chairman for the time.

I rise in strong support of the U.S.-Oman Free Trade Agreement. Following the U.S.-Bahrain Free Trade Agreement last year, Mr. Speaker, the U.S.-Oman FTA sends a clear message that we are committed to improving our relationship with the Middle East while improving our international trade interests.

The agreement goes beyond addressing trade issues. As part of the FTA, Oman commits to intensifying its political reform efforts to enhance participation of all of its citizens in the process. Oman has also implemented economic changes that will make entry into its domestic and international markets more accessible to private citizens.

Additionally, the FTA has stipulations that Oman complete labor reforms by October 31 of this year. However, of its own volition, Oman began enacting these reforms beginning in 2003, and earlier this month many of the remaining reforms were implemented by a royal decree. Some of the recent changes include dispute settlement procedures for labor representatives, the ability to call for strikes, and strengthening of legal protections for women and foreign workers. Oman has ratified the International Labor Organization conventions against child and forced labor.

Not only has Oman undertaken domestic reforms, but it has also made strides to change its international policy by pulling out of the Arab League boycott of Israel and repealing all aspects of the boycott. This shows a clear commitment to Oman's desire to function in accordance with international trade norms of equality and full market access.

The 9/11 Commission report states that economic reforms will be the key to changing the cultural landscape in the Middle East. As such, this FTA is about much more than trade; it is a tool for advancing U.S. strategic interests. Oman is a key ally in the global war on terror and has provided critical assistance to our Armed Forces in Iraq and Afghanistan.

In short, this U.S.-Oman FTA will help to improve our market access and increase national security; and, therefore, I would like to reiterate my strong support for this mutually beneficial agreement.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to ask my colleagues to vote "no" on the previous question. This would allow us to consider the Cardin amendment to close the loophole in the agreement that would allow a foreign company based in Oman to operate U.S. port facilities.

Earlier on I was opposed to the Oman Free Trade Agreement because it undermines fundamental workers' rights. This free trade agreement is another blow to working families, exporting more of our jobs overseas. But I was shocked to learn that it could underpin the basic safety and security of those who I was sent here to represent.

I come from a community that is directly tied to this Nation's largest port, the Port of Long Beach. The safety and security of this port and all other American ports are essential to our country.

The Oman FTA directly threatens our ability to control our Nation's ports. The creators of this deal completely ignored Congress' overwhelming response to the Dubai Ports World deal because, just like that deal, the Oman FTA has a very far-reaching provision hidden completely from the public eye.

Buried deep in the annex of this agreement, our country's right to determine who operates our ports of entry is given away. Who gets the new right to control vital American infrastructure? Any group of people or government that incorporates to do business in Oman.

The same people who supported the Dubai Ports World deal are now telling us that this is, again, nothing to worry about. They were wrong then, and they are wrong now. We should not export the safety and security of Americans. I urge again my colleagues to vote "no" on the previous question.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, I rise to speak in support today of the Oman Free Trade Agreement. It is an important outreach and step that this country ought to be making and I think we will make.

I would like to comment just briefly on a couple of the previous speakers. They appear to be relying on stock certificates to protect our ports. The truth of the matter is, I agree with them wholeheartedly that protecting our ports is in the vital interests of this country. No one would argue about that.

But simply the fact who owns a particular company is scant comfort when it comes to control of the ports, as well as the security surrounding all of the ports. All the conduct that goes on, the goods and services are moved through there. The scheduling and the actual control of our security by the Coast Guard, to me is a much better way to secure our ports than simply worrying about the stock certificates of the companies that provide the services of scheduling, loading and unloading.

The United States free trade agreement with Oman represents more than just simple economics and trade. Support for this agreement represents building a relationship and strengthening with a peaceful ally in the Middle East that has a proven track record.

Let me run through a couple of things that I think are important when we talk about who is Oman and why should we enter into some sort of bilateral free trade agreement with Oman.

Oman has been a proven leader in the Persian Gulf in establishing trade and other ties with Israel. Since 1970, Oman has pursued a moderate foreign policy and expanded its diplomatic relationships dramatically.

Oman has also worked to develop close ties with its neighbors in the Middle East. Oman joined the six-member Gulf Cooperation Council when it was established and traditionally supports Middle East peace initiatives.

In 1979, Oman supported the Camp David Accords and was one of only three Arab League states which did not break relationships with Egypt after the signing of the Egyptian-Israeli peace treaty in 1979.

In April of 1994, Oman hosted the plenary meeting of the Water Working Group of the peace process and was the first gulf state to do so.

On December 26, 1994, Oman became the first gulf state to host an Israeli Prime Minister, again trying to build on a relationship of peace with another important ally of ours in the Middle East.

Oman has eliminated all aspects of the Arab boycott of Israel. In 2005 and 2006, senior Omani officials issued letters affirming that Oman has no boycott in place against Israel. Oman was one of the first regional states to offer recognition to the U.S.-appointed Iraqi Governing Council in 2003 and backed the Iraqi elections that took place in January 2005.

This agreement with Oman illustrates the importance of trade liberalization and security cooperation, both of which further our national interests from an economic and security standpoint. We must not turn our backs on the peace-promoting leader in this region. Oman is dependable, and it is critical that we continue to build on this relationship.

☐ 1100

Please join me in supporting the previous question on the rule and in support of the Oman Free Trade Agreement that will be brought to the floor later today.

Ms. MATSUI. Mr. Speaker, I yield 3½ minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I rise in strong opposition to this agreement. Unfettered free trade is one of the major reasons why in our country today the middle class is shrinking; why for 5 straight years family median income has declined, while in the last 5 years 5 million more Americans have slipped into poverty; why millions of Americans are working longer hours for lower wages.

Yes, I acknowledge at a time when the CEOs of large corporations earn 400 times what their workers are making, at a time when large corporations are throwing American workers out on the street and moving to low-wage countries, yes, free trade has worked very, very well for the large multinationals.

But maybe, just maybe, once in a long while, the Republican leadership might want to consider the middle class of this country, working families, lower-income people and not just the wealthiest people.

Mr. Speaker, the American middle class should no longer be forced to compete against workers in China, Vietnam, and other countries where desperate people, through no fault of their own, are forced in some cases to work for wages as low as 30 cents an hour. That is not a level playing field.

Throwing American workers out on the street, moving to countries where people are paid pennies an hour, is bad public policy. It has failed. One of the definitions of insanity is to do the same thing over and over again. That is what this Congress does. It fails every single time.

Mr. Speaker, before we vote for unfettered free trade with Oman, we should consider this. In Oman, the minimum wage ranges from absolutely zero to $1.30 an hour. The average wage in Oman is about $13,200, below the poverty line for a single mother with one child living in this country.

Is that fair competition for American workers? In addition, Mr. Speaker, we hear a lot from this administration and my Republican colleagues about the need to support freedom. Well, are the people in Oman free to elect their leader? What was the result in the last election? We didn't hear much about that, because they don't have elections.

Oman is a hereditary monarchy. Is there freedom of religion, freedom of speech, freedom of the press in Oman? No, there is not. Mr. Speaker, in the last 5 years alone, we have lost nearly 3 million decent paying manufacturing jobs, 17 percent of our total. In 1993, before NAFTA, our trade deficit was over $70 billion. Last year, after unfettered free trade, it was over $715 billion. This year it is expected to top $800 billion.

The time is now to rethink our policy with regard to unfettered free trade.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentlewoman for yielding.

Mr. Speaker, as a union member and as a Member of this body, and as someone who wants to expand U.S. trade relations, nonetheless I feel obligated to oppose this rule and the Oman Free Trade Agreement we will consider today.

The Bush administration and congressional Republicans are again trying to force passage of a trade agreement that willfully undermines labor rights in Oman and economic and homeland security for hardworking Americans in this country.

Democrats have called for such standards in every agreement negotiated by this administration, and each time we have been let down by the

President and his allies here in Congress. In sending the Oman trade agreement to the Hill, the Bush administration has also astonishingly opted to send Congress an agreement in which he refused to include a prohibition on forced or slave labor.

Is this how we spread democracy in the Middle East? Is this how the U.S. best improves the lives in the Middle East and advances our own security interests? Another bizarre decision the President made is to put in jeopardy the security of our ports and other critical landside homeland security functions. This Oman agreement explicitly paves the way for companies like Dubai Ports World to gain control of our ports.

Those who disagree with this argument refuse to acknowledge that the fact that in the best-case scenario, with the President utilizing every national security waiver at his disposal, the final decision on such a matter will be left out of U.S. hands and left to an international tribunal.

I would think the Republican leadership could at least agree that we should not outsource our core homeland security functions and decisions. In a country like Oman, where meager rights for workers fall well below the International Labor Organization's standards, where the Sultan can change any law by decree, and where there are no independent unions, Congress should be especially vigilant.

Mr. Speaker, we must ensure that any trade agreement with Oman, or any country, contains hard and fast labor standards. The Oman FTA does not. This is a loser on homeland security, for job security and for the best interests of Omanis. It should be defeated.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my very good friend from the Rules Committee for yielding me time.

Mr. Speaker, I appreciate Ms. MATSUI's leadership. Mr. Speaker, this legislation needs to pass. This trade agreement is very much in the interests of the United States. Oman is our ally. It is an example of exactly what we need to help bring about throughout the Arab world.

Now, I do not know if everyone in this body knows where Oman is located. It sits at the Strait of Hormuz and at the entrance to the Persian Gulf. It is in a critically strategic location. Across that strait lies Iran. More than 20 percent of the world's oil supply passes through that strait.

Oman has remained our ally, notwithstanding all of the pressure that it has received over generations. It has been our ally since 1833 when we passed the Treaty of Amity and Commerce. It was the first Arab country to send an Ambassador to the United States. Today it is the first and only Arab country to have a female Ambassador to the United States.

It is one of the most open, liberal societies in the Arab and Muslim world. They signed a 10-year military access agreement in 1981 with the United States, and they have renewed it twice. They continue to be one of the most important logistical and operational support areas for the present war in Iraq, and were so in the Persian Gulf.

Mr. Speaker, I do not know what more they can do. They are an active supporter of the United States against terrorism, and as this letter from AIPAC says, they have been willing to take on the Arab world and break the Arab boycott against Israel, the primary, secondary and tertiary boycott. And here we are, we debated all night last night about the resolution in the Middle East.

We know the number of lives that are being lost, the conflagration that is taking place, and we will not reach out to an Arab nation that is our most important ally, that is exactly what we are hoping to achieve in terms of economic and social liberalization.

They have agreed to comply with all of the International Labor Organization's standards. They will have collective bargaining, unionization. They are going to open up their industries to outside review and competition. And what do they want to buy? They want to buy transport equipment and manufactured products, products that generate jobs in the United States.

And what are they going to sell to us? It is primarily oil that does not generate jobs in the Arab world. That is part of the problem. But the Sultan of Oman understands that the vast majority, more than 60 percent of his population, are under the age of 18. He gets it. He understands. He needs to move into the modern world. But he needs American support to do that.

This trade treaty needs to pass.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER) the distinguished chairman of the Rules Committee, who is probably one of the individuals in this body that works on trade issues more than anybody else.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I will correct him by saying that I take a back seat to the Speaker pro tem, Mr. KOLBE, who unfortunately is going to be leaving at the end of this Congress. I have been very pleased to work with him on a wide range of issues dealing with trade globally, and appreciate his stellar service.

Mr. Speaker, let me begin by saying that I want to associate myself, my remarks, with my Democratic colleague, Mr. MORAN, underscoring the fact that this is a very important bipartisan issue. We as Republicans within the Republican leadership, are reaching out to Democrats who share our vision of pursuing our very, very important goal of free trade overall and this very important agreement with Oman.

Now, my colleague from Vermont was speaking earlier about the fact that unfettered free trade has, in fact, jeopardized the livelihood of Americans, it has helped the very rich and hurt the middle class. Nothing could be further from the truth.

One has to look at the overall policies of the United States of America and look at the economic policies pursued by this administration and this Congress. We have to realize the fact that we have minority home ownership at an all-time high. We have unemployment at a 4.6 percent rate.

The first quarter of this year, we saw gross domestic product growth at 5.6 percent. We have seen inflation, based on the projections outlined by the Chairman of the Federal Reserve, Mr. Bernanke, yesterday, tempering.

We are seeing predictions for strong economic growth. And, Mr. Speaker, it is due in large part to our pursuit of breaking down barriers to expand the opportunity for greater trade and for job creation right here in the United States of America.

Now, this agreement that we are going to be facing today, which I am very pleased will enjoy bipartisan support, as I said, is an agreement that I believe really transcends the simple economic questions that we face today, the economic questions of important job creation in the United States.

But the vote that we face today is a very important geopolitical question. Now, my friend from Virginia (Mr. MORAN) talked about the strategic importance of Oman. My friend from Texas (Mr. CONAWAY) earlier talked about the fact that Oman was the first gulf nation to host an Israeli Prime Minister.

We have talked about the fact that over the past many decades, we have seen a very important relationship that has existed between Oman and the United States of America. And one of the things that is important to note is that we, with huge bipartisan numbers, put into place the U.S.-Bahrain Free Trade Agreement.

Mr. Speaker, this agreement is by every account an even stronger, better agreement from the perspective of worker rights and the other issues that are raised by so many, better than the U.S.-Bahrain Free Trade Agreement.

Now, as I talk about the geopolitical issue, Mr. Speaker, I think it is important for us to note that one of the things that we as an institution are doing on a regular basis is encouraging the building of democratic institutions around the world, political pluralism, the rule of law, self-determination.

And, frankly, we have as an institution been, I think, doing a great job in helping emerging and reemerging democracies. A year ago this spring, Speaker HASTERT and Minority Leader PELOSI put into place a great new commission, which I am privileged to chair, and our colleague from North Carolina, DAVID PRICE, serves as the ranking minority member on. It is a bipartisan, 16-member commission.

The Speaker pro tem is a member of our commission. And what we have done is we have said we need to take new and reemerging democracies around the world and help them build their parliaments.

□ 1115

Now, as we look at the geopolitical importance of this issue, Mr. Speaker, I have to tell you that we just, 2 weeks ago, had our commission in Lebanon, and we just, days before the attack by Hezbollah against the Israelis, the kidnapping of the IDF troops, military, we were on the tarmac in Beirut, having just come from meetings with the Lebanese Parliament. There are parliamentarians in Lebanon and many other parts of the world who are hoping very much to be able to build those parliaments, to establish their libraries, to put into place a committee structure that will allow for adequate oversight of the executive branch, and to do many of the things that we have a tendency to take for granted around here.

Now, we know that Oman isn't an American-style democracy; we recognize that. A lot of people have been critical because of it. But the fact of the matter is, we need to do all that we can to help those countries that are moving towards the rule of law, and Oman is clearly one of them, living with a rules-based trading system, and other countries in the region that are seeking to stand up in this global war against Islamofascism to do all possible to help us.

Mr. Speaker, economic liberalization is a very important part of that goal. I can't think of a more important vote after, as Mr. MORAN said, the debate we had last night on the resolution that we are going to be voting on before too terribly long, supporting the State of Israel and their action and their right to defend themselves. And now this agreement really goes hand in hand with our quest to take on those who want to do in our way of life, who want to undermine opportunities for freedom.

This is a very good agreement. It is a good rule that, under the standard structure that we have, allows for its implementation. So Members should vote "yes" on the previous question when that vote comes forward, and they should vote "yes" for the rule and "yes" on final passage for the U.S.-Oman Free Trade Agreement.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentlewoman from California for yielding me this time and wish to say to my colleague from California who just left the podium that one of America's problems in the Middle East is that we have become too identified with the superrich, undemocratic leaders of those countries who ignore the teeming masses of the poor among them. That is where "the resistance" comes from.

Mr. DREIER. Will the gentlewoman yield?

Ms. KAPTUR. As I finish my statement, I will yield some time to the gentleman.

Mr. Speaker, today the House will consider another so-called free trade agreement, this time with Oman, a nation that is not a democracy. In fact, far from it. It is a sultanate with rule by the superrich. This agreement will yield no more liberty.

We should defeat the resolution and this bill. Oman is not a free country. Free trade should only exist among free people. Trade should enhance liberty and freedom, not undermine it by enshrining gross privilege.

Exploitation of Oman's working class by its own rulers, along with imported labor from poorer countries who have no rights, underpin the ugly underbelly of Oman, no matter how the gold on their palaces glitters.

Free trade should benefit America and America's workers, so name me a free trade agreement that has done that? The gentleman and I were here for the passage of the horrible NAFTA agreement—he voted yes, I voted no. It has put hundreds of thousands of our people in this country out of work, and it has hurt millions more people in Mexico.

NAFTA has yielded trade deficits with Mexico when we used to have surpluses. Trade deals with Canada, Vietnam, and China have not helped America. Free trade deals help a narrow band of invesors this gentleman is more than happy to help.

"Free trade" cannot anchor America's democratic principles. Indeed, trade with an undemocratic society ultimately crushes liberty's cause.

Constitutions dedicated to liberties and rights and justice must come first. Is America so bankrupt and desperate for a landing pad in the Middle East that we cede more of our fundamental values of liberty globally with yet another repressive society?

Free societies exist because people of those nations believed in liberty first. America's trade policy should embody our enduring values of liberty, not enshrine pecuniary relationships without principle.

Oman should first take their place at freedom's table, and then let us talk about free trade.

I ask my colleagues to defeat the rule and to defeat the resolution on free trade with Oman. It is not a free country, and it is time America identified with those in the world who aspire for freedom themselves, not just the superrich.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding. Let me begin by saying I have the utmost respect for my friend from Ohio. I greatly revere her passionate commitment to her goal.

Mr. Speaker, I want to say that we share the same goals. Those goals are to improve the quality of life for the middle class and those struggling working Americans here in the United States of America and in other parts of the world. I think that we just have a slightly different view.

You know, the gentlewoman pointed her finger at me and began engaging in very, very strong language about the North American Free Trade Agreement. Mr. Speaker, I would like to say that I believe that the North American Free Trade Agreement has been an overwhelming success. Today we enjoy a third of a trillion dollars, with a capital T, in crossborder trade between Mexico and the United States.

As President Bill Clinton said when he was eulogizing Lloyd Bentsen, the former Treasury Secretary and Senator from Texas, he said, were it not for the North American Free Trade Agreement, this very serious problem that we have of illegal immigration would be much, much worse today than it is.

Now, if one realizes that in Mexico we have a burgeoning middle class, a middle class that is today larger than the entire Canadian population, and it is continuing to grow, those areas that have benefited most greatly from the North American Free Trade Agreement in the northern states of Mexico have seen tremendous booms in their standard of living.

Ms. KAPTUR. Would the gentleman be happy to yield me a couple of seconds on his time?

Mr. DREIER. I am happy to yield to my friend.

MS. KAPTUR. You know, it is amazing how two people can live in this world and view it so differently. The exploitation of Mexico's rural countryside is a continental sacrilege. The reason we have all this illegal immigration to our country is NAFTA wiped out the struggling poor of Mexico's countryside. Does the gentleman have no conscience for them?

Mr. DREIER. If I could reclaim my time, Mr. Speaker. May I reclaim my time?

Ms. KAPTUR. What about our workers? Millions lost jobs because of NAFTA.

Mr. DREIER. Could I reclaim my time, Mr. Speaker? Am I in control of my time?

She is claiming that I am somehow exploiting the underclass of Mexico.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 additional minute to the gentleman.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman is recognized for 1 additional minute.

Mr. DREIER. I would say to my friend, obviously we want to do everything that we can to see the standard of living and quality of life for that underclass that she refers to, as she leaves the floor, as I am trying to engage in this colloquy with her.

I will say that I believe that our policies have played a big role in enhancing the standard of living and quality of life, and I am not going to be satisfied until every single one of those individuals does, in fact, see their quality of life improve.

I believe in that economic liberalization and creating economic opportunity, which we have done for so much of Mexico, through the existence of the——

Ms. KAPTUR. Would you be kind enough to yield?

Mr. DREIER. I am happy to yield.

Ms. KAPTUR. I will just say to the gentleman that post-NAFTA, the wages of Mexicans were cut in half. Two million people are streaming across this continent because their way of life has been destroyed. Travel with me to meet these people. In our Nation, the middle class has lost a million jobs to Mexico. Why is it the gentleman refuses to see this continental tragedy.

Mr. DREIER. Mr. Speaker, that is just plain wrong. That is just plain inaccurate. If you look at, again, the standard of living and quality of life in Mexico, it is substantially greater today than it was before the North American Free Trade Agreement.

Ms. KAPTUR. Not for the ordinary people.

Mr. DREIER. I believe that these policies are very important for the United States and the world.

Ms. KAPTUR. Only for those at the top.

Ms. MATSUI. Mr. Speaker, I urge all Members to vote "no" on the previous question. If the previous question is defeated, I will amend the rule to make in order a critical amendment that was offered in the Rules Committee yesterday by Trade Subcommittee Ranking Member CARDIN, but unfortunately was rejected by a straight party-line vote.

Mr. Speaker, I ask unanimous consent to print the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. The Cardin amendment would close a dangerous loophole in the current agreement, a loophole that could jeopardize our Nation's port security. In other words, in its present form, this agreement would allow a foreign company based in Oman to operate U.S. port facilities. The Cardin amendment provides that the U.S.-Oman Free Trade Agreement cannot take effect until the U.S. withdraws its commitment to allow Omani companies to operate landside aspects of U.S. port activities.

Unless we vote on the Cardin amendment today, we could once again be faced with a risk that the management of our vital ports might again be handed over to a foreign entity.

The House must have the chance to weigh in on this matter of national security. It is time for this House to stop giving rubber-stamp approval to this administration at the expense of our national security. The Cardin amendment is the only way to ensure that this free trade agreement doesn't compromise our ports.

Mr. Speaker, some of my colleagues may argue that the adoption of this important amendment will shut off the fast-track process in the Senate for this bill. True, perhaps, but we should not allow any process to trump our national security and the duty of this Congress to protect its citizens from harm.

If we have to send this agreement back to the drawing board, so be it. However Members of this House feel about this trade deal, I would hope that they would all realize the danger of leaving this loophole in place. Vote "no" on the previous question so we can protect our ports.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if the issue is on port security, then I would like to remind my colleagues of what I had said earlier, that in these trade agreements there are articles that speak to essential security, and these articles are self-judging, which means it is up to the individual country to make the determination as to what their security interests are.

There is nothing in this agreement that can prevent us from applying what we consider to be security issues.

But don't take my word for it. The Congressional Research Service, a nonpartisan organization, said, in addressing this issue and having an international tribunal judge this, that national security issues have never been subjected to review by trade panels. That is a very important distinction.

Further, the Congressional Research Service goes on to say: "The U.S. should appear to be on solid legal grounds for asserting not only that the panel does not, the independent panel, does not have legal authority to determine the validity of such a matter, but also that the inconsistent measure is permitted and justified, given the broad self-judging language in the national security exemption."

So clearly the argument that the U.S.-Oman Free Trade Agreement will make our Nation less secure, in fact, has no basis in fact. There is no question, however, Mr. Speaker, that fair trade promotes economic development and political cooperation.

In fact, the 9/11 Commission specifically cited Middle Eastern free trade agreements and calls for action on a comprehensive U.S. strategy that President Bush has, I might add, engaged in that includes economic policies encouraging development, more open societies and opportunities for people to improve their lives.

Mr. Speaker, approving this agreement is a vital step towards our efforts against the war on Islamofascism and seeks to make our Nation more, not less, secure.

The material previously referred to by Ms. MATSUI is as follows:

Previous Question on H. Res. 925—Rule for H.R. 5684, U.S.-Oman Free Trade Agreement Implementation Act

Strike all after the resolved clause and insert in lieu thereof the following:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5684) to implement the United States-Oman Free Trade Agreement. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. Notwithstanding section 151 of the Trade Act of 1974 and clause 11 of rule XVIII, no amendment to the bill shall be in order except the amendment specified in section 2 of this resolution. The amendment may be offered only by Representative Cardin of Maryland or his designee, shall be considered as read, shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment specified in section 2 are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The amendment referred to in the first section of this resolution is as follows:

Amendment to H.R. 5684, as Reported Offered by Mr. Cardin of Maryland

At the end of section 101, add the following:

(c) ADDITIONAL CONDITION FOR ENTRY INTO FORCE.—In addition to the provisions of subsection (b), the President may not provide for the Agreement to enter into force with respect to the United States until the United States has included in its reservation relating to the provision of maritime transportation services and the operation of U.S.-flagged vessels, beginning on page 5 of the Schedule of the United States contained in Annex II of the Agreement, measures relating to the following: landside operations of port activities, including operation and maintenance of docks; loading and unloading of vessels directly to or from land; marine cargo handling; operation and maintenance of piers; ship cleaning; stevedoring; transfer of cargo between vessels and trucks, trains, pipelines, and wharves; and waterfront terminal operations.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 925 will be followed by 5-minute votes on adoption of H. Res. 925, if ordered; and on the motion to suspend the rules on H. Res. 921.

The vote was taken by electronic device, and there were—yeas 227, nays 196, not voting 9, as follows:

[Roll No. 389]

YEAS—227

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer

Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Davis (FL)
Davis, Jo Ann
Evans
Fortenberry
Lewis (GA)
McKinney
Northup
Nussle
Pence

□ 1153

Ms. WATERS changed her vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 237, nays 187, not voting 8, as follows:

[Roll No. 390]

YEAS—237

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holt
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—187

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Buyer
Davis (FL)
Davis, Jo Ann
Evans
Fortenberry
McKinney
Northup
Nussle

□ 1203

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING THE RECENT ATTACKS AGAINST THE STATE OF ISRAEL

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 921.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 921, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 8, answered "present" 4, not voting 10, as follows:

[Roll No. 391]

YEAS—410

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess

Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Abercrombie
Conyers
Dingell
Kilpatrick (MI)
McDermott
Paul
Rahall
Stark

ANSWERED "PRESENT"—4

Kaptur
Kucinich
Lee
Waters

NOT VOTING—10

Davis (FL)
Davis, Jo Ann
Duncan
Evans
Fortenberry
McKinney
Northup
Nussle
Sanchez, Loretta
Westmoreland

☐ 1210

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FORTENBERRY. Mr. Speaker, on Thursday, July 20, 2006, I was unavoidably detained and thus I missed rollcall votes Nos. 389, 390, and 391. Had I been present, I would have voted "yea" on all three votes.

UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 925, I call up the bill (H.R. 5684) to implement the United States-Oman Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Oman Free Trade Agreement Implementation Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Rules of origin.
Sec. 203. Customs user fees.
Sec. 204. Enforcement relating to trade in textile and apparel goods.
Sec. 205. Reliquidation of entries.
Sec. 206. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Confidential business information.

TITLE IV—PROCUREMENT

Sec. 401. Eligible products.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and Oman entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Oman for their mutual benefit;

(3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the United States-Oman Free Trade Agreement approved by Congress under section 101(a)(1).

(2) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(3) TEXTILE OR APPAREL GOOD.—The term "textile or apparel good" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section

101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) Approval of Agreement and Statement of Administrative Action.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Oman Free Trade Agreement entered into on January 19, 2006, with Oman and submitted to Congress on June 26, 2006; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on June 26, 2006.

(b) Conditions for Entry Into Force of the Agreement.—At such time as the President determines that Oman has taken measures necessary to bring it into compliance with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Oman providing for the entry into force, on or after January 1, 2007, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) Relationship of Agreement to United States Law.—

(1) United states law to prevail in conflict.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) Construction.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) Relationship of Agreement to State Law.—

(1) Legal challenge.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) Definition of state law.—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) Effect of Agreement With Respect to Private Remedies.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) Implementing Actions.—

(1) Proclamation authority.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) Effective date of certain proclaimed actions.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) Waiver of 15-day restriction.—The 15-day restriction in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date on which the Agreement enters into force of any action proclaimed under this section.

(b) Initial Regulations.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the United States International Trade Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with the Committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) Establishment or Designation of Office.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) Authorization of Appropriations.—There are authorized to be appropriated for each fiscal year after fiscal year 2006 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.15.1(a)(i)(C) or article 10.15.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) Effective Dates.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) Exceptions.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) Termination of the Agreement.—On the date on which the Agreement terminates, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) Tariff Modifications Provided for in the Agreement.—

(1) Proclamation authority.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.2.8, and 3.2.9, and Annex 2-B of the Agreement.

(2) Effect on omani gsp status.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Oman as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(b) Other Tariff Modifications.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Oman regarding the staging of any duty treatment set forth in Annex 2-B of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Oman provided for by the Agreement.

(c) Conversion to Ad Valorem Rates.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Tariff Schedule of the United States to Annex 2-B of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. RULES OF ORIGIN.

(a) Application and Interpretation.—In this section:

(1) Tariff classification.—The basis for any tariff classification is the HTS.

(2) Reference to hts.—Whenever in this section there is a reference to a heading or subheading, such reference shall be a reference to a heading or subheading of the HTS.

(b) Originating Goods.—

(1) In general.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, a good is an originating good if—

(A) the good is imported directly—

(i) from the territory of Oman into the territory of the United States; or

(ii) from the territory of the United States into the territory of Oman; and

(B)(i) the good is a good wholly the growth, product, or manufacture of Oman or the United States, or both;

(ii) the good (other than a good to which clause (iii) applies) is a new or different article of commerce that has been grown, produced, or manufactured in Oman or the United States, or both, and meets the requirements of paragraph (2); or

(iii)(I) the good is a good covered by Annex 3-A or 4-A of the Agreement;

(II)(aa) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in such Annex as a result of production occurring entirely in the territory of Oman or the United States, or both; or

(bb) the good otherwise satisfies the requirements specified in such Annex; and

(III) the good satisfies all other applicable requirements of this section.

(2) Requirements.—A good described in paragraph (1)(B)(ii) is an originating good only if the sum of—

(A) the value of each material produced in the territory of Oman or the United States, or both, and

(B) the direct costs of processing operations performed in the territory of Oman or the United States, or both,

is not less than 35 percent of the appraised value of the good at the time the good is entered into the territory of the United States.

(c) Cumulation.—

(1) Originating good or material incorporated into goods of other country.—An originating good, or a material produced in the territory of Oman or the United States, or both, that is incorporated into a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) Multiple producers.—A good that is grown, produced, or manufactured in the territory of Oman or the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(d) Value of Materials.—

(1) In general.—Except as provided in paragraph (2), the value of a material produced in the territory of Oman or the United States, or both, includes the following:

(A) The price actually paid or payable for the material by the producer of the good.

(B) The freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant, if such costs are not included in the price referred to in subparagraph (A).

(C) The cost of waste or spoilage resulting from the use of the material in the growth, production, or manufacture of the good, less the value of recoverable scrap.

(D) Taxes or customs duties imposed on the material by Oman or the United States, or both, if the taxes or customs duties are not remitted upon exportation from the territory of Oman or the United States, as the case may be.

(2) Exception.—If the relationship between the producer of a good and the seller of a material influenced the price actually paid or payable for the material, or if there is no price actually paid or payable by the producer for the material, the value of the material produced in the territory of Oman or the United States, or both, includes the following:

(A) All expenses incurred in the growth, production, or manufacture of the material, including general expenses.

(B) A reasonable amount for profit.

(C) Freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant.

(e) Packaging and Packing Materials and Containers for Retail Sale and for Shipment.—Packaging and packing materials and containers for retail sale and shipment shall be disregarded in determining whether a good qualifies as an originating good, except to the extent that the value of such packaging and packing materials and containers has been included in meeting the requirements set forth in subsection (b)(2).

(f) Indirect Materials.—Indirect materials shall be disregarded in determining whether a good qualifies as an originating good, except that the cost of such indirect materials may be included in meeting the requirements set forth in subsection (b)(2).

(g) Transit and Transshipment.—A good shall not be considered to meet the requirement of subsection (b)(1)(A) if, after exportation from the territory of Oman or the United States, the good undergoes production, manufacturing, or any other operation outside the territory of Oman or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Oman or the United States.

(h) Textile and Apparel Goods.—

(1) De minimis amounts of nonoriginating materials.—

(A) In general.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 3-A of the Agreement shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) Certain textile or apparel goods.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Oman or the United States.

(C) Yarn, fabric, or group of fibers.—For purposes of this paragraph, in the case of a textile or apparel good that is a yarn, fabric, or group of fibers, the term "component of the good that determines the tariff classification of the good" means all of the fibers in the yarn, fabric, or group of fibers.

(2) Goods put up in sets for retail sale.—Notwithstanding the rules set forth in Annex 3-A of the Agreement, textile or apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless each of the goods in the set is an originating good or the total value of the nonoriginating goods in the set does not exceed 10 percent of the value of the set determined for purposes of assessing customs duties.

(i) Definitions.—In this section:

(1) Direct costs of processing operations.—

(A) In general.—The term "direct costs of processing operations", with respect to a good, includes, to the extent they are includable in the appraised value of the good when imported into Oman or the United States, as the case may be, the following:

(i) All actual labor costs involved in the growth, production, or manufacture of the good, including fringe benefits, on-the-job training, and the cost of engineering, supervisory, quality control, and similar personnel.

(ii) Tools, dies, molds, and other indirect materials, and depreciation on machinery and equipment that are allocable to the good.

(iii) Research, development, design, engineering, and blueprint costs, to the extent that they are allocable to the good.

(iv) Costs of inspecting and testing the good.

(v) Costs of packaging the good for export to the territory of the other country.

(B) Exceptions.—The term "direct costs of processing operations" does not include costs that are not directly attributable to a good or are not costs of growth, production, or manufacture of the good, such as—

(i) profit; and

(ii) general expenses of doing business that are either not allocable to the good or are not related to the growth, production, or manufacture of the good, such as administrative salaries, casualty and liability insurance, advertising, and sales staff salaries, commissions, or expenses.

(2) Good.—The term "good" means any merchandise, product, article, or material.

(3) Good wholly the growth, product, or manufacture of Oman or the United States, or both.—The term "good wholly the growth, product, or manufacture of Oman or the United States, or both" means—

(A) a mineral good extracted in the territory of Oman or the United States, or both;

(B) a vegetable good, as such a good is provided for in the HTS, harvested in the territory of Oman or the United States, or both;

(C) a live animal born and raised in the territory of Oman or the United States, or both;

(D) a good obtained from live animals raised in the territory of Oman or the United States, or both;

(E) a good obtained from hunting, trapping, or fishing in the territory of Oman or the United States, or both;

(F) a good (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Oman or the United States and flying the flag of that country;

(G) a good produced from goods referred to in subparagraph (F) on board factory ships registered or recorded with Oman or the United States and flying the flag of that country;

(H) a good taken by Oman or the United States or a person of Oman or the United States from the seabed or beneath the seabed outside territorial waters, if Oman or the United States, as the case may be, has rights to exploit such seabed;

(I) a good taken from outer space, if such good is obtained by Oman or the United States or a person of Oman or the United States and not processed in the territory of a country other than Oman or the United States;

(J) waste and scrap derived from—

(i) production or manufacture in the territory of Oman or the United States, or both; or

(ii) used goods collected in the territory of Oman or the United States, or both, if such goods are fit only for the recovery of raw materials;

(K) a recovered good derived in the territory of Oman or the United States from used goods and utilized in the territory of that country in the production of remanufactured goods; and

(L) a good produced in the territory of Oman or the United States, or both, exclusively—

(i) from goods referred to in subparagraphs (A) through (J), or

(ii) from the derivatives of goods referred to in clause (i),

at any stage of production.

(4) INDIRECT MATERIAL.—The term "indirect material" means a good used in the growth, production, manufacture, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the growth, production, or manufacture of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment and buildings;

(D) lubricants, greases, compounding materials, and other materials used in the growth, production, or manufacture of a good or used to operate equipment and buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the growth, production, or manufacture of the good can reasonably be demonstrated to be a part of that growth, production, or manufacture.

(5) MATERIAL.—The term "material" means a good, including a part or ingredient, that is used in the growth, production, or manufacture of another good that is a new or different article of commerce that has been grown, produced, or manufactured in Oman or the United States, or both.

(6) MATERIAL PRODUCED IN THE TERRITORY OF OMAN OR THE UNITED STATES, OR BOTH.—The term "material produced in the territory of Oman or the United States, or both" means a good that is either wholly the growth, product, or manufacture of Oman or the United States, or both, or a new or different article of commerce that has been grown, produced, or manufactured in the territory of Oman or the United States, or both.

(7) NEW OR DIFFERENT ARTICLE OF COMMERCE.—

(A) IN GENERAL.—The term "new or different article of commerce" means, except as provided in subparagraph (B), a good that—

(i) has been substantially transformed from a good or material that is not wholly the growth, product, or manufacture of Oman or the United States, or both; and

(ii) has a new name, character, or use distinct from the good or material from which it was transformed.

(B) EXCEPTION.—A good shall not be considered a new or different article of commerce by virtue of having undergone simple combining or packaging operations, or mere dilution with water or another substance that does not materially alter the characteristics of the good.

(8) RECOVERED GOODS.—The term "recovered goods" means materials in the form of individual parts that result from—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing of those parts as necessary for improvement to sound working condition.

(9) REMANUFACTURED GOOD.—The term "remanufactured good" means an industrial good that is assembled in the territory of Oman or the United States and that—

(A) is entirely or partially comprised of recovered goods;

(B) has a similar life expectancy to a like good that is new; and

(C) enjoys a factory warranty similar to that of a like good that is new.

(10) SIMPLE COMBINING OR PACKAGING OPERATIONS.—The term "simple combining or packaging operations" means operations such as adding batteries to devices, fitting together a small number of components by bolting, gluing, or soldering, and repacking or packaging components together.

(11) SUBSTANTIALLY TRANSFORMED.—The term "substantially transformed" means, with respect to a good or material, changed as the result of a manufacturing or processing operation so that—

(A)(i) the good or material is converted from a good that has multiple uses into a good or material that has limited uses;

(ii) the physical properties of the good or material are changed to a significant extent; or

(iii) the operation undergone by the good or material is complex by reason of the number of different processes and materials involved and the time and level of skill required to perform those processes; and

(B) the good or material loses its separate identity in the manufacturing or processing operation.

(j) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 3–A and Annex 4–A of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title, consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 of the HTS (as included in Annex 3–A of the Agreement).

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) as are necessary to implement an agreement with Oman pursuant to article 3.2.5 of the Agreement; and

(ii) before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS (as included in Annex 3–A of the Agreement).

SEC. 203. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (16) the following:

"(17) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 202 of the United States-Oman Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.".

SEC. 204. ENFORCEMENT RELATING TO TRADE IN TEXTILE AND APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Oman to conduct a verification pursuant to article 3.3 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination—

(A) that an exporter or producer in Oman is complying with applicable customs laws, regulations, procedures, requirements, or practices affecting trade in textile or apparel goods; or

(B) that a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 202, or

(ii) is a good of Oman,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of liquidation of the entry of any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A), in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such good; and

(2) suspension of liquidation of the entry of a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(c) ACTION WHEN INFORMATION IS INSUFFICIENT.—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a)(1) is insufficient to make a determination under subsection (a)(2), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make a determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action referred to in subsection (c) includes—

(1) publication of the name and address of the person that is the subject of the verification;

(2) denial of preferential tariff treatment under the Agreement to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B); and

(3) denial of entry into the United States of—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

SEC. 205. RELIQUIDATION OF ENTRIES.

Subsection (d) of section 520 of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "or"; and

(B) by striking "for which" and inserting ", or section 202 of the United States-Oman Free Trade Agreement Implementation Act for which"; and

(2) in paragraph (3), by inserting "and information" after "documentation".

SEC. 206. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (i) of section 202;

(2) the amendment made by section 203; and

(3) proclamations issued under section 202(j).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) OMANI ARTICLE.—The term "Omani article" means an article that—

(A) qualifies as an originating good under section 202(b); or

(B) receives preferential tariff treatment under paragraphs 8 through 11 of article 3.2 of the Agreement.

(2) OMANI TEXTILE OR APPAREL ARTICLE.—The term "Omani textile or apparel article" means an article that—

(A) is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) is an Omani article.

(3) COMMISSION.—The term "Commission" means the United States International Trade Commission.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, an Omani article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Omani article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Omani article if, after the date on which the Agreement enters into force with respect to the United States, import relief has been provided with respect to that Omani article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—

(1) IN GENERAL.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) LIMITATION ON RELIEF.—The import relief recommended by the Commission under this subsection shall be limited to that described in section 313(c).

(3) VOTING; SEPARATE VIEWS.—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2-B of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization of such relief at regular intervals during the period in which the relief is in effect.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not, in the aggregate, be in effect for more than 3 years.

(2) EXTENSION.—

(A) IN GENERAL.—If the initial period for any import relief provided under this section is less than 3 years, the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section, subject to the limitation under paragraph (1), if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) INVESTIGATION.—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) NOTICE AND HEARING.—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) REPORT.—The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that has been subject to import relief under this subtitle after the date on which the Agreement enters into force.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) PRESIDENTIAL DETERMINATION.—Import relief may be provided under this subtitle in the case of an Omani article after the date on which such relief would, but for this subsection, terminate under subsection (a), if the President determines that Oman has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking "and"; and

(2) by inserting before the period at the end ", and title III of the United States-Oman Free Trade Agreement Implementation Act".

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, an Omani textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as described in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry to import competition.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), any import relief that the President provides under subsection (b) of section 322 may not, in the aggregate, be in effect for more than 3 years.

(b) EXTENSION.—If the initial period for any import relief provided under section 322 is less than 3 years, the President may extend the effective period of any import relief provided under that section, subject to the limitation set forth in subsection (a), if the President determines that—

(1) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(2) there is evidence that the industry is making a positive adjustment to import competition.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if—

(1) the article has been subject to import relief under this subtitle after the date on which the Agreement enters into force; or

(2) the article is subject to import relief under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 10 years after the date on which duties on the article are eliminated pursuant to the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information that is submitted in a proceeding under this subtitle and that the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information to the President in a proceeding under this subtitle, the party shall also submit a nonconfidential version of the information, in which the confidential business information is summarized or, if necessary, deleted.

TITLE IV—PROCUREMENT

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking "or" at the end of clause (iv);

(2) by striking the period at the end of clause (v) and inserting "; or"; and

(3) by adding at the end the following new clause:

"(vi) a party to the United States-Oman Free Trade Agreement, a product or service of that country or instrumentality which is covered under that Agreement for procurement by the United States.".

The SPEAKER pro tempore. Pursuant to House Resolution 925, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 1 hour.

The Chair recognizes the gentleman from California.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this particular agreement is an important one for a number of reasons. One, the United States and Oman have been friends in a formal way for almost 100 years. The Sultanate of Oman occupies an important geopolitical location in the world, which has become even more meaningful in recent times.

Oman has shown its true friendship to the United States because of the adage: "A friend in need is a friend indeed." And Oman has been a friend in the Middle Eastern portion of the world when we needed a friend indeed.

In addition to that, this free trade agreement is significant in the advancement of opening trade in a number of areas very quickly, sort of a solid, leading-edge kind of agreement that we would like to see in a number of other countries around the world.

One of the remarks that might be made is, Oman, Oman, let me double-check, take a look at an atlas or the globe, and then ask, to what extent are we dealing with significant trade with the United States?

The answer is, the United States is the world's largest importer and the world's largest exporter, so when you measure significance of trade, sometimes you would ask yourself not what the impact is on the United States, but what the impact would be on the country in which we are entering into this free trade agreement. And to Oman, I believe it is extremely important as it continues to modernize itself under the Sultan and continues to extend freedoms and liberties to its people.

Yes, it is oil rich. They know that is a limited resource. They are interested in investing in their people. We are interested in helping them do that.

But it cannot go unmentioned that we also need, as we look at the globe or the atlas, to make note of the location of Oman, and that this agreement can be seen in any number of ways, and one of the ways would be to allow for a closer economic relationship with a friend that has had a close security relationship with the United States.

□ 1215

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Let me agree with the chairman of the committee. This agreement is important not from an economic standpoint, it would have little or no impact on our economy. For political reasons it would be important. For security reasons it would be important.

But I think that most Members would agree that we should have a trade policy that is not a Democratic trade policy or a Republican trade policy. We should have one that reflects the people of the United States of America through the people's House, which is the House of Representatives. And over the years, it appears more and more that the United States Trade Representatives will deal with the majority, but on issues that we think are important we have to deal with the country itself. This is wrong. Whatever divisions we have politically in our country, we ought to keep it on this side of our flag and not have to expose these differences with foreigners.

So often we have Presidents of Peru and Ambassadors from Oman indicating that the majority party has said we can get this out but you have to talk with the Democrats. Well, you shouldn't have to talk with the Democrats, but the United States Trade Representative should have to talk with us and Republicans and members of the committee.

The House, to a large extent, relies on the expertise that is developed by those of us who are privileged to serve on the Ways and Means Committee, and we owe it to our Members to say what is in the trade bill and what is not in the trade bill. But also, in order to give a fair explanation, we should know what USTR intends to put in the bill.

Now, over the years, all we have said is this: The the details of a bill should be fair, and as far as I am concerned, America should have a fair advantage. We should make certain that we are able to see that our products have access to their markets. But there is also something that I think is a principle that is American, and that is that the basic rights of the workers should be protected. On so many bills the religious leaders, the labor leaders, the farmers, the peasants come to us and say, Please support the bill but please make certain that you have the same type of protections in that bill to protect our rights of assembly, protect our rights to strike, as you have in that bill for intellectual property rights.

We have taken the lowest possible denominator and taken the International Labor Organization regulations. And we have had people say they have no problem with that, but somehow that is never, but never, discussed in our committee even though we have an amendment that deals with the Peruvian Free Trade Agreement that at this very moment is in the hearing room. We are not talking about it. We are debating an amendment. What we should be talking about is what is good for both of these countries and can we walk away from these trade agreements knowing that it is good for America, but we are not driving the workers to the lowest possible denominator; but we would like to be able to say that there are basic protections for the people, especially in developing countries that we do business with.

So, Mr. Speaker, Democrats have to be respected. We may be in the minority, but we should not be excluded in participating in discussions with the United States Trade Representatives. And the United States Trade Representatives should not send us to foreign representatives in order to see what we can get in the bill. They are supposed to be our negotiators the same way they are the majority party's negotiators. That does not happen. I do believe that it should.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. CARDIN), who is the senior member of the Trade Subcommittee, who has put in hours of work on this, and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMAS. Mr. Speaker, I would like to yield 20 minutes to the gentleman from Virginia (Mr. MORAN), and I ask unanimous consent that he be allowed to control the 20 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, in 2003, President Bush called for the creation of a Middle East Free Trade Area in 10 years to bring the Middle East into an expanding circle of opportunity. To date the administration has successfully negotiated free trade agreements with Bahrain, Jordan, Morocco, and Oman to provide a solid foundation for the MEFTA initiative.

As the Wall Street Journal noted in an editorial the other day: "The deal would make all U.S. industrial and consumer products duty free immediately and phase out farm tariffs over 10 years."

The promise of the Omani agreement before us is expanded market opportunities for U.S. exporters, greater financial integrity in the world economy, and enhanced regional stability. Overall, by developing greater economic friendship in the Middle East with modernizing economies like Oman, we also advance America's national security objectives in the broader war on terrorism.

As the 9/11 Commission report recommended, "Any comprehensive U.S. strategy to counterterrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve their lives." The U.S.-Oman FTA embodies this principle.

Mr. Speaker, I strongly support the U.S.-Oman Free Trade Agreement and urge its passage in the House.

Mr. CARDIN. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I rise in opposition to H.R. 5684.

Mr. Speaker, this Oman FTA is harmful and unbalanced and threatens our national security.

This FTA is just a small part of a larger trade policy that has not been in the best interest of U.S. workers, small businesses, farmers or the economy and environment.

I have voted against every harmful and unbalanced trade agreement that has come before this HOUSE.

I would welcome the opportunity to vote for an agreement with strong and enforceable labor and environmental protections.

Unfortunately the U.S.-Oman FTA has neither of these and I will be voting against this bad trade deal.

The FTA falls short of the labor protections that must be included to make an acceptable agreement.

We need a time-out on trade and stop this "race to the bottom."

Our trade agreements have not significantly raised the living standards in foreign nations.

And U.S. trade policy has forced American workers to compete on an uneven playing field.

By defeating this FTA, we will tell the Administration that no longer will we accept harmful and unbalanced trade agreements.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant opposition to the Oman Free Trade Agreement. I do that for two basic reasons.

First, this agreement contains provisions that would allow companies owned by foreign governments to move into port operations. This is one of our first opportunities to deal with this since this matter became a matter of attention of this body earlier this year when Dubai Ports World attempted to take over port operations in many ports in the United States, including my own port of Baltimore. We spoke pretty decisively about our concern about allowing companies owned by foreign countries to be involved in principal port operations.

The language in this free trade agreement opens the door for exactly that to occur. Under the services provision, there is a provision that allows landside aspects of U.S. port activities, including operation and maintenance of docks; loading and unloading of vessels directly to and from land; marine cargo handling; operation and maintenance of piers; ship cleaning; stevedoring; transfer of cargo between vessels and trucks, trains, pipelines, and wharves; and waterfront terminal operations, to be given out to the Omanian companies that could very well be owned by that government.

To make the matter even worse, if the Dubai Ports World were to establish operations in Oman, then they could actually come in and operate our ports under the protection of this agreement.

You will hear during the course of this debate that the United States has the ability to prevent that from happening. And, Mr. Speaker, I acknowledge that under any trade agreement, no other country can order us to do anything other than what we want to do. We maintain sovereignty.

But let me remind you that under trade agreements there are certain penalties that are imposed if we do not live up to those provisions. We in Congress were required to change our Foreign Sales Corporation tax laws. We did it. We didn't have to do it, but if we did not do it, tariffs would have been imposed and continued to be imposed against our products.

So this is a serious issue. The United States has the opportunity under this agreement to block such an operation under the essential security exception. However, Oman would have the right to challenge that under dispute settlement, and under chapter 20 we have not excluded this determination from dispute settlement resolution. It can happen. The pressure can build on our country. We do not have a very good track record with dispute settlement tribunals. In fact, our record is around less than 20 percent success when it comes to imposing penalties against the United States. This administration has already shown a willingness to allow companies owned by foreign countries to operate port facilities in the United States. This is another opportunity for them to move forward on this. Mr. Speaker, it is our responsibility. We have a chance to speak on this, and we should speak with a clear voice in rejecting this agreement.

The second area of concern that I will talk about during the course of this debate deals with Oman's failure to meet International Labor Organization standards. And I will give you chapter and verse of letters that we have written because, as you know, the standard is enforce your own laws, and Omanian laws are not up to ILO standards. Foreign workers in Oman do not have the right to join a union for a year. They are required to speak Arabic before leading a union. And the Government of Oman still does not have a law that prohibits employers from withholding passports or other documentations from the 80 percent of foreign workers in Oman, practices that can lead to human trafficking, as we have seen in Jordan. There are still inadequate laws to protect against anti-union activities. And the list goes on and on and on.

In Bahrain we not only had the commitment to change law, we saw the change in practice. We do not have that in Oman. We have not met the Bahrainian standard, and for that reason alone this agreement should be rejected.

So whether it is a matter of national security in regards to our ports or a matter of standing up for basic international workers' rights, this agreement comes up short and should be rejected.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

This trade agreement needs to pass. This trade agreement is so clearly in America's interest.

Now, when you look at the total amount of trade between the two countries, it may not seem like a big deal. A billion dollars, what is that? Four one-hundredths of 1 percent of our economy. $500 million each way. That is no big deal.

But that was my daughter calling, and that is what this is really about. This is about the future; whether we engage with the peaceful and progressive Arab world or whether we blow up the bridges that they are trying to build with America and with the modern Western world.

Oman was the first Arab country to send an Ambassador to the United States. Today, they have the first woman and the only Arab woman ambassador to the United States. They are showing by their actions that they get it. They understand that when 60 percent of their population is under the age of 18, they have got to go forward, not backward to fundamentalism and to the kind of theocracy that has hampered so many of their neighbors. They need to move forward. But they need the help of the United States to move forward.

Now, as I say, the amount of trade is inconsequential. It is not going to affect organized labor here. It is not going to affect any particular industry, although I have to say that it is pretty much a one-way street. What they buy from us is transport equipment, manufactured products that generate jobs in this country. And what we buy from them is largely natural resources, and some textiles, but mostly oil and gas. They want to be able to buy more. They want to make it easier for us to sell by reducing tariffs and quotas.

□ 1230

But, most importantly, is the larger context of this agreement. Oman sits on the Strait of Hormuz. More than 20 percent of the world's oil supply goes through that strait. Guess who sits on the other side of that strait? Iran. Oman is right next to Saudi Arabia. Saudi Arabia has been the instigator and the promoter of an Arab boycott against Israel, and this relatively small country has dedicated itself to breaking that boycott.

We have a letter from AIPAC here supporting this because Oman has been willing to break the tertiary, secondary and primary boycotts of Israel. Here is the letter right here.

Now, when we were attacked on 9/11/2001, we put together a bipartisan commission of very thoughtful and knowledgeable people, and one of the most important recommendations that that commission came up with was that we as a country need to reach out to the modern, progressive Arab world. We have got to do it. We can't isolate ourselves from a billion-and-a-half Muslims, because then that is going to radicalize people in their country. We have got to walk through these doors that they are willing to open up and show what happens when you trade with the United States, when you trade with progressive democracies. This is exactly what that 9/11 Commission recommended.

I am pleased that we overwhelmingly supported the Bahrain Free Trade Agreement, but this is an even better trade agreement. It is hard to believe that we are questioning the fact that this is in America's interest. It is so overwhelmingly in America's interest.

A couple of red herrings have been brought up; and as much as I respect and admire my colleagues who have brought up these red herrings, we are all entitled to our own opinions, but not our own set of facts.

The facts are that we asked the Congressional Research Service to look into this. They came up with a report that was compelling and definitive: there is no national security interest involved here, because if we decide there is a national security threat, which we self-define, that trumps everything else, and at any time we can raise the essential security justification. No one else has the authority to second-guess what it takes for us to protect our national security, and there is no precedent for any kind of international panel second-guessing us. There is no national security issue here.

The language, the provisions in this treaty, are the same as have been in all the others. It is the same language as Bahrain, the same language as Central America. There is no change here.

In terms of labor law, and I will address this subsequently after people address it on the Democratic side to lay out their objections, but I have read the communication from the Sultan, as I trust others have. He is willing to agree to the labor rights issues. He wants to abide by the International Labor Organization's standards. He wants to do everything it takes to show that he gets it, that he wants a higher quality of life, a better standard of living and more worker protections in Oman than his people have today.

Now, the democratically elected Advisory Council is not in session right now, but within 3 months he will get them all passed. When the Sultan says he is going to do it, that is it. We may prefer the niceties of a democracy and so on, but the reality is that these laws are going to be changed if the Sultan commits to changing them.

So I really urge my colleagues to support this.

One other aspect that I haven't mentioned, and I will get into it in a greater degree later, Oman has a military access agreement with us. They have had it since 1981. They keep renewing it. We keep putting more and more forces through Oman for the war in Iraq. They were of immense help in the Gulf War.

I don't know what one country can do to be more deserving of a trade agreement with the United States.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume. I do so with a degree of trepidation, because I take the time, number one, to thank my colleague from Virginia. I hope my acknowledgment doesn't do him too much damage, because his statement was not only eloquent, but accurate and, we all know, prescient.

It is absolutely critical that we continue to build the kind of relationships in that portion of the world that this agreement reflects.

Mr. Speaker, I yield the remainder of the time and control of that time to the gentleman from Florida (Mr. SHAW), the chairman of the Trade Subcommittee; and prior to that, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

The SPEAKER pro tempore. Without objection, the gentleman from Florida will control the balance of the time.

There was no objection.

Mr. WELLER. Mr. Speaker, I rise in support of what is a very good trade agreement, both for the United States as well as for our friend and ally, the nation of Oman.

It was interesting, I hear a lot of references in this body to those who argue that every one of the bipartisan 9/11 Commission recommendations should be implemented. Today, we have before us one of those recommendations, that is, the 9/11 Commission recommended that we as the United States work to further expand trade agreements with our friends and allies in the Mideast, and Oman is one of our oldest allies. As my colleague from Virginia noted, we have 170 years of friendship with the small nation known as Oman, a friend and ally, a cooperative partner.

This agreement that is before us is good for U.S. manufacturers, it is good for Illinois manufacturers, it is good for Illinois workers, it is good for Illinois farmers. Immediately, once it goes into force, 100 percent of manufactured goods exported from the United States to Oman are duty free. Immediately, 87 percent of U.S. farm products, corn and soybeans from Illinois, are duty free, and the remaining tariffs are phased out over a short period of time. Again, this is good for Illinois workers and manufacturers and farmers.

Also know that Oman has implemented significant labor reforms, enacted major labor reforms in 2003 and, like Bahrain, has followed up with specific commitments to ensure that its laws provide protections for workers. Again, this is a good agreement for workers as well.

Some on the other side of the aisle are trying to manufacture new issues; trying to claim that somehow by having a trade agreement with Oman, a Middle Eastern country, that we are jeopardizing our port security. It is a red herring. It is a phony issue.

The Congressional Research Service has stated that those statements are misleading. Under the review process this agreement is not affected.

This agreement deserves bipartisan support.

Mr. CARDIN. Mr. Speaker, I yield myself 1 minute to correct the record.

To my friend in Virginia who quoted AIPAC, the letter was the letter addressed to me that complimented the manner in which we have worked in a bipartisan manner to deal with the Arab boycott, in both the Bahrain agreement and the Oman agreement; but it does not talk about support for this legislation.

I would also point out that our friends from the WTO have been pretty clear about the dispute settlement system working: "It must not be possible for one country to evade its operations simply by proclaiming its national security is involved, however farfetched such a claim may be. Yet when national security is really involved, laws that are contrary to international trade rules must be permissible." But they said that "no country should be allowed to be the judge and jury of its own cause."

We don't give away our national sovereignty, but we are able to be second-guessed by a dispute settlement panel. They can rule against us, and have ruled against us, and they can put pressure on us through tariffs so we in fact compromise our security.

Mr. Speaker, I now yield 3½ minutes to a senior member of the Ways and Means Committee, an expert on international trade and worker rights, the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, Oman is a small nation, but there are some large issues here. It is an important place, and I would like to support an FTA with Oman, as I and many others did with Bahrain.

There is an important issue that relates to the path of globalization. Globalization has become increasingly controversial. Expanded trade, that I favor, has been hitting road bump after road bump. One major reason is because too many people within countries are not sharing in the benefits. Too many people are being left out. And that is why we have to care.

Among those who are being left out are workers. And how do we make sure that workers participate, are part of the process? By making sure in free trade agreements that they have their basic international rights. These are the basic ILO core labor standards, not American standards, especially the right to associate and to bargain.

In Oman, workers do not have those rights. There are no worker organizations today in Oman. There are only labor management committees, representative committees. In a document that the Department of Labor gave to us a few weeks ago, it stated that management holds 70 to 75 percent of the leadership positions in those committees. There is an umbrella committee of these RCs, and management holds all of the positions on the executive committee.

So, look, we need to have a free trade agreement that meets the basic ILO standards in practice and in law. In Bahrain, they were there in practice and they made commitments to do so in law. In Oman, Mr. MORAN and others, there is no semblance, semblance, of workers having their rights. There are no worker organizations.

Oman said to us they could not do anything until November because the Sultan had to consult. Then in the last few weeks, actually the last few days, we have a kind of statement of decrees of the Sultan. I guess he did not have to consult with the legislature. But so many of those have to be implemented by ministerial decree.

Mr. MORAN said the Sultan is willing to agree to anything. Let us see laws in place, with meaning as to what they imply.

I want to close with this. The Trade Representative has said this, our new Trade Representative, Ambassador Schwab: "Erosion of America's traditional bipartisan support is the most pressing problem we face in trade today."

How true. And it affects the WTO negotiations. Proceeding like this today is another nail in what is a near coffin of bipartisan trade foundations in this country. It is unnecessary.

We could take the time to see what these decrees mean, whether they are beginning to meet basic ILO standards, so that more and more people will participate in the benefits of globalization. If that doesn't happen, globalization will continue to be in deep trouble. It will lose ground when it should not.

That is one of the major reasons to oppose this agreement at this time, to oppose it. You are turning your back on any chance of bipartisanship.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Michigan and the gentleman from Maryland and their colleagues for raising any number of labor issues in their discussion of the markup of the Omani trade agreement. In fact, in large part that resulted in the Sultan issuing a decree that incorporated virtually all of those labor laws that he could decree. And his decree is law.

For example, on July 8, 2006, this decree prohibited forced labor, including coercion by withholding travel documents of foreign employees. It endorsed collective bargaining and the use of strikes as a legitimate tool. It prohibited termination of employment or any other kind of retribution for union activity. It terminated effective immediately the Omani government's representation in union activities. It provided specific enforcement tools for violations of collective bargaining rights, and it provided rights of workers against forced or coerced labor and against child labor.

□ 1245

There are further International Labor Organization standards that the Omani Government intends to pass. It has to wait until its advisory panels meet and puts the implementing regulations into effect. But that will be done in the next 3 months. That is a pretty short period of time. The end of October is when the Sultan committed to implementing all of his labor commitments into effect.

Mr. LEVIN. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Michigan.

Mr. LEVIN. So does that mean that those provisions are not in Omani law today?

Mr. MORAN of Virginia. Those provisions are law but a number require regulations.

Mr. LEVIN. But they are not in law, right, until there is action?

Mr. MORAN of Virginia. The Sultan's decree is law. Mr. LEVIN, the purpose of a trade agreement is to advance progress and communication and economic interdependence, it seems to me. And to the extent we can, to promote social progress.

There is an enormous, profound agreement here on Oman's part that it will adopt those standards that you and many others in this body have been urging upon countries like that. They are not perfect. I agree they are not perfect.

But Oman is not known in the Arab world or to anybody that knows Oman, as a particular violator of labor rights. I do not know of any of these kinds of forced labor places that have been referenced. I have been to Oman. I have read everything that I could.

They want to get better, but I do not think to suggest that the fact that they are not perfect now is reason to destroy, to vote against an agreement that would substantially advance the cause of labor protections.

Mr. LEVIN. First of all, there are no worker organizations today. But let me ask you this: Is there any other provision in this agreement that is based on a promise, just a promise, rather than having it in the agreement in the law between the two countries? Is there any other, like the tariff reductions, or anything else?

It is not that they promised to do something, it says "they will be." And we could, instead of saying enforce your own laws, say that within a reasonable period of time that these laws shall be in place and enforceable under the agreement.

But there is no enforceability, is there? If they do not do this, if the legislature does not act, there is no ability to enforce it except to consultation, and that is it? Is there any other place in the agreement that says enforce your own laws instead of saying what they will be with enforcement?

Mr. MORAN of Virginia. Mr. Speaker, reclaiming my time. You know as well as I do that it would be better if we could make labor protections a more integral part of many of these trade agreements. But I would also suggest that anybody that looks at this trade agreement with an open and objective mind would come to the conclusion that this is substantial advancement, that this is not only consistent with prior trade agreements, but this is better than prior trade agreements, and that this will create a more prosperous, a more open society in the Middle East, and that Oman is an ally that has always been dependable.

On July 8, the Sultan made these labor protection law.

The Sultan has never said anything with regard to use of troops, with regard to economic agreements, with regard to trade with Israel, which they do conduct despite all of the pressure on them from Saudi Arabia and other countries where he has not kept his word. In every instance, he has kept his word.

It seems to me that is a relevant consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, at this time I yield 4 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a distinguished member of the Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, the opposition to this fairly straightforward trade agreement has generated not one, not two, but a whole school of red herrings that I think have to be knocked down quickly in succession.

We have heard a little of it already this afternoon on the floor. What is fairly clear is that the U.S. FTA with Oman clearly has worked through and worked closely with the International Labor Organization, and also with civil society in Oman, the U.S. Congress, and the U.S. executive branch.

The measures that have been developed have gone through a legally mandated legislative, consultative process.

and it has resulted in clear guarantees on labor.

On the matter of port security, critics of the U.S.-Oman Free Trade Agreement have manufactured an issue, and we have heard this reiterated this morning, by claiming that the agreement gives foreign service providers unprecedented access to U.S. ports and is a threat to U.S. security. This is absurd.

May I introduce for the RECORD a letter to Speaker HASTERT from the Secretary of the Treasury who says, in part, "The FTA negotiated with Oman neither subjects national security interests to a third-party tribunal's assessment, as some have alleged, nor does it alter, amend or adjust the President's Exon-Florio statutory powers to protect the Nation's security in any way."

DEPARTMENT OF THE TREASURY,
SECRETARY OF THE TREASURY,
Washington, DC, July 20, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I understand that concerns have recently arisen over the U.S.-Oman Free Trade Agreement, FTA, and its possible link to the security of U.S. ports—particularly regarding the dispute settlement provisions.

First, this agreement is strongly supportive of our national security in general and the war on terror specifically. It marks another important step in our efforts to deepen and strengthen commercial ties with countries in the Middle East that are trying to modernize and give their people long-term economic opportunities and political rights. The United States should be a catalyst for economic growth and stability in the region and an active supporter and partner of countries, such as Oman, that are seeking to integrate into the global trading community. Oman has been a solid ally in our efforts in the Middle East and in the war on terror, and we need to demonstrate to all countries that our allies in this effort have a reliable friend in the United States as they seek a better economic future.

Second, Article 21.2 of the U.S.-Oman FTA provides for a national security exception that allows the United States to take measures that we determine are necessary for the protection of our essential security interests.

Foreign acquisitions of companies in the United States that operate port terminals are subject to section 721 of the Defense Production Act, the Exon-Florio amendment, which authorizes the President to block and/or force divestment of any proposed or ongoing foreign investment in the United States that threatens to impair U.S. national security. The Exon-Florio Amendment falls within the national security exception, noted above, as a provision that the United States "considers necessary for . . . the protection of its own essential security interests."

Port security in our country is not managed by port terminal operators. A combination of municipal and State port authorities, the U.S. Customs and Border Protection, and the U.S. Coast Guard are responsible for our Nation's port security.

As the Secretary of the Treasury, it is my responsibility to ensure the Exon-Florio amendment is executed. Protection of the national security is my highest responsibility. To be clear, the FTA negotiated with Oman neither subjects national security interests to a third-party tribunal's assessment—as some have alleged—nor does it alter, amend, or adjust the President's Exon-Florio statutory powers to protect the Nation's security in any way.

The FTA with Oman provides greater opportunities and opens new markets for U.S. products, investors, and workers. I urge you and your colleagues to pass the legislation to implement this FTA as soon as possible.

Sincerely,
HENRY M. PAULSON, Jr.,
Secretary of the Treasury.

Mr. Speaker, I have studied this issue extensively, and so has the nonpartisan Congressional Research Service. And what becomes fairly clear is that there is absolutely no merit to this charge. The Oman FTA provides no new rights to supply port-related services. In fact, as CRS notes, "The agreement actually places further restrictions on Omani port services, because it makes market access conditional upon equal access for U.S. suppliers."

The FTA preserves the CFIUS process, and does not interfere with it or in any way weaken it. In addition, the FTA preserves the right of Congress to strengthen the CFIUS process for national security reasons without running afoul of our obligations under the agreement.

Critics have taken shots at the essential security exception and have manufactured a bizarre hypothetical to scare Members into voting against the facts and against our key ally.

The essential security exemption provides complete protection, applying to all investments whether they are subject to the CFIUS process or not. Importantly, no party can appeal the essential security exception. In other words, if the U.S. blocks investment for national security reasons, reasons defined solely by the U.S. itself, then that is the final word. This self-judging standard provides foolproof tools to the U.S. to block investment when it is counter to our national security.

I realize there will be an argument that an entity can somehow set up a shell corporation in Oman and attach itself to the mutually beneficial provisions of the FTA. But even in this situation, the fact remains in any instance, the U.S. can invoke its essential security exception and block investment in the U.S., be it by an Omani company or by a company from any other country with substantial business activity.

We have heard that the WTO might entertain a challenge to this provision. But the fact remains there is no example of the WTO challenging successfully any country's use of this exception. This is purely a red herring. This is empty rhetoric. We need to approve this FTA.

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds to just clarify the record. Let me assure my friend from Pennsylvania that the efforts by Dubai Port World was real to the port of Baltimore and other ports. This is not a hypothetical.

Let me also assure my colleagues, I heard the same discussion when we were changing corporation laws to help exporters, only to find that we were rejected by international panels. We don't have the unilateral right to make these determinations. We do give that to dispute panels.

Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. MICHAUD), who has been one of the leaders on fair trade here in this body.

Mr. MICHAUD. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today to oppose the Oman Free Trade Agreement. I say to my colleagues on both sides of the aisle, if we are really serious about national security, especially given the bipartisan outrage over the Dubai Ports World situation earlier this year, we must reject the Oman Free Trade Agreement.

Simply put, foreign tribunals should not determine what is, in fact, a security threat to the United States of America. This provision should not be in this trade agreement. The international trade agreement would require the United States to allow any Omani company to provide landside aspects of U.S. ports activities.

A new CRS report further confirms that a company operating in Oman could use the Oman Free Trade Agreement to obtain this new right guaranteed by the international trade agreement, Dubai-United States ports operations.

Who is to say that al Qaeda would not set up shop in Oman to gain access and control of our ports? We have already seen how they have worked this in the past. They set their men in United States soil years before the September 11 attack to take flight lessons.

They know how the system works. They are strategic in their planning. Do you really think terrorists could not take advantage of this provision? It is bad enough that we are asked to support agreements that will shift more jobs overseas, that undermine our environmental standards, and that ask us to stick our head in the sand over serious human rights violations.

But it is simply unacceptable to ask this Congress to support legislation that could potentially undermine the security of our Nation. At the very least, USTR should exclude the ports from this deal and all future deals.

Mr. Speaker, I cannot think of one Member of Congress who would support weakening our national security, and this agreement does do that. We should stand united and demand that these free trade agreements start with us negotiating for the best interests of the United States.

We will continue to see more unless we do that today. I urge my colleagues to reject this agreement.

Mr. SHAW. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. ROYCE), the chairman of the terrorism committee.

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this U.S.-Oman Free Trade Agreement. As mentioned, I chair the Subcommittee on International Terrorism and Nonproliferation of the International Relations Committee.

There are several reasons to support this agreement. My comments will be focused on viewing this agreement as a means to advance our struggle against terrorism. Our country is facing deep challenges, deeper than most Americans probably realize.

We are in a deadly serious struggle against Islamist terrorism and against its state sponsors. And in this struggle we need all of the friends that we can get. And Oman has been a friend. The fact is that Oman has been helpful in advancing our strategic interests in the Persian Gulf region. We store military equipment there.

Oman has been helpful in combating terrorism. It has checked the flow of money to terrorist organizations, something we need to do more on and with in terms of other Gulf States. Other major countries use trade to advance their strategic interests. I am going to explain for a minute that China is doing this, and China is certainly doing it also all over Africa. I have been in 22 countries in Africa, and I have watched China do this from North Africa to subSaharan Africa.

Fortunately, there we are competing in trade through AGOA, competing for influence. You know elsewhere around the globe, China is competing for access to oil and other strategic resources. They are gaining political friends.

The difference is that China undermines transparency and the rule of law in many countries. But the U.S.-Oman agreement strengthens transparency and the rule of law, which are long-standing American values.

This agreement is good economics. In that sense it is like the African Growth and Opportunity Act. This agreement will increase access to the Oman market for American exporters of agricultural products, health care and engineering services, among others, but it is good strategy too. The 9/11 Commission recommended that we pursue this type of policy.

☐ 1300

It is true that the agreement's economic significance is not that large. U.S. trade with Oman will remain modest. But its rejection would set back an important strategic relationship, one that this and previous administrations have done a very good job advancing.

Let's not go that route. I ask my colleagues to support this agreement.

Mr. CARDIN. Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey (Mr. PASCRELL), one of the leading voices on workers' rights.

Mr. PASCRELL. Mr. Speaker, we need to get one thing straight here before I start, and that is that those of us who oppose this trade agreement are not against trade, are not against exchange. How dare anybody stand on this floor and refer to the 9/11 Commission's report, Chapter 12. I have read the 9/11 Commission's report, by the way. I think that is a good start.

The 9/11 Commission report, chapter 12, talks about global strategy. If you read the entire chapter and you want to talk about strategy, trade must be part of when we are communicating with other countries. There is no question about it.

For those of us who believe that we need to support this trade deal, this unfair trade deal, and it is going to help workers in Oman, as well as the workers in the United States of America, I don't know what you need to refer to. Because the State Department, our own State Department, says that foreign workers at times were placed in a situation amounting to forced labor in Oman. This deal isn't for workers. This deal is for the few, like most of the trade agreements that we have given into.

We have surrendered our ability, as a branch of the government of this country, under Article I, section 8, that the Congress be in charge of commerce. We have surrendered our ability to be trade negotiators to the executive branch of government.

I have high hopes for Oman and its people. We need more moderate and forward-thinking nations like Oman in the Middle East. We need to look at how much foreign aid we provide to Oman, and even Lebanon, we, who want to help the Lebanese stop Hezbollah, and then we give them $43 million.

I am not against free trade. I am against these free trade agreements which do not benefit the American worker. I am not a protectionist, but I think we should protect the American worker. This agreement may be to the liking of a few wealthy CEOs here in America, it may be to the liking of the Sultan of Oman, but it does not represent the interests of workers in this country. It is time for a new direction in free trades. We need free trade which is modeled around human beings and not around big business interests, because human beings are the ones who drive our economy. They are the ones who will build our partnership with other nations.

We need free trade agreements that enforce the principle of workers' rights. That is right. That is what this debate is all about: will we defend the rights of workers of Oman, or will we take a step back in the right of all workers to organize freely. This country doesn't recognize the right of workers to organize. We need to defeat this trade agreement.

The proponents of the Oman Free Trade Agreement would have you believe that my colleagues and I who oppose this agreement do so because we are against free trade or maybe because we are against the nation of Oman. Both claims could not be further from the truth.

The fact is that I have high hopes for Oman and its people. We need more moderate and forward-thinking nations like Oman in the Middle East.

In fact we gave Oman only $16.5 million in foreign appropriations, which I think would be a more effective vehicle to build a strong partnership rather than through this flawed free trade agreement.

An example of this is the sad fact that we gave Lebanon only $43.2 million in foreign appropriations, of which only a scant $7.7 million went to military and counterterrorism efforts. Perhaps if we had invested more into Lebanon we could have avoided the deadly situation we are currently witnessing.

Similarly, I am not against free trade, what I am against are these free trade agreements which benefit a few to the detriment of workers. This agreement may be to the liking of a few wealthy CEO's here in America and it may be to the liking of the Sultan of Oman, but it does not represent the interests of the workers here in the United States or in Oman.

My colleagues and I are tired of seeing the same flawed free trade model, time and time again. It is time for a new direction in free trade agreements.

We need free trade agreements that are modeled around human beings and not around big business interests. Because human beings are the ones who drive our economy, they are the ones who will build our partnership with other nations.

We need free trade agreements that enforce the principle of workers rights and the right of all workers to organize freely. Instead of just paying lip service to the problem as this agreement does.

We need free trade agreements that respect our sovereignty and our right to have full control over our critical security infrastructure. Instead this agreement takes us back to the problem we had with the Dubai Ports deal and that is simply unacceptable.

We need free trade agreements that respect environmental concerns, the rights of women and the rights of minorities. . . . I could go on longer, but I think you get my point.

My colleagues and I would be standing here championing this agreement if it met the standards it should, but sadly it does not.

It is time that we have real free trade agreements; it is time that we stand up for the workers here in America and workers throughout the world. I implore you to stand up for them today!

Mr. MORAN of Virginia. Mr. Speaker, in response to my good friend from New Jersey, and also in response to my good friend from Michigan (Mr. LEVIN), who asks about, and makes accusations with regard to, the situation in Oman, I should remind them that there were 33 strikes in 2004, more than 6,000 workers went on strike. Strikes continue to this day with no repressive tactics, no government reprisals.

And the Omani Government has representatives of the International Labor Organization on the ground in Oman working with them to develop more and stronger standards.

Mr. PASCRELL. Will the gentleman yield?

Mr. MORAN of Virginia. I will shortly. I am about out of time. If you can refute that, I will yield 15 seconds to the gentleman.

Mr. PASCRELL. Thank you. Do you deny that the State Department has put us on alert as to how workers are treated, foreign workers particularly, in Oman, that they are forced to work? Are you denying that State Department report?

Mr. MORAN of Virginia. Yes, I am, because the fact that a government takes your passport, any number of governments do that. The German Government used to do it. I don't know if they do it now. That doesn't mean that is forced labor. They hold your passport, but that doesn't mean that you can't get it when you want to leave the country.

But the fact is that now the decree has been issued, and that tactic cannot be used.

Mr. PASCRELL. It is used.

Mr. MORAN of Virginia. It is no longer legal to use such a tactic. It is not used. That is the kind of progress we are wanting to achieve, and I thank Mr. PASCRELL's help in achieving that.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. I thank the gentleman for yielding.

Mr. Speaker, initially it was not my intent to come discuss this bill on the floor, but last night we were into a serious debate, a serious debate about Israel and its right to defend itself, and we talked about Hezbollah and Hamas and how they were not for peace and how they were for destruction.

I at that time took the floor, because I agreed with that significance of Israel defending itself, and here, on the very next day, as I was listening to the debate, we have a country that has come a mighty long way in a short period of time. We have a country that says they want peace, and they have exhibited the fact that they want to live in peace. They have been a strong ally to us. I have a letter from AIPAC indicating that they don't have any objection to this.

What kind of message are we sending to one of the most important areas, and volatile areas, in this world? Here we have an Arab country, a moderate Arab country, a country, as we say oftentimes, we are not against them, we are not against people who happen to be Muslim, et cetera, but they are doing everything we have asked of them.

The Sultan came in with a decree because he wanted to make sure we had a bipartisan debate. He didn't want anything to be divided Democrat or Republican. The Sultan said, I am going to live up to my word, giving us all of the indications that they are going to do the right thing.

I know I heard in this debate some say, well, there is no agreement that it happened where there is a promise before the vote on the bill. I just thought to myself, I said, that is not true. Because I know in this bill, as in other bills, IP protections, there is a lot that has to take place and laws that have to be changed after this bill has been passed.

We did it in Bahrain. I have a letter right here that was signed by Rob Portman at the time saying, basically, that we want to make sure that Bahrain, and this was a commitment letter and a clarification letter, saying that after the bill was passed that they would do certain things in their law. That is no different, no different, than what's in this bill.

So I say we have got to do what is right. If it was right, and we sent the right message to Bahrain, it has got to be right and we send the right message to Oman. This is a small country. It is not going to have a heavy impact on the United States of America. It is not going to make a difference to John Q. Public and the United States of America with reference to jobs, but it can make a difference with reference to the message that we are sending to the Arab world and to peace across this globe. It sends a huge message, and I will support this free trade agreement.

Mr. SHAW. Mr. Speaker, I yield 5 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Wisconsin (Mr. RYAN).

I would like to, before I yield the floor to him, point out that my friend from Maryland brought up the United Arab Emirates debacle that he and I both opposed very much. We don't have a free trade agreement with the United Arab Emirates, so a free trade agreement in no way facilitated that action.

I now yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. I appreciate the gentleman for yielding.

Mr. Speaker, what this is about is finding peace and security in the world. The future of peace and security in the world largely rests upon the future of peace and security in the Middle East. The question is what we are as Americans going to do to help Middle Eastern countries, moderate Middle Eastern countries, be more open, be more fair, be more free, be more democratic, be more peaceful. This agreement does that.

Now, for one reason or another, Members here, I believe, have decided to oppose this agreement and then look for reasons to justify that opposition. They have raised two big red herrings, labor and ports. We asked the Congressional Research Service to look at this port issue, to look at this red herring issue.

I want to read from the nonpartisan Congressional Research Service that did two studies this month on this issue. Upon close inspection of the language in this agreement, it appears that this claim is misleading because it appears that Omani companies are already presently able to perform these port services. Phrased another way, the United States has reserved the right to maintain our existing legal restrictions with respect to those aspects of maritime transportation in which we already have limitations, as well as adopt new measures in these categories that may be more restrictive.

In some ways, it imposes new opposition and new restrictions that don't currently exist with respect to management of ports.

In conclusion, report number two: while it is theoretically possible for Oman to bring a legal challenge to the actions of the United States before a third-party tribunal, the United States would appear to be on solid legal grounds for asserting not only that the panel does not have the legal authority to determine the validity of such a matter, but also that the inconsistent measure is permitted and justifiable, given the broad self-judging language of the national security exemption.

This means we decide unilaterally, we decide if any of these transactions are not in our national security interest, it doesn't happen. There is nothing the WTO can do about that.

Now, what about labor? This is another agreement that we have had, the labor standard invoked. This is the strongest labor agreement of any trade agreement we have brought to the floor in this Congress and in previous Congresses.

Now, in an effort to be bipartisan, in an effort to work with the other side of the aisle, we have had an exchange of letters and agreements between the Omanis, Democrats and our government USTR.

In November 2005, the ranking member of the Ways and Means Committee asked Oman to clarify six areas of law and asked for nine concessions in labor law. In January, Oman responded in detail to all of those concerns. In February 2006, the Democrats forwarded another set of demands and questions, raising new issues. In March, in response to those concerns, Oman made eight commitments to the United States and agreed to enact all of these reforms.

It goes on and on: new demands being requested, new demands being met, to the point where the Omanis have, by decree, already implemented many of these higher labor standards. Any of those that they didn't already decree just a couple of weeks ago. they have promised to put them into law by October 30.

What did we do with Bahrain? With Bahrain they promised to introduce legislation to raise their labor standards.

☐ 1315

That was the Bahrain standard. With Oman. no, they did not promise to implement legislation. They promised to implement law by a date certain this year.

So we have increased labor standards. We have put into place core ILO standards. We are rising the tide. but what it all gets down to is this.

Because of this agreement. the Omanis are raising labor standards for their workers. Because of this agreement. Omanis are making their country more free and more transparent for their people. Because of this agreement. we are saying thank you to an ally. Let us continue to move toward peace and prosperity.

Why do I care so much about this? Because I do not want my kids to face the war on terror that we are facing right now. And how do we do that? We do that by making sure that these countries, from which many terrorists come, have opportunities for their young people.

I do not want a young person, the next generation. growing up in tyrannical dictatorships susceptible to the whims of al Qaeda, appealing to the madrassas. I want young people in these countries growing up. reaching their dreams, reaching their potential. having freedom. having the ability to determine where they want to go with their lives. being creative, being able to channel their energy in a positive direction so our children do not have to face this war or on terror.

We must pass this trade agreement because it is vital to our national security interests.

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds just to point out to my friend that under this agreement, we now give third-party tribunals the opportunity to second-guess us on national security, and that was not there before this agreement. I offered an amendment to eliminate that. It should have been made in order.

Then regards labor standards in Bahrain, they had on the ground operating ILO standards. We do not have that in Oman.

Mr. Speaker, I am pleased to yield 3 minutes to my good friend from Tennessee (Mr. TANNER), a senior member of the Ways and Means Committee, one of our real leaders on trade issues.

Mr. TANNER. Mr. Speaker, I thank Mr. CARDIN and I appreciate this time.

I wanted to come and speak on this because I voted against this agreement on the Ways and Means Committee when it was reported out a couple, 3 weeks ago. I did so out of sheer frustration and exasperation with the lack of democratic process in the committee as it relates to these agreements.

Those of us who philosophically want to support agreement, engagement, with the rest of the world have had a very, very difficult time in the committee. And to call the committee, the way it has been run recently in some of these, the democratic process is really an abomination of that word.

But beyond that. regardless of one's personal feelings, regardless of how one views the way these bills have come to the floor from that committee. one has to determine for one's self what is in the best interests of the United States of America.

I have determined because history, if history teaches anything. it teaches one that engagement is better than nonengagement, and economic partners eventually become political and military partners.

So the geopolitical aspects of these trade agreements, while they are not that big in scheme of things with respect to trade itself, are very huge. and some of these other speakers have alluded to that, in terms of our role in the world and fostering all the things and values we hold dear.

I cannot see how turning down this agreement today on the floor is going to further our ability to influence things for the better in Oman or. for that matter. in that part of the world or, for that matter. in our own country.

And so for those reasons. even though I have made my feelings known about the way some of these are handled procedurally, I am going to support this agreement today. I think it is in the best interest of this country to do so, for a whole host of reasons. many of which you will hear.

I unfortunately talk so slow I do not have time to go through all of the reasons why I think that it is better on balance than it is worse on balance, and why; therefore, as one weighs what one should do for one's country in this regard. one has to make the decision yes or no. I have made that decision. and I intend to support it, and I would urge other Members to take a look at it.

Mr. MORAN of Virginia. Mr. Speaker, may I inquire how much time is left on each side?

The SPEAKER pro tempore. The gentleman from Virginia (Mr. MORAN) has 2½ minutes remaining. The gentleman from Maryland (Mr. CARDIN) has 36 minutes remaining. The gentleman from Florida (Mr. SHAW) has 21 minutes remaining.

Mr. MORAN of Virginia. Mr. Speaker. under those circumstances, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker. I thank the gentleman for yielding the time. and I am pleased today to rise in strong support of this agreement. the Oman Free Trade Agreement.

With the Doha Round of multilateral talks teetering on the brink of collapse, we need more than ever to pursue a bilateral trade agenda that makes some real gains for American workers and American consumers who. after all. are one and the same. That is precisely what the Oman Free Trade Agreement does.

The Oman FTA is quite simply a win-win. In 2005, trade between the United States and Oman exceeded $1 billion. The U.S. exported $594 million in goods alone to Oman last year. While some will stand here today, beat their breasts and claim that we are going to lose jobs with this trade agreement, nothing could be further from the truth.

I ask Members to think back to economics 101. Exporting goods creates jobs here at home. and importing goods will create jobs. Consumer and industrial goods will be 100 percent duty free on day one of the trade agreement's entry into force. There will be significant gains in the agriculture and service sectors. These are the kinds of tangible changes we want and we need to bring home to our constituents.

Liberalization of trade in services is sometimes overlooked, but it is absolutely essential to keeping our economy competitive. The services sector represents 75 percent of our country's economic output and it is 80 percent of our workforce. U.S. firms have a strong advantage in the services sector. and it becomes even stronger as we add each country like Oman to an FTA.

But the economic gains are relatively small compared to the impact that a trade agreement with Oman will have in keeping Americans safe. The bipartisan 9/11 Commission recommended a comprehensive strategy to defeat terrorism, that includes economic policies. that encourages development. more open societies and opportunities for people to improve the lives of their families.

As a result of this recommendation. the administration authorized negotiations with Oman as part of the plan to create a Middle East Free Trade Area by 2013. This is a step in that direction. and I urge my colleagues to vote in favor of this free trade agreement.

Oman leads the Persian Gulf in establishing trade and other ties with Israel. It has eliminated all aspects of its boycott with Israel and when Oman acceded to the WTO in 2000. it did not request an exemption for Israel that would allow it to maintain a boycott. This is a rare exception in a tough neighborhood. I ask my colleagues today to join me in showing our commitment to Oman, is a steadfast ally in a region of the world where we need all the friends we can get.

Vote for the Oman Free Trade Pact.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. BECERRA), a member of the Ways and Means Committee, who has been extremely active on fair trade and international issues.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I hate to say it but I think it has become very obvious that our system for devising trade agreements, so very important to this country's functioning around the world, has not only broken, but it has broken completely.

Today, we have a trade regime which has led to the largest trade deficits this country has ever experienced. The latest report is that the trade deficit for the month of May was almost $64 billion. We purchased $64 billion more in goods than we were able to sell to others around the world.

We are on pace this year to have a trade deficit that is larger than $800 billion. We have never faced that before, but we continue to put forward trade agreements like these that leave us naked to competition that is neither free nor fair.

Today, Mr. Speaker, you find that for every six ships that China sends laden with goods from China into this country, only one of those six ships returns to China with American goods in it for Chinese purchase. And we continue to bring forward trade deals like these that say simply this when it comes to protecting the rights of workers, whether in this country or in the country that we are reaching an agreement with: Enforce your own laws. And even though we know in most cases many of the countries, including Oman, do not have laws that protect their workers, which means that our workers will suffer as well, we continue to move forward with these agreements.

Yet, if you are not convinced that these trade agreements and the regime itself now that we use is broken, look at the provision that was included in the agreement that allows a company that has substantial business in Oman to operate our ports. We dealt with this issue with the Dubai Ports World issue. We rejected that opportunity for a Dubai company to come in and run our ports. Yet in this agreement we have something that would allow that to happen.

I know many of my friends on the Republican side say that will never happen, we have got the national security, essential security interests protection exemption. Then why is it in the agreement in the first place? What you do is you set us up to go before a trade dispute resolution panel that is not ours. It is not our courts that will decide. It will be some other body.

We have now today a system that has led to these large trade deficits, and they continue to come forward. It is time for a change. We need a new direction when it comes to our trade policy. It is broken in this Congress the way we deal with our trade. Not only for our workers, but also for the health of our American companies that have to compete in this world, where artificially other companies in other countries are gaining advantage over us because they are not following the rules.

This is another example of why we should reject trade agreements that do not protect America's interests, whether security-wise or otherwise. Vote against this trade deal.

Mr. MORAN of Virginia. Mr. Chairman, in the first place it is not some other panel. It is the U.S. and Oman, and we have the right to determine what is in our security, but having said that, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Very briefly in reply to the last speaker, the facts contradict the information that was put out here on the floor regarding the deficit.

The United States' exports to Jordan are up 90 percent since the free trade agreement; up 92 percent to Chile since 2003; up 25 percent to Singapore since 2003; up 11 percent to Australia since 2004; up 7½ percent to Morocco. Under NAFTA, our exports have increased at 133 percent. That just does not make sense.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee who has been articulate and a leader on fair trade and international rights.

Mr. DOGGETT. Mr. Speaker, I would like to begin by responding to Mr. SHAW's comments. None of the modest steps he cited respond to the fact that we have an $800 billion trade deficit and an Administration with a trade policy that will do nothing but make it worse.

This agreement with a small but strategically important country like Oman ought to have been approved today unanimously, and it could have been. But there is a very big problem, and that problem is not in Oman on the other side of the world; it is on Pennsylvania, 1600 Pennsylvania Avenue, to be more precise.

The problem is that just as this Administration has shown consistent disdain for the rights and needs of workers in America, just as it has shown consistent disdain for environmental protection—ready to manipulate science whenever it needs to for political purposes to justify degradation of our air, our water, and our other environmental resources—today it shows continued disdain for the environment and for workers in our international trade agreements.

What we need is a modern, bipartisan trade policy that recognizes that you cannot measure how good your trade policy is based solely on how many dollars in goods transverse international borders. You have to consider the impact of that trade on the workers that produce the goods and on the environment that surrounds them.

□ 1330

During the consideration of this bill in the Ways and Means Committee, we offered very modest amendments to try to address these concerns. On upholding international labor standards and on an amendment that I offered to prevent trade in endangered species, the Committee and the Administration would have none of it because if they showed basic dignity and respect for workers and the environment with Oman, a small country, they might have to do it everywhere, maybe even here in America. You can tell the level of the Administration commitment by the level of enforcement remedies that they provide for the environment and for workers. Then enforcement mechanism in this agreement amounts to less than giving only a traffic ticket to the repeat offender of the most egregious abuse. You pay a fine to yourself—that is the great remedy that they offer.

So today they must, as has been done so often on so many issues, raise the specter of 9/11 and the war on terrorism. How many times has that threat been misused in this building and down the street on Pennsylvania Avenue to debase the most basic and fundamental values that make this a unique country?

It is pulled out again today. It is an issue here, as the Gentleman from Maryland has indicated, because they plan to transfer the issue of port security from this body to an unaccountable, international tribunal that will be empowered to decide whether or not we can restrict foreign acquisition of American ports.

This Administration stood by and encouraged a sellout of our port security once before, and under this agreement they can transfer all responsibility to an unaccountable international tribunal.

Because this agreement fails to adequately respect the needs of American workers and the needs of the environment around the world, it ought to be rejected.

Mr. SHAW. Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California, a strong advocate of fair trade, Representative SOLIS.

Ms. SOLIS. Mr. Speaker, I thank the gentleman. I also want to register my strong opposition to the Oman Free Trade Agreement.

As I see it, it is a flawed trade policy, largely to blame for the loss of so many jobs because of the various trade deals we have had. Three million manufacturing jobs have been lost over the last few years. In the last 4 years, our deficit has increased by $725 billion. Trade deficit, $725 billion.

Not only does this particular trade agreement turn its back on American workers, but it endorses the race to the bottom by allowing Oman to continue to ignore labor unions, discrimination against women in the workplace, and excludes guest workers from even minimal worker protections.

If shipping jobs overseas and encouraging discrimination isn't bad enough, this agreement would also allow foreign firms to acquire and operate important national security assets in the U.S. Our only recourse would be at an international court.

Mr. Speaker, supporters of this agreement argue that they are trying to spread democracy and stability around the world. But democracy and stability can't be achieved by trade agreements such as this which ignore the rights and freedoms that are inherent in the fabric of a free society.

I urge a strong "no" vote on the Oman Free Trade Agreement, and let's make a priority to help our economy and our workers here before we start selling short our jobs and many of our manufacturing corporations to foreign countries.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, I appreciate the leadership of Chairman SHAW as we try to open new markets around the world for American products and services.

I strongly support this agreement with Oman. As you know, America is so open to other countries selling their products and goods into America, but oftentimes when we go around the world, we find that their markets are not so open. And so we try to open those markets through trade agreements to allow our farmers, our small businesses, our manufacturers, our banks, everyone, to sell our products around the world, and these trade agreements are succeeding in doing that.

In each one that we have had, our sales in those countries have nearly doubled. So we are creating jobs here at home selling more products. This free trade agreement does the same thing. It is not huge, but for those who are selling to them, it is very important.

Not only does this help America, but this is an important cog in our Middle East free trade agreement, which is key, because I think that a lot of unrest is caused when people don't have hope, when they don't have a chance to better themselves, when they don't have a high standard of living. The more we are able to create job opportunities and hope in the Middle East, I think the sooner we do that the safer we will have that region. This won't do it by itself, but everything helps move that peace process along.

And I support it because Oman, while it may not be where we want it to be on labor yet, they have made tremendous progress in labor issues and in the rule of law and in a number of areas that we ought to be supporting as a country.

Let me conclude with this. This agreement stands on itself, but there is more than that. I have a soft spot for countries that have come to the aid of our American soldiers. My baby brother has served in Iraq as an Army medic and is now a sergeant major and has just returned from his tour in Iraq. Recently I just attended two funerals of local soldiers who died defending us. When we have countries like Oman who allow our personnel to stop there, our aircraft to fly there and land there, when we have a country like this that houses our personnel, basically makes them safer while they are away from their families trying to defend our freedom, I think we ought to reward these countries.

To me on national security when I see this intellectually dishonest argument about our port security, what I am afraid of is we have people who want to punish the countries that are helping our soldiers, punishing countries who are coming to help our men and women who are trying to fight for our freedom. We ought to be rewarding and thanking those countries. I support this agreement.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) who has been one of our leaders on fair trade.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, as a cochair of the Congressional Labor and Working Families Caucus, I rise today in strong opposition to the Oman Free Trade Agreement.

The Oman FTA contains no effective mechanisms to enforce labor or human rights laws. Instead, this agreement relies on the empty promises that Oman will enforce its own labor laws.

If we accept this deal, we are saying to foreign countries: It is okay to force labor among three-fourths of your workers.

We are telling them it is okay to deny workers the right to organize for safer working conditions and better wages.

If we accept this deal, we turn a blind eye to poor working conditions and organized human trafficking to fill sweat shops.

I would remind my colleagues that the terms and conditions of trade agreements determine what is and is not acceptable.

Let me be clear. If we agree to a deal that does not live up to basic labor and human rights standards, then we are deliberately establishing a lower standard for worker rights in this country and around the world. We should be setting a fair trade standard that allows the benefits of commerce to raise and not lower standards for everyone. Vote "no" on Oman FTA.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY) who has been one of the leading spokespersons about international human rights and worker rights.

Mr. MARKEY. Mr. Speaker, I thank the gentleman very much and for all of his work on these issues.

Make no mistake about it, this vote is not just a vote as to whether or not you support free trade. This is also an up-or-down vote on whether or not you support our national security and our homeland security.

Just 5 months ago, the Bush administration tried to ram through an approval of the sale of U.S. port operations to Dubai Ports World, a company owned and operated by the Government of the United Arab Emirates. The President said he would veto any attempt to strike down the deal. But in the face of tremendous opposition on the grounds of homeland security by the Democrats and even some Republicans, the deal was scuttled.

The whole episode shined a bright light on the little-known committee at the Treasury Department and the secretiveness of a process it uses to make decisions that can have important consequences for the security of our Nation, the Committee on Foreign Investment in the United States. It is called CFIUS.

In this post 9/11 world, we simply cannot trust, as this free trade agreement requires us to do, that the businesses and Government of Oman are pure and will not sabotage, abuse, or misuse critical infrastructure they decide to buy in a business deal fast-tracked by this agreement. We must trust, but verify, when it comes to any foreign government-owned entity buying critical infrastructure in the United States.

Now the President and his administration did not give the Dubai Ports deal the scrutiny it deserved, even though the 9/11 Commission identified the Government of the UAE as a "persistent counterterrorism problem." And so that should shine a light on this deal as well.

We know our seaports, airports and other critical infrastructure are at the very top of the al Qaeda terrorist target list. Let us not give them this additional hand that the treaty will require in penetrating the operations of those critical targets as fast-tracking business deals in the name of free trade will have on the security of our country. Let us not let commerce trump common sense.

Mr. Speaker, I rise in strong opposition to the Oman Free Trade Agreement.

Make no mistake, this vote is not a vote on whether or not you support free trade. This is an up and down vote on whether or not you support our national and homeland security.

Just 5 short months ago, the Bush Administration tried to ram through an approval of the sale of U.S. port operations to Dubai Ports World, a company owned and operated by the government of the United Arab Emirates, UAE.

The whole episode shined a bright light on a little-known committee at the Treasury Department and the secretive process it uses to make decisions that can have important consequences for the security of our Nation.

But in this post 9–11 world, we cannot simply trust, as this free trade agreement requires us to do, that the businesses and government of Oman are pure and will not sabatoge, abuse, or misuse critical infrastructure they decide to buy in a business deal fast-tracked by this agreement. We must trust, but verify, when it comes to any foreign government-owned entity buying critical infrastructure in the United States.

The President and his administration did not give the Dubai Ports deal the scrutiny it deserved, even though the 9–11 Commission identified the government of the UAE as a "persistent counterterrorism problem." The UAE was a key transfer point for illegal shipments of nuclear components to Iran, North Korea and Libya. The UAE was one of only three nations to recognize the legitimacy of the Taliban government and still does not recognize the State of Israel.

We know that our seaports, airports, and other critical infrastructure are at the very top of Al Qaeda's terrorist target list. Let's not give them a hand in penetrating the operations of those critical targets by fast-tracking business deals in the name of a free trade deal that has no protections for our national and homeland security. Commerce must not be permitted to trump common-sense.

Mr. CARDIN. Mr. Speaker, can I inquire of my friend from Florida, his continuing to reserve, does that mean he has one speaker remaining?

Mr. SHAW. Unless someone else comes to the floor, I will be the final speaker and close.

Mr. MORAN of Virginia. And I am reserving because I have so little time left, as the gentleman knows, so I am trying to be strategic with my time.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 6 minutes to our distinguished whip, my colleague from Maryland (Mr. HOYER), who has been a spokesperson not only on trade but on security internationally.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, and I thank Mr. SHAW and Mr. CARDIN for proceeding on this debate, as well as Mr. MORAN. I think I have voted with all three of them on various different occasions.

Mr. Speaker, I have been a strong advocate for free trade and open markets. I believe strongly that American businesses and workers can compete and win in the global economy.

Increasing global interdependence is a reality in the 21st century, and it presents our Nation with an opportunity to promote democratic reform, the rule of law, and respect for basic human rights.

It is incumbent, however, upon us to foster global trade, to engage our partners in a system based on rules and law, and to work to raise the living standards of working men and women; and not to recoil from the rest of the world.

Philosophically, I count myself a proponent, a strong proponent of free trade, and have voted for many of the trade agreements that have come before this House.

This agreement, I think, is relatively insignificant as it relates to trade and the volume of trade and the impact on our domestic economy. It may have a much more substantial impact, obviously, on the Oman economy. But in terms of our own economy, it will have, I think, relatively little impact.

However, the Oman Free Trade Agreement I believe is flawed, and it undermines fundamental worker rights. Thus, I intend to oppose it.

What this debate, from my perspective, is about is the criteria that we will tell the world is necessary for us to enter into agreements with them. In many respects, as I understand it, those trading partners with whom we might enter into agreements are not in opposition to that which we are seeking. In fact, it is my understanding that there are Members of this Congress and members of the administration far more opposed to the issues that I will discuss than are the partners who enter into agreements with us.

Oman today does not meet the five basic International Labor Organization standards, including the rights of association and collective bargaining, bans on child labor, slave labor, and discrimination in employment. They say they are going to meet those, but they have not yet met them.

Americans, I believe, feel very strongly about all of those provisions in our own domestic law and in international law.

□ 1345

And it seems to me appropriate that we pursue agreements in that context. There are no labor unions in Oman today. The only labor organizations are, essentially, management labor committees. And while 70 percent of workers in Oman are expatriates, there is little, if any, participation by foreign workers in administering such committees. In other words, most of the workers are from outside of Oman. But almost all of those who participate in any kind of discussions with reference to labor issues are within Oman, Omani citizens.

For 8 months Oman has failed to take a number of steps to ensure that its practices immediately comply with ILO standards and to bind those commitments under the agreement, as was done by Bahrain last year.

Furthermore, Mr. Speaker, the Congressional Research Service confirmed just yesterday that the trade agreement would make it more difficult to protect U.S. ports and block a takeover by foreign government-owned companies such as Dubai Ports World. That raised a tremendous amount of concern just recently when the CFIUS process did not work as we thought it ought to.

It is regrettable that Republicans on the Rules Committee rejected amendments offered by my good friend, Congressman CARDIN, that would have closed this loophole, and it would have at least subjected it to full and fair debate. These are serious issues, and they should be debated fully and fairly. The Rules Committee, however, failed to give us that opportunity. It would have, indeed, insured compliance with ILO standards as well before this agreement goes into effect. But that amendment was not made in order.

Mr. Speaker, in my opinion, there is no reason that we cannot negotiate agreements that advance the cause of free trade, promote the rule of law, generate economic development of countries in great need, and extend to workers, farmers, and businesses the advantages of expanded trade to new markets. None. This flawed agreement, however, fails to accomplish those objectives.

For that reason, so that we can set a benchmark for future, much more consequential trade agreements for our country, I believe today the Congress of the United States ought to set that benchmark and say to the administration, say to the USTR, and say to those with whom we will negotiate in the future for trade agreements that this is the essential element of our agreement because we believe, this country believes that as we want to lift our own workers, as we want to lift our own trade viability, and as we want to lift the viability of trade of other countries, we also want to ensure that we lift workers in that process.

That is the right thing to do. It is the best thing to do. It is the best policy thing to do, and therefore, I will oppose this agreement, but hope that as agreements come before us in the future, that I will be able to support them in the best interest of our country.

Mr. SHAW. Mr. Speaker, we have another speaker who just came to the floor, Mr. HENSARLING of Texas, to whom I yield 2 minutes. Following that, I would yield to the minority so they can close, and then we will go to closing.

Mr. CARDIN. If the gentleman would just yield briefly, I would let Mr. MORAN use up the remainder of his time, and then we will use up the remainder of our time, and then you will close.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. HENSARLING. Mr. Speaker, trade with Oman represents four one-hundredths of 1 percent of our Nation's trade. Thus, we are clearly not debating the American economy today. Instead, we are debating whether or not we are a Nation of trade or a Nation of protectionism, and we are debating whether or not we will support or repudiate an ally in the war on terror.

Free trade delivers a greater choice of goods and services to American consumers at lower prices. That means families can buy more using less of their paychecks. More trade means more competition, and competition has always helped the consumer.

Mr. Speaker, we have 230 years of experience now to show it. But beyond all the obvious economic benefits of free trade, we must recognize that trade is fundamentally an issue of personal freedom. Nations do not trade with nations. People trade with people. And with the exception of national security considerations, every American citizen should have the right to determine the origin of the goods and services they want to purchase.

Now, maybe we, in Congress, have the power, but do we have the right to tell Americans they cannot buy less expensive goods for their families from other nations? The answer should be a resounding no.

Mr. Speaker, this agreement will also improve the national security of the U.S. In the recent 9/11 Commission, they recommended that the U.S. pursue policies to promote more open and freer societies to defeat the root causes of terrorism. That means trade. A free trade agreement with Oman will do just that, which is critical to our current situation in the Middle East.

The nation of Oman has been a friend of the U.S. for over 170 years. They have been a valuable ally during the Cold War, as well as aiding us in the overthrow of Saddam Hussein's regime in Iraq. They continue to be an important ally in the global war on terror, having taken a very strong stand against Islamic extremism that begets terrorism.

Mr. Speaker, I urge adoption of the agreement.

Mr. Speaker, for over 200 years America has benefited from free trade and competition. I urge my colleagues to once again reject raw protectionism and partisanship and instead stand for freedom and security and support the U.S.-Oman Free Trade Agreement.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think it is important, with what little time I have left, to recapitulate what has been said in this debate. In the first place, there is no dis agreement that Oman is located in a highly strategic area, right at the Strait of Hormuz. More than 20 percent of all the world's oil supply goes through there. It is right across the strait from Iran. Very critical position.

It has also been completely agreed that Oman has been a principal ally to the United States. Everything we have asked them to do since 1833, 173 years, Oman has stood up there in a very difficult part of the world and said to the world "We are America's ally."

When we asked Oman for a military agreement so we could stage troops and provide logistical support in the Persian Gulf War, and now in the Iraq war, they said, "Yes, you can do that and we will protect them." And they have all been protected. Our troops have never had a problem in using Oman. Oman has come under pressure, but they have protected American troops in every possible way. No disagreement.

We all agree that almost two-thirds of Oman's population is under the age of 18, so we know that Oman is entering a period of unstability unless there is economic opportunity.

We also know that while there isn't a whole lot of trade, what Oman is buying from us generates jobs in the United States. We get oil from Oman in return.

So what is at dispute is whether this is a national security threat and whether this is an issue with regard to labor rights. Well, in the first place, with regard to national security, there is no question, according to the Congressional Research Service, that if there is a national security issue that the United States raises, that that trumps everything else. And these panels that my friends and colleagues have been referring to, these are panels of American and Omani negotiators, and if an American negotiator says, we think this is a security interest, it is dead. The language that is in contention is reciprocal language we wanted because we have U.S. companies who would like possibly to buy port facilities there. That was our doing. But it can be preempted by national security concerns.

So, on national security, the Congressional Research Service tells us that there is not a security threat. CFIUS will determine if foreign investment in U.S. parts is a security threat and can block the purchase if it comes to that. But there is not going to be any international panel second-guessing this determination, let alone overruling it.

Now, in terms of labor, we passed a Bahrain trade agreement a short while ago, almost by voice vote. No discussion. The labor guarantees in that agreement were not nearly as strong as the ones in this agreement. This is the strongest labor agreement we have seen.

Now, it may not be completely to my liking, but, you know, every one of the issues that the Ways and Means Democrats raised have been addressed by the Sultan of Oman, and not like Bahrain, where they said, well, we will put these to Parliament for consideration and pass them. Oman accepted every one of these recommendations, and you can check again with the Omani Ambassador, who happens to be a woman, the only female ambassador from an Arab country. And of course they were the first Arab nation to send an ambassador to the United States, incidentally.

But every Ways and Means Democrat's recommendation the Sultan put in the decree. This is law now. They can continue to collective bargain. They're are going to protect workers' rights. There will be no repercussions. They are going to eliminate any forced labor, if you can find it. And, in fact, they have invited the International Labor Organization personnel, ILO professionals to Oman, and they are working with them on the ground as we speak. And by October 31, they are going to put all these protections into law, anything that hasn't been fully implemented by the decree by the Sultan.

I don't know what more they can do. They have done everything we have asked.

This is a good trade agreement and, it is in the interest of the United States to pass it. I hope this body will.

Mr. CARDIN. Mr. Speaker, before I yield the balance of our time to our distinguished leader, let me just make it clear that the Sultan has not, by decree, answered the issues that were raised in letters that were sent by our staff. In fact, they dealt with primarily one issue, and six or seven are yet to be dealt with; and that is why they are setting an October date for changing their law.

And let me also make it clear that unlike Bahrain, the Omanis have not, on the ground, changed their labor practices to meet ILO standards. So they fall far short of Bahrain.

And lastly, on the security issue, I have heard our colleagues put a lot of confidence in our ability to unilaterally use the essential security provision to prevent action on our ports. And I just wonder what attitude we would have if one of our insurance companies, for example, wanted to do business in Oman, and Oman said, oh, no, not because of essential security we will let you in our country. And then we say we don't have the right to challenge that? We clearly have the right to challenge that, as Oman would have the right to challenge our decision to invoke this exception if a company wanted to take over a port operation in the United States.

And we are going to be subject to the second-guessing of independent tribunals. And our record has been terrible in the decisions of the tribunal as to how many we have lost against statements made in this body that said that what we would do would stand international muster, and it did not.

So why are we putting this threat out there? Why are we making ourselves vulnerable? Why didn't we take it out of the agreement? Why do we want to subject America to that risk?

Mr. Speaker, I am proud to yield the balance of our time to our distinguished leader who has put forward an agenda for America that truly will make this Nation a safer Nation, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Maryland for yielding and for his just relentless championing of the rights of American workers. Who are we here for, after all?

Mr. CARDIN has been a supporter of free trade agreements for a long time, and that doesn't mean that you can't do that and also be here to be the voice of American workers. If any of them tune in and listen to this debate on the floor, they know clearly who speaks for them. Thank you, Mr. CARDIN, for championing this issue.

Thank you, Mr. RANGEL, for your incredible leadership, time and time again to say, yes, we are open, we understand the benefits of free and fair trade. We want them, though, to emphasize the fairness of it to American workers.

□ 1400

Mr. Speaker, I rise in opposition to the Oman Free Trade Agreement, and it is with the greatest respect for the gentleman from Virginia that I respectfully disagree with his comments. And as Mr. CARDIN has said, the Sultan, with all due respect to the Sultan, his decree has not done what we need to have done in this trade agreement.

Democrats realize that our economic future rests upon our ability to open new markets for U.S. goods and services so that we can continue to capitalize upon the innovative spirit that has long distinguished America. New markets translate into new, high-paying jobs and opportunities for American workers, businesses, and farmers.

In the past, trade policy has been a bipartisan endeavor, a common effort to expand opportunity for America's businesses, again workers and farmers. Unfortunately, the Bush administration has veered in the opposite direction, and so has the Republican leadership in this Congress, and a bipartisan agenda has now become a lofty goal rather than an indisputable reality, which it should be. The Bush administration has failed to enforce fundamental worker rights and failed to open large markets for U.S. goods. Once again America's middle class is paying the price for misplaced Republican priorities.

In addition to that failure, in terms of the global economy, this administration and the Republicans in Congress support incentives to businesses to take jobs offshore. How is that a good idea for America's workers? We are going to engage in these trade agreements that do not have core labor principles in them that lift the standards of the workers in the country; for example, Oman; or, of course, lift the living standard of American workers here, which is our primary responsibility.

And at the same time, these same people who brought you these free trade agreements which do not enforce core labor principles and are unfair to American workers, these same people advocate incentives for companies to take jobs offshore. That is why on the first day of Congress, Mr. RANGEL will come to the floor, God willing, if the Democrats take power, he will come to the floor on the first day and repeal those incentives to companies to take jobs offshore. One small step for American workers.

Democrats have a long history of supporting free and fair trade. Enforceable labor rights that follow basic core principles are a crucial part of ensuring that American companies and workers will not be disadvantaged by unfair competition from countries that do not adhere to the core standards.

Core ILO, International Labor Organization, standards ensure that our trading partners abide by the most fundamental standards of common decency and fairness. Not only are core labor rights a matter of decency and fairness, but they are also in our national economic interest. Basic enforceable, with the emphasis on enforceable, labor protections are critical to building a strong middle class in Oman, raising the disposable incomes so that they can buy American products.

Our trade deficit is likely to exceed last year's recordbreaking deficit of $717 billion. Every day we have $2 billion more in goods coming into the country than going out. This is unbelievable. Over $2 billion more a day in goods and services coming in than going out. I do not know what is free and fair about that. I do know America's middle class is paying the price.

The Republican trade agenda has failed to break new ground by opening large markets for U.S. goods. Instead, they have these little tiny agreements that establish a precedent and erode core labor principles, and they have not opened the large markets that are crucial to creating new jobs for American workers.

Despite a record trade deficit, the Bush administration has focused on negotiating trade agreements with countries where the opportunities for U.S. companies are limited.

The Oman Free Trade Agreement will have negligible impact on our balance of trade, and that is why it can wait. It is just not a big deal. It can wait until these core principles are in the treaty and not just by decree, which they are not, but if they were, could be changed tomorrow. This year U.S. trade with Oman will be about $1 billion, just .04 percent of the total U.S. trade.

Democrats recognize the importance of engaging Oman, but we must do much more in terms of fairness. Democrats are committed to addressing the challenges of increasingly competitive global markets. Our success depends on our ability to innovate new products and to create new markets, new markets, overseas for those goods and services. That is why Democrats have put forth our innovation agenda, our commitment to competitiveness to keep America number one. We will secure America's continued leadership and innovation and unleash the next generation of discovery, invention, and growth. And in that way, we will be preeminent in the world's markets; but not, but not, if our hands are tied by the precedent established by these little agreements.

Again, in addition to our innovation agenda and fairness to American workers, businesses and farmers, on that very first day, in addition to raising the minimum wage, Mr. RANGEL will call for the repeal of incentives of jobs to go overseas.

Just think of it. If you are a middle-income person in middle America, our technological base, our manufacturing base, our industrial base in those parts of the country are eroding. Jobs and services are going overseas with the help of tax incentives of this Republican administration and this Republican Congress, and then we engage in free trade agreements that do not even pay the respect due to American workers to have core labor principles, a minimal standard, the ILO standard. A minimal standard. This is not anything big.

And by the way, we are not asking for anything different for labor, for America's workers. This is not special treatment. What Democrats are asking for is the same thing that the Bush administration is giving to other industries: the right to enforce the provisions. Businesses have that right in the deal, but workers do not. It is just not fair. It is just not fair.

So we want to take our country in a new direction, passing free trade agreements that do expand our markets, spur economic growth, raise the living standard of the United States and abroad, and have enforceable provisions that are fair to American workers.

Unfortunately, this trade agreement fails on all of these counts, and that is why I ask my colleagues to vote "no."

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

I cannot stress enough the importance of the legislation that is now before this body. Yes, this agreement is a good economic agreement for those doing business in Oman. In fact, it is one of the best free trade agreements that this body has considered, granting the United States some of its broadest market access ever, and establishing a strong standard as we push to open the large, emerging Middle East market through a Middle East Free Trade Area. I am particularly pleased that my home State of Florida will receive duty-free treatment on much of its citrus products.

However, while the economics of United States-Oman Free Trade Agreement are compelling, I believe that there are more important issues for the Members to consider as they cast their votes today. Specifically, what that vote will tell the people of Oman and, perhaps most importantly, the people throughout the violent Middle East as the conflict today threatens to spark a new war.

Mr. MORAN spoke quite eloquently of the dangerous neighborhood that Oman is in, right across the straits from Iran. I was just handed a CNN report that just came out within the last hour in which Assistant Secretary of State Chris Hill said that the Iranians were believed to be present at North Korea's July 4 missile test. I wonder why.

As Chairman THOMAS indicated, Oman has long been a strong ally of the United States. Yet beyond that, Oman has also been a leader in its relationships with Israel. Oman has no law that establishes or enforces primary, secondary, or tertiary boycotts of Israel. In the context of congressional consideration of this free trade agreement, Oman has reiterated its commitment to not enforce any aspect of a boycott on Israel in letters of September 28, 2005 and June 15, 2006. Last month, Oman issued an official government document to its relevant agencies, again reiterating the policy and commitment. If any Member still has any doubt, they should know that in the recognition of the importance of this issue by both the United States Trade Representative and the Government of Oman, language was included within the Statement of Administrative Action that the United States Trade Representative will monitor and report to us on this issue. On June 28, 2006, the American Israel Public Affairs Committee, known as AIPAC to the Members of Congress, wrote to me in support of the language, and I am pleased with its inclusion and Oman's position on the boycott.

After these repeated assurances and Oman's longstanding record, Member representations that Oman is not fully committed on this issue ignore the facts and are fundamentally disrespectful of one of the greatest allies for peace and against terror in the world. That some Members have maintained these claims and even sent Dear Colleague letters on this issue, after receiving the letter from AIPAC, receiving direct assurances from Oman officials, and seeing the text of the official Omani documents stopping any boycott, is disgraceful, and I believe that Oman deserves an apology.

While Oman's action in this area alone sends a powerful message to this part of the world, Oman actually has a history of going beyond, to actual engagement. After the signing of the Egyptian-Israeli peace treaty in 1979, Oman was one of the few Arab countries that did not break off relations with Israel. It was also one of the first countries in the region to host an Israeli Prime Minister, when Prime Minister Rabin visited Oman in 1994.

In its letter to me and to the ranking member of the Trade Subcommittee, AIPAC stated, "The breakdown of these kinds of economic barriers can, hopefully, help lead to the development of important political relationships between Israel and the Arab world."

I could not agree more. As we watch hostilities in the Middle East and they continue to worsen, it is through economic relationships such as these that we can have the best chance to win the hearts and minds of the future leaders in the Middle East. As young workers in the region begin to see the benefits of participating in the worldwide economy, they are more likely to pick up tools to better their lives, rather than tools of destruction.

Will passage of this agreement cause an immediate end to hostilities in Israel, Lebanon, Gaza, Iraq, or Afghanistan? No. But none other than the 9/11 Commission has specifically highlighted the importance of Middle East free trade agreements in fighting terror. The free trade agreement will continue to undermine the arguments that terrorists use in recruiting. With increased economic opportunities will come an increased incentive to remain a peaceful, active participant in society.

Oman has been a leader in this region in its friendship with the United States, its friendship with Israel, its commitment to political and labor reforms, and its desire to work economically with the United States. It is now up to the Members of the House of Representatives whether to reward the leadership or reject it based on politics and arguments that have no basis in fact.

Let me run through a few of the arguments that have been made here today. We have talked about American workers.

□ 1415

The United States International Trade Commission estimates that the U.S.-Oman Free Trade Agreement would have almost no effect on U.S. imports from Oman, while resulting in a 5 to 14 percent increase in U.S. exports to Oman. Are you for the American worker? Then you are for increased American exports.

We have heard people trashing the labor standards. I heard one of the speakers complain that the management was one of the union representatives. Well, we keep talking about labor relations in this body. One of those provisions provides that management shall be part of the unions, and the managers that were participating in those negotiations were elected by the workers. Are you as Members of Congress going to tell them they can't have their own elected representatives? I don't think so. And whether it be management or the guy on the assembly line, that is what they want and that is what they should have.

We have also heard a lot about port security. The United Arab Emirates does not have a free trade agreement with us, so the problems that we opposed with regard to that did not come out of any particular agreement. As a matter of fact, with Oman, as it is now, without a free trade agreement, it is exactly the same as United Arab Emirates.

But let me read something from the agreement. You don't have to take my word for it. This is what the agreement says. 21.2 says: "Nothing in this agreement shall be construed to preclude a party from applying measures that it considers necessary for the fulfillment of its obligations with respect to the maintenance or restoration of international peace or security or the protection of its own essential security interests."

The Congressional Research Service said: "Should the United States, whether through CFIUS or congressional action prevent Oman companies from establishing 'landside aspects of port activities,' it would appear that such a measure could be justified pursuant to the essential security exception. While it is theoretically possible for Oman to bring a legal challenge to the actions of the United States before a third-party tribunal, the United States would appear to be on solid legal grounds for asserting not only that the panel does not have the legal authority to determine the validity of such a matter, but also that the inconsistent measure is permitted and justifiable given the broad self-judging." self judging, "language of the national security exception."

So that national security interest has absolutely no legal standing at all. I know of no legal authority, and I am sure if there was one, that would have been brought out in this debate.

Yesterday, we had a very fine debate, and this debate was about our friendship with Israel. It was about the dangers that Israel is facing. It was about our support of Israel. Now we have another vote today, and that vote is about one of the best friends that Israel has in the region. And for us to vote them down would not only be an insult to them, but I believe would be an insult to Israel.

I would urge all Members of this body to think for yourself, is this a good agreement? Don't follow your party line. Vote for yourself, what you think. You are sent here to represent your constituency. Represent them and cast a vote today that is going to mean something. We aren't puppets around here. Each one of us represents a particular congressional district and we should vote that district. Vote for the people that sent us here.

Mr. LYNCH. Mr. Speaker, I rise to express my strong opposition to the Oman FTA. This is déjà vu: last summer we were working against CAFTA . . . now we have the Oman FTA.

What we have here is identical language to the problematic and inadequate language that was contained in CAFTA and NAFTA before that. Most shocking, the administration has slipped language into the Oman FTA that will threaten U.S. port security. As you know, Mr. Speaker, I represent the Port of Boston. To me, this FTA really hits home and is particularly disturbing.

The simple fact is that under this agreement, if an Omani company sought to acquire landside services at U.S. ports and the U.S. government took action to stop or limit that acquisition, the Omani company could sue the U.S. government for violating its FTA rights. The challenge would then be decided by a U.N. or World Bank tribunal.

The nonpartisan Congressional Research Service released a report a couple days ago that confirms that the Oman FTA would make it harder to protect U.S. ports. The CRS report makes clear that the Oman FTA would create a new right under an international trade agreement, which would require the United States to allow any Omani company to provide "landside aspects of port activities."

The CRS report further confirms that Dubai Ports World, DPW, could use the U.S.-Oman FTA to obtain this new right guaranteed by an international trade agreement to buy U.S. port operations. All DPW would have to do is create a subsidiary in Oman. DPW already has commercial operations in at least 10 countries. It would not be hard for DPW to meet the Oman FTA's standard—any business established in Oman is eligible to take advantage of the benefits of the agreement. Only businesses with "no substantial business activities"—a very low threshold—are excluded.

Mr. Speaker, not only does this FTA pose homeland security concerns, but instead of enforceable labor provisions with teeth, this free trade agreement suggests only that Oman adopt and enforce its own labor laws. It offers no assurance that existing labor problems will be resolved, and allows labor laws to be weakened or eliminated in the future, with no possibility of recourse.

In Oman, their 2003 labor laws remain in serious violation of the International Labor Organization's most important and fundamental rights: freedom of association and the right to organize and bargain collectively. There are no independent unions in that country. In fact, Oman not only fails on labor rights, but on all human rights!

The Bush Administration State Department's 2006 "Trafficking in Human Persons" report downgraded Oman to a "Tier 2 Watch List" country, just one step above the countries with the worst human trafficking records. In 2005, Oman was only on "Tier 2" of the State Department's human trafficking list, meaning that Oman's trafficking practices and regulations worsened from 2005 to 2006.

We talk a lot about the war in Iraq, and the President of the United States has described it in many cases as an effort to export democracy. Well, I have got news for you; you do not export democracy through the Defense Department.

This is where you export democracy, in our trade agreements, through our Commerce Department. Democracy is all about opportunity, and we should, in our trade agreements, give these foreign workers an opportunity to stay in their own country, to buy goods from us that would create a good dynamic by creating jobs in this country. Democracy is about opportunity, and if we are really serious about exporting democracy, it starts right here. It starts with our free trade agreements.

Join me in voting "no" on the Oman Free Trade Agreement.

Mr. LEWIS of Georgia. Mr. Speaker, I rise in strong opposition to the U.S.-Oman Free Trade Agreement Implementation Act. This agreement contains the same flawed "enforce your own labor laws" provision that we have seen in recent trade agreements. These labor standards simply do not work when we are dealing with countries that lack strong labor laws and practices.

Mr. Speaker, before we move forward on this issue, I feel a moral obligation to pose the following questions to my colleagues and to the American people:

When negotiating trade agreements, why does this Administration always seem to lose its tenacity and its resolve when it comes to protecting the labor rights of some of the world's most vulnerable workers?

What message does America send to the international community, when we will fight to protect pharmaceuticals patents and other intellectual property within our trade agreements, but we will not do the same for human beings?

Mr. Speaker, before the Members of the People's House cast their votes on this agreement today, I ask that they take a long, hard look at our priorities and our values when it comes to trade policy. I am convinced that this Administration can do a much better job of negotiating trade agreements that will advance the interests of U.S. business and agriculture, while protecting the rights of workers.

I urge my colleagues to vote "no" on this flawed trade agreement.

Mr. LANGEVIN. Mr. Speaker, today I rise in opposition to H.R. 5684, the U.S.-Oman Free Trade Agreement Implementation Act. Once again, the Administration has not met its promise to work with both sides of the aisle to craft a fair trade agreement. While I favor expanding trade and eliminating restrictive tariffs and barriers, the U.S.-Oman agreement does not create a fair playing field for United States companies and workers to compete.

Oman is an important ally in the Middle East, and I respect their friendship. However, their labor laws are insufficient to create a level playing field for American companies. At this point, Oman apparently only meets three of the International Labor Organization's five core labor standards. There are no labor unions in Oman, and Oman's workers do not have the right to collectively bargain. Oman's lack of core labor standards alone should be reason enough to oppose the agreement.

Unfortunately, this agreement could also cede our ability to select companies to operate our own ports. As the President learned during the Dubai Ports World controversy just a few months ago, the American people want control over our critical transportation infrastructure, but language in this free trade agreement specifically permits foreign companies to operate our ports as long as the company operates a port in Oman.

In 2005, Rhode Island companies exported approximately $158,000 to Oman, or about .01 percent of the State's worldwide exports. We must go back to the drawing board to ensure American companies, American jobs, and American security are not left behind for such a small price. I urge my colleagues to join me in opposing H.R. 5684 and encouraging the Administration to renegotiate a more equitable agreement.

Mr. SKELTON. Mr. Speaker, after the tragedies of September 2001, the United States Congress created the National Commission on Terrorist Attacks Upon the United States, commonly called the 9–11 Commission. This independent, bipartisan body was charged with preparing a complete account of the circumstances surrounding the attacks and with recommending policy changes designed to prevent future attacks. I have a great deal of respect for the individuals who served on this commission and for their final work product.

America is in the midst of fighting a long, complex war against terrorism that must be fought with unconventional tools. The 9–11 Commission recognizes the unique nature of our conflict and has recommended that the United States engage Middle Eastern nations economically in order to foster development and reforms in that troubled part of the world. Economic openness requires bilateral compromise and gives America an opportunity to positively influence the region. And, importantly, economic reforms and political liberties tend to be linked.

In the Middle East, the Congress has approved trade pacts with Israel, Jordan, Morocco, and Bahrain. I have supported them because I feel they are critical to enhancing our economic ties to the region. Today, we are considering an agreement with Oman, and after careful consideration, I have decided to support this legislation as well.

Oman is a small, oil-exporting nation located on the Arabian peninsula at the mouth of the Persian Gulf. It is strategically important to the United States and has played a meaningful role in our efforts to defeat terrorism. As Oman's oil reserves diminish, its government has been working to liberalize and diversify its trade beyond oil and gas.

America's economic partnership with Oman carries with it great promise. Boosting our economic partnership with that country will enhance our national security standing in a strategically critical area and will open doors to agricultural trade. The agreement will lower tariffs on U.S. agricultural commodities and products, thereby putting our Nation in a better position to increase exports and compete with other nations for market share. After full implementation, U.S. agricultural exports could reach $225 million or more.

No trade deal is ever perfect. Clearly, some improvements could be made in the bill, especially with regard to labor protection and human rights. But, as I studied the Oman Free Trade Agreement and heard from national security, agriculture, labor, and business leaders, I became convinced that this trade agreement is critical to U.S. national security and to Missouri's rural economy.

In the days leading up to today's debate on the Oman Free Trade Agreement, there has been much talk about port security. Despite the rhetoric surrounding this issue, a nonpartisan legal analysis from the Congressional Research Service has shown that Congress retains its ability to determine the national security interests of our country and to prevent port operations if need be. The CRS analysis is set forth below, as is a letter from the Secretary of the Treasury on this issue:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, July 18, 2006.

MEMORANDUM

Subject: Legal Issues Related to the Proposed Oman Free Trade Agreement and Port Security.

From: Todd B. Tatelman, Legislative Attorney, American Law Division.

This memorandum is in response to requests for a legal analysis of three arguments that have been advanced in opposition to the proposed Oman Free Trade Agreement (FTA). Each of the arguments relate to issues surrounding port security and, specifically, the ability of Omani companies or companies incorporated in Oman to perform "landside aspects of port activities" in the United States. This memorandum provides a legal analysis of three questions: First, whether the proposed Oman FTA allows Omani companies or companies incorporated in Oman to perform "landside aspects of port activities" at U.S. ports, especially in light of the dispute over Dubai Ports World's attempt at establishing similar business operations at various ports in the United States. Second, whether the proposed Oman FTA provides some type of advance clearance to Omani companies that wish to begin landside port operations in the United States. Finally, this memorandum provides a legal analysis with respect to the possibility of a third-country company (e.g., Dubai Ports World or similarly-situated foreign entity), establishing a minimal presence within Oman for the sole purpose of taking advantage of the benefits provided by the provisions of the proposed FTA.

One argument that has been raised against the proposed Oman FTA appears to stem specifically from language contained in Annex II of the Agreement. The argument generally asserts that the proposed Oman FTA provides a new right to both Omani-owned companies and companies based in Oman that will allow them to perform "landside aspects of port operations" at U.S. ports. Upon close inspection of the language in Annex II, however, it appears that this claim is misleading because it appears that Omani companies are already presently able to perform these services. Currently, there are no U.S. laws that prevent either an Omani-owned company (state controlled) or any other foreign-owned company (regardless of whether the company is state-owned or privately owned) from contracting with port owners to perform "landside aspects of port activities" in the United States. In other words, if an Omani company (either state or privately owned) wants to engage in contract negotiations with port owners to provide for the types of services envisioned in Annex II, there is no U.S. law that would expressly prevent them from receiving said contracts.

Annex II of the proposed Oman FTA allows the parties to list "the specific sectors, subsectors, or activities for which that Party may maintain existing, or adopt new or more restrictive, measures" that are not in conformity with the various obligations imposed by the Agreement, such as National Treatment (Articles 10.3 or 11.2), Most-Favored Nation (Articles 10.4 or 11.3), and Market Access (Article 11.4). With respect to the Transportation Sector, the U.S. Schedule to Annex II lists 12 types of measures that the United States has specifically reserved the right to either maintain or adopt new more restrictive measures. These 12 types of measures generally reflect the current restrictions placed on foreign investment and/or ownership of maritime assets by U.S. domestic law. Phrased another way, the United States has reserved the right to maintain our existing legal restrictions with respect to those aspects of maritime transportation in which we already have limitations, as well as adopt new measures in these categories that may be more restrictive.

Additionally, the U.S. Schedule indicates that we do not include in our reservations either "vessel construction and repair" or the "landside aspects of port activities." The noninclusion of these measures in our schedule merely indicates that the U.S. government is not reserving the right to impose a future restrictive measure with respect to "landside aspects of port activities." It does not appear possible to interpret this language as granting any type of new business opportunity to Oman or Omani based companies. Moreover, with respect to "landside aspects of port activities" the language in Annex II specifically states that the promised treatment "is conditional upon obtaining comparable market access in these sectors from Oman." As a result of this language, it appears that the proposed Oman FTA does not grant any new opportunities for business investment to Oman that do not already exist, nor does it allow Oman to establish "landside aspects of port activities" unless it is determined that comparable market access is provided to U.S. companies in Oman. Indeed, it may be possible to argue that the language in Annex II in fact potentially limits the opening of U.S. markets with respect to "landside aspects of port activities" because it imposes a comparable access requirement that does not currently exist under domestic law.

Another argument raised in opposition to the proposed Oman FTA is that it provides a type of "pre-clearance" to businesses in Oman with respect to "landside aspects of port activities." It is unclear at this time precisely what the term "pre-clearance" means in this context. For the purposes of the memorandum, however, we will assume that this language refers to the national security review conducted by Committee on Foreign Investment in the United States (CFIUS). CFIUS, as you may know, was the executive branch entity responsible for reviewing national security and other implications of the Dubai Ports World transaction. U.S. law permits the President, at his discretion, to investigate the national security implications of "mergers, acquisitions, and takeovers . . . by or with foreign persons which could result in foreign control of persons engaged in interstate commerce in the United States." In addition, domestic law requires the President to conduct an investigation "in any instance in which an entity controlled by or acting on behalf of a foreign government seeks to engage in any merger, acquisition, or takeover which could result in control of a person engaged in interstate commerce in the United States that could affect the national security of the United States." The President, by Executive Order, has delegated the responsibility for these investigations to CFIUS.

Based on our review of the proposed Oman FTA, there appears to be no provision that would amend, alter, or adjust this statutory process or its requirements in any way. As a result of the proposed Oman FTA, should a privately owned company in Oman seek to engage in the "landside aspects of port activities," a CFIUS review could still be performed at the discretion of CFIUS, pursuant to the statute. Similarly, should a company owned or controlled by the Omani government wish to engage in any "landside aspects of port activities" at a U.S. port, they would still, pursuant to U.S. law, be required to proceed through the CFIUS process and receive approval from the committee prior to beginning operations. The proposed Oman FTA appears to contain no language that would exempt Oman or Omani government controlled companies from these domestic legal requirements.

Finally, it has been argued that the proposed Oman FTA would allow so-called "shell corporations" to be established in Oman for the purpose of benefitting from the FTA's provisions. For example, assume that Dubai Ports World (DPW), a company controlled by the government of Dubai, were to establish a store front in Oman for the sole purpose of taking advantage of the FTA's investment, market access, and national treatment provisions. Presumably, part of the incentive for doing this would be so that DPW could avail themselves of the investor-state dispute mechanism should their attempts to do business in the United States be denied. The argument against the proposed Oman FTA assumes that the United States would either have to grant DPW access to the U.S. market or face considerable costs in defending our denial of market access. Should the government deny market access, the ensuing litigation could result in an adverse decision costing taxpayers a substantial amount of money in compensatory payments to Dubai.

A careful review of the text of the proposed Oman FTA, however, indicates that this scenario is unlikely to develop. Specifically, Article 10.11(2) addresses this concern by stating that a "Party may deny the benefits of [the Investment Chapter] to an investor of the other Party that is an enterprise of such other Party and to investments of that investor if the enterprise has no substantial business activities in the territory of the other Party and persons of a non-Party, or of the denying Party, own or control the enterprise." Thus, the proposed FTA, by its own provisions, clearly permits the United States to deny benefits under the Investment Chapter to any company or individual unless there are "substantial business activities" established in Oman. Therefore, it appears that the establishment of a mere "shell corporation" would likely not be considered the establishment of "substantial business activity" and, as a result, the United States would be entitled to deny benefits.

This legal position is consistent with administration positions regarding substantially similar language contained in other

FTAs. For example, in the Statement of Administrative Action that accompanied the North American Free Trade Agreement, the executive branch stated that "shell companies could be denied benefits but not, for example, firms that maintain their central administration or principle place of business in the territory of, or have a real and continuous link with, the country where they are established." This language appears to establish a very high threshold for "substantial business activities" by requiring both central administration and principal place of business in the country before benefit can be claimed. Given this interpretive language, it does not appear that DPW, or any other foreign corporation, would be able to satisfy such requirements through a "shell corporation." In addition, for Oman to obtain any of the benefits listed in Annex II with respect to "landside aspects of port activities" they will, as previously discussed, have to provide "reciprocal market access" or else the United States has an additional legal basis to deny market access to Omani companies.

DEPARTMENT OF THE TREASURY,
SECRETARY OF THE TREASURY,
Washington, DC, July 20, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I understand that concerns have recently arisen over the U.S.-Oman Free Trade Agreement, FTA, and its possible link to the security of U.S. ports—particularly regarding the dispute settlement provisions.

First, this agreement is strongly supportive of our national security in general and the war on terror specifically. It marks another important step in our efforts to deepen and strengthen commercial ties with countries in the Middle East that are trying to modernize and give their people long-term economic opportunities and political rights. The United States should be a catalyst for economic growth and stability in the region and an active supporter and partner of countries, such as Oman, that are seeking to integrate into the global trading community. Oman has been a solid ally in our efforts in the Middle East and in the war on terror, and we need to demonstrate to all countries that our allies in this effort have a reliable friend in the United States as they seek a better economic future.

Second, Article 21.2 of the U.S.-Oman FTA provides for a national security exception that allows the United States to take measures that we determine are necessary for the protection of our essential security interests.

Foreign acquisitions of companies in the United States that operate port terminals are subject to section 721 of the Defense Production Act, the Exon-Florio amendment, which authorizes the President to block and/or force divestment of any proposed or ongoing foreign investment in the United States that threatens to impair U.S. national security. The Exon-Florio Amendment falls within the national security exception, noted above, as a provision that the United States "considers necessary for . . . the protection of its own essential security interests."

Port security in our country is not managed by port terminal operators. A combination of municipal and State port authorities, the U.S. Customs and Border Protection, and the U.S. Coast Guard are responsible for our Nation's port security.

As the Secretary of the Treasury, it is my responsibility to ensure the Exon-Florio amendment is executed. Protection of the national security is my highest responsibility. To be clear, the FTA negotiated with Oman neither subjects national security interests to a third-party tribunal's assessment—as some have alleged—nor does it alter, amend, or adjust the President's Exon-Florio statutory powers to protect the nation's security in any way.

The FTA with Oman provides greater opportunities and opens new markets for U.S. products, investors, and workers. I urge you and your colleagues to pass the legislation to implement this FTA as soon as possible.

Sincerely,

HENRY M. PAULSON, Jr.,
Secretary of the Treasury.

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to H.R. 5684, the United States-Oman Free Trade Agreement Implementation Act. While the agreement would provide some benefits both for the people of the U.S. and Oman, I think the agreement contains more flaws than benefits, and I believe it must be rejected.

The agreement, which is similar to free trade agreements (FTA)s with Middle Eastern countries Morocco and Bahrain, would provide the U.S. and Oman duty-free access for almost all consumer and industrial goods, with special provisions for agriculture, textiles and apparel. Both countries would phase out all tariffs on the remaining eligible goods within 10 years.

I have supported a number of trade agreements to expand access to foreign markets for exports as part of a long-term strategy to strengthen the American economy. While expanding market access for American industry, financial markets and farmers is critical, I believe it needs to be done responsibly, accounting for the treatment and protection of workers and the environment. This agreement makes efforts to do so but in my opinion needs to go further.

Regarding the agreement's labor provisions, I am concerned that Oman is not in compliance with International Labor Organization (ILO) core labor standards. There are no labor unions in Oman today. The royal decree issued by Sultan Qaboos—which prohibits forced labor and endorses the use of collective bargaining and strikes—is a step in the right direction, but more needs to be done. It's important that the provisions in the recent decree be implemented before Congress considers this agreement. Regardless of the outcome of today's vote, I urge the Administration and the United States Trade Representative (USTR) to monitor and take necessary steps to ensure the implementation of this decree.

I think the Administration and the USTR would be well served by including labor provisions, such as those contained in the U.S.-Jordan Free Trade Agreement, in the body of future trade agreements and making them subject to sanctions via dispute resolution procedures. The dispute resolution procedures continue to fall short in FTAs negotiated by the Bush Administration, and the Oman FTA is no exception. It is important that the United States takes step to ensure our trading partners provide workers with basic labor rights.

I am also concerned about reports that the U.S.-Oman FTA would create a new right requiring the U.S. to allow any Omani company to buy U.S. port operations. Given the uproar earlier this year over the news that Dubai Ports World had been permitted to take over the operations of several U.S. ports, it seemed only reasonable today to pass the Cardin amendment, which would close the loophole in the current trade agreement that allows a foreign company with operations in Oman to operate U.S. Port facilities. But the Republican leadership would not allow the amendment to be considered.

Expanding the liberalization of trade in goods and services between the U.S. and Oman can help us build a stronger relationship with a strategic country in the Middle East. I firmly believe the Bush Administration squandered this opportunity by not paying sufficient attention to national security concerns and by not ensuring basic labor standards in the agreement, which is why I must oppose H.R. 5684 today.

Mr. ALLEN. Mr. Speaker, I rise in opposition to the U.S.-Oman Free Trade Agreement (FTA). We need a new trade policy that recognizes today's realities of the global economy by promoting worker rights, environmental protection and access to health care. This Oman deal fails to meet that test.

Expanding trade opportunities can lead to job growth and economic vitality in Maine and around the country. Trade policy should reflect all our important societal values, not just commercial concerns, in order to create a stronger and more competitive America, encourage broader prosperity at home and abroad, and create a better, healthier future for ourselves and our children.

Inevitably, trade agreements create winners and losers within the U.S. economy. No trade deal can be considered independently of other policies designed to help those who will be shortchanged. Unfortunately, recent U.S. economic policies will make matters worse. The President's budget, adopted by the majority in Congress, cuts programs vital to helping Americans displaced by new trade agreements: job training, vocational education, adult education, community development, and small business aid. It is irresponsible and immoral to inflict a double blow on our most economically vulnerable citizens.

If we do not reverse the disturbing disappearance of manufacturing and information technology jobs, the American economy will suffer even greater job losses and long-term damage.

The U.S.-Oman FTA falls short in the area of worker rights. Its only enforceable labor obligation is a requirement that Oman enforce its own labor laws, even though Oman's laws fail to comply with basic international standards in 10 specific areas. We should mandate Oman abide by core labor rules, to be fair to their own workers and keep trade on a level playing field.

The Oman pact continues a dangerous trend of using trade policy to extend anti-competitive protections for the highly profitable brand name drug industry. Although generic drugs lower prices and therefore improve public health, the intellectual property provisions inserted by the Bush Administration would delay entry of generic prescription drugs by imposing restrictive rules on the developing countries covered by the agreements.

I fear these provisions could come back to hurt Americans, as Congress' ability to legislate on health care could be restricted by international trade obligations. In essence, the Administration is giving powerful drug makers legal standing to challenge domestic U.S. health care laws through trade dispute mechanisms.

We see the double standard. The Administration champions international trade standards when they protect pharmaceutical industry profits, but reject them when they protect workers' rights.

I voted against the fast track/Trade Promotion Authority bill, in part because I believed that it ceded too much authority to the Executive Branch. The experience with this Oman deal validates my concern. In June, the Senate Finance Committee approved an amendment to the pact stipulating that goods made in Oman with forced labor may not benefit from the trade agreement. When the White House later submitted the agreement to Congress, it left the forced labor provision out. The Administration has ignored the will of Congress. The blank check permitted by this fast track authority is a clear case where bad process leads to bad policy.

I urge my colleagues to reject the U.S.-Oman Free Trade Agreement, and insist on a new, balanced trade policy guided by consensus, not ideology.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the Oman FTA, though not without reservation. Increased economic, social, and political ties with Oman are noble goals and ones for which we should strive. However, the facts behind the crafting of the Oman FTA suggest that this is a hurried trade agreement.

I can support an agreement that serves to support the interests of all parties at stake. I have based my previous votes on free trade agreements by this standard, and by this standard, I have decided to vote against the Oman FTA. While I do not doubt that some sectors of the U.S. economy will benefit from passage of this bill, I am fearful of the repercussions that will face many of our manufacturing industries.

I recognize that Oman is a key alley in the War on Terrorism and a leader in improving the relationship between the Arab world and Israel, but trade agreements should not be judged by beneficial strategic alliances alone. The United States has other allies in the Middle East on the War on Terrorism and should make agreements with those allies in which jobs held by the American people are not sacrificed.

In addition, the Oman FTA may include a dangerous loophole that jeopardizes our Nation's port security. In its present form, this agreement allows a foreign company with operations in Oman to operate U.S. port facilities. The Cardin amendment would provide that the U.S.-Oman Free Trade Agreement cannot take effect until the U.S. withdraws its commitment to allow companies with operations in Oman to operate "landside aspects of U.S. port activities."

Furthermore, the OFTA would expand the failed model of the Central American Free Trade Agreement. This model has been devastating to the U.S. industrial base, accelerating job loss and lowering living standards in the United States while exacerbating poverty and social disparities in the developing nations with which we trade.

Current Omani law does not come close to meeting core International Labor Organization standards. Despite some improvements made to Oman's legal framework, Oman's labor laws today do not provide for the exercise of the most important and fundamental workers' rights: freedom of association and the right to organize and bargain collectively.

In order to ensure progress, we must establish a system of improved standards in education, labor, and environment, among others. In this regard, the OFTA falls short of established standards. The OFTA has neither sufficient nor enforceable labor provisions. This omission of labor standards will result in the continuation of severe labor conditions for both adults and children. This agreement could permit businesses to profit by exploiting the impoverished. I cannot accept an agreement that allows businesses to increase their profit margins at the expense of the underprivileged.

It seems clear to me that under the current refrain of "free trade to fight poverty," sufficient resources are not being used to help the poor. Businesses are often more interested in the bottom line than the bottom of society. Foreign governments are often far too eager to invite these companies into their nations. This is not the best manner to help fight poverty in the Third World. In order to fight poverty, we must insist on the utilization of resources to protect the poor, not to exploit them. We must insist on better labor and environmental standards in order to ensure that the poor also benefit from free trade agreements.

Over 400 American organizations have announced strong opposition to the Oman FTA. These organizations represent a large number of Americans who oppose the OFTA. Of the 400 groups that oppose the OFTA, there are at least six prominent organizations from the city that I have the privilege of representing, Houston. These organizations include the:

Harris County Central Labor Council;
Houston Globalization Forum;
Houston Globalization Working Group;
Houston Peace and Justice Center;
International Brotherhood of Electrical Workers Local 716; and
The Sheet Metal Workers Local 54.

More than three million manufacturing jobs have been lost in the US since 1998. Increasingly, offshore outsourcing is impacting even highly educated and highly skilled workers. Protecting American jobs generally and especially those jobs belonging to my constituents in the 18th district of Texas is of the utmost priority to me. Thus, I can not stand by and let Americans continue to lose their jobs.

Therefore, we must insist that our trade agreements contain more than an expansion of business interests; they must also contain provisions that expand social and political interests. We must ensure that trade agreements benefit the wealthy and the poor, men and women, young and old. This agreement fails to meet these standards, and I urge my colleagues to oppose it.

Ms. LEE. Mr. Speaker, today we are considering yet another fundamentally flawed free trade agreement—the U.S.-Oman FTA.

How many times will it take to learn that the current model just isn't cutting it? Given the failures of NAFTA and CAFTA, you would think that the U.S.-Oman FTA would be an improvement. Sadly, the same misguided formula is being applied again.

Just look at the facts; you simply cannot camouflage a race to the bottom. So please don't be fooled by the word games that proponents of this deal will play.

FTAs should promote democracy and offer new opportunities for all parties involved. They should not benefit a select few by making the rich wealthier and bankrupting the poor.

We should be protecting labor standards, human rights, the environment, access to medicines, and national sovereignty—not sacrificing them under the guise of promoting business and economic growth. When will we learn that these are not contradictory goals?

But again, these critical issues are shoved to the margins in empty promises and side-letters. There is no excuse for why this trade deal is not fair and balanced.

I urge all of my colleagues to vote against another ludicrous trade deal.

Mr. SMITH of Texas. Mr. Speaker, today the House of Representatives has an opportunity to support the U.S. intellectual property industries by approving the U.S.-Oman Free Trade Agreement.

The agreement is supported by both the International Intellectual Property Association, which is comprised of seven copyright-based trade associations representing over 1,900 different companies, and the Information Technology Industry Council, representing 35 leading high-tech industries, because it will raise the level of intellectual property protection in Oman in a number of ways.

The agreement implements the WIPO Internet Treaties, which provide standards for digital copyrighted material; it protects copyrighted works for extended terms, including 95 years for sound recordings and performances; and it ensures that copyright owners will have the exclusive right to make their works available online.

The agreement will also strengthen the enforcement of intellectual property rights in Oman by including agreed upon criminal standards for copyright infringement with stronger remedies and penalties and by criminalizing end user piracy. These provisions will provide a strong deterrence against piracy and counterfeiting.

Finally, Oman has committed to zero tariffs on all software, movies, music, consumer products, books and magazines exported into the country and to zero tariffs on technology products used to access the Internet.

I urge my colleagues to support this important sector of the U.S. economy and vote in favor of the Oman Free Trade Agreement.

Mr. CROWLEY. Mr. Speaker, the issue of trade has remained contentious over the years.

I believe in the ideals of free trade but it must also be fair trade.

We have to take a close look at each agreement and weigh them on their individual merits.

If the President wants to receive overwhelming support on these agreements he has the power to do it. President Bush has the power to make trade an issue that is strongly supported by all of my colleagues, but he refuses to add what Democrats have been demanding on labor and the environment.

When I look at an agreement various factors go into making my decision process, are we opening new markets for our goods and services, will labor standards be protected, what is our relationship with our potential free trade partner.

As a member of the Middle East subcommittee on the International Relations Committee, I view Oman not as just a trade bill but also as a foreign policy tool.

Oman has been a strong friend and ally of the United States and is providing critical assistance in the global war against terrorism and this agreement will continue to strengthen our relationship.

The 9/11 Commission has recommended that the United States build stronger relationship with moderate Muslim nations such as Oman to build an economic and political partnership.

Besides the economic benefits the United States will enjoy from the implementation of this free trade agreement it also has spurred our friends in Oman to move beyond their current labor laws. While I would like to see a more progressive stance on labor, I believe these new reforms are genuine.

Oman has shown they are a stable nation in a sea of conflicts in the Middle East and my hope is that this agreement will help move them further down the path of moderation.

I think it is worth noting that during Israel's recent conflict with Hezbollah and Hamas, Oman has been noticeably restrained in criticizing the Jewish State for protecting her citizens.

Oman is a valued member of the Middle East community and this agreement will make them even more so.

At the core of this trade initiative is the belief that through economic opportunity and partnership, with the United States and Israel, that the goal of peace in the region can be furthered.

I understand that perfection can be an unattainable goal but sometimes you must weigh all the pros and cons and on Oman the pros tipped the scale. I also want to address the point of the Dubai port sale raised by the opponents and the ability of an Omani company or another company to base themselves in Oman to try to purchase American port facilities or other infrastructure.

While there are many theoreticals as to what could or could not happen, any purchase of an American asset by an Omani company would be subject to review by the Committee on Foreign Investment in the United States, CFIUS. As the lead sponsor along with Representatives ROY BLUNT, CAROLYN MALONEY, and DEBORAH PRYCE of a bipartisan CFIUS reform, I understand the purchase of American assets by foreign companies or governments well.

This agreement with Oman does not change one bit the CFIUS process and doesn't make it any less secure.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to express my views regarding the Oman Free Trade Agreement.

I have supported certain trade agreements in the past because I believe they can be an important step toward opening markets for U.S. businesses. I also believe that the economic interdependence that flows from trade agreements can help create a more cooperative and peaceful world by solidifying ties between nations. That is why I supported agreements with Australia, Chile, Morocco, Bahrain and Singapore.

This outlook informs my approach to trade agreements and as I carefully considered the provisions of the Oman Free Trade agreement, I recognized its potential for opening Oman's market to U.S. agriculture, manufacturing and the services industry. But a trade agreement is about more than trade; it is also about the fair treatment of workers and other considerations.

With respect to worker's rights, the Oman FTA is seriously flawed. Like CAFTA, the Oman FTA only requires the Omani Government to enforce its own labor laws. And when violations occur, the Omani Government is only required to pay a financial penalty to itself. This provision is a source of concern to me in light of reports by the international labor community that Oman's labor laws fall far short of meeting the International Labor Organization's core labor standards and do not provide Omani workers with the fundamental protections needed to prevent workplace exploitation.

Oman has a massive guest worker population, comprising over 75 percent of Oman's total work force. According to reports, in Oman, guest workers are prevented from exercising their international labor rights and have reportedly been jailed for complaining about the working conditions and violation of labor rights.

My concerns about the Oman FTA were reinforced by news reports coming out of Jordan about violations of Jordanian workers rights. Before these incidents, the Jordan Free Trade Agreement was considered the gold standard for labor provisions in trade agreements. Jordan's labor laws are strong and it has long experience administrating them. That is why, when I read the May 3, 2006, New York Times article describing the abusive conditions in Jordan's apparel industry, I also grew concerned about the lack of protections for workers in Oman.

Reports are emerging from Jordan of an environment where workers put in 20-hour days with little or no pay and where physical abuse is rampant. If workers rights are not enforced in Jordan, there is little hope that workers in Oman—where independent unions are outlawed—will have their rights protected.

Trade agreements must at least hold open the reasonable prospect that workers will be treated fairly. This agreement fails that test.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 5684, the Oman Free Trade Agreement, because I think it is the right thing to do. I am going to vote for this agreement because I believe that free trade can be a way to promote our national security through international cooperation and economic growth.

The country of Oman is an important ally of the United States in a part of the world where we need more friends. It is also a country that is growing, one that will provide economic opportunities and jobs to our Nation through increased exports. Upon passage of this agreement, Oman will provide immediate duty-free access to 87 percent of U.S. agricultural exports and 100 percent duty-free trade in industrial and consumer products.

Mr. Speaker, Oman is a friend to the United States and a leader in the Middle East region. Oman has demonstrated this by passing tough new labor laws, normalizing relations with Israel, and supporting the U.S. efforts in Iraq. Passage of this agreement will demonstrate that we can do more to enhance our Nation's national security through cooperation and economic development.

Although this legislation is not perfect, approving the Oman Free Trade Agreement is in America's national interest, and I urge my colleagues to vote "yes" on this bill.

Mr. BLUMENAUER. Mr. Speaker, honest and fair trade will help the U.S. and other countries grow more prosperous and stable. Trade barriers, quotas, and restrictions hurt all but a select few by raising prices for consumers, limiting economic growth, and restricting the ability of developing countries to improve their economies. However, I do not support free trade at any cost. There must be strong protections to ensure that workers benefit from trade, that the environment is protected, and that we provide the necessary help to those who lose out from increased trade.

Before the 2002 vote on "fast-track" trade promotion authority, I told President Bush in a meeting that he could gain broad bi-partisan support for a trade policy that expanded markets for U.S. products and helped developing countries grow themselves out of poverty if he made simple, small changes to the trade agreement model to take into account concerns over labor, the environment, and farmers in developing countries. However, the Oman Free Trade Agreement continues President Bush's tradition of pushing forward harsh and divisive agreements, designed to pass by the smallest of margins.

For example, the Senate Finance Committee voted unanimously to recommend that the trade agreement exclude items made with forced labor, slave labor, or trafficked persons. Despite this, the President refused to make these simple changes that Congress demanded.

Questions of how the United States engages in an increasingly global economy are too critical to our future to use as partisan and political wedges. We must develop a forward-thinking and honest trade policy that can be broadly supported by Americans of all political stripes and that reflects the concerns that I hear from Oregonians. Because the Oman Free Trade Agreement doesn't meet that test, I must oppose it.

Mr. HOLT. Mr. Speaker, I oppose the Oman Free Trade Agreement (OFTA).

The Bush administration has again presented the Congress with a flawed trade agreement. I support vigorous international trade, but it should also be fair trade.

The inadequate labor provisions in this agreement are almost identical to those contained in the flawed Dominican Republic-Central American Free Trade Agreement (DR–CAFTA), which I opposed. After the contentious vote on DR–CAFTA, the United States Trade Representative said he would address the concerns we raised in future agreements. Unfortunately nothing has changed.

OFTA does little to improve the poor protection for workers in Oman. The labor provisions in this trade agreement are lackluster, and will be very hard to enforce. This trade agreement asks Oman only to meet the lowest possible dominator of labor law. We can and we must do better.

Currently, Oman labor laws do not provide for the freedom to associate or the rights to organize and bargain collectively, the most fundamental of workers rights. There are no protections for workers who want to strike in Oman, and there are no independent unions. Oman has said it will change, but it does not have to. These promises should be included as requirements in this agreement, not in unenforceable side letters.

As I have said before, international trade is not just inevitable, it is a good thing. It has enormous potential to raise standards across the globe, disseminate technology and encourage economic growth. But lowering the cost of goods and increasing their availability is not the single goal of trade. Trade should also lift the global standard of living. Trade agreements are not just about goods and commodities; they are also about what constitutes acceptable behavior in workers' rights, environmental matters, intellectual property, and so forth. We should make sure we export the goods we produce and not the workers who produce them. Like the DR–CAFTA and Bahrain Free Trade Agreements, the Oman Free Trade Agreement does not pass these tests. The agreement before us fails both parties: it will not help either America's or Oman's workers.

Each new trade agreement entered into by the United States ought to be closely scrutinized, and ought to include the strongest enforceable worker rights and environmental safeguards attainable. We know how to craft such agreements, for example the U.S.-Jordan Agreement of 2000 was a fair and good agreement. Unfortunately, the Bush Administration has abandoned that successful format and pushed ahead with a trade policy that only looks at the bottom line, rather than the workers who produced the goods or the environment they live in and rely upon for sustainable growth.

We need to go back to the successful format that incorporates American values into our trade agreements. This would ensure that U.S. companies and employees are not forced to compete with countries that have no or weak labor laws, poor working conditions, and a willingness to debase the environment for the short term. The people of all countries lose in such a "race to the bottom".

Mr. Speaker, I cannot support OFTA or other flawed trade agreements.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). All time for debate on the bill has expired.

Pursuant to House Resolution 925, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CARDIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 5684 will be followed by a 5-minute vote on suspending the rules on H. Con. Res. 448.

The vote was taken by electronic device, and there were—yeas 221, nays 205, not voting 7, as follows

[Roll No. 392]

YEAS—221

Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Cole (OK)
Conaway
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (CA)
Davis (KY)
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Nunes
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Tanner
Tauscher
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cramer
Cummings
Davis (AL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gingrey
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Slaughter
Smith (NJ)
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Bishop (UT)
Davis (FL)
Davis, Jo Ann
Evans
McKinney
Northup
Nussle

☐ 1452

Mr. NORWOOD and Mr. POMEROY changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

COMMENDING NASA ON COMPLETION OF THE SPACE SHUTTLE'S SECOND RETURN-TO-FLIGHT MISSION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 448.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 448, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 393]

YEAS—415

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Ackerman
Bishop (UT)
Brown (SC)
Davis (FL)
Davis, Jo Ann
Deal (GA)
Evans
McKinney
McNulty
Meehan
Northup
Nussle
Payne
Slaughter
Stark
Tancredo
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in the vote.

□ 1500

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise their remarks and include extraneous material on the subject of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the week to come; and at this time, I yield to my friend, the majority leader, Mr. BOEHNER of Ohio.

Mr. BOEHNER. I appreciate my colleague from Maryland for yielding.

Mr. Speaker, the House will convene next Monday at 12:30 for morning hour and 2 p.m. for legislative business. We will consider a number of measures under suspension of the rules. A final list of those bills will be sent to Members' offices by tomorrow afternoon.

For the balance of the week, the House will consider on Tuesday H.R. 1956, the business activity tax bill from the Judiciary Committee.

On Wednesday morning at 11 there will be a joint meeting of Congress to receive His Excellency Mr. Maliki, Prime Minister of the Republic of Iraq. Also on Wednesday we will consider H.R. 5682, the United States and India Nuclear Cooperation Promotion Act from the International Relations Committee.

On Thursday, we will consider H.R. 5766, the Government Efficiency Act, and possibly H.R. 3282, the Abolishment of Obsolete Agencies and Federal Sunset Act from the Committee on Government Reform.

At this point, Friday is still up in the air. Our goal is to finish on Thursday. It is not a commitment but it is my goal, and I am hopeful that we will be able to meet it. It really will depend on the number of conference reports that may or may not be completed and whether we can fit those in during the week, if they come inside, like the gentleman understands.

I am hopeful that the Voc Ed conference report can be brought up. As the gentleman knows, we have been working on the pension conference. There is no agreement as yet, but I think we are moving toward one, and I am hopeful. But we will see.

I also have an announcement about September votes, which is a change in the calendar. There will be no votes on Tuesday, September 5. I anticipate that we will consider H.R. 503, to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling or donation of horses and other equines to be slaughtered for human consumption. We expect that to be considered that first week we are back, and I just wanted Members to be aware of it.

Mr. HOYER. Reclaiming my time, I was very pleased to hear that we are going to be dealing with the Horse Protection Act. I am sure that all of us are concerned about that. I say that seriously.

But can you tell me when we might be doing the Worker Protection Act, particularly those that are working at the lower end of the scale, the minimum wage act?

Mr. BOEHNER. If the gentleman would yield.

Mr. HOYER. I yield to my friend.

Mr. BOEHNER. We are continuing to have conversations about that issue, but no decisions as of yet. If there is, I will make sure that everyone is notified.

Mr. HOYER. I thank the gentleman, and I meant that seriously on the Horse Protection Act. I am sure it is an important piece of legislation, but we are very concerned and continue to be concerned, many, many Members on your side of the aisle continue to be concerned, about the 9 years that have transpired since we adjusted the minimum wage, no cost of living attached to it, and we are very hopeful that the majority leader and your side of the aisle will see fit to bring that forward.

We hope that you will bring it forward in a fashion that will not dilute the attention and focus on the workers, and by that I say attaching it to a tax bill or some other piece of legislation. We would hope that that would be a clean vote on the floor, and we think the majority of this House are for it. We think it is a very, very important piece of legislation, and we ask you to very seriously consider bringing it up next week if possible, but as early in September as possible.

September 29 has been put in the press as the target date at least. You mentioned one of the pieces of legislation that might be on in September. Can you tell me how definitive or definite a date that September 29 may be for the possible adjournment prior to the election?

I yield to my friend.

Mr. BOEHNER. It is very definite.

Mr. HOYER. That is going to be the date?

Mr. BOEHNER. We are gone September 29. We will be back on November 13.

Mr. HOYER. November 13. There are all sorts of things I could say about post-election.

Mr. BOEHNER. I am sure you could.

Mr. HOYER. We will be happy when we get back here on the 13th.

Mr. BOEHNER. And we will be happy, too.

Mr. HOYER. To proceed with whatever legislation we decide ought to be considered, realizing we won't be sworn in until January as the majority party.

Mr. BOEHNER. What we call the lame duck session.

Mr. HOYER. Yes, it will undoubtedly be a lame duck session, I tell the majority leader.

Mr. BOEHNER. The only question is who will be lame.

Mr. HOYER. We could go on a long time on this. We probably ought to move along with the schedule because you and I have a different view as to who is going to be lame and who is going to be the duck and other issues of great importance to the American people.

On the issues, the Labor-Health bill, obviously the minimum wage is one of the issues on that bill, but there are a lot of other issues on that bill as well. Do you have any expectation the Labor-Health bill will move either next week, I know it is not on the calendar, or in September?

I yield to my friend.

Mr. BOEHNER. I appreciate my colleague for yielding. There are a number of issues related to that bill. I think it is doubtful that it will be up next week. I am hopeful that we will be able to consider it in September.

Mr. HOYER. Moving on to the pension conference report, there have been some reports that there may have been some progress in the pension conference, but I want to tell the leader again, very seriously, I read in one of the journals that the conference, or a group, had been meeting. There had been five Republicans and two Democrats.

I want to tell my friend, in all seriousness, and I have asked you to engage on this, not one Democrat from the House of Representatives has been engaged in these meetings. The two Democrats that are mentioned in that story are both Democratic United States Senators. They may be very fine United States Senators. This is a two-House, bicameral Congress.

The gentleman made a representation to me, and I take him at his word, I believe he means it, that a conference is better or a discussion on where we are going on this pension bill, a critically important bill that has been pending now for almost half a year or longer. I suppose, the gentleman knows the exact date of that, and has not moved, and during that period of time, Democrats from the House of Representatives have not been included in the pension conference. I have been, I think, pretty polite on my request to you, Mr. Leader, but this is not the process that we ought to be following.

I yield to my friend.

Mr. BOEHNER. I appreciate the gentleman's concerns, but I think the gentleman from Maryland understands that I am not the chairman of the conference. I don't decide when we meet, who meets or what room we meet in. I have expressed the gentleman's concerns, and hopefully we will have all of the Members together very soon.

Mr. HOYER. I hope that is the case, Mr. Leader, and again, I take you at your word. While you are not the chairman of the conference, you are the majority leader of the majority party in the House of Representatives.

Mr. BOEHNER. If the gentleman would yield, the other body is chairing this conference, and the gentleman has been on a number of conferences over the years and understands this process, that the body who chairs the the conference makes those decisions.

Mr. HOYER. Reclaiming my time, one option, of course, is the Republican Members from the House of Representatives that are participating in these meetings indicate to our Senate colleagues that they are not prepared to proceed unless there are Members of the minority party present in those meetings to discuss issues of critical importance to literally millions of people in this country.

Mr. BOEHNER. If the gentleman would yield, I will be happy to make that suggestion to Mr. McKEON and Mr. THOMAS.

Mr. HOYER. I thank the gentleman.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, JULY 26, 2006, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY NOURI AL-MALIKI, PRIME MINISTER OF THE REPUBLIC OF IRAQ

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, July 26, 2006, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

ADJOURNMENT TO MONDAY, JULY 24, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 5682, UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006

Mr. COLE of Oklahoma. Mr. Speaker, the Committee on Rules may meet the week of July 24 to grant a rule which could limit the amendment process for floor consideration of H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H-312 of the Capitol by 10 a.m. on Tuesday, July 25. Members should draft their amendments to the bill as ordered reported by the Committee on International Relations, which was ordered reported on June 27, 2006, and is expected to be filed tomorrow, Friday, July 21.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO HAVE UNTIL MIDNIGHT, JULY 21, 2006, TO FILE REPORT ON H.R. 5682, UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006

Mr. BOOZMAN. Mr. Speaker, I ask unanimous consent the Committee on International Relations may have until midnight, July 21 to file a report on H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed—
>
> (1) to agree to the provisions contained in subsections (a) through (d) of section 601 of the Senate amendment (relating to prospective application of age discrimination, conversion, and present value assumption rules with respect to cash balance and other hybrid defined benefit plans) and not to agree with the provisions contained in title VII of the bill as passed the House (relating to benefit accrual standards); and
>
> (2) to agree to the provisions contained in section 413 of the Senate amendment (relating to computation of guaranteed benefits of airline pilots required to separate from service prior to attaining age 65), but only with respect to plan terminations occurring on or after September 11, 2001.

Mr. GEORGE MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as we just heard in the colloquy between the majority leader and the minority whip, there is expectation that a conference committee may conclude on the pension reform bill, and that is why I rise today because that bill may, in fact, be coming to the floor of the House of Representatives and to the Senate within the next week.

□ 1515

I rise to urge my colleagues to vote again to send a message to the conferees that they should not conclude this report until they provide for the protection of older workers who are facing the conversions to cash balance plans. That means older workers who the companies are now putting on notice that they will change their benefits, they will no longer realize what they had long anticipated, the benefits of a defined benefit plan, that they will now get a substitute plan for their current pension plan, what is called a cash balance plan.

Despite overwhelming votes in support of protecting older workers' pensions in the House and in the Senate, the Republican leadership plans to thumb its nose at older workers and exclude the vital transition protection. That means that many workers will lose hundreds of dollars a month in expected retirement benefits. Many of these workers will be in excess of 50 years of age, and it is highly unlikely they will be able to recover the loss of their retirement benefits, retirement benefits they have been counting on for many years, retirement benefits they have been counting on in exchange for their labor, that they signed a contract in exchange for their labor with their employers; and today, the Congress is getting ready to tell them we are sorry, we are not going to make the employers live up to their agreements, and we are not even going to provide a transition to you to soften the economic blow.

If this is permitted to happen, it is shameful and it is an abuse of power by the Republican leadership, arrogantly defying the clear wishes of Members of both the House and the Senate on behalf of very special interests that do not happen to be the workers of this country.

The conference language draft by the Republican conferees is a pension Trojan horse and allows companies to legally renege on their promises to workers who played by the rules, who were told that they could accrue benefits to retire, especially those who spent decades at the company.

Here is what AARP CEO William Novelli says about this backroom Republican deal for older workers. "AARP is deeply troubled that members of the pension conference committee may be considering adopting language from the House bill that would severely undercut pension protections against age discrimination currently provided older workers under the Age Discrimination in Employment Act. We cannot support legislation that would undermine the age discrimination laws and permit the reduction of pension benefits for older workers, thus discouraging older workers from continuing to participate in the workforce. Our members, and older workers in general, care a great deal about these issues, and we will be informing them of the outcome of this action."

The Senate passed its pension bill with these protections 97–2. And the House voted on these measures overwhelmingly in a motion to instruct earlier.

It also not only cuts cash balance, but it cuts the protections to the pilots. Pilots who are required under Federal law to retire at age 60 now take a double hit with their pensions going into the PBGC. Because they retired early, not that they wanted to retire, they are required under Federal law to retire early, but because they retired early, they take an additional hit on their pension, and this affects many, many airline pilots and is an unfair treatment to these individuals.

Again, the House and the Senate have voted twice to protect older workers in cash balance conversions. The

House voted twice to protect airline pilots from unfair pension cuts at the PBGC.

This motion to instruct is about fundamental fairness to older workers, specifically for those older workers suddenly faced with cash balance conversions and for those airline pilots faced with federally mandated early retirement.

During the 1990s, hundreds of large employers switched to these cash balance plans, including IBM, CSX, Verizon, and the Federal Government. When we changed our pension plan back in the 1990s, we did this. Motorola, Dow Chemical, Federal Express, Wells Fargo Bank and Honeywell, they all made the decision to provide a transition and a protection for older workers, realizing that those older workers had an expectation of retirement benefit. That was not going to happen, but they would provide them some protection so they didn't take the full brunt of those changes.

It is the decent thing to do. It is what Secretary Snow did when he was at CSX. It is what he voted to do at Verizon. This is the decent thing to do for workers. The benefits to the companies are immense, even if they protect these older workers in this situation.

Mr. Speaker, I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this motion to instruct for two reasons, because of process and because of substance.

First, on process. As the pension conference draws to a close, the matter before us today is little more than a last desperate attempt by some to distract from the fact that we are on the verge of the most fundamental reforms to the private pension system in a generation. In fact, this is more of a motion to obstruct than it is a motion to instruct.

This kind of obstruction shouldn't surprise us, however. It has been going on for quite awhile. Let's not forget that those offering this motion were the same Members who could not even bring themselves to vote "yes" or "no" on the House pension bill when it was being considered by the House Education and Workforce Committee last summer. Rather, they voted "present," acknowledging that they were, in fact, in the room.

While they attempted to politicize this issue, did they ever offer a comprehensive pension reform plan of their own? No. They just stood on the sidelines trying to obstruct our progress, just like they are today.

I also oppose this motion because of its substance. This pension reform debate is and always has been about the massive underfunding in worker pensions, about the need to change the status quo. This obstructionist motion to instruct does just the opposite: It essentially preserves the status quo and even makes the situation worse.

First, on hybrid plans. This motion to instruct essentially codifies benefit expectations in hybrid plans, tying the hands of those who voluntarily offer them. To require a guarantee of minimum benefits before participants have actually earned them sets a very bad precedent. Let's not forget that hybrid plans are the sole bright spot in the defined benefit world. If not for these plans, the defined benefit system would be withering on the vine. To place restrictions on a system that actually provides more generous benefits for the majority workers than do traditional plans would be neither reasonable nor responsible.

And on the airline pilots provision, again, this would make matters worse for the pension system and the American taxpayer. The motion to instruct would actually increase the deficit of the PBGC even though this pension reform process is designed to save the agency from insolvency and taxpayers footing the bill for a massive bailout. It is estimated that if this provision were applied, the cost to the PBGC for all pilots' plans would probably exceed $2.5 billion over the next 10 years. That additional debt would be borne by all the other companies that sponsor and fund defined benefit pension plans. Again, this is neither reasonable nor responsible.

Mr. Speaker, our ultimate goal is to ensure our defined benefit system remains viable for generations to come. This motion to instruct would undermine that effort. It is as simple as that. I urge my colleagues to vote "no" on the motion to instruct and reject this attempt to obscure progress on pension reform.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I rise in support of the motion to instruct; and I hear my friend's comments about process and responsibility. This has been the most irresponsible pension conference process one could imagine.

Mr. Speaker, I was sent here, as were my colleagues, duly elected by my constituents to speak for them. I was appointed by the leadership of my party to participate in this conference to speak for all of our constituents. There have been many meetings; we have been invited to none. There have been many discussions; we have participated in none.

So if you want to talk about a responsible process, let's talk about one where every person duly elected to represent his or her constituents has a chance to do so. This process is a travesty.

Now, on to the substance.

The words "cash balance plans" are a little hard to understand. They are theoretical, they are abstract; but they are very easy to understand if you are 50 years old and you have been working somewhere for 25 years and you are planning your retirement assuming you are going to get a certain amount every month in the mail as a check that you have earned.

And then, one, the HR department comes in and says we have changed our mind. Instead of getting a check for a certain amount every month that you have earned, we are going to give you a lump sum instead, and assume that when you invest it, you will get about the same amount.

Mr. MILLER's motion says two things: It says that the version of this idea that passed the Senate 97–2 should be the version that applies; that maybe we should give some workers the chance to choose whether to go into this system or not, to put more power into the hands of the worker and the retiree to choose what happens to them, rather than have the employer make that decision. That sounds reasonable to me.

And the second thing that Mr. MILLER does is to say let's take the assumptions that are most protective to the retiree. Let's err on the side of giving the retiree too much, not too little. I don't think that is too much to ask.

I think the House should join with 97 Senators from both parties and adopt the version of this idea that is in the Senate bill. Vote "yes" on Mr. MILLER's motion to instruct.

Mr. KLINE. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I want to thank Mr. MILLER for this motion to instruct the pension conferees because a defined pension plan is a promise. It is a promise that workers count on when they come to the end of their employment. It is a promise that they plan their future around.

Many workers have been promised benefits at the end of their work service. In fact, many have accepted retirement benefits instead of pay increases. Now remember that. Many people choose to forgive a pay increase and get an increase in their pension instead.

Now, unless we have reform that allows companies to convert to cash balance programs, programs that don't consider the older worker, a worker who has planned for years and years how they are going to live the rest of their lives in dignity, we have broken a great promise to these wonderful workers.

Not protecting their retirement would result in many, many times reducing their benefits by at least half.

Imagine trying to live, through no fault of your own, on half of what you had planned on. We would not expect people to live on half of the amount of food or half the amount of medicine they would need; how can we expect them to live on half of a pension?

These pension benefits have been earned. They must be honored. Mr. Speaker, these workers were promised defined retirement benefits. They have earned those benefits. The Congress cannot allow companies to go back on their word. We, as a Congress, must support them. We must ensure these hardworking Americans that they will get the pension benefits they have been promised so they can plan, they don't have to look over their shoulders or go live with their kids or have half of their medications.

Mr. Speaker, I urge my colleagues to support the Miller motion to instruct.

Mr. KLINE. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank my colleague for his leadership on this motion to instruct.

I agree we need to protect the pension benefits of airline pilots, as well as ensure that when an employer converts from a traditional defined benefit plan to a cash balance plan, that their workers receive their full benefits.

We also need to draft rules that protect older workers because they can be vulnerable during such conversions. But we must also address the issue of providing retroactive legal certainty to 1,100 employers whose cash balance and hybrid pension plans are unfairly caught in limbo.

Addressing retroactivity is important to the retirement security of thousands of American workers that gain from these hybrid pensions which are defined benefit plans. It has been for 7 years that employers of sponsored cash balance and other hybrid plans have been caught in a web of legal uncertainty.

☐ 1530

Beginning in 1999, the Internal Revenue Service felt it necessary to temporarily stop issuing determination letters for converted hybrid plans, and litigation through our court system has left the legality of all cash balance plans up in the air.

In my congressional district I have four major employers that offer pension benefits to their employees through either a cash balance or other hybrid pension plan. Some of these plans were acquired through merger and acquisition, while some were adopted through conversion.

These employers treated their employees fairly, giving them the choice as to whether or not to convert their plans and ensuring that workers' benefits were not diluted. And these four employers are not alone. There are a lot of good actors out there.

According to a recent AARP-funded study, 23 of the 25 largest cash balance plans, in other words, 92 percent, provided transition protections for their older employees when converting from defined traditional plans to cash balance plans.

Nonetheless, four employers in my district, as well as 1,100 others, are caught in a web of legal uncertainty. And we are in an era where companies are eliminating pension plans, including hybrid plans.

Failing to fix this problem will only perpetuate that trend. A cash balance plan is a defined benefit plan, and it is the future of our defined benefit system.

It is not correct that others have not offered alternatives. I specifically introduced H.R. 4274 to address this specific issue.

I ask all of my colleagues to pay attention to the issue. Cash balance plans are the future plans. They are portable. It is a way a worker can go from one place to another.

We need to protect older workers, and we need to make sure that this motion to instruct is passed.

I thank Mr. MILLER for his leadership on this issue.

Mr. KLINE. Mr. Speaker, I continue to reserve.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 9 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I rise today in strong support of the Miller motion to instruct, and I commend the gentleman from California for his leadership on this issue.

Mr. Speaker, the middle class in America today is under assault. Over the past 5 years, 5 million more Americans have slipped into poverty, 6 million have lost their health insurance, and nearly 3 million manufacturing workers have lost their jobs. The Republican leadership has refused to increase the minimum wage, $5.15 an hour, which hasn't been raised in nearly a decade, and is now at a 50-year low in terms of purchasing power.

And adding insult to injury, it is expected that next week we will be voting on a conference report that will allow large corporations to discriminate against their older employees by slashing their pensions up to half through cash balance pension schemes.

Mr. Speaker, this motion is our only attempt to say no. Age discriminatory cash balance pension schemes are wrong. We must protect millions of employees who have seen their pensions slashed by as much as 50 percent through age-discriminatory cash balance pension schemes. That is what this motion is all about.

Mr. Speaker, pension anxiety is sweeping the country. Millions of American workers who have worked at a company for 20 or 30 years, where promises have been made to them in terms of what their retirement would be, are now waking up to the fact that those promises are being reneged upon.

Unfortunately, over the past two decades, large corporation after large corporation have been breaking the retirement promises they made to their employees, and that is wrong. Some companies are declaring bankruptcy so that they can break their retirement commitments. Other companies are freezing pension plans in order to slash the retirement benefits of older workers.

And over 300 companies throughout this country have slashed the pensions of their employees through cash balance pension schemes, sometimes up to 50 percent.

Congress must tell corporate America in no uncertain terms that when they make a promise to workers about their pensions, they must keep that promise.

Mr. Speaker, last December, the House passed a so-called pension reform bill that was hundreds of pages long. Included in that bill was an obscure provision to legalize age discrimination in cash balance plans prospectively. No floor amendments were allowed to strike this provision or offer any alternatives to it. Members were forced to vote up or down on the entire bill.

But the Senate did the right thing. In its bill, they provided important protections for older workers who would be negatively impacted by cash balance schemes.

The Senate language is supported by the AARP, the AFL-CIO, the National Committee to Preserve Social Security and Medicare, the National Legislative Retirees Network, and the Pension Rights Center.

Today, just like we did in April, we have an opportunity to do the right thing for American workers. We can and should instruct the conference committee to adopt the Senate language on cash balance plans.

Mr. Speaker, there are some who support cash balance schemes. They argue that these plans benefit employees.

Well, a couple of years ago I asked the Congressional Research Service a simple question: What would happen to Members of Congress if their pensions were converted to a cash balance scheme? If it is so good for millions of American workers, clearly it must be good for the Members of Congress.

Well, shock of all shocks. Our Republican friends decided not to debate that issue on the floor of the House. And unless I am mistaken, they still do not want to convert Members' pensions to cash balance schemes, for good reason. Because if they did it, every Member would see a huge reduction in the pensions that they are looking forward to.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. SANDERS. I would be happy to yield.

Mr. GEORGE MILLER of California. I think that is an important point. When the Federal Government made the decision to change to the TSP system, which is turning out to be a very successful system, we provided this kind of transition. What the conference committee is about to impose on the American working public no Member of Congress would impose on themselves. They would be asking for some kind of transition, some kind of hold-harmless so that people would be protected who are older, who have more years into the system, because they don't have the ability to gather other income.

And I think the gentleman makes a very important point that, once again, life is different inside of the Beltway than it is outside of the Beltway. And the people outside of the Beltway have a lot less ability to try to make up for that lost savings to manage their retirement.

I thank the gentleman for making the point. I continue to yield.

Mr. SANDERS. Let me just pick up and agree with the gentleman.

The CRS did a study on this issue: What would happen to congressional pensions if we went the direction of cash balance? Well, among other things, the Speaker of the House would not be too happy about this. His pension went down by 70 percent.

So, today, I would ask the opponents of the Miller motion this question: If cash balance plans are so good for American workers, why don't we go first and adopt them here?

Well, obviously, that is not going to happen. If it is not good for Members of Congress, it is not a good idea for millions of American workers. Let's support the Miller motion and stand for the rights of millions of American workers today.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. SANDERS. I would yield.

Mr. GEORGE MILLER of California. I just want to again thank him for the point that this pension bill cannot be considered in a vacuum. The very same people who are going to be punished as a result of companies that convert to cash balance that will not provide this kind of protection, they can do it voluntarily, but they will not, and many of them won't, and the gentleman has struggled with companies who thought that they didn't have to.

These are the same people that are getting their retirement health care benefits cut back, that are having trouble with or are going to have trouble with paying for prescription drugs. Today, people are continuing to work and people say to people, you know, just save more money.

Well, as we know, most people, the average American working person has a great deal of difficulty saving. And to now tell them to save, if you are 50 years old, according to the GAO, you will lose about $238 a month. If you are 40 years old, you will lose about $188 a month. If you are 50 years old, this has to be net savings that you are going to have to try to save. You'd have to save, before your retirement, a net $40,000, outside of your rent, outside of your house payment, outside of your kids, outside of everything else, if you could get 5 percent return on your money.

Where does the American family go to get that kind of money that Congress is about to take away from them? Where do they go?

Most families, both people are working. And if you are 50 years old, it is highly unlikely that you are going to go out and find a job that is going to replace this loss of savings.

So when people say, well, we can't guarantee the expectations of these workers. No, what we are guaranteeing is a contract that this worker made with the company and the company made with the worker. We understand the benefits and the changes for younger workers, and this isn't about being against cash balance plans. It is about fairness.

I yield to the gentleman.

Mr. SANDERS. Let me reiterate the point Ms. WOOLSEY made a few moments ago. We have people who have worked for a company for 20 or 30 years. During their careers, in many instances, they had offers to move elsewhere, but they said, no, I am going to stay here because I have a good retirement plan. And suddenly, for no fault of their own, that retirement plan is being pulled out from underneath them. They had dreamed of what their retirement would be. It is no longer. And they are 50 years of age. They are 52 years of age. Where do they go?

Mr. GEORGE MILLER of California. The idea, again, the suggestion is somehow, when the Senate passed this, 97–3, and when we voted overwhelmingly in a motion to instruct to do this, that somehow you are trying to reserve the status quo. The fact is that CSX, a very successful railroad company, Verizon Telecom, the Federal Government, Motorola, Dow Chemical, Federal Express, Wells Fargo, these are not slacking companies. These are leaders in their industry. They all realized billions of dollars in savings. They also took care of their older workers. And that is what we are asking that this conference committee do.

You do not have to throw these older workers onto the wood pile. They can be protected. The company can realize billions of dollars over the life of the pension plans in savings that they can reinvest in their company, and they can change their pension plans. We just ask that you don't decimate older workers.

I yield to the gentleman.

Mr. SANDERS. What was the vote in the Senate on this issue?

Mr. GEORGE MILLER of California. The vote was 97–3.

Mr. SANDERS. So overwhelmingly a bipartisan vote. Let's stand with the Senate. Let's protect American workers.

Mr. GEORGE MILLER of California. It was 97–2.

Mr. Speaker, I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, I find it absolutely fascinating to listen to the speakers, one extolling the virtues of cash balance plans, and the other condemning them.

I believe that the gentleman from California has the right to close, so at this time I would like to yield the balance of our time to the chairman of the Education and Workforce Committee, the gentleman from California (Mr. McKEON).

Mr. McKEON. Mr. Speaker, I thank the gentleman for yielding and thank him for running this debate for us.

It is interesting. You know, I don't know what thrill there is in coming to the floor and trying to scare people that the Federal Government is trying to take away their pensions and trying to destroy their lives.

We have been working hard to try to finish up this pension conference. It is a very complicated, very complex issue. It hasn't been done at this level by the Congress for decades. And we are working hard on this.

And this week we have made tremendous progress. The fact is that what we have done this week, we are very, very close, and we should be able to wrap this up next week. And that is what we should be spending our time on, trying to finalize this bill, trying to get the help that is needed for these people and their pensions.

A few years ago, we had over 100,000 defined benefit plans. We are down now to about 30,000. And the whole purpose of this bill is to protect the American people, to protect the worker.

Promises have been made. Promises should be kept. And so the fine line that we have been working on throughout this conference is to be able to strengthen the law that is currently in place, keep companies from going bankrupt, and keep companies from dropping their defined benefit plans. That is the goal; that is where we are.

We are, you know, if this were a marathon, we are down to the last few yards; and hopefully we will bring this to the floor next week for a final vote. And that is what we should be spending our time on, instead of this political charade.

I would encourage my colleagues to vote against this motion to instruct.

Mr. GEORGE MILLER of California. Let me inquire how much time I have left.

The SPEAKER pro tempore. The gentleman has 8½ minutes left.

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, I would hope that when this vote comes on Monday, that the House would, once again, reaffirm its obligation and its commitment to older workers in this country.

This is a defining moment for these workers. This is a defining moment about what kind of retirement many workers in this country who have been working for 20 or 30 years in a company, what kind of retirement they will have.

□ 1545

Will they have the retirement that was promised to them and that they have expected and that they have built their financial planning around, that they have built the decisions today about tomorrow around their families, their children, and others? That is really what this is about.

The gentleman is quite correct. They are quite close. They have been working very hard. It has been a one-party bill, but they have been working very hard, the Members of the House in this conference committee, and they are very close. They are just also very wrong. They are very wrong in how they treat the older workers of this country because, as we see from the GAO report, under the GAO report, under the plan that the Republicans want to bring to the floor, if the conversion plan is done the way it is allowed under the conference report, which will be Federal law, the average 50-year-old worker will lose about $238 in income each and every month of their retirement plan.

The question that most Members of Congress will not ask is, Where does that worker, where does that family, go to make up that income? Where do you go to earn the 40, the 60, the $80,000 you have to have over your retirement life to get that yield back? Most people cannot accumulate that kind of money in a 5- or 10-year period of time. So these workers who are under assault in terms of the retirement health care benefits, their retirement benefits, where do they go?

We know what the savings rate is. We keep telling America to save more. And the fact of the matter is most American families at the end of the month have very little left to save. It is simply not there. Can Congress be that insensitive to how most of America lives? Most of America is bombarded with advice from Money Magazine, from CNN, from Lou Dobbs, from all these people about how to save for your retirement. And they try. Some could do better. But for many families they are doing the best they can. But one of the bedrocks for many people in their fifties is knowing that they have a retirement plan that they thought they could count on. But the fact of the matter is when they pick up and read the business section of the newspaper, they read the headlines of the newspaper, they see that some of the biggest, most reliable corporations in the country are changing their pension plans. United Airlines just went into bankruptcy. Without any showing of desperate need, they just got rid of the plan for their employees. Talk to those fight attendants when you fly home tonight or you fly home tomorrow. Talk to those pilots and realize the extent to which their retirements have been devastated, absolutely devastated. But it has happened to people in all of the industries around the country.

And all that we are saying is follow the model by companies that have done it the right way, companies like Verizon, companies like Federal Express, companies like Wells Fargo Bank, Honeywell. There is a way you can do this and you can realize billions of dollars of savings, which are necessary. These plans are going to be changed, but they ought to be changed in a way that protects the older workers.

That is why the AARP, the American Association of Retired People, is so dead set against this provision. It recognizes the impact this is going to have on future retirees. It recognizes the impact it is going to have on current workers and on their ability to plan for their retirement.

They want to act like this is a carefully crafted pension plan and anybody who wants to suggest another alternative is only for the status quo and does not care about pensions.

The Senate voted 97–2 to treat these older workers right. It is the Republican leadership that has stepped in and twisted that away. We didn't get a chance to vote on that in the House. When I finally did get a vote after the bill passed, the House voted overwhelmingly to protect older workers.

Another class of workers who are at risk in this pension plan are the taxpayers. We now see that PBGC is telling us that current law is a better deal for the taxpayers than the plan they are coming up with to the tune of about $2 billion over the next decade.

Don't shake your head. It is right here. You guys had this information for months. We just had to get it under a FOIA agreement under your wonderful bipartisan arrangements.

So there is a lot to be concerned about with this pension plan. It is going to have a lot of bells and whistles, a lot of tax breaks. It is going to have more things than a monkey going to the circus. And a lot of people are going to vote for it. But what it is not going to have, it is not going to have protection for older workers. And Members of Congress ought to understand that when those older workers start to come to you, as their pension plans are dramatically changed by companies with no obligation to protect workers 50 and over, they are going to want to know where you were, and this is a vote which will tell them where you stand on this. And, hopefully, you will influence the pension conference, because this can be done. As we said, the Senate, after long deliberations on the pension bill, they voted 97–2 to do it the right way.

So I would hope that people would support this motion to instruct. I would hope they understand what this truly means to working people in this country and to their families and to their retirement.

It is a devastating picture when you meet your constituents who have lost their retirement, who have lost big chunks of their retirement, and they come up and they talk to you at the shopping center, they talk to you at the grocery store, they talk to you at a town hall, and they tell you what it means to their plans.

We were all stunned as a nation when pensioners got their plans wiped out and devastated by Enron. We called those people criminals. Here we call them legislators, because people are going to get a devastating hit on their pensions and we are going to say it is the law. There we said it was a crime. We said it was a crime.

Mr. McKEON. Will the gentleman yield?

Mr. GEORGE MILLER of California. You have plenty of time on your side. You say it is a crime.

Mr. McKEON. But I hadn't been called a criminal.

Mr. GEORGE MILLER of California. What are you doing to people? What are you doing to people?

You have controlled the conference. You control the White House. You control the House. You control the Senate. Control your time.

The fact of the matter is this is the same thing. We are making a conscious decision, a conscious decision, to rip away these pension benefits from these workers. And the most devastating thing about this decision is it is not necessary. You can have massive pension reform to the benefit of the employees, to the benefit of the employers, to the benefit of the shareholders, without devastating the older workers.

So why don't we do it right? Why don't we do it in a humane way? Why don't we do it right, recognizing the situation that America's older workers find themselves in, people 50, 55, 60 years old? What are they going to do? Take a second job for their retirement? Maybe their spouse can go out and take a third job for their retirement?

That is not the way we should treat American citizens. That is not the way we should treat taxpayers. And that is not the way we should treat hardworking American families who simply do not have enough money to make up for this kind of devastating cut in their retirement.

I urge my colleagues to vote for the motion to instruct. It will be up sometime, I believe, Monday; and I would strongly encourage you to vote "aye" on this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Mr. McKEON. Mr. Speaker, I would like to ask that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. TERRY). Could the gentleman describe the words he is referring to?

Mr. McKEON. I would like to know for sure if he was calling us criminals.

Mr. GEORGE MILLER of California. No. Well, read the words back. Maybe we can clarify it.

The SPEAKER pro tempore. The words complained of were spoken too far back in the debate for the gentleman's request to be timely. Other debate has ensued.

Mr. McKEON. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GEORGE MILLER of California. I object, Mr. Speaker.

The SPEAKER pro tempore. There is an objection to reclaiming the gentleman from California's (Mr. McKEON) time.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each

THE OCCUPATION OF IRAQ AND CONTINUED VIOLENCE

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, today is the 161st time that I have come to the floor to deliver a 5-minute Special Order about the United States occupation of Iraq.

Mr. Speaker, this effort would not have been possible, it would have been totally impossible, without the excellent words and guidance and general assistance of a member of my staff, Eric Powers.

Mr. Speaker, Eric will be leaving my office tomorrow, after 3 years of service and 161 5-minute speeches, to attend Washington University in St. Louis, law school, where he will have the opportunity to further his work in the international law department. Mr. Speaker, believe me, Eric Powers will be missed and, believe me, Eric Powers is appreciated.

Mr. Speaker, Iraq is burning. It is becoming hard even to read the news accounts. The last few days have been marked by two of the deadliest attacks on civilians in months.

A new U.N. report concludes that roughly 6,000 Iraqi civilians have been killed just in the last 2 months. Random violence, fear, and lawlessness are ruling the day. People cannot leave their homes. Vicious thugs and vigilantes control the streets where people are pulled from cars, where they are tortured and executed.

Do not bother calling the police. They have been infiltrated by militias and are brutally corrupt themselves. One Sunni sheikh laughed as he said this about the police to the New York Republic: "The good ones just take bribes . . . the bad ones rip off your head."

Monday's New York Times cited an Iraqi Army official who notes that in a recent attack some of the gunmen wore the uniform of the Iraqi Security Forces. As he put it, "You cannot recognize your friend from your enemy."

To those who insist that all hell will break loose if our troops leave, I say hell has already broken loose. How much worse can it possibly get, and how many American lives must we endanger for a civil war that we are virtually powerless to stop?

I am not saying that democracy will be busting out all over once the last American soldier takes her last step on Iraqi soil. But we cannot begin the process of putting Iraq back together again until our troops come home. Every day that the occupation continues will make it that much harder for the United States to play a constructive nonmilitary role in Iraq as a construction partner rather than a military occupier.

☐ 1600

If you will recall, the architects of the earlier Iraqi war and the resulting occupation did not just promise us democracy in Iraq. According to their fairy tale, an invasion was going to have this glorious ripple effect, spreading peace and freedom across the Middle East. These were Vice President CHENEY's words in 2002.

Regime change in Iraq would bring about a number of benefits to the region. Extremists in the region would have to rethink their strategy of jihad. Moderates throughout the region would take heart, and our ability to advance the Israeli-Palestinian peace process would be enhanced.

Of course, this week's open hostilities between Israel and Lebanon have proven that statement tragically wrong. The Iraq war hasn't spread freedom anywhere. It has made all of us, Iraq, its neighbors, the United States and the world, less safe.

There is no question, we have reached a point of diminishing returns in Iraq. In fact, the bloodbath in Baghdad has only gotten worse in the month since we moved more troops into the capital as part of a security crackdown that we called Operation Forward Together.

You know how the definition of insanity is doing the same thing over and over and expecting different results? Well, last week, General Casey said that we might need still more troops to contain the violence in Baghdad. This is madness, Mr. Speaker. Our soldiers were not trained for this. They are largely powerless to control hostility that is rooted in a religious conflict that dates back centuries. It is time to bring them home.

HONORING THE EXTRAORDINARY LIFE OF STAFF SERGEANT DUANE DREASKY

Mr. McCOTTER. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. McCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Staff Sergeant Duane Dreasky of Novi, Michigan, and mourn his passing. Staff Sergeant Dreasky proudly served in the 1st Battalion, 119th Field Artillery Regiment, of the Army National Guard in Lansing, Michigan, and he devoted his life to serving our country.

As a student at Walled Lake Western High School, he enjoyed studying military history and playing football, but dreamed of serving his country as a soldier. Despite being a versatile athlete who wrestled, ran track, sky dived and taught martial arts, Staff Sergeant Dreasky suffered a knee injury, which threatened to prevent him from serving in the military.

In March of 2000, Staff Sergeant Dreasky married his best friend, Mandy, who served in the United States Army. When Mandy was deployed to Iraq in 2003, Staff Sergeant Dreasky transported members of her unit to Wisconsin for training and helped loved ones communicate with soldiers overseas. Finally, after writing to elected officials about his desire to enlist, he was able to join the National Guard in June of 2003.

After basic training, Staff Sergeant Dreasky served in Cuba before voluntarily deploying to Iraq for Operation Iraqi Freedom. On November 21, 2005, an improvised explosive device detonated near his military vehicle near Habbaniyah, Iraq. He sustained severe injuries and was transported to the burn center at Brooke Army Medical Center in Fort Sam Houston, Texas, for treatment.

Wrapped in medical bandages and unable to stand, he struggled to salute President George W. Bush, who visited him in the hospital. With his father, Roger; mother, Cheryl; sister, Dawn; and Mandy by his side, Staff Sergeant Dreasky never lost his patriotism.

For 8 months, Staff Sergeant Dreasky fought courageously for his life, but ultimately passed away on July 10, 2006. His legendary commitment to his family, community, and country is a testament to his enduring and selfless love. Staff Sergeant Dreasky is remembered as an inspiration to the citizens of Michigan, a soldier of unyielding dedication and a hero. He will be sorely missed.

Mr. Speaker, during his 31 years, Staff Sergeant Dreasky enriched the lives of everyone around him. Today, I ask my colleagues to join me in mourning his passing and honoring his contributions to our community and our country.

ENERGY INDEPENDENCE

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim Mr. EMANUEL's time.

The SPEAKER pro tempore. Without objection, the gentlewoman from Ohio is recognized for 5 minutes.

There was no objection.

Ms. KAPTUR. Mr. Speaker, I wanted to point out that last Friday, the New York Times had an ad on the editorial page, the title of which was "True Energy Security," and it says as a subheadline, "Interdependence is the Surest Means of Protecting Against Energy Shocks." This ad was paid for by the largest energy company in the world, ExxonMobil.

I called the New York Times to figure out how much money ExxonMobil had to pay for an ad in that newspaper to tell us how wonderful it is that they are charging us such high prices and that America is truly dependent on imported fuel. Believe it or not, that ad cost $44,037.

I started to calculate if I gave several people in my district $20 gas coupons based on the $44,037 that they spent just on that ad in that one newspaper to try to get into our minds and turn around in our heads what is actually happening and make us think they are doing us a favor, I could have over 2,000 families in my district be able to save money through those coupons.

This company made so much money last year, it blew the lid off Wall Street. They made the largest profits in the history of the New York stock market, billions and billions and billions of dollars. And are they lowering gas prices for our people? Never. They are raising them. And then they are telling us we should feel good about it.

In fact, the ad says that the answer to energy security is interdependence. I wonder how much they had to pay a firm on Madison Avenue to invent that word? Because our country was not founded on interdependence on oil regimes. Our country was founded on independence. Independence, not interdependence.

If you look at what is happening with our imports of petroleum, they now consume the largest share of our trade deficit with the world. Two-thirds to three-quarters of the gasoline you buy comes from petroleum that was refined from imports. That means your money, your hardearned money, is going somewhere, in the case of ExxonMobil we are talking about Saudi Arabia. And if we really look here at the last 20 years, every single year the amount of imported petroleum has gone up, to the point where now, in 2006, it is about three-quarters.

America has lost her independence. Independence.

I am giving this Special Order tonight because I want the American people to think about what it will take to become independent again; what it will take on the part of the leadership of the President of our country, this Congress, to help move us to a new energy age.

In rural America, we know there are new biofuels on the horizon. Why isn't our government helping our butanol, our ethanol, our biodiesel producers, to guarantee their investment for 30 years, as we did when we set up rural electric and rural telephone across this country, so that small farmers can band together and have some sense that some big company like Exxon isn't going to come in and squash them if they try to put a gas pump in a town and then ExxonMobil, who is so much bigger, can come in and put a gas pump right next to them, cut the price in half, because there is no competition by these oil cartels?

We need this government to help the American people transition to a new energy age. So many farmers across this country can't raise the security, they can't raise the investment dollars in and of themselves. The hurdle is too high. We need to have the kind of leadership Franklin Roosevelt gave us when we set up rural telephone and rural electric across this country and have a new rural energy initiative that would help America just in that sector modernize quickly, in the area of hydrogen fuels, in the area of new types of turbines.

My goodness, we invest so much money in research across this government, that ought to be at the top of everyone's priority list. Yet the Secretary of Defense said before our committee, well, Congresswoman, energy independence isn't my job.

What a wrong answer that was. The Department of Defense buys more petroleum and more imported fuel than any other organization in this country, public or private. The Department of Defense ought to be leading America into energy independence again and unhook us from our dependence on oil regimes.

IS AMERICA BECOMING ANOTHER ROME?

Mr. POE. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from North Carolina.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. POE. Mr. Speaker, this Hall that we work in every day is lined with 23 marble busts of great lawgivers that influenced American law. We have Hammurabi, Gaius, Justinian, Napoleon and, of course, Moses over here in the very center. But one of those people you won't see up there is Caesar Flavius Valens.

Let me take you back 1,642 years, Mr. Speaker, and let's talk about a little bit of history. Caesar Valens controlled the Roman Empire. The Roman Empire at this time in the year 364 wasn't just Italy. It controlled all the area to the Balkans, the Mediterranean coastline, including North Africa, France, and even Spain and part of what is now England; and the Caesar of the Roman Empire at this time was Flavius Valens. He controlled basically the eastern part of the empire.

And while he is Caesar, the barbarian nation of the Goths to his northeast started coming toward the Roman Empire. The reason was because the Huns, another barbarian group, had taken over the Goths' land and moved them toward the Roman Empire. So they migrated toward the Roman Empire, and at the time that this occurred, they came on the border.

They were led by a person that was supposedly a friend of Rome, his name was Fritigern, King of the Goths, and he asked permission to come into Rome with some the Goths.

Normally the Roman Government would not allow this, to have a state within a state; but, you see, Valens needed more people to be in his army and he needed more workers in the Empire of Rome. So he granted permission for some of the Goths to come in legally. But when the crossing started, the Roman Government didn't have enough border guards to control entry, and so massive waves of Goths came into the Roman Empire.

What started out as a controlled entry mushroomed into a massive influx. Several hundreds of thousands came across the Roman Empire.

But the Goths did not take the oath to support the emperor. They did not assimilate. They did not become Roman. And a few years later, this state within a state revolted and internal war started.

It culminated at the Battle of Adrianople. Most Americans don't know where that is, but that is a place over in that area. It was the Waterloo for Valens. And the Goths and other barbarian groups assembled and took to the field. Of course, one of the Goth leaders was a person by the name of Fritigern, this supposed friend of Rome.

The battle ensued and the Goths, with their large confederation, engaged the Roman cavalry. The Roman cavalry left. The Roman infantry was annihilated. Over two-thirds of these thousands of legionnaires were murdered, and Valens, of course was killed.

I have a coin of Valens, it is about 1,600 years old. He is not on our wall. I just have this coin of him, and just his head, because that was all that remained of him after the Goths executed him, cut his head off, put it on a stake and marched around the Goth camp.

Rome negotiated with all Goths and allowed them permanent status on Roman soil, and historians say this is one reason for the eventual fall of Rome, to allow a state to come into their state and refuse to make them assimilate. And in 410, the Goths sacked the City of Rome.

History speaks for itself, Mr. Speaker. Failure to control illegal entry into a country causes some problems, and we are not talking about legal entry. We are talking about illegal entry. And it encourages a state within a state. And when people come illegally to a nation and refuse to take allegiance to that country, start sending money to another nation and they don't even learn the language, is America asking for trouble? Is America becoming just another Rome?

Mr. Speaker, there are many reasons for the fall of Rome, but one of those reasons is simply the failure to control who came into their nation. I think the analogy is obvious.

And that's just the way it is.

☐ 1615

REAL SECURITY PLAN FOR AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. SCHIFF) is recognized for 60 minutes as the designee of the minority leader.

Mr. SCHIFF. Mr. Speaker, tonight Representative VAN HOLLEN and I will be discussing one of the core issues of national security, and that is energy independence.

National security is the core function of our government. For most of our history as a Nation, bipartisanship governed American national security policymaking. In the words of Senator Arthur Vandenberg, a Republican, "Politics must end at the water's edge."

A succession of American Presidents from Woodrow Wilson to Harry Truman to Dwight Eisenhower to Ronald Reagan guided this Nation through two world wars and the tense decades of the Cold War. Their leadership was based on asserting America's power in a way that advanced the ideals of our founders, and which made America a beacon to millions of people who were suffering under fascism and communism.

Most importantly, these men knew the limits of any one Nation's ability, and they saw the wisdom of marshaling our strength with that of other freedom-loving people. They listened to the counsel of our allies and members of both parties here at home.

The current administration has too often believed that it has the answers and does not need to pay attention to the ideas of others. This refusal to listen to other voices and an excessively partisan and ideological approach has resulted in an America that is more isolated than at any time in the postwar era.

Around the world, among nations that should be our strong allies, we are less often seen as a force for good in the world, and this has jeopardized the cooperation we must have to win the war on terror. This has been most clearly seen in Iraq, where insistence on invading the country without the broad international coalition we assembled in the Gulf War, and then our brushing aside offers of help from the international community, have seriously undermined the war effort and increased the burden that our troops and our country must bear.

But Iraq is not the only challenge facing our Nation. The ongoing crisis involving Israel, and Hamas and Hezbollah terrorists, Iran's standoff with the international community over its nuclear program, and a similar faceoff with North Korea are all competing for the attention of American policymakers.

In each of those crises, America's ability to marshal international support and use the full range of our power to effect a positive outcome has been undermined by the administration's ineffective stewardship of our national security. Democrats have developed a comprehensive blueprint to better protect America and to restore our Nation's position of international leadership.

Our plan, Real Security, was devised with the assistance of a broad range of experts, former military officers, retired diplomats, law enforcement personnel, homeland security experts and others, who helped identify key areas where current policies have failed and where new ones were needed.

In a series of six Special Orders, my colleagues and I have been sharing with the American people our vision for a more secure America. The plan has five pillars, and each of our Special Order hours have been addressing each of them in turn: Building a military for the 21st century, winning the war on terrorism, securing our homeland, a way forward in Iraq, and achieving energy independence for America, the subject of Ms. KAPTUR's recent 5-minute speech.

During our first Special Order we discussed the first pillar of our plan, building a military for the 21st century. To briefly summarize what we discussed 2 weeks ago, here are the elements of that pillar: Rebuild a state-of-the-art military; develop the world's best equipment and training, and maintain that equipment and training; accurate intelligence and a strategy for success; a GI bill of Rights for the 21st century; and strengthening the National Guard.

We next discussed a comprehensive plan to win the war on terror, which focused on a wide-ranging series of strategies to destroy the threat posed by Islamic radicalism. This involves destroying al Qaeda and finishing the job in Afghanistan; doubling special forces and improving intelligence; eliminating terrorist breeding grounds; preventative diplomacy and new international leadership; securing loose nuclear materials by 2010; stopping nuclear weapons development in Iran and North Korea.

The job of securing our homeland remains unfinished. In the wake of 9/11, there have been numerous commissions and investigations at the Federal, State and local level as well as a multitude of private studies. All of them, all of them, have pointed to a broad systemic and other flaws in our homeland security program.

Almost 2 years ago, the independent 9/11 Commission published its report, but most of its recommendations have yet to be implemented. Our homeland security plan requires the implementation of all of the 9/11 Commission recommendations. It provides for the screening of all containers and cargo.

It safeguards our nuclear and chemical plants. It prohibits outsourcing of ports, airports and mass transit to foreign interests. Trains and equips our first responders and invests in public health to safeguard Americans.

In early June we discussed our plan for Iraq, a new course to make 2006 a year of significant transition to full Iraqi sovereignty, with Iraqis assuming primary responsibility for securing and governing their country with a responsible redeployment of U.S. forces. Democrats will insist that Iraqis make the political compromises necessary to unite their country and defeat the insurgency, promote regional diplomacy, and strongly encourage allies and other nations to play a constructive role.

For the remainder of today's hour, we will discuss the fifth pillar of Real Security: Stable, reliable, affordable sources of energy are crucial to the U.S. economy and to the global economy.

To ensure such a supply, I believe developing cleaner sources of energy and encouraging energy efficiency and conservation must be among the Nation's top priorities. Members of both parties in Congress and the administration must work together toward a pragmatic and comprehensive strategy to secure American prosperity in the 21st century.

Democrats have long advocated increased investment in the search for alternative fuels and the development of energy-efficient technology. Today European and Asian competitors are already developing technologies that will reduce fuel consumption and lower the emission of greenhouse gases.

Rather than American entrepreneurs, it is our competitors who are prospering from these developments. By marshaling America's great strengths, our innovativeness, our technological prowess, our entrepreneurial spirit, we can better secure our Nation, save our environment, and become the world leader in this cutting-edge industry.

In pursuing energy security, we must use the Nation's resources effectively. The Real Security Plan directs the national investment to areas that minimize economic risk while maximizing the potential benefits. It also aligns incentives for American consumers with the goals of our Nation.

It makes transparent the true costs of energy and ensures that the easy choice for Americans is also the right choice for the Nation. Finally, it emphasizes the importance of energy as a national security issue.

To achieve this vision, the Real Security Plan offers fresh policy ideas. These ideas are drawn from a broad range of stakeholders, academic experts, government administrators, energy industry executives, environmentalists, and a vibrant grass-roots community.

The Real Security Plan pushes the Federal bureaucracy to overcome its business-as-usual approach and it encourages American entrepreneurs to innovate. While many of the ideas are new, some have been around for years. For example, experts have for many years recommended updating the Corporate Average Fuel Efficiency or CAFE standards. This year even the majority on the Government Reform Committee stated in a report that the fuel economy standards have stagnated for years.

Unfortunately, while the President has talked about the Nation's addiction to oil, he has failed to take the simple action of updating the CAFE standards. The President may believe that fuel efficiency standards are a burden on American manufacturers, or a constraint on the American consumer, but, sadly, he has underestimated American ingenuity and the willingness of Americas to sacrifice in the war on terror.

In contrast, in 1961 President Kennedy announced his vision for the Apollo project to put a man on the Moon in one decade, by saying, "I believe that this Nation should commit itself to achieving the goal before this decade is out.

"But I think every citizen of this country as well as the Members of Congress should consider the matter carefully in making their judgment, to which we have given attention over many weeks and months, because it is a very heavy burden. And there is no sense in agreeing unless we are prepared to do the work and bear the burdens to make it successful. If we are not, we should decide today and this year.

"This decision demands," he said, "a major national commitment of scientific and technical manpower, material and facilities, and the possibility of their diversion from other important activities where they are already spread thin.

"It means a degree of dedication, organization and discipline, which have not always characterized our research and development efforts. It means we cannot afford undue work stoppages, inflated cost of materials or talent, wasteful interagency rivalries or a high turnover of key personnel."

You might recall, in speaking of the Apollo project, President Kennedy also said, "We do this not because it is easy, but because it is hard."

This is the sort of leadership we need today on energy, and the level of commitment that we must be prepared to make, and we must ask of the American people. Unfortunately, this President has not asked the American people to sacrifice in the face of war or in the face of our tremendous challenges.

I would now like to turn to my colleague, Representative VAN HOLLEN of Maryland, who has been a very outspoken leader on national security, in general, on energy independence, in particular. I yield to the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague, Mr. SCHIFF from California, for his leadership in bringing us together to discuss these very important national security issues. We are very pleased to be joined today by Congresswoman KAPTUR, as well, who is very well versed in the issue of energy security and energy policy. It is wonderful to have her with us on the floor today.

Mr. Speaker, I think America understands that energy security is a very important part of our national security. But if we are going to address energy security in a meaningful way going forward, we need to do it in a new manner. We cannot just be doing the same old thing.

Now, I think many of us were pleased back in January when the President delivered his State of the Union address, and from the podium right behind Mr. SCHIFF, he said to the Congress assembled and to the American people that the United States was addicted to oil.

In fact, his exact words were: The United States is addicted to oil which is often imported from unstable parts of the world.

I am pleased that the President finally acknowledged that. That was kind of the headline in the newspapers the next day.

The confusing thing, I thought, was that most of America already knew that we were overly reliant on oil, especially on foreign oil. But it was news that this administration had begun to at least acknowledge that problem.

The question is, having acknowledged the problem, whether we are serious as a Nation about doing something about it. Unfortunately, if you look at the record to date from the Bush administration, despite the rhetoric he gave at the time he addressed the United States Congress, we have not seen the follow-through in terms of a new plan. And we need a new direction in energy policy.

For example, that night he talked about the fact that we need to do more in the area of renewable energy, which we do; as you, Mr. SCHIFF, have said, that many of us have been pushing for for many, many years. But I think we all remember that it was not long after the President gave his State of the Union address that he flew off to the National Renewable Energy Lab out in Colorado, part of NOAA, and discovered that in fact the budget that he was submitting the day after the State of the Union address actually cut about 40 employees who were working on renewable energy at that lab.

And so the difference is really the one between actually doing something about an issue or just talking about an issue.

☐ 1630

Because when you submit a budget the day after your State of the Union address, in which you say that the country is addicted to oil, and we have got to do something about it, and you submit a budget that cuts individuals' pay at one of the greatest national labs on that issue, in fact, the one that the President chose for his photo op on this issue, you know there is some kind of miscommunication between the guys who write the speeches and the guys that actually are putting the budget together which reflect the priorities of our Nation.

Clearly, the priority in that budget wasn't to follow through in a new direction on energy policy. In fact, unfortunately, what we have seen is the same old, same old. We have an energy policy bill that some people say will help wean us off our dependence on oil, but a major feature of that bill is to provide more taxpayer subsidies to the oil and gas industry.

Now, I have got to believe that the American people are scratching their heads and saying, what's wrong with this picture? I just went to fill up my car with gasoline. We have record prices at the pump. The oil and gas industry is making record profits, and yet you, the United States Congress, under this Republican leadership, you are taking some more of my taxpayer money and saying to the oil and gas industry, gee, even though you are making record profits and gas prices are through the roof, we are going to give you some of our constituents' taxpayer money as additional incentive for you to go out and explore and drill for oil and gas.

What happened to the free market? What happened to the notion that here we want to make sure that the market works? In fact, we are taking money from our taxpayers to subsidize an industry that needs absolutely no subsidy. They are making record profits. In fact, the President announced that we have to break that addiction. If you want to break an addiction, the first thing you need to do is acknowledge you got a problem. Then you got to do something about it.

Providing a greater subsidy or additional subsidies to the oil and gas industry, when you have acknowledged, as the President said, that we are addicted to oil, does exactly the opposite.

Mr. SCHIFF. This sounds a little bit about the equivalent, if you are dealing with someone with a substance abuse addiction, to give them a subsidy to buy the contraband that is the subject of their addiction.

Mr. VAN HOLLEN. Well, that is exactly right. Let us say you had an alcoholic. The last thing you want to do to help that person kick the habit is to provide a subsidy, for example, to the alcohol industry to make more alcohol at different prices. So we have got a real contradiction here between what we now acknowledge should be our national priority, a national priority, and what we are actually doing about it.

That is why I think it is very important that we are here today to talk about a new direction, because I do believe that if we want to really help break that addiction and reduce our reliance on oil, we need a large national effort. That is why many of us have joined together to introduce the new Apollo Energy Act, which says we need to harness the great potential of this Nation, the grant entrepreneurial spirit, and make sure that we commit ourselves to this real national effort, in addition to the fact that we need to encourage, not just more renewable energy, but in the immediate short-term we can also encourage greater energy efficiency.

We waste an awful lot of energy as a Nation through inefficient use of energy. So the Federal Government has tried and gave us a push to try to encourage States and local jurisdictions, the American people, to find ways to improve energy efficiency. But if you look at the President's budget with respect to energy efficiency efforts, you see dramatic reductions in the budget that he submitted for that purpose.

In fact, Diane Shea, who is the executive director of the National Association of State Energy Officials, has said that the assistance that the States received from the Department of Energy is not going to be available this year as it was in the past. This year, the year after the President stood at this podium right here in this Chamber and said this is a national problem, we have got a national addiction, we have got to do something about it.

Yet he reduced the efforts that we had put in place and were trying to develop to try to help people with energy efficiency, because we know that if we can use energy more efficiently, obviously, then we need less to produce the same output and the same quality of life.

So if you look at all of these different areas, you just find a growing gap between what the Bush administration says it wants to do and what it is actually doing. It is a credibility gap that is growing. I think the American people recognize that fact, and they are looking for an alternative that is real.

That is why we have developed what we call a real security plan, not a fake one, not one where you say one thing and do another, but a real plan, which really makes the national commitment to this effort in many, many different areas.

The new Apollo Energy Project is part of that. A project to provide greater efforts in the area of ethanol is part of that. A whole series of concrete steps that are in a proposal that is put together through a consensus by many experts is part of that. We need to act on that proposal, and we need to start acting today if we really want to reduce our dependence on foreign oil, improve our national security situation, and improve our environmental situation and address the issue of global climate change, which we necessarily need to address as well.

I would be happy to yield to our colleague, Ms. MARCY KAPTUR, and thank her for her leadership on this issue.

Ms. KAPTUR. I thank our colleague from Maryland (Mr. VAN HOLLEN) and the gentleman from California (Mr. SCHIFF) for their own energy and helping America shape a different century and different millennium in this 21st, and to say that there could be no more important dedication for us as public officials than to meet America's chief strategic vulnerability in imported petroleum with real answers. To do so, as Congressman SCHIFF reminded us, when President Kennedy helped to do what was hard and lead America to land a man on the Moon, it was done within 10 years.

At that time, I remember as a child, it seemed so impossible to land a man on the Moon. Yet now we see space shuttles. When you stand outside and look at the sky, and you watch the shuttle come before the Moon and then go back around again, you may see what this Nation has achieved since the 1960s.

But, indeed, we did land a man on the Moon in 10 years. I am troubled by the long-time horizon on new forms of energy, because if the government of the United States were serious, within 10 years it could use its own power to help convert this Nation.

I will just discuss two of the committees on which I serve that have major roles to play in this conversion. Both Congressman SCHIFF and Congressman VAN HOLLEN have talked about the Department of Agriculture.

What Congressman VAN HOLLEN has said is true, that although the President, in his State of the Union, talked about energy addiction and the importance of transitioning America to be energy independent, the cost-cutting budget of the Department of Agriculture, under his administration every single year, has cut funds for renewables.

Farmers struggle in the rural communities across this country to try to piece together the investment dollars and have the confidence that what they are doing will weather the kind of beating that they will take from the oil cartels, who command the marketplace and control the price in this country. Please don't try to convince me it is a free market. Oh, no, it is only a free market for those who control the spigots.

It isn't a free market for the consumer at all. Because in the community I represent, even if I want to buy a car that runs on ethanol, there is only one pump, and that was only put in after considerable pressure. Who has time to go way over to another part of the State or another part of the city to go fill up, with families having the pressures that they have on them in the workplace today?

No, the Department of agriculture, although I authored the first title to a farm bill in American history, title 9, that has the ability to invest some dollars in renewable energy through the farm community, it is such a pittance. It is almost laughable, except it is all we have. There isn't any major division over at the U.S. Department of Agriculture, even until today, that deals with energy independence and bringing up the full array of renewables.

We know about ethanol, because ethanol is derived from corn, and corn is heavily subsidized. So, of course, we are going to get more alcohol from corn. But you know the truth is, in terms of science, that isn't the crop with the most oil, with the most ability to be refined. There are other seed crops that have much higher oil content. We have just never developed them.

So the Federal Government isn't in the lead on this in agriculture. It is actually following in the wake of real progressive States like Minnesota, which I call the Thomas Alva Edison Center of the 21st century. What they are doing, they are viewing new energy production and new renewables and new investment there as economic development for the State of Minnesota.

We have a lot to learn from them. The Federal Government ought to just copy what the State of Minnesota has done and make it available across the country. But it is a tragedy now because even though Detroit makes dozens and dozens of vehicles that will run on these new renewable fuels, there are no gas pumps around the country.

There were a few incentives in one of the bills that we passed here in terms of tax credits and incentives for companies to put in tanks in the ground, but it is not serious. It is just sort of limping along. It isn't the kind of great challenge President Kennedy gave to us and the challenge that the Nation met.

If I could just say a word about the Department of Defense, it is incredible that the Secretary of Defense of this Nation would come before the Defense Appropriations Committee, when asked the question, what role did he see for his Department, the largest purchaser of petroleum in the United States of America, and petroleum-based products, to help erase this strategic vulnerability that we had due to the fact that we import three-quarters of our petroleum, he said, That is not my job. That's the Department of Energy's job.

I couldn't believe it. I went up to him afterwards, and I said, well, if it isn't our job, why do we have our Fifth Fleet porting in Bahrain holding up that government? You start looking around where we have put our defense forces to protect the oil lanes. We had a vote here today on Oman. It is pretty clear the Strait of Hormuz is very strategically important to us, because we are totally dependent on that oil lifeline.

To me, that is America's chief defense vulnerability. So why doesn't Secretary of Defense Rumsfeld know about it? He doesn't want to know about it. Know what, the generals know about it. The generals at the Air Force know it, the generals at the Navy Department know it. The generals over at Army know about it, and they know about the soldiers in the field.

We have research projects going on at DOD to try to have solar tents where the sun's rays are used if we have to move battalions around and try to provide alternative ways of powering these different defense systems that we have in theater. People on the ground know. The Guard and Reserve know. America has to change.

I hope the Secretary or somebody in his office will give him some of my remarks, because the Department of Defense ought to be in the lead. Then many of the other Federal agencies will follow.

The Federal agency that deserves the biggest star for doing what is right is the postal service. The postal service, with its vehicles, and some of them only get 12 miles a gallon, we ought to convert those, has done more than any other Federal agency to use its power to try to use vehicles that run on new fuels, batteries, new technology, hybrids, which Congressman SCHIFF and Congressman VAN HOLLEN have referenced in their remarks.

The Federal Government itself, as major a share of the U.S. economy as it is, could do wonders. Would it not be great if the President had hybrids as part of the White House lineup? Wouldn't it be great if the Secretary of Defense could see his way to thinking about this and integrating the energy mandate into what the Department of Defense does?

Wouldn't it be great if the Secretary of Agriculture actually helped the farmers of this country become owners in the new energy industries that are being created across the fields of Minnesota, Iowa, Ohio, Indiana and so many other places, rather than making these farmers struggle and be threatened with bankruptcy because they can't, they don't have all the connections on Wall Street, and they can't get up to the $40 million level for investment?

So I thank the gentleman for giving me a chance to say a few words here this evening. I share your absolute commitment to energy independence by 2020 or even sooner than that.

☐ 1645

Mr. SCHIFF. I thank the gentlewoman for all her leadership on this issue, and you alluded to the free market and the operation of market forces. That is not always as free as it might appear, particularly in the price at the pump. But there have been several obstacles to our energy independence, what has been a lack of vision in terms of where we need to go as a country in the administration and in the Defense Department, as you point out, but there have also obviously been within the oil industry efforts to stop this from happening.

I have to imagine the best and quickest way to bring oil prices down is to make other sources of energy competitive. If we can incentivize the development of these biofuels and make them more readily available, the oil companies are going to drop their prices in a hurry in order to undercut this new industry, if nothing more.

But what really kind of gnaws at me is when we look around the world at what China is doing with solar power and solar cities now, at what South American countries are doing at making themselves energy independent with biofuels, and what Japan is doing in terms of development of hybrid technology and how they are passing us by, that really grieves me because it hurts our national security interests. It hurts our economy.

Let me do a reality check with Mr. VAN HOLLEN's district which is 3,000 miles from mine. If I ask my constituents, would you be willing to make a sacrifice so that you could tell the oil producing Nations of the world, many of which are not our friends, we do not want your oil, we do not need your oil, you can take your oil and whatever, my constituents would leap at that. How would your constituents feel?

Mr. VAN HOLLEN. I think despite the fact there are 3,000 miles between the area you represent and the area I represent, that is certainly one of the things that brings our constituents together. I think what they are all looking for, regardless of where they live in this great country of ours, is some real leadership on this very important issue.

This House just a few weeks ago had another opportunity to send a statement on the fact that we wanted a forward-looking energy plan with a new direction or whether we just wanted to go the same old, same old.

Our colleague, Congressman MARKEY of Massachusetts, offered an amendment. It said let us put an end to another subsidy to provide for deepwater drilling for oil and gas. In other words, and I just want to make this clear, in other words, taking funds from our constituents and providing it to the oil and gas companies effectively in the form of a subsidy so that they can drill for oil and gas.

Now, even this administration said they were against this particular subsidy, but not the leadership in this House, not the Republican leadership in this House. It went right out of this House because, unfortunately, the Republican leadership is still in the old frame of mind that we can just keep doing what we used to be doing rather than moving in a very new direction.

I would like to pick up briefly on our point that our colleague here, Ms. KAPTUR, made with respect to the issue of the Federal Government leading by example.

It is hard for all of us to ask people around this country to do things in the area of energy efficiency when the Federal Government itself has been such a deadbeat on this. The Federal Government, after all, is the largest single consumer of energy in the United States and yet, again, after the President gave his State of the Union address, he submitted the fiscal year 2007 budget, and that was the lowest request ever for Federal Government energy efficiency efforts. In fact, that was lower, despite the fact in 2004 the Federal Government consumed more energy than at any other time in the last 10 years.

So, again, I get back to the point, you got to say what you mean and you got to follow through.

Here was another example. This is the day of the State of the Union address, the budget came down, and yet the budget came down, the President, head of the executive branch, submitted a budget that reduced funds for energy efficiency programs in the Federal Government. That is not leading by example.

Part of our new directions program is we say we will ensure that the Federal Government will be part of the solution, not part of the problem.

Mr. SCHIFF. I wanted to make one comment and I have a question for Ms. KAPTUR.

When we talk about sacrifice during the War on Terror, really the only people in America who have been asked to sacrifice are the men and women in uniform and their families, and they are sacrificing big time: multiple deployments to Iraq, to Afghanistan, families left behind, wondering if their loved one is going to come back at all, come back in one piece, how to make ends meet while they are gone.

I met when I was in Iraq a young man serving there who was on his way back home. His wife was also in the service. She was on her way to Iraq. They were going to be like two ships passing in the night. The level of sacrifice of the men and women in uniform is nothing short of outstanding.

Outside of that group, though, Americans have not been asked to sacrifice for the greater good, but we are sacrificing in an unexpected way, and that is when we go to the pump. We are paying a heavy price. The problem is that the price we are paying is not going for any productive gain.

Yes, we are paying a lot more at the pump. But where is that money going? It is going in two places. It is going into the record profits that Mr. VAN HOLLEN mentioned, which it is not just record profits for the oil industry. The oil companies have had the largest profits of any corporation in American corporate history, and these are the same companies that are enjoying the tax subsidies that we keep passing. And yes, the market is allowing them to take these profits. It is not compelling them to. It is not compelling them to charge that price at the pump, but it is giving them the opportunity to, and they are taking it. So part of the money is going there.

Where else is the money going? Well, a lot of the money is going to the Middle East. A lot of it is going to countries that, either openly or covertly, are funding people who are trying to kill us. That is not a worthwhile sacrifice for Americans to make. And the terrible tragedy of this is. And I think probably the biggest missed opportunity of this administration is if we had started 5 years ago, or even after 9/11, and we said we are going to make the sacrifice now to wean ourselves off of oil, we might have had to pay a little bit more in terms of our conservation measures, but that money would be an investment in our security. Now we are paying 10 times as much, and it is going to some of the people trying to kill us.

What I wanted to ask Ms. KAPTUR, I know other countries in South America, for example, have gone a long way in terms of using biofuel, have made themselves energy independent, have done what we have not been able to do. If we did have the right package of incentives, if the government was a leader and worked with the agriculture industry, how much of our domestic consumption of energy could be supplied by biofuels?

Ms. KAPTUR. I think the honest answer to that is initially about 15 percent. If one looks at the current type of production where we have field crops, if we compare ourselves to Brazil where they have many fewer cars than we do but they are really heavily biofueled right now, they have got well over half of their vehicles that are running on alcohol-based fuels. Under current technologies and current types of plants that we use, and current refining capacity, I think we could get up to about 15 percent.

I do believe that with biotechnology and the introduction of more oil-rich seed crops we could push that number up, and that is part of the horizon of cracking the carbohydrate molecule, as we in the 20th century cracked the carbon molecule to produce gasoline and refine it off of petroleum.

We are really neophytes in terms of really using oil seeds in order to produce the maximum number of Btus per acre and per ton. So I think if one looks at the period of a decade, we could do an enormous amount surely in the areas where we have field crops already in production.

I would say that for the future, the Midwest would have a larger share of its vehicles that run on alcohol-based fuels than perhaps California. California might have more of a mix of hybrid battery technology, maybe hydrogen-infused systems. I do not think that there is just one answer here.

But right now, because the oil companies really lock out the biofuels at the pump, we cannot move the vehicles that are already being made and sell them. Most Americans who are driving these flex-fuel vehicles do not even know it. So I would say that biofuels is at least a fifth of the answer, and then we have to look to fuel cells. We have to look to hydrogen-infused systems.

I think that in the future, we are working on one project in the Midwest, we are taking the rays of the sun and converting them to hydrogen. Then we will have the plug-in vehicles, the experimental plug-in vehicles.

So there is a series of technologies being used and developed. But imagine if the Federal Government were a partner rather than just sort of a bystander in this effort. We could ratchet up the usage so much more quickly.

Mr. SCHIFF. I thank you very much for your leadership on this, and it seems to me there is maybe no other issue that is as cost-cutting, as energy independent and has such a positive synergy, since that to the degree we could wean ourselves off of foreign oil, that helps us with our national security and our foreign policy.

To the degree we can develop these new technologies, that helps us economically. There has been tremendous demand in China, India, and elsewhere that are energy-starved countries with strong GDPs. So it is an economic winner.

In terms of our environment, not sending all of those ozone-depleting gases and the greenhouse effect and the global warming, it is an environmental imperative.

In terms of rescuing the family farm and helping our agriculture industry, it could be a vital part of the answer.

Almost every challenge we face as a Nation intersects at the intersection of energy independence. Now, some people point at other solutions, and I want to ask the gentleman about this.

Probably the most prominent debate we have on energy kind of tells you where we are here is on drilling in Alaska. From my point of view, that does not make much sense, both in terms of how long it would take to extract the oil, the environmental costs, but I wanted to ask your thoughts on that.

Mr. VAN HOLLEN. Well, the gentleman is right, and I think the statistics on this are clear, that even if you took all the oil you could possibly drill out of Alaska, with all the costs and the environmental damage, it would deal with only a very short period of 1 year, less than 1 year, a couple weeks to months in terms of our total energy use.

So if you are trying to break an addiction, you do not keep feeding that addiction. What you need to do is have a different approach in general.

☐ 1700

As Ms. KAPTUR has said, it is not just one different thing, it is many different technologies and different ideas that you need to work on. But what you don't do if you want to kick a habit is keep encouraging that habit to remain. And yet that is what we have been using so much of our natural resources to do. We should not be using taxpayer money to do the oil and gas subsidies. Rather, we should be using our efforts to encourage these other ideas that are in our national interest.

The President has said we have a problem. That is not the issue, apparently. But the issue is what are we doing about it. That is why I think this discussion is important.

I really do believe it is a terrible thing when so many of the others around the world are ahead of us in so many areas where we should be leading the way. We have a great entrepreneurial spirit. We have the resources and talents to do this. There is no reason why other countries should be beating us in the area of renewable energy development and energy efficiency technologies. And yet they are. I think that is because of a lack of national leadership. Other countries have made this a priority. In this country we have made it a priority for sound bites, but we have not made it a priority for policy.

Ms. KAPTUR. Coming from the industrial Midwest, I think I have more automotive plants in my district than the entire State of California has, so I come from an area where the automotive industry was born and hopefully is being reborn. But it is amazing to me the way in which the U.S. automotive industry chose to meet foreign competition. It was not to try to pry open Japan's market which remains closed to the goods of all countries. Even when the old Yugoslavia made Yugos, you couldn't get them into Japan. So less than 3 percent of the cars on their street are from anywhere else in the world, the second largest auto producer in the world.

They did not really choose a strategy of opening up closed markets or of converting here at home the largest automotive market in the world through the intervention of more fuel-efficient vehicles. They were forced to do that by CAFE standards and so forth here. But they fought that every step of the way and forced on the American people choices that were very, very oil-consumptive choices. So SUVs came on the market, and yet you could look over to Europe and see a Mercedes diesel run on biodiesel operating over in Europe.

Yet here we had something like the Hummer comes out, and it gets 9 miles to a gallon at a time when we know that we have to have more fuel-efficient vehicles.

I had an interesting experience a couple of years ago. I went up to the Detroit auto show, and I said I would like you to show me the floor with the new flex fuel or the biofuel vehicles, and the salesman just looked at me.

We really don't have the industry well focused yet in terms of, look, Americans want to change the country. These are the vehicles that are available to you. This is how we are going to make it easy for you to convert. They are still not there yet. They have globally forced on the American market the big gas guzzlers. But if you go anywhere else in the world, whether it is Brazil or Germany, anywhere you go, you see the more fuel-efficient vehicles being employed.

Think about your church parking lot or think about the supermarket parking lot that you shop in, and just go and look and see what is in the lot and what people are buying and what the miles per gallon is, and then do the same thing in Italy and do the same thing in Japan and do the same thing in Brazil and say to yoursel, What is wrong with this picture? Why aren't Americans being given the very same choices as consumers in other countries? Why have they been able to be more fuel efficient than we are?

And if I can say just one thing on solar energy, since I represent the solar energy research center of the Nation, we make solar panels at a third of the cost of the Japanese, and they are just as efficient. In fact, they are more efficient, but they are bigger. Because they are bigger, they are one-third the cost. All of the companies in my district that are making these solar panels, they are being exported to Europe because Europe has the special incentives for renewable applications. And the majority of the technology on solar roofing and solar panels is being shipped to other countries because we don't have those same incentives here.

So our government, those in the leadership here, can't see their way forward to help America convert when she wants to. The American people are with us on that. They know we have to change. Why don't we make it easy?

Mr. SCHIFF. That is one of the things that drives me crazy. One of my staff just got a Toyota Prius. She had to wait 6 months to get that Prius. There is a 6-month waiting time to get a hybrid made in Japan.

We don't have a non-SUV hybrid yet that I am aware of, an American car out on the road that competes with the Prius or with the Honda Civic hybrid. Why is it that some of the foreign automakers seem to know the American market better than we know ourselves?

Mr. VAN HOLLEN. If the gentleman would yield, I understand your confusion, and I share that. I think it has been so shortsighted that we as a Nation didn't take the steps that we needed to take many years ago in this regard in terms of updating in a significant way the CAFE standard, the corporate average fuel economy standards in this country.

When gas prices started going up over the last many months, all of a sudden you saw people running around with their heads cut off, trying to think of quick-fix solutions.

You had the majority leader of the Senate, Senator FRIST, he floated this idea of a $100 rebate to every American, as if that was somehow going to solve the problem. Quick fixes are not going to solve the problem. We need serious solutions.

One of the things that should have been done years and years ago was updating the CAFE standards. It is interesting to hear Members of Congress who have been here for a long time, I listened to Senator LOTT and others on the other side talking about this. They said, Gee, you know, if we had known what we were going to see today in terms of gas prices, we would have supported an increase in the CAFE standards back then. Well, you know, we don't all have crystal balls, but we have to exercise our best judgment.

And the fact of the matter is that is a long overdue measure. And it is not a quick fix because it takes time for the fleet of cars to turn over. You can't just change the corporate average fuel economy standards today and, presto, have a result. It requires some forward thinking.

The fact that we didn't do it before was a big mistake, and I think people should hold people accountable for their mistakes. On the other hand, it is better late than never. We need to get moving on that, and we need to get moving on the whole menu of other options that we have been discussing today. There is no silver bullet to this. You need an array of options. You need a number of efforts going on at the same time.

But in order to get all of those things going, you need one essential ingredient, and that is some leadership and a commitment to this issue and a commitment to have a new direction and not just rely on the failed policies of the past that continue to get us into the mess we are in.

Mr. SCHIFF. The gentleman is exactly right. We have this choice. We have had this choice for several years. We can have more of the same, more of the same $3.50-a-gallon gas, maybe $4-a-gallon gas at the pump, more warming of the global environment, more production of greenhouse gases, more pain economically in terms of higher energy costs for businesses.

Or we can have a new direction. I think we have talked about several of the ingredients of that new direction tonight. The investment of biofuels: That helps our farms and it helps our economy, it helps our energy independence, and it helps our energy independence and our national security.

Investment in other alternative energy sources like solar power where the profit points are almost there, almost there for a great expansion of solar power. They just need a little incentivization before they can be broadly employed.

The development of windpower, geothermal, and the whole host of renewable energy sources. This is the new direction we need to take this country in. Otherwise, every time we have a flare-up in the Middle East, as right now we are having this tragic situation, Hezbollah has attacked Israel, kidnapped soldiers and prompted this conflagration of the region, gas prices are going through the roof.

Iran thumbs its nose at the international community and says we are going forward with our nuclear program, gas prices go through the roof.

Hurricanes in the gulf take out refining capacity. We can't predict, as you say. We don't have a crystal ball. We don't know next year if it is going to be a hurricane, or next year it is going to be the Middle East, or the Venezuelan head of state who is anathema of the United States, but we do know it will be something. And if we don't take action to change the direction of our country to a new direction, we are going to be continuing to be funding a lot of the people that are bent on our destruction.

Ms. KAPTUR. I just wanted to add that if one looks at the automotive industry, and I have all major companies in my district and in my State, and talking about their focus along with our focus, we have to continue to open closed markets of the world. That's where markets expand. You have to put some energy there. You can't just kind of put it on the back shelf.

Many years ago President George Bush the first went to Tokyo. I still remember he got very sick at a dinner, and he was there for auto parts talks, market opening talks. And ever since that day, there has never been an aggressive effort by any administration to open up the second-largest market in the world. So we have failed on the trade front significantly.

And the major automotive firms have chosen a low-wage strategy rather than an innovation strategy. So they have been moving plants around the globe seeking cheap labor, whether it is China, Mexico, wherever it is, rather than focusing on the innovation that is inherent in the American people that was responsible for the dawn of the automotive age in this country in the first place.

Those kind of minds are still out there, but we are kind of wed to old technology and the fact that if you sell a very large vehicle in this country, you make a little more profit than if you sell a smaller vehicle. The larger vehicles use more gas and petroleum-based products. We were stuck in that mold for a very, very long time.

And if you go out and ask the average consumer what they are looking for, and the lines are showing it, they are looking for the new technology, and it just was not brought on.

So the strategy that was chosen in the 1980s and 1990s has not led our Nation toward energy independence in vehicles. Now we see ads on television by the big companies saying we are trying to catch up. Well, we really need to catch up very, very quickly or they are going to become another segment of our wealth that are purchased by foreign interests and no longer belongs to us. We are seeing a lot of that as we pawn off pieces of America to try to cover our long-term debts and what we owe to the future, which I am very upset about, but alone can't solve.

Nonetheless, I think our automotive companies really need to focus on innovation, listen to what the consumer is saying, give them what they want, and open up the closed markets of the world. That would go a long way to helping this industry revive. And then we have the legacy costs of the companies that have been in existence for a very long period of time that this Congress could do something about in order to make whole the pension and health benefits that workers were promised. That is a whole other Special Order.

I thank Congressman SCHIFF and Congressman VAN HOLLEN for allowing us to speak about such an important subject and one that is at the top of the list in terms of domestic security, and that is energy independence.

Mr. SCHIFF. I thank the gentlewoman for her leadership on this issue and on so many other issues here in the Congress.

I want to wrap up by bringing this back to where we started, and that is the integral nexus between energy independence and national security. You can imagine what a positive to our national security policy it would be if in our dealings in the Middle East, our dealings with Russia and China and our dealings with South America, if energy was not an issue in the sense we were not dependent on other parts of the world, and particularly the Gulf States. What a transformative effect that could have in a positive way on our national security policy. Energy independence is really key.

Our new direction, as outlined by real security, is energy independence by 2020. This is an achievable goal. It would require the kind of commitment that President Kennedy talked about when he talked about the Apollo project, but it can be done.

I have great confidence in the American people and the American entrepreneur. We can do this. It would eliminate our reliance on Middle Eastern oil. We would increase production of alternative fuels in America. We would promote hybrid and flex-fuel vehicle technology in manufacturing, and we would enhance energy efficiency and conservation incentives. This is the direction Democrats feel we need to bring this country in order to make sure that our security is in fact very real.

I want to yield to my colleague from Maryland for his closing remarks and once again thank you for not only this evening, but for all of your work on the national security plan.

☐ 1715

Mr. VAN HOLLEN. I thank my colleague, Mr. SCHIFF from California, again, for his leadership. And I think we have covered a lot of territory in this hour. I think we will have a continuing conversation here in the Congress, and I am sure we will have a continuing conversation throughout the country about this very important issue.

And, again, it goes to the question about whether we take our words seriously in terms of moving the policy of this country forward. And you can't have a situation where you have the President say this is a national priority, on the one hand, and then have a budget that comes down the next day that sends a very, very different message because, if you do that, number one, you lose credibility with the American people; and, number two, you obviously can't achieve your objective if you don't harness some of our national resources to this very important, very important effort.

So I want to thank my colleague for his leadership on this issue. And I hope that in the days ahead, this Congress will move from a position of rhetoric on these issues to actually doing something meaningful and taking this country in a new direction when it comes to energy policy, which, as we have discussed tonight, is such an important component of our national security policy as well. So I thank the gentleman for his leadership on this issue.

THE ORIGINAL MISSION OF THE UNITED NATIONS

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Under the Speaker's announced policy of January 4, 2005, the gentleman from Tennessee (Mr. WAMP) is recognized for 60 minutes as the designee of the majority leader.

Mr. WAMP. Mr. Speaker, before I get to the topic that I want to spend at least the lion's share of the next hour on, I want to respond somewhat to the commentary from my friends on the other side over the last hour and really agree with them on a whole lot of issues.

As the cochairman of the bipartisan Renewable Energy and Energy Efficiency Caucus here in the House, which has over 218 members, a majority of the House belong to our bipartisan caucus. Congressman MARK UDALL of Colorado is the Democratic cochairman, and I am the Republican cochairman; and we are working together to advance many of the initiatives that they have talked about as quick as we can.

I do think that tremendous energy now is put behind the goal of becoming energy independent as soon as possible in this country.

Last night, Congressman UDALL and a bipartisan group that I participated in met for about 2½ hours with Vinod Khlosa about this issue of cellulosic ethanol and what potential it has in this country for transportation.

Earlier today I participated with Congressman INGLIS of South Carolina, who chairs the Fuel Cell and Hydrogen Caucus here in the Fuel Cell event we had in Cannon Caucus.

Just a few days ago we had the Renewable Energy Expo here, which Congressman UDALL and I participated in. Through all of these efforts, I would say that what we are doing is not this particular technology or that particular technology, because in many ways our free enterprise system is going to sort the winners and losers out.

But, really, our position is we have got to do all of the above. Time is of the essence. I don't think we can pick and choose right now. We need domestic capacity, so we have to go after new oil and gas resources. But we have to wean ourselves off foreign oil and move towards advanced transportation systems.

Clearly, hybrids are a bridge. We want to promote that. But we have got to move through all these technologies.

I think fuel cells have great applications but, frankly, so do the E85-based fuels.

So I just want to say that that is something that many Members from both sides of the aisle are doing an awful lot about.

Last summer the Congress passed EPACT, the Energy Policy Act of 2005. This President signed it into law. Today we hailed, many people in a bipartisan way, the successes that the tax incentives give to the renewable sector, to the fuel cell sector, to the advancement of hydrogen. I would argue that we need to go further because the production tax credits that are in that bill need to be extended for a longer period of time so that the industry out there has a definition. They know what to expect. It is not a 2-year thing that might or might not be renewed. So clearly, we need to do more.

But there is bipartisan resolve to advance all of our energy sources as rapidly as possible. And so I applaud them in a sense, but I would also say that there is no silver bullet. We need to do all of the above, and we can't just rely on particular fuels. We need to increase our domestic capacity.

Now, to lay the groundwork for what I am going to talk about, with the help of a couple of my colleagues, Mr. McCOTTER from Michigan has joined me already, and I think the gentlewoman from North Carolina (Ms. FOXX) will also join us.

I want to talk a little bit about world events, but then get to the meat of this hour, and that is the United Nations and whether or not it is living up to its original charter, whether or not it is a viable organization today, or whether or not, frankly, it has been corrupted over time, especially in recent years.

But I want to say, to begin with, that I think to define this war that we are in as a war on terror misses the point in many ways. Terror is a tactic that our enemy is using, but it is not really a war on terror. We need to be honest that we are at war with the Islamic jihadists. The jihadists are spreading their networks around the world.

A letter between Zarqawi and Zawahiri laid out specifically that they wanted to use our involvement in the Middle East as an opportunity to remove the infidels from Iraq, and then expand the califate, according to Mohammed, from Morocco in Northwest Africa, all the way into Indonesia. Clearly, aggression is part of the plan.

And the jihadists don't just surface through al Qaeda. The jihadists surface through Hezbollah, frankly, a seasoned terrorist organization that has now taken up a very important place of power in Lebanon, supported, without question, articulated last night on the floor of this House, by Iran and Syria.

Democrats and Republicans, over and over again, last night, as we debated the resolution in support of the State of Israel, talked about who is backing Hezbollah right now. Hamas, also elected to governmental leadership in Palestine, includes the jihadists, people who have declared war on the United States of America and its ally, Israel. And this really is a war of global proportions. And we need to be realistic about this and share with the American people the seriousness of the moment that we live in and rise to our generational call to address this issue and not just think that this is about Iraq.

If we pulled out of Iraq tomorrow, Islamic jihadism is on the rise. And they continue, as we see in Lebanon, to seek to destroy the State of Israel and seek to drive America back and bring us to our knees. We must stand tall and straight.

Now, the United Nations is an organization that I believe was founded with good intentions. As a matter of fact, a prominent Tennessean named Cordell Hull was very involved with it. And if you call the Congressional Research Service or look for the records of all this, and we did, you find out the history of all this, because Cordell Hull came out of the State of Tennessee. He was elected to Congress in 1907. He served here in the House until 1931. He was elected United States Senator, but resigned upon his appointment as Secretary of State by President Franklin D. Roosevelt in 1933.

Foreseeing danger to peace in the rise of dictators, he advocated rearmament, pled for the implementation of a system of collective security, supported aid short of war to the Western democracies, condemned Japanese encroachment into Indochina, warned all branches of the United States military well in advance of the attack on Pearl Harbor to prepare to resist simultaneous surprise attacks at various points.

Although Hull participated in some of the policy-making conferences of the allies, his major effort during the latter stages of World War II was that of preparing a blueprint for an international organization dedicated to the maintenance of peace and endowed with sufficient legislative, economic, and military power to achieve it.

Shortly after the outbreak of the war, Cordell Hull proposed the formation of a new world organization in which the United States would participate after the war. To accomplish this aim, in 1941 he formed an advisory committee on postwar foreign policy composed of Republicans and Democrats. Mindful of President Wilson's failure with the League of Nations, Hull took pains to keep discussion of the organization nonpartisan.

By August of 1943 the State Department had drafted a document, entitled "Charter of the United Nations," which became the basis for proposals submitted by the United States at the 1944 Dumbarton Oaks Conference.

Poor health forced Hull to resign from office on November 27, 1944, before final ratification of the United Nations charter in San Francisco. President Roosevelt praised Hull as the one person in all the world who has done his most to make this great plan for peace, in effect, a fact.

Following nomination by Roosevelt, the Norwegian Nobel committee presented the 1945 Nobel Prize for peace to Cordell Hull in recognition of his work in the Western Hemisphere for his international trade agreements and for his efforts in establishing the United Nations.

Too ill to receive the award in person, Hull sent a brief acceptance speech that was delivered by the United States Ambassador to Norway, in which he wrote: "Under the ominous shadow which the Second World War and its attendant circumstances have cast on the world, peace has become as essential to civilized existence as the air we breathe is to life itself. There is no greater responsibility resting upon peoples and governments everywhere than to make sure that enduring peace will, this time, at long last, be established and maintained. The searing lessons of this latest war and the promise of the United Nations organization will be the cornerstones of a new edifice of enduring peace and the guideposts of a new era of human progress."

As a matter of fact, the U.N. charter preamble says this: "We, the peoples of the United Nations, determine to save succeeding generations from the scourge of war which twice in our lifetime has brought untold sorrow to mankind, and reaffirm faith and fundamental human rights in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and promote social progress and better standards of life in larger freedom. And for these ends, to practice tolerance and live together in peace with one another as good neighbors and unite our strength to maintain international peace and security. And ensure by the acceptance of principles and the institution of methods that armed force shall not be used save in the common interest, and employ international machinery for the promotion of the economic and social advancement of all peoples."

Now, that is a bold plan for an organization, to secure international peace and guarantee international security. And I just want to say, fundamentally, a fair assessment of the United Nations in 2006 on its original mission is a low grade. If not an F, it has got to be a low D, because the United Nations today, as was written yesterday in a column by Norm Ornstein in Roll Call, is effectively impotent in certain areas of the world today.

Clearly, as we look at the observers in southern Lebanon and the U.N.'s role with peace keeping, we are facing the most difficult challenges of our generation with respect to war and peace, and the United Nations is not effective anymore. That is the sad truth today, and we are trying to change that.

Here in the House of Representatives, we passed the Henry Hyde United Nations Reform Act and sent that bill to the United States Senate, where we can't even get agreement on a conference report. As a matter of fact, that bill said that there were 38 recommendations for reforming the United Nations to clean up the graft and corruption, make it more efficient and accountable, have it live up to its original charter; and unless 31 of those 38 reforms were implemented, we were going to, the United States of America, withhold up to 50 percent of our dues to that organization. And we are, and will show later in this hour, by far and away the number one contributor to the United Nations in the world.

☐ 1730

We were trying to bring some accountability to the United Nations, and I have to tell you that the resistance to that accountability not only comes out of the heart of the United Nations, but there is resistance even in this country for reforming the United Nations.

I have to say this Member of Congress from the State of Tennessee, much like the Member of Congress from Tennessee who received the Nobel Peace Prize for starting the United Nations, looks back on the legacy of Cordell Hull and, sadly, says that we need to reevaluate our participation in the United Nations as long as it is going in the direction that it is going in.

Before I yield to the gentleman from Michigan, I want to point to a book that has been written, called The U.N. Exposed, by Eric Shawn.

Eric Shawn is not an author trying to make money writing a book. Eric Shawn is a very legitimate journalist who has been incredibly effective over the years at reporting on the United Nations. It is very similar to a reporter covering city hall that sees so many things going on in city hall that, after a long period of time, they just kind of look themselves in the mirror and say, this stinks and somebody needs to write about it. And this book documents all of the graft, corruption, deals, inefficiencies, arrogance that exist at the United Nations. The U.N. Exposed. And I want to just read a page out of it in the introduction to set the stage and then yield the floor to the gentleman from Michigan.

In the introduction it says: "Terrorism is not a United Nations priority. The majority of its members are focused on 'development,'" which is "diplomat-speak" for increasing the amount of money coming into their own nations. Terrorism, even though it should be the most pressing international issue of the 21st century, is simply not on most U.N. agendas.

"The United States is compromised. The United States funds a whopping 22 percent of the U.N.'s $3.6 billion budget, pays 27 percent of an additional $3.6 billion in peacekeeping operation costs, and provides billions more for the U.N. agencies and related operations each year. And yet the United Nations has become the coliseum for confronting and opposing the United States. With the end of the Cold War and the rise of one lone superpower, the United States' veto-wielding rivals press their agendas at our expense and maneuver for their own advantages, not ours.

"The United Nations Security Council guaranteed security for the Iraqis and an unstable and untenable environment for American and British forces attempting to enforce the Council's mandates from 1991, when Saddam surrendered in the Gulf War, to the 2003 invasion made necessary by the U.N.'s malfeasance. Had the Council and the United Nations held to moral principles and enforced their resolutions and requirements, the war could have been prevented. There would have been clarity, not confusion, regarding Saddam's possessions of weapons of mass destruction. His corruption and bribery of the Council created conditions of uncertainty that empowered his regime.

"The same mistakes are now being repeated elsewhere. The U.N. is incapable of effectively resolving the nuclear threats posed by Iran and North Korea, member states that have in some cases lied to U.N. officials, including those of the International Atomic Energy Agency, or, in other cases, ignored their request.

"While the U.N.'s humanitarian programs are rightfully praised for providing food, shelter, and medicine to millions of the world's needy, they have now also come under questioning and criticism. The U.N.'s own independent investigation, headed by former U.S. Federal Reserve Chairman Paul Volcker found that even the gems of the U.N. system, such as the World Food Program, the World Health Organization, and UNICEF, operated in Iraq with 'little transparency and oversight' amid evidence of 'gross mismanagement.'"

A fair assessment says the United Nations is not effective at all in international peace and security and they do provide humanitarian assistance, but even their provision of humanitarian assistance is grossly mismanaged, and basically everybody involved in the leadership of the United Nations is, in one way or another, benefiting financially from the very programs that come through the United Nations.

We are going to document even more of that as we go on. But at this point I want to yield to the gentleman from Michigan, THADDEUS MCCOTTER.

Mr. MCCOTTER. Mr. Speaker, I thank the gentleman from Tennessee for yielding.

I am here as a Representative from Michigan. And as many of you know, and I am sure you do, Mr. Speaker, Senator Arthur Vandenberg from Michigan played a key role in bringing the United States into the postwar world. He originally started out of Grand Rapids as an isolationist. And yet as he saw the gathering clouds of World War II and the impact of isolationism and appeasement upon the course of world events, he quickly became a believer in the United States' role in the world, and not simply being in the world itself and going along with the tide of history but trying to direct that tide of history towards a positive outcome for our own citizens and for humanity.

This is why today, as an admirer of Senator Vandenberg and, yes, as an admirer of President Roosevelt, we have to admit that today the dream of President Roosevelt has been turned into a nightmare by the corruption of the United Nations.

The dream which President Roosevelt inherited from President Wilson and his League of Nations, a torch that President Roosevelt carried throughout election after election, despite its being many times unpopular, has been put in the hands of people who operate the United Nations not as an entity to bring about global peace and prosperity and security through mutual diplomatic action but rather as a corrupt political machine. In fact, the United Nations has one advantage over a traditional municipal political machine. It is that the enormity of their crimes tends to mask their crime.

The global scale of the theft, which the gentleman from Tennessee will soon help to elucidate, has masked the simple fact that they are operating in their own interests rather than the interests of the citizens of the United States and rather than the interests of people throughout the world.

One of the things which is most striking, as the gentleman pointed out, is the fact that when we look back upon the search for weapons of mass destruction by the Security Council and the resolutions that were passed and passed and passed, and ignored and ignored and ignored, is the simple, ineluctable fact that Saddam Hussein had bribed the jury, that Saddam Hussein had taken the Oil-for-Food program and turned it into an instrument not only for his aggrandizement and enrichment at the expense of starving people in his own nation, he also utilized it to buy influence amongst member countries at the Security Council level.

When viewed in that light, it is easy to see why there was such discord and such incomprehensible division amongst former allies and erstwhile allies in the buildup to the invasion of Iraq by the United States to liberate that country from Saddam. It is also easy to see why, in so many other instances when dealing with the dictator, it was very difficult to get the U.N. to take a stand and to commence action to enforce its own resolutions.

As the distinguished ranking member of the International Relations Committee, Mr. LANTOS of California, has pointed out, the United Nations is a derivative reality. As he points out, it is a derivative reality in the sense it is composed of member states. And member states can be bad actors on the international stage or good actors on the international stage, and when they come together, the results can often be less than productive.

But in the end, it is not the position of myself or many in the United States who are encouraging U.N. reform that the U.N. do what we ask it to do or that it be led by the nose by the United States of America and back us in all our diplomatic efforts.

But what we are trying to do, through the Henry Hyde bill and through other attempts legislatively, is to guarantee a fair and impartial hearing amongst the Security Council and amongst the member states and know that when we make our case that we will not be greeted by a bribed judge and jury, but that we will be greeted by other sovereign nations acting objectively in the best interests of world security and world prosperity.

It is this chance that we were cheated of, and it is this chance that we are endeavoring to restore because endeavoring to restore the integrity to the United Nations, we are endeavoring to rekindle the spark of the dream of Franklin Roosevelt and the entire postwar generation that hoped that the horrors of the Second World War would not be lost upon future generations, thus condemning them to a third world war. Arguably, that chance has already been lost.

Regardless, we must press ahead because the United Nations as a concept, as an ideal, has a very practical value in the world today. And I think it is very difficult for us not to confront the reality that it is not performing that function, largely due to its own corruption.

Mr. WAMP. Mr. Speaker, I thank the gentleman for his commentary.

What is the United Nations? To a lot of people, they may not have been there, they may not realize it, but it is an 18-acre compound on the East River in Manhattan, in New York City. And that 18-acre compound, which is very much delineated, detailed in Eric Shawn's book, is basically a safe haven for everyone who operates there. They are immune from virtually everything. They do not even have to pay sales tax on the food that they eat in New York City. They do not have to pay their parking tickets. They operate with such impunity that they, frankly, have become incredibly arrogant toward our country.

The number two guy at the United Nations, Malloch Brown, recently just delivered a scathing analysis of the United States' position toward the United Nations as if we had no business whatsoever meddling in their organization, as if we should not in any way exert oversight when, again, about a fourth of all of their revenues come from us and they have this autonomy here in our country.

The Oil-for-Food scandal, which an investigation was ordered on here in the Congress, it showed such gross graft and corruption that it could very easily be the largest case of grand larceny in the history of our country in terms of the billions of dollars that were siphoned off and used to manipulate, to effectively bribe member countries; even, as one of the chapters in the book shows, the media, the press that covers the United Nations, setting up these organizations where reporters could actually draw income from outside of their work at the United Nations. Now, if that is not a conflict of interest for a journalist, I do not know what is.

But Saddam Hussein methodically set out to use the revenues from the Oil-for-Food scandal to keep the countries that could very well force the United Nations or hold the United Nations back from going in and enforcing their resolutions in Iraq. He used the money. It was a scheme. It was a scam, a multibillion-dollar scam. That has been documented here on the floor, but I do not think the people in this country ever really got it. I do not think that they fully understood it.

A summary of the time line, after Saddam Hussein invaded Kuwait in 1990, the United Nations barred him from profiting from sales of his country's vast oil supplies. The ban was meant to keep him from rebuilding his military and pursuing a nuclear weapons program. It also deprived the Iraqi economy of its main export, leading to hunger and deprivation among his people, according to him, a condition that Saddam both exacerbated by hoarding the wealth his country possessed, and then publicized to win international sympathy. Eric Shawn's book points to the fact that a lot of it was just propaganda coming out of Iraq by Saddam that, indeed, a lot of the children that he had claimed were starving to death because of the lack of oil revenues were not, in fact, starving to death. But he won a lot of international sympathy.

So support for the sanctions gradually eroded. And in 1996 the United Nations created the Oil-for-Food program through which Iraq could resume oil sales to pay for humanitarian goods such as food and medicine. Saddam exploited, though, the renewed oil flow in three ways:

First, he simply ignored the sanctions and illegally sold oil to Syria, Turkey, Jordan, and other countries with no U.N. supervision, which furnished him by far his biggest source of illicit income, about $13.6 billion, according to a Senate subcommittee investigation.

Second, Saddam and his loyalists used tricky pricing schemes, surcharges, and kickbacks to milk another $7 billion or more from oil buyers and sellers of humanitarian supplies as a result of Saddam's successful arguments at the United Nations, that as a sovereign nation Iraq should be allowed to negotiate contracts directly.

☐ 1745

Legitimate Iraqi oil profits went to a U.N.-controlled escrow account, but kickbacks were secretly routed by complicit companies to hidden regime bank accounts.

And, third, Saddam bribed foreign officials and others. He oversaw a list of people who were given vouchers to buy Iraqi oil at below market price, essentially multimillion dollar buyoffs. Their apparent purpose was to win Saddam defenders in his fight to lift U.N. sanctions. Beneficiaries allegedly included oil company executives from Russia, China and France and prominent politicians from Russia and France.

There is documented evidence now that he systematically sought to use this revenue to buy basically the votes at the United Nations to keep the United Nations from enforcing their own resolutions.

So was the United Nations corrupted through the Oil-for-Food scandal? Absolutely it was. Over a period of a decade, it was corrupted in a gross way, so that the United Nations was never going to enforce their resolutions because basically everybody in the decision-making process had some obligation to Saddam Hussein because of where the money flowed.

Kofi Annan runs the United Nations. Thankfully, his term is going to end at the end of this year. His son, Kojo, his fingerprints are all over this stuff. Money flowed. Investigations have been run. People just looked the other way. Maloch Brown then criticizes us for exerting oversight, saying that the United States has just become anti-U.N.

Listen, we all believed in the original legitimacy of the United Nations, the original mission, international peace and security. But I will tell you what, the United Nations is, if anything, not only not helping with international peace and security; the United Nations is in the way today sometimes of international peace and security if they are unwilling to enforce their own resolutions.

You might say, well, you know, if it is not the United Nations, then what? I got to say the coalition of the willing needs to reevaluate, in my humble opinion. The coalition of the willing means countries willing to fight Islamic jihadists, willing to stand strong against terror, willing to engage, to say we have to drive this threat back.

Then what do we do? Let's look at an expanded NATO. Let's look at a coalition of the willing. Or let's insist that the United Nations go back and meet its original charter. It is, frankly, not an organization worthy of this level of support by the American people today. That is the bottom line.

Now, I am prepared to yield to the gentlewoman from North Carolina, if she is ready. Are you ready?

Ms. FOXX. I am ready.

Mr. WAMP. I yield to VIRGINIA FOXX from North Carolina.

Ms. FOXX. Thank you, Mr. WAMP. I appreciate your inviting me to be with you all today. It is a real treat to listen to you and Congressman MCCOTTER. The things you have said I agree with wholeheartedly. I am not nearly as eloquent as the two of you. I am a much more plain-spoken person, I think, a product of having grown up in the mountains of North Carolina, and I think that in many ways you are being very kind about the United Nations.

I agree with you that the United Nations was born in a spirit of optimism and that people had hoped very much that the United Nations could provide peace and stability in the world. And we all want that. We all want that to happen.

But I will tell you, as I talk to my constituents and as they talk to me about the United Nations, even the average American, you don't have to serve in Congress, the average American knows that the United Nations has failed miserably in its role as a peacekeeper in this world. All we have to do is look at what is happening right now in Lebanon, what is happening in Israel, to know that it has failed miserably. We would not be having the problems that we are having in the Middle East if the United Nations were doing its job. I think that it is high time for the Congress and the administration to demand a great deal more from the United Nations.

I think that our Secretary of State is doing a fabulous job in her job, and I think that it was a sad day when we could not get Ambassador Bolton confirmed by the Senate to his job, and I think that the President was right to appoint him on an interim appointment and that he is speaking for the majority of the American people and saying the kinds of things that need to be said.

I want to quote HENRY HYDE. Again, there are very few people in this House who are as eloquent as Chairman HYDE, and I think that it is entirely appropriate that the bill that he introduced, the United Nations Reform Act, was named for him. I want to just quote one quote from him relating to that bill and relating to the United Nations:

"No observer, be they passionate supporter or dismissive critic, can pretend that the current structure and operations of the U.N. represent an acceptable standard. Republican and Democrat administrations alike have long called for a more focused and accountable United Nations. Members on both sides of the aisle agree that the time has come for far-reaching reforms."

I think that the comments, again, that have been made here by my esteemed colleagues have set the stage for some of the things that we ought to be talking about. The United Nations charter has laudable goals, but, as I said, I am a much more plain-spoken person than some others. But when the rubber meets the road, the U.N. has failed miserably to put these ideals into practice, especially in recent years. And we have a duty here in the Congress and as a permanent member of the U.N. Security Council, the United States, we have a duty to insist on a higher standard. We have a duty to ensure accountability of each and every American taxpayer dollar that goes to the United Nations.

I know my colleague is going to point out some of the problems with the U.N. "supervised" Oil-for-Food Program. But I want to say that from that program, to the lack of action with respect to genocide in Darfur, Sudan, to the tremendous human rights abuses by the U.N. peacekeeping staff during their mission to Congo, the U.N. is absolutely rife with fraud and abuse and needs reform.

We could list these things, and there is a long list, and I am going to talk a little bit about the history of scandals in the United Nations: the Oil-for-Food Program, we will talk a little bit more about; the peacekeeping operations; the Center for Human Settlement or Habitat; Settlement Rehabilitation Program in Northern Iraq; UNICEF, the U.N. Children's Fund; the Conference on Trade and Development; the Development Program; the Educational, Scientific and Cultural Program; we all know UNESCO; the Electoral Assistance Division, meaning electing people, not electricity; High Commission for Refugees; the Office of Drugs and Crime; the Claims Commission; the Population Fund; and the Environmental Fund. Every one of these programs has had a scandal attached to it.

The American people are much more familiar with the U.N. Oil-for-Food dollars because, fortunately, the popular press and the popular media picked up a little bit on that program and have talked about it. But all of these programs have had scandals associated with them, and I think that just by highlighting this one program, we can give an example of what some of the others are.

I would like to come back in a few minutes and talk about some other issues that have been touched upon by Congressman WAMP, but I am going to turn it back over to him so that he can explain in some detail some of what went wrong with the Oil-for-Food dollars.

Mr. WAMP. I thank the gentlewoman.

Put this in perspective: think like North Korea today. Kim Jong Il is defying the international will in terms of developing a nuclear program and nuclear weapons capabilities, so the world is rightly isolating him.

So back in 1990, Saddam Hussein invades his neighbor, and the world comes and drives him back and basically begins to isolate him and he can't sell his oil to the world.

So he comes up with a scheme. Hey, this is what we can do: we can claim that children are starving and that our country is experiencing all these humanitarian crimes, and, as a result, we have got to kick the oil revenues back in.

What happens is the $64 billion worth of oil revenues which Oil-for-Food was supposed to send through a New York escrow account and on back for humanitarian needs, and the administration associated with getting the money back there. And the way the thing ended up getting corrupted, it goes through Jordan and Lebanon and other countries and other accounts and back to Iraq, and this is what happens with the money: military equipment, weapons from Belarus, Bulgaria, China, France, India, Jordan, Russia, Poland, North Korea, South Korea, Syria, Ukraine and Yugoslavia. He bought with all that the military arsenal to put himself back on his feet in the nineties.

And who was co-opted into believing all that? The United Nations, very easily. How were they? Well, kickbacks. Bribes. A methodical effort to make sure that the very people that could expose this or stop this were all somehow on the payroll.

That is exactly what happened. It is one of the most outrageous stories in the history of the world, especially in an organization that most people have a good impression of. After all, when the light-blue flag of the United Nations shows up around the world, people think good thoughts. It is like the American Red Cross. They say, hey, that is nice, they are here. Little do they know, though, that there is this kind of fraud and abuse and corruption at the United Nations.

This is all documented now. We really need to evaluate how long this country is going to participate in a scam like this and then be criticized by the rest of the world every time we try to hold them accountable as being arrogant or too bossy, the things that they say.

Eric Shawn has done this country a service by putting all this in a document, his book, "The U.N. Exposed." He really has. Again, he is just a journalist. He is just trying to show what he learned over the years reporting on the United Nations.

In an interview, they asked him about Iran, because we now know what a threat Iran is. Iran is backing Hezbollah. That is all about this war. And, frankly, Ahmadinejad, the President of Iran, has denied that the Jews were ever put through the Holocaust. He says the Holocaust didn't exist, and he wants to end Israel. He wants to destroy Israel. That is a stated objective of the guy running Iran now.

All right. So they asked Shawn about the United Nations and Iran, and he says this: "The United Nations has given Iran a 21-year head start in its development of nuclear technology, a country whose President now vows to wipe Israel off the map. It seems inconceivable, but the United Nations' own nuclear watchdog, the IAEA, didn't even know about Iran's nuclear facilities for 18 years. Then in 2003, after Iran's program was exposed, Iranian activists and the IAEA confirmed Iran's violations, it took another 3 years for the issue to even reach the Security Council. Russia and China served as Iran's linebackers on the governing board of the agency, refusing to allow Iran's infraction to be reported to the Security Council until earlier this year. The latest IAEA report details Iran's many violations, such as the existence of uranium metal designs that can only be used for nuclear warheads. Moreover, it also raises many unresolved questions about Iran's nuclear capabilities as a whole.

"Despite the crisis, Russia and China, whose economic interests clearly lie in protecting Iran, have already castrated the Security Council by declaring they oppose sanction, creating the impossibility of full council-backed action. Even a legally binding Chapter 7 resolution would not result in a vote for sanctions, a naval blockade or other action against Iran. It may require another coalition of the willing to effectively deal with what the Security Council is unwilling to achieve."

He says in his book: "It was not the U.N.'s effort that exposed the extensive global black market in nuclear technology peddled by Pakistan's Dr. A.Q. Khan. No U.N. committee ordered Muammar Qaddafi to surrender his weapons of mass destruction programs. Those successes are among the achievements of the proliferation security initiative, the brainchild of Ambassador John Bolton under the Bush administration. Compare PSI's actual achievements with the U.N.'s failure on the nuclear weapons front. Iran only has to look at Security Council's crippling by Saddam to understand why President Ahmadinejad calls the U.N.'s resolutions meaningless."

That is the bottom line. Their resolutions are now meaningless. They have no credibility. Our enemies know that they have been co-opted and corrupted and bribed and that they are not going to enforce their resolutions. Iran now knows it. And so they just laugh off anything that the United Nations does.

How dangerous is that? Well, I would say the average citizen, not just in this country but around the world, they have confidence in the United Nations that the United Nations is going to somehow carry out its original charge of international peace and security.

□ 1800

I have been a Member of the United States Congress for 12 years. I am not an expert on these things, but I have studied them and I learned them. I have very little faith in the United Nations to do much of anything on international peace and security.

They do feed people that need to be fed. They do reach humanitarian needs. That is good. But that does not mean all of the other things that they do are good.

As a matter of fact, they are AWOL, AWOL, absent without leave, on the critical issues of terrorism and international security. They will not stand tall.

On the issue of human rights, what a disaster the human rights activities of the United Nations are today. They have put the fox in charge of the hen house. They have let some of the most egregious human rights violating countries play a prominent role in human rights decisions by the United Nations. How absurd is that? I yield to Mr. MCCOTTER.

Mr. MCCOTTER. Mr. Speaker, I thank the gentleman. I am very happy, too, with Mr. Shawn producing this book, because I hope it brings light to the problems at the United Nations. I would also like to thank the gentlewoman for her kind remarks about it. Just because we are loquacious does not make us eloquent. And you certainly know how to make your point.

Aside from the international ramifications of the United Nations corruption, it would be very simple for Americans to say, well, what is the problem? We know that the world is not perfect. We know that an amalgamation of nations is not going to always act with the proper rectitude that is expected or the proper perspicacity that is required under an international crisis.

Many people in my district and throughout America will say to themselves, well, the U.N. is corrupt. That is not news to us. We are not surprised that champagne-sipping, caviar-chomping globalists are making a mess of the jobs that we have entrusted to them.

But there are several points that are important. Even if we are tempted to shut out the ramifications for the world of the United Nations corruption, let us remember that we are paying for it. The United States taxpayers are the largest contributors to the United Nations.

Now, by any objective measurement, this is not a sound investment for the American taxpayers, given the current circumstances occurring at the United Nations, anymore than I would say that in 1900 Tammany Hall was a wise investment for New Yorkers.

My concern also is that these very people, not content with their misfeasance and malfeasance internationally, now wish to do something about your sovereign rights as an American citizen.

The U.N. continues to like to use international treaties, and as many of you know, when the United States signs a treaty, that treaty has more weight than statute, has more weight than State laws. They like to engage in coming up with conventions and conferences to come up with treaties that nations can sign and then be bound by and, consequently, their citizens governed by.

The United Nations has such incentives to deal with your second amendment constitutional rights. They have conventions that they would like you to sign to help reduce your ability to raise your own children as you see fit, to intrude upon every aspect of American life.

I think that that is insane for us to continue to fund an organizations that would like to destroy the Republic's consent to be governed through international convention while they make a nice buck off of doing it, and get to travel to all of the places that they like to frequent and hold these conventions, and, might I point out, not one of them is in Darfur or in North Korea.

The ramifications to the United States taxpayer in terms of their prosperity and in terms of economy of measures by the government, as well as in terms of their inherent sovereignty itself, is endangered by a corrupt organization that is bent on its own aggrandizement at our expense.

It is often frustrating to me, as someone who came out of Wayne County Commission, the Wayne County Government, which is very much like Cook County, Illinois, and politics in Chicago, as one of the few Republicans who got to watch a machine, a political machine at work.

Mr. Speaker, I do not think it would be wise for the United States to continue to subsidize heavily a corrupt political machine. I do not think it is wise for us to subsidize it at all. I think that we should terminate it if it proves that the reforms that we are trying to achieve are impossible.

I think it is imperative that we continue to demand accountability from them. But I think it is also important, as Mr. WAMP from Tennessee and Ms. FOXX from North Carolina and others are trying to do, is to make the American public aware that this is not some esoteric exercise in international law. This is a direct threat to your sovereign, inalienable constitutional rights as an American citizen.

If we do not demand accountability from the United Nations, if we continue to allow the United Nations to believe itself, as a self-aggrandized harbinger and herald of a new world order, then we will feel the ramifications not only in places like North Korea and Iran and Iraq, we will feel those ramifications in Iowa and New Hampshire and Idaho.

That is why we are engaged in this discussion tonight. It is not only to decry and curse the darkness of the past, it is try to light a candle upon the unsavory activities of the United Nations, to try to engage the American public with an awareness of the realties of the consequences to them should U.N. reform not occur; again, in our own way, to try to start the journey of the thousand miles that is U.N. reform, and put that organization back on a track that will serve the people of the United States, that will serve the citizens of other nations, and will again rekindle Franklin Roosevelt's dream for that organization.

Mr. WAMP. Mr. Speaker, I thank the gentleman for his participation and his contributions to our country. He is one of the most articulate Members of the U.S. House of Representatives, very bright man. I am grateful for his leadership. He talked about the U.S. paying 22 percent of the overall dues to the United Nations, and 27 percent of the peacekeeping operations around the world.

You know, China has the same Security Council power at the United Nations as the United States. China pays 2 percent of the United Nations dues. So at the very least, one of the reforms should be Security Council reforms on the balance of power.

Because, frankly, again I have been to the United Nations several times. They do not treat the United States well. And I do not understand why. I know there are a lot of excuses why. But I will tell you this. We are footing the bill and many other countries are not. And the ones that have the same kind of veto power through the Security Council need to be carrying more of the weight, especially when you consider the gross trade imbalance that our country now has with China.

It is not exactly like China needs a lot of help financially, they need to pull their weight. So I am prepared to yield to the gentlewoman from North Carolina.

Ms. FOXX. Mr. Speaker, I thank Mr. WAMP. I appreciate that very much. I would go even farther than you have gone in terms of talking about the amount of money that we have put into the United Nations.

I think that we should lower completely, to a very low amount, what we give to the United Nations. And if we cannot get other nations to increase the amount of money that they give, then I think that we should seriously think about withdrawing from the United Nations altogether.

It is such a corrupt organization. It does so little for what it should be doing, that I think that it is something that we definitely should give some thought to.

I want to go back. You mentioned the Malloch Brown speech. I really want to talk just a little bit about that, because I think that Malloch Brown's speech and the comments that he made are an indication of the fact that the members of the United Nations, people at the United Nations, are totally out of touch with the world.

You described the little spot of ground that the United Nations sits on. I have been there too, went there last year for the second time in my life. I went there as a young person to visit the United Nations, you know, thinking again idealistically about what the United Nations did.

I went there and took my grandchildren to show them the United Nations and get them to get a little bit of sense of what it is. But those people who come here from other countries I think really, really are out of touch. I want to make a couple more comments about what Malloch Brown said. I find it so ironic that he would come in and criticize the American people.

We are the only superpower in world. We are undoubtedly the most successful country in the world. And yet we are criticized by the Malloch Browns of the world, by almost everybody in the United Nations, for what we do. I find it so ironic that we provide so much of the money for the United Nations.

When you look around, you see that we are the most successful country in the world, and how these people can come in and criticize us for what we do. I want to say, our Ambassador Bolton said, it was a criticism of the American people. I think that that is absolutely true.

He criticized our people. I think that that is such an affront to us, and I think the American people understood that as an affront. And he chastised the Bush administration because we had not constructively engaged the American people in what good things the United Nations was doing. He is telling us we are too inadequate to explain that.

Well, the American people are very smart people. We are the smartest people in the world too, I think. They understand, rightfully, if the United Nations was doing what it was supposed to be doing, its work would stand for itself. That is the kind of thing that we Americans understand.

I think that it is, aside from the fact that he was injecting himself into the political life of this country which he has absolutely no business doing, he really insulted the American people. And he insulted us.

I want to say that my recommendation would be on the United Nations, they are going to come to us and say they need a lot of money to renovate that old building up there. My recommendation is that they take the United Nations to the Sudan. They build a building in the Sudan, and they move the entire United Nations to Africa.

Then I would like to see how many of those people who are currently serving in the United Nations would like to move there and use their expertise to help Africa get out of the poverty that it suffers. I do not think you are going to see many of those people want to go there. They come here and they like to live the life that they live in the United States, but they do not want to respect what we do in the United States and how we have gotten to where we have gotten.

I want to thank Congressman WAMP for bringing this Special Order here tonight. I think you are right. We need to talk about this. What is going on in the Middle East right now is because of the failure of the United Nations, not the failure of the United States, not the failure of the Bush administration, not the failure of President Bush. It is the failure of the United Nations to keep peace in this world.

Mr. Speaker, I think we need to keep the pressure on them to reform the way they do things, and if they do not, I think we need to get out.

Mr. WAMP. Mr. Speaker, I thank the gentlewoman for all she contributes here in the House of Representatives. Let me say in closing, this is not now a far-out wild kind of a position that we are taking.

You know, I am a very reasonable person, with friends all around the world. The last 12 years I have, through the National Prayer Breakfast and other ways, engaged friends all around the world. I am very much for us being engaged in the world, investing in the world. This is not a close-minded kind of a position. This is not a paranoid position. This is looking at the facts, really analyzing the bottom line of the United Nations. It is not meeting its mission. It has become ineffective, inefficient. It has lost credibility. The very people that are criticizing our country are enjoying the multimillion-dollar townhomes they live in in Manhattan. They enjoy the fruits of our free enterprise system, but they do not recognize the human rights and the responsibility.

The original charge of the United Nations was to ensure international peace and security. So I would just say if we want to be guaranteed international peace and security and sleep comfortably at night, we better not put our faith and trust in the United Nations. Put it in the men and women in the uniform of the Armed Forces of the United States of America and our allies who are willing to stand against tyranny and terror and destruction. That is the last best hope for freedom, not the United Nations.

□ 1815

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House here on this Thursday evening. As you know, the 30-something Working Group comes to the floor daily to not only share with Members of the House, but also with the American people, issues that are facing our Nation and things and ideas that we have on this side of the aisle that can assist us in moving this country to a new direction.

Here in the House, as you know, we have been sharing, not only with the Members, but also with the American people a plan for a new direction for America, and a new direction that will be helping a number of Americans in their everyday lives, making sure that we have affordable health care, as it relates to fixing the issue on prescription drugs and as it relates to costs, also dealing with issues such as the minimum wage, making sure that American workers are able to receive an increase, just like we have received an increase here in the House of Representatives over a period of a number of years, year after year. We will talk about that a little further.

As you know, we have a plan here in the House, where we have been not only calling for a vote, but asking the Republicans to join us here and increase the minimum wage.

We want to increase it to $7.25 an hour. It is now $5.15. There are millions of Americans that are still, since 1977, not able to see an increase in minimum wage.

Also cracking down on price gouging, we have talked about that, we have tried to pass legislation on that. The Republican majority has blocked us from being able to do that.

The simple fact is, Mr. Speaker, the majority actually wins here in this House. Right now, that is the Republican majority, and it is important that folks understand that that is the case, and that we have the will and the desire to lead in that area and making sure that American people are able to receive an increase in the minimum wage.

Another issue, in putting America in a new direction, is making sure that we cut costs as it relates to student loans, cut interest rates in half and make sure that it is affordable for families. So many families are going to be sending their children off to college this fall. Some will not, because they can't afford it.

Student loans have gone up. Student aid has gone down. It is important that we look at that as it relates to building the next generation of leaders and making sure that we have an educated America, to make sure that parents and grandparents are able to see their children or grandchildren do better than what we have done academically, because of affordability, and also access.

Also making sure, ensuring that retirees can retire in dignity, protecting Social Security, making sure that it is not privatized, making sure that it is here for future generations is our goal. We want to make sure we are able to do that and being able to place America in a new direction.

Also, something that the Republican majority has failed to do is pay as we go, making sure that whatever we invest in that we show how we are going to pay for it. I think it is very, very important.

Mr. RYAN and I here this evening will point out a number of these issues that are not being addressed. But we have already made a commitment to the American people in housedemocrats.gov, in our commitment of putting America in a new direction, making sure that we meet the needs of everyday working Americans.

So with that, Mr. RYAN, if I can, I would be more than happy to yield to you, sir. It is once again a pleasure to be on the floor with you, to be able to hold a flag with the 30-something Working Group, to make sure that we share with the American people things that we are working on, will try to work on and will, if given the opportunity to, do so.

Mr. RYAN of Ohio. I thank the gentleman. I always enjoy our afternoon sessions here much better than the late night sessions that we normally have.

But you made a point earlier that I think we need to expound upon, that is, the issue of debt and balancing the budget. You mentioned PAYGO.

One of the fundamental issues we need to get our hands around, as the country blesses us with the majority in the fall, is that we have got to figure out what we are going to do with this tremendous debt that we have.

We have, as a country, borrowed more, and you have a great poster up there, we have borrowed more from foreign interests in the last 5 years than every President prior to George W. Bush has in the last 224 or 225 years. That's a lot of money that we owe Japan, China, OPEC countries.

We don't have the money to be giving the tax cuts that we have, war spending, military spending. We don't have that money so we go out and borrow it. It is very important that we will do as a Congress, and the first few days that we are here as a Democratic majority, is reimplement the PAYGO rules that were in place. Pay-as-you-go.

That basically means that as we pass a budget that we will not spend any money that we have to go and borrow. You either find the money from another program, or you go and raise the money somewhere else. But you don't just spend money on a program and have to go to China in order to ask them to loan you money in order to fund it. That is a fundamental difference that the Democratic Party adheres to as opposed to our friends on the other side.

With all due respect, their rhetoric is right on, balanced budgets, rein in government, smaller government. The rhetoric is all there is. If you look at the actions over the past 5 years, when you are borrowing so much money from China and Japan, you have got to pay interest on it just like your car or your home.

So this chart highlights for us the difference between the Democratic priorities and making sure you have money that you can spend, or not spend, as opposed to going out and borrowing it. This is the chart that highlights all of this.

The big red bar on the left is what we just pay on interest, on the debt, just interest. This isn't paying down the principal at all. This is just for interest, 230 or $235 billion will be spent in 2007 just paying down the interest on the money that we have borrowed.

It pales in comparison to the President's budget for 2007 in education, homeland security, and veterans. So we need to ask ourselves, what do we believe in as a country? Do we believe this is the right way to go? Do we believe that this is how we want to administer government, or do we believe we need to put back in the PAYGO rules, put them in place, make sure that this Congress, regardless of who is in charge, or who is in the White House, cannot go out and spend money that we don't have?

Now, what is frustrating for those of us in the 30-something Working Group is that we are going to spend a good part of the next decade trying to repair some of the major structural damage that this administration and this Republican Congress have caused. That is the botto line. It is not trying to embellish what the problem is, but this is it.

When President Clinton was in, and the Democrats passed our budget in 1993, without one Republican vote, that balanced budget led to surpluses and created over 20 million jobs.

Mr. MEEK of Florida. I have a chart just like your chart. We have two of them.

Mr. RYAN of Ohio. See, last night, you tried to one-up me with the chart, and now tonight you are copying my charts.

Mr. MEEK of Florida. Well, you know, Mr. RYAN, I think the point needs to be made in such a way and I think the point needs to be made, and I asked for another chart to be made, so that you can have a chart and I can have a chart. We can talk about what is happening here.

In all seriousness, I think it is important that when you look at the interest, you can almost, as it relates to the blue, invest in education three times what we are paying on the debt.

When you look at homeland security, you got folks as well up here on the other side of the aisle talking about we have got to protect America. You have another chart. I wish you could pull that other chart out, because folks need to understand what we are talking about, because that is what we do here in the 30-something Working Group. We have third-party validators. That is the chart right there. I don't have one of those.

Mr. RYAN of Ohio. I will get you one.

Mr. MEEK of Florida. But you look at that, and then when you look at veterans, and this second chart is so that we can take it. We can leave that chart on the floor. Because when we start talking about a Republican majority making history in all the wrong ways, this chart needs to go with us throughout this Capitol.

Do you know what we need to do? We need to put this chart and that chart, just like this one, outside of our office. That is what we are going to do. All next week, this chart and your chart that looks just like it, we will get an easel and put it outside of our office.

Mr. RYAN of Ohio. Then when we come down here, we will just take the chart from our office and carry it down here.

Mr. MEEK of Florida. Bingo. Veterans, I have a lot of veterans in my district. I am going to tell you right now, Mr. RYAN, they are hurting. They are hurting because they are having to wait several weeks to see the ophthalmologist or podiatrist or whatever the case may be, because there is a back-up at the veterans administration. In rural America, which I don't represent, I represent a very urban area. Dade and Broward counties, two of the most populated counties in Florida, that veterans clinic is only open two and three times a month.

Veterans have to wait to go in and get what we told them we would give them, because they put their life on the line, some of their friends laid their lives down for us to salute one flag here today. But better yet, the Republican majority is still going out, putting it on a credit card, putting this country in debt that we have never seen before.

But even better, yesterday, they talk about, well, we have done this in homeland security. I think you have the facts there, but because this chart was so revealing, I want to make sure, and we will make sure that we have this out next week, which I think will be our last week in session before we break for August, have this out so Members can see it. We definitely want the American people to know what is going on.

Mr. RYAN of Ohio. What this really illustrates is our plan, as we have it here before I get into the homeland security, our plan is, as we begin to rein in the spending from the Republican Congress, cut out the corporate welfare, with the Medicare part D, all the major subsidies that are going to all the big pharmaceuticals and health care industries, what we want to do is we begin to move towards balancing the budget, reducing this payment here in the red, and then we have money to invest in lowering college tuition costs, making sure health care is affordable for all of our citizens, making sure we raise the minimum wage. All of these things are going to fit into our long-term economic plan that the Democratic Party has.

We just need to control the levers of government here to make sure that happens. This is exactly how we are going to go about it.

One of the other things that we will invest in, my good friend, and I think it is important to make this point, just in the first few days when we get in, think about it, raise the minimum wage and reduce the loans, the interest on the college loans, by half.

So for the parent loans and the student loans, in the first day or two that we are here, we will cut the interest rates on those loans in half. You will save thousands of dollars over the life of your loan, about $5,000 for the average loan. We will raise the minimum wage, and that is for a single mom who works for minimum wage, who lives in poverty right now. That is unacceptable in the United States of America.

Another thing that we will invest in that this administration and the Republican-led Congress have failed to address is the issue of border security. These are facts that we are going to show you here. When you compare, because I think again the rhetoric on the other side is right where it needs to be, but the reality is something drastically different. If you look at here, Clinton, and these are all comparing President Clinton and what he was doing under his term, two terms, and what happened under President Bush and trying to compare, the average number of new Border Patrol agents added, per year, under the Clinton administration, the average was 642 Border Patrol agents per year.

Under the Bush administration, 411 per year. It is one thing to say you are for protecting this country from illegal immigration, and it is another thing to do it. Under President Clinton, we were able do it under his leadership.

Fines for immigration enforcement, through the INS, in 1999, under President Clinton, 417; 2004, three. Three. Completed immigration fraud cases, 1995, under President Clinton, 6,455; in 2003, 1,389, 78 percent fewer. Democrats understand how to administer government and what needs to be done. Under the leadership of President Clinton, we were able to achieve success.

I wish we could keep going in the right direction.

□ 1830

But, unfortunately, under the Republican Congress, under the Republican House and Senate, under President Bush, this Congress has consistently taken the country in the wrong direction, and I think it is frustrating for a lot of people because I think the rhetoric is there.

The numbers for 2004 have come in, and a lot of our friends on the other side want to tell us how great the economy is doing. I invite all to come back to my district where we have thousands of Delphi workers and thousands of General Motors workers and steelworkers and people who are not doing so well, and an increase in the minimum wage would affect them.

But the numbers have come in from 2004; and in 2004, the top 1 percent, their real income grew by 17 percent for the top 1 percent. Same people that get the corporate welfare, same people that get the tax cut, real income grew by 17 percent. The bottom 99 grew by 1½ percent.

Is there economic growth? Yeah. The problem is it is not affecting everybody. The problem is it is just 1 or 2 percent of the people. Even upper-income people, upper-middle-class people did not benefit from real wage growth like they should have.

Mr. MEEK of Florida. It is so lopsided and so one-sided. Of course, Mr. Speaker, Members of Congress would come to the floor and say, oh, the economy is doing great, what are you talking about? I do not know what these folks are whining about that are making $5.15 an hour; I do not know what their problem is. Why are they talking about an increase in the minimum wage? Matter of fact, what is the minimum wage?

Well, let me just say this, they would not know because the Republican majority has not raised the minimum wage since 1997. Zero since 1997. The cost of whole milk has gone up 24 percent. Bread has gone up 25 percent. A 4-year public college education has gone up 77 percent. Health care costs have gone up 97 percent, and of course, regular gas, and this is just regular gas, has gone up 136 percent.

We have Republican leaders that are here saying in so many words not over my dead body am I going to raise the minimum wage. Of course, what are you talking about? The economy is doing great. If you let the Republican majority tell you that, you know what? In 1998 Members of Congress received $3,100 in a raise. In 1998, no minimum wage increase. In 2000, $4,600 raise for Members of Congress; in 2000, minimum-wage workers, zero. 2001, $3,800 increase, just got one the year before, Members of Congress; 2001, zero for minimum-wage workers. 2002, $4,900 increase, we just had an increase, but you know this is not good enough. $4,900 increase; 2002, of course, zero. 2003, Members of Congress, $4,700, who believe it is kind of good when you can press the button and give yourself a raise, but then you turn around, no increase for minimum-wage workers. They need to suck it up.

We are okay. $3,400 increase, thanks to the Republican majority; 2004 minimum wage, no increase, thanks to the Republican majority. Members of Congress, $4,000, hey, it is a wonderful thing; minimum-wage workers wish they can go to work and say, hey, guess what I want, a $4,000, I know you just gave me one last year. I want another one this year; 2005, zero for minimum-wage workers. 2006, $3,100 proposed for Members of Congress, and if it is like previous years, this is what it will be; 2006, zero as we stand here today.

So as people start talking about, well, you know, the economy is doing great on the Republican side. Oh, do you not know this is great. The indicators of the indicators say it is going to be a great year for Members of Congress and for the top 1½ percent or 1 percent of those individuals that are millionaires. For these big-time oil executives that are with the $398 million retirement package, it is going to be great for them.

It is going to be great for the oil industry after they had that meeting over in the White House complex thanks to the rubber-stamp Congress. They made the energy policy there, rubber-stamp Congress approved it, and look at these profits for big oil companies: $34 billion profits in 2002; 2003, $59 billion; in 2004, $84 billion; and in 2005, $113 billion.

Now, I am not on the floor as a Democratic Member of Congress complaining about things not going my way. Well, guess what. It is not about my way. It is about the American way, and no one tells you, no one says when you pull up to the gas pump, hey, you over there, let me see your party affiliation. Are you a Democrat or a Republican or Independent or do you vote at all? No, they tell you that gas is $3.24.

Meanwhile, back at the ranch, these oil companies are making hand over fist in record profits since the oil industry has even been established, ever. I mean, since it has been around.

Mr. RYAN of Ohio. Since there has been oil.

Mr. MEEK of Florida. Since there has been oil, since the dinosaurs went down and made oil. Okay, this is just where it is.

These guys, they are making more money than ever before, but guess what, the American people are paying for it, and the rubber-stamp Congress, on top of them making profits, are giving the taxpayers' money away and telling the minimum-wage workers to suck it up.

You want a minimum wage? We have got leaders in Republican conference that are saying minimum wage, please. But meanwhile, back at the ranch, they have been getting a raise. We have all been getting a raise, year after year after year after year after year after year after year.

Minimum-wage workers punch in and punch out every day. We ask individuals to go to work. They have gone to work. They are trying to raise their families. No one is coming to them and saying, hey, we are going to give you a $3,100 raise, we are going to give you a $4,700 raise, we are going to give you a $4,100 raise, we are going to give you a $3,900 raise, we are going to give you a $3,100 raise, and we are going to give you a $3,600 raise, and next year you are going to get another raise and the year after that you are going to get another raise. These folks are making $5.15 an hour and we are saying suck it up.

Well, on this side of the aisle, we have said we are not going to vote for an increase in the Members of Congress pay until the American people get a raise; and in our new direction for America, Mr. Speaker, we are calling for $7.25 an hour. If we have the opportunity, this will not be a Special Order floor speech talking about what we are going to do, like this is some prize fight and someone says once the fight happens, I am going to win.

We are making it a promise that one of the first actions that we take if we are in the majority when it comes after the November elections, and we get here in January, the minimum wage as it relates to this House will be raised to $7.25 to help everyday American workers and not just help ourselves.

Mr. RYAN of Ohio. And the bottom line with the minimum wage is that the increase in the minimum wage is good for the economy. In 1997, when it was raised, there were 11 million new jobs that were created after the increase in the minimum wage, 11 million new jobs. States that have a higher minimum wage than the Federal minimum wage have an increase in business start-ups, an increase in sales, retail sales, because it is a different philosophy. It puts the money in the pockets of the consumers and allows them to go out and spend the money, and that stimulates the economy.

We have implemented the neoconservative agenda, and it has not benefited 99 percent of the American people, whether it is foreign policy, the war in Iran, the disengagement in the Middle East, what is going on all over the world or on the domestic side, with Katrina and the prescription drug bill and the stagnant wages and the increase in energy costs, all of these things.

We have now witnessed what it looks like when the neoconservative agenda is implemented, and just look around. If you want to know what happens, just look around. You see it.

What we are trying to say is an increase in the minimum wage, cutting student loans in half, implementing the 9/11 recommendations, shoring up our border security, these are things that we are going to do; and we have a long history in our party of doing it, and we will continue to do it when we take over.

But it is important to recognize that the statistics are there regarding the minimum wage. We could sit here and make moral arguments all night long because it is, it is the morally right thing to do; but at the same time it is good for the economy and it is good for people all over the country, and I think the more we recognize that, the better off we are going to be.

I want to make one more point. When you talk about this 7 million people who make minimum wage and the underclass and the people all over our country who are living in poverty, and the minimum wage would keep you in poverty if you work 40 hours a week and you are a working mom, we only have 300 million people in this country. We are competing with billions of people around the world, 1.3 billion in China, 1 billion people in India. We only have 300 million.

So we have got to go to great lengths to make sure that all 300 million that are physically and mentally and emotionally capable so they can be on the field playing for us.

This is what an increase in the minimum wage does. That is what cutting interest rates on student loans in half, that is what that does. That is when you look at the Democratic Party's Innovation Agenda, creating incentives for venture capital and research and all of these things that we are doing, broadband access for all Americans in the next 5 years, when you look at what we want to do with alternative energy sources, my God, we cannot just reject science outright.

Let us turn it up. You know, let us get America focused on an alternative energy plan, and we can do that and that is doable; but we need the leadership here in Congress and the resources. Instead of going to the top 1 percent to give them a tax cut, we should be focusing on what is the next generation of alternative energy going to be.

Let us implement the recommendations from the 9/11 Commission. Let us secure our ports. We can do all these things; and at the same time as we are doing this, we have to talk about what Mr. TANNER came down here a couple of weeks ago to talk about with us, DENNIS CARDOZA from California, his piece of legislation, that says we are going to audit, we are going to audit the Federal Government, and we are going to make sure that there is no fat, no waste, no abuse, no misspent funds, no misappropriated funds, no misallocated funds, and frankly, like in Iraq, there are funds missing, $9 billion. Nobody knows where it is.

Mr. MEEK of Florida. In Iraq missing? We are missing money here.

Mr. RYAN of Ohio. I know.

Mr. MEEK of Florida. There are agencies, Mr. Speaker, in the millions, oh, we do not know what happened to $24 million. They just write it off like it is nothing. I mean, you do not even have to go as far as Iraq. Right here in Washington, D.C., because the rubber-stamp Congress will not call these individuals in. People are in committee talking about, I do not know where it went; it came to us.

Mr. RYAN of Ohio. You know what Mr. TANNER's bill says, it is our bill, it says that if you are the Secretary of the Department and you cannot pass these audits, then after a couple of years, you have got to come back before the United States Senate and you have got to get confirmed again because you are not doing your job.

We are trying to run a government that is based, it looks like it is 1950, but society has moved forward. Society has decentralized, and the Republican Congress, they are like dinosaurs that just do not recognize the changes that have come in the world and have not done the due diligence necessary to reform government.

I mean, you can say, well, here is the Democrats making this up again. We do not have to make anything up. Look how FEMA worked with Katrina. Look at how after the military portion of the war in Iraq, look at how we have done after that, not only losing money but not achieving the objective, not really having an objective, to having a big problem there, too.

☐ 1845

As Newt Gingrich said last week on Meet the Press, with all that is going on around the world, our bureaucracies do not have the capabilities of handling all these situations. State Department, Pentagon, Department of Defense, all of these. Come on. We need to reform this government and we don't have time to wait.

Because if there is going to be a terrorist attack in the United States of America, it is not going to be like Katrina where we have 5 days where we could watch it on the Weather Channel and know it is coming. This government needs reformed and it needs reformed immediately and that means getting to the bottom of things. That means getting all the facts necessary. That means calling hearings.

What that also means, Mr. MEEK, is that some people are going to get embarrassed. Maybe people just need to come before Congress and say, "Mr. MEEK, under this system, no one could do this job." Maybe that is the case. I will give you the benefit of the doubt. You appointed equestrian attorneys and all this other stuff to key positions. Yes, there has been a lot of cronyism here, let's not make any mistake about it. And it cost lives and money during Katrina, bottom line. But at the same time, maybe there are good people, hardworking Americans, that want to serve their government that are trapped in a bureaucracy that was designed in the 1930s or 1940s or 1950s and has stayed there and they can't work within this bureaucracy.

Have the decency and the guts to try to reform it.

Mr. MEEK of Florida. Somebody needs to be embarrassed? Somebody needs to be fired.

Embarrassed? Oh, please. They are just following the lead of the Republican majority. If I was an agency department head or secretary or someone confirmed by the Senate, I mean, when I look at my chart here, when I look at $1.05 trillion in borrowing from foreign nations, dethroning 42 Presidents, 224 years of history where they only borrowed $1.01 trillion, how in the world could I rein in a department head where I have endorsed this, in the trillions of dollars, $1.05 trillion in 4 years alone. It is almost like me calling my children into the room and to say: You're doing the wrong thing. You're eating at 11 o'clock at night. You're going to get heavy. You're going to get sick.

They say: Well, Dad, look at you. You have eight gallons of ice cream sitting right in front of you. How can you talk to me about not eating at 11 o'clock at night and eating too much sugar?

How in the world can the Republican Congress go to these department heads who can't find $24 million that are missing in their agency and they have borrowed, here in this Congress, $1.05 trillion, record breaking, from foreign nations.

I am not going to even spend time taking the stuff off because I wish I had time to deal with it but I don't. The bottom line is these are the countries that own a part of the American apple pie because of the mismanagement of the Republican majority. That is the bottom line. You see the countries. I don't need to call them out. They are buying our debt. If you came to me and said, my good friend, can I borrow $50 from you? I consider us good friends, but if I loaned you $50, our relationship is now changed. Even if you pay me back, which I think you will, within 5 or 6 days, our relationship has changed because you have asked to borrow some of the money that I work hard for, that I can spend on issues dealing with my family.

These countries have bought our debt. The relationship has changed, thanks to the Republican majority and the White House. $1.01 trillion, 224 years, Mr. Speaker, of the country's history, 4 years under the Bush administration and the rubber-stamp Congress. You dethrone 224 years of history, of borrowing from foreign nations. We borrow a record number and these are the nations: Japan, China, the U.K., the Caribbean, Taiwan, OPEC nations. Who are the OPEC nations? Let's just go down the list because there are so many but they own $67.8 billion of our debt: Iran, Iraq, Libya, Saudi Arabia, Venezuela, Nigeria, Kuwait, Qatar, the UAE. I can go on. Ecuador. I can go on and on and on. Meanwhile, folks come to the floor and get all swollen and saying, we need to watch these foreigners and what they're doing and how they're doing it.

The bottom line is the foreigners have bought our debt, thanks to you. It is upsetting. It is upsetting to the point that we have veterans that are out there allowing us to salute one flag, laid their life down, watched their friends die, and we are sitting here giving tax cuts to billionaires and misappropriating dollars and not providing the oversight. So how in the world a Member of Congress can sit up here, especially on the majority side and talk about reining someone in because they have misappropriated dollars and they don't know where they are. This rubber-stamp Republican majority has given the White House everything they want. And what do we have to show for it?

Let's look at the Middle East. Let's look at something as far as the eye can see that folks start talking about an exit strategy. How in the world can you even come up with a strategy when you have done it alone and have given the White House everything they wanted? The Congress, well-documented, misled. You got the White House saying, well, you know, we were misled, too. The President has said, well, as it relates to trying to take the training wheels off the Iraqi government, saying that they have to provide their own security, that's for a future President to deal with. He has already punted and said, That's for a future President to deal with.

Congress, of course, rubber-stamp Republican Congress, yes, sir, Benny Hill salute, yes, sir. Whatever you want. So shall it be written, so shall it be done, Mr. President.

That is not the case in a democracy. Bill Clinton did not celebrate that relationship. Even Bush I did not celebrate that relationship. It goes to show you when democracy breaks down and governance breaks down and you have this rubber-stamp, rally-rally-rally Congress, that we're going to support you no matter how bad your policies are, we're going to rubber-stamp everything that you do, how in the world can they rein someone in and have oversight and say, oh, so you don't know where $24 million that we've given you of the taxpayers' dollars are and how they were spent? Or wasted? You can't answer that? You're fired.

The bottom line is we are going to subpoena you and the rest of the folks that work in that agency until we find out where the $24 million has gone. The real issue is this. The American people, Democrat, Republican, Independent, someone that is not voting now and is now taking interest in what is happening up here in Washington, D.C. has to have a problem of what's going on.

I am just going to say that the facts are what they are. Some nights I come to the floor, I say, it's not even fair. It's just too much stuff. It's too much to talk about. It's too much to even shed light on. We come to the floor and we share the same information many times because it is so historical. It is historical in a way to where that never, never before in the history of this country has it ever been this way.

I know it took me 10 minutes to answer your question that you put out there, but I had to put it out there.

Mr. RYAN of Ohio. I appreciate you cutting your answer short.

I agree with you wholeheartedly. If we don't recognize and understand from A to Z what needs to be done in reforming the Government to make sure that we can respond to the needs of our constituents, we are in the service industry down here. We administer programs and we regulate commerce and we take care of foreign policy and we build a military, raise a military, raise an army. We have that obligation. I commend you for your passion and your support and your ideas which do not go unnoticed. But it is so important for us to recognize when we get down here, the few decisions that we will make immediately will have an immediate impact on the lives of every American. By auditing the Government and by going back to make sure that we can figure out how Government needs to look and run and be administered and executed in the 21st century based on an economy that is based on knowledge and information and science, not necessarily industry and huge steel companies and huge auto companies and big bureaucracies were needed to combat and administer and lift people up. I think to a certain extent we need to maintain those principles, but at the same time Government needs to change.

There are so many programs that have really been frustrating, Mr. Speaker, that we have seen funding reined in on, the programs that will ultimately lead to economic development: the manufacturing extension program, the Small Business Administration 7(a) loan program. These are the kind of things that local economic development folks can use. We need to focus on how we export goods out of this country. We have been playing a lot of defense and I think the resentment that you feel in places like Ohio and Indiana and Pennsylvania and the old industrial Midwest is not that there is change, but the country has the wherewithal to pass free trade agreements and begin to compete in a global economy; but at the same time, we haven't done anything at home to make sure that we have adequate skilled workers that will be able to be employed or create wealth in this new society and which we can export and create wealth with business incubators, with job retraining.

Why is it so difficult for us to get some of these workers from the auto industry or the steel industry or wherever it may be into the health care industry? We have a nursing shortage on one hand. We have job reductions in many other industries. What is the problem? We need 3 million health care workers in the next decade or so. We need a million new nurses in the next decade or so. Government needs to be nimble enough and flexible enough where we could make sure that we address these issues. Not because we want to do it for the sake of the Government but because we want to do it because it is going to be good for the overall economy. It is going to be good. The more nurses, the more doctors, the healthier we are going to be. The more general sense we have about wellness and community health clinics and putting clinics in our schools and wellness programs and intramural programs and after-school programs, these ultimately lead to healthier, more educated, more productive citizens which means increased value, more wealth creation and ultimately a strong America so that we can deal with all of these complex problems in the world, not from a position of weakness.

I think what you showed with your map, with all the different countries and the debt that is owed and the net interest that we are paying on the debt, we are now in a position of weakness. We need help with North Korea and we go to our bank, China, and ask them for help. You can't negotiate from a position of weakness. That is what we are doing right now. So we don't get any help with North Korea. We need help with Iran and some of these other countries. Everyone who is loaning us money says, go take a hike. And we hear the utter disrespect that Vladimir Putin showed, not our President but our country, because our President is representing all of us, all 300 million, when he goes to the G–8 summit. And to have Vladimir Putin basically say, no thanks, we don't want the kind of democracy that you're trying to push in Iraq, that is disrespecting the United States of America. When you look at how people are viewing us around the world, it becomes very, very difficult to try to promote the kind of values that we all believe in and try to maintain our strength here at home.

Mr. MEEK of Florida. In closing, we really have to look at what is happening right now. I know we are doing all that we can do. We have filed legislation. We were able to stop the privatization of Social Security by having over 500 town hall meetings throughout the country. The President burned all kinds of Federal jet fuel flying around the country trying to convince people that they need to privatize their Social Security. That was very, very unfortunate. Taxpayers' money was spent. Still the plan was abandoned.

We also pushed very hard to make sure that we pay as we go here on the floor. We are still fighting on that as it relates to our Federal spending. You talk about the tax and spend and whatever the case may be. I can tell you that Republicans can't look in the mirror here in the House, the majority can't look in the mirror and say that they are the example of fiscal responsibility because I think the history of this country will show and this 109th Congress, and even the Congress before that, that there has been more spending now than any other time in the history of this country, especially when you look at what happened during the Lyndon Johnson years versus the Bush years. Because right now you are seeing with the rubber-stamp Congress and President Bush that the Lyndon Johnson administration and the Congress at that time has been dethroned as it relates to spending.

□ 1900

So I think it is very important that we look at that. I think it is also important to look at our plan, America going in a new direction, going into a new direction, making sure that they have representation here in this House. And this is for every American, not just Democrats, not just Republicans, not just Independent, not just individuals that have decided to participate in the political process, making sure that we help working families every day and the individuals that are retired and our veterans and all of the folks that we should be fighting for in a very fierce way.

I think it is important that if you folks really want to look at making sure these oil companies no longer price gouge Americans, making sure that we have affordable health care and prescription drug care, making sure that working families are able to make a livable wage, that is something that we are working very hard on.

We are going to start with the minimum wage, moving that to $7.25 from $5.15, making sure that the Congress doesn't give themselves another raise. And the Democratic leader and the Democratic whip and myself and a number of members of our caucus have said, no increase for Members of Congress until the American people get an increase.

And also, what Mr. RYAN talked about a little earlier, Mr. Speaker, cutting the student loan interest rate in half so that it can be affordable for folks to go to college to be able to make a stronger workforce for us. Also, as it relates to tax breaks for those that are paying for college.

I already hit the issue on preventing the administration and those here in Congress from privatizing Social Security. And I think it is also important for us to note that all of this is on our Web site with our energy plan, our real security plan as it relates to protecting America, and our plan on investing in the Midwest versus in the Middle East, of E85 and other alternative fuels.

Mr. RYAN of Ohio. I will give the Web site. In closing, I would just like to say that when you look at the history of the country, being an American really is an adventure. We have seen, from the inception of this country, that there have been tremendous challenges. But tremendous leaders and heroes abound in the country, all over, in the public sector, in the private sector, in education, in science, in medicine. We have seen and produced some of the greatest individuals in the history of the world, and being an American is an adventure.

The most frustrating part, I believe, in the last several years, and we have said this before on this floor, is that after 9/11, with all of the political capital that the President had, with the whole country watching him, the best, greatest most demanding challenge he could come up with was for the American people to go out and go shopping. You know, that, I think, illustrates the kind of leadership we do not need in all of these changing times.

And so our leadership that we provide from Article I, section 1 of the United States Constitution, which creates this House of Representatives, I am excited about the possibilities, come January, that we will have, when we are running this government, at least from the House side and hopefully from the Senate side too.

But like you said, we want to use all of the talents, all the creativity, all of the ability and intellect that this country can muster to make sure we are pushing it forward. As you said, with alternative energies and investments in education and getting creative with how we are going to create wealth in the 21st century, through business incubators and some of these small business programs that we have that can go and help and retool small businesses that don't have the wherewithal to pay $1 million for consultants to come in.

We have a public program that allows businesses to retool themselves for 80 or $90,000. And I have had people in my office who have experienced this program. It led to tremendous job growth here in the United States.

So there are things that we can do. And I think it is an exciting time for all of us. And I very much look forward to us doing this in January. www.housedemocrats.gov/30something.

Mr. MEEK of Florida. Mr. RYAN, it was a pleasure being on the floor with you this evening. As you know, we want to thank the Democratic leader for allowing us to have this time.

We also would say that it was a pleasure addressing the House

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT, JULY 21, 2006, TO FILE REPORT ON H.R. 2965, FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT OF 2005

Mr. KING of Iowa (during Special Order of Mr. MEEK of Florida). Mr. Speaker, I ask unanimous consent that the Judiciary Committee be permitted to file a committee report to accompany the bill, H.R. 2965, no later than midnight on July 21, 2006.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2864. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order for the gentleman from Minnesota (Mr. GUTKNECHT) is vacated.

There was no objection.

HONORING OUR TROOPS IN IRAQ

The SPEAKER pro tempore (Mr. MCHENRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 60 minutes.

Mr. GUTKNECHT. Mr. Speaker, it is my pleasure to be here on the House floor tonight to report to my colleagues and those who may be watching what I learned over the last long weekend. I was privileged to go with Chairman PETE HOEKSTRA of the House Intelligence Committee to Iraq. It was my first trip to Iraq. It was a very eye-opening experience, Mr. Speaker and Members, one that I won't soon forget.

Before I get started talking about that trip and some of the lessons that I learned while we were there, I would like to start with a quote. And I will come back to this later. The quote is: "Do not try to do too much with your own hands. It is their war, and you are here to help them win it, not win it for them." I am going to come back to that quote later, Mr. Speaker, because I think it says so much about some of the things that we learned while we were in Iraq. Most importantly, I will come back and tell you who it was that originally said that.

The first thing I want to say tonight, though, is an enormous thank you and congratulations to the brave Americans who serve the United States in uniform.

When you get off the plane in Baghdad, you realize what they have to put up with, particularly during the summer. When the door opens on that plane, it is like opening the door of an oven. And there to greet you are bright young Americans, and they are in full uniform, helmets, heavy flak jackets. And I don't know what the temperature was, but it was the hottest I have ever experienced in my life. And those are the conditions under which our brave Americans do their business every day. And it is not just that they do it for 8 hours a day with long lunches and coffee breaks. The folks over there are working 12 hours a day and, in many cases, 7 days a week. And I don't think there is anything that we could say here in this Congress which would ever adequately express the thanks that we have for the sacrifices that they make for serving this country.

I should also say a very special thank you to their families. The ones that I met and the ones that I was able to talk to probably had more to say about their families and wanted to make sure that they knew that they were okay and that they were doing their jobs and that they missed home. But more importantly, many of them said that they really felt that they were doing something that was important there.

So I want to, first of all, just recognize the professionalism that we saw every step of the way. When we left Kuwait, we were flying on a C–130, and I was lucky enough to get the long straw, so I got to sit up in the cockpit. And the young people who were flying that plane, and I almost called them kids, because I don't think even the pilot was 30 years old, but they were among the most professional pilots and crew that I have ever had the privilege to fly with.

As we got closer to Baghdad, all of a sudden this young pilot and all the crew became very animated and they were paying a lot of attention to what was happening on the ground. And I quickly figured out what they were doing. They were looking for any puffs of smoke or anything that might be fired at the C–130 we were flying in.

Finally, as we got closer to Baghdad, the pilot literally turned that big, fat C–130 into a dive bomber. And they make a special approach when they landed at the Baghdad airport. And in spite of that almost dive-bomb approach, he made an incredibly smooth and soft landing. And I want to thank him for that.

But as I say, we had an opportunity to meet with a number of the folks who were serving over there. I am going to talk just a little bit tonight about one of those units, a National Guard unit from the State of North Dakota.

What they do every day, Mr. Speaker, Members, is they go out on the roads, mostly at night, and they look for these IEDs, these improvised explosive devices. And they told us that since they have been there, and they have been there 10 months, they have found 562 of those devices that they were ultimately able to have disposed of so that they caused no damage to people or to property along the roads of Iraq.

Forty-two of those explosives devices, however, went off while they were trying to work with them. Forty-two. In fact, I talked to one young man, I believe his name was Lynch, from North Dakota, and he had been involved in four incidents where the IED went off. And I really can't say enough about the people who do that kind of thing every day.

As I say, there is no way that we in Congress, there are no words that we could offer here in Congress which could repay the debt of gratitude that I think we and the people of Iraq have to the brave Americans like that unit from North Dakota.

We also had a chance to visit a field hospital there, and it was kind of ironic because one of the people that we met there was someone that I already knew. He was one of the top surgeons at the Mayo Clinic, and I am privileged to represent Rochester, Minnesota and the Mayo Clinic. Dr. Mike Yaszemski. And Dr. Yaszemski was there and had been in Iraq since about the Fourth of July, and he and some of the other surgeons told me that they had been up since 2:00 that morning, performing surgery on five folks who were involved with an IED that night.

And later we got to go in and visit in the hospital there with some of the soldiers who had been treated. And one of them was more than happy to tell his entire story. And while they were pinning the Purple Heart on the sheet on his bed, he told his entire story and what it was like to go through one of these IED explosions. Perhaps the most moving moment, though, was, as he was telling his story, how the Humvee that he had been in had essentially been blown about 150 feet off the ground, and I can't remember whether it was he came down upside down or the Humvee came down on its side, but the vehicle was on fire, and one of his buddies, a private, said get out. You have got to get out. You have got to get out. And he said, well, I am paralyzed from the waist down. And he couldn't get out of the Humvee himself.

Now, this was a fairly large guy. I would guess he probably weighed 230 pounds. And he said that the private was a pretty small little guy. And here this private, when he realized that his buddy was caught in the Humvee and it was on fire and he hollered out that he was paralyzed from the waist down, he couldn't get out, this young private got in there and got him out. I don't know exactly how he pulled him out, but it was an amazing story. And this young individual wanted to make sure that before they loaded him on to one of the big transport planes, the C–17 to fly him to the hospital in Germany at Landstuhl, he wanted to make sure that he got a chance to say thank you to that private, because he said he saved his life.

And as he told his story, we were standing around, and I know what I was thinking, gee, is he going to be paralyzed for the rest of his life?

Well, thanks to the good work of surgeons like Dr. Mike Yaszemski, I am happy to report that that soldier is going to be able, as he laid there, he smiled and he says, "I can wiggle my toes." And what a happy story it was for all of us in that room.

And we owe such a debt of gratitude to the staff, including people like Dr. Michael Yaszemski from Mayo Clinic for the magic that they do and the hard work that they do and the dedication that they have every single day.

You know, the U.S. military, I think, is unmatched in the world and perhaps in the history of the world in terms of the execution of conventional war. There is little doubt that we have no adversaries in the rest of the world who can match the firepower, the training, the technology and, most importantly, the professionalism of the Americans who serve us in uniform. No one can really challenge the United States in a conventional war.

☐ 1915

But as we toured around Iraq and went to several of the bases and, more importantly, as we spent time in Baghdad, it became obvious to me that the security situation was not what I had expected. As a matter of fact, we had to fly in helicopters, Black Hawk helicopters, to fly from the airport into the Green Zone. And it had been my understanding that one time people who were coming to visit, like myself and the rest of our delegation, could actually drive into the Green Zone. But somebody told us that it is now the most dangerous highway in the world. And somehow after 3 years and over $332 billion, I guess I was somewhat surprised that the security situation in Baghdad was as bad as it is. And, again, I kept coming back to this notion that, indeed, our military is unmatched and unchallenged, I think, in the world in terms of conventional warfare. But I think we have to be honest with ourselves that our military is not well suited to be an occupation force, and probably even less suited to be involved in the nation-building business. And I think that is something that I felt and I believe other members of our delegation felt, that we are really asking our military to do some things which they are not particularly well suited to do.

And I just wanted to offer some of those observations because as we were returning from Iraq, and it is a long flight, one of my colleagues who was on the trip with us had a copy of an article, and I am going to submit it for the RECORD if it is possible, Mr. Speaker, but I would like to talk a little bit about the article, and I will enter this into the CONGRESSIONAL RECORD at the end of my remarks.

What it is is a column that was written by former Secretary of Defense Melvin Laird, who served as Secretary of Defense from 1969 to 1973. He was also a counselor to the President for domestic affairs in the Nixon White House. And the article that I am talking about appeared in Foreign Affairs back in the November/December of 2005 edition. The title of the article is "Iraq: The Learning Lessons of Vietnam."

And in many respects, Melvin Laird is in a very unique position to talk about both the history of that but, more importantly, what we should learn from those years and how we could apply them to the situation the the United States finds itself in today.

Mr. Speaker, I would like to read from the article because I think it says a lot in a few sentences right here that really illustrate what I think is a conclusion and the takeaway that I had from this particular visit to Iraq.

He says: Another great tragedy of Vietnam was the Americanization of the war. This threatens to be the tragedy of Iraq also. The war needed to be turned back to the people who cared about it, the Vietnamese. They needed U.S. money and training but not more American blood. I called our program Vietnamization, and in spite of the naysayers, I have not ceased to believe that it worked."

And he goes on to say in another paragraph: "We need to put our resources and unwavering public support behind a program of Iraqization so that we can get out of Iraq and leave the Iraqis in a position to protect themselves. The Iraq War should have been focused on Iraqization even before the first shot was fired."

Mr. Speaker, I read this column on the way home, and I want to tell about where we went after we left that hospital, because we flew up and we were only the second congressional delegation since 1991 to actually go up and visit Kurdistan. And we landed there at their airport, and I was surprised. I was shocked because I, frankly, expected to be greeted by bearded warriors with AK-47s over their shoulders, and what we were greeted by were businessmen wearing business suits who were very friendly, very hospitable, and the first thing you see when you get off the plane are new buildings going up, high-rise buildings around the airport there.

And as we drove into town, and I want to emphasize as we drove into town with minimum security, I asked about those buildings. They said, These are new condominiums going up. They are luxury condominiums. They will sell for anywhere from $250,000 to $400,000. This is in Irbil, Iraq. This is in the Kurdish zone.

And we went into town, and we got to meet with some of the political leaders including their Parliament. It was interesting to learn that the Parliament that they have there in the Kurdish area is very representative. Over 16 percent of the members of the Kurdish Parliament are women. We even met a Christian who is a member of the Kurdish Parliament. It is very open and very pragmatic. And we met with the Prime Minister. And he is coming to Washington here in the next month or so. I hope all Members will get a chance to meet him. In fact, I think he is coming in September. He is one of the most charismatic, articulate leaders that I ever met. He was very candid with us.

First of all, he thanked us. He thanked us for all that America has done for the Kurdish people. Now, admittedly, the Kurds from a cultural standpoint are different than many of the other Iraqis, but they are Muslim. And he told us that they faced all the same problems in 1991 that the southern part of Iraq is facing today. They had factionalization. They had terrorists. But they adopted what I would describe as a zero-tolerance policy. In fact, they described one particular incident where someone had committed an act of terrorism and then fled to Baghdad. They went after them, and they brought them to justice.

You see, they have the advantage that they speak the language, they understand the culture, but, most importantly, they know who the bad guys are. And as I sort of distilled this story, and I was surprised by the wealth of the Kurdish region, one of our colleagues said, Well, but you have oil.

And the Prime Minister smiled, and he said, The whole country has oil. He said, The difference is we have decided to work together to develop our resources so that we can have an economic future of prosperity for all of our people, whether they happen to be Christians or whether they happen to be Shiia or whether they happen to be Sunnis, whatever. And the only thing they have said is that they will not tolerate terrorism in their territories.

And there are two things that they demand from the national government: One is they will not tolerate a religious state. Even though they are Muslims, they tolerate other religions, and it makes an enormous difference in the way people are living and working together in the northern portion of Iraq.

The second thing that they said they demanded is an equitable distribution of oil royalties. And when you see what they have accomplished up there, you can understand why now that they have done all the work, they do not want to share all of their revenues with the people of the rest of Iraq.

But, most importantly, we asked him, Don't the Kurds really want to be independent?

And again he smiled and he said, Well, if you polled my constituents, I suspect that almost universally they would be in favor of independence. But, he said, that is not practical. In fact, he said, we Kurds have decided that we have our best opportunity to work with the rest of the people of Iraq and be part of a strong and united and economically prosperous Iraq.

We all sat there and listened to this, and we met with the members of the Parliament. They threw an enormous feast for us of some of the finest food I have ever had in my life. And as we sat and listened and visited and learned from them, I said to myself, and it is one of my favorite expressions, I said, Success leaves clues, and if you really want to know what Iraq can look like, you would have to visit the Kurds.

And it is unfortunate that too many of our colleagues have not had the chance or taken the chance when they visited Iraq to go up and visit the Kurds. But it is an enormous success story, and I think it is the model that if we can somehow imprint on the rest of the country and if the new Prime Minister, Mr. Maliki, will take that as the model, adopt it for the rest of Iraq, then I think that Iraq can have a very bright future.

Well, Mr. Speaker, I mentioned earlier that the leader of our delegation, PETE HOEKSTRA, the chairman of the House Intelligence Committee, was good enough to invite me along and, more importantly, get me into some of the most interesting meetings I have ever been at. So I would like to yield to the leader of our congressional delegation, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank my colleague for yielding. And maybe we can have a little bit of a dialogue about the trip that we had.

It is kind of interesting. It was your first opportunity to be in country. It was my eighth trip into the theater, and I probably spent close to 20 days on the ground now in Iraq. And you are flying in from Kuwait, and I think you and I both had an opportunity to be up in the cockpit with the pilots. And I think the pilot, he had been on assignment a number of times, and I believe this might have been his eighth tour. It was something like that. So he spent a good part of the last 3 years flying C-130s back and forth between Kuwait, Baghdad, around the theater inside Baghdad to Jordan, probably to UAE and various places.

But what really struck me was the first two soldiers that I met, the conviction and the enthusiasm that they still felt for the mission. I mean, each time I go, the litmus test to me is kind of what are our soldiers saying? This C-130 pilot, he is flying our troops back and forth, and he says, We are here. I keep wanting to come back. We need to win this mission. We need to stay until it is done, and we are doing the right thing and we are making progress.

And I think for a couple of reasons, these folks interact with the pilot maybe not as much, but they hear the stories of our troops on the ground as to the interaction that they are having with the Iraqi people and the appreciation from the Iraqi people. And I hope this is one of the things that Prime Minister Maliki talks about next week, about the genuine appreciation of the Iraqi people for the progress and the support that they have received. They see that appreciation.

The other thing that I think they see is they see the horror of the other side. These are terrorists who attack civilians. Our troops understand their viciousness, and they understand the nature of these people, that they are not just attacking in Iraq, but I mean there is all this talk now about what is going on in Lebanon. 1983 is when our barracks were blown up, 23 years ago, Hezbollah. Even before that, terrorist groups have been attacking U.S. interests, Western interests around the globe. And I think our troops see the need to confront this and to defeat it and that they genuinely believe that if we step away and do not confront it, it will move back to the homeland.

We go on the ground to Baghdad, get met at the airport by someone who interned in my office about a couple of years ago, interned in my office, went to Hope College in my district, got to be a good friend with a number of the people in the church that we go to, so he went to our church. He is now embedded not in the international zone where you and I were, he is embedded with Iraqi troops that have been trained. So there are like eight to ten U.S. troops with a large group of Iraqi troops, and he says, Man, am I glad I am here. He hadn't been there long, but he said, You know, this is where I wanted to be. This is where I want to be right now. I am working with Iraqi troops. I have been to their homes. I have been to their families. We need to do this, and we need to see the mission through.

And like I said, he had just been there a couple of months. And like I said, this is a kid that I know. If he did not feel that way, he would have told me. But he had just gotten there, and they also see the sacrifices that the Iraqi people are making.

□ 1930

There have been a lot more Iraqi troops, police and citizens that have been killed over the last number of months than U.S. troops. They are willing to go to the front lines. They are willing to pay the price and make the difference.

You and I both saw, there is lots of work to be done. It is not a pretty picture on certain occasions. The day we were there, the folks went in and got the chairman of the National Olympic Committee.

Maybe you have talked a little bit about some of the other things we observed. We can talk about the training of the troops, the need to secure Baghdad. I heard you talk about Kurdistan. But there is lots of work to do. It is two steps forward, one step back. But it is clearly a war against radical Islam that is moving forward, that needs to be completed.

Mr. GUTKNECHT. I was talking about the Kurds, and I think every part of the trip, in my opinion, was a highlight. I hate to say one was more important than the other.

But what I had said before you came in, Congressman HOEKSTRA, was that I was so impressed with the Kurds and what they have done in taking responsibility for their own area, of having essentially a zero tolerance policy. I said that I think that may be the example that Maliki can use for the rest of the country. You mentioned, and this is what I think is the good story.

The bad story, from my view, is that Baghdad is far less secure than I thought it was. Maybe that is my fault. Maybe I had a different impression. Maybe I had been led to believe. I am not sure, and I am not really in the blame game.

But clearly Baghdad is still a very dangerous place. In fact, I think the phrase that some of them used is the road from the airport to the international zone is the most dangerous highway in the world. Maybe that is an exaggeration. But those are Americans who are serving there that used that term.

My takeaway is probably somewhat different than yours, but my conclusion and my takeaway is we need to press and continue to press for the Iraqis and exactly what you are talking about, where we have some of our Special Forces embedded and working with and training Iraqis. We trained, I think the number is 262,000 Iraqis so far. We need to really push them to step up, as they have in the northern parts of the country, to take responsibility for policing their own streets.

Mr. HOEKSTRA. If the gentleman will yield, that is a conclusion that we probably reached on a bipartisan basis, that it is absolutely essential to as rapidly as possible train up the Iraqis and transfer sections of the country to Iraqi troops with U.S. advisers. They know the neighborhood, they know the culture, and I think they have the desire and conviction to win. We need to provide them with the training and the resources, but then get them at the front lines so that the Iraqi people in the communities see them. This is their opportunity to get the country back.

I think the other thing you said, it was my first time to Kurdistan. There was never a need to go there before. Now you can see what happens in a period of 14 years. Remember, what was the number, 182,000 Kurds had been killed by Saddam. Iran was active in creating mischief. There was an ethnic cleansing going on in the southern part of Kurdistan.

But over a period of 14 years, they have got political stability. The two major parties have come together to form a unity government, the economy is doing well and the security situation is good.

So if the rest of the country can see Kurdistan as a model and embrace the kinds of reforms, I think that is the other thing that happened in Kurdistan. They are doing the things that are attracting foreign investment and foreign confidence in what they are doing. Because you cannot rebuild Iraq with just U.S. money. You need to get the private sector coming in, and Kurdistan is doing that in the laws they are shaping to encourage and welcome foreign investment into their area. You do it in the south and the rest of the country, you have got oil, you have got agriculture, you have some manufacturing, but you have got to put in place the right legal framework.

Mr. GUTKNECHT. I think you said it exactly right. When I left, there was progress. I was looking for progress. I think it is a three-legged stool. I think you have to have military or security progress.

Mr. HOEKSTRA. That is all about securing Baghdad right now.

Mr. GUTKNECHT. Exactly. That is where I really was disappointed. I thought Baghdad would be much more secure than what we saw or learned about it. But you have to have military security progress, and you have to have economic progress, and you have to have political progress.

Mr. HOEKSTRA. The political meetings we had, it was very interesting meeting with the Minister of Defense and the Minister of Interior. The difference this time is you are meeting with people who know they are going to be in the job for 4 years. Every time I have gone before, you have always been kind of meeting with an appointed or an interim minister. Now you are meeting with somebody that has been selected, and they know they are going to be a part of this new government, which gives you a little bit more stability. The parliamentarians, obviously, representative government is a new phenomena for them and they have a little bit of work to understand exactly how that works.

Mr. GUTKNECHT. Let me say, and I talked to the speaker today and I know you are working on this as well, one of the things we would like to do is invite at least a dozen of them to the United States. We may smile about our meetings with the parliamentarians, and they all had own political points of view and so forth, but, first and foremost, every Member of Congress, and I think Americans need to understand, if you are a member of the Iraq parliament, you are a hero. You are someone who has enormous courage.

Mr. HOEKSTRA. A couple of things. You are a hero, and you are a target.

Mr. GUTKNECHT. Exactly. And not only are you a potential target, your family is a potential target. Most of us at one time in our political lives have had some goofball who has issued some kind of a death threat against us. Usually we don't even take it all that seriously. Fortunately, the FBI takes it very seriously, and I appreciate what they do for us every day. But in Iraq, it is a different ball game.

Mr. HOEKSTRA. I would just like to reinforce the point that you made about the stories that we heard, where the people that are involved in the government, the strategy now for the terrorist groups, the insurgents, the militias, is to go after their family. You are now talking about their parents, their wife, their kids.

So it is no longer someone saying, you know, I am going to participate in this government because I think that it is the right thing to do and I know it is a risk to me. They are taking a much bigger risk. These folks have to have this dialogue with their family, saying if I participate in this, we are all at risk.

So, these are folks that are committed. The parliamentarians, when we met with them, they leave in the middle of the afternoon, because they don't live in the International Zone. They go back into the rest of the country. You can protect them, you can protect their immediate family, but when you go out and get their brothers and sisters and parents and all that, these are people who are committed to success and there is no other way to look at it. There is no personal enrichment here.

Mr. GUTKNECHT. No. I was very impressed with the character of the parliamentarians. Hopefully, with the help of our Speaker, we can get some of them over here so that more Members of Congress can actually get a chance to visit with them, to learn from them, to talk to them and perhaps to ask them some questions.

What I was talking about earlier as well is from an article that I think we both read on the plane on the way home that was written by Melvin Laird. If anyone would like a copy, they can just send me an e-mail at Gil@mail.house.gov. We will send you a copy of this article.

I think from my perspective it actually put into perspective a lot of the things we saw on our visit and why it is so important as soon as we can and as much as we can, we need to turn more of the authority, the responsibility for managing the affairs of the Iraqi people, back to the Iraqis themselves.

Mr. HOEKSTRA. It is much like what we talk about for some of our domestic policies. The longer we are there propping them up, the more we have the potential of creating a situation of dependency, where they are looking to the U.S. Government to fix their political problems, to fix their security problems and to fix their economic problems.

I think we were very clear when we met with their parliamentarians and saying we are committed to stay with you and to provide you with the opportunity to fix your political problems, to fix your economic problems and your security issues. We cannot do that, because this is your country.

Mr. GUTKNECHT. That is exactly what Melvin Laird said about Vietnam. That is why it was important to turn Vietnam, as soon as possible, back to the Vietnamese people. He said the greatest mistake was the Americanization of the Vietnam War.

I think that is something we have to be very aware of when we look at where we are today.

What I said also, Congressman HOEKSTRA, is because the Maliki government is now in place and they have a Minister of Defense, they have a Minister of the Interior, which are the two key ministries I think in terms of domestic security, now that they have those people in place, and my impression of them was they are very strong people, my impression was they understood the risks, they understood what needed to be done, and I think the next two months are going to be critical.

They have to demonstrate, in my opinion, that they really are serious, that they will deal with these militias that are out of control, they will deal with the radicals and the others who have come in from out of country.

I think it is important that our perception, and we had very good briefings, I know that sometimes it is a little like the blind men describing the elephant, but all the terrorists are not the same. Some of them are religious fanatics. Some of them are just thugs that Saddam released from prison, and they are thugs trying to create a territory and using terror and using violence, much as Al Capone in the St. Valentine's Day Massacre did, used violence in a certain way to gain a certain amount of power in a neighborhood. So it is not as simple as sometimes we would like to pigeonhole what the violence is all about. It is about a lot of things.

But, most importantly, I think the Iraqi government now has to demonstrate, as the Kurds did, that they have a zero tolerance policy. They will hunt people down and bring them to justice.

You said something else earlier about the advantage that the Iraqis have when they are doing the heavy lifting. You said they understand the culture. One thing you didn't mention, I want to add, they understand the language. That is incredibly important. That puts our forces sometimes at a huge disadvantage, because they really don't understand.

You can't really understand a culture if you weren't raised in it. So in many cases we were asking our soldiers sometimes to do some things that are very difficult. Not that they aren't very professional and they do it very well, but there is no question that Iraqis out there policing the streets can do a much better job than Americans.

Mr. HOEKSTRA. Talking about soldiers that do things well, I mean, we went to Arbil, and there were two groups of people that were absolutely outstanding. The troops from North Dakota, our colleague from North Dakota, Representative POMEROY, was with us.

These guys have the responsibility of every day being on the road 18 to 20 hours and making sure that 50 miles of highway is free from IEDs. Man, these guys are good, and they have done a phenomenal job. They had a casualty a couple of weeks ago. Our sympathy goes to that unit, obviously the soldier's family in North Dakota and the whole community.

But they are well-trained, and it was inspiring to listen to their story about we came here with a job to do and here is what we have learned and here is how we are doing it. They have experienced 42 explosions. I think about 42 explosions. The vehicles they are in are designed that the compartment where the soldiers are in survives. The wheels may fall off and the engine may go away and the transmission may be gone, but the soldiers are protected.

They have experienced 42 explosions, but they have stopped, what was it, 562 they have stopped. We saw some of the devices that they have. If you wonder how good our guys are. It means as they are going down the road, they are looking ahead and they see, I wish I had taken a piece of that copper wire, just a thin little piece of copper wire.

which signals to them there is a problem here, or they see a small pile of stones that wasn't there the day before. It is not that they know exactly the stones weren't there, but it is kind of like, this is strange.

□ 1945

Then they go in with their equipment, they find it, and they disarm it, 562. Then the hospital. Wow, I mean what is it? The one soldier that came in, they gave him how many units of blood? It was something like 200.

The professionalism of the docs there, you had one there from Mayo who had just come in. The professionalism of the folks there. The thing that I was really impressed with, I think one was a doc or headed up the trauma unit, was it in Cincinnati, said, "We do things here I could not do in Cincinnati."

He said, you know, there will be books and articles written about what we are doing here that is going to be brought back to trauma centers around America, maybe around the world, because of what we are learning and how effective we are here.

We give our troops better treatment here coming in off the battlefield than what I can give them in any major metropolitan center. I mean, my hats go off to these folks.

Mr. GUTKNECHT. They have been up performing surgery since 2 o'clock in the morning. I mentioned that Dr. Mike Yaszmenski from Mayo Clinic, he did not take the credit for it, but the story that we were all standing there when they pinned the Purple Heart on that young man. He had had several broken vertebrae, which is the reason he could not get out of his HUMVEE, and could not walk.

At the end of his little presentation, he told the whole story, he sort of smiled. He said, I can wiggle my toes. Now, Dr. Yaszmenski did not take credit for this. I am piecing this together. Because he is a spinal surgeon my sense is that he had something to do with it.

Mr. HOEKSTRA. The other thing, the solder saying, before I leave, they were on space-available because he was not as seriously injured as some other soldiers, he was going on to Germany. I think he was going to leave in the next 24 hours. But said, you know, before I leave I need to make sure that I call back to my unit.

Mr. GUTKNECHT. He wanted to see that private that pulled him out.

Mr. HOEKSTRA. You know, it is inspiring to see those folks and also knowing that, you know, whether it is an American or an Iraqi injured on the battlefield, that is the quality of care that they are going to get.

I think we also heard the number that, you know, the vast majority of injuries today are coming from the IEDs. These things are becoming more and more sophisticated. But, you know, it shows that the enemy is not engaging us, they are moving to what we would call asymmetrical tactics. They are not engaging us or the Iraqis directly. They are using these improvised explosive devices or they are attacking civilian targets, where fitting to their name they can create terror.

But they are also using that tactic to try to divide the country between Sunnis and Shiia. And this is why the government has to, the Iraqi Government has to step up and provide the security envelope so that the militias can be disbanded, the militias that are forming in the Shiia areas and the Sunni areas. Because our understanding, when I talked to David Pate from my district, he said, you know, when you talk to the Iraqi soldiers, they do not say, if you ask them, are you a Shiia or a Sunni, the Army is moving to the level of professionalism where they say, you know, they do not say I am a Shiia or a Sunni, what they say is I am an Iraqi.

So they are focusing on the country. That is not everybody. You know, sectarian violence is something that we are very, very concerned about. It is evident. I do not think neither you or I are saying, man, it is done. There is a lot of work to do over there.

But there continue to be signs of real progress.

Mr. GUTKNECHT. I think the real progress that we are all looking for is for the Iraqis. Now that Prime Minister Maliki has got a government, and I think he needs to know that America is going to be there to support him.

You know, I was misquoted that I was in favor of immediate withdrawal. That is simply not true. What I have said consistently is America needs to be there for quite some time to come. We still have troops in Germany. We still have troops in Japan. We still have troops in South Korea. But our real role has to begin to change, so that we provide the umbrella of security.

If, for example, some militia being to mass and begin to directly confront the government or other forces, then I think from a conventional standpoint, we are in a strong position to make sure that that gets dealt with quickly and effectively. And nobody can do it better than our military.

But in terms of some of the sectarian things and the thugs who are at large in some of the neighborhoods, since we cannot speak the language and we do not understand the culture, it is just much more difficult for us to get to the bottom of that. That is where the Iraqis need to step up. That is the progress we are looking for.

When that happens, when people start to feel as secure in Baghdad as they do in Erbil, then you will see the economy begin to improve. Because, it is obvious to me that the overwhelming majority of Iraqis want what most Americans want. They want to live in peace. They want to be able to raise their families in a secure neighborhood. They want to look forward to an economic future that is worth living.

They can do that. And that is why, again, I hate to refer too much to what we saw up in northern Iraq. But it was like night and day. It was like going to a different universe.

Mr. HOEKSTRA. I think I misspoke earlier. I said the troops were in Erbil. They were in Balat. The troops were in Balat.

Mr. GUTKNECHT. We will always remember the North Dakota boys. Especially one young man, I think his name was Lynch. He had been involved in four of these explosions. And, yes, it is true the equipment they have is specially designed to sort of take the explosion and the concussion in a "V" section so that the folks inside are protected.

Mr. HOEKSTRA. It is still a real experience.

Mr. GUTKNECHT. The concussion of it and what it did to those heavy vehicles, it is amazing that they have only had one KIA. Again, let me join you in sharing our sympathies to that family and that unit, because they were obviously a very close knit unit from North Dakota.

They went to war together. They do their jobs together. They live together. They pray together. And it was inspiring to meet those young men.

Mr. HOEKSTRA. I think you have also got to give a real set of kudos to the folks in the background. You know, we talk about the troops that are going out and they are finding the IEDs. We are talking to the C–130 pilots who are flying in. You and I were there. It is a harsh environment. You got the dust, you got the sand, you got more sand, and then you throw a little bit of heat on it.

When we were coming off the one plane in Erbil where we walked through the backwash of the props, it must have been 130, 140 degrees right there. Of course we were doing it for a short period of time. But you are wearing the body armor, you are wearing the helmet, our troops are doing that all day long.

The other folks, there is lot of folks over there that deserve kudos, but it is the maintenance people. These guys would say, hey, we go out, we are near an explosion, an IED, our equipment is damaged. We bring it back, our mechanics know that they need to get this fixed, because we are going out again on patrol.

They may have not a spare, but they have got another truck or another vehicle that they can take out. But, they have got to get this one working again. And the mechanics, they work 24 hours straight to get this stuff up and running.

Same thing with the C–130s. We are putting lots of hours on some of these machines. I think the first plane that we flew in on from Kuwait to Baghdad was a 1961 C–130, from Selfridge Air Base in Michigan. And, you know, there are maintenance people back there who in this environment, that plane goes on. I think it was doing two trips that day back and forth to Baghdad.

You know, when that plane goes back to Kuwait that night, there is going to be some maintenance people all over that thing, you know, getting it back and making sure that the next morning it is going to be able to fly again.

Mr. GUTKNECHT. I mentioned earlier, we also need to say thank you and kudos to the families. You cannot help but think about what the families in North Dakota must feel every day. I am sure they do not know all that that group does in terms of going out and looking for these IEDs.

But not only do the folks in uniform, they pay quite a price for us, but their families, just worrying about what is going to happen today, what is going to happen tomorrow. You just really have to admire the families. And we need to say a special thank you to them. Because, you know, the guys that are over there, they are working hard all of the time. In fact, one of the things they said was we do not mind working long days and long hours because it helps the time go faster.

Mr. HOEKSTRA. There is not much else to do. But absolutely, you know, the families pay a tremendous price with the amount of time that their husbands or wives or sons or daughters are spending in Iraq, knowing that the conditions are tough, the environment continues to be dangerous. And so there are sacrifices that continue to be made by all of these families, by the whole military family.

You know, we were talking a little bit about comparing some of the stuff that we do in the United States. One of the things that is different about the United States and sometimes moves us a little bit away from the military, but when you go on one of these trips, what really does connect you back to the military is being there with the troops.

But, you know, the military folks are so few in number to who we are as a Nation. In Israel, since there is compulsory service, and I am not promoting compulsory service, but in Israel where everyone is required to serve in the military, everyone knows and understands the risks that the soldiers, military people have to take.

That is why I think it is good for, you know, that you have reminded us of, you know, that sacrifice, because too often we are too far away and removed. And it is "somebody over there". We have got to remember, it is not somebody over there. It is a neighbor, it is somebody from our community. They love this country. They have got a family. They go to church. They share the values that we have. And they have just chosen a different career. You know, we have got folks who have chosen business, finance, banking, marketing, whatever. These guys have chosen a career in the military.

It is a unique career. It is a special service that they provide to this country.

□ 2000

Mr. GUTKNECHT. I am going to close up here. If you have any closing thoughts, Chairman HOEKSTRA, go ahead. Then I am going to close up and yield it back here in just a few minutes.

Mr. HOEKSTRA. No, I appreciate you doing the Special Order. I appreciate you yielding me the time and the opportunity. The one thing we did not talk about was Serbia, that on the way back we stopped in Serbia, so that we had an opportunity to see a part of Iraq that had been divided, that was coming out of a very tough time and after 14 years was prospering.

We then stopped overnight in Serbia, met with the three Presidents in Serbia at Sarajevo; and, again, there is an evolving success story that, 10 years ago, the brutal and the bitter conflict, we still have some troops there. There are a lot of Europeans, more European troops over there, but, again, they have made significant progress.

It takes a while to move from the ethnic religious strife to the steps forward. What is happening in Kosovo, or Serbia, and the region, is that the European Union finally embraced them, they have moved forward. Serbia is moving forward, Kurdistan is moving forward.

What we now also have to have is the modern Islamic or moderate states in the Middle East. They need to embrace Iraq. They need to invest. They need to have their people there, their businesses there, to show that they stand with this new democratically elected government and that they are invested in the success of a new Iraq, in what the people of Iraq are.

It is possible. It is not easy, but there are two examples of how this can work. It was very painful, but by sticking to it and moving through it, you can get to where you want to be.

Mr. GUTKNECHT. Thank you, Mr. Chairman. I just want to mention, and I am glad you did bring up the fact that we stopped in Bosnia Herzegovina.

Mr. HOEKSTRA. I forget where I go sometimes.

Mr. GUTKNECHT. Sarajevo. I was in Sarajevo 10 years ago, and at that time the city was essentially in, the center city, essentially rubble. Many buildings had large pockmarks. Some of them are still there. Many, though, have been fixed; and it now is a vibrant city.

If I had predicted 10 years ago that we would see the life in the city that we saw, a lot of people said it cannot happen.

Mr. HOEKSTRA. But you can walk down, what is it called, Sniper Alley?

Mr. GUTKNECHT. Yes, Sniper Alley.

Mr. HOEKSTRA. That we could walk down Sniper Alley Sunday night, and that we could walk through the streets of Sarajevo in Bosnia, and that we could walk through the streets of Bosnia on Monday morning, and, you know, that it was a vibrant city, people sitting at the cafes, drinking coffee and getting their country moving forward. Again, problems, high unemployment rate, slow economic development, but secure.

Mr. GUTKNECHT. I think we should share the story that the general told us about the man who worked at the military facility there. Every day, when he would come to work, he would stop, and this is a Bosnian individual, he would stop and salute the American flag.

Then he would say a prayer. When he would leave work that night, he would again salute the American flag. They had a special ceremony that finally, the general said, we need to do something for that guy. So they presented him with a U.S. flag, one of these little wood cases that we have around here.

When they presented it, he literally, with tears running down his cheeks, he said, I thank God every day for America and what America did to bring peace to this city, because it was America that saved us from that war.

Mr. HOEKSTRA. It is why they are nervous about us pulling our final troops out, because we are the ones that have earned their trust, and they still look to you, and I both hope and pray for the day where the same type of result, as we see in Kosovo, as we see in Bosnia, that we can see that same kind of result in the rest of Iraq.

Mr. GUTKNECHT. Thank you, Mr. Chairman. I think there are reasons to be optimistic. But I want to close with this quote. I started with this quote tonight:

"Do not try to do too much with your own hands . . . It is their war, and you are to help them, not win it for them." That quote is from T.E. Lawrence, better known as Lawrence of Arabia.

In some respects, I think it is prophetic. We can only do so much in Iraq. We are doing our share. Our military is doing a marvelous job. The next step, Mr. Chairman, is up to the Iraqis.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MCKINNEY (at the request of Ms. PELOSI) for today.

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and July 27.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

ADJOURNMENT

Mr. GUTKNECHT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, July 24, 2006, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8703. A letter from the Assistant Secretary of the Navy for Installations and Environment, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the support services function performed by civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

8704. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting an annual report entitled, "Defense Acquisition Challenge Program: Fiscal Year 2005," pursuant to 10 U.S.C. 2359b(i); to the Committee on Armed Services.

8705. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting the annual report on the Resolution Funding Corporation for calendar year 2005, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Financial Services.

8706. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Thailand pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8707. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report on progress made in licensing and constructing the Alaska Natural Gas Pipeline, pursuant to Section 1810 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

8708. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-439, "Closing of Public Alleys in Square 749, S.O. 00-83, Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8709. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-441, "Washington Stage Guild Tax Exemption Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8710. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-442, "Solid Waste Disposal Fee Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8711. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-444, "Fringe Lot Real Property Exclusive Rights Agreement Extension Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8712. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-435, "Drug Offense Driving Privileges Revocation and Disqualification Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8713. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-437, "People First Respectful Language Conforming Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8714. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-438, "People First Respectful Language Modernization Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8715. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-436, "Closing of a Public Alley in Square 2910, S.O. 05-0587, Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8716. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-440, "Official Fruit of the District of Columbia Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8717. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-433, "Pedestrian Protection Bus Safety Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8718. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-434, "Closing of Public Streets and Alleys in Squares 5318, 5319, and 5320 S.O. 04-14199, Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8719. A letter from the Executive Director, National Council on Disability, transmitting the Council's Annual Performance Report to the President and Congress Fiscal Year 2005, as required by the Government Performance and Results Act, pursuant to 31 U.S.C. 1116; to the Committee on Government Reform.

8720. A letter from the Secretary, Department of the Interior, transmitting the annual report entitled, "Outer Continental Shelf Lease Sales: Evaluation of Bidding Results" for Fiscal Year 2005, pursuant to 43 U.S.C. 1337(a)(9); to the Committee on Resources.

8721. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Parts and Accessories Necessary for Safe Operation: Protection Against Shifting and Falling Cargo [Docket No. FMCSA-2006-21259] (RIN: 2126-AA88) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8722. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30498; Amdt. No. 3170] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8723. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30499; Amdt. No. 3171] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8724. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Scott City, KS [Docket No. FAA-2006-23896; Airspace Docket No. 06-ACE-2] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8725. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100B, 747-200B, 747-200F, 747-300, 747-400, 747-400F, and 747SP Series Airplanes [Docket No. FAA-2006-24950; Directorate Identifier 2006-NM-036-AD; Amendment 39-14627; AD 2006-12-03] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8726. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321-100 Series Airplanes [Docket No. FAA-2006-24953; Directorate Identifier 2006-NM-084-AD; Amendment 39-14628; AD 2006-04-11 R1] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8727. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-223-AD; Amendment 39-14585; AD 2006-10-01] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8728. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited

Model DHC-7 Airplanes [Docket No. FAA-2006-24966; Directorate Identifier 2006-NM-049-AD; Amendment 39-14629; AD 2006-12-04] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8729. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170-100 LR, -100 STD, -100 SE, and -100 SU Airplanes; and Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190-100 LR, -100STD, and -100 IGW Airplanes [Docket No. FAA-2006-24897; Directorate Identifier 2006-NM-111-AD; Amendment 39-14619; AD 2006-11-15] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8730. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2006-24815; Directorate Identifier 2006-NM-101-AD; Amendment 39-14608; AD 2006-11-04] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand Model 14RF-9 Propellers [Docket No. FAA-2006-24517; Directorate Identifier 2006-NE-18-AD; Amendment 39-14591; AD 2006-10-07] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8732. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes [Docket No. FAA-2006-24072; Directorate Identifier 2006-NM-016-AD; Amendment 39-14614; AD 2006-11-10] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2005-23213; Directorate Identifier 2005-NM-192-AD; Amendment 39-14615; AD 2006-11-11] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8734. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-23841; Directorate Identifier 2005-NM-214-AD; Amendment 39-14613; AD 2006-11-09] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8735. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No. FAA-2006-23818; Directorate Identifier 2005-NM-228-AD; Amendment 39-14616; AD 2006-11-12] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8736. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. FAA-2005-20732; Directorate Identifier 2004-NM-278-AD; Amendment 39-14617; AD 2006-11-13] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8737. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No. FAA-2005-22321; Directorate Identifier 2005-NM-123-AD; Amendment 39-14610; AD 2006-11-06] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8738. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model GV and GV-SP Series Airplanes [Docket No. FAA-2005-22034; Directorate Identifier 2004-NM-182-AD; Amendment 39-14607; AD 2006-11-03] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8739. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 amd Avro 146-RJ Airplanes [Docket No. FAA-2006-24204; Directorate Identifier 2005-NM-178-AD; Amendment 39-14612; AD 2006-11-08] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8740. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Hawker 800XP Airplanes [Docket No. FAA-2006-24084; Directorate Identifier 2006-NM-017-AD; Amendment 39-14611; AD 2006-11-07] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8741. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines [Docket No. 2003-NE-12-AD; Amendment 39-14609; AD 2006-11-05] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8742. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model DHC-7 Airplanes [Docket No. FAA-2005-22146; Directorate Identifier 2002-NM-184-AD; Amendment 39-14606; AD 2006-11-02] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8743. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600R and A300 F4-600R Series Airplanes [Docket No. FAA-2006-23760; Directorate Identifier 2005-NM-211-AD; Amendment 39-14605; AD 2006-11-01] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8744. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2005-21028; Directorate Identifier 2004-NM-238-AD; Amendment 39-14601; AD 2006-10-17] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8745. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Engine Components Incorporated (ECi) Reciprocating Engine Connecting Rods [Docket No. FAA-2005-21331; Directorate Identifier 2005-NE-07-AD; Amendment 39-14605; AD 2006-10-21] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8746. A letter from the Chief Financial Officer, Library of Congress, transmitting activities of the United States Capitol Preservation Commission Fund for the six-month period which ended on March 31, 2006, pursuant to 40 U.S.C. 188a-3; jointly to the Committees on House Administration and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 4165. A bill to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL–64P (Rept. 109–581). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5057. A bill to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion; with amendments (Rept. 109–582). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3817. A bill to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes (Rept. 109–583). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2134. A bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes (Rept. 109–584 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3049. A bill to amend section 42 of title 18, United States Code, popularly known as the Lacey Act, to add certain species of carp to the list of injurious species that are prohibited from being imported or shipped (Rept. 109–585). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5411. A bill to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to preserve and interpret resources associated with American history, and for other purposes (Rept. 109–586). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4947. A bill to expand the boundaries of the Cahaba River National Wildlife Refuge, and for other purposes; with an amendment (Rept. 109–587). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4301. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes (Rept. 109–588). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 5121. A bill to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes; with an amendment (Rept. 109–589). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2134. Referral to the Committee on House Administration extended for a period ending not later than September 29, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE (for himself and Mr. LANTOS):

H.R. 5847. A bill to amend the Arms Export Control Act to strengthen the requirements for congressional review of arms sales and exports under such Act, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYNOLDS:

H.R. 5848. A bill to increase the number of types of documents able to satisfy the requirements of the Western Hemisphere Travel Initiative, and to ensure such documents are widely available and affordable; to the Committee on Homeland Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES:

H.R. 5849. A bill to increase the fine and prison term for textile transshipment, and for other purposes; to the Committee on the Judiciary.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. WOLF, Mr. MOORE of Kansas, Mr. WEXLER, Mrs. MCCARTHY, Mr. ENGEL, Mr. OWENS, Mr. HASTINGS of Florida, Mr. KING of New York, Mr. ALEXANDER, Mr. OLVER, and Mr. KLINE):

H.R. 5850. A bill to increase the safety of swimming pools and spas by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws, to educate the public about pool and spa safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NEY (for himself and Mr. ABERCROMBIE):

H.R. 5851. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Financial Services.

By Mr. REICHERT (for himself, Mr. PASCRELL, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. MCCAUL of Texas, Mrs. LOWEY, Mr. WELDON of Pennsylvania, Mr. ETHERIDGE, Mr. SIMMONS, Mrs. CHRISTENSEN, and Mr. DEFAZIO):

H.R. 5852. A bill to amend the Homeland Security Act of 2002 to enhance emergency communications at the Department of Homeland Security, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself and Mr. GRAVES):

H.R. 5853. A bill to amend the Commodity Exchange Act to add a provision relating to reporting and recordkeeping for positions involving energy commodities; to the Committee on Agriculture.

By Mr. BEAUPREZ:

H.R. 5854. A bill to establish a pilot program under which the Secretary of Education allows selected States to combine certain funds under the Elementary and Secondary Education Act of 1965 to improve the academic achievement of its students; to the Committee on Education and the Workforce.

By Mr. CARDIN (for himself, Mr. ENGLISH of Pennsylvania, Mr. WYNN, Mr. HOYER, Mr. RANGEL, Mr. RUPPERSBERGER, Mr. STARK, Mr. OWENS, Mr. HINOJOSA, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. BUTTERFIELD, Mr. GERLACH, Mr. DAVIS of Illinois, and Ms. MCKINNEY):

H.R. 5855. A bill to amend the Internal Revenue Code of 1986 to provide for the exclusion from gross income of certain wages of a certified master teacher, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. BOSWELL, Ms. KAPTUR, Mr. SKELTON, Mr. BROWN of Ohio, Mr. GRIJALVA, and Ms. MCCOLLUM of Minnesota):

H.R. 5856. A bill to amend the Internal Revenue Code of 1986 to allow the allocation of the alternative fuel vehicle refueling property credit to patrons of agricultural cooperatives; to the Committee on Ways and Means.

By Mr. GRIJALVA (for himself, Mr. SHADEGG, Mr. RENZI, Mr. FRANKS of Arizona, Mr. KOLBE, Mr. HAYWORTH, Mr. PASTOR, and Mr. FLAKE):

H.R. 5857. A bill to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the "Morris K. 'Mo' Udall Post Office Building"; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Ms. ROS-LEHTINEN, Mr. LANTOS, Mr. HONDA, Mr. MCGOVERN, Mr. BLUMENAUER, Mr. FATTAH, Mr. GEORGE MILLER of California, and Mr. SCHIFF):

H.R. 5858. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on International Relations.

By Mr. MCHENRY:

H.R. 5859. A bill to establish a commission to develop legislation designed to reform entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 5860. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for State and local, and foreign, real property taxes; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 5861. A bill to amend the National Historic Preservation Act, and for other purposes; to the Committee on Resources.

By Mr. OWENS:

H.J. Res. 92. A joint resolution proposing an amendment to the Constitution of the United States to ensure a free and adequate education for every child who is a citizen; to the Committee on the Judiciary.

By Mr. ACKERMAN:

H.J. Res. 93. A joint resolution disapproving the issuance of letters of offer with respect to certain proposed sales of defense articles and defense services to Pakistan; to the Committee on International Relations.

By Ms. WATERS:

H. Con. Res. 452. Concurrent resolution expressing the sense of Congress that the Department of Defense should provide full disclosure regarding the details of the deaths of members of the Armed Forces to their families at the earliest possible date; to the Committee on Armed Services.

By Mr. THOMPSON of Mississippi:

H. Res. 930. A resolution recognizing and honoring York for his role in the Lewis and Clark Expedition; to the Committee on Government Reform.

By Mr. THOMPSON of Mississippi:

H. Res. 931. A resolution expressing the sense of the House of Representatives that on August 27, 2006, people of goodwill throughout the United States should remember the victims of Hurricane Katrina, both living and dead, and pledge to work toward the repair, rebuilding, and resettlement of the Gulf Coast of the United States; to the Committee on Government Reform.

By Mr. BERRY:

H. Res. 932. A resolution expressing the sense of the House of Representatives that the Congress should make additional emergency supplemental appropriations for necessary expenses for enforcement of laws relating to border security, immigration, and customs; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. BERMAN, and Mr. NADLER):

H. Res. 933. A resolution commending agents, attorneys, and employees of the Office of the Inspector General of the Department of Justice; to the Committee on the Judiciary.

By Mr. GINGREY:

H. Res. 934. A resolution supporting the goals and ideals of Plan Ahead with an Advance Directive Week; to the Committee on Energy and Commerce.

By Mr. JEFFERSON (for himself, Mr. BOUSTANY, Mr. ROSS, Mr. SCOTT of Virginia, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. MELANCON, Mr. BRADY of Pennsylvania, Mr. ALEXANDER, Mr. TOWNS, Mr. CLEAVER, Mr. BAKER, Mr. MCCRERY, and Mr. THOMPSON of Mississippi):

H. Res. 935. A resolution acknowledging the progress yet to be made in the rebuilding after Hurricanes Katrina and Rita; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Kentucky:

H. Res. 936. A resolution expressing the sense of the House of Representatives that the City of Bowling Green, Kentucky, located in Warren County, can be proud of being a part of the history of the production of an American Icon, the Corvette, for 25 years; to the Committee on Government Reform.

By Mrs. MUSGRAVE:

H. Res. 937. A resolution to congratulate Fort Collins, Colorado, on being named the best place to live in the United States for 2006; to the Committee on Government Reform.

By Mr. STUPAK (for himself, Mr. BRADY of Texas, and Mr. GERLACH):

H. Res. 938. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in "National Night Out", which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

406. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 1500 memorializing the Secretary of the Navy to Honor the gift of 1,000 achres known as Brunswick Commons bestowed in 1719 by the Pejepscot Proprietors to the Town of Brunswick forever' and return it to the town at no cost; to the Committee on Armed Services.

407. Also, a memorial of the House of Representatives of the State of Florida, relative to House Memorial No. 541 urging the Congress of the United States to support a National Catastrophe Insurance Program; to the Committee on Financial Services.

408. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 247 memorializing the Congress of the United States to enact the Nursing Home Fire Safety Act; to the Committee on Energy and Commerce.

409. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to pass Senate Joint Resolution No. 15 apologizing to all Native American Peoples on behalf of the United States; to the Committee on Resources.

410. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 911 urging the reauthorization of the special provisions of the Voting Rights Act of 1965; to the Committee on the Judiciary.

411. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 158 memorializing the Congress of the United States to enact the "Constitution Restoration Act of 2005"; to the Committee on the Judiciary.

412. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 574 urging the Congress of the United States to propose, adopt, and submit to the states for ratification a balanced budget amendment to the United States Constitution; to the Committee on the Judiciary.

413. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 269 memorializing the President of the United States and the Congress of the United States to make the Republic of Poland eligible for the United States Department of State Visa Waiver Program; to the Committee on the Judiciary.

414. Also, a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 1508 memorializing the President of the United States, the Congress of the United States and the United States Department of Justice to establish satellite voting for displaced victims of Hurricane Katrina; to the Committee on the Judiciary.

415. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 29 requesting that Rutgers University assist the "Flood Mitigation Task Force" to determine causes and solutions to flooding in New Jersey; to the Committee on Transportation and Infrastructure.

416. Also, a memorial of the Senate of the State of Texas, relative to Senate Resolution No. 9 memorializing the Congress of the United States to address problems in the Department of Veterans Affairs related to the provisions of health care and benefits, the adjudication of claims, accountability, and outreach and to enact legislation that creates an appropriation formula that ensures predictable and adequate funding for the health care problems of the Veterans Health Administration; to the Committee on Veterans' Affairs.

417. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to provide relief from growing energy costs; to the Committee on Ways and Means.

418. Also, a memorial of the Senate of the State of Texas, relative to Senate Resolution No. 720 encouraging the President of the United States to extend the benefits of free trade by enacting a free trade agreement between the United States and Taiwan; to the Committee on Ways and Means.

419. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 630 urging the Congress of the United States to enact a prescription drug benefit for senior citizens that is run by the Medicare program itself; jointly to the Committees on Ways and Means and Energy and Commerce.

420. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a Resolution affirming the civil rights and liberties of the people of Massachusetts; jointly to the Committees on the Judiciary, Intelligence (Permanent Select), and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. SPRATT.

H.R. 450: Ms. BORDALLO.

H.R. 503: Mr. CRAMER.

H.R. 550: Mrs. KELLY and Mr. CRAMER.

H.R. 552: Mr. KENNEDY of Minnesota.

H.R. 614: Mr. CRAMER.

H.R. 759: Mr. WYNN.

H.R. 817: Mr. WELLER, Mr. NUSSLE, Mr. CAMP of Michigan, Mr. HERGER, Mr. LINDER, Mr. GILLMOR, and Mr. MANZULLO.

H.R. 864: Mr. BROWN of Ohio, Mr. BRADY of Pennsylvania, Mr. POE, Mr. JEFFERSON, and Mr. MCNULTY.

H.R. 898: Mr. CRAMER.

H.R. 934: Mr. RAMSTAD, Mr. MCGOVERN, and Mr. STRICKLAND.

H.R. 947: Mr. ISTOOK.

H.R. 964: Mr. PAYNE and Mr. RAMSTAD.

H.R. 1020: Mr. CRAMER.

H.R. 1108: Mr. SCOTT of Georgia.

H.R. 1131: Ms. HARMAN.

H.R. 1227: Mr. BILIRAKIS.

H.R. 1329: Mrs. BONO and Mr. KIRK.

H.R. 1358: Mr. BOREN.

H.R. 1471: Mrs. TAUSCHER and Mr. MATHESON.

H.R. 1554: Mr. JINDAL.

H.R. 1578: Miss MCMORRIS and Mr. MCGOVERN.

H.R. 2088: Mr. NUSSLE, Mr. LATHAM, Mr. NEUGEBAUER, Mr. CULBERSON, Mr. BROWN of South Carolina, Ms. HARRIS, and Mr. RENZI.

H.R. 2090: Mr. MCGOVERN and Mr. JACKSON of Illinois.

H.R. 2421: Mr. SCOTT of Georgia and Mr. PICKERING.

H.R. 2458: Mr. CONAWAY.

H.R. 2488: Mr. CLYBURN.

H.R. 2568: Mr. HINCHEY.

H.R. 2671: Mr. MELANCON.

H.R. 2828: Mr. CARNAHAN.

H.R. 2840: Mr. PAUL.

H.R. 2965: Mr. SMITH of New Jersey, Mr. MARCHANT, and Ms. WATERS.

H.R. 3186: Mr. MORAN of Virginia.

H.R. 3195: Mr. FORTUÑO and Mr. MARKEY.

H.R. 3196: Mr. SERRANO.

H.R. 3248: Mrs. JO ANN DAVIS of Virginia and Mr. GOODE.

H.R. 3282: Mr. DENT.

H.R. 3436: Mr. MCCOTTER and Mr. PAUL.

H.R. 3547: Mr. BISHOP of Georgia and Mr. GENE GREEN of Texas.

H.R. 3559: Mr. GRAVES.

H.R. 3603: Mrs. BONO.

H.R. 3762: Mr. FORD.

H.R. 3795: Mr. HOEKSTRA and Mr. KIRK.

H.R. 3874: Mr. HINOJOSA.

H.R. 3936: Mr. SCOTT of Georgia.

H.R. 3949: Mr. MILLER of North Carolina.

H.R. 4047: Mr. STEARNS.

H.R. 4188: Mr. HIGGINS and Ms. KAPTUR.

H.R. 4212: Mr. OBERSTAR.

H.R. 4236: Mr. REHBERG.

H.R. 4239: Ms. SCHWARTZ of Pennsylvania.

H.R. 4264: Mr. MARSHALL and Mr. BRADY of Pennsylvania.

H.R. 4291: Mr. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. GRIJALVA, and Mr. COOPER.

H.R. 4366: Ms. BEAN.

H.R. 4403: Mr. OTTER, Mr. SIMPSON, and Mr. JEFFERSON.

H.R. 4517: Mr. DOYLE.

H.R. 4547: Mr. RENZI.

H.R. 4560: Mr. MURPHY.

H.R. 4562: Mr. BONILLA, Mr. MCKEON, Mr. MICA, Ms. KAPTUR, Mr. FARR, and Mr. FERGUSON.

H.R. 4747: Mr. MELANCON and Mr. CRAMER.

H.R. 4751: Ms. SCHWARTZ of Pennsylvania and Mr. FORD.

H.R. 4800: Mr. BISHOP of New York.

H.R. 5013: Mr. GARY G. MILLER of California.

H.R. 5022: Mr. SCOTT of Georgia and Ms. BALDWIN.

H.R. 5052: Ms. MOORE of Wisconsin.

H.R. 5092: Mr. ROGERS of Michigan, Mr. NEUGEBAUER, Mr. POMBO, Mr. CULBERSON, Mr. BROWN of South Carolina, Mr. LEWIS of Kentucky, Mr. RENZI, and Mr. MACK.

H.R. 5120: Mr. PAYNE.

H.R. 5121: Mrs. NAPOLITANO.

H.R. 5139: Mr. SCHWARZ of Michigan and Mr. STARK.

H.R. 5166: Ms. HERSETH.

H.R. 5171: Ms. KAPTUR.

H.R. 5185: Ms. MCCOLLUM of Minnesota and Mrs. TAUSCHER.

H.R. 5212: Ms. SCHWARTZ of Pennsylvania.

H.R. 5236: Mr. MOORE of Kansas and Mr. AL GREEN of Texas.

H.R. 5247: Ms. HARMAN.

H.R. 5248: Mr. JACKSON of Illinois, Mrs. DAVIS of California, and Ms. BALDWIN.

H.R. 5316: Mr. OLVER and Mr. ROSS.

H.R. 5319: Mrs. KELLY.

H.R. 5344: Mr. HONDA.

H.R. 5351: Mr. RANGEL.

H.R. 5371: Mr. TIERNEY.

H.R. 5372: Ms. BALDWIN, Mr. LEVIN, and Mr. SNYDER.

H.R. 5396: Mr. WEXLER, Mr. BISHOP of Georgia, and Mr. ETHERIDGE.

H.R. 5397: Mr. GORDON and Mrs. CAPITO.

H.R. 5472: Mr. COSTA, Mr. DOGGETT, Mr. BUYER, Mr. MORAN of Virginia, Mr. ALLEN, Mr. SANDERS, Mr. HASTINGS of Florida, Mr. CLEAVER, Ms. HOOLEY, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. HINOJOSA, Mr. NADLER, Mr. CARDIN, Mr. RANGEL, Mr. WALSH, Ms. SCHWARTZ of Pennsylvania, Mr. SCOTT of Georgia, Mr. KING of New York, Mr. KIRK, Mr. GONZALEZ, and Mr. EMANUEL.

H.R. 5500: Mrs. NORTHUP and Mr. LEWIS of Kentucky.

H.R. 5513: Mrs. CAPITO, Mr. MILLER of North Carolina, and Mr. SWEENEY.

H.R. 5536: Mr. ABERCROMBIE.

H.R. 5555: Mr. FERGUSON.

H.R. 5598: Ms. BERKLEY.

H.R. 5613: Mr. PITTS and Mr. WILSON of South Carolina.

H.R. 5624: Mr. HASTINGS of Florida.

H.R. 5642: Ms. SCHWARTZ of Pennsylvania, Mr. FRANK of Massachusetts, Mr. WEXLER, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ZOE LOFGREN of California, Mr. MEEHAN, and Mrs. MALONEY.

H.R. 5674: Mr. MILLER of North Carolina and Ms. BERKLEY.

H.R. 5682: Mr. LEWIS of Kentucky and Mr. MILLER of Florida.

H.R. 5700: Mr. BACHUS.

H.R. 5704: Mrs. DRAKE and Mr. WELDON of Florida.

H.R. 5755: Mr. OTTER, Mr. CRAMER, Mr. LUCAS, Mr. LIPINSKI, and Mr. FOLEY.

H.R. 5758: Mr. ROSS.

H.R. 5766: Mr. GREEN of Wisconsin, Mrs. BLACKBURN, Mr. KENNEDY of Minnesota, Mr. PEARCE, and Mr. ROYCE.

H.R. 5770: Mr. HASTINGS of Florida.

H.R. 5771: Mr. MILLER of North Carolina, Ms. SCHWARTZ of Pennsylvania, Mr. MEEHAN, Mr. TIERNEY, Mr. KUCINICH, Ms. WASSERMAN SCHULTZ, and Mr. ROTHMAN.

H.R. 5772: Mr. BROWN of South Carolina and Mr. MCCRERY.

H.R. 5805: Mr. CARNAHAN, Mr. MARKEY, and Mr. SESSIONS.

H.R. 5806: Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATERS, Mr. MCNULTY, and Mrs. MCCARTHY.

H.R. 5818: Mr. FEENEY, Mr. HENSARLING, and Mr. WICKER.

H.R. 5825: Mr. RAMSTAD.

H.R. 5830: Mr. POE and Mr. CULBERSON.

H.R. 5834: Ms. ESHOO, Mr. BROWN of Ohio, and Mr. KUCINICH.

H.R. 5835: Mr. MORAN of Kansas and Mr. BOSWELL.

H.R. 5837: Mr. GEORGE MILLER of California, Mr. KILDEE, and Mr. CLAY.

H. Con. Res. 174: Ms. BORDALLO, Mr. WEXLER, Ms. MATSUI, and Mr. SHAYS.

H. Con. Res. 197: Mr. MOORE of Kansas.

H. Con. Res. 222: Mr. MCKEON.

H. Con. Res. 411: Mr. MANZULLO, Mr. BARRETT of South Carolina, Mr. AKIN, and Mr. WHITFIELD.

H. Con. Res. 415: Mr. ROHRABACHER, Mr. CROWLEY, and Ms. MCCOLLUM of Minnesota.

H. Con. Res. 416: Mr. YOUNG of Florida and Mr. CALVERT.

H. Con. Res. 424: Mr. KLINE, Mr. KUHL of New York, Mr. BOOZMAN, Mr. JOHNSON of Illinois, Mr. EMANUEL, Mr. WELLER, Ms. CORRINE BROWN of Florida, Mr. SIMPSON, Mr. OTTER, and Mr. BEAUPREZ.

H. Con. Res. 425: Mr. ISRAEL.

H. Res. 295: Mr. MCHUGH and Mr. REYNOLDS.

H. Res. 490: Ms. BORDALLO and Mr. HASTINGS of Florida.

H. Res. 707: Mr. ANDREWS and Mrs. KELLY.

H. Res. 838: Mr. SMITH of New Jersey, Mr. BROWN of South Carolina, Mr. SNYDER, and Ms. SCHWARTZ of Pennsylvania.

H. Res. 848: Mr. CHABOT.

H. Res. 874: Mr. JACKSON of Illinois, Mr. OWENS, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. SCOTT of Virginia, Mr. PAYNE, and Ms. ROYBAL-ALLARD.

H. Res. 880: Miss MCMORRIS.

H. Res. 888: Mr. HASTINGS of Florida.

H. Res. 912: Mr. HOLDEN, Mr. ALLEN, and Mr. SOUDER.

H. Res. 926: Mr. RAHALL, Mr. LAHOOD, Mr. BOUSTANY, and Mr. PEARCE.

H. Res. 928: Mr. CONYERS, Mr. SCOTT of Virginia, Mr. CARDIN, Mrs. TAUSCHER, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. OWENS, and Mr. PAYNE.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 11 by Mr. BARROW on House Resolution 614: Mr. LEACH.

SENATE—*Thursday, July 20, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The PRESIDENT pro tempore. Today's prayer will be offered by the Reverend Ed Sears, Grace Baptist Temple, Winston-Salem, NC.

The guest Chaplain offered the following prayer:

Let us pray together.

Our Father and our God, as we assemble today in the Senate Chamber, we do so with a keen sense of awareness of our special need of You. Our Nation has a rich history of Your many blessings, and we ask for those blessings to continue upon us. May Your presence be felt, and may Your hand of divine provision be realized.

In this awesome assembly today, give to each person wisdom and understanding for the times that are at hand. With the rich bounty of our history and the awesome opportunities of this present hour, may we move into this day with a special sense of Your call.

With our confidence in You and our responsibility to each other, we invite Your guidance and direction in the affairs of state this day. In times of debate and difference, may we remember that at the end of the day we are, indeed, "one nation under God."

Protect those who serve the cause of freedom around our world, especially those serving in our Armed Forces.

May the love of God the Father, the grace and mercy of the Lord Jesus, and the communion of Thy spirit rest upon the Members of this Senate as they gather to conduct our Nation's business. In Jesus's Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDENT pro tempore. The Senator from North Carolina.

REVEREND ED SEARS

Mr. BURR. Mr. President, it is my honor and pleasure to welcome our guest Chaplain this morning, the Reverend Ed Sears of Winston-Salem, NC. Reverend Sears is from my hometown, and it is an honor to have him in Washington today blessing the Senate.

Reverend Sears is the senior pastor at Grace Baptist Temple in Winston-Salem. He has faithfully served Grace Baptist's congregation of over 1,000 members for the past 25 years. Reverend Sears first heard his call to serve in 1971 and has since used his faith to minister and lead. In addition to his service to his church and his community, Reverend Sears holds the distinction of blessing both the House of Representatives and the Senate. In 2003, Reverend Sears was the guest Chaplain in the House and now honors us this morning in the Senate. Grace Baptist Temple, the city of Winston-Salem, and I appreciate his faith and fellowship.

Reverend Sears has been happily married for 39 years. His wife's name is Linda, and they have three daughters, Kelly, Millicent, and Heather. I would also like to congratulate Reverend Sears on the newest addition to his family, his youngest granddaughter, Anna Claire Walker.

Mr. President, it is our privilege to have Reverend Ed Sears lead the Senate in its opening prayer.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 9, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 9) to amend the Voting Rights Act of 1965.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we are proceeding directly to H.R. 9, the voting rights reauthorization bill. We have a unanimous consent order that provides for up to 8 hours of debate today, although I do not expect all that time will be necessary. We will proceed to a vote on passage of H.R. 9 whenever that time is used or yielded back, and therefore that vote will occur sometime this afternoon, and I expect passage of that voting rights reauthorization bill.

There are several circuit and district court judges that will require some debate and votes today. We will have a unanimous consent agreement on those debate times shortly, and we will likely consider those judicial nominations following the passage of the Voting Rights Act.

We have been working on an agreement on the child predator legislation for a short debate and vote, which will occur today, and we hope to have that agreement as well.

Finally, we have an order to proceed to the child custody protection bill today, and we have Senators who would like to speak on this issue later today as well.

Having said that, the schedule will require votes over the course of the day—possibly into the evening—in order to finish. Although there is a lot to do and people have requested time to be set aside, I think a lot of that time can be yielded back over the course of the day and we will be able to complete the schedule as I have laid out.

In a few moments, after the chairman makes his opening statements on the Voting Rights Act reauthorization, I will return with an opening statement as well. It has been a process we have expedited in many ways because the importance and significance of this legislation is very clear. So I am delighted that we are moving to it this morning and that we will be passing it later this afternoon.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Are we prepared to proceed at this time with the consideration of the Voting Rights Act?

The PRESIDENT pro tempore. That is correct.

Mr. SPECTER. Mr. President, this is a historic day for the Senate and really a historic day for America as we move forward with Senate action to reauthorize the Voting Rights Act. This action, coming from the Judiciary Committee in our executive session yesterday afternoon, passed unanimously—18 to 0—moves the Senate toward completion of this reauthorization today and for submission to the President and for the formal signing next week.

In an era where many have challenged the ability of the Congress to function in the public interests and in an era where there is so much partisan disagreement, it is good to see the two parties in the House and the Senate coming together to reauthorize this very important legislation.

I thank and congratulate the members of the Senate Judiciary Committee for pulling together and moving ahead at this time, with a prodigious

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

amount of work, to bring this important matter to the floor. The committee has proceeded with 9 hearings. We have had 46 witnesses. We have had 11 leading academics come to testify from such distinguished institutions as the Yale Law School, Stanford University, the University of Pennsylvania Law School, New York University Law School, and others.

The House of Representatives held 12 hearings to gather evidence on voting discrimination, featuring testimony from some 46 witnesses.

We have had some of the leading luminaries in the Nation testify, such as Professor Chandler Davidson, coauthor of the landmark book on the Voting Rights Act "Quiet Revolution in the South;" Theodore Shaw, Director-Counsel and President of the NAACP Legal Defense and Education Fund; Fred Gray, veteran civil rights attorney who began his career in the midst of the civil rights movement in the 1950s and has represented such civil rights leaders as Dr. Martin Luther King, Jr., and Mrs. Rosa Parks.

We have been mindful in presenting these witnesses and compiling this record that the Supreme Court has required very extensive records. The Supreme Court struck down parts of the landmark legislation protecting women against violence because the Court disagreed with the congressional "method of reasoning." It is a little hard to understand that conclusion, but they have the final word. They have a test on the adequacy of the record; that it be congruent and proportional. It is sometimes hard to understand exactly what that test is, but we are on guard to compile a very extensive record in order to avoid having the act declared unconstitutional.

The bill which we will vote on today accomplishes many important items. First, it strengthens voting rights protections nationwide by allowing voters who successfully challenge illegal voting practices to recover reasonable expenses of litigation. Second, it extends the protections for voters with limited English skills for 25 years. Those voters will continue to enjoy the protection of bilingual ballots and assistance at the polls. It also extends for 25 years the requirements that the Department of Justice preclear any voting change in certain covered jurisdictions where there has been a history of discrimination. The bill clarifies how the preclearance protections should work, guaranteeing that voting laws enacted with a discriminatory purpose never get enacted into law. So, it moves America in the right direction.

The benefits and effects of the Voting Rights Act of 1965 have been profound, to put it mildly. It is the political power of the minorities for whom the Voting Rights Act was designed who pushed the Congress forward a year in advance of the expiration of the Voting Rights Act, to move ahead and get this important job done early.

If you contrast 1964, before the Voting Rights Act was passed, with what is happening in America today, it is a different America. It is a different political reality. In 1964, there were only approximately 300 African Americans in public office, including just 3 in the Congress. Few, if any, Black elected officials came from the South. Today, there are more than 9,000 Black elected officials, including 43 Members of Congress. This is the largest number ever. Quite a record. The Voting Rights Act has opened the political process for many of the approximately 6,000 Latino public officials who have been elected, including 263 at the State or Federal level, 27 of whom serve in Congress.

This progress is especially striking in covered jurisdictions where hundreds of minorities hold office. In Georgia, for example, minorities are elected at rates proportionate to or higher than their numbers. In Georgia, the voting-age population is 27 percent African American. Almost 31 percent of its delegations to the House of Representatives are African American, and 26.5 percent of officials elected statewide are African American. Black candidates in Mississippi have achieved similar success. The State's voting age population is 34 percent African American. Almost 30 percent of its representatives in the State House and 25 percent of its delegations in the U.S. House of Representatives are African American.

The Congress of 1965 relied on evidence that Black registration was so dramatically lower than White registration that the differences could only be explained by purposeful efforts to disenfranchise Black citizens. Indeed, in some cases, the gap was 50 percentage points. In Alabama, Black registration was just at 18 percent, and in Mississippi, a little over 6 percent. Today, in Alabama and Louisiana, Blacks are registered at approximately the same rate as White voters, and in Georgia, Mississippi, North Carolina, and Texas, Black registration and turnout in the 2004 election was higher than that of the Whites.

The Congress of 1965 relied on findings of Federal courts and the Justice Department that the covered States were engaged in the practice of deliberate unconstitutional behavior. For example, the 1965 Senate report noted that Alabama, Louisiana, and Mississippi had lost every voting discrimination suit brought against them, and in the previous 8 years, each State had eight or nine courts find them guilty of violating the Constitution.

Today, the statistics paint a starkly different picture. Since 1982, only six cases have ended in court ruling or a consent decree finding that one of the 880 covered jurisdictions had committed unconstitutional discrimination against minority voters. During that time, six cases have found that a noncovered jurisdiction committed unconstitutional discrimination against minority voters. If the data is focused on the last 11 years, the results are even more dramatic. Since 1995, only two cases ended in a finding that a covered jurisdiction unconstitutionally discriminated against minority voters.

Looking at voting rights cases paints a similar picture. In 1982, 39 court cases ended with a finding that one of the 880 covered jurisdictions had violated Section 2 of the Voting Rights Act. That is the provision that prohibits discrimination nationwide. During the same period of time, 40 court cases have ended with a finding that one of the noncovered jurisdictions have violated Section 2. Not a perfect record, but it shows that discrimination has become more incidental and less systematic.

There is no doubt this improved record is a direct result of the Voting Rights Act. When we take a look at civil rights legislation generally, the Voting Rights Act is the most important part of our effort to give minorities—give all Americans—their full range of constitutional civil rights.

When we take a look at the activities of the three distinguished women for whom the Voting Rights Act has been named—Coretta Scott King, Rosa Parks, Fannie Lou Hamer—we see the enormous contribution which they have made. Mrs. King, the widow of pioneering civil rights leader Martin Luther King, Jr., devoted a lifetime to opposing racism, whether the 1960s segregation Alabama or the 1980s apartheid in South Africa. Fortunately, she lived to see so much of the progress America has made. Sadly, her husband, Dr. King, did not see that.

I recall, not too long ago, when Mrs. King came to the Senate, in the adjoining room to the Senate Chambers, and spoke out forcefully on the issues of civil rights. She was a real heroin in America, to pursue the work of Dr. King.

Every American schoolchild knows the story of Miss Rosa Parks who, on December 1, 1955, refused to give up her seat to a white passenger. She explained her motivation simply:

> People always say that I didn't give up my seat because I was tired, but that isn't true. I was not tired physically. . . . I was not old, . . . I was forty-two. No, the only tired I was, was tired of giving in.

Fannie Lou Hamer first learned that African Americans had a constitutional right to vote in 1962, when she was 44 years old. Ms. Hammer later explained that, despite death threats and violence, she was determined to exercise her constitutional rights and said:

> The only thing that they could do to me was to kill me, and it seemed like they had been trying to do that a little bit at a time ever since I could remember.

So we come to this day in the Senate where we are on the verge of passing the Voting Rights Act, reauthorizing it as the House has done. The President will be speaking within the hour to the NAACP convention and doubtless will refer proudly to the acts of the Congress in presenting him with this bill.

I want to pay tribute to the Judiciary Committee. All the members worked very hard to get these nine hearings and to examine the witnesses and to create a record. Senator KENNEDY, who is on the floor, has been a stalwart leader in this field for a very long time. He was here when the Voting Rights Act of 1965 was passed. Not too many current Members of the Senate were present. Senator BYRD, Senator INOUYE—this is not in my prepared text. I may be omitting someone. Senator STEVENS came shortly thereafter—1968.

Senator KENNEDY doesn't need a microphone when he speaks about civil rights in this Chamber. He can be heard on the House floor—quite a distance away, past the Rotunda. He has not only been a spokesman for this act, he has been a persistent advocate. Not that it needed a whole lot of advocacy to persuade the latest chairman or my distinguished ranking member, Senator LEAHY, to move ahead. This has been our priority item. We got the Judiciary Committee together on a Wednesday afternoon. It is pretty hard to get the Judiciary Committee together any time and to get a quorum, but we were present, 16 of the 18 members. One member was on the floor managing a bill and the other couldn't be there. So there was that kind of enthusiasm.

Now I want to yield to Senator LEAHY, the distinguished ranking member. The committee has quite a record for 18 months. We moved promptly on January 4 to confirm the President's designee for Attorney General. We moved ahead to pass reform legislation on class actions and bankruptcy. We moved ahead, with Senator LEAHY's leadership and the leadership of Judge Becker, to move asbestos out of committee—yet to be acted on, on the floor. We have confirmed two Supreme Court Justices and have moved the immigration bill out of committee. But none of our activities has been as important as the one we presented to the floor of the Senate yesterday when we voted out the Voting Rights Act.

Mr. President, I ask unanimous consent that additional materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Below is a summary of all the cases that staff for the Chairman of the Senate Judiciary Committee has located in which a court or a settlement found a constitutional violation of voting rights.

Only six cases resulted in a finding that a covered jurisdiction committed unconstitutional discrimination against minority voters. Six cases ended in a finding that found that a covered jurisdiction had committed unconstitutional discrimination against white voters. Six cases in non-covered jurisdictions found unconstitutional voting practices against minority voters, and two against white or majority voters.

An additional 22 cases found a constitutional violation, but these did not involve racial discrimination or any conduct addressed by the Voting Rights Act. Accordingly, these cases are not relevant evidence for reauthorization.

Staff reviewed the ACLU's 867-page Voting Rights Report, which discusses 293 cases brought since June 1982. Staff also reviewed the database for the University of Michigan Law School Voting Rights Report. The database was constructed by searching the "federal court" databases of Westlaw or Lexis for any case that was decided since June 29, 1982 and mentions section 2, 42 U.S.C. § 1973. Of all the identified section 2 lawsuits, 209 produced at least one published liability decision under section 2. Staff reviewed the "state reports" introduced into the record and available at RenewTheVRA.org. Finally, staff reviewed the consent decrees introduced into the November 8, 2005 House Judiciary Committee hearing on the minority language provisions of the Voting Rights Act.

I. COVERED JURISDICTIONS DISCRIMINATING AGAINST VOTERS

ALABAMA

(1) *Hunter* v. *Underwood*, 730 F.2d 614 (11th Cir. 1984), affirmed 471 U.S. 222 (1985) (ACLU Rep., p. 51).

The ACLU represented two voters who were disenfranchised under a nearly 80 year-old law that prohibited those who had committed a "crime of moral turpitude" from voting. Id. at p. 52. The court struck down the law because there was evidence that when it was adopted in the early 1900s, the legislators intended to disenfranchise black voters. The Supreme Court unanimously affirmed that, in view of the proof of racial motivation and continuing racially discriminatory effect, the state law violated the Fourteenth Amendment.

(2) *Dillard* v. *City of Foley*, 926 F. Supp. 1053 (M.D. Ala. 1995) (ACLU Rep., p. 57).

African American plaintiffs in the City of Foley, Alabama, filed a motion to require the City to adopt and implement a non-discriminatory annexation policy and to annex Mills Quarters and Beulah Heights. Plaintiffs also claimed that the City had violated section 5 and section 2. As a result of negotiations, the parties entered into a consent decree. The decree found plaintiffs had established "a prima facie violation of section 2 of the Voting Rights Act and the United States Constitution." Id. at p. 59.

(3) *Brown* v. *Board of School Comm'rs.*, 706 F. 2d 1103 (11th Cir. 1983) (U Mich. L.Rep., http://www.votingreport.org.).

A class of African American voters challenged Mobile County's at-large system for electing School Board members. In 1852, Mobile County created at-large school board elections of 12 commissioners. In 1870, the election procedures changed; instead of selecting all 12 commissioners, voters would select 9 of the 12 and the other 3 would be appointed. This system had the effect of ensuring minority representation on the school board. In 1876, the Alabama state legislature eliminated the Mobile County school board system and returned the County to the 1852 at-large election scheme which remained in effect until this suit was brought.

The district court found that by reinstating the at-large election system, the Alabama state legislature intended to discriminate against African Americans in Mobile County in violation of the Fourteenth and Fifteenth Amendment. The Eleventh Circuit affirmed.

GEORGIA

(4) *Miller* v. *Johnson:* 515 U.S. 900 (1995) (ACLU Rep., 126-27).

In August 1991, the Georgia legislature adopted a congressional redistricting plan based on the new census containing two majority minority districts—the Fifth and the Eleventh. A third district, the Second, had a 35.4% black voting age population. The state submitted the plan for preclearance, but the Attorney General objected to it. Following another objection to a second plan, the state adopted a third plan which contained three majority black districts, the Fifth, the Eleventh, and the Second. The plan was precleared on April 2, 1992. Following the decision in Shaw v. Reno, a lawsuit was filed by white plaintiffs claiming that the Eleventh Congressional District was unconstitutional. One of the plaintiffs was George DeLoach, a white man who had been defeated by McKinney in the 1992 Democratic primary. Although the Eleventh District was not as irregular in shape as the district in Shaw v. Reno, the district court found it to be unconstitutional, holding that the "contours of the Eleventh District . . . are so dramatically irregular as to permit no other conclusion than that they were manipulated along racial lines." The Supreme Court affirmed. It did not find the Eleventh District was bizarrely shaped, but it held the state had "subordinated" its traditional redistricting principles to race without having a compelling reason for doing so. The court criticized the plan for splitting counties and municipalities and joining black neighborhoods by the use of narrow, sparsely populated "land bridges." On remand the district court allowed the plaintiffs to amend their complaint to challenge the majority black Second District, which the court then held was unconstitutional for the same reasons it had found the Eleventh District to be unconstitutional, [and] the legislature adjourned without adopting a congressional plan.

(5) *Common Cause* v. *Billups:* 4:05-CV-201 HLM (N.D. Ga.) (ACLU Rep., 185-91).

The Department of Justice precleared the photo ID bill on August 26, 2005. The ACLU filed suit in federal district court, charging the law violated the state and federal constitutions, the 1965 Voting Rights Act, and the 1964 Civil Rights Act. The district court issued a preliminary injunction holding plaintiffs had a substantial likelihood of succeeding on several grounds, including claims that the photo ID law was a poll tax and violated the equal protection clause of the Constitution. The state appealed to the Eleventh Circuit, which refused to stay the injunction. In an attempt to address the poll tax burden cited by the district court in its injunction, the Georgia legislature passed a new photo ID bill providing for free photo identification cards.

(6) *Clark* v. *Putnam County:* 168 F.3d 458 (11th Cir. 1999) (ACLU Report at 384-89).

In 1997, four white plaintiffs filed a lawsuit challenging the constitutionality of the majority black county commission districts as racial gerrymanders in violation of the Shaw/Miller line of cases. In January 2001, the district court dismissed the complaint. The Eleventh Circuit reversed, holding that the district court erred in failing to find unconstitutional intentional discrimination.

LOUISIANA

(7) *Hays* v. *Louisiana*, 515 U.S. 737 (1995) (ACLU Rep., p. 481).

White plaintiffs successfully challenged Louisiana's Fourth Congressional District as unconstitutional "race-conscious" redistricting. Id. at p. 481. The Supreme Court granted cert., but then dismissed the case for lack of standing.

NORTH CAROLINA

(8) *Shaw* v. *Hunt*, 517 U.S. 899 (1996) (ACLU Rep., p. 513).

The 12th District of North Carolina was 57% black and was persistently challenged by white voters and its boundaries were considered by the Supreme Court four separate times. The ACLU participated as an amicus in defending the constitutionality of the 12th District. In 1996, the Supreme Court struck down the plan for the 12th District on the grounds that race was the "predominant" factor in drawing the plan and the State had subordinated its traditional redistricting principles to race. Id.

SOUTH CAROLINA

(9) *Smith* v. *Beasley*, 946 F. Supp. 1174 (D.S.C. 1996) (ACLU Rep., p. 572).

White voters filed suit in 1995 challenging three state senate districts. A year later, another group of white voters filed suit challenging nine house districts. In both cases, the plaintiffs claimed that the districts were drawn with race as the predominant factor in violation of the Shaw/Miller line of decisions. The cases were consolidated for trial, and black voters, represented by the ACLU, intervened to defend the constitutionality of the challenged districts. Following a trial, a court issued an order in September 1996, finding three of the challenged senate districts and nine of the house districts unconstitutional because they "were drawn with race as the predominant factor." Id.

TEXAS

(10) *League of United Latin American Citizens* v. *Midland Indep. Sch. Dist.*, 648 F. Supp. 596 (W.D. Tex. 1986) (U Mich. L.Rep., *http://www.votingreport.org*).

Latino plaintiffs argued that the at-large election system diluted their votes. The parties agreed to a court order that eliminated the election scheme and defendants submitted a proposal in which four trustees would be elected from single-member districts and three would be elected at large. Plaintiffs objected and filed a plan in which all seven trustees would be elected from single-member districts. The court, applying Gingles and the totality-of-circumstances tests, held that defendants' plans violated section 2 and the Fourteenth and Fifteenth Amendment. The court ordered that a seven-member district plan for electing trustees be immediately implemented according to district boundaries drawn by the court.

VIRGINIA

(11) *Moon* v. *Meadows*, 952 F. Supp. 1141 (E.D. Va. 1997) (ACLU Rep., p. 691).

In 1995, several white voters challenged the Third Congressional District in federal court as an unconstitutional racial gerrymander. In 1997, the district court invalidated the Third Congressional District, finding that race had predominated in drawing the district and that the defendants could not adequately justify their use of race as a districting factor.

(12) *Pegram* v. *City of Newport News*, 4:94cv79 (E.D.Va. 1994) (ACLU Rep., p. 714).

In July 1994, the ACLU filed suit on behalf of African American voters challenging the at-large method of city elections in the City of Newport News. On October 26, 1994, a consent decree was entered in which the City admitted that its at-large system violated section 2 as well as the Fourteenth and Fifteenth Amendments. The consent decree required the City to implement a racially fair election plan.

II. NON-COVERED JURISDICTIONS DISCRIMINATING AGAINST VOTERS

CALIFORNIA

(1) *Garza* v. *County of Los Angeles*, 918 F.2d 763 (9th Cir. 1990) (U Mich. Law School's Report. *http://www.votingreport.org*).

Latino voters alleged that district lines for the Los Angeles County Board of Supervisors were gerrymandered to dilute their voting strength. Plaintiffs requested creation of a district with a Latino majority for the 1990 Board of Supervisors election. The Ninth Circuit affirmed that the County had adopted and applied a redistricting plan that resulted in dilution of Latino voting power in violation of section 2, and by establishing and maintaining the plan, the County had intentionally discriminated against Latinos in violation of the Fourteenth Amendment's Equal Protection Clause.

FLORIDA

(2) *McMillan* v. *Escambia County*, 748 F.2d 1037 (11th Cir. 1984) (U Mich. L.Rep., *http://www.votingreport.org*).

Black plaintiffs claimed that the at-large election of county commissioners in Escambia County diluted their voting power in violation of section 2 and the Fourteenth and Fifteenth Amendments. The district court found that the State had not implemented the plan with a racially discriminatory purpose, but it had maintained it with such a purpose.

HAWAII

(3) *Arakaki* v. *Hawaii*, 314 F.3d 1091 (9th Cir. 2002) (U Mich. L.Rep., *http://www.votingreport.org*).

A group of Hawaiian citizens of various ethnic backgrounds sued the State of Hawaii alleging that the requirement that those appointed to the Office of Hawaiian Affairs must be of Native Hawaiian ancestry violated the Fourteenth Amendment, the Fifteenth Amendment, and section 2 of the Voting Rights Act. The Eleventh Circuit found that the restriction on candidates running for Office of Hawaiian Affairs on the basis of race violated the Fifteenth Amendment as well section 2 of the Voting Rights Act. The Ninth Circuit vacated the district court's judgment that the Fourteenth Amendment had also been violated because plaintiffs did not have standing to challenge the appointment procedures.

NEW MEXICO

(4) *United States* v. *Socorro County*, Civ. Action No. 93-1244-JP (November 8, 2005 House Judiciary Committee Hearing Record)

The United States sued pursuant to sections 2, 12(d), and 203 of the VRA, alleging violations of the VRA and the 14th and 15th Amendments arising from Socorro County's election practices and procedures as they affected Native American citizens of the county, including those Native American citizens who rely on whole or in part on the Navajo language. In its 1993 consent agreement, the defendants did "not contest that in past elections [the county] failed to make the election process in Socorro County equally available to Native American and non-Native American citizens as required by Section 2 [of the VRA] and the Fourteenth and Fifteenth Amendments, nor [did] defendants contest that in past elections the county has failed to comply fully with the minority language requirements of Section 203 [of the VRA]."

(5) *United States* v. *Bernalillo County*, Civ. Action No. 98-156 BB/LCS (November 8, 2005 House Judiciary Committee Hearing Record)

The United States sued pursuant to sections 2, 12(d), and 203 of the VRA, alleging violations of the VRA and the 14th and 15th Amendments arising from Bernalillo County's election practices and procedures as they affected Native American citizens of the county, including those Native American citizens who rely on whole or in part on the Navajo language. In its 1998 consent decree, the defendants did "not contest that in past elections the county has failed in particular areas to make the election process as accessible to Native American citizens as it was to non-Native American citizens as is required by Section 203, Section 2, and the Fourteenth and Fifteenth Amendments."

NEW YORK

(6) *Goosby* v. *Town Bd. of Town of Hempstead*, 180 F. 3d 476 (2d Cir. 1999) (U Mich. L.Rep., *http://www.votingreport.org*).

Representatives of the Town Board of Hempstead were chosen through at-large elections. African American voters alleged that they were unable to elect their preferred candidates. The district court held that the at-large elections violated section 2 and ordered the Town to submit a six single-member district remedial plan. The Board submitted two plans. The one the Board preferred was a two-district system, consisting of one single-member district and one multi-member district. The other plan consisted of six single-member districts. The district court held that the two-district plan violated the Fourteenth Amendment, but the six-district plan did not. The Board appealed. The Second Circuit affirmed the district court's holding that the Board's proposed two-district plan violated section 2 and the Fourteenth Amendment because blacks had no access to the Republican Party candidate slating process.

PENNSYLVANIA

(7) *Marks* v. *Stinson*, 1994 WL 146113 (E.D. Pa. Apr. 26, 1994) (U Mich. L.Rep., *http://www.votingreport.org*).

Republican candidate for State Senate, Bruce Marks, the Republican State Committee and other plaintiffs challenged the election of Democrat William Stinson for the Second Senatorial District. Although Marks received approximately 500 more votes from the Election Day voting machines than Stinson, Stinson received 1000 more votes than Marks in absentee voting. Marks and the other plaintiffs contended that Stinson and his campaign workers encouraged voters to undermine proper absentee voting procedures and requirements, such as falsely claiming that they would be out of the county or would be physically unable to go to the polls on Election Day. Plaintiffs also contended that Stinson and the other Defendants had focused their efforts to encourage illegal absentee voting on minorities.

The court held: (1) defendants violated plaintiffs' First Amendment rights of association because plaintiffs were denied the freedom to form groups for the advancement of political ideas and to campaign and vote for their chosen candidates; (2) defendants' actions denied plaintiffs' right to Equal Protection by discriminating against the Republican candidate and by treating persons differently because of their race; (3) defendants violated plaintiffs' Substantive Due Process right to vote in state elections by abusing the democratic process; and (4) defendants improperly applied a "standard, practice, or procedure" in a discriminatory fashion in violation of the VRA, targeting voters based on race and denying minority voters the right to vote freely without illegal interference. Finally, the court ordered the certification of Bruce Marks as the winner of the Second Senatorial District seat for the 1993 Special Election because Marks would have won the election but for the illegal actions of the defendants.

TENNESSEE

(8) *Brown* v. *Chattanooga board of Comm'rs*, 722 F. Supp. 380 (E.D. Tenn. 1989) (U Mich. L.Rep., http://www.votingreport.org).

Black citizens of Chattanooga sued the Board of Commissioners for its use of at-large elections. The court held: (1) applying the Gingles test, the method of electing Board of Commissioners violated section 2 because the electoral practice resulted in an abridgment of black voter's rights; and (2) the Property Qualified Voting provision of the Chattanooga charter violated the Fourteenth Amendment under rational basis review because permitting a nonresident who owns a trivial amount of property to vote in municipal elections does not further any rational governmental interest.

III. CONSTITUTIONAL VIOLATIONS NOT INVOLVING RACE

(1) *Vander Linden* v. *Hodges*, 193 F.3d 268 (4th Cir. 1999) (ACLU Rep., p. 562).

Residents of Dorchester, Berkeley, and Charleston Counties, in South Carolina, filed suit in 1991 alleging that the counties' legislative delegation structure violated the Fourteenth Amendment's one-person, one-vote requirement and was adopted with an unconstitutional purpose to discriminate against African American voters. The district court rejected both claims. The Fourth Circuit held that the structure violated the one-person, one-vote rule (making no findings of discriminatory intent) and did not address the second claim.

(2) *NAACP* v. *Board of Trustees of Abbeville County School District No. 60*, Civ. No. 8-93-1047-03 (D.S.C. 1993) (ACLU Rep., p. 583).

The Board of Trustees of Abbeville County School District 60 traditionally consisted of nine members, five of whom were elected from single member districts and two each from two multi-member districts. African Americans were 32% of the population of the school district, but all the districts were majority white and only one member of the board was African American. In 1993, black residents of the school district and the local NAACP chapter filed suit challenging the method of electing the board of trustees as violating the Constitution's one person, one vote requirement and violating section 2 by diluting minority voting strength. The court decided that the existing plan for the board "is an unconstitutionally malapportioned plan, and is in violation of sections 2 and 5 of the Voting Rights Act." *Id.* at 584.

(3) *Duffey* v. *Butts County Board of Commissioners:* Civ. No. 92-233-3-MAC (M.D. Ga.) (ACLU Report at 237–38).

Suit challenging districting plans for Board of Education and Board of Commissioners that were determined to be malapportioned after the 1990 census. Plaintiffs sought, and obtained, a preliminary injunction finding that the election districts were "constitutionally malapportioned." Parties entered consent decree that retained five single member districts for both boards and established two majority black districts. Plan was precleared by DOJ.

(4) *Calhoun County Branch of the NAACP* v. *Calhoun County:* Civ. No. 92-96-ALB/AMER(DF) (M.D. Ga.) (ACLU Report at 238–40).

1979 suit to enjoin the use of at-large elections for failure to comply with Section 5. The county had changed to at-large voting in 1967 following increased black registration. A three-judge panel enjoined the at-large scheme, finding it had never been submitted for preclearance. A consent order then created five single-member districts, two of which were majority black, and two at-large seats. After the 1990 census, black voters again sued, alleging the districts were malapportioned. According to the ACLU report, "the district court entered an order enjoining the upcoming primary election for the board of education under the malapportioned plan. The parties then agreed upon a new plan that complied with the equal population standard and maintained two of the districts as majority black."

(5) *Frank Davenport* v. *Clay County Board of Commissioners, NO. 92-98-COL (JRE) (M.D. Ga.):* Civ. No. 92–98–COL (JRE) (M.D. Ga.) (ACLU Report at 256–59).

The county had failed to preclear its change to an at-large system of voting for county commissioners in 1967. In 1980, members of the local NAACP challenged the at-large system and the failure to comply with Section 5. The court found a section 5 violation, which resulted in a return to single-member districts. After the 1990 census showed the commission districts to be malapportioned (and following an attempt to create equal districts which was not precleared before a 1992 legislative poison pill provision rendered it void), the ACLU sued seeking a remedial plan for the upcoming elections. The parties entered a consent decree in which the county admitted the districts were malapportioned in violation of the Fourteenth Amendment's one person one vote requirement and agreed to the redistricting plan which had been created before the 1992 poison pill invalidated it. The plan was precleared by DOJ.

(6) *Jones* v. *Cook County:* Civ. No. 7:94–cv–73 (WLS) (ACLU Report at 271–72).

The ACLU filed suit on behalf of black voters in 1994, alleging that the county board of commissioners and board of education districts were constitutionally malapportioned after the 1990 census. According to the ACLU's report, "In a hearing on December 19, 1995, county officials agreed that 'the relevant voting districts in Cook County are malapportioned in violation of the equal protection clause of the fourteenth amendment to the United States Constitution.' A consent decree allowed sitting commission members to retain their seats but implemented a new plan, correcting the malapportionment for the 1996 elections."

(7) *Thomas* v. *Crawford County:* 5:02 CV 222 (M.D. Ga.) (ACLU Report at 272–74).

2002 suit alleged single-member districts were malapportioned in violation of the constitution's one-person-one-vote principle. The plaintiffs won summary judgment and a preliminary injunction to prevent elections from taking place under the plan. The court adopted a plan that maintained two majority-black districts.

(8) *Wright* v. *City of Albany:* 306 F. Supp. 2d 1228 (M.D. Ga. 2003) (ACLU Rep. 289–93).

Black residents of the city, represented by the ACLU, sued in 2003 to enjoin use of an allegedly constitutionally malapportioned districting plan and requested that the court supervise the development and implementation of a remedial plan that complied with the principle of one person, one vote, and the VRA. According to the ACLU report, "In a series of subsequent orders, the court granted the plaintiffs' motion for summary judgment, enjoined the pending elections, adopted a remedial plan prepared by the state reapportionment office, and directed that a special election for the mayor and city commission [be] held in February 2004."

(9) *Woody* v. *Evans County Board of Commissioners:* Civ. No. 692-073 (S.D. Ga. 1992) (ACLU Report at 297–300).

In 1992, the ACLU filed suit on behalf of black voters challenging an allegedly malapportioned districting plan for the county commission and board of education under the Constitution and Section 2 of the VRA. According to the ACLU report, "on June 29 the district court enjoined 'holding further elections under the existing malapportioned plan for both bodies.' "

(10) *Bryant* v. *Liberty County Board of Education:* Civ. No. 492–145 (S.D. Ga.) (ACLU Report at 340–42).

"Because Liberty County was left with a malapportioned districting plan based on the 1980 census, the ACLU filed suit in 1992, on behalf of black voters seeking constitutionally apportioned election districts for the county. The court granted plaintiffs' motion for preliminary injunctive relief on July 7, 1992, and the following year the parties agreed to a redistricting plan in which two of the six single member districts contained majority black voting age populations. The plan was precleared by the Justice Department on April 27, 1993."

(11) *Hall* v. *Macon County:* Civ. No. 94-185 (M.D. Ga.) (ACLU Report at 348–49).

According to the ACLU Report, "The [Georgia] general assembly failed to redistrict the two boards during its 1992, 1993, and 1994 sessions, and in 1994, the ACLU filed suit on behalf of Macon County residents against county officials seeking a constitutional plan for the 1994 elections. On July 12, 1994, the court enjoined the upcoming election and ordered the parties to present remedial plans by July 15, 1994. In March 1995, the court ordered a five district plan that remedied the one person, one vote violations and ordered special elections be held."

(12) *Morman* v. *City of Baconton:* Civ. No. 1:03-CV-161-4 (WLS) (M.D. Ga.) (ACLU Report at 364–65).

Suit to block the use of a constitutionally malapportioned districting plan following the 2000 census. According to the ACLU Report, "Black residents of Baconton, with the assistance of the ACLU, then filed suit in federal court to enjoin use of the 1993 plan on the grounds that it would violate Section 5 and the Fourteenth Amendment. The day before the election the court held a hearing, and, hours before the polls opened, granted an injunction prohibiting the city from implementing the unprecleared and unconstitutional plan."

(13) *Ellis-Cooksey* v. *Newton County Board of Commissioners:* Civ. No. 1:92–CV–1283–MHS (N.D. Ga.) (ACLU Report at 370–73).

According to the ACLU report, the 1990 census showed that the five single member districts for the county board of commissioners and board of education were constitutionally malapportioned. "After the legislature failed to enact a remedial plan, the ACLU filed suit on behalf of black voters in Newton County in June 1992, seeking constitutionally apportioned districts for the commission and school board. The suit also sought to enjoin upcoming primary elections, scheduled for July 21, 1992, as well as the November 3 general election. The parties settled the case the following month and the court issued an order that '[t]he 1984 district plan does not constitutionally reflect the current population.' "

(14) *Lucas* v. *Pulaski County Board of Education:* Civ. No. 92-364-3 (MAC) (M.D. Ga.) (ACLU Report at 380–84).

Black residents of the county, represented by the ACLU, filed suit in 1992 to enjoin upcoming elections under an allegedly constitutionally malapportioned plan. According to the ACLU report, "On October 14, 1992, the district court entered a consent order involving the board of Education, affirming that 'Defendants do not contest plaintiffs' allegations that the districts as presently constituted are malapportioned and in violation of the Fourteenth Amendment of the Constitution.' "

(15) *Cook* v. *Randolph County:* Civ. No. 93–113-COL (M.D. Ga.) (ACLU Report at 389-93).

According to the ACLU Report, "On October 5, 1993, black voters, represented by the ACLU, filed suit. They asked the court to enjoin elections for the school board and board of commissioners on the grounds that the districting plan for both bodies was either malapportioned in violation of the Constitution and Section 2, or had not been precleared pursuant to Section 5. Later that month, on October 29, the parties signed a consent order stipulating that the existing county districts were malapportioned, and agreeing on a redistricting plan containing five single member districts with a total deviation of 9.35%. Three of the five districts were majority black."

(16) *Houston* v. *Board of Commissioners of Sumter County:* Civ. No. 94–77–AMER (M.D. Ga.) (ACLU Report at 420-22).

The ACLU brought suit in 1984 on behalf of black county residents charging that the five member board of county commissioners was malapportioned in violation of the Constitution and Section 2 of the VRA. The suit also charged defendants with failing to secure preclearance of a valid reapportionment plan under Section 5. According to the ACLU Report, "After plaintiffs moved for a preliminary injunction to block the 1984 board of commissioners election, a consent order was issued acknowledging that the districts were malapportioned, and instructing both parties to submit reapportionment plans to the court. . . . On February 27, 1985, after trial on the merits, the court ruled the challenged plan unconstitutional and directed the defendants to adopt a new plan and seek preclearance under Section 5 within 30 days."

(17) *Cooper* v. *Sumter County Board of Commissioners:* Civ. No. 1:92–cv–00105–DF (M.D. Ga.) (ACLU Report at 422-23).

After the release of the 1990 census, the ACLU brought suit on behalf of black plaintiffs, alleging that the county's commission districts were malapportioned in violation of the constitutional principle of one person, one vote. On July 27, 1992, the district court entered a consent order finding "malapportionment in excess of the legally acceptable standard."

(18) *Williams* v. *Tattnal County Board of Commissioners:* Civ. No. CV692–084 (S.D. Ga.) (ACLU Report at 426-27).

After the 1990 census, the ACLU, on behalf of black residents, sued to enjoin further use of an allegedly constitutionally malapportioned districting plan. According to the ACLU Report, "On July 7, 1992, the district court, finding that the existing plan was malapportioned, enjoined the July 1992, primary elections for the board of commissioners and board of education until such time as an election could be held under a court ordered or a precleared plan."

(19) *Spaulding* v. *Telfair County:* Civ. No. 386-061 (M.D. Ga.) (ACLU Report at 431-33).

In September 1986, the ACLU filed suit on behalf of five black voters alleging that the county board of education was malapportioned. According to the ACLU Report, "On October 31, 1986, less than a week before the November general election, the court entered a consent order staying the elections, ordering a new apportionment plan, and providing for a special election. The court found that 'Plaintiffs have established a prima facie case that the current apportionment of the Board of Education is in violation of the Fourteenth Amendment,' and required the defendants to develop and implement a new apportionment for the school board within 60 days."

(20) *Crisp* v. *Telfair County:* CV 302–040 (S.D. Ga.) (ACLU Report at 439-41).

The ACLU sued in August 2002, alleging that the county commission lines were malapportioned in violation of the Constitution and Section 2 of the VRA. According to the ACLU Report, "After plaintiffs filed suit, the county stipulated that its commission districts were malapportioned, and that 'It is possible . . . to draw a five single member district plan with at least one majority black district in Telfair County.' The plaintiffs then filed for summary judgment and asked the court to hold the existing plan unconstitutional and order a new plan into effect. . . . Ruling that the existing plan was malapportioned and 'violates the one person, one vote standard of the equal protection clause of the Fourteenth Amendment,' the court noted that the plan had been submitted for Section 5 preclearance and ruled the motion for summary judgment was 'largely moot.' "

(21) *Holloway* v. *Terrell County Board of Commissioners:* CA-92-89-ALB/AMER(DF) (M.D. Ga.) (ACLU Report at 441–44).

In June 1992, the ACLU filed suit on behalf of black voters challenging the malapportionment of the county board of commissioners under the Constitution and Section 2 of the VRA. According to the ACLU Report, "After the reapportionment suit was brought in 1992, defendants admitted the plan was malapportioned. . . . The parties negotiated a new redistricting plan, corrected the malapportionment, and created two effective majority black districts. Despite this agreement, the county proposed, and had the 1993 Georgia General Assembly adopt, a redistricting plan which plaintiffs did not support. . . . In February 1994, the Department of Justice precleared the county's redistricting plan over the objections of the black community. . . ."

(22) *Flanders* v. *City of Soperton:* Civ. No. 394–067 (S.D. Ga.) (ACLU Report at 447–49).

According to the ACLU Report, "in November 1994, the ACLU again brought suit on behalf of black voters in Soperton, challenging the five member city council as malapportioned in violation of one person, one vote. . . . A consent order was filed August 7, 1995, in which both parties agreed the city election districts were malapportioned, and adopted a districting plan with a total deviation of 6.8% that contained two majority black districts of 75.34% and 72.92% black voting age population, respectively."

CASES FINDING SECTION 2 LIABILITY

Section 2 Cases From 1982 to the Present Published By Westlaw or Lexis or Included in House or Senate Record

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 or Parties Settled (% of total nationwide suits)	Court Held State Violated Section 2 or Settlement Recognized Section 2 Violation (% of cases that reached merits that held against state)	Cases
Nationwide	330	235	79 out of 235 (33.6%)	See State-by-State Analysis
Jurisdictions Covered by § 5	159 (48.2%)	106 (45.1%)	39 out of 106 (37.7%)	See State-by-State Analysis
Non-Covered Jurisdictions	171 (51.5%)	129 (54.5%)	40 out of 129 (31.0%)	See State-by-State Analysis

SECTION 2 COURT VERDICTS
Section 2 Cases From 1982 to the Present Published By Westlaw or Lexis or Included in House or Senate Record

Geography	**Total Suits (% of total nationwide suits)**	**Courts Reached Merits on Section 2 (% of total nationwide suits)**	**Holding State Violated Section 2 (% of cases that reached merits that held against state)**	**Cases**
Nationwide	330	210	72 out of 210 (34.3%)	See State-by-State Analysis
Jurisdictions Covered by § 5	159	97	36 out of 97 (37.1%)	See State-by-State Analysis
Non-Covered Jurisdictions	171	113	36 out of 113 (31.9%)	See State-by-State Analysis
Jurisdictions Covered by § 5				
Alabama	25	16	7 (43.8%)	1) Buskey v. Oliver, 565 F. Supp. 1473 (M.D. Ala. 1983) 2) Brown v. Board of School Comm'rs., 706 F.2d 1103 (11th Cir. 1983) 3) Clark v. Marengo County, 623 F. Supp. 33 (S.D. Ala. 1985) 4) U.S. v. Dallas County Com'n, 636 F.Supp. 704 (S.D. Ala. 1986) 5) Dillard v. Baldwin County Bd. of Education, 686 F. Supp. 1459 (M.D. Ala. 1988) 6) Harris v. Siegelman, 695 F. Supp. 517 (M.D. Ala. 1988) 7) Dillard v. Town of North Johns, 717 F. Supp. 1471 (M.D. Ala. 1989)
Alaska	0	0	0 (0%)	n/a
Arizona	3	1	0 (0%)	n/a
Georgia	13	9	1 (11.1%)	1) Cofield v. City of LaGrange, 969 F. Supp. 749 (N.D. Ga. 1997)
Louisiana	17	9	5 (55.6%)	1) Major v. Treen, 574 F. Supp. 325 (E.D. La. 1983) 2) Citizens for a Better Gretna v. Gretna, 834 F.2d 496 (5th Cir. 1987) 3) Clark v. Roemer, 777 F.Supp. 445 (E.D. La. 1990) 4) East Jefferson Coalition For Leadership & Dev. v. Parish of Jefferson,

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
				926 F.2d 487 (5th Cir. 1991) 5) Westwego Citizens for Better Government v. Westwego, 946 F.2d 1109 (5th Cir. 1991)
Mississippi	29	20	12 (60.0%)	1) Jordan v. City of Greenwood, 599 F.Supp. 397 (N.D. Miss. 1984) 2) Jordan v. Winter, 604 F.Supp. 807 (N.D. Miss. 1984) 3) Goodloe v. Madison County Bd. of Election Com'rs, 610 F.Supp. 240 (S.D. Miss. 1985) 4) Martin v. Allain, 658 F.Supp. 1183 (S.D. Miss. 1987) 5) Gunn v. Chickasaw County, 705 F.Supp. 315 (N.D. Miss. 1989) 6) Ewing v. Monroe County, 740 F.Supp. 417 (N.D. Miss. 1990) 7) Mississippi State Chapter, 932 F.2d 400 (5th Cir. 1991) 8) Bryant v. Lawrence County, 814 F.Supp. 1346 (S.D. Miss. 1993) 9) Teague v. Attala County, 92 F.3d 283 (5th Cir. 1996) 10) Clark v. Calhoun County, 88 F.3d 1393 (5th Cir. 1996) 11) Gunn v. Chickasaw County, 1997 U.S. Dist. LEXIS 22087; 1997 WL 33426761 (N.D. Miss. 1997) 12) Houston v. Lafayette County, 20 F.Supp.2d 996 (N.D. Miss. 1998)
South Carolina	7	4	2 (50.0%)	1) Jackson v. Edgefield County, 650 F. Supp. 1176 (D.S.C. 1986) 2) United States v. Charleston County, 365 F.3d 341 (4th Cir. 2004)
Texas	34	26	6 (23.1%)	1) Sierra v. El Paso Ind. Sch. Dist., 591 F. Supp. 802 (W.D. Tex. 1984) 2) Jones v. Lubbock, 727 F.2d 364 (5th Cir. 1984) 3) League of United Latin American Citizens, 648 F. Supp 596 (W.D. Tex. 1986) 4) Campos v. Baytown, 840 F.2d 1240 (5th Cir. 1988) 5) Williams v. City of Dallas, 734 F. Supp. 1317 (W.D. Tex. 1990) 6) League of United Latin Am. Citizens v. North E. Indep. Sch. Dist., 903 F. Supp. 1071 (W.D. Tex. 1995)
Virginia	11	6	3 (50.0%)	1) McDaniels v. Mehfoud, 702 F. Supp. 588 (E.D. Va. 1988) 2) Neal v. Coleburn, 689 F. Supp. 1426 (E.D. Va. 1988) 3) Collins v. City of Norfolk, 883 F.2d 1232 (4th Cir. 1989)
			Non-Covered Jurisdictions	
Arkansas	10	8	4 (50.0%)	1) Smith v. Clinton, 687 F. Supp. 1310 (E.D. Ark. 1988) 2) Jeffers v. Clinton, 730 F. Supp. 196 (E.D. Ark. 1989) 3) Williams v. City of Texarkana, 861 F. Supp. 756 (W.D. Ark. 1992)

Geography	**Total Suits (% of total nationwide suits)**	**Courts Reached Merits on Section 2 (% of total nationwide suits)**	**Holding State Violated Section 2 (% of cases that reached merits that held against state)**	**Cases**
				4) Harvell v. Blytheville Sch. Dist. #5, 71 F.3d 1382 (8th Cir. 1995)
California	16 (All Non-Covered)	9 (All Non-Covered)	2 (All Non-Covered) (22.2%)	1) Gomez v. Watsonville, 863 F.2d 1407 (9th Cir. 1988) 2) Garza v. County of Los Angeles, 918 F.2d 763 (9th Cir. 1990)
Colorado	5	4	2 (50.0%)	1) Sanchez v. Colorado, 97 F.3d 1303 (10th Cir. 1996) 2) Cuthair v. Montezuma-Cortez, Colo. Sch. Dist. No, RE-1 7 F. Supp. 2d 1152 (D. Colo. 1998)
Connecticut	2	0	0 (0%)	n/a
DC	2	2	0 (0%)	n/a
Delaware	3	1	0 (0%)	n/a
Florida	21 (18 Non-Covered, 3 Covered)	16 (15 Non-Covered, 1 Covered)	3 (All Non-Covered) (18.8%)	1) McMillan v. Escambia County, 748 F.2d 1037 (11th Cir. 1984) 2) Bradford County NAACP v. City of Starke, 712 F. Supp. 1523 (M.D Fla. 1989) 3) Meek v. Metro. Dade County, 985 F.2d 1471 (11th Cir. 1993)
Hawaii	1	1	1 (100%)	1) Arakaki v. Hawaii, 314 F.3d 1091 (9th Cir. 2002)
Illinois	18	10	5 (50.0%)	1) Rybicki v. State Bd. Of Elections of State of Ill., 574 F.Supp. 1147 (N.D. Ill. 1983) 2) Ketchum v. Byrne, 740 F.2d 1398 (7th Cir. 1984) 3) McNeil v. City of Springfield, 658 F.Supp. 1015 (C.D. Ill. 1987) 4) Harper v. City of Chicago Heights, 1997 WL 102543 (N.D. Ill. 1997) 5) Barnett v. City of Chicago, 17 F.Supp.2d 753 (N.D. Ill. 1998)
Indiana	6	3	0 (0%)	n/a
Kentucky	1	0	0 (0%)	n/a
Massachusetts	4	4	1 (25.0%)	1) Black Political Task Force v. Galvin, 300 F. Supp. 2d 291 (D. Mass. 2004)
Maryland	3	2	2 (66.7%)	1) Marylanders for Fair Representation, Inc. v. Schaefer, 849 F. Supp. 1022 (D. Md. 1994) 2) Cane v. Worcester County, 35 F.3d 921 (4th Cir. 1994)
Michigan	5 (All Non-Covered)	4 (All Non-Covered)	0 (0%)	n/a
Minnesota	2	2	0	n/a

Geography	**Total Suits (% of total nationwide suits)**	**Courts Reached Merits on Section 2 (% of total nationwide suits)**	**Holding State Violated Section 2 (% of cases that reached merits that held against state)**	**Cases**
			(0%)	
Missouri	9	5	1 (20.0%)	1) Corbett v. Sullivan, 202 F. Supp. 2d 972 (E.D. Mo. 2002)
Montana	3	3	2 (66.7%)	1) Windy Boy v. County of Big Horn, 647 F. Supp. 1002 (D. Mont. 1986) 2) U.S. v. Blaine County, 363 F.3d 897 (9th Cir. 2004)
Nebraska	1	1	1 (100%)	1) Stabler v. County of Thurston, 129 F.3d 1015 (8th Cir. 1997)
New Jersey	3	1	0 (0%)	n/a
New Hampshire	0	0	0 (0%)	n/a
New Mexico	4	0	0 (%)	n/a
New York	26 (18 Non-Covered, 8 Covered)	15 (11 Non-Covered, 4 Covered)	1 (Non-Covered) (6.7%)	1) Goosby v. Town Bd. of Town of Hempstead, 180 F.3d 476 (2d Cir. 1999)
North Carolina	15 (7 Non-Covered, 8 Covered)	5 (All Non-Covered)	2 (All Non-Covered) (40.0%)	1) Thornburg v. Gingles, 478 U.S. 30 (U.S. 1986) 2) Ward v. Columbus County, 782 F.Supp. 1097 (E.D.N.C. 1991)
Ohio	9	6	1 (16.7%)	1) Armour v. Ohio, 775 F.Supp. 1044 (N.D. Ohio 1991) Liability
Pennsylvania	5	4	2 (50.0%)	1) U.S. v. Berks County, 277 F. Supp. 2d 570 (E.D. Pa. 2003) 2) Marks v. Stinson, 1994 WL 146113 (E.D. Pa. Apr. 26, 1994)
Road Island	2	0	0 (0%)	n/a
South Dakota	3 (2 Non-Covered, 1 Covered)	3 (2 Non-Covered, 1 Covered)	2 (Non-Covered) (66.7%)	1) Bone Shirt v. Hazeltine, 336 F.Supp.2d 976 (D.S.D. 2004) 2) Cottier v. City of Martin, 445 F.3d 1113 (8th Cir. 2006)
Tennessee	7	6	3 (50.0%)	1) Buchanan v. City of Jackson, 683 F.Supp. 1515 (W.D. Tenn. 1988) 2) Brown v. Chattanooga Board of Comm'rs, 722 F. Supp. 380 (E.D. Tenn. 1989) 3) Rural W. Tenn. African-American Affairs Council v. Sundquist, 209 F.3d 835 (6th Cir. 2000)
Washington	1	1	0 (0%)	n/a

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
Wisconsin	4	3	1 (33.3%)	1) Prosser v. Elections Bd., 793 F. Supp. 859 (W.D. Wis. 1992)

SECTION 2 SETTLEMENT CHART
Section 2 Cases From 1982 to the Present Published By Westlaw or Lexis or Included in House or Senate Record

Geography	**Total Suits (% of total nationwide suits)**	**Parties Settled**	**Settlement Recognized Section 2 Violation (% of cases that Settled in which a Section 2 violation was recognized)**	**Cases**	**Settlement Recognized a Constitutional Violation**
Nationwide	330	25	7 out of 25 (28.0%)	See below	See below
Jurisdictions Covered by § 5	159	9	3 out of 9 (33.3%)	1. **Alabama:** Dillard v. Chilton Cty. Comm'n, 868 F.2d 1274 (11th Cir. 1989) 2. **Alabama:** White v. Alabama, 74 F.3d 1058 (11th Cir. 1996) 3. **North Carolina:** Moore v. Beaufort County, 936 F.2d 159 (4th Cir. 2004) (*Beaufort County – Covered Jurisdiction*)	1. No 2. No 3. No
Non-Covered Jurisdictions	171	16	4 out of 16 (25.0%)	1. **North Carolina:** N.A.A.C.P. v. City of Statesville, 606 F.Supp. 569 (W.D.N.C. 1985) (*Iredell County – Non-Covered Jurisdiction*) 2. **Ohio:** Mallory v. Eyrich, 922 F.2d 1273 (6th Cir. 1991) 3. **New Mexico:** U.S. v. Bernalillo County, CV-98-156 BB/LCS (District of N.M. 1998) 4. **New Mexico:** U.S. v. Socorro County, (VA No. 93-1244-2P (District of N.M. 2004)	1. No 2. No 3. Yes 4. Yes

The information from this chart is derived from 1) the University of Michigan Law School's Report on the Voting Rights Initiative, available at http://www.votingreport.com., 2) the Hearing on "The Voting Rights Act –Section 203 Bilingual Election requirements", and 3) the State Reports prepared by a collection of civil rights groups, available at http://www.renewthevra.org.

1) The University of Michigan Law School's Voting Rights Project reviewed every case on Westlaw or Lexis that addressed a Section 2 Claim since June 29, 1982, when Section 2 of the Voting Rights Act was amended. Researchers then located all related decisions and organized them by lawsuit. Within each lawsuit there were often multiple appeals and remands, and researcher determined which opinion provided the final word in a given series of litigation. Most often, the final word case in each lawsuit is the last case that assessed liability on the merits and determined whether Section 2 was violated.

If there was not a liability decision on Section 2, researchers coded the final word as the last published case in the lawsuit that made a determination for or against the plaintiff, including whether to approve a settlement, order a remedy, issue a preliminary injuction, or grant fees.

Cottier v. City of Martin, 445 F.3d 1113 (8th Cir. 2006), a case decided after the completion of the University of Michigan Law School's Report on the Voting Rights Initiative, was entered into the Senate Judiciary Committee record on May 9, 2006, and is included in this chart.

2) On November 8 2005, the House Judiciary Committee held a hearing on "The Voting Rights Act –Section 203 Bilingual Election requirements." Witness Bradley J. Scholzman attached as an appendix to his testimony copies of complaints, consent decrees and orders in enforcement actions filed by the United States under the language minority provisions of the voting rights act (section 4(e), 4(f)(4) and 203). See appendix at pgs 69-1381.

3) The Civilrights.org Network, a project of the Leadership Conference on Civil Rights and the Leadership Conference on Civil Rights Education Fund, produced a number of State Reports offering evidence in favor of an extension of the Voting Rights Act. The State Reports analyzed for this chart are Alaska, Arizona, California, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, South Dakota, Texas, and Virginia. When these reports listed a successful Section 2 case, that case was compared with the list of cases provided in the University of Michigan Law School's Voting Rights Project.

MINORITY ELECTED OFFICIALS

State	Citizen minority voting age population percentage (2000 Census)	Minority percentage in State Senate (2005)	Minority percentage in State House (2005)	Number minority officials (2001)	Minority percentage in U.S. House delegation
Alabama	Black: 24.5	22.86	25.71	756	n/a
Alaska	Black: 3.0	Black: 5.0	Black: 2.5	n/a	n/a
		Native: 25.0	Native: 20.0		
California	Hispanic of any race: 21.4	22.5	22.5	757 (as of 2000)	n/a
Florida	Black: 13.0	Black: 7.5	Black: 13.3	Black: 243	n/a
	Hispanic of any race: 12.6	Latino: 15.0	Latino: 9.2	Latino: 89	
Georgia	Black: 27.2	19.6	21.7	611	30.7
Louisiana	Black: 30.0	23.1	21.9	705	14.3
Mississippi	Black: 34.1	21.2	29.5	897	25
North Carolina	Black: 20.5	14.0	15.8	491	7.7
South Carolina	Black: 27.8	17.4	20.1	534	16.7
Texas	Black: 11.6	Black: 6.5	Black: 9.3		Black: 9.4
	Hispanic of any race: 26.5	Latino: 19.4	Latino: 18.0	Latino: 2,000 (as of 2003)	Latino: 15.6
Virginia	Black: 18.4	12.5	11.0	246	9.1

ASource for Citizen Minority Voting Age Population: U.S. Census Bureau Report on 2004 Election.
ASource for all other information: The Bullock-Gaddie Voting Rights Studies: An Analysis of Section 5 of the Voting Rights Act.

MINORITY REGISTRATION AND TURNOUT

State	2004 Registration		2004 Turnout	
	Minority percentage	White percentage	Minority percentage	White percentage
Alabama	Black: 72.9	73.8	Black: 63.9	62.2
Alaska	n/a	n/a	Native: 44.8	Non-Native: 68.4
California	Black: 67.9	56.4	Black: 61.3	51.3
	Latino: 30.2		Latino: 25.6	
Florida	Black: 52.6	64.7	Black: 44.5	58.4
	Latino: 38.2		Latino: 34.0	
Georgia	Black: 64.2	63.5	Black: 54.4	53.6
Louisiana	Black: 71.1	75.1	Black: 62.1	64.0
Mississippi	Black: 76.1	72.3	Black: 66.8	58.9
North Carolina	Black: 70.4	69.4	Black: 63.1	58.1
South Carolina	Black: 71.1	74.4	Black: 59.5	63.4
Texas	Black: 68.4	61.5	Black: 55.8	50.6
	Latino: 41.5		Latino: 29.3	
Virginia	Black: 57.4	68.2	Black: 49.6	63.0
Nationwide	Black: 64.3	67.9	Black: 56.1	60.3
	Latino: 34.3		Latino: 28.0	

Source for Citizen Minority Voting Age Population: U.S. Census Bureau Report on 2004 Election.
Source for all other information: The Bullock-Gaddie Voting Rights Studies: An Analysis of Section 5 of the Voting Rights Act.

Mr. SPECTER. Mr. President, it is with special thanks that I acknowledge Senator LEAHY's leadership and cooperation, that I now yield to him.

The PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President pro tempore, my dear friend, the senior Senator from Alaska. I see the majority leader on the floor. Is he seeking recognition?

Mr. FRIST. I will be making some comments, as I mentioned earlier, after the distinguished ranking member.

Mr. LEAHY. Mr. President, before I begin, I assume we will go back and forth, from side to side of the aisle on this. But as Democrats are recognized, I ask it be in this order: Senator KENNEDY for 20 minutes, Senator DURBIN for 15, Senator FEINSTEIN for up to 20 minutes, Senator SALAZAR for up to 15 minutes, as Democrats, are recognized. I ask unanimous consent to that.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I appreciate what the senior Senator from Pennsylvania said. Senator SPECTER and I have been friends for many years. I think we have accomplished a great deal in the Judiciary Committee. I agree with him this is the most important thing we will do. But I might also note, on a personal note about the Senator from Pennsylvania, much of what was accomplished during that time he was fighting a very serious illness. I compliment the Senator from Pennsylvania for his perseverance during that time.

The Voting Rights Act is the cornerstone of our civil rights laws. We honor those who fought through the years for equality by extending the Voting Rights Act to ensure their struggles are not forsaken and not forgotten, and that the progress we have made not be sacrificed. We honor their legacy by reaffirming our commitment to protect the right to vote for all Americans.

The distinguished senior Senator from Massachusetts, who is on the floor, was in the forefront of this battle the first time around. He and his family, his late brothers, the President and brother Senator Robert Kennedy—President Kennedy, Senator Robert Kennedy, and now Senator EDWARD KENNEDY, have been in the forefront of the civil rights battle. This has been a personal thing for them. It has been a commitment that has spoken to the conscience of our Nation, and I applaud my friend from Massachusetts for what he and has family have done.

Reauthorizing and restoring the Voting Rights Act is the right thing to do, not only for those who came before—the brave and visionary people who fought for equality, some at great personal sacrifice, some even giving their lives—but also for those who come after us, our children and our grandchildren. All of our children, all of our grandchildren, should know that their right to vote will not be abridged, suppressed or denied in the United States of America, no matter their color, no matter their race, no matter what part of the country from which they come.

I do thank the chairman for following the suggestion to convene the Judiciary Committee yesterday in special session to consider what really is bipartisan, bicameral legislation to reauthorize the Voting Rights Act. In fact, our Senate bill, S. 2703, is cosponsored by the distinguished Republican leader and the distinguished Democratic leader, by a bipartisan majority of the Judiciary Committee and by a bipartisan majority of the Senate. In fact, at the end of our committee meeting yesterday, we had a rollcall vote. We voted unanimously to report our bill favorably to the Senate.

I mention that because so many of the things that have to go through the Judiciary Committee tend to be of a divisive nature. This was a unanimous vote. I have commended all those in the Judiciary Committee who worked so hard over the last several months to build a fair and extensive record and bring us to this point today. As I said earlier, I commend Senator KENNEDY for his work. I agree with Senator SPECTER, when he gets passionate about a subject he doesn't need a microphone.

I commend those who started with doubts—and there were serious doubts: some regional, some for legal matters. But those who had doubts have now come around to supporting our bipartisan bill.

Because the bill we take up today and the bill from the committee to report are so similar, I know the Senate debate will be informed by the extensive record we have built before the Judiciary Committee. Over the last 4 months, we held nine hearings on all aspects of this matter and on the overall bill itself. In another indication of bipartisanship, those hearings were chaired by large numbers of members of the committee and chaired by both Republican and Democratic Senators who wanted to send a signal that this is not a partisan matter.

All of those hearings were fairly conducted. Those Senate hearings supplement those held in the House on this matter. Indeed, our first hearing was held for the express purpose of hearing from the lead sponsors from the House and to receive the results of their hearings into our Senate RECORD. In fact, in anticipation of this bill coming to the floor, I have included statements in the RECORD in the course of this week to help make sure we have a complete record before the Senate before we vote. For example, on Tuesday, my statement focused on the continuing need for Section 5. On Wednesday, my statement focused on the continuing need for Section 203. They reflect my views as the lead Democratic Senate sponsor.

We have fewer than two dozen legislative days left in this session of Congress, so I appreciate the willingness of the Republican and Democratic leadership to take up this important measure without delay. I know the House of Representatives had to delay consideration of the Voting Act for a month due to the recalcitrance of some, recalcitrance that was overwhelmed in their vote. Here, I hope we do not suffer the same delay. This is a time for us to debate, consider, and vote on this important legislation. We should pass the bill in the same form as the House so it can be signed into law before the Senate recesses for the remainder of the summer.

There has been speculation about why we are here today. Some tied it to the fact that for the first time in his Presidency, President Bush is going to appear before the National Association for the Advancement of Colored People, the NAACP. I, for one, applaud him for going before the NAACP. All Presidents should, Republican or Democrat. And in fact, if that had anything to do with the success in getting this bill moved expeditiously through the Senate, I have a number of other organizations I hope will invite him to get other legislation moving.

The House-passed bill and the committee-reported bill is very similar. We introduced them in a bipartisan, bicameral, coordinated effort in May. The only change made to the House-passed bill was the inclusion of a governmental study added in the House Judiciary Committee. I urge the Senate to accept that addition.

The only change made during the Senate Judiciary Committee was to add an Hispanic civil rights leader to the roster of the civil rights leaders for whom the bill is named. We did this at the suggestion of Senator SALAZAR. It is a good suggestion. We did this unanimously. I commend the Senator for it. As Senator SALAZAR has reminded us, "Cesar Chavez is an American hero. He sacrificed his life to empower the most vulnerable in America. He believed strongly in the democracy of America and saw the right to vote as a cornerstone of our freedom." I offered the amendment in the Judiciary Committee and it was adopted without dissent.

I told Senator SALAZAR that I recall the dinner with Marcelle and myself, our son Kevin and his wife Carolyn, and our granddaughter Francesca in the small Italian restaurant, Sarduccis, in Montpelier, Vermont. A family next to us came over to introduce themselves. It was Cesar Chavez's son. He apologized for interrupting our dinner. He wanted to say hello. I told him how proud I was to be interrupted and to meet him because his father had been a hero of mine. They were in Vermont because they were going to the Barre Quarry where the memorial to his father was carved.

I have also consulted with Senator SALAZAR. Neither of us wants to complicate final passage of the Voting Rights Act so I urge the Senate to proceed to the House-passed bill and resist amendments so it can be signed into law without having to be reconsidered by the House. With respect to the short title of the bill and the roster of civil rights leaders honored, I have committed to work with Senator SALAZAR to conform the law to include due recognition of the contribution to our civil rights and voting rights by Cesar Chavez in follow up legislation.

The Voting Rights Act reauthorization is named for three very important civil rights leaders, as the Senator from Pennsylvania pointed out.

Fannie Lou Hamer was a courageous advocate for the right to vote. She risked her life to secure the right to vote for all Americans. Coretta Scott King was a tenacious fighter for equality for the civil rights movement in the 1960s, and right up to the time of her passing. Many of us in this Chamber met the late Mrs. King. Everyone in the Senate can remember when less than a year ago the body of Rosa Parks lay in state in the Capitol. She was the first African American woman in our history to be so honored. She was honored because of her dignified refusal to be treated as a second-class citizen sparked the Montgomery bus boycotts that are often cited as the symbolic beginning of the modern civil rights movement.

Everyone in this Chamber would be horrified to think that somebody would be treated differently because of the color of their skin, but in the lifetime of every Senator sitting in this Chamber today, we have seen such discrimination. Let's make sure we take this step. It will not remove all discrimination, by any means, but it is a major step to let everyone in the country know that all of us are equal as Americans with equal rights, despite the color of our skin.

Last week, after months of work, the House of Representatives, led by Congressmen JOHN CONYERS, MEL WATT, JOHN LEWIS, and Chairman SENSENBRENNER, rejected all efforts to reduce the sweep and effect of the Voting Rights Act. Congressman JOHN LEWIS—himself a courageous leader during those transformational struggles only decades ago, a man who was nearly killed trying to retain the rights of African Americans, said during the House debate:

> When historians pick up their pens and write about this period, let it be said that those of us in the Congress in 2006, we did the right thing. And our forefathers and our foremothers would be very proud of us. Let us pass a clean bill without any amendments.

That is my friend JOHN LEWIS from the House of Representatives. I want our foremothers and forefathers to be proud of us, but I want our children and our grandchildren to be proud of us, too.

The bill we are considering in the Senate today passed the other body with 390 votes in favor. In fact, the other body rejected all four amendments offered. They wanted to have a clean bill. They listened to JOHN LEWIS. They listened to the others. I congratulate the House cosponsors, both Republicans and Democrats, for their successful efforts. I hope we can repeat them in the Senate.

On May 2, when our congressional leadership joined together on the steps of the Capitol to announce a bipartisan and bicameral introduction of the Voting Rights Act, it was a historic announcement. I noted in my journal it was one of the proudest moments I had in my years in the Senate, an occasion almost unprecedented during the recent years of partisanship.

Let's not relent in our fight for the fundamental civil rights of all Americans. Working together, we should pass a clean bipartisan voting rights bill. Congress has reauthorized and revitalized the act four times, each time with overwhelming bipartisan support, pursuant to our constitutional powers. This is not a time for backsliding. This is a time to move forward together.

So let us unite to renew this cornerstone, let us rededicate ourselves to its noble purpose, and let us commemorate the many who suffered and endured to bring our cherished ideals closer to reality for millions of our fellow Americans. Let us guarantee those rights for millions of our fellow Americans to come.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Tennessee.

Mr. FRIST. Mr. President, it was about 3 weeks ago that I joined President Bush on a trip to Memphis, TN, where we were joined by a close personal friend of mine, a man who is legendary in Tennessee and, indeed, throughout the country, the Rev. Dr. Ben Hooks.

Dr. Hooks is a widely recognized, widely acknowledged champion of civil rights. He presided with great courage and bold vision over the NAACP for 15 years as its executive director. He is in town this week for the NAACP meeting which is going on as I speak.

He guided President Bush and myself, my wife Karyn, and the First Lady through the remarkable and inspiring National Civil Rights Museum which has been constructed at the Lorraine Motel in Memphis, which was the actual site of Martin Luther King, Jr.'s assassination. It was an inspiring visit, those moments as we walked through the exhibits, room to room, in that wonderful museum.

In many ways, it shook my own conscience. To hear Dr. Hooks speak, to hear him recount the events surrounding that time, was to have history come alive. It was an ugly moment in our collective history, and certainly not America's finest hour.

As we wandered through those rooms, listening to those words of Dr. Hooks, what struck my conscience most was how we as a Nation pushed through that time, how we as a Nation persevered to correct injustice just as we have at other points in American history.

It reminded me of our ability to change, that when our laws become destructive to our unalienable rights—life, liberty, the pursuit of happiness—it is the right of the people to alter or abolish it.

It reminded me of the importance, the absolute necessity, of ensuring the permanence of the changes we make, the permanence of our corrections to injustice.

About 2 years ago, in the spring of 2004, Senator MCCONNELL and I came to the Senate and offered an amendment to extend the expiring provisions of the Voting Rights Act permanently. However, at the insistence of a number of my colleagues we withdrew our amendment, while making clear that we were absolutely committed to renewing this important piece of legislation. Indeed, that day has come.

A few months ago, I stood with Speaker HASTERT, Chairman SPECTER, and Chairman SENSENBRENNER on the steps of the Capitol where we reaffirmed at that time our commitment to reauthorize the Voting Rights Act. Thus, I am pleased this Congress will act to reauthorize the Voting Rights Act and, indeed, today, right now, the United States is doing just that.

We expedited it through committee under the leadership of Chairman SPECTER so we could bring it to the Senate as quickly as possible. We will complete that action in a few hours today.

Today the Senate is standing together to protect the right to vote for all Americans. We stand together, putting aside partisan differences, to ensure discrimination at the voting booth remains a relic of the past. We are working for a day when equality is more than a principle upon which our laws are founded, a day when equality is a reality by which our society is defined. We are working for the day when our equality, our oneness, is reflected not only in our laws but in the hearts and minds of every American.

I hope and pray the day will come when racism and discrimination are only a part of our past and not our present.

The Voting Rights Act of 1965 enshrined fair voting practices for all Americans. The act reaffirmed the 15th amendment to the Constitution, which says that:

> . . . the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

The Voting Rights Act ensured that no American citizen and no election law of any State could deny access to the ballot box because of race, ethnicity, or language minority status. It took much courage and sacrifice to make that original Voting Rights Act into law, the courage and sacrifice of leaders such as Rosa Parks, Martin Luther King, Jr., Congressman JOHN LEWIS, to name a few.

They paved the way to end discrimination and open the voting booths for millions of African Americans and other minorities who were previously denied the right to vote.

In the 41 years—yes, it has been 41 years—since then, we have made tremendous progress. Thousands upon thousands of minorities have registered to vote. Minorities have been elected to hold office at the local level, at the State level, and the Federal level in increasing numbers.

In short, the Voting Rights Act has worked. It has achieved its intended purpose. We need to build upon that progress by extending expiring provisions of the Voting Rights Act today.

We owe it to the memories of those who fought before us, to those people who, right now, are reflected in those words of Dr. Hooks that we heard as we traveled through that Civil Rights Museum, and we owe it to our future—a future where equality is a reality, a reality in our hearts and in our minds, not just the law—to reauthorize the Voting Rights Act.

I hope my colleagues will join me in voting for this critical legislation. I look forward to the President signing it into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak on the Voting Rights Act, and I thank my colleague from Massachusetts who was here before me for allowing me to now speak briefly on this particular issue.

The right to vote is quite literally the bedrock of the representative democracy we enjoy today. We must enable American citizens to fully participate in the political process if we are to truly be a government of the people, by the people, and for the people. It is central, and it is central that everybody is given that right in equal regard.

The importance of the Voting Rights Act cannot be underestimated. It has transformed the face of our Republic and vindicated the noble values of our Nation. America has come a long way in the last four decades, and it is my hope that the reauthorization of the Voting Rights Act will help us to continue to extend the promise of democratic participation to every American.

I have had the chance, twice now, to do the civil rights pilgrimage that the Faith in Politics group has sponsored to Selma, AL, to Montgomery, to several different places, and to hear from the firsthand experiences of individuals who were involved in the civil rights movement and in the freedom trails of the bus rides and in the protests, about the importance that the VRA was to them, was to getting involved, and is central in getting everybody participating in the democracy and a true opportunity to register to vote and to actually vote. It was and is critical. It is critical that we extend it.

I also want to recognize and thank the Senator from Massachusetts for the central role his family has played in fighting for this particular language, this legislation. And it is important.

Out of a strong desire to achieve this goal of everybody participating equally in this democracy, a bipartisan majority of Congress passed, and President Johnson signed, the Voting Rights Act of 1965. The aim of the act two generations ago was to fulfill the democratic promise of the Civil War amendments to the Constitution—a promise left unmet for a century after that terrible war had ended.

The civil rights landscape has greatly improved in the country since 1965, thanks in great part to the Voting Rights Act. The act has resulted in a tremendous increase in the ability of minority citizens to fully and fairly participate in our political system, both as voters and as candidates. The number of minority legislators has grown substantially.

I am pleased to be a cosponsor of the pending Voting Rights Act reauthorization bill which the Judiciary Committee reported out unanimously yesterday. This bill recognizes the achievements of many and particularly of three champions of the civil rights era: Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. I believe we have a responsibility to carry on the work of these great Americans by reauthorizing the expiring sections of the Voting Rights Act.

The bill does provide a flat bar to unconstitutional racial discrimination. It speaks clearly, aggressively, eloquently, and importantly on this topic. We cannot have racial discrimination in this country, period. We are extending this act. It is an important act. It is one that has helped make the values of democracy real on a tangible basis to individuals, and it is important that we extend it into the future.

Mr. President, I am delighted to be a cosponsor of this bill. I urge my colleagues to pass it. I believe it will pass overwhelmingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is an historic day. In the quietness of the moment, on the floor of the Senate, we are talking about a major piece of legislation that is basic to the fabric of what America is all about. But the quietness does not belie the fact that this is a momentous piece of legislation that marks the continuation of this Nation as a true democracy.

I want, at the outset, to commend my friends and leaders on the Judiciary Committee, Senator SPECTER and Senator LEAHY. I can remember talking with both of them early on about putting this on the Senate agenda, putting it on the Judiciary Committee agenda. There are not two Members of this body who are more committed to this legislation than Chairman SPECTER and Senator LEAHY.

We are here today because of their leadership and their strong commitment to the concept of making sure that America is going to be America by insisting on the extension of this voting rights legislation. They have both been tireless during the course of the series of hearings that we have held. They have been meticulous in terms of determining the witnesses that we would have and in building the legislative record, which is so important and of such great consequence in terms of maintaining the constitutionality of this legislation, which is, of course, so important. So I thank both of them for their leadership and their generous references earlier during their statements.

Mr. President, the Constitution of the United States is an extraordinary document, the greatest charter that has ever been written in terms of preserving the rights and liberties of the people. Still, slavery was enshrined in the Constitution. And this country has had a challenging time freeing itself from the legacy of slavery. We had a difficult time in fighting the great Civil War. And we have had a challenging time freeing ourselves from discrimination—all forms of discrimination—but particularly racial discrimination. And we had a difficult time, particularly in the early 1960s, in passing legislation—legislation which could be enormously valuable in freeing a country from the stains of discrimination. But it takes much more than just legislation to achieve that.

I was fortunate enough to be here at the time we passed the 1964 civil rights bill that dealt with what we call public accommodations. It is difficult to believe that people were denied access to public accommodations—the ability to go to hotels, restaurants, and other places because of the color of their skin—in the United States of America. Mr. President, this legislation was debated for 10 months. Not just 1 day, as we all have today on voting rights, but for 10 months, the Senate was in session as we faced a filibuster on that legislation.

Then, finally, Senator Everett Dirksen responded to the very eloquent pleas of President Johnson at that time and indicated that he was prepared to move the legislation forward and make some adjustments in the legislation. We were able to come to an agreement, and the law went into effect.

In 1965, we had hours and hours and hours and hours during the course of the markup of the Voting Rights Act, and hours and hours and hours on the floor of the Senate to pass that legislation, with amendment after amendment after amendment. We were ultimately successful. And just off the Senate Chamber, in the President's Room—just a few yards from where I am standing today—President Johnson signed that legislation.

Now, we continue the process. It has not always been easy during the continuation and the reauthorization of the Act. Rarely have we been as fortunate as we are today with the time agreement and an understanding that we will consider this and finalize it this evening, in a way that will avoid a contentious conference with the House of Representatives that could have gone on for weeks and even months, as we've seen in the past. This legislation will go to the President's desk, and he will sign it.

There is no subject matter that brings out emotions like the issue of civil rights. That is, perhaps, understandable. But it is still very true. No issue that we debate—health care, education, increasing the minimum wage, age discrimination, environmental questions—whatever those matters are, nothing brings out the emotions like civil rights legislation.

But here we have a very important piece of civil rights legislation that is going to be favorably considered, and I will speak about that in just a few moments. We have to understand, as important as this legislation is, it really is not worth the paper it is printed on unless it is going to be enforced. That is enormously important. As we pass this legislation and we talk about its importance, and the importance of its various provisions, we have to make sure we have an administration and a Justice Department that is going to enforce it. That has not always been the case.

Secondly, it is enormously important that we have judges who interpret the legislation the way we intended for it to be interpreted.

We have, in this situation, a bipartisan interpretation. We have a bicameral interpretation. There should be no reason that any court in this country—particularly a Supreme Court that is looking over its provisions—should not understand very clearly what we intended, the constitutional basis for it. We need judges who are going to interpret this in good faith. That has not always been the case, and I will reference that in terms of my comments.

Then, we have to make sure we have a process and system so that, even if we have the legislation, and even if we have a Justice Department correctly interpret it, and even if we have judges correctly interpret it, we have to make sure there are not going to be other interferences with any individuals' ability to vote. That is another subject for another time, but enormously important.

We need all of those factors, at least, to make sure that this basic and fundamental right, which is so important, and which we are addressing today, is actually going to be achieved and accomplished for our fellow citizens.

Mr. President, we are, as I mentioned, poised to take another historic step in America's journey toward becoming the land of its ideals. As we all know, the battle for racial equality in America is far from over. The landmark civil rights laws that we have passed in the past four decades have provided a legal foundation, but the full promise of these laws has yet to be fulfilled.

Literacy tests may no longer block access to the ballot box, but we cannot ignore the fact that discrimination is sometimes as plain as ever, and that more subtle forms of discrimination are plotted in back rooms, to be imposed by manipulating redistricting boundaries to dilute minority voting strength, or by systematic strategies on election day to discourage minority voting.

The persistence of overt and more subtle discrimination makes it mandatory that we reauthorize the expiring provisions of the Voting Rights Act. This act is perhaps Congress's greatest contribution to the march toward equality in our society. As Martin Luther King, Jr., said, voting is "civil right number one." It is the right in our democracy that preserves all others. So long as the vote is available and freely exercised by our entire citizenry, this Nation will remain strong and our other rights will be protected.

For nearly a century, the 15th amendment guaranteed that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude," but it took the Voting Rights Act of 1965 to breathe life into that basic guarantee. And it took the actions of many brave men and women, such as those who gathered at the Edmund Pettis Bridge and faced the shameful violence of those who would deny them the right to vote, before the Nation finally acted.

I'm honored to have fought in the Senate for the Voting Rights Act each time it was before Congress—from its historic passage in 1965 to the votes to extend the act in 1970, 1975, and 1982 and to strengthen it along the way. I recall watching President Lyndon Baines Johnson sign the 1965 act just off this chamber in the President's Room. We knew that day that we had changed the country forever. And indeed we had. In 1965, there were only three African American and three Latino Members of Congress. Today, there are 41 African-American Members in the House of Representatives, one African-American Senator, 22 Latino House Members, and two Latino Senators. These gains would not have been possible without the Voting Rights Act.

I recall extending the expiring provisions of the act in 1970. I remember extending it again in 1975, and adding protections for citizens who needed language assistance. We recognized that those voters warranted assistance because unequal education resulted in high rates of illiteracy and low rates of voter participation in those populations.

And I recall well extending the act again in 1982. That time, we extended the expiring provisions of the act for 25 years and strengthened it by overturning the Supreme Court's decision in Mobile v. Bolden. That decision weakened the act by imposing an intent standard pursuant to section 2 of the act, but despite the opposition of President Reagan and his Department of Justice, we were able to restore the act's vitality by replacing that standard with a results test that provides greater protection for victims of discriminatory treatment.

Finally, in 1992, we revisited the act to extend and broaden its coverage of individuals whose English language ability is insufficient to allow them to participate fully in our democratic system.

In memory of Fannie Lou Hamer, Rosa Parks, Martin Luther King, Jr. and Coretta Scott King, and Cesar Chavez, I feel privileged to have the opportunity to support extension of the act once again for another 25 years.

Some have questioned whether there is still a need for the act's expiring provisions. They even argue that discrimination in voting is a thing of the past, and that we are relying on decades-old discrimination to stigmatize certain areas of the country today.

I have heard the evidence presented over the past several months of hearings, and I can tell you that they are just plain wrong. Yes, we have made progress that was almost unimaginable in 1965. But the goal of the Voting Rights Act was to have full and equal access for every American regardless of race. We have not achieved that goal.

In considering this bill, the Senate Judiciary Committee has held nine hearings and heard from some 46 witnesses. In addition, we have received numerous written statements and have voluminous reports from a variety of groups that have examined the state of voting rights in our Nation. We have explored every aspect of the expiring provisions of the act, and have all come to one inescapable conclusion: continuing discrimination requires that we pass this bill and reauthorize the Voting Rights Act. The evidence demonstrates that far too many Americans still face barriers because of their race, their ethnic background or their language minority status.

Section 5 is the centerpiece of the expiring provisions of the act. It requires that covered jurisdictions preclear voting changes with the Department of Justice or the District Court in the District of Columbia by proving that the changes do not have a retrogressive purpose or effect. The act would reverse the second Bossier Parish decision and restore the section 5 standard to its original meaning by making it clear that a discriminatory purpose will prevent section 5 preclearance. Even under the weaker standard that has governed since the Bossier decision, the Department of Justice has had to object to egregious discriminatory practices.

The act as reauthorized also overturns the Supreme Court's decision in Georgia v. Ashcroft, restoring section 5's protection of voting districts where minority voters have an ability to elect their preferred candidates. This revision would preclude jurisdictions from replacing districts in which minority voters have the voting power to elect their preferred candidates with districts in which minority voters merely exercise influence.

The number of objections under section 5 has remained large since we last reauthorized the act in 1982. Astonishingly, Professor Anita Earls of the University of North Carolina Law School testified that between 1982 and 2004, the Department of Justice lodged 682 section 5 objections in covered jurisdictions compared with only 481 objections prior to 1982. In Mississippi alone, the Department of Justice objected to 120 voting changes since 1982. This number is roughly double the number of objections made before 1982.

Behind these statistics are stories of the voters who were able to participate in the political process because the Voting Rights Act protects their fundamental right to do so. For example, in 2001, the town of Kilmichael, MS, cancelled its elections just three weeks before election day. The Justice Department objected to the cancellation, finding that the town failed to establish that its actions were not motivated by the discriminatory purpose of preventing African-American voters from electing candidates of their choice. The town had recently become majority African-American and, for the first time in its history, several African-American candidates had a good chance of winning elected office. Section 5 prevented this discriminatory change from being implemented, and as a result, three African-American candidates were elected to the board of aldermen and an African-American was elected mayor for the first time.

Consider the Dinwiddie County Board of Supervisors in Virginia. It moved a polling place from a club with a large African-American membership to a white church on the other side of town, under the pretext that the church was more centrally located. We saw this tactic when we renewed the act in 1970. We didn't expect to see it again in on the eve of the 21st century, but we did.

Some have argued that there has been a drop in the number of objections in recent years. As the record shows, that decline is explained by a number of reasons. First, of course, was the Supreme Court's restrictive interpretation of the purpose standard, which we will correct today. In addition, the numbers do not account for proposed changes that are rejected by the district court or proposed changes that are withdrawn once the Department of Justice asks for more information or litigation begins in the District Court. Equally as important are the discriminatory changes the act has deterred covered jurisdictions from ever enacting, and the dialog the act promotes between local election officials and minority community leaders to ensure consideration of minority communities' concerns in the legislative process.

And, of course, there are matters that merit objection, but have been precleared by the Bush Department of Justice because the Department's political leadership refused to follow the recommendations of career experts.

The Department twice precleared Georgia's effort to impose a photo identification requirement for voting. The first time, the district court threw it out as an unconstitutional poll tax. That's right, a poll tax in 2006. In 1965, we fought the poll tax during the debate of the original Voting Rights Act. After the Supreme Court ultimately held it unconstitutional, we thought this shameful practice had ended. But the court found that the Georgia law was just a 21st century version of this old evil.

Georgia reenacted the law without the poll tax, and the Court still found that it unlawfully disadvantaged poor and minority voters, who are less likely to have the required identification.

Recently, the Supreme Court held that the Texas Legislature had violated the Voting Rights Act by shifting 100,000 Latino voters out of a district just as they were about to defeat an incumbent and finally elect a candidate of their choice. Once again, section 5 would have blocked this practice, but the leadership of the Department of Justice overruled career experts who recommended an objection.

The fact that the number of section 5 objections is a small percentage of the total number of submissions shouldn't be surprising. Jurisdictions take section 5 into consideration when adopting voting changes and many day-to-day changes are noncontroversial. What should surprise and concern us is the fact that there continue to be objections and voting changes like the ones that I have described.

It has also been argued that the section 5 coverage formula is both over and under-inclusive. The act addresses that problem by permitting jurisdictions where Federal oversight is no longer warranted to "bail out" from coverage under section 5. We have letters from two of the jurisdictions that have taken advantage of the bailout process explaining that they did not find that process to be onerous. So far, every jurisdiction that has sought a bailout has succeeded. For jurisdictions that should be covered but aren't, the act contains a mechanism by which a court may order a non-covered jurisdiction found to have violated the 14th or 15th amendments to obtain section 5 preclearance for its voting changes. As a result, the act's preclearance requirement applies only to jurisdiction where there is a need for such oversight.

The act will also reauthorize the provisions of the act that mandate the provision of election assistance in minority languages. In the course of our consideration of this bill, we heard substantial evidence demonstrating that these provisions are still necessary. The original rationale for enactment of these provisions was twofold. First, there are many Americans who speak languages other than English, many of whom are United States citizens by birth—including Native Americans, Alaska Natives, and Puerto Ricans. These Americans should not be denied the opportunity to be full participants in our democracy because of the languages they speak. They know they need to learn English to succeed in this country. That's why classes to learn English are oversubscribed all over the country.

Additionally, Congress concluded that many Americans—including Native Americans, Alaska Natives, Asian Americans, and Hispanic Americans—suffer from inadequate educational opportunities that deny them the opportunity to master English at a sufficient level to fully understand electoral issues and cast meaningful ballots. The nationwide statistics illustrate the problem. Only 75 percent of Alaska Natives complete high school, compared to 90 percent of non-Natives, and only 52 percent of all Hispanic Americans have a high school diploma, compared to over 80 percent of all Americans. We heard testimony that while many of these people may speak conversational English, they have been denied the educational instruction—often as a result of intentional discrimination—that would allow them to understand complex electoral issues and technical voting terminology in English alone.

Finally, it is crucial that we extend the guarantees of all of the temporary provisions of the act for 25 years. Twenty-five years is not a long time when compared to the centuries of oppression that the law is intended to overcome. While we have made enormous progress, it takes time to overcome the deep-seated patterns of behavior that have denied minorities full access to the ballot. Indeed, the worst thing we could do would be to allow that progress to slip away because we ended the cure too soon. We know that the act is having an impact. We know that it is deterring discrimination. And we know that despite the act, racial bloc voting and other forms of discrimination continue to tilt the playing field for minority voters and candidates. We need to ensure that jurisdictions know that the act will be in force for a sufficiently long period that they cannot simply wait for its expiration, but must eliminate discrimination root and branch.

The time has come to renew the Voting Rights Act. This historic piece of legislation renews our commitment to the fundamental values of America. It ensures that all of our citizens will have the right to play an effective role in our governance. It continues us down the path toward a democracy free of the blight of discrimination based on race, ethnicity and language. As Dr. Martin Luther King, Jr. said: "The time is always right to do what is right." The right thing to do is to pass this bill and the time to do it is now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I rise as a Senator from Georgia to express my support and join a unanimous Senate in support for extension of the Voting Rights Act. I come to the well to speak from a different perspective than some. I was born in the South in 1944, educated in its public schools in the 1950s and 1960s. I was in the fourth grade when Brown v. Board of Education was the ruling of the Supreme Court. I was in high school when the public schools of Atlanta were integrated. I went to the University of Georgia when the first students integrated that institution. I lived through all the changes that many refer to as history about which they have read.

I lived through it, being there and seeing the heroes and the challenges and the transition through which the South has gone. Still, in speeches today we hear very often about the South in historic times, where wrong practices have been righted, but somehow we don't hear about the heroes who made the Voting Rights Act go from a piece of paper and a law to practical reality in the South.

I am proud of so many citizens in Georgia, Black and White, urban and rural, Republican and Democrat, who over the past 41 years have made not only the letter of that law but the spirit of that law the spirit of our State—not the least of whom is Congressman JOHN LEWIS, a man of unquestioned character and, for anyone who lived during the 1960s and 1950s, unquestioned courage. He and I are of different races and different political persuasions, but he is a man whose courage and conviction I honor and pay tribute to.

Mayor Ivan Allen, Jr., was a White mayor of Atlanta in the 1960s whose actions would see to it that the actions passed in Congress were made a reality smoothly in the city, which gained the reputation of a city too busy to hate. We made a transition in a difficult time. We righted difficult wrongs. We made the letter of the law the spirit of the law.

Andrew Young, the first African-American mayor of Atlanta, in following Sam Massell, who followed Ivan Allen, ensured that those transitions continued in the 1980s, and that voting rights and all rights were the primary responsibility of our government and its leadership.

Carl Sanders, the Governor of Georgia, probably lost his chance at a second term because of his courageous stance on behalf of seeing to it that the South continued to make progress.

Joe Frank Harris, from rural Georgia, who was Governor in the 1980s, continued in tandem with Andrew Young to see to it that our capital city and State remained committed to all of the provisions of equality in our society.

The attorneys general in this issue are so important. Republican Mike Bowers, during many years of service to our State as attorney general, time and again saw to it that what was intended by the Voting Rights Act was the practice in our State.

Our current attorney general today, an African American, Thurbert Baker, is a tribute to the progress our State has made and is an outspoken defender of the Voting Rights Act and our State's intention to ensure that all of Georgia's legal residents, regardless of race or ethnicity, have the right to vote.

A great Senator, Sam Nunn, served in this Senate, whose office I hold now downstairs. Sam Nunn, during the years of the 1970s and 1980s and early 1990s, was a steadfast beacon of support for ensuring that we continued the spirit and the letter of the Voting Rights Act.

The late Senator Paul Coverdell, a Republican from Georgia, in his term in the Georgia legislature in the House and Senate, over 20 years of service, fought tirelessly to ensure that our State delivered on the guarantee of the right to vote for all Georgians.

As we reflect on the true wrongs that existed in the 1950s and 1960s, and where those wrongs may have taken place, we owe it to history and to the credit of these great individuals to pay tribute to those who took the law and made it a reality. I am proud of my State. I am proud of the transition it has made. I pay tribute to its leaders.

My vote today in favor of the extension of the Voting Rights Act is in equal parts a commitment to that end and a tribute to those Georgians who made the Voting Rights Act a reality in my State.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, the right of a citizen to vote is the most basic right in any democracy. At the signing of the Voting Rights Act in 1965 in this very Capitol Rotunda, the President of the United States, Lyndon Johnson, said these words:

> The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

The Civil Rights Act of 1964 was a critical breakthrough in the struggle for civil rights. However, the Voting Rights Act, which came the next year, 1965, is considered the most important and successful civil rights law of the 20th century, because it finally ensured every voting-age citizen of this Nation a voice in his or her own fate.

The passage of the 14th amendment in 1868 and the passage of the 15th amendment in 1870 both prohibited disenfranchisement on the basis of race. But in the absence of legislative protection for the right to vote, that right was systematically denied to millions of African Americans for nearly a century. Similarly, Mexican Americans, Asian Americans, Native Americans, and Alaskan Natives were excluded from the ballot box through an assortment of voting tests and intimidation.

We are all here today because of the courage and persistence of the civil rights leaders of the last century, who fought so long and hard to attain the franchise the Constitution had already granted them.

Several of these heroes are memorialized in the title of this bill: Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and Cesar Chavez. All of us owe them a debt of gratitude.

On this day, I am also mindful of the contributions Californians have made in the civil rights battles. Let me share one story.

On June 10, 1964, the Civil Rights Act was being filibustered on this very floor. No filibuster of a civil rights bill in the 20th century had ever been broken. Senator Claire Engle of California, who held the seat I now occupy, was suffering at the time from terminal brain cancer. He was wheeled in dramatic fashion into this Chamber. He was too sick to speak, but he indicated his "aye" vote for cloture by gesturing toward his eyes. His vote proved to be the decisive 67th vote that overcame the filibuster and ultimately led to passage of the Civil Rights Act of 1964. Senator Engle died later that year. However, the filibuster was no longer an impassable barrier to civil rights legislation, and the Senate passed the Voting Rights Act of 1965 the following year. I thank my predecessor and I pay him tribute.

In the last 50 years, California has often been ahead of the curve in guaranteeing voting rights. In 1961, California prohibited election day challenges based on literacy.

In 1971, California required that a copy of the election ballot in Spanish be posted in each polling place, where the language minority population was greater than 3 percent.

In 1973, California passed a law allowing the use of languages besides English in polling places and required county clerks to recruit bilingual deputy registrars and precinct board members.

In 1975, California allowed voters to register to vote by mail.

In 2001, California passed the California Voting Rights Act—the first State voting rights act in the Nation—to combat racial bloc voting.

Unfortunately, however, the end of the 20th century did not mark the end of efforts to disenfranchise minority voters in my State and the Nation. Nevertheless, several provisions of the Voting Rights Act will expire in August of 2007 if we don't take this action today.

Two of the provisions set to expire are particularly significant. The first is section 5, which requires jurisdictions with a history of discrimination to clear any changes in voting procedures with the Department of Justice before instituting any change.

The second is section 203, which requires language assistance for bilingual voters in jurisdictions with a large number of citizens for whom English is a second language.

The section 5 so-called "preclearance" provision is critically important. I guess this is the section that has drawn the most comment on this reauthorization. It is important because it stops attempts to disenfranchise voters before they can start, not after they start.

In the last decade, the Department of Justice has repeatedly struck down proposed changes to voting procedures under section 5 preclearance. This section has prevented the redrawing of municipal boundaries designed specifically to disenfranchise minority voters, blocked attempts to exclude minority candidates from the ballot, denied efforts to change methods of elections intended to dilute minority voting strength, kept polling places from being moved to locations that would have reduced minority voter turnout, and it has thrown out redistricting proposals that would have marginalized minority voters. Clearly, this section has served us well.

In California, the rejection of a discriminatory redistricting plan in Monterey County under section 5 led to the first election of a Latino to the Monterey County Boards of Supervisors in more than 100 years.

The most significant impact of section 5, I believe, is not from its enforcement mechanism but from its deterrent effect. Just as the presence of police deters more crime than is stopped by actual police intervention, it is likely that the threat of Government action prevents far more attempts to disenfranchise voters than the Department of Justice's review actually does.

Let me speak about section 203. Its requirement of language assistance in jurisdictions with a large number of citizens for whom English is a second language has enabled citizens to vote who otherwise, frankly, could not have.

For example, a study found that in the 1990 general election, bilingual assistance was used by 18 percent of

Latino voters in the State of California.

Los Angeles is the largest and most diverse local election jurisdiction in our country. It provides assistance under the Voting Rights Act to voters in six languages other than English.

According to a November 2000 exit survey of language minority voters in Los Angeles and Orange County in California, 54 percent of Asian-American voters and 46 percent of Latino voters reported that language assistance made them more likely to vote. That is actual documentation.

In a hearing before the Judiciary Committee on the impact of section 203, Deborah Wright, acting assistant registrar and county clerk for Los Angeles County, testified that written translations are provided in Los Angeles County because of the complex nature of issues facing the voters in our State. I can tell you that California ballots are among the longest and most complicated in our Nation. She explained to our committee that California often presents voters with numerous, complex ballot initiatives and propositions. Such complicated ballots challenge all voters to be prepared and to have the information they need prior to casting their ballots.

Often, a high level of English proficiency is needed even by native speakers of English to understand these ballot initiatives and to cast an informed ballot. I myself have trouble sometimes understanding the propositions. I believe the California experience is persuasive that appropriate targeted language assistance makes it much more likely that informed voters vote, and that is important.

My mother was an immigrant from Russia. She came here when she was a small child. She had only a primary school education. Her family was very poor. Her parents never spoke English. She studied English and, as an adult, passed the language exam and became a naturalized citizen. Still, when it came time to vote, I helped her with her ballot. We would go over the propositions, I would read them in English, we would discuss them, otherwise she could never fully understand them because they were complicated and filled with legalese.

As I said, California's ballots can be long, and despite ballot simplification, which is now a part of the California ballot, they can still be very confusing. Section 203 enables the full comprehension of a ballot, and I believe that is very important.

We are reauthorizing this bill today. I don't believe we can permit these provisions to expire and leave the next generation of Americans without full protection of their voting rights. That is why I am very proud to be a cosponsor of the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and Cesar E. Chavez Voting Rights Act Reauthorization and Amendments Act of 2006.

This legislation will reauthorize the expiring provisions of the Voting Rights Act for an additional 25 years so that it can continue to be a kind of deterrent to any chicanery, any manipulation, anyone's ill intent to prevent any group of voters from exercising their right to the franchise under the Constitution of the United States.

Under the guidance of Chairman SPECTER and Ranking Member LEAHY over the last 2 months, our committee, the Judiciary Committee, has held 10 hearings on reauthorizing this act—10 hearings. As a matter of fact, I can't remember any reauthorization in the 14 years I have been on the committee that has had 10 separate hearings. The exhaustive testimony from these hearings has confirmed both that these expiring provisions are still needed and that these provisions are constitutional.

In response to this record, yesterday the Judiciary Committee unanimously voted to reauthorize the Voting Rights Act. I was also pleased to see the House pass the reauthorization last week with broad, bipartisan support. Today, this full Senate now has the opportunity to offer its own resounding endorsement of this very important bill.

Thomas Paine wrote over 200 years ago that:

> The right of voting for representatives is the primary right by which other rights are protected.

I couldn't agree more. Today will be a historic occasion as we reauthorize this important bill for another 25 years. I am very proud to play a small role as a member of the Judiciary Committee in this vote.

I thank the Chair. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Colorado.

Mr. SALAZAR. Mr. President, at the outset of this historic day in the Senate, let me give my accolades to Senator SPECTER and to Senator LEAHY for their leadership in the reauthorization of the Voting Rights Act. This is one of the finest days of the Senate of the 109th Congress because it is a demonstration of Republicans and Democrats coming together to deal with the very important question of our Nation.

I congratulate the Judiciary Committee and all of those who have created a template for how we should do business in the Senate.

I rise today to offer my unequivocal support for the Fannie Lou Hamer, Rosa Parks, Coretta Scott King and Cesar E. Chavez Voting Rights Act Reauthorization and Amendments Act of 2006.

Almost a year ago, I stood on the Senate floor to pay tribute to the Voting Rights Act on the occasion of its 40th anniversary. In my remarks on that day, I urged my colleagues to rise above the partisanship that often plagues this body and to renew the promise of the landmark civil rights legislation by reauthorizing the key provisions that were set to expire in 2007. I am extremely pleased that the Senate today is poised to take action on this important legislation.

Without enforcement and accountability of our Nation's voting laws for all Americans—for all Americans—the words of the Declaration of Independence declaring "All men are created equal," the words written in the Constitution guaranteeing the inalienable right to vote, and the maxim of one person, one vote, those principles enshrined in our elected laws, are little more than empty words. The reauthorization of the Voting Rights Act is fundamental to protect these rights and values and to ensure that they translate into actual practice, actual representation, and an actual electoral voice for every American.

I especially thank Senator LEAHY for offering an amendment on my behalf in the committee that incorporated the name of Cesar E. Chavez, a true American hero, into the title of the Senate's reauthorization bill.

Like the venerable American leaders who are now associated with this effort, Cesar Chavez sacrificed his life to empower the most vulnerable in America. He fought for all Americans to be included in our great democracy. It is only fitting that his name be a part of the reauthorization of the Voting Rights Act.

As we move forward, I believe incorporating the names of these historic American leaders underscores the importance of reflecting on the history of our country and our never-ending—not yet completed—quest to become a more inclusive America.

When one looks back at our history, one learns some very painful lessons from that past. We must keep in mind that we, as a nation, for the first 250 years of our history allowed one group of people to own another group of people under a system of slavery simply based on the color of their skin. It took the bloodiest war of our country's history, even more bloody than World War II—the Civil War, where over half a million people were killed on our soil in America—to bring about an end to the system of slavery and to usher in the 13th and 14th and 15th amendments to our Constitution. In my estimation, these three amendments are the bedrock of the proposition that all constitutional liberties are endowed upon all Americans without exception. But it took many long years for the promise of these amendments to be realized in our own Nation.

Notwithstanding the tremendous loss of blood and life during the Civil War, some years later, in 1896, in Plessy v. Ferguson, our own U.S. Supreme Court sanctioned a system of segregation and the doctrine of "separate but equal." The Court's decision to uphold an 1890

Louisiana statute mandating racially segregated but equal railroad carriages ushered in another dark period in our country's history where Jim Crow was the law of the land throughout the South. Similar laws applied to other groups. Throughout the Southwest, Mexican Americans in many places were systematically denied access to "White Only" restrooms and other places of public accommodation. Just as there were signs that said "No Blacks Allowed" in the South, there were also signs in many places across our country that read "No Mexicans Allowed."

In the now infamous Plessy case, Justice Harlan, writing for the dissent in that case, looking ahead at the century to come, made the following observation:

> The destinies of the races, in this country, are indissolubly linked together and the interests of both require that the common government law shall not permit the seeds of race hate to be planted under the sanction of law.

Justice Harlan's statement was profound in its forecast for America. It is unfortunate that his words of warning were largely ignored for the next half century. It was not until 1920, for example, that our Constitution even guaranteed the right of women to vote, and it was not until 1954 that the U.S. Supreme Court, under the very able leadership of Chief Justice Warren, struck down the "separate but equal" doctrine as unconstitutional under the 14th amendment in the Brown v. Board of Education case. That case was argued by Thurgood Marshall, another American hero who gave his life for equal opportunity for all Americans.

More hard-won change followed that 1954 decision of the U.S. Supreme Court.

While the 15th amendment, which was ratified in 1870, guaranteed all citizens the right to vote regardless of race, in 1965—that wasn't that long ago—only a very small percentage of African Americans were registered to vote in States such as Mississippi and Alabama. In Mississippi in that year, only 6.7 percent of African Americans were registered to vote, and in Alabama less than 20 percent were registered to vote.

The various tactics that were used back then to impede and discourage people from registering to vote and casting their right in our democracy on election day ranged from literacy tests, poll taxes, and language barriers, to overt intimidation and harassment. The Voting Rights Act went on to attack those discriminatory practices in people's exercise of their fundamental right to vote.

On August 6, 1965, when President Lyndon Johnson signed the Voting Rights Act, America took a critical step forward in fulfilling our constitutional ideals.

Just a year earlier, President Johnson had signed the Civil Rights Act of 1964 proclaiming that in America, as he said:

> We believe that all men are created equal, yet many are denied equal treatment. We believe that all men have certain unalienable rights, yet many Americans do not enjoy those rights. We believe that all men are entitled to the blessings of liberty, yet millions are being deprived of those blessings, not because of their own failures, but because of the color of the skin.

President Johnson knew then what we still recognize today on this floor of the Senate.

The enactment of both of these critical pieces of legislation in the 1960s was another major step forward in our country's journey to become an inclusive America for all citizens—for all citizens—and enjoy the rights and protections guaranteed by the U.S. Constitution.

When he recalled the day when the Voting Rights Act was signed by President Johnson, Dr. Martin Luther King, Jr., wisely pointed out that:

> The bill that lay on the polished mahogany desk was born in violence in Selma, AL, where a stubborn sheriff had stumbled against the future.

Dr. King was, of course, referring to Bloody Sunday, the Selma incident which took place on March 7, 1965, where more than 500 nonviolent civil rights marchers attempting a 54-mile march to the State capital to call for voting rights were confronted by an aggressive and violent assault by the authorities.

In response to the violence in Selma and the death of Jimmy Lee Jackson, who was shot 3 weeks earlier by a State trooper during a civil rights demonstration, President Johnson addressed Congress and the Nation on March 15, 1965, to press for the passage of the Voting Rights Act. Indeed, President Johnson's speech served as a rallying call to the Nation and to the Congress. In that speech, Lyndon Johnson said to the Nation:

> At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama.
>
> This time, on this issue, there must be no delay, no hesitation and no compromise with our purpose. We cannot, we must not, refuse to protect the right of every American to vote in every election that he may desire to participate in.

Five months later, on August 7, 1965, President Johnson signed the Voting Rights Act of 1965 into law.

In our country's history in America, we have often stumbled, but great leaders, such as Dr. King and those whose names are associated with this authorization—Rosa Parks, Coretta Scott King, Fannie Lou Hamer, and Cesar Chavez—those are people who gave their lives to make certain that when we stumble, we get up and we continue our path of America forward, we continue an America in progress.

Since the passage of the Voting Rights Act, the doors to opportunity for political participation by previously disenfranchised groups have swung open. Their voices are now heard and counted across America. This progress is evident through the Nation in all levels of government today. The number of Black elected officials nationwide has risen from only 300 in 1964 to more than 9,000 today. In addition, today there are over 5,000 Latinos who now hold public office, and there are still hundreds more Asian Americans and Native Americans serving as elected officials.

It is with this history in mind—and with the increasing diversity of our country—that I look to the future of an inclusive America continuing to fulfill the promises and guarantees to all Americans that our Constitution provides.

Our work is not yet done. Although significant advances to ensure voting rights for all Americans have been made, the testimony presented before the Senate Judiciary Committee points to still an unfortunate truth: that Americans are still too often being kept from the polls.

The greatness of this country depends on our learning and not forgetting the painful lessons of our past, including poll taxes and literacy tests that prevented countless of individuals from exercising their right to vote.

I believe the United States, the Federal Government must remain vigilant in safeguarding all Americans' sacred right to vote. This legislation today is a manifestation of that vigilance of the Congress. It represents the Senate working at its best.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know the distinguished Senator from Virginia is going to be recognized, but I have a quick housekeeping issue.

The distinguished chairman, the distinguished Senator from Pennsylvania, and I want to make sure we go back and forth, side to side. So following the distinguished Senator from Virginia, we will go to the distinguished Senator from North Dakota. Following the next Republican, I ask unanimous consent that the distinguished Senator from Illinois, Mr. DURBIN, be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I compliment the distinguished Senator from Colorado for his speech. I mentioned him earlier in my speech on the floor and his tremendous contribution to this bill. We can all agree the time to end discrimination is still here, and we can work to do that.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I rise to commend the Judiciary Committee but most importantly commend to my colleagues on the passage of the Voting Rights Act renewal this afternoon.

I spoke right before Independence Day last month on June 29 on the importance of certain principles as we celebrated the Declaration of Independence. I quoted and I will quote again the importance of this document which is the spirit of America:

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed. . . .

So in our representative democracy, in our Republic, voting is how the owners, the people of our country in their counties, cities, and States, express their views for the just powers of our government.

I spoke on how it was important for the Senate to act on this measure as promptly as possible. I commend the chairman of the Judiciary Committee, Senator SPECTER, and the ranking member, Senator LEAHY, for moving yet another important piece of legislation this session. The enactment of the Voting Rights Act was absolutely necessary 41 years ago and was passed during a tumultuous time in our Nation's history. History has proven, though, that this law was just and clearly appropriate to provide equal opportunities and protections to persons with the desire to express themselves and give their consent at the ballot box. We are all better off—we are so much better off—for the choices made during that time because this strengthened the fabric of our country. It has made our country a more perfect union—and as we strive to be a more perfect union, it has made us stronger as we have faced the challenges of recent years, presently, and in the future.

What this legislation does is help ensure the fundamental right of all eligible citizens to vote. It sends a strong message, a renewal, a reconfirmation that no matter one's gender, race, ethnicity or religion, you have an opportunity to vote if you are a law-abiding citizen in this country. It is the core—it is absolutely the core of a representative democracy, that we do have the participation of an informed people. Again, the people are the owners of the Government.

Virginia has come a long way. They have come a long way because the Constitution said: You have the right to vote, but we all know that not everyone did have the right to vote. It took many years before African Americans were allowed to vote, but then there were all sorts of devices that prevented them from voting. It took many years before women were given the right to vote. Virginia has come a long way since the Voting Rights Act was enacted 41 years ago. I think it is important that the Act is reauthorized, not just for Virginia but throughout the United States. It applies everywhere from Florida to Alaska to New York.

Some will argue that counties and cities and States cannot be removed from or "bail out" of preclearance if they so desire and have a good record. The facts are that there are 11 counties and cities in Virginia that have been able to "bail out" of the Voting Rights Act by proving that "no racial test or device has been used within such State or political subdivision for the purpose or with the effect of denying or bridging the right to vote on account of race or color." The counties in Virginia that have been removed from this preclearance review are Augusta, Frederick, Greene, Pulaski, Roanoke, Rockingham, Shenandoah, and Warren and the cities of Fairfax, Harrisonburg, and Winchester.

The renewal of this act does not mean that the reauthorizing States still engage in voter discrimination on the basis of race. Renewal should instead be viewed as a continued unflagging commitment to ensuring the protection of a law-abiding person's right to vote without subversion or unwarranted interference.

Thanks in part to the Voting Rights Act, Virginia was the first State in our Union to popularly elect the first Governor who is an African American. I hope that after this November's elections, Virginia will not be the only State to have a Governor elected who is an African American. In fact, I would be happy if there were two more Governors elected this year who are African American. The election in Virginia represented an inspirational success for one person, L. Douglas Wilder, who was elected Governor because of his perseverance in winning. But it is also an advancement and a matter of pride, I think, and an achievement of the Commonwealth of Virginia, which only decades earlier had counties that closed their public schools rather than integrate them to comply with the Brown v. Board of Education decision.

Now, we realize we have made progress, but we need to continue to make strides. We need to strive to be a society, as Martin Luther King, Jr., stated, "Where people are judged by the content of their character rather than by the color of their skin."

We must join together in our great country, a country that has tremendous promise, to make sure that everybody, no matter their race, or their ethnicity, or their religion, or their gender, has that equal opportunity to lead a fulfilling life, to compete and to succeed in our country.

The reauthorization of the Voting Rights Act is a tool that has, can, and will help achieve this goal of fairness in America. So I urge my colleagues this afternoon to renew and pass this important piece of legislation. We can and have debated the issue, but we also know the results. The results of the Voting Rights Act has made this a more perfect union. Let's keep this country moving forward, making sure this is a land of opportunity for all. I commend this measure to the positive vote of all my colleagues.

Mr. President, I thank my colleagues for their attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I just this morning spoke to a couple of hundred young people called Junior Statesmen who are gathered in the Capitol. It is an organization that comes to the Capitol and learns about Government. I talked to them about the Voting Rights Act some, and I talked to them about what we take so much for granted in this country, including the right to vote.

I described what happened, at least as I read the history books, on November 15, 1917, at Occoquan Prison. That is the day on which a good number of women were severely beaten at the Occoquan Prison. Several dozen women were picked up because they demonstrated in front of the White House. They were arrested for demonstrating because they were in the streets demonstrating, insisting that women ought to have the right to vote in this country. Because they demanded the right to vote, demonstrating in the streets of this capital, they were arrested and taken to the Occoquan Prison. Among those women were Lucy Burns and Alice Paul.

The description of what they did to those women includes putting handcuffs on Lucy Burns, tying the handcuffs with a chain, and then putting the chain above a cell door and letting her hang the entire evening, with blood running down her arms. That was the fate of Lucy Burns. Alice Paul had a tube forced down her throat. They tried to force feed Alice Paul, and she nearly drowned. The transgression of these women: They were demanding the right of women to vote.

It is interesting what some people have done to demand the right of citizenship and what others so often and so regularly take for granted.

My colleague was talking, I believe, about the struggle that minorities in this country, including especially African Americans, have made to have the right to vote, and I believe the previous speaker was talking about Selma, AL, on March 7 in 1965, when State troopers brutally beat civil rights workers. The marchers were fighting for their right to vote. On that day, in 1965, that day in March, they were brutally beaten because they insisted on the right to vote, just as Alice Paul and Lucy

Burns had done some 60 years before that.

Lyndon Johnson said this about what is called Bloody Sunday. He said:

> At times, history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was last week in Selma, Alabama. There, long-suffering men and women peacefully protested the denial of their rights as Americans. Many were brutally assaulted. One good man, a man of God, was killed.

From that, we know that the Voting Rights Act was passed a very short time later.

Days later, in a joint session of Congress, President Johnson outlined the Voting Rights Act, and within months, the Congress had passed it.

Let me talk about another minority in this country, Native Americans, the first Americans, those who were here first—American Indians. Although the Voting Rights Act applies to all Americans and all minorities, let me talk just a little about its impact on Native Americans, American Indians.

They were first given U.S. citizenship rights in 1924. Think of that. Almost a century and a half of this country's experience passed before Indians were recognized. It took from 1924, nearly 40 years later, for all of the States in this Nation to say to American Indians: Yes, you have the right to vote. You have the full rights of American citizenship. The last State to clear the hurdles and the obstacles to voting by American Indians was New Mexico, in 1962, only 3 years before the Voting Rights Act. Think of that. These were the Americans who were here first. They lived here when the rest of us came here—American Indians.

We come today on the issue of extending the Voting Rights Act. I believe it has been almost a quarter of a century since we have done that; 1982 was the last time Congress reauthorized the Voting Rights Act. It has been hailed by many as the single most effective piece of civil rights legislation that has ever been passed.

I was in Philadelphia some weeks ago and went to the Constitution Center. At the Constitution Center they have these statues of the 55 men—yes, only men—who sat in that hot room in the hot summer and wrote the Constitution of the United States. The three words that began that great document were, "we the people"—not just some of the people, all the people—"we the people." And all of the power in this document called the Constitution of the United States is vested in the power of one—one American casting one vote at one time. That is all the power in this Government. That exceeds all the power of all the Presidents, all the power of all the Senators—the power of one person to cast one vote on one day to alter the destiny of this country.

Except we have learned over time that some have been denied that opportunity: African Americans, American Indians, women. It has taken a long time and a bloody struggle, regrettably, to make certain that everyone has the right to exercise the power of one, to become part of "we the people."

My guess is that the spirit of Lucy Byrne and Alice Paul exists in this debate about voting rights. The spirit of the civil rights marchers who were beaten brutally—one lost his life on that bloody Sunday—their spirit exists as this Congress turns again to the subject of voting rights and asks the question: Will we do everything possible to ensure that every American is able to exercise the power of one as part of "we the people" in this great country? That is why this is such an important piece of legislation. That is why some take it for granted day after day. It is why others have given their lives for it.

Today, when this Congress passes the Voting Rights Act, to extend the Voting Rights Act once again, I think it will have been one of its finest hours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, if you are a student of history, this is a moment that you should reflect on and savor. Just a short time ago, I came to the floor and sat in the back row and listened as Senator TED KENNEDY of Massachusetts spoke. I wanted to be here to see it because Senator TED KENNEDY was one of the few who was a Member of the Senate when the Voting Rights Act passed in 1965, more than 40 years ago. He recounted the struggle that led to the passage of that legislation—and it was a struggle. He talked about President Lyndon Baines Johnson coming back to Capitol Hill, with which he was so familiar as a Member of the Senate, and just a few feet away from where I am standing, in one of the small rooms known as the President's Room, signing the Voting Rights Act of 1965.

I wanted to come and hear TED KENNEDY tell that story because I do appreciate it—not just as history but because of what that meant to America. Some say it was the most significant civil rights legislation in our history. It is hard to argue that it was not because if Americans don't have the right to vote, they don't have the most basic right that we appreciate and treasure as American citizens.

On the day that President Lyndon Baines Johnson signed the Voting Rights Act of 1965, he said it was one of the most monumental laws in the history of American freedom. And then he said:

> Today is a triumph for freedom as huge as any victory that's ever been won on any battlefield. Today we strike away the last major shackle of fierce and ancient bonds.

Those beautiful words were quoted in the autobiography of Dr. Martin Luther King, Jr. They are a reminder that what we are about today is not just another piece of legislation. It is only 12 or 13 pages long—small by Senate standards—but what it does is make another commitment by our generation to the same basic values and principles that guided this Congress to pass the first Voting Rights Act of 1965.

In August of last year, I was invited to Atlanta, GA, to represent my caucus of the Senate to march with civil rights leaders and ordinary people to celebrate the 40th anniversary of that Voting Rights Act. I was proud to march in the footsteps of civil rights giants, to celebrate a bill that has often been called the most significant civil rights law ever passed by Congress.

It has broad support today. Yesterday, in my Senate Judiciary Committee it passed unanimously, with a bipartisan vote. That is a great tribute to that committee and where America's thinking is today on Capitol Hill. But it was bitterly fought in 1965. People died for that law. Civil rights workers James Cheney, Michael Schwerner, Andrew Goodman, and so many others were murdered simply because they had the courage to step up and say every American has the right to vote.

It has been so long ago, it sounds like ancient history, and you may be puzzled to think: People would give their lives? Ordinary people would die over this, over this battle? The answer is yes. Black, White, and brown Americans came forward and said it was worth dying for because it really was the cornerstone of America's democracy.

Just a few years ago, I made a trip down South, my first step to Selma, AL. When the civil rights march at Selma took place, I was a student here in Washington. I sat around in my apartment with several other students and we talked about getting in a car and driving down to Selma and being part of that march. I remember it like it was yesterday. I couldn't get away from my job, I had other excuses, and I didn't go. I have thought about that so many times, how I wished I had been there at that moment, to have been part of that historic march across the Edmund Pettus Bridge, but I missed it and regretted it ever since.

Three years ago, Congressman JOHN LEWIS, from the State of Georgia, invited me, Senator BROWNBACK of Kansas, and others to join him in a little commemorative pilgrimage to the Edmund Pettus Bridge. Early one Sunday morning we got up and drove over to Selma and JOHN LEWIS and SAM BROWNBACK and I walked across the Edmund Pettus Bridge.

JOHN LEWIS was the perfect person to bring us on that pilgrimage because he had been there on that bloody day when the first march took place. When we went there on that Sunday morning, it was quiet and peaceful. But he marched us down to the very spot where the Alabama State Troopers turned and started beating him—beating him unconscious. He fell to the ground and nearly died. But he survived and that cause survived and today JOHN LEWIS is a Congressman.

What does that have to do with this debate? Just last week, Congressman JOHN LEWIS spoke in the House about the history of the Voting Rights Act, and here is what he said:

> When we marched from Selma to Montgomery in 1965, it was dangerous. It was a matter of life and death. I was beaten. I had a concussion at the bridge. I almost died. I gave blood, but some of my colleagues gave their very lives.

It is good for us to reflect on that and to value what John Lewis and his courage meant to America and so many others, and why this bill at this moment is important for America. We honor the legacy of civil rights heroes by extending the Voting Rights Act provisions that would expire in just a short time.

The bill itself is named after three extraordinary civil rights heroes: Coretta Scott King, who continued her husband's leadership of America's movement for racial justice and human rights; Rosa Parks, what a brave lady, who ignited the Montgomery Alabama bus boycott; and Fannie Lou Hamer, the sharecropper who became a civil rights champion. She was nearly beaten to death trying to register to vote. And her famous declaration? Fannie Lou Hamer said, "I am sick and tired of being sick and tired."

Last week, the House of Representatives passed the Voting Rights Act by a vote of 390 to 33. It was a proud moment for that Chamber. In his autobiography, Dr. Martin Luther King reflects on this Voting Rights Act, and this is what Dr. King wrote:

> When President Johnson declared that Selma, AL, is joined in American history with Lexington, Concord, and Appomattox, he honored not only our embattled Negroes, but the overwhelming majority of the nation, Negro and white. The victory in Selma is now being written in the Congress. Before long, more than a million Negroes will be new voters and psychologically, new people. Selma is a shining moment in the conscience of man. If the worst in American life lurked in the dark streets of Selma, the best of American democratic instincts arose from across the nation to overcome it.

What powerful and hopeful words.

It is wrong for us to equate racism and prejudice with the South in America. Sadly, it has touched every corner of our great Nation. Every one of us in our towns and communities and villages, North and South, East and West, have struggled with some form of racism in the course of our history.

In the 1960s, Illinois fielded its first African-American candidate, a woman named Fannie Jones from East St. Louis, IL, my hometown, who ran for clerk of the Illinois Supreme Court. She lost. It wasn't even close. But she was the first to try to run statewide.

Then fast-forward. By 1978, Illinois elected its first African-American statewide, Roland Burris of Chicago, as State comptroller.

Now bring it to the present day, and I am honored that my State, Illinois, the land of Lincoln, can claim that the two biggest vote getters in its history are African Americans: my close friend, Secretary of State Jesse White, and my colleague, in whom I have such great pride, BARACK OBAMA the two biggest vote getters in the land of Lincoln. It says a lot about how far we have come just in my short political lifetime.

Yesterday, the Senate Judiciary Committee voted to reauthorize this bill. Today, the Members of the Senate have an opportunity to make history by passing this strong, bipartisan extension of the Voting Rights Act. A lot of people argued when this debate began that it was unnecessary. Voting rights? Where is that a problem in America, they said? I wish it were not a problem.

Listen again to what Congressman JOHN LEWIS said last week:

> Yes, we have made some progress. We have come a distance. We are no longer met with bullwhips, fire hoses, and violence when we attempt to register and vote. But the sad fact is, the sad truth is, discrimination still exists, and that is why we still need the Voting Rights Act. . . . We cannot separate the debate today from our history and the past we have traveled.

We had hearings before the Senate and House Judiciary Committees, more hearings than I have ever seen on any single piece of legislation: 21 hearings on the Voting Rights Act over the past 9 months, 12 in the House, 9 in the Senate. Over 100 witnesses appeared or submitted statements for the RECORD, thousands of pages of reports and evidence, so there would be no question about the need for this bill.

I attended and listened to some of these hearings. They were contentious. People were debating whether we needed a Voting Rights Act or whether this was some vestige of America's past which had no relevance today. But the evidence shows that attempts at voter discrimination are not simply a chapter from our history; they continue to threaten us and our democracy today. We have made progress as a nation over the past few decades, but discrimination endures, many times in more subtle forms.

A recent example was in the State of Georgia which passed two different voter ID laws over the past year, over the strong objections of the African Americans who live in that State. They argued that this new Georgia law would diminish the voting rights of the minorities, the poor, the elderly, and those without formal education. Both of Georgia's laws were struck down by Federal courts. The first law was determined to constitute a modern day poll tax, an unconstitutional infringement on the fundamental right to vote. The second law, slightly improved, was struck down last week by a Federal judge who ruled it was discriminatory and unconstitutional.

This is what the New York Times said recently about "Georgia's new poll tax," as they call it:

> In 1966, the Supreme Court held that the poll tax was unconstitutional. Nearly 40 years later, Georgia still is charging people to vote, this time with a new voter ID law that requires many people without driver's licenses—a group that is disproportionately poor, black, and elderly—to pay $20 or more for a state ID card. Georgia went ahead with this even though there is not a single place in the entire city of Atlanta where the cards are sold. The law is a national disgrace.

And a reminder that laws which we now look back on with embarrassment, laws that required African Americans to pay a poll tax before they could vote, laws which had literacy tests and constitutional tests before a person can vote, and say: That is the past; thank goodness it is behind us. This Georgia law which imposed a new requirement for a voter ID, which would have cost many voters $20, was, in the view of the Federal court system, a new poll tax.

Unfortunately, it is part of a pattern. Since 1982, the Federal Justice Department has objected to nearly 100 proposed changes to election procedures in Georgia alone on the grounds that the changes would have a discriminatory impact on minority voters. The Justice Department has sent Federal observers to monitor nearly twice the number of elections in Georgia since 1982 as it did between 1965 and 1982.

Let me add again, though I am giving examples from Georgia, I do not stand here as a northerner by definition and argue we only find discrimination in the South. Discrimination and race has haunted our Nation from coast to coast. It is naive and wrong to believe it is only a southern phenomenon, but the fact is, in this situation, in Georgia, repeatedly minority voters have been challenged and have been denied the right to vote.

Both of the protections, the requirement the Justice Department approve changes to electoral procedures in States with histories of voter discrimination and Federal monitoring of elections in such jurisdictions, are only possible because of the sections of the Voting Rights Act that must be renewed.

Let's take another case that is not in the South. Eighty-three percent of Buffalo County, South Dakota, is Native American, but they were packed into a single State legislative district. Non-Natives, who make up 17 percent of the population of the county, controlled two out of three seats on the county commission. Buffalo County was successfully sued in the year 2003 in South Dakota. The case was settled by a consent decree. In that consent decree, Buffalo County, South Dakota, admitted that its plan was discriminatory and agreed to submit to Federal supervision of future change.

Once again, it was one of the provisions of the Voting Rights Act which would expire without our action today—section 5—that entitled the U.S. Justice Department to protect the rights of Americans to vote in South Dakota.

In another case in 2004, a Federal judge invalidated South Dakota's redistricting plan. In her opinion, the judge described the State's long history of discrimination against Native Americans, including some very recent examples. The judge quoted a South Dakota State legislator who, in expressing opposition to a bill that would have made it easier for Native Americans to register to vote, said in the year 2002:

> I'm not sure we want that sort of person in the polling place.

The record is thorough and clear. Voter discrimination continues. It remains a threat to American democracy. We need to pass this renewal of the Voting Rights Act. We need to step back as a nation and ask some important questions, not pat ourselves on the back on a bipartisan basis for passing this.

Why is it so many voting machines in cities where the poorest people live don't work? Why is it people are denied their choices on the ballots because they are stuck with voting machinery that is antiquated or just plain dysfunctional? Why is it those who are challenged time and time again turn out to be the poor, the dispossessed? Why is it they have the toughest time when it comes to voting in America, if this is truly going to be a land of equal opportunity?

There were attempts in the House and Senate to weaken this Voting Rights Act and I am glad they did not prevail. I am glad what we have before the Senate today is a strong, clear version of renewing this law. I want it to pass, but I don't want the conversation to end at that point. I hope we will accept the responsibility to challenge any State and to challenge even ourselves if we are creating unnecessary and unfair obstacles to voters who are trying to exercise the most basic right they have as Americans.

Whether you are Republican, Democrat, or Independent, we need to be united in supporting the Voting Rights Act. This law, above all others, should be above politics and partisanship. We need to make sure that today in the Senate, we are all on the right side of history. The Voting Rights Act has served as a beacon of our democracy for over 40 years. It should not be allowed to expire until voting discrimination has expired.

When it passed in 1965, it was because of the moral and physical courage of people such as Congressman JOHN LEWIS of Georgia, Dr. Martin Luther King, Jr., Coretta Scott King, Rosa Parks, Fannie Lou Hamer, and so many others. Passing the Voting Rights Act also required the persistence and courage of Members of Congress.

No one in the Senate pushed longer and harder for voting rights for all Americans than a man named Paul Douglas of Illinois. My connection to the Senate began as a college student in 1966, a year after this law passed. I was an intern in the office of Senator Paul Douglas. I had the privilege to work in his office. I guess I was lucky in that he needed me every day. You cannot say that very often for an intern, but he needed me because Senator Douglas was a veteran of the Marine Corps, fought in World War II, and had lost the use of his left arm in combat. He insisted on signing every letter, so every night they would stack up all the mail that had been typed by all the people in his office, and Senator Douglas would sit at the long table, starting at 5 o'clock, signing the letters, making little notes, making corrections. I got to sit next to him and pull the letters away. I was dazzled. There I was within a foot or two of this great man who had done so much.

He came back after fighting the war to fight for the rights of those who were being discriminated against. He gave a lot of political blood in the Senate fighting for civil rights. If you read the LBJ books, stories of Lyndon Baines Johnson, you know that in the early days, before Lyndon Johnson became the great champion of the civil rights that he was in his late career, he was in pitched battle with the likes of Estes Kefauver, Hubert Humphrey, and Paul Douglas over the issue of civil rights, but the day finally came in 1965 when the Voting Rights Act passed. Senator Paul Douglas said it was his proudest achievement as a Senator.

Today, American troops are risking their lives—and many have given their lives—to secure the right to vote for the people of Iraq and Afghanistan. The absolute least we can do is to have the courage to protect the right to vote for all Americans by giving resounding, bipartisan support to the renewal of the Voting Rights Act.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the reauthorization of the Voting Rights Act brings back a lot of memories of my early life and childhood. When I was born in the Deep South, in Alabama, segregation, regretfully, was still very much in vogue. I remember all too well segregated restrooms, segregated entrances into movie theaters, and segregated schools which still existed when I started in the first grade in the late 1940s.

I subsequently lived with my parents in Alabama for a few years. Then we moved to Louisville, KY, about the time Kentucky was integrating its schools in response to the 1954 landmark decision Brown v. Board of Education. Integration in public schools in Kentucky was smoothly accomplished. I think a tribute to our State which is somewhat southern and somewhat a border State. Kentucky accommodated itself to a new reality of integrated schools rather easily with the minimum amount of some of the distress that occurred in other parts further South and actually in some northern cities as well.

In the early 1960s, I had an opportunity to be an intern over on the House side in 1963. I was here that summer when the extraordinary march on Washington occurred. I remember standing on the steps of the Capitol, looking down the Mall to the Lincoln Memorial. It was crowded with people from one side to the other all the way down to the Lincoln Memorial which, of course, is where Martin Luther King, Jr. made that extraordinary "I Have a Dream" speech. I couldn't hear it because I was at the opposite end of the Mall, but you sensed that you were in the midst of an extraordinary event that was going to change America. That night, I had an opportunity to watch the speech on television. You knew it was one of the most memorable speeches of all time in American history.

The next year, I had a chance to be an intern on the Senate side, in Senator John Sherman Cooper's office. Senator Cooper was probably the only truly successful Kentucky Republican at that point in our history in our State. He was among the members of the Republican Party leading the charge for the public accommodations bill of 1964, that is, the civil rights bill of 1964 which, interestingly enough, on a percentage basis, was supported by more Republicans in the Senate than by Democrats. I think not many Americans know that, but that was, indeed, the case. A higher percentage of Republicans supported the civil rights bill of 1964 than did Democrats.

I had a wonderful summer observing Senator Cooper at work when he was, in effect, leading the charge on the Republican side, along with Everett Dirksen, to stop the longest filibuster in the history of the Senate—and it is still the longest filibuster—that was employed against the civil rights bill of 1964. That filibuster was broken while I was an intern that summer. It was an exciting time. The bill was passed and President Johnson signed it.

The next summer after I finished my first year of law school, I came back to Washington to visit some of the friends I had made in the two previous summers, for a week or so. I happened to be in Senator Cooper's office on the day President Johnson was to sign the 1965 Voting Rights Act in the Rotunda of the Capitol. Senator Cooper came out, grabbed my arm in the reception room of his office and walked me over to the Rotunda where I got an opportunity to watch President Johnson sign the voting rights bill. The Rotunda was full of people. I was not exactly standing beside President Johnson—I was way off in the distance—but I do recall the presence of President Johnson. He was an enormous man. Not only was he very tall, he had a huge head, huge features, and he sort of stood out above this mass of humanity in the Rotunda of the Capitol. And so it was, indeed, a memorable day. I happen to have been there the day the original voting rights bill was signed.

This is a piece of legislation which, obviously, has worked. African-American voters are participating throughout America, and some statistics indicate in greater percentages, really, in the South than in other parts of the country.

Coming on the heels of the removal of the discrimination in places of public accommodations, this bill, the very next year, eliminated the barriers to voting, so that all Americans could participate in the basic opportunities each of us has to go into an establishment of our choice—that decision having been made in 1964—and then to vote and to have an impact on elections—that decision having been made in 1965.

We have, of course, renewed the Voting Rights Act periodically since that time, overwhelmingly, and on a bipartisan basis, year after year after year because Members of Congress realize this is a piece of legislation which has worked. And one of my favorite sayings that many of us use from time to time is, if it ain't broke, don't fix it. This a good piece of legislation which has served an important purpose over many years.

I had an opportunity, as many of us did, yesterday to meet with members of the NAACP—which happens to be meeting here in Washington, as we speak—from my State in my office. They were excited to be here. There were older people, middle-aged people, and younger people in this group, all of them thrilled to be in Washington and to be in Washington, potentially, at the same time this very important legislation is going to be reauthorized. We know the President will be speaking to the NAACP and will be signing the bill. We will be able to pass it here in the Senate in a few hours. And this landmark piece of legislation will continue to make a difference not only in the South but for all of America and for all of us, whether we are African Americans or not.

Mr. President, obviously, I rise today in support of this bill.

America's history is a story of ever-increasing freedom, hope, and opportunity for all. The Voting Rights Act of 1965 represents one of this country's greatest steps forward in that story.

Our most basic founding ideal is that sovereignty flows up, from the people to their elected leaders. The governors must have the consent of the governed.

In order for that ideal to mean anything, every American must have freedom of political expression—including the free, unfettered right to vote.

But prior to the Voting Rights Act's passage, for far too many African Americans, America did not live up to its promise that "all men are created equal." Many African Americans were denied the right to vote.

Thanks to brave men and women who held sit-ins at lunch counters, rode in Freedom Rides, marched in our Nation's capital, or simply refused to give up a seat on a bus, America was forced to look itself in the mirror, admit its failing, and recommit itself to its founding ideals.

I am especially proud to stand in support of the reauthorization of the Voting Rights Act because, as I said, I was there when President Johnson signed the original Act in 1965.

I was overwhelmed to witness such a moment in history, and moved that my hero, Senator Cooper, at the spur of the moment, had brought me to witness it.

It fills me with personal pride that I can today carry on a small part of Senator Cooper's legacy by voting to reauthorize the bill he worked so hard and so courageously to pass 41 years ago.

The Voting Rights Act has proved to be a success for America. On March 15, 1965, President Johnson spoke before a joint session of Congress and challenged them to pass this historic legislation.

At that time, he said:

> The time of justice has now come, and I tell you that I believe sincerely that no force can hold it back . . . and when it does, I think that day will brighten the lives of every American.

History has proven President Johnson correct. The Voting Rights Act brought about greater justice for all. And while we celebrate that achievement, we must continue to strive for more.

I know my colleagues will join me in recognizing that our country will and must continue its progress toward a society in which every person, of every background, can realize the American Dream. With the passage of this bill, we are reaffirming that Dream.

I believe I am safe in predicting this legislation will be approved overwhelmingly this afternoon, and it is something all Members of the Senate, on both sides of the aisle, can feel deeply proud of having accomplished.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise today in support of the Voting Rights Act. I have in my pocket here a small copy of the U.S. Constitution that Senator BYRD gave me a few months ago. It is something I cherish.

In February of 1870, the Constitution was amended with the 15th amendment. It says, in section 1:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 says:

> The Congress shall have power to enforce this article by appropriate legislation.

That was passed in 1870. Just a few years after the close of the Civil War, the 15th amendment was added to the Constitution. But it took this Congress really 95 years before it acted, in a meaningful way, to implement that second section which allows Congress to implement this law.

I am reminded that in the last 50 years we have made a lot of progress when it comes to race relations in this country. We have opened doors. We have provided opportunities. We have changed things. It has really been a remarkable change for the better. However, I think every Senator would acknowledge today that there are still miles that need to be traveled. I know that when Lyndon Johnson rallied the Nation to press for the passage of the Civil Rights Act back in 1965, he said:

> This time, on this issue, there must be no delay, no hesitation and no compromise with our purpose. We cannot, we must not, refuse to protect the right of every American to vote in every election that he may desire to participate in.

Five months after the march in Selma, AL, President Johnson signed the Voting Rights Act into law. The Voting Rights Act, in that context, in that time, put an end to literacy tests, poll taxes, and other less direct methods to prohibit or discourage people from voting. They were clearly discriminatory tactics used all over this country but in the South particularly.

In the South, after the Voting Rights Act passed in 1965, African-American registration rose to a record 62 percent within just a few years after the passage of the Voting Rights Act.

It has been an amazing success. When it was enacted, there were only 300 African-American public officials in this country—only 300. Today, there are over 9,000. And the number of Latino elected officials is over 6,000.

So there is no doubt the Voting Rights Act is important, that it has been very effective. There is no doubt that it is one of the most important things Congress has done to equalize and give opportunity to all Americans. It is also—there is no question about it—just as important today as it was four decades ago.

I know the NAACP national convention is being held in Washington this week. I know they are very supportive of this. There are countless civil rights groups and organizations that are supportive of this, and they want to renew, reauthorize, and restore this act. I appreciate that, and I respect that. But also, in a broader context, this vote today allows us to stand not just with the NAACP, not just with civil rights groups but to stand with America.

We have made, as I said, significant strides. We have done some great things, provided a lot of opportunity, opened a lot of doors. And we still have a few miles to go.

One thing I have noticed, as former attorney general of the State of Arkansas, is that over the last few years there has developed a new generation of tactics to prevent people from voting, and some of these are very subtle. Some of these have to do with annexations or even redistricting that could be done for discriminatory purposes or changing the polling place without a lot of notice or making it very difficult for some people to get to. The Voting Rights Act is important today to make sure those practices end as well.

It is hard for some of us to admit today—because we have made so much progress—that we still need this important legislation. I think everybody here wishes we did not. We would love to say we have accomplished the task and that we have equal voting opportunity for every American. We would all love to say that. But in reality, we know we do not, and we know we must continue the struggle.

I am also reminded, in closing, what Woodrow Wilson said about this country. One time he said:

> America is the only idealistic nation in the world.

I think he was right about that. We are an idealistic nation. We always strive for the better. In fact, we strive for perfection. We try to reach the ideal. We do not always get there. Certainly, the treatment of African Americans through the history of this Nation is a clear example of that. We do not always get to the ideal. We do not always get to the goal we set for ourselves. But one thing that makes America different from a lot of countries is that we try. We try. And we go the extra mile to try to make opportunities for people in this country and to try to live up to the ideals of our Founding Fathers and those ideals on which this Nation was founded. The Voting Rights Act is a very important part of that.

I thank my colleagues for listening today, and I thank my colleagues for their votes today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I, too, rise today to speak in support of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I am pleased to be a cosponsor of and to have participated in the hearings held by the Judiciary Committee on this incredibly significant legislation.

The Voting Rights Act may very well be the most important piece of Federal legislation ever passed, for without a meaningful chance to vote, there can be no equality before the law, no equal access to justice, no equal opportunity in the workplace or to share in the benefits and burdens of citizenship. Brave Americans risked their very lives in marches and demonstrations to pass this historic legislation.

The electoral process in this country has improved significantly as a result of the Voting Rights Act. This success is evident in the increased participation in elections by minority voters and in the enhanced ability of minority voters to elect candidates of their choice. There is no doubt that progress has been made.

But I think that Ted Shaw, the president of the NAACP Legal Defense and Education Fund, put it best when he testified before the Senate Judiciary Committee that:

> The Voting Rights Act was drafted to rid the country of racial discrimination—not simply to reduce racial discrimination in voting to what some view as a tolerable level.

As a member of the Senate Judiciary Committee and as the ranking member of the Subcommittee on the Constitution, you can take it from me that the committee has done due diligence in examining this issue. But you do not have to take it from me, of course. The extensive record the committee has compiled powerfully demonstrates the importance of the reauthorizing legislation before us today.

Even in recent election cycles, Americans continue to be disenfranchised by discriminatory redistricting plans, through the denial of voting materials they are entitled to under the law, and through changes to election procedures that disadvantage minority candidates and voters, among other things.

It is also worth noting that just a few weeks ago, the Supreme Court recognized that discriminatory redistricting plans are not simply a vestige of the past—finding a purposeful effort to dilute the voting power of over 100,000 Latino Americans. It is clear to me that we have come a long way from the bridge in Selma, AL, but we have not come far enough.

Section 5 of the Voting Rights Act has been instrumental in bringing about the dramatic improvements in voting rights and representation for minorities in covered areas. Keeping it in place, with a reasonable bailout provision, is the best way to be sure we do not lose the progress that has taken place.

Let me just say in response to some comments that were made during the Judiciary Committee's hearings that all Members of Congress, regardless of whether they are in a covered or noncovered jurisdiction and regardless of their political affiliation, have an interest in ensuring the continued effectiveness of the Voting Rights Act. As Federal legislators, we have a responsibility to address and eliminate discrimination wherever it is found. The integrity of our elections and of our very democracy depends on it.

Let's not falter now. Let's not stop or turn back the clock but, rather, build on the extraordinary success of this legislation and reaffirm the promise that all citizens, no matter what the color of their skin, can participate fully and equally in the electoral process. We must reauthorize the expiring provisions of the act. We must ensure that section 5 can continue to serve as a powerful deterrent to violations in areas of the country with a history of systemic discrimination at the polls.

We must also reauthorize section 203, which has empowered many voters with limited English proficiency to participate in our democratic process. It is also important that the Senate restore the original understanding of the act with respect to the opportunity-to-elect standard and to election procedures with discriminatory intent.

There is much more work to do in terms of eradicating discrimination from our elections process, and reauthorizing and strengthening the Voting Rights Act is, of course, a step in the right direction. I will vote in favor of H.R. 9, and I urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President. Before speaking about this very important piece of legislation we are about to pass, I wish to briefly just indicate a thank you to the State Department.

(The remarks of Ms. STABENOW are printed in today's RECORD under "Morning Business.")

Ms. STABENOW. Mr. President, I rise in support of the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and Cesar Chavez Voting Rights Reauthorization Act of 2006. We all know that this reauthorizes existing but currently expiring provisions of the Voting Rights Act for 25 more years. I personally believe that when this was instituted in 1965, there should not have been an expiration date and would prefer that in this bill there not be an expiration date. But I am appreciative of the fact that we have bipartisan support to continue this provision, and hopefully at some point we will be able to take off the ending date.

I think about standing in this very important spot in the Senate. Right around the corner from us is a room we call the President's Room that President Lyndon Johnson used in 1965 to sign the original legislation because of its significance. We all know this is the bedrock of our democracy, the right to vote, the right to vote without harassment, intimidation, with correct information, knowing your vote in fact will be counted.

I am proud of the fact that one of the folks who this bill is named after is Rosa Parks, who is from Detroit. We claim her as our own and are so proud of all she has done, along with the others this bill has been named after. But we are very proud that the mother of the civil rights movement is from our own beloved Detroit.

Before 1965 and the bill's passage, we had communities with explicit poll taxes and literacy tests to prevent people of color from voting. We have in fact made great progress on civil rights since the original law. But as many of my colleagues have said, there is much more to be done. Now, unfortunately, we have more subtle and sometimes not so subtle forms of voter intimidation and suppression. Voters too many times are being told of the wrong polling place or flyers and phone calls tell people that the election was moved. I know in my State we have struggled with misinformation going out around elections. Why is it that it is predominantly in our cities where the lines are the longest, the voting machines are the oldest, and, in fact, there are fewer machines? We need to know we are not done with what this bill represents until those things are fixed, until every voting machine works, until there is enough to make sure everyone can vote, until there is a paper backup so we know the votes are being recorded accurately, and until every person or group that attempts to harass anybody in terms of exercising their American right to vote has been stopped.

These practices are a reminder that our laws are only as good as the people who enforce them. That is the commitment we have behind it, to make sure that the principles and ideals of our democracy and of America are upheld.

Passing this bill is a very important step for us. I am pleased this has been placed on the agenda and that we are going to come together overwhelmingly and pass it today. We need to make sure we are willing to take the next steps. We have election reform legislation introduced in the Senate that needs to be passed. For the life of me, I cannot imagine why when I go to the ATM machine, I can get a piece of paper, a receipt that tells me about my transaction, and yet there is resistance to us having a paper backup so we know that in fact the integrity of our vote and the voting process has been maintained. I hope this will be phase one in a series of things we do to make it clear that everyone in America has the right to vote, that we are stronger because of that. We certainly know we are a better country, a stronger country because of the law that was passed in 1965, the Voting Rights Act, and that we will be stronger because of this legislation's passage and that we, in fact, will be at our strongest and our best when we are fully committed to an accurate, full, and open voting process for every person and every community in America.

I urge adoption of the bill and thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I rise to enthusiastically support the reauthorization of the Voting Rights Act. I will speak to that issue, but with the permission of the leadership, following these remarks, I ask unanimous consent that Senator WYDEN and I be given a half an hour to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, above the dais, our Nation's motto, e pluribus unum, is chiseled in the marble. That is more than a motto; it is one of America's greatest ideals. But it is an ideal that we are constantly in an effort to realize as fully as is humanly possible. Our Nation has made great progress on becoming one, and becoming one begins at the ballot box. Our Nation began at a time when even the institution of human slavery was tolerated—tragically for nearly 70 years—leading then to a horrendous Civil War that claimed the lives of nearly a million Americans trying to fully realize what that motto means. The institution of slavery was ended—thankfully—too late but ended nevertheless.

In the bitter years that followed, the years of Reconstruction and all the heartache that flowed from the Civil War, there was a period of time in part of our country where African Americans were denied access to the ballot box and were disenfranchised by that. But it isn't just one region of the country where we have to constantly be vigilant about race relations; it is a challenge all over America. The challenge begins in every heart and in every home. It is a fact that the Jim Crow laws were specifically designed to intimidate African Americans from voting. Thankfully, with the passage of the Voting Rights Act in 1965, under the signature of President Lyndon Johnson, the constitutional promise was fully realized, and now we have an opportunity to extend it.

The Voting Rights Act is already a statute, but certain of its provisions will expire if we do not do this. We have the privilege to do so today.

The 15th amendment of the Constitution says: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The 19th amendment was adopted later in 1920, which extended that right to women. But as I said, not until the Voting Rights Act were all the subtle and insidious barriers dropped around the country that prevented African Americans from exercising their franchise.

Lyndon Johnson said, when he signed this act, that he did so so the full blessings of American life can be fully realized. For the full blessing of American life begins at the ballot box. Tragically, not all Americans exercise their right to vote, but those who want to should be able to have access, that their vote be cast and counted and that it be done so without intimidation or without fear.

I rise to fully support this. My mother used to always say, treat others as they would want to be treated. That is another way of saying, treat others the way you would want to be treated. I have heard from many of our African-American citizens who have urged my vote for this. I proudly and with pleasure do so today. I suspect we will vote on this later.

I believe the law is a teacher. The Voting Rights Act has taught Americans all over the continent that this is a central right and, therefore, I believe we are doing the right thing in reauthorizing these provisions that otherwise will expire.

(The remarks of Mr. SMITH and Mr. WYDEN pertaining to the introduction of S. 3701 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WYDEN. Mr. President, I also congratulate our colleagues who have worked tirelessly to ensure the authorization of the exceptionally important Voting Rights ct. This law plays a critical role in ensuring that the right of all Americans to vote is protected. I intend to speak more extensively later on about the Voting Rights Act.

Mr. WYDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I rise today with my colleagues Senators CORNYN and HATCH from the Judiciary Committee—Senator HATCH having chaired the committee for several years—and the assistant majority leader of the Senate, Senator MCCONNELL, to speak on the legislation renewing the Voting Rights Act.

Let me begin by saying I support the Voting Rights Act extension. This law was critical to ending over 90 years of voting discrimination against African Americans in the South. Prior to this law, many States enforced discriminatory policies that were designed to and that did prevent African Americans from voting. Since that law was enacted, many of the same States where African Americans first voted in far lower numbers than Whites now have higher percentage of African Americans voting than other races.

The Voting Rights Act is a historic achievement that has corrected one of the glaring injustices of our Nation's past. It has been an important step in our Nation's continuing progress toward our founding ideal that all men are created equal.

Mr. President, I wish to address some questions that have been raised about this reauthorization and ask my colleagues if they concur in my interpretation.

The bill amends section 5 by legislatively abrogating two Supreme Court cases interpreting the act: Reno v. Bossier Parish and Georgia v. Ashcroft. These changes are related to one another. They are designed to operate together to achieve a common objective: the protection of naturally occurring legislative districts with a majority of minority voters.

The two changes to section 5 accomplish this goal by enhancing and refocusing the operation of section 5. These changes simultaneously bar redistricters from denying a large, compact group of minority voters a majority-minority district that it would receive in the absence of discrimination, and also to bar redistricters from breaking up a compact majority-minority district that has been created in the past.

Some have raised the specter that Federal bureaucrats will abuse the authority we are giving them under this provision, that they will characterize all manner of practices as having a "discriminatory purpose." In particular, there has been some suggestion that the new language will be abused by the Justice Department to require creation of the maximum number of Black majority districts possible or the maximum number of so-called coalition or influence districts, in which minority voters are combined with enough White voters of similar partisan leanings to elect a candidate.

I don't think this is what the bill does, or that it can be reasonably read to do this. To say something has a discriminatory purpose is a term of art. It is the language of the jurisprudence of the 14th amendment, of cases such as Washington v. Davis, which define when particular action constitutes racial discrimination and violates the Constitution.

There is a well-defined body of case law defining when racial discrimination violates the U.S. Constitution. That case law provides clear borders to the limits of the Executive discretion being granted in this bill.

One traditional and important standard for identifying unconstitutional racial discrimination is to ask whether the challenged court action departs from normal rules of decision. In the case of redistricting, courts and the Justice Department would ask: Was the decision not to create a Black majority district a departure from ordinary districting rules? If a State has a large minority population concentrated in a particular area, ordinarily rules of districting—following political and geographic borders and keeping districts as compact as possible—would recommend that these voters be given a majority-minority district. If the redistricters went out of their way to avoid creating such a majority minority—one that would be created under ordinary rules—that is unconstitutional racial discrimination, and it is banned by this bill. But this bill does not require the creation of a majority-minority district that would not be created under default districting rules. Nor does the bill require the creation of coalition or influence districts. It bars discrimination against racial minorities, not against electoral advantages sought by either Republicans or Democrats. Moreover, no group is entitled to always be included in a district where the candidate of its party will prevail.

This section's abrogation of Bossier Parish does not permit a finding of discriminatory purpose that is based, in whole or in part, on a failure to adopt the optimal or maximum number of compact minority opportunity districts or on a determination that the plan seeks partisan advantage or protects incumbents. With the language of this bill, we are importing the constitutional test in section 5, and nothing else. With this understanding, I support this improvement to section 5 of the Voting Rights Act.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I add that I share the views of my colleague from Arizona. Like he, I represent a State that is covered by section 5 of the Voting Rights Act which is one of the sections that is being reauthorized today, hopefully. I thus paid close attention to the changes being made in that section.

Like my colleague from Arizona, I supported the provision that effectively instructs the Justice Department to refuse to preclear a voting practice that is motivated by a discriminatory, unconstitutional purpose. I also agree this is all this change does. It does not authorize the Justice Department to define for itself what is a "discriminatory purpose." The Constitution and the courts have already done that, and it is that constitutional definition that is being incorporated in this legislation.

That standard bars discrimination against a racial group, and it does not require discrimination in favor of any racial group. Thus, it does not require those drawing electoral maps to create misshapen districts simply in order to create as many majority-minority districts as possible. Nor does it require that minority voters be placed as often as possible in districts where candidates of the party they support will prevail.

The equal protection clause of the U.S. Constitution does not say all citizens are equal, but that some are more equal than others. Nor should the Voting Rights Act say that. The Voting Rights Act should not be read to require creation of so-called coalition districts that produce a Democratic or a Republican representative, as the case may be. I think that would raise serious constitutional questions if we adopted a free-flowing definition of purpose—or authorized the U.S. Department of Justice to invent one—that is untethered from the Constitution itself. I think this is sufficiently clear from the bill's incorporation of constitutional terms of art that I am confident this is how the provision will be applied by the Justice Department and by the courts.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I would simply add there is a general agreement among Senators on this point. If someone is saying the bill authorizes the Justice Department to block a voting change because of a perceived discriminatory purpose that does not violate the Constitution, I have not heard them say it. Therefore, the bill should not be construed to require the creation of any district other than the majority-minority district that would be created if race were not considered—that would be created if instead only traditional districting principles were applied. Certainly a constitutionally grounded approach does not—does not—require the creation of the maximum number of majority-minority or Democratic or, for that matter, Republican-leaning districts.

If those doing the redistricting refuse to create a naturally occurring majority-minority district, they are discriminating by race. But if they simply refuse to create a district where different races combine to elect a candidate of their preferred party, the discrimination is not against the races—it is hard to see how anyone could discriminate against both races by the same act—but rather it is against that party. And as unhappy as that party might be about being denied such a district, the denial does not violate the Constitution. Obviously, giving the Justice Department discretion to redefine what "discriminatory purpose" means would be controversial. This is consensus legislation precisely because it avoids such litigation traps. It enforces the Constitution's requirements and no more.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I think the point the distinguished assistant majority leader made is very important, and I am glad there is agreement on this important matter.

I also wish to discuss one other of the bill's changes to section 5. That is the provision abrogating the Supreme Court's decision in Georgia v. Ashcroft. That Supreme Court case held that, when conducting a retrogression analysis of section 5 under the act, a court or the Justice Department should gauge whether a new electoral map has diminished a minority group's opportunities to participate in the political process by looking, in part, to whether the new plan creates coalition districts, or influences districts—that is the term they use—whether it protects positions in legislative leadership for minority representatives, and whether minority representatives support the new plan.

Many people objected to this aspect of the Ashcroft decision because of its perceived potential to put a partisan thumb on the scale, so to speak, in the redistricting process. Their concern was if the fact that a coalition or influence district elects a candidate that minority voters largely voted for, then even if that candidate was not the minority group's preferred candidate of choice, any plan that does not preserve that district would be considered retrogressive under the Voting Rights Act.

Similarly, there was concern that under Ashcroft, if a new voting map were to give advantage to legislative races to one party, and minority representatives—including committee chairmen and legislative leaders—overwhelmingly were members of the opposite party, then that plan, too, would be deemed retrogressive for that reason.

Personally, I do not think the Ashcroft decision should be read that way. I think it is clear the court intended to give States the option of using influence or coalition districts, but it did not intend to require the use of such districts, or to prevent them from later changing such districts.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as one of the strong supporters of the Voting Rights Act, having supported it before in my Senate service, I have been very interested and, frankly, pleased with the comments that have been made. Let me add to what Senator KYL said.

Moreover, even if we are wrong about how George v. Ashcroft would have been interpreted and applied in the future, in any event, today's bill clearly ends any risk that section 5 of the Voting Rights Act will be applied as a one-way ratchet favoring Democrats or Republicans at the expense of one or the other.

As the House committee report makes clear, the bill "rejects" the Supreme Court's interpretation of section 5 in George v. Ashcroft and establishes that the purpose of section 5's protection of minority voters is, in the words of the bill's new subsection (d), to "protect the ability of such citizens to elect their preferred candidates of choice."

It is important to emphasize this language does not protect just any district with a representative who gets elected with some minority votes. Rather, it protects only a district in which "such citizens"—minority citizens—are the ones selecting their "preferred candidate of choice" with their own voting power. I emphasize the words "such citizens" and "preferred" because they are key to this part of the bill and keep it consistent with the language abrogating Bossier Parish. Both parts have a limited but important purpose: protecting naturally occurring majority-minority districts.

The new subsection guarantees that districters will not discriminate against creating such districts. And this new subsection (d) ensures they will not break up such districts, at least not when neutral districting principles continue to commend the creation of such a district.

I note in passing that forcing the preservation of a noncompact majority-minority district likely would run afoul of the Supreme Court's ruling against racial gerrymanders in Shaw v. Reno. And, like subsection (c), all that subsection (d) does is protect naturally occurring majority-minority districts. By limiting non-retrogression requirements to districts in which "such minority citizens" are able with their own vote power to elect "preferred candidates of choice"—not just a candidate of choice settled for when forced to compromise with other groups—the bill limits section 5 to protecting those naturally occurring, compact majority-minority districts with which section 5 was originally concerned.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me just say one final thing. I very much agree with Senator HATCH that the bill limits section 5, protecting those naturally occurring, compact majority-minority districts with which section 5 was originally concerned, and that nothing in this section of the act should be interpreted to require that the competitive position of the political party favored by minority voters be maintained or enhanced in any district. This change made by the bill is not intended to preserve or ensure the electability of candidates of any political party, even if that party's candidates are supported by members of minority groups.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I agree very much, and I am glad that we can put this issue to bed.

By anchoring section 5 in the concept of "preferred candidates of choice"—another term of art whose meaning is cemented in the Supreme Court's precedents—I think this bill eliminates any risk that section 5 of the Voting Rights Act will be interpreted to protect coalitions and influence districts and other tools of purely partisan gerrymanders. The term "preferred candidates of choice" has a clear meaning in the court's precedents: Minority candidates elected by a minority community.

I think the use of this language eliminates the risk that courts will construe section 5 to protect candidates who rely on minority votes for their margin of victory in the general election but are not elected by a majority-minority district. And I agree that it may be good policy for a State to create districts in which different groups will combine to elect a common party candidate, but Federal law should not be used to require that the State permanently preserve such a district.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I would simply add to the comments of the assistant majority leader that I, too, am glad that we have eliminated any risk in Georgia v. Ashcroft, and section 5 would be applied to require preservation of anything other than districts that allow naturally occurring minority-group majorities to elect minority candidates. Locking into place so-called coalition or influence districts would wreak havoc with the redistricting process and would stretch the Voting Rights Act beyond the scope of the Congress's authority under the 14th amendment.

Mr. CORNYN. Mr. President, I have some additional remarks that I would like to make on this important legislation.

Forty-one years ago, when signing the landmark Voting Rights Act of 1965 into law, Lyndon Johnson, the President of the United States, a former member of the Senate whose seat I am privileged to hold, described the act's passage as "a triumph for freedom as huge as any victory that has ever been won on any battlefield." President Johnson's words captured the importance of the act's passage. It was a hard-fought victory at a tense time in American history.

It is no secret why the Voting Rights Act was necessary. It was adopted at the height of the civil rights movement, when numerous jurisdictions throughout the United States had intentionally, systematically disenfranchised Blacks and other minorities from the electoral process.

As a witness before the Senate Judiciary Committee noted, a Senate report from 1965 found that in every voting discrimination suit brought against Alabama, Louisiana, and Mississippi, both the district court and the Court of Appeals found "discriminatory use of tests and devices"—devices such as literacy, knowledge, and moral character tests. The Senate concluded that these were not "isolated deviations from the norm" but, instead, "had been pursuant to a pattern or a practice of racial discrimination." Such practices had driven down to 29.3 percent the average registration rate for Black citizens in these States—29.3 percent.

Worse yet, violence and brutality were common. In 1961, a Black voter registration drive worker in McComb, MS was beaten by a cousin of the sheriff; a worker was ordered out of the registrar's office at gunpoint and then hit with a pistol; a Black sympathizer was murdered by a State representative; another Black who asked for Justice Department protection to testify at the inquest was beaten and killed 3 years later; a White activist's eye was gouged out; and, finally, 12 student nonviolent coordinating committee workers and local supporters were fined and sentenced to substantial terms in jail. And those were just some of the many terrible incidents that occurred.

This type of bigotry and hatred at the polls, coupled with escalating violence and even the murder of activists, is the backdrop against which the Voting Rights Act was adopted—permanently enshrining into law the long-unfulfilled promise of citizenship and democratic participation for all Americans as guaranteed by the 15th amendment to the U.S. Constitution.

The permanence of the Voting Rights Act is something that I am afraid is sometimes misunderstood or misstated in the popular press. The act's core provision found that section 2 prohibits the denial or abridgement of the right of any citizen to vote on account of race or color.

That provision is permanent. That provision will never expire, and we are not addressing this permanent provision by the reauthorization that we will vote on today.

Instead, we are addressing what at the time was a temporary, 5-year period where provisions were adopted to subject certain jurisdictions to Federal oversight of the voting laws and procedures until the intent of the Voting Rights Act was accomplished. This provision, section 5, along with later-added provisions designed to protect voters from discrimination based upon limited English proficiency, has been renewed several times since it was originally passed and will expire in the summer of 2007. Those are the provisions which we are addressing here today and which this vote today will reauthorize.

Today, we are considering the renewal of these provisions at a time when we can look back with some pride as a country and say that the Voting Rights Act has fulfilled its promise. It worked.

Today, we live in a different—albeit still imperfect—world. Today, no one can claim that the kind of systemic, invidious practices that plagued our election systems 40 years ago still exist in America. Today, the voter registration rates among Blacks, for example, in the covered jurisdictions is over 68.1 percent, as this chart indicates, higher than the 62.2 percent found in noncovered jurisdictions.

Let me repeat that, Mr. President, because I think it is important. Earlier, you heard me say that as a result of the violence and the discrimination against Black voters in three Southern States before the Voting Rights Act was passed, voter registration rates for African Americans was about 29 percent. But today, 40 years later, as a result of the fact that the Voting Rights Act has accomplished its purpose, we now see voting registration rates nationwide at 62.2 percent. Perhaps the most amazing thing is that the rate of voter registration in those areas that were covered by section 5, because they had a history of discrimination and violation of the voting rights of minority voters, is actually higher than the rest of the country—68.1 percent—as opposed to 62.2 percent for the noncovered jurisdictions.

A review of the voter registration data since the act's original passage shows that the covered jurisdictions have demonstrated equal or higher voter registration rates among Black voters as noncovered jurisdictions since the mid-1970s.

I realize, though, this is not the only measure of the performance of the act. Another important indicator of its success is the continual decline—almost to the point of statistically negligible numbers—of objections issued by the Department of Justice to plans submitted under section 5 for pre clearance. You can see on this chart that I have demonstrated here, going back to 1982, to 2005—and again, this is for the nine covered jurisdictions—this is what we are focusing on with this reauthorization. In those nine covered jurisdictions that were required under section 5 to submit their election changes for preclearance, you see that in 1982, for 2,848 submissions, there were 67 objections to those changes or a rate of roughly 2.32 percent. But if you jump down to 2005—let's go to 1995—it shows that this is really a bipartisan success under both Republican and Democrat Presidential administrations. In 1995, you can see that out of 3,999 submissions, requests for pre clearance under section 5, there were only 19 objections as required through the required procedures.

So you see actually the number of objections dropping from 2.32 percent to, in 1995, under one-half of 1 percent. And the good news is, it just keeps getting better. In 2005, there were 3,811 submissions, and only 1 objection for preclearance of a change in voting practices or procedures in the covered jurisdictions. So I would submit that both the voter registration rates for African American voters in the covered jurisdictions, and the plummeting, really, of objections sustained to submissions requesting preclearance under section 5, are strong and compelling evidence that, in fact, the Voting Rights Act has achieved—largely achieved—the purposes that Congress had hoped for and that no doubt millions of people who had previously been disenfranchised had prayed for.

The evidence demonstrates the continued improvement of access to office for minorities. The statistics in the House record indicate that hundreds of minorities are now serving—not just getting to vote, they are actually serving in elected office, accomplishing again one of the important purposes of the Voting Rights Act. Indeed, in Georgia, minorities are elected at rates proportionate to or higher than the numbers proportionate to the general population would otherwise indicate. While Georgia's population is 28.7 percent African American, 30.7 percent of its delegation to the United States House of Representatives, and 26.5 percent of the officials elected statewide are African American, a remarkable accomplishment.

Black candidates in Mississippi have achieved similar success. The State's population is 36.3 percent African American, and 29.5 percent of its representatives in the State House, and 25 percent of its delegation in the United States House of Representatives are African American.

In light of this strong indication that the act has largely achieved the purposes that Congress had intended, of course, the logical question before us is whether these provisions under section 5 should be reauthorized. The Judiciary Committee hearings were enlightening on this point, and I want to congratulate Chairman SPECTER for readily ceding to requests that were made to have a complete record so that not only Congress but the courts that may later examine this record can see what the facts are. Senator SPECTER worked hard to hold a sufficient number of fair and balanced hearings, but given our busy schedule on the Senate floor, that was not always easy to accomplish. However, I think it might have been beneficial for the long-term viability and success of the Voting Rights Act had we engaged in serious, reasoned deliberation over some of the suggested possible improvements, some suggested by our witnesses—improvements that would underscore the act's original purpose. It would modernize it to reflect today's reality. It would possibly expand the coverage of section 5 to jurisdictions where recent abuses have taken place or, perhaps, have improved the so-called bailout procedures for those jurisdictions that had a successful record of remedying, indeed eliminating, discrimination when it comes to voting rights.

One idea that was offered was to update the coverage formula. I don't know if that is a good idea, but I would like to know. Some suggest that such an update would gut the act. I, for one, certainly don't want to see that happen. I don't want to see the act gutted. But I am skeptical that this would be the result. The amendment that was voted on in the House, for example, would have updated the coverage trigger to the most recent three Presidential elections from the current point, or trigger, of 1964, 1968, and 1972 elections.

As I understand it, the map, after an update to cover the most recent three Presidential elections, would look something like this. In other words, rather than the nine covered jurisdictions, you would see jurisdictions around the country, both at the State and local level—primarily at the local level—that would focus on the places where the problems really do exist and where the record demonstrates with some justification for the assertion of Federal power and intrusion into the local and State electoral processes.

If this is an accurate reflection of the effects of updating the trigger to the most recent three Presidential elections, it certainly changes the map. But I suggest, just looking at this, it hardly guts it.

It would have also been beneficial for us to have had a full discussion of ways to improve the act to ensure its important provisions were applied in a congruent and proportional way, something the Supreme Court will take into consideration when it considers the renewed act.

Yesterday, the Senate Judiciary Committee voted overwhelmingly to extend the expiring provisions of the act and adopt several substantial revisions included by the House, so I think it is important to comment on the House revisions to the act. In other words, we are not just reauthorizing the Voting Rights Act as it existed previously, there have been changes made. So I think it is important for us to identify those changes and reflect on them for a moment.

There has been some debate about the meaning of these provisions. My understanding is that the purpose of these provisions is fairly straightforward, and I think the House legislative history reflects this; that is, the purpose is to ensure minorities are not prevented from holding elected offices in bodies such as Congress and ensure that no intentional, unconstitutional discrimination is allowed to proceed. It is important that our understanding about these provisions be clear so that their application will be likewise clear.

I think the colloquy that we had on the Senate floor just a few moments ago helps to make that as clear as we possibly can.

In short, the Voting Rights Act is simply the most important and most effective civil rights legislation ever passed, bar none. The extension of the expiring provisions is important for the continued protection of voting rights, even though it would have been preferable and even possibly constitutionally advisable for us to review the application of the act's preclearance and other provisions.

Unfortunately, the act's language was a bit of a foregone conclusion, prohibiting the kind of debate and discussion and perhaps amendment process that might have been helpful to protect the act against future legal challenges.

Few issues are as fundamental to our system of democracy and the promise of equal justice under law as the Voting Rights Act. I support reauthorization of the expiring provisions because the purpose of the Voting Rights Act is genuine, its goals are noble, and its success, as I hope to have demonstrated, is unparalleled.

But I do want to say in conclusion that I share the concerns expressed by Chief Justice Roberts in the most recent redistricting case that has been heard by the U.S. Supreme Court. I hope the day will come when we will no longer, to use his words, be "divvying us up by race."

It is my sincere hope that we will move beyond distinctions based on race in our policymaking, lest we, in the words of Justice Anthony Kennedy, make "the offensive and demeaning assumption that voters of a particular race, because of their race, think alike, share the same political interests, and will prefer the same candidates at the polls.

The question in the end is, Is this bill that we will vote on today the very best possible product?

I would have to say the answer to that is, apparently not.

In response to the question, is this the very best that we can do at this time?" I would have to conclude, yes, it is. And I support it for that reason.

I see my distinguished colleague from New York on the Senate floor.

I yield the floor to her and anyone else who seeks an opportunity to speak.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I am also here to voice my support for the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. It is so fitting that this legislation reauthorizing this landmark Civil Rights Act would be named for three women who are so well known as heroines of the struggle for civil rights in our own country.

Thousands of Americans risked their lives, and some unfortunately lost them, during the civil rights movement to challenge an electoral system that prevented millions of our fellow citizens from exercising their constitutional right to vote.

After a long struggle by activists and everyday citizens, President Johnson introduced and eventually signed the Voting Rights Act of 1965 into law.

I vividly remember the day, 41 years ago, when I sat in front of our little black and white television set and watched President Johnson announce the signing into law of the Voting Rights Act. He opened his speech to the Nation that night with these memorable words:

> I speak tonight for the dignity of man and the destiny of democracy.

That was the culmination of a long struggle which continues even now because we still must work vigilantly to make certain that those who try to vote are allowed to do so, and that we keep watch to guarantee that every vote is counted.

President Johnson was right all those years ago. When you deny a person his or her right to vote, you strip that individual of dignity and you weaken our democracy. The endurance of our democracy requires constant vigilance, a lesson that has been reinforced by the last two Presidential elections, both of which were affected by widespread allegations of voter disenfranchisement.

I believe we have a moral as well as a political and historical obligation to ensure the integrity of our voting process. That was our Nation's obligation in 1965; it remains our obligation today.

As we turn on our news and see the sights of conflict, as we hear the stories of sectarian violence, as we struggle to help nations understand and adopt democracy in their own lands, we more than ever must ensure that America is the place where the right to vote is fully and equally available to every citizen.

We still have work to do, to renew protections for the right to vote, to enforce safeguards that guarantee the right to vote, and strengthen our election laws so that our right to vote is not impeded by accident or abuse. While parts of the Voting Rights Act are permanent, there are three important sections set to expire next year unless they are renewed.

Section 5 of the Voting Rights Act requires that the Federal Government or a Federal court approve or, in the language of the act, "preclear" all changes to voting procedures by jurisdictions that have a history of discrimination. The importance of this provision cannot be overstated. Section 5 is the bulwark. It stands to ensure that all minorities have equal access to the ballot box. Not only has Section 5 been used to strike down potentially discriminatory changes to election laws, but it has also deterred them.

Equally important is the reauthorization of sections 6 through 9, which authorize the Federal Government to send examiners and observers to jurisdictions with a history of voter discrimination and voter intimidation, and to ensure that by the presence of the Federal Government—which represents all of us—no one will engage in such despicable behavior.

Finally, section 203 of the Voting Rights Act requires bilingual assistance for areas with a concentration of citizens with limited English proficiency, including bilingual ballots, if necessary. Voters with limited English proficiency would in many instances be unable to participate in our political process and to fully exercise their rights of citizenship if this assistance were not available to help them understand what is on a ballot.

Sometimes, even though I speak English, I think I need help understanding what is on some of our ballots when we have all kinds of bond issues and other kinds of activity. Imagine if you are, as are some of the people I have met, a legal immigrant from Latin America who is so proud to be a citizen and so worried she will make a mistake when she first goes to vote, or an elderly gentleman who came to this country fleeing oppression in the former Soviet Union, who speaks only Russian but has become a citizen, is learning English and wants to be able to understand what he is voting for. At a time when we are embroiled in a debate about how best to assimilate immigrants and to send out the message that we want people in our country to learn English, to participate as citizens, we don't want to set up any artificial barriers to them feeling totally involved in and supportive of and welcomed by our great democracy.

These expiring sections of the Voting Rights Act, sections 5, 203, 6 through 9, have all been reauthorized—first in the House, then in the Judiciary Committee yesterday here in the Senate. I am very pleased that has happened because I think we still need them.

Of course, we have made so much progress. I am very proud of the progress our Nation has made, when you go back and look over more than 200 years of history, what we have accomplished—it is just a miraculous, wonderful happening that could only occur in this great country of ours where we have steadily and surely knocked down the barriers to participation.

But are we perfect? Of course not. There is no such thing as perfection on this Earth. We have survived as a nation and as the oldest democracy in part because we have had checks and balances and we have been under the rule of law, not of men. So this reauthorization is critical to making sure we still have the framework to make it possible for every person to believe that he or she can vote, and that vote will matter. Of course, the Voting Rights Act only works if it is actually enforced. We can have all the laws in the world. We have seen in so many authoritarian regimes, totalitarian regimes, where they have great sounding laws. The laws sound as though they are next to paradise, but it does not matter because no one enforces the laws.

Unfortunately, I am worried we may be at that point in our own country when it comes to voting rights. The civil rights division at the Department of Justice has been purged by many of the people, career lawyers who enforced the law regardless of whether it was against Democrats or Republicans or in any part of the country. Now it is filled with political appointees who often choose ideology over evidence. That has resulted in a failure to enforce the Voting Rights Act. There are lots of examples. Look at the news coverage this past December: Six career lawyers and two analysts in the Department of Justice's civil rights division, it was reported, were basically overruled when they made recommendations about the Texas redistricting plan. The civil rights division officials were overruled when they recommended against Georgia's voter photo ID requirement which disadvantaged African Americans, the elderly, and other voters. Finally, that law was enjoined by a Federal court.

These are isolated incidents in some people's minds, but I see, unfortunately, a pattern. We need to make sure our laws have teeth; otherwise, they are just for show, they do not make any difference at all. Unfortunately, almost two-thirds of the lawyers in the voting section of the civil rights division have left in the last few years. That sends a very disconcerting message that maybe the Voting Rights Act will be honored by word but not by deed.

I hope when we reauthorize it, as I am confident we will do in the Senate, we will send a message that we expect it to be enforced and that it means something; otherwise, we are not going to be fulfilling the promise of a Constitution that sets voting and democracy at its core. I hope we will not only reauthorize the Voting Rights Act, that we will enforce the Voting Rights Act and, third, we will change some of our other laws to protect against some of the abuses now taking place around the country when it comes to voting.

We have to strengthen our electoral system so that basic democratic values are protected as voting technology evolves and as it threatens to undermine the right to vote. We need to put a few simple principles into law and we should do it sooner rather than later so that we count every vote and we make sure every vote is counted.

That is why I drafted and introduced, along with some of my colleagues in both Houses, the Count Every Vote Act, because I believe all Americans ought to have a reasonable opportunity to register and cast their vote if they are citizens. That should be part of being a citizen.

In fact, I met with a group of young high school students from New York. We were talking about how we can get more young people involved in voting. One of them asked, when we turn 18, why aren't we automatically registered? That is a great idea. Citizens should be automatically registered. We need to make this part of the growing up in America. You turn 18, you get registered to vote, beginning a lifetime habit of voting.

We also need to make sure every American citizen will be able to count on the fact that their name will not be illegally purged from the voter roles. We have seen that happen. It is still happening. What happens is, someone in the political position of a State says, we will purge the voter roles to get rid of people who have moved or who may not be eligible to vote. I don't disagree with that. People who don't live in a jurisdiction or are not eligible should not be permitted to vote.

Instead of purging on that very limited basis, oftentimes they purge hundreds and thousands of people unfairly, unlawfully. Someone shows up to vote and they are told, we are sorry, you are not registered to vote. The person does not know what has happened, but they are prohibited from voting.

Every American voter who shows up at the polls should be confident they do not have to wait hours to cast ballots. I did a town hall meeting in Cleveland with my friend Congresswoman STEPHANIE TUBBS JONES. We heard testimony from some students from Kenyon College who had to wait for 10 and 12 hours to be able to vote. They were eligible, they were registered, they were anxious to vote, and because of the way the number of voting machines was allocated and the discouragement that was meant to be sent that you would have to wait so long, it was an unfair treatment of these young people and not in keeping with our desire to increase the number of people who vote in our country.

We also need to make sure the system of voting has not been compromised by politics or partisanship. It is flat wrong for someone who runs an election to also be running in the election and thereby be supervising their own election, or for someone to be running for election to some position, get the support of the person running the election as his campaign manager or spokesman. That is a conflict of interest. That ought to be prohibited. People need to feel, and they have every right to feel, confidence in the integrity of our electoral system.

Finally, every American voter should know there are adequate safeguards against abuses or mistakes caused by the new computerized voting machines. There have been so many problems. They have broken down, they have double counted, they have failed to count, tests have been run showing how easy they are to hack into. We do not need that. We need a system people can count on. If we can go to an ATM and withdraw money, if we can have all the other advantages from access to computers and the Internet, for goodness sakes, we ought to be able to use electronic voting without raising questions about whether it is being truthful, whether it is being accurate, and whether it is even being operated correctly.

This effort to reauthorize the Voting Rights Act is part of a larger struggle about basic rights, basic values, and basic opportunities. It is, at root, a struggle to ensure that we live up to the promise of democracy in this Nation. We do need to reinstate the decades-old voting rights protections. We need to enforce those voting rights presentations. We need to strengthen those voting rights protections. We need to do that because that is what we are as Americans. That is what we expect of ourselves.

I hope after we reauthorize the Voting Rights Act, which I am confident we are going to do, then we turn our attention to making sure we enforce it, that we are doing everything we can to encourage people to vote, make it easy for them to vote, and make sure that every vote counts.

Our ideals are important to us as Americans. Our principles about who we are, what we believe in, our core values as to what it means to be an American. I hope and trust when it comes to the most important function in a democracy—namely, running elections and giving people the right to make decisions about who governs us—that we will be second to none. We cannot say that now because other countries, frankly, are doing a better job than we are, but today is a good first step to get us back on the track of making sure that the world's oldest democracy demonstrates clearly we know how to run elections that people have confidence and trust in and that we want every single citizen to feel welcome to participate and to make the decisions that will determine the future of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise in support of a bill to extend the expiring provisions of the 1965 Voting Rights Act. While I support this bill, I continue to have some serious concerns with several aspects of it, not the least of which is the extension for an extraordinary 25 years.

The act, originally passed in 1965, was unquestionably needed to bring the promise of the Constitution to many of our citizens who had been shut out of our national political process. The original act, a remedial measure to deal with past discrimination, provided that certain provisions would sunset after 5 years. I have grave concerns that a 25-year extension may well, by itself, doom the act in a future constitutional challenge, given the Supreme Court's jurisprudence concerning the need for narrowly tailored remedial measures to deal with past discrimination.

Members of the House raised legitimate concerns last week and advanced positive amendments which I believe would have strengthened this bill and updated it to reflect the reality of profoundly improved race relations which exist today in my home State of Georgia.

Let me talk about the positive progress. Today, a higher percentage of Black citizens in Georgia are registered to vote than are White citizens: 66 percent compared to 59 percent. Today, a higher percentage of Black citizens in Georgia turn out the vote than do White citizens: 51 percent compared to 48 percent. The number of Black elected officials in Georgia has climbed steadily, from 30 in 1970 to 249 in 1980, a 730-percent increase, to 582 in 2000.

Let me talk about my home county which is in rural Georgia, the very southern part of our State. Our community is a beneficiary of this Voting Rights Act. Over the years, several members of our Black community have been elected to city council, county commission, and school board posts.

Men and women such as Wesley Ball, Frank Wilson, Lamont Alderman, Justina Lewis, George Walker, Trudy Hill, Betty Hagin, Luke Strong, Jr., the Rev. Ronald Wilson, Debra Boyd, and Stine George. All of these outstanding men and women have been very professional public servants in representing our school board, our city, as well as our county.

I am very proud to live in a city and county that has had individuals such as these as its representatives.

Currently, there are nine statewide Black elected officials in Georgia, most of whom, interestingly enough, defeated White opponents, including the current attorney general, three State supreme court justices, including the chief justice, and the State labor commissioner.

Today, 4 of Georgia's 13 Members of the U.S. House are Black, two of whom represent majority White districts.

One of the continuing concerns about the bill as currently written is it mandates that Georgia continues to be a "covered jurisdiction." That designation requires any election law change, no matter how minor, to be precleared by a Federal bureaucracy. Other States with much less impressive minority progress and less impressive minority participation are not covered, while Georgia is. Many of us share the view that this seems both unfair and unwise.

Only a short while ago my colleague from Illinois acknowledged that voting discrimination occurs in noncovered States, yet he and others leave unaddressed the issue of whether the formula adopted in 1964 should be modernized to reflect the reality of 2006, so that appropriate discrimination can be dealt with wherever it exists.

Despite these concerns, I will vote in favor of this bill. It is a symbol of progress to so many of our citizens and it has made a difference in the lives of a generation of Georgians, Black and White.

I urge my colleagues to join me in support.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to proceed for up to 20 minutes after the distinguished Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, I modify my request and ask unanimous consent that after Senator OBAMA speaks, and after a Republican has spoken after Senator OBAMA, that I could be recognized for up to 20 minutes at that time.

The PRESIDING OFFICER. Is there objection to the revised unanimous consent request?

Mr. CHAMBLISS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. I will not object, but I say to the Senator from Oregon, if we could have the Senator from Illinois proceed, then the Senator from South Carolina, Mr. GRAHAM, proceed, and then the Senator from Oregon.

Mr. WYDEN. Mr. President, that is exactly the kind of scenario I envisioned, and I appreciate that from the Senator from Georgia, and renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. OBAMA. Thank you, Mr. President.

Mr. President, I rise today both humbled and honored by the opportunity to express my support for renewal of the expiring provisions of the Voting Rights Act of 1965. I thank the many people inside and outside Congress who have worked so hard over the past year to get us here. We owe a great debt of gratitude to the leadership on both sides of the aisle. We owe special thanks to Chairmen SENSENBRENNER and SPECTER, Ranking Members CONYERS and LEAHY, and Representative MEL WATT. Without their hard work and dedication, and the support of voting rights advocates across the country, I doubt this bill would have come before us so soon.

I thank both Chambers and both sides of the aisle, as well, for getting this done with the same broad support that drove the original act 40 years ago. At a time when Americans are frustrated with the partisan bickering that too often stalls our work, the refreshing display of bipartisanship we are seeing today reflects our collective belief in the success of the act and reminds us of how effective we can be when we work together.

Nobody can deny we have come a long way since 1965. Look at the registration numbers. Only 2 years after the passage of the original act, registration numbers for minority voters in some States doubled. Soon after, not a single State covered by the Voting Rights Act had registered less than half of its minority voting-age population.

Look at the influence of African-American elected officials at every single level of government. There are African-American Members of Congress. Since 2001, our Nation's top diplomat has been African American. In fact, most of America's elected African-American officials come from States covered by section 5 of the Voting Rights Act—States such as Mississippi, Alabama, Louisiana, and Georgia.

But to me, the most striking evidence of our progress can be found right across this building in my dear friend Congressman JOHN LEWIS, who was on the front lines of the civil rights movement, risking life and limb for freedom. On March 7, 1965, he led 600 peaceful protesters, demanding the right to vote, across the Edmund Pettus Bridge in Selma, AL. I have often thought about the people on the Edmund Pettus Bridge that day, not only JOHN LEWIS and Hosea Williams, who led the march, but the hundreds of everyday Americans who left their homes and their churches to join it—Blacks and Whites, teenagers, children, teachers, bankers, shopkeepers; what Dr. King called a beloved community of God's children ready to stand for freedom.

I wonder sometimes: Where did they find that kind of courage? When you are facing row after row of State troopers on horseback, armed with billy clubs and tear gas—when they are coming toward you spewing hatred and violence—how do you simply stop, kneel down, and pray to the Lord for salvation?

But the most amazing thing of all is that after that day, after JOHN LEWIS was beaten within an inch of his life, after people's heads were gashed open and their eyes were burned, and they watched their children's innocence literally beaten out of them—after all that, they went back and marched again. They marched again. They crossed the bridge. They awakened a nation's conscience, and not 5 months later the Voting Rights Act of 1965 was signed into law. It was reauthorized in 1970, in 1975, and in 1982.

Now, in 2006, JOHN LEWIS—the physical scars of those marches still visible—is an original cosponsor of the fourth reauthorization of the Voting Rights Act. He was joined last week by 389 of his House colleagues in voting for its passage.

There were some in the House, and there may be some in the Senate, who argue that the act is no longer needed, that the protections of section 5's "preclearance" requirement—a requirement that ensures certain States are upholding the right to vote—are targeting the wrong States. Unfortunately, the evidence refutes that notion.

Of the 1,100 objections issued by the Department of Justice since 1965, 56 percent occurred since the last reauthorization in 1982. Over half have occurred since 1982. So despite the progress these States have made in upholding the right to vote, it is clear that problems still exist.

There are others who have argued we should not renew section 203's protection of language minorities. These arguments have been tied to debates over immigration and they tend to muddle a noncontroversial issue—protecting the right to vote—with one of today's most contentious debates.

But let's remember, you cannot request language assistance if you are not a voter. You cannot be a voter if you are not a citizen. And while voters, as citizens, must be proficient in English, many are simply more confident that they can cast ballots printed in their native languages without making errors. It is not an unreasonable assumption.

A representative of the Southwestern Voter Registration Project is quoted as saying:

> Citizens who prefer Spanish registration cards do so because they feel more connected to the process; they also feel they trust the process more when they understand it.

These sentiments—connection to and trust in our democratic process—are exactly what we want from our voting rights legislation.

Our challenges, of course, do not end at reauthorizing the Voting Rights Act. We have to prevent the problems we have seen in recent elections from happening again. We have seen political operatives purge voters from registration rolls for no legitimate reason, prevent eligible ex-felons from casting ballots, distribute polling equipment unevenly and deceive voters about the time, location, and rules of elections. Unfortunately, these efforts have been directed primarily at minority voters, the disabled, low-income individuals, and other historically disenfranchised groups.

The Help America Vote Act, or HAVA, was a big step in the right direction. But we have to do more. We need to fully fund HAVA if we are going to move forward in the next stage of securing the right to vote for every citizen. We need to enforce critical requirements such as statewide registration databases. We need to make sure polling equipment is distributed equitably and equipment actually works. We need to work on getting more people to the polls on election day.

We need to make sure that minority voters are not the subject of some deplorable intimidation tactics when they do go to the polls. In 2004, Native American voters in South Dakota were confronted by men posing as law enforcement. These hired intimidators joked about jail time for ballot missteps and followed voters to their cars to record their license plates.

In Lake County, OH, some voters received a memo on bogus board of election letterhead, informing voters who registered through Democratic and NAACP drives that they could not vote.

In Wisconsin, a flier purporting to be from the "Milwaukee Black Voters League" was circulated in predominantly African-American neighborhoods with the following message:

> If you've already voted in any election this year, you can't vote in the presidential election. If you violate any of these laws, you can get ten years in prison and your children will get taken away from you.

Now, think about that. We have a lot more work to do. This occasion is a cause for celebration. But it is also an opportunity to renew our commitment to voting rights.

As Congressman LEWIS said last week:

> It's clear that we have come a great distance, but we still have a great distance to go.

The memory of Selma still lives on in the spirit of the Voting Rights Act. Since that day, the Voting Rights Act has been a critical tool in ensuring that all Americans not only have the right to vote but have the right to have their vote counted.

Those of us concerned about protecting those rights cannot afford to rest on our laurels upon reauthorization of this bill. We need to take advantage of this rare, united front and continue to fight to ensure unimpeded access to the polls for all Americans. In other words, we need to take the spirit that existed on that bridge, and we have to spread it across this country.

Two weeks after the first march was turned back, Dr. King spoke, and he told a gathering of organizers and activists and community members that they should not despair because the arc of the moral universe is long, but it bends toward justice. The arc of the moral universe is long, but it bends toward justice. That is because of the work that each of us does that it bends toward justice. It is because of people such as JOHN LEWIS and Fannie Lou Hamer and Coretta Scott King and Rosa Parks—all the giants upon whose shoulders we stand—that we are beneficiaries of that arc bending toward justice.

That is why I stand here today. I would not be in the Senate had it not been for the efforts and courage of so many parents and grandparents and ordinary people who were willing to reach up and bend that arc in the direction of justice. I hope we continue to see that spirit live on not just during this debate but throughout all our work here in the Senate.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Thank you, Mr. President.

I wish to take a few moments to add my voice to the Senate debate in terms of why I will vote for the Voting Rights Act reauthorization.

No. 1, I am a member of the Judiciary Committee, and I wish to congratulate our chairman, Senator SPECTER, and our ranking member, Senator LEAHY, for getting the bill out of committee. It was an 18-to-0 vote. I have enjoyed that committee in many ways, and one of the highlights of my time on that committee is getting this piece of legislation to the floor for a vote. I anticipate an overwhelming vote for the Voting Rights Acts.

There are so many ways to say why, and so many approaches to explain the continued need. But the best I can say, in terms of my voice being added to the debate, is that I recognize it is just a voice, that I am in the Senate—I just turned 51 years old, a child of the South. I grew up in the 1950s and 1960s, and I went to segregated schools until, I think, the fifth or sixth grade.

My life is better because of the civil rights movement.

It has enriched the country. I have been able to interact with people in ways that would have been impossible if segregation had stood and, as Senator OBAMA indicated, his career in the Senate is possible. I would argue that most Americans' lives are better because in America you can interact in a meaningful way now. And one of the interactions is to be able to vote.

But it is just a voice I add. To get here, literally, to get the Voting Rights Act passed back in the 1960s, people died. They shed their blood, their sweat. They put their hopes and dreams for their children on the line. They were willing to die for their insistence that they play a meaningful role in American society. And the most meaningful way you can participate is to be able to vote without fear.

Dr. King is a fascinating historical figure now. He was a fascinating man while he lived. I have been in the military for quite a while. I have been around a lot of brave people—pilots who take off and fly in harm's way. I sort of have an affinity for military history. I always admired the people who would go up the hill in the face of overwhelming force or stand with their comrades when it looked as though all hope was lost because that was the right thing to do.

They were willing to sacrifice their life not only for their country but for their fellow service members, the people in their unit. How hard that must have been. Some people rise to the occasion and some don't. Those who rise to the occasion are called heroes, rightly so. Those who fail to rise to the occasion are called human beings.

All human beings, me included, should celebrate the heroes. The thing that I admire most about Dr. King and his associates is that it is one thing to put your own life at risk. It is another thing to put your family at risk. I would imagine, never having met Dr. King, that one of his biggest fears was not about his personal safety but about what might happen to his family. To me that is the ultimate act of bravery, to know that if you do nothing, your family is going to be locked into a system where life is very meaningless. And to do something so heroic and so challenging that you put your family at risk had to be a very hard decision.

So as we reauthorize the Voting Rights Act, we need to remember, all of us who vote, that it is not that big a deal. There is no one in the Senate. Hardly anyone is listening. We have some visitors here in the Capitol. It is going to pass pretty quickly. Everybody knows the outcome. In the 1960s, people did not know the outcome. I argue that the fact we reauthorized this without a whole lot of discussion and rancor is the best testament to its success. All the fears and all the playing on people's prejudices that would come from integration, if it came about, or allowing everyone to vote, if it came about, they were just that—baseless fears. As you look back from 2006 over the history of the Voting Rights Act, there is nothing to fear. Allowing Americans to fully participate in a democracy has been a wonderful thing. Allowing people to go to the movie they went to go to and go to the restaurant they want to eat at and play on the same sports teams as every other person in their neighborhood, regardless of race, creed, or color, is a wonderful thing. At the time it was a frightful thing.

That says nothing about this generation being good and the last generation being evil. It speaks to the weakness of humanity. Within all of us there is a fear that can be tapped into. We have to guard against that. We have to be on constant guard not to let the issues of our day play on our fears.

I argue that one of those issues we are dealing with today that is playing on the fears of the past and the weaknesses of humanity is the immigration issue. I hope as we move forward on the immigration issue, we can understand that obeying the law is an essential part of America, and people need to be punished when they break it. But America's strength has been absorbing people from all over the world, from different backgrounds, races, and creeds, and allowing them to share in the American dream. We should do it in an orderly way, not a chaotic way.

To the issue at hand, the Voting Rights Act will be extended. I believe it is for 25 years. Some of the data in the act is based on 1968, 1972 turnout models. The act does not recognize the progress particularly in my region of the country. I think it should have, but it didn't. So we will just move on.

South Carolina has made great strides forward in terms of African American voting participation and minority African American representation at all levels of State government and local government. My State is better for that. I am proud of the progress that has been made. To those who made it happen, those who risked their blood, sweat and tears, I owe you a debt, as everyone of my generation does. When I cast my vote today, it will be in your honor and your memory.

I hope 25 years from now it can be said that there will be no need for the Voting Rights Act because things have changed for the better. I can't read the future or predict what the world will be like 25 years from now or what America will be like. But if we keep making the progress we have in the last 25 years, it can happen.

It is incumbent upon each Member of this body—regardless of political differences, party affiliation, or personal background—to try to bring out the best in our country no matter how hard the issue might be, no matter how emotional it might be, and no matter how much people play on our fears. Just as those who came before us rejected the desire to play on fears and prejudices and risked their personal safety, I hope this generation of political leaders that I am now a part of will live up to the ideals demonstrated by Americans in the past who were brave, who risked it all for the common good.

I will close with this thought: As Senator OBAMA said, if we can embrace the spirit that led to the Voting Rights Act—a sense of fair play, fair treatment—and apply it to other areas and other issues facing our Nation, we will be much stronger. It is with that sense of purpose and hope that I will vote to reauthorize the Voting Rights Act.

To my fellow South Carolinians, you have come a long way. You have much to be proud of. But we, like every other part of this country, still have a long way to go.

I yield the floor.

Mr. LUGAR. Mr. President, I rise today to express my strong support for the reauthorization of the landmark Voting Rights Act of 1965.

I was a member of the Indianapolis School Board and mayor of Indianapolis during the civil rights movement, and I witnessed firsthand the critical importance of promoting justice and understanding in our communities. Following the tragic death of Dr. Martin Luther King, Jr., while I was serving as mayor, so many of my friends and neighbors in Indianapolis came together in peace and reconciliation, and I am grateful that our city served as a model to so many other cities that were unfortunately stricken with violence and division.

It is in the spirit of justice, harmony, and compassion that we must join together to pass this important legislation. This is a signal moment for the Senate, and I am pleased that President Bush will sign this bill into law as the 41st anniversary of the signing of the Voting Rights Act approaches on August 6.

Mr. SESSIONS. Mr. President, I rise to voice my support for reauthorizing the Voting Rights Act of 1965. H.R. 9, the bill to reauthorize the Voting Rights Act, is an important piece of legislation. I wish to take a few moments to express my thoughts on the great progress prompted by the Voting Rights Act in my State, as well as to express a few concerns.

My home State of Alabama—the site of the Selma to Montgomery voting rights march—had a grim history on voting rights. Before 1965, only 19 percent of African Americans in our State were registered to vote, and they were denied the right to vote through any number of tactics and strategies. Behind those tactics and strategies—the multiple "tests and devices"—lay a ruthless decision to deny Black citizens the right to vote so that the majority of the White community could maintain political power.

The results of the Voting Rights Act of 1965 were some of the best things that ever happened to Alabama. Before the Voting Rights Act, Alabama had fewer than a dozen Black elected officials. As of 2001, the most recent figures available, Alabama had over 750 African-American office holders—second only to Mississippi. These elected officials include a U.S. Congressman, 8 State senators, 27 members of the State House of Representatives, 46 mayors, 80 members of county commissions, school board members, town council members and the like.

Voter registration rates for Blacks and Whites in Alabama are now virtually identical. In fact, in the last Presidential election, according to the Census Bureau, a larger percentage of African Americans voted than Whites in the State of Alabama. Now, that was the goal of the act—to have this kind of progress occur. In fact, over the past 15 years, Alabama has not had a single court find the State guilty of violating the 15th amendment or the very broad protections afforded by section 2 of the Voting Rights Act. The same cannot be said of Arkansas; Colorado; Hawaii; Ohio; Maryland; Massachusetts; Missouri; Montana; Nebraska; Wisconsin; Chicago, IL; Hempstead, NY; Los Angeles County, CA; or Dade County, FL—none of which are covered by section 5's preclearance requirement.

The people of Alabama understand that these changes in our State are good, and they do not want to do anything that would suggest that there is any interest in moving away from the great right to vote. We want to reauthorize the Voting Rights Act. How we reauthorize the act is something that is worthy of discussion, however. The witnesses we have heard in the Judiciary Committee over the past couple of months have had many different ideas, and after hearing from them, I am concerned that we should have listened more carefully to some of their recommendations.

My concerns stem, in part, from the extraordinary nature of some of the temporary provisions of the Voting Rights Act particularly the "preclearance" requirement of section 5. Section 5 requires Alabama and other covered jurisdictions to "preclear" any change in "any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting." The preclearance requirement applies to "[a]ny change affecting voting, even though it appears to be minor or indirect." As a representative of the Department of Justice testified in the House of Representatives, "There is no de minimis exception" to the preclearance requirement.

In 1966, the Supreme Court in South Carolina v. Katzenbach upheld section 5's preclearance requirement "as a necessary and constitutional response to some States' 'extraordinary stratagem[s] of contriving new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal court decrees.'" The Court "acknowledged that suspension of new voting regulations pending preclearance was an extraordinary departure from the traditional course of relations between the States and the Federal Government," but "held it constitutional as a permitted congressional response to the unremitting attempts by some state and local officials to frustrate their citizens' equal enjoyment of the right to vote." In other words, the preclearance requirement was an extraordinary response to an extraordinary problem—unrelenting efforts by some State and local officials to contrive new rules for voting and elections after each defeat in Federal court.

During the reauthorization process, we have been presented relatively little present-day evidence of continued "unremitting attempts by some state and local officials to frustrate their citizens' equal enjoyment of the right to vote" as was the case in 1965—especially the kind of change-the-rules-after-losing tactics that prompted the section 5 preclearance requirement. According to Richard L. Hasen, William H. Hannon Distinguished Professor of Law at Loyola Law School in Los Angeles: "In the most recent 1998 to 2002 period, DOJ objected to a meager 0.05 percent of preclearance requests. Updating these data, DOJ interposed just two objections nationwide overall in 2004, and one objection in 2005." These data suggest relatively isolated attempts to interfere with voting rights not widespread, "extraordinary stratagem[s]" to perpetuate discrimination in voting.

To be sure, there have been examples of misconduct, such as the cancellation of the June 5, 2001, city council and mayoral elections in the town of Kilmichael, MS, and I do not want to minimize those violations in any way. Such misconduct did not appear to be common or widespread, however, and it could have been remedied through ordinary litigation under section 2 of the act and 42 U.S.C. § 1983. In fact, a disturbing aspect of the Kilmichael incident is that the attorney general's objection to the cancellation of the election came on December 11, 2001 over 7 months after the election had been canceled. This was no doubt due in part to the town's failure to submit the change in a timely fashion, but it nonetheless appears that minority voters would have received justice more quickly through a lawsuit in Federal court, accompanied by a request for a preliminary injunction and/or a temporary restraining order.

In light of the dearth of present-day preclearance objections or evidence of violations that, due to their nature or number, cannot be remedied through litigation, I am concerned that reauthorizing section 5's preclearance requirement for 25 years as proposed in H.R. 9 will not pass constitutional muster in the litigation that is certain to follow its enactment. In City of Boerne v. Flores, the Supreme Court held that when Congress enacts legislation to enforce constitutional guarantees, "[t]here must be a congruence and proportionality between the injury to be prevented or remedied and the means adopted to that end." The Court cited the Voting Rights Act of 1965 as an example of appropriate congressional enforcement legislation that it had upheld. The Court observed, however, that "[s]trong measures appropriate to address one harm may be an unwarranted response to another, lesser one."

I am worried because, in extending section 5's preclearance requirement for another 25 years, H.R. 9 does little to acknowledge the tremendous progress made over the past 40 years in Alabama and other covered jurisdictions. Today is not 1965, and the situation with respect to voting rights in Alabama and other covered jurisdictions is dramatically different from 1965. I would have expected Congress to recognize this tremendous progress in covered jurisdictions by modernizing section 5 to reflect present-day progress and remaining problems.

For example, Congress ought to update the coverage trigger in section 4(b) of the act. It is simply illogical—in 2006—to base coverage solely on registration and voter turnout data from the Presidential elections in 1964, 1968, 1972. What about the Presidential elections of 1996, 2000, and 2004? What about the 14 noncovered jurisdictions that Federal courts have found guilty of constitutional or section 2 violations in recent years? Those years and those jurisdictions could easily be added to the coverage formula in section 4(b), but H.R. 9 does not update the coverage formula to include them. Given the dearth of preclearance objections, it seems that some minor or de minimis voting changes ought to be removed from the preclearance requirement, as well.

Congress also needs to make changes to improve the "bailout" process in section 4(a) of the act. According to the Department of Justice, out of 914 covered States and political subdivisions, only 11 covered jurisdictions, all in Virginia, have bailed out from coverage, and thus preclearance, under section 4(a). It is obvious that bailout is not working properly, but H.R. 9 does not correct that problem. For example, even if a town in Alabama has a perfect record on voting rights and meets every one of the requirements for bailout, it cannot seek bailout because section 4(a) only allows a "political subdivision" to bail out, and section 14(c)(2) defines "political subdivision" to mean "any county or parish" but not any city or town. That should be changed, but this bill does not address it. I also think we should have given serious consideration to Professor Hasen's "proactive bailout" proposal to improve the bailout process.

I am also concerned that the Supreme Court will think that a 25-year reauthorization is simply too long to pass constitutional muster. In 1965, Congress only authorized the temporary provisions of the Voting Rights Act for 5 years. They have now been in effect for 41 years. I am worried that the Supreme Court will conclude that it is not "congruent and proportional" to require some States to preclear every single voting change, no matter how minor or insignificant, until the year 2031 based on data regarding voter turnout and registration from 1964—67 years earlier.

Finally, I am concerned about H.R. 9's language adding new subsections (b), (c), and (d) to section 5 of the Voting Rights Act to alter the Supreme Court's decisions in Georgia v. Ashcroft and Reno v. Bossier Parish School Board, Bossier Parish II. In its decision in Bossier Parish II, in particular, the Court warned that the interpretation of section 5 rejected in that case "would also exacerbate the 'substantial' federalism costs that the preclearance procedure already exacts perhaps to the extent of raising concerns about §5's constitutionality." Altering these decisions adds to the risks taken in failing to modernize and modify the provisions of the Voting Rights Act to address the voting rights problems of the 21st century. It is particularly important therefore, that these new provisions be strictly interpreted.

The "ability . . . to elect their preferred candidates of choice" language in new subsections 5(b) and 5(d) prevents the elimination of what the Supreme Court called "majority-minority districts" in Georgia v. Ashcroft, in exchange for the creation of what it called "influence districts." Neither the language of new subsections 5(b) and 5(d) nor the "any discriminatory purpose" language of new subsection 5(c) requires the creation of or locks into place "influence" or "coalitional" districts, however. The concept of "influence" or "coalitional" districts is far too amorphous to impose as a requirement of Federal law. Imposing such new restrictions on the redistricting process would prove both unworkable and unconstitutional.

I agree with the comments made earlier this afternoon by Senator McCONNELL, Senator HATCH, Senator KYL, and Senator CORNYN. We must remember that we are reauthorizing the Voting Rights Act not creating a "gerrymandering rights act." The bipartisan support for this bill indicates that both Republicans and Democrats do not expect or intend it to be interpreted to advantage one party or the other.

Although the Voting Rights Act is now 40 years old, many of my constituents have vivid recollections of discrimination at the ballot box, and they have strong memories of the civil rights movement that led to the most historic changes that were encapsulated in the Voting Rights Act. These are wonderful people. They love America and are proud of the changes in Alabama and our Nation. They have a strong attachment to the Voting Rights Act. All Alabamians want to see the progress continue. In light of the wrongs that have occurred in the past and out of respect for those who placed their very lives at risk for change, I will vote in favor of H.R. 9.

Mr. BURR. Mr. President, I rise today in support of reauthorizing the Voting Rights Act.

The democratic process of citizens electing those who will govern them is a cornerstone of America. It is this design which has contributed greatly to making our Nation stable, resilient, and a leader in the world. Every citizen over the age of 18 who can legally vote has a constitutional right to do so.

The 15th amendment of the Constitution states, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

To enforce the 15th amendment, President Lyndon Johnson signed the Voting Rights Act into law on August 6, 1965. This legislation prevented States from suppressing or denying African Americans and others the opportunity to participate in the electoral process, and it continues to do so today.

Most of the Voting Rights Act is permanent law. However, certain sections of the law are set to expire in 2007 if not reauthorized by this Congress. These sections, including requirements for Federal review of State and local election laws, the placement of Federal election observers, and voting assistance programs for bilingual American citizens, were established so that Congress could periodically reevaluate and amend them if needed.

I stand here today representing a State, portions of which have been classified by this act as having a troubled past, and I support reauthorization of the Voting Rights Act.

North Carolina is proud of the progress it has made over the last several decades. North Carolinians continue to learn from history and will continue to strive to serve as a model for the rest of the Nation in equality and fairness.

I must emphasize that regardless of the outcome of this reauthorization vote, which I will support and I am confident will pass this Chamber unanimously, no citizen will lose the right to vote in 2007 as a result of any expiring provisions. As Members of Congress, we have the responsibility to preserve the constitutional rights of all individuals but also to make sure that the law of the land is evenly and fairly applied and enforced.

Voting rights for African Americans or any other citizen group are granted by the 15th amendment. Voting rights for all American citizens are permanent.

We must ensure public confidence in our electoral system.

As I have said on the floor of the Senate before, "as our country plants the seeds of democracy across the world, we have the essential obligation to continue to operate as the model."

I urge my colleagues to support this reauthorization.

Mr. GRASSLEY. Mr. President, I rise today in strong support of the reauthorization of the Voting Rights Act.

Let me first commend everyone who has been involved with getting this bill to where it is today, including the chairman of the Judiciary Committee here in the Senate, Chairman SPECTER. Chairman SPECTER has attempted to ensure that everyone involved in this process received the opportunity to explore the issues about which they had further questions, while still moving the bill through expeditiously. Thanks to all these efforts, we will see final passage of the Voting Rights Act reauthorization today, nearly a year ahead of the expiration of any of the temporary provisions.

I have long been a supporter of the Voting Rights Act. I had the opportunity to work with Senators DOLE and KENNEDY and others in 1982 to continue the VRA's vital protections, to ensure that all Americans truly have the right to vote.

As I explained during the reauthorization of the VRA in 1982, the right to vote is fundamental. Only through voting can we guarantee preservation of all our other rights. The right to vote is the very cornerstone of democracy and merits the highest protection of law.

People of all races have been guaranteed the right to vote since passage of the 15th amendment in 1870. For far too long, though, this was a right only in theory. Many minorities were discriminated against in the days before the Voting Rights Act was introduced. Since this Act was passed, we have seen the voting proportions of these populations increase dramatically. The Voting Rights Act has had very significant success in fighting racial discrimination, probably more than anything else that Congress has done since the adoption of the Civil War amendments.

Next year, important provisions of the Voting Rights Act will expire. The right of every American to have a voice and vote is the essence of America's strength and greatness. As was the case in 1982, conditions have improved since the original Voting Rights Act was passed. It is our duty as the ultimate custodians of the public trust, however, to ensure that we never return to a world in which some of our citizens do not truly have the right to vote.

For this reason, I stand with Chairman SPECTER as an original cosponsor of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. Many people, including the bill's authors, members of the Judiciary Committees in both Houses, and thousands of civil rights activists, have worked incredibly hard to see this reauthorization become a reality.

I will repeat what I said on this floor 15 years ago: It is our duty to guarantee that all citizens have the same opportunity to participate in the political process and to elect representatives of their choice. All of us here today recognize that it is our duty, as elected representatives of the people, as guardians of democracy, to protect the right to vote. I remain confident, as I was in 1982, that the Voting Rights Act is a key tool—perhaps the key tool—in eradicating any remaining vestiges of racial discrimination.

I support reauthorization of the Voting Rights Act and encourage my colleagues to do the same. As it was in 1965 and in 1982 and for all the other extensions along the way, this vote today is among the most important civil rights votes on the floor of this body. We have the opportunity today to show that we are, indeed, one Nation, under God, indivisible, with liberty and justice for all. Please join me in voting aye.

Mr. DOMENICI. Mr. President, it is without hesitation that I support the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, which ensures that the right of all citizens to vote, including the right to register to vote and cast meaningful votes, is preserved and protected as guaranteed by the Constitution.

Reauthorization of the Voting Rights Act of 1965 may be a foregone conclusion; however, I believe that today's debate and vote are of great consequence because we are protecting each citizen's right to vote and preserving the integrity of our Nation's voting process. Passage of this measure is not merely symbolic; it is an essential reaffirmation that we the people are securing the blessings of liberty to ourselves and our posterity. I firmly believe that the right of citizens of the United States to vote should not be denied or abridged by the United States or any State on account of race.

The right to cast a vote is fundamental in our system of government, and the importance of each person's voting rights is reflected by the fact that they are protected by the 14th, 15th, 19th, 24th, and 26th amendments to the Constitution. President Ronald Reagan described the right to vote as the crown jewel of American liberties. Like President Reagan, I also believe that the right to vote is a great privilege worth protecting.

The Voting Rights Act of 1965 was initially passed in response to post-Civil War Reconstruction efforts to disenfranchise Black voters. The voting Rights Act of 1965 was amended in 1970, 1975, 1982, and 1992. It remains one of the most significant pieces of civil rights legislation in American history. This legislation amends and reauthorizes the Voting Rights Act for an additional 25 years, several provisions of which will expire on August 6, 2007, unless Congress acts to renew them. Reauthorization of the Voting Rights Act will ensure many privileges including bilingual election assistance for certain language minority citizens in certain States and subdivisions.

I cast my vote to ensure that no law abridges the privileges or immunities of any citizen of the United States or denies any citizen equal protection of the laws.

Mr. TALENT. Mr. President, I am pleased to speak in support of the Voting Rights reauthorization legislation, of which I am a cosponsor. Congress enacted the Voting Rights Act in 1965 to protect the voting rights of all Americans, and I am pleased that the Congress is reauthorizing this important legislation.

The right to vote is the foundation of our democracy and a fundamental right to our citizenry. Before the Voting Rights Act was passed, however, a great percentage of American citizens were denied that right. The Voting Rights Act rectified that wrong by prohibiting the enactment of any election law that would deny or abridge voting rights based on race or color and provided the right to challenge discriminatory voting practices and procedures.

This legislation has been extended and amended four times since its passage and has resulted in a tremendous growth in the ability of minority citizens to fully participate in the American political system, both as voters and candidates. At the time the act was first adopted, only one-third of all African Americans of voting age were on the registration rolls in the specially covered States compared with two-thirds of White voters. Now African Americans' voter registration rates are approaching parity with that of Whites in many areas, and Hispanic voters in jurisdictions added to the list of those specially covered by the act in 1975 are not far behind. Enforcement of the act has also increased the opportunity of African Americans and Latino voters to elect representatives of their choice. Virtually excluded from all public offices in the South in 1965, African Americans and Hispanic voters are now substantially represented in the State legislatures and local governing bodies throughout the region.

Mr. President, this is a piece of legislation that literally changed the landscape of the American political system, and I am extremely pleased to cast a vote in favor of its extension.

Mr. BUNNING. Mr. President, I rise today to express my support for the reauthorization of the Voting Rights Act of 1965. I support this law and recognize its valuable contributions to our society.

Since its inception in 1965, the Voting Rights Act has successfully helped protect the right to vote for millions of U.S. citizens. This right, as outlined in the 14th and 15th amendments to the Constitution, is fundamental to our

Country's foundation. It is the lifeblood of our democracy. The very legitimacy of our government is dependent on the access all Americans have to the electoral process.

We must ensure that when citizens choose to go to the polls that they do not face obstacles created to disenfranchise them. Every U.S. citizen, regardless of race or gender, should have opportunity to cast their vote without fear of discrimination.

This has not always been the case. Our Nation's history can provide examples where the person's right to vote has been impeded whether it be through literacy tests or poll taxes. This is unacceptable and is a powerful reminder of the hardships this Nation has experienced. The Voting Rights Act has provided protection to minority communities that may fall victim to some of those impediments, or even worse, to threats or intimidation during the electoral process.

I believe the Voting Rights Act was a good idea and necessary in 1965. I also believe we have come a long way since 1965 and would like to recognize the many changes and progress made all across the Country. I firmly believe this progress will only continue to grow.

I come from a State that is committed to civil rights, and I believe that our Forefathers said it best that we are one Nation, undivided, with liberty and justice for all. I look forward to seeing this commitment to justice renewed today as we reauthorize the Voting Rights Act of 1965.

Mr. President, I am confident that the Voting Rights Act will be reauthorized today and urge my colleagues to support this important piece of legislation.

Mr. DEWINE. Mr. President, I am proud to be an original cosponsor of this very important piece of legislation, the Voting Rights Reauthorization Act of 2006.

As we all know, Congress first passed the Voting Rights Act back in 1965, when many jurisdictions had numerous laws and regulations aimed at denying the right to vote to many of our citizens—in direct violation of the 15th amendment to the Constitution. The Voting Rights Act made it clear that our society would no longer tolerate such abuses. It also made clear that all citizens should have the opportunity to exercise this critical right freely and easily, without harassment, intimidation, or other barriers to voting. Its passage was one of the proudest moments of the civil rights movement.

The Voting Rights Act has been an extraordinary success, and we can see its results in towns, counties, and States across the country, as well as in the House of Representatives and in the U.S. Senate. Minority voters have had their voices heard and their votes counted, and have helped elect a wide range of officials who reflect the diversity of our great Nation. Unfortunately, despite the great advances we have made as a country, we still have more work to do. Both the House and the Senate have investigated this issue thoroughly, and after numerous hearings and thousands of pages of evidence being accepted into the record, it is clear that we need to reauthorize the expiring provisions of the act. More time and effort is needed to completely fulfill the promise of the Voting Rights Act and to assure every citizen that his or her 15th amendment rights are fully available, and this bill will allow us the time we need.

The House of Representatives has already passed the Voting Rights Renewal Act, and I am glad we are going to move it forward today. We can then quickly put this critical legislation in front of the President, who supports the bill and is waiting to sign it into law. I am hopeful that at the end of this 25-year reauthorization, we will all be able to agree that no further legislative action is necessary—that we have accomplished the critical goal of assuring every American citizen the equal right to vote.

Mr. COBURN. Mr. President, the 15th amendment of the United States Constitution provides "[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Congress shall have the power to enforce this article by appropriate legislation." In 1965, with the passage of the Voting Rights Act, Congress finally began to enforce the Nation's promise embodied in the 15th amendment. The Voting Rights Act was designed to "foster our transformation to a society that is no longer fixated on race," to an "all-inclusive community, where we would be able to forget about race and color and see people as people, as human beings, just as citizens." The mere mention of this act conjures up profound images of the civil rights movement, a fight by many courageous men and women for equality and justice.

In 1965, Congress wisely decided to make the most significant sections of the bill permanent. The permanent provisions apply to all States equally. One section of the original act suspended all "tests or devices" that States used to disfranchise racial minorities. Section 2, which is also permanent, codifies the 15th amendment, confirming by statute that no political subdivision may deny or abridge voting rights on account of race or color and that all individuals have recourse to discriminatory election procedures in Federal court.

That same Congress passed temporary remedial measures to address voting practices and districting in seven Southern States, where registration rates for Black voters averaged only 29.3 percent. Section 5 was crafted to remedy the low voter registration and turnout among the minority communities caused by discriminatory registration practices and intimidation at the polls. Indeed, the Voting Rights Act has succeeded tremendously. Statistician Keith Gaddie reported that the registration and turnout rate of Black citizens is higher in covered jurisdictions than throughout the rest of the Nation. He additionally revealed that registration of Black citizens in Alabama during the 2004 elections was 72.9 percent of the voting age population; in Georgia, 64.2 percent; in Louisiana, 71.1 percent; in Mississippi, 76.1 percent; in South Carolina, 71.1 percent; and in Virginia, 57.4 percent of the voting age population. Voter turnout rates were equally improved. For example in 2004 Alabama had a 63.9 percent turnout rate of registered Black voters, Georgia had a 54.4 percent turnout rate, Louisiana had a 62.1 percent turnout rate, Mississippi had a 66.8 percent turnout rate, South Carolina had a 59.5 percent turnout rate, and Virginia had a 49.6 percent turnout rate.

If we applied registration and turnout data from our most recent Presidential elections to the trigger formula for coverage, many covered States would no longer require coverage. This is important because the Supreme Court requires that any laws that we write must be "congruent and proportional" to the problems we seek to remedy. While these provisions were necessary because State practices and the prejudices of individuals kept eligible citizens from being able to cast a ballot free from the threat of intimidation or harassment, it is important that we ensure that the correct jurisdictions are covered in order to preserve the constitutionality of the act.

We held nine hearings, and many individuals from diverse backgrounds and different races have both praised and criticized the temporary provisions of the VRA set to expire 1 year from now. At each hearing, multiple witnesses suggested ways to amend and improve this Act. Yet I was the only Senator on the committee prepared to offer substantive amendments to improve the act so that it addresses the problems it seeks to remedy today.

I was prepared to offer three amendments. The first would define the term "limited English proficient," the second would reauthorize the amended provisions for 7 years instead of 25 years, and the third would require a photo identification in all Federal elections. Yet I only offered one amendment in committee yesterday because it was clearly communicated that we should pass the exact bill that the House passed regardless of the merits of certain amendments. In fact, even though the committee did pass a nonsubstantive amendment to amend the title of the bill, Senate leadership brought the House bill H.R. 9 to the floor without the title change accepted in committee. Political expediency clearly trumped the will of individual Senators.

There are other amendments that should have received consideration. During hearings, some Senators discussed possible amendments that they appeared to support with witnesses. Yet I believe that political fear and perceived intimidation prevented them from offering any amendments. For example, there was discussion based on the testimony of numerous witnesses that someone should offer an amendment to create more reasonable bailout procedure. States and counties wishing to bail out are only permitted to make their case here in Washington rather than at a Federal court closer to their home. Another amendment that received some support among witnesses would have included more recent data to determine coverage of areas with a recent history of discrimination rather than relying on data only from the 1964, 1968, and 1972 elections.

Even if no amendments offered were accepted, this bill is dramatically different from reauthorizing the Voting Rights Act as renewed in 1982. This bill rewrites the Voting Rights Act, section 5 to include in section (b) that "[t]he purpose of [section 5] is to protect the ability of such citizens to elect their preferred candidates of choice." Such language has never before been inserted into section 5 preclearance requirements where there is no judicial review of determinations made by Department of Justice, DOJ employees. Additionally, section 5(c) of the bill rewrites the Voting Rights Act to require that DOJ refuse to preclear a plan that employs "any discriminatory purpose." These are very serious changes that were never debated and that witnesses suggested we amend. Those suggestions were never even discussed or considered. I am at a loss as to why we are inserting new standards for 25 years without knowing the potential consequences and clarifying congressional intent in the language of the act.

Some Senators have said that we have carefully considered this bill and the effects it will have on our Nation based on the number of hearings we had. Yet Member attendance at these hearings was incredibly low. At the first two hearings on section 5, only one Senator attended. At the third, five Senators attended. Five Senators did not attend any of the committee's hearings. Five Senators attended only portions of one hearing. This is not meant as criticism because I only attended part of two hearings.

My point is that it is unfortunate that we insisted on doing this on an expedited basis when the act does not expire for a year. The committee conducted eight hearings in 9 workweeks—and during times when it was clear most Senators would be absent. We held four hearings during the immigration debate on the floor and held two hearings during rollcall votes on the floor. Because of the political nature of this bill and the fear of being improperly classified as "racist," the bill was crafted and virtually passed before any Senator properly understood any of the major changes. For example, the bill that passed out of committee included a finding section before any hearings were held. No changes to those findings were made.

Furthermore, it was nearly impossible to prepare for the hearings. Our rules require that witnesses submit their testimony 24 hours prior to the hearing so Senators can formulate thoughtful questions. Over half of the witnesses—21 out of 41—flouted the committee's rules by turning in their testimony less than 24 hours before the hearing. Indeed, one witness submitted his testimony at 12:03 a.m. the morning of a hearing scheduled for 9:30 a.m. Another witness submitted her testimony at 10:21 p.m. the night before a 9:30 a.m. hearing. Other witnesses submitted their testimony literally hours before the hearing. Clearly, the only way Senators could ask thoughtful questions of these witnesses was through written questions. And many tried to do so. But that process has been unsuccessful. We voted the bill out of committee for discussion on the floor before 107 written questions to 10 witnesses were answered and returned. We did not even have the opportunity to submit questions to the witnesses on the panel of the final hearing.

We had plenty of time to do this right—to fully consider the testimony and answers submitted by witnesses—and still vote to extend the temporary provisions before they expire in the summer of next year. We still have time to do this right. Congress has until the summer of 2007 to consider this bill, and yet we are moving ahead without receiving all answers to questions and fully considering the testimony of our witnesses. As a result, none of us can realistically say that we know the full implications of what we are voting on today. And the consequences of our rush, forced by politics, may have unintended consequences for our Nation.

Nonetheless, I am voting for the Voting Rights Act because of its unparalleled success in the past at securing the opportunity to vote. I urge my colleagues not to forget that we all share the fundamental American belief that our society should be color-blind and that everyone should be treated equally. There should be no political advantage or disadvantage because of the color of a person's skin and we should be able to put aside politics to protect and openly discuss those values. Most Americans would like to move away from considering race when drawing congressional districts. In fact, a Washington Post/Kaiser poll found that 70 percent of Blacks, 83 percent of Hispanics, and 90 percent of Whites said race should not figure into map-drawing.

While America has a long history of negative race relations, we must strive for the dream taught by Martin Luther King—that one day society will judge people based on the content of their character and not the color of their skin. For this, as Justice O'Connor stated in 1993, is the goal toward which our Nation continues to aspire.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, often when the Senate passes something unanimously, it means that the matter is not so important. That is not the case today. The Voting Rights Act is about as important as it gets. Senators of both political parties deserve great credit for bringing this vitally needed legislation to the floor of the Senate today. I have come to salute those inside and outside the Senate for their work to bring this extraordinarily important issue before the country and before the Senate and to make an appeal to Senators and those outside the Chamber to work for more.

In the past three successive elections—2000, 2002, and 2004—there were scores of accusations of voter intimidation, rigged voting machines, conflicts of interest among elected officials, and other serious electoral abuses. Many newspaper articles, State and Federal governmental investigations, private studies and scores of lawsuits have described in considerable detail the toll that election abuses now take on our democracy. As much as it is an accomplishment that the Senate will be voting to reauthorize the Voting Rights Act today, that law cannot cure many of the problems that we have seen in the last three election cycles. But there is a proven system that can reduce many of these abuses, and I hope in the days ahead the U.S. Congress will take steps to promote it. It is known as vote by mail.

My State of Oregon adopted this election system back in 1998, with nearly 70 percent support of our State's voters. It has been a resounding success any way one looks at it, and it has not been seen in any way as a kind of partisan tool that advantages one particular party or one particular philosophy.

What I want to do this afternoon is describe briefly how Oregon's vote by mail system works and then talk about why the Senate ought to be taking steps to promote it nationally as a way to deal with some of these problems that have swept across our land over the last three election cycles.

In Oregon the system works in this way. At least 2 weeks before election day, election officials mail ballots to all registered voters. The voters mark their ballots, seal and sign those ballots, and return them by mail or by placing them in a secure drop box. Election officials count the votes using optical scanning machines that confirm the signature on the return envelope matches the signature of the voter on file. Each county also provides optional onsite voting booths for individuals who need special accommodations or prefer to vote onsite.

The bottom line is that vote by mail can address many of the problems that plague this country's elections. For example, with vote by mail, there is no waiting in line in the polls for hours. All through our country over the last election we heard complaints about people having to wait in line, often for hours and hours on end. It doesn't happen with vote by mail. Each voter receives a ballot in the mail. They can complete it at home, at work, or wherever is convenient for them. And you don't have the problem of people waiting in line for hours and hours to exercise their franchise.

With vote by mail, no one would get the run-around about which polling place they are supposed to vote at. The ballots are mailed to the citizen's home. If, for some reason, a voter's ballot does not arrive 2 weeks before the election as it is supposed to, the voter has enough time to correct the problem, get their ballot, and then cast it. Americans who face the toughest time getting to the polls, such as citizens with disabilities and the elderly, report that they vote more often using vote by mail. Women, younger voters, stay-at-home moms also report that they vote more often using vote by mail. Once again, it is an opportunity on a bipartisan basis to deal with a very serious problem that we have seen over the last few election cycles.

Citizens wouldn't get the run-around at the polling place when they show up on election day to vote and are told: "You really shouldn't be here; you ought to be there." "We can't really tell you where you ought to be." "We have all these people in line, and we will try to help you later." All of that is eliminated through vote by mail because folks get their ballot at their home.

Third, with vote by mail there is less risk of voter intimidation. A 2003 study of voters in my home State showed that the groups that would be most vulnerable to coercion now favor vote by mail. Over the last few elections, we saw again and again our citizens saying that they feared coercion. They were concerned about intimidation in the exercise of their franchise.

We have documentary proof in our home State, a specific study that I have cited, that citizens who are most vulnerable to intimidation and coercion feel more comfortable voting by mail.

Next, with vote by mail, malfunctioning voting equipment is a thing of the past. Everyone heard the stories in 2004 of citizens who said they voted for one candidate only to see the electronic voting machine indicate that the voter had cast a ballot for somebody else. Irregularities such as this cannot occur in vote by mail. Each voter marks the ballot, reviews it, and submits it, the ballot is counted, and it becomes a paper record—a paper record that is used in the event of a recount.

I happen to believe that we must have a paper trail for every ballot that is cast in our country. It is wrong that there is at present no such paper trail. Every time I have a community meeting, people bring up: why can this not be done? It is just common sense. My home State has led the way to ensure that through our vote-by-mail system there is a paper trail.

With vote by mail, the risk of fraud is minimized. When an Oregon county receives a voter's marked ballot, the ballot is then sent to elections workers trained in signature verification who compare the signature on each ballot against the person's signature on their voter registration card. This can be done quickly and easily because each voter's registration card has been electronically scanned into the system. No ballot is processed or counted until the county is satisfied that the signature on the ballot matches the voter's signature on file. If someone tries to commit fraud, they can be convicted of a Class C felony, spend up to five years in prison, and pay $100,000 in fines.

Vote by mail can help make the problems of recent elections a thing of the past. In doing so, it will make our elections fairer and help reinstill a confidence in our democracy, which frankly, has been lacking.

There are a number of other reasons why I think our country ought to be doing everything possible to encourage citizens to adopt vote by mail. This approach increases election participation. For example, vote by mail helps make voter turnout in Oregon considerably higher than the average national voter turnout. Oregon experienced a record turnout of more than 70 percent in the 2004 Presidential election, compared to 58 percent nationally.

Vote by mail, we find, gets more citizens involved in the issues because folks get their ballots weeks before the final day when their ballot is due, and they have the time to quiz candidates, examine issues that are important to them, and do it in a deliberate fashion that gives them more time.

Next, vote by mail has produced huge savings at the local level for election costs. Vote by mail reduces those election costs by eliminating the need to transport equipment to polling stations and to hire and train poll workers. My home State has reduced its election-related costs by 30 percent since implementing vote by mail. So we have the results. We have the results to show the rest of the country why we ought to be encouraging across the land vote by mail.

In a survey taken 5 years after we implemented this system, more than 8 out of 10 Oregon voters said they preferred voting by mail to traditional voting. I am confident that the rest of our country would embrace it the very same way.

What this is all about, and why I have taken time to discuss our approach, is that I think it is very much in line with both the spirit and the text of the Voting Rights Act. America needs to make sure that no eligible voter, based on color, creed or any other reason, would be disenfranchised. What we are doing in the Senate today by reauthorizing the Voting Rights Act is the right thing. It is clearly a step in the right direction for these difficult times. But I do think much more can be done to improve the election process. I intend to press at every possible opportunity for a way to encourage an approach that has empowered people in my home State in a manner that has far exceeded the expectations of even the biggest boosters. It has been totally nonpartisan.

In Oregon, we were amused in the beginning of our discussion about vote by mail. At the beginning of the discussion, it seemed that a fair number of Republicans were for vote by mail, but a number of Democrats were skeptical. Then, after I won the Senate special election in 1996—and Senator SMITH and I have laughed about this often over the years—there was an about face, and it seemed then that Democrats liked vote by mail and Republicans were a little cautious. Our State's citizens said enough of all this nonsense and overwhelmingly voted, on a bipartisan basis, to say this is just plain good government, and this is the way we want to go.

I think the Oregon story can be copied across the country, and I am going to do everything I can to encourage it. The Supreme Court declared in the Reynolds v. Sims case:

> [i]t has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote . . . and to have their vote counted.

Promoting vote by mail across our land will help make this constitutional right a reality. I encourage my colleagues to look and study the approach we have used in our State, an approach that will advance the spirit of the Voting Rights Act. Support the Voting Rights Act today and work with us to build on its incredible importance in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed for 10 minutes and, following me, Senator BOXER be permitted to proceed for 15 minutes, and following her, Senator SCHUMER for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KERRY. Mr. President, I thank the Senator from Oregon for his discussion of an important way of having accountability in voting. I must say that I saw how that works out in Oregon. It works well. It works brilliantly, as a matter of fact. People have a lot of time to be able to vote. They don't have to struggle with work issues or being sick or other things. They have plenty of time to be able to have the kind of transparency and accountability that makes the system work. There are other States where you are allowed to start voting early—in New Mexico and elsewhere.

It is amazing that in the United States we have this patchwork of the way our citizens work in Federal elections. It is different almost everywhere. I had the privilege of giving the graduation address this year at Kenyan College in Ohio, and there the kids at Kenyan College wound up being the last people to vote in America in the Presidential race in 2004 in Gambier, at 4:30 in the morning. We had to go to court to get permission for them to keep the polls open so they could vote at 4:30 in the morning.

Why did it take until 4:30 in the morning for people to be able to vote? They didn't have enough voting machines in America. These people were lined up not just there but in all of Ohio and in other parts of the country. An honest appraisal requires one to point out that where there were Republican secretaries of state, the lines were invariably longer in Democratic precincts, sometimes with as many as one machine only in the Democratic precinct and several in the Republican precinct; so it would take 5 or 10 minutes for someone of the other party to be able to vote, and it would take literally hours for the people in the longer lines. If that is not a form of intimidation and suppression, I don't know what is.

So I thank the Senator from Oregon for talking about the larger issue here. He is absolutely correct. The example of his State is one that the rest of the country ought to take serious and think seriously about embracing.

This is part of a larger issue, obviously, Mr. President. All over the world, our country has always stood out as the great exporter of democratic values. In the years that I have been privileged to serve in the Senate, I have had some extraordinary opportunities to see that happen in a firsthand way.

Back in 1986, I was part of a delegation that went to the Philippines. We took part in the peaceful revolution that took place at the ballot box when the dictator, President Marcos, was kicked out and "Cory" Aquino became President. I will never forget flying in on a helicopter to the island of Mindanao and landing where some people have literally not seen a helicopter before, and 5,000 people would surround it as you swooped out of the sky, to go to a polling place where the entire community turned out waiting in the hot sun in long lines to have their thumbs stamped in ink and to walk out having exercised their right to vote.

I could not help but think how much more energy and commitment people were showing for the privilege of voting in this far-off place than a lot of Americans show on too many occasions. The fact is that in South Africa we fought for years—we did—through the boycotts and other efforts, in order to break the back of apartheid and empower all citizens to vote. Most recently, obviously, in Afghanistan and Iraq, notwithstanding the disagreement of many of us about the management of the war and the evidence and other issues that we have all debated here. This has never been debated about the desire for democracy and the thrill that everyone in the Senate felt in watching citizens be able to exercise those rights.

In the Ukraine, the world turned to the United States to monitor elections and ensure that the right to vote was protected. All of us have been proud of what President Carter has done in traveling the world to guarantee that fair elections take place. But the truth is, all of our attempts to spread freedom around the world will be hollow and lose impact over the years in the future if we don't deliver at home.

The fact is that we are having this debate today in the Senate about the bedrock right to vote, with the understanding that this is not a right that was afforded to everyone in our country automatically or at the very beginning. For a long time, a century or more, women were not allowed to vote in America. We all know the record with respect to African Americans. The fact is that the right to vote in our country was earned in blood in many cases and in civic sweat in a whole bunch of cases. Courageous citizens literally risked their lives. I remember in the course of the campaign 2 years ago, traveling to Alabama—Montgomery—and visiting the Southern Poverty Law Center, the memorial to Martin Luther King, and the fountain. There is a round stone fountain with water spilling out over the sides. From the center of the fountain there is a compass rose coming back and it marks the full circle. At the end of every one of those lines is the name of an American with the description, "killed trying to register to vote," or "murdered trying to register." Time after time, that entire compass rose is filled with people who lost their lives in order to exercise a fundamental right in our country.

None of us will forget the courage of people who marched and faced Bull Connor's police dogs and faced the threat of lynchings, some being dragged out of their homes in the dark of night to be hung. The fact is that we are having this debate today because their work and that effort is not over yet. Too many Americans in too many parts of our country still face serious obstacles when they are trying to vote in our own country.

By reauthorizing the Voting Rights Act, we are taking an important step, but, Mr. President, it is only a step. Nobody should pretend that reauthorizing the Voting Rights Act solves the problems of being able to vote in our own country. It doesn't. In recent elections, we have seen too many times how outcomes change when votes that have been cast are not counted or when voters themselves are prevented from voting or intimidated from even registering or when they register, as we found in a couple of States, their registration forms are put in the wastebasket instead of into the computers.

This has to end. Every eligible voter in the United States ought to be able to cast his or her ballot without fear, without intimidation, and with the knowledge that their voice will be heard. These are the foundations of our democracy, and we have to pay more attention to it.

For a lot of folks in the Congress, this is a very personal fight. Some of our colleagues in the House and Senate were here when this fight first took place or they took part in this fight out in the streets. Without the courage of someone such as Congressman JOHN LEWIS who almost lost his life marching across that bridge in Selma, whose actions are seared in our minds, who remembers what it was like to march to move a nation to a better place, who knows what it meant to put his life on the line for voting rights, this is personal.

For somebody like my colleague, Senator TED KENNEDY, the senior Senator from Massachusetts, who was here in the great fight on this Senate floor in 1965 when they broke the back of resistance, this is personal.

We wouldn't even have this landmark legislation today if it weren't for their efforts to try to make certain that it passed.

But despite the great strides we have taken since this bill was originally enacted, we have a lot of work to do.

Mr. President, I ask for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, on this particular component of the bill, there is agreement. Republicans and Democrats can agree. I was really pleased that every attempt in the House of Representatives to weaken the Voting Rights Act was rejected.

We need to reauthorize these three critical components especially: The section 5 preclearance provisions that get the Justice Department to oversee an area that has a historical pattern of discrimination that they can't change how people vote without clearance. That seems reasonable.

There are bilingual assistance requirements. Why? Because people need it and it makes sense. They are American citizens, but they still may have difficulties in understanding the ballot, and we ought to provide that assistance so they have a fully informed vote. This is supposed to be an informed democracy, a democracy based on the real consent of the American people.

And finally, authorization for poll watching. Regrettably, we have seen in place after place in America why we need to have poll watching.

A simple question could be asked: Where would the citizens of Georgia be, particularly low-income and minority citizens, if they were required to produce a government-issued identification or pay $20 every 5 years in order to vote? That is what would have happened without section 5 of the Voting Rights Act. Georgia would have successfully imposed what the judge in the case called "a Jim Crow-era like poll tax." I don't think anybody here wants to go back and flirt with the possibility of returning to a time when States charged people money to exercise their right to vote. That is not our America.

This morning, President Bush addressed the 97th Annual Convention of the NAACP after a 5-year absence. I am pleased that the President, as we all are, ended his boycott of the NAACP and announced his intention to sign the Voting Rights Act into law.

But we need to complete the job. There are too many stories all across this country of people who say they registered duly, they reported to vote, and they were made to stand in one line or another line and get an excuse why, when they get to the end of the line, they can't vote. So they take out a provisional ballot, and then there are fights over provisional ballots.

There are ways for us to avoid that. Some States allow same-day registration. In some parts of America, you can just walk up the day of an election, register, and vote, as long as you can prove your residence.

We have this incredible patchwork of laws and rules, and in the process, it is even more confusing for Americans. We need to fully fund the Help America Vote Act so that we have the machines in place, so that people are informed, so that there is no one in America who waits an undue amount of time in order to be able to cast a vote.

We have to pass the Count Every Vote Act that Senator CLINTON, Senator BOXER, and I have introduced which ensures exactly what the Senator from Oregon was talking about: that every voter in America has a verifiable paper trail for their vote. How can we have a system where you can touch a screen and even after you touch the name of one candidate on the screen, the other candidate's name comes up, and if you are not attentive to what you have done and you just go in, touch the screen, push "select," you voted for someone else and didn't intend to? How can we have a system like that?

How can we have a system where the voting machines are proprietary to a private business so that the public sector has no way of verifying what the computer code is and whether or not it is accountable and fair? Just accounting for it.

Congress has to ensure that every vote cast in America is counted, that every precinct in America has a fair distribution of voting machines, that voter suppression and intimidation are un-American and must cease.

We had examples in the last election of people who were sent notices—obviously fake, but they were sent them and they confused them enough. They were told that if you have an outstanding parking ticket, you can't vote. They were told: Democrats vote on Wednesday and Republicans vote on Tuesday and various different things.

It is important for us to guarantee that in the United States of America, this right that was fought for so hard through so much of the difficult history of our country, we finally make real the full measure of that right.

I yield the floor. I thank the Chair and I thank my colleague for her forbearance.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, before Senator KERRY leaves the floor, I want to thank him. The issues he raised absolutely have to be a part of this debate. I will address them after he leaves. The reason I stood up and objected to the Ohio count is because I knew firsthand from the people of Ohio who came and talked with me through STEPHANIE TUBBS JONES that they were waiting in lines for 6, 7 hours. That is not the right to vote. I think Senator KERRY's remarks and the remarks of the Senator from Oregon are very important.

So let a message go out from this Senate floor today that we are not stopping our efforts to make sure people can vote with the very important passage of this very important legislation. I am very pleased to follow him in this debate.

I rise to cast my vote in support of a very historic bill named after three amazing women whom I truly admire—Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. These three legendary women were part of the heart and soul of the civil rights movement in this country, and those women helped move the conscience of this Nation in the 1960s and, frankly, inspired me to serve in public service.

In 1950, I was a little girl and I was in Florida with my mother. I went on a bus. It was a crowded time of day. A woman came on the bus. Her hands were filled with packages. To me she looked really old. I guess she was my age. I jumped up because I was taught to do that. I jumped up and I said: Please, please, take my seat. My mother kind of pulled at my sleeve, and the woman put her head down and she walked to the back of the bus.

I was perplexed by this. I said to my mother: Why was she rude to me? Why didn't she say thank you and take the seat?

My mother explained to me the laws in those days that sent African Americans to the back of the bus. I at 10 years old was astounded, shocked, angry. My mother said to me: Why don't we just stand up. And that is what we did. We walked to the back, and we stood.

That was an America that is no more, but that is an America we cannot forget. That was an overt law to hurt people, to make America "we and them." That is why the law we are passing today is so important—because it says that we all recognize that even though that America is no more, we have more work to do.

And then came the sixties. Of course, we know it was Rosa Parks who changed the world with that one act of defiance of hers, where she just went on that bus and she wasn't going to the back.

When I met her, when President Clinton invited her to the White House and I went there, I stood in awe because it said to me how one person can make a difference in this, the greatest nation in the world. We get so frustrated sometimes; we feel we can't make a difference. Here is one woman saying, No, I won't do that; that's wrong; I'm one of God's children. And that act of defiance changed our country. I am so happy this bill is named after her and Fannie Lou Hamer who helped organize Freedom Summer in 1965 which helped lead to passage of this landmark bill we will vote on today. She had a very simple phrase that she used: "Nobody's free until everybody's free." "Nobody's free until everybody's free." That reminds us of the work that we certainly have to do today.

So Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, who worked with her great husband during the civil rights movement in the sixties and carried on his work after his horrific assassination, working for justice, worked for equality not only in this country but around the world.

In the late eighties, she worked tirelessly to help bring an end to apartheid in South Africa. I often quote Martin Luther King, almost in every speech I give, because he is one of my heroes. One of the lines he said, which isn't really one that gets quoted all the time, is that "Our lives begin to end when we stop talking about things that matter." "Our lives begin to end when we stop talking about things that matter." That touched me and reached me.

I think his words, of course, reached every American, regardless of political party. Don't stop talking about things that matter, even though it might be easier to do so, even though it might be easier when you are at a friend's house and somebody says something that is bigoted toward somebody else. It is sometimes easier for us to make believe we didn't hear it. No, that matters, you matter, your view matters, your values matter. Speak up.

That is what we are doing, and I am proud to be in the Senate today because we are doing something good today. It is a privilege and an honor to vote for this reauthorization of the Voting Rights Act.

I had a number of people visit me from my State yesterday—old and young, children, grandmothers, great grandmothers, granddads, lawyers, workers, doctors. They just jammed into my conference room and they said: Senator BOXER, we know you are with us. We know you have been on this bill. We know where you are. We have listened to you all these years. We wanted to come here and say thank you.

I said: You don't need to thank me. What you need to do is join with me so that after this vote, we truly get equal voting rights in this country.

That was touched on by Senator KERRY, and it was touched on by Senator WYDEN. The right to vote—without it we are nothing. Without it, we are not standing up for the principles upon which this Nation was founded: a government of, by, and for the people.

How do you have a government of, by, and for the people, if the people turn away from the voting booth? I hear every excuse in the world: Oh, you are all the same. What is the difference. I can't make a difference. It is just false. It is just an excuse.

Show me two candidates running against each other at a local level, at a State level, at a Federal level, and I will show you the differences. If you pay attention, you will find out the differences, and you will cast your vote for the candidate that most represents you. You are not going to agree with them 100 percent of the time. That is another issue: Oh, I used to agree with him, but he did three things, and I don't agree with him anymore. Look at the totality. Look at the totality of the voting record. Look at the totality of the opposition and make a decision. Don't just walk away. Don't pull the covers over your head with excuses: They are all alike. I can't make a difference. What is one vote?

We all know the election of John Kennedy was decided by a couple of votes per precinct. It could have been one vote per precinct. That is how close that election was.

In the voting booth, we are all equal. In the voting booth, we are all equal. Your vote and my vote, whether you are 18 years old or you are my age and a Senator, we are all equal in the voting booth. We have one vote. We should cherish it. The CEO of a giant company who earns multimillions of dollars a year is equal to a minimum wage worker. And if that minimum wage worker thinks it is time he got a raise or she got a raise after almost 10 years of not getting a raise, he or she ought to vote, and vote for the candidate who supports your right to join the middle class.

Every citizen of this country who is eligible to vote should be guaranteed that their vote is counted and that their vote matters. That is why it is so important that we maintain the protections of this historic Voting Rights Act, such as requiring certain localities with a history of discrimination to get approval from the Federal Government before they make changes to voting procedures. Why is this important? It is important because it is a check and balance on an area that has in the past not shown—not shown—the willingness to fight for every voter. And, requiring certain jurisdictions to provide language assistance to voters with limited English proficiency, and authorizing the Federal Government to send election monitors to jurisdictions where there is a history of attempts to intimidate minority voters at the polls, we just want to make sure these elections are fair, wherever they are held.

The Federal Government must work hard to guarantee that the inequities we have seen in the past never resurface again. And won't that be the day, when we have a system that we believe we can be proud of again.

I am proud to stand here today with an opportunity to cast a vote to reauthorize provisions of the Voting Rights Act. But today didn't come without struggle. Why did my people have to come all the way from California, spend their hard-earned dollars to get on a plane? I will tell you why: Because this was a hard bill to get before this body. People objected. People complained. It was a hard bill to get before the House. But many people worked hard, and House Members listened to the people, and Senators listened to the people.

I want to thank my friends at the NAACP who were finally able to convince enough that, yes, this was something we had to do. We have to be honest. There were attempts to weaken this bill, but we succeeded in not allowing that to happen.

In my closing moments, I want to say that our work does not stop today, as Senator KERRY said and as Senator WYDEN said. For example, several of us have introduced the Count Every Vote Act, a comprehensive voting reform bill that will ensure that every American indeed can vote, and every vote is counted.

Congresswoman STEPHANIE TUBBS JONES, who lived through a harrowing experience during the last election, with her constituents being given the runaround and standing in line for 6 and 7 hours. Is that the right to vote, standing in line for 6 and 7 hours, people who have to work, people who had health problems, people who couldn't stand up, people whose legs were weakening beneath them? Is that the right to vote? I say it is not the right to vote. I say it is harassment.

Senators CLINTON, KERRY, LAUTENBERG, MIKULSKI, and I have introduced the Count Every Vote Act, and I want to highlight the two key provisions that are in this bill. The first is the bill would require electronic voting machines provide a paper record which will allow voters to verify their votes, and it will serve as a record if a manual recount is needed. We go to a restaurant, we get a receipt. We go to the store, we get a receipt. We save it in case there is a problem. When we vote, we should get a receipt. We should look at it, we should check it, just as we add up the bill from the restaurant. We should give it back and then it is stored. In case there is a problem, we have a paper trail.

The second provision: We say election day should be a Federal holiday. We all give speeches. We stand up and we stand behind the red, white, and blue. What a great, free country this is, and indeed it is. Why shouldn't we make election day a holiday so that we can celebrate on every election day our freedoms, our history, our rights, our protections as citizens to choose our own leaders?

Let me say, we cannot even get to page 1 in terms of moving this bill forward. There is resistance to this bill. There are those in this body who don't want a paper trail. They don't want to make it easier to vote, and let's call it what it is. That resistance exists, and that is wrong. So I call on the leadership of this body: Let's do something more for people. Let's not have another situation where a Senator has to go over and protest a vote count because people said they had to stand in line for hours.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Then we have the people of Washington, DC. They are not represented with a vote. That is wrong. Over 500,000 people live in this great city, the heart and soul of our democracy. Eighty percent are voting age. They can't cast their ballots in national elections for congressional representatives. They don't have Senators or Representatives here. That is why I have joined Senator JOE LIEBERMAN on his bill that calls for full voting rights for DC residents.

So, again, I say what a privilege and honor it is for me to be here, to stand here, thinking back to my days as a child when African Americans had to go to the back of the bus in some parts of the South, feeling the pain of that myself for those who had to live in that way. So this bill is a fitting tribute to Rosa Parks and Fannie Lou Hamer and Coretta Scott King.

I thank the Presiding Officer for his indulgence. This is a starting place for a lot of us, and we are going to make sure that, in fact, the right to vote is a reality for every single one of our citizens.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. Mr. President, I salute my colleague on her wonderful and heart-felt words.

Mr. President, this is a hallowed moment on the floor of this Senate. We don't have too many of these hallowed moments these days, but passing, working for, voting for the renewal of the Voting Rights Act is just one of those. I rise in proud and full-hearted support of H.R. 9, which is a bicameral and bipartisan bill, thank God, to reauthorize the Voting Rights Act.

The bottom line, Mr. President, is this: Without the right to vote in a democracy, people have no power. And while I do believe that race and racism have been a poison that has afflicted America for a long time, and there are many ways to solve that, probably the best is the full and unrequited power to vote. For so long, that power was denied to people of color: Blacks, Hispanics, and others. Now it is not being.

I can tell by my own history, even here in the Congress, the progress we have made. When I got to the Congress in 1980, there were only 17 African Americans in the House. Today, there are 42. That is very close to the percentage of African Americans in American society. That shows you the progress we have made. Without the Voting Rights Act, it clearly would not have happened.

However, we sit in the Senate, and only last year did we again have an African American come to the Senate. There is only one. So while we see the progress in the House of Representatives, we also look in the Senate and see how much longer we have to go.

I am glad that final passage is now imminent, as leaders from both parties are supporting this bill. Let me say this act has been hailed as the single most effective piece of civil rights legislation we have ever passed. The reason is it does not just simply guarantee the right to vote in name, but it ensures the effective exercise of that fundamental right.

Today, when we see the Governor of Georgia and the legislators of Georgia impeding the right to vote, we know that we need a strong and full-throated Voting Rights Act. And, thank God, the attempts to dilute it—mainly, I am sorry to say—coming from the other body, did not succeed.

Our Founding Fathers said it best when they penned these words in the Declaration of Independence: Government derives its just powers from the consent of the governed. Simply put, in our Nation there can be no consent without unfettered access to the voting booth. A renewed and reenergized Voting Rights Act is exactly the right formula to ensuring equality in the political process for all Americans.

In 1965, when President Johnson signed the bill into law, there were only 300 minorities elected to State, local, or Federal office. North, South, East, and West, people of color were not represented. Today, four decades later, in large part because of this Voting Rights Act, 10,000 minorities serve as elected officials.

I have seen the Voting Rights Act have an effect on my city. New York is one of the most diverse cities in the country. And in our city, the Voting Rights Act has been extremely effective in ensuring that all our citizens are able to participate equally in the political process. However, many of the act's successes in New York—we think we are a modern country and, of course, a modern city—but they have only come since the last time we renewed its provisions. The first and only African-American mayor of New York wasn't elected until May of 1989. The first and only African American wasn't elected to statewide office until 1994. In 2002, the first and only Asian American was elected to the city council. Finally, just last year, a mayoral candidate became the first and only Latino to win his party's nomination.

So while these strides are important, they are too few and too recent to declare that the promise of the Voting Rights Act has been realized. The bottom line is that the Voting Rights Act has worked to remove barriers from countless men and women from all backgrounds to participate in the political process, to run for office, to enter and thrive in the political process, but there is still a lot of work to do. We cannot and thankfully will not let the act expire.

Mr. President, I look forward to casting my vote in favor of H.R. 9 later today, and urge all of my colleagues to do so. I am hopeful that we can have a unanimous vote on the floor of this Senate.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise as an original cosponsor and strong supporter of the Voting Rights Act reauthorization.

One of the most fundamental of American values is the right to cast a meaningful vote in a free and fair election. As the Supreme Court stated in 1964, "Other rights, even the most basic, are illusory if the right to vote is undermined."

However, just over 40 years ago, in many parts of the American South, it was almost impossible for people of color to even register to vote.

People were turned away from the courthouse when they attempted to register, while others were jailed. We sometimes talk romantically about the Civil Rights era, as if it were 200 or even 100 years ago. But the flagrant injustices that we see captured in black and white video reels were during a time not too long ago.

On March 7, 1965, about 600 people attempted to peacefully march from Selma, AL, to Montgomery, the State capital, to dramatize to the world their desire to register to vote. And the world watched in horror as these peaceful demonstrators, including my good friend and former colleague, Representative JOHN LEWIS, were beaten bloody. That day marked a sad, sad chapter in the history of our Nation.

For some, the tragedy in Selma is simply a footnote in a speech or a timely anecdote during Black History Month. But we must not lose sight of what those brave Americans were fighting for. And we must never forget the price they—and others—paid for their successes: Americans—Black, White, young, old, northern and southern—shed blood and, in some cases, gave the ultimate sacrifice so all Americans could enjoy the basic right to vote.

Five months after what is now known as "Bloody Sunday," the Voting Rights Act of 1965 was signed into law. It granted all American citizens the right to vote in any Federal, State, or local election and in doing so ensured that they had access to the American political process and a voice in determining their future.

The passage of the Voting Rights Act helped expand and open our democracy to let in millions of our citizens.

The Voting Rights Act has empowered thousands of communities to elect candidates of their choice and has ensured that a full spectrum of voices is heard in our national dialogue.

In stark contrast to the days prior to the Voting Rights Act, today it is the

Voting Rights Act that ensures that the elections of people like Senators BARACK OBAMA, DAN INOUYE, MEL MARTINEZ, DANIEL AKAKA, and KEN SALAZAR are no longer electoral anomalies, but reflections of the will of the communities and States they represent.

Today, there are 81 Members of Congress of African American, Hispanic, Asian, Native Hawaiian/Pacific Islander, and Native American descent, and thousands of minorities in elected offices around the country.

If it were not for the Voting Rights Act and its provisions, I very well may not be standing before you today.

In the 21st century, at a time when we are working to bring democracy to both Iraq and Afghanistan, we must ensure that democracy is protected here at home in every circumstance. One citizen unfairly discouraged from voting is one too many. When people are denied the right to vote, they are denied a say in their Government, they are denied a say in the laws they are required to obey, and they are denied a say in the policies their tax dollars support.

It has been said that those who fail to understand history are doomed to repeat it. That is why the annual walk that Congressman LEWIS leads across the Edmund Pettus Bridge in commemoration of the anniversary of the voting rights march is so vitally important.

I was fortunate to visit Selma with him and the Faith and Politics Institute. Nothing brings one closer to a sense of what those young men and women experienced—the hatred and bigotry—than standing on and walking across the Pettus Bridge with Representative LEWIS and learning what happened that day over 41 years ago.

As I listened to JOHN LEWIS and the other heroes of the movement, I was reminded how average citizens committed to an ideal can effect change. I was reminded through this pilgrimage that the journey is still not finished and that our goal must be social justice—not simply social service. I was also touched by those who suffered so much having so much love in their heart. It is a lesson still timely for us today and tomorrow.

The need for the Voting Rights Act has not gone away. In my State of New Jersey, a consent decree was reached after violations of the Voting Rights Act by the Republican National Committee and the New Jersey Republican State Committee that deterred minorities from voting occurred during the 1981 gubernatorial election. This just illustrates voting rights violations can happen anywhere and at anytime, and are unfortunately a part of the historic fabric of our election process. Such violations were so widespread in the 2000 elections that Congress enacted the Help America Vote Act. If anything, need to strengthen and update the Voting Rights Act is demonstrated in new ways every year.

The Voting Rights Act has been effective in eliminating barriers to the ballot box. Yet, several key provisions of the act regarding preclearance, observers, and language assistance are scheduled to expire in 2007. H.R. 9 will reauthorize these important and temporary provisions for an additional 25 years. Personally, I support making these provisions permanent.

H.R. 9 is the product of a thoughtful, thorough, bipartisan, and bicameral effort that carefully weighed the competing concerns and considerations that have been a part of the Voting Rights Act debate since its original passage. As my colleagues well know, the act has been extended on four other occasions, very possibly making it the most carefully reviewed civil rights measure in our Nation's long history.

This legislation we have before us today would renew the Voting Rights Act's temporary provisions for 25 years; restore the ability of the Attorney General, under section 5 of the act, to block implementation of voting changes motivated by a discriminatory purpose; clarify that section 5 is intended to protect the ability of minority citizens to elect their candidates of choice; and authorize recovery of expert witness fees in lawsuits brought to enforce the Voting Rights Act.

The right to vote is so fundamental to our citizenship, so vital, that we as Members of Congress must make every effort to ensure that this right is a reality across the length and breadth of this great Nation. The Voting Rights Act ensures that all American citizens have access to both the ballot box and the American political process, and a voice in determining their future. That is why the Voting Rights Act remains so desperately needed and why Congress must reauthorize the special provisions that are set to expire.

In addressing a joint session of Congress on the very legislation we are debating today, President Lyndon Baines Johnson said:

> In our time we have come to live with the moments of great crisis. Our lives have been marked with debate about great issues—issues of war and peace, issues of prosperity and depression.
>
> But rarely in any time does an issue lay bare the secret heart of America itself. Rarely are we met with a challenge, not to our growth or abundance, or our welfare or our security, but rather to the values, and the purposes, and the meaning of our beloved nation.

We must heed President Johnson's admonition and take inventory of our Nation's values, purposes and meaning. Some members of the House recently argued that the Voting Rights Act is somehow outdated, has outlived its intended usefulness, and that it unfairly punishes those covered jurisdictions for past actions and sins. I have nothing but respect and esteem for that body, and look fondly upon my years of service in that Chamber; but, I wholeheartedly disagree with some of my former colleagues.

In enacting the original Voting Rights Act and its four reauthorizations, past Congresses have declared to the world that America stands for freedom and democracy. But our rhetoric of equality and freedom must be ratified by an authentic pursuit of true freedom, true equality, and true democratic ideals. If we are to be a beacon of democracy and freedom to Baghdad, Beirut and Beijing—then we must first be a beacon of freedom and democracy to Bloomfield, Buffalo, and Birmingham.

Over 40 years ago, Senators stood on the floor of this Chamber to right a monumental wrong inflicted upon millions of Americans. Inspired by the quiet strength and principled courage of JOHN LEWIS and others like him, this body acted out of courage, conviction, and conscience.

I don't know what senators will say 40 years from now. But, if nothing else, it is my prayer that they will say this Senate kept faith with the highest ideals and promises of this great Nation. And that Senators from all corners of America, and of all political stripes, stood up in defense of democracy and freedom here at home.

I urge my colleagues on both sides of the aisle to strongly support this legislation and in doing so protect the voting rights of all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, in the years before the Voting Rights Act was signed into law by President Johnson, discrimination and brutal force were used to deny African Americans the right to vote as guaranteed by the 15th amendment.

There are stories of local election officials requiring Black residents to pass arbitrary tests, like correctly guessing the number of bubbles that a bar of soap would produce, before being allowed to register to vote. And, of course, there were the more insidious forms of intimidation, which is a very sad chapter in the history of this country, with African Americans being lynched and murdered for attempting to vote or registering others to vote.

In the 41 years since the enactment of the Voting Rights Act, America has inched closer to its promise of an inclusive society, where everyone, regardless of race, regardless of religion, regardless of economic class or regardless of gender, has an equal opportunity to succeed. We are not there yet.

Sadly, I can point to modern day attempts to deny the right to vote to citizens in my own State. During the 2004 election, the Florida Department of Law Enforcement created a list of 48,000 convicted felons. This list was then sent to the 67 supervisors of election in Florida, who were given the instructions to strike those 48,000 convicted felons from the rolls. The public was denied meaningful access to the lists to verify its accuracy because of a law passed by the legislature in the previous few years.

CNN challenged the constitutionality of the law under the Florida Constitution. This Senator participated in that challenge by filing what is called an amicus curiae brief, or a friend of the court brief. A courageous Florida circuit judge declared the law unconstitutional.

When the Miami Herald got their hands on the list of 48,000 names of convicted felons, guess what they found. First of all, they found the list was overwhelmingly minority; second, they found that the list was overwhelmingly minority African American; and third, they found about 3,000 legitimate registered voters on that list who were not convicted felons.

If not for that lawsuit 3,000 legitimate registered voters with names that were similar to the names of convicted felons would have gone to the polls on Election Day in November of 2004 and been told they were not a registered voter and they could not vote.

It is 41 years since the Voting Rights Act. This just happened 2 years ago. We're getting closer to the ideal, we're just not there yet.

Reauthorizing the Voting Rights Act is going to move us further down the road and, most importantly, it will ensure that we never turn back.

Today, as I cast a vote in favor of reauthorizing the Voting Rights Act, I hope and pray that 25 years from now, at the end of the authorization of this act, our country will have progressed so that we do not have to continue this particular debate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I join my colleagues today to speak in support of reauthorizing the Voting Rights Act of 1965. No act has done more to change the course of our Nation's history than this. I am pleased to see both sides of the aisle set aside their differences to ensure its passage today.

I first offer my thanks to Senators LEAHY and SPECTER for their work in getting this legislation to the Senate. I also thank Senators REID and FRIST for their efforts in bringing all sides together to renew this historic law.

This act protects and preserves our democracy by ensuring that every citizen is given the same opportunity to participate in the political process. The strength of our democracy, as well as its existence, depends on the fact that the Government is created to perform, to exist, and to excel only when those who are governed participate in it. Without this assurance, this opportunity to participate in that political process, our democracy could not exist. Without the right to participate freely in elections, a citizen's ability to effect change in his or her community is highly limited.

We are given, each of us, many God-given gifts, but our responsibility with those gifts is to give of those gifts to those around us, to our community and to our country, to our fellow man. Without being able to participate in this community, we are not able to fully give back.

I think it is important to remember what we are voting for today. Men and women not much older than I am made great sacrifices to be able to perform that most basic right of free men and free women—the right to vote. It is easy to take for granted. We often do. But we cannot forget that this document represents the pain and hope of millions of Americans. It represents their efforts and their prayers.

The things that we do without giving them much thought, were not so for many of our fellow Americans. When we go to eat lunch, we sit wherever we would like. When we go to the movies, we sit wherever we would like as well. When we ride the bus, we sit wherever we like, and when we get to the polls, we take our ballot and we cast it without thinking about it.

It is easy for us to forget that it has not always been so. By way of example, the mother of one of my staff members became deeply involved in voter registration as a young college student in the early 1960s. She was determined to secure the right to vote for herself and for her community. It was a life-or-death decision. She and her fellow students were told if they tried to encourage African Americans in the community to register, that they would be killed. They had every reason to take that threat seriously, but it didn't matter to them. They knew that this right, the right to vote, was worth the cost, and they continue to encourage people to register and to vote. By the grace of God, no one was killed, but we know that others around the Nation were not so lucky.

These are the stories we must remember. We must ensure that no future generation of Americans will ever have to endure second-class citizenship again. As elected officials, we are charged with representing and protecting the interests of our States and our districts. It is of utmost importance that we are elected by a fair representation of our constituents.

The Voting Rights Act has played an enormous role in making sure that happens. Since becoming law in 1965, the number of African Americans and other minority voters who are registered and able to vote has increased dramatically. As an example, my home State of Arkansas saw an increase of more than 33,000 African-American registrants immediately after the act was passed. Extending the provisions of this legislation will ensure that we continue to build on the gains we have made since it first passed.

We have men and women spread across the globe, fighting for democracy and freedom. They are fighting for the right of citizens to hold free elections in which all, regardless of race, gender or creed, can participate. In many cases, this cannot be achieved without violence, unfortunately. Truth be told, we are not so far removed from our own violent past.

But by the mercy of God, we today will extend the blessings of liberty to all Americans with the recording of a vote and the swipe of a pen. That is a miracle that we dare not forget. Because of what we do tomorrow, the men and women who marched and stood still and sat down and stood up and rejoiced and cried and ultimately overcame, can be proud, proud that their legacy will be carried on.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. FRIST. Mr. President, briefly, I want to propound a unanimous consent request which has been agreed to by the leadership on the other side. And then people will know the scheduling for today and tonight.

Mr. President, I ask unanimous consent that the vote on the pending bill, H.R. 9, occur at 4:30 today, with Senator REID recognized from 4 to 4:15 and Senator FRIST in control of the time from 4:15 to 4:30; provided further that the remaining time be under the control of the minority.

I ask unanimous consent that following the vote on passage of H.R. 9, the Voting Rights Act, the Senate proceed to the immediate consideration of Calendar No. 379, H.R. 4472. I further ask consent that the Hatch amendment at the desk be agreed to, and there then be 2 hours of debate equally divided between the leaders or their designees, and that following the use or yielding back of time, the bill, as amended, be read a third time, and the bill be temporarily set aside with the vote on passage occurring after consideration of the judges in executive session. I further ask unanimous consent that following passage of the bill, the title amendment be agreed to; provided further that following the debate on H.R. 4472, the Senate proceed to executive session for consideration of the following executive calendar numbers en bloc, under the designated times: Calendar No. 762, Neil Gorsuch, 5 minutes each for Senators SPECTER, LEAHY, ALLARD, and SALAZAR; Calendar No. 763, Bobby Shepherd, 5 minutes each for Senators SPECTER and LEAHY, and 10 minutes each for Senators PRYOR and LINCOLN; Calendar No. 765, Daniel Jordan III, 5 minutes each for Senators SPECTER, LEAHY, COCHRAN, and LOTT; Calendar No. 766, Gustavo Gelpi, 5 minutes each for Senators SPECTER and LEAHY.

I further ask unanimous consent that following the use or yielding back of the debate times above, the Senate proceed to a vote on passage of H.R. 4472, to be followed by consecutive votes on the confirmation of the above-listed nominations in the order specified, without intervening action or debate, and that following those votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, again, very briefly, what that means is that we will be voting at approximately 4:30. We will then move to the John Walsh child predator bill, have debate on that, and have debate on the judges, and then we will have stacked rollcall votes beginning at approximately 7:15 or 7:30 tonight.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, it is with a great sense of pride and privilege that I rise today in strong, strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

In my view, of all the values which underpin a democracy, none—none—is more essential than the right of a citizen to participate in the election of those who will govern and represent them.

Voting is the participatory voice of our form of democracy. It is imperative, in my view, that we reaffirm this fundamental principle by expeditiously reauthorizing this fundamental voting rights legislation. It is for this reason that I will vote in favor of the Voting Rights Act extension. America must overcome its legacy of discrimination in voting.

Let me, first of all, applaud our colleagues, if I may, the leaders of the Judiciary Committee, Senator SPECTER, Senator LEAHY, and Senator KENNEDY for their extraordinary efforts to develop a truly bipartisan piece of legislation that has been brought to the floor here today. I feel very strongly about the need to reauthorize this law, and I commend our colleagues for the leadership they have shown in marking up a bill that I gather passed unanimously out of the Judiciary Committee and is before us today.

It was about 40 years ago when I was sitting up in these Galleries, watching the U.S. Senate as it engaged in an impassioned debate among our predecessors in this Chamber about whether to extend to all Americans equal rights at the polling place. I was a college student at the time. I listened to one U.S. Senator say:

> Freedom and the right to vote are indivisible.

That U.S. Senator was my father, Thomas Dodd of Connecticut, speaking about the Voting Rights Act in that year. As I watched my father and his colleagues engage in a very heated debate, I was proud of how many Members of this body, on both sides of the aisle, worked to end discriminatory voting practices. Republicans and Democrats alike coming together.

It was following this debate, in 1965, that Congress took up and passed the Voting Rights Act—the first being the Civil Rights Act—as a response to the pervasive and explicit evidence of disenfranchisement of African-American and other voters in several States in our country.

The Voting Rights Act was designed, of course, as we all know, to protect and preserve the voting rights of all Americans. Since 1965, this act has been the cornerstone of voting rights in our country, and its success is a tribute to those who have labored to create it.

I would be remiss if I did not pay tribute to those that this act is named for: Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. Many may recall, it was Fannie Lou Hamer who once commented that she was "sick and tired of being sick and tired." In 1962, Mrs. Hamer, the youngest of 19 children, daughter of sharecroppers, and granddaughter of slaves, attended a voting registration drive held by the Student Nonviolent Coordinating Committee. There she learned that African Americans indeed had the constitutional right to vote.

She was the first to volunteer for a dangerous mission to the Indianola, MS, courthouse to register to vote. Courageously, she declared:

> [T]he only thing they could do to me was to kill me, and it seemed like they'd been trying to do that a little bit at a time ever since I could remember.

When Mrs. Hamer reached the courthouse, she and her companions were beaten and jailed. But she was not deterred. She went on to travel the country to encourage others to vote and later founded the Mississippi Freedom Democratic Party to challenge the all-white Mississippi delegation at the Democratic Convention—not in the 19th century, not in the early part of the 20th century—but in 1964.

The Voting Rights Act was signed into law a year later. In my view, if Mrs. Hamer had not risked her life and limb in order to register to vote, the plight of minority voters shut out of their own democracy may have continued, unfortunately.

Rosa Parks was another pioneer of the civil rights movement. As a seamstress in Montgomery, AL, she famously challenged the Jim Crow laws of segregation in 1955. Mrs. Parks once recalled that as a young child:

> I'd see the bus pass every day. . . . But to me, that was a way of life; we had no choice but to accept what was the custom. The bus was among the first ways I realized there was a black world and a white world.

Her historic refusal to give up her bus seat to a white passenger led to her arrest, and sparked a citywide boycott of the bus system, which triggered two Supreme Court decisions outlawing segregation on city buses. In my view, her silent protest launched the modernday civil rights movement. And we owe her a great deal of debt for her courage.

In describing this incident, Mrs. Parks later recalled:

> People always say that I didn't give up my seat because I was tired, but that isn't true. I was not tired physically, or no more tired than I usually was at the end of a working day. No, the only tired I was, was tired of giving in.

For more than four decades, Mrs. Parks dedicated herself to the fight for racial equality. I strongly believe that if Mrs. Parks had not refused to give up her seat and had gone to the back of the bus that day we would not be here today considering this historic legislation.

Let me mention the third individual for whom this act is being named today.

Coretta Scott King, of course, the wife of Dr. Martin Luther King, joined her husband and thousands of others to march from Selma to Montgomery, AL, on Sunday, March 7, 1965. That march, of course, galvanized the core political will behind the civil rights movement and served as a catalyst for the Voting Rights Act.

These three women worked for a better life and an inclusive society for not only themselves and their children, but also for future generations of Americans.

They selflessly and nonviolently challenged the laws and customs they believed were wrong. And they were right. Their ability to speak "truth to power" became their legacy. All three are iconic in the fight for the right to vote and a better life for all Americans.

Let me go on to point out here—I will not go into the specific sections of this bill. I know others have talked about that, why these sections are necessary to be continued for another 25 years. Let me, if I can, address some of the concerns that were raised in the other body in objections to the Voting Rights Act, if I may—those who question why divisions of a 41-year-old law deserve to be reauthorized. And while I agree, progress has certainly been made—and we are all grateful for that—we still have many obstacles to overcome in the conduct of our elections.

Progress cannot be left to just serendipity. It must be guided by the rule of law. A little more than 5 years ago, we had an election in this country that forced us to confront the harsh reality that millions of Americans continue to be systematically denied their constitutional right to vote.

Every citizen deserves, of course, to have his or her vote counted as well. There are legal barriers, administrative irregularities, and access impediments to the right to vote which adversely and disproportionately impact voters according to their color, economic class, age, gender, disability, language, party, and precinct. That is wrong. It is unacceptable. It is un-American. And it needs to be changed.

It was unacceptable in 1965, and it is reprehensible in the year 2006. Congress must now reauthorize the expiring portions of the Voting Rights Act to continue to protect and preserve the voting rights of all Americans.

I have been closely following the reauthorization process in both Chambers. I was apprehensive when House Republicans attempted to amend the Voting Rights Act to undermine some of its very key provisions—essentially weakening this very important and fundamental law. They tried to repeal the current formula of section 5 in order to exempt States with historically discriminatory voting practices from continued coverage. They wanted to expedite the "bailout" process overriding the sensible framework for jurisdictions to demonstrate that they should not be subject to continuing section 5 coverage. They wanted to require us to reauthorize the Voting Rights Act in only 10 short years. Finally, in what I think is the most alarming attempt to weaken this vital law, House Republicans wanted to strike section 203 which ensures that all American citizens, regardless of language ability, are able to participate on a fair and equal basis in elections.

I believe all Americans who are voting should learn to speak the English language. It should be our goal that all American citizens who vote should be able to understand an English language ballot. That is something we are wrestling with all the time. But we also recognize there are many here who are in the process of transition. Many of our citizens speak only one language as they are learning English. That makes them no less deserving, if they are citizens, of the basic rights and liberties which all Americans should expect and are entitled to. Section 203 must be retained or its unique ability to remove barriers to this fundamental right to vote and to help promote meaningful participation among all segments of our society will be in jeopardy.

I am grateful that the civil rights groups, the Leadership Conference on Civil Rights, the NAACP, the National Council of La Raza, the AFL–CIO and others, have worked so closely with Democratic Members of the House of Representatives to prevail over this adversity and were able to defeat every single one of these amendments.

Central to the foundation of our democratic form of government is, of course, the right to vote. The Voting Rights Act today facilitates and ensures that right. In a representative democracy, voting is the best avenue, of course, by which voters can gain access and influence lawmakers in Federal, State, and local governments. Voting gives the people a voice. We must protect their ability to be heard and to speak.

Yesterday, I had the great privilege of meeting with 40 representatives from the Connecticut chapter of the NAACP about this important reauthorization.

Their message was clear: the critical protections offered by the Voting Rights Act must be extended. We are not on the Floor today to reauthorize the right to vote. That right is guaranteed by the Constitution of the United States. Instead, we are here to provide tools to enforce that right for all Americans.

While it is critical that the Senate act to reauthorize these expiring sections of the Voting Rights Act today, it is important to recognize that this action alone will not secure the franchise for all Americans. Much more is needed to be done to ensure that every eligible American voter has an equal opportunity to vote and have their vote counted.

In addition to the obstacles that the Voting Rights Act is designed to address, too many Americans still face impediments to voting. The Presidential elections of 2000 and 2004 are replete with examples of such obstacles, including: too few polling places or too few voting machines to serve the turnout; eligible voters' names not on the registration list; errors in the registration lists; malfunctioning machines and machines that produce no audit trail; eligible voters turned away at the polls; disabled voters unable to cast a secret ballot; voters unable to correct mistakes on ballots or even receive a new ballot if their ballot was spoiled, to name only a few.

Congress addressed some of these impediments in the landmark legislation enacted following the debacle of the presidential election in 2002 in the Help America Vote Act, or HAVA, which I was pleased to author in the Senate. That legislation established Federal minimum requirements that all States must have in place by the Federal elections this year. Those requirements include allowing any voter who is challenged at the polls to cast a provisional ballot, which is set aside and counted after eligibility, is confirmed. States must also meet new Federal minimum standards for voting systems, including providing second-chance voting, ensuring disability access, and providing for a permanent paper record for auditing purposes. And States must implement a statewide, computerized registration list to serve as the official registration list for Federal elections.

Congress has not fully funded HAVA. The States are $724 million short in the promised Federal funds for requirements grants and an additional $74 million short in disability access grants. It is my intent to offer an amendment to the Treasury-Transportation-HUD Appropriations bill for fiscal year 2007 to fully fund the requirement grants to States under HAVA, when that bill comes to the Senate floor for debate. But even the HAVA minimum requirements are only a first step to addressing the continuing impediments faced by voters across this Nation.

To address additional election administration deficiencies, I introduced legislation in January of last year, S. 17, the Voting Opportunity and Technology Enhancement Rights Act of 2005, or the VOTER Act. The Voting Opportunity and Technology Enhancement Rights Act of 2005, or the VOTER Act, builds on the reforms begun by HAVA, and adds to those reforms, by including the following: providing every eligible American, regardless of where they live in the world or where they find themselves on election day, the right to cast a National Federal Write-In Absentee Ballot in Federal elections; requiring States to provide for election day registration; requiring States to provide a minimum required number of voting systems and poll workers for each polling place on election day and during early voting; requiring States to count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place in which the ballot is cast; requiring that all States provide voters a voter-verified ballot with a choice of at least 4 formats for recording their verification: a paper record; an audio record; a pictorial record; and an electronic record or other means which is fully accessible to the disabled, including the blind and visually impaired; requiring States to provide public notice of any registration list purges not later than 45 days before a Federal election; allowing voters to attest to their citizenship and age on voter registration forms; and providing additional Federal funds to States to implement these new requirements.

Once Congress has completed its action on the Voting Rights Act, it is imperative that the Senate turn its attention to these further election administration reforms. As the ranking member of the Senate Committee on Rules and Administration, which has jurisdiction over election reform issues, I look forward to that debate and the action of the Senate to ensure that every eligible American voter has an equal opportunity to cast a ballot and have that ballot counted, regardless of color or class, gender or age, disability or native language, party or precinct, or the resources of the community in which they live.

I am very grateful to the Leadership Conference on Civil Rights and the NAACP. They were such strong supporters of the Help America Vote Act. That bill passed the Senate by a vote of 92 to 2 after a lengthy debate. We authorized close to $4 billion to the States to allow them to improve voting systems.

It is not a perfect bill, but it is a major step forward. In the coming weeks, when we will have appropriations matters before us, and as I said, I will be offering amendments to fully fund the HAVA bill and other such changes as I have offered in separate legislation to strengthen that particular effort. But it was important on this bill that we not complicate this important piece of legislation with modifications to the HAVA bill or additional ideas to improve voting access in this country. But we need to continue to work at it. It is unfortunate that in our country in too many of our elections the right to vote and have your vote counted depends upon the economic circumstances of the county in which you reside. That must change when it comes to Federal elections. My hope is we made a major step forward with the HAVA bill, and we continue to work at this on a bipartisan basis.

As was said many years ago by Thomas Paine, the right to vote is the right upon which all other rights depend. If we don't get this one right, then all the other rights we depend upon as American citizens are in jeopardy. The Voting Rights Act speaks to that claim more than two centuries ago, that the right to vote is the right upon which all other rights depend. What a great message that would be to the American public that we still understand this Nation has yet to achieve the perfection that its Founders designed, but each generation strives to make it a more perfect union. Passage of this bill today will be a step in that direction.

I urge my colleagues to join me in achieving a unanimous vote to reauthorize the expiring provisions of the Voting Rights Act for another 25 years. In 1965, a bipartisan coalition of Senators came together to pass this historic bill for the first time. Today, passage of this act is vital to bring about the day for America envisioned by those for which it is named, Coretta Scott King, Fannie Lou Hamer, Rosa Parks, and countless others worked tirelessly to guarantee the ability of all Americans to exercise their right to vote. Mr. President, we honor their work today by passing this important legislation. Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I commend the very able Senator from Connecticut, not only for the very eloquent statement he made but for the leadership which he has shown with respect to this critically important issue of the right to vote. The Senator from Connecticut has framed and crafted and brought to the floor of the Senate in recent years extremely important legislation designed to assure all Americans their right to the ballot, thereby strengthening the very fundamentals of our democracy. I would be remiss if I did not take advantage of this opportunity to express the gratitude we all feel to him for his leadership in this area.

Mr. DODD. I thank my colleague from Maryland for those kind words.

Mr. SARBANES. The legislation we have before us is as significant as any this Congress will consider. The Voting Rights Act was first signed into law on August 6, 1965, by President Lyndon Baines Johnson. The fundamental importance of this law cannot be overstated. It is no exaggeration to say that it both changed the nature of American society and changed the course of American history. More than a quarter of a century before the Voting Rights Act was passed, the great scholar Gunnar Myrdal had written in his landmark study "An American Dilemma," his study of race in this country, that "the American Negro problem," as it was then known, was by no means a problem only for African Americans. Rather, he wrote, it is a problem "in the heart of the American."

Myrdal set out what he called the American creed, the abiding principles on which this Nation is founded. The American creed, he said, "is the cement in the structure of this great and disparate nation . . . encompassing our ideals of the essential dignity of the individual human being, of the fundamental equality of all men [and women], and of certain inalienable rights to freedom, justice, and a fair opportunity." These ideals are "written into the Declaration of Independence, the Preamble to the Constitution, the Bill of Rights, and into the constitutions of the several states."

Regrettably for much of our history, our Nation failed to live up to its most cherished principles. Our great challenge, as one observer has put it, has always been "to live up to the ideals of the American Creed or face a deterioration of the values and visions that unite and make it great."

Myrdal's study was, in effect, the 20th century equivalent of Thomas Jefferson's "fire bell in the night." Yet more than a generation passed between the publication of Myrdal's study and the passage of the Voting Rights Act. As we debate this legislation and recall the tremendous sacrifices of Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, after whom the legislation is named, I also call to my colleagues' attention the riveting autobiography of our House colleague Congressman JOHN LEWIS who for 20 years has represented Georgia's ninth district with such great distinction.

On March 7, 1965, JOHN LEWIS was in Selma, AL, his home State, preparing with hundreds of others to march from Selma to Montgomery to assert the right to vote which at that time was granted or denied solely at the discretion of the State governments. "Many of the men and women gathered on that ballfield," remembers Congressman LEWIS, "had come straight from church. They were still wearing their summer outfits. Some of the women had on high heels." Some 600 marchers set out, two abreast. All were prepared, quite literally, to die for the right to vote. And in the police assault that followed, many of them, including Congressman LEWIS, nearly did.

President Johnson's response the following Saturday was very clear. He said:

> The events of last Sunday cannot and will not be repeated, but the demonstrations in Selma have a much larger meaning. They are a protest against a deep and very unjust flaw in American democracy itself.
>
> Ninety-five years ago our Constitution was amended to require that no American be denied the right to vote because of race or color. Almost a century later, many Americans are kept from voting simply because they are Negroes.
>
> Therefore, this Monday I will send to the Congress a request for legislation to carry out the amendment of the Constitution.

In signing the Voting Rights Act, President Johnson said:

> The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

Indeed, the act marked a decisive turning point in the long and arduous road we know as the civil rights movement. Since its enactment, the Voting Rights Act has been extended and amended four times to address problems of bigotry and discrimination that may take subtler forms than those confronting the Selma marchers in 1965, but that are no less insidious in undermining the constitutional principles by which we aspire to live. As our able colleague, the distinguished Senator from Vermont, Mr. LEAHY, the ranking member on the Judiciary Committee, has noted, in reauthorizing and extending the act, we are, in fact, revitalizing it. We do so not only to honor the courageous men and women who, such as Congressman LEWIS and Fannie Lou Hamer and Rosa Parks and Coretta Scott King and so many others, risked and in some cases sacrificed their lives to uphold American principles, but to build a stronger foundation for the Nation we will leave to our children and grandchildren.

The committee brought this bill to the Senate floor having constructed a compelling record that shows we have made progress but that entrenched discriminatory practices—some obvious and some hidden—remain. In uniting to support H.R. 9 and enacting this legislation, we will be acting in a spirit true to our better selves, to our Nation, and to the generations yet to come.

Mr. LEVIN. Mr. President, I strongly and enthusiastically support the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization of 2006, S. 2703. The right to vote is the foundation of our democracy, and the Voting Rights Act provides the legal basis to protect this right. Ensuring that all citizens can vote and that every vote counts is surely one of our highest national priorities, and the passage of time has not diminished the need for such protections. Hearings held in the Senate and in the House in 2005 and 2006 revealed a new generation of tactics, including at-large elections, annexations, last-minute poll place changes, and redistricting, which have had a discriminatory impact on voters, especially racial and ethnic minority American voters.

The Voting Rights Act of 1965 was enacted to insure that no Federal, State, or local government may in any way impede people from registering to vote or voting because of their race or ethnicity. Most provisions in the Voting Rights Act, and specifically the portions that guarantee that no one may be denied the right to vote because of his or her race or color, are permanent. There are, however, three enforcement-related provisions of the act that will expire in August 2007. The first is section 5, which requires certain jurisdictions to obtain approval or "preclearance" from the U.S. Department of Justice or the U.S. District Court in Washington, DC, before they can make any changes to voting practices or procedures. The second provision that will expire is section 203, which requires certain jurisdictions to provide bilingual language assistance to voters in communities where there is a concentration of citizens who are limited to English proficient. The third are those provisions in sections 6 to 9 which authorize the Federal Government to send Federal election examiners and observers to certain jurisdictions covered by section 5 where there is evidence of attempts to intimidate minority voters at the polls. The legislation before the Senate today reauthorizes the portions of the Voting Rights Act that will expire next year and will allow the Federal Government to address new challenges.

Today we are mindful of the fact that nearly 41 years ago, thousands of individuals risked their lives and some died in the challenge of systems that prevented millions of Americans from exercising their right to vote. For a hundred years after the Civil War, millions of African Americans were denied this fundamental right, despite the 15th amendment to the Constitution that prohibited the denial of the right to vote on the basis of race. Poll taxes, literacy tests, and grandfather clauses—as well as violence—were used to deny African-American citizens the right to vote in many Southern States. During the 1960s, to secure this most basic right, the cost was high: church burnings, bombings, shootings, and beatings. It required the ultimate sacrifice of ordinary Americans: James Chaney, Andrew Goodman, and Michael Schwerner, who simply sought to register voters in Mississippi; Jimmie Lee Jackson, whose death precipitated the famous march from Selma to Montgomery; Viola Liuzzo, a White Detroit homemaker and mother of five who was killed by a Ku Klux Klansmen's bullet after she participated in the Selma to Montgomery march; and the four little Black girls killed in the Birmingham church bombing—Denise McNair, Carole Robertson, Addie Mae Collins, and Cynthia Wesley; Medgar Evers, who had organized voter registration in Mississippi for the NAACP and was gunned down in his driveway; the horrible beatings of John Lewis and of Fannie Lou Hamer and Aaron Henry of Mississippi. Like Dr. Martin Luther King, Jr., and Rosa Parks, their names are forever etched in this Nation's history.

The impact of these tragic revelations and the subsequent enactment of the Voting Rights Act is stark. In Alabama, Black voter registration increased from 0.4 percent in 1940 to 23 percent in 1964 and more than doubled from 1954 to 1968, to 56.7 percent. Mississippi's Black voter registration went from 6.7 percent in 1964 to 54.4 percent in 1968. And the increase was reflected in many other cities and States nationwide.

Let us do what we must do. Our democracy depends on protecting the right of every American citizen to vote in every election. Let us resoundingly reauthorize the Voting Rights Act.

Ms. MIKULSKI. Mr. President, I rise today to give my strong support of the Voting Rights Reauthorization Act. I am a proud cosponsor of this important and needed legislation.

In 2006, there are still places in America where voters are intimidated and turned away from the polls. Americans are being denied the most basic and fundamental right as an American the right to vote. That is why this bill is needed more than ever.

I am proud to be here to speak as the Senator from Maryland. From the dark days of slavery to the civil rights movement, Marylanders have led the way to end discrimination. The brilliant Frederick Douglass, who was the voice of the voiceless in the struggle against slavery; the courageous Harriet Tubman, who delivered 300 slaves to freedom on her Underground Railroad; and the great Thurgood Marshall, from arguing Brown v. Board of Education to serving as a Supreme Court Justice—all were Marylanders.

Not just Marylanders but civil rights leaders and activists from all over this country fought hard to get the right to vote. Over 600 people marched from Selma to Montgomery they were stopped, beaten, but not defeated. These brave men and women continued to march, continued to fight until they got the right to vote.

They had to challenge the establishment and to say "now" when others told them to "wait." Holding dear to their hearts the words of Frederick Douglass:

> If there is no struggle, there is no progress. Those who profess to favor freedom, yet deprecate agitation are men who don't want crops without plowing the ground. They want rain without thunder and lightning. The struggle may be a moral one, or it may be a physical one, but it must be a struggle. Power concedes nothing without demand. It never did, and it never will.

Their fight, their struggle resulted in the Voting Rights Act being passed. This legislation guarantees one of the most important civil rights that every citizen may vote. It is the very foundation of our democracy. It has eliminated discriminatory practices such as poll taxes and literacy tests. It has made it possible for African Americans to vote and hold elective office.

We have come a long way since the original Voting Rights Act was passed in 1965. Yet we have a long way to go. As recent as 2004, we have seen voters disenfranchised, broken election machines, and problems with people casting their ballots on election day. We saw this in the 2000 Presidential elections, too.

In 2000, we all learned that many ballots, many peoples' votes, were thrown out, lost, misplaced or miscounted. We saw election officials who did not know the rules and some who appeared to ignore the rules. And where did much of this happen? In minority neighborhoods, in cities, economically distressed areas across the Nation. I ask myself, is this just a coincidence? Those communities don't think so. It is critical that we let them know we take their concerns seriously.

This legislation recognizes that election reform is still needed. Voters are scared to come forward and cast their vote in some parts of this country. There are places where voters are not getting assistance at the polls whether it is language access or access to accurate information. This is unacceptable. It is un-American.

Reauthorizing the Voting Rights Act will help guarantee the right to vote for all Americans. The bill does four important things. First, it requires States with a history of racial discrimination to have their voting laws precleared by the Department of Justice. This extra layer of oversight is still necessary to protect minority voters. Second, it prohibits all States from imposing any requirements that would deny a U.S. citizen the right to vote based on race, color, or language ability. Third, it requires language assistance at the polls if a U.S. citizen has difficulty speaking or reading English. Finally, it authorizes the Federal Government to send Federal election monitors to minority voter districts to prevent voter intimidation.

This is not a Republican or a Democratic issue. Ensuring that every registered voter who wants to vote can vote is not a partisan issue. It is what America stands for.

We must stand up for what America stands for: opportunity, equality, and empowerment. We must make sure there is no discrimination of any kind, anywhere in America whether it is the old-fashioned kind or the new-fashioned kind. I urge my colleagues to support reauthorizing the Voting Rights Act today.

Mr. AKAKA. Mr. President, I rise today in strong support of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, VRA. The right to vote is the cornerstone of our democracy, and it is central that every American have the right to vote. I am a proud original cosponsor of this bill, and I hope that the reauthorization of the VRA will continue to protect our country's democratic promise.

The VRA is one of the most significant pieces of civil rights legislation to ever become law. The act reaffirms the 15th amendment of the Constitution, which promised that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude." In 1965, Congress recognized that this promise remained unfulfilled, and that barriers such as literacy tests and poll taxes prevented many American citizens from exercising their right to vote. The VRA has addressed these problems by prohibiting discrimination and providing language assistance to those who needed it.

As an Asian American, this bill is of personal importance to me. I know of many Asian Americans who have experienced difficulty in the polls over the years, particularly due to language barriers. According to the 2000 Census, 77 percent of Asian Americans speak a language other than English in their homes. Asian Americans who came as refugees are the most likely to face language barriers. For example, 67 percent of Vietnamese Americans over 18 are limited English proficient. They follow the news closely, but often by accessing newspapers and other media in their native languages. Section 5 of the VRA will help provide Asian Americans with equal access to the polls, ensuring that they are able to participate in the political process and empowering them to make a difference in their communities.

Over the years, our country has come a long way. But unfortunately, barriers to equal political participation remain. Some minority voters still face obstacles to making their political voice heard. There is evidence of attempts to mute the strength of minority voters via unfair redistricting. Further, the lack of bilingual ballots prevents some voters from even casting their vote. This type of ongoing discrimination proves why we still need the VRA.

Over the years, Congress has reauthorized the VRA four times. The bill before us today would reauthorize three key enforcement provisions of the VRA which would otherwise expire in 2007: Section 5, which requires jurisdictions with a history of discrimination to obtain Federal clearance before introducing new voting practices or procedures; Section 203, which requires communities with large populations of non-English speakers to provide language assistance; and Section 8, which authorizes the Attorney General to appoint Federal election observers to ensure that minority citizens will have full access to the ballot box.

There is no question that all of these provisions are important and necessary, and I commend the members of the Judiciary Committee for their strong bipartisan work on this issue. I hope my colleagues will join me in supporting this critical piece of legislation, and I look forward to the President signing it into law.

Mr. REED. Mr. President, as a cosponsor of the Senate bill, I am pleased the Senate is considering the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Reauthorization and Amendments Act, H.R. 9.

The Voting Rights Act was signed into law 41 years ago as a direct reaction to the vicious attacks against civil rights demonstrators crossing the Edmund Pettus Bridge in Selma, AL. After these attacks, President Johnson was able to end a long deadlock with certain Members of Congress attempting to weaken the legislation. The act passed in August 1965 and successfully prohibited measures that localities had developed to disenfranchise racial and ethnic minorities, such as literacy tests, "grandfather clauses," character assessments, poll taxes, and intimidation techniques, often violent. It was also drafted to prevent the racial gerrymandering, at-large election systems, staggered terms, and runoff requirements certain jurisdictions were using to dilute the effect of the minority vote.

Since then, sections 2 and 4 of the law, prohibiting the use of tests and devices intended to dissuade minority voting, have made obvious attempts to disenfranchise minorities a thing of the past. By requiring district court or attorney general determination of whether a proposed election change would abridge voting rights, section 5 has deterred measures frequently used before 1965 to weaken minority votes.

Thanks to the original law and the reauthorizations that followed, an increasing number of African Americans, Latinos, and Native Americans have been voting, decreasing the gap between white and minority turnout. Minorities report fewer attempts to curtail their rights and minority districts have allowed a greater number of African Americans, Asian Americans, and Hispanic Americans to be elected to office. The Voting Rights Act, then, has been successful in helping to carry out the promise of the 15th amendment.

Since 1965, Congress has responded to continuing or new evidence of disenfranchisement and vote dilution through the Voting Rights Act reauthorization process. And this reauthorization is no different.

The nonpartisan Lawyer's Committee for Civil Rights, which President John F. Kennedy created to promote voting equality, established a commission to conduct an investigation into vote discrimination in preparation for this most recent reauthorization proposal. The conclusions of the Commission, echoed in the many congressional hearings held on the law, was that, while the Voting Rights Act has successfully eliminated systematic efforts to disenfranchise voters, restrictions to ballot access and weakening of the minority vote are still occurring. In fact, the Commission reported that attempts to repress the minority vote, "are still encountered in every election cycle across the country," citing deterrents against English-language minorities, unduly burdensome requirements for registration and voting, and election laws that result in vote dilution. Unfortunately, the 41 years this law has been in effect have not yet overcome centuries of discriminatory practice.

Since the last reauthorization, the Supreme Court, in Reno v. Bossier Parish II and Georgia v. Ashcroft, has also curtailed the intent of section 5 of the Voting Rights Act, deciding that the act does not prohibit redistricting with the purpose or effect of weakening minority votes. Many of the changes in the bill before us were drafted as a direct response to these cases. This act not only renews the expiring provisions, it restores the original intent of section 5 by prohibiting the approval of any proposed election law change having the effect of diluting a minority voting population.

As my courageous colleague, John Lewis, has said, "The sad truth is discrimination still exists. We must not go back to the dark past."

This reauthorization will provide the tools we need to honor our constitutional commitment to allow all of our citizens to vote. It reinvigorates the guarantee that is the foundation of our democracy the right to vote and it is a pledge not to return to a time when, as Martin Luther King said, "The denial of this sacred right [was] a tragic betrayal of the highest mandates of our democratic tradition."

I am honored to support this bill and would like to thank my colleagues, Senators SPECTER and LEAHY, for their work and leadership in bringing it to the floor.

Mr. KOHL. Mr. President, today the Senate will debate and consider the Voting Rights Act Reauthorization and Amendments Act of 2006. We can all agree that the Voting Rights Act was one of the most significant civil rights laws ever enacted in this country. Yesterday, the Judiciary Committee unanimously supported this bill, and today we hope the full Senate will pass it as soon as possible.

This landmark law reversed nearly 100 years of African-American disenfranchisement. It took years for Congress to devise a law that could not be circumvented or ignored through lengthy litigation or creative interpretation. After numerous failures, a stronger remedy free of litigation was needed to break the 95-year-old obstacle to Black voter participation.

The Voting Rights Act of 1965 provided the solution. That law was and remains unique by enforcing the law before a new State voting statute goes into effect rather than fighting it out after the fact for years in court. The section 5 "pre-clearance" procedure—along with the banning of literacy texts, poll taxes, and the like—finally worked. Soon, African-American voters did not face an unequal burden to simply exercise their constitutional right to vote.

Yet our work was far from over in 1965. Arguably, the great successes of the act we speak of today would not have been realized had Congress not amended and extended the act in 1970, 1975, 1982 and 1992. Important improvements were made to the Act during that time, including the addition of bilingual voter assistance in certain jurisdictions with a substantial number of non-native English speakers. Accordingly, our bill includes amendments which address recent Supreme Court decisions that have made enforcement of some parts of the act unclear.

As we all know, key provisions of the Voting Rights Act are set to expire next year. We have made enormous gains for voting rights since 1965, but we should not assume that the vigorous protections of the act have outlived their use. To the contrary, extending the act for another 25 years will ensure that these hard-fought rights will remain in place.

Evidence supports this sentiment when one considers that the Department of Justice deemed 626 proposed election law changes discriminatory since the last extension of the act in 1982. Past experience teaches us that we cannot rely upon the courts alone to protect the constitutional right to vote. Quite simply, the Voting Rights Act, and specifically section 5, has worked. The record demonstrates that it continues to be needed to enforce the guarantees of the 14th and 15th Amendments.

We commend Chairman SPECTER for holding this series of hearings on the Voting Rights Act. Furthermore, we note the House passed its reauthorization of the Voting Rights Act last week without amendment, and I trust we can and will do the same here in the Senate. Most of us believe the record demonstrates that the act should remain in force, and I strongly urge my colleagues to support is extension.

MS. LANDRIEU. Mr. President, the Voting Rights Act of 1965 was written to prevent both direct and indirect assaults on the right to vote. It outlawed the poll taxes and literacy tests and established a system of Federal marshals to help African Americans in the South vote. It also required covered jurisdictions to get Federal preapproval before changing their election laws or any other voting procedure.

These changes have made our political system more representative and more just. The Voting Rights Act protects basic constitutional rights. Millions of African Americans have been added to the voting rolls since the act was passed. In 1965, there were only 300 African American elected officials in our country. Today, there are more than 9,100 African Americans who serve in elected public offices and nearly 6,000 Latino elected officials.

There are those who say that, while this act may have once been needed, it is no longer required today. I understand their argument but do not agree with it. I do believe, however, that their argument is entitled to an answer.

My answer is this: Renewing expiring provisions of the Voting Rights Act will ensure that the battle for fairness in our political system is carried on with the full force of law behind it. We certainly still need these protections today. While many of the more obvious and widespread abuses have been eliminated, isolated cases of voting discrimination and intimidation remain. They may be subtle, but they are nonetheless unfair and intolerable, and they extend to not only African Americans but to others as well. A recent court case described nearly two decades of voting rights abuses against Native Americans in South Dakota. We have heard about people videotaping the license plates of Mexican Americans as they went to vote in Dona Ana County, NM, in 2004. As recently as 2001, local officials in Kilmichael, MS, canceled elections out of fear that an African-American mayor might be elected. The Voting Rights Act allowed the Justice Department to intervene, ensuring that the right to vote was protected, and 2 years late Kilmichael elected its first African-American mayor.

Mr. President, history tells us that the justification for the continuance of this law is compellingf. It also tells us that full and fair enforcement of this law is essential, too. That is why I cast my vote for justice. That is why I cast my vote for the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Reauthorization Act.

Mr. LIEBERMAN. Mr. President, I rise today to speak in support of the vital need to reauthorize key provisions of the Voting Rights Act of 1965, among the most significant pieces of civil rights legislation Congress has ever passed.

As we are approaching the 41st anniversary of the act, perhaps it is important to remember the words of President Lyndon Johnson who signed this bill into law on August 6, 1965, as Dr. Martin Luther King, Jr. looked on.

Johnson's words spoke to all Americans—then and now—about the importance of the right to vote. He said:

> The central fact of American civilization—one so hard for others to understand—is that freedom and justice and the dignity of man are not just words to us. We believe in them.
>
> . . . Every family across this great, entire, searching land will live stronger in liberty, will live more splendid in expectation, and will be prouder to be American because of the Act you have passed and that I will sign today.

Now is the time to renew that pledge for freedom by reauthorizing the Voting Rights Act, and I am proud to cosponsor this legislation.

I thank Chairman SPECTER and Ranking Member LEAHY for their efforts to report this legislation out of their committee with unanimous support yesterday. I hope the full Senate will show the same level of support when the bill is voted on this afternoon.

The importance of renewing this act was driven home to me yesterday when, like many of my colleagues, I met with a delegation from my State's chapter of the NAACP—here for the annual NAACP meeting and to visit with their congressional delegation.

The meeting was not only a wonderful opportunity to see about 40 old friends, it was a demonstration of the fundamental constitutional principle that powers our Republic—the right to petition the government about the issues that matter most.

Of course, it strikes me that 40 years ago, while Senators on the floor of this very Chamber debated the original Voting Rights Act, some of those constituents' own parents and grandparents could not even cast a vote without fear for their own lives. And that was for one reason—because they were Black. Those were tragic times for America.

I remember my own trip to Mississippi in 1963, as a senior in college when I joined with friends on a trip to Mississippi to draw attention to the cause of enfranchising African-American voters. Our goal, like others who made similar journeys, was to support the fight of the young heroes of the civil rights movement—Black men and women who, sat at lunch counters, who refused to move to the back of the buses, who peacefully but powerfully demanded the most basic rights every American deserves—including the right to cast a vote.

I like to believe our trip to Mississippi was a small step in the march toward equality that Dr. King and other civil rights leaders, like Representative JOHN LEWIS from Georgia, who sat at those lunch counters, pressed upon the American conscience in those heavy days.

But my meeting with the Connecticut chapter of the NAACP reminded me the march toward equal rights is not over.

In my meeting, one woman asked, "Why does Congress even have to extend the Voting Rights Act? Why is the law not permanent?"

I explained that Congress passes legislation that automatically expires because it is important to assess whether a law is working as intended, whether it needs changing to address new concerns, or whether it is needed at all.

Thanks to the Voting Rights Act of 1965, every American now has the opportunity to vote and any American can come to Washington to meet with his or her Senators, and I am grateful so many people do. Across the country, the number of African-American elected officials has increased from just 300 in 1964 to more than 9,000 today, including 43 Members of Congress.

But with some regret, we must conclude that the Voting Rights Act is as necessary today as it has ever been. For as long as the law continues to be violated, we still need that law.

Since 1982, when the act was last extended, there have been more than 1,000 complaints of violations of the Voting Rights Act all across the country. Just last month, the Supreme Court struck down parts of the redistricting plan in Texas because the court ruled that the plan disenfranchised large numbers of Hispanic voters.

As long as there are efforts to dilute the votes of some or to make it more difficult for any of our fellow citizens to vote, we need the Voting Rights Act and the provisions that are set to expire next year.

I urge my colleagues to pass this legislation today because the march toward equality must continue. But I look forward to the day when it is no longer needed because we have achieved the ideal where each and every vote cast in this great democracy of ours has the same voice and carries the same weight and that everyone who wants to vote can do so with ease and without fear of discrimination.

I urge my colleagues to pass this legislation today because the civil rights march must continue because we cannot confuse progress with victory.

As Martin Luther King said on the front steps of the Lincoln Memorial, a speech I heard in person, we can never be satisfied until every citizen can vote and every citizen has something to vote for.

And when that day comes, when we have achieved full voting rights and civil rights for all Americans, Dr. King can look down from Heaven, his mission finally fulfilled, and call out:

"Free at last! Free at last! Thank God almighty, they are free at last."

Mr. BIDEN. Mr. President, I would like to spend just a few minutes talking about why I support this Voting Rights Act reauthorization.

The Supreme Court has said voting rights are so important because they are "preservative of all rights" (Yick Wo v. Hopkins (1886)). I couldn't agree more, and that is why the Voting Rights Act was and is so centrally important to our country.

Martin Luther King, Jr., called President Johnson's support of the Voting Rights Act "a shining moment in the conscience of man." That moment must continue.

The act began a true transformation of our country. In 1964, there were only 300 African Americans in public office, including just three in Congress. There were exceptionally few anywhere in the South. Today, there are more than 9,100 Black elected officials, including 43 Members of Congress, the largest number ever.

The act helped open the way for the 6,000 Latino public officials elected and appointed nationwide, including 263 at the State or Federal level, 27 of whom serve in Congress.

One of the leaders of the civil rights movement, Congressman JOHN LEWIS, has characterized the impact of the Voting Rights Act this way: "It not only transformed Southern politics, it transformed the nation." I couldn't agree more.

But we shouldn't just rest on the successes of the recent past. We must remain vigilant. For hundreds of years, our country struggled with slavery and the fact that nothing more than a person's skin color could determine his or her prospects in life. Even after we enacted the 15th amendment, our country struggled with Jim Crow laws and persistent discrimination.

We have now had the Voting Rights Act for 40 years, which may seem like a long time, but compared against our long and shameful history of race discrimination, 40 years seems pretty short.

Thankfully, we have come a long way since signs emblazoned windows read: "colored need not apply" and "Whites only." But let's not be lulled into a false sense of security: racism—though much more subtle—still exists. African Americans can apply for a job all right but they might not get it because "they're not the right type," or "they just wouldn't fit in." New words for old sins.

Our recent history still finds sophisticated discrimination occurring when it comes to voting; and we must be especially vigilant here because voting is such a cornerstone of our democracy. We must continue to ensure diversity in our democracy and protect the rights of all Americans irrespective of race, gender, or national origin.

That is why I strongly support this reauthorization of the Voting Rights Act and am a cosponsor.

Authorizing the Voting Rights Act will be one of the most important things we can do this year, and I look forward to helping in any way that I can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I grew up in Danville, VA. The town of Danville, a town of about 30,000 people right on the North Carolina border, was famous for three things when I was growing up there. It was the home of the Dan River cotton mills, it was famous for being the world's biggest tobacco market, and it was famous for being the last capital of the Confederacy. I remember as a child riding back and forth to Danville, VA from our home outside of town and riding in the front of the bus, knowing that other people of color would ride in the back of the bus. I remember visiting downtown and going to restaurants, knowing if you were white you could eat there, and if you were not white, you could not. I remember seeing the water fountains, whites' only, colored only.

I remember going to the Rialto theater with my sister, watching three movies on a Saturday afternoon for 25 cents. If you were white, you got to sit on the first floor. If you were not, you sat up in the balcony. I remember going to catch the bus across the street from my house and going about 10 miles on a bus to high school and knowing that the kids of color, about 100 yards further away from us, would get on their bus and head out to go to their school, driving by mine and going another 10 miles to their own school.

The PRESIDING OFFICER. Under the order that was agreed to by unanimous consent, the Democratic leader has the floor at 4 o'clock.

Mr. REID. Will the Senator from Delaware indicate how much more time he needs?

Mr. CARPER. If I could have 3 minutes.

Mr. REID. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. In addition to not being able to drink water at fountains with us, eat in the same restaurants, go to movies, ride on the bus or go to school with the rest of us, the other thing that folks of color couldn't do in my hometown was vote. They couldn't vote because they didn't pay a poll tax. They couldn't vote because they weren't smart enough allegedly to pass the test they had to take in order to become voters.

I came here in 1965, barely out of high school, 18 years old. I went to the Rayburn Building and happened to walk into a hearing in 1965 by the House Judiciary Committee on this legislation, the Voting Rights Act of 1965. The enactment of that legislation did more to change things in my town of Danville, VA, and a lot of towns in this country, especially in the South, than any one thing I can think of.

Yesterday, as several of us in the Senate rolled out something we called the Restoring the American Dream Initiative, we started off by trying to make sure that everybody who wanted to go to college had the ability to get to college. If we are going to be successful as a nation in the 21st century, we need a world class workforce. We can't have that unless we have well-educated, college-educated people. In order to have those kinds of opportunities, before we ever get to college we have to make sure kids have a decent chance to go to good elementary, middle, and high schools. And in order for anybody to have the American dream, it is important to have a chance to get a decent job, have a chance to be a home owner, raise a family, work hard, and live in a community and practice your faith.

The one best way to ensure that people of all walks of life have those opportunities is to make sure that they have the opportunity every November, or whenever, to go into the voting booth, be registered to vote, and exercise their constitutional right. By the passage of this legislation today, we reaffirm our commitment to that sacred right.

As one who came here 41 years ago, when my very first experience in the Capitol as an 18-year-old teenager was the debate on this legislation, to be back here today as a Member of the Senate, something I never thought possible, is an uplifting experience for me. I hope it serves as an inspiration to young men and women of whatever race or background they might be. I thank the leader.

I yield back my time.

Mr. REID. Mr. President, how much time did the Senator from Delaware use?

The PRESIDING OFFICER. Three minutes.

Mr. REID. Mr. President, I yield to the Senator from Vermont, Mr. LEAHY.

Mr. LEAHY. Mr. President, earlier this afternoon when I was not on the Senate floor, a few Republican Senators gave statements that reflected their individual views of what the legislation we are considering today will do to address the Supreme Court's interpretation of legislative intent in the Georgia v. Ashcroft and Reno v. Bossier Parish cases. While I am not fully informed of their positions, I certainly disagree with what I heard.

In the Senate Judiciary Committee we received extensive testimony about these two provisions over the course of several hearings that informed our Committee vote yesterday. I ask unanimous consent to have printed in the RECORD a full explanation of the testimony we received that informed our vote yesterday and my understanding of the purpose and scope of these two provisions as an original and lead sponsor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GEORGIA V. ASHCROFT FIX

The first of these provisions is commonly referred to as the "Georgia vs. Ashcroft fix."

In the Judiciary Committee we received evidence that the Voting Rights Act had been significantly weakened by the Supreme Court's decision in Georgia v. Ashcroft because it narrowed the protections afforded by Section 5. Prior to the Ashcroft decision, an objection would be raised by the Department of Justice if the voting change made the position of minority voters worse off in terms of their ability to elect candidates of their choice. In Ashcroft, the Supreme Court replaced the clear and administrable "ability to elect" standard with an unworkable "totality of the circumstances" standard that appears to permit the trading away of districts in which minority voters have the opportunity to elect candidates of their choice for districts in which minority voters may (or may not) have an "influence" over who is elected.

It is my understanding that the bill we are considering here today clarifies congressional intent after the Georgia v. Ashcroft decision by re-establishing that Section 5 requires that there be no retrogression of minority voters' ability to elect the candidate of their choice—the standard described in Beer v. United States that governed Section 5 preclearance decisions prior to the Supreme Court's decision in Ashcroft.

The drafters of this legislation concluded that "ability to elect" was the proper standard because it preserves the gains made in minority voting power and provides a more manageable standard to guide covered jurisdictions, the Department of Justice, and the federal courts as they review voting changes pursuant to Section 5.

The bill we are considering today re-establishes the "ability to elect" standard because the "totality of the circumstances" test articulated in the Ashcroft decision undermines Section 5's ability to protect against discrimination and maintain the progress made in minority political participation, and it creates an amorphous standard that will be difficult for covered jurisdictions to follow and for the Justice Department to administer.

We in Congress who are supporting this bill determined that we must address this standard for the same reasons as the dissent in Ashcroft noted, that is because the "totality of the circumstances" test adopted by the Supreme Court majority "unmoors §5 from any practical and administrable conception of minority influence" by abandoning the "anchoring reference to electing a candidate of choice" that had previously guided Section 5 preclearance.

In the Judiciary Committee we received extensive testimony about the harm that the Ashcroft decision has had on the power of Section 5 to protect minority voters. Political science professor Theodore Arrington, who has served as an expert witness in over 30 voting rights cases, testified at the Committee's hearings that the Ashcroft case created an "unworkable standard" because there is "no way to know how to comply with the Court's mandate." The legislation we are considering today would add needed clarity.

The difficulty of measuring minority "influence" was well-illustrated by the results in Georgia v. Ashcroft itself, as was pointed out in the Committee by Professor Pamela Karlan. The Supreme Court noted that most of the districts in which African-Americans make up more than 20% of the electorate are majority-Democrat, which the Court concluded "make it more likely as a matter of fact that African-American voters will constitute an effective voting bloc, even if they cannot always elect the candidate of their choice." However, in the three districts where African-American voters supposedly retained an "influence" on their elected representatives, the elected white representatives switched from the Democratic to the Republican party in the two-week period between their election and the inauguration, which resulted in the Democrats losing control of the Georgia State Senate. This result undermined the Supreme Court's view that representatives elected in a minority "influence district" would listen and respond to their sizable minority constituents despite not being these voters' preferred candidates.

The aftermath of Georgia's elections supports the dissenting justices' views that it is impossible for a court to measure minority influence, and thus a state should not be granted preclearance for redistricting plans that trade away districts in which minority voters have the ability to elect their preferred candidates for ones in which they might have the ability to influence candidates elected by others. As Ashcroft itself demonstrated, the appearance of influence might far exceed the reality.

The impact of "influence districts" is particularly ephemeral where the existence of racially polarized voting means that elected officials do not need minority voters to retain their seats. As Laughlin McDonald, Director of ACLU's Voting Rights Project, testified, racially polarized voting means that African-Americans may have little or no influence in majority white districts. In the 1970s and 1980s, only about 1% of majority white districts in the South elected an African-American to a state legislature. As late as 1988, no African-American had been elected from a majority white district in Alabama, Arkansas, Louisiana, Mississippi, or South Carolina. The ACLU's Voting Rights Project Report described the pervasiveness of racial bloc voting in covered jurisdictions. For example, in Smith v. Beasley, decided in 1992, a three-judge court found that "[i]n South Carolina, voting has been, and still is, polarized by race. This voting pattern is general throughout the state." Ten years later, in 2002, another three-judge court made a similar finding: "Voting in South Carolina continues to be racially polarized to a very high degree in all regions of the state and in both primary and general elections." As recently as 2004, the Fourth Circuit affirmed the findings of a South Carolina district court that "voting in Charleston County Council elections is severely and characteristically polarized along racial lines."

After Ashcroft, states can redistrict in ways that diminish minority voters' political power. As Professor Nathaniel Persily testified, the "danger that Ashcroft seemed to invite and that this legislation intends to fix is the possibility that under the cloak of 'influence districts' a jurisdiction might dilute the minority vote by splitting large minority communities among several districts in which they really have no influence at all." Professor Persily explained that under the Ashcroft precedent, the Department of Justice could preclear a state redistricting plan that split a 60% minority district into two 30% minority influence districts, even though such a plan would severely diminish minority voters' ability to elect their preferred candidates. Moreover, combined with the Supreme Court's holding in Bossier II, a state legislature could enact these kinds of voting changes for the express purpose of discriminating against minority voters, and yet they nonetheless might be precleared under Section 5.

The VRARA restores Section 5 to its original intended meaning so that it prohibits voting changes that undermine racial minorities' ability to elect candidates of their choice. The VRARA provides that "[t]he purpose of subsection (b) of this section is to protect the ability of such [minority] citizens to elect their preferred candidates of choice." This change to Section 5 makes clear that Congress rejects the Supreme Court's Ashcroft decision and reestablishes that a covered state's redistricting plan cannot eliminate "ability to elect" districts and replace them with "influence districts."

The amendment to Section 5 does not, however, freeze into place the current minority voter percentages in any given district. As stated by the dissenters in Georgia v. Ashcroft, as well as by Professor Arrington and Professor Persily at the Committee hearings, reducing the number of minorities in a district is perfectly consistent with the pre-Ashcroft understanding of Section 5 as long as other factors demonstrate that minorities retain their ability to elect their preferred candidates. The amendment is intended to make clear that the addition of districts in which minorities might have an influence on the political process cannot compensate for the elimination of districts in which minorities have the ability to elect a preferred candidate. But there is no "magic number" that every district must maintain to satisfy the "ability to elect" standard; the percentages will vary depending on such variables as the extent of racially polarized voting and white crossover voting, registration rates, citizenship variables, and the degree of voter turnout. As both Professor Arrington and Professor Persily stated in their testimony, all of these considerations should come into play, making the "ability to elect" standard one that turns on the context of the districts at issue, as was the case under the Beer standard.

The "ability to elect" standard does not lock in districts that meet any particular threshold. Determinations about whether a district provides the minority community the ability to elect must be made on a case-by-case basis. Indeed, prior to Georgia v. Ashcroft, the Department of Justice utilized case-by-case analysis to determine whether a voting change impacted the minority community's "ability to elect." Specifically, DOJ performed an intensely jurisdiction-specific review of election results, demographic data, maps and other information in order to compare the minority community's ability to elect under benchmark and proposed plans. Other information considered by DOJ, outlined in the Procedures for the Administration of Section 5 of the Voting Rights Act," 28 C.F.R., Part 51, include the extent to which a reasonable and legitimate justification for the change exists, the extent to which the jurisdiction followed objective guidelines and fair and conventional procedures in adopting the change, the extent to which the jurisdiction afforded members of racial and language minority groups an opportunity to participate in the decision to make the change, and the extent to which the jurisdiction took the concerns of members of racial and language minority groups into account in making the change. This analysis allows jurisdictions a degree of flexibility in the adoption of their voting changes.

In sum, to avoid violating Section 5's nonretrogression standard, a covered state's redistricting must ensure that it has not diminished minority voters' ability to elect their candidates of choice. The "ability to elect" standard that is being reestablished through the VRARA prevents all types of retrogressive changes, whether they come from the dispersion of a minority community among too many districts (cracking) or the overconcentration of minorities among too few (packing).

BOSSIER FIX

The second of these provisions is usually referred to as the "Bossier Fix."

We have acted in this reauthorization to restore the VRA's original standing and effectiveness. After hearing extensive testimony and carefully reviewing the record created in the Senate and in the House of Representatives, we concluded that the Supreme Court's holding in a case called Reno v. Bossier Parish ("Bossier II"), went against both the original intent of Congress and established Department of Justice and judicial precedent. Section 5 of the VRA requires that all changes in covered jurisdictions "not have the purpose and . . . not have the effect of denying or abridging the right to vote on account of race or color." Accordingly, the process for preclearing changes consists of two prongs. First, it consists of an inquiry as to the purpose of the change in question. Then, it requires a separate examination into the effect of the change. A plan may not receive preclearance without satisfying requirements under both prongs. Traditionally, the purpose prong has been a common basis for Department of Justice objections to plans submitted by covered jurisdictions. However, since "Bossier II" the scope and effectiveness of the purpose prong has been dramatically limited.

That is why we are amending the VRA to make clear that a covered jurisdiction does not have to disprove the existence of any Section 2 violation to obtain Section 5 preclearance. Rather, contrary to the suggestions of a handful of my colleagues who wish to undermine what we accomplish today, this bill amends the VRA to make clear that it prohibits all voting changes enacted with a discriminatory purpose.

THE HOLDING IN BOSSIER II

The controversy in Bossier II arose when the school board ("the Board") of Bossier Parish, Louisiana sought to redraw the districts that elected its members. At the time of the 1990s redistricting, African-Americans made up approximately 20% of the parish's population. They did not, however, comprise a majority in any of the twelve school board districts in the parish. In 1992, the Board adopted a new redistricting plan that did not create any new majority-African-American districts, rejecting an alternate plan that would have created two majority-African-American districts.

In January of the following year, the Board submitted its redistricting plan for preclearance to the Department of Justice; upon objection by the Attorney General, the Board filed suit for a declaratory judgment in the federal district court to obtain preclearance. At trial, the Attorney General argued that the plan should not be approved under Section 5 for two reasons. First, the plan diluted the voting strength of African-American voters, in violation of a separate provision of the VRA, Section 2. Second, the plan was enacted with a discriminatory purpose.

At trial, DOJ presented extensive evidence that the plan was, in fact, enacted with a discriminatory motive. The Board's refusal to draw a single African-American majority district stood in stark contrast to its own admission that creation of a majority-African-American district was clearly feasible, and in contrast to expert testimony that African-Americans would only be able to elect their chosen candidate in such a district. Moreover, the manner in which the districts were drawn suggested—in the Board cartographer's own opinion—that traditionally African-American populations were purposefully divided into adjoining white districts, a process known as "fracturing." Most alarming, however, was testimony suggesting that certain Board members were openly hostile to African-American representation or African-American-majority districts.

In spite of this evidence, the trial court precleared the plan. The case twice reached the Supreme Court on separate appeals. The first time, the Court agreed with the trial court that a voting change cannot be denied preclearance under Section 5 solely because the change violated Section 2. The second time—Bossier II—the Court addressed a more contentious question: whether Section 5 prohibited all voting changes enacted with a discriminatory purpose. The Court answered this question in the negative, holding that Section 5 does not bar electoral changes enacted with a discriminatory purpose if those changes were designed only to maintain, and not worsen, the current electoral strength of a protected minority group.

Bossier II was premised on the holding in an earlier Section 5 case, Beer v. United States. In Beer, the Supreme Court interpreted the effects prong to prohibit only those changes that had a "retrogressive" impact on the voting strength of minorities in a covered jurisdiction. The question of retrogression—whether or not a proposed plan decreased voting strength as compared to the previous plan—thus became the critical measure of success or failure under the effects prong. In Bossier II, Justice Scalia argued that since "purpose" and "effect" both modify the same object in the text of the statute—"denying or abridging the right to vote on account of race or color"—they must prohibit the same activity. If Beer held that the effects prong only prohibited "retrogression," the Court's majority reasoned that Section 5 would only prohibit retrogressive intent. The end result of this argument was aptly summarized by Debo Adegbile, who testified: "Since [Bossier II], non-retrogressive voting changes motivated by racial animus, no matter how clearly demonstrated . . . are insulated from Section 5 objection under the purpose prong." Justice Souter, dissenting from the majority opinion, came to the same conclusion: "Now executive and judicial officers of the United States will be forced to preclear illegal and unconstitutional voting schemes patently intended to perpetuate discrimination."

PROBLEMS WITH THE PURPOSE PRONG UNDER BOSSIER II

The holding in Bossier II is at odds with congressional intent and established judicial and Department of Justice precedent. It effectively eviscerates the purpose prong of Section 5 and compromises the overall ability of Section 5 to combat innovative discriminatory practices, which it was originally designed to prohibit. Committee reports from the 89th Congress uniformly suggest that the Senate and House of Representatives designed Section 5 as a broad protection against increasingly innovative discriminatory practices. This is reflected in the fact that the language of the provision closely parallels that of the 15th Amendment, which prohibits intentional discrimination. This is not a coincidence; members of both the Senate Judiciary Committee and the House of Representatives Judiciary Committee explicitly cited the VRA as a bill primarily intended to enforce the 15th Amendment.

In 1966, when the Supreme Court heard the first constitutional challenge to the VRA, it reaffirmed the broad scope envisioned by Congress. In South Carolina v. Katzenbach, the Court explained that the VRA was designed "to rid the country of racial discrimination in voting," and described Section 5 as "the heart of the Act." Six years later, in Perkins v. Matthews, the Court stated that there was "little question" that Congress intended Section 5 to ensure that covered jurisdictions "not institute new laws with respect to voting that might have a racially discriminatory purpose or effect." In 1975, far from repudiating earlier Committee reports or the statements in Katzenbach and Perkins, this Committee further emphasized a broad role for Section 5, one that went beyond the mere preservation of minority voting strength.

The purpose prong established by Bossier II is far narrower than Congress intended. While the retrogression standard defines prohibited effects, the same standard limits the purpose prong to the point of insignificance. After Bossier II, the only occasion in which the purpose prong would be the sole basis for a Department of Justice objection would be when the covered jurisdiction intended to decrease minority voting strength, but somehow failed in this effort.

More incongruously, however, as conceived by Bossier II, the purpose prong would actually reward those covered jurisdictions with the most extensive histories of minority vote dilution; this is what Professor Anita Earls described in hearings before the Judiciary Committee as the "discrimination dividend." Where a jurisdiction has traditionally structured its election methods and voting practices so that minority voters have no voting strength, and no ability to elect candidates of their choice to begin with, it is impossible for new voting practices to be retrogressive. When no retrogression is possible, it is also impossible to prove retrogressive intent. The Bossier II interpretation of the purpose prong would freeze voter discrimination at existing levels, to the benefit of the most discriminatory of jurisdictions.

I find no evidence to suggest that the 94th Congress enacted Section 5 with such a limited—and indeed, paradoxical—scope in mind. To the contrary, Section 5 was designed to target precisely those areas with the most entrenched histories of discrimination. The Supreme Court long recognized this. I agree with the findings of the House Committee on the Judiciary, which concluded that the purpose prong was designed to prevent all voting changes with a discriminatory intent. We reported VRARA and will pass it today to restore the original understanding of that provision.

In addition to contravening congressional intent, Bossier II is also in conflict with more than three decades of judicial and Department of Justice precedent. Prior to Bossier II, the Department of Justice interpreted the purpose prong of Section 5 to block all changes enacted with a discriminatory intent, regardless of retrogressive effect. This was not a limited practice. Prior to Bossier II, a large percentage of all Department objections were based on discriminatory purpose alone.

The Supreme Court reached the same conclusion, consistently construing Section 5 as barring implementation of electoral changes if and when they were adopted with a discriminatory purpose. In City of Richmond v. United States, for example, the Court held that a proposed annexation had no discriminatory effect under Section 5. However, the Court nevertheless remanded the case to the District Court to determine if the change was adopted for a discriminatory purpose. As the Court stated in City of Richmond: "An official action, whether an annexation or otherwise, taken for the purpose of discriminating against Negroes on account of their race has no legitimacy at all under our Constitution or under the statute." Likewise, in City of Pleasant Grove v. United States, a covered jurisdiction was denied preclearance for a proposed annexation, even though retrogressive effect was impossible, because of clear evidence that the annexation was enacted with a racially discriminatory purpose. The Court explained that "[t]o hold otherwise would make appellant's extraordinary success in resisting integration thus far a shield for further resistance." Even in Beer, the purported foundation for Bossier II, the Court provided that changes that actually improved the voting strength of minorities could still be denied preclearance if they were intentionally discriminatory. The District Court for the District of Columbia—the body charged with exclusive jurisdiction over Section 5 suits—also consistently held (before Bossier II) that Section 5 prohibits changes enacted with a discriminatory intent.

For thirty-five years, Congress reviewed and renewed the Voting Rights Act and amended Section 2 in response to another Supreme Court precedent, Mobile v. Bolden, but Congress did not change or raise any objection to the judicial or Justice Department interpretations of the Section 5 purpose prong. Instead, Congress reauthorized Section 5 unamended on three separate occasions. Until Bossier II, all three branches of government—the courts, the executive, and the legislature—appeared to be in agreement that the purpose prong prohibited all changes enacted with a discriminatory intent.

BOSSIER II UNDERMINES THE EFFECTIVENESS OF SECTION 5

Bossier II has had a striking impact on the Section 5 purpose prong, minimizing the number of purpose-based objections and undermining the overall ability of Section 5 to block discriminatory electoral practices in covered jurisdictions. The record of preclearance objections after Bossier II suggests that the purpose prong under Bossier II has become inconsequential and has no meaning apart from retrogressive effect. After Bossier II, there was a steep drop in the number of Department of Justice objections based on purpose alone. In the 1980s, 25% of DOJ objections—83 objections in total—were based on intent alone; in the 1990s, this number increased to 43%, with 151 objections solely based on discriminatory intent. In the five years following Bossier II, only two out of a total of forty-three objections (4%) have been interposed because of retrogressive intent, the only purpose prohibited by Bossier II. In the words of one House Judiciary Committee witness, Mark Posner, the purpose prong "has effectively been read almost entirely out of Section 5."

According to Mr. Posner's testimony, the impact of Bossier II on Section 5 enforcement is evident from the recent history of decennial redistricting. After the 1980 Census, the Department of Justice objected to 7% of redistricting plans filed by covered jurisdictions; this rate increased to 8% after the 1990 Census. In contrast, DOJ objected to only 1% of redistricting plans filed after the 2000 Census. There is strong evidence that the drop is significantly attributable to the absence of purpose-based objections.

The inability of Section 5 to block changes enacted with a discriminatory intent is highly troubling. At its core, the Voting Rights Act was designed to fight discrimination in American politics; the VRA is a vehicle to enforce the 14th and 15th Amendments, which themselves prohibit intentional discrimination in various settings. Section 5 was the centerpiece of this effort, effectively shifting the burden of fighting racial discrimination from the victims to the state. Allowing expressly discriminatory plans to attain preclearance solely because the voting strength of a minority group is too weak to be further worsened undermines the original impetus of the VRA in general, and Section 5 in particular. Furthermore, it shifts the burden of fighting voting discrimination back to its victims.

RESTORING SECTION 5 PURPOSE INQUIRY

For the reasons I have described, we find it necessary to amend Section 5 to restore the purpose prong to its original scope, enabling the Attorney General and the District Court of the District of Columbia to object to any voting changes enacted with a discriminatory intent. The VRARA accomplishes this by adding subsections (b) and (c) to Section 5, which state that, "(b) Any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting that has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), to elect their preferred candidates of choice denies or abridges the right to vote within the meaning of subsection (a) of this section," and "(c) The term "purpose" in subsections (a) and (b) of this section shall include any discriminatory purpose."

These sections reject the holding in Bossier II and clarify Congress' original intent that Section 5 prohibit all voting changes enacted with a discriminatory purpose. This would also realign the purpose prong with constitutional standards, allowing Section 5 to prohibit intentional discrimination that would otherwise be unconstitutional under the 15th Amendment. I reject any reading of Section 5 that would allow explicitly discriminatory voting changes to be precleared, solely because the voting strength of the minority group in question cannot be further diminished. I believe that the VRARA remedies this problem and restores the purpose prong of Section 5 to prevent purposeful discrimination.

Mr. LEAHY. Mr. President, as the Senate stands poised to conclude this debate and reauthorize the Voting Rights Act, we recall the words of Martin Luther King, Jr., in his famous "I have a Dream" speech, where he noted: "When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir." The Voting Rights Act is one of the most important methods of enforcing this promise and upholding the Constitution's guarantee of equal rights and equal protection of the law. We owe it those who struggled so long and hard to transform the landscape and make America a place of political inclusion to reauthorize this important Act. We all enjoy these protections and take them for granted. No Senator would ever be denied the right to vote, but the same cannot be said about millions of others. We act so that all Americans can enjoy America's bounty, its blessings and its promise.

On May 2, our congressional leadership stood together on the steps of the Capitol—an historic announcement in an era of intense partisanship. We came together in recognition that there are few things as critical to our Nation, and to American citizenship, as voting. In sharp contrast to the tremendous resistance and bitter politics which met the initial enactment of the Voting Rights Act, our efforts this year have overcome objections through discussions, the hearing process and by developing an overwhelming record of justification for extension of the expiring provisions. Last week, the House of Representatives, after a month of delay, passed H.R. 9 by a vote of 390–33, rejecting all efforts to reduce the sweep and effect of the Voting Rights Act. Yesterday in the Senate Judiciary Committee, we did the same after almost as long a delay in considering the companion Senate bill. We acted unanimously to report the Senate bill. Now it is up to the full Senate to complete our work.

As Congressman JOHN LEWIS said, "When historians pick up their pens and write about this period, let it be said that those of us in the Congress in 2006, we did the right thing. And our forefathers and our foremothers would be very proud of us. Let us pass a clean bill without any amendments." I am encouraged that we are so close to accomplishing this today.

The path that my good friend JOHN LEWIS has taken from Selma, AL, to Congress, from "Bloody Sunday" in 1965 on the Edmund Pettis Bridge to leading the fight in 2006 to reauthorize the Voting Rights Act, is a lesson to us all. The events of Bloody Sunday, were caught on television cameras, and those powerful images laid bare for all Americans the violence encountered by many African Americans trying to exercise their civil rights. It was a crucial turning point in securing the right to vote. A few days after the violence of Bloody Sunday, President Lyndon Johnson outlined the proposed Voting Rights Act of 1965, before a joint session of Congress. Later that year, Congress passed it so that the Constitution's guarantees of equal access to the electoral process, regardless of race, would not be undermined by discriminatory practices.

Like the rights guaranteed by the First Amendment, the right to vote is foundational because it secures the effective exercise of all other rights. As people are able to register, vote, and elect candidates of their choice, their interests and rights get attention. The very legitimacy of our democratic Government is dependent on the access all Americans have to the electoral process.

Today we are poised to reaffirm a cornerstone of our civil rights laws. As we do, we recall the great historic struggle for civil rights led by American heroes of vision and strength, such as Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, who passed away just months ago. We honor their legacy by reaffirming our commitment to protect the right to vote for all Americans.

The pervasive discriminatory tactics that led to the original Voting Rights Act were deeply rooted. As a Nation, this effort to ensure equal protection dates back more than 135 years to the ratification of the 15th Amendment in 1870, the last of the post-Civil War Reconstruction amendments. It took the passage of the Voting Rights Act of 1965 for people of all races in many parts of our country to begin the effective exercise of rights granted 95 years earlier by the 15th Amendment. Despite the additional gains we have made in enabling racial minorities to participate in the political life of the Nation, the work of the Voting Rights Act is not yet done.

In fact, in the recent LULAC decision, the Supreme Court—finding that 100,000 Latino Americans were illegally disenfranchised in Texas—affirmed that racial discrimination against our Nation's minorities persists today. It proves that the protections of the Voting Rights Act are still needed. We have this year undertaken an extensive process of congressional fact-finding. What it establishes is that we are right to extend the protections of the Voting Rights Act.

In the Senate Judiciary Committee, we held nine hearings on the Voting Rights Act. We received thousands of pages of testimony, reports, articles, letters, statistics, and other relevant material from a wide variety of sources to inform our consideration. The evidence gathered, together with the record developed in a dozen hearings in the House provide us with an adequate basis for Congress to determine that the protections of the Voting Rights Act are still needed both to maintain the gains already achieved and to continue to enforce the guarantees of equality enshrined in the 14th and 15th Amendments.

Much of the testimony we received focused on the continuing need for Sections 5 and 203 of the Voting Rights Act as essential safeguards to the rights and interests of Americans of all races and our language minorities.

The record we have assembled and consider justifies the renewal of Section 5. This section requires certain jurisdictions with a history of discrimination to "pre-clear" all voting changes with either the Justice Department or the U.S. District Court for the District of Columbia. In doing so, Section 5 combats the practice of those jurisdictions of shifting from one invalidated discriminatory tactic to another, which had undermined earlier efforts to enforce the 15th Amendment. After "enduring nearly a century of systematic resistance to the Fifteenth Amendment," Congress found, it was imperative to "shift the advantage of time and inertia from the perpetrators of the evil to its victims."

Section 5 continues to be a tremendous tool for protecting minority voting rights and a necessary one. For example, in 1992, the Attorney General used Section 5 to stop Wrightsville, GA, from relocating its polling place from the county courthouse to a private all-white club with a history of refusing membership to black applicants and a then-current practice of hosting functions to which blacks were not welcome. Even more recently, in 2001, Kilmichael, Mississippi's white mayor and all-white Board of Aldermen abruptly cancelled an election after Census data revealed that African Americans had become the majority in the town and an unprecedented number of African-American candidates were running for office. The Justice Department objected under Section 5. Only after the Justice Department forced Kilmichael to hold an election in 2003 did it elect its first African-American mayor, along with three African-American aldermen.

These are just a couple of examples that are representative of the barriers to political participation that all too many American citizens still face today, in 2006. In addition to finding extensive evidence that covered jurisdictions have continued to engage in discriminatory tactics, we also found that the Section 5 preclearance requirement has served a vital prophylactic purpose in protecting against discriminatory voting practices before they go into place and securing the gains made in minority political participation.

The record also supports renewal of Sections 203 and 4(f)(4), which require bilingual voting assistance for certain language minority groups, to ensure that all Americans are able to exercise their fundamental right as citizens to vote. According to the most recent information from the Census, more than 70 percent of citizens who use language assistance are native born, including Native Americans, Alaska natives and Puerto Ricans. Many of those who benefit from Sections 203 and 4(f)(4) suffer from inadequate educational opportunities to learn English.

These Americans are trying to vote but many of them are struggling with the English language due to disparities in education and the incremental process of learning. We can and we must reauthorize these provisions to make sure there is no literacy test at the polling place. We endured a time in our Nation's history when such tests disenfranchised many voters. Renewing the expiring language provisions will help enable all Americans to participate fully in our Nation's democracy.

The record also supports the need to amend the VRA to restore its original purpose in response to two Supreme Court decisions that have limited its effectiveness. The bill remedies the Supreme Court's holding in Reno v. Bossier Parish, by making clear that a voting rule change motivated by any discriminatory purpose violates Section 5. Under the holding in Reno v. Bossier Parish, certain voting rule changes passed with the intent to discriminate against minorities could pass Section 5 muster. Because such an interpretation is inconsistent with congressional intent and the purpose of the Voting Rights Act to eliminate discriminatory tactics that undermine the guarantees of the 15th Amendment, our bill fixes this inconsistency by clarifying that a voting rule change motivated by any discriminatory purpose also cannot be pre-cleared.

The bill also remedies the Supreme Court's holding in Georgia v. Ashcroft. In this case, the Supreme Court provided an unclear and unworkable test for assessing a jurisdiction's challenge to denial of Section 5 pre-clearance. Congressional intent was to protect the ability of a minority community to elect a candidate of its choice. This legislation clarifies our congressional intent by setting forth defined factors to restore the original understanding of the Voting Rights Act to protect the minority community's ability to elect their preferred candidates of choice.

It has often been said that those who cannot remember the past are condemned to repeat it. We must make certain that the significant gains in voting rights over the past four decades do not suffer the same fate as the voting rights provided during Reconstruction. After the Civil War, the Reconstruction Act promised that the guarantees of the 15th Amendment would be realized. Between 1870 and 1900, 22 African-Americans served in the United States Congress. In 1868, Louisiana elected an African-American Lieutenant Governor, Oscar Dunn, and 87 African Americans held seats in the South Carolina legislature. However, these Reconstruction-era gains in African-American voting and representation proved to be short-lived. Following the end of Reconstruction, the rights of African-Americans to vote and to hold office were virtually eliminated in many areas through discriminatory legal barriers, intimidation, and violence. The changes were swift, systematic and severe. By 1896, Representative George White of North Carolina was the only African American remaining in the U.S. Congress, and it would take 72 years after Representative White left Congress for African-American voters in the South to elect another candidate of their choice to Congress.

In Mississippi, the percentage of African-American voting-age men registered to vote fell from over 90 percent during the Reconstruction period to less than 6 percent in 1892. Between 1896 and 1900, the number of African-American voters in Louisiana was reduced from 130,000 to a mere 5,000. Unlike the short-lived gains made by African-American voters during Reconstruction, their exclusion from the ballot box was persistent. Only 3 percent of voting-age African-American men and women in the South were registered to vote in 1940, only 1 percent in Mississippi. These numbers provide a lesson we cannot not ignore.

The passage of the Voting Rights Act in 1965 was a turning point. We have made progress toward a more inclusive democracy since then but I fear that if we fail to reauthorize the expiring provisions of the Voting Rights Act, we are likely to backslide. In his testimony before the Senate Judiciary Committee, civil rights lawyer Robert McDuff warned:

> No place more than Mississippi has been torn by slavery, by the lost promise of emancipation after the Reconstruction period, by the resurgence of racist power in the latter part of the 19th century and most of the 20th, and by the legacy of poverty and racial separation that still exists. While people's behavior and people's hearts can change over time, vigilance is required to ensure that laws and structures remain in place to prevent us as a society from turning back to the worst impulses of the past. Occasional flashes of those impulses illustrate the need for that vigilance. Important changes have come to pass in Mississippi in the last 40 years—changes due in large part to the mechanisms of the Voting Rights Act, particularly the preclearance provision of Section 5. But, like the gains that were washed away after the nation abandoned the goals of Reconstruction in 1876, the progress of the last 40 years is not assured for the future.

When we have such legal protections that are proven effective when enforced, we should not abandon them prematurely simply in the hope equality will come. Reauthorizing and restoring the Voting Rights Act is the right thing to do, not only for those who came before—the brave people who fought for equality—but also for those who come after us, our children and our grandchildren. No one's right to vote should be abridged, suppressed or denied in the United States of America.

The Voting Rights Act of 1965 is one of the most important laws Congress has ever passed. It helped to usher the country out of a history of discrimination into the greater inclusion of more Americans in the decisions about our Nation's future. Our democracy and our Nation are better and richer for it. We cannot relent in our fight for the fundamental civil rights of all Americans. Congress has reauthorized and revitalized the Act four times pursuant to its constitutional powers. This is no time for backsliding, this is the time to move forward together.

As the Senate completes consideration of this important legislation—the culmination of many months of legislative activity to reauthorize the Voting Rights Act—I welcome the President's statement of support today. It was a long time in coming, and the long way round, but he got there. The President is right to have spoken of racial discrimination as a wound not fully healed. We all want our revitalization of the Voting Rights Act we consider today to help in that healing process and in guaranteeing the fundamental right to vote.

I was reminded today of when the President spoke dramatically last September from New Orleans' Jackson Square and pledged to confront poverty with bold action. I look forward to that bold action. He spoke then of helping our people overcome what he called "deep, persistent poverty," "poverty with roots in a history of racial discrimination, which cut off generations from the opportunity of America." I agree with him. We must, as the President said that night, "rise above the legacy of inequality." That is a shameful legacy that still exists and still needs to be overcome. The President is right that "the wounds" of racial discrimination need to be fully healed.

In my judgment, based on the record before this Senate, the reauthorization of the Voting Rights Act is needed to ensure that healing.

We heard so often during the civil rights movement "we shall overcome." But it is not just a case of we shall overcome, it is "we must overcome."

I also welcome the support of others who have come recently to this cause and struggle. I welcome our Senate bill cosponsors who joined us after the companion House bill had already won 390 votes and even those who joined after the Senate bill was successfully voted out of our Committee, 18-0. It is never too late to join a good cause, and protecting the fundamental right to vote and have Americans' votes count is just such a cause.

Someone who was not late to the struggle but who has been at its forefront since his election to the Senate in 1962 is the senior Senator from Massachusetts. He worked to pass the original landmark Voting Rights Act in 1965. On this issue he is the Senate's leader. It has been an honor to work beside him in this important effort. And work he did. To assemble the record required work. He came to our hearings, helped organize them, helped assemble the witnesses, and when Senators from the majority were unavailable, he and I proceeded with the permission of our chairman to chair those hearings. We would not be passing this bill without the overwhelming support that it will have if it had not been for Senator KENNEDY.

Of course, we also honor the senior Senator from Hawaii who likewise voted for the Voting Rights Act of 1965 and each of its reauthorizations. His leadership in these matters is greatly appreciated by this Senator and, I believe, by the Senate.

I also thank the Democratic leader for his help. Senator REID stayed focused on making sure this essential legislative objective was achieved. He worked with us and the Republican leader throughout. He is a lead sponsor of the legislation and was a key participant at our bicameral announcement on the steps of the Capitol on May 2.

Throughout the process of developing the bill, developing the legislative record and considering the bill, he has never failed to go the extra mile to ensure the success of this effort.

I thank our Chairman and lead Senate sponsor. As I pushed and cajoled and urged action he heard me out. Together with the other active members of the Judiciary Committee, we worked to assemble the necessary record and consider it so that our bill is on a solid factual, legal and constitutional foundation. I thank each of our cosponsors and, in particular, those who joined us early on, those on the Judiciary Committee, and the Republican leader.

There are too many others who deserve thanks. They include Senator SALAZAR for his contributions throughout and for his thoughtful initiative to broaden those for whom this bill is named by including Cesar Chavez. I look forward to working with him to make that a reality. To all who have supported this effort I say thank you and know that your real thanks will be in the fulfillment of the promise of equality for all Americans in the years ahead.

I wholeheartedly thank the members of the civil rights community.

Led by Wade Henderson and Nancy Zirkin at the Leadership Conference on Civil Rights and by Bruce Gordon and Hilary Shelton of the NAACP and by lawyers like Ted Shaw and Leslie Proll and all the voting rights attorneys who have made the cause of equal justice their lives' work, they have been indispensable to this effort and relentless in their commitment to what is best about America.

I thank my own staff, led by Bruce Cohen, backed by a wonderful staff of Kristine Lucius, Jeremy Paris, Kathryn Neal, Leila George-Wheeler, Margaret Edmonds, and our legal clerks Robynn Sturm, Arline Duffy and Peter Jewett.

I express my appreciation and admiration for all they do to make Congress and America measure up to the promise of our Constitution and the vision that Fannie Lou Hamer, Rosa Parks, Coretta Scott King and Cesar Chavez had for America.

As I said earlier today, all 100 Senators have no problem voting. They can walk into a voting booth in their home State, and nobody is going to say no. We have to make sure that everybody else is treated the same as we 100 Senators are. This is for us, this is for our children, and on a personal level, this is also for our grandchildren.

I yield the floor.

Mr. FEINGOLD. Mr. President. Section 5 of the bill, which deals with Georgia v. Ashcroft and the Bossier II case, is extremely important. As ranking member of the Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Property Rights, I concur with the discussion of this provision by the Senator from Vermont.

Mr. REID. Mr. President, how much time remains?

The PRESIDING OFFICER. Six-and-a-half minutes.

Mr. REID. Does the Senator from Massachusetts need time?

Mr. KENNEDY. Just 2 minutes.

Mr. REID. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President. I thank our leader, Senator REID, for his constancy in support of this legislative effort and for his encouragement to all of us on the Judiciary Committee. I thank my friend from Vermont for his kind words.

Earlier today, there have been comments by my friend—and he is my friend—in the Judiciary Committee, Senator CORNYN, and also with regard to particular provisions in section 5, and later there were comments from Senator CORNYN and Senator KYL about an amendment offered by Congressman NORWOOD over in the House of Representatives. I think it is important that the RECORD reflect the results of the extensive hearings that we had on these different issues because it is extensive, exhaustive, and it is presented by the floor managers, Senators SPECTER and LEAHY.

Senator CORNYN suggested in his remarks that he wishes we had taken more time to debate fully some of the issues raised by the reauthorization. In particular, he said he wished more time had been taken to consider the trigger formula for section 5. As an initial matter, the Senate began its consideration of renewing the Voting Rights Act with the very substantial record that had been assembled by the House, which contained over 10,000 pages that were the result of by over 8 months of House Judiciary Committee hearings.

From our very first Senate hearing, Chairman SPECTER stressed the need to build a strong record in anticipation of challenges to the act's constitutionality. That's exactly what we did. We heard from legal scholars and voting rights practitioners. We held 9 hearings, heard from 41 witnesses, and received well over ten thousand pages of documentary evidence. That evidence showed, unequivocally that discrimination, including intentional discrimination, persists in the covered jurisdictions, and that the trigger is effective in identifying jurisdictions for section 5 coverage. Senator CORNYN joined a unanimous committee in voting for the committee bill, which retains the act's trigger formula.

Senator CORNYN also held up a map of the United States depicting jurisdictions that would be covered if the amendment offered last week in the House by Representative NORWOOD had been adopted, which would base coverage on voter registration and turnout during the last three Presidential elections. Representative NORWOOD had a full airing of his proposal and many rose in opposition, including Chairman SENSENBRENNER. The opponents of the amendment overwhelmingly carried the day.

Senator CORNYN said that the Norwood trigger would not appear to gut section 5. However, under The Norwood formula, the State of Louisiana essentially wouldn't be covered. Yet, there is substantial evidence in our record of ongoing and recent voting discrimination in Louisiana. Yet the so-called updated trigger formula would exclude this sort of jurisdiction from coverage.

Finally, Senator CORNYN and Senator KYL discussed the provision of the bill known as the Georgia v. Ashcroft fix, which clarifies the retrogression standard in the wake of the Supreme Court's decision in Georgia v. Ashcroft. The bill restores section 5's "ability-to-elect standard," which was set forth in the Beer case. Under the Beer standard, "ability-to-elect" districts include majority-minority districts where minority voters demonstrate an ability to elect the candidates of their choice. Contrary to the suggestions of Senator CORNYN and Senator KYL on the floor, while the standard rejects the notion that "ability-to-elect" districts can be traded for "influence" districts, it also recognizes that minority voters may be able to elect candidates of their choice with reliable crossover support and, thus, does not mandate the creation and maintenance of majority-minority districts in all circumstances. The test is fact-specific, and turns on the particular circumstances of each case. As both Senator CORNYN and Senator KYL noted, the Voting Rights Act is not about electing candidates of particular parties. It's about enabling minority voters to participate effectively and equally in the political process.

I thank the Senator and yield back whatever time remains.

Mr. SPECTER. Mr. President, I seek recognition to elaborate upon views expressed earlier today by several of my colleagues. Senators MCCONNELL, HATCH, KYL, and CORNYN engaged in a colloquy regarding the meaning of section 5 of the Voting Rights Act reauthorization bill presently before this body. I wish to express my agreement with those comments and add a few thoughts of my own.

Section 5 of the proposed bill overturns two Supreme Court cases: Reno v. Bossier Parish, or Bossier Parish II, and Georgia v. Ashcroft. The goal of the bill is to protect districts that contain a majority of minority voters. We are well aware of efforts in the past to disenfranchise minority voters. As a consequence, this language prohibits legislators from acting purposely, with the intention of harming minority voters, to "unpack" majority-minority districts and to disperse those minority voters to other districts.

First, the bill overturns Bossier Parish II by prohibiting voting changes enacted with "any discriminatory purpose." This language bans a government official from discriminating against minority voters. If a government official could create a district that would benefit minorities, but purposely chooses not to do so because it will be majority-minority then that government official will have violated this bill.

Although this is an important requirement, I have heard concerns that the Justice Department may abuse the new language designed to overturn Bossier Parish II and require States to maximize the number of majority-minority districts—or to create so-called coalition or influence districts. In cases such as *Miller v. Johnson*, 515 U.S. 900, 921, 1995; *Bush v. Vera*, 517 U.S. 952, 1996; and *Hunt v. Cromartie*, 526 U.S. 541, 1999, however, the Supreme Court has held that the Justice Department's one time policy of requiring States to maximize majority-minority districts violated the Constitution. I want to make it clear that this bill does not allow such behavior, much less require it.

As I understand it, the new language we are adding allows the Justice Department to stop purposeful, unconstitutional behavior. It does not grant the Justice Department license to violate the Constitution. It does not authorize the Justice Department to define for itself what is a "discriminatory purpose." And it does not give the Justice Department a blank check to require States to maximize influence or coalition districts.

Second, the bill overturns Georgia v. Ashcroft by protecting the ability of minorities to "elect their preferred candidates of choice." Some commentators have read Georgia v. Ashcroft as allowing States to break up naturally occurring majority-minority districts to create other districts where minorities have less voting power but still exercise important influence in elections. The bill's new language protects districts in which minority citizens select their "preferred candidate of choice" with their own voting power. In short, it provides additional protection for naturally occurring majority-minority districts. The bill does not demand that such districts be disbanded to create influence districts.

I hope this language is now clear. I also thank my colleagues—Senators MCCONNELL, HATCH, KYL, and CORNYN—for their lucid explanations earlier.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. There is a definitive set of books written about this time period by Taylor Branch. When I read the first volume, I went over to the office of Congressman JOHN LEWIS because his name was mentioned in that book so often that a number years ago when the book was published. I talked to JOHN LEWIS about his valiant efforts to allow us to be in the place we are today. I mention that because after having read the third volume of Taylor Branch's book, "At Canaan's Edge," which I completed a week ago, I was stunned by many references to Senator TED KENNEDY.

One full page talks about a time that Senator KENNEDY made his first trip to Mississippi. His brother had been assassinated. He went with Dr. King to Mississippi for the first time. There were 150 pounds of nails, an inch and three-quarters long, dumped in the pathway, three police cars with nails in their tires and were unable to continue. There were threats made on Senator KENNEDY's life. I was so stunned by reading that that I called Senator KENNEDY and read that to him and asked if this brought back memories of his first trip to Mississippi.

I mention JOHN LEWIS and Senator KENNEDY because they are only two of the many who made significant sacrifices to get us to the point where we are today. On March 15, 1965, Lyndon Johnson came to the Capitol to address a joint session of Congress. He spoke to a House, a Senate, and a nation that had been rocked by recent violence, especially in Selma, AL. President Johnson's purpose that night was to spur Congress to finally move forward on the Voting Rights Act, the legislation whose authorization we are going to vote on today. That Congress, in 1965, like this Congress in 2006, was slow to pass voting rights legislation. So President Johnson came to the Hill to remind everybody what was at stake. Here is what he said:

> This time, on this issue, there must be no delay, no hesitation, and no compromise with our purpose. We cannot and we must not refuse to protect the right of every American to vote in every election that he may desire to participate in. And we ought not, and we cannot, and we must not wait another 8 months before we get a bill. We have already waited a hundred years or more, and the time for waiting is gone.

Mr. President, once again, in our country, at this time, the time for waiting is gone. The Senate cannot and we must not go another day without sending the Voting Rights Act to the President. We have already waited too long. I, like many others, expected this legislation to be passed months ago. I remember months ago standing on the Capitol steps with Senator FRIST, House leaders, chairmen and ranking members of the Judiciary Committees from both bodies, and civil rights leaders, to announce the bipartisan-bicameral introduction of this bill. It seemed that this act would move forward in swift bipartisan fashion. But it has not.

How long must we wait? How wrong that perception proved to be. In the House, consideration was delayed for weeks and weeks. It was only recently passed over the objections of conservative opponents. In the Senate, we saw similar delay. In fact, as recently as last week, the majority leader was not sure he would even bring this bill to the floor before the August recess.

In the House, consideration was delayed for weeks. It recently passed over the objections of conservative opponents.

Thankfully, he listened to Democrats. Thankfully, everyone listened to what we had to say, including our distinguished majority leader. Obviously, from last Friday to today, he had a change of heart and brought this bill before the Senate.

The Voting Rights Act is too important to fall by the wayside like so many other issues that have fallen by the wayside, I am sorry to say, in this Republican Senate. Remember, the Voting Rights Act isn't just another bill. It is paramount to the preservation of our democracy, literally. As we have seen in recent elections, we remain a nation far from perfect. The fact is, we still have a lot of work to do, but in the last 40 years, thanks to the Voting Rights Act, we have come a long way.

Before this Voting Rights Act became law, African-Americans who tried to register to vote were subject to beatings, literacy tests, poll taxes, and death.

Before the Voting Rights Act, over 90 percent of eligible African-American voters in Mississippi didn't and couldn't register to vote, not because they didn't want to, they simply were unable to, they were not permitted to.

Before the Voting Rights Act, it would have been unheard of to have 43 African-American Members of Congress as we have today.

In the Senate, we cast a lot of votes, but not all of them are for causes for which Americans just a few decades ago were willing to risk their lives. It is a sad fact of American history that blood was spilled and violence erupted before the Nation opened its eyes to justice and the need to guarantee in law everyone's right to vote.

It is important that all of us remember the sacrifice of those Americans, and to make sure we do, after this bill becomes law, I will seek to add the name of JOHN LEWIS to this bill. I already talked about his being one of my personal heroes. I understand Senators LEAHY and SALAZAR are doing something similar with Cesar Chavez. I support that. Heroic actions of men such as JOHN LEWIS and Cesar Chavez are shining examples of the heroic actions of so many during the fight for equal rights.

Congressman LEWIS is a civil rights icon. He has given his entire life to the causes of justice and liberty. As I have said, he was a key organizer of so many things, not the least of which was the 1963 march in Washington. I was here. I saw it. He was in Selma when the billy clubs, police dogs, and fire hoses were used on that bloody Sunday, and he had his body beaten on many occasions. But he hasn't given up the fight, even to this day.

Similarly, during his life, Cesar Chavez was a champion of the American principles of justice, equality, and freedom. He fearlessly fought to right the wrongs literally of those injustices inflicted on American farm workers and brought national attention to the causes of labor and injustice.

America is a better place because of JOHN LEWIS and Cesar Chavez. By placing their names on this landmark legislation, we can be sure Americans will always remember the sacrifices made in the name of equality.

I began by quoting Lyndon Johnson's speech in 1965. There is another excerpt from that speech which I will read, and it is as follows:

> In our time we have come to live with moments of great crisis. Our lives have been marked with debate about great issues; issues of war and peace, issues of prosperity and depression. But rarely in any time does an issue lay bear the secret heart of America itself. Rarely are we met with a challenge, not to our growth or abundance, our welfare or our security, but rather to the values and the purposes and the meaning of our beloved Nation.

This same challenge—a challenge to the values and the purposes and the meaning of our Nation—is now before the Senate. In just a few minutes, we are going to pass overwhelmingly the Voting Rights Act of 2006. It is a challenge which this body has met. We have done it purposefully and rightfully, and history books will indicate that we have made a significant step forward. There is more to do, but this is a big step forward.

I yield the floor.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER (Mr. CHAFEE). They have not.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, the majority leader should be here momentarily. I suggest the absence of a quorum.

Mr. LEAHY. Mr. President, if the Senator will withhold.

Mr. REID. I withhold, of course.

Mr. LEAHY. Mr. President, I want to make sure—I was not trying to force it to a vote. I know the distinguished Republican leader will speak next, but many of us spent a lot of time on this, and we want to make sure it will be—as one of the managers of the bill—we want to make absolutely sure there will be a rollcall vote.

If nobody is seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, 41 years—that is how long it has been since the Voting Rights Act was first enacted in 1965, and we have come a long way in those 41 years. That much was made clear to me on a recent visit to the National Civil Rights Museum in Memphis, TN, just about 3 weeks ago with President Bush and Dr. Ben Hooks, a renowned civil rights leader, a former executive director of the NAACP for 14 or 15 years a personal friend of myself and my distinguished colleague from Tennessee who is with me on the floor, LAMAR ALEXANDER.

Together we visited the site of the assassination of Martin Luther King, Jr., at the Lorraine Motel, which over the past several decades has developed into a wonderful, inspiring civil rights museum. As we walked through that museum with Dr. Hooks, in his voice could one capture that sensitivity, that inspiration, some sadness as we walked through, and he recounted the events surrounding that time, but history came alive.

It was an ugly moment in our collective history and certainly not America's finest hour, but the museum reinforced the impressions I had. It strikes your conscience. It reminds you of the lessons learned, lessons I saw once again on a pilgrimage I took with Congressman JOHN LEWIS and about 10 of our colleagues a little over 2 years ago when we visited the civil rights sites in Tennessee and Alabama, and together we crossed Selma's Edmund Pettus Bridge where, over four decades ago now, Congressman LEWIS led those peaceful marchers in the name of voting rights for all.

What struck me most during that pilgrimage a couple of years ago and then 3 weeks ago during that museum visit with Dr. Hooks is how we as a nation pushed through that time, as we persevered to correct injustice, just as we have at other points in American history. It reminded me of our ability to change; that when our laws become destructive to our unalienable rights, such as liberty and pursuit of happiness, it is the right of the people to alter or abolish them. And it reminded me of the importance, the absolute necessity of ensuring the permanence of the changes we made, the permanence of correction to injustice.

So I am very pleased that in just a few minutes, we will act as a body to reauthorize the Voting Rights Act. We owe it to the memories of those who fought before us—and we owe it to our future, a future when equality is a reality in our hearts and minds and not just the law—to reauthorize the Voting Rights Act.

I hope my colleagues will join me in voting for this critical legislation because in the 41 years since it became law, we have seen tremendous progress, and now it is time to ensure that the progress continues, that we protect the civil liberties of each and every American.

Mr. President, I yield back all our time.

Mr. LEAHY. Mr. President, is there still time available on this side?

The PRESIDING OFFICER. All time has expired.

Mr. LEAHY. The yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill (H.R. 9) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from Wyoming (Mr. ENZI).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) would have voted "yea."

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Crapo
Enzi

The bill (H.R. 9) was passed.

Mr. FRIST. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. FRIST. For the information of our colleagues, the Democratic leader and I have been in discussion. Let me briefly outline what the plans for tonight will be and tomorrow. Most importantly for my colleagues, there will be no more rollcall votes tonight or tomorrow. We will probably see a lot of Members leave the room.

We will turn within a couple of minutes to the Adam Walsh Child Protection and Safety Act, a very important bill that we will spend approximately 2 hours on tonight. Following that, we will have debate on two circuit judges and two district judges. We will be voting on the Adam Walsh Child Protection and Safety Act tonight by voice vote and all four of those judges by voice tonight.

We will be in tomorrow. We will have no rollcall votes tomorrow. I will have an announcement later tonight or possibly tomorrow on what the schedule will be on Monday in terms of votes on Monday, if we will have a vote or not. Debate tomorrow will be, in all likelihood, on the Child Custody Protection Act, plus we will have a period of morning business for other matters.

With that, we will be able to turn to the Adam Walsh Child Protection and Safety Act which we will be passing in about 2 hours.

CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2006

The PRESIDING OFFICER. The Senate will now proceed to the consideration of H.R. 4472, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4472) to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

AMENDMENT NO. 4686

(Purpose: In the Nature of a substitute)

The PRESIDING OFFICER (Mr. CORNYN). Under the previous order, the Hatch amendment at the desk is agreed to.

The amendment (No. 4686) was agreed to, as follows:

(The amendment is printed in today's RECORD under "Text of Amendments")

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleagues for granting unanimous consent to pass the most comprehensive child crimes and protection bill in our Nation's history—H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006.

This bill started in the House of Representatives by a courageous and ambitious Congressman from Florida, MARK FOLEY. MARK is with us in the Senate Chamber today, and I want to thank him, again, for getting this ball rolling and for fighting like a champion on behalf of our children. I appreciate his tenacity and enthusiasm—we would not be here without his devotion and hard work.

I also thank Senator BIDEN, who joined me in sponsoring the original Senate version of this bill. Senator BIDEN and I have worked together on so many bills, none more important than what we are accomplishing today for our children. Senators FRIST, SPECTER, and REID thank you for making this bill priority and for getting this bill through.

The bill we are about to pass, the Adam Walsh Child Safety and Protection Act, represents a collaboration between the House and Senate to include the strong provisions of S. 1086, the Sex Offender Registration and Notification Act, and H.R. 4472, The Child Safety Act. It creates a National Sex Offender Registry with uniform standards for the registration of sex offenders, including a lifetime registration requirement for the most serious offenders. This is critical to sew together the patch-work quilt of 50 different State attempts to identity and keep track of sex offenders.

The Adam Walsh Act establishes strong Federal penalties for sex offenders who fail to register, or fail to update their information, including up to 10 years in prison for non-compliance.

The Adam Walsh Act imposes tough penalties for the most serious crimes against children, including a 30 year mandatory penalty for raping a child and no less than 10 years in prison for a sex trafficking offense. In fact, this bill creates a series of assured penalties for crimes of violence against children, including penalties for murder, kidnapping, maiming, and using a dangerous weapon against a child. And the bill allows for the death penalty in the most serious cases of child abuse, including the murder of a child in sexual exploitation and kidnapping offenses.

The bottom line here is that sex offenders have run rampant in this country and now Congress and the people are ready to respond with legislation that will curtail the ability of sex offenders to operate freely. It is our hope that programs like NBC Dateline's "To Catch a Predator" series will no longer have enough material to fill an hour or even a minute. Now, it seems, they can go to any city in this country and catch dozens of predators willing to go on-line to hunt children.

Laws regarding registration for sex offenders have not been consistent from State to State now all States will lock arms and present a unified front in the battle to protect children. Web sites that have been weak in the past, due to weak laws and haphazard updating and based on inaccurate information, will now be accurate, updated and useful for finding sex offenders.

There are more than a half-million registered sex offenders in the United States. Those are the ones we know. Undoubtedly there are more. That number is going to go up. Over 100,000 of those sex offenders are registered but missing. That number is going to go down. We are going to get tough on these people. Some estimate it is as high as 150,000 sex offenders who are not complying. That is killing our children.

Another important part of this bill will help prevent the sexual exploitation of children through the production of sexually explicit material. Every day we hear new stories about how pornographers and predators take advantage of new technology to exploit children in new ways. It is very difficult for legislatures even to keep up, and when we do pass new legislation, it is often stymied in the courts.

Federal law requires producers of some sexually explicit material to keep records regarding the identity and age of performers and to make those records available for inspection. The current statute, however, was enacted before the Internet existed and covers only some sexually explicit material. The provisions in the act before us brings key definitions in the law up to date, extends the record keeping requirement to more sexually explicit material, and makes refusal to permit inspection of these records a crime.

I want to thank John Walsh, host of "America's Most Wanted," and his wife, Reve—who have waited nearly 25 years for this day. Next Thursday, July 27, 2006, marks 25 years since the abduction and subsequent murder of their son Adam—for whom this bill is named. And on that 25th anniversary the President will sign into law legislation that will help law enforcement do what John has been doing all along—hunt down predators and criminals. I want to thank the National Center for Missing and Exploited Children for their tireless work and for their assistance with crafting this legislation.

This is smart legislation and I am very proud of the Adam Walsh Act. I am determined that Congress will play its part in protecting the children of my home state of Utah and America. I have never been more excited to see a bill signed into law.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I begin speaking to this legislation by thanking my buddy. And I know that is a colloquial expression in this formal place we work when I say "my buddy," but Senator HATCH and I have worked together for a long time. It is hard for me to believe we have been here as long as we have. I have actually been here a couple years longer than he has. We have our differences in philosophy. We have never had any differences personally. We have never had any differences in terms of our relationship.

The two things I am proudest of that we have both done is we have both—and I say this somewhat self-serving, I acknowledge—we both always hired staff that is respected. I do not think there has ever been a time that ORRIN has not had a staff and staff members who my staff completely, totally trusted. I think it is fair to say that is the case on ORRIN'S side as well.

That makes a gigantic difference because I think the work that Ken Valentine, the fellow sitting to ORRIN'S right, did—a loner. Secret Service guy from the administration, from the executive branch—and a fellow I am very proud of, whom I will mention in a moment—the work they did with John Walsh and others, to overcome the hurdles that get thrown in the way of good legislation because everybody has their own agenda.

Everybody knows that for ORRIN and me—and I would add my friend from North Dakota—that some of us have had this as sort of a—I have been accused of this being a hobbyhorse for me, this, all the work we have done for so long on dealing with child predators and abused women and abused children. But what happens sometimes is that good legislation gets stuck because other Senators, who do not have that as the same priority—although they are for it—attach a lot of extraneous things because there is something they feel is even more critical than the legislation, and they see it, to use the Senate jargon, as a vehicle to get their views heard and their legislation passed.

Well, as to the work that Dave Turk of my staff did and Ken Valentine did in order to sort of clear the way for this, I think everyone who has worked on this, including John Walsh, would acknowledge is extraordinary.

So I want to personally—there are others, I am sure. There are others. I do not mean, by mentioning these two individuals, to in any way denigrate the incredible work done by so many others. But I think sometimes the public wonders why we pay staff members—all of whom can make a lot more money if they did something else—the kind of salaries they get paid, in relative terms. It is because they are so good. They are so dedicated. They are so talented.

In my experience of being here 33 years, I have found that when a staff member, no less than a Senator, has an intellectual as well as an emotional commitment to what they are doing, it is even more effective.

I know for my friend and staff member, Dave Turk, who is a father, and for Ken Valentine, whom I have only gotten to know personally recently, this is more than legislation, this is more than passing this piece of legislation. This is the stuff of which your life's work is viewed as being worthwhile.

I remember Jerry Brown, when he used to be the Governor of California, once said when he was cutting pay—I am not making a judgment of whether he should have or should not have when cutting the pay of State employees, he made a statement only Jerry Brown could make, 20 years ago: Well, they have the psychic remuneration of living in California. I do not know about that. But I can tell you that the psychic remuneration for ORRIN HATCH and JOE BIDEN and Ken Valentine and Dave Turk, and many others who worked on this, makes this job worthwhile.

The two things of which I am most proud that I have done in 33 years are dealing with this issue in particular and culminating in this legislation, the Adam Walsh Child Protection Safety Act, and the Violence Against Women Act—which, I might add, one of only seven guys who jumped out front in 1994 to get that done was also ORRIN HATCH.

So, Senator HATCH, I thank you. We have been in the minority, the majority, the minority; we have switched places back and forth, but it has never changed our relationship, never changed how we have worked with each other, and never changed the good work I think we and many others can say we are proud to have participated in.

Mr. President, I wish to talk a few minutes about the actual act. Congress has done a good deal over the last 25 years—and I might add, starting with, God love him, our old and deceased friend, Senator Thurmond from South Carolina—to protect kids. We created the National Center for Missing and Exploited Children in 1984. We enacted the crime bill in 1994. We enacted the Amber Alert system in 2003.

But every time we have done something significant, the bad guys have figured out a way to take advantage of it, to find a loophole, to find an opening. And that is what this is about—and I wish he had floor privileges because he could speak to it better than any of us—but this is about, to paraphrase John Walsh, with whom I had dinner the other night—this is about closing the door. This is about uniting 50 States in common purpose and in league with one another to prevent these lowlifes from slipping through the cracks. So we recognize that what we have done in the past did not do all we wanted to do.

I might add one more thing. JOE BIDEN and ORRIN HATCH come from different sides of the political spectrum on a lot of things. But I can assure you, not only is this tough, but the civil liberties of Americans are not in jeopardy with this. This is not—this is not—a case where in order to get bad guys we have had to in any way lessen the constitutional protections made available to good guys. So I think it is a proud piece of work.

The National Center for Missing and Exploited Children, as Senator HATCH has indicated, estimates there are over 550,000 sex offenders nationwide, and more than 20 percent of them are unaccounted for. I would argue that there are a whole lot more than 550,000, who never get caught up in the criminal web for a thousand different reasons that I do not have time to explain. But at a minimum, this means there are as many as 150,000 of these dangerous sex offenders out there, individuals who have already committed crimes and may, unless we do something, continue to jeopardize the most vulnerable among us.

The Adam Walsh Child Protection and Safety Act takes direct aim at this problem. Plain and simple, this legislation, I can say with certainty, will save children's lives.

Sexual predators must be tracked, and our cops and our parents have a right to know when these criminals are in their neighborhoods. That is what we do here.

First—an important point—let's start at the beginning. This legislation requires sex offenders to register prior to their release from prison, to make sure we give them absolutely no opportunity to do what happens now: fall through the cracks between the moment the prison door opens and before they set up a residence.

We also make sure we are keeping tabs on everyone who poses a threat to our kids. Advances in technology are a great thing, but many times there is a dark side. The Internet, for example, puts the knowledge of the world at a child's fingertips, but it can also be and is abused by sexual predators causing kids harm. To steal a phrase from my son, who is a Federal prosecutor, he told me: Dad, it used to be you could lock your door or hold your child's hand at the mall and keep them out of harm's way.

But today, in my son's words, with a click of a mouse, a predator can enter your child's bedroom in a locked home and begin the pernicious road to violating that child. That is why this legislation adds the "use of the Internet to facilitate or commit a crime against a minor" as an offense that could trigger registration.

And once someone is on a sex offender registry, we make sure they can't go back into hiding in the shadows. Under this bill, child predators would be required to periodically and in person check in with the authorities.

They also would be required to update their photographs so law enforcement and parents will know where these folks are and what they look like now and not solely what they looked like years ago that is unrecognizable now.

And if a registered offender fails to comply with any of these requirements, he or she faces a felony of up to 10 years in prison. If an unregistered sex offender commits a crime of violence, the offender will face a 5-year mandatory prison sentence in addition to any other sentence imposed.

A noncompliant sex offender will also face U.S. Marshals who have been brought in under this bill to lend their expertise and manpower to help track down these dangerous individuals.

John and I were talking about it at dinner. These guys saddle up, to use his phrase. They are the most underrated, underestimated part of American law enforcement. They do the job incredibly well. They want to get in on this, and they are now part of this. We now have designated their expertise and manpower to track down these individuals.

One of the biggest problems in our current sex offender registry system happens when registered sex offenders travel from one State to another.

Delaware has worked hard to keep track of the 3,123 sex offenders registered to my State. But there are other States that are not so advanced and whose systems are not so sophisticated.

This bill fully integrates and expands the State systems so that communities nationwide will be warned when high-risk offenders come to live among them. And we target resources under this bill at the worst of the worst and provide Federal dollars to make sure States aren't left holding the bag.

We also require the U.S. Department of Justice to create software to share with States in order to allow for information to be shared instantly and seamlessly among them. When a sex offender moves from New Jersey to Delaware, for example, we have to be absolutely sure that Delaware authorities know about it.

This bill also mandates a national sex offender Web site so that parents can find out who is living in their neighborhoods. Parents will now be able to search for information on sex offenders by geographic radius and ZIP Code.

Do we have a silver bullet, a foolproof system here? I have been around too long to know the answer to that question is no. What we do have is a slew of commonsense ways for fixing our current problem.

As I mentioned earlier, it has taken us months and years to get to the point of enacting this important bill into law. Again, I give credit where credit is due, as has already been mentioned, to John and Reve Walsh. I know we are not supposed to—and I will not—violate Senate rules by pointing out who is where. But the fact is, if I were sitting next to them in the gallery now, I suspect if I put my hand on his arm, I would feel the tension in his arm.

This has to be a very bittersweet moment for John Walsh. For what are we doing here today? We are naming a bill that will save the lives of hopefully thousands of other young people after a beautiful young boy who was victimized and killed.

The thing I find most amazing about John and Reve is, I don't know how anybody who has lost a child can have the courage to do what they have done. I know from my own experience, which I will not speak to, there are certain circumstances I cannot walk into because it reminds me of one of my children I lost.

I could never do what John and Reve did. I could never do what they did. And we could have never done today what we are doing without them. That is not hyperbole; that is the God's truth. We could never have gotten this done without John and Reve Walsh.

It has to be one god-awful bitter moment, for the 27th of this month, if I am not mistaken, will be the 25th anniversary.

A lot of people on this floor, including one of my colleagues I am sitting with, have lost children. It doesn't matter whether it is 2 years past, 10 years, 25 years, or 50 years past. That part never passes. I thank John and Reve for their courage, courage way beyond anything I could possess.

I have known John for many years. We go way back to 1984, working together to create the National Center for Missing and Exploited Children along with Senator HATCH. He has been at it year after year, pushing the Congress to do more.

John, you have been an inspiration. You continue to be. Don't underestimate it. You have been doing it so long, don't underestimate how many thousands of people take solace from what you do and what you have done.

It has not been my style in 33 years to take the floor to speak in such personal terms, but this is ultimately personal. It is the ultimate, ultimate personal thing, your child.

Earlier this week I had a chance to sit down with Ed Smart whose daughter Elizabeth—what a magnificently beautiful, poised, gracious young woman—then 14 years, was abducted at gunpoint from her family in Salt Lake City while her parents and four brothers slept. She was found 9 months later. The strength of that family's character, its resilience is remarkable.

I have taken too much of the Senate's time. Let me again thank my colleague from Utah. I also thank our committee chairman and all the members of our committee. They also deserve a great deal of credit.

Other Senators, including my colleague on the floor, who has been relentless, absolutely relentless, Senator DORGAN; he added a major, important piece to this legislation. I thank him for that. Senator BILL NELSON, CHUCK GRASSLEY, all contributed important parts to this bill. They each took tragedies that happened in their States and used them as a call to action.

Senators FRIST and REID—our majority and minority leaders—also deserve all our thanks by ensuring that this important bill was treated with the priority it deserved.

Congressman FOLEY has worked tirelessly on this bill in the House for years, and Congressman POMEROY was by his side. And Chairman SENSENBRENNER guided this bill through the House of Representatives.

I don't think there is one of us on this floor who wouldn't trade away this bill for being able to bring back to life all those innocent lives that were lost that allowed us, in a bizarre way, to produce this legislation.

We cannot redeem the dead, but we can, in fact, protect the living. I think this bill, with the many parts I didn't mention, including DNA testing and a whole range of other things, is fair, decent, and honorable. Most important, there is not a single thing we can do that is more worthy of our effort than protecting our children. That is what all of us on this floor—and many who are not—today are playing a part in doing.

Again, I close by thanking John Walsh.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. DORGAN. Is there an order of speaking this evening, if I might inquire of the manager.

Mr. HATCH. Mr. President, I ask unanimous consent that we go back and forth so long as we have people on both sides. So the distinguished Senator from North Dakota will be allowed to speak next and then the distinguished Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I will pick up where the Senator from Delaware left off and the Senator from Utah, also thanking John Walsh and his wife Reve for their tremendous contribution to our society but in particular for this piece of legislation. We all have to deal in life with tragedies, struggles. It is the measure of a person to see how that individual responds.

Given the nature of the tragedy they experience, it could have easily destroyed them. They took this horrific incident and turned it into a tremendous good. As Senator BIDEN says, who knows personally, I can't think of anything worse than losing a child. Losing a child in such an incredibly tragic situation has to be more than you can possibly bear. To take that emotion and channel it into a positive course for the benefit of other children is an incredible legacy for Adam. I know John and Reve do it for that reason, to build this incredible legacy. This legacy is added to today by naming this bill the Adam Walsh Child Protection and Safety Act.

Not only is this a great thing they are doing for society, they are a great model for so many who experience tragedies every single day. People can look at them and see how something that I am sure brought them to their knees can be turned around to do so much good for so many. So they are not only helping the children, helping those who are victims of crime, but they are helping those who are victims of life's tragedies that befall us all and giving them an inspiration to move forward and turn tragedy into triumph. This is another triumph. It may not even be the biggest triumph they have experienced, but it is certainly a triumph and a positive thing to add to that legacy.

I rise to talk about two pieces of this bill I have been working on and of which I am the author. One is called Project Safe Childhood. The second is called the Schools SAFE Act. I introduced Project Safe Childhood a couple months ago after learning of a program at the Justice Department called Project Safe Childhood.

The Justice Department, in reviewing and seeing the incredible proliferation of child exploitation crimes, basically being proliferated through the Internet, took on a new program within the Department. This new program was in response to what we see of sexual predators on the Internet and with other types of sexual trafficking, again, as a result of the Internet and other places. They developed a program which is a very good program. It has five main purposes:

First, it seeks to integrate Federal, State, and local efforts and investigate and prosecute child exploitation cases.

Second, the project allows major case coordination between the Department of Justice and other appropriate Federal agencies.

Third, it increases Federal involvement in child exploitation cases by providing additional investigative tools and additional penalties that are available under Federal law that State and local governments may not have.

Four, the project provides increased training for Federal, State, and local law enforcement regarding the investigation and prosecution of computer-facilitated crimes against children.

Finally, it promotes community and educational programs to raise national awareness about the threat of online sexual predators and to provide information to families on how to report violations.

As the father of six children, I can tell you that what Senator BIDEN said about what parents used to feel they could do to protect children—locking doors and being with them—has gotten a lot more complex, with that fiber optic tube that runs into your house that allows the entire world to come crashing into your home and allows sick people to be able to prey on members of your family. We need to do more to educate parents. This is like pointing a loaded gun at your child, in many cases, and asking them to get on and play. This is a dangerous tool.

Yes, there are wonderful things on the Internet. There is a tremendous world of knowledge and adventure on the Internet. But as we know, too often the major traffic on the Internet is not those wonderful and informative sites. They are sites that prey on our failings and weaknesses, prey on the unsuspecting, on the innocent, in many cases. We as parents have to be better armed to deal with these people who want to reach into our homes and corrupt members of our families, corrupt everything that we are trying to teach them not to do and, worse yet, potentially could opt them into behavior that could risk, ultimately, their lives.

So this program is very important that the Justice Department is engaged in. I contacted the Department and worked with them to develop an authorization bill so we could provide a stable stream of funding for Project Safe Childhood and expand the program in a way that the Department on its own could not do.

For example, increasing penalties for registered sex offenders, child sex trafficking and sexual abuse, and other child exploitation crimes, which this does. It creates a children's safety online awareness campaign and authorizes grants for child safety programs. So in addition to what the Justice Department program does, we add those provisions to help with better coordination between State, local, and Federal prosecutors and investigators.

I had a meeting in the western district of Pennsylvania with our U.S. attorney, Mary Beth Buchanan, and State and local officials. They were talking about it—just the practical difficulties of assigning police and investigators and detectives and prosecutors on a local level and the support they need and the overlapping jurisdictional issues. So this will help them be able to create seamless teams of people to go after these child abusers, as well as to project into the community information that is important to prevent these crimes from happening.

So I am grateful that Senators SPECTER, HATCH, and LEAHY have worked to include that provision in the bill. I think it will take us a step forward in protecting our children from these predators and from exploitation.

The second piece of legislation is called the Schools SAFE Act. We spend a lot of time on the Senate floor talking about how we can improve the quality of education. But it almost goes without saying that when you drop your child off at school, at a bare minimum, you expect that the people who interact with them at school will not harm them. You would think that would be almost a given. But, unfortunately, in our country today we actually have a very poor system of checking as to whether people who are hired in schools are, in fact, safe for the children with whom they interact.

Obviously, the vast majority of teachers and people who work in schools are good and decent people and are there because they want to help children, not because they want to harm children. But like anything else, if you are someone who is a sexual predator, and you are looking to harm children, what better place to go than a place where there are children every single day you could possibly exploit. So it is important that we have sufficient checks in place to make sure that these predators are not in educational settings where they can harm and corrupt our children.

The current state of play is basically a mishmash of different State laws and different participation in a system created to help schools access information about criminal background checks. Some States require, for example, only a State background check, while other States require an FBI background check. With these disparities, individuals continue to find opportunities to evade safeguards that have been put into place.

In Pennsylvania, an FBI background check is only required for individuals applying to schools for work and have lived in the Commonwealth for less than 2 years. So if you lived in the Commonwealth for several years and you committed a crime someplace else, Pennsylvania would not have the ability to check that out.

Beginning in 2007, Pennsylvania will require applicants who have lived in the Commonwealth for more than 2 years to also undergo FBI background checks.

So we are addressing that issue in Pennsylvania.

I think it just goes to show you that there is no good system out there. What we need to do is allow States to access a database that was established by Congress in 1998 in the National Crime Prevention and Privacy Compact. This compact allows States to share background information on individuals seeking employment in a school district. This is an important thing to have all the States participating in. I will not go through all of the problems, but there are all sorts of memoranda and agreements and data-sharing information. As a result of that, only roughly half of the States—26 States—participate in the compact. Even States that have joined the compact don't always get access to the information they need. This is a problem.

You could have a man from Pennsylvania who committed sex crimes in Pennsylvania and moved to Nevada. Nevada is a compact State. Nevada could do the compact based check of whether this person has committed crimes against children and find nothing, because Pennsylvania does not participate in the compact. So they could be hired in Nevada schools without any knowledge of the individual's problems in Pennsylvania.

This is obviously a great threat to our children. So what this bill does is give schools across our Nation an essential resource when making hiring decisions. They will be able to access this database and conduct fingerprint-based background checks on individuals who are seeking work with or around children in schools. So this is another important step in protecting our children, in addition to all of the other provisions in this bill—protecting our children in this case in our schools.

I thank, again, the chairman and ranking member for their tremendous assistance to me in getting this legislation in the final package. Again, I congratulate all who have been involved in this very important legislation.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that 3 minutes be yielded to the Senator from Georgia, and then we go back to the Senator from North Dakota, and then to Senator ALLEN, and that would be it for now.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I thank the Senators for their courtesy. I thank Senator HATCH from Utah and his committee for incorporating in this very important bill provisions known as Masha's law. I was privileged to join, as an original cosponsor, with Senator KERRY on Masha's law.

Masha is a young lady who, at an early age in Russia, was adopted by an American citizen who became her custodian. He brought her to the United States and, systematically and over a protracted period of time, abused her and put her photographs over the Internet in enormous numbers. Masha, fortunately, after a sustained period of time, was able to escape his custody. A case was filed against him. He was indicted and convicted and today is incarcerated in Massachusetts.

Masha is, fortunately, now living in a loving home in Georgia and has a wonderful mother who is truly an angel of adoption in every way.

In researching this case, we found that young Masha, and many others like her who have been abused in their lives, could not even recover under the laws as they existed. What Masha's law does, and what is incorporated in here, is it changes "any minor" to "any person," so that if a minor is depicted in photographs pornographically that are distributed over the Internet, but by the time the abuser is caught, the minor is an adult, they can still recover. They cannot now, and that is ridiculous. It makes sure that recovery on the part of a minor can take place when they become an adult, whether or not the guilty person is incarcerated. It raises from $50,000 to $150,000 the penalty for which that individual can be recompensated if, in fact, someone who depicts that picture and puts it on the Internet and uses them is caught and convicted. That compensation is to be paid to the individual.

Although I don't think there is any price too high to cost an individual who would take advantage of a minor, I think it is only appropriate to triple that penalty and make sure that reaching the age of adulthood does not exempt someone from recovery. It is a tribute to continuing to do what this bill does, and that is look after the protection of minors and ensure that those who violate them are caught and punished and have to pay to the maximum extent.

I thank the Senator from Utah for allowing me the time, and I thank the Senators from North Dakota and Virginia as well.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. First, let me say to the Senator from Utah, as well as to my colleague, the Senator from Delaware, that their leadership has been very important on this legislation. They will not know the names of those whose lives are saved, but lives will be saved because this legislation has passed. I very much appreciate their diligence and hard work.

This is a piece of legislation about protecting children. I don't know what is second place in the lives of many people, but I know what is in first place, and that is the protection of children. They cannot protect themselves. It is our responsibility as parents; it is our responsibility in this country to do the things necessary to protect our children. There are so many stories that it is almost hard to begin, and you don't know where to stop.

My interest in this goes back some long ways. My colleagues have described John Walsh and the tragic loss of his son Adam Walsh. Those of us who have lost children understand that pain, but it must be enormously compounded by the pain of someone who loses a child who has been abducted.

My experience, especially with respect to North Dakota, a couple of years ago was to learn one day that a wonderful young woman had been abducted in a parking lot of a shopping center in Grand Forks, ND, a young woman named Dru Sjodin, and, we later found, murdered.

There is a trial underway for someone charged with murder in that case, but that case is like so many cases, it seems to me. It is the case of Adam Walsh, it is the case of 9-year-old Jessica Lunsford, it is the case of a 12-year-old girl named Polly Klaas. It is the case of Sarah Michelle Lunde, age 13.

Pull back the curtain and then ask the question: Who is it abducting these children? Who are the sexual predators killing these children?

This is not some mystery. We know the answer to this. The answer is, in most cases, that these murders and these abductions are done by those who have been in our criminal justice system and who have abducted and murdered before.

I held a meeting in Fargo, ND, following the abduction of Dru Sjodin and the introduction of legislation I call Dru's law. What brings me to the floor of the Senate today is the components of Dru's law have been included in this legislation. So, finally, it will become law.

The Senate has passed Dru's law twice on its own. We have not gotten it through the U.S. House. Now it will be through the U.S. House and Senate as a part of this Adam Walsh Child Protection and Safety Act, and it will become law.

A meeting I held in Fargo, ND, to discuss Dru's law is a meeting at which I showed this poster. This meeting was just over a year and a quarter ago now. I held the meeting at the city hall in Fargo, ND.

Prior to the meeting, I searched the computer for a registry of sex offenders to find out who was living within 1 mile of where we were meeting at city hall in Fargo, ND, who had previously been convicted as a sexual predator—who were they? I would share the names with the folks who came to that meeting to say: Here is a registry in North Dakota of sexual predators. There is no national registry; this is North Dakota's registry.

This is a poster that I showed the folks who came to Fargo that day as an example of someone who lived within a mile of where we were having the meeting. His name is Joseph Duncan, first-degree rape. He raped a 14-year-old boy at gunpoint, burned the victim with a cigarette, made the victim believe he was going to be killed by firing the gun twice on empty chambers; terminated from treatment; served a lengthy prison sentence; paroled, then absconded; had a long history of sexual aggression as a youth.

That is his sheet from the registry in North Dakota.

What I didn't know that day was that 1 month before the meeting I was having in Fargo, this same man had been charged with molesting a 6-year-old boy at a playground in Detroit Lakes, MN, just across the border. Someone in Minnesota checking the registry of sexual predators would not have found his name. He was just miles away living in Fargo, ND, but, in fact, he went over to Detroit Lakes, MN, and was charged with molesting a 6-year-old boy.

That is why we need a national registry. Strangely enough, in April of last year, he appeared on those charges, and a county judge set the bail at $15,000, and he was released after posting cash, promising to stay in touch, and he absconded and that is it. The judge said he didn't know he had this record.

Then 2 months later, this man we know now from intense media coverage was arrested in Idaho for kidnaping 8-year-old Shasta Groene and her brother, 9-year-old Dylan. The children had been missing for well over a month—2 months actually—when the bound and bludgeoned bodies of their mother, their older brother and their mother's boyfriend were found at their rural home. This man is now charged with three additional murders and the kidnaping of two children that he held and sexually abused for a number of months.

Dylan's remains were later located, and Shasta Groene, the young girl, was spotted in a Denny's restaurant by a sharp-eyed waitress who called the police, and she was saved.

This case is an example of why there must be a national registry.

Dru's law, which I introduced, has three components. One is the creation of a national registry of sex offenders. The underlying legislation improves on that by not only requiring the national registry but also standardizing the information that will be in the national registry.

Second, Dru's law requires that when a violent, high-risk sex offender is about to be released from incarceration, the local authorities must be notified, the local States attorney must be notified. There is such a high risk to the population of this high-risk offender being released that perhaps there is cause to seek additional civil incarceration, civil commitment, but they can't do that if they don't know about the impending release.

In fact, when a high-risk offender is released from prison, they can't just say: So long, good luck. That is exactly what happens in too many cases.

Martha Stewart is thrown in jail. They put Martha in jail for 6 months, and when she gets out of Federal prison, she gets out of Federal prison wearing an ankle bracelet, an electronic bracelet that allows law enforcement to track her whereabouts.

I can give you an example of a very violent sex offender let out of prison with no maintenance, no monitoring, no electronic bracelet, just: So long, see you later; you served your time. Yes, we will see them again when they create another violent crime, another rape, another murder, another abduction. That is why I support passing this kind of legislation.

This legislation is going to save lives. Again I ask the question, and it is so fundamental: If we send Martha Stewart home with an electronic bracelet on her ankle, we can't do that to violent sex offenders when the psychiatrists at the institute of incarceration have said, "We believe this person to be at high risk for real offending"?

Nearly three-quarters of the violent sex offenders are going to repeat that offense when released from prison. We know that from statistics. Do we have an obligation to protect children? The answer is, you bet we do, and it is long past the time. That is why this legislation is so very important.

As I said when I started, there is so much here that is partisan in this Chamber and the other Chamber, and there is so much that swirls around all of us in politics that we don't like very much about today. But there are times when we do things that will make a difference, and we do things working together, Republicans and Democrats. This is one of those moments of which we can be proud.

Senator HATCH and Senator BIDEN did a wonderful job. They mentioned their staffs, and that is important. It is always the case that politicians take the bows, but it is important to understand that staff plays a very significant role in helping us write legislation, do the research to get it correct and get it passed.

I thank my colleagues, and I especially say to the parents of Dru Sjodin: I believe that in honor of her memory we have, in this legislation, done something significant. Section 120 is the Dru Sjodin national sex offender public Web site. We create the three elements in Dru's law in this legislation, and I believe, in her memory, we will save other lives.

There are many parents out there today who have lost children, some to the horror of abduction by sexual predators. If this legislation will—and I believe it will—prevent others from experiencing that horror, and if this legislation will—and I believe it will—save children, then we will have done significant work here tonight. It is perhaps little noticed by some. We don't have on legislation of this type perhaps filled Chambers and substantial attention to it, but while it is perhaps little known publicly, what transpires here in the Senate tonight will have a significant influence on the future of children in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Virginia speak next, but also after him, the distinguished Senator from Texas and then the distinguished Senator from Washington, Ms. CANTWELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise this evening in strong support of the Adam Walsh Child Protection and Safety Act of 2006. I commend Senator HATCH for his steadfast leadership, his wisdom, and perseverance in finally getting this measure to the floor for a vote. It is long overdue.

I have always believed that one of the very top, most important responsibilities of government at the Federal, State, or, for that matter, the local level is the safety and security of our people, particularly the most vulnerable people in our society—our children.

When I was Governor of the Commonwealth of Virginia, I made the protection of the people of Virginia, including our children, our top priority. We worked with the legislature to abolish the lenient, dishonest parole system in Virginia that was releasing criminals after serving as little as one-fifth of their sentence. We instituted truth in sentencing in Virginia, and by doing that, when you read in the newspaper or see in the news that a felon has gotten a 20-year sentence, he is serving 20 years, not 4 or 5 years to come back out and prey upon innocent law-abiding citizens again.

Clearly, the abolition of parole, truth in sentencing, and longer sentences for felons has made Virginia safer. The crime rates are down, and there are tens of thousands of people who will not be victims of crime.

I am going to talk about Adam Walsh, but there are a lot of other victims of crimes. I remember when we were trying to get the legislature and people behind the abolition of parole and truth in sentencing, listening to the stories of loved ones, of parents who would tell their stories, of people released early and where they have preyed upon, killed, or raped again.

I will always remember a lady talking about being raped, and then right after her, another woman was talking about being raped again, a second time, by that same person. That rapist was released early.

I remember talking about a police officer with young children. The police officer was killed on Father's Day in Richmond by someone released early. The story of a young person working in the bakery in Richmond who was killed by someone released early. The story of a mother talking about a violent assault and then the smothering with a pillow of her daughter, and then having to go back to the parole board to recount why that criminal, that murderer, should not be released once again.

Before I became Governor in Virginia, pedophiles were serving an average of 3½ years in prison. Now, with the abolition of parole, and truth in sentencing, their sentences are 26 years rather than 3½ years. Not surprisingly, there are now fewer victims of crime in the Commonwealth of Virginia. However, there continue to be child predators who lurk in the shadows of our society.

Studies show that there are more than 550,000 registered sex offenders in the United States, and there are an estimated 100,000 sex offenders who are missing from the system. Loopholes in this current system have allowed some sexual predators to evade law enforcement and place our children at risk. That is why the national registry aspect of this bill is so important.

Some may wonder, why is there such a focus on sex offenders? Why is there such a focus on pedophiles and sex offenders and rapists? The reason is, if you look at the statistics—and it is not unique to Virginia; it is the way it is across this country—the highest recidivist rate, or the highest repeat offender rate of any crime—even higher than murderers, even higher than armed robbers—is sex offenders. That is why it is so important we have the registry. When someone is caught, first, they are getting a long sentence, and the best way to protect people is having these sex offenders behind bars rather than lurking in a parking garage or trying to lure young children. That is why the focus on sexual predators is so important, in that they have the highest repeat offender rate.

Now, these days, child predators have increased their ability to inflict harm on our children by exploiting new communications technologies, including the Internet. Please understand: I believe the Internet is the greatest invention since the Gutenberg press for the dissemination of information and ideas. It is a wonderful tool. And ever since I have been in the Senate, I have been working to make sure that avaricious State and local tax commissars don't impose 18-percent taxes on the Internet in monthly charges. We don't want the Internet monthly bills to look like a telephone bill. Ron Wyden from Oregon has been a good ally on this.

But the Internet also can create new opportunities for criminals, especially child predators. It is vitally important that we as parents and as elected leaders take the necessary steps to make the Internet as safe as possible for our children, as safe as possible for our children when they are at home, as safe as possible for them at schools, as well as in libraries.

I recently introduced a bill called the Internet Tax Nondiscrimination Act. This bill makes permanent the Internet tax moratorium, which is scheduled to expire next year. This measure also increases the ability of parents to protect their children from Internet predators. In fact, this is still law today. We want to keep this going.

In our bill, we impose a responsibility on Internet service providers to offer customers filtering technology. The ISPs, or Internet service providers, need to limit access to material that would be harmful to minors. This feature will create a powerful, and does create a powerful, financial incentive for ISPs to provide the filtering technology that parents need. Once parents are empowered with this technology, I guarantee you they will use it to protect their young sons and daughters. I am pleased the Senate Commerce Committee approved this bill as part of the telecom reform bill on a vote of 19 to 3.

However, we as a legislative body have much more work to do, especially when it comes to increasing penalties on Internet predators, by giving law enforcement officials the tools they need to catch Internet predators and convict them. This is a key reason I have signed on as a cosponsor of the Adam Walsh Act. This legislation is vitally needed. As I said, it should have been passed many years ago. This legislation honors the memory of a 6-year-old boy named Adam Walsh who was kidnapped and murdered nearly 25 years ago. This bill also recognizes the tireless efforts of his parents, John and Reve Walsh, who have been outstanding advocates for children all across America, in making sure we have some common sense when we are combating violent criminals.

The Adam Walsh Act—and I want to focus on one title—this bill in title 7 includes what is called the Internet Safety Act, sets out several provisions that will dramatically increase Internet safety, including tough new penalties for child exploitation enterprises and repeat sex offenders. This title also creates a new crime—and this is important—a new crime for embedding words or digital images on to the source code of a Web site with the intent to deceive a person into viewing this obscenity. This is vitally important for all people. I tell you, it is important for families and children. This section is going to help stop pornographers from tricking children into visiting their sites with words that are designed to attract innocent young people.

The Internet safety provisions in this measure also fund Federal prosecution resources, including 200 new Assistant U.S. Attorney positions to help prosecute persons for offenses related to sexual exploitation of children, and 45 more computer forensic examiners. These are the experts who will be helpful within the regional computer forensic laboratories in the Department of Justice. They include 10 more Internet Crimes Against Children task forces. These are also important. There is some good work being done in Bedford County, Virginia, in between Lynchburg and Roanoke. The sheriff, Mike Brown, in Bedford County has instituted Operation Blue Ridge Thunder which works on this, but the State and local folks can certainly use the assistance and help of the forensic experts and U.S. attorneys. After all, a lot of this is across State lines. All of these resources are absolutely necessary for the investigation and the prosecution of child sex offenses.

The Internet safety provisions in this bill also expand the civil remedy available to children who have been sexually abused and exploited.

This is vitally important, commonsense legislation that is going to protect and, indeed, it is going to save lives. It is perfect that we pass a bill named after Adam Walsh, a child who lost his life at age 6 to a child predator. It can be Adam Walsh, but to all the parents who are out there who lost a young child to a sexual predator, it can be their name put in here as well. The parents of Adam Walsh have dedicated their lives to making sure there are not other parents grieving with the loss of their son or their daughter. Adam's spirit lives on and the inspiration for action is in this measure, action that will save lives. More children will be able to grow up with the innocence they deserve and the safety they deserve, thanks to the efforts of Adam Walsh's parents and also the wisdom, on a bipartisan basis, of the Senate not to dawdle, but to act. I commend the Senate for acting, particularly those in the committee. I am honored to be a cosponsor, and I look forward to the passage of this act, the signing by the President, and the protection of children all across America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I too rise to support the Adam Walsh Child Protection and Safety Act of 2006. This act represents landmark, bipartisan legislation to protect the most vulnerable among us: our children. Over the last several months, the House and the Senate met, negotiated, and finally reached agreement on this important measure.

I want to note and, in doing so, commend the tremendous leadership Chairman SPECTER and Senator HATCH, our immediate past chairman of the Senate Judiciary Committee, and their respective staffs, as well as the House Judiciary Committee chairman, JIM SENSENBRENNER and his staff, for all their tireless dedication to this legislation. Many people have devoted time and effort to see this bill through, ensuring that we do everything within our power to protect our children.

The crimes of child abuse and child exploitation are astounding but, unfortunately, all too prevalent. The recent wave of child abductions in this country demonstrates the need for this type of response from the Congress. There is only one way to deal with those who prey on children: They must be caught sooner, punished longer, and watched closer than they are today.

Before I came to the Senate, I was honored to serve as the chief law enforcement officer of the State of Texas as Texas attorney general. There, I instituted a new specialized unit known as the Texas Internet Bureau which was designed to coordinate and direct efforts to fight Internet crimes such as fraud, child pornography, and address privacy concerns, among others. As others here have noted, the Internet is a remarkable tool which has revolutionized the way we live, the way we communicate, and the way we receive information. The problem is, though, there is a dark underbelly to the Internet, and the Texas Internet Bureau was designed to specifically identify Internet predators who were then caught, prosecuted, convicted, and taken off the streets. I am grateful to have had the opportunity to work with my colleagues in the Senate to help continue on this important initiative and to make it available to more and more of our children and, thus, to make America a safer place for our children to grow up.

I want to take a moment to highlight another very important participant in these negotiations who has been noted and praised for his efforts, but I think we can't say enough to recognize his contribution. John Walsh has a longstanding commitment to fighting for child victims and measures to protect children across this country. As has been recounted, his son Adam Walsh was kidnapped from a mall in Florida and murdered in 1981. Since that day, John Walsh has dedicated his life to helping victims of crime, and he has been enormously successful and influential in doing so. It is only appropriate that this bill honors the inspiration he has given to us all in the life of his son Adam Walsh in the process.

As many of you know, John Walsh is the host of "America's Most Wanted" and has spent a lot of time and effort working on this bill. This is not the first time he has invested his efforts and expertise in helping Congress address child crime legislation. In the previous Congress, we passed legislation that included the Code Adam Act, which required Federal buildings to establish procedures for locating a child who is missing in Federal buildings.

The title of this current bill appropriately honors Mr. Walsh's efforts, and I am told the President will sign the bill, if we pass it, on July 27, marking the 25th year since the day Adam was abducted.

I do not pretend to understand the pain and trauma the Walsh family or others have had to endure as a result of these terrible crimes against children. But I am eternally grateful for the way John Walsh has used this pain and this trauma to improve the lives of other people and to ensure we take every step within our power to protect our children against like crimes committed against Adam Walsh.

I wish to take a second to highlight other important measures contained in the bill which will enhance existing laws, enhance investigative tools, criminal penalties, and child crime resources in a variety of ways. This bill requires sex offenders to register and, in the case of the most serious offenders, to do so for up to the length of their entire lives. It requires them to report in person at least once each year to update personal information and to take a new photograph. It requires public posting for public access on the Internet of information about sex offenders so it is widely available, and so parents can take steps necessary to protect their children. It forces States to comply with this program or, I should say, persuades them to comply with the program by linking participation to Byrne grant funding, and it punishes with imprisonment up to 10 years those who fail to register, and if they commit a violent crime while unregistered, they can be punished for up to 30 years consecutive to any underlying conviction. It requires the Attorney General of the United States to create Project Safe Childhood, which will integrate Federal, State, and local efforts to prosecute the crime of child exploitation. It increases punishments for any crime of violence against a child, and authorizes grants to States to implement these important programs, and provides them grants to do so.

It also includes many of the provisions of the Internet Safety Act which I cosponsored with Senator JON KYL and others which, among other things, creates a new crime outlawing child exploitation enterprises, and would imprison for a mandatory minimum sentence of 20 years those who act in concert to commit at least three separate violations of Federal child pornography, sex trafficking, or sexual abuse laws against multiple child victims. It also enacts various other important provisions, including making the failure to register as a sex offender a deportable offense for aliens and preventing sex offenders from taking advantage of our immigration laws.

This is one of those fine times in the U.S. Congress where we have come together on a bipartisan basis to do something that rises above partisanship and is enormously significant in terms of improving our quality of life and protecting those who are most vulnerable among us. This Congress continues to act on measures that benefit our Nation and protect our children. It has long been said that societies are ultimately judged on how they treat their elderly and their young. This bill is an important step toward improving the safety of those who are our youngest and most vulnerable.

Finally, Mr. President, I would like to specifically express my gratitude to the many dedicated staff who worked tirelessly on this bill for some time, including Matthew Johnson and Lynden

Melmed from my own staff. Additionally, I would like to thank the following staff:

Allen Hicks, Mike O'Neill, Matt Miner, Todd Braunstein, Brett Tolman, Lisa Owings, Bruce Artim, Ken Valentine, Tom Jipping, Dave Turk, Bradley Hayes, Joe Matal, Nicole Gustafson, James Galyean, Amy Blankenship, Jane Treat, Sharon Beth Kristal, Julie Katzman, Noah Bookbinder, Christine Leonard, Lara Flint, Marianne Upton, Preet Baharara, Melanie Looney, Anna Mitchell, Gabriel Adler, Alea Brown, Bradley Schreiber, Mike Volkov, Sean McLaughlin, Bobby Vassar, and Greg Barnes.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to speak about the Adam Walsh Child Protection and Safety Act. I thank the Senator from Utah for his leadership on this legislation over the last several years, and I thank his staff for their hard work and perseverance in pushing this legislation to the Senate floor tonight.

Last June, the entire Nation was horrified by the kidnapping and murders of the Groene family and the tragic crimes upon little Shasta Groene.

Joseph Duncan was a convicted sex offender who beat Brenda Groene; her 13-year-old son, Slade; and her boyfriend, Mark McKenzie to death. Their bodies were found in their home in Idaho on May 16, 2005. The killings captured the national headlines and prompted a massive search for the two Groene children, 8-year-old Shasta and her 9-year-old brother, Dylan.

Six weeks later, on July 2, restaurant workers in Idaho recognized Shasta and called the police. Dylan's remains were found later in western Montana.

This did not have to happen.

In 1980, Duncan was convicted of rape in Washington State. He was sentenced to 20 years in prison and began his sentence in a treatment program. After he was terminated from the program, he served his sentence in prison until he was released on parole in 1994.

In 2000, he moved to Fargo, where he registered with the North Dakota Sex Offender Registry, but before long he had moved again and both the North Dakota and Washington State registries lost track of him.

In April of 2005, a Minnesota judge released Duncan on bail after he had been charged with child molestation.

Duncan promptly skipped town.

Minnesota issued a warrant for his arrest that May because he had not registered as a sex offender in that State, but by that time it was too late.

On May 16, the Groene family was found dead and it wasn't until July 2 that Shasta was recovered.

Joseph Duncan was essentially lost by three States. He moved from State to State to avoid capture.

No one knew where he was nor even how to look for him.

I say again, this did not have to happen.

There is no worse crime than a crime against a child, and one crime against a child is too many. That is why I have cosponsored the Child Protection Safety Act, because we need better information. We need a better system to keep that information accurate, and we need better standards to keep that system from breaking down when we need it most. The Senate must pass this bipartisan legislation to improve the national sex offender database, to link State tracking systems, and to prevent sex offenders from escaping and moving to other States.

Today there is far too much disparity among State registration requirements and notification obligations for sex offenders. Yes, there is already a National Registry, but it is based on often outdated listings from all 50 States. Worse, there are currently no incentives for offenders to provide accurate information, which helps to undermine the system.

Child sex offenders have exploited this stunning lack of uniformity, and the consequences have been tragic. Twenty percent of the Nation's 560,000 sex offenders are "lost" because State offender registry programs are not coordinated well enough.

We take these numbers very seriously in Washington State. In Washington State we have over 19,000 registered sex offenders and kidnaping offenders; more than 2,900 Washingtonians are currently incarcerated for these sex crimes. But we must be tough on these criminals because the national statistics are staggering.

One in five girls is estimated to be a victim of sexual assault. One in ten boys is estimated to be a victim. Only 35 percent of these cases are ever reported to the police. That is why this spring, Washington State passed a tough law that is new in mandating that sex offenders from other States must register with authorities within 3 days upon moving to Washington State. The previous law had been 30 days.

We also established a minimum sentence for certain sex crimes and tougher registration rules. Back in 1990 we were the first State to enact a sexual predator involuntary commitment law that ensures predators who are about to be released after serving their time can be prevented from being released if mental health officials believe that they will endanger the community.

This law has become a national model for other States to follow. Today, these sexual predators are housed on McNeil Island where they cannot hurt our children.

Here is what I know. Local law enforcement needs the tools and information that this legislation will give them to defend our children. It will help us close the gap between Federal and State sex offender registration and notification programs. Every State needs to update one another and the national registry in real time, and we need to recognize that tough punishment today will prevent terrible costs tomorrow.

We must keep our communities safe, and I know that is why the Senate is going to act on this legislation tonight. The Adam Walsh Protection and Safety Act creates this registry on a national level that is so long overdue. It provides strong, practical tools for law enforcement The new registry will expand the scope and duration of sex offender registration and notification requirements. It will keep track of all sex offender information—addresses, employment, vehicle, and other related information. And, as my colleague from North Dakota talked about, with his hard work, it also has a national sex offender Web site registry, the new Dru Sjodin National Sex Offender Web site, so that every American can stay informed.

Now the public will be able to search for sex offender information by geographic radius and zip code, and the bill also, as my colleague from Texas just mentioned, increases the penalties for violent sex crimes against America's children.

It requires that the sex offenders register prior to their release from prison or supervised programs.

America needs this legislation. I am so proud of my colleagues in joining in a bipartisan effort to give law enforcement the tools they need to protect our families and our communities. Let's give them the information and the resources they need to get tough with sex offenders. Let's pass the Adam Walsh Child Protection Safety Act to not only honor John Walsh and his family, but also for all those who have been victims of this hideous crime, and to show that we are willing to work together to be aggressive in taking action and helping to make America safe for our children.

I will yield the floor.

Mr. PRYOR. Mr. President, I rise today to support the Adam Walsh Child Protection Safety Act of 2006, H.R. 4472. I say that as an Arkansan because I know people in Arkansas want to protect our children. I say that as a former attorney general because I know we worked with John Walsh and other people who dealt with missing and exploited children all over the country. We tried to be as active as possible in the attorney general's office in Arkansas. Thirdly, and most important, I say it as a father because I want my children protected like everybody else here and everybody around the country who wants their children protected.

Senator FRIST made a statement a few moments ago about child predators on the Internet. It is a real problem. It is something we in the Congress are trying to deal with in this legislation.

It is something we need to keep focused on even though we passed this legislation. We need to keep focused on it so we can make sure that what we have on the books works. I am very proud of the Senate tonight for considering this. I am very proud of the Congress for the way they have handled this and moved this through the process.

I also wish to say another word. There is a program around the country called Code Adam. Actually, an Arkansas company started this—Wal-Mart—several years ago, where they have a little blue sticker on the door of every Wal-Mart. They do a Code Adam procedure in the store if a child is reported missing in the store. I cannot tell you how many children have been saved in Wal-Marts but also in other retail stores that use Code Adam. Wal-Mart has given this idea to anybody who wants to do it. It has worked and it has probably saved dozens, if not hundreds, of children. It is named after Adam Walsh because he was abducted and murdered several years ago.

Lastly, my friend, Colleen Nick, whom I met through my time in the attorney general's office in Arkansas—her daughter Morgan Nick was abducted from a ballfield in Alma, AR, several years ago when Morgan was about 5 years old. Colleen has devoted her life to missing children issues. So I am proud that this passed tonight for Morgan and Colleen and the Nick family because I have talked to them and spent a lot of time with the Nicks. I know the void it creates in a parent's life and in a family's life when one of their children is missing and never found.

Mr. President, I am very proud to support this legislation. I believe it makes America better, stronger, and it puts some teeth in the law that we need. It is something of which we can all be proud.

Mr. GRASSLEY. Mr. President, I rise today in strong support of the Adam Walsh Child Protection and Safety Act. I am proud to be a cosponsor of this bill and am even prouder that we have been able to work across party lines and in both Houses to come up with a bill that we all can support and that will genuinely help protect our children from sexual predators.

My commendations and heartfelt sympathy go out to John and Revé Walsh, Mark Lunsford, and all the other parents and loved ones of children who were taken so violently from those who loved them so dearly. Without the tireless efforts of these folks, this bill might not be on the floor here today, as we near the 25-year mark of the disappearance and murder of Adam Walsh.

The urgency of passing this legislation is clear. The murders of Jessica Lunsford, Sara Lunde, Tiffany Souers, and Jetseta Gage, who was from my home State of Iowa, have been thoroughly covered in the news in recent times. Each of these murders was committed by a repeat sex offender. These cases should open our eyes to the necessity of passing a bill that will protect children from monsters who commit these crimes and ensure that those who do commit the crimes will receive tougher penalties.

As I mentioned, Jetseta Marrie Gage was from my home State of Iowa. I would like to take a moment to talk about the beautiful 10-year-old girl who was sexually assaulted and murdered last year.

On March 24, 2005, Jetseta went missing from her home. Within 12 hours of her disappearance, even before a body had been found, law enforcement officials took Roger Bentley into custody.

Bentley had been previously convicted for committing lascivious acts with a minor. Unfortunately, this man only served a little over 1 year in prison for his previous sex crime conviction. Two days later, due to a tip received by a woman responding to the Amber Alert, Jetseta's body was found stuffed in a cabinet in an abandoned mobile home. She had been sexually molested and suffocated with a plastic bag. I can't help but wonder whether Jetseta would still be alive today had her killer received stricter penalties for his first offense. It breaks my heart to hear about cases like this, but it is even more disheartening when you know that it might have been prevented with adequate sentencing and that hers is just one tragic story in a long list of horrific crimes committed every year.

Child sex offenders are the most heinous of all criminals. I can honestly tell you that I would just as soon lock up all the child molesters and child pornography makers and murderers in this country and throw away the key. As it should all of us, the thought of what these predators do to our innocent children literally makes me sick to my stomach. The thought that we might not do what we could to deter them but also to prevent the same people from committing the same crimes against other children is unacceptable. According to a study funded by the Department of Justice, 5.3 percent of sex offenders were rearrested within 3 years following their release for another sex crime. Also, compared to non-sex offenders released from State prisons, released sex offenders were four times more likely to be rearrested for a sex crime. Even more troubling, according to several federally funded studies, child molesters have an even higher rate of rearrest than rapists.

Three years ago, we passed the PROTECT Act, a bill I worked on with my colleagues to provide the judiciary with the necessary tools to ensure that our children and grandchildren grow up in a safe community, free from child predators. This bill complements the process we started with the PROTECT Act, and adds much needed additional protections for children and for our communities.

The bill before us today includes parts of the Jetseta Gage Prevention and Deterrence of Crimes Against Children Act, a bill that I introduced last year to strengthen penalties for criminals who commit sex offenses against children. It ensures that those who commit heinous crimes against our children are appropriately punished and that anyone thinking of committing similar crimes will think twice about the repercussions. The bill increases penalties for sexual offenses against children, including sexual abuse, murder, kidnapping, sex trafficking, and various activities relating to the production and dissemination of child pornography.

This bill goes far beyond these penalty increases, however. It establishes sex offender registration and notification requirements, essential to aid parents in monitoring their children's environments. It strengthens child pornography prevention laws and sets up grants, studies, and other programs for the safety of children and communities. It delves into Internet crimes, an area that is becoming increasingly important in light of the dangers posed to children and the lack of knowledge on the part of parents, which hampers their ability to protect their children. My good friend from Arizona, Mr. KYL, introduced the bill this section is based on and which I cosponsored.

As the elected representatives of the American people, our foremost duty is to protect those who cannot protect themselves. Child rapes and murders are now being reported on our news programs on a regular basis. We have the power to prevent so many of these crimes by creating stronger deterrents and letting parents know where these sex offenders lurk after they are released. When crimes are committed, the least we can do is ensure that the rapists and murderers won't get the opportunity to hurt another child.

It is a tragedy that it took so many stories like those of Adam Walsh, Jetseta Gage, and Jessica Lunsford for a law of this nature to be proposed. I strongly believe that a vote for this bill can save the lives of children in the future. We have an obligation as legislators to protect our citizenry. We have an obligation as adults to protect our youth. We have an obligation as parents to protect our children. I urge my colleagues to join me in doing just that by voting in favor of this bill.

Mr. NELSON of Florida. Mr. President, the Congress will soon pass important legislation that will better protect children around the country from those who seek them harm. The Adam Walsh Child Protection and Safety Act, H.R. 4472, named after the son of John and Revé Walsh who was killed in Florida almost 25 years ago, is the toughest and most comprehensive sex offender bill in recent years.

This legislation includes a number of changes to safeguard children, including tougher sentences for crimes committed against children, a publicly accessible national database of sex offenders, and a Federal requirement for convicted sex offenders to register their locations with law enforcement officials. The bill also includes a provision, which I authored, to track released sex offenders.

Sadly, events of the recent past highlight the need for us to know the location of convicted sexual offenders if they are released back into our communities.

In my State of Florida, two young girls, Jessica Lunsford and Sarah Lunde, were both murdered by convicted sex offenders within weeks of each other in 2005.

Jessica Lunsford of Homosassa, FL, was a 9-year-old girl who was abducted from her home, raped, and then buried alive by a convicted sex offender who lived 150 feet from her home. Law enforcement had lost track of him and they did not know that he worked at the school that Jessica attended, despite his being a registered sex offender. A few weeks later, 13-year-old Sarah Lunde of Ruskin, FL, was murdered by her mother's ex-boyfriend. He is also a convicted sex offender.

In response to these tragic events, Florida enacted a law that provides tougher sentences for child sex offenders and aids law enforcement in effectively monitoring those sex offenders. The law requires sex offenders, released back into our communities, to wear a device to allow authorities to track them via a global positioning system.

My provision in the Adam Walsh Act provides Jessica Lunsford and Sarah Lunde grants to aid States and local government in purchasing electronic monitoring systems, such as global positioning systems, that will provide law enforcement with real time information on the whereabouts of sex offenders released from prison to within 10 feet of their location. Law enforcement will be able to restrict the movements of sex offenders by programming these systems to alert authorities if a sex offender goes to a park, amusement park, elementary school or other areas determined to be off limits. The ankle bracelets used to monitor their movements are tamperproof and will alert law enforcement in the event that an offender has removed it so law enforcement can immediately act to apprehend the offender.

The grants will provide a total of $15 million to State and local government to help implement laws in order to get tougher on sex offenders released back into their communities with electronic monitoring technology. The bill will provide for $5 million in grants for fiscal years 2007 through 2009. The bill then directs the Attorney General to provide a report to Congress assessing the effectiveness of the program and making recommendations as to future funding levels.

In the United States, there are an estimated 380,000 registered sex offenders, although thousands have disappeared, according to authorities. We have over 30,000 of these sex offenders in the State of Florida. Laws, such as the one in Florida, and the Adam Walsh Act, which will be passed by Congress, are necessary to protect our children. I believe it is important that the Federal Government be appropriately supportive of State and local governments that are addressing this problem. To be effective, tough laws on sexual predators of children must be properly funded, and I believe these tough laws being passed by Federal and State legislatures are worth properly funding when they will protect our children.

Children are our most important treasure and protecting them is one of our most sacred responsibilities. I hope this bill will serve as a living memorial to all the children and serve as some comfort to their families. I hope the Jessica Lunsford and Sarah Lunde grants provided in this bill will allow law enforcement to help prevent other families from suffering similar tragedies.

Mr. KERRY. Mr. President, today the Senate passed the Adam Walsh Child Protection and Safety Act of 2006, which will help prevent the child exploitation by, among other things, creating a national system for the registration of sex offenders. Included in this legislation is a very important provision that I authored with Senator ISAKSON called Masha's Law. Masha's Law is named after a very brave 13-year-old girl—a Russian orphan who was adopted by a Pennsylvania man at the age of 5 and sexually exploited from the moment she was placed in his care. Masha suffered unspeakable atrocities in the hands of her abusive father, a man with a history of child exploitation. She continues to suffer as photographs of this abuse, taken by her father and posted on the Internet, are downloaded every day. Yet Masha does not cower in fear. She is taking a stand. She is using her experiences to demonstrate why the law must change. And it is because of her that we are now closing unacceptable loopholes in our child exploitation laws.

Masha's photographs are among the most commonly downloaded images of child pornography. Law enforcement estimates that 80 percent of child pornography collections contain at least one of her photographs. In fact, it was the high volume of images being distributed by this one individual that raised suspicions and led law enforcement officials to the home of Masha's adopted father. While he is currently in jail accused of sexual abuse and facing Federal charges, the damage to Masha continues every day as her pictures continue to be downloaded. Masha has sought compensation through a little used provision in the Child Abuse Victims' Rights Act of 1986 that provides statutory damages for the victims of sexual exploitation. Nothing will ever compensate Masha for the horrific experiences she has had, but the penalties provided in current law are embarrassingly low—they are one-third of the penalty for downloading music illegally.

According to the Center for Missing and Exploited Children, child pornography has become a multibillion dollar Internet business. With the increasingly sophisticated technology of digital media, child pornography has become easier to produce, transfer, and purchase. We are not doing enough to deter those who post and download child pornography.

Masha's Law would do two things; first it would increase the civil statutory damages available to a victim of child exploitation; and second, it would ensure that victims of child pornography whose images remain in circulation after they have turned 18 can still recover when those images are downloaded. The injuries do not cease to exist simply because the victim has turned 18. They continue and so should the penalties.

These changes are long overdue. I am proud that the Senate has passed this important legislation, and I am grateful to Masha for having the courage to stand up and make her voice heard.

Mr. DEWINE. Mr. President, I am proud to be a cosponsor of the Adam Walsh Child Protection and Safety Act of 2006, which provides law enforcement officers with several important tools to protect our children. In the past three decades, we have all seen and heard about the many tragic cases of children being assaulted and killed by sex offenders. These are absolutely horrifying events, and as legislators, we have an obligation to do all we can to prevent such crimes in the future. We need to improve and enhance sex offender registration and tracking laws and increase penalties for those who violate them, which this act will accomplish.

There are several prongs to this act, which is what will make it successful. The core of this bill establishes a national sex offender registry. Although each State has a registry, there are no uniform standards. There is no easy way to access information from different jurisdictions. This act creates a uniform Federal standard which divides offenders into tiers, depending upon the offense for which they were convicted. It establishes registration guidelines for each tier, including how long a person would need to be registered and how often he or she must come in for a personal verification of the registration information. The act also creates community notification requirements and will make it a felony for sex offenders to fail to register and update their information on a regular basis. The Dru Sjodin National Sex Offender Public Web site will allow the public to search for information on sex offenders by ZIP Code and geographic radius.

All of these changes will help make our tracking laws more effective and will allow parents and members of the local community to be vigilant about the potential dangers of sex offenders in their neighborhoods.

But before we can put a predator can appear on the registry, he needs to be caught and prosecuted. The Adam Walsh Act includes urgently needed resources to assist law enforcement in these endeavors. This act establishes 10 new task forces dealing with Internet crimes against children, 45 new computer forensic examiners to deal exclusively with child sexual exploitation, and 200 new Federal prosecutors—all designated to combat child sexual exploitation.

This act also tries to protect children from being victimized in the first place. It provides grant money for educating parents and children about those who use the Internet to prey upon children. It funds Big Brothers and Big Sisters and includes my bill for the reauthorization of the Police Athletic Leagues. These two programs provide kids with supervision and role models and mentors who can help protect them from predators. In addition, it mandates that potential foster and adoptive parents go through a thorough criminal background check before a child can be placed with them.

Also incorporated in this bill are aspects of the Internet Safety Act which I proudly cosponsored. These include establishing new criminal penalties to keep up with the constantly increasing level of depravity among pedophiles—for example, the child exploitation enterprises provision to prosecute the "molestation on demand" child pornographic industry that has sprung up in recent years. Sexual predators of children are among the worst kind of offenders, and it is only right that there are sentencing enhancements for registered sex offenders who reoffend.

This is a good piece of legislation. I am pleased so many of my colleagues support it, and I look forward to its pending passage.

Mr. KENNEDY. Mr. President, in May, the Senate passed the Sex Offender Registration and Notification Act to standardize and strengthen registration and monitoring of sex offenders nationwide. Since its passage, the House and Senate have worked closely to resolve their differences and to improve the overall quality of the legislation. The bill before us today contains difficult compromises, but it has achieved that goal.

This legislation is critically important to safeguard victims of sexual abuse from harm. It will help protect innocent people from violent offenses. It recognizes the victims and all the suffering both they and their families have endured.

With this legislation, we are recognizing the loss of Molly Bish from Warren, MA. At 16, Molly was abducted from her position as a lifeguard, and her family endured terrible uncertainty until her remains were found 3 years later. Molly was a typical teenager who took great joy from life. Her nickname was Tigger, because she was always on the move. She is survived by her parents, John and Magi Bish; her sister, Heather; and her brother, John, Jr., who work every day to keep children safe, honoring her life and her legacy.

With this bill, we also remember with sadness another Massachusetts resident, Alexandra Zapp. Ally was 30 years old when she was attacked and murdered in a public restroom by a repeat sex offender in Bridgewater, MA, in 2002. Ally's friends described her as a strong, smart, and independent woman. She had worked at the USA Sailing Association of Portsmouth, RI, where she was a keelboat training coordinator. Ally is survived by her mother Andrea Casanova and her stepfather Steven Stiles; her sister Caroline; and her father and stepmother, Ray and Linda. This legislation is dedicated to her memory, along with the memories of Molly Bish and the many other victims of terrible crimes.

Several changes have been made to this legislation as a result of our work with the House. It is important to make sure that information on offenders who pose a potential threat is available to the public at large, and this bill provides for Internet listing and community notification about such individuals.

At the same time, in order for the registry to be effective, it should be targeted toward those who present the highest risk to our communities. The current version takes a more sweeping approach toward juvenile offenders by expanding their registration requirements. The Senate bill allowed each State to determine whether a juvenile should be included on the registry. This compromise allows some offenders over 14 to be included on registries, but only if they have been convicted of very serious offenses. For juveniles, the public notification provision in this bill is harsh given their low rate of recidivism, which is less than 8 percent according to the most recent studies. For this reason, it is especially important that the bill includes funding for treatment of juvenile offenders. These provisions recognize that juvenile offenders, who have much lower rates of recidivism and have been shown to be much more amenable to treatment than their adult counterparts, shouldn't be lumped together with adult offenders.

The bill also provides increased funding for programs to prevent these offenses before they occur. It also authorizes funding for sex offender treatment and management within the Federal prison system. These provisions will be helpful in reducing the future risks to society by convicted sex offenders. If Congress is serious about addressing this problem, it must commit itself to fully funding the legislation.

All States currently have registration requirements for sex offenders, but this bill will create a system of national tracking and accountability that preserves the ability of individual States to provide additional procedures to assure the accuracy and usefulness of the registries.

Massachusetts has a system that works. We are already doing most of what this bill requires, but our system goes beyond these basic requirements by providing individualized risk assessments of each sex offender who goes on the registry. These individual assessments, combined with hearings allowing offenders to challenge their classification, help ensure that States like Massachusetts can provide the highest quality of information on potential threats to the community while respecting the tremendous impact that community notification can have on offenders' lives. I am pleased that this legislation respects the right of individual States to innovate in this area and does not penalize States who go the extra mile to improve their registries.

For this reason, section 125 of the compromise is very important. Each State will face challenges in the implementation of these new Federal requirements, and States should not be penalized if exact compliance with the act's requirements would place the State in violation of its constitution or an interpretation of the State's constitution by its highest court.

The Massachusetts Supreme Judicial Court has concluded that offenders are entitled to procedural due process before being classified at a particular risk level and before personal information about them is disseminated to the public. Massachusetts has been vigilant in implementing a comprehensive and effective sex offender registry, and it should not lose much needed Federal funding where there is a demonstrated inability to comply with certain provisions of this new Federal law.

No State should be penalized and lose critical Federal funding for law enforcement programs as long as reasonable efforts are under way to implement procedures consistent with the purposes of the act. It is essential that the Federal Government continue to collaborate and to provide support for State and local governments, including the prevention, intervention, and enforcement of antigang and antidrug activities as a result of this bill.

At the same time, the new mandatory minimum sentences in the act aren't justified by any empirical data or sound policy. Mandatory minimums prevent prosecutors and judges from doing what they do best—making individual determinations on sentencing, based on the circumstances of individual cases. With more than 2 million Americans in prison or jail—including 12 percent of all African-American men between the ages of 20 and 34—no one can seriously argue that there is an epidemic of leniency in Federal sentencing. This latest batch of mandatory minimums undermines more than two decades of legislative work devoted to striking a sensible balance between consistent sentencing and the need to provide judges with the discretion to make sure each sentence fits the crime.

Although it is important to have strong penalties for crimes against children, I have major reservations about the broad expansion of the death penalty in this compromised legislation. It is clear that continued imposition of the death penalty will inevitably lead to the wrongful execution of more and more people. Justice Marshall, in particular, wrote powerfully on this issue. He believed that if our citizens knew the truth about the death penalty, "its disproportionate imposition on racial minorities and the poor, its utter failure to deter crime, and the continuing likelihood of executing the innocent," it would be rejected as morally reprehensible.

Last year, the Supreme Court struck down the death penalty for juveniles—persons 17 years old or younger. The Court's ruling was significant. It was long past time to erase that stain from our human rights record. The basic injustice of the death penalty is obvious. Experience shows that imposition of the death penalty inevitably leads to wrongful executions. Many of us are concerned about the racial disparities in the imposition of capital punishment and the wide disparities in the State in its application. The unequal, unfair, arbitray, and discriminatory use of the death penalty is completely contrary to our Nation's commitment to fairness and equal justice for all, and we need to do all we can to correct this fundamental flaw.

Finally, the national registry of substantiated cases of child abuse in this bill should not be implemented until Congress has a full understanding of its scope and effectiveness. The proposed registry raises serious implementation challenges and could create an additional and unnecessary burden for States. Not all States maintain the same registry information, and most States maintain different rules on disclosure. Tribal entities, which are included in this proposed registry, currently maintain no registries at all.

I am concerned that this registry raises serious privacy concerns by including information on cases without the opportunity for due process. For this reason, it is important that the study on establishing data collection standards be completed before such a registry is established. Current standards for inclusion in child abuse registries vary greatly, with some requiring credible evidence and others requiring no standard other than the judgment of the case worker.

During the most recent reauthorization of the Child Abuse Prevention and Treatment Act, we improved current child abuse systems to ensure that law enforcement has the information it needs to pursue and prosecute cases.

A new provision was added to require States to "disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, which has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect." Rather than developing additional registries and reporting requirements, States need Federal assistance to effectively carry out their roles and responsibilities under CAPTA. I am concerned that this new registry will have limited value in improving or standardizing State recordkeeping for child abuse and neglect cases.

Despite these provisions, I commend the work that has been done on this bill. Without further delay, it is important that we get this bill to the President so that it can be signed on July 27th, the 25th anniversary of the abduction of Adam Walsh, and to honor all of the work his parents have done in his memory to protect children in communities across the country.

Mr. BYRD. Mr. President, the foundation of democracy lies in a government that reflects the voice of its citizens. The Constitution, the beloved document that chartered our system of government, makes this clear. "We the people", are the very first words of our Constitution: "We the people." This is no mistake, for our Founders sought to create a government that would reflect the will of those who send us here.

Voting is the underpinning of our democratic process. In an address to Congress, President Lyndon B. Johnson said that, "In a free land where men move freely and act freely, the right to vote freely must never be obstructed." With the act of casting one's ballot, each citizen has ensured a place in the democratic process, fulfilling the civic responsibility that each and every one of us must safeguard and cherish. All citizens deserve this right, and all should utilize it.

Like so many worthwhile initiatives, safeguarding the freedoms of democracy can sometimes exact a heavy toll. Wars have been fought on our own soil to ensure these freedoms, and our country's history has been blemished with the events of a less enlightened time. But even through strife and toil, our democracy emerged intact, our Republic strengthened by the sacrifices made by the citizens who fought for equality and the right to vote.

I met yesterday with Mr. James Tolbert, President of the West Virginia NAACP, and other members of the West Virginia NAACP delegation. They were here in Washington D.C. as part of a national effort to spearhead the reauthorization of the Voting Rights Act. I was proud to assure them of both my cosponsorship of the measure and my support for the reauthorization.

While the various reauthorizations of the Voting Rights Act have forged the pathway to the polls for all Americans, the ability to vote is but half of the process. Democracy works best when the people are vigilant in protecting of their rights, and engage in the electoral process. Our democracy is strongest when there is free and open access to the polls for everyone, and when the people embrace the vote as both a right and a responsibility.

Indeed, the decades that have followed the initial passage of the Voting Rights Act have witnessed the progress of our Nation. To continue in our efforts, we have only to look to past successes for inspiration. To be ardent in the defense of our democracy is to preserve it for the generations to come.

Mr. McCONNELL. Mr. President, I rise to speak in strong support of the Adam Walsh Child Protection and Safety Act of 2006. This bill will strengthen our power to keep America's children safe from sexual predators and creates the National Sex Offender Registry, which will keep track of all sex offender information nationwide. It will also create the Dru Sjodin National Sex Offender Public Web site, so that every American will have the ability to search for information on potential sexual predators in their own community.

I have had a personal interest in children's welfare and child-safety issues for many years, predating my time in the Senate, in fact. Before being elected to this Chamber, I served as judge-executive of Jefferson County, KY, from 1977 to 1984. Jefferson County contains Louisville, my hometown, and the judge-executive position was the county's chief executive.

In 1981, we hosted in Louisville the first-ever national conference on rescuing missing and exploited children. Ernie Allen, who was on my staff at the time and organized the conference, is today the head of the National Center for Missing and Exploited Children. And that conference was keynoted by John Walsh. At the time, Mr. Walsh was not yet the television fixture and hero to millions of parents he is today but a private citizen whose 6-year-old son, Adam, had been tragically kidnapped and murdered earlier that same year.

That event began a decades-long friendship between John and me, centered around this issue. Together, we lobbied Congress—and I remind you, I was not yet a Senator at this time—for legislation that would create a nationwide organization to track missing kids. In 1984, our efforts bore fruit, and President Ronald Reagan signed the bill creating the National Center for Missing and Exploited Children as a public-private partnership.

I believe government must do all it can to support groups such as the NCMEC and others and our law enforcement agencies in their efforts to find missing children, return them to their families, and shield them from sexual predators. The work these groups do is vital to protecting families, and I applaud their dedication and compassion.

Passage of this bill will further the mission of comforting parents everywhere and protecting our children. The National Sex Offender Registry will contain up-to-date data on all sex offenders nationwide, and there are harsh penalties for any offender who does not register.

The bill imposes tougher penalties for sex offenses and violent crimes against children. It also allows for civil commitment procedures for any sex offenders who demonstrate while incarcerated that they cannot be trusted to be unleashed on society.

The bill addresses child exploitation over the Internet with stringent Internet safety provisions. It also contains several worthy programs, grants, and studies to address child and community safety.

I would especially like to note that the bill strengthens the pornography recordkeeping and labeling requirements passed by Congress in 1988 to protect children from exploitation by pornographers. These provisions were originally part of S. 2140, the Protecting Children from Sexual Exploitation Act of 2005, sponsored by my good friend from Utah, Senator HATCH.

I was pleased to join him as a cosponsor of that bill and am doubly pleased now to see these provisions included in this bill, which I feel confident in saying will soon reach the President's desk and receive his signature.

Finally, the portion of this legislation that parents may find the most comforting is the creation of the Dru Sjodin National Sex Offender Public Web site. Parents will now have the power to search for sex offenders in their own community. The good that can come from this power to arm parents with the right information cannot be measured.

I ask my colleagues to join me in commending John Walsh for his commitment to this important issue. His drive to see that the tragedy that befell his own family does not fall on another has not diminished in the 25 years I have known him. I am glad that we can honor John by naming this important legislation after his beloved son.

Those who would prey on the weakest among us—our children deserve to feel the full weight of the law brought down on them. It is hard to imagine a crime that does more to destroy families or dreams of a bright future. This legislation will ensure that kids, parents, and law enforcement agencies have the tools they need to fight child predators and sexual criminals. For that reason, I am proud to support its passage.

Mr. KYL. Mr. President, I rise today to comment on the Adam Walsh Child Protection and Safety Act. This legislation will create a national sex offender registry that will make it possible for law enforcement and concerned citizens to track sexual predators. The bill also includes tough penalties that will ensure that these individuals will actually register. There currently are over 100,000 sex offenders in this country who are required to register but are "off the system." They are not registered. The penalties in this bill should be adequate to ensure that these individuals register. In addition to allowing up to 10 years in prison for an offender who fails to register, the bill also imposes a mandatory 5 years in prison for an offender who has neglected his obligation to register and commits a crime of violence.

I would like to focus my remarks on legislation that I have introduced that has been incorporated in this final bill. I am particularly pleased to see that the bill maintains the ChildHelp National Registry of Cases of Child Abuse and Neglect. Section 663 of the bill instructs the Department of Health and Human Services to create a national registry of persons who have been found to have abused or neglected a child. The information will be gathered from State databases of child abuse or neglect. It will be made available to State child-protective-services and law-enforcement agencies "for purposes of carrying out their responsibilities under the law to protect children from abuse and neglect." The national database will allow States to track the past history of parents and guardians who are suspected of abusing their children. When child-abusing parents come to the attention of authorities—when teachers begin to ask about bruises, for example—these parents often will move to a different jurisdiction. A national database would allow the State to which these parents move to know the parents' history. It will let a child-protective-services worker know, for example, whether he should prioritize investigation of a particular case because the parent has been found to have committed substantiated cases of abuse in the past in other States. Such a database also would allow a State that is evaluating a prospective foster parent or adoptive parent to learn about past incidents of child abuse that the person has committed in other States.

I am also proud to see that the Internet SAFETY Act, which I introduced with several colleagues earlier this year, has been incorporated as title VII of this bill. This title includes the following important provisions:

Section 701 makes it a criminal offense to operate a child exploitation enterprise, which is defined as four or more persons who act in concern to commit at least three separate violations of Federal child pornography, sex trafficking, or sexual abuse laws against multiple child victims. This offense is punished by imprisonment for 20 years up to life.

Section 702 provides that if an individual who is required to register as a sex offender under Federal or State law commits specified Federal offenses involving child pornography, sex trafficking, or sexual abuse against a minor victim, the offender shall be imprisoned for 10 years in addition to any penalty imposed for the current offense.

Section 703 makes it a criminal offense to embed words or digital images into the source code of a Web site in order to deceive people into viewing obscenity on the Internet. Offenses targeting adults are subject to up to 10 years imprisonment; offenses targeted at child victims are subject to up to 20 years imprisonment.

Section 704 authorizes appropriations for the U.S. Attorney General to hire 200 additional Assistant United States Attorneys across the country to prosecute child pornography, sex trafficking, and sexual abuse offenses targeted at children.

Section 705 authorizes appropriations for the hiring of 30 additional computer forensic examiners within the Justice Department's Regional Computer Forensic Laboratories, and 15 additional computer forensic examiners within the Department of Homeland Security's Cyber Crimes Center. The additional computer forensic examiners will be dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

Section 706 authorizes the Office of Juvenile Justice and Delinquency Prevention to create 10 additional Internet Crimes Against Children, ICAC, Task Forces.

Finally, section 707 of the Internet SAFETY title expands the civil remedies for sexual offenses by allowing the parents of a minor victim to seek damages, and by allowing a minor victim to seek damages as an adult.

Title II of today's bill also includes a number of penalty increases and other improvements to Federal criminal sex offenses. Many of these provisions appeared in the Internet SAFETY Act, as well as in the Jetseta Gage Act, which was introduced by Senator GRASSLEY in 2005 and of which I was an original cosponsor. Section 211 suspends the statute of limitations for all Federal felony offenses of sexual abuse, sex trafficking, or child pornography. Other provisions of title II increase penalties for coercion and enticement by sex offenders, conduct relating to child prostitution, aggravated sexual abuse, sexual abuse, abusive sexual contact, sexual abuse of children resulting in death, and sex trafficking of children. Title II also makes sexual abuse offenses resulting in death eligible for the capital punishment, and expands the predicate offenses justifying mandatory repeat-offender penalties for offenses involving child pornography and depictions of the sexual exploitation of children. Finally, title II adds sex trafficking of children to the set of repeat offenses that are subject to mandatory life imprisonment.

Another provision that I have pursued during this Congress and that is included in this final bill is section 212, which extends several of the guarantees of the 2004 Crime Victims' Rights Act to Federal habeas corpus review of State criminal convictions. Because such cases involve Federal courts but State prosecutors, this extension is limited to those provisions of CVRA that are enforced by a court—Congress cannot compel State prosecutors to enforce a Federal statute. The victims' rights extended by section 212 to Federal habeas proceedings are the right to be present at proceedings, the right to be heard at proceedings involving release, plea, sentencing, or parole, the right to proceedings free from unreasonable delay, and the right to be treated with fairness and with respect for the victim's dignity and privacy.

The bill also makes some technical improvements to the DNA Fingerprint Act, which Senator CORNYN and I introduced last year and which was enacted into law as an amendment to the reauthorization of the Violence Against Women Act at the beginning of this year. Section 155 of today's bill modifies the authority granted to the Federal Government by the DNA Fingerprint Act to collect DNA samples from Federal arrestees. Under current law, the Federal Government may collect a DNA sample from any person arrested for a Federal offense, but the authority to collect DNA from persons convicted of a Federal offense is limited to felonies and certain misdemeanors. Section 155 corrects this anomaly by including convictions in the Federal sample-collection regulatory authority, thus allowing the Federal Government to collect DNA from all persons convicted of a Federal crime. The 2006 Act also allows DNA to be collected from all arrestees, but in the case of persons detained under Federal authority this authority is limited to non-U.S. persons—i.e., foreign visitors who are neither U.S. citizens nor permanent residents. Problems might arise in the case of U.S. persons who are detained and facing Federal criminal charges, but who were not arrested by Federal authorities. Examples include persons who are being prosecuted federally but were arrested by the State officers participating in a joint Federal-State task force, and persons who turn themselves in to Federal authorities without being formally arrested. Arguably, the 2006 act's arrest authority should extend to such individuals—they are constructively arrested. Section 155 eliminates any ambiguity and possibility of litigation over these matters by expressly granting the Federal Government the authority to collect DNA samples from individuals facing Federal charges.

Finally, I would like to take a moment to recognize all of the staff who worked so hard to see this bill through to completion. Please allow me to thank Ken Valentine and Tom Jipping of Senator HATCH's staff, Dave Turk of Senator BIDEN's staff, Julie Katzman and Noah Bookbinder of Senator LEAHY's staff, Nicole Gustafson of Senator GRASSLEY's staff, as well as Chad Groover, who has since left Senator GRASSLEY's office but who played a critical role in developing many of the penalty enhancements included in title II, Christine Leonard of Senator KENNEDY's staff, Lara Flint of Senator FEINGOLD's staff, Nate Jones of Senator KOHL's staff, Sharon Beth Kristal of Senator DEWINE's staff, Reed O'Connor of Senator CORNYN's staff, Jane Treat of Senator COBURN's staff, Greg Smith of Senator FEINSTEIN's staff, Marianne Upton of Senator DURBIN's staff, Bradley Hayes of Senator SESSIONS's staff, Bradley Schreiber of Mr. FOLEY's staff, and last but not least in this group, Brooke Bacak of my Republican Policy Committee staff.

I would especially like to thank Allen Hicks and Brandi White of Senator FRIST's staff, who were very helpful in securing the inclusion of the Child-Abuse Registry in this bill, Matt Miner of Senator SPECTER's staff, who played a critical role in negotiating the final bill, and Mike Volkov, Sean McLaughlin, and Phil Kiko of Mr. SENSENBRENNER's staff. The bill that we have today would not exist were it not for the professionalism, expertise, and dedication of the SENSENBRENNER staff. Often it is easy in Congress simply to pass any bill dealing with a subject so that we can say that we have addressed the problem. This is not such a bill. This is a strong, tough bill that will make a difference in the safety and security of our Nation's children. It is a bill of which we can all be proud, and Mr. SENSENBRENNER's staff deserves recognition for their contribution to that result.

Mr. LEAHY. Mr. President, back in May 2005, with the leadership of Senator SPECTER, Senator BIDEN, Senator KENNEDY, and others, the Senate Judiciary Committee approved an important child safety bill, S. 1086. The committee worked tirelessly to craft a prudent, bipartisan bill that would assist States in their ongoing efforts to protect children through tighter monitoring of known sex offenders. It was a good bill, and it passed the full Senate in May of this year by unanimous consent.

Now, extensive bipartisan discussions with the House have produced a revised version of the bill, which the Senate is voting on today. The new bill is better in a few ways than the Senate-passed bill that we produced and also, regrettably, takes some steps backward. While this new bill is not the bill I would have written, I intend to support it and expect that it will pass.

As a former prosecutor, and as a father and grandfather, I know that there is no higher duty than to protect our society's children, to take every step possible to prevent them from coming to harm, and to punish those who attempt to or succeed in harming them. We have never debated whether children should be protected. Of course they should. The only debate is about how they should be protected, and how best to deploy and utilize limited resources to deter and punish those who would prey on them.

Over the last 30 years, I have worked closely with others to write and enact legislation aimed specifically at protecting children and assisting victims. In the last Congress, Senator HATCH and I joined to introduce the PROTECT Act, which provided prosecutors and law enforcement with tools necessary to combat child pornography and human trafficking. The final legislation passed by Congress included a number of provisions that I had either authored or supported, such as the National AMBER Alert Network Act; the Protecting Our Children First Act, which reauthorized funding for the National Center for Missing and Exploited Children; and legislation to amend the Violence Against Women Act to provide transitional housing assistance grants for child victims of domestic violence.

In addition, I am pleased that the Senate has acted on other legislation for children and crime victims that I have sponsored. These include the 21st Century Department of Justice Appropriations Authorization Act, which among other things included important grant funds for the Boys and Girls Clubs of America, and established the Violence Against Women Office in the Justice Department. In 2004, the President signed into law the Justice For All Act, a package of criminal justice reforms that, among other things, authorized funds to reduce rape kit backlogs and enumerated crime victims' rights.

I am glad that this new consensus legislation to protect children honors the efforts of John and Revé Walsh, who have worked so hard to ensure that other families would not experience the tragedy that befell their family. It has been my privilege to work for many years with the Walshes and with the National Center for Missing and Exploited Children, in which they have played such an instrumental role, to take many important steps to keep children and families safe. I commend and thank John Walsh once again for his passionate advocacy on behalf of the Nation's children over many, many years.

I am also glad that members of both parties in both bodies ultimately agreed with me and with the distinguished Senate Republican and Democratic leaders that we should prioritize finishing and passing legislation to protect children from sexual predators, without tying this crucial legislation to other more difficult issues. The Senate has passed court security legislation, for which I was a principal cosponsor, as part of S. 2766, and we have been working to settle differences between our legislation and the other body's court security proposals. Court security legislation should pass this year, but it would not have been right to endanger either the court security bills or this crucial child protection legislation by tying them together.

Gang legislation is on a separate track entirely. It is just getting started in the Senate. Passing legislation to protect children from sexual predators has been my first priority. Seeking simultaneously to resolve extensive differences over provisions in the gang bill and other crime legislation could have caused us to miss this chance. It is commendable that, in the end, both bodies chose to focus on passing sex offender legislation and not to jeopardize this by tying this bill to more controversial measures.

The gang bill is just now before the Judiciary Committee, which is the appropriate place to start work on a complex and important piece of criminal justice legislation. It is a new and very different version of this bill. It will be important to hold a hearing on this bill to listen to the Federal, State, and local law enforcement officers who are combating gang violence on a regular basis, and from the organizations that are working to keep kids out of gangs. Gang violence is a disturbing and difficult menace in our communities, and as we craft solutions to help address these issues we should strive to get it right. We have done the right thing by finalizing this important child protection legislation first, before turning to that and other difficult tasks.

When S. 1086 was first introduced in May 2005, serious concerns were raised by members of the Judiciary Committee, State attorneys general, the Department of Justice, and others. Through an impressive, bipartisan effort these concerns were largely addressed. I appreciate that Senators, and now House Members, of both parties took these concerns to heart and revised this bill in ways that will increase the protection of children from the most dangerous sex offenders, while not overwhelming the States with requirements that could hinder their own efforts. I believe that this new bill takes a few unfortunate steps back from the well thought out Senate version, but it still achieves many of the crucial goals we identified. The resulting bill ensures that each State will have an effective sex offender registry and that all States will share registry information—all of which will help keep our children safer.

I am glad that this bill addresses my concerns and that of many others of both parties in the Senate in giving significant discretion to the States in the handling of juvenile offenders. Juvenile justice has always been a province of the States, and State legislatures, prosecutors, and judges have developed significant expertise in distinguishing which juvenile offenders represent a continuing threat to society and which juveniles, with appropriate treatment and monitoring, can turn themselves around and become contributing members of society.

This bill correctly allows the States, in many cases, to use their expertise—and they know more about these issues than we do here in Washington—to decide which juveniles should be on sex offender registries, to what extent, and for how long. It also appropriately requires the States to include the most egregious juvenile offenders, who do represent a threat to others, on their sex offender registries. I think the bill goes too far in a few cases in limiting States' discretion to determine which juveniles should be placed on registries and to allow those juvenile offenders who have lived cleanly and turned their lives around to get off of registries. But overall, this bill strikes an acceptable balance on this issue, and I am glad that those of us who were concerned about appropriate deference to the expertise of the States spoke out and were heard to some extent.

This bill takes a good if small first step toward what should be one of our most important priorities in keeping our children safe from sex offenders: treatment. While the most dangerous sex offenders may be predisposed to reoffend and should be treated accordingly, many studies have shown that people who commit less serious sex offenses often, with appropriate treatment, do not present a significant risk of recidivism and can become responsible members of society. One of the best ways to protect our children is to help as many low-risk offenders as possible turn their lives around, so that our scant law enforcement resources can be focused on those dangerous offenders who are a demonstrable threat to our children. In addition to the Bureau of Prisons Program included in S. 1086, the current bill includes a new program directed specifically to the treatment of juvenile sex offenders, who have been proven to be especially responsive to treatment. This is a welcome addition to the bill, and one we should build on in the future.

I want to direct the attention of my colleagues to title V of the bill, which makes substantial amendments to section 2257 of title 18. By way of background, Congress passed the original version of section 2257 in 1988, as a means to help ensure that minors were not being exploited by the adult, hardcore pornography industry in violation of the child exploitation laws. In 1989, the District Court for the District of Columbia found that this original version violated the first amendment. In 1990, Congress responded to the District Court decision by significantly narrowing the scope of section 2257.

The House bill proposed an expansion of section 2257 beyond what was held unconstitutional before the 1990 amendments, and beyond the pornography industry and those who exploit children. The proposed expansion of section 2257 gave rise to legitimate concerns, expressed by groups as far-ranging as the Chamber of Commerce, the Motion Picture Association of America, the American Hotel and Lodging Association, the American Library Association, and the American Conservative Union, that its recordkeeping and labeling requirements, and associated criminal liability, might now affect an array of mainstream, legitimate, and first-amendment-protected activities and industries. These industries are leaders in protecting children employed in their industries and are far removed from the problem that the legislation purportedly sought to address. Subjecting them to the burdens of a recordkeeping and labeling statute intended for the pornography industry would create substantial burdens of compliance without any added benefit in the wholly legitimate and vital cause of actually safeguarding the security and welfare of children.

Because the focus of these requirements is adult pornography and the protection of children, not mainstream visual depictions and activities that do not threaten children, the new bill includes provisions intended to limit the reach of these requirements to those who are actually exploiting children. Most notably, section 2257A(h) enables law-abiding, legitimate businesses, which create and commercially distribute materials that are not, and do not appear to be, child pornography, to certify to the Attorney General that, pursuant to existing laws, labor agreements, or industry standards, they regularly and in the normal course of business collect the name, date of birth, and address of performers employed by them. This recognizes that such legitimate, law-abiding industries in fact routinely collect the information necessary to demonstrate their compliance with the child protection laws and that for this reason they were never intended to be the focus of this more extensive recordkeeping and labeling statute. Businesses that so certify and thus exhibit their good faith can avoid some of the more onerous requirements, and associated criminal liability, rightfully placed on others whose compliance is more likely to further the interest of protecting children.

By way of illustration, the motion picture industry currently operates under a panoply of laws, both civil and criminal, as well as regulations and labor agreements governing the employment of children in any production. They check work permits, require parents or guardians to be present at all times during production, and in some cases even obtain court approval for the employment of the children in films and television shows. It is fair to say that the film and television industries are a leader among industries in safeguarding the interests of children in the workplace. Yet in the absence of the certification provision in section 2257A(h), these studios would be subjected to the same extensive recordkeeping and labeling requirements as a hard-core pornographer is under this bill, as would a host of other legitimate entities throughout the distribution chain for mainstream motion pictures and television shows.

The focus of the underlying statute should remain on helping apprehend child predators and not on legitimate businesses that have no role in harming children. Under section 2257A(h), motion picture companies that certify to the Department of Justice that they collect the name, date of birth, and address of all the performers employed by them, for purposes of compliance with existing laws, such as filling out an I-9 form or W-4s for tax purposes, or pursuant to labor agreements or their normal business practices, will not be subject to the more burdensome requirements of this statute. Establishing this regime will have the additional benefit of allowing the Department of Justice to focus their limited resources in areas where they should be focused—pursuing those who harm children. This provision has been in effect for 18 years and yet has not been used. It is my hope that the Department of Justice, having obtained the amendments they sought, will begin to enforce the law and focus on those who harm children, and not on those legitimate businesses that do not.

Other exemptions in the bill exclude from the recordkeeping requirements and annual certification regime providers of Internet access, telecommunications, and online search tools, as well as online hosting, storage, and transmission services, so long as the provider does not select or alter the content. It is ironic that the broadest exemptions are granted to the providers of various types of Internet and telecommunications services, even though the advent of the Internet is cited in the original version of this bill as greatly increasing the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. Notwithstanding these exemptions, nothing in this bill can or should be construed to impair the enforcement of any other Federal criminal statute or to limit or expand any law pertaining to intellectual property against these entities.

Regrettably, the core, bipartisan bill to strengthen State sex offender registration programs was joined in both the House and the Senate to unrelated provisions aimed at creating additional mandatory minimum sentences. I agree with the U.S. Judicial Conference and the vast majority of Federal judges and practitioners that harsh, inflexible mandatory sentencing laws are a recipe for injustice. In its letter dated March 7, 2006, regarding the House bill, the Judicial Conference, headed by Chief Justice John Roberts, wrote that mandatory minimum sentences undermine the sentencing guideline regime Congress established under the Sentencing Reform Act of 1984 by preventing the systemic development of guidelines that reduce unwarranted disparity and provide proportionality and fairness in punishment.

Mandatory sentences also tie prosecutors' hands in these cases where it is most important that they have the discretion to plea bargain, especially considering how difficult it can be to prepare children emotionally and psychologically to testify against their abusers.

When addressing this issue in committee last year, Senators from both sides of the aisle agreed to limit the imposition of new mandatory minimum sentences to the most serious and violent crimes against children, rather than to myriad lesser crimes as was originally proposed. The new bill backslides from this agreement to an unfortunate extent. If we are going to establish mandatory minimum sentences, we should at least proceed in a thoughtful and coherent way, with some understanding of the range of offense conduct that may be covered and the sorts of sentences that are being imposed under current law. Instead, we simply pluck ever-higher numbers out of thin air. Congress greatly increased the penalties for most sex offenses just 3 years ago, in the PROTECT Act. Nothing has changed since then to warrant this new round of arbitrary sentence inflation.

Another controversial measure included in the House-passed bill was a proposal to strip Federal courts of jurisdiction to review constitutional errors in sentencing that a State court has deemed harmless. The Senate Judiciary Committee reviewed this jurisdiction-stripping provision last year, during its consideration of the so-called Streamlined Procedures Act, S. 1088. That bill—and this provision in particular—was strongly opposed by a broad coalition of organizations, including the United States Judicial Conference. Following hearings, the committee specifically rejected this provision by adopting a substitute amendment that stripped it out in its entirety; the substitute then died in committee without further action. To include such an extraneous and deeply flawed provision in the current bill would have been wrong, and it is a credit to this bill that it has been removed.

Another area of concern is a provision that was also included in the Senate's comprehensive immigration bill. The provision prohibits the approval of a visa application for the relative of a U.S. citizen or legal resident based on the citizen or resident's conviction for any of the sex offenses enumerated in the bill. This provision casts a wide net, and in many cases will harshly and unnecessarily penalize people seeking entry to the United States who have a family member in the country, but where the citizen or resident poses no threat to the individual seeking entry.

The bill gives the Secretary of DHS discretion to assess these applications on a case-by-case basis and waive the denial, and I hope this will turn out to be more than just an empty gesture. Given that this bill greatly expands the crimes sufficient to deny an application, I urge the Secretary to give thoughtful consideration to each case in which a waiver is sought. In a case of a citizen who is on the path to rehabilitation or whose crime was relatively minor, denial of a family member's support would serve no rational purpose and would undermine the goals of family unity. I hope the Secretary will actively use this waiver authority to limit the broad reach of this provision to those cases where a citizen or legal resident genuinely poses a threat to a family member seeking entry.

This legislation requires the Secretary of Health and Human Services to create a national registry of substantiated cases of child abuse and neglect which would, when fully implemented over time, serve the purpose of enabling child protective service agencies to identify an adult's past child maltreatment history in other States, without having to check every individual State child protective service central registry. Improving the ability of child protective service agencies to collect information on prior cases of child maltreatment by a named adult is a worthy objective. However, to rush into the creation of such a national registry, without deliberate consideration and evaluation first of the wide variation in how State child abuse and neglect data on substantiated cases identifies the perpetrator of the abuse or neglect and the specifics of their maltreatment—what the bill calls the nature of the substantiated case—would be reckless.

For that reason, the legislation also mandates the HHS Secretary to conduct a study on the feasibility of establishing data collection standards for a national child abuse and neglect registry. Clearly, such a study should be completed before the Federal Government begins to implement the creation of such a registry and to collect registry information from the States. We need to know what we are working with before we create a system which might give the public a false sense of security or violate the due process rights of children and families alike. Caution is advised in moving forward on this matter in order to develop an information system which is both fair and reliable.

The legislation also requires the HHS Secretary to establish standards for how, and to whom, this national registry information will be disseminated. In view of the sensitivity of this registry, which is to include information historically maintained only at the state or local child protective service agency level, I urge the Secretary, in consideration of these standards and before collecting any national registry data, to be cognizant of past congressional concerns related to the protection of legal rights of families, as reflected in 42 U.S.C. 5106(b)(2)(A)(xix), and for a fair appellate process for individuals who disagree with a substantiated finding of abuse or neglect, as reflected in 42 U.S.C. 5106(b)(2)(A)(xv)(2). Both of these are provisions of the Child Abuse Prevention and Treatment Act.

Significantly, the legislation does not provide any new financial or technical assistance to States to improve or standardize their child protective services substantiated case recordkeeping systems, or to support States in the added burden of preparing for, and transferring data to, a new national registry. Not all States maintain the same registry information. Some States do not record registry entries by name of perpetrator but rather by name of child; some States no longer maintain registries at all. Most tribes, which are included in the legislation, maintain no registries at all. Without this important additional technical and financial assistance to the States, the quality of the information collected would likely be uneven and at times unreliable. This is a serious deficiency in the legislative mandate for the creation of a national registry of child abuse and neglect cases, one that I hope will be corrected through a targeted appropriation that focuses on helping State child protective service agencies upgrade their central registries or comparable systems of case-specific data.

I am pleased that the bill includes my proposal to authorize grants to Big Brothers and Big Sisters of America and the National Crime Prevention Council. Big Brothers and Big Sisters provides valuable mentoring services to young people across the country, and supporting their mission is a valuable investment that will reap measurable rewards. The National Crime Prevention Council helps communities across the country understand and address the causes of crime. Grants to this organization help communities become active in crime prevention at the grassroots level, and encouraging their continued efforts is something we should all strongly support.

I am also pleased that the sponsors of this bill agreed to incorporate S. 2155, popularly known as Masha's Law. This legislation, named after a Russian orphan who was sexually exploited by her adoptive father, will increase the civil statutory damages available to victims of child exploitation. It will also ensure that victims of child pornography whose images remain in circulation after they have turned 18 can still recover when those images are downloaded.

I am also pleased that the bill includes authorization of $12 million for grants to the Rape, Abuse & Incest National Network, known as RAINN, for operation of its National Sexual Assault Hotline and for the other important work RAINN does to assist victims of sexual assault and to help prevent and prosecute sexual assault. I want to congratulate RAINN for recently logging the one-millionth call to its 24-hour telephone hotline. RAINN, in helping a million crime victims, has not only made their lives better, but has also contributed greatly to the decrease in sexual violence in this country. I am honored that RAINN's founder and president, Scott Berkowitz, thanked me in connection with this important milestone for having supported the establishment of the National Sexual Assault Hotline.

Finally, I want to thank the Vermont Attorney General's Office and other concerned Vermont officials for prompt and constructive comments on multiple drafts of this legislation. Vermonters have worked hard to produce and improve our State's sex offender registry program in ongoing efforts to make it useful to law enforcement agencies and the general public in providing information regarding individuals who have proved a demonstrable threat to the public. In light of the mobility inherent in American society, cooperation and coordination among the various States improves the effectiveness of each State's registry, and the Federal assistance this bill provides will enhance that cooperation and coordination.

Mr. SPECTER. Mr. President, I will seek recognition in a moment, but for the time being, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I support the pending legislation to pass the Adam Walsh Child Protection and Safety Act of 2006. This legislation is named for Adam Walsh, a child who was abducted and murdered. Adam's father, John Walsh, has diligently pursued efforts to save other children from the fate which befell Adam by working to enact Federal legislation which will establish a national registry for sex offenders.

The National Center for Missing and Exploited Children estimates that there are at least 100,000 sex offenders who are not accounted for by law enforcement. John Walsh estimates the figure to be higher, approximating 150,000.

Statistics show that sex offenders prey most often on juveniles; that two-thirds of the sex offenders currently in State prisons are there because they have victimized a child. Compared with other criminals, sex offenders are four times more likely to be rearrested for a sex crime. It is estimated that some 500,000 children are sexually abused each year. According to Department of Justice statistics, child molesters have been known to re-offend as late as 20 years after their release from prisons.

There are currently State laws which require registration of sex offenders, but unfortunately they have proved to be relatively ineffective, which requires the Federal Government to act on the national level.

I first met John Walsh after the disappearance of his son, Adam, some 25 years ago, when I was chairman of the Subcommittee on Juvenile Justice, a subcommittee of the Senate Judiciary Committee. At that time, in conjunction with Senator Paula Hawkins of Florida, we took the lead in establishing the Missing Children's Act of 1982, which has been very successful in locating children, where, in a variety of ways—on billboards, on milk cartons, on posters—missing children were identified and publicized. Many missing children were recovered.

In the intervening 25 years, John Walsh has undertaken a national crusade. He has been instrumental in advocating and persuading both the House and the Senate to move ahead with this legislation. He has had very strong support from the leadership of Senator HATCH, the former chairman of the Judiciary Committee. Senator HATCH has promoted this legislation, has initiated meetings, organized a meeting with John Walsh in the last several days in the Office of the majority leader where we organized plans to get this bill enacted so that it will be ready for signing by the President on July 27th, which is the anniversary of the abduction of Adam Walsh.

It has been a prodigious job to get this bill cleared on both sides, not having anything added on to it, and many efforts were made so that it would be enacted in time to mark the anniversary of the abduction of Adam Walsh. For that timetable, Senator HATCH deserves a great deal of credit.

As is well known, Senator HATCH chaired the Senate Judiciary Committee for many years. His leadership is still a very key factor, especially on this legislation.

I compliment my colleague, Senator RICK SANTORUM, as well as Senator KYL, Senator DEWINE, Senator TALENT, and others, for their support in producing this bill, which will protect children with the assistance of some 200 new Federal prosecutors, 45 new computer forensic experts to prevent child pornography, 20 new Internet Crimes Against Children Task Forces, and the Department of Justice's Project Safe Childhood Program and new SMART Office, which are both dedicated to protecting children from sex offenders.

A special note of commendation is due to Senator SANTORUM for his work on two important components of the bill: First, on Project Safe Childhood and second, on the Safe Schools Act. These provisions and others will help stop sex offenders such as Brian McCutchen, who was sentenced last year to 35 to 70 years in a Pennsylvania prison for attempting to murder and rape an 8-year-old Philadelphia girl in a public restroom. He was a repeat offender. He had been convicted of assaulting a 9-year-old girl in a similar public restroom attack in Manayunk, PA, in 2001. Had the provisions of the law been in place 2 years ago, the second crime might not have happened because the community would have been on notice of McCutchen's first attack on a little girl.

I know from my work as district attorney of Philadelphia the impact of sex crimes on children. To be a victim of a crime is a horrible experience for anyone, but to be a child and the victim of a sex crime leaves an indelible imprint—hard to shake, hard to forget, traumatic, and of gigantic importance in the balance of that child's life.

We are taking a very important step forward. I thank and commend John Walsh for his leadership and again thank and commend Senator HATCH for his leadership in the Senate on this important issue. I thank Chairman SENSENBRENNER, the chairman of the House Judiciary Committee, for his cooperation and coordination, and also to the staffs.

I will single out especially Michael O'Neill, who is chief counsel and staff director for the Senate Judiciary Committee.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as far as I know, other than the few remarks I will make right now, I think Senator FRIST is the only speaker remaining on our sex offender bill.

I would feel bad if I did not mention a number of the staff people who have helped us on this bill. My own staffer, Ken Valentine, who is a Secret Service agent, has been serving as a detailee in my office and has really carried the mail on this like few members of the Senate staff I have ever known.

Tom Jipping, on my staff; Dave Turk, on Senator BIDEN's staff, had a great deal to do with this, as well. Bradley Schreiber, with Mr. FOLEY's staff; Mike O'Neill, of Senator SPECTER's staff; Mike Miners, Senator SPECTER's chief counsel, crime counsel; Todd Braunstein, with Senator SPECTER; Matt McPhillips, with Senator SPECTER; Julie Katzman, with Senator LEAHY; Bruce Cohen, Senator LEAHY's chief of staff on the Judiciary Committee; Noah Bookbinder, with Senator LEAHY; Christine Leonard, with Senator KENNEDY. Senator KENNEDY has played a significant role here. He was willing to withdraw the hate crimes bill so that this bill would pass readily through both bodies. I am very grateful to him.

Reed O'Connor of Senator CORNYN's staff; Nicole Gustafson of Senator GRASSLEY's staff; Sharon Beth Kristal, Senator DEWINE's staff; Gabriel Adler, of Senator DORGAN's staff; Joe Matal, from Senator KYL's staff; Avery Mann, from America's Most Wanted, who played a significant role here; Bradley Hayes, from Senator SESSIONS' staff; Lara Flint, from Senator FEINGOLD's staff; Cindy Hayden, from Senator SESSIONS' staff; Allen Hicks, of course, from Senator FRIST's staff; and Brandi White, from Senator FRIST's staff.

Of course, I would like to mention Michelle Laxalt, who took a great personal interest in this bill and from the outside helped us a great deal. We want to thank the National Center for Missing and Exploited Children, especially Ernie Allen, John Libonati, Robbie Callaway, and Carolyn Atwell-Davis, who has carried so many balls for us here, and Manus Cooney, who used to be chief of staff under me on the Judiciary Committee.

And then I would like to pay respect to just some of the victims who really helped with this bill: Elizabeth and Ed and Lois Smart; Linda Walker, the mother of Dru Sjodin; Mark Lunsford; Erin Runnion; Marc Klass; Polly Franks, Patty Wetterling; and last but not least—really, really, we can never thank them enough, John and Reve Walsh.

So with that, Mr. President, I yield the floor.

Mr. REID. Mr. President, the Senate is about to take an important step to improve the safety of our Nation's children. Very shortly, we will pass the Adam Walsh Child Protection and Safety Act, also known as the Sex Offender Registration and Notification Act. I am proud to be a cosponsor of this significant legislation.

The Senate passed an earlier version of this bill by unanimous consent on May 4, nearly 2 months ago. Since then, Senators SPECTER and LEAHY have conducted bipartisan negotiations with the House, which had passed a different version.

Today, I am pleased to say that negotiations have resulted in a strong bill that will soon pass both Chambers and become law. I appreciate the willingness of all Members to put aside unrelated controversial issues so that we could focus on the core purpose of this bill—protecting children.

Next Thursday, the 27th of July, is the 25th anniversary of the abduction and murder of 6-year-old Adam Walsh. Since then, the work of Adam's father, John Walsh, demonstrates that a single person can make a difference in our country and our world.

Following the tragic event involving their son, John and Reve Walsh founded the National Center for Missing and Exploited Children. John Walsh's TV program, "America's Most Wanted," has led to the apprehension of thousands of criminals. And now John Walsh has been the driving force behind this bill.

The legislation establishes a national sex offender registry which will make it easier for local law enforcement to track sex offenders and prevent repeat offenses. The bill also authorizes much needed grants to help local law enforcement agencies establish and integrate sex offender registry systems.

My home State of Nevada has been a leader in this movement. Our State recently made changes to improve the accuracy and reliability of the Nevada registry requirements. This Federal bill will strengthen those efforts.

Donna Coleman, past president of the Children's Advocacy Alliance based in Henderson, NV, was instrumental in getting our State laws changed. She is another example of how one person can make a difference, and I applaud her work.

Not all States have been as vigilant as Nevada, and that is a problem when sex offenders cross State lines. The bill before us will establish uniform rules for the information sex offenders are required to report and when they are required to report it. It will also give law enforcement agencies the tools they need to enforce these requirements.

A number of Senators have been leaders in this legislative effort. In addition to Chairman SPECTER and Ranking Member LEAHY, I appreciate the hard work of Senators BIDEN, DORGAN, HATCH, KENNEDY, and others. I thank the majority leader for making this bill a priority. I hope the House will follow suit and send this bill to the President for his signature without delay.

The PRESIDING OFFICER (Mr. ALLEN). The majority leader is recognized.

Mr. FRIST. Mr. President, 25 years ago this month, Reve Walsh took her 6-year-old son Adam shopping with her. They were looking for lamps at a local department store—a short mile from their home—when Adam was abducted. Sixteen days later, Adam's body was positively identified. To date, no one has been indicted for this horrific crime.

As parents, John and Reve Walsh's worst nightmare had become a reality. As a father of three sons, I cannot imagine what pain this caused the Walsh family.

Through their tears and grief, John and Reve Walsh transformed the tragedy of Adam's death into a lifelong commitment—a commitment to protect children from abduction, abuse, and exploitation.

John and Reve have been on the forefront of most major child protection legislation passed by this Congress over the last 25 years: the Missing Children's Act of 1982; the Missing Children's Assistance Act of 1984, which founded the fantastic National Center for Missing and Exploited Children; the Protect Act of 2003, which established a nationwide Amber Alert network to coordinate rapid emergency responses to missing child alerts—and, most recently, the Adam Walsh Child Protection and Safety Act of 2006, which is before us today.

This important legislation establishes a national sex offender registry, publicly available and searchable by ZIP Code; creates a national abuse registry; toughens penalties for crimes against children; and cracks down on the growing crisis of Internet predators and child pornography.

John's and Reve's tireless dedication is an inspiration to parents of child victims and millions of American families. I am proud to have worked with John and the National Center for Missing and Exploited Children on this legislation. I am confident that the legislation will save the lives of thousands of children.

I thank John Walsh, Ernie Allen, president of the National Center, and Carolyn Atwell-Davis, along with the rest of the dedicated staff at the National Center, for the truly amazing work they do, on a daily basis, to protect our Nation's children.

In March, John came by my office to talk about the importance of a national sex offender registry. He told me that this was the most important piece of legislation he had seen in over two decades of advocating for children's issues.

I promised John then that I would make passing this critical piece of legislation a priority. And I am proud to tell John—to tell our Nation's children, parents, and law enforcement—that the U.S. Senate has not only heard your concerns, but we are acting tonight to address them.

The Adam Walsh bill—so named to honor the upcoming 25th anniversary of his death and the memory of other child victims and their families—has many components designed to protect our Nation's children.

First, the bill establishes a national sex offender registry. Currently, there are more than 550,000 registered sex offenders in the United States, and at least 100,000 of them are missing.

Loopholes in the current system allow some sexual predators to evade law enforcement, placing our children at risk. While many States, including my own home State of Tennessee, have registries, this information is not always shared with other States. By creating a national registry, we are closing the loopholes that allow offenders to slip through the cracks. And we are encouraging law enforcement at all levels—local, State, and Federal—to collaborate and to share information.

The registry will make it easier for law enforcement to act on a tip, to identify and intercept offenders before they can strike again, before they can repeat their crimes and victimize more children.

The national registry will be publicly accessible via the Internet and searchable by ZIP Code. This empowers parents. It gives them the tools they need to learn whether a neighbor down the street has a history of sexual violence so they can protect their children from harm.

Further, the bill increases the penalty for failure to register from a misdemeanor to a felony. It enhances registration requirements, by mandating that offenders register more often and in person, rather than by mail.

By strengthening these requirements, we are sending a message loudly and clearly to sex offenders: If you don't register, we will find you, and you will go to jail.

The bill also toughens penalties for violent crimes against children, including sex trafficking of children, coercion or enticement of child prostitution, and sexual abuse.

Another aspect of this bill is the creation of a child abuse registry. I want to thank Senators KYL and ENZI for their hard work in helping to get this provision included in the bill.

This legislation was recommended by Childhelp, a children's advocacy organization with whom my wife Karyn and many of our Senate spouses are proud to be associated.

Every day, four children die as a result of child abuse, and every day Childhelp is on the frontlines working to prevent child abuse and treat victims of such abuse. They explained to me that while many States have child abuse registries, this information is not shared with other States.

This is especially problematic with child abusers. They often relocate when questions are raised by a teacher, a neighbor, or a doctor about whether a child is being abused.

By creating a national child abuse registry, we will tear down the information barrier and enable Child Protective Services professionals in different States to share information critical to child abuse investigations.

The final component of this bill addresses the sexual exploitation of children over the Internet—and the growing crisis of child pornography, an estimated $20 billion a year industry.

The Internet has become the anonymous gateway for child predators to make contact with children, to win their confidence, and to victimize them.

Current data show that of the 24 million child Internet users, 1 in 5 has received unwanted sexual solicitations online—1 in 5. And as a recent "Dateline NBC" series called "To Catch A Predator" vividly demonstrated, many of these cyber-stalkers are more than eager to trap their young online victims in a real-world nightmare.

The bill provides additional resources to combat this growing problem by adding 200 new Federal prosecutors to prosecute crimes involving the sexual exploitation of minors; by creating 10 new Internet Crimes Against Children Task Forces, which bring local, State, and Federal law enforcement together to collaborate in solving these crimes; by adding 45 new forensics examiners to accelerate processing of online evidence of child exploitation; and by providing grants for programs to educate children and parents on Internet safety.

We must continue to do more to protect our children. American families should not have to live in fear of child predators lurking in the shadows of our neighborhoods or enticing our children online.

I want to thank my colleagues on both sides of the aisle for their efforts, for giving life to this critical piece of legislation. This is clearly a bipartisan, bicameral bill that has overwhelming support. I am pleased we were able to unite, Democrats and Republicans, in this body and, indeed, House with Senate.

In the Senate, I especially want to recognize my colleague, Senator HATCH, for his tireless efforts on this bill—the champion, the leader, the one with the bold vision, without whom simply this would not have happened.

I want to thank Chairman SPECTER and Senators SANTORUM, KYL, and DEWINE, for all their hard work on bringing this legislation to fruition.

Also, I want to thank Speaker HASTERT and Majority Leader BOEHNER and Chairman SENSENBRENNER and Congressman FOLEY for their commitment to this issue.

I urge my colleagues to join me in voting for this Adam Walsh bill, and look forward to a future that is safer for our children.

Mr. President, I do not believe there are any further speakers on the bill; therefore, I yield back all time and ask unanimous consent that the Senate now proceed to third reading and a vote on H.R. 4472, with all of the provisions of the agreement remaining in place. I ask unanimous consent, after passage, that the title amendment be read and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendment and third reading of the bill

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 4472), as amended, was passed.

Mr. HATCH. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will please read the amendment to the title.

The assistant legislative clerk read as follows:

> Amend the title to read as follows: "To protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims."

The PRESIDING OFFICER. Without objection, the amendment to the title is agreed to.

The amendment (No. 4687) was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD CUSTODY PROTECTION ACT

Mr. ENSIGN. Mr. President, I rise to speak today about the Child Custody Protection Act. A bill the Senate will debate shortly. I believe, as a father of three children, including one daughter, it is a very important piece of legislation.

Good people can disagree on issues even of profound moral consequence. Most Americans, even those who consider themselves pro-choice, believe there should be at least some restrictions on abortion.

I believe this is one of those situations where we should be able to come together and find some common ground. The Child Custody Protection Act simply states that if an adult willfully takes a minor child across State lines to get an abortion, for the purpose of avoiding a State's parental consent or notification law that would be a Federal crime for that adult.

Judicial bypass is an integral part of all effective parental consent laws. So for those concerned about the cases of parental rape or incest and what a child does in that case?—there is a judicial review, a judicial bypass available. The Child Custody Protection Act would only apply in those States parental consent or notification laws in place.

This is an important piece of legislation, especially for parents as many of these cases involve a 20-something-year-old male who has impregnated a young teenager, often a 13, 14, 15-year-old girl, which has ended in a secret abortion.

Now because your little girl had become pregnant and this 20-something-year-old realized that is a crime of statutory rape, they want to dispose of the evidence. So they decide to talk your little girl into going across State lines for an abortion because your State law requires parental notification or parental consent for such a procedure. They go to the State next door, take care of the abortion, and you, the parent, know nothing about it. How would you feel as a parent in a situation such as that?

Even further, abortion is a surgical procedure. Our kids are not even allowed to get an aspirin in school without parental consent. They are not allowed to take a field trip without parental consent. They are not allowed to take sex education classes without parental consent. Yet, remarkably, it is not against the law evade parental consent or notice requirements to take a child across State lines to get a surgical procedure, a surgical abortion.

It is time for legislation such as the Child Custody Protection Act. I realize that emotions run high on both sides of the abortion issue. They run deeply and have divided our country for some time. We need to look for a place of common ground. A place where reasonable people should be able to come together and agree to at least have this one restriction on abortion, agree that parents should be involved in the decisions, especially the medical decisions, involving their children. The Child Custody Protection Act does just that. This is legislation where we preserve parent rights, we preserve State rights, and we do something that approximately 80 percent of the American people support.

As we debate this bill over the next several days, I hope people will take an honest look at the intent of this legislation. I hope people will not automatically, because the word "abortion" is contained in this legislation, say: I can't vote for such a measure because it contains abortion language. I hope people will say: Let's find the common ground. Let's look for things that are reasonable and come together on an issue that should be agreed on to protect our children, our daughters.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF NEIL M. GORSUCH TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

NOMINATION OF BOBBY E. SHEPHERD TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

NOMINATION OF DANIEL PORTER JORDAN III TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

NOMINATION OF GUSTAVO ANTONIO GELPI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Neil M. Gorsuch, of Colorado, to be United States Circuit Judge for the Tenth Circuit; Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit; Daniel Porter Jordan III, of Mississippi, to be United States District Judge for the Southern District of Mississippi; and Gustavo Antonio Gelpi, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. In my capacity as chairman of the Judiciary Committee, I seek recognition to speak briefly on four judicial nominees currently before the Senate.

I begin with the nomination of Neil M. Gorsuch to be a judge for the U.S. Court of Appeals for the 10th Circuit. Mr. Gorsuch has an excellent academic background with a bachelor's with honors from Columbia University, 1988, a law degree with honors from Harvard Law School in 1991, a Doctorate of Philosophy from Oxford University in 2004.

He clerked for Judge David Sentelle of the Court of Appeals for the District of Columbia. He was a law clerk for Supreme Court Justice Byron White and Supreme Court Justice Anthony Kennedy.

He was a partner in the distinguished law firm of Kellogg, Huber, Hansen, and principal deputy to the Associate Attorney General for the Department of Justice from 2005 to the present.

I also support the nomination of Bobby Ed Shepherd to be a judge for the U.S. Court of Appeals for the Eighth Circuit.

He is a candidate with an excellent academic record. He earned his bachelor's degree, magna cum laude, in 1973 from Ouachita Baptist University, and law degree with high honors from the University of Arkansas in 1976. He had a varied legal practice as a solo practitioner and as a partner with various law firms, most recently Landers & Shepherd. In 1991, Judge Shepherd was elected a circuit-chancery judge for the 13th judicial district for the State of Arkansas. Since 1993 he has served as a United States Magistrate Judge for the United States District Court for the Western District of Arkansas.

Judge Shepherd, like Mr. Gorsuch, has come to this position with unanimous approval. We expect their confirmation on a voice vote later today.

I also support the nomination of Daniel Porter Jordan III to be a judge for the United States District Court for the Southern District of Mississippi.

He received a bachelor's degree from the University of Mississippi in 1987 and a law degree from the University of Virginia Law School in 1993. He was a legislative assistant to Senator TRENT LOTT. He was an associate of the law firm of Butler, Snow from 1993 to 1999 and has been an equity member, equivalent of partner, since 2000.

Again, Mr. Jordan has, I believe, unanimous support. We expect him to be confirmed later this evening on a voice vote.

I also support the nomination of Gustavo Antonio Gelpi to be U.S. District Judge for the District of Puerto Rico. Mr. Gelpi has a bachelor's degree from Brandeis University and a law degree from Suffolk University Law School. He was a law clerk to Federal Judge Juan Perez-Gimenez and later served in the Office of the Federal Public Defender, before joining the Puerto Rican Department of Justice. At that Department he served as an assistant to the Attorney General of Puerto Rico before becoming Deputy Attorney General for the Puerto Rican Office of Legal Counsel.

I ask unanimous consent the complete resumes of these distinguished nominees be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEIL M. GORSUCH

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Birth: Aug. 29, 1967, Denver, Colorado

Legal Residence: Virginia

Education: B.A. with honors, Columbia University, 1988; J.D. with honors, Harvard Law School, 1991; D. Phil., Oxford University, 2004.

Employment: Law clerk, Judge David B. Sentelle, United States Court of Appeals for the D.C. Circuit, 1991–1992; Law clerk, U.S. Supreme Court justices Byron White and Anthony Kennedy, 1993–1994; Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC, 1995–2005 (partner 1998–2005; associate 1995–1997); Principal Deputy to the Associate Attorney General, United States Department of Justice, 2005–present.

Selected Activities: American Bar Association, c. 2002–present; American Trial Lawyers Association, c. 2002–present; Phi Beta Kappa; Republican National Lawyers Association; Member of the New York, Colorado, and District of Columbia bars.

Neil M. Gorsuch was nominated by President Bush to be a Judge on the U.S. Court of Appeals for the Tenth Circuit on May 10, 2006. A hearing was held on his nomination on June 21, 2006. He was reported out of the Committee on July 13, 2006 by a voice vote.

Mr. Gorsuch received his B.A. from Columbia University in 1988, where he graduated with honors. In 1991, he received his J.D. from Harvard Law School, again graduating with honors. In 2004, he received a doctorate in legal philosophy from Oxford University.

Mr. Gorsuch has had a brilliant career as a lawyer and scholar.

Following law school he served as a law clerk to Judge David B. Sentelle of the U.S. Court of Appeals for the D.C. Circuit.

He then had the rare distinction of clerking for two Supreme Court justices. Between 1993 and 1994, he served as a law clerk to Justices Byron White and Anthony Kennedy. Mr. Gorsuch's work with Justice White occurred just after the justice retired from the Supreme Court, so he assisted the former justice with his work on the Tenth Circuit, where he sat by designation.

In 1995, Mr. Gorsuch joined the law firm of Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC, where he served as an associate until 1997 and as partner from 1998 to 2005. At Kellogg, he handled a wide range of commercial matters, including contracts, antitrust, RICO, and securities fraud.

Since June 2005, Mr. Gorsuch has served as Principal Deputy to the Associate Attorney General, Robert McCallum. The Associate Attorney General, of course, is the third ranking officer in the Department of Justice. As his Principal Deputy, Mr. Gorsuch assists in managing the Department's civil litigation components which include the Antitrust, Civil, Civil Rights, Environment, and Tax Divisions.

Mr. Gorsuch has received a unanimous "Well Qualified" rating from the American Bar Association.

BOBBY ED SHEPHERD

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Birth: November 18, 1951, Arkadelphia, Arkansas.

Legal Residence: Arkansas.

Education: B.A., magna cum laude, 1973, Ouachita Baptist University; J.D., with high honors, 1975, University of Arkansas School of Law.

Employment: Associate, Spencer, Spencer & Shepherd, P.A., 1981–1984; Attorney, solo practice, 1984–1987; Partner, Landers & Shepherd, 1987–1990; Circuit-Chancery Judge, 13th Judicial District, State of Arkansas, 1991–1993; U.S. Magistrate Judge, U.S. District Court for the Western District of Arkansas, 1993–present.

Selected Activities: Director, Boys and Girls Club of El Dorado, 1985–present; Member, Arkansas Bar Association; Member, House of Delegates, 1985–1986; Member, Executive Council, 1985–1988; U.S. Army Reserve, 1973–1981—honorably discharged as First Lieutenant.

President Bush nominated Magistrate Judge Bobby E. Shepherd to be a Judge on the U.S. Court of Appeals for the Eight Circuit on May 18, 2006. He received a hearing on June 28. He was reported out of Committee on July 13, 2006 by a voice vote.

Judge Shepherd has a long and distinguished legal career in Western Arkansas during which he has handled a wide range of legal issues, both civil and criminal, as a judge and as an advocate.

Judge Shepherd received his B.A., cum laude, from Ouachita Baptist University in 1973 and his J.D., with high honors, from University of Arkansas School of Law in 1976.

Upon graduating from law school, he embarked on a career as a private attorney in western Arkansas. Practicing as either a solo practitioner or in small partnerships, Judge Shepherd was a true general practitioner. He handled personal injury cases, collections, domestic relations, probate, criminal defense, banking, real estate and other matters. During this period of his career he tried over 150 cases to verdict.

In 1991, Judge Shepherd was elected as a Circuit-Chancery Court Judge in Arkansas's 13th Judicial District. In that capacity he presided in over 30 major felony jury trials including capital murder cases.

Since 1993, Judge Shepherd has served as a United States Magistrate Judge in the Western District of Arkansas.

The American Bar Association has unanimously rate Judge Shepherd "Well Qualified" to serve on the Eighth Circuit.

DANIEL PORTER JORDAN III

DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

Education: B.B.A., 1987, University of Mississippi; J.D., 1993, University of Virginia Law School.

Employment: Legislative Assistant, Office of Senator Trent Lott, 1989–1990; Associate, Butler, Snow, O'Mara, Stevens, & Cannada, 1993–1999; Equity Member, Butler, Snow, O'Mara, Stevens, & Cannada, 2000-present.

Selected Activities: Member, Mississippi Bar Association—Secretary/Treasurer, Litigation Section, 2005-present; Member, Board of Directors, 2002-present; Member, Nominating Committee, 7th Circuit Court District, 1999—Member, American Bar Association, Tort Trial & Insurance Practice Section; Member, International Association of Defense Counsel; Coordinator, Mississippi Volunteer Lawyer Project; Stewpot Legal

Clinic, 2005-present; Special Counsel, City of Jackson; Chairman, Madison County Republican Party, 2001–2004.

Daniel Porter Jordan III, was nominated by President Bush to be a Judge on the U.S. District Court for the Southern District of Mississippi on April 24, 2006. His hearing was on June 15, 2006 and he was voted out of the Judiciary Committee on July 13, 2006.

Mr. Jordan received his B.B.A. from the University of Mississippi in 1987, and his J.D. from the University of Virginia School of Law in 1993.

Mr. Jordan has had a distinguished legal career and will bring significant legal experience to the Federal bench. Prior to attending law school, Mr. Jordan was a Legislative assistant for Senator Trent Lott. Following law school, Mr. Jordan joined Butler, Snow, O'Mara, Stevens & Cannada as an Associate. Since 2000, Mr. Jordan has been an Equity Member of the firm, focusing on products liability litigation. More recently, he has gained significant experience mediating cases.

Mr. Jordan has been very involved with the Mississippi Bar Association, including serving as a member of the Board of Directors and both Secretary and Treasurer of the Litigation Section.

Mr. Jordan has been active in pro bono activities and was awarded the Hinds County Bar Association Pro Bono Award in 2005.

Mr. Jordan received a "qualified" rating by the American Bar Association.

GUSTAVO ANTONIO GELPI

U.S. DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

Birth: 1965, San Juan, Puerto Rico.

Legal Residence: Puerto Rico.

Education:

1983–1987, Brandeis University, B.A. degree.

1988–1991, Suffolk University Law School, J.D. degree.

Bar Admittance: 1992, Puerto Rico.

Experience: 1991–1993, United States District Court, District of Puerto Rico, Law Clerk to the Hon. Juan M. Perez-Gimenez.

1993–1997, Office of Federal Public Defender, Assistant Federal Public Defender.

1997–1999, Puerto Rico Department of Justice, Assistant to the Attorney General (1997). Deputy Attorney General for the Office of Legal Counsel (1997–1999).

1999–2000, Commonwealth of Puerto Rico Solicitor General.

2001, McConnell Valdés, Special Litigation Counsel.

2001–present, United States District Court, District of Puerto Rico, United States Magistrate Judge.

Judge Gelpi was nominated by President Bush to be a Judge on the U.S. District Court for the District of Puerto Rico on April 24, 2006. He received a hearing on June 15. He was reported out of Committee on July 13, 2006 by a voice vote.

Judge Gelpi graduated from Brandeis University in 1987, and received his J.D. from the Suffolk University Law School in 1991.

He began his legal career clerking for the Honorable Juan M. Perez-Gimenez on the U.S. District Court for the District of Puerto Rico.

Following his clerkship, Judge Gelpi joined the Office of the Federal Public Defender for the District of Puerto Rico as an Assistant Federal Public Defender. In that capacity he provided legal assistance to indigent defendants in criminal cases. During his time in the Public Defender's Office, he served as Special Counsel to the U.S. Sentencing Commission where he worked on revisions to the Sentencing Guidelines.

In 1997, Judge Gelpi joined the Puerto Rico Department of Justice as Assistant to the Attorney General, later that year he joined the Department's Office of Legal Counsel.

In 1999, Judge Gelpi began serving as Puerto Rico's Solicitor General.

Following a year as Solicitor General, Judge Gelpi entered private practice with San Juan firm McConnell Valdés where he worked on commercial litigation.

In 2001, Judge Gelpi was appointed to serve as U.S. Magistrate Judge for the District of Puerto Rico. In that capacity, his recommendations have consistently been adopted by the District Court.

The American Bar Association unanimously rated Judge Gelpi "Qualified."

Mr. LEAHY. Today the Senate will confirm four more lifetime appointments to our Federal courts, including two more nominees to important Federal circuit courts. Judge Bobby E. Shepherd, who has been nominated for a seat on the U.S. Court of Appeals for the Eighth Circuit, is a U.S. magistrate judge and former Arkansas State circuit-chancery judge who has the support of both home State Democratic Senators. We were pleased to be able to expedite his nomination through the committee and bring him to the floor so quickly. Neil Gorsuch has been nominated to the Court of Appeals for the Tenth Circuit. I know that Senator SALAZAR is pleased that we were able to move his nomination quickly as well. Today we also consider two district court nominees, Daniel P. Jordan, III, who has been nominated to be a judge on the U.S. District Court for the Southern District of Mississippi, and Gustavo A. Gelpi, who has been nominated to be a judge on the U.S. District Court for the District of Puerto Rico. I have heard plaudits from around the country for Judge Gelpi.

When they are confirmed, Judge Shepherd and Mr. Gorsuch will be the fifth and sixth circuit court nominees confirmed this year. Along with Judge Gelpi and Mr. Jordan, we will have confirmed 28 judges this year. This far surpasses the total number of judges confirmed in the 1996 congressional session, when Republicans controlled the Senate and stalled the nominations of President Clinton in an election year. In the 1996 session, Republicans would not confirm a single appellate court judge, compared to six already this year. All 17 confirmations in 1996 were district court nominees. That is the only session I can remember in which the Senate refused to consider a single appellate court nomination. That was part of their pocket filibuster strategy to stall and maintain vacancies in an election year with the hope that a Republican President could pack the courts and tilt them decidedly to the right. In the important DC Circuit, the confirmation of Brett Kavanaugh was the culmination of the Republicans' decade-long attempt to pack the DC Circuit that began with the stalling of Merrick Garland's nomination in 1996 and continued with the blocking of President Clinton's other well-qualified nominees, Elena Kagan and Allen Snyder.

The 28 judicial nominations confirmed this year by the Republican-controlled Senate surpasses the number of judges confirmed last year, 22. During the 17 months I was chairman of the Judiciary Committee and the Senate was under Democratic control, we confirmed 100 of President Bush's nominees. After today, in the last 2 years under Republican control, the Senate will have confirmed 50. So the fact that the Senate has now confirmed more nominees in the past 5½ years, 255, than in the last 5½ years of the Clinton administration is due in no small part to the much faster pace of confirmations of this President's nominees when Democrats controlled the Senate.

I am pleased that the Republican leadership has scheduled debate and consideration of these nominations and am glad that the Republican leadership is taking notice of the fact that we can cooperate on swift consideration and confirmation of nominations. Working together, we can confirm four judges today. I commend the Republican Senate leadership for passing over the controversial nominations of William Gerry Myers III, Terrence W. Boyle, and Norman Randy Smith. The Republican leadership is right to have avoided an unnecessarily divisive debate over these nominations that were reported on a party-line vote.

The President and Senate Republican leadership have too often, though, chosen to pick fights over judicial nominations rather than focus on filling vacancies. Judicial vacancies have now grown to well over 40 from the lowest vacancy rate in decades. More than half these vacancies are without a nominee. The Congressional Research Service has recently released a study showing that this President has been the slowest in decades to nominate and the Republican Senate among the slowest to act. If they would concentrate on the needs of the courts, our Federal justice system, and the needs of the American people, we would be much further along.

I congratulate the nominees on their confirmations today and hope that they prove to be the kind of judges who understand the central role of the courts as a check and balance to protect the rights of all Americans.

Mr. ALLARD. Mr. President, it is my pleasure to rise in support of Neil M. Gorsuch, President Bush's nominee to the U.S. Court of Appeals for the Tenth Circuit. Mr. Gorsuch is an extraordinarily well qualified nominee. I begin by thanking Chairman SPECTER for swiftly and unanimously reporting this nominee out of committee. I also thank Majority Leader FRIST for bringing this nomination to the floor for timely consideration.

As a fifth-generation Coloradan, I am pleased that President Bush chose a nominee with deep Colorado roots. Born in Denver, Mr. Gorsuch is a fourth-generation Coloradan who, if confirmed, would carry on his family history of public service to the State of Colorado. In fact, some may recognize Mr. Gorsuch from his service as a Senate page in the early 1980s. It was in the Senate he made his foray into public service and developed a passion for it that he exudes today.

If I were asked to succinctly characterize Mr. Gorsuch, I would have to say well rounded—well rounded educationally, professionally, and personally.

Mr. Gorsuch pursued a rigorous and geographically diverse course of academic study. He earned his undergraduate degree from Columbia University, including a summer at the University of Colorado; his law degree from Harvard; and a doctorate in legal philosophy from Oxford University.

Mr. Gorsuch began his distinguished professional career as a law clerk to Judge David Sentelle on the U.S. Court of Appeals to the DC Circuit. He then went on to clerk for two Supreme Court Justices, Justice Kennedy and Colorado's own Byron White. Following his prestigious clerkships, Mr. Gorsuch entered private practice. While in private practice, Mr. Gorsuch litigated matters for clients large and small, ranging from individuals to nonprofits to corporations. Moreover, he litigated cases on a range of issues from simple contract disputes to complex antitrust and securities fraud matters. He left private practice in 2005 to return to public service, this time at the U.S. Department of Justice where he currently serves as the principal deputy to the Associate Attorney General.

Looking collectively at his career, the picture of an appellate judge in training emerges. Mr. Gorsuch has served in all three branches of Government, including the highest levels of the judicial and executive branches. He has represented both plaintiffs and defendants. He has represented both individuals and corporations. He has litigated civil cases and criminal cases. He has litigated in both Federal and State courts. In sum, the breadth and depth of Mr. Gorsuch's experience makes him ideally suited to serve on the Federal appellate bench.

While Mr. Gorsuch is highly qualified, I also promised the people of Colorado I would support judicial nominees who would rule on the law and the facts before them, not judges who would legislate from the bench. My support for Mr. Gorsuch today is consistent with that promise. From my conversations with Mr. Gorsuch, I am certain he recognizes the proper role of the judiciary. The role of the judiciary is to interpret the law, not make the law. I believe Mr. Gorsuch is temperamentally and intellectually inclined to stick to the facts and the law in cases that would come before him and that he would refrain from legislating from the bench.

Moreover, Mr. Gorsuch's personal views would not determine the course of cases that come before him. Mr. Gorsuch himself says:

> Personal politics or policy preferences have no useful role in judging; regular and healthy doses of self-skepticism and humility about one's only abilities and conclusions always do.

I believe this statement also speaks to Mr. Gorsuch as a person. He is humble, unassuming, polite, and respectful. This sentiment is reflected in numerous letters pouring into my office from people of all political persuasions who have worked with him over the years. Mr. Gorsuch possesses the temperament befitting an appellate judge.

In conclusion, Mr. Gorsuch is a topflight nominee whom I am proud to introduce to my colleagues today. I urge my colleagues to support his confirmation.

Mr. SALAZAR. Mr. President, I am pleased to speak today in support of the nomination of Neal Gorsuch to the Tenth Circuit Court of Appeals.

At a time when too many judicial nominations are bogged down by partisan and ideological rancor, it is heartening to see a nominee on whom Senators from both parties can agree.

While Mr. Gorsuch has spent the majority of his professional life in Washington DC, his roots in the state of Colorado are strong—going back four generations. Once confirmed, he will return to Colorado where I hope that he will live up to the standard set by a long line of distinguished jurists from our State, including the late Justice Byron White.

At the young age of 38, Mr. Gorsuch has already had an impressive legal career. After earning degrees from Columbia University, Harvard Law School, and Oxford University, he went on to clerk on the DC Circuit and U.S. Supreme Courts.

Following his clerkships, he spent nearly 10 years in private practice before becoming Principal Deputy to the Associate Attorney General of the United States—where he helps manage the Department's civil litigation.

I have had the chance to visit with Mr. Gorsuch and learn about both his personal background and his professional experience. I found him to be intelligent, thoughtful, and appreciative of the great honor it is to be nominated to the Federal bench. It is no surprise, then, that the ABA rated him unanimously well qualified.

Of course, it takes more than a great resume to be a great judge. In addition to professional excellence as a lawyer, a judicial nominee should have a demonstrated dedication to fairness, impartiality, precedent, and the avoidance of judicial activism—from both the left and the right.

I believe that Mr. Gorsuch meets this very high test—and I believe he will make a fine addition to the Tenth Circuit Court of Appeals.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise in support of a very fine person whom President Bush has nominated to be on the U.S. Court of Appeals for the Eighth Circuit. His name is Bobby Shepherd. He will replace a very outstanding circuit court judge named Morris Arnold who is taking senior status. Judge Arnold has become a legal institution in the State of Arkansas and on the Eighth Circuit and in the Federal court system. He has absolutely done a fantastic job during his legal career of serving his country. He has decided to take senior status.

I am thrilled President Bush has selected Bobby Shepherd to replace him on the Eighth Circuit. Judge Shepherd has been a U.S. magistrate in the District Court for the Western District of Arkansas for almost 13 years. One thing I have noticed about Judge Shepherd is, even though I practiced law in Arkansas since 1988, I have never heard one person say a bad word about Judge Bobby Shepherd.

He was an elected court judge before he was a magistrate. He prides himself on being able to work out the litigation between or among the parties before the necessity of a trial. That is a great quality for a trial court judge and a Federal magistrate to try to unclog the court system by finding a resolution before you have to go to the expense and the time and the judicial resources of going to trial.

Prior to his being a magistrate, he was an elected circuit court judge which is a trial court judge in Arkansas. He served there admirably. He practiced law in private practice for 14 years. He is a University of Arkansas School of Law graduate, and received high honors at the university. He went to college at Ouachita Baptist University, and served our Nation in the U.S. Army Reserve. He is a director of the Boys and Girls Club of El Dorado, AR, and has volunteered through the boys clubs and other organizations for over 20 years in that community. He also happens to be a deacon and trustee of the First Baptist Church in his hometown of El Dorado.

I thank my colleagues, especially Senators SPECTER and LEAHY, for their decision to move this nomination swiftly, and also Senator HATCH who chaired the confirmation hearing and did an outstanding job through that process. Senator LINCOLN and I were able to be there to introduce him.

President Bush made a rare find in nominating Judge Shepherd. He has totally avoided controversy. But one thing about him is, when Judge Arnold announced he was going to take senior status, very quickly a consensus grew around this Federal magistrate down in El Dorado, AR. Democrats and Republicans support him: Independents and Libertarians support him. People in his community, people outside his community, lawyers of all stripes, whether they are plaintiffs lawyers, defense lawyers, criminal defense lawyers, prosecutors, unanimously people think he is the right person to be on the Eighth Circuit Court of Appeals.

He has an outstanding reputation as a fair and studious judge. Around the State I have heard nothing but praise from my colleagues in the legal community of this decision by President Bush. In fact, the American Bar Association rated him unanimously well qualified.

When I look at judges, whether they are from Arkansas or other places, I have three criteria: First, are they qualified; second, do they have the proper judicial temperament; and third, do they have the ability to be fair and impartial.

He passes all three tests with flying colors. He is eminently qualified. He has proven beyond any doubt that he has the right temperament, and he has proven to all who have ever seen him in action or been before him that he is fair and impartial. I am confident that Judge Shepherd will bring these qualities and many more to the Eighth Circuit. I, as well as Senator LINCOLN, heartily endorse this nomination and am proud to be part of this nomination process, and I am certainly proud to give him my vote.

Mrs. LINCOLN. Mr. President, I rise in support of the nomination of Judge Bobby Shepherd to become the next member of the United States 8th Circuit Court of Appeals.

Based on my review of the record, my visits with Judge Shepherd, and feedback I have received from members of the Arkansas legal community who know Judge Shepherd well, I believe he is qualified to serve in this position, and I support his nomination.

Judge Shepherd was born in Arkadelphia, AR. After high school, Bobby graduated magna cum laude from Ouachita Baptist University in 1973. He then continued his education by earning a law degree from the University of Arkansas, graduating with high honors.

After law school, Judge Shepherd began his professional career as an attorney in private practice at Spencer & Spencer law firm in El Dorado. From 1984 to 1987, he worked as a solo practitioner. In 1991, he began his career as a jurist serving as a Circuit-Chancery judge for the 13th District of Arkansas until his appointment as a Magistrate Judge for the Western District of Arkansas in 1993.

Throughout Judge Sheperd's nomination process numerous Arkansans from all walks of life have contacted me urging me to support Judge Shepherd. Some of these people had been advocates in Judge Shepherd's courtroom and others simply considered themselves his friends. To a person, they all found Judge Shepherd to be a man of honor, respected by his peers and in his community.

In closing, I thank Chairman SPECTER and Senator LEAHY for working with Judge Shepherd and me in moving his nomination forward. I appreciate their consideration of this nominee and urge every Member of the Senate to support his confirmation.

Mr. COCHRAN. Mr. President, I am pleased to recommend to the Senate the confirmation of David P. Jordan as U.S. district judge for the Southern District of Mississippi.

His education, experience, and good moral character equip him with the qualifications to serve with distinction on the Federal bench. I have known Dan Jordan's parents since we were classmates at the University of Mississippi, and I have had the opportunity to follow their son's development and achievements over the years. He had remarkable success as a student and was a gifted athlete at his high school in Richmond, VA, where his father was a professor of history and chief executive of the foundation that maintains Thomas Jefferson's famous house and serves as a center for research as well as programs relating to early American history and public service.

Dan Jordan has earned a reputation for integrity and excellence as a lawyer in my State. He is widely respected for his sense of fairness and his keen intelligence. He is highly regarded by the lawyers in our State and was elected chairman of the Young Lawyers' Section of the Mississippi State bar. He is a partner in one of the largest and most prestigious law firms in Mississippi.

I am confident he will serve with distinction and reflect great credit on the Federal judiciary. I urge the Senate to confirm him.

Mr. LOTT. Mr. President, it is my pleasure to speak in support of the nomination of Daniel Jordan. I am glad that the President agreed with my high opinion of Dan and nominated him to the U.S. District Court for Southern Mississippi. In Mississippi, Dan's nomination has received broad bipartisan support and praise. He is a well-respected litigator, and even those who have sometimes opposed him in the courtroom feel he is an excellent choice to serve in the Federal judiciary.

Dan comes from a wonderful family that I have known for a long time. I know that they must be extremely proud of him and all that he has accomplished. I, too, have enjoyed watching him develop into an outstanding father, lawyer, and a respected Mississippian.

Dan is a cum laude graduate in economics from University of Mississippi, where he was inducted into the University's Hall of Fame. In 1993, he received his J.D. from the University of Virginia—where he was on the editorial board of the Journal of Law and Politics. He is currently engaged in the general practice of law as a partner with Butler, Snow, O'Mara, Stevens & Cannada—the largest law firm based in Mississippi.

In his private practice, Dan has gained broad experience and demonstrated the knowledge, professionalism, fairness, temperament, and skill that make him ideally suited for the Federal bench. Dan is a member of the International Association of Defense Counsel. He serves on the Executive Committee of the Mississippi Bar's General Litigation practice group. Dan is a past-president of the Jackson Young Lawyers Association. He served on the Hinds County Bar Association Board of Directors, the Mississippi Young Lawyers Board of Directors, as liaison to the Bench and Bar Relations Committee of the Hinds County Bar Association and as special prosecutor for the Board of Bar Admissions.

With Federal judicial nominations, it is important that we recognize the honorable service of those who choose to leave private practice to serve. However, Dan's service is not surprising. He has a history of public service. Before attending law school, Dan gained experience while working for the U.S. Department of Interior and later as a legislative aide on my Senate staff.

Since returning to Mississippi and entering private practice, he has continued to find time to serve his community and profession in many ways. He has served as the coordinator for the Jackson, MS-based Stewpot Legal Clinic—an organization providing legal assistance to the homeless. He has worked with Habitat for Humanity and served as a committee chairman for the Metropolitan Crime Commission. His tireless work has prompted leaders in the Jackson, MS, philanthropic community to laud his efforts and impact.

He has been named one of Mississippi's Top 40 under 40 by the Mississippi Business Journal and honored as Jackson's Finest by the Mississippi M-S (Multiple Sclerosis) Foundation. He is an active member of Christ United Methodist Church in Jackson, MS, and is a loving husband and father of two.

The President's nomination of Dan Jordan comes as no surprise, given his education, experience, reputation, and temperament. I believe that when confirmed, Dan will excel as a fair, honest, measured, and capable judge. I am proud to have the opportunity to voice my full support for Dan's nomination, and I look forward to his confirmation.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I yield back all time on the judge nominations.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nominations, en bloc?

The nominations were confirmed, en bloc.

The PRESIDING OFFICER. The President shall be immediately notified of the Senate's action.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICANS IN LEBANON

Ms. STABENOW. Mr. President, earlier this week I spoke about the fact that there would be tremendous hardship on people who are currently in Lebanon—American citizens leaving in the midst of a war zone. The stated policy, earlier this week, was to require people to pay a fee to leave, and I am appreciative of the fact that, after speaking out and after introducing a bill that, in fact, would allow them to waive the fees, in fact, the Secretary of State has done that.

I appreciate the fact that they are proceeding with that and the fact that people are now beginning to move from the region. I urge that that continue to happen as quickly as possible. We have many innocent people in harm's way. We need to remember that and do everything we possibly can to protect them.

MIDDLE EAST CRISIS

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly about the situation with Hamas attacking Israel from the south, the Hezbollah attacking Israel from the north, and the actions of Israel in defending herself in accordance with international law under article 51 of the United Nations charter.

The action against Israel from the south was provoked by Hamas and the Palestinian Authority with the kidnapping of an Israeli soldier and the firing of rockets into southern Israel. The action against Israel from the north was provoked by Hezbollah firing rockets into northern Israel. Regrettably, the conflict has escalated but the parties responsible for the conflict are Hamas to the south and Hezbollah to the north.

The action of Hezbollah comes as a surrogate for Syria and from Iran. An Israeli ship was struck by an Iranian missile in conjunction with other circumstantial evidence of Iran having so-called advisers in Lebanon. There is strong reason to believe that the rocket was fired by Iran—not conclusive, but strong reason to believe. If so, it is an act of war.

The United Nations ought to call Iran and Syria on the carpet to explain their conduct in backing Hezbollah, in providing personnel to do more than train Hezbollah, more than advisers being integral parts of the military offensive of Hezbollah.

The Israelis living in northern Israel have complained about Hezbollah having a knife at their throat. With so many rockets poised on the southern Lebanese border and with a provocation of Hezbollah, it certainly warrants the action which has been taken by Israel on the premises.

It is regrettable that there have been civilian casualties, but I do believe that Israel has made every reasonable and realistic effort to minimize such casualties. There is inevitably collateral damage in war, but this is an occasion when the international community ought to call Iran and Syria to task for their provocative acts for using Hezbollah as a surrogate.

In the context of what has happened, I think President Bush was entirely correct in his statements that Israel had a right to defend itself against Hezbollah in the north and a right to defend against Hamas in the south.

Mr. President, I speak today about the recent unprovoked and coordinated attacks that have been launched on Israel by Hezbollah in Lebanon and Hamas in Gaza. These provocative attacks are further highlighting the role both Iran and Syria play in supporting Hezbollah. Israel is now forced to fight a defensive war on two fronts as Hezbollah terrorists and Palestinian militants are committing countless acts of aggression towards Israel.

Israel's response to Hamas's and Hezbollah's continuing bombardment of Israel, the murder of its soldiers, and the capture of three Israeli soldiers is justified. Israel unilaterally evacuated settlements and military bases in Gaza last September after an occupation since the 1967 Middle East war. It has not returned with significant forces since then, despite near-daily rocket fire from the Gaza strip into southern Israel. As recognized by the U.N., Israel completely pulled out of Lebanon in 2000, despite missile fire from Southern Lebanon into Israel. The capture of Israeli soldiers was unprovoked by Israel. Were the United States bombarded by Kassams and Katyusha and were its soldiers kidnapped we would also respond with force—proportionate force—the force necessary to cease the bombardments and kidnappings. Yet again, the Middle East faces a crisis brought on by those opposed to the peace that is sought by so many.

On September 12, 2005, to the jubilation of the Palestinians living in Gaza, Israel unilaterally withdrew its military and civilian presence from every inch of Gaza as part of a bold and courageous effort to reduce the tensions with Palestinians and enable them to better build a strong society on their own territory. The Palestinians in Gaza wasted no time destroying all Jewish houses of worship that were left behind in Gaza, but the world, including the Israelis, remained silent because they did not want anything to derail this sincere effort for peace. Just several months later, the Palestinians elected Hamas, a terrorist organization, to lead its government. During this time, Kassam missles have been regularly launched from Gaza into Israel and on June 25th. Palestinian gunmen within Hamas captured a 19-year old Israeli soldier, Corporal Gilad Shalit, and killed two others, at an army post within Israel. Corporal Shalit is the first Israeli soldier to be kidnapped by a Palestinian armed group since 1994. Israel immediately demanded release of the soldier. Hamas responded by offering only to provide information about Corporal Shalit, not his release, in exchange for the release of over 400 Palestinians in Israeli jails. Israel rightly refused an exchange, and hoped that international pressure would succeed. Having waited 3 days, on June 28th, Israeli troops pushed into Gaza to find and free Corporal Shalit.

President Bush appealed to Palestinian Fatah leader, Abbas and our Middle-East allies to exert pressure on Hamas to free Corporal Shalit. The U.S. ambassador to the UN, John Bolton, called on the Syrian president, Bashar Assad to arrest Hamas leader Khaled Mashaal, who is harbored in that country. Additionally, Egypt and Jordan urged Syria to use its influence with Hamas to win Shalit's release. With no soldier and no prospect of his release, Israel continued its offensive, arresting 60 Palestinian officials and launching air strikes on bridges to prevent movement of Shalit, on weapon storage sites, and on Gaza's central power station. Hamas continued to launch Kassam missiles into Israel targeting civilian population centers; and Palestinian militants, seeking cover among Palestinian civilians, used RPGs, grenades, mines, and assault rifles to impede Israel's actions. This is how the Palestinian leadership responds to Israel's genuine actions for peace. The Israelis endured great political and emotional divisions when they forcibly removed their own people from Gaza, but they thought these sacrifices were necessary for a lasting peace. The Israelis demonstrated remarkable restraint in the face of these attacks from Gaza and in the initial days of the kidnapping of Corporal Shalit. But, when it became clear that Hamas did not share Israel's desire for peace, they had no choice to respond with force.

Then on July 12th, Hezbollah killed eight soldiers and captured two more from within Israel, near the border with Lebanon. Hezbollah leader Sheik Hassan Nasrallah said that this was not in response to Israel's recent air strikes in Gaza, but was something they had wanted to do for "over a year". Hezbollah's killing of eight Israeli soldiers and the kidnapping of two others represents an unprovoked act of war against Israel. Israel fully withdrew from southern Lebanon in May 2000. This peaceful step by Israel was certified by the U.N. Security Council as having met the requirements of U.N. Security Council Resolution 425, which called for an Israeli withdrawal and for Lebanon to assert control over the area vacated by Israel.

Israel rightfully opposes any prisoner exchange with Hamas or Hezbollah. Israel cannot send the message that it will release hundreds of prisoners each time Hamas and Hezbollah capture an Israeli, soldier or civilian. That would only encourage more kidnappings, and increase the power of Hamas and Hezbollah resulting in greater instability to the region and undermining the peace process.

Following Hezbollah's kidnapping, its firing of Katyusha rockets into northern Israel and demand for a prisoner swap, Israel responded with military force directed at Hezbollah's infrastructure in Lebanon, accurately calling Hezbollah's actions an act of war. Israel struck Beirut's airport to prevent the removal of the Israeli soldiers and to disrupt military supplies, struck Hezbollah's television station, and struck numerous roads, bridges and Hezbollah quarters to disrupt communication. Hezbollah responded with increased and deeper rocket attacks, which for the first time reached far enough into Israel to strike Haifa, 20 miles over the border. These far reaching missiles appear to be built by the Iranians and pose an extreme threat that Israel has not previously faced with Hezbollah. In 2004, the United Nations passed a resolution calling for Hezbollah to be disarmed. Not only has no serious effort been undertaken to disarm them, but rouge regimes continue to supply them with new weapons, training, and other support. The world should unite in its outrage at this behavior by Hezbollah and its allies and unite behind Israel and the forces of peace to bring a swift end to this conflict and to press for the safe return of Israel's soldiers and the enforcement of the UN resolution.

It is worth noting that while Israel has responded with strong force in its attempts to rescue its soldiers and root out the terrorist networks on its borders, it has made great efforts to minimize civilian casualties. Israel regularly drops pamphlets to warn civilians of upcoming actions and attempts to secure meaningful intelligence so that its strikes are targeted on the people and places involved in terrorist activity. These are courtesies that the Hamas and Hezbollah do not extend.

As we all now know, these actions of Hezbollah and Hamas can be seen as an extension of aggression from Iran and Syria. Iranian president, Mahmoud Ahmadinejad has publicly stated his desire to "wipe Israel off the face of the map." The Iranians have helped Hezbollah launch hundreds of missiles into Israel and have provided Hezbollah $100 million annually. Syria provides the home, safe haven and command center to Hamas leader, Khaled Mashaal, and it continues to sponsor acts of terrorism. The timing of these attacks served to destabilize negotiations between the Hamas and Fattah Palestinian parties, derailing progress in the peace process. The events also distract the international community from Iran's nuclear ambitions at a time of heightened pressure on the Iranian government to curtail its program.

I support the President's statement that calls for an unconditional release of the captured soldiers, and holds Syria and Iran accountable for Hezbollah's actions but I encourage him to do more. There is opportunity for hope in this crisis. Many Palestinians and Lebanese citizens do not support the aggressive actions of Hezbollah or Hamas's military wing. The international community must support the Lebanese government and the Palestinian Authority in representing their many moderate citizens who seek peace and security for their families and communities. Now is the time for the forces of peace and moderation in Lebanon to not only aspire for peace but take action to stop Hamas and Hezbollah from pulling their people into deeper conflict. If terrorist factions continue to attack Israel and capture Israeli soldiers, Israel is left with no other choice but to defend its people and its borders.

I have made many trips to Israel and the Arab countries in the Middle East and am deeply saddened by the recent events. I will continue to support peace in the region and oppose all acts of terrorism.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 45 young Americans who have been killed in Iraq since April 6. This brings to 595 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 23 percent of all U.S. deaths in Iraq.

LCpl Juana Navarro Arellano, 24, died April 8 from wounds received while supporting combat operations in the Al Anbar province of Iraq. She was assigned to the 9th Engineer Support Battalion, 3rd Marine Logistics Group, III Marine Expeditionary Force, Okinawa, Japan. She was from Ceres, CA.

Cpl Richard P. Waller, 22, died April 7 from wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to the 1st Battalion, 1st Marine Regiment, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Eric A. Palmisano, 27, died April 2 after the truck he was riding in rolled over in a flash flood near Al Asad, Iraq. Palmisano was listed as Duty Status—Whereabouts Unknown until his body was recovered April 11. He was assigned to 1st Transportation Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Joseph A. Blanco, 25, died of injuries sustained in Taji, Iraq on April 11 when an improvised explosive device detonated near his Bradley Fighting Vehicle and he subsequently came under small arms fire during combat operations. He was assigned to the 7th Squadron, 10th Cavalry Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. He was from Bloomington, CA.

LCpl Marcus S. Glimpse, 22, died April 12 as the result of an improvised explosive device while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Huntington Beach, CA.

LCpl Philip J. Martini, 24, died April 8 of a gunshot wound while conducting combat operations in the Al Anbar Province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Salem Bachar, 20, was killed due to enemy action in the Al Anbar Province of Iraq on April 13. He was assigned to Headquarters Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Chula Vista, CA.

LCpl Stephen J. Perez, 22, was killed due to enemy action in Al Anbar Province, Iraq on April 13. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Petty Officer 3rd Class Marcques J. Nettles, 22, died April 2 when the truck he was riding in rolled over in a flash flood near Al Asad, Iraq. He was previously listed as Duty Status—Whereabouts Unknown. His body was recovered April 16. He was assigned to 1st

Combat Logistics Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Kyle A. Colnot, 23, died of injuries sustained in Baghdad, Iraq on April 22 when an improvised explosive device detonated near his vehicle causing a fire. He was assigned to the 1st Squadron, 67th Armored Battalion, 2nd Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. He was from Arcadia, CA. ICpl Aaron W. Simons, 20, died April 24 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. He was from Modesto, CA.

Pfc Raymond L. Henry, 21, died on April 25, in Mosul, Iraq, when an improvised explosive device detonated near his vehicle during combat operations. He was assigned to the 1st Battalion, 17th Infantry Regiment, 172nd Stryker Brigade Combat Team, Fort Wainwright, AK. He was from Anaheim, CA.

LCpl Michael L. Ford, 19, died April 26 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to the 1st Tank Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Cpl Brandon M. Hardy, 25, died April 28 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Lea R. Mills, 21, died April 28 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Edward G. Davis III, 31, died April 28 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Robert L. Moscillo, 21, died May 1 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Elisha R. Parker, 21, died May 4 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Pfc Benjamin T. Zieske, 20, died of injuries sustained in Kirkuk, Iraq on May 3 when an improvised explosive device detonated during a dismounted combat patrol. He was assigned to the 1st Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, KY. He was from Concord, CA.

LCpl Leon B. Deraps, 19, died May 6 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to the 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Benito A. Ramirez, 21, died May 21 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Robert G. Posivio III, 22, died May 23 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Pfc Steven W. Freund, 20, died May 23 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpt Nathanael J. Doring, 31, died May 30 following a nonhostile helicopter accident near Al Taqaddum, Iraq, on May 27. He was assigned to Marine Light/Attack Helicopter Squadron-169, Marine Aircraft Group-39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Richard A. Bennett, 25, died May 30 following a nonhostile helicopter accident near Al Taqaddum, Iraq, on May 27. He was assigned to Marine Light/Attack Helicopter Squadron-169, Marine Aircraft Group-39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Ryan J. Cummings, 22, died June 3 from wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Spc Issac S. Lawson, 35, died in Baghdad, Iraq, on June 5 of injuries sustained when an improvised explosive device detonated near his vehicle during combat operations. He was assigned to the National Guard's 49th Military Police Brigade, Fairfield, CA. He was from Sacramento, CA.

Spc Luis D. Santos, 20, died on June 8 in Buhritz, Iraq, when an improvised explosive device detonated near his military vehicle. He was assigned to Headquarters and Headquarters Company, 1st Battalion, 68th Armor Regiment, 4th Infantry Division, Fort Carson, CO. He was from Rialto, CA.

Hospitalman Zachary Mathew Alday, 22, was killed on June 9 while conducting combat operations against the enemy in the Al Anbar Province of Iraq. He was assigned to 7th Marines, Regimental Combat Team 7, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Brent B. Zoucha, 19, died June 9 of wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Salvador Guerrero, 21, died June 9 of wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. He was from Los Angeles, CA.

Cpl Michael A. Estrella, 20, died June 14 while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 3rd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Marine Corps Base Kaneohe Bay, Hawaii. He was from Hemet, CA.

Cpl Christopher D. Leon, 20, died June 20 from wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 5th Air Naval Gunfire Liaison Company, III Marine Expeditionary Force, Okinawa, Japan. He was from Lancaster, CA.

SSgt Benjamin D. Williams, 30, died June 20 while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Pfc Christopher N. White, 23, died June 20 while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Brandon J. Webb, 20, died June 20 while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Jason J. Buzzard, 31, died on June 21 in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. He was assigned to E Company, 2nd Battalion, 8th Infantry Regiment, 4th Infantry Division, Fort Hood, TX. He was from Constantinople, CA.

Cpl Jason W. Morrow, 27, died June 27 from wounds received while conducting combat operations in the Al Anbar province of Iraq, on June 26. He was assigned to 3rd Battalion, 5th Marine

Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Riverside, CA.

Pfc Rex A. Page, 21, died June 28 from wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Spc Christopher D. Rose, 21, died on June 29 of injuries sustained from an improvised explosive device during combat operations in Baghdad, Iraq. He was assigned to the 1st Battalion, 67th Armored Regiment, 2nd Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. He was from San Francisco, CA.

Cpl Ryan J. Clark, 19, died on June 29 at Brooke Army Medical Center, San Antonio, TX. He died of injuries sustained on June 17, in Ar Ramadi, Iraq, when an improvised explosive device detonated near his military vehicle. He was assigned to C Company, 40th Engineer Battalion, 1st Armored Division, Baumholder, Germany. He was from Lancaster, CA.

Sgt Thomas B. Turner, Jr., 31, died on July 14 at Landstuhl Regional Medical Center, Landstuhl, Germany. He died of injuries sustained on July 13, in Muqdadiyah, Iraq, when multiple improvised explosive devices detonated near his military vehicle. He was assigned to the 1st Squadron, 32nd Cavalry Regiment, 101st Airborne Division, Fort Campbell, Kentucky. He was from Cottonwood, CA.

Sgt Andres J. Contreras, 23, died on July 15 of injuries sustained when his vehicle encountered an improvised explosive device in Baghdad, Iraq during combat operations. He was assigned to the 519th Military Police Battalion, 1st Combat Support Brigade, Fort Polk, LA. He was from Huntington Park, CA.

SSgt Jason M. Evey, 29, died on July 16 of injuries sustained when his Bradley Fighting Vehicle encountered an improvised explosive device during combat operations in Baghdad, Iraq. He was assigned to the 1st Squadron, 10th Calvary Regiment, 2nd Brigade Combat Team, Fort Hood, TX. He was from Stockton, CA.

Spc Manuel J. Holguin, 21, died on July 15 in Baghdad, Iraq, of injuries sustained when his dismounted patrol encountered an improvised explosive device and small arms fire. He was assigned to Headquarters and Headquarters Company, 2nd Battalion, 6th Infantry Regiment, 1st Armored Division, Baumholder, Germany. He was from Woodlake, CA.

I also pay tribute to the three soldiers from or based in California who have died while serving our country in Operation Enduring Freedom since April 6.

Spc Justin L. O'Donohoe, 27, died east of Abad, Afghanistan, in the Kunar province, on May 5, when his CH-47 Chinook helicopter crashed during combat operations. He was assigned to the 71st Cavalry Regiment, 10th Mountain Division, Light Infantry, Fort Drum, NY. He was from San Diego, CA.

Sgt Bryan A. Brewster, 24, died east of Abad, Afghanistan, in the Kunar province, on May 5 when his CH-47 Chinook helicopter crashed during combat operations. He was assigned to the 3rd Battalion, 10th Aviation Regiment, 10th Mountain Division, Light Infantry, Fort Drum, NY. He was from Fontana, CA.

Cpl Bernard P. Corpuz, 28, died in Ghanzi, Afghanistan, on June 11 from wounds sustained when his convoy came under enemy small arms fire and an improvised explosive device detonated during combat operations. He was assigned to the 303rd Military Intelligence Battalion, 504th Military Intelligence Brigade, Fort Hood, TX. He was from Watsonville, CA.

PRESIDENTIAL ENVOY FOR SUDAN REMARKS

Mr. DEWINE. Mr. President, I wish to discuss a critical issue that I have addressed in this Chamber numerous times in the last several years, and that is the situation in Darfur. It is truly a shame that in July of 2006, the horrendous conditions and continued violence look very similar to that which first caught our attention in 2003.

Despite the recent peace agreement that was reached in early May between the Government of National Unity and one faction of the largest rebel group, the violence on the ground has continued unabated. This has led to a tenuous humanitarian situation.

According to the United Nations Children's Fund Darfur Nutrition Update for June 2006, malnutrition rates and admissions to therapeutic feeding centers are rising across Darfur. Under difficult conditions, our Government has done a tremendous job in providing assistance to the people of Darfur, including contributing over 80 percent of the food delivered in Darfur by the World Food Program. Unfortunately, our Government's efforts are not enough. Other donors must increase their contributions and fulfill the pledges they made.

To make these matters worse, the Government of Sudan blatantly refuses a U.N. peacekeeping mission in Darfur, leaving the African Union to try and enforce peace, which it has been unable to do thus far.

For these reasons, I am encouraging President Bush to appoint a Presidential envoy for Sudan as soon as possible. The fiscal year 2006 emergency supplemental includes a provision offered by Senator BIDEN and myself to create a Presidential special envoy and an office in the State Department to support it. This envoy is charged with working to resolve the conflict in Darfur, facilitating implementation of the Comprehensive Peace Agreement between the north and south Sudan, and resolving other internal and regional conflicts.

The timing of this appointment could not be more critical. Deputy Secretary of State Bob Zoellick is departing and other key administration officials that have been working on Sudan are rotating to new positions. I want to personally thank Secretary Zoellick for his commitment to peace in Sudan. His tireless efforts were at the forefront of this administration's clear commitment to this troubled country.

I urge the President to appoint a trusted leader who is committed to bringing about peace in Sudan once and for all.

The thought of making similar statements about Darfur in 2009 is unacceptable.

GLOBAL WARMING POLLUTION REDUCTION ACT OF 2006

Mr. AKAKA. Mr. President, I want to express my appreciation to my good friend and colleague, Senator JEFFORDS, for his hard work and leadership in developing comprehensive legislation that will assist in decreasing U.S. greenhouse gas emissions. I am proud to join him, along with my other colleagues Senators BINGAMAN, BOXER, KENNEDY, LEAHY, LAUTENBERG, and REED in introducing the Global Warming Pollution Reduction Act of 2006, GWPRA. This bill sets the United States on a path to reducing emissions to 1990 levels by 2020 through a 2 percent annual reduction from 2010 through 2020, as well as achieving by 2050 emissions that are 80 percent below 1990 levels.

The global warming debate began in Hawaii over 30 years ago when the Mauna Loa Climate Observatory first documented evidence of increased carbon dioxide levels in the Earth's atmosphere. The international scientific community now concurs that human activities are altering the climate system. The U.S., which is the world's largest emitter of greenhouse gases, must be accountable as a leader in reducing emissions and combating the threats resulting from global warming.

My home State of Hawaii is disproportionately susceptible to increases in sea level rise and ocean temperature, which jeopardize public safety, economic development, cultural resources, and the health of our unique island ecosystems and wildlife. It is clear that coastal States will also face similar challenges caused by sea level rise resulting in flooding of low-lying property, loss of coastal wetlands, beach erosion, saltwater contamination of drinking water, and damage to coastal roads and bridges. Climate models forecasting intense storms and severe weather further threaten Hawaii's capacity to respond to natural disasters and acquire immediate relief from neighboring states. Remote and rural areas are likely to be confronted with similar issues of self-sufficiency and limited access to assistance.

I am very concerned about the impact of fossil fuel emissions on the health of our planet and believe that we must actively seek solutions to curb the buildup of greenhouse gases. This bill sets energy efficiency targets to assist both the industry and energy consumers in meeting these standards. This legislation lays out ambitious goals to minimize U.S. emissions and assist in the stabilization of global atmospheric greenhouse gas concentrations.

We must invest in technology research to control greenhouse gas emissions. Encouraging renewable energy technologies will play a crucial role in successfully meeting the objectives of this legislation. Under the guidance provided by this bill, I firmly believe the State of Hawaii, along with the rest of the United States, will be poised to substantially reduce greenhouse gas emissions. But Federal support is vital to accomplishing our goals to combat global warming.

I appreciate the technical assistance provided by the Hawaii Natural Energy Institute and the Hawaii Department of Business, Economic Development and Tourism. I remain committed to working with them, other stakeholders in Hawaii, and my colleagues, under the leadership of Senator JEFFORDS, to enact this legislation that will improve the health of our planet and the quality of life for all Americans. Senator JEFFORDS is a dedicated advocate for environmental protection. With the GWPRA, he leaves a legacy to guide and inspire future generations to actively address the issue of global warming. I encourage my colleagues to join Senator JEFFORDS in supporting this worthy initiative.

THIRTY-SECOND ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

Mr. REED. Mr. President, today, on behalf of the Greek Cypriot population of Rhode Island, and Greek Cypriots around the world, I recognize the 32nd anniversary of the Turkish invasion of Cyprus.

Shortly before dawn 32 years ago today, heavily armed Turkish troops landed on the northern coast of Cyprus launching the invasion and subsequent occupation of Northern Cyprus. Over the next 2 months, over 200,000 Greek Cypriots, an overwhelming 82 percent of the island's population, were forced to seek refuge in the southern Greek controlled portions of Cyprus. Turkey eventually called a ceasefire after seizing 37 percent of the island. To this day Turkey is the only country that recognizes the self-declared "Turkish Republic of Northern Cyprus."

Over the last 30 years, the United Nations Security Council and General Assembly have striven to resolve this ongoing territorial dispute through multiple failed peace talks and resolutions. While many years and much thought has gone into determining an equally agreeable solution, talks between the Greek Cypriot south and the Turkish Cypriot north constantly end in a stalemate.

However, hope was renewed this month when the United Nations began drafting recommendations on reviving stalled peace talks between this war-divided island's Greek and Turkish Cypriot communities. Furthermore, Cyprus President Tassos Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat were hailed by the Cyprus Parliament Speaker Demetris Christofias as taking positive steps toward restarting the Cyprus peace talks.

We must applaud the continued efforts of the United Nations and the renewed focus of the Cypriot leaders to reunite a divided Cyprus and remain committed to ushering the settlement process forward. Cypriot, Mediterranean, and U.S. interests will benefit from a settlement that addresses all legitimate concerns of both sides and promotes the stability of a hostile region.

Much like the Greek proverb, "learn to walk before you run," Cypriot leaders must take small steady steps forward and continue forward even when the road looks unpaved. There is a path that leads to the reunification and peace between these two communities. Traversing this path, however, will take patience and tolerance.

DM&E RAILROAD LOAN FROM THE FEDERAL RAILROAD ADMINISTRATION

Mr. DAYTON. Mr. President, I have arisen previously to talk about a proposal of the DM&E Railroad to reconstruct its rail line across southern Minnesota in order to run up to 36 unit coal trains, rail cars containing grain and other agricultural products, and possibly shipments of hazardous materials. The DM&E is presently seeking a $2.5 billion low-interest loan from the Federal Railroad Administration for this project, which the company initially said would be financed to the private capital markets.

Evidently unable to attract that necessary financing, DM&E has now turned to the American taxpayer to assume the enormous financial risk that such a project entails. If the project were to be successful, the financial benefits would go to DM&E's executives and investors. If the project were to fail, the losses would be paid by American taxpayers. It is for that reason that I have urged the Administrator of the Federal Railroad Administration and the U.S. Secretary of Transportation, who have the ultimate decision-making authorities, to exercise all necessary due diligence before their decisions about this enormous financing.

Previously, I have also expressed the strongest possible concern about DM&E's intention to run this rail line through downtown Rochester, MN, and immediately adjacent to the world-renowned Mayo Clinic. Mayo Clinic and Rochester City officials vehemently oppose DM&E's intended route and maintain that it would be catastrophic to their clinic and their city. I agree.

The Mayo Clinic is known and respected nationally and worldwide for its medical excellence. Last year, the Mayo Clinic saw over 1,700,000 patients who came from throughout Minnesota, our country, and the world to seek the best possible medical care. The Mayo Clinic is the largest private employer in Minnesota, employing over 28,000 people, including 2,400 physicians.

In addition to the serious financial questions surrounding this project and major environmental concerns across its intended route, new information has just come to light that demonstrates even more conclusively how unacceptable its proposed route through downtown Rochester, MN, and adjacent to the Mayo Clinic would be. According to a report released today by the Mayo Clinic, but using public, factual information, DM&E has one of the very worst safety records in the entire U.S. railroad industry. In fact, last summer, Mr. Kevin Sheiffer, President and CEO of DM&E's parent company, told DM&E employees, in their newsletter, "We have a very poor safety record."

The report discloses that from 2000 through 2005, the DM&E reported train accidents at a rate 7.5 times higher than the national average; during 2005, the DM&E's rate of accidents at crossings was 2.3 times higher than the national average; the DM&E had the highest rate of employee casualties among regional freight railroads in 2004, and was a close second in 2003 and 2005; during the past 10 years, DM&E had 107 accidents involving trains carrying hazardous materials, including a record 16 in 2005; and since 2003, when the Federal Railroad Administration loaned DM&E $233 million, DM&E's main track accident rate has soared to eight times the national rate—a 175 percent increase over its pre-loan rate.

Mr. President, I ask unanimous consent that the the overview of this report, "The Sum of All Fears: Unsafe Railroad Plus Unsafe Plan Equals Disaster," and the forwarding letter from the Mayo Clinic to The Honorable Joseph H. Boardman, Administrator of the Federal Railroad Administration, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, follows:

JULY 20, 2006.

Hon. JOSEPH H. BOARDMAN,
Administrator, Federal Railroad Administration, Washington, DC.

DEAR ADMINISTRATOR BOARDMAN: On May 8, 2006, the County of Olmsted, the City of Rochester, Mayo Clinic, and the Rochester Area Chamber of Commerce submitted an independent study by a prestigious accounting firm setting forth detailed reasons why granting a $2.5 billion loan to the Dakota, Minnesota and Eastern Railroad (DM&E) posed a substantial risk to the American taxpayers that the loan will not be repaid. We believe that documented risk to the taxpayers is reason enough for the loan to be denied.

In addition to the substantial risk of default, the public safety impact of any loan to the DM&E must be considered, especially given the DM&E's abysmal safety record as outlined in the enclosed analysis. In light of the DM&E's record as the most unsafe regional railroad in America, granting a $2.5 billion loan to the DM&E would clearly and dramatically increase the public safety risk to the residents of Rochester and the patients and physicians at Mayo Clinic. It would also violate the statutory admonition that the Secretary of Transportation shall give priority to projects that "enhance the public safety," and undermine the Federal Railroad Administration's (FRA) statutory obligation to "carry out all railroad safety laws."

The proposed loan would not enhance the public safety. To the contrary, the proposed loan would fund a project that could have terrible consequences for the residents of Rochester, Minnesota, and the patients, doctors and scientists at Mayo Clinic. Transporting hazardous materials, at high speeds, on one of the country's most dangerous railroads, is an "accident" waiting to happen. If that accident were to occur in the City of Rochester near Mayo Clinic, then the consequences could be catastrophic.

The safety problems at the DM&E are well documented by the FRA itself. Last October, the FRA cited the DM&E for "numerous problems with management and implementation of [its] safety program." The FRA should carefully consider the safety consequences because granting the proposed loan would simply reinforce the DM&E's attitude that safety does not matter. We believe that denying the loan would make it clear that safety comes first.

For these reasons (and the reasons set forth in our May 8, 2006 submission), we respectfully submit that the DM&E's loan request should be denied. We also reiterate our previous request for the opportunity to meet with you to discuss the merits of our submissions.

Sincerely,

MAYOR ARDELL BREDE,
City of Rochester.
GLENN S. FORBES, M.D.
CEO, Mayo Clinic Rochester.
JOHN WADE,
President, Rochester Area Chamber of Commerce.
DENNIS L. HANSON,
President, Rochester City Council.
KENNETH D. BROWN,
Chair, Olmsted County Commissioners.

THE SUM OF ALL FEARS: UNSAFE RAILROAD PLUS UNSAFE PLAN EQUALS DISASTER

OVERVIEW

The Dakota, Minnesota and Eastern Railroad (DM&E), a regional freight railroad, is seeking a $2.5 billion loan from the United States government, backed by the American taxpayers, for a major expansion that would allow trains to carry coal and other freight, including hazardous materials, through the heart of downtown Rochester—a few hundred feet from Mayo Clinic—at speeds up to 50 miles per hour. The DM&E refuses to limit the number of trains through Rochester and refuses to restrict the type of cargo it carries through Rochester near Mayo Clinic.

The Secretary of Transportation must consider the effects of such a loan on the public safety and a loan should not be granted to the DM&E because it would expose Rochester and Mayo Clinic to the safety risks inherent in the transportation of hazardous materials by a railroad with long-standing safety problems.

The DM&E has one of the worst safety records of all U.S. railroads:

1. From 2000 through 2005, the DM&E reported train accidents at a rate 7.5 times higher than the national average;
2. During 2005, the DM&E's rate of accidents at crossings was 2.3 times higher than the national average;
3. The DM&E had the second-highest rate of employee casualties among regional freight railroads in 2004 and 2005;
4. During the past 10 years, DM&E had 107 accidents involving trains carrying hazardous materials, including a record 16 in 2005; and
5. Since 2003, when the Federal Railroad Administration (FRA) loaned DM&E $233 million, the DM&E's main track accident rate has soared to eight times the national rate—a 75 percent increase over its pre-loan rate.

The U.S. government has repeatedly identified safety problems at the DM&E. In 2002, the DM&E signed an Expedited Consent Agreement with the Environmental Protection Agency (EPA) agreeing to pay a civil penalty and correct violations of federal regulations. In 2005, the Occupational Safety & Health Administration (OSHA) cited and fined the DM&E for serious safety violations. The FRA placed the DM&E under a Safety Compliance Agreement in October 2005.

The DM&E has claimed that its abysmal safety record is the result of old track, but the FRA has rejected that excuse—most recently in its October 2005 Safety Compliance Agreement. During the past six years track defects caused only about one-half of the DM&E's train accidents and track defects had nothing to do with the company's high rate of accidents at highway-rail crossings or its high rate of employee casualties. New track will not change the company's cavalier attitude toward safety.

In 2003, the FRA entered into a $233 million loan agreement with the DM&E. Since that time the DM&E's poor safety record has gotten materially worse—not better. There is simply no reason to believe that lending the DM&E another $2.5 billion would change the result or the company's approach to safety.

Rochester, Minnesota, is home to 40 per cent of all the people who live along the DM&E's proposed expansion route. Rochester is also home to Mayo Clinic, one of the world's leading medical centers. Many of Mayo's patient-care facilities are within hundreds of feet of the DM&E's tracks—at ground level. An accident involving the spill of hazardous materials near Mayo Clinic, with its vulnerable patient population, would be disastrous. The safety risks posed by an unsafe railroad transporting hazardous materials at high speeds near a world-renowned medical center should not be subsidized by the U.S. government. It is wrong for a safety organization like the FRA to reward a company for disregarding the safety of the public and its own employees. The American people would be shocked to learn that the U.S. government is considering giving an unsafe railroad one of the largest loans to a private company in the history of the United States of America.

ADDITIONAL STATEMENTS

GLENDALE HIGH SCHOOL REACHING JUNIOR G8 SUMMIT

● Mrs. FEINSTEIN. Mr. President, I would like to take the opportunity to congratulate the students of Glendale High School on becoming the U.S. representative at the Junior G8 Summit.

For the first time in 30 years, the annual G8 Summit will include an official exchange between children aged 13 to 17 and G8 leaders. Glendale High School beat out 14 other schools for this once-in-a-lifetime chance to represent the United States at the Summit.

The Junior 8 Youth Forum will provide the participants from all over the world a platform from which they can express their opinions on issues such as infectious diseases, violence, corruption, education, energy, and security. The U.S. team and their international counterparts will meet in order to draft a communique which eight of them will present to the G8 leaders.

These students could not have achieved this memorable accomplishment without tremendous support and encouragement from their dedicated teachers and parents.

I would also recognize team members Shaunt Attarian, Rigo Benitez, Edgar Hernandez, Sergio Maciel, Viannca Montesino, Elaine Panlaqui, Diana Perez, and Kelly Velasquez for their poise and determination in working towards receiving this honor.

All eight team members have spent time and energy for over 6 months preparing to represent the United States with respect and intelligence at this prestigious event. The Glendale High School Junior G8 team should be commended for their efforts and stand as an inspiration to us all.

Once again, I would like to honor the entire Glendale High School Junior G8 Team on a well-deserved victory. Each of these students holds wonderful promise, and I applaud them for their many achievements. Their futures are bright, and their performance will continue to serve as a model for those who follow in their footsteps.●

CONGRATULATING BALDWIN HIGH SCHOOL CHEERLEADERS

• Mr. AKAKA. Mr. President, I wish to congratulate the Baldwin High School cheerleading team, from Wailuku, Maui, HI, who on March 25, 2006, won a national title at the National Cheerleaders Association U.S. Championship.

The Baldwin cheerleaders placed first in the small varsity coed division against teams from the Western United States Radford High School, also from my State of Hawaii, was the second place team to Baldwin High School. The Baldwin cheerleaders were then named grand champions for placing highest in the most divisions, beating out 144 other participating teams.

I am proud not only of the impressive achievements but also of the humility and sportsmanship that the team displayed. The team represented the State of Hawaii very well.

I recognize the sacrifices many family members and friends made to support the team. These young men and women would not have been able to enjoy the athletic competitions if it were not for the moral and financial support of their families and community. I applaud these efforts and wish all the players and their families the best in their future endeavors. Finally, I recognize the hard work and dedication of the participants and coaches.

I ask to have printed in the RECORD the team's roster as reported by The Maui News.

The material follows.

Niki Fernandez, Jayme-Lynn Kashiwamura, Cory Manibog, Shawna Matsunaga, Keoni Mawae, Gillian Platt, Tiare Pimental, Sherise Shimabuku, Zeyuna Tabernero, Jenna Takushi, Kamala Klask and Lavancia "Anela" Winn

Head Coach JoAnn Yap and Assistant Coach Matt Balangitao•

TRIBUTE TO KATHY A. RUFFING

• Mr. GREGG. Mr. President, I take a moment to recognize someone who has provided invaluable assistance to the Budget Committee for many years. After 25 years of service at the Congressional Budget Office, or CBO, as we call it, Kathy A. Ruffing will be retiring at the end of this month.

During her tenure at CBO, Ms. Ruffing earned a well-deserved reputation for tirelessly producing high-quality analyses on a wide range of topics including interest costs and the Federal debt, Federal pay, immigration, and Social Security. In particular, Members and their staffs came to depend on Kathy's thorough knowledge of the Social Security Program as they developed proposals for addressing the program's financial status and benefit structure. She also made major contributions to CBO's reports on the economic and budget outlook and the reestimates of the President's budget. Her analyses always displayed those characteristics of CBO's reports that we in the Congress most value—impartiality, clarity, and comprehensiveness. In fact, Kathy was a principal architect of the formats of many tables on which the Budget Committee has come to rely so heavily.

The Congress will feel the loss of a dedicated public servant who selflessly worked extraordinary hours in helping us advance the legislative process. We will miss Kathy's expertise and counsel.

I know that I speak for all of the Members who have served on the Budget Committees of the House and Senate during the past 25 years and all of our staff when I express our gratitude to Kathy for all of her contributions to the legislative process.•

MESSAGES FROM THE HOUSE

At 9:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 810) to amend the Public Health Service Act to provide for human embryonic stem cell research, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

ENROLLED BILL SIGNED

The President pro tempore (Mr. STEVENS) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 5117. An act to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

At 12:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2389. An act to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

H.R. 5683. An act to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3711. A bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7585. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the date on which a report on the budgeting of the Department of Defense for the sustainment of key military equipment will be submitted; to the Committee on Armed Services.

EC-7586. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department, received on July 17, 2006; to the Committee on Armed Services.

EC-7587. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2006–2007 Marketing Year" (Docket No. FV06-985-2 IFR) received on July 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7588. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis Cry1A.105 Protein and the Genetic Material Necessary for Its Production in Corn in or on All Corn Commodities; Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8076-5) received on June 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7589. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, the Bank's 2005 Statement on System of Internal Controls, audited financial statements, and Report of Independent Auditors on Internal Control over Financial Reporting; to the Committee on Banking, Housing, and Urban Affairs.

EC-7590. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's 92nd Annual Report, which covers the Board's operations for calendar year 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-7591. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-7592. A communication from the Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the Commonwealth of Massachusetts as a result of the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005, and continuing, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7593. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Debenture Interest Payment Charges" ((RIN2502-

AI41)(FR-4945-F-01)) received on July 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-7594. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project"; to the Committee on Energy and Natural Resources.

EC-7595. A communication from the Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations and Leasing in the Outer Continental Shelf (OCS)—Recovery of Costs Related to the Regulation of Oil and Gas Activities on the OCS" (RIN1010-AD23) received on July 18, 2006; to the Committee on Energy and Natural Resources.

EC-7596. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06-155-06-169); to the Committee on Foreign Relations.

EC-7597. A communication from the Department of State, transmitting, pursuant to law, a report relative to the Development Assistance and Child Survival and Health Programs Fund; to the Committee on Foreign Relations.

EC-7598. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Section 589 of the Foreign Operations, Export Financing, and Related Programs Act, 2006 ("the Act") in regards to permitting the continued use of funds appropriated by the Act for assistance to the Government of the Russian Federation; to the Committee on Foreign Relations.

EC-7599. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the semi-annual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Foreign Relations.

EC-7600. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to a program to be initiated in Nepal by the U.S. Agency for International Development's Office of Transition Initiatives (OTI); to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-393. A resolution adopted by the House of Representatives of the Legislature of the State of Florida relative to urging Congress to support a National Catastrophe Insurance Program; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE MEMORIALS NO. 541

Whereas, during the 2004 and 2005 hurricane seasons, the State of Florida was devastated by eight hurricanes and four tropical storms, causing approximately $35 billion in estimated gross probable insurance losses, and

Whereas, the hurricanes from the 2004 and 2005 hurricane seasons have produced high winds, coastal storm surges, torrential rainfalls, and flooding resulting in significant damage to Florida and the Gulf Coast states, which has resulted in displacement of policyholders from their dwellings, loss of personal belongings and contents, closing of businesses and financial institutions, and temporary loss of employment and has created numerous health and safety issues within our local communities, and

Whereas, in 1992, Hurricane Andrew resulted in approximately $20.8 billion in insured losses and was previously the costliest catastrophe in the United States, but Hurricane Katrina alone left the Gulf Coast states with an estimated loss of approximately $35 billion, and

Whereas, natural disasters continually threaten communities across the United States with extreme weather conditions that pose an immediate danger to the lives, property, and security of the residents of those communities, and

Whereas, the insurance industry, state officials, and consumer groups have been striving to develop solutions to insure mega-catastrophic risks, because hurricanes, earthquakes, tornadoes, typhoons, floods, wildfires, ice storms, and other natural catastrophes continue to affect policyholders across the United States, and

Whereas, on November 16 and 17, 2005, insurance commissioners from Florida, California, Illinois, and New York convened a summit to devise a national catastrophe insurance plan which would more effectively spread insurance risks and help mitigate the tremendous financial damage survivors contend with following such catastrophes: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States is urged to support a National Catastrophe Insurance Program. Policyholders require a rational insurance mechanism for responding to the economic losses resulting from catastrophic events. The risk of catastrophes must be addressed through a public-private partnership involving individuals, private industry, local and state governments, and the Federal Government. A national catastrophe insurance program is necessary to promote personal responsibility among policyholders; support strong building codes, development plans, and other mitigation tools; maximize the risk-bearing capacity of the private markets; and provide quantifiable risk management through the Federal Government. The program should encompass:

(1) Providing consumers with a private market residential insurance program that provides all-perils protection.

(2) Promoting personal responsibility through mitigation; promoting the retrofitting of existing housing stock; and providing individuals with the ability to manage their own disaster savings accounts that, similar to health savings accounts, accumulate on a tax-advantaged basis for the purpose of paying for mitigation enhancements and catastrophic losses.

(3) Creating tax-deferred insurance company catastrophe reserves to benefit policyholders. These tax-deferred reserves would build up over time and only be eligible to be used to pay for future catastrophic losses.

(4) Enhancing local and state government's role in establishing and maintaining effective building codes, mitigation education, and land use management; promoting state emergency management, preparedness, and response; and creating state or multistate regional catastrophic risk financing mechanisms such as the Florida Hurricane Catastrophe Fund.

(5) Creating a national catastrophe financing mechanism that would provide a quantifiable level of risk management and financing for mega-catastrophes; maximizing the risk-bearing capacity of the private markets; and allowing for aggregate risk pooling of natural disasters funded through sound risk-based premiums paid in correct proportion by all policyholders in the United States. Be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM-394. A resolution adopted by the Senate of the Legislature of the State of Massachusetts relative to memorializing the Congress of the United States to provide relief from growing energy costs; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, high fuel prices have a negative impact on the standard of living of consumers and high fuel prices have a negative impact on the productivity of businesses; and

Whereas, according to the United States Department of Energy, Massachusetts citizens pay some of the highest energy prices in the Nation, behind only Hawaii and Washington, DC; and

Whereas, as of May 12, 2006, AAA reports the current average price of a gallon of gasoline in Massachusetts to be $2.93, up from $2.186 only a year ago; and

Whereas, as of May 2, 2006, the Massachusetts Division of Energy Resources reported the average price of a gallon of heating oil in Massachusetts to be $2.58, up from $1.91 and $1.49 at this time of the year in 2005 and 2004 respectively; and

Whereas, home heating and electricity expenditures for Massachusetts residents are expected to be up by over one third this year (October 2005–October 2006), this being an average increase of $700 per family or 0.6 percent of personal income; and

Whereas, high fuel prices impose an especially high burden on low-income families and the United States Department of Energy found that the average American spends 3.5 percent of their income on energy bills, but low-income households average 14 percent of their income; and

Whereas, the President's 2006 budget included cuts of some $9.7 million over the next 4 years to the low-income home energy assistance program, which benefits many Massachusetts seniors; and

Whereas, according to a 2005 National Consumer Law Report, as a result of 3 of the past 4 years having unprecedented heating oil and natural gas prices, Massachusetts' residential consumers have higher averages than they have ever faced and community action agencies are reporting more aggressive collection activities from some utilities as well as encountering greater difficulty negotiating payment plans for low-income customers; and

Whereas, poor road conditions exacerbate the impact of high fuel costs by reducing fuel economy; and

Whereas, according to a 2005 United States Department of Transportation report of road conditions reported in 2004, only 1,659 miles of Massachusetts' roads were classified as good to very good compared with 3,748 miles of roads classified as mediocre to poor; and

Whereas, a report by the American Society of Civil Engineers found that 71 percent of Massachusetts' major roads are in poor or mediocre condition and driving on roads in need of repair costs Massachusetts' motorists $2,300,000,000, or $501 per motorist, annually in extra vehicle repairs and operating costs; and

Whereas, this same report found that 51 percent of Massachusetts' bridges are structurally deficient or functionally obsolete; and

Whereas, oil companies have reported record quarterly profits for the first quarter of 2006: Now therefore be it

Resolved, that the Massachusetts Senate memorializes the Congress and the President of the United States to immediately institute a windfall profits tax on energy companies which have benefited from the current circumstances, the proceeds of which shall be distributed to the States for the purpose of providing relief to motorists, homeowners and businesses through policies and programs that provide direct subsidy to low and moderate income consumers and small businesses, and some of the proceeds may also be used for road and bridge work and programs which promote the development and use of alternative energy and fuels; and be it further

Resolved, that a copy of these resolutions shall be transmitted forthwith by the Clerk of the Senate to the President of the United States, presiding Members of each House of the Congress of the United States, and the Members thereof from the Commonwealth.

POM-395. A resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to appropriating sufficient funds for the recovery of the shrimp industry and voting against the repeal of the "Byrd Amendment"; to the Committee on Finance.

HOUSE RESOLUTION NO. 117

Whereas, Louisiana is the nation's largest producer of wild-caught shrimp and has the nation's only warm water shrimp cannery; and

Whereas, before Hurricanes Katrina and Rita, Louisiana generated an estimated one hundred twenty million pounds of wild-caught shrimp and sold approximately nine thousand commercial shrimp gear licenses; and

Whereas, Louisiana shrimpers constitute the largest community of shrimpers in the Atlantic and Gulf of Mexico regions; and

Whereas, due to Hurricanes Katrina and Rita, the shrimp industry suffered devastating economic and infrastructure losses; and

Whereas, due to the hurricanes, assessments estimate that for the shrimp industry the total potential production lost at the retail level is approximately nine hundred nineteen million dollars; and

Whereas, the influx of foreign shrimp sold at below market prices causes domestic prices to drop to levels at which domestic producers are unable to survive in the industry; and

Whereas, the United States House Committee on Ways and Means recommended a repeal of the provision of the Continued Dumping and Subsidy Offset Act commonly known as the "Byrd Amendment"; and

Whereas, the "Byrd Amendment" required duties to be collected under antidumping and countervailing duty orders and required payment to eligible domestic producers who initiated the petition which resulted in the imposition of the duties; and

Whereas, Louisiana was one of the original states to initiate a petition against foreign shrimp producers; and

Whereas, taking into consideration the potential repeal of the "Byrd Amendment" and the effects of Hurricanes Katrina and Rita, the shrimp industry and the state of Louisiana stand to suffer severe financial losses: Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana memorializes the Congress of the United States to appropriate sufficient funds for the recovery of the shrimp industry. Be it further

Resolved, That the House of Representatives of the Legislature of Louisiana memorializes the Congress of the United States to vote against the repeal of the "Byrd Amendment". Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-396. A joint resolution adopted by the Legislature of the State of Utah relative to supporting the Working Families Economic Development Initiative; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 23

Whereas, insufficient income contributes to many of the social and human service needs in our state;

Whereas, the Federal Earned Income Tax Credit (EITC) provides tax relief and income support to low-income working families;

Whereas, the EITC lifts millions of individuals out of poverty each year in the United States by supporting work and self-sufficiency while reducing the need for public assistance;

Whereas, each year, the EITC helps approximately 130,000 households in Utah and brings more than $220,000,000 into Utah's economy;

Whereas, increasing Utah's utilization of the EITC to the national average would help approximately 40,000 eligible households and bring an additional $80,000,000 into Utah's economy;

Whereas, an increase of $80,000,000 each year in EITC benefits would generate over $300,000,000 per year in state and local economic activity;

Whereas, 211 INFO BANK, a community services and referral system, provides callers with tax credit help, including eligibility rules, and directs workers to nearby VITA sites for needed tax forms and assistance; and

Whereas, increasing EITC utilization represents a highly cost-effective economic development strategy: Now, therefore, be it

Resolved, That the Legislature of the State of Utah encourages departments of Utah State Government to identify and utilize existing and potential public/private partnerships to inform citizens about the availability of the Federal Earned Income Tax Credit and Volunteer Income Tax Assistance programs. Be it further

Resolved, That the Legislature of the state of Utah encourages each state entity to work in partnership with private outreach campaigns to identify and utilize existing communications mechanisms to inform Utahns about the availability of the EITC and VITA programs, which may include state publications, websites, human resource materials and communications, correspondence and forms from the State Tax Commission, targeted printed materials, caseworker and client interactions, and application materials for state assistance and state licenses. Be it further

Resolved, That the Legislature of the state of Utah encourages each state entity to utilize existing state infrastructure, where appropriate, to support EITC outreach and statewide availability of the VITA program, which may include utilizing Department of Workforce Services Employment Centers and other appropriate locations as VITA sites, staffed by trained VITA volunteers, between January and April, encouraging local school districts to integrate EITC outreach and VITA services into their parent involvement and community school efforts, and utilizing economic development tools and negotiations to encourage and support EITC outreach and employment-based VITA sites where appropriate. Be it further

Resolved, That copies of this resolution be sent to each department of Utah State Government.

POM-397. A concurrent resolution adopted by the Legislature of the State of Utah relative to promoting Utah's Legislators Back to School Program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 2

Whereas, civic education is a vital tool to promote greater understanding of the legislative process and the role of legislators in representative democracy and to build public trust and confidence;

Whereas, Utah legislators acknowledge the Constitution of the United States, the supreme law of the land, which establishes a democratic form of government and provides the principle for self government, government by the people;

Whereas, Benjamin Rush, a signer of the Declaration of Independence stated, "There is but one method of rendering a republican form of government . . . by disseminating the seeds of virtue and knowledge through every part of the state by means of proper places and modes of education . . . and this can be done effectively only by the aid of the legislature";

Whereas, Utah legislators, students, teachers, and administrators realize the importance of compromise in reconciling competing interests in a diverse society;

Whereas, the National Conference of State Legislatures (NCSL) established America's Legislators Back to School Program, a bipartisan program for legislators across the nation to impart greater understanding of the necessity for debate, negotiation, and compromise in the legislative process of developing effective public policy, and to engage future voters and leaders in a dialogue about the value of representative democracy and to adapt to each individual state;

Whereas, this civic education program helps to instill the values of representative democracy, strengthen the democratic process, and encourage students to play a responsible role in their government; and

Whereas, Utah legislators have ranked in the top 3% of the nation for participation in this program since 2002: Now, therefore, be it

Resolved, That the Legislature and the Governor recognize Utah's Legislators Back to School Program and urge each member of the Legislature to visit students in classrooms during the school year; and be it further

Resolved, That a copy of this resolution be sent to the State Board of Education and the executive director of the National Conference of State Legislatures.

POM-398. A concurrent resolution adopted by the Legislature of the State of Utah relative to the harmful effects of tobacco, alcohol, and drugs on youth; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 3

Whereas, 90% of tobacco users start before they reach the legal age of 19;

Whereas, 74% of adults reported that they had started using alcohol before the legal drinking age of 21;

Whereas, the average age of beginning tobacco users is 11-12 years old;

Whereas, the average age of first time alcohol users is 12 years old;

Whereas, 1,000 youth try their first cigarette each day;

Whereas, motor vehicle crashes are the leading cause of death for 15- 20-year-olds and alcohol is involved in more than half of these fatalities;

Whereas, approximately 52% of surveyed youth ages 12 to 17 who were daily cigarette smokers and 66% of youth who were heavy drinkers also used illicit drugs in the month prior to being surveyed;

Whereas, these harmful substances negatively effect every aspect of a youth's life as well as the lives of those around them;

Whereas, once youth have started using tobacco, alcohol, or illicit drugs it is very difficult for them to stop;

Whereas, these substances cut short the lives and future of many youth by causing death and disease;

Whereas, tremendous strides have been made in reducing tobacco, alcohol, and illicit drug use among youth;

Whereas, there is still more that needs to be done to address this continuing challenge;

Whereas, for every dollar spent on prevention programs, America saves seven dollars in the cost of public aid, special education, and treatment services;

Whereas, youth are a resource and a catalyst for change in the lives of youth and have proven to be a critical first line of defense in building resiliency among their peers;

Whereas, the Weber-Morgan Governing Youth Council and other youth groups are working hard to promote positive lifestyles and combat the negative effects of tobacco, alcohol, and illicit drugs on the lives of youth in Utah; and

Whereas, the fight against the use of tobacco, alcohol, and illicit drugs must continue, and become even more successful, if youth are to be spared the self-destructive effects of these harmful substances: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, strongly urge educators in Utah's public education system to utilize Prevention Dimensions, the state Safe and Drug Free School curriculum to educate the state's youth concerning substance abuse. Be it further

Resolved, That the Legislature and the Governor strongly urge the citizens of Utah to increase awareness of the destructive effects of tobacco, alcohol, and illicit drugs on Utah's youth. Be it further

Resolved, That the Legislature and the Governor recognize local youth councils and other youth groups for their invaluable efforts in helping to keep their peers from getting caught in the trap of tobacco, alcohol, and illicit drug use, and helping those caught in the grip of these harmful substances. Be it further

Resolved, That a copy of this resolution be sent to each of the state's school districts.

POM-399. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts relative to apologizing to all Native American peoples on behalf of the United States; to the Committee on Indian Affairs.

SENATE JOINT RESOLUTION NO. 15

Whereas, throughout history, the Commonwealth of Massachusetts has been instrumental in the struggle to establish democracy and secure the rights and liberties of Americans; and

Whereas, the declaration of rights of the Commonwealth of Massachusetts was the first enumeration of civil rights and liberties by Americans, which served as a model for the United States Constitution and Bill of Rights; and

Whereas, the Commonwealth of Massachusetts has a rich native American history with indigenous tribes such as Massachuset from Suffolk county, the Nipmuc from central Massachusetts, the Stockbridge from Berkshire county and the Wampanoag from Cape Cod and the islands; and

Whereas, the Commonwealth of Massachusetts acknowledges the long history of official depredations and ill-conceived policies by the United States government regarding native American tribes and believes that the Congress of the United States should offer an apology to all native peoples on behalf of the United States; and

Whereas, the ancestors of today's native peoples have inhabited the land of the present day United States since time immemorial and for thousands of years before the arrival of peoples of European origin; and

Whereas, the native peoples have for millennia honored, protected and stewarded this land that we cherish; and

Whereas, the United States government has violated many of the treaties ratified by Congress and other diplomatic agreements with native American tribes; and

Whereas, despite continuing maltreatment of native peoples by the United States, the native peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more native people have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group; and

Whereas, native peoples are endowed by their creator with certain unalienable rights, and that among those are life, liberty, and the pursuit of happiness; Now, therefore, be it

Resolved, That the Massachusetts Senate hereby urges the Senate and House of Representatives of the United States to pass, pending Senate Joint Resolution 15, apologizing to all native American peoples on behalf of the United States of America; and be it further

Resolved, That a copy of these resolutions be forwarded by the clerk of the Senate to the clerks of the Senate and House of Representatives of the United States.

POM-400. A concurrent resolution adopted by the Legislature of the State of Kansas relative to extending certain provisions of the Voting Rights Act of 1965; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 5037

Whereas, on March 7, 1965, a group of civil rights marchers gathered at the Edmund Pettus bridge in Selma, Alabama, and their efforts to advance equal voting rights brought a brutal and bloody response. Eight days later President Johnson called for a comprehensive and effective voting rights bill to guarantee to our citizens the rights contained in the 14th and 15th amendments to the United States constitution. A bipartisan congress approved landmark legislation, and on August 6, 1965, President Johnson signed the Voting Rights Act into law; and

Whereas, considered one of the most successful pieces of civil rights legislation ever adopted, the act bans literacy tests and poll taxes, outlaws intimidation during the electoral process, authorizes federal election monitors and observers and creates various means for protecting and enforcing racial and language minority voting rights. The act was amended in 1975 to facilitate equal political opportunity for language minority citizens and in 1982 to protect the rights of voters with disabilities; and

Whereas, despite noteworthy progress from 40 years of enforcement of the act, voter inequities, disparities and obstacles still remain for many minority voters; and

Whereas, Section 5 of the act is scheduled to expire in 2007. This section contains a special enforcement provision targeted at those areas of the country where congress believes the potential for discrimination to be high and prohibits any change affecting voters until the attorney general has determined that the change will not worsen the ability of minority voters to vote. Sections 4(f) and 203 will also expire in 2007. These sections require bilingual voting assistance for language minority communities in certain jurisdictions. The language minority provisions apply to four language minority groups: American Indians, Asian Americans, Alaskan natives and persons of Spanish heritage; and

Whereas, The Voting Rights Act is a critical link in the struggle to enfranchise the politically marginalized. Without reauthorization of these special provisions of the act, America risks a resurgence of voter discrimination: Now, therefore, be it

Resolved, By the House of Representatives of the State of Kansas, the Senate concurring therein, That the Kansas legislature memorializes the Congress of the United States to extend these critical provisions of the Voting Rights Act of 1965; and be it further

Resolved, That the Secretary of State provide an enrolled copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Kansas legislative delegation.

POM-401. A joint resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to proposing an amendment to the Constitution concerning eminent domain; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 25

Whereas, the phrase "life, liberty and the pursuit of property" in the Declaration of Independence was changed to "Life, Liberty, and the Pursuit of Happiness" in order to encompass more fully the natural rights doctrine; and

Whereas, President Thomas' Jefferson, drafter of The Declaration of " Independence wrote, "We owe every . . . sacrifice to ourselves, to our federal brethren, and to the world at large to pursue with temper and perseverance the great experiment which shall prove that man is capable of living in a society, governing itself by laws self-imposed, and securing to its members the enjoyment of life, liberty, property, and peace;

and further to show, that even when the government of its choice shall manifest a tendency to degeneracy, we are not at once to despair but that the will and watchfulness of its sounder parts will reform its aberrations, recall it to its original and legitimate principles, and restrain it within the rightful limits of self-government"; and

Whereas, President James Madison, drafter of the Constitution of the United States of America, and of the First Ten Amendments of the Constitution of the United States of America stated: "Government is instituted to protect property of every sort. . . . This being the end of government . . . that is not a just government, nor is property secure under it, where the property which a man has . . . is violated by arbitrary seizures of one class of citizens for the service of the rest"; Now, therefore, be it

Resolved, by the Senate and House of Representatives in General Court convened, That the general court or New Hampshire encourages the Congress to propose an amendment to the Constitution of the United States stating that real property can only be taken by eminent domain for public use such as the construction of forts, government buildings, and roadways; and be it further

Resolved, That copies of this resolution be sent by the House clerk to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and the New Hampshire congressional delegation.

POM–402. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana memorializing the Congress of the United States to adopt an amendment to the Constitution of the United States to define marriage in the United States as the union between one man and one woman; to the Committee on the Judiciary.

Whereas, President Bush recently remarked, After more than two centuries of American jurisprudence, and millennia of human experience, a few judges and local authorities are presuming to change the most fundamental institution of civilization"; and

Whereas, the efforts of nineteen states to protect traditional marriage by way of a constitutional amendment defining marriage as the union between one man and one woman are a clear sign to the rest of the country and to the United States Congress that the citizens of these states are in support of the traditional definition of marriage; and

Whereas, an amendment to the Constitution of the United States is the most democratic manner by which to curb the power of judges whose agenda affronts the beliefs of the Founding Fathers of this nation and the will of the American people; and

Whereas, the United States Senate is scheduled to vote on the Marriage Protection Amendment to the Constitution of the United States during the week of June 5, 2006; and

Whereas, the Marriage Protection Amendment defines marriage in the United States as the union between one man and one woman; Now, therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to approve an amendment to the Constitution of the United States that would define marriage as the union between one man and one woman; and be it further

Resolved, That the Legislature of Louisiana proposes that the legislatures of each of the several states comprising the United States apply to the United States Congress requesting the enactment of an appropriate proposal to amend the Constitution of the United States; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the President of the United States, the secretary of the United States Senate, and the clerk of the United States House of Representatives, each member of the Louisiana delegation to the United States Congress, and the presiding officer of each house of each state legislature in the United States.

POM–403. A joint resolution adopted by the Legislature of the State of Maine relative to establishing satellite voting for displaced victims of Hurricane Katrina; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, 9 months ago Hurricane Katrina unleashed its fury on New Orleans and the Gulf Coast and was one of the cruelest disasters in history; and

Whereas, Hurricane Katrina dispersed and displaced people to over 40 states across the country; and

Whereas, many people are still living in states other than their home states, which will prevent them from being able to participate in elections in their home states; and

Whereas, it is imperative to protect the voting rights of these citizens; Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President, the Congress of the United States and the United States Department of Justice establish satellite voting places in cities and states where Hurricane Katrina survivors now reside; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the United States Department of Justice and each member of the Maine Congressional Delegation.

POM–404. A resolution adopted by the City of Pembroke Pines, Florida relative to supporting no less than $4.3 billion in Congressional funding for fiscal year 2007 for the Community Development Block Grant Program (CDBG); to the Committee on Banking, Housing, and Urban Affairs.

POM–405. A resolution adopted by the Miami-Dade County Board of County Commissioners, Miami-Dade County, Florida relative to creating the Community Workforce Housing Innovation Program; to the Committee on Banking, Housing, and Urban Affairs.

POM–406. A resolution adopted by Mendham Borough Council, Morris County, New Jersey, relative to opposing the New York/New Jersey/Philadelphia Metropolitan Airspace Redesign proposals; to the Committee on Commerce, Science, and Transportation.

POM–407. A resolution adopted by the Miami-Dade County Board of County Commissioners, Miami-Dade County, Florida relative to waste tire fees; to the Committee on Environment and Public Works.

POM–408. A resolution adopted by the Town Board of the Town of Blooming Grove, Orange County, New York, relative to the Chinese Communist Party's persecution of Falun Gong; to the Committee on Foreign Relations.

POM–409. A resolution passed by the City of San Jose Human Rights Commission, San Jose, California, relative to urging Congress to approve humane immigration reform; to the Committee on the Judiciary.

POM–410. A resolution adopted by the City Commission of the City of Lauderdale Lakes of the State of Florida relative to congratulating the City of Sunrise for joining the City of Lauderdale Lakes in recommending that Congress support the Voting Rights Act of 1965; to the Committee on the Judiciary.

POM–411. A resolution adopted by the California Veterans Board, State of California relative to opposing certain provisions of H.R. 4297, the "Tax Relief Extension Reconciliation Act of 2005"; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. HUTCHISON, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 5385. A bill making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109–286).

By Mr. SPECTER, from the Committee on Appropriations, without amendment:

S. 3708. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109–287).

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 3709. An original bill to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol (Rept. No. 109–288).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Services.

Sue C. Payton, of Virginia, to be an Assistant Secretary of the Air Force.

Charles E. McQueary, of North Carolina, to be Director of Operational Test and Evaluation, Department of Defense.

Air Force nominations beginning with Colonel Gregory A. Biscone and ending with Colonel Tod D. Wolters, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nomination of Maj. Gen. N. Ross Thompson III to be Lieutenant General.

Army nomination of Maj. Gen. Thomas R. Turner II to be Lieutenant General.

Army nomination of Maj. Gen. Douglas E. Lute to be Lieutenant General.

Army nomination of Brig. Gen. Charles H. Davidson IV to be Major General.

Army nominations beginning with Brigadier General Steven R. Abt and ending with Colonel Jonathan Woodson, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2006.

Army nomination of Lt. Gen. Stanley A. McChrystal to be Lieutenant General.

Army nomination of Brig. Gen. Jimmy G. Welch to be Major General.

Marine Corps nomination of Maj. Gen. Richard F. Natonski to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Keith J. Stalder to be Lieutenant General.

Marine Corps nomination of Lt. Gen. James F. Amos to be Lieutenant General.

Marine Corps nomination of Lt. Gen. John F. Sattler to be Lieutenant General.

Marine Corps nomination of Col. Charles M. Gurganus to be Brigadier General.

Navy nomination of Rear Adm. (lh) David J. Dorsett to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Richard E. Cellon and ending with Rear Adm. (lh) Wayne G. Shear, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2006.

Navy nomination of Rear Adm. (lh) Michael C. Bachmann to be Rear Admiral.

Navy nominations beginning with Capt. Mark A. Handley and ending with Capt. Christopher J. Mossey, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006.

Navy nomination of Capt. Thomas P. Meek to be Rear Admiral (lower half).

Navy nomination of Rear Adm. William D. Sullivan to be Vice Admiral.

Navy nomination of Rear Adm. William D. Crowder to be Vice Admiral.

Navy nomination of Vice Adm. Albert M. Calland III to be ViceAdmiral.

Navy nomination of Rear Adm. David J. Venlet to be Vice Admiral.

Navy nomination of Vice Adm. Jonathan W. Greenert to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the Records on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Julio Ocampo to be Major.

Air Force nomination of John L. Putnam to be Colonel.

Air Force nominations beginning with John D. Adams and ending with Diane Huey, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Air Force nominations beginning with John D. Adams and ending with Karl Woodmansey, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Air Force nominations beginning with Mark D. Campbell and ending with Gary J. Ziccardi, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Air Force nominations beginning with Michael J. Apol and ending with Dawn M.K. Zoldi, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with David W. Acuff and ending with Michael E. Yarman, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Army nomination of Barry L. Williams to be Colonel.

Army nominations beginning with Gerald P. Coleman and ending with David E. Root, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nominations beginning with Robert T. Davies and ending with Curtis E. Wells, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nominations beginning with Michelle A. Cooper and ending with David W. Towle, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nominations beginning with Rickie A. Mcpeake and ending with Eugene J. Palka, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nomination of Paul A. Carter to be Major.

Army nomination of Maritza S. Ryan to be Colonel.

Army nominations beginning with Armando Aguilera, Jr. and ending with Michael S. Wall, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2006.

Army nominations beginning with Brian E. Abell and ending with Cutter M. Zamboni, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2006.

Army nominations beginning with Robin M. Adams and ending with Edward E. Yackel, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with Richard E. Baxter and ending with Barry D. Whiteside, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with Christopher G. Archer and ending with Paul H. Yoon, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with Wade K. Aldous and ending with Esmeraldo Zarzabal, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with John C. Beach and ending with Lloyd T. Phinney, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Navy nominations beginning with Cal Abel and ending with Thomas J. Zerr, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Navy nomination of David E. Bauer to be Lieutenant Commander.

Navy nomination of Cathy L. Trudeau to be Captain.

Navy nominations beginning with Walter J. Lawrence and ending with Ronald L. Ruggiero, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself and Mr. DeMint):

S. 3696. A bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 3697. A bill to amend title XVIII of the Social Security Act to establish Medicare Health Savings Accounts; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mrs. Boxer, Mr. Lautenberg, Mr. Kennedy, Mr. Leahy, Mr. Reed, Mr. Akaka, Mr. Dodd, Mr. Sarbanes, and Mr. Menendez):

S. 3698. A bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S. 3699. A bill to provide private relief; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 3700. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mr. SMITH (for himself and Mr. Wyden):

S. 3701. A bill to determine successful methods to provide protection from catastrophic health expenses for individuals who have exceeded health insurance coverage for uninsured individuals, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Ms. Snowe):

S. 3702. A bill to provide for the safety of migrant seasonal agricultural workers; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Mr. Wyden):

S. 3703. A bill to provide for a temporary process for individuals entering the Medicare coverage gap to switch to a plan that provides coverage in the gap; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. Lautenberg):

S. 3704. A bill to amend title XIX of the Social Security Act to require staff working with developmentally disabled individuals to call emergency services in the event of a life-threatening situation; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Harkin, Mr. Jeffords, Mr. Bingaman, Mrs. Clinton, Mrs. Murray, Mr. Reed, Mr. Dodd, Ms. Mikulski, Mr. Dayton, Ms. Stabenow, and Mr. Schumer):

S. 3705. A bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mrs. Feinstein, Mr. Nelson of Florida, Mrs. HUTCHISON, Mr. SESSIONS, Mr. BINGAMAN, and Mr. CORNYN):

S. 3706. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

By Mr. LOTT:

S. 3707. A bill to improve consumer access to passenger vehicle loss data held by insurers; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 3708. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. LUGAR:

S. 3709. An original bill to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; from the Committee on Foreign Relations; placed on the calendar.

By Mr. KENNEDY:

S. 3710. A bill to amend the Elementary and Secondary Education Act of 1965 to improve retention of public elementary and secondary school teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself, Ms. LANDRIEU, Mr. VITTER, Mr. FRIST, Mr. MCCONNELL, Mr. MARTINEZ, Mr. COCHRAN, Mr. LOTT, Mr. SHELBY, Mr. SESSIONS, Mr. CORNYN, and Mrs. HUTCHISON):

S. 3711. A bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself and Mr. DEMINT):

S. Res. 536. A resolution commending the 25th year of service in the Federal judiciary by William W. Wilkins, Chief Judge of the United States Court of Appeals for the Fourth Circuit; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Mr. SPECTER):

S. Res. 537. A resolution supporting the National Sexual Assault Hotline and commending the Hotline for counseling and supporting more than 1,000,000 callers; to the Committee on the Judiciary.

By Mr. HAGEL (for himself, Mr. LUGAR, Mr. OBAMA, Ms. MURKOWSKI, and Mr. GREGG):

S. Con. Res. 111. A concurrent resolution expressing the sense of the Senate that the United States should expand trade opportunities with Mongolia and initiate negotiations to enter into a free trade agreement with Mongolia; to the Committee on Finance.

By Mr. REID:

S. Con. Res. 112. A concurrent resolution relating to correcting a clerical error in the enrollment of S. 3693; considered and agreed to.

ADDITIONAL COSPONSORS

S. 403

At the request of Mr. ENSIGN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 781

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 781, a bill to preserve the use and access of pack and saddle stock animals on land administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service on which there is a historical tradition of the use of pack and saddle stock animals, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1840

At the request of Mr. THUNE, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1840, a bill to amend section 340B of the Public Health Service Act to increase the affordability of inpatient drugs for Medicaid and safety net hospitals.

S. 1923

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1923, a bill to address small business investment companies licensed to issue participating debentures, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2278

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2419

At the request of Mr. STEVENS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2419, a bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial.

S. 2762

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2762, a bill to amend title 38, United States Code, to ensure appropriate payment for the cost of long-term care provided to veterans in State homes, and for other purposes.

S. 2884

At the request of Mr. BUNNING, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2884, a bill to facilitate and expedite direct refunds to coal producers and exporters of the excise tax unconstitutionally imposed on coal exported from the United States.

S. 3449

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3449, a bill to amend the Public Health Service Act to improve the quality and availability of mental health services for children and adolescents.

S. 3556

At the request of Mr. DEMINT, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3556, a bill to clarify the rules of origin for certain textile and apparel products.

S. 3650

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3650, a bill to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of title XVIII of the Social Security Act and to provide a safe harbor for assistance provided under a pharmaceutical manufacturer patient assistance program.

S. 3659

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3659, a bill to reauthorize and improve the women's small business ownership programs of the Small Business Administration, and for other purposes.

S. 3677

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 3677, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S. CON. RES. 94

At the request of Ms. LANDRIEU, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that the needs of children and youth affected or displaced by disasters are unique and should be given special consideration in planning, responding, and recovering from such disasters in the United States.

S. CON. RES. 110

At the request of Mr. DEWINE, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. Con. Res. 110, a concurrent resolution commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States.

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as "National Airborne Day".

S. RES. 508

At the request of Mr. BIDEN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as "National Mammography Day".

S. RES. 535

At the request of Mr. CONRAD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 535, a resolution commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 3697. A bill to amend title XVIII of the Social Security Act to establish Medicare Health Savings Accounts; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to introduce a bill to establish medicare health savings accounts, HSAs. This bill will make HSAs available under Medicare in lieu of Medicare medical savings accounts, MSAs. I have long been dedicated to quality health care and believe that seniors should have the ability to make their own decisions regarding their health care, so they can receive the health care they need and deserve. As a senior myself, I appreciate how imperative it is that we seniors be provided with a wide array of choices.

My desire to see my fellow Oklahomans and all Americans receive the best possible health care is evidenced by my involvement in various health-related issues. I have always been a champion of rural health care providers. In 1997, I was one of the few Republicans to vote against the Balanced Budget Act because of its lack of support for rural hospitals. At that time, I made a commitment to not allow our rural hospitals to be closed and am pleased we finally addressed that important issue in the Medicare Modernization Act of 2003 by providing great benefits for rural health care providers as well as a voluntary prescription drug benefit to seniors. In 2003, I also co-sponsored the Health Care Access and Rural Equity Act, to protect and preserve access of Medicare beneficiaries to health care in rural regions.

In order to assist my State and other States suffering from large reduction in their Federal medical assistance percentage, FMAP, for Medicaid, I introduced S.1754, a bill to apply a State's FMAP from fiscal year 2005 to fiscal years 2006 through 2014 on September 22, 2005. The purpose of this legislation is to prevent drastic reductions in FMAP while revision of the formula itself is considered.

I am a strong advocate of medical liability reform and am an original cosponsor of S. 22, the Medical Care Access Protection Act, and S. 23, the Healthy Mothers and Healthy Babies Access to Care Act. These bills protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs. I am committed to this vital reform that would alleviate the burden placed on physicians and patients by excessive medical malpractice lawsuits.

I have also worked with officials from the Centers for Medicare and Medicaid Services, CMS, to expand access to life-saving implantable cardiac defibrillators and many other numerous regulations that would affect my rural State such as the 250-yard rule for critical access hospitals.

As a supporter of safety and medical research, I have cosponsored legislation to increase the supply of pancreatic islet cells for research and a bill to take the abortion pill RU–486 off the market in the United States.

I also introduced S. 96, the Flu Vaccine Incentive Act, to help prevent any future shortages in flu vaccines in both the 108th and 109th Congresses. My bill removes suffocating price controls from government purchasing of the flu vaccine while encouraging more companies to enter the market. Also, my bill frees American companies to enter the flu vaccine industry by giving them an investment tax credit towards the construction of flu vaccine production facilities.

As a result of my sister's death from cancer and treatment we learned about not accessible in the United States that might have saved her life, Senator SAM BROWNBACK and I introduced S. 1956, the Access, Compassion, Care and Ethics for Seriously-ill Patients Act—ACCESS—on November 3, 2005. This bill would offer a three-tiered approval system for treatments showing efficacy during clinical trials, for use by the seriously ill patient population. Seriously ill patients, who have exhausted all alternatives and are seeking new treatment options, would be offered access to these treatments with the consent of their physician.

On April 4, 2006, my resolution to designate April 8, 2006, as "National Cushing's Syndrome Awareness Day" passed by unanimous consent. The intent of this resolution is to raise awareness of Cushing's syndrome, a debilitating disorder that affects an estimated 10 to 15 million people per million. It is an endocrine or hormonal disorder caused by prolonged exposure of the body's tissue to high levels of the hormone cortisol.

Additionally, I have consistently cosponsored yearly resolutions designating a day in October as "National Mammography Day" and a week; in August as "National Health Center Week" to raise awareness regarding both these issues and have supported passage and enactment of numerous health-care-related bills, such as the Rural Health Care Capital Access Act of 2006, which extends the exemption respecting required patient days for critical access hospitals under the Federal hospital mortgage insurance program.

As the Federal Government invests in improving hospitals and health care initiatives I have fought hard to ensure that Oklahoma gets its fair share. Specifically, over the past 3 years, I have helped to secure $5.2 million in funding for the Oklahoma Medical Research Foundation, the Oklahoma State Department of Health planning initiative for a rural telemedicine system, the INTEGRIS Healthcare System, the University of Oklahoma Health Sciences Center, the Oklahoma Center for the Advancement of Science and

Technology, St. Anthony's Heart Hospital, the Hillcrest Healthcare System, and the Morton Health Center.

As a long supporter of HSAs, I believe all people should have access to them since they provide great flexibility in the health market and allow individuals to have control over their own health care. Medicare MSAs have existed since January 1, 1997, revised in December of 2003, but they have not worked. No insurer whatsoever has yet offered any Medicare MSA under the current law.

To fix this problem, my legislation creates a new HSA program under Medicare that incorporates a high-deductible health plan and an HSA account while dissolving the existing Medicare MSA.

In tandem with my efforts, the Centers for Medicare and Medicaid Services, CMS, are launching an HSA demonstration project that would test allowing health insurance companies to offer Medicare beneficiaries products similar to HSA. This activity points to the administration's support of HSAs and desire to see all seniors receive the best possible coverage.

As the July 13, 2006 edition of The Hill, explains, "no legislation is pending that would integrate HSAs into the Medicare program . . ." Thus, my legislation is necessary because real Medicare HSA reform is needed in order for seniors to have true flexibility and freedom of choice in their health care.

Under my bill, beneficiaries who choose the HSA option will receive an annual amount that is equal to 95 percent of the annual Medicare Advantage, MA, capitation rate with respect to the individual's MA payment area. These funds provided through the Medicare HSA program can only be used by the beneficiary for the following purposes: as a contribution into an HSA or for payment of high deductible health plan premiums. However, the individual also has the opportunity to deposit personal funds in to the Medicare HSA.

My bill also guarantees that seniors be notified of the amount they will receive 90 days before receipt to ensure they have time to determine the best and most appropriate HSA to accommodate needs. The bill also allows the Secretary of Health and Human Services to deal with fraud appropriately and requires providers to accept payment by individuals enrolled in a Medicare HSA just as they would with an individual enrolled in traditional Medicare.

Please join me in supporting this important legislation to give our seniors more choices regarding their health care.

By Mr. JEFFORDS (for himself, Mrs. BOXER, Mr. LAUTENBERG, Mr. KENNEDY, Mr. LEAHY, Mr. REED, Mr. AKAKA, Mr. DODD, Mr. SARBANES, and Mr. MENENDEZ):

S. 3698. A bill to mend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise to introduce the Global Warming Pollution Reduction Act of 2006.

One of the most important issues facing mankind is the problem of global warming. Global warming is real and it is already happening. Its effects are being felt across the globe and the longer we delay, the more severe these effects will be. The broad consensus within the scientific community is that global warming has begun, is largely the result of human activity, and is accelerating. Atmospheric greenhouse gas concentrations have risen to 378 parts per million, nearly one-third above preindustrial levels and higher than at any time during the past 400,000 years. Projections indicate that stabilizing concentrations at 450 parts per million would still mean a temperature increase of 2 to 4 degrees Fahrenheit. Such warming will result in more extreme weather, increased flooding and drought, disruption of agricultural and water systems, threats to human health and loss of sensitive species and ecosystems.

In order to prevent and minimize these effects, we must take global actions to address this issue as soon as possible. We owe that to ourselves and to future generations.

The overwhelming majority of Americans support taking some form of action on climate change. I am today introducing the Global Warming Pollution Reduction Act, which I believe responds to that call. I believe this is the most far-reaching and forward-thinking climate change bill ever introduced. It sets a goal of an 80 percent reduction in global warming pollutants by 2050. It provides a roadmap for actions that we will need to take over the next few decades to combat global warming. I believe that if this bill were passed, it would put us on the path to potentially solving the global warming problem. If it were passed, we would reshape our economy to become more energy independent, cleaner, and more economically competitive. If it were passed, we would have a chance of avoiding some of the worst and most dangerous effects of global warming. If it were passed, we would be in a position to negotiate with other countries as part of the global solution.

Some will say that this bill imposes requirements that ask too much of industry. Some will say that this bill contains requirements that we cannot easily meet. I say first of all that the costs of inaction vastly outweigh the costs of action and that we have a responsibility to future generations not to leave the Earth far worse off than when we found it—with a fundamentally altered climate system. Temperature changes, sea level rise, hurricanes, floods, and droughts can affect food production, national security, the spread of disease, and the survival of endangered species. These are not things to trifle with on the basis of industry cost estimates, which have frequently been overstated.

But perhaps more importantly, we can act to reduce global warming. We can reduce emissions to 1990 levels between now and 2020 through a reduction of just 2 percent per year. Energy efficiency alone could play a major part in reaching reductions, and new technologies can help as well. Moreover, additional deployment of existing renewable energy sources, including biofuels, can also help substantially. If we were to take the actions suggested in this bill, we would find that we would enhance our energy independence, and we would become a world leader in clean energy technologies. American innovation can position us as the world leader in clean technologies.

In my final year in the Senate, I have often asked myself, What lasting actions can I take to make the world a better place? I hope that by proposing real action on climate change, and passing the torch to a new generation of those committed to protecting the environment, that I can help make a difference for us all. Global warming is upon us now. The question is, Can we take action now, before it is too late?

We know what we need to do, we know how much we must reduce, and we have the technology to do so. The question for this body is, Do we have the political will? Can we overcome our fears and insecurity and act decisively to combat global warming? That is the opportunity and challenge of the coming years, which my bill on global warming seeks to address. I urge my colleagues to join me in the quest for a better, safer world that is free of the enormous threat posed by dangerous global warming. I urge my colleagues to support this important piece of legislation.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Warming Pollution Reduction Act".

SEC. 2. GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

"TITLE VII—COMPREHENSIVE GLOBAL WARMING POLLUTION REDUCTIONS

"Sec. 701. Findings.
"Sec. 702. Purposes.
"Sec. 703. Definitions.
"Sec. 704. Global warming pollution emission reductions.

“Sec. 705. Conditions for accelerated global warming pollution emission reduction.
“Sec. 706. Use of allowances for transition assistance and other purposes.
“Sec. 707. Vehicle emission standards.
“Sec. 708. Emission standards for electric generation units.
“Sec. 709. Low-carbon generation requirement.
“Sec. 710. Geological disposal of global warming pollutants.
“Sec. 711. Research and development.
“Sec. 712. Energy efficiency performance standard.
“Sec. 713. Renewable portfolio standard.
“Sec. 714. Standards to account for biological sequestration of carbon.
“Sec. 715. Global warming pollution reporting.
“Sec. 716. Clean energy technology deployment in developing countries.
“Sec. 717. Paramount interest waiver.
“Sec. 718. Effect on other law.

“SEC. 701. FINDINGS.

“Congress finds that—

“(1) global warming poses a significant threat to the national security and economy of the United States, public health and welfare, and the global environment;

“(2) due largely to an increased use of energy from fossil fuels, human activities are primarily responsible for the release of carbon dioxide and other heat-trapping global warming pollutants that are accumulating in the atmosphere and causing surface air and subsurface ocean temperatures to rise;

“(3) as of the date of enactment of this title, atmospheric concentrations of carbon dioxide are 35 percent higher than those concentrations were 150 years ago, at 378 parts per million compared to 280 parts per million;

“(4) the United States emits more global warming pollutants than any other country, and United States carbon dioxide emissions have increased by an average of 1.3 percent annually since 1990;

“(5)(A) during the past 100 years, global temperatures have risen by 1.44 degrees Fahrenheit; and

“(B) from 1970 to the present, those temperatures have risen by almost 1 degree Fahrenheit;

“(6) 8 of the past 10 years (1996 to 2005) are among the 10 warmest years on record;

“(7) average temperatures in the Arctic have increased by 4 to 7 degrees Fahrenheit during the past 50 years;

“(8) global warming has caused—

“(A) ocean temperatures to increase, resulting in rising sea levels, extensive bleaching of coral reefs worldwide, and an increase in the intensity of tropical storms;

“(B) the retreat of Arctic sea ice by an average of 9 percent per decade since 1978;

“(C) the widespread thawing of permafrost in polar, subpolar, and mountainous regions;

“(D) the redistribution and loss of species; and

“(E) the rapid shrinking of glaciers;

“(9) the United States must adopt a comprehensive and effective national program of mandatory limits and incentives to reduce global warming pollution emissions into the atmosphere;

“(10) at the current rate of emission, global warming pollution concentrations in the atmosphere could reach more than 600 parts per million in carbon dioxide equivalent, and global average mean temperature could rise an additional 2.7 to 11 degrees Fahrenheit, by the end of the century;

“(11) although an understanding of all details of the Earth system is not yet complete, present knowledge indicates that potential future temperature increases could result in—

“(A) the further or complete melting of the Antarctic and Greenland ice sheets;

“(B) the disruption of the North-Atlantic Thermohaline Circulation (commonly known as the ‘Gulf Stream’);

“(C) the extinction of species; and

“(D) large-scale disruptions of the natural systems that support life;

“(12) there exists an array of technological options for use in reducing global warming pollution emissions, and significant reductions can be attained using a portfolio of options that will not adversely impact the economy;

“(13) the ingenuity of the people of the United States will allow the Nation to become a leader in solving global warming; and

“(14) it should be a goal of the United States to achieve a reduction in global warming pollution emissions in the United States—

“(A) to ensure that the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

“(B) to facilitate the achievement of an average global atmospheric concentration of global warming pollutants that does not exceed 450 parts per million in carbon dioxide equivalent.

“SEC. 702. PURPOSES.

“The purposes of this title are—

“(1) to achieve a reduction in global warming pollution emissions compatible with ensuring that—

“(A) the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average; and

“(B) total average global atmospheric concentrations of global warming pollutants do not exceed 450 parts per million in carbon dioxide equivalent;

“(2) to reduce by calendar year 2050 the aggregate net level of global warming pollution emissions of the United States to a level that is 80 percent below the aggregate net level of global warming pollution emissions for calendar year 1990;

“(3) to allow for an acceleration of reductions in global warming pollution emissions to prevent—

“(A) average global temperature from increasing by more than 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average; or

“(B) global atmospheric concentrations of global warming pollutants from exceeding 450 parts per million;

“(4) to establish a motor vehicle global warming pollution emission requirement;

“(5) to require electric generation units to meet a global warming pollution emission standard;

“(6) to establish rules for the safe geological sequestration of carbon dioxide;

“(7) to encourage energy efficiency and the use of renewable energy by establishing a renewable portfolio standard and an energy efficiency portfolio standard;

“(8) to provide for research relating to, and development of, the technologies to control global warming pollution emissions;

“(9) to position the United States as the world leader in reducing the risk of the potentially devastating, wide-ranging impacts associated with global warming; and

“(10) to promote, through leadership by the United States, accelerated reductions in global warming pollution from other countries with significant global warming pollution emissions.

“SEC. 703. DEFINITIONS.

“In this title:

“(1) ACADEMY.—The term ‘Academy’ means the National Academy of Sciences.

“(2) CARBON DIOXIDE EQUIVALENT.—The term ‘carbon dioxide equivalent’ means, for each global warming pollutant, the quantity of the global warming pollutant that makes the same contribution to global warming as 1 metric ton of carbon dioxide, as determined by the Administrator, taking into account the study and report described in section 705(a).

“(3) FACILITY.—The term ‘facility’ means all buildings, structures, or installations that are—

“(A) located on 1 or more contiguous or adjacent properties under common control of the same persons; and

“(B) located in the United States.

“(4) GLOBAL WARMING POLLUTANT.—The term ‘global warming pollutant’ means—

“(A) carbon dioxide;

“(B) methane;

“(C) nitrous oxide;

“(D) hydrofluorocarbons;

“(E) perfluorocarbons;

“(F) sulfur hexafluoride; and

“(G) any other anthropogenically-emitted gas that the Administrator, after notice and comment, determines to contribute to global warming.

“(5) GLOBAL WARMING POLLUTION.—The term ‘global warming pollution’ means any combination of 1 or more global warming pollutants emitted into the ambient air or atmosphere.

“(6) MARKET-BASED PROGRAM.—The term ‘market-based program’ means a program that places an absolute limit on the aggregate net global warming pollution emissions of 1 or more sectors of the economy of the United States, while allowing the transfer or sale of global warming pollution emission allowances.

“(7) NAS REPORT.—The term ‘NAS report’ means a report completed by the Academy under subsection (a) or (b) of section 705.

“SEC. 704. GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.

“(a) EMISSION REDUCTION GOAL.—Congress declares that—

“(1) it shall be the goal of the United States, acting in concert with other countries that emit global warming pollutants, to achieve a reduction in global warming pollution emissions—

“(A) to ensure that the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

“(B) to facilitate the achievement of an average global atmospheric concentration of global warming pollutants that does not exceed 450 parts per million in carbon dioxide equivalent; and

“(2) in order to achieve the goal described in paragraph (1), the United States shall reduce the global warming pollution emissions of the United States by a quantity that is proportional to the share of the United States of the reductions that are necessary—

“(A) to ensure that the average global temperature does not increase more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

“(B) to stabilize average global warming pollution concentrations globally at or below 450 parts per million in carbon dioxide equivalent.

“(b) EMISSION REDUCTION MILESTONES FOR 2020.—

“(1) IN GENERAL.—To achieve the goal described in subsection (a)(1), not later than 2 years after the date of enactment of this title, after an opportunity for public notice and comment, the Administrator shall promulgate any rules that are necessary to reduce, by not later than January 1, 2020, the aggregate net levels of global warming pollution emissions of the United States to the aggregate net level of those global warming pollution emissions during calendar year 1990.

"(2) ACHIEVEMENT OF MILESTONES.—To the maximum extent practicable, the reductions described in paragraph (1) shall be achieved through an annual reduction in the aggregate net level of global warming pollution emissions of the United States of approximately 2 percent for each of calendar years 2010 through 2020.

"(c) EMISSION REDUCTION MILESTONES FOR 2030, 2040, AND 2050.—Except as described in subsection (d), not later than January 1, 2018, after an opportunity for public notice and comment, the Administrator shall promulgate any rules that are necessary to reduce the aggregate net levels of global warming pollution emissions of the United States—

"(1) by calendar year 2030, by ⅓ of 80 percent of the aggregate net level of global warming pollution emissions of the United States during calendar year 1990;

"(2) by calendar year 2040, by ⅔ of 80 percent of the aggregate net level of the global warming pollution emissions of the United States during calendar year 1990; and

"(3) by calendar year 2050, by 80 percent of the aggregate net level of global warming pollution emissions of the United States during calendar year 1990.

"(d) ACCELERATED EMISSION REDUCTION MILESTONES.—If an NAS report determines that any of the events described in section 705(a)(2) have occurred, or are more likely than not to occur in the foreseeable future, not later than 2 years after the date of completion of the NAS report, the Administrator, after an opportunity for public notice and comment and taking into account the new information reported in the NAS report, may adjust the milestones under this section and promulgate any rules that are necessary—

"(1) to reduce the aggregate net levels of global warming pollution emissions from the United States on an accelerated schedule; and

"(2) to minimize the effects of rapid climate change and achieve the goals of this title.

"(e) REPORT ON ACHIEVEMENT OF MILESTONES.—If an NAS report determines that a milestone under paragraph (1) or (2) of subsection (c) cannot be achieved because of technological infeasibility, the Administrator shall submit to Congress a notification of that determination.

"(f) EMISSION REDUCTION POLICIES.—

"(1) IN GENERAL.—In implementing subsections (a) through (e), the Administrator may establish 1 or more market-based programs.

"(2) MARKET-BASED PROGRAM POLICIES.—

"(A) IN GENERAL.—In implementing any market-based program, the Administrator shall allocate to households, communities, and other entities described in section 706(a) any global warming pollution emission allowances that are not allocated to entities covered under the emission limitation.

"(B) RECOGNITION OF EMISSION REDUCTIONS MADE IN COMPLIANCE WITH STATE AND LOCAL LAWS.—A market-based program may recognize reductions of global warming pollution emissions made before the effective date of the market-based program if the Administrator determines that—

"(i)(I) the reductions were made in accordance with a State or local law;

"(II) the State or local law is at least as stringent as the rules established for the market-based program under paragraph (1); and

"(III) the reductions are at least as verifiable as reductions made in accordance with those rules; or

"(ii) for any given entity subject to the market-based program, the entity demonstrates that the entity has made entity-wide reductions of global warming pollution emissions before the effective date of the market-based program, but not earlier than calendar year 1992, that are at least as verifiable as reductions made in accordance with the rules established for the market-based program under paragraph (1).

"(C) PUBLICATION.—If the Administrator determines that it is necessary to establish a market-based program, the Administrator shall publish notice of the determination in the Federal Register.

"(D) LIMITATIONS ON MARKET-BASED PROGRAMS.—

"(i) DEFINITIONS.—In this subparagraph:

"(I) ANNUAL ALLOWANCE PRICE.—The term 'annual allowance price' means the average market price of global warming pollution emission allowances for a calendar year.

"(II) DECLINING EMISSIONS CAP WITH A TECHNOLOGY-INDEXED STOP PRICE.—The term 'declining emissions cap with a technology-indexed stop price' means a feature of a market-based program for an industrial sector, or on an economy-wide basis, under which the emissions cap declines by a fixed percentage each calendar year or, during any year in which the annual allowance price exceeds the technology-indexed stop price, the emissions cap remains the same until the occurrence of the earlier of—

"(aa) the date on which the annual allowance price no longer exceeds the technology-indexed stop price; or

"(bb) the date on which a period of 3 years has elapsed during which the emissions cap has remained unchanged.

"(III) EMISSIONS CAP.—The term 'emissions cap' means the total number of global warming pollution emission allowances issued for a calendar year.

"(IV) TECHNOLOGY-INDEXED STOP PRICE.—The term 'technology-indexed stop price' means a price per ton of global warming pollution emissions determined annually by the Administrator that is not less than the technology-specific average cost of preventing the emission of 1 ton of global warming pollutants through commercial deployment of any available zero-carbon or low-carbon technologies. With respect to the electricity sector, those technologies shall consist of—

"(aa) wind-generated electricity;

"(bb) photovoltaic-generated electricity;

"(cc) geothermal energy;

"(dd) solar thermally-generated energy;

"(ee) wave-based forms of energy;

"(ff) any fossil fuel-based electric generating technology emitting less than 250 pounds per megawatt hour; and

"(gg) any zero-carbon-emitting electric generating technology that does not generate radioactive waste.

"(ii) IMPLEMENTATION.—In implementing any market-based program under this Act, for the period prior to January 1, 2020, the Administrator shall consider the impact on the economy of the United States of implementing the program with a declining emissions cap through the use of a technology-indexed stop price.

"(iii) OTHER EMITTING SECTORS.—The Administrator may consider the use of a declining emissions cap with a technology-indexed stop price, or similar approaches, for other emitting sectors based on low-carbon or zero-carbon technologies, including—

"(I) biofuels;

"(II) hydrogen power; and

"(III) other sources of energy and transportation fuel.

"(g) COST-EFFECTIVENESS.—In promulgating regulations under this section, the Administrator shall select the most cost-effective options for global warming pollution control and emission reduction strategies.

"SEC. 705. CONDITIONS FOR ACCELERATED GLOBAL WARMING POLLUTION EMISSION REDUCTION.

"(a) REPORT ON GLOBAL CHANGE EVENTS BY THE ACADEMY.—

"(1) IN GENERAL.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title, and every 3 years thereafter, shall submit to Congress and the Administrator a report that describes whether any of the events described in paragraph (2)—

"(A) have occurred or are more likely than not to occur in the foreseeable future; and

"(B) in the judgment of the Academy, are the result of anthropogenic climate change.

"(2) EVENTS.—The events referred to in paragraph (1) are—

"(A) the exceedance of an atmospheric concentration of global warming pollutants of 450 parts per million in carbon dioxide equivalent; and

"(B) an increase of global average temperatures in excess of 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average.

"(b) TECHNOLOGY REPORTS.—

"(1) DEFINITION OF TECHNOLOGICALLY INFEASIBLE.—In this subsection, the term 'technologically infeasible', with respect to a technology, means that the technology—

"(A) will not be demonstrated beyond laboratory-scale conditions;

"(B) would be unsafe;

"(C) would not reliably reduce global warming pollution emissions; or

"(D) would prevent the activity to which the technology applies from meeting or performing its primary purpose (such as generating electricity or transporting goods or individuals).

"(2) REPORTS.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title and every 3 years thereafter, shall submit to Congress and the Administrator a report that describes or analyzes—

"(A) the status of current global warming pollution emission reduction technologies, including—

"(i) technologies for capture and disposal of global warming pollutants;

"(ii) efficiency improvement technologies;

"(iii) zero-global-warming-pollution-emitting energy technologies; and

"(iv) above- and below-ground biological sequestration technologies;

"(B) whether any of the requirements under this title (including regulations promulgated under this title) mandate a level of emission control or reduction that, based on available or expected technology, will be technologically infeasible at the time at which the requirements become effective;

"(C) the projected date on which any technology determined to be technologically infeasible will become technologically feasible;

"(D) whether any technology determined to be technologically infeasible cannot reasonably be expected to become technologically feasible prior to calendar year 2050; and

"(E) the costs of available alternative global warming pollution emission reduction strategies that could be used or pursued in lieu of any technologies that are determined to be technologically infeasible.

"(3) REPORT EVALUATING 2050 MILESTONE.—Not later than December 31, 2037, the Administrator shall offer to enter into a contract with the Academy under which, not later than December 31, 2039, the Academy shall prepare and submit to Congress and the Administrator a report on the appropriateness of the milestone described in section 704(c)(3), taking into consideration—

"(A) information that was not available as of the date of enactment of this title; and

"(B) events that have occurred since that date relating to—

"(i) climate change;

"(ii) climate change technologies; and

"(iii) national and international climate change commitments.

"(c) ADDITIONAL ITEMS IN NAS REPORT.—In addition to the information described in subsection (a)(1) that is required to be included in the NAS report, the Academy shall include in the NAS report—

"(1) an analysis of the trends in annual global warming pollution emissions by the United States and the other countries that collectively account for more than 90 percent of global warming pollution emissions (including country-specific inventories of global warming pollution emissions and facility-specific inventories of global warming pollution emissions in the United States);

"(2) an analysis of the trends in global warming pollution concentrations (including observed atmospheric concentrations of global warming pollutants);

"(3) a description of actual and projected global change impacts that may be caused by anthropogenic global warming pollution emissions, in addition to the events described in subsection (a)(2); and

"(4) such other information as the Academy determines to be appropriate.

"SEC. 706. USE OF ALLOWANCES FOR TRANSITION ASSISTANCE AND OTHER PURPOSES.

"(a) REGULATIONS GOVERNING ALLOCATION OF ALLOWANCES FOR TRANSITION ASSISTANCE TO INDIVIDUALS AND ENTITIES.—

"(1) IN GENERAL.—In implementing any market-based program, the Administrator may promulgate regulations providing for the allocation of global warming pollution emission allowances to the individuals and entities, or for the purposes, specified in subsection (b).

"(2) REQUIREMENTS.—Regulations promulgated under paragraph (1) may, as the Administrator determines to be necessary, provide for the appointment of 1 or more trustees—

"(A) to receive emission allowances for the benefit of households, communities, and other entities described in paragraph (1);

"(B) to sell the emission allowances at fair market value; and

"(C) to distribute the proceeds of any sale of emission allowances to the appropriate beneficiaries.

"(b) ALLOCATION FOR TRANSITION ASSISTANCE.—The Administrator may allocate emission allowances, in accordance with regulations promulgated under subsection (a), to—

"(1) communities, individuals, and companies that have experienced disproportionate adverse impacts as a result of—

"(A) the transition to a lower carbon-emitting economy; or

"(B) global warming;

"(2) owners and operators of highly energy-efficient buildings, including—

"(A) residential users;

"(B) producers of highly energy-efficient products; and

"(C) entities that carry out energy-efficiency improvement projects pursuant to section 712 that result in consumer-side reductions in electricity use;

"(3) entities that will use the allowances for the purpose of carrying out geological sequestration of carbon dioxide produced by an anthropogenic global warming pollution emission source in accordance with requirements established by the Administrator;

"(4) such individuals and entities as the Administrator determines to be appropriate, for use in carrying out projects to reduce net carbon dioxide emissions through aboveground and below-ground biological carbon dioxide sequestration (including sequestration in forests, forest soils, agricultural soils, rangeland, or grassland in the United States);

"(5) such individuals and entities (including fish and wildlife agencies) as the Administrator determines to be appropriate, for use in carrying out projects to protect and restore ecosystems (including fish and wildlife) affected by climate change; and

"(6) manufacturers producing consumer products that result in substantially reduced global warming pollution emissions, for use in funding rebates for purchasers of those products.

"SEC. 707. VEHICLE EMISSION STANDARDS.

"(a) VEHICLES UNDER 10,000 POUNDS.—

"(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations requiring each fleet of automobiles sold by a manufacturer in the United States beginning in model year 2016 to meet the standards for global warming pollution emissions described in paragraph (2).

"(2) EMISSION STANDARDS.—The average global warming pollution emissions of a vehicle fleet described in paragraph (1) shall not exceed—

"(A) 205 carbon dioxide equivalent grams per mile for automobiles with—

"(i) a gross vehicle weight of not more than 8,500 pounds; and

"(ii) a loaded vehicle weight of not more than 3,750 pounds;

"(B) 332 carbon dioxide equivalent grams per mile for—

"(i) automobiles with—

"(I) a gross vehicle weight of not more than 8,500 pounds; and

"(II) a loaded vehicle weight of more than 3,750 pounds; and

"(ii) medium-duty passenger vehicles; and

"(C) 405 carbon dioxide equivalent grams per mile for vehicles—

"(i) with a gross vehicle weight of between 8,501 pounds and 10,000 pounds; and

"(ii) that are not medium-duty passenger vehicles.

"(3) HEIGHTENED STANDARDS.—After model year 2016, the Administrator may promulgate regulations that increase the stringency of emission standards described in paragraph (2) as necessary to meet the emission reduction goal described in section 704(e)(3).

"(b) HIGHWAY VEHICLES OVER 10,000 POUNDS.—

"(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations requiring each fleet of highway vehicles over 10,000 pounds sold by a manufacturer in the United States beginning in model year 2020 to meet the standards for global warming pollution emissions described in paragraph (2).

"(2) EMISSION STANDARDS.—The average global warming pollution emissions of a vehicle fleet described in paragraph (1) shall not exceed—

"(A) 850 carbon dioxide equivalent grams per mile for highway vehicles with a gross vehicle weight rating between 10,001 pounds and 26,000 pounds; and

"(B) 1,050 carbon dioxide equivalent grams per mile for highway vehicles with a gross vehicle weight rating of more than 26,000 pounds.

"(3) HEIGHTENED STANDARDS.—After model year 2020, the Administrator may promulgate regulations that increase the stringency of emission standards described in paragraph (2) as necessary to meet the emission reduction goal described in section 704(a)(1).

"(c) ADJUSTMENT OF REQUIREMENTS.—Taking into account appropriate lead times for vehicle manufacturers, if the Academy determines, pursuant to an NAS report, that a vehicle emission standard under this section is or will be technologically infeasible as of the effective date of the standard, the Administrator may, by regulation, modify the requirement to take into account the determination of the Academy.

"(d) STUDY.—

"(1) IN GENERAL.—Not later than January 1, 2008, the Administrator shall enter into a contract with the Academy under which the Academy shall conduct a study of, and submit to the Administrator a report on, the potential contribution of the non-highway portion of the transportation sector toward meeting the emission reduction goal described in section 704(a)(1).

"(2) REQUIREMENTS.—The study shall analyze—

"(A) the technological feasibility and cost-effectiveness of global warming pollution reductions from the non-highway sector; and

"(B) the overall potential contribution of that sector in terms of emissions, in meeting the emission reduction goal described in section 704(a)(1).

"SEC. 708. EMISSION STANDARDS FOR ELECTRIC GENERATION UNITS.

"(a) INITIAL STANDARD.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Administrator shall, by regulation, require each unit that is designed and intended to provide electricity at a unit capacity factor of at least 60 percent and that begins operation after December 31, 2011, to meet the standard described in paragraph (2).

"(2) STANDARD.—Beginning on December 31, 2015, a unit described in paragraph (1) shall meet a global warming pollution emission standard that is not higher than the emission rate of a new combined cycle natural gas generating unit.

"(3) MORE STRINGENT REQUIREMENTS.—For the period beginning on January 1 of the calendar year following the effective date of the regulation described in paragraph (1) and ending on December 31, 2029, the Administrator may increase the stringency of the global warming pollution emission standard described in paragraph (1) with respect to electric generation units described in that paragraph.

"(b) FINAL STANDARD.—Not later than December 31, 2030, the Administrator shall require each electric generation unit, regardless of when the unit began to operate, to meet the applicable emission standard under subsection (a).

“(c) Adjustment of Requirements.—If the Academy determines, pursuant to section 705, that a requirement of this section is or will be technologically infeasible at the time at which the requirement becomes effective, the Administrator, may, by regulation, adjust or delay the effective date of the requirement as is necessary to take into consideration the determination of the Academy.

“SEC. 709. LOW-CARBON GENERATION REQUIREMENT.

“(a) Definitions.—In this section:

“(1) Base quantity of electricity.—The term ‘base quantity of electricity’ means the total quantity of electricity produced for sale by a covered generator during the calendar year immediately preceding a compliance year from coal, petroleum coke, lignite, or any combination of those fuels.

“(2) Covered generator.—The term ‘covered generator’ means an electric generating unit that—

“(A) has a rated capacity of 25 megawatts or more; and

“(B) has an annual fuel input at least 50 percent of which is provided by coal, petroleum coke, lignite, or any combination of those fuels.

“(3) Low-carbon generation.—The term ‘low-carbon generation’ means electric energy generated from an electric generating unit at least 50 percent of the annual fuel input of which, in any year—

“(A) is provided by coal, petroleum coke, lignite, biomass, or any combination of those fuels; and

“(B) results in an emission rate into the atmosphere of not more than 250 pounds of carbon dioxide per megawatt-hour (after adjustment for carbon dioxide from the electric generating unit that is geologically sequestered in a geological repository approved by the Administrator pursuant to subsection (e)).

“(4) Program.—The term ‘program’ means the low-carbon generation credit trading program established under subsection (d)(1).

“(b) Requirement.—

“(1) Calendar years 2015 through 2020.—Of the base quantity of electricity produced for sale by a covered generator for a calendar year, the covered generator shall provide a minimum percentage of that base quantity of electricity for the calendar year from low-carbon generation, as specified in the following table:

“**Calendar year:**	**Minimum annual percentage:**
2015	0.5
2016	1.0
2017	2.0
2018	3.0
2019	4.0
2020	5.0

“(2) Calendar years 2021 through 2025.—For each of calendar years 2021 through 2025, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by up to 2 percentage points from the previous year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 704(a)(1).

“(3) Calendar years 2026 through 2030.—For each of calendar years 2026 through 2030, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by up to 3 percentage points from the previous year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 704(a)(1).

“(c) Means of Compliance.—An owner or operator of a covered generator shall comply with subsection (b) by—

“(1) generating electric energy using low-carbon generation;

“(2) purchasing electric energy generated by low-carbon generation;

“(3) purchasing low-carbon generation credits issued under the program; or

“(4) undertaking a combination of the actions described in paragraphs (1) through (3).

“(d) Low-Carbon Generation Credit Trading Program.—

“(1) In general.—Not later than January 1, 2008, the Administrator shall establish, by regulation after notice and opportunity for comment, a low-carbon generation trading program to permit an owner or operator of a covered generator that does not generate or purchase enough electric energy from low-carbon generation to comply with subsection (b) to achieve that compliance by purchasing sufficient low-carbon generation credits.

“(2) Requirements.—As part of the program, the Administrator shall—

“(A) issue to producers of low-carbon generation, on a quarterly basis, a single low-carbon generation credit for each kilowatt hour of low-carbon generation sold during the preceding quarter; and

“(B) ensure that a kilowatt hour, including the associated low-carbon generation credit, shall be used only once for purposes of compliance with subsection (b).

“(e) Enforcement.—An owner or operator of a covered generator that fails to comply with subsection (b) shall be subject to a civil penalty in an amount equal to the product obtained by multiplying—

“(1) the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b); and

“(2) the greater of—

“(A) 2.5 cents (as adjusted under subsection (g)); or

“(B) 200 percent of the average market value of those low-carbon generation credits during the year in which the violation occurred.

“(f) Exemption.—This section shall not apply for any calendar year to an owner or operator of a covered generator that sold less than 40,000 megawatt-hours of electric energy produced from covered generators during the preceding calendar year.

“(g) Inflation Adjustment.—Not later than December 31, 2008, and annually thereafter, the Administrator shall adjust the amount of the civil penalty for each kilowatt-hour calculated under subsection (e)(2) to reflect changes for the 12-month period ending on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

“(h) Technological Infeasibility.—If the Academy determines, pursuant to section 705, that the schedule for compliance described in subsection (b) is or will be technologically infeasible for covered generators to meet, the Administrator may, by regulation, adjust the schedule as the Administrator determines to be necessary to take into account the consideration of the determination of the Academy.

“(i) Termination of Authority.—This section and the authority provided by this section terminate on December 31, 2030.

“SEC. 710. GEOLOGICAL DISPOSAL OF GLOBAL WARMING POLLUTANTS.

“(a) Geological Carbon Dioxide Disposal Deployment Projects.—

“(1) In general.—The Administrator shall establish a competitive grant program to provide grants to 5 entities for the deployment of projects to geologically dispose of carbon dioxide (referred to in this subsection as ‘geological disposal deployment projects’).

“(2) Location.—Each geological disposal deployment project shall be conducted in a geologically distinct location in order to demonstrate the suitability of a variety of geological structures for carbon dioxide disposal.

“(3) Components.—Each geological disposal deployment project shall include an analysis of—

“(A) mechanisms for trapping the carbon dioxide to be geologically disposed;

“(B) techniques for monitoring the geologically disposed carbon dioxide;

“(C) public response to the geological disposal deployment project; and

“(D) the permanency of carbon dioxide storage in geological reservoirs.

“(4) Requirements.—

“(A) In general.—The Administrator shall establish—

“(i) appropriate conditions for environmental protection with respect to geological disposal deployment projects to protect public health and the environment; and

“(ii) requirements relating to applications for grants under this subsection.

“(B) Rulemaking.—The establishment of requirements under subparagraph (A) shall not require a rulemaking.

“(C) Minimum requirements.—At a minimum, each application for a grant under this subsection shall include—

“(i) a description of the geological disposal deployment project proposed in the application;

“(ii) an estimate of the quantity of carbon dioxide to be geologically disposed over the life of the geological disposal deployment project; and

“(iii) a plan to collect and disseminate data relating to each geological disposal deployment project to be funded by the grant.

“(5) Partners.—An applicant for a grant under this subsection may carry out a geological disposal deployment project under a pilot program in partnership with 1 or more public or private entities.

“(6) Selection criteria.—In evaluating applications under this subsection, the Administrator shall—

“(A) consider the previous experience of each applicant with similar projects; and

“(B) give priority consideration to applications for geological disposal deployment projects that—

“(i) offer the greatest geological diversity from other projects that have previously been approved;

“(ii) are located in closest proximity to a source of carbon dioxide;

“(iii) make use of the most affordable source of carbon dioxide;

“(iv) are expected to geologically dispose of the largest quantity of carbon dioxide;

“(v) are combined with demonstrations of advanced coal electricity generation technologies;

“(vi) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed demonstration project and the greatest likelihood that the demonstration project will be maintained or expanded after Federal assistance under this subsection is completed; and "(vii) minimize any adverse environmental effects from the project.

"(7) Period of Grants.—

"(A) In general.—A geological disposal deployment project funded by a grant under this subsection shall begin construction not later than 3 years after the date on which the grant is provided.

"(B) Term.—The Administrator shall not provide grant funds to any applicant under this subsection for a period of more than 5 years.

"(8) Transfer of information and knowledge.—The Administrator shall establish mechanisms to ensure that the information and knowledge gained by participants in the program under this subsection are published and disseminated, including to other applicants that submitted applications for a grant under this subsection.

"(9) Schedule.—

"(A) Publication.—Not later than 180 days after the date of enactment of this title, the Administrator shall publish in the Federal Register, and elsewhere as appropriate, a request for applications to carry out geological disposal deployment projects.

"(B) Date for applications.—An application for a grant under this subsection shall be submitted not later than 180 days after the date of publication of the request under subparagraph (A).

"(C) Selection.—After the date by which applications for grants are required to be submitted under subparagraph (B), the Administrator, in a timely manner, shall select, after peer review and based on the criteria under paragraph (6), those geological disposal deployment projects to be provided a grant under this subsection.

"(b) Interim Standards.—Not later than 3 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of Energy, shall, by regulation, establish interim geological carbon dioxide disposal standards that address—

"(1) site selection;

"(2) permitting processes;

"(3) monitoring requirements;

"(4) public participation; and

"(5) such other issues as the Administrator and the Secretary of Energy determine to be appropriate.

"(c) Final Standards.—Not later than 6 years after the date of enactment of this title, taking into account the results of geological disposal deployment projects carried out under subsection (a), the Administrator shall, by regulation, establish final geological carbon dioxide disposal standards.

"(d) Considerations.—In developing standards under subsections (b) and (c), the Administrator shall consider the experience in the United States in regulating—

"(1) underground injection of waste;

"(2) enhanced oil recovery;

"(3) short-term storage of natural gas; and

"(4) long-term waste storage.

"(e) Termination of Authority.—This section and the authority provided by this section terminate on December 31, 2030.

"SEC. 711. RESEARCH AND DEVELOPMENT.

"(a) In General.—The Administrator shall carry out a program to perform and support research on global climate change standards and processes, with the goals of—

"(1) providing scientific and technical knowledge applicable to the reduction of global warming pollutants; and

"(2) facilitating implementation of section 704.

"(b) Research Program.—

"(1) In general.—The Administrator shall carry out, directly or through the use of contracts or grants, a global climate change standards and processes research program.

"(2) Research.—

"(A) Contents and priorities.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including—

"(i) the National Oceanic and Atmospheric Administration;

"(ii) the National Aeronautics and Space Administration; and

"(iii) the Department of Energy.

"(B) Types of research.—The research program shall include the conduct of basic and applied research—

"(i) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards necessary to enable the monitoring of global warming pollution;

"(ii) to assist in establishing a baseline reference point for future trading in global warming pollutants (including the measurement of progress in emission reductions);

"(iii) for international exchange as scientific or technical information for the stated purpose of developing mutually-recognized measurements, standards, and procedures for reducing global warming pollution; and

"(iv) to assist in developing improved industrial processes designed to reduce or eliminate global warming pollution.

"(3) Abrupt climate change research.—

"(A) Definition of abrupt climate change.—In this paragraph, the term 'abrupt climate change' means a change in climate that occurs so rapidly or unexpectedly that humans or natural systems may have difficulty adapting to the change.

"(B) Research.—The Administrator shall carry out a program of scientific research on potential abrupt climate change that is designed—

"(i) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to identify and describe past instances of abrupt climate change;

"(ii) to improve understanding of thresholds and nonlinearities in geophysical systems relating to the mechanisms of abrupt climate change;

"(iii) to incorporate those mechanisms into advanced geophysical models of climate change; and

"(iv) to test the output of those models against an improved global array of records of past abrupt climate changes.

"(c) Sense of the Senate.—It is the sense of the Senate that Federal funds for clean, low-carbon energy research, development, and deployment should be increased by at least 100 percent for each year during the 10-year period beginning on the date of enactment of this title.

"SEC. 712. ENERGY EFFICIENCY PERFORMANCE STANDARD.

"(a) Definitions.—In this section:

"(1) Electricity savings.—

"(A) In general.—The term 'electricity savings' means reductions in end-use electricity consumption relative to consumption by the same customer or at the same new or existing facility in a given year, as defined in regulations promulgated by the Administrator under subsection (e).

"(B) Inclusions.—The term 'savings' includes savings achieved as a result of—

"(i) installation of energy-saving technologies and devices; and

"(ii) the use of combined heat and power systems, fuel cells, or any other technology identified by the Administrator that recaptures or generates energy solely for onsite customer use.

"(C) Exclusion.—The term 'savings' does not include savings from measures that would likely be adopted in the absence of energy-efficiency programs, as determined by the Administrator.

"(2) Retail electricity sales.—The term 'retail electricity sales' means the total quantity of electric energy sold by a retail electricity supplier to retail customers during the most recent calendar year for which that information is available.

"(3) Retail electricity supplier.—The term 'retail electricity supplier' means a distribution or integrated utility, or an independent company or entity, that sells electric energy to consumers.

"(b) Energy Efficiency Performance Standard.—Each retail electricity supplier shall implement programs and measures to achieve improvements in energy efficiency and peak load reduction, as verified by the Administrator.

"(c) Targets.—For calendar year 2008 and each calendar year thereafter, the Administrator shall ensure that retail electric suppliers annually achieve electricity savings and reduce peak power demand and electricity use by retail customers by a percentage that is not less than the applicable target percentage specified in the following table:

"Calendar Year	Reduction in peak demand	Reduction in electricity use
2008	.25 percent	.25 percent
2009	.75 percent	.75 percent
2010	1.75 percent	1.5 percent
2011	2.75 percent	2.25 percent
2012	3.75 percent	3.0 percent
2013	4.75 percent	3.75 percent
2014	5.75 percent	4.5 percent
2015	6.75 percent	5.25 percent
2016	7.75 percent	6.0 percent
2017	8.75 percent	6.75 percent
2018	9.75 percent	7.5 percent
2019	10.75 percent	8.25 percent
2020 and each calendar year thereafter	11.75 percent	9.0 percent

“(d) BEGINNING DATE.—For the purpose of meeting the targets established under subsection (c), electricity savings shall be calculated based on the sum of—

“(1) savings realized as a result of actions taken by the retail electric supplier during the specified calendar year; and

“(2) cumulative savings realized as a result of electricity savings achieved in all previous calendar years (beginning with calendar year 2006).

“(e) IMPLEMENTING REGULATIONS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to implement the targets established under subsection (c).

“(2) REQUIREMENTS.—The regulations shall establish—

“(A) a national credit system permitting credits to be awarded, bought, sold, or traded by and among retail electricity suppliers;

“(B) a fee equivalent to not less than 4 cents per kilowatt hour for retail energy suppliers that do not meet the targets established under subsection (c); and

“(C) standards for monitoring and verification of electricity use and demand savings reported by the retail electricity suppliers.

“(3) CONSIDERATION OF TRANSMISSION AND DISTRIBUTION EFFICIENCY.—In developing regulations under this subsection, the Administrator shall consider whether savings, in whole or part, achieved by retail electricity suppliers by improving the efficiency of electric distribution and use should be eligible for credits established under this section.

“(f) COMPLIANCE WITH STATE LAW.—Nothing in this section shall supersede or otherwise affect any State or local law requiring or otherwise relating to reductions in total annual electricity consumption, or peak power consumption, by electric consumers to the extent that the State or local law requires more stringent reductions than those required under this section.

“(g) VOLUNTARY PARTICIPATION.—The Administrator may—

“(1) pursuant to the regulations promulgated under subsection (e)(1), issue a credit to any entity that is not a retail electric supplier if the entity implements electricity savings; and

“(2) in a case in which an entity described in paragraph (1) is a nonprofit or educational organization, provide to the entity 1 or more grants in lieu of a credit.

“SEC. 713. RENEWABLE PORTFOLIO STANDARD.

“(a) RENEWABLE ENERGY.—

“(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Energy, shall promulgate regulations defining the types and sources of renewable energy generation that may be carried out in accordance with this section.

“(2) INCLUSIONS.—In promulgating regulations under paragraph (1), the Administrator shall include of all types of renewable energy (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))) other than energy generated from—

“(A) municipal solid waste;

“(B) wood contaminated with plastics or metals; or

“(C) tires.

“(b) RENEWABLE ENERGY REQUIREMENT.—Of the base quantity of electricity sold by each retail electric supplier to electric consumers during a calendar year, the quantity generated by renewable energy sources shall be not less than the following percentages:

“Calendar year:	Minimum annual percentage:
2008 through 2009	5
2010 through 2014	10
2015 through 2019	15
2020 and subsequent years	20

“(c) RENEWABLE ENERGY CREDIT PROGRAM.—Not later than 1 year after the date of enactment of this title, the Administrator shall establish—

“(1) a program to issue, establish the value of, monitor the sale or exchange of, and track renewable energy credits; and

“(2) penalties for any retail electric supplier that does not comply with this section.

“(d) PROHIBITION ON DOUBLE COUNTING.—A renewable energy credit issued under subsection (c)—

“(1) may be counted toward meeting the requirements of subsection (b) only once; and

“(2) shall vest with the owner of the system or facility that generates the renewable energy that is covered by the renewable energy credit, unless the owner explicitly transfers the renewable energy credit.

“(e) SALE UNDER PURPA CONTRACT.—If the Administrator, after consultation with the Secretary of Energy, determines that a renewable energy generator is selling electricity to comply with this section to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a-3), the retail electric supplier shall be treated as the generator of the electric energy for the purposes of this title for the duration of the contract.

“(f) STATE PROGRAMS.—Nothing in this section precludes any State from requiring additional renewable energy generation under any State renewable energy program.

“(g) VOLUNTARY PARTICIPATION.—The Administrator may issue a renewable energy credit pursuant to subsection (c) to any entity that is not subject to this section only if the entity applying for the renewable energy credit meets the terms and conditions of this section to the same extent as retail electric suppliers subject to this section.

“SEC. 714. STANDARDS TO ACCOUNT FOR BIOLOGICAL SEQUESTRATION OF CARBON.

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of title, the Secretary of Agriculture, with the concurrence of the Administrator, shall establish standards for accrediting certified reductions in the emission of carbon dioxide through above-ground and below-ground biological sequestration activities.

“(b) REQUIREMENTS.—The standards shall include—

“(1) a national biological carbon storage baseline or inventory; and

“(2) measurement, monitoring, and verification guidelines based on—

“(A) measurement of increases in carbon storage in excess of the carbon storage that would have occurred in the absence of a new management practice designed to achieve biological sequestration of carbon;

“(B) comprehensive carbon accounting that—

“(i) reflects sustained net increases in carbon reservoirs; and

“(ii) takes into account any carbon emissions resulting from disturbance of carbon reservoirs in existence as of the date of commencement of any new management practice designed to achieve biological sequestration of carbon;

“(C) adjustments to account for—

“(i) emissions of carbon that may result at other locations as a result of the impact of the new biological sequestration management practice on timber supplies; or

“(ii) potential displacement of carbon emissions to other land owned by the entity that carries out the new biological sequestration management practice; and

“(D) adjustments to reflect the expected carbon storage over various time periods, taking into account the likely duration of the storage of carbon in a biological reservoir.

“(c) UPDATING OF STANDARDS.—Not later than 3 years after the date of establishment of the standards under subsection (a), and every 3 years thereafter, the Secretary of Agriculture shall update the standards to take into account the most recent scientific information.

“SEC. 715. GLOBAL WARMING POLLUTION REPORTING.

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of this title, and annually thereafter, any entity considered to be a major stationary source (as defined in section 169A(g)) shall submit to the Administrator a report describing the emissions of global warming pollutants from the entity for the preceding calendar year.

“(b) VOLUNTARY REPORTING.—An entity that is not described in subsection (a) may voluntarily report the emissions of global warming pollutants from the entity to the Administrator.

“(c) REQUIREMENTS FOR REPORTS.—

“(1) EXPRESSION OF MEASUREMENTS.—Each global warming pollution report submitted under this section shall express global warming pollution emissions in—

“(A) metric tons of each global warming pollutant; and

“(B) metric tons of the carbon dioxide equivalent of each global warming pollutant.

“(2) ELECTRONIC FORMAT.—The information contained in a report submitted under this section shall be reported electronically to the Administrator in such form and to such extent as may be required by the Administrator.

“(3) DE MINIMIS EXEMPTION.—The Administrator may specify the level of global warming pollution emissions from a source within a facility that shall be considered to be a de minimis exemption from the requirement to comply with this section.

“(d) PUBLIC AVAILABILITY OF INFORMATION.—Not later than March 1 of the year after which the Administrator receives a report under this subsection from an entity, and annually thereafter, the Administrator shall make the information reported under this section available to the public through the Internet.

“(e) PROTOCOLS AND METHODS.—The Administrator shall, by regulation, establish protocols and methods to ensure completeness, consistency, transparency, and accuracy of data on global warming pollution emissions submitted under this section.

“(f) ENFORCEMENT.—Regulations promulgated under this section may be enforced pursuant to section 113 with respect to any person that—

“(1) fails to submit a report under this section; or

“(2) otherwise fails to comply with those regulations.

“SEC. 716. CLEAN ENERGY TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES.

“(a) DEFINITIONS.—In this section:

“(1) CLEAN ENERGY TECHNOLOGY.—The term ‘clean energy technology’ means an energy supply or end-use technology that, over the lifecycle of the technology and compared to a similar technology already in commercial use in any developing country—

"(A) is reliable; and

"(B) results in reduced emissions of global warming pollutants.

"(2) DEVELOPING COUNTRY.—

"(A) IN GENERAL.—The term 'developing country' means any country not listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

"(B) INCLUSION.—The term 'developing country' may include a country with an economy in transition, as determined by the Secretary.

"(3) TASK FORCE.—The term 'Task Force' means the Task Force on International Clean, Low-Carbon Energy Cooperation established under subsection (b)(1).

"(b) TASK FORCE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this title, the President shall establish a task force to be known as the 'Task Force on International Clean, Low Carbon Energy Cooperation'.

"(2) COMPOSITION.—The Task Force shall be composed of—

"(A) the Administrator and the Secretary of State, who shall serve jointly as Co-Chairpersons; and

"(B) representatives, appointed by the head of the respective Federal agency, of—

"(i) the Department of Commerce;

"(ii) the Department of the Treasury;

"(iii) the United States Agency for International Development;

"(iv) the Export-Import Bank;

"(v) the Overseas Private Investment Corporation;

"(vi) the Office of United States Trade Representative; and

"(vii) such other Federal agencies as are determined to be appropriate by the President.

"(c) DUTIES.—

"(1) INITIAL STRATEGY.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Task Force shall develop and submit to the President an initial strategy—

"(i) to support the development and implementation of programs and policies in developing countries to promote the adoption of clean, low-carbon energy technologies and energy-efficiency technologies and strategies, with an emphasis on those developing countries that are expected to experience the most significant growth in global warming pollution emissions over the 20-year period beginning on the date of enactment of this title; and

"(ii)(I) open and expand clean, low-carbon energy technology markets; and

"(II) facilitate the export of that technology to developing countries.

"(B) SUBMISSION TO CONGRESS.—On receipt of the initial strategy from the Task Force under subparagraph (A), the President shall submit the initial strategy to Congress.

"(2) FINAL STRATEGY.—Not later than 2 years after the date of submission of the initial strategy under paragraph (1), and every 2 years thereafter—

"(A) the Task Force shall—

"(i) review and update the initial strategy; and

"(ii) report the results of the review and update to the President; and

"(B) the President shall submit to Congress a final strategy.

"(3) PERFORMANCE CRITERIA.—The Task Force shall develop and submit to the Administrator performance criteria for use in the provision of assistance under this section.

"(d) PROVISION OF ASSISTANCE.—The Administrator may—

"(1) provide assistance to developing countries for use in carrying out activities that are consistent with the priorities established in the final strategy; and

"(2) establish a pilot program that provides financial assistance for qualifying projects (as determined by the Administrator) in accordance with—

"(A) the final strategy submitted under subsection (c)(2)(B); and

"(B) any performance criteria developed by the Task Force under subsection (c)(3).

"SEC. 717. PARAMOUNT INTEREST WAIVER.

"(a) IN GENERAL.—If the President determines that a national security emergency exists and, in light of information that was not available as of the date of enactment of this title, that it is in the paramount interest of the United States to modify any requirement under this title to minimize the effects of the emergency, the President may, after opportunity for public notice and comment, temporarily adjust, suspend, or waive any regulations promulgated pursuant to this title to achieve that minimization.

"(b) CONSULTATION.—In making an emergency determination under subsection (a), the President shall, to the maximum extent practicable, consult with and take into account any advice received from—

"(1) the Academy;

"(2) the Secretary of Energy; and

"(3) the Administrator.

"(c) JUDICIAL REVIEW.—An emergency determination under subsection (a) shall be subject to judicial review under section 307.

"SEC. 718. EFFECT ON OTHER LAW.

"Nothing in this title—

"(1) affects the ability of a State to take State actions to further limit climate change (except that section 209 shall apply to standards for vehicles); and

"(2) except as expressly provided in this title—

"(A) modifies or otherwise affects any requirement of this Act in effect on the day before the date of enactment of this title; or

"(B) relieves any person of the responsibility to comply with this Act.".

SEC. 3. RENEWABLE CONTENT OF GASOLINE.

Section 211(o) of the Clean Air Act (as amended by section 1501 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (E); and

(B) by inserting after subparagraph (A) the following:

"(B) LOW-CARBON RENEWABLE FUEL.—The term 'low-carbon renewable fuel' means renewable fuel the use of which, on a full fuel cycle, per-mile basis, and as compared with the use of gasoline, achieves a reduction in global warming pollution emissions of 75 percent or more."; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by inserting "and low-carbon renewable fuel" after "renewable fuel"; and

(B) in subparagraph (B)—

(i) in clause (iv), by striking "(iv) MINIMUM APPLICABLE VOLUME.—For the purpose of subparagraph (A), the applicable volume" and inserting the following:

"(iv) MINIMUM APPLICABLE VOLUME OF RENEWABLE FUEL.—For the purpose of subparagraph (A), the minimum applicable volume of renewable fuel"; and

(ii) by adding at the end the following:

"(v) MINIMUM APPLICABLE VOLUME OF LOW-CARBON RENEWABLE FUEL.—For the purpose of subparagraph (A), the minimum applicable volume of low-carbon renewable fuel for calendar year 2015 and each calendar year thereafter shall be 5,000,000,000 gallons.".

SEC. 4. ENFORCEMENT AND JUDICIAL REVIEW.

(a) FEDERAL ENFORCEMENT.—Section 113 of the Clean Air Act (42 U.S.C. 7413) is amended—

(1) in subsection (a)(3), by striking "or title VI," and inserting "title VI, or title VII,";

(2) in subsection (b)(2), by striking "or title VI," and inserting "title VI, or title VII,";

(3) in subsection (c)—

(A) in the first sentence of paragraph (1), by striking "or title VI (relating to stratospheric ozone control)," and inserting "title VI (relating to stratospheric ozone control), or title VII (relating to global warming pollution emission reductions),"; and

(B) in the first sentence of paragraph (3), by striking "or VI" and inserting "VI, or VII";

(4) in subsection (d)(1)(B), by striking "or VI" and inserting "VI, or VII"; and

(5) in the first sentence of subsection (f), by striking "or VI" and inserting "VI, or VII".

(b) ESTABLISHMENT OF STANDARDS.—Section 202 of the Clean Air Act (42 U.S.C. 7521) is amended—

(1) by redesignating the second subsection (f) (as added by section 207(b) of Public Law 101–549 (104 Stat. 2482)) as subsection (n); and

(2) by inserting after subsection (n) (as redesignated by paragraph (1)) the following:

"(o) GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.—

"(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations in accordance with subsection (a) and section 707 to require manufacturers of motor vehicles to meet the vehicle emission standards established under subsections (a) and (b) of section 707.

"(2) EFFECTIVE DATE.—The regulations promulgated under paragraph (1) shall take effect with respect to motor vehicles sold by a manufacturer beginning in model year 2016.".

(c) ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW.—Section 307 of the Clean Air Act (42 U.S.C. 7607) is amended—

(1) in subsection (b)(1)—

(A) in the first sentence—

(i) by striking "section 111,," and inserting "section 111,"; and

(ii) by inserting "any emission standard or requirement issued pursuant to title VII," after "under section 120,"; and

(B) in the second sentence, by striking "section 112,," and inserting "section 112,"; and

(2) in subsection (d)(1)—

(A) in subparagraph (T), by striking ", and" at the end;

(B) in subparagraph (U), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(V) the promulgation or revision of any regulation under title VII (relating to global warming pollution).".

SEC. 5. FEDERAL FLEET FUEL ECONOMY.

Section 32917 of title 49, United States Code, is amended by adding at the end the following:

"(3) NEW VEHICLES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each passenger vehicle purchased, or leased for a period of at least 60 consecutive days, by an Executive agency after the date of enactment of this paragraph shall be as fuel-efficient as practicable.

"(B) WAIVER.—In an emergency situation, an Executive agency may submit to Congress a written request for a waiver of the requirement under paragraph (1).".

SEC. 6. INTERNATIONAL NEGOTIATIONS AND TRADE RESTRICTIONS.

It is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change, and foster sustained economic growth through a new generation of technologies, by—

(1) participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and leading efforts in other international forums, with the objective of securing participation of the United States in agreements that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of global warming pollution, in accordance with the principle of "common but differentiated responsibilities";

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global warming pollution emissions; and

(2) establishing a bipartisan Senate observation group, the members of which should be designated by the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate, and which should include the Chairman and Ranking Member of the Committee on Environment and Public Works of the Senate—

(A) to monitor any international negotiations on climate change; and

(B) to ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SEC. 7. REPORT ON TRADE AND INNOVATION EFFECTS.

Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce, in consultation with the United States Trade Representative, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency (referred to in this section as the "Secretary"), shall prepare and submit to Congress a report on the trade, economic, and technology innovation effects of the failure of the United States to adopt measures that require or result in a reduction in total global warming pollution emissions in the United States, in accordance with the goals for the United States under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

SEC. 8. CLIMATE CHANGE IN ENVIRONMENTAL IMPACT STATEMENTS.

In any case in which a Federal agency prepares an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Federal agency shall consider and evaluate—

(1) the impact that the Federal action or project necessitating the statement or analysis would have in terms of net changes in global warming pollution emissions; and

(2) the ways in which climate changes may affect the action or project in the short term and the long term.

SEC. 9. CORPORATE ENVIRONMENTAL DISCLOSURE OF CLIMATE CHANGE RISKS.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Securities and Exchange Commission (referred to in this section as the "Commission") shall promulgate regulations in accordance with section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) directing each issuer of securities under that Act to inform securities investors of the risks relating to—

(1) the financial exposure of the issuer because of the net global warming pollution emissions of the issuer; and

(2) the potential economic impacts of global warming on the interests of the issuer.

(b) UNIFORM FORMAT FOR DISCLOSURE.—In carrying out subsection (a), the Commission shall enter into an agreement with the Financial Accounting Standards Board, or another appropriate organization that establishes voluntary standards, to develop a uniform format for disclosing to securities investors information on the risks described in subsection (a).

(c) INTERIM INTERPRETIVE RELEASE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commission shall issue an interpretive release clarifying that under items 101 and 303 of Regulation S-K of the Commission under part 229 of title 17, Code of Federal Regulations (as in effect on the date of enactment of this Act)—

(A) the commitments of the United States to reduce emissions of global warming pollution under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, are considered to be a material effect; and

(B) global warming constitutes a known trend.

(2) PERIOD OF EFFECTIVENESS.—The interpretive release issued under paragraph (1) shall remain in effect until the effective date of the final regulations promulgated under subsection (a).

By Mr. SPECTER:

S. 3699. A bill to provide private relief; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today to introduce a bill to provide private relief to the survivors of Christopher Kangas of Brookhaven, PA. This is a final attempt to recognize the public service of Christopher Kangas, a junior firefighter of the Brookhaven, PA, fire department, who, on May 4, 2002, was struck by a car and killed while riding his bicycle to the site of a fire emergency.

I characterize the bill I introduce today as a "final attempt" to recognize the public service of Christopher Kangas as a fallen firefighter because previous legislative corrections have been blocked while the Kangas family languishes in the lengthy appeals process to overturn the U.S. Department of Justice's, DOJ, denial of public safety officer benefits. During both the 108th and 109th Congresses, I introduced the Christopher Kangas Fallen Firefighter Apprentice Act, S. 2695 and S. 491, respectively, designed to correct a flaw in the current definition of "firefighter" under the Public Safety Officer Benefits Act. That legislation would clarify that all firefighters will be recognized as such "regardless of age, status as an apprentice or trainee, or duty restrictions imposed because of age or status as an apprentice or trainee" and applies retroactively to the date of Christopher Kangas' death in 2002. However, this legislation has been prevented from moving forward due to objections that expansion of benefits under the program would result in a serious drain on the Treasury when, in fact, the Congressional Budget Office has estimated that this bill would cost approximately $2 million in the first year of enactment and an average of less than $500,000 in each year thereafter.

In addition to a legislative remedy, Christopher Kangas' family has been pursuing the Federal benefit through the U.S. Federal Claims Court. On March 27, 2006, the court ruled in favor of the Kangas family ordering DOJ to pay $250,000. However, on May 26, 2006, DOJ filed a notice of appeal to this decision, further delaying recognition of Christopher Kangas' public service and status as a fallen firefighter.

Under Pennsylvania law, 14- and 15-year-olds such as Christopher are permitted to serve as volunteer junior firefighters. While they are not allowed to operate heavy machinery or enter burning buildings, the law permits them to fill a number of important support roles, such as providing first aid. In addition, the junior firefighter program is an important recruitment tool for fire stations throughout the Commonwealth. In fact, prior to his death Christopher had received 58 hours of training that would have served him well when he graduated from the junior program.

It is clear to me that Christopher Kangas was a firefighter killed in the line of duty. Were it not for his status as a junior firefighter and his prompt response to a fire alarm, Christopher would still be alive today. Indeed, the Brookhaven Fire Department, Brookhaven Borough, and the Commonwealth of Pennsylvania have all recognized Christopher's public service as a fallen public safety officer and provided the appropriate death benefits to his family.

Yet while those closest to the tragedy have recognized Christopher as a fallen firefighter, the Federal Government has not. The Department of Justice determined that Christopher Kangas was not eligible for benefits based on a twofold interpretation of the law. First, because he was deemed as not acting within a narrow range of duties at the time of his death that are the measured criteria to be considered a "firefighter," and therefore, was not a "public safety officer" for purposes of the Public Safety Officer Benefits Act. Second, that his death was deemed as not sustained in the "line of duty" because as a junior firefighter he was prohibited from operating a hose on a ladder or entering a burning building. As a result of this determination, Christopher's family cannot receive a Federal line-of-duty benefit. In addition, Christopher is barred from taking his rightful place on the National Fallen Firefighters Memorial in Emmitsburg, MD. For a young man who dreamed of being a firefighter and gave his life rushing to a fire, keeping him off of the memorial is a grave injustice.

Any firefighter will tell you that there are many important roles to play in fighting a fire beyond operating the hoses and ladders. Firefighting is a team effort, and everyone in the Brookhaven Fire Department viewed young Christopher as a full member of their team. As such, I support amending the Public Safety Officer Benefits Act to ensure that the Federal Government will recognize Christopher Kangas and others like him as firefighters. However, considering the significant opposition to that solution, I am offering this private bill in honor of Christopher Kangas to provide his family with the $250,000 as ordered by the Federal Claims Court and to allow his name to be included on the National Fallen Firefighter's Memorial.

I urge my colleagues to support this important legislation.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3701. A bill to determine successful methods to provide protection from catastrophic health expenses for individuals who have exceeded health insurance coverage for uninsured individuals, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, every Congress and a number I have served in since 1997, nearly 10 years ago, Senator WYDEN and I, my colleague from Oregon, have put forward a bipartisan agenda of things we could do as a Republican and Democrat to advance the interests of our Nation and specifically the interests of our State. It has been a genuine pleasure to work with him in achieving much good for Oregon and trying to set a better example of how Republicans and Democrats can function first as Americans and not as partisans.

Today as part of our agenda for the 109th Congress, we introduce what was item No. 1 on our bipartisan agenda. We have entitled it the Catastrophic Health Coverage Promotion Act. It addresses one of the most difficult challenges facing Congress, that of rising health care costs. Getting to a solution on this is daunting. It is not easy to solve. Health care is the ultimate turf battle. But for decades health care costs have increased consistently and little has been done to slow them.

While there are a number of factors driving this growth, the uninsured play a major role in driving those costs up. Last year 46 million Americans reported lacking health insurance coverage. In our State of Oregon, 600,000 individuals, 17 percent of the population, are uninsured. What some fail to realize is that the individuals without health insurance coverage nevertheless get health coverage. They do so through emergency rooms, even when they haven't the money to pay. The result is billions of dollars of uncompensated care incurred by State governments, community providers, physicians, and hospitals.

In 2006 alone, Oregon's hospitals provided a total of $500 million in uncompensated care, a 262-percent increase since 1995. Americans absorb the impact of uncompensated care by having to pay higher prices for health services overall. They are simply passed on in the cost of our insurance policies. Small businesses have been hit hard by rising health care costs as well. Most report they would love to be able to offer health care, but most small businesses are trying to save their economic lives, not cover the health care of their employees. But they would like to.

If we do our work right, Senator WYDEN and I may have come up with a product that may help them to provide some coverage. If a small business had extra protection in the form of a catastrophic policy for their employees, it might be able to extend the most basic kind of care, the kind that says: If you lose your health, you don't lose your home; you don't penalize everyone else in the business.

I know something of this, Mr. President, because having provided health care for hundreds of employees, it was the inexpensive comprehensive package that overlaid those that ultimately was tapped by one or two employees every year that helped us, in a way, to keep health care costs more manageable.

The legislation Senator WYDEN and I have developed will address the issue of catastrophic health costs on all fronts. The Catastrophic Health Coverage Promotion Act creates at least four State-based pilot projects that will provide basic coverage to uninsured, as well as additional protection for individuals with significant out-of-pocket health costs. One of these projects, we hope, will be located in Oregon. Certainly, it can be if it chooses.

Two of the pilots will target the uninsured. States will be given the tools they need to offer hybrid health insurance plans that combine a primary and preventive health care benefit with high-deductible catastrophic coverage. Private insurance providers will market these plans to uninsured individuals and small businesses.

Creating affordable basic coverage options for the uninsured is a much needed step to reduce the impact of uncompensated care on our health system. By doing this, we should be able to stabilize, if not reduce, overall health care costs. To help make this coverage more affordable for low-income workers and families, the bill provides a graduated subsidy to reduce the costs of premiums. Individuals with incomes at or below 200 percent of the Federal poverty level would be eligible for extra help with coverage costs.

Many have asked why Senator WYDEN and I would decide to focus on catastrophic health coverage, considering that similar policy options already exist and are made widely available. While that may be true, the Federal Government is often in a unique position to help to grow existing markets. I believe the targeted funding included in our bill will help make catastrophic coverage more affordable and more attractive to both individuals and small businesses. The solution in this case does not necessarily have to be as big as the problem.

While our proposal may not seem to be the "silver bullet," the kind of reform our system so desperately needs, it is nevertheless a step in the right direction. As is the case with many difficult problems, change is made incrementally. We are hopeful that the four pilot projects created in this bill will provide policymakers with much needed insight on how to better manage catastrophic health costs.

At the end of the day, individuals should not lose their homes just because they lose their health. Anyone—whether they are uninsured or have generous comprehensive coverage—can fall victim to a serious health care problem.

I am pleased that my colleague and I were able to work together in a bipartisan fashion to develop a modest yet workable solution to this longstanding and nagging problem. I urge my colleagues to support the legislation, and I encourage the Senate's leadership to move it quickly through the process.

With that, I yield the floor to my colleague from Oregon, Senator RON WYDEN.

Mr. WYDEN. Mr. President, how much time remains under the Smith unanimous consent request for a half hour?

The PRESIDING OFFICER. Twenty-two and a half minutes.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, I have come to the floor today to join my colleague at this time to discuss the Catastrophic Health Coverage Promotion Act that Senator SMITH and I are introducing today.

Mr. President, first, I want to say how much I appreciate Senator GORDON SMITH. At a time when our citizens all across the land and in our home State of Oregon believe there needs to be more bipartisanship, Senator SMITH doesn't just talk about it, he is consistently willing to meet me more than halfway on critical issues, and he does that with other colleagues in the Senate.

As we begin our time discussing this legislation, I want to let him know how much I appreciate the chance to cooperate with him once again. As he stated, we did put the issue of catastrophic health coverage at the top of our bipartisan agenda for the Senate session.

What it comes down to, Mr. President, is that Senator SMITH and I believe it is a moral blot on our Nation for a country as good and rich as ours to send millions of its citizens to bed at night fearing they will be wiped out if a serious medical illness hits them. That is the reality. It is the reality for families who have no coverage at all, and it is the reality for families who have some measure of coverage, say, through an employer, but it doesn't stretch far enough.

Senator SMITH and I want, in a bipartisan way, to tackle both of those kinds of concerns. That is why we have put forward the legislation we introduced today. I think now is an ideal time for bipartisanship on the catastrophic health coverage issue.

If you look back over the last few years, Senator KERRY, in the 2004 Presidential campaign, had an excellent proposal with respect to catastrophic coverage, and I said so in the course of that campaign. But I also said at the time that I thought our distinguished majority leader, Senator FRIST, also had a good catastrophic coverage proposal. You could debate the various merits of the Kerry proposal and the Frist proposal—which approach involved a little more government, which approach involved the private sector—but at the end of the day, for the purposes of government work, they were pretty darn similar.

So when Senator SMITH and I sat down after the 2004 election, we said let's finally get this done. Democrats and Republicans have been talking for years about how to make sure that all our citizens have a safety net under them so that they will not get wiped out from medical illness. We settled on this approach, which we thought would give us the opportunity to try some fresh, creative ideas for protecting our citizens.

Let me give an example of what happens in, for example, South Carolina, Oregon, or anywhere else in this country. If you have a small business with six people working there, and one of them gets sick, that essentially blows up the whole health premium structure for all six of the employees.

What we ought to look at is something called reinsurance. Under reinsurance, that employee who gets sick could get a bit of help for their high bills through a modest role for government, and if government steps in, in that kind of instance, you have an opportunity to hold down all of the costs for the entire six-person firm. So we should have been looking at reinsurance years ago, but because Senator SMITH, who chairs the Senate Aging Committee, has been examining these questions and has worked with me, now we are going to have a chance to tackle it in a way that I think is going to give us the opportunity to get the job done.

We are also very concerned about people who have no coverage at all. So what happens if you have no coverage at all is folks walk into a hospital in Oregon or in South Carolina, usually they show up in the emergency room, and the hospital has to absorb those costs. What we would do is give that person who now has no coverage at all the possibility of actually buying some private coverage in the marketplace with a bit of a subsidy in order to be able to have coverage that would pick up at least a portion of those bills that the hospital is now absorbing.

At the end of the day, those are the two principal kinds of instances we are facing—folks who have some coverage through a private employer, but it doesn't stretch far enough, and folks who don't have any coverage at all. Under that approach, we would like to make it possible for them to get into the private insurance market, protect them from catastrophic illness. We think we can do it with a modest subsidy coming from government.

My sense is that we are now looking at health care on two tracks in our country. The first track is a track that suggests we can take steps right now in areas like catastrophic coverage to protect our citizens. There are other ideas I have advanced during this Congress. For example, Senator SNOWE and I have now gotten a majority of Senators to agree with our proposal to lift the restriction so Medicare can bargain and hold down the costs. That, like the question of catastrophic coverage, is a step you can take right now. Let's protect our citizens from the catastrophic illness and let's hold down the costs of medicine. Those are practical, bipartisan approaches that can be taken today. We ought to pursue them and get them done.

I also think there is another track to health care. I noticed that Senator HATCH was on the Senate floor. He and I were the authors of the legislation creating the Citizens' Health Care Working Group that is going to look at opportunities to make sure that all Americans have decent, affordable coverage. We have only been on that issue for more than 60 years—going back to the 81st Congress, in 1945, and Harry Truman. I have said let's also work on that second track that involves getting all Americans under the tent for essential and affordable health care coverage.

That obviously isn't going to get done in the next 15 minutes. But if the Senate, on a bipartisan basis, as Senator SMITH and I have sought to do on the catastrophic issue, and as Senator HATCH and I have sought to do on a broader approach to look at health care that works for all Americans—if we team up and look at health care on those two tracks, I think we can make a great contribution for our country.

There are no costs going up in the United States like medical bills. We spent $1.7 trillion last year on health care. There are 290 million Americans—I guess we are approaching 300 million. When you divide $1.7 trillion by 290 million Americans, it comes to something like $25,000 that could be sent to every family of four in America with the amount of money now being spent on health care.

So while we are spending enough money, my sense is that we are not spending it in the right places. Once again, Senator SMITH has given us an opportunity to think creatively about better ways to approach the use of the health care dollars. I was pleased when Senator SMITH suggested in our legislation that we also make it possible to include a focus on health care prevention. We are not doing enough with health care prevention in this country. The Medicare Program shows that pretty well. Medicare Part A, for example, will pay huge checks for senior citizens' hospital bills, but Medicare Part B pays virtually nothing for prevention to keep people well. That makes no sense. We need a sharper focus on health care prevention, and one of the things that I think is attractive about Senator SMITH's leadership on this issue is that he has said even in the context of looking at catastrophic health care, let's put a sharper focus on prevention. We are going to make it possible in this legislation to do that.

I note we have other colleagues on the floor. I have secured time to focus on the Voting Rights Act legislation later in the afternoon, but I am very pleased to have the opportunity to talk for a few minutes about the Catastrophic Health Coverage Promotion Act Senator SMITH and I are introducing today. We have focused on a number of issues in a bipartisan fashion over our years in the Senate, but this has the potential to be the biggest as it relates to the needs of our citizens at home.

We want to make sure when folks go to bed at night, they don't have to fear they are going to be wiped out financially by a serious medical illness. This legislation moves us one step closer toward the goal. We hope many colleagues on both sides of the aisle will want to support the legislation.

Mr. President, Senator SNOWE and I today are introducing the Medicare Prescription Drug Lifeline Act. This legislation provides a solution for those seniors falling into the coverage gap, also known as the doughnut hole of the Medicare prescription drug benefit. The doughnut hole occurs when the spending for a senior's drug expenses reaches $2,250: at the point, the senior is on their own until their spending for prescription drugs reaches a total of $5,100, where the benefit picks up again. The Kaiser Family Foundation estimated that nearly 7 million seniors will fall into the coverage gap this year.

Seniors who enter this "no man's land" of spending face the same problems seniors faced before the drug benefit even began: they skip doses, they don't take all their medicine to make it stretch, and they are forced to choose between their food and fuel costs and their prescription drug costs.

This legislation would take three steps to deal with this problem: First, the Secretary of HHS would be required to let seniors know they are approaching the coverage gap. Second, it would allow seniors, when they are notified that they are reaching the coverage gap, to switch plans to avoid the gap. Finally, the legislation requires the Government Accountability Office to examine ways in which the benefit could be redesigned to eliminate the gap without increasing Federal spending. Together, these provisions will give seniors a lifeline to coverage.

Senator SNOWE and I both voted for the legislation that created the Medicare prescription drug benefit. When we did so, we pledged that we would continue to work to improve the benefit. Senator SNOWE and I have teamed up together on many occasions to try to reduce the cost of the prescription drug program by giving the Secretary the same power other Government officials have to bargain for better prices. Our legislation has won a majority of votes in the Senate, and we intend to continue to press for that power.

The latest effort is aimed at another shortcoming in the law: finding a way to help seniors avoid falling into the coverage gap. Senator SNOWE and I believe that our legislation will help seniors a straightforward way to avoid the gap.

Congress needs to address both these issues and we will continue our strong commitment to seniors by working to improve the drug benefit.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 3702. A bill to provide for the safety of migrant seasonal agricultural workers; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President. I rise today to introduce legislation with Senator SNOWE that will provide our Nation's migrant agricultural and forest workers with a safe ride to work. The Farm and Forestry Worker Transportation Safety Act would require a designated seat and seatbelt for each person riding in a vehicle used to transport these workers.

Today, many migrant workers travel to their jobs in dangerous and unsafe conditions. It is not uncommon for these workers to ride in overcrowded vans and trucks while sitting on benches and buckets with no access to seatbelts.

According to the Bureau of Labor Statistics, 78 agricultural workers lost their lives and 440 were injured in transportation accidents in 2004.

I would like to take a moment to share with you just a few of the accidents that have resulted from the lack of adequate safety regulations for these workers:

In December of 2005, two Guatemalan forest workers were killed when their vehicle crashed driving off icy roads in Washington. Five Guatemalan forest workers were killed in the same manner the previous year.

In June of 2004, 2 migrant workers were killed in Port St. Lucie, FL, when their overcrowded van carrying 11 people rolled over on Interstate 95. Two months later, 9 citrus workers were killed in Fort Pierce when their 15-passenger van rolled over and ejected all 19 passengers.

In September 2002, 14 forestry workers were killed when their van transporting them to work toppled off a bridge in Maine.

In August 1999, 13 tomato field workers were killed when their van slammed into a tractor-trailer in Fresno County, CA. Most of the victims were riding on three benches in the back of the van.

As you can see, this issue does not just affect my home State of California. It is a problem that requires national attention. Congress needs to take action to ensure these workers safe travel to and from their jobs. My bill would seek to provide these workers with a designated seat and operating seatbelt.

This legislation would also address the issue of converted vehicles. The bill would direct the Department of Transportation to develop interim seat and seatbelt safety standards for vehicles that have been converted for the purpose of transporting migrant workers. Owners and operators of these vehicles would have 7 years to make the necessary improvements so that their vehicles would meet the same safety standards as new vehicles.

I hope my colleagues will join me in standing up for the safety of our Nation's migrant workforce.

Mr. President, I request that the text of this legislation appear immediately following this statement in the CONGRESSIONAL RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm and Forestry Worker Transportation Safety Act".

SEC. 2. SEATS AND SEAT BELTS FOR MIGRANT AND SEASONAL AGRICULTURAL WORKERS.

(a) SEATS.—Except as provided in subsection (d), in promulgating vehicle safety standards under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of migrant and seasonal agricultural workers by farm labor contractors, agricultural employers or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in, or on, any vehicle subject to such standards is provided with a seat that is a designated seating position (as such term is defined for purposes of the Federal motor vehicle safety standards issued under chapter 301 of title 49, United States Code).

(b) SEAT BELTS.—Each seating position required under subsection (a) shall be equipped with an operational seat belt, except that this subsection shall not apply with respect to seating positions in buses that would otherwise not be required to have seat belts under the Federal motor vehicle safety standards.

(c) PERFORMANCE REQUIREMENTS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Labor, shall issue minimum performance requirements for the strength of seats and the attachment of seats and seat belts in vehicles that are converted, after being sold for purposes other than resale, for the purpose of transporting migrant or seasonal agricultural workers. The requirements shall provide a level of safety that is as close as practicable to the level of safety provided for in a vehicle that is manufactured or altered for the purpose of transporting such workers before being sold for purposes other than resale.

(2) EXPIRATION.—Effective on the date that is 7 years after the date of enactment of this Act, any vehicle that is or has been converted for the purpose of transporting migrant or seasonal agricultural workers shall provide the same level of safety as a vehicle that is manufactured or altered for such purpose prior to being sold for purposes other than resale.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or modify the regulations contained in section 500.103, or the provision pertaining to transportation that is primarily on private roads in section 500.104(1), of title 29, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(e) DEFINITIONS.—The definitions contained in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802) shall apply to this section.

(f) COMPLIANCE DATE.—Not later than 1 year after such date of enactment, and except as provided in subsection (c)(2), all vehicles subject to this Act shall be in compliance with the requirements of this Act.

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 3703. A bill to provide for a temporary process for individuals entering the Medicare coverage gap to switch to a plan that provides coverage in the gap; to the Committee on Finance.

Ms. SNOWE. Mr. President, I am pleased to be here today with my colleague and friend, Senator WYDEN, with whom I have worked for many years to achieve affordable prescription drug coverage for our seniors. We have certainly come a long way from back where we were nearly 10 years ago.

Yet much remains to be done. As we have seen, the implementation of the Medicare Part D benefit has been difficult, and there is no doubt we are still on the road to a sustainable benefit which our seniors can easily navigate. The complexity of the benefit is certainly posing a hazard to many of our seniors.

Today we face a crisis as millions of seniors are entering a gap in their prescription drug coverage—the so-called doughnut hole. In fact, when a senior's drug costs exceed $2,250 this year, they will no longer receive benefits until their spending reaches $5,100. That leaves seniors with a full $2,850 of drug costs to absorb before they receive a single cent of coverage. And they must continue to pay premiums. The Kaiser Foundation has reported that an estimated 7 million seniors will be affected by this coverage gap. How will they continue to receive essential medications?

Earlier this year, I offered legislation which would have addressed this issue by allowing every beneficiary to change their plan once this year so that those beneficiaries who realized that they require a more comprehensive plan could choose to change to an appropriate plan. We know that selecting drug coverage was a challenging process for seniors, all the more so as the deadline loomed and they struggled to get assistance.

Many may have made a good decision, but their circumstances may have since changed significantly. How many of us know of a senior who has had a major illness or hospitalization just since January? Most seniors in that situation will have changes in their medications as a result and often will use more prescription drugs and likely more expensive ones as well.

Finally, with coverage available, there is little doubt that physicians were encouraged to prescribe medications that at last their patients could afford—drugs which could prevent serious illness, such as heart disease. Yet now, just as seniors see the possibility of a future with better health, the cost of that critical treatment may be unsustainable. So millions are facing the dilemma we have seen before—cutting doses or even discontinuing medications. This must not occur again.

As many medical experts will tell you, to stop taking essential medications or to begin rationing their use will pose serious safety risks to many of our beneficiaries. That undermines the benefits we should see from Part D—improved health and decreased health expenditures.

So Senator WYDEN and I are here to offer a solution—one which, I might add, both HHS Secretary Michael Leavitt and Dr. Mark McClellan, the Administrator of the Centers for Medicare and Medicaid Services, have previously suggested they would pursue. That solution is a simple one—to allow those facing a coverage gap to change to a plan which would offer continuous coverage. That solution has simply not been employed and that compels us to act today, to protect our seniors.

The bill I rise to introduce today—the Medicare Prescription Drug Lifeline Act—truly gives a second chance to those who most need this coverage. Under this legislation we require that CMS notify those who are approaching the coverage gap and give them an option of making a one-time plan change in order to obtain essential drug coverage. Under our legislation, beneficiaries could change to any plan which would provide continuous coverage. That includes drug plans which provide generic or brand-name drugs as well as Medicare Advantage plans offering comprehensive drug coverage.

In a few States, there is simply not an option which allows a beneficiary to obtain continuous brand-name drug coverage. I note that in my State of Maine, as well as in New Hampshire and Alaska, such coverage simply cannot be obtained. So this legislation directs the Secretary to provide an option for beneficiary enrollment in a plan with brand-name drug coverage outside their region. That is simply fair, and it is essential to ensure that we don't see the doughnut hole threaten the health of our seniors.

We know that this coverage gap is an issue we simply must address. Seniors need to be able to plan and budget and count on a predictable monthly cost for their essentials of life. When the Congress adopted Part D 3 years ago, we said we never wanted to make seniors again choose between buying food and buying essential medicines. Yet without addressing the doughnut hole now, we will put seniors in that exact position again.

So this legislation also asks the GAO to undertake a study of options for eliminating the doughnut hole—looking at ways to level the benefit structure—including how we might do so without increasing federal expenditures. I note that one might be able to accomplish this, without changing the beneficiary's copayment rates appreciably. Obviously, if we saw some improvement in the pricing of drugs, that certainly would help get us there.

Today our most critical need is to avoid the harm this coverage gap poses, and I call on my colleagues to join us in this effort—to preserve drug access for our seniors so both they, and our Medicare system, realize the benefits of modern medicine.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 3704. A bill to amend title XIX of the Social Security Act to require staff working with developmentally disabled individuals to call emergency services in the event of a life-threatening situation; to the Committee on Finance.

Mr. MENENDEZ. Mr. President, I rise today with my good friend Senator LAUTENBERG to introduce Danielle's Act, an important piece of legislation that I know will save countless lives. I also recognize Representative RUSH HOLT, who has championed the bill in the House and has been a tireless advocate for individuals with disabilities. This bill is named in memory of a young woman from New Jersey, Danielle Gruskowski, whose life was cut tragically short by a failure to call 9-1-1. The great State of New Jersey has already passed Danielle's Law, and it is time for Congress to act as well.

In order to understand the importance of this legislation, I would like to share Danielle's story. She was born December 6, 1969, to Diane and Doug Gruskowski and raised in Carteret, NJ. Danielle was developmentally disabled and diagnosed with Rett Syndrome, a neurological disorder that causes a delay or regression in development, including speech, hand skills, and coordination. While Danielle needed help with daily activities, she managed to lead a full and active life. As a young adult, Danielle moved to a group home to experience the positive benefits of independent living. Tragically, on November 5, 2002, Danielle passed away at the age of 32 because no one in the group home called 9-1-1 when she was clearly in need of emergency medical attention.

So that no other mother would lose her child in such a tragic circumstance, Danielle's mother and her aunt, Robin Turner, developed a strong coalition of supporters and worked with their State representatives to develop and pass what we know as Danielle's Law. Like the New Jersey law, my bill will require staff working with individuals who have a developmental disability or traumatic brain injury to call emergency services in the event of a life-threatening situation. The legislation would raise the standard of care by improving staff training and ensuring that individuals with developmental disabilities get emergency care when they need it.

All Americans deserve an advocate, and today I am speaking for those who often cannot speak for themselves. I am proud to be an advocate for individuals with disabilities, and I am proud to be an advocate for the families in New Jersey who are counting on safe, secure, and healthy independent living environments for their loved ones with disabilities. I also would like to recognize the hard-working caregivers and staff who help provide for the needs of those with disabilities. They show their compassion every day when they show up for work, performing one of the most difficult but rewarding jobs in our society—caring for someone's mother, father, son, or daughter. These caregivers play such a critical role in our society and their contributions are to be commended. By raising awareness and education about Danielle's Law, my hope is that more caregivers will realize how important it is to call 9-1-1 for all life-threatening situations and that better training and support will be provided to staff across the country.

I am introducing this legislation to remember Danielle and to make sure no other family or community experiences the pain and suffering of losing a loved one to an avoidable death. I hope my colleagues will join me in supporting this important bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Danielle's Act".

SEC. 2. REQUIREMENT OF STAFF WORKING WITH DEVELOPMENTALLY DISABLED INDIVIDUALS TO CALL EMERGENCY SERVICES IN THE EVENT OF A LIFE-THREATENING SITUATION.

(a) REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (69), by striking "and" at the end;

(2) in paragraph (70), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (70) the following new paragraph:

"(71) provide, in accordance with regulations of the Secretary, that direct care staff providing health-related services to a individual with a developmental disability or traumatic brain injury are required to call the 911 emergency telephone service or equivalent emergency management service for assistance in the event of a life-threatening emergency to such individual and to report such call to the appropriate State agency or department.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on January 1, 2007.

By Mr. KENNEDY (for himself, Mr. HARKIN Mr. JEFFORDS, Mr. BINGAMAN, Mrs. CLINTON, Mrs. MURRAY, Mr. REED, Mr. DODD, Ms. MIKULSKI, Mr. DAYTON, Ms. STABENOW, and Mr. SCHUMER):

S. 3705. A bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it is a privilege to join my Senate and House colleagues in introducing the Protecting Children's Health in Schools Act of 2006. This bill will ensure that the Nation's 7 million school children with disabilities will have continued access to health care in school.

In 1975, the Nation made a commitment to guarantee children with disabilities equal access to education. For these children to learn and thrive in schools, the integration of education with health care is of paramount importance. Coordination with Medicaid makes an immense difference to schools in meeting the needs of these children.

This year, however, the Bush administration has declared its intent to end Medicaid reimbursements to schools for the support services they need in order to provide medical and health-related services to disabled children. The administration is saying "NO" to any further financial help to Medicaid-covered disabled children who need specialized transportation to obtain their health services at school. It is saying "NO" to any legitimate reimbursement to the school for costs incurred for administrative duties related to Medicaid services.

It's bad enough that Congress and the administration have not kept the commitment to "glide-path" funding of IDEA needs in 2004. Now the administration proposes to deny funding to schools under the federal program that supports the health needs of disabled children. It makes no sense to make it so difficult for disabled children to achieve in school—both under IDEA and the No Child Left Behind.

At stake is an estimated $3.6 billion in Medicaid funds over the next 5 years. Such funding is essential to help identify disabled children and connect them to services that can meet their special health and learning needs during the school day.

This decision by the administration follows years of resisting Medicaid reimbursements to schools that provide these services, without clear guidance on how schools should appropriately seek reimbursement.

The "Protecting Children's Health in Schools Act" recognizes the importance of schools as a site of delivery of health care. It ensures that children with disabilities can continue to obtain health services during the school day. The bill also provides for clear and consistent guidelines to be established, so that schools can be held accountable and seek appropriate reimbursement.

The legislation has the support of over 60 groups, including parents, teachers, principals, school boards, and health care providers—people who work with children with disabilities every day and know what is needed to facilitate their growth, development, and long-term success.

I urge all of our colleagues to join us in supporting these children across the Nation, by providing the realistic support their schools need in order to meet these basic health care requirements of their students.

I ask unanimous consent that the attached bill be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Children's Health in Schools Act of 2006".

SEC. 2. REQUIREMENTS UNDER THE MEDICAID PROGRAM FOR ITEMS AND SERVICES FURNISHED IN OR THROUGH AN EDUCATIONAL PROGRAM OR SETTING TO CHILDREN, INCLUDING CHILDREN WITH DEVELOPMENTAL, PHYSICAL, OR MENTAL HEALTH NEEDS.

(a) REQUIREMENTS FOR PAYMENTS.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (i)—

(A) in paragraph (22), by striking the period at the end and inserting "; or"; and

(B) by inserting after paragraph (22), the following new paragraphs:

"(23) with respect to any amount expended by, or on behalf of, the State (including by a local educational agency in the State or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act) for an item or service provided under the State plan in or through an educational program or setting, or for any administrative cost incurred to carry out the State plan in or through such a program or setting, or for a transportation service for an individual who has not attained age 21, unless the requirements of subsection (y) are met; or

"(24) with respect to any amount expended for an item or service provided under the State plan in or through an educational program or setting, or for any administrative cost incurred to carry out the plan in or through such a program or setting by, or on behalf of, the State through an agency that is not the State agency with responsibility for administering the State plan (including a local educational agency in the State or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act) and that enters into a contract or other arrangement with a person or entity for or in connection with the collection or submission of claims for such an expenditure or cost, unless the agency—

"(A) if not a public agency operating a consortium with other public agencies, uses a competitive bidding process or otherwise to contract with such person or entity at a reasonable rate commensurate with the services performed by the person or entity; and

"(B) requires that any fees (including any administrative fees) to be paid to the person or entity for the collection or submission of such claims are identified as a non-contingent, specified dollar amount in the contract."; and

(2) by adding at the end the following new subsection:

"(y) REQUIREMENTS FOR FEDERAL FINANCIAL PARTICIPATION FOR FURNISHING MEDICAL ASSISTANCE (INCLUDING MEDICALLY NEEDED TRANSPORTATION) IN OR THROUGH AN EDUCATIONAL PROGRAM OR SETTING.—For purposes of subsection (i)(23), the requirements of this subsection are the following:

"(1) APPROVED METHODOLOGY FOR EXPENDITURES FOR BUNDLED ITEMS, SERVICES, AND ADMINISTRATIVE COSTS.—

"(A) IN GENERAL.—In the case of any amount expended by, or on behalf of, the State for a bundle of individual items, services, and administrative costs under the State plan that are furnished in or through an educational program or setting, the expenditure must be made in accordance with a methodology approved by the Secretary which—

"(i) provides for an itemization to the Secretary in a manner that ensures accountability of the cost of the bundled items, services, and administrative costs and includes payment rates and the methodologies underlying the establishment of such rates;

"(ii) has a sound basis for determining such payment rates and methodologies; and

"(iii) matches payments for the bundled items, services, and administrative costs with corresponding items and services provided and administrative costs incurred under the State plan.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as—

"(i) requiring a State to establish and apply such a methodology through a State plan amendment;

"(ii) requiring a State with such an approved methodology to obtain the approval of the Secretary for any increase in rates of reimbursement that are established consistent with such methodology; or

"(iii) prohibiting the Secretary from reviewing a State's costs for the individual items, services, and administrative costs that make up a proposed bundle of items, services, and costs as a condition of approval of the methodology that the State will establish to determine the rate of reimbursement for such bundle of items, services, and costs.

"(2) APPLICATION OF MARKET RATE FOR INDIVIDUAL ITEMS, SERVICES, ADMINISTRATIVE COSTS.—In the case of an amount expended by, or on behalf of, the State for an individual item, service, or administrative cost under the State plan that is furnished in or through an educational program or setting, the State must establish that the amount expended—

"(A) does not exceed the amount that would have been paid for the item, service, or administrative cost if the item or service was provided or the cost was incurred by an entity in or through a program or setting other than an educational program or setting; or

"(B) if the amount expended for the item, service, or administrative cost is higher than the amount described in subparagraph (A), was necessary.

"(3) TRANSPORTATION SERVICES.—

"(A) IN GENERAL.—In the case of an amount expended by, or on behalf of, the State for furnishing in or through an educational program or setting a transportation service for an individual who has not attained age 21 and who is eligible for medical assistance under the State plan, the State mush establish that—

"(i) a medical need for transportation is specifically listed in the individualized education program for the individual established pursuant to part B of the Individuals with Disabilities Education Act or, in the case of an infant or a toddler with a disability, in the individualized family service plan established for such infant or toddler pursuant to part C of such Act, or is furnished to the individual pursuant to section 504 of the Rehabilitation Act of 1973;

"(ii) the vehicle used to furnish such transportation service is specially equipped or staffed to accommodate individuals who have not attained age 21 with developmental, physical, or mental health needs; and

"(iii) payment for such service is made only for costs directly attributable to costs associated with transporting individuals who have not attained age 21 and whose developmental, physical, or mental health needs require transport in such a vehicle in order to receive the services for which medical assistance is provided under the State plan.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as modifying the obligation of a State to ensure that an individual who has not attained age 21 and who is eligible for medical assistance under the State plan receives necessary transportation services to and from a provider of medical assistance in or through a program or setting other than an educational program or setting.".

(b) REQUIREMENTS FOR THE PROVISION OF ITEMS AND SERVICES THROUGH MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) CONTRACTUAL REQUIREMENTS.—Section 1903(m)(2) of the Social Security Act (42 U.S.C. 1396b(m)(2)) is amended—

(A) in subparagraph (A), by inserting after clause (i) the following new clause:

"(ii) the contract with the entity satisfies the requirements of subparagraph (C) (relating to payment for, and coverage of, such services under an individual's education program, an individualized family service plan, or when furnished in or through an educational program or setting);"; and

(B) by inserting after subparagraph (B), the following new subparagraph:

"(C) For purposes of clause (ii) of subparagraph (A), the requirements of this subparagraph are the following:

"(i) The contract with the entity specifies the coverage and payment responsibilities of the entity in relation to medical assistance for items and services that are covered under the State plan and included in the contract, when such items and services are furnished in or through an educational program or setting.

"(ii) In any case in which the entity is obligated under the contract to pay for items and services covered under the State plan, the contract with the entity requires the entity to—

"(I) enter into a provider network service agreement with the qualified provider or providers furnishing such items or services in or through an educational program or setting;

"(II) promptly pay such providers at a rate that is at least equal to the rate that would be paid to a provider furnishing the same service in a non-educational program or setting; and

"(III) treat as final and binding determinations by State licensed providers or providers eligible for reimbursement under the State plan working in an educational program or setting regarding the medical necessity of an item or service.

"(iii) The contract with the entity specifies the obligation of the entity to ensure that providers of items or services that are furnished in or through an educational program or setting refer children furnished such items or services to the entity and its provider network for additional services that are not available in or through such program or setting but that are covered under the State plan and included in the entity's contract with the State.

"(iv) The contract with the entity requires, with respect to payment for, and coverage of, services for which the entity is responsible for, that the entity must demonstrate that the entity has established procedures to—

"(I) ensure coordination between the State, a local educational agency and the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act with respect to those services for an individual who has not attained age 21 and who is eligible for medical assistance under the State plan (including an individual who has an individualized education program established pursuant to part B of the Individuals with Disabilities Education Act or otherwise or an infant or toddler with a disability who has an individualized family service plan established pursuant to part C of such Act) which are required for the individual under the individual's education program or the individualized family service plan, or are furnished to the individual pursuant to section 504 of the Rehabilitation Act of 1973 and which are not specifically included in the services required under the contract, but are the responsibility of the State, a local educational agency, or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act; and

"(II) prevent duplication of services and payments under this title with respect to items and services covered under the State plan that are furnished in or through an educational program or setting to such individuals enrolled under the contract.".

(2) PROHIBITION ON DUPLICATIVE PAYMENTS.—

(A) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)), as amended by subsection (a), is amended—

(i) in paragraph (24)(B), by striking the period and inserting "; or"; and

(ii) by inserting after paragraph (24) the following new paragraph:

"(25) with respect to any amount expended under the State plan for an item, service, or administrative cost for which payment is or may be made directly to a person or entity (including a State, local educational agency, or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act) under the State plan if payment for such item, service, or administrative cost was included in the determination of a prepaid capitation or other risk-based rate of payment to an entity under a contract pursuant to section 1903(m).".

(B) CONFORMING AMENDMENT.—The third sentence of section 1903(i) of such Act (42 U.S.C. 1396b(i)), as amended by subsection (a)(1)(C), is amended by striking "and (24)" and inserting "(24), and (25)".

(c) ALLOWABLE SHARE OF FFP WITH RESPECT TO PAYMENT FOR SERVICES FURNISHED IN OR THROUGH AN EDUCATIONAL PROGRAM OR SETTING.—Section 1903(w)(6) of the Social Security Act (42 U.S.C. 1396b(w)(6)) is amended—

(1) in subparagraph (A), by inserting "subject to subparagraph (C)," after "subsection,"; and

(2) by adding at the end the following new subparagraph:

"(C) In the case of any Federal financial participation paid under subsection (a) with respect to an expenditure for an item or service provided under the plan, or for any administrative cost incurred to carry out the plan, that is furnished in or through an educational program or setting, the State shall provide that—

"(i) if 0 percent of the expenditure was made or the cost was incurred directly by the State, the State shall pay the local educational agency in the State or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act that made the expenditure or incurred the cost (and, if applicable, any consortium of public agencies that incurred costs in connection with the collection or submission of claims for such expenditures or costs), 100 percent (divided, as appropriate, between such agencies and such a consortium, if applicable) of the amount of the Federal financial participation; and

"(ii) if 100 or any lesser percent of the expenditure was made or the cost was directly incurred by the State, the State shall retain only such percentage of the Federal financial participation paid for the expenditure or cost as does not exceed the percentage of such expenditure or cost that was funded by State revenues that are dedicated solely for the provision of such medical assistance (and shall pay out of any remaining percentage of such Federal financial participation, the percentage due to the local educational agency in the State or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act that made or incurred the remaining percentage of such expenditure or cost (and, if applicable, any consortium of public agencies that incurred costs in connection with the collection or submission of claims for such expenditures or costs)).".

(d) Assurance of Reimbursement for Administrative, Enrollment, and Outreach Activities Conducted by Local Educational Agencies.—

(1) Medicaid.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by inserting after subsection (j) the following new subsection:

"(k) Nothing in this title shall be construed as authorizing the Secretary to prohibit the State agency with responsibility for the administration or supervision of the administration of the State plan from entering into interagency agreements with local educational agencies under which such local educational agencies shall be reimbursed for the Federal share of amounts expended for administrative, enrollment, and outreach activities for which payment is made to the State under section 1903(a)(7), including with respect to such activities as are conducted for purposes of satisfying the requirements of subsection (a)(43).".

(2) SCHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) Section 1902(k) (relating to interagency agreements with local educational agencies for reimbursement for expenditures for administrative, enrollment, and outreach activities).".

(e) Clarification of Coverage of EPSDT and Items and Services Furnished to a Disabled Child Pursuant to Section 504 of the Rehabilitation Act of 1973; Definition of "Educational Program or Setting".—Section 1903(c) of the Social Security Act (42 U.S.C. 1396b(c)) is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking "Education Act or" and inserting "Education Act,";

(3) by inserting ", or furnished to a child with a disability pursuant to section 504 of the Rehabilitation Act of 1973" before the period; and

(4) by adding at the end the following new paragraphs:

"(2) Nothing in this title shall be construed as prohibiting or restricting, or authorizing the Secretary to prohibit or restrict, payment under subsection (a) for the following items or services furnished in or through an educational program or setting, or costs incurred with respect to the furnishing of such items or services:

"(A) Medical assistance for items or services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and costs incurred for providing such items or services in accordance with the requirements of section 1902(a)(43).

"(B) Costs incurred for providing services related to the administration of the State plan, including providing information regarding the availability of, and eligibility for, medical assistance under the plan, and assistance with determinations of eligibility and enrollment and redeterminations of eligibility under the plan.

"(3) Nothing in this title shall be construed as prohibiting or restricting, or authorizing the Secretary to prohibit or restrict, payment under subsection (a) for medical assistance furnished in or through an educational program or setting or costs described in paragraph (2)(B) solely because—

"(A) the State utilizes an all-inclusive payment arrangement in making payments for medical assistance described in subsections (a) or (r) of section 1905; or

"(B) the State utilizes a cost allocation system that meets Federal requirements when paying for the cost of services described in section 1902(a)(43) or other administrative services directly related to the administration of the State plan.

"(4)(A) For purposes of this title, the term 'educational program or setting' means any location in which the items or services included in a child's individualized education plan established pursuant to part B of the Individuals with Disabilities Education Act or otherwise, or in an infant's or toddler's individualized family service plan established pursuant to part C of such Act, are delivered, including the home, child care setting, or school of the child, infant, or toddler.

"(B) Such term includes—

"(i) any location in which an evaluation or assessment is conducted, in accordance with the requirements of section 1902(a)(43) and subsections (a)(4)(B) and (r) of section 1905, to determine if a child is a child with a disability under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414) who requires an individualized education program (IEP) under section 614(d) of such Act (20 U.S.C. 1414(d)) or if an infant or toddler is an infant or toddler with a disability under section 635(a)(3) of such Act (20 U.S.C. 1435(a)(3)) who requires an individualized family service plan under section 636 of such Act (20 U.S.C. 1436) and any location in which a reevaluation or reassessment of such a determination is conducted; and

"(ii) for purposes of subsection (m)(2)(C), any location in which items or services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) are delivered and costs are incurred for providing such items or services in accordance with the requirements of section 1902(a)(43).".

(f) Assurance of Compliance With Federal and State Requirements.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (69), by striking "and" at the end;

(2) in paragraph (70)(B)(iv), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (70), the following new paragraph:

"(71) provide that—

"(A) the State will establish procedures to ensure that—

"(i) any provider of an item or service covered under the plan that is furnished in or through an educational program or setting complies with all Federal and State requirements applicable to providers of such items or services under the plan; and

"(ii) any educational entity that is engaged in the provision of an activity described in paragraph (43) or any other activity that is directly related to the administration of the plan complies with all Federal and State requirements applicable for payment for such activity; and

"(B) the State will not furnish medical assistance for an item or service covered under the plan in or through an educational program or setting, or undertake any activity described in paragraph (43) or any other activity that is directly related to the administration of the plan in or through such a program or setting, unless the entity responsible for providing the item or service, or undertaking such an activity, in or through the educational program or setting will be paid under the State plan for the costs related to the furnishing of such item or service or the undertaking of such activity.".

(g) Uniform Methodology for Educational Program or Setting-Based Claims.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Education, acting jointly and in consultation with State medicaid directors, State educational agencies, local educational agencies, and State agencies with responsibility for administering part C of the Individuals with Disabilities Education Act, shall develop and implement a uniform methodology for claims for payment of medical assistance and related administrative costs furnished under title XIX of the Social Security Act in an educational program or setting.

(2) Requirements.—The methodology developed under paragraph (1)—

(A) shall not prohibit or restrict payment for medical assistance and administrative activities that are provided or conducted in accordance with section 1903(c) of the Social Security Act (42 U.S.C. 1396b(c)); and

(B) with respect to administrative costs, shall be based on—

(i) standards related to time studies and population estimates; and

(ii) a national standard for determining payment for such costs.

(h) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to items and services provided and expenditures made on or after such date, without regard to whether implementing regulations are in effect.

By Mr. MARTINEZ (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. SESSIONS, Mr. BINGAMAN, and Mr. CORNYN):

S. 3706. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

Mr. MARTINEZ. Mr. President, today I rise with my colleagues, Senators FEINSTEIN, NELSON of Florida, HUTCHISON, and BINGAMAN, on the 37th anniversary of the lunar landing when American astronauts Neil Armstrong and Edwin Aldrin set foot on the Moon, to introduce the Spaceport Equity Act of 2006—a bill to help bring additional investment to the space transportation industry.

On June 18th, the Washington Post reported on the launching of Kazakhstan's first satellite and their catapult into the space transportation industry. Home to the world's largest space center, the Baikonur Consmodrome, this ex-Soviet state is joining the list of rivals to the U.S. space industry. America's competitive edge is declining and will continue to do so unless we act now. My colleagues and I recognize this, and that is why we are introducing this most important legislation.

U.S. satellite manufacturers face increasing pressure to consider the use of foreign launch vehicles and launch sites, due to the lack of a sufficient domestic launch capability. The United States once dominated the commercial satellite-manufacturing field with an average market share of 83 percent; however, that market share has since declined to 50 percent. An even smaller share of U.S.-manufactured satellites is actually launched from U.S. spaceports. This comes at an estimated loss of $1.5 to $3.0 billion to the U.S. economy.

The space economy is made up infrastructure of manufacturers, service providers, and technologists in both the Government and private sector that deploy and operate launch vehicles, satellites, and space platforms. Many everyday goods and services rely on space infrastructure, including broadcast, cable, and satellite television, global internet services, satellite radio, cellular and international phone calls, etc.

Satellites are also used for global positioning systems, known as GPS, which enable us to have hands-on directions in our cars and vehicles. GPS is also influential in the trucking, aviation, and maritime industries for day-to-day operations and for our Nation's military operations. Thousands of gas stations use inexpensive small satellite dishes to connect to credit card networks so customers can pay instantly at the pump. Satellites also generate 90 percent of the weather forecasting data in the United States and are used to track hurricanes, tsunamis, and other weather phenomenon.

These satellites are launched vertically atop of rockets, propelling them into orbit in space. Because most U.S. space-launch facilities are operated by NASA, priority for launches at these facilities is given to Government projects. This means our commercial satellite needs take a back seat to Government operations. This often leaves U.S. commercial satellite ventures without reliable launch availability. This in turn has forced many companies seeking manufacturing and launch services toward our international competitors.

Spaceports are subdivisions of State governments that provide additional launch infrastructure than that available at Federal facilities. They attract and promote the U.S. commercial space transportation industry. Spaceport authorities function much like airport and port authorities by providing economic and transportation incentives to the industry, which in turn benefits the surrounding communities. Many States are forming space authorities to pursue ways of developing space transportation infrastructure.

The Florida Space Authority was the first such entity, which was created as a subdivision of the Florida State government by Florida's Governor and State legislature in 1989. Florida Space Authority is focused on leading the State's space industry in new directions through partnering with the commercial space industry to improve space transportation and provide innovative, forward-thinking solutions to the challenges facing this evolving industry.

The last few years have begun a new phase in space exploration. Spaceports presently operate in Florida, California, Virginia, and Alaska, but efforts are underway to establish 13 additional commercial spaceports in Alabama, California, Montana, Nevada, Oklahoma, South Dakota, Texas, Utah, Washington, and Wisconsin.

The commercial space transportation industry includes not only spaceports themselves but also companies that develop the needed infrastructure for testing and servicing launch vehicles. When including these industry partners with spaceports, at least 23 States are directly impacted by the commercial space transportation industry. Both spaceports and industry partners face increasing pressure from government-sponsored or subsidized competitors in Europe, China, Japan, India, Australia, Russia, and now Kazakhstan.

Commercial space transportation is a growing part of the U.S. economy. In 2004, this industry alone generated a total of nearly $98.1 billion dollars in economic activity, over $25 billion in earnings, and over 550,000 jobs; and $56.5 billion, more than half of this economic activity, was from satellite services. A 2004 Gallup poll shows overwhelming public support for space exploration. Roughly 80 percent of Americans agree that "America's space program helps give America the scientific and technological edge it needs to compete in the international marketplace." And 76 percent agree that our space program "benefits the nation's economy" and inspires "students to pursue careers in technical fields."

The space industry has also led to a number of "spin-off" technologies—those influenced by space technology research and development. Home roof insulation and air filtration, antilock brakes, athletic shoes, vehicle protective airbags, cellular phones, and lasik surgery all owe thanks to NASA and space-based research. The list of space "spin-off" technologies is estimated to exceed 40,000. These related technologies have helped employ tens of millions of Americans. Encouraging commercial investment in the space industry and increasing U.S. marketshare in this industry will certainly lead to additional innovation and technology that will impact other fields.

As you can see, this once government-dominated industry is now becoming a diverse mix of government and commercial entities—also leading way into future avenues of commercial space transportation, such as space tourism.

The increase in recent commercial launches includes the debut of the first commercial crewed suborbital launches of SpaceShipOne—leading the way to public space travel. "Space tourism," as public space travel is now referred, has the potential to become a major growth industry. Recent market studies have shown space tourism has the potential to become a billion-dollar industry within 20 years.

Even though the average American may not be able to participate in public space travel, its potential impact on our economy and international competitiveness is something to be appreciated. Space tourism industry players expect there to be a market demand of at least 15,000 Americans per year to travel into suborbit and orbital flights. This would require an estimated 665 launches per year by 2010. If the United States continues as is, we will only be able to capture 10 percent market share, at best, of this emerging industry. If needed infrastructure is added, however, the United States is expected to pick up 60 to 70 percent of space flight demand by 2010. Every launch that we do not provide for in the United States means a loss to our economy and a gain for our international competitors. The Federal Aviation Administration's Commercial Space Transportation Division expects a $3 billion dollar loss to our economy if we do not meet the rising demand for space tourism.

Currently, U.S. launch facilities are few and most are owned and operated by the Federal Government, putting commercial users in direct competition with the U.S. military, NASA, and other Government entities, which get priority over commercial projects. If the United States is to remain competitive in the commercial space industry, added and improved infrastructure will be needed to support this growing industry.

On a more local note, my own State of Florida could stand to gain much by way of economic development from increased investment in spaceport infrastructure. According to recent studies by the Florida Space Authority, increase spaceport infrastructure and activity in Florida could mean as much as $29.7 million in additional economic activity by the year 2015—this does not include the economic activity generated from impacted tourism, secondary contracts, and spinoff technologies.

Other modes of transportation—highways, airports, and seaports—currently enjoy a tax incentive for meeting their infrastructure needs, so why not spaceports?

This Spaceport Equity Act of 2006 would provide spaceports with the same treatment provided for airports, seaports, rail, and other transit projects under the exempt facility bond rules. With international competition on the rise, our Nation's spaceports are a vital component of the infrastructure needed to expand and enhance the U.S. role in the international space arena. The Spaceport Equity Act is an important step to increasing our competitiveness in this field because it will stimulate investment in expanding and modernizing our space launch facilities and lower the costs of financing spaceport projects.

Since 1968, tax-exempt bonds have played a crucial role in meeting airport investment needs, with 50 percent or more of major airport projects being financed through municipal tax-exempt bonds. By extending this favorable tax treatment to spaceports, this bill will help meet spaceport needs and increase our Nation's ability to compete with expanded international interests in space exploration and technology. Similar legislation has been considered since the 1980s, and we cannot afford to wait any longer to address the needs of this important sector.

This proposal does not provide direct Federal spending for our commercial space transportation industry but, rather, creates the conditions necessary to stimulate private capital investment in industry infrastructure. By issuing tax-free bonds to finance spaceport infrastructure, space authorities could provide site-specific and vehicle-specific tailoring to promote the competition and innovation necessary to maintain the U.S. competitive edge in the space transportation industry.

This is an efficient means for achieving our space transportation needs, and I urge my colleagues in the Senate to join us in this most important effort by cosponsoring this bill.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spaceport Equality Act of 2006".

SEC. 2. SPACEPORTS TREATED LIKE AIRPORTS UNDER EXEMPT FACILITY BOND RULES.

(a) IN GENERAL.—Paragraph (1) of section 142(a) of the Internal Revenue Code of 1986 (relating to exempt facility bonds) is amended to read as follows:

"(1) airports and spaceports,".

(b) TREATMENT OF GROUND LEASES.—Paragraph (1) of section 142(b) of the Internal Revenue Code of 1986 (relating to certain facilities must be governmentally owned) is amended by adding at the end the following new subparagraph:

"(C) SPECIAL RULE FOR SPACEPORT GROUND LEASES.—For purposes of subparagraph (A), spaceport property which is located on land owned by the United States and which is used by a governmental unit pursuant to a lease (as defined in section 168(h)(7)) from the United States shall be treated as owned by such unit if—

"(i) the lease term (within the meaning of section 168(i)(3)) is at least 15 years, and

"(ii) such unit would be treated as owning such property if such lease term were equal to the useful life of such property.".

(c) DEFINITION OF SPACEPORT.—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(n) SPACEPORT.—

"(1) IN GENERAL.—For purposes of subsection (a)(1), the term 'spaceport' means—

"(A) any facility directly related and essential to servicing spacecraft, enabling spacecraft to launch or reenter, or transferring passengers or space cargo to or from spacecraft, but only if such facility is located at, or in close proximity to, the launch site or reentry site, and

"(B) any other functionally related and subordinate facility at or adjacent to the launch site or reentry site at which launch services or reentry services are provided, including a launch control center, repair shop, maintenance or overhaul facility, and rocket assembly facility.

"(2) ADDITIONAL TERMS.—For purposes of paragraph (1)—

"(A) SPACE CARGO.—The term 'space cargo' includes satellites, scientific experiments, other property transported into space, and any other type of payload, whether or not such property returns from space.

"(B) SPACECRAFT.—The term 'spacecraft' means a launch vehicle or a reentry vehicle.

"(C) OTHER TERMS.—The terms 'launch', 'launch site', 'launch services', 'launch vehicle', 'payload', 'reenter', 'reentry services', 'reentry site', and 'reentry vehicle' shall have the respective meanings given to such terms by section 70102 of title 49, United States Code (as in effect on the date of enactment of this subsection).".

(d) EXCEPTION FROM FEDERALLY GUARANTEED BOND PROHIBITION.—Paragraph (3) of section 149(b) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by adding at the end the following new subparagraph:

"(E) EXCEPTION FOR SPACEPORTS.—Paragraph (1) shall not apply to any exempt facility bond issued as part of an issue described in paragraph (1) of section 142(a) to provide a spaceport in situations where—

"(i) the guarantee of the United States (or an agency or instrumentality thereof) is the result of payment of rent, user fees, or other charges by the United States (or any agency or instrumentality thereof), and

"(ii) the payment of the rent, user fees, or other charges is for, and conditioned upon, the use of the spaceport by the United States (or any agency or instrumentality thereof).".

(e) CONFORMING AMENDMENT.—The heading for section 142(c) of the Internal Revenue Code of 1986 is amended by inserting "SPACEPORTS," after "AIRPORTS,".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

By Mr. KENNEDY:

S. 3710. A bill to amend the Elementary and Secondary Education Act of 1965 to improve retention of public elementary and secondary school teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today I am introducing the Teacher Center Act of 2006, to help establish and fund teacher centers across the Nation. Its goal is to provide more effective and relevant professional development for teachers, and create a network of support for them to share best practices, improve classroom training, and improve working conditions in their schools. It's a privilege to join my distinguished colleague, Congressman GEORGE MILLER, who is introducing companion legislation for teacher centers in the House of Representatives.

As research makes clear, good teachers are the single most important factor in achieving the success of students, both academically and developmentally. Students who receive good instruction can reach new heights through the hard work, vision, and energy of their teachers. Good teaching can also overcome the harmful effects of poverty and other disadvantages on student learning.

In 2002, with the No Child Left Behind Act, we made a commitment to put a first-rate teacher in every classroom to help all students succeed in school and in life. But to reach that goal, we need to recruit, train, retain, and support our teachers. Today, about half of all teachers who enter the profession leave the classroom within five years. That's an unacceptable loss—the 5-year mark is just the time when teachers have mastered their work and are consistently able to improve the education of their students.

Too often, teachers lack the training and support needed to do well in the classroom. Eliminating this deficit can make all the difference in their decision to remain in the profession. Teacher centers can help see that teachers have the professional development, mentoring, and support they need in order to succeed. Developing and expanding these centers is an important step toward enriching teachers' lives, enhancing their knowledge and skills, and encouraging them to stay in the profession and succeed in the classroom.

The teacher centers model grew out of an innovative approach to supporting the professional development of teachers in England. That model enables teachers to become leaders and decision-makers in their own professional growth and in the environments in which they work. It enables them to collaboratively plan and implement staff development and reform that can be shared with their colleagues, as a means for reflection and improvement in their teaching practice.

Since the initial creation of teacher centers in the United States in the late 1970s, we have seen how effective they can be in supporting teachers, so that they can respond more effectively to student needs and help them reach the high standards now required by the No Child Left Behind Act.

Teacher centers offer valuable programs for educators when aligned with State standards and school district curriculums. The centers support new teachers during their first years in the profession, and their peer-to-peer networks facilitate communication and collaboration among teachers to improve instruction. The centers also help teachers incorporate new research into their daily routines, and support the use of technology and proven strategies to keep students engaged and help them do well in school.

Most important, teacher centers are essential to the development of teacher capability and leadership. The training provided is aimed at building the capability of teachers to reach all of their students through differentiated instruction—a goal central to the promise of leaving no child behind. And by taking advantage of the support provided by teacher centers, educators can have a more active role in their own professional growth and eventually hold leadership positions in their schools and communities.

As we know, teachers are on the front lines in the Nation's schools and in our efforts to improve public education. We cannot expect the quality of our classrooms to improve without investing more in the quality of our teachers. Teacher centers ensure that the nation's educators have the time, resources, and support they need to work and learn with one another.

I urge my colleagues to join in supporting this bill, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teacher Center Act of 2006".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) There are not enough qualified teachers in the Nation's classrooms, and an unprecedented number of teachers will retire over the next 5 years. Over the next decade, the Nation will need to bring 2,000,000 new teachers into public schools.

(2) Too many teachers do not receive adequate preparation for their jobs.

(3) More than one-third of children in grades 7 through 12 are taught by a teacher who lacks both a college major and certification in the subject being taught. Rates of "out-of-field teaching" are especially high in high-poverty schools.

(4) Teacher turnover is a serious problem, particularly in urban and rural areas. Over one-third of new teachers leave the profession within their first 3 years of teaching, and 14 percent of new teachers leave the field within the first year. After 5 years—the average time it takes for teachers to maximize students' learning—half of all new teachers will have exited the profession. Rates of teacher attrition are highest in high-poverty schools. Between 2000 and 2001, 1 out of 5 teachers in the Nation's high-poverty schools either left to teach in another school or dropped out of teaching altogether.

(5) African-American, Latino, and low-income students are much less likely than other students to have highly-qualified teachers.

(6) Research shows that individual teachers have a great impact on how well their students learn. The most effective teachers have been shown to be able to boost their pupils' learning by a full grade level relative to students taught by less effective teachers.

(7) Only 16 States finance new teacher induction programs, and fewer still require inductees to be matched with mentors who teach the same subject.

(8) Large-scale studies of effective professional development have documented that student achievement and teacher learning increases when professional development is teacher-led, ongoing, and collaborative.

(9) Research shows that the characteristics of successful professional development include a focus on concrete classroom applications and practice, and opportunities for teacher observation, critique, reflection, group support, and collaboration.

(10) Data on school reform shows that teachers are attracted to and continue to teach in academically challenged schools when appropriate supports are in place to help them succeed. Appropriate supports include high-quality induction programs, job-embedded professional development, and small classes which allow teachers to tailor instruction to meet the needs of individual students.

SEC. 3. IMPROVING RETENTION OF AND PROFESSIONAL DEVELOPMENT FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"PART E—TEACHER RETENTION

"SEC. 2501. IMPROVING PROFESSIONAL DEVELOPMENT OPPORTUNITIES THROUGH TEACHER CENTERS.

"(a) GRANTS.—The Secretary may make grants to eligible entities for the establishment and operation of new teacher centers or the support of existing teacher centers.

"(b) SPECIAL CONSIDERATION.—In making grants under this section, the Secretary shall give special consideration to any application submitted by an eligible entity that is—

"(1) a high-need local educational agency; or

"(2) a consortium that includes at least one high-need local educational agency.

"(c) DURATION.—Each grant under this section shall be for a period of 3 years.

"(d) REQUIRED ACTIVITIES.—A teacher center receiving assistance under this section shall carry out each of the following activities:

"(1) Providing high-quality professional development to teachers to assist the teachers in improving their knowledge, skills, and teaching practices in order to help students to improve the students' achievement and meet State academic standards.

"(2) Providing teachers with information on developments in curricula, assessments, and educational research, including the manner in which the research and data can be used to improve teaching skills and practice.

"(3) Providing training and support for new teachers.

"(e) PERMISSIBLE ACTIVITIES.—A teacher center may use assistance under this section for any of the following:

"(1) Assessing the professional development needs of the teachers and other instructional school employees, such as librarians, counselors, and paraprofessionals, to be served by the center.

"(2) Providing intensive support to staff to improve instruction in literacy, mathematics, science, and other curricular areas necessary to provide a well-rounded education to students.

"(3) Providing support to mentors working with new teachers.

"(4) Providing training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency.

"(5) Enabling teachers to engage in study groups and other collaborative activities and collegial interactions regarding instruction.

"(6) Paying for release time and substitute teachers in order to enable teachers to participate in the activities of the teacher center.

"(7) Creating libraries of professional materials and educational technology.

"(8) Providing high-quality professional development for other instructional staff, such as paraprofessionals, librarians, and counselors.

"(9) Assisting teachers to become highly qualified and paraprofessionals to become teachers.

"(10) Assisting paraprofessionals to meet the requirements of section 1119.

"(11) Developing curricula.

"(12) Incorporating additional on-line professional development resources for participants.

"(13) Providing funding for individual- or group-initiated classroom projects.

"(14) Developing partnerships with businesses and community-based organizations.

"(15) Establishing a teacher center site.

"(f) TEACHER CENTER POLICY BOARD.—

"(1) IN GENERAL.—A teacher center receiving assistance under this section shall be operated under the supervision of a teacher center policy board.

"(2) MEMBERSHIP.—

"(A) TEACHER REPRESENTATIVES.—The majority of the members of a teacher center policy board shall be representatives of, and selected by, the elementary and secondary school teachers to be served by the teacher center. Such representatives shall be selected through the teacher organization, or if there is no teacher organization, by the teachers directly.

"(B) OTHER REPRESENTATIVES.—The members of a teacher center policy board—

"(i) shall include at least 2 members who are representatives of, or designated by, the school board of the local educational agency to be served by the teacher center;

"(ii) shall include at least 1 member who is a representative of, and is designated by, the institutions of higher education (with departments or schools of education) located in the area; and

"(iii) may include paraprofessionals.

"(g) APPLICATION.—

"(1) IN GENERAL.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) ASSURANCE OF COMPLIANCE.—An application under paragraph (1) shall include an assurance that the eligible entity will require any teacher center receiving assistance through the grant to comply with the requirements of this section.

"(3) TEACHER CENTER POLICY BOARD.—An application under paragraph (1) shall include the following:

"(A) An assurance that—

"(i) the eligible entity has established a teacher center policy board;

"(ii) the board participated fully in the preparation of the application; and

"(iii) the board approved the application as submitted.

"(B) A description of the membership of the board and the method of selection of the membership.

"(h) DEFINITIONS.—In this section:

"(1) The term 'eligible entity' means a local educational agency or a consortium of 2 or more local educational agencies.

"(2) The term 'high-need' means, with respect to an elementary school or a secondary school, a school—

"(A) that serves an eligible school attendance area (as defined in section 1113) in which not less than 65 percent of the children are from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act; or

"(B) in which not less than 65 percent of the children enrolled are from such families.

"(3) The term 'high-need local educational agency' means a local educational agency—

"(A) that serves not fewer than 10,000 children from families with incomes below the poverty line, or for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

"(B) that is having or expected to have difficulty filling teacher vacancies or hiring new teachers who are highly qualified.

"(4) The term 'teacher center policy board' means a teacher center policy board described in subsection (f).

"(i) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

(b) CONFORMING AMENDMENT.—The table of contents at section 2 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by inserting after the item relating to section 2441 of such Act the following new items:

"PART E—TEACHER RETENTION

"Sec. 2501. Improving professional development opportunities.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 536—COMMENDING THE 25TH YEAR OF SERVICE IN THE FEDERAL JUDICIARY BY WILLIAM W. WILKINS, CHIEF JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Mr. GRAHAM (for himself and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 536

Whereas Chief Judge William W. Wilkins entered public service in 1967 as an officer in the United States Army, eventually earning the rank of Colonel in the United States Army Reserves;

Whereas Chief Judge Wilkins served as the elected Solicitor in South Carolina and earned the reputation as a fearless prosecuting attorney;

Whereas, in 1981, newly-elected President Ronald Reagan appointed Chief Judge Wilkins as his first appointment as President to the position of United States District Judge for the District of South Carolina;

Whereas, in 1985, President Reagan appointed Chief Judge Wilkins to be the first Chair of the United States Sentencing Commission;

Whereas, under the determined leadership of Chief Judge Wilkins, the Sentencing Commission achieved major positive changes in the Federal criminal justice system;

Whereas, in 1986, President Reagan appointed Chief Judge Wilkins to the position of Circuit Judge for the United States Court of Appeals for the Fourth Circuit;

Whereas, in 2003, Chief Judge Wilkins was elevated to the position of Chief Judge of the United States Court of Appeals for the Fourth Circuit;

Whereas Chief Judge Wilkins has served as the Chair of the Criminal Law Committee of the Judicial Conference of the United States and, as of the date of approval of this resolution, serves as a member of this Conference; and

Whereas Chief Judge Wilkins is a nationally recognized jurist and is known for his scholarship, sharp wit, and unyielding allegiance to supporting and adhering to the rule of law: Now, therefore, be it

Resolved, That the Senate commends the 25th year of service in the Federal judiciary and a lifetime of dedicated public service by William W. Wilkins, Chief Judge of the United States Court of Appeals for the Fourth Circuit.

SENATE RESOLUTION 537—SUPPORTING THE NATIONAL SEXUAL ASSAULT HOTLINE AND COMMENDING THE HOTLINE FOR COUNSELING AND SUPPORTING MORE THAN 1,000,000 CALLERS

Mr. BIDEN (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 537

Whereas it is estimated that a sexual assault occurs every 2.5 minutes in the United States and more than 200,000 people in the United States each year are victims of sexual assault;

Whereas 1 of every 6 women and 1 of every 33 men in the United States have been victims of rape or attempted rape, according to the Department of Justice;

Whereas the Uniform Crime Reports of the Federal Bureau of Investigation rank rape second only to murder in the hierarchy of violent crimes;

Whereas research suggests that sexual assault victims who receive counseling are more likely to report the assault to the police and to participate in the prosecution of the offender;

Whereas, in June 2006, the National Sexual Assault Hotline (referred to in this preamble as "Hotline") helped its 1,000,000th caller;

Whereas the Hotline operates 24 hours per day, 365 days per year, offering important, free, and confidential crisis intervention, support, information, and referrals for victims of sexual assault and their friends and families;

Whereas the Hotline was created by the Rape, Abuse & Incest National Network (referred to in this preamble as "RAINN"), a non-profit corporation, the headquarters of which are located in Washington, D.C.;

Whereas the Hotline answered its first call on July 27, 1994, and operated solely with private funds for the first 10 years the Hotline was in existence;

Whereas RAINN continues to operate the Hotline today, in partnership with 1,100 local rape crisis centers in the 50 States and the District of Columbia and with over 10,000 trained volunteers and staff, and in collaboration with coalitions against sexual assault in each of the 50 States;

Whereas the Hotline helps an average of 11,000 people each month and in 2005 helped 137,039 women, men, and children across the Nation;

Whereas the public education and outreach undertaken by RAINN and local rape crisis centers have increased public awareness of sexual violence and contributed to a 58-percent decline in crimes of sexual violence since 1993;

Whereas the Hotline has experienced a significant increase in call volume as public awareness of sexual violence has grown, with calls to the Hotline increasing by 43 percent since 2003;

Whereas millions of Americans have learned of the services available through the Hotline, thanks to the public service promotion contributed by every national broadcast television network, a dozen cable networks, and more than 1,000 radio stations, newspapers, and magazines; and

Whereas the Hotline serves as an outstanding example of a successful partnership between the Federal Government, the private sector, and individuals: Now, therefore, be it

Resolved, That the Senate—

(1) supports the National Sexual Assault Hotline; and

(2) commends the National Sexual Assault Hotline for counseling and supporting more than 1,000,000 callers.

Mr. BIDEN. Mr. President, I speak today to submit a resolution with my good friend and chairman of the Judiciary Committee, Senator SPECTER. Our resolution recognizes and commends the National Sexual Assault Hotline for counseling and helping more than 1 million callers. One of the most telling statistics since passage of the Violence Against Women Act in 1994 is the number of individuals reporting rape to the authorities. Almost half—42 percent of rape victims are now stepping forward and reporting these heinous crimes to the authorities, while prior to 2002, only 31 percent reported their attacks. Each number represents a brave victim who steps forward and says out loud that she has been raped. For years, rape was a crime of shame. Our society blamed the victim. Police, lawyers, and judges focused on her conduct—what did she wear? where was she walking? was she drinking alcohol? Slowly but surely, we are working to change societal attitudes about rape and improve our criminal justice system to encourage reporting and prosecution of rapes, whether committed by the neighbor next door or a stranger in an alley.

A critical partner in our fight to end sexual assault has been the National Sexual Assault Hotline operated by RAINN, the Rape, Abuse and Incest National Network. RAINN created this toll-free telephone hotline—1-800-656-HOPE—in 1994 and manages it with 1,100 local affiliates in 50 States, and the District of Columbia. Victims from across the country can telephone the Hotline and receive confidential, trained expertise from experienced professionals with the assistance of over 10,000 volunteers. In June 2006, the Hotline received its millionth call since it answered its first call in 1994. In 2005 alone, the Hotline helped 137,039 individuals, an average of 11,420 people a month.

The National Sexual Assault Hotline is truly a national treasure. It helps individuals and families recover from a horrendous violation. It provides a safe haven for victims to talk about the crime, and offers referrals on local psychological and physical help. A call to the National Sexual Assault Hotline is often the first step towards justice for a victim. Research shows that victims who receive counseling are significantly more likely to report the assault, and more likely to fully participate in the prosecution. Every 2.5 minutes, another American is sexually assaulted. We are fortunate to have the hotline there to answer victims' calls for help and healing. The hotline's volunteers are doing God's work, and deserve our gratitude. I am proud to rise with my good friend from Pennsylvania to introduce a resolution marking the hotline's millionth call and commemorating the hotline's tremendous work to help America's families and make our streets safer.

SENATE CONCURRENT RESOLUTION 111—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD EXPAND TRADE OPPORTUNITIES WITH MONGOLIA AND INITIATE NEGOTIATIONS TO ENTER INTO A FREE TRADE AGREEMENT WITH MONGOLIA

Mr. HAGEL (for himself, Mr. LUGAR, Mr. OBAMA, Ms. MURKOWSKI, and Mr. GREGG) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 111

Whereas Mongolia declared an end to a one-party Communist state in 1990 and embarked on democratic and free-market reforms;

Whereas these reforms included adopting democratic electoral processes, enacting further political reform measures, privatizing state enterprises, lifting price controls, and improving fiscal discipline;

Whereas since 1990, Mongolia has made progress to strengthen democratic governing institutions and protect individual rights;

Whereas the Department of State found in its 2005 Human Rights Report that Mongolia generally respected the human rights of its citizens although concerns remain, including the treatment of prisoners, freedom of the press and information, due process, and trafficking in persons;

Whereas the Department of State found in its 2005 Religious Freedom Report that Mongolia generally respects freedom of religion, although some concerns remain;

Whereas Mongolia has been a member of the World Trade Organization since 1997, and a member of the International Monetary Fund, the World Bank, and the Asian Development Bank since 1991;

Whereas in 1999 the United States provided permanent normal trade relations treatment to the products of Mongolia;

Whereas the United States and Mongolia signed a bilateral Trade and Investment Framework Agreement in 2004;

Whereas Mongolia has expressed steadfast commitment to greater economic reforms, including a commitment to encourage and expand the role of the private sector, increase transparency, strengthen the rule of law, combat corruption, and comply with international standards for labor and intellectual property rights protection;

Whereas bilateral trade between the United States and Mongolia in 2005 was valued at more than $165,000,000;

Whereas Mongolia has provided strong and consistent support to the United States in the global war on terror, including support for United States military forces and, since May 2003, contributed peace keepers to Operation Iraqi Freedom, artillery trainers to Operation Enduring Freedom, and personnel to the United Nations peace-keeping operations in Kosovo and Sierra Leone;

Whereas on August 6, 2002, the President signed into law H.R. 3009 (Public Law 107-210), the Trade Act of 2002, which provides for an expedited procedure for congressional consideration of international trade agreements;

Whereas on July 15, 2004, President Bush and President Bagabandi issued a joint statement that declared a new era of cooperation and comprehensive partnership between the two democratic countries based on shared values and common strategic interests;

Whereas in November 2005, President George W. Bush became the first President of the United States to visit Mongolia, and on November 21, 2005, President Bush and President Enkhbayar issued a joint statement declaring that the two countries are committed to defining guiding principles and expanding the framework of the comprehensive partnership between the United States and Mongolia; and

Whereas the United States and Mongolia would benefit from expanding and diversifying trade opportunities by reducing tariff and nontariff barriers to trade: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States should continue to work with Mongolia to expand bilateral United States-Mongolia trade opportunities and initiate negotiations to enter into a free trade agreement with Mongolia.

Mr. HAGEL. Mr. President, on behalf of my colleagues Senators LUGAR, OBAMA, MURKOWSKI and GREGG, I rise to submit a resolution that expresses the sense of the Senate that the United States should begin negotiations to establish a free trade agreement with Mongolia.

The United States and Mongolia enjoy healthy and deepening relations since the end of one-party Communist rule in Mongolia in 1990. Today, Mongolia is a strong and consistent partner of America, and has demonstrated its commitment to peace, democracy and international stability, notably by its involvement in Iraq and Afghanistan. America's relationship with Mongolia carries geostrategic importance.

Mongolia has made significant progress to strengthen its democratic governing institutions, to protect individuals rights and achieve free-market reforms. Its governments have adopted reforms that have enacted democratic electoral processes and the rule of law, privatized state enterprises, lifted price controls and improved fiscal discipline. Mongolia has achieved remarkable progress and continues to express its commitment to continued democratic and economic transition.

Mongolia has worked over the past years to become re-integrated in the international economic framework. In 1991, Mongolia joined the International Monetary Fund, the World Bank and the Asian Development Bank. In 1997, Mongolia joined the World Trade Organization. In 1999, the United States provided permanent normal trade relations to Mongolia. And, in 2004, the United States and Mongolia signed a bilateral Trade and Investment Framework Agreement. In 2005, bilateral trade was valued at more than $165 million.

This resolution recognizes the significance of the U.S.-Mongolia relationship and emphasizes that a deeper and more lasting bilateral economic and trading relationship is in the interest of both countries. I urge my colleagues to support the adoption of this resolution.

SENATE CONCURRENT RESOLUTION 112—RELATING TO CORRECTING A CLERICAL ERROR IN THE ENROLLMENT OF S. 3693

Mr. REID submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 112

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill, S. 3693, the Secretary of the Senate shall insert "or reentries" after "States, reentry" in section 212(a)(9)(C)(iii)(II) of the Immigration and Nationality Act, as added by section 6(b)(1)(C) of the bill.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4685. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 466, to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; which was referred to the Committee on Environment and Public Works.

SA 4686. Mr. HATCH (for himself, Mr. SPECTER, Mr. FRIST, Mr. BIDEN, Mr. NELSON, of Florida, Mr. DORGAN, Mr. GRASSLEY, Mr. KYL, Mr. SESSIONS, Mr. BURNS, Mr. SANTORUM, Mr. DAYTON, Mr. ALLEN, Mr. DEWINE, Mr. TALENT, Mr. GREGG, Ms. CANTWELL, Mr. MARTINEZ, Mr. ENSIGN, Mr. REID, Mr. COLEMAN, Ms. SNOWE, Ms. MURKOWSKI, Mr. THOMAS, and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 4472, to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.

SA 4687. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 4472, supra.

SA 4688. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1950, to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4685. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 466, to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; which was referred to the Committee on Environment and Public Works; as follows:

At the end, add the following:

SEC. 2. REDESIGNATION OF PROJECT FOR NAVIGATION, SACO RIVER, MAINE.

The portion of the project for navigation, Saco River, Maine, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and described as a 6-foot deep, 10-acre maneuvering basin located at the head of navigation, is redesignated as an anchorage area.

SA 4686. Mr. HATCH (for himself, Mr. SPECTER, Mr. FRIST, Mr. BIDEN, Mr. NELSON of Florida, Mr. DORGAN, Mr. GRASSLEY, Mr. KYL, Mr. SESSIONS, Mr. BURNS, Mr. SANTORUM, Mr. DAYTON, Mr. ALLEN, Mr. DEWINE, Mr. TALENT, Mr. GREGG, Ms. CANTWELL, Mr. MARTINEZ, Mr. ENSIGN, Mr. REID, Mr. COLEMAN, Ms. SNOWE, Ms. MURKOWSKI, Mr. THOMAS, and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 4472, to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Adam Walsh Child Protection and Safety Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. In recognition of John and Revé Walsh on the occasion of the 25th anniversary of Adam Walsh's abduction and murder.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Sec. 101. Short title.
Sec. 102. Declaration of purpose.
Sec. 103. Establishment of program.

Subtitle A—Sex Offender Registration and Notification

Sec. 111. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators.
Sec. 112. Registry requirements for jurisdictions.
Sec. 113. Registry requirements for sex offenders.
Sec. 114. Information required in registration.
Sec. 115. Duration of registration requirement.
Sec. 116. Periodic in person verification.
Sec. 117. Duty to notify sex offenders of registration requirements and to register.
Sec. 118. Public access to sex offender information through the Internet.
Sec. 119. National Sex Offender Registry.
Sec. 120. Dru Sjodin National Sex Offender Public Website.
Sec. 121. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program.
Sec. 122. Actions to be taken when sex offender fails to comply.
Sec. 123. Development and availability of registry management and website software.
Sec. 124. Period for implementation by jurisdictions.
Sec. 125. Failure of jurisdiction to comply.
Sec. 126. Sex Offender Management Assistance (SOMA) Program.
Sec. 127. Election by Indian tribes.
Sec. 128. Registration of sex offenders entering the United States.
Sec. 129. Repeal of predecessor sex offender program.
Sec. 130. Limitation on liability for the national center for missing and exploited children.
Sec. 131. Immunity for good faith conduct.

Subtitle B—Improving Federal Criminal Law Enforcement To Ensure Sex Offender Compliance With Registration and Notification Requirements and Protection of Children From Violent Predators

Sec. 141. Amendments to title 18, United States Code, relating to sex offender registration.
Sec. 142. Federal assistance with respect to violations of registration requirements.
Sec. 143. Project Safe Childhood.
Sec. 144. Federal assistance in identification and location of sex offenders relocated as a result of a major disaster.
Sec. 145. Expansion of training and technology efforts.
Sec. 146. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.

Subtitle C—Access to Information and Resources Needed To Ensure That Children Are Not Attacked or Abused

Sec. 151 Access to national crime information databases.
Sec. 152. Requirement to complete background checks before approval of any foster or adoptive placement and to check national crime information databases and State child abuse registries; suspension and subsequent elimination of Opt-Out.
Sec. 153. Schools Safe Act.
Sec. 154. Missing child reporting requirements.
Sec. 155. DNA fingerprinting.

TITLE II—FEDERAL CRIMINAL LAW ENHANCEMENTS NEEDED TO PROTECT CHILDREN FROM SEXUAL ATTACKS AND OTHER VIOLENT CRIMES

Sec. 201. Prohibition on Internet sales of date rape drugs.
Sec. 202. Jetseta Gage assured punishment for violent crimes against children.
Sec. 203. Penalties for coercion and enticement by sex offenders.
Sec. 204. Penalties for conduct relating to child prostitution.
Sec. 205. Penalties for sexual abuse.
Sec. 206. Increased penalties for sexual offenses against children.
Sec. 207. Sexual abuse of wards.
Sec. 208. Mandatory penalties for sex-trafficking of children.
Sec. 209. Child abuse reporting.
Sec. 210. Sex offender submission to search as condition of release.
Sec. 211. No limitation for prosecution of felony sex offenses.
Sec. 212. Victims' rights associated with habeas corpus proceedings.
Sec. 213. Kidnapping jurisdiction.
Sec. 214. Marital communication and adverse spousal privilege.
Sec. 215. Abuse and neglect of Indian children.
Sec. 216. Improvements to the Bail Reform Act to address sex crimes and other matters.

TITLE III—CIVIL COMMITMENT OF DANGEROUS SEX OFFENDERS

Sec. 301. Jimmy Ryce State civil commitment programs for sexually dangerous persons.
Sec. 302. Jimmy Ryce civil commitment program.

TITLE IV—IMMIGRATION LAW REFORMS TO PREVENT SEX OFFENDERS FROM ABUSING CHILDREN

Sec. 401. Failure to register a deportable offense.

Sec. 402. Barring convicted sex offenders from having family-based petitions approved.

TITLE V—CHILD PORNOGRAPHY PREVENTION

Sec. 501. Findings.
Sec. 502. Other record keeping requirements.
Sec. 503. Record keeping requirements for simulated sexual conduct.
Sec. 504. Prevention of distribution of child pornography used as evidence in prosecutions.
Sec. 505. Authorizing civil and criminal asset forfeiture in child exploitation and obscenity cases.
Sec. 506. Prohibiting the production of obscenity as well as transportation, distribution, and sale.
Sec. 507. Guardians ad litem.

TITLE VI—GRANTS, STUDIES, AND PROGRAMS FOR CHILDREN AND COMMUNITY SAFETY

Subtitle A—Mentoring Matches for Youth Act

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Grant program for expanding Big Brothers Big Sisters mentoring program.
Sec. 604. Biannual report.
Sec. 605. Authorization of appropriations.

Subtitle B—National Police Athletic League Youth Enrichment Act

Sec. 611. Short title.
Sec. 612. Findings.
Sec. 613. Purpose.
Sec. 614. Grants authorized.
Sec. 615. Use of funds.
Sec. 616. Authorization of appropriations.
Sec. 617. Name of League.

Subtitle C—Grants, Studies, and Other Provisions

Sec. 621. Pilot program for monitoring sexual offenders.
Sec. 622. Treatment and management of sex offenders in the Bureau of Prisons.
Sec. 623. Sex offender apprehension grants; juvenile sex offender treatment grants.
Sec. 624. Assistance for prosecution of cases cleared through use of DNA backlog clearance funds.
Sec. 625. Grants to combat sexual abuse of children.
Sec. 626. Crime prevention campaign grant.
Sec. 627. Grants for fingerprinting programs for children.
Sec. 628. Grants for Rape, Abuse & Incest National Network.
Sec. 629. Children's safety online awareness campaigns.
Sec. 630. Grants for online child safety programs.
Sec. 631. Jessica Lunsford Address Verification Grant Program.
Sec. 632. Fugitive safe surrender.
Sec. 633. National registry of substantiated cases of child abuse.
Sec. 634. Comprehensive examination of sex offender issues.
Sec. 635. Annual report on enforcement of registration requirements.
Sec. 636. Government Accountability Office studies on feasibility of using driver's license registration processes as additional registration requirements for sex offenders.
Sec. 637. Sex offender risk classification study.
Sec. 638. Study of the effectiveness of restricting the activities of sex offenders to reduce the occurrence of repeat offenses.
Sec. 639. The justice for Crime Victims Family Act.

TITLE VII—INTERNET SAFETY ACT

Sec. 701. Child exploitation enterprises.
Sec. 702. Increased penalties for registered sex offenders.
Sec. 703. Deception by embedded words or images.
Sec. 704. Additional prosecutors for offenses relating to the sexual exploitation of children.
Sec. 705. Additional computer-related resources.
Sec. 706. Additional ICAC Task Forces.
Sec. 707. Masha's Law.

SEC. 2. IN RECOGNITION OF JOHN AND REVÉ WALSH ON THE OCCASION OF THE 25TH ANNIVERSARY OF ADAM WALSH'S ABDUCTION AND MURDER.

(a) ADAM WALSH'S ABDUCTION AND MURDER.—On July 27, 1981, in Hollywood, Florida, 6-year-old Adam Walsh was abducted at a mall. Two weeks later, some of Adam's remains were discovered in a canal more than 100 miles from his home.

(b) JOHN AND REVÉ WALSH'S COMMITMENT TO THE SAFETY OF CHILDREN.—Since the abduction and murder of their son Adam, both John and Revé Walsh have dedicated themselves to protecting children from child predators, preventing attacks on our children, and bringing child predators to justice. Their commitment has saved the lives of numerous children. Congress, and the American people, honor John and Revé Walsh for their dedication to the well-being and safety of America's children.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Sex Offender Registration and Notification Act".

SEC. 102. DECLARATION OF PURPOSE.

In order to protect the public from sex offenders and offenders against children, and in response to the vicious attacks by violent predators against the victims listed below, Congress in this Act establishes a comprehensive national system for the registration of those offenders:

(1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.

(2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in New Jersey.

(3) Pam Lychner, who was 31 years old, was attacked by a career offender in Houston, Texas.

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005, in Cedar Rapids, Iowa.

(5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jessica Lunsford, who was 9 years old, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.

(7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted, and murdered in 1984, in Tempe, Arizona.

(10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted, and murdered in 1993 by a career offender in California.

(12) Jimmy Ryce, who was 9 years old, was kidnapped and murdered in Florida on September 11, 1995.

(13) Carlie Brucia, who was 11 years old, was abducted and murdered in Florida in February, 2004.

(14) Amanda Brown, who was 7 years old, was abducted and murdered in Florida in 1998.

(15) Elizabeth Smart, who was 14 years old, was abducted in Salt Lake City, Utah in June 2002.

(16) Molly Bish, who was 16 years old, was abducted in 2000 while working as a lifeguard in Warren, Massachusetts, where her remains were found 3 years later.

(17) Samantha Runnion, who was 5 years old, was abducted, sexually assaulted, and murdered in California on July 15, 2002.

SEC. 103. ESTABLISHMENT OF PROGRAM.

This Act establishes the Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program.

Subtitle A—Sex Offender Registration and Notification

SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS.

In this title the following definitions apply:

(1) SEX OFFENDER.—The term "sex offender" means an individual who was convicted of a sex offense.

(2) TIER I SEX OFFENDER.—The term "tier I sex offender" means a sex offender other than a tier II or tier III sex offender.

(3) TIER II SEX OFFENDER.—The term "tier II sex offender" means a sex offender other than a tier III sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, when committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:

(i) sex trafficking (as described in section 1591 of title 18, United States Code);

(ii) coercion and enticement (as described in section 2422(b) of title 18, United States Code);

(iii) transportation with intent to engage in criminal sexual activity (as described in section 2423(a)) of title 18, United States Code;

(iv) abusive sexual contact (as described in section 2244 of title 18, United States Code);

(B) involves—

(i) use of a minor in a sexual performance;

(ii) solicitation of a minor to practice prostitution; or

(iii) production or distribution of child pornography; or

(C) occurs after the offender becomes a tier I sex offender.

(4) TIER III SEX OFFENDER.—The term "tier III sex offender" means a sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, or an attempt or conspiracy to commit such an offense:

(i) aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code); or

(ii) abusive sexual contact (as described in section 2244 of title 18, United States Code) against a minor who has not attained the age of 13 years;

(B) involves kidnapping of a minor (unless committed by a parent or guardian); or

(C) occurs after the offender becomes a tier II sex offender.

(5) AMIE ZYLA EXPANSION OF SEX OFFENSE DEFINITION.—

(A) GENERALLY.—Except as limited by subparagraph (B) or (C), the term "sex offense" means—

(i) a criminal offense that has an element involving a sexual act or sexual contact with another;

(ii) a criminal offense that is a specified offense against a minor;

(iii) a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18, United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of title 18, United States Code;

(iv) a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note); or

(v) an attempt or conspiracy to commit an offense described in clauses (i) through (iv).

(B) FOREIGN CONVICTIONS.—A foreign conviction is not a sex offense for the purposes of this title if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established under section 112.

(C) OFFENSES INVOLVING CONSENSUAL SEXUAL CONDUCT.—An offense involving consensual sexual conduct is not a sex offense for the purposes of this title if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

(6) CRIMINAL OFFENSE.—The term "criminal offense" means a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note)) or other criminal offense.

(7) EXPANSION OF DEFINITION OF "SPECIFIED OFFENSE AGAINST A MINOR" TO INCLUDE ALL OFFENSES BY CHILD PREDATORS.—The term "specified offense against a minor" means an offense against a minor that involves any of the following:

(A) An offense (unless committed by a parent or guardian) involving kidnapping.

(B) An offense (unless committed by a parent or guardian) involving false imprisonment.

(C) Solicitation to engage in sexual conduct.

(D) Use in a sexual performance.

(E) Solicitation to practice prostitution.

(F) Video voyeurism as described in section 1801 of title 18, United States Code.

(G) Possession, production, or distribution of child pornography.

(H) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

(I) Any conduct that by its nature is a sex offense against a minor.

(8) CONVICTED AS INCLUDING CERTAIN JUVENILE ADJUDICATIONS.—The term "convicted" or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

(9) SEX OFFENDER REGISTRY.—The term "sex offender registry" means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(10) JURISDICTION.—The term "jurisdiction" means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of section 127, a federally recognized Indian tribe.

(11) STUDENT.—The term "student" means an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(12) EMPLOYEE.—The term "employee" includes an individual who is self-employed or works for any other entity, whether compensated or not.

(13) RESIDES.—The term "resides" means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives.

(14) MINOR.—The term "minor" means an individual who has not attained the age of 18 years.

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

(a) JURISDICTION TO MAINTAIN A REGISTRY.—Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title.

(b) GUIDELINES AND REGULATIONS.—The Attorney General shall issue guidelines and regulations to interpret and implement this title.

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

(a) IN GENERAL.—A sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student. For initial registration purposes only, a sex offender shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.

(b) INITIAL REGISTRATION.—The sex offender shall initially register—

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 3 business days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) KEEPING THE REGISTRATION CURRENT.—A sex offender shall, not later than 3 business days after each change of name, residence, employment, or student status, appear in person in at least 1 jurisdiction involved pursuant to subsection (a) and inform that jurisdiction of all changes in the information required for that offender in the sex offender registry. That jurisdiction shall immediately provide that information to all other jurisdictions in which the offender is required to register.

(d) INITIAL REGISTRATION OF SEX OFFENDERS UNABLE TO COMPLY WITH SUBSECTION (b).—The Attorney General shall have the authority to specify the applicability of the requirements of this title to sex offenders convicted before the enactment of this Act or its implementation in a particular jurisdiction, and to prescribe rules for the registration of any such sex offenders and for other categories of sex offenders who are unable to comply with subsection (b).

(e) STATE PENALTY FOR FAILURE TO COMPLY.—Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) PROVIDED BY THE OFFENDER.—The sex offender shall provide the following information to the appropriate official for inclusion in the sex offender registry:

(1) The name of the sex offender (including any alias used by the individual).

(2) The Social Security number of the sex offender.

(3) The address of each residence at which the sex offender resides or will reside.

(4) The name and address of any place where the sex offender is an employee or will be an employee.

(5) The name and address of any place where the sex offender is a student or will be a student.

(6) The license plate number and a description of any vehicle owned or operated by the sex offender.

(7) Any other information required by the Attorney General.

(b) PROVIDED BY THE JURISDICTION.—The jurisdiction in which the sex offender registers shall ensure that the following information is included in the registry for that sex offender:

(1) A physical description of the sex offender.

(2) The text of the provision of law defining the criminal offense for which the sex offender is registered.

(3) The criminal history of the sex offender, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the sex offender.

(4) A current photograph of the sex offender.

(5) A set of fingerprints and palm prints of the sex offender.

(6) A DNA sample of the sex offender.

(7) A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction.

(8) Any other information required by the Attorney General.

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

(a) FULL REGISTRATION PERIOD.—A sex offender shall keep the registration current for the full registration period (excluding any time the sex offender is in custody or civilly committed) unless the offender is allowed a reduction under subsection (b). The full registration period is—

(1) 15 years, if the offender is a tier I sex offender;

(2) 25 years, if the offender is a tier II sex offender; and

(3) the life of the offender, if the offender is a tier III sex offender.

(b) REDUCED PERIOD FOR CLEAN RECORD.—

(1) CLEAN RECORD.—The full registration period shall be reduced as described in paragraph (3) for a sex offender who maintains a clean record for the period described in paragraph (2) by—

(A) not being convicted of any offense for which imprisonment for more than 1 year may be imposed;

(B) not being convicted of any sex offense;

(C) successfully completing any periods of supervised release, probation, and parole; and

(D) successfully completing of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General.

(2) PERIOD.—In the case of—

(A) a tier I sex offender, the period during which the clean record shall be maintained is 10 years; and

(B) a tier III sex offender adjudicated delinquent for the offense which required registration in a sex registry under this title, the period during which the clean record shall be maintained is 25 years.

(3) REDUCTION.—In the case of—

(A) a tier I sex offender, the reduction is 5 years;

(B) a tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (2) is maintained.

SEC. 116. PERIODIC IN PERSON VERIFICATION.

A sex offender shall appear in person, allow the jurisdiction to take a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than—

(1) each year, if the offender is a tier I sex offender;

(2) every 6 months, if the offender is a tier II sex offender; and

(3) every 3 months, if the offender is a tier III sex offender.

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

(a) IN GENERAL.—An appropriate official shall, shortly before release of the sex offender from custody, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

(1) inform the sex offender of the duties of a sex offender under this title and explain those duties;

(2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and

(3) ensure that the sex offender is registered.

(b) NOTIFICATION OF SEX OFFENDERS WHO CANNOT COMPLY WITH SUBSECTION (a).—The Attorney General shall prescribe rules for the notification of sex offenders who cannot be registered in accordance with subsection (a).

SEC. 118. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

(a) IN GENERAL.—Except as provided in this section, each jurisdiction shall make available on the Internet, in a manner that is readily accessible to all jurisdictions and to the public, all information about each sex offender in the registry. The jurisdiction shall maintain the Internet site in a manner that will permit the public to obtain relevant information for each sex offender by a single query for any given zip code or geographic radius set by the user. The jurisdiction shall also include in the design of its Internet site all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General.

(b) MANDATORY EXEMPTIONS.—A jurisdiction shall exempt from disclosure—

(1) the identity of any victim of a sex offense;

(2) the Social Security number of the sex offender;

(3) any reference to arrests of the sex offender that did not result in conviction; and

(4) any other information exempted from disclosure by the Attorney General.

(c) OPTIONAL EXEMPTIONS.—A jurisdiction may exempt from disclosure—

(1) any information about a tier I sex offender convicted of an offense other than a specified offense against a minor;

(2) the name of an employer of the sex offender;

(3) the name of an educational institution where the sex offender is a student; and

(4) any other information exempted from disclosure by the Attorney General.

(d) LINKS.—The site shall include, to the extent practicable, links to sex offender safety and education resources.

(e) CORRECTION OF ERRORS.—The site shall include instructions on how to seek correction of information that an individual contends is erroneous.

(f) WARNING.—The site shall include a warning that information on the site should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address. The warning shall note that any such action could result in civil or criminal penalties.

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

(a) INTERNET.—The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and any other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

(b) ELECTRONIC FORWARDING.—The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) ESTABLISHMENT.—There is established the Dru Sjodin National Sex Offender Public Website (hereinafter in this section referred to as the "Website"), which the Attorney General shall maintain.

(b) INFORMATION TO BE PROVIDED.—The Website shall include relevant information for each sex offender and other person listed on a jurisdiction's Internet site. The Website shall allow the public to obtain relevant information for each sex offender by a single query for any given zip code or geographical radius set by the user in a form and with such limitations as may be established by the Attorney General and shall have such other field search capabilities as the Attorney General may provide.

SEC. 121. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program (hereinafter in this section referred to as the "Program").

(b) PROGRAM NOTIFICATION.—Except as provided in subsection (c), immediately after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include that information in the National Sex Offender Registry or other appropriate databases.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is an employee or is a student.

(3) Each jurisdiction where the sex offender resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

(7) Any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction.

(c) FREQUENCY.—Notwithstanding subsection (b), an organization or individual described in subsection (b)(6) or (b)(7) may opt to receive the notification described in that subsection no less frequently than once every five business days.

SEC. 122. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.

An appropriate official shall notify the Attorney General and appropriate law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry and revise the jurisdiction's registry to reflect the nature of that failure. The appropriate official, the Attorney General, and each such law enforcement agency shall take any appropriate action to ensure compliance.

SEC. 123. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT AND WEBSITE SOFTWARE.

(a) DUTY TO DEVELOP AND SUPPORT.—The Attorney General shall, in consultation with the jurisdictions, develop and support software to enable jurisdictions to establish and operate uniform sex offender registries and Internet sites.

(b) CRITERIA.—The software should facilitate—

(1) immediate exchange of information among jurisdictions;

(2) public access over the Internet to appropriate information, including the number of registered sex offenders in each jurisdiction on a current basis;

(3) full compliance with the requirements of this title; and

(4) communication of information to community notification program participants as required under section 121.

(c) DEADLINE.—The Attorney General shall make the first complete edition of this software available to jurisdictions within 2 years of the date of the enactment of this Act.

SEC. 124. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

(a) DEADLINE.—Each jurisdiction shall implement this title before the later of—

(1) 3 years after the date of the enactment of this Act; and

(2) 1 year after the date on which the software described in section 123 is available.

(b) EXTENSIONS.—The Attorney General may authorize up to two 1-year extensions of the deadline.

SEC. 125. FAILURE OF JURISDICTION TO COMPLY.

(a) IN GENERAL.—For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, to substantially implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(b) STATE CONSTITUTIONALITY.—

(1) IN GENERAL.—When evaluating whether a jurisdiction has substantially implemented this title, the Attorney General shall consider whether the jurisdiction is unable to substantially implement this title because of a demonstrated inability to implement certain provisions that would place the jurisdiction in violation of its constitution, as determined by a ruling of the jurisdiction's highest court.

(2) EFFORTS.—If the circumstances arise under paragraph (1), then the Attorney General and the jurisdiction shall make good faith efforts to accomplish substantial implementation of this title and to reconcile any conflicts between this title and the jurisdiction's constitution. In considering whether compliance with the requirements of this title would likely violate the jurisdiction's constitution or an interpretation thereof by the jurisdiction's highest court, the Attorney General shall consult with the chief executive and chief legal officer of the jurisdiction concerning the jurisdiction's interpretation of the jurisdiction's constitution and rulings thereon by the jurisdiction's highest court.

(3) ALTERNATIVE PROCEDURES.—If the jurisdiction is unable to substantially implement this title because of a limitation imposed by the jurisdiction's constitution, the Attorney General may determine that the jurisdiction is in compliance with this Act if the jurisdiction has made, or is in the process of implementing reasonable alternative procedures or accommodations, which are consistent with the purposes of this Act.

(4) FUNDING REDUCTION.—If a jurisdiction does not comply with paragraph (3), then the jurisdiction shall be subject to a funding reduction as specified in subsection (a).

(c) REALLOCATION.—Amounts not allocated under a program referred to in this section to a jurisdiction for failure to substantially implement this title shall be reallocated under that program to jurisdictions that have not failed to substantially implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title.

(d) RULE OF CONSTRUCTION.—The provisions of this title that are cast as directions to jurisdictions or their officials constitute, in relation to States, only conditions required to avoid the reduction of Federal funding under this section.

SEC. 126. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this title referred to as the "SOMA program"), under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this title.

(b) APPLICATION.—The chief executive of a jurisdiction desiring a grant under this section shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—A jurisdiction that, as determined by the Attorney General, has substantially implemented this title not later than 2 years after the date of the enactment of this Act is eligible for a bonus payment. The Attorney General may make such a payment under the SOMA program for the first fiscal year beginning after that determination. The amount of the payment shall be—

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if that implementation is not later than 1 year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than 2 years after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2007 through 2009.

SEC. 127. ELECTION BY INDIAN TRIBES.

(a) ELECTION.—

(1) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body—

(A) elect to carry out this subtitle as a jurisdiction subject to its provisions; or

(B) elect to delegate its functions under this subtitle to another jurisdiction or jurisdictions within which the territory of the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to enable such other jurisdiction or jurisdictions to carry out and enforce the requirements of this subtitle.

(2) IMPUTED ELECTION IN CERTAIN CASES.—A tribe shall be treated as if it had made the election described in paragraph (1)(B) if—

(A) it is a tribe subject to the law enforcement jurisdiction of a State under section 1162 of title 18, United States Code;

(B) the tribe does not make an election under paragraph (1) within 1 year of the enactment of this Act or rescinds an election under paragraph (1)(A); or

(C) the Attorney General determines that the tribe has not substantially implemented the requirements of this subtitle and is not likely to become capable of doing so within a reasonable amount of time.

(b) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(1) NONDUPLICATION.—A tribe subject to this subtitle is not required to duplicate functions under this subtitle which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(2) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such a jurisdiction or jurisdictions—

(A) arrange for the tribe to carry out any function of such a jurisdiction under this subtitle with respect to sex offenders subject to the tribe's jurisdiction; and

(B) arrange for such a jurisdiction to carry out any function of the tribe under this subtitle with respect to sex offenders subject to the tribe's jurisdiction.

SEC. 128. REGISTRATION OF SEX OFFENDERS ENTERING THE UNITED STATES.

The Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish and maintain a system for informing the relevant jurisdictions about persons entering the United States who are required to register under this title. The Secretary of State and the Secretary of Homeland Security shall provide such information and carry out such functions as the Attorney General may direct in the operation of the system.

SEC. 129. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.

(a) REPEAL.—Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994, and section 8 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (42 U.S.C. 14073), are repealed.

(b) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, this section shall take effect on the date of the deadline determined in accordance with section 124(a).

SEC. 130. LIMITATION ON LIABILITY FOR THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following:

"(g) LIMITATION ON LIABILITY.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil or criminal action arising from the performance of its CyberTipline responsibilities and functions, as defined by this section, or from its efforts to identify child victims.

"(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

"(3) ORDINARY BUSINESS ACTIVITIES.—Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.".

SEC. 131. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

Subtitle B—Improving Federal Criminal Law Enforcement To Ensure Sex Offender Compliance With Registration and Notification Requirements and Protection of Children From Violent Predators

SEC. 141. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.

(a) CRIMINAL PENALTIES FOR NONREGISTRATION.—

(1) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 109A the following:

"CHAPTER 109B—SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY

"Sec

"2250. Failure to register

"§ 2250. Failure to register

"(a) IN GENERAL.—Whoever—

"(1) is required to register under the Sex Offender Registration and Notification Act;

"(2)(A) is a sex offender as defined for the purposes of the Sex Offender Registration and Notification Act by reason of a conviction under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States; or

"(B) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country; and

"(3) knowingly fails to register or update a registration as required by the Sex Offender Registration and Notification Act;

shall be fined under this title or imprisoned not more than 10 years, or both.

"(b) Affirmative Defense.—In a prosecution for a violation under subsection (a), it is an affirmative defense that—

"(1) uncontrollable circumstances prevented the individual from complying;

"(2) the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply; and

"(3) the individual complied as soon as such circumstances ceased to exist.

"(c) Crime of Violence.—

"(1) In general.—An individual described in subsection (a) who commits a crime of violence under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States shall be imprisoned for not less than 5 years and not more than 30 years.

"(2) Additional punishment.—The punishment provided in paragraph (1) shall be in addition and consecutive to the punishment provided for the violation described in subsection (a).".

(2) Clerical amendment.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following:

"109B. Sex offender and crimes against children registry .... 2250".

(b) Directive to the United States Sentencing Commission.—In promulgating guidelines for use of a sentencing court in determining the sentence to be imposed for the offense specified in subsection (a), the United States Sentencing Commission shall consider the following matters, in addition to the matters specified in section 994 of title 28, United States Code:

(1) Whether the person committed another sex offense in connection with, or during, the period for which the person failed to register.

(2) Whether the person committed an offense against a minor in connection with, or during, the period for which the person failed to register.

(3) Whether the person voluntarily attempted to correct the failure to register.

(4) The seriousness of the offense which gave rise to the requirement to register, including whether such offense is a tier I, tier II, or tier III offense, as those terms are defined in section 111.

(5) Whether the person has been convicted or adjudicated delinquent for any offense other than the offense which gave rise to the requirement to register.

(c) False Statement Offense.—Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: "If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.".

(d) Probation.—Paragraph (8) of section 3563(a) of title 18, United States Code, is amended to read as follows:

"(8) for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and".

(e) Supervised Release.—Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), in the sentence beginning with "The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4)", by striking "described in section 4042(c)(4)" and all that follows through the end of the sentence and inserting "required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act.".

(2) in subsection (k)—

(A) by striking "2244(a)(1), 2244(a)(2)" and inserting "2243, 2244, 2245, 2250";

(B) by inserting "not less than 5," after "any term of years"; and

(C) by adding at the end the following: "If a defendant required to register under the Sex Offender Registration and Notification Act commits any criminal offense under any of chapters 109A, 110, or 117, or sections 1201 or 1591, for which imprisonment for a term longer than 1 year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years.".

(f) Duties of the Bureau of Prisons.—Paragraph (3) of section 4042(c) of title 18, United States Code, is amended to read as follows:

"(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.".

(g) Conforming Amendments to Cross References.—Section 4042(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(4)" and inserting "(3), or any other person in a category specified by the Attorney General,"; and

(2) in paragraph (2)—

(A) in the first sentence, by striking "shall be subject to a registration requirement as a sex offender" and inserting "shall register as required by the Sex Offender Registration and Notification Act"; and

(B) in the fourth sentence, by striking "(4)" and inserting "(3)".

(h) Conforming Repeal of Deadwood.—Paragraph (4) of section 4042(c) of title 18, United States Code, is repealed.

(i) Military Offenses.—

(1) Section 115(a)(8)(C)(i) of Public Law 105-119 (111 Stat. 2466) is amended by striking "which encompass" and all that follows through "and (B))" and inserting "which are sex offenses as that term is defined in the Sex Offender Registration and Notification Act".

(2) Section 115(a)(8)(C)(iii) of Public Law 105-119 (111 Stat. 2466; 10 U.S.C. 951 note) is amended by striking "the amendments made by subparagraphs (A) and (B)" and inserting "the Sex Offender Registration and Notification Act".

(j) Conforming Amendment Relating to Parole.—Section 4209(a) of title 18, United States Code, is amended in the second sentence by striking "described" and all that follows through the end of the sentence and inserting "required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.".

SEC. 142. FEDERAL ASSISTANCE WITH RESPECT TO VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) In General.—The Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements. For the purposes of section 566(e)(1)(B) of title 28, United States Code, a sex offender who violates a sex offender registration requirement shall be deemed a fugitive.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to implement this section.

SEC. 143. PROJECT SAFE CHILDHOOD.

(a) Establishment of Program.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall create and maintain a Project Safe Childhood program in accordance with this section.

(b) Initial Implementation.—Except as authorized under subsection (c), funds authorized under this section may only be used for the following 5 purposes:

(1) Integrated Federal, State, and local efforts to investigate and prosecute child exploitation cases, including—

(A) the partnership by each United States Attorney with each Internet Crimes Against Children Task Force that is a part of the Internet Crimes Against Children Task Force Program authorized and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.) (referred to in this section as the "ICAC Task Force Program") that exists within the district of such attorney;

(B) the partnership by each United States Attorney with other Federal, State, and local law enforcement partners working in the district of such attorney to implement the program described in subsection (a);

(C) the development by each United States Attorney of a district-specific strategic plan to coordinate the investigation and prosecution of child exploitation crimes;

(D) efforts to identify and rescue victims of child exploitation crimes; and

(E) local training, educational, and awareness programs of such crimes.

(2) Major case coordination by the Department of Justice (or other Federal agencies as appropriate), including specific integration or cooperation, as appropriate, of—

(A) the Child Exploitation and Obscenity Section within the Department of Justice;

(B) the Innocent Images Unit of the Federal Bureau of Investigation;

(C) any task forces established in connection with the Project Safe Childhood program set forth under subsection (a); and

(D) the High Tech Investigative Unit within the Criminal Division of the Department of Justice.

(3) Increased Federal involvement in child pornography and enticement cases by providing additional investigative tools and increased penalties under Federal law.

(4) Training of Federal, State, and local law enforcement through programs facilitated by—

(A) the National Center for Missing and Exploited Children;

(B) the ICAC Task Force Program; and

(C) any other ongoing program regarding the investigation and prosecution of computer-facilitated crimes against children, including training and coordination regarding leads from—

(i) Federal law enforcement operations; and

(ii) the CyberTipline and Child Victim Identification programs managed and maintained by the National Center for Missing and Exploited Children.

(5) Community awareness and educational programs through partnerships to provide

national public awareness and educational programs through—

(A) the National Center for Missing and Exploited Children;

(B) the ICAC Task Force Program; and

(C) any other ongoing programs that—

(i) raises national awareness about the threat of online sexual predators; or

(ii) provides information to parents and children seeking to report possible violations of computer-facilitated crimes against children.

(c) EXPANSION OF PROJECT SAFE CHILDHOOD.—Notwithstanding subsection (b), funds authorized under this section may be also be used for the following purposes:

(1) The addition of not less than 8 Assistant United States Attorneys at the Department of Justice dedicated to the prosecution of cases in connection with the Project Safe Childhood program set forth under subsection (a).

(2) The creation, development, training, and deployment of not less than 10 new Internet Crimes Against Children task forces within the ICAC Task Force Program consisting of Federal, State, and local law enforcement personnel dedicated to the Project Safe Childhood program set forth under subsection (a), and the enhancement of the forensic capacities of existing Internet Crimes Against Children task forces.

(3) The development and enhancement by the Federal Bureau of Investigation of the Innocent Images task forces.

(4) Such other additional and related purposes as the Attorney General determines appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated—

(1) for the activities described under subsection (b)—

(A) $18,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the 5 succeeding fiscal years; and

(2) for the activities described under subsection (c)—

(A) for fiscal year 2007—

(i) $15,000,000 for the activities under paragraph (1);

(ii) $10,000,000 for activities under paragraph (2); and

(iii) $4,000,000 for activities under paragraph (3); and

(B) such sums as may be necessary for each of the 5 succeeding fiscal years.

SEC. 144. FEDERAL ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF A MAJOR DISASTER.

The Attorney General shall provide assistance to jurisdictions in the identification and location of a sex offender relocated as a result of a major disaster.

SEC. 145. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) TRAINING.—The Attorney General shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the Internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings involving corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multidisciplinary approaches to holding offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat online solicitation of children by sex offenders.

(b) TECHNOLOGY.—The Attorney General shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) REPORT.—Not later than July 1, 2007, the Attorney General, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General, for fiscal year 2007—

(1) $1,000,000 to carry out subsection (a); and

(2) $2,000,000 to carry out subsection (b).

SEC. 146. OFFICE OF SEX OFFENDER SENTENCING, MONITORING, APPREHENDING, REGISTERING, AND TRACKING.

(a) ESTABLISHMENT.—There is established within the Department of Justice, under the general authority of the Attorney General, an Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (hereinafter in this section referred to as the "SMART Office").

(b) DIRECTOR.—The SMART Office shall be headed by a Director who shall be appointed by the President. The Director shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs and shall have final authority for all grants, cooperative agreements, and contracts awarded by the SMART Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement.

(c) DUTIES AND FUNCTIONS.—The SMART Office is authorized to—

(1) administer the standards for the sex offender registration and notification program set forth in this Act;

(2) administer grant programs relating to sex offender registration and notification authorized by this Act and other grant programs authorized by this Act as directed by the Attorney General;

(3) cooperate with and provide technical assistance to States, units of local government, tribal governments, and other public and private entities involved in activities related to sex offender registration or notification or to other measures for the protection of children or other members of the public from sexual abuse or exploitation; and

(4) perform such other functions as the Attorney General may delegate.

Subtitle C—Access to Information and Resources Needed To Ensure That Children Are Not Attacked or Abused

SEC. 151. ACCESS TO NATIONAL CRIME INFORMATION DATABASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall ensure access to the national crime information databases (as defined in section 534 of title 28, United States Code) by—

(1) the National Center for Missing and Exploited Children, to be used only within the scope of the Center's duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and

(2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) CONDITIONS OF ACCESS.—The access provided under this section, and associated rules of dissemination, shall be—

(1) defined by the Attorney General; and

(2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

SEC. 152. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION OF OPT-OUT.—

(1) REQUIREMENT TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (I)—

(I) by inserting ", including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code)," after "criminal records checks"; and

(II) by striking "on whose behalf foster care maintenance payments or adoption assistance payments are to be made" and inserting "regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child"; and

(ii) in each of clauses (i) and (ii), by inserting "involving a child on whose behalf such payments are to be so made" after "in any case"; and

(B) by adding at the end the following:

"(C) provides that the State shall—

"(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

“(ii) comply with any request described in clause (i) that is received from another State; and

“(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;”.

(2) Suspension of opt-out.—Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) by inserting “, on or before September 30, 2005,” after “plan if”; and

(B) by inserting “, on or before such date,” after “or if”.

(b) Elimination of Opt-Out.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking “unless an election provided for in subparagraph (B) is made with respect to the State,”; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(c) Effective Date.—

(1) General.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) Elimination of opt-out.—The amendments made by subsection (b) shall take effect on October 1, 2008, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(3) Delay permitted if state legislation required.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under section 471 of the Social Security Act to meet the additional requirements imposed by the amendments made by a subsection of this section, the plan shall not be regarded as failing to meet any of the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the otherwise applicable effective date of the amendments. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 153. SCHOOLS SAFE ACT.

(a) Short Title.—This section may be cited as the “Schools Safely Acquiring Faculty Excellence Act of 2006”.

(b) In General.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code as redesignated under subsection (e)) pursuant to a request submitted by—

(1) a child welfare agency for the purpose of—

(A) conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as prospective foster or adoptive parents; or

(B) an investigation relating to an incident of abuse or neglect of a minor; or

(2) a private or public elementary school, a private or public secondary school, a local educational agency, or State educational agency in that State, on individuals employed by, under consideration for employment by, or otherwise in a position in which the individual would work with or around children in the school or agency.

(c) Fingerprint-Based Check.—Where possible, the check shall include a fingerprint-based check of State criminal history databases.

(d) Fees.—The Attorney General and the States may charge any applicable fees for the checks.

(e) Protection of Information.—An individual having information derived as a result of a check under subsection (b) may release that information only to appropriate officers of child welfare agencies, public or private elementary or secondary schools, or educational agencies or other persons authorized by law to receive that information.

(f) Criminal Penalties.—An individual who knowingly exceeds the authority in subsection (b), or knowingly releases information in violation of subsection (e), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(g) Child Welfare Agency Defined.—In this section, the term “child welfare agency” means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

(h) Definition of Education Terms.—In this section, the terms “elementary school”, “local educational agency”, “secondary school”, and “State educational agency” have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(i) Technical Correction.—Section 534 of title 28, United States Code, is amended by redesignating the second subsection (e) as subsection (f).

SEC. 154. MISSING CHILD REPORTING REQUIREMENTS.

(a) In General.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

“(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person; and”; and

(3) in paragraph (3), as redesignated, by striking “immediately” and inserting “within 2 hours of receipt”.

(b) Definitions.—Section 403(1) of the Comprehensive Crime Control Act of 1984 (42 U.S.C. 5772) is amended by striking “if” through subparagraph (B) and inserting a semicolon.

SEC. 155. DNA FINGERPRINTING.

The first sentence of section 3(a)(1)(A) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(a)(1)(A)) is amended by striking “arrested” and inserting “arrested, facing charges, or convicted”.

TITLE II—FEDERAL CRIMINAL LAW ENHANCEMENTS NEEDED TO PROTECT CHILDREN FROM SEXUAL ATTACKS AND OTHER VIOLENT CRIMES

SEC. 201. PROHIBITION ON INTERNET SALES OF DATE RAPE DRUGS.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

“(g) Internet Sales of Date Rape Drugs.—

“(1) Whoever knowingly uses the Internet to distribute a date rape drug to any person, knowing or with reasonable cause to believe that—

“(A) the drug would be used in the commission of criminal sexual conduct; or

“(B) the person is not an authorized purchaser;

shall be fined under this title or imprisoned not more than 20 years, or both.

“(2) As used in this subsection:

“(A) The term ‘date rape drug’ means—

“(i) gamma hydroxybutyric acid (GHB) or any controlled substance analogue of GHB, including gamma butyrolactone (GBL) or 1,4-butanediol;

“(ii) ketamine;

“(iii) flunitrazepam; or

“(iv) any substance which the Attorney General designates, pursuant to the rulemaking procedures prescribed by section 553 of title 5, United States Code, to be used in committing rape or sexual assault.

The Attorney General is authorized to remove any substance from the list of date rape drugs pursuant to the same rulemaking authority.

“(B) The term ‘authorized purchaser’ means any of the following persons, provided such person has acquired the controlled substance in accordance with this Act:

“(i) A person with a valid prescription that is issued for a legitimate medical purpose in the usual course of professional practice that is based upon a qualifying medical relationship by a practitioner registered by the Attorney General. A ‘qualifying medical relationship’ means a medical relationship that exists when the practitioner has conducted at least 1 medical evaluation with the authorized purchaser in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other heath professionals. The preceding sentence shall not be construed to imply that 1 medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

“(ii) Any practitioner or other registrant who is otherwise authorized by their registration to dispense, procure, purchase, manufacture, transfer, distribute, import, or export the substance under this Act.

“(iii) A person or entity providing documentation that establishes the name, address, and business of the person or entity and which provides a legitimate purpose for using any ‘date rape drug’ for which a prescription is not required.

“(3) The Attorney General is authorized to promulgate regulations for record-keeping and reporting by persons handling 1,4-butanediol in order to implement and enforce the provisions of this section. Any record or report required by such regulations shall be considered a record or report required under this Act.”.

SEC. 202. JETSETA GAGE ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

Section 3559 of title 18, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) Mandatory Minimum Terms of Imprisonment for Violent Crimes Against Children.—A person who is convicted of a Federal offense that is a crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

"(1) if the crime of violence is murder, be imprisoned for life or for any term of years not less than 30, except that such person shall be punished by death or life imprisonment if the circumstances satisfy any of subparagraphs (A) through (D) of section 3591(a)(2) of this title;

"(2) if the crime of violence is kidnapping (as defined in section 1201) or maiming (as defined in section 114), be imprisoned for life or any term of years not less than 25; and

"(3) if the crime of violence results in serious bodily injury (as defined in section 1365), or if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for life or for any term of years not less than 10.".

SEC. 203. PENALTIES FOR COERCION AND ENTICEMENT BY SEX OFFENDERS.

Section 2422(b) of title 18, United States Code, is amended by striking "not less than 5 years and not more than 30 years" and inserting "not less than 10 years or for life".

SEC. 204. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.

Section 2423(a) of title 18, United States Code, is amended by striking "5 years and not more than 30 years" and inserting "10 years or for life".

SEC. 205. PENALTIES FOR SEXUAL ABUSE.

Section 2242 of title 18, United States Code, is amended by striking ", imprisoned not more than 20 years, or both" and inserting "and imprisoned for any term of years or for life".

SEC. 206. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) Sexual Abuse and Contact.—

(1) Aggravated sexual abuse of children.—Section 2241(c) of title 18, United States Code, is amended by striking ", imprisoned for any term of years or life, or both" and inserting "and imprisoned for not less than 30 years or for life".

(2) Abusive sexual contact with children.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting "subsection (a) or (b) of" before "section 2241";

(ii) by striking "or" at the end of paragraph (3);

(iii) by striking the period at the end of paragraph (4) and inserting "; or"; and

(iv) by inserting after paragraph (4) the following:

"(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life."; and

(B) in subsection (c), by inserting "(other than subsection (a)(5))" after "violates this section".

(3) Sexual abuse of children resulting in death.—Section 2245 of title 18, United States Code, is amended to read as follows:

"§ 2245. Offenses resulting in death

"(a) In General.—A person who, in the course of an offense under this chapter, or sections 1591, 2251, 2251A, 2260, 2421, 2422, 2423, or 2425, murders an individual, shall be punished by death or imprisoned for any term of years or for life.".

(4) Death penalty aggravating factor.—Section 3592(c)(1) of title 18, United States Code, is amended by inserting "section 2245 (offenses resulting in death)," after "(wrecking trains),".

(b) Sexual Exploitation and Other Abuse of Children.—

(1) Sexual exploitation of children.—Section 2251(e) of title 18, United States Code, is amended—

(A) by inserting "section 1591," after "this chapter," the first place it appears;

(B) by striking "the sexual exploitation of children" the first place it appears and inserting "aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography"; and

(C) by striking "any term of years or for life" and inserting "not less than 30 years or for life".

(2) Activities relating to material involving the sexual exploitation of children.—Section 2252(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by striking "paragraphs (1)" and inserting "paragraph (1)";

(B) by inserting "section 1591," after "this chapter,"; and

(C) by inserting ", or sex trafficking of children" after "pornography".

(3) Activities relating to material constituting or containing child pornography.—Section 2252A(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by inserting "section 1591," after "this chapter,"; and

(B) by inserting ", or sex trafficking of children" after "pornography".

(4) Using misleading domain names to direct children to harmful material on the internet.—Section 2252B(b) of title 18, United States Code, is amended by striking "4" and inserting "10".

(5) Extraterritorial child pornography offenses.—Section 2260(c) of title 18, United States Code, is amended to read as follows:

"(c) Penalties.—

"(1) A person who violates subsection (a), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (e) of section 2251 for a violation of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in that subsection.

"(2) A person who violates subsection (b), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (b)(1) of section 2252 for a violation of paragraph (1), (2), or (3) of subsection (a) of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in subsection (b)(1) of section 2252.".

(c) Mandatory Life Imprisonment for Certain Repeated Sex Offenses Against Children.—Section 3559(e)(2)(A) of title 18, United States Code, is amended by inserting "1591 (relating to sex trafficking of children)," after "under section".

SEC. 207. SEXUAL ABUSE OF WARDS.

Chapter 109A of title 18, United States Code, is amended—

(1) in section 2243(b), by striking "five years" and inserting "15 years"; and

(2) by inserting a comma after "Attorney General" each place it appears.

SEC. 208. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1591(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "or imprisonment" and inserting "and imprisonment";

(B) by inserting "not less than 15" after "any term of years"; and

(C) by striking ", or both"; and

(2) in paragraph (2)—

(A) by striking "or imprisonment for not more than 40 years, or both" and inserting "and imprisonment for not less than 10 years or for life"; and

(B) by striking ", or both".

SEC. 209. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking "guilty of a Class B misdemeanor" and inserting "fined under this title or imprisoned not more than 1 year or both".

SEC. 210. SEX OFFENDER SUBMISSION TO SEARCH AS CONDITION OF RELEASE.

(a) Conditions of Probation.—Section 3563(b) of title 18, United States Code, is amended—

(1) in paragraph (21), by striking "or" ;

(2) in paragraph (22) by striking the period at the end and inserting "or;" and

(3) by inserting after paragraph (22) the following:

"(23) if required to register under the Sex Offender Registration and Notification Act, submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.".

(b) Supervised Release.—Section 3583(d) of title 18, United States Code, is amended by adding at the end the following: "The court may order, as an explicit condition of supervised release for a person who is a felon and required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.".

SEC. 211. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18, United States Code, is amended—

(1) by adding at the end the following:

"§ 3299. Child abduction and sex offenses

"Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter

109A, 110 (except for section 2257 and 2257A), or 117, or section 1591."; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

"3299. Child abduction and sex offenses".

SEC. 212. VICTIMS' RIGHTS ASSOCIATED WITH HABEAS CORPUS PROCEEDINGS.

Section 3771(b) of title 18, United States Code, is amended—

(1) by striking "In any court proceeding" and inserting the following:

"(1) In general.—In any court proceeding"; and

(2) by adding at the end the following:

"(2) Habeas corpus proceedings.—

"(A) In general.—In a Federal habeas corpus proceeding arising out of a State conviction, the court shall ensure that a crime victim is afforded the rights described in paragraphs (3), (4), (7), and (8) of subsection (a).

"(B) Enforcement.—

"(i) In general.—These rights may be enforced by the crime victim or the crime victim's lawful representative in the manner described in paragraphs (1) and (3) of subsection (d).

"(ii) Multiple victims.—In a case involving multiple victims, subsection (d)(2) shall also apply.

"(C) Limitation.—This paragraph relates to the duties of a court in relation to the rights of a crime victim in Federal habeas corpus proceedings arising out of a State conviction, and does not give rise to any obligation or requirement applicable to personnel of any agency of the Executive Branch of the Federal Government.

"(D) Definition.—For purposes of this paragraph, the term 'crime victim' means the person against whom the State offense is committed or, if that person is killed or incapacitated, that person's family member or other lawful representative.".

SEC. 213. KIDNAPPING JURISDICTION.

Section 1201 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "if the person was alive when the transportation began" and inserting ", or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense"; and

(2) in subsection (b), by striking "to interstate" and inserting "in interstate".

SEC. 214. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.

The Committee on Rules, Practice, Procedure, and Evidence of the Judicial Conference of the United States shall study the necessity and desirability of amending the Federal Rules of Evidence to provide that the confidential marital communications privilege and the adverse spousal privilege shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against—

(1) a child of either spouse; or

(2) a child under the custody or control of either spouse.

SEC. 215. ABUSE AND NEGLECT OF INDIAN CHILDREN.

Section 1153(a) of title 18, United States Code, is amended by inserting "felony child abuse or neglect," after "years,".

SEC. 216. IMPROVEMENTS TO THE BAIL REFORM ACT TO ADDRESS SEX CRIMES AND OTHER MATTERS.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(B), by inserting at the end the following: "In any case that involves a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title, or a failure to register offense under section 2250 of this title, any release order shall contain, at a minimum, a condition of electronic monitoring and each of the conditions specified at subparagraphs (iv), (v), (vi), (vii), and (viii)."

(2) in subsection (f)(1)—

(A) in subparagraph (C), by striking "or" at the end; and

(B) by adding at the end the following:

"(E) any felony that is not otherwise a crime of violence that involves a minor victim or that involves the possession or use of a firearm or destructive device (as those terms are defined in section 921), or any other dangerous weapon, or involves a failure to register under section 2250 of title 18, United States Code; or"; and

(3) in subsection (g), by striking paragraph (1) and inserting the following:

"(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;".

TITLE III—CIVIL COMMITMENT OF DANGEROUS SEX OFFENDERS

SEC. 301. JIMMY RYCE STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

(a) Grants Authorized.—Except as provided in subsection (b), the Attorney General shall make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) Limitation.—The Attorney General shall not make any grant under this section for the purpose of establishing, enhancing, or operating any transitional housing for a sexually dangerous person in or near a location where minors or other vulnerable persons are likely to come into contact with that person.

(c) Eligibility.—

(1) In general.—To be eligible to receive a grant under this section, a jurisdiction shall, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) Compliance period.—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(3) Release notice.—

(A) Each civil commitment program for which funding is required under this section shall require the issuance of timely notice to a State official responsible for considering whether to pursue civil commitment proceedings upon the impending release of any person incarcerated by the State who—

(i) has been convicted of a sexually violent offense; or

(ii) has been deemed by the State to be at high risk for recommitting any sexual offense against a minor.

(B) The program shall further require that upon receiving notice under subparagraph (A), the State official shall consider whether or not to pursue a civil commitment proceeding, or any equivalent proceeding required under State law.

(d) Attorney General Reports.—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(e) Definitions.—As used in this section:

(1) The term "civil commitment program" means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term "sexually dangerous person" means a person suffering from a serious mental illness, abnormality, or disorder, as a result of which the individual would have serious difficulty in refraining from sexually violent conduct or child molestation.

(3) The term "jurisdiction" has the meaning given such term in section 111.

(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2007 through 2010.

SEC. 302. JIMMY RYCE CIVIL COMMITMENT PROGRAM.

Chapter 313 of title 18, United States Code, is amended—

(1) in the chapter analysis—

(A) in the item relating to section 4241, by inserting "or to undergo postrelease proceedings" after "trial"; and

(B) by inserting at the end the following:

"4248. Civil commitment of a sexually dangerous person";

(2) in section 4241—

(A) in the heading, by inserting or "**TO UNDERGO POSTRELEASE PROCEEDINGS**" after "**TRIAL**";

(B) in the first sentence of subsection (a), by inserting "or at any time after the commencement of probation or supervised release and prior to the completion of the sentence," after "defendant,";

(C) in subsection (d)—

(i) by striking "trial to proceed" each place it appears and inserting "proceedings to go forward"; and

(ii) by striking "section 4246" and inserting "sections 4246 and 4248"; and

(D) in subsection (e)—

(i) by inserting "or other proceedings" after "trial"; and

(ii) by striking "chapter 207" and inserting "chapters 207 and 227";

(3) in section 4247—

(A) by striking ", or 4246" each place it appears and inserting ", 4246, or 4248";

(B) in subsections (g) and (i), by striking "4243 or 4246" each place it appears and inserting "4243, 4246, or 4248";

(C) in subsection (a)—

(i) by amending subparagraph (1)(C) to read as follows:

"(C) drug, alcohol, and sex offender treatment programs, and other treatment programs that will assist the individual in overcoming a psychological or physical dependence or any condition that makes the individual dangerous to others; and";

(ii) in paragraph (2), by striking "and" at the end;

(iii) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(iv) by inserting at the end the following:

"(4) 'bodily injury' includes sexual abuse;

"(5) 'sexually dangerous person' means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others; and

"(6) 'sexually dangerous to others' with respect a person, means that the person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.";

(D) in subsection (b), by striking "4245 or 4246" and inserting "4245, 4246, or 4248";

(E) in subsection (c)(4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) respectively; and

(ii) by inserting after subparagraph (C) the following:

"(D) if the examination is ordered under section 4248, whether the person is a sexually dangerous person;"; and

(F) in subsections (e) and (h)—

(i) by striking "hospitalized" each place it appears and inserting "committed"; and

(ii) by striking "hospitalization" each place it appears and inserting "commitment"; and

(4) by inserting at the end the following:

"§4248. Civil commitment of a sexually dangerous person

"(a) Institution of Proceedings.—In relation to a person who is in the custody of the Bureau of Prisons, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons relating to the mental condition of the person, the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

"(b) Psychiatric or Psychological Examination and Report.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

"(c) Hearing.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) Determination and Disposition.—If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall place the person for treatment in a suitable facility, until—

"(1) such a State will assume such responsibility; or

"(2) the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment;

whichever is earlier.

"(e) Discharge.—When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person's condition is such that—

"(1) he will not be sexually dangerous to others if released unconditionally, the court shall order that he be immediately discharged; or

"(2) he will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(f) Revocation of Conditional Discharge.—The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

"(g) Release to State of Certain Other Persons.—If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is a sexually dangerous person, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.".

TITLE IV—IMMIGRATION LAW REFORMS TO PREVENT SEX OFFENDERS FROM ABUSING CHILDREN

SEC. 401. FAILURE TO REGISTER A DEPORTABLE OFFENSE.

Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv) the following new clause:

"(v) Failure to Register as a Sex Offender.—Any alien who is convicted under section 2250 of title 18, United States Code, is deportable.".

SEC. 402. BARRING CONVICTED SEX OFFENDERS FROM HAVING FAMILY-BASED PETITIONS APPROVED.

(a) Immigrant Family Members.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i), by striking "Any" and inserting "Except as provided in clause (viii), any";

(2) in subparagraph (A), by inserting after clause (vii) the following:

"(viii)(I) Clause (i) shall not apply to a citizen of the United States who has been convicted of a specified offense against a minor, unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.

"(II) For purposes of subclause (I), the term 'specified offense against a minor' is defined as in section 111 of the Adam Walsh Child Protection and Safety Act of 2006."; and

(3) in subparagraph (B)(i)—

(A) by striking "(B)(i) Any alien" and inserting the following: "(B)(i)(I) Except as provided in subclause (II), any alien"; and

(B) by adding at the end the following:

"(II) Subclause (I) shall not apply in the case of an alien lawfully admitted for permanent residence who has been convicted of a specified offense against a minor (as defined in subparagraph (A)(viii)(II)), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that such person poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.".

(b) Nonimmigrants.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting "(other than a citizen described in section 204(a)(1)(A)(viii)(I))" after "citizen of the United States" each place that phrase appears.

TITLE V—CHILD PORNOGRAPHY PREVENTION

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on the interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling State interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 502. OTHER RECORD KEEPING REQUIREMENTS.

(a) IN GENERAL.—Section 2257 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after "videotape," the following: "digital image, digitally- or computer-manipulated image of an actual human being, picture,";

(2) in subsection (e)(1), by adding at the end the following: "In this paragraph, the term 'copy' includes every page of a website on which matter described in subsection (a) appears.";

(3) in subsection (f), by—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her designee to conduct an inspection under subsection (c)."; and

(4) by striking subsection (h) and inserting the following:

"(h) In this section—

"(1) the term 'actual sexually explicit conduct' means actual but not simulated conduct as defined in clauses (i) through (v) of section 2256(2)(A) of this title;

"(2) the term 'produces'—

"(A) means—

"(i) actually filming, videotaping, photographing, creating a picture, digital image, or digitally- or computer-manipulated image of an actual human being;

"(ii) digitizing an image, of a visual depiction of sexually explicit conduct; or, assembling, manufacturing, publishing, duplicating, reproducing, or reissuing a book, magazine, periodical, film, videotape, digital image, or picture, or other matter intended for commercial distribution, that contains a visual depiction of sexually explicit conduct; or

"(iii) inserting on a computer site or service a digital image of, or otherwise managing the sexually explicit content, of a computer site or service that contains a visual depiction of, sexually explicit conduct; and

"(B) does not include activities that are limited to—

"(i) photo or film processing, including digitization of previously existing visual depictions, as part of a commercial enterprise, with no other commercial interest in the sexually explicit material, printing, and video duplication;

"(ii) distribution;

"(iii) any activity, other than those activities identified in subparagraph (A), that does not involve the hiring, contracting for, managing, or otherwise arranging for the participation of the depicted performers;

"(iv) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of the Communications Act of 1934 (47 U.S.C. 231)); or

"(v) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)) shall not constitute such selection or alteration of the content of the communication; and

"(3) the term 'performer' includes any person portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct.".

(b) CONSTRUCTION.—The provisions of section 2257 shall not apply to any depiction of actual sexually explicit conduct as described in clause (v) of section 2256(2)(A) of title 18, United States Code, produced in whole or in part, prior to the effective date of this section unless that depiction also includes actual sexually explicit conduct as described in clauses (i) through (iv) of section 2256(2)(A) of title 18, United States Code.

SEC. 503. RECORD KEEPING REQUIREMENTS FOR SIMULATED SEXUAL CONDUCT.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2257 the following:

"SEC. 2257A. RECORD KEEPING REQUIREMENTS FOR SIMULATED SEXUAL CONDUCT.

"(a) Whoever produces any book, magazine, periodical, film, videotape, digital image, digitally- or computer-manipulated image of an actual human being, picture, or other matter that—

"(1) contains 1 or more visual depictions of simulated sexually explicit conduct; and

"(2) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

shall create and maintain individually identifiable records pertaining to every performer portrayed in such a visual depiction.

"(b) Any person to whom subsection (a) applies shall, with respect to every performer portrayed in a visual depiction of simulated sexually explicit conduct—

"(1) ascertain, by examination of an identification document containing such information, the performer's name and date of birth.

and require the performer to provide such other indicia of his or her identity as may be prescribed by regulations;

"(2) ascertain any name, other than the performer's present and correct name, ever used by the performer including maiden name, alias, nickname, stage, or professional name; and

"(3) record in the records required by subsection (a) the information required by paragraphs (1) and (2) and such other identifying information as may be prescribed by regulation.

"(c) Any person to whom subsection (a) applies shall maintain the records required by this section at their business premises, or at such other place as the Attorney General may by regulation prescribe and shall make such records available to the Attorney General for inspection at all reasonable times.

"(d)(1) No information or evidence obtained from records required to be created or maintained by this section shall, except as provided in this section, directly or indirectly, be used as evidence against any person with respect to any violation of law.

"(2) Paragraph (1) shall not preclude the use of such information or evidence in a prosecution or other action for a violation of this chapter or chapter 71, or for a violation of any applicable provision of law with respect to the furnishing of false information.

"(e)(1) Any person to whom subsection (a) applies shall cause to be affixed to every copy of any matter described in subsection (a)(1) in such manner and in such form as the Attorney General shall by regulations prescribe, a statement describing where the records required by this section with respect to all performers depicted in that copy of the matter may be located. In this paragraph, the term 'copy' includes every page of a website on which matter described in subsection (a) appears.

"(2) If the person to whom subsection (a) applies is an organization the statement required by this subsection shall include the name, title, and business address of the individual employed by such organization responsible for maintaining the records required by this section.

"(f) It shall be unlawful—

"(1) for any person to whom subsection (a) applies to fail to create or maintain the records as required by subsections (a) and (c) or by any regulation promulgated under this section;

"(2) for any person to whom subsection (a) applies knowingly to make any false entry in or knowingly to fail to make an appropriate entry in, any record required by subsection (b) or any regulation promulgated under this section;

"(3) for any person to whom subsection (a) applies knowingly to fail to comply with the provisions of subsection (e) or any regulation promulgated pursuant to that subsection; or

"(4) for any person knowingly to sell or otherwise transfer, or offer for sale or transfer, any book, magazine, periodical, film, video, or other matter, produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce or which is intended for shipment in interstate or foreign commerce, that—

"(A) contains 1 or more visual depictions made after the date of enactment of this subsection of simulated sexually explicit conduct; and

"(B) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

which does not have affixed thereto, in a manner prescribed as set forth in subsection (e)(1), a statement describing where the records required by this section may be located, but such person shall have no duty to determine the accuracy of the contents of the statement or the records required to be kept.

"(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her designee to conduct an inspection under subsection (c).

"(g) As used in this section, the terms 'produces' and 'performer' have the same meaning as in section 2257(h) of this title.

"(h)(1) The provisions of this section and section 2257 shall not apply to matter, or any image therein, containing one or more visual depictions of simulated sexually explicit conduct, or actual sexually explicit conduct as described in clause (v) of section 2256(2)(A), if such matter—

"(A)(i) is intended for commercial distribution;

"(ii) is created as a part of a commercial enterprise by a person who certifies to the Attorney General that such person regularly and in the normal course of business collects and maintains individually identifiable information regarding all performers, including minor performers, employed by that person, pursuant to Federal and State tax, labor, and other laws, labor agreements, or otherwise pursuant to industry standards, where such information includes the name, address, and date of birth of the performer; and

"(iii) is not produced, marketed or made available by the person described in clause (ii) to another in circumstances such than an ordinary person would conclude that the matter contains a visual depiction that is child pornography as defined in section 2256(8); or

"(B)(i) is subject to the authority and regulation of the Federal Communications Commission acting in its capacity to enforce section 1464 of this title, regarding the broadcast of obscene, indecent or profane programming; and

"(ii) is created as a part of a commercial enterprise by a person who certifies to the Attorney General that such person regularly and in the normal course of business collects and maintains individually identifiable information regarding all performers, including minor performers, employed by that person, pursuant to Federal and State tax, labor, and other laws, labor agreements, or otherwise pursuant to industry standards, where such information includes the name, address, and date of birth of the performer.

"(2) Nothing in subparagraphs (A) and (B) of paragraph (1) shall be construed to exempt any matter that contains any visual depiction that is child pornography, as defined in section 2256(8), or is actual sexually explicit conduct within the definitions in clauses (i) through (iv) of section 2256(2)(A).

"(i)(1) Whoever violates this section shall be imprisoned for not more than 1 year, and fined in accordance with the provisions of this title, or both.

"(2) Whoever violates this section in an effort to conceal a substantive offense involving the causing, transporting, permitting or offering or seeking by notice or advertisement, a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct in violation of this title, or to conceal a substantive offense that involved trafficking in material involving the sexual exploitation of a minor, including receiving, transporting, advertising, or possessing material involving the sexual exploitation of a minor with intent to traffic, in violation of this title, shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

"(3) Whoever violates paragraph (2) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for any period of years not more than 10 years but not less than 2 years, and fined in accordance with the provisions of this title, or both.

"(j) The provisions of this section shall not become effective until 90 days after the final regulations implementing this section are published in the Federal Register. The provisions of this section shall not apply to any matter, or image therein, produced, in whole or in part, prior to the effective date of this section.

"(k) On an annual basis, the Attorney General shall submit a report to Congress—

"(1) concerning the enforcement of this section and section 2257 by the Department of Justice during the previous 12-month period; and

"(2) including—

"(A) the number of inspections undertaken pursuant to this section and section 2257;

"(B) the number of open investigations pursuant to this section and section 2257;

"(C) the number of cases in which a person has been charged with a violation of this section and section 2257; and

"(D) for each case listed in response to subparagraph (C), the name of the lead defendant, the federal district in which the case was brought, the court tracking number, and a synopsis of the violation and its disposition, if any, including settlements, sentences, recoveries and penalties.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by inserting after the item for section 2257 the following:

"2257A. Recordkeeping requirements for simulated sexual conduct.".

SEC. 504. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

"(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—

"(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) shall remain in the care, custody, and control of either the Government or the court.

"(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

"(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, and any individual the defendant may seek to qualify to furnish expert testimony at trial.".

SEC. 505. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) CONFORMING FORFEITURE PROCEDURES FOR OBSCENITY OFFENSES.—Section 1467 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by inserting a period after “of such offense” and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

“(b) The provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), with the exception of subsections (a) and (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).

“(c) Any property subject to forfeiture pursuant to subsection (a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.”.

(b) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting “or who is convicted of an offense under section 2252B of this chapter,” after “2260 of this chapter”; and

(B) by striking “an offense under section 2421, 2422, or 2423 of chapter 117” and inserting “an offense under chapter 109A”;

(2) in paragraph (1), by inserting “2252A, 2252B, or 2260” after “2252”; and

(3) in paragraph (3), by inserting “or any property traceable to such property” before the period.

(c) CRIMINAL FORFEITURE PROCEDURE.—Section 2253 of title 18, United States Code, is amended by striking subsections (b) through (o) and inserting the following:

“(b) Section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsections (a) and (d), applies to the criminal forfeiture of property pursuant to subsection (a).”.

(d) CIVIL FORFEITURE.—Section 2254 of title 18, United States Code, is amended to read as follows:

“§ 2254. Civil forfeiture

“Any property subject to forfeiture pursuant to section 2253 may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46.”.

SEC. 506. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) SECTION 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting “**PRODUCTION AND**” before “**TRANSPORTATION**” in the heading of the section;

(2) by inserting “produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly” after “whoever knowingly” and before “transports or travels in”; and

(3) by inserting a comma after “in or affecting such commerce”.

(b) SECTION 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting “producing with intent to distribute or sell, or” before “selling or transferring obscene matter,”;

(2) in subsection (b), by inserting, “produces” before “sells or transfers or offers to sell or transfer obscene matter”; and

(3) in subsection (b) by inserting “production,” before “selling or transferring or offering to sell or transfer such material.”.

SEC. 507. GUARDIANS AD LITEM.

Section 3509(h)(1) of title 18, United States Code, is amended by inserting “, and provide reasonable compensation and payment of expenses for,” before “a guardian”.

TITLE VI—GRANTS, STUDIES, AND PROGRAMS FOR CHILDREN AND COMMUNITY SAFETY

Subtitle A—Mentoring Matches for Youth Act

SEC. 601. SHORT TITLE.

This subtitle may be cited as the “Mentoring Matches for Youth Act of 2006”.

SEC. 602. FINDINGS.

Congress finds the following:

(1) Big Brothers Big Sisters of America, which was founded in 1904 and chartered by Congress in 1958, is the oldest and largest mentoring organization in the United States.

(2) There are over 450 Big Brothers Big Sisters of America local agencies providing mentoring programs for at-risk children in over 5,000 communities throughout every State, Guam, and Puerto Rico.

(3) Over the last decade, Big Brothers Big Sisters of America has raised a minimum of 75 percent of its annual operating budget from private sources and is continually working to grow private sources of funding to maintain this ratio of private to Federal funds.

(4) In 2005, Big Brothers Big Sisters of America provided mentors for over 235,000 children.

(5) Big Brothers Big Sisters of America has a goal to provide mentors for 1,000,000 children per year.

SEC. 603. GRANT PROGRAM FOR EXPANDING BIG BROTHERS BIG SISTERS MENTORING PROGRAM.

In each of fiscal years 2007 through 2012, the Administrator of the Office of Juvenile Justice and Delinquency Prevention (hereafter in this Act referred to as the “Administrator”) may make grants to Big Brothers Big Sisters of America to use for expanding the capacity of and carrying out the Big Brothers Big Sisters mentoring programs for at-risk youth.

SEC. 604. BIANNUAL REPORT.

(a) IN GENERAL.—Big Brothers Big Sisters of America shall submit 2 reports to the Administrator in each of fiscal years 2007 through 2013. Big Brothers Big Sisters of America shall submit the first report in a fiscal year not later than April 1 of that fiscal year and the second report in a fiscal year not later than September 30 of that fiscal year.

(b) REQUIRED CONTENT.—Each such report shall include the following:

(1) A detailed statement of the progress made by Big Brothers Big Sisters of America in expanding the capacity of and carrying out mentoring programs for at-risk youth.

(2) A detailed statement of how the amounts received under this Act have been used.

(3) A detailed assessment of the effectiveness of the mentoring programs.

(4) Recommendations for continued grants and the appropriate amounts for such grants.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $9,000,000 for fiscal year 2007;

(2) $10,000,000 for fiscal year 2008;

(3) $11,500,000 for fiscal year 2009;

(4) $13,000,000 for fiscal year 2010; and

(5) $15,000,000 for fiscal year 2011.

Subtitle B—National Police Athletic League Youth Enrichment Act

SEC. 611. SHORT TITLE.

This subtitle may be cited as the “National Police Athletic League Youth Enrichment Reauthorization Act of 2006”.

SEC. 612. FINDINGS.

Section 2 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

(B) by inserting after subparagraph (B) the following:

“(C) develop life enhancing character and leadership skills in young people;”;

(2) in paragraph (2) by striking “55-year” and inserting “90-year”;

(3) in paragraph (3)—

(A) by striking “320 PAL chapters” and inserting “350 PAL chapters”; and

(B) by striking “1,500,000 youth” and inserting “2,000,000 youth”;

(4) in paragraph (4), by striking “82 percent”and inserting “85 percent”;

(5) in paragraph (5), in the second sentence, by striking “receive no” and inserting “rarely receive”;

(6) in paragraph (6), by striking “17 are at risk” and inserting “18 are at risk”; and

(7) in paragraph (7), by striking “1999” and inserting “2005”.

SEC. 613. PURPOSE.

Section 3 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in paragraph (1)—

(A) by striking “320 established PAL chapters” and inserting “342 established PAL chapters”; and

(B) by striking “and” at the end;

(2) in paragraph (2), by striking “2006.” and inserting “2010; and”; and

(3) by adding at the end the following:

“(3) support of an annual gathering of PAL chapters and designated youth leaders from such chapters to participate in a 3-day conference that addresses national and local issues impacting the youth of America and includes educational sessions to advance character and leadership skills.”.

SEC. 614. GRANTS AUTHORIZED.

Section 5 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in subsection (a), by striking “2001 through 2005” and inserting “2006 through 2010”; and

(2) in subsection (b)(1)(B), by striking “not less than 570 PAL chapters in operation before January 1, 2004” and inserting “not fewer than 500 PAL chapters in operation before January 1, 2010”.

SEC. 615. USE OF FUNDS.

Section 6(a)(2) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in the matter preceding subparagraph (A), by striking “four” and inserting “two”; and

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “two programs” and inserting “one program”;

(B) in clause (iii), by striking “or”;

(C) in clause (iv), by striking “and” and inserting “or”; and

(D) by inserting after clause (iv) the following:

“(v) character development and leadership training; and”.

SEC. 616. AUTHORIZATION OF APPROPRIATIONS.

Section 8(a) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking “2001 through 2005” and inserting “2006 through 2010”.

SEC. 617. NAME OF LEAGUE.

(a) DEFINITIONS.—Section 4(4) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended in the paragraph heading, by striking “Athletic” and inserting “Athletic/activities”.

(b) TEXT.—The National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking “Police Athletic League” each place such term appears and inserting “Police Athletic/Activities League”.

Subtitle C—Grants, Studies, and Other Provisions

SEC. 621. PILOT PROGRAM FOR MONITORING SEXUAL OFFENDERS.

(a) SEX OFFENDER MONITORING PROGRAM.—

(1) GRANTS AUTHORIZED.—

(A) IN GENERAL.—The Attorney General is authorized to award grants (referred to as “Jessica Lunsford and Sarah Lunde Grants”) to States, local governments, and Indian tribal governments to assist in—

(i) carrying out programs to outfit sex offenders with electronic monitoring units; and

(ii) the employment of law enforcement officials necessary to carry out such programs.

(B) DURATION.—The Attorney General shall award grants under this section for a period not to exceed 3 years.

(C) MINIMUM STANDARDS.—The electronic monitoring units used in the pilot program shall at a minimum—

(i) provide a single-unit tracking device for each offender that—

(I) contains a central processing unit with global positioning system and cellular technology in a single unit; and

(II) provides two- and three-way voice communication; and

(ii) permit active, real-time, and continuous monitoring of offenders 24 hours a day.

(2) APPLICATION.—

(A) IN GENERAL.—Each State, local government, or Indian tribal government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(b) INNOVATION.—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2007 through 2009 to carry out this section.

(2) REPORT.—Not later than September 1, 2010, the Attorney General shall report to Congress—

(A) assessing the effectiveness and value of this section;

(B) comparing the cost effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(C) making recommendations for continuing funding and the appropriate levels for such funding.

SEC. 622. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(f) SEX OFFENDER MANAGEMENT.—

“(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

“(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during prerelease custody.

“(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

“(2) REGIONS.—At least 1 sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.”.

SEC. 623. SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following new part:

“PART X—SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT GRANTS

“SEC. 3011. SEX OFFENDER APPREHENSION GRANTS.

“(a) AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.—

“(1) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in paragraph (2).

“(2) COVERED ACTIVITIES.—An activity referred to in paragraph (1) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this part.

“SEC. 3012. JUVENILE SEX OFFENDER TREATMENT GRANTS.

“(a) AUTHORITY TO MAKE JUVENILE SEX OFFENDER TREATMENT GRANTS.—

“(1) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to units of local government, Indian tribal governments, correctional facilities, other public and private entities, and multijurisdictional or regional consortia thereof for activities specified in paragraph (2).

“(2) COVERED ACTIVITIES.—An activity referred to in paragraph (1) is any program, project, or other activity to assist in the treatment of juvenile sex offenders.

“(b) JUVENILE SEX OFFENDER DEFINED.—For purposes of this section, the term ‘juvenile sex offender’ is a sex offender who had not attained the age of 18 years at the time of his or her offense.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2009 to carry out this part.”.

SEC. 624. ASSISTANCE FOR PROSECUTION OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) IN GENERAL.—The Attorney General may make grants to train and employ personnel to help prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 625. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice Assistance is authorized to make grants under this section—

(1) to any law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) to any law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) CRITERIA.—The Attorney General shall give priority to law enforcement agencies making a showing of need.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this section.

SEC. 626. CRIME PREVENTION CAMPAIGN GRANT.

Subpart 2 of part E of title I of the Omnibus Crime Control and Safe Street Act of 1968 is amended by adding at the end the following new chapter:

“CHAPTER 4—GRANTS TO PRIVATE ENTITIES

“SEC. 519. CRIME PREVENTION CAMPAIGN GRANT.

“(a) GRANT AUTHORIZATION.—The Attorney General may provide a grant to a national private, nonprofit organization that has expertise in promoting crime prevention through public outreach and media campaigns in coordination with law enforcement agencies and other local government officials, and representatives of community public interest organizations, including schools and youth-serving organizations, faith-based, and victims’ organizations and employers.

“(b) APPLICATION.—To request a grant under this section, an organization described in subsection (a) shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require.

“(c) USE OF FUNDS.—An organization that receives a grant under this section shall—

“(1) create and promote national public communications campaigns;

“(2) develop and distribute publications and other educational materials that promote crime prevention;

“(3) design and maintain web sites and related web-based materials and tools;

"(4) design and deliver training for law enforcement personnel, community leaders, and other partners in public safety and hometown security initiatives;

"(5) design and deliver technical assistance to States, local jurisdictions, and crime prevention practitioners and associations;

"(6) coordinate a coalition of Federal, national, and statewide organizations and communities supporting crime prevention;

"(7) design, deliver, and assess demonstration programs;

"(8) operate McGruff-related programs, including McGruff Club;

"(9) operate the Teens, Crime, and Community Program; and

"(10) evaluate crime prevention programs and trends.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) for fiscal year 2007, $7,000,000;

"(2) for fiscal year 2008, $8,000,000;

"(3) for fiscal year 2009, $9,000,000; and

"(4) for fiscal year 2010, $10,000,000.".

SEC. 627. GRANTS FOR FINGERPRINTING PROGRAMS FOR CHILDREN.

(a) IN GENERAL.—The Attorney General shall establish and implement a program under which the Attorney General may make grants to States, units of local government, and Indian tribal governments in accordance with this section.

(b) USE OF GRANT AMOUNTS.—A grant made to a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to law enforcement agencies within the jurisdiction of such State, unit, or tribal government to be used for any of the following activities:

(1) To establish a voluntary fingerprinting program for children, which may include the taking of palm prints of children.

(2) To hire additional law enforcement personnel, or train existing law enforcement personnel, to take fingerprints of children.

(3) To provide information within the community involved about the existence of such a fingerprinting program.

(4) To provide for computer hardware, computer software, or other materials necessary to carry out such a fingerprinting program.

(c) LIMITATION.—Fingerprints of a child derived from a program funded under this section—

(1) may be released only to a parent or guardian of the child; and

(2) may not be copied or retained by any Federal, State, local, or tribal law enforcement officer unless written permission is given by the parent or guardian.

(d) CRIMINAL PENALTY.—Any person who uses the fingerprints of a child derived from a program funded under this section for any purpose other than the purpose described in subsection (c)(1) shall be subject to imprisonment for not more than 1 year, a fine under title 18, United States Code, or both.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to carry out this section for the 5-year period beginning on the first day of fiscal year 2007.

SEC. 628. GRANTS FOR RAPE, ABUSE & INCEST NATIONAL NETWORK.

(a) FINDINGS.—Congress finds as follows:

(1) More than 200,000 Americans each year are victims of sexual assault, according to the Department of Justice.

(2) In 2004, 1 American was sexually assaulted every 2.5 minutes.

(3) One of every 6 women, and 1 of every 133 men, in America has been the victim of a completed or attempted rape, according to the Department of Justice.

(4) The Federal Bureau of Investigation ranks rape second in the hierarchy of violent crimes for its Uniform Crime Reports, trailing only murder.

(5) The Federal Government, through the Victims of Crime Act, Violence Against Women Act, and other laws, has long played a role in providing services to sexual assault victims and in seeking policies to increase the number of rapists brought to justice.

(6) Research suggests that sexual assault victims who receive counseling support are more likely to report their attack to the police and to participate in the prosecution of the offender.

(7) Due in part to the combined efforts of law enforcement officials at the local, State, and Federal level, as well as the efforts of the Rape, Abuse & Incest National Network (RAINN) and its affiliated rape crisis centers across the United States, sexual violence in America has fallen by more than half since 1994.

(8) RAINN, a 501(c)(3) nonprofit corporation headquartered in the District of Columbia, has since 1994 provided help to victims of sexual assault and educated the public about sexual assault prevention, prosecution, and recovery.

(9) RAINN established and continues to operate the National Sexual Assault Hotline, a free, confidential telephone hotline that provides help, 24 hours a day, to victims nationally.

(10) More than 1,100 local rape crisis centers in the 50 States and the District of Columbia partner with RAINN and are members of the National Sexual Assault Hotline network (which has helped more than 970,000 people since its inception in 1994).

(11) To better serve victims of sexual assault, 80 percent of whom are under age 30 and 44 percent of whom are under age 18, RAINN will soon launch the National Sexual Assault Online Hotline, the web's first secure hotline service offering live help 24 hours a day.

(12) Congress and the Department of Justice have given RAINN funding to conduct its crucial work.

(13) RAINN is a national model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the communications and technology industries to launch the National Sexual Assault Hotline and the National Sexual Assault Online Hotline.

(14) Worth magazine selected RAINN as one of "America's 100 Best Charities", in recognition of the organization's "efficiency and effectiveness."

(15) In fiscal year 2005, RAINN spent more than 91 cents of every dollar received directly on program services.

(16) The demand for RAINN's services is growing dramatically, as evidenced by the fact that, in 2005, the National Sexual Assault Hotline helped 137,039 people, an all-time record.

(17) The programs sponsored by RAINN and its local affiliates have contributed to the increase in the percentage of victims who report their rape to law enforcement.

(18) According to a recent poll, 92 percent of American women said that fighting sexual and domestic violence should be a top public policy priority (a higher percentage than chose health care, child care, or any other issue).

(19) Authorizing Federal funds for RAINN's national programs would promote continued progress with this interstate problem and would make a significant difference in the prosecution of rapists and the overall incidence of sexual violence.

(b) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—

(1) DESCRIPTION OF ACTIVITIES.—The Administrator shall—

(A) issue such rules as the Administrator considers necessary or appropriate to carry out this section;

(B) make such arrangements as may be necessary and appropriate to facilitate effective coordination among all Federally funded programs relating to victims of sexual assault; and

(C) provide adequate staff and agency resources which are necessary to properly carry out the responsibilities pursuant to this section.

(2) ANNUAL GRANT TO RAPE, ABUSE & INCEST NATIONAL NETWORK.—The Administrator shall annually make a grant to RAINN, which shall be used for the performance of the organization's national programs, which may include—

(A) operation of the National Sexual Assault Hotline, a 24-hour toll-free telephone line by which individuals may receive help and information from trained volunteers;

(B) operation of the National Sexual Assault Online Hotline, a 24-hour free online service by which individuals may receive help and information from trained volunteers;

(C) education of the media, the general public, and populations at risk of sexual assault about the incidence of sexual violence and sexual violence prevention, prosecution, and recovery;

(D) dissemination, on a national basis, of information relating to innovative and model programs, services, laws, legislation, and policies that benefit victims of sexual assault; and

(E) provision of technical assistance to law enforcement agencies, State and local governments, the criminal justice system, public and private nonprofit agencies, and individuals in the investigation and prosecution of cases involving victims of sexual assault.

(c) DEFINITIONS.—For the purposes of this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(2) RAINN.—The term "RAINN" means the Rape, Abuse & Incest National Network, a 501(c)(3) nonprofit corporation headquartered in the District of Columbia.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section, $3,000,000 for each of fiscal years 2007 through 2010.

SEC. 629. CHILDREN'S SAFETY ONLINE AWARENESS CAMPAIGNS.

(a) AWARENESS CAMPAIGN FOR CHILDREN'S SAFETY ONLINE.—

(1) IN GENERAL.—The Attorney General, in consultation with the National Center for Missing and Exploited Children, is authorized to develop and carry out a public awareness campaign to demonstrate, explain, and encourage children, parents, and community leaders to better protect children when such children are on the Internet.

(2) REQUIRED COMPONENTS.—The public awareness campaign described under paragraph (1) shall include components that compliment and reinforce the campaign message in a variety of media, including the Internet, television, radio, and billboards.

(b) Awareness Campaign Regarding the Accessibility and Utilization of Sex Offender Registries.—The Attorney General, in consultation with the National Center for Missing and Exploited Children, is authorized to develop and carry out a public awareness campaign to demonstrate, explain, and encourage parents and community leaders to better access and utilize the Federal and State sex offender registries.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2007 through 2011.

SEC. 630. GRANTS FOR ONLINE CHILD SAFETY PROGRAMS.

(a) In General.—The Attorney General shall, subject to the availability of appropriations, make grants to States, units of local government, and nonprofit organizations for the purposes of establishing and maintaining programs with respect to improving and educating children and parents in the best ways for children to be safe when on the Internet.

(b) Definition of State.—For purposes of this section, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2007 through 2011.

SEC. 631. JESSICA LUNSFORD ADDRESS VERIFICATION GRANT PROGRAM.

(a) Establishment.—There is established the Jessica Lunsford Address Verification Grant Program (hereinafter in this section referred to as the "Program").

(b) Grants Authorized.—Under the Program, the Attorney General is authorized to award grants to State, local governments, and Indian tribal governments to assist in carrying out programs requiring an appropriate official to verify, at appropriate intervals, the residence of all or some registered sex offenders.

(c) Application.—

(1) In general.—Each State or local government seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) Contents.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(d) Innovation.—In making grants under this section, the Attorney General shall ensure that different approaches to address verification are funded to allow an assessment of effectiveness.

(e) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated for each of the fiscal years 2007 through 2009 such sums as may be necessary to carry out this section.

(2) Report.—Not later than April 1, 2009, the Attorney General shall report to Congress—

(A) assessing the effectiveness and value of this section;

(B) comparing the cost effectiveness of address verification to reduce sex offenses compared to other alternatives; and

(C) making recommendations for continuing funding and the appropriate levels for such funding.

SEC. 632. FUGITIVE SAFE SURRENDER.

(a) Findings.—Congress finds the following:

(1) Fugitive Safe Surrender is a program of the United States Marshals Service, in partnership with public, private, and faith-based organizations, which temporarily transforms a church into a courthouse, so fugitives can turn themselves in, in an atmosphere where they feel more comfortable to do so, and have nonviolent cases adjudicated immediately.

(2) In the 4-day pilot program in Cleveland, Ohio, over 800 fugitives turned themselves in. By contrast, a successful Fugitive Task Force sweep, conducted for 3 days after Fugitive Safe Surrender, resulted in the arrest of 65 individuals.

(3) Fugitive Safe Surrender is safer for defendants, law enforcement, and innocent bystanders than needing to conduct a sweep.

(4) Based upon the success of the pilot program, Fugitive Safe Surrender should be expanded to other cities throughout the United States.

(b) Establishment.—The United States Marshals Service shall establish, direct, and coordinate a program (to be known as the "Fugitive Safe Surrender Program"), under which the United States Marshals Service shall apprehend Federal, State, and local fugitives in a safe, secure, and peaceful manner to be coordinated with law enforcement and community leaders in designated cities throughout the United States.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the United States Marshals Service to carry out this section—

(1) $3,000,000 for fiscal year 2007;

(2) $5,000,000 for fiscal year 2008; and

(3) $8,000,000 for fiscal year 2009.

(d) Other Existing Applicable Law.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 633. NATIONAL REGISTRY OF SUBSTANTIATED CASES OF CHILD ABUSE.

(a) In General.—The Secretary of Health and Human Services, in consultation with the Attorney General, shall create a national registry of substantiated cases of child abuse or neglect.

(b) Information.—

(1) Collection.—The information in the registry described in subsection (a) shall be supplied by States and Indian tribes, or, at the option of a State, by political subdivisions of such State, to the Secretary of Health and Human Services.

(2) Type of information.—The registry described in subsection (a) shall collect in a central electronic registry information on persons reported to a State, Indian tribe, or political subdivision of a State as perpetrators of a substantiated case of child abuse or neglect.

(c) Scope of Information.—

(1) In general.—

(A) Treatment of reports.—The information to be provided to the Secretary of Health and Human Services under this section shall relate to substantiated reports of child abuse or neglect.

(B) Exception.—If a State, Indian tribe, or political subdivision of a State has an electronic register of cases of child abuse or neglect equivalent to the registry established under this section that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this section shall be coextensive with that in such register.

(2) Form.—Information provided to the Secretary of Health and Human Services under this section—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information that is limited to the name of the perpetrator and the nature of the substantiated case of child abuse or neglect, and that complies with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A) (viii) and (ix)).

(d) Construction.—This section shall not be construed to require a State, Indian tribe, or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) Accessibility.—Information contained in the national registry shall only be accessible to any Federal, State, Indian tribe, or local government entity, or any agent of such entities, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect.

(f) Dissemination.—The Secretary of Health and Human Services shall establish standards for the dissemination of information in the national registry of substantiated cases of child abuse or neglect. Such standards shall comply with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A) (viii) and (ix)).

(g) Study.—

(1) In general.—The Secretary of Health and Human Services shall conduct a study on the feasibility of establishing data collection standards for a national child abuse and neglect registry with recommendations and findings concerning—

(A) costs and benefits of such data collection standards;

(B) data collection standards currently employed by each State, Indian tribe, or political subdivision of a State;

(C) data collection standards that should be considered to establish a model of promising practices; and

(D) a due process procedure for a national registry

(2) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on the Judiciary in the House of Representatives and the United States Senate and the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Education and the Workforce a report containing the recommendations and findings of the study on data collection standards for a national child abuse registry authorized under this subsection.

(3) Authorization of appropriations.—There is authorized to be appropriated $500,000 for the period of fiscal years 2006 and 2007 to carry out the study required by this subsection.

SEC. 634. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.

(a) In General.—The National Institute of Justice shall conduct a comprehensive study to examine the control, prosecution, treatment, and monitoring of sex offenders, with a particular focus on—

(1) the effectiveness of the Sex Offender Registration and Notification Act in increasing compliance with sex offender registration and notification requirements, and the costs and burdens associated with such compliance;

(2) the effectiveness of sex offender registration and notification requirements in increasing public safety, and the costs and burdens associated with such requirements;

(3) the effectiveness of public dissemination of sex offender information on the Internet in increasing public safety, and the costs and burdens associated with such dissemination; and

(4) the effectiveness of treatment programs in reducing recidivism among sex offenders, and the costs and burdens associated with such programs.

(b) RECOMMENDATIONS.—The study described in subsection (a) shall include recommendations for reducing the number of sex crimes against children and adults and increasing the effectiveness of registration requirements.

(c) REPORTS.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall report the results of the study conducted under subsection (a) together with findings to Congress, through the Internet to the public, to each of the 50 governors, to the Mayor of the District of Columbia, to territory heads, and to the top official of the various Indian tribes.

(2) INTERIM REPORTS.—The National Institute of Justice shall submit yearly interim reports.

(d) APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to carry out this section.

SEC. 635. ANNUAL REPORT ON ENFORCEMENT OF REGISTRATION REQUIREMENTS.

Not later than July 1 of each year, the Attorney General shall submit a report to Congress describing—

(1) the use by the Department of Justice of the United States Marshals Service to assist jurisdictions in locating and apprehending sex offenders who fail to comply with sex offender registration requirements, as authorized by this Act;

(2) the use of section 2250 of title 18, United States Code (as added by section 151 of this Act), to punish offenders for failure to register;

(3) a detailed explanation of each jurisdiction's compliance with the Sex Offender Registration and Notification Act;

(4) a detailed description of Justice Department efforts to ensure compliance and any funding reductions, the basis for any decision to reduce funding or not to reduce funding under section 125; and

(5) the denial or grant of any extensions to comply with the Sex Offender Registration and Notification Act, and the reasons for such denial or grant.

SEC. 636. GOVERNMENT ACCOUNTABILITY OFFICE STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver's license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal law that required all State driver's license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than February 1, 2007, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the State of Nevada to bring those provisions into effect; and

(C) how those provisions might be modified to improve compliance by registered sex offenders.

SEC. 637. SEX OFFENDER RISK CLASSIFICATION STUDY.

(a) STUDY.—The Attorney General shall conduct a study of risk-based sex offender classification systems, which shall include an analysis of—

(1) various risk-based sex offender classification systems;

(2) the methods and assessment tools available to assess the risks posed by sex offenders;

(3) the efficiency and effectiveness of risk-based sex offender classification systems, in comparison to offense-based sex offender classification systems, in—

(A) reducing threats to public safety posed by sex offenders; and

(B) assisting law enforcement agencies and the public in identifying the most dangerous sex offenders;

(4) the resources necessary to implement, and the legal implications of implementing, risk-based sex offender classification systems for sex offender registries; and

(5) any other information the Attorney General determines necessary to evaluate risk-based sex offender classification systems.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall report to the Congress the results of the study under this section.

(c) STUDY CONDUCTED BY TASK FORCE.—The Attorney General may establish a task force to conduct the study and prepare the report required under this section. Any task force established under this section shall be composed of members, appointed by the Attorney General, who—

(1) represent national, State, and local interests; and

(2) are especially qualified to serve on the task force by virtue of their education, training, or experience, particularly in the fields of sex offender management, community education, risk assessment of sex offenders, and sex offender victim issues.

SEC. 638. STUDY OF THE EFFECTIVENESS OF RESTRICTING THE ACTIVITIES OF SEX OFFENDERS TO REDUCE THE OCCURRENCE OF REPEAT OFFENSES.

(a) STUDY.—The Attorney General shall conduct a study to evaluate the effectiveness of monitoring and restricting the activities of sex offenders to reduce the occurrence of repeat offenses by such sex offenders, through conditions imposed as part of supervised release or probation conditions. The study shall evaluate—

(1) the effectiveness of methods of monitoring and restricting the activities of sex offenders, including restrictions—

(A) on the areas in which sex offenders can reside, work, and attend school;

(B) limiting access by sex offenders to the Internet or to specific Internet sites; and

(C) preventing access by sex offenders to pornography and other obscene materials;

(2) the ability of law enforcement agencies and courts to enforce such restrictions; and

(3) the efficacy of any other restrictions that may reduce the occurrence of repeat offenses by sex offenders.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the study under this section.

SEC. 639. THE JUSTICE FOR CRIME VICTIMS FAMILY ACT.

(a) SHORT TITLE.—This section may be cited as the "Justice for Crime Victims Family Act".

(b) STUDY OF MEASURES NEEDED TO IMPROVE PERFORMANCE OF HOMICIDE INVESTIGATORS.—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report—

(1) outlining what measures are needed to improve the performance of Federal, State, and local criminal investigators of homicide; and

(2) including an examination of—

(A) the benefits of increasing training and resources for such investigators, with respect to investigative techniques, best practices, and forensic services;

(B) the existence of any uniformity among State and local jurisdictions in the measurement of homicide rates and clearance of homicide cases;

(C) the coordination in the sharing of information among Federal, State, and local law enforcement and coroners and medical examiners; and

(D) the sources of funding that are in existence on the date of the enactment of this Act for State and local criminal investigators of homicide.

(c) IMPROVEMENTS NEEDED FOR SOLVING HOMICIDES INVOLVING MISSING PERSONS AND UNIDENTIFIED HUMAN REMAINS.—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report—

(1) evaluating measures to improve the ability of Federal, State, and local criminal investigators of homicide to solve homicides involving missing persons and unidentified human remains; and

(2) including an examination of—

(A) measures to expand national criminal records databases with accurate information relating to missing persons and unidentified human remains;

(B) the collection of DNA samples from potential 'high-risk' missing persons;

(C) the benefits of increasing access to national criminal records databases for medical examiners and coroners;

(D) any improvement in the performance of postmortem examinations, autopsies, and reporting procedures of unidentified persons or remains;

(E) any coordination between the National Center for Missing Children and the National Center for Missing Adults;

(F) website postings (or other uses of the Internet) of information of identifiable information such as physical features and characteristics, clothing, and photographs of missing persons and unidentified human remains; and

(G) any improvement with respect to—

(i) the collection of DNA information for missing persons and unidentified human remains; and

(ii) entering such information into the Combined DNA Index System of the Federal Bureau of Investigation and national criminal records databases.

TITLE VII—INTERNET SAFETY ACT

SEC. 701. CHILD EXPLOITATION ENTERPRISES.

Section 2252A of title 18, United States Code, is amended by adding at the end the following:

"(g) Child Exploitation Enterprises.—

"(1) Whoever engages in a child exploitation enterprise shall be fined under this title and imprisoned for any term of years not less than 20 or for life.

"(2) A person engages in a child exploitation enterprise for the purposes of this section if the person violates section 1591, section 1201 if the victim is a minor, or chapter 109A (involving a minor victim), 110 (except for sections 2257 and 2257A), or 117 (involving a minor victim), as a part of a series of felony violations constituting three or more separate incidents and involving more than one victim, and commits those offenses in concert with three or more other persons.".

SEC. 702. INCREASED PENALTIES FOR REGISTERED SEX OFFENDERS.

(a) Offense.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

"§2260A. Penalties for registered sex offenders

"Whoever, being required by Federal or other law to register as a sex offender, commits a felony offense involving a minor under section 1201, 1466A, 1470, 1591, 2241, 2242, 2243, 2244, 2245, 2251, 2251A, 2260, 2421, 2422, 2423, or 2425, shall be sentenced to a term of imprisonment of 10 years in addition to the imprisonment imposed for the offense under that provision. The sentence imposed under this section shall be consecutive to any sentence imposed for the offense under that provision.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

"2260A. Increased penalties for registered sex offenders.".

SEC. 703. DECEPTION BY EMBEDDED WORDS OR IMAGES.

(a) In General.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252B the following:

"§2252C. Misleading words or digital images on the Internet

"(a) In General.—Whoever knowingly embeds words or digital images into the source code of a website with the intent to deceive a person into viewing material constituting obscenity shall be fined under this title and imprisoned for not more than 10 years.

"(b) Minors.—Whoever knowingly embeds words or digital images into the source code of a website with the intent to deceive a minor into viewing material harmful to minors on the Internet shall be fined under this title and imprisoned for not more than 20 years.

"(c) Construction.—For the purposes of this section, a word or digital image that clearly indicates the sexual content of the site, such as 'sex' or 'porn', is not misleading.

"(d) Definitions.—As used in this section—

"(1) the terms 'material that is harmful to minors' and 'sex' have the meaning given such terms in section 2252B; and

"(2) the term 'source code' means the combination of text and other characters comprising the content, both viewable and nonviewable, of a web page, including any website publishing language, programming language, protocol or functional content, as well as any successor languages or protocols.".

(b) Table of Sections.—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252B the following:

"2252C. Misleading words or digital images on the Internet.".

SEC. 704. ADDITIONAL PROSECUTORS FOR OFFENSES RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.

(a) Definition.—In this section, the term "offenses relating to the sexual exploitation of children" shall include any offense committed in violation of—

(1) chapter 71 of title 18, United States Code, involving an obscene visual depiction of a minor, or transfer of obscene materials to a minor;

(2) chapter 109A of title 18, United States Code, involving a victim who is a minor;

(3) chapter 109B of title 18, United States Code;

(4) chapter 110 of title 18, United States Code;

(5) chapter 117 of title 18, United States Code involving a victim who is a minor; and

(6) section 1591 of title 18, United States Code.

(b) Additional Prosecutors.—In fiscal year 2007, the Attorney General shall, subject to the availability of appropriations for such purposes, increase by not less than 200 the number of attorneys in United States Attorneys' Offices. The additional attorneys shall be assigned to prosecute offenses relating to the sexual exploitation of children.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Justice for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 705. ADDITIONAL COMPUTER-RELATED RESOURCES.

(a) Department of Justice Resources.—In fiscal year 2007, the Attorney General shall, subject to the availability of appropriations for such purposes, increase by not less than 30 the number of computer forensic examiners within the Regional Computer Forensic Laboratories (RCFL). The additional computer forensic examiners shall be dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

(b) Department of Homeland Security Resources.—In fiscal year 2007, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purposes, increase by not less than 15 the number of computer forensic examiners within the Cyber Crimes Center (C3). The additional computer forensic examiners shall be dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Justice and the Department of Homeland Security for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 706. ADDITIONAL ICAC TASK FORCES.

(a) Additional Task Forces.—In fiscal year 2007, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall, subject to the availability of appropriations for such purpose, increase by not less than 10 the number of Internet Crimes Against Children Task Forces that are part of the Internet Crimes Against Children Task Force Program authorized and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.). These Task Forces shall be in addition to the ones authorized in section 143 of this Act.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Administrator of the Office of Juvenile Justice and Delinquency Prevention for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 707. MASHA'S LAW.

(a) Short Title.—This section may be cited as "Masha's Law".

(b) In General.—Section 2255(a) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "(a) Any minor who is" and inserting the following:

"(a) In General.—Any person who, while a minor, was";

(B) by inserting after "such violation" the following: ", regardless of whether the injury occurred while such person was a minor,"; and

(C) by striking "such minor" and inserting "such person"; and

(2) in the second sentence—

(A) by striking "Any minor" and inserting "Any person"; and

(B) by striking "$50,000" and inserting "$150,000".

(c) Conforming Amendment.—Section 2255(b) of title 18, United States Code, is amended by striking "(b) Any action" and inserting the following:

"(b) Statute of Limitations.—Any action".

SA 4687. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 4472, to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims; as follows:

Amend the title to read as follows: "To protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.”.

SA 4688. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1950, to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency; which was ordered to lie on the table; as follows:

On page 5, line 23, strike “energy efficiency projects” and insert “energy efficiency and renewable energy projects and technologies”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee on agriculture, nutrition and forestry be authorized to conduct a hearing during the session of the Senate on Thursday, July 20, 2006 at 10 a.m. in 328A, Senate Russell Office Building. The purpose of this committee hearing will be review United States Department of Agriculture dairy programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 20, 2006, at 9:30 a.m., in closed session, to receive a classified briefing on overhead imagery systems.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the Session of the Senate on Thursday, July 20, 2006, at 10 a.m. The purpose of this meeting is to consider the nomination of John Ray Correll, of Indiana, to be Director of the Office of Surface Mine Reclamation and Enforcement, Department of the Interior, vice Jeffery D. Jarrett. Mark Myers, of Alaska, to be Director of the United States Geological Survey, Department of the Interior, vice Charles G. Groat, resigned. Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects for the term prescribed by law (New position).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 20, 2006, at 9:30 a.m. to hold a hearing on North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 20, 2006, at 9:30 a.m in the Dirksen Senate Office Building Room 226.

Agenda

I. Nominations

Kimberly Ann Moore, to be U.S. Circuit Judge for the Federal Circuit; Frances M. Tydingco-Gatewood, to be Judge for the District Court of Guam; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; R. Alexander Acosta, to be U.S. Attorney for the Southern District of Florida.

II. Bills

S. 2453, National Security Surveillance Act of 2006, Specter;

S. 2455, Terrorist Surveillance Act of 2006, De Wine, Graham

S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer;

S. 3001, Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006, Specter, Feinstein;

S. 2831, Free Flow of Information Act of 2006, Lugar, Specter, Graham, Schumer, Biden, Grassley;

S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter;

S. 2703, Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, Specter, Leahy, Grassley, Kennedy, De Wine, Feinstein, Brownback, Durbin, Schumer, Kohl, Biden, Feingold;

S. 1845, Circuit Court of Appeals Restructuring and Modernization Act of 2005, Ensign, Kyl;

S. 2679, Unsolved Civil Rights Crime Act, Talent, De Wine, Cornyn.

III. Matters

Subpoenas Relating to ABA Reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, July 20, 2006, to hold a hearing titled “VA Data Privacy Breach: Twenty-Six Million People Deserve Assurance of Future Security”. The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 20, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, July 20, 2006, from 10 a.m.–12 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, July 20, 2006, at 11 a.m. for a briefing on Iran from the State Department.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, July 20, 2006, at 1:30 p.m. for a hearing regarding “Iran's Nuclear Impasse: Next Steps”.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Bill Yeomans, my Senate Judiciary counsel, be accorded floor privileges for the duration of the debate on H.R. 9 and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent to grant floor privileges to Tovah Calderon, a detailee from the Department of Justice who is currently serving on my Judiciary Committee staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Kumar Garg, a legal intern with my Judiciary Committee staff, be accorded floor privileges during the debate on H.R. 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent for Emily Katz, a legislative fellow in my office, to have floor privileges while the Senate considers the Voting Rights Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that a law clerk on my staff, Brian Hill, be granted floor privileges for the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I ask unanimous consent that the privilege of the floor be granted today and tomorrow for Dr. Vance Randall, a legislative fellow for education policy serving on my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, section 591c(2), reappoints René A. Drouin of New Hampshire, to the Advisory Committee on Student Financial Assistance for a three-year term.

COMMENDING THE PATRIOT GUARD RIDERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 535 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 535) commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 535) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 535

Whereas in 2005, a small group of American Legion Riders in Kansas calling themselves the "Patriot Guard" began a movement to shield the families and friends of fallen service members from interruptions by protesters appearing at military funerals;

Whereas individuals from Colorado, Oklahoma, and Texas later brought together diverse groups of motorcycle organizations across the country who rode to honor fallen service members, forming an organization known as the "Patriot Guard Riders";

Whereas the Patriot Guard Riders have since grown into a nationwide network, including both veterans and nonveterans and riders and nonriders, and is open to anyone who shares a respect for service members who have made the ultimate sacrifice for the Nation;

Whereas Patriot Guard Riders attend military funerals to show respect for fallen service members and to shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of the event;

Whereas across the Nation, Patriot Guard Riders volunteer their time to come to the aid of military families in need, so as to allow the memories of the deceased service member to be remembered with honor and dignity;

Whereas regardless of one's opinion of the Nation's military commitments, the families, friends, and communities of the Nation's fallen soldiers deserve a peaceful time of mourning and should not be harassed and caused further suffering at a funeral;

Whereas Patriot Guard Riders appear at a funeral only at the invitation of the fallen soldier's family and participate in a nonviolent, legal manner; and

Whereas the members of the Nation's Armed Forces willingly risk their lives to protect the American way of life and the freedoms guaranteed by the Constitution: Now, therefore, be it

Resolved, That the Senate expresses its deepest appreciation to the Patriot Guard Riders who—

(1) attend military funerals across the country to show respect for fallen members of the Armed Forces and, when needed, shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of a funeral; and

(2) in so doing, help to preserve the memory and honor of the Nation's fallen heroes.

CORRECTING THE ENROLLMENT OF S. 3693

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 112 which was submitted earlier today, that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 112) was agreed to, as follows:

S. CON. RES. 112

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill, S. 3693, the Secretary of the Senate shall insert "or reentries" after "States, reentry" in section 212(a)(9)(C)(iii)(II) of the Immigration and Nationality Act, as added by section 6(b)(1)(C) of the bill.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following bills: Calendar No. 481, Calendar No. 483 through Calendar No. 494, all postal naming bills, en bloc.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent that the bills be read a third time and passed and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

HARRY J. PARRISH POST OFFICE

The bill (S. 2690) to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the "Harry J. Parrish Post Office," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HARRY J. PARRISH POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8801 Sudley Road, Manassas, Virginia, shall be known and designated as the "Harry J. Parrish Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Harry J. Parrish Post Office.

RICHARD L. CEVOLI POST OFFICE

The bill (S. 3187) to designate the Post Office located at 5755 Post Road, East Greenwich, RI, as the "Richard L. Cevoli Post Office," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RICHARD L. CEVOLI POST OFFICE.

(a) DESIGNATION.—The post office located at 5755 Post Road, East Greenwich, Rhode Island, shall be known and designated as the "Richard L. Cevoli Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in subsection (a) shall be deemed to be a reference to the Richard L. Cevoli Post Office.

PAUL KASTEN POST OFFICE BUILDING

The bill (H.R. 2977) to designate the facility of the United States Postal Service located at 306 2nd Avenue in

Brockway, Montana, as the "Paul Kasten Post Office Building," was considered, read the third time, and passed.

DR. JOSE CELSO BARBOSA POST OFFICE BUILDING

The bill (H.R. 3440) to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the "Dr. Jose Celso Barbosa Post Office Building," was considered, read the third time, and passed.

WILLIAM F. CLINGER, JR. POST OFFICE BUILDING

The bill (H.R. 3549) to designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the "William F. Clinger, Jr. Post Office Building," was considered, read the third time, and passed.

GERARD A. FIORENZA POST OFFICE BUILDING

The bill (H.R. 3934) to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the "Gerard A. Fiorenza Post Office Building," was considered, read the third time, and passed.

STATE SENATOR VERDA WELCOME AND DR. HENRY WELCOME POST OFFICE BUILDING

The bill (H.R. 4108) to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the "State Senator Verda Welcome and Dr. Henry Welcome Post Office Building," was considered, read the third time, and passed.

HATTIE CARAWAY STATION

The bill (H.R. 4456) to designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the "Hattie Caraway Station," was considered, read the third time, and passed.

FRANCISCO "PANCHO" MEDRANO POST OFFICE BUILDING

The bill (H.R. 4561) to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the "Francisco 'Pancho' Medrano Post Office Building," was considered, read the third time, and passed.

MAYOR JOHN THOMPSON "TOM" GARRISON MEMORIAL POST OFFICE

The bill (H.R. 4688) to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the "Mayor John Thompson 'Tom' Garrison Memorial Post Office," was considered, read the third time, and passed.

H. GORDON PAYROW POST OFFICE BUILDING

The bill (H.R. 4786) to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the "H. Gordon Payrow Post Office Building," was considered, read the third time, and passed.

RONALD BUCCA POST OFFICE

The bill (H.R. 4995) to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the "Ronald Bucca Post Office," was considered, read the third time, and passed.

MATTHEW LYON POST OFFICE BUILDING

The bill (H.R. 5245) to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the "Matthew Lyon Post Office Building," was considered, read the third time, and passed.

TO DESIGNATE THE FACILITY OF THE UNITED STATES POSTAL SERVICE LOCATED AT 170 EAST MAIN STREET IN PATCHOGUE, NEW YORK, AS THE "LIEUTENANT MICHAEL P. MURPHY POST OFFICE BUILDING"

Mr. FRIST. Mr. President, I ask unanimous consent the Homeland and Government Affairs Committee be discharged from further consideration of H.R. 4101 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4101) to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building."

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection. it is so ordered.

The bill (H.R. 4101) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, JULY 21, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, July 21. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to S. 403, the Child Custody Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today has been a busy and productive day in the Senate—quite a historic day in many ways. We passed the Voting Rights Act, significant legislation on which we had very good debate and discussion over the course of the day. It is a bill that has been passed by the House of Representatives last week and was passed through our Judiciary Committee yesterday, came to the floor today, and passed a few moments ago.

We confirmed four of the President's judicial nominations and about an hour ago we passed the Adam Walsh bill, a bill that establishes a national sex offender registry that toughens penalties for crimes against children that directly, and in a tough fashion, combats Internet predators and child pornography and child exploitation, that prevents abuse. I mentioned in my remarks a few moments ago, four children die as a result of child abuse every day, and although a lot of States do have registries, this information is not shared with other States.

I am delighted we were able to create this national child abuse registry which, indeed, will make such a difference in people's lives.

As I mentioned earlier, also, we will not have any votes during tomorrow's session. We are working on some further agreements for tomorrow's session, and on Friday I will have an update as to the schedule for Monday and Tuesday.

MEASURE READ THE FIRST TIME—S. 3711

Mr. FRIST. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will please report the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3711) to enhance the energy independence and security of the United States by providing for exploration, development and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

Mr. FRIST. I now ask for a second reading and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

Mr. FRIST. Mr. President, that particular bill is a bill that I hope we can address in the near future, a bill that will make available, once we address and pass it, a billion barrels of oil and over five trillion cubic feet of natural gas that this country does not see. It is a very important bill we will be addressing in the very near future.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate to stand in adjournment under the previous order.

There being no objection, the Senate, at 8 p.m. adjourned until Friday, July 21, 2006, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, July 20, 2006:

THE JUDICIARY

NEIL M. GORSUCH, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT.

BOBBY E. SHEPHERD, OF ARKANSAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

DANIEL PORTER JORDAN III, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

GUSTAVO ANTONIO GELPI, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO.

EXTENSIONS OF REMARKS

TRIBUTE TO THE PAST AND CURRENT MEMBERS OF THE COMMUNITY THAT HAVE MADE THE SUGAR PLANT IN FORT MORGAN, CO, A SUCCESS

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to the past and current members of the community that have made the Sugar Plant in Fort Morgan, CO, a success. They are now observing the plant's Centennial Celebration. For 100 years the sugar plant has significantly impacted the economy of northeastern Colorado.

Sugar beets became a major crop in the Fort Morgan area in 1905. People in the community realized the potential impact of the sugar industry and began a drive to get a sugar factory constructed. A contract for construction was made with the provision that area farmers would agree to raise 1,500 acres of beets the first year, increasing to 3,500 acres the following years.

On August 31, 1905, the last day to contract the required beet acres, the committee was short 1,500 acres. Fort Morgan Mayor Farnsworth issued a proclamation for all business places to close from 2–2:30 p.m. so the entire community could focus their efforts to ensure a successful campaign. The first beets were sliced on December 26, 1906. The campaign lasted 55 days and 17,000 tons of beets were sliced. Lack of adequate water was a handicap in the early days, but in 1912 a well system and pumping plant was provided at the South Platte River to end the trouble.

The establishment of the sugar plant had several economic advantages for the area. The value of the land was increased, irrigated acreage jumped from $40/acre to $200–250/acre. Cattle feeding started in the area that used beet tops and beet pulp, giving year round employment to hired hands who had previously been out of work during the winter months. The first beet crop brought $1,000,000 in cash into the county and the population of the county grew during that year by nearly 2,500.

The Tate & Lyle company acquired 6 operating plants from the Great Western Sugar Company in 1985 and 1986, including the Fort Morgan Plant. In the late 1990s Tate & Lyle decided to sell their sugar holdings in the United States. The growers in the four state area decided that if they were going to keep the sugar beet industry they would have to become owners themselves. The Western Sugar Cooperative was formed when over 1,000 individuals stepped forward and invested their trust and dollars into the purchase of the Western Sugar Company. After a number of false starts and many frustrating months, the purchase was closed on April 30, 2002.

The 2006 campaign saw 745,169 tons of beets sliced in 139 days, producing a net 1,660,132 hundredweight of refined sugar. The payroll for fiscal year 2005 in Fort Morgan was $5,325,349 for 90 year-round workers and approximately 98 seasonal workers.

Throughout the years there have been 21 other sugar factories under various companies in Colorado. Today, there is one remaining—the Fort Morgan plant. Many changes have taken place during the past 100 years, however, the sugar factory remains an integral part of the agricultural and business communities. I am proud to honor the Great Western Sugar Cooperative and the Fort Morgan Sugar Plant for 100 years of successful sugar production and the positive impact it has had on families and communities in northeast Colorado.

TRIBUTE TO MICHEL CONLEY

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to the memory of Officer Michel Conley of the Estes Park Police Department.

On July 31, 1976, Officer Conley and his wife Phyllis were driving up the Big Thompson Canyon. Throughout that afternoon and evening, 14 inches of rain would fall in just over 4 hours time during a tremendous thunderstorm. The rain had brought a large boulder down the canyon, obstructing the road where it came to rest.

Conley stopped and headed to a nearby lodge to alert State patrol of the obstruction. By this time the rain was heavy and the canyon was in danger. Conley, though off duty, acted with the bravery and sense of public service with which he served as a police officer and began to alert residents and visitors in the canyon, telling them to get to high ground.

He notified somewhere between 75 and 175 people, saving them from the 20-foot wall of water that came rushing down the canyon, sweeping away roads, cars, and buildings in its path. Conley's wife was able to get to higher ground, but he was not. As the wall of water came sweeping toward him he climbed a telephone pole in a desperate attempt to get above the water, but the pole was swept away and Officer Conley lost his life. Along with Officer Conley, 143 people lost their lives in the devastating flood.

At the time, the Estes Park Police Department had no formal way of honoring officers who lost their lives in acts of such honor. However, on the 30th anniversary of the flood, and his heroic efforts to save the lives of those in danger, he will be honored with a medal of valor. Today I stand to honor his selfless act of heroism. "Greater love hath no man than this, that a man lay down his life for his friends"—John 15:13. Officer Conley did so for mere strangers and I pay tribute to his valiant act as we remember the legacy of one of the worst natural disasters in the history of Colorado.

PROPOSED FEDERAL LOAN TO THE DAKOTA, MINNESOTA AND EASTERN RAILROAD

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to call attention to an unprecedented federal loan that is fraught with risk, would enrich a private company at public expense and threatens the people of my state, Minnesota, as well as one of our state's most treasured institutions—the Mayo Clinic.

The Dakota, Minnesota and Eastern Railroad, DM&E, is seeking a massive federal government-sponsored loan of $2.5 billion through the Railroad Rehabilitation and Improvement Program to expand rail infrastructure in order to transport coal from fields of Wyoming's Powder River Basin. To sell this taxpayer-financed scheme to Congress and residents along the proposed line, the railroad is making big promises. But go beyond the promises and a troubling picture emerges—one stained with questionable accounting, dubious ethics and the threat of real harm for Minnesota communities and institutions.

As a Member of Congress, I am strongly opposed to asking taxpayers to provide an unsecured $2.5 billion loan to the DM&E, a company that an established, independent firm, Bearing Point, found to be "a poor credit risk." Bearing Point's assessment of the railroad concluded: "DM&E currently appears to be a thinly-capitalized, low-volume railroad," whose "asset acquisitions were funded largely by government loans and subsidies." Mr. Speaker, I have attached a description and summary of the Bearing Point analysis for the RECORD.

A recent report from the federal Office of Management and Budget shows the stakes for taxpayers are high since the federal government—U.S. taxpayers—would be responsible for covering all losses if DM&E defaults on the loan. Still, the railroad and their powerful friends in Congress who have greased the wheels for this scheme show no hesitation in taking taxpayers for a ride and offer no assurances that $2.5 billion of our tax dollars will be paid back.

Our nation is spending hundreds of billions of dollars to fight wars in Iraq and Afghanistan while federal budget deficits are adding trillions of dollars of debt on the backs of our children. Yet some of my colleagues in Congress appear eager to gamble unprecedented

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

public funds on a risky railroad scheme that will profit politically connected business executives and leave hard working taxpayers with all the risk. This is bad public policy and it is bad business. The proposed $2.5 billion, no-collateral loan is more than all the loans ever granted by the Federal Railroad Administration combined. In fact, this loan would be one of the largest ever granted by the federal government to any private company.

Why does the DM&E need to seek this massive federal support? Could it be that private sector investors who have a fiduciary responsibility to invest soundly know a boondoggle when they see one? Unfortunately, it appears the DM&E has been far more successful in attracting Members of Congress who seem willing to ignore their responsibility to the American people to ask the tough questions and demand protections and accountability. It is not Congress' role to be the lender of last resort for high risk, private sector boondoggles. This is all the more true considering the threat the DM&E project poses to Minnesota.

The proposed DM&E line would send dozens of mile-long coal trains through the heart of Rochester, Minnesota every day. Any threat to Rochester's continued growth is a serious concern for Minnesota since it is one of the fastest growing cities in the state and an anchor of Minnesota's high-tech economy. Rochester is best known as the home of the renowned Mayo Clinic. The Mayo Clinic is one of the world's premier medical centers, an economic engine for Minnesota and a health care asset for our entire country. This week's US News & World Report "Best Hospital Issue" celebrates Mayo's success, ranking the Clinic among the country's top medical facilities for treating illnesses ranging from cancer to kidney disease.

The 95,000 residents of Rochester expect the trains to tie up traffic and cause daily headaches for local business owners. Mayo Clinic doctors and researchers anticipate the trains will create an environment hostile and incompatible with the work of a world-class medical facility that relies on sensitive medical equipment and conducts delicate scientific testing. In addition to impacts on the community's long-term economic prosperity and quality of life, the railroad expansion also raises imminent safety concerns.

The DM&E's proposed expansion would annually direct thousands of trains through downtown Rochester at a speed of 50 miles an hour. Several of Rochester's downtown rail crossings are only hundreds of yards away from the Mayo Clinic. A derailment or hazardous materials spill at any of these locations would be disastrous for local residents and Mayo's vulnerable patient population.

In fact, the DM&E has one of the worst railroad safety records in America. In the past 6 years, 17 people have been killed and 93 people have been injured in 227 DM&E accidents at public and private rail crossings. In 2004, the DM&E reported train accidents at a rate over 13 times higher than the national average, and one of these accidents created a hazardous material spill that forced the evacuation of 100 citizens in my home state. The Federal Railroad Administration itself announced as recently as October 2005 that DM&E has "serious safety problems." I urge the Federal Railroad Administration to take into account this dreadful safety record and the risk to Minnesota residents this proposed expansion poses.

Wrapping a profit driven scheme in the thin veneer of public good, the DM&E and its supporters in Congress are pushing a bad deal for Minnesota and imposing a financial risk upon America's taxpayers that is irresponsible and unjustifiable. The Federal government does need to make major new investments in transportation infrastructure, but investments consistent with our national goals and in a transparent process that allows Congress to conduct necessary oversight and stewardship of scarce tax dollars. Public dollars should support taxpayer priorities, not the whims of one company and their patrons in Congress. As is too often the case today, Congress has had no opportunity for oversight, no opportunity to ask hard questions of the DM&E and protect taxpayers from one corporation's sweetheart deal that smells worse by the day. This $2.5 billion loan to the DM&E should not be allowed take place and taxpayers in Minnesota and across the United States should be outraged at this pork barrel corporate welfare giveaway.

LETTER OF PRESENTATION—MAY 8, 2006

This purpose of this report is to inform Members of Congress, the Department of Transportation, the Federal Railroad Administration ("FRA"), and others of issues surrounding the $2,500,000,000 loan application of the Dakota Minnesota & Eastern Railroad Corporation ("DM&E") under the Railroad Rehabilitation and Improvement Financing ("RRIF") program.

The broader purpose of the RRIF program is the improvement and expansion of the nation's railroad system. Nevertheless, the program is organized as government loans, not government grants. Therefore, borrowers must exhibit the ability to repay the loan.

In its RRIF loan review capacity, the FRA is charged with responsibility for assessing applications. Each loan application must be approved on its own merits, taking into consideration (among other things) the creditworthiness of the borrower.

DM&E has filed an application for a $2,500,000,000 FRA loan. Based upon our review, we have serious concerns about the ability of DM&E to repay such a loan. We believe that the applicant may not meet the minimum requirements for the approval of such a loan.

Based on the limited available data, DM&E appears to be an undercapitalized and financially precarious company. However, because DM&E is a private company with little financial disclosure, we are limited in our ability to fully assess the company's financial strength or weakness. As a result, no concerned citizen has adequate information to fully assess DM&E's FRA loan application.

The nondisclosure of the DM&E financial data has been rationalized by the competitive nature of the information contained therein, on the belief that disclosure of even rudimentary financial information would compromise the company's ability to compete in the railroad industry. However, many railroad companies are publicly held, fully disclosing detailed financial information without compromising their competitiveness.

We believe that the primary risk to DM&E of disclosure of its financial status may not be the loss of any competitive advantages, rather the disclosure of its financial weaknesses and unsuitability for the RRTF loan.

Given the available public information concerning DM&E's plans, supplemented with the expertise of consultants in the railroad industry, we have endeavored to construct a reasonable facsimile of what we believe to be DM&E's current economic realities and to forecast the results of the proposed Powder River Basin project assuming extension of the FRA loan.

Our financial projections and assessments utilize dated materials from DM&E's Surface Transportation Board ("STB") application of 1998, as well as more recent information, taking into account the fact that costs, markets, and industry financial conditions have changed materially since that date. We have updated these projections based on the comprehensive knowledge provided by railroad industry consultants, G. W. Fauth & Associates, Inc., and Gerald E. Vaninetti.

If the FRA believes that it should disregard the economics associated with DM&E's proposed project and that non-financial, public policy reasons require approval of its loan application, then FRA must require collateral in the form of a Credit Risk Premium (CRP). Under current law, this CRP must now be based on DM&E's potential "going concern value." Based on this approach, we have determined that FRA should set a CRP of approximately $1.4 billion which represents 57% on the loan amount.

To the extent that our information or assumptions are dated or at variance with DM&E's financial statements, internal projections or the contents of its loan application, we welcome the opportunity to review those financial statements.

We note that the DM&E's submissions to the STB were public documents. While the FRA is allowed to keep application data private, it is not required to do so. Like the STB, the FRA could disclose this information to lawyers and independent consultants under a protective order. This is by far the largest FRA loan of its kind, suggesting that the FRA may want to reexamine its nondisclosure policy.

We believe that citizens whose taxpayer dollars may be at risk have the right to inform the FRA of concerns regarding DM&E's $2,500,000,000 loan application. Only with transparency of the loan application and approval process can the integrity of a fair and honest system be assured.

IN HONOR AND REMEMBRANCE OF JOHN HENRY LENEAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. John Henry Lenear, dedicated husband, father, grandfather and friend, whose brilliant legacy as a journalist has served to elevate the lives of all who knew him and his work.

Mr. Lenear's convictions, framed by integrity and wisdom, consistently graced the pages of Cleveland's oldest and Ohio's most respected African-American newspaper, the Call & Post. During his decades-long career as a newspaperman, his unwavering focus and commitment to our African-American community's struggle for civil rights and equal opportunity for all helped shape public policy throughout the State of Ohio.

As an objective and conscientious journalist, Mr. Lenear developed strong ties with local, county, State and Federal government officials. Mr. Lenear's sense of compassion for those in need reflected in his numerous volunteer efforts and leadership, which included providing tangible assistance through neighborhood programs designed to help pave a way for individuals to rise above the cycle of poverty and despair.

Mr. Speaker and colleagues, please join me in honor and remembrance of Mr. John Henry Lenear, whose life and legacy served to bring critical issues into the rational light of day and whose deep sense of humanity will continue on in raising our own individual and collective humanity. I offer my deepest condolences to his entire family and to his many friends. John Henry Lenear lived his life with energy and joy, and the memories of his affable nature and kind heart will forever light the hearts of all who knew and loved him well, and will forever shine throughout Cleveland, OH and far beyond.

SENATE—*Friday, July 21, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, sustainer of our lives, give us courage to not run from difficulties. Help us to see that problems and challenges come with a life of service. In spite of burdens, show us the joys to come that will make the sacrifices worthwhile.

Infuse our Senators with the power of self-denying love. Empower them to help build not only a safer but also a more just world.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 21, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CHILD CUSTODY PROTECTION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 403, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 403) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a few minutes, we will begin consideration of S. 403, the Child Custody Protection Act. Over the last 2 days, we have been working on an agreement which would allow us to conclude that bill on Tuesday. I hope we will be able to work out the final details of that agreement early today, and at that point in time I will announce the schedule for the child custody protection bill for next week.

We had a remarkable day yesterday, finishing last night the debate and vote on the voting rights reauthorization bill, four judges, the child predator legislation, and therefore I announced no rollcall votes for today. I will be updating Members as to Monday and Tuesday's schedules shortly, after we work out a unanimous-consent agreement on several matters for early next week.

SENATE ACCOMPLISHMENTS

Mr. FRIST. Mr. President, in walking over here just a few moments ago, I ran into my counterpart from the Australian Senate, and we were commenting—or he was commenting—he said: You had a productive day yesterday. And I said: Indeed, we had a very productive day, not only yesterday but over the course of this week.

On Monday and Tuesday, we had a very important debate, a powerful debate on stem cell research, a debate which is uncomfortable to a lot of people because it addresses so strongly that nexus between ethics and morality and religion and faith with science, advancing science, which is moving at breathtaking speed, thank goodness. As a scientist, I see great hope in those dreams which one day can become realities for cures and for treatments that come from the field of science. The issues are tough, though, but very important for us to have in this body, representing the 280 million people around the country, because science will continue to advance and we do have the opportunities to understand the molecular and cellular basis of disease in a way that will improve the lives of everybody listening to me right now. So it is a very important debate.

We will increasingly have those sorts of issues come before this body. It used to be that we would hit these tough ethical issues in science about once every 10 years, and it has gotten down to about once every 5 years, and I predict—again, this is good news because science is developing so quickly, medical science—that we will be debating those issues about once every year. So this body needs to get used to it, get accustomed to it.

We did pass the Fetus Farming Prohibition Act overwhelmingly. The President has already signed that bill into law.

We passed the Stem Cell Therapies Enhancement Act this week, which supports alternative—or alternate—ways of developing these very powerful embryonic stem cell-like cells, what we call pluripotential cells, to support the type of research that can derive those pluripotential cells, short of having to dismember an embryo—exciting research. The House has not yet acted on that particular bill. I hope they do so in the near future so that the President can sign it into law, so that we can further support our research dollars in what to me is very exciting research that, in many ways, if successful—and I believe it will be—will some day eliminate the more contentious debate of having to derive embryonic stem cells from blastocysts themselves.

We also passed the Stem Cell Research Enhancement Act, a bill I supported. It was not unanimously supported in this body, but there was overwhelming support in this body. I feel strongly that this particular bill, which supports embryonic stem cell research for blastocysts that are going to be discarded with 100 percent certainty, clearly falls within certain moral and ethical guidelines, and that bill passed I think by 63 votes in the Senate.

On Tuesday evening, we shifted a bit and expressed our support for Israel by passing S. Res. 534 by unanimous consent, expressing strong support in this body for Israel. Hezbollah and Hamas are terrorist organizations, confirmed enemies of the United States, and it is important that they and their state sponsors realize we will stand with Israel and hold them accountable for their actions. This body spoke loudly, boldly, clearly on Tuesday evening.

Later Tuesday evening and on Wednesday, we addressed the Water Resources Development Act under the superb leadership of Chairman JIM INHOFE and Senator KIT BOND and others in the body. But I told Chairman INHOFE again and again that this bill, which I strongly support, which engages and further supports conservation and development of water and water-related resources, which

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

strengthens our Nation's waterways and the infrastructure of our waterways, is going to be a tough bill. There are going to be too many amendments; it is going to take a long time on the floor. But by working very hard in a bipartisan fashion, we limited the number of amendments to the substantive ones and brought it to the floor in a very reasonable, very efficient period of time, so we were able to address that important issue.

Then, as I mentioned earlier, yesterday we reauthorized the expiring provisions of the Voting Rights Act. As we all talked about, we have come a long way in 41 years since it was first enacted. We put aside whatever partisan differences there might be to ensure that discrimination at the voting booth remains a relic of the past, to ensure that no American citizen and no election law of any State could deny access to the ballot box because of race or ethnicity or language minority status. We have ensured that progress continues, that we are protecting the civil liberties of each and every American.

Protecting the vulnerable—that is what the Voting Rights Act did 41 years ago, and that is what the Adam Walsh Child Protection and Safety Act will soon do. Last night, we passed that Adam Walsh bill as well. This bill arguably is the most comprehensive child crime and protection legislation in recent history.

The Adam Walsh bill establishes a national sex offender registry which is publicly available and which is searchable by ZIP Code. Parents shouldn't have to live in fear that a neighbor somewhere down the street is waiting for an opportunity to victimize their children. Now parents are going to have those tools they need to protect their children from harm.

Last night, late last night at about 11 o'clock, I received a phone call from two individuals who have worked with Child Help, who started this organization called Child Help, and their call was to congratulate this body for addressing a specific issue that was also in the Adam Walsh bill, and that is the creation of a national child abuse registry. The bill also toughens the penalties for crimes against children, and it cracks down on the growing crisis of Internet predators and child pornography—huge progress in passing this particular bill. It will go to the House of Representatives in the early part of next week, and I am very hopeful the President will be able to sign that bill by July 27, which is the very tragic anniversary of the death of Adam Walsh. But out of that tragedy, if the President signs the bill on that day, there is great hope and a great willingness to address and confront an issue we know is destroying people's lives, with effective tools to combat the tragedies that occur every day in this country in a direct way.

Judicial nominations last night: We confirmed four exceptionally qualified nominees to the Federal bench: Neal Gorsuch, Bobby E. Shephard, Daniel Porter Jordan III, and Gustavo Antonia Gelpi. Next week, we are going to continue our constitutional duty of advice and consent in nominations and take up Jerome Holmes for the Tenth Circuit.

Today as we open, we are beginning debate on legislation that protects vulnerable young women from exploitation. It is the Child Custody Protection Act. This bill prohibits taking a minor across State lines, from State to State, for an abortion in circumvention of a particular State law, and it does so by requiring parental notification for that child's abortion.

Right now, the victims of such exploitation have absolutely no means of restitution within our legal system. It is time to fix that. Thus, we are taking that bill to the floor to do just that. We will have that debate over the course of the morning—we won't be able to complete that debate today—and we will have some understanding here shortly in terms of how that debate will be conducted in the early part of next week.

Next week is going to be a busy week. There will be a lot going on over the course of the week and many challenges in the weeks ahead. We have to finish the Child Custody Protection Act next week, and we have to confirm the nomination of Jerome Holmes.

Last night, language was finalized on another very important issue; that is, energy. I say energy is important because it has national security implications, and it affects each individual in this body and their families and families all across America because it will impact over the long term the price of gas, the price of natural gas, and the price of energy in this country. The issue is deep sea energy exploration in a region called Area 181 in the Gulf of Mexico.

Americans are feeling the pain at the pump. They are feeling it each and every day. And they expect us to act. It is interesting that in that area of 181 and just south of that in an area called 182 in the Gulf of Mexico, there is estimated to be over 1.2 billion barrels of oil—1.2 billion barrels of oil—that would be subjected potentially to exploration; 5.8 trillion cubic feet of natural gas in that area. That is how important it is to obtain that supply. We all know that pricing is a product of supply and demand and that new influx of homegrown, domestic supply will have an impact.

Before the August recess, we need to take up the Department of Defense appropriations. We need to make sure that our troops overseas do have the equipment and technology they need to be safe and successful.

As all of our colleagues know, we are addressing, every day, pensions. We will have that legislation ready before recess. We also need to address the issues surrounding port security, to further secure our homeland, as well as small business health plans, which also have a direct impact, similar to what we are doing in energy, in affecting the cost of living that squeezes everyday Americans.

If we can lower those health care costs, make health care both affordable and available, that will take some of that squeeze off individuals and their families and they will be able to benefit from what we know is a very productive, growing economy out there with over 5.4 million jobs created in the last 2½ years and unemployment at historically low—4.6 percent—levels. The average American doesn't quite feel how good our economy is because of energy prices, which we are going to address, and because of health care costs, which we are going to address. Americans need to know they are safe and secure. They need to know their futures are safe and that their health care is affordable and secure.

We have a lot of issues to address. Again, we have had a very productive week. If we continue that productivity we will be able to address those issues. It is our job in the Senate to deliver these meaningful solutions to the challenges and the needs of people across this country. It is our duty and our privilege to do just that, and I am confident, by continuing the progress we made this week, that we will be able to do just that.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHILD CUSTODY PROTECTION ACT

Mr. SESSIONS. Mr. President, I am glad the majority leader has called up and allowed us to consider the Child Custody Protection Act today. I was involved, in 1998, when then-Senator Spence Abraham, later Secretary of Energy Spence Abraham, offered this bill. We had a press conference and made a number of efforts to pass it and always had a good deal of support but, frankly, to my frustration and surprise, it never became law. It has, in every respect, strong support among the American people and in the Congress.

I am pleased that Senator JOHN ENSIGN of Nevada has taken up this piece of legislation. He has directed his considerable talents to pressing it forward. We now have it on the floor. We will soon have a vote on it. I believe it should pass. I expect it to pass. I think those who would object to it have a high burden to show what is unreasonable about the legislation that is before us today.

The Child Custody Protection Act deals with an important subject. It deals with how young girls are being secretly taken across State lines for the purpose of abortion, without the consent of their parents or even the knowledge of their parents, in violation of the laws of the State in which they live. Forty-five States have enacted some sort of parental consent laws or parental notification law. By simply secreting a child across State lines, one can frustrate the State legislature's rules. It is, in fact, effectively subverting and defeating valid, constitutionally approved rights parents have with regard to being involved in the health care of their children, emotionally and physically. It is a very important issue, and I think it is one we need to continue to discuss.

This bill does not in any way deal substantively with abortion or the right to abortion. It does not really expand additional restrictions on abortion. What it does, though, is to stop an abominable practice by which someone—usually an adult, often an adult male who has gotten a young girl pregnant without wanting the parents to know about it—takes them across a State line to some foreign jurisdiction to seek an abortion without the parents' involvement, an abortion that could not be performed in their home State without the approval of the parent.

In fact, the abortion clinics in those States know that they must have a parent's consent. They seek that consent. If they don't have it, they don't perform the abortion—at least most of them don't. That is what the law is and that is what the situation is. But that is being subverted by moving them across the State line.

I submit this is a commonsense proposal. It is consistent with Federal prohibitions on interstate transportation, in violation of law, and it is something we should act on now. It is past due, in fact.

I submit the American people care about this issue. It is something that is important. And well they should because they love their daughters. They care about them. They will be involved with them medically, physically, and emotionally the rest of their lives. It won't be some abortion clinic in some distant State that will be involved with their emotional problems, their psychological problems, their physical problems, which arise from having had an abortion. The parents are the ones who care about their child and have the responsibility to raise her.

As we all know, a child cannot be given an aspirin in a school without parental consent. I have heard recently that you can't even give them sunscreen, in some schools, without parental consent. So we have this kind of legal procedure for a child's medical protection, but we have a circumstance in which a valid parental consent for a very serious procedure such as an abortion can be conducted without parental consent if you go across State lines and avoid the existing State law in the home State.

The Supreme Court, I hasten to add, has considered parental consent laws. They have considered a number of those cases. Parental consent laws have been enacted in many big States such as Pennsylvania and Texas. In Planned Parenthood v. Casey, the Supreme Court of the United States upheld consent laws and said they are valid restrictions on abortion. This is not too much of a restriction or an undue burden.

They also say that if somehow the parent is a problem—if there is a question of incest or child abuse or dysfunctional parents—there must be a judicial procedure which allows a judge to bypass the parental consent requirement of that State. So all the State laws in existence that require parents to be notified have a judicial bypass option. If a child does not believe they could tell their parents for whatever reason, they can go to a court and seek court approval without telling that parent, if there is a real basis for it.

In fact, this legislation provides in unusual circumstances that judicial bypass would take place. It is responsible in that regard.

The ability of parents to be involved in the health of their children is a fundamental parental right. It is being undermined today—and we ought to strengthen that right and that responsibility.

In fact, one of the great threats to our Nation is legal undermining of parental rights and parental abdication of responsibility for their children and how they develop. We need to strengthen families, we need to strengthen the responsibility of parents, and we need to protect children. We need better involvement of parents with their children.

Some say this is painful, if we required young people to tell their parents that they are pregnant. But I submit to you that out of that pain can come healing, can come good decisions, can come a change in behavior, a recognition that a child is in trouble and has problems, a recognition by parents, perhaps, that they need to be more involved and more engaged in their children's activities.

How is that bad? How is it bad that a child would be required to engage with their parents once they get in this kind of serious trouble? We are talking about minor children, minor girls, often taken advantage of by much older men.

I think it is the right thing to do. But regardless of that, regardless of how you feel about parental consent, it is State policy by State laws that have been passed in States throughout this Nation that parents should be informed, and in some cases have consent. These constitutional State laws are being undermined in a real way. I will talk about that in a minute and show you some points on it. But it is a very real problem. It is not imaginary.

Let's look at some of the advertisements, fliers, and brochures that are being passed out around the country to promote interstate transportation of minor children to promote abortion.

Here is one. Metropolitan Medical Associates is in New Jersey which does not have a parental consent law, but many States such as Pennsylvania and others nearby do. Here is the flier:

> We accept all insurance and credit cards.

It goes on to say:

> All calls and appointments are confidential. Parental consent is not required.

They passed this out in the region to people in surrounding States which do have to have parental consent. The word gets out that they can come and avoid that requirement.

I think that is unhealthy. I think that is an attempt to undermine the laws of the States of this country.

Here is another one, South Jersey Women's Center. It mentions all of their promotions, their abortion procedures. I will highlight this phrase: "No 24-hour wait. . . ."

In some States, it is required that you wait 24 hours after being informed about the abortion procedures before you go forward. "No 24-hour wait or parental consent required."

That is in New Jersey.

Again, there is promotion in the other States to come into that State to obtain an abortion that would otherwise be illegal in the minor's home State.

Here is an advertisement in, I believe, a Pennsylvania phone book. Pennsylvania has a parental consent law. This one is from a clipping in Buffalo, NY. It is Planned Parenthood Women's Health Center. But they run an ad in the Pennsylvania phone book for a Buffalo, NY, abortion clinic. It says: "No parental consent or waiting period."

We have many of those. There are lots of those. I just show these ads to show that we are not talking about a rare or insignificant event. There is a studied policy to promote abortion in distant States where parental consent is not required to undermine existing law of the State where the child may have become pregnant.

The attorney for the Center for Reproductive Law and Policy, Kathryn Kolbert, stated:

> There are thousands of minors who cross State lines for an abortion every year and who need assistance from adults to do that.

We see several examples of abortion clinics which openly place advertisements in phone books and otherwise.

I chair the Administrative Oversight and the Courts Subcommittee of the Judiciary Committee, and I chaired a hearing in June a couple of years ago where we heard a number of stories that deal with this issue. One particularly moving story involved a young woman named Crystal Lane who exhibited a maturity beyond her years when she testified before the committee. When Crystal was just 13 years old, she was secretly transported across the State line by adults seeking to hide the fact of her pregnancy from her mother. Crystal was taken across State lines from Pennsylvania, a State which had a consent statute, to New York, a State which did not. Crystal testified that she suffered serious complications from this "legal" abortion that was botched and which resulted in "the most terrifying time" in her life.

Crystal's mother, Mrs. Joyce Farley, testified that her daughter was taken out of State for an abortion by one Rosa Marie Hartford.

Is this just a friend, Mrs. Hartford? Is this just a neighbor trying to take care of her? That is not really the pattern. Mrs. Hartford was actually the mother of a 19-year-old young man whose statutory rape of the then-12-year-old girl caused the pregnancy. In other words, the woman was trying to cover up the criminal activity of her son. The son later pleaded guilty to statutory rape.

Thus, the clinics are openly encouraging evasion of State laws. The Child Custody Protection Act would shut those practices down.

The question of parental notification and consent is an important one. The American people care about it.

I would like to show a chart which shows the depth of the feeling of the American people on this issue, which has remained strong for a decade or more. Just last year, in a Fox NEWS Dynamics Opinion Poll, the question was:

> Do you think a female under age 18 should be required by State law to notify at least one parent or guardian before having an abortion?

Seventy-eight percent said yes. Only 17 percent said no.

How about this one, a Quinnipiac University poll of just last year:

> Do you favor or oppose requiring parental notification before a minor could get an abortion?

Seventy-five percent say yes; eighteen percent say no.

How about this one, a CNN–USA Today poll conducted by Gallop:

> Do you favor or oppose each of the following proposals? How about a law requiring women under 18 to get parental consent for any abortion?

You see how they changed that language a little bit; you would affect the numbers a little bit. It did—73 to 24. But still three-fourths of the people say a parent should know and consent before their minor daughter can get an abortion.

How about this one. This is the Wirthlin Worldwide poll from several years ago:

> Do you favor or oppose requiring one parent of a girl who is under the age of 18 years of age to be notified before an abortion is performed on the girl?

Eighty-three percent to fifteen.

Here is another one, the Los Angeles Times:

> Should girls under the age of 18 be required to get the consent of at least one parent before having an abortion?

Eighty-two to twelve.

Here is CBS News-New York Times:

> Would you favor or oppose requiring parental consent before a girl under the age of 18 could have an abortion?

Seventy-eight to seventeen percent. That one was 1998, 8 years ago.

The numbers have been strong. They haven't gone down. They remain so. Why? Because it is good policy.

For Heaven's sake, shouldn't a parent know if their child is having this kind of medical procedure? I think so. Some may think that a 13-year-old should just be allowed to be taken away by some 29-year-old, some 40-year-old man to have an abortion to cover up his statutory rape. They may think that is good policy. I don't.

But I would just say this: This law that we are considering today, the Child Custody Protection Act, really does not deal with that. It simply says that if a State of this United States passes a law, and someone takes a child across State lines to avoid that law, they would be implicated in a Federal violation. The Federal Government would simply be affirming and supporting the States that choose to have a parental consent law. It does not make any new law. It does not set any parental consent standard. It does not put any new constraints on abortion. It simply says that if you try to avoid the State law, the Federal Government will be of assistance.

I think the statute is drafted in a good way. I was a Federal prosecutor for 15 years and very familiar with many of the questions that come up with regard to prosecuting Federal cases. We have had some recent federalism decisions by the Supreme Court. They basically raise concerns that we in Congress have become too careless in how we draft legislation by attempting to make criminal acts solely within a State that have no interstate connection.

When I was a young prosecutor, some of the first cases I got to prosecute were automobile theft cases. But it is not automobile theft in Federal court, it is interstate transportation of a stolen motor vehicle. That is the crime—interstate transportation of that vehicle. If you just stole a car in Alabama, and you caught the person in Alabama, they never crossed a State line, it is not a Federal crime. It can only be prosecuted in Alabama.

The Supreme Court raised some concerns about that.

Theft from an interstate shipment is also a Federal crime. It is a Federal crime for people to steal from a railroad going through the community, if it is an interstate shipment. But if you steal from a farmer, and you don't get out of State with the produce, it is not a Federal crime. It is theft from interstate transportation of stolen property, ITSP. And that is a Federal offense.

So that is how this statute is written. This statute does not say we are going to micromanage what goes on within a State. What we are saying is, if someone travels in interstate commerce—because the Constitution of the United States provides that this Congress, this Federal Government, has the authority to regulate interstate commerce—for the purpose of avoiding a State law to help a minor child get an abortion without the knowledge of their loving parents, who are raising the child and will have to raise them in the future, they are guilty a Federal offense.

I think that is perfectly sound constitutionally and something we should do. It is past time we do it. I would urge my colleagues to consider this. If there is one circumstance in which we should be most concerned about abortion, it is that of the young lady I described who testified at our hearing. Crystal Lane was impregnated and having sex with an older man when she was 12 years of age, and had an abortion at 13 years of age, and her parent did not know about it. How did it happen? The young man's mother and young man got together and secreted her across State lines to have an abortion, so he would not be found out, so he would not be prosecuted for statutory rape. This was not done out of any interest in the child's welfare.

That is a very real problem that should not continue. We have the ability to do something about it. I urge my colleagues to study this act and to make sure we stop those who would usurp State law, usurp parental rights, and damage children without the knowledge of their parents.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

(The remarks of Mr. WYDEN are printed in today's RECORD under "Morning Business.")

Mr. WYDEN. I yield the floor.

Mr. CHAMBLISS. Mr. President, I support S. 403, the Child Custody Protection Act. This bill is a commonsense measure that says simply that families, parents, and children are important in America and that we will respect them and protect them. The bill also demonstrates the importance of respecting our citizens who have spoken in State after State by the adoption of parental notification and parental consent requirements before a minor child can be subjected to invasive medical procedures with both physical and emotional consequences.

The Child Custody Protection Act would make it a Federal misdemeanor to transport a minor across State lines to obtain an abortion, in order to circumvent a home State law requiring notification of one or both parents prior to an abortion.

This bill does not permit the prosecution of the child or his parents, but it does permit the prosecution of outside third parties who would interfere with the parent-child relationship in order to further a political or ideological agenda.

In addition to criminal penalties, the bill allows any parent who suffers harm from a violation of this act may seek and obtain an appropriate civil remedy.

At a time when children in public schools cannot obtain so much as an aspirin from a school nurse without parental consent, America has overwhelmingly insisted that before permitting minors to undergo a major medical procedure, such as an abortion, their parents should consent or at the very least, be notified. Thirty-four States have enacted parental consent or notification laws. Parental notification is supported by 83 percent of the American people.

Yet, too often, outside third parties have intentionally sought to circumvent these profamily State laws and invade the parent-child relationship by transporting children across State lines for the purpose of having an abortion.

This bill will serve as a real deterrent to such efforts. It reaffirms the parent-child relationship which is so important to the overwhelming majority of Americans. I urge my colleagues to join me in support of this bill.

I yield back.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oregon.

INTERNET NEUTRALITY

Mr. WYDEN. Mr. President, I have already announced that I will do everything I can to block Senate consideration of the major overhaul of the telecommunications laws until it contains language to ensure there cannot be discrimination on the Internet.

Last week, I outlined a number of examples of the kind of discrimination that could take place unless there is language known as Net neutrality in the legislation. I am going to give additional examples this morning of what will happen if discrimination is allowed on the Net. I also intend to start laying out answers to some of the most frequently asked questions about Net neutrality.

The major phone and cable companies that are now spending enormous sums trying to prevent Net neutrality so outspend the folks who share my views that I think it is important for the Senate to get a sense of what is going on. That is why it is my intent to come to the floor of the Senate again and again and again to outline what is at stake with respect to ensuring that the Internet is kept free of discrimination.

Let me begin by first addressing this question of what exactly is Net neutrality. If you listen to some of the so-called experts about communications, they would suggest this is so complicated, so arcane, so difficult for anybody to understand, you ought to let the lawyers and the lobbyists sort this out. Of course, that is traditionally what has gone on in this field. You have lawyers and lobbyists being paid very handsomely to battle it out with each other, usually in Washington, DC, or in courtrooms across the country.

Somehow, the typical person, the typical citizen, who has become empowered using the Internet, does not get to participate in these discussions. I will tell you, Mr. President, I do not think the American people are going to buy that any longer. The Internet, which, of course, has opened up so many doors for our citizens in terms of health care and business opportunities, education, and culture, has also ensured they get a lot of information about these communications debates that used to be reserved for lawyers and lobbyists.

The people of this country—and the hundreds and hundreds of organizations that want to keep the Internet discrimination free—are no longer going to accept a notion that a handful of insiders in Washington, DC, can have these debates about the future of the communications systems they depend on, and that the people of this country will have to take what these so-called experts decide. So this is going to be a debate, in my view, that is going to be driven by the grassroots of this country, by thousands of people getting involved and coming to their legislators, and others, to talk about the future of telecommunications—why so much communication power is concentrated in so few hands.

I am going to try to advance this debate here on the floor of the Senate every so often so we can make sure somebody is getting the message out about what is at stake, other than those big cable and phone companies that seem to be spending almost $150 for every $1 spent by folks who share my views.

The first question I want to talk about this morning is what exactly is Net neutrality? It is not that complicated. It is a pretty straightforward proposition. What Net neutrality means is you cannot discriminate on the Internet. The people who are against Net neutrality—I call them "the discriminators" because that is their agenda—want to discriminate. They want to be in a position to play favorites. They want to say: We will give certain people a good deal, both in terms of service and all the considerations that go into folks making their choices on line.

I do not think we should have that kind of discrimination. I think it ought to be, as it is today, possible for our citizens to go with their browser where they want to go, when they want to go, and everybody would be treated equally. That is the way it works today. I do not think there ought to be any changes.

Today, somebody pays a fee to get on the Net. They go where they want, when they want. And if you want to buy something online from Harry & David—their wonderful fruit, which we know a lot about in the State of Oregon—you pay your Internet provider for the connection, Harry & David pays its Internet provider for its connection, and that is that. Once you pay your Internet access fee, no one stops you from shopping at Harry & David because you did not pay an extra fee.

Without a clear policy preserving Net neutrality and ensuring there is no discrimination on the Net, the Net would be forever changed. And, in my view, it would be forever changed if discrimination is allowed on the Internet.

So that is why I have indicated I am going to use every procedural tool I have as a Senator to block Senate consideration of the telecommunications overhaul until it ensures there is Net neutrality and no discrimination online.

Now, a second question I am often asked is people want to know, as a consumer: How will Net neutrality affect me? For starters, keeping things the way they are, keeping Net neutrality, is not going to change anything about the Net for millions and millions of our consumers who rely on it. Net neutrality has been the way we have enjoyed the Net since day one. And it is only in the last year that there has been this new front opened up where folks say: We have to be allowed to discriminate. It has only been in the last year where the basic nondiscriminatory nature of the Internet has been under attack.

So it is not going to change the world for the consumer if Net neutrality is preserved. But I will tell you, it is surely a troubling question for consumers if we do not have Net neutrality. Consumers, in my view, without Net neutrality, would immediately feel the effects. They would have fewer choices, and they would pay higher prices. And I am going to try, again, to use some examples this morning of why that is the case.

Currently, consumers pay a fee for connecting to the Internet. The fee is for a certain amount of bandwidth. The more bandwidth you buy, the faster the speed with which you connect to the Internet. So with a dial-up connection at 56 kilobits per second of bandwidth, it is going to take a lot longer to get your favorite Web sites than with a high-speed connection at 6 megabits per second. That is why some folks call broadband high speed. A broader bandwidth can accommodate more bits, and they can move faster down the pipes. A growing number of our citizens want the higher speed or broadband connection to the Net.

If the large phone and cable lobbies are able to stop Net neutrality, consumers would no longer have access to all the content available on the bandwidth they buy. Rather, those that provide content on the Net—and that is everybody with a Web site, from small nonprofits and universities to large corporations—would be forced to pay the big phone and cable companies an extra fee for access to the consumer's bandwidth. If they did not pay or could not afford to pay these extra fees, their content would be waylaid, it would be off on the Internet slow lane.

This would mean consumers would have fewer Web site choices. Some small businesses that depend on the Net for sales, in my view, will end up closing down. Many of the bloggers—and we know that now blogging is awfully popular; these are folks who write just to be heard—they are going to find it hard to continue without Net neutrality if they have to pay those extra fees. Nonprofits—I am not sure we will see all their Web sites. At the end of the day, without Net neutrality, consumers will be left with fewer choices.

That is not all that consumers will be left with. Because the loss of Net neutrality is double-barreled discrimination, consumers would also be left with higher prices. Those companies that choose to pay fees to the larger phone and cable companies are going to pass those fees on to the consumer. The price of goods sold online is going to rise because companies will pass on the fees to consumers. And because no one can determine now how high the fees are going to go, no one can predict how high the price of goods sold online would go either.

So that is a little bit of what all this means to the typical consumer. It does mean, in my view, higher prices and fewer choices for the reasons I outlined. But I thought I would continue what I started last week: that is, bringing some specific examples I think we will see on the Internet if there is an absence of Net neutrality.

The first example I am going to cite this morning is somebody I am going to call Josh Nelson. Josh Nelson wants to get Internet broadband for himself and his family at home. "Local Cable" is the only choice for Internet access, and we will say it charges $49.99 for a 6 megabit per second connection.

In a world with Net neutrality, when Josh buys his connection from "Local Cable," he gets to visit any Web site he wants, when he wants, and how he wants. If he wants, for example, to download movies from the popular Vongo for $10 a month, he can do that. If he wants to search the Web using Yahoo or book a family vacation online at Travelocity, Josh can do that, too.

Under the bill that has come from the Senate Commerce Committee—the bill that does not protect Net neutrality—Josh will not be able to do any of those kinds of things I have described unless content providers pay a new priority access fee on top of the $49.99 Internet access charge Josh already pays, and the fees the content providers pay to get on the Net.

Unless Travelocity pays the additional priority fee, booking that vacation at Travelocity could take 20 minutes to process because they are not paying the extra fee to "Local Cable" for priority access. Downloading movies at Vongo could cost more as well, could cost $20 rather than $10 because Vongo is passing on the costs of paying "Local Cable" the priority access fee.

Josh at this point—and this is as sure as night follows day in terms of what is ahead—is going to want to switch to another broadband provider, given all these extra costs he would have to eat. But he is stuck. There are no other choices for many people across the land.

The second example I want to outline involves somebody I am calling Mary Smith. Mary goes on line now through a broadband connection with a local Bell company to purchase a television from her local electronics store, Barnes Electronics. In a world with net neutrality, when Mary goes to Barnes Electronics web site, the site works properly and she can purchase the new television with ease. Under the legislation that came from the Senate Commerce Committee, it is going to be a different world for Mary. When she types in the web address for Barnes Electronics, the site may not immediately load. Instead a page could load asking her if she would prefer to shop at Big Box Electronics web site which paid the local Bell to interrupt Mary's browsing. After clicking no, she is directed to Barnes Electronics web site. However, the site takes a long time to load and she becomes so frustrated, she says: Well, I will just go shopping at Big Box and eat all those higher prices.

In each of these examples, those who own the pipes extend their reach to the detriment of the American people. According to the business plans—and these have not exactly been hidden—of the big phone and cable companies and what they tell Wall Street, the kind of world I describe is what we are heading for. Without net neutrality, neither of the people in the examples I just outlined would enjoy the Internet the way they enjoy it today.

One last question for purposes of this morning. I am often asked now: If we have net neutrality, does that mean we are not going to have sophisticated communications networks built in my neighborhood? Of course, we all want these sophisticated communications systems. Folks want them in Georgia, in Oregon, across the land. We all understand the value of constantly trying to upgrade our communications systems. Nobody wants policies that create disincentives to building new and improved communications networks. For years cable companies have been digging up the streets in neighborhoods across the land to build more sophisticated networks, even though net neutrality protections were in place. For all these years, when we have said we were not going to allow discrimination on the Internet, we have had the cable companies out there digging up the streets putting in these systems. So it is not as if we don't have some evidence of what you can do when the Internet is free of discrimination.

We have seen these sophisticated networks built by cable companies right now. They are doing it when there is an absence of discrimination on the net. The reason I cited this is, it proves that if consumers demand it, the communications companies are going to build it because they can make a profit. The Bells, for example, would rather build a network with discrimination in it because they can make billions of dollars of extra profit. That is why they are threatening not to build networks and to try to hold hostage consumers and businesses across America. I don't think that is right. There is concrete evidence that this notion that we will not have sophisticated communications networks unless we allow discrimination on the net makes no sense at all.

I have tried to make a focus of my career in public service to keeping the Internet free from discrimination. It has paid real dividends already, particularly in regard to taxation. I was a Senate sponsor of the legislation that prohibited discrimination in taxes on line. When we started, it was a very simple proposition. We would see, for example, that if you bought a newspaper on line, you paid taxes. But if you bought the snail mail version of that newspaper, you didn't pay any taxes. So Congress came together on a bipartisan basis and said: We are not going to allow discrimination and taxation with respect to the Internet. We have done it. It has made sense.

For all those who claimed there were going to be dire consequences, that the States and localities wouldn't have any money, that it was going to kill the traditional retailer, the main street retailer, we haven't seen any of that. The Internet Nondiscrimination Act as it relates to taxation has made a huge difference. I worked with Senator ALLEN on the other side of the aisle on that. Our mutual friend, former Congressman Chris Cox, who now heads the Securities and Exchange Commission, he and I began this effort when he was serving in the other body. We have seen already, with respect to ensuring that the net is free from multiple and discriminatory taxes, why it makes sense to keep the Internet a discrimination free zone.

For the life of me, I can't figure out why we want to bring discrimination back to the telecommunications world, which is what this telecommunications overhaul will do, unless net neutrality is protected. The major cable and phone companies have spent more than $40 million since January of this year to make the American people think that net neutrality is what they call a lose-lose proposition. I am here to say that the absence of net neutrality will be the lose-lose proposition. The American people will see discrimination in Internet content, higher prices for consumers, and that is why hundreds of organizations that span the political spectrum, who disagree with each other on virtually everything, have come together to say: We are going to pull out all the stops to try to protect the Internet from discrimination.

I do not want to see the American consumer face the double barrel discrimination on the net of reduced choices in content, diminished services, and the additional prospect of higher prices. As a result, it is my intent to keep my hold on this major telecommunications rewrite until it ensures true net neutrality and an Internet free of discrimination.

AMERICA'S OPPORTUNITY SCHOLARSHIPS FOR KIDS ACT

Mr. ALEXANDER. Mr. President, earlier this week, I introduced the America's Opportunity Scholarships for Kids Act, S. 3682, on behalf of President Bush. I was joined in introducing this legislation by Senators ENSIGN, GREGG, and SANTORUM. This bill provides meaning to the promise of the No Child Left Behind Act by giving low-income families whose children are stuck in low-performing schools the same opportunities other families already enjoy.

President Bush proposed the America's Opportunity Scholarships Program as part of his fiscal year 2007 budget. The bill authorizes $100 million in competitive grants to State and local educational agencies or private nonprofit groups to provide low-income students in low-performing schools with scholarships to attend the school of their choice or receive tutoring. Thousands of eligible students would receive up to $4,000 in scholarship funds to apply to tuition and costs at the school of their choice or up to $3,000 worth of intensive tutoring to help them improve their academic achievement.

Eligible low-income students are those who attend schools in "restructuring," which means they have missed their student achievement goals under No Child Left Behind for 6 years in a row. The U.S. Department of Education reports that in the 2004–2005 school year, 1,065 schools were identified for restructuring. Preliminary estimates suggest that an additional 1,000 schools will be identified for restructuring in the 2005–2006 school year.

Parents want the best possible schools for their children. A recent survey by the Educational Testing Service showed that 62 percent of public school parents either transferred a child out of one school into a better school or have decided where to live based on the schools in that district. This bill offers a way out for students whose families don't have the money for tuition or the luxury of moving.

For those who think school choice is not important, I ask you to consider what you would do if the government or circumstances said you had no choice in the matter. Imagine what would happen if we passed a law that said that no American parent could choose a school for their child, and instead the government assigned each child to a specific public or private school. There would be a revolution in this country by middle- and upper-income parents who want to preserve their right to choose what is best for their child's education.

Low-income parents are increasingly voicing a demand for the same quality educational options that wealthier families have. In Milwaukee, WI, low-income families' demand for better choices led to the creation of a citywide private school choice program in 1990. Today, Milwaukee is one of the most vibrant education marketplaces in the Nation, and parents can choose from traditional public schools, charter schools, and private schools. Here in Washington, DC, frustrated low-income parents led an active campaign to establish the DC School Choice Incentive Program, which increases educational options for low-income students, including scholarships to attend private schools. Over 2,600 applications were received for 1,200 available scholarships in 2004, the first year of that program. This school year, 1,713 students are enrolled at the private school of their choice. Their parents report significant improvements in their children's academic performance, behavior, and prospects for the future.

Our Nation gives families choices in educational institutions nearly everywhere but in grade school and high school. After World War II, the GI bill enabled veterans to attend the educational institutions of their choice—public or private, secular or nonsecular. Today, Federal dollars for higher education still follow students to the school of their choice. It is this choice—along with autonomy and competition—that has made our system of higher education the best in the world. We also allow Federal funding to follow preschoolers to the childcare program of their choice.

Unfortunately, we have gotten in a rut with K–12 schools. We have created local monopolies where dollars flow directly to schools with little or no say from parents. The ones paying the highest price are the poor children of America.

America's opportunity scholarships are a way out for families who have waited too long. I hope my colleagues will support this important legislation so we can help our neediest children achieve a brighter future.

GUN SAFETY EDUCATION

Mr. LEVIN. Mr. President, high profile school shootings across this country in recent years have focused the Nation's attention on easy access to guns by children, especially in the home. Each day in the United States, an average of 80 people die as a result of homicide, suicide, and unintentional injuries that involve a firearm. Even more tragically ten of those who die everyday are children. The epidemic of firearm violence affects us all.

Steps to Prevent Firearm Injury In the Home, STOP 2, developed by the Center to Prevent Handgun Violence, supplies health care providers across a wide range of disciplines including nurses, social workers, psychologists, health educators, and counselors, with the tools to educate diverse populations about the dangers of guns in the home and proper gun storage. Health care providers routinely discuss ways to prevent many types of injury, such as using child car seats, wearing bicycle safety helmets, and locking up prescription drugs. STOP 2 helps health care providers incorporate firearm injury prevention along with these other safety messages. Health care providers, as important messengers of health and safety information, are able to speak with patients and their families about the dangers of guns in their own homes as well as the homes of relatives or friends they visit. The program also assists health care providers in alerting families to the typical warning signs of gang involvement and suicide, and outlines action steps that can help prevent these possible tragedies.

STOP 2 expands on the original STOP program, which was launched in 1994 as a joint effort of the Center to Prevent Handgun Violence, CPHV, and the American Academy of Pediatrics. STOP was designed specifically for pediatricians. STOP 2 broadens the program's scope to include other health care providers and health educators who work in a wide range of disciplines with diverse populations. With funding through the Metropolitan Life Foundation, CPHV is providing STOP 2 kits free of charge to the health care community. Health care providers can request a free STOP 2 kit that contains patient/client brochures, waiting room posters, and other gun violence prevention information, by contacting the Center to Prevent Handgun Violence.

I commend all of those who fight gun violence through safety education. Their common sense approach provides parents with practical steps to help protect themselves and their families from tragedy. I am hopeful that the 109th Congress will do more to support their efforts by taking up and passing sensible gun safety legislation.

COMMITMENT TO ISRAEL

Mr. COLEMAN. Mr. President, we have all learned in our personal lives that in times of difficulty and challenge, all the extraneous matters of life disappear and we wisely cling to those relationships and values we hold most dear. As we as a nation confront a dangerous set of circumstance in the Middle East, we would be wise to do the same thing.

The United States made a solemn, unequivocal, irrevocable commitment to the State of Israel in 1948. We did so for two reasons. First, we were responding in moral revulsion to centuries of persecution of the Jewish people around the world and specifically in Nazi Germany. Second, we were affirming the formation of a democratic society in the Middle East because we believed, then and now, the democracy is, in Lincoln's words, "the last best hope of Earth."

That commitment had absolutely nothing to do with politics, partisanship or the price of a gallon of gasoline. Today on this floor we renew that commitment to Israel, and by doing so, remain faithful to our own creeds and national moral identity.

We as a nation are committed to democracy and the rule of law. We believe that governments derive their just powers from the consent of the governed. We know from our own history that many disagree with that commitment. We know that those values are not self-actualizing. Sometimes free nations have to fight violent people to preserve the circumstances under which they can live in peace and freedom. We stand with Israel today to support its right to defend itself against terrorists and those who support them.

Israel is a small country, surrounded by many who are hostile to their existence. Over the last six decades, Israel has made risky territorial concessions to its neighbors in hopes that moderate Arab voices would prevail over extremists. Those extremists' view of peace in the Middle East are predicated on the destruction and removal of Israel.

Despite the fact that southern Lebanon and the Gaza Strip have been the launching point for violence against Israel in the recent past, Israel agreed to withdraw from them in the hope of peace. That hope has been dashed by Hamas and Hezbollah, both in the abduction of Israeli soldiers and the launching of rocket attacks.

Some in the European community and even in the United States have said criticized Israel's response as "disproportionate" and urged Israel to negotiate. When their very survival is at stake, how do you measure proportionality? With whom do they suggest Israel negotiate?

I am not saying there is not role for diplomacy or a diplomatic solution.

But the foundation of such a solution must be No. 1, Israel has an absolute right to defend itself and No. 2, we must make absolutely certain that our actions do not embolden terrorists to continue their inexcusable tactics.

No one supports armed conflict or the injury of civilians. A terrible price is always paid by those who bear the least guilt for the battles. But when Israel is faced with terrorists who work for its destruction, firm steps must be taken.

I commend the President for his active work with the leaders in the region, the United Nations and Europe. This is a situation where public statements should be few and maximum influence exerted in private networks of diplomacy.

I believe the President is honoring our Nation's commitment to Israel and forcefully pursuing our Nation's wider objectives in the War on Terror in this situation.

I think the American people can be reassured and proud that the United States is acting as a great power, in pursuit of high moral principles. We hope that through our strength and advocacy, those who initiated this conflict in Lebanon and Gaza will cease their actions, that their ability to continue to inflict terror and destabilize the region is eliminated or at least severely curtailed, and those who work for peace can regain control.

Israel is the only democracy in the region and they need our friendship and support right now. By demonstrating our resolve, we help ensure that our other friends in the region will work for a solution which is best for Israel and all the legitimate forces in the Middle East.

ADDITIONAL STATEMENTS

TRIBUTE TO REAR ADMIRAL JAMES E. McPHERSON

• Mr. WARNER. Mr. President, today I wish to recognize and pay tribute to RADM James E. McPherson, the Judge Advocate General of the U.S. Navy. Admiral McPherson will retire from the Navy on July 28, 2006, having completed over 27 years of distinguished service to our Nation.

Admiral McPherson, a native of San Diego, is a graduate of San Diego State University and University of San Diego Law School. He also earned a master of laws degree from the U.S. Army Judge Advocate General's Legal Center and School.

Admiral McPherson began his military career as an enlisted man in the U.S. Army. He served over 3 years as a military policeman at the Presidio of San Francisco, with the Eighth Army in South Korea, and with the First Infantry Division. Notably, he is the first Navy Judge Advocate General to begin his career as an enlisted man. After receiving his commission as an ensign and completing Naval Justice School in Newport, RI, Admiral McPherson was assigned as an Assistant Force Judge Advocate for Commander, Naval Air Force, U.S. Atlantic Fleet. He continued his distinguished career with assignments at the Naval Legal Service Office in Norfolk, VA; the Naval Air Station, Cubi Point in the Philippines; and as Command Judge Advocate onboard the USS *Theodore Roosevelt*. Following completion of graduate school, Admiral McPherson returned to the Naval Legal Service Office in Norfolk and served tours as senior defense counsel and senior trial counsel. He was then assigned as Force Judge Advocate for Commander, Submarine Force, U.S. Atlantic Fleet; the assistant for legal and legislative matters for the vice chief of Naval Operations; and as special counsel to the Chief of Naval Operations. In September 2000, Admiral McPherson assumed command of Trial Service Office East in Norfolk, and in October 2002, he was promoted to rear admiral and assigned as the Deputy Judge Advocate General and Commander, Naval Legal Service Command. Admiral McPherson assumed his current duties as the 39th Judge Advocate General of the Navy in November 2004.

The Nation, the United States Navy, and the Judge Advocate General's Corps have been fortunate to enjoy the talents and dedication of such a distinguished and wonderful gentleman. Admiral McPherson's commitment to the rule of law strengthened the Navy, and he has served this Nation well. I know all of my colleagues join me in congratulating Admiral McPherson on the occasion of his retirement, and we wish him fair winds and following seas.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5684. An act to implement the United States-Oman Free Trade Agreement.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 448. Concurrent resolution commending the National Aeronautics and Space Administration on the completion of the Space Shuttle's second Return-to-Flight mission.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3711. A bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2146. A bill to extend relocation expenses test programs for Federal employees (Rept. No. 109-289).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEWINE:

S. 3712. A bill to redesignate the Dayton Aviation Heritage National Historical Park in the State of Ohio as the "Dayton Wright Brothers-Dunbar National Historical Park", and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON:

S. 3713. A bill to protect privacy rights associated with electronic and commercial transactions; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. REID):

S. Res. 538. A resolution to authorize representation by the Senate Legal Counsel in the case of Rockefeller v. Bingaman, et al; considered and agreed to.

By Mrs. CLINTON (for herself and Mrs. DOLE):

S. Con. Res. 113. A concurrent resolution congratulating the Magen David Adom Society in Israel for achieving full membership in the International Red Cross and Red Crescent Movement, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 666

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 793

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 793, a bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1046

At the request of Mr. KYL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1046, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

S. 2145

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2145, a bill to enhance security and protect against terrorist attacks at chemical facilities.

S. 2385

At the request of Mr. REID, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2385, a bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability.

S. 3128

At the request of Mr. BURR, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 3128, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 3650

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3650, a bill to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of title XVIII of the Social Security Act and to provide a safe harbor for assistance provided under a pharmaceutical manufacturer patient assistance program.

S. 3667

At the request of Mr. BURNS, his name was added as a cosponsor of S. 3667, a bill to promote nuclear nonproliferation in North Korea.

S. 3681

At the request of Mr. DOMENICI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3681, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 3682

At the request of Mr. ALEXANDER, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Louisiana (Mr. VITTER), and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 3682, a bill to establish the America's Opportunity Scholarships for Kids Program.

AMENDMENT NO. 4686

At the request of Mr. SPECTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 4686 proposed to

H.R. 4472, an act to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 538—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF ROCKEFELLER v. BINGAMAN, ET AL.

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 538

Whereas, in the case of Rockefeller v. Bingaman, et al., Case No. 06–CV–0198 (D.N.M.), pending in the United States District Court for the District of New Mexico, the plaintiff has named as defendants Senator Jeff Bingaman and the United States Senate;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend the Senate and Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Jeff Bingaman and the United States Senate in the case of Rockefeller v. Bingaman, et al.

SENATE CONCURRENT RESOLUTION 113—CONGRATULATING THE MAGEN DAVID ADOM SOCIETY IN ISRAEL FOR ACHIEVING FULL MEMBERSHIP IN THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT, AND FOR OTHER PURPOSES

Mrs. CLINTON (for herself and Mrs. DOLE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 113

Whereas international humanitarian law is, quintessentially, about principle, establishing standards of conduct that can not be breached under any circumstance, or for any calculation of political efficacy or utility;

Whereas the International Red Cross and Red Crescent Movement is a worldwide institution in which all national Red Cross and Red Crescent societies have equal status, whose mission is to prevent and alleviate human suffering wherever it may be found, without discrimination;

Whereas the Magen David Adom (Red Shield of David) Society is the national humanitarian society in Israel and has performed heroically, aiding all in need of assistance, on a purely humanitarian basis, without bias, even those responsible for acts of horrific violence against Israeli civilians;

Whereas, since 1949, the Magen David Adom Society has been refused admission into the International Red Cross and Red Crescent Movement and has been relegated to observer status without a vote because it has used the Red Shield of David, the only such national organization denied membership in the Movement;

Whereas the red cross symbol was intended as the visible expression of the neutral status enjoyed by the medical services of the armed forces and the protection thus conferred, and there is not, and has never been, any implicit religious connection in the cross;

Whereas, since its establishment in 1930, the Magen David Adom Society has worked under its own symbol, the Red Star of David, as an expression of the humanitarian values the Magen David Adom Society shares with the Red Cross and Red Crescent societies;

Whereas Israel acceded to the Geneva Conventions in 1951 with a reservation specifying their intent to continue to use the Magen David Adom;

Whereas international consultations among nations and national Red Cross Societies ensued until 1999, when the International Committee of the Red Cross formally called for adoption of a protocol to the Geneva Conventions creating a third neutral symbol, allowing the use of either the Red Cross, the Red Crescent, or the third neutral symbol, and allowing for the third neutral symbol to be used in combination with other national Red Cross Society symbols, including the Magen David Adom;

Whereas a diplomatic conference to adopt this proposal into the Geneva Conventions was scheduled for October 2000, but was prevented by the outbreak of the second Palestinian intifada;

Whereas the United States, the American Red Cross, and the American Friends of Magen David Adom have worked ceaselessly to resolve the issue of the third neutral symbol and achieve full membership in the International Red Cross and Red Crescent Movement for the Magen David Adom Society;

Whereas Congress has insisted that funds made available to the International Committee of the Red Cross be contingent on a certification by the Secretary of State confirming that the Magen David Adom Society is a full participant in the activities of the International Red Cross and Red Crescent Movement;

Whereas the American Red Cross has stood alone among all the national humanitarian aid societies, and has withheld over $45,000,000 in dues to the International Federation of the Red Cross and Red Crescent Societies to protest the exclusion of the Magen David Adom;

Whereas the Government of Switzerland, the depositary state for the Geneva Conventions, convened a Diplomatic Conference of the states party to the Geneva Conventions in December 2005 for the purpose of adopting a Third Additional Protocol and rightly resisted efforts to block the broad international consensus in favor of resolving the third neutral symbol question;

Whereas the efforts by the United States and the American Red Cross at the Diplomatic Conference in December 2005 were critical to achieving both an overwhelming positive vote in favor of adopting the Third Additional Protocol, as well as an extremely important memorandum of understanding between the Magen David Adom and the Palestinian Red Crescent Society;

Whereas sustaining international support for the adoption of the third neutral symbol against efforts to divert the conference into unrelated political matters required extraordinary diplomatic efforts by the United States and the American Red Cross;

Whereas the Third Additional Protocol adopted in Geneva in December 2005 established the new third neutral symbol, the "red crystal" that can be used in conjunction with the Red Shield of David and cleared the way for Israeli membership in the international movement;

Whereas, in June 2006, the states party to the Geneva Conventions, the national humanitarian aid societies, the International Federation of the Red Cross and Red Crescent Societies, and the International Committee of the Red Cross met in Geneva to adopt rules implementing the Third Additional Protocol; and

Whereas, at the June 2006 meeting in Geneva, the International Red Cross and Red Crescent Movement accepted the Magen David Adom Society as a full member: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the Magen David Adom Society for its long and distinguished record of providing humanitarian assistance to all those in need of aid, even those responsible for heinous atrocities against Israeli civilians;

(2) congratulates the Magen David Adom Society, and the Government and people of Israel, for securing full membership in the International Red Cross and Red Crescent Movement, 57 years past due;

(3) thanks the President, the Secretary of State, and United States diplomatic representatives for their tireless pursuit and maintenance of the international consensus that culminated in the recent acceptance of the Magen David Adom Society as a full member in the International Red Cross and Red Crescent Movement;

(4) thanks the American Red Cross for its unwavering and unyielding insistence within the International Red Cross and Red Crescent Movement that the principles of international humanitarian law could not be reconciled with continued exclusion of the Magen David Adom Society;

(5) thanks the Government of Switzerland and officials of the International Committee of the Red Cross for helping to prepare the necessary consensus and carrying to completion the adoption of the Third Additional Protocol by the states party to the Geneva Conventions and the rules for its implementation; and

(6) commends the President for—

(A) submitting the Third Additional Protocol to the Senate for its advice and consent; and

(B) pending approval by the Senate, preparing for congressional consideration and enactment of legislation necessary to carry into effect the Third Additional Protocol.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, July 21, 2006, at 10 a.m. to hold a hearing on the US–UK Extradition Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 403

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 403, the child custody protection bill, immediately following morning business on Tuesday, July 25, and that it be considered under the following limitations: that the only amendments in order be the following: Feinstein, clergy and grandparent exemption, 2 hours equally divided; from the Democratic side, teen pregnancy prevention, 90 minutes equally divided; Boxer, parental incest, cannot sue, 2 hours equally divided; Ensign or designee, incest, to be voted on before the Boxer amendment, 2 hours equally divided; that there be 1 hour equally divided for general debate; and that following the disposition of the above-listed amendments and the use or yielding back of time, the bill be read a third time and the Senate proceed to passage of the bill, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that on Monday, July 24, at a time determined by the majority leader in consultation with the Democratic leader, the Senate proceed to executive session for the consideration of Executive Calendar No. 764, Jerome Holmes to be U.S. circuit judge for the Tenth Circuit. I further ask unanimous consent that there be 2 hours equally divided between the chairman and ranking member, or their designees, to be used on Monday and another 2 hours equally divided for debate to be used on Tuesday, July 25. I further ask unanimous consent that following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate; further, I ask unanimous consent that following that vote, the President be immediately notified of the Senate's action and the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 538, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 538) to authorize representation by the Senate legal counsel in the case of Rockefeller versus Bingaman et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a pro se civil action filed against Senator JEFF BINGAMAN, the United States Senate, Representative STEVE PEARCE, and the United States House of Representatives, in which plaintiff challenges as unconstitutional the fact that he does not have a guaranteed right to have his appeals heard by the United States Supreme Court nor a right to have a three-judge district court hear his challenges to Federal statutes at the trial court level. Plaintiff complains that permitting the Supreme Court discretion as to which appeals to hear and allowing single-judge district courts to decide cases challenging the constitutionality Federal statutes violates the Constitution's separation of powers. Plaintiff seeks an injunction against the operation of the statutes that provide for petitioning the Supreme Court for a writ of certiorari and for convening a three-judge district court to hear a case.

This suit is subject to dismissal as defective on both threshold jurisdictional grounds and as failing to state a claim on the merits as a matter of law. This resolution authorizes the Senate Legal Counsel to represent Senator BINGAMAN and the United States Senate in this suit an to. move for its dismissal.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 538) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 538

Whereas, in the case of Rockefeller v. Bingaman, et al., Case No. 06-CV-0198 (D.N.M.), pending in the United States District Court of the District of New Mexico, the plaintiff has named as defendants Senator Jeff Bingaman and the United States Senate;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C., §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend the Senate and Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Jeff Bingaman and the United States Senate in the case of Rockefeller v. Bingaman, et al.

COMMENDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 448, which was received from the House.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 448) commending the National Aeronautics and Space Administration on the completion of the Space Shuttle's second Return-to-Flight mission.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HUTCHISON. Mr. President, the House has passed and sent to the Senate, H. Con. Res. 448, which commends NASA and the crew of the Space Shuttle *Discovery* on the successful completion of the STS–121 mission earlier this week.

I support this resolution and urge my colleagues to join with me and provide the Senate concurrence to this resolution. I also note that the House passed this resolution on July 20, the 37th anniversary of the *Apollo 11* lunar landing, adding special significance to the action we are being asked to endorse.

The resolution recognizes and applauds the very successful STS–121 mission, which accomplished all of its test objectives regarding on-orbit repair procedures, as well as delivering 14 tons of equipment and supplies to the International Space Station, and a third space station crew member. This restores the space station to its full crew complement since the *Columbia* accident and allows for additional crew time to be spent doing on-orbit research.

The mission also demonstrated that changes made to the external tank, while still not fully completed, resulted in the least amount of foam shedding during lift-off and the cleanest, most undamaged underside of the shuttle yet seen.

The successful completion of this second Return-to-Flight test mission is especially significant because it means the Shuttle Program is once again on the threshold of completing the important work of assembling the International Space Station.

If all goes as expected, the next mission to the Space Station will take place in just a little over 5 weeks from now, near the end of August. That mission will deliver additional supplies and equipment to the space station, including a new structural truss element and an additional set of solar arrays. Once the solar arrays are deployed, they will not only provide additional power to the space station, which can be used for an increasing number of scientific experiments during the ongoing assembly period, but they will begin to make the space station one of the brightest objects in the night sky. By the time the space station is completed, it will be brighter than any other object in the night sky besides the Moon, an ever-present reminder that we are a species no longer confined to the Earth and able to make use of that unique environment of low-Earth orbit for research that can benefit all of humanity.

I applaud the crew of *Discovery* and the team at NASA who all worked together to restore this Nation's ability to conduct the human exploration and utilization of space.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 448) was agreed to.

The preamble was agreed to.

MEASURE PLACED ON THE CALENDAR—S. 3711

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 3711) to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The ACTING PRESIDENT pro tempore. Objection is noted.

The bill will be placed on the calendar.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 767, 768, 786 through 810, and all nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Martin J. Jackley, of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.

Brett L. Tolman, of Utah, to be United States Attorney for the District of Utah for the term of four years.

DEPARTMENT OF DEFENSE

Sue C. Payton, of Virginia, to be an Assistant Secretary of the Air Force.

Charles E. McQueary, of North Carolina, to be Director of Operational Test and Evaluation, Department of Defense.

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Gregory A. Biscone, 7315
Colonel Edward L. Bolton, Jr., 2484
Colonel Joseph D. Brown, IV, 4212
Colonel Gregory L. Brundidge, 7660
Colonel Timothy A. Byers, 3484
Colonel Michael W. Callan, 8238
Colonel David S. Fadok, 5536
Colonel Craig A. Franklin, 5281
Colonel David L. Goldfein, 0354
Colonel Francis L. Hendricks, 9923
Colonel John W. Hesterman, III, 2593
Colonel James W. Hyatt, 8335
Colonel John E. Hyten, 3025
Colonel Michelle D. Johnson, 7070
Colonel Richard C. Johnston, 2144
Colonel Joseph A. Lanni, 0597
Colonel Kenneth D. Merchant, 4532
Colonel Michael R. Moeller, 5228
Colonel Harry D. Polumbo, 6801
Colonel John D. Posner, 6335
Colonel James O. Poss, 4130
Colonel Mark F. Ramsay, 6705
Colonel Mark O. Schissler, 4113
Colonel Charles K. Shugg, 4948
Colonel Marvin T. Smoot, Jr., 6411
Colonel Alfred J. Stewart, 1247
Colonel Everett H. Thomas, 0760
Colonel William W. Uhle, Jr., 9380
Colonel Dartanian Warr, 4090
Colonel Brett T. Williams, 8154
Colonel Tod D. Wolters, 1426

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. N. Ross Thompson, III, 5240

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas R. Turner, II, 7116

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Douglas E. Lute, 2691

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Charles H. Davidson, IV, 6837

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Steven R. Abt, 2197
Brigadier General James A. Hasbargen, 2340
Brigadier General John P. McLaren, Jr., 4730
Brigadier General William Monk, III, 7931
Brigadier General James W. Rafferty, 9483

To be brigadier general

Colonel Craig A. Bugno, 2647
Colonel Harold G. Bunch, 7816
Colonel Walter B. Chahanovich, 5937
Colonel Christopher T. Cline, 6278
Colonel David S. Elmo, 2363
Colonel Robert N. Hipwell, 3270
Colonel Alexander I. Kozlov, 0109
Colonel Jon J. Miller, 6312
Colonel David L. Smalley, 9481
Colonel Robert P. Stall, 9143
Colonel Jonathan Woodson, 1070

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Stanley A. McChrystal, 3565

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Jimmy G. Welch, 0674

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard F. Natonski, 9548

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Keith J. Stalder, 5748

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. James F. Amos, 1550

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John F. Sattler, 0580

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Charles M. Gurganus, 6426

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) David J. Dorsett, 6326

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Richard E. Cellon, 1250

Rear Adm. (lh) Wayne G. Shear, Jr., 3891

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael C. Bachmann, 0069

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Mark A. Handley, 4095

Capt. Christopher J. Mossey, 7447

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Thomas P. Meek, 8051

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. William D. Sullivan, 3858

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. William D. Crowder, 9877

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Albert M. Calland, III, 0101

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. David J. Venlet, 0404

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Jonathan W. Greenert, 8869

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1775 AIR FORCE nomination of Julio Ocampo, which was received by the Senate and appeared in the Congressional Record of June 29, 2006.

PN1776 AIR FORCE nomination of John L. Putnam, which was received by the Senate and appeared in the Congressional Record of June 29, 2006.

PN1794 AIR FORCE nominations (3) beginning JOHN D. ADAMS, and ending DIANE HUEY, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2006.

PN1795 AIR FORCE nominations (30) beginning JOHN D. ADAMS, and ending KARL WOODMANSEY, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2006.

PN1796 AIR FORCE nominations (13) beginning MARK D. CAMPBELL, and ending GARY J. ZICCARDI, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2006.

PN1797 AIR FORCE nominations (29) beginning MICHAEL J. APOL, and ending DAWN M.K. ZOLDI, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2006.

IN THE ARMY

PN1602 ARMY nominations (30) beginning DAVID W. ACUFF, and ending MICHAEL E. YARMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1738 ARMY nomination of Barry L. Williams, which was received by the Senate and appeared in the Congressional Record of June 26, 2006.

PN1739 ARMY nominations (2) beginning GERALD P. COLEMAN, and ending DAVID E. ROOT, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2006.

PN1740 ARMY nominations (3) beginning ROBERT T. DAVIES, and ending CURTIS E. WELLS, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2006.

PN1741 ARMY nominations (15) beginning MICHELLE A. COOPER, and ending DAVID W. TOWLE, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2006.

PN1742 ARMY nominations (3) beginning RICKIE A. MCPEAKE, and ending EUGENE J. PALKA, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2006.

PN1743 ARMY nomination of Paul A. Carter, which was received by the Senate and appeared in the Congressional Record of June 26, 2006.

PN1777 ARMY nomination of Maritza S. Ryan, which was received by the Senate and appeared in the Congressional Record of June 29, 2006.

PN1778 ARMY nominations (32) beginning ARMANDO AGUILERA, JR., and ending MICHAEL S. WALL, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2006.

PN1779 ARMY nominations (335) beginning BRIAN E. ABELL, and ending CUTTER M. ZAMBONI, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2006.

PN1800 ARMY nominations (69) beginning ROBIN M. ADAMS, and ending EDWARD E. YACKEL, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2006.

PN1801 ARMY nominations (17) beginning RICHARD E. BAXTER, and ending BARRY D. WHITESIDE, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2006.

PN1802 ARMY nominations (62) beginning CHRISTOPHER G. ARCHER, and ending PAUL H. YOON, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2006.

PN1803 ARMY nominations (106) beginning WADE K. ALDOUS, and ending ESMERALDO ZARZABAL, JR., which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2006.

PN1805 ARMY nominations (10) beginning JOHN C. BEACH, and ending LLOYD T. PHINNEY, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2006.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1629 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (67) beginning PHILIP A GRUCCIO, and ending JAMIE S WASSER, which nominations were received by the Senate and appeared in the Congressional Record of May 24, 2006.

IN THE NAVY

PN1744 NAVY nominations (24) beginning CAL ABEL, and ending THOMAS J. ZERR, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2006.

PN1 780 NAVY nomination of David E. Bauer, which was received by the Senate and appeared in the Congressional Record of June 29, 2006.

PN1804 NAVY nomination of Cathy L. Trudeau, which was received by the Senate and appeared in the Congressional Record of July 12, 2006.

PN1806 NAVY nominations (3) beginning WALTER J. LAWRENCE, and ending RONALD L. RUGGIERO, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2006.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now return to legislative session.

ORDERS FOR MONDAY, JULY 24, 2006

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, July 24; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each until 3 o'clock; further, I ask that at 3 o'clock, the Senate proceed to executive session to consider the Holmes nomination, as under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, on Monday, we will turn to the nomination of Jerome Holmes to be a circuit court judge for the Tenth Circuit. Under the order, we will spend 2 hours of debate on Monday and then have an additional 2 hours of debate on Tuesday, to be followed by a vote on confirmation of the nomination. This vote on Tuesday will be the first vote of the week. Next week we will have a very busy week. We will continue with the Child Custody Protection Act. Under the agreement, we will have a limited number of amendments which we will consider on Tuesday. We will finish the child custody bill on Tuesday. That is going to require a number of votes throughout the afternoon and possibly into the evening. I ask my colleagues to adjust their schedules accordingly.

Next week I expect we will have other nominations and legislative items to complete. It will be a very busy week.

SENATE PROGRESS

Mr. FRIST. Mr. President, we have had a productive week. I don't know if I could say an unusually productive week, as we always have good weeks, but a very strong week in terms of both the range of issues that we have debated on the floor as well as pieces of legislation, important pieces of legislation that have passed. The range is quite remarkable. As I outlined earlier this morning, we began this week studying and talking about and discussing and debating three bills that addressed issues that are challenging in that they address the ethical concerns surrounding science and the tremendous and remarkable advances in science. I have been a beneficiary of this because of my profession as a doctor and as a scientist. We all recognize the great power and the great potential for science to bring cures, to bring treatment, and to bring a better quality of life to people in this country and, indeed, around the world. Our challenge is to make sure that as we allow that science to advance, not just allow it, we propel it, we push it, we do so in a way that is consistent with our moral values and with a framework of ethics that we all respect. It is a challenge. It is the sort of thing that traditionally legislators have not had to deal a lot with it. They would deal with it on a periodic basis.

Now the reality is, with science moving so fast, we are going to have to be accustomed to dealing with these tough issues, struggling with them. We all struggle with them. It is easy to vote yes or no at the end of the day. But those "yes" or "no" votes do represent real struggles, both internally and as we talk to family and talk to friends, and as we talk to scientists. It is clearly something that is very powerful in our own lives.

We moved through confirming four judges—I mentioned that last night—the Water Resources Development Act, which we passed under the leadership of Chairman INHOFE last night—yesterday afternoon, last night—and passing the Voting Rights Act after 41 years of real success. Then we went on this child custody protection bill which has to do with parental consent, with people taking minors across the border, without their parents' consent, for an abortion. That is a very important issue. That comes on the heels of an issue we passed last night, the Adam Walsh Child Protection and Safety Act, which arguably could be considered the most comprehensive child crime protection bill that we passed in a generation. So it is quite remarkable as well.

VISITING FAMILY

Mr. FRIST. I am blessed today to have with me, although I haven't seen them yet—I will be with them here in about 3 or 4 minutes—members of my own family. I say that in part because it is a real pleasure and honor for us to be here, occupying these positions, whether it is majority leader, which I clearly understand I am here for just a period of time in this position, or having that opportunity to serve our 6 million constituents back in Tennessee or as Senators representing, indeed, the entire Nation, for us to be able to welcome visitors here or family members here and share with them the enduring values of freedom and democracy that are represented in this Capitol building as we walk through it and work through this working edifice, this emblem and symbol of democracy around the world but also a working building where we conduct the Nation's business that I just outlined, or I go down the hall to my office, the Howard Baker Majority Leader's Suite. And as I work there all day and a lot of nights, I look out that window and look out on that expansive mall with the Smithsonian Institutions on either side and the Washington Monument reaching for the sky and the Lincoln Memorial. That is all right here.

So I have with me today my niece, Mary Lauren Allen, the daughter of my sister Mary, and her husband Lawson Allen, and for the first time together, they have all three of their children, Cole Allen, Frist Allen, and Harrison Allen. They have been here separately. And it is so much fun for me to walk them over to that window and look out at the Smithsonian and look out at that Lincoln Memorial out there and the Washington Monument. It is a real honor and delight for me to have Mary Lauren and Lawson and especially Harrison and Frist and Cole to walk them through these marble halls in the great Rotunda. Lawson's parents Sam and Phyllis are here as well. I have had the pleasure of having them in the past and hosting them here as well. It is a big family.

THANKING THE PAGES

Mr. FRIST. I thank the pages who are here. I think we have almost 50 pages who are here for a part of the summer. The pages, I am talking to them most of the time in here on both sides of the aisle. I talked to them about an hour ago and had the chance to welcome each of them and to thank them for their tremendous service in making this place click. When we hand these papers up and they are taken over to the Chair or the Parliamentarian, it is by those pages. They are here before we start every day, and they are here until after we leave every day. So I wanted to thank them, which I had the opportunity to do earlier as well.

ADJOURNMENT UNTIL 2 P.M. MONDAY, JULY 24, 2006

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:13 p.m., adjourned until Monday, July 24, 2006, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 2006:

EXPORT-IMPORT BANK OF THE UNITED STATES

BIJAN RAFIEKIAN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT IMPORT BANK OF THE UNITED STATES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 20, 2007, VICE LINDA MYSLIWY CONLIN.

EXECUTIVE OFFICE OF THE PRESIDENT

SHARON LYNN HAYS, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE KATHIE L. OLSEN.

DEPARTMENT OF THE INTERIOR

ROBERT W. JOHNSON, OF NEVADA, TO BE COMMISSIONER OF RECLAMATION, VICE JOHN W. KEYS, III, RESIGNED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JAMES R. KUNDER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE FREDERICK W. SCHIECK.

DEPARTMENT OF STATE

KAREN B. STEWART, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BELARUS.

MARY MARTIN OURISMAN, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS, SAINT LUCIA, ANTIGUA AND BARBUDA, THE COMMONWEALTH OF DOMINICA, GRENADA, AND SAINT VINCENT AND THE GRENADINES.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JANE M. DOGGETT, OF MONTANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2012, VICE STEPHEN MCKNIGHT, TERM EXPIRED.

DEPARTMENT OF DEFENSE

RONALD J. JAMES, OF OHIO, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE REGINALD JUDE BROWN.

MAJOR GENERAL TODD I. STEWART, USAF, (RET.) OF OHIO, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE ARTHUR JAMES COLLINGSWORTH, TERM EXPIRING.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

GREGORY R. BART, 1216
JAMES P. BENOIT, 9909
TERRENCE W. COSTELLO IV, 6484
ROBERT J. CROW, 4789
KRISTA J. DELLAPINA, 9118
HENRIQUE M. DEOLIVEIRA, 4369
THOMAS L. DORWIN, 2782
TIMOTHY P. JENNINGS, 4941
MARK F. KLEIN, 2083
SHANNON H. KOPPLIN, 6919
ANDREW D. LEVITZ, 5754
EVA M. LOSER, 4856
CHAEL R. MAULE, 8605
CAREN L. MCCURDY, 1757
ANN K. MINAMI, 0905
JOHNNY M. NILSEN, 7402
EDWARD B. OBRIEN III, 0551
BETHANY L. PAYTONOBRIEN, 1833
MEREDITH L. ROBINSON, 1104
GREGORY J. SMITH, 1662

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RICKIE V. ADSIDE, 9532
CHRIS A. ANDERSON, 9854
ALBERT R. BAKER, 9241
ROBIN L. BARNES, 5740
DOUGLAS M. BRIDGES, 7083
JUANITO R. BUCKLEY, 1541
RICHARD C. BUELL, 5586
ERIC H. BURKS, 1585
RICARDO BYRDSONG, 3730
CHARLES W. COLBERT, 7165
ROBERT CSORBA, 0813
ROBERT E. DARE, 6884
JEFFERY P. DAVIS, 5995
ROBERT K. DEGUZMAN, JR., 0800
DAVID W. EGGE, 8298
SEAN M. EGGE, 8082
THOMAS S. FULFORD, 0360
PRESTON L. GILL, 7165
BARRY L. GOLDEN, 4395
MARIE E. GREEN, 9444
SAMANTHA J. GREEN, 6758
GENE A. HAWKS, 2400
GARY HAYMAN, 8209
JONATHAN B. HAYNES, 8231
DANIEL B. HODGSON, 7239
DAVID K. HOWELL, 8676
BARON D. JOLIE, 6888
ELENA A. KUTNEY, 5374
DAVID M. LOCKNEY, 6745
ROBERTO Q. MAGALLANO, 8126
SETH A. MANTI, 5647
RAMON O. MARIN, 7185
DARRELL L. MATHIS, 9488
JAMES R. MATTHEWS, 2043
RICHARD K. MCCARTHY, 0162
MARVIN H. MCGUIRE IV, 5452
WILLIAM D. MITCHELL, 1160
MARK W. MORGAN, 9224
JEFFREY M. NARWOLD, 2695
KARL E. OETTL, 4075
MATTHEW N. OTT III, 9673
ERIC OXENDINE, 7262
JOSEPH W. PARRAN, 5777
BOBBY R. PITTS, 8180
JEFFERY T. RATHBUN, 1016
DAVID J. RHONE, 6386
DAVID E. SMITH, 4013
WILLIAM B. STEVENS, 5614
SHANE A. THRAILKILL, 3775
LUTHER K. TOWNSEND, JR., 7354
COURTNEY A. TURNER, 0646
LORENZO E. WILLIAMS, 8891
ROBERT L. WILLIAMS, JR., 0690
JOHN H. WINDOM, 7109
MICHAEL J. ZERBO, 2509

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ANIBAL L. ACEVEDO, 6874
MARIA AGUSTIN, 0042
JANINE D. ALLEN, 2083
PAUL B. ARP, 0251
DIXIE L. AUNE, 4167
CINDY M. BAGGOTT, 7201
AMY H. BRANSTETTER, 8353
REBEKAH R. BROOKS, 2535
MARY M. BROWN, 7843
NANETTE K. BROWN, 5453
JEFFREY S. BUDGE, 9446
NEWTON J. CHALKER, 7473
TANI L. COREY, 4982
MAX C. CORMIER, 0754
MARTHA A. CUTSHALL, 0727
CAROLE A. DANIEL, 1989
ERIC J. DAVIS, 0293
TOMMIE E. DAVIS, JR., 7488
JANET L. DEWEES, 2528
GEORGE L. DYER III, 4511
ELIZABETH M. ENGELMAN, 4441
LORRAINE A. ENGLISH, 6497
TIMOTHY T. FOSTER, 0073
JAMES C. GAY, 8885
HEATHER K. GILCHRIST, 2803
DENNIS E. GLOVER, 0836
JOSE R. GONZALEZ, 6400
MARY B. GREENBERG, 1645
ANNA M. GRUETZMACHER, 2460
CHRISTINE B. GRUSCHKUS, 4560
STACY D. HAM, 6281
ELIZABETH A. HAYDON, 3311
JULIE A. W. HENDRICKSON, 4467
PATRICIA A. HETRICK, 1746
JULIE M. HILLERY, 3698
SHARI F. JONES, 9187
CYNTHIA L. JUDY, 9408
TONJIA L. H. KELSCH, 8662
DUANE M. KEMP, 6489
SHARON W. KINGSBERRY, 2107
TERRI A. KINSEY, 9828
REBECCA A. KISER, 2498
RUTH KLINE, 1973
CYNTHIA A. KUEHNER, 6731
LINDA M. LAKE, 1781
LISA L. LEWIS, 8750
CHERYLYNN A. LILLVIK, 5259
JEAN L. P. LORD, 8713
ALAN S. LOVEJOY, 7076
MICHAEL P. LYNN, 5702
MARK G. MARINO, 5483
AMY MCBRIDE, 5491
MEGGAN C. MCGRAW, 7277
DAVID B. MCMINDES, 1365
VALERIE A. MORRISON, 3842
BETH A. MOVINSKY, 1522
KIMBERLY J. NEWELL, 8615
GREGORY G. NEZAT, 1275
MICHAEL L. NICK, 4160
KENNETH A. PAGE, 0104
ROSEMARY PERDUE, 5005
NICOLE K. POLINSKY, 6525
STEPHANIE M. PRIDEMORE, 4591
DALE D. RAMIREZ, 0424
AVEMARIA REED, 9257
JANELLE A. RHODERICK, 8043
MARCIA A. RIPLEY, 0730
DEBORAH E. ROY, 3999
THOMAS N. SANTA, JR., 7084
ANGELA R. SAUNDERS, 4930
ASSANATU I. SAVAGE, 2615
SARAH A. M. SHEA, 2373
DAVID A. SHEPPARD, 9750
ADRIENNE J. SIMMONS, 7293
EILEEN M. SIROIS, 9180
ROSEMARY S. SKIDMORE, 2700
TODD M. STEIN, 5288
MARK D. SULLIVAN, 2737
ELIZABETH A. H. TEWELL, 6252
CARLA K. THORSON, 0788
KAREN J. THURMAN, 1241
TWANDA TOLIVER, 3696
GENE D. TRUESDELL, 6501
JOANNE M. TUIN, 7552
SUSAN R. TUSSEY, 0068
SUSAN E. ULLOA, 1310
MARY P. WHITE, 8304
THERESA M. WOOD, 0099

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

THOMAS M. DAILEY, 1203
DENNIS E. EDWARDS, 9515
CHARLES L. JONES, 6496
TOBY C. SWAIN, 5646

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

KEVIN J. BARTOE, 7724
MICHAEL P. CAPUANO, 3538
JOHN W. CARSON III, 5466
PHILLIP G. CYR, 4637
JOHN M. ELLWOOD, 1891
JASON B. FAUNCE, 0269
SHAWN A. FOLLUM, 5823
MARTIN B. HARRISON, 8597
KEVIN L. HUTSELL, 8450
STEPHEN B. JACKSON, 7288
HOLLY M. JOHNSON, 3634
MICHAEL T. JONES, 2962
STANLEY A. KLOSS, 7549
CHRISTOPHER M. KNUDSEN, 3815
DAN C. LEWIS, 0947
TIMOTHY C. LIBERATORE, 4726
PHILLIP S. LODGE, 0176
PAUL S. MCCOMB, 2687
EDWARD S. MCGINLEY, 5586
JANET E. MERRIMAN, 5238
MICHAEL MONREAL, 6511
CHARLENE H. MOWERY, 8924
DONALD D. NAISER, JR., 7960
KRISTINA M. NIELSEN, 8741
SCOT T. SANDERS, 4435
MICHAEL R. SAUM, 3532
LEONARD C. SCHILLING, 4016
ANDREW J. SCHULMAN, 9417
DALE L. SEELEY, 0867
MICHAEL T. TEATES, 4408
DEAN A. VANDERLEY, 0020
MACHELLE A. VIEUX, 4204

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

KEVIN L. ANDERSON, JR., 1246
FRANCIS P. FOLEY, 7127
TERRY C. GORDON, 0117
MICHAEL E. HALL, 9579
RAYMOND J. HOUK, 1204
BRENT D. JOHNSON, 0889
FREDERICK A. MCGUFFIN, 7070
PATRICK J. MCLAUGHLIN, 5226
WILLIAM J. MUHM, 4908
EDWARD J. NASH, 6257
EDWARD S. PEASE, 8230
GORDON D. RITCHIE, 9073
PAUL J. SHAUGHNESSY, 2034
THOMAS B. WEBBER, 9703

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

REBECCA L. BATES, 6214
DAVID N. BREIER, 0352
PAUL J. BROCHU, 5576
DAVID A. BYMAN, 3921
GREGORY R. CADLE, 4733
GREGORY R. CARON, 4805
JAMES R. CASSATA, 2661
JOSEPH D. COLEMAN, 2105
DAVID C. COLLINS, 9102
VICTOR D. DELAOSSA, 5412
DONALD R. DELOREY, 6703
SCHULTZ A. P. DION, 6802
CATHLEEN M. DONOHUE, 6293
RICHARD P. ERICKSON, 6513
ROLAND L. FAHIE, SR., 0713
KIMBERLY A. FERLAND, 5832
LUIS FERNANDEZ, 0155
ROBERT S. FRY, 9462
RICHARD A. GUSTAFSON, 5125
THINH V. HA, 0228
RICHARD G. HAGERTY, 5835
TONYA A. HALL, 2623
DAVID J. HANLEY, 3687
DAVID W. HARDY, 1687
MATTHEW W. HEBERT, 5949
GARY B. HOYT, 5099
CHRISTOPHER J. IRWIN, 8118
DONNA M. JEFCOAT, 8563
DALE A. JENSEN, 7249
BRENT M. KELLN, 5090
ALISON C. LEFEBVRE, 2591
STEVEN L. LOBERG, 0882
CHRISTINE W. MANKOWSKI, 5482
KIMBERLEY A. MARSHALL, 2033
DANIEL L. MEYERS, 3438
BRUCE M. MILLER, 8948
JULIE K. MILLER, 8342
CHERYL A. NAVARRO, 3826
ALAN F. NORDHOLM, 7600
CESAR A. ODVINA, 1177
PATRICK W. PAUL, 9918
FRANK P. PEARSON, 0290
STEVEN D. PIGMAN, 3110
BRIAN D. POMIJE, 9961
MICHAEL D. ROSENTHAL, 5930
ALBERTO A. RULLAN, 4558
CARL J. RUOFF, 9317
EDILBERTO M. SALENGA, 1672
PHILLIP M. SANCHEZ, 5063
TODD C. SANDER, 2738
FREDRIK D. SCHMITZ, 8515
JEOSALINA N. SERBAS, 2141
MARY S. SEYMOUR, 3958
RITA G. SIMMONS, 2362
THEODORE J. STJOHN, 2452
DANIEL E. SZUMLAS, 1979
RUBY M. TENNYSON, 2065
GINA F. TROTTER, 8798
SORAYA M. C. VILLACIS, 6175
JEFFREY A. WALTERS, 0198
MARGARET A. WEBB, 0774
KENNETH J. WHITWELL, 2598
JONATHAN P. WILCOX, 9285
FRANCIS T. WILLIAMS, 1116
KELLY A. WILLIAMS, 4368
TIMOTHY J. WOLFKILL, 0616
ALBERT Y. WONG, 3587
HENRY X. YOUNG, 2199

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

EROL AGI, 3537
JOSEPH E. ANDREWS, 9611
TIMOTHY S. BARTLETT, 0423
DANIEL L. BOWER, 7443
WALTER D. BRAFFORD, 4120
MICHAEL M. CARSON, 8808
KARINA J. DICK, 7527
WILLIAM L. FOSTER, 4131
DAVID S. GILMORE, 5282
RICHARD A. GUERRA, 3992
SANDRA M. HALTERMAN, 8086
BRENDA R. HAMILTON, 8342
DANIEL E. KIRKWOOD, 1085
RICHARD A. LAING, 6469
CHAD A. LEE, 8743
SYLVIA I. NAGY, 7719
BRENDA L. NELSON, 9890
TRENT L. OUTHOUSE, 4974
ALBERT W. PARULIS, JR., 1027
PRASHANT M. REDDY, 2571
ALAN G. SHELHAMER, 5437
DARREL G. VAUGHN, 9415
WALTER R. WITTKE, 7062

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JULIANN M. ALTHOFF, 6984
SARAH J. ARNOLD, 7877
DENIS E. ASHLEY, 8291
JOSEPH P. BARRION, 4202
JACQUELINE M. BERNARD, 7798
ROBERT J. BETTENDORF, 4860
AVERY A. BEVIN, 0832
FRANK M. BISHOP, 3855
JEFFREY W. BITTERMAN, 1818
DAVID L. BLAZES, 0011

CLIFFORD A. BLUMENBERG, 7722
JOHN F. BOGARD, 2826
TROY F. BOREMA, 3560
RONALD J. BOUCHER, 3530
NICHOLAS M. CARDINALE, 3705
LISA M. CARTWRIGHT, 2489
JEFFREY A. CASSIDY, 2705
JERRY R. CASTRO, 3126
ALEXANDER B. CHAO, 7755
TIMOTHY A. COAKLEY, 4676
DAVID R. CONGDON, 3027
JENNIFER L. CROOK, 6017
VALENTINE W. CURRAN, 9430
WALTER W. DALITSCH, 9428
VINCENT L. DECICCO, 5319
TIMOTHY F. DONAHUE, 9873
KEVIN A. DORRANCE, 5740
TRENT D. DOUGLAS, 7253
RITA W. DRIGGERS, 1233
RUTH H. DUDA, 7550
MARK R. DUNCAN, 4650
ANGELA S. EARLEY, 5482
COLETTE L. EHNOW, 7199
JAMES W. ELLIOTT, 4389
ROBERT P. ENGLERT, 9928
CLARE E. FEIGL, 2393
ELIZABETH FERRARA, 4796
STEPHEN L. FERRARA, 5141
JOSEPH C. FINLEY, 9297
EUGENE H. FLETCHER, 1136
JERRY R. FOLTZ, 0472
THOMAS G. FRIEDRICH, 1849
KIMBERLY S. FRY, 5011
DEAN T. GIACOBBE, 6766
MARK T. GOULD, 5300
COLETTE M. GRABILL, 1435
JULIE GREEN, 5818
JAMES M. GRIMSON, 1331
PATRICK N. GROVER, 7027
ELIZABETH HARBISON, 9795
DALE R. HARMAN, 2204
JAMES M. HARRIS, 8735
PAMELA C. HARVEY, 6217
THOMAS W. HASH, 3000
ERICH R. HEINZ, 9111
LEONARD R. HENRY, 7414
MATTHEW J. HICKEY, 6378
KURT H. HILDEBRANDT, 5311
SCOTT W. HINES, 2077
CHRISTOPHER J. HOGAN, 3878
DANIEL J. HOHMAN, 3067
EILEEN M. HOKE, 6505
ROMEO C. IGNACIO, 2401
HAYDEN O. JACK, 0814
RONNY L. JACKSON, 7335
VIVIANA V. JOHNSON, 9893
STEPHANIE A. KAPFER, 5551
REX A. KITELEY, 8982
CHRISTOPHER KOCHER, 8295
SUSAN M. KRIZEK, 2182
JAYDE E. KURLAND, 9407
GABRIEL LEE, 3429
REES L. LEE, 0335
FRED W. LINDSAY, 8572
CHRISTOPHER C. LUCAS, 5243
BRUCE B. LUDWIG, JR., 8182
KIMBERLY L. MAINO, 4103
ROSEMARY C. MALONE, 5704
JOHN R. MANSUETI, 5153
MICHAEL J. MATTEUCCI, 9614
KARLWIN J. MATTHEWS, 6545
BILLY J. MCCARTY, 3168
WILLIAM P. MCCULLOUGH, 3118
MICHAEL J. MEIER, 4689
KYLE A. MENZEL, 9048
MARK W. MILLER, 6258
STEVEN R. MILLER, 4553
ROBERT A. MORGAN, 0443
TIMOTHY F. MOTT, 1528
JOSEPH G. OBRIEN, 3767
ELOY OCHOA, 0703
JEFFREY D. ODELL, 2358
DAVID M. OLIVER, 0816
PIERRE A. PELLETIER, 2726
SCOTT J. PUSATERI, 8932
DAVID P. REGIS, 8162
TIMOTHY A. ROBERTS, 8690
DOUGLAS J. ROWLES, 3635
RICHARD C. RUCK, 5565
RICHARD SAMS, 4622
ERIC S. SAWYERS, 4958
CHRISTOPHER D. SCIBELLI, 5183
WILLIAM T. SCOUTEN, 5310
GARRY H. SIMONS, 9326
BRADFORD L. SMITH, 4356
BRIAN A. SMOLEY, 9902
MATTHEW W. SOUTHWICK, 7690
GREGORY R. SPURLING, 9881
ALEXANDER E. STEWART, 9276
SCOTT W. STUART, 8198
JANOS TALLER, 2739
JOHN E. TALLMAN, 4723
EDWIN E. TAYLOR, 7817
KEITH K. VAUX, 7934
JAMES F. VERREES, 0791
ANNETTE M. VONTHUN, 0574
JEFFREY B. WALKER, 3732
JEFFREY S. WEISS, 6871
BRIAN P. WELLS, 9473
NECIA L. WILLIAMS, 8737
GEOFFREY A. WRIGHT, 1936
JOHN WYLAND, 9875
CATHERINE M. YATES, 1450
MICHAEL R. YOCHELSON, 2516

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, July 21, 2006:

DEPARTMENT OF JUSTICE

MARTIN J. JACKLEY, OF SOUTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS.

BRETT L. TOLMAN, OF UTAH, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF DEFENSE

SUE C. PAYTON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

CHARLES E. MCQUEARY, OF NORTH CAROLINA, TO BE DIRECTOR OF OPERATIONAL TEST AND EVALUATION, DEPARTMENT OF DEFENSE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL GREGORY A. BISCONE
COLONEL EDWARD L. BOLTON, JR.
COLONEL JOSEPH D. BROWN IV
COLONEL GREGORY L. BRUNDIDGE
COLONEL TIMOTHY A. BYERS
COLONEL MICHAEL W. CALLAN
COLONEL DAVID S. FADOK
COLONEL CRAIG A. FRANKLIN
COLONEL DAVID L. GOLDFEIN
COLONEL FRANCIS L. HENDRICKS
COLONEL JOHN W. HESTERMAN III
COLONEL JAMES W. HYATT
COLONEL JOHN E. HYTEN
COLONEL MICHELLE D. JOHNSON
COLONEL RICHARD C. JOHNSTON
COLONEL JOSEPH A. LANNI
COLONEL KENNETH D. MERCHANT
COLONEL MICHAEL R. MOELLER
COLONEL HARRY D. POLUMBO
COLONEL JOHN D. POSNER
COLONEL JAMES O. POSS
COLONEL MARK F. RAMSAY
COLONEL MARK O. SCHISSLER
COLONEL CHARLES K. SHUGG
COLONEL MARVIN T. SMOOT, JR.
COLONEL ALFRED J. STEWART
COLONEL EVERETT H. THOMAS
COLONEL WILLIAM W. UHLE, JR.
COLONEL DARTANIAN WARR
COLONEL BRETT T. WILLIAMS
COLONEL TOD D. WOLTERS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. N. ROSS THOMPSON III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS R. TURNER II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DOUGLAS E. LUTE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203.

To be major general

BRIG. GEN. CHARLES H. DAVIDSON IV

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL STEVEN R. ABT
BRIGADIER GENERAL JAMES A. HASBARGEN
BRIGADIER GENERAL JOHN P. MCLAREN, JR.
BRIGADIER GENERAL WILLIAM MONK III
BRIGADIER GENERAL JAMES W. RAFFERTY

To be brigadier general

COLONEL CRAIG A. BUGNO
COLONEL HAROLD G. BUNCH
COLONEL WALTER B. CHAHANOVICH
COLONEL CHRISTOPHER T. CLINE
COLONEL DAVID S. ELMO
COLONEL ROBERT N. HIPWELL
COLONEL ALEXANDER I. KOZLOV
COLONEL JON J. MILLER
COLONEL DAVID L. SMALLEY
COLONEL ROBERT P. STALL
COLONEL JONATHAN WOODSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. STANLEY A. MCCHRYSTAL

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JIMMY G. WELCH

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD F. NATONSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEITH J. STALDER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601.

To be lieutenant general

LT. GEN. JAMES F. AMOS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN F. SATTLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHARLES M. GURGANUS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DAVID J. DORSETT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD E. CELLON
REAR ADM. (LH) WAYNE G. SHEAR, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL C. BACHMANN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK A. HANDLEY
CAPT. CHRISTOPHER J. MOSSEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. THOMAS P. MEEK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM D. SULLIVAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM D. CROWDER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ALBERT M. CALLAND III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID J. VENLET

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JONATHAN W. GREENERT

IN THE AIR FORCE

AIR FORCE NOMINATION OF JULIO OCAMPO TO BE MAJOR.

AIR FORCE NOMINATION OF JOHN L. PUTNAM TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN D. ADAMS AND ENDING WITH DIANE HUEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN D. ADAMS AND ENDING WITH KARL WOODMANSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH MARK D. CAMPBELL AND ENDING WITH GARY J. ZICCARDI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL J. APOL AND ENDING WITH DAWN M. K. ZOLDI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2006.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH DAVID W. ACUFF AND ENDING WITH MICHAEL E. YARMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

ARMY NOMINATION OF BARRY L. WILLIAMS TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH GERALD P. COLEMAN AND ENDING WITH DAVID E. ROOT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 26, 2006.

ARMY NOMINATIONS BEGINNING WITH ROBERT T. DAVIES AND ENDING WITH CURTIS E. WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 26, 2006.

ARMY NOMINATIONS BEGINNING WITH MICHELLE A. COOPER AND ENDING WITH DAVID W. TOWLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 26, 2006.

ARMY NOMINATIONS BEGINNING WITH RICKIE A. MCPEAKE AND ENDING WITH EUGENE J. PALKA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 26, 2006.

ARMY NOMINATION OF PAUL A. CARTER TO BE MAJOR.

ARMY NOMINATION OF MARITZA S. RYAN TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH ARMANDO AGUILERA, JR. AND ENDING WITH MICHAEL S. WALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2006.

ARMY NOMINATIONS BEGINNING WITH BRIAN E. ABELL AND ENDING WITH CUTTER M. ZAMBONI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2006.

ARMY NOMINATIONS BEGINNING WITH ROBIN M. ADAMS AND ENDING WITH EDWARD E. YACKEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2006.

ARMY NOMINATIONS BEGINNING WITH RICHARD E. BAXTER AND ENDING WITH BARRY D. WHITESIDE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2006.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER G. ARCHER AND ENDING WITH PAUL H. YOON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2006.

ARMY NOMINATIONS BEGINNING WITH WADE K. ALDOUS AND ENDING WITH ESMERALDO ZARZABAL, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2006.

ARMY NOMINATIONS BEGINNING WITH JOHN C. BEACH AND ENDING WITH LLOYD T. PHINNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2006.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH PHILIP A. GRUCCIO AND ENDING WITH JAMIE S. WASSER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 24, 2006.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH CAL ABEL AND ENDING WITH THOMAS J. ZERR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 26, 2006.

NAVY NOMINATION OF DAVID E. BAUER TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CATHY L. TRUDEAU TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH WALTER J. LAWRENCE AND ENDING WITH RONALD L. RUGGIERO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2006.

EXTENSIONS OF REMARKS

TRIBUTE TO MIKE PARMAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the memory of Michael J. Parman, who had a long and distinguished career as editor and publisher of the Santa Rosa Press Democrat, the newspaper of record in Sonoma County.

Mike Parman died on July 1st after a long fight against pancreatic cancer. His rise to the top of the North Coast's publishing world was marked by grit, determination and independence. His tenure at the Press Democrat was marked by excellence and community involvement. And his final days marked by self-awareness, humor and grace.

Orphaned at 14, Mike raised himself in Reno, Nevada under the guardianship of two far-apart relatives. He attended Reno High School where he played basketball and was on the wrestling team. Inspired by his journalism teacher, Rex Daniels, he became a sports writer, and the school paper's sports editor, and wrote a weekly column for Reno's daily paper. Mike went on to the University of Nevada at Reno, where, while earning bachelors and master's degrees, he wrestled and boxed and worked as editor and sports editor of the campus paper, and continued to write for the Nevada State Journal.

In 1967, he married Michaele McCulloch, the daughter of journalist Frank McCulloch and Jackie McCulloch, a marriage that lasted until his death and produced two children, Chris and Leah, who are now parents themselves.

After completing his master's degree in 1968, Parman was called to military duty. He served as an Army journalist and photographer in Vietnam, where he earned a Bronze Star and Army Commendation Medal.

In 1970 he was hired as a reporter by the Pioneer Press, a group of weekly newspapers on Chicago's North Shore. He quickly rose to managing editor and at the same time worked as a stringer for Money Magazine. In 1973 he headed west for California, and worked briefly as a copy editor of the Santa Rosa Press Democrat before being hired at the Sacramento Bee. Starting at the copy desk, he successively was promoted to executive sports editor, weekend editor, assistant managing editor, and finally managing editor.

When the New York Times acquired the then privately-owned Press Democrat in 1985, Mike saw an opportunity play a major role in remaking the paper. At the Press Democrat, Mike Parman, first as editor, then as publisher, oversaw several major graphic redesigns of the paper, the construction of a regional printing facility, and the winning of dozens of awards, including a Pulitzer for Photography and a Polk Award for a series of articles.

During his 20 years at the Press Democrat, Mike Parman not only improved the look of the paper and the quality of its journalism and expanded its circulation; he also became deeply involved in community affairs. Mike Parman served as the President of the Santa Rosa Chamber of Commerce, on the board of directors of the Sonoma County United Way and on the Advisory Board of the Green Music Center and the North Bay Council.

When Mike Parman retired for health reasons in December 2005, he did not give up his public voice. Instead, he took to the new media, and began writing an Internet "blog," which gave a very personal account of how he, his family and friends were dealing with his cancer. Mike's blog revealed a man facing mortality and the terrors of cancer with courage, compassion and good humor. Going on vacation, Mike wrote that his cancer was a thing that he chose to leave behind. While undergoing chemotherapy, he wrote that he anticipated speaking at a rally where "I will mop my sweating brow, gray hair will explode from my head and little children will run home screaming." And if he used medical marijuana, the rather straight laced Parman feared he would be "Thrown in jail and forced to wear paisley pajamas the rest of my life."

Mike Parman's blog brought heartfelt responses from dozens of cancer patients and survivors, because he not only expressed his own feelings, but hit a universal chord.

"We make every moment count," Mike Parman wrote. "We love deeper. We live deeper. We soar on hope and laughter. We appreciate everything and nothing is taken for granted."

Mr. Speaker, if only we could all live that way every day of our lives.

TRIBUTE TO MR. RAMON AYALA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Ramon Ayala, one of the most accomplished norteño music legends, for his contribution as the headlining act at the Supply Our Students Concert on August 2nd, 2006.

Mr. Ayala was born on March 10th, 1945, and first began his love of norteño music at six years of age by playing the accordion in small Mexican towns. He then started his path to his success by forming the Los Relampagos Del Norte band in the 1960s that defined modern norteño music. He has performed over a hundred albums, each one completely distinctive in the musical style that is the trademark of Mr. Ayala.

Mr. Ayala also has received two Grammy awards for his music, and numerous other awards. He is known for his philanthropic involvement in the community of South Texas with underprivileged children and children with disabilities. Mr. Ayala has raised thousands of dollars for school supplies in the previous Supply Our Students concerts, and I commend him for his dedication to the education of our children in the great State of Texas. He is a truly exceptional musician and a role model for aspiring musicians.

Mr. Speaker, I am honored to have had this time to recognize the exemplary career of Mr. Ramon Ayala and his involvement with the Supply Our Students concert in the City of Laredo on August 2nd, 2006, and I thank you for this time.

RECOGNIZING CHIEF MASTER SERGEANT DAVID G. HARLOW FOR HIS 29 YEARS OF MILITARY SERVICE TO THIS COUNTRY.

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. BACA. Mr. Speaker, as another Fourth of July has passed us by, Americans are again reminded of the sacrifices so many have made and continue to make in order to protect the freedoms we enjoy today. None of these freedoms would be possible if it weren't for the brave men and women of our United States Armed Forces.

I stand here today to honor one such individual, Chief Master Sergeant David G. Harlow. On August 26, 2006, Chief Harlow will retire from reserve duty, after more than 29 years of federal military service in the defense of our great nation.

Chief Harlow was born in Riverside, California, and attended Charter Oak High School, where he excelled at Track and Field. After his graduation from Charter Oak, he enlisted in the United States Air Force in July of 1966. Upon completion of his basic training at Lackland Air Force Base in Texas, Chief Harlow was assigned to Whellus Air Force Base in Libya, where he worked in information management. In July of 1968, he was reassigned to the 7272nd Fighter Interceptor Squadron, at Kingsley Field in Oregon, where he served as an Information Management Specialist.

Upon completion of his active duty service in July of 1970, Chief Harlow was licensed by the Department of Treasury as an International Customs House Broker in the cargo industry. Over the next few years, Chief Harlow became known as one of the top professionals in his field, and in 1980 he authored a book entitled "Importer's Guide to U.S. Customs."

In August of 1981, Chief Harlow entered the Air Force Reserves at Norton Air Force Base in California, and was placed in the 445th Aerial Port Flight, where he became the Unit

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Training Manager. In July of 1985, he was reassigned to the 37th MAPS unit at March Air Force Base where he eventually became the Superintendent of Operations. In 1989, Chief Harlow was promoted to the rank of Master Sergeant. In November of 1990, he was reassigned to Saudi Arabia in support of operation Desert Storm, and served as his unit's Deployment Team Chief.

Upon his return from Operation Desert Storm, Chief Harlow was awarded the "Senior Non-Commissioned Officer of the Year" award and was promoted to the rank of Senior Master Sergeant. Later, he was reassigned to the 56th Aerial Port Squadron, where he introduced a set of training exercises known as the Aerial Port Field Exercises. This program trained Aerial Port Squadrons in the areas of mobility deployment and chemical attack survival. Chief Harlow's program was so successful that it led to the 56th Aerial Port Squadron being awarded the Air Force's prestigious "Aerial Port of the Year Award".

In June of 2000, Chief Harlow was promoted to the rank of Chief Master Sergeant and became the Superintendent of Squadron Operations. In June of 2005 he was reassigned to the 50th Aerial Port Squadron as Superintendent of Squadron Operations.

Chief Harlow has received numerous decorations including the Air Reserve Meritorious Service Medal with Seven Oak Leaf clusters, the Air Force Commendation Medal, the Air force Achievement Medal with two Oak Leaf clusters, the National Defense Service Medal, the Southwest Asia Service medal, the Kuwait Liberation Medal, the Global War on Terrorism Service medal, the Air Force Good Conduct medal, and the National Defense Service Medal.

Throughout his extraordinary service to our country, Chief Harlow has always been a dedicated and loving family man. He is married to his wonderful wife, Laurie Harlow. Together they have two sons, David and Daniel, as well as four grandchildren.

Mr. Speaker, it is with an extreme sense of respect and pride that I stand here today to recognize Chief Master Sergeant David G. Harlow. His contributions to his family, the United States Air Force, and this great nation serve as a wonderful example of patriotism for all Americans to follow.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of July 10, 2006 the House voted on two measures under suspension of the rules. H.R. 5061, the Paint Bank and Wytheville National Fish Hatcheries Conveyance Act and H.R. 2563, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho. On rollcall votes No. 358 and No. 359, I was unavoidably detained. Had I been present, I would have voted "aye."

TRIBUTE TO CHIKAMING TOWNSHIP

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to the 150th anniversary of the founding of a storied community in Southwest Michigan, Chikaming Township. This Saturday, members of the community will come together to celebrate the township's sesquicentennial.

The earliest known residents of Chikaming Township were the Miami Indians, who were first encountered by the European explorer, Father Jaques Marquette, in 1675. By the early 1820s the land was ceded to the U.S. Government and Chikaming was formally established on March 6, 1856. The first pioneers to settle there were lumbermen who harvested trees that were used to build the piers that extend out into Lake Michigan—a source of great pride for all Michiganders who reside on the lakeshore. As time passed, the first of many successful farmers and growers in Southwest Michigan took advantage of the soil and climate of Chikaming by harvesting a variety of fruits and vegetables. The magnificent weather and scenic beauty of the land attracted families to vacation on the lake's shores and continues to be a popular summer escape today.

Chikaming Township has also long been an important center of commerce for Southwest Michigan. Forestry and agriculture are only two of the many industries that have strengthened Southwest Michigan's economy. The beautiful beaches and friendly residents have been bringing generations back to the township for years.

I would like to congratulate the residents of Chikaming on their sesquicentennial. Know that your vital community will continue to be a blessing and an asset to our comer of Southwest Michigan for many years to come.

TRIBUTE TO REVEREND S.L. ROBERSON

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to the tremendous works of Reverend S.L. Roberson, of Ypsilanti, Michigan as he marks his 52nd year of service to his church and his community.

Born in Moundville, Alabama, Reverend Roberson moved to Ypsilanti when he was two years old and has remained there since. He attended school in Ypsilanti and went to Eastern Michigan University for his undergraduate degree and continued his education at Detroit Bible College, ultimately earning his Doctorate of Divinity at Urban Bible College.

While honorably serving his country in the United States Marine Corps, the Reverend formed the unique perspective he has on the world, one that would help him in his decision to serve his fellow man. After his military service, Mr. Roberson went to work for Ford Motor Company in their Labor Relations and Personnel Services of Industrial Relations Department ultimately staying for 33 years. Through this position, he was able to help many individuals find employment, in turn bettering their own lives. The Reverend's other services are numerous, including posts as Treasurer of the Huron Valley District Association and President of the Ypsilanti Housing Commission.

In 1954, Reverend Roberson heard the call to service and became the Pastor of the Metropolitan Memorial Baptist Church in Ypsilanti. He has stayed with Metropolitan Baptist for 52 years and by every account his service has been productive. He provides leadership and moral guidance for his congregation, in turn leading the community through his example. His tenure has been so successful that he has received the Lawyers Association's Liberty Bell, the Ypsilanti Police Department's Honor Award, the Washtenaw Community College's Service Award and the city of Ypsilanti has designated December 14th as Reverend S.L. Roberson day. His faith also led him to serve as Chaplain of the Ypsilanti Police Department.

Reverend Roberson is a man of faith who embodies the characteristics of service, love and decency. I am glad and fortunate to know the Reverend and the people of Ypsilanti have truly benefited from such an upstanding and committed civic and spiritual leader. I thank the Reverend for his service and wish him the best in his future endeavors.

INTRODUCTION OF INSPECTOR GENERAL RESOLUTION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. CONYERS. Mr. Speaker, today I, along with Reps. HOWARD BERMAN (D–CA) and JERROLD NADLER (D–NY), am introducing a resolution commending the U.S. Department of Justice's Office of the Inspector General. For those who may not be aware, the Office of the Inspector General (OIG) was established in 1988 as part of an effort to investigate waste, prevent fraud, and review legislation at the Department.

The OIG and its agents and employees have been unwavering in their pursuit of justice. Even in the most trying of times, the OIG has been steadfast in its resolve. For instance, it was the OIG that uncovered the truth behind the incarceration of Brandon Mayfield as a material witness in the Madrid bombing investigation. It was the OIG that exposed the abuses of detainees in federal custody after the September 11 attacks.

On June 21, 2006, Special Agent William "Buddy" Sentner gave his life in service to his country, attempting to execute a search warrant on behalf of the Department. He left behind a legacy of public service and patriotism. His service no doubt will inspire those who follow.

This resolution recognizes the contributions and sacrifices of the agents, attorneys, and employees of the Office of the Inspector General. I look forward to working with my colleagues on securing passage of this legislation.

32ND ANNIVERSARY OF TURKISH ILLEGAL INVASION AND OCCUPATION OF CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. BILIRAKIS. Mr. Speaker, I rise again today, as I have for more than two decades, to voice intense objection to the illegal occupation of Cyprus by Turkish troops and to declare my grave concern for the future of the island. The Turkish incursion into Cyprus, thirty-two years ago, has rendered a legacy of internal division, and should worry those in this chamber who cherish freedom and espouse the virtues of democracy.

In July 1974, Turkish troops invaded and captured the northern part of Cyprus, seizing more than a third of the island. The Turkish strategy included ethnic cleansing. Not only did the Turks expel 200,000 Greek-Cypriots from their homes, but Turkish troops also were responsible for the systematic killing of 5,000 innocent civilians. In the process, Turkey installed 40,000 military personnel on Cyprus. Today, these troops, in conjunction with United Nations (U.N.) peacekeeping forces, make the small, once peaceful island of Cyprus one of the most militarized areas in the world. Well over a quarter of a century later, approximately 1,500 Greek-Cypriots remain missing, including four Americans.

The Greek-Cypriot and Turkish-Cypriot communities are separated by a 113-mile barbed wire fence, called the Green Line. Until 2003, the Turkish Republic of Northern Cyprus (TRNC), a government formally recognized only by Turkey, prohibited Greek-Cypriots from freely crossing the Green Line to visit the towns and communities of their families. Controlling 37 percent of the island, Turkey's military occupation has had severe consequences, most notably the dislocation of the Greek-Cypriot population and the resulting refugees.

The Republic of Cyprus has proven to be an ally of this country. An ally which, in times of need, stands up to the plate and offers assistance, understanding and compassion to our citizens.

I am sure that most of you have been following the developments in Lebanon, and the plight of over 25,000 Americans who are trying to leave safely with their families. How many of you know that Cyprus has opened its doors to everyone evacuating Lebanon? On July 15, 2006, Cyprus declared its readiness to assist efforts for the evacuation of U.S. citizens and other nationals fleeing Lebanon. A coordinating committee set up by the Cyprus government is in charge of organizing the reception and hospitality of foreign nationals arriving in Larnaca from Lebanon.

The U.S. Ambassador to Cyprus Ronald Schlicher said that several thousand U.S. citizens were expected to arrive on Cyprus. They will stay in hotels or—if there are not enough beds—in schools and an exhibition space equipped with tents and prefab housing provided by the Cyprus government. Thanking Nicosia, Schlicher said that the Cyprus Republic had offered significant assistance and that this could be a good opportunity to deepen U.S.-Cyprus cooperation.

During the U.S. State Department briefing on the Lebanon evacuation efforts, Assistant Secretary for Consular Affairs Maura Harty expressed gratitude for help offered by the Cyprus Republic. "We're so grateful to them. . . Cypriots have met every helicopter and ship with sandwiches and water and juice. They're just being fantastic" she said. "The Cypriot Civil Defense Force has been very helpful to us in what they have provided," she added.

The Cypriot citizens know first-hand what our people are going through because they have lived through it. I want to personally recognize and thank President Tassos Papadopoulos and the Greek-Cypriot people for their swift offer of assistance for our citizens and for their efforts to alleviate the distress and suffering of our families. I pray for their safe return.

There also have been some other positive developments recently, based on Cypriot President Papadopoulos' initiative. He and Turkish Cypriot leader Mehmet Ali Talat agreed earlier this month to begin a process of bi-communal discussions to find a comprehensive settlement to the Cyprus problem. The decision, which is part of a set of agreed upon principles, was made during a meeting between the two leaders in Cyprus with the U.N. Undersecretary General for Political Affairs Ibrahim Gambari. The two leaders stressed their commitment to the unification of Cyprus, based on a bi-zonal, bi-communal federation, and political equality, as set out in the relevant Security Council resolutions.

President Papadopoulos already has submitted a comprehensive proposal for the establishment of two committees on Economic Integration and Population Determination. The Government of Cyprus also has proposed and is ready for the establishment of additional bi-communal committees that will tackle other problems arising from the division of the island. Asked about Turkey's EU accession course in relation with the developments in the Cyprus problem, President Papadopoulos said they were two separate issues, and pointed out that Ankara still had to meet its obligations toward the EU. In a conversation with President Papadopoulos, U.N. Secretary General Kofi Annan expressed his satisfaction with the result of the meeting and congratulated both sides.

The agreement is the first positive result after the meeting in Paris last February between President Papadopoulos and U.N. Secretary General Annan, where they had expressed their common hope that these discussions would help restore trust between the two communities and prepare the way for the earliest full resumption of the negotiating process.

The following is the set of principles agreed to on July 8, 2006:

1. Commitment to the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality, as set out in the relevant Security Council resolutions.
2. Recognition of the fact that the status quo is unacceptable and that its prolongation would have negative consequences for the Turkish and Greek Cypriots.
3. Commitment to the proposition that a comprehensive settlement is both desirable and possible, and should not be further delayed.
4. Agreement to begin a process immediately, involving bi-communal discussion of issues that affect the day-to-day life of the people and other substantive issues, both of which will contribute to a comprehensive settlement.
5. Commitment to ensure that the "right atmosphere" prevails for this process to be successful. In that connection, confidence building measures are essential, both in terms of improving the atmosphere and improving the life of all Turkish and Greek Cypriots. This requires putting an end to the so-called "blame game."

The following are the decisions by Mr. Papadopoulos and Mr. Talat:

1. The Technical Committees on issues that affect the day-to-day life of people will commence by the end of July provided that, at the same time, the two Leaders will also have exchanged a list of issues of substance and its contents to be studied by expert bi-communal working groups and finalized by the Leaders.
2. The two Leaders will meet further, from time to time as appropriate, to give directions to the expert bi-communal working groups as well as to review the work of the Technical Committees.

I would like to stress that the Government of Cyprus continues to emphasize that it remains committed to reunify Cyprus as a bi-zonal, bi-communal federation with democratic and human rights for all Cypriots. The Cypriot Government has announced a series of measures aimed at assisting those Turkish-Cypriots residing under the control of the occupying Turkish army. The package included a wide range of political, social, humanitarian, educational and economic measures that would enhance the Turkish-Cypriots' ability to enjoy many of the benefits that the Republic of Cyprus offers to its citizens—including benefits which result from its European Union membership. Far beyond a merely symbolic gesture, the package is a substantive program to integrate the Turkish-Cypriot community into the larger Cypriot society.

The Republic of Cyprus and Greek-Cypriots have provided the Turkish-Cypriot community more than $700 million dollars in aid. In the past two years, the Government of Cyprus has paid more than $43 million dollars in social insurance pensions to Turkish-Cypriots, and Turkish-Cypriots working outside the Green Line made $7 million dollars in wages last year. Since April 2003, more than 24,000 Turkish-Cypriots have received free treatment in hospitals and medical centers inside the Republic of Cyprus, the combined cost of which totals more than $9 million.

Since the invasion more than three decades ago, Turkish-occupied areas have received free electricity from the Cyprus Electricity Authority at a cost of nearly $343 million. Also, more than 150,000 birth certificates, identity cards and passports have been provided to Turkish-Cypriots by the Republic of Cyprus, so that Turkish-Cypriots could travel and acquire work more efficiently. The Republic of Cyprus has begun a program where it pays the full tuition fees of Turkish-Cypriot pupils in secondary education private schools in the government-controlled areas. To date, this program has promised more than $5.4 million in tuition fees, and the program added five times as many students this year than it did in 2003, its first year.

The occupying Turkish regime partially relaxed restrictions that limited travel across the Green Line. Since then, there have been more than ten million incident-free border crossings by Turkish and Greek Cypriots to visit areas and homes that were inaccessible to them for over 30 years. This has produced rare displays of human kinship, exchanges of flowers and pastries, and emotional visits to homes abandoned in the mid-1970s. As a result, Greek-Cypriots have infused more than $57 million into the impoverished, Turkish-occupied economy in the North.

Still, neither the Government's incomplete, albeit well-intentioned, benefit package for Turkish-Cypriots, nor the limited lifting of restrictions by Turkey's occupying regime, substitutes for a comprehensive resolution to end Cyprus' divide. I urge the Bush Administration, the United Nations, the European Union, and this honorable body to remain engaged in efforts to resolve the Cyprus problem, and to work toward a fair and lasting reunification of Cyprus.

We should look to correct the wrong that occurred more than thirty years ago. We should work to bring about a just resolution to the situation. And, at the very least, we must act to halt the continuing injustice which the world community allows to continue in Cyprus, our proven and strong ally.

TRIBUTE TO MR. ALFREDO ZAMORA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Alfredo Zamora, Jr., Chief Executive Officer of South Texas Rural Health Services, Inc., for his exemplary leadership in providing healthcare to those living in rural areas in South Texas.

Alfredo Zamora, Jr. was born on June 19, 1941, to his Mexican-American migrant parents, Guadalupe Cantu and Alfredo Zamora. His family would travel to Wisconsin, and to the fields of Illinois to work the land there. After he graduated from Cotulla High School in 1961, he joined the United States Army, and received a honorable discharge in 1963, which allowed him to attend a teacher's college where he then continued his further education at Carthage College in Kenosha, Wisconsin, and he graduated with a Bachelor of Arts in elementary education in 1968.

He also received a fellowship in the Ford Foundation Leadership Development Program in 1969 that helped him learn how to become an effective leader in advocacy, community organizing, and political awareness. The leadership skills that Mr. Zamora learned was put to great use by becoming the first Mexican-American mayor of the City of Cotulla in the State of Texas. In 1972, Mr. Zamora was recruited to become Executive Director of SER-Jobs For Progress, an advocacy organization that helped represent Hispanics in Racine, Wisconsin. He also attended the University of Wisconsin at Milwaukee where he received his M.S. in Supervision and Administration, and extensive study work towards his Ph.D. in Urban Education during his tenure with SER-Jobs For Progress.

In 1981, Mr. Zamora was hired as Chief Executive Officer of South Texas Rural Health Services, Inc., a community health center. He has successfully guided the organization from a singular site and a $250,000 operating budget to approximately $4.5 million worth of needed services to a multiple-county service area in South Texas. Mr. Zamora has spent his life working to help better the lives of those in his community, and I commend him for his commitment to South Texas and to improving rural healthcare services.

Mr. Speaker, I am honored to have had this time to recognize the wonderful dedication and commitment of Alfredo Zamora, Jr. to advocacy in the areas of healthcare and education for the City of Cotulla and to the rural community of South Texas, and I thank you for this time.

FREEDOM FOR VIRGILIO MANTILLA ARANGO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Virgilio Mantilla Arango, a political prisoner in totalitarian Cuba. Mr. Mantilla Arango is a pro-democracy leader in totalitarian Cuba. Because of his steadfast conviction in human liberty and his constant work to bring freedom to an island enslaved by the nightmare that is the Castro regime, he has been a constant target of the dictatorship.

According to multiple reports, Mr. Mantilla Arango was arrested on March 4, 2002, for peacefully protesting at a provincial hospital. The reports outline how, at the hospital, the group shouted "Long live human rights" and sat on the floor. After 2 years in the gulag, and after a sham trial in April 2004, Human Rights Watch reports that Mr. Mantilla Arango was "sentenced" to 7 years in the totalitarian gulag. The "sentence" included 4 years for his participation in the March 2002 protest and 3 years for continuing to peacefully protest against the nightmare that is the Castro regime during his time in the gulag before his "trial."

The U.S. Department of State's Country Reports on Human Rights Practices—2005, describes the deplorable conditions in the totalitarian gulag as, "harsh and life threatening." Sadly, this is all too true for Mr. Mantilla Arango. According to reports published on Net For Cuba, Mr. Mantilla Arango has suffered savage beatings by dictatorship thugs for denouncing the tyranny and hanging signs above his bed that say "Down with Fidel" and "We Need Freedom." In July, Mr. Mantilla Arango informed the Cuban Human Rights Foundation that he has been in brutal, solitary confinement since putting on a T-shirt last month that carried the words, "Down with Fidel."

Mr. Speaker, Dr. Mantilla Arango is the face of the real Cuba. No matter how intense the beatings, no matter how remorseless the repression, no matter how inhumane the conditions, he will never relent in his belief that the people of Cuba should be and will be free.

Mr. Speaker, it is as inconceivable as it is unacceptable that, in the 21st century and only 90 miles from our shore, brave men and women are locked in grotesque dungeons because they believe that all people have basic human rights. It is a profound embarrassment for mankind that the world stands by in silence and acquiescence while political prisoners are systematically tortured because of their belief in freedom, democracy, human rights and the rule of law. My colleagues, we must demand the immediate and unconditional release of Virgilio Mantilla Arango and every political prisoner in totalitarian Cuba.

HONORING RAYFER EARL'E MAINOR, POET LAUREATE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today, I would like to honor a great man and a great artist, poet laureate Rayfer Earl'e Mainor. As our Nation's longest serving poet laureate, and the only current African American poet laureate, Rayfer Earl'e Mainor has shared his soul through his poetry for over 50 years.

It is the responsibility of a poet laureate to uplift and raise the status of poetry in the everyday consciousness of Americans. Since 1969, Rayfer Earl'e Mainor has embodied those ideals and standards.

All too often poetry has ignored the particular aspects and unique history of African Americans. Rayfer Earl'e Mainor's representations and imagery have shaped the way the world now views the African American experience. His poems have allowed us to reexamine and rethink our own views and experiences.

Rayfer Earl'e Mainor has authored several works that have sought to inspire us including: Poems; Poems II; A Tribute to Blackness; The Life and Times of Sister Menefee; Mammoth Melting Sugar; and To Mister or Sarah Jean: A Love Story. Through his craft, Rayfer Earl'e Mainor has enlightened us with the narrative prose of the brutal murder of Emmitt Till, and poetry relaying the 1916 lynching of Jesse Washington. His work has also detailed the reflections and expectations surrounding expectant fatherhood.

It is an honor for me to be able to recognize this outstanding man, artist, and lifelong member of Alpha Phi Alpha. His work and representations have brought reverence to the African American community and his brotherhood at Alpha Phi Alpha. I am fortunate enough to serve with several distinguished men of Alpha Phi Alpha, including: Congressman CHARLES RANGEL, Congressman GREGORY MEEKS, Congressman ROBERT SCOTT, Congressman CHAKA FATTAH, Congressman EMANUEL CLEAVER, Congressman DAVID SCOTT, Congressman DANNY DAVIS, and Congressman AL GREEN. I know that my fellow colleagues and Congressional Black Caucus Members equal the respect and admiration for Mr. Mainor.

I have the highest esteem for Rayfer Earl'e Mainor and his work, and I look forward to many more bright expressions of poetry, prose, and art in the years ahead.

HONORING LOUIS "BOTCH" TONELLA, NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor the achievements of Louis "Botch" Tonella on the occasion of his recognition as the Napa County Farm Bureau's Agriculturalist of the Year for 2006.

Mr. Tonella has been an active participant in the remarkable transformation of the Napa Valley into the world's premier wine-growing region. His career in vineyards started at a young age when he went to work at the Ponti-Beaulieu Vineyards, helping tend vines and trimming the orchards. During the difficult years of the Great Depression, he and a friend opened a general store in Rutherford to serve the needs of local farms and families. In 1949 Mr. Tonella purchased a vineyard, which he owned and operated for half a century before passing control to his son. Working among the vines beside his employees during the harvests, Botch was known for being a hard worker and team player. He drove his tractor through the vineyards a final time in 1997, at the age of 85.

Mr. Speaker, in addition to his achievement as a vineyard owner, we should acknowledge Mr. Tonella's role as a member and leader of the community in the Napa Valley. He has performed the invaluable service of a volunteer fire fighter for the Rutherford Fire Department, including 10 years as the fire chief. He was also a founding member of the Sunny St. Helena Co-op Winery and an active participant in the Farm Bureau of Napa County for many years.

Mr. Tonella's life has been blessed by the company of his wife of 70 years, Eda Villa. His son Raymond now owns the Tonella vineyards, which today includes the Ponti vineyards Mr. Tonella worked on during his first job in the 1920s. The arrival of his first great-grandchild earlier this year marks another welcome addition to the Tonella family.

Mr. Speaker, it is appropriate at this time that we recognize Louis "Botch" Tonella for his lifetime of dedication, hard work and success in the vineyards of the Napa Valley and his leadership as a member of numerous organizations in our community.

CONGRATULATING ELLICOTT CITY AND COLUMBIA, MARYLAND FOR BEING NAMED ONE OF THE "BEST PLACES TO LIVE" IN AMERICA BY MONEY MAGAZINE

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to recognize Ellicott City and Columbia, Maryland located in beautiful Howard County which is part of my district, the 7th District of Maryland, for placing 4th on Money Magazine's "Best Places to Live" 2006 list.

This list recognizes what we in Maryland have known for years: that Ellicott City and Columbia provide the best of both worlds—an economy in which parents and children can thrive and a quality of life that allows them to enjoy the fruits of their labor.

Located in the corridor between Baltimore, Maryland, and Washington, DC, the area that became known as Ellicott City was a tobacco outpost until the Ellicott brothers turned it into the flour-milling capital of the 1700s. Two centuries later, Columbia grew from the vision of developer Jim Rouse, who created the town as an alternative to the epidemic of boring suburbs. Only 5 miles apart and now called home by 160,000 Marylanders, these two towns provide an active and charming downtown, a major music venue, a 30,000 square foot arts center, an impressive mall, and over 4,500 acres of park space. The Money Magazine recognition stands as a testament to the fine administration of the county and local governments and to the residents' long-standing commitment to active community involvement—working together to ensure the highest quality of life.

Mr. Speaker, Ellicott City and Columbia are not just great places to play and enjoy life, they are also excellent places to work and attend school. About one-third of these residents work at local businesses, at one of the national corporations headquartered there, or at the Howard County General Hospital, a member of Johns Hopkins Medicine. Many others make the commute to nearby Baltimore, or Washington, DC.

In addition, Howard County's public schools, from kindergarten through community college, are constantly ranked among the best in the State and boast test scores 50 percent above average. Parents know that their children are receiving the best education possible, due to the hard work and dedication of the employees of the Howard County Public School System led by Superintendent Dr. Sydney L. Cousin, who has served the school system for almost 20 years in an exemplary manner.

With its top schools, great jobs, low crime rates, variety of recreational activities, and acres of open space, it is no surprise that Columbia and Ellicott City beat 741 other communities to place fourth on Money Magazine's Best Places to Live 2006 list. I applaud Howard County Executive James N. Robey for his nearly four decades of service to Howard County, as well as the citizens of Columbia and Ellicott City for making this area truly one of the best places to live in America—for it is the people who make our communities great.

Mr. Speaker, I commend the other 2006 Best Places winners, and I remind my colleagues to work with me to ensure that our policies support and facilitate the creation of livable communities for all Americans.

Again, I congratulate Columbia and Ellicott City, located in my district in Howard County, Maryland, on receipt of this prestigious recognition.

A TRIBUTE TO THE LIFE OF RUTH McKENRY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor and remember the life of Ruth McKenry. She was an exemplary woman and a premier advocate for health care and the agriculture industry in the Valley. She passed away on June 2, 2006.

Ruth McKenry was a native of New York. She graduated from Bellevue School of Nursing in 1943 and became a U.S. Navy Nurse Corps Lt.j.g. serving from 1944 to 1946. Soon after being honorably discharged in 1946, she moved to California with her husband and worked as a registered nurse in various hospitals in the Central Valley.

Having raised four children, Mrs. McKenry was very knowledgable and experienced as a nurse. She worked for the Selma District Hospital Emergency Room, as well as at the Doctor's Hospital in Modesto, California, specializing in orthopedics, cardiology, surgery and as a relief supervisor. Furthermore, having an extensive background and a great understanding of the health care industry, Ruth was a long-time advocate for improving the health care system in the country. She was involved in the politics of the Valley and held several important positions in different organizations.

Ruth maintained an encompassing interest in the activities of her community. She served as a Brownie Girl Scout Leader, 4–H Leader, and as a volunteer for a local Well Baby Clinic. Additionally, her involvement in many vital agricultural groups and organizations left a mark on the people of the Valley. After retiring as a registered nurse, Ruth farmed grape vineyards and together with her husband, managed McKenry Farms in Kingsburg, California. Being a farmer herself, Ruth was strongly engrossed in the workings of the agricultural industry. She served as the State and Federal Legislative Chair and the Agricultural Labor Chair for the California Women for Agriculture (CWA). She also served as the Agricultural Labor Chair for the American Agri-Women (AAW) and for the Tulare County Farm Bureau.

Additionally, Ruth was involved with Women in Farm Economics and the California Farm Bureau Federation Agricultural Labor Committee. Many of her colleagues, especially in the CWA and AAW attest to her enthusiasm and her driving force in pushing for change in the agricultural labor industry, especially in providing farm workers access to necessary health care programs. Ruth once stated, "My involvement in agricultural labor has given me an interest in affordable health care for the farm worker and both pre-natal and well baby care for his/her family. I am interested in the nation's rural areas [and] as an employer, access to affordable health care premiums is needed."

The positions she held on agricultural labor committees gave her the chance to promote the changes that were necessary for the advancement of the agriculture industry. Her hard work was witnessed and admired by her colleagues, and in 1986, after, being nominated by her fellow CWA members, she was awarded the prestigious Leaven Award, the highest award an American Agri-Woman can receive. Her ability to work with and influence those around her, and multiply the effectiveness of the organization was testimony to the character she possessed which made her truly deserving of the Leaven Award. In addition, California State Assemblymember Bruce Bronzan nominated her as the Woman of the Year in 1991 for her outstanding contributions to her community.

Ruth McKenry was a prime example of a strong resilient woman. She lived a life of purpose and served as a role model, not just for the youth in the Valley, but for her peers and colleagues. She was devoted to her family and deeply involved in the life of her children and grandchildren. She was honored by those who worked beside her and by those whose lives she was able to change and touch throughout her lifetime. Ruth McKenry's life is a prime example of pure passion and loyalty and of genuine interest in agriculture, one of the most vital sectors of the Central Valley. She had an outstanding life and will always be looked up to by those who knew her.

TRIBUTE TO MAJOR CHARLES IVAN BITHOS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise today to offer my heartfelt appreciation and congratulations to a distinguished American military service member on the occasion of his retirement. Major Charles Ivan Bithos, of Kansas City, Kansas, has served the United States since 1974, serving in the Army, the Army Reserves, and the Army National Guard. Major Charles Ivan Bithos has been awarded numerous medals and honors for his exemplary service and dedication to the United States Armed Forces.

No other group of Americans has stood stronger and braver for our democracy than troops and our veterans. I strongly commend and appreciate the sacrifice that individuals such as Major Bithos have made in the name of protecting and defending the United States.

In honor of this great occasion, I am proud to share my admiration for dedicated public servants such as Major Bithos and offer both him and his family my most sincere gratitude for his service.

IN RECOGNITION OF MICHAEL J. PARSONS, NEWLY ELECTED BOARD MEMBER OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. BOEHLERT. Mr. Speaker, it is with great pleasure that I rise today to recognize Michael J. Parsons, the President/CEO of First Source Federal Credit Union on his recent election to the Board of Directors of the National Association of Federal Credit Unions (NAFCU). Mike Parsons has been a vocal supporter of credit union issues at both the state and national levels.

Mike's election to the NAFCU Board is just one more in a long list of accomplishments that has spanned 13 years as President/CEO of First Source Federal Credit Union, including his previous service as District President for the New York State Credit Union League.

As the President/CEO of First Source Federal Credit Union, Mike has focused on ensuring that his members receive helpful, personal service that caters to the needs of individuals and their financial goals. Through his credit union, Mike Parsons continuously demonstrates First Source's commitment to the financial wellness of the entire community. Most recently, Mike worked to have First Source support the Mohawk Valley Contractor's Guild, described as an "incubator for the development of small contracting companies in inner city Utica."

Mike's involvement to improve the lives of others can be further illustrated in his commitment to the Central Association for the Blind and Visually Impaired, School and Business Alliance, the Community at Sunset, and volunteering with the American Heart Association and Upstate Cerebral Palsy Association.

It is because of the good work of Mike and others like him that the credit union movement enjoys the success it has today. Such service is the hallmark of the credit union movement and I wish Mike the best of luck in his new role as a member of the NAFCU Board of Directors.

SUPPORT FOR ISRAEL

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. McDERMOTT. Mr. Speaker, it was with unwavering support for Israel, its safety, security and right to exist, that I cast a vote today against House Resolution 921. Hezbollah, not Israel, started this conflict with an ambush, and Israel has every right to defend itself. There is no doubt about that.

Nor is there any doubt anywhere about America's deep and abiding commitment to Israel.

A resolution in the House of Representatives will not change what the world already knows, but it might encourage what the world already fears: a wider war with greater casualties, undermining fragile but crucial support for Israel among Arab nations, and further endangering Israelis and other innocent civilians across the region.

I am especially troubled by the fact that H. Res. 921 goes far beyond reaffirming our unwavering commitment to Israel by declaring unlimited support for potential military action anywhere in the region. The resolution says we: "support Israel's right to take appropriate action to defend itself, including to conduct operations both in Israel and in the territory of nations which pose a threat to it."

This raises the ominous prospect that the House has given the administration a pre-recorded vote to support any action, at any time. Could that include a military strike on Iran's nuclear facilities? The resolution is a blank check, and we know that policy has failed in Iraq, and has only incubated further violence and terrorism.

No one can for one moment accept rockets in Haifa, Nazareth, or anywhere in Israel. But demanding that the Lebanese government rein in Hezbollah while bombs rain down on a variety of targets, some civilian, is not the answer.

Widening the war will inflame tensions, increase casualties and decrease any prospect for a permanent peace. The United States can best support Israel and the Arab world by vigorously pursuing an end to the violence, the resumption of a peace process and a commitment to unite the region to isolate terrorist groups and all who oppose a just and lasting peace for all people.

[From the Daily Star, July 19, 2006]

BACK TO BEIRUT, READY TO DEFY ISRAEL

(By Rami G. Khouri)

I must be one of the few people in the world trying to get into Beirut, rather than flee the city that is being bombarded daily by Israel, with explicit American approval. Israelis should grasp the significance of this, if they ever wish to find peace and a normal life in this region.

My wife and I were on a trip in Europe when the fighting broke out last week and we could not return directly to our home in Beirut. So we have returned to our previous home in Amman in order to find a reasonably safe land route back into Lebanon. I want to return mainly because steadfastness in the face of the Israeli assault is the sincerest—perhaps the only—form of resistance available to those of us who do not know how to use a gun, and prefer not to do so in any case, for there is no military solution to this conflict.

Of the many dimensions of Israel's current fighting with Palestinians and Lebanese, the most significant in my view is the continuing, long-term evolution of Arab public attitudes to Israel. The three critical aspects of this are: a steady loss of fear by ordinary Arabs in the face of Israel's military superiority; a determined and continuous quest for more effective means of technical and military resistance against Israeli occupation and subjugation of Palestinians and other Arabs; and a strong political backlash against the prevailing governing elites in the Arab world who have quietly acquiesced in the face of Israeli-American dictates.

The Lebanon and Palestine situations today reveal a key political and psychological dynamic that defines several hundred million Arabs, and a few billion other like-minded people around the world. It is that peace and quiet in the Middle East require three things: Arabs and Israelis must be treated equally; both domestically and internationally the rule of law must define the actions of governments and all members of society; and the core conflict between Palestine and Israel must be resolved in a fair, legal and sustainable manner.

Because these principles are ignored, we continue to suffer outbreaks of military savagery by Israelis and Arabs alike, for the sixth decade in a row. The flurry of international diplomacy this week to calm things down was impressive for its range and energy. But it will fail if it only aims to place an international buffer force between Hezbollah and Israel, and leave the rest of the Arab-Israeli situation as it is.

Protecting Israel has long been the primary focus of Western diplomacy, which is why it has not succeeded. For decades now Israel has established buffer zones, occupation zones, red lines, blue lines, green lines, interdiction zones, killing fields, surrogate army zones, and every other conceivable kind of zone between it and Arabs who fight its occupation and colonial policies—all without success. Here is why: protecting Israelis while leaving Arabs to a fate of humiliation, occupation, degradation and subservient acquiescence to Israeli-American dictates only guarantees that those Arabs will regroup, plan a resistance strategy, and come back one day to fight for their land, their humanity, their dignity and the prospect that their children can have a normal life one day.

In the past two decades, with every diplomatic move to protect Israel's borders and drive back Arab foes, the response has been a common quest to strike Israel from afar—because the core dispute in Palestine remains unresolved. Three Arab parties to date have missiles of various sorts that can strike Israel from greater and greater distances: Iraq, Hamas and Hezbollah. All three have made the concept of buffer zones militarily obsolete and politically irrelevant. New buffer zones imposed by the international community to protect Israel, while leaving Arab grievances to rot, will only prompt a greater determination by the next generation of young Arab men and women to develop the means to fight back, some day, in some way that we cannot now predict.

Piecemeal solutions and stopgap measures will not work any more. Ending these kinds of military eruptions requires a more determined effort to resolve the core conflict between Israel and Palestine. This would then make it easier to address equally pressing issues within Arab countries, such as Hezbollah's status as an armed resistance group or militia inside Lebanon, which itself is a consequence of Israeli attacks against Lebanon and the unresolved Palestine issue.

In Israel's determination to protect itself and the parallel Arab determination to fight back, we have the makings of perpetual war. Or, for those willing to be even-handed for once, an opening for a diplomatic solution that responds simultaneously to the legitimate rights of both sides.

In the meantime, I keep looking for a reasonably safe route back to our home in Beirut. Standing with the people of Lebanon in their moment of pain is the highest form of solidarity I can think of, and also the only meaningful form of defiance and resistance to Israel that I—and several hundred million other Arabs—can practice at the moment.

COMMEMORATION OF THE 62ND ANNIVERSARY OF THE LIBERATION OF GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to commemorate the 62nd anniversary of the liberation of Guam. On July 21, 1944, Marines of the 3rd Marine Division and soldiers of the 77th Army Infantry stormed the shores of Asan and Agat to liberate the Chamorros, the indigenous people of Guam, from enemy occupation. The Imperial Japanese attacked, invaded, and then controlled Guam, at the outset of the War in the Pacific. Guam was the only American territory with a civilian population that was occupied by the enemy during World War II—an experience that had not occurred since the War of 1812.

The enemy occupation was a difficult time for the Chamorros. The Chamorro people, loyal Americans, endured atrocities including executions, beatings, forced labor, forced march and internment. They lost their freedom but remained loyal to the United States and resolute in the face of a brutal occupying force. The Chamorros proved their resilience and their patriotism during this trying time.

Today, we recall those who sacrificed. Both the liberated and the liberator are remembered. Liberation Day, which will be commemorated tomorrow on Guam, is a time for us to celebrate our freedoms and to honor those who fought and endured for our future.

The lives of many service members were lost in the battle to liberate Guam. Although the Chamorro people enjoy the freedoms they have today because of this sacrifice, the scars of their past remain. The story of the occupation and liberation of Guam is a story of courage, sacrifice, and resilience. It is a story worthy of commemoration and worthy of recognition. Liberation Day is our way of sharing and preserving this story.

The theme of Liberation Day this year is "Sustaining our Freedom, Honoring our Heroes." Last week, we honored our heroes here at our Nation's capital with a solemn Wreath Laying Ceremony at the Tomb of the Unknowns in Arlington National Cemetery. I was privileged to lay a wreath with General Peter Pace, USMC, Chairman of the Joint Chiefs of Staff. This wreath laying served as the national commemoration and paid tribute to the Chamorros who suffered the occupation and the Marines, Soldiers, Sailors, Coast Guardsmen, Merchant Mariners, and Airmen who lost their lives in the battle to liberate Guam.

This month the people of Guam have commemorated this sacrifice with ceremonies on our island. The people of Guam have gathered at Fena, Tinta, Faha, and Manenggon, historical sites where atrocities occurred. These sites and the stories of the horrors that occurred there remind us of the price of freedom. Tomorrow, the people of Guam will witness the annual Liberation Day parade. The parade is the culmination of the annual commemoration activities. Liberation Day is the most widely celebrated public holiday on Guam. The Liberation is a defining moment in our island's history. It is our day to celebrate our freedom. This year we renew our commitment to the cause of freedom, we honor our manamko, and we salute our fallen veterans. Si Yu'os un benidisi Amerika yan Si Yu'os un benidisi Guahan.

THE 32ND ANNIVERSARY OF THE ILLEGAL TURKISH INVASION OF CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to commemorate the 32nd anniversary of the 1974 illegal Turkish invasion of Cyprus.

I have commemorated this day each year since I became a Member of Congress.

PSEKA, the International Coordinating Committee "Justice for Cyprus", the Cyprus Federation of America, SAE, World Council of Hellenes Abroad, and the Federation of Hellenic Societies are primarily located in the 14th Congressional district of New York, which I am fortunate to represent.

These organizations have been strong advocates against the division of Cyprus and the human rights violations perpetrated by the Turkish army in Cyprus.

The United States must continue to play an active role in the resolution of the serious issues facing Cyprus. First and foremost is the ongoing illegal occupation by the Turkish military forces of the northern part of the island in violation of U.N. Security Council resolutions. The peaceful and cooperative spirit in the person-to-person, family-to-family interactions between Greek Cypriots and Turkish Cypriots is an encouraging sign for the successful reunification of Cyprus. However, it is time for Turkey to remove its troops from the island so that Cyprus can move forward as one nation.

Turkey must also show respect for the rights of the owners to their property in the north. I have introduced legislation, H. Res. 322, which expresses the sense of the House of Representatives in support of the European Court of Human Rights for its decisions in the Loizidou and Xenides-Arestis cases against Turkey. Turkey must respect these decisions while ending the illegal exploitation of Greek Cypriot properties in the areas of Cyprus under Turkish military occupation.

Earlier this month, Cypriot President Tassos Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat agreed to begin a process of bi-communal discussions to find a comprehensive settlement to the Cyprus problem. Based on President Papadopoulos' initiative, the two leaders agreed to a set of principles including a commitment to the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality, as set out in the relevant Security Council resolutions; recognition that the status quo is unacceptable and that its prolongation would have negative consequences for the Turkish and Greek Cypriots; and agreement to begin a process immediately involving bi-communal discussion of issues that affect the day to day life of the people and concurrently those that concern substantive issues, both of which will contribute to a comprehensive settlement. I welcome these developments.

As a full-fledged member of the European Union, Cyprus is playing a vital role in European affairs while also strengthening relations with the United States. Last July, the United States and the Republic of Cyprus signed a reciprocal Proliferation Security Initiative, PSI, Ship Boarding Agreement, which is aimed at preventing the proliferation of weapons of mass destruction. Cyprus was the first EU member to sign this agreement. In the fall Cyprus became a signatory to the International Convention for the Suppression of Acts of Nuclear Terrorism. Finally, as citizens from many nations including the United States evacuate from Lebanon, Cyprus is providing critical support in helping these individuals reach safety.

A unified Cyprus would promote stability, both politically and economically, to the entire Mediterranean region. The people of Cyprus deserve a unified and democratic country, and I remain hopeful that a peaceful settlement will be found so that the division of Cyprus will come to an end.

In recognition of the spirit of the people of Cyprus, I ask my colleagues to join me in solemnly commemorating the 32nd anniversary of the invasion of Cyprus.

Long live freedom.

Long live Cyprus.

Long live Greece.

GREEK AND TURKISH CYPRIOTS

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. WHITFIELD. Mr. Speaker, I, with my colleague Congressman WEXLER of Florida, would like to submit a statement regarding the current situation on the island of Cyprus.

As both Greek and Turkish Cypriots reflect on the events that took place more than 30 years ago, there is good news coming from the divided island of Cyprus. After a hiatus of more than 2 years since the unsuccessful referenda of April 2004, in which the Turkish Cypriots overwhelmingly voted in favor of a U.N. plan for a settlement, while the Greek Cypriots overwhelmingly voted against it, the two Cypriot leaders, Turkish Cypriot leader Mehmet Ali Talat and Greek Cypriot leader Tasos Papadopoulos, met under U.N. auspices on July 3 and 8, respectively, and agreed to hold further meetings at the technical, as well as political levels, on the basis of a "Set of Principles."

Among these principles aimed at "the unification of Cyprus based on bi-zonal, bicommunal federation and political equality," is a commitment to the creation of the "right atmosphere" in order for the process to be successful; the enactment of "confidence building measures" to that end, and putting an end to the "blame game."

The meeting of the two leaders and the agreement they reached have been welcomed by the international community, including the United States, the European Union and others.

It is important that this new and positive spirit demonstrated by the two Cypriot leaders be supported by the United States Congress in order to help the parties build trust and forge an atmosphere conducive to peace. It is our sincere hope that the spirit of reconciliation and goodwill generated during the recent meetings will continue to be promoted by all parties involved.

Mr. Speaker, as the process moves forward it is also important to recognize the resolve of the Turkish Cypriot people who have demonstrated time after time an unwavering commitment to reconciliation as well as remarkable flexibility both in the 2004 referenda and after. Despite their continued commitment to reunify Cyprus, Turkish Cypriots are still awaiting the fulfillment of the promises made to them by the international community before and after the referenda that their isolation would be lifted. We believe that both the Turkish Cypriots and Turkey, whose support was crucial in securing the "yes" vote of the Turkish Cypriots in the 2004 referenda, should be rewarded, not penalized, in order for the process to move forward toward a lasting settlement.

More than ever before, it is important to support the recent progress made in Cyprus and look towards a brighter future for Greek and Turkish Cypriots.

TRIBUTE TO EMANUEL TURNER OF HERNANDO COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Emanuel Turner from Hernando County, Florida, who is retiring from the military after twenty-five years of service to our country.

Mr. Turner was born in Jackson, Mississippi on July 3, 1957 to Emanuel Turner Sr. and Marie Ellis. After graduating with a Bachelor's Degree from Jackson State University in June, 1981, Mr. Turner met and married Jarry Dean. Soon thereafter, he joined the Army to support his wife and later their two children, Emanuel III and Courtney Marie.

During his active duty in the United States Army from 1981 to 2006, Mr. Turner was stationed in several different locations around the country including Germany, Kentucky, Texas, Kuwait, Hawaii, Michigan, and Georgia. These frequent relocations could not have been easy for Mr. Turner or his family, and his willingness to remain dedicated to this country is commendable.

Serving with the 25th Infantry Division, the 3rd Infantry Division, and the Personnel Service Detachment, Mr. Turner participated admirably in Operation Restore Democracy, Operation Iraqi Freedom, and Operation Desert Storm. His involvement in these missions shows his commitment to the United States and our fight to advance the cause of freedom.

Also during his service, Mr. Turner met and married his current wife, Flora Nathan of Brooksville, Florida. They now reside in Hernando County with their three step-children and four grandchildren.

Mr. Speaker, on the occasion of Mr. Turner's retirement, I would like to thank him for his service to this country and the sacrifices he has made on behalf of the American people. Without his service our Nation would not be as strong as it is today.

THE IMPORTANCE OF THE UNITED NATIONS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of the House several key moments over the last several weeks where the United Nations has been called upon by the international community to address issues of grave global concern and has taken significant steps to increase its own efficiency and efficacy.

In the last week alone, the U.N., which is located in my congressional district, has been asked to deal with the nuclear threat from North Korea, hostilities in Lebanon, and the deteriorating peace and humanitarian situation in Gaza. In fact, as I speak, a U.N. team, led by Under Secretary General Vijay Nambiar, is on the ground in the Middle East helping defuse the current crisis. They have already met with the prime ministers of both Israel and Lebanon and the foreign ministers of the Arab League. Over the next few days, they may return to Lebanon and, perhaps, travel to Syria, Jordan, and the Palestinian territories before returning to New York to brief the U.N. Security Council. Secretary Rice called for the creation of this team and has, along with the President, the National Security Advisor, and a host of other administration officials, publicly supported it since its inception. In fact, during a press briefing in Germany on July 13, Secretary Rice called the Secretary-General's mission "the best opportunity now for deescalation of this crisis."

The U.N. Security Council has also taken action against Iran and North Korea, two regimes that the United States has deemed a serious threat to international security and stability but has been unable or unwilling to address directly on its own. Last Saturday, the Security Council voted unanimously to demand that North Korea suspend all ballistic missile launches and related activity and required all member states to prevent the import or export of funds or goods that could fuel Pyongyang's missile or weapons of mass destruction programs. And, as reported in Tuesday's New York Times, the Security Council, including China and Russia, is currently developing a resolution based on a previous agreement to require Iran to suspend its nuclear programs or suffer actions under article 41, chapter 7, of the U.N. Charter, which allows for sanctions.

In addition, at the request of President Bush and the Iraqi Government, the United Nations announced earlier this month that it will help create an "International Compact for Iraq" to provide a platform for international support.

The Deputy Secretary General has already traveled to Baghdad to begin discussions with Iraqi President Jalal Talibani. The U.N., through a similar "Compact" for Afghanistan, raised billions of dollars for relief and reconstruction and built an international consensus on ways to improve the economy, security, and human rights situation in Afghanistan. Today, in part because of the U.N.'s role as a platform for international cooperation, Afghanistan has its first democratically elected parliament in more than 20 years; 4 million refugees have returned; 5 million children are back at school; 60,000 combatants have rejoined society; and the economy is growing.

These are only the most recent of a long list of ways in which the U.N. helps to safeguard American peace and prosperity. The U.N. currently maintains the world's second-largest standing army, which is keeping the peace in some of the world's most hostile environments. It is working to detect any outbreaks of avian flu and develop the first line of defense against a possible world pandemic, as the President noted in his National Strategy for Pandemic Influenza. It is providing humanitarian assistance and saving lives in volatile regions of the world. And it is developing an international legal framework and bringing those guilty of crimes against humanity to justice.

In addition to taking a central role in addressing these global problems and maintaining an increasingly important presence around the world, the U.N. has taken significant action over the past few months to look inward and improve its own efficiency, transparency, and accountability.

Over our July 4 recess, the U.N. General Assembly—with U.S. consensus—agreed to a slate of broad reforms, many of which had been recommended by former State Department Under Secretary for Management and current U.N. Under Secretary General for Management Christopher Burnham, that include an upgrade to the U.N.'s information technology systems to help better analyze and organize real-time financial data from computer systems spread around the globe and an acceptance of internal accounting standards. These particular actions were made against a backdrop of broader reform over the last 6 months, during which time the U.N. dismantled and replaced the discredited Human Rights Commission; increased staff and funding for internal auditing; created an Ethics Office; and enacted whistleblower and financial disclosure policies that are more far-reaching that those in the U.S. Government.

Mr. Speaker, the U.N. is an indispensable presence in the world, and it is absolutely necessary for maintaining peace and prosperity in the United States. Were the U.N. not to exist or were it unable to fully fund its programs, the U.S. would be forced to confront a rising tide of issues that are simply too numerous, complex, costly, and diplomatically implausible for us to handle on our own. The U.N., as the world's platform for international engagement, can only work when member states, especially the United States, actively engage with the organization and each other. Today—and in the future when we discuss U.S. dues to the U.N.—we will be sending a message to the international community. We must make sure, in the interest of all Americans, that the message is one of cooperation, engagement, and support for the United Nations.

TRIBUTE TO SEVERO MARTINEZ

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to the life of Severo Martinez who passed away in Santa Fe on Sunday, July 16, 2006 surrounded by his loving family and friends. Severo's family and friends have lost a very special person and New Mexico has lost a patriot who answered his country's call early in his life to fight for democracy in Europe and the South Pacific.

Severo was born on May 7, 1916 in Chama, New Mexico. He loved to fish and hunt throughout northern New Mexico with his brothers, son, grandchildren, and nephews. My former Legislative Director Tony Martinez, Severo's great nephew, joyously recalls going on many of those outings with his uncle where Severo would always be ready to pass the time by telling some jokes, playing cards and sharing stories of his service during World War II and in the South Pacific.

Severo was a proud veteran of World War II where he served with the 58th Quartermaster Battalion in Europe and in the South Pacific. He was recalled to federal service as a member of the New Mexico National Guard during the Korean Conflict. As a forward observer he was awarded the Purple Heart and the Bronze Star. After release from federal service he remained in the New Mexico National Guard until his retirement at the rank of Major.

Severo was always very proud of the men he served with in the National Guard and loved them dearly. After his service in the Armed Forces and the National Guard, Severo was employed with the New Mexico Employment Security Commission for 39 years. His faithful and dedicated public service assisted many New Mexico Veterans and citizens to obtain employment and helped start new careers for them throughout New Mexico. Severo is a life member of the Veterans of Foreign Wars, a life member and charter member of the Military Order of the Purple Heart, Patrick Hurley Chapter.

To Severo's grandchildren: David, Will, Meagan, Ashley and Natalie, your grandfather lived through 90 years of extraordinary events throughout our country and world. His service during World War II and the Korean Conflict helped contribute to the preservation of democracy and freedom that exist today. That is something you should all be very proud of him for—in addition to the love he held for each of you as a proud grandfather.

Mr. Speaker, I would like to extend my condolences to his children Vince, Norie, Kate, Becky, and the whole Martinez Family. I ask that my colleagues in the House of Representatives join me in honoring the memory and life of a proud veteran, proud father, proud grandfather and New Mexican—Severo Martinez.

HONORING GRETCHEN JENKINS ON THE COMPLETION OF HER INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. GORDON. Mr. Speaker, I rise today to recognize the many contributions Gretchen Jenkins has made while interning in my Washington, DC, office. Gretchen, a resident of Lebanon, Tennessee, has been a wonderful addition to the office and a great servant to the constituents of Tennessee's Sixth Congressional District.

Gretchen must now return to the Volunteer State, where she soon will begin her junior year at my alma mater, Middle Tennessee State University. The political science major has been active on campus as a member of the Raider Democrats, vice president of the National Society of Collegiate Scholars and a columnist for MTSU's Sidelines.

Gretchen has gained a wealth of congressional experience that I hope will serve her well in the future. During her time here, she has addressed constituent concerns, served as a friendly and informative tour guide of the U.S. Capitol, and has been first in line to attend briefings given by some of our Nation's brightest and most eloquent statesmen.

I hope Gretchen has enjoyed her internship as much as my staff and I have enjoyed her presence in the office. I wish her all the best in the future.

CONGRATULATING THE HICKMAN COMMUNITY HOSPITAL ON BREAKING GROUND FOR ITS EXPANSION AND RENOVATION

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mrs. BLACKBURN. Mr. Speaker, I ask my colleagues to join me today to celebrate a few wonderful new changes coming to the Hickman Community Hospital in Tennessee.

Patients and visitors at the hospital will enjoy updated dining facilities and improved patient rooms to name just two of the enhancements that will improve the quality of life and the quality of care at the facility.

A real team effort went into this project which was funded through corporate and individual donations. The Hickman community came together, worked hard, and made this progress happen. They deserve recognition for this achievement which is the sort of initiative that has helped make the hospital a Critical Access Hospital.

I also want to recognize Jim Houser, Jack Keller, their teams at Saint Thomas Health Services and Hickman Community Hospital, leaders in the community, and most importantly, those who pledged support and are making this project a reality.

PERSONAL EXPLANATION

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. INSLEE. Mr. Speaker, I was absent from the House floor during yesterday's votes on H.R. 2389, which amends the Federal judicial code to deny jurisdiction to any Federal court, and appellate jurisdiction to the Supreme Court, to hear or decide any question pertaining to the interpretation of the Pledge of Allegiance or its validity under the Constitution. At that time, the House also considered H. Res. 911 pertaining to deadly terrorist attacks in Mumbai and H.R. 5683 regarding the Mt. Soledad Veterans Memorial.

Had I been present, I would have voted against H.R. 2389, and I would have voted in favor of both H. Res. 911 and H.R. 5683.

SCHOMBURG CENTER HOSTS A SUMMIT FOR HIP-HOP ACTIVISM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD an article from the Volume 6 Edition of Africana Heritage magazine which highlights an event hosted by Dr. Cornel West celebrating the music genre of Hip-Hop. This panel based event, held on Monday, April 24th, 2006, was titled "A Hip-Hop Revolution?" and it featured expert panelists from the academia, entertainment, and publishing spheres who gathered to address the issue of whether Hip-Hop music had the capability to serve as a tool for revolution.

This event formed part of a four-program series, the "Leadership Forum Series: Higher Pursuits" taking place at the Schomburg Museum in Harlem, New York. This particular event that focused on the potential of Hip-Hop to serve as an instrument for social movement shed some light on contemporary perspectives on the evolution of Hip-Hop from a subgroup of African American music born to the New York borough of the Bronx, to one of the most popular genres of music around the world.

To some panelists, the answer to this question was positive. Writer Greg Tate held that Hip-Hop was just a manifestation of black people's way to transform their world. To him, Hip-Hip embodied a culture that produced leaders and prophets "to get us through the next plateau of our struggles." On the other hand, Dr. Imani Perry, associate professor at Rutgers Law School, submitted that "Hip-Hop doesn't exist as a viable social movement, but its music generates courage."

Whatever the case may be, facilitator Dr. West concluded and all the panelists agreed that Hip-Hop may perhaps offer the "soundtrack" for a movement. However, one should not look to it for a "blueprint" for a revolution when there is a great exemplar from the African-American and African Diasporan history.

[From the Africana Heritage, Apr. 24, 2006]

CORNEL WEST AND PANEL TALK HIP-HOP ACTIVISM

On Monday, April 24, 2006 the Schomburg Center held the third of four programs in its Leadership Forum Series: Higher Pursuits hosted and moderated by Dr. Cornel West. The focus of the discussion was "A Hip-Hop Revolution?" and featured guest panelists Dr. Marc Lamont Hill, Assistant Professor of Urban Education at Temple University; Dr. Imani Perry, Associate Professor at Rutgers Law School and author of Prophets of the Hood: Politics and Poetics in Hip-Hop; Carlito Rodriguez, Producer Consultant at BET News and former Editor-in-Chief of The Source magazine; Akiba Solomon, Senior Editor at Vibe Vixen and Co-Editor of Naked: Black Women Bare All About Their Skin, Hair, Hips, Lips, and Other Body Parts; and Greg Tate, author of Everything But the Burden: What White People are Taking from Black Culture and long-time contributor to the Village Voice.

Dr. West gave each of the panelists time to address the issue of whether Hip-Hop music has any revolutionary potential. According to Carlito Rodriguez, people often have a very romantic view about Hip-Hop and its influence, but he reminded the audience that he grew up in the Bronx during the music's toddler years and everything about the culture wasn't necessarily a good thing. "I don't subscribe to the revisionist history that everybody and everything in Hip-Hop was positive. It began with acts like Run-DMC who went from looking like Parliament Funkadelic to [wearing] street gear. It soon became 'I want that chain, that car' and somewhere along the line, that became the norm. I think someone has to make music that caters to me—grown man rap." Rodriguez emphasized that the lyrics today don't really address the many issues he faces as a man in his late 30s.

Dr. Marc Lamont Hill, who is currently working on several book projects regarding Hip-Hop culture, made a very important distinction. "The question mark at the end of 'A Hip-Hop Revolution?' is so critical. Is Hip-Hop a revolutionary form, born out of resistance? Yes. Is it in content? I'm not sure." Dr. Hill added, "When someone looks at a rapper like Lil' Kim as a feminist role model, there is a [disconnect] with the message of Hip-Hop not engaging listeners in the day-to-day politics of the 'hood.'"

Writer Greg Tate was more optimistic on what the future could bring as far as leadership. "I know it has never really been about Hip-Hop; it has always been [about] black people's way to transform their world," explains Tate. "The culture spits [out] the prophets, the leaders, to get us through the next plateau of our struggles. The future of Hip-Hop is in a maternity ward somewhere. The answer to the crisis is a voice we haven't heard before, but because we can imagine it, it probably exists."

Dr. Imani Perry believes that a community-based approach seems more realistic than a creative one. "Hip-Hop doesn't exist as a viable social movement, but its music generates courage. I am more interested in the community providing a social justice movement." Editor and journalist Akiba Solomon put things rather bluntly: "my short answer to the question [about Hip-Hop being revolutionary] is 'no.' I've gone through a lot with Hip-Hop; I compare it to an abusive marriage. Every time it punches me in my face—it gives me gifts. Hip-Hop has been used as a euphemism for different things. It's important that we define what we're talking about and whom we're talking about. My mid-80s view is that I think we are talking about predominately black and Latino youth who come from a certain class or struggle. But I think a major piece that is missing is that you cannot have an art form have any social change potential when it objectifies or minimizes half the population."

Dr. West offered closing thoughts: "Latinos and blacks have so many resources, but they still don't have total control of it. Hip-Hop is a global phenomenon and it has a different context in other countries like Bolivia and Colombia." Unlike those countries, Hip-Hop here in the United States can often be more degrading than it is uplifting. But one thing that all the panelists, Dr. West included, agreed on is that society's ills will not be changed by a song or a performer, but by small pockets of people doing their best to make a difference. And while Hip-Hop can sometimes provide the soundtrack to a movement, no one should look to it for a blueprint, when there is so much more from African-American and African Diasporan history that could provide that sort of guidance.

"YES" TO STEM CELL RESEARCH

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. MEEHAN. Mr. Speaker, 5 years ago, President Bush said that stem cell research raised "profound ethical questions." There is no more profound or ethical question than the fate of 100 million American lives. Lives that can be saved, and lives that will be lost if we don't move forward with this vital research.

This Congress sent the White House a bipartisan bill that ethically advances stem cell research—a practice supported by over 70 percent of Americans. Stem cell research may one day provide a cure for Alzheimer's, juvenile diabetes, Lou Gehrig's disease, and spinal cord injuries.

The promise of this research is enormous, but regrettably, the President used his first veto to deny hope to millions of Americans whose lives could be improved by stem cell research. The answer to this profound ethical question is clear—yes to stem cell research would mean yes to saving lives.

32ND ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. CROWLEY. Mr. Speaker, I rise today to recognize the 32nd anniversary of the Turkish Invasion of Cyprus. Although this event took place 32 years ago, the situation is still one that demands attention and strong intervention today.

In 1974 Turkish military forces invaded the Greek island of Cyprus thereby disrupting the lives of its citizens. In two waves, Turkey was able to seize control of more than one-third of the Island by labeling the invasion as a "peace keeping operation." As a result, Northern Cyprus was divided by a 113 mile barbed fence, which thereby prevented Cypriots from visiting areas and communities within their country.

Turkish presence on the island of Cyprus is in clear violation of repeated U.N. Security Council Resolutions. There are currently 35,000 Turkish troops illegally stationed in Cyprus as it continues to remain one of the most militarized areas in the world. As a result of the invasion over 250,000 Greek Cypriots were subject to ethnic cleansing in Northern Cyprus.

I would like to commend Congressman BILIRAKIS and Congresswoman MALONEY for bringing this issue to a forefront in Congress. I sincerely hope that we will see a better day when the people of Cyprus who have been disenfranchised will receive proper treatment and regard.

Again, I want to express my support for the true government of Cyprus, and I urge the United States government, the European Union and the United Nations to continue efforts in finding a solution to this unfortunate predicament.

SENATE—*Monday, July 24, 2006*

The Senate met at 2 p.m. and was called to order by the Honorable SUSAN M. COLLINS, a Senator from the State of Maine.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Creator, our source of strength, we humbly acknowledge Your power and gratefully accept Your mercy and grace.

We need Your mercy for we fall short of Your glory. We need Your grace, for we can do nothing to deserve Your favor or gain Your love.

Today, permit our Senators to feel Your presence. Give them confidence to draw near to You and to find grace to help them meet national and global challenges.

Help them to find joy in the companionship of Your sovereign leading. Use them to promote the values of justice and peace.

We pray in Your glorious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SUSAN M. COLLINS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 24, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby appoint the Honorable SUSAN M. COLLINS, a Senator from the State of Maine, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Ms. COLLINS thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each until the hour of 3 p.m.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. FRIST. Madam President, this afternoon we have a 1-hour period of morning business before we proceed to executive session. At approximately 3 o'clock today we will be turning to consideration of Jerome Holmes to be a United States Circuit Court judge for the Tenth Circuit. We have an order in place that allows for 2 hours of debate today and 2 hours of debate tomorrow morning. Therefore the vote on confirmation of Jerome Holmes will occur tomorrow morning before the policy meetings.

I also remind everyone that we have a consent agreement for the consideration of S. 403, the Child Custody Protection bill. We will be returning to that bill tomorrow afternoon to dispose of the amendments and final passage of the Child Custody Protection measure tomorrow.

I want to put all of my colleagues on notice that we do need to finish that bill on Tuesday, and if we have to work well into the evening, we will do so in order to finish that important bill.

Another issue to consider this week is the Energy Security Act of 2006. That bipartisan bill is on the calendar and we want to proceed to its consideration as quickly as possible. If there are objections to considering that bill, it will be necessary to file cloture and we will be prepared to file that motion. That vote would come as early as Wednesday, Wednesday morning. I do also remind my colleagues that we have a joint meeting on Wednesday morning. At 11 o'clock on Wednesday there will be a joint meeting with the House to hear the address by Prime Minister Maliki of Iraq.

Given this address, a cloture vote would occur possibly around 10 o'clock on Wednesday, in which case we could proceed directly to the House immediately following that vote, sometime after 10:30. If that is the case, and I expect it will be, Senators should stay in the Chamber following that vote and then we will proceed together to the Hall of the House of Representatives for that joint meeting.

I was discussing with the Democratic leader, we should also put our colleagues on notice that next week will be the last week of legislative business prior to the August adjournment. As we plan the schedule for the remainder of this week and next, there is a lot to accomplish. Senators should fully expect a vote on Monday, July 31. We were able to reach several agreements last week, which allowed us to say no rollcall votes for today's session, but I expect very important votes will occur each day next week, including Monday's session, so everyone should plan their schedules to accommodate this final week.

ORDER OF PROCEDURE

Finally, I remind everyone that today marks the eighth anniversary of the fatal shootings of Officer Chestnut and Detective Gibson as they protected the U.S. Capitol. At this time, I ask unanimous consent that at 3:40 this afternoon the Senate observe a moment of silence in recognition of these two fallen officers.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Madam President, I will turn to the Democratic leader and then I have a very brief comment on the events today.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

INTELLIGENCE AUTHORIZATION

Mr. REID. Madam President, I didn't mention this in our private conversation, but we are going to do the Defense bill hopefully before we leave, and the one thing we haven't talked about is the Intelligence authorization bill. That has been reported out of the committee. I think we could have a very short time agreement—I mean very short. Is there a way the leader would try to work that into the schedule before we go? Because this would be the second year without an intelligence authorization bill.

Mr. FRIST. Let's consider that. I think over the next day or so we need to get together and go through all we do need to accomplish before we leave for that month for the August recess.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Let's talk specifically about that bill as well.

Mr. REID. Yes.

REMEMBERING CAPITOL POLICE OFFICERS GIBSON AND CHESTNUT

Mr. FRIST. Madam President, 8 years—that is how long it has been since two Capitol police officers gave their lives in the line of duty. On July 24, 1998, a lone gunman entered this building, the Nation's Capitol. He was wearing a green fedora with extra bullets in his pocket when he opened fire. He shot two officers and a tourist before falling himself.

It is a day I will never forget. It is a day when I was swiftly driven back to my days in emergency medicine, emergency surgery, in the reality that even your best efforts cannot always save a life—because, despite our best efforts, we couldn't save Special Agent John Gibson or Officer Jacob J. Chestnut. It is a humbling experience, realizing the debt of gratitude we owe these two fallen heroes for their sacrifice and recognizing it can never be fully repaid. But we can honor their sacrifice by remembering, by offering solemn tribute to their courage, and by protecting the memory of these heroes.

We must ensure that Special Agent Gibson and Officer Chestnut did not die in vain, and that the America they died protecting is the America we preserve today and in the future. I hope, I pray we are never faced with such tragedy again.

Thus, at 3:40 this afternoon, I hope this body will join me in a moment of silence, a moment to reflect on the courageous sacrifice of Special Agent Gibson and Officer Chestnut for, although 8 years have passed, their memory and their sacrifice is alive in these halls today.

I yield the floor.

THE WAR IN IRAQ

Mr. REID. Madam President, 1 month ago on June 22, the Senate held a debate about the raging and intractable war in Iraq. That debate, Democrats—led by Senators LEVIN and JACK REED—gave voice to the concerns of the American people and advocated that the Bush administration change course in Iraq.

We argued that the administration follow the law of the land. The law of the land is that the year 2006 will be a year of significant transition. That is the law. We argued that this year should be a year of transition, that we should follow the law with Iraqis taking charge of their own security and their own government so that American forces could be redeployed by the end of this year.

Our plan would have given the Iraqi people their best chance for success, while also giving America the best chance to confront the growing threats of North Korea, Iraq, and terrorism around the world.

Our plan would have engaged regional powers to help bring stability to Iraq and would have reminded the countries of the world of their commitment to invest in Iraq's long-term economic prosperity which seems to have been lost.

Our plan would have refocused America's military, diplomatic, and economic might on terrorist threats that face us in Iraq and globally, including Osama bin Laden, who remains free after 5 years.

Our plan would have tracked closely with the plan of our commanders on the ground in Iraq today, led namely by General Casey, who on their own have developed a similar strategy for success.

Despite that fact, the majority of the Republicans chose not to join the Democrats in serious debate about Iraq. I think they put their political needs ahead of America's security.

As they have in nearly every Iraq war debate, Republicans have blindly rubberstamped the President's mismanagement of this war and fell in line with his failed policy.

One month later, after the debate on Levin-Reid, the consequence of "staying the course" in Iraq is evident in every place.

In the last month in Iraq, more than 3,000 Iraqis have been killed—an average of 100 a day. And more than 100 were killed just yesterday.

Pick up any newspaper. Here is today's. "Bombings Kill at Least 66 in Iraq."

If you read the article, it is a lot more than 66. The intense violence made last week one of the deadliest in Iraq.

Read the article: 348 people killed, 6 of them police officers. Read the article: 34 dead. Read the article: 60 killed. Read the article: 24 civilians killed.

It doesn't talk about the hundreds and hundreds who have been wounded and injured, many of them for life.

This is a civil war. As I said last week, I tepidly talked about civil war. But I decided that there was no reason to be tepid about it—that there is a civil war going on in Iraq.

Take the New York Times from yesterday. There are lots of other places you could go to find the same thing. "It's Official: There Is Now a Civil War in Iraq."

This wasn't written by somebody who is just passing by deciding to write an op-ed piece and they stick the headline on. He is Nicholas Sambanis, a professor of political science at Yale, author of "Making War and Building Peace." He says, among other things:

> The question of whether a country has fallen into civil war is often deliberately muddled for political reasons.

We have had some muddling here.

He goes on to say:

> But if the term "civil war" seeks to convey the condition of a divided society engaged in destructive armed conflict, then Iraq sadly fits the bill.

The consequences of staying the course in Iraq is a full-blown civil war.

In the last month, nearly 3,000 additional Iraqis have been killed. 50 American soldiers have been killed. 250 have been wounded. $13 billion of taxpayer money has been spent since that debate. The price of gasoline is now, as reported in this morning's news, the highest ever, averaging more than $3 a gallon.

Staying the course, North Korea, on July 4, tested new long-range missiles.

In the last month, Hezbollah has terrorized Israel.

In the last month, al-Qaida found a new sanctuary, it appears, in large swaths of Somalia.

These are the costs of "staying the course" in Iraq and of a Senate which rubberstamps what the President does.

My question today is, how long will America be forced to pay these costs? The longer it takes for this Republican Congress to hold President Bush accountable for his mistakes, the less safe America becomes.

Democrats have asked for another Iraq debate before the August recess. I hope we have that opportunity because the Republican leader said today that we are going to take up the Defense appropriations bill. I hope we would have an opportunity to do it there.

We want to give rubberstamping Republicans another chance to demand that President Bush change course in Iraq—not because of any political point scoring but because national security clearly demands it.

We live in a dangerous world, but nearly everywhere you look, from the Middle East to Asia, America's enemies have been emboldened by this administration's mismanagement of this conflict in Iraq. They are taking advantage of our damaged reputation in the world and the fact that Iraq has tied our hands to redouble their efforts and threaten us and our allies.

The Middle East has faced problems, as we know, for decades. Every American President since World War II has struggled to bring freedom, stability, and prosperity to this region. The President washed his hands of what was going on with the Palestinians and the Israelis until the Intifada became so complex, with so much conflict, that he had to step in. But that took years into his first term of office.

The war in Iraq has destabilized the Middle East and taken our attention and our resources away from other threats. That is without question. So far, the result of the Iraq war has been instability and no security. One of the biggest winners so far has been Iran. They continue to thumb their nose at our country. The war in Iraq has given it exactly what it wants: greater influence in Iraq and throughout the Middle East. The longer we go without a strategy for success in Iraq the stronger Iran gets and the more confident it is in supporting terrorist organizations like Hezbollah, which is now terrorizing Lebanon and Israel.

I believe Israel has every right to defend itself from these terrorist acts. While it defends itself, the United States should be standing by its side.

Unfortunately, because Iraq has tied our hands and exhausted our resources and our reputation, the Bush administration has had to sit on the sidelines. The President was ineffective in finding any solution during the G8 Summit, and he went nearly 2 weeks without dispatching his Secretary of State to the region. Finally, yesterday, Secretary of State Rice left for the Middle East. Hopefully her surprise visit to Lebanon is not a continuation of the Bush photo-op foreign policy. "Mission Accomplished," "Bring 'em On." I hope it is not a photo-op again but a serious effort to follow the call for American leadership.

The Bush administration's—as reported on the face of a major weekly magazine last week—cowboy diplomacy cannot be replaced by couch potato diplomacy where we sit and do nothing.

Democrats have called for a special envoy to emphasize the need for full-time leadership. We need to do the hard work to put Iran back in the box and bring stability back to the Middle East. That job can be started but can't be finished by the Secretary of State during a brief visit there this week. What we need is a full-time special envoy—someone who can work around the clock with Egypt, Jordan, Saudi Arabia, the Europeans, and, yes, Russia and Israel.

Together, we can bring some good out of this terrible situation by finding ways to support the Lebanese Government, continue our support for Israel, and disarm Hezbollah and ultimately contain the Iranian power. The challenge will be for this administration and its Republican rubberstamp allies in Congress to step up and do the job. We need a new direction.

This week, the Iraqi Prime Minister will meet with President Bush and address a Joint Session of Congress here in Washington. When he is here, we need President Bush to communicate that our commitment in Iraq is not unlimited. He needs to announce a change of course in his failing policy.

If we hope to live in a world that is safe and secure, we must end the open-ended commitment in Iraq that is costing this Nation $3 billion each week and requires the deployment as we speak of at least 125,000 of America's finest troops.

We must transition the mission in Iraq so that we can marshal our resources to the other threats America faces such as Bin Laden, who, as I said, remains free after 5 years, Iran, North Korea, and many other troubled spots in the world.

We must insure that the Senate is more than a rubberstamp for the executive branch. There are only 2 weeks before the August recess—really just 6 voting days left. There are a number of important subjects that deserve our attention but none more important than the intractable war in Iraq.

The Senate can no longer turn a blind eye to what is happening in Iraq. It is costing too many American lives, too many Iraqi lives, too many dollars, and too much of our national security.

Mr. DURBIN. Madam President, will the Democratic leader yield for a question?

Mr. REID. I would be happy to yield to my friend.

Mr. DURBIN. Last year, we had bipartisan agreement on the Senate floor, and the agreement was that this year, the year 2006, would be a year of significant transition in Iraq. We spelled out what we had in mind, that the Iraqis would take on more responsibility for their own fate and their own future, that the United States troops would be able to start withdrawing and coming home in this year of 2006. I ask the Democratic leader, as he joins with me each morning reading about how Iraq is descending into a civil war, the number of innocent civilians who are being killed in Iraq, and the number of American troops who continue to lose their lives in Iraq, when we voted for significant transition in Iraq, is this what we had in mind?

Mr. REID. I say to my friend, this was on a bipartisan vote. On a bill cosponsored by the two people who take care of our armed services, Senators LEVIN and WARNER, 79 Senators voted for that, and the law of the country as we speak is that the year 2006 is to be a year of significant transition in Iraq, and the President, I believe, should follow that law and he is not doing that. I agree with my friend.

Mr. DURBIN. I ask the Senator from Nevada if he would yield for this question. Then this year when the Defense authorization bill came forward, is it not true that the Democratic side offered another amendment in an attempt to strike a bipartisan position on foreign policy in Iraq, an amendment which was sponsored by Senator LEVIN of Michigan, Senator REED of Rhode Island, who is a graduate of West Point, served in the United States Army, and that this amendment which we offered to our friends on the Republican side to join us this year said we would start a transition this year before the end of the calendar year by redeploying American troops outside of Iraq? This amendment we offered had 39 of 45 Democratic Senators supporting it and no Republican support.

I would ask the Senator from Nevada, at the end of that Defense authorization bill, just a few weeks ago, was any position taken by the Republican side of the aisle that suggested any change in policy in Iraq?

Mr. REID. I say to my friend, that is what is so concerning to me, that they are following—they, the Republican Senators, are following President Bush, stay the course, stay the course in Iraq. It breaks my heart, frankly. Every day I get up. This is just one page of the paper. I went through the deaths—hundreds of them. I didn't read here, but in the past week 1,000 people in Iraq have moved out; they are afraid. They move out of their neighborhoods. We have probably now estimated 200,000 people in Iraq since the first of the year have had to move their homes. They have no place to go. They want to try to stay alive. The turmoil, the civil strife in that country, is unbelievable, and to think that this country's policy is to stay the course is not sensible.

Mr. DURBIN. Again, if the Senator from Nevada will yield, as you watch the disintegration of the foreign policy under this administration, we find ourselves relying on the Chinese to try to negotiate some peaceful resolution in North Korea, we are relying on the Russians to try to find some way to approach the Iranians on their nuclear power, but we have no one to turn to when it comes to Iraq. This was our own creation, with British help and some other countries, but primarily American soldiers and American resources. I would ask the Senator from Nevada, is his point on the floor today that the bipartisan Senate should not go home for the August recess without taking up this issue? We have spent weeks, the Republican leadership has spent weeks in the Senate on meaningless constitutional amendments and issues that bear little relevance to the daily lives of Americans, but the Senator from Nevada has to feel, as do I, we have an obligation to these soldiers and their families before we leave in August to have a meaningful debate on this floor about how to make certain that we end up in Iraq with our mission truly accomplished. I ask the Senator from Nevada, is that the purpose of his coming to the floor?

Mr. REID. First, my coming here is just as the Senator indicated. How can we, the Senate of our country, leave here with the raging civil war going on and our troops are right in the middle of it? How can we leave here without changing the course in Iraq? That is why I am here. It is a cry for help. We need our Republican colleagues to speak out. This blind allegiance to the President is not good for our country.

Mr. DURBIN. I thank the Senator from Nevada for yielding for the questions.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I ask permission to speak as if in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

Mr. BINGAMAN. I thank the Chair.

ENDING THE CRISIS IN ISRAEL AND LEBANON

Mr. BINGAMAN. I have come to the Senate floor today to discuss what I believe are some necessities, steps to bring an end to the current crisis in Israel and Lebanon and to set us back on a course toward stability in the Middle East.

I condemn the killing and the kidnapping of Israeli soldiers by Hamas and Hezbollah. I believe that was a deliberate act of provocation. It was intended to further rupture efforts at creating stability in the region, and it was carried out by groups who seek no less than the destruction of the nation of Israel. And I, I am sure along with my colleagues, support Israel's right to defend itself. However, I also believe the Israeli response has been excessive and the current crisis of escalating violence on both sides must be brought to an end so we can resume efforts at creating a lasting peace.

My first point is I believe United States interests and Israeli interests will be furthered if we support the efforts of the Secretary General of the United Nations to bring about a cease-fire at the earliest possible date. Secretary General Kofi Annan has called for an immediate end to fighting between Israel and Hezbollah. He has pointed out the obvious, which is that as long as fighting continues, the number of civilian deaths both in Israel and Lebanon will increase. I also believe this may be the best way to ensure the safe return of kidnapped soldiers. Of course, the further destruction of civilian infrastructure in Lebanon is putting the future economic and political viability of that nation at serious risk. I think it is obvious to all that what is occurring in Israel and Lebanon is a disaster for many innocent civilians.

Our own administration has chosen not to support Secretary General Annan's call for an end to hostilities. As I understand Ambassador Bolton's position, it is that allowing a continuation of hostilities will provide Israel the opportunity to eliminate Hezbollah's ability to attack Israel and that this degrading of Hezbollah's military capability will provide a better possibility for long-term peace. I support the goal of long-term peace, but I disagree with his view that continued combat is the best way to achieve it.

Whatever additional military advantage might be achieved by delaying a cease-fire comes at a very high cost. First, there is the cost in the loss of additional civilian lives.

Second, there is the additional support for Hezbollah in the Arab world which the continued attacks on Lebanon will almost certainly generate.

Third, there is the increase in anti-Israeli and anti-American sentiment throughout the Middle East and more broadly which will result if the military conflict continues.

While I understand the goal of these continued attacks is to bring an end to terror in the Middle East, and I strongly support that goal. I believe the result will be the opposite.

The administration's unwillingness to join other nations in calling for a cessation of hostilities reinforces the belief in Arab countries that our Middle East policy is based on a double standard. The perception is we have one level of concern when innocent Israeli civilians are being killed and injured and much less concern when the injured or killed civilians live in Arab countries. Support by the U.S. for an immediate cease-fire would save lives on both sides and would help to counter that perception.

There was an article in the Washington Post last week by Michael Abramowitz entitled "In Mideast Strife, Bush Sees a Step to Peace." In the article, he states:

> In the administration's view, the new conflict is not just a crisis to be managed. It is also an opportunity to seriously degrade a big threat in the region, just as Bush believes he is doing in Iraq.

If this administration thinks it can succeed here in Lebanon with the same strategy that has brought us success in Iraq, then our foreign policy in Washington is even more out of touch with reality than I had thought.

My second point is as part of our effort to bring about this cease-fire, we need to talk directly with Syrians and others with whom we have disagreed.

Robert Malley, who was President Clinton's special assistant for Arab-Israeli affairs, has written an article in the July 24 issue of Time magazine making that case persuasively. His article is entitled "Time to Start Talking." The thrust of his argument is this administration's policy of not talking to those with whom we disagree has not served us well. The same argument is made by John McLaughlin, the former Deputy Director of the CIA, in yesterday's Washington Post.

In my view, both of these former officials are giving good advice and I urge the President and the Secretary of State to heed that advice.

My final point is this current crisis should be a wake-up call to this administration that the United States needs to reengage diplomatically in the region.

For the past several decades, United States administrations have seen our role in the Middle East as supporting the security of Israel but also as helping to resolve conflicts between Israel and its neighbors and supporting moderate governments in the region. There are many chapters in that history. Among the most remembered are Secretary of State Kissinger's efforts at shuttle diplomacy, President Carter's efforts at Camp David, President Clinton's efforts both in bringing Rabin and Arafat to the White House for a handshake, and his later efforts trying to broker a peace agreement at Camp David.

This current administration has chosen a different course. It has chosen to disengage from that conflict resolution role. As evidence of this, Secretary Powell did not appoint a special Middle East envoy as his predecessor had. Secretary Rice also has not appointed a special envoy. Her statement was:

> Not every effort has to be an American effort. It is extremely important that the parties themselves are taking responsibility.

My strong view is this policy of disengagement has not served the interests of the United States, the interests of Israel, or the interests of other countries in the region. We are by far the biggest provider of aid to the countries in the Middle East and if any outside nation is to play an effective and a constructive role, it needs to be the United States.

I am glad the Secretary of State is in Beirut today, but progress on the diplomatic front cannot be postponed awaiting fly-ins by the Secretary of State. Secretary Rice should appoint a special envoy to work full time at resolving disputes and tensions in the region.

Again, John McLaughlin states the point well:

> The chances of detecting and heading off imminent disaster are enhanced when there is intense, unrelenting and daily attention by a senior and respected U.S. figure who wakes up every morning worrying about nothing else—the role Dennis Ross played so effectively in the 1990s.

Continuing with his quotation.

> Without constant tending to the concerns of all the regional parties, rapid flagging of issues for decision in Washington and continuity of focus by one individual with access we will lurch from crisis to crisis.

It is ironic that the President and Secretary of State acknowledge the need for an Under Secretary of State for Public Diplomacy. This was the job Karen Hughes was given, to burnish the U.S. image abroad, particularly in the Muslim world. Yet at the same time they refuse to appoint a special envoy to the Middle East which, in my view, would do far more with regard to perceptions in that part of the world.

I urge the administration to reassert the historic role of the United States as a force for resolution of conflict in the Middle East. I believe that must begin by engaging in direct talks with the parties in the region. And I urge the President and our Secretary of State to help bring about an immediate cessation of hostilities.

I ask unanimous consent that the two articles I have referred to, one by Robert Malley and the other by John McLaughlin, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From Time, July 24, 2006]

TIME TO START TALKING

(By Robert Malley)

The most alarming aspect of the unfolding crisis in the Middle East isn't how many actors are jumping in. It's who is opting to stay out. Hamas, Hizballah and Israel are directly involved; Iran and Syria by proxy; Lebanon against its will. The U.N. is dispatching its mediators; the European Union is contemplating doing the same. But the U.S., despite colossal strategic stakes, threats to its own security, potential repercussions in Iraq, not to mention staggering loss of life, remains on the sidelines. The world's sole superpower is also its only no-show.

This is by design. From early on, the diplomacy of the Bush Administration has been guided by a straightforward logic: engagement is a reward, misbehavior ought not be rewarded: ergo, misbehaving parties are not to be engaged. The thinking is that isolation, ostracism and, if need be, sanctions are more likely to get troublesome actors to change their ways. And so the list of diplomatic outcasts only grows. Today the U.S. does not talk to Iran, Syria, Hamas, the elected Palestinian government or Hizballah. And as the violence in the region clearly shows, that has hardly been cause for moderation. President Bush once famously observed that the U.S. had sanctioned itself out of all leverage on Iran. In truth, it has worked itself out of much influence on the region.

And that's only half the problem. Since 2000, with the collapse of any Arab-Israeli peace process, the start of the war on terrorism and the U.S invasion of Iraq, regional actors have lacked a clear compass, rules of the road or a referee. Syria is being told to clean up its act in Lebanon and Iraq; Iran to drop its nuclear program and to stop meddling in its neighbor's affairs; Hamas to undergo an ideological revolution; Hizballah to disarm. All are perfectly justifiable demands, but none are being accompanied by a clear and appealing incentive for the parties' taking such actions—other, that is, than avoiding retribution if they do not.

As a result of this diplomatic vacuum, the only factor constraining the behavior of the various parties has been their mutual fear. Israel has been worried that Hizballah might launch Katyusha rockets on Haifa, Syria that Israel might wipe out its army or regime, Hamas and Hizballah that their entire leadership could become fair game. But such apprehension always was at most a feeble restraint, because in an unregulated environment, the only thing more costly than disregarding one's fears is displaying them. In the past weeks, that last and flimsy inhibition finally gave way. The conflict no longer is about achieving a specific objective—it's about imposing new rules of conduct, re-establishing one's deterrence, redesigning the region's strategic map. Stopping such fighting is a tall order, precisely because the protagonists' main goal is to demonstrate they are not afraid to prolong it.

It certainly won't be halted without robust, credible and influential third-party involvement. None of the actors will want to appear overly eager for a cease-fire, but more than a few might—at the appropriate time—leap at an outsider's proposed deal. That happened before, in the 1980s and 1990s, when Lebanon was the arena for similar proxy wars and when the U.S., then the energetic mediator, was the instrument of diplomatic negotiations. Without U.S. support, it's doubtful that the U.N.'s mediators will be able to muster similar muscle.

So is there any way out of the crisis? If the U.S. hopes to find one, it will have to help put a comprehensive package on the table, and some of its broad outlines can be divined. On the Israeli-Palestinian side, it would include a reciprocal and verifiable cease-fire, a prisoner swap and Israel's allowing the Hamas government to govern. The Lebanese equation is more complex. Here too a prisoner exchange and cease-fire agreement will be necessary, but a broader deal, involving steps toward Hizballah's disarmament and Israel's withdrawal from the contested Shabaa farms, will probably be required. On the latter issues at least, it is hard to imagine much happening without addressing Syrian concerns; for more sustainable stability, Iran will have to be included as well.

But then, such an approach would entail negotiating with all the wrong people about all the wrong things. That, of course, is precisely what the U.S. is adamant it will not do. One does not talk to outlaw actors, let alone bargain with them. The result has been a policy with all the appeal of a moral principle and all the effectiveness of a tired harangue.

[From Washingtonpost.com, July 23, 2006]

WE HAVE TO TALK TO BAD GUYS

(By John McLaughlin)

Although the fighting in the Middle East is still raging, it is not too soon to start drawing lessons from these tragic events. Even if this situation begins to cool, there are so many other flashpoints in the Middle East and so many other potential hot spots in the world that any respite from crisis is bound to be short.

Lesson No. 1 is that change occurs incrementally and almost imperceptibly in the Middle East, but when it reaches critical mass, the potential for surprise and disaster is enormous. The current situation did not emerge overnight. The death of Yasser Arafat presented a huge opportunity for the international community to bolster Mahmoud Abbas and reform the Palestinian Authority. But that effort largely stalled despite strenuous efforts by the special envoy representing the Quartet—the United States, the European Union, the United Nations and Russia. This helped set the stage for the Hamas victory in the Palestinian elections. Hamas's control of the West Bank and Gaza and its estrangement from the international community gave Hezbollah, in Lebanon, unprecedented opportunities and reach into those areas. The continuing weakness of the Lebanese government allowed Hezbollah a free hand in its home base.

Lesson No. 2 is that the chances of detecting and heading off imminent disaster are enhanced when there is intense, unrelenting and daily attention by a senior and respected U.S. figure who wakes up every morning worrying about nothing else—the role that Ambassador Dennis Ross played so effectively in the 1990s. It is true that plenty of able people in the U.S. government still focus on the Middle East. But without constant tending to the concerns of all the regional parties, rapid flagging of issues for decision in Washington and continuity of focus by one individual with access, we will lurch from crisis to crisis.

Lesson No. 3, related to all of this, is that process matters, especially in the Middle East, where the issues are so contentious and the parties so divided. Without ongoing, regular and near-continuous negotiation, there are few reference points that all the parties can accept when conflict breaks out. It may not even matter whether perceptible progress is occurring continuously. The important thing is that the table is always set, everyone has a chair and someone is in charge. That has not been the case for some time in the Middle East.

Lesson No. 4 is that even superpowers have to talk to bad guys. The absence of a diplomatic relationship with Iran and the deterioration of the one with Syria—two countries that bear enormous responsibility for the current crisis—leave the United States with fewer options and levers than might otherwise have been the case. Distasteful as it might have been to have or to maintain open and normal relations with such states, the absence of such relations ensures that we will have more blind spots than we can afford and that we will have to deal through surrogates on issues of vital importance to the United States. We will have to get over the notion that talking to bad guys somehow rewards them or is a sign of weakness. As a superpower, we ought to be able to communicate in a way that signals our strength and self-confidence.

Lesson No. 5 is that there are no unilateral solutions to today's international problems, not even for superpowers. They have been rendered impossible by a host of factors unique to this era—globalization, the Internet, the technological revolution and the increasing role of non-state actors with influence that spills across existing borders. The disproportionate influence of Hezbollah at the moment illustrates the point. This doesn't mean turning everything over to international forums. But it is tempting to think that successful passage through the current thicket might have. been eased by steps such as a series of regional conferences, linked to our allies and to the United Nations, at which all parties could have been forced—grudgingly and slowly—to put their cards on the table regarding issues such as Iraq, regionally based terrorism and the Israeli-Palestinian conflict. Would this have gotten us anywhere?

In a region as complex as the Middle East, nothing guarantees progress. But what is clear is that these problems are intertwined, that all the states in the region have vital interests at stake, and that approaching these issues serially will only prolong the familiar cycle of one step forward and two steps back.

Mr. BINGAMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JEROME A. HOLMES TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will proceed to executive session to consider Calendar No. 764, which the clerk will report.

The assistant legislative clerk read the nomination of Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours for debate equally divided between the Senator from Pennsylvania, Mr. SPECTER, and the Senator from Vermont, Mr. LEAHY, or their designees.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the Judiciary Committee, which I chair, is pleased to report the nomination of Mr. Jerome A. Holmes to be a judge on the U.S. Court of Appeals for the Tenth Circuit. Mr. Holmes comes to this position with an excellent academic and professional background. He was nominated to be a judge on the court on May 4 of this year, received a hearing on June 15 of this year, and was reported out of the Judiciary Committee on July 13 on a voice vote.

The unique situation with Mr. Holmes is that he would be the first African American to serve on the Court of Appeals for the Tenth Circuit. I am about to yield to the distinguished Senator from Oklahoma, Mr. COBURN, who obviously has great familiarity with that circuit, being from the State of Oklahoma. Before moving to Pennsylvania to go to the University of Pennsylvania some years ago, I began my own academic career at the University of Oklahoma, having been a lifelong resident up to that point of the State of Kansas. The Tenth Circuit is near and dear to my heart. I can testify firsthand about the desirability and, in fact, the need for diversity on the Court of Appeals for the Tenth Circuit. There ought to be diversity to the extent practical and possible on all of our courts. It gives the constituency, the litigants, and the people who practice before the court, the sense that there are judges from every walk of life. The broader the background a court possesses, the more understanding it has of the problems we all face in a very diverse society, which is the melting pot of the world, the better.

That does not mean in any way, shape, or form that qualifications ought to be subordinated, that we should pursue diversity for diversity's sake, regardless of other considerations. But when someone has the qualifications that Mr. Holmes presents to the Senate and in addition would bring diversity to the court to which he has been nominated, that is something to be considered. Certainly the desirability of having diversity on the Supreme Court of the United States is evident and highly visible. Thurgood Marshall was the first Justice on the Supreme Court to be African American. Now we have Justice Clarence Thomas, again, the only African-American judge. It took a long time for women to find a place on the Supreme Court, with the nomination and confirmation of Justice Sandra Day O'Connor in 1981. That was the first year of my service in the Senate, after being elected in 1980. It was a great day when Justice Sandra Day O'Connor took her place on the Supreme Court of the United States. We now have, in addition, Justice Ruth Bader Ginsburg. It is important to have that diversity.

While there is not a Hispanic on the Supreme Court, we have Alberto Gonzales who is the Attorney General of the United States. There is no doubt these individuals are role models. They demonstrate that an Hispanic can come to the highest levels of the Government, as can an African American, as can a woman. It took a long time for women's suffrage, for women to have the right to vote, and to move into the upper echelons of all facets of American life. There is, realistically viewed, still a glass ceiling which imposes some limitation.

Now on to Mr. Holmes and his very excellent qualifications. He graduated from Wake Forest University cum laude in 1983 and the Georgetown University Law Center in 1988. At Georgetown, he served as editor in chief of the Georgetown Immigration Law Journal. In the year 2000, he earned a master's in public administration from Harvard's Kennedy School of Government. Between college and law school, he worked as a social services assistant in the D.C. Department of Corrections. Following law school he clerked for Judge Wayne Alley of the U.S. District Court for the Western District of Oklahoma and then Tenth Circuit Judge William J. Holloway. Following the clerkship, he spent 3 years in private practice as an associate with the well-regarded law firm of Steptoe & Johnson.

In 1994, Mr. Holmes began a distinguished career as a Federal prosecutor serving as an assistant U.S. attorney in the Western District of Oklahoma. Among other duties, he prosecuted public corruption, Federal criminal civil rights violations, and was the office's antiterrorism coordinator. He also worked on the prosecuting team that built a case against the perpetrators of the Oklahoma City bombing. Since 2005, he has been a director of the private Oklahoma law firm Crowe & Dunlevy, where he has focused on white collar criminal defense and complex litigation. He also chairs the firm's diversity committee.

Mr. Holmes has given back to the people of Oklahoma by taking leadership roles in a wide variety of civic organizations, including service as a director of the Oklahoma Medical Research Foundation, trustee of the Oklahoma City National Memorial Foundation, director of the Oklahoma Academy for State Goals, chairman of the City Rescue Mission, and vice president of the Oklahoma Bar Association. The American Bar Association has unanimously found Mr. Holmes to be qualified to serve on the Tenth Circuit.

Before yielding the floor and turning over the management of the nomination to my distinguished colleague on the Judiciary Committee, I wish to make a few comments about a release of the American Bar Association today on so-called signing statements. I have discussed with Senator COBURN that I will take a few more minutes at this time. May the record show he is nodding in the affirmative. I shall not take too long.

(The remarks of Mr. SPECTER are located in today's RECORD under "Morning Business".)

Mr. SPECTER. Mr. President, at this point, I yield to my distinguished colleague, Senator COBURN, who did an excellent job as Mr. Holmes's principal advocate before the Judiciary Committee, as my designee to handle the proceedings in the Senate this afternoon and tomorrow on the confirmation of Mr. Holmes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, it is a privilege to be on the committee with the Senator from Pennsylvania, and it is a privilege to represent Jerome Holmes during his debate and consideration for the Tenth Circuit Court position.

A lot of discussions have occurred in this body in the last couple of years on judges. One of the things which was prominent in my election to the Senate was the issue of judges. It really comes back down to what the American people would like to see in those people who sit on the highest courts of our land and what are the qualities and characteristics we would like them to have and do they go through a process where those are fairly vetted and taken out of the political arena to see what those qualities are.

Thinking about Jerome Holmes. Senator SPECTER very well outlined his history. So there is no question that he has impeccable credentials and that he is considered well qualified by the American Bar Association. But what he does have is two things. One is a constitutionally correct and appropriate opinion as to the position of judges in our society. Their job is to take the Constitution, take our statutes and our treaties, and, in the light of Supreme Court precedent, rule only on those things—not to create new law, not to invent a cause they want to make. They are to be very limited in their role. Jerome Holmes understands that.

The second characteristic he has is that of integrity. We hear that word bantered around a lot, and we hear modifiers placed on it. You cannot modify integrity. You either have it or you don't. Your life either represents it or it does not. What people see you do and how you do it is either of integrity or not.

This is an African-American male who was raised in this city, who struggled to accomplish the highest levels of his profession. He excelled every step of the way. Not only did he apply his efforts in terms of his profession, but he spent a great deal of his time applying his skills, knowledge, and intellect to help other people outside of the field of law.

He is a man committed to our country, who has full recognition of what his responsibilities will be as an appellate court judge in the Tenth Circuit in this country. He also fully well knows that his role is to follow the precedent set by the highest Court in this land and to do that in a way which gives everyone before him a truly blind cause of justice for their benefit. We cannot ask more than that of our judges—that in fact they have not only integrity and intellect, but the last thing we can ask is, Do they have heart? Do they have compassion? Have they experienced the real problems of life personally, so that they can see into the lives of others and how they deal with those things in the predicaments and situations which we face and whether they follow a response that is one of integrity. I have no question in my mind that Jerome Holmes has the qualities and characteristics which will make him an excellent appellate judge.

We are going to hear some opposition to him. The opposition is basically because he believes in a colorblind society. He has written commentaries based on what he believes personally. He has been critical—and rightly so, as many in this body have been, and others—of decisions the Supreme Court has made. But to be critical doesn't mean one will not follow what is called stare decisis, the precedent set down by the Supreme Court.

It takes great courage for an African-American male to look at affirmative action in a light that says that in the long run, it hurts race relations rather than helps them. Those are my words, not his. But, in fact, what he has done is said this goes against what he believes to be fair and honorable, as we approach the problems within our society. What he really believes is that everybody should be judged on the content of their character, not on the color of their skin.

So we will hear a lot over the next 4 hours—2 hours today and 2 hours tomorrow—from those people who would question his position. It is OK to question it, but it is not OK to oppose him on the basis of what his personal beliefs are. If we do that, there is not a judge who can qualify. Not one judge could qualify for any court in this land if we take all their personal opinions and put them out in the open and say: This goes against something I believe.

So I am honored that I have the privilege to stand on the Senate floor and defend the criticisms that will come before him. I also know he has heart, he has intellect, and he has integrity. That is what we want. It doesn't matter whether he is Black or White or whether he is Republican or Democrat, we want those qualities in our judges. That is how we assure our freedom—we take the political arena away and out of the courts, and we let the Constitution and our statutes and our treaties reign supreme. That is the best equality for all that we can give to the next generation.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent that any quorum call time we have on the Holmes nomination be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOMENT OF SILENCE TO HONOR OFFICER CHESTNUT AND DETECTIVE GIBSON

The PRESIDING OFFICER. Under the previous order, the Senate will observe a moment of silence in recognition of the anniversary of the fatal shootings of Officer Chestnut and Detective Gibson.

(Moment of silence.)

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, it was 8 years ago today that these two brave men gave their lives in defense of the United States Capitol. A plaque in this building commemorates their bravery. Their names have been etched indelibly upon the National Law Enforcement Officers Memorial a mile from here, and the headquarters of the United States Capitol Police now bears their names, all of which are fitting and proper memorials but none of which can do these men the full justice they deserve.

We must also remember them in our words, in our actions, and in, as we just did, a moment of prayer. All Members of Congress today, all congressional staff, and, indeed, all Americans owe a great debt of gratitude to Officer Jacob Joseph Chestnut and Detective John Michael Gibson.

These two brave men stood up for us all. They defended our democracy itself, and although none of us will be called upon to display the same sort of moral heroism, we can all learn from their example and all reflect upon their bravery.

Today we mourn for them, we pray for them, we thank them and their families, and we remember them.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there may be other Members of the Senate who have served as police officers during their careers, sitting Members of the Senate. But I served as a Capitol police officer when I was going to school back here. I worked the swing shift. I have a great affection and feel very affiliated with the Capitol police.

Officer Gibson was killed along with Officer Chestnut on the House side. Not long before this terrible act occurred, the Democratic Senate had a retreat in Virginia. My wife got sick during the night. We had to call the Capitol police who were standing by. I can remember Officer Gibson running. He had to run from where the headquarters was, in a different part of the hotel, to our room—it was spread out a long way—carrying all this emergency equipment. When he came, he was perspiring so hard. He was so gentle and nice with my wife. Every time I hear this recounted, how he and Officer Chestnut were killed, I remember this man so clearly. I can see his face very plainly.

I have expressed to his family my personal appreciation, as I tried to do for Officer Chestnut, whom I did not know except in passing—but I felt some affinity toward Officer Gibson. These two men were at one of the entrances to this Capitol. The crazed man came in and killed both of them. While we have this terrible event in the history of the Capitol 8 years ago today—1998—if there could be a positive side, and that is hard to find, the one place you would have to go is the Visitors Center. That is because as a result of this tragic event the decision was finally made, after years and years of treading water, to go ahead and take care of a new visitors center for this Capitol complex.

That will be completed in less than 1 year.

It is going to be a wonderful addition to the Capitol for people who are visiting the Capitol. Millions of people come to visit the Capitol every year. Right now they come through these doors, just like the ones Officers Chestnut and Gibson were guarding. There have been improvements made, but it is hard to do that because of the doorways as you come into the Capitol itself. With the new Visitors Center, there will be an entry over by the Supreme Court. People coming in will be able to be screened for weapons and other dangerous materials.

There will be two beautiful auditoriums where they can watch a 12-minute film to acquaint them with what is in the Capitol. There will be restrooms which are still lacking with the present situation. There will be places for them to eat, get snacks, and buy food. It will be a wonderful experience for them to come to the Capitol. It is a good experience now, but the new situation will make the experience much better.

After 8 years, we still remember these two fine men. We do so not only because of their personal sacrifice, but the fact that every day in this Capitol—as I look around, there are plainclothes officers. A lot of people do not know who they are, but they are here. And they would give their lives protecting the Presiding Officer, the distinguished majority leader, and the assistant leader, those in the back rooms, or any other Senator. That is their job. They know it. While we sometimes take them for granted—and I hope we don't—these are some of the finest trained police officers in the world.

When we stand for Chestnut and Gibson in a moment of silence, our thoughts are also with these valiant men and women who protect this beautiful facility and the people who are in it—Senators, staff, and visitors.

The PRESIDING OFFICER. Who seeks recognition?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. COBURN. Mr. President, I yield 15 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator has 5 minutes remaining under his control.

I recognize the Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I am baffled that there would be any opposition to Jerome Holmes to be appointed a U.S. circuit court judge to the Tenth Circuit. I congratulate my colleague from Oklahoma for his leadership in promoting such a fabulous nominee. I believe that he would be just the kind of person we need on the bench. It's really, really baffling to hear any objection to him.

I want to talk about his background and record, and we'll begin to have a better understanding of the demand for ideological purity on the part of Democratic and liberal Members of the Senate when it comes to judges. It is unbelievable that there would be objection a man who articulates a view consistent with the Supreme Court majority in the Adarand case, an African American himself, who believes in Martin Luther King, Jr.'s dream that people would be judged by the content of their character and not the color of their skin.

He is a fabulous nominee. I would just like to mention a few things about him. He was voted out of committee a few weeks ago, July 13, on a voice vote. If confirmed, he will be the first African American to serve on the Tenth Circuit. He has stellar academic credentials and legal credentials. He graduated from Wake Forest University—one of America's great universities—cum laude with honors in 1983. Then he attended Georgetown University Law Center, one of the Nation's great law schools. At Georgetown, he was editor-in-chief of the Georgetown Immigration Law Journal. That's a great honor, to be part of a law journal at any law school, much less a great law school such as Georgetown. It's very competitive and difficult to get in Georgetown.

Recently, in 2000, he earned a master's of public administration from Harvard University's Kennedy School of Government. Between college and law school, he worked briefly as a social services assistant with the D.C. Department of Corrections, dealing with criminals and the problems they have.

Following law school, he clerked for the Honorable Wayne Alley on the U.S. District Court for the Western District of Oklahoma and the Honorable William J. Holloway on the U.S. Court of Appeals for the Tenth Circuit. In other words, he clerked for a trial court judge in the Tenth Circuit. By the way, it is a competitive process to be selected to be a clerk for a trial court judge. It takes a good law student to be selected for that. Everyone who applies is not selected. It is a very great honor. People compete for those few positions.

He worked at the trial bench, where he participated at the right hand of a U.S. Federal judge trying cases and participating in the trial of cases. Following that, he went to the Tenth Circuit, the very court he is now nominated to. If it is difficult to be a law clerk for a Federal district trial judge, it is far more difficult to be selected as a law clerk for a court of appeals judge. They have a stack of applications. They look at all competitors from around the country, and they select the best. He was an honors graduate from Wake Forest and a top graduate at Georgetown and editor of the Law Review, and he clerked for a Federal judge. He clerked and help Judge Holloway write opinions on the Tenth Circuit—the very thing he will be doing if he is confirmed to this position, which I trust he will be.

Following these clerkships, he spent 3 years in private practice as an associate with the well-regarded law firm of Steptoe & Johnson, one of the best law firms in America. They do not hire just anybody.

In 1994, Mr. Holmes began a distinguished career as a Federal prosecutor, serving as an assistant U.S. attorney in the Western District of Oklahoma, the circuit area where he will be a circuit judge when confirmed.

I have served as an assistant U.S. attorney and as a U.S. attorney supervising assistant U.S. attorneys for almost 15 years. That is a great, great position because the assistant U.S. attorneys prosecute cases full time in Federal court before Federal judges. They learn everything there is to know about criminal law, which will be an important part of his duties as a Federal circuit judge. It is very good experience. Assistant U.S. attorneys get experience practicing before Federal judges, being involved in writing appeals to Federal judges, and understanding how the Federal system works. He did that for quite a number of years.

During that time, he prosecuted public corruption cases. Now that's a challenge. I have been there and done that. That is not easy. Politicians do not take lightly to being indicted. They do not appreciate it, and it is tough litigation. He prosecuted Federal criminal civil rights violations. Somehow, I guess they are saying this African American who has achieved so much is insensitive to civil rights because he does not agree with everything the left thinks about affirmative action or quotas. He was the U.S. attorney's office's antiterrorism coordinator, and he worked on the prosecution team that built the case against the perpetrators of the Oklahoma City bombing. That is a good background that shows a breadth of experience.

Since 2005, he has been the director of the prominent Oklahoma law firm of Crowe & Dunlevy, where he focused on white-collar criminal defense and complex litigation—another good background for the Federal bench.

Not only has he been a prosecutor, but he has defended criminal cases, giving him a perspective on both sides. I am a big fan of prosecutors, but I understand my colleagues on the other side of that debate, who defend cases, as I have on occasion, appreciate the fact that prosecutors have some defense work. He has had both.

Also, he chaired the firm's diversity committee, the committee committed to making sure that his law firm, Crowe & Dunlevy, did the things necessary to be a diverse law firm. He has given back to the people of Oklahoma through taking leadership roles in a wide variety of important organizations. These include service as the director of the Oklahoma Medical Research Foundation. That is an important committee outside the normal realm of what a lot of people do with their lives, volunteering and giving time to a group like that. He also has served as trustee of the Oklahoma City National Memorial Foundation, director of the Oklahoma Academy for State Goals, chairman of the City Rescue Mission, helping people in trouble, down and out, people who need a hand to lift them up. I guess on occasion they minister to those people who are hurting, they minister to their souls. I think it is something to be proud of. He also served as vice president of the Oklahoma Bar Association.

He enjoys strong bipartisan support in Oklahoma. Gov. Brad Henry, a Democrat in Oklahoma, recently wrote that the nominee "is a highly qualified candidate, a superb lawyer, with a reputation for fairness, ethics, and integrity."

He summed up his letter by writing:

> In short, I do not think you could have a candidate more highly qualified and regarded than Jerome Holmes.

That is the Democratic Governor of Oklahoma.

Daniel Webber, a Democrat whom President Clinton made the U.S. attorney in Oklahoma, wrote:

> I have known Jerome Holmes for over ten years. . . . I believe his intellect, experience, and character make him an excellent choice for a position on the appellate court.

The American Bar Association has unanimously found him qualified for the position.

Why would we have an objection to someone who spent this many years of his life practicing in Federal court as an assistant U.S. attorney, who spent 3 years as a law clerk to Federal judges, practicing in one of the country's biggest law firms, and being not a partner—they use a different phrase there, something like a partner—with the Dunlevy law firm in Oklahoma, a firm with a great reputation in the State? What is it that causes the Senate to have a debate on this fine nominee?

Again, I congratulate Senator COBURN for offering this kind of nominee. He has been willing to express his personal views on matters that some on the left do not like. I guess that is it. Let's just be frank about it. I suggest that what he said is consistent with the opinions of the U.S. Supreme Court. But even if he had a slightly different view than the Supreme Court, what is wrong with having him express that view? Why would anyone object to that?

This is what he said about the University of Michigan affirmative action case that many felt—and at least four Supreme Court Justices felt—was essentially a quota system. What is affirmative action? Everyone has a different view. What I think we in America tend to agree is that affirmative action, affirmative outreach, affirmative efforts to bring minorities into institutions and give them a chance to succeed is all right, but setting up quotas by which people, by the color of their skin, are given preference over someone else, therefore enhancing their ability and their rights over the rights of someone else simply because of the color of their skin, violates the equal protection and due process clauses of the U.S. Constitution. So that is all that tension in there.

I guess we come down to it in what I say, this is not a perfect analysis, but we say affirmative outreach is good; quotas are bad. I guess when you have a case such as University of Michigan, you ask, was this a quota or was it affirmative outreach? They had a big case on it. He had expressed some concern about that case. Remember, it was 5 to 4. It was not as if the Supreme Court had taken a case that they all felt one way about. So he wrote an op-ed, an article in the Daily Oklahoman. The title is "A Step Closer to King's Dream." He started off this way:

> Perhaps the dream of Dr. Martin Luther King, Jr. will be realized: Children seeking educational opportunities no longer will be judged by the color of their skin.

Is that something that is radical? I don't think so. We have Members of this Senate who believe that anybody who deviates the slightest millimeter, or centimeter beyond the ideological views of the left is somehow unqualified to be a Federal judge. From what I have seen, they tend to be more critical if that person happens to be an African American that criticizes leftist orthodoxy.

So he wrote an article. It was, I thought, a very thoughtful article. There was nothing extreme about this. He said:

> There are other ways to get minority students on college campuses besides handing out benefits based solely on skin color—an accident of birth.

I think that is a thoughtful statement—a matter of real importance. He then goes on to talk about what you can do to help minority students succeed and have a better chance to enter universities, noting:

> . . . a poverty-reduction approach that primarily focuses on implementing race-neutral macroeconomic and labor-market policies, even though its central goal is bettering the life chances of the truly disadvantaged black and brown urban poor.

He goes on to say:

> Diversity proponents need to come up with race-neutral policies that have the desired effect of boosting the number of minority students. Politicians and educators in Florida, Texas and California have attempted to do just that by mandating that the top percentage of students (for example, the top 10 percent) at every public school in the state be guaranteed a place in a state university.

So what he is saying is that is a race-neutral way to have a more diverse student body. But what is dangerous and violates the Constitution is to say that every law school or every university must accept so many people, each based on race, regardless of their qualifications for the position.

He goes on to say that this high school proposal that Florida, Texas, and California have done is "race neutral, yet their acknowledged goal is to increase the number of minority students on college campuses. Top students from predominantly minority schools will invariably be represented there."

So, Mr. President, I would just say that I don't see anything extreme about those views. I don't believe my colleague from Oklahoma does. I see the Presiding Officer, a former justice on the Texas Supreme Court. I don't think he would believe those are extreme views. In fact, they are consistent with the U.S. Supreme Court opinion in Adarand. I think they are consistent with the Supreme Court opinion in the University of Michigan cases, very consistent with those cases, and respectful and understanding, as an African American himself, that we have to be careful that we are not moving to a situation in which people receive benefits as a result of the color of their skin only, unless there is a showing of a prior history of discrimination, which can be shown in a number of cases. Unless you have that, you should not create a legal system in America that advances someone simply because of the color of their skin and, therefore, puts at a disadvantage someone because of the color of their skin.

So he has made some thoughtful comments about it. I believe they are wise. I think he is correct. I am amazed that someone in this Senate would object to his confirmation based on these comments. But we apparently have that. I am sure we will have a good vote for Mr. Holmes tomorrow. I hope we will, and he will be confirmed. But it is rather odd to me that we have this objection, and he doesn't go straight through without any of this kind of debate.

I thank the Chair and the Senators from Oklahoma, Mr. COBURN and Mr. INHOFE, for their commitment to this sterling nominee, a minority, with an outstanding record—went to Georgetown, clerked for the Tenth Circuit, clerked for a Federal district judge, an assistant U.S. attorney, worked for one of America's great law firms. He has every right to be rated qualified by the American Bar Association, as he was unanimously. He should be confirmed for this position.

I yield the floor.

Mr. CORNYN. Mr. President, I am proud to join Senators INHOFE and COBURN—my friends and neighbors from the State of Oklahoma—in support of this fine nominee to the Federal bench.

Jerome Holmes is a leader in Oklahoma's legal community—and a leader in the broader community in which he lives. Mr. Holmes has demonstrated the qualifications, character, and temperament that will make him an outstanding judge.

As a testament to his ability and promise, the Judiciary Committee unanimously voted to move Mr. Holmes's nomination to this floor for confirmation. Jerome Holmes enjoys bipartisan support not only here in Washington, but, perhaps more telling, he enjoys bipartisan support back home in Oklahoma—where people know best this accomplished man and his good work.

In fact, Oklahoma's Democrat Governor, Brad Henry, said of Mr. Holmes: "Jerome is a highly qualified candidate, a superb lawyer with a reputation for fairness, ethics, and integrity . . . In short, I do not think you could have a candidate more highly qualified and regarded than Jerome Holmes." Again, Mr. President, that high praise comes from Oklahoma's Democrat Governor. Other prominent Democrats in Oklahoma praise Jerome Holmes as "a person of unwavering integrity," a "principled leader," and someone with a "willingness to listen and respect differing views." In short, the people who know this man best—Oklahomans of competing political stripes and policy views—think Jerome Holmes will make a great judge.

Those who know Jerome Holmes best know that he served with distinction as a Federal prosecutor for over a decade. They know that as an Assistant U.S. Attorney he vigorously—but fairly—prosecuted public corruption and civil rights violations—and that he served as his office's antiterrorism coordinator. In fact, Jerome Holmes worked on the prosecution team that built a case against the perpetrators of the Oklahoma City bombing.

I recall vividly that dark day in 1995, the day the Alfred P. Murrah Federal Building was bombed, the day that the people of Oklahoma City were terrorized. The Tenth Circuit's Chief Judge Deanell Reece Tacha pointed out that "[i]n some ways," her circuit and the people of Oklahoma "knew ahead of the rest of the nation of the horrors of terrorism."

Those who know Jerome Holmes best know that, he—like so many others in his office—took on this difficult assignment with fairness and care and dedication to see justice done.

President Bush nominated this fine man to the appellate bench for his strong qualifications but also for his demonstrated understanding of the proper, limited role of the Federal judiciary under the U.S. Constitution.

Jerome Holmes himself said it best:

> I recognize very clearly the distinction between the role of a writer on social policy issues in their personal capacity and the role of a judge in adjudicating the rights and liberties of individual litigants.

And Mr. Holmes pointed out that as a judge "it is inappropriate for me to import my personal views on policy issues into the decision making process."

I would submit that this statement by Mr. Holmes is exactly correct. Judges should not be seen as politicians in robes. Unfortunately, too many people still view the Federal courts as a vehicle for enacting policy choices that are too extreme to prevail at the ballot box. And, as a corollary, these same people view activist judges as a means to their policy ends.

I am confident that Jerome Holmes understands the proper, limited role that this Nation's Founders assigned to the Federal judiciary. I say that because I am confident that this President understands the judicial role and continues to nominate like-minded men and women to the bench.

The court to which Mr. Holmes is nominated—the Tenth Circuit Court of Appeals—covers a large part of the middle and western United States. The territorial jurisdiction of the Tenth Circuit includes six States: Oklahoma, Kansas, New Mexico, Colorado, Wyoming, and Utah. And the circuit also has jurisdiction over those parts of Yellowstone National Park extending into Montana and Idaho.

Last week, the Senate confirmed another outstanding nominee to the Tenth Circuit, Neil Gorsuch. And when the Senate votes to confirm Jerome Holmes, as I am confident it will, he will join Judge Gorsuch and four other fine Bush nominees on the Tenth Circuit.

So, in closing, I commend President Bush for submitting another fine nominee to the Senate for confirmation, and congratulate my friends from Oklahoma, their constituents, and the entire Tenth Circuit. I believe Jerome Holmes will make a fine appellate judge and will serve this Nation with honor and distinction.

I yield the floor.

Mr. COBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL SIGNING STATEMENTS

Mr. SPECTER. Mr. President, the American Bar Association issued a release today summarizing a report by a blue ribbon task force which concluded that President Bush's signing statements are in violation of and undermine the important doctrine of separation of powers. As it has been widely recorded, President Bush has undertaken a practice of issuing a signing statement at the time he signs congressional action into law. The task force said its recommendations "are intended to underscore the importance of the doctrine of separation of powers and, therefore, represent a call to the President and to all his successors to fully respect the rule of law and our constitutional system of separation of powers and checks and balances."

Noting that the Constitution is silent about Presidential signing statements, the task force found that while several Presidents have used them, the frequency of signing statements that challenge laws has escalated substantially, and their purpose has changed dramatically, during the administration of President Bush. According to a press release issued today by the ABA, the task force report notes:

> From the inception of the Republic until 2000, Presidents produced fewer than 600 signing statements taking issue with the bills they signed. According to the most recent update, in his one-and-a-half terms so far, President George Walker Bush . . . has produced more than 800.

The report found that President Bush's signing statements are "ritualistic, mechanical, and generally carry no citation of authority or detailed explanation." Even when "[a] frustrated Congress finally enacted a law requiring the Attorney General to submit to Congress a report of any instance in which that official or any officer of the

Department of Justice established or pursued a policy of refraining from enforcing any provision of any federal statute, . . . this, too, was subjected to a ritual signing statement, insisting on the President's authority to withhold information whenever he deemed necessary."

This request raises serious concerns on the proceedings for separation of powers. The ABA states that its report goes on to say:

> If left unchecked, the president's practice does grave harm to the separation of powers doctrine and the system of checks and balances that have sustained our democracy for more than two centuries.

The Senate Judiciary Committee held a hearing on this subject and found that this practice does threaten the separation of powers doctrine. The hearing showed that the Constitution is clear, that when both Houses of Congress pass legislation and submit that legislation to the President, the Constitution calls either for the President to sign the legislation, to engage in what could be called a pocket veto, or to veto the legislation and send it back to Congress. If there is a constitutional issue and the President concludes that portions of the statute are unconstitutional, he has an oath to uphold the Constitution. And the way to fulfill that oath is to return the legislation to the Congress with a veto message noting the unconstitutionality of the provision and giving Congress the option of altering the legislation to satisfy the President's request, passing it over the President's veto, or declining to act further.

Additionally, the task force has urged the Congress to enact legislation to require the President to submit a report to the Congress of any such signing statement and has urged the Congress to enact legislation. During the course of the hearing before the Judiciary Committee, in my capacity as chairman, I made the request to Bruce Fein, who had been a lawyer in the Department of Justice during the Reagan administration, to take the lead and prepare legislation on the subject. Mr. Fein and my staff have been working on legislation. It is my expectation that, before the weekend, we will submit legislation to the Senate which will give the Congress standing to seek relief in the Federal courts in situations where the President has issued such signing statements and which will authorize the Congress to undertake judicial review of those signing statements, with the view to having the President's acts declared unconstitutional. That is our view as to the appropriate status of these signing statements.

It is worth noting that the task force members include a very distinguished array of former public servants, including former CIA Director William Sessions; former Republican House Member Mickey Edwards; Court of Appeals Judge Patricia M. Wald, and others.

At this point, I ask unanimous consent that the full text of the news release from the American Bar Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From American Bar Association, News Release, July 24, 2006]

BLUE-RIBBON TASK FORCE FINDS PRESIDENT BUSH'S SIGNING STATEMENTS UNDERMINE SEPARATION OF POWERS

WASHINGTON, DC.—Presidential signing statements that assert President Bush's authority to disregard or decline to enforce laws adopted by Congress undermine the rule of law and our constitutional system of separation of powers, according to a report released today by a blue-ribbon American Bar Association task force.

To address these concerns, the task force urges Congress to adopt legislation enabling its members to seek court review of signing statements that assert the President's right to ignore or not enforce laws passed by Congress, and urges the President to veto bills he feels are not constitutional.

The Task Force on Presidential Signing Statements and the Separation of Powers Doctrine was created by ABA President Michael S. Greco with the approval of the ABA Board of Governors in June, to examine the changing role of presidential signing statements after the Boston Globe on April 30 revealed an exclusive reliance on presidential signing statements, in lieu of vetoes, by the Bush Administration.

In appointing the special task force Greco said, "The use of presidential signing statements raises serious issues relating to the constitutional doctrine of separation of powers. I have appointed the Task Force to take a balanced, scholarly look at the use and implications of signing statements, and to propose appropriate ABA policy consistent with our Association's commitment to safeguarding the rule of law and the separation of powers in our system of government."

The task force report and recommendations will be presented to the ABA's policy-making House of Delegates for adoption at its upcoming Annual Meeting Aug. 7–8. Until the ABA House has taken formal action, the report and recommendations represent only the views of the task force.

The bipartisan task force, composed of constitutional scholars, former presidential advisers, and legal and judicial experts, noted that President George W. Bush is not the first president to use signing statements, but said, "It was the number and nature of the current President's signing statements which . . . compelled our recommendations."

The task force said its report and recommendations "are intended to underscore the importance of the doctrine of separation of powers. They therefore represent a call to this President and to all his successors to fully respect the rule of law and our constitutional system of separation of powers and checks and balances."

The task force determined that signing statements that signal the president's intent to disregard laws adopted by Congress undermine the separation of powers by depriving Congress of the opportunity to override a veto, and by shutting off policy debate between the two branches of government. According to the task force, they operate as a "line item veto," which the U.S. Supreme Court has ruled unconstitutional.

Noting that the Constitution is silent about presidential signing statements, the task force found that, while several recent presidents have used them, the frequency of signing statements that challenge laws has escalated substantially, and their purpose has changed dramatically, during the Bush Administration.

The task force report states, "From the inception of the Republic until 2000, Presidents produced fewer than 600 signing statements taking issue with the bills they signed. According to the most recent update, in his one-and-a-half terms so far, President George Walker Bush . . . has produced more than 800."

The report found that President Bush's signing statements are "ritualistic, mechanical an generally carry no citation of authority or detailed explanation." Even when "[a] frustrated Congress finally enacted a law requiring the Attorney General to submit to Congress a report of any instance in which that official or any officer of the Department of Justice established or pursued a policy of refraining from enforcing any provision of any federal statute, . . . this too was subjected to a ritual signing statement insisting on the President's authority to withhold information whenever he deemed it necessary."

"This report raises serious concerns crucial to the survival of our democracy," said Greco. "If left unchecked, the president's practice does grave harm to the separation of powers doctrine, and the system of checks and balances, that have sustained our democracy for more than two centuries. Immediate action is required to address this threat to the Constitution and to the rule of law in our country."

Greco said that the task force's report "constructively offers procedures that consider the prerogatives both of the president and of the Congress, while protecting the public's right to know what legislation is adopted by Congress and if and how the president intends to enforce it. This transparency is essential if the American people are to have confidence that the rule of law is being respected by both citizens and government leaders."

The bipartisan and independent task force is chaired by Miami lawyer Neal Sonnett, a former Assistant U.S. Attorney and Chief of the Criminal Division for the Southern District of Florida. He is past chair of the ABA Criminal Justice Section, chair of the ABA Task Force on Domestic Surveillance and the ABA Task Force on Treatment of Enemy Combatants; and president-elect of the American Judicature Society.

"Abuse of presidential signing statements poses a threat to the rule of law," said Sonnett. "Whenever actions threaten to weaken our system of checks and balances and the separation of powers, the American Bar Association has a profound responsibility to speak out forcefully to protect those lynchpins of democracy."

The other task force members, whose brief background information follows, are William S. Sessions, Patricia M. Wald, Mickey Edwards, Bruce Fein, Harold Hongju Kho, Charles Ogletree, Stephen A. Saltzburg, Kathleen M. Sullivan, Mark Agrast, Tom Susman, and adviser Alan Rothstein.

The task force recommendations urge Congress to adopt legislation to permit the president, Congress or other entities to seek court review any time the president claims he has the authority, or states his intention, to disregard or decline to enforce all or part of a law he has signed, or when he interprets the law in a manner inconsistent with the intent of Congress. Currently, Congress lacks legal authority to seek judicial review in those circumstances.

The task force also urges the president to use his veto power, as all prior presidents have done, instead of a signing statement when he believes all or part of a bill is unconstitutional, in keeping with the Constitution's requirement that the president either approve or disapprove in their entirety laws presented to him by Congress.

If the president believes a bill pending before Congress would be unconstitutional if enacted, he should communicate his concerns to Congress before the bill is passed, according to the task force.

Additionally, the task force urges Congress to enact legislation requiring the president promptly to submit to Congress an official copy of every signing statement he issues. Any time the president claims authority or states his intention to disregard or decline to enforce all or part of a law he has signed, the legislation should require him to submit a report to Congress, available in a public database, setting forth in full the reasons and legal basis for his position, said the task force.

Presidential signing statements are not new, according to the task force, which notes that "Presidents have issued statements elaborating on their views of the laws they sign since the time of President James Monroe." But under President Ronald Reagan, "For the first time, signing statements were viewed as a strategic weapon in a campaign to influence the way legislation was interpreted by the courts and Executive agencies as well as their more traditional use to preserve Presidential prerogatives." The report also notes that President Clinton, like his predecessors, used signing statements, but to a significantly lesser degree, and different purpose.

Among President Bush's signing statements, the task force noted refusals to carry out laws involving "Congressional requirements to report back to Congress on the use of Patriot Act authority to secretly search homes and seize private papers, [and] the McCain amendment forbidding any U.S. officials to use torture or cruel and inhumane treatment on prisoners."

Where legislation has mandated reports to Congress on special matters, such as the Intelligence Authorization Act of 2002, the signing statement treated the requirement as only advisory, said the task force. The task force said President Bush's signing statements are "particularly adamant about preventing any of his subordinates from reporting directly to Congress."

With more than 410,000 members, the American Bar Association is the largest voluntary professional membership organization in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule oflaw in a democratic society.

CAPITOL SHOOTINGS ANNIVERSARY

Mr. FRIST. Mr. President, 8 years ago today, two brave men gave their lives in defense of the U.S. Capitol. A plaque in this building commemorates their bravery, their names have been etched indelibly upon the National Law Enforcement Officers Memorial a mile from here, and the headquarters of the U.S. Capitol Police now bears their names.

These memorials are fitting and proper. But they do not do these men full justice. We must also remember them in our words and our actions. All Members of Congress, all congressional staff, and, indeed, all Americans owe a great debt of gratitude to Officer Jacob Joseph Chestnut and Detective John Michael Gibson.

For a few moments, I would like to reflect upon the enormous bravery of these two men.

Officer Chestnut and Detective Gibson were both hardworking family men. Gibson had three children; Chestnut, five. Gibson found great happiness in the exploits of the Boston Red Sox and Boston Bruins. He knew their rosters by heart. Chestnut loved working in his garden. I knew both men by sight. I passed Officer Chestnut most every day on my way in to work.

On Friday, July 24, 1998, both men were nearing the end of a busy work day. But events unfolded with a quick and horrible speed. At about 3:40 p.m. police and prosecutors allege that Russell Eugene Weston entered the Capitol through the East Entrance. He attempted to evade a metal detector and Chestnut stepped into his path to stop him—to protect all of us. Weston shot him at point-blank range.

Weston then allegedly proceeded down the corridor, rushing towards the Office of the Majority Leader of the House of Representatives. Gibson, those who were in the office say, warned everyone to get down. He yelled "Drop your weapon" and exchanged gunfire with Weston. The crazed gunman hit Gibson in the leg and the chest. Gibson hit Weston in the leg and chest as well. A female tourist got caught in the crossfire and suffered serious but fortunately non-life threatening wounds. Both men hit the floor, bleeding profusely. Gibson's actions saved lives. As one staffer put it at the time, "Thank God there was a good guy with a gun."

Sitting in my Dirksen office, I had begun preparations to leave for the weekend when I was notified an emergency was unfolding at the Capitol. My instincts and my surgical training took over.

I ran to the East "Law Library Entrance" at the Capitol. I saw blood all over—a horrible scene. Three bodies lay on the ground. I turned my attention to treating them. In the chaos, I didn't recognize any of the three.

I assisted the medical first responders in controlling the hemorrhaging and securing an airway, and then helping two of the victims into the ambulances. I rode in the ambulance to help control the hemorrhage of one of the injured. It turned out that patient was the alleged perpetrator.

All of us should, every day, give thanks for the bravery and sacrifices of Officer Jacob Joseph Chestnut and Detective John Michael Gibson. Many have contributed funds set up to assist their families and rarely a day goes by that I don't remember both of them in my thoughts and prayers.

The shootings that took place on July 24, 1998, were an attack on this Capitol, a central symbol of our democracy and, thus, an attack on the openness of Congress, and, in turn, upon the very principle of two-way communication between the people and their elected representatives.

Two brave men stood up for us all. They defended our democracy itself. We will not all be called to the same sort of moral heroism but can all learn from their example and all reflect upon their bravery.

Today, we mourn for them, we pray for the families, we thank them, and we remember them.

CLIMATE CHANGE AND ITS POTENTIAL IMPACT ON WILDFIRES

Mr. REID. Mr. President, wildfires have already burned almost 300,000 acres in Nevada this year, and over 1.7 million acres were destroyed by fire last year. One particularly devastating fire last year burned over 500,000 acres in southern Nevada.

Well-established science indicates small, normally occurring wildfires are part of the healthy life-cycle of forests. Large, catastrophic fires, though, can sometimes cause extreme and irreversible damage to the delicate ecosystems in the West.

People in Nevada have always been concerned about wildfires and their ability to destroy homes, businesses, and our State's natural beauty. Recently, though, Nevadans and people throughout the West have begun to notice and ask questions about the dramatic changes in wildfire intensity and frequency.

The Congressional Research Service has concluded that many factors contribute to the threat of wildfires. These factors include unnaturally high fuel loads, the urban-wildland interface, the increase of invasive plant species, unnatural wildfire suppression, and grazing and logging practices.

A recent scholarly article titled "Warming and Earlier Spring Increases Western U.S. Forest Wildfire Activity" published online on July 6, 2006, in the Journal of Science focuses on the previously unexplored correlation between climate change and wildfires. The article found that the frequency and intensity of wildfires in the West are growing as the climate gets hotter.

Two of the most telling parts of the article found that "robust statistical associations between wildfire and hydro-climate in western forests indicate that increased wildfire activity over recent decades reflects subregional responses to changes in climate." In addition, the authors assert that "large increases in wildfire driven by increased temperatures and earlier spring snowmelts in forests where land use history had little impact on fire risks indicates that ecological restoration and fuels management alone will not be sufficient to reverse current wildfire trends."

Mr. President, I do not believe that the issue of climate change should be a partisan issue. I hope the mountain of scientific evidence that is piling up on climate change will compel my colleagues on both sides and the administration to treat climate change as a moral issue and quickly enact mandatory reductions in global greenhouse emissions.

ADDITIONAL STATEMENTS

DULUTH EAST HIGH SCHOOL, DULUTH, MINNESOTA

• Mr. DAYTON. Mr. President, today I wish to honor Duluth East High School, in Duluth, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Duluth East High School is truly a model of educational success, which is reflected in the achievements of its students. Duluth East High School boasts a 98-percent graduation rate. Ninety-one percent of its graduates go on to some type of postsecondary education, with over 66 percent enrolling in a 4-year college. The class of 2005 had two students who qualified as National Merit semifinalists; nine received Letters of Commendation from the National Merit Scholarship Corporation; 23 earned a perfect 4.0 grade point average; and, all told, members of the class were offered in excess of $2 million in scholarship monies.

Duluth East provides many challenging courses for high-achieving students, offering advanced placement courses in English, calculus, and European history. All advanced placement students are required to take the advanced placement test at the end of the term. Students scoring three or better on the test automatically earn college credit. Last year, 70 percent of all Duluth East students who took the advanced placement tests scored three or above.

In addition to the advanced placement classes, Duluth East offers College in the School classes and honors classes in English, biology, chemistry, physics, and anatomy/physiology.

Two Duluth East teachers received significant recognition last year. Peg Zahorick, a special education teacher, was designated Teacher of the Year by Arc of Minnesota. She was honored for her work on behalf of persons with developmental disabilities and their families. Cindy Grindy, a chemistry teacher at Duluth East, was named the 2005 Star of American Teaching for Minnesota. That award is given by the U.S. Department of Education.

Much of the credit for Duluth East High School's success belongs to its principal, Laurie Knapp, and to the dedicated teachers. The students and staff at Duluth East High School understand that, in order to be successful, a school must go beyond achieving academic success. It must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Duluth East High School should be very proud of their accomplishments.

I congratulate Duluth East High School in Duluth for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

MAYOR MARK ZEIGLER OF STURGIS, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I to pay tribute to the work of a distinguished public official in my home State of South Dakota. On September 4, Mark Zeigler will step aside as mayor of Sturgis to become the president of Northwestern Health Science University in Bloomington, MN.

Mark and his wife Gae, an elementary school teacher, arrived in Sturgis on the last day of the 1980 Sturgis motorcycle rally. Mark quickly established his chiropractic practice. Later he began his political career by completing the term of Maurice LaRue on the Sturgis City Council.

For the next 14 years, Mark served on the Sturgis City Council. He left the council in 1997 and was elected mayor in 2001. During the past 5 years as mayor, and his nearly 20 years of community service to the residents of Sturgis, Mark has worked to make the community a better place to work, live, and raise a family.

During Mayor Zeigler's tenure, the city developed a state-of-the-art library and city hall complex that will serve the community and area residents for many years into the future. He also worked towards the construction of a new fire hall that will provide expanded services to the Sturgis community and area.

Mayor Zeigler has been especially successful in promoting economic development. Not so many years ago, it appeared the city lacked the means to expand its industrial base. But Mayor Zeigler succeeded in working with city officials to design and expand the city's industrial park complex. Through his leadership, Sturgis has developed a niche among gun and ammunition manufacturers. In addition, he has made Sturgis a more attractive place to live and work by expanding and beautifying the city's greenway and bike path areas.

During his years of community service and as mayor of Sturgis, the annual Sturgis Motorcycle Classic has grown and expanded in popularity. Sturgis is a community of roughly 6,000 citizens that hosts this annual event that brings up to a million visitors each year. Hosting an event of this magnitude takes considerable effort and skill, which Mayor Zeigler and his team of local partners have shown in abundance. In addition, they have hosted other established and expanding events such as Cavalry Days, the national Sheep Dog trials and competition, and the Meade County Gas and Threshing Bee.

I have had the privilege of working with Mayor Zeigler during his terms as mayor. His dedication and commitment to his community and its citizens are to be applauded, and I congratulate and commend him on his years of service, his leadership, vision, and work ethic. Mark and Gae will be greatly missed by the residents of Sturgis, and I want to wish them all the best as they open a new chapter in their lives. The mayor's accomplishments in Sturgis will long be remembered fondly by the city's residents and by those of us who had the pleasure of working with him.•

HARRIET BEECHER STOWE ELEMENTARY SCHOOL, DULUTH, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Harriet Beecher Stowe Elementary School, in Duluth, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Harriet Beecher Stowe Elementary School is truly a model of educational success. For past 12 years, the school has embraced an environmental education emphasis, with a 100-percent commitment to recycling, breakfast and lunch waste reduction, an integrated environmental education curriculum, a composting shed, an alternative-energy tower, and annual environmentally themed service-learning projects at all grade levels. Stowe Elementary was one of six Minnesota schools to receive last year's Spotlight Award from the Minnesota Academic Excellence Foundation.

Improving pupils' achievement is also a primary focus at Stowe Elementary. The teachers and administrators establish annual goals relative to student achievement in reading, math, and writing, in addition to a goal related to the school's overall learning environment. The goals are comprehensive, including individual goals for every staff member. It has a summer "Jump Start" EXCEL Program for pupils determined to be at risk for maintaining their grade-level performance. Last year, Stowe Elementary received four stars in both reading and math from the Minnesota Department of Education.

Much of the credit for Harriet Beecher Stowe Elementary School's success belongs to its principal, Terry Cottingham, and to the dedicated teachers. The pupils and staff at Harriet Beecher Stowe Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Harriet Beecher Stowe Elementary School should be very proud of their accomplishments.

I congratulate Harriet Beecher Stowe Elementary School in Duluth for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

STATEMENT ON THE 125TH ANNIVERSARY OF THE FOUNDING OF WILMOT, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the progressive city of Wilmot, SD. It is my pleasure to recognize the citizens of Wilmot on reaching this milestone.

Wilmot is the oldest town in Roberts County and was named after Mr. Wilmot, a director of the Milwaukee Railroad. Wilmot was first settled in 1880 and filed for a town charter with the territorial government on June 3, 1881. In the early years of Wilmot, the community was located in Grant County but was shortly thereafter included in the newly created Roberts County, where it served as county seat for a number of years. The Milwaukee Railroad, which helped bring Wilmot into existence, still runs through the town today.

The community has endured its share of hardship. For example, on June 17, 1944, much of the agricultural area surrounding Wilmot was destroyed by a tornado. Like many rural areas, the community came together to help one another, cleaning off farmland and rebuilding buildings. This incident shows the strength of the bonds that hold this rural community together.

According to the 2000 census, Wilmot has 543 people. Small towns like Wilmot comprise the backbone of our State. These communities are built on hard work and solid values and serve as a reminder of South Dakota's rich agricultural heritage. Wilmot is served by the Wilmot Enterprise weekly newspaper.

Even 125 years after its founding, Wilmot remains an active and vibrant community. As a way of celebrating this achievement, a "Wilmot History Book" is being compiled. This book will feature stories of all kinds about the people and events in Wilmot's past and will serve to bring this close-knit community even closer. I am proud to honor the people of Wilmot on this memorable occasion and to extend my congratulations to them.●

LOWELL ELEMENTARY SCHOOL, DULUTH, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Lowell Elementary School, in Duluth, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Lowell Elementary School, a music magnet school, is truly a model of educational success. In addition to a well-rounded learning experience, the school offers an exceptional music curriculum, including a choir at each grade level—kindergarten through fifth grade—piano instruction for second, third, and fourth-grade pupils, string instrument lessons for third through fifth grades, and band instruction for grades four and five.

Lowell Elementary School's success is reflected in its popularity within the Duluth community. There are 127 students on a waiting list for enrollment in Lowell, including children for future kindergarten enrollment. An English language learner program is housed in the building, serving 33 to 38 students per year from 10 different countries. A 21st Century Program, which involves a partnership between Lowell and the YMCA, provides on-site daily mentoring and tutoring services after school until 6:00 p.m., for pupils in grades K through 5.

Parents further attest to Lowell's success. Joan Lancour states:

> My child has attended Lowell for the past three years. During this time, my child, Chris, has received extra help from all staff that he never received at other schools. The staff have helped him to gain confidence through the music program . . . Over these past three years I have seen him take strides to become an independent student through the excellent training of Lowell staff and administrators.

Another mother, Sue Wright, adds:

> We feel very fortunate to have the enrichment of music in our children's education. The benefits of the extra music opportunities have shown in their academic success. Lowell is a positive school with very dedicated students, staff and parents. It has been a wonderful place for my family to begin a lifelong education.

Much of the credit for Lowell Elementary School's success belongs to its principal, Monte Wittman, and to the dedicated teachers. The pupils and staff at Lowell Elementary School understand that in order to be successful a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Lowell Elementary School should be very proud of their accomplishments.

I congratulate Lowell Elementary School in Duluth for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

IN RECOGNITION OF THE 125TH ANNIVERSARY OF THE TUSCOLA COUNTY FAIR

● Mr. LEVIN. Mr. President, I take this opportunity to recognize the Tuscola, Michigan County Fair as it celebrates its 125th anniversary. The Tuscola County Fair, in existence since 1881, showcases the local agricultural community in addition to other attractions, is an important contributor to the local economy, and entertains thousands of fairgoers of all ages each year.

The fair, which first took place the year President Garfield was assassinated, generates more than $2 million of activity in the county. The impetus to locate a fair in Caro, MI, was the desire of agricultural groups in the area to display their harvest, livestock, home canning and baked goods, flowers and needlework, and of local merchants and other industries to demonstrate new products and machinery for the farm and home.

Over the years, the Tuscola County Fair has experienced several milestones. The fair first showed a profit in 1891, and in 1892, a half-mile clay track was constructed. Interestingly, while the track was intended for sulky races, in 1924, female jockeys raced Kentucky thoroughbreds every day of the fair. In 1896, a new Agricultural Hall was constructed to showcase the agricultural industry. In addition, the Fair Office, the oldest building still standing, was constructed in 1917, and in 1920, the present "Heritage Hall" was constructed. During World War II, the fairgrounds were used to house German prisoners, who worked to help the local sugar industry that was so vital to our war effort. More recently, in 1981, the Historical Society of Michigan designated the fairgrounds a historical site.

Many people have contributed to the success of the Tuscola County Fair, including Emery J. Vandemark, the longest serving board member, the treasurer for 28 years, and the current 13-year President; the late Jay Kitchen, past president; Walter Jackson, president of the fair board and active 4-H member; James Fitzgerald, past president; Jerry Vandemark, longtime fundraiser; and longtime members Waldo Garner, Robert Nowland, Walter Putnam, and Frank Altizer, among many others.

The fair organizers and the many dedicated volunteers over the years have played an integral role in ensuring the success of the fair, and I know my colleagues join me in recognizing and congratulating all those who have contributed to the fair for their efforts.•

WASHINGTON ELEMENTARY SCHOOL, CLOQUET, MINNESOTA

• Mr. DAYTON. Mr. President, today I wish to honor Washington Elementary School, in Cloquet, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Washington Elementary School is truly a model of educational success. The school's teachers and administrators are to be applauded for their leadership in helping children understand the harmful consequences of bullying other students. Its Bullying Prevention Program is one of the best in the State.

The effort to address bullying at Washington Elementary began last year, after students were surveyed about their thoughts and attitudes toward a variety of school safety matters. Their responses to four key questions were significant: 22 percent of all pupils reported having been bullied at least two to three times per month; 62 percent said that when they see bullying they want to help, if only they knew what to do; children in grades 3 through 5 are the most often bullied; and the three places where bullying most frequently occurs are on the playground, in the lunchroom, and on the bus.

All licensed and nonlicensed staff at Washington Elementary received training using the Olweus Bullying Prevention Program. Staff learned what bullying is and how they can put an end to it. They learned how to teach students to recognize a bully and what steps to take when they encounter one. They learned that most bullying is not physical, but rather uses verbal taunts, and excludes and degrades the victim. Children who are bullied have lower self-esteem, more absences, and more anxiety, along with depression and thoughts of suicide.

The Bullying Prevention Program at Washington Elementary School has become a communitywide effort. Mailings were sent home to parents. Local business leaders, the mayor, the police chief, the media, and other local dignitaries participated in a "Kick-off Celebration" held earlier this school year. The program's slogan is, "Take a Bite Out of Bullying"; the University of Minnesota—Duluth Bulldog serves as the program's mascot.

The school community is rightly proud of the results. Children are coming to school feeling safer. Attendance is up. And the school climate has improved. The Bullying Prevention Program has been featured in local newspaper stories. High school students have come to Washington Elementary to perform skits on the bullying theme, and this May the CLIMB Theater group completed a 3-day residency on bullying.

In addition, the school can take pride in its Minnesota Comprehensive Assessment test scores. Last year, the school received four-star ratings in both reading and math from the Minnesota Department of Education.

Much of the credit for Washington Elementary School's success belongs to its principal, Randy Thudin, and to the dedicated teachers. The pupils and staff at Washington Elementary School understand that in order to be successful a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Washington Elementary School should be very proud of their accomplishments.

I congratulate Washington Elementary School in Cloquet for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

TRIBUTE TO JACK MICHAELS

• Mrs. MURRAY. Mr. President, today I wish to honor Jack Michaels, a decorated veteran and a lifelong advocate for veterans and disabled persons and their families all over the country. It has been my sincere pleasure to work with him to forward these efforts and I wish him all the best in his retirement from his post as Executive Director of the Northwest Paralyzed Veterans Association. His remarkable record of service reminds us all that one person's efforts can improve the lives of many.

The effects of Jack's advocacy can be felt in many ways. Jack served courageously as a Captain in the United States Army from 1966 to 1971 and was awarded the Distinguished Flying Cross, a Purple Heart, and other honors. After being shot down in combat and incurring a severe spinal cord injury, Jack realized his service to the United States was far from over; rather, it was just beginning.

We see Jack's influence in our national civil rights legislation. During Jack's tenure as the National President of Paralyzed Veterans of America, he worked tirelessly to facilitate the passage of landmark civil rights legislation, the Americans with Disabilities Act.

We see Jack's influence in the Puget Sound area. He provides expertise in accessibility and has served on public projects including Safeco Field, Seahawks Stadium, Benayora and McCaw Halls, and Seattle's new City Hall and Regional Justice Center, just to name a few. His leadership enabled the Northwest Paralyzed Veterans Association to provide expertise to enable Amtrak's Cascades to become the first fully accessible train in America. His continued efforts to make SeaTac International Airport more accessible for the disabled will result in a new over-sized disabled passenger vehicle parking lot to be dedicated by Memorial Day this spring.

We see Jack's influence in Seattle's public transportation system. While working with the Washington Coalition for Citizens with Disabilities, of which he was a co-founder, and the Northwest Chapter Paralyzed Veterans of America, which he founded, Jack advocated for a totally accessible public transit system, which became a reality at King's County METRO 20 years later.

We see Jack's influence in the lives of hundreds of disabled veterans, for whom he has delivered, often personally, adaptive equipment in a donation program he created that provides free wheelchairs and hospital beds to those in need.

Throughout his service and advocacy, Jack never forgot his brothers and sisters in arms, both past and present. Through his words and his works, Jack constantly reminded American policymakers and citizens alike of the bravery, honor, and sacrifice military service entails. He reminded us of our national obligation to take care of our veteran population and to create a system with the capacity to provide for future veterans. He reminds us that the absolute least we can do to thank the courageous men and women who put their lives in jeopardy every day to protect our rights is provide for them and their families when their service is complete. With the aging Vietnam and Korean war veteran population and ever growing number of Iraq veterans returning home, it is on all of us to continue Jack's work for veterans and never to forget the example he set.

You might notice the frequent use of a single word throughout this recounting of Jack's military and civilian experience: served. Jack dedicated his life to service, first when he volunteered for the Army, then in countless other volunteer and advocacy endeavors. He gave his time and expertise in exchange for the satisfaction of effecting change and improving the lives of others, many of whom he may never meet. Rather than react with anger or despair to his harrowing combat injury, Jack treated it as a call to action. Jack's work has given opportunity to thousands of veterans and disabled Americans and left a legacy of service that will continue to touch lives for decades to come.•

WEBSTER, SOUTH DAKOTA, CELEBRATES 125TH ANNIVERSARY

• Mr. THUNE. Mr. President, today I wish to recognize Webster, SD. The town of Webster will celebrate the 125th anniversary of its founding this year.

Located in Day County, Webster was founded in 1881 and named after one of its first settlers, J.B. Webster. Webster has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I offer my congratulations to Webster on their anniversary and wish them continued prosperity in the years to come.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7601. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to a free trade agreement between the United States and the Republic of Peru; to the Committee on Finance.

EC–7602. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Old-Age, Survivors, and Disability Insurance Supplemental Security Income: Collection of Overdue Program and Administrative Debts Using Federal Salary Offset" (RIN0960–AE89) received on July 17, 2006; to the Committee on Finance.

EC–7603. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Effect of Elections in Certain Multi-Step Transactions" ((RIN1545–BB68)(TD 9271)) received on July 13, 2006; to the Committee on Finance.

EC–7604. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Field Directive on Asset Class and Depreciation for Casino Construction Costs" received on July 13, 2006; to the Committee on Finance.

EC–7605. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information by Certain Officers and Employees for Investigative Purposes" ((RIN1545–BB16)(TD 9274)) received on July 13, 2006; to the Committee on Finance.

EC–7606. A communication from the Interim Staff Director, United States Sentencing Commission, transmitting, pursuant to law, the Commission's 2005 Annual Report and Sourcebook of Federal Sentencing Statistics; to the Committee on the Judiciary.

EC–7607. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Saddle Rock-Malibu Viticultural Areas" ((RIN1513–AB15)(T.D. TTB–52)) received on July 18, 2006; to the Committee on the Judiciary.

EC–7608. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Alta Mesa, Borden Ranch, Clements Hills, Cosumnes River, Jahant, Mokelumne River, and Sloughhouse Viticultural Areas" ((RIN1513–AA82 thru 1513–AA88)(T.D. TTB–50)) received on July 18, 2006; to the Committee on the Judiciary.

EC–7609. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Eola-Amity Hills Viticultural Area" ((RIN1513–AA41)(T.D. TTB–51)) received on July 18, 2006; to the Committee on the Judiciary.

EC–7610. A communication from the Attorney Advisor, United States Coast Guard, Department of Homeland Security, transmitting , pursuant to law, the report of a rule entitled "Coast Guard Organization; Activities Europe" (RIN1625–AA03) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7611. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 4 regulations): [CGD05–06–025], [CGD05–06–037], [CGD05–06–033], [CGD05–06–036]" (RIN1625–AA08) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7612. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 2 regulations): [CGD05–05–041], [CGD07–04–136]" (RIN1625–AA09) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7613. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 3 regulations): [CGD07–06–108], [CGD07–06–107], [CGD05–06–065]" (RIN1625–AA08) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7614. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 6 regulations): [CGD05–06–071], [CGD05–06–070], [CGD01–06–076], [CGD01–06–077], [CGD01–06–078], [CGD05–06–039]" (RIN1625–AA09) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7615. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety and Security Zones; Tall Ships Celebration 2006, Great Lakes, Cleveland, Ohio, Bay City, Michigan, Green Bay, Wisconsin, Sturgeon Bay, Wisconsin, Chicago, Illinois" (RIN1625–AA00) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7616. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bearing Sea and Aleutian Islands Management Area" (I.D.# 061506A) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7617. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Proposed Rule: Haddock Separator Trawl Requirement" (I.D.# 061306A) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7618. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule: Inseason Bluefish Quota Transfer from Florida to North Carolina" (I.D.# 061206B) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7619. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2006 Deep-Water Grouper Commercial Fishery" (I.D.# 060806E) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7620. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Recreational Grouper Fishery Management Measures" (I.D.# 032006C) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7621. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Emergency Rule" ((RIN0648–AU47)(I.D.# 051806E)) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7622. A communication from the Attorney, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Administrator, received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7623. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Secretary, received on July 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7624. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana; Direct Final Rule" (FRL No. 8187-6) received on July 13, 2006; to the Committee on Environment and Public Works.

EC-7625. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis Cry2Ab2 Protein and the Genetic Material Necessary for Its Production in Corn in or on All Corn Commodities; Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8076-6) received on July 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7626. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "PM2.5 De Minimis Emission Levels for General Conformity Applicability" (FRL No. 8197-4) received on July 13, 2006; to the Committee on Environment and Public Works.

EC-7627. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Update to Materials Incorporated by Reference" (FRL No. 8197-2) received on July 18, 2006; to the Committee on Environment and Public Works.

EC-7628. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York Ozone State Implementation Plan Revision" (FRL No. 8191-3) received on July 18, 2006; to the Committee on Environment and Public Works.

EC-7629. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Minor Amendments to the Regulations Implementing the Allowance System for Controlling HCFC Production, Import and Export" (FRL No. 8199-9) received on July 18, 2006; to the Committee on Environment and Public Works.

EC-7630. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)" (FRL No. 8202-4) received on July 18, 2006; to the Committee on Environment and Public Works.

EC-7631. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Butene, Homopolymer; Tolerance Exemption" (FRL No. 8075-8) received on July 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7632. A communication from the Secretary of Energy, transmitting, a report of proposed legislation to extend the authorization for the Federal contribution to the Uranium Enrichment Decontamination and Decommissioning Fund; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 757. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer (Rept. No. 109-290).

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 3501. A bill to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act to establish an acquisition fund for the water rights and habitat acquisition program (Rept. No. 109-291).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 3714. A bill to establish the Math and Science Teaching Corps; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 3715. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide for the treatment of eligible combined defined benefit plans and qualified cash or deferred arrangements; to the Committee on Finance.

By Mrs. CLINTON:

S. 3716. A bill to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN:

S. 3717. A bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN (for himself, Mr. STEVENS, Mr. DEWINE, and Mr. DODD):

S. 3718. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. ENSIGN, Mr. SALAZAR, Mr. ALLARD, and Mr. CRAIG):

S. 3719. A bill to amend the Internal Revenue Code of 1986 to allow public school districts to receive no interest loans for the purchase of renewable energy systems, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Res. 539. A resolution congratulating the Department of Agronomy in the College of Agriculture at Kansas State University for 100 years of excellent service to Kansas agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DEMINT:

S. Res. 540. A resolution encouraging all 50 States to recognize and accommodate the release of public school pupils from school attendance to attend off-campus religious classes at their churches, synagogues, houses of worship, and faith-based organizations; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 195

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 195, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 666

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 757

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1052

At the request of Mr. STEVENS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1052, a bill to improve transportation security, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2590

At the request of Mr. COBURN, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2677

At the request of Mr. SMITH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2677, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 2772

At the request of Mr. VOINOVICH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2772, a bill to provide for innovation in health care through State initiatives that expand coverage and access and improve quality and efficiency in the health care system.

S. 3495

At the request of Mr. STEVENS, his name was added as a cosponsor of S. 3495, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam.

S. 3519

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 3519, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 3519, supra.

S. 3520

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3520, a bill to amend the International Claims Settlement Act of 1949 to allow for certain claims of nationals of the United States against Turkey, and for other purposes.

S. 3545

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3545, a bill to amend title 38, United States Code, to improve services for homeless veterans, and for other purposes.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 485

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 485, a resolution to express the sense of the Senate concerning the value of family planning for American women.

S. RES. 531

At the request of Mr. LIEBERMAN, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. MCCAIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 531, a resolution to urge the President to appoint a Presidential Special Envoy for Sudan.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 3715. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide for the treatment of eligible combined defined benefit plans and qualified cash or deferred arrangements; to the Committee on Finance.

Ms. SNOWE. Mr. President, as chair of the Senate Committee on Small Business and Entrepreneurship, I have long believed that it is my responsibility and the duty of this Chamber to help small businesses, as they are the driver of this Nation's economy, responsible for generating approximately 75 percent of net new jobs annually.

On Monday I introduced legislation that would help to address the retirement needs of millions of small business employees. My bill will make it easier for small employers to offer pension and 401(k) benefits to their employees, who typically have lower retirement savings rates. My bill makes it easier for small businesses to offer a "DB/K plan" which is a combination of a defined benefit plan and a section 401(k) plan that is included in a single plan document. Currently, due to defined benefit plans' complex rules and high establishment costs, many small businesses are unable to set up these types of pension plans for their employees. Instead, many small businesses choose to offer less complex 401(k) plans that do not require employer contributions and offer their employees less guaranteed retirement benefits.

Many small employers would like to offer defined benefit pension plans but are currently hampered by top-heavy rules designed to prevent large companies from exclusively offering pensions to key employees. These well-meaning regulations prevent most small companies, with a few key employees, from providing pension benefits. Legislation that establishes DB/K plans would provide small businesses with reasonable exemptions from these top-heavy rules. This increased flexibility will enable employers to offer employees pension benefits as well as the capability to save incrementally in 401(k) type accounts.

Another advantage of DB/K plans is that they offer employees increased flexibility. Employees with DB/K plans would be allowed to take their DB/K assets with them when they switch employers. This portability would make DB/Ks attractive to many younger employees, who tend to change jobs often. Portability is a DB/K innovation not offered by traditional defined benefit plans which have vesting periods and stop accumulating value when the employee leaves a company. For older workers, the main attraction would be the defined benefit feature, which provides that at least part of their retirement savings would provide a monthly pension check at retirement.

According to the Employee Benefit Research Institute, only 16 percent of employees at companies with 10 workers or fewer and 32 percent of employees at companies with 100 employees or fewer participate in their company-sponsored retirement savings plans. Comparatively, almost 60 percent of employees at companies with more than 1,000 workers save for retirement through a company sponsored plan. Small business workers' low participation rates in retirement savings plan are troubling as small businesses employ half of all private sector employees. Many policymakers who are closely watching the aging of the American population worry that small business owners' and their employees' low savings rates will leave this group inadequately prepared to pay for their retirements. The creation of DB/K plans is one option for helping small business owners and their employees increase their overall retirement savings.

Under this legislation each part of the DB/K plan would be subject to the present-law rules for defined benefit plans or 401(k) plans, but the rules would be simplified. Like 401(k) plans, the proposed DB/Ks would allow employees to make pretax contributions to their accounts, could include employer matching funds and permit employees to invest their 401(k) portion in mutual funds etc. The assets of both components of the DB/K plan could be held in a trust covered by a single trust instrument. However, the assets of the defined benefit component of the plan and the assets of the 401(k) component of the plan must be clearly identified and allocated to the appropriate part of the trust.

By Mrs. CLINTON:

S. 3716. A bill to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mrs. CLINTON. Mr. President, I am proud to introduce legislation which would designate the facility of the U.S. Postal Service located at 100 Pitcher Street in Utica, NY, as the Captain George A. Wood Post Office Building.

CAPT George A. Wood bravely served our Nation in Iraq before his tragic death on November 20, 2003.

Captain Wood was born and raised in Utica, NY, in the heart of the Mohawk Valley. As a student at Notre Dame Junior-Senior High School, Wood excelled both in the classroom and on the athletic field, where he participated in football and track and field.

Upon graduation from high school, Wood attended Cornell University. He played on the university's football team, but focused most of his attention on his academics, particularly his history coursework. After earning his bachelor's degree in 1993, Wood continued in his academic pursuits, earning master's degrees at SUNY-Albany and SUNY-Cortland.

Wood's interest in history continued after he entered the U.S. Army. As a captain in the 4th Infantry Division, Wood's responsibilities included leading a tank unit in Iraq. He told his wife that his experience leading troops would someday help him prepare for a doctorate in military history.

Captain Wood hoped to teach history and coach football at the U.S. Military Academy at West Point, NY. Unfortunately, his untimely death will prevent this dream from becoming a reality. However, we can honor this great American for the sacrifice he made defending the freedoms we all enjoy.

Captain Wood's father and grandfather both worked at the Pitcher Street Post Office in Utica, NY, and it would be a fitting honor to designate this facility in tribute to CAPT George A. Wood.

I ask that the Senate come together and honor this brave American hero for his service to our Nation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAPTAIN GEORGE A. WOOD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, shall be known and designated as the "Captain George A. Wood Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain George A. Wood Post Office Building".

By Mr. HARKIN:

S. 3717. A bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Wellness for Individuals with Disabilities Act of 2006".

SEC. 2. ESTABLISHMENT OF STANDARDS FOR ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.

Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) is amended by adding at the end of the following:

"SEC. 510. ESTABLISHMENT OF STANDARDS FOR ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.

"(a) STANDARDS.—Not later than 9 months after the date of enactment of the Promoting Wellness for Individuals with Disabilities Act of 2006, the Architectural and Transportation Barriers Compliance Board shall issue (including publishing) standards setting forth the minimum technical criteria for medical diagnostic equipment used in (or in conjunction with) physician's offices, clinics, emergency rooms, hospitals, and other medical settings. The standards shall ensure that such equipment is accessible to, and usable by, individuals with disabilities, and shall allow independent entry to, use of, and exit from the equipment by such individuals to the maximum extent possible.

"(b) MEDICAL DIAGNOSTIC EQUIPMENT COVERED.—The standards issued under subsection (a) for medical diagnostic equipment shall apply to equipment that includes examination tables, examination chairs (including chairs used for eye examinations or procedures, and dental examinations or procedures), weight scales, mammography equipment, x-ray machines, and other radiological equipment commonly used for diagnostic purposes by health professionals.

"(c) REVIEW AND AMENDMENT.—The Architectural and Transportation Barriers Compliance Board shall periodically review and, as appropriate, amend the standards.".

SEC. 3. WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following new section:

"SEC. 399P. ESTABLISHMENT OF WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.

"(a) IN GENERAL.—

"(1) INDIVIDUAL WITH A DISABILITY DEFINED.—For purposes of this section, the term 'individual with a disability' has the meaning given the term in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)), for purposes of title V of such Act (29 U.S.C. 791 et seq.).

"(2) WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.—The Secretary, in collaboration with the National Advisory Committee on Wellness for Individuals With Disabilities, may make grants on a competitive basis to public and nonprofit private entities for the purpose of carrying out programs for promoting good health, disease prevention, and wellness for individuals with disabilities, and preventing secondary conditions in such individuals.

"(b) REQUIREMENT OF APPLICATION.—To be eligible to receive a grant under subsection (a), a public or nonprofit private entity shall submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(c) AUTHORIZED ACTIVITIES.—With respect to promoting good health and wellness for individuals with disabilities described in subsection (a), activities for which the Secretary may make a grant under such subsection include—

"(1) programs or activities for smoking cessation, weight control, nutrition, or fitness that focus on the unique challenges faced by individuals with disabilities regarding these issues;

"(2) preventive health screening programs for individuals with disabilities to reduce the incidence of secondary conditions; and

"(3) athletic, exercise, or sports programs that provide individuals with disabilities (including children with disabilities) an opportunity to increase their physical activity in a dedicated or adaptive recreational environment.

"(d) PRIORITIES.—

"(1) Advisory committee.—The Secretary shall establish a National Advisory Committee on Wellness for Individuals With Disabilities that shall set priorities to carry out this section, review grant proposals, and make recommendations for funding, and annually evaluate the progress of the program under this section in implementing the priorities.

"(2) Representation.—The Advisory Committee established under paragraph (1) shall include representation by the Department of Health and Human Services Office on Disability, the United States Surgeon General or his designee, the Centers for Disease Control and Prevention, private nonprofit organizations that represent the civil rights and interests of individuals with disabilities, and individuals with disabilities or their family members.

"(e) Dissemination of Information.—The Secretary shall, in addition to the usual methods of the Secretary, disseminate information about the availability of grants under the Wellness Grant Program for Individuals with Disabilities in a manner designed to reach public entities and nonprofit private organizations that are dedicated to providing outreach, advocacy, or independent living services to individuals with disabilities.

"(f) Reports to Congress.—The Secretary shall, not later than 180 days after the date of the enactment of the Promoting Wellness for Individuals with Disabilities Act of 2006, and annually thereafter, submit to Congress a report summarizing activities, findings, outcomes, and recommendations resulting from the grant projects funded under this section during the preceding fiscal year.

"(g) Authorization of Appropriations.—For the purpose of making grants under this section, there are authorized to be appropriated such sums as may be necessary.".

SEC. 4. IMPROVING EDUCATION AND TRAINING TO PROVIDE MEDICAL SERVICES TO INDIVIDUALS WITH DISABILITIES.

(a) Coordinated Program To Improve Pediatric Oral Health.—Section 320A(b) of the Public Health Service Act (42 U.S.C. 247d-8(b)) is amended by—

(1) striking ", or to increase" and inserting ", to increase"; and

(2) striking the period and inserting the following ", or to provide training to improve competency and clinical skills in providing oral health services to, and communicating with, patients with disabilities, including those with intellectual disabilities.".

(b) Children's Hospitals That Operate Graduate Medical Education Programs.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended by adding at the end the following:

"(h) Requirement To Provide Training.—To be eligible to receive a payment under this section, a children's hospital shall provide training to improve competency and clinical skills in providing health care to, and communicating with, patients with disabilities, including those with intellectual disabilities, as part of any approved graduate medical residency training program provided by the hospital.".

(c) Centers of Excellence.—Section 736(b) of the Public Health Service Act (42 U.S.C. 293(b)) is amended—

(1) in paragraph (6)(B), by striking "; and" and inserting a semicolon;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

"(7) to carry out a program to improve competency and clinical skills of students in providing health services to, and communicating with, patients with disabilities, including those with intellectual disabilities; and".

(d) Family Medicine, General Internal Medicine, General Pediatrics, General Dentistry, Pediatric Dentistry, and Physician Assistants.—Section 747(a)(6) of the Public Health Service Act (42 U.S.C. 293k(a)(6)) is amended by striking "pediatric dentistry." and inserting the following: "pediatric dentistry; and

"(7) to plan, develop, and operate a program for the training of physicians or dentists, or medical or dental residents, to improve competency and clinical skills of physicians and dentists in providing services to, and communicating with, patients with disabilities, including those with intellectual disabilities.".

(e) Advisory Council on Graduate Medical Education.—Section 762(a)(1) of the Public Health Service Act (42 U.S.C. 294o(a)(1)) is amended—

(1) in subparagraph (E), by striking "; and" and inserting a semicolon;

(2) by adding at the end the following:

"(G) appropriate efforts to be carried out by hospitals, schools of medicine, schools of osteopathic medicine, schools of dentistry, and accrediting bodies with respect to changes in undergraduate and graduate medical training to improve competency and clinical skills of physicians in providing health care services to, and communicating with, patients with disabilities, including those with intellectual disabilities; and".

(f) Medicare Graduate Medical Education Programs.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended by adding at the end the following:

"(8) Requirement to provide training.—To be eligible to receive a payment under this subsection, a hospital shall provide training to improve competency and clinical skills in providing health care to, and communicating with, patients with disabilities, including those with intellectual disabilities, as part of any approved medical residency training program provided by the hospital.".

(g) Effective Date.—The amendments made by subsections (b), (c), and (f) shall take effect 180 days after the date of enactment of this Act.

By Mr. REID (for himself, Mr. Ensign, Mr. Salazar, Mr. Allard, and Mr. Craig):

S. 3719. A bill to amend the Internal Revenue Code of 1986 to allow public school districts to receive no interest loans for the purchase of renewable energy systems, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Renewable Schools Energy Act of 2006".

SEC. 2. QUALIFIED RENEWABLE SCHOOL ENERGY BONDS.

(a) In General.—Subchapter U of chapter 1 of the Internal Revenue Code of 1986 (relating to incentives for education zones) is amended by redesignating section 1397F as section 1397G and by adding at the end of part IV of such subchapter the following new section:

"SEC. 1397F. QUALIFIED RENEWABLE SCHOOL ENERGY BONDS.

"(a) Allowance of Credit.—If a taxpayer holds a qualified renewable school energy bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) Amount of Credit.—

"(1) In general.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified renewable school energy bond is 25 percent of the annual credit determined with respect to such bond.

"(2) Annual credit.—The annual credit determined with respect to any qualified renewable school energy bond is the product of—

"(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

"(B) the outstanding face amount of the bond.

"(3) Determination.—For purposes of paragraph (2), with respect to any qualified renewable school energy bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of qualified renewable school energy bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

"(4) Credit allowance date.—For purposes of this section, the term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term also includes the last day on which the bond is outstanding.

"(5) Special rule for issuance and redemption.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) Limitation Based on Amount of Tax.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits, subpart H thereof, section 1400N(l), and this section).

"(d) Qualified Renewable School Energy Bond.—For purposes of this section—

"(1) In general.—The term 'renewable school energy bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified school operated by an eligible local education agency,

"(B) the bond is issued by a State or local government of an eligible State within the jurisdiction of which such school is located,

"(C) the issuer—

"(i) designates such bond for purposes of this section, and

"(ii) certifies that it has the written approval of the eligible local education agency for such bond issuance, and

"(D) the term of each bond which is part of such issue is 20 years.

"(2) QUALIFIED SCHOOL.—The term 'qualified school' means any public school or public school system administrative building which is owned by or operated by an eligible local education agency.

"(3) ELIGIBLE LOCAL EDUCATION AGENCY.—The term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

"(4) ELIGIBLE STATE.—The term 'eligible State' means, with respect to any calendar year—

"(A) one of the five States with the greatest percentage population growth for the most recent preceding year for which data is available as determined by the Bureau of the Census, and

"(B) the State with a total percentage population growth greater than 9 percent but less than 13.9 percent and a total population under the age of 19 of less than 300,000 as determined under the 2000 Census.

"(5) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified school, the purchase and installation of renewable energy products.

"(e) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) NATIONAL LIMITATION.—There is a national renewable school energy bond limitation for each calendar year. Such limitation is $50,000,000 for 2007, $100,000,000 for 2008, $150,000,000 for 2009, and, except as provided in paragraph (4), zero thereafter.

"(2) ALLOCATION OF LIMITATION.—The national renewable school energy bond limitation for a calendar year shall be allocated by the Secretary—

"(A) among the eligible States described in subsection (d)(4)(A), 30 percent to the State with the greatest percentage population growth, 20 percent to each of second and third ranked States, and 10 percent to each of the fourth and fifth ranked States, and

"(B) to the State described in subsection (d)(4)(B), 10 percent.

The limitation amount allocated to an eligible State under the preceding sentence shall be allocated by the State education agency to qualified schools within such State.

"(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any qualified school shall not exceed the limitation amount allocated to such school under paragraph (2) for such calendar year.

"(4) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(A) the limitation amount for any eligible State, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (d)(1) with respect to qualified schools within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

"(f) OTHER DEFINITIONS.—For purposes of this section—

"(1) BOND.—The term 'bond' includes any obligation.

"(2) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)).

"(h) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

"(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified renewable school energy bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person which, on the credit allowance date, holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified renewable school energy bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"(i) CREDIT TREATED AS NONREFUNDABLE BONDHOLDER CREDIT.—For purposes of this title, the credit allowed by this section shall be treated as a credit allowable under subpart H of part IV of subchapter A of this chapter.

"(j) SPECIAL RULES.—For purposes of this section, rules similar to the rules under paragraphs (3) and (4) of section 54(l) shall apply.".

(b) CONFORMING AMENDMENTS.—The table of sections for part V of such subchapter is amended by redesignating section 1397F as section 1397G and by adding at the end of the table of sections for part IV of such subchapter the following new item:

"Sec. 1397F. Credit for holders of qualified renewable school energy bonds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2006.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 539—CONGRATULATING THE DEPARTMENT OF AGRONOMY IN THE COLLEGE OF AGRICULTURE AT KANSAS STATE UNIVERSITY FOR 100 YEARS OF EXCELLENT SERVICE TO KANSAS AGRICULTURE

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 539

Whereas, in 2006, the Department of Agronomy in the College of Agriculture at Kansas State University in Manhattan, Kansas, celebrates its centennial year;

Whereas Kansas State Agricultural College was established under the Morrill Act as the first land-grant college in the United States in 1863 and, in July 1906, the Kansas Board of Regents established the Department of Agronomy in the College of Agriculture at the Kansas State Agricultural College;

Whereas, since its inception, the Department of Agronomy has exemplified the land-grant mission by providing statewide leadership in teaching, research, and extension programs in crop breeding, crop production, range science, soil science, and weed science;

Whereas advances in sciences studied at the Department of Agronomy have had a major impact in insuring the profitability of Kansas agriculture while sustaining the natural resources and improving the livelihood of all Kansans;

Whereas the faculty in the Department of Agronomy also have made significant international contributions to world food production and natural resources sustainability, including participation and leadership in long-term projects in India, the Philippines, Nigeria, Morocco, and Botswana;

Whereas the faculty in the Department of Agronomy have distinguished themselves by receiving numerous university and national awards in teaching, research, and extension and provided service and leadership for national and international professional societies;

Whereas the faculty in the Department of Agronomy have conducted research for sustainable, efficient crop and range production systems that conserve natural resources and protect environmental quality;

Whereas, today, a majority of the acres of wheat and a significant number of acres of alfalfa, soybean, and canola in Kansas are planted with varieties developed in the Department of Agronomy;

Whereas the Department of Agronomy extension specialists have provided information to producers and industry regarding soil fertility, conservation of soil and water resources, tillage and production systems, evaluation of crop varieties and hybrids, and protection of the environment, thus, keeping Kansas agriculture efficient and competitive;

Whereas the Department of Agronomy faculty have prepared students in agronomy to effectively serve agriculture and society by feeding the world and protecting soil and water resources;

Whereas the alumni of the Department of Agronomy have distinguished themselves in the public and private sectors as crop, soil, range, and weed science professionals and have become farmers, extension agents, educators, administrators, consultants, representatives, scientists, missionaries, military officers, contractors, and a host of other professionals; and

Whereas many alumni of the Department of Agronomy have become leaders in their communities, academia, industry, and government, contributing significantly to world agriculture by making hybrid corn a reality, developing seeds for the Green Revolution, developing sorghum into an important crop, breeding "Miracle Rice" for Asia, and leading national programs in wheat, barley, oat, and alfalfa: Now, therefore, be it

Resolved, That the Senate congratulates and commends the Department of Agronomy in the College of Agriculture at Kansas State University for 100 years of excellent service to Kansas agriculture, the citizens of Kansas, the United States, and the world.

SENATE RESOLUTION 540—ENCOURAGING ALL 50 STATES TO RECOGNIZE AND ACCOMMODATE THE RELEASE OF PUBLIC SCHOOL PUPILS FROM SCHOOL ATTENDANCE TO ATTEND OFF-CAMPUS RELIGIOUS CLASSES AT THEIR CHURCHES, SYNAGOGUES, HOUSES OF WORSHIP, AND FAITH-BASED ORGANIZATIONS

Mr. DEMINT submitted the following resolution; which was referred to the Committee on the Judiciary.

S. Res. 540

Whereas the free exercise of religion is an inherent, fundamental, and inalienable right secured by the 1st amendment to the Constitution of the United States;

Whereas the free exercise of religion is important to the intellectual, moral, civic, and ethical development of students in the United States;

Whereas the free exercise of religion must be conducted in a constitutionally appropriate manner;

Whereas, in Zorach v. Clauson, 343 U.S. 306 (1952), the United States Supreme Court held that a statute that provides for the release of public school pupils from school attendance to attend religious classes is constitutional if—

(1) the programs take place away from school grounds;

(2) school officials do not promote attendance at religious classes; and

(3) the solicitation of students to attend is not done at the expense of public schools; and

Whereas the Constitution of the United States and the laws of the States allow the school districts of the States to release public school pupils from school attendance to attend religious classes: Now, therefore, be it

Resolved, That the Senate—

(1) calls on all 50 States to recognize and accommodate those churches, faith-based organizations, and individuals that wish to release public school pupils from school attendance to attend religious classes; and

(2) respectfully requests the President of the United States to proclaim the third week of November 2006 as "Bible Education in School Time Week".

AMENDMENTS SUBMITTED AND PROPOSED

SA 4689. Mr. LAUTENBERG (for himself, Mr. Menendez, Mrs. Clinton, and Mr. Schumer) submitted an amendment intended to be proposed by him to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; which was ordered to lie on the table.

SA 4690. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4689. Mr. LAUTENBERG (for himself, Mr. Menendez, Mrs. Clinton, and Mr. Schumer) submitted an amendment intended to be proposed by him to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. ___. TEEN PREGNANCY PREVENTION.

(a) Education Program for Preventing Teen Pregnancies, and Other Activities.—

(1) In general.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") may make grants to States, local educational agencies, State and local public health agencies, and nonprofit private entities for the purpose of carrying out programs of family life education, including education on both abstinence and contraception for the prevention of teen pregnancy and sexually transmitted disease, and education to support healthy adolescent development.

(2) Preference in making grants.—In making grants under paragraph (1), the Secretary shall give preference to applicants that will carry out the programs under such paragraph in communities for which the rate of teen pregnancy is significantly above the average rate in the United States of such pregnancies.

(3) Certain requirements.—A grant may be made under paragraph (1) only if the applicant for the grant meets the following conditions with respect to the program involved:

(A) The applicant agrees that information provided by the program on pregnancy prevention will be age-appropriate, factually and medically accurate and complete, and scientifically-based.

(B) The applicant agrees the program will—

(i) not teach or promote religion;

(ii) teach that abstinence is the only sure way to avoid pregnancy or sexually transmitted diseases;

(iii) stress the value of abstinence while not ignoring those teens who have had or are having sexual intercourse, or teens at risk of becoming sexually active;

(iv) provide information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy;

(v) provide information about the health benefits and side effects of all contraceptives and barrier methods as a means to reduce the risk of contracting sexually transmitted diseases, including HIV/AIDS;

(vi) encourage family communication about sexuality between parent and child;

(vii) teach teens the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances and how not to make unwanted verbal, physical, and sexual advances;

(viii) teach teens how alcohol and drug use can affect responsible decisionmaking; and

(ix) educate both young men and women about the responsibilities and pressures that come along with parenting.

(4) Additional activities.—In carrying out a program of family life education under paragraph (1), a State, agency, or entity may carry out educational and motivational activities that help teens—

(A) gain knowledge about the physical, emotional, biological, and hormonal changes of adolescence and subsequent stages of human maturation;

(B) develop the knowledge and skills necessary to ensure and protect their sexual and reproductive health from unintended pregnancy and sexually transmitted disease, including HIV/AIDS, throughout their lifespan;

(C) gain knowledge about the specific involvement of and male responsibility in sexual decisionmaking;

(D) develop healthy attitudes and values about adolescent growth and development, body image, gender roles, racial and ethnic diversity, and other subjects;

(E) develop and practice healthy life skills including goal-setting, decisionmaking, negotiation, communication, and stress management;

(F) promote self-esteem and positive interpersonal skills focusing on relationship dynamics, including friendships, dating, romantic involvement, marriage, and family interactions; and

(G) prepare for the adult world by focusing on educational and career success, including developing skills for employment preparation, job seeking, independent living, financial self-sufficiency, and workplace productivity.

(5) Evaluation of programs.—The Secretary shall establish criteria for the evaluation of programs under paragraph (1). A grant may be made under such paragraph only if the applicant involved—

(A) agrees to conduct evaluations of the program in accordance with such criteria;

(B) agrees to submit to the Secretary such reports describing the results of the evaluations as the Secretary determines to be appropriate; and

(C) submits to the Secretary, in the application under paragraph (6), a plan for conducting the evaluations.

(6) Application for grant.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including the agreements under paragraphs (3) and (5) and the plan under paragraph (5)(C), as the Secretary determines to be necessary to carry out this subsection.

(7) Report to Congress.—Not later than October 1, 2011, the Secretary shall submit to Congress a report describing the extent to which programs under paragraph (1) have been successful in reducing the rate of teen pregnancies in the communities in which the programs have been carried out.

(8) Definitions.—In this subsection:

(A) Age-appropriate.—The term "age-appropriate", with respect to information on pregnancy prevention, means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

(B) Factually and medically accurate and complete.—The term "factually and medically accurate and complete" means verified or supported by the weight of research conducted in compliance with accepted scientific methods and—

(i) published in peer-reviewed journals, where applicable; or

(ii) comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.

(C) HIV/AIDS.—The term "HIV/AIDS" means the human immunodeficiency virus, and includes acquired immune deficiency syndrome.

(D) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated for each of the fiscal years 2007 through 2011, an amount equal to the total amount appropriated for that fiscal year to carry out programs of abstinence education under—

(A) section 510 of the Social Security Act (42 U.S.C. 710);

(B) title XX of the Public Health Service Act (42 U.S.C. 300z et seq.); and

(C) section 501(a)(2) of the Social Security Act (42 U.S.C. 701(a)(2)).

(b) REAUTHORIZATION OF CERTAIN AFTER-SCHOOL PROGRAMS.—

(1) 21ST CENTURY COMMUNITY LEARNING CENTERS.—Section 4206 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7176) is amended—

(A) in paragraph (5), by striking "$2,250,000,000" and inserting "$2,500,000,000"; and

(B) in paragraph (6), by striking "$2,500,000,000" and inserting "$2,750,000,000".

(2) CAROL M. WHITE PHYSICAL EDUCATION PROGRAM.—Section 5401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241) is amended—

(A) by striking "There are" and inserting "(a) IN GENERAL.—There are"; and

(B) by adding at the end the following:

"(c) PHYSICAL EDUCATION.—In addition to the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated $73,000,000 for each of fiscal years 2007 and 2008 to carry out subpart 10.".

(3) FEDERAL TRIO PROGRAMS.—Section 402A(f) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(f)) is amended by striking "$700,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$883,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years".

(4) GEARUP.—Section 404H of the Higher Education Act of 1965 (20 U.S.C. 1070a–28) is amended by striking "$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$325,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years".

(c) DEMONSTRATION GRANTS TO ENCOURAGE CREATIVE APPROACHES TO TEEN PREGNANCY PREVENTION AND AFTER-SCHOOL PROGRAMS.—

(1) IN GENERAL.—The Secretary may make grants to public or nonprofit private entities for the purpose of assisting the entities in demonstrating innovative approaches to prevent teen pregnancies.

(2) CERTAIN APPROACHES.—Approaches under paragraph (1) may include the following:

(A) Encouraging teen-driven approaches to pregnancy prevention.

(B) Exposing teens to realistic simulations of the physical, emotional, and financial toll of pregnancy and parenting.

(C) Facilitating communication between parents and children, especially programs that have been evaluated and proven effective.

(3) MATCHING FUNDS.—

(A) IN GENERAL.—With respect to the costs of the project to be carried out under paragraph (1) by an applicant, a grant may be made under such paragraph only if the applicant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs ($1 for each $3 of Federal funds provided in the grant).

(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(4) EVALUATION OF PROJECTS.—The Secretary shall establish criteria for the evaluation of projects under paragraph (1). A grant may be made under such paragraph only if the applicant involved—

(A) agrees to conduct evaluations of the project in accordance with such criteria;

(B) agrees to submit to the Secretary such reports describing the results of the evaluations as the Secretary determines to be appropriate; and

(C) submits to the Secretary, in the application under paragraph (5), a plan for conducting the evaluations.

(5) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including the agreements under paragraphs (3) and (4) and the plan under paragraph (4)(C), as the Secretary determines to be necessary to carry out this subsection.

(6) REPORT TO CONGRESS.—Not later than October 1, 2011, the Secretary shall submit to Congress a report describing the extent to which projects under paragraph (1) have been successful in reducing the rate of teen pregnancies in the communities in which the projects have been carried out. Such reports shall describe the various approaches used under paragraph (1) and the effectiveness of each of the approaches.

(7) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated $5,000,000 for each of the fiscal years 2007 through 2011.

SA 4690. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 6. SENSE OF THE SENATE REGARDING APPOINTMENT OF CONFEREES BY THE SENATE AND AMENDMENT BY THE HOUSE OF REPRESENTATIVES.

It is the sense of the Senate that—

(1) the Senate should not appoint conferees to conference with the House of Representatives with respect to this Act; and

(2) the House of Representatives should enact this Act without amendment.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled "Offshore Abuses: The Enablers, The Tools & Offshore Secrecy."

The Subcommittee has held a number of hearings addressing the issue of tax havens and offshore abuses which are undermining the integrity of the Federal tax system, diverting tens of billions of dollars each year from the U.S. Treasury, and undermining U.S. law enforcement. Hearings held in 2001 examined the historic and ongoing lack of cooperation by some offshore tax havens with international tax enforcement efforts and their resistance to divulging information needed to detect, stop, and prosecute U.S. tax evasion. A hearing held in December 2002 and report issued in January 2003 provided an in-depth examination of an abusive tax shelter used by Enron. Two days of hearings in November 2003, and a bipartisan report issued in 2005, provide an inside look at how some respected accounting firms, banks, investment advisors, and lawyers have become engines pushing the design, sale, and implementation of abusive tax shelters to corporations and individuals across the country.

The subcommittee's upcoming August 1 hearings will present case histories on the use of offshore trusts and corporations to circumvent U.S. tax, securities and anti-money laundering laws. Witnesses for the upcoming hearing will be securities firms, banks, law firms, U.S. taxpayers, a trust protector, and tax and securities experts.

The subcommittee hearing is scheduled for Tuesday, August 1, 2006, at 9 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd III, staff director and chief counsel to the Permanent Subcommittee on Investigations, at 224-3721.

ENHANCING ENERGY INDEPENDENCE AND SECURITY OF THE UNITED STATES—MOTION TO PROCEED

CLOTURE MOTION

Mr. FRIST. Mr. President, I was prepared to ask unanimous consent that it be in order to proceed to Calendar No. 529, S. 3711, the energy security legislation, but I understand there will be an objection. Therefore, I now move to proceed to S. 3711, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 529, S. 3711, a bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

Bill Frist, Pete V. Domenici, Richard G. Lugar, Mitch McConnell, Kay Bailey Hutchison, Jim Bunning, Trent Lott, Christopher S. Bond, Tom Coburn, Wayne Allard, David Vitter, Mel Martinez, Thad Cochran, Jim DeMint, John Cornyn, Lindsey Graham, Jeff Sessions.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

COSPONSORS OF S. 3709

Mr. FRIST. Mr. President, parliamentary inquiry: Last week the Foreign Relations Committee reported an original bill, S. 3709, which deals with the export of nuclear materials to India. When the committee reported out the bill, 17 Senators asked to be original cosponsors of this important legislation. It is my understanding that because this is an original bill, it would not be in order to include those Senators as cosponsors now: is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. FRIST. Mr. President, I ask unanimous consent that a list of those who wish to be listed as cosponsors be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Cosponsors: Lugar, Biden, Hagel, Chafee, Allen, Coleman, Voinovich, Alexander, Sununu, Murkowski, Martinez, Dodd, Kerry, Nelson, Obama, Cornyn, Bayh.

CLARIFYING TREATMENT OF SELF-EMPLOYMENT

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 4019, and the Senate proceed to its immediate consideration..

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4019) to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4019) was ordered to a third reading, was read the third time, and passed.

UNITED STATES-INDIA ENERGY SECURITY COOPERATION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 454, S. 1950.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1950) to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The part intended to be stricken is shown in boldface brackets, and the part intended to be inserted is shown in italic.)

S. 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-India Energy Security Cooperation Act of **[**2005**]** *2006*".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The December 2004 National Intelligence Council report entitled "Mapping the Global Future in 2020" states that the single most important factor affecting the demand for energy will be global economic growth, especially that of China and India. It is estimated that the current economic growth rate in India is approximately 7 percent of gross domestic product. India will need to double its energy consumption within the next 15 years to maintain steady rates of economic growth.

(2) The United States and India launched an energy dialogue on May 31, 2005, aimed at building upon a broad range of existing energy cooperation and developing new avenues of collaboration on energy. These efforts will promote increased trade and investment in the energy sector by utilizing resources in the public and private sectors, focusing on oil and gas, power and energy efficiency, new technologies and renewable energy, coal and clean coal technology, and civil nuclear cooperation. In his testimony before the Committee on Foreign Relations of the Senate on July 26, 2005, Under Secretary of Energy David Garman said, "The United States and India recognize their mutual interests are best served by working together in a collaborative fashion to ensure stability in global energy markets.".

(3) As the sixth largest energy consumer in the world, India satisfies 70 percent of its oil demand with imports and has embarked on an aggressive oil and gas exploration program. The largest discovery of natural gas in the world in 2002 occurred in India. In 2003, the largest discovery of oil in the world occurred in the state of Rajasthan in India. External funding and investment in the oil and gas industry in India is necessary to maximize recovery from oil fields, but an improved investment environment in India is needed to attract such investment.

(4) India is the world's third largest producer of coal and will continue to rely on coal as a major energy source to support expanding industrial and electric power generation needs. However, many of India's coal-fired plants are inefficient and lack adequate pollution control equipment. In his address to a joint session of the United States Congress on July 19, 2005, Prime Minister of India Manmohan Singh noted the importance of allowing greater access for developing countries to clean coal technologies and of exploring partnerships that encourage more efficient use of hydrocarbon resources.

(5) India provides a market for United States technologies that promote the clean and efficient use of energy.

(6) India has announced plans to develop a 5,000,000 ton strategic crude oil reserve, which is expected to be completed by 2009.

(7) United States energy experts have emphasized the need for the United States to increase collaboration with other countries

(A) to develop and deploy energy technologies that will not be pursued absent greater Federal support;

(B) to increase investment in cooperative international energy research; and

(C) to expand the global network of strategic petroleum reserves.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to cooperate with India to address common energy challenges, to ensure future global energy security, and to increase the world-wide availability of clean energy;

(2) to promote dialogue and increased understanding between the United States and India on our respective national energy policies and strategies as an integral part of the expanding strategic partnership between the two countries; and

(3) to collaborate with India in energy research that fosters market-based approaches to energy security and offers the promise of technological breakthroughs that reduce oil dependency globally.

SEC. 4. ASSISTANCE TO SUPPORT ENERGY COOPERATION.

(a) AUTHORIZATION.—The President is authorized to establish programs in support of greater energy cooperation between the United States and India.

(b) ACTIVITIES.—Assistance may be provided under this section for cooperation related to—

(1) research, development, and deployment of clean coal and emission reduction technologies and carbon sequestration projects;

(2) research, development, and deployment of alternative fuel sources, such as ethanol, bio-mass, *and* coal-based fuels**[**, and hydrogen**]**;

(3) research, development, and deployment of energy efficiency projects;

(4) research related to commercially available technologies that promote the clean and efficient use of energy in India; and

(5) technical assistance in support of the development by the Government of India of a strategic oil reserve to allow India to cope

with short-term disruptions to global oil supplies without causing shocks to India's market or the global market.

SEC. 5. REPORT ON ENERGY COOPERATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in coordination with the Secretary of Energy, submit to the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce and the Committee on International Relations of the House of Representatives a report on energy security cooperation between the United States and India.

(b) CONTENT.—The report required under subsection (a) shall describe—

(1) the ways in which the United States and India have cooperated on energy research and development activities;

(2) joint projects that have been initiated using assistance authorized under section 4, and the contribution such assistance has made to improving global energy security; and

(3) plans for future energy cooperation and joint projects between the United States and India.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the Lugar amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to consider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4688) was agreed to, as follows:

(Purpose: To authorize assistance for renewable energy projects)

On page 5, line 23, strike "energy efficiency projects" and insert "energy efficiency and renewable energy projects and technologies".

The bill (S. 1950) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-India Energy Security Cooperation Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The December 2004 National Intelligence Council report entitled "Mapping the Global Future in 2020" states that the single most important factor affecting the demand for energy will be global economic growth, especially that of China and India. It is estimated that the current economic growth rate in India is approximately 7 percent of gross domestic product. India will need to double its energy consumption within the next 15 years to maintain steady rates of economic growth.

(2) The United States and India launched an energy dialogue on May 31, 2005, aimed at building upon a broad range of existing energy cooperation and developing new avenues of collaboration on energy. These efforts will promote increased trade and investment in the energy sector by utilizing resources in the public and private sectors, focusing on oil and gas, power and energy efficiency, new technologies and renewable energy, coal and clean coal technology, and civil nuclear cooperation. In his testimony before the Committee on Foreign Relations of the Senate on July 26, 2005, Under Secretary of Energy David Garman said, "The United States and India recognize their mutual interests are best served by working together in a collaborative fashion to ensure stability in global energy markets.".

(3) As the sixth largest energy consumer in the world, India satisfies 70 percent of its oil demand with imports and has embarked on an aggressive oil and gas exploration program. The largest discovery of natural gas in the world in 2002 occurred in India. In 2003, the largest discovery of oil in the world occurred in the state of Rajasthan in India. External funding and investment in the oil and gas industry in India is necessary to maximize recovery from oil fields, but an improved investment environment in India is needed to attract such investment.

(4) India is the world's third largest producer of coal and will continue to rely on coal as a major energy source to support expanding industrial and electric power generation needs. However, many of India's coal-fired plants are inefficient and lack adequate pollution control equipment. In his address to a joint session of the United States Congress on July 19, 2005, Prime Minister of India Manmohan Singh noted the importance of allowing greater access for developing countries to clean coal technologies and of exploring partnerships that encourage more efficient use of hydrocarbon resources.

(5) India provides a market for United States technologies that promote the clean and efficient use of energy.

(6) India has announced plans to develop a 5,000,000 ton strategic crude oil reserve, which is expected to be completed by 2009.

(7) United States energy experts have emphasized the need for the United States to increase collaboration with other countries—

(A) to develop and deploy energy technologies that will not be pursued absent greater Federal support;

(B) to increase investment in cooperative international energy research; and

(C) to expand the global network of strategic petroleum reserves.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to cooperate with India to address common energy challenges, to ensure future global energy security, and to increase the world-wide availability of clean energy;

(2) to promote dialogue and increased understanding between the United States and India on our respective national energy policies and strategies as an integral part of the expanding strategic partnership between the two countries; and

(3) to collaborate with India in energy research that fosters market-based approaches to energy security and offers the promise of technological breakthroughs that reduce oil dependency globally.

SEC. 4. ASSISTANCE TO SUPPORT ENERGY COOPERATION.

(a) AUTHORIZATION.—The President is authorized to establish programs in support of greater energy cooperation between the United States and India.

(b) ACTIVITIES.—Assistance may be provided under this section for cooperation related to—

(1) research, development, and deployment of clean coal and emission reduction technologies and carbon sequestration projects;

(2) research, development, and deployment of alternative fuel sources, such as ethanol, bio-mass, and coal-based fuels;

(3) research, development, and deployment of energy efficiency and renewable energy projects and technologies;

(4) research related to commercially available technologies that promote the clean and efficient use of energy in India; and

(5) technical assistance in support of the development by the Government of India of a strategic oil reserve to allow India to cope with short-term disruptions to global oil supplies without causing shocks to India's market or the global market.

SEC. 5. REPORT ON ENERGY COOPERATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in coordination with the Secretary of Energy, submit to the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce and the Committee on International Relations of the House of Representatives a report on energy security cooperation between the United States and India.

(b) CONTENT.—The report required under subsection (a) shall describe—

(1) the ways in which the United States and India have cooperated on energy research and development activities;

(2) joint projects that have been initiated using assistance authorized under section 4, and the contribution such assistance has made to improving global energy security; and

(3) plans for future energy cooperation and joint projects between the United States and India.

ORDERS FOR TUESDAY, JULY 25, 2006

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, July 25. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume executive session for the consideration of the Holmes nomination. I also ask that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow morning there will be the 2 final hours for debate on the Holmes nomination. If all time is used, that vote would occur shortly before noon on Tuesday. That vote could occur a little earlier if some debate time is yielded back. After the policy meetings in the afternoon, we will proceed to the Child Custody Protection bill. We will be on that bill, the Child Custody Protection bill, throughout tomorrow afternoon, into the evening, in order to finish the bill.

A few moments ago I filed cloture on the Gulf of Mexico energy security bill. I filed cloture on the motion to proceed to ensure the Senate can take action on this bill related to our energy independence. That vote will occur Wednesday morning, prior to the 11 a.m. joint meeting with the House of Representatives.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:13 p.m., adjourned until Tuesday, July 25, 2006, at 9:45 a.m.

HOUSE OF REPRESENTATIVES—*Monday, July 24, 2006*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CONAWAY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 24, 2006.

I hereby appoint the Honorable K. MICHAEL CONAWAY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

PROGRESS IN AFGHANISTAN

Mr. STEARNS. Mr. Speaker, I come to the floor to talk about progress in Afghanistan. There has been a lot of publicity lately about questioning that progress.

My colleagues, since the onset of Operation Enduring Freedom, Afghanistan has made real and substantive progress. To understand the degree to which this progress can be measured, it is important, of course, to remember the many obstacles that we faced in Afghanistan.

Consider, for example, that life expectancy is only 45 years; 71 percent of Afghans over 15 cannot read or write; 91 percent of all rural women are illiterate. Three out of five girls do not go to school, and most of the existing infrastructure has been destroyed. Under those conditions, we realize that progress still is able to proceed.

Now, in testimony before the House Armed Services Committee, James Kunder, the Assistant Administrator for Asia and the Near East for USAID said, "Historically, the vast majority of Afghans have not had access to electricity or safe water. In some remote, mountainous villages, the nearest paved road is a 2-week walk away. And when USAID first arrived in Kabul, much of the population had been severely traumatized after years and years of war. Most Afghans did not remember a time when conflict was not a major part of their lives."

So, my colleagues, against this background, the overthrow of the Taliban by the United States and coalition forces, the rebuilding of roads and infrastructure, and the widespread participation by the Afghan people in presidential and parliamentary elections is a monumental and historic achievement. Afghanistan continues to confront obstacles, but the colossal steps forward that have already been taken should not be underestimated.

In order to increase business opportunities and develop a private sector in Afghanistan, the USAID's Alternative Livelihoods' Private Sector Development Unit opened their first Eastern Regional Business Development Center in Jalalabad. Now, my colleagues, this office works closely with local government, national and international communities, to promote business enterprises, effective services and full employment.

Approximately 6,000 businesses have already registered in one of the provinces. There have been successes in the agriculture sector as well, including 600 farmers in the Jalalabad region who have received training in harvest handling, packaging and marketing to improve their business opportunities. This program is developing a regional market information system to develop quality standards and retail marketing measures for farmers and business people.

Over 4,000 women in 13 districts have benefitted from the micro-enterprise development projects that train them and increase their income potential. Said one of these recipients, a mother of five in one province, quote, I learned how to sell and to market my products during the USAID training, so I now sell cheese in the neighborhood and in the nearest markets. The skill of cheesemaking has helped me and my family to stand on our own two feet and depend on this, instead of poppy cultivation.

Furthermore, Afghanistan's reconstruction has made considerable progress during the past 4 years. Recently, the World Bank reported that "led by the government with international support, but relying most on the energy and initiative of the Afghan people themselves, reconstruction has resulted in solid achievements. Economic growth, unprecedented primary school enrollments, including for girls, great expansion of immunization, rehabilitation of major highways, a new and stable currency, promulgation of a new constitution, presidential and parliamentary elections, return of refugees and the demobilization of militias . . . Yet the challenges still remain enormous."

Since 2001, the United States has dedicated $60.5 million for primary education to construct schools, train teachers, provide books and supplies. Currently, approximately 5.3 million Afghan children are enrolled in schools, and 40 percent of them are females.

In contrast, on June 11, 2006, the Taliban extremists burned a school and have been implicated or have claimed responsibility for damaging more than 45 schools, assassinating teachers and intimidating school-age children in the past year. Notwithstanding the Taliban threat, three volunteer teachers and 60 students traveled as far as 9 miles to attend the first day of school outside of their city in Afghanistan. That is progress.

The United States has provided more than $87 million to health care programs throughout Afghanistan. This funding includes programs to train women as health care workers, community midwives, and improving health care, including the construction of women's wings at hospitals and dormitories. As of March, 2006, USAID has completed 454 clinics that serve 340,000 patients per month. Overall, the U.S. has provided basic health services to more than 5 million people in 14 provinces. USAID has trained over 6,000 Afghan community health care professionals.

As we can see, Mr. Speaker, much progress has been made in Afghanistan, but much work still remains. We must continue this process towards a free and prosperous Afghanistan.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CONAWAY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, as the voice of truth. You tell us: "Whoever perseveres to the end will be saved."

On this Monday, as we embrace this week and the work You require of us, both as this institution of leadership and as Americans, Your children born of freedom, give us the grace of perseverance.

May daily work and prayerful hopes guide us a step at a time to reach the goals that will bring fulfillment to the promises of our constitutional lives as a people and lead us to find eternal reward for just deeds, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 21, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Class 2(b) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 21, 2006, at 12:40 pm:

That the Senate Agreed to without amendment H. Con. Res. 448.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 21, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 21, 2006, at 10:00 a.m:

That the Senate agreed to S. Con. Res. 112.

That the Senate passed with amendments H.R. 4472.

That the Senate passed S. 2690.

That the Senate passed S. 3187.

That the Senate passed without amendment H.R. 2977.

That the Senate passed without amendment H.R. 3440.

That the Senate passed without amendment H.R. 3549.

That the Senate passed without amendment H.R. 3934.

That the Senate passed without amendment H.R. 4108.

That the Senate passed without amendment H.R. 4456.

That the Senate passed without amendment H.R. 4561.

That the Senate passed without amendment H.R. 4688.

That the Senate passed without amendment H.R. 4786.

That the Senate passed without amendment H.R. 4995.

That the Senate passed without amendment H.R. 5245.

That the Senate passed without amendment H.R. 4101.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

PEACE, PEACE, AT ANY PRICE PEACE?

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, people cry peace, peace. But there can be no peace as long as there is one side that enjoys the shooting and refuses to stop.

Hezbollah, a gang of psychothugs and criminals, kidnapped Israelis and are firing rockets from their hole in the wall in southern Lebanon into Israel. Israel has responded and their commanders say they are going to take out these terrorists.

Now appeasement peaceniks who believe in peace at any price, like France's Chirac, want Israel to stop and talk things over, probably over a bottle of French wine.

But Hezbollah won't stop shooting. These are the same pseudopeace experts that told Israel to withdraw from occupying Lebanon. Israel did just that back in 2000, then gave up Gaza to the Palestinians so there would be so-called land for peace.

But the terrorists in Gaza, Hamas, are shooting rockets into southern Israel, while Hezbollah terrorists, still in Lebanon, are shooting rockets into northern Israel. And the world's peace police still whine for harmony.

Mr. Speaker, you make peace by making the terrorist criminals stop shooting. Here guns talk louder than appeasement words. And that's just the way it is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. On July 24, 1998, at 3:40 p.m., Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun.

At 3:40 p.m. and in between votes that are to commence at 6:30 p.m., the Chair will recognize the anniversary of this tragedy by observing a moment of silence in their memory.

ALLEVIATING THE PROBLEM OF HIGH GAS PRICES

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to address a problem that faces all Americans: skyrocketing gas prices. The cost for an average American to fill up his or her car has been rising steadily over the past 3 months, and the price of a barrel of oil hit a record high 2 weeks ago.

It is absolutely crucial that we build up our own domestic supply of oil in order to decrease our dependence on foreign-born fossil fuels. Drilling off the Outer Continental Shelf and opening the ANWR to oil exploration are two Republican initiatives for strengthening our domestic supply.

In addition, Republicans have supported tax credits for the production and use of ethanol and biodiesel. We have also offered incentives for increased refinery capacity and have created stiffer penalties for price gouging at the pump.

Mr. Speaker, I remain absolutely committed to working with my colleagues on both sides of the aisle to alleviate the problems of high gas prices and our utter dependence on foreign oil.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

MOUNT HOOD STEWARDSHIP LEGACY ACT

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5025) to protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Mount Hood Stewardship Legacy Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Implementation.
Sec. 3. No reduction in Mount Hood National Forest funding.

TITLE I—WILDERNESS AREA DESIGNATIONS

Sec. 101. Findings and purpose.
Sec. 102. Designation of wilderness areas, Mount Hood National Forest.
Sec. 103. Administration of wilderness areas.
Sec. 104. Maintenance and replacement of foot bridges in wilderness areas.

TITLE II—WILD AND SCENIC RIVER DESIGNATIONS

Sec. 201. Findings and purpose.
Sec. 202. Wild and scenic river designations, Mount Hood National Forest.
Sec. 203. Relation to Middle Fork Irrigation District.

TITLE III—RECREATION

Sec. 301. Findings and purpose.
Sec. 302. Retention of Mount Hood National Forest land use fees from special use authorizations.
Sec. 303. Use of funds in special account to support recreation.
Sec. 304. Annual reporting requirement.
Sec. 305. Mount Hood National Forest Recreational Working Group.
Sec. 306. Consideration of conversion of forest roads to recreational uses.
Sec. 307. Improved trail access for persons with disabilities.

TITLE IV—TRANSPORTATION

Sec. 401. Findings and purpose.
Sec. 402. Mount Hood region defined.
Sec. 403. Transportation plan.
Sec. 404. Study regarding gondola connection and intermodal transportation center.

TITLE V—FOREST AND WATERSHED STEWARDSHIP

Sec. 501. Findings and purpose.
Sec. 502. Forest stewardship assessment.
Sec. 503. Sustainable biomass utilization study.
Sec. 504. Watershed management memoranda of understanding.

TITLE VI—CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT

Sec. 601. Findings and purpose.
Sec. 602. Establishment of Crystal Springs Watershed Special Resources Management Unit.
Sec. 603. Administration of Management Unit.
Sec. 604. Acquisition of lands.
Sec. 605. Effective date.

TITLE VII—LOCAL AND TRIBAL RELATIONSHIPS

Sec. 701. Findings and purpose.
Sec. 702. First foods gathering areas.
Sec. 703. Forest Service coordination with State and local governments.
Sec. 704. Savings provisions regarding relations with Indian tribes.
Sec. 705. Improved natural disaster preparedness.

TITLE VIII—LAND CONVEYANCES

Subtitle A—Cooper Spur-Government Camp Land Exchange

Sec. 801. Findings and purpose.
Sec. 802. Cooper Spur-Government Camp Land Exchange.
Sec. 803. Treatment of Inn at Cooper Spur and the Cooper Spur Ski Area.
Sec. 804. General provisions.

Subtitle B—Other Land Exchanges

Sec. 811. Land exchange, Port of Cascade Locks-Pacific Crest National Scenic Trail.
Sec. 812. Hunchback Mountain land exchange, Clackamas County.

SEC. 2. IMPLEMENTATION.

References in this Act to the Secretary of Agriculture or the Secretary mean the Secretary of Agriculture, acting through the Forest Service.

SEC. 3. NO REDUCTION IN MOUNT HOOD NATIONAL FOREST FUNDING.

Nothing in this Act is intended to authorize a reduction in the amount of funds appropriated or otherwise made available for the Mount Hood National Forest below the average annual funding level provided for the national forest during fiscal years 1997 through 2006.

TITLE I—WILDERNESS AREA DESIGNATIONS

SEC. 101. FINDINGS AND PURPOSE.

The purpose of this title is to designate approximately 77,216 acres of National Forest System land in the Mount Hood National Forest as wilderness. The most recent designation of wilderness in the Mount Hood National Forest occurred in 1984, and the designation of an additional 77,216 acres by this title represents a 41 percent increase in the amount of wilderness designated in the national forest.

SEC. 102. DESIGNATION OF WILDERNESS AREAS, MOUNT HOOD NATIONAL FOREST.

(a) DESIGNATION.—In furtherance of the purposes of this title and the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the Mount Hood National Forest are designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) BIG BOTTOM WILDERNESS.—National Forest System land comprising approximately 1,330 acres, as generally depicted on the map entitled "Big Bottom Wilderness" and dated June 2006, which shall be known as the "Big Bottom Wilderness".

(2) BULL OF THE WOODS WILDERNESS ADDITION.—National Forest System land comprising approximately 4,717 acres, as generally depicted on the map entitled "Bull of the Woods Wilderness" and dated June 2006, is incorporated in and shall be considered to be a part of the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328).

(3) COOPER SPUR WILDERNESS.—National Forest System land comprising approximately 2,038 acres, as generally depicted on the map entitled "Cooper Spur Wilderness" and dated June 2006, which shall be known as the "Cooper Spur Wilderness".

(4) GORGE RIDGELINE WILDERNESS.—National Forest System land comprising approximately 22,577 acres, as generally depicted on the map entitled "Gorge Ridgeline Wilderness" and dated June 2006, which shall be known as the "Gorge Ridgeline Wilderness".

(5) MOUNT HOOD WILDERNESS ADDITIONS.—National Forest System land comprising approximately 4,672 acres, as generally depicted on the maps entitled "Mount Hood Wilderness (Elk Cove/Mazama Addition)" and "Mount Hood Wilderness (Sandy Addition)" and dated June 2006, is incorporated in and shall be considered to be a part of the Mount Hood Wilderness, as designated by section 3 of the Wilderness Act (16 U.S.C. 1132).

(6) ROARING RIVER WILDERNESS.—National Forest System land comprising approximately 37,749 acres, as generally depicted on the map entitled "Roaring River Wilderness" and dated June 2006, which shall be known as the "Roaring River Wilderness".

(7) SALMON-HUCKLEBERRY WILDERNESS ADDITIONS.—National Forest System land comprising approximately 4,133 acres, as generally depicted on the maps entitled "Salmon Huckleberry Wilderness (Alder Creek Addition)" and "Salmon Huckleberry Wilderness (Eagle Creek Addition)" and dated June 2006, is incorporated in and shall be considered to be a part of the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328).

(b) MAPS AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF LEGAL DESCRIPTIONS.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall prepare and submit to Congress a legal description of each wilderness area designated or expanded by subsection (a). It is the intent of Congress that the final boundary description of the wilderness area be written so that any road or trail depicted on the map referred to in subsection (a) corresponding to that wilderness area as being inside of the designated area shall in fact be inside of the wilderness area and any road or trail depicted on the map as being outside of the designated area shall in fact be outside of the wilderness area.

(2) FORCE OF LAW.—The maps referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct technical errors in the maps and legal descriptions. The Secretary shall notify Congress of any change made in a map or legal description under the authority of this paragraph and the reason for the change.

(3) PUBLIC AVAILABILITY.—The maps referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Forest Service.

(c) CHARACTER OF DESIGNATED LAND.—

(1) EXCLUSION OF PRIVATE LAND.—It is the intent of Congress that the wilderness areas

designated or expanded by this section do not incorporate any private land in-holding. If any private land is inadvertently included within the boundaries of a wilderness area designated or expanded by this section, the Secretary of Agriculture shall ensure that the landowner continues to have adequate access to the private land.

(2) Exclusion of FERC project lands.—Lands inside the Federal Energy Regulatory Commission boundaries established as of the date of the enactment of this Act for a licensed hydroelectic project are excluded from wilderness areas designated or expanded by this section. Operations, maintenance, and construction activities associated with such a project are not affected in any way by the designation or expansion of wilderness areas by this section.

(3) No precedent value.—Nothing in this subsection is intended to establish a precedent with regard to the designation of Federal land as wilderness by any provision of law enacted after the date of the enactment of this Act.

(4) Columbia gorge airshed.—The designation of wilderness by this section in the Columbia Gorge, as depicted on the map entitled "Gorge Ridgeline Wilderness" and dated June 2006, shall not result in the designation of a Class I airshed in the Columbia Gorge through Federal regulatory action.

SEC. 103. ADMINISTRATION OF WILDERNESS AREAS.

(a) Management.—Subject to valid existing rights, the National Forest System land designated as wilderness by section 102 shall be administered by the Secretary of Agriculture in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of such Act shall be considered to be a reference to the date of the enactment of this Act.

(b) Incorporation of Acquired Land and Interests.—Any non-Federal land that is located within the boundaries of the National Forest System land designated as wilderness by section 102 and is acquired by the United States after the date of the enactment of this Act shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.).

(c) Withdrawal.—Subject to valid existing rights, the National Forest System land designated as wilderness by section 102 is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(d) Fire, Insect, and Disease Management Activities.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report No. 98-40 of the 98th Congress, the Secretary of Agriculture may take such measures on the National Forest System land designated as wilderness by section 102 as are necessary for the control of fire, insects, and diseases.

(e) Snow Sensors and Stream Gauges.—Nothing in this title prevents the installation and maintenance of hydrologic, meteorologic, or climatological instrumentation on the National Forest System land designated as wilderness by section 102 if the Secretary of Agriculture determines that hydrologic, meteorologic, or climatological instrumentation is appropriate to further the scientific, educational, and conservation purposes of the wilderness areas.

(f) Military Activities.—Nothing in this Act precludes low-level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the National Forest System land designated as wilderness by section 102.

(g) Livestock.—Grazing of livestock and the maintenance of existing facilities related to grazing on the National Forest System land designated as wilderness by section 102, where established before the date of the enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of House Report 101-405 of the 101st Congress.

(h) Fish and Wildlife Management.—

(1) In general.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary of Agriculture may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats on the National Forest System land designated as wilderness by section 102 if such activities are consistent with applicable wilderness management plans and carried out in accordance with applicable guidelines and policies. Nothing in this Act affects the jurisdiction of the State of Oregon with respect to fish and wildlife on the public land located in the State.

(2) Bull trout restoration project.—It is the intent of Congress that nothing in this title prevents the Secretary of Agriculture from conducting the Bull Trout restoration project underway as of the date of the enactment of this Act in Clear Branch Creek west of Lawrence Lake in order to restore historic trout populations and habitat. Project work shall be carried out in accordance with the minimum tools policies of the Forest Service.

(i) Continued Use by Members of Indian Tribes.—

(1) Access.—In recognition of the past use of the National Forest System land designated as wilderness by section 102 by members of Indian tribes for traditional cultural and religious purposes, the Secretary of Agriculture shall ensure that Indian tribes have access to the wilderness areas for traditional cultural and religious purposes.

(2) Temporary closures.—In carrying out this subsection, the Secretary, at the request of an Indian tribe, may temporarily close to the general public one or more specific portions of the National Forest System land designated as wilderness by section 102 to protect the privacy of the members of the Indian tribe in the conduct of the traditional cultural and religious activities in the wilderness area. Any such closure shall be made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out.

(3) Applicable law.—Access to the wilderness areas under this subsection shall be provided in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and Public Law 95-341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996 et seq.).

(j) Adjacent Management.—Nothing in this Act creates protective perimeters or buffer zones around the National Forest System land designated as wilderness by section 102. The fact that nonwilderness activities or uses can be seen or heard from the designated wilderness shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 104. MAINTENANCE AND REPLACEMENT OF FOOT BRIDGES IN WILDERNESS AREAS.

In the case of each wilderness area designated or expanded by section 102, it is the intent of Congress that the Secretary of Agriculture be able to provide for the maintenance of the foot bridge crossings in the wilderness area and, when needed, the replacement of the foot bridge crossings to ensure public access and safety. Foot bridge replacement work shall be carried out in accordance with the minimum tools policies of the Forest Service.

TITLE II—WILD AND SCENIC RIVER DESIGNATIONS

SEC. 201. FINDINGS AND PURPOSE.

The purpose of this title is to designate approximately 25 miles of waterways in the Mount Hood National Forest as additions to the National Wild and Scenic Rivers System. The addition of these 25 miles of waterways represents an increase of 20 percent in the total length of all of the waterways in the Mount Hood National Forest included in the National Wild and Scenic Rivers System.

SEC. 202. WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"(____) Mount Hood National Forest, Oregon.—The following rivers in the Mount Hood National Forest in the State of Oregon, to be administered by the Secretary of Agriculture:

"(A) The 4.1 miles of the South Fork of the Clackamas River from its confluence with the East Fork of the South Fork of the Clackamas to its confluence with the Clackamas River, as a scenic river.

"(B) The 8.5 miles of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, of which—

"(i) the 6.7-mile segment from its headwaters to the west section line of section 20, township 3 south, range 6 east, shall be administered as a wild river; and

"(ii) the remaining 1.8-mile segment from such section line shall be administered as a recreational river.

"(C) The 3.7 miles of the Middle Fork of the Hood River from the confluence of Clear and Coe Branches to the Mount Hood National Forest boundary in sections 11 and 12 of township 1 south, ranges 9 and 10 east, as a scenic river.

"(D) The 4.6 miles of the South Fork Roaring River from its headwaters to its confluence with Roaring River, as a wild river.

"(E) The 4.3 miles of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, as a wild river.".

SEC. 203. RELATION TO MIDDLE FORK IRRIGATION DISTRICT.

(a) No Impact on Water Rights or Flow Requirements.—The designation of the Middle Fork of the Hood River as a scenic river by the amendment made by section 202 is not intended to have any impact on water rights or flow requirements with regard to the Middle Fork Irrigation District.

(b) Exclusion of Operational Areas.—The area of the Middle Fork of the Hood River designated as a scenic river by the amendment made by section 202 does not include any portion of the operation area of the Middle Fork Irrigation District.

TITLE III—RECREATION

SEC. 301. FINDINGS AND PURPOSE.

The purpose of this title is to recognize and support recreation as a dynamic social and economic component of the legacy and future of the Mount Hood National Forest.

SEC. 302. RETENTION OF MOUNT HOOD NATIONAL FOREST LAND USE FEES FROM SPECIAL USE AUTHORIZATIONS.

(a) SPECIAL ACCOUNT.—The Secretary of the Treasury shall establish a special account in the Treasury for Mount Hood National Forest.

(b) DEPOSITS.—Except as provided in section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), the National Forest Organizational Camp Fee Improvement Act of 2003 (title V of division F of Public Law 108-107; 16 U.S.C. 6231 et seq.), Public Law 106-206 (commonly known as the Commercial Filming Act; 16 U.S.C. 4601-6d), and the Federal Lands Recreation Enhancement Act (title VIII of division J of Public Law 108-477; 16 U.S.C. 6801 et seq.), all land use fees received after the date which is six months after the date of the enactment of this Act from special use authorizations, such as recreation residences, resorts, winter recreation resorts, communication uses, and linear rights-of-way, and all other special use types issued with regard to Mount Hood National Forest shall be deposited in the special account established under subsection (a).

(c) AVAILABILITY.—Subject to subsection (d), amounts in the special account established under subsection (a) shall remain available, without further appropriation and until expended, for expenditure as provided in section 303. Upon request of the Secretary of Agriculture, the Secretary of the Treasury shall transfer to the Secretary of Agriculture from the special account such funds as the Secretary of Agriculture may request. The Secretary shall accept and use the funds in accordance with section 303.

(d) TERMINATION OF SPECIAL ACCOUNT.—The special account required by subsection (a) shall terminate at the end of the 10-year period beginning on the date of the enactment of this Act. Any amounts remaining in the special account at the end of such period shall be transferred to the general fund of the Treasury.

SEC. 303. USE OF FUNDS IN SPECIAL ACCOUNT TO SUPPORT RECREATION.

(a) AUTHORIZED USES.—The Secretary of Agriculture shall use funds received from the special account under section 302(c) for the following purposes related to Mount Hood National Forest:

(1) Installation, repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety, such as—

(A) the improvement and maintenance of trails, including trails used for hiking, biking, snowmobiling, horseback riding, cross-country skiing, and off-highway vehicles;

(B) water system improvements; and

(C) personal sanitation facilities improvements.

(2) Interpretive programs, visitor information, visitor services, visitor needs assessments, mapping, signage, Leave-No-Trace materials, and wilderness rangers.

(3) Habitat restoration directly related to recreation.

(4) Cooperative environmental restoration projects with non-Federal partnership groups and associations, including groups and associations that work with youth.

(5) Law enforcement and rescue and recovery efforts related to public use and recreation, such as law enforcement at recreation events, search and rescue operations, illegal recreation activities investigations, and enforcement.

(6) Improving administration of special use authorizations.

(7) Preparation of documents required under the National Environmental Policy Act of 1969 in connection with the improvement or development of recreational opportunities.

(8) Other projects or partnerships recommended by the Mount Hood National Forest Recreation Working Group established by section 305.

(b) ALLOCATION REQUIREMENTS.—Of the total funds received by the Secretary of Agriculture from the special account under section 302(c) for a fiscal year, the Secretary shall allocate the funds as follows:

(1) 95 percent of the funds to Mount Hood National Forest.

(2) 5 percent of the funds to the Regional Office for the Pacific Northwest Region of the Forest Service to develop needed policy and training to support programs in wilderness areas, special uses, trails, developed and dispersed recreation, and interpretation related to Mount Hood National Forest.

SEC. 304. ANNUAL REPORTING REQUIREMENT.

The Secretary of Agriculture shall submit to Congress an annual report specifying—

(1) the total funds received by the Secretary from the special account under section 302(c) for the preceding fiscal year;

(2) how the funds were allocated and expended; and

(3) the results from such expenditures.

SEC. 305. MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.

(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Agriculture shall establish the Mount Hood National Forest Recreational Working Group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in Mount Hood National Forest, including advice and recommendations regarding how the funds in the special account established under section 302 should be requested and expended.

(b) DUTIES.—The Working Group shall—

(1) review projects proposed by the Secretary for Mount Hood National Forest under section 303(a);

(2) propose projects under section 303(a) to the Secretary;

(3) recommend the amount of funds from the special account established under section 302 to be used to fund projects under section 303; and

(4) provide opportunities for citizens, organizations, Indian tribes, the Forest Service, and other interested parties to participate openly and meaningfully, beginning at the early stages of the development of projects under section 303(a).

(c) APPOINTMENT.—

(1) APPOINTMENT AND TERM.—The Regional Forester, acting on behalf of the Secretary of Agriculture, shall appoint the members of the Working Group for a term of three years beginning on the date of appointment. A member may be reappointed to subsequent three-year terms.

(2) INITIAL APPOINTMENT.—The Regional Forester shall make initial appointments to the Working Group not later than 180 days after the date of the enactment of this Act.

(3) VACANCIES.—The Regional Forester shall make appointments to fill vacancies on the Working Group as soon as practicable after the vacancy has occurred.

(4) COMPENSATION.—Members of the Working Group shall not receive any compensation for their service on the Working Group.

(5) NOMINATIONS.—The State of Oregon and county governments for each county directly adjacent to or containing any portion of Mount Hood National Forest may submit a nomination to the Regional Forester for each activity or interest group category described in subsection (d).

(6) BROAD AND BALANCED REPRESENTATION.—In appointing the members of the Working Group, the Regional Forester shall provide for a balanced and broad representation from the recreation community.

(d) COMPOSITION OF WORKING GROUP.—The Working Group shall be composed of 15 members, selected so that the following activities and interest groups are represented:

(1) Summer non-mechanized recreation, such as hiking.

(2) Winter non-motorized recreation, such as snowshoeing and backcountry skiing.

(3) Mountain biking.

(4) Hunting and fishing.

(5) Summer motorized recreation, such as off-highway vehicle use.

(6) Local environmental groups.

(7) Winter motorized recreation, such as snowmobiling.

(8) Permitted ski areas.

(9) Forest products industry.

(10) Affected Indian tribes.

(11) Local holder of a recreation residence permit.

(12) Local government interests, such as a county commissioner or city mayor in an elected position representing a county or city directly adjacent or containing any portion of Mount Hood National Forest.

(13) A resident of Government Camp.

(14) The State of Oregon.

(15) Operators of campground facilities open to the general public.

(e) CHAIRPERSON.—The chairperson of the Working Group shall be selected by a majority of the Working Group.

(f) OTHER WORKING GROUP AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—The Secretary of Agriculture shall provide staff assistance to the Working Group from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of the Working Group shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) RECORDS.—The Working Group shall maintain records of the meetings of the Working Group and make the records available for public inspection.

(g) LIMITATION ON ADMINISTRATIVE ASSISTANCE.—Not more than five percent of the funds allocated under section 303(b)(1) to Mount Hood National Forest for a fiscal year may be used to provide administrative assistance to the Working Group during that fiscal year.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group.

(i) TERMINATION OF WORKING GROUP.—The Working Group shall terminate at the end of the 10-year period beginning on the date of the enactment of this Act.

SEC. 306. CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.

(a) EVALUATION OF CURRENTLY CLOSED ROADS.—

(1) CONSIDERATION FOR RECREATIONAL USE.—The Secretary of Agriculture may make a determination regarding whether the Forest

Service roads in Mount Hood National Forest that were selected before the date of the enactment of this Act for closure and decommissioning, but have not yet been decommissioned, should be converted to recreational uses to enhance recreational opportunities in the national forest, such as conversion to single-track trails for mountain bikes and trails for snowmobiling, off-road vehicle use, horseback riding, hiking, cross country skiing, and other recreational uses.

(2) CONSIDERATION OF ENVIRONMENTAL AND ECONOMIC IMPACTS.—In evaluating the feasibility and suitability of converting Forest Service roads under this subsection to recreational uses, and the types of recreational uses to be authorized, the Secretary shall take into account the environmental and economic impacts of implementing the conversion and of the resulting recreational uses.

(3) PUBLIC PROCESS.—The consideration and selection of Forest Service roads under this subsection for conversion to recreational uses, and the types of recreational uses to be authorized, shall be a public process, including consultation by the Secretary of Agriculture with the Mount Hood National Forest Recreational Working Group.

(b) FUTURE CLOSURE CONSIDERATIONS.—Whenever the Secretary of Agriculture considers a Forest Service road in Mount Hood National Forest for possible closure and decommissioning after the date of the enactment of this Act, the Secretary shall include, as an alternative to decommissioning the road, consideration of converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

SEC. 307. IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.

(a) CONSTRUCTION OF TRAIL.—The Secretary of Agriculture may enter into a contract with a partner organization or other person to design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

(b) PUBLIC PROCESS.—The selection of the trail location under subsection (a) and the preparation of the design of the trail shall be a public process, including consultation by the Secretary of Agriculture with the Mount Hood National Forest Recreational Working Group.

(c) FUNDING.—The Secretary of Agriculture may use funds in the special account established under section 302 to carry out this section.

TITLE IV—TRANSPORTATION

SEC. 401. FINDINGS AND PURPOSE.

The purpose of this title is to support the development of an integrated, multi-modal transportation plan for the Mount Hood region designed to achieve comprehensive solutions to transportation challenges in the region necessary to promote appropriate economic development, preserve landscapes, and enhance public safety.

SEC. 402. MOUNT HOOD REGION DEFINED.

In this title, the term "Mount Hood region" means Mount Hood and the other areas immediately surrounding the mountain, as well as the Highway 26 and Highway 35 corridors in and near Mount Hood National Forest, other State, county, and Forest Service roads in and near the national forest, and the gateway communities along these corridors and roads.

SEC. 403. TRANSPORTATION PLAN.

(a) FOREST SERVICE PARTICIPATION.—The Secretary of Agriculture is authorized and directed to work with the State of Oregon to develop an integrated, multi-modal transportation plan for the Mount Hood region.

(b) PLANNING PROCESS.—The transportation plan shall conform with Federal and Oregon transportation planning requirements and be the product of a collaborative process, preferably through the use of a commission composed of interested persons appointed by the State, with representation from the Forest Service and local governments in the Mount Hood region.

(c) SCOPE OF PLAN.—The transportation plan shall address both—

(1) transportation of people to and from areas outside the Mount Hood region on major corridors traversing the region; and

(2) transportation of people from place to place within the Mount Hood region.

(d) SPECIFIC ELEMENTS OF PLAN.—At a minimum, the transportation plan shall consider the following:

(1) Transportation alternatives between and among recreation areas and gateway communities within the Mount Hood region.

(2) Park and ride facilities at gateway communities.

(3) Intermodal transportation centers to link public transportation, parking, and recreation destinations.

(4) A new interchange on Highway 26 in or near Government Camp.

(5) Designation, maintenance, and improvements of alternative routes utilizing Forest Service and or State roads for emergency routes or improved access to, and travel within, the Mount Hood region.

(6) Reconstruction of Highway 35 from Mineral Creek to Baseline Road to address ongoing debris flow locations.

(7) Mechanisms for funding implementation of the plan, including Federal grants or appropriations, public-private partnerships, incremental tax financing, and other financing tools that link transportation infrastructure improvements with development.

(e) COMPLETION.—The transportation plan shall be completed within two years after the date on which funds are first made available under subsection (f) for the plan.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture $2,000,000, which the Secretary shall provide to the State of Oregon for the preparation of the transportation plan for the Mount Hood region.

SEC. 404. STUDY REGARDING GONDOLA CONNECTION AND INTERMODAL TRANSPORTATION CENTER.

(a) STUDY AUTHORIZED.—The Secretary of Agriculture shall conduct a study of the feasibility of establishing—

(1) a gondola connection between Timberline Lodge and Government Camp, Oregon, in the vicinity of the historic gondola corridor; and

(2) an intermodal transportation center in or near Government Camp.

(b) CONSIDERATION OF SITES.—In conducting the study under this section, the Secretary may include consideration of one or more possible sites for the gondola connection and intermodal transportation center.

TITLE V—FOREST AND WATERSHED STEWARDSHIP

SEC. 501. FINDINGS AND PURPOSE.

The purpose of this title is to direct the Forest Service to prepare an assessment to promote forested landscapes resilient to catastrophic fire, insects, and disease, to protect homes and communities from property damage and threats to public safety, and to protect and enhance existing community or municipal watersheds. It is the intent of Congress that site-specific forest health projects undertaken pursuant to this assessment shall be completed in accordance with existing law.

SEC. 502. FOREST STEWARDSHIP ASSESSMENT.

(a) PREPARATION OF ASSESSMENT.—The Secretary of Agriculture shall prepare an assessment to identify the forest health needs in those areas of the Mount Hood National Forest with a high incidence of insect or disease infestation (or both), heavily overstocked tree stands, or moderate-to-high risk of unnatural catastrophic wildfire for the purpose of improving condition class, which significantly improves the forest health and water quality. The Secretary may utilize existing information to complete the assessment. The assessment shall also identify specific projects to address these issues.

(b) IMPROVED MAPPING.—The assessment may include improved mapping of condition class 2 and condition class 3 areas and other areas identified in subsection (a) in Mount Hood National Forest.

(c) COMPLETION.—The Secretary of Agriculture shall complete the assessment not later than one year after the date of the enactment of this Act.

(d) DURATION OF STUDY.—The assessment shall cover a 10-year period.

(e) IMPLEMENTATION.—Not later than one year after completion of the assessment, the Secretary shall commence implementation of projects to address the needs identified in the assessment. These projects shall be implemented using authorities available to the Secretary to manage the Mount Hood National Forest to achieve the purpose specified in subsection (a).

(f) DELAY.—During development of the assessment under this section, a forest management project that is unaffiliated with the assessment and has completed review as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) in accordance with existing law, need not be delayed in the event the Secretary fails to meet the deadline specified in subsection (c).

(g) RELATION TO EXISTING LAW AND PLANS.—Nothing in this section grants the Secretary any authority to manage the Mount Hood National Forest contrary to existing law. The assessment conducted by the Secretary under this section shall not supersede, be considered a supplement or amendment to, or in any way affect the legal or regulatory authority of the Mount Hood National Forest Land and Resource Management Plan or the collection of documents entitled "Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl" and "Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl".

(h) PUBLIC PARTICIPATION.—The Secretary shall provide an opportunity for interested persons to be involved in development of the assessment conducted by the Secretary under this section.

SEC. 503. SUSTAINABLE BIOMASS UTILIZATION STUDY.

(a) STUDY REQUIRED.—The Secretary of Agriculture shall conduct a study to assess the amount of long-term sustainable biomass available in the Mount Hood National Forest that, consistent with applicable law, could be made available as a raw material for—

(1) the production of electric energy, sensible heat, transportation fuel, or substitutes for petroleum-based products;

(2) dimensional lumber, fencing, framing material, poles, firewood, furniture, chips, pulp for paper; or

(3) other commercial purposes.

(b) BIOMASS DEFINED.—In this section, the term "biomass" means small diameter trees and understory vegetation that is removed from forested land as a by-product of forest restoration efforts.

SEC. 504. WATERSHED MANAGEMENT MEMORANDA OF UNDERSTANDING.

(a) COMPLETION OF MEMORANDA OF UNDERSTANDING.—To the extent that memoranda of understanding or other legal agreements involving watersheds of Mount Hood National Forest do not exist between irrigation districts or municipalities and the Forest Service, the Secretary of Agriculture may complete memoranda of understanding that outline stewardship goals to manage the watersheds for water quality and water quantity.

(b) ELEMENTS OF MEMORANDUM.—A memorandum of understanding involving a watershed of Mount Hood National Forest shall encourage adaptability, establish benchmarks regarding water quality and water quantity, and require monitoring to determine progress in meeting such benchmarks. The memorandum of understanding may restrict public access to areas of the watershed where appropriate.

(c) PUBLIC PROCESS REQUIRED.—

(1) COLLABORATION AND CONSULTATION.—The Secretary of Agriculture shall ensure that the process by which the Secretary enters into a memorandum of understanding with an irrigation district, local government, or other entity involving a watershed of Mount Hood National Forest is based on collaboration and cooperation between the Forest Service and local jurisdictions and other interested persons.

(2) PUBLIC MEETING REQUIRED.—The Secretary and the other party or parties to the proposed memorandum of understanding shall hold at least one joint public meeting before completing a final draft of the memorandum of understanding.

(3) PUBLIC COMMENT.—A draft memorandum of understanding also shall be open to public comment before being finalized.

TITLE VI—CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT

SEC. 601. FINDINGS AND PURPOSE.

The purpose of this title is to establish a special resources management unit to ensure protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon, while also allowing visitors to enjoy its special scenic, natural, cultural, and wildlife values.

SEC. 602. ESTABLISHMENT OF CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.

(a) ESTABLISHMENT.—Effective as provided by section 605, the Secretary of Agriculture shall establish a special resources management unit in the State of Oregon consisting of all National Forest System land that is located within 200 yards from any point on the perimeter of the Crystal Springs Zone of Contribution, as determined by the Crystal Springs Water District, and other National Forest System land in and around the Inn at Cooper Spur and the Cooper Spur Ski Area, as depicted on the map entitled "Crystal Springs Watershed Special Resources Management Unit" and dated June 2006 in this subtitle referred to as the "official map").

(b) DESIGNATION.—The special resources management unit established pursuant to subsection (a) shall be known as the Crystal Springs Watershed Special Resources Management Unit, in this title referred to as the "Management Unit".

(c) EXCLUSION OF CERTAIN LAND.—The Management Unit does not include any National Forest System land otherwise covered by subsection (a) that is designated as wilderness by title I.

(d) WITHDRAWAL.—Subject to valid existing rights, National Forest System land included in the Management Unit are permanently withdrawn from all forms of appropriation under the public land laws, including the mining laws and mineral and geothermal leasing laws.

(e) MAPS AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF LEGAL DESCRIPTIONS.—As soon as practicable after the effective date specified in section 605, the Secretary shall prepare and submit to Congress a legal description of the Management Unit.

(2) FORCE OF LAW.—The map referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct technical errors in the map and legal descriptions. The map of the Crystal Springs Zone of Contribution is incorporated in this Act to delineate the boundaries of the Management Unit, and the delineation of these boundaries is not intended to affect the specific uses that may occur on private land within the boundaries of the Management Unit.

(3) PUBLIC AVAILABILITY.—The map referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Forest Service.

SEC. 603. ADMINISTRATION OF MANAGEMENT UNIT.

(a) GENERAL APPLICABILITY OF EXISTING LAWS.—Except as provided in this title, all other laws and regulations affecting National Forest System lands shall continue to apply to the National Forest System lands included in the Management Unit.

(b) AUTHORIZED ACTIVITIES.—

(1) PROCESS FOR ALLOWING ACTIVITIES.—Only activities described in this subsection may occur in the Management Unit, and the Secretary of Agriculture may permit an activity described in this subsection to occur in the Management Unit only after the Secretary—

(A) obtains the review and opinions of the Crystal Springs Water District regarding the effect of the activity on the purposes of the Management Unit;

(B) complies with all applicable Federal law regarding development and implementation of the activity; and

(C) when appropriate, provides to the general public advance notice of the activity, an opportunity to comment on the activity, and appeal rights regarding the activity.

(2) RECREATION.—The Secretary may—

(A) continue to maintain recreational opportunities and trails, in existence in the Management Unit as of the effective date specified in section 605, within their existing and historic footprints or at an alternative location; and

(B) develop new foot paths or cross-county skiing trails in the Management Unit.

(3) LEASE OF CERTAIN IMPROVEMENTS.—The Secretary may lease improvements and facilities, in existence in the Management Unit as of the effective date specified in section 605, within their existing and designated footprints to one or more concessionaires.

(4) ROAD MAINTENANCE.—Subject to subsection (d), the Secretary may maintain National Forest System roads, in existence in the Management Unit as of the effective date specified in section 605 or as directed by the management plan required by subsection (d). Maintenance may include the installation of culverts and drainage improvements and other similar activities.

(5) FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS AND PRIMARY PUBLIC ROADS.—The Secretary may permit fuel reduction on National Forest System land in the Management Unit—

(A) extending up to 400 feet from structures on National Forest System land or structures on adjacent private land; and

(B) extending up to 400 feet from the Cooper Spur Road, the Cloud Cap Road, and the Cooper Spur ski area loop road.

(6) OTHER FUEL REDUCTION AND FOREST HEALTH ACTIVITIES.—The Secretary may conduct fuel reduction and forest health management activities in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels. The purpose of any fire risk reduction or forest health management activity conducted in the Management Unit shall be the maintenance and restoration of fire-resilient forest structures containing multi-storied canopies (where ecologically appropriate) and the protection of water quality, water quantity, scenic, cultural natural and wildlife values.

(c) SPECIFICALLY PROHIBITED ACTIVITIES.—The following activities may not occur on National Forest System land in the Management Unit, whether separately or, except as provided in paragraph (2), as part of an activity authorized by subsection (b):

(1) New road construction or renovation of existing non-System roads.

(2) Projects undertaken for the purpose of harvesting commercial timber. The harvest of merchantable products that are a by-product of activities conducted pursuant to subsection (b)(6) and carried out pursuant to a stewardship contract are not prohibited by this subsection

(3) Commercial livestock grazing.

(4) The placement or maintenance of fuel storage tanks.

(5) The application of any toxic chemicals, including pesticides, rodenticides, herbicides, or retardants, for any purpose, except with the consent of the Crystal Springs Water District.

(d) MANAGEMENT PLAN.—

(1) PLAN REQUIRED.—Within nine months after the effective date specified in section 605, the Secretary of Agriculture shall adopt a management plan for the Management Unit that, while providing for the limited activities specifically authorized by subsection (b), protects the watershed from illegal dumping, human waste, fires, vandalism and other risks to water quality.

(2) CONSULTATION AND PUBLIC PARTICIPATION.—The Secretary shall prepare the management plan in consultation with the Crystal Springs Water District, the Cooper Spur Wild and Free Coalition, and Hood River County and provide for public participation as described in subsection (b)(1)(C).

(e) FOREST ROAD CLOSURES.—As part of the management plan required by subsection (d), the Secretary of Agriculture may provide for the closure or gating to the general public of any Forest Service road within the Management Unit, except for the road commonly known as Cloud Cap Road.

(f) PRIVATE LAND.—Nothing in this section affects the use of, or access to, any private property within the Crystal Springs Zone of

Contribution by the owners of the private property and their guests. The Secretary is encouraged to work with interested private landowners who have voluntarily agreed to cooperate with the Secretary to further the purposes of this title.

(g) RELATIONSHIP WITH WATER DISTRICT.—Except as provided in this section, the Crystal Springs Water District has no authorities over management or use of National Forest System land included in the Management Unit.

SEC. 604. ACQUISITION OF LANDS.

(a) ACQUISITION AUTHORITY.—The Secretary of Agriculture may acquire from willing landowners any lands located in the Crystal Springs Zone of Contribution within the boundaries of Mount Hood National Forest. Lands so acquired shall automatically be added to the Management Unit.

(b) PROHIBITION ON SUBSEQUENT CONVEYANCE.—The Secretary may not sell, trade, or otherwise transfer ownership of any land within the Management Unit, including any of the land acquired under subsection (a) or received by the Secretary as part of the Cooper Spur-Government Camp land exchange authorized by subtitle A of title VIII and included within the Management Unit, to any person.

SEC. 605. EFFECTIVE DATE.

The Secretary of Agriculture shall establish the Management Unit as soon as practicable after the final closing of the Cooper Spur-Government Camp land exchange authorized by subtitle A of title VIII, but in no case later than 30 days after the date of the final closing of such land exchange. The Management Unit may not be established before final closing of the land exchange.

TITLE VII—LOCAL AND TRIBAL RELATIONSHIPS

SEC. 701. FINDINGS AND PURPOSE.

The purpose of this title is to recognize and support the ability of Native Americans to continue to gather first foods in the Mount Hood National Forest using traditional methods and the central role of the State of Oregon and local governments in managing for issues dealing with natural and developed environments in the vicinity of the national forest.

SEC. 702. FIRST FOODS GATHERING AREAS.

(a) PRIORITY USE AREAS.—The Secretary of Agriculture shall identify, establish, develop, and manage priority-use areas in Mount Hood National Forest for the gathering of first foods by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by the national forest. The priority-use areas shall be identified, established, developed, and managed in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes of the Warm Springs Reservation of Oregon (in this section referred to as the "Warm Springs Tribe") and dated April 23, 2003, and such further agreements as are necessary between the Secretary of Agriculture and the Warm Springs Tribe to carry out the purposes of this section.

(b) PRIORITY USE.—Members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest shall have exclusive rights to gather first foods in the priority-use areas established pursuant to subsection (a).

(c) APPLICABLE LAW.—In considering and selecting National Forest System land for inclusion in a priority-use area under subsection (a), the Secretary of Agriculture shall comply with the land and resource management plan for Mount Hood National Forest and applicable laws.

(d) FIRST FOODS DEFINED.—In this section, the term "first foods" means roots, berries, and plants on National Forest System land in Mount Hood National Forest that have been gathered for traditional and cultural purposes by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest.

SEC. 703. FOREST SERVICE COORDINATION WITH STATE AND LOCAL GOVERNMENTS.

Congress encourages the Secretary of Agriculture to cooperate with the State of Oregon, local communities, counties, and Indian tribes in the vicinity of Mount Hood National Forest, and the heads of other Federal agencies to identify common ground, coordinate planning efforts around the national forest, and make the Federal Government a better partner in building cooperative and lasting solutions for management of Mount Hood National Forest and non-Federal land in the vicinity of the national forest.

SEC. 704. SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.

(a) TREATY RIGHTS.—Nothing in this Act is intended to alter, modify, enlarge, diminish, or extinguish the treaty rights of any Indian tribe, including the off-reservation reserved rights established by the Treaty of June 25, 1855, with the Tribes and Bands of Middle Oregon (12 Stat. 963). Section 702 is consistent with and intended to implement the gathering rights reserved by such treaty.

(b) TRIBAL LANDS.—Nothing in this Act is intended to affect lands held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other lands acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(c) HUNTING AND FISHING.—Nothing in this Act is intended to affect the laws, rules, and regulations pertaining to hunting and fishing under existing State and Federal laws and Indian treaties.

SEC. 705. IMPROVED NATURAL DISASTER PREPAREDNESS.

(a) IMPOSITION OF STANDARDS.—New development occurring on land conveyed by the Secretary of Agriculture under title VIII or undertaken or otherwise permitted by the Secretary of Agriculture on National Forest System land in Mount Hood National Forest after the date of the enactment of this Act shall be constructed or altered in compliance with one of the nationally recognized model building codes or wildland-urban interface codes and with other applicable nationally recognized codes.

(b) INCLUSION OF STANDARDS IN LAND CONVEYANCES.—In the case of each of the land conveyances described in title VIII, the Secretary shall impose the requirements of subsection (a) as a condition on the conveyance of the Federal land under the conveyance.

(c) EFFECT ON STATE AND LOCAL LAW.—To the maximum extent feasible, the codes imposed pursuant to subsection (a) shall be consistent with the nationally recognized codes adopted by the State of Oregon or political subdivisions of the State. This section shall not be construed to limit the power of the State of Oregon or a political subdivision of the State to implement or enforce any law, rule, regulation, or standard concerning fire prevention and control.

(d) ENFORCEMENT.—The codes imposed pursuant to subsection (a) may be enforced by the same entities otherwise enforcing building codes regarding new development occurring on land conveyed by the Secretary of Agriculture under title VIII.

TITLE VIII—LAND CONVEYANCES

Subtitle A—Cooper Spur-Government Camp Land Exchange

SEC. 801. FINDINGS AND PURPOSE.

The purpose of this subtitle is to recognize the years of work by local residents and political and business leaders from throughout the States of Oregon and Washington to protect the north side of Mount Hood and bring to culmination the land exchange authorized by section 802. Congress finds that numerous public hearings have been held where broad public support has been voiced for the protection of Mount Hood and the consummation of the land exchange.

SEC. 802. COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey to Mt. Hood Meadows Oregon, Limited Partnership (in this subtitle referred to as "Mt. Hood Meadows"), all right, title, and interest of the United States in and to—

(1) a parcel of National Forest System land in Mount Hood National Forest consisting of approximately 80 acres in Government Camp, Clackamas County, Oregon, as depicted on the map entitled "Cooper Spur-Government Camp Land Exchange" and dated June 2006 (in this subtitle referred to as the "official map"); and

(2) a parcel of National Forest System land in Mount Hood National Forest consisting of approximately 40 acres in Government Camp, as depicted on the official map.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), Mt. Hood Meadows, Meadows North, LLC, and North Face Inn, LLC, shall convey to the United States all right, title, and interest of these entities in and to—

(1) a parcel of private land consisting of approximately 770 acres at Cooper Spur, as depicted on the official map;

(2) all buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur covered by the appraisal described in subsection (c)(1);

(3) the 1,350 acre special use permit for the Cooper Spur Ski Area, as depicted on the official map; and

(4) all buildings, furniture, fixtures, and equipment at the Cooper Spur Ski Area covered by the appraisal described in subsection (c)(1).

(c) APPRAISED VALUES OF CONVEYED PROPERTY.—

(1) USE OF AGREED UPON APPRAISAL.—For purposes of the land exchange authorized by this subtitle, the values of the land and other property to be conveyed under subsections (a) and (b) are derived from appraisals performed in 2005 by Steve A. Hall, MAI, CCIM, Oregon State Certified General Appraiser. The appraisals were performed in compliance with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisitions 2000 and have been reviewed and approved by the parties to the settlement agreement.

(2) APPRAISED VALUES.—

(A) FEDERAL LAND.—The appraised value of the land to be conveyed by the Secretary of Agriculture under subsection (a) is $3,810,000.

(B) PRIVATE LAND AND PROPERTY.—The appraised value of the land and other property to be conveyed by Mt. Hood Meadows, Meadows North, LLC, and North Face Inn, LLC, under subsection (b) is $5,535,000.

(3) TREATMENT OF EXCESS CONSIDERATION.—The amount by which the appraised value of the land and other property conveyed by Mt. Hood Meadows, Meadows North, LLC, and North Face Inn, LLC, under subsection (b) exceeds the appraised value of the land conveyed by the Secretary under subsection (a), $1,725,000, represents a donation to the United States.

(d) COMPLETION OF LAND EXCHANGE.—The Secretary of Agriculture shall complete all legal and regulatory processes required in connection with the conveyances under this section and complete the closing of the conveyances within eight months after the date of the enactment of this Act.

(e) RECONVEYANCE OF LAND AND IMPROVEMENTS.—

(1) PROHIBITION ON RECONVEYANCE OF LAND.—The Secretary of Agriculture may not reconvey any of the land (as opposed to improvements thereon) acquired by the United States under subsection (b).

(2) LIMITATION ON RECONVEYANCE OF IMPROVEMENTS.—Any subsequent sale or lease of improvements acquired under subsection (b) may not be made to Mt. Hood Meadows, or any successor thereof.

(f) EXISTING RIGHTS.—The conveyance of Federal land under this section shall be subject to valid existing rights of third parties. In the alternative, the Secretary of Agriculture may grant substitute permit rights of equivalent utility to use other Federal land.

SEC. 803. TREATMENT OF INN AT COOPER SPUR AND THE COOPER SPUR SKI AREA.

(a) SOLICITATION OF NEW CONCESSIONAIRE.—Not later than 60 days after the date of the final closing of the land exchange under section 802, the Secretary of Agriculture shall prepare and publish a proposed prospectus in order to solicit a new concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area within the new configuration of these establishments, as depicted on the official map.

(b) COMPETITIVE PROCESS.—Prospective concessionaires shall be able to bid competitively for the right to operate either the Inn at Cooper Spur or the Cooper Spur Ski Area (or both together) in an open process that considers all values, not just the highest dollar value.

(c) CONSULTATION.—The Secretary of Agriculture shall consult with Mt. Hood Meadows, Meadows North, LLC, and North Face Inn, LLC, the Hood River Valley Residents Committee, the Cooper Spur Wild and Free Coalition, and the Hood River County Commission in selecting a new concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area and to prepare for the orderly and smooth transition of the operation of the Inn at Cooper Spur and the Cooper Spur Ski Area to the new concessionaire.

(d) TREATMENT OF PROCEEDS.—All funds received pursuant to a concession contract under this section shall be deposited in the fund established by Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act) and shall remain available to the Secretary of Agriculture until expended, without further appropriation, for use in Mount Hood National Forest, with priority given to the Hood River Ranger District for restoration projects on the North side of Mount Hood.

(e) ALTERNATIVE CONVEYANCE AND SPECIAL USE PERMIT.—If the Secretary of Agriculture has not selected a concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area by the end of the one-year period beginning on the date of the publication of the prospectus under subsection (a), the Secretary may convey, without consideration, the improvements acquired under paragraphs (2) and (4) of section 802(b) only to Hood River County, Oregon. If the Secretary conveys improvements to Hood River County pursuant to this subsection, the Secretary shall issue a special use permit that would allow reasonable access to and management of the improvements under terms similar to the Cooper Spur Ski Area Special Use Permit.

SEC. 804. GENERAL PROVISIONS.

(a) APPLICABLE LAW.—Except as otherwise provided in this subtitle, the exchange of Federal land under section 802 is subject to the existing laws and regulations applicable to the conveyance and acquisition of land under the jurisdiction of the Forest Service. It is anticipated that the Secretary of Agriculture will be able to carry out the land exchange without the promulgation of additional regulations.

(b) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal land to be acquired by the Secretary of Agriculture under section 802 must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(c) LEGAL DESCRIPTIONS.—The exact acreage and legal description of the land to be exchanged under section 802 shall be determined by surveys satisfactory to the Secretary of Agriculture. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange, shall be borne by the Secretary.

Subtitle B—Other Land Exchanges

SEC. 811. LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey to the Port of Cascade Locks, Cascade Locks, Oregon (in this section referred to as the "Port"), all right, title, and interest of the United States in and to a parcel of National Forest System land in the Columbia River Gorge National Scenic Area consisting of approximately 10 acres, as depicted on the map entitled "Port of Cascade Locks-Pacific Crest National Scenic Trail Land Exchange" and dated June 2006.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Port shall convey to the United States all right, title, and interest of the Port in and to a parcel of land consisting of approximately 40 acres, as depicted on the map referred to in subsection (a). The acquisition of this land will ensure the continued integrity of the Pacific Crest National Scenic Trail in the vicinity of Cascade Locks and the public's ability to access the north Oregon entrance of the trail.

(c) EQUAL VALUE EXCHANGE.—The values of the land to be exchanged under this section shall be determined pursuant to an appraisal acceptable to the Secretary of Agriculture and the Port. If the values are not equal, they shall be equalized in the manner provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(d) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716).

(e) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal land to be acquired by the Secretary of Agriculture under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(f) LEGAL DESCRIPTIONS.—The exact acreage and legal description of the land to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of Agriculture. The costs of such survey, as well as other administrative costs incurred to execute the land exchange, shall be negotiated between the Secretary and the Port.

(g) EXISTING RIGHTS.—The conveyance of Federal land under this section shall be subject to valid existing rights of third parties. In the alternative, the Secretary of Agriculture may grant substitute permit rights of equivalent utility to use other Federal land.

(h) COMPLETION OF LAND EXCHANGE.—The Secretary of Agriculture shall complete all legal and regulatory processes required in connection with the conveyances under this section and complete the closing of the conveyances within 16 months after the date of the enactment of this Act.

SEC. 812. HUNCHBACK MOUNTAIN LAND EXCHANGE, CLACKAMAS COUNTY.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey to Clackamas County, Oregon (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of National Forest System land in the Mount Hood National Forest consisting of approximately 160 acres, as depicted on the map entitled "Hunchback Mountain Land Exchange-Clackamas County" and dated June 2006.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the County shall convey to the United States all right, title, and interest of the County in and to a parcel of land consisting of approximately 160 acres, as depicted on the map referred to in subsection (a). The acquisition of this parcel will ensure the continued integrity of the forested land, a substantial portion of which exceeds 120 years in age, and the public's access to the parcel.

(c) EQUAL VALUE EXCHANGE.—The values of the land to be exchanged under this section shall be determined pursuant to an appraisal acceptable to the Secretary of Agriculture and the County. If the values are not equal, they shall be equalized in the manner provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(d) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716).

(e) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal land to be acquired by the Secretary of Agriculture under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(f) LEGAL DESCRIPTIONS.—The exact acreage and legal description of the land to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of Agriculture. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange, shall be negotiated between the Secretary and the County.

(g) EXISTING RIGHTS.—The conveyance of Federal land under this section shall be subject to valid existing rights of third parties. In the alternative, the Secretary of Agriculture may grant substitute permit rights of equivalent utility to use other Federal land.

(h) COMPLETION OF LAND EXCHANGE.—The Secretary of Agriculture shall complete all legal and regulatory processes required in connection with the land exchange under this section and complete the closing of the land exchange not later than 16 months after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to present to the House the Mount Hood Stewardship Legacy Act. I want to thank Resources Committee Chairman Richard Pombo for his support of this legislation and his assistance in our work to move it forward at this time. I also want to express my appreciation to my Oregon colleagues, EARL BLUMENAUER, PETER DEFAZIO and DARLENE HOOLEY for their work on the Mount Hood Stewardship Legacy Act, H.R. 5025.

Together, we have crafted a bipartisan, locally written and widely supported plan to protect the special places on Mount Hood for future generations to enjoy, while working to improve access, recreation, forest health and watersheds. We have worked with the Confederated Tribes of Warm Springs to fulfill treaty trust obligations and we have worked with local interests to resolve a nearly 30-year battle over development in the Upper Hood River Valley. This measure comes to the floor today in shape to become law at any time.

I want to thank EARL BLUMENAUER for his leadership in starting this process nearly 3 years ago when he suggested that he and I could work together to consider the issues and pressures facing Oregon's icon, Mount Hood. Perhaps because our history goes back to the 1970s, we were able to rekindle a little bit of that Oregon spirit and dream by working together to develop a shared vision for Mount Hood, using a very public and collaborative process.

I appreciate the detailed analysis that the Forest Service has put into carefully reviewing the Mount Hood Stewardship Legacy Act. Likewise, I appreciate the technical comments from groups like the American Forest Resource Council, the Campaign For America's Wilderness and American Rivers, the State of Oregon and the five county governments that are directly impacted by what takes place in the Mount Hood National Forest.

Colleagues, H.R. 5025 is a balanced plan that not only protects extraordinary places for future generations, but also will lead to improved forest health conditions across a broad region of a forest that, frankly, in some areas is in trouble. Our measure seeks to protect water quality and quantity, while enhancing recreational opportunities for an ever-growing population. We address transportation needs and encourage continued public collaboration.

The current version of the bill we will discuss here today is draft number 10 and was drafted from a concept paper presented to the public in two forums in December of 2005, one in Hood River, Oregon, and one in Portland, Oregon. The concept paper was drafted following two public summits which drew about 250 participants each. They specified or looked at challenges facing the Mount Hood National Forest conducted in August of 2003 and 2004. And we had a 2-day roundtable discussion at Timberline Lodge in July of 2005 where we had 50 key stakeholders. Then we followed that up with a 41-mile backpacking trip just about a year ago.

When approved by the Congress, this legislation will provide the largest addition of forest wilderness to America's inventory in the last 3 years, the first additional wilderness classification on Mount Hood in the last 22 years and a 40 percent increase over existing designations. It will resolve a 30-year-old land management dispute in the Hood River Valley, and it designates 26 miles of wild and scenic rivers. It also calls for improved forest health conditions across a landscape that is in trouble.

But let me be very clear about our intent for this legislation. We intend it to increase the amount of wilderness, but we intend that that adhere strictly to the 1964 Wilderness Act, increase the amount of Wild and Scenic Rivers on the Mount Hood National Forest, while in total agreement that these designations not reduce the amount of land that is specifically identified for timber emphasis harvest nor would they deliberately result in future land management conflicts.

If recreational activities, such as snowmobiling, were to take place within view or earshot of a wilderness, then that activity would still be allowed to continue.

Any landowners with private inholdings incorporated by the designations would be granted full access to their lands, although we don't believe there are any.

We require the Forest Service to develop and implement through existing authorities a 10-year assessment to address bug-infested, disease-ridden and heavily overstocked trees and to take action using site-specific, environmentally reviewed, and publicly noticed projects to improve these areas to the optimum condition class.

Where memorandums of understanding or legislative authorities do not currently exist between irrigation districts or municipalities and the Forest Service, the Forest Service would be directed to enter into MOUs that outline stewardship goals to manage watersheds for water quality and water quantity.

Existing development footprints are the best places to enhance recreational opportunities and maximize future potential. These areas could potentially include the footprints of Government Camp, Ski Bowl, Timberline, Mount Hood Meadows, and lands allocated A-11 under the approved forest plan. Also if there are roads slated to be closed, they should be considered for other recreational uses.

Establish a recreation working group comprised of local stakeholders to advise the Forest Service on planning for future recreational enhancements.

Develop an integrated transportation network that brings people to and from Mount Hood National Forest and safely transports people from place to place on the mountain.

We would require the Forest Service to enter into MOUs with Native American Tribes to provide for huckleberry picking and other customary and traditional harvesting of "first foods" to ensure healthy stands of huckleberries and other traditional plant species.

We encourage cooperation with Mount Hood's local communities, counties, the State, the Tribes, and Federal land agencies to identify common ground, coordinate planning efforts around the mountain and make the Federal Government a better partner in building cooperative and lasting solutions.

Last summer, EARL and I made history as probably the only bipartisan backpacking duo in the Congress to make the journey around Mount Hood. Over the course of 4 days and 3 nights, we hiked 41 miles, climbed and descended 9,000 feet, and along the way saw firsthand the mountain from every perspective, including the one my ancestors saw 161 years ago this fall when they completed their wagon train journey to the proposed land of Oregon.

It is in this spirit of promise for a better future, nurtured by an on-the-ground appreciation, that we bring you this legislation and ask for your support.

Finally, I will include for the CONGRESSIONAL RECORD an exchange between Congressman POMBO of the Resources Committee and Chairman

GOODLATTE of the Agriculture Committee. I thank Chairman GOODLATTE for his cooperation in helping this bill be considered today.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 21, 2006.
Hon. RICHARD POMBO,
Chairman, Committee on Resources,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for forwarding a draft copy of H.R. 5025, the Mount Hood Stewardship Legacy Act, which the Committee on Resources favorably reported. As you know, the Committee on Agriculture received an additional referral.

Because of your wish to expedite this legislation and the history of cooperation between our Committees on these matters, I will agree to discharge H.R. 5025 from further consideration by the Committee on Agriculture. The Committee on Agriculture will discharge the bill with the understanding that discharge does not waive any future jurisdictional claim over this issue or similar measures. Furthermore, in the event a conference with the Senate is requested on this matter, the Committee on Agriculture reserves the right to seek appointment of conferees.

Again, I am grateful for the cooperative spirit in which you have worked regarding this matter and others.

Sincerely,
BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, July 26, 2006.
Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture,
Washington, DC.

DEAR MR. CHAIRMAN: On July 19, 2006, the Committee on Resources ordered favorably reported with amendments H.R. 5025, the Mount Hood Stewardship Legacy Act. The bill was referred primarily to the Committee on Resources, with an additional referral to the Committee on Agriculture. I have forwarded a copy of the Committee-adopted amendment to your staff for review; it includes the language in Title V of the bill that was agreed to by our staff.

The author of the bill, Congressman Greg Walden, would like to see it considered on the Floor before we adjourn for the August District Work period, and Leadership has indicated its willingness to help. With this very tight timeline, I ask that you allow the Committee on Agriculture to be discharged from further consideration of the bill so that it may be scheduled under suspension of the rules as soon as possible. This discharge in no way affects your jurisdiction over the subject matter of the bill and it will not serve as precedent for future referrals. If H.R. 5025 or a similar bill is conferenced with the Senate, I would support naming Committee on Agriculture members to the conference committee. Finally, I would be happy to insert this letter and your response in the Congressional Record when the bill is considered in the House of Representatives.

Thank you for your consideration of my request, and I look forward to bringing H.R. 5025 to the Floor soon.

Sincerely,
RICHARD W. POMBO,
Chairman.

□ 1415

Mr. Speaker, I will include at this point in the RECORD Chapter 9 of a book, an autobiography and reminiscences of Sara J. Cummings, my great, great grandmother, who made that trek 161 years ago. It details in this chapter how they nearly perished on that mountain in the snowy October blizzard

CHAPTER IX

WE CROSS THE CASCADE MOUNTAINS AND ARE LOST FOR ELEVEN DAYS

My husband and Mrs. Welch's three sons were to drive the stock. After some deliberation it was decided that my brother, Lemuel, should accompany them. That decided my case. I, too, would accompany them. To this there was a strong remonstrance but my will was not to be swayed in that matter. Mother wept but I told them of my fears concerning their frail boats to stem the current of that raging river, for we had seen the Celilo Falls. Father and my husband had gone as far as the Cascade Falls. After some consideration of the matter she finally became more reconciled. Soon as all the arrangements were completed we gathered the stock, counted them, and started out on our perilous journey. This was on the first day of October, 1845.

I forgot to mention that we were to be assisted by one of father's hired men, the same Marion Poe who had traveled with us from the first day of our journey. On the day of our departure I placed my new Spanish saddle that was bought for me in St. Louis, on my strong and trusty young nag, and, with parting tears and good-byes, we dared the wilderness and the desert.

We were substantially provided with food as a good horse was loaded with all necessary provisions, but on the second day out from The Dalles Poe was left to bring the pack horse while we were rounding the stock in the direction of our destination and again he met a band of straggling Indians. As he attempted to talk to them they deliberately led the pack horse into ambush and half an hour later we returned from the various courses that had called us away and found Poe riding dejectedly along, with nothing to prevent us from starving. We would have returned to The Dalles but the others were already two days journey down the river and we were not prepared to replenish the stores. So it was left us to attempt the mountains without food, except beef.

After another day or two we heard loud hallowing behind us. The sounds were not such as to cause alarm and soon it was seen to come from a party of five, young men and one old trapper. These parties were not cumbered with baggage and thought to go on ahead and select camping places and kill game. Learning of our loss the Smith boys kindly divided stores as far as we would permit them, giving me nineteen biscuits and a small rasher of bacon. A small portion of tea and sugar was tied on my saddle so we had a comfortable supper.

The traveling was slow and toilsome. Heavy fall rains were coming on and the steep slopes were almost impassible for man and beast. On the sixth day we became entangled in a thicket of vine-maples and were compelled to turn back to our camping place of the previous night. Next day we found it impossible to proceed through the dense growth of Mountain Laurel. The cattle ate freely of this shrub and were so poisoned that we dared not eat the meat.

The old gentleman, Mr. Carson, had been chosen guide and he was misled by the Indian trails that led to the berry patches far up on the slopes of Mount Hood. So we had been making little progress toward the place of our destination. One morning we awoke in a blinding snowstorm. We toiled along the whole day through without seeing a tree or a spear of grass. Our course seemed to be up a gradual steep slope. As night was coming on it seemed we must all perish, but weak, faint and starving we went on. The stronger men now led the way and left relays to shout back so that we might follow them. My husband and I were the last in the line. The strongest horses had given out before noon and we were compelled to walk and lead our riding nags.

The loose stock became so weak and discouraged that we left them altogether, but the poor lost creatures followed along for most of the afternoon. Our situation was each moment becoming more desperate. The only hope of our lives lay in finding shelter and wood for a fire. The few pieces of bed clothing that were tied on our saddles were wet and our garments were dripping wet through and through with the snow that had fallen on us all day long and had melted and thoroughly drenched every garment that we wore. As the evening light illumined the receding storm clouds we realized our hazardous situation as never before and we turned our course down the mountainside. Fortunately for us there were no shadows and the eternal snows cast a white light that was sufficient to guide our feet, even after the day had drawn to a close. We were now crossing the line from the eternal snows into that newly fallen and, as our weary feet sank into the sand that underlay the new snow, hope deserted us, yet on and on we went. At a few minutes before 10:00 o'clock that night we were walking on firmer ground, the wet snow being about a foot deep. I was so faint and weak that I could scarcely put one foot before the other and was dragged along by my husband. One man was leading a fine young horse of which he had taken great care, and leading the animal near my side insisted that I ride. My husband lifted me on the horse but not one step would the poor beast take although I weighed less than eighty pounds at that time. The men then placed my brother on the horse's back but with the same result. My husband was now leading me along and lifted me over the obstructions of the path. We were of course the last in the line of relays and the welcome sound of "we have found wood," was wafted to our ears. This give us a renewed energy and by an almost super-human effort we at last reached the assembled group. No sign of a fire was to be seen and most of the men and all the boys were shedding tears. We were told that not a man could be found whose hands had strength to fire a gun, and not a dry thread of clothing for kindling. All were panic stricken and all hope seemed abandoned.

My husband had been exerting all his power in assisting me along and as soon as he realized the situation he seized the gun and fired it into the little bunch of kindling the men had prepared, but no fire resulted. He now made every man present haul off his coat and in the inner lining of Mr. J. Moore's coat a small piece of dry quilted lining was found. This was placed in a handful of whittlings, and as the gun was reloaded all realized that upon that charge depended our lives. With almost super-human effort Mr. Walden succeeded in firing the gun and in an instant the flames burst forth. A great shout of thanksgiving burst forth and each poor suffering traveler crowded as near as possible to the welcome fire.

I was so exhausted and discouraged that I sat down on a hummock and was perfectly indifferent as to the result. But soon as there was sufficient warmth my husband led me to the fire side. No sooner had the warmth penetrated my wet and freezing garments than such excruciating pains seized me that I was wild with pain and could not forbear the scream that rent the air on that wild mountain. There was nothing to be done and I had to endure this suffering until the clothing on my body was dry and the chill of frost drawn out of my limbs.

My saddle horse was the only animal that was brought into the camp and soon my bedding was spread up to dry, and while the great pitch pine trees were consumed with fire the group of weary travelers were soon fast asleep. Mr. Walden presented me with a biscuit, one that he had carried since our morning meal, fearing that some such extremity might overtake us. The morsel of food renewed my strength and as the warm woolen blankets were wrapped snugly around me I reclined near the great heap of glowing logs and felt that God in his great mercy would yet guide us safely into the land of our adoption. We slept soundly and awoke to find the sky cloudless, clear and aglow with the light of the morning sun. The only hope of our lives now lay in the men finding the cattle that one might be used for food, as not a morsel now remained of any sort and some of us had been stinted for more than a week.

All arose and, after due deliberation, it was decided that I should remain with the two boys, my brother Lemuel, and Mrs. Welch's son. All the others were to go in quest of the stock. We watched the weary procession as they disappeared over the distant slope and the boys would have given up to tears, but that hope which precludes despair was ever present in my heart and, after obeying the instruction to "Keep a good fire and smoke going, as it may prove a guide to our return," I proposed that we go to the summit of a near ridge and look beyond and in the direction of our anticipated home. In our wanderings I became separated from the boys.

My attention was wholly devoted to the majestic hue of Mount Hood as seen from that high Southern slope. We were far above the timber line and the prospect was great. We were at the edge of vast snow fields and looking upward towards the summit I saw an unusually black looking spot, and after clambering up many hundreds of feet I came upon what seemed to be an extinct crater, and near what seemed to me to be the summit of a mountain. I anxiously hoped to see smoke issue therefrom. I sat down, lost in thought and admiration of the beautiful and wonderful view that opened before my eyes.

The sky was cloudless. The storms of the previous day had so cleared the air of dust and impurities that my horizon was boundless, and this, my first, prospect of everlasting green forests and their wonderful vividness, green on all the near approaches and changing with wonderful blend from green to etheral blue, and on the distant margin rested the shade of blue, so intense, so indescribably beautiful that no power of words can express the wonderful panorama of beauty with which my soul was entranced. Seated on eternal snow, looking from over these mountains and hills, across wide valleys into dark glens, above the roar of wind or of water, I was lost in infinity.

Time speeded by without my conscious measurement. It was now about 12:00 o'clock in the day. The decent proved long and tedious. I went in search of the boys and found them busily engaged rolling boulders down the mountainside to hear the crash of their descent and the thud of their landing in the depths of some forested canyon far beneath our feet. By persuasion I convinced them of the dangers of their amusement, and we walked in various directions viewing the curious and wonderful things about us. At some distance from us we saw a curiously colored copse and on approaching nearer we found it to be a dense growth of small green bushes loaded with masses of small purplish berries growing on slender twigs. The fruit was odorous and of a tempting look. I feared to eat them although they were as fragrant as ripe apples, but, venturing a taste, I found them delicious. I plucked some branches and carried them to our camp fire and tested them again and again until I decided they were harmless. The boys and I ate freely of them. Our hunger and thirst was appeased and we realized the nutritious effect. We now carried and laid by the campfire a fine stock of the berries to await the return of the weary and starving men folks, should they be so fortunate as to reach us when nightfall should overtake us.

Just before sunset the men and beasts were seen crossing a distant ridge. Instinct seemed to have directed the weary, chilled beasts to climb a distant ridge where they found shelter under a towering cliff. The men found them huddled together. The horses and cattle were in one group apparently afraid to venture out in the snow. The grand rock roof and sandy floor protected them from cold and storm, and but for the tinkle of their bells they might have perished. As it was they had been quite comfortable for the night. Not far from our camp was some short grass and leafy shrubs on which they could browse. Our saddles, budgets, and bed-clothing had rested safely on the backs of our weary beasts.

Early next morning we resumed our journey, having butchered a beef which we could not eat on account of the poisoned laurel. One of the men had named the fruit which we produced, huckleberries, and from these we made our only breakfast food. My own party had been fourteen days with only nine hard-tack biscuits and four small slices of bacon. The Smith boys and all the others in the crowd were also about out of food, and it was decided to make forced marches in the direction of Oregon City, which, from this treeless height, we judged to be nearly West of us.

We kept the stock with us until we reached the grass lands at the head of Sandy River. Each one then decided to go in quest of food as the men were becoming desperate and had lost all fear of wild beasts so that even the sight of a grizzly bear would not have frightened us. Our horses were now so weak that my husband could not ride any one of them only a few rods at a time. My case now developed the last stages of starvation.

Just after dark we reached the river where it was now quite a broad stream, rolling and tumbling over high boulders. I tried to urge my pet riding nag into the water but it was no use. On the opposite bank we saw a small fire burning and rightfully judged it to be some lagging member of our advanced party. My husband desired to cross, hoping to find something for our starving nags to eat.

After awhile we heard the sound of a human voice. It proved to be Mr. Allen Miner, a young man who had left the party early in the morning and had walked all day in advance of us. He had crossed the river in daylight. He called our horses by name and at this they plunged into the raging stream. My saddle girth broke and I had to hold by the mane and balance myself as Dolly would swim the deep channels, mount the rugged rocks or plunge over the sand bars, but, by the mercy of God, husband and I found ourselves safely across. Allen had a bright fire to welcome us and had killed a bird which he had broiled, and this he shared with us.

We rested until daybreak. The horses had lain all night by the fire and we had great difficulty in getting them up by daybreak. Allen Miner now took the two boys, Mrs. Welch's son and my brother, Lemuel, and forged ahead in search of food. Husband and I went on as fast as our weary limbs would carry us. Most of the party reached the home of Peter Hatch about 2:00 o'clock on that afternoon. They were given some food and were put to bed. Husband and I came in sight of their lights, for Mrs. Hatch kept a tallow candle burning in the window and outside of the house a good fire of logs that we might be guided to their place.

I now took off my blanket dress and put on my spick and span new dress and corded sunbonnet which I had carried safely on my saddle, and thus arrayed, by my husband's help, I staggered into the door. Mrs. Hatch caught me in her arms and her first words were, "Why dear woman, I supposed your clothing had been torn off your body long ago."

We were seated by the fire. She bathed our weary limbs, and after we had rested a few moments, seeing our starved, wan look, she apologized for having but one potato baked with salt and a little butter for each. She then entertained us with pleasant conversation and put more potatoes to bake. In less than an hour's time we were served with baked potatoes, wheat, butter, and a small slice of bread. We then retired for the night.

We awoke early with ravenous appetites. Mrs. Hatch was aware of this, and, knowing the danger of our condition had wisely stinted our meals. Our breakfast was more substantial. They had beef of excellent quality and on this day we were given four meals, and each one recovered from this nineteen days of want with no serious after effects.

My husband and the others were equally blest but they did not rest contentedly as all our prospects for making a home in the newly settled region was in finding our poor stock and teams. As soon as they were able to go on the trail a good supply of food was prepared and returned to the stock and were blest in finding every one of the animals in better condition and grazing in a friendly herd, horses, oxen and stock cattle. Not a hoof was missing and within a week's time we were surprised to see them all brought safely to the end of our journey.

Mrs. Peter Hatch continued to supervise our necessities and in all the world there could not be found a woman more capable and more willing to make her fellow-beings happy and comfortable. Later I shall give a short tribute to this noble lady.

A few days rest restored the strength and vitality to our weary bodies and the first thought was to secure employment for the winter. The pasturage was free and we left the poor animals to recuperate for winter while we prepared to work for Dr. McLaughlin at his saw mill on the Taualatin river. After two months work we learned that we were to receive nothing for our work that fall and we returned to Oregon City where we learned that father, mother, and all our friends with whom we had parted at The Dalles, were safely established in good houses at the old foundry works on the Willamette river. Father came right up to see us and took the stock home with him. Mr. Walden rented rooms in Orgeon City and we remained there all winter. I had for near neighbor, Mrs. J. Welch who afterwards moved to

Astoria and remained there a respected lady and the mother of a noble family.

The environs of our new home, surrounded by giant fir trees, the healthful sea breezes, the strange sights and sounds were sources of continual thought. The long distance that saparated us from our old home in the Mississippi valley, precluded any form of home sickness and our united efforts were wholly set upon the building of a home.

As yet we had seen nothing of the land claims which had been the lure of our most sanguine hopes, but the first effort of our lives was wholly devoted to the acquirement of the necessities of life.

Of our winter in Oregon City and the subsequent experiences, I will tell you in the next chapter.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the majority explained, H.R. 5025 designates approximately 77,216 acres of National Forest System lands in the Mount Hood National Forest as wilderness.

The legislation also designates about 25 miles of waterways as part of the National Wild and Scenic River System, creates a system for fee retention on the Mount Hood National Forest, requires the Secretary to prepare a 10-year forest stewardship assessment, and sets up three land exchanges.

Mr. Speaker, I would like to recognize my colleagues from Oregon, Representatives EARL BLUMENAUER, PETER DEFAZIO and DARLENE HOOLEY, who are all cosponsors of H.R. 5025.

In particular, Mr. BLUMENAUER has worked tirelessly over the past several years to craft and advance this legislation. Mr. Speaker, we support the pending measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on the bill. I, too, would like to thank Chairman POMBO, Ranking Member RAHALL, Subcommittee Ranking Member UDALL, and the staff of the committee that they worked with, and colleagues PETER DEFAZIO and DARLENE HOOLEY for helping bring this legislation to the floor today.

The Mount Hood Stewardship Legacy Act represents a tremendous amount of hard work by 1,000 Oregonians who found common ground on the critical issues facing our State's icon, Mount Hood.

Mr. Speaker, I want to especially thank my colleague and subcommittee chair, Mr. WALDEN, for working with me for more than 3 years on this legislation, and for his idea that we actually hike around the mountain. It was a fitting capstone to a really extraordinary opportunity to work together, to strengthen a friendship, and be able to focus on something that is so important to our State.

Together, we enlisted extensive involvement of citizen groups, environmental organizations, recreational advocates, public agencies, tribal representatives, and local governments to create a bill that establishes a long-term sustainable vision for the mountain and addresses the immediate challenges of wilderness protection, recreation, transportation, forest health, water quality, development, and Native American rights.

It seems so simple today, as we come forward, not just with the Mount Hood wilderness bill, but with a comprehensive vision for the future of Mount Hood. The plan makes sense. The pieces fit together in logical ways. But it seems so simple only because 1,000 people, public servants, academics, expert stakeholders, volunteers and people who just plain care about the mountain were willing to roll up their sleeves and invest 3 years to work with my partner, GREG WALDEN, and me, to make this happen.

I must also acknowledge three other critical people, who were invested in this, in this body and soul, Colby Marshall, on Congressman WALDEN's staff, Janine Benner and Hillary Barbour on mine. They were a team in Washington, D.C., they were a team in Oregon, and they were a key part, literally, in joining us around the mountain. We would not be here today without their efforts.

We began drafting with a document that contained core principles and concepts. The ideas were developed through the elaborate public process that my colleague, Congressman WALDEN, just outlined, and that great 41-mile hike around the mountain.

It was through these meetings with interested parties, thousands of public comments, that we further refined the principles and then translated them into the legislation, which was introduced this spring. Following the Forest Subcommittee hearing in April, we continued working with stakeholders, the Forest Service, our colleagues from both parties, staff people, to refine the language and clarify the intent.

Mr. Speaker, it has been a long hard effort, but it has been worth it, because the stakes for Mount Hood and the Pacific northwest have never been higher. It is not just an icon for both our home towns of Hood River and Portland, it is the single most important recreational resource in Oregon. A million people depend upon the integrity of the mountain for their drinking water. And it is a place of retreat for tens of thousands of people every year.

There are hundreds of people who call the mountain their home, and we have historic treaty and moral obligations to Native Americans for whom the mountain has special spiritual and practical significance.

By solemn treaty rights, they are owed their due for gathering first foods, hunting, fishing and for spiritual observances.

This bill deals with the important elements that will profoundly affect Oregonians for generations to come. First and foremost, over 77,000 acres of pristine wilderness will be protected, a 40 percent increase in wilderness inventory.

Over 25 miles of river will be protected as "wild and scenic." This bill will protect the pristine quality of these areas that people hold so dear.

It is not by any stretch of the imagination the last word on wilderness, but it does break down the log jam that has prevented wilderness from moving forward for over 20 years.

We have dealt with the very complicated and challenging issue of recreation. Our legislation will ensure that people who love to snowshoe, ski, mountain bike, snowmobile and hike will have access, but we are also making sure that we will all not collectively be loving the mountain to death.

We have laid the groundwork to address the mountain's transportation challenges in a way that will both ensure the safety of the mountain's visitors and residents, while at the same time moving more people but in fewer cars to and from key recreation destinations.

Even the 3,449 miles of forest roads that are currently in uneven states of repair and without adequate resource provide the basis for a potential unparalleled system of bicycle facilities. We will help the Forest Service work with local communities to address forest health and water shed issues. We will enhance the ability of Native Americans to gather first foods and exercise their treaty rights.

We address long simmering disputes about where development on the mountain should take place. For example, the Cooper Spur land exchange settles a 30-year dispute on the north side of the mountain, and is widely supported by conservation groups, citizens, and the ski industry and county government.

Its implementation keeps development on the south side of the mountain where infrastructure already exists, while protecting the pristine north side in perpetuity. With this legislation, we honor the historic mediated settlement between the parties and we now appear to be within reach of a long-term solution that is in everyone's best interest.

Today, Mr. Speaker, is one of the most important days in the modern history of Mount Hood. We have proven that the many people who care can put the pieces together in a finely-balanced fashion that produces a blueprint for the next century, while enhancing current uses and being true to the mountain legacy we all hold so dear.

This is the most progress we have seen in either the House or the Senate in over 20 years. I am hopeful that our friends in the other body will seize the day. If they choose to act this week, the President can sign this bill into law before Labor Day, assuring the single most important step in crafting and implementing the legacy of Mount Hood for the next century.

Ms. BORDALLO. Mr. Speaker, I wish to thank Mr. WALDEN and Mr. BLUMENAUER from Oregon for their support of this legislation. We support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, in conclusion, I want to thank my colleague from Oregon especially, Congressman BLUMENAUER. We have had a great partnership over 3 years working on this legislation to bring it to this point, building it from the ground up. And we could not have done it without the very talented staff that he referenced in his remarks, Colby Marshall, Janine Benner and Hillary Barbour. They have just been terrific troopers, helping us every way, and went on the backpack trip with us, but let the record show clearly, we each carried our own packs along the trail. And my wife and son also accompanied us on that backpack trip.

It was a great way to learn about the mountain and see it firsthand. It is truly a remarkable place and great piece of America. I hope others will come and enjoy it as we have.

Mr. Speaker, I yield back the balance of my time and ask for your support for this very important and progressive legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 5025, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HOLDING CERTAIN LANDS IN TRUST FOR THE UTU UTU GWAITU PAIUTE TRIBE

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 854) to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe, as amended.

The Clerk read as follows:

H.R. 854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANDS TO BE HELD IN TRUST.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are hereby declared to be held in trust by the United States for the benefit of the Utu Utu Gwaitu Paiute Tribe, Benton Paiute Reservation.

(b) LAND DESCRIPTION.—The lands to be held in trust pursuant to subsection (a) are the approximately 240 acres described as follows: Mount Diablo Base and Meridian, Township 2 South, Range 31 East Section 11: SE ¼ and E ½ of SW ¼.

(c) GAMING RESTRICTION.—Lands taken into trust pursuant to subsection (a) shall not be considered to have been taken into trust for, and shall not be eligible for, class II gaming or class III gaming (as those terms are used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

H.R. 854 is a bill to provide for certain lands to be held in trust for the Benton Paiute Reservation in Northern California, home of Utu Utu Gwaitu Indian Tribe.

H.R. 854 would transfer 240 acres of land from the Bureau of Land Management and place that land into trust for the benefit of the tribe. The 240 acres are contiguous to the existing reservation and have been classified as suitable for disposal through the BLM land use planning process.

This acreage is of vital importance to the tribe in its quest for self-sufficiency and to enhance its potential for economic development. Additionally, because of the tribe's strong commitment to a solid economic future based on growth and hard work, the tribal council passed a resolution to prohibit gaming on the 240-acre parcel.

This resolution makes it clear that the tribe will not carry out gaming activities on the land proposed for transfer. I commend the efforts of Congressman MCKEON of California, the sponsor of H.R. 854, who has worked diligently since the 104th Congress to see this legislation enacted into law.

I look forward to the support of this House on H.R. 854.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has adequately explained this legislation, H.R. 854, and we have no objections to it.

Mr. MCKEON. Mr. Speaker, I rise today in strong support of H.R. 854 and urge my colleagues to join me in supporting its adoption. I introduced H.R. 854 on February 16, 2005, to transfer 240 acres of excess Bureau of Land Management, BLM, lands into trust for the Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, Tribe.

The Benton Paiute Reservation is located in Mono County, approximately 40 miles northeast of Bishop, CA, in one of the most remote and isolated areas of my congressional district. The 240 acres proposed for transfer under H.R. 854 are immediately adjacent to the existing 160-acre Benton Paiute reservation and have been classified by the BLM as "suitable for disposal" for more than a decade.

In fact, legislation facilitating this transfer goes as far back as the 104th Congress. We have come a long way to get to this day and I'd like to thank Chairman POMBO for his help in making it possible. I would also like to praise the committee staff, particularly Tom Brierton, Chris Fluhr and Jim Hall.

Mr. Speaker, the lands taken into trust under H.R. 854 are of vital importance to the Utu Utu Gwaitu Paiute Tribe in its quest for self-sufficiency and to enhance its potential for economic development. The land in question will be put to good use, including the construction of much needed tribal housing units, a health station, wellness center, fire station, police station and an industrial park for manufacturing businesses.

Additionally, because of the Utu Utu Gwaitu's strong commitment to a solid economic future based on growth and hard work, the tribe has passed a tribal government resolution to prohibit gaming on the 240-acre parcel. This makes it clear that the tribe will not carry out gaming activities on the lands proposed for transfer. To reflect this, H.R. 854 includes a specific prohibition on gaming.

Because of this, I am pleased to say that H.R. 854 has strong support in my district, with backing from the Mono County government and local community, as well as from numerous California Indian tribal governments and organizations.

Finally, I am pleased to be able to say that no Federal funds will be necessary to accomplish the proposed land transfer in this legislation. In short, Mr. Speaker, this bill is an example of that bird we see too rarely around here these days: A "win-win" proposition.

In closing, Mr. Speaker, I'd like to commend the efforts of all the members of the Utu Utu Gwaitu Paiute Tribe, and in particular, I'd like to praise Chairman Joseph Saulque.

Chairman Saulque has been an advocate for Indian people for more than three decades and is one of the most long-serving tribal leaders in California. His outstanding work, particularly in the fields of Indian health and education, has made a tremendous difference in improving the lives of generations of California Indians.

It has been my pleasure to work with Chairman Saulque and the Utu Utu Gwaitu Paiute Tribe over the last 4 years and I want to thank them for their part in helping to make this bill possible.

With that, Mr. Speaker, I urge my colleagues to support H.R. 854.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield back the balance of my time and urge passage of the legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 854, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1430

MUSCONETCONG WILD AND SCENIC RIVERS ACT

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1307) to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Musconetcong Wild and Scenic Rivers Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, is conducting a study of the eligibility and suitability of the Musconetcong River in the State of New Jersey for inclusion in the Wild and Scenic Rivers System.

(2) The Musconetcong Wild and Scenic River Study Task Force has prepared, with assistance from the National Park Service, a river management plan for the study area entitled "Musconetcong River Management Plan" and dated April 2003, which establishes goals and actions that will ensure long-term protection of the outstanding values of the river and compatible management of land and water resources associated with the river.

(3) Thirteen municipalities and three counties along segments of the Musconetcong River eligible for designation have passed resolutions supporting the Musconetcong River Management Plan, agreeing to take action to implement the goals of the plan, and endorsing designation of the river.

SEC. 3. DESIGNATION OF PORTIONS OF MUSCONETCONG RIVER, NEW JERSEY, AS SCENIC AND RECREATIONAL RIVERS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"(167) MUSCONETCONG RIVER, NEW JERSEY.—(A) The 24.2 miles of river segments in New Jersey, to be administered by the Secretary of the Interior, consisting of—

"(i) the segment from Saxton Falls to the Route 46 bridge (approximately 3.5 miles), as a scenic river; and

"(ii) the segment from the Kings Highway bridge to the railroad tunnels at Musconetcong Gorge (approximately 20.7 miles), as a recreational river.

"(B) Notwithstanding section 10(c), the river segments referred to in subparagraph (A) shall not be administered as part of the National Park System.".

(b) MANAGEMENT OF SEGMENTS.—

(1) COMPLIANCE WITH MANAGEMENT PLAN.—The Secretary of the Interior shall manage the segments of the Musconetcong River, New Jersey, designated as a scenic river or recreational river by the amendment made by subsection (a) in accordance with the river management plan entitled "Musconetcong River Management Plan" and dated April 2002, prepared by the Musconetcong River Management Committee, the National Park Service, the Heritage Conservancy, and the Musconetcong Watershed Association, which establishes goals and actions that will ensure long-term protection of the outstanding values of the river segments and compatible management of land and water resources associated with the river segments.

(2) COOPERATION.—The Secretary shall manage the river segments in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the Musconetcong River Management Committee;

(B) the Musconetcong Watershed Association;

(C) the Heritage Conservancy;

(D) the National Park Service; and

(E) the New Jersey Department of Environmental Protection.

(c) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan for the river segments under subsection 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) FEDERAL ROLE.—

(1) RESTRICTIONS ON WATER RESOURCE PROJECTS.—In determining under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) whether a proposed water resources project would have a direct and adverse effect on the values for which a river segment is designated as part of the Wild and Scenic Rivers System, the Secretary shall consider the extent to which the project is consistent with the management plan.

(2) COOPERATIVE AGREEMENTS.—Any cooperative agreements entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to a river segment—

(A) shall be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the river segment.

(3) SUPPORT FOR IMPLEMENTATION.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(e) LAND MANAGEMENT.—

(1) IN GENERAL.—The Secretary may provide planning, financial, and technical assistance to local municipalities and nonprofit organizations to assist in the implementation of actions to protect the natural and historic resources of the river segments.

(2) PLAN REQUIREMENTS.—After adoption of recommendations made in section IV of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(f) DESIGNATION OF ADDITIONAL RIVER SEGMENT.—

(1) FINDING.—Congress finds that the Musconetcong River segment "C", as described in the management plan, is suitable for designation as a recreational river pursuant to this subsection if the Secretary determines that there is adequate local support for the designation.

(2) DESIGNATION AND ADMINISTRATION.—If the Secretary determines that there is adequate local support for designating the additional river segment as a recreational river—

(A) the Secretary shall publish in the Federal Register a notice of the designation of the segment;

(B) the segment shall thereby be designated as a recreational river in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(C) the Secretary shall administer the additional river segment as a recreational river.

(3) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of the additional river segment, the Secretary shall consider, among other things, the preferences of local governments expressed in resolutions concerning designation of the segment.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such funds as are necessary to carry out this section, including the amendment to the Wild and Scenic Rivers Act made by this section.

(h) DEFINITIONS.—In this section:

(1) ADDITIONAL RIVER SEGMENT.—The term "additional river segment" means Musconetcong River segment "C", as described in the management plan, from Hughesville Mill to the Delaware River Confluence (approximately 4.3 miles).

(2) MANAGEMENT PLAN.—The term "management plan" means the river management plan entitled "Musconetcong River Management Plan" and dated April 2002.

(3) RIVER SEGMENTS.—The term "river segments" means the segments of the Musconetcong River, New Jersey, designated as a scenic river or recreational river by the amendment made by subsection (a) in accordance with the management plan.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1307 introduced by Congressman SCOTT GARRETT of New Jersey designates two segments of the Musconetcong River, totaling 24.2 miles, as a component of the National Wild and Scenic Rivers System.

In 1992, residents of the Lower Musconetcong River Valley formed a not-for-profit organization committed to protecting the river. In 1995, the New Jersey Department of Environmental Protection recommended to the National Park Service that the river be included in the nationwide rivers inventory of candidate rivers for wild and scenic designation. Two years later, 18 river municipalities requested that the

Park Service study the river for its suitability for inclusion in the National Wild and Scenic Rivers System. In June of 2004, the Park Service found portions of the river suitable, and these sections have been included in H.R. 1307. I would urge my colleagues to support H.R. 1307.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has already explained the purpose of H.R. 1307, which was introduced by the gentleman from New Jersey, Representative SCOTT GARRETT. We support H.R. 1307, and have no objection to the adoption of the legislation by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, it is now my honor and privilege to yield such time as he may consume to the gentleman from New Jersey (Mr. GARRETT), who has put an incredible amount of work into this legislation to bring it forward and has been a dutiful and diligent lawmaker in that respect.

Mr. GARRETT of New Jersey. Mr. Speaker, I am proud to come to the floor today in support of our legislation, H.R. 1307, the Musconetcong Wild and Scenic Rivers Act. And I also commend the gentleman for his pronunciation of the Musconetcong River as well. It is not an easy river to designate.

I would also like to take this opportunity to thank the chairman, Chairman POMBO, and all of his staff from the Resources Committee for their help in bringing this bill forward. I appreciate all of their hard work and working along with our offices to that end. I would also like to extend my thanks as well to Majority Whip ROY BLUNT and the majority staff, and also the majority leader's office and his staff as well for helping us move things along and getting this legislation to the floor today.

The Musconetcong River is the largest New Jersey tributary to the Delaware River, which we are all familiar with. It is nestled in the heart of the New Jersey Highlands, and it contains a remarkably diverse array of natural and cultural resources. There are over 20 streams along the river, and they support wild trout populations and others. Residents can also enjoy the wonderful scenic views and plants and animal life that are now rare in other parts of New Jersey. The limestone geological features present in the Musconetcong River corridor are unique in the State of New Jersey. And the steep slopes and the forested regions in the upper segments of the river corridor contrast with the historic villages, the pastures, and the rolling agricultural lands that are in the middle and lower end of the valley.

Since the early 1990s, the residents of the river valley have been organizing, coming together to protect this cherished natural treasure, and so the bill before us today represents the works of many individuals over a 15-year period.

So I would like to take this moment to especially thank a couple of those individuals. I would like to thank Susan Dickey, who is chairwoman of the Musconetcong Advisory Committee; and also Beth Styler Barry, she is the executive director of the Musconetcong Watershed Association, for both of their tireless working in constructing this legislation and lobbying to help to get it along its way.

This bill does enjoy broad bipartisan support of all the entire New Jersey congressional delegation, 18 municipalities along the river, and also the National Park Service. Now, New Jersey already is the most densely populated State in the country, featuring growing exurbs which continue to put pressure on the remaining very small wild spaces in New Jersey. While this legislation will not freeze development in that area, it will work to preserve the existing character of the river, a character of true beauty and recreational enjoyment.

The Musconetcong River Management Plan called for in this legislation was developed cooperatively, and it calls for a management framework that acknowledges the importance and preferences for local leadership and the additional preferences and protections afforded by a national wild and scenic river designation. A key principle of the management framework as proposed in this plan is the existing institutions which will continue to play a primary role in the long-term protection of the Musconetcong River.

Again, I would like to thank the gentleman; I would like to thank the chairman for his support and the Speaker for bringing this bill to a vote. H.R. 1307 will ensure that the residents of New Jersey can continue to enjoy the Musconetcong River for its hiking, its canoeing, and fishing along into the future. And I also would like to invite the chairman, for his next backpack trip that he makes, to come and join us along the Musconetcong River in New Jersey.

Mr. WALDEN of Oregon. I would like to thank the gentleman from New Jersey. I would look forward to that opportunity to come see this river that you have spoken so highly of and have now sought to protect in this very special way. We appreciate again your diligence in this effort in bringing this bill forward.

Ms. BORDALLO. Mr. Speaker, I have no further speakers, we support the measure, and I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, indeed we have no further speakers, and I would yield back the balance of my time and encourage an "aye" vote on this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 1307, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CAHABA RIVER NATIONAL WILDLIFE REFUGE EXPANSION ACT

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4947) to expand the boundaries of the Cahaba River National Wildlife Refuge, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4947

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cahaba River National Wildlife Refuge Expansion Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) REFUGE.—The term "Refuge" means the Cahaba River National Wildlife Refuge and the lands and waters in such refuge in Bibb County, Alabama, as established by the Cahaba River National Wildlife Refuge Establishment Act (Public Law 106–331).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. EXPANSION OF BOUNDARIES.

(a) EXPANSION.—The boundaries of the Refuge are expanded to include land and water in Bibb County, Alabama, depicted as "Proposed National Wildlife Refuge Expansion Boundary" on the map entitled "Cahaba River NWR Expansion" and dated March 14, 2006.

(b) AVAILABILITY OF MAP.—The Secretary shall make the map referred to in subsection (a) available for inspection in appropriate offices of the United States Fish and Wildlife Service.

SEC. 4. ACQUISITION OF LAND AND WATER IN EXPANDED BOUNDARIES.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the land and water, and interests in land and water (including conservation easements), within the boundaries of the Refuge as expanded by this Act.

(b) MANNER OF ACQUISITION.—All acquisitions of land or waters under this section shall be made in a voluntary manner and shall not be the result of forced takings.

(c) INCLUSION IN REFUGE; ADMINISTRATION.—Any land, water, or interest acquired by the Secretary under this section—

(1) shall be part of the Refuge; and

(2) shall be administered by the Secretary in accordance with—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.);

(B) the Cahaba River National Wildlife Refuge Establishment Act; and

(C) this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to support H.R. 4947, introduced by our colleague, Congressman SPENCER BACHUS, to expand the boundaries of the Cahaba River National Wildlife Refuge in Bibb County, Alabama. This refuge was legislatively created in 2000, and it has done a remarkable job of conserving 64 rare and imperiled species and 131 species of fish. The Cahaba River is the longest free-flowing river in the State, and it may have the greatest fish biodiversity per mile of any river in the United States.

Under Congressman SPENCER BACHUS's legislation, an additional 3,600 acres would become eligible for acquisition. This would help to maximize the benefits of this refuge and ensure that unique plants like the beautiful Cahaba lily and the more than 60 other rare species survive in the future.

Mr. Speaker, H.R. 4947 proposes a modest increase in the size of the Cahaba River Refuge. It is enthusiastically supported by the local communities and the two major land owners. U.S. Steel and Forest Investment Associates have indicated that they are interested in being willing sellers in this expansion effort.

I want to compliment Congressman SPENCER BACHUS for his tireless effort and effective leadership on behalf of the Cahaba River National Wildlife Refuge, which is a very special place in rural Alabama; and I would urge an "aye" vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support this legislation that would authorize the 3,600-acre expansion of the Cahaba River National Wildlife Refuge located in Alabama. Witness testimony received during the May 10, 2006, Fisheries Subcommittee hearing on the bill demonstrated that the expansion of this refuge is essential towards ensuring the long-term protection of threatened forested bottom-land habitat and preservation of the river's unrivaled aquatic biodiversity.

Mr. Speaker, I urge Members to support this worthy bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I thank the leadership, Chairman POMBO, Subcommittee Chairman GILCHREST and Ranking Member PALLONE for allowing the House to consider this legislation. The bill before us today, H.R. 4947, represents a 2nd major step by this Congress in protecting and preserving one of the most biologically diverse areas of the United States.

In 2000, I introduced the legislation that created the Cahaba River National Wildlife Refuge. That bill passed this Congress and was signed into law. Since that time, each year the Appropriations Committee has dedicated funding for land acquisition. The initial 3,500 acres authorized in that bill have been completely purchased by the U.S. Fish and Wildlife Service.

The strong support of local elected officials and property owners, coupled with that of many environmental organizations such as The Nature Conservancy, The Cahaba River Society, and The Land Trust has fostered plans to expand the existing boundaries of The Cahaba River National Wildlife Refuge.

Alabama is the 5th most biologically diverse State in the country, but it also has the unfortunate distinction of being the most extinction-prone State in the continental United States, with at least 98 species extinct. The Cahaba River basin alone supports 69 rare and imperiled species. The river is recognized nationally for its unique biological diversity; the Cahaba Shiner, a federally endangered species is just one of more than 131 species of fish that call the Cahaba home. That is more species of fresh water fish than inhabit the entire State of California. The Cahaba's wealth of fish species is greater than any other river of its size in North America.

The Cahaba River also harbors the world's largest population of the imperiled shoals lily, known locally as the "Cahaba Lily." Recently a population of Cahaba pebble-snails was discovered in the refuge. Once thought to be extinct, this marked the first time this species had been seen since the 1960s, an accomplishment that can be attributed to the protection offered by the Cahaba's designation as a Wildlife Refuge.

The proposed expansion of the Cahaba River National Wildlife Refuge would:

Increase direct protection of the banks of the mainstem Cahaba River from the current 3.5 miles to approximately 8 miles, thereby giving additional protection to additional large populations of the globally imperiled shoals spider lily (aka Cahaba lily), and many other rare species.

Provide large enough areas of forest to support viable breeding populations of declining Neotropical migratory birds, both in the longleaf pine forests (e.g. Northern Bobwhite Quail, Brown-headed Nuthatch) and in hardwood forests (e.g. Swainson's Warbler, Louisiana Waterthrush, Acadian Flycatcher).

Provide significant increase in public access to the Cahaba River for canoeing, fishing and other riverine recreational activities.

Provide a significant increase in acreage available to the public for hunting, hiking, birding and other outdoor wildlife-based activities (Alabama has only about 3 percent public land, less than most other States in the Nation).

Provide a significant boost in revenue to Bibb County, one of the poorest counties in the Nation. Due to low prevailing property tax rates, the revenue to the County coffers from the Federal Refuge Revenue Sharing Program (payments in lieu of taxes) have averaged about $6 per acre per year (versus a yield of about $1 per acre per year as privately owned timberland).

H.R. 4947 authorizes the U.S. Fish and Wildlife Service to purchase up to an additional 3,600 acres of land and waters. This would double the number of protected acres of the Cahaba, all of which will be purchased from willing sellers. Protecting the land upstream from the original refuge will add to the buffer zone needed to shield this critical habitat and watershed.

The bill before us will help protect one of the greatest natural treasures in my State of Alabama and I urge a "yes" vote.

Mr. WALDEN of Oregon. Mr. Speaker, I yield back the balance of my time and encourage our Members to support this very important legislation brought to us by SPENCER BACHUS.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 4947, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING ESTABLISHMENT OF COMMEMORATIVE WORK TO HONOR BRIGADIER GENERAL FRANCIS MARION

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5057) to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion, as amended.

The Clerk read as follows

H.R. 5057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMEMORATIVE WORK TO HONOR BRIGADIER GENERAL FRANCIS MARION AND HIS FAMILY.

(a) FINDINGS.—The Congress finds that:

(1) Francis Marion was born in 1732 in St. John's Parish, Berkeley County, South Carolina. He married Mary Esther Videau on April 20th, 1786. Francis and Mary Esther Marion had no children, but raised a son of a relative as their own, and gave the child Francis Marion's name.

(2) Brigadier General Marion commanded the Williamsburg Militia Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines.

(3) Brigadier General Marion's tactics, which were unheard of in rules of warfare at the time, included lightning raids on British convoys, after which he and his forces would retreat into

the swamps to avoid capture. British Lieutenant Colonel Tarleton stated that "as for this damned old swamp fox, the devil himself could not catch him". Thus, the legend of the "Swamp Fox" was born.

(4) His victory at the Battle of Eutaw Springs in September of 1781 was officially recognized by Congress.

(5) Brigadier General Marion's troops are believed to be the first racially integrated force fighting for the United States, as his band was a mix of Whites, Blacks, both free and slave, and Native Americans.

(6) As a statesman, he represented his parish in the South Carolina senate as well as his State at the Constitutional Convention.

(7) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated Americans as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to Brigadier General Francis Marion for his bravery and leadership during the Revolutionary War, without which the United States would not exist.

(8) Brigadier General Marion's legacy must live on. At present, and since 1878, United States Reservation 18 has been officially referred to as Marion Park. Located between 4th and 6th Streets, S.E., at the intersection of E Street and South Carolina Avenue, S.E., in Washington, DC, the park lacks a formal commemoration to this South Carolina hero who was important to the initiation of the Nation's heritage.

(9) The time has come to correct this oversight so that future generations of Americans will know and understand the preeminent historical and lasting significance to the Nation of Brigadier General Marion's contributions. Such a South Carolina hero deserves to be given the proper recognition.

(b) AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—The Marion Park Project, a committee of the Palmetto Conservation Foundation, may establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion and his service.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The commemorative work authorized by subsection (b) shall be established in accordance with chapter 89 of title 40, United States Code (commonly known as the Commemorative Works Act).

(d) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to pay any expense of the establishment of the commemorative work authorized by subsection (b). The Marion Park Project, a committee of the Palmetto Conservation Foundation, shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of that commemorative work.

(e) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the commemorative work authorized by subsection (b) (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the authority for the commemorative work under chapter 89 of title 40, United States Code, there remains a balance of funds received for the establishment of that commemorative work, the Marion Park Project, a committee of the Palmetto Conservation Foundation, shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of such title.

(f) DEFINITIONS.—For the purposes of this section, the terms "commemorative work" and "the District of Columbia and its environs" have the meanings given to such terms in section 8902(a) of title 40, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5057 introduced by Congressman JOE WILSON of South Carolina would authorize the Marion Park Project to establish a commemorative work on Federal land in the District of Columbia to honor Brigadier General Francis Marion. General Francis Marion, known as The Swamp Fox, was a Revolutionary War officer from South Carolina. He led a band of irregular fighters in the back- and low-country swamps of South Carolina to fight the British troops under Lord Cornwallis. He is generally credited as the father of guerilla warfare.

Marion Park in the District of Columbia is named after the famous general; however, there is very little recognition of the man himself at the park. The Marion Park Project was established in partnership with the nonprofit Palmetto Conservation Foundation with the goal of placing a monument to General Marion at the park. The group has coordinated this effort with the National Park Service and is now seeking authorization from Congress so the project may move forward. No Federal funds will be authorized for the establishment of the commemorative work, and the Marion Park Project will be responsible for raising the funds.

Finally, I would like to recognize the work of our colleague, Congressman WILSON, and the important contribution of Congressman HENRY BROWN in bringing this legislation to this House floor today, and I would urge my colleagues to support H.R. 5057.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

General Francis Marion, also known as The Swamp Fox, was a pivotal figure in the American Revolutionary War and is deserving of commemoration here in our Nation's capital.

No Federal funds will be used for this memorial project; and the design, the construction, and the maintenance will proceed pursuant to the Commemorative Works Act. Furthermore, while this memorial will be authorized for placement at a site here in Washington, DC, it will not be on the National Mall.

We support passage of H.R. 5057. The bill was introduced by my good friend from South Carolina, Congressman JOE WILSON.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today as a supporter and chief sponsor of H.R. 5057, the "Brigadier General Francis Marion Memorial Act." General Marion, more commonly known as The Swamp Fox, was a renowned patriot who represented my State of South Carolina and our fledgling Nation well with his brave service in the Revolutionary War. As a South Carolinian, I am proud his legacy has been honored with a memorial park here in Washington. This particularly is meaningful to me as General Marion and I share the heritage of French Hugenots who have contributed so much to American history. I am grateful that a statue of the Swamp Fox will be erected on its premises as an inspiration for our citizens. Passage of this bill is a crucial first step in making this dream a reality.

I would specifically like to thank Ken Driggers and Nancy Stone-Collum of the Palmetto Conservation Foundation, which serves as a conduit for the fundraising part of this process. Additionally, I would like to thank the South Carolina Humanities Council for supporting John McCabe, the enthusiastic histories who originally had the vision to honor the "Swamp Fox." John created the Francis Marion Park Project to assist in the fundraising and planning efforts, and I cannot be more pleased with the progress that has taken place. Also, the National Park Service deserves recognition for their guidance through this important process.

The entire South Carolina delegation, as well as Chairman RICHARD POMBO, have lent their support to this project. As such, I am confident our efforts will be successful.

In conclusion, God bless our troops and we will never forget September 11.

Mr. BROWN of South Carolina. Mr. Speaker, H.R. 5057 is an important bill for my constituents in South Carolina's First Congressional District.

General Francis Marion is an important part of the history of South Carolina and the national forest bearing his name is located within my Congressional District.

Francis Marion commanded the only Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines. General Marion's tactics, which were unheard of in rules of warfare at this time, commanded lightening raids on British convoys, and then he and his forces would retreat into the swamps to avoid capture. British General Tarleton stated that "as for this damned old swamp fox, the devil himself could not catch him." Thus, the legend of the "Swamp Fox" was born. His victory at the Battle of Eutaw Springs in September of 1771 was officially recognized by Congress.

H.R. 5057 seeks to authorize the Marion Park Project and the Committee of the Palmetto Conservation Foundation to establish a statue of General Francis Marion on Federal land in the District of Columbia in Marion Park at no Federal Government expense.

I was proud to work with Resources Chairman POMBO and National Parks Subcommittee Chairman PEARCE to assist in the passage of this bill through the committee not only for my constituents in South Carolina's First District but for all South Carolinians.

I urge all of my colleagues to support H.R. 5057.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield back the balance of my time and encourage my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 5057, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion.".

A motion to reconsider was laid on the table.

NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY TRANSFER ACT

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 310) to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada.

The Clerk read as follows:

S. 310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Newlands Project Headquarters and Maintenance Yard Facility Transfer Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the memorandum of agreement between the District and the Secretary identified as Contract No. 3-LC-20-805 and dated June 9, 2003.

(2) DISTRICT.—The term "District" means the Truckee-Carson Irrigation District in the State of Nevada.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY.

(a) CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act and in accordance with the Agreement and any applicable laws, the Secretary shall convey to the District all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) DESCRIPTION OF PROPERTY.—The real property referred to in paragraph (1) is the real property within the Newlands Projects, Nevada, that is—

(A) known as "2666 Harrigan Road, Fallon, Nevada"; and

(B) identified for disposition on the map entitled "Newlands Project Headquarters and Maintenance Yard Facility".

(b) CONSIDERATION.—Notwithstanding any other provision of law, amounts received by the United States for the lease or sale of Newlands Project land comprising the Fallon Freight Yard shall, for purposes of this section, be treated as consideration for the real property conveyed under subsection (a).

(c) REPORT.—If the Secretary has not completed the conveyance under subsection (a) within 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) explains the reasons why the conveyance has not been completed; and

(2) specifies the date by which the conveyance will be completed.

(d) ENVIRONMENTAL REVIEW, REMEDIATION, AND REMOVAL.—In accordance with the Agreement, the Secretary may not convey the real property under subsection (a) until—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable requirements relating to cultural resources have been complied with for the real property to be conveyed under subsection (a); and

(2) any required environmental site assessment, remediation, or removal has been completed with respect to the real property to be conveyed under subsection (a).

(e) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission by, or occurrence relating to, the District or any employee, agent, or contractor of the District with respect to the real property conveyed under subsection (a) that occurs before, on, or after the date of the conveyance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

☐ 1445

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Senate 310, introduced by Senator JOHN ENSIGN, transfers 35 acres of Federal land to the Truckee-Carson Irrigation District. This transfer, which includes the Newlands Project Headquarters and Maintenance Yard Facility, will allow the irrigation district to make permanent improvements on the property for the continued operations and maintenance of the facility. The bill also stipulates that environmental analyses, including those under the National Environmental Policy Act, must be completed prior to transfer.

Congressman JIM GIBBONS is the author of the House companion measure, H.R. 540, which passed the House of Representatives in May of 2005. He should be commended for his work and leadership on this issue. This legislation is a win for the local water users and a win for the American taxpayers.

I urge my colleagues to support this commonsense bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we on this side of the aisle have no objection to passage of S. 310. This simple and noncontroversial transfer of a small amount of real property has been adequately explained by the majority, and, in fact, this is the second time this measure has come before the House.

Mr. Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, despite the overwhelming enthusiastic support for this legislation, we have no other speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 310.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

DESIGNATING THE NEGRO LEAGUES BASEBALL MUSEUM IN KANSAS CITY, MISSOURI, AS AMERICA'S NATIONAL NEGRO LEAGUES BASEBALL MUSEUM

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 60) designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum.

The Clerk read as follows:

S. CON. RES. 60

Whereas the Negro Leagues Baseball Museum in Kansas City, Missouri, was founded in 1990, in honor of those individuals who played in the Negro Baseball Leagues as a result of segregation in America;

Whereas the Negro Leagues Baseball Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the players in the Negro Leagues from 1920 through 1970;

Whereas the Negro Leagues Baseball Museum project began in the 1980s, through a large scale, grass roots, civic and fundraising effort by citizens and baseball fans in the Kansas City metropolitan area;

Whereas the first Negro Leagues Baseball Museum was located at 1615 East 18th Street in the historic "18th and Vine District", which was designated by the city of Kansas City, Missouri, in 1988 as historic in nature and the birthplace of the Negro Leagues;

Whereas the current Negro Leagues Baseball Museum was opened at 1616 East 18th Street in 1997, with a dramatic expansion of core exhibition and gallery space and over 10,000 square feet of new interpretive and educational exhibits;

Whereas the Negro Leagues Baseball Museum continues to receive strong support from the residents of the Kansas City metropolitan area and annually entertains over 60,000 visitors from all 50 States, and numerous foreign countries;

Whereas there remains a need to preserve the evidence of honor, courage, sacrifice, and triumph in the face of segregation of those African Americans who played in the Negro Leagues;

Whereas the Negro Leagues Baseball Museum seeks to educate a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the participants in the Negro Leagues and the impact that segregation played in the lives of these individuals and their fans; and

Whereas a great opportunity exists to use the invaluable resources of the Negro Leagues Baseball Museum to teach the Nation's school children, through on-site visits, traveling exhibits, classroom curriculum, distance learning, and other educational initiatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the Negro Leagues Baseball Museum in Kansas City, Missouri, including the museums future and expanded exhibits, collections library, archives, artifacts and education programs as "America's National Negro Leagues Baseball Museum";

(2) supports the efforts of the Negro Leagues Baseball Museum to recognize and preserve the history of the Negro Leagues and the impact of segregation on our Nation;

(3) recognizes that the continued collection, preservation, and interpretation of the historical objects and other historical materials held by the Negro Leagues Baseball Museum enhances our knowledge and understanding of the experience of African Americans during legal segregation;

(4) commends the ongoing development and visibility of the "Power Alley" educational outreach program for teachers and students throughout the Nation sponsored by the Negro Leagues Baseball Museum;

(5) asks all Americans to join in celebrating the Negro Leagues Baseball Museum and its mission of preserving and interpreting the legacy of the Negro Leagues; and

(6) encourages present and future generations to understand the sensitive issues surrounding the Negro Leagues, how they helped shape our Nation and Major League Baseball, and how the sacrifices made by Negro League players helped make baseball America's national pastime.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Senate Concurrent Resolution 60, introduced by Senator TALENT, would designate the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum.

Because of racism and segregation laws that barred African Americans from playing baseball on major league teams in the first half of the 20th century, black baseball players were forced to form their own teams and the first Negro baseball league. Between 1920 and 1955, more than 70 teams played in these leagues. However, by the early 1960s, attendance dropped at Negro league games, and the last of the Negro league teams went out of business. Then, in 1990, the Negro Leagues Baseball Museum was established in Kansas City, Missouri, to preserve and interpret the history of the Negro leagues.

Although the National Baseball Hall of Fame recognizes the achievements of baseball's greatest players of all races, the Negro Leagues Museum tells the story of the black athletes who built a successful baseball league.

I urge adoption of the resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fact that the Negro Leagues ever existed in this country is a painful reminder of the dark days of legalized racism through segregation. However, the success of those leagues, the innovations begun in those leagues and the stars who played in those leagues are sources of great pride and inspiration.

National recognition for the Negro Leagues Baseball Museum in Kansas City, Missouri, is a fitting tribute to those who were involved in the Negro leagues and to the great work the museum is doing to preserve this important chapter in the story of America.

Furthermore, Mr. Speaker, Representative EMANUEL CLEAVER is to be commended as the sponsor of the House companion to this resolution. Representative CLEAVER's tireless efforts on behalf of this legislation were crucial in bringing this measure before the House today.

We support passage of Senate Concurrent Resolution 60.

Mr. Speaker, I yield back the balance of my time.

Mr. GRAVES. Mr. Speaker, I rise today to speak about Senate Concurrent Resolution 60, a resolution sponsored by my friend Senator TALENT, and agreed to by this body yesterday, that designates the Negro Leagues Baseball Museum in Kansas City as America's National Negro Leagues Baseball Museum. It was my pleasure to work with Chairman POMBO and the Resources Committee to bring this important resolution to the floor, and I thank the Chairman for his help and friendship.

Those of us familiar with the Negro Leagues Baseball Museum already think of it as America's museum, but the passage of this resolution makes that distinction official.

The Negro Leagues Baseball Museum was founded in 1990, and for its first four years of existence operated out of a one room office in the historic 18th and Vine District of Kansas City. Today it is a 10,000 square foot Museum, filled with historic memorabilia, sculptures, photographs, and other exhibits that pay tribute to some of baseball's greatest pioneers.

It is fitting that the Negro Leagues Baseball Museum is in Kansas City, Missouri, Mr. Speaker, because the Negro Leagues were officially organized in Kansas City during a meeting in 1920. Kansas City was also the home of the Negro Leagues' longest-running franchise—the Kansas City Monarchs—which sent more Negro Leagues players to Major League Baseball than any other Negro Leagues franchise.

From 1920 until the closure of the last teams in the early 1960s, countless greats excelled at America's pastime in the Negro Leagues, including Satchel Paige, Josh Gibson, James "Cool Papa" Bell, Ernie Banks, Hank Aaron, Jackie Robinson, and of course Mr. Speaker, John Jordan "Buck" O'Neil.

Mr. O'Neil is the current Chairman of the Board of the Negro Leagues Baseball Museum, and continues to work tirelessly at age 94. He has enjoyed an unparalleled career as a player, scout, manager, coach, and ambassador for baseball since 1937, and Buck O'Neil also selflessly interrupted his stellar professional baseball career to serve our country during World War II in the United States Navy.

It is ironic that this resolution came before the House for consideration a few days before Hall of Fame weekend in Cooperstown, New York. Several Negro Leagues players will be inducted into the Hall of Fame this weekend, but Buck O'Neil is tragically not among them. Mr. Speaker, I can think of no one more qualified for induction into the Hall of Fame than Buck O'Neil, but sadly that will not happen this weekend.

So, we must console ourselves in the knowledge that Buck O'Neil's passion—the Negro Leagues Baseball Museum—is granted official recognition by our nation with yesterday's passage of this concurrent resolution. I thank my colleagues for supporting this important measure, and I urge them to come to Kansas City and visit America's National Negro Leagues Baseball Museum.

Mr. WALDEN of Oregon. Mr. Speaker, I encourage that our Members support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 60.

The question was taken: and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ELECTRONIC DUCK STAMP ACT OF 2005

Mr. WALDEN of Oregon. Mr. Speaker. I move to suspend the rules and pass the Senate bill (S. 1496) to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

The Clerk read as follows

S. 1496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Duck Stamp Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) on March 16, 1934, Congress passed and President Roosevelt signed the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the "Duck Stamp Act"), which requires all migratory waterfowl hunters 16 years of age or older to buy a Federal migratory bird hunting and conservation stamp annually;

(2) the Federal Duck Stamp program has become one of the most popular and successful conservation programs ever initiated;

(3) because of that program, the United States again is teeming with migratory waterfowl and other wildlife that benefit from wetland habitats;

(4) as of the date of enactment of this Act, 1,700,000 migratory bird hunting and conservation stamps are sold each year;

(5) as of 2003, those stamps have generated more than $600,000,000 in revenue that has been used to preserve more than 5,000,000 acres of migratory waterfowl habitat in the United States; and

(6) many of the more than 540 national wildlife refuges have been paid for wholly or partially with that revenue.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACTUAL STAMP.—The term "actual stamp" means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the "Duck Stamp Act"), that is printed on paper and sold through a means in use immediately before the date of enactment of this Act.

(2) AUTOMATED LICENSING SYSTEM.—

(A) IN GENERAL.—The term "automated licensing system" means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION.—The term "automated licensing system" includes a point-of-sale, Internet, or telephonic system used for a purpose described in subparagraph (A).

(3) ELECTRONIC STAMP.—The term "electronic stamp" means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this Act, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under section 4(b).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. ELECTRONIC DUCK STAMP PILOT PROGRAM.

(a) REQUIREMENT TO CONDUCT PROGRAM.—The Secretary shall conduct a 3-year pilot program under which up to 15 States authorized by the Secretary may issue electronic stamps.

(b) COMMENCEMENT AND DURATION OF PROGRAM.—The Secretary shall—

(1) use all means necessary to expeditiously implement this section by the date that is 1 year after the beginning of the first full Federal migratory waterfowl hunting season after the date of enactment of this Act; and

(2) carry out the pilot program for 3 Federal migratory waterfowl hunting seasons.

(c) CONSULTATION.—The Secretary shall carry out the program in consultation with State management agencies.

SEC. 5. STATE APPLICATION.

(a) APPROVAL OF APPLICATION REQUIRED.—A State may not participate in the pilot program under this Act unless the Secretary has received and approved an application submitted by the State in accordance with this section.

(b) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

(1) a description of the format of the electronic stamp that the State will issue under the pilot program, including identifying features of the licensee that will be specified on the stamp;

(2) a description of any fee the State will charge for issuance of an electronic stamp;

(3) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(4) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(5) the manner by which actual stamps will be delivered;

(6) the policies and procedures under which the State will issue duplicate electronic stamps; and

(7) such other policies, procedures, and information as may be reasonably required by the Secretary.

(c) PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.—Not later than 30 days before the date on which the Secretary begins accepting applications for participation in the pilot program, the Secretary shall publish—

(1) deadlines for submission of applications to participate in the program;

(2) eligibility requirements for participation in the program; and

(3) criteria for selecting States to participate in the program.

SEC. 6. STATE OBLIGATIONS AND AUTHORITIES.

(a) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to whom a State sells an electronic stamp under the pilot program shall receive an actual stamp—

(1) by not later than the date on which the electronic stamp expires under section 7(c); and

(2) in a manner agreed upon by the State and Secretary.

(b) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.—

(1) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State participating in the pilot program to collect and submit to the Secretary in accordance with this section—

(A) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(B) the face value amount of each electronic stamp sold by the State; and

(C) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(2) TIME OF TRANSMITTAL.—The Secretary shall require the submission under paragraph (1) to be made with respect to sales of electronic stamps by a State occurring in a month—

(A) by not later than the 15th day of the subsequent month; or

(B) as otherwise specified in the application of the State approved by the Secretary under section 5.

(3) ADDITIONAL FEES NOT AFFECTED.—This section shall not apply to the State portion of any fee collected by a State under subsection (c).

(c) ELECTRONIC STAMP ISSUANCE FEE.—A State participating in the pilot program may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under the program, including costs of delivery of actual stamps.

(d) DUPLICATE ELECTRONIC STAMPS.—A State participating in the pilot program may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(e) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under the pilot program.

SEC. 7. ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.

(a) STAMP REQUIREMENTS.—The Secretary shall require an electronic stamp issued by a State under the pilot program—

(1) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(2) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(b) RECOGNITION OF ELECTRONIC STAMP.—Any electronic stamp issued by a State under the pilot program shall, during the effective period of the electronic stamp—

(1) bestow upon the licensee the same privileges as are bestowed by an actual stamp;

(2) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(3) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(c) DURATION.—An electronic stamp issued by a State under the pilot program shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

SEC. 8. TERMINATION OF STATE PARTICIPATION.

Participation by a State in the pilot program may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under section 5; and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

SEC. 9. EVALUATION.

(a) EVALUATION.—The Secretary, in consultation with State fish and wildlife management agencies and appropriate stakeholders with expertise specific to the duck stamp program, shall evaluate the pilot program and determine whether the pilot program has provided a cost-effective and convenient means for issuing migratory-bird hunting and conservation stamps, including whether the program has—

(1) increased the availability of those stamps;

(2) assisted States in meeting the customer service objectives of the States with respect to those stamps;

(3) maintained actual stamps as an effective and viable conservation tool; and

(4) maintained adequate retail availability of the actual stamp.

(b) REPORT.—The Secretary shall submit to Congress a report on the findings of the Secretary under subsection (a).

SEC. 10. TECHNICAL CORRECTIONS.

(a) PROHIBITION ON TAKING.—The first section of the Act of March 16, 1934 (16 U.S.C. 718a) is amended by striking “That no person who has attained the age of sixteen years” and all that follows through the end of the section and inserting the following:

“SECTION 1. PROHIBITION ON TAKING.

“(a) PROHIBITION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no individual who has attained the age of 16 years shall take any migratory waterfowl unless, at the time of the taking, the individual carries on the person of the individual a valid Migratory Bird Hunting and Conservation Stamp, validated by the signature of the individual written in ink across the face of the stamp prior to the time of the taking by the individual of the waterfowl.

“(2) EXCEPTION.—No stamp described in paragraph (1) shall be required for the taking of migratory waterfowl—

“(A) by Federal or State agencies;

“(B) for propagation; or

“(C) by the resident owner, tenant, or sharecropper of the property, or officially designated agencies of the Department of the Interior, for the killing, under such restrictions as the Secretary may by regulation prescribe, of such waterfowl when found damaging crops or other property.

“(b) DISPLAY OF STAMP.—Any individual to whom a stamp has been sold under this Act shall, upon request, display the stamp for inspection to—

“(1) any officer or employee of the Department of the Interior who is authorized to enforce this Act; or

“(2) any officer of any State or political subdivision of a State authorized to enforce State game laws.

“(c) OTHER LICENSES.—Nothing in this section requires any individual to affix the Migratory Bird Hunting and Conservation Stamp to any other license prior to taking 1 or more migratory waterfowl.”.

(b) SALES; FUND DISPOSITION; UNSOLD STAMPS.—Section 2 of the Act of March 16, 1934 (16 U.S.C. 718b) is amended by striking “SEC. 2.” and all that follows through the end of subsection (a) and inserting the following:

“SEC. 2. SALES; FUND DISPOSITION; UNSOLD STAMPS.

“(a) SALES.—

“(1) IN GENERAL.—The stamps required under section 1 shall be sold by the Postal Service and may be sold by the Department of the Interior, pursuant to regulations promulgated jointly by the Postal Service and the Secretary, at—

“(A) any post office; and

“(B) such other establishments, facilities, or locations as the Postal Service or the Secretary (or a designee) may direct or authorize.

“(2) PROCEEDS.—The funds received from the sale of stamps under this Act by the Department of the Interior shall be deposited in the Migratory Bird Conservation Fund in accordance with section 4.

“(3) MINIMUM AND MAXIMUM VALUES.—Except as provided in subsection (b), the Postal Service shall collect the full face value of each stamp sold under this section for the applicable hunting year.

“(4) VALIDITY.—No stamp sold under this Act shall be valid under any circumstances to authorize the taking of migratory waterfowl except—

“(A) in compliance with Federal and State laws (including regulations);

“(B) on the condition that the individual so taking the waterfowl wrote the signature of the individual in ink across the face of the stamp prior to the taking; and

“(C) during the hunting year for which the stamp was issued.

“(5) UNUSED STAMPS.—

“(A) DEFINITION OF RETAIL DEALER.—In this paragraph, the term ‘retail dealer’ means—

“(i) any individual or entity that is regularly engaged in the business of retailing hunting or fishing equipment; and

“(ii) any individual or entity duly authorized to act as an agent of a State or political subdivision of a State for the sale of State or county hunting or fishing licenses.

“(B) REDEMPTION OF UNUSED STAMPS.—The Department of the Interior, pursuant to regulations promulgated by the Secretary, shall provide for the redemption, on or before the 30th day of June of each year, of unused stamps issued for the year under this Act that—

“(i) were sold on consignment to any person authorized by the Secretary to sell stamps on consignment (including retail dealers for resale to customers); and

“(ii) have not been resold by any such person.

“(6) PROHIBITION ON CERTAIN STAMP SALES.—The Postal Service shall not—

“(A) sell on consignment any stamps issued under this Act to any individual, business, or organization; or

“(B) redeem stamps issued under this Act that are sold on consignment by the Secretary (or any agent of the Secretary).”.

(c) COST OF STAMPS.—Section 2(b) of the Act of March 16, 1934 (16 U.S.C. 718b(b)) is amended—

(1) by striking “(b) The” and inserting the following:

“(b) COST OF STAMPS.—The”;

(2) by striking “Secretary of the Interior” and inserting “Secretary”;

(3) by striking “migratory bird conservation fund” and inserting “Migratory Bird Conservation Fund”; and

(4) in paragraph (2), by striking “For purposes” and all that follows through “of any such year.”.

(d) AUTHORIZATION AND EXEMPTION.—Section 3 of the Act of March 16, 1934 (16 U.S.C. 718c) is amended by striking “SEC. 3. Nothing” and inserting the following:

“SEC. 3. AUTHORIZATION AND EXEMPTION.

“Nothing”.

(e) EXPENDITURE OF FUNDS.—Section 4 of the Act of March 16, 1934 (16 U.S.C. 718d) is amended—

(1) by redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively, and indenting appropriately;

(2) by striking “SEC. 4. All moneys” and all that follows through “expended:” and inserting the following:

“SEC. 4. EXPENDITURE OF FUNDS.

“(a) IN GENERAL.—All funds received for stamps sold under this Act shall be—

“(1) accounted for by the Postal Service or the Secretary, as appropriate;

“(2) paid into the Treasury of the United States; and

“(3) reserved and set aside as a special fund, to be known as the ‘Migratory Bird Conservation Fund’ (referred to in this section as the ‘fund’), to be administered by the Secretary.

“(b) USE OF FUNDS.—All funds received into the fund are appropriated for the following purposes, to remain available until expended:”;

(3) in subsection (b)(1) (as redesignated by paragraphs (1) and (2))—

(A) by striking “(1) So much” and all that follows through “for engraving” and inserting the following:

“(1) ADVANCE ALLOTMENTS.—So much as may be necessary shall be used by the Secretary for engraving”;

(B) by striking “migratory bird hunting stamps” and inserting “Migratory Bird Hunting and Conservation Stamps”;

(C) by striking “personal” and inserting “personnel”; and

(D) by striking “postal service” and inserting “Postal Service”;

(4) in subsection (b)(2) (as so redesignated)—

(A) by striking “(2) Except as provided in subsections (c) and (d) of this section” and inserting the following:

“(2) AREAS FOR REFUGES.—Except as provided in paragraph (3) and subsection (c)”; and

(B) by inserting “(16 U.S.C. 715 et seq.)” after “Conservation Act”;

(5) in subsection (b)(3) (as so redesignated)—

(A) by striking “(3) The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection,” and inserting the following:

“(3) CONDITIONS ON USE OF FUNDS.—The Secretary may use funds made available under paragraph (2) for the purposes of that paragraph, and such other funds as may be appropriated for the purposes of that paragraph or this paragraph,"; and

(B) in the second sentence—

(i) by inserting "(16 U.S.C. 715 et seq.)" after "Conservation Act"; and

(ii) by striking "this subsection" and inserting "this paragraph";

(6) by redesignating subsection (d) as subsection (c); and

(7) in subsection (c) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking "(1) The Secretary of the Interior may utilize" and inserting the following:

"(1) IN GENERAL.—The Secretary may use"; and

(ii) by striking "migratory bird hunting and conservation stamps" and inserting "Migratory Bird Hunting and Conservation Stamps"; and

(B) in paragraph (2), by striking "(2) The Secretary of the Interior" and inserting the following:

"(2) COMPONENTS OF REPORT.—The Secretary".

(f) LOANS AND TRANSFERS, ALTERATION, AND REPRODUCTION OF STAMPS.—Section 5 of the Act of March 16, 1934 (16 U.S.C. 718e) is amended—

(1) by striking "SEC. 5. (a) That no person to whom has been sold a migratory-bird hunting stamp," and inserting the following:

"SEC. 5. LOANS AND TRANSFERS, ALTERATION, AND REPRODUCTION OF STAMPS.

"(a) IN GENERAL.—No person to whom has been sold a Migratory Bird Hunting and Conservation Stamp,";

(2) in subsection (b), by striking "(b)" and all that follows through "shall alter" and inserting the following:

"(b) ALTERATION.—Except as provided in clauses (i) and (ii) of section 504(1)(D) of title 18, United States Code, no person shall alter";

(3) in subsection (c)—

(A) by striking "(c) Notwithstanding" and inserting the following:

"(c) REPRODUCTION.—Notwithstanding";

(B) by striking "Secretary of the Interior" each place it appears and inserting "Secretary"; and

(C) in the matter following paragraph (2)—

(i) by striking "migratory bird hunting stamps" and inserting "Migratory Bird Hunting and Conservation Stamps"; and

(ii) by striking "shall be paid into the migratory bird conservation fund" and inserting "shall be paid, after deducting expenses for marketing, into the Migratory Bird Conservation Fund".

(g) ENFORCEMENT.—Section 6 of the Act of March 16, 1934 (16 U.S.C. 718f) is amended—

(1) by striking "SEC. 6. For the efficient" and inserting the following:

"SEC. 6. ENFORCEMENT.

"For the efficient"; and

(2) in the first sentence—

(A) by striking "Secretary of Agriculture" and inserting "Secretary";

(B) by striking "Department of Agriculture" and inserting "Department of the Interior"; and

(C) by inserting "(16 U.S.C. 703 et seq.)" after "Treaty Act".

(h) VIOLATIONS; COOPERATION; USE OF CONTEST FEES; DEFINITIONS; SHORT TITLE.—The Act of March 16, 1934 is amended by striking sections 7 through 10 (16 U.S.C. 718g–718j) and inserting the following:

"SEC. 7. VIOLATIONS.

"Any person that violates or fails to comply with any provision of this Act (including a regulation promulgated under this Act) shall be subject to the penalties described in section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707).

"SEC. 8. COOPERATION.

"The Secretary is authorized to cooperate with the States and the territories and possessions of the United States in the enforcement of this Act.

"SEC. 9. USE OF CONTEST FEES.

"Notwithstanding any other provision of law, funds received by the United States Fish and Wildlife Service in the form of fees for entering any Migratory Bird Hunting and Conservation Stamp contest shall be credited—

"(1) first, to the appropriation account from which expenditures for the administration of the contest are made; and

"(2) second, to the extent any funds remain, to the Migratory Bird Conservation Fund.

"SEC. 10. DEFINITIONS.

"(a) IN GENERAL.—In this Act, the terms defined in the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) and the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) have the meanings given those terms in those Acts.

"(b) OTHER DEFINITIONS.—In this Act:

"(1) HUNTING YEAR.—The term 'hunting year' means the 1-year period beginning on July 1 of each year.

"(2) MIGRATORY WATERFOWL.—The term 'migratory waterfowl' means the species enumerated in paragraph (a) of subdivision 1 of article I of the Convention between the United States and Great Britain for the Protection of Migratory Birds, signed at Washington on August 16, 1916 (USTS 628) (16 U.S.C. 703 et seq.).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(4) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico;

"(D) Guam;

"(E) American Samoa;

"(F) the Commonwealth of the Northern Mariana Islands;

"(G) the Federated States of Micronesia;

"(H) the Republic of the Marshall Islands;

"(I) the Republic of Palau; and

"(J) the United States Virgin Islands.

"(5) TAKE.—The term 'take' means—

"(A) to pursue, hunt, shoot, capture, collect, or kill; or

"(B) to attempt to pursue, hunt, shoot, capture, collect, or kill.

"SEC. 11. SHORT TITLE.

"This Act may be cited as the 'Migratory Bird Hunting and Conservation Stamp Act'.".

(i) DISPOSITION OF UNSOLD STAMPS.—Section 3 of the Act of July 30, 1956 (Public Law 84–838; 70 Stat. 722), is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) in subsection (a) (16 U.S.C. 718b–1)—

(A) by striking "SEC. 3. (a) Hereafter" and all that follows through the end of the first sentence and inserting the following:

"SEC. 3. DISPOSITION OF UNSOLD STAMPS.

"(a) DISPOSITION OF UNSOLD STAMPS.—A Migratory Bird Hunting and Conservation Stamp shall be transferred to the Postal Service or the Secretary of the Interior (or a designee) for sale to a collector if the stamp—

"(1) has not been sold by the end of the hunting year (as that term is defined in section 10 of the Migratory Bird Hunting and Conservation Stamp Act) during which the stamp is issued; and

"(2) as determined by the Postal Service or the Secretary of the Interior—

"(A) is appropriate to supply a market for sale to collectors; and

"(B) is in suitable condition for sale to a collector."; and

(B) by striking the second sentence and inserting the following:

"(b) SURPLUS STOCK.—The Postal Service or the Secretary of the Interior may destroy any surplus stock of Migratory Bird Hunting and Conservation Stamps at such time and in such manner as the Postal Service or the Secretary of the Interior determines to be appropriate.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to support Senate 1496, the Electronic Duck Stamp Act. I would also like to compliment the author of this legislation, Senator MIKE CRAPO, and the sponsors of the House version, Congressmen RON KIND and CHIP PICKERING.

The first Federal duck stamp was issued in 1934. Since that time, hunters and wildlife art enthusiasts have purchased more than 122 million stamps that have produced more than $700 million in revenues. With those funds, the Migratory Bird Commission has conserved more than 5.2 million acres of land that have provided essential habitat for countless migratory birds.

Senate 1496 is a positive step in the right direction of bringing this program into the 21st century. Today, hunters and fishermen throughout the United States can obtain their necessary State licenses online. The Electronic Duck Stamp Act will direct the Secretary of the Interior to conduct a 3-year pilot program by allowing certain States to issue electronic Federal migratory bird stamps.

Under the terms of the bill, the Fish and Wildlife Service will approve the application of any interested States that will include the format of the stamp, a description of any processing fees, the process of delivering the actual printed duck stamp and the issuance of any duplicate stamps. In addition, the legislation contains safeguards to ensure customer satisfaction, the maintenance of traditional stamps and adequate retail availability of the actual stamp.

Senate 1496 is the result of successful negotiations between the U.S. Fish and Wildlife Service, the States and conservation organizations. It is a sound bill that will provide customer convenience without undermining the Federal duck stamp program. After the 3-year trial period, Congress can then decide whether to make the electronic duck stamps a permanent fixture.

With that, Mr. Speaker, I urge an "aye" vote on Senate 1496.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this legislation that would direct the Secretary of the Interior to initiate a pilot program to provide a convenient electronic option for waterfowl hunters to purchase their annual duck stamp, an icon in American conservation which since 1934 has generated over $700 million for waterfowl habitat acquisition and protection.

I applaud the sponsor of the House companion legislation, Congressman RON KIND, for his leadership on this issue and for his commonsense recognition that we should take advantage of modern technology to increase the availability and ease in acquiring duck stamps.

I also commend Mr. KIND for the great sensitivity he has shown in making sure that the pilot program created under this legislation will not undermine the artistic value of the paper stamps. These stamps will still be issued for sale, and we expect that they will continue to be cherished by stamp collectors and conservationists for many years to come.

This legislation also contains some overdue technical amendments to the Duck Stamp Act itself, which should provide helpful clarifications important in maintaining and enhancing this very popular program.

I urge Members to support this noncontroversial bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. GARRETT) for a colloquy.

Mr. GARRETT of New Jersey. Mr. Speaker, with regard to S. 1496, this program, my understanding, creates a 3-year pilot program to distribute Federal duck stamps electronically. Duck stamps are something which I am very familiar with and am completely in support of the overall program. These stamps are sold to hunters, conservationists and collectors, raising funds to acquire land in the national wildlife refuge system, which, in turn, are then beneficial to the duck hunters in my district and yours as well.

The question goes to the overall cost of this system and who will be paying for the system. Traditionally, under the duck stamp program, it is not a cost to the overall taxpayers of the country. Rather, it is those who enter in to select to buy the duck stamps themselves.

However, this is the point. CBO estimates that this bill will cost $750,000, or three-quarters of a million dollars, over the next 3 years to implement and that the fees authorized will not be sufficient to offset this cost. In light of this report from the CBO, can you assure us that the costs will be generated from the actual sale of the stamps, and can you point out where the error has been, therefore, in the CBO cost estimates in this program?

Mr. WALDEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Speaker, I appreciate the gentleman's question.

The CBO does estimate, indeed, that the implementing legislation would cost the Federal Government $750,000 over the next 3 years, assuming the availability of appropriated funds. However, this is also set up and estimates the Fish and Wildlife Service would spend $250,000 annually to carry out the 3-year project, again, assuming the availability of appropriated funds, but the legislation makes it very specific that they can recoup their costs as an administrative fee when they issue the duck stamp.

So it should become very self-supporting. Just as you referenced in the other program, they can actually add a cost to cover their administrative costs. We are just trying to simplify this, make it available online to duck hunters as an ease. They will still get the duck stamp in the mail, but we anticipate fully in the legislation the cost to be recovered by the users.

Mr. GARRETT of New Jersey. I do appreciate that.

So it is your understanding that there is, in essence, a base price for the stamp and then maybe perhaps, I will use the term supplemental cost, which will be the costs going on the sale over the Web or whatever the exchange is.

Mr. WALDEN of Oregon. That is my understanding, yes.

Mr. GARRETT of New Jersey. I apologize for being redundant on this point, is there something specific that I that can look back to specifically in the language that says that, that goes to that point?

Mr. WALDEN of Oregon. If the gentleman will suspend for a moment.

Mr. GARRETT of New Jersey. I think we are on the same page on this. I want to just make sure that it is revenue neutral.

Mr. WALDEN of Oregon. It is a several page bill. If we had had a little advance warning, we could have had it highlighted here.

Section 6(3)(c), Electronic Stamp Issuance Fee. A State participating in the pilot program may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under the program, including costs of delivery of actual stamps.

Does that clarify?

Mr. GARRETT of New Jersey. I thank you.

Mr. WALDEN of Oregon. Does that satisfy the gentleman's question then?

Mr. GARRETT of New Jersey. Yes.

Mr. WALDEN of Oregon. Very good.

Mr. KIND. Mr. Speaker, I rise today in support of S. 1496, the companion legislation to H.R. 1494 that Representative CHIP PICKERING and I authored, the Electronic Duck—or E-Duck—Stamp Act. This legislation has a simple purpose: To make it easier for duck hunters, stamp and wildlife art collectors, and conservationists to do the things they love. The bill does this by creating a pilot program in which 15 States, authorized by the Secretary of the Interior, may issue Federal duck stamps electronically.

Since its creation in 1934, the Federal Duck Stamp Program has become one of the most popular and successful conservation programs ever initiated. Because of it, our country is again teeming with migratory waterfowl and other wildlife that rely on wetland habitats. Today, roughly 1.7 million hunting and conservation stamps are sold each year. Recent data show that the sale of Federal duck stamps has generated more than $700,000,000 in revenue used to preserve over 5.2 million acres of migratory waterfowl habitat in the United States.

The E-Duck Stamp Act seeks to enhance the strong legacy of this important conservation program. Under this bill, hunters will, for the first time, be able to purchase duck stamps on-line in a safe, easy, and convenient manner. People living in rural areas, like mine in western Wisconsin, will no longer have to gas up the truck to buy a stamp, and instead can double-click their mouse and be ready to go hunt. More importantly, it provides this new alternative while protecting the legacy that the great duck stamp artist ding darling left us by taking explicit measures to ensure the future of the actual stamp—miniature works of art from some of our country's best wildlife artists.

I would like to thank both Ducks Unlimited and the International Association of Fish and Wildlife Agencies in crafting this bill. I appreciate their strong commitment to the Federal Duck Stamp Program and their input into the creation of this legislation. Additionally, I would like to thank everyone on resources staff and the Congressional Sportsmen's Caucus for all their hard work on this legislation. I look forward to continuing our work together to implement this program once it becomes law.

I urge all my colleagues to support S. 1496.

Ms. BORDALLO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I encourage my colleagues to support S. 1496, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 1496.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HENSARLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

☐ 1500

NATIONAL HERITAGE AREAS ACT OF 2006

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 203) to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes, as amended.

The Clerk read as follows:

S. 203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Heritage Areas Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SODA ASH ROYALTY REDUCTION

Sec. 101. Short title.
Sec. 102. Reduction in royalty rate on soda ash.
Sec. 103. Study.

TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

Subtitle A—Northern Rio Grande National Heritage Area

Sec. 201. Short title.
Sec. 202. Congressional findings.
Sec. 203. Definitions.
Sec. 204. Northern Rio Grande National Heritage Area.
Sec. 205. Authority and duties of the Management Entity.
Sec. 206. Duties of the Secretary.
Sec. 207. Private property protections; savings provisions.
Sec. 208. Sunset.
Sec. 209. Authorization of appropriations.

Subtitle B—Atchafalaya National Heritage Area

Sec. 211. Short title.
Sec. 212. Definitions.
Sec. 213. Atchafalaya National Heritage Area.
Sec. 214. Authorities and duties of the local coordinating entity.
Sec. 215. Management Plan.
Sec. 216. Requirements for inclusion of private property.
Sec. 217. Private property protection.
Sec. 218. Effect of subtitle.
Sec. 219. Reports.
Sec. 220. Authorization of appropriations.
Sec. 221. Termination of authority.

Subtitle C—Arabia Mountain National Heritage Area

Sec. 231. Short title.
Sec. 232. Findings and purposes.
Sec. 233. Definitions.
Sec. 234. Arabia Mountain National Heritage Area.
Sec. 235. Authorities and duties of the local coordinating entity.
Sec. 236. Management Plan.
Sec. 237. Technical and financial assistance.
Sec. 238. Effect on certain authority.
Sec. 239. Authorization of appropriations.
Sec. 240. Termination of authority.
Sec. 241. Requirements for inclusion of private property.
Sec. 242. Private property protection.

Subtitle D—Mormon Pioneer National Heritage Area

Sec. 251. Short title.
Sec. 252. Findings and purpose.
Sec. 253. Definitions.
Sec. 254. Mormon Pioneer National Heritage Area.
Sec. 255. Designation of Alliance as local coordinating entity.
Sec. 256. Management of the Heritage Area.
Sec. 257. Duties and authorities of Federal agencies.
Sec. 258A. Requirements for inclusion of private property.
Sec. 258B. Private property protection.
Sec. 259. Authorization of appropriations.
Sec. 260. Termination of authority.

Subtitle E—Freedom's Frontier National Heritage Area

Sec. 261. Short title.
Sec. 262. Purpose.
Sec. 263. Definitions.
Sec. 264. Freedom's Frontier National Heritage Area.
Sec. 265. Technical and financial assistance; other Federal agencies.
Sec. 266. Private property protection.
Sec. 267. Savings provisions.
Sec. 268. Authorization of appropriations.
Sec. 269. Termination of authority.

Subtitle F—Upper Housatonic Valley National Heritage Area

Sec. 271. Short title.
Sec. 272. Findings and purposes.
Sec. 273. Definitions.
Sec. 274. Upper Housatonic Valley National Heritage Area.
Sec. 275. Authorities, prohibitions, and duties of the Management Entity.
Sec. 276. Management Plan.
Sec. 277. Duties and authorities of the Secretary.
Sec. 278. Duties of other Federal agencies.
Sec. 279. Requirements for inclusion of private property.
Sec. 280. Private property protection.
Sec. 280A. Authorization of appropriations.
Sec. 280B. Sunset.

Subtitle G—Champlain Valley National Heritage Partnership

Sec. 281. Short title.
Sec. 282. Findings and purposes.
Sec. 283. Definitions.
Sec. 284. Heritage Partnership.
Sec. 285. Requirements for inclusion of private property.
Sec. 286. Private property protection.
Sec. 287. Effect.
Sec. 288. Authorization of appropriations.
Sec. 109. Termination of authority.

Subtitle H—Great Basin National Heritage Route

Sec. 291. Short title.
Sec. 291A. Findings and purposes.
Sec. 291B. Definitions.
Sec. 291C. Great Basin National Heritage Route.
Sec. 291D. Memorandum of understanding.
Sec. 291E. Management Plan.
Sec. 291F. Authority and duties of local coordinating entity.
Sec. 291G. Duties and authorities of Federal agencies.
Sec. 291H. Land use regulation; applicability of Federal law.
Sec. 291I. Authorization of appropriations.
Sec. 291J. Termination of authority.
Sec. 291K. Requirements for inclusion of private property.
Sec. 291L. Private property protection.

Subtitle I—Gullah/Geechee Heritage Corridor

Sec. 295. Short title.
Sec. 295A. Purposes.
Sec. 295B. Definitions.
Sec. 295C. Gullah/Geechee Cultural Heritage Corridor.
Sec. 295D. Gullah/Geechee Cultural Heritage Corridor Commission.
Sec. 295E. Operation of the local coordinating entity.
Sec. 295F. Management Plan.
Sec. 295G. Technical and financial assistance.
Sec. 295H. Duties of other Federal agencies.
Sec. 295I. Coastal Heritage Centers.
Sec. 295J. Private property protection.
Sec. 295K. Authorization of appropriations.
Sec. 295L. Termination of authority.

Subtitle J—Crossroads of the American Revolution National Heritage Area

Sec. 297. Short title.
Sec. 297A. Findings and purposes.
Sec. 297B. Definitions.
Sec. 297C. Crossroads of the American Revolution National Heritage Area.
Sec. 297D. Management Plan.
Sec. 297E. Authorities, duties, and prohibitions applicable to the local coordinating entity.
Sec. 297F. Technical and financial assistance; other Federal agencies.
Sec. 297G. Authorization of appropriations.
Sec. 297H. Termination of authority.
Sec. 297I. Requirements for inclusion of private property.
Sec. 297J. Private property protection.

TITLE III—NATIONAL HERITAGE AREA STUDIES

Subtitle A—Western Reserve Heritage Area Study

Sec. 301. Short title.
Sec. 302. National Park Service study regarding the Western Reserve, Ohio.

Subtitle B—St. Croix National Heritage Area Study

Sec. 311. Short title.
Sec. 312. Study.

Subtitle C—Southern Campaign of the Revolution

Sec. 321. Short title.
Sec. 322. Southern Campaign of the Revolution Heritage Area study.
Sec. 323. Private property.

TITLE IV—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT AMENDMENTS

Sec. 401. Short title.
Sec. 402. Transition and provisions for new local coordinating entity.
Sec. 403. Private property protection.
Sec. 404. Technical amendments.

TITLE V—MOKELUMNE RIVER FEASIBILITY STUDY

Sec. 501. Authorization of Mokelumne River Regional Water Storage and Conjunctive Use Project Study.

Sec. 502. Use of reports and other information.
Sec. 503. Cost shares.
Sec. 504. Water rights.
Sec. 505. Authorization of appropriations.

TITLE VI—DELAWARE NATIONAL COASTAL SPECIAL RESOURCES STUDY

Sec. 601. Short title.
Sec. 602. Study.
Sec. 603. Themes.
Sec. 604. Report.

TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION

Sec. 701. Short title.
Sec. 702. John H. Chafee Blackstone River Valley National Heritage Corridor.

TITLE VIII—CALIFORNIA RECLAMATION GROUNDWATER REMEDIATION INITIATIVE

Sec. 801. Short title.
Sec. 802. Definitions.
Sec. 803. California basins remediation.
Sec. 804. Sunset of authority.

TITLE IX—NATIONAL COAL HERITAGE AREA

Sec. 901. National Coal Heritage Area amendments.

TITLE I—SODA ASH ROYALTY REDUCTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Soda Ash Royalty Reduction Act of 2006".

SEC. 102. REDUCTION IN ROYALTY RATE ON SODA ASH.

Notwithstanding section 102(a)(9) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 5-year period beginning on the date of enactment of this Act shall be 2 percent.

SEC. 103. STUDY.

After the end of the 4-year period beginning on the date of enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to Congress on the effects of the royalty reduction under this title, including—

(1) the amount of sodium compounds and related products at the point of shipment to market from Federal land during that 4-year period;

(2) the number of jobs that have been created or maintained during the royalty reduction period;

(3) the total amount of royalty paid to the United States on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market produced during that 4-year period, and the portion of such royalty paid to States; and

(4) a recommendation of whether the reduced royalty rate should apply after the end of the 5-year period beginning on the date of enactment of this Act.

TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

Subtitle A—Northern Rio Grande National Heritage Area

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "Northern Rio Grande National Heritage Area Act".

SEC. 202. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including 8 Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

SEC. 203. DEFINITIONS.

As used in this subtitle—

(1) the term "heritage area" means the Northern Rio Grande Heritage Area; and

(2) the term "Secretary" means the Secretary of the Interior.

SEC. 204. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) MANAGEMENT ENTITY.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos, and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

SEC. 205. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this subtitle.

(4) If the management entity fails to submit a management plan to the secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this subtitle until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) AUTHORITY.—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) DUTIES.—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(3) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sits in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this subtitle, consistent with the management plan.

(d) PROHIBITION ON ACQUIRING REAL PROPERTY.—The management entity may not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(e) PUBLIC MEETINGS.—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) ANNUAL REPORTS AND AUDITS.—

(1) For any year in which the management entity receives Federal funds under this subtitle, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 206. DUTIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

SEC. 207. PRIVATE PROPERTY PROTECTIONS; SAVINGS PROVISIONS.

(a) PRIVATE PROPERTY PROTECTION.—

(1) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation or promotion to the management entity.

(2) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the heritage area, shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

(3) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(4) LIABILITY.—Designation of the heritage area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(5) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(6) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the heritage area to participate in or be associated with the heritage area.

(b) EFFECT OF ESTABLISHMENT.—The boundaries designated for the heritage area represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the heritage area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the heritage area or its viewshed by the Secretary, the National Park Service, or the management entity.

(c) TRIBAL LANDS.—Nothing in this subtitle shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(d) TRUST RESPONSIBILITIES.—Nothing in this subtitle shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

SEC. 208. SUNSET.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

Subtitle B—Atchafalaya National Heritage Area

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Atchafalaya National Heritage Area Act".

SEC. 212. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term "Heritage Area" means the Atchafalaya National Heritage Area established by section 213(a).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 213(c).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 215.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Louisiana.

SEC. 213. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Atchafalaya National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, East Baton Rouge, and Ascension Parish.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) COMPOSITION.—The local coordinating entity shall be composed of 14 members appointed by the governing authority of each parish within the Heritage Area.

SEC. 214. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For the purposes of developing and implementing the management plan and otherwise carrying out this subtitle, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this subtitle, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

(B) the expenses and income of the local coordinating entity.

(c) ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly.

SEC. 215. MANAGEMENT PLAN.

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) CONTENTS.—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this subtitle;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Area is submitted to the Secretary.

(e) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) Deadline for approval of revision.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) Revision.—

(1) In general.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) Expenditure of funds.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 216. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) Notification and Consent of Property Owners Required.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent to the local coordinating entity for such preservation, conservation, or promotion.

(b) Landowner Withdrawal.—Any owner of private property included within the boundary of the Heritage Area shall have that private property immediately removed from the boundary by submitting a written request to the local coordinating entity.

SEC. 217. PRIVATE PROPERTY PROTECTION.

(a) Access to Private Property.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) Liability.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on that private property.

(c) Participation of Private Property Owners in Heritage Area.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

SEC. 218. EFFECT OF SUBTITLE.

Nothing in this subtitle or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

SEC. 219. REPORTS.

For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

SEC. 220. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) Cost-Sharing Requirement.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent unless the Secretary determines that no reasonable means are available through which the local coordinating entity can meet its cost sharing requirement for that activity.

SEC. 221. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance to the local coordinating entity under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle C—Arabia Mountain National Heritage Area

SEC. 231. SHORT TITLE.

This subtitle may be cited as the "Arabia Mountain National Heritage Area Act".

SEC. 232. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) Purposes.—The purposes of this subtitle are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 233. DEFINITIONS.

In this subtitle:

(1) Heritage area.—The term "heritage area" means the Arabia Mountain National Heritage Area established by section 234(a).

(2) Local coordinating entity.—The term "local coordinating entity" means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) Management plan.—The term "management plan" means the management plan for the heritage area developed under section 236.

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

(5) State.—The term "State" means the State of Georgia.

SEC. 234. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) Establishment.—There is established the Arabia Mountain National Heritage Area in the State.

(b) Boundaries.—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled "Arabia Mountain National Heritage Area", numbered AMNHA-80,000, and dated October 2003.

(c) Availability of Map.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) Local Coordinating Entity.—The Arabia Mountain Heritage Area Alliance shall be the local coordinating entity for the heritage area.

SEC. 235. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) Authorities.—For purposes of developing and implementing the management plan, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The local coordinating entity shall develop and submit to the Secretary the management plan.

(B) CONSIDERATIONS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) PRIORITIES.—The local coordinating entity shall give priority to implementing actions described in the management plan, including the following:

(A) Assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(B) Encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(3) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) ANNUAL REPORT.—For any year in which Federal funds have been made available under this title, the local coordinating entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the local coordinating entity.

(B) The expenses and income of the local coordinating entity.

(5) AUDIT.—The local coordinating entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The local coordinating entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 236. MANAGEMENT PLAN.

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) BASIS.—The management plan shall be based on the preferred concept in the document entitled "Arabia Mountain National Heritage Area Feasibility Study", dated February 28, 2001.

(c) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) REQUIREMENTS.—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this subtitle.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the local coordinating entity, including the membership and organizational structure of the local coordinating entity.

(e) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) REVISION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 237. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—At the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 238. EFFECT ON CERTAIN AUTHORITY.

(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this subtitle—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 234(b) but for the establishment of the heritage area by section 234(a); or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 234(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 234(a).

(b) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the local coordinating entity.

SEC. 239. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds made available under this subtitle shall not exceed 50 percent.

SEC. 240. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subsubtitle terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 241. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 242. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) Liability.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) Recognition of Authority to Control Land Use.—Nothing in this subtitle shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) Participation of Private Property Owners in Heritage Area.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) Effect of Establishment.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this subtitle may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

Subtitle D—Mormon Pioneer National Heritage Area

SEC. 251. SHORT TITLE.

This subtitle may be cited as the "Mormon Pioneer National Heritage Area Act".

SEC. 252. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(2) in the area starting along the Highway 89 corridor at the Arizona border, passing through Kane, Garfield, Piute, Sevier, Wayne, and Sanpete Counties in the State of Utah, and terminating in Fairview, Utah, there are a variety of heritage resources that demonstrate—

(A) the colonization of the western United States; and

(B) the expansion of the United States as a major world power;

(3) the great relocation to the western United States was facilitated by—

(A) the 1,400-mile trek from Illinois to the Great Salt Lake by the Mormon pioneers; and

(B) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho, the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern California, and areas along the eastern border of California;

(4) the 250-mile Highway 89 corridor from Kanab to Fairview, Utah, contains some of the best features of the Mormon colonization experience in the United States;

(5) the landscape, architecture, traditions, beliefs, folk life, products, and events along Highway 89 convey the heritage of the pioneer settlement;

(6) the Boulder Loop, Capitol Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area convey the compelling story of how early settlers—

(A) interacted with Native Americans; and

(B) established towns and cities in a harsh, yet spectacular, natural environment;

(7) the colonization and settlement of the Mormon settlers opened up vast amounts of natural resources, including coal, uranium, silver, gold, and copper;

(8) the Mormon colonization played a significant role in the history and progress of the development and settlement of the western United States; and

(9) the artisans, crafters, innkeepers, outfitters, farmers, ranchers, loggers, miners, historic landscape, customs, national parks, and architecture in the Heritage Area make the Heritage Area unique.

(b) Purpose.—The purpose of this subtitle is to establish the Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities in the State;

(2) empower communities in the State to conserve, preserve, and enhance the heritage of the communities while strengthening future economic opportunities;

(3) conserve, interpret, and develop the historical, cultural, natural, and recreational resources within the Heritage Area; and

(4) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the Heritage Area.

SEC. 253. DEFINITIONS.

In this subtitle:

(1) Alliance.—The term "Alliance" means the Utah Heritage Highway 89 Alliance.

(2) Heritage area.—The term "Heritage Area" means the Mormon Pioneer National Heritage Area established by section 254(a).

(3) Local coordinating entity.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 255(a).

(4) Management plan.—The term "management plan" means the plan developed by the local coordinating entity under section 256(a).

(5) Secretary.—The term "Secretary" means the Secretary of the Interior.

(6) State.—The term "State" means the State of Utah.

SEC. 254. MORMON PIONEER NATIONAL HERITAGE AREA.

(a) Establishment.—There is established the Mormon Pioneer National Heritage Area.

(b) Boundaries.—

(1) In general.—The boundaries of the Heritage Area shall include areas in the State —

(A) that are related to the corridors—

(i) from the Arizona border northward through Kanab, Utah, and to the intersection of Highway 89 and Highway 12, including Highway 12 and Highway 24 as those highways loop off Highway 89 and rejoin Highway 89 at Sigurd;

(ii) from Highway 89 at the intersection of Highway 12 through Panguitch, Junction, Marysvale, and Sevier County to Sigurd;

(iii) continuing northward along Highway 89 through Axtell and Sterling, Sanpete County, to Fairview, Sanpete County, at the junction with Utah Highway 31; and

(iv) continuing northward along Highway 89 through Fairview and Thistle Junction, to the junction with Highway 6; and

(B) including the following communities: Kanab, Mt. Carmel, Orderville, Glendale, Alton, Cannonville, Tropic, Henrieville, Escalante, Boulder, Teasdale, Fruita, Hanksville, Torrey, Bicknell, Loa, Hatch, Panquitch, Circleville, Antimony, Junction, Marysvale, Koosharem, Sevier, Joseph, Monroe, Elsinore, Richfield, Glenwood, Sigurd, Aurora, Salina, Mayfield, Sterling, Gunnison, Fayette, Manti, Ephraim, Spring City, Mt. Pleasant, Moroni, Fountain Green, and Fairview.er, Joseph, Monroe, Elsinore, Richfield, Glenwood, Sigurd, Aurora, Salina, Mayfield, Sterling, Gunnison, Fayette, Manti, Ephraim, Spring City, Mt. Pleasant, Moroni, Fountain Green, and Fairview.

(2) Map.—The Secretary shall prepare a map of the Heritage Area, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(3) Notice to local governments.—The local coordinating entity shall provide to the government of each city, town, and county that has jurisdiction over property proposed to be included in the Heritage Area written notice of the proposed inclusion.

(c) Administration.—The Heritage Area shall be administered in accordance with this subtitle.

SEC. 255. DESIGNATION OF ALLIANCE AS LOCAL COORDINATING ENTITY.

(a) In General.—The Board of Directors of the Alliance shall be the local coordinating entity for the Heritage Area.

(b) Federal Funding.—

(1) Authorization to receive funds.—The local coordinating entity may receive amounts made available to carry out this subtitle.

(2) Disqualification.—If a management plan is not submitted to the Secretary as required under section 256 within the time period specified in that section, the local coordinating entity may not receive Federal funding under this subtitle until a management plan is submitted to the Secretary.

(c) Use of Federal Funds.—The local coordinating entity may, for the purposes of developing and implementing the management plan, use Federal funds made available under this subtitle—

(1) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain funds from any source under any program or law requiring the recipient of funds to make a contribution in order to receive the funds; and

(5) to contract for goods and services.

(d) Prohibition of Acquisition of Real Property.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or any interest in real property.

SEC. 256. MANAGEMENT OF THE HERITAGE AREA.

(a) Heritage Area Management Plan.—

(1) Development and submission for review.—Not later than 3 years after the date on which funds are made available to carry out the subtitle, the local coordinating entity, with public participation, shall develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) Contents.—The management plan shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration Federal, State, county, and local plans;

(C) involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area;

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(F) include—

(i) an inventory of resources in the Heritage Area that—

(I) includes a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the historical, cultural, or natural significance of the property as the property relates to the themes of the Heritage Area; and

(II) does not include any property that is privately owned unless the owner of the property consents in writing to the inclusion;

(ii) a recommendation of policies for resource management that consider the application of appropriate land and water management techniques, including policies for the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability;

(iii) a program for implementation of the management plan, including plans for restoration and construction;

(iv) a description of any commitments that have been made by persons interested in management of the Heritage Area;

(v) an analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this subtitle; and

(vi) an interpretive plan for the Heritage Area.

(3) Approval or disapproval of the management plan.—

(A) In general.—Not later than 180 days after submission of the management plan by the local coordinating entity, the Secretary shall approve or disapprove the management plan.

(B) Disapproval and revisions.—

(i) In general.—If the Secretary disapproves the management plan, the Secretary shall—

(I) advise the local coordinating entity, in writing, of the reasons for the disapproval; and

(II) make recommendations for revision of the management plan.

(ii) Approval or disapproval.—The Secretary shall approve or disapprove proposed revisions to the management plan not later than 60 days after receipt of the revisions from the local coordinating entity.

(b) Priorities.—The local coordinating entity shall give priority to the implementation of actions, goals, and policies set forth in the management plan, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations in—

(A) conserving the historical, cultural, and natural resources of the Heritage Area;

(B) establishing and maintaining interpretive exhibits in the Heritage Area;

(C) developing recreational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for the historical, cultural, and natural resources of the Heritage Area;

(E) restoring historic buildings that are—

(i) located within the boundaries of the Heritage Area; and

(ii) related to the theme of the Heritage Area; and

(F) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means, including encouraging and soliciting the development of heritage products.

(c) Consideration of Interests of Local Groups.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse units of government, businesses, private property owners, and nonprofit organizations in the Heritage Area.

(d) Public Meetings.—The local coordinating entity shall conduct public meetings at least annually regarding the implementation of the management plan.

(e) Annual Reports.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the local coordinating entity;

(2) the expenses and income of the local coordinating entity; and

(3) the entities to which the local coordinating entity made any grants during the year for which the report is made.

(f) Cooperation With Audits.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall—

(1) make available for audit by Congress, the Secretary, and appropriate units of government all records and other information relating to the expenditure of the Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of the Federal funds by other organizations, that the receiving organizations make available for audit all records and other information relating to the expenditure of the Federal funds.

(g) Delegation.—

(1) In general.—The local coordinating entity may delegate the responsibilities and actions under this subtitle for each area identified in section 254(b)(1).

(2) Review.—All delegated responsibilities and actions are subject to review and approval by the local coordinating entity.

SEC. 257. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) Technical Assistance and Grants.—

(1) In general.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to—

(A) units of government, nonprofit organizations, and other persons, at the request of the local coordinating entity; and

(B) the local coordinating entity, for use in developing and implementing the management plan.

(2) Prohibition of certain requirements.—The Secretary may not, as a condition of the award of technical assistance or grants under this subtitle, require any recipient of the technical assistance or a grant to enact or modify any land use restriction.

(3) Determinations regarding assistance.—The Secretary shall determine whether a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of technical assistance—

(A) based on the extent to which the assistance—

(i) fulfills the objectives of the management plan; and

(ii) achieves the purposes of this subtitle; and

(B) after giving special consideration to projects that provide a greater leverage of Federal funds.

(b) Provision of Information.—In cooperation with other Federal agencies, the Secretary shall provide the public with information concerning the location and character of the Heritage Area.

(c) Other Assistance.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subtitle.

(d) Duties of Other Federal Agencies.—A Federal entity conducting any activity directly affecting the Heritage Area shall—

(1) consider the potential effect of the activity on the management plan; and

(2) consult with the local coordinating entity with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 258A. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) Notification and Consent of Property Owners Required.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) Landowner Withdraw.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 258B. PRIVATE PROPERTY PROTECTION.

(a) Access to Private Property.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) Liability.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) Recognition of Authority to Control Land Use.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) Participation of Private Property Owners in Heritage Area.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) Effect of Establishment.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 259. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) Federal Share.—The Federal share of the cost of any activity carried out using funds made available under this subtitle shall not exceed 50 percent.

SEC. 260. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle E—Freedom's Frontier National Heritage Area

SEC. 261. SHORT TITLE.

This subtitle may be cited as the "Freedom's Frontier National Heritage Area Act".

SEC. 262. PURPOSE.

The purpose of this subtitle is to use preservation, conservation, education, interpretation, and recreation in eastern Kansas and Western Missouri in heritage development and sustainability of the American story recognized by the American people.

SEC. 263. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term "Heritage Area" means the Freedom's Frontier National Heritage Area in eastern Kansas and western Missouri.

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means Territorial Kansas Heritage Alliance, recognized by the Secretary, in consultation with the Governors of the States, that agrees to perform the duties of a local coordinating entity under this subtitle, so long as that Alliance is composed of not less than 25 percent residents of Missouri.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 264(e).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means each of the States of Kansas and Missouri.

(6) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means the government of a State, a political subdivision of a State, or an Indian tribe.

SEC. 264. FREEDOM'S FRONTIER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the States the Freedom's Frontier National Heritage Area.

(b) BOUNDARIES.—The Heritage Area may include the following:

(1) An area located in eastern Kansas and western Missouri, consisting of—

(A) Allen, Anderson, Atchison, Bourbon, Chautauqua, Cherokee, Clay, Coffey, Crawford, Douglas, Franklin, Geary, Jackson, Johnson, Labette, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Riley, Shawnee, Wabaunsee, Wilson, Woodson, Jefferson, Montgomery, Osage, and Wyandotte Counties in Kansas; and

(B) Buchanan, Platte, Clay, Ray, Lafayette, Jackson, Cass, Johnson, Bates, Vernon, Barton, and St. Clair Counties in Missouri.

(2) Contributing sites, buildings, and districts within the area that are recommended by the management plan.

(c) MAP.—The final boundary of the Heritage Area within the counties identified in subsection (b)(1) shall be specified in the management plan. A map of the Heritage Area shall be included in the management plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be Territorial Kansas Heritage Alliance, a nonprofit organization established in the State of Kansas, recognized by the Secretary, in consultation with the Governors of the States, so long as that Alliance is composed of not less than 25 percent residents of Missouri and agrees to perform the duties of the local coordinating entity under this subtitle.

(2) AUTHORITIES.—For purposes of developing and implementing the management plan, the local coordinating entity may—

(A) make grants to, and enter into cooperative agreements with, the States, political subdivisions of the States, and private organizations;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary a management plan reviewed by participating units of local government within the boundaries of the proposed Heritage Area.

(2) CONTENTS.—The management plan shall—

(A) present a comprehensive program for the conservation, interpretation, funding, management, and development of the Heritage Area, in a manner consistent with the existing local, State, and Federal land use laws and compatible economic viability of the Heritage Area;

(B) establish criteria or standards to measure what is selected for conservation, interpretation, funding, management, and development;

(C) involve residents, public agencies, and private organizations working in the Heritage Area;

(D) specify and coordinate, as of the date of the management plan, existing and potential sources of technical and financial assistance under this and other Federal laws to protect, manage, and develop the Heritage Area; and

(E) include—

(i) actions to be undertaken by units of government and private organizations to protect, conserve, and interpret the resources of the Heritage Area;

(ii) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that meets the establishing criteria (such as, but not exclusive to, visitor readiness) to merit preservation, restoration, management, development, or maintenance because of its natural, cultural, historical, or recreational significance;

(iii) policies for resource management including the development of intergovernmental cooperative agreements, private sector agreements, or any combination thereof, to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(iv) a program for implementation of the management plan by the designated local coordinating entity, in cooperation with its partners and units of local government;

(v) evidence that relevant State, county, and local plans applicable to the Heritage Area have been taken into consideration;

(vi) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this subtitle; and

(vii) a business plan that—

(I) describes in detail the role, operation, financing, and functions of the local coordinating entity for each activity included in the recommendations contained in the management plan; and

(II) provides, to the satisfaction of the Secretary, adequate assurances that the local coordinating entity is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirement for grants awarded under this subtitle.

(3) CONSIDERATIONS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area.

(4) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall be ineligible to receive additional funding under this subtitle until the date on which the Secretary receives the proposed management plan.

(5) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove the proposed management plan submitted under this subtitle not later than 90 days after receiving such proposed management plan.

(6) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan, the Secretary shall advise the local coordinating entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(7) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve substantial amendments to the management plan. Funds appropriated under this subtitle may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

(8) IMPLEMENTATION.—

(A) PRIORITIES.—The local coordinating entity shall give priority to implementing actions described in the management plan, including—

(i) assisting units of government and nonprofit organizations in preserving resources within the Heritage Area; and

(ii) encouraging local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan.

(B) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan. Not less than 25 percent of the public meetings shall be conducted in Missouri.

(f) PUBLIC NOTICE.—The local coordinating entity shall place a notice of each of its public meetings in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

(g) ANNUAL REPORT.—For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

(h) AUDIT.—The local coordinating entity shall—

(1) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of the Federal funds and any matching funds.

(i) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—No Federal funds made available under this subtitle may be used to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this subtitle precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 265. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, and natural resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) SPENDING FOR NON-FEDERAL PROPERTY.—The local coordinating entity may expend Federal funds made available under this subtitle on non-Federal property that—

(A) meets the criteria in the approved management plan; or

(B) is listed or eligible for listing on the National Register of Historic Places.

(4) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal entity conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consider the potential effect of the activity on the purposes of the Heritage Area and the management plan;

(2) consult with the local coordinating entity regarding the activity; and

(3) to the maximum extent practicable, conduct or support the activity to avoid adverse effects on the Heritage Area.

(c) OTHER ASSISTANCE NOT AFFECTED.—This subtitle does not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(d) NOTIFICATION OF OTHER FEDERAL ACTIVITIES.—The head of each Federal agency shall provide to the Secretary and the local coordinating entity, to the extent practicable, advance notice of all activities that may have an impact on the Heritage Area.

SEC. 266. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREAS.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) LAND USE REGULATION.—

(1) IN GENERAL.—The local coordinating entity shall provide assistance and encouragement to State and local governments, private organizations, and persons to protect and promote the resources and values of the Heritage Area.

(2) EFFECT.—Nothing in this subtitle—

(A) affects the authority of the State or local governments to regulate under law any use of land; or

(B) grants any power of zoning or land use to the local coordinating entity.

(f) PRIVATE PROPERTY.—

(1) IN GENERAL.—The local coordinating entity shall be an advocate for land management practices consistent with the purposes of the Heritage Area.

(2) EFFECT.—Nothing in this subtitle—

(A) abridges the rights of any person with regard to private property;

(B) affects the authority of the State or local government regarding private property; or

(C) imposes any additional burden on any property owner.

(g) REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.—

(1) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(2) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity

SEC. 267. SAVINGS PROVISIONS.

(a) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this subtitle shall be construed to impose any environmental, occupational, safety, or other rule, regulation, standard, or permit process in the Heritage Area that is different from those that would be applicable if the Heritage Area had not been established.

(b) WATER AND WATER RIGHTS.—Nothing in this subtitle shall be construed to authorize or imply the reservation or appropriation of water or water rights.

(c) NO DIMINISHMENT OF STATE AUTHORITY.—Nothing in this subtitle shall be construed to diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area.

SEC. 268. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle **$10,000,000**, to remain available until expended, of which not more than **$1,000,000** may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

SEC. 269. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle F—Upper Housatonic Valley National Heritage Area

SEC. 271. SHORT TITLE.

This subtitle may be cited as the "Upper Housatonic Valley National Heritage Area Act".

SEC. 272. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places, including—

(A) five National Historic Landmarks—

(i) Edith Wharton's home, The Mount, Lenox, Massachusetts;

(ii) Herman Melville's home, Arrowhead, Pittsfield, Massachusetts;

(iii) W.E.B. DuBois' Boyhood Homesite, Great Barrington, Massachusetts;

(iv) Mission House, Stockbridge, Massachusetts; and

(v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and

(B) four National Natural Landmarks—

(i) Bartholomew's Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;

(ii) Beckley Bog, Norfolk, Connecticut;

(iii) Bingham Bog, Salisbury, Connecticut; and

(iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country's leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B. DuBois, artists Daniel Chester French and Norman Rockwell, and the performing arts centers of Tanglewood, Music Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob's Pillow, and Shakespeare &amp; Company.

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron, paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays' Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the seventeenth and eighteenth centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) Purposes.—The purposes of this subtitle are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled "Upper Housatonic Valley National Heritage Area Feasibility Study, 2003".

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region's heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

SEC. 273. DEFINITIONS.

In this subtitle:

(1) Heritage area.—The term "Heritage Area" means the Upper Housatonic Valley National Heritage Area, established in section 274.

(2) Management entity.—The term "Management Entity" means the management entity for the Heritage Area designated by section 274(d).

(3) Management plan.—The term "Management Plan" means the management plan for the Heritage Area specified in section 276.

(4) Map.—The term "map" means the map entitled "Boundary Map Upper Housatonic Valley National Heritage Area", numbered P17/80,000, and dated February 2003.

(5) Secretary.—The term "Secretary" means the Secretary of the Interior.

(6) State.—The term "State" means the State of Connecticut and the Commonwealth of Massachusetts.

SEC. 274. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.

(a) Establishment.—There is established the Upper Housatonic Valley National Heritage Area.

(b) Boundaries.—The Heritage Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

(c) Availability of Map.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) Management Entity.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

SEC. 275. AUTHORITIES, PROHIBITIONS, AND DUTIES OF THE MANAGEMENT ENTITY.

(a) Duties of the Management Entity.—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 276;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the management entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic development that is consistent with the purposes of the Heritage Area.

(b) Authorities.—The management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this subtitle to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their subdivisions, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) undertake to be a catalyst for any other activity that furthers the purposes of the Heritage Area and is consistent with the approved management plan.

(c) Prohibitions on the Acquisition of Real Property.—The management entity may not use Federal funds received under this subtitle to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

SEC. 276. MANAGEMENT PLAN.

(a) In General.—The management plan for the Heritage Area shall—

(1) include comprehensive policies, strategies and recommendations for conservation, funding, management and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

(6) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of implementation; and

(7) include an interpretive plan for the Heritage Area.

(b) Deadline and Termination of Funding.—

(1) Deadline.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this subtitle.

(2) Termination of funding.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this subtitle until such time as the management plan is submitted to the Secretary.

SEC. 277. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) Technical and Financial Assistance.—The Secretary may, upon the request of the management entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) Approval and Disapproval of Management Plan.—

(1) In general.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) Criteria for approval.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area; and

(D) the management plan is supported by the appropriate State and local officials whose cooperation is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The management entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments.

SEC. 278. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 279. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 280. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this subtitle may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 280A. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this subtitle not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this subtitle.

(b) MATCHING FUNDS.—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this subtitle.

SEC. 280B. SUNSET.

The authority of the Secretary to provide assistance under this subtitle shall terminate on the day occurring 15 years after the date of the enactment of this subtitle.

Subtitle G—Champlain Valley National Heritage Partnership

SEC. 281. SHORT TITLE.

This subtitle may be cited as the "Champlain Valley National Heritage Partnership Act of 2006".

SEC. 282. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;

(2) archaeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;

(3) the linked waterways of the champlain valley, including the richelieu river in canada, played a unique and significant role in the establishment and development of the United States and canada through several distinct eras, including—

(A) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;

(B) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and

(C) the era of maritime commerce, during which canal boats, schooners, and steamships formed the backbone of commercial transportation for the region;

(4) those unique and significant eras are best described by the theme "The Making of Nations and Corridors of Commerce";

(5) the artifacts and structures associated with those eras are unusually well-preserved;

(6) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;

(7) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;

(8) there are benefits in celebrating and promoting this mutual heritage;

(9) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(10) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(11) according to the 1999 report of the National Park Service entitled "Champlain Valley Heritage Corridor Project", "the Champlain Valley contains resources and represents a theme 'The Making of Nations and Corridors of Commerce', that is of outstanding importance in United States history"; and

(12) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(2) to assist the States of Vermont and New York, including units of local government and nongovernmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(3) to use those resources and the theme "the making of nations and corridors of commerce" to—

(A) revitalize the economy of communities in the Champlain Valley; and

(B) generate and sustain increased levels of tourism in the Champlain Valley;

(4) to encourage—

(A) partnerships among State and local governments and nongovernmental organizations in the United States; and

(B) collaboration with canada and the province of quebec to—

(i) interpret and promote the history of the waterways of the Champlain Valley region;

(ii) form stronger bonds between the United States and Canada; and

(iii) promote the international aspects of the Champlain Valley region; and

(5) to provide financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 283. DEFINITIONS.

In this subtitle:

(1) HERITAGE PARTNERSHIP.—The term "Heritage Partnership" means the Champlain Valley National Heritage Partnership established by section 104(a).

(2) MANAGEMENT ENTITY.—The term "management entity" means the Lake Champlain Basin Program.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan developed under section 284(b)(1)(B)(i).

(4) REGION.—

(A) IN GENERAL.—The term "region" means any area or community in 1 of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) INCLUSIONS.—The term "region" includes

(i) THE LINKED NAVIGABLE WATERWAYS OF.—

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(ii) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—the term "State" means

(A) the State of Vermont; and

(B) the State of New York.

(7) THEME.—The term "theme" means the theme "The Making of Nations and Corridors of Commerce", as the term is used in the 1999 report of the National Park Service entitled "Champlain Valley Heritage Corridor Project", that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

SEC. 284. HERITAGE PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the region the Champlain Valley National Heritage Partnership.

(b) MANAGEMENT ENTITY.—

(1) DUTIES.—

(A) IN GENERAL.—The management entity shall implement this subtitle.

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop a management plan for the Heritage Partnership.

(ii) EXISTING PLAN.—Pending the completion and approval of the management plan, the management entity may implement the provisions of this subtitle based on its federally authorized plan "Opportunities for Action, an Evolving Plan For Lake Champlain".

(iii) CONTENTS.—The management plan shall include—

(I) recommendations for funding, managing, and developing the Heritage Partnership;

(II) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

(III) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership;

(IV) an assessment of the organizational capacity of the management entity to achieve the goals for implementation; and

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this subtitle.

(iv) CONSIDERATIONS.—In developing the management plan under clause (i), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

(v) SUBMISSION TO SECRETARY FOR APPROVAL.—

(I) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(II) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in subclause (I), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Partnership is submitted to the Secretary.

(vi) APPROVAL.—Not later than 90 days after receiving the management plan submitted under clause (v)(I), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(vii) ACTION FOLLOWING DISAPPROVAL.—

(I) GENERAL.—If the Secretary disapproves a management plan under clause (vi), the Secretary shall—

(aa) advise the management entity in writing of the reasons for the disapproval;

(bb) make recommendations for revisions to the management plan; and

(cc) allow the management entity to submit to the Secretary revisions to the management plan.

(II) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subclause (I)(cc), the Secretary shall approve or disapprove the revision.

(viii) AMENDMENT.—

(I) IN GENERAL.—After approval by the Secretary of the management plan, the management entity shall periodically—

(aa) review the management plan; and

(bb) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any amendments to the management plan that the management entity considers to be appropriate.

(II) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any amendment proposed by the management entity under subclause (I) until the Secretary approves the amendments.

(2) PARTNERSHIPS.—

(A) IN GENERAL.—In carrying out this subtitle, the management entity may enter into partnerships with—

(i) the States, including units of local governments in the States;

(ii) nongovernmental organizations;

(iii) Indian Tribes; and

(iv) other persons in the Heritage Partnership.

(B) GRANTS.—Subject to the availability of funds, the management entity may provide grants to partners under subparagraph (A) to assist in implementing this subtitle.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(c) ASSISTANCE FROM SECRETARY.—To carry out the purposes of this subtitle, the Secretary may provide technical and financial assistance to the management entity.

SEC. 285. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan until

(1) the management entity notifies the owner of the private property in writing; and

(2) the owner of the private property provides to the management entity written consent for the preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAWAL.—Private property included within the boundary of the Heritage Partnership shall immediately be withdrawn from the Heritage Partnership if the owner of the property submits a written request to the management entity.

SEC. 286. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle—

(1) requires a private property owner to allow public access (including access by the Federal Government or State or local governments) to private property; or

(2) modifies any provision of Federal, State, or local law with respect to public access to, or use of, private property.

(b) LIABILITY.—Designation of the Heritage Partnership under this subtitle does not create any liability, or have any effect on liability under any other law, of a private property owner with respect to any persons injured on the private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle modifies any authority of the Federal Government or State or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this subtitle requires the owner of any private property located within the boundaries of the Heritage Partnership to participate in, or be associated with the Heritage Partnership.

(e) EFFECT OF ESTABLISHMENT.—

(1) IN GENERAL.—The boundaries designated for the Heritage Partnership represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended.

(2) REGULATORY AUTHORITY.—The establishment of the Heritage Partnership and the boundaries of the Heritage Partnership do not provide any regulatory authority that is not in existence on the date of enactment of this Act relating to land use within the Heritage Partnership or the viewshed of the Heritage Partnership by the Secretary, the National Park Service, or the management entity.

SEC. 287. EFFECT.

Nothing in this subtitle—

(1) grants powers of zoning or land use to the management entity; or

(2) obstructs or limits private business development activities or resource development activities.

SEC. 288. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle not more than a total of $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

SEC. 109. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle H—Great Basin National Heritage Route

SEC. 291. SHORT TITLE.

This subtitle may be cited as the "Great Basin National Heritage Route Act".

SEC. 291A. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert valleys,

mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;

(6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Route dates back thousands of years and includes—

(A) archaeological sites;

(B) petroglyphs and pictographs;

(C) the westernmost village of the Fremont culture; and

(D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as—

(A) bristlecone pines, the oldest living trees in the world;

(B) wildlife adapted to harsh desert conditions;

(C) unique plant communities, lakes, and streams; and

(D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage Route Partnership and other local and governmental entities, of programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Route Partnership shall serve as the local coordinating entity for a Heritage Route established in the Great Basin.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

SEC. 291B. DEFINITIONS.

In this subtitle:

(1) GREAT BASIN.—The term "Great Basin" means the North American Great Basin.

(2) HERITAGE ROUTE.—The term "Heritage Route" means the Great Basin National Heritage Route established by section 291C(a).

(3) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Great Basin Heritage Route Partnership established by section 291C(c).

(4) MANAGEMENT PLAN.—The term "management plan" means the plan developed by the local coordinating entity under section 291E(a).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 291C. GREAT BASIN NATIONAL HERITAGE ROUTE.

(a) ESTABLISHMENT.—There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the local coordinating entity.

(b) BOUNDARIES.—The local coordinating entity shall determine the specific boundaries of the Heritage Route.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Great Basin Heritage Route Partnership shall serve as the local coordinating entity for the Heritage Route.

(2) BOARD OF DIRECTORS.—The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of—

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Route.

SEC. 291D. MEMORANDUM OF UNDERSTANDING.

(a) IN GENERAL.—In carrying out this subtitle, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the local coordinating entity.

(b) INCLUSIONS.—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including—

(1) a description of the resources of the Heritage Route;

(2) a discussion of the goals and objectives of the Heritage Route, including—

(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the local coordinating entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.

(c) ADDITIONAL REQUIREMENTS.—In developing the terms of the memorandum of understanding, the Secretary and the local coordinating entity shall—

(1) provide opportunities for local participation; and

(2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review any amendments of the memorandum of understanding proposed by the local coordinating entity or the Governor of the State of Nevada or Utah.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 291E. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that—

(1) specifies—

(A) any resources designated by the local coordinating entity under section 291C(a); and

(B) the specific boundaries of the Heritage Route, as determined under section 291C(b); and

(2) presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Route.

(b) CONSIDERATIONS.—In developing the management plan, the local coordinating entity shall—

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include—

(A) a program for implementation of the management plan by the local coordinating entity, including—

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

(ii) specific commitments by the identified partners referred to in section 291D(b)(4) for the first 5 years of operation; and

(B) an interpretation plan for the Heritage Route; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) FAILURE TO SUBMIT.—If the local coordinating entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall no longer qualify for Federal funding.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(e) IMPLEMENTATION.—On approval of the management plan as provided in subsection (d)(1), the local coordinating entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 291F. AUTHORITY AND DUTIES OF LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—The local coordinating entity may, for purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) DUTIES.—In addition to developing the management plan, the local coordinating entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) establishing and maintaining interpretive exhibits along the Heritage Route;

(ii) developing recreational resources along the Heritage Route;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;

(B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;

(2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;

(3) conduct public meetings in the region of the Heritage Route at least semiannually regarding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

(5) for any year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity; and

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(d) PROHIBITION ON THE REGULATION OF LAND USE.—The local coordinating entity shall not regulate land use within the Heritage Route.

SEC. 291G. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, on request of the local coordinating entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall, on request of the local coordinating entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and

(B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.

(b) APPLICATION OF FEDERAL LAW.—The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

SEC. 291H. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.

(a) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the local coordinating entity.

(b) APPLICABILITY OF FEDERAL LAW.—Nothing in this subtitle—

(1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this subtitle.

SEC. 291I. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle **$10,000,000**, of which not more than **$1,000,000** may be made available for any fiscal year.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of any activity assisted under this subtitle shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind contributions, donations, grants, and loans from individuals and State or local governments or agencies.

SEC. 291J. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 291K. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Route until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Route shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 291L. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Route shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE ROUTE.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Route to participate in or be associated with the Heritage Route.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Route represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Route and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Route or its viewshed by the Secretary, the National Park Service, or the management entity.

Subtitle I—Gullah/Geechee Heritage Corridor

SEC. 295. SHORT TITLE.

This subtitle may be cited as the "Gullah/Geechee Cultural Heritage Act".

SEC. 295A. PURPOSES.

The purposes of this subtitle are to—

(1) recognize the important contributions made to American culture and history by African Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina, Georgia, North Carolina, and Florida;

(2) assist State and local governments and public and private entities in South Carolina, Georgia, North Carolina, and Florida in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and

(3) assist in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

SEC. 295B. DEFINITIONS.

In this subtitle:

(1) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Gullah/Geechee Cultural Heritage Corridor Commission established by section 295D(a).

(2) HERITAGE CORRIDOR.—The term "Heritage Corridor" means the Gullah/Geechee Cultural Heritage Corridor established by section 295C(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 295C. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established the Gullah/Geechee Cultural Heritage Corridor.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Corridor shall be comprised of those lands and waters generally depicted on a map entitled "Gullah/Geechee Cultural Heritage Corridor" numbered GGCHC 80,000 and dated September 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and in an appropriate State office in each of the States included in the Heritage Corridor. The Secretary shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(2) REVISIONS.—The boundaries of the Heritage Corridor may be revised if the revision is—

(A) proposed in the management plan developed for the Heritage Corridor;

(B) approved by the Secretary in accordance with this subtitle; and

(C) placed on file in accordance with paragraph (1).

(c) ADMINISTRATION.—The Heritage Corridor shall be administered in accordance with the provisions of this subtitle.

SEC. 295D. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a local coordinating entity to be known as the "Gullah/Geechee Cultural Heritage Corridor Commission" whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of a management plan for those land and waters specified in section 295C(b).

(b) MEMBERSHIP.—The local coordinating entity shall be composed of 15 members appointed by the Secretary as follows:

(1) Four individuals nominated by the State Historic Preservation Officer of South Carolina and two individuals each nominated by the State Historic Preservation Officer of each of Georgia, North Carolina, and Florida and appointed by the Secretary.

(2) Two individuals from South Carolina and one individual from each of Georgia, North Carolina, and Florida who are recognized experts in historic preservation, anthropology, and folklore, appointed by the Secretary.

(c) TERMS.—Members of the local coordinating entity shall be appointed to terms not to exceed 3 years. The Secretary may stagger the terms of the initial appointments to the local coordinating entity in order to assure continuity of operation. Any member of the local coordinating entity may serve after the expiration of their term until a successor is appointed. A vacancy shall be filled in the same manner in which the original appointment was made.

(d) TERMINATION.—The local coordinating entity shall terminate 10 years after the date of enactment of this Act.

SEC. 295E. OPERATION OF THE LOCAL COORDINATING ENTITY.

(a) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Corridor, the local coordinating entity shall—

(1) prepare and submit a management plan to the Secretary in accordance with section 295F;

(2) assist units of local government and other persons in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Corridor;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Corridor;

(C) developing recreational and educational opportunities in the Heritage Corridor;

(D) increasing public awareness of and appreciation for the historical, cultural, natural, and scenic resources of the Heritage Corridor;

(E) protecting and restoring historic sites and buildings in the Heritage Corridor that are consistent with Heritage Corridor themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Corridor; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Corridor;

(3) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Corridor in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organization make available for audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Corridor.

(b) AUTHORITIES.—The local coordinating entity may, for the purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, the States of South Carolina, North Carolina, Florida, and Georgia, political subdivisions of those States, a nonprofit organization, or any person;

(2) hire and compensate staff;

(3) obtain funds from any source including any that are provided under any other Federal law or program; and

(4) contract for goods and services.

SEC. 295F. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Corridor shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Corridor;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the historical, cultural, and natural resources of the Heritage Corridor;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Corridor in the first 5 years of implementation;

(5) include an inventory of the historical, cultural, natural, resources of the Heritage Corridor related to the themes of the Heritage Corridor that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the Heritage Corridor's historical, cultural, and natural resources;

(7) describe a program for implementation of the management plan including plans for resources protection, restoration, construction, and specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for the ways in which Federal, State, or local programs may best be coordinated to further the purposes of this subtitle; and

(9) include an interpretive plan for the Heritage Corridor.

(b) SUBMITTAL OF MANAGEMENT PLAN.—The local coordinating entity shall submit the management plan to the Secretary for approval not later than 3 years after funds are made available for this subtitle.

(c) Failure to Submit.—If the local coordinating entity fails to submit the management plan to the Secretary in accordance with subsection (b), the Heritage Corridor shall not qualify for Federal funding until the management plan is submitted.

(d) Approval or Disapproval of Management Plan.—

(1) In general.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) Criteria.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(B) the resource preservation and interpretation strategies contained in the management plan would adequately protect the cultural and historic resources of the Heritage Corridor; and

(C) the Secretary has received adequate assurances from appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the plan.

(3) Action following disapproval.—If the Secretary disapproves the management plan, the Secretary shall advise the local coordinating entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted.

(4) Approval of amendments.—Substantial amendments to the management plan shall be reviewed and approved by the Secretary in the same manner as provided in the original management plan. The local coordinating entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments.

SEC. 295G. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) In General.—Upon a request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(b) Priority for Assistance.—In providing assistance under subsection (a), the Secretary shall give priority to actions that assist in—

(1) conserving the significant cultural, historical, and natural resources of the Heritage Corridor; and

(2) providing educational and interpretive opportunities consistent with the purposes of the Heritage Corridor.

(c) Spending for Non-Federal Property.—

(1) In general.—The local coordinating entity may expend Federal funds made available under this subtitle on nonfederally owned property that is—

(A) identified in the management plan; or

(B) listed or eligible for listing on the National Register for Historic Places.

(2) Agreements.—Any payment of Federal funds made pursuant to this subtitle shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this subtitle, as determined by the Secretary, shall result in a right of the United States to compensation of all funds made available to that project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 295H. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Corridor shall—

(1) consult with the Secretary and the local coordinating entity with respect to such activities;

(2) cooperate with the Secretary and the local coordinating entity in carrying out their duties under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner in which the local coordinating entity determines will not have an adverse effect on the Heritage Corridor.

SEC. 295I. COASTAL HERITAGE CENTERS.

In furtherance of the purposes of this subtitle and using the authorities made available under this subtitle, the local coordinating entity shall establish one or more Coastal Heritage Centers at appropriate locations within the Heritage Corridor in accordance with the preferred alternative identified in the Record of Decision for the Low Country Gullah Culture Special Resource Study and Environmental Impact Study, December 2003, and additional appropriate sites.

SEC. 295J. PRIVATE PROPERTY PROTECTION.

(a) Access to Private Property.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) Liability.—Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) Recognition of Authority to Control Land Use.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) Participation of Private Property Owners in Heritage Corridor.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.

(e) Effect of Establishment.—The boundaries designated for the Heritage Corridor represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the Heritage Corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Corridor or its viewshed by the Secretary or the local coordinating entity.

(f) Notification and Consent of Property Owners Required.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent for such preservation, conservation, or promotion to the local coordinating entity.

(g) Landowner Withdrawal.—Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the local coordinating entity.

SEC. 295K. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated for the purposes of this subtitle not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Corridor under this subtitle.

(b) Cost Share.—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any activity for which assistance is provided under this subtitle.

(c) In-Kind Contributions.—The Secretary may accept in-kind contributions as part of the non-Federal cost share of any activity for which assistance is provided under this subtitle.

SEC. 295L. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle J—Crossroads of the American Revolution National Heritage Area

SEC. 297. SHORT TITLE.

This subtitle may be cited as the "Crossroads of the American Revolution National Heritage Area Act of 2006".

SEC. 297A. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the State of New Jersey was critically important during the American Revolution because of the strategic location of the State between the British armies headquartered in New York City, New York, and the Continental Congress in the city of Philadelphia, Pennsylvania;

(2) General George Washington spent almost half of the period of the American Revolution personally commanding troops of the Continental Army in the State of New Jersey, including 2 severe winters spent in encampments in the area that is now Morristown National Historical Park, a unit of the National Park System;

(3) it was during the 10 crucial days of the American Revolution between December 25, 1776, and January 3, 1777, that General Washington, after retreating across the State of New Jersey from the State of New York to the Commonwealth of Pennsylvania in the face of total defeat, recrossed the Delaware River on the night of December 25, 1776, and went on to win crucial battles at Trenton and Princeton in the State of New Jersey;

(4) Thomas Paine, who accompanied the troops during the retreat, described the events during those days as "the times that try men's souls";

(5) the sites of 296 military engagements are located in the State of New Jersey, including—

(A) several important battles of the American Revolution that were significant to—

(i) the outcome of the American Revolution; and

(ii) the history of the United States; and

(B) several national historic landmarks, including Washington's Crossing, the Old Trenton Barracks, and Princeton, Monmouth, and Red Bank Battlefields;

(6) additional national historic landmarks in the State of New Jersey include the homes of—

(A) Richard Stockton, Joseph Hewes, John Witherspoon, and Francis Hopkinson, signers of the Declaration of Independence;

(B) Elias Boudinout, President of the Continental Congress; and

(C) William Livingston, patriot and Governor of the State of New Jersey from 1776 to 1790;

(7) portions of the landscapes important to the strategies of the British and Continental armies, including waterways, mountains, farms, wetlands, villages, and roadways—

(A) retain the integrity of the period of the American Revolution; and

(B) offer outstanding opportunities for conservation, education, and recreation;

(8) the National Register of Historic Places lists 251 buildings and sites in the National Park Service study area for the Crossroads of the American Revolution that are associated with the period of the American Revolution;

(9) civilian populations residing in the State of New Jersey during the American Revolution suffered extreme hardships because of—

(A) the continuous conflict in the State;

(B) foraging armies; and

(C) marauding contingents of loyalist Tories and rebel sympathizers;

(10) because of the important role that the State of New Jersey played in the successful outcome of the American Revolution, there is a Federal interest in developing a regional framework to assist the State of New Jersey, local governments and organizations, and private citizens in—

(A) preserving and protecting cultural, historic, and natural resources of the period; and

(B) bringing recognition to those resources for the educational and recreational benefit of the present and future generations of citizens of the United States; and

(11) the National Park Service has conducted a national heritage area feasibility study in the State of New Jersey that demonstrates that there is a sufficient assemblage of nationally distinctive cultural, historic, and natural resources necessary to establish the Crossroads of the American Revolution National Heritage Area.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to assist communities, organizations, and citizens in the State of New Jersey in preserving—

(A) the special historic identity of the State; and

(B) the importance of the State to the United States;

(2) to foster a close working relationship among all levels of government, the private sector, and local communities in the State;

(3) to provide for the management, preservation, protection, and interpretation of the cultural, historic, and natural resources of the State for the educational and inspirational benefit of future generations;

(4) to strengthen the value of Morristown National Historical Park as an asset to the State by—

(A) establishing a network of related historic resources, protected landscapes, educational opportunities, and events depicting the landscape of the State of New Jersey during the American Revolution; and

(B) establishing partnerships between Morristown National Historical Park and other public and privately owned resources in the Heritage Area that represent the strategic fulcrum of the American Revolution; and

(5) to authorize Federal financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 297B. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term "Heritage Area" means the Crossroads of the American Revolution National Heritage Area established by section 297C(a).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 297C(d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 297D.

(4) MAP.—The term "map" means the map entitled "Crossroads of the American Revolution National Heritage Area", numbered CRRE/80,000, and dated April 2002.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of New Jersey.

SEC. 297C. CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Crossroads of the American Revolution National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the land and water within the boundaries of the Heritage Area, as depicted on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) LOCAL COORDINATING ENTITY.—The Crossroads of the American Revolution Association, Inc., a nonprofit corporation in the State, shall be the local coordinating entity for the Heritage Area.

SEC. 297D. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and forward to the Secretary a management plan for the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans;

(3) describe actions that units of local government, private organizations, and individuals have agreed to take to protect the cultural, historic, and natural resources of the Heritage Area;

(4) identify existing and potential sources of funding for the protection, management, and development of the Heritage Area during the first 5 years of implementation of the management plan; and

(5) include—

(A) an inventory of the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area relating to the themes of the Heritage Area that should be restored, managed, or developed;

(B) recommendations of policies and strategies for resource management that result in—

(i) application of appropriate land and water management techniques; and

(ii) development of intergovernmental and interagency cooperative agreements to protect the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area;

(C) a program of implementation of the management plan that includes for the first 5 years of implementation—

(i) plans for resource protection, restoration, construction; and

(ii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual;

(D) an analysis of and recommendations for ways in which Federal, State, and local programs, including programs of the National Park Service, may be best coordinated to promote the purposes of this subtitle; and

(E) an interpretive plan for the Heritage Area.

(c) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Board of Directors of the local coordinating entity is representative of the diverse interests of the Heritage Area, including—

(i) governments;

(ii) natural and historic resource protection organizations;

(iii) educational institutions;

(iv) businesses; and

(v) recreational organizations;

(B) the local coordinating entity provided adequate opportunity for public and governmental involvement in the preparation of the management plan, including public hearings;

(C) the resource protection and interpretation strategies in the management plan would adequately protect the cultural, historic, and natural resources of the Heritage Area; and

(D) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 60 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended by the local coordinating entity to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

(e) IMPLEMENTATION.—On completion of the 3-year period described in subsection (a), any funding made available under this subtitle shall be made available to the local coordinating entity only for implementation of the approved management plan.

SEC. 297E. AUTHORITIES, DUTIES, AND PROHIBITIONS APPLICABLE TO THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For purposes of preparing and implementing the management plan, the local coordinating entity may use funds made available under this subtitle to—

(1) make grants to, provide technical assistance to, and enter into cooperative agreements with, the State (including a political subdivision), a nonprofit organization, or any other person;

(2) hire and compensate staff, including individuals with expertise in—

(A) cultural, historic, or natural resource protection; or

(B) heritage programming;

(3) obtain funds or services from any source (including a Federal law or program);

(4) contract for goods or services; and

(5) support any other activity—

(A) that furthers the purposes of the Heritage Area; and

(B) that is consistent with the management plan.

(b) DUTIES.—In addition to developing the management plan, the local coordinating entity shall—

(1) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for cultural, historic, and natural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings that are—

(i) located in the Heritage Area; and

(ii) related to the themes of the Heritage Area;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are installed throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(2) in preparing and implementing the management plan, consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area;

(3) conduct public meetings at least semiannually regarding the development and implementation of the management plan;

(4) for any fiscal year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes for the year—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity; and

(iii) each entity to which a grant was made;

(B) make available for audit all information relating to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing expenditures of Federal funds by any entity, that the receiving entity make available for audit all records and other information relating to the expenditure of the funds;

(5) encourage, by appropriate means, economic viability that is consistent with the purposes of the Heritage Area; and

(6) maintain headquarters for the local coordinating entity at Morristown National Historical Park and in Mercer County.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—

(1) FEDERAL FUNDS.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(2) OTHER FUNDS.—Notwithstanding paragraph (1), the local coordinating entity may acquire real property or an interest in real property using any other source of funding, including other Federal funding.

SEC. 297F. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the Heritage Area for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, natural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Morristown National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the local coordinating entity, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.

(4) PRESERVATION OF HISTORIC PROPERTIES.—To carry out the purposes of this subtitle, the Secretary may provide assistance to a State or local government or nonprofit organization to provide for the appropriate treatment of—

(A) historic objects; or

(B) structures that are listed or eligible for listing on the National Register of Historic Places.

(5) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consult with the Secretary and the local coordinating entity regarding the activity;

(2)(A) cooperate with the Secretary and the local coordinating entity in carrying out the of the Federal agency under this subtitle; and

(B) to the maximum extent practicable, coordinate the activity with the carrying out of those duties; and

(3) to the maximum extent practicable, conduct the activity to avoid adverse effects on the Heritage Area.

SEC. 297G. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity assisted under this subtitle shall be not more than 50 percent.

SEC. 297H. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 297I. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 297J. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

TITLE III—NATIONAL HERITAGE AREA STUDIES

Subtitle A—Western Reserve Heritage Area Study

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Western Reserve Heritage Areas Study Act".

SEC. 302. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.

(a) FINDINGS.—The Congress finds the following:

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio with the rich history in what was once the Western Reserve, has made a unique contribution to the cultural, political, and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many settlers migrated to in order to begin life outside of the original 13 colonies.

(3) The Western Reserve played a significant role in providing land to the people of Connecticut whose property and land was destroyed during the Revolution. These settlers were descendants of the brave immigrants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new destination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve remains transfixed in the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwavering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the establishment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the Western Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and centers of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the significance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within these counties and what was once the Western Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, acting through the National Park Service Rivers, Trails, and Conservation Assistance Program, Midwest Region, and in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, shall carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on private property located within or abutting the Study Area.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio.

Subtitle B—St. Croix National Heritage Area Study

SEC. 311. SHORT TITLE.

This subtitle may be cited as the "St. Croix National Heritage Area Study Act".

SEC. 312. STUDY.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the island of St. Croix—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the island of St. Croix that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

(c) PRIVATE PROPERTY.—In conducting the study required by this section, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

Subtitle C—Southern Campaign of the Revolution

SEC. 321. SHORT TITLE.

This subtitle may be cited as the "Southern Campaign of the Revolution Heritage Area Study Act".

SEC. 322. SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY.

(a) STUDY.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, the South Carolina Department of Parks, Recreation, and Tourism, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the study area described in subsection (b) as the Southern Campaign of the Revolution Heritage Area. The study shall include analysis, documentation, and determination regarding whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) STUDY AREA.—

(1) IN GENERAL.—

(A) SOUTH CAROLINA.—The study area shall include the following counties in South

Carolina: Anderson, Pickens, Greenville County, Spartanburg, Cherokee County, Greenwood, Laurens, Union, York, Chester, Darlington, Florence, Chesterfield, Marlboro, Fairfield, Richland, Lancaster, Kershaw, Sumter, Orangeburg, Georgetown, Dorchester, Colleton, Charleston, Beaufort, Calhoun, Clarendon, and Williamsburg.

(B) NORTH CAROLINA.—The study area may include sites and locations in North Carolina as appropriate.

(2) SPECIFIC SITES.—The heritage area may include the following sites of interest:

(A) NATIONAL PARK SERVICE SITE.—Kings Mountain National Military Park, Cowpens National Battlefield, Fort Moultrie National Monument, Charles Pickney National Historic Site, and Ninety Six National Historic Site as well as the National Park Affiliate of Historic Camden Revolutionary War Site.

(B) STATE-MAINTAINED SITES.—Colonial Dorchester State Historic Site, Eutaw Springs Battle Site, Hampton Plantation State Historic Site, Landsford Canal State Historic Site, Andrew Jackson State Park, and Musgrove Mill State Park.

(C) COMMUNITIES.—Charleston, Beaufort, Georgetown, Kingstree, Cheraw, Camden, Winnsboro, Orangeburg, and Cayce.

(D) OTHER KEY SITES OPEN TO THE PUBLIC.—Middleton Place, Goose Creek Church, Hopsewee Plantation, Walnut Grove Plantation, Fort Watson, and Historic Brattonsville.

(c) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available to carry out this subtitle, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

SEC. 323. PRIVATE PROPERTY.

In conducting the study required by this subtitle, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

TITLE IV—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT AMENDMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the "Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2006".

SEC. 402. TRANSITION AND PROVISIONS FOR NEW LOCAL COORDINATING ENTITY.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98–398; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103—

(A) in paragraph (8), by striking "and";

(B) in paragraph (9), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(10) the term 'Association' means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code).".

(2) By adding at the end of section 112 the following new paragraph:

"(7) The Secretary shall enter into a memorandum of understanding with the Association to help ensure appropriate transition of the local coordinating entity to the Association and coordination with the Association regarding that role.".

(3) By adding at the end the following new sections:

"SEC. 119. ASSOCIATION AS LOCAL COORDINATING ENTITY.

"Upon the termination of the Commission, the local coordinating entity for the corridor shall be the Association.

"SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.

"For purposes of preparing and implementing the management plan developed under section 121, the Association may use Federal funds made available under this title—

"(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;

"(2) to hire, train, and compensate staff; and

"(3) to enter into contracts for goods and services.

"SEC. 121. DUTIES OF THE ASSOCIATION.

"The Association shall—

"(1) develop and submit to the Secretary for approval under section 123 a proposed management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

"(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

"(A) in preserving the corridor;

"(B) in establishing and maintaining interpretive exhibits in the corridor;

"(C) in developing recreational resources in the corridor;

"(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

"(E) in facilitating the restoration of any historic building relating to the themes of the corridor;

"(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;

"(4) consider the interests of diverse governmental, business, and other groups within the corridor;

"(5) conduct public meetings at least quarterly regarding the implementation of the management plan;

"(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary; and

"(7) for any year in which Federal funds have been received under this title—

"(A) submit an annual report to the Secretary setting forth the Association's accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made;

"(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and

"(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

"SEC. 122. USE OF FEDERAL FUNDS.

"(a) IN GENERAL.—The Association shall not use Federal funds received under this title to acquire real property or an interest in real property.

"(b) OTHER SOURCES.—Nothing in this title precludes the Association from using Federal funds from other sources for authorized purposes.

"SEC. 123. MANAGEMENT PLAN.

"(a) PREPARATION OF MANAGEMENT PLAN.—Not later than 2 years after the date that Federal funds are made available for this purpose, the Association shall submit to the Secretary for approval a proposed management plan that shall—

"(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

"(2) present comprehensive recommendations for the corridor's conservation, funding, management, and development;

"(3) include actions proposed to be undertaken by units of government and nongovernmental and private organizations to protect the resources of the corridor;

"(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

"(5) include—

"(A) identification of the geographic boundaries of the corridor;

"(B) a brief description and map of the corridor's overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages;

"(C) identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks;

"(D) a listing of the key resources and themes of the corridor;

"(E) identification of parties proposed to be responsible for carrying out the tasks;

"(F) a financial plan and other information on costs and sources of funds;

"(G) a description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan;

"(H) a mechanism and schedule for updating the plan based on actual progress;

"(I) a bibliography of documents used to develop the management plan; and

"(J) a discussion of any other relevant issues relating to the management plan.

"(b) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.

"(c) APPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

"(d) EFFECT OF APPROVAL.—Upon the approval of the management plan as provided in subsection (c), the management plan shall supersede the conceptual plan contained in the National Park Service report.

"(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

"(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan. Funds made available under this title may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

"SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

"(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

"(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

"(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

"(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

"(1) consult with the Secretary and the Association with respect to such activities;

"(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

"(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

"(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

"SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—To carry out this title there is authorized to be appropriated $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.

"(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent of that cost.

"SEC. 126. SUNSET.

"The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this section.".

SEC. 403. PRIVATE PROPERTY PROTECTION.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 402) the following new sections:

"SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

"(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the corridor until the owner of that private property has been notified in writing by the Association and has given written consent for such preservation, conservation, or promotion to the Association.

"(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

"SEC. 128. PRIVATE PROPERTY PROTECTION.

"(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

"(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

"(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

"(b) LIABILITY.—Designation of the corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

"(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

"(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

"(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.".

SEC. 404. TECHNICAL AMENDMENTS.

Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) by striking "(a)" and all that follows through "For each" and inserting "(a) For each";

(B) by striking "Commission" and inserting "Association";

(C) by striking "Commission's" and inserting "Association's";

(D) by redesignating paragraph (2) as subsection (b); and

(E) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE V—MOKELUMNE RIVER FEASIBILITY STUDY

SEC. 501. AUTHORIZATION OF MOKELUMNE RIVER REGIONAL WATER STORAGE AND CONJUNCTIVE USE PROJECT STUDY.

Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, not later than 2 years after the date of the enactment of this Act, the Secretary of the Interior (hereafter in this title referred to as the "Secretary"), through the Bureau of Reclamation, and in consultation and cooperation with the Mokelumne River Water and Power Authority, shall complete and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of a study to determine the feasibility of constructing a project to provide additional water supply and improve water management reliability through the development of new water storage and conjunctive use programs.

SEC. 502. USE OF REPORTS AND OTHER INFORMATION.

In developing the study under section 501, the Secretary shall use, as appropriate, reports and any other relevant information supplied by the Mokelumne River Water and Power Authority, the East Bay Municipal Utility District, and other Mokelumne River Forum stakeholders.

SEC. 503. COST SHARES.

(a) FEDERAL SHARE.—The Federal share of the costs of the study conducted under this title shall not exceed 50 percent of the total cost of the study.

(b) IN-KIND CONTRIBUTIONS.—The Secretary shall accept, as appropriate, such in-kind contributions of goods or services from the Mokelumne River Water and Power Authority as the Secretary determines will contribute to the conduct and completion of the study conducted under this title. Goods and services accepted under this section shall be counted as part of the non-Federal cost share for that study.

SEC. 504. WATER RIGHTS.

Nothing in this title shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $3,300,000 for the Federal cost share of the study conducted under this title.

TITLE VI—DELAWARE NATIONAL COASTAL SPECIAL RESOURCES STUDY

SEC. 601. SHORT TITLE.

This title may be cited as the "Delaware National Coastal Special Resources Study Act".

SEC. 602. STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this title as the "Secretary") shall conduct a special resources study of the national significance, suitability, and feasibility of including sites in the coastal region of the State of Delaware in the National Park System.

(b) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of designating 1 or more of the sites along the Delaware coast, including Fort Christina, as a unit of the National Park System that relates to the themes described in section 603.

(c) STUDY GUIDELINES.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

(1) the State of Delaware;

(2) the coastal region communities;

(3) owners of private property that would likely be impacted by a National Park Service designation; and

(4) the general public.

SEC. 603. THEMES.

The study authorized under section 602 shall evaluate sites along the coastal region of the State of Delaware that relate to—

(1) the history of indigenous peoples, which would explore the history of Native American tribes of Delaware, such as the Nanticoke and Lenni Lenape;

(2) the colonization and establishment of the frontier, which would chronicle the first European settlers in the Delaware Valley who built fortifications for the protection of settlers, such as Fort Christina;

(3) the founding of a nation, which would document the contributions of Delaware to the development of our constitutional republic;

(4) industrial development, which would investigate the exploitation of water power in Delaware with the mill development on the Brandywine River;

(5) transportation, which would explore how water served as the main transportation link, connecting Colonial Delaware with England, Europe, and other colonies;

(6) coastal defense, which would document the collection of fortifications spaced along the river and bay from Fort Delaware on Pea Patch Island to Fort Miles near Lewes;

(7) the last stop to freedom, which would detail the role Delaware has played in the history of the Underground Railroad network; and

(8) the coastal environment, which would examine natural resources of Delaware that provide resource-based recreational opportunities such as crabbing, fishing, swimming, and boating.

SEC. 604. REPORT.

Not later than 2 years after funds are made available to carry out this title under section 605, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under section 602.

TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the "John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006".

SEC. 702. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

(a) Commission Membership.—Section 3(b) of Public Law 99-647 (16 U.S.C. 461 note) is amended—

(1) by striking "nineteen members" and inserting "25 members";

(2) in paragraph (2)—

(A) by striking "six" and inserting "6"; and

(B) by striking "Department of Environmental Management Directors from Rhode Island and Massachusetts" and inserting "the Director of the Rhode Island Department of Environmental Management and the Secretary of the Massachusetts Executive Office of Environmental Affairs";

(3) in paragraph (3)—

(A) by striking "four" each place it appears and inserting "5"; and

(B) by striking "and" after the semicolon;

(4) in paragraph (4)—

(A) by striking "two" each place it appears and inserting "3"; and

(B) by striking the period and inserting "; and"; and

(5) by inserting after paragraph (4) the following:

"(5) 1 representative of a nongovernmental organization from Massachusetts and 1 from Rhode Island, to be appointed by the Secretary, which have expertise in historic preservation, conservation, outdoor recreation, cultural conservation, traditional arts, community development, or tourism.".

(b) Quorum.—Section 3(f)(1) of Public Law 99-647 (16 U.S.C. 461 note) is amended by striking "Ten" and inserting "13".

(c) Update of Plan.—Section 6 of Public Law 99-647 (16 U.S.C. 461 note) is amended by adding at the end the following:

"(e) Update of Plan.—(1) Not later than 2 years after the date of enactment of this subsection, the Commission shall update the plan under subsection (a).

"(2) In updating the plan under paragraph (1), the Commission shall take into account the findings and recommendations included in the Blackstone Sustainability Study conducted by the National Park Service Conservation Study Institute."

"(3) The update shall include—

"(A) performance goals; and

"(B) an analysis of—

"(i) options for preserving, enhancing, and interpreting the resources of the Corridor;

"(ii) the partnerships that sustain those resources; and

"(iii) the funding program for the Corridor.

"(4)(A) Except as provided in subparagraph (B), the Secretary shall approve or disapprove any changes to the plan proposed in the update in accordance with subsection (b).

"(B) Minor revisions to the plan shall not be subject to the approval of the Secretary.".

(d) Extension of Commission.—Public Law 99-647 (16 U.S.C. 461 note) is amended by striking section 7 and inserting the following:

"SEC. 7. TERMINATION OF COMMISSION.

"The Commission shall terminate on the date that is 5 years after the date of enactment of the John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006.

(e) Special Resource Study.—Section 8 of Public Law 99-647 (16 U.S.C. 461 note) is amended by adding at the end the following:

"(d) Special Resource Study.—

"(1) In general.—The Secretary shall conduct a special resource study of sites and associated landscape features within the boundaries of the Corridor that contribute to the understanding of the Corridor as the birthplace of the industrial revolution in the United States.

"(2) Evaluation.—Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary shall complete the study under paragraph (1) to evaluate the possibility of—

"(A) designating 1 or more site or landscape feature as a unit of the National Park System; and

"(B) coordinating and complementing actions by the Commission, local governments, and State and Federal agencies, in the preservation and interpretation of significant resources within the Corridor.

"(3) Coordination.—The Secretary shall coordinate the Study with the Commission.

"(4) Report.—Not later than 30 days after the date on which the study under paragraph (1) is completed, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

"(A) the findings of the study; and

"(B) the conclusions and recommendations of the Secretary.".

(f) Authorization of Appropriations.—Section 10 of Public Law 99-647 (16 U.S.C. 461 note) is amended—

(1) in subsection (a), by striking "$650,000" and inserting "$1,000,000"; and

(2) by striking subsection (b) and inserting the following:

"(b) Development Funds.—There is authorized to be appropriated to carry out section 8(c) not more than $10,000,000 for the period of fiscal years 2006 through 2016, to remain available until expended.

"(c) Special Resource Study.—There are authorized to be appropriated such sums as are necessary to carry out section 8(d).".

TITLE VIII—CALIFORNIA RECLAMATION GROUNDWATER REMEDIATION INITIATIVE

SEC. 801. SHORT TITLE.

This title may be cited as the "California Reclamation Groundwater Remediation Initiative" .

SEC. 802. DEFINITIONS.

For the purposes of this title:

(1) Groundwater remediation.—The term "groundwater remediation" means actions that are necessary to prevent, minimize, or mitigate damage to groundwater.

(2) Local water authority.—The term "local water authority" means the Santa Clara Valley Water District or a public water district, public water utility, public water planning agency, municipality, or Indian tribe located within the Santa Clara Valley; and a public water district, public water utility, public water planning agency, municipality, or Indian tribe located within the natural watershed of the Santa Ana river in the State of California.

(3) Remediation fund.—The term "Remediation Fund" means the California Basins Groundwater Remediation Fund established pursuant to section 803(a).

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 803. CALIFORNIA BASINS REMEDIATION.

(a) California Basins Remediation.—

(1) Establishment of remediation fund.—There shall be established within the Treasury of the United States an interest bearing account to be known as the California Basins Groundwater Remediation Fund.

(2) Administration of remediation fund.—The Remediation Fund shall be administered by the Secretary of the Interior, acting through the Bureau of Reclamation. The Secretary shall administer the Remediation Fund in cooperation with the local water authority.

(3) Purposes of remediation fund.—

(A) In general.—Subject to subparagraph (B), the amounts in the Remediation Fund, including interest accrued, shall be used by the Secretary to provide grants to the local water authority to reimburse the local water authority for the Federal share of the costs associated with designing and constructing groundwater remediation projects to be administered by the local water authority.

(B) Cost-sharing limitation.—

(i) In general.—The Secretary may not obligate any funds appropriated to the Remediation Fund in a fiscal year until the Secretary has deposited into the Remediation Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary for a project are from funds provided to the Secretary for that project by the non-Federal interests.

(ii) Non-federal responsibility.—Each local water authority shall be responsible for providing the non-Federal amount required by clause (i) for projects under that local water authority. The State of California, local government agencies, and private entities may provide all or any portion of the non-Federal amount.

(iii) CREDITS TOWARD NON-FEDERAL SHARE.—For purposes of clause (ii), the Secretary shall credit the appropriate local water authority with the value of all prior expenditures by non-Federal interests made after January 1, 2000, that are compatible with the purposes of this section, including—

(I) all expenditures made by non-Federal interests to design and construct groundwater remediation projects, including expenditures associated with environmental analyses and public involvement activities that were required to implement the groundwater remediation projects in compliance with applicable Federal and State laws; and

(II) all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a groundwater remediation project.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate remediation and protection of any groundwater subbasin eligible for funding pursuant to this title. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Remediation Fund $25,000,000. Subject to the limitations in section 804, such funds shall remain available until expended.

SEC. 804. SUNSET OF AUTHORITY.

This title—

(1) shall take effect on the date of the enactment of this Act; and

(2) is repealed effective as of the date that is 10 years after the date of the enactment of this Act.

TITLE IX—NATIONAL COAL HERITAGE AREA

SEC. 901. NATIONAL COAL HERITAGE AREA AMENDMENTS.

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended as follows:

(1) In section 103(b)—

(A) by striking "comprised of the counties" and inserting "shall be comprised of the following:

"(1) The counties; and".

(B) by inserting after paragraph (1) (as so designated by paragraph (1) of this subsection) the following new paragraphs:

"(2) Lincoln County, West Virginia.

"(3) Paint Creek and Cabin Creek within Kanawha County, West Virginia.".

(2) In section 104, by striking "Governor" and all that follows through "organizations" and inserting "National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Senate 203 includes several titles in this carefully constructed bill. Title I provides for the temporary reduction of soda ash royalties; title II establishes 10 National Heritage Areas; title III authorizes three suitability and feasibility studies for new heritage areas; titles IV makes improvement to and reauthorizes the Illinois and Michigan Canal National Heritage Corridor; title V authorizes an important water storage study; title VI authorizes a special resources study in the State of Delaware to determine the suitability of including certain sites in the National Park System; title VII reauthorizes the John H. Chafee Blackstone River Valley National Heritage Corridor; title VIII authorizes the California Reclamation Groundwater Remediation Initiative; and title IX makes corrections to the National Coal Heritage Area Act.

I urge my colleagues to support Senate 203.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the majority has already explained the purpose of S. 203, which passed the Senate in July of last year. Many of the measures included in S. 203 are ones that previously passed the House and affect a broad range of signal historical, cultural, scenic, and recreational resources.

Madam Speaker, we support S. 203 and urge its adoption by the House today.

I reserve the balance of my time.

Mr. WALDEN of Oregon. Madam Speaker, at this time I am honored and privileged to yield to my colleague, Mr. RYUN, who has been very active on parts of this bill that pertain to his interest in his district and State, and I yield him such time as he may consume.

Mr. RYUN of Kansas. Madam Speaker, it is my privilege today to rise in support of S. 203, the National Heritage Areas Act. I specifically rise in support of the language in the bill establishing the Freedom's Frontier Heritage Area in eastern Kansas and western Missouri. It is my honor to be the lead author on this language and am grateful to the rest of the Kansas delegation and to Mr. SKELTON for all their involvement in this bipartisan bill.

Today's consideration marks a major milestone after years of hard work at the grass-roots level. Countless individuals in my district and surrounding areas have worked tirelessly to bring this to this point, and I am grateful to each of them.

Freedom's Frontier Heritage Area will be pivotal in telling the stories of one of the most crucial periods in this Nation's history. During the lead-up to the Civil War, Kansas and Missouri played crucial and sometimes tragic roles in our struggle for unity and freedom. These are stories worth telling and worth preserving for our children and our grandchildren. Designation of this area is an extremely important act and will benefit many generations to come.

While the approval of the Kansas-Nebraska Act in 1854 repealed the Missouri Compromise of 1820 and gave new territories the right to vote themselves into the Union as either free States or slave States, this was only the beginning of the struggle. The real cost of this fight would be paid by those who occupied those regions bordering the traditional line separating free States from slave States.

Today, we stand as a united country and are much closer to the ideals set forth in our Constitution that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. The liberty of all Americans is due in large part to the courageous occupants of yesterday's Freedom Frontier.

I am pleased to support this bill today, and I ask my colleagues to join me in ensuring that these stories will be told for generations to come. Support the Freedom's Frontier Heritage Act and National Heritage Areas Act.

MR. WALDEN of Oregon. Thank you for your comments and work on this important legislation. I think it is incredibly important to help people understand these issues and our past.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. HOLT), who has worked very hard to establish the Crossroads of the American Revolution, the National Heritage Area in New Jersey.

Mr. HOLT. Madam Speaker, I thank the gentlewoman, and I rise in support of S. 203, the National Heritage Act, which includes designation of the Crossroads of the American Revolution in New Jersey as a National Heritage Area.

What a great and important story we have to tell our children, that we have to tell the world: the story of our War of Independence. And the land, the houses, the bridges and so much of New Jersey today tell that story.

As many of my colleagues know, New Jersey is often referred to as the crossroads of the American Revolution. For a number of reasons, thousands of troops crisscrossed the State and fought on our soil. The State's strategic location between the British stronghold of New York and the rebel capital in Philadelphia meant that New Jersey, New Jersey citizens, were at the crossroads. In fact, New Jersey had more military engagements during the Revolutionary War than any other State.

Although historians may know this, some of us are working hard to make sure that the role of New Jersey during the Revolution is understood more broadly. Some of the most important events of the war, especially the pivotal battles of Trenton and Princeton, took place in New Jersey.

New Jersey has hundreds of remnants of the war today surviving, including over 250 National Register Revolutionary War sites that are included in this heritage area designation covering 15 counties. Many traces of our Nation's Revolutionary War heritage still exist: mines, mills, encampment sites, battlegrounds, and barracks. Some of the sites include the Hunt House, in Hopewell, New Jersey, the first headquarters of General Washington as he chased the British from New York to Pennsylvania; or the old barracks in Trenton, where the troops were housed; Rockingham House, where General Washington wrote his farewell message to the troops; or a road through the woods, now long abandoned, on which the soldiers marched to the battle of Monmouth; the Sandy Hook Lighthouse, which was the guardian of New York Harbor and used by both British and American armies.

The list goes on and on, and that is why this designation of a heritage area is so important for New Jersey. Most notable in our history books, of course, is the famous crossing of the Delaware by General Washington and his men. What happened at the crossing of Delaware is a story that must be told again and again so all generations will know this military feat and the new life it gave to the American Revolution.

By the winter of 1776, the War for Independence was going badly. General Washington and his Continental Army had experienced defeat after defeat and retreated to Pennsylvania for the winter. It was brutally cold and morale was low. Many were losing faith in the leadership of General Washington. By late afternoon on Christmas Day 1776, over 2,400 troops began to cross the icy water of the Delaware. The weather made the operation difficult. The troops were forced to fight their way through blinding winter weather.

The sleet and snow proved too much for two of the divisions to the south, and General Washington's troops made the attack alone. Against all odds, Washington and his soldiers completed the crossing, marched silently to Trenton, with cannon, and on Christmas night arrived taking the Hessian garrison completely by surprise. This engagement, followed by the pivotal Battle of Princeton, has been called "the beginning of the winning."

Military engagements were fought throughout New Jersey, and they gave the first glimpse to the world that the American people might succeed in this fight for independence. In New Jersey, also, there was the crossroads of ideas. There were people loyal to the Crown and those who were loyal to Adams and Washington and the other revolutionaries. The difference was contested within families, in towns, and on farmsteads. New Jersey really was at the crux of the Revolution, the crossroads of the American Revolution.

I became involved in this effort to establish the Crossroads when I first came to Congress in 1999. And with the guidance and leadership from historians and planners, champions of open space preservation, such as Dr. Ted Stiles, I developed the concept of this heritage designation. I sought the assistance of my colleague from New Jersey (Mr. FRELINGHUYSEN), and we were able to see the passage of legislation that would direct the Park Service to conduct a feasibility study of the region.

We passed this feasibility study with flying colors, obtaining an enthusiastic report from the Park Service that New Jersey had a rich history and many surviving remnants of the War of Independence that make the region a fine candidate for a heritage area. Since the study, many State legislators, local governments, and other organizations have endorsed the idea of establishing the Crossroads of the American Revolution Heritage Area.

After the initial findings from the National Park Service in August 2002, Representative FRELINGHUYSEN and I introduced the Crossroads of the American Revolution National Heritage Act. Finally, today, we have it before us on the floor of this body.

Establishing this heritage area is an important way to preserve the historic remnants that will allow the telling of New Jersey's role in the building of this great Nation. It combines historic preservation, environmental protection, education, recreation, open space acquisition, travel, and tourism. The creation of the heritage area means a great deal for all of these organizations, private and public, in New Jersey that are working in all of these areas to acquire open space, to provide for recreation and education and environmental protection.

Community leaders and local governments who care deeply about preserving open space and protecting historic sites will work with the local management agency to achieve these goals. The National Heritage Area will be, I think, important for the education not just of the children of New Jersey but for the people of this country. Everyone should know what New Jersey brought to the American Revolution, and preserving these sites and tying them together under this theme will certainly help in this endeavor.

Our current Governor of New Jersey, Jon Corzine, before he left Capitol Hill, succeeded in carrying this through the other body across the Capitol, and I want to thank all of those involved over the past years that have been instrumental in designating the Crossroads of the American Revolution Heritage Area. I see no better way to honor New Jersey and the people who were instrumental during the American Revolution than by establishing this heritage area.

Ms. BORDALLO. Madam Speaker, I wish to thank the gentleman from New Jersey, and I commend him and all of our colleagues who have worked diligently to advance this legislation.

Mr. FRELINGHUYSEN. Madam Speaker, I rise to thank the gentleman from California (Mr. POMBO), chairman of the Committee on Resources, for bringing through the House of Representatives S. 203, the National Heritage Areas Act of 2005, legislation that establishes the Crossroads of the American Revolution National Heritage Area and designates a number of other National Heritage Areas.

This legislation will establish a National Heritage Area that enables New Jersey's critical role in the American Revolution to be fully understood and appreciated. It would combine the opportunity to protect and preserve historic sites, retain the aesthetic character of the landscape, and provide recreational opportunities.

New Jersey was quite literally the crossroads of America's Revolutionary War. New Jersey represented a turning point in the Revolution, too, as America's struggle for Independence was nearly lost. More Revolutionary War battles were engaged in New Jersey than in any other state, nearly 300, and it is high time our state receives the recognition it deserves.

The establishment of the Crossroads National Heritage Area has long been in the works. In the 107th Congress, I introduced the Crossroads of the American Revolution National Heritage Act along with Representative HOLT.

In the Fiscal Year 2000 Interior Appropriations Act, I secured funding for the Secretary of Interior to conduct a "Special Resources Study" of the Crossroads region in New Jersey. On July 8, 2002 the study was released. The study specifies that the Crossroads of the American Revolution region and the people of New Jersey will create a unique sense of place; one of protected Revolutionary War landscapes and cultural sites, recreational opportunities and compatible economic development. The study area included 15 counties spanning the state from Morris, Bergen and Passaic in the north to Camden and Gloucester in the south. It is within this region that most of the Revolutionary War actions occurred and it contains a preponderance of

New Jersey's existing American Revolutionary resources.

This legislation highlights New Jersey's unequaled heritage and shows how our spectacular landscape contributed to the winning of the Revolutionary War. In conclusion, I believe the establishment of the Crossroads of the American Revolution National Heritage Area will provide the direction and resources needed to maintain what the area has to offer for generations to come. I urge my colleagues to support this legislation.

Mr. SKELTON. Madam Speaker, it has been said that politics is the art of compromise.

Today, the House is debating a bill that would designate a number of National Heritage Areas throughout the United States, including the Freedom's Frontier National Heritage Area in western Missouri and eastern Kansas. That portion of the bill, which was drafted by my good friend from Kansas, Congressman JIM RYUN, is the product of much negotiation and compromise, and I am pleased to lend my support to it.

As a student of history, I believe it is part of our government's responsibility to promote history education and to provide opportunities for the American people to learn about our nation's rich past. Doing so is critical to forming a more perfect union and to ensuring we do not repeat the mistakes of yesteryear.

The people of Missouri and Kansas have contributed a great deal to our nation. In many ways, the border region has mirrored the finest and darkest days in American history. From the bloody border conflicts that set the stage for the Civil War to our mutual struggle to expand the definition of freedom, Missourians and Kansans have played a role in this history. In fact, two great leaders from this region, Harry S Truman and Dwight D. Eisenhower, descendants of pioneers, found common purpose on the larger stage of world history and led the wartorn nations of the 20th century toward the fulfillment of democracy's promise.

The creation of the Freedom's Frontier National Heritage Area will allow local and state historical groups and governments to more easily tell our interesting regional story. It will encourage collaborative planning on historical projects and provide important federal resource opportunities for historical preservation.

I am pleased to have worked with Mr. RYUN on this bill and am especially grateful he agreed to a number of my suggested changes to his original legislation. The final work product will mean good things for the people of our great states and for the history of our country.

The people of Missouri and Kansas have faced many challenges through the years, and our relationship has not always been as pleasant as it is today. But, through friendship and compromise, we will now more easily be able to explain our regional history in a way that is acceptable to both Missourians and Kansans.

Mr. MOORE of Kansas. Madam Speaker, I rise to express my strong support for S. 203, the National Heritage Areas Act of 2005, legislation establishing the Freedom's Frontier National Heritage Area.

The history of the Kansas-Missouri border region holds a special significance, not only for the people of those two states, but for the entire nation as well. Over 150 years ago, events took place in this region that served as a precursor to the horrors of the Civil War and which shaped the future of our country.

The Freedom's Frontier National Heritage Area will serve as a vivid reminder of those historic events, as well as a much-needed place of remembrance and edification, enshrining the memories of those who gave their lives so that all Americans might live in freedom. It will also encourage us to develop a greater understanding of those tumultuous times in our Nation's history and strengthen efforts to preserve the region's historic sites and educate citizens in the stories and cultural resources of the region's legacy.

I would also like to take this opportunity to commend those individuals who played such an important role in the progression of the Freedom's Frontier National Historic Area. The development of proposals has allowed for the creation of strong partnerships between representatives from both Kansas and Missouri and produced a unification of purpose that will leave a durable legacy to the next generation of stewards.

Events which took place in the Kansas-Missouri border region have undoubtedly been significant to the evolving story of American freedom. It is my hope that the Freedom's Frontier National Heritage Area will be a place where citizens from around the nation can increase their appreciation for our country's enduring struggle for freedom and liberty.

Mr. BACA. Madam Speaker, I rise in strong support of S. 203, the National Heritage Areas Act. This bill contains a small package of resource conservation and management bills, including the Senate passed version of one of my bills—H.R. 18, the Southern California Groundwater Remediation Act.

The Southern California Groundwater Remediation Act will fund $25 million for the cleanup of a rocket fuel additive that has contaminated groundwater supplies in the Santa Ana watershed, namely, the Rialto-Colton basin and the Chino basin.

Cities in the Inland Empire of Southern California are closing their groundwater wells due to contamination from this fuel and explosive called perchlorate.

This chemical is a volatile organic compound and has been found to be harmful to thyroid function.

From most accounts, 90 percent of perchlorate in water comes from a federal source, primarily from former military sites and other Department of Defense installations.

Three hundred nineteen groundwater wells are impacted in California alone—78 of them in my district.

This bill includes a similar provision for contamination in Representative POMBO's region.

Perchlorate doesn't just affect the drinking water supply, but our food supply as well. A 2003 study found perchlorate in lettuce grown in areas where the water supply is contaminated with perchlorate.

And, perchlorate has even been found in milk.

Hardworking families in my region, which has and has had large military and aerospace facilities, are not at fault and should not have to pay for a federally created problem.

The communities I represent cannot afford costly toxic cleanup and the alternative is no better.

Cities are being forced to raise water rates to outrageous levels, forgo dust control on highways to meet Clean Air Act requirements, and to truck in water from other regions.

The region I represent in California is ground zero for this contamination and the Federal Government needs to step up and take responsibility.

Including my bill as a provision to S. 203 will go a long way to protect children and elderly in California from dangerous health risks.

The House of Representatives has already twice passed H.R. 18 and I am glad the Senate has moved forward in approving my legislative proposal.

The communities in my district need this assistance, and I urge my colleagues to please support S. 203 and the many important provisions and bills included therein.

Ms. BORDALLO. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

MR. WALDEN of Oregon. Madam Speaker, I have no other speakers on this side of the aisle. I encourage our Members to support this important legislation and yield back the balance of my time.

The SPEAKER pro tempore (Mrs. DRAKE). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 203, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HENSARLING. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

VALLE VIDAL PROTECTION ACT OF 2005

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3817) to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes.

The Clerk read as follows:

H.R. 3817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Valle Vidal Protection Act of 2005".

SEC. 2. WITHDRAWAL OF VALLE VIDAL UNIT, CARSON NATIONAL FOREST, NEW MEXICO, FROM MINING LAWS.

(a) WITHDRAWAL.—Subject to subsection (b), the Valle Vidal Unit of the Carson National Forest in New Mexico, which consists of 101,794 acres and is identified as Management Area 21 in the land and resource management plan for the Carson National Forest, is hereby withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing and geothermal leasing laws and mineral materials laws.

(b) TREATMENT OF EXISTING RIGHTS.—The withdrawal required by subsection (a) is subject to valid existing rights. If these existing rights are relinquished or otherwise acquired by the United States at any time after the date of the enactment of this Act, the lands that were subject to the rights shall be immediately withdrawn as provided in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

□ 1515

GENERAL LEAVE

Mr. WALDEN of Oregon. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Madam Speaker, I yield myself such time as I may consume.

H.R. 3817, introduced by New Mexico Representative TOM UDALL, would withdraw roughly 101,000 acres, known as the Valle Vidal Unit, from mineral exploration or development. This includes patent under mining claims and mineral leases for geothermal or mining materials. Any valid existing rights would continue to be recognized; but if those rights were relinquished or bought out, that area would also be withdrawn from the mining laws.

This area is known for its recreation, namely, horseback riding and hiking, livestock grazing and wildlife habitat. Currently, the Forest Service is revising its management plan for the Carson National Forest and is likely, through public comment and collaboration, to withdraw mineral development in this area independent of the legislation. The area in question is entirely within Mr. UDALL's district.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as the majority explained, H.R. 3817 withdraws the 101,794-acre Valle Vidal parcel in the Carson National Forest in New Mexico from location, entry, and patent under mining laws.

The Valle Vidal compromises some of the finest scenic wildlife and outdoor recreational resources in New Mexico. It is the home to the largest herd of elk in New Mexico and draws hunters from throughout the United States.

The Valle Vidal also contains important fish habitat for species such at the Rio Grande cutthroat trout. The Valle Vidal, furthermore, contains the headwaters of several watersheds and is an important source of fresh water in New Mexico.

H.R. 3817 is supported by a wide coalition of groups in New Mexico, including local elected officials, chambers of commerce, hunters, conservation groups, and businesses.

Madam Speaker, I would like to congratulate our colleague, Representative TOM UDALL, who is the sponsor of H.R. 3817 and has worked tirelessly to craft and advance this legislation.

Madam Speaker, we support H.R. 3817.

Mr. UDALL of New Mexico. Madam Speaker, the Valle Vidal, located in the heart of the Sangre de Cristo Mountains in my district in northern New Mexico, is a lush 100,000-acre mountain basin in the Carson National Forest. In 1982, the Pennzoil Company donated the unspoiled Valle Vidal to the people of the United States. It was the largest and most valuable gift of private land ever to the Forest Service.

This "valley of life", as Valle Vidal translates in English, is home to abundant populations of Rocky Mountain wildlife, including the largest herd of elk in our State and some of the finest trout streams in the Nation. Sportsmen, outdoor recreationists, cattle ranchers, wildlife enthusiasts, and horseback riders all enjoy the Valle Vidal's well-managed and accessible blend of wildland resources. The Valle Vidal is also a unique place for the Boy Scouts of America who have for decades come from all over the country to the adjacent Philmont Scout Ranch, the national high adventure base of the Boy Scouts of America. That is why the Philmont Staff Association, a nonprofit organization of more than 2,200 current and former members of the staff the ranch, has publicly stated that the Valle Vidal should be maintained as a wilderness experience, free from the impact of coal bed methane development.

During my time in Congress, I have closely followed numerous events concerning both the Valle Vidal and our Nation's energy situation. I have traveled to the Valle Vidal to witness its beauty and take part in various activities. I have introduced energy policy initiatives and reviewed regulatory action undertaken by the executive branch. I have also received thousands of calls, emails, faxes and letters against drilling and, I think I can safely say, none in support of it. As a result, I have come to the inescapable conclusion that the Valle Vidal should be protected from energy development. It is clear to me that the value of the Valle Vidal lies only in its broad public accessibility and natural beauty and not in its finite supply of energy.

New Mexicans and thousands of Americans are overwhelmingly against drilling in the refuge. These concerned citizens recognize that the Valle Vidal's minimal contribution to our energy needs is not worth despoiling such an important ecological resource. The consequences are just too great. Moreover, many of my constituents, as confirmed by recent economic studies, recognize that the protection of special public lands like the Valle Vidal is good for local economies and that exploitation of these places for a few hours of energy will, in fact, hurt long-term economic growth and sustainability. Fundamentally, drilling in the Valle Vidal to create more energy is a false choice.

The very fact that this special place is being targeted for oil and gas leasing radically demonstrates the current and growing crisis with America's energy situation. We must urgently find ways to balance the needs of supplying safe, reliable energy and of ensuring a livable and sustainable environment for the people of the United States.

To that end, I urge all of my colleagues in the House to support passage of The Valle Vidal Protection Act of 2005 to permanently protect the Valle Vidal from mineral extraction. The Valle Vidal's ecological health and public accessibility should be protected so it can be enjoyed to the utmost by current and future generations. This ecosystem and its myriad of recreational opportunities are too valuable to the people of New Mexico and the Nation, and the energy gains too miniscule, to justify any damage to this special area.

I would like to express my sincere appreciation to Chairman POMBO and to Ranking Member RAHALL and especially to my colleague on the Forest Subcommittee, Chairman GREG WALDEN for their work on the Valle Vidal Protection Act of 2005. I would also like to thank fellow New Mexicans Jim O'Donnell of the Coalition for the Valle Vidal, and Mayor Danny Cruz of Springer, rancher Alan Lackey, and Bill Schudlich of Trout Unlimited who all traveled to D.C. to testify on behalf of the Valle Vidal, and Oscar Simpson, Ed Olona, and Steve Capra who have worked diligently to build broad, meaningful grassroots support for this legislation. I would finally like to thank some of the staff who make everything we do here possible, including Johanna Polsenberg and Thomas Garcia on my staff, and Rick Healy and Jim Zoia on the staff of the Resources Committee.

Ms. BORDALLO. Madam Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 3817.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE ACT OF 2006

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4301) to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blunt Reservoir and Pierre Canal Land Conveyance Act of 2006".

SEC. 2. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term "Blunt Reservoir feature" means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term "Commission" means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term "nonpreferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term "Pierre Canal feature" means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term "preferential leaseholder" means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term "preferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term "State" means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term "unleased parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a term of each conveyance under subsections (d)(5) and (e), respectively, the State may agree to accept—

(A) in "as is" condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Secretary or the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(I).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal less 25 percent, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this Act shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Commission, shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) CURATION OF ARCHEOLOGICAL COLLECTIONS.—The Secretary, in consultation with the State, shall transfer, without cost to the State, all archeological and cultural resource items collected from the Blunt Reservoir Feature and Pierre Canal Feature to the South Dakota State Historical Society.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $750,000 to reimburse the Secretary for expenses incurred in implementing this Act, and such sums as are necessary to reimburse the Commission and the State Department of Game, Fish, and Parks for expenses incurred implementing this Act, not to exceed 10 percent of the cost of each transaction conducted under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. I yield myself such time as I may consume.

H.R. 4301, sponsored by Congresswoman STEPHANIE HERSETH, brings much needed closure and justice for a number of landowners who have been negatively impacted by a South Dakota irrigation project that never materialized. To complete the irrigation project, the Federal Government acquired over 19,000 acres from local landowners. Many of these lands were obtained by condemnation. Despite all this hardship, the project was never completed, but the Federal Government has retained ownership to the lands for the last 30 years.

This bill simply gives many of the landowners options to buy the land back and gives some of the land to the State of South Dakota to benefit fish and wildlife. The legislation also formally deauthorizes that irrigation project.

This bill is a culmination of many years of hard work among various interests. It not only provides fairness to local landowners and the county government, but it also improves the environment. I commend the South Dakota delegation for their hard work and urge my colleagues to support this most important, balanced and fair legislation.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we on this side of the aisle strongly support passage of H.R. 4301. I congratulate our colleague and member of the Resources Committee, Ms. HERSETH, for her hard work on this legislation.

Ms. HERSETH is in South Dakota this afternoon working with farmers who are dealing with a severe drought.

Officials representing the Bureau of Reclamation used a heavy hand in the late 1960s and the early 1970s as they acquired land for Blunt Reservoir and other features of the proposed Oahe irrigation project in South Dakota. Farmers in the path of project canals and reservoirs were bullied into selling their lands at rock-bottom prices, only to find out a few years later that the water project would probably never ever be built.

H.R. 4301 will allow farmers to buy back their old lands at a significant savings from the currently appraised value. This is a fair and appropriate solution to a problem that has taken far too long to resolve.

I again offer congratulations and express our appreciation to Ms. HERSETH, and I urge my colleagues to support H.R. 4301.

Ms. HERSETH. Madam Speaker, I rise today in support of H.R. 4301, the Blunt Reservoir and Pierre Canal Land Conveyance Act of 2006.

Between 1972 and 1977, the federal government acquired roughly 19,000 acres in two South Dakota Counties for an irrigation project as part of the Pick-Sloan Missouri Basin Program. Though this project was abandoned in 1977, the federal government has maintained ownership of the land and continues to lease it to many of the original landowners.

H.R. 4301 would finally deauthorize the irrigation project, giving the original landowners the option to buy back their land, and convey the remaining parcels to the State of South Dakota for wildlife mitigation purposes. This bill is a compromise piece of legislation that reflects the wishes of both the original landowners and the State of South Dakota.

I'd like to thank Resources Committee Chairman RICHARD POMBO, Ranking Member NICK RAHALL, Resources Water and Power Subcommittee Chairman RADANOVICH, and Subcommittee Ranking Member NAPOLITANO for their assistance throughout this process. I'd also like to thank South Dakota Senators TIM JOHNSON and JOHN THUNE. Our work together has allowed this legislation to proceed the House Floor in a bipartisan manner.

After almost 30 years of waiting, it is important than Congress finally act to return these acres to private hands and local tax-rolls. Today's vote provides an opportunity to do so. I urge my colleagues to support this long overdue legislation.

Ms. BORDALLO. Madam Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Madam Speaker, I urge my colleagues to support this important legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 4301, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CENTRAL IDAHO ECONOMIC DEVELOPMENT AND RECREATION ACT

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3603) to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Central Idaho Economic Development and Recreation Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—CENTRAL IDAHO ECONOMIC DEVELOPMENT AND RECREATION PROMOTION

Sec. 101. Land conveyance, designated Sawtooth National Recreation Area land to Custer County, Idaho.
Sec. 102. Land conveyance, designated Sawtooth National Forest and BLM land to Blaine County, Idaho.
Sec. 103. Land conveyance, designated National Forest System land to City of Stanley, Idaho.
Sec. 104. Land conveyance, designated BLM land to City of Clayton, Idaho.
Sec. 105. Land conveyance, designated BLM land to City of Mackay, Idaho.
Sec. 106. Land conveyance, designated BLM land to City of Challis, Idaho.
Sec. 107. Land conveyance authority, support for motorized and bicycle recreation, public land in central Idaho.
Sec. 108. Treatment of existing roads and trails.
Sec. 109. Stanley-Redfish Lake bike and snowmobile trail and related parking lot.
Sec. 110. Support for other trail construction and maintenance activities.
Sec. 111. Support for outfitter and guide activities.
Sec. 112. Grants to support sustainable economic development and recreation.
Sec. 113. Continuation of public access to Bowery National Forest Guard Station.
Sec. 114. Expansion and improvement of Herd Lake Campground.
Sec. 115. Land exchange to eliminate State of Idaho inholdings in Sawtooth National Recreation Area and new wilderness areas.

TITLE II—CENTRAL IDAHO WILDERNESS AREAS

Sec. 201. Additions to National Wilderness Preservation System.
Sec. 202. General administration of wilderness areas.
Sec. 203. Acquisition of mineral interests and lands from willing sellers.
Sec. 204. Adjacent management.
Sec. 205. Wildfire management.
Sec. 206. Water rights.
Sec. 207. Wildlife management.
Sec. 208. Native American cultural and religious uses.
Sec. 209. Military overflights.
Sec. 210. Wilderness review.

TITLE III—BOULDER-WHITE CLOUDS MANAGEMENT AREA

Sec. 301. Establishment of management area.
Sec. 302. Land acquisition and acquisition of unpatented mining claims in management area.
Sec. 303. Motorized and bicycle travel.
Sec. 304. Support and use of Idaho Off Road Motor Vehicle Program.
Sec. 305. Airports and landing strips.
Sec. 306. Management of Railroad Ridge area, Sawtooth National Forest.

TITLE I—CENTRAL IDAHO ECONOMIC DEVELOPMENT AND RECREATION PROMOTION

SEC. 101. LAND CONVEYANCE, DESIGNATED SAWTOOTH NATIONAL RECREATION AREA LAND TO CUSTER COUNTY, IDAHO.

(a) CONVEYANCE REQUIRED.—Subject to the deed restrictions required by subsection (b), the Secretary of Agriculture, acting through the Chief of the Forest Service, shall convey, without consideration, to Custer County, Idaho (in this section referred to as the "County"), all right, title, and interest of the United States in and to certain Federal land in the Sawtooth National Recreation Area consisting of a total of approximately 86 acres, including a road encompassing approximately 15 acres, adjoining the northern boundary of the City of Stanley, Idaho, and identified as Parcel B on the map entitled "Custer County Conveyance—STANLEY" and dated July 24, 2006.

(b) USE OF CONVEYED LAND.—In making the conveyance under subsection (a) to the County, the Secretary shall include the following deed restrictions relating to the use of the conveyed land to ensure that such use is consistent with the planning process of the County and management of the Sawtooth National Recreation Area:

(1) LIMITATION ON NUMBER OF HOME SITES.—Not more than 10 home sites may be developed on the conveyed land, and houses and outbuildings constructed on the home sites may not be visible from Highways 75 and 21.

(2) LIMITATIONS REGARDING HOUSE CONSTRUCTION.—Not more than one single-family house may be constructed on each home site, and each house shall be subject to the following requirements:

(A) USE.—Residential.

(B) SIZE.—Not more than 3,500 square feet gross floor space, including attached garage, but excluding basements, decks, and porches. No more than 26 feet in height from natural ground level, excluding any chimney.

(C) DESIGN.—Western ranch-style, having rectangular or square sections with no more than three ridgelines, excluding dormers.

(D) WINDOWS.—Rectangular or square, divided light, and no more than 24 square feet in size. Windows shall not exceed 30 percent of the area of any wall.

(E) STRUCTURAL SIDING.—Log, log-sided, rough-sawn lumber, board and batten, or suitable wood substitutes, which shall be harmoniously colored or have a natural wood finish.

(F) ROOF.—Wood, composite, or non-reflective metal in muted earth tones of brown.

(3) LIMITATIONS REGARDING OUTBUILDINGS.—Not more than two outbuildings may be constructed on each home site, and such outbuildings shall be subject to the following requirements.

(A) USE.—A outbuilding may not include kitchen or sleeping facilities or otherwise be equipped for residential purposes.

(B) SIZE.—No more than 850 square feet gross floor space in the aggregate. Single story, no more than 26 feet from natural ground level.

(C) DESIGN.—Western ranch-style comprised of rectangular or square sections with no more than one ridgeline.

(D) WINDOWS.—Rectangular or square, divided light of no more than 24 square feet.

(E) STRUCTURAL SIDING.—Log, log-sided, rough-sawn lumber, board and batten, or suitable wood substitutes, which shall be harmoniously colored or have a natural wood finish.

(F) ROOF.—Wood, composite, or non-reflective metal in muted earth tones of brown.

(4) LIMITATIONS REGARDING SATELLITE DISH.—Each home site may contain not more than one satellite dish, not to exceed 24 inches in diameter, which shall be located as unobtrusively as best available technology allows.

(5) LIMITATIONS REGARDING EXTERIOR LIGHTING.—Each home site may contain not than two exterior lighting sources, which shall be shielded downwards and may not exceed 150 watts each. Neither light source may be flashing.

(6) LIMITATIONS REGARDING LANDSCAPING.—The landscaping for each home site shall be compatible with the open setting of the home site and incorporate materials, groundcover, shrubs, and trees that are indigenous to the area. Areas exposed due to excavation shall be rehabilitated to pre-excavation conditions within two years following completion of construction.

(7) LIMITATIONS REGARDING ROADS AND DRIVEWAYS.—Any road or driveway for a home site may not exceed 14 feet in width.

(8) LIMITATIONS REGARDING FENCING.—Fences on a home site shall be in the log worm, log block, or jack style and shall incorporate wildlife-friendly elements.

(9) LIMITATIONS REGARDING UTILITIES.—All new utilities serving a home site shall be located underground.

(c) PROHIBITIONS.—

(1) SUBDIVISION.—Except as expressly authorized in subsection (b) regarding the land conveyed under subsection (a), the conveyed land may not be divided, subdivided or defacto subdivided through sales, long-term leases, or other means.

(2) PROHIBITED USES.—The land conveyed under subsection (a) may not be used for any of the following purposes:

(A) Commercial, manufacturing, industrial, mining, or drilling operations, except that small in-home businesses, such as professional services, may be allowed.

(B) Exploration, development, or extraction of minerals.

(C) Dumping or accumulation of trash, debris, junk cars, unserviceable equipment, or other unsightly materials.

(D) Placement of residential trailers, mobile homes, manufactured homes, modular buildings, or other such semi-permanent structures.

(E) Placement of towers, antennae, or satellite dishes that are not concealed from public view, except to the extent that the right is expressly granted in subsection (b)(4).

(F) Placement of signs, billboards, or other advertising devices, other than one property identification sign and one for sale or rental sign, not to exceed two square feet in area, and such signs shall be harmonious in design and color with the surroundings.

(G) Disposal or unlawful storage of hazardous substances, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(d) SURVEY AND LEGAL DESCRIPTION.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary. The legal description shall be prepared as soon as practicable after the date of the enactment of this Act.

(e) APPROVAL AND ACCESS REQUIREMENTS.—Any improvement to be made to a home site developed on the land conveyed under subsection (a) shall be subject to the approval in writing, and in advance of being made, by the appropriate County officials. Representatives of the County may enter the home sites at reasonable times to monitor compliance with the deed restrictions imposed by subsection (b).

(f) Enforcement.—As a condition on the conveyance under subsection (a), the County shall agree to enforce the deed restrictions imposed by subsections (b) and (c).

(g) Reversionary Interest.—If the Secretary determines at any time that a home site developed on the land conveyed under subsection (a) is not in compliance with the deed restrictions imposed by subsection (b) or (c), all right, title, and interest in and to the home site, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing, and the Secretary shall give the landowner a reasonable opportunity to restore the home site to compliance with the deed restrictions.

(h) Road Access.—In making the conveyance under subsection (a) to the County, the Secretary shall include a deed restriction requiring that the road referred to in such subsection shall remain open to the public to provide access to adjacent Federal land and private property.

(i) Additional Term and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 102. LAND CONVEYANCE, DESIGNATED SAWTOOTH NATIONAL FOREST AND BLM LAND TO BLAINE COUNTY, IDAHO.

(a) Conveyance Required.—The Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey, without consideration, to Blaine County, Idaho (in this section referred to as the "County"), all right, title, and interest of the United States in and to the parcels of Federal land in the Sawtooth National Forest and Bureau of Land Management land identified for conveyance under this section on the map entitled "Blaine County Conveyance" and dated July 24, 2006.

(b) Survey.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(c) Additional Term and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 103. LAND CONVEYANCE, DESIGNATED NATIONAL FOREST SYSTEM LAND TO CITY OF STANLEY, IDAHO.

(a) Conveyance Required.—Subject to the deed restrictions required by subsection (b), the Secretary of Agriculture, acting through the Chief of the Forest Service, shall convey to the City of Stanley, Idaho (in this section referred to as the "City"), all right, title, and interest of the United States in and to National Forest System land consisting of two parcels containing a total of approximately 8 acres adjoining the western boundary of the City and a total of approximately 68 acres, including roads and improvements, adjoining the northeastern boundary of the City, respectively, and identified as Parcels A and C on the map entitled "STANLEY CONVEYANCE" and dated July 24, 2006.

(b) Use of Parcel A Land.—In making the conveyance under subsection (a) to the City of the land identified as Parcel A on the map referred to in such subsection, the Secretary shall include the following deed restrictions relating to the use of the conveyed land to ensure that such use is consistent with the planning process of the City and Custer County, Idaho, and management of adjacent National Forest System land:

(1) Limitation on number of home sites.—Not more than 4 home sites may be developed on Parcel A.

(2) Limitations regarding house construction.—Not more than one single-family house may be constructed on each home site, and each house shall be subject to the following requirements:

(A) Use.—Residential.

(B) Size.—Not more than 3,000 square feet gross floor space, including attached garage, but excluding basements, decks, and porches. Single story, no more than 22 feet in height from natural ground level, excluding any chimney.

(C) Design.—Western ranch-style, having rectangular or square sections with no more than two ridgelines, excluding dormers.

(D) Windows.—Rectangular or square, divided light, and no more than 24 square feet in size. Windows with exterior walls visible from Highway 21 shall not exceed 30 percent of the area of the wall.

(E) Structural siding.—Log, log-sided, rough-sawn lumber, board and batten, or suitable wood substitutes, which shall be harmoniously colored or have a natural wood finish.

(F) Roof.—Wood, composite, or non-reflective metal in muted earth tones of brown.

(3) Limitations regarding outbuildings.—Not more than one outbuilding may be constructed on each home site, and the outbuilding shall be subject to the following requirements:

(A) Use.—A outbuilding may not include kitchen or sleeping facilities or otherwise be equipped for residential purposes.

(B) Size.—No more than 600 square feet gross floor space in the aggregate. Single story, no more than 22 feet from natural ground level.

(C) Design.—Western ranch-style comprised of rectangular or square sections with no more than one ridgeline.

(D) Windows.—Rectangular or square, divided light of no more than 24 square feet.

(E) Structural siding.—Log, log-sided, rough-sawn lumber, board and batten, or suitable wood substitutes, which shall be harmoniously colored or have a natural wood finish.

(F) Roof.—Wood, composite, or non-reflective metal in muted earth tones of brown.

(4) Limitations regarding satellite dish.—Each home site may contain not more than one satellite dish, not to exceed 24 inches in diameter, which shall be located as unobtrusively as best available technology allows.

(5) Limitations regarding exterior lighting.—Each home site may contain not than two exterior lighting sources, which shall be shielded downwards and may not exceed 150 watts each. Neither light source may be flashing.

(6) Limitations regarding landscaping.—The landscaping for each home site shall be compatible with the open setting of the home site and incorporate materials, groundcover, shrubs, and trees that are indigenous to the area. Areas exposed due to excavation shall be rehabilitated to pre-excavation conditions within two years following completion of construction.

(7) Limitations regarding roads and driveways.—Any road or driveway for a home site may not exceed 14 feet in width.

(8) Limitations regarding fencing.—Fences on a home site shall be in the log worm, log block, or jack style and shall incorporate wildlife-friendly elements.

(9) Limitations regarding utilities.—All new utilities serving a home site shall be located underground.

(c) Use of Parcel C Land.—In making the conveyance under subsection (a) to the City of the land identified as Parcel C on the map referred to in such subsection, the Secretary shall include the following deed restrictions relating to the use of the conveyed land to ensure that such use is consistent with the planning process of the City and Custer County, Idaho, and management of National Forest System land:

(1) Authorized uses.—Parcel C may be used—

(A) to provide housing for persons employed full-time, whether on a year-round basis or seasonally, within the Sawtooth National Recreation Area; and

(B) for other public purposes, including use as the site for a park, cemetery, community center, or educational facility

(2) Limitations regarding construction.—Any structure constructed on Parcel C shall be subject to the following requirements:

(A) Size.—The size of the structure shall be compatible with the building site and type of use.

(B) Design.—Western ranch-style, having rectangular or square sections with no more than three ridgelines, excluding dormers.

(C) Height.—The height of any structure shall not exceed 30 feet from natural ground level.

(D) Windows.—Rectangular or square, divided light, and no more than 24 square feet in size. Windows with exterior walls facing Highways 21 or 75 shall not exceed 30 percent of the area of the wall.

(E) Structural siding.—Log, log-sided, rough-sawn lumber, board and batten, or suitable wood substitutes, which shall be harmoniously colored or have a natural wood finish.

(F) Roof.—Wood, composite, or non-reflective metal in muted earth tones of brown.

(3) Limitations regarding satellite dish.—Each structure may contain not more than one satellite dish, not to exceed 24 inches in diameter, which shall be located as unobtrusively as best available technology allows.

(4) Limitations regarding exterior lighting.—Exterior lighting sources shall be shielded downwards and may not be flashing.

(5) Limitations regarding landscaping.—The landscaping for each structure shall be compatible with an open setting and incorporate materials, groundcover, shrubs, and trees that are indigenous to the area. Areas exposed due to excavation shall be rehabilitated to pre-excavation conditions within two years following completion of construction.

(6) Limitations regarding roads and driveways.—Any road or driveway for a structure may not exceed 24 feet in width.

(7) Limitations regarding fencing.—Any fence in Parcel C shall be in the log worm, log block, or jack style and shall incorporate wildlife-friendly elements.

(8) Limitations regarding utilities.—All new utilities serving Parcel C shall be located underground.

(9) SIGNAGE.—Only signs identifying a commercial enterprise being conducted on Parcel C may be placed on the parcel. Signs may not exceed 20 square feet in area, and shall be subdued in appearance and harmonizing in design and color with the surroundings. No sign may be flashing.

(10) LIMITATIONS REGARDING STREAM SETBACKS.—To protect the integrity of fish habitat and Valley Creek from the impact of development, a minimum setback of 100 feet from each bank of Valley Creek shall be required for the construction of all houses and other structures on Parcel C.

(d) PROHIBITIONS.—

(1) SUBDIVISION.—Except as expressly authorized in subsection (b) or (c) regarding the land conveyed under subsection (a), the conveyed land may not be divided, subdivided or defacto subdivided through sales, long-term leases, or other means.

(2) PROHIBITED USES.—The land conveyed under subsection (a) may not be used for any of the following purposes:

(A) Commercial, manufacturing, industrial, mining, or drilling operations, except that small in-home businesses, such as professional services, may be allowed, and, subject to subsection (c)(1)(B), certain commercial operations may be allowed on the land identified as Parcel C on the map referred to in subsection (a).

(B) Exploration, development, or extraction of minerals.

(C) Dumping or accumulation of trash, debris, junk cars, unserviceable equipment, or other unsightly materials.

(D) Placement of residential trailers, mobile homes, manufactured homes, modular buildings, or other such semi-permanent structures.

(E) Placement of towers, antennae, or satellite dishes that are not concealed from public view, except to the extent that the right is expressly granted in subsection (b)(4) or (c)(3).

(F) Placement of signs, billboards, or other advertising devices, except—

(i) as provided in subsection (c)(9) with regard to the land identified as Parcel C; and

(ii) one property identification sign and one for sale or rental sign, not to exceed two square feet in area, which shall be harmonious in design and color with the surroundings.

(G) Disposal or unlawful storage of hazardous substances, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(e) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the conveyance under subsection (a), the City shall pay to the Secretary an amount equal to the amount originally expended by the United States to acquire the parcel of land identified as Parcel A on the map referred to in such subsection. The City shall provide the consideration not later than one year after the date on which the City disposes of the parcel after obtaining title of the parcel under subsection (a).

(2) DISPOSITION AND USE OF PROCEEDS.—The amount received as consideration under this subsection shall be—

(A) deposited and merged with funds appropriated for the operation of the Sawtooth National Recreation Area in order to supplement such appropriations; and

(B) available to the Secretary, without further appropriation and until expended, for conservation activities in the recreation area.

(f) SURVEY AND LEGAL DESCRIPTION.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary. The legal description shall be prepared as soon as practicable after the date of the enactment of this Act.

(g) APPROVAL AND ACCESS REQUIREMENTS.—

(1) GENERAL REQUIREMENTS.—Any improvement to be made to land conveyed under subsection (a) shall be subject to the approval in writing, and in advance of being made, by the appropriate City officials. Representatives of the City may enter the land at reasonable times to monitor compliance with the deed restrictions imposed by subsection (b), (c), or (d).

(2) PREPARATION AND APPROVAL OF DEVELOPMENT PLAN FOR PARCEL C.—The land identified as Parcel C on the map referred to in subsection (a) and conveyed to the City under such subsection shall not be developed until such time as a development plan consistent with subsections (c) and (d) is reviewed and approved by a special commission consisting of at least one elected official representing Custer County, one elected official representing the City, and three individuals who are not employed by or officials of the County or City and reside within the boundaries of the Sawtooth National Recreation Area. The non-governmental representatives shall be selected jointly by the elected officials on the commission.

(h) ENFORCEMENT.—As a condition on the conveyance under subsection (a), the City shall agree to enforce the deed restrictions imposed by subsections (b), (c), and (d).

(i) REVERSIONARY INTEREST.—If the Secretary determines at any time that any portion of the land conveyed under subsection (a) is not being used in compliance with the deed restrictions applicable to that portion of the land under subsection (b), (c), or (d), all right, title, and interest in and to that portion of the land, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing, and the Secretary shall give the landowner a reasonable opportunity to restore the property to compliance with the deed restrictions.

(j) SURVEY.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(k) ROAD ACCESS.—In making the conveyance under subsection (a) to the City, the Secretary shall include a deed restriction requiring that the roads referred to in such subsection shall remain open to the public to provide access to adjacent Federal land and private property.

(l) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 104. LAND CONVEYANCE, DESIGNATED BLM LAND TO CITY OF CLAYTON, IDAHO.

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey, without consideration, to the City of Clayton, Idaho (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of Bureau of Land Management land, including roads thereon, identified for conveyance under this section on the map entitled "City of Clayton Conveyance" and dated July 24, 2006.

(b) SURVEY.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(c) ROAD ACCESS.—In making the conveyance under subsection (a) to the City, the Secretary shall include a deed restriction requiring that the roads referred to in such subsection shall remain open to the public to provide access to adjacent Federal land and private property.

(d) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 105. LAND CONVEYANCE, DESIGNATED BLM LAND TO CITY OF MACKAY, IDAHO.

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey, without consideration, to the City of Mackay, Idaho (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of Bureau of Land Management land, including roads thereon, identified for conveyance under this section on the map entitled "City of Mackay Conveyance" and dated July 24, 2006.

(b) SURVEY.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(c) ROAD ACCESS.—In making the conveyance under subsection (a) to the City, the Secretary shall include a deed restriction requiring that the roads referred to in such subsection shall remain open to the public to provide access to adjacent Federal land and private property.

(d) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 106. LAND CONVEYANCE, DESIGNATED BLM LAND TO CITY OF CHALLIS, IDAHO.

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey, without consideration, to the City of Challis, Idaho (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of Bureau of Land Management land, including roads thereon, identified for conveyance under this section on the map entitled "City of Challis Conveyance" and dated July 24, 2006.

(b) SURVEY.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(c) ROAD ACCESS.—In making the conveyance under subsection (a) to the City, the Secretary shall include a deed restriction requiring that the roads referred to in such subsection shall remain open to the public to provide access to adjacent Federal land and private property.

(d) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 107. LAND CONVEYANCE AUTHORITY, SUPPORT FOR MOTORIZED AND BICYCLE RECREATION, PUBLIC LAND IN CENTRAL IDAHO.

(a) Motorized Recreation Park.—Subject to subsection (b), the Secretary of the Interior shall convey, without consideration, to the State of Idaho (in this section referred to as the "State") all right, title, and interest of the United States in and to a parcel or parcels of Bureau of Land Management land, including roads thereon, consisting of approximately 960 acres near Boise, Idaho, and identified for conveyance under this section on the map entitled "STATE OF IDAHO—Boise Motorized Park Conveyance" and dated October 1, 2006, for the purpose of permitting the State to establish a motorized recreation park on the land. As a condition of the conveyance of the land, the State shall agree to include a beginner track as part of the recreation park to be used to teach safe, responsible riding techniques and to establish areas for drivers with different levels of skills.

(b) Reservation of Portion for Bicycle Use.—As a condition of the conveyance of the land under subsection (a), the State shall reserve 20 acres of the conveyed land for the use of mountain bikes and open the reserved portion to such use as soon as practicable after the date of the conveyance. Funds appropriated pursuant to the authorization of appropriations in section 109(d)(1)(A) shall be available to facilitate the establishment of the bicycle portion of the recreation park.

(c) Survey.—The exact acreage and legal description of the land to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(d) Road Access.—In making a conveyance under subsection (a) to the State, the Secretary shall include a deed restriction requiring that the roads referred to in such subsection shall remain open to the public to provide access to adjacent Federal land and private property.

(e) Additional Term and Conditions.—The Secretary concerned may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 108. TREATMENT OF EXISTING ROADS AND TRAILS.

In making the conveyances required by this title, the Secretary of Agriculture and the Secretary of the Interior shall include deed restrictions to ensure that any roads and trails located on the conveyed land remain open to public use notwithstanding any subsequent conveyance of the land by the recipient of the land.

SEC. 109. STANLEY-REDFISH LAKE BIKE AND SNOWMOBILE TRAIL AND RELATED PARKING LOT.

(a) Development of Trail.—The Secretary of Agriculture shall design, construct, and maintain a hardened surface trail between the City of Stanley, Idaho, and Redfish Lake that is designated for use—

(1) by pedestrians and non-motorized vehicles generally; and

(2) as a snowmobile route when there is adequate snow cover.

(b) Acquisition From Willing Sellers.—Any land or interests in land to be acquired by the Secretary for construction of the paved trail required by subsection (a) shall be acquired only by donation or by purchase from willing sellers.

(c) Assistance for Construction of Parking Lot.—The Secretary may make a grant to the City of Stanley, Idaho, to assist the City in constructing a parking lot on City property at the north end of the trail required by subsection (a) for use for snowmobile and general parking and for other purposes related to the trail.

(d) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to the Secretary—

(A) $400,000 for the design, construction, and maintenance of the trail required by subsection (a) and for land acquisition associated with the construction of the trail; and

(B) $100,000 for the grant under subsection (c).

(2) Availability.—Amounts appropriated pursuant to the authorization of appropriations contained in paragraph (1) shall remain available until expended.

SEC. 110. SUPPORT FOR OTHER TRAIL CONSTRUCTION AND MAINTENANCE ACTIVITIES.

There is authorized to be appropriated to the Secretary of Agriculture or the Secretary of the Interior $50,000 for the construction and maintenance of bicycle trails in the State of Idaho. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. 111. SUPPORT FOR OUTFITTER AND GUIDE ACTIVITIES.

(a) Existing Operating Permits.—

(1) Extension.—Before the end of the one-year period beginning on the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall grant, for each guide or outfitter operating permit described in paragraph (2), a 10-year extension beyond the expiration date of the current permit. The Secretary concerned may require the modification of the extended permit as necessary to comply with the requirements of this Act.

(2) Covered permits.—Paragraph (1) applies to each guide and outfitter operating permit in effect as of the date of the enactment of this Act that authorized activities on lands included in a wilderness area designated by title II or the Boulder-White Cloud Management Area established by title III.

(3) Exception.—The Secretary of Agriculture or the Secretary of the Interior may refuse to grant the extension of a permit under paragraph (1) only if the Secretary concerned determines that the permittee has not operated in a satisfactory manner in compliance with the terms and conditions of the permit.

(b) Future Outfitter and Guide Activities.—Future extensions of outfitter and guide activities and permits for outfitters on lands included in a wilderness area designated by title II or the Boulder-White Cloud Management Area established by title III shall be administered in accordance with applicable Federal laws and resource management plans. No person shall conduct outfitter and guide activities on such Federal land except as authorized by the Secretary concerned.

SEC. 112. GRANTS TO SUPPORT SUSTAINABLE ECONOMIC DEVELOPMENT AND RECREATION.

(a) Grant to Custer County, Idaho.—The Secretary of Agriculture may make a grant to Custer County, Idaho, for the purpose of assisting the County in supporting sustainable economic development in the County.

(b) Grant to State of Idaho.—The Secretary of Agriculture may make a grant to the State of Idaho Parks and Recreation Department for the purpose of assisting the State in acquiring and developing Bayhorse Campground for use as a State park.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Agriculture—

(1) $5,100,000 to make the grant under subsection (a); and

(2) $500,000 to make the grant under subsection (b).

SEC. 113. CONTINUATION OF PUBLIC ACCESS TO BOWERY NATIONAL FOREST GUARD STATION.

(a) Construction of Road and Bridge.—To ensure continued public access to the Bowery Guard Station, the Secretary of Agriculture shall construct a new road on National Forest System lands, to the east of the existing private property line on the east side of the Leisinger property, and a new bridge over West Pass Creek as part of such road.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. 114. EXPANSION AND IMPROVEMENT OF HERD LAKE CAMPGROUND.

(a) Expansion and Improvement of Campground.—The Secretary of the Interior shall expand and improve the Herd Lake Campground facilities located below the outlet of Herd Lake.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary $500,000 to carry out this section. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. 115. LAND EXCHANGE TO ELIMINATE STATE OF IDAHO INHOLDINGS IN SAWTOOTH NATIONAL RECREATION AREA AND NEW WILDERNESS AREAS.

(a) Exchanges Authorized.—The Secretary of Agriculture and the Secretary of the Interior may execute one or more land exchanges with the State of Idaho for the purpose of eliminating State inholdings within the boundaries of the Sawtooth National Recreation Area and the wilderness areas designated by title II. The Federal land available for use to carry out an exchange under this section and the State inholdings to be acquired are depicted on the map entitled "SNRA State of Idaho Land Transfer" and dated October 1, 2006.

(b) Exchange Process.—The land exchanges authorized by this section shall be carried out in the manner provided in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

TITLE II—CENTRAL IDAHO WILDERNESS AREAS

SEC. 201. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) Additions.—Congress has determined that the following lands in central Idaho shall be designated as wilderness and managed as components of the National Wilderness Preservation System:

(1) Hemingway-Boulders wilderness.—Certain Federal land in the Sawtooth and Challis National Forests, comprising approximately 105,000 acres, as generally depicted on the map entitled "Hemingway-Boulders" and dated July 24, 2006, which shall be known as the "Hemingway-Boulders Wilderness".

(2) White clouds wilderness.—Certain Federal land in the Sawtooth and Challis National Forests, comprising approximately

73,100 acres, as generally depicted on the map entitled "White Clouds" and dated July 24, 2006, which shall be known as the "White Clouds Wilderness".

(3) Jerry peak wilderness.—Certain Federal land in the Challis National Forest and Challis District of the Bureau of Land Management, comprising approximately 131,700 acres, as generally depicted on the map entitled "Jerry Peak Wilderness" and dated July 24, 2006, which shall be known as the "Jerry Peak Wilderness". In the case of the Bureau of Land Management land designated as wilderness by this paragraph, the land is included in the National Landscape Conservation System.

(b) Maps and Legal Description.—

(1) In general.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture, in the case of the wilderness areas designated by paragraphs (1) and (2) of subsection (a) and the National Forest System land designated as wilderness by paragraph (3) of such subsection, and the Secretary of the Interior, in the case of the Bureau of Land Management land designated as wilderness by paragraph (3) of such subsection, in this title referred to as the "Secretary concerned", shall file a map and legal description of the wilderness areas designated by such subsection with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) Effect.—Each map and legal description shall have the same force and effect as if included in this title, except that the Secretary concerned may correct clerical and typographical errors in the map or legal description.

(3) Availability.—Each map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management or the Forest Service.

(c) Withdrawal.—Subject to valid existing rights, the wilderness areas designated in subsection (a) are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, location, entry, and patent under the mining laws, and operation of the mineral leasing, mineral materials, and geothermal leasing laws.

SEC. 202. GENERAL ADMINISTRATION OF WILDERNESS AREAS.

(a) Application of Wilderness Act.—Subject to valid existing rights, the wilderness areas designated by section 201 shall be managed by the Secretary concerned in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this title. With respect to the wilderness areas, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act, and any reference in the Wilderness Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary concerned.

(b) Consistent Interpretation to the Public.—Although the wilderness areas designated by section 201 consist of National Forest System land under the jurisdiction of the Secretary of Agriculture and public land under the jurisdiction of the Secretary of the Interior, the Secretary of Agriculture and the Secretary of the Interior shall collaborate to assure that the wilderness areas are interpreted to the public as an overall complex tied together by common location in the Boulder-White Cloud Mountains and common identity with the natural and cultural history of the State of Idaho and its Native American and pioneer heritage.

(c) Comprehensive Wilderness Management Plan.—Not later than three years after the date of the enactment of this Act, the Secretary of Agriculture and Secretary of the Interior shall collaborate to develop a comprehensive wilderness management plan for the wilderness areas designated by section 201. The completed management plan shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) Fire, Insects,, and Diseases.—Within the wilderness area designated by section 201, the Secretary concerned may take such measures as the Secretary concerned determines to be necessary for the control of fire, insects, and diseases, subject to such conditions as the Secretary concerned considers desirable, as provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1131(d)(1)).

(e) Wilderness Trails and Trailheads.—

(1) Construction of new trailhead.—The Secretary concerned shall construct a new trailhead for nonmotorized users and improve access to the Big Boulder Trailhead to separate motorized users from nonmotorized users.

(2) Inclusion of accessible trail.—The Secretary concerned shall upgrade the first mile of the Murdock Creek Trail in the Hemingway-Boulders wilderness area designated by section 201 to a primitive, non-paved, and wheelchair accessible standard.

(f) Treatment of Existing Claims and Private Lands.—Nothing in this title is intended to affect the rights or interests in real property, patented mining claims, or valid claims or prevent reasonable access to private property or for the development and use of valid mineral rights. The Secretary concerned may enter into negotiations with the holder of a patented claim or valid claim located in a wilderness area designated by section 201 for the voluntary relinquishment of the claim.

(g) Grazing.—Grazing of livestock in a wilderness area designated by section 201, where established before the date of the enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), section 108 of Public Law 96–560, and section 101(f) of Public Law 101–628, and in accordance with the guidelines set forth in Appendix A of House Report 96–617 of the 96th Congress and House Report 101–405 of the 101st Congress.

(h) Commercial Outfitters and Saddle and Pack Stock.—Nothing in this title shall preclude horseback riding or the entry of recreational saddle or pack stock into the wilderness areas designated by section 201, including when such entry is made by commercial outfitters.

SEC. 203. ACQUISITION OF MINERAL INTERESTS AND LANDS FROM WILLING SELLERS.

(a) Acquisition.—Within the boundaries of the wilderness areas designated by section 201, the Secretary concerned may acquire, through purchase from willing sellers or donation from willing owners, all right, title, and interest in all mineral interests, claims, and parcels of land that have been patented under the Act of May 10, 1872 (30 U.S.C. 22 et seq.; commonly known as the Mining Act of 1872).

(b) Consideration.—In exercising the authority provided by subsection (a) to acquire lands and interests, the Secretary concerned shall offer the owners of record of each patent, who voluntarily wish to sell, $20,000 as compensation for the acquisition of these interests. The Secretary concerned shall make such offers as soon as practicable after the date of the enactment of this Act and such offers shall remain open for acceptance during the five-year period beginning on such date.

(c) Incorporation in Wilderness Area.—Any land or interest in land located inside the boundaries of a wilderness area designated by section 201 that is acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of that wilderness area.

SEC. 204. ADJACENT MANAGEMENT.

(a) No Protective Perimeters or Buffer Zones.—Congress does not intend for the designation of the wilderness areas by section 201 to lead to the creation of protective perimeters or buffer zones around any such wilderness area.

(b) Nonwilderness Activities.—The fact that nonwilderness activities or uses outside of a wilderness area designated by section 201 can be seen or heard from inside of the wilderness area shall not preclude the conduct of those activities or uses outside the boundaries of the wilderness area.

SEC. 205. WILDFIRE MANAGEMENT.

Consistent with section 4 of the Wilderness Act (16 U.S.C. 1133), nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations, including operations using aircraft or mechanized equipment, to manage wildfires in the wilderness areas designated by section 201.

SEC. 206. WATER RIGHTS.

(a) Findings.—Congress finds the following:

(1) The lands designated as wilderness areas by section 201 are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness values of such lands.

(2) The lands designated as wilderness areas by section 201 are not suitable for use for development of new water resource facilities or for the expansion of existing facilities.

(3) Therefore, it is possible to provide for proper management and protection of the wilderness value of the lands designated as wilderness areas by section 201 in ways different from the ways utilized in other laws designating wilderness areas.

(b) Purpose.—The purpose of this section is to protect the wilderness values of the lands designated as wilderness areas by section 201 by means other than a federally reserved water right.

(c) Statutory Construction.—Nothing in this title—

(1) shall constitute, or be construed to constitute, either an express or implied reservation by the United States of any water or water rights with respect to the wilderness areas designated by section 201;

(2) shall affect any water rights in the State of Idaho existing on the date of the enactment of this Act, including any water rights held by the United States;

(3) shall be construed as establishing a precedent with regard to any future wilderness designations;

(4) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Idaho and other States; and

(5) shall be construed as limiting, altering, modifying, or amending provisions of Public

Law 92-400, which established the Sawtooth National Recreation Area (16 U.S.C. 460aa et seq.).

(d) Idaho Water Law.—The Secretary concerned shall follow the procedural and substantive requirements of the law of the State of Idaho when seeking to establish any water rights, not in existence on the date of the enactment of this Act, with respect to the wilderness areas designated by section 201.

(e) New Projects.—

(1) Prohibition.—Except as otherwise provided in this Act, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility inside any of the wilderness areas designated by section 201.

(2) Definition.—In this subsection, the term "water resource facility" means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

SEC. 207. WILDLIFE MANAGEMENT.

(a) State Jurisdiction.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects or diminishes the jurisdiction of the State of Idaho with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness areas designated by section 201.

(b) Management Activities.—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by section 201 where consistent with relevant wilderness management plans, in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405 of the 101st Congress, including the occasional and temporary use of motorized vehicles, if such use, as determined by the Secretary concerned would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values and accomplish those purposes using the minimum tool necessary to reasonably accomplish the task.

(c) Use of Aircraft.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405 of the 101st Congress, the State of Idaho may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and manage elk, deer, bighorn sheep, mountain goats, wolves, grizzly bears, and other wildlife and fish.

(d) Hunting, Fishing, and Trapping.—Nothing in this title shall affect hunting, fishing, and trapping, under applicable State and Federal laws and regulations, in the wilderness areas designated by section 201. The Secretary concerned may designate, by regulation in consultation with the appropriate State agency (except in emergencies), areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas.

SEC. 208. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this title shall be construed to diminish the rights of any Indian tribe. Nothing in this title shall be construed to diminish tribal rights regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

SEC. 209. MILITARY OVERFLIGHTS.

Nothing in this title restricts or precludes—

(1) low-level overflights of military aircraft over the wilderness areas designated by section 201, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

SEC. 210. WILDERNESS REVIEW.

(a) National Forests.—Section 5 of Public Law 92-400 (16 U.S.C. 460aa-4), which required a review of the undeveloped and unimproved portion or portions of the Sawtooth National Recreation Area established by that Act as to suitability or nonsuitability for preservation as part of the National Wilderness Preservation System, is repealed.

(b) Public Lands.—

(1) Finding.—Congress finds that, for the purpose of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land administered by the Bureau of Land Management in the following areas have been adequately studied for wilderness designation:

(A) The Jerry Peak Wilderness Study Area.

(B) The Jerry Peak West Wilderness Study Area.

(C) The Corral-Horse Basin Wilderness Study Area.

(D) The Boulder Creek Wilderness Study Area.

(2) Release.—Any public land described in paragraph (1) that is not designated as wilderness by this title—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

TITLE III—BOULDER-WHITE CLOUDS MANAGEMENT AREA

SEC. 301. ESTABLISHMENT OF MANAGEMENT AREA.

(a) Findings and Purposes.—In the case of those Federal lands not designated as wilderness in title II, Congress has examined the management alternatives for such lands and finds that the designation of such lands as a special management area will provide outstanding opportunities for many forms of recreation, including mountain biking, snowmobiling, and the use of off-road motorized vehicles. The purpose of this title is to statutorily provide for the continued management of such lands for motorized and other recreational opportunities, livestock grazing, and conservation and resource protection in accordance with the existing management areas, plans, and applicable authorities of the Challis National Forest, the Sawtooth National Forest, the Sawtooth National Recreation Area, and the Challis District of the Bureau of Land Management. In addition, it is the purpose of this title to provide that motorized use of such lands shall be allowed in accordance with the travel map entitled "Boulder-White Clouds Management Area Travel Plan" and dated July 24, 2006.

(b) Establishment.—

(1) Establishment.—Those Federal lands in the Challis National Forest, the Sawtooth National Forest, the Sawtooth National Recreation Area, and the Challis District of the Bureau of Land Management that are not designated as wilderness in title II, as generally depicted on the map entitled "Boulder-White Clouds Management Area" and dated July 24, 2006, are hereby designated as the Boulder-White Clouds Management Area and shall be managed as provided by this title.

(2) Relation to Sawtooth National Recreation Area.—The designation of land already in the Sawtooth National Recreation Area for inclusion in both the management area and the Sawtooth National Recreation Area is declared to be supplemental to, not in derogation of, the Sawtooth National Recreation Area.

(3) Management area defined.—In this title, the term "management area" means the Boulder-White Clouds Management Area designated by this subsection.

(c) Administration.—

(1) Secretary concerned defined.—In this title, the term "Secretary concerned" means—

(A) the Secretary of Agriculture, in the case of National Forest System lands included in the management area; and

(B) the Secretary of the Interior, in the case of public lands included in the management area.

(2) Administration.—Except as otherwise provided in this title, the Secretary concerned shall administer the management area in accordance with this title and the laws and regulations generally applicable to the National Forest System lands and the public lands included in administrative areas in existence as of the date of the enactment of this Act and in accordance with the management plans of the Sawtooth National Recreation Area, the Challis National Forest, the Sawtooth National Forest, and the Challis District of the Bureau of Land Management in existence as of that date.

(3) Relation to Sawtooth National Recreation Area.— If lands in the management area are also included in the Sawtooth National Recreation Area, the Secretary of Agriculture shall also administer that land in accordance with Public Law 92-400 (16 U.S.C. 460aa et seq.).

(4) Continued reference to existing administrative units.—Notwithstanding the establishment of the management area, the administrative units in effect as of the date of the enactment of this Act and known as the Sawtooth National Recreation Area, the Challis National Forest, the Sawtooth National Forest, and the Challis District of the Bureau of Land Management, including areas within the administrative units established as the management area, shall continue to be known as the Sawtooth National Recreation Area, the Challis National Forest, the Sawtooth National Forest, and the Challis District of the Bureau of Land Management, respectively, and shall be so designated on any signs and maps prepared by the Secretary concerned.

(d) Development.—No new roads may be constructed within the management area, except as necessary for access to campgrounds and other recreation areas as determined by the Secretary concerned. Roads may be maintained and relocated as necessary. The Secretary concerned shall permit the mining and removal of gravel, sand, and rock along existing roads in the management area as necessary for road maintenance in accordance with the applicable management plan.

(e) TIMBER HARVESTING.—Timber harvesting may be allowed on lands in the management area only in accordance with the management plan applicable to the lands and for necessary control of fire, insects, and diseases and for public safety.

(f) TRAILS.—

(1) CONSTRUCTION, MAINTENANCE, AND IMPROVEMENTS.—There is authorized to be appropriated to the Secretary of Agriculture and the Secretary of the Interior $650,000 for trail construction and maintenance and for other improvements related to outfitting, guiding, hiking, and horseback use within the management area. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

(2) SET-ASIDE FOR TRAIL CONSTRUCTION.—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), $150,000 shall be available for the construction of—

(A) a trail between the Phyllis Lake Road (USFS Road #053) and Phyllis Lake, which shall be primitive and non-paved, but wheelchair accessible, and open only to non-motorized travel; and

(B) the primitive and non-paved, but wheelchair accessible, trail along Murdock Creek in the Hemingway-Boulders wilderness area required by section 202(e)(2).

SEC. 302. LAND ACQUISITION AND ACQUISITION OF UNPATENTED MINING CLAIMS IN MANAGEMENT AREA.

(a) LAND ACQUISITION.—The Secretary concerned may acquire, by donation or purchase from willing sellers, lands and interests in lands—

(1) located inside the boundaries of the management area; or

(2) located adjacent to the management area to provide easements for additional public access to the management area.

(b) ACQUISITION OF UNPATENTED MINING CLAIMS.—

(1) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary concerned shall accept any charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) of an interest—

(A) in an unpatented mining claim located inside the boundaries of the management area; or

(B) in any partnership, association, company, or corporation substantially all the value of which is attributable to unpatented mining claims located inside the boundaries of the management area.

(2) ACCESS FOR VALUATION PURPOSES.—The Secretary concerned shall permit any donor of an interest described in paragraph (1), or any agent of the donor, to access the unpatented mining claim and conduct sampling and exploration work necessary to determine the fair market value of the claim if—

(A) the donor notifies the local Federal land manager in writing of the donor's intent to access the unpatented mining claim for such purposes; and

(B) the Secretary determines that the proposed access, sampling, and exploration work will not cause substantial impairment of the surface resources.

(3) VALUATION METHOD IF ACCESS DENIED.—If the Secretary concerned determines that a request for access under paragraph (2) to conduct sampling and exploration work necessary to determine the fair market value of an unpatented mining claim will cause substantial impairment of the surface resources or otherwise fails to permit access within 30 days after receipt of the written request for access under such paragraph, the fair market value of the claim for purposes of determining the amount of the contribution under paragraph (1) shall be based on an appraisal that relies upon noninvasive methods to determine the value.

(c) LIMITATION ON USE OF CONDEMNATION.—No lands or interests in lands may be acquired by condemnation for inclusion in the management area or to provide access to the management area, except as provided for by Public Law 92-400 (16 U.S.C. 460aa et seq.) and regulations, in effect,as of the date of the enactment of this Act, for the use of private land in the Sawtooth National Recreation Area (sections 36 292.14-292.16 of title 36, Code of Federal Regulations).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $5,000,000 to carry out this section. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. 303. MOTORIZED AND BICYCLE TRAVEL.

(a) MOTORIZED AND BICYCLE TRAVEL AUTHORIZED.—

(1) BLM LAND.—In the case of public land included in the management area, notwithstanding the status of any other road or trail, motorized and bicycle travel shall continue to be allowed on the Spar Canyon, Herd Lake, and Road Creek routes.

(2) FOREST SERVICE LAND.—In the case of National Forest System land included in the management area, motorized and bicycle travel shall continue to be allowed in accordance with Forest Service travel plans and maps in existence as of July 24, 2006, which managed recreation use for the specific areas, roads, and trails on that land, as referenced on the travel map entitled "Boulder-White Clouds Management Area Travel Plan" and dated July 24, 2006.

(b) ESTABLISHMENT OR USE OF OTHER TRAILS AND ROUTES.—Notwithstanding subsection (a), other trails and routes may be used for motorized and bicycle travel whenever the Secretary concerned considers such use to be necessary for administrative purposes or to respond to an emergency.

(c) ROUTE AND TRAIL CLOSURES.—The following roads or trails shall be closed to motorized and mechanized trail use, except when there is adequate snowcover to permit snowmobile use:

(1) Forest Service Trail 109 between the Phyllis Lake turnoff to 4th of July Lake and the south side of Washington Lake.

(2) Forest Service Trail 671 up Warm Springs Creek from Trail 104 to the wilderness boundary.

(d) GROUNDS FOR TRAIL SEGMENT CLOSURES.—Resource damage that can be mitigated and issues of user conflict shall not be used as grounds for the closure of a trail or route in the management area, although the Secretary concerned may close any trail or route, or prohibit the use of trail or route for motorized and mechanize travel, if the Secretary determines that such closure or prohibition is the only reasonable means available for resource protection or public safety.

(e) MITIGATION OF TRAIL CLOSURES.—If the Secretary determines under subsection (d) that closing an available trail or route in the management area is necessary for resource protection or public safety, the Secretary shall take any of the following mitigation actions, intended to provide commensurate motorized recreation opportunities in the same general area of the management area:

(1) Repair resource damage and secure conditions so that closed trails may be reopened to motorized use.

(2) Replace, relocate, or reroute the trail or the trail segment to provide a similar link between travel points.

(3) A combination of the actions specified in paragraphs (1) and (2) and other actions to achieve the overall mitigation objective.

(f) RELATION TO OTHER LAWS.—In considering mitigation actions under subsection (e), the Secretary concerned shall ensure that such action is consistent with the overall objectives of the management area. If the lands are also included in the Sawtooth National Recreation Area, the Secretary concerned shall also administer the action in accordance with Public Law 92-400 (16 U.S.C. 460aa et seq.), the map referred to in subsection (a)(2), and executive orders and other relevant laws and regulations existing on or before the date of the enactment of this Act.

(g) BLM TRAVEL PLAN.—Not later than three years after the date of the enactment of this Act, the Secretary of the Interior shall develop and implement a travel plan for public land included in the management area, but not otherwise covered by this section. The travel plan shall be developed in accordance with the laws and regulations generally applicable to the public land included in the management area and in accordance with the existing management plan for the Challis District of the Bureau of Land Management. Motorized and bicycle travel authorized in the travel plan shall be managed in accordance with the plan and laws and regulations generally applicable to the public land, and not as otherwise provided for in this section. The Secretary of the Interior shall include a map as part of the travel plan.

SEC. 304. SUPPORT AND USE OF IDAHO OFF ROAD MOTOR VEHICLE PROGRAM.

(a) GRANT TO PROGRAM.—There is authorized to be appropriated to the Secretary of Agriculture not more than $1,000,000, which shall be used by the Secretary to make a grant to the State of Idaho in the full amount so appropriated for deposit with the Off Road Motor Vehicle Program of the Idaho Department of State Parks and Recreation, which is used to support the acquisition, purchase, improvement, repair, maintenance, furnishing, and equipping of off-road motor vehicle facilities and sites, to groom snowmobile trails, and for enforcement activities and the rehabilitation of land damaged by off-road vehicle users. As a condition of the grant, the State must maintain the grant funds as a separate account of the Off Road Motor Vehicle Program and may not use the funds except as provided by this section.

(b) USE OF GRANT FUNDS.—When the Secretary concerned determines that additional funds are required to carry out the activities described in subsection (a) in the management area, the Secretary may apply for funds from the Off Road Motor Vehicle Program. Funds received under this subsection shall be used only in the management area or in connection with the Boise motorized recreation park authorized by section 107.

(c) CONSULTATION AND RECOMMENDATIONS.—Before funds are provided under subsection (b), the Off Road Motor Vehicle Program shall consider any recommendations regarding the use of the funds made by the advisory committee established as part of the program as well as public comments.

(d) RELATION TO OTHER LAWS.—Any action undertaken using funds obtained under subsection (b) shall conform to the applicable travel plan of the Challis National Forest, the Sawtooth National Forest, the Sawtooth National Recreation Area, or the Challis District of the Bureau of Land Management.

SEC. 305. AIRPORTS AND LANDING STRIPS.

No airstrips exist in the wilderness areas designated by title II. Nothing in this Act shall be construed to restrict or preclude the use of public or private airports or landing strips located within the management area or adjacent to a wilderness area designated by title II.

SEC. 306. MANAGEMENT OF RAILROAD RIDGE AREA, SAWTOOTH NATIONAL FOREST.

(a) FINDINGS.—Congress finds the following:

(1) The Railroad Ridge area of the Sawtooth National Forest is host to several extremely rare and sensitive plant species.

(2) The area supports some of the most unique and well-developed alpine plant communities in Idaho, and is more botanically diverse than most alpine communities in North America.

(3) The area is currently closed to cross-country motorized travel

(b) ENHANCED AWARENESS AND CONSERVATION.—There is authorized to be appropriated to the Secretary of Agriculture $50,000 for the development of educational materials and signage to raise the awareness of users of the Railroad Ridge area of the uniqueness of the area and to promote the conservation of the area.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Madam Speaker, I yield myself sufficient such time as I may consume.

I am really pleased that we are bringing forward Congressman MIKE SIMPSON's bill, H.R. 3603, the Central Idaho Economic Development and Recreation Act, otherwise known as CIEDRA. Congressman SIMPSON should be commended for the hard work that he has put into developing this legislation over the last 6 years. He has worked tirelessly to get this legislation to this position.

This bill is the first comprehensive wilderness bill to come out of the State of Idaho in more than 25 years, a quarter of a century. It enjoys broad support from elected officials, as well as the Idaho conservation community and present and past statewide officials.

H.R. 3603 considers all users in the Boulder-White Clouds. It creates three new wilderness areas, totaling approximately 312,000 acres. It authorizes the first-ever wheelchair accessible trails in the wilderness. It locks in existing motorized use for all terrain vehicles and snowmobiles, and it also provides much needed economic assistance to a county that is, get this, over 95 percent Federal land. Ninety-five percent.

H.R. 3603 is a locally produced compromise that meets the needs of today's users and secures the future for generations of Idahoans and Americans who want to continue using and enjoying our beautiful Boulder-White Clouds area. By passing this bill, we can put to rest many longstanding conflicts and move forward toward a more secure future for those who use and enjoy this area.

Once again, Mr. SIMPSON's efforts at bringing together very diverse groups should be applauded. I urge passage of this important piece of compromise legislation.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the majority has already explained the purpose of H.R. 3603, which was introduced by the gentleman from Idaho, Representative MIKE SIMPSON.

Contrary to the impression that may have been given, H.R. 3603 is controversial legislation that is being rushed to the floor today without even the benefit of a committee report or a Congressional Budget Office cost estimate. The ranking Democrat on the resources committee, Representative NICK RAHALL, opposes this bill and others share his concern with the legislation.

Madam Speaker, H.R. 3603 is a controversial and complex measure that should be carefully considered. And as such, we do not support passage of H.R. 3603 by the House today.

Madam Speaker, I reserve the balance of my time.

Mr. WALDEN of Oregon. Madam Speaker, I yield such time as he may consume to the gentleman from Idaho, who has worked so diligently for so long to build this bill from the ground up, from the State of Idaho up, my colleague and friend, Mr. SIMPSON.

Mr. SIMPSON. Madam Speaker, in regard to the opening statement, I notice that this bill really is not being rushed to the floor. It has been in development for 6 years. I wouldn't call that rushing anything to the floor. In fact, it has been in the form of a bill for over 3 years, so people have had a chance to look at it and know what we have been talking about here.

Idahoans know that the Boulder-White Clouds are some of the most beautiful mountains in Idaho. They also know they have been the subject of some of the most contentious wilderness debates in our time.

H.R. 3603, the Central Idaho Economic Development and Recreation Act, marks a new area in wilderness creation, one in which the needs of the people who live and recreate in the area are as important as the lines drawn on a map. The old approach to wilderness of sacrificing the needs of individuals and specific user groups to the benefit of others will not work anymore. Those who are affected by wilderness must be a part of the solution.

During the past 6 years, my staff and I had countless meetings with the groups and individuals that will be impacted by my proposed wilderness designation. These meetings included Custer County's commissioners, elected city officials, ranchers, snowmobilers, off-road vehicle users, outfitters, conservationists and others, as well as public meetings in Stanley, Challis, and Ketchum. What I heard made me believe that we could find a positive outcome in the management of the Boulder-White Clouds that benefits all users.

H.R. 3603 represents my best effort at crafting a compromise piece of legislation in a manner where no one is unfairly impacted. We are providing economic stability for Custer County. We are securing roads and trails for today's motorized recreation users and future generations of motorized users. We are working on providing economic viability to ranching families, and we are creating three substantive wilderness areas that have an area half the size of the State of Rhode Island. We are even creating the first handicapped-accessible wheelchair trail into wilderness.

By passing this bill, we can put to rest many longstanding conflicts and move ahead to a stronger, more secure economy in the rugged, beautiful, and productive heart of Idaho. This bill meets the needs of today's users and secures the future for generations of Idahoans who want to continue using and enjoying the beautiful Boulder-White Clouds.

Henry Clay once stated that "politics is not about ideological purity or moral self-righteousness. It is about governing, and if a politician cannot compromise, he cannot govern effectively."

Today, we have an opportunity to show that we can, in fact, govern effectively.

I want to thank the following individuals who have helped me over the last 6 years in creating this bill. First, I want to thank the chairman of the full committee and Ranking Member RAHALL; subcommittee Chairman WALDEN and Ranking Member TOM UDALL for their work on this. Custer County Commissioners Wayne Butts, Cliff Hansen and Linn Hintze, Blaine County Commissioners Sarah Michaels and Tom Bowman, Stanley Mayor Hannah Stouts, Former Governor Cecil Andrus, Former Senator Jim McClure, Bob Hayes, Bethine Church and the Sawtooth Society, Rick Johnson, Linn Kincannon with the Idaho Conservation League, Bart Koehler, Tim

Mahoney, Marcia Argust, Erik Schultze.

And to the staff of the Resources Committee, particularly . Erica Tergeson and Doug Crandall, and to Greg Kostka at the legislative counsel who drafted countless versions of this legislation.

□ 1530

And, finally, I want to thank those who put the most work into this, my staff: Lindsay Slater, my chief of staff; Laurel Hall; Josh Heird; and Nikki Watts for their incredible efforts on this piece of legislation.

Ms. BORDALLO. Madam Speaker, I yield 7 minutes to the gentlewoman from New York, Congresswoman Carolyn Maloney.

Mrs. MALONEY. Madam Speaker, I thank the gentlewoman for yielding and for her leadership in so many areas.

Madam Speaker, I rise in opposition to this legislation. As a strong supporter of our Nation's wilderness, I am opposed to it, the Central Idaho Economic Development and Recreation Act.

I am joined in my opposition by the Sierra Club, and I will place their statement in the RECORD. I am also joined in my opposition by 44 different organizations, most of which are located in the great State of Idaho, and I will place their statements in opposition also in the RECORD. I am also joined by Wilderness Watch. They are opposed because they say that the legislation contains "wilderness-weakening provisions." And I will place their statement in the RECORD.

SIERRA CLUB,
July 21, 2006.

Re Please oppose H.R. 3603/CIEDRA.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The 750,000 members of the Sierra Club are citizens from across the country who share a common interest: protecting and restoring wild and special places. Sierra Club members believe that good and responsible stewardship requires that we protect wildlife habitat, halt the loss of wild lands, and secure our natural heritage for future generations. As a member of the House of Representatives, you will make a decision on the Central Idaho Economic Development and Recreation Act (CIEDRA) (H.R. 3603).

While we acknowledge several changes have been made to the bill since its original introduction, and we are supportive of wilderness protection for Idaho, we continue to have very serious concerns regarding several aspects of the legislation. Sierra Club, therefore, continues to oppose H.R. 3603 in its current form and asks that you vote NO on this legislation.

PRIVATIZING PUBLIC LANDS

The American public has overwhelmingly opposed recent proposals to privatize public land. CIEDRA will give away over 5,000 acres of National Forest and BLM-managed lands, including lands from the congressionally protected Sawtooth National Recreation Area (Sawtooth NRA). These lands include elk wintering grounds and salmon waters in the Salmon River watershed near Stanley, Idaho. If CIEDRA is adopted, these lands will be open to large-scale home development and motorized recreational parks. It is wrong to give away public lands.

Taxpayers have invested nearly $65 million over 30 years to protect the Sawtooth NRA. CIEDRA would reverse this policy, even giving away land inside the Sawtooth NRA that was purchased in 1989 for $341,000 with federal tax dollars in 1989. CIEDRA sets a precedent of dismantling protections on public lands to benefit a few local interests, despite the strong opposition of many residents.

WILDERNESS LOST

The failure to include 130,000 acres of wilderness quality lands long advocated for protection by the conservation community for wilderness reduces the habitat and wilderness values that should be protected.

WATERS OF THE SAWTOOTH NRA

The streams and rivers of the Sawtooth NRA must be protected for fish (especially spawning salmon) and wildlife. Normally, federal lands such as the Sawtooth NRA include federal protection of instream flows. However, in 2000 the Idaho Supreme Court stripped the Sawtooth NRA of its protections for water and the State of Idaho is free to continue issuing new water rights further degrading instream flow protections. CIEDRA should reassert flow protections. Instead, the bill expressly denies a federal water right under current Idaho law for the Wilderness areas, and is silent as to the new Boulder White Clouds Management Area. The Salmon River and its tributaries could be degraded as a result, further harming salmon recovery.

OFF ROAD VEHICLE USE

CIEDRA would give priority use to motorized recreation for a newly designated 540,000-acre Boulder White Clouds Management Area, and would in effect subvert the conservation purposes of the Sawtooth NRA. To encourage off-road motorized use, what should be a cohesive Wilderness is cleaved into multiple parts. CIEDRA would codify significant ORV trail incursions into prime habitat.

In particular is our concern that CIEDRA adopts a "no net loss" requirement that would prevent Sawtooth NRA land managers from closing motorized trails. No matter how great the damage or risk to public safety, motorized recreation is protected by statute.

On October 27, 2005, current and retired land managers from the U.S. Forest Service and Department of Interior testified before the House Subcommittee on Forests and Forest Health opposing provisions and costs of CIEDRA, including the ORV provisions.

We acknowledge Rep. Simpson's work in moving forward the discussion of Wilderness in central Idaho. We welcome the opportunity to work with Rep. Simpson and other Members to find accommodations in the bill that would address these issues and help advance and not undo the protections when Congress established the Sawtooth National Recreation Area.

Thank you for your consideration of Sierra Club's position and our reasons for opposing H.R. 3603 in its current form.

Respectfully yours,

CARL POPE,
Executive Director.

July 2006.

HONORABLE MEMBERS, HOUSE RESOURCES COMMITTEE, Why You Must Oppose H.R. 3603 (CIEDRA) Central Idaho Economic Development and Recreation Act.

(1) Across party lines, the American public recently expressed a strong and clear will to keep public lands PUBLIC by rejecting legislation that would have privatized public land. HR 3603 would thwart the national will by giving away, for *free*, roughly 5,100 acres of nationally owned public land, including acreage in the congressionally-protected Sawtooth National Recreation Area (Sawtooth NRA), an American treasure located in Central Idaho. In Title I, CIEDRA earmarks numerous parcels of nationally owned public land to be given away. These include elk wintering grounds and salmon waters near Stanley, Idaho as well as land outside the Sawtooth NRA. The exact acreage is still unknown, as it is yet to be included in the bill language or documented in one place.

(2) CIEDRA would mandate motorized use and erode existing protections in the Sawtooth NRA. The eastern half of the Sawtooth NRA would be overlain with a new Boulder White Clouds Management Area, designating permanent off-road vehicle (ORV) corridors through critical wildlife habitat and establishing motorized recreation as the priority use for approximately 550,000 acres—almost twice the acreage the bill would designate as Wilderness. Title III would restrict Sawtooth NRA managers' ability to protect this new Management Area from ORV damage and lock in the status quo of damaging ORV use. CIEDRA would eliminate environmental protections, requiring no net loss in motorized routes despite resource damage and public safety concerns. Over 200,000 acres of the Sawtooth NRA, 70,000 acres of additional National Forest lands, and 230,000 acres of BLM-managed land adjacent to the Sawtooth NRA would be dedicated to dirt bikes and snowmobiles.

(3) CIEDRA would undo the protections afforded in PL 92-400, passed in 1972 to protect the natural, rural, and scenic values of the Sawtooth NRA. Taxpayers have already spent $65 million to create and protect the Sawtooth NRA, an icon among America's western landscapes. Despite the strong opposition of many area residents—CIEDRA would set a precedent of dismantling protections on public land to benefit a few interests.

(4) CIEDRA fails to provide a water right needed by wildlife and fish, especially endangered salmon. In 2000 the Idaho Supreme Court stripped the Sawtooth NRA of its protections for water. CIEDRA should reassert instream flow protections. Instead, the bill expressly denies a federal water right for wilderness areas and is silent as to the new Boulder White Clouds Management Area. Hunters and fishermen are among those opposing CIEDRA because they know that without water, wilderness cannot support wildlife, and streams cannot support fish.

(5) CIEDRA would weaken the Wilderness Act, bestowing the name "Wilderness" while undermining traditional wilderness protections. Title II would "release" more than 130,000 acres of Wilderness Study Areas and recommended Wilderness, suspending protection and opening these lands to damaging uses. The Wilderness proposed by CIEDRA is so weak and inconsistent with the Wilderness Act that the Forest Service expressed strong reservations about this title in its October 27, 2005 testimony regarding H.R. 3603.

For these and other reasons, the interests of your constituents are not well served by H.R. 3603.

We, the undersigned, urge you not to support CIEDRA.

COMMITTEE TO SAVE THE SNRA

Sierra Club, N. Rockies Chapter, Boise, ID, Kathy Richmond.

Idaho Wildlife Federation, Boise, ID, Cherie Barton.

Idaho Birdhunters, Boise, ID, Russell Heughins.

Idaho Environmental Council, Idaho Falls, ID, Jerry Jayne.

Ada County Fish & Game League, Boise, ID, Bob Minter.

Idaho Sporting Congress, Boise, ID, Ron Mitchell.

Coalition of Retired Forest Service Managers, Hailey, ID, Scott Phillips.

Golden Eagle Audubon, Boise, ID.

Payette Forest Watch, Moscow, ID, Erik Ryberg.

Friends of the West, Clayton, ID, Dave Richmond.

Friends of the Clearwater, Moscow, ID, Gary Macfarlane.

Kootenai Environmental Alliance, Coeur d'Alene, ID, Barry Rosenberg.

Idaho Green Party, Boise, ID, Gwen Sanchirico.

NREPA Network, Hailey, ID, Kaz Thea.

Selkirk Conservation Alliance, Priest River, ID, Mark Sprengel.

Western Lands Project, Seattle, WA, Janine Blaeloch.

Alliance for the Wild Rockies, Missoula, MT, Michael Garrity.

Wilderness Watch, Missoula, MT, George Nickas.

Friends of the Bitterroot, Hamilton, MT, Larry Campbell.

Big Wild Advocates, Emigrant, MT, Howie Wolke.

Wildlands CPR, Missoula, MT, Bethanie Walder.

National Forest Protection Alliance, Missoula, MT, Susan Curry.

The Ecology Center, Missoula, MT, Jeff Juel.

Save America's Forests, Washington, D.C., Carl Ross.

Bluewater Network, A Division of Friends of the Earth, San Francisco, CA, Carl Schneebeck.

Public Lands Foundation, Arlington, VA, George Lea.

Wild Wilderness, Bend, OR, Scott Silver.

Californians for Western Wilderness, San Francisco, CA, Michael J. Painter.

North Cascades Conservation Council, Seattle, WA, Marc Bardsley.

Utah Environmental Congress, Salt Lake City, UT, Kevin Mueller.

Olympic Forest Coalition, Olympia, WA, Bonnie Phillips.

Cold Mountain, Cold Rivers, Missoula, MT, Lance Olsen.

Conservation Congress, Lewistown, MT, Denise Boggs.

Native Forest Council, Eugene, OR, Tim Hermach.

Citizens to Save Our Canyons, Salt Lake City, UT, Gale Dick.

River Runners for Wilderness, Moab, UT, Tom Martin.

Wild Law, Montgomery, AL, Ray Vaughan.

Citizens for the Chuckwalla Valley, Desert Center, CA, Donna Charpied.

Heartwood, Brookport, IL, Mark Donhan.

Citizens Against Recreation Privatization, Southlake, TX, Greg Billingsley.

Friends of the Wild Swan, Swan Lake, MT, Arlene Montgomery.

Great Old Broads for Wilderness, Durango, CO, Ronni Egan.

Swan View Coalition, Kallispell, MT, Keith Hammer.

Friends of Bell Smith Springs, Stonefort, Illinois, Sam Stearns.

Umpqua Watersheds, Roseburg, OR, Penny Lind.

MEMO REGARDING THE WILDERNESS PROVISIONS IN H.R. 3603

CENTRAL IDAHO ECONOMIC DEVELOPMENT AND RECREATION ACT (CIEDRA), JULY 21, 2001

Rep. Mike Simpson's (R-ID) Central Idaho Economic Development and Recreation Act (CIEDRA) contains a number of wilderness-weakening provisions that are contrary to the intent and provisions in the Wilderness Act. Some of these have been included in one or more other wilderness bills but that does not make them any less harmful for wilderness.

Exceptions contrary to the Wilderness Act water down the meaning and authenticity of wilderness. The new trend these last several years of designating wilderness as part of complex omnibus public lands bills has become increasingly controversial. The Lincoln County bill in Nevada is one recent example that bitterly divided the conservation community and undermined the language and intent of the Wilderness Act.

Below are citations in CIEDRA that are wilderness-weakening provisions.

PROVISION

CIEDRA elevates the interests of certain user groups into statutory rights.

CIEDRA 202(h): Commercial Outfitters and Saddle and Pack Stock.—Nothing in this title shall preclude horseback riding or the entry of recreational saddle or pack stock into the wilderness areas designated by section 201, including when such entry is made by commercial outfitters.

Discussion: Howard Zahniser, author of the Wilderness Act, said the following in testimony before the House: "The purpose of the Wilderness Act is to preserve the wilderness character of the areas to be included in the wilderness system, not to establish any particular use."—May 7th, 1962, 87th Congress

Commercial outfitters in the Sierra have been trying for several years to pass a national Right to Ride bill. They've included recreational equestrians in their legislative attempts to get their support for the bill. That bill has not passed, but Right to Ride language has been inserted into a few wilderness bills, including CIEDRA and the California Wild Heritage Act, but such language has never passed yet. CIEDRA would be the first to enshrine such language into law.

The overarching statutory mandate of the Wilderness Act is to preserve the wilderness character of an area, and allow nothing to diminish its wilderness character over time. By law, preserving wilderness character has priority over any particular use of an area. For that reason any allowable public use such as hiking or horse use can be limited or prohibited in wilderness if the use is harming some aspect of an area's wilderness character. There are a number of wildernesses around the country that are completely closed to public use for all or part of each year for that very reason.

CIEDRA does the opposite—it says that even though the area has become wilderness, protection of its wilderness character cannot be used as the premise for limiting horse use. It essentially grants greater statutory privilege to horse use than to preservation of wilderness character, which is completely contrary to the intent of the Wilderness Act.

PROVISION

CIEDRA weakens Wilderness Act restrictions on access to mining claims.

CIEDRA §202(f): Treatment of Existing Claims and Private Lands.—Nothing in this title is intended to affect the rights or interests in real property, patented mining claims, or valid claims or prevent reasonable access to private property or for the development and use of valid mineral rights.

Wilderness Act §5(b): In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

Discussion: Instead of simply referencing the Wilderness Act, CIEDRA drops the "reasonable regulations" clause, the "consistent with preservation of the area as wilderness" requirement, and the very important "customarily enjoyed in areas similarly situated" requirement. The latter requirement is highly significant because courts have relied on it in denying road-building and motorized access to private property or valid occupancies within designated wilderness (Absaroka-Beartooth Wilderness is one example). Comparing to other areas similarly situated requires comparing to modes of access that are allowed to other properties that are surrounded by designated wilderness.

CIEDRA abandons these provisos of the Wilderness Act, leaving the door wide open to any kind of access the agency can be convinced to approve.

PROVISION

CIEDRA grants fire management authority to State and local entities, including use of motor vehicles, bulldozers, and chainsaws in Wilderness.

CIEDRA §205: Wildfire Management.—Consistent with section 4 of the Wilderness Act nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations, including operations using aircraft or mechanized equipment, to manage wildfires in the wilderness areas designated by section 201.

Wilderness Act §4(d)(1): Within wilderness areas . . . such measure may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

Discussion: Under the Wilderness Act the Secretary clearly retains sole responsibility for fire management decisions in wilderness, including decisions regarding motorized uses for fire control. Under CIEDRA, State and local agencies are placed on an equal footing with the Forest Service for making fire management decisions. This devolution of fire management authority first appeared in the Clark County, Nevada bill in 2002 and was repeated in the Lincoln County, Nevada bill in 2004.

PROVISION

CIEDRA fragments the largest remaining contiguous roadless area in the continental U.S. into four parcels separated by ATV and motorcycle trails.

CIEDRA §201(1, 2, 3) and §301(a): CIEDRA designates three separate wildernesses: Hemingway-Boulders Wilderness, White Clouds Wilderness, and Jerry Peak Wilderness. The Hemingway-Boulders and White Clouds Wildernesses are separated by a motorcycle trail, the Germania Trail. The Hemingway-Boulders Wilderness is further carved into two parcels separated by another motorcycle trail that branches off the Germania Trail and leads to the road to the Bowery Guard Station. The White Clouds Wilderness is similarly carved into two separate pieces separated by a loop trail used by motorcycles and ATV's, the Frog Lake Trail. These motorized routes are shown on maps on Simpson's web page and will be on the Travel Map referenced in §301(a).

Discussion: These trails were originally constructed for packstock but began receiving some motorcycle use over the years. The Forest Service did not prohibit the motorized use but currently has the authority to close these trails to motorized use at any time. Congress could also choose to close these motorized trails and designate one larger and completely contiguous wilderness for the Boulder-White Cloud Mountains, instead of the fragmented version that CIEDRA presents.

PROVISION

CIEDRA permits stream poisoning, predator control, and stocking with non-native species in wilderness.

CIEDRA §207(b): Management Activities.—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by section 201 where consistent with relevant wilderness management plans, in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405 of the 101st Congress, including the occasional and temporary use of motorized vehicles, if such use, as determined by the Secretary concerned would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values and accomplish those purposes using the minimum tool necessary to reasonably accomplish the task.

Wilderness Act §2(c): Definition of Wilderness.—A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man. . . .

Discussion: By statutory definition, wilderness is to remain a place set apart where its natural processes including wildlife populations remain untrammeled by intentional human manipulations and interference. While the State retains its role in regulating hunting and fishing in wilderness, the clear intent of the Wilderness Act is not to allow the heavy-handed game management activities that State Fish & Game managers often employ on non-wilderness lands.

The House Report incorporated by CIEDRA contains what are known as the "wildlife guidelines." Those guidelines were not written by wilderness managers, they were drafted by state wildlife managers and were first incorporated into statute in the Arizona Desert Wilderness Act of 1990. Those guidelines contain the following:

Stream Poisoning: Chemical treatment may be necessary to prepare waters for the reestablishment of indigenous species, to protect or recover Federally listed threatened or endangered species, or to correct undesirable conditions resulting from the influence of man. . . Use only registered pesticide . . . Schedule chemical treatments during periods of low human use, insofar as possible. . .

Predator Control: Wildlife damage control in wilderness may be necessary to . . . prevent serious losses of domestic livestock . . . Acceptable control measures include lethal and nonlethal methods. . . Use pesticides only where other measures are impractical . . . Place warning signs at the entrance to the area where pesticides are being used to warn the public of any dangers to themselves or their pets.

Stocking with non-native species: The order of preference for stocking fish species is (a) Federally listed threatened or endangered indigenous species, (b) indigenous species. Species of fish traditionally stocked before wilderness designation may be considered indigenous if the species is likely to survive. Barren lakes and streams may be considered for stocking . . .

PROVISION

CIEDRA would allow motor vehicles and aircraft in wilderness for routine game management.

CIEDRA §207(c): Use of Aircraft.—Consistent with section 4(d)(1) of the Wilderness Act and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405 of the 101st Congress, the State of Idaho may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and manage elk, deer, bighorn sheep, mountain goats, wolves, grizzly bears, and other wildlife and fish.

Appendix B Wildlife Guidelines: Aerial stocking of fish shall be permitted for those waters in wilderness where this was an established practice before wilderness designation . . . motorized methods and temporary holding and handling facilities may be permitted if they are the minimum necessary . . . Chemical poisoning of lakes is done with motorboats . . .

PROVISION

CIEDRA releases 130,000 acres of Wilderness Study Areas and Forest Service recommended wilderness, suspending current protections and opening these lands to potentially damaging multiple-use.

CIEDRA §210(b)(1): Releases the Jerry Peak Wilderness Study Area, the Jerry Peak West Wilderness Study Area, the Corral-Horse Basin Wilderness Study Area, and the Boulder Creek Wilderness Study Area. Any public land described in paragraph (1) that is not designated as wilderness by this title is no longer subject to section 603(c) of the Federal Land Policy and Management Act (FLPMA) of 1976. These WSA's total 80,000 acres.

FLPMA requires that WSA's be managed in a manner that does not impair their suitability for designation as wilderness, and directs the Secretary to take action to prevent unnecessary or undue degradation of those lands.

A PowerPoint presentation on Simpson's website indicates that CIEDRA does not designate 50.000 acres that have been recommended by the Forest Service for wilderness designation.

Mrs. MALONEY. Madam Speaker, among other harmful provisions, the underlying bill, H.R. 3603, will give away many public lands for private development to local governments completely for free. A bill this controversial should not be considered under suspension of the rules.

The bill, H.R. 3603, includes unusual language that allows the giving away of publicly owned land, owned by the taxpayers, to localities, to counties, and local governments for them then to possibly develop it for private development.

It will also give away, I am told, by the Sierra Club, 5,000 acres. My good friend on the other side of the aisle, MIKE SIMPSON, said that it is only 3,600 acres. I asked the Democratic staff what is the correct number? They say they do not know because they just got the maps of this controversial bill today at 12:30. And I think that illustrates, if we do not even know how many acres of publicly owned land we are giving away, this needs a further investigation.

In any event, it will give away thousands of acres of national forest and Bureau of Land Management managed lands, including lands within the congressionally protected Sawtooth National Recreation Area, to be opened to large-scale home development and motorized recreational parks. American taxpayers have invested nearly $65 million over 30 years to protect the Sawtooth National Recreational Area, and it is among the most beautiful sites truly in our country. And now this bill will be giving away roughly 3.600 or 5,000 acres. We are not clear how many.

Make no mistake. We are setting a dangerous precedent by turning over land that is truly owned by this country by all Americans for private development, most of it completely for free.

Some are willing to accept this dangerous precedent and other comprises harmful to the land and wildlife because this bill designates some wilderness. However, Madam Speaker, the esteemed ranking member, NICK RAHALL, of the Resources Committee, and I quote his statement in the committee, "I believe that wilderness designations should not be the result of a quid pro quo," this is from NICK RAHALL, who is opposing this bill.

MIKE THOMPSON has a bill before us today that would designate 275.000 acres of wilderness, and I am totally supportive. But apparently, these two bills have been tied together in an unprecedented way. But even if you believe they should both move forward, let us look at what getting in return for our public lands.

We are getting a number, according to the Wilderness Watch and the Sierra Club, of wilderness-weakening provisions that are contrary and, indeed, undermine the intent and provisions of the Wilderness Act that has been the gold standard for wilderness protection in America for over 40 years.

For example, H.R. 3603 fragments the largest remaining contiguous, roadless area in the continental U.S. into four parcels separated and surrounded by all-terrain vehicles and motorcycle trails.

Secondly, according to Sierra Club and Wilderness Watch, it weakens stream protection by saying that the Forest Service, in order to get water rights, they must get these rights from the State. But the State does not provide wilderness water rights. Therefore, the Democratic staff says that this is a complete and total charade.

Also, it weakens restrictions on access to mining claims and releases more than 130,000 acres of Wilderness Study Areas and recommended Wilderness, suspending protection and opening these lands to damaging uses.

We must not set a precedent of giving away lands for private development, and we must not get in place of it watered-down, substandard "wilderness." It is simply not worth the cost.

A bill this controversial simply should not be considered under suspension, and I urge, along with the Sierra Club, 44 organizations, Wilderness Watch, a "no" vote on H.R. 3603. And I feel it should not be tied in any way to Mr. THOMPSON's very fine bill that provides for wilderness protection.

Ms. BORDALLO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALDEN of Oregon. Madam Speaker, I yield such time as he may consume to the author of the bill for a concluding statement and any comments he may have.

Mr. SIMPSON. Madam Speaker, I have to respond to a couple of the statements that were been made because I know that they have been made over the past by the Sierra Club and others.

First of all, the Wilderness Society and the Campaign for American Wilderness would not be supporting this bill if we actually had wilderness-weakening provisions in this. And while there are compromises in that, and the comment of the ranking member, Mr. RAHALL, that we should not have a quid pro quo, that is kind of the nature of a compromise, that there are some things in it that you like and some things that you do not like. There are provisions of this bill which I personally am not in favor of, but they were necessary in order to get the compromise that is necessary in order to pass this legislation and protect these lands.

First of all, the land transfers that are being talked about, they total about 3,600 acres. This is in a county that is 95 public land, over 95 percent. Out of a total of 3.2 million acres in this county, we are talking about transferring about 3,600 acres. These are not the beautiful mountains that you see in the pictures. These are mostly desert lands, sagebrush lands. They will help the county do things like find room for their landfill, other things like that which will help in the economic development of this county.

Most people that have looked at the actual lands that are being transferred are not opposed to them except for a small portion of them that are actually in Stanley, and in Stanley the city of Stanley has to repay the Federal Government for these lands that were actually purchased by the Federal Government.

I would also say that if there was a great deal of concern about these land transfers and what it is going to do to the Sawtooth National Recreation Area, the Sawtooth Society would not be supporting this. Frank Church's wife, Bethine Church, would not be supporting this, as well as the other members of the Sawtooth Society. Neither would the Boulder-White Clouds Council be supporting in this. So it is a compromise. There are provisions in it that you can find that you do not like.

One of the interesting things is that the Sierra Club says there is no Federal reserved water rights on this

MOMENT OF SILENCE IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The SPEAKER pro tempore. Will the gentleman suspend.

Pursuant to the Chair's announcement of earlier today, the House will now observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

Please rise for a moment of silence.

The gentleman from Idaho is recognized.

Mr. SIMPSON. One last comment, Madam Speaker. The argument I found so strange by the Sierra Club is that they say that this does not have Federal water right protection in it. And you are right. It does not have Federal water right protection in it. It does not need Federal water right protection in it because the wilderness area is all headwaters. Whatever falls on the ground from the sky, whatever comes out of the springs there, are protected by the wilderness designation. It does not need Federal water right designation because there is no water right to protect. So I have never understood their argument.

But the reality is that we protect water in this bill better than any wilderness bill that has ever passed because the Wilderness Act itself allows for the President on his declaration to go into a wilderness area and build a dam or other things for irrigation purposes if he declares that that is necessary. That is one of the actual compromises that were made when the Wilderness Act was enacted. We take away the President's right to do that. He could not go in and designate certain areas to be used for irrigation and build dams and take water or anything else. The water that falls on the land will be preserved for the Boulder-White Clouds Wilderness.

Madam Speaker, I appreciate the gentlewoman's concern, and I appreciate the fact that this is a compromise and that there are people on both sides of this issue, in fact, on all sides, there are multiple sides, who do not like this, who do not think it goes far enough in their direction. But the nature of a compromise is that you try to bring people toward the middle. You try to bring people toward a center that they can say we get more out of this bill than we lose.

If we were to draft the perfect bill that you liked, that the Sierra Club liked, we could never get it passed because the people on the other side would then be violently opposed to it. So what we are trying to do is reach that balance where we can actually protect the Boulder-White Clouds, and if you have ever been there, it is something that deserves protecting.

Mr. WALDEN of Oregon. Madam Speaker, I yield myself the balance of my time.

Again, I want to commend the hard work and diligent effort of our colleague MIKE SIMPSON from Idaho and his staff and the people he has worked with for a long time to bring this bill to this point and for our consideration. And I would heartily urge our Members to support it and remind them that it came out of the Resources Committee on a unanimous vote.

Mr. RAHALL. Madam Speaker, I have spent more than half my life as a member of the Resources Committee. In that time I have supported numerous wilderness designations. In fact, I cannot recall ever opposing a wilderness bill. Yet, today, I find myself in a different situation. While I am normally excited, in fact, enthused, whenever a Republican introduces a wilderness bill, H.R. 3603 falls far short of what I see as an acceptable standard for such an exceptional area.

Wilderness designations should not be the result of a quid pro quo. They should rise or fall on their own merits. We all understand that compromise is part of the legislative process, yet at the same time, I would submit that wilderness is not for sale. Simply put, I believe we should not seek the lowest common denominator when it comes to wilderness and saddle a wilderness designation with exceptions, exclusions, and exemptions. Wilderness is an endangered species. But instead of treating it as such, H.R. 3603 declares open season on it.

With all due respect to the author of this legislation, and its supporters, in my view the focus of this bill is placed on development, with public land giveaways, monetary favors and special legislative provisions for a select few.

There is nothing to be ashamed about with wilderness. Wilderness is not defined by the absence of certain activities, but rather by the presence of certain unique and invaluable characteristics. The answer to the oft-asked question, "why do you want this area to be wilderness" is that these areas are already wilderness. Congress cannot "create" wilderness. That is done by the hand of God. But what we can do is look beyond the fleeting uses these wild lands could be put to and preserve them as they are and as they have been for generations.

President Lyndon Johnson, at the signing of the Wilderness Act in 1964 perhaps summed it up best when he said: "If future generations are to remember us with gratitude rather than contempt, we must leave them something more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it."

H.R. 3603 falls far short of the standard that has been set for wilderness designation over the past forty years. It treats wilderness as a bargaining chip, something to be used to gain other ends. I simply cannot support eroding protections in the Sawtooth National Recreation Area, the transfer of public lands to developers, or the payoffs to mining speculators to name but a few issues.

H.R. 3603 does not enhance the cause of wilderness, it cheapens it. The rush to bring this bill to the floor, without even a Committee Report, only shows that proponents fear a little sunshine on this legislation. They don't want you to look too closely at the backroom deals that were made, the favors that were granted, or the real resource protection for these public resources that is being forgone.

Madam Speaker, H.R. 3603, is bad wilderness policy, it's bad resource management policy and it is bad fiscal policy. I urge defeat of the legislation.

Mr. WALDEN of Oregon. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 3603, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NORTHERN CALIFORNIA COASTAL WILD HERITAGE WILDERNESS ACT

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 233) to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes, as amended.

The Clerk read as follows

H.R. 233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Northern California Coastal Wild Heritage Wilderness Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definition of Secretary.
Sec. 3. Designation of wilderness areas.
Sec. 4. Administration of wilderness areas.
Sec. 5. Release of wilderness study areas.
Sec. 6. Elkhorn Ridge Potential Wilderness Area.
Sec. 7. Wild and scenic river designation.
Sec. 8. King Range National Conservation Area boundary adjustment.
Sec. 9. Cow Mountain Recreation Area, Lake and Mendocino Counties, California.
Sec. 10. Continuation of traditional commercial surf fishing, Redwood National and State Parks.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

SEC. 3. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of California are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) SNOW MOUNTAIN WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Mendocino National Forest, comprising approximately 23,706 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall considered to be a part of the "Snow Mountain Wilderness", as designated by section 101(a)(31) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled "Skeleton Glade Unit, Snow Mountain Proposed Wilderness Addition, Mendocino National Forest" and dated April 21, 2005; and

(ii) the map entitled "Bear Creek/Deafy Glade Unit, Snow Mountain Wilderness Addition, Mendocino National Forest" and dated July 21, 2006.

(2) SANHEDRIN WILDERNESS.—Certain land in the Mendocino National Forest, comprising approximately 10,571 acres, as generally depicted on the map entitled "Sanhedrin Proposed Wilderness, Mendocino National Forest" and dated April 21, 2005, which shall be known as the "Sanhedrin Wilderness".

(3) YUKI WILDERNESS.—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Lake and Mendocino Counties, California, together comprising approximately 53,887 acres, as generally depicted on the map entitled "Yuki Proposed Wilderness" and dated May 23, 2005, which shall be known as the "Yuki Wilderness".

(4) YOLLA BOLLY-MIDDLE EEL WILDERNESS ADDITION.—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Mendocino County, California, together comprising approximately 27,036 acres, as generally depicted on the map entitled "Middle Fork Eel, Smokehouse and Big Butte Units, Yolla Bolly-Middle Eel Proposed Wilderness Addition" and dated June 7, 2005, is incorporated in and shall considered to be a part of the Yolla Bolly-Middle Eel Wilderness, as designated by section 3 of the Wilderness Act (16 U.S.C. 1132).

(5) SISKIYOU WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Six Rivers National Forest, comprising approximately 30,122 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall be considered to be a part of the Siskiyou Wilderness, as designated by section 101(a)(30) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled "Bear Basin Butte Unit, Siskiyou Proposed Wilderness Additions, Six Rivers National Forest" and dated June 28, 2005; and

(ii) the map entitled "Blue Creek Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest" and dated July 21, 2006;

(6) MOUNT LASSIC WILDERNESS.—Certain land in the Six Rivers National Forest, comprising approximately 7,279 acres, as generally depicted on the map entitled "Mt. Lassic Proposed Wilderness" and dated June 7, 2005, which shall be known as the "Mount Lassic Wilderness".

(7) TRINITY ALPS WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Six Rivers National Forest, comprising approximately 22,863 acres, as generally depicted on the maps described in subparagraph (B) and which is incorporated in and shall be considered to be a part of the Trinity Alps Wilderness as designated by section 101(a)(34) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled "East Fork Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004;

(ii) the map entitled "Horse Linto Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004; and

(iii) the map entitled "Red Cap Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest" and dated June 7, 2005.

(8) CACHE CREEK WILDERNESS.—Certain land administered by the Bureau of Land Management in Lake County, California, comprising approximately 27,245 acres, as generally depicted on the map entitled "Cache Creek Wilderness Area" and dated July 22, 2006, which shall be known as the "Cache Creek Wilderness".

(9) CEDAR ROUGHS WILDERNESS.—Certain land administered by the Bureau of Land Management in Napa County, California, comprising approximately 6,350 acres, as generally depicted on the map entitled "Cedar Roughs Wilderness Area" and dated September 27, 2004, which shall be known as the "Cedar Roughs Wilderness".

(10) SOUTH FORK EEL RIVER WILDERNESS.—Certain land administered by the Bureau of Land Management in Mendocino County, California, comprising approximately 12,915 acres, as generally depicted on the map entitled "South Fork Eel River Wilderness Area and Elkhorn Ridge Potential Wilderness" and dated June 16, 2005, which shall be known as the "South Fork Eel River Wilderness".

(11) KING RANGE WILDERNESS.—

(A) IN GENERAL.—Certain land administered by the Bureau of Land Management in Humboldt and Mendocino Counties, California, comprising approximately 42,585 acres, as generally depicted on the map entitled "King Range Wilderness", and dated November 12, 2004, which shall be known as the "King Range Wilderness".

(B) APPLICABLE LAW.—With respect to the wilderness designated by subparagraph (A), in the case of a conflict between this Act and Public Law 91-476 (16 U.S.C. 460y et seq.), the more restrictive provision shall control.

(12) ROCKS AND ISLANDS.—

(A) IN GENERAL.—All Federally-owned rocks, islets, and islands (whether named or unnamed and surveyed or unsurveyed) that are located—

(i) not more than 3 geographic miles off the coast of the King Range National Conservation Area; and

(ii) above mean high tide.

(B) APPLICABLE LAW.—In the case of a conflict between this Act and Proclamation No. 7264 (65 Fed. Reg. 2821), the more restrictive provision shall control.

SEC. 4. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by section 3 shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the wilderness.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 3 with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by this Act that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this Act is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(e) FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take such measures in the wilderness areas designated by this Act as are necessary for the control and prevention of fire, insects, and diseases, in accordance with—

(A) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(B) House Report No. 98-40 of the 98th Congress.

(2) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall review existing policies applicable to the wilderness areas designated by this Act to ensure that authorized approval procedures for any fire management measures allow a timely and efficient response to fire emergencies in the wilderness areas.

(f) ACCESS TO PRIVATE PROPERTY.—

(1) IN GENERAL.—The Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this Act adequate access to such property to ensure the reasonable use and enjoyment of the property by the owner.

(2) KING RANGE WILDERNESS.—

(A) IN GENERAL.—Subject to subparagraph (B), within the wilderness designated by section 3(11), the access route depicted on the map for private landowners shall also be available for persons invited by the private landowners.

(B) LIMITATION.—Nothing in subparagraph (A) requires the Secretary to provide any access to the landowners or persons invited by the landowners beyond the access that would be available if the wilderness had not been designated.

(g) SNOW SENSORS AND STREAM GAUGES.—If the Secretary determines that hydrologic, meteorologic, or climatological instrumentation is appropriate to further the scientific, educational, and conservation purposes of the wilderness areas designated by this Act, nothing in this Act prevents the installation and maintenance of the instrumentation within the wilderness areas.

(h) MILITARY ACTIVITIES.—Nothing in this Act precludes low-level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over wilderness areas designated by this Act.

(i) LIVESTOCK.—Grazing of livestock and the maintenance of existing facilities related to grazing in wilderness areas designated by this Act, where established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(j) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas designated by this Act if such activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this Act affects the jurisdiction of the State of California with respect to fish and wildlife on the public land located in the State.

(k) USE BY MEMBERS OF INDIAN TRIBES.—

(1) ACCESS.—In recognition of the past use of wilderness areas designated by this Act by members of Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure that Indian tribes have access to the wilderness areas for traditional cultural and religious purposes.

(2) TEMPORARY CLOSURES.—

(A) IN GENERAL.—In carrying out this section, the Secretary, on request of an Indian tribe, may temporarily close to the general public 1 or more specific portions of a wilderness area to protect the privacy of the members of the Indian tribe in the conduct of the traditional cultural and religious activities in the wilderness area.

(B) REQUIREMENT.—Any closure under subparagraph (A) shall be made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out.

(3) APPLICABLE LAW.—Access to the wilderness areas under this subsection shall be in accordance with—

(A) Public Law 95-341 (commonly known as the "American Indian Religious Freedom Act") (42 U.S.C. 1996 et seq.); and

(B) the Wilderness Act (16 U.S.C. 1131 et seq.).

(l) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in section 3 creates protective perimeters or buffer zones around any wilderness area designated by section 3.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by section 3 shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(m) CHERRY-STEMMED ROADS.—

(1) DEFINITION.—In this subsection, the term "cherry-stemmed road" means a road that is excluded from the wilderness areas designated by section 3 by a non-wilderness corridor having designated wilderness on both sides, as generally depicted on the maps described in such section

(2) CLOSURES AND RESTRICTIONS.—The Secretary shall not—

(A) close any cherry-stemmed road that is open to the public as of the date of the enactment of this Act;

(B) prohibit motorized access on a cherry-stemmed road that is open to the public for motorized access as of the date of the enactment of this Act; or

(C) prohibit mechanized access on a cherry-stemmed road that is open to the public for mechanized access as of the date of the enactment of this Act.

(3) EXCEPTIONS.—Nothing in this subsection shall be construed as precluding the Secretary from closing or restricting access to a cherry-stemmed road for purposes of significant resource protection or public safety.

SEC. 5. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as wilderness by section 3 or any previous Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the King Range Wilderness Study Area;

(2) the Chemise Mountain Instant Study Area;

(3) the Red Mountain Wilderness Study Area;

(4) the Cedar Roughs Wilderness Study Area; and

(5) those portions of the Rocky Creek Cache Creek Wilderness Study Area in Lake County, California which are not in R. 5 W., T. 12 N., sec. 22, Mount Diablo Meridian.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as wilderness by section 3 or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 6. ELKHORN RIDGE POTENTIAL WILDERNESS AREA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain public land in the State administered by the Bureau of Land Management, compromising approximately 11,271 acres, as generally depicted on the map entitled "South Fork Eel River Wilderness Area and Elkhorn Ridge Potential Wilderness" and dated June 16, 2005, is designated as a potential wilderness area.

(b) Management.—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area as wilderness until the potential wilderness area is designated as wilderness under subsection (d).

(c) Ecological Restoration.—

(1) In general.—For purposes of ecological restoration (including the elimination of non-native species, removal of illegal, unused, or decommissioned roads, repair of skid tracks, and any other activities necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the potential wilderness area is designated as wilderness under subsection (d).

(2) Limitation.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) Eventual Wilderness Designation.—The potential wilderness area shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(1) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is 5 years after the date of enactment of this Act.

(e) Administration as Wilderness.—On its designation as wilderness under subsection (d), the potential wilderness area shall be—

(1) known as the "Elkhorn Ridge Wilderness"; and

(2) administered in accordance with section 4 and the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 7. WILD AND SCENIC RIVER DESIGNATION.

(a) Designation of Black Butte River, California.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(____) Black Butte River, California.—The following segments of the Black Butte River in the State of California, to be administered by the Secretary of Agriculture:

"(A) The 16 miles of Black Butte River, from the Mendocino County Line to its confluence with Jumpoff Creek, as a wild river.

"(B) The 3.5 miles of Black Butte River from its confluence with Jumpoff Creek to its confluence with Middle Eel River, as a scenic river.

"(C) The 1.5 miles of Cold Creek from the Mendocino County Line to its confluence with Black Butte River, as a wild river.".

(b) Plan; Report.—

(1) In general.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress—

(A) a fire management plan for the Black Butte River segments designated by the amendment made by subsection (a); and

(B) a report on the cultural and historic resources within those segments.

(2) Transmittal to county.—The Secretary of Agriculture shall transmit to the Board of Supervisors of Mendocino County, California, a copy of the plan and report submitted under paragraph (1).

SEC. 8. KING RANGE NATIONAL CONSERVATION AREA BOUNDARY ADJUSTMENT.

Section 9 of Public Law 91-476 (16 U.S.C. 460y-8) is amended by adding at the end the following:

"(d) In addition to the land described in subsections (a) and (c), the land identified as the King Range National Conservation Area Additions on the map entitled 'King Range Wilderness' and dated November 12, 2004, is included in the Area.".

SEC. 9. COW MOUNTAIN RECREATION AREA, LAKE AND MENDOCINO COUNTIES, CALIFORNIA.

(a) Establishment.—In order to enhance the recreational and scenic values of the Cow Mountain area in Lake and Mendocino Counties, California, while conserving the wildlife and other natural resource values of the area, there is hereby established the Cow Mountain Recreation Area (in this section referred to as the "recreation area") consisting of approximately 51,513 acres of land in such counties, as generally depicted on the map entitled "Cow Mountain Recreation Area" and dated July, 22, 2006, including the following:

(1) The "South Cow Mountain OHV Management Area", as generally depicted on the map.

(2) The "North Cow Mountain Recreation Area", as generally depicted on the map.

(b) Legal Descriptions; Correction of Errors.—

(1) Preparation and submission.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall prepare a map and legal descriptions of the boundaries of the recreation area. The Secretary shall submit the map and legal descriptions to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate.

(2) Legal effect.—The map and legal descriptions of the recreation area shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal descriptions. The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(c) Administration.—

(1) In general.—The Secretary of the Interior shall administer the recreation area in accordance with this section and the laws and regulations generally applicable to the public lands, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) Existing rights.—The establishment of the recreation area shall be subject to all valid existing rights.

(d) Recreational Activities.—

(1) In general.—The Secretary of the Interior shall continue to authorize, maintain, and enhance the recreational use of the land included in the recreation area, including motorized recreation, hiking, camping, mountain biking, sightseeing, and horseback riding, as long as such recreational use is consistent with this section and other applicable law.

(2) Off-road and motorized recreation.—Motorized recreation shall be a prescribed use within the South Cow Mountain OHV Management Area, occurring only on roads and trails designated by the Secretary for such use, except as needed for administrative purposes or to respond to an emergency. Nothing in this paragraph shall be construed as precluding the Secretary from closing any trail or route from use for purposes of resource protection or public safety.

(3) Mountain biking.—Mountain biking shall be a prescribed use within the recreation area, occurring only on roads and trails designated by the Secretary for such use. Nothing in this paragraph shall be construed as precluding the Secretary from closing any trail or route from use for purposes of resource protection or public safety.

(e) Access to Private Property.—The Secretary of the Interior shall provide any owner of private property within the boundaries of the recreation area adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(f) Land Acquisition.—

(1) Acquisition from willing persons only.—The Secretary of the Interior may acquire lands or interests in lands in the recreation area only by—

(A) donation;

(B) exchange with a willing party, as expressed in a written agreement between the Secretary and the party; or

(C) purchase from a willing seller, as expressed in a written agreement between the Secretary and the seller.

(2) Administration of acquired lands.—Lands or interests in lands within or adjacent to the boundaries of the recreation area that are acquired by the Bureau of Land Management, and title or possession of which is vested in the United States after the date of the enactment of this Act, shall be managed by the Secretary as part of the recreation area.

(g) Adjacent Management.—Nothing in this section creates protective perimeters or buffer zones around the recreation area.

SEC. 10. CONTINUATION OF TRADITIONAL COMMERCIAL SURF FISHING, REDWOOD NATIONAL AND STATE PARKS.

(a) Availability of Limited Number of Permits.—For the sole purpose of continuing traditional commercial surf fishing, the Secretary of the Interior shall permit the right of entry for authorized vehicle access onto the wave slope area at that area known as Gold Bluffs Beach, Prairie Creek Redwoods State Park, and that portion of the beach north and south of Redwood Creek in Redwood National and State Parks. The number of permits issued under the authority of this section shall be limited to the number of valid permits that were held on the date of enactment of this Act. The permits so issued shall be perpertual and subject to the same conditions as the permits held on the date of the enactment of this Act.

(b) Wave Slope Area Defined.—In this section, the term "wave slope area" refers to the area that has been wet by the wave action of the previous high tide, but does not include any vegetated areas.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. Walden) and the gentlewoman from Guam (Ms. Bordallo) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

☐ 1545

GENERAL LEAVE

Mr. WALDEN of Oregon. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Madam Speaker, I yield myself such time as I may consume.

H.R. 233, the Northern California Coastal Wild Heritage Wilderness Act, was introduced by our colleague Congressman MIKE THOMPSON at the beginning of the 109th Congress.

Last July, the Resources Committee held a legislative hearing on this bill. Though Mr. THOMPSON worked hard to gain support for the bill, it was clear that some issues needed to be resolved before the bill could move forward. Since then, Chairman POMBO and Congressman THOMPSON have worked cooperatively to develop a compromise on H.R. 233.

The changes in the bill include a reduction of approximately 11,000 acres of proposed wilderness in Del Norte County because of community concerns; removing the Perkins Creek Trail portion of Cache Creek area to ensure that mountain biking, which is prohibited in wilderness under the 1964 act, could continue; and eliminating nearly 6,500 acres of proposed wilderness in the Mad River Buttes area to make certain motorized and mechanized recreation may continue in this important recreational area.

To ensure that not only wilderness but also recreation was protected, the bill codifies mountain bike and motorized recreation as a prescribed use in the 51,000-acre Cow Mountain Recreation Area. Because of concerns about access to wilderness areas, the bill will also mandate that all cherry-stemmed roads will remain open and mountain bike and motorized recreation access will continue on these roads. These measures will ensure that the public will have a variety of recreational options on the public lands.

Finally, the bill addresses a longstanding problem with surf fishing permits on the beaches of Redwood National and State Park. When the Redwood National Park was created in 1968, you may recall it was with the intent that surf fishing in the area would continue. Yet since then, many fishing permits have been canceled and will soon be completely phased out. This bill will put a stop to the phase-out by continuing 27 fishing permits for smelt. Surf fishing in this area is an important tradition within the community and the continuation of these permits will help to enhance a stagnant local economy.

On behalf of full Resources Committee Chairman Richard Pombo, I want to thank Congressman THOMPSON for his willingness to work with the committee to make this wilderness bill a bipartisan and broadly supported piece of legislation, and I urge my colleagues to support this balanced and bipartisan measure.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the majority has already explained the purpose of H.R. 233, which was introduced by my colleague from California, Representative MIKE THOMPSON. The gentleman is to be commended for his efforts to preserve the wild lands of his Northern California district. He has worked diligently with Federal, State, and local interests to preserve and enhance the wilderness experience.

Madam Speaker, overall, we support H.R. 233, and we recommend its adoption by the House today.

Madam Speaker, I yield such time as he may consume to the gentleman from Northern California (Mr. THOMPSON), the sponsor of this legislation.

Mr. THOMPSON of California. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, this bill will protect some of the most beautiful wilderness area in my entire congressional district. It is the product of over 5 years of hard, grass-roots work. It represents town hall meetings. I can't tell you how many town hall meetings, field tours with all the different stakeholder groups, open debate, both in the House and the committee, and the Senate, both in the committee and on the floor, in city hall chambers and board of supervisors chambers throughout my district, stakeholder meetings with people representing timber, hunting and fishing, conservation, government, off-road vehicles, mountain bikes, businesses, farming. It is 5 years of exhaustive and inclusive work.

The result is the added protection to 275,000 acres of the most beautiful and the most important landscapes in all of California's First Congressional District. It includes the famous King Ranch, which the Bush administration in testifying in committee on this identified that particular portion as being the crown jewel of our entire national wilderness system. It is an absolutely spectacular area.

This bill is also important in regard to the federally listed salmon and trout throughout my district. It will enhance the watersheds of the habitat areas of these fish, and it will ensure a source of clean and reliable water to ensure the continued improvement to these fisheries.

Fire protection was an issue on this bill, and we went out of our way to make sure that we protected the land managers' ability to fight fire and to use pre-suppression measures to ensure that we minimized the likelihood of wildland fires.

Also road access was an issue, and my friend Mr. WALDEN from Oregon talked about the cherry-stemmed roads. We went out of our way to make sure not a single legal road existing today will be closed by this bill. Mountain bikes and the off-road vehicle community raised some concerns, and we dealt with those. In regard to the mountain bikers, we created an area adjacent to the King Ranch area that the local newspaper, the Eureka Times Standard, called a world-class mountain bike trail system that will give them more bicycling opportunities than they had before.

As mentioned, we put in place protections for the Cow Mountain area, where off-road vehicle users and mountain bikers ride today. We protected their rights to do so in perpetuity on this 79,000-acre portion of property that is so important to them.

This is a collaborative effort where all the stakeholders have come in, and we worked in an unprecedented manner to make sure that this bill is the right bill for this property.

It wouldn't have happened had it not been for the hard work of a lot of dedicated folks. I want to thank particularly both the chairman and the ranking member on the Resources Committee, who worked very, very hard, and their staffs that worked extremely hard in making sure that this was a good measure.

There were outside interest groups that worked. Ryan Henson from the California Wilderness Coalition stands out amongst those who worked so hard and knows this area so well.

As was mentioned, this touches land in just about every county in my district. Each county board had a spokesperson or a point person. It was Martha McClure in Del Norte County; Jim Wattenberger in Mendocino County; John Wooley in Humboldt County; Ed Roby in Lake County; and Dianne Dillon in Napa County, and they are to be commended. Senator BOXER's staff, Jeffrey Rosato, and Senator FEINSTEIN's staff, Jon Watts, also worked extremely hard. Leading this effort was Mark Kadesh from Senator FEINSTEIN's staff, who helped us so much.

I want to thank Senator BOXER and Senator FEINSTEIN, who were the coauthors of this measure. Their bill passed the Senate earlier this year 100 0. They understand the importance of this area, and they worked tirelessly to make sure that it was protected.

Although we all worked for 5 years to make sure that this happened, there was one person that really worked probably 6 or 7 years' worth of time during that 5-year block, and that was Jonathan Birdsong on my staff. This was just outstanding work by him. He did a great job, and I want to publicly thank him on the floor.

Madam Speaker, this is a great bill. It is carefully crafted to take all interests into consideration, and I humbly ask for your "aye" vote in support of this measure.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Again, I want to say that we support H.R. 233, and I want to at this time take the opportunity to thank my colleague from Oregon, Mr. WALDEN. It has been a pleasure to manage these bills today with him.

Madam Speaker, we have no further speakers, and I yield back my time.

Mr. WALDEN of Oregon. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentlewoman for that very kind comment. It has been a pleasure to work these through the floor with you as well.

I want to commend my colleagues from California, especially Mr. THOMPSON, who I know has passionately been trying to move this legislation forward, and his work with Chairman POMBO has brought about a bill that we all can support.

Madam Speaker, with that, I think we have concluded our business on this bill and others from the Resources Committee. I yield back the balance of my time and call on my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 233, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROVIDING GRANTS TO EXPAND INFRASTRUCTURE NECESSARY TO INCREASE AVAILABILITY OF ALTERNATIVE FUELS

Mr. ROGERS of Michigan. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5534) to establish a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels, as amended.

The Clerk read as follows

H.R. 5534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUEL ECONOMY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a Fuel Economy Fund (hereinafter in this Act referred to as the "Fund") consisting of amounts transferred to the Fund under paragraph (2) and amounts credited to the Fund under paragraph (3).

(2) TRANSFER OF AMOUNTS.—For fiscal year 2007, and each fiscal year thereafter, the Secretary of the Treasury shall, subject to the availability of funds provided in advance in appropriations Acts, transfer to the Fund an amount determined by the Secretary to be equal to the total amount deposited in the general fund of the Treasury in the preceding fiscal year from fines, penalties, and other moneys obtained through enforcement actions conducted pursuant to section 32912 of title 49, United States Code, including moneys obtained under consent decrees.

(3) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such obligations shall be acquired and sold and interest on, and the proceeds from the sale or redemption of, such obligations shall be credited to the Fund in accordance with the requirements of section 9602 of the Internal Revenue Code of 1986.

(4) USE OF AMOUNTS IN THE FUND.—Amounts in the Fund shall be made available, subject to the availability of funds provided in advance in appropriations Acts, to the Secretary of Energy to carry out the grant program described in subsection (b).

(b) ALTERNATIVE FUELS EXPANSION GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall, through the Clean Cities Program of the Department of Energy, carry out a grant program to expand the availability to consumers of alternative fuels. A grant awarded under this section shall not exceed $30,000.

(2) ELIGIBILITY.—Any entity that is eligible for assistance through the Clean Cities Program may be eligible for a grant under this section, except that no large, vertically integrated oil company may be eligible for a grant under this section. No entity may be awarded grants totaling more than $60,000 in any fiscal year.

(3) USE OF GRANT FUNDS.—Grants provided under this section shall be used for the construction or expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a)(1) of title 49, United States Code). Not more than 3 percent of grant funds may be used for administrative costs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. ROGERS) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. ROGERS of Michigan. Madam Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ROGERS of Michigan. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, many thanks to the staff of the Energy and Commerce Committee, and Mr. BOUCHER as well, who helped and assisted along the way, and Mr. FOSSELLA from New York for helping put this legislation together. I can't tell you how timely it is.

Every day, Americans must fill up their cars with gasoline that comes from some of the most unstable regions of the world. American dollars flow to dictators, despots, and committed enemies of the United States, Hugo Chavez of Venezuela, Ahmadinejad of Iran and Obasanjo of Nigeria. However, we do have other options, and that is the exciting news.

Today, nearly 5 million Americans drive flex-fuel vehicles. These cars are capable of running on gasoline or renewable fuels, like E-85, which is 85 percent ethanol; and that number is growing.

Currently, Ford, General Motors and Daimler Chrysler are in the process of announcing that they would be soon producing 2 million flex-fuel vehicles annually. The fastest way to reduce our dependence on foreign oil is to make ethanol, the fuel that is grown right here in the United States, available to Americans all across the country.

Unfortunately, renewable-fuels infrastructure has not kept pace with the number of renewable-fueled cars on the road. Today, only 600 or so gasolines have E–85 pumps installed, consisting of less than 1 percent of all gas stations. In fact, only 34 States even have E–85 pumps available to the motoring public.

We have come up with a good solution for that, a kick-start, if you will, to the ethanol revolution that is about to take hold of America. Remember our choices are this, Madam Speaker: we can send that money to an Iranian ayatollah, or we can send our fuel money to an American farmer. Today, we start that process of allowing consumers to make a good choice and send it to an American farmer.

Each year, there are automobile companies who pay fines because they are not in compliance with CAFE standards in the United States, and those fines come to the general treasury. What we have done is to take those CAFE fines, fines that they pay for not meeting fuel economy standards of the United States, and roll it over and allow small loans to independent gas station owners all across the country to install ethanol pumps.

We think that this can double the number of ethanol pumps next year and start to fuel the fire for private investment in ethanol all across the United States and meet a demand from 5 million current users and 2 million future units from Ford, Chrysler, and General Motors cars all across this great country.

The one thing that we have figured out in this whole process, there is a great researcher at Michigan State University, Dr. Bruce Dale, who believes that within 5 to 6 years with his continuing cellulosic research and other things, there can be an ethanol product at the pump for $1.25 a gallon. $1.25 a gallon.

That is an economy built entirely on the energy of the United States. We are going to build the refineries here that refine the ethanol product. We are going to transport that fuel to the pumps all across America and we are going to produce those cars right here in the United States.

☐ 1600

It is good for the environment. And it is good for reducing our demand on foreign oil.

Madam Speaker. I think this is long overdue. The science of this is so exciting. We are right on the edge of turning the corner. not only from corn-based. but from switch grass and other things. It is all right here. This is just part of that three-legged stool. It is the research and development.

It is the ability, as we passed not so long ago, the energy bill that gave incentives for more ethanol refineries all across the country of some 93, four being built in Michigan, being built all over the United States is starting to catch on.

The last leg of that stool to make this successful is distribution. And this is that kick-start that we so desperately need. Again, Madam Speaker. we think this is an important bill at an important time in our history. We can see the conflicts around the world. how it draws us in to some of the worst governments the world has to offer.

This is our chance in America to stand up for our American farmers. for our ingenuity, for our ability to produce clean burning fuel for the cars that we use in this wheeled economy of ours. We can move forward through innovation. This bill is that kick start that is so desperately needed to do it.

Madam Speaker. these grants will be for no more than $30,000 to $60.000 per business for the purpose of expanding the availability of alternative fuel infrastructure. There is no new program here. That is really important. We did not create a new program to do this. This is part of the Clean Cities Program. We just redirected their purpose a little bit.

Madam Speaker, there are no taxpayer dollars involved. All of the money involved is by the fines paid. In addition. Madam Speaker, in an e-mail received by the Congressional Budget Office dated July 19, 2006, it states that "this would not affect direct spending: in other words. it has no cost."

Madam Speaker. I urge the quick passage of this bill as we move to the next phase of how we operate our motor vehicles all across this great country, and how we reduce our dependence on foreign oil.

Madam Speaker, I reserve the balance of my time.

Mr. GORDON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, even small efforts to improve the availability of E–85 fuel across the Nation is a step in the right direction for reducing our dependency on foreign oil. There are nearly 5 million vehicles on the road today capable of operating on E–85, a blend of 15 percent gasoline and 85 percent ethanol.

Yet there are currently only 600 gas stations with E–85 pumps available. That means less than 1 percent of gas stations offer consumers the opportunity to use this alternative fuel in their vehicles.

In 2004. CAFE penalties totaled nearly $20 million. The legislation before us would divert these funds into a grant program for independent gas stations. These grants will be used to install pumps and other infrastructure necessary to dispense E–85.

Madam Speaker, while there is more work to be done on this matter, this legislation is a small step in the right direction. I urge its passage

Madam Speaker, I yield back the balance of my time.

Mr. HAYES. Madam Speaker, today I rise in strong support of H.R. 5534, the E85 Kick-Start Bill. I am a proud co-sponsor of this bill and I applaud my good friend and colleague, Congressman MIKE ROGERS, for bringing this bill to the floor and helping the U.S. in the fight for energy independence.

High energy prices are a significant threat to our long-term economic well-being and we need to aggressively pursue a goal of energy independence for our Nation. This independence can only be achieved through greater domestic production of energy conservation and the use of alternative energy sources. Unfortunately, there are no quick fixes to the energy crisis that is before our country. It will take years to build new refineries and mass transit systems. But right now, there are 6 million vehicles on the road that can use E85, an alternative blend of fuel using 85 percent ethanol and 15 percent gasoline. What we are missing is a distribution network to make this gasoline alternative feasible and this legislation seeks to double that network, which is critical to expanding the use of alternative fuels.

Earlier in the year, I introduced the E85 Investment Act, which would increase the tax credit from 30 percent to 75 percent, up to $30,000, for E85 tanks and pumps.

This legislation embraces the goal of increasing alternative fuel infrastructure. Specifically, this bill creates a federal "Fuel Economy Fund" by diverting the corporate average fuel efficiency (CAFE) penalties currently paid by automakers from the general treasury to the "Fuel Economy Fund." The legislation also calls for up to a $30,000 grant to station owners who invest in alternative fuel pumps and fuel stations, including E85 infrastructure.

I want to thank MIKE ROGERS for being a leader in this effort to help bring energy independence to our Nation. This legislation will help our Nation truly invest in alternative fuels and give consumers a choice when they go to the pump. I look forward to continuing to work with you to identify other ways we can help strengthen our Nation's economy.

Madam Speaker, I urge my colleagues to vote in favor of the underlying bill.

Mr. ROGERS of Michigan. Madam Speaker. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill. H.R. 5534. as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HENSARLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING EMPLOYEES AT NASA'S MICHOUD ASSEMBLY FACILITY

Mr. BOEHLERT. Madam Speaker. I move to suspend the rules and agree to the resolution (H. Res. 892) recognizing the dedication of the employees at the National Aeronautics and Space Administration's Michoud Assembly Facility. the "Michoud Hurricane Ride-Out Team", who risked their lives during Hurricane Katrina's assault on southeast Louisiana. and kept the generators and pumps running to protect the facilities and flight hardware. and whose dedication kept the Michoud Assembly Facility an island of dry land. which made it possible to resume External Tank production less than 5 weeks after the storm passed. as amended.

The Clerk read as follows:

H. RES. 892

Whereas the Michoud Assembly Facility plays a vital role in the United States manned space flight program. including production of the Shuttle External Tank. a vital component of the Shuttle program:

Whereas the 38 members of the "Michoud Hurricane Ride-Out Team" who stayed behind during Hurricane Katrina risked their lives in dedication to the space program and faced down one of the greatest natural disasters in this Nation's history. at great personal risk: and

Whereas, if not for the dedication of this team. the Michoud facility would have suffered a great loss of National Aeronautics and Space Administration assets and technology. which would have severely limited the National Aeronautics and Space Administration's mission: Now. therefore. be it

Resolved, That the House of Representatives commends the dedication of the 38 members of the "Michoud Hurricane Ride-Out Team" who stayed behind at the National Aeronautics and Space Administration's Michoud Assembly Facility and protected vital program assets. which enabled the facility to resume production of the Shuttle External Tank within 5 weeks of Hurricane Katrina's landfall. including Ronald L. Adams. Jr. of New Orleans. LA. Joseph Charles Barrett of Metairie. LA, Donald K. Bollich of Metairie. LA. Frederick H. Castle of Bay Saint Louis. MS. Daniel Alvine Doell of Terrytown. LA. John Lee Fisher of Slidell.

LA, James E. Ford II of Madisonville, LA, Stephen Lynn Francis of New Orleans, LA, Monroe Lewis Frazier Jr. of Harvey, LA, Ernest Graham of Picayune, MS, William Carl Hale III of Slidell, LA, Willie Frederick Henderson III of New Orleans, LA, Simmie Paul Herrin of Slidell, LA, Royal Kenneth Holland of New Orleans, LA, Guy Mitchell Jackson of Chalmette, LA, Ivory Jordan, Jr. of Lacombe, LA, Joe E. Kennedy of Pearl River, LA, Donald P. Leon Jr. of New Orleans, LA, Michael Wilson Moore of Metairie, LA, Daryl Ordes of Pearlington, MS, Michael A. Parquet of Slidell, LA, John Melvin Pucheu of Waveland, MS, George Elson Rogers, Sr. of Kenner, LA, Steven L. Roshto Jr. of Slidell, LA, Alan J. Rovira of New Orleans, LA, Joan B. Savoy of Saint Bernard, LA, Vickie Ann Schmersahl of Slidell, LA, Patrick Shawn Shea of Mandeville, LA, Henry Peter Sissac Jr. of New Orleans, LA, Aline H. Sullwold of Picayune, MS, Steve Thompson of Huntsville, AL, Richard Leowen Treat of Picayune, MS, Stephen Avery Turner of Slidell, LA, Byran Dale Walker of Picayune, MS, Edward Perry Watts Jr. of Metairie, LA, Roland C. Williams of New Orleans, LA, Terry Michael Winchester of Slidell, LA, and Malcolm Wayne Wood of Picayune, MS.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BOEHLERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 892, as amended, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 892, as amended, which recognizes the dedicated employees of NASA's Michoud Assembly Facility, the Michoud Hurricane Ride-Out Team. Knowing full well the potential for disaster and the impending danger they faced as Hurricane Katrina bore down on the gulf coast, 38 dedicated and heroic individuals put themselves in harm's way to save the Michoud Assembly Facility which is of vital importance to our Nation's civil space program.

Located just 15 miles from New Orleans' French Quarter, this facility is where NASA constructs the space shuttle's external tanks. Before the shuttle, this facility was where NASA manufactured the gargantuan tanks on the Saturn rocket that took us to the moon, and in the future, NASA plans to use the facility to construct the rockets that will return us to the moon.

These brave 38 individuals risked life and limb to protect this valuable facility that ensures our Nation's preeminence in space. Facing 178 mile-per-hour winds that ripped large chunks of surrounding buildings clean off, the intrepid ride-out team kept to its motto, "not on our watch."

By keeping generators and water pumps running throughout the storm, they managed to prevent the facility from flooding and preserved important flight hardware that has kept the space program on track. Because of the ride-out team's efforts, the facility was up and running only 5 weeks after the storm had passed. All of us watched the drama unfolding on television.

After just 3 months, nearly all of the 2,000 employees had returned to the facility despite the fact that 600 of them had lost their own homes.

By saving the facility and returning it to operation as quickly as they did, they were able to get to work right away on the external tank modifications necessary for the second return to flight mission that took place successfully, I might proudly boast, this month.

Many of these individuals have rightly earned NASA's exceptional bravery medal from NASA Administrator Michael Griffin, but they are also worthy of the House's commendation as well.

So it is with a great deal of pride in these dedicated Federal employees, who had so much on the line, not just in their careers, but in their personal lives, that I rise in support of this much overdue resolution, because as Administrator Michael Griffin stated earlier this year, "not all of NASA's heroes fly in space."

Madam Speaker, these heroes have their feet rooted solidly on the ground and work so hard to do so much for so many. I proudly salute them.

Madam Speaker, I reserve the balance of my time.

Mr. GORDON. Madam Speaker, I yield myself such time as I might consume.

First, Madam Speaker, let me point out this resolution before us today is because of the hard work of Representative MELANCON from Louisiana. I thank our chairman for his help in bringing this before us today.

Madam Speaker, I want to speak in strong support of House Resolution 892, a resolution honoring the dedication of the employees of NASA's Michoud Assembly Facility who stayed at their post during Hurricane Katrina, and protected critical space program assets.

Madam Speaker, as you know, during late August of last year, Hurricane Katrina severely assaulted Southeast Louisiana and the Mississippi coast, resulting in massive damage and the evacuation of large numbers of citizens.

Yet, in the midst of the storm, there were countless examples of heroism. One example is the way in which 38 members of the Michoud Hurricane Ride-out Team stayed and protected the NASA Michoud Assembly Facility instead of fleeing the area.

These people deserve our thanks and praise for their dedication to preserving the Michoud Assembly Facility during the hurricane's passage through the region. By risking their own lives, they assured that Michoud was preserved as a vital facility in spite of the devastation wrought by Katrina.

During the hurricane, members of the ride-out team were able to keep the generators running, keep the pumps going, and protect the facilities and flight hardware that were entrusted to them. In addition, they were able to successfully ensure that the water from Hurricane Katrina did not overrun Michoud.

Madam Speaker, due to the team's skill, knowledge, and most importantly, their dedication, Michoud's external tank production for the space shuttle program was able to resume less than 5 weeks after the storm.

Madam Speaker, I think it is only fitting and proper that we honor these brave individuals for their heroic deeds, and I, once again, thank Representative MELANCON for bringing this before us. I strongly urge passage of House Resolution 892.

Mr. JEFFERSON. Madam Speaker, I rise today to commend the members of the "Michoud Hurricane Ride-Out Team" for their extraordinary efforts to protect NASA's Michaud Assembly Facility in the face of Hurricane Katrina. The employees of NASA, Lockheed Martin, and members of the New Orleans Fire Department who made up this team exhibited uncommon bravery and dedication. Cut off from the surrounding area due to roadway flooding, they remained on-site despite the lack of electricity and severely limited communications. These individuals willingly stayed on the facility in the face of the approaching storm and operated the pumps and generators that kept the facility dry.

As a result of the team's commitment, damage to the facility and the external tanks and hardware they produce was minimal. Within 5 weeks, the Michoud Assembly Facility was resuming production operations. I would like to thank the members of the team once again for their courage. The nation is grateful for the contributions they have made to the space program.

Mr. CALVERT. Madam Speaker, I rise in support of H. Res. 892, which recognizes the dedication of the employees at the National Aeronautics and Space Administration, NASA, Michoud Assembly Facility. The end of next month is the anniversary of Hurricane Katrina's landfall on our Gulf coast. Today we celebrate the bravery exhibited by the "Michoud Hurricane Ride-out Team," which saved not only the facility, but also our Nation's manned space program.

Last week, both Houses of Congress passed H. Con. Res. 448, which commended the men and women of NASA, the crew of the Space Shuttle Discovery, and NASA Administrator Mike Griffin for the successful conclusion of the second return to flight test mission—STS-121. This would not have been possible without the 38 brave members of the Michoud Ride-out Team. Many of the members of this team lost their homes and did not know the fate of their families until days after the Hurricane. They risked their lives manning generators and pumps at the Michoud Facility to protect the Shuttle's external tank program and, hence, the future of the manned space program.

Despite the facility's proximity to the center of the hurricane's destructive path, only one external tank was damaged when a concrete panel fell and bounced off the side of the tank. Despite the extensive damage to the 832-acre facility and the entire surrounding area, the Ride-out team exhibited the bravery and the pride for the importance of the space program not only to our Nation, but also to the area in Louisiana.

In September, as Chairman of the House Space and Aeronautics Subcommittee, I am planning to travel to both the Michoud Assembly Facility in Louisiana and the Stennis Space Center in Mississippi. I am looking forward to meeting some of these brave individuals, both at Michoud and at Stennis. Since I became the Chairman of this Subcommittee in 2005, I have visited 7 of NASA's 10 facilities around the country. I am looking forward to visiting and to learning even more of the importance of these NASA centers to our Nation's space program. Today, I want to extend thanks and gratitude from the American people for the outstanding work of these brave individuals at both the Michoud Assembly Facility and at the Stennis Space Center.

Mr. MELANCON. Madam Speaker, today I offer House Resolution 892, to give honor and thanks to those who braved Hurricane Katrina's fury in service to their country. As we approach the 1-year anniversary of Hurricane Katrina, I would like to recognize the men and women who stayed behind to protect NASA's Michoud Assembly Facility in eastern New Orleans. The "Michoud Hurricane Ride-Out Team" was comprised of 38 Lockheed and NASA employees who risked their lives to protect the facility that produces the Space Shuttle external fuel tank, a vital component of the Shuttle program. Were it not for their efforts, the Shuttle program could have been grounded for years. In fact, if Michoud had been destroyed by Katrina, the U.S. would not be able to fulfill its commitment to its international partners, as there would have been no way for the U.S. to ferry vital supplies to equip the International Space Station. The "Ride-Out Team" volunteered to stay and protect valuable space flight hardware critical not only to NASA's Space Shuttle Program, but to the future of human space exploration. The Michoud facility is a vital component of America's Vision for Space Exploration, since derivatives of the external tank are part of the design for the next generation space craft.

As hurricane winds exceeded 130 mph and storm surge topped the 19 ft. levees surrounding the facility, the team worked tirelessly manning the pumping station and generators. After all was said and done, those dedicated individuals pumped more than 1 billion gallons of water out of the facility. Because of their efforts, operations at Michoud resumed mere weeks after Katrina's landfill.

Many of the "Ride-Out Team" lost everything they owned to the storm and many didn't know what had happened to their families until days after the storm had passed. They persevered even though all land routes to the facility had been cut off and they had no electricity or water for 21 days.

For their bravery in the face of unbelievable destruction and their unquestionable dedication to the space program, I ask this body to recognize the members of the "Michoud Hurricane Ride-Out Team" and commemorate their heroism and selfless contribution to the United States, and enable America to continue to lead the world in space exploration.

Mr. GORDON. Madam Speaker, I yield back the balance of my time.

Mr. BOEHLERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and agree to the resolution, H. Res. 892, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

☐ 1615

HONORING THE NATIONAL ASSOCIATION OF STATE VETERANS HOMES

Mr. BRADLEY of New Hampshire. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 347) honoring the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans that are represented by that association for their contributions to the health care of veterans and the health-care system of the Nation.

The Clerk read as follows

H. CON. RES. 347

Whereas the National Association of State Veterans Homes was established in 1954 by a group of administrators of State veterans homes to represent the interests of those homes in a unified voice before Congress and the Executive Branch;

Whereas the National Association of State Veterans Homes functions on an all-volunteer basis and focuses on endeavors that improve the conditions of care furnished to veterans by State veterans homes, elevate and monitor the qualifications for managers of such homes, and provide continuing education standards for staff who provide care to veterans in State veterans homes;

Whereas the National Association of State Veterans Homes has been and continues to be in the forefront of developing and supporting new methods and models for providing long-term care services to elderly veterans, such as hospice care, respite care, Alzheimer's care, and adult day health care;

Whereas State veterans homes, which provide long-term care to thousands of veterans, were established initially in the States of Connecticut, Kansas, Ohio, and Maine in 1868 to house, feed, and care for thousands of homeless, wounded, and permanently scarred Union soldiers and thus have been in existence since before the establishment of the Department of Veterans Affairs, the earlier Veterans' Administration, and its predecessor agencies;

Whereas in 1888 Congress authorized the Federal payment of a daily allowance of 20¢ for the care of each former soldier or sailor in a State home-hospital, an allowance that continues today in the form of a per diem grant program administered by the Department of Veterans Affairs that is authorized to provide up to 50 percent of the average daily cost of care, but currently provides only approximately 30 percent;

Whereas the Department of Veterans Affairs further participates in the care of veterans in State homes with a matching grant program to support construction and major renovation projects to sustain those homes and build towards sufficient levels of available, high-quality health care;

Whereas the State veterans homes offer long-term services to eligible veterans in need of such services on certification of the Department of Veterans Affairs at 119 facilities in 47 states and the Commonwealth of Puerto Rico;

Whereas the States determine the allocation of nursing home beds in individual facilities, and establish the eligibility of veterans and their dependents to occupy those beds, following Federal guidelines;

Whereas within the limits of their capacities, the State veterans homes provide care for over 27,500 veterans each day, accounting for more than 50 percent of the total national long-term care bed capacity for veterans, thereby sharing the enormous responsibility of caring for veterans with the Department of Veterans Affairs in an admirable partnership;

Whereas State veterans homes provide quality care for elderly and disabled veterans at an average daily cost that is significantly less than nursing homes operated by the Department of Veterans Affairs;

Whereas the number of elderly veterans, particularly those over age 85, continues to rise and the need for long-term care services for those veterans will continue to rise in the coming years; and

Whereas the Nation's State veterans homes continue to achieve their purpose of improving and sustaining the health of elderly, sick, and severely disabled veterans by assuring access to affordable nursing care in settings that provide personal dignity to truly deserving veterans, often at the end of lives spent in service to the Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans that are represented by that association for their significant contributions to the health care of veterans and to the health care system of the Nation;

(2) commends the thousands of individuals who work in, or on behalf of, State veterans homes for their contributions in caring for elderly and disabled veterans;

(3) recognizes the importance of the partnership between the States and the Department of Veterans Affairs in providing long-term care to veterans; and

(4) affirms the support of Congress for continuation of the State homes program to address the known and anticipated needs of the Nation's veterans for institutional long-term care services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New Hampshire (Mr. BRADLEY) and the gentleman from Colorado (Mr. SALAZAR) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

GENERAL LEAVE

Mr. BRADLEY of New Hampshire. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 347.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BRADLEY of New Hampshire. Madam Speaker, I yield myself such time as I may consume.

I want to begin by thanking my colleague and friend from Colorado for his work in support of this legislation and also thank my colleague and friend Mr. SIMMONS from Connecticut who is traveling and could not be here to participate in this debate.

Madam Speaker, I rise in support of H. Con. Res. 347, which honors the National Association of State Veterans Homes and the 119 State veteran homes providing long-term care to veterans that are represented by the association for their contributions. The National Association of State Veterans Homes functions on an all-volunteer basis to improve the conditions of care furnished by State veterans homes and is at the forefront of developing new methods for providing long-term care services to our elderly veterans.

The Department of Veterans Affairs now provides State veterans homes with a per diem grant program which provides approximately 30 percent of the average cost of daily care, in addition to a grant program to support construction and major renovation projects. State veterans homes provide more than 50 percent of the total national long-term care bed capacity for veterans at an average daily cost that is significantly less than nursing homes operated by the Department of Veterans Affairs. As the number of elderly veterans rises, State veterans homes continue to improve and sustain their health by assuring access to affordable and quality nursing care.

Madam Speaker, I reserve the balance of my time.

Mr. SALAZAR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank Representative SIMMONS for introducing House Concurrent Resolution 347. This resolution honors the National Association of Veterans Homes and the 119 State veterans homes across this great country.

State veterans homes are essential to the continuum of care for our aged and disabled veterans. In the upcoming years, State veterans homes will play an even greater role in providing elderly and disabled veterans with dignified and compassionate care because our veteran population is aging. Nationwide, the number of veterans most in need of long-term care, those 85 years and older, will jump to 1.3 million by the year 2012.

State homes represent more than a century-old State-Federal partnership that has greatly benefited our parents and their families. Colorado is home to six of these facilities. I have been fortunate enough to visit five of them, and I have seen the fantastic care that they provide firsthand. I am particularly proud of the Colorado State veterans center at Homelake and Monte Vista, Colorado. It has been caring for Colorado veterans and their families for over 110 years.

Madam Speaker, this resolution reinforces Congress's strong bipartisan support for the State homes, and it sends a signal to this and future administrations that we will continue the per diem support of the State homes. Madam Speaker, this is a good resolution, and I urge my colleagues to give it their support.

Madam Speaker, I reserve the balance of my time

Mr. BRADLEY of New Hampshire. Madam Speaker, I would like to thank Chairman BUYER and Ranking Member EVANS of the Veterans' Affairs Committee for bringing this legislation to the floor. And, as I indicated previously, I would also like to thank my friend and colleague, Mr. SIMMONS, the sponsor of the bill, for introducing this legislation.

Madam Speaker, I urge my colleagues to unanimously support H. Con. Res. 347.

I have no further requests for time, and I yield back the balance of my time.

Mr. SIMMONS. Madam Speaker, I rise today to honor the National Association of State Veterans Homes (NASVH) and the 119 state-veterans' homes they represent for their contributions to caring for our Nation's military veterans.

The State Veterans' Home program is a partnership between the Federal Government and the States that provides the bulk of VA-supported long term care services to veterans and their families. I have seen firsthand the importance of this partnership and the quality of services that State homes provide because I am privileged to have one of these homes in my State of Connecticut, at Rocky Hill.

Connecticut's first veterans' home was founded on July 4, 1864, and was known as Fitch's Home for Soldiers and Their Orphans. Benjamin Fitch, a philanthropist from Darien, established the home for Civil War veterans and for children whose fathers were killed in that war. The complex of buildings included a hospital, chapel, library, residence hall, and administrative facilities. At the time, it represented one of the Nation's earliest commitments to our veterans. From 1864 to 1940 the Fitch Home served the needs of hundreds of orphans and thousands of men who served their country in various wars. The Fitch home became the Connecticut State Veterans hospital in 1940 and relocated to its current location in Rocky Hill.

Today, 476 veterans ages 23 to 95, representing all major U.S. conflicts dating back to World War II, are residents at Rocky Hill. Recently, Rocky Hill received a nearly $22 million grant from the Department of Veterans Affairs to construct a new State veterans care facility and to make infrastructure improvements at the campus. I am proud of Rocky Hill's long history of providing quality long-term care services for our veterans and I am pleased with the government's commitment to supporting their efforts.

Rocky Hill is just one example of the 119 State-operated veterans' homes located across the country. These homes provide nursing home care in 114 locations, domiciliary care in 52 locations, and hospital-type care in five of their homes. Combined, the State veterans' homes presently provide over 27,500 resident beds for veterans, of which more than 21,000 are nursing home beds.

This resolution not only recognizes the value of State veterans' homes, but also the critical role of those people who represent and staff the homes. In 1954, administrators and senior staff of State veterans' homes around the country joined together to form an all-volunteer, non-profit organization to promote the common interests of the homes and the elderly, disabled veterans that they serve. The organization, the National Association of State Veterans Homes, has been and continues to be in the forefront of developing and supporting new methods and models for providing long term care services to elderly veterans, such as hospice care, respite care, Alzheimer's care, and adult day health care. I commend the organization for their strong commitment to ensuring that State homes receive the tools they need to provide the best care possible for America's heroes.

I would also like to commend and thank all of the individuals who work in the State homes system for providing such a vital service to those men and women who have worn the uniform of our Nation. I believe the work that these individuals do helps us fulfill the promise laid out long ago by President Lincoln, "to care for him who shall have borne the battle, and for his widow and his orphan." They have dedicated themselves to provide the best care possible for our elderly and disabled veterans, and we in Congress must equally dedicate ourselves to ensure that they continue to receive sufficient support and resources from the Department of Veterans Affairs to maintain that quality of care.

H. Con. Res. 347 honors the invaluable work of those who staff State veterans' homes, the important role of the National Association of State Veterans Homes, and affirms the support of Congress in the continuation of the State Veterans' Home program.

I urge my colleagues to join me in recognizing the importance of State veterans' homes for their role in caring for our Nation's aging and disabled military heroes.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in strong support of H. Con. Res. 347, a resolution honoring the National Association of State Veterans Homes and the 119 State veteran's homes nationwide who serve the health care services to our Nation's veterans.

The long and distinguished history of the Connecticut State Veterans Hospital can be traced back nearly 140 years of 1864 when Benjamin Finch opened the first veterans' home in the Nation, Fitch's Home for Soldiers and Their Orphans in Darien, to care for veterans of the Civil War. Now located in the First Congressional District in Rocky Hill, the modern day State Veterans Hospital has served Connecticut veterans since 1940. Over the years, the State veteran's hospital has grown to include nearly 40 buildings on the 90-acre Rocky Hill campus, including a domicile providing rehabilitative care and other health care services. In addition to serving the general health care needs of the State's 280,000 veterans, the hospital provides other critical services meant to help veterans in all aspects of their lives, including substance abuse treatment, education and vocational assistance, and job skill development and training.

While the staff of the State Veterans Home provides unmatched professional care for their veterans, the hospital's core facilities and campus infrastructure are almost 70 years old and is struggling to meet the needs of the veterans they serve. That is why I worked so hard in helping the State obtain a $22 million grant from the Department of Veterans Affairs' State Home Program to fund the first new construction on the Rocky Hill campus in nearly 65 years. This funding will be used to build a new state of the art facility with five new residential wards, a 25-bed Alzheimer's unit, a hospice facility, and an occupational and physical therapy department. In addition to improving service for current residents and veterans, this new facility is especially important as more soldiers in need of medical and mental health treatment return home each day from operations in Afghanistan and Iraq.

Our veterans have given so much to our Nation and they deserve the highest quality of care in return for their service. Even after 140 years, the Connecticut State Veterans Home remains an essential component of our long-term veterans' care and helps fulfill the promise of quality care for those who have proudly served our country. I look forward to continuing to work closely with our State Commissioner of Veterans Affairs, Dr. Linda Schwartz, and her staff to ensure that they have the resources they need to serve the veterans of our State and our Nation.

Mr. GARRETT of New Jersey. Madam Speaker, as a cosponsor of H. Con. Res. 347, I am pleased to support this resolution honoring the work of the National Association of State Veterans Homes and the 119 homes across the country that honor our nation's heroes.

I am proud to work on closely with the State Veterans Home in Paramus, New Jersey. This excellent facility is run by caring individuals who work hard each day to see that our veterans are given the care that they earned sacrificing for our Nation. Veterans Affairs Secretary Nicholson recently had the opportunity to tour the facility with me and see the tremendous effort that Doris Neibart, director of the home, and all the nurses and staff have put into caring for veterans in the final stages of life's journey.

Throughout the 20th century and now into the 21st, the American soldier, sailor, airman, and Marine has been a force for good in this world. Working together, they have kept our nation safe from the threats of fascism, communism, and now terrorism. We owe them all a great debt of gratitude and the best care we can provide.

Our Nation has a rich history of promoting freedom and spreading democracy, a history that was made possible by countless individuals who served in our armed forces. We remember all who contributed as well as those that stand ready to serve the cause of freedom today. I am proud to represent so many selfless and brave heroes and to honor those who work for their welfare.

Mr. REYES. Madam Speaker, I rise in strong support of H. Con. Res. 347, honoring the National Association of Veterans Homes and the 119 State Veterans Homes represented by that association for their contributions to the health care of veterans and the health care system of the Nation.

Ambrosio Guillen State Veterans Nursing Home opened its doors in my Congressional District of El Paso, TX on July 19, 2005, as the first veterans nursing home to be located in a major Texas metropolitan area. This 160-bed home has exhibited a great commitment to caring for those who have honorably served our country.

I am proud to join in the bi-partisan support shown by the House of Representatives as we honor the National Association of Veterans Homes.

Madam Speaker, I ask all my colleagues to join me in supporting all those who dedicate themselves to serving our veterans by voting in favor of H. Con. Res. 347.

Mr. SALAZAR. Madam Speaker, I would like to thank my colleague from New Hampshire (Mr. BRADLEY). I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. BRADLEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 347.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HIRE A VETERAN WEEK

Mr. BRADLEY of New Hampshire. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 125) expressing support for the designation and goals of "Hire a Veteran Week" and encouraging the President to issue a proclamation supporting those goals.

The Clerk read as follows:

H. CON. RES. 125

Whereas the people of the United States have a sincere appreciation and respect for the military personnel who serve in the Armed Forces of the United States;

Whereas veterans possess special qualities and skills that make them ideal candidates for employment, but many veterans encounter difficulties in securing employment;

Whereas it would be inconsistent, inconsiderate, and contrary to the economic competitiveness of the United States to neglect the post-military needs of the military personnel who have served in the Armed Forces of the United States;

Whereas many of the brave men and women who have served the United States so gallantly and selflessly in the war on terrorism and the war in Iraq since September 11, 2001, are beginning to return home to be reunited with their loved ones and will be reentering the workforce or searching for their first jobs outside of military service; and

Whereas the Department of Veterans Affairs, the Department of Labor, the Office of Personnel Management, and many State and local governments administer veterans programs and have veterans employment representatives both to ensure that veterans receive the services to which they are entitled and to promote employer interest in hiring veterans: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the importance of the men and women who have served or who currently serve in the Armed Forces of the United States;

(2) supports the designation of an appropriate week as "Hire a Veteran Week"; and

(3) encourages the President to issue a proclamation calling upon employers, labor organizations, veterans service organizations, and Federal, State, and local governmental agencies (including such agencies in the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States) to lend their support to increase employment of the men and women who have served in the Armed Forces of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. BRADLEY) and the gentleman from Colorado (Mr. SALAZAR) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. BRADLEY of New Hampshire. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this resolution calls upon the President to establish a national Hire a Veteran Week.

No group in America deserves special employment opportunity more than our Nation's veterans. These men and women have volunteered to put themselves in harm's way to preserve the Nation's way of life and economic system. They serve on every continent, in hundreds of occupations, in remote locations, and in the toughest of combat conditions. They answer the Nation's call to duty, asking in return only our support and our thanks.

Veterans are one of the most diverse communities in America, with significant representation from all major ethnic and socioeconomic groups. Today's veterans bring a solid work ethic, understand the chain of command, are accustomed to working within a system.

are highly motivated, and are comfortable with technology. Hiring a veteran to fill a good-paying job is an important way to say thank you for your service and brings a quality employee to the workforce.

Madam Speaker, this bill was jointly referred to the Committee on Armed Services which waived consideration of the bill. I would like to thank Chairman BUYER, chairman of the full committee, Acting Ranking Member FILNER, Ranking Member EVANS, Chairman HUNTER, and Ranking Member SKELTON for their help in moving this resolution to the floor. I would also like to commend my colleague from Colorado (Mr. SALAZAR) for his work on this bill, and thank Mr. HOLT of New Jersey for introducing this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SALAZAR. Madam Speaker, I yield myself as much time as I may consume.

I rise in support of House Concurrent Resolution 125, a resolution supporting the goals of Hire a Veteran Week, and I thank Mr. HOLT of New Jersey for sponsoring this great legislation.

Every day, the men and women of our Armed Forces sacrifice to protect and preserve our way of life whether by putting themselves in harm's way or by enduring time away from their loved ones at home.

Each year, 200,000 servicemembers separate from military service and hope to enjoy the privileges and opportunities they sacrificed to preserve, but many veterans face difficulties in entering the civilian workforce when they come home. This resolution expresses our support for our country's newest veterans, and it urges the President to call on all levels of government and the private sector to back up our support with action.

I urge my colleagues to support this resolution and to support its spirit, to do everything we can to help our veterans transition into civilian life and to ensure that they are given all the benefits they sacrificed to secure.

Madam Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. HOLT)

Mr. HOLT. Madam Speaker, I thank the gentleman, and I would also like to thank the chairman and ranking members of the Veterans' Affairs Committee, Mr. BUYER and Mr. FILNER, for bringing this bipartisan bill to the floor. I would also particularly like to thank Mr. BROWN of South Carolina, my partner in this bill, for all of his help in moving the bill through Congress.

Madam Speaker, our Nation was built by citizen soldiers, whom all too often we fail to repay for their service. We should be giving them employment opportunities, the opportunities they deserve. By virtue of their discipline, their work ethic, their clear thinking, veterans make outstanding employees; and we should be doing all we can to help them find jobs, and yet we know veterans return from the field and have trouble breaking into the workforce.

This bill is an affirmation of the commitment of Congress to encourage all employers, government at all levels, nonprofits, trade associations, and the private sector, to think of veterans when making hiring decisions. The bill itself calls upon the President to proclaim an annual Hire a Veteran Week and to use the occasion to remind all employers of the value of hiring veterans.

Let there be no doubt, the need for a renewed national focus on veterans employment is real. If you look at the Bureau of Labor statistics, for example, and take the age cohort of 18 to 24 years old, you will find among veterans recently returned from the front, unemployment is at 18.7 percent compared with 9.9 in the general population in that age cohort. The data about women actually are worse. And these aren't simply numbers. These are men and women who put on our country's uniform to protect each and every one of us. We can and we must do what we can to help them find good-paying jobs, to use their skills to contribute to our society.

This is especially true now with our country at war in multiple theaters of operation, as we are minting new veterans every day. For them to make a successful transition from military to civilian life, their employment, their job training, their readjustment needs must be a top priority for our country. I would ask my colleagues, how could we tolerate a high unemployment rate among veterans, higher than among the general population that has not served in uniform?

As the original GI bill showed us, when we invest in our veterans, our society reaps the rewards many times over. The same philosophy should guide us as we seek to help veterans obtain and sustain meaningful good-paying jobs in their civilian lives.

□ 1630

This bill is a step in that direction.

Again, I thank the ranking member and the chairman of the committee and Mr. BROWN for their help.

Madam Speaker, I want to begin by thanking the chairman and ranking member of the House Veterans Affairs Committee, Mr. BUYER and Mr. FILNER, for bringing this bipartisan bill to the floor. I also want to thank my colleague and partner on this bill, Mr. BROWN of South Carolina, for all of his help in moving this bill through the Congress.

Our Nation was built by citizen-soldiers, but too often, we fail to repay their service properly by giving them the employment, education, and other opportunities they deserve. By virtue of their discipline, work ethic, and clear thinking, veterans make outstanding employees, and we should be doing all we can to help them find good jobs that benefit them and their families.

This bill is an affirmation of Congress's commitment to encourage all employers—government at all levels, nonprofits, trade associations, and the private sector—to think of veterans first when making hiring decisions.

•The bill itself calls upon the President to proclaim an annual "Hire a Veteran" week and to use that occasion to remind all employers of the value of hiring veterans. I hope the President acts on this legislation swiftly, because the need for a renewed national focus on veterans' employment is real and urgent.

According to the most recent U.S. Labor Department data, in August 2005, 20- to 24-year-old veterans had an unemployment rate of 18.7 percent compared with their nonveteran counterparts. For all of 2005, the annual rate was 15.6 percent for 20- to 24-year-old veterans compared with 8.7 percent for nonveterans in that age group.

These aren't simply numbers; these are men and women who put on our country's uniform to protect each and every one of us. We can and must do more to help them find good-paying jobs that allow them to build a career and a life in the Nation they served and protected.

This is especially true now, with our country at war in multiple theaters of operation and with tens of thousands of new veterans being created every year. For them to make a successful transition from military to civilian life, veterans' employment, job training, and readjustment need to be a top national priority.

As the original GI bill showed us, when we invest in our veterans, our society reaps the rewards many times over. The same philosophy should guide us as we seek to help veterans obtain and sustain meaningful, good-paying jobs in their civilian lives. This bill is a first step in that direction, but we need to do more. We need to ensure that within both the DoD and VA budgets, we devote the necessary resources to transition assistance, job retraining—where necessary—and related activities that help veterans in their search for civilian careers.

Again, I thank my friends, the gentleman from Indiana, Mr. BUYER, and California, Mr. FILNER, for their help and support in securing passage of this bill today.

Mr. SALAZAR. Madam Speaker, I would like to, once again, commend Mr. HOLT for his tireless effort on veterans issues. I have no further requests for time, and I yield back the balance of my time.

Mr. BROWN of South Carolina. Madam Speaker, I am proud to be the Republican sponsor of H. Con. Res. 125 along with my good friend from New Jersey, Congressman RUSH HOLT.

H. Con. Res. 125 is a very important piece of legislation that calls for the designation of "Hire-A-Veteran Week" and issuance of a presidential proclamation calling upon employers, labor organizations, and federal, state, and local governmental agencies to hire our veterans—old and new.

According to the most current data, 10.8 percent of all male veterans and 13.3 percent of female veterans between the ages of 20 and 24 are unemployed. The situation is even more troubling for minority veterans. For black male veterans and female veterans between 20–24 years of age, the unemployment rate is 17 percent and 23.9 percent respectively and for Hispanic male and female veterans in that age bracket, the rate is 8.7 percent and 21.6 percent respectively.

It is shameful that so many of our veterans who have risked their own lives to defend our freedom can't find jobs and must endure homelessness and lives of poverty after they return home. On any given day as many as 250,000 veterans are living on the streets or in homeless shelters and perhaps twice as many experience homelessness at some point during the course of a year.

The designation of "Hire-A-Veteran Week" would provide an effective and more focused way to do more to help all of our veterans find good, secure jobs and ensure better living standards for themselves and their families.

I urge all of my colleagues to support H. Con. Res. 125.

Ms. BORDALLO. Madam Speaker, I rise today in strong support of H. Con. Res. 125, which expresses support for the designation and goals of "Hire a Veteran Week" and encourages the President to issue a proclamation supporting those goals. Certain technical abilities, discipline, teamwork, and commitment to getting a job done right the first time are among the unique skills, experiences, and qualities that our veterans possess as a result of their military service.

Civilian employers recognize these attributes as valuable to their companies. It is essential that the benefits of hiring a veteran be promoted in order to ensure that veterans are fully considered for civilian jobs upon separating from the U.S. Armed Forces.

Unfortunately, many veterans experience difficulty finding employment following their service in the U.S. Armed Forces. H. Con. Res. 125 and "Hire a Veteran Week" represent a commitment to improving the civilian professional and economic opportunities for the dedicated men and women who have worn our country's uniform.

I urge support for H. Con. Res. 125.

Mr. REYES. Madam Speaker, I rise in strong support of H. Con. Res. 125, expressing Congressional support for "Hire-A-Veteran Week," and encouraging the President to issue a proclamation calling upon employers to increase employment of men and women who have served honorably in the U.S. Armed Forces.

As a U.S. Army veteran and a member of the House Armed Services and Veterans' Affairs Committees, I know of the challenges awaiting our servicemembers when transitioning from military service to the civilian workforce. While this resolution will not solve the problems of unemployment within the veterans community, it is a strong message that we as Members of Congress should send to anyone in a position to hire qualified veterans.

Having military veterans in both my El Paso, TX and Washington, DC offices, I know of the exceptional training the Armed Forces provides our servicemembers, and wholeheartedly encourage any employer to consider hiring those veterans who have served our country.

Madam Speaker, I ask all my colleagues to join me in supporting our Nation's veterans by voting in favor of H. Con. Res. 125.

GENERAL LEAVE

Mr. BRADLEY of New Hampshire. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 125.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BRADLEY of New Hampshire. Madam Speaker, I urge my colleagues to unanimously support H. Con. Res. 125.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. BRADLEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 125.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

VETERANS SMALL BUSINESS AND MEMORIAL AFFAIRS ACT OF 2006

Mr. BRADLEY of New Hampshire. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3082) to amend title 38, United States Code, to require that 9 percent of procurement contracts entered into by the Department of Veterans Affairs be awarded to small business concerns owned by veterans, and for other purposes, as amended.

The Clerk read as follows

H.R. 3082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Small Business and Memorial Affairs Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS

Sec. 101. Department of Veterans Affairs goals for participation by small businesses owned and controlled by veterans in procurement contracts.

Sec. 102. Department of Veterans Affairs contracting priority for veteran-owned small businesses.

Sec. 103. Effective date.

TITLE II—MEMORIAL AFFAIRS

Sec. 201. Eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands.

Sec. 202. Repeal of expiration and expanded application of Department of Veterans Affairs benefit for Government markers or headstones for marked graves of veterans buried in private cemeteries.

Sec. 203. Provision of Government memorial headstones or markers and memorial inscriptions for deceased dependent children of veterans whose remains are unavailable for burial.

TITLE III—VETERANS' EMPLOYMENT AND TRAINING

Sec. 301. Professional qualifications for disabled veterans' outreach program specialists and local veterans' employment representatives.

Sec. 302. Rules for part-time employment for disabled veterans' outreach program specialists and local veterans' employment representatives.

Sec. 303. State licensing and certification programs for veterans.

Sec. 304. Training of new disabled veterans' outreach program specialists and local veterans' employment representatives by NVTI required.

Sec. 305. Matters for inclusion in annual report on VETS program.

Sec. 306. Demonstration project on contracting for placement of certain disabled veterans.

Sec. 307. Performance incentive awards for employment service offices.

Sec. 308. Department of Labor implementation of priority of service for veterans requirement.

Sec. 309. Demonstration project on credentialing and licensure of veterans.

TITLE IV—EDUCATION

Sec. 401. Exception for institutions offering Government-sponsored nonaccredited courses to requirement of refunding unused tuition.

Sec. 402. Extension of work-study allowance.

Sec. 403. Report on improvement in administration of educational assistance benefits.

Sec. 404. Restoration of lost entitlement for individuals who had to discontinue a course of education because of being ordered to full-time National Guard duty.

Sec. 405. Technical amendments.

TITLE I—SMALL BUSINESS

SEC. 101. DEPARTMENT OF VETERANS AFFAIRS GOALS FOR PARTICIPATION BY SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS IN PROCUREMENT CONTRACTS.

(a) IN GENERAL.—Subchapter II of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

"§8127. Small business concerns owned and controlled by veterans; Department contracting goals and preferences

"(a) CONTRACTING GOALS.—(1) In order to increase contracting opportunities for small business concerns owned and controlled by veterans and small business concerns owned and controlled by veterans with service-connected disabilities, the Secretary shall—

"(A) establish a goal for each fiscal year for participation in Department contracts (including subcontracts) by small business concerns owned and controlled by veterans who are not veterans with service-connected disabilities in accordance with paragraph (2); and

"(B) establish a goal for each fiscal year for participation in Department contracts (including subcontracts) by small business concerns owned and controlled by veterans with service-connected disabilities in accordance with paragraph (3).

"(2) The goal for a fiscal year for participation under paragraph (1)(A) shall be determined by the Secretary.

"(3) The goal for a fiscal year for participation under paragraph (1)(B) shall be not less than the Government-wide goal for that fiscal year for participation by small business concerns owned and controlled by veterans with service-connected disabilities under section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)).

"(4) The annual performance review of the senior official of each Administration of the Department and each Assistant Secretary of the Department with procurement authority shall include an assessment of whether or not that official or Assistant Secretary met the contracting goals established pursuant to this subsection during the year for which the performance review is conducted with respect to contracts awarded during that year for which that official or Assistant Secretary had responsibility. If the official or Assistant Secretary is found not to have met such contracting goals, the official or Assistant Secretary shall not receive an award known as a performance award or an award known as a presidential rank award for that year.

"(5) In the case of a subcontract of a Department contract that is counted for purposes of meeting a goal established pursuant to this section, the Secretary shall conduct a review of the contract and subcontract to verify that the subcontract was actually awarded to a business concern that may be counted for purposes of meeting that goal.

"(6) The Secretary shall maintain a list based on the reviews conducted under paragraph (5) that contains the name of the contractor associated with each contract reviewed under that paragraph and whether each subcontract awarded by the contractor that is counted for purposes of meeting a goal established pursuant to this section was actually awarded to and performed by a business concern that may be counted for purposes of meeting that goal. The Secretary shall make such list publicly available.

"(b) USE OF NONCOMPETITIVE PROCEDURES FOR CERTAIN SMALL CONTRACTS.—For purposes of meeting the goals under subsection (a), and in accordance with this section, in entering into a contract with a small business concern owned and controlled by veterans for an amount less than the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)), a contracting officer of the Department may use procedures other than competitive procedures.

"(c) SOLE SOURCE CONTRACTS FOR CONTRACTS ABOVE SIMPLIFIED ACQUISITION THRESHOLD.—For purposes of meeting the goals under subsection (a), and in accordance with this section, a contracting officer of the Department may award a contract to a small business concern owned and controlled by veterans using procedures other than competitive procedures if—

"(1) such concern is determined to be a responsible source with respect to performance of such contract opportunity;

"(2) the anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) but will not exceed $5,000,000; and

"(3) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

"(d) USE OF RESTRICTED COMPETITION.—Except as provided in subsections (b) and (c), for purposes of meeting the goals under subsection (a), and in accordance with this section, a contracting officer of the Department shall award contracts on the basis of competition restricted to small business concerns owned and controlled by veterans if the contracting officer has a reasonable expectation that two or more small business concerns owned and controlled by veterans will submit offers and that the award can be made at a fair and reasonable price that offers best value to the United States.

"(e) ELIGIBILITY OF SMALL BUSINESS CONCERNS.—A small business concern may be awarded a contract under this section only if the small business concern and the veteran owner of the small business concern are listed in the database of veteran-owned businesses maintained by the Secretary under subsection (f).

"(f) DATABASE OF VETERAN-OWNED BUSINESSES.—(1) Subject to paragraphs (2) through (6), the Secretary shall maintain a database of small business concerns owned and controlled by veterans and the veteran owners of such business concerns.

"(2) To be eligible for inclusion in the database, such a veteran shall submit to the Secretary such information as the Secretary may require with respect to the small business concern or the veteran.

"(3) Information maintained in the database shall be submitted on a voluntary basis by such veterans.

"(4) In maintaining the database, the Secretary shall carry out at least the following two verification functions:

"(A) Verification that each small business concern listed in the database is owned and controlled by veterans.

"(B) In the case of a veteran who indicates a service-connected disability, verification of the service-disabled status of such veteran.

"(5) The Secretary shall make the database available to all Federal departments and agencies and notify each such department and agency of the availability of the database.

"(6) If the Secretary determines that the public dissemination of certain types of information maintained in the database is inappropriate, the Secretary shall take such steps as are necessary to maintain such types of information in a secure and confidential manner.

"(g) ENFORCEMENT PENALTIES FOR MISREPRESENTATION.—Any small business concern that is determined by the Secretary to have misrepresented the status of that concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans for purposes of this subsection shall be debarred from contracting with the Department for a period of five years.

"(h) TREATMENT OF BUSINESSES AFTER DEATH OF VETERAN-OWNER.—(1) If the death of a veteran causes a small business concern to be less than 51 percent owned by one or more veterans, the surviving spouse of such veteran who acquires ownership rights in such small business concern shall, for the period described in paragraph (2), be treated as if the surviving spouse were that veteran for the purpose of maintaining the status of the small business concern as a small business concern owned and controlled by veterans.

"(2) The period referred to in paragraph (1) is the period beginning on the date on which the veteran dies and ending on the earliest of the following dates:

"(A) The date on which the surviving spouse remarries.

"(B) The date on which the surviving spouse relinquishes an ownership interest in the small business concern.

"(C) The date that is ten years after the date of the veteran's death.

"(3) The death of a veteran-owner of a small business concern or a surviving spouse of such a veteran-owner who acquires ownership rights in such concern shall not be cause for termination of a contract awarded under this section that is in effect at the time of death of such owner or surviving spouse.

"(i) CHANGE IN OWNERSHIP OR CONTROL.—(1) Except as provided in subsection (h), if a small business concern that is awarded a contract under this section undergoes a change in management or control during the period for which the contract is in effect such that it is no longer a small business concern owned and controlled by veterans, the Secretary shall end the contract on the date on which the performance of the term of the contract is complete.

"(2) Such a contract that contains an option or options to extend the contract may be extended for a total of not more than 1 year pursuant to any such option.

"(j) PRIORITY FOR CONTRACTING PREFERENCES.—Preferences for awarding contracts to small business concerns shall be applied in the following order of priority:

"(1) Contracts awarded pursuant to subsection (b), (c), or (d) to small business concerns owned and controlled by veterans with service-connected disabilities.

"(2) Contracts awarded pursuant to subsection (b), (c), or (d) to small business concerns owned and controlled by veterans that are not covered by subparagraph (A).

"(3) Contracts awarded pursuant to—

"(A) section 8(a) of the Small Business Act (15 U.S.C. 637(a)); or

"(B) section 31 of such Act (15 U.S.C. 657a).

"(4) Contracts awarded pursuant to any other small business contracting preference.

"(k) QUARTERLY REPORTS.—Not later than 60 days after the last day of a fiscal quarter, the Secretary shall submit to Congress a report on small business contracting during that fiscal quarter, which shall include the following:

"(1) The percentage of the total amount of all contracts awarded by the Department during that fiscal quarter that were awarded to small business concerns owned and controlled by veterans.

"(2) The percentage of the total amount of all such contracts awarded to small business concerns owned and controlled by veterans with service-connected disabilities.

"(3) The percentage of the total amount of all contracts awarded by each Administration of the Department during that fiscal quarter that were awarded to small business concerns owned and controlled by veterans.

"(4) The percentage of the total amount of all contracts awarded by each such Administration during that fiscal quarter that were awarded to small business concerns owned and controlled by veterans.

"(l) DEFINITIONS.—In this section:

"(1) The term 'small business concern' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

"(2) The term 'small business concern owned and controlled by veterans' means a small business concern—

"(A)(i) not less than 51 percent of which is owned by one or more veterans or, in the case of a publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

"(ii) the management and daily business operations of which are controlled by one or more veterans; or

"(B) not less than 51 percent of which is owned by one or more veterans with service-connected disabilities that are permanent and total who are unable to manage the daily business operations of such concern or, in the case of a publicly owned business, not less than 51 percent of the stock of which is owned by one or more such veterans.".

(b) TRANSITION RULE.—A small business concern that is listed in any small business database maintained by the Secretary of Veterans

Affairs on the date of the enactment of this Act shall be presumed to be eligible for inclusion in the database under subsection (f) of section 8127 of title 38, United States Code, as added by subsection (a), during the period beginning on the date of the enactment of this Act and ending one year after the date of the enactment of this Act. Such a small business concern may be removed from the database during that period if it is found not to be a small business concern owned and controlled by veterans (as defined in subsection (l) of such section).

(c) Comptroller General Report and Study.—(1) During the first three fiscal years for which this section is in effect, the Comptroller General shall conduct a study on the efforts made by the Secretary of Veterans Affairs to meet the contracting goals established pursuant to section 8127 of title 38, United States Code, as added by subsection (a).

(2) On January 31 of each year during which the Comptroller General conducts the study under paragraph (1), the Comptroller General shall submit to Congress an interim report on such study, placing special emphasis on any structural or organizational issues within the Department of Veterans Affairs that might act as an impediment to reaching such contracting goals.

(3) Not later than 90 days after the end of the three-year period during which the Comptroller General conducts the study under paragraph (1), the Comptroller General shall submit to Congress a report on the findings of such study.

(d) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8126 the following new item:

"8127. Small business concerns owned and controlled by veterans; Department contracting goals and preferences.".

SEC. 102. DEPARTMENT OF VETERANS AFFAIRS CONTRACTING PRIORITY FOR VETERAN-OWNED SMALL BUSINESSES.

(a) Priority for Veteran-Owned Small Businesses.—Subchapter II of chapter 81 of title 38, United States Code, as amended by section 101(a), is further amended by adding at the end the following new section:

"§8128. Contracting priority for small business concerns owned and controlled by veterans

"(a) In General.—In procuring goods and services pursuant to a contracting preference under this title or any other provision of law, the Secretary shall give priority to a small business concern owned and controlled by veterans, if such business concern also meets the requirements of that contracting preference.

"(b) Definition.—The term 'small business concern owned and controlled by veterans' means a small business concern that is on the list maintained by the Secretary under section 8127(f) of this title.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter, as amended by section 101, is further amended by inserting after the item relating to section 8127 the following new item:

"8128. Contracting priority for small business concerns owned and controlled by veterans.".

SEC. 103. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date that is 180 days after the date of the enactment of this Act.

TITLE II—MEMORIAL AFFAIRS

SEC. 201. ELIGIBILITY OF INDIAN TRIBAL ORGANIZATIONS FOR GRANTS FOR THE ESTABLISHMENT OF VETERANS CEMETERIES ON TRUST LANDS.

Section 2408 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) The Secretary may make grants under this subsection to any tribal organization to assist the tribal organization in establishing, expanding, or improving veterans' cemeteries on trust land owned by, or held in trust for, the tribal organization.

"(2) Grants under this subsection shall be made in the same manner, and under the same conditions, as grants to States are made under the preceding provisions of this section.

"(3) In this subsection:

"(A) The term 'tribal organization' has the meaning given that term in section 3765(4) of this title.

"(B) The term 'trust land' has the meaning given that term in section 3765(1) of this title.".

SEC. 202. REPEAL OF EXPIRATION AND EXPANDED APPLICATION OF DEPARTMENT OF VETERANS AFFAIRS BENEFIT FOR GOVERNMENT MARKERS OR HEADSTONES FOR MARKED GRAVES OF VETERANS BURIED IN PRIVATE CEMETERIES.

(a) Repeal of Expiration of Government Marker Benefit and Obsolete Provision.—Section 2306(d) of title 38, United States Code, is amended by striking paragraphs (3) and (4).

(b) Application of Government Marker Benefit to Veterans Dying on or After November 1, 1990.—Subsection (d) of section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107-103; 38 U.S.C. 2306 note) is amended by striking "September 11, 2001" and inserting "November 1, 1990".

(c) Provision of Government Headstones.—

(1) Provision of headstones.—Subsection (d) of section 2306 of title 38, United States Code, is amended—

(A) in paragraph (1)—

(i) in the first sentence, by inserting "headstone or" after "Government"; and

(ii) in the second sentence, by inserting "headstone or" before "marker" each place it appears; and

(B) in paragraph (2), by inserting "headstone or" before "marker".

(2) Conforming amendment.—Subsection (g)(3) of such section is amended by inserting "headstone or" before "marker".

(d) Placement of Government Headstones or Markers.—Subsection (d)(1) of such section, as amended by subsection (c), is further amended by adding at the end the following new sentence: "If placing the Government headstone or marker on the grave for which it is requested is impossible or impracticable, a headstone or marker may be furnished if the individual making the request for the headstone or marker certifies to the Secretary that the headstone or marker will be placed within the grounds of the cemetery in which the grave for which the headstone or marker is requested and as close as possible or practicable to that grave.".

(e) Delivery of Government Headstones or Markers.—Subsection (d)(2) of such section, as amended by subsection (c), is further amended by inserting before the period at the end the following: "or to a receiving agent of that cemetery".

(f) Selection of Government Headstones and Markers.—Subsection (d) of such section, as amended by subsections (a), (c), (d), and (e), is further amended by adding at the end the following new paragraph (3):

"(3) The headstone or marker furnished under this subsection shall be the headstone or marker selected by the individual making the request for the headstone or marker from among all the headstones and markers made available by the Government and certified as acceptable for placement.".

(g) Retroactive Effective Date.—The amendments made by this section shall apply as if enacted in section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107-103; 38 U.S.C. 2306 note).

SEC. 203. PROVISION OF GOVERNMENT MEMORIAL HEADSTONES OR MARKERS AND MEMORIAL INSCRIPTIONS FOR DECEASED DEPENDENT CHILDREN OF VETERANS WHOSE REMAINS ARE UNAVAILABLE FOR BURIAL.

(a) Provision of Memorial Headstones or Markers.—Subsection (b) of section 2306 of title 38, United States Code, is amended—

(1) by adding at the end of paragraph (2) the following new subparagraph:

"(C) An eligible dependent child of a veteran."; and

(2) by adding at the end of paragraph (4) the following new subparagraph:

"(C) For purposes of this section, the term 'eligible dependent child' means a child—

"(i) who is under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution; or

"(ii) who is unmarried and became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a course of instruction at an approved educational institution.".

(b) Addition of Memorial Inscription to Headstone or Marker of Veteran.—Subsection (f) of such section is amended by inserting "or eligible dependent child" after "surviving spouse" both places it appears.

(c) Effective Date.—The amendments made by subsections (a) and (b) shall apply with respect to individuals dying after the date of the enactment of this Act.

TITLE III—VETERANS' EMPLOYMENT AND TRAINING

SEC. 301. PROFESSIONAL QUALIFICATIONS FOR DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) Establishment of Guidelines by Secretary.—Section 4107 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d) The Secretary shall maintain guidelines for use by States in establishing the professional qualifications required under subclause (IV) of section 4102A(c)(2)(A)(i) of this title for determining the eligibility for employment, and eligibility for the continued employment, of State employees who are designated as disabled veterans' outreach program specialists and local veterans' employment representatives under this chapter.".

(b) Submission of Annual Professional Qualifications as a Condition of State Receipt of Funds Under VETS Program.—Clause (i) of section 4102A(c)(2)(A) of such title is amended—

(1) in subclause (II), by striking "and" at the end;

(2) in subclause (III), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new subclauses:

"(IV) the professional qualifications used by the State for determining the eligibility for employment, and eligibility for continued employment, of State employees who are designated as disabled veterans' outreach program specialists and local veterans' employment representatives under this chapter; and

"(V) the training required or provided by the State for State employees who are designated as

disabled veterans' outreach program specialists and local veterans' employment representatives under this chapter.''.

(c) DEADLINE FOR ESTABLISHMENT OF QUALIFICATIONS.—The Secretary of Labor shall establish the guidelines for professional qualifications required by sections 4107(d) of title 38, United States Code, as added by subsection (a), not later than the date that is 180 days after the date of the enactment of this Act.

(d) TECHNICAL AMENDMENTS.—

(1) AMENDMENTS.—Section 4102A of such title, as amended by subsection (b), is further amended—

(A) in subsection (c)—

(i) by striking clause (ii) of paragraph (2)(B) and redesignating clause (iii) as clause (ii); and

(ii) in paragraph (6)—

(I) by inserting "(29 U.S.C. 2801 et seq.)" after "the Workforce Investment Act of 1998"; and

(II) by inserting "(29 U.S.C. 49 et seq.)" after "the Wagner-Peyser Act"; and

(B) in subsection (f)—

(i) in paragraph (1), by striking "establish and"; and

(ii) by striking the heading and inserting the following: "PERFORMANCE STANDARDS AND OUTCOMES MEASURES.—".

(2) EFFECTIVE DATE.—The amendment made by clause (i) of paragraph (1)(A) shall take effect on October 1, 2006.

SEC. 302. RULES FOR PART-TIME EMPLOYMENT FOR DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 4103A of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c) PART-TIME EMPLOYEES.—A part-time disabled veterans' outreach program specialist shall perform the functions of a disabled veterans' outreach program specialist under this section on a half-time basis.".

(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104 of such title is amended by adding at the end the following new subsection:

"(e) PART-TIME EMPLOYEES.—A part-time local veterans' employment representative shall perform the functions of a local veterans' employment representative under this section on a half-time basis.".

(c) EFFECTIVE DATE.—Sections 4103A(c) and 4104(e) of title 38, United States Code, as added by subsections (a) and (b), shall apply with respect to pay periods beginning after the date that is 180 days after the date of the enactment of this Act.

SEC. 303. STATE LICENSING AND CERTIFICATION PROGRAMS FOR VETERANS.

(a) REQUIREMENT AS A CONDITION OF VETS FUNDING.—Section 4102A(c) of title 38, United States Code, as amended by section 301, is further amended by adding at the end the following new paragraph:

"(8) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall require the State to provide a licensing and certification program under which a veteran may receive credit toward a license or certification based on training or experience the veteran acquired while serving in the Armed Forces.".

(b) EFFECTIVE DATE.—Section 4102A(c)(8) of title 38, United States Code, as added by subsection (a), shall apply to a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of such title beginning with the second program year beginning after the date of the enactment of this Act.

SEC. 304. TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NVTI REQUIRED.

(a) TRAINING REQUIRED.—Section 4102A(c) of title 38, United States Code, is further amended by adding after paragraph (8), as added by section 303, the following new paragraph:

"(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall require the State to require each employee hired by the State who is designated as disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter to satisfactorily complete training provided by the National Veterans' Employment and Training Services Institute during the three-year period that begins on the date on which the employee is so designated.

"(B) For any employee described in subparagraph (A) who does not complete such training during such period, the Secretary may reduce by an appropriate amount the amount made available to the State employing that employee.".

(b) SUBMISSION OF EMPLOYEE TRAINING INFORMATION REQUIRED.—Section 4102A(c)(2)(A) of such title is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause (iii):

"(iii) For each employee of the State who is designated as disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter—

"(I) the date on which the employee is so designated; and

"(II) whether the employee has satisfactorily completed training provided by the National Veterans' Employment and Training Services Institute.".

(c) APPLICABILITY.—

(1) APPLICABILITY TO NEW EMPLOYEES.—Paragraph (9) of section 4102A(c) of such title, as added by subsection (a), and clause (iii) of section 4102A(c)(2)(A) of such title, as added by subsection (b), shall apply with respect to a State employee designated as a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of such title who is so designated after the date of the enactment of this Act.

(2) APPLICABILITY TO CERTAIN EMPLOYEES HIRED BEFORE DATE OF ENACTMENT.—The Secretary of Labor shall apply such paragraph to a State employee designated as a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of such title who was so designated during the five-year period before the date of the enactment of this Act by substituting "during the period beginning on the date on which the employee is so designated and ending on the date that is five years after the date of the enactment of the Veterans Small Business and Memorial Affairs Act of 2006" for "during the three-year period that begins on the date on which the employee is so designated".

SEC. 305. MATTERS FOR INCLUSION IN ANNUAL REPORT ON VETS PROGRAM.

Section 4107(c) of title 38, United States Code, is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (10) through (13), respectively; and

(2) by inserting after paragraph (2) the following new paragraphs:

"(3) the number of veterans, disabled veterans, and special disabled veterans who requested training from the public employment service system;

"(4) the total number of eligible veterans participating in each program for the provision of employment and training services designed to meet the needs of eligible veterans and eligible persons and the number of such veterans as a percentage of the total number of participants in each such program;

"(5) for each State, the percentage of persons seeking employment in the State who are veterans;

"(6) for each State, the number of veterans referred to a small business development center in that State and the number of veterans referred to the National Veterans Business Development Corporation established under section 33 of the Small Business Act (15 U.S.C. 657c);

"(7) the total number of such veterans and disabled veterans who remain employed for at least 90 days in such jobs;

"(8) the number of such veterans and disabled veterans who remain employed for at least 180 days in such jobs;

"(9) the average starting wage or salary paid to such veterans and disabled veterans and, if applicable, the average wage or salary paid to such veterans and disabled veterans as of the 180th day of employment;".

SEC. 306. DEMONSTRATION PROJECT ON CONTRACTING FOR PLACEMENT OF CERTAIN DISABLED VETERANS.

(a) DEMONSTRATION PROJECT.—Section 4102A of title 38, United States Code, as amended by sections 301, 303, and 304, is further amended by adding at the end the following new subsection:

"(h) DEMONSTRATION PROJECT ON CONTRACTING FOR PLACEMENT OF VETERANS IN HIGH-UNEMPLOYMENT AREAS.—(1) From unobligated funds made available for a fiscal year to carry out sections 4103A and 4104 of this title, the Secretary of Labor, acting through the Assistant Secretary of Labor for Veterans' Employment and Training, may enter into a contract with a nongovernmental entity to carry out job placement services for veterans during that fiscal year in a locality where the unemployment rate for veterans exceeds the national average unemployment rate.

"(2) In entering into a contract under paragraph (1), the Secretary of Labor may use procedures other than competitive procedures.

"(3) In entering into a contract under paragraph (1), the Secretary of Labor shall give priority to a small business concern owned and controlled by veterans that is listed in any small business database maintained by the Secretary of Veterans Affairs.

"(4) The total amount obligated under contracts entered into under paragraph (1) for any fiscal year may not exceed $3,000,000.

"(5) The authority to enter into a contract under this subsection shall terminate on the date that is five years after the date of the enactment of the Veterans Small Business and Memorial Affairs Act of 2006.".

(b) GAO REPORT.—Not later than four years after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the demonstration project under subsection (h) of section 4102A of title 38, United States Code, as added by subsection (a).

SEC. 307. PERFORMANCE INCENTIVE AWARDS FOR EMPLOYMENT SERVICE OFFICES.

(a) PROVISION OF INCENTIVES TO EMPLOYMENT SERVICE OFFICES.—Section 4112 of title 38, United States Code, is amended—

(1) in subsection (a)(1)(B), by inserting "and employment service offices" after "recognize eligible employees";

(2) in subsection (c)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2)—

(i) by striking "is" and inserting "in the case of such an award made to an eligible employee, shall be"; and *(ii) by striking the period at the end and inserting the following: "; and"; and*

(C) by adding at the end the following new paragraph:

"(3) in the case of such an award made to an employment service office, may be used by that employment service office for any purpose.".

(b) Conforming Amendment.—The heading for subsection (c) of such section is amended to read as follows: "Administration and Use of Awards.—".

SEC. 308. DEPARTMENT OF LABOR IMPLEMENTATION OF PRIORITY OF SERVICE FOR VETERANS REQUIREMENT.

Not later than one year after the date of the enactment of this Act, the Secretary of Labor shall prescribe regulations to implement section 4215 of title 38, United States Code.

SEC. 309. DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSURE OF VETERANS.

(a) Establishment of Demonstration Project.—Chapter 41 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 4114. Demonstration project on credentialing and licensure of veterans

"(a) Establishment and Purpose of Demonstration Project.—The Assistant Secretary for Veterans' Employment and Training shall carry out a demonstration project on credentialing in accordance with this section for the purpose of facilitating the seamless transition of members of the Armed Forces from service on active duty to civilian employment.

"(b) Credentialing and Licensure of Veterans.—(1) The Assistant Secretary shall select not less than ten military occupational specialties for purposes of the demonstration project. Each such speciality selected by the Assistant Secretary shall require a skill or set of skills that is required for civilian employment in an industry with high growth or high worker demand.

"(2) The Assistant Secretary shall consult with appropriate Federal, State, and industry officials to identify requirements for credentials, certifications, and licenses that require a skill or set of skills required by a military occupational specialty identified under paragraph (1).

"(3) The Assistant Secretary shall analyze the requirements identified under paragraph (2) to determine which requirements may be satisfied by the skills, training, or experience acquired by members of the Armed Forces with the military occupational specialties selected under paragraph (1).

"(c) Elimination of Barriers to Credentialing and Licensure.—The Assistant Secretary shall cooperate with appropriate Federal, State, and industry officials to reduce or eliminate any barriers to providing a credential, certification, or license to a veteran who acquired any skill, training, or experience while serving as a member of the Armed Forces with a military occupational specialty selected under subsection (b)(1) that satisfies the Federal and State requirements for the credential, certification, or license.

"(d) Task Force.—The Assistant Secretary may establish a task force of individuals with appropriate expertise to provide assistance to the Assistant Secretary in carrying out this section.

"(e) Consultation.—In carrying out this section, the Assistant Secretary shall consult with the Secretary of Defense, the Secretary of Veterans Affairs, appropriate Federal and State officials, private-sector employers, labor organizations, and industry trade associations.

"(f) Contract Authority.—For purposes of carrying out any part of the demonstration project under this section, the Assistant Secretary may enter into a contract with a public or private entity with appropriate expertise.

"(g) Period of Project.—The Assistant Secretary shall carry out the demonstration project under this section during the period beginning on the date that is 60 days after the date of the enactment of this section and ending on September 30, 2009.

"(h) Authorization of Appropriations.—There are authorized to be appropriated to the Assistant Secretary to carry out this section $1,000,000 for each of fiscal years 2007 through 2009.".

(b) Membership of Advisory Committee on Veterans Employment, Training, and Employer Outreach.—Section 4110(c)(1)(A) of such title is amended—

(1) by striking "Six" and inserting "Seven"; and

(2) by adding at the end the following new clause:

"(vii) The National Governors Association.".

(c) Clerical Amendment.—The table of sections at the beginning of chapter 41 of such title is amended by adding at the end the following new item:

"4114. Demonstration project on credentialing and licensure of veterans.".

TITLE IV—EDUCATION

SEC. 401. EXCEPTION FOR INSTITUTIONS OFFERING GOVERNMENT-SPONSORED NONACCREDITED COURSES TO REQUIREMENT OF REFUNDING UNUSED TUITION.

Section 3676(c)(13) of title 38, United States Code, is amended by striking "prior to completion" and all that follows and inserting the following: "before completion and—

"(A) in the case of an institution other than (i) a Federal, State, or local Government institution or (ii) an institution described in subparagraph (B), such policy provides that the amount charged to the eligible person for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length; and

"(B) in the case of an institution that is a nonaccredited public educational institution, the institution has and maintains a refund policy regarding the unused portion of tuition, fees, and other charges that is substantially the same as the refund policy followed by accredited public educational institutions located within the same State as such institution.".

SEC. 402. EXTENSION OF WORK-STUDY ALLOWANCE.

Section 3485(a)(4) of title 38, United States Code, is amended by striking "December 27, 2006" each place it appears and inserting "June 30, 2007".

SEC. 403. REPORT ON IMPROVEMENT IN ADMINISTRATION OF EDUCATIONAL ASSISTANCE BENEFITS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the administration of education benefits under chapters 30, 31, 32, 34, 35, and 36 of title 38, United States Code, and chapters 1606 and 1607 of title 10, United States Code, that proposes methods to streamline the processes and procedures of administering such benefits.

SEC. 404. RESTORATION OF LOST ENTITLEMENT FOR INDIVIDUALS WHO HAD TO DISCONTINUE A COURSE OF EDUCATION BECAUSE OF BEING ORDERED TO FULL-TIME NATIONAL GUARD DUTY.

(a) Restoration of Entitlement.—Section 3511(a)(2)(B)(i) of title 38, United States Code, is amended by inserting after "title 10" the following: "or of being involuntarily ordered to full-time National Guard duty under section 502(f) of title 32".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to a payment of educational assistance allowance made after September 11, 2001.

SEC. 405. TECHNICAL AMENDMENTS.

Section 3485 of title 38, United States Code, is amended—

(1) in subsection (a)(4)(E), by inserting "or 1607" after "chapter 1606";

(2) in subsection (b), by striking "chapter 106" and inserting "chapter 1606 or 1607"; and

(3) in subsection (e)(1)—

(A) by striking "services of the kind described in clauses (A) through (E) of subsection (a)(1) of this section" and inserting "a qualifying work-study activity described in subsection (a)(1)"; and

(B) by striking "chapter 106" and inserting "chapter 1606 or 1607".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. Bradley) and the gentleman from Colorado (Mr. Salazar) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. BRADLEY of New Hampshire. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I start out again by thanking my friend from Colorado for his work on this bill.

Madam Speaker, I rise today in support of H.R. 3082, as amended, the Veterans Small Business and Memorial Affairs Act of 2006.

Title I of this bill improves the status of veteran and disabled veteran small businesses when competing for contracts at the Department of Veterans Affairs. It would be a reasonable expectation, Madam Speaker, that of all the Federal Government's agencies, the Department of Veterans Affairs would be a leader in achieving the President's goal for annual procurement from at least 3 percent disabled veteran-owned businesses. Sadly, not. Our most recent data from fiscal year 2005 indicates that VA did barely over half of what the President asked and public law required.

Deficient as it is, VA's record beats many other agencies, including the Department of Defense. According to the Small Business Administration, only three of 81 Federal agencies met the President's 3 percent goal.

H.R. 3082, as amended, would require the VA Secretary to establish annual contracting goals for small businesses owned and controlled by veterans and service-disabled veterans. The goal for service-disabled veterans shall not be less than 3 percent.

The Department of Veterans Affairs would also be required under title I to maintain and validate a database of small businesses owned by veterans and disabled veterans.

The bill would clarify veterans small business competition rules for contracts worth less than $5 million.

Veteran and service-disabled, veteran-owned small businesses would be given priority in VA contracting, as well as priority among other set-aside groups eligible for preferential treatment under the Small Business Act.

Title I of the bill would allow a business' status as a veteran or disabled veteran-owned small business to continue for a period of 10 years following the death of the veteran owner if the surviving spouse owns the business.

Under title II of the bill, tribal governments would be allowed to participate in VA's State Cemetery Grants Program. This program, which dates back to 1978, complements the Department's national cemetery system. Tribal governments, however, are not eligible to participate. This bill would correct that deficiency and help recognize the unexcelled service of Native Americans in our Nation's Armed Forces by facilitating the establishment of veterans' cemeteries on trust land.

Title II contains a provision that would permanently authorize the VA Secretary to provide the family of a veteran interred in a private cemetery with a government marker in addition to any headstone the family may have provided.

Congress had given the Secretary a 5-year authority effective for deaths that occurred as of September 11, 2001. This bill would also expand the benefit to include veterans who died between November 1, 1990, and September 10, 2001. This provision would also permit the Secretary to offer a headstone in lieu of a marker, if the family so requests.

The simple elegance of the veteran's marker, used since just after our Civil War in American cemeteries from Arlington to Normandy, holds a sacred place in the hearts of many veterans and families.

On behalf of Chairman BUYER, I want to thank a tireless supporter of our veterans—Representative NANCY JOHNSON of Connecticut—for her perseverance and leadership in working to ensure families the availability of this unique symbol of service to our country.

Title III of this bill contains provisions affecting the Department of Labor's Veterans Employment and Training Service.

Title III would require the Veterans Employment Training Service, otherwise known as VETS, to establish nonmandatory guidelines for disabled veterans outreach program specialists and local veterans employment representatives qualifications.

The bill would clarify that part-time employment of DVOPS and LVERs is half-time employment and require that DVOPS and LVERs hired after date of enactment to successfully complete training by the National Veterans Training Institute within 3 years of appointment. States would be required to develop a licensing and certification program for veterans within 2 years of enactment under title III of the bill.

A 5-year demonstration project would be authorized to allow Department of Labor VETS to enter into contracts with nongovernmental entities to carry out employment services in high unemployment areas using unobligated funds and require GAO to report on the demonstration project.

Finally, title III would establish a 3-year demonstration project to identify not less than 10 military occupational specialties that would lead to State licensing and authorize $1 million for the fiscal years 2007 through 2009.

The final title of the bill would make modification to the veterans' education programs.

Title IV would clarify pro rata refund policy for nonaccredited educational institutions; extend authorization for work-study positions located at veterans cemeteries, State veterans homes, and State approving agencies through June 30, 2007. It would further require the VA to report on methods to improve and streamline the administrative processes and procedures of education programs in chapters 30 through 36, and restore lost entitlement for certain chapter 35 education beneficiaries forced to discontinue a course of education due to being called to full-time National Guard duty.

Madam Speaker, I reserve the balance of my time.

Mr. SALAZAR. Madam Speaker, I yield myself as much time as I may consume.

I rise today in strong support of H.R. 3082, as amended, the Veterans Small Business Administration and Memorial Affairs Act of 2006. This bill incorporates a host of important measures aimed at improving employment and small business opportunities for servicemembers and veterans, as well as provisions to enhance the VA's capability to honorably memorialize our fallen soldiers and heroes and comfort their families.

I would like to thank Chairman BUYER and Ranking Member LANE EVANS for their leadership in the full committee, as well as all of my colleagues on the full committee for their assistance in moving this bill to the floor today.

I especially want to express my appreciation to the chairman and ranking member of the Economic Opportunity Subcommittee, Congressman JOHN BOOZMAN of Arkansas and Congresswoman STEPHANIE HERSETH of South Dakota, for all their hard work and bipartisan leadership on the subcommittee this session.

I look forward to the committee beginning discussions with the Senate to ensure passage of a bipartisan, bicameral veterans' benefits package for this year. I know that the veterans of my State of Colorado and all the veterans of this great country will appreciate the important benefits and memorial improvements that we have included in this legislative measure.

Madam Speaker, H.R. 3082, as amended, incorporates important provisions from a number of Members interested in improving the quality of life of our veterans. Specifically, this legislation would provide greater incentives for the Department of Veterans Affairs to continue to improve its performance with respect to contracting with veteran-owned small businesses.

It would enhance employment counseling, job training and credentialing services for servicemembers transitioning out of the military and seeking to enter the civilian workforce. The legislation also seeks to improve the veterans' education claims processing system.

Additionally, in the area of memorial affairs, the bill would authorize the VA to provide State cemetery grants to tribal governments seeking to establish, expand or improve State veterans' cemeteries. And finally, it would make permanent the VA's authority to provide headstones and markers for veterans interred in private cemeteries.

Madam Speaker, the VA National Cemetery Administration consistently ranks as one of the best agencies in government. We, in Congress, must continue to do all we can to assist NCA to remain at the top.

Madam Speaker, I support H.R. 3082, as amended, and appreciate the work of the committee and the staff in developing these measures in a bipartisan and professional manner. The servicemembers, veterans and military families of this Nation have earned and deserve our best efforts here in Congress. Indeed, they deserve even more.

I urge all the Members to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. BRADLEY of New Hampshire. Madam Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), and recognize her for her hard work on this issue.

Mrs. JOHNSON of Connecticut. Madam Speaker, I thank my colleague from New Hampshire (Mr. BRADLEY) for the opportunity to speak in support of this bill and particularly to thank him and to thank the chairman, Mr. BUYER, and the subcommittee chairman, Mr. MILLER, for the work they have done to address the needs of our veterans and to accommodate the measures of myself and other colleagues' ideas we have brought to your attention in this bill.

I am particularly grateful that you have included my bill in this reauthorization and will extend a provision for government furnished grave markers, because this bill arises from the experience of my constituents and the distress of families I represent at the demise of an old benefit for at least a certain number of years.

The grave marker benefit enables all veterans to receive a headstone or grave marker commemorating their service to our country, at no cost to their families. There was a time when this benefit was available to all veterans, and then it was not available for a variety of reason, although it was uneven. It was available to some veterans and not others because of the regulatory complexity of the governing of a simple benefit.

In 2001, it was enacted and 7,500 families nationwide took advantage of this provision, and that number continues to grow each year.

One of the families that was enabled to benefit after 2001 was the family of Agostino Guzzo, a World War II veteran from my home State of Connecticut, who inspired the legislation in 2001 and who has inspired this legislation that we pass here today as part of this larger bill. It was his son that brought to my attention the quirk in the law and law procedures that was allowing some veterans, while denying other veterans an enduring recognition of their service to our country.

Like you, I remain committed to providing America's veterans with benefits that fully recognize the sacrifices these men and women made in defense of our Nation. Our gratitude should be expressed not only in the education and employment benefits we provide them in life, but also through permanent remembrance of their service that we provide upon their passing.

I thank the committee for including the grave marker provision in this bill, and I thank Secretary Nicholson and the VA for offering it their enthusiastic endorsement.

I urge all my colleagues to join me in passing this important benefit for America's veterans as part of this larger upgrading of other veterans benefits.

I thank you for allowing me this opportunity, and I thank the committee for its vigilance by Members on both sides of the aisle in regard to the interests of our veterans and the ever-changing needs of them as they age and as the shape of their lives change.

So I thank you, I thank the staff Members, and I appreciate this opportunity to support this bill.

☐ 1645

Mr. SALAZAR. Madam Speaker, I would like to yield 3 minutes to a valued member of the Veterans Affairs Committee, the distinguished gentleman from New Mexico (TOM UDALL).

Mr. UDALL of New Mexico. Madam Speaker, I thank my good friend and neighbor, the gentleman from Colorado, and I rise today in support of today's veterans legislation, specifically H.R. 3082, which includes the Native American Veterans Cemetery Act, legislation I introduced early last year.

I would like to thank House Veterans Affairs Committee Chairman BUYER and Ranking Member EVANS for their leadership on H.R. 3082. I would also like to personally thank committee staff member Mary Ellen McCarthy for her tireless work on this and other important veterans issues, and thank my legislative assistant, Pablo Duran, for his hard work on this bill.

One of the missions of the Department of Veterans Affairs is to provide the men and women of the U.S. Armed Services with a final resting place, a mission accomplished through the 122 national cemeteries maintained by the VA. In addition, a State grant program through the VA allows for construction of State cemeteries, thereby giving most veterans a chance to be laid to rest close to home.

However, many Native American veterans who live on tribal lands do not have such an opportunity. This legislation would change that. Tribal governments would be put on the same footing as States, consistent with tribal sovereignty, by allowing them to apply for grants to establish, expand, and improve tribal veterans cemeteries.

In addition to many cosponsors from both sides of the aisle, the legislation enjoys the support of the Navajo Nation, the State legislatures of Arizona and New Mexico, the National American Indian Veterans organization, and the VA itself. In fact, VA Secretary Nicholson stated that this legislation "would create another means of accommodating the burial needs of Native American veterans who wish to be buried in tribal lands." I couldn't agree more.

Madam Speaker, I strongly support allowing Native American veterans the chance to be buried on tribal lands, close to their ancestors and with the full dignity and honor they earned through their service. I am hopeful that my legislation, through H.R. 3082, will be fully supported by this body.

Mr. BRADLEY of New Hampshire. Madam Speaker, I close by commending the work of the chairman of the committee, Chairman BUYER, Ranking Member EVANS, Acting Ranking Member FILNER, and my colleagues Mr. SALAZAR and Mr. UDALL for their hard work on this legislation.

I would also like to take this opportunity to thank the staff of the Veterans Affairs Committee on a bipartisan basis, not only for their hard work on this bill, but the two prior bills we have discussed this afternoon.

GENERAL LEAVE

Mr. BRADLEY of New Hampshire. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3082, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BRADLEY of New Hampshire. Madam Speaker, I ask my colleagues to unanimously support H.R. 3082, as amended.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SALAZAR. Madam Speaker, I would also like to thank my colleague from New Hampshire (Mr. BRADLEY) for his tireless efforts in addressing the veterans issues of this great country.

Mr. BOOZMAN. Mr. Speaker, I am proud to rise today in support legislation that I introduced, H.R. 3082, the Veteran Small Business and Memorial Affairs Act of 2006. This is an important piece of legislation that will improve veterans' benefits programs.

I would like to take this opportunity to highlight a few of the provisions that would enhance small business and employment opportunities for veterans.

This bill would require the Department of Veterans Affairs to give priority to small businesses owned by veterans and service-disabled veterans when awarding contracts, even when contracting officers choose to use another set aside authority such as 8(a) or HUBZones.

Madam Speaker, there have been previous attempts to promote veteran-owned small businesses to the Federal agencies. Public Laws 106–50 and 108–183 set goals and set aside opportunities for federal agencies. Additionally, Executive Order 13360 encouraged Federal agencies to meet the goals for veteran-owned businesses.

Unfortunately, agencies have not been successful in meeting the goals. It is truly regrettable that according to Small Business Administration data that only three of eighty-one Federal departments and agencies have met the three percent goal currently in law for service-disabled veteran-owned business. VA was not one of those three, I feel VA must set an example for the rest of the government.

I want to make it plain that the intent of this bill is to put veteran-owned businesses, especially service-disabled veteran-owned businesses at the front of the line for set aside opportunities at the Department of Veterans Affairs. This is a small way for the nation to show its appreciation for not only the service these men and women have rendered to the nation, but also for their entrepreneurial spirit that drives our economy.

Many servicemembers, upon leaving the Armed Forces, seek employment within a field similar to their occupational specialties. However, there are several barriers that veterans may face when trying to be certified in these fields in their home states.

When we marked up this legislation in the Economic Opportunity Subcommittee of the Committee on Veterans' Affairs, of which I chair, I inserted in my Chairman's Amendment, a provision that would require states to develop a licensing and certification program as a condition of receiving a grant from the Department of Labor's Veterans' Employment and Training Service (VETS). The states will have 2 years after the date enactment to do this.

It is also important for the people assisting veterans with employment to have the proper qualifications and training to meet the needs of veterans. Therefore, my Chairman's Amendment also included a provision that would require VETS to establish guidelines for non-mandatory professional qualifications for Disabled Veterans Outreach Program Specialists (DVOPS) and Local Veterans Employment Representatives (LVERs). This bill would also require that all DVOPS and LVERs successfully complete training by the National Veterans' Training Institute.

Madam Speaker, veterans as a group is one of this nation's largest assets. Their small businesses are very successful and they have proven to be excellent employees. The employment and entrepreneurial tools within H.R. 3082 would give our veterans the "leg-up" that they deserve.

Madam Speaker, I urge my colleagues to support H.R. 3082, as amended.

Mr. DAVIS of Illinois. Madam Speaker, I rise today in support of H.R. 3082, the Veterans Small Business and Memorial Affairs Act of 2006. I would also like to commend my good friend from my home state of Arkansas, Mr. BOOZMAN, for his leadership on this important and timely topic.

The Small Business Association believes that approximately 4 million small businesses in the United States are owned by veterans. Many of the 4 million veteran owned businesses are owned by veterans that were permanently disabled while serving this country. This legislation makes a step toward paying our debt to America's veterans by ensuring that veterans are not overlooked by the Small Business Administration. H.R. 3082 requires the Secretary of Veterans Affairs to establish annual contracting goals for the Department of Veterans Affairs (VA) to enter into with small businesses owned and controlled by veterans and service-disabled veterans. The goal for service-disabled, veteran-owned small businesses would not be less than three percent.

Additionally, H.R. 3082 makes strides toward ensuing that our veterans receive important employment training services to meet the needs of our increasingly technologically driven economy. I am a strong believer in the utility of employment training and will continue to work in the Committee on Education and the Workforce to expand employment training so that we remain competitive in the 21st century. I hope that the efficacy of vocational training will once again be demonstrated by this program and that this body will invest sufficiently in employment training programs. Improved job skills make a real difference for both workers and our economy.

Ms HERSETH. Madam Speaker, I would like to take this opportunity to express my support for the Veterans' Small Business and Memorial Affairs Act, H.R. 3082. I also would like to thank Rep. JOHN BOOZMAN, the Chairman of the Economic Opportunity Subcommittee, for his leadership on the small business provisions included in this bill.

As the Ranking Member of the Economic Opportunity Subcommittee, I am proud to have helped develop and strongly support the education, training, and employment measures contained in H.R. 3082.

These provisions are intended to improve veterans' small-business opportunities, job-training, and employment services, as well as the licensing and certification process for servicemembers transitioning into the civilian workforce.

Our nation's servicemembers, veterans and military families have earned the benefits and opportunities provided within this legislation. Again, I am pleased to support the measures contained in the Veterans' Small Business and Memorial Affairs Act and encourage my colleagues to support the bill.

Mr. MILLER of Florida. Madam Speaker, the provisions in title two originated in the Subcommittee on Disability Assistance and Memorial Affairs.

Section 201 would allow tribal governments to participate in the State Cemetery Grants Program to establish, expand, and improve veterans' cemeteries on trust lands.

The Department of Veterans Affairs' State Cemetery Grants Program was established in 1978 to complement VA's National Cemetery system. VA will pay for the construction costs, and states are responsible for providing the land and ongoing operating and maintenance expenses.

There are currently 60 state cemeteries and two under construction, and states are planning to open 18 new state veterans' cemeteries between 2007 and 2010.

Owing to the success of the State Cemetery Grants Program, Congress made it permanent in Public Law 108–183. However, tribal governments are not considered eligible for these cemetery grants. This section will provide Native American veterans the opportunity to be buried in a veterans' cemetery on trust land.

Madam Speaker, I'd like to thank Representative Tom Udall, a member of the Subcommittee, for bringing this issue to our attention so we could include it in the bill under consideration today.

Section 202 would make permanent the Secretary's authority to furnish a government marker for veterans interred in a marked grave at a private cemetery, as well as offering a headstone in lieu of a marker, if requested by the family. The headstone or marker would be placed on the grave, or as close to it as practicable.

The current five-year authority, which was effective for deaths that occurred as of September 11, 2001, expires on December 31st of this year. Prior to this authority, if a veteran was buried at a private cemetery and the family purchased a private headstone, the veteran was ineligible for a government marker.

We would also expand the benefit to include veterans who died between November 1, 1990 and September 10, 2001.

I want to recognize Representative Nancy Johnson, who has been championing this cause for over five years. I appreciate her working with the Subcommittee to ensure that veterans and their families continue to have access to symbolic expressions of remembrance.

Finally, section 203 would authorize the Secretary to permit the placement of a memorial headstone or marker in a national cemetery when a child's remains are unavailable for burial.

If feasible, VA would be authorized to add a memorial inscription to a veteran's headstone rather than providing a separate marker for the minor child.

Currently, VA may provide a memorial headstone or marker for a veteran, spouse, or surviving spouse when remains are unavailable.

However, if a spouse and child die at the same time and in the same manner, and the remains for neither are available, a veteran cannot receive a memorial headstone honoring the child. This section would correct an inequity in current law. Since 2002, VA has received three such requests.

I want to thank Ms. BERKLEY, the other members of the Subcommittee, and staff on both sides of the aisle for their work on the provisions incorporated in title two of the amendment. I also thank Chairman BUYER, Ranking Member EVANS, and Acting Ranking Member FILNER for their continued leadership.

I urge my colleagues to support H.R. 3082, as amended.

Mr. SALAZAR. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. BRADLEY) that the House suspend the rules and pass the bill, H.R. 3082, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to make improvements to small business, memorial affairs, education, and employment programs for veterans, and for other purposes.".

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 50 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 1496, by the yeas and nays;

S. 203, by the yeas and nays;

H.R. 5534, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

ELECTRONIC DUCK STAMP ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1496.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 1496, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 358, nays 4, not voting 70, as follows

[Roll No. 394]

YEAS—358

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Higgins
Hinchey
Hobson
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Flake
Franks (AZ)
Mack
Tancredo

NOT VOTING—70

Andrews
Bachus
Beauprez
Becerra
Berman
Bilbray
Bishop (UT)
Boyd
Brady (TX)
Brown (OH)
Brown, Corrine
Cannon
Carson
Carter
Case
Clay
Costello
Culberson
Davis (CA)
Davis (FL)
Davis, Jo Ann
Engel
Evans
Everett
Feeney
Filner
Ford
Gallegly
Gibbons
Green (WI)
Gutierrez
Harman
Harris
Hefley
Herseth
Hinojosa
Hoekstra
Honda
Hostettler
Issa
Istook
Jackson-Lee (TX)
Jefferson
Johnson, Sam
Kilpatrick (MI)
King (NY)
Kingston
Matheson
McCaul (TX)
McKinney
Millender-McDonald
Moran (VA)
Nussle
Ortiz
Oxley
Paul
Renzi
Rogers (KY)
Rush
Sabo
Sanchez, Loretta
Strickland
Sullivan
Tierney
Towns
Udall (CO)
Weiner
Westmoreland
Wexler
Whitfield

☐ 1857

Mrs. MYRICK, Mr. SCOTT of Virginia, Mrs. NAPOLITANO and Mr. McNULTY changed their vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 394, S. 1496, I was held up with airplane problems. Had I been present, I would have voted "yea."

MOMENT OF SILENCE OBSERVED IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The SPEAKER pro tempore. Pursuant to the Chair's announcement of earlier today, the House will now observe a moment of silence in the memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

Please rise for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

NATIONAL HERITAGE AREAS ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 203, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 203, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 323, nays 39, not voting 70, as follows

[Roll No. 395]

YEAS—323

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Castle
Chabot
Chandler
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards

Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Higgins
Hinchey
Hobson
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—39

Aderholt
Akin
Bartlett (MD)
Blackburn
Chocola
Coble
Conaway
Deal (GA)
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Gingrey
Gohmert
Goode
Goodlatte
Hayes
Hensarling
Herger
Jenkins
Jones (NC)
King (IA)
Lungren, Daniel E.
Marchant
Miller (FL)
Myrick
Neugebauer
Norwood
Pence
Price (GA)
Rohrabacher
Royce
Ryan (WI)
Shadegg
Stearns
Tancredo
Thornberry
Weldon (FL)

NOT VOTING—70

Andrews
Bachus
Beauprez
Becerra
Berman
Bilbray
Bishop (UT)
Boyd
Brady (TX)
Brown (OH)
Brown, Corrine
Cannon
Cantor
Carson
Carter
Case
Clay
Costello
Culberson
Davis (CA)
Davis (FL)
Davis, Jo Ann
Engel
Evans
Everett
Filner
Ford
Gallegly
Gibbons
Green (WI)
Gutierrez
Harman
Harris
Hefley
Herseth
Hinojosa
Hoekstra
Honda
Hostettler
Issa
Istook
Jackson-Lee (TX)
Jefferson
Johnson, Sam
Kilpatrick (MI)
King (NY)
Kingston
Matheson
McCaul (TX)
McKinney
Meek (FL)
Millender-McDonald
Moran (VA)
Nussle
Ortiz
Oxley
Paul
Renzi
Rogers (KY)
Sabo
Sanchez, Loretta
Strickland
Sullivan
Tierney
Towns
Udall (CO)
Weiner
Westmoreland
Wexler
Whitfield

☐ 1909

Mrs. BLACKBURN changed her vote from "yea" to "nay."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 395, S. 203, I was held up with airplane problems. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. MCKINNEY. Madam Speaker, I was unavoidably delayed getting to the floor due to Delta Flight #634 being delayed due to bad weather in the area and missed rollcall vote Nos. 394 and 395 on July 24, 2006. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mrs. DAVIS of California. Madam Speaker, I missed the following two votes, Nos. 394 and 395, due to a delayed flight from San Diego. I would have voted "yea" on S. 1496 and S. 203.

IN HONOR OF THE LATE CONGRESSMAN TOM MANTON

(Mr. RANGEL asked and was given permission to address the House for 1 minute.)

Mr. RANGEL. Madam Speaker and my colleagues, last Saturday, we lost Tom Manton. Many of you worked with him and knew him as well as we did in the city of New York.

He was the son of Irish immigrants. His family came to this country. He worked as a salesman. He was a policeman for the New York City Police Department. He worked before that as a city councilman.

Most of you knew him when he came to Congress and served so well, and he was followed to the Congress by Joe Crowley. He left the Congress to become the Democratic county leader for the County of Queens and made a name for himself as he sought out black and white, Irish, Asian, Hispanic candidates for one of the most diverse political subdivisions that we have in the city of New York. He is what we call, in New York City, a "politician's politician," who was respected by Republicans as well as Democrats.

We will miss him in the city of New York, but he left a better city than the one that he inherited.

And I would like to yield to my friend and senior Republican in our New York delegation, Mr. BOEHLERT.

Mr. BOEHLERT. Madam Speaker, I thank the dean of our delegation for yielding.

I just want to say that all of us who were privileged to know and work with Tom Manton during his seven terms in this House of Representatives share a deep sense of personal loss. He was an absolutely outstanding individual. And I think Mayor Bloomberg of New York probably best described him in a very simple way. He said he was a "classy guy."

He was a guy who demonstrated in so many different ways his unflinching loyalty and his deep commitment to and faith in all of those things that he really believed in, his heritage, his religion, his party, his profession, his country, but, most of all, his family.

I think we are the lesser for Tom Manton's passing, but we are the greater because he touched our lives.

PROVIDING GRANTS TO EXPAND INFRASTRUCTURE NECESSARY TO INCREASE AVAILABILITY OF ALTERNATIVE FUELS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5534, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 5534, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 355, nays 9, not voting 68, as follows

[Roll No. 396]

YEAS—355

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)

Brady (PA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Higgins
Hinchey
Hobson
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Duncan
Feeney
Flake
Foxx
McHenry
Miller (FL)
Royce
Sensenbrenner
Weldon (FL)

NOT VOTING—68

Andrews
Bachus
Beauprez
Becerra
Berman
Bilbray
Bishop (UT)
Boyd
Brady (TX)
Brown (OH)
Brown, Corrine
Cannon
Carson
Carter
Case
Clay
Costello
Culberson
Davis (FL)
Davis, Jo Ann
DeGette
Evans
Everett
Ford
Gallegly
Gibbons
Green (WI)
Gutierrez
Harman
Harris
Hefley
Herseth
Hinojosa
Hoekstra
Honda
Hostettler
Issa
Istook
Jackson-Lee (TX)
Jefferson
Johnson, Sam
Kilpatrick (MI)
King (NY)
Kingston
Matheson
McCaul (TX)
McMorris
Meek (FL)
Millender-McDonald
Moran (VA)
Nussle
Ortiz
Oxley
Paul
Renzi
Rogers (KY)
Sabo
Sanchez, Loretta
Strickland
Sullivan
Thomas
Tierney
Towns
Udall (CO)
Weiner
Westmoreland
Wexler
Whitfield

☐ 1929

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels.".

A motion to reconsider was laid on the table

PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, I was unable to record my rollcall votes Nos. 394–396. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. BILBRAY. Mr. Speaker, on rollcall Nos. 394, 395 and 396, I was detained due to aircraft malfunction. Had I been present, I would have voted "yea" on all three rollcalls.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Monday, July 24, 2006. As a result, I was not recorded for rollcall votes Nos. 394, 395 and 396. Had I been present, I would have voted "yea" on rollcall Nos. 394, 395 and 396.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes Nos. 394, 395, and 396.

PERSONAL EXPLANATION

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today I was unavoidably detained because my flight was canceled. I missed rollcall vote Nos. 394 through 396. Had I been present, I would have voted:

"Yes" on rollcall No. 394, S. 1496—"Electronic Duck Stamp Act if 2005," "yes" on rollcall No. 395, S. 203—"National Heritage Areas Act of 2005," and "yes" on rollcall No. 396, H.R. 5535—"To establish a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels."

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2830, the pension conference report.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed—

(1) to agree to the provisions contained in subsections (a) through (d) of section 601 of the Senate amendment (relating to prospective application of age discrimination, conversion, and present value assumption rules with respect to cash balance and other hybrid defined benefit plans) and not to agree with the provisions contained in title VII of the bill as passed the House (relating to benefit accrual standards);

(2) to agree to the provisions contained in section 413 of the Senate amendment (relating to computation of guaranteed benefits of airline pilots required to separate from service prior to attaining age 65), but only with respect to plan terminations occurring after September 11, 2001;

(3) to agree to the provisions contained in section 403 of the Senate amendment (relating to special funding rules for plans maintained by commercial airlines that are amended to cease future benefit accruals);

(4) to agree to the provisions contained in section 402 of the Senate amendment (relating to authority to enter alternative funding agreements to prevent plan terminations); and

(5) to recede to the provisions contained in the Senate amendment regarding restrictions on funding of nonqualified deferred compensation plans, except that—

(A) to the maximum extent possible within the scope of the conference, the managers on the part of the House shall insist that the restrictions under the bill as reported from conference regarding executive compensation, including under nonqualified plans, be the same as restrictions under the bill regarding benefits for workers and retirees under qualified pension plans,

(B) the managers on the part of the House shall insist that the definition of "covered employee" for purposes of such provisions contained in the Senate amendment include the chief executive officer of the plan sponsor, any other employee of the plan sponsor who is a "covered employee" within the meaning of such term specified in the provisions contained in the Senate amendment (applied by disregarding the chief executive officer), and any other individual who is, with respect to the plan sponsor, an officer or employee within the meaning of section 16(b) of the Securities Exchange Act of 1934, and

(C) in lieu of the effective date specified in such provisions contained in the Senate amendment, the managers on the part of the House shall insist on the effective date specified in the provisions of the bill as passed the House relating to treatment of nonqualified deferred compensation plans when the employer's defined benefit plan is in at-risk status.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1956, BUSINESS ACTIVITY TAX SIMPLIFICATION ACT OF 2006

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–595) on the resolution (H. Res. 939) providing for consideration of the bill (H.R. 1956) to regulate certain State taxation of interstate commerce; and for other purposes, which was referred to the House Calendar and ordered to be printed.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 4157, HEALTH INFORMATION TECHNOLOGY PROMOTION ACT OF 2005

Mr. GINGREY. Mr. Speaker, the Committee on Rules may meet later this week to grant a rule which could limit the amendment process for floor consideration of H.R. 4157, the Health Information Technology Promotion Act of 2005.

The bill was ordered reported by the Committee on Energy and Commerce on June 15, 2006. Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 11 a.m. on Wednesday, July 26, 2006.

Members should draft their amendments to the text of the amendment in the nature of a substitute posted on the Web site of the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office for the Parliamentarian to be certain their amendments comply with the Rules of the House.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. KUHL of New York) laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, July 20, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed please find the resolutions approved by the Committee on Transportation and Infrastructure on July 19, 2006, in accordance with 40 U.S.C. §3307.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

ALTERATION—IRS ENTERPRISE COMPUTING CENTER, MARTINSBURG, WV

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the design of the alteration of the Internal Revenue Service Enterprise Computing Center located in Martinsburg, West Virginia, at a design and review cost of $2,893,000, for which a prospectus is attached to, and included in, this resolution.

Approval of this resolution also constitutes authority to perform prospectus level interim repairs as deemed necessary, to maintain the continued operation of the building until the project is completed.

ALTERATION—INTERNAL REVENUE SERVICE, WILLIAM J. GREEN FEDERAL BUILDING, PHILADELPHIA, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of Internal Revenue Service space in the William J. Green Federal Building located at 601 Arch Street, Philadelphia, Pennsylvania, at a design and review cost of $378,000, a management and inspection cost of $283,000, and an estimated construction cost of $4,065,000 for an estimated total project cost of $4,726,000, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority for the General Services Administration to use funds made available by the Internal Revenue Service for space alterations in this facility.

LEASE/ALTERATION IN LEASED SPACE—DEPARTMENT OF DEFENSE, UNITED STATE JOINT FORCES COMMAND, SUFFOLK, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to enter into a superseding lease up to 154,428 rentable square feet of space and 288 surface parking spaces for the Department of Defense, United States Joint Forces Command located in leased space at 112 Lakeview Parkway, Suffolk, Virginia, at a proposed total annual cost of $3,689,285 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority for the General Services Administration to use funds made available by the Department of Defense and a portion of the annual rent payment authorized above for space alterations in this facility at a design and review cost of $1,375,000, a management and inspection cost of $1,250,000, and an estimated construction cost of $13,333,000 for an estimated total project cost of $15,958,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

AMENDED PROSPECTUS—LEASE—FEDERAL BUREAU OF INVESTIGATION, FREDERICK COUNTY, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 947,000 rentable square feet and 1,232 parking spaces for the Federal Bureau of Investigation, in Frederick County, Virginia, at a proposed total annual cost of $33,145,000 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution dated October 26, 2005, authorizing a lease up to 947,000 rentable square feet and 1,232 parking spaces for the Federal Bureau of Investigation, in Frederick County, Virginia, at a proposed total annual cost of $33,145,000 for a lease term of 15 years.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

AMENDED PROSPECTUS—LEASE—DEPARTMENT OF JUSTICE, MIAMI/MIRAMAR, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 723,780 rentable square feet of space and 1,155 outside parking spaces for the Department of Justice, currently located in multiple leased locations throughout South Florida, at a proposed total annual cost of $25,332,300 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution dated February 16, 2006, authorizing a lease up to approximately 723,780 rentable square feet of space and 1,155 outside parking spaces for the Department of Justice, at a proposed total annual cost of $25,332,300 for a lease term of 15 years.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF LABOR, SAN FRANCISCO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40

U.S.C. §3307, appropriations are authorized to extend an existing lease of 151,716 rentable square feet and 25 parking spaces for the Department of Labor, located at 71 Stevenson Street, San Francisco, California, at a proposed total annual cost of $5,765,208 for a lease term of 2 years, a prospectus for which is attached to and included in this resolution.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Justice, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 521,000 rentable square feet for the Department of Justice, currently located at 1301 New York Ave., NW, 1331 F St., NW, and 1400 New York Ave., NW, Washington, D.C., at a proposed total annual cost of $24,487,000 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Presidential Transition Team/ Presidential Inaugural Committee, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 320,000 rentable square feet of space and 510 parking spaces for the Presidential Transition Team and Presidential Inaugural Committee, at a proposed total annual cost of $15,040,000 for a lease term of 15 months, a prospectus for which is attached to and included in this resolution.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—National Institutes of Health, Suburban Maryland

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 574,614 rentable square feet of space and 5 parking spaces for the National Institutes of Health, currently located in leased space at 6116, 6120, and 6130 Executive Boulevard, Rockville, Maryland, at a proposed total annual cost of $18,387,648 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Federal Bureau of Investigation, Tucson, AZ

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 84,353 rentable square feet and 120 inside and 18 surface parking spaces for the Federal Bureau of Investigation, currently located at One South Church Street, 2551 North Dragoon and 3285 South Hemisphere Loop, Tucson, Arizona, at a proposed total annual cost of $3,036,708 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Federal Bureau of Investigation, Sacramento, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 148,184 rentable square feet and 215 inside and 15 outside parking spaces for the Federal Bureau of Investigation, currently located in multiple lease facilities in Sacramento, California, at a proposed total annual cost of $5,927,360 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary,. prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Federal Bureau of Investigation, Denver, CO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 175,155 rentable square feet and 175 inside and 45 outside parking spaces for the Federal Bureau of Investigation, currently located in three government-owned facilities in Denver and Lakewood, Colorado, at a proposed total annual cost of $6,130,425 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Federal Bureau of Investigation, Minneapolis, MN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 162,530 rentable square feet and 200 inside and 20 outside parking spaces for the Federal Bureau of Investigation, currently located in leased space in Minneapolis and Roseville, Minnesota, at a proposed total annual cost of $6,176,140 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Federal Bureau of Investigation, Cincinnati, OH

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 108,874 rentable square feet of space and 145 structured and 20 surface parking spaces for the Federal Bureau of Investigation, currently located in multiple locations in Cincinnati, at a proposed total annual cost of $3,810,590 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Amended Prospectus—Construction—United States Courthouse Annex, San Diego, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for additional site, additional design, management and inspection, and construction of a 466,886 gross square foot facility and 105 inside parking spaces located in San Diego, California, at an additional site and design cost of $3,258,000 (site and design cost of $42,369:000 were previously authorized), management and inspection cost of $7,740,000, and an estimated construction cost of $248,816,000, a combined estimated total project cost of $302,183,000, a prospectus for which is attached to, and included in, this resolution.

Within one year of the date of approval of this Resolution, the Judicial Conference of the United States shall amend the U.S. Courts Design Guide to require that each U.S. Courthouse construction project provide one courtroom for every two senior judges. Beginning on the date of approval of this Resolution, the Judicial Conference of the United States shall specifically approve each departure from the U.S. Courts Design Guide for each U.S. Courthouse construction project which result in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated cost (as supplied by the General Services Administration (GSA)) of such departure for each U.S. Courthouse construction project to the GSA. Each U.S. Courthouse construction prospectus submitted by the GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA's recommendation on whether the Committee on Transportation of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate should approve such departure.

This resolution amends a Committee resolution dated July 21, 2004, which authorized site and design of a 614,394 gross square foot facility with 105 inside parking spaces.

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 5766, GOVERNMENT EFFICIENCY ACT OF 2006

Mr. GINGREY. Mr. Speaker, the Committee on Rules may meet later this week to grant a rule which could limit the amendment process for floor consideration of H.R. 5766, the Government Efficiency Act of 2006.

The bill was ordered reported by the Committee on Government Reform on July 20, 2006. Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 11 a.m. on Wednesday, July 26, 2006.

Members should draft their amendments to the bill as ordered reported by the Committee on Government Reform, which is expected to be filed today. The text of the bill as ordered reported will be made available on the Web sites of both the Committee on Rules and the Committee on Government Reform.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office for the Parliamentarian to be certain their amendments comply with the Rules of the House.

STRAIGHT TALK ON THE ECONOMY

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Mr. Speaker, I rise today to give the American people some straight talk about our economy. In 1992, Bill Clinton ran for president with the slogan "It's is the economy, stupid."

Today, his wife, HILLARY, reminded us of that slogan in her speech to the Democratic Leadership Council. Well, our economy is very strong and growing. We have created 5.4 million new jobs in the last 3 years. Our unemployment rate is better than the average of the 1960s, 1970s, 1980s and 1990s. We have had 18 straight quarters of economic growth.

Homeownership is now at 69 percent, the largest in history. And our revenues are coming in so high we will be able to meet our goal of cutting the deficit in half by 2008, a year ahead of schedule. This time, let's take the Clintons at their word. If it is the economy, stupid, then let's be smart and reelect those Congressmen who gave us this strong economy by lowering the taxes in the first place.

ARABIA MOUNTAIN NATIONAL HERITAGE AREA

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, I would like to take this opportunity to thank the Members of the House and the Senate for passing legislation that included language authorizing the Arabia Mountain National Heritage Area in my district.

Mr. Speaker, this is a boon to the environmental community that seeks to preserve pristine areas everywhere. But for such an area to be in the middle of a bustling African American community is especially rare.

We need green space in south DeKalb, and this will go a very long way toward realizing a community dream. Initially, our thought was to have the funding go to the country or the State, and that was reflected in one version of the bill.

However, the House Resources Committee adopted a private-public partnership approach. Good stewardship of taxpayer dollars is extremely important, and I want to work closely with the private entity to make sure that the community and its concerns always come first.

Mr. Speaker, I look forward to walking the nature trials in both DeKalb and Rockdale Counties that will be made possible by the Congressional action today.

I would also like to thank the Georgia Department of Natural Resources that also lent its support to this very important bill.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each

THE HISTORY OF NICODEMUS, KANSAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, it is appropriate from time to time that we reflect upon our country's past, study events of history, and remember what we have learned from those who came before us.

The western Kansas town of Nicodemus, though small in size, has a rich history that can teach us much about who we are as Kansans, and who we are as Americans.

Discrimination and slavery are an unfortunate part of our country's history. Black Americans suffered greatly, and many fought and died to obtain their freedom. The struggle between pro-slavery forces and abolitionists was fought across the country. And significant battles took place in my home State of Kansas during the 1850s.

The outcome of Bleeding Kansas was a free State in the heart of an expanding nation that offered hope and opportunity to former slaves. While the end of the Civil War brought with it expectations that African Americans would finally enjoy the rights described in our founding documents, many rights obtained were largely stripped away by the end of the Reconstruction period.

Many recognized the sacrifice that Kansas had made to become a free State. Ex slaves left the south and ventured out to the vast prairies of Kansas in search of freedom and opportunity.

The destination for many of these individuals was Nicodemus. Founded in 1877 by six African American men, Nicodemus was formed as a community specifically for African Americans. At a time when prejudice and oppression were still common, Nicodemus offered African Americans a place to own their own land, to make a living farming, and to prosper in a jurisdiction allowing self government.

The young community of Nicodemus grew and prospered during the 1880s as a result of the ingenuity of black entrepreneurs and the dedication and commitment of black farmers. Though many African Americans in the south were denied an education, Nicodemus established schools and educated the town's children. Since the bustling activity and growth of the 1880s, Nicodemus has had its ups and downs, yet it today remains a community of African Americans and a testament to the human desire for freedom.

Nicodemus is the only remaining western town established by emancipated slaves during the reconstruction period, and it is critical that its history not be lost.

On November 12, 1996, Congress recognized the historical significance of Nicodemus and established the Nicodemus National Historic Site to preserve, protect and interpret this unique community. Thanks to Congressional action, the National Park Service and especially the residents of Nicodemus, this community and its story are being preserved for future generations.

Each year during the last weekend in July, Nicodemus is transformed again into a busy community, full of activity, for the emancipation celebration. At this event, former residents and their families return to Nicodemus to share stories and to enjoy one another's company.

This year, the community will not only celebrate the first emancipation of slaves in the western hemisphere, but also Nicodemus's 10th anniversary as a National Historic Site. Nicodemus is a special community that reminds us both of the struggles and the accomplishments of African Americans.

I am proud of this community. Nicodemus deserves to be honored for its contributions to American history. I commend and encourage the preservation efforts of the National Park Service and the residents of this amazing town.

☐ 1945

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HONORING TIM FRIEDMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, the subject of my Special Order is Tim Friedman, who as many of you know is the assistant manager of the House Democratic Cloakroom.

I don't know where to begin. I don't know what I am going to do without Tim being here. I think this is his last week and he is retiring after so many years in the Cloakroom. But just to give you an idea of some of the things that I don't know who is going to do these things for me anymore: usually I bring my cell phone on the floor. And he has to remind me that I am not allowed to have a cell phone on the floor, so I have to put it in the back and leave it there. And I tell him he doesn't have to answer it, but he usually answers it.

A lot of times late at night when we are doing Special Orders, those of you who know that basically the food area in the back is closed, so I have to ask him to open up the refrigerator and I leave a dollar in the refrigerator and he gets me a Coke.

My beeper breaks down on a regular basis, and I have to leave it for Tim to fix. Half the time it is not even broken, but he doesn't want to tell me that I don't realize it is not broken so he just says, Oh, yeah, I fixed it, even though it probably wasn't broken from the beginning.

Let me see what else. I have made a list here. When we doze off in the Cloakroom, that is big. Many of us, as you know, are here late at night or even during the day. If we are tired, we lie down on the couch, and he has to come around and gently nudge us to make sure that we don't miss a vote. I don't know, the list goes on and on. I don't even know where to begin.

Oh, my yellow pads. I always carry yellow pads and I use my blue marker to cross things out. And a lot of times I leave them on the seat, and then I will go back to my office and Tim will call me up and say, Oh, Frank, you left your yellow pad. Come on down here and get it. He is going to save it for me. So the list goes on.

The other thing is we have this triumvirate, or three people, who are the managers here that, as far as I know, they have been here for as long as I can remember, and that is Tim, Bob, and Barry. And I cannot imagine what it is going to be like when we are missing one of them. So it is not only Tim, but it is the fact that this triumvirate is going to be gone or is going to be broken up, and I can't imagine who is going to replace Tim because I always think of them as the three people that I can always rely on. But the list goes on.

Have you ever noticed that Tim brings that green book, he brought it down here today, that green book which we have to sign in, I guess, for Special Orders. It goes back I don't know how many years. I mean, that thing probably belongs in the Smithsonian Institution. It goes back 30, 40 years. Who keeps it, who gets that green book once you leave? I guess it will have to be either Barry or Bob. Then the list goes on.

Let me say, Tim has an incredible sense of humor. Not only the Clerks and the people that work behind us, but he as well as the other managers have to stay late at night when we do Special Orders. And I think you know that the Democrats are determined to fill every last hour of Special Orders, and so he or Bob or Barry has to stay here very late, usually until midnight because that is when they are cut off. And I always come in and kid him and say, Are you working tonight? And I tell him, Well, maybe I won't do the Special Order. And he says, Oh, no, you can do it, you can do it. He doesn't really mean it. He hopes I go home, but he tolerates us anyway. And he has a tremendous sense of humor and makes us laugh, which is so important, particularly with all the problems that you have around this place. Having somebody with a great sense of humor is really important, needless to say.

My staff think that Tim is more important than them. I mean, that is what they will constantly tell me, because I call here all the time, not only every day, not only every hour, but sometimes every five minutes to see what is going on, and he never says, Why are you calling? He is never grumpy. He is always like, Mr. PALLONE, you called. And he gives me an update on what is going on, and he never makes me feel like I shouldn't call again, even though I probably shouldn't.

So I could go on forever, Tim, but I just want to thank you for all you have done not only on behalf of myself and not only on behalf of the Democratic Members, but on behalf of all Members. I know others told me that they want to enter statements in the RECORD, so that is why I asked unanimous consent that the RECORD be kept open. You certainly deserve your retirement. I can't believe you are retiring. You don't look old enough to retire, but I know you are going to enjoy your retirement.

Let me say a little bit of his history, if I could. He is a native of Lackawanna, New York, a suburb of Buffalo. He arrived in Washington in 1976 and started his career in the House in July 1976 under the patronage of Congressman Dan Rostenkowski. He worked as a doorkeeper under the Honorable James T. Molloy from 1976 to 1982. In 1982, he transferred to the Office of the House Sergeant at Arms and worked as an assistant to Jack Russ, and Tim was appointed as assistant manager of the House Democratic Cloakroom in 1985, before I got here, by then Speaker Tip O'Neill, Speaker of the House.

Tim married, he actually got married a few years ago to Colleen Early in 2003, probably one of the reasons he wants to retire, so he could spend more time with his wife. And they are avid golfers. They are building a home in Wallace, North Carolina. I know he can't wait to enjoy his retirement, but we will sorely miss you and I personally will, for sure.

Ms. PELOSI. Mr. Speaker, on July 19th of this year, Tim Friedman achieved a milestone that Members ever reach: 30 years of service in the United States House of Representatives.

Since he first arrived in Washington in 1976, Tim has been a denizen of the House. In his first position, as Doorkeeper, he worked to keep the House floor and its Members secure. He also served the House Sergeant at Arms, until his formidable talents were recognized by Tip O'Neill in 1985, and he was appointed Assistant Manager of the House Democratic Cloakroom in 1985.

Tim Friedman has become part of the history of this institution: he was the last ever Democratic pair clerk—a position that was discontinued in 1995. He has served under five Speakers—and spent 19 years in the majority and nearly 12 years in the loyal opposition.

Tim has seen many Members come and ago, and been both a colleague and friend to all. His skills in the cloakroom are only matched by his skills on the golf course: I know that members of my caucus will be particularly relieved that because of his retirement, Tim will not be competing in any more House golf tournaments.

But he will have time to hone his game; Tim is retiring to Wallace, North Carolina, where he will live on a 36-hole golf course.

As we salute Tim, we must also recognize his wife Colleen. Colleen is also part of the House of Representatives family—she is the daughter of Congressman Joe Early. As we all know, it is hard to balance a job here with a life at home, and today as we salute Tim for his dedication, we are appreciative of the sacrifice Colleen has made.

Upon his retirement, George Washington said, "I am once more seated under my own vine and fig tree . . . and hope to spend the remainder of my days in peaceful retirement, making political pursuits yield to the more rational amusement of cultivating the earth."

Mr. Speaker, it is a privilege to wish Tim Friedman and Colleen a similarly peaceful retirement.

Mr. ROTHMAN. Mr. Speaker, I rise today to congratulate Tim Friedman, Assistant Manager of the House Democratic Cloakroom, on his retirement after 30 years of illustrious service to the United States House of Representatives.

Tim's career has been a long and distinguished one marked by outstanding accomplishments and the well-deserved esteem of Members of Congress on both sides of the aisle. I am pleased to join with my colleagues in wishing Tim and his wife Colleen many happy years of fulfillment and rewards in their new pursuits.

I would like to extend my sincere thanks to Tim for all of his kindness, assistance and support during my tenure in Congress, along with my warmest personal regards. He will certainly be missed.

Mr. PASCRELL. Mr. Speaker, I rise today to bring attention to the life and work of an outstanding individual whom I feel fortunate to have known for the last 9 years, Mr. Tim Friedman. He is being recognized on Tuesday, July 25, 2006, on the occasion of his retirement after 30 years of service to the U.S. House of Representatives.

Tim is originally from Lackawanna, NY, and began his career in the U.S. House of Representatives in 1976. He started as a Doorkeeper and in 1985 he was appointed Assistant Manager of the House Democratic Cloakroom by then Speaker of the House, Tip O'Neill.

My fellow Democratic colleagues and I agree that he has served us extraordinarily well for the past 21 years in the Democratic Cloakroom. Tim always made sure that I knew what legislative business was on the schedule for the day, and was a great person to converse with in between votes. But more importantly, Tim and I share a special bond as fans of the greatest baseball team in history, the New York Yankees. I will truly miss our bantering back and forth with Red Sox fans Mr. CAPUANO and Tim's co-worker Barry Fisher. I know Tim will be missed by all of my Democratic colleagues, even Mr. CAPUANO, whom he regularly bested in important baseball debates.

Mr. Speaker, it is an honor and privilege to extend my best wishes to a dedicated public servant. May he enjoy a very well-deserved retirement. Tim, you will be missed.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise to recognize a person who has been a fixture of this institution for more than 30 years and who has been a mainstay of our Democratic Cloakroom, and indeed, our Democratic Party. I have always said that Members of Congress are only as good as the staff that helps us because they are the ones who make this Chamber run.

Tim Friedman is one of those few people who works behind the scenes to make sure we do our job properly, that floor operations run smoothly and our personal staffs are kept abreast of current legislative activity and the legislative schedule. We thank Tim for making our jobs easier and for being a trusted resource for Members and our offices.

Tim is from Lackawanna, NY, just outside of Buffalo. He is part of that group known as the "Buffalo Gang," the leader of whom is our own former Doorkeeper of the House, Jim Molloy. In 1976, Tim came to Washington and started to work for then-Representative Dan Rostenkowski. Tim's first days on the job were not promising. His first 2 assignments were to drive the Illinois Congressman to different events in Washington, and he got lost both times. After awhile, he learned how to get around the city, and ever since, he has been steering Members on the right course. Members have taken Tim's advice on when to schedule their return home following legislative business, when to take dinner breaks during late night sessions, and basically how to plan their lives around the activity on the floor.

It is with mixed feelings that I pay tribute to Tim. I am saddened by the fact we are losing his institutional knowledge, wizened guidance, and a beloved friend. At the same time, I am happy for him as he and his wife Colleen tee-off on a second career in their new home of Wallace, NC. All of us on both sides of the aisle wish Tim and Colleen well in their new adventure, and we hope that their move will exceed their best expectations. One thing for sure is the golfing weather is much better in North Carolina than here in Washington or certainly in Buffalo. This is an important feature because both Tim and Colleen are excellent and avid golfers, and their new home is surrounded by 2 golf courses.

We are proud to know Tim, and we hope that he and Colleen will come back and visit their friends from time to time, particularly during the golf tournament season, to let us know how their lives are progressing. We appreciate all the services you have rendered to this institution and to the Members with whom you have worked. As you look to new horizons, I would like to send you and Colleen off with these wishes:

May you always find good lies in the fairways;
May your shots sail clear over still waters; and
May nothing but eagles and birdies follow you for the all the rounds of your life.

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to a distinguished public servant, Mr. Tim Friedman, on the occasion of his retirement from the U.S. House of Representatives and the House Democratic Cloakroom.

Mr. Friedman has shown exceptional commitment to public service throughout his career in the Democratic Cloakroom of the House of Representatives. A native of Lackawanna, NY, Mr. Friedman arrived in Washington in 1976 to start his career with the House of Representatives under the patronage of the Honorable Dan Rostenkowski. He began his career as a Doorkeeper and transferred to the office of the House Sergeant at Arms in 1982, working as an assistant to the Honorable Jack Russ. In 1985, Mr. Friedman was appointed as Assistant Manager of the House Democratic Cloakroom by Speaker of the House Thomas P. O'Neill.

The last 30 years, Mr. Friedman has served the House as a tireless and diligent worker. Under his guidance and hard work, the Cloakroom has become a place fitting for the U.S. House of Representatives. He has become an institution to those Members who have served this legislative body and he will be deeply missed.

We wish Mr. Friedman well, and we all deeply appreciate his dedicated and decent service. I will certainly miss him. I wish Tim and his wife Colleen many good years, filled with family, friends, good health, and plenty of golf. On behalf of my staff, myself and my lovely wife Deborah: Thank you, Tim.

Mr. NADLER. Mr. Speaker, I rise today to join my colleagues in honoring a truly distinguished public servant. A man without whom our jobs would be infinitely more difficult. Tim Friedman, for decades a fixture of the House Democratic Cloakroom, will take his well earned retirement.

Most people outside this building know nothing of the Cloakrooms. The staff there provide information to Members on the program for the day, the timing of votes, and myriad other details that go into the operation of this institution. As we all try to juggle the demands of committee meetings, visits from constituents, meetings with people concerning legislation, and floor debates and votes, the Cloakroom is a vital resource in making sure that everything runs smoothly.

In addition to being helpful, the staff of the Cloakroom have always provided a friendly and congenial environment even when the workload seems unmanageable, the pressure mounts, and tempers get short.

Tim has mastered the arcane science of the House. His voluminous knowledge, his institutional memory, his up-to-the-minute understanding of what is going on have more than once saved this Member, and many of my colleagues, from losing track of the proceedings.

Tim has always managed the job with good cheer and good humor, even when, perhaps, the circumstances might have called for a much different response.

My colleagues and I will greatly miss Tim Friedman, although we wish him well as he leaves this House. Tim, you will always have a home here, and, should you ever get tired of relaxing and enjoying life, you are always welcome back.

Congratulations and best of luck to you.

Mr. MEEK of Florida. Mr. Speaker, it is a not-so-closely-held secret that Congressional staff plays a crucial and indispensable role in making it possible for Members of Congress to carry out their constitutional duties. That is certainly the case for Tim Friedman, who will mark 30 years of service—15 terms, if he were a Member—to the U.S. House of Representatives on July 19, 2006.

Tim is a true "Man of the House." He began his career in 1976, under Speaker Carl Albert. From his first job in the office of the Doorkeeper, he transferred to the House Sergeant at Arms office where he worked until 1985, when Speaker Thomas P. "Tip" O'Neill appointed him as Assistant Manager of the House Democratic Cloakroom in 1985.

The Democratic Cloakroom is the crossroads of the Caucus, and Tim Friedman stands right in the middle of the intersection.

He has been a constant source of information, wisdom and assistance, dispensed with characteristic good humor there for the past 20 years. He is so professional in his job that, like a great golfer, he makes something very hard look easy.

Tim's distinguished service in the House Democratic Cloakroom has touched the lives of countless Members—and staff members—of this body. He plans to retire this September, and we all wish him and his wife, Colleen, our very best. But we'll keep him for as long as we can, because his absence will certainly leave a large void in the House Democratic Cloakroom and in this wonderful institution that he has served for so long.

Mr. ORTIZ. Mr. Speaker, Tim Friedman has been a presence in the Democratic Cloakroom and the House Floor for 3 decades, from which he now retires as the Assistant Manager of the Democratic Cloakroom.

Tim is funny, charming, helpful . . . and is considered practically a family member of the Democratic Members who rely on his understanding of their varying needs and his expertise on the operations of the House of Representatives.

He practically grew up in the House. He began his political career with our colleague Dan Rostenkowski, who was an excellent tutor in the world of real politics and practical applications of power. As a young man, Tim was known as a little bit of a ladies man . . . and as an adult, he is a loving husband to Colleen.

Tim's nickname is "Hawk," for his amazing ability to spot people anywhere in his line of vision. For someone whose everyday responsibilities include spotting Members of Congress in the crowded chamber, that is a useful skill.

Tim has the broad shoulders of Buffalo and the nuanced understanding of government from his long time service on Capitol Hill. He has been a mentor for thousands of young high school-aged Capitol Pages who pass through our program and work for the Congress as messengers and runners.

Working in the Democratic Cloakroom and on the Floor of the U.S. House of Representatives is no easy task. The pace is either painfully slow, or very fast with information and decisions moving and changing rapidly.

So it takes a very special person to navigate those waters, a job Tim has done with excellence over the decades he has served the Democratic Leadership and the entire House of Representatives.

Tim, we wish you and Colleen good luck—and great golf. The entire House of Representatives owes you a tremendous debt of gratitude and wishes you well on the journey to Wallace, N.C., that you now take beyond our marble floors and columns. Vaya con Dios, mi amigo.

Mr. MCNULTY. Mr. Speaker, Tim Friedman has been a friend of mine since the first day I walked onto the House Floor 18 years ago. His interest in, and service to, this and other Members of the House has always been above and beyond the call of duty. As he heads to a well-earned retirement a bit to our south, I want my dear friend Tim to know that I will think of him often, and with tremendous gratitude for his extraordinary service.

Thanks, Tim!

Mr. STUPAK. Mr. Speaker, I rise today to honor someone who has dedicated 30 years of service to this great institution. Those of us on the Democratic side of the aisle know how much we have come to rely on Tim Friedman who has spent the last 3 decades working in the House Democratic Cloakroom.

One can imagine that after 30 years working on and around the floor of the U.S. House of Representatives, Tim has just about seen it all. Throughout it all, Tim has always been on hand to assist Members of Congress with all requests, large and small. By working with us and making it easier for Members of the House to fulfill their official duties, Mr. Friedman has served the U.S. House of Representatives, the United States Congress and his country admirably.

As he prepares to leave us, I wish him well and hope that his back improves for a better back swing so that he can enjoy many good days on the golf course. While all of us will miss seeing Tim day in and day out, we are truly happy for him and wish him all the best as he enjoys his well-deserved retirement.

Mr. HOLDEN. Mr. Speaker, I rise today to honor Mr. Tim Friedman for his many years of heartfelt service and wish him best wishes on his retirement from the U.S. House of Representatives and the House Democratic Cloakroom.

Originally from Lackawanna, NY, outside of Buffalo, Mr. Friedman began his career in the House of Representatives on July 19,1976 under the patronage of the Honorable Dan Rostenkowski of Illinois. He worked as a Doorkeeper from 1976 to 1982 under the Honorable James T. Molloy before transferring to the office of the House Sergeant at Arms in 1982. There he worked as an assistant to the Honorable Jack Russ.

In 1985, Tim Friedman was appointed as Assistant Manager of the House Democratic Cloakroom by the Honorable Thomas P. O'Neill, Speaker of the House. Tim married Colleen Early in 2003. He is retiring to Wallace, NC, where he plans to continue his love of golf.

Mr. Speaker, it is a privilege to be able to recognize a man who has dedicated his life to serving the people of the United States. I ask you and my other distinguished colleagues to join me in congratulating Mr. Tim Friedman on his many years of devoted public service and thank him for the many contributions he has made toward the well being of the United States House of Representatives.

Mr. HINOJOSA. Mr. Speaker, I join colleagues in paying a well-deserved tribute to Tim Friedman who is retiring after 30 years of distinguished service to this Congress. As Assistant Manager of the House Democratic Cloakroom, Tim has had the heavy responsibility of ensuring not only that Members get to the floor on time to vote but that they know what they are voting for. His knowledge of the intricacies of the voting process and House procedures has been invaluable and he is leaving big shoes to fill.

Tim has also been responsible for supervising and mentoring the thousands of pages who spend a large part of their time working in the Cloakroom. As a father, I know how hard it is to get a couple of teenagers to be responsible and do good work. I commend Tim's patience in handling the hundreds of teens who rotate through the Cloakroom each summer and school year.

A native of Lackawanna, New York, Tim came to Washington in 1976 and worked first as a Doorkeeper, guarding the privacy of Members and keeping the floor of this House secure. His talents were recognized and in 1982 he transferred to the House Sergeant at Arms where he continued his efforts to keep this House running in an efficient and productive manner. In 1995, Speaker of the House Thomas P. O'Neill appointed him to his current position of Assistant Manger of the House Democratic Cloakroom.

Tim, you will be sorely missed but I know that you and your wife Colleen are looking forward to a life of leisure in North Carolina. I know you will enjoy having the time to play all the golf you want. I played golf on your golf team at Andrews and had a barrel of fun. I will always remember your friendship! Good luck and thank you for all you have done for this institution.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to congratulate Tim Friedman on his retirement after 30 years of service to the House of Representatives.

Tim began his career on Capitol Hill on July 19, 1976, as a doorkeeper under the Hon. James T. Molloy. In 1982, he began to work for the office of the House Sergeant at Arms as an assistant to the Hon. Jack Russ. Recognizing Tim's talents, knowledge, and understanding of the intricacies of the House, he was appointed as Assistant Manager of the House Democratic Cloakroom in 1985. Tim's friendly manner and his wealth of experience has been an outstanding asset to the members of the Democratic Caucus.

I sincerely thank Tim for the assistance he has given me and for his dedicated service to the House of Representatives. I wish him and his wife Colleen all the best for their future. He will be truly missed by all.

Mr. COSTELLO. Mr. Speaker, I rise today to recognize and honor Tim Friedman upon his retirement from the House Democratic, Cloakroom. For the past 30 years Tim Friedman has served with utmost distinction.

After moving from Lackawanna, NY, Tim arrived in Washington, DC, in 1976 to begin his career in the House of Representatives. He first served for the Hon. Dan Rostenkowski before becoming a Doorkeeper under the Hon. James T. Molloy from 1976 to 1982. In 1982, Tim moved to the office of the House Sergeant at Arms before being appointed as Assistant Manager of the House Democratic Cloakroom in 1985 by the Hon. Thomas P. O'Neill, Speaker of the House.

Since I came to Congress in 1988, I have gotten to know Tim Friedman quite well. He is an upstanding man with strong character and high principles. I am pleased to have worked with him.

In times of retirement, I am reminded of the words of Ralph Waldo Emerson who said, "The reward for a thing well done is to have done it." Not only should Tim feel rewarded, but all of us who have benefited from his long and successful 30 year career, an accomplishment for which he deserves to be proud.

Mr. Speaker, I know my colleagues join me in offering congratulations and gratitude for

Tim's long and successful career in the House of Representatives. I wish him well and hope he continues to achieve happiness, health and success in his future endeavors.

Mr. ANDREWS. Mr. Speaker, I rise today to honor Tim Friedman on his retirement from the House of Representatives and the House Democratic Cloakroom.

Mr. Friedman, a native of Lackawanna, NY, arrived in Washington, DC, in 1976 and started his career in the House of Representatives on July 19, 1976 under the patronage of Hon. Dan Rostenkowski. He worked as a Doorkeeper under Hon. James T. Molley from 1976 to 1982 then transferred to the office of the House Sergeant at Arms and worked as an assistant to the Hon. Jack Russ. In 1985, Mr. Friedman became the Assistant Manager of the House Democratic cloakroom. His contributions are immeasurable.

Mr. Speaker, I offer my sincere congratulations to Tim Friedman. I wish Mr. Friedman and his wife, Colleen, a relaxing retirement filled with many rounds of golf. Thank you for your service to the House of Representatives, and to our Nation.

Mr. SERRANO. Mr. Speaker it is with great pleasure that I rise today to bid farewell to Mr. Tim Friedman, a dear, trusted friend, who will retire after 30 years of service to his country.

A native of Lackawanna, NY, Tim arrived in Washington in 1976, and started his career in the House of Representatives on July 19, 1976, under the patronage of the Hon. Dan Rostenkowski. From 1976 to 1982 he worked as a Doorkeeper under the Hon. James T. Molloy and in 1982, he transferred to the office of the House Sergeant at Arms and worked as an assistant to the Hon. Jack Russ. In 1985 Tim was appointed as Assistant Manager of the House Democratic Cloakroom by the Hon. Thomas P. O'Neill—Speaker of the House.

Mr. Speaker, the Democratic Cloak Room is a place of great importance to all House Democrats. It is a place where we not only receive helpful information on things such as bill language and the floor schedule, but where we can take solace from the sometimes contentious debate on the House floor.

Needless to say, it takes a special individual to contend with the wide range of interesting personalities that make up the Democratic Caucus. Tim has handled the job without breaking a sweat. Although, I am quite sure he often tires of Member after Member asking the same question—"when will we be done," he never makes it known. He is always ready to provide Members with important information while maintaining his affable disposition.

Perhaps what impresses me the most about Tim is his unwavering loyalty. An avid Yankee fan, Tim openly professes allegiance to his team despite the taunts of his fellow cloak room colleagues. Barry, a passionate Red Sox fan and Bob, an Orioles/Nationals fan, frequently hurl insults at Tim for his devotion to the Bronx Bombers. However, like a true fan, he ignores their scoffs and simply reminds them of Yankee dominance. As a Yankee fan and the team's Congressional Representative, I appreciate Tim's steadfastness in the face of brutal opposition. His dogged support of my hometown team has strengthened our bond over the years.

Mr. Speaker, on a more serious note, Tim is a dedicated, hardworking and reliable individual who will be truly missed by all who had the pleasure of working with him. I wish him well on his retirement and ask that my colleagues join me in bidding him farewell.

Ms. WOOLSEY. Mr. Speaker, I rise today to commemorate Tim Friedman for his 30 years of dedicated service to the House of Representatives.

Tim began his career on July 19, 1976, working as a Doorkeeper to the House Chamber under the Hon. James T. Molloy. After 6 years of helping to oversee admission to the House floor and galleries, Tim went on to work as an assistant to the Hon. Jack Russ in the House Sergeant at Arms office and eventually as Assistant Manager of the House Democratic Cloakroom. Since my freshman term in Congress, his has always been a friendly face and a trusted source of information about what is happening on the House floor. Tim has been an active and integral part of the last 16 sessions of Congress, and he deserves the highest respect and recognition.

Outside of work, Tim spends most of his time with his lovely wife Colleen and out on the golf course. I can speak for the rest of my colleagues when I say that we all look forward to hearing about his first hole-in-one.

Today, I ask my colleagues to join me in congratulating Tim Friedman on his retirement after a remarkable career. We truly appreciate your hard work and dedication to our country, and I am sad to lose such an outstanding public servant and close friend.

Mr. HIGGINS. Mr. Speaker, I rise today to extend sincere congratulations to my friend Tim Friedman upon his retirement from the Democratic Cloakroom. Tim, a Lackawanna, NY native, has dedicated 30 years of his life to service in the House of Representatives.

Tim began his career in Washington in 1976 in the House of Representatives under Congressman Dan Rostenkowski. Shortly after, he worked under Doorkeeper James T. Molloy as a doorkeeper and in 1982 transferred to the House Sergeant at Arms. In 1985, Tim was appointed to the House Democratic Cloakroom as Assistant Manager. For over 20 years, Tim has been a constant presence in the Cloakroom, and has tirelessly worked on behalf of House Democrats.

The Democratic Cloakroom has been like a home away from home for me over these past 19 months. It's been an honor and pleasure to have Buffalo guys in the Cloakroom—people like Tim Friedman and Bob Fischer, who have been terrific public servants in the House, and who have shown me the ropes and ways of the House.

It is with great pride and gratitude that I stand here today to recognize Tim Friedman for his many years of service and for his commitment to Democrats, and the House of Representatives. I wish Tim and his wife Colleen many years of continued health and happiness.

Ms. HARMAN. Mr. Speaker, somehow, I thought Tim and I would grow old together. For 30 years, he has always been there for us: friendly, informed, endlessly patient with our endless questions, and always ready with his wry smile.

There will be a void now in the cloakroom, a physical gap that we all will feel. But more: there will be a void in our Caucus, where Tim has provided such competent guidance, continuity and wisdom.

Godspeed, Tim. You have made a big difference here.

Mrs. McCARTHY. Mr. Speaker, today I want to honor Tim Friedman, who will be retiring after 30 years of service in the Democratic Cloakroom. My staff and I rely on the Cloakroom on a daily basis. The Cloakroom staff is reliable and knowledgeable and serves as the voice of reason during often chaotic times on the floor. Tim Friedman was a big part of the Cloakroom operations and I know my colleagues and I will miss seeing him everyday. But his retirement is certainly well-earned and I hope he enjoys the next chapter in his life.

Mr. ETHERIDGE. Mr. Speaker, I rise this evening to join my colleagues in paying tribute to Tim Friedman on the occasion of his retirement from the House after 30 years of faithful service. Tim is a native of Lackawanna, NY, a suburb of Buffalo. He arrived in Washington in 1976 and started his career in the House of Representatives on July 19, 1976 under the patronage of the Hon. Dan Rostenkowski.

He worked as a Doorkeeper under the Hon. James T. Molloy from 1976 to 1982. In 1982 he transferred to the office of the House Sergeant at Arms. Tim was appointed as Assistant Manager of the House Democratic Cloakroom in 1985 by the Hon. Thomas P. O'Neill, Speaker of the House.

Tim married Colleen Early in 2003. They are avid golfers and are building a home in Wallace, NC. I hope they have a splendid retirement in Down East, NC.

Mr. HOYER. Mr. Speaker, today I rise to honor Tim Friedman, a great friend a great public servant. Next month, Tim will officially retire from the House of Representatives following 30 years of outstanding public service.

Tim grew up in Lackawanna, New York, and came to Washington, DC in 1976. That year, he began his distinguished career with the U.S. House of Representatives under the former Chairman of the Ways and Means Committee, Dan Rostenkowski. Tim served as a Doorkeeper in the Democratic Cloakroom for the Honorable James T. Molloy from 1976 until 1982, when he began working for the Honorable Jack Russ. In 1985, Speaker Thomas P. "Tip" O'Neill appointed Tim as the Assistant Manager of the House Democratic Cloakroom.

In 2003, Tim married his wife, Colleen Early. Tim and Colleen are dedicated golfers and are building a home in Wallace, North Carolina.

Mr. Speaker, it is a little-known fact outside of Washington that the Democratic and Republican Cloakrooms are vital to Congress' functioning. Dealing with Members of Congress on a daily basis is not an easy task, but Tim has kept our members running on schedule, kept us fed, and kept us smiling for years now, and he will be sorely missed.

I am grateful to Tim for his tremendous service to the House of Representatives, and I wish Tim and Colleen the best of luck in his well-deserved retirement.

Mr. RAHALL. Mr. Speaker, I rise today to honor the career contributions of Mr. Tim Friedman, Assistant Manager of the House Democratic Cloakroom and a public servant of the highest degree. For 30 years, Mr. Friedman has served our country in some capacity within the walls of Congress and he has served these years with dignity and decorum.

As Mr. Friedman prepares to retire, I congratulate him and wish him the best. He has certainly earned the opportunity to kick up his heels, enjoy some time with his wife, and play a few rounds of golf. But as a Member of Congress, I must say that it is sad to see him go. For 20 years, he has been a fixture in the Cloakroom—an institution as significant as the Cloakroom itself.

Mr. Friedman will be missed, but his work ethic will continue on, through his co-workers who admire him, through the many pages who have looked to him for guidance over the years and through the Democratic Members of Congress themselves.

I thank Mr. Friedman for his service and his commitment to the Democratic Cloakroom. The qualities he embodies—loyalty, trustworthiness, reliability—are getting harder and harder to find nowadays. May God bless this admirable man and his family as he begins this next chapter.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in order to honor Mr. Tim Friedman on the occasion of his retirement.

Mr. Friedman, I wish many congratulations to you, and please accept my heartfelt thank you for your 30 years of service to the United States Congress.

Over the years, you have been a close witness to some of the greatest reforms, oratories, and achievements in legislative history. We have looked to you for your advice and trusted you completely and unhesitatingly. You have been a confident of legislators, and your sagacity has no match.

I have enjoyed and appreciated your good humor, good judgment, and your leadership in the Democratic Cloakroom. Throughout the early mornings and late nights, your very presence contributed solidity and strength to the proceedings of the day.

Your service to your country will long be remembered by Members such as myself, and we will miss your compassion and your enthusiasm. Your hard work, dedication, and commitment are cherished.

You have earned the respect, the admiration, and the affection of all of us who have worked with you. As you move forward to your next success, I have no doubt that you will make your compatriots proud and continue to fulfill your commitment to public service.

All of my best wishes and blessings to you in your future endeavors.

Mr. McDERMOTT. Mr. Speaker, I rise to acknowledge Mr. Tim Friedman's 30 years of dedicated service in the U.S. House of Representatives and the Democratic Cloakroom.

Now 30 years may seem like a long time, but really it's only 6 in "Tim Years." That is to say, six World Series wins resulting in rings for the Yankees. I have to wonder if Tim's retirement may have something to do with the prospect of Barry Sullivan's Boston Red Sox winning a few more World Series' and narrowing the Yankees' lead in titles.

Now safe at home—quite literally—I can publicly disclose how I caused one blemish on Tim's otherwise perfect congressional record. The March Madness NCAA basketball tournament bracket was overseen by Tim for years, and he ran a tight ship. You were in by the deadline, or you were out of the pool—except for this one time.

On a late flight home I realized that I had forgotten to put my entry in for the congressional NCAA pool. As soon as I returned to D.C., I petitioned the court of last resort, Tim Friedman, believing my cause was virtually hopeless, but imagining myself shooting that desperate last second three-pointer to win the big game.

To my complete surprise, Tim allowed my desperate shot to count, and he allowed me to slip in my late entry. Even with his charity, I still managed to go 0 and out in the Big Dance! Still, I'll never forget his wisdom for letting me in, and my folly for believing I could handicap the results.

Tim's sports enthusiasm—near-fanaticism, really—will be sorely missed around the Cloakroom. More than that, however, we will miss Tim Friedman's smile, his warmth and his gracious humanity. We hear a lot about world-class athletes. Tim Friedman is a world-class human being.

It has been my distinct pleasure to work with him, an honor to know such a genuine and goodhearted man, and a sad but proud moment for me to say goodbye and best wishes.

NATIONAL HERITAGE AREAS ACT OF 2005

Mr. WELLER. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. WELLER. Mr. Speaker, I wanted to come to the floor tonight to express my strong support for S. 203, the National Heritage Areas Act of 2005. This legislation was debated earlier in this day, and amongst its many provisions the bill contains my legislation, H.R. 1820, the Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2005.

S. 203 reauthorizes the Illinois and Michigan Canal Heritage Corridor to receive appropriations and transfers management entity status from the Federal I&M Commission to the not-for-profit Canal Corridor Association. I would like to commend Chairman POMBO and the House Committee on Resources for their hard work on this important piece of legislation which has previously passed the House twice before.

The I&M Canal, the Illinois and Michigan Canal, changed the Nation in 1848 when it opened its first shipping route between New York and New Orleans, designating Chicago as the Nation's greatest inland port at that time. While the canal eventually fell into disuse due to new transportation methods and routes, in 1982, business and industry leaders founded the Canal Corridor Association to help revitalize the I&M Canal region, and in doing so created a national model for regional partnership, conservation, and renewal.

I am proud to say that the I&M Canal National Heritage Corridor was America's first charter national heritage area, being created by an act of Congress in 1984, thanks to the efforts of former Congressman Tom Corcoran and former Senator Chuck Percy. For 20 years now, the Federal I&M Commission has worked to carry out the mission of the I&M Canal National Heritage Corridor. Its efforts have been particularly successful during the past 5 years that Phyllis Ellin has provided strong leadership as the executive director of the commission.

Since 1984, the I&M Canal National Heritage Corridor has increasingly become an engine of economic growth in communities up and down the length of the corridor, primarily through an increase in tourism, but also in the use of the corridor for recreational purposes.

I decided to move forward with this legislation after consulting with local officials and those most interested and involved in preserving the heritage of the I&M Canal. This private sector approach contained within my legislation offers more advantages to handle the increased workload brought on by the recent success of the canal and interest in heritage tourism.

As a result, S. 203 designates the Canal Corridor Association as the new management entity of the I&M Canal Heritage Corridor. The CCA seeks to enhance economic vitality by raising awareness of and expanding the parks, trails, landscapes and historic sites that make the I&M Canal region a special place. They have also successfully implemented educational programs and improved the cultural, environmental, historic, and tourism resources that the Canal Corridor offers.

Under the leadership of the Canal Corridor Association, the I&M Canal Reauthorization will continue to successfully educate citizens of the nationally historical importance of the I&M Canal and to play a pivotal role in the continued economic development of our home region. Through the Canal Corridor Association's governance, we will now be able to better enlist private support for the Canal Corridor and promote tourism in our home region.

Once again, I would like to thank Chairman POMBO and the entire Resources Committee for making sure this important legislation passes before we break for the August district work period. I particularly want to thank Speaker HASTERT for his assistance and leadership in this issue as well as Chairman CRAIG THOMAS in the Senate for moving forward with this critical legislation

U.S. OCCUPATION OF IRAQ

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, today is the 162nd time that I have come to the floor during Special Orders to discuss the U.S. role in Iraq. Unfortunately, very little has changed on the ground in Iraq over the course of these last 3 years and 162 speeches. Unfortunately, also, official visits to the region by our administration and those who represent the United States of America must still be in secret because the area is so very, very violent.

Our troops increasingly face snipers, roadside attacks, ambushes, and improvised explosive devices, IEDs. Bombings continue to kill and wound nearly 100 Iraq civilians daily, and the country has slid into a civil war. One thing that has changed is this, the United States is now playing the role of occupier.

President Bush claimed that the U.S. would go into the Iraq conflict as a liberator. These days, the more accurate statement is that the United States is an occupier. Our brave men and women of the Armed Forces have not been trained or equipped for this very mission. They are doing the very best they can under the circumstances, but their civilian superiors have let them down. Right now, the best way to support our troops is to set forth a plan to bring them home.

In light of all of this, tomorrow several of my colleagues and I will introduce a bill that will revoke the President's Iraqi war powers. This legislation, the Iraq War Power Repeal Act of 2006, will return the war powers for Iraq back to Congress, back where our Founding Fathers intended.

According to the President, all major war combat was completed just 6 months after Congress authorized the use of force. In fact, he said this while standing aboard an aircraft carrier before a banner reading "Mission Accomplished." Therefore, the United States has no longer been at war since that statement of his 6 months into the war, but rather carrying out an occupation with absolutely no end in sight. The American and the Iraqi people want the United States troops out of Iraq; they want them home where they belong.

Over the objections of many House and Senate Members 3½ years ago, the House voted to support the war in Iraq. We did not vote to support an occupation in Iraq. That is why our goal tomorrow, Mr. Speaker, is to have the congressional leadership allow an up-or-down vote on the occupation. I urge all of my colleagues to cosponsor the Iraq War Powers Repeal Act of 2006 to end this madness once and for all, to stand up for our troops, to bring them home

THE PROTECTION AND EVACUATION OF AMERICAN CITIZENS FROM THE MIDDLE EAST CONFLICT

Mr. KIRK. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. KIRK. Mr. Speaker, the Nation has been focused on the war declared by Hezbollah against Israel this past week. And while most of the media focused on stories of the conflict in Israel or Lebanon, they have not covered an aspect of the story critical to our fellow citizens, the protection and evacuation of American citizens from this conflict.

On the day that Hezbollah started this war, we estimated that there were over 20,000 Americans in Lebanon.

□ 2000

I want to first commend our ambassador in Lebanon and the U.S. embassy team in Beirut for rapidly assembling the plans and data on the Americans to be saved. The U.S. Government regularly plans and sometimes executes what is called a noncombatant evacuation operation, or NEO in Pentagon parlance, to rescue Americans abroad. The scale of the Lebanese NEO was very, very large. This operation, assembled on very short notice, responded remarkably to a rapidly changing, massive movement of our fellow citizens.

Some of the unsung heroes of the Lebanon NEO are the men and women of the United States Navy and Marine Corps. I want to give special thanks to the crews of the USS *Nashville*, the USS *Trenton*, and the USS *Whidbey Island*. Along with the merchant vessel *Orient*, the crews of these U.S. navy vessels rescued thousands of Americans from Lebanon over the last several days. The crews of these ships were backed by U.S. Marines flying helicopters to save the people in most urgent need.

I also want to thank the men and women of the U.S. Transportation Command who arranged military airlifts for Americans living in Cyprus, and now Turkey, to complete their trips home to the U.S.A.

We must also note the outstanding contribution of the State of Maryland and its governor, Governor Ehrlich, who welcomed them at Baltimore Washington International Airport.

Mr. Speaker, Dr. John Michael of my district called me from Lebanon to ask for his support. I arranged for his registration and quick contact with the U.S. embassy there. Thanks to the work of the United States Navy, the Marine Corps, the State Department and the Transportation Command, Dr. Michael, his wife Christine and their children, Daniel, Ramson, Edessan and Kamber, all from my district, were caught in Lebanon, but now were rescued by the U.S. military and State Department. But for this operation, they might still be in harm's way, but thanks to the work of these professionals, the men and women of the State Department, Navy and Marine Corps, they are home in the United States.

Mr. Speaker, we have saved over 5,000 Americans to date, and I am told today that the number of Americans seeking to leave Lebanon is now declining. We will soon be the first Nation to use this large logistical effort to begin a massive humanitarian aid lift to support the people of Lebanon itself.

Mr. Speaker, take a moment tonight to thank the young Americans who serve on the *Nashville*, *Whidbey Island* and *Trenton*. Due to their training and professionalism, they were there exactly when thousands of their fellow American citizens needed them to escape from Lebanon.

ESCALATING CONFLICTS IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise this evening to discuss the escalating conflicts in the Middle East, and bearing in mind that the answer to real stability throughout that region is a resolution to the half century old Israeli-Palestinian conflict and a two-State solution with negotiations ongoing. That has not happened during the lifetime of this administration. In fact, they have ignored that completely.

The second solution is to decouple U.S. foreign policy from our reliance on the oil regimes in the Middle East which supply the largest share of this country's dependence on imported petroleum.

Those are the two answers. We are getting distracted by a lot of other activities in the region, but without a resolution to the Israeli-Palestinian conflict and a two-State solution, and this country being able to stand on its own two feet again, and not have to beg any repressive society for oil, we will not find a solution for security for the American people at home nor abroad.

The situation is worsening. War is an abandonment of reason, and it is critical for Members of Congress to stand for a path to peace, especially at a time that we witness and the world witnesses more killing, more death, more carnage escalating around us, escalating around those directly involved in the Middle East.

It is especially essential to be a voice for peace when others believe that escalating the military option without serious and equal emphasis on political and diplomatic efforts will yield calm and resolution.

Ghandi instructed us an eye for an eye will leave the world blind, and physics reminds us that to every action there is an equal and opposite reaction. I think in this latest conflagration between Lebanon and Israel there will be more than an equal and opposite reaction.

Indeed, I predict, and it is happening already, escalating violence will reap more radical extremism throughout the region as moderate voices are muffled by the bombs and the escalation of the rhetoric and the escalation of the violence.

Please notice, as a result of U.S. policy already in country after country, radical extremes are gaining political edge in the halls of government. The Muslim brotherhood of late has made major inroads in Egypt's parliament, rising from a level of couple dozen seats out of around 450 seats to nearly 100, and Egypt has signed a peace treaty with Israel.

In Pakistan, orthodoxy is being elected at the provincial level over and over again.

In Iraq, the Shi'ia majority is aligning with Iran, and indeed, the prime minister who is to address the Congress, this Congress this Wednesday, has come out full bore along with the parliament for the Hezbollah, condemning the actions of Israel, our ally.

In Lebanon, Hezbollah has gained a toehold in parliament and enormous and growing sympathy on the street. Lebanon's wartorn areas from the last invasion by Israel beginning in the 1980s and its need for rebuilding were neglected by the world community, including this country, and Hezbollah took root for over two decades now.

I am one of the few Members of this Congress that tried to go beyond the usual lip service paid to Lebanon to help it rebuild its wartorn areas and rebuild its civil society so that it could function at the point where Syria would withdraw, and the government of the United States, the State Department, the U.S. Agency for International Development, every single instrument of this government stopped us every step of the way. We could take such tiny little steps.

Is it any wonder that Hezbollah gained footing in the southern area of Lebanon? No one else took an interest, and violence displaced the opportunity over the 2½ decades for the development of civil society. No one in our country really cared, and major political opposition in Congress existed to helping Lebanon at all. How do you build a peaceful path? How do you secure Israel with enemies on every side?

Iran's moderate voices have been silenced by extremism and decades of lack of engagement by any sitting President of this country. Even backchannels were let atrophied.

And so the world is poised for more hatred and more mass killings. I will not associate myself with lopsided policies that ripen hatred toward this country, annihilate prospects for peace and threaten both Israel's and Palestine's ultimate existence.

Mr. Speaker, I place in the RECORD at this point Bob Herbert's article, "Find a Better Way," from The New York Times today. It is superb.

(From the New York Times, July 24, 2006)

FIND A BETTER WAY

(By Bob Herbert)

It's too late now, but Israel could have used a friend in the early stages of its war with Hezbollah—a friend who could have tugged at its sleeve and said: "O.K We understand. But enough."

That friend should have been the United States.

It is not difficult to understand both Israel's obligation, to lash back at the unprovoked attacks of Hezbollah, and the longstanding rage and frustration that have led the Israelis to attempt to obliterate, once and for all, this unrelenting terrorist threat. Israelis are always targets for terror—whether they are minding their own business in their homes, or shopping at the mall, or taking a bus to work, or celebrating the wedding of loved ones.

(A quick example from a seemingly endless list: An Israeli security guard prevented a Palestinian suicide bomber from entering a mall in the seaside town of Netanya last December. The bomber detonated his explosives anyway, killing himself, the guard and four others.)

But the unnecessary slaughter of innocents, whether by Hezbollah, Hamas, Al Qaeda, American forces in Iraq or the Israeli defense forces, is always wrong, and should never be tolerated. So civilized people cannot in good conscience stand by and silently watch as hundreds of innocents are killed and thousands more threatened by the spasm of destruction unleashed by Israel in Lebanon.

Going after Hezbollah is one thing. The murderous rocket attacks into Israel must be stopped. But the wanton killing of innocent civilians, including babies and children, who had no connection at all to Hezbollah is something else.

The United States should have whispered into Israel's ear, the message being: "The carnage has to cease. We'll find a better way."

Instead, the Bush crowd nodded in acquiescence as Israel plowed headlong into a situation that can't possibly end any other way than badly. Lebanon, which had been one of the few bright spots in the Middle East, is now a mess. Even if Hezbollah is brought to its knees, the circumstances will ensure that there will be legions of newly radicalized young men anxious to take up arms and step into the vacuum.

(When Israel invaded Lebanon in 1982, its strongest resistance enemy was the Palestinian guerrilla group Fatah. When it withdrew 18 years later, it left behind a stronger, more extreme guerrilla movement in Hezbollah, a force that didn't exist at the time of the invasion.)

Joseph Cirincione, an expert on national security matters (and a supporter of Israel) at the Center for American Progress in Washington, said last week: "There is no question that Hezbollah provoked this current crisis, and that it was right for Israel to respond, even if that meant crossing the Lebanon border to strike back at those who had attacked it. But this operation has gone too far. It's striking back at those who had nothing to do with Hezbollah."

As a true friend of Israel, the task of the United States is to work as strenuously as possible to find real solutions to Israel's security. The first step in that process, as far as the current crisis is concerned, would logically have been to try and broker a cease-fire.

But the compulsive muscle-flexers in the Bush crowd were contemptuous of that idea. Always hot for war, and astonishingly indifferent to its consequences, they egged Israel on.

That was not the behavior of a friend.

Neither Israel nor the United States can kill enough Muslims to win the struggle against terror. What Israel needs are stable, moderate governments in the region. (This is one of the reasons why it made no sense to cripple the Lebanese government.) What the United States needs is as much serious diplomatic engagement on all fronts as possible; and an end to the Bush administration's insane addiction to war—ever more war—as the answer to the world's ills.

The U.S. especially needs to be deeply involved in the effort to establish peace between Israel and its neighbors.

There is no grand solution to the centuries-old problems of the Middle East. As with the cold war between the United States and the Soviet Union, you try to keep things as cool as possible, step by, sometimes agonizing step. It may not be pretty, and it will surely be frustrating. But if the conflict, however aggravating, can be kept cold, as opposed to hot, you're ahead of the game.

GENERAL LEAVE

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

HONORING FORMER MEMBER OF CONGRESS THOMAS J. MANTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Mr. Speaker, I rise today in sadness to pay tribute to my predecessor here in Congress, Tom Manton. In politics, as in life, you can only achieve greatness by building on the path that those before you have taken.

Tom was a mentor to me, a friend, a confidante. Tom Manton truly loved serving here in this institution, with his friends on both sides of the aisle. I will truly miss his friendship, and our city and our State of New York will miss his leadership.

My condolences go out to his wife, Diane, and to all his children and his grandchildren on the passing of their husband, their father and their grandfather.

Tom Manton was born in New York City in 1932. He was the son of a working class Irish immigrant. His father actually worked here on Capitol Hill as a plasterer, laying plaster in the Longworth Building. He often talked about that historical note. He would often say only in America can a son of someone who built the halls of Congress one day serve in the halls of Congress.

Tom Manton went on to law school at the St. John's University where he got his law degree, but before that, he was a police officer, a computer salesman, and after law school was elected to the New York City Council in 1969, representing what are still parts of today the 7th congressional district that I have the honor of serving in.

In 1986, after the death of Donald Manes, Tom Manton stepped up and filled the role as chair of the County of Queens Democratic Party. When our party in Queens was at its lowest ebb, Tom Manton took the reins of control and brought back the image of Democrats in Queens County and in New York City and New York State. He instilled discipline from time to time, which is part of the role of a county leader, but he worked to make the party the preeminent political party, not only of New York City and New York State, but many would argue our Nation today.

Presidential candidates, from Mike Dukakis and Dick Gephardt and Fritz Mondale and Bob Kerry, Bill Clinton, and JOHN KERRY, all sought his support and the support of Queens Democrats to help propel them to higher office and, in the instance of Bill Clinton, successfully helping to make him President of the United States.

But Tom has helped elected officials at every level achieve their goals, the firsts of firsts in many respects: the first Indian political leader, under his tutelage; the first Bangladeshi American political leader, under his tutelage; the first Latino from Queens to the New York State assembly; the first openly gay political leader; the first woman as Borough president; and the first African American woman as Borough president; and the list goes on and on.

Tom always had the bug for Congress and ran in 1972 against an incumbent, James Delaney. He lost that election, but he also ran again in 1978 against Geraldine Ferraro. Once again, he lost, but he did not let that keep him down. When Geraldine Ferraro was tapped by Walter Mondale to run as his running mate in 1984, Tom took the opportunity to run for and finally win a seat in Congress.

In Congress, he was an inside political player who earned a seat on the Committee on Energy and Commerce. He fought tenaciously through this committee for the interests of New York, bringing countless jobs and Federal resources to his district.

One of his major accomplishments was the establishment of the Ad-Hoc Committee of Irish Affairs which he used as a forum to represent one of the largest communities of Irish immigrants in the United States.

As co-chair of this committee, he worked closely with President Clinton to urge him to grant a visa to Gerry Adams, and this began the peace process that led to the Good Friday Agreement in Northern Ireland.

☐ 2015

As a friend and a mentor, I have to say, in addition to being a caring husband, grandfather, and father, Tom was a dear friend to many. In 1984, my uncle, Walter Crowley, ran against Tom Manton in that open primary seat that I spoke of earlier. I worked very hard for my Uncle Walter in that campaign, and I remember vividly the heartbreaking loss my Uncle endured and that I felt myself. Tom Manton was an unspoken name in our household. It was a bad word. You couldn't say that name.

But not long after that, Tom Manton tapped me on the shoulder at the County Cork Association dance on Greenpoint Avenue, and he said to me, how would you like to be the next assemblyman from the 30th assembly district? Why don't you think about getting in that primary. And I did. I won a subway primary, with his support and under his tutelage. In 1998, I was proud to succeed him here in Congress as the Congressman from the Seventh Congressional District.

I know how proud Tom was to serve in this Congress, and I know how proud I am of the work that he did here, and I am proud to succeed him here in Congress to this day. There is not a day that I am not grateful for the opportunities that Tom Manton created for me and for my life.

To Tom's wife, Diane; to his four children, Cathy Manton Laurent of Schenectady, Tom Manton of London, John Manton of Woodside, Queens, and Jeanne of Astoria; and to his four grandchildren, Nicole, Marc, Danielle, and Liam Henry, and incidentally, Liam Henry, Tom would always remind me, is the same name of my son and how it was a great coincidence that he and I would share that as well. It was something that in this last year particularly he would always point out to me, and it brought a chuckle to him and to me as well. I want you all to know that Tom, your granddad, your father, and your husband, is in our thoughts and in our prayers.

But more importantly, Diane, you and your children and your grandchildren are in all the prayers of the Members of Congress on both sides of the aisle.

I have to say for the record, I loved Tom Manton, and he is not the kind of guy you would say that to. I didn't have to say it to him. He knew it. There was an unspoken language between the two of us. He knew how I felt about him, and I certainly knew how he felt about me. He showed it in so many ways.

I will miss my good friend, my mentor, Tom Manton, as I know his law partners will, as his community will. His legacy will live on in so many people but especially in this Member of Congress.

Mr. Speaker, I submit for the RECORD the Associated Press article regarding Tom Manton's death.

(From NEWSDAY, July 23, 2006)

THOMAS MANTON, FORMER CONGRESSMAN FROM NEW YORK, DIES

(By Devlin Barrett)

WASHINGTON—Thomas Manton, a former congressman who for years wielded his influence to shape New York City's political landscape, has died. He was 73.

The seven-term congressman died Saturday, said Rep. Joseph Crowley, who took Manton's Queens congressional seat when he retired.

Crowley declined to discuss the cause of death but Michael Reich, the Queens Democratic Party's executive secretary and Manton's spokesman, told the (New York) Daily News that Manton died of an undisclosed and lengthy illness.

Elected 20 years ago to his post as Queens Democratic Party chair, Manton was known as a behind-the-scenes politician who fostered the careers of City Council Speaker Christine Quinn and other local political figures.

When he announced his retirement from Congress in 1998, he successfully hand-picked Crowley, then a state assemblyman, as his successor, and he played a role in the selection of the two most recent City Council speakers.

"He was a great man and a great friend and he'll be terribly missed," Crowley said Sunday. "He's left the Queens Democratic party in a very strong position."

New York City Mayor Michael Bloomberg said he had reached out to Manton when he first began considering entering politics.

"He was a classy guy. It's a sad day," said the Republican mayor, a former Democrat. "We really did lose someone who made a difference."

Manton served 15 years on the New York City Council before taking over Geraldine Ferraro's congressional seat when she ran for vice president in 1984. As a congressman, he had little problem getting re-elected, winning with 87 percent of the vote in 1994.

He said his years as a city councilman made him sensitive to the needs of constituent service and set the tone for his congressional career, which was focused on local concerns and New York City politics.

As the head of the county party, he helped choose the city's leaders and, Crowley said, helped open up the party leadership to minority groups.

"He was a steady rudder of the ship who brought the Queens party back from its lowest ebb. He diversified the leadership of the county, welcoming minority leaders," said Crowley.

Born in 1932 to Irish immigrant parents in Manhattan, Manton carved a colorful career path, serving as a New York City police officer, an IBM salesman and a flight navigator for the U.S. Marine Corps. He worked as a lawyer for decades, reportedly retiring just months before his death.

Mr. WEINER. Mr. Speaker, this past Saturday the House of Representatives lost one of its own and New York City lost a great civil servant when Congressman Thomas J. Manton died at the age of 73.

Mr. Manton embodied the American dream and his story is one of integrity, hard work and dedication to community service.

The most important lesson we learn from our former colleague is that you don't have to be born into a political or influential family, nor do you have to have lots of money to succeed in politics. Mr. Manton's formula for success was honesty and coalition building.

His parents, Thomas Manton and Margaret Manton emigrated from Ireland in search of a better life. On November 3, 1932, they had their first and only son, Thomas J. Manton in a Manhattan hospital.

Mr. Manton's father supported the family working as a plasterer and the family moved from Manhattan to the borough of Queens where Mr. Manton lived until he passed away.

Mr. Manton demonstrated his commitment to public service very early on hen he served our country as a Sergeant in the United States Marine Corps.

Upon returning, he worked his way through law school, serving the city as a police officer with the New York Police Department.

In the same spirit of service he was elected to the New York City Council and served there for 14 years.

In 1984, the voters from the 7th Congressional District chose Mr. Manton, to represent their interests in Washington. He served with distinction on the Commerce Committee and as Co-Chairman of the Ad-Hoc Committee on Irish Affairs.

As the son of immigrants, Mr. Manton never forgot what makes this country great. As Chairman of the Queens Democratic Party, he embraced the growing diversity in Queens and recruited candidates of all ethnicities, including from the Asian and Hispanic communities.

Mr. Manton maintained his position as District Leader for the Anoroc Democratic Club in his home district until the day that he died, which further demonstrates his commitment to being accessible to the public and the value he placed on being in touch with the community.

Over 2 million people are lucky enough to call the borough of Queens home. Queens is an exceptional borough largely because of Thomas J. Manton, and we can all only hope to do what he did—leave the world a better place than we found it.

I, with the entire City of New York, mourn the loss of the honorable and distinguished Congressman Thomas J. Manton and send my heartfelt condolences to his beloved wife Diane, their four children, and four grandchildren.

Mrs. LOWEY. Mr. Speaker, I rise today to honor the legacy and accomplishments of our recently-passed colleague Thomas Manton.

Tom Manton's life epitomized the American dream. Born to Irish immigrants in 1932, he worked to put himself through college and law school and eventually rose to become one of the most influential politicians in New York City.

After attending Catholic school in Queens and Brooklyn, Tom enlisted in the Marine Corps, serving from 1951 to 1953. He went on to graduate from St. Johns University in 1958 and earned his law degree there in 1962. In addition to his service defending our country in the armed forces, Tom put his life on the line protecting the citizens of New York in the police force from 1955 to 1960.

After serving on the New York City Council from 1970 to 1984, Tom was elected to Congress. He served proudly and responsibly for seven terms in the House of Representatives, during which he also became Chair of the Queens Democratic Party.

In his work with the Queens Democrats, he brought those of all different racial and ethnic backgrounds into the political fold. Although he followed the tradition of Irish Catholic influence in New York City politics, he recruited candidates of all ethnic backgrounds to truly represent the diversity that exists throughout Queens on all levels of government.

It is a testament to the respect Tom Manton earned and to the counsel he provided that during the 1992 Presidential campaign, then Governor Bill Clinton visited the Queens Democratic Party Headquarters in Forest Hills to speak with Tom. Additionally, Tom advised Mayor Michael Bloomberg during his initial city-wide campaign in 2001.

On a personal note, I will miss the plain-spoken style of Tom Manton. When I first came to Congress in 1989, Tom provided me with a bevy of candid advice. During our time in Congress together, I considered him a close advisor, was honored to call him my colleague, and more importantly, always valued our friendship.

Mr. Speaker, I urge all of my colleagues to join me in paying respect to the family of Thomas Manton and offering condolences to all those who have benefited from his service to our country.

Mr. MCNULTY. Mr. Speaker, I rise today to celebrate the life and mourn the loss of a former colleague, a patriot, and a dear friend.

Tom Manton was the son of immigrant farmers from the west of Ireland—Thomas, of County Roscommon, and Margaret, of County Mayo.

Consider his impressive life story: Born in Manhattan, reared in Queens, educated in Brooklyn, then 2 years in the Marine Corps, 5 years in the New York Police Department, 15 years on the New York City Council, and 14 years here in Congress.

Thankfully, my career as a Member of Congress included a wonderful working relationship and tremendous friendship with Tom Manton. We worked together on a number of issues—most notably the quest for peace in Ireland, and the goal of uniting all the counties of Ireland.

Tom served as Chairman of the Ad Hoc Committee on Irish Affairs. I had the privilege of traveling with him and President Clinton to Northern Ireland. Tom was a leading force in getting President Clinton involved in the peace process. Tom was chiefly responsible for getting the president to agree to meet with Gerry Adams.

Tom's commitment to the cause of justice and peace in Ireland, and his commitment to human rights, was a driving force that helped lead to the Good Friday Accords.

But, Mr. Speaker, more than the working relationship, there was the friendship.

In my first run for Congress, almost two decades ago, without hesitation, the man from Queens was there to help me. And thanks to Tom, and many others, I won.

I am so grateful for the wise advice and good counsel Tom gave to me through the years.

Mr. Speaker, before I even came to Washington in 1988 for the formal orientation, Tom Manton invited me to his office in New York City for an informal orientation. It was an invaluable introduction to what life in Congress was like.

I never could thank him enough for that.

In my later reelection campaigns, Tom was always there to help. Once I told him of an event that the Irish American community in my district was planning to help my campaign. Tom immediately said, "Yes, I'll be there."

And he was. We had the party in Albany, and Tom spoke on my behalf. He didn't stop there, however, because Tom Manton also sang on my behalf.

And I shall always be proud to sing his praises!!

Tom Manton rendered a lifetime of outstanding service to his family, his community, and his country. I am truly blessed and deeply grateful to have been able to count him as a friend.

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the legacy and the record of our distinguished former colleague, Thomas J. Manton, a superb public servant who passed away on July 22nd.

Tom Manton was born on November 3, 1932. In many ways, his birth date was symbolic of the man Tom would become. Just as Franklin Delano Roosevelt, elected President a few days later, would usher in a new era of optimism and faith in the American system, Tom Manton lived a life that served as an inspiration to all who believed, and continue to believe, in the American Dream.

A young child during the Depression, Tom Manton was a typical son of Irish immigrants, people who came to this country in search of work and a better life for their children. In fact, Tom's father, Tom, Sr., was a laborer here at the United States Capitol. Surely, as he worked to help build the Cannon House Office Building, he must have looked around now and then, seen the grandeur of the place, and dreamed that one day, his son would work there, not as a laborer, but as an elected representative with an office suite in the building. This most American of dreams, in fact, came true.

Tom attended St. Joseph's School in Astoria, Queens, and St. John's Prep in Brooklyn; he earned an undergraduate degree and, by going to school at night, a law degree from St. John's University. When his country needed him, Tom Manton served as a Flight Navigator in the U.S. Marine Corps. He then continued to serve his Nation and community by becoming a New York City Police Officer.

In 1970, Tom was elected to the New York City Council, where he continued his work to safeguard the welfare of his fellow citizens. He would continue in this position for fourteen years. In 1984, Tom seized the opportunity to represent his community in the U.S. House of Representatives when he won the election to succeed Democratic vice-presidential nominee Geraldine Ferraro.

Two years later, Tom became the Chairman of the Queens County Democratic organization and immediately began the revitalization of the local party. Tom took the reins at a time when the party was racked with front-page problems and a loss of public trust. Not only did he turn the party organization around and bring it back to full health, but in doing so, he insisted on making its membership more diverse and more reflective of the diversity of our beloved borough of Queens.

Tom's passion for equality took form in his commitment to helping new political leaders of varying ethnic backgrounds achieve impressive firsts. He helped elect the first Latino from Queens to the New York State Assembly; the first Chinese-American to the City Council; the first woman to serve as Borough President; and then the first African-American woman to Borough Presidency; he supported the first Indian-American and Korean-American District Leaders. These are just a few of these achievements.

As a direct result of the discipline and commitment he brought to every task, and the tireless work he put into the party, the Queens Democratic Committee is now one of the strongest party organizations in the country. Every Democratic candidate for President, going back to Michael Dukakis, sought Tom out, knowing that without his support, the votes of Queens Democrats would be few and far between.

As a congressman, Tom was a bull-dog-like advocate for New York's interests. He won a seat on the Committee on Energy and Commerce, and used his influence to bring jobs and opportunity to his constituents. He fought for critical improvements in the Superfund program to accelerate the cleanup of toxic waste sites. He also took the lead in improving the conservation of our Nation's fisheries and ocean resources as chairman of the Subcommittee on Fisheries Management. He used his experience as a former member of the NYPD to ensure that police officers across the Nation—and their families—would receive fitting lifetime compensation in the event of permanent job-related injuries. He was a Member's Member, constantly working behind the scenes to assist his colleagues, helping to rescue stuck legislation, or cutting deals that made everyone feel like a winner.

Having lived the American Dream himself, Tom worked ceaselessly to safeguard the opportunity for everyone, native born and immigrant alike, to live the American Dream as well. Tom was tough, but Tom was fair. And respect for Tom was universal, and went beyond ideology or partisan boundaries.

Tom never forgot his roots. He played a tireless and crucial role in helping to bring peace to Northern Ireland. He served as co-chair of the bipartisan Irish Caucus. He was selected to be the Grand Marshal of the New York City Saint Patrick's Day Parade, something of which I know he was proud.

With Tom Manton's passing, we have lost one of the classic old school Irish politicians that New York has sent to Washington to look after the interests of ordinary Americans. Tom was a guy who was decent and honest. His word and handshake were his bond. Tom worked quietly behind the curtain, rather than grandstanding in front of the cameras. Tom was a stand-up guy, the real deal.

When Tom Manton entered Congress in 1985, I had been serving in Congress for little more than a year. All of us in the New York delegation turned to Tom for advice and guidance. Tom made a difference in the lives of everyone who knew him, and his efforts improved this country for every one of its citizens.

My heartfelt condolences go out to Tom's widow, Diane, his children, and grandchildren. He loved them dearly and they love him still. Like many of my colleagues, I will miss Tom. I will miss his wise counsel and his unquenchable passion for our community and its people. America and New York have lost a truly good man and a great public servant.

Mr. OWENS. Mr. Speaker, I would like to add my sentiments to the words that have been spoken already. I associate myself with the remarks that have been made about Tom Manton.

Tom Manton was a political leader in an adjacent county, the Borough of Queens. In the Borough of Brooklyn we had what we call a first-rate political machine, and in view of the fact that we have been discussing power-sharing and the Voting Rights Act, I remember dramatically seeing the difference between Brooklyn and Queens.

As a leader in Queens, Tom Manton believed in power-sharing. Minorities did not have to fight to get what they deserved in Queens. Harmony was not established only after a big battle was waged and the spoils were settled. In Brooklyn we had to battle for everything. We had to fight all the way.

Tom Manton was a political boss. He was the head of a machine. But he gave new meaning to the word machine and being a boss. A conciliator, a mediator, a guy who made things happen as he took this diverse, rapidly growing borough; rapidly growing in terms of diverse population, and he wove it altogether without bitter fights and without leaving a lot of blood in the aisles.

So I take my hat off to Tom Manton and the kind of example he set. Several of my colleagues have said that Tom embodied "the American dream." Yes, he did. But the totality of his achievements cannot be contained in even that sought-after tribute. This ordinary American with his extraordinary ability to appeal to the best parts of human nature gifted Ireland, the land of his ancestors, with a lasting peace by facilitating the Good Friday Accords. Throughout his life Tom encouraged political solutions to contentious issues—not violence, fear or isolation.

Tom Manton fought hard for his constituents, often greasing the wheels of the bureaucracy to help them out. Elected officials and public leaders also received his invaluable support and guidance. He shared a workingman's outlook because he was a workingman: a policeman, a salesman, and Marine. He cared for the environment and recognized that protecting the air and water would protect communities. He was a thinker and a far-sighted activist for a better world.

In Tom's sensible hands, politics might be partisan, but could never be called "dirty." In his capable hands, the New Yorkers who unfailingly voted him into Congress were confident of fair thoughtful representation. They knew—regardless of race, gender, or background—they were welcome at any table where he presided. He had a beautiful vision of what a community should be, a party, a country, a world. He was a loyal friend to many and a much-loved family man. He will be missed, but his life and his contributions will not be forgotten.

TRIBUTE TO LATE CONGRESSMAN THOMAS J. MANTON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, it is with a heavy heart that I mourn the passing of our distinguished former colleague, the Honorable Thomas J. Manton. Tom was a great public servant, a great New Yorker, and a great American. Indeed, Tom Manton was the personification of the American Dream.

The son of immigrants from the Irish countryside, Tom Manton was born and raised a New Yorker. His father was a plasterer, and Tom loved to tell the story of how proud his father was of his election to Congress; and how when he came to celebrate that election, they were in the Longworth Building, and his father told him that he had helped build that building in which Tom served.

After serving with honor and distinction in the United States Marine Corps, Tom put himself through college and law school while serving proudly in the New York City Police Department. He was recognized by his community in western Queens for his outstanding leadership abilities when his neighbors chose him to represent them on the New York City Council from 1970 to 1984.

I was proud to call myself a colleague and friend of Tom Manton. We served together on the New York City Council, and I served with him on the Housing Committee, which he chaired. I will never forget one day he came in late to a meeting. He was never late. But that night he had stayed up all night counting votes that sent him to Congress.

It was in that legislative body that I learned to appreciate his quiet, firm, steady powers of persuasion and conciliation, the true hallmarks of leadership in a democratic society. I was privileged as well to call Tom Manton a colleague in the halls of the United States Congress. No Member of this House was ever more dedicated to serving the needs of his constituents.

Tom played a crucial role in helping forge the peace that prevails in Ireland today through his patient and persistent efforts to bring peace to that once troubled land. He served as co-chair of the bipartisan Irish Caucus, on which I served. And he was selected to be the Grand Marshal of the New York City Saint Patrick's Day Parade. He was very proud of that and kept in his office a big picture of that event.

But he also embraced Tip O'Neill's maxim that all politics is local, and he lived it, to the everlasting gratitude of the people that he represented in Queens and the Bronx. When the Long Island Railroad threatened to build a waste transfer station in western Queens, Tom led the successful fight to block it. When police officers suffered permanent job-related injuries, Tom made sure that they and their families received fitting lifetime compensation.

But perhaps Tom Manton's most enduring legacy may be forging the most united and effective political party organization in any county in New York City. He accomplished this remarkable achievement in what is probably the most ethnically diverse county in the Nation, and he did it with his singular and extraordinary powers of leadership. He was able to convene diverse groups and views and unite them behind common goals and purposes.

He showed an unparalleled ability to identify and encourage new leadership and talent from the emerging communities of our City and to develop and nurture future public servants who were worthy of the responsibilities with which they were entrusted. That is truly Tom Manton's greatest legacy, a history of leadership through inclusion, guided by the principles of tolerance and equality.

When I first came to Congress, Tom took me under his wing. He was an important mentor to me, an important friend, and my heart goes out to his wife, Diane, his children and his grandchildren. You are in our hearts and in our prayers. Tom will be deeply missed.

TRIBUTE TO LATE CONGRESSMAN THOMAS J. MANTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I am going to try to speak from the heart, and that is what I want to do, because Tom Manton was my friend.

You know, you get to an age where when you hear eulogies and you think that it is someone who lived in the distant past and not one of your colleagues or not one of your contemporaries. And, even though Tom was several years older than me, he was certainly one of my contemporaries, because when I came to Congress in 1988, there was no one who was warmer and friendlier and opened his door more to me than Tom Manton.

I didn't really know Tom before I came to Congress. I had heard about him. He served on the New York City Council while I was serving in the New York State assembly, and he had a reputation of being this tough guy, maybe a bit gruff, and I didn't really know what to expect. But when I got to know Tom, and I got to know him very, very well, I learned that under this gruffness was this soft underbelly; that he was a very thoughtful and soft-spoken man; a very good person, who really cared about people, really cared about his country; a great life smart, intelligent man who came out of an ordinary working class family in New York City, the way so many of us did, and who worked hard.

I am sure he was the first person in his family to go to college. He went to law school and became a good lawyer. He was a very smart intelligent man and he really lived the American dream. That is what so many of us have done, children of immigrants and grandchildren of immigrants. Well, that is really what Tom Manton did.

Tom and I became very, very good friends. We were very close. We would go out to dinner and talk a lot. I still have a picture hanging in my office of Tom and myself taken, I think I was just elected but not yet sworn in. I had won the election and Tom signed it and said, "The New York delegation is richer with your election." And that was just the kind of nice thing that he would do, would write it with his own handwriting.

It was Tom who encouraged me to go on the Energy and Commerce Committee, which is a great committee but difficult to get on to, and Tom encouraged me. He was a member of the committee and encouraged me to try for the committee, which I did with his help and support, and eventually was made a part of that committee.

Tom cared about people. He cared about working people and was very close to labor. He always had very, very close friends because he worked very, very hard for the average person. My colleagues have already talked about what a difference he made in people's lives from the Irish peace process to just caring about every day people, ordinary people back home.

After he left Congress, he kept in touch and came down several times doing some lobbying, doing some work. And whenever you needed him to help you, with a campaign contribution or just a good friendly smile or some good friendly advice, Tom was always there. That is why he was such an effective Democratic county leader of Queens County and why his influence really extended beyond his borough, because when people wanted to aspire to leadership positions in the New York City council, be it speaker or whatever, if you got Tom Manton's blessing, you really had a leg up on everybody else in order to achieve that position. And Tom really was very effective in doing that.

When you are a political leader, you make tough decisions. You make friends and you make enemies. But everyone knew that Tom Manton was always fair and above board. He told you where you stood, and he was very, very honest with it. A very, very soft-spoken person who really cared about his country, about his state, about his city and, indeed, his friends as well.

I would say to Diane and the rest of the family that our lives are all richer because we knew Tom Manton. His memory will live because the benefits he provided to his city and his State and his country will continue to go on and on.

I last saw Tom a few years ago during the presidential campaign when there was a rally in his borough for JOHN KERRY. And although I have spoken with Tom since then, that was actually the last time I had physically seen him. And I remember thinking that he didn't look quite as good as I had remembered, and from that point on, with his long illness, which of course culminated in his death.

Let me just speak for me, but I think all of us aspire to be the kind of person that Tom Manton was, an honest person coming from working class roots, a working class family, who understood that by helping people, you helped the country and you make a difference in people's lives. Tom, I know, is looking down at us, and I want him and his family to know that he has made a difference in all of our lives, those of us who were fortunate to call him our friend and fortunate enough to call him our colleague. But even those people that never met Tom, that only knew his name, are better because Tom Manton served in the United States Congress and made a difference in their lives as well, a difference in everybody's lives in the United States of America.

I am going to miss my good friend. We are all going to miss him. But we are all going to remember him. He is going to live on in our hearts and our minds and with the good work he did to make our country a better place. God bless you, Tom. We will all miss you, but we will never forget you.

TRIBUTE TO LATE CONGRESSMAN THOMAS J. MANTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MEEKS) is recognized for 5 minutes.

Mr. MEEKS of New York. This is indeed a sad time, but a happy time. Sad, and my prayers go out to Tom, Thomas J. Manton and his family over his passing; but happy because his life passed our way. And so, as in all things, we thank God. We thank God for the life of Thomas J. Manton.

☐ 2030

When I think of Tom and all of what he has done in his career, there is a commercial that ran some time ago and it said he "did it the old-fashioned way." Well, Tom became an attorney, a member of the New York City Police

Department, a member of the city council, a Member of the United States House of Representatives, and a county leader of Queens County the old-fashioned way. He earned it. He truly is an inspiration for men and women who may have grown up on the hard side of the mountain, that if, in fact, you focus and you work hard, that truly you can make a contribution to your community and to the great society that we call America.

When I think of Tom, I think of words like "gentleman." I think of words like "dignity," and I think of words like "respect."

In 1984, we needed the right person at the right time to bring Queens County politics back, and history is something that is ongoing. And you never know when you are creating history or you are part of history. You just do what you have to do. But in 1984, Queens County politics was at its all-time low. So what it needed at that time, at its time of need, was a man of dignity, a man who earned respect, and a man who was honest because we did not have that reputation at that particular time. So Queens was lucky that there was a man that was willing to step up to the plate and become the county leader. And I think that is significant.

And I know he was a Member of this House, and I know that he was a city councilman and police officer, but I want to talk about Tom, that for 20 years, he was Chair of the Queens County organization, and people know that in this day and age that it is a feat that is not often obtained, because what you have got to do is you have got to keep and bring people together. And Queens County, as you have heard already, is the most diverse county in all of these United States of America. So people scratch their heads and try to figure out how did Tom Manton sustain his leadership in the most diverse county in this Nation?

Well, first of all, and you are going to hear me utilizing these words frequently, he earned the respect of people. Some people think county bosses and backrooms and they have got whips and all that kind of stuff and they try to whip you in line. Tom was always soft-spoken and always tried to give you, in a rational way, his viewpoint and how it was best for the whole to do whatever he believed. But even in that, he included people. He did not just say "I am Tom Manton, and this is what I am doing." He brought people around and included them in the process so that when a decision was made, it was made by the entirety. And he had the vision to know and to understand that the county was so diverse that you had to make sure that everybody had a seat at the table.

So, yes, he brought in the first South Asian. He brought in the first Latino. He helped create the first woman borough president and the first African American borough president in Queens County. He had the vision to make sure that you had sometimes somebody who might be a newcomer but had the ability to bring people together to make sure that they were part of it.

And what I also think was unique about Tom, even when he had to say no to you, it was never a personal situation. And I think that you could look and see where many individuals whom he may not have been with initially or had to turn down for one position, but later down the road, he found a way to make sure that that relationship was reconciled and that person went on to do some other things. He was extremely loyal, which is another fantastic quality that you often do not see.

So I conclude my statements by just saying again, as I started, I have to thank the Creator of all for Tom Manton, because He sent us the right man at the right time to do the right thing for a borough that was desperately in need. He sent the right man at the right time to do the right thing to sit here in the United States House of Representatives. He sent the right man at the right time to have such a beautiful and dignified family as the Manton family. And our hearts and our prayers go out to the entire Manton family.

May his soul rest in peace.

HONORING THE LATE CONGRESSMAN TOM MANTON

Mr. RANGEL. Mr. Speaker, I ask unanimous consent to speak for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. RANGEL. Mr. Speaker, Tom Manton was not only a great guy, but for those of us who have been involved in politics, as I said earlier, he truly was a politician's politician. You did not have to ask a question and hear a lot of arguments that you did not understand. Tom would give you a straight answer and save you a lot of time.

But if there was a book written about great Americans or, even more importantly, great New Yorkers and great Americans, Tom Manton really would fit in that profile.

His parents came to the United States from Ireland, and Tom followed the course of not only being a United States Marine but being a dedicated police officer. After that he continued to serve for 14 years in the New York City Council and then succeeded Geraldine Ferraro in the House of Representatives.

All of these things are careers in and of themselves. But to be prepared to be the Democratic county leader of the diverse county that Queens represents really takes an exceptional person, and Tom was just that. So many people have spoken about the opportunities that he has given not only to African Americans, Jews, and gentiles, but the multiracial composition of that great county which we all in the City of New York love, to be able to reach out and to find qualified candidates and to support them so that in Albany and in the city council, that great county would have representatives that are elected really takes the wand of a magician who recognizes that he, too, came from a community, from a family that were strangers at one time to the United States and especially to New York.

I had a very special relationship with Tom when he was in the city council. I enjoyed working with him in the Congress. And even when he became a county leader, he still would reach over the rivers, over the bridges, to find out how he could put together tickets for the city council and bring about some degree of harmony so that, instead of having fights within the Democratic Party, he would find out how could we put together a package which all the boroughs could agree?

I enjoyed working with him. I would want to thank his beautiful wife, Diane, and the members of his family, for sharing this great New Yorker and this great American with us.

Our prayers and support will be with you.

TOM MANTON'S LEGACY OF INCLUSIVENESS

Mr. SERRANO. Madam Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. SERRANO. Madam Speaker, so much tonight has been said about Tom Manton and so much more can be said.

What I would like to do for a couple of minutes is focus on my personal relationship with him and what role he played and the conversations we had about what he saw in the future of the county of Queens and the future of New York politics.

As we know, in our American political system, different generations bring forth different communities wanting to share in the American political dream. And as we know, politics is at the very foundation of our full American system.

From the day I came here in March of 1990, and I came in a special election, Tom Manton was one of two people that stayed very close to me, the other being Mr. RANGEL. In fact, Mr. RANGEL and Tom Manton teamed up a couple of years later to make sure that New York City received a seat on the Appropriations Committee, and it is no secret that Tom Manton and CHARLIE RANGEL accomplished that for me.

But as part of the conversations that we had throughout the years that he was here and after that, Tommy Manton always made it clear that he understood fully what it meant to be a New Yorker and the history of New York City. He would sit down and talk to me and say, You know, my dad used to tell me about how the Irish wanted to participate in politics. And he said, I know folks will tell you about the struggles from members of the Jewish community to participate in politics and members of the Italian American community to participate in politics. And he said, It is no different. In Queens and New York City and in this country, there are Asians and Hispanics, and much earlier, African Americans who want to participate in politics, not with a desire to uproot the leadership or to destroy anything but to be part of it. And he understood from the first day I met him, he knew the first time I spoke to him, that this was healthy for our party, and it was even healthier for our society.

It has been said here that he gave sort of a rough impression at times. Very direct. Not too many words. But he was always finding a way of bringing about change. When you look at his history, the fact that he was a New York City policeman, the fact that he goes to law school, the fact that he runs for public office and wins, it is a career that tells you that there is dedication and there is concern. And I remember when he sat down with me one day and he said, Queens is seen by many folks as sort of a politically forgotten borough. We have got a lot of numbers, but all the action that is New York City is happening elsewhere. And he said, Watch Queens in the next few years as it begins to include people.

And I think that is important to use the word "include" and "inclusion" because Tommy Manton was not about meaningless tokenism. He was about honestly bringing people in.

And so now because of Tommy Manton, the Asian community, the Hispanic community, the African American community, and a county that not long ago people would bet would never see that kind of inclusiveness and that kind of change, now you see the change and you see the inclusion of people where Asian Americans had been elected in Queens County before they were elected anywhere else. Where an African American woman was elected as the borough president, chief executive of the county. That is Tommy Manton's legacy.

And depending on what your take on life is, and part of mine is that the only thing that still hurts our country is the inability for all folks to get along, that everything else we can deal with, all other issues we can deal with, but the lack of unity at times haunts us, then what better legacy to have been a leader who understood that people had to be included, and people had to be part of the process.

□ 2045

If nothing else is said about what Tom Manton accomplished, let it be said that he understood that everybody had to be at the table and everybody had to share.

After he left here, he kept in touch with me, and after he left here we spoke often. But I will always remember him as a straight-shooter, a class act, a nice human being of few words and a coalition builder.

Mr. RANGEL and I have discussed this many times. I have only one prerequisite when supporting a political candidate: Are they a coalition builder? If they are not, including members of my own community, then I am not supporting them. That is what Tommy Manton was. That is why we will miss him, and that is why our thoughts and our prayers are with his family and with the whole Queens community.

TRIBUTE TO THOMAS J. MANTON

Ms. PELOSI. Madam Speaker, I ask unanimous consent to speak for 5 minutes.

The SPEAKER pro tempore (Ms. FOXX). Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. PELOSI. Madam Speaker, the members of the New York delegation have risen today with great sadness and with great pride in the life and service and leadership of our former colleague, Tom Manton.

When Mr. RANGEL announced to the body earlier this evening the sad news of Mr. Manton's passing, which, of course, has been heralded in the press because he was a big figure in New York, it brought back many memories for those of us who served with him. A big, strong Democrat, he served with great pride in this body as a way to serve the people of his district, which he loved and took great pride in. He worked in a very bipartisan way to get the job done for them. I had been a former Chair of the California Democratic Party over 20 years ago, so we shared that commitment to removing obstacles of participation in the political process through the Democratic Party organization which he led with great pride for so much of his political life.

His policy contributions for his district are legendary, and that is why he was unbeatable until he just decided he wasn't going to run again, and we all know of the legacy that he sent us in the great service of Mr. CROWLEY in the Congress.

Every person in America who cares about the environment in our country owes Mr. Manton a debt of gratitude. During seven terms in Congress, Mr. Manton was an important figure on the reauthorization of the Superfund program, which promotes the cleanup of uncontrolled and abandoned hazardous waste sites. It is very, very important pioneer work that he did there.

It might be of interest to some to know that when he came to Congress, he came to replace Geraldine Ferraro, who was designated to be the Vice Presidential candidate. So there is a proud tradition from this district for many years; and that tradition, of course, continues with Mr. CROWLEY.

Tommy Manton was a proud Democrat and a proud Irishman, in his personal life as well as his public service. He did a great deal as the cochairman of the Congressional Ad Hoc Committee on Irish Affairs. He helped persuade President Clinton to meet with Gerry Adams, the president of the Sinn Fein, the political arm of the Irish Republican Army. That was really a step forward in bridge building, trying to find solutions and getting the job done.

He served as a flight navigator in the Marine Corps. He was, again, a very patriotic American, who served our country in so many arenas, in local government, in the Congress of the United States, as a Marine, as a community leader, and in the Democratic Party.

On behalf of all of the Democrats, I know everyone in the Congress extends their deepest sympathy to his family, of whom I know he was very, very proud; to Diane, his wife, his widow now, and to their children, Cathy, Thomas, Jr., John and Jeanne. I hope it is a comfort to you that so many people mourn your loss and are praying for you at this sad time, and that it is a comfort to you that these New Yorkers take such pride in the life, leadership and service of Tom Manton, who himself was a proud New Yorker, a proud Irishman, a proud American.

TRIBUTE TO THOMAS J. MANTON AND ARGUMENT FOR RAISING THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

TRIBUTE TO THOMAS J. MANTON

Mr. OWENS. Madam Speaker, I would like to add my sentiments to the words that have been spoken already. I associate myself with the remarks that have been made about Tom Manton.

Tom Manton was a political leader in an adjacent county, the Borough of Queens. In the Borough of Brooklyn we had what we call a first-rate political machine, and in view of the fact we have been discussing power-sharing and the Voting Rights Act, I remember dramatically seeing the difference between Brooklyn and Queens.

As a leader in Queens, Tom Manton believed in power-sharing. Minorities did not have to fight to get what they deserved in Queens. Harmony was not established only after a big battle was waged and the spoils were settled. In Brooklyn we had to battle for everything. We had to fight all the way.

Tom Manton was a political boss. He was head of a machine. But he gave new meaning to the word machine and being a boss. A conciliator, a mediator, a guy who made things happen as he took this diverse, rapidly growing borough, rapidly growing in terms of diverse population, he wove it altogether without bitter fights and without leaving a lot of blood in the aisles.

So I take my hat off to Tom Manton and the kind of example he made. I can add very little to what my colleagues have already said.

ARGUMENT FOR RAISING THE MINIMUM WAGE

Madam Speaker, I wanted to speak tonight about a subject we have been talking about for quite a while here, and that is raising the minimum wage.

I also know that almost nothing new can be said about the need for an increase in the minimum wage. My colleagues have been on the floor for the last 2 weeks hammering away at the subject. The facts surrounding this gross injustice have been recited again and again.

I am a cosponsor of a simple legislative vehicle which will raise the minimum wage from $5.15 to $7.15 an hour. Our ranking member of the Education and the Workforce Committee, GEORGE MILLER, has already used every known legislative and publicity maneuver known to man to confront the majority Republicans with a need to place this issue on the floor for a vote. The 30-something Group has done a fantastic job with charts and graphs, making it crystal clear how ridiculous it is that we have not raised the minimum wage since 1997. I can't add much to that.

Madam Speaker, I want to address this subject from a different perspective. I want to talk about the fact that the people earning minimum wage at the very bottom are the people that we need in this society. We need everybody to be in a position where they can rise in this society, and a decent income for a family is the beginning of the process of moving toward the middle class.

"Middle-class" covers a whole lot of things, but I am going to oversimplify the matter and say it is generally felt what makes the world go around economically and politically is a middle class. Every nation needs a middle class.

There has been a lot of talk about the fact that in China in the next 10 years, 25 percent of its population will be middle class. What is 25 percent of China's population of 1.2 billion? It is 300 million people that will be in the Chinese middle class. About the same number of people will move into the middle class in India in 10 years. 300 million.

Now, what is the population of the United States? Our total population is 300 million. If we are going to compete with China and India, the middle class is a competitive class. That is the educated class. That is the people that have technical proficiency to compete with us in the high-tech area. They are doing it and will do more of it. In addition to China and India, you have Russia and a number of other places in Europe that will have middle-class folks to be in that competitive arena.

We need every American to be competitive. We have only got 300 million. Our goal should be to make every American a part of the middle class, because middle class, as I said before, means the productive class, the people who can make a contribution toward our society, who can take care of themselves and help take care of various functions in our society.

At every level we need excellence, better educated people. I am talking about from the guy who pours the concrete to the engineer who designs the tunnels and bridges. We need competence, we need people who are constantly raising the level and moving toward excellence.

Blunders in our society internally may destroy us faster than any outside enemy, blunders by people who are not competent, blunders because we run out of talent, because we run out of people who know what they are doing, or we run out of a competitive situation where there are enough people in a given area to be able to chastise, examine, criticize and keep other people in line. We had such a major blunder in the building of the levees in New Orleans.

Madam Speaker, I will submit an article for the RECORD from the New York Times by Paul Krugman entitled "Black and Blue," which is in regards to the minimum wage.

[From the New York Times, July 24, 2006]

BLACK AND BLUE

(By Paul Krugman)

According to the White House transcript, here's how it went last week, when President Bush addressed the N.A.A.C.P. for the first time:

THE PRESIDENT: "I understand that many African-Americans distrust my political party."

AUDIENCE: "Yes! (Applause.)"

But Mr. Bush didn't talk about why African-Americans don't trust his party, and black districts are always blue on election maps. So let me fill in the blanks.

First, G.O.P. policies consistently help those who are already doing extremely well, not those lagging behind—a group that includes the vast majority of African-Americans. And both the relative and absolute economic status of blacks, after improving substantially during the Clinton years, have worsened since 2000.

The G.O.P. obsession with helping the haves and have-mores, and lack of concern for everyone else, was evident even in Mr. Bush's speech to the N.A.A.C.P. Mr. Bush never mentioned, wages, which have been falling behind inflation for most workers. And he certainly didn't mention the minimum wage, which disproportionately affects African-American workers, and which he has allowed to fall to its lowest real level since 1955.

Mr. Bush also never used the word "poverty," a condition that afflicts almost one in four blacks.

But he found time to call for repeal of the estate tax, even though African-Americans are more than a thousand times as likely to live below the poverty line as they are to be rich enough to leave a taxable estate.

Economic issues alone, then, partially explain African-American disdain for the G.O.P.

But even more important is the way Republicans win elections.

The problem with policies that favor the economic elite is that by themselves they're not a winning electoral strategy, because there aren't enough elite voters. So how did the Republicans rise to their current position of political dominance? It's hard to deny that barely concealed appeals to racism, which drove a wedge between blacks and relatively poor whites who share the same economic interests, played a crucial role.

Don't forget that in 1980, the sainted Ronald Reagan began his presidential campaign with a speech on states' rights in Philadelphia, Miss., where three civil rights workers were murdered in 1964.

These days the racist appeals have been toned down: Trent Lott was demoted, though not drummed out of the party, when he declared that if Strom Thurmond's segregationist presidential campaign had succeeded "we wouldn't have had all these problems." Meanwhile, the G.O.P. has found other ways to, obscure its economic elitism. The Bush administration has proved utterly incompetent in fighting terrorists, but it has skillfully exploited the terrorist threat for domestic political gain. And there are also the "values" issues: abortion, stem cells, gay marriage.

But the nasty racial roots of the G.O.P.'s triumph live on in public policy and election strategy.

A revelatory article in yesterday's Boston Globe described how the Bush administration has politicized the Justice Department's civil rights division, "filling the permanent ranks with lawyers who have strong conservative credentials but little experience in civil rights."

Not surprisingly, there has been a shift in priorities: "The division is bringing fewer voting rights and employment cases involving systematic discrimination against African-Americans, and more alleging reverse discrimination against whites and religious discrimination against Christians."

Above all, there's the continuing effort of the G.O.P. to suppress black voting.

The Supreme Court probably wouldn't have been able to put Mr. Bush in the White House in 2000 if the administration of his brother, the governor of Florida, hadn't misidentified large numbers of African-Americans as felons ineligible to vote. In 2004, Ohio's Republican secretary of state tried to impose a ludicrous rule on the paper weight of voter registration applications; last year, Georgia Republicans tried to impose an onerous "voter ID" rule. In each case, the obvious intent was to disenfranchise blacks.

And if the Republicans hold on to the House this fall, it will probably only be because of a redistricting plan in Texas that a panel of Justice Department lawyers unanimously concluded violated the Voting Rights

Act—only to be overruled by their politically appointed superiors.

So yes, African-Americans distrust Mr. Bush's party—with good reason.

DEBATING REPUBLICAN TAX POLICY IN A CIVIL MANNER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 60 minutes as the designee of the majority leader.

Mrs. CAPITO. Madam Speaker, I want to thank my good friend and colleague, the gentleman from Missouri (Mr. CLEAVER) for joining me here this evening in an important discussion that I think should interest all Members. I am going to talk a little bit about how we got started on this.

I am a member of the Rules Committee, and on the Rules Committee we have a Subcommittee on Civility. The chairman asked me to chair the Subcommittee on Civility, and I have some frustrations because now it is just the two of us on the Subcommittee for Civility. But we share a common goal here, and I think that tonight we are going to do sort of a demonstration project.

We are here this evening to highlight a major problem facing the House of Representatives, and that is the continuing lack of civility during floor debate. The blame does not lie with one party or the other; rather, it is incumbent upon all of our Members to maintain an appropriate level of civility and decorum during debate.

The manner in which we address our colleagues on the floor is not only recorded in the CONGRESSIONAL RECORD, but is also broadcast through C–SPAN to millions of Americans across the Nation each day, and probably around the world. The advent of C–SPAN was a great public service, allowing the public to view the floor proceedings in Congress from their homes, both the good and the bad.

It is healthy for Members to come to the floor and debate the issues facing our Nation, but it must be done in a manner that is respectful of our fellow Members, the people we are elected to serve, and the distinguished body we are proud to serve. I can tell you when I speak to my constituents across the Second District of West Virginia on a variety of topics of concern to all West Virginians, I am always guaranteed one line of applause, and that is when I apologize for the lack of civility in the House of Representatives.

So, tonight, Mr. CLEAVER and I will have a good, spirited debate on the tax policies put in place. I firmly believe that the tax policies have spurred the economic growth that we are experiencing and will continue to lead towards a robust economy.

Mr. CLEAVER and I do not agree on this tax policy, but we can agree that it is an important debate to have and one that can be conducted in a civil manner. So we are going to highlight our differences of opinion on tax policy and then have a general discussion on improved civility in the House of Representatives.

Madam Speaker, I now yield to my friend from Kansas City for his opening remarks and any other remarks.

Mr. CLEAVER. Madam Speaker, I thank the gentlewoman.

Madam Speaker, I would like to associate myself with the comments of my colleague and friend, SHELLEY MOORE CAPITO from West Virginia. When I was elected, I sought to find those who were interested in and concerned about the uncivil manner in which the Members of the House communicated with one another and, of course, there were not a lot of people walking around with signs saying I would like to work on civility.

But I did read in some booklet that SHELLEY MOORE CAPITO was one of those individuals interested in this issue of civility. So finding someone who shared my feelings that the people's House could and should do a lot better, we began to discuss what we felt would be an appropriate way to deal with this subject.

□ 2100

The truth of the matter is, that Mrs. CAPITO and I disagree on the issue of the tax cut, and we will debate that issue passionately in just a few minutes. But perhaps it would be important for me to say before we actually get into that subject that we have different backgrounds. We have different political affiliations. Our districts are vastly different. But we do passionately agree that there is a need to promote civility in the halls of Congress.

There are many, many days that I leave this House disgusted, not so much about a vote, as I am over what was said prior to the vote. I have heard all kinds of things fall from the lips of otherwise good and decent men, who were elected to represent a constituency here in this body. I have unfortunately heard, even at times religion used to hurl an attack at another member.

I agree with Mrs. CAPITO, it is not one party, the insults have fallen from the lips of people on both sides of the aisle, unfortunately. But I would like to just end my opening comments, Madam Speaker, by saying that some suggest that we are in a culture war.

If you accept the notion that we are somehow at war, then I think it is easy to accept the fact that whenever there is war, there is always collateral damage, and collateral deaths. And in the sense that we are having a cultural war, I would suggest that the collateral deaths or the damage is being done to the United States of America.

I am not sure that there are a lot of mothers and fathers watching this session tonight who, on a regular basis, summon their children to the television set to say to them, look, we want you to watch Congress in action and they will teach you how to get along with people when you disagree. I do not think that happens very often in this country and it is sad.

I yield to the gentlewoman

Mrs. CAPITO. Well, for some additional comments on that, before we move to our policy debate, I think you make excellent points. I want to congratulate you for your initiative on this matter. But I also know this is not a new initiative for you. When you were a Mayor of Kansas City, it was something that you were very dedicated to, a lot of coalition building, a lot of talking across the aisle or talking with maybe unnatural partners that you would not naturally see could be your allies.

And I think that, you know, we know and I know that when we go to our committees and when we go home or when we are in different arenas with our follow Members, Republican or Democrat, we can get a lot done when we are not on screen, or when we are not a talking head on a 60-second campaign or television ad.

I think that the American public has sort of lost faith that maybe we can accomplish things. We know that things get done. I think that what we are running the risk of, and you mentioned collateral damage, what we run the risk of is losing the ear of the American public.

Not only are they not bringing their children to the television to listen to what we are talking about, they are turning us off, because they cannot find the truth in what we are saying. Because we overexaggerate or we try to disparage people's character or lose respect in our arguments.

I think if we lose the attention of the American public, we run the risk of an apathetic country that no longer cares or has faith in their leadership to be able to cut through and cut to the chase and lead. So I think we are not alone in the Congress. There is a Center Aisle Caucus that was put together with Republicans and Democrats together to try to solve this problem.

But I am really pleased that tonight we are going to launch into this debate and see what we can demonstrate and what we can learn. If you will, we are going to go, kind of go free-wheeling. So should I go ahead and start?

Mr. CLEAVER. Please. Seniority. I think it would be good if we had, you know, we do not get in much free-wheeling debate on the House floor. So if you feel you want to move in on something, go ahead, and I will let you interrupt, and you can let me interrupt and we will go like that.

Let's talk about tax policy. In the United States Congress, since I have been here, we have passed two very meaningful tax bills. We have passed the Jobs and Growth Tax Relief Act in 2005, and we also passed the Economic Growth and Tax Relief Act.

We have to look at where we were, in my opinion. Where we were was we were post 9/11, we had a corporate scandal, we were in the beginnings or in the middle of a recession in our economy, and we were having difficulty pulling ourselves out for a lot of different reasons.

With the leadership of the President, we followed through in Congress to pass those two tax relief Acts. I think I would like to go to the numbers and talk about some of the things that I think are significant in terms of the numbers and how it has influenced Americans.

I always like to personalize everything to my State, so I have some State numbers as well. For instance, this year, who will gain tax relief? 111 million taxpayers will see their taxes decline by an average of $1,877. Significant numbers.

Five million total individuals and families will see income tax liabilities completely eliminated, because we moved the tax, the lowest tax bracket, down to 10 percent.

Forty-four million families with children will receive an average tax cut of $2,493. That is because we have moved down significantly the child tax credit. Fourteen million elderly individuals will receive an average of $2,000, and 25 million small business owners will save an average of $3,641.

So those are the numbers in terms of what could possibly be saving, average savings through the tax relief. But I think we need to look at where we are right now. We have an economy that is moving in excess of 3.5 percent in gross national product.

We have created, over the last several years, 1.85 million jobs over the last 12 months alone, and 5.4 million since August of 1993. What I think this translates to is more small business owners having more money to create jobs, to buy more equipment, which creates more jobs.

I think we also have individuals who have more discretion over their own dollars. They can say what they want to buy, when they want to buy it because they have fewer Federal taxes to pay. I think that empowers them to consume more goods, which then translates to more business to more jobs.

So I see it as an engine that is moving in the right direction. I believe that the tax relief package and the tax cuts that we passed are a large part of that.

Mr. CLEAVER. If the gentlewoman will yield. First of all, I agree with your numbers. The job gain during this administration from 2003 to the present does bring the total jobs to 5.4 million. My disagreement with the numbers is that the numbers do not include 2.7 million jobs lost prior to the growth period.

And so if you subtract the 2.7 million jobs that were lost, you actually will have a 2.7 million jobs increase instead of 5.4 million. And I have my own chart. And I do not quarrel with your numbers. But I have taken the numbers in a different direction.

In 2005 dollars, income in 2005 dollars, this chart reflects the tax savings for Americans. And if an individual earned between $10,000 and $20,000 annually, their tax savings will be $2.

$20,000 to $30,000, $9. $16 if you are between $30,000 and $40,000. If you earned $75,000 to $100,000 your tax savings is $403. And it goes on up, $500,000 to a million your tax would be $4,499.

And the point I want to make here is that the people who earn the most get a huge tax cut, and people who do not earn much at all end up at the bottom in terms of the tax cuts. And so all of America cannot celebrate the tax cuts because all Americans are not getting a tax cut that will have any kind of impact in their day-to-day lives.

Mrs. CAPITO. I think the question I would ask you on your chart would be if those folks in the $10,000 to $20,000, and I do not know the answer to this, but I surmise that they really do not pay, by the time they get their deductions, by the time they get their child tax credit, by the time they get their marriage penalty erased, by the time the bracket is moved down, the actual amount that they pay in that income tax brackets is probably very small.

While I admit to you a $2 average tax lowering is diminimus. I mean it is nonexistent for anybody. But my question would be, what is their actual tax burden at that level? And would you be advocating giving a tax break to somebody who does not actually pay the tax? We already have the earned income tax credit, where we try to take some of those things into consideration.

Mr. CLEAVER. I would not support giving any additional tax cuts to people who are already paying virtually no taxes. The earned income tax credit, I think, adequately, appropriately and significantly deals with the people who are at the very lowest end of the income level in this country. And they are paying virtually no taxes.

However, I do think that the tax cuts are inevitably going to be disproportionate because of the disproportionate income. But the problem that I am having with that, in addition to the fact that they are not as equitable as I think we could design them, we are the only Nation in the history of the planet that I can find out that actually moved for a tax cut during a time of war.

Generally during a time of war, we ask the people of the Nation, particularly our Nation, to make sacrifices. And so we are making significant spending a part of our day-to-day living in this country with a conflict going in Afghanistan, a conflict going in Iraq, and who knows what will happen with all of the troubles now in the Palestinian territories as well as in Lebanon.

So I think that we missed a rare but a very, very key opportunity to challenge the people of our country to make sacrifices during this particular time. And one of the sacrifices I think we should have pushed on the American public is that we cannot have tax cuts at a time of war.

Because we are borrowing all of the money. Most Americans probably do not realize this, we are borrowing all of the money we are spending to fight the war in Iraq and Afghanistan.

When people in the country read that we are considering supplemental budgets, they probably do not realize that when we say we are just approving a supplemental budget, it means that we are going out to sell our paper, we are going to out the market the full faith and credit of the United States. We are borrowing money from the U.K., from China, from Japan, and particularly, the Pacific rim countries that are exploding with growth.

Mrs. CAPITO. Well, I think that the way to pay for a war, the war on terror, it is tremendously expensive. We have had many votes on this.

I think we both agree that in order to stand behind our troops and arm our troops and give them the best technology, we want to make sure that we have the dollars in the Federal kitty to be able to do that. I believe that the tax and growth policies that we have put in place, that we need to have the firm and strong engine of the American economy running on all cylinders.

Because if we do not have businesses producing, if we do not have people employed, then we are not going to have the tax collections that we need to sustain what is a tremendously expensive time in our country's history.

□ 2115

But I would like to say, with the tax relief packages that we passed, the two major ones that we passed, we have had a surge in tax revenues. Just this year alone, tax revenues are running 11.1 percent over last year and a 14.6 percent increase over 2005.

So what does that tell me? That tells me that with more discretionary income for the individual, and we also have a higher per capita salary, rates are going up, with more discretionary interest for small businesses. I live in a State where the main economic engine is small business, so hiring that one more person is very significant in a small State like ours, a rural State. Because of the tax relief and the job growth policies that we have put into place, our engine, our economic engine is roaring in terms of employment, in terms of discretionary, in terms of consumer spending. And I think that is reflected in the numbers of our tax collections being higher and higher.

My State of West Virginia, State tax collections are up over $100 million. I happen to live in an energy-rich State, so because of the energy situation, I do have to put my plug in for coal, because of our coal, we are enjoying a good economic stand.

Mr. CLEAVER. I expected that.

Mrs. CAPITO. So I think that the effect of these policies has been for us to be able to have higher tax collections to be able to afford and to be able to cut the growth of the deficit. We were projected that the deficit was supposed to grow by, originally projected to grow $423 billion. That is not good. That is not good. But the good news is it is only expected to grow $296 billion, which is $127 billion less than it was originally projected because of the higher tax.

Mr. CLEAVER. If the gentlewoman would yield, and I want to talk about the increase in tax revenues, but I want to make sure before we leave this subject, this particular area, that one-tenth of 1 percent of Americans, this one-tenth of 1 percent who earn $1 million per year or more will receive 43 percent of the tax cut, while everyday Americans, men and women who earn $50,000 or less, will get 2 percent of the tax break. They will receive a $10 yearly tax cut, or enough to buy barely $3 worth of gasoline. And so the people in the lower end, as I said earlier, are hurt.

But with regard to the tax revenues that are surprising Democrats and Republicans alike, I would like to just quote Bruce Bartlett, who was an economist with President Reagan and also with the first President Bush. And he said, "I do not see how President Bush's tax cuts can be given any credit for the booming economy. All we have seen is the upturn we get after every recession. In other words," he says, "without any tax cut at all, we would be pretty much in the same place economically." And then Bernanke, the new Fed chief, said, "I think it is unusual for a tax cut to completely offset revenue loss." And I agree certainly with former Reserve Chairman Alan Greenspan who said that tax cuts should be made in the context of a PAYGO resolution, which I support very strongly, and I know there are Republicans who support the PAYGO resolution as well.

And for people who are watching us, what Alan Greenspan is saying is that, yes, tax cuts can be healthy, but the government must become a disciplined body and that they must pay as they go, that we cannot afford to just become ravenous in our spending to the point where we push our country into a very, very dangerous place economically. We are $8.4 trillion in debt, and we have raised the debt ceiling repeatedly to the point now where it is over $9 trillion. And the problem with that constant raising of the debt ceiling is that we are borrowing our children and our grandchildren into significant trouble down the road.

And $1 trillion is very interesting. Most people have difficulty with 1 trillion, and I do, too. However, $1 trillion would equal essentially if a person spent $1 million a day from the time they were born until they were 75 years old, $1 trillion. We are $8.4 trillion in debt. And with that kind of debt, we can ill afford to subtract dollars out of the Federal budget that would generally be coming from tax dollars while we are taking money out, not only with the debt, but with the interest payments, which I will speak to a bit later.

Mrs. CAPITO. Well, I think you have hit on an excellent topic in that the deficit is troubling to all of us. I certainly don't want to pass on to my children and grandchildren a heavy and burdensome deficit. And we found ourselves in a position with the recession, with corporate scandals, with the war on terror, with an attack on our Nation where we had to respond, we have had to beef up our defense, beef up our intelligence, beef up our armaments and at a very, very expensive cost. Not even to mention our homeland security costs, something that unfortunately I wasn't here but I am not sure I would have been any wiser.

That is one thing I don't like about our debate in Congress, we all have great hindsight. We can predict what we would have done, but it is hard to say at the time that we would have been right. But I think we let our homeland security reach a point where we just weren't paying attention, and so we have put billions of dollars, and rightfully so, into not only protecting our localities to helping with our first responders. We found that was a real weakness on 9/11. We are now talking about border security and border protection, which is something that is tremendously important to all of us.

So there is no question that the strains and binds on our budget have been very, very difficult. And what we haven't done, along with the tax and growth policies, is we haven't reined in our spending as well as we should on certain areas where we can be much wiser with the Federal dollar.

But we cannot find ourselves in the situation where we are in now, where we have found this year with the larger tax collections of 11 percent higher that has been able to already demonstrate just this first 6 months that we are now able to say that our deficit growth is going to be $126 billion less than it was projected to be simply because we have more tax, a tax revenue that has been spurred by the economic growth that has been spurred, in my opinion, by the tax cuts and reconciliation packages that we passed.

And I would just like to read one thing to remind myself and everybody else, and this is a little off the subject, but if you will allow me, all the individual taxes that we all pay, we pay State sales tax, a lot of us do in West Virginia, we do, 5 percent on food, 6 percent on everything else; State income tax, local property tax, Federal income tax, capital gains tax, dividends tax, State corporate tax, Social Security payroll tax, FICA tax, gasoline tax, gambling tax, cigarette tax, cell phone tax, telephone tax, Federal State tax, State tax, municipal fees.

I mean, we are taxed not to death, but we are getting there. And I think the best thing that we can control here in Congress is our Federal income tax and the income tax that we assess on our small businesses. That is why I think Americans are always very mindful of their Federal taxes on April 15, but I think that come these past April 15s, with the tax relief, families with children, married couples, families in the lower-income brackets who have been moved either off the rolls or down to the 10 percent bracket have all seen, along with those who make more money on your chart, more than the $1 million, have been able to see more money in their pockets so they can have more discretion and more responsibility over their own personal money, and they don't send that money here to Washington where we spend it or, as you said, overspend it.

Mr. CLEAVER. I agree with you that we are taxed heavily in this country, all the way from these Chambers, this Chamber all the way to city halls around the country. But I do believe in tax cuts, and I think that we would be wise or certainly we would have been wise to have some tax credits to the corporations who engage in a certain amount of research and development. I think if the tax credits can be linked to research and development, then we know that those dollars are going to recirculate, they are going to come back into the budget.

I also think that we ought to give tax credits, that the one we had has expired, for parents who are sending their children to college, they ought to get tax credits. We are going to be locked into a very, very tough competitive battle with India, with China, with Japan, and even with Taiwan; and so we have got to educate as many children as possible, and we have got to make it easy for parents to pay for that college.

But the reason we won't be able to do that, and this is another thing that should cause us to reconsider the tax cuts, is the interest payments on the debt. Now, the interest payments are obligatory, and it is right now the third largest expenditure in the United States Federal budget; and that is very, very dangerous. We can cut Veterans Affairs, we can cut homeland security, we can cut education; but we can't cut net interest because the interest on the debt is obligatory. And it doesn't matter what else happens economically in this country. We have got to pay at least the interest on the debt because the Chinese, the European market will not have an understanding that we are not paying this interest.

And I also think that is extremely dangerous, because we are borrowing money from countries that in all likelihood we are going to have some difficulty with. We are even borrowing money, $50 billion so far, from OPEC.

And how does this fit in with the tax cut? Well, the problem is that we are continuing to borrow money, taking money out of the budget with the tax cut, and the interest is rising. And the interest payments do in fact have a very, very direct impact on taxes. And we would obviously be able to lower taxes if we were able to lower the interest rate.

We have become a debtor nation, and that is not healthy. We owe everybody around the world, and in fact we will end up borrowing $36 million during this 1-hour debate, $36 million during this one hour of debate. And when we are borrowing that kind of money and then giving tax cuts that will not come into the Federal coffers, it seems to me we are working against ourselves.

Mrs. CAPITO. I guess my question to you would be, in looking at your chart, as just a point of clarification for me, the hand chart, the red is the interest payment. Is that correct?

Mr. CLEAVER. Yes.

Mrs. CAPITO. Your solution that you are advocating would be to raise the taxes from where they are right now to pay and meet this obligation. Is that basically correct?

Mr. CLEAVER. No. I think we eliminate the tax cuts, which would allow us to begin to retire our debt. And if we just eliminate the tax cuts, and I will have to fumble through my papers to find out the exact amount of money that we would bring back into the Treasury, but it would be so significant that it could essentially put us in good stead with regard not only to our debt but the interest we are paying, or not only the interest but the debt we have.

☐ 2130

Mrs. CAPITO. Okay. To draw a contrast here in our two positions, you would be for eliminating the tax cuts.

Mr. CLEAVER. Yes.

Mrs. CAPITO. I would be for keeping the tax cuts in place, letting them grow for their maturation. I think a lot of them do not kick in for full force until 2010, because the trend that I am seeing is this 11.1 percent more collections, more people working, industrial production increasing 4.3 percent, real hourly compensation rising at 3.2 percent, real consumer spending increasing at 5.1 percent over the first quarter, productivity in the Nation up 3.7.

See, I would say to you that because of the tax relief, because of the job growth package and because of that, we are going to be able to grow ourselves and our economy to meet the needs to be able to take a sizeable chunk out of that red part of your chart.

Mr. CLEAVER. That would be true, but we cannot do everything that we need to do and give the tax cuts. I mean, I think we have to keep in mind the growing cost of the war against terror, and we do not even budget for it. Most of the Americans will probably find it amazing that we do not even budget for the war, and the supplemental budget, of course, is supposed to be for unexpected costs. We did not even budget for the rebuilding of the gulf coast region. All of that finds its way into the supplemental budget, and I am saying that we are borrowing money that we might not have to borrow if we had it in the Treasury, and we would have it in the Treasury if we had not given it in tax cuts.

Now, I want to say that the economic stimulus, the administration's tax cuts in 2003 had particularly low bang for the buck. The moderate economic growth has not been disbursed, as I said two or three times a night, to most American families. After accounting for inflation, the typical American family's income has decreased every year of the Bush presidency for a total reduction of $1,700. Now, that is when you factor in the inflation. It has dropped to $1,700.

The GDP growth in the first quarter this year was, as you said, a strong 5.6 annual rate, but most forecasts, including the economists in the White House, see the growth moderating to around 3 percent over the next few quarters. So, whether you take the economists who lean on the Democratic side or on the Republican side, the truth of the matter is they all agree that things will moderate shortly to around 3 percent in the next few quarters.

So I do not argue with the facts, and we all ought to be happy there is some life injected into the economy right now. I just do not think that we ought to come to the conclusion that it is long lasting, number one; and number two, I think that it would be wrong to assume that all is well in this government so we can give the people a tax cut back because it lulls them into believing that we have no problems.

I want to say that we do have some major problems, some major economic problems, not the least of which is the growing debt that is eating away at us. I thought this was interesting. If we pay $1 per second, it would take us 284,000 years to pay off our debt. 284,000 years to pay off our debt if we paid $1 per second, and that is scary.

The other numbers, if we laid dollar bills side by side all around the globe, we would be able to go around the globe 34,196 times with dollar bills reflecting the debt we have, and we cannot afford to give tax cuts, fight the wars, handle the many issues that come before us at the same time. We just cannot do it.

Mrs. CAPITO. Well, again, I think we are probably going to agree to disagree on this, our policies, and we have disagreed through our votes, I think, on the floor of the House.

I think what I have appreciated about your argument is you have talked about the problems that we have, and I think that is what we need to do in this body. We need to agree on what our problems are, and we have not even touched on some of our bigger ones like Social Security and Medicare for the future, and this is all going to pool into this argument.

So, my suggestion would be that, of course, I believe, and I think I have emphasized that point quite enough tonight, that the policies that we have put in place have us on the right track. What the future will bear, the future will bear, and we will be able to see, but had we not had these policies in place, I do not think we would see this engine moving as quickly as we have.

So I am going to rest my argument here on those facts, on the economic facts, on the facts that in my State of West Virginia, we have some of the historically lowest unemployment we have ever had; and that we have 50,000 West Virginians who have children who are now paying fewer taxes; and that we have 94,000 taxpayers in West Virginia who are benefiting from a lower tax rate; and that we have 510,000 taxpayers who now are in the 10 percent bracket; and we have 194,000 married couples who are paying less, and these are not the wealthy 1 percent.

These are the hardworking people of West Virginia who live in a beautiful State, the same State they want to raise their children in and want to have a future there.

So I will rest my case with that and listen to your final argument.

Mr. CLEAVER. My final argument is, and I think this is a very, very good example or illustration of the disparity between the recipients of the best ends of the tax cut.

Lee Raymond, who was the retiring CEO of ExxonMobil, owns 7.7 million shares of their stock. Now, at the current dividend rate, he would generate, if he sold his stock today, $10 million. On top of that, he will have a $2.5 million tax cut. I think when we see that kind of disparity it has to pull at us that something is dreadfully wrong.

Now, I am not upset with Mr. Raymond. I do not even know him. He may be a nice person. He may want to tithe to the church I pastored, but what I am concerned about is the fact that his total retirement package came close to $400 million, including his 7.7 million shares of stock. That is far more than one human being needs to earn, and I think that people who are earning $34,000, $45,000 a year are going to look at a $2.5 million tax cut for this gentleman and wonder about themselves.

My final point that I have continued to make, as my uncle says sometimes I make the argument poorly, but it is that we cannot do everything. We cannot do everything. We cannot fight a war, $87 billion a year; we cannot fund all of the programs that people lobby you and me every day to fund; and we have used up every single nickel of the Social Security surplus. That is devastating, and we have got to come to grips with pay as we go, like all other Americans. If they want a refrigerator, they try to wait and pay for it.

But what we have done is has been to demonstrate that to the people of the United States that the amount of credit they have, credit debt does not matter. In 2004, we saw the average credit card debt for Americans rise by 63 percent. Now, Asians save on an average of about 20 percent. The savings rate, Mr. Speaker, for the United States, this is embarrassing, is minus zero. We go on the other side. We are not saving any money at all.

So the country looks at us, the Congress of the United States, we are spending wildly, and they have joined in. Because the American public is not saving, the government cannot borrow domestically. We are borrowing some domestically, but when we get ready for the heavy lifting, we are travelling around borrowing money from Caribbean Nations.

I think that reeling in the tax cuts will allow us to address some of those other problems and reduce the amount of borrowing.

Mrs. CAPITO. Well, that is a very respectful debate, and if you are ready, I think we will just kind of close. I think we have covered a lot of our bases, and I want to thank the gentleman from Missouri (Mr. CLEAVER) for, I think, a very instructive debate, and I think we have learned a lot from each other. I certainly have, and I would now like to move just a little bit about the civility issue in Congress.

I found a couple of quotes, one of which was from Winston Churchill who said, "Many forms of government have been tried, and will be tried in the world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time."

None other than our first President, President George Washington, when he began, he wrote, "Rules of Civility and Decent Behavior," and it is fun to thumb through this because some of them are telling us not to spit on the floor and make sure we go out clothed and all those things that I think we do do that all right. But the very first one that he has is, Every action done in company ought to be with some sign of respect to those that are present. He also said, "Think before you speak, pronounce not imperfectly, nor bring out your words too hastily, but orderly, distinctly." Those are wise, wise words. I think, from our very first President. I am sure that if he is in Mt. Vernon listening to us right now, or not us, but some of the debate that we have on the floor of the House, then he is not too proud at the level of disrespect that we sometimes show our colleagues.

So I want the thank you for joining with me in this effort. I want to say to all the other Members on both sides that we want this to be an ongoing practice, where we will pick a good topic that we can debate civilly and other such exercises, and we are going to grow this committee, the two of us, so we can return this body to the great esteem, the great integrity, the great respect and the great historical honor that I believe it is due. So I thank Mr. CLEAVER.

Mr. CLEAVER. I thank the gentlewoman. I actually have read George Washington's book on civility. RUSS CARNAHAN, my colleague from Missouri who is from St. Louis, gave me that book shortly after we arrived because I was talking all the time with many of the freshman Members about the issue, and so he very kindly gave me that book.

I think neither of us are likely to change our opinions on the tax cuts, and I think that people who watch, particularly Members of Congress, hopefully realize that talk does not have to be toxic, and in many instances, that is what has happened on this floor. The more convinced we are that our position is sound and moral and ethical and right, the less hostility we need to speak of it.

To give you an example, Ghandi and Martin Luther King, Junior, both believed so deeply in what they were doing and the moral world coming to their side that they were so civil that they were willing to be beaten and to even go to jail. They did not respond in kind to the things that were done, and so on this floor, if we believe deeply in what we are saying, that is even more reason to be civil.

When I was elected to this body, and my father and my sisters and my wife and our 4 children and nieces and nephews all came to Washington, I was very excited over the fact that I was elected to this body. Only 18,000 people in the history of this republic have been able to sit in this Chamber and debate, and we are the only office in the United States that must be elected. You can ascend to the presidency without being elected; you can ascend to the vice presidency; you can ascend to the Senate, to governors, to lieutenant governor, to the to the U.S. Senate and so forth. We have to be elected here.

□ 2145

If a vacancy occurs, nobody can appoint anyone. We have to be elected. That means that this is a special body. There is nothing like it.

And so I assumed when I came here I would join the likes of James G. Blaine and Cordell Hull, who came to this floor and demonstrated a wizardry of words. Once upon a time, the level of debate and oration in Congress was the envy of the world. We had the example of the silver-tongued spellbinders like Daniel Webster and John Quincy Adams and Henry Clay. And the amazing thing that many Members of this body may not know is that Henry Clay was in the United States Senate, but became so enamored with the debate in the House, that he did something that people would never even think about doing today. He left the United States Senate to become a Member of the House of Representatives, to stand in that well to debate the great topics facing the Nation.

That is one of the things I thought about when I came to this body. Henry Clay was known as the great compromiser, not as the great bomb thrower, but the great compromiser. He is remembered in history because he knew how to work with people on all sides, a compromiser. And somehow we have to come to the conclusion if we want to be remembered, maybe, just maybe we can be remembered better for our ability to work with one another.

We had a situation when I first came here with 25 jobs being lost in Kansas City, and some people told me that I needed to go to war. We were going to lose it anyway, so I needed to go to war with a Republican, FRANK WOLF. It didn't sound right to me. So I did something that was completely stupid. I called FRANK WOLF on the phone, went to his office, we met, we talked about the issue, and he said, Cleaver, you're right.

Twenty-five jobs were saved because I refused to go to war with someone just because he was a member of the other party. And I am convinced that much more could be accomplished here if we worked together.

I have heard this story more than once. Barry Goldwater and Lyndon Johnson are about to launch their Presidential races. Barry Goldwater calls the White House and made a request that would be laughed at today. He asked that he be allowed to ride around the country with LBJ on Air Force 1 and they would stop at various cities and debate the issues. That is the kind of leadership that we need now in this Congress.

I believe a part of the reason that the tone in this Chamber has plummeted so low is because the volume is too loud, literally. Too frequently Members fail to extend the courtesy of attentive and respectful listening to other Members when they speak on the floor. Too frequently volume is so loud in this Chamber with disrespectful and discourteous conversations that Members end up shouting to be heard, and that only contributes to the incivility here in the House.

Let me conclude by saying that as we were thinking about this debate, I looked at everything I could look at, and one of the things that surfaced was that civility derives from the Latin word civitas, which means city, especially in the sense of civic community. Civitas is the same word from which civilization comes, the age-old assumption behind civility is that life in the city has to be civilizing. People could not live in a city without civility. And I believe that we cannot and should not dare to walk into the people's House without a strong and irreversible commitment to civility.

I would like to thank the gentlewoman from West Virginia for this opportunity. I hope that next month we will have other Members of this body joining us for a discussion on something that we feel very passionate about, and will probably not convince the other side, but I think the public will benefit by the debate.

Mrs. CAPITO. I agree with the gentleman, and I have to say additionally that I am a mother of three, and I think sometimes that the lessons that we teach our children, when we come here, we have forgotten. We teach our children not to interrupt; we teach our children to show respect to their classmates and their parents; we teach our children to not say bad words; and we teach our children to listen or be quiet when other people are talking. I have even been in this Chamber when I have heard hissing at another Member when they are speaking.

So I pledge to you my cooperation, and I enjoy your eloquent words.

VETERANS AFFAIRS AND HOMELAND SECURITY

The SPEAKER pro tempore (Mr. POE). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) is recognized for 60 minutes as the designee of the minority leader.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I am pleased to have the opportunity this evening to speak on two different areas. I hope we get to both in this hour. This is a Special Order that has been organized for some of the Democratic freshmen, the new Members of Congress, and I rise first to say that I am very pleased to participate in this and to have helped organize it.

This is the third of our Special Orders, and we have done this because we do believe as new Members we come from a very diverse group. Many of us served at the local and State level. We come from very different backgrounds. Some of us are lawyers, some in academics, and some are ranchers. We are really very active members in our community, but we bring with us this experience at the local and State level, yet a fresh perspective on some of the major debates of the day.

We certainly bring with us a commitment to making sure that our homeland is as safe and secure as each and every American expects it to be, and that is certainly our first and foremost commitment. I and my colleagues really wanted to speak this evening both about the security of our homeland and also about our commitment to those men and women who have served this Nation in the armed services. Particularly as a Nation at war, we have tremendous respect for those who are actively serving, but want to remember as well that as they come home and that others who came before them also have a right to expect we will meet our commitments and our promises to them.

So what we are going to do first, we are going to try to split this hour, if we can, between the two different topics. So I will ask my colleague, John Salazar, a freshman, a veteran from the great State of Colorado, to speak. He has really been an outspoken leader amongst the freshmen on the issue of veterans.

So I will just close by saying that I am the daughter of a veteran. My father served in the Korean War. And I can tell you that my very first memory as a child was my father returning home when I was 5 years old. He came to school, I was in kindergarten, and he came to the public school to pick me up, and my brother, who was a year ahead of me in school, to greet us after not having seen him for 2 years. This man in uniform arrived at school, and I can tell you honestly that I did not recognize him.

So I also speak as a family member of a veteran. And I hope that we do have the opportunity this evening to talk about the sacrifice not only of our men and women in service but of their families as well. Because certainly the families are also committing themselves and sacrificing as well. And we do know, and I know we will talk about this, that the process of healing and of reinvigorating both the family and the veteran when they are back home is something that we all want to be committed to.

So I would like to now turn over the conversation, and I hope we can have a bit of dialogue, because I am joined my two of my colleagues, JOHN SALAZAR, as I said, who is going to talk about a number of issues; and then RUSS CARNAHAN from Missouri is also going to join us. We may be joined by others as we go through the evening, but the three of us, I hope, will able to have this conversation about our commitment and our belief in our promise to veterans of this country.

Mr. SALAZAR.

Mr. SALAZAR. I thank the gentlewoman and thank you for your commitment to our veterans in this great country.

Mr. Speaker, this country owes no greater debt of gratitude than it does to its veterans and military service personnel. Throughout the history of this great Nation, men and women have heard the call to service and have done so to defend freedom and democracy. I would like to take this time to personally express my gratitude to our veterans and our military men and women serving right now in places near and far around the globe.

When these brave men and women sign up for service in the military, our government makes certain promises to them, promises that are all too often forgotten or neglected later on. They are promised lifelong health care within the VA system, they are promised educational benefits, and they are promised that their spouses will be taken care of if they are killed in action or die from a service-connected cause. Mr. Speaker, I do not think that we are holding up our end of the bargain.

Let me just address a few of the failures that we have seen this year. Let me talk shortly about the budget shortfall.

This Congress, over the past year and a half, has been witness to monumental failures at the VA. First, we watched the VA come up short in its 2005 budget. We were told that the administration had not anticipated the number of claims from returning soldiers. A $1.5 billion budget shortfall is simply unacceptable.

I was happy when we passed emergency supplemental funding for our veterans which was not impaired. We cannot forget that part of the continuing cost of the war on terrorism is providing for our veterans. With that in mind, I offered an amendment to the Iraq war supplemental we passed earlier this year. In this bill, setting out billions of dollars for the ongoing cost of the war on terrorism, I asked for a mere $630 million to ensure that the VA did not fall short on its budget again this year. This amendment was ruled out of order during debate on the bill.

What is out of order, Mr. Speaker, is the short-sighted nature of the decision made by the majority and the administration. That $630 million seems like a small price to pay for mental health services, prosthetic research, and administrative support for those men and women who are serving in Iraq and Afghanistan, especially when the VA is still seeing more returning servicemembers than they anticipated.

Let me talk briefly about the second failure, that of theft. On May 3, a laptop containing the personal information of 26.5 million veterans and 2.2 million active duty service personnel was stolen from the home of a VA employee. This sheds light on a severe problem within the VA. It took 19 days from the date of the theft for VA to notify Congress and the public.

I introduced H.R. 5588. This would allow for fraud alerts, credit freezes, credit monitoring, new notification requirements for VA, and it would require the VA to establish a new IT security protocol. The House Veterans' Affairs Committee marked up, just this last week, H.R. 5835, the Veterans Identity and Credit Security Act of 2006. It helps protect veterans by offering an assortment of credit protection tools, credit freezes, fraud alerts, monitoring, and it centralizes the VA IT security with a new Under Secretary position and new notification requirements.

Mr. Speaker, I would yield to the gentlewoman from Pennsylvania to talk a little bit about the budget shortfalls within the VA system.

Ms. SCHWARTZ of Pennsylvania. Well, I thank you, Mr. SALAZAR, for laying out some of the issues before us. As you know, I serve on the Budget Committee, and so we have had this debate about the Veterans Administration, veterans health care in particular.

And it is so easy for people to stand up for veterans. We all do this. On Veterans Day we go and visit with our veterans. I know for you it is probably true, for me as well, I will be stopped sometimes on the street by a veteran who will tell me about his service and who will feel strongly and deeply committed.

One little aside, if I may. I actually brought three veterans together who had not ever received their medals. One actually was receiving the medal for a deceased brother who had never gotten it. It was a really wonderful moment. They brought their families. One brought three generations with them.

What was interesting is they all started talking to each other, and I asked if they knew each other, and they said, no. Two of them had actually served in World War II and one had served in Vietnam. So they didn't even know each other, yet there was a comradery and an understanding and a commitment and a caring they had for each other that was so clearly expressed. It was a wonderful moment to acknowledge their service to this country.

□ 2200

But those are the good moments, I think, when you interact with veterans. But there are the other ones where they say, What is going on with the veterans health care I get? I am standing in line for my prescription medicine. I have to pay more. Are there shortages? Why does the Veterans Administration not have the resources that it should when we have the President standing up both with active servicemen and with veterans and they voice respect. We have got to turn that respect and commitment into the hard dollars that say we are going to meet these problems for the Veterans Administration.

We have a Veterans Administration hospital in Philadelphia that does a fine, fine job. But I can tell you, and I give some credit to Congress on this, that we did already increase the level of funding for the Veterans Administration from what the President had proposed. So already we said that is not adequate. We will not accept that budget. And we spoke up for veterans. But nonetheless, there are not cuts this year, but there are cuts in later years for the Veterans Administration. So that is certainly not meeting the commitment that even if we do not cut it this year, we are cutting it in future years. That means that the Veterans Administration, veterans hospitals, will not be able to know that they are going to be able to be there for veterans when we have now veterans coming back, of course, who are now serving in Iraq and Afghanistan.

So we are going to see some real shortfalls, and you may speak to this as well, but we are seeing a proposal by the President again this year to add fees for veterans when they come for health care, that they should have to pay. We have had to fight this enrollment fee once a year. They have to pay that. They have to pay additional fees when they see a see a physician. And we know that many of our veterans have come back with serious injuries, with certainly mental health problems, which I know you will want to talk about a little bit later as well. But in serving on the Budget Committee, we have been able to make some of these changes. We have to give some of the hard dollars, but I think really the issue here is that they are such big numbers but if we are talking about a number here of $8.6 billion below the funding that we saw previously, those are real dollars in the care and attention that our veterans deserve. And they will see the effects unless we fight back and demand that we are going to meet this commitment to veterans.

Mr. SALAZAR. Mr. Speaker, I thank the gentlewoman.

If the gentlewoman will continue to yield, today I would also like to address the issue of backlogs, and I would like to mention another troubling fact that we are facing with the VA backlogs. We have patients that are seeking medical attention and they are on waiting lists, and these waiting lists can take as long as 180 days to get through. Can't we do better than 180 days?

Mr. Speaker, I will tell you a story about a friend of mine, classmate of mine in high school, who served in the military at the same time as I did. He called me when I was a State representative Colorado and mentioned that he couldn't get in to see a VA doctor and that he was having massive chest pains. And it was shortly after that that we were finally able to get him into the VA hospital in Albuquerque, New Mexico. And we were lucky because what the doctors told him was that if he had not gotten the immediate medical attention, he would have died within 5 days. They performed heart bypass surgery, five bypasses, the next day.

So it scares me that nearly 25 percent of the cases that are waiting have been pending over 180 days. I think this means that almost 100,000 veterans in this country have been waiting to find out how they can access the system. And I do not think that that even begins to account for the hundreds of thousands of vets waiting just to get in to see a doctor. Mr. Speaker, I think this is wrong, wrong, wrong.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, not to interrupt, but if I may reclaim my time, I want to talk about the number of veterans. My staff did a little bit of work here to just say that there are six States that have over 1 million veterans in their State alone. And in Pennsylvania, we have the fourth highest number of veterans in our State. We have over 1 million veterans in Pennsylvania alone. And I can look up Colorado. I am sure the gentleman will be interested. There are 427,000 veterans in Colorado.

I should check Missouri too because we have Mr. CARNAHAN with us. And we were talking about over 500,000 veterans.

So these are actual people living in our States asking for asking for health care, as you say, on waiting lists, going to the pharmacy, being asked to pay for more prescription drugs, being asked to pay an enrollment fee to get their health care, and not assured that they are going to get the kind of health care that you are saying is really lifesaving.

Mr. SALAZAR. I thank the gentlewoman, and that is correct. In my district alone, I have 75,000 veterans that we service.

When the VA actually made the original budget, they had figured that they would treat one out of every five veterans coming back from Iraq and Afghanistan for mental disabilities. It now turns out that they are treating one out of every three.

So with that I would like the gentlewoman from Pennsylvania to talk a little bit about the mental health and the posttraumatic stress disorder that veterans have when they come back from such terrible wars.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, this is one area where I think we, in the broader sense, certainly the military itself, the different branches, have recognized better than they have ever before that there is actually very serious stress-related illnesses and recognize that and try to make some services available. I think that in the years past, we basically said you come back from war and just go home and get a job and go back to your family and you will be fine. And, in fact, our young men and women, and they are young and women, we are talking about 19, 20-year-olds, 21-year-olds, some who have had some life experiences before but they are being put in a very difficult position, being asked to make very tough choices. They perform admirably. They perform wonderfully. We are proud of each and every one of them.

But many of them use such strength to do that while they are in harm's way and then come back and say now, how do I think about what I have done for the last 18 months, the last couple of years, how do I integrate that with the life I have now? So they are coming back in larger numbers. Some of the statistics of mental health experts indicate that between 17 and 26 percent of our troops returning from combat operations in Iraq and Afghanistan may experience symptoms of post traumatic stress syndrome, and what that means is that they deserve and need counseling; that counseling should be made available through the Veterans Administration. And when we see cutbacks, it is just unacceptable to think that we might actually leave a veteran with that kind of serious disorder really on their own.

And that is really what we are experiencing. And I know that we, as Democrats, have brought up amendments to try to address that to make sure that there are counseling services available, more active services available, mental health services. These are, as we know, illnesses that we really need to make sure, particularly in a post-deployment situation, that they receive screening and diagnosis and that no one goes without the care that they actively deserve.

Mr. SALAZAR. Mr. Speaker, I would also like to talk a little bit about our GI Bill of Rights for the 21st century.

The promise that was made to our servicemen and women with respect to education, I think, should be kept. As it stands now, Reserve and National Guard soldiers are not eligible for the same educational benefits as active-duty personnel. This disparity of access is simply unacceptable. Currently, close to 50 percent of our troops in Iraq and Afghanistan are National Guardsmen and Reservists.

House Democrats are introducing the new GI Bill of Rights for the 20th Century to honor the bravery of our troops and the tremendous sacrifices that their families have made. The National Guard and Reserves have made extraordinary contributions, making up about 50 percent of the troops in Iraq.

The new GI Bill of Rights honors that contribution with provisions that protect their income, to help more than 40 percent of those call up who have suffered pay cuts to serve our country. We have had stories of families that are struggling because they are not making the same amount of money since the spouse left and he is off fighting a war and taking a pay cut. Stories of soldiers losing their homes and families out on the street. I think this is totally unacceptable.

It also expands military health care to provide full access to TRICARE, the military health care program, to all members of the Guard and Reserve and their families for a low fee.

Finally, the package improves recruitment and retention incentives and bonuses for the reserves so that they are more equitable relative to those of the active-duty components.

☐ 2210

Not only is this just and fair, I think it is necessary, given the recruiting and retention problems facing the Reserve and National Guard these days.

While I am proud to say that House Democrats have taken the lead on this issue, we will not be able to realize this reform without the support of our colleagues on the other side of the aisle. I look forward to working with all Members of this House, as well as our Nation's military and service organizations.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I would like to yield to the gentleman from Missouri (Mr. CARNAHAN) to talk a little bit about the VA employees.

Mr. CARNAHAN. It is good to join you tonight, my fellow Members from the freshman class of 2004.

This obviously is something that when I go back home to Missouri, whether I am at a Veterans' Day function or a 4th of July function and I talk to our veterans that have served so well and so ably, this touches their hearts. They are so proud of their service and what they have done to make our country what it is today.

But there is a certain element of surprise when they talk about the disappointment that the government is not doing everything it should to take care of our current veterans, but also to take care of this new generation of veterans that we are producing in Iraq and Afghanistan today.

We have a VA hospital back home in St. Louis. Like many of our colleagues, we hear continued concerns about the access and the service. I have seen a statistic that more than 60,000 veterans today are waiting more than 6 months for an appointment at a VA hospital.

Part of what we have proposed as Democrats in this House is to increase funding by $1 billion to the VA to help address those issues, the resource issues and the priority issues, and also to require the VA to pay veterans $500 a month when their disability claims have been left pending for over 6 months. They should not have to suffer because the government does not have the resources or has not made it a priority to take care of them.

Our employees at the VA work in this environment of decreasing budgets, crippling administration policies and overall neglect. The administration has, frankly, misplaced priorities, and we see that on the ground when we talk to folks back home every day. I am sure you have seen that, the gentleman from Colorado and the gentlelady from Pennsylvania, when you talk to your veterans and veterans organizations back home.

I believe it is our job as Members of this body, and it is not just the Democrats' job, it is the job of everybody in this House that represents people back home. This should be, if anything, a unifying issue and a unifying cause in this Congress, taking care of those who have served our country and made it what it is today.

Ms. SCHWARTZ of Pennsylvania. I think the gentleman makes a really both good point too, that in fact one of our responsibilities, and I just heard the debate earlier on how to be civil in our disagreements, and there is strong disagreement between the two members who were speaking, but they were certainly civil.

But this is one where I think again the rhetoric about our support for veterans is fairly universal, and I think that is a good thing. But we have to build on that to find a way to meet this commitment and to be realistic about what this commitment means. The commitment means that we not only make a commitment for this year, but we do a budget for 5 years and we make a commitment for 5 years, and we say to the veterans hospitals that you are going to have the resources. We say to veterans that you won't have to wait 6 months and you won't have to pay a 40 percent increase in your fees that you are paying.

It gets complicated. We have all probably had calls in our offices about different levels of disability and what you get paid or what you don't and how you get your care through the Veterans Administration. It is complicated, and maybe that is appropriate.

But certainly from our point of view, I think you are right, this has to be a commitment that we make as Democrats and Republicans, because certainly when our men and women go to war, they are not going as Republicans or Democrats, they are going as Americans, and our commitment has to be to veterans, all of whom are Americans, all of whom deserve not just our respect, but the hard core services that we have told them they will get and they should be able to get.

I very much agree with you that we have to find those dollars and we have to find them in a responsible way. All of us up here are for a balanced budget, but this is not about spending money we don't have. It is about our priorities and making sure we put those dollars in priorities as we articulated them.

Mr. CARNAHAN. There is a new set of challenges out there, not just taking care of our current veterans, but this new generation of veterans that are coming back with unique challenges.

You mentioned posttraumatic stress issues that we have seen really cropping up from many who have served. But the other thing we witnessed firsthand in a delegation that traveled to Iraq last year, the doctors there in the military hospitals told us many more soldiers are being saved from battle injuries, dramatically more are being saved. Although we are having fewer lost lives, we are having more lost limbs, and although technology has improved in terms of prosthetic devices, there will be a whole new generation of these veterans coming out of service that will need those kind of specialized services, and we cannot let them down.

Mr. SALAZAR. Mr. Speaker, I would like to just tell you a little story of someone who was my hero, and that was my father. He was a World War II staff sergeant who served during the bombing of Pearl Harbor.

When he was 82 years old, he was diagnosed with Alzheimer's disease. As the disease progressed, he slowly started to forget things. But about the age of 84, one morning we were sitting around my mother's kitchen table there and we heard my father fumbling back in his bedroom, and he came out shortly after that and in his hand he had his World War II staff sergeant uniform. He told us, "I want to be buried in this uniform."

We are taught not to argue with Alzheimer's patients, so we said, "Sure dad, no problem." But as the disease progressed even more and more, he started forgetting more things. But every now and then he would bring up the fact, "Please, I want to be buried in my uniform."

Anyway, at the age of 86 he suffered a massive heart attack. My mother called me and I rushed over to the house, and I remember that when I picked him up from the floor to put him on the gurney to take him to the hospital, with the very last ounce of strength that he had in his body he reached up around my neck and he told me that he loved me, and the very last word that my father ever said to me was "uniform."

We buried my father in his uniform. But to many veterans, the only thing that they have to hold on to is this great country, because they served with such pride and passion. So it is our duty as Members of Congress now to keep our promise to those veterans.

Mr. Speaker, in conclusion, I commend my colleagues for their work and dedication to preserving the benefits of our Nation's veterans. We must never forget the sacrifice that they have made in the defense of freedom.

On a personal note, I would like to express my most heartfelt gratitude to Congressman LANE EVANS, our distinguished ranking member on the Veterans Committee. Lane is a Marine who fought hard for veterans, and he has been a true inspiration and mentor to me in my first term here in Congress. I know that I will miss him, as many of us will, and I wish him the best of luck in retirement.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I thank the gentleman, and you are more than welcome to stay with us if you are willing to as we switch gears.

Let me first of all let me thank you for sharing your personal story. I think that it is important for us to think about what compels us to do what we do. Sometimes sharing a personal story, we don't always remember to do it. So I thank you for your willingness to do that. I hope that all of us are fortunate enough to have parents that inspire us. You were fortunate certainly in that.

We did want to take the discussion about that and talk about another area that we are deeply concerned about, and certainly has been very much a topic of concern for all of us here in Congress and I think for all Americans, and again certainly as I go around my district, I am well aware of the fact that we are in changed world.

Since 9/11/2001 and the terrorist attacks on our Nation, we recognize, if we didn't before, but certainly for most Americans we recognize that we are under a threat from terrorism in this world and that we have a responsibility, and here we speak again about responsibility, but we have a responsibility not just to talk about the fear maybe or the reality of that fear, but to actually talk about what can we do about it. How can we do more to make sure that our homeland is safe and what do we mean by that.

It is taking the very real challenges and the tragedy of 9/11, and I will say also the tragedy of Hurricane Katrina, and whether in fact we were as prepared as we needed to be. Did we respond as comprehensively as we should have. I think most of us believe we did not, that there was more that should have been done.

□ 2220

But we need to take these tragedies and we need to say, to examine very, very clearly, and make a clear cut assessment about whether, in fact, we are doing all that we can to make sure that we are more secure.

That means being sensible. I think that is what I would really like to talk about this evening, is not just spending the dollars, because we have spent quite a bit of Federal taxpayer dollars on homeland security initiatives.

We have to make sure that as a Federal Government we can work with the local, and State officials to make sure that we are secure where we are vulnerable. That means making the right kind of assessments, sharing what works across jurisdictional lines, and demanding that kind of assessment and a plan for readiness. I come from an area, I representative southeastern Pennsylvania, part of the City of Philadelphia, part of the suburbs, so my region is home to a major seaport, a major airport, a major rail station. We are multi county and tri-state. We are talking about literally not just a million and a half people who live in Philadelphia, but the millions of people who come in and out of the city to work every day, roads and highways.

We are talking about volunteer fire companies in some of the suburban part of my district, and a major urban city fire company. We are talking about police that work in a rail station, we are talking about police who work in the city, we are talking about suburban police officers, we have State police.

These are numerous jurisdictions, all of who have had to try and figure out what is the best way for them to be prepared in the case of some kind of tragedy, such as a terrorist attack or a natural disaster. And I want to be. I guess I want to say positively, is that we have taken this seriously and we have done much more than we might have.

But where the failure is is the lack of leadership from the Federal Government to help make sure that we have the right kind of assessments done in each of our vulnerable areas. I mentioned our ports, I mentioned our rail stations, I mention our airports, and that we are providing the guidance and instructions and the assistant at the local levels, and the dollars and resource that they need to make sure that they are prepared, so we are not duplicating where we do not have to, we are being smart where we have to.

I will give one example, then I would just ask my colleagues to take an area that they might be interested in. I would like to have a little bit more of a conversation. But one of the areas that I have been particularly concerned about is one called interoperability. It is one of those terms I am not sure I even knew about a few years ago.

But the fact is, that it is one that we use much more. This is how we get, how we communicate, how our emergency personnel will be able to communicate in a disaster.

And the fact is that in the analysis after 9/11, one of the things that we knew is that we did not have a way for all of our emergency personnel to talk to each other, to communicate. We do not, in fact, know how many firefighters or police officers might have been saved if we could have actually communicated in the Towers, the World Trade Center.

We know that even here in Washington, we heard stories afterward, that the Capitol Police could not talk to the city police, because they do not have a way to communicate. So I have been working locally with the regional subway system, because the fact is, that our city police cannot talk to the rail police underground.

Now, that is very upsetting to hear about. If we had to call SEPTA police, that is our Southeastern Pennsylvania Transit Authority police, as capable as they may be, if they need to call in for back-up, this is not a scenario that we cannot imagine, because unfortunately we have seen it happen in London, we have seen it happen in Madrid, we have seen most recently a rail tragedy in Bombay, India.

So we know this can happen. But we do not have an ability right now for them to be able to talk to each other. And I think that is unacceptable. I think that the Federal Government should have said, here are the best ways to do it. We have looked at it. We have examined it. This is the way it has been done elsewhere. Those are options that you have. This is a spectrum we will dedicate to emergency responders and be able to have them talk to each other, and here are the dollars to make it happen.

In fact, their application was denied. You know, I do not understand that. I do not understand how the Federal Government can say it is not a priority, that our fifth largest city's transit system does not meet this requirement. It is not acceptable.

And we can give example after example of these situations. We had big issues with the port security and whether we actually inspect all of cargo. We do not. Are we doing the assessment on foreign ports? We can use the example of ports. We can use the example of even in the airports where we spend serious dollars, not all of our cargo is inspected.

And yet, we still go round and round whether enough is being done, where are the regulations, where are the help we need from the Federal level. We have issues around identity cards. The Port of Wilmington, not far from me, did a demonstration project. And we still just, after Congress was pushing the administration, finally got them to decide what that national security card would look like for people, for workers going into our ports.

So I am. I mean, I can probably take up the next 20 minutes all by myself. But I will not do that. But as a new Member, we can bring our commitment to securing this country. But we also bring maybe a little bit of impatience and outrage because we are new at this. I come in and I say, wait a minute, it is 5 years since 9/11. We just got a report from the 9/11 Commission. There were far too much Cs, Ds and Fs on that report of what has not yet been done.

So we can be critical. This is less about being critical than figuring out a way to make it happen and to get it done. Because my constituents, your constituents are counting on us to demand that accountability from our administration, to demand that effectiveness from these dollars, and to make sure that we can say back to them, this is the plan we have for assessing our risk, this is the plan that we have for meeting the demands to meet that and reduce that risk, and here is what we are going to do to make sure that we have the resources, the trained personnel and the equipment and the know how to make sure that we are as safe as we possibly can be in this country.

It is just not acceptable to do any less than that. So with that bit of introduction, if I may, if my colleagues want to join me. There may be some local issues that you have as well. But I think each and every one of us can point to ways in which our own communities need to be more secure, how we can learn from each other and how we have to recognize the shared risk that we have for some of the greatest vulnerabilities that we have in this country.

Mr. CARNAHAN. Mr. Speaker, I would really just echo some of the comments that you made about interoperability. When I have met with our police and firefighters, our emergency personnel, our front line responders back home, I mean they tell me that loud and clear. I mean, they are not only being given greater responsibility and greater burdens and greater costs to do all of those things we are asking them to do, but they are getting insufficient help to do it.

If there is anybody that I have ever seen as committed to their jobs, with passion and belief in what they are doing, it is those public servants. They are some of the best. But so they tell us that loud and clear.

The 9/11 Commission identified interoperability of communications as critical, critical to effectively respond to a natural disaster or a terrorist attack. And yet in response to what we hear locally, what the 9/11 Commission has done, the administration did not request any funds or grants to enhance interoperability.

Again, I think a very big disconnect from what the vital need is on the ground in our communities. And certainly, if you look at, I want to mention port security, as the Port of St. Louis is the second largest inland port in our country. I have followed that closely.

But there has been underfunding in the port security program. It has been eliminated. And it has just been put in with a pool of other security measures, along with rail, mass transit and other infrastructure. So it is competing with other separate programs instead of having its own stand-alone designated funding.

☐ 2230

And cargo security did not receive any increase, and the entity that is charged with performing security checks did so in only 13 percent of the 10,000 companies that it is charged with checking. And, again, with regard to our ports, the President's budget has delayed by 25 years the overall development of the Coast Guard cutters and aircraft that we are using to patrol our ports and coastlines. So, again, I think there is a very big disconnect between the clear needs we see on the ground, the discussion we hear in Washington among Members from both sides of the need to take care of our homeland security, and the budget priorities that we have seen the administration present.

Ms. SCHWARTZ of Pennsylvania. If the gentleman would yield, I think you have raised a really good point here. I am on the Budget Committee, and when I saw that in fact we saw port security cut and this was just after the scandal about whether in fact we would allow our ports to be managed by a foreign company, which I think raised some benefit of that discussion in that it raised real awareness I think for many Americans where we think about our airports of course because of 9/11, and there is work still to be done there. But we found that, and in fact we do know better how we can do port security, but I also have some of the numbers that show that in fact only 6 percent of containers entering U.S. ports are screened.

Now, you have some debate about whether to do 100 percent or not, and there are many of us who think we have to do some kind of screening of every bit of cargo. But 6 percent, what is that about?

Well, when I visited the port in Philadelphia, one of the things that people said to me, and it is interesting that the more we have assurance that the port of origin does the kind of screening that they need to do, that we have a relationship with that port and that nation, the better off we are, that we can be secure before cargo leaves the port of origin before it even comes here. First of all, it will speed things up because I hear from my business people that the longer cargo sits in the port, every day they lose money. They pay for that cargo the minute it leaves the foreign port, that costs them money.

So we have to be more efficient about this, but we have to get it right as well. And, again, here is where some technology can help, here is where, as I understand it, that we have only 20 people in the Coast Guard who are assessing security at 135 foreign ports. Well, that can't be adequate. That can't do what we know we need, which is to make sure that the screening as the cargo gets loaded in foreign ports before it even gets here is making us more secure.

So, again, we have learned certain things in the last 5 years. That is the good thing. But we have to put that knowledge to work to make sure that we can move commerce through our ports and also be secure. We have to be anticipating the real risks. We can't just be looking backwards.

Mr. SALAZAR. In the transportation committee, we have asked for an $18 million supplemental to construct an above-ground tunnel for the Transportation Technology Center in Pueblo, Colorado. These are the folks that actually do the first responder training in many instances. You have seen the bombings of the subways in Europe, and you look at how vulnerable we are here in this country. And being able to construct that tunnel, we can train our first responders in such a way that we don't have to interrupt our subway services.

But I would like to talk a little bit also about something that is very near and dear to my heart when it comes to national security. I think that one of the most critical issues in national security is to make sure that this country never becomes dependent on another country to produce our food, as we have become dependent on other countries to produce our oil. So it really bothers me when, for example, in the ag committee we who are there to represent agriculture begin cutting programs that actually keep farmers and ranchers on the land, and farmers and ranchers who produce the greatest food supply in the world. And so I think that is critical. We must make sure that farmers and ranchers stay on the land and we have an adequate food supply.

You saw what happened when, during the first Gulf War when Saddam Hussein's troops had to give up because they didn't have enough food to eat. Let that never happen to our troops.

Ms. SCHWARTZ of Pennsylvania. I appreciate the comments, and it is a perspective that wasn't on my list of things mentioned. So I appreciate that. I think that is an important aspect, that we are self-sufficient, that we are able to take care of ourselves, certainly in an emergency that we are prepared.

And I think that you also raise a really good point about the training that we need for our first responders. Mr. CARNAHAN I think mentioned that we all go and visit our fire companies and police. And I will say here again, the good news is that they recognize the need for more training and equipment. They have said to us, and they sometimes proudly say this is the additional training. I have a group in part of my district that has joined together to talk to each other, to do emergency management training, because they realize particularly in the suburban part of my district, probably have it more so in some of the rural parts of our country where you really aren't going to be able to manage it all alone, so you need to be able to work with other fire companies, with the counties even to be able to call them in, to be able to know what to do in that.

And we just had some very serious flooding in this country and certainly in my area just outside of my district, but I went to visit anyway. And one of the things they said to me was they were very proud of the fact that, because of the planning they had done, they were better prepared than they had ever been before. And that was a really important thing. They said they had never before set aside a command center, that they knew exactly who was supposed to staff that command center. They knew who to call, who would bring the food. They had the volunteer services that could be helpful. But they also knew who and what kind of equipment in adjoining areas that could really help them get right on top of things right away. And they know that that eased the urgency of the situation for many of the people who lived in that area.

And yet, again, we need to make sure that the Federal Government, this is what the Department of Homeland Security was set up to do, was to make sure that we don't have everyone just reinventing the wheel. That just shouldn't be the way it is. It is not the most efficient use of money. We should be making sure that there are countywide plans, that there are statewide plans, that there is a sense that maybe not everyone needs to have every piece of equipment. How do you actually join together? Do you do that across regional lines? Who do you call and how do you make that work?

But we have seen in fact a cut in some of these security grants. And how can that be, when in fact we can all say that we are not finished with this task of making sure that we are as secure as we need to be in this country.

So I open it up to some of the comments you may have in some of your own experiences in your own districts.

Mr. CARNAHAN. I would like to follow up on the issue of the screening of containers. You know, as we said, there is just a small fraction of this gigantic volume of containers coming into our ports. And they are not only coming into our ports, but then they are being loaded on trucks or barges and then they are scattering throughout our country. So it is critical we get on top of that.

We had an opportunity in this House to vote on an amendment that would have required 100 percent of the containers coming in this country to be scanned before they came into our country and were distributed. And shockingly, to me, we were not able to pass that. You know, the Democrats in the minority here, we are in favor of that; it was defeated by the majority here.

But the granddaddy of being out of touch with our port security was when the President proposed turning certain of our port operations over to a foreign entity. Again, just a whopper of being out of touch, particularly given where we are in this country today. And I think we saw the public rise up, we saw this Congress eventually rise up to say, you know, no. You know, that is not good for us right now. We can't do that and we shouldn't.

Ms. SCHWARTZ of Pennsylvania. And just on the port, I was very much a part of the argument in that regard, too. And I think again it brought some greater attention to the fact of port security and both what has been done positively and what more we need to do. But to think that after 5 years we have still only appropriated 16 percent of what the Coast Guard has told us they need to enhance port security over the next 10 years. I mean, this is something they are telling us, their expertise, this is what we need to do. And the President actually proposed eliminating $173 million in port security grants.

I argued that and presented an amendment to the Budget Committee to restore some of those grants. One of the things that happens, I was going to call it a trick, I suppose that may not be the nicest thing to call it, is if you put all these grant programs together and cut it, you can say I didn't really cut that particular program; I just put these three or four grant programs together and reduced the overall amount and someone else can decide later what we are going to cut. That is still a cut.

□ 2240

We have to understand that there are very serious issues before us. Again, I think we are talking about being fiscally responsible here—we have a priority and what we actually want the dollars to do, the right things that we really need to do.

I do want to mention the earlier remarks because there was something I also learned from the visits in my district, and that is, that this is an identity card. We have talked a lot about that in different circumstances, but one in which we all agree on, Republicans and Democrats, is that we will have a worker ID card. We actually understand we were not sure what should go into that, the information that should go into it, who should produce it, how it can work. We have literally then tens of hundreds of thousands of workers coming in and out of our ports every day across this country, and yet, the idea that we are going to scan all this cargo but then anyone can just come in and out of the ports, driving a truck, is something I think certainly not something any of us find acceptable.

So, in fact, it has taken 4 years and Congress has had to push this administration really, really hard. There has been pressure from Congress to get the administration finally just really recently to approve and decide what that card would look like.

Now, I think that should have been years ago. I am grateful it just was done, but I think it speaks to our responsibility as Members of Congress to keep asking the tough questions, demanding that accountability, demanding that high performance and demanding that high level of government provide the leadership to our local communities, to our ports, to our airports, to our rail, and not just to walk away and take too long.

One of the things we do not want to have happen is for us to say let us keep waiting, let us keep waiting, and then have some tragedy happen we were not prepared for, fully knowing that we could have been prepared if we had taken quicker action.

Mr. SALAZAR. Can I ask a question here. This identity card that you are talking about, is this a biometric type of ID system, and will every American have to carry that?

Ms. SCHWARTZ of Pennsylvania. No. These are just for workers. These are for people who are employed by the ports or employed by a company that is actually coming in and out of the ports. These are for the workers.

The problem is they do not go through the screening as much then. These ID cards get very sophisticated. They have a lot of information on them, but the idea here is that anyone who is working in a port, and as I understand, there are workers who actually go from port to port or go from different destinations, so some of this is also, again, to keep the commerce flowing. The idea here is not to make things more difficult, to be able to actually move things more efficiently, more quickly, but to do so with a sense of security because we have the technology to do that.

So this is basically a little more information, but it is like showing any kind of driver's license, or it is a special ID that says, yes, you have been screened, you have gone through the background checks to allow you to work in a sensitive area. This is something that is important to our ports and our airports as well, and that the workers who work there every day actually have an ID card that can be scanned quickly and that they can actually be able to flow back and forth very easily but that we can be secure it is someone who we know will not engage in any kind of criminal behavior, let alone terrorist behavior.

Mr. CARNAHAN. I wanted to say also, I think it is so critical that we listen to our first responders. I think the administration and some in this Congress have really, I think, turned a deaf ear to many of these concerns. If they listened to those first responders, I think we would see very different actions coming out of the White House and coming out of this Congress.

Also, listen to the bipartisan experts. Some of the best experts in our country came together in a bipartisan way to make these recommendations on the 9/11 Commission that have yet to be fully implemented. It is really unconscionable to me.

So Democrats have committed, from our leadership all the way down, when the new Congress comes in January, to make that one of our top priorities in January, in our new Congress, to fully implement those recommendations in the 9/11 Commission report. I think it is just critical to our country and to really get these sound recommendations through this Congress, supporting those front-line responders that have told us what they need and what works in their communities.

Ms. SCHWARTZ of Pennsylvania. Maybe that is a good way to sort of wind up the conversation we are having, but first let me say, I think we are all saying thanks just out of tremendous respect for the great work that has been done by our police and our firefighters and our emergency personnel, and they are on the front lines, and they are getting additional training. They are working very hard to make this happen.

As I said, I have been impressed locally at some of the work that has been done in their planning, but the 9/11 Commission just simply, I think, as Democrats, we have said our first priorities would be to address some of the shortcomings, and that includes interoperability for all of our first responders, fire and police personnel.

Second, it would be to coordinate local, State and Federal emergency response planning, that we would make sure that the administration provide local and State governments with the tools and the guidance to better secure our communities and make sure communities are secure and that we ensure that the administration makes strategic and risk-based decisions about how our homeland security dollars are spent so that we are smart, we use common sense and that we use these dollars in the most effective, wisest way possible.

In that way, we can stand up here and I hope we can months from now, a year from now, be able to say, you know, we got these things done because it was not just a broad rhetorical commitment, it was putting our dollars, putting our expertise to work for the American people to make sure that our homeland is as secure as we all deserve.

With that, I want to thank the gentlemen who joined me this evening for your willingness to do the freshman Special Order, and I look forward to being able to do it again, possibly in September, but thank you and thank you for your commitment to both the veterans of this country and also to the homeland security needs of this Nation.

RECENT EVENTS IN ISRAEL

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for half the time remaining until midnight.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you, and in doing so, Mr. Speaker, the floor of the United States House of Representatives.

I come to the floor tonight to address the subject matter that has had the world sitting on the edge of its seat and somewhat transfixed for the last about 13 days, those days that the military actions began in Israel. I take us back and lay some of the groundwork on that and perhaps lay some of the framework of the history that has brought us to this point and as fellows travelers in the world.

Israel was established as a Nation in 1948. The many thousands and thousands of refugees from the Second World War, those that survived the Holocaust, the Shoah, from the Nazi attack and the Nazi hatred, the Nazi anti-Semitism, the Nazi bigotry and the deep, seems to be abiding, anti-Semitism that I do not understand that some in the Western European culture, in fact, that anti-Semitism that seems to be growing from those roots yet today, not just the Muslims that have migrated into Western Europe, but also the native Western Europeans do not stand up and defend Israel in the fashion that I believe they should because we have a lot in common with Israel.

They are a free country. They are a democratic country, and aside from Iraq, they are still the only place in that hemisphere, let me say the only place in the Middle East, where an Arab can go to get a fair trial is in Israel.

Israel is a Nation established in 1948, approval by the United Nations, but a Nation that was carved out in a fight for freedom. It was a glorious fight, and it was one that was brought from the theme never again, never, never again will they allow an annihilation, a genocide to take their people.

That is why we stand with them today, Mr. Speaker. We stand with the Israelis because they stand for freedom, and because they elect their leaders and they come together in the Knesset, and they have a prime minister and they choose their national destiny.

But they have enemies that surround them, enemies all around them, and that was proven in 1967, the 6 Days War, and this has helped frame, for me, the history of Israel and their defiant, brave, courageous leadership that has kept them sovereign and kept them free.

□ 2250

But that happened to be the year I graduated from high school, and that was the year, as things happened, that was burned into my memory.

And not that long after that, in 1973, the second war, second great war that Israel had after their independence, where once again they prevailed over their enemies and they established their boundaries and justly earned territory. It was the effort of their enemies around them, the Arab nations that surrounded them, to drive the Israelis into the sea, to annihilate Israel, and to wipe Israel from the face of the Earth.

In fact, they still deny the reality of the existence of a sovereign and free country called Israel. It doesn't show up on the maps in many of the Arab nations. They will not acknowledge that since 1948, that would be 58 years, they still don't acknowledge that Israel is a sovereign nation.

In fact, if you look at the United Nations, resolution after resolution, Mr. Speaker, comes to the United Nations, and that Third World-class enemy debate society lines up invariably with resolutions against Israel. They aren't rooted in justice, Mr. Speaker. They are rooted in bigotry and hatred and anti-Semitism.

There is something the Arabs cannot explain to me when I ask them the question, Why do your people hate Israel so much? It is rooted deeper in history than I have been able to unravel, but I know it exists today.

I had a high school student in my office not that long ago from Oman, and I asked him if he believed Israel had a right to exist; and his answer was, no, I don't believe they do. I said, what would you do with the Israelis? And he said, rather flippantly, send them to Oregon. I said, well, if that doesn't work, to send them to Oregon, what would your next alternative be? He said, I don't care what happens. They have no reason to be there; they have no right to exist as a nation.

It is one little piece of real estate on the entire Earth. Isn't there one place in all that continent, in all of the Middle East, in all of Africa where they can live in peace and safety without their enemies seeking to annihilate them? Such has not been the case, Mr. Speaker. Yet the Israelis have bent over backwards and have tried time after time after time, with peace accord after peace accord, to try to find a way to come to peace with their neighbors.

I think sometimes they try so hard that they do some things that don't appear to be something that is predictable and predictably positive. For example, the efforts of land for peace, as we watched this unfold and we saw Israel give up a piece of real estate here and a small piece of real estate there, but also looked to see where they needed to defend themselves.

And one of those places would be the Golan Heights. The Golan Heights sits up above the Jordan River Valley, up near Lebanon. I have been up there in the Golan Heights. They were occupied by Syria. The Syrians put gun emplacements up there. The Jordan River Valley is flat and fertile and beautiful, and the Syrians would sit up on those heights and they would take target practice against the Israeli farmers that were out in the field.

It is something to sit in those gun emplacements now and look down over that valley and see what the Syrians were looking at as they were picking off Israeli farmers who were trying to feed the people in their country. It is something to meet a widow whose husband was killed there as he went out into the field to try to get the farmers off the field and get them to safety as the Syrians, just for no reason, seemed to open up fire occasionally and begin to shoot at Israelis that were farming in the fields.

It is something to see what it is like for a nation that is surrounded by enemies, and sometimes strategically have a disadvantage because of elevation, because of certain tactical situations that they have, and to see a nation try so hard to come to peace with their neighbors.

It is something to watch the Israelis pull out of the Gaza Strip and cede that piece of ground to the Palestinians. What is also something to watch is when there is a free election in Palestine, the area I guess that is referred to as Palestine, it is mostly the West Bank in Gaza, it is something to watch that and see Hamas come to power and take over and rule in the Palestinian Authority in the West Bank and in Gaza. You wonder what kind of people would elect terrorists to rule them.

Well, the kind of people that have been teaching their young people for generations now to hate Israelis, hate Israelis, hate Israelis, for reasons I don't understand, and they don't need to understand, apparently.

But they elect terrorists to run their government, and then, when they have land for peace and Gaza is handed over to the Palestinian Authority, under the control of Hamas, we have Prime Minister Olmert come to this very Chamber, Mr. Speaker, not that long ago, and in his speech talk to us about his idea to bring 50 to 100 Jewish settlements out of the West Bank and move them up close to the fence, appropriately, and sometimes for protection it needs to be a wall; or bring some of them inside the fence and into Jerusalem so that the Jewish settlers from these 50 to 100 settlements can be protected from being annihilated by their neighbors because of their neighbors' hatred, bigotry, and anti-Semitism.

It is something to watch that, and see how hard a nation has tried to make peace with the people among them who are not like them. It is something to be there and see that 20 percent of the Israeli population is Arab; something to know that the Arabs in Israel go to the polls and they vote, just like the Jews do. They can serve in the Knesset, and they do, roughly in proportion to their population as a whole. They can serve in the supreme court. And in fact, Ariel Sharon, when he was active prime minister, appointed an Arab to the Israeli supreme court, full rights of property ownership, rights of citizenship, and rights to vote.

And some will argue that, well, there is bigotry there. But still we are not watching Jews killing Palestinians because they are Palestinians. We are watching Israelis defending themselves from terrorists attacks.

So they said, we will give you Gaza; give us peace. Land for you, peace for each of us, an idea that I can't find has a precedent of ever having worked in history, but, nonetheless, Mr. Speaker, that was the effort. So the Gaza Strip went over to Hamas and the Palestinians. And the effort in the West Bank hadn't quite taken shape down the vision of Prime Minister Olmert yet as to moving the Jewish settlements out of the West Bank. Taking the Jews out of Judea, Mr. Speaker, a place where Jews have lived since antiquity, in an effort for peace. Thousands of years of history traded off in an effort for land for peace.

We know what the answer is. And for 18 years the Israeli Army had to occupy Lebanon in order to make sure that there weren't going to be attacks coming from there down on to Israel from the north. Yet, after all those years, in the year 2000 they finally deployed out of Lebanon, and in that interim, this 6-year period of time, even though we had United Nations Resolution 1559 that said that Hezbollah had to disarm and they had to step back out of their involvement in Lebanon, a very clear resolution by the United Nations and one that was never enforced, it is typical if you let the United Nations enforce something it is never enforced, so for 6 years Hezbollah, the terrorist organization, brought in armament into southern Lebanon.

They dug bunkers and poured concrete and brought in rockets, and they brought in missiles, and they got more heavily armed and they got better trained. There are 5,000 Hezbollah troops, at least, in Lebanon, in uniform, paid every month, funded out of Iran, with military supplies out of Iran, smuggled through Syria, either over the air or through seaports, through Syria and down into Lebanon. Fully armed, fully protected, fully trained, fully funded. Every month paychecks coming from Iran into the hands of Hezbollah troops, uniformed and ready to take on the Israelis in southern Lebanon. For what purpose?

And their agreement, Mr. Speaker, was that they would avoid a conflict with Israel because so much of Lebanon had been destroyed in the previous conflicts. And as the reconstruction of Lebanon began, they couldn't afford to have another war. They couldn't afford to have their buildings, their airports, their bridges, and their highways demolished in the bombardment that would come if there was another war. So the peace between the Lebanese and Hezbollah was kind of a peace tied together on this implicit promise, this tension that Hezbollah would not bring a war on Lebanon.

And here we sat with a static position in the north, with Hezbollah with 12,000 or more rockets and perhaps 100 or more long-range missiles in their possession, with Iranians in their midst, trained and ready to go, sitting there in this static position looking across at Israel while Hamas organized in Gaza in the south and began to be prepared. We knew it was going to happen, that they were going to attack Israel. And so they began to send sporadic rockets out of Gaza, homemade rockets, some of them, over into Israel. Many of them landed in benign places; some of them did not.

□ 2300

But as this went on, this static situation was here, Iran is fueling and funding the Hezbollah in the north and we believe also, to a lesser degree, Hamas in the south. Then as the world turned their pressure on Iran, as Iran moved forward towards developing nuclear capability, the capability to produce nuclear weaponry, nuclear bombs, and the means to deliver it, and that means missiles that they can put their warheads on, and if that missile can reach from Iran to Tel Aviv, that will be the first target. But they would not be satisfied just to have missiles that would reach to Tel Aviv, but they needed to have missiles that would reach to Europe and then perhaps one day across to the United States. If they can do that, if they have a nuclear capability, Mr. Speaker, then they can threaten the rest of the world. And the radical regime led by Ahmadinejad see themselves as martyr fighters for a nation. They think that the 12th Imam will arrive if they just kill enough people who are non-Muslims, nonbelievers, infidels. That means everyone else, to keep it short. But as the world pressure turned up on Iran to stop their efforts to develop nuclear capability, and that happened through the House of Representatives as well, Mr. Speaker, in the discussions that I had with representatives of the Western European nations regarding this and many of the rest of us in this Congress had those conversations as well, it became clear to me that I didn't see the will to enforce anything in the part of the Western European nations. But there are a couple of nations that do have the will, a couple of nations that will not tolerate, Mr. Speaker, a nuclear armed delivery capable Iran, and that would be Israel and the United States. Israel because they are the first bulls eye with the crosshairs on them all the time. The United States because we have a responsibility to the rest of the world, being the world's only super power, and we promote freedom and we protect freedom where it exists because we know that we never go to war against another free people. Free people find ways of resolving their differences among other free people.

The stage was set, and as the pressure from the world and the United Nations and the need to finally demand that Iran give up their effort to build a nuclear weaponry and missiles to deliver it, as that developed, the pressure got high enough where it became clear that the rest of the world was going to find some ways to put some sanctions on Iran. And the path of this likely would have been to shut off some of their funding, limit or prohibit the travel of their leaders, find a way to set up sanctions first and perhaps a blockade next, the world's stopping doing business with Iran. And we know that there are countries that have conflicting interests there, countries that would not stand with us, and Russia and China likely could have been a couple, although it is surely in their interest to avoid nuclear capability in that part of the world. Russia is a lot closer to Iran than the United States is. So we have some cooperation there but not the level that we would like to see.

But Iran could see the pressure coming. And just as things were coming to a head in the United Nations, just as the United Nations was prepared to act, coincidentally, some will say, but most of the world will see clearly through the ruse when the attacks from Hamas came out of Gaza and the attacks from Hezbollah came out of Lebanon, on to Israel from the south and from the north almost simultaneously. Rocket attacks from both places. Military incursions up, one through a tunnel up into Israel where they took on Israel IDF troops and captured soldiers, almost simultaneously. And when that happened, when the Israelis did what they had to do, the idea of counterattack, they had to go into Gaza, go in and engage, identify some of the enemy, and then pull back out and disengage. They have been doing that for some days now, Mr. Speaker. And they will have to demonstrate to Hamas down in Gaza that they will be back there with the full presence in Gaza unless the violence stops and unless the prisoners are returned. And they cannot be negotiating land for peace this time. In fact, it ought to be the other way around. It can be we will take this land back, it was ours, you didn't follow through on your part of this bargain.

As I watch what is unfolding here, Mr. Speaker, the coordinated attacks on the part of Hamas in Gaza and Hezbollah in Lebanon, both were designed to take the pressure off of Iran. Both were designed to change the subject in the world, to take the pressure off so that Iran would not have to be dealing with the pressure of the United Nations, the pressure that was coming from United States, from Germany, from France, from Great Britain.

That is the effort that we need to continue. We need to keep turning the pressure up on Iran. They cannot be allowed to believe that we do not have the will to follow forward with this and shut off their nuclear capability at some point. In fact, Mr. Speaker, that message needs to be sent more clearly now than ever before. Coordinated attacks, both funded, I believe, by Iran.

In fact, the leader of Hamas, Mr. Kaled Meshal, I am going to check this name to make sure I get this right. Kaled Meshal, the overall leader of Hamas, who generally is in Damascus, did go to Tehran, by the information I have. The information I have, and it is not supported fully yet, but it indicates that he was handed $50 million in cash shortly before Hamas attacked Israel out of the Gaza Strip in the south. Now, if that happened with Hamas, an organization that is not naturally aligned with Iran because Hamas is Sunni and Iran Shia, but if that happened, it is part of this theory that we always know: "The enemy of my enemy is my friend." So as they have a common enemy, being Israel, they can get together, and with the proper transfer of cash, Hamas could take this minor risk and do these excursions and then attack Israel from the south.

Hezbollah had a lot higher risk, and I do not know what might have happened with regard to funding there, but I know this, that Iran has been funding them all along. So they surely had a lot stronger tie and Teheran is a spiritual center for Hezbollah, where they send troops in there to be trained. They bring their philosophy down to Lebanon. They have been a surrogate of Iran for a long time. But the price for Hezbollah was a lot higher because their implicit agreement, the kind of unspoken agreement, with Lebanon was: Do not bring war on us. We do not want to see the things we built destroyed. We do not want to lose our peace here. We have a fledgling democracy, even though 20 percent of that fledgling democracy are elected Hezbollah leaders within that organization. So Hezbollah took the risk and attacked Israel and started firing rockets, sometimes by the hundreds. And as this has unfolded, it has become clear that this is a gambit that has been coordinated, orchestrated, and operated by Iran. And Syria is complicit in this. And that is why they have been in the crosshairs of Israel as well.

So the pressure is on right there in the center of the bulls eye, where much of the world's conflict has been. And land has never been traded for peace in a successful fashion. Now, we need to look at a way that we can resolve this issue once and for all. And I am not sure we can get there, Mr. Speaker. But I would submit this, that Israel is the center of the bulls eye. The pressure that comes on Israel is coming from the Arab nations, some to a greater and some to a lesser degree. But a lot of them have signed up in this. Many of them launched the attacks in 1967 and in 1973. They are still on the suspect list. They still have people in those countries at least, even if it is not an official policy of their nation, to send money, send support, send military troops, send terrorists in to put pressure on Israel. Israel is the center of this bulls eye. And the direct pressure has come now from Hamas out of Gaza and Hezbollah out of Lebanon to do a dual attack on Israel and put them in a two-front war in the north and the south, funded by Iran, cooperated with and coordinated and logistically passing a lot of materials through Syria.

Now, we also know that the Sunnis in Saudi Arabia, some of them are supportive of this, although their regime there appears to be more inclined to want to support peace and maintain a level of stability. But that surrounding of Israel is something that one needs to look at like a bulls eye. Israel's being the dead center red part of the bulls eye, and as the surrounding countries around that bulls eye move out, I would submit this, Mr. Speaker: The problem of the violence and the attacks on Israel cannot be resolved by simply declaring that there be a ceasefire in Gaza, that there be a ceasefire in Lebanon. It cannot be solved by negotiating with Hamas or Hezbollah.

☐ 2310

That is because their mission statements don't coincide with anything that we believe in. They don't coincide with freedom. They don't allow Israel to exist. They won't acknowledge Israel's right to exist.

They will continue to preach hatred, they will continue to act on hatred, they will continue to seek genocide against the Israeli people. They will continue to drive them into the sea, Mr. Speaker. That is their effort.

People that are that fanatical without a rational goal in mind, you can put them in power and elect them to government, like they have been by the Palestinian people, the Hamas in the West Bank and Gaza, and the 20 percent of the fledgling Lebanese democracy that has elected Hezbollah. If they were handed over the reins of power, Mr. Speaker, I would submit that it would be a boring life for someone who has been a military terrorist and all the glory and intensity that comes with that and say, okay, now it is your job to be the minister of education, or the minister of the interior, or the minister of transportation, or maybe the secretary of state.

They are not cut out for that. That is not part of their mission. They don't envision themselves as one day being a legitimate leader with a legitimate government on the world stage sitting at the United Nations, or negotiating at the roundtable in Brussels, or visiting the White House in the United States, or speaking on the floor of this Congress here at the United States Congress, Mr. Speaker. They don't envision that at all. They envision themselves being modern day warlords, taking terror to people who are not like them and seeking their path to salvation, which their path would be that if they can kill enough people that are not like them, then they go to their eternal reward.

Mr. Speaker, I said about enough about the eternal reward of a religion that is so steeped in that kind of hatred, but I would submit this: This Nation, this United States of America, must stand with Israel. We must make it clear that they dare not blink, and we will not blink. We will stand with them with everything necessary to preserve and protect them from being annihilated by the hatred that surrounds them, and for a number of good reasons. They are the vanguard for freedom in the Middle East, Mr. Speaker. They stand for freedom. They treat everyone in their country on an equal standing with the right to vote, own property, serve in the Knesset, serve on the supreme court. Full standing for everyone. They are a vision for what the future of the Middle East can be, yet a lot of the rest of the world doesn't stand with them the way they need to.

Another reason we need to stand with Israel is they stand up for themselves. We have supported them with foreign ops money and they have invested it in military equipment, supplies and training, and they are one of the best trained, most ready militaries in the world. But they know they don't have room for error, Mr. Speaker.

A small error on the part of the Israelis and in 24 to 48 hours they could be driven into the sea. It tends to concentrate the mind at that moment in history, and they have always risen to the occasion, but they know they can't be complacent.

And we can't be complacent, Mr. Speaker. We need to be following through on the Bush doctrine. We need to be promoting freedom throughout the Middle East, and taking a look at Afghanistan as a nation now with 25 million free people, people that have gone to the polls and voted on that place in the planet for the first time in the history of the world there in Afghanistan. Yes, they have their troubles over there, but they are pulling together and they are fighting off the kind of resistance that seems to want to form and then disappear again.

But Afghanistan is on track, and I don't think anybody argues that we did the right thing going into Afghanistan, unless things go badly. Then I hear the argument, well, we should have done something differently. But it is never a Democrat that gets criticized for any decisions, I would point out, Mr. Speaker.

Then in Iraq, 25 million people, a more difficult proposition. But we have been in Iraq now since March of 2003. It is a little over 3 years. In that period of time, there have been three nationwide, free elections. They have established a written constitution and ratified the constitution. They have established a government. They now have a prime minister.

They had difficulty after the election to get to that point where they could agree on a cabinet and form a government, but they did that. When they formed the government, it has been now about 2 months since they have had a minister of defense and a minister of the interior. And now we have a prime minister that has a leadership capability, and he is stepping forward and he is enforcing security and safety with a military arm that he has control of in Iraq. That part is moving forward.

But it has been a long, difficult row to hoe; a long, hard slog, to quote Secretary Rumsfeld. But a lot the reason for that, Mr. Speaker, has been the involvement on the part of Syria and to a far greater degree the involvement on the part of Iran injecting themselves into the operations in Iraq.

Iran does not have an interest in the safety and security of Iraq. They have an interest in the instability in Iraq. So they have been sending people and money and munitions into Iraq in an effort to try to destabilize the whole nation, if they can.

As the civilian violence has gone up the last 2 to 3 months in Iraq, it has gotten more and more dangerous in that country, and we often see casualty numbers that go 50 a day or even higher on the part of civilians bombed.

I will submit to you, Mr. Speaker, that had we been able to shut Iran out of this conflict, had we been able to shut Syria out of this conflict, if it would have stayed just Iraq and the coalition forces that were there, this conflict would have been over perhaps a year-and-a-half ago. Maybe even longer ago.

The casualties that American forces, coalition forces and Iraqi civilians have suffered, many of them have been casualties fomented by a hostile neighbor, Iran.

I will remind you, Mr. Speaker, of the President's statement. The President's statement is if you are a terrorist, if you harbor terrorists, if you fund terrorists, if you support terrorists, you are a terrorist. That means you are our enemy and we are coming after you.

But Iran has been harboring terrorists, has been funding terrorists, has been supporting terrorists. Although that is going on, and I am talking in those references about terrorists in Iraq, Mr. Speaker, but they have also been training, harboring, funding terrorists, Hezbollah, in south Lebanon and supplying them with rockets and supplying them with a lesser number of missiles, and in fact supplying them with troops of their own that have been in Lebanon helping to fire a Cruise-type missile that hit an Israeli ship early on in this operation about perhaps 11 days or so ago.

That is a terrorist country. That is part of the axis of evil. That is a nation that threatens the world with a current or future capability to produce nuclear weapons and to have a means to deliver those nuclear weapons.

Iran had advisers on location in North Korea when North Korea decided to celebrate our 4th of July by setting off a series of missiles that went over the Sea of Japan. They were fizzled missiles mostly, Mr. Speaker, but missiles nonetheless.

With Iranian observers there in North Korea, presumably this was part of the purchasing agents for Iran that were there while they put on a little show of force in North Korea, perhaps for the idea they would be selling those missiles to the Iranians. And if North Korea has a nuclear capability, and most of us believe they do, how do we know they have not already sold a nuclear weapon to Iran? How do we know that those transactions have not taken place?

In fact, Kadafi in Libya made the statement the other day, and I think it was just yesterday, that he was a lot further along on his nuclear capability than anyone knew that he was.

This can't happen, Mr. Speaker. If a nuclear weapon had been sold to the Iranians, has been sold at this point, and if they have a missile that will deliver it, then this regime that is in Iran today is far more dangerous than we are treating it.

I would submit to this body, Mr. Speaker, that we need to look at this thing from a broader perspective. Generally when violence breaks out in a war, we always want to scramble and do shuttle diplomacy and get our Secretary of State there and say, hold it, shut it down, shut off the firing, kind of like we are breaking up a bar fight.

Well, this isn't like that under these circumstances, Mr. Speaker, because if the firing stops now, there are still many Hezbollah and many rockets in southern Lebanon with many places to hide them. And this is a people that will hide rockets inside a house that has women and children in it, pull one outside the house, set it up, fire it into Israel and run back inside again, or leave the premises, so when the counter-assault comes, there are civilian casualties that occur.

If you hide rockets and missiles and troops in residential areas and you house them in people's houses, then you have to expect there isn't a way to avoid civilian collateral damage. It is bound to happen.

But this is a hateful people with a mission in mind to annihilate Israel. If that happens, if that should happen, shame on us for not acting soon enough. And I will submit, Mr. Speaker, that if someone has to take out this nuclear capability of Iran, it would be better for us to do it than it would be for Israel.

In fact, Mr. Speaker, the odds of avoiding it are pretty slim. With this rabid regime that is there in Iran, it almost comes down to this question, the question being are we willing to live with a nuclear Iran or are we willing to take the steps necessary to eliminate their nuclear capability? I am for diplomacy. I am for turning up the diplomacy. I am for turning up the sanctions. I am for shutting down commerce with Iran. I am for blockading them, if we can go that far. Every step from A to Z, I will follow all of them.

□ 2320

Mr. Speaker, I say quickly, because if we do not, then what we will see is the day that it becomes too late. And the day that it could become too late could be the day that the mushroom cloud rises over Tel Aviv, or the day that they aim their missile at us and say, well, you did not know it, but now we have the capability to reach the east coast of the United States.

That is almost an inevitability if we do not stop them at some point. They have a religious fanaticism that drives them. They do not act like a rational State. They cannot be deterred by mutually-assured destruction, because their own destruction, they believe sends them to their own salvation.

But they are there to create violence, to attack people who are not like them, not just to attack western civilization, but all other civilization, Mr. Speaker.

We need to look at this at how we are going to find peace in that part of the world. I submit it has got to come from without first, and merge down to the bulls-eye that is Israel. If we try to do it any other way, we are simply putting a band-aid on a bleeding wound.

So Hezbollah has got to be annihilated out of Lebanon, and Hamas has got to be controlled in Gaza. But meanwhile, Iran has got to be taken out of this picture so they are not funding training and fomenting war in places like Iraq and in Israel.

But they are doing so in both places right now and they are getting away with it, Mr. Speaker. We have to put a stop to that. We have to understand our enemy before we can do that.

This Nation needs to have the will to do what we need to do. During this process of sanctions and perhaps a blockade and shutting off the economic capability of Iran to continue to conduct war, and to develop nuclear, while this is going on, I ask our President to prepare this country for the job that may be ahead of us, and it may well be something that can save millions of lives.

But it would be disastrous to wake up in the morning some morning and find out that we waited too long, that a mushroom cloud went up over Tel Aviv, and perhaps there was a missile on its way to western Europe, or a missile on its way to the east cost of the United States, and perhaps millions of people could die in this process.

This does not include smuggling those kind of weapons of mass destruction across the borders into the United States, which are still far too porous. There comes a time to act, Mr. Speaker. I am not submitting that time is right now.

But I am submitting that we need to establish a time frame and be ready. We need to look at the countries out there in the world, and determine what are their motives, what can we count on them doing, what have they told us they are going to do, and they have told us they are here to annihilate us. They repeat that over and over again.

There are people in Iran that remember the times that they lived in a modern world. They hunger for that modern world again. They are repressed by the regime that they have. They had leaders that came forward as candidates that wanted to run for office in the recent elections that they had.

But the mullahs shut them down, peeled them out, put some of them in jail and prohibited the candidates of the people of Iran from running for office so that they could choose their own leaders.

The people in Iran deserve freedom. We need to hear from the people of

Iran. We need to hear what they have to say about how hungry they are for freedom. But they had a constitution that was the established in 1906. It was established August 5, 1906 in Iran. And the Constitution speaks, for the most part, the same way our constitution speaks, for freedom.

Freedom for the Iranian people. The 100-year anniversary comes up on August 5, 2006. The century celebration for the constitution of Iran. Let that be an inspiration to the people in Iran.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for the balance of the time until midnight.

Mr. DELAHUNT. Mr. Speaker, I am not going to consume all of the time. I thought that I was going to be joined by my colleagues from the 30 Something Group, but it would appear tonight that only the "something" is here and the 30s have taken the night off.

But I had listened to my dear friend from Iowa earlier, and I thought that I would stay for a few minutes to make some observations. He spoke eloquently and sincerely about anti-Semitism.

I know he decries anti-Semitism, as I believe every Member in this body does. But he specifically alluded to western Europe and anti-Semitism. I think it is important for us to note the remarks just recently of the Speaker of the House of the new Iraqi Parliament.

Those remarks, I dare say, can only be interpreted as anti-Semitic, and they are in my judgment disturbing, and, yes, even dangerous. So while we speak of the new Iraqi Government and what we are told they are about, I think it is extremely important to listen, to educate ourselves, and inform the American people.

I, myself, and several of my colleagues will be introducing a resolution condemning, condemning the remarks of the Speaker of the House of the new Iraqi Parliament.

Mr. Speaker, let me read what he had to say. "Some people say," these are his words, "we saw you beheading, kidnapping and killing. In the end we even started killing women who are our honor. These acts are not the work of Iraqis. I am sure that he who does this is a Jew, and a son of a Jew. I can tell you about these Jewish Israelis and Zionists who are using Iraqi money and oil to frustrate the Islamic movement in Iraq, and come with their agent and cheap project. No one deserves to rule Iraq other than Islamists."

The same Speaker by the way, had this to say. Listen carefully to these words, Mr. Speaker, "The U.S. occupation is butcher's work, under the slogan of democracy and human rights and justice". This is the Speaker of the Iraqi Parliament, our ally, whose prime minister has been invited to speak to this House this week. I dare say he ought to immediately, upon landing in Washington, D.C. condemn these words.

□ 2330

I find them disturbing and I am sure, Mr. Speaker, all of our colleagues will find them disturbing.

I am also disturbed by the words of the Iraqi foreign minister who had this to say, Mr. Speaker: Iran doesn't claim that they want to obtain a nuclear weapon or a nuclear bomb, so there is no need that we ask them for any guarantee now. Every country has the right to have its nuclear technology, every country like the Islamic Republic or any other country. I also find that disturbing. We ought not even to pose the question to Iran, according to the Iraqi foreign minister.

And let me finally note the words of the prime minister of Iraq who will address this House this week. And, again, he said these words in reference to the Israeli response after Hezbollah kidnapped two Israeli soldiers and killed others, as well as for 2 days continued to fly their rockets into civilian Israeli communities on the border between Lebanon and Israel: I condemn these aggressions and call on the Arab League foreign ministers meeting in Cairo to take quick action to stop these aggressions. We call on the world to take quick stands to stop the Israeli aggression.

Mr. Speaker, is this new Iraqi Government an ally of the United States? We should reflect on that. Particularly since we have spilled the blood of thousands of Americans on Iraqi soil, where we have given, not loaned, Mr. Speaker, as some of us recommended, but rather given to date $30 billion in the reconstruction of Iraq. And just this week we are told by the Comptroller General of the United States, David Walker, the head of the Government Accountability Office, that some 50 billion additional dollars are going to be needed simply to restore the oil facilities and the electric grid in Iraq, and that the American taxpayer would have to pay for all of it.

We ought to be thinking carefully about this, Mr. Speaker. These are facts, where the military deployment of Americans has cost in excess of $300 billion and is escalating every day with no end in sight.

My friend from Iowa talks about Iran. We ought to be aware, Mr. Speaker, there appears to be a special relationship now evolving between Iran and Iraq. There has been agreement after agreement concluded between Iran and Iraq, and the Iranian foreign minister has visited in Baghdad and consulted with the new Iraqi Government. Iran has agreed to construct a new airport in Iraq; they have extended loan credits in the amount of $1 billion to Iraq. And, Mr. Speaker, I think this is especially important for the American people to know, they have concluded a bilateral military cooperation agreement. Yes, Iran and Iraq have concluded a military agreement. And this week we will be hearing from the Iraqi prime minister.

I could go on and on, Mr. Speaker, but I thought it was important after listening to my friend and colleague that I introduce new information for us to reflect on and to analyze and be honest with the American people.

It is not going well in Iraq, Mr. Speaker. We heard from General Abizaid just this week where he said there has been serious sectarian violence, and our ability to control it is very much in doubt.

So when we discuss the issues that implicate the Middle East and beyond the Middle East, it is important that we put forth all of the facts.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Mr. BERMAN (at the request of Ms. PELOSI) for today on account of a death in the family.

Ms. HARMAN (at the request of Ms. PELOSI) for today on account of official business.

Mr. HONDA (at the request of Ms. PELOSI) for today on account of family business.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of family medical emergency.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today.

Ms. MCKINNEY (at the request of Ms. PELOSI) for today and the balance of the week.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of inclement weather.

Mr. BACHUS (at the request of Mr. BOEHNER) for today on account of a family emergency.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of official business.

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. FORTENBERRY (at the request of Mr. BOEHNER) for July 20 until 1:00 p.m. on account of medical reasons.

Mr. GIBBONS (at the request of Mr. BOEHNER) for today.

Mr. ISTOOK (at the request of Mr. BOEHNER) for today and the balance of the week on account of matters that required attention in Oklahoma.

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. WELLER) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, July 28.

Mr. OSBORNE, for 5 minutes, today and July 25.

Mr. CARTER, for 5 minutes, July 25.

Mr. WELLER, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, July 25.

Mr. KIRK, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. SERRANO, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2690. An act to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the "Harry J. Parrish Post Office", to the Committee on Government Reform.

S. 3187. An act to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the "Richard L. Cevoli Post Office", to the Committee on Government Reform.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on July 20, 2006, she presented to the President of the United States, for his approval, the following bill.

H.R. 5117. To exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

ADJOURNMENT

Mr. DELAHUNT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 25, 2006, at 9 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8747. A letter from the Publications Control Officer, Department of the Army, Department of Defense, transmitting the Department's final rule — Law Enforcement Reporting (RIN: 0702-AA52-U) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8748. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Relocation of Subpart 225.6 to 225.76 [DFARS Case 2006-D003] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8749. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of Contract Goal for Small Disadvantaged Businesses and Certain Institutions of Higher Learning [DFARS Case 2006-D010] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8750. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition of Information Technology [DFARS Case 2003-D068] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8751. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Exchange or Sale of Government-Owned Information Technology [DFARS Case 2003-D094] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8752. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Required Sources of Supply [DFARS Case 2003-D072] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8753. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to Rule XXVI, clause 1, of the House Rules; (H. Doc. No. 109-128); to the Committee on Standards of Official Conduct and ordered to be printed.

8754. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at Greater Rochester International Airport will be equal to or greater than the level that would be provided at the aiport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

8755. A letter from the Board Members, Railroad Retirement Board, transmitting the 2006 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

8756. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the 23rd Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

8757. A letter from the Admiral, United States Coast Guard Commandant, Department of Homeland Security, transmitting a copy of a draft bill, "To authorize appropriations for fiscal year 2007 for the United States Coast Guard, and for other purposes"; jointly to the Committees on Transportation and Infrastructure, Ways and Means, Armed Services, Government Reform, Homeland Security, the Judiciary, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Pursuant to the order of the House on July 20, 2006 the following report was filed on July 21, 2006

Mr. HYDE: Committee on International Relations. H.R. 5682. A bill to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India; with an amendment (Rept. 109-590 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2965. A bill to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes; with an amendment (Rept. 109-591). Referred to the Committee of the Whole House on the State of the Union.

[Filed on July 24, 2006]

Mr. BUYER: Committee on Veterans' Affairs. H.R. 3082. A bill to amend title 38, United States Code, to require that 9 percent of procurement contracts entered into by the Department of Veterans Affairs be awarded to small business concerns owned by veterans, and for other purposes; with amendments (Rept. 109–592). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 5388. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes (Rept. 109–593, Pt. 1). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 5766. A bill to provide for the establishment of Federal Review Commissions to review and make recommendations on improving the operations, effectiveness, and efficiency of Federal programs and agencies, and to require a schedule for such reviews of all Federal agencies and programs; with an amendment (Rept. 109–594, Pt. 1). Ordered to be printed.

Mr. GINGREY: Committee on Rules. House Resolution 939. Resolution providing for consideration of the bill (H.R. 1956) to regulate certain State taxation of interstate commerce; and for other purposes (Rept. 109–595). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on July 21, 2006]

Pursuant to clause 2 of rule XII the Committee on Rules discharged from further consideration. H.R. 5682 referred to the Committee of the Whole House on the State of the Union.

[The following action occurred on July 24, 2006]

Pursuant to clause 2 of rule XII the Committees on Rules and the Budget discharged from further consideration. H.R. 5766 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CAMPBELL of California:

H.R. 5862. A bill to amend the Internal Revenue Code of 1986 to allow individuals eligible for veterans health benefits to contribute to health savings accounts; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself and Mr. DINGELL):

H.R. 5863. A bill to authorize temporary emergency extensions to certain exemptions to the requirements with respect to polychlorinated biphenyls under the Toxic Substances Control Act; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Mr. PRICE of Georgia, Mr. TIERNEY, and Mr. BEAUPREZ):

H.R. 5864. A bill to provide for innovation in health care through State initiatives that expand coverage and access; to the Committee on Energy and Commerce, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS:

H.R. 5865. A bill to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries, and for other purposes; to the Committee on Ways and Means.

By Mr. BURGESS (for himself, Mr. NORWOOD, Mr. WELDON of Florida, and Mr. BOUSTANY):

H.R. 5866. A bill to amend titles XI and XVIII of the Social Security Act to reform physician payment under the Medicare Program, to modernize the quality improvement organization (QIO) program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 5867. A bill to amend title 10, United States Code, to clarify the authority of the Secretary of a military department, or the Secretary of Homeland Security in the case of the Coast Guard, to sell untreated water located on military installations; to the Committee on Armed Services.

By Mr. GRIJALVA:

H.R. 5868. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to provide funds for training in tribal leadership, management, and policy, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT (for himself, Mr. LEVIN, and Mr. CARDIN):

H.R. 5869. A bill to temporarily increase assistance for United States citizens evacuated from foreign crises; to the Committee on Ways and Means.

By Mr. ORTIZ (for himself, Mr. HINOJOSA, and Mr. DOGGETT):

H.R. 5870. A bill to provide for the health care needs of veterans in far South Texas; to the Committee on Veterans' Affairs.

By Mr. SAXTON:

H.R. 5871. A bill to establish the Math and Science Teaching Corps; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself, Mr. PALLONE, Mr. PAYNE, Mr. ROTHMAN, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. HOLT, Mr. OWENS, Mr. BISHOP of New York, and Mr. LOBIONDO):

H.R. 5872. A bill to restore, protect, and preserve the natural, chemical, physical and biological integrity, and the economic potentialities, of the New York/New Jersey Bight through designation and establishment of the New Jersey/New York Clean Ocean Zone and the regulation of various activities therein, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself and Mr. PAYNE):

H.R. 5873. A bill to amend the State Department Basic Authorities Act of 1956 to remove the reimbursement requirement for evacuation as a result of war, civil unrest, or natural disaster; to the Committee on International Relations.

By Mr. CROWLEY:

H. Res. 940. A resolution recognizing the 185th anniversary of the independence of Peru on July 28, 2006; to the Committee on International Relations.

By Mr. SHAW (for himself and Mr. FOLEY):

H. Res. 941. A resolution honoring the service of Gerard Latortue, Haiti's Interim Prime Minister; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII.

421. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to a Joint Resolution memorializing the Congress of the United States and the President of the United States to shift funding priorities and support the equitable disbursement of Homeland Security funds as outlines in United States Senate Bill 10, sponsored by Senator Susan Collins, in order to ensure that all states effectively contribute to our national security goals and emergency preparedness; jointly to the Committees on Homeland Security, Energy and Commerce, Transportation and Infrastructure, and the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 98: Mr. HAYES.

H.R. 239: Mr. BARTLETT of Maryland and Mr. WELDON of Florida.

H.R. 303: Mr. DINGELL.

H.R. 474: Mr. FRANK of Massachusetts.

H.R. 500: Mr. LUCAS.

H.R. 503: Mr. HUNTER and Mr. WELLER.

H.R. 615: Mr. HIGGINS and Mr. SESSIONS.

H.R. 886: Mr. BURTON of Indiana, Mr. MOORE of Kansas, Mr. WELLER, and Mr. McCOTTER.

H.R. 1078: Mr. BARTON of Texas.

H.R. 1337: Mr. JINDAL.

H.R. 1384: Mr. BAKER and Mr. SALAZAR.

H.R. 1451: Mr. THOMPSON of California and Mr. HOLT.

H.R. 1494: Mr. OTTER.

H.R. 1558: Mr. REICHERT.

H.R. 1588: Mr. SMITH of Washington.

H.R. 1632: Ms. SCHWARTZ of Pennsylvania.

H.R. 1658: Mr. CANNON.

H.R. 1671: Mr. ALLEN.

H.R. 1688: Mr. GUTIERREZ.

H.R. 1709: Mrs. NAPOLITANO.

H.R. 1898: Mr. BONNER, Mr. LEWIS of California, Mr. BOUSTANY, and Mr. SMITH of New Jersey.

H.R. 1951: Mrs. BONO.

H.R. 2034: Mr. GORDON.

H.R. 2568: Ms. JACKSON-LEE of Texas.

H.R. 2793: Ms. MOORE of Wisconsin.

H.R. 3082: Mrs. JO ANN DAVIS of Virginia and Mr. LOBIONDO.

H.R. 3194: Mr. WYNN.

H.R. 3361: Mr. FOLEY.

H.R. 3412: Mr. TIBERI.

H.R. 3762: Mr. BAIRD and Mr. INSLEE.

H.R. 3903: Mr. STEARNS.

H.R. 3904: Mr. STEARNS.

H.R. 4264: Mr. SCHWARZ of Michigan and Mr. STRICKLAND.

H.R. 4366: Mr. LAHOOD and Mr. MEEKS of New York.

H.R. 4547: Mr. JINDAL.

H.R. 4562: Mr. SHIMKUS, Mr. SNYDER, Mr. GILLMOR, Mr. POMBO, Mr. REYES, Mr. SCOTT of Virginia, Mr. SMITH of Texas, Mr. FORTENBERRY, Mr. DOOLITTLE, Ms. MOORE of Wisconsin, Mr. SERRANO, Mr. WEXLER, Mr. HALL, Mr. ENGLISH of Pennsylvania, Mr. ROYCE, and Mr. NUNES.

H.R. 4583: Mr. MARSHALL.

H.R. 4597: Mr. SIMPSON.

H.R. 4672: Ms. FOXX.

H.R. 4704: Mr. WYNN, Mr. FATTAH, and Mr. SCHWARZ of Michigan.

H.R. 4710: Mr. CARNAHAN.

H.R. 4824: Mr. JINDAL.

H.R. 4873: Mr. MOORE of Kansas, Mr. JEFFERSON, and Mr. CANTOR.

H.R. 4914: Mr. BARROW.

H.R. 4922: Mr. BAKER and Mrs. MYRICK.

H.R. 4927: Mr. CULBERSON, Mr. REICHERT, Mr. MCDERMOTT, Mr. DOYLE, Mr. MELANCON, and Mr. MORAN of Kansas.

H.R. 4992: Mr. FRANK of Massachusetts and Mr. MCCAUL of Texas.

H.R. 5005: Mr. BAKER.

H.R. 5013: Mr. DENT, Mr. RENZI, and Mr. CAMPBELL of California.

H.R. 5052: Mrs. NAPOLITANO and Mr. ENGEL.

H.R. 5053: Mr. HOLDEN and Mr. ENGLISH of Pennsylvania.

H.R. 5113: Mr. CARNAHAN.

H.R. 5128: Mr. SHIMKUS.

H.R. 5137: Mr. WYNN.

H.R. 5159: Mr. DINGELL.

H.R. 5200: Mr. DOYLE and Mr. CLAY.

H.R. 5201: Mr. SNYDER.

H.R. 5204: Mr. INSLEE.

H.R. 5225: Mr. WYNN, Mr. RANGEL, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MELANCON, and Mr. CUELLAR.

H.R. 5249: Mr. PAUL, Mr. OTTER, Mr. ETHERIDGE, and Mr. HINOJOSA.

H.R. 5319: Mr. PUTNAM and Mr. GERLACH.

H.R. 5324: Mr. MORAN of Kansas.

H.R. 5388: Mr. ANDREWS.

H.R. 5452: Mr. BARTLETT of Maryland.

H.R. 5464: Mr. BARTLETT of Maryland.

H.R. 5465: Mr. OWENS.

H.R. 5479: Mr. CULBERSON.

H.R. 5493: Mr. PAYNE.

H.R. 5520: Mr. BARTLETT of Maryland.

H.R. 5539: Mr. KLINE, Ms. HART, and Mr. KILDEE.

H.R. 5557: Ms. SCHAKOWSKY.

H.R. 5558: Mr. CULBERSON, Mr. HOEKSTRA, Mr. DENT, Mr. BARRETT of South Carolina, Mr. SULLIVAN, and Ms. FOXX.

H.R. 5674: Mr. TOWNS.

H.R. 5700: Mr. SHIMKUS.

H.R. 5704: Mr. BILIRAKIS.

H.R. 5707: Mr. POE.

H.R. 5731: Mr. FATTAH and Mr. DELAHUNT.

H.R. 5752: Mr. CRENSHAW and Ms. BORDALLO.

H.R. 5755: Mr. ISTOOK, Mrs. DAVIS of California, Mr. ROTHMAN, and Mr. JEFFERSON.

H.R. 5766: Mr. KUHL of New York, Mr. SAM JOHNSON of Texas, Mr. PUTNAM, Mr. PITTS, Mr. FLAKE, and Mr. SMITH of Texas.

H.R. 5770: Mr. HINCHEY, Ms. CORRINE BROWN of Florida, and Mr. OWENS.

H.R. 5772: Mr. JINDAL and Mr. CONAWAY.

H.R. 5782: Mr. BAKER, Mr. BOUSTANY, Mr. REICHERT, Mr. KUHL of New York, Mr. HAYES, Mr. BACHUS, Mr. DUNCAN, Mrs. SCHMIDT, Mr. KENNEDY of Minnesota, Mr. LATOURETTE, Mr. EHLERS, Mr. LOBIONDO, Mr. PORTER, Mr. POE, Mr. FORTUÑO, Mr. MACK, Mr. HOEKSTRA, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 5784: Mr. BROWN of Ohio and Mr. DAVIS of Florida.

H.R. 5788: Mr. MATHESON, Mr. PETERSON of Minnesota, Mr. CARDOZA, Mr. COSTA, Mr. MCINTYRE, and Mr. CASE.

H.R. 5791: Mr. HOLDEN, Mr. GERLACH, Mr. BARROW, and Mr. WELDON of Pennsylvania

H.R. 5805: Ms. BERKLEY and Mr. ROTHMAN.

H.R. 5807: Ms. JACKSON-LEE of Texas.

H.R. 5808: Mr. GERLACH, Mr. KUHL of New York, Mr. FORTUÑO, Mr. LATOURETTE, Mr. EHLERS, Mr. LOBIONDO, Mr. PORTER, Mr. HAYES, Mr. BACHUS, Mr. KENNEDY of Minnesota, Mr. MACK, Mr. NEY, Mr. SHUSTER, Mr. BOUSTANY, Mr. MARIO DIAZ-BALART of Florida, and Mr. BAKER.

H.R. 5830: Mr. PAUL, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. REYES, Ms. JACKSON-LEE of Texas, and Mr. HINOJOSA.

H.R. 5835: Mr. HAYES, Ms. WATSON, Mrs. BONO, Mr. COSTA, Mr. CARTER, Mr. CASE, Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Illinois, Mr. GERLACH, Mr. DAVIS of Florida, Mr. WOLF, and Mr. WELDON of Pennsylvania.

H.R. 5838: Mr. FILNER.

H.R. 5856: Mr. KIND.

H. Con. Res. 125: Ms. BERKLEY, Mr. ABERCROMBIE, Mr. REYES, Mr. HENSARLING, Mr. MILLER of Florida, Mr. PEARCE, Mr. KUHL of New York, Mrs. MYRICK, and Mr. BUTTERFIELD.

H. Con. Res. 306: Ms. WATSON.

H. Con. Res. 346: Mr. ROHRABACHER.

H. Con. Res. 347: Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 391: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 406: Mr. PASTOR.

H. Con. Res. 434: Mr. ISRAEL and Mr. HONDA.

H. Con. Res. 446: Mr. MATHESON, Mr. PETERSON of Minnesota, Mr. CARDOZA, Mr. COSTA, Mr. MCINTYRE, and Mr. CASE.

H. Res. 79: Mr. RUSH, Mr. DOYLE, Mr. AL GREEN of Texas, Mr. COSTA, Mr. BECERRA, Mr. CARDOZA, Mr. PASTOR, Ms. SOLIS, and Ms. VELÁZQUEZ.

H. Res. 222: Mrs. SCHMIDT.

H. Res. 759: Ms. BERKLEY and Mr. WELDON of Pennsylvania.

H. Res. 776: Mr. CALVERT and Mr. RENZI.

H. Res. 790: Ms. WATERS, Mr. JACKSON of Illinois, and Mr. DAVIS of Illinois.

H. Res. 800: Mrs. JOHNSON of Connecticut.

H. Res. 822: Mr. MEEKS of New York.

H. Res. 912: Mr. MILLER of North Carolina and Mr. KNOLLENBERG.

H. Res. 938: Mr. HOLT, Mr. BRADY of Pennsylvania, Mr. MCCAUL of Texas, Mr. DINGELL, Ms. CORRINE BROWN of Florida, Mrs. MCCARTHY, Mr. SMITH of Washington, Mr. ETHERIDGE, Mr. BACA, and Ms. MCCOLLUM of Minnesota.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

127. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 130 requesting the President of the United States, the Congress of the United States and the United States Nuclear Regulatory Commission to immediately close down Indian Point Nuclear Reactors; to the Committee on Energy and Commerce.

128. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 126 calling upon the President of the United States, the Congress of the United States, the Department of Homeland Security, the Governor of the State of New York, the New York State Senate and the New York State Assembly to restore the "Community Oriented Policing Services" ("COPS") Program that enabled Rockland County and the entire country to advance public safety through added street police presence; to the Committee on the Judiciary.

129. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 125 calling upon the President of the United States, the Congress of the United States, the Department of Homeland Security, the Governor of the State of New York, the New York State Senate and the New York State assembly to include Rockland County in the Homeland Security funding definition for urban areas security initiative (UASI) grants for high threat urban areas in 2006; to the Committee on Homeland Security.

130. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 124 calling upon the President of the United States, the Congress of the United States, the Department of Homeland Security, the Governor of the State of New York, the New York State Senate and the New York State Assembly to work to allow Homeland Security funding to be used to recruit and retain personnel; to the Committee on Homeland Security.

131. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 123 calling upon the President of the United States, the Congress of the United States, the Security, the Governor of the State of New York, the New York State Senate and New York State Assembly to work to change the Homeland Security funding into one based on threat; to the Committee on Homeland Security.

132. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 347 requesting the President of the United States and the Congress of the United States adopt "The Fuel Choices Of American Security Act of 2005"; jointly to the Committees on Energy and Commerce, Science, Ways and Means, Transportation and Infrastructure, and Government Reform.

EXTENSIONS OF REMARKS

REGARDING HOUSE INTERIOR APPROPRIATIONS PROVISION TO FUND BLM NEW MEXICO'S PREPARATION OF A NEW CO-DEVELOPMENT PLAN FOR OIL AND GAS AND POTASH IN THE SECRETARIAL POTASH AREA OF NEW MEXICO

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Ms. GRANGER. Mr. Speaker, for too long, the number one concern of Americans all across our Nation has been the price and supply of energy. The cost of gasoline at the pump and the cost of natural gas delivered to homes and businesses throughout America have risen to levels that have threatened family pocketbooks and employment for businesses both big and small. Americans are looking for real action that addresses the real problems they are experiencing in the market place—the price and supply of gasoline and natural gas. The answer is to be found, in part, by increasing domestic supply of oil and gas. And we have so much of those resources still untapped—whether in the Alaska National Wildlife Refuge, in off-shore leases, or on a range of federal properties where the oil and gas resources are already owned by the American people.

Many of these opportunities for increased production of oil and gas on federal lands are admittedly fraught with controversy and caught up in partisan politics. However, the House Interior appropriations bill that we passed on May 18, pursues a supply of 1–2 billion barrels of oil and gas on a federal property that is readily developable, where no environmental impediments exist and where drilling and pipeline infrastructure is so plentiful that the oil and gas can be cost-effectively and quickly delivered into the market.

Particularly, our House Interior Appropriations bill provides an additional $800,000 to the Bureau of Land Management to develop a new co-development policy to facilitate greater production of both the oil and gas and potash that lies beneath an area known as the Secretarial Potash Area near Carlsbad, New Mexico. There has been some contention between oil and gas producers and the potash industry over how extensive oil and gas production should be in the area. The potash industry has claimed that drilling oil and gas wells variously prohibits recovery of potash deposits by them or creates safety risks to potash miners. The BLM New Mexico State Office has denied many applications for drilling permits (APDs) on the basis of those claims. For their part, the oil and gas leaseholders argue that such claims are baseless and point out that there has never been a safety incident in a potash mine from the oil and gas wells that already exist in the potash area. Additionally, they reference the 500,000 acres that constitute the Secretarial potash area are so vast that increased oil and gas development can be achieved without adversely impacting the potash industry.

Last year, the BLM New Mexico State Director commissioned New Mexico Tech to conduct a thorough geological assessment of the oil and gas potential of the potash area. The State Director briefed congressional staff on the conclusions of the New Mexico Tech study on February 14, 2006. Those conclusions are compelling in terms of the urgent need for more oil and gas in this country. After studying the geologic data in great detail, New Mexico Tech concluded that: "Even considering only the Brushy Canyon and Morrow Formations, a large part of the SPA [Secretarial Potash Area] has significant future oil and gas potential along presently producing trends." The study further concludes: "The Secretary of Interior's Potash Area is a prolific oil and gas producing region with significant future reserves. . . . [A]lmost the entire SPA is of interest for future development. . . . These formations . . . consist of extensive sandstones that have demonstrated production characteristics. . . . Horizontal wells have been demonstrated to work with good production, and drilling islands in areas with existing wells are one method of permitting sub-potash development in the future."

At that same recent briefing for Congressional staff, the BLM New Mexico state director acknowledged that her office has no data to support the claim of safety risks alleged by the potash companies, but expressed a desire to conduct more research on the issue to confidently issue more APDs for oil and gas drilling. The New Mexico State Director also informed congressional staff that she wanted to begin creation of a new co-development resource policy for the Secretarial potash area that would increase oil and gas production while avoiding any legitimate and avoidable adverse impact on current and future potash mining.

The House Interior Appropriations bill provides the BLM Director with additional funding to accomplish the stated objective of creating such a new co-development policy. With BLM already having the full legal authority to create the new co-development policy, BLM can begin action now and does not need to wait even for the enactment of a final Interior Appropriations conference report to commence activity to create the new co-development policy. The only thing now standing in the way of that new policy and oil and gas production is action by the BLM New Mexico office. BLM must understand the seriousness of our intentions underlying this funding provision and the agency must appreciate that we want oil and gas production expedited as a result of this funding and soon. We are watching BLM to see action, and so are the American people.

PERSONAL EXPLANATION

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. LINDER. Mr. Speaker, I was unable to cast rollcall vote 382 on July 19, 2006, because I was unavoidably detained on official business at the White House. Had I been present, I would have cast the following vote: On rollcall No. 382, I would have voted "yea."

ARTICLE BY RABBI ISRAEL ZOBERMAN

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mrs. DRAKE. Mr. Speaker, I would like to call your attention to the following article written by my constituent, Rabbi Israel Zoberman. Rabbi Zoberman is the spiritual leader of Congregation Beth Chaverim in Virginia Beach, VA. A son of Polish Holocaust survivors, he grew up in Haifa, Israel. He is past President of the Hampton Roads Board of Rabbis and Cantors. The article reads as follows:

> Once more I felt in the pit of my stomach that gnawing sense of emptiness born of disbelief and grave concern, which after all is a defense mechanism, experienced during past wars and crises. My phone calls to my family in Haifa, Israel have increased from Fridays to wish them a "Shabbat Shalom" to daily contacts of empathy and support.
>
> My beautiful coastal Haifa, Israel's third largest city, has become a deliberate target with rockets landing on Mt. Carmel, not far from my sisters' homes and my parents' residence where I was raised. My very pregnant niece was emotionally affected and temporarily left to Tel Aviv for psychological stability. Speaking to my mom, who along with father are Polish Holocaust survivors, conveyed her definite heightened anxiety as she faced one more challenge after already much trauma, including Israel's previous wars and ongoing tensions since arriving there in 1949. I've also been in touch with Lebanese friends in Virginia Beach. They too are affected by the disconcerting events.
>
> The eruption of hostilities this time followed attacks and kidnappings by Hamas in the south and Hezbollah in the north, instigated by the true powers to be in Iran and Syria, and lengthy rockets' firing at Israeli towns within range from Gaza. It thus forced Israel's government to send a loud message to those who are obstacles to the future of peace, a pre-condition to Israel's very viability and survival in a restive region of critical strategic importance. No state would allow disruption to its citizens' lives on a scale tolerated so long by Israel. Particularly for a small country albeit with a capable military, such unacceptable scenario becomes debilitating.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The threat from radical Islam seeking to create a Middle East a la its rejectionist ideology, sans Israel and Western influence, also aims at destabilizing moderate Arab states such as Egypt and Jordan which signed peace treaties with Israel. Without a countervailing strong Iraq, Iran is now positioned for hegemony to restore its historic preeminence and emerge a global Muslim leader. It attempts to acquire nuclear power as a step in this envisioned goal while led by an irresponsible president who openly denies the Holocaust and calls for Israel's elimination. The Palestinian Authority as well as Lebanon stand to benefit from Israel's actions for their own future is held hostage by their extremists. Israel's response is supportive of America's heroic efforts to confront terrorism world-wide, painfully introducing democracy to a liberated Iraq, even though democracy's Arab enemies subvert fledging democracies from within. Fighting terrorists is hampered by their planting themselves among civilians to take advantage of democratic nations' reluctance to retaliate at random. But terrorists underestimate the will of free nations to ultimately fight back in spite of limitations with inevitable and regrettable losses of life and property. Tragic indeed has been Lebanon's lot and inability to control Palestinian and Lebanese militants who have begrudged her Western culture and delicate ethnic and religious balance.

How frustrating that despite Israel's sacrificial Gaza disengagement a year ago as well as the departure from southern Lebanon in 2000, with plans for the further withdrawal from the West Bank to create a Palestinian state, its adversaries refuse to respond in kind. Reestablishing a deteriorated deterrence posture is a must for Israel's security. Recently elected Israeli Premier Ehud Olmert is undergoing his first major test by fire, literally, filling in the big shoes of his incapacitated predecessor Ariel Sharon. Sharon, the daring leader in war and peace, would approve Olmert's conduct that is supported by a united political front, so otherwise rare, testimony to Israel's resolve to again prevail. A determined Jewish state has no plans to leave its bad neighborhood, and it may yet help transforming it with its essential American partner. May children on both sides of Israel's borders soon be able to freely play and sleep at peace.

Rabbi Israel Zoberman, spiritual leader of Congregation of Beth Chaverim in Virginia Beach, grew up in Haifa, Israel.

HONORING THE AMERICAN LEGION POST 71 FOR 86 YEARS OF SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. BURGESS. Mr. Speaker, I rise today so that I may honor the American Legion Post 71 of Denton, Texas as they celebrate their 86th Anniversary. For close to a century, the American Legion Post and its members have selflessly served thousands of veterans and their families throughout North Texas.

The American Legion, holding a 3 million part membership nationally, was chartered by Congress in the aftermath of World War I as a "patriotic, mutual-help, war-time veterans' organization." Since its establishment, the American Legion has sworn "to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars;" to promote service and to harvest a healthy sense of community. Today there are over 15,000 posts world-wide.

In celebration of their 86th Anniversary, Post 71 will honor the family of Ernest Dallas Jr., a Denton Veteran of the Iraq War, with a "Fallen Heroes Memorial Plaque."

Mr. Speaker, I applaud American Legion Post 71 for their honorable service to our nation and our heroes. I also recognize one of those heroes, Ernest Dallas Jr., who lost his life in Iraq not more than a year ago. Our nation truly owes a debt of gratitude to him and our other fallen soldiers for their admirable and unyielding service to our nation.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. TIAHRT. Mr. Speaker, on July 13, I was unavoidably detained and missed rollcall vote No. 374.

Rollcall vote No. 374 was on final passage of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act. Had I been present, I would have voted, "yea."

This is an important piece of legislation that I hope to see pass through the Senate, signed by the President and enacted.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained on July 20, 2006 and missed Rollcall vote 393. Had I been present, i would have voted "aye" for 393.

SUPPORT THE STEM CELL RESEARCH ENHANCEMENT ACT, H.R. 810

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mrs. DAVIS of California. Mr. Speaker, I support moving stem cell research forward and believe H.R. 810 will accomplish it in an ethical and responsible manner.

It is almost 2 years since my daughter-in-law, Naomi, underwent a kidney transplant. I marvel at the combined results of the many people and years of science and research that came before her which gave her that opportunity.

Naomi was lucky and found an eligible donor in her brother. The transplant operation was a success. In fact, just a month ago, our family cheered on Naomi at the Transplant Olympics.

It seems like a happy ending, but the story does not end here.

My daughter-in-law takes a number of drugs to keep her body from rejecting her new kidney. I hope her body will be able to support her transplant for many years.

Hopefully, Naomi will not need to face another transplant for many, many years. Clearly, she may not be able to go to a sibling again.

Will new research bring her new hope in the future?

Mr. Speaker, as you can see, I have a personal reason for seeing an expansion of the existing stem cell lines.

New stem cell lines hold the promise of advancing medical research and providing cures to a number of diseases.

After years of work, both the House and Senate passed bipartisan stem cell legislation. Unfortunately, President Bush vetoed this critical bill. Despite a valiant effort in the House, we could not override this veto.

We need to think about tomorrow—what kind of future do we want to provide for the millions of individuals who live with life-threatening illnesses and their families?

If we don't move forward, we will not have the chance to develop innovative treatments, including the potential of growing kidneys.

I hope I can give Naomi and other families like ours that chance.

REGARDING THE GATES FOUNDATION'S WORK TO DEVELOP AN HIV VACCINE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, AIDS is a disease that knows no national borders. Approximately 40 million people across the globe are infected with this virus. There is no cure, and for many people, no hope.

Between 1995 and 2005, the number of people living with HIV/AIDS has doubled, despite efforts to prevent transmission of the disease. New infections among women outpace those among men as a result of gender inequalities and violence toward women. Ninety-six percent of people with HIV live in the developing world, most in sub-Saharan Africa.

Life-saving drugs to prevent mother-to-child transmission of the virus have been unavailable, and hundreds of thousands of infants have become needlessly infected at birth or through breastfeeding in the last year.

Bill and Melinda Gates have done a great thing to provide hope to the millions suffering from AIDS.

Yesterday, they announced that they have dedicated $287 million in the form of 16 grants over 5 years to set up an international network of HIV vaccine scientists.

What is special about the grants is that they will be shared among 16 research projects in

19 countries. Five of the grants will pay for central laboratories to test researchers' findings and foster international collaboration.

Importantly, the Gates Foundation's gift will encourage the 165 scientists receiving them to join forces. All the scientists involved have signed a collaboration agreement to openly share their data and results. This unique arrangement is designed to get an effective HIV vaccine quickly into clinical trials in humans.

I have great respect for Bill and Melinda Gates, and I admire their desire to do good things at a global level. They are a model of charity. By this generous gift, the Gates are showing all of us how to look beyond our own borders and make a real difference in this world. Global health and equality are the true keys to bringing about world peace and understanding.

HONORING DOROTHY BARKER OF CWA

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to honor one of my long-time friends, Dorothy Barker. Though not a native Houstonian, she has been here longer than most. She came here in 1939 and is a proud graduate of Milby High School.

Dorothy immediately went to work after graduation and moved around Texas with her husband, U.S. Army Air Force Sergeant Hugh Barker. In addition to being the mother of three children, Dorothy managed to have a variety of jobs to help support her family. She had a milk route in San Antonio, drove a city bus in Galveston, and was a "motor pool" employee at the Air Base in Dalhart, Texas.

Finally, her family settled down in Houston and she became an employee of Southwestern Bell Telephone Company in 1945 and joined the Communication Workers of America the same year. In 2 short years, she became a job steward and became a chief steward in 1962.

She was elected associate treasurer in 1972, which is when I met her and she has held that position ever since.

Dorothy helped bring the CWA into the State of Montana in 1970 and I know personally, she has worked tirelessly to help increase union membership, protect labor rights, and get those of us who believe in good wages and benefits elected to office.

Dorothy helped me the first time I ran for State representative and was elected in 1972. She has been a strong supporter ever since and I appreciate working with her over the last 32 years.

She has attended all the formal training schools offered by CWA. She has attended steward's training, local officer training schools, leadership and advanced leadership schools, and the AFL–CIO labor law and advanced labor law courses.

Her commitment to the CWA can never be questioned. She has served as a leader in all phases of local organizing drives, and all legislative and community service work. She has been a delegate to the last 18 CWA conventions and a delegate to the AFL–CIO Convention annually since 1976.

She was District 12 CWA Woman of the Year in 1981 and was CWA Woman of the Year for local 6222 in 1999.

She currently serves as local 6222 coordinating officer for the legislative committee, finance committee, election committee, and public relations committee.

She is vice-president of the Harris County AFL–CIO and chair of the trustees of the State AFL–CIO.

I thank Dorothy Barker for her service to the working people in the Houston area and in Texas over the last 60 years and congratulate her on her retirement.

TRIBUTE TO UNITED STATES MARINE CORPORAL PAUL NICHOLAS KING

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. MEEHAN. Mr. Speaker, I rise today to honor a true hero, Marine Cpl Paul Nicholas "Nick" King, who gave his life in service to our country.

Corporal King was a resident of a community in my district, Tyngsboro, and was deployed with the brave men and women serving in our Armed Forces as part of Operation: Iraqi Freedom II. Nick arrived in Iraq just a few months ago and served as a mortarman with the 1st Battalion, 25th Marine Weapons Company, Regimental Combat Team 5. On Sunday, June 25, 2006, he sustained fatal injuries when his unit was attacked as they patrolled Fallujah, Iraq.

Nick was just 23 years old when he was killed. He leaves behind his beloved wife Becky who was his high school sweetheart. He is also survived by his loving parents Paul and Julie, and his siblings, Julie, Dianna, and Daniel. He was looking forward to starting a family with his wife and finding a new home upon his return. He was also planning to restore a motorcycle that the couple had bought shortly before his deployment. His friends and family recall his zest for life as well as his courage and sense of duty. Although he was safely stationed with a support unit in Korea, Japan, and Thailand, Nick volunteered for deployment to Iraq because he wanted to fight alongside his fellow Marines. He loved being a Marine and his courage will not be soon forgotten.

Nick graduated from the Greater Lowell Vocational High School in 2001. He enlisted in the Marines during his final year in school and wore his uniform to his wife's senior prom. Nick was very proud to be a Marine.

Nick's family is proud of him for the supreme sacrifice he paid on behalf of his country. He will always be remembered for his kindness, his zest for life, his courage, and his love for his family. He will be sorely missed.

I have requested that an American flag be flown over our United States Capitol in memory of Cpl Paul Nicholas King to honor his brave service to our country. This flag was recently presented to his family. Nick died fighting for the country he loved, alongside comrades he respected and with the family he adored, forever in his heart. Our Nation is humbled and grateful for his sacrifice.

Mr. Speaker, we should all take a moment to recognize Cpl Paul Nicholas King, United States Marine Corps, who gave his life in service to his country.

IN HONOR OF SERGEANT ROBERT P. KASSIN

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to honor the life of SGT Robert P. Kassin.

Robert dedicated his life to serving his country, and last Sunday, July 16, he made the ultimate sacrifice while serving in Afghanistan.

Sergeant Kassin was killed near Larzab, in Afghanistan's Zabul province, when his platoon came under enemy fire. He died proudly, eager to defend our Nation and help the people of Afghanistan.

For almost a decade, Robert faithfully defended his country. After graduating from high school in Clovis, NM, he joined the Army in September 1996, volunteering for deployment and reenlisting shortly after arriving in Afghanistan. Robert took pride in all that he did, and this was apparent to all who knew him.

Robert leaves behind his parents, Robert Joseph and Lucia Kassin of Clovis, his 7-year-old son, his wife, Judy, and two stepdaughters. His son and stepdaughters will grow up proud of their father, Sergeant Kassin, knowing that he gave his all in service to our country.

Our most sincere and heartfelt sympathies are with Robert's family and friends during this time of great loss. We will always remember his bravery and the sacrifice he made proudly serving our great Nation.

PERSONAL EXPLANATION

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. LINDER. Mr. Speaker, on rollcall vote No. 380, House passage of S. 2754, I inadvertently was recorded as voting "nay."

I would like the record to reflect the fact that I wanted my vote to be recorded as "yea."

This does not change the outcome of the vote.

HONORING MARY TSUKAMOTO

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. HONDA. Mr. Speaker, today I rise to honor Mary Tsukamoto for her commitment to educating young people in the Elk Grove Unified School District and to advocating for the Japanese-American community. With the use of the curriculum that she developed in the Elk Grove School District and the naming of the Mary Tsukamoto Elementary School in Sacramento, CA, Ms. Tsukamoto has been honored since her passing 8 years ago.

Born in 1915 into an immigrant family in San Francisco, Mary Tsukamoto and her four siblings attended segregated schools throughout childhood. In 1942, when Mary was just 27, she, her husband, Al, and their daughter, Marielle, were sent to an internment camp in Arkansas. Following that dark period in her life, Mary Tsukamoto emerged determined to fight for Japanese-American causes.

As an Elk Grove School District teacher for 25 years, Mary developed an educational curriculum addressing the treatment of Asian-Americans in the United States. This curriculum, "Time of Remembrance," is a living history program featuring interviews, photographs, and artifacts from the internment camps compiled by Mary Tsukamoto. The motto for "Time of Remembrance" is that "never again" should an American lose his or her fundamental rights.

After her retirement from teaching in the mid-1970s, Mary Tsukamoto continued to teach and lead the community. Her leadership contributed to the successful effort to seek a federal apology and restitution for Japanese-American internment. Subsequently, Mary co-authored a book with Elizabeth Pinkerton titled We the People: A Story of Internment in America, and worked closely with the Smithsonian Institution in Washington, DC to create an exhibit about Japanese-American internment. This activism, along with her outstanding teaching record, was recognized during this year's National Women's History Month and at receptions in both California and Washington, DC.

Recently Mary was selected as one of ten National Women's History Month honorees by the National Women's History Project. With this honor, her life story was featured on XM radio and on the Lifetime TV Channel. This year's National Women's History Month theme was "Women: Builders of Communities and Dreams," a fitting theme to describe the life of a community hero.

As a civil rights activist, author, and teacher, Mary Tsukamoto affected the lives and perspectives of many Americans. Her legacy is seen in civil rights legislation and the statewide use of her curriculum. It is in recognition and admiration of Mary Tsukamoto that I stand in honor today. Her life's work is remembered and respected.

PAYING TRIBUTE TO THE 100TH ANNIVERSARY OF THE FOUNDING OF ENDICOTT

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. HINCHEY. Mr. Speaker, I rise today to honor the village of Endicott in Broome County, NY, which is part of the 22nd Congressional District that I proudly serve. This year marks the 100th anniversary of the founding of Endicott. I am pleased to recognize the village of Endicott and the important contributions it has made to Broome County and to the State of New York on its centennial anniversary.

Located along the majestic Susquehanna River, the village of Endicott makes up one-third of the "Triple Cities" region of New York, along with the Village of Johnson City and the city of Binghamton. The Tuscarora tribes of the Iroquois Confederacy originally inhabited the area of present day Endicott before European settlement in 1795. Between this time and when Edicott was incorporated in 1906, the village grew steadily in the 19th century with the construction of schools and transportation systems. The first Endicott-Johnson shoe factory in Endicott was constructed on North Street in 1901 which promoted expansion of the village and growth throughout the Triple Cities region. The village was named after Henry B. Endicott who founded and owned the business that was Endicott-Johnson.

Endicott-Johnson was vital to the growth of the community and as an employer it pioneered the concept of worker's dignity. At Endicott-Johnson, labor was seen as a group of people rather than a commodity. Endicott-Johnson workers were given benefits such as profit sharing in the company, financial help when they needed it during an emergency such as an illness or a death in the family, and Endicott-Johnson was also one of the first companies who shortened the work day from 9½ to 8 hours a day with wages remaining the same. Employees were so pleased with their working conditions that they felt it was unnecessary to join a union and, while factories nationwide were experiencing violent riots Endicott-Johnson's workers and management enjoyed a respectful harmonious relationship. In addition to the fairness shown to the employees, Endicott-Johnson was also known as offering a "Square Deal" to its customers and Binghamton is now known as the "Home of the Square Deal," a place that summarized an umritten compact that let the public know that with Endicott-Johnson products they were receiving high-quality merchandise while informing potential Endicott-Johnson employees that when working for the company, they would be working for a company that would treat them with respect.

After the incorporation of Endicott in 1906, the 20th century proved to hold more opportunities for expansion for the village with the founding of International Business Machines, IBM, the company helped create jobs in the area as well as helped expand Endcott with recreational services created for IBM employees as well as for the public.

Like the Endicott-Johnson Shoe Company, the workers were seen as people instead of labor to be exploited. IBM also took care of its employees during hard times such as the Great Depression when it provided workers with life insurance and survivors benefits. Later, during World War II, IBM established a fund for widows and orphans of the IBM employees that were fighting overseas.

In 1921, the village of Endicott gained size and prestige by absorbing the adjacent village of Union. The villages had grown together closely, so it became hard to determine geographically where one village started and the other ended. This unification greatly strengthened the community and positioned it for greater growth and prosperity.

Despite its classification as a village, Endicott provides many amenities of a large city such as an airport, paid fire and police protection as well as many other services. The village today also offers many forms of entertainment for its inhabitants as well as visitors such as stage performances at the Cider Mill Playhouse and the Endicott Performing Arts Center as well as golfing at the En-Joie Golf Course, which is also home to the Broome County, B.C., Open, a regular stop on the PGA Tour. There is also the Little Italy section of Endicott on the North Side which also boasts a strong culture. In addition to all of these forms of recreation, there are many parks available and carousels which are so ubiquitous to the Southern Tier that Greater Binghamton is often referred to as the carousel capital.

Endicott's vibrant history is alive and evident today. Villages like Endicott are an essential component of our Nation's past, present, and future, and deserve to be honored and recognized for their numerous contributions. Mr. Speaker, it gives me great pleasure to recognize the village of Endicott, NY, as it celebrates the 100th anniversary of its founding.

CONGRATULATING MR. RON LANEY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize Mr. Ron Laney for his forward-looking leadership and commitment to child protection.

After retiring from the Marine Corps as a result of injuries sustained during combat in Vietnam, Ron Laney worked his way through college as a juvenile probation counselor, earning a degree in criminology and a masters in criminal justice. Mr. Laney soon found his calling in policy development at the Federal Government's Law Enforcement Assistance Agency, LEAA. Continuing his career in public service, he joined the Office of Juvenile Justice Delinquency Prevention, OJJDP, as a law enforcement program manager. Mr. Laney quickly made his presence known developing OJJDP's first law enforcement training program entitled Police Operations Leading to Improved Children and Youth Services, POLICY.

Mr. Laney continued to develop new and dynamic programs for the Federal Law Enforcement Training Center, including Child Abuse and Exploitation Investigative Techniques, CAE; Managing Juvenile Operations, Gang Investigations, and Gang and Drug Policy; and School Administrator for Effective-Policy, SAFE–Policy, which is one of the first comprehensive interagency efforts to improve school and community safety. For approximately 10 years, Ron trained over 96,000 participants including law enforcement, legal professionals, social service personnel, as well as medical and other child protection and enforcement professionals.

In 1998, Congress appropriated funding to combat child exploitation through the internet. Mr. Laney seized upon this opportunity to create a national prototype program, called the Internet Crimes Against Children Task Force Program, ICAC. Initially, the ICAC Program consisted of 10 regional task forces made up of local, State, and Federal agencies all working together to provide expertise to investigate child sexual exploitation via the internet. The ICAC Task Force now also provides community outreach programs to teach children and parents of the dangers of internet usage, and has expanded to include 46 regional task forces, with over 500 local, state, and federal law enforcement officers covering all areas of the United States. Since ICAC's creation, investigations of sexual victimization of children involving the use of internet technology have spanned the globe and have sparked the training of other foreign governments on ICAC techniques. The ICAC programs have come to represent the most comprehensive effort to recognize, investigate, and prosecute adult child sex offenders using internet technology.

In addition to working to create the ICAC, Mr. Laney contributed to the development of the Amber Alert program, advocated for the National Center for Missing and Exploited Children and provided policy and funding assistance for the American Prosecutors' research institute. Throughout his exemplary civil service career, Mr. Laney has provided outstanding leadership, advice, and sound professional judgment to his colleagues. Mr. Laney's commitment to child protection for over 30 years is evidenced by the training of over 500,000 child protection specialists from multiple disciplines. Additionally, he has provided training to educators and school administrators impacting the safety of over 750,000 K–12 students. Mr. Laney's legacy to our society is the protection of our children and advocacy for abused children and their parents.

Mr. Speaker, in closing, I call upon my colleagues to join me in applauding his past accomplishments and wishing him the best of luck in all future endeavors.

HONORING MIKE JUNE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Mike June, a man of tremendous courage and spirit who recently passed away.

Michael John June was many things to many people. He was a son. He was a husband. He was a father. He was a brother. He was a friend. All who knew and loved him will tell you that he was as kind-hearted, generous, and unselfish an individual as there ever was.

Mike also was a constituent of mine, and a hard-nosed football coach at Palm Harbor University High School, near my congressional district. Mike was always determined and focused on winning, though he cared deeply for his players and wore his emotions on his sleeve. He sometimes cried, after both wins and losses, but often displayed the trademark smile that lurked just below his handlebar mustache, especially when his players performed as he knew they could.

Mike also had an ebullient personality and can-do attitude. He was diagnosed with leukemia in November 2002, yet was coaching his boys the following season. His best friend and former college roommate observed that, "it seemed like there was nothing that could get him down." Mike kept coaching and teaching, even when his cancer returned and his doctors told him that he was risking death by doing so. He did so because, as one of his former players has commented, "he loved to give what he had."

Those who cared for Mike in his final days have said that, despite his serious illness, he did not pity himself or lament the hand he had been dealt. In fact, when asked how he was doing, he always replied "excellent."

Mr. Speaker, Mike June loved his wife Paula, and his children Mike, Max, Matthew, Mitchell, and Mia. I hope the sadness that they and those who cared about him feel at his passing will one day be eclipsed by the joy of knowing that his legacy will live on in those who were fortunate enough to have known him. May God bless his soul and may He watch over his family.

CONGRATULATING LAKE COUNTY ELECTRICIANS JATC CLASS OF 2006 GRADUATES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and admiration that I offer congratulations to several of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, July 28, 2006, the Lake County Electricians Joint Apprenticeship and Training Committee, JATC, of the International Brotherhood of Electrical Workers and the National Electrical Contractors Association will honor the class of 2006 at their annual Apprentice Completion Banquet, which will be held at the Avalon Manor Banquet Hall in Hobart, Indiana.

This year, the Lake County Electricians JATC will be recognizing and honoring the following graduates, who have completed the apprentice training: Nicholas Bacan, Daniel Boyd, Glen Britton, Nicholas Cardaras, Gonzaliev Castillo, Robert Coleman, James Crocker, David Delaney, Oliver Ewing, Jason M. Gallion, Nathan Gombus, Nathan Gonzales, Eric Hardesty, Jeremy Huber, Mark Jackson, Eric Kociara, Craig B. Konopasek, Travis Link, Jesus Luna, James Mola, William Parsons, David Petrashevich, Geoffery Richards, Elliot Rosenberry, John Santana, Jared Solan, Jonathan Steuer, Nicholas Vlasich, and Keith Winston.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These outstanding graduates all exemplify these traits. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their commitment, hard work, and selfless sacrifice.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these committed, hardworking individuals. Along with the other extraordinary men and women of Northwest Indiana's unions, these individuals have contributed in many ways to the growth and development of the economy in Indiana's First Congressional District, and I am very proud to represent them in Washington, DC.

COMMENDING THE CHILDREN'S INN AT THE NATIONAL INSTITUTES OF HEALTH

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commend The Children's Inn at the National Institutes of Health, an extraordinary organization in my congressional district, which has worked for many years to provide a warm, supportive home environment for seriously ill children and families seeking cutting-edge treatment at the NIH.

Since it opened in June 1990, The Children's Inn has provided free lodgings to over 6,000 children and their families. The true extent of its services, however, goes far beyond the mere provision of living accommodations. By bringing seriously ill children and their families together in a warm, lively community that provides camaraderie and understanding, The Children's Inn has created invaluable support networks and friendships for children who face daily and often overwhelming challenges.

As we begin National Hospitality House Week, I am pleased to recognize and pay tribute to The Children's Inn and its staff and volunteers for their selfless commitment to some of the youngest and most fragile members of our community. Their generosity of spirit is inspiring and, through their actions, they serve as role models to so many others.

Mr. Speaker, I am proud to represent this special place—The Children's Inn at the National Institutes of Health—and to honor it today.

CONDOLENCES TO THE NORTHUP FAMILY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, my colleague from Kentucky's Third Congressional District, ANNE NORTHUP, along with her husband, Woody, suffered the tragic loss of her son Joshua on Wednesday, July 12, 2006. By all accounts, Joshua was an outstanding young man who will be truly missed by his family and friends. Joshua was a 1998 graduate of Saint Joseph's College of Rensselaer, Indiana. In 1995, Joshua ventured to Tanzania, Africa with a priest from Saint Joseph's, where he continued his education and volunteered in a leper colony to help those most in need.

Joshua was employed at Humana, Inc., Louisville, Kentucky, where he was clearly a valued employee. Upon hearing the sad news, Humana issued the following statement: "Joshua was an exemplary Humana associate, beloved by his colleagues and held in high esteem by his supervisors. We are deeply saddened by his death and extend our thoughts, prayers and heartfelt sympathy to his family."

Funeral services were held for Joshua at Holy Spirit Catholic Church, Louisville, Kentucky, on Saturday, July 15, 2006. Joshua is survived by his parents, ANNE and Woody NORTHUP, and five brothers and sisters: David, Katie, Kevin, Mark and Erin.

On behalf of the entire congressional delegation from Kentucky, as well as her colleagues from across the Nation, we offer our most sincere condolences to the entire Northup family.

CONGRATULATING THE ORGANIZERS, PARTICIPANTS, AND PATRONS OF THE 25TH ANNUAL W.C. HANDY MUSIC FESTIVAL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. CRAMER. Mr. Speaker, I rise today to congratulate the organizers, participants, and patrons of the 25th Annual W.C. Handy Music Festival, which begins on July 21 and lasts until July 30.

The W.C. Handy Festival is named after Florence, Alabama, native William Christopher Handy. Mr. Handy, who is remembered today as the "Father of Blues," was born in 1873 in a log cabin that his grandfather built. He left Florence in 1892, settling in Memphis, Tennessee, where he penned his most recognized composition, "St. Louis Blues." Before his death in 1958, W.C. Handy wrote over 150 songs and his widespread appeal is credited with popularizing blues music into America's cultural mainstream.

Mr. Speaker, beginning with the birth of Mr. Handy and continuing today, the Shoals Region of Northwest Alabama has a storied musical history. The Shoals area is also the birthplace of the "Father of Rock and Roll" Sam Phillips, who discovered artists such as Elvis Presley, Johnny Cash, and Jerry Lee Lewis. The region is also the home of the Alabama Music Hall of Fame, as well as generations of musicians, composers, songwriters, and internationally recognized recording studios and producers. Over the last 50 years, musical legends such as Aretha Franklin, the Rolling Stones, and some of today's musical superstars have recorded many of their biggest hits in the area.

Each year, the Music Preservation Society organizes this unique festival to pay tribute to W.C. Handy's legacy and the area's rich musical heritage. Thousands of musical patrons are entertained through more than 200 events at locations throughout the Shoals. Musical acts range from a wide variety of blues, jazz, gospel, R&B, soul, and country acts. The artists perform live in local restaurants, nightclubs, theatres, parks, libraries, art galleries, churches, malls, museums, and street corners throughout the region.

The Festival, which began in 1982 featuring jazz legend Dizzy Gillespie, has continued to grow each year. Past headlining acts have included Clarence Carter, the Manhattan Transfer, and Percy Sledge. In its 25-year history, National Geographic, the Southeast Tourism Society, Travelocity.com, the Atlanta Committee for the Olympic Games, and the Alabama Bureau of Tourism and Travel have recognized the festival as one of the top events in the South.

Mr. Speaker, I proudly rise today to congratulate and applaud the efforts of the Music Preservation Society Board of Directors and staff, and the festival's volunteers and musicians who make this celebration of the cultural heritage of northwest Alabama a reality each year.

PAYING TRIBUTE TO JOHN T. CASEY ON THE OCCASION OF HIS 80TH BIRTHDAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. HINCHEY. Mr. Speaker, I rise today to extend warm birthday wishes and to pay tribute to a dear friend and great man, Mr. John T. Casey.

John will not turn 80 years old until August 17, but I want to take this opportunity to honor him before the House of Representatives adjourns for the month of August.

As many of his friends would tell you, John is a very civic-minded man. He was an active member of the Town of Gardiner Democratic Committee for 35 years, of which he served as its chairman for 22 years. It was in this capacity that I came to know him when I ran for a seat in the New York State Assembly in the early 1970s. I truly appreciated and valued the support and encouragement that John gave me, and am happy to say it was the start of a wonderful and long lasting friendship.

His contributions weren't limited to the Democratic Party. John was equally dedicated to improving the lives of working Americans through the labor movement. He and I share the belief that good jobs, fair wages and true economic opportunity must be realized for every single American. This is a message that must be carried to every corner of this nation, and John carried this out as a member of the International Brotherhood of Teamsters, local #445. Not only was he a member of the Teamsters for almost 50 years, starting out as a shop steward, he also served as its president from the mid-1970's to 1980.

John proudly served his country in the U.S. Army from 1944 to 1946, serving as a master sergeant in Holland, France and Germany during World War II, and is a member and past commander of the American Legion Post 176 in New Paltz, New York. Additionally, John also served his community as chairman of the Board of Fire Commissioners in Gardiner, and is a life member of its fire company. This is a man who has dedicated himself to the betterment of the community and for that we will always be grateful.

Happy birthday friend, I'm honored to share your day with you.

TRIBUTE TO SEELEY LODWICK

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. LEACH. Mr. Speaker, I rise to inform the House of the passing of one of Iowa's most distinguished leaders of the 20th century, Seeley Lodwick.

Seeley's was a life of public service—a Marine in the greatest war in human history; a farm leader during the greatest era of innovation and change in agriculture; a public servant who served in both our State and national capitols; and a political activist who helped elect presidents and legislators.

Seeley will be remembered as a gentleman of the soil, a son of Iowa, a true friend.

Seeley's passing leaves a gap in all of our lives, for his wife Pat particularly because no marriage could be closer; ours because no friend could be more counted upon for trusted support and sage advice.

He will be much missed because he stood so steadfastly for the values in American politics that seems so forgotten—loyalty, decency, respect.

IN RECOGNITION OF MR. BENNIE F. WOOD II

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. JONES of North Carolina. Mr. Speaker, I rise today to recognize Mr. Bennie F. Wood II, the recipient of the Meritorious Civilian Service Award for 37 years of Federal service.

This July, Mr. Wood completes a distinguished 37-year career in Federal service that began with student service in 1969. After a brief stint with a private engineering firm following his graduation from the University of Virginia, he entered Federal service as a Civil Engineer with the Public Works Department of the U.S. Naval Academy in Annapolis, Maryland.

Mr. Wood continued with NAVFAC until 1976, leaving his position as MILCON Project Manager for the Chesapeake Region to undertake more than two decades of service to the U.S. Army Corps of Engineers' substantial nation building efforts in the Middle East. He held progressively more responsible positions, and served overseas in Dhahran, Saudi Arabia, and Kuwait during the first Gulf War.

He returned to the U.S. to become Chief of Engineering and Construction Management Directorate and later, the Assistant Deputy for Programs and Project Management at Transatlantic Program Center. During this period, Mr. Wood received two Commanders Awards for Civilian Service and, in 1991, a Superior Civilian Service Award.

With all these years of military construction and overseas project management behind him, Mr. Wood made a bold move in 1999 to enter the Corps' Civil Works arena for the first time as the Wilmington District's Chief of Technical Services Division. Determined to bring his overseas experience back home in the service of the nation's water resources, Mr. Wood vigorously led a highly successful effort to push ahead with the long-awaited Wilmington Harbor Channel Deepening Project. This multi-contract, multi-phase project called on his leadership skills and elicited outstanding efforts from his team of engineers, construction managers and environmentalists. Mr. Wood was a vital part of the leadership team that kept this and other District projects on track, despite the challenges and disruptions brought about by the terrorist attacks of 9/11/2001 and the following military actions in the Gulf Region.

In 2002, he was called upon to act as the District's Deputy for Project and Programs Management, while the serving Deputy and other team members deployed to Kuwait and Iraq in advance of the U.S. military effort there. His leadership during this crucial time kept the District's projects and programs moving ahead despite the absence of key staff members and the challenges of curtailed funding.

In 2003, Mr. Wood spearheaded an outstanding effort to accomplish rapid repair of a nearly mile-wide breach in Hatteras Island caused by Hurricane Isabel. During this period he was recognized with two Commanders Awards for Civilian Service.

In 2004, Mr. Wood stepped up permanently as the Deputy for Project and Programs Management, and has since been a key leader in a period of significant change for the Wilmington District. As the South Atlantic Division approached regionalization, he has been at the forefront of the change effort, and has played an important role in empowering the district to take on its new roles as the Engineering and Planning Center for the Savannah-Charleston-Jacksonville triad. He has also provided firm and supportive leadership as the District undertook the challenges of implementing the P2 system, and has kept many key projects on track through a period of wartime budget constraints. Mr. Wood's diplomacy and broad knowledge of the Corps have proved an asset as the District works with many local and national elected officials, and stakeholders. His leadership has been critical to the District's continued standing as a "first among equals."

His distinguished career brings great credit upon himself, the U.S. Army Corps of Engineers and the United States Army.

As a member of Congress who has had the pleasure of working with Mr. Wood, I can honestly say that the American taxpayer has been well-served by his dedication and commitment to excellence.

It is an honor to offer my heartfelt congratulations to Mr. Wood upon the completion of his distinguished 37-year career, and to extend my sincere thanks for his service to our nation and to the state of North Carolina.

HONORING BRIAN D. THORSON, CRNA, MA PRESIDENT OF THE AMERICAN ASSOCIATION OF NURSE ANESTHETISTS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to pay tribute to Brian Thorson, CRNA, MA. Mr. Thorson will soon complete his year as National President of the American Association of Nurse Anesthetists (AANA). I am very pleased that Mr. Thorson was tapped as the 2005–2006 President of this prestigious national organization, which I am proud to say is headquartered in Park Ridge, Illinois, in the Congressional district that I represent.

Celebrating its 75th Anniversary, the AANA is the professional organization that represents more than 36,000 practicing Certified Registered Nurse Anesthetists (CRNAs) across the country. Founded in 1931, the AANA has ably served the interests of CRNAs and the patients who rely on them for quality care. CRNAs are anesthesia professionals who administer approximately 65 percent of all anesthetics given to patients each year in the United States. They work in every setting in which anesthesia is delivered, including hospital surgical suites and obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and plastic surgeons.

CRNAs provide anesthesia for all types of surgical cases and, in some states, are the sole anesthesia providers in approximately 75 percent of all rural hospitals, affording these medical facilities obstetrical, surgical and trauma stabilization services.

Brian Thorson has done a remarkable job as National President of the AANA, bringing his training, skills and hands-on experience to the job. He was educated in the art and science of Nurse Anesthesia at the St. Paul-Ramsey School of Nurse Anesthesiology in St. Paul, Minnesota, and earned his Bachelor of Science in Nursing (BSN) from Winona University in Winona, Minnesota. In addition, Mr. Thorson also holds a Master of Arts (MA) degree in Curriculum Development and Instruction from the College of St. Thomas in St. Paul, Minnesota, and an additional Bachelors of Science from the College of Health Sciences at the University of Minnesota, in Minneapolis, where he graduated summa cum laude. Currently, he is a Staff Anesthetist within the Department of Anesthesia at Hennepin County Medical Center, which provides anesthesia services in and around the Minneapolis area. In an effort to make certain that those citizens in the Minneapolis area are ensured access to needed care, Brian Thorson continues to shape the future of nurse anesthesia by serving as a Clinical Instructor and didactic faculty member at the Minneapolis School of Anesthesia in St. Louis Park, Minnesota and Saint Mary's University of Minnesota.

Mr. Thorson held various leadership positions in the AANA as President-Elect, Treasurer, and Regional Director before becoming the National President of the AANA in 2005. In addition, Brian has served terms as President, President-Elect, Vice-President, Federal Political Director, and as a Member of the Board of Directors for the Minnesota Association of Nurse Anesthetists (MANA). He has also served as the anesthesia representative to both the Council of Minnesota Nursing Organizations and the Minnesota Organization of Leaders in Nursing.

Adding to his professional accomplishments, Mr. Thorson has been recognized for speaking on anesthesia-related topics over the years. He has taken his experience and knowledge from the workplace and AANA leadership roles to lecture on political and academic anesthesia-related topics before different professional groups. During his AANA presidency, Mr. Thorson has played important roles in advocating for the practice of nurse anesthesia and its patients before Medicare and other federal agencies. He has worked tirelessly to help ensure that CRNAs have a seat at the table in the development of a pay-for-performance reimbursement model, increased communication among AANA members, promoted anesthesia patient safety through vigorous participation in the interdisciplinary National Quality Forum (NQF), and advanced principles of wellness among practitioners in this high-stress profession. In addition, under Mr. Thorson's leadership and direction, AANA testified before three House subcommittees about the importance of nurse anesthesia education, the roles and contributions of CRNAs in the Veterans Affairs health system, and the dedication with which CRNAs have provided safe anesthesia care to members of the U.S. Armed Forces at home and abroad. Finally, Brian Thorson has fought hard to maintain equality in teaching and instruction so that all anesthesia professionals have the opportunity to provide the care patients need, without the system harmfully favoring one provider over another.

Mr. Speaker, I hope my colleagues will join me today in recognizing the outgoing President of the American Association of Nurse Anesthetists, Mr. Brian Thorson, CRNA, MA, for his notable career and outstanding achievements.

HONORING THE LIFE OF GEORGE BAHAMONDE

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. LARSON of Connecticut. Mr. Speaker, the First Congressional District lost a great friend, supporter, and leader this past week. George Bahamonde, President and CEO of the United Way of the Capital Area, died suddenly on Thursday while on vacation in Maine.

George moved from Cuba to Bridgeport, Connecticut with his family when he was 11. He placed great value on education and received his bachelor's degree from the University of Bridgeport and earned a master's degree in business administration from the University of Miami and a master's degree in education from Fairfield University. He stressed the value of education throughout his career in public service and was especially proud of his work introducing the Girls and Boys Town Well-managed Classroom training model to the Hartford school system. A five-year assessment of the program showed that academic achievement had increased and school suspensions had decreased in the schools where it was implemented.

In 1970, George began a career in human service that lasted the remainder of his life. He started as a caseworker for Catholic Family and Community Services in Bridgeport, then joined the United Way in 1972 at the United Way of Eastern Fairfield County. He also served the United Way of Puerto Rico, the United Way of Portland, Maine, the United Way of Aurora, Illinois, and the United Way of Greater Los Angeles.

Connecticut was fortunate to see George return in 1994 to become President and CEO of the United Way of the Capital Area. His vision for the forty towns served by the United Way was to improve the lives of children and families and better community conditions. To this end, he created numerous initiatives and partnerships and worked tirelessly of their behalf. George worked as easily with nonprofit organizations as he did with corporate donors.

What truly made George special though was not just that he cared about the communities he served, he cared about each individual in those communities. He was a great friend to many and will be remembered for his quick smile, his wit, and his professionalism. He was always willing to share a laugh, talk baseball, or offer words of advice and encouragement.

Mr. Speaker, I ask the House to join me in expressing condolences to George's wife Jenny, his son Matthew, and the rest of his family. The Hartford area has lost a truly caring person and a quietly effective leader. However, George's work will be carried on by those who believe in his vision that we can make each person's life better.

A DISPATCH FROM THE IRAQ WAR BATTLE GROUND: AIR FORCE CAPTAIN F. JOHN DURESKY REMINDS US: AMERICANS ARE DYING IN IRAQ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. RANGEL. Mr. Speaker, I rise to enter into the RECORD a column by Air Force Captain F. John Duresky, "Forgotten Sacrifice," which appeared in the July 5, 2006 edition of The Washington Post.

I have spoken out and written for more than three years about the unshared burden of the Iraq war but never as eloquently and with such forceful imagery as Air Force Captain Duresky. One of the "boots on the ground" in Iraq, Captain Duresky is among the troops President Bush likes to thank. He is one of the troops who, according to the Hawks willing to feed other people's children into the killing field of Iraq, smile bravely from a hospital bed at Walter Reid and promises that although he has lost both legs, he is happy he served his country and wants nothing more than to go back and join his "buddies" still "in country."

But Captain Duresky presents a problem for the President. Unlike most of the hawks who have not ventured beyond the safety of the "green zone" in Iraq or seen the carnage of the battlefield, Captain Duresky can describe the horror of war with the credibility of one who has been there.

I share Captain Duresky's concern that, to most Americans, the war in Iraq is a fight for other people's children. Disproportionately, these are the children of the poor and minorities who proudly serve but also risk their lives for their chance at a college education, technical training and financial benefits the military affords. For most Americans the Iraq war is little more than another story on the evening news.

I wish to offer some hope to Captain Duresky. To many Americans the war is not only real, but a great moral failure. Many of them are protesting and "taking to the streets." They are lobbying Members of Congress and meeting in their communities to arrange marches and protests. The polls clearly show the American people are unhappy with President Bush's handling of the war in Iraq. They want a change of course and they want the troops withdrawn.

The Republican attempt to label any plan to set a date for withdrawal as "cut and run" is not working. The Republican attempt to label anyone who questions the President as not supporting the troops is not working. Millions of Americans believe the best way to support the troops is to question the President's failed policies in Iraq and to force him and Secretary Rumsfeld to protect the troops instead of leaving them in as targets in a war where there is no exit plan and no working strategy.

I thank Captain Duresky for his service and his courage in writing "Forgotten Sacrifice." Millions of us have not forgotten his sacrifice and that of the more than 2,500 Americans killed and 18,000 wounded. Nor have we forgotten the daily pain of their families. I will keep Captain Duresky in my prayers and long for his return home.

Air Force Captain Duresky's words have painted an indelible picture for me. I hope my colleagues will benefit as I have from reading "Forgotten Sacrifice."

[From The Washington Post, July 5, 2006]

FORGOTTEN SACRIFICE

(By F. John Duresky)

A few days ago, as I do every day in Iraq, I listened to the commander's battle update. The briefer calmly and professionally described the day's events. Somewhere in Iraq, on some forgotten, dusty road, an insurgent fighting an occupying army detonated an improvised explosive device (IED) under a Humvee, killing an American soldier. The briefer fielded a question from the general and moved to the next item in the update.

The day before that, in America, a 15-year-old's incredibly rich parents planned the biggest sweet 16 party ever. They will spend more than $200,000 on an opulent event marking a single year in an otherwise unremarkable life. The soon to-be-16 girl doesn't know where Iraq is and doesn't care. That same day an American soldier died in Iraq.

Two days earlier, a 35-year-old man went shopping for home entertainment equipment. He had the toughest time selecting the correct plasma screen; he could afford the biggest and best of everything. In the end, he had it installed by a specialty store. He spent about $50,000 on the whole system. He has never met anybody serving in the military nor served himself, but thinks we should "turn the whole place into a parking lot." That day, another American soldier died in Iraq.

Three days earlier, some college students had a great kegger. There were tons of babes at the party, the music was awesome. Everybody got totally blitzed, and many missed class the next day. The young men all registered for the draft when they were 18, but even though our nation is at war, they aren't the least bit worried about the draft. It is politically impossible to conscript young people today, we are told. That day, another American "volunteer" died in Iraq.

Four days earlier, a harried housewife looked all over town for the perfect accessory for her daughter's upcoming recital. Her numerous chores wore her out, but she still found herself preoccupied. Her oldest son is having trouble in his first year of college, and he has been talking of enlisting in the Army. She is terrified that her child will go off to that horrible war she sees on TV. She and her husband decide to give their son more money so he doesn't have to work part-time; maybe that will help with his studies. That day, another soldier died.

Yesterday millions of Americans celebrated Independence Day. They attended parties and barbecues. Families came together from all across the country to celebrate the big day. Millions of dollars were spent on fireworks. At public events, there were speeches honoring the people who served and those who made the ultimate sacrifice. These words mostly fell on bored ears. While the country celebrated its own greatness, other Americans were still fighting in Iraq.

Today Americans go back to their normal business. The politicians in Washington have made sure the sacrifices of the war are borne by the very smallest percentage of Americans. They won't even change the tax rates to prevent deficits from running out of control. Future generations will pay the cost of this war.

Many Americans feel strongly about the war one way or another, but they aren't signing up their children for service or taking the protest to the streets. What can they do? It is they whom we in the military trust to influence our leaders in Washington.

Today, as on every other day in Iraq, American servicemen are in very real danger. Our country is at war. Mothers, fathers, wives, husbands and children are worrying about their loved ones in a faraway land. They all hope he or she isn't the one whose luck runs out today.

The writer is an Air Force captain stationed in Iraq.

IN MEMORY OF MAJOR GENERAL T. ESTON MARCHANT

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. WILSON of South Carolina. Mr. Speaker, on Wednesday, July 19, I learned of the death of MG T. Eston Marchant, Jr., and made the following statement:

It is with great sadness to learn of the death of Major General T. Eston Marchant.

One of the highlights of my life was for him to help recruit me into the Army National Guard and I will always be grateful for the opportunity to serve for 29 years.

General Marchant was a model of military professionalism who established South Carolina's Army and Air Guard as among the most competent in the world's best military. They are now proving themselves by protecting American families in the Global War on Terrorism.

The Wilson Family extends its deepest sympathy to the Marchant Family.

The following obituary was published in The State newspaper of Columbia, SC, on July 20, 2006:

Major General Trelawney Eston Marchant, (Ret.), died Wednesday, July 19, 2006. He was 85. General Marchant was born December 9, 1920, a son of the late Brig. General T. Eston Marchant and Lila Cave Marchant.

General Marchant grew up in Columbia and received both his undergraduate and law degrees from the University of South Carolina. He enlisted in the Marines when the United States entered World War II, and fought in the Pacific Theater, rising to the rank of Captain. When he returned home he practiced law and began a long career in the S.C. National Guard. He was elected to the University of South Carolina Board of Trustees in 1965, and was elected Chairman of the Board in 1970, serving continuously thereafter until 1978, when he was elected Adjutant General of South Carolina. General Marchant served four terms as Adjutant General, retiring in 1994. The S.C. National Guard Headquarters and Complex in Columbia is named in his honor.

General Marchant was active in state and community affairs, serving as a municipal judge, President of the Richland County Bar Association, member of The Citadel Board of Visitors, and President of The Columbia Cotillion, among many other activities. He received honorary degrees from both U.S.C. and The Citadel. General Marchant was National President of the Adjutant Generals Association of the United States and, in 1990, he was named South Carolinian of the Year by WIS-TV. He was awarded the Order of the Palmetto by then-Governor John West and again by then-Governor Carroll Campbell.

General Marchant was a member of First Presbyterian Church of Columbia.

General Marchant is survived by his wife of 54 years, Caroline Bristow Marchant; children, T. Eston Marchant III and his wife, Emilie Marchant, of Clinton, Bristow Marchant and his wife, Betsy Marchant, Caroline Marchant Borucki and her husband, Dr. Robert Borucki, Nancy Marchant Harris and her husband, Gregory Harris; nine grandchildren, all of Columbia. He is also survived by his brother, Julian M. Marchant, and by his sister, Nancy Marchant McIlvaine.

General Marchant was a warm, loving husband, father, and grandfather, and will be dearly missed by all of his family and many friends.

The family would also like to offer special thanks to Mr. John House, who provided care and comfort to General Marchant in his final months.

The family will receive visitors at the home of Dr. and Mrs. Borucki, 181 Aspen Trail, in Gregg Park, Columbia, Thursday, July 20, from 5 until 7 p.m.

The funeral will be held at First Presbyterian Church, 1324 Marion Street in Columbia, Friday, July 21, 2006, at 11 a.m. with burial to follow in the church cemetery.

In lieu of flowers, memorials may be made to the T. Eston and Caroline B. Marchant Endowed Scholarship, University of South Carolina, Attn. Daria Smith, 1600 Hampton Street, Columbia, SC 29208 or to the National Guard Association of South Carolina Scholarship Foundation, 2001 Assembly Street, Suite 204, Columbia, SC 29201.

Dunbar Funeral Home, Devine Street Chapel, is in charge.

A TRIBUTE TO PACIFICA PERFORMANCES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. LANTOS. Mr. Speaker, it is with great pleasure that I rise today to honor the Pacifica Performances on the 30th Anniversary of its founding. Pacifica Performances is a non-profit, primarily volunteer, arts organization based in Pacifica, California, which is located in my Congressional District. This extraordinary organization is dedicated to ensuring there is a professional quality performing arts programs for the residents of Pacifica, as well as other communities on the Peninsula.

Pacifica Performances was organized in 1976 as the Pacifica Arts and Heritage Council, a nonprofit musical organization offering a variety of classes in music, dance and calligraphy. Its original venue, the Pedro Point Firehouse in Pacifica, offered Jazz and Classical performances for the community on Sundays. Since then Pacifica Performances has grown exponentially and occupied numerous homes in the beautiful coastal community of Pacifica, California including St. Edmund's Episcopal Church and most recently the Sanchez Art Center which houses a 175-seat concert hall equipped with a new stage and professional lighting equipment as well as office space.

Mr. Speaker, it is truly amazing that this picturesque town of 44,000 inhabitants is able to provide its citizens with approximately 60 world class performances per year spanning the widest array of performing arts including jazz, blues, piano (ragtime and classical), chamber music, opera, Celtic, Bluegrass Latin, world, pop and guitar, as well as dance and drama. Pacifica Performances truly lives up to its mission of providing diverse musical and cultural programs to Pacifica, and the rest of the Bay Area.

Mr. Speaker, I urge all of my colleagues to join me in saluting and congratulating Pacifica Performances for the invaluable cultural and educational service they bestow upon the community on the occasion of their 30th Anniversary.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 25, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 26

9 a.m.
Judiciary
To hold hearings to examine the current and future status of the Foreign Intelligence Surveillance Act which prescribes procedures for requesting judicial authorization for electronic surveillance and physical search of persons engaged in espionage or international terrorism against the United States on behalf of a foreign power.
SD 226

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nominations of Michael V. Dunn, of Iowa, to be a Commissioner of the Commodity Futures Trading Commission, Nancy Montanez-Johner, of Nebraska, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services, and to be a Member of the Board of Directors of the Commodity Credit Corporation, Margo M. McKay, of Virginia, to be an Assistant Secretary of Agriculture, and Bruce I. Knight, of South Dakota, to be Under Secretary of Agriculture for Marketing and Regulatory Programs, and to be a Member of the Board of Directors of the Commodity Credit Corporation.
SR 328A

10 a.m.
Energy and Natural Resources
Business meeting to consider the nominations of John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement, and Mark Myers, of Alaska, to be Director of the United States Geological Survey, both of the Department of the Interior, and Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, Federal Energy Regulatory Commission.
SD–366

Intelligence
To hold a closed meeting regarding intelligence matters.
SH 219

2 p.m.
Finance
Taxation and IRS Oversight Subcommittee
To hold hearings to examine the size and sources of the tax gap.
SD–215

2:30 p.m.
Foreign Relations
To hold hearings to examine the nomination of Philip S. Goldberg, of Massachusetts, to be Ambassador to the Republic of Bolivia.
SD–419

3:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine a progress report on protecting and enforcing intellectual property rights here and abroad, focusing on the Administration's Strategy Targeting Organized Piracy (STOP!) and the extent to which it has been effective in educating businesses about the issues related to conducting business in the global economy, the progress made since the appointment of the IP Coordinator last July, and explore if the STOP! initiative has identified effective human capital and strategic plans to build on the existing program, and if it has the necessary resources required to complete its mission.
SD–342

JULY 27

Time to be announced
Judiciary
Business meeting to consider pending calendar business.
SD–226

9:30 a.m.
Environment and Public Works
To hold hearings to examine a path forward for the Nation's emergency preparedness and response system relating to the Stafford Act.
SD–406

Foreign Relations
To hold hearings to examine the nominations of John Robert Bolton, of Maryland, to be the U.S. Representative to the United Nations, with the rank and status of Ambassador, and the U.S. Representative in the Security Council of the United Nations, to which position he was appointed during the recess of the Senate from July 29, 2005, to September 1, 2005, and to be U.S. Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as U.S. Representative to the United Nations, to which position he was appointed during the recess of the Senate from July 29, 2005, to September 1, 2005.
SD–419

10 a.m.
Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold an oversight hearing to examine the Department of Agriculture's use of technical service providers.
SR–328A

Health, Education, Labor, and Pensions
To hold hearings to examine S. 3128, to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements.
SD–430

Homeland Security and Governmental Affairs
Business meeting to consider S. 2590, to require full disclosure of all entities and organizations receiving Federal funds, proposed Post-Katrina Emergency Management Reform Act; S. 1838, to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, S. 3492, to strengthen performance management in the Federal Government, to make the annual general pay increase for Federal employees contingent on performance, S. 3584, to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees, S. 3613, to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the "Major George Quamo Post Office Building", H.R. 4246, to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building", H.R. 4962, to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building", H.R. 5104, to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the "Morris W. Milton Post Office", H.R. 5169, to designate the facility of the United States Postal Service located at 1310 Highway 64 NW. in Ramsey, Indiana, as the "Wilfred Edward 'Cousin Willie' Sieg, Sr. Post Office", H.R. 5540, to designate the facility of the United States Postal Servicelocated at 217 Southeast 2nd Street in Dimmitt, Texas, as the "Sergeant Jacob Dan Dones Post Office", H.R. 4646, to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the "Coach John Wooden Post Office Building", S. 2555, to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building", S. 2719 and H.R. 5107, bills to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building", and the nominations of Paul A. Denett, of Virginia, to be Administrator for Federal Procurement Policy, Office of Management and Budget, Anna Blackburne-Rigsby, to be Associate Judge of the District of Columbia Court of Appeals, Phyllis D. Thompson, to be Associate Judge of the District of Columbia Court of Appeals, Jennifer M. Anderson, to be an Associate Judge of the Superior Court of the District of Columbia, and Mickey D. Barnett, of New Mexico, Katherine C. Tobin, of New York, and Ellen C. Williams, of Kentucky, each to be a Governor of the United States Postal Service.
SD–342

Small Business and Entrepreneurship
Business meeting to markup an original bill to reauthorize the Small Business Administration.
SR–428A

Veterans' Affairs
To hold hearings to examine the nominations of Patrick W. Dunne, of New York, to be Assistant Secretary of Veterans Affairs for Policy and Planning, and Thomas E. Harvey, of New York, to be Assistant Secretary of Veterans Affairs for Congressional Affairs.
SR–418

Aging
To hold hearings to examine at home DNA tests, focusing on whether these should be considered a marketing scam or a medical breakthrough.
SD–106

11 a.m.
Commerce, Science, and Transportation
To hold a hearing to examine pending nominations.
SR–253

1 p.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine how the United States Government can live up to its commitment to promote human rights and democratic governance in Russia while preserving a relationship with Moscow.
SD–226

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold hearings to examine the Health Resources and Services Administration financial management of its budget in carrying out its mission to increase access to and quality of health care.
SD–342

Foreign Relations
To hold hearings to examine the nomination of Richard W. Graber, of Wisconsin, to be Ambassador to the Czech Republic.
SD–419

Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine detecting smuggled nuclear weapons.
SD–226

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 3638, to encourage the Secretary of the Interior to participate in projects to plan, design, and construct water supply projects and to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to encourage the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal in the State of California, S. 3639, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects, H.R. 177, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, H.R. 2341, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and

Wastewater Utility, Texas, and H.R. 3418, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project.

SD-366

Intelligence

To receive a closed briefing regarding intelligence matters.

SH-219

JULY 28

9:30 a.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine recovery and reconstitution of critical networks relating to cyber security, focusing on immediate steps that Department of Homeland Security and the private sector can take to formalize a partnership and to ensure effective response and recovery to major cyber network disruption.

SD-342

AUGUST 1

9 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine the issue of tax havens and offshore abuses which are undermining the integrity of the Federal tax system, focusing on case histories on the use of offshore trusts and corporations to circumvent U.S. tax, securities and anti-money laundering laws.

SD-342

AUGUST 2

9 a.m.

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold hearings to examine H.R. 4200, to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests.

SR-328A

9:30 a.m.

Judiciary

To hold hearings to examine the authority to prosecute terrorists under the war crime provisions of Title 18.

SD-226

POSTPONEMENTS

JULY 26

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business.

SR-485